

THE STATE OF ARIZONA  
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via WebEx

December 2, 2021

12:00 p.m.

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Reported By (via WebEx):  
Angela Furniss Miller, RPR  
Certified Reporter (AZ 50127)

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT  
2 REDISTRICTING COMMISSION, convened at 12:00 p.m. on  
3 December 2, 2021, via WebEx, Arizona, in the presence of the  
4 following Commissioners:

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

10 OTHERS PRESENT:

11 Mr. Brian Schmitt, Executive Director  
12 Ms. Loriandra Van Haren, Deputy Director  
13 Ms. Valerie Neumann, Executive Assistant  
14 Ms. Michele Crank, Public Information Officer  
15 Ms. Marie Chapple Camacho, Outreach Coordinator  
16 Mr. Roy Herrera, Ballard Spahr  
17 Mr. Daniel Arellano, Ballard Spahr  
18 Mr. Eric Spencer, Snell & Wilmer  
19 Mr. Brett Johnson, Snell & Wilmer  
20 Mr. Brian Regula, Snell & Wilmer  
21 Mr. Mark Flahan, Timmons Group  
22 Ms. Ivy Beller Sakansky, NDC

23 PUBLIC SPEAKERS:

24 Senate Minority Leader Rebecca Rios  
25 House Minority Leader Reginald Bolding  
House Majority Speaker Russell Bowers

P R O C E E D I N G

1  
2  
3 CHAIRPERSON NEUBERG: Welcome, everybody. We'll  
4 dive right in to our agenda.

5 Agenda Item I, call to order and roll call. I(A),  
6 call for quorum. It is 12:00 noon; I call this meeting of  
7 the Independent Redistricting Commission to order.

8 For the record, the executive assistant Valerie  
9 Neumann will be taking roll. When your name is called,  
10 please indicate you are present.

11 If you're unable to respond verbally, we ask that  
12 you please type your name.

13 Val.

14 MS. NEUMANN: Thank you, Madam Chair.

15 Vice Chair Watchman.

16 VICE CHAIR WATCHMAN: Present.

17 MS. NEUMANN: Commissioner Lerner.

18 COMMISSIONER LERNER: Present.

19 MS. NEUMANN: Commissioner Mehl.

20 COMMISSIONER MEHL: Present.

21 MS. NEUMANN: Commissioner York.

22 COMMISSIONER YORK: Present.

23 MS. NEUMANN: Chairperson Neuberg.

24 CHAIRPERSON NEUBERG: Present.

25 MS. NEUMANN: And for the record, also in

1 attendance today we have Senate Minority Leader Rebecca  
2 Rios, House Minority Leader Reginald Bolding, House Majority  
3 Speaker Russell Bowers will be joining us in a bit.

4 We have the general counsel for the House of  
5 Representatives Andrew Pappas, I'm not sure if he's on the  
6 call.

7 Executive Director Brian Schmitt -- is he here?  
8 Yes, there is he -- Deputy Director Lori Van Haren,  
9 Community Outreach Coordinator Marie Chappel; and from our  
10 legal team we have Brian Regula from Snell & Wilmer, along  
11 with Brett Johnson and Eric Spencer, Roy Herrera and Daniel  
12 Arellano from Ballard Spahr; and our mapping consultants, we  
13 have Mark Flahan from Timmons and Ivy Bellar Sakansky from  
14 NDC Research; and our transcriptionist Angela Miller.  
15 That's everyone.

16 CHAIRPERSON NEUBERG: Okay. Thank you, Val.

17 Please note for the minutes that a quorum is  
18 present.

19 Agenda Item I(B), call for notice. Val, was the  
20 notice and agenda for the Commission meeting properly posted  
21 48 hours in advance of today's meeting?

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

23 CHAIRPERSON NEUBERG: Thank you, as always.

24 Agenda Item II, approval of minutes from  
25 November 30th, 2021. We have II(A), the general session; we

1 also have II(B), the executive session in which we did a  
2 district-level analysis of VRA compliance and review of  
3 criteria.

4 I will open it up to my colleagues if there is any  
5 the comment or discussion on either the general session or  
6 executive session minutes.

7 If there are no comments, I will open it up to a  
8 motion to approve II(A) and (B), the general session and  
9 executive session minutes from November 30th of earlier this  
10 week.

11 COMMISSIONER LERNER: I move -- this is  
12 Commissioner Lerner. I move to accept the minutes.

13 COMMISSIONER MEHL: And Commissioner Mehl seconds.

14 CHAIRPERSON NEUBERG: If no further discussion,  
15 Vice Chair Watchman.

16 VICE CHAIR WATCHMAN: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Mehl.

18 COMMISSIONER MEHL: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Lerner.

20 COMMISSIONER LERNER: Aye.

21 CHAIRPERSON NEUBERG: Commissioner York.

22 COMMISSIONER YORK: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
24 aye.

25 And with that, the minutes from November 30th are

1 approved.

2 Thank you, Val.

3 Agenda Item III, opportunity for public comments.

4 We will now open public comment for a minimum of 30 minutes  
5 and remain open until the adjournment of the meeting.

6 Comments will only be accepted electronically in  
7 writing on the link provided in the notice and agenda for  
8 this public meeting and will be limited to 3,000 characters.

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

16 With that, we will move to Agenda Item No. IV,  
17 Arizona state legislature leaders reports or memorial  
18 submissions related to draft maps pursuant to Article IV  
19 Part 2 Section 1 paragraph 16 of the Arizona Constitution,  
20 with potential discussion and deliberation concerning such  
21 submissions.

22 As we mentioned earlier we have Senator Rios,  
23 Representative Bolding who will give us remarks.

24 We welcome whatever you would like to share. We  
25 have until 1 o'clock with you. We absolutely welcome the

1 opportunity to -- to do some Q and A, I know I have a few  
2 questions if -- if the time allows; but the floor is yours  
3 'til 1:00. If we finish before, then we will take a brief  
4 recess and we will welcome Speaker Bowers at 1 o'clock.

5 So with that, please, Senator Rios.

6 SENATOR RIOS: Thank you, Chairwoman Neuberg.

7 Thank you to the members of the Independent  
8 Redistricting Commission and to the members of the public  
9 watching this critically important process.

10 I'm Senate Minority Leader Rebecca Rios, and I'm  
11 joined by House Minority Leader Reginald Bolding. We are  
12 honored to be here at your invitation in our official  
13 capacity as leaders of our respective Democrat caucuses.

14 We have submitted a formal letter to the Commission  
15 and we will be reading it into the record for the benefit of  
16 those folks who don't have access to it.

17 Dear Commissioners, 20 years ago Arizona voters  
18 established the Independent Redistricting Commission to  
19 provide a fair, equitable, and transparent process for  
20 drawing legislative and congressional maps. The voters  
21 clearly and unequivocally expressed their intention that  
22 self-interested politicians be removed from this task and  
23 instead put the awesome power of redistricting into the  
24 hands of average everyday Arizonans.

25 As leaders of the Democrat caucuses in the Arizona

1 legislature, we respect the decision of the voters and value  
2 the independence of the redistricting process.

3 Simply put, it is better for our democracy when the  
4 voters choose their elected officials and not the other way  
5 around.

6 Arizona has led the nation as a role model for  
7 independent redistricting, and we are proud of that legacy.  
8 We do however have some concerns that the actions of this  
9 Commission may call into question its independence and may  
10 cause Arizonans to have doubts about the integrity of the  
11 process and the fairness of the resulting maps.

12 There have been a series of split votes among the  
13 Commissioners on a range of important decisions, from hiring  
14 employees and consultants to crucial decisions on the draft  
15 map. For example, on a 3-2 vote with the Chairwoman siding  
16 with the Republican Commissioners, they voted to hire an  
17 executive director who had previously worked for a Phoenix  
18 city council member and former Republican congressional  
19 candidate.

20 The newly hired executive director had previously  
21 worked for Martha McSally's Republican Senate race and  
22 received significant payments from the Republican National  
23 Committee.

24 Following that decision, the Chairwoman again voted  
25 with the Republican Commissioners to hire Timmons/National

1 Demographic Corporation as its mapping firm, despite knowing  
2 their concerning history of ignoring input from communities  
3 of color, misrepresenting the Voting Rights Act, and using  
4 incomplete redistricting data.

5 As further evidence of their partisan tilt, those  
6 same mapping experts were recently nominated in Virginia as  
7 special masters for the Republican party in that State's  
8 redistricting process.

9 As the Commission began the critical work of  
10 deliberating on the draft maps, we suffer the partisan  
11 influence undermining the independence of the Commission.

12 The Commission considered a map out of hundreds  
13 submitted by the public that was created by the second vice  
14 chair of the Pima County Republican Party for which support  
15 was orchestrated by a sitting Republican senator from Pinal  
16 County, Vince Leach.

17 But Senator Leach was not open and transparent  
18 about his role in crafting the Southern Arizona Republican  
19 district. He hid behind a well-respected organization and  
20 it was only through the intrepid work of local journalists  
21 that his role was finally revealed; and despite his  
22 deception or perhaps because of it, those legislative  
23 configurations in Southern Arizona have remained in the  
24 draft map despite not conforming to several constitutional  
25 criteria.

1           To date this is the only public mapping submission  
2           that has been considered without incorporating significant  
3           adjustments.

4           And again the vote to adopt this partisan map which  
5           was labeled 9.2 was 3-2 with the Chairman voting with the  
6           Republican Commissioners.

7           The proposed map that was supported by the  
8           Democratic Commissioners labeled 9.0 was rejected on a vote  
9           of 2-3 with the Chairman -- Chairwoman siding with the  
10          Republican Commissioners again.

11          Throughout the mapping process, the Chairwoman has  
12          repeatedly sided with Republican Commissioners as maps were  
13          discussed. In five of six split votes during the October  
14          drafting process, the Chairwoman voted with Republican  
15          Commissioners. The action of the Commission and resulting  
16          draft map suggest a politically imbalanced Commission that  
17          are not seeking to represent all voices in Arizona but  
18          instead prioritizing the wishes of one political party.

19          In addition to the concerns we have regarding the  
20          Commissioner 's pattern of voting, we also want to bring to  
21          your attention some concerns we have with the draft maps  
22          themselves.

23          The Commission has created a draft legislative map  
24          that fails to uphold the spirit of your independent  
25          commission positioning Arizona to lose the legacy of fair

1 and balanced maps.

2 Below we cite several examples where we believe the  
3 Commission is not complying with all of the constitutional  
4 criteria and responsibilities of redistricting.

5 And we will cite the criteria and then provide our  
6 example.

7 Criteria A: Districts shall comply with  
8 United States Constitution and United States Voting Rights  
9 Act.

10 The adopted draft legislative map creates few  
11 districts in which Latinos could elect a legislator of their  
12 choosing. The Latino Coalition demonstrated additional  
13 districts could be drawn to further achieve representation  
14 without compromising the other constitutional criteria; the  
15 Commission instead chose to include fewer Latino Coalition,  
16 thereby undermining the voices of the Hispanic community.

17 The adopted draft map only creates seven Latino  
18 abilities to elect districts. Proportional representation  
19 for Latinos would result in as many as nine districts to  
20 reflect the population of Latinos in the state overall, and  
21 the Latino Coalition demonstrated a moderate proposal of  
22 eight Latino majority districts.

23 For context, the 2011 approved legislative map  
24 created seven Latino ability to elect districts. Since the  
25 time those maps were adopted, each district has grown

1 significantly in Latino voting strength because of the  
2 increase in Latino voting age residents.

3 The packing and cracking of Latino voters in the  
4 adopted draft map, raises significant concerns under the  
5 Voting Rights Act. Significantly draft District 24 appears  
6 to be packed to dilute overall Latino electoral strength.  
7 Draft maps 22 and 23 also include highly racially polarized  
8 voting areas that dilute the performance of Latino voting  
9 strength.

10 Additionally we believe the Commission has not  
11 given due consideration to the submission of tribal  
12 communities, failing to draft even one map that considered  
13 the requests of the Navajo Nation.

14 Under the adopted draft map, District 6 would limit  
15 the ability to elect a Native American in the candidate --  
16 in the primary election due to historically low turnout  
17 among Native American. The district performs in general  
18 elections, but it can potentially limit Native Americans  
19 opportunity to elect Native American House members and a  
20 State Senator.

21 Criteria two: Congressional districts shall have  
22 equal population to the extent practicable and state  
23 legislative district shall have equal population to the  
24 extent practicable.

25 Our concern: The population deviation in the

1 legislative districts appears to largely favor Republican  
2 interests. Population deviations were not utilized to  
3 uphold Voting Rights Acts criteria as requested by the  
4 Navajo Nation, but instead the greatest deviations are in  
5 districts where Democrats are packed, like Districts 11 and  
6 21, only districts that are underpopulated to favor  
7 Republicans like District 28.

8 Population deviation should not be used to favor  
9 partisan outcomes in legislative districts particularly at  
10 the expense of other mapping criteria.

11 And Representative Bolding.

12 REPRESENTATIVE BOLDING: Thank you, Leader Rios and  
13 thank you to the members of the Independent Redistricting  
14 Commission and the members of the public who are watching  
15 this incredibly important process as well.

16 I'm House Democratic Leader Reginald Bolding from  
17 the current Legislative District 27 in Phoenix.

18 As Leader Rios stated, we are here at your  
19 invitation in our official capacity as leaders to discuss  
20 some of the specific issues with draft maps that we  
21 sincerely hope you'll take into consideration before making  
22 any final determinations, and I want to continue with some  
23 detailed additional analysis and observations again measured  
24 against the plain language of voter-approved independent  
25 redistricting law.

1           Point C: Districts shall be geographically compact  
2 and contiguous to the extent practical (verbatim); and D,  
3 district boundaries shall respect committees and communities  
4 of interest to the extent practical (verbatim).

5           This Commission has been applying the definition of  
6 "community of interest" so broadly that there seems to be no  
7 boundaries as to what a community of interest truly is.

8           District 17 has separated a number of communities  
9 from their neighbors thereby undermining fair representation  
10 for these communities at the legislature.

11           In the November 5th Commission meeting, the  
12 Commission's own mapper described evaluating compactness as  
13 asking, quote, "Are we bypassing people to get to another  
14 group of people?", unquote. And District 17 is certainly a  
15 district that bypasses geographically close communities in  
16 order to connect fair suburbs from partisan goals.

17           Furthermore, when citing her support for this  
18 District 17 configuration, the Chairwoman said "The  
19 right-of-center voters deserve the ability to elect someone  
20 to represent them." Suggesting that a partisan district  
21 would be the only way to accomplish fair representation.

22           Gerrymandering a Republican district for partisan  
23 outcomes is simply not necessary.

24           Members of our Democrat caucus have served along  
25 Republican members for a number of years. Specifically in

1 Tucson, like Ethan Orr in currently enacted District 9; and  
2 Todd Clodfelter, currently enacted District 10 over the last  
3 decade for fighting that Tucsonans want to be represented by  
4 a Republican, they effectively secured such a change at the  
5 ballot box.

6 Ignoring the will of voters enjoying a partisan  
7 district instead of a competitive one disregards history,  
8 takes power away from voters, and ignores the constitutional  
9 obligation to create competitive maps when there is no  
10 significant determinant to other constitution goals.

11 Competitive districts has not caused significant  
12 detriment to voters to either major party in Tucson.

13 Point C: To the extent practical, district lines  
14 shall use visible geographic features, cities, towns and  
15 county boundaries, and undivided census tracts.

16 The Commission has been at best inconsistent and at  
17 worst directly partisan in applying the visible graph --  
18 geographic features. South Mountain in Maricopa County, for  
19 example, has been a clear geographic boundary for  
20 legislative districts; however, the Catalina Mountains in  
21 Tucson have been ignored and skirted for the drawing.

22 Public testimony identified Mingus Mountain and  
23 Yavapai County as a (technical/audio disruption) --

24 CHAIRPERSON NEUBERG: Whoever is on the cell phone  
25 with the last two digits of 33, please mute yourself.

1 Thank you.

2 REPRESENTATIVE BOLDING: Thank you, Chairwoman.

3 Public testimony identified in Mingus Mountain and  
4 Yavapai County as a clear geographic boundary for  
5 communities of both sides, yet the Commission has ignored  
6 such vocal testimony.

7 Lastly, point F: To the extent practical,  
8 competitive districts should be favored where to do so would  
9 create no significant detriment to the other goals.

10 Competitive districts are in many communities the  
11 way to allow diverse yet connected communities and political  
12 interests a chance to be heard. Competitive districts are  
13 those where a candidate from either party could reasonably  
14 win a seat, and as a result, where candidates and elected  
15 officials must compete for the right to represent a  
16 community.

17 The Commission adopted several measures of  
18 competitiveness; but even by its own analysis of the  
19 districts, only two legislative districts in the adopted  
20 draft map would truly be -- would truly see a competitive  
21 race over the next decade.

22 For far too many -- for far too many, districts  
23 still remain safe for either party failing to deliver voters  
24 a competitive race.

25 In the past our Democratic caucus has provided

1 specific input and mapping advice to the Commission because  
2 we believe that the voters in Arizona have spoken clearly  
3 that they do not want to see politicians constructing the  
4 districts and choosing their voters.

5 Today, we still believe that an independent  
6 commission can create a fair and balanced map that reflects  
7 the state of Arizona and its residents properly, ensuring  
8 good representation for the next decade.

9 However, this can only be accomplished when the  
10 five commissioners are committed to applying the provisions  
11 of the Arizona Constitution in an honest, independent and  
12 impartial fashion, and to upholding public confidence in the  
13 integrity of the redistricting process.

14 We raise the concerns above and call on the  
15 Commission to renew its commitment to a balanced and fair  
16 map that will represent Arizonans fairly throughout the  
17 state.

18 Thank you, and with that we'll be happy to stand  
19 for any questions.

20 CHAIRPERSON NEUBERG: Thank you both. We're deeply  
21 appreciative for this opportunity to have feedback and to  
22 have dialogue.

23 We will now open it up to questions.

24 I'm going to actually take the prerogative to ask  
25 the first one, and I also just want to say we have some time

1 now, but if there's additional discussion, I am available  
2 and would very much welcome an ongoing conversation. So  
3 whatever, you know, conversations we're having that still  
4 remain to have things to be talked about, you know, we -- I  
5 would like to continue the conversation.

6 My first question has to do with competitiveness.  
7 And I want to be honest, I'm a little confused and I'm  
8 really struggling with how to navigate this constitutional  
9 criteria.

10 So the very first constitutional criteria of  
11 honoring the constitution and the VRA, after we accomplish  
12 that, depending on whether we have eight or nine  
13 majority-minority districts, there's a mathematical reality  
14 that when you account for those eight or nine districts,  
15 they're overwhelmingly Democratic, it just happens to be  
16 that those communities of interest generally align with that  
17 party. So when you're looking at the other two-thirds of  
18 the state, it's no longer a random sample of population,  
19 it's actually a highly biased population in terms of  
20 partisan leanings.

21 So when you ask for competitiveness, I see three  
22 different ways of going about it. I see, do we take the  
23 whole rest of the state; and are you asking for  
24 competitiveness to be a prime constitutional criteria where  
25 we seek to make all of the rest of those districts as

1 competitive as possible? Which has some challenges because  
2 they'd all be biased on one -- one side in terms of  
3 political leanings.

4 Are we talking about creating as many tight, tight  
5 competitive districts within just a few percentage points?  
6 Which maybe we can do, you know, a few, at which point if we  
7 focus on that, it tends to leave the other community of  
8 interests kind of in a random splatter all over the state.

9 Then we have what I think all commissions are kind  
10 of struggling with, how do we merge both those tasks? And  
11 I'm wondering if you have feedback to us about your  
12 preferences with how we define competitiveness. Is it  
13 striking the differences with all -- as many districts as  
14 possible; is it creating truly, you know, the most  
15 competitive districts that we could and then trying to  
16 somehow figure out the rest of the population?

17 Help us understand what you're asking for.

18 SENATOR RIOS: So I'll go ahead and jump in. And  
19 clearly, I mean, I'm not here today professing to be the  
20 expert on this, that is, in fact, you and the tough job that  
21 you-all have.

22 What I will say is what I have heard from different  
23 groups and constituents is that folks want the ability to  
24 actually have a district in which someone of either party  
25 has a real opportunity and chance to be elected. And so to

1 the extent that the Commission is able to minimize the  
2 number of districts that are heavily slanted either  
3 Republican or Democrat, I think that's what the average  
4 Arizonan is looking for.

5 I think competitiveness is a high priority for many  
6 of the folks that -- that I've spoken to; and, again, how  
7 that exactly is -- is determined, again the devil is in the  
8 details, and it is, I recognize, a science that you-all are  
9 struggling with, but where we have identified districts in  
10 which there is packing or underpopulation, I think those are  
11 the areas you can start with to begin to work on  
12 competitiveness.

13 And perhaps not packing so many in District 11,  
14 which is my district, but using those additional folks to  
15 maybe have more competitiveness in other areas that surround  
16 it.

17 That -- that would be my response.

18 REPRESENTATIVE BOLDING: And thank you, Chairwoman  
19 and Commissioners for that -- for that question.

20 The reality is, is that I don't -- I don't believe  
21 that, you know, demographics should clearly be used on  
22 partisan basis, and I take from the question demographics  
23 uses one party or the other. The idea regarding  
24 competitiveness is -- is important. And if you have  
25 districts that are significantly slanted Republican or

1 Democrat, it does not provide a choice for those members in  
2 the community.

3 In fact, we should be thinking about how do we make  
4 sure that the partisan split is -- is in a place where it  
5 may have, you know, single digits. I mean, if you have an  
6 opportunity for a district that is plus 25 district or a  
7 plus 15 district, R or D, it's not competitive either way.

8 The reality is is that people need to have a  
9 choice. If we want to create a state where voters truly  
10 feel like they can have their voices heard, competitiveness  
11 has to be a priority with communities of interest. I don't  
12 think it's either/or, it's a both/and -- and I think that  
13 the Commissioners have the ability to do that with and  
14 should have the ability to do that because we know that it  
15 is something that's possible.

16 CHAIRPERSON NEUBERG: Thank you very much. I'll  
17 turn it over to my colleagues.

18 I just want to share, when you say it's not an  
19 either/or, just from a mathematical perspective sometimes it  
20 actually is an either/or. So that's why I'm seeking your  
21 feedback because it's really complicated, you know, and --  
22 and we want to make as many competitive districts as  
23 possible.

24 So with that, I open it up to my colleagues.

25 COMMISSIONER MEHL: This is Commissioner Mehl with

1 a question.

2 And, again, I thank you both for being with us; we  
3 really appreciate your time and -- and the importance of  
4 this process.

5 You both have been elected in districts that were  
6 formed in 2011 by the second commission, and you're  
7 obviously then familiar with the districts as they sit  
8 today.

9 The 2011 commission was very overt in saying that  
10 competitiveness was actually a really critical component of  
11 how they looked at creating maps. Do you view the 2011  
12 commission maps as being positive examples of achieving  
13 competitiveness or would you be critical of those?

14 SENATOR RIOS: Again, I'll go ahead and start.

15 Without -- what I -- where I will speak from is my  
16 perspective of having served in the legislature for the  
17 majority of the past ten years. And where we're at today,  
18 we are finally at a point where there's only a one vote  
19 margin between Dems and Republicans in both the House and  
20 the Senate.

21 So I guess long term it could be argued that  
22 those -- some of those districts have eventually become  
23 competitive to the point where we almost have parity in the  
24 legislature. But to make a blanket statement in terms of do  
25 I believe those are the maps that we should hold up as the

1 model as they were created in 2011, I don't have I think the  
2 expertise or the knowledge to answer that other than to say  
3 that I think it is important to note where we are now as the  
4 eventual result of those maps and the fact that we are  
5 closer in parity, the parties, than we have been since the  
6 1960s.

7 REPRESENTATIVE BOLDING: I mean -- and I would --  
8 so thank you for the question, Commissioner.

9 When you take a step back and you look at Arizona,  
10 it's a lot more purple than it is red or blue, that's the  
11 reality.

12 I think the -- the 2011 maps had -- they were  
13 created, and I think that, as you look at the current  
14 legislature today, it shows that we're a lot more purple  
15 than we are red or blue.

16 You know, the reality is when you look at our --  
17 our state legislature, when you look at our state offices,  
18 there is a mixture of Republicans who are serving statewide;  
19 there's a mixture of Democrats who are also serving  
20 statewide.

21 Additionally, as -- as Senator Rios mentioned, both  
22 the House and the Senate is divided by one vote.

23 So I think that in any map that's created, it  
24 should absolutely not only think about the current context  
25 of where we're at today but the current context of where

1 we're at in the future, and I don't think the future has us  
2 more partisan either way. And I think that is going to be  
3 extremely important.

4 You know, in 2010 when you looked at the state and  
5 you looked at statewide offices, it's a -- a totally  
6 different picture than when you look at 2020 in the  
7 statewide offices, and we could literally go office by  
8 office at a statewide perspective and see how that has  
9 changed. And that is extremely important that we are --  
10 that we are not pulling in one direction, and my hope is  
11 that as Commissioners you take that into context because it  
12 is extremely important.

13 CHAIRPERSON NEUBERG: Thanks -- thank you. I want  
14 to just point something out before, you know, I -- I open it  
15 up to other questions.

16 In terms of competitiveness, just for the public to  
17 be aware, I think we're conflating two definitions of  
18 competitiveness. There's the competitiveness within each  
19 district where either candidate could win. I think I'm  
20 hearing a little bit from -- I'm -- our minority leaders may  
21 be alluding to competitiveness as it relates to the number  
22 of Republican versus Democratic elected leaders. That's a  
23 different definition and something that this Commission is  
24 not responsible for. That is not part of our constitutional  
25 duties.

1           So let's just be careful with what's competitive  
2           within a district versus competitive within parties.

3           SENATOR RIOS: To that point, Madam Chairman, I  
4           view the competitiveness -- I was speaking to  
5           competitiveness within the districts, and because that now  
6           exists, we are within one-vote margins, one party to the  
7           other.

8           CHAIRPERSON NEUBERG: Okay.

9           COMMISSIONER LERNER: This is Commissioner Lerner.  
10          I have a question.

11          You've got rural and urban areas and one thing we  
12          have been -- and you allude to some of that in, you know,  
13          with the Native American question that you have -- comments  
14          that you have.

15          But I guess I'm curious because in your -- in the  
16          party, right? In each party you have rural and urban and  
17          you have to balance that out. We have been talking a lot  
18          about that as well on how do we balance the needs of each  
19          constituent -- constituency.

20          Do you have any thoughts on that? Because if you  
21          go to rural areas, they don't want to be with urban areas  
22          and urban areas don't want to be with the rural areas, but  
23          for population balancing, we find that we struggle with  
24          that.

25          So I'm curious about your insight of that in terms

1 of how that affects your ability to serve your constituents  
2 when you actually have both in your district, and also any  
3 thoughts that you might have in general on that balancing.

4 SENATOR RIOS: I'll -- I'll go ahead and start.

5 I think that where -- and this is an assumption  
6 that I'm making both having served a rural district for a  
7 number of years and now serving an urban district.

8 But when I served the rural districts, I think --  
9 what I'm seeing now and some of the comments I've heard with  
10 regard to one of the districts that was drawn -- and I  
11 apologize because I have not studied the district numbers at  
12 length, but it incorporates a very rural area of Pinal  
13 County; Pinal County -- you know, Mammoth, San Manuel, and  
14 Dudleyville area, and takes them way far north with  
15 communities that they literally have nothing in common with.

16 And so even though they may both be rural areas,  
17 that cannot be the only distinguishing factor.

18 I think it's very important to also have  
19 communities that have similar interests, geographic, you  
20 know, boundaries -- I guess I'm not really explaining myself  
21 well.

22 I have represented districts that have both rural  
23 and urban in them at the same time, and while it is  
24 challenging -- and the example perhaps I'll give is when I  
25 represented Pinal County, you have very rural areas that

1 are, you know, the Gila River Indian Reservation, Coolidge  
2 and Florence, but also have some areas that considered  
3 themselves more urban that was in the district like  
4 Maricopa. But, yet, they were all in Pinal County and had a  
5 number of, I think, factors as identified at least being in  
6 the same community.

7 So it is possible. I think importantly, though,  
8 that the Commission needs to ensure that in an effort just  
9 to put perhaps rural areas together, that you're not  
10 stretching, you know, from one county to another. Because  
11 when you talk to the people within those communities, they  
12 express frustration that they've got nothing in common nor  
13 do they know anybody from that side of, you know, that  
14 county.

15 So, you know, again I don't -- I understand this is  
16 a very complex issue but, again, my comments on that.

17 Representative Bolding?

18 REPRESENTATIVE BOLDING: Yeah, no, thank you for  
19 that. You know, the reality is, in order to create, you  
20 know, districts that simply are just all rural or all urban,  
21 we understand the complexity that that may have, right?

22 I mean, the reality is -- is Arizona, what makes  
23 Arizona so beautiful is that we -- that we have, you know,  
24 both, you know, urban and rural parts and that folks who  
25 live in these communities that can bring their voices and

1 have legislators that can bring their voices to the process.

2 I think the -- the important aspects is think --  
3 looking at, you know, communities of interest, also looking  
4 at making sure that you're looking at competitiveness as  
5 well and geographical lines. Those things matter. And if  
6 there's a way in order to meet all of those criteria, I  
7 think that's what we look to do.

8 The reality is whoever a legislate -- whatever, as  
9 a legislator, you're serving in a rural or urban community,  
10 you want to make sure that -- that everyone has their voices  
11 heard. And -- and it's hard to speculate, you know, how a  
12 legislator would act if they had a community that was both  
13 urban and rural, but one would hope that they're serving  
14 their constituents equally. One would believe that if there  
15 was either rural or urban, they may bring a different skill  
16 set and a different voice to the legislature.

17 But, you know, I think that the criteria are  
18 important and that's -- that's the -- that's extremely  
19 something that needs to be taken into account.

20 VICE CHAIR WATCHMAN: Thank you.

21 Madam Chair, this is Vice Chair Watchman. I thank  
22 you Senator and Representative.

23 I don't have a question but more of a comment. You  
24 know, we're following a process and I appreciate what you --  
25 you know, what you're suggesting. In the last few weeks,

1 we've been receiving comments, great comments, you know,  
2 from the community which I think enables at least for me how  
3 to better look at the districts. And I know we've talked as  
4 a Commission with the six constitutional requirements we  
5 would, you know, try to give equal weight to all of it and  
6 that might not be the case. But as we move into final  
7 deliberation, at least for me, it was great to hear your  
8 comments; it was great to hear comments from the community.  
9 We basically canvassed the whole state.

10 And so I think for me and my purpose, I'm better  
11 equipped to -- to look at the final -- the final districts  
12 and -- and have input, you know, to address, you know, the  
13 six constitution requirements.

14 And so I hear what you're saying and, you know, I  
15 grew up in Indian country so, you know, I'm very happy to be  
16 on the Commission to seek on behalf of the tribes in this  
17 state and so. But, thank you. The last three weeks have  
18 been really enlightening for me in what our -- our Arizona  
19 citizens have been saying.

20 So I just want to make that comment.

21 It's a process and I'm looking forward to the next  
22 three weeks of, you know, really working to my colleagues to  
23 incorporate what we heard.

24 So but thank you for your time this morning, I  
25 really appreciate it.

1           SENATOR RIOS: Thank you.

2           REPRESENTATIVE BOLDING: Thank you.

3           And I just want to lift up, you know, our tribal  
4 nation's voices are extremely important and Arizona is  
5 uniquely situated to, you know, to have a large tribal  
6 voice. And I think that your presence on the Commission  
7 means a lot, and I think it's extremely important.

8           So thank you.

9           VICE CHAIR WATCHMAN: Thank you.

10          CHAIRPERSON NEUBERG: I have a follow-up question  
11 on that, but I first wanted to defer to Commissioner York  
12 who has not yet had an opportunity to ask a question if he  
13 would like to.

14          COMMISSIONER YORK: Commissioner Neuberg, I'm fine.  
15 I'm listening, it's good.

16          CHAIRPERSON NEUBERG: Okay.

17          I have a follow-up question that perfectly fits  
18 with this line of conversation about the Native American  
19 community.

20          You mentioned in your letter some frustration that  
21 we, you know, didn't further embrace the submitted map from  
22 Navajo Nation. If I remember correctly during the  
23 deliberation process, that initial reaction had to do with  
24 population deviance.

25          Population deviance is a precious commodity, the

1 14th Amendment one-person, one-vote, equal population,  
2 that's really the essence of ensuring the equality of the  
3 power of our vote, and we know that there is some legal room  
4 to relax those rules in order to accommodate injustices, you  
5 know, and honor our responsibility for the VRA and our  
6 minority communities.

7 I'm curious as you're keeping your eyes on our  
8 entire population, what population deviance are you  
9 comfortable with and which regions and which communities of  
10 interest do you feel are most entitled to those?

11 That -- that's a confusing, difficult decision for  
12 us because, again, it gets at that very basic level. Like  
13 you said, packing/cracking; one-person, one-vote.

14 So where are the boundaries with what you feel  
15 constitutionally are safe for our state and who do you feel  
16 deserves that the most?

17 REPRESENTATIVE BOLDING: You know, thank you for  
18 that question, Chairwoman.

19 I mean, I would pose the question to the  
20 Commissioners, right, who have to make that -- that  
21 decision, right? I mean, the -- the reality is this: If  
22 we're running a robust process and we're listening to  
23 communities of interest, if we're giving people access and  
24 opportunity to share their concerns and share what would  
25 make the most sense for them to -- who they would love to

1 have an opportunity to represent them, I think that's --  
2 that's important.

3 With regards to a specific, you know, number or a  
4 specific group, again, like you've -- you've had an  
5 opportunity to -- to listen to our communities; you've had  
6 an opportunity to look at the maps, and that question is  
7 posed to you-all as that -- that's your duty to do.

8 CHAIRPERSON NEUBERG: Anything to add, Senator  
9 Rios?

10 SENATOR RIOS: No. Just that I think, again, I  
11 understand that, you know, it is a science, and this is a  
12 difficult process for you all, but I think what we also  
13 wanted to bring to light is those districts in which, you  
14 know, there were tremendous deviations. And, you know,  
15 again by District 11 or District 21 where it appears as  
16 though there are a large number of Democrats being packed in  
17 those areas, and just to draw attention to that. That at  
18 the end of the day, again, District 11 is my district that I  
19 am -- I am not looking for a packed district. I really hope  
20 this Commission can land on as many competitive districts as  
21 possible because at the end of the day, I believe that is  
22 what the voters intended with the IRC, and that is why we  
23 have chosen to bring some of these issues to the forefront.

24 CHAIRPERSON NEUBERG: I have one request and then  
25 I'll turn it over to my colleagues again.

1 I'm deeply appreciative that -- that you're  
2 deferring to the Commission and saying it's our judgment,  
3 but when we use our judgment and then you come back and  
4 criticize us or -- or attack us that it's not meeting  
5 criteria, as we're going along, we're deeply interested in  
6 your live feedback.

7 So let's create a system -- we have -- we're going  
8 to have open public comments throughout the entire process,  
9 if you do have specific opinions on some of these detailed  
10 issues that we're talking about, please feel free to weigh  
11 in.

12 Because, again, you're -- you're recognizing that  
13 we have a lot of deference and -- and it's our discretion.  
14 It's not always clear-cut, and there's a lot of very  
15 difficult compromises that need to be made, so.

16 SENATOR RIOS: Thank you, Madam Chairman. I -- I  
17 understand and I -- I understand that.

18 And I think from my perspective, I believe the  
19 Democratic caucuses have been very careful in terms of  
20 telling our members not to be testifying in front of the  
21 Commission, not to be providing specific opinions, because  
22 again we are of the mindset this is an independent  
23 redistricting commission. You have a job to do.

24 However, where we have identified what we believe  
25 are glaring concerns, it's incumbent upon us to raise those

1 issues.

2 Again, in terms of us identifying every specific  
3 issue and issuing our opinions, I personally don't believe  
4 that is what the voters intended; they don't want us micro  
5 managing this. But, again, to the extent we do believe  
6 there are glaring concerns, that is what we wanted to  
7 provide to the Commission.

8 REPRESENTATIVE BOLDING: And I mean -- thank you  
9 again, Chairwoman.

10 We -- we deeply respect the independence of the  
11 Commission and also the -- the will of the voters. I think  
12 that's extremely important. And you talked, you know, about  
13 compromise and I think that's -- I think that's important.  
14 And -- and I think that as we think about, you know, maps,  
15 as we think about, you know, votes, I think that we -- we  
16 consider that as well because I think that is important. I  
17 think our communities and the voters of Arizona will be  
18 looking at that.

19 COMMISSIONER LERNER: Chairwoman, if I could have  
20 one more?

21 CHAIRPERSON NEUBERG: Yes.

22 COMMISSIONER LERNER: So I do want to say thank you  
23 very much for you taking the time to meet with us and for  
24 actually your letter and comments that are identifying  
25 concerns. It's -- I appreciate the fact that you took the

1 time to kind of think through what we're doing and give us  
2 some things to think about as we move forward, so thank you  
3 for that.

4 I do have one last question about the packing  
5 question. When we look at things that are part of, for  
6 example, the Latino Coalition proposals, very often pretty  
7 much as a result of the demographics, it ends up that  
8 they're very highly packed with one party versus another,  
9 and it is a struggle to try to both meet the needs for  
10 the -- you know, of the population and avoid the packing  
11 that happens for those particular districts.

12 Other districts, completely understand, if we  
13 would -- I would love to see them balanced more.

14 But do you have any thoughts on that on how we  
15 could manage that better, where we're still providing the  
16 Latinos the opportunity to elect who they would like to,  
17 their preference, but avoid packing? Because I think we've  
18 all been trying to figure that balance out in some way.

19 So, again, thank you for any feedback and comments  
20 that you have.

21 SENATOR RIOS: Thank you, Commissioner,  
22 Madame Chairwoman.

23 I guess I would point back to the Latino Coalition  
24 that, in fact, did submit eight majority-minority districts.  
25 And if they were able to construct those, I guess the

1 question then becomes why would the Commission remain at a  
2 stagnant seven that were created in 2011?

3 So, again, perhaps the answer lies with maps that  
4 have already been submitted by that coalition that do manage  
5 to create eight majority-minority districts.

6 REPRESENTATIVE BOLDING: Yeah, and I would echo  
7 similar comments, absolutely.

8 CHAIRPERSON NEUBERG: Any other thoughts,  
9 questions, comments?

10 I -- I find this incredibly helpful, very  
11 constructive, and I want to reiterate that the conversations  
12 can continue of course with deference and respect for open  
13 meeting laws.

14 This is a unique situation in which the  
15 Commissioners come together in the public eye, but we remain  
16 open to feedback.

17 And I also want to commit and I feel confident in  
18 this, that the five Commissioners are deeply committed to a  
19 process of transparency with integrity and ethics, and --  
20 and we will consider all appropriate arguments, and we will  
21 do what's right for the state. So I encourage all  
22 constituent groups to continue to weigh in on the merit of  
23 the arguments and please stay in touch.

24 SENATOR RIOS: Thank you.

25 REPRESENTATIVE BOLDING: And I thank you.

1                   CHAIRPERSON NEUBERG: Okay. Is there anything else  
2 from my colleagues?

3                   All right. If not, we are going to -- have a very  
4 brief recess. We have a Speaker Bowers joining us at 1:00,  
5 and so maybe we can all dial in a couple of minutes early  
6 and be ready for our next speaker.

7                   And with that --

8                   COMMISSIONER LERNER: Madam Chair?

9                   CHAIRPERSON NEUBERG: -- Senator Rios and  
10 Representative Bolding, thank you so much for joining us.

11                   SENATOR RIOS: Thank you.

12                   COMMISSIONER LERNER: Madam Chair, I think Speaker  
13 Bowers is here.

14                   MS. NEUMANN: Speaker Bowers is online.

15                   Here he is.

16                   CHAIRPERSON NEUBERG: Okay. Well, do we want a  
17 break or do we want to move right in?

18                   COMMISSIONER MEHL: Fine with me.

19                   CHAIRPERSON NEUBERG: Okay. If everybody is good  
20 with diving right in, I will turn it over to Speaker Bowers.

21                   Speaker Bowers, just to give you an orientation.  
22 You know, you have, you know, the floor. We have up to an  
23 hour, we'd love to hear whatever remarks you'd like to  
24 share; the Commissioners may have some questions, and we can  
25 entertain some dialogue.

1           But without further ado, I turn it over to you,  
2 Speaker Bowers.

3           SPEAKER BOWERS: Well, thank you very much. I want  
4 to make sure is the volume or anything -- whenever I get  
5 around a microphone, things go bad.

6           CHAIRPERSON NEUBERG: It sounds wonderful.

7           SPEAKER BOWERS: So please let me start by thanking  
8 you-all and for being flexible to accommodate my crazy  
9 schedule.

10           I am truly grateful for the hard work over many  
11 months that you have been involved in, and I cannot  
12 understate the historic nature of what you're doing. It  
13 will reverberate not only for the next ten years, but for  
14 decades and that is a truth.

15           I'm therefore grateful for the seriousness and  
16 professionalism and thoroughness with which you've  
17 approached this assignment. I overheard the questions and  
18 answers and the depth of your questions and the probing  
19 nature is -- I think helps this entire enterprise.

20           The Senate President and I are submitting comments  
21 to you, written comments. I want to today if I could focus  
22 on two particular concerns during the time that we have  
23 together.

24           First, some favor a 15-15 partisan split among the  
25 legislative districts, and even the Commission's draft map,

1 the 10.0 map, creates an even split according to the  
2 Commission's own metric.

3 As the President and I detail in our written  
4 comments, such an even split would violate our state  
5 constitution. It would prioritize competitiveness over all  
6 the other criteria, which is exactly the opposite of what  
7 the constitution commands. And an even split would  
8 prioritize competitiveness not in individual districts only,  
9 but across the Arizona map as a whole which the constitution  
10 neither contemplates nor accommodates.

11 What I want to focus on, however, in this time is  
12 on the practical consequences of prioritizing  
13 competitiveness. What really happens because they are  
14 counterintuitives.

15 For good or ill, I have been involved in or around  
16 the legislature at the end of this session for now 30 years.  
17 I've served in chambers with both wide margins and narrow  
18 margins; I've served in a 15-15 split Senate; and for three  
19 sessions now I have been Speaker of the House of  
20 Representatives that is split 31 to 29.

21 The conventional view is that close margins by some  
22 means produce more moderate resolution to legislative  
23 questions. But from my long experience, I have the exact  
24 opposite point of view. In fact, the narrow majorities that  
25 I have seen, like the one I serve in today, actually

1 empowers the extremes of political rhetoric and action and  
2 it makes governance very difficult; not impossible, but at  
3 times so.

4 Bipartisan coalitions can't form because the  
5 partisan stakes are so high with so little margin. Every  
6 member's vote is decisive and defectors get what we would  
7 say "flamed" in quotes, threatened, intimidated so that  
8 every member's range of legislative motion is compressed.

9 The same is true when I served in the -- in the  
10 Senate when it was 15-15. The resulting gridlock magnified  
11 personal ambition in the Senate and it in turn fostered more  
12 tactical and intense partisanship across them all, in the  
13 House.

14 Wider margins in contrast relieved that pressure,  
15 lowered the stakes, and thus make cross-partisan  
16 maneuverability -- depending on issues of course -- but  
17 allow that to be more possible and more productive. More  
18 compromising is available without being so intimidated.

19 The same is true, I would proffer, for individual  
20 districts. An excessively competitive district within the  
21 narrowest possible margins will be a very unhappy district  
22 with very unhappy lawmakers. And why is that? Because  
23 there's no room for error.

24 The range of motion again is severally stricted  
25 (verbatim) when there is no room to make a mistake.

1           Legislators who are constantly looking over their shoulders  
2           trip more often. Legislators who must constantly walk a  
3           tightrope cannot focus on representing the broad  
4           constituencies of a district and nor can they do so  
5           effectively.

6                     And in practice hypercompetitive districts can be  
7           contrived only -- hypercompetitive districts can be  
8           contrived only when disparate communities of interest are  
9           forced together in unhappy marriages.

10                    I would therefore urge that we adopt a final  
11           legislative map that is as sensitive as possible to these  
12           realities but also reflects the political facts of our  
13           state.

14                    Numbers are numbers. Rural Arizona should stay  
15           rural. Tribal Arizona should stay tribal. And district  
16           lines should use city, town, county boundaries and other  
17           geographic features wherever practicable as the constitution  
18           requires.

19                    Critically, the legislative maps should also be of  
20           equal population -- this is my second point -- equal  
21           population as our constitution also requires.

22                    The legislative map that the IRC produced ten years  
23           ago failed to do this and achieve this goal, systematically  
24           overpopulating Republican majority districts and  
25           underpopulating Democratic majority districts.

1           This Commission should avoid making the same  
2           mistake and instead focus on producing a map that would  
3           fairly represent the population of our state.

4           It is a truth about small things, that small things  
5           many times have the largest consequences.

6           People looking back at this new -- relatively new  
7           construct of the Independent Redistricting Commission will  
8           make decisions on what you do and it will affect, as we  
9           said, with significant repercussion, Arizonans for decades  
10          to come.

11          So I wish you more than good luck. I wish you more  
12          than good luck. If providence has any interest in the  
13          affairs of men, then it must be in their details. And  
14          surely this effort would merit that interest.

15          And, therefore, I wish you Godspeed, and I thank  
16          you again for your diligence and the work and balancing and  
17          the evaluating of all that's brought to you and to the  
18          service of our state, I wish you Godspeed.

19          Thank you and I stand for any questions.

20          CHAIRPERSON NEUBERG: Thank you so much,  
21          Speaker Bowers, for joining us. I'm sure we have a bunch of  
22          questions.

23          If my colleagues will allow, I'll start off with a  
24          question.

25          You spoke about competitiveness as something that

1 we need to be a little cautious about and -- and focusing on  
2 communities of interest.

3 As you look at the draft maps, do you feel that we  
4 have caused any significant detriment to any communities of  
5 interest in order to pursue competitiveness in these maps?

6 SPEAKER BOWERS: Well, in the East Valley the --  
7 the nature of the communities across the state where they  
8 grew, how they developed, the order of their development;  
9 some are very new, they have new infrastructure, more  
10 cultural morals and thoughts and dynamics, and I think  
11 the -- the districts in the east side of town have been --  
12 there's some communities there where we are not -- we would  
13 propose and think that a tighter boundary configuration  
14 around existing community boundaries might be in order for  
15 your review.

16 I would say that competitiveness is a con- -- it's  
17 a conditional kind of subsidiary criterion; it's not the  
18 guiding criterion and it cannot harm, it cannot do detriment  
19 to any of the other criterion, and I would -- I would  
20 especially say to -- to these communities of interest.

21 And at times they may be difficult to define. But  
22 there are shared common characteristics in goals and history  
23 and values and even public virtues of education, an emphasis  
24 on different types of application of education.

25 And I'm sure -- I can't imagine the thousands of

1 people that have stood before you on your tours to try to  
2 describe what they feel is important, but I don't know of  
3 any instance where they have been so significantly  
4 diminished that -- that it becomes -- I don't want to use  
5 the word farcical, but damaging. Damaging.

6 But I would always start on the other end of the  
7 scale. I wouldn't start on the competitive scale; I would  
8 start on the community scale and then look to equalize the  
9 numbers in -- by population. That would -- I'm now just  
10 talking, you know, kind of thinking.

11 And I don't even know if that was an answer.

12 CHAIRPERSON NEUBERG: No, and -- thank you. No,  
13 it's a dialogue, and it's an exchange of ideas and  
14 information.

15 So with that, colleagues, questions?

16 COMMISSIONER LERNER: Well, I'll -- I'll start out  
17 with pretty much a similar question that I had with our  
18 Democratic colleagues.

19 Just on a rural-urban split, your thoughts on how  
20 can we best achieve that knowing that populations in the  
21 rural areas, you mentioned population deviations --

22 SPEAKER BOWERS: Yes.

23 COMMISSIONER LERNER: -- from last time, and we  
24 know that in our rural areas, it's very difficult very often  
25 because the population isn't there and, yet, they don't want

1 to be with urban areas. We don't want to be with -- you  
2 know, urban areas don't want to be with rural areas. It's  
3 vice -- you know, both sides we hear that, and we've been  
4 hearing that as we've been doing our public touring, a lot  
5 of concerns from people in both areas, urban and rural.

6 So we -- we are trying to figure that out.  
7 Population deviation might be one way to achieve that, but  
8 you were mentioning -- you know, your comment about  
9 population deviation would -- would suggest we move -- we  
10 don't move in that direction. And I'm not saying what  
11 direction because we don't know, but I'm just curious about  
12 your thoughts about how do we best achieve meeting the needs  
13 of the population and communities of interest in both rural  
14 and urban areas.

15 SPEAKER BOWERS: I -- I'm grateful for the question  
16 and it is rather a conundrum because fewer people live in a  
17 lot of communities around in rural Arizona. And I raised in  
18 rural Arizona up until recently had some useful possessions  
19 in rural Arizona before the barbecue, and -- and have a long  
20 history of relatives and friends who live mostly in eastern  
21 areas of the state, and -- and I -- I must echo what -- what  
22 I'm understanding you heard from so many people, that they  
23 don't want to be -- have the spoke-in-the-hub system where  
24 they have to spoke into a heavily populated urban area in  
25 order to get sufficient numbers to have some population

1 equality. That's the -- that's the nut, isn't it?

2 And -- and so I would just say: As little a  
3 deviation as possible. Err on smallest on population  
4 deviation and on the largeness of getting rural Arizona,  
5 keeping it rural in its representation.

6 It -- there is a different ethic in rural Arizona.  
7 And when they complain about, you know, the state of  
8 Maricopa or -- or the state of Pima County or whatever it  
9 is, it's real to them.

10 And so I -- I would just err on -- on smaller is  
11 better on all the -- there's a lot of other questions that  
12 you have great counsel that can -- that help you.

13 But I would -- I wouldn't compromise the other  
14 criteria on the altar of competitiveness. There is going to  
15 be plenty of competition, this is going to be going at it.  
16 This is going to bring a lot of people's interests up in our  
17 system, so.

18 COMMISSIONER LERNER: Thank you. And again, thank  
19 you for being here, I really appreciate your time.

20 SPEAKER BOWERS: Oh. You're the one that put out  
21 the work. The workhorses are on that side of the screen,  
22 I'm just a show horse right now.

23 CHAIRPERSON NEUBERG: I have another question, but  
24 I'm going to turn it over to my colleagues first out of  
25 fairness.

1                   COMMISSIONER MEHL: This is Commissioner Mehl.

2                   Speaker Bowers, I welcome you to being here, thank  
3 you. Thank you for your incredible service to this state.

4                   And my question may be a hard one to answer, but as  
5 you look at the map, I know that none of the five  
6 Commissioners are happy with the draft maps, in case anyone  
7 is wondering, and we all know we have quite a bit of work  
8 that we'll be doing very quickly starting next Monday.

9                   Is there any district or area of the state that you  
10 think we particularly missed out on -- missed on or any --  
11 any particular place you would want to point that you would  
12 hope we'd -- to see a change?

13                   SPEAKER BOWERS: I would be -- I would be -- hm.

14                   I -- I would like to talk about one particular  
15 population and it probably -- it's probably come up a  
16 hundred times if you came anywhere near a retirement center,  
17 retirement area, and that is age.

18                   And there are areas of -- where elderly people feel  
19 that their particular needs -- and now that I've stepped  
20 over from fall into winter of my life -- early winter, early  
21 winter, that I -- I would, Dave, as you -- with your  
22 expertise and all the expertise of the membership, I would  
23 use that a little bit, that might be a population to focus  
24 on at least. There are many needs that go well beyond the  
25 individual members living in a community: hospitalization,

1 access to healthcare.

2 But -- but we did make specific written comments  
3 that would probably be more -- you could refer to them  
4 easier, Mr. Mehl. Specifically on Districts 9 and 10 and on  
5 Districts 2 and 4. That would be areas where I would just  
6 ask you if you might just give a little focus to.

7 COMMISSIONER MEHL: Thank you.

8 SPEAKER BOWERS: Thank you, sir.

9 COMMISSIONER LERNER: Chair Neuberg, I have another  
10 question if that's okay.

11 CHAIRPERSON NEUBERG: Please.

12 COMMISSIONER LERNER: Speaker Bowers --

13 SPEAKER BOWERS: Yes, ma'am.

14 COMMISSIONER LERNER: -- I appreciate your long  
15 history because that can actually provide some perspective.  
16 I'm very interested in your whole comments about  
17 competitiveness. We hear a lot about competitiveness,  
18 different perspectives that exist very often, probably  
19 because of the depending on -- on the party as part of it.

20 When Proposition 106 was created at the time, and  
21 actually it was enforced and proposed in 2000, and it was --  
22 and Republicans at that time -- many Republicans did  
23 actually support this and help write the proposition, and it  
24 did list competitiveness right in the statement. So that's  
25 why I'm particularly drawn about your comments about that.

1           Part of my -- why my understanding was in doing my  
2 homework in becoming part of the Commission is it became --  
3 it was something that was important is because there was so  
4 few candidates that were running for office because the  
5 districts were so far apart within districts, and that's all  
6 we're focused is within districts as our Chair has noted,  
7 we're not looking outside of that. But there were actually  
8 in 1998, there was a record low number of candidates because  
9 the districts were so skewed. So there was less choice  
10 actually for -- for voters, which is part of why the  
11 proposition then was passed.

12           So I'm -- I'm particularly interested in when you  
13 talk about competitiveness as actually and having within  
14 your -- with within the Senate or within the House, having  
15 more of above even split or one- or two-vote split between  
16 that, that that makes it more difficult to actually  
17 legislate? And also why having districts within districts,  
18 why that competitiveness would harm the people in those  
19 districts?

20           I'm not sure if I'm being clear on my question, but  
21 I'm intrigued by the fact that you feel that when you have  
22 good competition that actually will harm folks within their  
23 districts more and harm the legislative process more versus  
24 bring compromise when you have people who have to actually  
25 sit down and talk to one another because it is an even split

1           versus something where we say we don't actually have to try  
2           for their votes, we just -- we know we have the votes  
3           already.

4                        So if you could clarify or give some examples of  
5           how that worked. 'Cause I do remember when -- when the  
6           legislature has been close, it seems like more compromise  
7           does occur. Because you may not be able to get every vote  
8           in your own party, so you have to reach across the aisle.  
9           Which is really what Arizonans want, we want to have balance  
10          in our perspectives. And -- and, really, most Arizonans  
11          agree on most things when you look at studies that have been  
12          shown on what the direction of our state should be.

13                       So -- so you mention how competitiveness harms the  
14          process and, yet, when I look historically, I don't see  
15          that, so I would be is curious if you could give some  
16          examples of -- of your perspective. That would help me  
17          understand it a little better.

18                       SPEAKER BOWERS: I will try to do that and thank  
19          you.

20                       One thing in your -- I will call it a little  
21          prelude to your question, when you talked about when this  
22          all began, I was there and -- and was approached and people  
23          told me why they needed to do it. And one of the reasons,  
24          frankly from my Democratic friends, they said we -- we're  
25          going to look for every way we can to try to get a little

1 better shot at elections, we want to increase our -- our  
2 capacity and so we think this is one way to do it.

3 But I would -- I would have to say that the intent  
4 of the voter is not what I vote on, I have to look at what  
5 the wording is in what was voted on by the voter. The  
6 rhetoric of campaigns is so often reduced to three words on  
7 a sign "It's for the children," "Save our schools," some --  
8 not about the details.

9 And it's those details that I think are most  
10 illuminative of what this construct and what your task  
11 presents you, and it very clearly says that competitiveness  
12 within districts is the last criterion. I shouldn't have  
13 said it that way. That competitiveness is the last  
14 criterion. And I think that applies within districts as  
15 well as -- as the numbers statewide, that we are looking at  
16 more than numerical equality of districts and their -- their  
17 cohesive values that hold them together, what makes them a  
18 community of interest whose representatives should represent  
19 those values, concepts, cultural values, et cetera.

20 And, again, I -- I may be -- sometimes the more I  
21 talk I think, nope, please translate what I just said.

22 We -- we are the -- let me speak then specifically.

23 It is my experience especially in very tight  
24 numbers in the House and the Senate now, that one person is  
25 the king and I get to meet that king often -- or the queen

1 in the case of a couple of bills that came through; and that  
2 they insisted that while we had worked -- there are many --  
3 there are many Democrats, and we don't have any -- that's  
4 kind of a funny thing that we focus on Republicans and  
5 Democrats, yet a third of our population is neither, or the  
6 voting population. But -- but many of my Democratic friends  
7 would come to me and say -- and they do, especially now, we  
8 want to work together, and I say I'm for it, I want to.  
9 We've got water issues, we've got border issues, we've got  
10 educational issues, healthcare issues, surely there's things  
11 that we can work on in here.

12 But when it comes through the process and gets on  
13 the board, if one particular group party has said we're  
14 taking a position on this bill, no one bucks that -- no one  
15 wants to cross that line. And that's where I mean when I  
16 say the legislative maneuverability; I can give a little on  
17 this point but please consider this point; is there a  
18 give-and-take?

19 That maneuverability is restricted because if  
20 you're not in a -- I won't use names because there's been  
21 a -- it's highly polarized right now. But if you're not  
22 with us, you're against us and -- and we will do a listing  
23 of all the poor votes you did and then show your poor votes  
24 compared to so-and-so's poor votes in order to flame you and  
25 primary you and beat you up.

1           And I'll -- I'll grant you, I don't know of many of  
2 my colleagues who don't have some ambition to be elected and  
3 that they want to represent their district, but not all  
4 districts have the same community of interest and so they --  
5 they're thinking is diverted away from their personal  
6 constituencies towards a partisan value.

7           And with the -- the difficulties of what we face  
8 and some very large challenges coming at us, I'm -- I'm more  
9 sensitive maybe to this -- to this right now.

10           I think of a very good friend of mine that I gave  
11 away turkeys with -- somebody else's turkeys, I got to be  
12 there and hand them to people as they came by, but I served  
13 with him early on, his first years, and he has become very,  
14 very dis- -- disconnected, disappointed, disjointed. He  
15 wasn't of my party. But he just says it's so -- it's so  
16 highly polarized that one person will vote maybe a more  
17 conservatively radical or liberal radical depending on what  
18 flip of the coin moniker we want to hang on somebody; but if  
19 the vote depends on that person, then we will not get the  
20 broad base coalition that we have. We can't get there.

21           And so it's kind of along those lines that my  
22 frustration and focus has -- has developed on.

23           Did -- was that of any help?

24           COMMISSIONER LERNER: Well, I guess I'm still not  
25 understanding -- and that may be just me --

1 SPEAKER BOWERS: Well, no --

2 COMMISSIONER LERNER: -- so I don't want to belabor  
3 the point, but it might be my -- I don't understand how  
4 one -- we -- we're certainly watching this in Congress,  
5 right? We have the one vote. And my thought is if you, my  
6 question was kind of some examples perhaps 'cause I guess  
7 I'm not grasping how if you have to reach across the aisle  
8 that's -- to get the votes that you need, that's a problem.

9 I don't understand why if -- if you have somebody  
10 in your own party who says "no, unless I get this," but you  
11 know that all you need is one or two from the other party  
12 because you're close in votes, why that's a problem?

13 Nor -- or in the same way that if I'm in a district  
14 and I -- I know I have to serve all Independents,  
15 Republicans, and Democrats within that district because it  
16 was a close vote and we share, that I -- that I can't just  
17 focus on one or the other?

18 I -- that's where I'm struggling to understand that  
19 perspective. But, again, it might be my struggle. But --  
20 if -- but I'm serving within the district and I know the  
21 only way I get elected to that district is if I listen to  
22 all the voices not just one party, I don't -- that's where I  
23 look at competitiveness within a district, that I can only  
24 be elected if I hear from my Republican, my Democrat and my  
25 Independents. I can't be elected if I just listen to the

1 Democrats or the Republicans. And that's, I guess, that was  
2 kind of my question to you on that.

3 And I don't want to belabor this because others  
4 have questions, but that's where my -- my question was  
5 coming from was trying to understand why that's a problem  
6 versus saying "I will now listen to everybody that's in my  
7 district"?

8 SPEAKER BOWERS: That's -- that's --

9 COMMISSIONER LERNER: I apologize to you, Speaker,  
10 for -- for belaboring this point.

11 SPEAKER BOWERS: No, I think what you have  
12 presented is an intellectual view from the outside looking  
13 at how it should happen, and I think it's absolutely  
14 supportable and the -- but the reality does not match the  
15 proposition. The reality is that if I have to reach across  
16 the aisle, then the person I go to is immediately  
17 identified, and that the intense pressure brought by the  
18 narrow margins of the district is felt on -- on individual  
19 members not to defect.

20 I believe you mentioned that we usually agree, and  
21 if you looked at all the bills that go on the board, most of  
22 them pass by -- by larger margins than our -- our partisan  
23 differences; but on the bills of real -- on the big stuff,  
24 if I have to go across the aisle, it usually means it's  
25 going to fail because the price for someone coming to help

1 us is really great.

2 There have been exceptions. A couple of times  
3 that's -- that's worked. But it's -- but I remember back we  
4 had what was called the "Sue nation" and there was several  
5 legislators named Sue and this -- I can't remember who sang  
6 that song, you know, A Boy Named Sue. But there was several  
7 named legis- -- and they -- we could kind of say all right  
8 this bloc and it was like five, six, we knew that they  
9 would -- they were a very maneuverable bloc, and so we  
10 didn't get into the tight stuff, we were already working to  
11 get a larger net on -- of compromise on an issue because we  
12 knew we had to go there; and then -- and then it was easier  
13 to go across the aisle because they were not as intimidated  
14 to join us.

15 And -- and so the -- maybe the fault is on my side.  
16 I don't want to over explain it, but when there's not --  
17 when you're restricted so tightly in what you can do and how  
18 you can act and with whom you can be seen, it does affect  
19 your ability to create a governance structure that lifts the  
20 state and moves us forward. It's clunky. It's at times  
21 goes in counter -- in a contrary direction.

22 I -- maybe I should stop.

23 CHAIRPERSON NEUBERG: I think this has been very  
24 constructive dialogue. I do want to bring it back to the  
25 issues that the Commission is constitutionally mandated to

1 address. As much as we all are very focused on good  
2 governance, that's something that goes a little bit beyond  
3 our purview --

4 SPEAKER BOWERS: Yeah, sure.

5 CHAIRPERSON NEUBERG: -- we must follow the  
6 constitutional criteria as we are redistricting.

7 So along those lines, I know that I'm struggling a  
8 little bit with the criteria in this particular space: I'm  
9 looking at geographical boundaries, big mountain ranges,  
10 rivers, et cetera. I'm looking at county lines, both of  
11 which are very old. Meaning we don't control where the  
12 geographical boundaries are, the counties were established  
13 before the migration patterns of Arizona and our populations  
14 have centered.

15 What is your opinion of balancing geographic  
16 boundaries/county lines versus communities of interest?  
17 Because these are going to be very issues that we're going  
18 to have to debate back and forth and there will be  
19 compromises on them.

20 SPEAKER BOWERS: I think that's an excellent  
21 observation.

22 I've had occasion to see some very old maps,  
23 there's a map in Globe that I like to refer to occasionally  
24 that's hanging in a building, and the only road on the map  
25 goes between Phoenix and Globe. I'm sorry, it's a railroad.

1 It looks around down south and comes up, and then there's  
2 record lines going over, but no big roads across the state  
3 like we see today.

4 So as populations grew, which I think speaks to  
5 communities of interest, they didn't grow because they were  
6 in Pima County -- they could have because it was a huge  
7 county, as was Coconino, I think there was like four  
8 original big ones, but they grew because of water  
9 availability, natural resource usage. So the focus of the  
10 community was very structured. There's things that they had  
11 to do to survive and protect themselves and make sure they  
12 had water, et cetera.

13 Now, as you rightly view and note, now with  
14 advancing technologies, we're growing beyond county  
15 boundaries quickly. Some of the supervisors may have to --  
16 like in Pinal County and Maricopa County for -- for purposes  
17 of creating transportation corridors when their tax base is  
18 still greatly reduced, and Maricopa County has this mammoth  
19 tax base and yet all of Maricopa County want to drive out of  
20 town on a weekend and go to other counties. Those are  
21 instances, Madam Chairwoman, that -- that illuminate that  
22 communities of interest gets bigger in importance as a  
23 natural consequence of time, and competitiveness is  
24 important, but it isn't the fulcrum.

25 The fulcrum is where does the people live and how

1 do they relate to each other and what are their views  
2 commonly about their -- the Gila Valley, the -- it could be  
3 a tribal area, it could be an agricultural zone where we  
4 have -- we used to have the largest agricultural output in  
5 the world in some of our areas of our state. And -- and I  
6 think you're right in your -- in your dissection of these  
7 criteria, maybe county lines isn't the big thing anymore,  
8 unless you had such a great disparity that you didn't see in  
9 the next decade would change much in a tax base or in a  
10 transportation capability, or that they would need to  
11 leverage for schools and educational opportunities.

12 That's when, you know, boundaries really start to  
13 matter.

14 Fire districts and access to medical care that way.  
15 Sometimes districts really matter when it gets down to the  
16 nuts and bolts of how to -- how to fund things.

17 CHAIRPERSON NEUBERG: So if I hear you correctly,  
18 I'm hearing that some of the county lines, some of the  
19 geographic boundaries, they're to be respected but not at  
20 the expense of keeping the fundamental communities of  
21 interest together?

22 SPEAKER BOWERS: I think that's fair.

23 CHAIRPERSON NEUBERG: Okay.

24 SPEAKER BOWERS: I think that's fair.

25 CHAIRPERSON NEUBERG: Okay.

1 SPEAKER BOWERS: Respect them where you can.

2 If -- if I lived in Gila County which has 3 percent  
3 private property versus Maricopa County which has the -- the  
4 reverse, I mean it's the big county so it's not like  
5 97 percent, but you could see how, in that case, you may  
6 want to be careful not to force one particular group who  
7 need tax relief and help and more funds generated from one  
8 that already had it. But where you can, you take those into  
9 advice.

10 And you've got -- you've got a brain trust on  
11 this -- on this committee and staff assistance that can do  
12 that and be very helpful.

13 CHAIRPERSON NEUBERG: Colleagues, other questions?

14 SPEAKER BOWERS: Hey, I've been in meetings like  
15 this.

16 CHAIRPERSON NEUBERG: Yeah, I'm going to presume  
17 that you did an excellent job of addressing everyone's  
18 questions.

19 And, no, it's been an informative afternoon, and if  
20 there are aren't any other questions and -- and,  
21 Speaker Bowers, if there's anything you want to sum up  
22 before we, you know, move forward, please do so.

23 SPEAKER BOWERS: Just to use the written comments  
24 that Karen -- President Fann, it's not Karen, it's  
25 President Fann, I'm sorry, that she and I have developed for

1           you, that might be helpful as well.

2                       So thank you.

3                       Again, it's not a thankless job because many of us  
4           are very thankful, it's a hard job; and to be able to  
5           balance all that you do requires a lot of wisdom and -- and  
6           a lot of input, and you've certainly gone out of your way to  
7           make sure that you've had plenty of that, and I'm  
8           appreciative of you taking this assignment and I wish you  
9           every good thing. Every good thing.

10                      So thank you for giving me the time to be with you.

11                      COMMISSIONER MEHL: Thank you.

12                      COMMISSIONER LERNER: Thank you very much for being  
13           here.

14                      VICE CHAIR WATCHMAN: Thank you.

15                      CHAIRPERSON NEUBERG: Yeah, thank you  
16           Speaker Bowers. We -- we deeply appreciate the -- the  
17           thoughtful contributions from you; we look forward to the  
18           remarks from Senator Fann and the minority leaders as well,  
19           and I can promise you we will take all of this feedback to  
20           heart and give it the deepest consideration.

21                      And -- and as I said to, you know, your -- your  
22           counterparts earlier, if as we're moving forward if there's  
23           feedback or -- or, you know, any dialogue that you'd like to  
24           continue along the deliberation process, please feel free to  
25           chime in.

1 I'd like to remind everybody that not everything we  
2 do is we're ascribing meaning to, meaning sometimes we make  
3 mistakes or, you know, we can keep our eyes on many issues,  
4 but if we're forgetting something or, you know, there's a  
5 red flag, we do hope everyone in the community chimes in,  
6 alerts us so that that we can do the best job that we can.

7 SPEAKER BOWERS: Thank you. Thank you.

8 CHAIRPERSON NEUBERG: Okay. Thank you,  
9 Speaker Bowers.

10 If there's no other questions, we will move forward  
11 to Agenda Item No. V, which is the next meeting date.

12 I'd like to remind everybody that we have a public  
13 hearing tonight, 6:00 p.m. in Mesa; and I -- then tomorrow  
14 we have a virtual hearing from noon to 2:00 depending on the  
15 number of people who are dialing in to speak; and then  
16 Tuesday (verbatim) we look forward to being in Tucson, and I  
17 believe we'll also be in Maryvale on Saturday; and then on  
18 Monday morning, I look forward to convening with a formal  
19 quorum with my colleagues to begin the deliberate -- the  
20 deliberative process.

21 And so with that, we'll move to Agenda Item No. VI,  
22 closing of public comments.

23 We'll now close public comments. Please note,  
24 members of the Commission may not discuss items that are not  
25 specifically identified on the agenda. Therefore, pursuant

1 to A.R.S. 38-431.01(H), action taken as a result of public  
2 comment will be limited to directing staff to study the  
3 matter, responding to any criticism, or scheduling the  
4 matter for further consideration and decision at a later  
5 date.

6 With that, we'll move to Agenda Item No. VII,  
7 adjournment.

8 I will entertain a motion to adjourn.

9 VICE CHAIR WATCHMAN: Vice Chair Watchman motions  
10 to adjourn, Madam Chair.

11 COMMISSIONER MEHL: Commissioner Mehl seconds.

12 CHAIRPERSON NEUBERG: With no further discussion,  
13 Vice Chair Watchman.

14 VICE CHAIR WATCHMAN: Aye.

15 CHAIRPERSON NEUBERG: Commissioner Mehl.

16 COMMISSIONER MEHL: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Lerner.

18 COMMISSIONER LERNER: Aye.

19 CHAIRPERSON NEUBERG: Commissioner York.

20 COMMISSIONER YORK: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
22 aye.

23 And with that, thank you everybody for this very  
24 substantive, I think, constructive dialogue. I look forward  
25 to seeing everybody tonight in Mesa, tomorrow virtually,

1 Saturday Tucson/Maryvale, and Monday with our deliberations.

2 Have a great day. Bye-bye.

3 (Whereupon the meeting concludes at 1:36 p.m.).

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21 "This transcript represents an unofficial record.

22 Please consult the accompanying video for the official  
23 record of IRC proceedings."

24

25

C E R T I F I C A T E

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing proceedings were taken before me, Angela Furniss Miller, Certified Reporter No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome thereof.

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 27th of December, 2021.

  
\_\_\_\_\_  
Angela Furniss Miller, RPR, CR  
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