

**ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

Tuesday, November 29, 2011  
1:35 p.m.

**Location**

**Fiesta Resort - Fiesta Ballroom  
2100 South Priest Drive  
Tempe, Arizona 85282**

**Attending**

Colleen C. Mathis, Chair  
Jose M. Herrera, Vice Chair  
Linda C. McNulty, Commissioner  
Richard P. Stertz, Commissioner

Ray Bladine, Executive Director  
Buck Forst, Information Technology Specialist  
Kristina Gomez, Deputy Executive Director

Mary O'Grady, Legal Counsel  
Joe Kanefield, Legal Counsel  
Bruce Adelson, Legal Counsel

Reported By:  
Marty Herder, CCR  
Certified Court Reporter #50162  
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1 Tempe, Arizona  
2 November 29, 2011  
3 1:35 p.m.

4  
5 P R O C E E D I N G S

6  
7 (Whereupon, the public session commences.)

8 CHAIRPERSON MATHIS: Good afternoon. This meeting  
9 of the Arizona Independent Redistricting Commission will now  
10 come to order. It is Tuesday November 9th, and the time is  
11 1:35 p.m.

12 Will you please all rise for the Pledge of  
13 Allegiance.

14 (Whereupon, the Pledge of Allegiance was recited.)

15 CHAIRPERSON MATHIS: We'll start with roll call.  
16 Vice Chair Freeman.

17 (No oral response.)

18 CHAIRPERSON MATHIS: Vice-Chair Herrera.

19 COMMISSIONER HERRERA: Here.

20 CHAIRPERSON MATHIS: Commissioner McNulty.

21 COMMISSIONER McNULTY: Here.

22 CHAIRPERSON MATHIS: Commissioner Stertz.

23 COMMISSIONER STERTZ: Here.

24 CHAIRPERSON MATHIS: We have a quorum.

25 And I would like to take this moment to note that

1 Commissioner Freeman and his wife and family just gave birth  
2 to a baby boy within the past couple hours or so, so he has  
3 a really good excuse for not being here.

4 Arizona's population definitely grew by one today.  
5 And he follows, I guess, in Mr. Freeman's footsteps, so he's  
6 probably a Republican, and he'll be both a Wildcat and a  
7 Sun Devil. So I guess with those each grew by half.

8 So with that I'll introduce the other folks at the  
9 table.

10 We have our legal counsel, Joe Kanefield, Mary  
11 O'Grady, and Bruce Adelson today.

12 And we also have our mapping consultants, Willie  
13 Desmond and Ken Strasma.

14 We have our court reporter, Marty Herder, who will  
15 be taking an accurate transcript of today's proceedings.

16 Our chief technology officer is Buck Forst.

17 We are streaming this meeting live over the  
18 Internet.

19 And it will be available to watch later as well,  
20 and will be uploaded to our website.

21 Other folks in the room include our executive  
22 director, Ray Bladine, deputy executive director Kristina  
23 Gomez, public outreach coordinator Lisa Schmelling, public  
24 information officer Stu Robinson.

25 And I think that's all of our staff today.

1           Thanks, everyone, for being here.

2           So, where were we?

3           We are now on agenda item two, which is county  
4 election officials' comments and discussion regarding  
5 redistricting process and schedule issues.

6           And I believe Karen Osborn was going to come  
7 today -- oh, great -- and give us a little bit of feedback  
8 on that.

9           KAREN OSBORN: Good afternoon. I'm pleased to be  
10 here. There's good news and better news.

11           The good news is I'm not here to discuss whether  
12 we like or don't like your lines.

13           And the better news is that we are -- moving the  
14 microphone.

15           We are here to talk about the technical aspects of  
16 what you're doing and what we need to do.

17           We're here to encourage your rapid completion of  
18 your work. You have 99 hot spots.

19           And we want to thank Willie for coming and  
20 spending some time with our office.

21           And those hot spots are issues that we would  
22 implore you to take care of before you make your final  
23 decisions.

24           Those are places where we have tracts where we  
25 have a legislative line coming north and south or east and

1 west and have a congressional line that touches it, makes a  
2 split.

3 CHAIRPERSON MATHIS: I'm sorry, do you mind just  
4 introducing yourself?

5 KAREN OSBORN: I apologize. I'm Karen Osborn.  
6 I'm Director of Elections for Maricopa County.

7 CHAIRPERSON MATHIS: Thank you.

8 KAREN OSBORN: And when we went through the lines  
9 that were proposed, we found these 99 hot spots. Some of  
10 them are set forth because of the census block and tract  
11 system. Some of that, some of that work was done when there  
12 were no houses in Ahwatukee, let alone at the bottom of the  
13 mountain, and now there are houses and now the line goes  
14 completely through the housing district. If you're on the  
15 front porch, you're going to be in one district. If you're  
16 in the backyard, you're voting on another.

17 We know those types of things, the common sense  
18 things, that you want to fix. And Willie came and spent the  
19 day with us so that we could show him those lines and those  
20 changes.

21 There's some places where a -- the bottom portion  
22 of a Indian nation land needs to be put back in.

23 They have been identified, and we have provided  
24 you with our new voting precincts. And we would encourage  
25 the greatest possible ability for you to follow those lines.

1           You are the only people that can move that  
2 legislative or congressional line.

3           If you were to leave today and say this is it, we  
4 would have to be in front of one court or the other because  
5 we can't move that line.

6           And we can't decide where you're in the household  
7 what ballot you're going to get, so we have to have some  
8 clear direction along those lines.

9           When I was here before, we said that October 1st  
10 was when we needed to have your work done.

11           And we couldn't wait for you, so we kept on going.

12           And tomorrow is my deadline to have the Board --  
13 our Board of Supervisors approve our voting precincts, our  
14 community college board lines, our Board of Supervisors  
15 lines, and our special health care districts, as well as our  
16 25 justice of the peace boundaries and constables and add a  
17 new district to that.

18           That has to be completed by December 1st, and  
19 we're -- tomorrow's our last day to do that.

20           We had to proceed. We had to go ahead and take  
21 care of ourselves, and we have done that.

22           But what I would implore you if you lay down a  
23 line and it splits one of these precincts, then we have to  
24 scramble again.

25           And we go in and we have to reconfigure that

1 voting precinct because it cannot be split.

2 We then have to get an emergency meeting of our  
3 board and on an emergency basis to bring us back to justice.

4 So it will be very helpful for anything that you  
5 can do to help us along those lines.

6 Any time we send anything, and I'm presuming, just  
7 a presumption, if you were to submit your lines in January  
8 to the Department of Justice, you're looking at a mid March  
9 approval time. March 1st was the time when we have to give  
10 to the Secretary of State's Office all of the numbers by  
11 voting precinct, so that they can share with the candidates  
12 how many signatures they need to get and how we configure  
13 our precincts for the upcoming elections.

14 At this point we are going to run press preference  
15 and our March and May elections on our old precinct lines  
16 and the old congressional lines, because we're past the  
17 point where we can configure the new precincts along  
18 these -- the new congressional and new legislative lines.

19 The hardest thing that we do is try and  
20 communicate with our voters.

21 And there is a requirement by law that the  
22 recorder have all of the 1,900,000 registered voters, about  
23 60 percent of the state right now, in the new precincts on  
24 March 1 and send notification. That is virtually impossible  
25 this year, because we have to wait until we have precleared

1 lines. So we are struggling with what we have to do, and we  
2 would ask that you do what you need to do as rapidly as you  
3 can. Help us with those 99 hot spots so that we can get on  
4 with what we need to do.

5 And I think Helen has a comment or two before we  
6 end.

7 HELEN PURCELL: Thank you. My name is Helen  
8 Purcell. I'm the Maricopa County Recorder.

9 And Karen has given you a lot of statistics that  
10 we go by in order to form our new precincts.

11 One thing she didn't mention, we now have  
12 1142 precincts in Maricopa County.

13 We will -- when our lines are approved by the  
14 Board of Supervisors tomorrow and hopefully by the Justice  
15 Department, we will reduce that to 728 precincts, so we will  
16 be able to combine a lot of the precincts.

17 And this is work that we have done over a number  
18 months.

19 But, this whole process is not about you, and it's  
20 not about being me and my office. This is about the voter.  
21 And my mantra for the last 24 years in office has been that  
22 we need to determine what the voter needs. And the voter  
23 needs to know where they are.

24 And that is up to us to share that information  
25 with them.



1           But we have to make these decisions first.

2           So, please, keep in mind as much as you can the  
3 voter.

4           Thank you.

5           We'd be happy to answer any questions that you  
6 might have.

7           KAREN OSBORN:   And I'm so glad to see Bruce  
8 Adelson here sitting at the end of the table.  Bruce was our  
9 handler from the Department of Justice for many years, and  
10 he would sit in and say, Karen, don't you want to take this  
11 approach?

12           And I would say, no, not at all, I don't like it.

13           Then he would say, Karen, let me emphasize this a  
14 different way.  Don't you want to take this approach?

15           And I would say, I love to.

16           And I have to say some of the ideas that he shared  
17 with us that we needed to add have been very, very helpful.

18           One of the major things that we have relied on in  
19 our own redistricting of the 65 districts that we have to  
20 work with is the community outreach program that you had us  
21 set up.  And that has been excellent at providing all of our  
22 data, so that we could, so that we could do our work.  And  
23 I'm very glad to see that Bruce is here.

24           We'd be happy to answer any technical questions.  
25 Like we say, we're not here to say whether we like the lines

1 or not.

2 CHAIRPERSON MATHIS: Thank you very much.

3 Are there any questions?

4 COMMISSIONER HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 COMMISSIONER HERRERA: The only question is those  
7 99 hot spots, that we -- obviously we know where they are,  
8 and we'll be getting information as to where those hot spots  
9 are.

10 KAREN OSBORN: Madam Chairman, commissioner, yes,  
11 we have shared those 99 hot spots and our suggestions and  
12 opened our office to anything that Willie needs.

13 We can move in this afternoon. You know, we're --  
14 whatever we need to get it done.

15 COMMISSIONER STERTZ: Madam Chair.

16 CHAIRPERSON MATHIS: Sorry. Mr. Stertz.

17 COMMISSIONER STERTZ: Not a question for you  
18 specific, but where are we with the other 14 counties and  
19 other 40 percent of the state?

20 KAREN OSBORN: Madam Chairman, commissioner, if I  
21 could respond to that. We met last week at the Arizona  
22 Association of Counties.

23 And in general it's the same message. Hurry and  
24 help.

25 The -- most of the counties are not as split up as

1 we are. We have 20 legislative districts in our county and  
2 the majority of the congressional districts.

3 They are -- understand that Yavapai was precleared  
4 for their Board of Supervisors recently.

5 So we're all just dealing with the same thing,  
6 waiting for your work so that we can complete anything that  
7 would be a split, where we would have the most impact.

8 COMMISSIONER STERTZ: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: Ms. Osborn, at that meeting  
11 of counties, was there a similar amount of hot spots that  
12 you are hearing from the other 14 counties that there were  
13 equal amounts of problems of lines and precinct issues  
14 that need to be addressed based on the current draft? And  
15 you're talking about just based on the current draft maps;  
16 correct?

17 KAREN OSBORN: Madam Chairman,  
18 Commissioner Stertz, I heard of no other specifics. And,  
19 yes, the draft maps is exactly what we're talking about.

20 We wanted to make certain that we responded to  
21 what was out there, something that we could respond to, and  
22 we figured that was the best way to start.

23 COMMISSIONER STERTZ: So if I'm clear what you're  
24 doing is you've given directive to making adjustments to the  
25 draft map lines to our mapping consultant?

1           KAREN OSBORN: Madam Chairman, Commissioner  
2 Stertz, absolutely not.

3           What we had said is if your lines stay as they  
4 are, these are the places that we feel that need to be --  
5 that have to be changed in order to make common sense out of  
6 this and in order to hold elections.

7           We wanted your mapping people to know what our  
8 concerns were, so that you could take those into  
9 consideration.

10           COMMISSIONER STERTZ: Very good. Thank you for  
11 the clarification.

12           CHAIRPERSON MATHIS: Thank you.

13           Any other questions?

14           Mr. Strasma, did you have something?

15           KENNETH STRASMA: Just in answer to  
16 Commissioner Herrera's question, Willie was able to meet  
17 with GIS Maricopa and has those hot spots, and reached out  
18 to all of the other counties, and process is ongoing.

19           To further clarify for anyone who is wondering  
20 about this, in the map drawing process, census tracts were  
21 one of the units of geography that we tended not to split.

22           We did not look at precincts, knowing that they  
23 would all be redrawn before the maps took place.

24           So now that the redrawn precincts are becoming  
25 available, we are able to look at them and see if there are

1 minor technical changes that can be made to avoid having the  
2 counties have to go back and do the process described.

3 Obviously these would be changes that the  
4 Commission had to approve, but in most cases they are quite  
5 minor, and we're working on preparing a report on this.

6 CHAIRPERSON MATHIS: Thank you.

7 WILLIE DESMOND: I'd just add that of the 99 in  
8 Maricopa, I believe that two thirds are, you know, small  
9 technical changes that don't necessarily affect any  
10 population.

11 The remaining about half are the remnants of  
12 population balancing in the congressional districts where  
13 you have to get down to one person deviation.

14 So in many cases the line initially ran down a  
15 major road and maybe we cut one block off the border, and  
16 that's been some of the issues.

17 So we will be suggesting, I guess, some ways to  
18 eliminate those and re-balance the population following any  
19 other changes, maybe, you know, working with the County's  
20 proposed lines to try to minimize the effect of that.

21 And then there are just a few issues that are  
22 going to be very difficult to address, just based off of how  
23 the census geography is laid out.

24 CHAIRPERSON MATHIS: Thank you.

25 Any other questions or comments on this topic?

1 Well, Karen and Helen, we really appreciate you  
2 coming today and giving us that guidance.

3 HELEN PURCELL: Appreciate the opportunity.

4 CHAIRPERSON MATHIS: Our next agenda item is  
5 number three, discussion concerning process and schedule for  
6 adjusting draft maps to develop final maps.

7 So, given what we've just heard, I like the hurry  
8 and help summary. And I think it is good to keep in mind  
9 who our customer is. I view it as the voter as well. And  
10 so we really do need to be mindful of that and all the  
11 things that have to get done once the maps are approved,  
12 because even once our Commission approves the maps, there's  
13 a million things that have to get done by our legal counsel,  
14 in terms of the submission to the Department of Justice, and  
15 all the things these election directors have to contend  
16 with.

17 So, I think if we can all keep that in mind as we  
18 try to think about our schedule moving forward, that would  
19 be, that would be great.

20 Does anyone have any thoughts on the process and  
21 schedule for adjusting the draft maps?

22 COMMISSIONER McNULTY: Madam Chair, I'll offer my  
23 thoughts.

24 I think that we have -- we're going to receive  
25 some important input today, the voting rights analysis, the

1 overview of the public input.

2 I myself am still in the process, almost finished,  
3 going through -- I think we have 15 four-inch binders of  
4 public comments, and going through my notes from the public  
5 hearings that I attended and transcripts of public hearings  
6 I did not attend, and kind of prioritizing suggestions for  
7 the maps.

8 And so my hope would be that we -- I expect we're  
9 all through that same process, that we offer to  
10 Strategic Telemetry ways in which we would propose to  
11 improve on the maps based on the public comment that we've  
12 received, and what we've learned over the last 60 days, and  
13 have them provide us with maps reflecting those changes that  
14 we can discuss, and move ahead in that way.

15 CHAIRPERSON MATHIS: I would echo that.

16 I brought one of the binders with me today.

17 This is binder No. 14 that our staff thankfully  
18 has put together for us of all the public input received to  
19 date. And it's quite extensive.

20 So I know we all have a ton of homework in that  
21 regard, and hopefully we've been reviewing that information  
22 this past month too, so. . .

23 Other thoughts and comments on the process and  
24 schedule?

25 COMMISSIONER STERTZ: Madam Chair.

1           CHAIRPERSON MATHIS: Mr. Stertz.

2           COMMISSIONER STERTZ: The concept of hurry, the  
3 idea about the sense of urgency and hurry is disconcerting.  
4 We must get the job done right, and it has to be done  
5 pursuant to the Constitution, simply not getting it done for  
6 the sake of getting it done.

7                   We received over 10,000 pages of material,  
8 countless transcripts, maps, documents. I received -- we  
9 received yesterday even more resolutions from counties and  
10 cities that are still arriving on a daily basis.

11                   The last Commission took over six weeks after the  
12 30-day period to go through all the comments, and their  
13 comment is nothing compared to the level of comment that we  
14 received.

15                   So I don't want to get overly wrapped up in the  
16 sense of urgency with the word hurry.

17                   We understand that there is a process. I can  
18 recognize your concept of that the voter is our client, but  
19 there are six and a half million of our clients out there  
20 right now that we need to be cognizant of. So if we're not  
21 being responsive to all of those, as well as the 10,000 plus  
22 people that gave us comments, drew maps, and gave commentary  
23 to consolidate that together, I think we're doing a  
24 significant injustice to the process.

25                   So we need to take our time and do this right, and



1 not hurry up for the sake of hurrying up.

2 CHAIRPERSON MATHIS: Thank you.

3 Other comments or questions?

4 We've heard about the schedule. What about the  
5 process for adjusting the draft maps? Does anyone have  
6 thoughts on that, since that's part of this agenda item two,  
7 for how we go about adjusting?

8 And, Mr. Strasma, if you have ideas on this too to  
9 make it as efficient as possible, please feel free to jump  
10 in.

11 KENNETH STRASMA: At some point, I don't know if  
12 now is the time now, Mr. Desmond can show a draft change  
13 report that we prepared. We wanted to show it the  
14 commissioners to get input on what you would like to see  
15 about proposed changes.

16 One of the key points to keep in mind is if we  
17 make a change to improve, say, compactness, that may be at  
18 the expense of splitting a community of interest.

19 We're at the point where all these different  
20 criteria are balanced against each other, so we wanted to  
21 come up with a report that would show at a glance the net  
22 impact of those changes on all of these criteria.

23 I wanted to bring this draft to the Commission  
24 today, see if there are any suggestions for other things  
25 that people would want to see, knowing that we're trying to

1 keep a one-page snapshot, and, of course, there will be  
2 additional levels of detail.

3           So that's one thing on the technical level.

4           Mr. Desmond is bringing that up now.

5           And then just conceptually, knowing that the  
6 volume of suggested changes from the public input in large  
7 range from purely a technical thing like respecting  
8 precincts boundaries, to the other end of the spectrum where  
9 there are larger conceptual changes that we have ripple  
10 effects across all of the districts. I don't know -- I  
11 don't know what makes sense for the Commission attacking the  
12 larger issues that have ripple effects so that we know what  
13 the effects are, or if it would be better to, while we're  
14 establishing the process, work on some of smaller changes  
15 that we don't expect to be affecting.

16           Perhaps Mr. Desmond can walk us through what this  
17 report will show.

18           WILLIE DESMOND: So we're looking for a way to  
19 easily evaluate different changes for the draft maps.

20           I guess what we had in mind was a quick snapshot  
21 of a possible change so you can see how it was affected.  
22 Not like a full layout, but just kind of an easy glance at  
23 it.

24           And you consider these changes one at a time, I  
25 guess. When you start to consider them all at the same

1 time, that's when this gets very confusing with some of the  
2 ripple effects.

3           The ones that we were asked to use as an example  
4 was removing the part of Cochise County from District 2 and  
5 including Green Valley with Sahuarita.

6           So as you can see, this thicker green line is the  
7 current draft map. The thinner black line would be what it  
8 would look like after this change.

9           So you'll have a quick picture, I guess, of what  
10 the change would like like.

11           And really more important would be a report that  
12 lists what the old map was, what the new map is, the  
13 districts that are affected, and then goes through and gives  
14 you information on how it affects the different racial  
15 categories, so you can see the population, how that's  
16 affected, the voting age population, from both of the  
17 districts. So you have the old district what it was, the  
18 new district what it is, and then what that changes.

19           So this change would give District No. 1  
20 approximately -- or not approximately, exactly 13,056 more  
21 voting age Hispanics.

22           That 13,056 would come from District 2, so  
23 District 2 would lose 13,056, a change of 8.64 percent.

24           As you look down, then you can also see the  
25 splits.

1           So you can see we would go from four unsplit  
2 counties up to five unsplit counties, a change of one less  
3 unsplit.

4           You know, all of the major splits, census places,  
5 census tracts, block groups, reservation and tribal  
6 subdivisions.

7           You also have the different competitiveness  
8 indexes.

9           So you can see this change would make District 1,  
10 for instance, index two, went from 62.24 percent Republican,  
11 it would go down to 60.8 percent Republican, a change of  
12 negative 1.6 percent Republican.

13           You also have the registration and the  
14 registration 2A.

15           So it's basically intended to be a real kind of  
16 top, top line report, so you can easily at a glance see how  
17 each of these changes would affect the overall plan.

18           COMMISSIONER McNULTY: Can we go back up to the  
19 top there?

20           What I'm wondering is whether in this particular  
21 case or instance, the key, the most important issues are  
22 going to be voting rights issues, because that was the whole  
23 reason for having that extension into Cochise County. So  
24 I'm wondering whether there's some additional level of  
25 analysis pertaining to how that affects our overall

1 majority-minority voting strength. You know, whether it  
2 bears on our overall equation for Section 5 of the state,  
3 whether it strengthens or weakens District 2 by virtue of  
4 moving that population back into 1.

5           And I think that maybe this is a separate report,  
6 but what I would be thinking in making changes would be of  
7 the ripple effect, so it would be helpful to know, for  
8 example, when we make this change, what countervailing  
9 change in another district might compensate for any  
10 reduction in voting strength that we are causing by making  
11 Cochise County whole on the legislative level.

12           WILLIE DESMOND: And this report is designed to  
13 show any districts that are changed.

14           So, in this case, these are the only two districts  
15 affected by that line move.

16           So any -- so the other 28 legislative districts  
17 are not affected.

18           It will be a set of, set of information for each  
19 affected district so you can go through.

20           One thing that legal counsel has suggested adding  
21 right away would be the mine inspector's race as a good  
22 proxy for candidate of choice, and things like that.

23           But we're open to any other data points that you  
24 think would be helpful.

25           And I guess how we imagine going forward with this

1 is, you know, we can hash out these changes in session or  
2 you can suggest them to me, I can run them overnight, and  
3 build the maps, and give you several options in the morning.

4 The one thing I would say is it is important is to  
5 see the changes to the draft map that are independent of all  
6 other changes, so they would almost have to be evaluated on  
7 a case-by-case basis and I guess approved or not approved.

8 Or, you know, if it's not approved, we can look at  
9 minimizing it. Those are the types that things we can do.

10 But I guess what would be helpful from our  
11 perspective as you, you know, continue to review the  
12 mountains of public input you've received and you're curious  
13 about things, let us know, and we can generate scenarios, we  
14 can evaluate them, and then go from there.

15 I think we will talk more probably about how to  
16 proceed with the Voting Rights Act. I don't know if that  
17 comes up now or at a later time.

18 KENNETH STRASMA: I was going to add two other  
19 suggestions for data points, add to this our citizen voting  
20 age population and also Hispanic registration.

21 COMMISSIONER McNULTY: I think that would be good.

22 COMMISSIONER STERTZ: Madam Chair.

23 COMMISSIONER McNULTY: I'm sorry, I just have one  
24 more question. Were there any thoughts from Mr. Adelson or  
25 Ms. O'Grady or Mr. Kanefield about any other data points

1 that would be helpful from a voting rights perspective.

2 MARY O'GRADY: We've already got the mine  
3 inspector, which is, I think, a good indicator. That's  
4 going to be included in the other information that  
5 Mr. Strasma mentioned.

6 I don't think we have anything else at the end of  
7 this table in terms of change order form.

8 CHAIRPERSON MATHIS: In terms of process, what  
9 would be the most efficient use of our time too in terms of  
10 being in these meetings?

11 Do we provide direction -- I would like  
12 commissioners' thoughts on this, providing direction to our  
13 mapping consultant in terms of what those change orders  
14 would look like from individual commissioners' perspectives?  
15 And then they go off and come back to us the next day, if  
16 we're meeting the next day, and provide the outcome of  
17 whatever the change order requested, and then we all talk  
18 about it?

19 Or how do you all see this proceeding?

20 COMMISSIONER McNULTY: Madam Chair, I think  
21 that's -- I like that idea. I think that's the most  
22 efficient use of our time, if we can summarize the changes  
23 we would like to see.

24 I expect we'll all be thinking about ripple  
25 effects, and so we may be suggesting if we do this, let's

1 look at doing this and this. We could share those, provide  
2 them to Mr. Strasma and Mr. Desmond, and then, you know,  
3 comment, tell us whether it may work or they don't. If they  
4 don't think it will work, they can tell us that. Or if they  
5 do think it may work, provide us with that, to make a map  
6 that we can look at.

7 I think that would be more efficient than us  
8 sitting here in these meetings having them walk through  
9 these things.

10 CHAIRPERSON MATHIS: Any other opinions on that?

11 COMMISSIONER STERTZ: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Stertz.

13 COMMISSIONER STERTZ: A couple things. One, a  
14 question that's been asked before, is I would like to get  
15 what your view of the schedule is and how you would like to  
16 see us proceed.

17 CHAIRPERSON MATHIS: Okay.

18 Part one.

19 So I had hoped, and I mentioned this before  
20 Thanksgiving when we were trying to see if we could meet  
21 during Thanksgiving week, that, you know, four weeks would  
22 be enough time to be able to work through the adjustments  
23 that we want to make and approve maps. So I was thinking  
24 Christmas might be a good goal to have.

25 And I think it is at least good to at least



1 establish a goal. Whether we hit it or not, I can't  
2 predict. But I thought that seemed like a reasonable time  
3 frame.

4 Of course that would mean that we can all be at  
5 these meetings, and I don't know that we can.

6 And I think all of us have a lot of commitments  
7 going on right now. And so having all five commissioners  
8 available, as Mr. Bladine and Ms. Gomez will attest, is very  
9 challenging at this stage.

10 So we can operate as a Commission through a quorum  
11 obviously, through having three of us present. But I would  
12 like to have bipartisan representation at all the meetings.  
13 So whether we can do that with three, I don't know.

14 And it's going to -- I think we've provided some  
15 scheduling information, at least our conflicts, to  
16 Mr. Bladine and Ms. Gomez. And they've tried to work  
17 through some possible dates for meeting.

18 And I think it's going to demand on how much we  
19 can accomplish in these next few weeks.

20 I don't know that we can finish by Christmas or  
21 not.

22 COMMISSIONER STERTZ: Okay. So part two of the  
23 question is that when we were talking about what these maps  
24 were as draft maps, and that certain one of these, these  
25 legislative districts and congressional districts were being

1 set aside as place holders, that the draft maps were being  
2 used to clearly go out to the public to get their comment.

3 I wanted to get your feedback now about whether or  
4 not we're making -- which is a bit disconcerting to hear  
5 that we were making or making -- the contemplation of making  
6 precinct-by-precinct small adjustments to assist the  
7 Maricopa County issues, which are the hurry up necessity of  
8 what our process is, or whether or not these truly are draft  
9 maps and that we are going to be integrating the volumes and  
10 volumes of testimony that we heard over the last 30 plus  
11 days and then proceeding to approval of the draft maps.

12 CHAIRPERSON MATHIS: I think we have to consider  
13 all public comment that came in. And to the extent that  
14 that's possible and practicable for each of the  
15 commissioners to review everything and be able to work that  
16 into their thinking so that they can make suggestions for  
17 potential adjustments to the map, that's what we have to do.

18 And how long that process takes, I don't know.

19 I'm open to if we want to meet through, you know,  
20 March of next year, we can do that. I'm really open to  
21 whatever the Commission feels like it wants to do.

22 If it feels like we're moving too quickly, then we  
23 can slow down.

24 Earlier in this year obviously we were told how  
25 often we were going so slowly. And now we're going too

1 fast.

2 So we'll just have to see how it goes.

3 And if legal counsel wants to also advise us to  
4 what they think a reasonable time frame that we should be  
5 suggesting for possible completion or approval of the draft  
6 maps, I'm very open to their ideas.

7 But I do think it's good to keep in mind what  
8 Ms. Osborn just told us with regard to the voter is our  
9 client ultimately, and we do -- we, you know, need to get  
10 these -- get our mission accomplished essentially, get the  
11 lines drawn.

12 So, but at what rate, I don't know.

13 COMMISSIONER HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 COMMISSIONER HERRERA: Will you remind me when the  
16 last -- the second round of public hearings, when the last  
17 one was? It was probably sometime in October.

18 So --

19 CHAIRPERSON MATHIS: November 5th.

20 COMMISSIONER HERRERA: That's November 5th.

21 And we last met on October 31st, was the last  
22 meeting, and we've been in a hiatus for some reason as a  
23 Commission for a while.

24 We've had -- all of us had a chance to review some  
25 of the information that the staff has provided us, and we're

1 currently doing that.

2 So I don't think we're rushing at all.

3 I think having a goal of completing the maps by --  
4 on or before Christmas is a good goal. And I think we  
5 should be meeting every day, if possible. And if it takes  
6 three commissioners, if some people can't show up, you know,  
7 we need to proceed.

8 Because we've already been delayed long enough,  
9 and I don't want to be delayed any more.

10 CHAIRPERSON MATHIS: Other comments?

11 COMMISSIONER STERTZ: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Stertz.

13 COMMISSIONER STERTZ: So is your intent as we are  
14 working our way through the changes that are being  
15 represented by each one of the commissioners, you're seeing  
16 that these are going to be made in writing to the mapping  
17 consultant to come back with modifications the following  
18 day? Is what that I just --

19 CHAIRPERSON MATHIS: I'm open to how we want to do  
20 the process.

21 But it would seem that just in order to make  
22 things as efficient as possible, and so that we're not all  
23 sitting through all the changes in the meeting, we can fill  
24 out these change reports, talk about what we'd like to do in  
25 public session, then have a mapping consultant implement

1 those changes and bring them back to us the next day to show  
2 us the analysis of what those changes did.

3 COMMISSIONER STERTZ: Madam Chair, regarding the  
4 congressional map, there was contemplation and there has  
5 been discussion that because the grid map adjustment was not  
6 followed appropriately to create the approval of the draft  
7 maps, are we going to take these back to the grids and make  
8 adjustments on the congressional maps?

9 CHAIRPERSON MATHIS: I will ask legal counsel to  
10 respond to that question.

11 MARY O'GRADY: Madam Chair, as we advised before  
12 we adopted the draft maps, in our view at that point you had  
13 fulfilled your constitutional responsibility.

14 I know there are those who have suggested that you  
15 haven't because of the way the grid was adjusted when  
16 they -- when you worked on the consensus, when you tried to  
17 work on a compromise map, the everything bagel phase.

18 But that itself was an adjustment of the grid map  
19 based on the weeks of adjustments to the grid map that you  
20 have done.

21 So I don't see a need to go back to the grid map,  
22 adjust the grid map, and then go out for another 30-day  
23 comment period based on those maps.

24 That's an option available to the Commission, but  
25 I don't think it's a legal -- legally necessary for the

1 Commission to do that.

2 I think you can adjust the draft maps and proceed  
3 to final maps.

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: Just looking at the language  
7 from the Constitution about what it asks us to do, and it  
8 asks us to make adjustments to the lines of the grid maps,  
9 so I'm confused.

10 Because we didn't make adjustments to the lines of  
11 grid maps.

12 So you may be given recommendation that that's  
13 okay, but we didn't make adjustments to the lines of grid  
14 maps.

15 So I'm concerned that we're going to be moving  
16 forward with another -- with a set of maps and making  
17 adjustments to something that we didn't follow  
18 constitutional protocol to begin with.

19 And I'd like to know what our -- if we are -- if  
20 we're right, if counsel is correct that, that, that creating  
21 a hole and then filling it in with some other redrawn lines  
22 that you provided was satisfactory.

23 That's one thing.

24 But if you're not -- if counsel is not correct,  
25 where does that place us going forward?

1           MARY O'GRADY: Madam Chair, first, I didn't -- I  
2 don't agree with Commissioner Stertz' characterization of  
3 how that worked.

4           It wasn't filled in in a one-step process. It was  
5 filled in in a multi-step process, and --

6           COMMISSIONER STERTZ: No, it wasn't. I'm sorry to  
7 disagree with you.

8           There was a map that no one had seen before, that  
9 no other commissioners drew, other than the chair, and she  
10 brought back for approval on a Monday morning.

11           So that, that is an absolutely accurate  
12 characterization of what took place.

13           MARY O'GRADY: Well, I disagree with that.

14           But beyond that, just moving beyond that, in  
15 terms -- again we have -- if I'm wrong, and that someone may  
16 file a lawsuit at some point and say -- and make  
17 Commissioner Stertz' argument that the congressional map is  
18 unconstitutional because they didn't follow the -- they  
19 deviated from the process, they may make that argument.

20           And we would defend the maps and the process that  
21 the Commission adopted, and then the court would decide that  
22 issue.

23           And if the court concluded that, that the process  
24 did not comply with the constitution and required that we  
25 then redo things, then we would do so at that point.

1           But, again, it's a -- the process, I'm comfortable  
2 defending the process that the Commission has followed. If  
3 the court disagrees, then would be back and take steps  
4 accordingly.

5           COMMISSIONER STERTZ: Madam Chair, the adjustments  
6 to the grid maps for the legislative lines was made in a  
7 different fashion than was made for the congressional.

8           And I believe that in the legislative lines they  
9 were made to -- the grid map was adjusted on a line-by-line  
10 basis to get to the product that was produced.

11           So therein lies my question regarding timing.

12           And that's -- there lies my question whether or  
13 not we, if there is a -- as a Commission, we feel satisfied  
14 that this is a process we want to go forward, knowing there  
15 may be exposure for potential litigation.

16           COMMISSIONER HERRERA: We are satisfied with the  
17 process. Can we move forward and started working on the  
18 agenda?

19           I mean, we've been delayed so much, and I'm not  
20 going to put up with more delays.

21           There's three commissioners standing here that  
22 agree with the process and there's one that doesn't, and  
23 maybe you're at the wrong meeting.

24           But we are happy.

25           We're not -- we're happy with how the process went



1 forward.

2           Everyone had input.

3           I was there. I also expressed some of my  
4 unhappiness with some of the, with some of the, with some of  
5 the lines, but, again, we need to move forward and stick  
6 with the agenda.

7           And I don't want to -- what I don't want to do is,  
8 again, start making these delay tactics that will postpone  
9 even further. We need to move forward.

10           COMMISSIONER STERTZ: With all due respect to  
11 Commissioner Herrera, I'm talking about process, and I am  
12 talking about potential delays. So this is an agenda item,  
13 and it is relevant to discussion.

14           And I'd like to know from -- if the  
15 recommendations from the three members, if you're -- are you  
16 speaking on behalf of the three members --

17           COMMISSIONER HERRERA: I feel comfortable speaking  
18 on behalf of them, yes. That they are happy with the  
19 process, the attorneys, both Republican and Democrat  
20 attorneys, are happy with the process. We need to move  
21 forward.

22           COMMISSIONER McNULTY: Madam Chair, I'll go ahead  
23 and speak up for myself.

24           I, I agree with what Mr. Herrera just said. You  
25 know, I am very committed to this process, and have been

1 from the outset. I think we worked very hard to understand  
2 the state from the top up and bottom down -- from the top  
3 down to bottom up.

4 And we put together maps in an effort to balance  
5 those six criteria. And the congressional map that we put  
6 out for comment was a result of all of those efforts.

7 I have one calendaring conflict on the afternoon  
8 of December 12th and another one on the morning of  
9 December 13th.

10 That one I can move if I need to.

11 Other than that, I'm prepared to meet with fellow  
12 commissioners to consider changes based on public input.

13 And I will say that having gone through volumes  
14 and volumes, there is a great deal of public comment, but  
15 much -- there's also a great deal of repetition. A great  
16 deal of repetition.

17 And it boils down to some overarching themes. And  
18 we as a group will just need to decide how we want to handle  
19 those overarching themes.

20 It's not as if we received 10,000 different  
21 particular comments about the maps. It's not that way at  
22 all.

23 For example, I went through one binder, I'm not  
24 sure how many pages are in a binder, but the entire binder  
25 consisted of two things. And this is really true. One was

1 to keep Sun Lakes with Chandler. That was one theme  
2 throughout those comments. And another was the importance  
3 of competitiveness to achieving participation by candidates  
4 and voters in the state.

5 And that comprised, you know, 200 or 400 pages.

6 So it's not -- it's a lot of comment and it's  
7 wonderful that we've gotten it, but it's not overwhelming  
8 and it's not something -- there aren't a lot of new  
9 surprises. It's not something unmanageable.

10 And we're working through it.

11 And in terms Christmas, I think that is a good  
12 goal.

13 And as I said, I'm prepared to sit here as much as  
14 I possibly can and get that done.

15 I know we all need to get back to our families and  
16 back to our lives and the citizens need to move on to  
17 something else and the candidates need to run.

18 So, I'm sorry to go on and on, but there's one  
19 other point that I wanted to make, which is to the extent  
20 that some of the commissioners feel there are constitutional  
21 inadequacies with the maps, I disagree with that very  
22 strongly. And we'll make my dis -- the basis for my  
23 disagreement known on the record, but I think we're at the  
24 point now where that's for a court to decide. We need to  
25 finish the maps, and those issues will be resolved in a

1 court of law where they should be resolved, not here by us  
2 continuing to argue them over and over again.

3           It's time for us to finish these maps. That's  
4 what we were appointed to do.

5           CHAIRPERSON MATHIS: Thank you.

6           Other comments?

7           (No oral response.)

8           CHAIRPERSON MATHIS: So, with that, I don't see  
9 any other place on the agenda where we're going to talk  
10 about schedule, Mr. Bladine.

11           I don't know if you would like to come up and tell  
12 us what you see in terms of openings for meetings in the  
13 next couple weeks.

14           RAY BLADINE: Madam Chair, you're right. This  
15 would be a time to try to establish and give us direction  
16 about future meetings. And I believe you all have your  
17 packet, the results of the information that was submitted to  
18 us from all of you about conflicts.

19           I thought perhaps the best way to do this, which  
20 seemed to work for us last time, was to just go over the  
21 dates.

22           I would say that taking a quick glance, we have  
23 the potential over the next two weeks for five to  
24 six meetings, partial day meetings, based upon the conflicts  
25 that we have.

1 I'm not sure that will accomplish what the  
2 Commission wants, but there are some times that could be  
3 available.

4 Madam Chair, I could go through the days or  
5 perhaps if you would like to just review the days and have a  
6 discussion about, one, do we have the material right, and  
7 have there been any changes, then perhaps we can move  
8 forward to establish the schedule, the meeting times.

9 CHAIRPERSON MATHIS: Okay.

10 So, yes, we have in our packets starting  
11 December 3rd what some of the conflicts are through  
12 December 17th.

13 And we should also keep in mind that even if we  
14 can't be in Phoenix in person, if you're available via Skype  
15 or telephonically, that would be very helpful too.

16 So be sure to keep that in mind when you're  
17 providing your conflicts to Ray, so he can accommodate  
18 accordingly.

19 But it's --

20 RAY BLADINE: Would you like me to just  
21 summarize the --

22 CHAIRPERSON MATHIS: Sure. That would be great.

23 RAY BLADINE: Just from the discussion, it seems  
24 to me the first possibility might be Tuesday the 6th,  
25 whether it be in the afternoon in Tucson. And I know we

1 have not wanted to do the afternoon in Tucson because of  
2 Commissioner Freeman.

3 So that -- we'll scratch that possibility.

4 Same problem on the 7th. We have to be in Tucson  
5 after 1:00 p.m. to meet everybody's schedule.

6 So, again, if we're not going to do Phoenix, then  
7 that one doesn't work.

8 CHAIRPERSON MATHIS: If I could interrupt you for  
9 a minute.

10 On the 7th, if Mr. Stertz would be available to  
11 Skype or dial in from Tucson, everybody else is available in  
12 the afternoon on the 7th.

13 RAY BLADINE: Correct.

14 CHAIRPERSON MATHIS: So that might be a  
15 possibility.

16 COMMISSIONER McNULTY: If I could jump in. It  
17 looks like that would also be true on Tuesday. It says  
18 Commissioner Stertz is available in the p.m. only to 6:00 in  
19 Tucson and Commissioner Freeman is available afternoon via  
20 Skype.

21 So if Commissioner Stertz were available via Skype  
22 that afternoon, we would all be available Tuesday also.

23 CHAIRPERSON MATHIS: I'm not available on the 6th.  
24 It didn't make this sheet.

25 So. . .

1           And the 5th, Mr. Stertz isn't available.

2           Let's do -- so maybe the 7th.

3           The 7th and 8th are looking good. I don't know  
4 about the 10th.

5           I know Saturdays are less desirable for folks, but  
6 if it's possible that we could meet that Saturday maybe,  
7 maybe that Wednesday, Thursday, Saturday.

8           COMMISSIONER McNULTY: That would work for me.

9           CHAIRPERSON MATHIS: Or, I don't know if  
10 Mr. Freeman is available the 9th or not. But Mr. Stertz is  
11 not. And I would want one or the other, if not both, here.  
12 So. . .

13           COMMISSIONER McNULTY: If Mr. Freeman hasn't said  
14 he's not available, does that mean he's available?

15           RAY BLADINE: Yes, that's correct.

16           COMMISSIONER McNULTY: So he would be available  
17 the 9th.

18           CHAIRPERSON MATHIS: Okay.

19           So I guess we could do Wednesday, Thursday,  
20 Friday. Then we'd lose Mr. Stertz that Friday. Or we could  
21 do Wednesday, Thursday, Saturday. I'm not sure everybody  
22 can do that Saturday or not.

23           COMMISSIONER HERRERA: Madam Chair, I prefer to  
24 the Friday, as opposed to Saturday. Or do Saturday as well.

25           RAY BLADINE: I would say I think one of the

1 commissioners, I don't recall who, but indicated that  
2 Saturdays were undesirable, but he didn't say no.

3           So I did not say no, because that was not what the  
4 commissioner had indicated.

5           CHAIRPERSON MATHIS: Well, maybe we can confirm  
6 with Mr. Freeman what he'd rather do in terms of the 9th or  
7 the 10th and see what he thinks.

8           And it sounds like we'll all be available the 10th  
9 at least. We just don't know about him.

10          RAY BLADINE: Okay.

11          CHAIRPERSON MATHIS: It looks like next week, the  
12 7th, 8th, and either the 9th or the 10th, depending.

13          I think if we aim for -- you know, it would be  
14 great to aim for three days a week at least to try to meet.

15          RAY BLADINE: I'll go back and work on that  
16 schedule for the next week, and then I'll send a memo back  
17 out to all of you as soon as I confirm with  
18 Commissioner Freeman.

19          And also double check to make sure that I didn't  
20 miss something, which unintentionally can happen. There's  
21 lots of dates. We tried to make sure we were accurate, but  
22 there could be something I missed.

23          Did you wish to go on to the next week?

24          CHAIRPERSON MATHIS: We might as well.

25          COMMISSIONER HERRERA: Madam Chair, before you go



1 on to next week, I would prefer to meet as much as we can on  
2 the front end and cram in as many meetings as we can if we  
3 aren't as far along as we thought we would. So meeting  
4 three times a week is probably not enough.

5 I, I think we should meet more than three times a  
6 week, especially in the beginning.

7 Again, if our goal is to finish by Christmas, I  
8 think we should be meeting more in the beginning of December  
9 as opposed to try to cram these in at the end.

10 CHAIRPERSON MATHIS: Well, we could add another  
11 day next week, except Mr. Stertz is not available on the  
12 5th, but Mr. Freeman is in the afternoon. So it sounds like  
13 four of us are available the afternoon of the 5th.

14 COMMISSIONER STERTZ: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Stertz.

16 COMMISSIONER STERTZ: I want to discover  
17 something.

18 If we are setting Christmas as an arbitrary  
19 completion date, or for -- or are we going to be working  
20 through this until we get the maps the way that they are to  
21 stay.

22 Not that they're necessarily mutually exclusive,  
23 but I don't want to hurry and rush in an effort to accept  
24 something that is less than a fully contemplated work  
25 product.

1           CHAIRPERSON MATHIS: All right. I think that we  
2 all kind of decided that Christmas is just a place holder  
3 goal that we can work towards and hopefully be finished by,  
4 but it's not hard and fast.

5           We don't know what will transpire as we start  
6 working through these change orders, and -- but I don't -- I  
7 think -- I don't see how trying to meet as much as we can  
8 impacts that.

9           I think it's a good thing.

10          I think Mr. Herrera's suggestion is a good one.  
11 We probably should be -- I mentioned three as a goal,  
12 three times a week, but to the extent we can meet more than  
13 that, I think we should, just to -- and especially as it  
14 gets closer to the holiday, people's scheduled get even more  
15 difficult.

16          So if we could meet four times next week --

17          COMMISSIONER STERTZ: Well, as a follow-up to  
18 that, let's -- we're going to track back the process for a  
19 moment.

20          The process of delivering modifications and  
21 changes to the mapping consultant could conceivably come  
22 from five different sources; is that correct? Is that, is  
23 that what was contemplated earlier?

24          CHAIRPERSON MATHIS: Yes. I would say any  
25 commissioner can submit a change order request to the

1 mapping consultant to explore, and then we can all look and  
2 see what those changes result in.

3           COMMISSIONER STERTZ: So with the contemplation of  
4 that, of 30 legislative districts and nine congressional  
5 districts coming from five different commissioners, in  
6 different views, the mapping consultant and Mr. Strasma and  
7 Mr. Desmond, maybe you can give me some comment on that,  
8 about a time frame and reaction time to that level of  
9 reaction and how long it will take to implement to be able  
10 to allow the commissioners to have comments.

11           Because at the same time keep in mind that I might  
12 give you a series of things to contemplate and to integrate,  
13 as Commissioner Herrera would or Commissioner McNulty or  
14 Mathis or Freeman, and then we'll all each one of us will  
15 have to have the opportunity individually to respond our  
16 thoughts to each one of those.

17           CHAIRPERSON MATHIS: That's why meeting more is  
18 better than meeting less, I think.

19           But, Mr. Strasma, do you have some comments on  
20 that?

21           KENNETH STRASMA: I would say,  
22 Commissioner Stertz, it's impossible to know until those  
23 changes come obviously.

24           The volume of change will affect how long they  
25 take.

1           I do think it would be valuable for the Commission  
2 to discuss some of changes, because I imagine if each  
3 commissioner were to come up with their top ten changes,  
4 probably seven out of those ten would be duplicates of the  
5 other commissioners. You're all seeing the same public  
6 testimony, the same basic concepts.

7           So I do think there would be some value in  
8 discussion in meetings of the commissioners coming up with  
9 some consensus changes they would like to see done. And  
10 then just as with the what-if maps, I think after we do the  
11 work on the consensus change requests, we would then, you  
12 know, work through requests from individual commissioners.  
13 And I guess doing one from each, or some process like that,  
14 so that no one person's 20 requests back up the line for  
15 everyone else.

16           And I would anticipate two basic types of reports  
17 back.

18           One, which would be, you know, here's the change  
19 and its impacts, and the Commission can decide, you know, is  
20 that the change that they want to adopt or not, given  
21 whatever unintended or intended consequences are shown in  
22 the report.

23           The other type of report back would be one where  
24 we say, you know, here's what we attempted and here are the  
25 issues that arise from that, and that that may call for

1 mapping in the meeting session.

2 That are the types of things where it's one thing  
3 for us to say that we tried and it's impossible to do  
4 without it creating an ugly district, to use a subjective  
5 term.

6 And then make that something that the Commission  
7 wants, say let's sit down and bring up the lines and see  
8 what's meant by an ugly district and work through it.

9 So I guess what I would hope for and envision  
10 would be a hybrid process where we have consensus changes  
11 requested by the entire Commission, which we would be our  
12 top priority, followed by individual changes from  
13 commissioners. And report back those two types of outcomes,  
14 fairly straightforward, that would be acceptable and be more  
15 nuanced that would have to be worked through with the  
16 Commission.

17 COMMISSIONER STERTZ: So, Madam Chair, again,  
18 following up with the description that you used here which  
19 was CD 1 and CD 2, as you had shown on your earlier map, if  
20 the contemplation at the Commission level of open discussion  
21 would be, for example, that we would want to have Cochise  
22 County remain whole.

23 Madam Chair, how would you see that taking place?  
24 Would you say that if I would make a recommendation that I  
25 would like to see, from public testimony and from analysis,

1 that we'd like to see Cochise County remain whole, would you  
2 say -- would you be voting on that? Would we be voting on  
3 these one at a time? And that would be moved forward to the  
4 consultants?

5 And that would become our baseline for the five of  
6 us for our design criteria to move forward with?

7 CHAIRPERSON MATHIS: I've been thinking through  
8 this, what's the best way to do it. And it remains to be  
9 seen. Because some of these changes will have ripple  
10 effects that will need to get addressed, and there will be  
11 some trade-offs that have to be decided on.

12 So I think we're just going to have to see what  
13 kind of changes commissioners suggest and then play it by  
14 ear frankly with each one and see how --

15 COMMISSIONER HERRERA: Madam Chair.

16 CHAIRPERSON MATHIS: -- how things move forward.  
17 Mr. Herrera.

18 COMMISSIONER HERRERA: Madam Chair, I don't agree  
19 with each individual commissioner proposing their own  
20 changes.

21 To me it seems like it goes back to the what-if  
22 scenarios, and we don't want to do that again.

23 I think if any commissioner is making any changes  
24 to the map, we should all agree on it.

25 We should put in all the changes.

1           Because there might be changes that,  
2 Commissioner Mathis, that you make that I don't agree with.  
3 And I would like the opportunity to state my case and also  
4 vote no against.

5           There might be things that you do that I may like,  
6 but, again, I think the best use of our time and for the  
7 mapping consultant is for us to approve those changes as a  
8 Commission as a whole.

9           If Commissioner Stertz wants to make a county  
10 whole, then he should bring that to the Commission, and we  
11 should vote on it.

12           And that should be for all changes.

13           CHAIRPERSON MATHIS: I agree.

14           I don't want to see multiple new maps get created  
15 where we're going down different tracks. But I do think in  
16 order to know whether or not you agree with a change, you're  
17 going to have to have the consultants try them out and show  
18 us what the impacts are.

19           Because I may not know if I agree with something  
20 or not.

21           But if I see the analysis and it looks good and  
22 everything is okay, then great, we can move forward with  
23 that change.

24           So I don't see how we can move forward with the  
25 given change unless we at least suggest it to our mapping

1 consultant, see what the analysis is, and then decide as a  
2 group.

3 COMMISSIONER HERRERA: Madam Chair, let me remind  
4 you that all the changes pretty much have been proposed  
5 already. We did, I don't know, countless what-if scenarios.  
6 There's nothing that's going to be proposed that's mind  
7 boggling or that, oh, I never thought of that.

8 I have a feeling that most of the changes that  
9 will be made will be ones that have already been talked  
10 about.

11 Keeping Yuma County whole. I have a feeling that  
12 will come up.

13 And guess what. I don't have to see it in a map  
14 again. I already know I don't want that.

15 I mean, I can give you scenario after scenario of  
16 things I don't want. I don't have to see a map to prove it.  
17 We've done it already. So, again, that's not a good use of  
18 our time.

19 We've done, again, countless numbers of what-if  
20 scenarios.

21 We know what we want.

22 Commissioner Stertz knows what he wants.

23 Everybody in the Commission knows what they want  
24 and don't want. Guaranteed.

25 COMMISSIONER McNULTY: I think it may make some



1 sense to think about two different kinds of changes.

2 Changes in which we conceptually can discuss and  
3 agree that if, that if we made the change and we addressed  
4 all the ripple effects resulting from that change, if we can  
5 anticipate what those ripple effects are, that that change  
6 would be something that we as a group would want to see.

7 And then another kind being kind of minor things  
8 like the hot spots, or the -- for the precincts, that would  
9 probably just need to see on a map in order to react to.

10 The -- I think it's incumbent on us -- you know,  
11 we ask people in public comment to do this, and it was hard  
12 for people to do as individuals.

13 But for us as commissioners, given what we do, I  
14 don't think it's hard for us to do it. And I think we need  
15 to do.

16 It's kind of like what Mr. Herrera just said. We  
17 need to anticipate what the ripple effects of our changes  
18 are, and in proposing a change, for example, to keep Cochise  
19 County whole, we need to also propose how we're going to  
20 address moving that 7500 people around the state to wind up  
21 with population balance again.

22 I think that's our job as commissioners, and I  
23 think that the mapping consultants can give us some help  
24 with that, but I think we need to have thought about how  
25 we're going to do that when we propose our changes. So that

1 we as a group conceptually can react to it and say, well,  
2 if, you know, if Strategic Telemetry maps that and it works,  
3 that's something that we would like to see, the end result  
4 of that would be acceptable to us.

5           So I guess what I'm proposing is when -- when I  
6 would propose a change, I wouldn't just propose keep Cochise  
7 County whole. I would propose doing that with a combination  
8 of other things that would result in a balanced map and  
9 would achieve, you know, more than one goal. Or at least I  
10 would have ready for Ken and Willie to respond to questions  
11 about, well, we've got 7500 people, how best are we going to  
12 do that, make that adjustment, without impacting the voting  
13 rights district, CD 3, and so on and see forth, and have  
14 that conversation.

15           And then, and then, if we have a sense that  
16 it's doable and that it's something that, that a majority  
17 of the Commission wants to do, then we would ask Ken to do  
18 it.

19           And I think that argues for meeting probably more  
20 than less initially.

21           COMMISSIONER STERTZ: Madam Chair.

22           CHAIRPERSON MATHIS: Mr. Stertz.

23           COMMISSIONER STERTZ: I'm hearing that there is  
24 a -- if I'm misinterpreting what you're saying,  
25 Commissioner Herrera, please let me know, but it sounds like

1 you want to make very subtle adjustments to the draft maps  
2 as they currently exist?

3 COMMISSIONER HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 COMMISSIONER HERRERA: I want to make changes to  
6 the maps, yes.

7 Subtle, maybe.

8 But I think all changes, as I said, should be  
9 talked about in the Commission, and we as a Commission  
10 should vote on them.

11 Now, if the hot spot changes are minor, which they  
12 may or may not be, I may be convinced that we can approve  
13 those without having to vote on each one, each 99.

14 But I don't know how minor they are.

15 I haven't -- I really don't have that information  
16 in front of me.

17 But I would recommend that we, that we talk about  
18 the major changes we want to make and agree as a Commission  
19 if we want to approve those changes.

20 COMMISSIONER STERTZ: Then, Madam Chair, in follow  
21 up to Commissioner McNulty, if statements such as the  
22 keeping Cochise County whole, there can be -- there is going  
23 to be a ripple effect.

24 Is it your contemplation then that we as  
25 individual commissioners, if I would make the recommendation

1 to keep Cochise County whole, based on this level of data  
2 that we have received from the public to try to make that  
3 happen, that I have a solution already in mind for how to  
4 remedy the 7500 individuals that are being relocated? Or is  
5 that something that -- how are you contemplating that as  
6 being the reaction that takes place from the keeping Cochise  
7 County whole?

8 COMMISSIONER McNULTY: Would you like me to repeat  
9 what I said?

10 COMMISSIONER STERTZ: I would, because what you're  
11 suggesting is a marrying together of things that are a  
12 contradiction of trying to do this in a public forum where  
13 we're voting on broad scope changes and we're also as  
14 individuals trying to create reaction and remedies.

15 COMMISSIONER McNULTY: To the extent that we as  
16 individual commissioners are able to propose changes that  
17 would address the ripple effects that would also accomplish  
18 goals that balance the constitutional criteria, I think it  
19 would be important for us as commissioners to propose those  
20 things and that we discuss them as a group.

21 To the extent that commissioners feel ill prepared  
22 to do that, I think it would be important in a public  
23 session to raise the issue and to get feedback from mapping  
24 consultants, from legal counsel, on voting rights issues,  
25 about what things we need to be cognizant of in terms of

1 ripple effects.

2           And then maybe as a group narrow down ways in  
3 which we might approach those ripple effects that might be  
4 acceptable to us.

5           That assuming that as a result of one or the other  
6 of those processes, either a commissioner proposing  
7 adjustments that adjust the ripple effects that are -- that  
8 would if they worked on the map be acceptable to the other  
9 commissioners, and then instruct the mapping consultant to  
10 go ahead and map it. Or conversely, if we are equipped to  
11 make the proposal to address the ripple effects based on the  
12 discussion in the meetings about what the possibilities  
13 might be, then we give direction to the mapping consultant  
14 about which of those possibilities we would like them to  
15 pursue. And then they map it.

16           So that would be my thought about marrying the  
17 process of our individual thoughts with getting the input  
18 from our group and our team and getting a product that we  
19 can look at that we could then accept, reject, further  
20 refine.

21           And, again, my thought is that after we review the  
22 comments, this isn't going to be 1,000 changes. You know,  
23 this is going to be 50 changes.

24           We've got draft maps. They're good maps. They're  
25 sound maps. They're solid maps. A lot of thought went into

1 the maps.

2 That's my perspective.

3 And we can improve them, but that's, that's not  
4 going to create a wholesale new map. That's just going to  
5 be a discrete concrete of set of changes that we would make  
6 to better meet the goals.

7 CHAIRPERSON MATHIS: Any other -- Mr. Stertz.

8 COMMISSIONER STERTZ: So again, Madam Chair,  
9 Commissioner McNulty, what I just heard you say then is that  
10 you are looking for subtle -- subtle map changes because  
11 these are good, solid maps that you feel comfortable with  
12 other than some small, subtle adjustments.

13 COMMISSIONER McNULTY: I think they are good,  
14 solid maps.

15 And I didn't say the word subtle. That's your  
16 word. So I'll just, you know, leave it at what I said.

17 I think I said it twice now. And we can go back  
18 and look at the transcript later on.

19 CHAIRPERSON MATHIS: So getting back to the  
20 schedule, we could meet Monday, Wednesday, Thursday, Friday  
21 of next week. We could meet Wednesday, Thursday, Friday,  
22 Saturday.

23 So what are people's preferences?

24 If you want to start Monday afternoon, we wouldn't  
25 have Mr. Stertz but Mr. Freeman is available in the

1 afternoon.

2 COMMISSIONER McNULTY: I'll be in Phoenix --  
3 coming into Phoenix late Sunday night, and I will be here  
4 Monday. So Monday would be good for me.

5 COMMISSIONER HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 COMMISSIONER HERRERA: I'm proposing Monday,  
8 Tuesday, Wednesday, Thursday, and Friday. And if we -- if  
9 needed, we meet on Saturday.

10 But, again, I can't stress the importance of  
11 meeting every day.

12 CHAIRPERSON MATHIS: Okay.

13 COMMISSIONER HERRERA: As opposed to twice,  
14 three times.

15 CHAIRPERSON MATHIS: On Tuesday I won't be  
16 available, but it looks like Mr. Freeman is available in the  
17 afternoon via Skype.

18 And I am not sure whose turn it is to chair the  
19 meeting of the vice chairs, but if you guys want to go ahead  
20 and meet, that would be great, and we could plan on Monday  
21 through Friday.

22 COMMISSIONER STERTZ: Madam Chair, that's an  
23 interesting question to ask counsel.

24 Roberts Rules in regard to having dual vice  
25 chairs, having two vice chairs as part of our Commission is

1 outside of the original scope.

2 How does Roberts Rules play into having dual vice  
3 chairs?

4 COMMISSIONER McNULTY: Madam Chair, is that on the  
5 agenda?

6 COMMISSIONER STERTZ: No, but I think we were  
7 talking about process and program organization with -- where  
8 the chair has just said that there was not going to be a  
9 availability to chair. I think that is the relevant  
10 question.

11 MARY O'GRADY: Since it's not on the agenda,  
12 commissioners, I don't think we can address that issue  
13 today. But if it wants to go on a future agenda, we're  
14 happy to look into that and discuss that. But I'm happy to  
15 follow up with you later too.

16 COMMISSIONER STERTZ: Okay.

17 COMMISSIONER HERRERA: Madam Chair, I think it is  
18 my turn to chair the meeting. Mr. Freeman chaired the last  
19 meeting.

20 CHAIRPERSON MATHIS: Okay. So if we want to go  
21 ahead --

22 COMMISSIONER STERTZ: Actually according to  
23 schedule, Madam Chair, it's Mr. Freeman would be the next  
24 meeting.

25 COMMISSIONER HERRERA: I don't want to argue with



1 you.

2 COMMISSIONER STERTZ: I'm not arguing with you.

3 COMMISSIONER HERRERA: If that's all you want to  
4 do.

5 COMMISSIONER STERTZ: I'm not trying to argue.  
6 I'm just trying to make sure that this -- this is a level of  
7 confusion about when, when -- what was the last --

8 COMMISSIONER HERRERA: You're confused. I'm  
9 pretty certain it's my turn. You're confused. I'm not  
10 confused.

11 COMMISSIONER McNULTY: Well, it will be easy to  
12 determine from the transcripts, so I don't think there's any  
13 confusion.

14 I'm sorry for interrupting.

15 If it would be easier, if it would help the  
16 mapping consultant -- I agree, more meetings the better.

17 But we could skip Tuesday. I do think we get  
18 tired. We all get tired. And that a day off allows us to  
19 collect our thoughts and look at maps and do homework. And  
20 maybe it would make sense to take Tuesday off and come back  
21 and meet Wednesday, have meeting days Wednesday, Thursday,  
22 Friday.

23 COMMISSIONER HERRERA: I'm in a good mood today,  
24 so Tuesday -- you guys can have Tuesday off.

25 CHAIRPERSON MATHIS: Thank you. Okay.

1           So we're going to meet Monday afternoon then, and  
2 then skip to Wednesday. And that will be afternoon as well,  
3 Wednesday afternoon.

4           Thursday, it looks like afternoon for all five of  
5 us. But if we wanted to start earlier, Mr. Stertz can join  
6 us in the afternoon.

7           And then Friday, we'll decide. We can meet it  
8 looks like all day.

9           How is it for the mapping consultant? Are you  
10 guys available next week?

11           KENNETH STRASMA: Yeah.

12           CHAIRPERSON MATHIS: Okay.

13           KENNETH STRASMA: We'll make ourselves available.

14           And I would like to say that perhaps a Tuesday off  
15 is a good idea. If we have a workday in between, we can  
16 come back with more product. And for the days where we're  
17 meeting in the afternoon, that's good, because that gives us  
18 a half day in addition to keep working on this.

19           CHAIRPERSON MATHIS: Okay. So do you have that,  
20 Mr. Bladine?

21           RAY BLADINE: Can Kristina and I double back and  
22 make sure we have it right?

23           CHAIRPERSON MATHIS: Yes.

24           RAY BLADINE: So we're going to meet Monday,  
25 December 5th, in the afternoon.

1           We're going to take Tuesday off, the 6th.

2           The 7th we're going to meet in the afternoon. And  
3 perhaps start earlier than 1:00, but 1:00 o'clock we know  
4 that Mr. Stertz can join us.

5           Thursday we're also going to meet in the  
6 afternoon.

7           Those will be in Phoenix.

8           CHAIRPERSON MATHIS: That one we could maybe start  
9 earlier, if, you know, if we started at 11:00, we'll see,  
10 but. . .

11          RAY BLADINE: Okay.

12          CHAIRPERSON MATHIS: Looks like everyone is  
13 available. And Mr. Freeman is only available till 5:00.

14          RAY BLADINE: So that would be on Thursday perhaps  
15 start at 11:00.

16          Then Friday would be -- we left that open.

17          CHAIRPERSON MATHIS: We're open.

18          RAY BLADINE: We'll see what --

19          CHAIRPERSON MATHIS: We can start earlier that  
20 day.

21          RAY BLADINE: Okay.

22          COMMISSIONER HERRERA: Madam Chair, when you say  
23 afternoons, is that a 1:30 start time?

24          CHAIRPERSON MATHIS: It depends.

25          So, do we want -- some of these are 1:00 p.m., it

1 looks like, that people are available, like Wednesday.

2 Monday, we could start at 1:00. Does that sound  
3 good?

4 Same for Wednesday.

5 Thursday we may start earlier. We could start at  
6 11:00 and then Mr. Stertz joins us at 1:00 or noon. It says  
7 p.m.

8 RAY BLADINE: Friday.

9 CHAIRPERSON MATHIS: And Friday we could start  
10 earlier.

11 What's good for everybody? In Phoenix?

12 COMMISSIONER HERRERA: We've started our early  
13 ones at 9:00, 9:30.

14 CHAIRPERSON MATHIS: Okay.

15 RAY BLADINE: 9:30.

16 CHAIRPERSON MATHIS: Sounds good.

17 RAY BLADINE: Until when? 9:00 o'clock at night?  
18 Book it until then. You'll never make it, but that's okay.

19 COMMISSIONER McNULTY: 1:00, propose 1:00.

20 RAY BLADINE: I'm sorry?

21 COMMISSIONER McNULTY: I would propose 1:00, give  
22 us a little break over the weekend if we need it.

23 RAY BLADINE: Go to 1:00 o'clock on Friday.

24 Okay.

25 And then Saturday we're leaving alone at this

1 time.

2 Do you wish to go on to another week, or is this  
3 enough for -- and we'll bring it back on the first agenda of  
4 next week.

5 CHAIRPERSON MATHIS: It is on our agenda for the  
6 next two meetings that we can at least talk about schedule  
7 if we need to, or not?

8 RAY BLADINE: I think the answer to that is no,  
9 but if you wanted to carry over this discussion to the next  
10 meeting within 24 hours, you can do that, tomorrow, and then  
11 we could deal with it again this week, but I only posted it  
12 this one time.

13 COMMISSIONER McNULTY: Didn't we just agree on  
14 dates for the following week?

15 I mean, shouldn't we just schedule those?

16 CHAIRPERSON MATHIS: We can do it.

17 RAY BLADINE: We did start, but --

18 COMMISSIONER McNULTY: Let's do it. Let's not  
19 spend our time doing this. Let's schedule them and do maps.

20 CHAIRPERSON MATHIS: Okay. Starting  
21 December 12th, Monday, it looks like there's a pretty small  
22 window of availability.

23 COMMISSIONER HERRERA: That can be an early one,  
24 Madam Chair, 9:00.

25 COMMISSIONER McNULTY: My availability is upside

1 down there.

2 I'm available before 2:00 p.m.

3 CHAIRPERSON MATHIS: Oh, okay.

4 COMMISSIONER McNULTY: Not after 2:00 p.m.

5 I'm the incoming president for an organization,  
6 and I actually have to do that.

7 I can't change that.

8 RAY BLADINE: So that would allow all but one to  
9 meet in the morning.

10 CHAIRPERSON MATHIS: So do we want to start at  
11 9:30, Monday?

12 RAY BLADINE: December 12?

13 CHAIRPERSON MATHIS: Uh-hmm.

14 RAY BLADINE: Until 4:00 o'clock or 3:00 o'clock,  
15 whatever it was, on Mr. Freeman's --

16 CHAIRPERSON MATHIS: 4:00.

17 RAY BLADINE: I think he had 5:00 o'clock, so I  
18 put it 4:00 o'clock here in Phoenix.

19 COMMISSIONER McNULTY: I'll have to leave in time  
20 to be back in Tucson.

21 RAY BLADINE: By?

22 COMMISSIONER McNULTY: By 3:00 o'clock at the  
23 latest.

24 RAY BLADINE: So you'd --

25 COMMISSIONER McNULTY: I'd have to leave by

1 1:00 o'clock.

2 RAY BLADINE: 9:30 to 1:00 o'clock.

3 COMMISSIONER McNULTY: That's just my  
4 availability.

5 COMMISSIONER HERRERA: Madam Chair, would that be  
6 okay if we extended it for another two hours so --

7 CHAIRPERSON MATHIS: Sure. As long as you're  
8 here.

9 COMMISSIONER HERRERA: Is it okay -- so 9:30 to  
10 3:00 or 4:00.

11 RAY BLADINE: Okay. 3:30 as a compromise?  
12 Going once, going twice.

13 Tuesday, December 13th, looks like we could do an  
14 afternoon meeting.

15 CHAIRPERSON MATHIS: I have my regular 1:30  
16 meeting.

17 RAY BLADINE: Oh, I'm sorry.

18 CHAIRPERSON MATHIS: But, and that's in Tucson,  
19 but I can Skype in or whatever on the 13th.

20 I would be available by 3:00 p.m., or we could do  
21 morning.

22 COMMISSIONER McNULTY: Let's just -- I think we  
23 jumped over that. We were going to do Monday, Wednesday,  
24 Thursday of that week.

25 CHAIRPERSON MATHIS: Okay. We won't do Tuesday

1 the 13th, so --

2 COMMISSIONER McNULTY: I had Monday Wednesday,  
3 Thursday checked.

4 CHAIRPERSON MATHIS: Wednesday, it looks like the  
5 only time would be morning. And I have also the meeting  
6 that is at 11:00 a.m., so, I mean, we could meet, I guess,  
7 early for a short time.

8 It looks like afternoon is not available that day  
9 for everybody.

10 So we'll see what Thursday, Friday, Saturday --

11 COMMISSIONER HERRERA: Madam Chair, could we have  
12 a meeting by Skype on the 13th then? I mean, I know that we  
13 want to avoid Tuesdays, but if we won't be able to meet on  
14 Wednesday, which seems likely, let's then meet on the 13th  
15 of December after 3:00 p.m.

16 Can you chair by Skype? Which you should be able  
17 to.

18 CHAIRPERSON MATHIS: Sure. Okay. We can meet at  
19 3:00 p.m., December 13th, Tuesday.

20 It looks like everybody is available.

21 RAY BLADINE: Madam Chair, just while we're  
22 talking about that.

23 If we could somehow work out that the Tucson  
24 people could be in one location and Phoenix in the other,  
25 the Skype will probably work pretty well. When we tried to



1 do more than two locations, technically it has not gone very  
2 well. So we'll try to figure out a location that -- we'll  
3 probably post the meeting at the Phoenix location, but we'll  
4 have a location for the Tucson members to go to, unless you  
5 give us direction otherwise.

6 COMMISSIONER McNULTY: Madam Chair, I suggest that  
7 we just do a telephonic meeting. I don't think Skype adds  
8 that much. And that way we can each be in our offices.

9 We have quorum issues if we meet separately, but I  
10 assume that we do it telephonically from our own locations.

11 CHAIRPERSON MATHIS: Okay. So 3:00 p.m.  
12 telephonic meeting, on the 13th.

13 COMMISSIONER HERRERA: Madam Chair, just to -- we  
14 are able to handle more than a few, if people call in from  
15 different areas, that's not a problem.

16 RAY BLADINE: Madam Chair, Commissioner Herrera,  
17 we can handle -- the phone works fine.

18 We have that -- right, Buck? We don't have  
19 trouble with phone, do we?

20 No.

21 CHAIRPERSON MATHIS: Okay. Wednesday the 14th, it  
22 would only be the morning, so that's not looking good.

23 The 15th.

24 The afternoon of the 15th looks good for  
25 everybody.

1 So should we plan on a 1:00 p.m.?

2 RAY BLADINE: And we'll reserve until 9:00.

3 CHAIRPERSON MATHIS: Sure.

4 The 16th is not looking good unless we meet late  
5 afternoon.

6 But, the 17th?

7 COMMISSIONER HERRERA: Madam Chair, if we meet  
8 Saturday, can we start the meeting early, no later than  
9 9:00?

10 CHAIRPERSON MATHIS: Sure.

11 We'll have to confirm that Mr. Freeman and  
12 Mr. Stertz are available that 17th, at least one of them.

13 COMMISSIONER HERRERA: Did you want to ask  
14 Mr. Stertz?

15 CHAIRPERSON MATHIS: Mr. Stertz, are you available  
16 on the 17th?

17 COMMISSIONER STERTZ: I'll have to check.

18 CHAIRPERSON MATHIS: Saturday.

19 COMMISSIONER STERTZ: As I advised Mr. Bladine, we  
20 left Saturdays open for meetings as they needed to be fit.

21 Sundays were the only ones that we blocked -- that  
22 I blocked solidly closed. So we'll make accommodation and  
23 adjustments as needed.

24 Some of these, some of these dates and times when  
25 you guys work your way through, just let me know and I'll

1 make adequate adjustments.

2 I did want to provide you with my fixed dates and  
3 times of meetings.

4 Madam Chair, while we're developing the dates and  
5 times of these schedules, is there a contemplation that  
6 you're having about what we are going to -- are there any  
7 that we're going to focus specifically on certain issues?

8 For example, I've been thinking a lot about -- I  
9 wrote myself a whole slew of notes over the last week of  
10 what I wanted to speak about today, and one of them was are  
11 we going to look to see -- take a day to really define, for  
12 example, what communities of interest are.

13 Not necessarily a definition of communities of  
14 interest, but defining what some of those communities of  
15 interest might be, as we've been assembling together.

16 As Commissioner McNulty pointed out, she  
17 determined two out of 400 pages that were both communities  
18 of interest.

19 Would we consider taking a day in one of these  
20 that we would be actually drilling down to say, okay, yes,  
21 those would be what we might consider to be communities of  
22 interest and we would not want to split?

23 Or would we want to look at geographic features or  
24 the other -- the other tangible items in the constitutional  
25 criteria and say, yes, we are recognizing that this mountain

1 range is something that we are recognizing, or that this  
2 roadway or this highway is something that we're recognizing,  
3 and pick one of these days for actually crafting some of  
4 those criteria definition?

5 COMMISSIONER HERRERA: Madam Chair, can I answer  
6 real quick, my opinion?

7 We can't even agree on who should be the next  
8 chair after I already said that I would be the next chair.

9 Do you think we're going to agree on a definition?  
10 No.

11 Again, that would be a waste of our time.

12 So if -- this Commission has proven that we can't  
13 agree on pretty much anything, so I would not want to spend  
14 my time doing that.

15 COMMISSIONER STERTZ: Madam Chair, because you  
16 are, you are the swing vote here, it appears as though  
17 there's going to be two Democrats and two Republicans voting  
18 against each other. This is your -- the determination of  
19 these maps are going to be in your hands.

20 So I'm asking you this question about how you  
21 would like to see it. Because I think that from the  
22 public's point of view, they might like to know that their  
23 community of interest is either going to be recognized,  
24 contemplated, or ignored.

25 COMMISSIONER McNULTY: Madam Chair, if I could

1 make a comment on that.

2           As the Supreme Court said, we all, I think, have  
3 our perspective on what a community of interest is, and  
4 that's appropriate and it makes sense.

5           And I think it does make sense for us each to  
6 state that on the record to be very clear about how we  
7 approach that issue. I think I've talked about it a little  
8 bit, and I will talk about it some more.

9           In putting these maps together, we've thought  
10 about that. We've thought about geographic features with  
11 each and every one of the districts that we've developed.

12           So, my perspective is that as I would propose  
13 changes on the maps, that's the context in which I would be  
14 making those comments.

15           And I don't think it's possible to step back and  
16 do an abstract list of communities of interest that we're  
17 all going to agree upon, or productive, but I do think it  
18 makes a lot of sense for us each to talk about how we've  
19 built the maps that we've put out to the public or how we  
20 built maps that we did vote on to put out to the public and  
21 how we think those factors inform each of those maps.

22           So I can see, you know, my explication of how the  
23 maps developed and my thinking was on each of those things  
24 being very different from yours, because you view the  
25 concepts perhaps differently.

1           But I think we both in the days ahead should, as  
2 we propose changes, give that context.

3           COMMISSIONER STERTZ: Well, I'm not -- almost --  
4 I'd like to see the Supreme Court reference that you're  
5 referring to.

6           That you just referred to, so that would be -- I  
7 would like to read that myself to see that, because I'm not  
8 familiar with that opinion.

9           But, again, I'm asking this question is to the  
10 chair, as you're going to be the swing vote on this, what  
11 your opinion is.

12           CHAIRPERSON MATHIS: I guess I don't see a state  
13 constitutional criteria day for each of the constitutional  
14 criteria.

15           I see a -- since they all have to be balanced  
16 equally and considered equally, we will be talking about  
17 each of them throughout these -- any adjustments that we --  
18 any of us suggest to the map.

19           I think all the criteria need to be factored in as  
20 we make adjustments, just as we did in the creation of draft  
21 maps.

22           So that's I kind of how I see it happening is it  
23 will unfold and each of the constitutional criteria will be  
24 discussed with each proposed change.

25           COMMISSIONER HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 COMMISSIONER HERRERA: Also, when we were creating  
3 the draft map, I think Ms. O'Grady did a really good  
4 recommendation that any proposed recommendation that we made  
5 to any draft map, we incorporate the six criteria.

6 And I think we did that.

7 I think we did -- at least I did. I know  
8 Commissioner Freeman did. I know Commissioner McNulty did.  
9 Where we were making the changes to the map and we were  
10 talking about how this affects communities of interest, how  
11 this affects competition, how this affects boundaries.

12 So we were doing a pretty good job of keeping that  
13 in mind any time we were making a change, the six criteria,  
14 before -- keeping those in mind when we were making changes.

15 So, but, again, I don't disagree with  
16 Commissioner McNulty. If we each want to state what it  
17 means to us, that's fine.

18 But, again, coming up with a consensus is probably  
19 not going to be productive at all.

20 COMMISSIONER STERTZ: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Stertz.

22 COMMISSIONER STERTZ: Well, one of the criterias  
23 that we will need to contemplate on an ongoing basis is the  
24 Voting Rights Act.

25 Correct?

1           That is one of the six criteria, that will be --  
2 that will need to be contemplated on an ongoing basis.

3           So that being said, now that our schedule, and if  
4 we are having open, we should probably move to the next.

5           COMMISSIONER McNULTY: That's a very good segue.  
6 I agree with that. Let's move on.

7           CHAIRPERSON MATHIS: So, we're done with  
8 scheduling. We're through December 17th at least.

9           RAY BLADINE: Yes, ma'am. We'll follow up with  
10 details. Thank you, all.

11           CHAIRPERSON MATHIS: Great. Thanks a lot.  
12 Okay. It's about time for a break.

13           It's 3:06 p.m.

14           Let's take a ten-minute recess, and we'll be back  
15 shortly.

16           (Brief recess taken.)

17           CHAIRPERSON MATHIS: The time is 3:26 p.m., and  
18 we'll conclude recess and enter back into public session.

19           We're on agenda item four, discussion of voting  
20 rights analysis of draft congressional and legislative  
21 districts and benchmark districts, presentation by Strategic  
22 Telemetry and legal counsel.

23           So I'm not sure who wanted to go first on this.

24           KENNETH STRASMA: I will, Madam Chair.

25           CHAIRPERSON MATHIS: Okay. Mr. Strasma.



1           KENNETH STRASMA: Can people hear me?

2           Marty is shaking his head, so I will hold the  
3 microphone.

4           Some people were talking to me during the break  
5 about how racially polarized voting analysis and this whole  
6 field is often like speaking a foreign language.

7           With that in mind, I wanted to start by explaining  
8 some of the concepts and some of the terms that I think  
9 people often hear tossed around and that we should take  
10 the time to establish what exactly is meant by some of  
11 these.

12           Once, once we've gone over that, then I'll  
13 describe the methods that we use to calculate all these  
14 different measures we're looking at, give you an overview of  
15 the status, both of the existing legislative district  
16 benchmarks, and I'll get into describing that term as well,  
17 and also the analysis of the draft maps.

18           And then I'll turn over to Mr. Adelson for more of  
19 the discussion about what DOJ looks like and the steps that  
20 we're going to need to do to prove that these new districts  
21 are effective minority voting rights districts in our DOJ  
22 submission, which is a significant step that has to take  
23 on -- take place even after the final maps are approved.

24           Racially polarized voting analysis is necessary in  
25 order to determine whether or not there is polarized voting,

1 and to what extent, and levels of cohesion in minority  
2 voting, and levels of crossover vote.

3 And to define these different terms, polarized  
4 voting means that the minority community in a given district  
5 supports a different candidate for the non-minority voters  
6 or supports their candidate of choice at a different rate  
7 from the non-minority voters.

8 One of the first steps is to establish whether or  
9 not there is racially polarized voting.

10 And it -- that was easily established in the case  
11 of Arizona. Yes, there is racially polarized voting.

12 It is to different degrees in different, different  
13 districts.

14 But that first test, whether or not it exists,  
15 which then governs whether or not we need to draw these  
16 voting rights districts, that is clear, yes, there is  
17 racially polarized voting. So we do have the requirement  
18 that we draw voting rights districts and that we prove to  
19 the Department of Justice that there has been no  
20 retrogression.

21 The retrogression means that we have not reduced  
22 the number or quality of the minority districts.

23 So we need to create the same number that existed  
24 before and we cannot make any of them any worse than they  
25 were before in terms of their ability to elect a minority

1 candidate of choice.

2           The term candidate of choice, that's another one  
3 of those terms that gets tossed around a lot.

4           In many cases the candidate of choice for a given  
5 racial or origin group, being Hispanic or Native American,  
6 as is generally the case in Arizona, will be a candidate of  
7 that same race or origin, but not always. Sometimes it can  
8 be demonstrated through the analysis that a White candidate  
9 was the candidate of choice of a Hispanic community or  
10 vice versa that a Hispanic candidate was not the candidate  
11 of choice of the Hispanic community.

12           So that's why that term is used, candidate of  
13 choice, rather than just to say support for the Hispanic or  
14 the Native American or other minority candidate.

15           The other term that I mentioned that I wanted to  
16 define are cohesion. That's the degree to which the  
17 minority community votes together.

18           When we've gone through and done this analysis,  
19 generally speaking in these voting rights districts, the  
20 minority communities will vote in the high 60s, 70s, even  
21 80s for their candidate of choice, showing a large degree of  
22 cohesive voting or cohesion in the minority community, which  
23 is one of the things we look for.

24           Another term that I wanted to define is crossover.

25           That's the degree to which the White population,

1 the non-minority population, supports the minority  
2 community's candidate of choice.

3           There are -- there is probably greater variation  
4 in the level of crossover voting in Arizona than there is in  
5 the level of cohesion among minority candidates.

6           There are a number of districts where the  
7 non-minority population is supporting the minority  
8 community's candidate of choice and a number where they  
9 aren't, but the population is such that the minority  
10 community is able to elect their candidate of choice despite  
11 the fact that non-minorities are voting for a different  
12 candidate.

13           So given that terminology and what our task here  
14 is, that we need to demonstrate -- we need to draw districts  
15 that are not retrogressive and then we need to be able to  
16 demonstrate that, prove that to the Department of Justice.

17           So we need to conduct an analysis that allows us  
18 to determine all of these things: Cohesion, crossover,  
19 turnout, et cetera.

20           And we run up against the problem of the secret  
21 ballot.

22           We don't know who anyone voted for.

23           So we have to use a number of different techniques  
24 to try to estimate the different levels of turnout among  
25 different communities and the different levels of support

1 for the minority communities' candidates of choice.

2           There are a number of techniques that have been  
3 used to do this.

4           This is my third decade of redistricting cycles,  
5 and the state of the art has changed each time.

6           When I first was doing this 20 years ago, there  
7 were just basically two techniques used, which I'll talk  
8 about in just a moment: Homogenous precinct analysis and  
9 regression analysis.

10           There is a new technique that was introduced in  
11 1997, which is generally what's used and preferred, called  
12 ecological inference.

13           We'll be discussing all of those.

14           But, first of all, let's look at the question of  
15 homogeneous precinct analysis. That's just a fancy term for  
16 looking at a precinct that's all one race or origin.

17           So, you know, although I say because of the secret  
18 ballot we're not able to know how individuals voted, how --  
19 to what degree they supported a particular candidate, if you  
20 had a precinct that was 100 percent Hispanic, you know for a  
21 fact that whatever the percent that the Hispanic candidate  
22 got, that precinct got, is the percent of the Hispanic vote  
23 that they got, because it's 100 percent Hispanic.

24           So in a very small subset of precincts, you might  
25 be able to know for a fact what those votes were.

1           Generally speaking you're not going to see a  
2 precinct that's 100 percent one race or one group, so  
3 typically people will use 90 percent plus as the threshold  
4 for that level of analysis.

5           That's one of the first and quickest levels of  
6 analysis that we did, looking at any precincts that were  
7 more than 90 percent Hispanic or Native American. There are  
8 no 90 percent plus African American precincts in Arizona, so  
9 those we didn't look at.

10           And we did find in those precincts very large  
11 levels of cohesion, with 70 and 80 percent support for the  
12 minority communities' candidates of choice in statewide  
13 elections from 2004 through 2010.

14           Now, that confirmed what anyone would have  
15 believed and suspected, but isn't sufficient by itself.

16           For one reason is because there aren't that many  
17 precincts that are 90 percent or more of one particular  
18 group.

19           There are only, I believe, 18 90-percent plus  
20 Hispanic precincts in the state and somewhere under  
21 100 Native American homogeneous precincts.

22           So, they're not sufficient by themselves to be the  
23 backbone of the analysis.

24           And the further problem is it's demonstrated that  
25 voting behavior of groups that live in heavily segregated

1 areas is different from voters that are in more integrated  
2 areas.

3 A Hispanic living in a 90 percent plus Hispanic  
4 precinct is likely to vote differently from Hispanics living  
5 in a 50 percent Hispanic precinct across the street.

6 Because that's been established, we need to go a  
7 couple levels further in this analysis and look at both by  
8 regression analysis and also ecological inference analysis.

9 Describing how the regression analysis works in  
10 order to estimate this question that's not entirely  
11 knowable, what we do is we start looking at the statewide  
12 voting results precinct by precinct.

13 On this graph we're seeing turnout across the  
14 vertical axis, the percent of the voting age population  
15 that's voting.

16 And across the bottom we see the percent that is  
17 Hispanic.

18 So if you see down by the red map of Arizona in  
19 the number two on the lower right-hand corner, that is --  
20 would be 100 percent Hispanic, zero percent voting.

21 Up at the top right would be 100 percent Hispanic,  
22 100 percent voting.

23 Each one of the blue dots represents an individual  
24 precinct in the state.

25 So for each precinct, although we don't know

1 individual votes because of the secret ballot, we do know  
2 the two things for the precinct at large.

3           We know its racial competition from the census,  
4 and we know its turnout and candidate support from election  
5 results.

6           So we're able to graph all of those precincts.  
7 Each precinct is one specific point on the graph. Where we  
8 know both its percent Hispanic and its percent turnout.

9           Once that's known, we would be able to see a  
10 pattern emerge, that it becomes fairly clear that the higher  
11 the percent Hispanic, the lower the turnout.

12           It's not a perfect straight line, but it is a  
13 fairly obvious pattern. And we can use what's called  
14 regression analysis to find the line that best fits all of  
15 these blue dots.

16           And I don't, I don't want to stray too much  
17 farther into the foreign language, but it's just a process  
18 of least squares, taking the square root of the distance  
19 from the line to each dot, and there's a mathematical  
20 formula that allows you to find the line that best fits all  
21 of those dots.

22           So, this has been an established technique that's  
23 been used since the 1950s for this sort of electoral  
24 analysis. And it's very commonly been used in redistricting  
25 court cases.



1           But it has its own problems.

2           Regression analysis often leads to logically  
3 impossible results.

4           You can take -- calculate the best fitting line,  
5 and it will tell you that negative 15 percent Hispanic  
6 population voted for the White candidate or 110 percent of  
7 the African Americans voted for a particular candidate.

8           Results that are statistically correct, they're  
9 the best fit for all the blue dots, but that obviously can't  
10 be true.

11          So that's one of the, one of the problems with  
12 this sort of analysis by itself.

13          The second chart was just showing the same  
14 analysis for turnout in the gubernatorial election.

15          And you can see, if anything, the pattern was  
16 slightly more striking in the lower turnout non-presidential  
17 year election, that is as the percent Hispanic went up in  
18 the precinct, its turnout went down.

19          There's another method known as the method of  
20 bounds, which is sort of a variation on homogeneous precinct  
21 analysis.

22          I described how in a homogeneous precinct analysis  
23 we would look at a precinct that was almost 100 percent of  
24 one group or another, at least 90 percent or more. But you  
25 can still calculate ranges of possible answers for precincts

1 that aren't that polarized or aren't that segregated  
2 racially.

3           Take, for example, a precinct, and I apologize for  
4 anyone who did not expect story problems today, but we'll  
5 try to work through this as easily as possible.

6           In the sample precinct, 40 percent electorate is  
7 Hispanic, 40 percent is non-Hispanic.

8           If we know that the Hispanic candidate,  
9 candidate A, got 35 percent of the vote, what percent of the  
10 Hispanic vote did candidate A receive?

11           We do not have enough information to answer that  
12 question with what's up on the screen here.

13           However, if we say, if the Hispanic candidate got  
14 a certain percent, then with that information we can  
15 calculate what percent the non-Hispanic vote must have been.

16           And that allows us to narrow the range of possible  
17 outcomes.

18           You'll see here, the first column, Hispanic  
19 support for candidate A goes from five percent to  
20 100 percent. And at each different support level, we can  
21 calculate the percent of non-Hispanic vote that the Hispanic  
22 candidate must have received in order to account for the  
23 outcome of the precinct.

24           Remember that the precinct's racial composition  
25 and its vote is known, even though how individual voters

1 voted is not.

2           And you'll see the percent for candidate A at the  
3 far right column, set at 35 percent, because we know that's  
4 what the candidate got in this precinct.

5           And so at five percent Hispanic support for  
6 candidate A, we know that the non-Hispanic White vote would  
7 have had to have gone 55 percent for candidate A in order to  
8 yield that 35 percent result.

9           If we were to, say, jump down to the middle where  
10 it's saying 50 percent of the Hispanic vote went for  
11 candidate A, that tells us that only 25 percent of the  
12 non-Hispanic White vote would have had to have voted for  
13 that same candidate to yield 35 percent precinct-wide.

14           Then an interesting thing happens with the last  
15 three rows, 90, 95, and 100 percent. There is no percent of  
16 the non-Hispanic White vote that yields that result.

17           This tells us that the Hispanic support level  
18 cannot have been 90 percent or above.

19           And so that's why this is called the method of  
20 bounds. It gives us the boundaries of the possible racial  
21 vote for different groups in each precinct.

22           Now, by itself, in this individual precinct, that  
23 doesn't tell us too terribly much.

24           I mean, it's gone from zero to 100 to zero to 90  
25 as possible, possible votes.

1           But when we start to combine all the precincts in  
2 a district together, then we're able to piece together more  
3 pieces of information that allow us to make an estimate for  
4 the district overall.

5           This chart here represents all of the precincts in  
6 Congressional District 7.

7           Each line is one precinct, and each line  
8 represents the range of possible levels of support for the  
9 Hispanic candidate.

10           Thinking back to the chart I was showing before,  
11 where we know at any level of support by Hispanic voters,  
12 there's one and only one level of support by non-Hispanic  
13 voters that is possible.

14           That means that instead of a point we've got a  
15 line of all the possible votes for any one precinct.

16           So every precinct in the congressional district  
17 shows up here as a line.

18           They are color-coded based on whether or not they  
19 are 65 percent plus or any particular racial category.

20           So anything that is light blue, you'll see some  
21 towards the upper right of this chart, those are 65 percent  
22 plus Hispanic districts.

23           The light green are 65 percent plus White  
24 districts.

25           And then the black ones are mixed, that there's no

1 group that has 65 percent or more for a particular  
2 candidate.

3           You may notice over towards the left-hand side of  
4 the chart there is a thicker light green line, so that is  
5 because it's light green we know that that's a precinct that  
6 is 65 percent or more White.

7           And the range of possibilities is fairly narrow.  
8 I think it's somewhere between three and eight percent, the  
9 possibilities that that -- or the possible support level for  
10 this Hispanic candidate that came from White voters in that  
11 precinct.

12           We can tell that because that line starts at  
13 around three percent, on the horizontal axis up at the top  
14 and goes down to just about eight percent.

15           In terms of the Hispanic vote in that --  
16 represented by that line, it's anywhere between zero and  
17 100. The Hispanic vote could have been anywhere between  
18 zero and 100 and still explain the outcome of that  
19 particular precinct.

20           Now, again, as I in the example precinct that I  
21 discussed earlier, that's not that much or terribly useful  
22 information.

23           But when we begin to lay these lines all down on  
24 top of each other, we begin to see something. They're not  
25 evenly spaced. It's not a grid. It's not a screen door

1 pattern.

2           There is an area where most of the lines begin to  
3 intersect, and you'll see that that's in the upper left-hand  
4 corner.

5           Everywhere on one of these lines is the  
6 statistical estimate of the most likely vote.

7           And that plus one confidence interval, the likely  
8 prediction, is shaded in yellow.

9           And so you'll see that the yellow in the upper  
10 left, that indicates that there is racially polarized voting  
11 in this district, that the more White the precinct the less  
12 support there is for the Hispanic candidate, and the more  
13 Hispanic the population of the precinct the higher the level  
14 of support for the Hispanic candidate.

15           So the estimate for the overall Hispanic support  
16 for the Hispanic candidate in this precinct will be  
17 generally in the center of that yellow area where most of  
18 the lines begin to intersect.

19           The purpose of this chart, this doesn't give us  
20 the answer by itself.

21           This illustrates the pieces of information that  
22 went into this analysis. So we know that we're getting more  
23 information than we would have from either homogenous  
24 precinct analysis or regression analysis or the method of  
25 bounds by itself.

1           But it also illustrates that we don't know.  
2 There's not a single star or plus sign on that chart that  
3 tells us exactly what the vote is.

4           We are able to make a very good educated guess as  
5 to where the vote is, but these are all just estimates.

6           And so in the analysis when you see estimate,  
7 that's why, because of secret ballot, and we don't know for  
8 sure.

9           But through this technique we are able to come up  
10 with estimates for both turnout and candidate support by  
11 different racial categories.

12           Down along the left-hand column, you'll see the  
13 different racial categories, White, Hispanic,  
14 Native American, African American, and other.

15           And the next column shows their estimated turnout  
16 level.

17           There's a two-step process here.

18           First, estimated turnout has to be calculated for  
19 each one of these groups.

20           Because the groups do not turn out in the same  
21 proportion, so they're not -- their share of the electorate  
22 is not the same as their share of the voting age population.

23           And so you'll see here for Congressional  
24 District 7, the estimated non-Hispanic White turnout is  
25 36 percent and the estimated Hispanic turnout is 19 percent.

1           So there is higher White turnout than there is  
2 Hispanic turnout.

3           Looking at the third column, the Hispanic  
4 candidate support levels, and then reading across the top  
5 row, White, shows us a 29 -- an estimated 29 percent of the  
6 non-Hispanic White voters supported the Hispanic candidate,  
7 compared to 67 percent supporting the White candidate.

8           The next line down, you'll see the reverse of that  
9 pattern, or 79 percent of the Hispanic voters are estimated  
10 to support the Hispanic candidate compared to 17 percent  
11 supporting White candidates.

12           So that shows us two key things that we're looking  
13 for.

14           One, a large level of cohesion in the minority  
15 voters. They are voting at 79 percent for their candidate  
16 of choice.

17           So it is a cohesive vote.

18           And also a large measure of polarization. That  
19 the Hispanic community was supporting a different candidate  
20 from a non-Hispanic White community. And if the Hispanics  
21 were not voting in this district, the outcome of the  
22 district would be different from what it was.

23           This was a very close election.

24           Grijalva's election in 2010 where he won just  
25 50 percent of the vote in a three-way race, about a



1 five percent margin of victory. And so you'll see that,  
2 that 79 percent vote among the Hispanic population was  
3 necessary in order for him to be elected. And the other  
4 candidate would have been elected had it only been the  
5 non-Hispanic White population voting in this district.

6 This analysis, that sits on the table, exists for  
7 all of the, all of the existing minority districts, both  
8 congressional and legislative, existing districts and the  
9 draft districts.

10 There is a copy in the packets.

11 And I know legal counsel wanted check with the  
12 Commission first about making this available publicly,  
13 because right now it is legal work product.

14 The draft that we sent out earlier a few weeks ago  
15 has a few minor changes. We've been editing and checking  
16 the list of minority candidates, and so for a few districts  
17 a number of candidates has changed.

18 You'll also note that in your handouts there is a  
19 big water mark that says draft across these. This study  
20 will continue to say draft until the point of our submission  
21 to DOJ. We will be continually adding more information,  
22 more analysis, in order to do this. First, to make sure  
23 that we're drawing districts that are not retrogressive and,  
24 second, proving that fact.

25 The second point about proving that fact, that's a

1 process that we'll continue after the plans are adopted up  
2 until the point of the submission goes to DOJ.

3 I want to turn it over to Bruce in just a couple  
4 minutes for more on the detail as to submission and what  
5 exact actually we do have to do.

6 I want to give you some highlights. I won't go by  
7 district through this right now. But generally speaking  
8 the congressional plan is refreshingly simple compared to  
9 the legislative plan.

10 There are two existing benchmark minority  
11 districts, one in Maricopa County and one in southern  
12 Arizona.

13 And there have been two generally in the same  
14 areas created in the draft plan.

15 To illustrate the very different types of voters  
16 that have to be analyzed for this process and why we're not  
17 able to simply say a district must be 54 percent or higher,  
18 some threshold like that.

19 In Maricopa County, the Hispanic turnout is much  
20 lower than it is in the southern district, in both the  
21 draft -- the existing and draft plans.

22 But, that's compensated by greater crossover  
23 votes.

24 The non-Hispanic White voters in Maricopa County  
25 are much more likely to be supporting a Hispanic candidate

1 than are the non-Hispanic White voters in the southern  
2 congressional district.

3           The southern congressional district, there is more  
4 polarization, less White crossover, but it's compensated for  
5 by the fact that there is higher Hispanic turnout in that  
6 district.

7           So that it gives a sense of the sort of nuance  
8 that exists in these different districts, things that have  
9 to be looked at fairly clearly.

10           We were able to create the same number of  
11 districts at the same level of effectiveness. And the --  
12 and we'll be continuing analysis for the DOJ submission that  
13 will prove that fact.

14           On the legislative plans, there, of course, are  
15 more districts, ten benchmark districts that we are looking  
16 at creating districts that are as good or better and the  
17 same number.

18           There is -- I know many of you who have been  
19 following this have been paying attention to what's been  
20 going on in Texas with objections to that plan. And that  
21 has been very instructive for us looking at what DOJ is  
22 looking at.

23           One of the things that Bruce will address in  
24 greater detail is the question of when you move minority  
25 voters from a district where they did not have previously

1 have the ability to elect a candidate of choice.

2           There's nothing wrong with that. It just puts a  
3 greater burden of proof on us when we submit that plan to  
4 demonstrate that those voters are able to turn out and  
5 elect a candidate of choice as effectively as voters who  
6 might have come from a different district that had been  
7 able to elect their candidate of choice in the previous  
8 election.

9           In terms of what this analysis tells us about what  
10 we need to do going forward, I think this ties in very  
11 nicely with our conversation earlier this morning or this  
12 afternoon about the process.

13           There are some general guidelines that are very  
14 easily taken into account, and there are some situations  
15 that call for a longer analysis.

16           The level of analysis that's in the report that  
17 you have in your packets takes probably several weeks.

18           So we anticipate doing this again after the plans  
19 are solidified. Before the DOJ submission, we're going to  
20 have to have a similar level of analysis.

21           Knowing that it's likely that minority districts  
22 are going to be changed, we want to keep some general  
23 guidelines in mind doing those changes, assuming that we're  
24 talking about earlier today prompts the Commission to make  
25 some changes. When those changes affect minority districts,

1 I'm sure that you're -- there will be more than the  
2 three guidelines that I'm going to suggest, but I would  
3 suggest one, a hippocratic oath version, first do no  
4 harm, trying not to make the minority percent less in a  
5 district.

6           There may be cases where we can determine that we  
7 can without affecting ability to electric, but there's also  
8 a caution flag, a yellow flag, that if we're making a  
9 minority percent less in any district, we need to do  
10 analysis to make sure that we have not made less the ability  
11 to elect, which is the legal standard.

12           A second point is if -- to the extent possible if  
13 we can choose to underpopulate minority districts, that is  
14 acceptable as long as the population deviation overall is  
15 within the acceptable range, and we talked about being well  
16 within plus or minus five percent.

17           There's two reasons for this. One, because that  
18 population range is acceptable, that makes it more possible  
19 to create effective minority districts. Also, because of  
20 the rapid growth in Hispanic population, it is likely that  
21 underpopulation will be corrected for by population growth  
22 before the decade is over. In fact, in some districts  
23 probably by the time these lines are first used in the 2012  
24 elections, districts that were underpopulated based on the  
25 2010 census will be ideally overpopulated.

1           The third of these pieces of advice is based on  
2 what I mentioned about what we've been seeing about Texas,  
3 voters that come from districts that were not previous  
4 minority ability to elect districts. Other things being  
5 equal, it's better to move population from districts that  
6 had the ability to elect before. Not because that  
7 necessarily guarantees that they have a greater ability, in  
8 fact, ability to elect, but because it lessens the burden of  
9 proof.

10           We just have to do a larger set of analysis to  
11 prove the effectiveness of those voters if we're taking  
12 voters from districts that did not have the ability to elect  
13 before.

14           Obviously because of population growth, it's  
15 impossible to create these ten minority districts without  
16 taking some population from areas that were not previous  
17 minority districts, but we have to keep in mind that we have  
18 a greater burden of proof and level of analysis that we'll  
19 have to do for those voters.

20           And that will be an ongoing process as we're  
21 adjusting these maps.

22           And I know Mr. Adelson can provide much more  
23 detail on the nitty-gritty of what DOJ is going to be  
24 looking at and what we're going to have to provide in terms  
25 that.

1           JOSEPH KANEFIELD: Madam Chair, before I turn it  
2 over to Bruce, I want to make one quick note to follow up on  
3 what Mr. Strasma mentioned about the racially polarized  
4 analysis prepared for the Commission.

5           I'm sorry, let me repeat that.

6           I wanted to follow up on something that  
7 Mr. Strasma noted with respect to the racially polarized  
8 voting analysis prepared for the Commission that we'll be  
9 discussing in more detail.

10           This, this analysis technically was prepared at  
11 the request of counsel and was done through the coordinated  
12 effort of Professor King and Mr. Strasma.

13           Technically it's attorney work product. However,  
14 the Commission is free to release it, recognizing that it is  
15 a draft and it is a work in progress, and that the team, the  
16 legal team and your mapping team, continue to review the  
17 analysis and will be building upon it. Also it will of  
18 course change as the Commission makes adjustments to the  
19 map.

20           So with that having been said, we will assume it's  
21 the consensus of the Commission that this information can be  
22 made public.

23           We would again caution the public to understand  
24 that it is a work in progress and it is a draft and will  
25 continue to be refined as further analysis is done.

1           BRUCE ADELSON: Thank you.

2           And on that note, Madam Chair, members of the  
3 Commission, it's my pleasure to be in Arizona again and to  
4 be meeting with you.

5           And to follow up a little bit on what Mr. Strasma  
6 is saying, or was saying, is what underlies all of this, and  
7 I know it can be very complex and complicated, the reason  
8 that we're talking about this is because the Department of  
9 Justice will do all of these analyses.

10           It's very important to remember that under  
11 Section 5, the Commission, state of Arizona, has the burden  
12 of proving that whatever plan you adopt is  
13 non-discriminatory.

14           You have to prove that.

15           In order to prove that, we need to have the I's  
16 dotted and the T's crossed, so to speak, and the analysis to  
17 back up whatever our contentions are.

18           Nine years ago when we did the objection to the  
19 legislative plan, we determined that the state had not met  
20 its burden and could not prove certain of its assertions.

21           It's not up to the Department of Justice to prove  
22 it. It's up to the state.

23           And we determined nine years ago that the state  
24 could not do that.

25           So taking that into account, it's very important



1 to do analyses of a myriad elections in order to determine  
2 that there's no retrogression under Section 5.

3 That, as Mr. Strasma said, minority voters are not  
4 put in a worse position as far as the ability to elect than  
5 they have demonstrated over the last decade and as they have  
6 now.

7 That's, that's -- just it is a very essential  
8 point.

9 The point too that often, as I like to think of  
10 it, analysis leads to other analysis, because certain  
11 analysis can suggest other conclusions, other issues, or  
12 other concerns that have to be addressed.

13 And the point that Mr. Strasma made I think is  
14 very important concerning moving minority voters from  
15 districts where they cannot elect now into districts that we  
16 are representing to the Department of Justice at some point  
17 as majority-minority districts. The burden, in my opinion,  
18 is higher because these are voters who have -- right now are  
19 not electing minority candidates of choice.

20 That doesn't mean, as Mr. Strasma said, that  
21 there's anything wrong with that. To the contrary, there is  
22 nothing wrong with that. But we must prove that by doing so  
23 we are not damaging minority voters' ability to elect who  
24 they want.

25 Nine years ago we determined that that was a

1 significant issue with the legislative plan as it stood at  
2 the time.

3           Given what's been happening recently in  
4 redistricting and certainly what's happening in the  
5 preclearance case of the United States versus Texas, that  
6 has been an issue in that case, and I think that's an issue  
7 here in the sense that we need to have our questions  
8 answered.

9           Because the underlying theme for all of this is  
10 whether there are questions that we have, the Department of  
11 Justice will have.

12           If we cannot answer the questions, then the  
13 Department of Justice will object.

14           Nine years ago we gave the state two opportunities  
15 to answer our questions, and we determined that the state  
16 couldn't do that.

17           So it is -- I know sometimes it can seem  
18 counterintuitive in a sense, but it is a 100 percent burden  
19 of proof on the state to show that what the state is doing  
20 is okay.

21           And that's not necessarily true in other aspects  
22 of things that we may do, but it is here.

23           And I take Mr. Strasma's point, and I agree with  
24 him that the burden is higher when you're moving population  
25 from a district where they cannot elect into a district

1 where we're saying they can.

2           So that the process is a very data intensive,  
3 analytically intensive process. And, again, that is so that  
4 we can meet our burden, and that this time around the  
5 Department of Justice does not have questions that the state  
6 can't answer, and that the Department of Justice preclears  
7 what the commission eventually adopts.

8           COMMISSIONER McNULTY: May I ask you a question at  
9 this point?

10           Ken talked about the fact that we need to prove  
11 there's been no retrogression in the number or quality of  
12 minority districts.

13           You've just said that the burden is higher if that  
14 minority district is comprised in part of voters that we've  
15 moved from another district.

16           Tell me exactly what it is that we need to show  
17 about those voters.

18           Do we need to segregate them out and show that  
19 they are contributors?

20           If we have a district that we can show has not  
21 retrogressed, that it is of the same quality, what is  
22 different in the analysis as a result of the fact that it  
23 includes some voters from another district?

24           BRUCE ADELSON: Well, Madam Chair,  
25 Commissioner McNulty, I think that that's a great point.

1           Look at it in the sense of answering questions  
2 before you have to answer anyway, looking at the minority  
3 turnout, minority registration rates, electoral performance  
4 over a period of time.

5           The issue of bringing minority voters who can  
6 elect, who cannot elect now, into a district where we're  
7 saying they can, has been the traditional question for the  
8 department. Because let's just imagine that if you take --  
9 you can create districts, all of which consist 100 percent  
10 of minority voters right now can elect, really don't have an  
11 issue, because they are performing pursuant to Section 5,  
12 they are electing the candidate of choice.

13           But as Mr. Strasma said, that's physically  
14 impossible given population growth.

15           So looking at the mixture of people right now can  
16 elect, and included in that a group of people who cannot, we  
17 need to look at their turnout in the districts, where  
18 they've been. We need to look at how they voted in certain  
19 elections, like, let's say, for example, the presidential  
20 election in 2008, typically a higher turnout election, where  
21 there was a minority candidate on the Democratic Party  
22 ballot, to see if that might have changed the election  
23 behavior or may be an indicator of certain electoral  
24 behavior.

25           So one of the reasons that I say there's a higher

1 burden is that's based on my experience and what we did  
2 nine years ago.

3           When we saw something like that, we put a big  
4 circle around it, and said, we have to be -- let's see what  
5 the state says, let's see how the state proves that this  
6 20 or 30 percent group of voters from the district that  
7 cannot elect can do so now.

8           One thing that can be misleading sometimes with  
9 redistricting, if we look at numbers, 60 percent,  
10 65 percent, 80 percent minority voting age population, those  
11 numbers may indicate that a district is viable where  
12 minorities can elect.

13           However, this is much more than a numerical  
14 exercise.

15           That's one of the things that came up in the Texas  
16 case.

17           In the D.C. -- the federal court in the District  
18 of Columbia determined that in the preclearance suit, the  
19 method of analyzing elections that the state of Texas used  
20 was improper.

21           The court found that that was a numbers-based  
22 process, where you say 60 percent they can elect, 65 they  
23 can elect, but 52 they can't.

24           It's possible that all of that is true, but as  
25 Mr. Strasma said, and I certainly concur with this, we must

1 have analysis to prove that.

2           The analysis may very well prove that.

3           On the other hand, it may suggest other areas that  
4 we have to look at.

5           So my view of this is I tend to be more cautious  
6 with redistricting in a Section 5 state than I might be in  
7 other matters involving federal election law and voting  
8 rights law, because the department looks at so many issues.  
9 And there are so many things that I think in an abundance of  
10 caution, to get that elusive preclearance, we need to have  
11 answers to, because we certainly -- I certainly recommend  
12 that we not be in the position that after a submission is  
13 made and the department calls us and says you created this  
14 district, it has 30 percent of voters from a district that  
15 can't elect, how can you prove to us that this is a viable  
16 majority-minority district.

17           The answer is not just a numerical one.

18           The answer is on Page 3 we talked about turnout,  
19 on Page 4 we talked about registration, on Page 5 we  
20 indicated electoral performance over a series of elections.

21           And then the department said, well, we must have  
22 missed that, thank you very much.

23           Because that's not -- that, that is a conversation  
24 that internally the department will have in their checklist  
25 and say, okay, the analysis plays out, what they're

1 representing seems to be accurate, we did our own analysis,  
2 the analysis shows the same thing, this district looks okay,  
3 let's go to the next one.

4 So does that get to what you were interested in?

5 COMMISSIONER McNULTY: So, the additional level of  
6 analysis that we would do for the 30 percent, we wouldn't  
7 necessarily do for the 70 percent that were in an affected  
8 district before? Is that -- so the 2008 presidential  
9 primary, we're going to be doing that analysis for the  
10 30 percent, where we might not need to do that -- we might  
11 be able to do the Manny Cruz index, for example, for the  
12 70 percent, because we've already convinced Justice  
13 ten years ago that that was a performing district.

14 BRUCE ADELSON: That is, that is conceivable.

15 I think that there's more uncertainty with the  
16 30 percent than the 70 percent.

17 If you look at certain benchmark legislative  
18 districts today, like, for example, District 14.  
19 District 14 has demonstrated the ability to elect.

20 So if we're taking voters from 14, we don't have  
21 to prove to the same extent we do with a district where  
22 voters cannot elect right now that that ability continues.

23 Because the point with Section 5 is you can't  
24 reduce the ability. You can maintain the status quo, and  
25 you can, which is usually my recommendation, improve a

1 district and make it stronger. You just can't make it  
2 worse.

3 CHAIRPERSON MATHIS: We'll take a quick break  
4 while we reboot.

5 (Brief recess taken.)

6 CHAIRPERSON MATHIS: Okay. The computers  
7 rebooted. It's 4:14 p.m.

8 And I think Mr. Stertz was mid sentence.

9 COMMISSIONER STERTZ: I'll start, I'll start over.

10 Mr. Adelson, several questions. When the draft  
11 maps were approved, we were using, as Ms. O'Grady used the  
12 phrase, down and dirty Cruz test to use as our, as our  
13 analysis.

14 And there were two -- there were ten  
15 majority-minority districts that were part of legislative  
16 analysis.

17 The -- there was a lot of discussion that took  
18 place, particularly from Commissioner Herrera, talking about  
19 not wanting to have a tenth district or keeping the ninth  
20 district, there was a concern about that.

21 What's your -- where are we in regards to nine  
22 versus ten minority-majority districts?

23 BRUCE ADELSON: Commissioner Stertz, in the first  
24 part of that -- let me back up for a little bit.

25 In looking at -- in determining these districts,



1 we look to determine the -- whether or not minority voters  
2 are able and have been able to elect their candidates of  
3 choice.

4 In looking at the various districts in Arizona, my  
5 belief is that there are ten districts, benchmark districts,  
6 meaning precleared districts, where minority voters have  
7 demonstrated the ability to elect.

8 Now, at this point what we need to do as far as  
9 the submission is concerned is have analysis which is  
10 proceeding to confirm that minority voters -- or I should  
11 say minority legislators in these districts are, in fact,  
12 the candidates of choice.

13 Once with that confirmation, then that -- we move  
14 forward with other aspects of the, of the analysis. But in  
15 looking at the districts and looking at who the legislators  
16 are and my sense of they're also looking at election returns  
17 that there are ten benchmark districts.

18 COMMISSIONER STERTZ: Madam Chair, if I can  
19 continue that line of thought.

20 We -- the two reports that we've received, one is  
21 a draft, which was marked as a, as a, as an attorney-client  
22 privileged draft document, dated the 10th of November, and  
23 the one we received today, which has been contemplated for  
24 potential release to the public for analysis, what are the,  
25 what are the substantive differences between these that we

1 can highlight to?

2           And the other question I got more particularly  
3 that in reviewing the November 10th product, there was  
4 nothing really substantively new that I found that we --  
5 with that was data that we hadn't already received and  
6 drilled down on, and it appeared as though the conclusion  
7 was that there were the ability to elect ten  
8 majority-minority districts legislatively.

9           Is that correct?

10           BRUCE ADELSON: Well, Commissioner Stertz, I'm  
11 going to defer to Mr. Strasma, because this is his report.

12           COMMISSIONER STERTZ: Okay.

13           KENNETH STRASMA: I would say that is a fair  
14 characterization, commissioner. That this -- there are no  
15 surprises in this. It's largely confirming what we knew  
16 based on the quick and dirty measures that were used  
17 throughout the process.

18           And this is something that's going to be ongoing.

19           This is not the finished product. There's going  
20 to be more analysis to come, which I also thoroughly expect  
21 will not yield any surprises. But we do have to dot those  
22 I's and cross those T's.

23           So while this analysis didn't yield anything new,  
24 it's important that we go that extra step. And as we've  
25 been discussing in districts where a significant share of

1 population is from districts that weren't the ability to  
2 elect, do that additional level of analysis for that  
3 additional burden of proof.

4           And as to the -- your question on substantive  
5 changes, we did -- we have been having an ongoing process of  
6 editing the -- our list of minority candidates.

7           So some of the tables in this document list a  
8 number of minority candidates and minority candidates  
9 elected. There were minor changes in some districts. I  
10 don't have those off the top of my head.

11           I know that it did not change any districts from  
12 having minorities to not having minorities, and this changed  
13 the number, and there was one candidate who was flagged as  
14 Hispanic who was Native American, and that was corrected.

15           In terms of the introduction to the legislative  
16 question, the question of ten benchmark districts has been a  
17 ongoing point of discussion. And I believe the document  
18 that you have today has the same assertion that we've made  
19 now that we're operating under the assumption that there are  
20 ten benchmark districts and that our burden is to prove that  
21 we have the same number of equal or better quality.

22           Conceptually I think it's worth noting that  
23 ten versus nine isn't necessarily easily or harder to do.

24           If the contention is that there are nine benchmark  
25 districts, we have to make nine that are as good or better

1 than the nine that were benchmark districts.

2           The question if there are ten benchmark districts,  
3 the tenth one is a lower hurdle for us to cross in terms of  
4 being able to say to the Department of Justice we have made  
5 each one of these districts as good or better than the ten  
6 benchmarks.

7           So those are the substantive changes to your  
8 points.

9           COMMISSIONER STERTZ: The last question would be,  
10 Mr. Adelson, you are -- you've -- I witnessed you 31 times  
11 over the last 30 days, in all of our public outreach  
12 hearings, being the face, talking as the expert, as a former  
13 Department of Justice representative, and a member of this  
14 team that is representing this.

15           What, in your opinion, is the Department of  
16 Justice going to come back to us with as far as what they  
17 are believing the benchmark total to be?

18           BRUCE ADELSON: Commissioner Stertz, my opinion of  
19 that based on the information I have now is they'll say ten.

20           The reason this is so important is that one of the  
21 first things that Justice does when it gets a submission is  
22 it determines the benchmark number of districts where  
23 minority voters can elect and then sees if the jurisdiction  
24 has met that burden.

25           If the jurisdiction has, Justice goes about its

1 business as far as analysis.

2           If Justice determines right off the bat that the  
3 jurisdiction has not, then there's a different track. And  
4 appear track will likely be a request for additional  
5 information, which I'm satisfied will lead to an objection.

6           One of the first things we did nine years ago is  
7 just that.

8           We determined very quickly that there was some  
9 question whether the state had met the benchmark.

10           That's one of the reasons we did the request for  
11 additional information.

12           So that's why this is very important.

13           I would also, even if the benchmark, which it's  
14 not, I'm just speaking rhetorically, if the benchmark were  
15 two, I might suggest, well, maybe we can have a benchmark of  
16 three, because potentially there may be something out there  
17 that maybe we don't know.

18           Maybe the population grew. Looking at the  
19 proportion of minority voters in the state now over  
20 ten years ago might suggest that we might need three  
21 benchmark districts.

22           So I always like to err on the side of more is  
23 better from a Section 5 standpoint, because we don't want to  
24 get that request for additional information, which puts  
25 everything further this down the line.

1           So my opinion is that Justice would concur based  
2 on the information that we have now, that the benchmark  
3 legislatively is ten.

4           COMMISSIONER STERTZ: Thank you.

5           Madam Chair, follow up to that, going back to the  
6 concept of the recommendation of keeping Cochise County  
7 whole, that the description that Mr. Strasma used before  
8 about picking up in a new voters rights or voters rights  
9 majority-minority district voters that previously had not  
10 been included, that pale that goes into, is that -- does  
11 that make it harder to prove -- rephrase.

12           Do we have to have a higher level of analysis when  
13 we go into areas that have not previously been included?

14           KENNETH STRASMA: The short answer is, yes, we  
15 will. And the -- when I suggested that the guidelines of,  
16 you know, do no harm don't reduce the minority percent,  
17 that is an excellent example of keeping Cochise County  
18 whole would almost invariably impact that district. Which  
19 isn't to say that it can't be done, but that we would want  
20 to have the yellow flag on that change and do additional  
21 analysis of the change district, does it maintain the  
22 ability to elect.

23           And to -- I was going to say clarify, it will  
24 probably cloud rather than clarify things.

25           But when we're talking about not making districts

1 any worse and trying to make them better, that isn't to say  
2 that we can pack a district.

3           Packing is a term for putting too many minority  
4 voters in a district and, in essence, wasting those votes.

5           That, that can't be done.

6           And if there are any, any districts that appear to  
7 have, you know, too high a minority population, taking  
8 population from those and putting them in other districts is  
9 perfectly appropriate.

10           What we need to demonstrate is ability to elect,  
11 which is a yes or no proposition in DOJ's eyes.

12           And if, you know, if a district that is, you know,  
13 70 percent Hispanic has the same ability to elect as one  
14 that's 65 percent, we haven't improved it by adding that  
15 five percent.

16           Likewise, we may be able to demonstrate that a  
17 change like the Cochise County change, although it lowers  
18 the minority percent, does not lower the ability to elect.  
19 But that is one of those yellow flag situations where we  
20 would have to do additional analysis on that change.

21           COMMISSIONER STERTZ: Very good.

22           And, Madam Chair, Mr. Strasma, in looking at that,  
23 does that east the burden on -- or heighten the burden if we  
24 were to keep Cochise County whole? For example, going back  
25 to that, because that will be our representative

1 presentation, the beginning of that.

2 KENNETH STRASMA: I believe that it will heighten  
3 it. There would be additional analysis that we would need  
4 to do.

5 MARY O'GRADY: And just for clarification, I think  
6 that's a legislative Cochise County issue rather than the  
7 congressional Cochise County issue.

8 KENNETH STRASMA: Yeah, right.

9 BRUCE ADELSON: Excuse me, Madam Chair, if I can  
10 make a couple points. The Department of Justice earlier  
11 this year issued a redistricting guidance.

12 And there's several aspects of that that I think  
13 are particularly poignant.

14 One of the -- and we and counsel have discussed  
15 this many times. One of our favorite parts of the guidance  
16 is the ability to elect either exists or it does not exist  
17 in any given circumstance.

18 That's not necessarily saying that that's  
19 something that the department propounded nine years ago.  
20 But that is a very key part. It's either there or not. And  
21 if it's not there, then we don't have the same concerns that  
22 we do if it does exist.

23 The department also made very clear in the  
24 guidance this year that turnout, voter history, and voter  
25 registration are essential elements to the overall analysis



1 and the overall picture.

2           The department in the Texas case is taking a  
3 little different approach than we did nine years ago.  
4 They're looking at some things a little differently than we  
5 did. They're also making some arguments that we didn't make  
6 nine years ago.

7           I think part of that is that the Voting Rights Act  
8 was changed in 2006 and Section 5 was strengthened.

9           So the department arguably has greater tools in  
10 its arsenal to find retrogression or to hold jurisdictions'  
11 feet to the fire as far as the burden of proof than we did  
12 before. And we had a lot of tools.

13           So it may be that the department looking at  
14 various things that we did not may be because of that.

15           And one example is that the department in the  
16 Texas case, I think, is making an argument that if the  
17 minority population increased at a certain rate, and that is  
18 not in proportion to the number of majority-minority  
19 districts that exist in the jurisdiction, that  
20 proportionately that represents retrogression.

21           We didn't look at that nine years ago.

22           It was very interesting argument, and that's  
23 something frankly that I've been addressing with clients at  
24 a local level, to look at population growth, look at the  
25 number of majority-minority districts, look at the

1 proportion, to see if there is a retrogression  
2 proportionately.

3           So all of these factors are very, very integral  
4 to what we're doing and very important in the analysis  
5 moving forward to satisfy the burden of proof and answer  
6 those questions from Justice. Because in looking at the  
7 analysis and looking at the plan, I mean, frankly what I'm  
8 doing is what Mr. Kanefield asked me and what you had  
9 asked me, Madam Chair, is looking at this from the DOJ  
10 standpoint.

11           And I am trying to look for as many things that  
12 they will, oh, okay, we need to have an answer to that. So  
13 we'll have an answer.

14           And that doesn't mean that these things are  
15 problematic from a legal standpoint, but that they raise  
16 questions that we need to answer.

17           Because the department will ask those questions  
18 and ask us for the answers. If we don't have the answers,  
19 then there won't be preclearance.

20           Thank you.

21           CHAIRPERSON MATHIS: Related to that accommodation  
22 of population rate growth, I'm curious, Mr. Strasma, did you  
23 say in one of your -- as one of your guidelines during your  
24 presentation that we underpopulate the majority-minority  
25 districts?

1 KENNETH STRASMA: That would be my recommendation.

2 CHAIRPERSON MATHIS: And how -- is there a rule of  
3 thumb at all in terms of how much?

4 KENNETH STRASMA: We've been trying to keep the  
5 deviation well within plus or minus five percent. I believe  
6 it's two point something to three point something, so just  
7 over five percent of total range.

8 And so I would say if we can avoid underpopulating  
9 by more than three percent, that would still be within the  
10 acceptable population deviation range. And there would be  
11 an acceptable compelling reason for doing of, to  
12 underpopulate majority minority.

13 CHAIRPERSON MATHIS: Is that of the population as  
14 a whole or the minority population in that district?

15 KENNETH STRASMA: Population as a whole.

16 The deviation constraints are total population,  
17 not any racial category.

18 COMMISSIONER STERTZ: Madam Chair, Mr. Strasma, is  
19 that merely to gain a percentage?

20 KENNETH STRASMA: Beg your pardon?

21 COMMISSIONER STERTZ: Is that merely to gain a  
22 percentage of opportunity? Is it purely a numbers game?

23 KENNETH STRASMA: There are two reasons for that.

24 One is in order to strengthen the ability to elect  
25 in that district.

1           If we have guidance that allows a certain percent  
2 of population deviation and the choice of some districts be  
3 over and some districts be under, and we're able to  
4 strengthen the minority vote by underpopulating the  
5 minority, then that in other jurisdictions has been held to  
6 be acceptable.

7           The other reason for doing that is because of the  
8 disproportionate share of population growth that has been in  
9 Hispanic community in Arizona. It is likely that these  
10 districts that are currently underpopulated would be  
11 overpopulated by the end of the decade, if not by the next  
12 election.

13           So taking into account areas of population growth  
14 is another reason why the Commission might choose to  
15 underpopulate.

16           COMMISSIONER STERTZ: So, Madam Chair,  
17 Mr. Strasma, you're looking at anticipation of growth.

18           KENNETH STRASMA: Yes, that is one of the  
19 considerations.

20           COMMISSIONER STERTZ: Is that a consideration that  
21 we have a constitutional mandate to do?

22           KENNETH STRASMA: No, commissioner.

23           COMMISSIONER STERTZ: Okay.

24           The other two in Texas, Dr. Lisa Handley was  
25 the -- did most of that, that work.

1           In her reports, what, what can we learn from what  
2 was done in Texas that can be brought over to what we're  
3 doing here in Arizona?

4           BRUCE ADELSON: Commissioner Stertz, I think that  
5 a lot of what we're talking about today as far as evaluating  
6 turnout, electoral success, registration rates, for example,  
7 looking at combining voters from districts where they cannot  
8 elect, that was a big issue in Texas.

9           And Texas -- what Texas did, what the court in  
10 D.C. found fault with, was their numerical approach.

11           Saying 58 percent, that looks good. They can  
12 elect. Sixty-five, that looks good. Without that extra  
13 level of analysis.

14           So I think that those are very important lessons  
15 to learn.

16           The analysis that we've been discussing today, the  
17 analysis that I understand is ongoing, were -- are accepted  
18 aspects of redistricting analysis which will comport with  
19 what is going in the Texas case and what is going on  
20 nationally in other jurisdictions.

21           The learning -- the lessons from Texas and also  
22 frankly learning the lessons from the Harris County  
23 additional information request, learning lessons from other  
24 preclearances the department has already issued are very  
25 important.

1           And I absolutely agree that there's a lot to be  
2 learned, and that's why we had thought that presenting a lot  
3 of this information today is important, because in  
4 Mr. Strasma's point about underpopulating, the -- there  
5 is -- that's in the legislative districts, not the  
6 congressional.

7           Congressional districts have a constitution  
8 equivalency requirement.

9           There is no federal requirement to the same extent  
10 in the legislative districts.

11           Now, there used to be during the last  
12 redistricting an assumption that if you stayed within a 10  
13 percent deviation you were okay.

14           There was a federal court case in Georgia called  
15 Larios, in 2004 I believe, that called that into question.

16           There is no bright line rule that says, okay,  
17 six percent is good or seven percent is good.

18           But I think as Mr. Strasma said looking in the  
19 five percent range and concluding that you have a rational  
20 basis for perhaps going to seven percent in one district or  
21 eight percent -- and I'm just throwing numbers out. A  
22 rational basis is compliance with the Voting Rights Act.

23           And underpopulating certain districts to the  
24 extent that you increase the minority proportion, another  
25 acceptable tool is reducing the Anglo voters who have been

1 shown through analysis do not support minority candidates of  
2 choice. That's a very accepted redistricting tool that is  
3 something that I have been doing with many of my clients  
4 around the country.

5 That's something that the Department of Justice  
6 looks at.

7 Frankly to the extent that that can be shown and  
8 done, I think that's a point to highlight.

9 Because if you lower the number of people who do  
10 not support minority candidates, you are by consequence  
11 increasing the proportion of people who do, even without  
12 bringing one more voter into a district that supports a  
13 candidate of choice.

14 So doing that is a very accepted rational approach  
15 to redistricting. It's something that the department will  
16 look at great favor on.

17 And to the extent that that can be done and shown  
18 is very important in the overall analysis of the plan in  
19 complying with Section 5.

20 COMMISSIONER STERTZ: So, Madam Chair,  
21 Mr. Adelson, you're, you're in favor of underpopulating  
22 counties to increase the opportunity to elect.

23 BRUCE ADELSON: Commissioner Stertz, I'm not  
24 underpopulating a county per se but --

25 COMMISSIONER STERTZ: Excuse me, a district.

1           BRUCE ADELSON: A district, yes. That to a  
2 certain extent that is a recognized acceptable approach to  
3 compliance with the Voting Rights Act. Yes, that could be a  
4 way to achieve Section 5 compliance.

5           It's not the only way, but it is one accepted way  
6 of doing it.

7           COMMISSIONER STERTZ: Okay.

8           Madam Chair, I'd like to, I'd like to hear from  
9 the other commissioners in regard to this, and most  
10 specifically Commissioner Herrera as he was very vocal as we  
11 are closing out discussion points on districts and  
12 consideration of packing, et cetera, about what your opinion  
13 of this discussion is.

14          VICE-CHAIR HERRERA: Madam Chair.

15          CHAIRPERSON MATHIS: Mr. Herrera.

16          VICE-CHAIR HERRERA: If I remember the  
17 conversation correctly, I was not in favor of creating ten.  
18 I thought nine was the appropriate amount. But I was  
19 overruled, and we went forward with that.

20                 I think the data that our attorneys and Ken  
21 Strasma and his team are providing that they will prove me  
22 wrong that ten was the right number.

23                 And I stand corrected.

24                 But what I -- I do like the fact that we're giving  
25 choices of how we can strengthen other districts. If it



1 means to underpopulate one district and maybe move that  
2 population, whether it be Hispanic voters to a different  
3 district to strengthen a district next to it as a  
4 majority-minority district, I'm in total favor of that.

5 I think we're meeting -- that is one of our  
6 constitutional requirements that we have to meet the Voting  
7 Rights Act, and I think we need to look at all of our  
8 options.

9 MARY O'GRADY: Just one comment on that point.

10 On the total benchmarks, in terms of -- this has  
11 been a subject as Bruce referenced, that we've had healthy,  
12 I think, debates internally. Because when we look -- and I  
13 think some of it focuses on, specifically District 24, for  
14 example, in the benchmarks, because they have elected a  
15 Hispanic senator. She was elected in 2006, had an  
16 uncontested race in 2008, and was defeated in 2010.

17 They don't do as well when you look at some of the  
18 statewide races in terms of the minority candidate of choice  
19 when they look at the analysis that was done. So one of the  
20 debates that we've been having was does that count or does  
21 that not count.

22 I'm not persuaded myself when I look at the  
23 evidence that that is presently an ability to elect  
24 district, when I look at it.

25 Bruce sees it differently.

1           And so, but, but the map that we've developed, or  
2 the Commission developed, as a draft map does have ten.

3           So, you know, I'm comfortable staying the course  
4 in terms of trying to bolster those ten.

5           And I think when we do our submission, we'll  
6 include all that descriptive evidence. And maybe, you know,  
7 maybe he'll persuade me or I'll persuade him, one way or  
8 other.

9           But at the end of the day we'll give Justice the  
10 information, and they'll make their call as to whether they  
11 think there's ten or nine.

12           But I think it's probably prudent to stay the  
13 course in terms of the ten districts that are in the draft  
14 map and look to do no harm and strengthen them if there is a  
15 way to strengthen them.

16           VICE-CHAIR HERRERA: Madam Chair.

17           CHAIRPERSON MATHIS: Mr. Herrera.

18           VICE-CHAIR HERRERA: I agree with Mary O'Grady.  
19 If we can move and if we are doing the analysis and proving  
20 that we have ten, then I am more than happy to stay the  
21 course and not make any changes to decrease to nine or  
22 anything else.

23           CHAIRPERSON MATHIS: Any other questions or  
24 comments for Mr. Strasma or Mr. Adelson?

25           COMMISSIONER STERTZ: Madam Chair.

1           CHAIRPERSON MATHIS: Mr. Stertz.

2           COMMISSIONER STERTZ: I'd like to know your  
3 opinion on the release of the document we received today to  
4 the public, the draft document dated the 28th of November,  
5 for the public to be given to review and comment.

6           CHAIRPERSON MATHIS: I would ask legal counsel  
7 what their thoughts are on that in terms of releasing the  
8 draft document.

9           I'm fine with that if that's something that you  
10 think we can manage accordingly, and I'm sure that everybody  
11 understands it's a draft, and we're not -- we haven't even  
12 drew the final maps yet, so it's a work in progress.

13           JOSEPH KANEFIELD: Madam Chair, as I mentioned  
14 earlier, we consider the document to be work product,  
15 prepared at the request of counsel. But with the consent of  
16 the Commission, we have no problem with the Commission  
17 making that public, with the understanding that it is a  
18 draft and it is a work in progress and we continue to work  
19 with the mapping consultant and Professor King to work on  
20 the final analysis. And it may very well look different  
21 when the final analysis is completed and also depends on the  
22 changes that are made to the Commission over the next few  
23 weeks.

24           CHAIRPERSON MATHIS: Ms. O'Grady, are you  
25 listening?

1           MARY O'GRADY: Yes, I'm fine releasing it. We've  
2 had a public session discussion of the analysis. It makes  
3 sense to let folks see the analysis that we have been  
4 discussing.

5           And if people have concerns about the analysis,  
6 hopefully we'll hear about it.

7           COMMISSIONER McNULTY: Madam Chair.

8           CHAIRPERSON MATHIS: Ms. McNulty.

9           COMMISSIONER McNULTY: I would just make the  
10 comment that -- thank you.

11           If I would understand what Mr. Strasma's response  
12 to a question earlier about there being nothing new here, to  
13 mean that one important takeaway from this is that our draft  
14 maps are pretty solid, and we have -- and this analysis  
15 reflects that, that we didn't find any substantial deficits  
16 that jumped right out at us.

17           We're going to have to do some more analysis of  
18 course, but that's how I would interpret what you explained  
19 to us.

20           KENNETH STRASMA: And I would share and echo that  
21 interpretation. I was glad to not see anything new or  
22 surprises in this analysis.

23           CHAIRPERSON MATHIS: Are the other commissioners  
24 comfortable with releasing the draft document?

25           VICE-CHAIR HERRERA: I am.

1 COMMISSIONER STERTZ: Madam Chair.

2 I have to unfortunately disagree with  
3 Commissioner McNulty's summary that the grid maps are -- or  
4 the draft maps were complete.

5 We know that the way that these ten legislative  
6 districts that were analyzed and the two congressional  
7 districts as they were drawn were analyzed meet the criteria  
8 as set forth, but there could have been innumerable  
9 different amounts of iterations that would have allowed for  
10 the same analysis to take place and the same results to take  
11 place.

12 So I don't want to be giving the public the  
13 impression that this design, this sole design, was the only  
14 design. That there were many ways that you could have  
15 approached this same problem. And there were many ways to  
16 approach this.

17 But this was the only map that was analyzed to  
18 this level of criteria.

19 CHAIRPERSON MATHIS: Are there other comments on  
20 this draft of racially polarized voting analysis in terms of  
21 releasing that to the public?

22 VICE-CHAIR HERRERA: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Herrera.

24 VICE-CHAIR HERRERA: What I do want to say is that  
25 Mr. Strasma did a great presentation, lengthy presentation

1 that people in the public probably want to read, whether it  
2 be the terms that were described. I was trying to write  
3 them all down. I'm not as fast as Commissioner McNulty in  
4 writing them down. So I would like to see them on the  
5 website if at all possible.

6 COMMISSIONER McNULTY: I did have one question  
7 about that too, now that I think about it.

8 Is crossover always the inverse of racially  
9 polarized voting? Is it really just two different sides of  
10 the same coin? Or can crossover be -- you know, if there's  
11 higher racially polarized voting there's low crossover and  
12 if there's high crossover there's low racially polarized  
13 voting? Or is it -- or do they not equate to one another  
14 like that? Is there another component of crossover that we  
15 need to understand?

16 KENNETH STRASMA: Generally speaking they are the  
17 inverse of each other.

18 It is possible, however, to have some level of  
19 crossover as in the non-Hispanic White population Hispanic  
20 candidate at, say, 55 percent, while the -- so there's  
21 significant crossover, while at the same time the Hispanic  
22 population is supporting their candidate of choice at  
23 90 percent.

24 So it's possible for a district to be polarized  
25 and have crossover.

1           Generally speaking though they are the inverse of  
2 each other.

3           VICE-CHAIR HERRERA: Madam Chair.

4           CHAIRPERSON MATHIS: Mr. Herrera.

5           VICE-CHAIR HERRERA: Just a quick item.

6           The -- that graph that we're seeing there is for  
7 District 7 as it currently stands; correct?

8           Have we seen one that is based on the map that we  
9 have drawn on the draft map?

10          KENNETH STRASMA: Yes. And the -- that can be  
11 found on the section starting Page 13 of the analysis.

12          VICE-CHAIR HERRERA: Madam Chair.

13          Is there any way we can bring that up?

14          You probably don't have a Power Point screen of  
15 that shot, do you?

16          KENNETH STRASMA: I'm afraid I do not.

17          And perhaps if you tell me if you're looking for a  
18 different takeaway.

19          I think if there was one number that I would want  
20 to highlight on what's on the screen, it's the bottom row  
21 third column. The total votes for the Hispanic candidate  
22 there meet the 50 percent, and contrast that with the  
23 53 percent in -- for the draft district.

24          I should highlight this is -- it's not all the  
25 same district.

1           That's taking into account votes from multiple  
2 different congressional districts, which is why if you were  
3 to look then on Page 60, there's an analysis of mine  
4 inspector, you would have broad more solid ground looking at  
5 statewide races because no matter where you lived you had  
6 the ability to vote in that district.

7           And there in that district, the mine inspector  
8 Hispanic candidate received 60 percent of the vote, as  
9 configured in the draft map.

10           VICE-CHAIR HERRERA: Madam Chair.

11           CHAIRPERSON MATHIS: Mr. Herrera.

12           VICE-CHAIR HERRERA: The reason I bring this up,  
13 it's just a hypothetical, you did -- if we were to go back  
14 and say, you know what, let's combine, let's not break it  
15 out, let's keep it the way it was before, knowing that you  
16 did that, that racially polarized voting analysis, what  
17 would it mean for preclearance?

18           KENNETH STRASMA: There would be two steps to  
19 answer that question.

20           First would be the quick analysis where, you know,  
21 we need to determine does it appear that the district  
22 maintains its ability to elect.

23           And if it did not, then clearly that would not be  
24 something the Commission would want to do.

25           If it appeared on the basis of the quick analysis



1 that it maintained the ability to elect, we would have to  
2 do -- we would have to redo this level of analysis and  
3 further in order for approving that for the submission.

4 VICE-CHAIR HERRERA: Thank you.

5 CHAIRPERSON MATHIS: Okay.

6 Mr. Stertz, are you also comfortable with the  
7 draft --

8 COMMISSIONER STERTZ: Of course.

9 CHAIRPERSON MATHIS: Okay.

10 We'll go ahead and post this to our website. This  
11 is a draft racially polarized voting analysis that's dated  
12 November 28th.

13 And it would be really helpful, I think, if,  
14 Mr. Strasma, maybe -- I don't know if this presentation is  
15 also going to go up on the web, but maybe include the  
16 definitions of polarized voting, candidate of choice,  
17 cohesion, crossover, those things, just so that we all have  
18 a good understanding. That would be great.

19 COMMISSIONER McNULTY: Madam Chair, Mr. Strasma,  
20 would it be possible with regard to the congressional  
21 districts to put for the draft congressional districts in  
22 parentheses, you know, replacement for former district? And  
23 the reason I say that is because it is very confusing  
24 because we have a current CD 7, which is different from the  
25 draft CD 7.

1           KENNETH STRASMA: Yes, commissioner, I know  
2 exactly what you're talking about. You'll notice I was  
3 referring to them as the Maricopa and southern districts to  
4 avoid that confusion on both -- either on my part or those  
5 listening --

6           COMMISSIONER McNULTY: Maybe that would be a good  
7 way to do it.

8           KENNETH STRASMA: Yeah. And it -- in the case of  
9 the congressional draft map, it's easy to say.

10          COMMISSIONER McNULTY: Yeah, I know we can't do  
11 that on the legislative map.

12          KENNETH STRASMA: For the commissioners and those  
13 of us who look at this report on the web, when -- in the  
14 draft legislative districts, on the district-by-district  
15 section it does show the components of old legislative  
16 districts that went into the new district. So there's a  
17 piece of the six old legislative districts, which those are,  
18 are shown, as are the counties included in the legislative  
19 district to give some framework of this.

20          COMMISSIONER STERTZ: Madam Chair.

21          CHAIRPERSON MATHIS: Mr. Stertz.

22          COMMISSIONER STERTZ: A question for Mr. Strasma.

23                 In looking at this analysis, and looking at the  
24 results of this analysis, do they compare themselves to the  
25 down and dirty Cruz tests that were done on the -- at the

1 draft map level? Were you saying that there -- that this is  
2 a -- I'm sure, I'm sure that this is a refinement, but is it  
3 a reflection as well?

4 In other words, were there any surprises that you  
5 found one way or the other as these numbers compared against  
6 the down and dirty Cruz tests that were performed at the  
7 very beginning?

8 KENNETH STRASMA: No, there weren't.

9 As I was going through this, I remember thinking  
10 district by district, as I pulled each new one up, that each  
11 of them was pretty much as expected.

12 And I should say, it would not have been, given  
13 the number of districts we're looking at, it would not have  
14 been that unusual for one or maybe two to deviate slightly  
15 from what we had expected. But there were no significant  
16 surprises.

17 COMMISSIONER STERTZ: And that was the point of  
18 recollection that as there were other maps that were  
19 produced in other analysis, in Cruz that were -- in Cruz  
20 analysis that were done for other maps historically, that,  
21 that you probably would surmise that we would have had the  
22 same results, that, that you could -- there would have been  
23 minor changes based on this.

24 KENNETH STRASMA: Yes, we can't say that for sure  
25 without doing the analysis, but I believe that would be

1 reasonable.

2 COMMISSIONER STERTZ: That's fair. That's all I  
3 was trying to ascertain in that. Thank you.

4 CHAIRPERSON MATHIS: Any other questions or  
5 comments?

6 (No oral response.)

7 CHAIRPERSON MATHIS: Okay. Thanks, everyone, for  
8 all your help on presenting that information to us. We  
9 appreciate it.

10 This takes us -- let me check the time.

11 How are you doing, Marty? You okay?

12 It's 4:51, and the next item on the agenda is  
13 overview of public input on draft maps.

14 And this is another presentation by Strategic  
15 Telemetry.

16 VICE-CHAIR HERRERA: Madam Chair, how long is that  
17 part of the agenda going to take?

18 CHAIRPERSON MATHIS: We'll have to ask Mr. Strasma  
19 or Willie.

20 WILLIE DESMOND: Maybe 20 minutes, half an hour.

21 VICE-CHAIR HERRERA: That would be an hour.

22 WILLIE DESMOND: Depends on how much you guys want  
23 to ask questions and look at the presentation.

24 VICE-CHAIR HERRERA: Madam Chair, I'm assuming  
25 we'll have -- I know I'll have plenty of questions. Can we

1 take a quick break before that?

2 CHAIRPERSON MATHIS: Sure. It's 4:52 p.m. Let's  
3 take a ten-minute break.

4 (Brief recess taken.)

5 CHAIRPERSON MATHIS: Okay. We'll end recess. The  
6 time is 5:15 p.m.

7 And we are now on agenda item five, overview of  
8 public input on draft maps.

9 And this is a presentation by Strategic Telemetry.  
10 Mr. Desmond.

11 WILLIE DESMOND: As everyone here is well aware,  
12 the past month and a half or so, there were 30 public  
13 meetings conducted around all around the state of Arizona in  
14 order to gain public opinion about the draft congressional  
15 and legislative maps.

16 In the first round of public hearings when we  
17 presented the kind of summary of the input, it was a little  
18 easier to try to summarize different people's opinions based  
19 off of the six constitutional criteria that they tended to  
20 choose to speak about.

21 And in this round the input was much more varied.

22 So we tried to show kind of a more analytical sort  
23 of approach.

24 All right. Just as a bit of background.

25 The different types of public input that we

1 collected are -- at these public meetings are the testimony  
2 and the materials that are handed in, the public hearings,  
3 round two. There was, again, 30 meetings, one satellite  
4 location.

5 And then aside from the public comments that were  
6 made by people who chose to speak at those public hearings,  
7 there was also blue sheets handed in and other information  
8 that people submitted to the Commission.

9 Additionally there's been many web submissions.  
10 There's been people mailing and phoning in their input.  
11 There's been things hand-delivered and been quite a bit of  
12 online mapping that's been done also.

13 So the goal of this second round of hearings and a  
14 lot of the public outreach staff that's on the Commission  
15 has been to ensure that everyone who voices their concern  
16 about this process, about these maps, is heard and that  
17 their feelings are taken into account by the Commission, as  
18 you begin to adjust these draft maps.

19 So, just a little summary of round two.

20 The meetings ran from October 11th through  
21 November 5th. There were 30 cities, including one satellite  
22 location.

23 813 comments were given to the Commission.

24 There was also 396 blue sheets turned in.

25 A blue sheet, again, is the people who wanted to

1 submit public comments at the meeting and didn't have time  
2 to speak or had to leave before they were called. They  
3 turned in written comments at the meetings.

4 In all, 2119 people attended meetings across the  
5 state.

6 The age range of people that spoke was from  
7 13 years old all the way up to 92 years old. In all there  
8 was 3,655 minutes of public hearings, which I'm sure you're  
9 all aware from both attending them yourselves and watching  
10 them and reading the transcripts.

11 The average meeting length was two hours and  
12 six minutes.

13 So the presentation we're going to make relates  
14 some of the information of the comment in two ways. One way  
15 is through word clouds. Word clouds are a diagram that  
16 shows how often different words were mentioned in the public  
17 comments.

18 They're based strictly off of the transcripts.

19 I'd like to thank Marty and Michelle for being  
20 very accommodating and getting us all those transcripts.  
21 And they're based solely off of that.

22 There's no sort of coding in those where we make a  
23 judgment call about what is or isn't included. There were  
24 certain words removed.

25 Those tended to be things that were formatting,

1 such as line numbers. Or whoever was chairing the meeting  
2 was often the most commonly used word in the transcripts,  
3 because it identifies that person when they speak, so that  
4 wasn't actually spoken.

5           So we removed things like that just so that it  
6 didn't confuse you as you look at this.

7           And, again, it's important to emphasize that these  
8 word clouds do not show whether the opinion is negative or  
9 positive. Simply how often each word was said.

10           So with that, here's a word cloud of the most  
11 common said things through the course of all 30 meetings.

12           I know these are going to be small and hard to  
13 see. This will be available on the website shortly.

14           But just to kind of emphasize, looking at this you  
15 can see that the most common words are Commission, thank,  
16 county, Arizona, district, communities.

17           This is over the course of all the meetings.

18           When you start to look at the different word  
19 clouds for each one of the meetings, you can see the  
20 different emphasis in different areas of the state.

21           Additionally, Andrew Drechsler, Korinne Belock,  
22 and myself were attending a lot of these meetings and  
23 presenting the draft maps, and tried to meet people, we took  
24 detailed notes of what each speaker said, kind of got a good  
25 sense of the different opinions of the areas. So we also



1 included a few bullet points, kind of like the main  
2 highlights that were mentioned at each of these meetings.

3 So starting with the first meeting in Phoenix.

4 The main point, for instance, that a number of  
5 people expressed appreciation for the maps, for the work of  
6 the Commission, for the process. There were tweaks around  
7 the edges that came out of these meetings. There's various  
8 specific examples of changes that people wanted to see in  
9 the testimony.

10 There was a good amount of citizens who expressed  
11 a need for more competitive districts.

12 I'll point out that you can see the date of  
13 meeting, the city it took place. The number afterward is  
14 the number of public comments that were given at that  
15 meeting.

16 So the word cloud is not sized differently. So if  
17 one person spoke at the meeting, the word cloud is basically  
18 going to be what they said. If 75 people spoke, it's going  
19 to be what everybody said. That's important to know.

20 VICE-CHAIR HERRERA: Madam Chair.

21 I was --

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: I was at the meeting in  
24 Phoenix, and I would think -- I probably wouldn't agree with  
25 the word some. I would probably say the majority of them or

1 a good number of them expressed a need for more competitive  
2 districts.

3 WILLIE DESMOND: Moving on.

4 To Payson. There was concern about Gila County  
5 being split into three different districts in the draft  
6 legislative map. There was also some concern about CD 1  
7 being too large for someone to effectively serve the entire  
8 district.

9 Flagstaff. A number of citizens expressed  
10 appreciation for the maps, both congressional and  
11 legislative. One change that was brought up a number of  
12 times was the desire to have the Schultz fire and flood area  
13 to be with Flagstaff on the legislative district map. Along  
14 the same line, Fernwood and Timberline should also be with  
15 Flagstaff according to public comment.

16 Moving to the south, there was a desire to have  
17 Cottonwood be with Flagstaff and other parts of the  
18 Verde Valley.

19 Window Rock. Twenty-one people spoke. A number  
20 of citizens expressed support for the maps, especially since  
21 the Native American percentage in Congressional District 1  
22 is higher and in the legislative district is higher than the  
23 current maps, in the draft maps.

24 Eagar. Eleven people spoke. There was some  
25 concern that CD 1 covers a lot of land, but yet there was a

1 lot of support for two rural districts.

2 Hon-Dah. A number of people expressed desires to  
3 see Show Low kept with Legislative District 7, or at least  
4 with the Pinetop-Lakeside area. There were comments that  
5 the maps did not seem compact. There was a desire to see  
6 more competitiveness in the districts.

7 Prescott Valley. There was concern that Yavapai  
8 was broken up since the county population was similar to  
9 legislative district seat exactly. Also there was a desire  
10 to keep Yavapai whole, bringing back the northeast corner  
11 and losing the Maricopa County portion. So keeping the  
12 Verde Valley with Yavapai and with Prescott.

13 There was also a request to make Legislative and  
14 Congressional District 1 centered in Yavapai County to keep  
15 the tradition of that being the first district going.

16 Tuba City, only two people spoke.

17 And there was support for the maps as the number  
18 of tribes are kept together -- a number of tribes are kept  
19 together.

20 Chandler, there was 38 speakers. Some of the main  
21 points were that those from Chandler expressed support for  
22 the maps as it kept Chandler together. A number of citizens  
23 though expressed a desire for more competitive maps. They  
24 were concerned that there are too many safe seats for each  
25 party.

1           Bullhead City. There was the sense that the river  
2 cities' needs were addressed and they were kept together.

3           Maryvale. There was a number of specific comments  
4 on how the borders should be slightly tweaked. I guess that  
5 should be B-O-R-D-E-R-S.

6           I guess that one slipped by the spell checker.

7           There is a desire to see more competitive  
8 districts also.

9           San Carlos. There was support for the LD and CD  
10 maps by a number of representatives of the San Carlos Apache  
11 Tribe that Gila Counties are not split, split as much, Gila  
12 and Graham County.

13           Again, concern that they were being split too  
14 often.

15           Globe. There was a general concern that the rural  
16 voice is not being heard, and there were a number of  
17 communities of interest expressed and shared during the  
18 meeting. Those communities of interest included ranching,  
19 mining, timber interests, that were especially mentioned by  
20 the people there.

21           Avondale. There was concern that Avondale is with  
22 Yuma. The people did not see that as a community of  
23 interest. There's also a concern that Goodyear is split and  
24 also noted that Goodyear should not belong to a rural area.

25           Sells. A desire for competitive districts and

1 districts that are sensitive to the tribes.

2 Tucson. Seventy-nine. Sells add one speaker.

3 Tucson had 79.

4 There was a large voice supporting the maps that  
5 wanted to see them more competitive. A large voice that  
6 felt CD 1 was too big and should be more compact.

7 Sierra Vista. Resounding support to keep Cochise  
8 County whole.

9 Mesa. A number of specific requests from citizens  
10 who traveled to Mesa. Those are all available in the  
11 transcript. It wasn't necessarily one common change that  
12 they wanted to see, but several specific tweaks to the maps.  
13 And a lot of support for more competition in the maps.

14 Safford. Graham County needs more rural  
15 representation that understands rural issues. And you need  
16 to keep Graham and Greenlee Counties together. They are a  
17 community of interest.

18 Nogales. Thanks the commission for their work.  
19 Please consider Interstate 19 corridor and Santa Cruz River  
20 Valley communities -- Santa Cruz River Valley communities of  
21 interest and keep them together.

22 Yuma. A lot of people that wanted to keep  
23 Yuma County whole and with La Paz County. People upset with  
24 the IRC because it's biased and the maps they felt should be  
25 redrawn.

1           Some people from southern Yuma County have said  
2 that southern Yuma County has more in common with other  
3 border areas and should be a voting rights district.

4           South Phoenix. Upset at the governor and  
5 legislature for trying to derail the Commission and thanks  
6 the Commission for their work. Said the Voting Rights Act  
7 is very important and should be a main consideration. They  
8 would also like to see more competitive districts.

9           Cottonwood. Verde Valley should be kept whole  
10 with Flagstaff. They don't have anything in common with  
11 Prescott. It was also a sentiment that we need to keep  
12 Yavapai County whole and don't split off the Verde Valley.  
13 They share common water issues and history with Prescott.  
14 Many people thanked the Commission for their work, and many  
15 people were upset with the Commission and think it should be  
16 changed.

17           Peoria. Many comments offered specific changes  
18 that they would like to see adopted. There was a need for  
19 more competitive districts and that there was too much  
20 emphasis on competitive districts. They thanked the  
21 Commission for its hard work.

22           Scottsdale. Seventy-three comments.  
23 Competitiveness was cited a number of times. Those who feel  
24 it is considered too high, but more comments that were in  
25 support of more competitive districts.

1           There was also concern that Fountain Hills was in  
2 CD 4 and that it should be put with that eastern rural  
3 district.

4           Sells. Again, a chance to see the tribe kept  
5 together in one CD.

6           Marana. A number of people expressed support for  
7 the Commission and condemned the actions of the governor.  
8 There was concern how Marana, Oro Valley were with CD 1 and  
9 not with Tucson, and felt that CD 1 is definitely not  
10 compact.

11           Green Valley. A lot of people wanted to see  
12 Green Valley with Sahuarita and vice versa. Overall there  
13 was a feel that Green Valley and Sahuarita should be with  
14 Tucson and not in a rural district. And there was a lot of  
15 support for the Commission and disappointed in the actions  
16 of the governor and state senate.

17           Finally, Casa Grande. There's a variety of  
18 different comments at this meeting in support for keeping  
19 Pinal County whole. There was also a number of people  
20 expressed support for the Commission.

21           In total to date there have been over 65,000 -- or  
22 6500 comments collected and cataloged by the Commission  
23 staff.

24           Those are available to the different commissioners  
25 as they've mentioned in their binders. Also available on

1 the Catalyst website for them to use and research as they  
2 begin the process of considering changes to these draft  
3 maps.

4 With that, that closes the presentation.

5 And like I said, we will try to get this online as  
6 soon as possible.

7 CHAIRPERSON MATHIS: Thank you, Mr. Desmond.

8 Any questions or comments from commissioners?

9 (No oral response.)

10 CHAIRPERSON MATHIS: I would just give a shout out  
11 to our amazing staff who made that all possible and got us  
12 to 30 different locations around the state. It was quite a  
13 yeoman's effort to do, and they did a great job.

14 So thank you, staff.

15 And thanks to the commissioners and our  
16 transcription services and legal counsel and mapping  
17 consultants for all being there and staffing them.

18 Okay. With that, our next item on the agenda is  
19 number six, consideration of input from the Legislature  
20 through memorial and minority report.

21 I'm not sure who was planning on presenting that  
22 information.

23 I know we've received their report.

24 MARY O'GRADY: Madam Chair, we put this on the  
25 agenda just to highlight that the constitution does say that



1 during the 30-day comment period either or both bodies of  
2 the legislature may act within that period to make  
3 recommendations to the Commission by memorial or minority  
4 report.

5           And those recommendations shall be considered by  
6 the Independent Redistricting Commission.

7           And then we can, you know, establish the final  
8 boundaries.

9           So we wanted to make sure, again, the Commission's  
10 received all the public input, but we wanted to make sure  
11 that we made record that the Commission has received the  
12 memorial HCM2001 that was approved in the special session.

13           And with that was the report of the Arizona Joint  
14 Legislative Redistricting Committee.

15           So those materials are available to the  
16 Commissioners.

17           There also was a minority report that was  
18 submitted to the Commission, which was in the form of a  
19 letter. That should be within this packet. And that was in  
20 the form of a letter, November 1, from the Arizona  
21 legislature. And it's signed by the minority leader from  
22 the senate and the house minority leader Chad Campbell and  
23 David Schapira.

24           So we received those documents from the  
25 legislature.

1           I don't know that it makes sense now to sort of  
2 read through those, but maybe commit it to the Commission to  
3 makes sure that you review those. And as the mapping  
4 process proceeds, you may want to -- you can take those into  
5 account as the work goes on.

6           I did note -- I would note just one thing. We had  
7 some conversation about underpopulating. And when you look  
8 at the equal population comment that the legislature made on  
9 Page 2, it does note that the last redistricting commission  
10 did underpopulate the minority rights districts as part of  
11 their effort to meet their voting rights benchmark.

12           And I just mention that because that was something  
13 that came up today.

14           And they do make comments on both legislative and  
15 congressional maps, so you might want to consider that.

16           Now, there was some -- some of it are  
17 constitutional issues in the legislature's memorial.

18           Again, as we've discussed, those are probably  
19 issues for a court to decide. But certainly if  
20 the Commission is concerned about anything, they can  
21 consider those as they propose recommended changes to the  
22 draft map.

23           There was an allegation about improper  
24 consideration of places of residence of incumbents. But  
25 looking through the report, that's based on speculation.

1 And clearly our record included no consideration of  
2 incumbent addresses.

3 So, that's the point that I wanted to make, and  
4 just refer it to the Commission for their consideration as  
5 the mapping process proceedings.

6 COMMISSIONER STERTZ: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

8 COMMISSIONER STERTZ: Ms. O'Grady, you chose to  
9 highlight though two points. Why?

10 MARY O'GRADY: Maybe I shouldn't have. I just --

11 COMMISSIONER STERTZ: These documents are pages  
12 long and --

13 MARY O'GRADY: Right.

14 COMMISSIONER STERTZ: -- they're filled with  
15 incredible amounts of research, data, and presentation, and  
16 testimony.

17 And you've highlighted two. Why?

18 MARY O'GRADY: Yeah, I just mention two because  
19 one came up today, the point on underpopulating. And so I  
20 thought it connected to a prior discussion. But there are  
21 other things.

22 And the other, I just thought it was appropriate  
23 to put in the record something that made it clear that that  
24 was not something that was considered by the Commission in  
25 terms of the incumbent residences.

1           COMMISSIONER STERTZ: I mean, we have talked about  
2 perspective communities of interest. We have talked  
3 geography. We have talked about other areas too.

4           MARY O'GRADY: Sure. And I just thought I would  
5 highlight those. But you certain can highlight, you know,  
6 whatever you feel highlighting --

7           VICE-CHAIR HERRERA: Madam Chair.

8           MARY O'GRADY: -- as part of the Commission  
9 discussions.

10          VICE-CHAIR HERRERA: I think as --

11          CHAIRPERSON MATHIS: Mr. Herrera.

12          VICE-CHAIR HERRERA: I think as Ms. O'Grady said,  
13 we're free to read this information and take it into account  
14 when we are making changes to the draft map. So I think she  
15 was pretty clear.

16          COMMISSIONER STERTZ: Well, I understand,  
17 Mr. Herrera, but I keep getting back to --

18          VICE-CHAIR HERRERA: I'm not done.

19          COMMISSIONER STERTZ: -- there seems to be a  
20 slighting of the delivery of testimony --

21          VICE-CHAIR HERRERA: I think --

22          COMMISSIONER STERTZ: -- and there's -- and this  
23 was, the house, the house and the senate, the house went  
24 through a lot of trouble to capture testimony to put this  
25 memorial into place.

1 VICE-CHAIR HERRERA: And --

2 COMMISSIONER STERTZ: And to, and to gloss over it  
3 and just to highlight those two items, one, I'd rather have  
4 chosen to not highlight them all or at least to go into  
5 every single one of these in its full and completeness.

6 VICE-CHAIR HERRERA: I don't think Mr. Stertz can  
7 be happy with anything we do today, so I suspect that we  
8 just -- I recommend that we just move forward and we -- his  
9 comments are noted, but I. . .

10 CHAIRPERSON MATHIS: Okay. I have a question. It  
11 says house concurrent memorial 2001. Is this from the  
12 previous Commission or is this the current?

13 MARY O'GRADY: Madam Chair, that's for the current  
14 Commission. It's just -- that's just a number.

15 CHAIRPERSON MATHIS: A number, okay. It's not the  
16 year. Okay. Good.

17 MARY O'GRADY: The year is up in the left-hand  
18 side, 2011.

19 CHAIRPERSON MATHIS: Got it. Thank you.

20 Okay.

21 Any comments or questions on any of this material?

22 COMMISSIONER STERTZ: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: May I ask legal counsel why  
25 this, why this -- you said that it was a constitutional

1 opportunity for the legislature to do this. They chose not  
2 to do it the previous Commission, and they chose to do it  
3 now.

4 Do you have any insight or -- into why they chose  
5 to make this choice now or why they chose to assemble this  
6 team now?

7 And also, are you -- is there a recordation of the  
8 transcripts that are also available to the Commission to  
9 read of the -- that go beyond the depth of this report?

10 MARY O'GRADY: Commissioner Stertz, I'm not going  
11 to speculate on why they did that.

12 I think the reports speaks for itself.

13 And, again, there's the minority report as well  
14 that goes with it. And they're both referenced in the  
15 constitution as things that should be considered.

16 And in terms of the records of the Commission,  
17 legislative hearings, those are in the legislative website  
18 available for review. And that would be something that, you  
19 know, you could certainly review those. And we've discussed  
20 how that really does become part of the record of the  
21 comments that have been submitted.

22 VICE-CHAIR HERRERA: Madam Chair.

23 JOSEPH KANEFIELD: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Kanefield.

25 JOSEPH KANEFIELD: Madam Chair, members of the

1 Commission, just to add to that point, the legislature  
2 conducted several hearings over several days. And those, as  
3 Ms. O'Grady just mentioned, those are available on their  
4 website to be watched.

5           They're web streamed, so they were -- you can  
6 watch the testimony live, and jump to any part of the  
7 testimony you wish to review.

8           So it's all available on the AZleg.gov.

9           VICE-CHAIR HERRERA: Madam Chair.

10          CHAIRPERSON MATHIS: Mr. Herrera.

11          VICE-CHAIR HERRERA: The -- I think we -- every  
12 citizen in Arizona, including the state legislators, were  
13 encouraged to attend their meetings and voice their  
14 concerns.

15          Most of them chose not to.

16          I recall seeing a very few Republican, probably  
17 more Democratic legislators approach the Commission and talk  
18 about their communities of interest, what's important to  
19 them. So I think that was a time for the leaders of the  
20 state to come forward and talk about what matters to them.

21          And, again, my account, I saw very few at these  
22 meetings.

23          I saw very few at the public hearings, both the  
24 first round and second round.

25          So I think that's -- and we've given them -- we've

1 given ample opportunity to speak in front of the Commission.  
2 And as I said, most chose not to.

3 CHAIRPERSON MATHIS: Any other comments or  
4 questions on these?

5 (No oral response.)

6 CHAIRPERSON MATHIS: Okay. Well, we'll be taking  
7 all of them into consideration when we start to adjust the  
8 draft maps.

9 The next item on the agenda is number seven,  
10 consideration of governor's letters on mapping adjustments.

11 JOSEPH KANEFIELD: Madam Chair, members of the  
12 Commission, Governor Brewer wrote two letters to the  
13 Commission expressing her views on the draft legislative and  
14 congressional maps.

15 One letter, dated October 26th, and that letter  
16 discusses her views on the congressional district map.

17 The other letter is dated November 9th, 2011.  
18 That letter discusses her views on the draft legislative  
19 map.

20 They're two-page letters. They're in your  
21 materials and for your consideration.

22 CHAIRPERSON MATHIS: Thank you.

23 Any comments or questions on those letters?

24 VICE-CHAIR HERRERA: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Herrera.



1           VICE-CHAIR HERRERA: Again, I'm going to reiterate  
2 I never saw anyone representing the governor or the  
3 governors at any of our meetings. And she had ample time to  
4 express herself and chose not to.

5           CHAIRPERSON MATHIS: Any other comments?

6           COMMISSIONER STERTZ: Madam Chair.

7           CHAIRPERSON MATHIS: Mr. Stertz.

8           COMMISSIONER STERTZ: Are you saying, Mr. Herrera,  
9 that because the governor of the state of Arizona did not  
10 attend one of our hearings that we should -- are you giving  
11 less weight to the document that she's submitted to us for  
12 contemplation?

13          VICE-CHAIR HERRERA: No, you said that.

14                    What I said is -- I stated a fact.

15                    That the governor or representative for the  
16 governor was at none of the meetings. She chose to attend  
17 none of them --

18          COMMISSIONER STERTZ: What's your point?

19          VICE-CHAIR HERRERA: Well, what's your point? I  
20 mean --

21          COMMISSIONER STERTZ: The point in making that  
22 statement.

23          VICE-CHAIR HERRERA: It was a factual statement.

24          CHAIRPERSON MATHIS: This isn't constructive,  
25 guys.

1 Stop.

2 Okay.

3 So assuming there's no other comments on agenda  
4 item seven, we'll be taking those letters into consideration  
5 as part of our public input as well.

6 And that takes us to number eight, which is  
7 discussion and possible direction to mapping consultant  
8 regarding adjustments to draft congressional, and then of  
9 course the next one is draft legislative.

10 We also have -- I just, looking ahead on the  
11 agenda, there's a few legal advice items. I'm wondering how  
12 commissioners feel, if you want to -- is there anything we  
13 want to give our mapping consultant today to chew on, for  
14 instance, some ideas for any adjustments that are burning in  
15 your hearts that you'd like to have them start to look at so  
16 that they could be doing that work and then bringing it back  
17 later this week.

18 VICE-CHAIR HERRERA: Madam Chair, I had already  
19 expressed my -- the change that I would like to make to both  
20 the legislative and congressional map to include the fire  
21 district in -- I think it was -- my mind is blanking. It's  
22 the Schultz fire and Fernwood, and I forgot the other one.

23 CHAIRPERSON MATHIS: Timberline.

24 VICE-CHAIR HERRERA: Timberline. Those are three  
25 areas that -- I attended the Flagstaff meeting and it was

1 pretty clear that there was a consensus at that meeting that  
2 that is something that should be included within those areas  
3 of the flood and fire area should be included within the  
4 city of Flagstaff and Coconino County, both in the  
5 congressional and legislative maps. This is something that  
6 I would recommend that we do.

7 I think -- if anybody was listening to that  
8 meeting or read the transcripts or attended, there was  
9 probably no discussion that that's something we should be  
10 doing.

11 COMMISSIONER STERTZ: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Stertz.

13 COMMISSIONER STERTZ: The process, when we earlier  
14 discussed what the process was going to be for moving  
15 forward with directions from commission to, it was my  
16 understanding we were going to go through and we were going  
17 to make presentations of what our changes would want to be  
18 and vote on those changes before they would be moved forward  
19 to the mapping consultant for integration, for analysis.

20 Has something changed?

21 CHAIRPERSON MATHIS: I didn't view it as that we  
22 would vote on each person's ideas.

23 But I had hoped that we could come to consensus at  
24 least on some ideas for the mapping consultant to go forward  
25 and be able to come back and show us the analysis of the

1 impacts of those adjustments.

2 And so that was my take, and I may have a  
3 different take than all of you in terms of what we were --  
4 how we were going to proceed.

5 But I thought that we could agree just on some  
6 ideas to at least get our mapping consultant moving forward  
7 on some of these adjustments.

8 VICE-CHAIR HERRERA: Madam Chair, I -- as I stated  
9 before, I don't know if I'm okay with people recommending  
10 changes, the commissioners, for the mapping consultant to be  
11 spending time on things that probably will not be approved.

12 Because there are probably changes that I want to  
13 make that the Commission as a whole may not agree with. To  
14 me I would see it as a waste of time for the mapping  
15 consultant.

16 So if we will be making changes that are  
17 significant, I think we as a Commission should be voting on  
18 those changes.

19 CHAIRPERSON MATHIS: Other thoughts?

20 COMMISSIONER McNULTY: My thought on the general  
21 changes is that I kind of agree with the direction you were  
22 going in.

23 That I know I have some thoughts about changes on  
24 both maps that I, I would like to offer, but I'd rather do  
25 it when we're fresher and I've had a better opportunity to

1 think through where the ripple effects are and what I would  
2 want to ask Ken and Willie to look at in terms of ripple  
3 effects.

4           So I would be prepared to do that tomorrow, at  
5 least for some first comments.

6           In terms of the Schultz fire, I think that's an  
7 important thing for us to look at and see how we would do  
8 it, see whether we have the information that we need to do  
9 it, and see what the impact would be in terms of population  
10 on the district, and, again, what we would need to -- what  
11 countervailing change we would need to make.

12           So I would support asking them to look at that.

13           COMMISSIONER STERTZ: Madam Chair.

14           Mr. Stertz.

15           COMMISSIONER STERTZ: I would like to include then  
16 that based on public comment the keeping of Cochise County,  
17 Greenlee, Graham, and Yuma Counties whole, as -- and then  
18 for us to determine what the net ripple effect would be of  
19 those changes.

20           VICE-CHAIR HERRERA: I would not be in favor of  
21 that. I think that would be wasting the mapping  
22 consultant's time.

23           COMMISSIONER STERTZ: Why would that be a waste?

24           VICE-CHAIR HERRERA: We've done the voting  
25 analysis with, with Yuma and District 7.

1           And Yuma -- I live in Yuma, for 18 plus years. I  
2 still go there.

3           And you saw that that particular district, the way  
4 it was shaped and the population, that it was going to be an  
5 issue.

6           And that we needed to address the issue by  
7 separating Yuma from the northern part from the southern  
8 parts to allow minorities to elect someone of their choice.

9           Leaving it the same will not allow minorities to  
10 elect someone of their choice. That is a racially polarized  
11 area that obviously you saw what the information that was  
12 presented in front of us.

13           That probably would not pass the DOJ if we kept it  
14 the same. So if your goal is to not pass DOJ, then, yeah,  
15 let's, let's keep them together.

16           COMMISSIONER STERTZ: Madam Chair.

17           CHAIRPERSON MATHIS: Mr. Stertz.

18           COMMISSIONER STERTZ: Going back to the -- going  
19 back to the -- Commissioner Herrera just, I think he just  
20 said what -- he overruled that. I'm not sure what you said.  
21 That it would be a waste of time for the mapping consultant  
22 to do that.

23           I happen to agree with that there should be  
24 nothing contemplated this evening, because my, my -- what  
25 I'm going to do is I'm going to go down that path, and in

1 either number seven or eight, are we -- or excuse me, eight,  
2 eight and nine, there's no -- these are not action items and  
3 are not, are not -- do not have a contemplation for both.

4 And if we're going to be voting on whether or not  
5 we're moving forward or rejecting these ideas,  
6 because therefore I can't make a motion to have it turned  
7 down.

8 I would make a motion that Yuma County be kept  
9 whole, and there it would fail for lack of a second.

10 I would make a motion that Cochise County would be  
11 kept whole, and it would fail for lack of a second.

12 I would make a motion that Graham and Greenlee  
13 would be kept whole, it would fail for lack of a second.

14 So, tell me what we do next.

15 COMMISSIONER McNULTY: I have a question for  
16 Mr. Strasma.

17 Would it be possible for you to just as a general  
18 matter look at the legislative districts and ways to improve  
19 the strength of those minority districts?

20 KENNETH STRASMA: Yes, commissioner, I think that  
21 would be a valuable exercise, with the understanding, of  
22 course, that any changes would be something brought back to  
23 the Commission.

24 But that is something that I feel there's a broad  
25 consensus that we should be looking at, and we can be

1 working on that. And perhaps early on, as one of the  
2 examples, to show the change reports where we're able to all  
3 get used to how we, how we express the effects of some of  
4 those changes.

5 And with the Commission's concurrence, I would, I  
6 guess, view that as an ongoing instruction throughout this  
7 process.

8 COMMISSIONER McNULTY: It seems it would be  
9 helpful to highlight those things for us.

10 When I was looking at districts, you know, over  
11 our break, it didn't seem to me that there are any large  
12 concentrations of Latino voters that we've overlooked in the  
13 state.

14 But on the other hand, there might be some, you  
15 know, small pockets here and there that we might want to  
16 pick up to strengthen districts.

17 And so I guess I -- one, one is a question. Have  
18 you looked at that, whether there were any large minority  
19 populations that we haven't addressed, large enough to be,  
20 you know, maybe Section 2 populations, or --

21 KENNETH STRASMA: I do not believe there are any  
22 large areas there. Obviously the Commission worked very  
23 hard on coming up with the draft maps. And if there were  
24 any obvious concentrations of population, they were  
25 included.



1 I do believe that it will be possible to make  
2 large improvements around the edges. And that's something  
3 that will be valuable for us to look at on an ongoing basis.

4 COMMISSIONER McNULTY: Are you, as you're looking  
5 at that, looking at the populations of voters who have been  
6 moved into these districts from ineffective -- formerly  
7 ineffective districts, and you're running the -- you're  
8 doing the analysis with, you know, like, the 2008  
9 presidential election to bolster our, our case that they are  
10 effective voters?

11 KENNETH STRASMA: Yes, on both of those counts.

12 In addition to the mine commissioner's race, we  
13 will be looking at elections from '08 to '06 and '04, where  
14 those are available.

15 And also the new thing that we're not looking at  
16 doing the drafting of the draft maps is this question of  
17 population from districts that were not previously minority  
18 districts. And that's something that we'll be able to  
19 quantify.

20 And, and as, as we said earlier, that there's  
21 nothing wrong with doing that. It's an additional burden of  
22 proof. So other things being equal, it's preferable to have  
23 population that was in minority districts, effective  
24 minority districts before.

25 I should say that that is, you know, a question we

1 pulled into, and that there is not that much population that  
2 was previously in minority districts that is not in a  
3 minority district now.

4           And also both that type of population and  
5 minority population in general, there is a fair amount of  
6 that population that is in census blocks that are less than  
7 50 percent minority. So that minority population exists but  
8 it's not in an area, or even if we could grab that  
9 individual block, that it would be in that net positive for  
10 this.

11           COMMISSIONER McNULTY: So those things can happen  
12 at the same time.

13           KENNETH STRASMA: Yes.

14           VICE-CHAIR HERRERA: Madam Chair.

15           CHAIRPERSON MATHIS: Mr. Herrera.

16           VICE-CHAIR HERRERA: I would be in favor of  
17 directing Mr. Strasma to do that. I think that hopefully  
18 all the commissioners that are here would agree that  
19 strengthening majority-minority districts for preclearance  
20 is something that we all agree on.

21           CHAIRPERSON MATHIS: Right. And that is how we  
22 started the construction of draft maps, for both legislative  
23 and congressional. So it seems like a logical place to  
24 begin to ensure that we have sound majority-minority  
25 districts, and even looking at things like moving Anglo

1 population as you talked about as opposed to looking for any  
2 missing pockets of minority population.

3 VICE-CHAIR HERRERA: Madam Chair, is that a  
4 consensus that we --

5 CHAIRPERSON MATHIS: Mr. Stertz, would be you  
6 comfortable with us starting with majority-minority  
7 districts on congressional and legislative maps?

8 COMMISSIONER STERTZ: It meets the -- it meets our  
9 constitutional requirement to meet the Voting Rights Act, is  
10 the number one thing that we're supposed to do. So if we  
11 are not doing so, then it would be flawed of our thinking to  
12 proceed anything other than that.

13 CHAIRPERSON MATHIS: Great. So I think we all  
14 agree that that's the place to start.

15 If you could --

16 COMMISSIONER STERTZ: But, Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Stertz.

18 COMMISSIONER STERTZ: My understanding is that the  
19 maps as they are currently drawn do meet the criteria. So  
20 I'm a little remiss about why we're going to strengthen  
21 something that already does meet the criteria.

22 CHAIRPERSON MATHIS: I don't know if it's a  
23 foregone conclusion that everything has met -- has been met,  
24 especially on legislative. That was my take.

25 But I think that further analysis will have to be

1 conducted, and so I think to the extent we can kind of  
2 explore some of these things that Mr. Adelson suggested  
3 today, such as the removal of Anglo population in certain  
4 areas where it would make sense from majority-minority  
5 districts --

6 COMMISSIONER STERTZ: What would, what would the  
7 purpose of that be?

8 VICE-CHAIR HERRERA: Madam Chair. I think,  
9 Mr. Adelson was pretty clear that in 2006 when  
10 they reauthorized the Voting Rights Act, that they  
11 strengthened Section 5 of the Voting Rights Act.

12 So things are a little different than they were  
13 ten years ago, that the Department of Justice has more  
14 authority and are able to scrutinize more so than they did  
15 ten years ago. So it doesn't hurt -- I think it only helps  
16 our cause if we're doing everything we can to strengthen  
17 already strong majority-minority districts.

18 So I don't see a problem with that at all.

19 And I think it's something we have been doing.

20 I think we can't be too cautious.

21 BRUCE ADELSON: Excuse me, Madam Chair, if I could  
22 jump in for a minute.

23 CHAIRPERSON MATHIS: Please.

24 BRUCE ADELSON: I think both points are very well  
25 taken. And going back to what I was saying earlier, I think

1 it's very important in looking at any districting plan and  
2 any analysis to always in a Section 5 state err on the side  
3 of caution, that even if analysis which we don't have at the  
4 moment, but in the process, reveals, for example, that  
5 56 percent, for example, of minority voting age has been  
6 determined to be what you need to avoid retrogression,  
7 oftentimes I might suggest, well, maybe we need to increase  
8 that by half a point or a point, because there's always some  
9 margin for error.

10           And I guess the way -- also the way I look at it  
11 too, kind of piggy backing on something Mr. Strasma said  
12 earlier, and I know that this is something that we talked  
13 about earlier today, that to me we're at the stage now from  
14 my perspective of proving it.

15           So, if I'm, if I'm pretending to still be with the  
16 Department of Justice, and that's how I look at this and  
17 reviewing all the plans and the comments, I keep saying over  
18 and over in my head, prove it, okay.

19           I understand that point. I understand this point.  
20 Prove it.

21           And if it is proven, great.

22           If it's not yet proven, okay, then we need to do  
23 A, B, and C.

24           I also wanted to mention something  
25 Commissioner McNulty had talked about as far as large

1 numbers of voters. And I agree, my understanding that at  
2 present there are not hundreds of thousands of minority  
3 voters who have not been accounted for. But there are  
4 smaller groups.

5           You don't need hundreds of thousands of voters.

6           And the stage you're in now is in a very typical  
7 redistricting stage where you are frankly looking for  
8 residents.

9           Whether it's to move out, move in minorities who  
10 can elect, cannot elect, that's the very typical part of  
11 where things stand now.

12           So that it's important to realize that even if you  
13 can capture sometimes 100 voters -- 100 residents, I should  
14 say, that can make a difference by just a couple of  
15 percentage points or a tenth of a point or a fifth of a  
16 point.

17           The Justice Department in the Texas case had  
18 issues with a jurisdiction that changed by half a percent.

19           Now, that doesn't seem like very much, but that's  
20 why every tenth of a point is important. Every individual  
21 from a Section 5 standpoint and also from a Section 2  
22 standpoint is important.

23           So that it's very interesting when you look at a  
24 certain analysis and you can see that the change of so  
25 little can make a big difference in races that have been

1 close, in certain districts around the state. Of course  
2 that will be vary by district.

3 So it's not important that there aren't large  
4 numbers of people. But to the extent that there are, that's  
5 what I would recommend that you look at as you move forward.

6 Because capturing as many of them as possible is  
7 always more advisable than keeping them, from a Section 5  
8 standpoint, than keeping them in districts where they cannot  
9 elect now under your, under your proposal.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: Also the last time the  
13 Commission submitted the -- well, I think it was the  
14 legislative maps, they were not -- they did not preclear the  
15 first time.

16 If I was -- I mean, I'm assuming that if I was on  
17 the Department of Justice, and I -- that would be a red flag  
18 for me, that I would scrutinize any maps coming from  
19 Arizona.

20 Now, I understand things are different now. We  
21 have Strategic Telemetry and not NDC, and we have Mary  
22 O'Grady and Joe Kanefield and not the attorneys that --  
23 well, that -- and we have a different group of people, and I  
24 think it will preclear.

25 But, I think, again, being as cautious as

1 possible, it would be serve us well to do that.

2 BRUCE ADELSON: In picking up on that point, what  
3 is important to realize, and I think I had mentioned this  
4 the first time I had the pleasure to address you, the  
5 department has a file on all Section 5 states. And that  
6 file includes each state's preclearance history from the  
7 department's perspective, objection or not, preclearance or  
8 not, lawsuit, federally imposed plan.

9 And, you know, I certainly recall the Arizona  
10 file. And the Arizona file had information on the '90s and  
11 the '80s.

12 And the file now has the memo that I wrote about  
13 the process the last time.

14 So that even though there is nobody left at the  
15 department who was involved from an analytical standpoint or  
16 as an attorney in the review, they've all read the file.

17 So I think frankly sometimes it may not be fair  
18 for the Department of Justice to look at past acts, past  
19 conduct.

20 But fair or not, that is part of the process.  
21 That does inform in the sense of how the department views  
22 each state's redistricting.

23 What's interesting too about that, going back to  
24 the terms earlier about learning lessons from the Texas  
25 case, in the Texas case the department made regular



1 assertions of Texas' history of discrimination under the  
2 Voter Rights Act. The department found it was a relevant  
3 factor in looking at the analysis and the information that  
4 Texas provided.

5 So sometimes Section 5 and federal law may not be  
6 fair.

7 And I certainly understand that.

8 But I think we also have to -- it's important to  
9 realize that that's just the universe we live in. And the  
10 department does take into account Arizona's previous  
11 redistricting history, which as we discussed involves  
12 objections in each decade, either in whole or in part, to  
13 the preclearance part.

14 Thank you.

15 CHAIRPERSON MATHIS: Thank you.

16 COMMISSIONER STERTZ: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Stertz.

18 COMMISSIONER STERTZ: The caution that I would  
19 have going forward is making the assumption that what  
20 Mr. Strasma and his team would be doing now by, quote  
21 unquote, strengthening the majority-minority districts would  
22 not be to offload individuals that are voters of a  
23 particular voting style or type or history that may change  
24 the complexion of their adjacent districts that they be  
25 offloaded to.

1           That is a, that, that is a concern that I want to  
2 have addressed and shown out in as you are going through  
3 your analysis.

4           In other words, let me cut to the quick here. I  
5 don't want to see overpacking of districts in an effort to  
6 overpack Republicans into Republican districts in an effort  
7 to create the opportunity for -- all, all being done on the  
8 shoulders of strengthening the voters right districts.

9           KENNETH STRASMA: If I may, Madam Chair.

10          CHAIRPERSON MATHIS: Mr. Strasma.

11          KENNETH STRASMA: Two, two main points,  
12 commissioner.

13           The first that you would want to see this done in  
14 a way where it did not change at all the complexion of the  
15 voters' district, that I acknowledge right up front is not  
16 possible.

17           As we move voters, it's going to change districts.

18           And with that in mind, that's why the change  
19 report draft that Mr. Desmond showed shows not just the  
20 target district but all districts affected by a change.

21           And we view this direction as to see if there are  
22 ways that these districts can be strengthened. And I  
23 believe the districts are good as they stand now. But  
24 there's -- I see nothing wrong with attempting to make  
25 districts that make our preclearance process smoother

1 sailing.

2 But, keep in mind that there are intended and  
3 unintended consequences to any change.

4 We would bring back to the Commission the change  
5 report that shows not just the changes to the target  
6 district, but the other districts affected. And it would be  
7 your decision as commissioners whether those changes taken  
8 as a whole were desirable or not.

9 So I understand your concern, and we'll provide  
10 you the numbers to make an important decision about  
11 changes --

12 VICE-CHAIR HERRERA: Madam Chair.

13 COMMISSIONER STERTZ: And you've made my, you've  
14 made my point.

15 VICE-CHAIR HERRERA: Madam Chair, I think we,  
16 we -- when we talked about making changes to the  
17 majority-minority districts, I think Mr. -- it was said that  
18 the, that the -- Mr. Stertz mentioned our number one goal is  
19 to meet preclearance and to meet the -- make sure that the  
20 majority-minority districts will preclear.

21 So, and those are -- whether you like the Voting  
22 Rights Act or not, those are some of the consequences of  
23 having the Voter Rights Act, that they will be -- that we'll  
24 have to make sacrifices.

25 And I think that we will be presented with that

1 information, and we will, I'm assuming, vote on those  
2 changes.

3           And, again, I think we should move forward with  
4 the recommendations to Mr. Strasma that we -- that he brings  
5 back majority-minority districts that are even more stronger  
6 than they are now.

7           COMMISSIONER STERTZ: Madam Chair.

8           CHAIRPERSON MATHIS: Mr. Stertz.

9           COMMISSIONER STERTZ: Again, as a correction to  
10 Commissioner Herrera, I did not say that above preclearance.  
11 I said it is our, it is our number one constitutional  
12 mandate. And my intention is that all along is that we are  
13 following the constitution.

14           So it is -- Mr. Strasma made my point.

15           I want to make sure that as we go down this  
16 path -- and, again, Madam Chair, it is, it is incumbent upon  
17 you to be balanced. You are the one vote between the  
18 two Republicans and the two Democrats, that are going to  
19 swing this decision as you see that as these voters, there  
20 are going to be intended and unintended consequences to  
21 these adjustments, and the unintended or intended  
22 consequences are going to fall on your shoulders for both.

23           VICE-CHAIR HERRERA: Madam Chair.

24           CHAIRPERSON MATHIS: Mr. Herrera.

25           VICE-CHAIR HERRERA: I am glad that Mr. Stertz

1 sees you as an Independent. For a while, he wasn't.  
2 Obviously he's changed his mind. That was very humble of  
3 you to change your mind all of a sudden, before she wasn't  
4 an Independent and now all of a sudden now she is  
5 Independent will be deciding the deciding vote. Thank you.  
6 Thank you for finally realizing that.

7 CHAIRPERSON MATHIS: All right. All right. We're  
8 good. Let's, let's stop with the banter.

9 Any other comments that we have decided that -- we  
10 have consensus, which I'm excited about, on moving forward  
11 at least to have our mapping consultant look at both the  
12 congressional and draft -- congressional and legislative  
13 draft maps and determine what might be done to --

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: -- improve or strengthen  
16 these majority-minority districts --

17 VICE-CHAIR HERRERA: Sure. I'd like the member of  
18 the audience to keep his mouth shut if they're going to say  
19 nasty things.

20 UNIDENTIFIED AUDIENCE MEMBER: Why don't you keep  
21 your mouth shut and be civil.

22 CHAIRPERSON MATHIS: Everybody --

23 VICE-CHAIR HERRERA: I'm -- if you volunteered,  
24 you would be able to say what I'm saying, but you can't, so  
25 I'd appreciate that.

1           CHAIRPERSON MATHIS: Okay. So you guys have what  
2 you need. Mapping consultants?

3           KENNETH STRASMA: Yes, thank you, Madam Chair.

4           COMMISSIONER STERTZ: Madam Chair.

5           CHAIRPERSON MATHIS: Direction.

6           Mr. Stertz.

7           COMMISSIONER STERTZ: Mr. Strasma, in, in your  
8 analysis, are you able to look up districts as they  
9 currently stand without the need or the -- to take any --  
10 and to work together with Mr. Adelson in realizing that as  
11 they currently stand pending further analysis that they may  
12 be perfectly designed now without any further strengthening  
13 or, or adjustments to meet what he believes would be an  
14 appropriate presentation for preclearance?

15                   In other words, can you make it a first shot  
16 without changing anything, have them take a look at it and  
17 see whether or not it worked based on your secondary level  
18 of analysis?

19           KENNETH STRASMA: If I'm understanding the  
20 question correctly, if we were forward in time and this was  
21 the adopted map, I would feel fairly good about beginning  
22 the process of our submission of these maps. Our hurdle is  
23 to be better and stronger in making districts.

24                   I think it's likely that we have met that hurdle.

25                   There is a fair amount of work to be done between

1 I believe it's quite likely and we have approval at DOJ.

2 That is true.

3 And if, you know, it is possible that the  
4 districts are as good as they can be in terms of obtaining  
5 DOJ preclearance.

6 The fact that it's entirely possible that we look  
7 at this and come back to you and say there is no way to  
8 improve these districts without overriding unintended  
9 negative consequences.

10 But I think it's valuable to explore that. And if  
11 we are able to find something that strengthens our path  
12 toward preclearance, that will be advisable.

13 COMMISSIONER STERTZ: Will you be doing this in  
14 concert with Mr. Adelson?

15 KENNETH STRASMA: Yes.

16 COMMISSIONER McNULTY: The question I was about to  
17 ask. What is your status? Are you going to be with us in  
18 spirit or in body -- in body or in spirit? What's your  
19 availability?

20 BRUCE ADELSON: Commissioner McNulty, I'm always  
21 with you in spirit.

22 COMMISSIONER McNULTY: I thought you would say  
23 that.

24 BRUCE ADELSON: This here, I'm here all week.

25 I will not here all week next week.

1           The following week I can be here for a few days.

2           I've discussed this both with my clients and my  
3 most important client, my wife and my son. And they  
4 certainly understand, you know, where we are and what my  
5 schedule is this week.

6           So I will certainly be here -- as you know, I am  
7 available any day, any time, to answer any phone call,  
8 e-mail, any concern, or question on the part of any of the  
9 commissioners.

10           Because certainly this is the time in the process  
11 where we are getting down to the wire and moving toward the  
12 adoption and moving towards answering all the questions that  
13 we had talked about earlier.

14           And I think in going to Commissioner Stertz's  
15 point, at this point, as I said, looking through the  
16 analysis and looking through each district, there are  
17 questions that I have. And issues that I need to have  
18 resolved for me to say, yes, this is okay, yes, Department  
19 of Justice would likely preclear this. The questions and  
20 issues are -- many of them are among what we've discussed  
21 today.

22           So as the analysis continues to develop to answer  
23 the questions and resolve the issues, then I expect that we  
24 will continue to be moving forward.

25           But I always go back to my looking at things from



1 the DOJ law enforcement perspective and looking for any  
2 undotted I and uncrossed T that they will have a question  
3 about. And until those questions are answered, then that  
4 remains a live question.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: Did we consensus to  
8 Mr. Strasma to make any necessary changes to strengthen the  
9 majority-minority districts and if that included making some  
10 changes, obviously those changes would be brought to the  
11 Commission for approval?

12 I think that's what we agreed on.

13 I want to make sure that we are clear on that, and  
14 I don't want to confuse Mr. Strasma or his team.

15 CHAIRPERSON MATHIS: I believe that, that's my  
16 interpretation.

17 Anybody feel differently?

18 COMMISSIONER McNULTY: It's my understanding that  
19 you were going look for ways to do that and present those to  
20 us, and that we would discuss them, and discuss what the  
21 negative consequences would be, if any.

22 KENNETH STRASMA: That's my understanding.

23 CHAIRPERSON MATHIS: Okay.

24 I think that takes us through items eight and  
25 nine.

1           So we are now on ten, which is legal advice,  
2 direction to counsel, discussion, possible action and an  
3 update regarding litigation on open meeting law. Commission  
4 may vote to go into executive session which will not be open  
5 to the public for the purpose of obtaining legal advice and  
6 providing direction to counsel.

7           JOSEPH KANEFIELD: Madam Chair, members of the  
8 Commission, just a quick update on the litigation involving  
9 the open meeting law.

10           There was oral argument before Judge Fink, I  
11 believe it was November 14th, in which the parties presented  
12 their argument, their respective cross motions for summary  
13 judgment, along with the response and argument to the  
14 attorney general's motion to dismiss.

15           Judge Fink has taken that matter under advisement,  
16 and we expect a decision from him sometime in the next four  
17 to six weeks.

18           CHAIRPERSON MATHIS: Okay.  
19           Any questions on that item?  
20           (No oral response.)

21           CHAIRPERSON MATHIS: Okay. Number 11, legal  
22 advice, discussion, and possible action regarding litigation  
23 about the removal of the chair. The Commission may vote to  
24 go into executive session which will not be open to the  
25 public for the purpose of obtaining legal advice and

1 direction to counsel.

2 MARY O'GRADY: And this is just an update that  
3 litigation is over in terms of the work.

4 There was -- after our last meeting we filed the  
5 special action challenging the removal of the chair.

6 That was heard by the Supreme Court.

7 They obviously reinstated the chair.

8 There was motions to reconsider filed last week by  
9 the governor and senate, and those were denied.

10 And the court did issue a clarification of its  
11 order previously, but we'll get a formal opinion from the  
12 court in due course. I would suspect within the next few  
13 months.

14 There's no additional work to be done on that  
15 matter.

16 COMMISSIONER STERTZ: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Stertz.

18 COMMISSIONER STERTZ: When will get a  
19 reconciliation of the costs of that litigation?

20 MARY O'GRADY: Well, in terms of the cost to the  
21 Commission --

22 COMMISSIONER STERTZ: To the state of Arizona.

23 MARY O'GRADY: I don't know in terms of the --  
24 like I'm not getting -- all we would have is cost to the  
25 Commission, and our -- you know, my legal bills would be

1 filed monthly, and they'll go to the Commission for review  
2 and payment, so most of that work was in November, so it  
3 would be bills yet to be given to the Commission.

4 Now, in terms of the cost that the governor spent  
5 and the senate spent, I wouldn't that have information.

6 You know, separate entities would have that  
7 information.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE CHAIR HERRERA: Probably a month ago or  
10 longer than that I asked the staff to start compiling that  
11 information, because that is I think important for us to  
12 know how much taxpayer money we spent on a lawsuit that  
13 didn't go anywhere and how much we continue to spend.

14 So I would hope that the staff at the next  
15 opportunity is able to provide that information, because I  
16 think the taxpayers of Arizona should know how much money is  
17 being spent attacking the IRC.

18 CHAIRPERSON MATHIS: On cue is Mr. Bladine.

19 RAY BLADINE: My plan was to that we'll have more  
20 budget figures again December 1st. A lot of legal charges  
21 have not finished coming in.

22 I've noticed we've had several records requests  
23 from the Capital Times and also from the Republic for that  
24 information. We will be getting it together. I don't want  
25 to provide that information until I know that the invoices

1 have been reviewed and that they're accurate. So once they  
2 are accurate and I know that I'm providing the right  
3 information, I will provide that, of course, to the  
4 Commission and also to the newspapers that have requested  
5 it.

6 And I do understand they're asking the same  
7 questions of the governor.

8 So we may get the total answer from the media.

9 But right now we don't have all of the billings,  
10 and they're not processed, and we're having some discussions  
11 with some of the state officials about how we're going to  
12 pay those bills.

13 So I'm glad to talk about that later if we need  
14 to.

15 COMMISSIONER STERTZ: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Stertz.

17 COMMISSIONER STERTZ: Although we already passed  
18 this as an agenda item, would that be inclusive of the  
19 attorney general's report, and the attorney general's  
20 lawsuit and subsequent litigation the Maricopa County  
21 attorney and the individual commissioners' individual legal  
22 counsels' cost?

23 RAY BLADINE: Commissioner Stertz, my thought  
24 would be to provide you all of the costs that have been  
25 involved, and to the best we can, which was, again, the

1 question Commissioner Herrera asked before, try to break  
2 them out.

3           Some billings in the past were not broken out, and  
4 I'm not sure I can give you an accurate reflection way back.  
5 But to the extent we have billings for each individual, or  
6 by topic, we will, we will get that together. And my hope  
7 would be barring any unforeseen consequence we can have that  
8 for you next week.

9           COMMISSIONER STERTZ: To the extent practical?

10          RAY BLADINE: Yes, sir.

11          CHAIRPERSON MATHIS: Any other questions or  
12 comments?

13          VICE-CHAIR HERRERA: Madam Chair.

14          CHAIRPERSON MATHIS: Mr. Herrera.

15          VICE-CHAIR HERRERA: Yeah, the expenses should  
16 also include any time that the staff has devoted to the  
17 investigation, whether it be the general investigation, the  
18 county attorney, and also -- the cost should also include  
19 any time the staff has devoted to any of the legal lawsuits  
20 filed by the AG's office, county attorney, by the --  
21 defending ourselves with the state senate and the governor.

22                So I would hope that the staff time and any staff  
23 expenditures are included in that as well.

24          RAY BLADINE: Commissioner Herrera, I believe that  
25 was your request that we've been tracking, and we'll do our

1 best to estimate staff cost also.

2 VICE-CHAIR HERRERA: Thank you.

3 CHAIRPERSON MATHIS: Thanks, Mr. Bladine.

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: Again, this is dabbling on  
7 the edge here, because we're -- this is an off -- we have no  
8 future agenda item on this agenda. But since we're speaking  
9 of items, you cannot come forward to us and present this  
10 information unless it's an agenda item. So my  
11 recommendation would be that you agendize the executive  
12 director's report going forward.

13 RAY BLADINE: Chairman Mathis,  
14 Commissioner Stertz, my plan was to do that in the next  
15 round.

16 I really thought that we would have a full agenda  
17 now getting through starting, so I apologize. I really  
18 didn't get it on, but I will get it on as we've had in the  
19 past, and also bringing forward our list of items that  
20 you've asked us for.

21 So, we'll get back on the normal schedule so you  
22 can ask about it and talk about it.

23 CHAIRPERSON MATHIS: Thank you.

24 That leaves us with one agenda item, and that is  
25 public comment.

1           And I've got about seven sheets in front of me,  
2 yellow request to speak forms.

3           VICE-CHAIR HERRERA: Can I need a quick break?

4           CHAIRPERSON MATHIS: Okay. Sure.

5           It's 6:19 p.m. We'll take a quick five-minute  
6 break and be back and do public comment.

7           (Brief recess taken.)

8           CHAIRPERSON MATHIS: Okay. The time is 6:28 p.m.  
9 We'll end our break and get started with public comment.

10           Our first speaker is Bill England, representing  
11 self, from Maricopa County.

12           (No oral response.)

13           CHAIRPERSON MATHIS: Okay.

14           Don Markowski, representing self, from Maricopa  
15 County.

16           (No oral response.)

17           CHAIRPERSON MATHIS: How about Monica Joyner,  
18 representing self, from Gila.

19           (No oral response.)

20           CHAIRPERSON MATHIS: David Lucier, representing  
21 self, from Tempe.

22           (No oral response.)

23           CHAIRPERSON MATHIS: Shirley Dye, representing  
24 self, from Northern Arizona Counties.

25           (No oral response.)



1           CHAIRPERSON MATHIS: Ann Hines, representing  
2 several, from Maricopa.

3           (No oral response.)

4           CHAIRPERSON MATHIS: Chase Williams, representing  
5 self, from Ahwatukee.

6           CHASE WILLIAMS: Just checking on the time. Was  
7 it four minutes or two minutes?

8           CHAIRPERSON MATHIS: We've varied it. It depends  
9 on how long -- how many people are waiting in line, but  
10 there's not a lot of speakers tonight, so you're welcome to  
11 have the floor.

12           CHASE WILLIAMS: Chase Williams, C-H-A-S-E,  
13 W-I-L-L-I-A-M-S.

14           I just want to begin by thanking the Commission  
15 and especially Chairwoman Mathis and commend the Supreme  
16 Court for their decision, regardless of the opinions of the  
17 governor and some of the commissioners.

18           I think there was one common message that we saw  
19 today in the 6600 comments that were shown by the word maps.  
20 And that was competitiveness.

21           Although Commissioner Stertz may want to make the  
22 argument that these maps are not competitive or it's a  
23 Democratic map, I would like to remind him that there are  
24 four Republican districts and only two competitive  
25 Democratic congressional districts, and we only have three

1 competitive congressional districts, even though Democrats  
2 from all around the state asked for four.

3           So to make the argument that this is a partisan  
4 map is a wrong argument to be making.

5           We have to remember that we're not going to like  
6 100 percent of the maps, either side, because that's the  
7 entire point of this process, is that it is independent and  
8 we preserve the independence of this Commission regardless  
9 of partisan power grabs of our state leadership.

10           And while Mr. Stertz and the legislature think  
11 that they can continue to frame the state however they want,  
12 the people have spoken otherwise in terms of public polls as  
13 well as the numerous comments that we saw after the power  
14 grab by the governor. The public was not supportive of them  
15 trying to make this a partisan process, because we voted in  
16 Prop 106 to ensure the independence of this process.

17           I don't care, and neither does the law, about what  
18 Ben Quayle's mom or what David Schweikert or what the Fair  
19 Trust campaign to have say about these maps because their  
20 message is only partisan.

21           The law asks you to look at certain criteria that  
22 don't have to do with where incumbents live. So when you're  
23 reviewing that legislative analysis that you guys debated on  
24 earlier, I want to remind you that the entire point of their  
25 analysis doesn't even matter because it's not legally

1 pertinent to what your job is.

2           It doesn't matter where Ben Quayle lives or the  
3 fact that he's going to have to compete with David  
4 Schweikert, because that's the question this panel is  
5 supposed to be asking.

6           So, as we look forward, I wanted to make sure that  
7 we commend the commissioners who's standing up for the  
8 Independent, including Commissioner McNulty, Herrera, and  
9 Chair Mathis, for ensuring that we preserve the independence  
10 of this Commission, because so far the only people that are  
11 doing so are the three of them.

12           You hold the power to control elections for the  
13 next ten years.

14           And elections have consequences.

15           Don't take away my vote or the vote of  
16 independence or the voice of people around the state and  
17 allow intended consequences to occur with the partisan power  
18 grab that occurred at the state capital because of the fact  
19 that we didn't have competitive districts for the last  
20 ten years.

21           The only way that we can ensure competitiveness is  
22 to remain -- and make sure the Commission remain independent  
23 and that we preserve competitive districts.

24           Because that was in every single summary of every  
25 single meeting of all 30 of them. Every one mentioned

1 competitive districts. So if you're going to make changes  
2 to these maps, make sure you're thinking about  
3 competitiveness, make them more competitive and not less.

4 Thank you.

5 CHAIRPERSON MATHIS: Thank you.

6 Our next speaker is Martha Jo Billy, representing  
7 self', from Gilbert.

8 MARTHA JO BILLY: Good evening. And it's nice to  
9 see you all again. And, except for the one. Mr. Freeman.

10 And I'm glad you're back, Ms. Mathis. And the  
11 court ruled right, thank God.

12 You've talked a lot about the minority rights, and  
13 I'm all for that, and I've spoken before about the rights of  
14 the Indians, as I've been very involved with them most of my  
15 life.

16 And my husband was Navajo. He's passed away.  
17 But, I'm White, and I live in Gilbert, which is all Mormon.  
18 And it's not only the minorities that has votes that don't  
19 count. My vote counts for nothing and has for years.

20 I vote every time, since I've been 21.

21 And people might say, well, move. I can't afford  
22 to move. But I do vote. But I know every time I vote it's  
23 counting for, as I said, absolutely nothing.

24 There has not been a Democrat on the city council  
25 since 1999.

1           The school board has been controlled by the  
2 Mormons. I've lived in Gilbert since June of '77, so I am  
3 aware of what's going on in the town. And I've been to the  
4 council meetings, et cetera.

5           And I know nothing can be done about my vote, no  
6 matter what you try to do about competitiveness, as long as  
7 I live in Gilbert.

8           And I do want Mr. Herrera to know how much I  
9 appreciate him, how he speaks up for us, that even though  
10 I'm not a minority by race, I'm a minority by voting, my  
11 voting rights. And I really appreciate your speaking up for  
12 us.

13           And thank you very much.

14           CHAIRPERSON MATHIS: Thank you.

15           Our next speaker is Jim Williams, representing  
16 self, from Glendale.

17           JIM WILLIAMS: First I want to apologize for name  
18 calling. It was out of line.

19           I appreciate what you're doing up here. A lot of  
20 people seem to be giving you a lot of grief.

21           I've been attending quite a few of these meetings,  
22 as many as I can. And I'm getting real tired, and maybe  
23 that's why the outburst.

24           It seems to me like Arizona is at war with the  
25 federal government. The DOJ is at war with us because of

1 issues on immigration and a lot of other issues. A lot of  
2 things going on in Arizona that we've been fighting, voting,  
3 going to court over. Citizens speak and get shut up. They  
4 go to court.

5 That's why I get tired of what's going on. I  
6 really get tired of it. And I see what's going on in my  
7 state, and I see what's getting ready to happen, what's  
8 getting pushed on us here.

9 And all I can say is I appreciate what you're all  
10 doing too.

11 But the way you guys vote and what you do here  
12 with this redistricting, you're going to answer to a whole  
13 lot of people. Not minorities, not even -- you're going to  
14 answer to the Arizona citizens of Arizona.

15 Every one of them.

16 Not only that, you're going to answer to a higher  
17 power. Somebody else is watching over these proceedings  
18 going on too.

19 There's too much agenda with unions, with MoveOn,  
20 with a whole lot of people, trying to take over Arizona and  
21 turn us into a blue state, a sanctuary state, whatever you  
22 want to call it.

23 And there's a lot of people that don't want that  
24 to happen.

25 And there's going to be a whole lot of answering

1 to do for every one of you.

2 God bless all of you. I hope you make the right  
3 choices.

4 CHAIRPERSON MATHIS: Thank you.

5 Our next speaker is Doreen Mauro, representing  
6 self, from Mesa.

7 DOREEN MAURO: Hi there. It's Doreen Mauro,  
8 M-A-U-R-O.

9 And I'm a citizen of Mesa, and a voter, and born  
10 and raised in New York state.

11 So, so some of this is, as I've been here about  
12 15 years, you know, a bit different from where my family  
13 grew up. In that sense politically.

14 What I came first to say is thank you to all the  
15 commissioners. I think the job you're doing is amazing and  
16 great for the state of Arizona. And thanks for maintaining  
17 an independent process, and independent decision making.  
18 That's very important.

19 And if there are any more changes that the  
20 Commission does begin to look at, I'd like to see that the  
21 Commission increases and ensures competitiveness.

22 And if I may one -- add one thing, if we could all  
23 please work to maintain a civil tone and behavior in the  
24 language that's used at these hearings. And I personally  
25 thought it was some of the language used around that issue

1 of minorities and talking about minorities and majorities  
2 was a bit unfortunate. For instance, the use of the word  
3 complexion.

4 So, and that's just my personal point of view.

5 Otherwise I really thank you for your hard work.

6 I can see that it's been a long, hard job.

7 Thank you.

8 CHAIRPERSON MATHIS: Thank you.

9 Anyone else that I missed that would like to speak  
10 to the Commission tonight?

11 Oh, one more.

12 Jeremy.

13 JEREMY ROWE: Rowe.

14 CHAIRPERSON MATHIS: Rowe.

15 Representing self, from Mesa.

16 JEREMY ROWE: Just a quick comment. Thank you to  
17 the chair and the Commission for the work you're doing and  
18 following mandate complying with the Voting Rights Act and  
19 addressing communities of interest as you try to maximize  
20 the competitiveness of new districts. I think you're doing  
21 a great job. One of the most important things I think is  
22 getting voters involved, and these new maps and discussions  
23 you've been doing I think have done a lot to motivate people  
24 over the last election, how many people were actually going  
25 door to door or actually working in communities on both



1 sides to start turning out the vote. One of the things this  
2 is doing is hopefully increase the number of voters that are  
3 active in the community and people participating in the  
4 process. So thank you very much.

5 CHAIRPERSON MATHIS: I'm sorry.

6 JEREMY ROWE: J-E-R-E-M-Y, R-O-W-E.

7 CHAIRPERSON MATHIS: I forgot about that piece.

8 So, anyone else?

9 All right. Well, that concludes public comment.

10 I appreciate the public coming out.

11 I don't think I thanked the public as part of when  
12 we were talking about the second round hearings. We thanked  
13 the staff and all the commissioners and legal counsel and  
14 mapping consultants, but I forgot to thank the public for  
15 participating during the second round hearings. It was an  
16 awesome amount of people that came out, and we really  
17 appreciate that too.

18 So with that, I think that concludes our agenda.

19 And the time is 6:40 p.m., and this meeting is  
20 adjourned.

21 (Whereupon, the meeting adjourned.)

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

4                    BE IT KNOWN that the foregoing proceeding was  
5 taken before me, Marty Herder, a Certified Court Reporter,  
6 CCR No. 50162, State of Arizona; that the foregoing  
7 194 pages constitute a true and accurate transcript of all  
8 proceedings had upon the taking of said meeting, all done to  
9 the best of my skill and ability.

10                   DATED at Chandler, Arizona, this 6th day of  
11 December, 2011.

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C. Martin Herder, CCR  
Certified Court Reporter  
Certificate No. 50162

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