

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

MORNING SESSION

Phoenix, Arizona

October 28, 2021

9:35 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, beginning at 9:35 a.m. on
3 October 28, 2021, at the Sheraton Crescent Hotel,
4 2620 West Dunlap Avenue, Phoenix, Arizona, in the
5 presence of the following Commissioners:

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

11 OTHERS PRESENT:

12 Mr. Brian Schmitt, Executive Director
13 Ms. Loriandra Van Haren, Deputy Director
14 Ms. Valerie Neumann, Executive Assistant
15 Ms. Michele Crank, Public Information Officer
16 Ms. Marie Chapel, Community Outreach
17 Coordinator
18 Mr. Alex Pena, Community Outreach Coordinator
19 Mr. Roy Herrera, Ballard Spahr
20 Mr. Daniel Arellano, Ballard Spahr
21 Mr. Shawn Summers, Ballard Spahr
22 Mr. Brett Johnson, Snell & Wilmer
23 Mr. Eric Spencer, Snell & Wilmer
24 Mr. Mark Flahan, Timmons Group
25 Mr. Douglas Johnson, National Demographics Corp.
Ms. Ivy Beller Sakansky, National Demographics
Corp.
Mr. Brian Kingery, Timmons Group
Mr. Parker Bradshaw, Timmons Group
Mr. Brody Helton, Timmons Group
Mr. Colby Chafin, Timmons Group
Ms. Sarah Hajnos, Timmons Group
Ms. Anna Mika, Timmons Group
Mr. Ken Chawkins, National Demographics Corp.

P R O C E E D I N G S

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3

CHAIRPERSON NEUBERG: Good morning, everyone.

4

I'd like to start with a little gratitude, gratitude to
Commissioner Mehl for the late start suggestion of 9:30.

6

I think it just made for a more relaxing morning. But

7

more seriously, with a lot gratitude to our team, our

8

consultants who have been continuing to provide just

9

remarkable guidance tirelessly, and my colleagues as

10

well who just in a civic -- you know, a civic

11

commitment, embracing this with such energy and

12

integrity. So I start the day with a lot of gratitude

13

and look forward to getting the meeting going.

14

And with that, let's introduce our Spanish
interpreter.

15

16

MS. LOPEZ: Good morning. My name is Brenda

17

Lopez. I'm a Spanish interpreter. If you need my

18

services, I will be present throughout the whole

19

meeting. (Speaking Spanish.)

20

CHAIRPERSON NEUBERG: Thank you.

21

And if we could please start and rise to say
the pledge of allegiance.

22

23

(The pledge of allegiance was recited.)

24

CHAIRPERSON NEUBERG: Okay. Welcome,

25

everybody.

1 Agenda Item I, call to order and roll call.

2 1(A), call for quorum. It is 9:37 a.m. on
3 Thursday, October 28th, 2021. I call this meeting of
4 the Independent Redistricting Commission to order. For
5 the record, the Executive Assistant, Valerie Neumann,
6 will be taking roll. When your name is called, please
7 indicate you are present. If you are unable to respond
8 verbally, we ask that you please type your name.

9 Val.

10 MS. NEUMANN: Thank you, Madam Chair.

11 Vice Chair Watchman.

12 VICE CHAIR WATCHMAN: Present.

13 MS. NEUMANN: Commissioner Lerner.

14 COMMISSIONER LERNER: Present.

15 MS. NEUMANN: Commissioner Mehl.

16 COMMISSIONER MEHL: Present.

17 MS. NEUMANN: Commissioner York.

18 COMMISSIONER YORK: Present.

19 MS. NEUMANN: Chairperson Neuberg.

20 CHAIRPERSON NEUBERG: Present.

21 MS. NEUMANN: And for the record, we also have
22 in attendance Executive Director Brian Schmitt, Deputy
23 Director Lori Van Haren, Public Information Officer
24 Michele Crank, Community Outreach Coordinators Marie
25 Chapel and Alex Pena. From Snell & Wilmer, we have

1 Brett Johnson and Eric Spencer. From Ballard Spahr, we
2 have Roy Herrera and Daniel Arellano. And we have from
3 Timmons Mark Flahan, Brian Kingery, and Parker Bradshaw.
4 Doug Johnson from NDC Research. And Kim Portik, along
5 with Angela Miller for this afternoon, will be our
6 transcriptionists. Thank you.

7 CHAIRPERSON NEUBERG: Thank you, Val.

8 And please note for the minutes that a quorum
9 is present.

10 Agenda Item I(B), call for notice.

11 Val, was the notice and agenda for the
12 Commission meeting properly posted 48 hours in advance
13 of today's meeting?

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

15 CHAIRPERSON NEUBERG: Thank you.

16 Agenda Item II, approval of minutes from
17 October 26th, 2021. That was our business meeting a
18 couple of days ago. We have II(A), a general session.
19 We did not have executive session.

20 I'll entertain a motion to approve the minutes
21 unless there's any discussion.

22 COMMISSIONER MEHL: I approve -- I move that we
23 approve the minutes.

24 VICE CHAIR WATCHMAN: Vice Chair Watchman
25 seconds the motion.

1 CHAIRPERSON NEUBERG: Did you catch that? Vice
2 Chair Watchman seconds.

3 With that, we'll do a vote.

4 Vice Chair Watchman.

5 VICE CHAIR WATCHMAN: Aye.

6 CHAIRPERSON NEUBERG: Commissioner Mehl.

7 COMMISSIONER MEHL: Aye.

8 CHAIRPERSON NEUBERG: Commissioner Lerner.

9 COMMISSIONER LERNER: Aye.

10 CHAIRPERSON NEUBERG: Commissioner York.

11 COMMISSIONER YORK: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Neuberg is
13 an aye. And the minutes are passed.

14 Agenda Item III, opportunity for public
15 comments. Public comment will now open for a minimum of
16 30 minutes and remain open until the adjournment of the
17 meeting. Comments will only be accepted electronically
18 in writing on the link provided in the notice and agenda
19 for this public meeting and will be limited to 3,000
20 characters. Please note members of the Commission may
21 not discuss items that are not specifically identified
22 on the agenda. Therefore, pursuant to
23 A.R.S. 38-431.01(H), action taken as a result of public
24 comment will be limited to directing staff to study the
25 matter, responding to any criticism, or rescheduling the

1 matter for further consideration and decision at a later
2 date.

3 We'll move to Agenda Item No. IV, discussion on
4 public comments received prior to today's meeting.
5 Prior to turning it over to my colleagues for their
6 thoughts, I'd like to first turn it over to our counsel
7 to give some feedback on some public outreach and
8 response to public comments.

9 MR. HERRERA: Thank you, Madam Chair.

10 I think both Brett and I will describe two
11 different meetings that we had in the last week. I'll
12 start with a meeting that we had yesterday with the
13 Arizona Latino Coalition that was attended by
14 Chairwoman Neuberger as well as members of the staff of
15 the IRC and the legal team.

16 During that meeting, we discussed the Latino
17 Coalition's proposal in both the legislative map and the
18 congressional map, a proposal that consisted of eight
19 Latino ability-to-elect districts and two -- in the
20 legislative map and two Latino ability-to-elect
21 districts in the congressional map.

22 I think that discussion was particularly a
23 fruitful discussion in that, you know, we were able to
24 solicit and obtain a lot of information related to the
25 performance of those particular districts that the

1 Latino Coalition has proposed and also sort of a good
2 dialogue over Voting Rights Act compliance as well as
3 the balance of the Voting Rights Act compliance with the
4 other constitutional factors in the state constitution.

5 I think the outcome of that meeting was to
6 continue the dialogue with the Latino Coalition related
7 to their proposals. And I think in the end, you know,
8 the meeting was a good opportunity for us to ask
9 questions of them related to -- particularly from the
10 data side related to their proposed districts.

11 Any questions from the Commissioners about that
12 meeting?

13 MR. B. JOHNSON: Thank you, Chairwoman Neuberg.

14 On Monday, October 25th, the legal team had a
15 conference with the Navajo Nation legal team. In
16 attendance from the Navajo Nation legal team was Judith
17 Dworkin and Patty Ferguson. Just as similar to the
18 Latino Coalition meeting, it was a very productive and a
19 very straightforward, professional meeting that we
20 basically understood from their previous correspondence.
21 A lot of it was a reiteration of the points made in the
22 correspondence to the Commission from the Navajo Nation,
23 including the legal memo that the Navajo Nation
24 presented last week.

25 One of the major factors both from the Latino

1 Coalition and the Navajo Nation that we were trying to
2 discuss was the utilization of certain data points. It
3 seemed that the Navajo Nation wanted to use different
4 data points, and some of those are included now in a
5 chart that is going to be updated. And you'll see that
6 on the -- on the regular VRA/competitiveness chart that
7 you go over every meeting.

8 But in addition to that, both the Latino
9 Coalition and the Navajo Nation are trying to use VAP,
10 which is the voter adult population; however, in the
11 Ninth Circuit we are -- we are regulated to the CVAP,
12 and that obviously has a major difference.

13 And the legal counsel, I think, recognized that
14 but wanted to make sure that those numbers were
15 presented to the Commission, and they're definitely in
16 the maps that were submitted by the Navajo Nation post
17 our meeting on Wednesday. My understanding from the
18 mapping consultants is that those maps are in the
19 summary file for the public to review. They are then --
20 they are also going to be uploaded as different number
21 files for purposes of easy use from -- for the
22 Commission later on.

23 In addition to the VRA issue and what numbers
24 are being -- are able to be used based on CVAP versus
25 VAP, the other major issue was the use of population

1 deviation. In some of the correspondence we have
2 received from the Navajo Nation, they have encouraged
3 going well above the 10 percent standard. The legal
4 counsel acknowledge that we were -- unless we had some
5 very good cause to go above that, that the standard is a
6 10 percent deviation. And we talked about that in great
7 length, between a 7 percent versus a 3 percent positive
8 deviation.

9 With that, I will take any questions or let Roy
10 or Daniel if I missed -- Daniel if I missed anything.
11 Daniel is shaking his head no.

12 So if the Commission has any questions.

13 MR. D. JOHNSON: If -- Brett, if I can just --
14 one technical clarification. The summary file that
15 Brett mentioned is -- the maps are available in the
16 redistricting tool in the summary file. And they are in
17 the process of being published to the plan summary page.

18 MR. B. JOHNSON: And Daniel did point out that
19 when you look at CVAP versus VAP, there's not that much
20 of a difference.

21 One of the other major points I do want to make
22 sure I highlight from the Navajo Nation is the
23 utilization of on-reservation numbers versus using
24 Native American numbers off reservation, that there is a
25 distinction there. And it is a data point that is

1 reflected inside the maps as well as their
2 correspondence. So I know that was one of their major
3 points.

4 Any other questions from the Commission?

5 CHAIRPERSON NEUBERG: I want to thank counsel
6 for participating in those very constructive meetings,
7 and I encourage the community to keep engaging in this
8 kind of dialogue. I think it was very helpful.

9 I turn it now over to my colleagues. Public
10 comments.

11 COMMISSIONER LERNER: Well, actually, I just
12 want to follow up with one question. Can you just
13 explain a little further about the issue of on- and
14 off-reservation numbers that the Navajo Nation was
15 referring to?

16 MR. B. JOHNSON: Good question. I might defer
17 to mapping if they're able to do it from a technical
18 aspect. I can explain it from a legal aspect, but maybe
19 from a technical aspect, Doug, are you able to answer
20 that question?

21 MR. D. JOHNSON: I think that the question they
22 are curious about is can we figure out how many Native
23 American voters in that district are actually on the
24 reservation versus are not on. It's somewhat of a
25 tricky technical thing to do. You actually essentially

1 create an unassigned thirty-first district and assign
2 the reservation just to that, and that'll give you the
3 numbers from that, from the reservation itself. But it
4 can be done in the system; it's just a little bit tricky
5 to do. And I think it's more of a policy question of --
6 I don't want to speculate too much, but more of a policy
7 question of how many voters are on the reservation
8 versus not reservation as opposed to all Native
9 Americans everywhere because they don't vote as a
10 uniform bloc, obviously.

11 MR. B. JOHNSON: Obviously it would be a
12 decreased number.

13 One of the other points both from the Latino
14 Coalition and Navajo Nation is that they did obviously
15 raise issues with the census data. We've known that
16 from -- as a Commission from the day we all started. We
17 explained that the Commission had heard multiple
18 testimonies about the census data, acknowledged that it
19 is, but under Arizona law Title 16, the Commission is
20 obligated to use the census data. So...

21 MR. HERRERA: Back to your question,
22 Commissioner Lerner, I think as I understand it, the --
23 not the argument, but the question related to the number
24 of CVAP for Native Americans on reservation versus off
25 reservation relates to this idea that those Native

1 Americans that are off reservation, there could be
2 significant language differences between the two groups
3 and that they're somehow distinct from each other.

4 And if you use a CVAP number that is only
5 Native Americans on reservation, that is a lower number
6 obviously. And then the question there is if you use
7 that number, are there any concerns about performance in
8 that district since you are starting with a lower CVAP
9 number of Native Americans if you are only counting
10 those that are on reservation.

11 CHAIRPERSON NEUBERG: Other reactions, comments
12 to public comments from my colleagues or questions
13 from -- you know, to our counsel?

14 Okay. And I just want to thank the public.
15 Our public is really engaged. We are receiving just a
16 huge amount of really constructive comments. So clearly
17 the public is paying attention, and that's great from
18 our perspective. The more data, the better.

19 So with that, we will move to Agenda Item
20 No. V, potential update, discussion, and potential
21 action concerning polarization data and report
22 presentation from mapping consultants regarding U.S. and
23 Arizona constitutional requirements.

24 Any update?

25 MR. D. JOHNSON: So, yes. Madam Chair, members

1 of the Commission, you do have -- on Tuesday you
2 received the full written report from Dr. Handley. As
3 mentioned, it wasn't -- it was more fleshing out of the
4 background and the process and the methodologies, wasn't
5 anything substantive changed to that. So I'm happy to
6 answer any questions you have about that.

7 And then we also did a supplemental analysis
8 that I can show you now, if you can put that spreadsheet
9 up.

10 What we did is we took -- asked Dr. Handley to
11 take Congressional District 3 as it was configured in
12 the last map and to look at polarization just in that
13 district. As you've heard before, when we look at
14 Maricopa County, certainly there's no doubt the data
15 come back as polarized.

16 But the question that we wanted to look at was
17 if we look at just the area covered by that district, is
18 it polarized. And so the trick in doing analysis of
19 a -- of a proposed district is that it doesn't follow
20 precinct lines. And so we actually did it two ways.

21 The first, at the top, is showing now is just
22 looking at the precincts that are entirely contained in
23 that district. So there are a group of split precincts
24 around the outside. For this analysis, we are not
25 looking at those; we are just looking at the core

1 precincts in that district. And if we look at this
2 election, you look at the Garcia line for governor, you
3 can see that depending on which measure is used, either
4 the EI_Good methodology or the EI_ITER, as it's listed
5 here, methodology, the first one is ecological
6 regression, the second one is ecological inference. An
7 estimate of right around 90 percent -- sorry, right
8 about 90 percent of Latino voters voted for Garcia, 89.7
9 by the regression methodology or 91.6 by EI. So
10 overwhelming Latino support for Garcia.

11 If you continue across that line, when you get
12 to the EI_Good and EI_ITER for non-Hispanic voters, it's
13 47 percent 5 -- 47.5 for Garcia. And right below it, if
14 you look to 49.1 for Ducey. Almost a 50/50 split but
15 not quite. So right in the borderline, probably in the
16 margin of error in that one.

17 If we use EI methodology, it flips the other
18 way actually by a larger margin, 52.2 percent for Garcia
19 and 44.7. So the governor's race by one of the two
20 measures is polarized, by the other one is not quite
21 polarized in the entirely contained precincts.

22 The attorney general race below it, you can see
23 the percent for Contreras in the next row there. Even
24 higher Latino percentage for Contreras and a solid
25 non-Hispanic majority for Contreras as well at 54.7 and

1 60.4. So that race would be called not polarized.

2 If we scroll down looking at the second
3 methodology, this is where we include the split
4 precincts along the outside. So that including those
5 borderline or those edge precincts, both elections go to
6 not polarized in this specific area. There's still a
7 big difference in the percentages; you can see Garcia at
8 85.3 and 89.9 amongst Latino voters and 51.3 and 53.9.
9 Big difference in percentages, but both groups are
10 supporting the same candidate. Attorney general is even
11 more so, 92.7 and 95.1 among Latinos, and 58 and 61.4.

12 So three of the four measures that were -- that
13 we have on the table here or data points we have on the
14 table are showing as not polarized in that specific area
15 by this analysis. And again, this is kind of a subset
16 of a larger picture. We know that the larger picture in
17 general is polarized; it's just the quirk of the area
18 selected in this district.

19 Happy to answer any questions you have about
20 this.

21 COMMISSIONER LERNER: I guess my one question
22 is now this is great to have this analysis for this CD.
23 And whether or not -- and I don't know if you did this
24 for CD-7 as well? That's the first part of my question.

25 MR. D. JOHNSON: We did not in part because

1 CD-3 is a majority Latino seat. It's over 50 percent.
2 The CD-7 is an effective Latino seat, it does perform,
3 but it is not over 50 percent. So we don't have quite
4 the concern about needing to prove it's polarized as we
5 did here.

6 COMMISSIONER LERNER: So if you were to do a
7 summary of this to say so here is where we are, can you
8 just kind of combine your analysis into a brief
9 summary --

10 MR. D. JOHNSON: Sure.

11 COMMISSIONER LERNER: -- as part of that?

12 MR. D. JOHNSON: So we're in a very complicated
13 legal realm here in terms of the district-by-district
14 versus regional analysis under the polarized voting
15 act -- under the Voting Rights Act. Essentially there's
16 a stronger case to be made for a district being drawn to
17 be majority Latino if it's in an area that has a clear
18 record of polarized voting. So it's easier to defend
19 your district if you can show it's polarized.

20 So in this case, we're showing -- we're not
21 showing it's polarized, so we'd have to defend it purely
22 on a community-of-interest basis, which is also
23 possible, but it would not have the defense of its
24 configuration. It wouldn't have as strong a defense for
25 its configuration under the Voting Rights Act as it

1 would if these numbers had come back polarized.

2 CHAIRPERSON NEUBERG: And I just want to let my
3 colleagues know that under the next agenda item, when we
4 dive into deliberation on the maps, we will have the
5 option to go into executive session to get legal advice
6 on issues related to VRA compliance, polarization, and
7 performance. So this is the data, and we'll be able to
8 have an opportunity to get legal counsel.

9 COMMISSIONER MEHL: Doug, I just want to
10 confirm. These numbers are based on Map 6.0?

11 MR. D. JOHNSON: You're hitting my weak spot
12 which is keeping track of which numbers and which
13 districts.

14 COMMISSIONER MEHL: 6.0 being the map number,
15 not the district number. Yes.

16 MR. D. JOHNSON: Correct. Yeah.

17 COMMISSIONER MEHL: And we now have a 7.0. Has
18 any analysis been done on 7.0?

19 MR. D. JOHNSON: We have not had the time to
20 have Dr. Handley do the specific analysis, but given the
21 elections that we're using to track we can extrapolate
22 some conclusions. And we'll certainly go into that when
23 we get into 7.0.

24 CHAIRPERSON NEUBERG: Very helpful.

25 Anything else on this agenda item?

1 MR. D. JOHNSON: Not from my part.

2 CHAIRPERSON NEUBERG: Okay. We will move to
3 Agenda Item No. VI, draft map decision discussion. We
4 will I believe begin with legislative districts. What
5 I'm going to suggest -- we have three iterations, 9.0,
6 9.1, 9.2, if I'm labeling them correctly.

7 COMMISSIONER MEHL: Madam Chair, I would like
8 to correct that. We have 8.0 and the three 9s. 8.0 is
9 still in play, and --

10 CHAIRPERSON NEUBERG: Okay.

11 COMMISSIONER MEHL: -- it's the current
12 approved draft, yeah, version.

13 CHAIRPERSON NEUBERG: Okay.

14 COMMISSIONER MEHL: So I think we need to
15 compare those three and 8.0 as we discuss.

16 CHAIRPERSON NEUBERG: Correct. Duly noted. We
17 will review all four of those iterations.

18 What I'm going to suggest is for mapping to
19 briefly go through each map, just highlight, you know,
20 what makes it unique, and then the Commissioners can
21 have an opportunity to give feedback on each version and
22 make a case for what you like. And we won't vote or
23 entertain a motion until all four maps have an
24 opportunity to be considered.

25 What I'm also going to suggest is after the

1 mapping team reviews all of the four iterations that we
2 go into executive session at that point to seek legal
3 advice regarding VRA compliance.

4 So I turn it to mapping.

5 MR. FLAHAN: Thank you very much, and good
6 morning, everyone.

7 Yes, the last legislative map that was approved
8 was version 8.0, and you can see that on the tree as the
9 red block. If we want to do a quick dive into 8.0, this
10 was built off of legislative test map version 7.0, and
11 in this map District 7 is extending north to take San
12 Manuel, Oracle, and Mammoth.

13 Brian, do you want to show that on the screen?
14 Zoom into the Oracle area. Thank you. Right where D-7
15 and D-16 split. Zoom out a little bit.

16 So really the key changes here were north of
17 Pima County in District 17. It was extended north to
18 take the cities of San Manuel, Oracle, and Mammoth. And
19 that was the change off of LD Test Map 7.0.

20 But map's balanced. All the population is
21 assigned. And on this map, there was no requests that
22 we could not do.

23 Okay. So what Brian has got on the screen
24 right now is Map 9.0, so the start of the 9 series. And
25 what 9.0 was looking at was it moved the community of

1 Coolidge into District 16. So you can see now it is
2 wholly contained into District 16. I believe before
3 then it was split. Vail, the city of Vail, went into
4 District 19. So you can see now that it is part of 19.
5 The community of Tanque Verde moved into District 18,
6 and that used to be in District 17. The communities of
7 Mammoth, Oracle, and San Manuel, that same area that we
8 were talking about in the previous map, that moved into
9 District 7. Flowing Wells moved into District 20 as
10 requested. Davis-Monthan Air Force Base was moved into
11 District 21. As you can see, 21 now comes up to the
12 north and to the west to grab the Davis-Monthan Air
13 Force Base area.

14 This map is balanced. All the population is
15 assigned.

16 Can you bring up the demographics and the
17 competitive data for this.

18 So here is the demographics and the competitive
19 data for 9.0. What you will notice on the 9.X series,
20 so all of them, 9.0, 9.1, and 9.2, if you highlight
21 District 23, you will notice that in the competitiveness
22 metrics it says 8-0 tilt towards the Democrats. And
23 that is because -- that is correct. That's because
24 treasurer of 2018, the way that district is configured,
25 it was an exact 50.00 split between the Republican and

1 the Democrat. So in that area, we did not assign a win
2 to either party, and that's why it shows 8-0 there. And
3 that'll be the same for 9.0, 9.1, and 9.2.

4 Any questions on the demographics, competitive
5 data?

6 Doug, do you have anything to add?

7 MR. D. JOHNSON: Just to walk through it a
8 little bit, in this map we have -- I realize it's hard
9 to see. It's actually easier to see on the WebEx I
10 think than it is on the screen in the room. We now as
11 you hopefully have noticed -- in the spreadsheet, we do
12 have the non-Hispanic Native American single race VAP
13 column that was requested, so that is there. And as you
14 go down to District 6, you can see we have both the
15 citizen voting age percentage number we were looking at
16 before, which is 58 percent Native American, and the
17 non-Hispanic Native American single race VAP which is
18 54 percent Native American in District 6.

19 In terms of effective Latino districts, we have
20 District 11, which it is at 49 percent Latino share of
21 citizen voting age population. And over on the right,
22 both of the elections we are tracking are at 70 percent
23 or higher.

24 And then if we jump down to 20 -- Districts 20
25 through 24 plus 26, all of them range from a high of

1 63 percent to a low of 40 percent Latino share of
2 citizen voting age population and all of those perform
3 on the attorney general's race, and all but District 23
4 perform on the governor's race. The governor's race,
5 the Democratic candidate -- the Latino Democratic
6 candidate received 48.5 percent, so it's just right on
7 the edge.

8 So we do have the seven districts that would be
9 considered effective Latino districts plus the Native
10 American 58 or 54 percent district in that mix.

11 On the competitive --

12 COMMISSIONER LERNER: Could you just -- I'm
13 sorry. I got six, probably because I was busy looking
14 for them on this chart while you were doing it. Can you
15 repeat those numbers again? I'm sorry.

16 MR. D. JOHNSON: Certainly. There's a lot of
17 numbers on the chart, especially when you see it on the
18 screen. So District 11 and then 20, 21, 22, 23, 24, and
19 26.

20 And on the competitive side, we have in our --
21 in our 4 percent range Districts 2, 4, 7 -- and 17. And
22 in our 7 percent range we then add in Districts 9, 13,
23 16, and one more, 23. Yes. Yeah. 23 is an unusual
24 district in that it both performs as a Latino seat and
25 as a competitive seat.

1 So any questions about any of those numbers?

2 Oh, I'm sorry. I almost forgot. And then we also have
3 District 12 which is 9.7 percent spread but does have a
4 swing election in it. So we end up with eight that meet
5 one of our measures of competitiveness and then there
6 are two more -- oh, no, one more that is just outside at
7 8 percent spread.

8 Any questions, or should we -- or we can go on
9 to 9.1?

10 CHAIRPERSON NEUBERG: 9.1.

11 MR. FLAHAN: So 9.1 went back to the last
12 approved legislative map at 8.0 and built its changes
13 off that way. In version -- yeah, you can see the tree
14 right there. In version 9.1 we moved Flowing Wells into
15 District 20, which you can see there.

16 And if you zoom in a little bit more, Brian.

17 If you see the little brown section right above
18 District 20, between that and 17, the reason that is
19 that way is that is the city boundary of the city of
20 Tucson. So at that intersection it crosses I-10. So
21 that's why that looks like -- you can see there it is.
22 There is the city of Tucson boundary. So we picked that
23 up to keep the city of Tucson whole there.

24 Next, all of Red Rock is moved into
25 District 17. So you can see there, District 17 then

1 goes north up the I-10 corridor and picks up the entire
2 city of Red Rock. You can see that Vail is now moved
3 into District 17. And then Tucson Estates is now moved
4 into District 16. And that is the same as Oracle, San
5 Manuel, and Mammoth; that area is moved into District 16
6 also. And you can see that District 17, right below it,
7 still holds Saddlebrooke and SaddleBrooke Ranch in its
8 district.

9 Davis-Monthan Air Force Base was moved into
10 District 21, as you can see there, the lighter pink
11 color. Quail Creek Country Club, Amado, Tubac, and the
12 eastern half of Santa Cruz County, as you go down I-19,
13 was moved into District 19, as you can see there.

14 And then finally all of Coolidge again in this
15 map is united into District 16. But to make up for the
16 change of population with putting Coolidge into
17 District 16 -- go straight map north a little bit --
18 District 7 now had to move further west into Apache
19 Junction for population balancing. So you can see,
20 yeah, right there where Brian had the cursor in that
21 north point, it moved farther west to take in population
22 from Apache Junction. But by doing that, it allowed San
23 Tan Valley to stay whole in District 15.

24 Those were the changes in that map. You want
25 to bring up the demographics on that again. And then

1 again, same thing here, District 23, it had an 8-0
2 competitive metric, and that's because treasurer 2018 is
3 still tied at 50.00 percent.

4 Kick it over to Doug.

5 MR. D. JOHNSON: The numbers here are very
6 similar on the Native American percentages of
7 District 6. And in the seven districts that I mentioned
8 earlier were still at the same percentages and same
9 effective numbers. And same thing with the tracking
10 numbers. So those are all unchanged.

11 On the competitive side, we do -- let me see.
12 In the -- in 9.0, we have eight districts that met one
13 of our measures and -- let me just make sure -- and now
14 we have seven. We did -- and it's a little tricky to
15 match them up one to one, but let me see if I can get
16 this right. Oh, no, I'm sorry. I've got eight in 9.1.
17 Oh, yeah, we lost one in the -- in 16 and 17. In 9.0
18 they were both competitive. And in this map, 17 slips
19 back to be a 9.9 percent spread.

20 MR. FLAHAN: Any questions?

21 And again, the demographics you can see the new
22 Native American single race VAP column that's right next
23 to the citizen voting age population. So you can easily
24 see how the numbers compare between the two.

25 Okay. 9.2. So 9.2 was built upon 9.1, the map

1 that you just saw, with basically one change. What 9.1
2 wanted to test was to -- was basically in District 7 in
3 the same area of Oracle, Mammoth, and San Manuel. So in
4 here you can see that District 7 now moves south to
5 include Mammoth, San Manuel, and the town of Oracle. So
6 instead of it being in District 17, it is now in
7 District 7. And that was the only change that was made
8 between 9.1 and 9.2.

9 Do you want to pull up the demographics?

10 MR. D. JOHNSON: And just from a demographic
11 perspective, that change didn't move the needle on any
12 of the -- any of the numbers on competitive or the
13 effective Latino or Native American districts.

14 MR. FLAHAN: And I did misspeak. On the 9.1,
15 Oracle, San Manuel is actually in District 16, not 17.
16 So 9.2, District 17 took those towns from District 16
17 and not 17.

18 And on the left on the screen there is 9.1, and
19 on the right side of the screen there is 9.2. So you
20 can see the differences in District 7 and District 16
21 there.

22 And this is a new viewer where you can
23 basically take two different draft maps, put one on one
24 side of the screen and the other on the other side of
25 the screen. And as you zoom around the map, they both

1 stay in sync if you wanted to see the differences
2 between the two versions. So you can choose whatever
3 you want out of the layers.

4 Go pull up the demographics. So here is the
5 demographics. Same thing, 23 still is 8-0, treasurer
6 2018 race was tied 50.00.

7 Do you have anything on the demographics there,
8 Doug?

9 MR. D. JOHNSON: No. This is where there's no
10 change in the -- in the results.

11 COMMISSIONER LERNER: Could you just review --
12 since 8.0 is still on the table, it would be helpful
13 maybe to just as a refresher if you don't mind.

14 MR. D. JOHNSON: You want to see the map or the
15 statistics?

16 COMMISSIONER LERNER: The map isn't that
17 different from 9.1; right? There's some differences
18 between 9.1 and 9.2, but by and large just there's a lot
19 that's overlap. So more the statistics, I think.

20 MR. D. JOHNSON: Sure. So from a performance
21 of Latino performance and Native American performance
22 districts, they're the same, the 8.0 and all three of
23 the 9 series legislative maps.

24 On the competitive front, 8.0 has seven
25 competitive seats. So the one change amongst the four

1 maps we're talking about is that in 9.0 District 17
2 becomes a competitive seat, a highly competitive seat,
3 and District 16 is in our 7 percent range. So both 16
4 and 17 are in our competitive definition, one highly
5 competitive and one somewhat competitive.

6 In the 8.0 and in -- in 8.0, 16 was 4.6, so it
7 was in our somewhat competitive range, and 17 is just
8 outside at 8.9 percent. So only one of them falls under
9 our definition. The other one is close but not quite in
10 there.

11 In 9.1 and 9.2, we get the same results in
12 both, just they change by tenths of a percent. 16
13 becomes a highly competitive seat at 3.8 percent, but 17
14 the range goes up to 9.9 percent. So it's a bit outside
15 of our ranges. So 9 -- so in terms of the count that
16 falls into our competitive measures, 9.0 has eight, and
17 8.0, 9.1, and 9.2 have seven.

18 CHAIRPERSON NEUBERG: Do you remember offhand
19 how many were created with IRC 2.0? Was it five fell
20 within our range? We can look into that. We don't --

21 MR. FLAHAN: I am not sure nor have --

22 CHAIRPERSON NEUBERG: Okay.

23 MR. FLAHAN: -- those numbers off --

24 CHAIRPERSON NEUBERG: I'll take a look.

25 MR. FLAHAN: -- on hand.

1 CHAIRPERSON NEUBERG: Yeah.

2 MR. D. JOHNSON: Here we go. Yes, actually, I
3 have got my cheat sheet here. One, two, three, four,
4 five, six, seven, eight. Yes, there are eight that fall
5 under at least one of our competitive definitions in
6 Map 2.0.

7 COMMISSIONER MEHL: No.

8 MR. FLAHAN: No. I think -- I think --

9 COMMISSIONER MEHL: That's a misunderstanding.
10 Yeah. We're not talking about Map 2.0. She was talking
11 about the 2011 commission.

12 MR. D. JOHNSON: Oh.

13 COMMISSIONER MEHL: Yeah.

14 CHAIRPERSON NEUBERG: Yeah, yeah, yeah. I'm
15 just trying to get reference for, you know, the change
16 of, you know, are we increasing number of competitive
17 legislative districts or not. Just out of curiosity I
18 wanted to compare the number of competitive districts
19 based on our criteria ten years ago that were created.

20 COMMISSIONER MEHL: Chairwoman, I've got those
21 statistics right here. And they used eight different
22 competitiveness measures, so it depends on which one you
23 use. In my looking at it carefully the other day, not
24 today, the competitive measure No. 4 I think more -- is
25 more similar to what we are using, but they vary

1 somewhat. If you use that, they had six competitive
2 districts that are inside a 7 and a half percent or
3 8 percent kind of range.

4 CHAIRPERSON NEUBERG: Thank you.

5 If there are no other questions from -- is
6 there anything else mapping would like to show us?

7 I am going to then suggest that we -- I'll
8 entertain a motion to go into executive session which
9 will not be open to the public for the purpose of
10 obtaining legal advice with respect to VRA compliance,
11 polarization, and performance pursuant to
12 A.R.S. 38-431.03(A) (3).

13 COMMISSIONER MEHL: I so move.

14 CHAIRPERSON NEUBERG: Do I have a second?

15 COMMISSIONER LERNER: Commissioner Lerner
16 seconds.

17 CHAIRPERSON NEUBERG: Vice Chair Watchman.

18 VICE CHAIR WATCHMAN: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Mehl.

20 COMMISSIONER MEHL: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Lerner.

22 COMMISSIONER LERNER: Aye.

23 CHAIRPERSON NEUBERG: Commissioner York.

24 COMMISSIONER YORK: Aye.

25 CHAIRPERSON NEUBERG: Commissioner Neuberg is

1 an aye.

2 And with that, we will move into executive
3 session with our counsel and staff to discuss VRA
4 compliance.

5 (Whereupon the proceeding is in executive
6 session from 10:22 a.m. until 11:42 a.m.)

7

8 * * * * *

9

10 (Whereupon the proceeding resumes in general
11 session.)

12

13 * * * * *

14 CHAIRPERSON NEUBERG: Okay. Welcome back,
15 everybody. Thank you for the public's patience. We
16 were in executive session under Agenda Item No. V,
17 seeking legal advice regarding VRA compliance,
18 polarization, and performance, with a particular focus
19 on the proposals from the Latino Coalition and the
20 Navajo Nation.

21 And with that, we are going to begin our
22 deliberation about the legislative options. We have
23 8.0, 9.0, 9.1, and 9.2. I suggest we take them one at a
24 time and open it up to the Commissioners being able to
25 share what they view as the positives, weaknesses, your

1 strength of devotion or commitment to it. And then
2 we'll go through all four options and then entertain a
3 motion for a vote.

4 COMMISSIONER LERNER: Thank you. Thank you,
5 Chairwoman. This is Commissioner Lerner. I would -- I
6 tend to group 8.0, 9.1, and 9.2 as very similar. So
7 there are some minor modifications in each of those, but
8 I would like to speak to 9.0 as the primary one I would
9 like to discuss at this point if that's okay.

10 CHAIRPERSON NEUBERG: If that works with my
11 colleagues to begin with 9.0, please do.

12 VICE CHAIR WATCHMAN: That's fine.

13 COMMISSIONER LERNER: All right. Thank you.

14 So 9.0 is a result of trying to create a
15 compromise map from where we were with 7, in the Map 7
16 series, to -- when we moved to 8 and to this one now.
17 And it -- basically this compromise is acknowledging the
18 interest in keeping the communities of Marana, Oro
19 Valley -- well, it started out with mostly Marana and
20 Oro Valley, but also Catalina, we have now added
21 Saddlebrooke, Casas Adobes into one district.

22 And so the difference, the really distinct
23 difference that I see between this one map and the
24 others is the shapes -- and there are other differences,
25 but what we've done with District 17. And what we're

1 doing here is basically focusing on the constitutional
2 criteria.

3 This version and respecting communities of
4 interest is one of the primary. We are combining four
5 neighboring communities of interests. We are respecting
6 natural boundaries that are there. And I will go into
7 that detail. We're respecting compactness. We feel
8 this is a much more compact district. And we also feel
9 that it meets the competitive criteria because this
10 district would be virtually 50/50 in terms of its
11 make-up as part of that. So those are just to start out
12 by explaining some of my -- the issues there. Those are
13 some of the criteria that we've been looking at.

14 Do you want me to go into more detail? I can.
15 Yeah. Okay.

16 CHAIRPERSON NEUBERG: Yeah. Please share what
17 you like and what you don't like.

18 COMMISSIONER LERNER: Okay.

19 CHAIRPERSON NEUBERG: And then we'll take
20 turns.

21 COMMISSIONER LERNER: Okay. So the previous
22 iteration for District 17, and I'll go back to the
23 Series 7 map, was a -- in terms of competitiveness was a
24 more leaning Democratic district at something like 54,
25 55 percent. This particular one reduces that to

1 50 percent, so it becomes a truly competitive, as
2 competitive as you can get district, so just to address
3 the competitiveness piece.

4 We want to respect the interest as we heard
5 from a number of communities. We got a letter from
6 governing board members for Amphitheater Public Schools
7 and Marana Unified School District who said that they
8 would like to be united into the same district; we want
9 to respect that. And that this 9.0 respects that
10 connection between the two.

11 9.1 and 9.2 both actually split the
12 Amphitheater Public Schools district. So we want to try
13 to keep that together.

14 9.0 unites the larger communities in the Marana
15 Unified School District and only splits the school
16 District 1. It's a large -- it's the third largest
17 school district in Pima County, so keeping it together
18 would be difficult. It covers nearly all of Marana,
19 one-third of Casas Adobes, and then smaller communities
20 nearby in this iteration, this 9.0 as part of that. So
21 it really unites districts in a -- in a very good way,
22 these school districts. And we've certainly talked
23 about school districts as communities of interest in the
24 past. So that's one piece that I wanted to mention in
25 terms of communities of interest as part of that.

1 A second -- and we -- and again we heard from
2 our -- from folks through a letter that just arrived
3 within the last couple of days. Another thing is that
4 Casas Adobes and Catalina Foothills are linked. We take
5 a look at that map, they're linked by two major
6 east/west corridors. You've got River Road on the south
7 and Ina Road on the north, Sunrise Road, Skyline Road.
8 These are linking these communities very effectively.
9 Transportation corridors we know are important as part
10 of it. They share a lot of services in that area. The
11 communities in that area go back and forth from one
12 place to another, and that's an important piece as part
13 of it.

14 Another piece that I want to mention is the
15 geographic concern that I raised last week, and that's
16 part of why I was concerned about Tanque Verde. And
17 interestingly, today in our -- well, as we're looking at
18 our districts around the state, we have been conscious
19 in the Maricopa County area of the fact that the South
20 Mountain area is a significant barrier, and so we have
21 District 11 on one side and we don't have it cross over
22 to another side. And I raise that because there is a
23 mountain range, the Catalina mountains, which separates
24 some of these communities, and that's part of why I
25 wanted to mention that, because it's -- 9.0 actually

1 recognizes that geographic barrier that is there.

2 So that is another piece that I wanted to
3 mention on how the geographic area should be recognized
4 and respected. It's one of our -- again, one of our
5 criteria to respect natural boundaries. To drive
6 through the district would take an extensive amount of
7 time, and actually you would end up having to go through
8 a couple of other districts to get there because of the
9 mountain range that's part of it. Catalina Mountain
10 separates east Tucson and Tanque Verde from Oro Valley;
11 it is a geographic boundary. The Catalina mountains
12 separates -- is something we have to be aware of. Oro
13 Valley and Vail are separated by Catalina mountains as
14 well.

15 So those are some of the reasons -- from our
16 perspective, we looked at the constitutional criteria
17 and we believe that this is a great compromise from the
18 previous iteration from 9 point -- from 8.0 or 9.1 and
19 9.2 because it brings together these neighboring
20 communities of interest, it recognizes transportation
21 corridors, it recognizes the geographic boundaries that
22 exist, it creates very constitutional districts in that
23 area, there are fewer splits.

24 So for all of those reasons -- and you know
25 what? I'll stop there right now as part of the reasons

1 that I believe that this one is actually a better -- a
2 better map because of how it respects these
3 constitutional criteria.

4 And I will hear from my colleague.

5 CHAIRPERSON NEUBERG: I have a question --

6 COMMISSIONER LERNER: Yes.

7 CHAIRPERSON NEUBERG: -- Commissioner Lerner.
8 You've been saying "we believe" that this map. The two
9 of you are submitting this feedback together?

10 COMMISSIONER LERNER: Yes.

11 VICE CHAIR WATCHMAN: Yes.

12 CHAIRPERSON NEUBERG: Okay.

13 COMMISSIONER LERNER: It's all about -- it's
14 just -- we've worked on this together.

15 CHAIRPERSON NEUBERG: Okay.

16 COMMISSIONER MEHL: Thank you from
17 Commissioner Lerner, and I appreciate your perspective
18 on these maps.

19 I really still feel that Map 8.0 is a really
20 solid map that accomplishes a great number of things,
21 and part of me wants to make brilliant arguments for
22 Map 8.0. But I do think that Map 9.2 is a compromise
23 map. And it doesn't accomplish everything
24 Commissioner Lerner would like, but it gives up some of
25 the things I would like and I think actually is -- when

1 I -- when it was finally drawn, it was surprising how
2 many communities of interest are brought together better
3 in Map 9.2 than in 9.0.

4 And the reality is that 9.0 divides the
5 foothills, and there's no way to -- there's no way to
6 not divide some of the communities of interest in Pima
7 County. So no matter what route we choose, there will
8 be some communities that will not be happy with the
9 outcome. But I think that 9.2 addresses far more of the
10 number of communities than 9.0 does.

11 In going through the constitutional criteria,
12 one of the advantages of 9.2 is that there's
13 significantly less population deviation throughout the
14 map than in 9.0. In 9.0, there's over four districts
15 that have plus or minus 11,000-plus people. And when
16 you go to 9.2, that is reduced to one district that has
17 that kind of an extreme deviation. So for population
18 balancing purposes, 9.2 I think is far better.

19 District 21 is one of our Latino
20 majority-minority districts, and it is -- it performs
21 under either one, but that's the one that is the least
22 performing of the -- of those districts, or one lesser
23 performing of those districts. And in 9.2 it performs
24 better than it does in 9.0.

25 And as far as the communities of interest,

1 Marana, Oro Valley, the Tanque Verde corridor have --
2 and all the way down to Rita Ranch, those are the --
3 that's the suburban ring around Tucson, and it's very
4 similar development, very similar lifestyle. The Tanque
5 Verde area has adamantly refused to annex into Tucson
6 historically and consistently, and it's because they
7 don't want to be part of the inner city of Tucson. And
8 their interests are much more aligned with Marana and
9 Oro Valley when you look at the stands they take on
10 public issues. And by extending out around there and
11 picking up the Tanque Verde Valley, you get to go down
12 to Rita Ranch and Vail, which are again a much better
13 fit than in the 9.0 map. It also frees up Quail Creek,
14 Tubac, and the eastern Santa Cruz fitting into the
15 district with Cochise County, which we have heard
16 significant testimony from those areas that they prefer
17 that.

18 Competitive wise, they are very, very similar.
19 And it flips a little bit between 17 and 16 being
20 competitive. In the 9.2 map, 16 is much more
21 competitive and 17 less so, and the flip in the 9.0 map.
22 But I will say that District 17 and 18 adjoin one
23 another. 17 is underpopulated and 18 is overpopulated.
24 So I think there -- when we get into a final mapping
25 phase, it would be very easy to make some adjustments,

1 and I will be open to adjustments that would make 17 a
2 more competitive district than it is in this current
3 map.

4 So for all those reasons, I would strongly
5 support Map 9.2.

6 COMMISSIONER LERNER: May I comment? Okay.

7 So -- and I appreciate -- I certainly always
8 appreciate your perspective on the Tucson area. But a
9 couple points that you made that I'd like to just
10 address. You mentioned the competitiveness. 16 in 9.2,
11 just to refer to that since you mentioned that as a
12 compromise map, I just was looking. 16, the
13 competitiveness is -- factor is at a 4.2 for 16, and in
14 9.0 it's at a 5.9. So there is a 1.7 slight deviation,
15 still within our range. 17, however, in 9.2, or
16 actually any of these maps, is at a 9.9, which is
17 outside of our deviation. It is not at all competitive.
18 And in the map that we're proposing, it's 1.1. So it
19 really makes a huge difference in that we're not really
20 seeing anything in competitiveness in that.

21 And the other thing I guess I'll mention about
22 Tanque Verde, Tanque Verde is almost an hour away from
23 Marana. And while we know that that's the case we need
24 to have those distances in rural areas, in urban areas
25 we do not need to have those kinds of distances. We can

1 make much more compact and contiguous districts, which
2 is really all I'm trying to do. Again, recognizing and
3 acknowledging the interests that you have spoken about,
4 I think that 9.0 really brings that population in that
5 north part of Tucson together really effectively.

6 Vail is at least an hour drive. You have to go
7 through three districts to get from one side to the
8 other. Tanque Verde is almost an hour drive to Marana.
9 And those are things that -- in terms of communities of
10 interest, they are going to have some significant
11 differences.

12 The initial goal that we've talked about
13 consistently has been to unite Marana and Oro Valley and
14 some similar communities in those areas, which I really
15 believe that 9.0 does. It recognizes their communities
16 of interest, it recognizes the transportation corridors,
17 the geographic boundaries, it makes a very nice compact
18 district in that area, and that's part of what I'm
19 seeing.

20 So while Tanque Verde and east Tucson, that's
21 exactly it. Right? They are in east Tucson, not in
22 that north area. So those are some of the arguments I
23 think I just want to reiterate about the fact that what
24 we're really doing is we are placing communities that
25 are not naturally aligned to create this district that

1 just goes around the mountains, it cuts -- it's not
2 compact, it's not as contiguous, and doesn't recognize
3 some of those communities of interest in a way that it
4 could. It allows for us to connect school districts.
5 And we've heard from people just in the last couple of
6 days, city council from Oro Valley saying that they
7 would like to be connected to Casas Adobes and Marana,
8 the Marana School Districts wanting to be connected to
9 those same communities.

10 So I do believe that 9.0 is a great compromise
11 because it allows us to meet all of these constitutional
12 criteria and still provide for a very competitive
13 district in a way that I know was of interest.

14 CHAIRPERSON NEUBERG: Sounds like
15 Commissioner Mehl has a preference for 8.0. So when you
16 talk about 9 being a compromise, you think 9 is a
17 compromise between your position and
18 Commissioner Mehl's?

19 COMMISSIONER LERNER: Absolutely. I think 9 is
20 a compromise. I know his preference is 8 and I know he
21 made adjustments in 9.1 and 9.2 to try to address some
22 concerns. But I think 8.0 is still a compromise because
23 if we actually go back and look at -- where is my -- if
24 we go back and look at the 8.0 spread as well, the 8.0
25 for District 17 is at 8.9 percent, whereas the one I am

1 submitting, 9.0, is at 1.1 percent spread. And the 8.0
2 is at a 4.6 for District 16, and I'm suggesting
3 something that's a 5.9. That certainly could be
4 adjusted down with some other compromises.

5 So I do believe the -- to be quite honest,
6 District 17 between 8.0, 9.1, and 9.2 is very similar.
7 So I don't think there's a great deal of difference, and
8 that's the primary area that I'm focused on is
9 District 17. And I think that the more compact
10 District 17 map that I'm submitting or that I've -- that
11 has been drawn meets the issues that were raised early
12 on about Marana and Oro Valley and then we've since then
13 added other communities in that region that are
14 naturally -- are a natural fit.

15 COMMISSIONER MEHL: And, again, I just -- I
16 think I've stated the case for 9.2 as a compromise, and
17 I think it really is a compromise. And it certainly
18 accomplished one of Commissioner Lerner's biggest
19 criticisms of the 8.0 map was that too many counties
20 came into the urban area -- or too many districts came
21 into the urban area, and we've pulled two of those
22 districts out in the 9.2 map.

23 The 9.2 again just meets a wider variety and
24 more communities of interest than 9.0 does. I think
25 it's a more fair distribution of the population.

1 And if it's appropriate at this point, are
2 we -- do we want to make a motion and make a decision?

3 CHAIRPERSON NEUBERG: Well, I'm going to share
4 my thoughts.

5 COMMISSIONER MEHL: Okay.

6 CHAIRPERSON NEUBERG: I think a lot of these
7 maps could work. And to be honest, by the end of the
8 day you could get my affirmative vote on most of these
9 because I think they're great starting points. I think
10 they're reasonably balanced. I think they're compact.
11 I think they're contiguous. The mapping team has done a
12 remarkable job of balancing populations.

13 I concur with Commissioner Mehl that I do see
14 9.2 as more of a compromise starting point. I'm
15 sensitive to the fact that Commissioner Mehl -- that
16 Commissioner Lerner is upset about LD-17.

17 What I would propose is for us to start from
18 9.2, see if there's any small tweaks. Because obviously
19 today we're not going to be able to correct for major
20 differences without causing too many ripple effects.
21 But my inclination is to start with 9.2.

22 And -- but my preference and my goal throughout
23 the entire day is for me rarely to be a deciding vote.
24 I seek consensus. We are an example to the state. We
25 have an opportunity to come together and honor what

1 we're sharing, which is that this is a draft map and
2 it's to begin to elicit conversation. Nobody's going to
3 get everything that they want, and we can articulate
4 what we don't like even after we approve a map.

5 But so from my perspective, I could be swayed
6 by what's going to be in the collective interest of the
7 five of us, having the best starting point for a
8 comprehensive map. But my personal preference is 9.2.

9 COMMISSIONER LERNER: Thank you, Chair. Can I
10 make one more comment on 9.2, then, if that's part of
11 what we are looking at? And that is in this current
12 map, if -- when we look at 9.2, it bypasses Casas Adobes
13 to go around and get Tanque Verde. So this District 17
14 actually bypasses communities that are closer together,
15 that have been identified by officials in the area --
16 the school districts, local city council in the area
17 have said those are our communities of interest -- to go
18 around and pick up Tanque Verde, which is -- to be
19 honest is part of what is driving that district and part
20 of what makes that spread so large in terms of the
21 competitiveness.

22 Casas Adobes has a large population. And
23 instead of being included in a natural way where they've
24 got the transportation corridor, you've got people
25 sharing communities where they are back and forth all

1 the time to each other, we're picking up a district -- a
2 group of people who have to drive an hour to get from
3 one end to the other. And that's really where I'm --
4 what I'm talking about in terms of the compactness and
5 contiguity of that, which is why I am saying that I
6 think that the districts --

7 District 17 to me is the core of this, of the
8 differences between any of these maps. And this
9 particular district that we're looking at was drawn with
10 an effort to create a district with a partisan
11 advantage, just to be honest.

12 I think that the alternative basically creates
13 a great opportunity for us to show that we can create a
14 district with communities of interest and also very
15 competitive opportunities to basically have all voices
16 heard. And the fact that we don't include those
17 communities in this current iteration of District 17 is
18 why I'm so concerned. Just to be clear.

19 CHAIRPERSON NEUBERG: I believe it's also
20 important to ensure that right-of-center communities in
21 the broader Tucson area are able to elect a leader to
22 represent them in the Tucson area. So I am focused on
23 ensuring that the people of Tucson all have to some
24 degree representation and effective representation on
25 Capitol Hill so they can deliver to their area.

1 COMMISSIONER LERNER: I don't disagree with
2 that. I think we want to have that throughout. There's
3 a number of districts around our state that we certainly
4 can be looking at that. I a hundred percent agree. We
5 want these kinds of districts to give people
6 representation. But that's what the competition is for.
7 If we create a truly competitive district, they have
8 that opportunity. At this point, this district will not
9 at all be competitive. It's outside of our range. So
10 from my perspective, why don't -- if we started with 9.0
11 and then looked to see if there's a few things -- this
12 is already taking away from what could be a left-leaning
13 district. So essentially we are moving from a district
14 that in 7 -- in the Series 7 was a 54 percent Democrat
15 to now going to a district that is, in terms of leaning,
16 ten points on the other end. So we are essentially
17 moving ten points to draw this district as part of --
18 and that's -- that doesn't fit our criteria because it
19 basically goes outside the competition, the competitive
20 range that we have set. So if we could keep this within
21 our competitive range, I think we could work with that.

22 COMMISSIONER MEHL: I'd just like to politely
23 point out to Commissioner Lerner that there are four
24 urban districts in the Tucson area. District 18,
25 District 20, and District 21 all are extremely wide

1 margins for the Democrats. So I'm not trying to destroy
2 those districts or suggest that we make changes to them.
3 But having one district that leans Republican I don't
4 think is a bad thing. But what's driving me is the
5 overall communities of interest, the population balance,
6 and the other factors.

7 COMMISSIONER LERNER: I'm not worried about
8 population balance at this point completely. I am
9 worried about it in the long run, of course. But
10 because I know that our mapping team will work to fix
11 that, and we have that in all of these. But I want to
12 acknowledge that I think a lot of this has to do with
13 the fact that we are not necessarily aligning great
14 communities of interest. We are putting groups
15 together. And by leaving out, for example, Casas Adobes
16 from this district, when you look at that, it's right
17 there, but we're going around it, and I think we're
18 going around it for a partisan reason.

19 COMMISSIONER MEHL: In the interest of
20 progress, I would like to make a motion that we approve
21 Map 9.2 as our new base map for the legislative
22 districts. And I'll make a side comment that I will
23 promise to work with everyone to look at those
24 population differences in 17 and 18 and to see if
25 something when we get into the final mapping can be made

1 tighter.

2 COMMISSIONER YORK: I second that motion.

3 CHAIRPERSON NEUBERG: Any further discussion?

4 Vice Chair Watchman.

5 VICE CHAIR WATCHMAN: No.

6 CHAIRPERSON NEUBERG: Commissioner Mehl.

7 COMMISSIONER MEHL: Yes.

8 CHAIRPERSON NEUBERG: Commissioner Lerner.

9 COMMISSIONER LERNER: No.

10 CHAIRPERSON NEUBERG: Commissioner York.

11 COMMISSIONER YORK: Yes.

12 CHAIRPERSON NEUBERG: Commissioner Neuberg

13 abstains.

14 I'll entertain another motion if somebody would
15 like to make one.

16 COMMISSIONER LERNER: I move that we accept
17 Map --

18 CHAIRPERSON NEUBERG: What?

19 MR. B. JOHNSON: Chair, you need to make a
20 record that the motion did not pass before you go to
21 another motion.

22 CHAIRPERSON NEUBERG: Please note for the
23 record that the motion did not pass.

24 COMMISSIONER LERNER: I move that we adopt
25 Map 9.0. And I will make the same commitment that

1 Commissioner Mehl made that we will continue to work
2 together to see what we can do to provide balance to
3 address some of the concerns.

4 VICE CHAIR WATCHMAN: Madam Chair, Vice
5 Chair Watchman seconds the motion.

6 CHAIRPERSON NEUBERG: Any further discussion?
7 Vice Chair Watchman.

8 VICE CHAIR WATCHMAN: Aye.

9 CHAIRPERSON NEUBERG: Commissioner Mehl.

10 COMMISSIONER MEHL: No.

11 CHAIRPERSON NEUBERG: Commissioner Lerner.

12 COMMISSIONER LERNER: Yes.

13 CHAIRPERSON NEUBERG: Commissioner York.

14 COMMISSIONER YORK: No.

15 CHAIRPERSON NEUBERG: Commissioner Neuberg
16 abstains.

17 The motion does not pass.

18 Is there any further comment or dialogue about
19 options for moving forward regarding a starting point?

20 I'd like to reiterate myself that, you know, I
21 was drawn to 9.2. I was compelled by Mehl's overall
22 rationale about compactness, communities of interest. I
23 am also, like I said, focused on wanting to ensure some
24 accountability in the Tucson area for right-of-center
25 folks, a community of interest to not be neglected. And

1 so I want to make sure that one of those districts is
2 able to perform in a way that a segment will not be
3 marginalized. So that's important to me. So 9.2 in my
4 view was the greatest compromise that we had today to
5 start with.

6 I'd love to see a consensus starting point. If
7 not, I will vote. But again, you know, we have the
8 ability today to set such an example for the state and
9 for the public about how to engage and compromise in
10 discourse.

11 So thoughts before we entertain another motion?

12 COMMISSIONER MEHL: I would like to -- well, my
13 thought is I'd like to ask the mapping team to make a
14 change between 17 and 18 and come back to us today with
15 that change to see how much it moves --

16 CHAIRPERSON NEUBERG: We need a starting point,
17 though, before we can give them further direction, I
18 believe, so --

19 COMMISSIONER MEHL: Yeah.

20 CHAIRPERSON NEUBERG: -- unless we give them
21 direction based on an old iteration.

22 COMMISSIONER MEHL: Well, I -- couldn't I give
23 them a direction to revise Map 9.2 in a certain way and
24 they could come back with it? We haven't adopted it,
25 but we could then look at it and decide if it was worthy

1 of being adopted.

2 MR. KINGERY: And then that would be
3 essentially 9.3.

4 CHAIRPERSON NEUBERG: Or we could approve 9.2
5 with the expectation of making those further changes.

6 MR. D. JOHNSON: Yeah. If I may, Madam Chair,
7 as you think about this, I would suggest -- while we
8 view it as give us direction to take a map that starts
9 at the adopted 8.0, incorporates the changes already
10 made in 9.2, and perhaps adds another change.

11 MR. B. JOHNSON: Which would then be 9.3.

12 COMMISSIONER LERNER: Could we do that,
13 though -- I mean, 9.0 addresses a lot of the same issues
14 as in 9.2 with the primary difference is not taking in
15 Tanque Verde. I mean, that's -- because a lot of the
16 other things that were in 9.2 that I'm just looking at
17 your descriptions that you have here where you have
18 Flowing Wells, Davis-Monthan, some of those things that
19 were also put into 9.1 and 9.2 are also in 9.0.

20 I think the biggest issue here is that
21 basically 9.2 is very partisan, outside of our range of
22 competitiveness. So a compromise map would still have
23 us fall within the range of competitiveness that we have
24 set as a policy, where we have the smaller range.

25 If we have that, it does give people the

1 opportunity to elect who they prefer. And so I don't
2 know -- I don't have off the top of my head a way to
3 make those adjustments, to be honest, because part of
4 what we've been trying to do I think as a Commission is
5 focus on the other constitutional criteria as well as
6 competitiveness, but not the -- not that be the driver.

7 So I'm all for compromise. I just don't know
8 how we get to that piece where we're at a 50/50 now and
9 the sense I'm getting is you want to move off of that.
10 But I'm concerned about the 9 -- that 9.9 or 10-point
11 difference is making us -- is giving us a very
12 noncompetitive district and not compact, so --

13 COMMISSIONER MEHL: But, Commissioner Lerner,
14 it isn't bothering you that 18, 20, and 21, the other
15 three urban districts, are all that kind of spread or
16 bigger.

17 COMMISSIONER LERNER: I'm okay changing --

18 COMMISSIONER MEHL: We could re- -- we could
19 redraw a map where I took the Cochise County district up
20 into the urban Tucson and grabbed a bunch of population,
21 and it would then make 18 more competitive and 19 more
22 competitive, but it would be an absurd map.

23 And I'm not trying to propose things where we
24 really do something that is odd to force that. But
25 District 17, the way it is, meets all of the

1 community-of-interest requirements, as does the map
2 you're pointing to. It's competing communities. But to
3 suggest that having one that leans Republican -- and it
4 will lean less Republican than this at the end of the
5 day -- is just not reasonable.

6 COMMISSIONER LERNER: I am not saying that we
7 should be having any district with those big numbers. I
8 would be happy if all of our districts around the state
9 were --

10 COMMISSIONER MEHL: Yeah, but they have -- but
11 they have --

12 COMMISSIONER LERNER: You know I have been
13 saying more competitive all along, so --

14 COMMISSIONER MEHL: But they have three --

15 COMMISSIONER LERNER: Yeah.

16 COMMISSIONER MEHL: -- really easy Democratic
17 districts. And then in your mind the fourth district
18 then has to then be a toss-up, that's...

19 CHAIRPERSON NEUBERG: From my perspective, I'm
20 hearing that you're getting hung up by one district
21 that -- I think, you know, looking again at
22 accountability in Tucson, I'm comfortable having it, you
23 know, be a district that will ensure that
24 right-of-center people are going to have representation
25 or some accountability. And this map is one less

1 competitive, you know, than other iterations and the
2 same number of competitive districts as the last
3 commission.

4 I think it's a real great compromise, something
5 that we can build on. It's possible we can fix 16, 17,
6 and balance it a little bit more. But I'm really
7 comfortable with this as a starting point.

8 So, look, we have two choices. We can
9 either -- because my sense is the only map that will
10 likely get approval would be 9.2 or this compromise
11 version that you're working on which is, what, starting
12 from 8.0 and then making concerted changes to that to
13 get to this midpoint?

14 COMMISSIONER LERNER: Well, no. I -- I
15 don't -- I was not supportive of 8.0 either. I was
16 supportive of our previous iteration. That was the
17 one -- and I'm sorry because I always forget whether we
18 were at 7.0 or 1 -- I don't remember. What was it?

19 UNIDENTIFIED SPEAKER: 7.0.

20 COMMISSIONER LERNER: 7.0. Thank you.

21 So, you know, the concern is that what we're
22 doing is we have different visions of what the
23 communities of interest are. Right? I believe that
24 there are a number of reasons that Casas Adobes needs to
25 be with the Marana, Catalina area. Geographically it

1 makes -- and transportation wise, it just makes a lot of
2 sense to me to put that in the district.

3 I honestly was not looking at numbers in terms
4 of where was this going to end up, whether it was a
5 Republican or a Democratic district because we're not --
6 we're not drawing maps specifically for that purpose.

7 I don't deny that some of these in that area
8 are also outside of our range of competitiveness. Fully
9 acknowledge that. And if there are ways to make
10 adjustments, we can. But moving -- creating a district
11 for that particular purpose is not something that
12 constitutionally -- I mean, we are supposed to make
13 competitive, but to -- not to necessarily be partisan
14 about it.

15 So it's a different vision, I think, that we
16 have. My vision is looking at these communities in this
17 northern community area which have acknowledged their
18 relationship with each other, where the people go back
19 and forth all the time, and that to me is a much more
20 compact district and very compelling reason. No
21 mountain ranges dividing them. There's all sorts of
22 reasons that I've articulated. So I don't know what the
23 compromise would be in terms of that.

24 I understand what you're saying about
25 representation. But we have that in lots of other

1 areas, and we certainly can address that in other
2 districts throughout the state.

3 CHAIRPERSON NEUBERG: Is there another proposal
4 outside of 9.2 that might bring consensus?

5 COMMISSIONER YORK: Let me address -- I'm
6 not -- this is Commissioner York. I'm not terribly
7 familiar with the Pima County, but I do know Ina Road is
8 a major corridor, and 9.1 -- 9.0 divides that Casas
9 Adobes area out of the rest of District 18. In this
10 current 9.2 version, Ina is throughout the entire
11 corridor, and I think that joins together the foothills
12 community much better.

13 And I would also argue that the east side of
14 the -- of Pima County is a lot like the Marana, Oracle
15 side as far as population in a way that -- the way they
16 conduct their lives. And I -- that's one of the reasons
17 why I'm in favor of 9.2 and the way District 17 loops
18 around the backside of the mountains.

19 VICE CHAIR WATCHMAN: Madam Chair, Vice Chair
20 Watchman here. I guess my comments to this is that the
21 disagreement came about when we decided to consider
22 Commissioner Mehl's request, and that was to bring
23 together Marana and Oro Valley, and what came back from
24 our mapping consultants is what we see here in
25 version 9.2. It basically for me went beyond what I

1 thought was my compromise in trying to address
2 Commissioner Mehl's thoughts. And so now we have a
3 proposed District 17 that wraps around and includes, you
4 know, basically the east side of Tucson and goes into
5 District 19.

6 And so, you know, we're talking about
7 compromise, talking about working with each other. What
8 9.0 does, it does bring more competitiveness to the area
9 of Tucson, as Commissioner Lerner pointed out. I think
10 it's a better description, it better accommodates the
11 communities of interest in the Tucson area. Although
12 I'm not -- as Commissioner York, I'm not totally
13 familiar with Tucson because it's been 30 years since I
14 lived there going to college.

15 And so -- but what we're really looking for is
16 a compromise here, and I think we went beyond that when
17 we initially started trying to address Marana and Oro
18 Valley. So my support still lies with version 9.0. And
19 maybe we need to go back to some earlier versions. But,
20 you know, basically what we're trying to do here is
21 reach a -- reach an agreement as a starting point. And,
22 you know, for myself, the starting point is 9.0. And so
23 I appreciate this time here. Thank you.

24 COMMISSIONER LERNER: Also --

25 CHAIRPERSON NEUBERG: If we don't agree on a

1 starting point, are we going to agree on an ending
2 point?

3 COMMISSIONER YORK: Well, I guess -- this is
4 Commissioner York. One of the other things -- I mean,
5 Commissioner Watchman, Commissioner Lerner continue to
6 point out is to try to make District 17 more competitive
7 in the 9.0 map. But the reality of the community itself
8 becomes less competitive because we continue to dilute
9 the voice of the Republican party to -- out of the
10 ability to elect a candidate of choice. And so I
11 believe 9.2 is probably a more competitive map in a
12 sense that one district is noticeably more leaning to
13 one side and the other three are leaning to the other
14 side. So I would make that argument that 9.2 is more
15 competitive. And if you look at the preferential
16 differentiation on the bottom of our chart that we have
17 printed out for us, actually 9.2 is more competitive
18 than 9.0.

19 COMMISSIONER MEHL: So --

20 COMMISSIONER LERNER: So just if I --

21 COMMISSIONER MEHL: I would like to point out
22 if we fail to agree on anything, we're still at Map 8.0,
23 so I'm the only person here happy. So if we want to do
24 that and stalemate and be at 8.0, that to me is not all
25 that bad of a thing.

1 But, Commissioner Lerner, I would ask for you
2 to change your mind and to -- and to vote for 9.2, and
3 let us work together in a final mapping stage to try to
4 make improvements that would bring us all together.

5 CHAIRPERSON NEUBERG: There is no support --
6 enough votes to support 9.0. There are enough votes at
7 the end to support 9.2. It's unknown about going back
8 to 8.0. I'm not a fan of that. And I am open to
9 another option, a hybrid approach if four of my
10 colleagues could feel that they could vote all for that
11 starting point. And if not, we just need to vote for a
12 starting point.

13 So unless anybody has a clever idea about some
14 hybrid model that may bring the four of you closer
15 together -- and I'll give you one minute to think about
16 it.

17 COMMISSIONER LERNER: I would love to have --
18 off the top of my head, I wish I could say let's do this
19 or that. I don't have that.

20 I did want to make a comment about Ina Road.
21 It does go right through the district. I did take a
22 look at that just as a point of order, just to make that
23 comment.

24 I don't -- I do think we can -- we've
25 already -- I'll be honest. I think we've -- we came up

1 with a compromise. Commissioner Watchman and I looked
2 closely at all of this, came up with a compromise that
3 we thought would be acceptable by creating a district
4 that provides Republicans with a good opportunity to
5 have their voice heard by creating a district that was
6 50/50 and still pulled together these communities of
7 interest.

8 Again, we dropped -- we changed the -- the
9 district that we had in 7.0 and prior was far more
10 Democratic votes. This has increased the Republican
11 votes. And to be honest, this was a Republican map that
12 was put forth, and so it's going to have that
13 stronger -- the 9 point -- 8.0, 9.1, 9.2, stronger with
14 that. I would love to find a compromise, I feel we sort
15 of did that by dropping the percentages to make this as
16 competitive a district as possible which would give the
17 Republicans in that area an opportunity to elect
18 somebody who represents them.

19 I wish I had a way to say here is the other
20 thing to do. I just don't -- off the top of my head, I
21 don't think I can make that recommendation.

22 CHAIRPERSON NEUBERG: Okay. I think we've had
23 a robust discussion. We've shared our thoughts. And
24 we'll entertain a motion again if somebody would like to
25 entertain a motion.

1 COMMISSIONER MEHL: Madam Chair, I once again
2 would like to propose that we adopt Map 9.2 as our new
3 base map, and I think that will be the most productive
4 way that we can move forward. And it really is
5 incompatible; you are either going to have Casas Adobes
6 with Marana and Oro Valley or the Tanque Verde Valley,
7 and there's no compromise that can be made there. It's
8 one or the other. But if we start with the base map
9 with Tanque Verde with the whole suburban ring
10 connected, I think it is a far better map for the -- for
11 southern Arizona, and we can work to make it more
12 competitive. So that's my motion.

13 COMMISSIONER YORK: This is Commissioner York.
14 I second the motion.

15 CHAIRPERSON NEUBERG: Any further discussion?
16 Vice Chair Watchman.

17 VICE CHAIR WATCHMAN: No.

18 CHAIRPERSON NEUBERG: Commissioner Mehl.

19 COMMISSIONER MEHL: Yes.

20 CHAIRPERSON NEUBERG: Commissioner Lerner.

21 COMMISSIONER LERNER: No.

22 CHAIRPERSON NEUBERG: Commissioner York.

23 COMMISSIONER YORK: Yes.

24 CHAIRPERSON NEUBERG: Commissioner Neuberg is a
25 yes.

1 We will start with 9.2 with the effort to
2 mitigate the concerns from my Democratic Commissioners
3 to work towards trying to moderate the district to the
4 extent that we can, ensuring that we don't marginalize
5 right-of-center people from trying to elect a candidate
6 of their choice in that district.

7 We can now begin, you know, giving feedback to
8 mapping if you would like to try to make some
9 suggestions to alter the areas that you're struggling
10 with.

11 COMMISSIONER MEHL: Madam Chair, I would like
12 to ask that -- all Commissioners, do we want to adopt
13 this map as a draft map and work on this cooperatively
14 over the next month as we get more public feedback and
15 allow the public really to weigh in on this? Or would
16 you like us to actually make specific changes today
17 where we, in my mind, can't be quite as thoughtful about
18 it? So that's a question for everybody.

19 COMMISSIONER LERNER: I'm not ready to adopt
20 the map at this time. But, you know, by the end of the
21 day -- you know, I'd like to think more about it now
22 that this -- now that we're looking at 9.2. To be quite
23 honest, I would like to have some time to be more
24 thoughtful about it, if that's okay.

25 CHAIRPERSON NEUBERG: And I'd like to give, you

1 know, all Commissioners time to look at it and see if
2 there are ways to mitigate concerns. And as I alluded
3 to on Tuesday, and I want to make it very clear again,
4 whatever draft map we ultimately approve, it is just
5 that, a draft. It's a vehicle for us to be able to put
6 out a thoughtful assortment of districts to elicit the
7 exact type of public feedback we need in order to even
8 improve it. Many of these decisions we're making today
9 are unknowns. I may vote this way today as it relates
10 to District 17; I may be convinced otherwise when I'm
11 out in the community again listening to testimony. So I
12 think let's not get too rigid with specific districts,
13 understanding that it really, really can shift and that
14 we have the ability to approve maps with caveats, with a
15 recognition of what areas we would like to work on and
16 see changed over time.

17 So let's -- but we can start now and see how
18 far we can get in one day if there are small
19 modifications to 9.2 that could, you know, again
20 mitigate your concerns in that Tucson area.

21 I'm not as concerned about when you talk about
22 the mountain range and compactness. If the communities
23 of interest all make sense and they're all -- you know,
24 surround a mountain range, I don't think that that in
25 and of itself precludes an area from being considered,

1 you know, compact and together.

2 COMMISSIONER MEHL: One simple thing to do and
3 it would not be a final fix, it would not -- ultimately
4 there will be additional changes made in a final mapping
5 period, but one simple thing that we could look at would
6 be right now District 17 is a little over 7,000 people
7 underpopulated. District 18 is a little over 5,000
8 overpopulated. You could take that very northern tip of
9 18 and take 5, 6, 7, 8,000 people and move them into 17.
10 And I believe that is -- that would -- it won't
11 dramatically change the competitiveness, but it would
12 move it down by some amount, I think.

13 COMMISSIONER LERNER: And I guess we would have
14 to take a look at that. I mean, unless it makes it
15 truly competitive within our range, just making
16 something going from 9 to 8 points doesn't make it
17 competitive. That's why we defined -- for the purposes
18 of our policy and map making, that's why we defined what
19 would be competitive. So I appreciate that,
20 Commissioner Mehl --

21 COMMISSIONER MEHL: Okay. But --

22 COMMISSIONER LERNER: -- that thought. I think
23 that that's something we should just maybe take a closer
24 look at as -- you know, we can take a look at that. But
25 if it makes -- if it makes a significant difference and

1 we're getting back into our --

2 COMMISSIONER MEHL: But it doesn't seem to
3 bother you that District 18 is plus 17 Democrat,
4 District 20 is plus 50 Democrat, District 21 is plus 33
5 Democrat. Those aren't bothering you so much.

6 COMMISSIONER LERNER: No. You know what? They
7 also bother me in District 30 which is 48 percent
8 Republican and District 28 which is 30 percent
9 Republican. We have the same issues all across the
10 state where we have very significant differences. So,
11 yeah, I would love to see us at a 50/50 as much as we
12 can in every district if we can or within our -- I
13 believe within our low range as much as possible. So it
14 goes both ways. Right? We have plenty of districts.
15 And if we go up into Maricopa County, we have a number
16 of them as well. We go into the rural areas where we
17 have those large gaps.

18 So what I'm saying what bothers me about
19 District 17 is not only the competitiveness, that what
20 we've done is taken it out of a competitive range when
21 we actually could have had a district that was
22 competitive and we could have even made a district that
23 leans Republican but is competitive. And we've taken it
24 out of that range, which is not really what we're
25 striving for. Right?

1 We all want to have these -- everybody have
2 those opportunities. So that's where -- so do those
3 extremes bother me? Sure, they bother me all across the
4 state. So it's not just the Tucson area that we should
5 be looking at at that point. We should probably be
6 looking at a number of districts that we've -- we have
7 with this map, 9.2. What can we do to make District --
8 let's see, District 7 more competitive, for example,
9 which is now all the way down into this area. Right?
10 Or District 16. Any -- district -- all of these, I
11 guess. I don't want to go into a list. But it's --
12 it's -- so it's not just the one place,
13 Commissioner Mehl, that I'm -- that I'm talking about.

14 The reason District 17 struck me as it did is
15 because we have a way to make it in a way that I feel is
16 compact, contiguous, recognizes communities of interest
17 who have acknowledged each other, and I feel we could
18 adjust things, lines here and there. We've adjusted it
19 already from the previous iteration at 7.0 as I
20 mentioned, which was a 54 percent to 46 percent Democrat
21 to Republican to a 50/50. So I feel that we did a big
22 compromise to try to make it so that there would be
23 representation, people would have a voice in that area
24 while still creating that contiguous district.

25 So I have the same feelings. I would like to

1 see as many closer as possible.

2 CHAIRPERSON NEUBERG: Maybe. I'm not so sure
3 that that District 17 would -- is that what we're
4 talking about? -- would perform, meaning to represent,
5 you know, right-of-center people. I think particularly
6 over time I'm concerned that the broader Tucson area,
7 those right-of-center will be marginalized.

8 COMMISSIONER LERNER: So -- and I acknowledge
9 the --

10 COMMISSIONER YORK: Well, but also I'd like to
11 add to that. You know, we as -- we sit on this
12 Commission to sort of first lead with like-mindedness
13 and try to get people together that belong together.
14 And so you're going to have counties and extremes
15 wherever you go in the United States, but also
16 especially in Arizona. Mohave County is going to
17 perform differently than Pima County. You know,
18 Maricopa County is going to perform differently than
19 Cochise. It's just the way that people congregate and
20 move and become parts of communities that they enjoy.

21 And I think our job is to make sure that we
22 take those communities into account as well as deal
23 with -- where I believe in the current District 18 we're
24 talking about, that community which includes the
25 foothills, which includes north part of campus and some

1 of the things that in -- that in -- how I like to see as
2 part of Tucson together. And I believe Casas Adobes is
3 actually, just from a population standpoint, probably
4 fits more with Marana. So that's how I feel about it.

5 And we're going to have our extremes; we all
6 know that. And so to go to try to balance those out in
7 a way that makes competitiveness work I don't see as a
8 real end result for our Commission.

9 COMMISSIONER LERNER: So I'm unclear,
10 Commissioner York. Did you mean that Casas Adobes
11 should be in that area? Because right now they're in
12 LD-18.

13 COMMISSIONER YORK: Casas Adobes is in --

14 COMMISSIONER LERNER: It's split actually to
15 some extent, but it's in 18.

16 COMMISSIONER YORK: The northern part is up
17 with Marana and I guess --

18 COMMISSIONER LERNER: Right.

19 COMMISSIONER YORK: -- what I think about as I
20 move across Orangethorpe and that stuff, that seems to
21 me to fit north.

22 COMMISSIONER LERNER: Right. So, yeah, I'm
23 just -- just as a point, because we are -- this
24 particular one splits communities, has more splits than
25 the other one.

1 But I know that we've already -- 9.2 has been
2 approved. Hopefully we can find a way to provide
3 balance. But I guess from the -- from my perspective,
4 if we're talking about right-of-center voters in the
5 Tucson area being heard, then I think we need to have
6 those same conversations about left-of-center voters as
7 well who are not always well represented in certain
8 parts of our state and see what we can do to accomplish
9 that same -- in the same way.

10 CHAIRPERSON NEUBERG: Absolutely. That's all
11 about protecting communities of interest and ensuring as
12 few communities of interest are marginalized. That's
13 consistent with the entire goal of redistricting,
14 maximizing representation for as many communities of
15 interest.

16 COMMISSIONER MEHL: I couldn't tell if mapping
17 was playing with some numbers over there or not.

18 MR. KINGERY: You had mentioned the northern
19 part of D-18. And just out of curiosity, I wanted to
20 see how much of this area was about roughly 5,000
21 people. And it would come down to Over -- West Overton
22 Road. If everything north in D-18 went into D-17, it
23 would bring the -- I can just do it.

24 And what's on screen are the new numbers. So
25 total now about 500 people under in District 18 from the

1 target, 1,800 under. And then the competitiveness
2 metrics are right there.

3 COMMISSIONER LERNER: Yeah. That -- yeah, that
4 actually changes it even further right, so --

5 COMMISSIONER MEHL: Guess -- I guess that
6 wasn't a good suggestion, then.

7 CHAIRPERSON NEUBERG: Okay. Let -- if you
8 don't mind, let's take a ten-minute pause. Maybe
9 mapping can take a look at the map and see if you can
10 come up with any great ideas. And the rest of us can
11 take a break. Ten minutes.

12 (Whereupon a recess was taken from 12:42 p.m.
13 to 1:16 p.m.)

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17 ***"This transcript represents an unofficial record.***
18 ***Please consult the accompanying video for the official***
19 ***record of IRC proceedings."***
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C E R T I F I C A T E

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2
3 STATE OF ARIZONA)
4) ss.
5 COUNTY OF MARICOPA)
6

7 BE IT KNOWN that the foregoing proceedings
8 were taken before me, Kimberly Portik, Certified
9 Reporter No. 50149, all done to the best of my skill and
10 ability; that the proceedings were taken down by me in
11 shorthand and thereafter reduced to print under my
12 direction.

13 I CERTIFY that I am in no way related to any
14 of the parties hereto nor am I in any way interested in
15 the outcome hereof.

16 I CERTIFY that I have complied with the
17 requirements set forth in ACJA 7-206. Dated at
18 Glendale, Arizona, this 22nd day of November, 2021.

19
20 Kimberly Portik
21 Kimberly Portik, RMR, CRC
22 CERTIFIED REPORTER NO. 50149

23 * * *

24 I CERTIFY that Miller Certified Reporting,
25 LLC, has complied with the requirements set forth in
ACJA 7-201 and ACJA 7-206. Dated at LITCHFIELD PARK,
Arizona, this 8th day of November, 2021.

26
27 MCR
28 Miller Certified Reporting, LLC
29 Arizona RRF No. R1058