

THE STATE OF ARIZONA  
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

January 18, 2022

8:07 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT  
2 REDISTRICTING COMMISSION, convened at 8:07 a.m. on  
3 January 18, 2022, via GoogleMeets, Arizona, in the presence  
4 of the 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 Mr. Roy Herrera, Herrera Arellano  
16 Mr. Daniel Arellano, Herrera Arellano  
17 Mr. Eric Spencer, Snell & Wilmer  
18 Mr. Brett Johnson, Snell & Wilmer

19 Mr. Mark Flahan, Timmons Group  
20 Mr. Brian Kingery, Timmons Group  
21 Ms. Sara Hajnos, Timmons Group  
22 Mr. Randy Trott, Timmons Group  
23 Mr. Douglas Johnson, National Demographics Corp.  
24 Ms. Ivy Beller Sakansky, National Demographics,  
25 Corp.

P R O C E E D I N G

1  
2  
3 CHAIRPERSON NEUBERG: Okay, well I think we are all  
4 convened so we'll get started. Good morning.

5 We'll dive right in, Agenda Item Number I, call to  
6 order and roll call.

7 I(A), call for quorum. It is 8:07 a.m. on Tuesday,  
8 January 18th, 2022. I call this meeting of the Independent  
9 Redistricting Commission to order.

10 For the record, the Executive Assistant Valerie  
11 Neumann will be taking roll. When your name is called,  
12 please indicate you are present. If you are unable to  
13 respond verbally, we ask that you please type your name.

14 Val.

15 MS. NEUMANN: Thank you, Madam Chair.

16 Vice Chair Watchman.

17 VICE CHAIR WATCHMAN: Present.

18 MS. NEUMANN: Commissioner Lerner.

19 COMMISSIONER LERNER: Present.

20 MS. NEUMANN: Commissioner Mehl.

21 COMMISSIONER MEHL: Present.

22 MS. NEUMANN: Commissioner York.

23 COMMISSIONER YORK: Present.

24 MS. NEUMANN: Chairperson Neuberg.

25 CHAIRPERSON NEUBERG: Present.

1 MS. NEUMANN: And for the record also in attendance  
2 is Executive Director Brian Schmitt, Deputy Director Lori  
3 Van Haren, Public Information Officer Michele Crank; our  
4 legal team consists of Snell & Wilmer -- Brett Johnson and  
5 Eric Spencer from Snell & Wilmer, and Roy Herrera and Daniel  
6 Arellano from Herrera Arellano; from our mapping team we  
7 have Mark Flahan, Brian Kingery, Randy Trott and Sara Hajnos  
8 from Timmons; and then Doug Johnson and Ivy Beller Sakansky  
9 from NDC Research; and our transcriptionist is Angela  
10 Miller.

11 That's everyone.

12 CHAIRPERSON NEUBERG: Thank you. Please note for  
13 the minutes that a quorum is present.

14 We'll move to Agenda Item I(B), call for notice.

15 Val, was the notice and agenda for the Commission  
16 meeting properly posted 48 hours in advance of today's  
17 meeting.

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

19 CHAIRPERSON NEUBERG: Thank you.

20 Agenda Item II, approval of minutes from  
21 January 4th. We have general session minutes and we have an  
22 executive session minutes to where we addressed public  
23 records update and compliance.

24 I open it up to discussion. If there's no  
25 discussion, I'll entertain a motion to support -- to approve

1 the minutes.

2 COMMISSIONER MEHL: This is Commissioner Mehl. I  
3 move that we approve the minutes.

4 VICE CHAIR WATCHMAN: Vice Chair Watchman seconds.

5 CHAIRPERSON NEUBERG: Any further discussion?

6 Vice Chair Watchman.

7 VICE CHAIR WATCHMAN: Aye.

8 CHAIRPERSON NEUBERG: Commissioner Mehl.

9 COMMISSIONER MEHL: Aye.

10 CHAIRPERSON NEUBERG: Commissioner Lerner.

11 COMMISSIONER LERNER: Aye.

12 CHAIRPERSON NEUBERG: Commissioner York.

13 COMMISSIONER YORK: Aye.

14 CHAIRPERSON NEUBERG: Chair Neuberg is an aye.

15 And with that, the minutes are approved. Thank you  
16 as always, Valerie, for your fabulous minutes.

17 We move to Agenda Item Number III, opportunity for  
18 public comments.

19 Public comment will be open for a minimum of  
20 30 minutes and remain open until the adjournment of the  
21 meeting. Comments will only be accepted electronically in  
22 writing on the link provided in the notice and agenda for  
23 this public meeting and will be limited to 3,000 characters.

24 Please note members of the Commission may not  
25 discuss items not specifically identified on the agenda.

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

6 With that, we move to Agenda Item IV, discussion on  
7 public comments received prior to today's meeting.

8 Do any of my colleagues have anything they'd like  
9 to share?

10 Okay. I do not have anything that I would like to  
11 share as well, so with that, we'll move to Agenda Item V,  
12 update from mapping team.

13 (A), we'll move into (A), discussion and possible  
14 action on county election officials technical change  
15 requests to congressional and legislative maps.

16 With that, I turn it over to Doug and Mark.

17 MR. FLAHAN: Good morning, everyone.

18 So we -- we allowed the counties to request  
19 different administrative changes that they would like to  
20 make to the approved final draft maps. As we talked last  
21 time, we got six counties that responded; as of today we  
22 actually had seven counties respond, that's Cochise,  
23 Coconino, Maricopa, Pinal, Yavapai, and Yuma.

24 They requested 71 changes. It was 70 as of 1/10,  
25 and then Pinal requested one more. So we have 71 changes

1           they requested; we will walk through them all. Not all the  
2           changes were made. There were some that we do not consider  
3           an administrative change, that would move a couple hundred  
4           to a thousand people and we'll go over those in a second.

5                     And then we put together a change tracking document  
6           for you guys and a table, and I will walk you through that  
7           right this second.

8                     The -- let me share my screen with you guys. Give  
9           me a second.

10                    Can you guys see the Word document on the screen?

11                    MR. KINGERY: Yes.

12                    MR. FLAHAN: Here's sort of a breakdown of the  
13           number of changes that we got from the counties. And, like  
14           I said, Pinal asked for one more after we created the  
15           document, so I'll get it updated, that should say three and  
16           not two, but the change is actually notated down in the  
17           details of this document. It just wasn't updated here at  
18           the -- the table level.

19                    So the first change -- first county we'll talk  
20           about is Cochise County. Cochise County had a bunch of  
21           different changes, and I will bring them up more in a  
22           graphical document, too.

23                    So out of Cochise's eight counties (verbatim) here  
24           is a table of what it looked like.

25                    Change number one that they requested there was a



1 spot up here that they would like to change to not split off  
2 the LD or the CD maps.

3 The problem with doing that it would unbalance our  
4 congressional map, so at that time we did not make that  
5 change.

6 There was a request where there was a little sliver  
7 along Legislative District 21's border. The population in  
8 that bloc was zero, so we did make that move to align the CD  
9 and the LD boundaries at that time, it went to the  
10 legislative map. It went from District 21 to 19 and zero  
11 population was affected.

12 Graphically that is what it looks like right there.

13 In election -- in their precinct 15 they came  
14 across with maps split between Legislative District 19 and  
15 21 and CD-6 and CD-7, their request was placing all of the  
16 precinct into one LD and CD to avoid multiple ballot styles.  
17 We did not do that because that would then unbalance the  
18 congressional map.

19 But they also mentioned that if the above was not  
20 possible to fix this one bloc ID, and that's the geo ID  
21 right there, Three Canyons Road, if we could move that from  
22 District 6 to 7 to avoid a precinct with zero population.  
23 We did make that change that was through the congressional,  
24 that went from 6 to 7; and there was zero population that  
25 was changed.

1                   There was a triangle section along Double Adobe  
2                   Road --

3                   COMMISSIONER LERNER: Mark, can I ask you a  
4                   question?

5                   MR. FLAHAN: Yeah.

6                   COMMISSIONER LERNER: The ones that you did not do,  
7                   you got back in touch with the county to explain why you're  
8                   not doing those? Did you look at all at some of those to  
9                   see, you know, if you have a population at five, did you  
10                  look at all to see if there was an alternative to that since  
11                  the counties were asking -- well, I guess number item three  
12                  in particular I'm just curious about because they're  
13                  obviously trying to make things a little more consistent for  
14                  voters in that -- in that change that they proposed.

15                  So did you look at all to see -- I know 15 people  
16                  is a lot to move back and -- you know, did you look at all  
17                  to see if there was an alternative or did you get back in  
18                  touch with the county in making your decision?

19                  MR. FLAHAN: We did not get back into touch with  
20                  the counties; we just got their information coming to us.

21                  Because the congressional map, we have to keep it  
22                  balanced, it doesn't have as much leeway as the legislative  
23                  districts, we did not necessarily look to see if we could  
24                  find another bloc somewhere else because generally it's more  
25                  than one-bloc changes to make that happen.

1                   Doug, I don't know if you want to chime in a little  
2 bit on that?

3                   MR. D. JOHNSON: Yeah, I would say, we -- as Mark  
4 said, we didn't reach back out to them. Largely 'cause most  
5 of these are points that the elections are making were  
6 logically we are only moving five people or ten and  
7 logically make sense, but from a legal perspective we have  
8 to, and had we done an alternative change. We just would  
9 have made the same change somewhere else and the same issue  
10 would have come up somewhere else because we weren't going  
11 to find a precinct that had 15 people or anything like that  
12 that could move.

13                   So aligning the lines one place to avoid a  
14 three- or 15-person change would have then required  
15 misaligning the line somewhere else and generated the exact  
16 same problem somewhere else.

17                   COMMISSIONER LERNER: So my question about the LDs,  
18 and I'm just -- I have no idea what these would have looked  
19 like or anything, but just in number three where you said  
20 you weren't able to do it and it had 15, since that was an  
21 LD as well, that doesn't have the same requirements as the  
22 CD, right? CD I know we have to be precise. But could you  
23 have done that with the LD but not the CD?

24                   MR. D. JOHNSON: It -- it would have left them with  
25 the same problem of having to create a sliver precinct.

1           And -- and where I guess ultimately it's same thing  
2           which is, of course, where we were up in the air or where  
3           there was kind of a conflict that was going to be generating  
4           a problem in one place, we stuck with, you know, the maps  
5           that the Commission had kind of reviewed and given approval  
6           to.

7           MR. FLAHAN: And to follow that up, what the county  
8           did ask for is if we can't do number three, which is the  
9           highlighted here, they would prefer us just to fix this  
10          one bloc, Three Canyons Road, which we did do. So it sort  
11          of gave us an "or" in that -- in that exact instance.

12          COMMISSIONER LERNER: Yeah, okay. I just -- it  
13          would -- I don't know what the process normally is, but  
14          certainly from the county perspective I assume they would  
15          want to know what was able to be accomplished and what  
16          wasn't. So will you at some point then be getting back with  
17          them?

18          MR. FLAHAN: I can -- I can send it to Lori, and  
19          she can send it out to them. She was their point of  
20          contact. But the Word document and the Excel spreadsheet  
21          that we're going over is on the hub; anybody can take a look  
22          at that.

23          COMMISSIONER LERNER: Okay. Thank you.

24          MR. FLAHAN: Hm-mm.

25          Then number five there was a triangle section along

1 Double Adobe Road, which you can see here in the graphic  
2 with the little arrow, and that was a change to the  
3 legislative map that went from 21 to 19; zero population  
4 were affected and that was completed.

5 And change request number six -- number six, let me  
6 just bring up another document that we have right here.

7 Six and seven we weren't able to complete the  
8 request, which was these two here, mainly because it was  
9 going to unbalance our congressional map more; but what we  
10 did do for them is we did align the congressional and LD  
11 borders in that northwest corner of the legislative map, and  
12 we also aligned a tiny sliver of the congressional map with  
13 the road; and this change actually was no population.

14 So the legislative and the congressional districts  
15 for in what they call their precinct 19 are now aligned.

16 Number eight. Number eight was the airport. If  
17 you do remember, the airport was actually put into -- was  
18 kept together. The airport, their request was to move the  
19 airport from CD-7 to CD-6 to avoid a precinct with zero  
20 population. We did move the airport; it was zero population  
21 to align the CD and the LD boundaries that was  
22 congressional. That was from District 7 to District 6, that  
23 was 0-0.

24 And I do believe the move that they requested was  
25 here on the straight line. It actually did divide the

1 airport, but the county officials asked us to make the  
2 division so we did make that -- that divide.

3 That is the Cochise County changes. Are there any  
4 questions on that?

5 And I got my document open so I can't see your  
6 faces, so hold on.

7 CHAIRPERSON NEUBERG: I don't see any questions.

8 MR. FLAHAN: Gotcha.

9 CHAIRPERSON NEUBERG: Or hear any questions.

10 MR. FLAHAN: Okay. And I'm just bringing up the  
11 PDF. And it is -- you can see here now where the airport  
12 was it is a straight line.

13 Okay. If there's no question on Cochise, Coconino  
14 County turned in four changes.

15 The first one was to use precinct line to adjust  
16 the border west of Parks, and that was -- let me bring up  
17 the document, which is right here.

18 They asked us to use the precinct line instead of  
19 the CBP line which is on the west side of Parks. So you can  
20 see the highlighted here that's in dark blue, those blocs,  
21 they moved from 7 into 6. So they went from District 7 into  
22 6; zero population; we were able to complete that, not a  
23 problem.

24 Congress- -- change two was to change the boundary  
25 of the western portion of Flagstaff from Route 66 north to

1 I-40. That was in the same area that the Commission debated  
2 about on the last day and there was Commission direction to  
3 use Route 66, so we did not make that change because the  
4 guidelines that we were given when we created the final maps  
5 was to follow Route 66. So in that case we did not make  
6 Coconino's change number two.

7 COMMISSIONER LERNER: Mark, can you show on a map  
8 what that would have done?

9 MR. FLAHAN: One sec.

10 COMMISSIONER LERNER: Because I'm not so sure that  
11 that was a specific guideline that we gave, that was just a  
12 last minute change that was done.

13 MR. FLAHAN: Okay. Give me a second.

14 COMMISSIONER LERNER: Sure. Thank you.

15 MR. FLAHAN: Give me a second.

16 Brian, do you have that area open?

17 MR. KINGERY: Not currently, I'm working on it.

18 MR. FLAHAN: Okay.

19 MR. KINGERY: Which change ID is it?

20 MR. FLAHAN: Two.

21 COMMISSIONER LERNER: Sorry, I didn't know, I  
22 thought you might have that.

23 MR. FLAHAN: Doug, you got anything to -- to add  
24 while we're pulling it up?

25 MR. D. JOHNSON: No. I think it was a fairly large

1 population request, though, I mean relative to the other  
2 requests.

3 MR. FLAHAN: Okay. So here is what we have  
4 currently in legislative map 17.0 with all the  
5 administrative corrections. And you can see out here we  
6 follow sort of Route 66, which I also believe is I-40  
7 Business; and what they wanted to do was change it to meet  
8 city of Flagstaff boundaries, which would have changed it  
9 to -- I don't have the city boundaries up right this second,  
10 but I believe it would have taken out this portion here and  
11 it would have come down here and moved that into a different  
12 district.

13 Brian, do you have it up?

14 MR. D. JOHNSON: I thought the request was to  
15 follow the street I-40, wasn't it? Can you go back to the  
16 change?

17 DIRECTOR SCHMITT: Yeah, I can share my screen when  
18 you're ready.

19 MR. FLAHAN: All right. Stand by.

20 MR. D. JOHNSON: Yeah, they requested this move  
21 from Route 66 to I-40 for that whole stretch.

22 MR. FLAHAN: All right, Brian, I stopped  
23 presenting.

24 MR. KINGERY: All right. So with their submission  
25 of the corrections they supplied a shape file, and on -- on



1 the map that shape file is a line file indicated with a  
2 thick red border. So as we followed their red line to match  
3 it up with -- with their descriptive text -- so Mark, where  
4 do you want me to zoom in?

5 MR. FLAHAN: I think go down -- go -- go to the  
6 east.

7 MR. D. JOHNSON: Yeah. Right there.

8 MR. FLAHAN: So I think they wanted to move  
9 District 6 down from that black line to the red line; is  
10 that right, Doug?

11 MR. D. JOHNSON: Yeah. Yeah. And it goes above 66  
12 there because that's following the city border, and west of  
13 that would be following -- giving up everything north of  
14 60 -- I'm sorry, everything north of I-40.

15 COMMISSIONER LERNER: So what they were trying to  
16 do is create -- is use the city rather than our arbitrary  
17 road that we did, right?

18 I mean, we just -- in this one area they wanted to  
19 actually try to follow their city boundaries. And was there  
20 a reason then -- is that correct, Doug, the piece that's  
21 going up to the pink, that would have been part of their  
22 city?

23 MR. D. JOHNSON: Well, there is two -- well,  
24 there's three changes they're asking for there. So Brian,  
25 zoom back in there.

1           We're following Route 66 which is a major road in  
2           the area. They want the line to drop south of 66 in that  
3           the one piece that you can see right by his mouse, to north  
4           of 66 west of that, and over to the west they want -- that  
5           want to drop from 66 down to the freeway.

6           So yes, and Brian has got the city border  
7           highlighted.

8           So part of it would be the north and south pieces  
9           right along 66 would be following the city border, and then  
10          over at the other part would be just aligned with a  
11          different major road.

12          It's worth noting, too, on the city border piece,  
13          the city is obviously divided. So it's not creating or  
14          eliminating a city split, it's all -- it's just already  
15          there.

16          COMMISSIONER LERNER: So just to clarify where it  
17          says "15" in there, that piece right there, that's part  
18          of -- is that outside of the city? Inside of the city? I'm  
19          just trying to understand and why we couldn't do this what  
20          in terms if -- if they're trying to just align with the city  
21          border and major thoroughfare why that was something we  
22          couldn't do if it was keeping the districts -- and the  
23          question is, was it keeping the districts relatively  
24          balanced or was it going to make a major change?

25          COMMISSIONER YORK: If I remember correctly already

1           they're not balanced, I'm just curious what the population  
2           change is.

3                   COMMISSIONER LERNER:   Yeah.

4                   MR. D. JOHNSON:   Yeah, so -- so, again, it's  
5           following a major thoroughfare now, their request would be  
6           to follow a different major thoroughfare and -- and the city  
7           border as you note.

8                   So we'd be looking -- just looking at the screen we  
9           got those 15 we're talking about moving into 7, and then the  
10          one person next to it would move out, and then there's  
11          20-some people over on the other side coming out.

12                   So ultimately the -- what we were concerned with is  
13          that the -- the Commission had directed that the line be on  
14          66 and so we didn't want to change that -- that direction  
15          to -- yeah, just essentially change which major road it was  
16          following.

17                   COMMISSIONER LERNER:   Right, and some of why we --  
18          I mean, that wasn't -- we weren't looking at the city  
19          boundary in that area.   So had we looked at that, we might  
20          have followed the city boundary I guess is my -- my point.

21                   So is that what their justification was, they just  
22          wanted this to be better aligned their city with the  
23          boundaries?

24                   I'm just trying to understand their reasoning; and  
25          then I understand what you're saying about why we didn't do

1 it, but it may be something we can do at this point.

2 MR. FLAHAN: One of their -- one of their  
3 requests --

4 COMMISSIONER YORK: You didn't answer my question.  
5 What's the population we're juggling around?

6 MR. D. JOHNSON: Oh. This was -- I'm sorry. It  
7 would be 15 people moving into 7 and 26 I think -- is that  
8 what you're getting there, Brian? -- into --

9 MR. KINGERY: So a total change of 11 people being  
10 added to 6.

11 COMMISSIONER YORK: Okay. I thought you were  
12 talking about thousands, so then...

13 Because the highway makes a straight line, that's  
14 kind of what we were trying to do if I remember correctly.

15 MR. KINGERY: So some of the changes we didn't make  
16 because it went directly against Commission direction at the  
17 time during the last public session. Some of the  
18 corrections we deemed were not administrative due to it  
19 affecting, I believe, in one case 700 voters in Maricopa  
20 County -- and we'll get to that, but that's voters, we go by  
21 population in our shifts of the census blocs, so that  
22 actually resulted in over a thousand people if I recall  
23 correctly. And -- and we'll get to that example, but that's  
24 just to give you a sense of how we approached these county  
25 corrections that were supplied to us.

1                   COMMISSIONER LERNER: So -- yeah, so my question  
2 then on this one if this was done to purely to get for the  
3 city boundary on the one that's in pink that's 15? That's  
4 what they were aligning with rather than Route 66; is that  
5 correct, that one? And then they were just making an  
6 adjustment to go to I-40 on the other piece, is that -- is  
7 that the reasoning that they gave?

8                   MR. D. JOHNSON: Yeah, Mark, can you look, I don't  
9 think -- did Coconino County give much in the way of  
10 rationale or did they -- they just listed the requests?

11                   MR. FLAHAN: They just said "We're requesting  
12 several adjustments along the line between Legislative  
13 District 6 and 7 spanning the width of Coconino County"; and  
14 then they said "Example of a change requested to follow  
15 city -- Flagstaff city limits," which was in that area;  
16 "Example of a change requesting to minimize empty precinct  
17 parts," which we already showed you guys in the beginning;  
18 and then there's some just to make the lines clearer down on  
19 I-40, and we will get there; we just haven't got to that  
20 change yet.

21                   That was all the -- that was the only reasoning  
22 that they gave was to "change requested to follow Flagstaff  
23 city limits."

24                   COMMISSIONER LERNER: It seems like it's a minimal  
25 population shift, and I would be okay with saying that this

1           could be done because we're really only talking about a  
2           difference of 11; and if they're asking for that to be  
3           within their city limits and to be aligned with I-40, I  
4           don't see how that affects us much in terms of what we were  
5           trying to accomplish in that area.

6                        So, you know, if it was thousands of people I  
7           understand; but if the net is 11, from my perspective, I  
8           think we could approve -- I understand why you didn't do it  
9           initially, but I don't know why we couldn't do it.

10                      COMMISSIONER YORK: Well, the only thing is  
11           ironically that they didn't request any other city boundary  
12           changes on the other side of the city, so I guess I'm  
13           wondering if we -- if we just keep to the map, follow the  
14           old highway.

15                      COMMISSIONER LERNER: Well, I don't want to second  
16           guess them on why they chose one versus another, I'm sure  
17           they had reasons for that. But if they requested this one  
18           and there's nothing that says we couldn't do it, I don't see  
19           why. I mean, I don't want to second guess why they didn't  
20           do it on the other side, it might have been moving too much  
21           population, so they may not have wanted to do it over there  
22           because this is a minimal population shift.

23                      COMMISSIONER YORK: Well, I don't know if you  
24           remember, we underpopulated District 7 or the -- yeah, the  
25           LD-6, to accommodate the Native Americans. And so I

1 guess -- I don't understand.

2 COMMISSIONER LERNER: I do remember that, but 11  
3 people isn't making a big difference in that.

4 COMMISSIONER YORK: I agree.

5 COMMISSIONER MEHL: I just don't see any reason why  
6 to make a change for 11 people either. We've split  
7 Flagstaff in a number of places here, so I just -- I -- I  
8 agree with the mapping consultant that there's no reason to  
9 make this change.

10 CHAIRPERSON NEUBERG: I agree. You know, I think  
11 we've done a remarkable job seeking these levels of  
12 perfection that come up each and every time I think is a  
13 rabbit hole; and unless there's overwhelming, compelling  
14 reason to do this and -- and our experts think that it's the  
15 right thing to do, I'm just ready to move forward.

16 COMMISSIONER LERNER: And my perspective is that I  
17 think we should try to accommodate them for this since  
18 they've requested it and the city is split quite a bit,  
19 they're trying to do something that they feel is in the best  
20 interest of their city, so that's my perspective.

21 So I support making that change since they did get  
22 split quite a bit and this is an area they felt they could  
23 align.

24 CHAIRPERSON NEUBERG: Okay. Is this something that  
25 the mapping team could easily, reasonably just do with

1 little complication?

2 MR. KINGERY: I actually already did it. Just as  
3 of right now I created an LD version 17.1. The one that is  
4 on the hub site currently that we are going to present to  
5 you is, we only made one, 17.0, and all of these files and  
6 then also the files that we're using to present these  
7 changes are also stored on the hub.

8 So if we were to make this change, it would result  
9 in the 17.1 map; and later on I'll update this page to  
10 reflect all those changes and we'll have the audit log so  
11 that we can track that this change and potentially others  
12 were made if we go down that route.

13 CHAIRPERSON NEUBERG: But would that affect our  
14 ability to complete the process today and certify these  
15 maps? I mean, we -- we have a goal today.

16 MR. KINGERY: I don't believe so.

17 CHAIRPERSON NEUBERG: Okay.

18 COMMISSIONER YORK: Is that -- is that a question  
19 for Legal?

20 MR. FLAHAN: Yeah, I was going to say I think that  
21 was a legal question.

22 CHAIRPERSON NEUBERG: Yeah, I'd like to -- I'd like  
23 Legal to weigh in on this as well as, you know, is this  
24 appropriate to offer this opportunity at this point?

25 MR. B. JOHNSON: It wouldn't be at this point, it



1           would be during the later agenda item for sure. This is  
2           just --

3                   CHAIRPERSON NEUBERG: Right, but -- but I mean this  
4           late in the game of fine-tuning.

5                   MR. B. JOHNSON: It's not -- it's not -- I'll be  
6           honest with you, it's not a legal issue by any means. This  
7           will have significant ripple effects through all of the data  
8           sets ripple everything Brian just mentioned on the website  
9           and will delay this by at least several days, and I think  
10          we'll have to reconvene.

11                   CHAIRPERSON NEUBERG: Okay. So --

12                   COMMISSIONER MEHL: Without a really compelling  
13          reason and I'm not hearing one, I would recommend we not do  
14          this.

15                   CHAIRPERSON NEUBERG: I agree. I think that  
16          there's -- I don't see any compelling reason; I don't see  
17          any significant communities being harmed. We -- we have,  
18          you know, a deadline and responsibilities to the broader  
19          state, so there's going to be imperfections here and there.  
20          I don't -- I don't hear a compelling reason as well.

21                   COMMISSIONER YORK: And I -- I believe the boundary  
22          line along the old highway makes a better district.

23                   COMMISSIONER LERNER: I'll just say for the record  
24          I would like to be able to have done this, just for the  
25          record on that.

1           CHAIRPERSON NEUBERG: Yeah, and -- and for the  
2 record I appreciate Commissioner York's comment that, you  
3 know, again if we don't feel that it improves the quality of  
4 the map and we're comfortable with our boundary, then we  
5 have every justification to keep it as it is.

6           COMMISSIONER LERNER: I think it actually does  
7 improve it by different alignment, but I understand we're  
8 not going to at this point.

9           CHAIRPERSON NEUBERG: Okay. Is this something that  
10 we need to vote for or vote about?

11           Legal or...

12           MR. B. JOHNSON: It wouldn't be done here; it would  
13 be done at a later agenda item.

14           CHAIRPERSON NEUBERG: Okay.

15           MR. HERRERA: In other words, Madam Chair, at a  
16 later agenda item, you will be considering LD 17.0.

17           CHAIRPERSON NEUBERG: Right, okay. But we don't  
18 have to collectively memorialize this conversation we just  
19 had right now?

20           MR. B. JOHNSON: If somebody wants to -- if any  
21 Commissioner wants to make an amendment at the --

22           CHAIRPERSON NEUBERG: Okay.

23           MR. B. JOHNSON: -- at that time.

24           CHAIRPERSON NEUBERG: Okay. Thank you.

25           Okay. Mapping, what else?

1           MR. FLAHAN: The other two changes that Coconino  
2 County had, number three, there were slivers of blocs that  
3 were just north of I-40, they had zero population in them,  
4 they asked us to clean it up and align it back exactly to  
5 I-40, which we did -- did complete. Those are from the  
6 legislative map, it went from District 6 to District 7;  
7 there was zero population affected.

8           The other change that they asked us to do was to  
9 align the borders in northeast Coconino County above the  
10 I-40. We were able to complete that, and what that looked  
11 like was that was a change of 48 people, and what that  
12 looked like was here, you can see all the selected blocs  
13 went into D7.

14           So we were able to complete that, that was 48  
15 people that were affected. So we did move 48 people in --  
16 in Coconino County.

17           Moving on to Pinal County. Pinal County had three  
18 changes.

19           And the first change, they wanted us to move  
20 Legislative Districts 15's line north to follow Bella Vista  
21 Road and eliminate the small rectangular box. We did not  
22 complete that because we felt that was against the  
23 Commission's guidelines the first time, and I'll bring that  
24 up.

25           What they wanted to do was to take this bloc that

1 was 10 and follow on Bella Vista Road, but many times the  
2 Commission told us to keep San Tan Valley whole, which is in  
3 the yellow, so we did not make that change because we would  
4 have taken that bloc of 10 people out of San Tan Valley.

5 Change number two was to have Congressional  
6 District 5 retract back north to follow along Bella Vista  
7 Road and CD-2 to expand northward similar following along  
8 Bella Vista Road. We did not make those changes, but what  
9 we did do is we did change the LD maps and the CD maps to  
10 match. So the LD maps now match the CD maps that come in,  
11 and you can see the San Tan Valley in the red.

12 So that keeps the San Tan Valley in one district  
13 which was a Commission guideline, and it would prevent a  
14 zero population precinct.

15 The last change that they wanted us to perform was  
16 shifting a corner of LD-7 southwest so that it follows North  
17 Moeur Road north-south and the Williams Field Road  
18 alignment. That was completed, that was the legislative map  
19 that was from District 15 to District 7; and that changed  
20 nine people for population.

21 And that looks like this corner here. So that  
22 corner that's highlighted in blue, that is the light blue  
23 that went into District 7.

24 And those were the requested changes from Pinal  
25 County. So we did move nine people in Pinal County.

1 Any questions on Pinal County?

2 Okay. Yuma County, the first request was to update  
3 the legislative districts to follow the Barry M. Goldwater  
4 Air Force Range border. We were able to complete that. It  
5 was zero population and here it is District 23.

6 You would remember that -- that this was actually  
7 completed in the legislative map, it was the piece that  
8 stuck up into the Foothill Mountains when we presented the  
9 congressional map after we balanced it. This was cleaned up  
10 as a split, so this was actually made to match the  
11 congressional map at a request of the county.

12 The chart says there from 23 to 23, but I'll get  
13 you the district, let me look it up and we'll correct that.

14 That should have moved it from 23 in the green and  
15 put it into 25.

16 The next change in Yuma that they requested is the  
17 23 and 25 border in the west to match CD-7 and CD-9. That  
18 was completed. That was -- aligns the boundaries and it  
19 does not affect the congressional map legislative from  
20 District 25 to 23; zero population was moved in this.

21 Any questions in Yuma?

22 Okay. With that, take that as a no, we'll move on  
23 to Yavapai County.

24 Yavapai County put in four requests mainly around  
25 the town of Wickenburg. There was three requests that we

1           could not do. They provided a map -- and let me show it to  
2           you.

3                        So one, two, and four we could not complete and you  
4           can see here in the map. And the problem with one, three --  
5           sorry one, two, and four is that the town say that is these  
6           are incorporated parts of the town of Wickenburg. So area  
7           one is incorporated in part of town of Wickenburg but not  
8           included in Legislative District 30. Area two is  
9           incorporated part of the town of Wickenburg but not included  
10          in Legislative District 30, and then area four was  
11          incorporated in the town of Wickenburg but not included.

12                      The part here is that these do not match census  
13          blocs, so to actually incorporate these little areas, we'd  
14          actually be taking in a lot more of unincorporated county to  
15          make that happen, so there was no way for us to do that in  
16          the redistricting system; so at that time we did not make  
17          those changes. Area three where it says is not part of the  
18          town of Wickenburg but included in 30, their suggestion was  
19          to move the line to include that area in LD-1 and that we  
20          were able to do because it aligned exactly with the census  
21          bloc. It was legislative from 30 to 1, and it affected four  
22          people.

23                      And that was Yavapai county's requests. Any  
24          questions there or Doug, do you want to add anything to  
25          that?

1           MR. D. JOHNSON: Just that a note that presum- --  
2           so the -- the reason the city lines don't follow the census  
3           blocs is usually -- and I presume in this case -- because of  
4           they had been annexed after the geography was submitted to  
5           the Census Bureau; and this actually happens throughout the  
6           decade as jurisdictions annex territories, so legislative  
7           and congressional lines don't move to reflect those  
8           annexations. It's just unusual here because that annexation  
9           was so close to the census; but it -- we have different  
10          lines between the census versus redistricting.

11           So these kinds of offset are common where you have  
12          a state where there's lots of annexations happening and  
13          there's not much we can do about it as far as other than if  
14          we're following census geography and using census data.

15          MR. FLAHAN: Okay. Any --

16          MR. D. JOHNSON: Any questions?

17          MR. FLAHAN: Okay. Then we'll move to -- to  
18          Maricopa County. Maricopa County definitely had the most  
19          requests of any county totaling 49.

20                 They broke their requests down in what they  
21          considered was critical revisions, revisions that they  
22          called -- what was the exact wording? -- "minor conflicts,"  
23          and the third category that they provided was -- hold on --  
24          was "awkward boundary lines."

25                 So on their first request it was the boundary

1           between Congressional District 1 and Congressional  
2           District 5 is cutting through a parcel where a future home  
3           will be built; and basically the boundary doesn't follow the  
4           census blocs, so we couldn't cut the census bloc to match a  
5           specific parcel so we were unable to do that.

6                     Request two, the legislative boundary between --  
7           sorry, the boundary between Legislative District 12 and  
8           Legislative District 16 bisects the Gila River Indian  
9           Community with the Lone Butte voting district near the  
10          boundary of Maricopa County. We did not complete this  
11          because the instruction that we received was to keep Kyrene  
12          School District whole, so we did not make that change.

13                    Change three --

14                    COMMISSIONER LERNER: Mark. Mark.

15                    MR. FLAHAN: Yes?

16                    COMMISSIONER LERNER: Just as a question on that --  
17          and I know we said that about Kyrene, it seems to be the one  
18          school district we were good with. But the -- when you say  
19          bisects the community within the precinct, does that mean a  
20          single precinct is divided in half? Is that what you're  
21          saying there? And so, how many people does that affect  
22          where they're going to be in a precinct and in two different  
23          districts?

24                    MR. D. JOHNSON: Yeah, Mark, I can answer that.

25                    MR. FLAHAN: Okay.



1           MR. D. JOHNSON: So -- so what they're asking is  
2           that the entire Kyrene piece of the tribal reservation be  
3           moved. So essentially we'd be -- where the commission had  
4           put the Kyrene piece of the reservation into the rest of the  
5           legislative district, they want the whole piece moved so  
6           that the reservation is whole, and we wouldn't bring that  
7           legislative district down at all.

8           The -- the precinct line apparently is the tribal  
9           reservation border.

10          COMMISSIONER LERNER: So they want the tribal to be  
11          whole and we said no because of a school district piece?  
12          How many people would that affect if they're...

13          MR. D. JOHNSON: I think it was about 130 people.  
14          And keep in mind when we talk about "they," we're talking  
15          about the elections office, it's -- it's not the Board of  
16          Supervisors or -- or a formal group like that. It's merely  
17          them saying it will be easier for them to administer  
18          elections if we divided Kyrene and kept the reservation  
19          together.

20          COMMISSIONER LERNER: Right. And I guess I'm just  
21          looking at that and saying from a priority perspective would  
22          it be better to have the tribes together, I'm just asking  
23          that question.

24          I understand that the Commission -- our Commission  
25          may not want to be making these adjustments at this point,

1 but I -- to me the priority would be keeping the -- the  
2 community together versus a school district in that  
3 particular location. I know we were attempting to do that  
4 with that school district, but the community to me would  
5 have a higher priority over that.

6 In that -- in that area.

7 COMMISSIONER YORK: Well, I thought -- I thought  
8 that that community was okay with being split at one point.

9 The other thing is it's not a huge population, I  
10 think we heard more testimony in our meetings as we went out  
11 to the public around the different areas around the Kyrene  
12 School District that utilize those facilities from the  
13 different parts of, I believe, it's Pinal and Maricopa  
14 County, and so that was the effort to keep that all  
15 together, that was my understanding. And the fact that  
16 people from Maricopa, people from Chandler, people from  
17 Ahwatukee, the people from South Tempe all utilize that  
18 school district.

19 COMMISSIONER LERNER: Yeah, I think that's correct  
20 those people, but not the Gila -- we're talking here about  
21 the Gila River Indian Community, and so it's a matter of  
22 keeping those people together versus whether or not they're  
23 in a school district. The other folks that you mentioned  
24 did want to all be part of that, but in this case that's why  
25 I was asking that specific question because you're basically

1 talking about the Gila River Indian Community folks and  
2 whether they would be in the same, so that's why I was  
3 trying to get clarification on that.

4 VICE CHAIR WATCHMAN: I think the Gila River  
5 expressed being in two districts for -- for many reasons,  
6 you know. And so we can go back and look at the record but  
7 I know Governor -- Governor Lewis said or indicated in some  
8 of his writings that -- that they would prefer to have two  
9 districts so that it allows them more representation.

10 COMMISSIONER LERNER: Okay. Yeah, just trying to  
11 get clarification. Thank you.

12 CHAIRPERSON NEUBERG: It seems there's nothing we  
13 need to address on this front.

14 MR. FLAHAN: Okay. Moving -- moving along. Change  
15 three in Maricopa County was the way the congressional  
16 district boundary blue and legislative district green and  
17 supervisor district red overlay each other would create a  
18 voter district for four voters -- the area between the blue  
19 and green boundary -- and a voting district with zero  
20 voters.

21 And we took a look in that area, we did complete  
22 this change, we successfully aligned districts by moving  
23 congressional district D3, 24 people out of D3, and D4, 24  
24 people in to match LD-11 and LD-12.

25 So when we looked at this what we -- what we found

1 is this is the Ahwatukee area, and the green that you can  
2 see, the mountain range, that is South Mountain. You can  
3 see that in population balancing, there was a small portion  
4 of Ahwatukee neighborhood that was put into D3 while the  
5 rest of the neighborhood was in D -- D4.

6 So what we were able to do is add that little  
7 population there back into D4 making a straight line; and to  
8 population balance it, what we did is we grabbed a couple  
9 blocs here just north of Kiyay Guadalupe, added them to D3,  
10 and another set of population of 15 people just north of --  
11 or, sorry, just east of 143.

12 So we were able to make that change and that's how  
13 we population balanced it.

14 Change four, there's a gap between a congressional  
15 district boundary and a legislative district in the Salt  
16 River Pima Indian Community. To do this by aligning the LDs  
17 and the CDs area with the tribal reservation, it would  
18 affect the population balance in the congressional district,  
19 therefore we were not able to complete that request.

20 Request five, the boundary between CD-7 and CD-9 is  
21 cutting through two homes. We did not fulfill this request  
22 as it would -- CD would become unbalanced and due to census  
23 bloc boundaries around the homes, we were not able to break  
24 census blocs.

25 Change six, the -- I might have a picture of that.

1           Change six, the gap between the congressional  
2           district boundary and legislative district boundary would  
3           create a voting precinct with 22 voters. The request was  
4           not fulfilled because congressional district population  
5           would become unbalanced and also the CD map split  
6           neighborhood for population balancing whereas the LD map did  
7           not require any action.

8           We did not do that.

9           Change seven, and I got a picture of this, the  
10          border between Legislative District 3 and Legislative  
11          District 4 is cutting through a single-address community  
12          with unit numbers. We did not change -- we did not make  
13          this change because it would affect 817 voters. Because  
14          census blocs do not exactly follow, so what you can do --  
15          see here -- if I zoom in a little bit, it might help.

16          The community they're talking about, the sliver is  
17          right here. But because you can see the census bloc is the  
18          dark blue it cuts through, to get that entire Paradise Peak  
19          West community, we would have to add all the census blocs  
20          together to make that happen and that was 817 people and  
21          that many people we did not deem as administrative change,  
22          so we were unable to -- to make that change.

23          COMMISSIONER LERNER: Can you -- Mark, as you're  
24          going through these, you said there were three different  
25          levels of requests, how do we know which level of request

1 each of these were for Maricopa County?

2 MR. FLAHAN: Right now we are in what they call the  
3 critical requests, and I'll let you know when we get to the  
4 next section.

5 COMMISSIONER LERNER: So of the critical requests  
6 you weren't able to do -- you haven't done any of those,  
7 right?

8 MR. FLAHAN: We were able to do the -- the one in  
9 Ahwatukee because the census blocs matched up.

10 What you can see here, right, on this request  
11 seven, why it wasn't done is that we would have to move all  
12 of these people to make it happen.

13 COMMISSIONER LERNER: Sure.

14 MR. FLAHAN: And at that time we did not believe it  
15 to be an administrative request moving that many people  
16 without any guidance from -- from the Commission.

17 MR. D. JOHNSON: Yeah, and it's worth noting, too,  
18 where they raise a concern about a specific address being  
19 divided, it's -- because the census geography as they  
20 overlay it on the size image is not precise, in the official  
21 census database which backs all of this geography up, that  
22 each address is assigned only to one district there. So  
23 where there's concern that a -- a single address looks like  
24 it's in multiple districts, you can look up in the census  
25 database that address and know which district it is in, it's

1 not actually divided legally.

2 And in Maricopa County folks know, you know, that  
3 and can do that.

4 MR. FLAHAN: Issue number eight, the boundary  
5 between LD-5 and LD-7 cuts through businesses, homes, and  
6 apartment complex.

7 To fulfill this request, it would be moving 486  
8 people and the request was not fulfilled as we believed  
9 eight hundred -- 486 people was more than just an  
10 administrative request; and you can see here the request  
11 that they were looking for is highlighted in the dark blue.

12 COMMISSIONER LERNER: Did they -- did they explain  
13 any of that or just say that this is an administrative --  
14 this is just a request? They don't justify it in any way,  
15 right? Or, do they?

16 MR. FLAHAN: The data we got back from Maricopa  
17 County on that is exactly that same exact text, the  
18 boundary -- well, it says: "The boundary between  
19 Legislative District 5 and Legislative District 11 cuts  
20 through business, homes, and apartment complex." They would  
21 like to move the boundary to follow Roosevelt Street, which  
22 is up here.

23 COMMISSIONER LERNER: Okay. Thank you.

24 MR. FLAHAN: Hm-mm.

25 Any other thing you want to add there, Doug?

1 MR. D. JOHNSON: Nope.

2 MR. FLAHAN: Okay. Change number nine was the  
3 boundary between LD-22 and LD-11 is cutting through a  
4 building, and we were able to complete that change. We  
5 adjusted a bloc with zero population to match with their  
6 supervisory district number four -- number five. And I  
7 don't think we have a picture of that one.

8 I don't have a picture of that, but we did make  
9 that change.

10 So starting at number ten is what they consider  
11 minor conflicts, and minor conflicts 10 through 17 we were  
12 all able to complete.

13 The -- the first one was due to inability of county  
14 to move supervisor districts, the vertical rectangular area  
15 below would result in a voting precinct with zero voters.  
16 We were able to complete that. It went from 11 to 22 and  
17 there was zero population affected.

18 Change 11, align the legislative district and  
19 congressional district boundaries with each other in the  
20 Salt River Pima-Maricopa County -- Maricopa Indian  
21 Community. We were able to move the zero population bloc on  
22 the D8 southern border, which was legislative, from  
23 District 10 to District 8 and those were both zeros.

24 Twelve was to align the legislative district to the  
25 congressional district along the Gila River Indian Community



1 boundary; we were able to complete that. We moved a zero  
2 population bloc from 22 to 20 -- to 16.

3 Change 13 was to align the legislative district  
4 boundary with the congressional district boundary and  
5 Maricopa County boundary. We moved zero population bloc on  
6 D7 so that was D7 to D3 in legislative; zero population  
7 move.

8 Fourteen was align legislative district with  
9 congressional district boundary along State Route 143; we  
10 were able to do that. We aligned the Legislative District 8  
11 boundary with the CD-4, CD-3 boundary along the 143. That  
12 went from District 11 to District 8; zero population change.

13 Fifteen, Maricopa, align the legislative district  
14 and the congressional district, one north of Indian School  
15 Road and one south of Indian School Road; we completed that.  
16 We were able to align the CD-9 and CD-3 border with the  
17 supervisor district. That was to the congressional. That  
18 was from District 3 to District 9; zero population change.

19 Sixteen in Maricopa County. Align boundary of the  
20 congressional district to the center of McDowell Road; we  
21 were able to complete that. That was aligning the D7 along  
22 McDowell Road to the congressional map from D3 to D7; zero  
23 population moved.

24 Change 17 is align the legislative district and  
25 congressional district with supervisor district in South

1 Mountain Park area near Ahwatukee; we were able to complete  
2 that. We moved the D3 border southeast into D4 to match  
3 supervisor district and align the LD as well. That was made  
4 to the congressional and legislative district. So the  
5 congressional side, it was from CD-4 to CD-3; on the  
6 legislative side, it was from LD-11 to LD-12, and we were  
7 able to complete that change.

8 And I have a picture of 17 if you wanted it. This  
9 is what 17 -- it now aligns. So South Mountain park is --  
10 is up here in the corner.

11 District -- change 18 was to align the legislative  
12 district and congressional district with the supervisory  
13 district in the South Mountain Park area; we were able to  
14 complete that. That was move D4 border north into D3 to  
15 match supervisor district and align the LD as well. So that  
16 was from CD-3 to CD-4 and from LD-11 into LD-12; both zero  
17 population change.

18 Nineteen was align the legislative district and  
19 congressional district to the supervisor district center  
20 line of Pima Canyon Road; we were able to complete that. So  
21 we aligned LD-12 with the supervisor district by grabbing  
22 three zero population blocs and moved D9 border east into  
23 D7. So on the congressional side, it was CD-7 to CD-9; on  
24 the legislative side, it was LD-11 to LD-12 and, again, zero  
25 population change.

1           And let me make sure that I can tell you where the  
2 split is between what they call minor and awkward lines.  
3 Hold on.

4           To 30 -- all right. We're still going, these are  
5 still in the minor.

6           Change 20, align the legislative district boundary  
7 to congressional district boundary along 48th Street between  
8 Southern Avenue and a bit south and east of Baseline Road;  
9 we were able to complete that. Slivers along supervisor  
10 district border between LD-11 and LD-8 was moved. This is  
11 only for the legislative map from LD-8 to LD-11; zero  
12 population change.

13           Twenty-one was to align legislative district  
14 boundary to congressional district boundary along the  
15 railroad in the vicinity of Elliot Road and McQueen Road; we  
16 completed that. We aligned LD-13 with the CD boundary along  
17 Elliot Road and McQueen Road, that was Legislative  
18 District 12 to 13; zero population changed.

19           Change 22, align congressional district boundary to  
20 legislative district boundary along Arizona Avenue in the  
21 vicinity of Guadalupe Road; completed that. We moved the D5  
22 border west into D4 along the Highway 87 to match LD-9 and  
23 LD-13 borders. That was completed from 4 to 5 and  
24 congressional; zero population was changed.

25           And 23, align legislative district boundary and

1 congressional district boundary along the Loop 202; we  
2 completed that. LD-8 north of the Loop 202 is aligned with  
3 the approved congressional final draft map moving population  
4 of 18. That was from LD-8 to LD-10; we moved 18 people.

5 On request 24, align congressional district to  
6 supervisor district near Loop 202 and 101 interchange; we  
7 completed that. We moved D1 south into D4 aligning with  
8 LD-8 border, that was the congressional map, CD-4 to CD-1;  
9 zero population changed.

10 Twenty-five was to align the congressional district  
11 boundary to a legislative district boundary near supervisor  
12 district boundary five; completed that. We moved D9 border  
13 east into D7. Congressional from D7 to D9; zero population.

14 Oops.

15 Request 26, Maricopa, align the legislative  
16 district boundary to the congressional district boundary  
17 along Central Avenue on the boundary of Goodyear and  
18 Avondale. So we aligned LD-22 with CD-7, so the change we  
19 made was to Legislative District 23 went to Legislative  
20 District 22; zero population changed.

21 Twenty-seven was to align the congressional  
22 district boundary to the legislative district boundary along  
23 Indian School Road in Avondale; we completed that. It was  
24 moved D9 southeast into D7 along Indian School Road to the  
25 congressional map from D7 to D9; zero population changed.

1           Request 28 was align the congressional district  
2           boundary with the Maricopa County boundary and Legislative  
3           District 28-29 boundary; we completed that. We moved the D8  
4           border north up into the D2 border. So that was -- that was  
5           from congressional from D9 to D8; zero populations were  
6           moved.

7           Request 29 was completed, align the legislative  
8           district boundary which is south of the Loop 303 with the  
9           congressional district that runs along Loop 303; we  
10          completed. We aligned LD-28 with CD-8 border, Legislative  
11          District 29 went into 28; zero population changed.

12          And 30, which is the last one of the minor changes,  
13          move boundary to 115th Drive street alignment between  
14          Glendale Ave. and Missouri Ave.; we completed that. We  
15          moved District 22 to 115th Street between Glendale Ave. and  
16          Missouri Ave. street alignment. Legislative from  
17          District 29 to 22; zero population was changed.

18          So last request for Maricopa County was awkward  
19          boundary lines.

20          So request 31 was align LD boundary and CD boundary  
21          along McDowell Street and 36th Street; that was completed.  
22          296 population above McDowell Road moved to match the  
23          congressional. So legislative went from District 5 to  
24          District 8; 296 people.

25          District -- change 32 was align the legislative

1 district boundary along McDowell Road and 40th Street. We  
2 did not complete that because that was over a thousand  
3 people, and this is the picture of it.

4 So Maricopa County on the left requested this  
5 change, and to make that change it would change the  
6 highlighted dark blue blocks that have the border on that,  
7 and that would be 1,400-person change, 1,404. So we did not  
8 feel that that change was an administrative change.

9 COMMISSIONER LERNER: Wait. Mark, what -- can you  
10 go back? So which district was -- was this one?

11 You're talking about 32 -- District 32. Wait, I'm  
12 sorry. Number -- well, first of all, number 31, what  
13 district was that being changed? It didn't list the  
14 legislative, it moves -- okay, D5 to D8.

15 What about 32, which districts were that?

16 MR. FLAHAN: 32 was...

17 MR. KINGERY: Mark, if you zoom into the  
18 screenshot, you see the proposed changes table.

19 MR. FLAHAN: So District 5 would gain 1,404 people  
20 and District 8 would lose 1,404 people.

21 COMMISSIONER LERNER: So do you think they were  
22 trying to do that? I'm just looking at our final  
23 legislative map where District 8 has 5,800 people deviation  
24 above and District 5 has a thousand deviation. Do you think  
25 they were trying to do that to balance those districts so

1 that the deviation is smaller in each of those, so you have  
2 a smaller deviation of that overall?

3 Because District 8, you'd be moving from 8 to 5,  
4 correct?

5 MR. FLAHAN: Yeah, 8 would be losing and 5 would be  
6 gaining.

7 COMMISSIONER LERNER: Right.

8 MR. FLAHAN: The what -- the text they gave us was  
9 "The legislative district bound in green runs along Monte  
10 Vista Road and 36th Street, coupled with the congressional  
11 boundary blue along McDowell and the supervisor boundary red  
12 along 40th Street will create a voting precinct with only  
13 400 -- or, 747 voters in it."

14 That was the text that we got from them.

15 MR. D. JOHNSON: Yeah. I would just add, and the  
16 elections office aren't concerned with deviation, they --  
17 they don't look at total population numbers at all as you  
18 can see. They're only looking at number of voters and  
19 the -- the ease of administering the precincts in elections.

20 COMMISSIONER LERNER: Well, I guess I don't -- I  
21 don't see a reason not to do this either. Because you're  
22 not providing -- it's not really causing a major imbalance  
23 in either.

24 COMMISSIONER YORK: You also don't -- what about  
25 the census bloc 296 on the map? I mean, I don't understand

1           why it's this little chunk here; it doesn't make any sense  
2           to me, and we tried to clean it up by stepping it up north  
3           along the boundary.

4                        I mean, I know it creates work for a small census  
5           voter administration, but the reality is that, you know, 8  
6           was with Tempe -- I mean, this is along the -- the  
7           44th Street it looks like, and I think those communities of  
8           interest are more aligned with the eastern side -- or  
9           western is aligned with the eastern side of 8 more than it's  
10          aligned with the eastern side of 7, so.

11                      COMMISSIONER LERNER: Yeah, I don't think it  
12          changes in terms of the communities of interest at all.

13                      COMMISSIONER YORK: Well --

14                      COMMISSIONER LERNER: I don't know what 296 is, and  
15          I don't know why they didn't move that either. I could ask  
16          that same -- I mean, I agree that -- I don't know what makes  
17          that different and why they didn't move it, but in terms of  
18          a community of interest, I don't think there's any reason  
19          that that needs to be in one or the other. They both are --  
20          are close in terms of alignment.

21                      And McDowell Road --

22                      COMMISSIONER YORK: It just delays this. I  
23          don't -- I don't really see a reason to do this if this --  
24          if they --

25                      CHAIRPERSON NEUBERG: Commissioner York, I didn't



1 catch the -- I heard the beginning part of what you said but  
2 can you complete your sentence?

3 COMMISSIONER YORK: Yeah, I was just saying there's  
4 not much of a difference between the communities of  
5 interest, I just didn't think it -- if this delayed us.

6 So that super -- you're looking at the shopping  
7 center, is that what that is?

8 COMMISSIONER LERNER: Yeah.

9 COMMISSIONER YORK: Oh, it's a school.

10 MR. FLAHAN: Well, what I put -- here's that change  
11 that you guys were just talking about and you guys asked  
12 about that 296 bloc.

13 COMMISSIONER YORK: Right.

14 MR. FLAHAN: That 296 bloc changed because of their  
15 request number one. So it was originally not part of --

16 COMMISSIONER YORK: Side --

17 MR. FLAHAN: -- D8, but they made that request. So  
18 that was why that was changed, that 296, to match the CD  
19 boundary.

20 COMMISSIONER YORK: Got it.

21 COMMISSIONER LERNER: For the supervisor boundary.

22 MR. D. JOHNSON: Yeah, that's -- that's keeping --  
23 The 296 is -- is with the district to the south because of  
24 population balancing with the congressional district. That  
25 was one of those blocs we had to grab the population

1 balance, and so they had asked that we just -- as long as we  
2 were going to have that bump up, that we also follow it for  
3 the congressional line.

4 MR. FLAHAN: For the legislative line.

5 COMMISSIONER YORK: Right, well I guess --

6 MR. D. JOHNSON: Oh.

7 COMMISSIONER YORK: -- from that standpoint I would  
8 keep the current -- I would not honor request 32 I guess is  
9 what we're talking about.

10 MR. FLAHAN: And that's --

11 COMMISSIONER YORK: And that's what you've done, so  
12 I would keep it as is.

13 COMMISSIONER LERNER: Yeah, I'm trying to  
14 understand some of these decisions on how they're made and  
15 when they -- I know we're saying that it makes it more  
16 complicated for them to administer and I'm all for things to  
17 be easier for our elections administration for them to be  
18 able to administer, and that's why -- if that doesn't affect  
19 communities of interest and if that doesn't affect other --  
20 other things that we were looking at, to me it made sense to  
21 make that change just like the one in Coconino as well.  
22 Some of those were aligned --

23 COMMISSIONER YORK: But Commissioner Lerner, we --  
24 we -- the mapping team has made a change, a suggestion along  
25 that northern boundary already and now the next request is

1 to change it back -- I don't understand.

2 COMMISSIONER LERNER: They're two different --  
3 they're different ones. 296 is --

4 COMMISSIONER YORK: I agree, but at the same  
5 time --

6 COMMISSIONER LERNER: They're different changes.

7 I -- you know, I want to understand these changes  
8 and decisions better than just saying "okay" to each one,  
9 that's why I'm asking these questions.

10 MR. D. JOHNSON: Yeah, and just from our  
11 perspective as Mark noted, we were concerned that this was  
12 larger than just an administrative change because there was  
13 the concern, as noted, this would be moving 1,404 people  
14 without really much awareness or -- or community  
15 participation in this, so that's where we run into the  
16 concern about the size of the request involved.

17 CHAIRPERSON NEUBERG: I'd like to go on record, you  
18 know, I have worked with Timmons/NDC now for many, many  
19 months. You've done a fabulous job, the highest level of  
20 conscientiousness, you know, commitment; and if you're  
21 giving us this feedback about what's administrative and  
22 versus what's a little more, I really defer to your  
23 professional judgment.

24 COMMISSIONER LERNER: I think we need to be doing  
25 our due diligence to be asking questions about how decisions

1           were made and to inquire more about why these requests were  
2           made and whether or not they fit with something that might  
3           be good for the community. So that's why I'm asking those  
4           questions.

5                   CHAIRPERSON NEUBERG: I'm entirely open to that  
6           provided that it doesn't undermine the professional advice  
7           of the experts that we have worked with and we believe in,  
8           and it doesn't unnecessarily delay what is a necessary and  
9           important process of delivering these maps to our state.

10                   And so I understand the desire to seek perfection,  
11           but perfection can sometimes get in the way of getting done  
12           with a, you know, reasonably fabulous product.

13                   COMMISSIONER LERNER: I am not asking for  
14           perfection here. I feel that when a decision is made to do  
15           something or not do something, we as Commissioners who are  
16           the ones who are the responsible parties for making these  
17           final decisions and votes, should understand better those  
18           decisions and that's what I'm trying to do; and in some  
19           cases I may or may not agree with those decisions.

20                   CHAIRPERSON NEUBERG: And that's exactly what we're  
21           doing.

22                   So with that please continue, Mapping.

23                   MR. FLAHAN: Okay. Let me grab my spot again where  
24           we were at.

25                   That was here.

1           Number 33 was align the congressional district with  
2           the Salt River Pima-Maricopa Indian Community boundary to  
3           the supervisor district. We did not complete this because  
4           following Mesa's border would unbalance the congressional  
5           district in that area, so we did not complete that.

6           Change 33 was align congressional district with  
7           Salt River -- oop, sorry. That was the same one.

8           Thirty-four was align the congressional district  
9           with the Salt River Pima-Maricopa Indian Community or the  
10          supervisor district north of Loop 202, we did not complete  
11          this because the legislative lines would create a new sliver  
12          due to the 2020 census blocs not lining up to the supervisor  
13          districts, but we did make the congressional and legislative  
14          boundaries the same border in that area.

15          So we were able to make that cleanup, but the  
16          change that they were requesting we were not able to do  
17          because then it would create its own -- its own sliver.

18          COMMISSIONER LERNER: And Mark, was there any  
19          population -- it looks like there was zero population shift  
20          to make that change?

21          MR. FLAHAN: Correct.

22          Hang on, I'm trying to find a picture.

23          COMMISSIONER LERNER: That's okay.

24          MR. FLAHAN: Okay. Gotcha.

25          Thirty-five, align congressional district and

1 legislative district with Salt River Pima-Maricopa Indian  
2 Community. We did not complete this because this was going  
3 to unbalance the congressional district.

4 We did move 376 people into LD-10 and 9 into LD-8  
5 to match the congressional boundaries. So we did make that  
6 legislative change from LD-10 to LD-8; that was 376 people.

7 COMMISSIONER LERNER: Can you --

8 MR. FLAHAN: Thirty- --

9 COMMISSIONER LERNER: Can you show us that one  
10 since you did make that change and almost 300 people were  
11 affected?

12 MR. FLAHAN: Yeah, hold on.

13 785. I don't think I actually have -- grabbed a  
14 picture of that.

15 I don't have a picture of the change that we made.  
16 Here was the request for Maricopa County.

17 COMMISSIONER LERNER: Okay.

18 MR. FLAHAN: Doug, you have anything here?

19 MR. D. JOHNSON: No, that's it.

20 COMMISSIONER LERNER: So you were moving from 8 to  
21 10 or 10 to 8? I'm sorry if I'm not understanding.

22 MR. FLAHAN: We moved people into LD-10 and LD-9  
23 from LD-8.

24 COMMISSIONER LERNER: Okay. But we don't know  
25 how -- where they went from there. Okay.

1 All right, thank you.

2 And how were they divided between those two? You  
3 moved 376, did we move -- do you know --

4 MR. FLAHAN: Um.

5 COMMISSIONER LERNER: -- how they were divided?  
6 Between which ones went into 8 and which ones went into --  
7 so you moved -- oh, I see. It moved nine people into LD-8  
8 and 376, is that what it's saying, into 10?

9 MR. FLAHAN: We moved 376 people into LD-10 and 9  
10 from LD-8. So this -- this should say LD-8 here and this  
11 should say LD-10 and 9.

12 Make that cleanup.

13 COMMISSIONER LERNER: Just trying to understand  
14 that.

15 MR. FLAHAN: Here on the Word document it was "move  
16 376 people into LD-10 and LD-9 to match the congressional  
17 boundary."

18 MR. D. JOHNSON: Yeah, I -- I believe what was  
19 the -- we're in the unincorporated area between the  
20 reservation and the city of Mesa; and when we needed to  
21 population balance the congressional district, we were  
22 moving a lot of small pockets of people in those areas and  
23 the balance I'm just asking if -- bring the legislative  
24 district (technical/audio disruption) on it.

25 COMMISSIONER LERNER: Okay. Okay.

1 MR. FLAHAN: That was the picture from the Maricopa  
2 County with that request.

3 Request 36, align the congressional district to the  
4 legislative district in the area near Camelback Road and  
5 107th Avenue; we completed that for the congressional. We  
6 moved a zero population piece from D9 to D3 on the  
7 congressional side, so zero people moved on the  
8 congressional, and on the LD side we moved population of 3  
9 sliver from D29 to D2.

10 And that is what that looked like in the circled  
11 boundary. So you can see that D24 and D22 -- sorry, D29 and  
12 D22 now follow congressional.

13 Change 37, align the legislative district to the  
14 congressional district near Indian Springs Road; we did not  
15 complete that. We know it's a VRA-sensitive district, the  
16 move would be 354 people.

17 That would look like this. That was the request to  
18 move.

19 That would match with the congressional boundary.  
20 We did not make that -- that change.

21 COMMISSIONER LERNER: And you didn't do that  
22 because of the VRA?

23 MR. FLAHAN: Correct. We felt we needed Commission  
24 guidance to make that change.

25 COMMISSIONER LERNER: Okay.



1 MR. FLAHAN: And that was also 354 people.

2 COMMISSIONER LERNER: Yeah, I'm not -- just looking  
3 at the data sheets, I'm not sure that that would have had a  
4 significant impact based on the criteria that we look at and  
5 the CVAP in those. Because you're basically -- you were  
6 doing from 22 to 23 or vice versa, both of which are VRA  
7 districts, and those population probably wouldn't have had  
8 much of an impact. But I understand why you didn't do that.

9 MR. FLAHAN: Okay. Change 38, align the boundary  
10 of the legislative district with the western edge of  
11 Loop 101; we completed that. We aligned LD-8 south of  
12 University Drive to Price Road. The legislative map went  
13 from District 9 to District 8; population change of 15  
14 people.

15 Thirty-nine, adjust the legislative boundary so it  
16 follows supervisor district boundary near Rainbow Valley.  
17 We did not complete that because we could not split the 2020  
18 census blocs along the supervisor line, which looks like  
19 this.

20 So they wanted us to split at that pink line and  
21 there was no way to split at that pink line. As you can see  
22 here, the census bloc does not go all the way across, so it  
23 dips down. So we'd have to go another bloc on top and then  
24 we'd extend past what Maricopa County was asking us to do.

25 Change 40 was adjust the boundary south to Adobe

1 Road. We did not complete -- complete it because it would  
2 create a sliver, and it would move 27 voters.

3 So here was the request. You can see the green  
4 line is where the current line is for LDs, and they wanted  
5 to adjust it south to Adobe Road, which is sort of here if  
6 you can see my cursor, just south of the big building there.

7 But on the right side of the screen, you can see  
8 this is what actually happens with the census bloc, it  
9 actually goes south down the highway going down into the  
10 interchange, so then we would be creating also weird shapes  
11 to make that request. So there's no way that we can just  
12 cut it off at Adobe Road.

13 The last change from Maricopa County, adjust  
14 legislative district to follow congressional district along  
15 Route 60 and Bell Road; we completed that. We moved a piece  
16 of District 29 to match the congressional district  
17 legislative, so we took stuff from 29 and put into 28; and  
18 that affected five voters.

19 To make all the changes Maricopa County requested  
20 it was going to change 3,449 people, and the changes that we  
21 made only affected 361 changes (verbatim).

22 And that were the changes from Maricopa. Is there  
23 any questions on Maricopa?

24 Okay. Not hearing any, Pima County gave us ten  
25 changes.

1           The first change was to move the proposed  
2 legislative line to no longer deviate from the Pascua Yaqui  
3 reservation boundary; we completed that. We moved a  
4 zero-person bloc south of West Valencia Road to match the  
5 Pascua Yaqui reservation boundaries, that was from LD-20 to  
6 LD-23; zero people changed.

7           And what that looked like was here. So you can see  
8 the bloc that's highlighted zero with the red underlined,  
9 that changed and went into District 23 to match the border.

10           Change two was move proposed legislative line to no  
11 longer deviate again from the Pascua Yaqui reservation  
12 boundary. We moved a zero-person bloc east of South  
13 Woodbury Grove Drive to unite the Pascua Yaqui reservation  
14 boundary. So that was LD-20 to LD-23; zero population  
15 moved, it was a zero-population bloc.

16           And you can see here, this is the bloc right here  
17 between D23 and D20, this one that was underlined in red.  
18 That bloc that had zero population was within the boundary  
19 of Pascua Yaqui tribe reservation and we added it back in,  
20 so we united the tribal nation.

21           Change three was move the legislative and  
22 congressional lines to match along the Pascua Yaqui  
23 reservation boundary; we completed that. We moved 44 people  
24 from LD-16 to LD-17 to match the congressional boundaries  
25 per the request of Pima County.

1                   That change looked like this. It's the area  
2 highlighted in the dark blue line.

3                   So that went from 16 to 17. So that was a  
4 44-person move.

5                   Request four from Pima County was to move  
6 congressional and legislative lines to match along Green  
7 Valley and Sahuarita; we completed that. We adjusted area  
8 one of the map by moving 13 people from LD-19 into LD-21  
9 along El Toro Road and Alvernon Way. And that was completed  
10 and that was a change of 13 people.

11                   Request five from Pima County, move congressional  
12 and legislative lines to match along Green Valley/Sahuarita.  
13 So area two of the map was adjusting a zero-population bloc  
14 from LD-21 to LD-19 on the legislative map; and that  
15 affected zero population.

16                   And I'll show you all three screenshots in a second  
17 because there's an area three, too.

18                   Area (verbatim) three was, move  
19 congressional/legislative lines to match along the Green  
20 Valley/Sahuarita area. Area three was adjusted to move from  
21 LD-19 into 21; again, zero population were affected.

22                   And those three areas were right here. Number one,  
23 number two, and number three.

24                   Request 7 from Pima County, move congressional and  
25 legislative lines to match southwest Tucson. We moved a

1 singular zero-population bloc from LD-21 into LD-23; zero  
2 population were affected.

3 And that is what that looked like.

4 So these are the zero population: Zero, zero,  
5 zero.

6 Number eight, move congressional and legislative  
7 lines to match the Tohono O'odham Reservation; we completed  
8 that. We moved a singular zero population bloc along the  
9 LD-23 border into LD-21, which is zero population.

10 That change looked like this. So that green bloc  
11 that's highlighted in the dark blue outline.

12 Change nine, move congressional/legislative lines  
13 to match along D17 and D16 border. We moved a zero -- a  
14 single zero population bloc along the D17 border into D16.

15 That looked like this. And the area in question is  
16 that darker orange area that's highlighted in blue is the  
17 border.

18 And the last change was change LD-17 border along  
19 Mary Ann Cleveland Way where it cuts through several  
20 parcels. We did not complete that because due to census  
21 blocs, it would require multiple blocs being moved, and to  
22 complete that change -- let me see if I got a big screenshot  
23 and I'll bring it up to you. Hold on.

24 Just a second.

25 So what Pima County wanted in this instance was

1 where you can see here -- make this is a little smaller.  
2 Hold on because I can blow it up this way.

3 What they're saying here is that our lines are the  
4 pink line, and it cuts through the neighborhood here. The  
5 problem with the census blocs, though, is -- well, when we  
6 use census geography, I shouldn't say problem with the  
7 census bloc. When we use census geography to make that  
8 change, it would require making a bigger change because what  
9 you can see here in this picture is this little tail here  
10 actually is three census blocs that come up in there. So  
11 this one that's a long sliver here is actually a giant  
12 census bloc that moves south, grabs this area and continues  
13 south grabbing along the road here in this neighborhood. So  
14 it's the big, long southwest one.

15 And if we were to do that and to incorporate the  
16 areas that would then become noncontiguous, it would  
17 basically be a move of 779 people to complete that change.

18 At that time we did not think that that was an  
19 administrative change to make, that we would need Commission  
20 guidance on that change, so we did not make that change.

21 COMMISSIONER LERNER: So it would have entailed --  
22 I see what you're saying about the census blocs, but just  
23 they wanted to take a small group and move them in? It  
24 would have involved several districts then moving people  
25 around; is that correct --

1 MR. FLAHAN: It was --

2 COMMISSIONER LERNER: -- to accommodate that?

3 MR. FLAHAN: It would -- yeah, it would require  
4 multiple census blocs but only two districts because they  
5 border two districts.

6 What they wanted was here, but there was no way --  
7 'cause that is not a census bloc there in the pink to move  
8 it back down, so there's no way to make that change without  
9 making this entire change here that's in the picture.

10 Because I would I would need this southern one,  
11 there's a teeny triangle one here and then there's another  
12 one here. So once I take those two, there's now no way to  
13 get to this central square bloc here, so now I got to  
14 incorporate this one because then that would not be  
15 contiguous to leave into District 19 because District 17  
16 would surround it.

17 COMMISSIONER LERNER: Okay.

18 MR. FLAHAN: So once we start picking up more blocs  
19 it becomes a bigger change than what we felt to be able to  
20 make that.

21 COMMISSIONER LERNER: Okay. Thanks.

22 MR. FLAHAN: That is all for Pima County. Those  
23 were the changes. Pima County requested 836 people to be  
24 moved; we moved 57 of them.

25 Doug, you have anything to add to Pima County?

1           No? Okay.

2           MR. D. JOHNSON: No.

3           MR. FLAHAN: Then I believe that is all the changes  
4 that we made administratively.

5           And both this county change tracking PDF that we  
6 were looking at with the pictures and the spreadsheet is out  
7 there on hub.

8           So with that being said, those were the changes  
9 that we made for the administrative changes. I don't know  
10 if there's any questions on that.

11           If there is none, then I will kick it over to Doug  
12 Johnson.

13           MS. NEUMANN: Excuse me. May I suggest we take a  
14 quick break for the transcriptionist, maybe a five- or  
15 10-minute break?

16           CHAIRPERSON NEUBERG: That sounds great. Why don't  
17 we return at 10:00 a.m. sharp.

18           And thank you very much for that analysis; and that  
19 will be a part of our conversation as we certify and approve  
20 the maps.

21           So with that, we'll take a ten-minute break and  
22 resume at 10:00 a.m.

23           (Recess taken from 9:47 a.m. to 10:01 a.m.)

24

25           CHAIRPERSON NEUBERG: Welcome back. If you're



1 ready to resume.

2 MR. FLAHAN: Doug do, you want to take it away?

3 CHAIRPERSON NEUBERG: Let's dive right back in.  
4 We're on Agenda Item Number V, and I turn it back over to  
5 Doug and Mark.

6 MR. D. JOHNSON: So thank you very much. I will  
7 jump in just with some number reviews on our final maps.

8 Looking at the congressional map, the thought is --  
9 all this information, of course, posted on the hub, so I'll  
10 be just summarizing it.

11 But on the congressional map, no surprise, we have  
12 two majority Latino districts by citizen voting age  
13 population, both Districts 3 and 7 are 51 percent Latino  
14 citizen voting age population; and District 2 is 21 percent  
15 by citizen voting age population or 18 percent by single  
16 race voting age population Native American.

17 So those are fairly consistent as those lines have  
18 been throughout much of later stages of population of these.

19 And both of those Latino majority seats are  
20 effective by our Voting Rights Act measures.

21 On the competitiveness side on the congressional  
22 map, we do have two districts that are in our highly  
23 competitive of 4 percent spread, Districts 1 and 6. While  
24 District 4 is also in our competitive range right at  
25 7 percent.

1           We also, as you'll remember, have been looking at  
2 swing votes, which districts show some Democrats and some  
3 Republican wins over the -- the key elections we're looking  
4 at, and all three of those districts do have swing  
5 elections.

6           We also have Congressional District 2 which is just  
7 outside of our range at 7.2 percent on the vote spread,  
8 although it does not have any swing elections.

9           So that's a -- summary of the data. And of course  
10 on population balance, the congressional map as you just  
11 heard is perfectly balanced with no more than a 1 percent  
12 deviation in any given district -- I'm sorry, one person  
13 difference in any given district.

14           On the legislative map, we have seven districts  
15 that are effective Latino citizen voting age population  
16 districts. District -- Legislative Districts 11, 20 through  
17 24, and 26. All those are majority or close to majority  
18 Latino by citizen voting age population; and all of them  
19 easily pass our effectiveness benchmark.

20           On the Native American side, District 6 is at  
21 63 percent Native American citizen voting age population and  
22 68 percent of non-Hispanic Native American single race  
23 voting age population.

24           The District 6 numbers are higher than most of the  
25 maps in this process has been, and that's as a result of --

1 of the Commission's decisions really to underpopulate  
2 District 6, so it is our shortest at 5.43 percent short of  
3 the -- the target population.

4 On the other end of the -- the spectrum, District 2  
5 is our largest population district at 3.48 percent  
6 overpopulated, leading to -- the difference between those  
7 two districts are 8.9 percent population spread.

8 It is worth noting that other than that -- the  
9 District 6 issue that has been discussed at length, and I  
10 just mentioned about empowering the Native American voters,  
11 the deviations are not targeted at achieving certain  
12 purposes, they're simply in all the other districts the  
13 deviations are just what resulted from the Commission's  
14 other directions relating to communities of interest and the  
15 other criteria.

16 So there's no pattern of intentionally  
17 underpopulating or overpopulating any one type of district  
18 or community.

19 On the competitiveness front, the legislative map  
20 did come out with five districts that are all in our -- our  
21 vote spread range of 4 percent of highly competitive; and  
22 then two that are just outside of our competitive range.

23 We have District 17 is at 8.3 percent vote spread,  
24 and District 27 is at 8.9 percent vote spread; and four of  
25 those legislative districts do have swing elections in them,

1 so.

2 We also did look at -- at polarization, and it's  
3 worth noting we did find that Congressional District 7  
4 throughout the -- the three key elections we've looked at,  
5 the 2018 governor's primary, the 2018 governor general  
6 election, and 2018 attorney general general election,  
7 District 7 was polarized; and we also look at -- at a fleet  
8 of our competitive elections just to see if the trends  
9 continued there, and we did find the same results there  
10 where District 7 is polarized in all those -- Congressional  
11 District 7 are polarized in all -- in the five of those that  
12 we looked at as well.

13 Congressional District 3 did not come up as  
14 polarized as drawn, but it's worth noting that as  
15 Dr. Handley discussed earlier, in the Maricopa County area  
16 we do see a pattern of polarization; and as you'll recall  
17 from some earlier districts we looked at, if District 3 is  
18 adjusted in different ways it does very quickly trip into  
19 polarization. And of course District 3 as adopted by the  
20 Commissioners or in its, I guess, the congressional final  
21 draft map version, is a highly community orientated  
22 district, very compact following neighborhoods and factors  
23 like that, all the Commission's other criteria.

24 On the legislative side, the 2018 governor's  
25 primary comes out as polarized in -- in District 20, in

1 Legislative District 20; but Legislative District 20 in the  
2 general elections does not come out as polarized. So it is  
3 polarized in the primary but not in the general election.

4 In District 24 is polarized in all the elections  
5 we've looked at.

6 District 23 -- oh, and I should note that this is a  
7 summary report that's been posted, and all the details  
8 from -- from Dr. Handley has been posted as well.

9 District 23, it's unclear whether it's polarized,  
10 the different measures get different results in the -- in  
11 the governor's primary election, but it is polarized in all  
12 the general elections that we looked at.

13 Then just to group them, Districts 11, 21, 22, and  
14 26 are polarized in all the general elections looked at but  
15 not in the primary, the 2018 governor's primary.

16 And I believe that covers it for the -- for the  
17 legislative districts that are the effective Latino majority  
18 seats.

19 So a lot of numbers. There's -- all the data on  
20 all this is obviously posted through the hub, and happy to  
21 answer any questions you may have.

22 CHAIRPERSON NEUBERG: Any questions?

23 If not, I -- I would move on to, Doug, I don't know  
24 if there's additional information that you want to share  
25 under V(C), review and discussion of mapping data. Is there

1 anything else?

2 MR. D. JOHNSON: I think that covers it for me.

3 Mark, did you have anything else?

4 MR. FLAHAN: No, I don't. I don't have anything  
5 else. Just public feedback we got was tremendous this year,  
6 so lots of public feedback that came in.

7 CHAIRPERSON NEUBERG: I'd like to thank you for  
8 your outstanding service.

9 And with that, if there's no other conversation or  
10 questions as it relates to Agenda Item Number V with our  
11 mapping team, we will move to Agenda Item Number VI, update  
12 from legal team.

13 So we have two items here, a presentation of expert  
14 review report on final approved maps, we have presentation  
15 from legal team on map assessment. I am going to encourage  
16 that we move to go into executive session for the purpose of  
17 obtaining legal advice to further implement and/or advance  
18 these issues, particularly as it relates to public record  
19 requests and future litigation possibilities.

20 So I turn it over to our legal counsel, if there's  
21 anything you'd like to say first in public session on any of  
22 these issues before we entertain a motion to go into  
23 executive session.

24 MR. HERRERA: Thank you, Madam Chair. It's our  
25 preference to actually start with the second item, which is

1 the map assessment and to start the discussion in executive  
2 session, and then return to the first agenda item.

3 CHAIRPERSON NEUBERG: Okay. With that, I will  
4 entertain a motion to go into executive session for the  
5 purpose of obtaining legal advice to further implement  
6 and/or advance these issues pursuant to A.R.S.

7 38-431.01(A)(3).

8 Do I have a motion?

9 COMMISSIONER YORK: I move we go into executive  
10 session, Commissioner York.

11 VICE CHAIR WATCHMAN: Vice Chair Watchman seconds.

12 CHAIRPERSON NEUBERG: Any further discussion?

13 With that, 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: Chair Neuberg is an aye.

22 And with that, we will move into executive session.

23 We'll X out of this link, enter into a new link, and we will  
24 give an update to the public when return to public session.

25 (Whereupon the proceeding is in executive session

1 from 10:12 a.m. until 11:00 a.m.)

2

3

\* \* \* \* \*

4

5 (Whereupon all members of the public are present  
6 and the proceeding resumes in general session.)

7

CHAIRPERSON NEUBERG: Okay. I believe I see our  
8 core team returned.

9

Welcome back, everybody. If I could get a thumbs  
10 up from staff that we can resume with our public session?

11

We're online?

12

MS. NEUMANN: We're ready.

13

CHAIRPERSON NEUBERG: Awesome. We just finished  
14 Agenda Item Number VI, an update from our legal team. We've  
15 returned from executive session in which our team gave us a  
16 legal review of our final maps.

17

With that, we will move to Agenda Item Number VII,  
18 Executive Director's report.

19

I turn it over to Lori and Brian.

20

DIRECTOR SCHMITT: Thank you, Madam Chair, I just  
21 have a quick update.

22

Upon approval of the maps, we will transmit them to  
23 the Secretary of State's office within 24 hours in the  
24 format they requested. So that is the update I have for  
25 you-all today.



1 CHAIRPERSON NEUBERG: Okay.

2 MR. B. JOHNSON: So Chairwoman, real quick if I  
3 may? Can we go back to Agenda Item VI(A)?

4 CHAIRPERSON NEUBERG: Absolutely. VI(A), update  
5 from legal team, presentation of expert review report on  
6 final approved maps.

7 MR. B. JOHNSON: And just for purposes of the  
8 public, a draft of the expert reports were -- were posted to  
9 the website; there are going to be some changes -- just for  
10 the Commission's awareness, there are going to be some  
11 changes, nonsubstantive changes to that.

12 The only substantive change is in regard to the LD  
13 map -- I apologize -- the LD map on the last page, so just  
14 want to make sure the record is clear, it makes reference to  
15 efficiency gap of 8 percent that does not exceed the  
16 7 percent threshold suggested by one of the cases.

17 That 8 percent is really supposed to be 1.19. It  
18 was a typographical error, so -- and then obviously it reads  
19 more appropriately that, too "1.19 percent does not exceed  
20 the 7 percent." Just so the record is clear for those who  
21 are reviewing.

22 And then also for the public awareness, later on  
23 the more -- the final expert reports will be posted to the  
24 website for public consumption.

25 CHAIRPERSON NEUBERG: Okay. Thank you very much.

1           If there's nothing else on that issue, we will move  
2 to Agenda Item Number VII, Executive Director's report.

3           I turn it over to Brian and Lori.

4           DIRECTOR SCHMITT: Thank you, Madam Chair. That --  
5 the update I gave is all we have for you today.

6           CHAIRPERSON NEUBERG: Okay. With that, we will  
7 move to Agenda Item Number VIII, Discussion and final map  
8 vote and certification transmittal to Arizona's Secretary of  
9 State.

10           We'll move to VIII(A), congressional map discussion  
11 and approval.

12           I will at this point, prior to entertaining  
13 dialogue and discussion, I'll entertain a motion to approve  
14 and certify our congressional map that we've approved, and I  
15 will open it up to my colleagues.

16           COMMISSIONER MEHL: I move that we approve the  
17 final congressional map as presented by the mapping  
18 consultants today.

19           CHAIRPERSON NEUBERG: And I -- do I have a second?

20           COMMISSIONER YORK: Commissioner York seconds.

21           CHAIRPERSON NEUBERG: And I would like to add to  
22 the language that is not only approving but it is certifying  
23 the results to be transmitted to the Secretary of State's  
24 office.

25           COMMISSIONER MEHL: I accept that amendment.

1 COMMISSIONER YORK: I second that amendment.

2 CHAIRPERSON NEUBERG: So we have a -- thank you.

3 We have a motion, we have a second to approve and  
4 certify the maps to transmit to the Secretary of State's  
5 office.

6 At this point I am going to open it up to  
7 discussion to my colleagues. I will turn it over first to  
8 Vice Chair Watchman to share thoughts.

9 VICE CHAIR WATCHMAN: Thank you, Madam Chair and  
10 colleagues, staff, lawyers, and members of the public.

11 I guess a couple of things. One, it's been an  
12 honor and privilege to serve on the Commission, as I've said  
13 before, and you know the primary point of my involvement  
14 obviously was -- was to make sure and ensure that the  
15 Native American communities of interest were represented.

16 And -- and so, you know, I know staff and myself  
17 tried to reach out to all the 22 tribes and -- and we tried  
18 to get feedback from them; and so I want to acknowledge, you  
19 know, the tribes -- the tribal leadership and their -- their  
20 input.

21 And so but to reflect back on December 22nd and the  
22 vote, you know, obviously, you know, as I mentioned, you  
23 know, I -- I took the position to be a Commissioner to  
24 ensure that there was fairness and to make sure that there  
25 was a balance and to ensure that all -- all segments of our

1 Arizona community was represented and -- and also, you know,  
2 took -- I took an oath to basically represent and ensure and  
3 meet the obligations of our Arizona Constitution and the six  
4 requirements.

5 And so, you know, my -- my vote on December 22nd  
6 reflected my thought. And so, you know, I -- you know,  
7 it -- I want to say it is what it is, but, you know, there's  
8 still obviously room -- room to go, but we do have an  
9 obligation, you know, to get -- get these maps to the  
10 Secretary of State so that, you know, folks are -- that are  
11 wanting to run for various offices legislatively and  
12 congressionally can move forward, and so I know that we will  
13 take a vote at some point.

14 But, you know, I still hold the same position of my  
15 vote of December 22nd, and so. But, you know, it is a  
16 process where, you know, we -- it's a democratic process and  
17 the vote was final on the 22nd.

18 But I just want to extend my appreciation to the  
19 public for, you know -- for being a part of this. To me it  
20 was a long year, a long year. And -- and hopefully we are  
21 able to, you know, present to the public a democratic  
22 process and democratic congressional map in this case.

23 So I'll stop with my comments and just move forward  
24 when we get to the vote.

25 So thank you, Madam Chair.

1                   CHAIRPERSON NEUBERG: Commissioner Mehl.

2                   COMMISSIONER MEHL: I want to thank  
3 Commissioner Watchman for those comments and I -- I would  
4 like to echo a lot of that. It's been a very -- it has been  
5 a very difficult task for all of us, and I really  
6 appreciated the relationship that we've had as  
7 Commissioners. I appreciate the hard work that we've gone  
8 through; I appreciate the public participation throughout  
9 the process.

10                   Chairwoman Neuberg, you have been incredible on  
11 attending every single public meeting and the amount of  
12 integrity and effort that you've brought to this process has  
13 been just amazing.

14                   So I just want to thank the public and thank all of  
15 you for the hard work and look forward to us concluding this  
16 process.

17                   CHAIRPERSON NEUBERG: Any other thoughts before  
18 we -- we put it to a vote?

19                   Okay. We will put to a vote for the approval and  
20 certification of our congressional map.

21                   And I open it up to -- I guess I will start with  
22 Commissioner Mehl. I believe we have a motion on the table  
23 to approve it, and I'm going to call on you to cast your  
24 first vote.

25                   MR. B. JOHNSON: Real quick, Chairwoman. I just

1 want to make sure that we're -- we're talking about the CD  
2 map 14.0 that was presented today, I just want to make --

3 CHAIRPERSON NEUBERG: We are talking about the CD  
4 map 14.0 that was approved, correct.

5 COMMISSIONER MEHL: Thank you, Chairwoman, and  
6 before I cast my vote, I do have comments that I would like  
7 to make.

8 And at our public meetings on December 30th and  
9 January 4th of 2021 (verbatim), Commissioner Lerner voiced,  
10 for the first time, several criticisms regarding our  
11 congressional maps, and I want to take a moment to address  
12 her concerns and put them into context of the actual six  
13 constitutional goals that we've considered over the past  
14 several months.

15 On the congressional map, I want to start by  
16 reiterating something Chair Neuberg said near the end of our  
17 January 4th meeting: The final congressional map received a  
18 5 to nothing vote. Commissioner Lerner herself seconded the  
19 motion to adopt this map after Chairwoman Neuberg made the  
20 motion.

21 This was not the Republican map. We did not want  
22 it, we had a preferable map that we thought represented  
23 Arizona better. While the map may not have been every  
24 Commissioner's ideal map, when we voted for it, we all  
25 agreed it was a map that complied with the constitutional

1 and statutory requirements and took into consideration the  
2 thousands of public comments we've received over the past  
3 several months.

4 We congratulated one another, took pictures with  
5 the map. To me personally, it's devastating that after  
6 clearly being ambushed by interest groups,  
7 Commissioner Lerner has come up with talking points that  
8 appear to be generated in Washington, D.C. because they have  
9 absolutely no realistic connection to what is best for  
10 Arizona.

11 Although I plan on addressing Commissioner Lerner's  
12 comments district by district, it is worth discussing the  
13 Commission's consideration of competitiveness as a  
14 constitutional factor more generally as it was a theme in  
15 Commissioner Lerner's comments.

16 As we've heard from our legal counsel and  
17 consultants several times, creating competitive districts is  
18 an obviously important goal under the Arizona Constitution.  
19 It was consistently and widely discussed before and during  
20 the deliberative process. We hired three national experts  
21 to provide opinions about competitiveness. However,  
22 competitiveness differs from the other five goals in an  
23 important way, although we're required to consider the  
24 competitiveness of a district, the constitution tells us  
25 that we may only do so to the extent possible and not to the

1           detriment of other goals.

2                   This is an important perspective to keep in mind in  
3           addressing Commissioner Lerner's competitiveness concerns.

4                   As I mentioned, another important thing to remember  
5           about the competitiveness is that after hearing testimony of  
6           national experts on competitiveness and looking at what past  
7           commissions did, we discussed the different options to  
8           measure competitiveness and selected, one, a method to  
9           measure competitiveness; two, elections to base our  
10          competitiveness determination on; three, a competitiveness  
11          range to serve as a guidepost to what would be considered a  
12          competitive district; and four, whether a district had any  
13          elections that flipped between parties.

14                  On August 10th we unanimously voted to adopt the  
15          basket of election's method and two ranges to measure  
16          competitiveness: A 4 percent range representing a highly  
17          competitive district; and a 7 percent range representing a  
18          competitive district.

19                  In fact, it was Commissioner Lerner who made the  
20          motion to adopt these specific ranges.

21                  These competitiveness measures were provided and  
22          considered for every draft map we considered regardless of  
23          it being accepted. Now it appears that she is trying to  
24          unilaterally narrow these ranges to come up with new  
25          guidelines or unilaterally use the number of elections that



1           flips as an alternative measure of competitiveness. This is  
2           not what we as a Commission agreed to.

3           Throughout the year Commissioner Lerner and others  
4           made positive comments about the 2011 Commission. I'd like  
5           to make two comments about that commission. First, in well  
6           over 30 votes on map decisions, the 2011 Commission voted  
7           3-2 every time; 100 percent of the time the chair of that  
8           commission voted together with the two appointed Democratic  
9           representatives. There was never a variation.

10           Our Commission had numerous votes that were  
11           unanimous and a number of votes where the Chair sided with  
12           different sets of the other Commissioners.

13           Secondly, that 2011 Commission has also been  
14           praised by many for the fact that they prioritized  
15           competitiveness as a higher priority than many of the other  
16           constitutional criteria. This has been stated by the former  
17           chair as well.

18           Our 2011 Commission -- our 2021 Commission included  
19           considering competitiveness along with the other  
20           constitutional criteria but not as a higher priority.  
21           However, the result in our final maps are districts that  
22           compare very favorably to the 2011 commission results in  
23           regards to competitiveness.

24           In our final legislative map in particular, we have  
25           more competitive districts by most measures than the 2011

1 commission.

2 I'd like to turn to the individual districts. On  
3 Congressional District 1, Commissioner Lerner expressed some  
4 concern that competitiveness was not adequately considered  
5 because it went from having a 1.6 percent range to  
6 a .2 range to a 2.6 range through the various map  
7 alternatives.

8 Although CD-1 might not be as competitive as it was  
9 in past maps or now leans Republican, CD-1 remains an  
10 extremely competitive district under our guidelines. Part  
11 of what makes it so competitive is it includes Scottsdale  
12 and Paradise Valley, two places where ticket splitting is  
13 extremely high.

14 As Chair Neuberg has stated over and over, this  
15 district can be won by either party and will be won by the  
16 right candidate who works hard to earn the votes.

17 Despite the fact that CD-1 is still highly  
18 competitive, certain changes were necessary in surrounding  
19 districts which impacted CD-1's competitiveness. For  
20 instance, any additional changes that make CD-1 more  
21 competitive would have made CD-8 even less competitive.  
22 It's important to note that our options to make CD-8 more  
23 competitive were limited as its neighbor CD-3 is covered by  
24 the VRA and must sustain enough Latino population to remain  
25 a Latino ability to elect district.

1 Additional changes to CD-1 were based on the  
2 reported feedback from Mayor Gallego and Councilwoman Pastor  
3 to unite urban communities of interest, including the  
4 downtown historic districts, the arts and culture community,  
5 LGBTQ community and Melrose and other communities that share  
6 similar economic and urban concerns into CD-3. We discussed  
7 at length how to balance these specific communities of  
8 interest and the ripple effect on the populations,  
9 compactness, VRA compliance, and other communities of  
10 interest in CD-3, CD-7, CD-8, and CD-9.

11 Commissioner Lerner indicated that she was okay  
12 with the idea that incorporated Councilwoman Pastor-Mayor  
13 Gallegos' requests. Once these communities of interest were  
14 united, other suggestions were made to improve CD-1's  
15 compliance with the remaining constitutional factors such as  
16 using geographic features like the Gila River, parts of the  
17 Maricopa County line and city line.

18 As a neighbor to CD-3, a VRA-covered district, some  
19 changes to CD-1 were made to bring CD-3 into compliance as  
20 well.

21 In short, these minor fluctuations in CD-1's  
22 competitiveness were made to honor a community --  
23 communities of interest while still maintaining the  
24 district's highly competitive nature. There is no  
25 constitutional issue with CD-1's competitiveness, it was and

1 still is a highly competitive district.

2 While every change we make requires us to balance  
3 the competing interests at play and make hard decisions,  
4 making CD-1 more competitive would deter our ability to  
5 reach our community of interest's goal.

6 This recurring theme applies to all of  
7 Commissioner Lerner's competitiveness comments.

8 On Congressional District 2, Commissioner Lerner  
9 made several statements that are either not true or failed  
10 to appreciate this balancing of the constitutional factors.

11 First, Commissioner Lerner seemed to imply that  
12 CD-2 is not a strong rural district. The current CD-2 is  
13 expansive, covers several of the state's northeast rural  
14 communities and stretches down into the center of the state.  
15 It is already a strong rural district, but because all  
16 districts must be equal in population, it would be  
17 impossible for us to have a rural district with zero percent  
18 urban areas. Bringing in urban areas also helps to make a  
19 rural district more competitive.

20 Second, Commissioner Lerner implies that CD-2  
21 should have contained a stronger concentration of  
22 Native American voters so that Native voters could have a  
23 dedicated representative in Congress.

24 CD-2 gives Native American a voice, a strong one.  
25 But the data and constitutional criteria just did not

1 facilitate a Native American ability to elect district,  
2 rather it would require us to gerrymander the district lines  
3 to include the southern or Maricopa tribes would into CD-2,  
4 and doing so would work against the Maricopa tribes' stated  
5 interest. They didn't want to be with the rural tribes,  
6 rather we heard testimony from those tribes stating they  
7 wanted to be grouped with the entertainment districts in  
8 Scottsdale that shared similar economic interests.

9 Third, Commissioner Lerner singles out several  
10 communities of interest that she thinks were not honored by  
11 the final iteration of CD-2. As a big picture response, I  
12 think Commissioner Lerner herself actually said it best  
13 during deliberations, "We cannot please everyone, and we  
14 will have to make hard choices."

15 More specifically, she had several issues with west  
16 Yavapai and its pairing with west Maricopa. Specifically,  
17 she suggested it would be better to keep western Yavapai  
18 with Mohave and Colorado River because they're used to being  
19 together and because west Maricopa did not want to be in a  
20 rural district.

21 However, these goals worked in tension (verbatim)  
22 with one another in our goal to keep Yavapai County whole.  
23 In fact, in series 7 Commissioner York suggested we bring  
24 the rural areas together in a northern district and  
25 Commissioner Lerner opposed it, which resulted in moving

1 part of Mohave and west Maricopa into CD-9.

2 She also stated White Mountain community did not  
3 want to be with Prescott in a congressional district;  
4 however, that contradicts what I heard from the public  
5 testimony.

6 On the flip side, Commissioner Lerner argued that  
7 Lake Havasu wanted to be with Prescott and Yavapai County,  
8 but this request could not be honored in this map because it  
9 was incompatible with our goals and formed by public comment  
10 to keep Yavapai whole and to keep all of the Colorado River  
11 communities together in CD-9.

12 Lerner's suggestion would have forced CD-2 to  
13 include either a large amount of urban Maricopa County or to  
14 have gone well into Pima County, both of these alternatives  
15 were discussed and discarded by a majority of the  
16 Commissioners.

17 Again, this is how the democratic process works via  
18 discussion and consensus.

19 She also states we refused to consider using  
20 Mingus Mountain as a boundary. This is simply not true. We  
21 deliberated about this option, but the map that kept Yavapai  
22 County united as a rural county in CD-2 outweighed the  
23 changes that it would have split part of Yavapai County into  
24 CD-9.

25 Finally, Commissioner Lerner referenced the CD-2

1 map 8.4 implying that CD-2 should have been a more  
2 competitive district.

3 While it may be true that looking at CD-2 in map  
4 8.4 in isolation gives us a more competitive district, I  
5 think it's important to not focus too much on past  
6 iterations of a district in a vacuum. As we know all too  
7 well, each change we make to the map sends a ripple effect  
8 to the remaining districts that then need to be rebalanced  
9 on all six constitutional goals to the extent possible.

10 Map 8.2 were adjusted for three important reasons:  
11 One, it needed to accommodate the VRA compliant districts as  
12 requested by the minority communities; two, it needed to be  
13 adjusted for population; and three, it needed to be adjusted  
14 for communities of interest, and by making CD-2 less  
15 competitive we were able to make other districts more  
16 competitive. Commissioner Lerner's alternative is not  
17 realistic or practical.

18 Something that was left unsaid in Commissioner  
19 Lerner's remarks is that by requiring us to concentrate  
20 minorities in certain districts, the VRA serves as a  
21 roadblock preventing us from creating more competitive  
22 districts, not to mention the fact that it provides built-in  
23 partisan advantage to Democrats, not available to any other  
24 party.

25 Indeed in Congressional District 3, Commissioner

1 Lerner suggested applying some of Councilwomans Pastor's  
2 (verbatim) requests are responsible for packing Democrats  
3 into CD-3 and impacting the competitiveness of the district.  
4 Make no mistake, in order to make CD-3 a Latino ability to  
5 elect district which is required by the VRA, we had to  
6 include more minorities in this district.

7 Although this results in a district that is well  
8 over the competitiveness threshold, there's no other way to  
9 make it VRA compliant. If we're not obligated to comply  
10 with the VRA, we could certainly do more to accommodate  
11 other constitutional factors like communities of interest or  
12 competitiveness.

13 While we considered competitiveness for every map,  
14 this factor cannot work to the detriment of other goals like  
15 compliance of VRA.

16 We cannot look at CD-3's competitiveness measure in  
17 isolation, that isn't allowed under the constitution, and it  
18 doesn't work to serve any state interest.

19 Commissioner Lerner also seemed to question our  
20 decision to include historic districts in CD-3, noting that  
21 not all historic communities are the same.

22 I agree you cannot compare a historic district in  
23 Bisbee, Tombstone and Prescott to that in Phoenix. But in  
24 Phoenix it's well-recognized where the historic  
25 neighborhoods are located. As I noted before, Commissioner



1 Lerner was open to Councilwoman Pastor's request because I  
2 think the Chair made good points about those communities  
3 having similar interests.

4 As a group we spent an inordinate amount of time on  
5 CD-3 and we have heard from our legal team and consultants  
6 about our options. The Chair consistently met with the  
7 leaders from the community to try to get it right, and given  
8 all the goals we are required to consider and balance, I  
9 wholeheartedly think we achieved this.

10 In Congressional District 4 Commissioner Lerner  
11 again complains this district could have been more  
12 competitive because it went from a 5.6 percent range to a  
13 7 percent with an 8-1 Democratic advantage. As I noted  
14 earlier, because CD-4 falls within the 7 percent range, it's  
15 still a competitive district. It's also to be noted that  
16 the changes made in the final map that cause this district  
17 to be less competitive were changes requested by  
18 Commissioner Lerner based on her thoughts of protecting  
19 certain communities of interest.

20 It's clear that in this case, Commissioner Lerner  
21 thought the communities of interest outweighed the  
22 importance of competitiveness.

23 Some of the changes that made CD-4 less competitive  
24 were to unite communities of interest. For example, we  
25 spent a lot of time discussing the unification of retirement

1 communities. While we weren't able to unite every single  
2 one, we were able to unite these communities that share  
3 similar interests to the extent practicable.

4 Another important change that served to reduce the  
5 competitiveness of CD-4 was moving downtown Chandler into  
6 CD-4 so that it was unified with the other diverse downtown  
7 communities in Mesa and Tempe. In making these decisions,  
8 we worked with the mapping consultants to use city lines as  
9 much as possible.

10 In Congressional District 5 Commissioner Lerner had  
11 the same concern because its competitive measure went from  
12 14.7 to 18.1 with an 0-9 Republican advantage. Like CD-4,  
13 CD-5's competitiveness measure gave way to honor Gilbert  
14 city's lines and unite communities of interest. Namely,  
15 communities that are experiencing high growth like Mesa  
16 Gateway Airport, Queen Creek, San Tan, Apache Junction, and  
17 south Chandler that share similar infrastructure concerns  
18 and challenges.

19 In Congressional District 6, Lerner again took  
20 issue with competitiveness measure because it went from  
21 a .1 range in map 9.1 with a 5-4 Democrat advantage to a 2.4  
22 range with 3-6 Republican advantage.

23 While .1 percent is an impressive competitiveness  
24 measure, 2.4 percent is still within the highly competitive  
25 range. By reducing the competitiveness by a small margin,

1 we were able to accommodate and promote other constitutional  
2 goals.

3 Again, competitiveness cannot serve to the  
4 detriment of these other goals.

5 And important changes needed to be made to CD-6's  
6 lines, including changes to the border it shares with CD-7,  
7 to bring that district in compliance with the VRA.

8 Additionally, changes were made to CD-6 to honor  
9 and unite communities of interest. Like the federal defense  
10 funding interest shared by Davis-Monthan and Fort Huachuca  
11 communities; Eloy's desire to be united with Casa Grande and  
12 the rest of I-10; Graham and Greenlee counties' desires to  
13 be united with Cochise based on their shared ranching,  
14 natural resources and water interests; and the request made  
15 by Mayor Romero of Tucson to unite downtown interests with  
16 the University of Arizona broader community.

17 In Congressional District 7, Commissioner Lerner  
18 again complained the district should be more competitive;  
19 but just like CD-3, CD-7 was never going to be competitive,  
20 it's a VRA district. And a district to be a VRA compliant  
21 district, changes were made to CD-7 to unite communities of  
22 interest -- excuse me, this is where the request by Tucson  
23 Mayor Romero to unite the University of Arizona communities  
24 with the downtown community that impacted 6, but it actually  
25 occurred in District 7.

1           The border community economically and due to  
2 immigration based on Jaime Chamberlain's testimony we  
3 received visiting Nogales was quite compelling. The  
4 southern tribal communities, Tohono O'odham, Pascua Yaqui,  
5 the Cocopah and other tribes and the historic -- and the  
6 Hispanic farming communities including San Luis, Summerton,  
7 Avondale, and Yuma.

8           Congressional District 8 was absent from  
9 Commissioner Lerner's remarks, but I think it's important to  
10 talk about CD-8 because all of the changes she suggests in  
11 the other districts would have impacted CD-8's compliance  
12 with constitutional goals. Again, Commissioner Lerner's  
13 comments were only viewed in isolation; they do not take  
14 into account the ripple effects that would be caused.

15           CD-8 serves as an important opportunity for the  
16 West Valley to have a representative in congress. Lerner's  
17 vision for the CD map would not provide this representation.

18           CD-8 also serves the purpose of uniting communities  
19 of interest like retirement communities and making allowance  
20 along the CD-8's southern border to bring CD-3 into VRA  
21 compliance.

22           Finally, in Congressional District 9  
23 Commissioner Lerner suggests we could have made a stronger  
24 rural district. Like I commented in relation to CD-2, it's  
25 impossible from a population perspective to make a rural

1 district without any sort of urban footprint. It's simply  
2 unrealistic, especially when trying to incorporate other  
3 constitutional goals like VRA compliance.

4 Contrary to Commissioner Lerner's remarks, I think  
5 we achieved a really strong rural community in CD-9 that  
6 also unites communities of interest like the river districts  
7 and military communities like Yuma proving grounds, the  
8 Marine Corp. Air Station, and Luke Air Force Base.

9 In summary, given all the competing constitutional  
10 requirements, I'm very confident that the final  
11 congressional map for Arizona is an extremely positive map  
12 for our state. All five Commissioners that voted for its  
13 approval should be very proud that this map was the product  
14 of our collective efforts.

15 And with that, I vote yes on this administrative  
16 action confirming the approval of this map as adjusted for  
17 the minor changes from the various counties of our state.

18 Thank you.

19 CHAIRPERSON NEUBERG: Thank you very much,  
20 Commissioner Mehl. I'd like to turn it over now to  
21 Vice Chair Watchman.

22 VICE CHAIR WATCHMAN: Thank you, Madam Chair.

23 I vote no. No other comments. Thank you.

24 CHAIRPERSON NEUBERG: Okay. With that, I will turn  
25 it over to Commissioner York.

1                   COMMISSIONER YORK: Commissioner Mehl has  
2 encompassed my feelings and comments; and I vote yes.

3                   CHAIRPERSON NEUBERG: Okay. I turn it over now to  
4 Commissioner Lerner.

5                   COMMISSIONER LERNER: Thank you, Chair Neuberg.

6                   I obviously have some comments; I wasn't going to  
7 make a lot of comments, but I am going to respond to  
8 Commissioner Mehl because I felt I had made my comments  
9 earlier on the congressional.

10                  And the first thing I just want to say is I don't  
11 appreciate being accused of being beholden to national  
12 interest groups. I am not. And I will make the same  
13 statement about you, Commissioner Mehl. So you're -- you're  
14 questioning my character in your statement, and I don't  
15 appreciate that.

16                  I feel up until now we have all tried to give each  
17 other as much respect as possible, and I don't appreciate  
18 the accusation that you've made, but I can certainly make  
19 the same accusation to you if that's necessary as a counter.

20                  I am working on behalf of the state and on behalf  
21 of getting the best maps possible, and I will say that I  
22 have not -- I -- I guess I can't say strongly enough how I  
23 resent the insinuation that you made about my personal  
24 character in your statement. All I can say is that I -- I  
25 feel that you have done what you are accusing me of, you

1 have been operating on behalf of Republican incumbents and  
2 Republicans in general.

3 So the statements that you made about the maps are  
4 something else that I will respond to, but I wanted to be  
5 real clear with you that I don't appreciate the personal  
6 attacks. I have not -- I don't feel that that's in the  
7 character of who we have been as a Commission, that we have  
8 made every effort to try to get along; and your personal  
9 attack there just in my opinion destroyed that effort that  
10 we had.

11 I made a lot of comments as you mentioned as part  
12 of this. I do feel, I have said all along, that I feel  
13 competitiveness is important. It has not been -- we have to  
14 look at it as a significant detriment, and in each of the  
15 cases that I made, each of the arguments that I made, I made  
16 those with the argument that they were not significant  
17 detriments. When they were significant detriments, I did  
18 not ask for that competitiveness because I recognized that  
19 constitutional criteria.

20 The 2011 Commission that you mentioned, first of  
21 all, that said -- and I guess the other point that I will  
22 just make before I give you my vote, is that I did not  
23 unilaterally use competitiveness. Throughout we looked at  
24 communities of interest as our primary area, and when I made  
25 comments about where competitiveness could be increased, it

1 was based on the fact that communities of interest would  
2 still be aligned, based on the fact on geography, all the  
3 other constitutional criterions.

4 You made a comment about the 2011 Commission votes  
5 three to two every time with the Democrats. Well, I will  
6 say in this case we have the same going on here, when it was  
7 a three-to-two vote, there were only two times -- maybe  
8 three, I may have missed one -- when our Chair voted for the  
9 Republicans and the Republican maps.

10 So it's a very parallel kind of process that we  
11 have had.

12 And yes, the 2011 Commission did competitiveness  
13 and prioritize those. But throughout, even with -- through  
14 all the Republican's complaints of that Commission's work,  
15 the Republicans held the legislature for that entire ten  
16 years. So even with competitiveness being considered and  
17 even with the complaints by Republicans over those maps,  
18 they still continued to hold power for that entire time. So  
19 it didn't destroy the Republican opportunities.

20 When I talked -- when you went through each of  
21 those criteria and each of the things, I'm not going to  
22 repeat what I said on my comments that I did before because  
23 that's already in the record, but I will make a few comments  
24 specific to what you just said as part of this.

25 CD-1 was very surgically changed to go from a



1 district that was more competitive and had a slight edge for  
2 Democrats to being less competitive and more Republican. It  
3 could have been won by either party; the changes that were  
4 made were surgical in terms of changing that map and very  
5 deliberate.

6 And I will say that as part of that, you mentioned  
7 CD-3. Yes, I said we needed to acknowledge Pastor's  
8 recommendations, but Mayor Gallego and Supervisor Pastor  
9 sent a letter saying that they wanted additional changes,  
10 they didn't want to do all of those changes later on, and we  
11 did not abide by those changes that they requested. We did  
12 not follow up and take a look at their follow-up letter that  
13 they sent as part of that.

14 And the historic districts are different. I used  
15 to be the state historic preservation officer for Arizona.  
16 I know those historic districts in those neighborhoods. I  
17 know the area -- I was a part of a group -- they -- they got  
18 listed as national register of historic places as part of my  
19 job to do that. They are not all alike, and they don't all  
20 have to be in the same district.

21 The decision -- the fluctuations and changes that  
22 you mentioned were not minor in CD-1, those were major.  
23 When the decision was made to cross the 101 and take on  
24 those populations that are there -- which by the way also  
25 had -- is a boundary no matter what some others may say, I

1 drive up that way; I've done that since we've met, and  
2 there's really clear distinctions -- those were very  
3 deliberate changes that were made that the mayor did not  
4 agree was in the best interest of the city of Phoenix.

5 The CD-2 comments, again I'm not going to repeat it  
6 from what could have been -- I never said -- what I said  
7 about Native Americans in that district was that they should  
8 be given the opportunity if they can. I didn't suggest that  
9 we add on other Native Americans in the south into that one  
10 district. What I said was, we now have a district with a  
11 lot of Native Americans who will not be able to elect  
12 somebody of their choice, and it was done because instead of  
13 honoring what had been a 60-year mark -- boundary with CD --  
14 what is now CD-9 between CD-2 and Mingus Mountain, instead  
15 of honoring the fact that that group has been together for  
16 60 years, in which case, by the way, the congressman who now  
17 represents that area and lives in Prescott has chosen to  
18 move over to CD-9 because he's been representing them for so  
19 long. What I said was, that if we did and honored a  
20 60-year-plan -- boundary of Mingus Mountain, which is a  
21 geographic boundary, it would have made CD-2 more  
22 competitive giving Native Americans a greater voice, that's  
23 what I was talking about.

24 The decision to make Yavapai County whole was not a  
25 goal that I had, that was a goal that was three -- at least

1 three of the parties in our Commission said. So that's a  
2 majority, I realize we lost that. But time and again  
3 Commissioner -- Vice Chair Watchman and I suggested that  
4 Yavapai County and Mingus Mountain would be a natural split  
5 and a natural divide; we talked about CD-2 over and over  
6 again as part of that.

7 So that goal was not a goal of the Commission, just  
8 to be clear.

9 Mingus Mountain is a natural boundary. People in  
10 Lake Havasu said they wanted to be in the same district as  
11 Prescott as they have said before; there were people, plenty  
12 of people in the White Mountains who said they did not want  
13 to be with Prescott. So these were statements that were  
14 made for communities of interest and that's where that was  
15 coming from, not to combine all the Native Americans in one  
16 district as you implied in that area.

17 I also don't look at VRA issues as being a  
18 roadblock to making districts more competitive. The Latino  
19 Coalition submitted maps that showed that even with VRA  
20 districts, there could be more maps that had more  
21 competitive -- more competitive districts; they showed it  
22 was possible.

23 My concern about CD-3 was that it packed Democrats  
24 into that. The boundaries that were made packed Democrats;  
25 it was not about the CVAP that was there. And that was

1 drawn for Supervisor Pastor. But Mayor Gallego had a  
2 different version of that, and we chose on a three-to-two  
3 vote to take Supervisor Pastor's perspective.

4 CD-4, I actually offered to make it more  
5 competitive. After we made the adjustments and the concern  
6 was expressed by either you or Commissioner York, I don't  
7 recall, that now I'd made it -- I had made it less  
8 competitive by going from 5.6, I think, to 7 percent, I said  
9 fine, let's make some changes and we could make some  
10 adjustments in CD-1; but that was not something that was  
11 accepted.

12 I think it was CD-1 -- yeah.

13 So I offered to actually make CD-4 more competitive  
14 after we made the adjustments of bringing communities of  
15 interest together, but I was turned down on those  
16 adjustments because the adjustments would have actually made  
17 CD-1 more competitive as part of that.

18 You're right, I didn't talk about CD-5 a whole lot  
19 because once we get to a 15 percent noncompetitive point, it  
20 went to 18 percent, so.

21 CD-6 was again a very deliberate move by  
22 Commissioner Mehl to change that district from being very  
23 competitive -- and, yes, a .1 percent is as competitive it  
24 can be -- with a five-to-four Democratic advantage, the  
25 changes that, Commissioner Mehl, you proposed were surgical

1 to add Republicans into that area and make it less  
2 competitive. That was my concern. These were not based on  
3 these communities of interest, and they did not align with  
4 Mayor Romero's suggestions either.

5 So we were very selective on which mayors we're  
6 listening to in that. So just to counter in terms of that,  
7 what you -- what you mentioned there.

8 In CD-1, yes, I did comment on the fact that it was  
9 less competitive because it didn't need to be. Some of the  
10 changes that were made to CD-6 were done to actually pack,  
11 again, people into CD-7 to remove them from CD-6. So that  
12 was and is a Latino -- the CVAP was -- was where it needed  
13 to be, but the competitiveness did not need to change to  
14 that extent except if we -- if the decision was made to  
15 change CD-6 to being less competitive and more Republican,  
16 and that was why I brought that up.

17 As for CD-8, again I -- I mention the fact that you  
18 talk about the fact that it would have given West Valley  
19 representation. I agree we wanted West Valley  
20 representation there and there were ways that we could have  
21 done that in a better way that would have still made it a  
22 little bit more competitive than where it turned out to be.

23 And for CD-9, I did say that it should have been a  
24 stronger rural district. Had we done the change between  
25 CD-2 and CD-9 that we requested, we would have had really

1 two good, strong rural districts and CD-9 would not have  
2 taken so much of the West Valley; and we heard loud and  
3 clear from the West Valley "Please don't put us in a rural  
4 district." But the decision to not make CD-2 competitive,  
5 to not use Mingus Mountain, those were things that were very  
6 deliberately done.

7 And so when I say that this is a Republican map,  
8 which is what I have said, you probably would have liked it  
9 to be more Republican, I'm sure, but from my perspective  
10 this does -- does not align in ways that we could have.

11 So these are all, I guess, my response to you,  
12 Commissioner Mehl. I had not really planned on giving a  
13 lengthy discussion of the congressional because I felt I did  
14 that last time.

15 As for my vote. I will say to you that I made an  
16 error in voting for that map and I -- I should not have.  
17 I'm going to freely admit I made a mistake in my mind on  
18 that map. Despite my misgivings, I voted for the map.

19 And I still do -- I had -- I had wanted more time  
20 to review it, the decision had been made we were going to  
21 review it, we were given a short break to review it, and I  
22 ultimately voted for that map with an eye towards compromise  
23 and to show the state that despite my belief there were  
24 major flaws and constitutional issues, that we could try to  
25 work together as a Commission --

1                   CHAIRPERSON NEUBERG: Commissioner Lerner, that  
2 short break was over 24 hours.

3                   COMMISSIONER LERNER: No. No, Chairwoman. I asked  
4 you that morning if I could have -- if we could take a vote  
5 either towards the end of the day or take time over lunch so  
6 we could have more time and you said you wanted to move  
7 before we started to move with the legislative and we had  
8 about a 10- to 15-minute break. So that was what I had  
9 requested and submitted to you that I had not realized the  
10 map was completely up and it was not a full 24 hours that it  
11 was up, it was less time than that, but that is what I am  
12 referring to --

13                   CHAIRPERSON NEUBERG: Okay.

14                   COMMISSIONER LERNER: -- our discussion that we had  
15 had.

16                   CHAIRPERSON NEUBERG: Please, go ahead.

17                   COMMISSIONER LERNER: So I am saying that I am -- I  
18 am admitting that I made a mistake in my vote on that.

19                   And with that, because I had already commented on  
20 the congressional map at length and I just wanted to respond  
21 to Commissioner Mehl's comments here, I will vote no on this  
22 map.

23                   CHAIRPERSON NEUBERG: Okay. So where are we in  
24 this process?

25                   I think we are now going to turn it over to

1 Commissioner York, if you have any remarks that you'd like  
2 to share.

3 COMMISSIONER YORK: Commissioner Neuberg, I've  
4 already voted yes.

5 VICE CHAIR WATCHMAN: He voted already.

6 COMMISSIONER LERNER: Yeah, Chairwoman, you are the  
7 last vote at this point.

8 CHAIRPERSON NEUBERG: I'm just asking if there's  
9 any remark, you know, any outstanding conversation.

10 VICE CHAIR WATCHMAN: He voted. He voted, so  
11 you're up, Madam Chair.

12 CHAIRPERSON NEUBERG: Okay.

13 In preparation for today's meeting and to be able  
14 to best respond to the many sudden and false accusations  
15 from my Democratic colleagues, I spent considerable time  
16 these past few days reviewing our year-long process and  
17 studying the unofficial transcripts from our deliberation  
18 meetings.

19 After much thought I remain deeply proud of the  
20 extremely transparent, fair, conscientious, and competent  
21 process that we all collectively ran, and I am confident  
22 that our legitimate and constitutionally sound map will  
23 stand up very well to scrutiny.

24 I reject all of the charges that have been laid out  
25 by Commissioners Lerner and Watchman over these past couple



1 of weeks. Your reasoning is flawed, disingenuous, and  
2 meritless.

3 On the charge that our maps like -- lack  
4 competitiveness, it's simply not true.

5 As I stated before, one-third of our districts are  
6 competitive. As defined by the very standards that you,  
7 Commissioner Lerner, helped create. Two of the districts  
8 are true tossups. The competitiveness measures we used were  
9 based on the thoughtful synthesis of three nationally  
10 recognized experts; the vote to adopt the measures was  
11 unanimous. And I would like to remind you all that I  
12 intentionally deferred to my four partisan colleagues to  
13 drive this decision given the political sensitivities.

14 The problem is that you, Commissioner Lerner, have  
15 been constantly moving the goalpost to suit your arguments  
16 and have been utterly inconsistent in your definitions of  
17 competitiveness. Let me just bring up a few quotes.

18 Actually, I am going to -- I don't have that -- I  
19 will provide that to anybody and everybody who wants those  
20 quotes, I don't have it readily accessible to me.

21 Your accusation is hypocritical in light of how  
22 often you've gone on record complimenting the previous  
23 Commission's maps when ours are just as, if not even more,  
24 competitive.

25 In terms of the constitutionality question, I don't

1 understand what legal grounds you're basing your claims on.  
2 Just because a more competitive map can be drawn doesn't  
3 mean that we are more obligated to do so or even should do  
4 so. We fully met our constitutional responsibility to focus  
5 on competitiveness when to do so would create no significant  
6 detriment to the other criteria.

7 I ask everybody, please review the transcripts, I  
8 brought competitiveness -- competitiveness up constantly.

9 Your last minute about face regarding the  
10 constitutionality of our CD map is highly disingenuous; you  
11 voted for this map. In fact, you even seconded my motion to  
12 approve the map.

13 I would like to quote you: "Well, Madam Chair, I  
14 see that my Republican colleagues here are not going to  
15 provide a second, I will do that. I'm going to provide a  
16 second to your motion."

17 You may recall that our Republicans had serious  
18 reservations and only agreed to support our congressional  
19 map if you did. And it wasn't an impulsive vote, you had  
20 overnight to think about it and to discuss it with many  
21 others.

22 And many of the things you now find objectionable  
23 were in the draft map that you not only voted for, but also  
24 called for us to return to several times during our final  
25 deliberations, and your accusations don't do justice to the

1 collective work of our consultants this past year. We've  
2 been guided seamlessly, and I would say brilliantly, by our  
3 unanimously approved team of co-counsel Roy Herrera, Brett  
4 Johnson, and have our maps reviewed constantly by several  
5 other topnotch constitutional and VRA experts who all along  
6 the way have reviewed our maps.

7 We had absolutely no daylight in our thinking from  
8 a legal perspective throughout the entire process. To  
9 suddenly now after the fact raise such egregious questions  
10 about constitutionality without ever having raised a red  
11 flag before is simply not credible.

12 I find your questioning the constitutionality of  
13 our approved maps ironic. If anything, I believe the maps  
14 you lobbied for were constitutionally weaker. I saw you as  
15 constantly attempting to gerrymander for competitiveness.  
16 You based so many of your arguments on wanting to achieve a  
17 certain Republican-Democrat portionality, a 4-4-1  
18 congressional map, a 15-15 split on the legislative  
19 districts.

20 I'll quote you here: "Madam Chair, I see that my  
21 colleagues here are not going to" -- oh, this is something  
22 second, I'm sorry.

23 I'll come back to that, I don't have the exact  
24 quote, so I'll match them up later. I apologize.

25 I had to admonish you several times to focus on

1 more appropriate constitutional criteria. Your very goal of  
2 trying to achieve a perfect zero percent vote spread in a  
3 district, despite the enormous demands of satisfying the  
4 other five constitutional criteria is illustrative of your  
5 motive to prioritize competitiveness.

6 To you and the others in Arizona who want to  
7 prioritize more competitive districts, you will either need  
8 to pass a new proposition prioritizing competitiveness  
9 and/or the VA -- VRA needs to be revised.

10 Some don't like to acknowledge the basic  
11 mathematical reality that after accounting for the high  
12 number of Democrats in VRA districts, a natural byproduct of  
13 minority communities and their voting patterns, as well as  
14 the fact that like-minded people live together, particularly  
15 in a highly urban area, the rest of our state becomes  
16 disproportionally red. This makes it more challenging to  
17 create competitive districts without seriously compromising  
18 communities of interest.

19 There are tradeoffs that need to be wrestled with.  
20 The greater number of highly competitive and tossup  
21 districts you make, the more the others are more extreme.

22 On the charge that I selectively listened to  
23 certain elected mayors and leaders. Of course I did, that  
24 is what's called using independent judgment. That's exactly  
25 what we were tasked to do. I met with people from all over

1 the aisle and all over the state. I learned from their  
2 perspectives and chose to incorporate as much as what made  
3 sense to me and can fit in with our broader vision of the  
4 state.

5 My -- my decisions disappointed mayors on all sides  
6 of the aisle. Just ask those in the East Valley and the  
7 White Mountains.

8 I am and have never been beholden to anybody, to  
9 anyone, and have never been directed by anyone. I have made  
10 my own independent decisions every time. I am not sure  
11 Commissioner Lerner that you can say the same thing.

12 There were six people deliberating with us during  
13 those final maps. I sat next to you and watched your phone,  
14 someone was directing you then and someone is directing you  
15 now.

16 On the charge that I didn't defer enough to public  
17 testimony. Public comment was truly phenomenal. I learned  
18 so much about our state and our communities of interest, but  
19 as a source of data, it has limitations that must be taken  
20 into consideration when we evaluate what weight to give it.

21 Most of the testimony was self-serving, seeking to  
22 maximize gain for one's own community not considering the  
23 ripple effects for the rest of the state. Those who choose  
24 to or are able to testify and engage in the redistricting  
25 process are not necessarily representative of our state. We

1 heard from several thousand people, but we are required to  
2 consider the needs of the other 99.99 percent of our  
3 population.

4 Quite frankly, I also have validity concerns  
5 regarding the testimony data. Clearly, a number of the  
6 speakers were either hired or bussed in or encouraged to  
7 recite requests that they failed to personally understand or  
8 care about. There's a reason why we didn't provide an  
9 overall summary of testimony to help guide our  
10 decision-making, it's flawed and we were responsible and am  
11 responsible to use our own personal judgment.

12 On the charge that I was biased and -- and sided  
13 with Republicans more often. First, I find this charge  
14 fails to take into consideration the number of times that we  
15 achieved unanimous consent as well as the number of times  
16 that I sided with my Democratic colleagues. However, I  
17 can't deny that I often found the Republican arguments more  
18 compelling and constitutionally sound, perhaps it's because  
19 we viewed the constitutional criteria more similarly.

20 My way of thinking cannot come as a surprise to  
21 you. I emphasized strongly during my interview with the  
22 Commission on appellate court appointment about my views of  
23 the importance of communities of interest, and went on  
24 record disagreeing with the previous chair's focus on  
25 competitiveness. I have been nothing but consistent about

1           how I interpret my constitutional responsibilities from day  
2           one.

3                       The Republicans have been strategic in working with  
4           me from the very beginning, often accommodating my  
5           preferences and respecting my boundaries. Let me remind you  
6           that despite having their own preferences for our executive  
7           director hire, they threw their support behind my top  
8           Republican candidate. The reason that my preferred  
9           Democratic candidate wasn't selected was because  
10          Vice Chair Watchman opposed her. I was hoping to hire a  
11          Republican-Democratic executive director, deputy director  
12          tandem that would work well for us.

13                      Now, in retrospect, I am so incredibly glad it  
14          didn't happen. I do not want to imagine what things would  
15          be like without our Deputy Director Lori Van Haren. She's  
16          been simply remarkable.

17                      The pattern of Republican cooperation was on  
18          display again during the mapping process. We had three  
19          firms submit proposals: One on the left, one on the right,  
20          and one in the center. My Republican colleagues threw their  
21          support behind the more middle-of-the-road team, putting the  
22          needs, in my view, of the Commission above their partisan  
23          interests, and Timmons/NDC has truly served us well.

24                      I can't say that my Democratic colleagues did the  
25          same. You bought into the unfair and partisan attempts to

1           malign our mapping firm, which I believe was unfair.

2                   The bottom line is that if Republicans were more  
3           successful in their lobbying efforts, it's because they  
4           understood and worked with me better.

5                   Here's why I think you had trouble with the  
6           arguments. I think you've distorted views our state's  
7           political makeup which negatively affected your mapmaking  
8           ability. You have consistently stated that our state is  
9           50/50 in terms of partisan representation, and I believe you  
10          tried to get your maps to fit into your faulty vision.

11                   Based on party registration, Rs lead Ds by three  
12          points, and I believe most would agree that our independent  
13          lean right if anything.

14                   To imply that our state is half Democratic because  
15          we have a current 5-4 congressional split and our state  
16          voted for Biden and Kelly, is simply flawed logic. Our  
17          current congressional districts have significant Democratic  
18          advantages in four of the districts and are favored in the  
19          one competitive seat based on voting patterns.

20                   The Democrat wins seven out of the nine probative  
21          races. Commissioner Lerner you would view that as  
22          uncompetitive.

23                   We have a 5-4 Democratic delegation due to  
24          structural advantages regardless of statewide affiliations.

25                   Moreover to suggest that our state is Democratic



1 because we elected Biden and Kelly statewide, entirely  
2 undermines your very argument that our recently approved  
3 congressional map is biased against Democrats. Based on  
4 your new map -- I would say our map -- Biden and Kelly have  
5 won five of these nine new congressional seats. Therefore,  
6 to use your logic, you should be very comfortable that five  
7 of our nine congressional seats are firmly Democratic.

8 Another weakness of your deliberation arguments was  
9 that you were too attached simply to the past rather than  
10 being more progressive and forward-looking. Arguing that  
11 Yavapai needs to be split, with western Yavapai grouped with  
12 Mohave because that's how it's been done before is simply  
13 not compelling. When you review the transcripts, you'll  
14 notice the many references you made to keeping things as  
15 they were based on history.

16 Redistricting wipes the slate clean and starts new  
17 to reflect change; I viewed things differently than you did.

18 On the issue of school districts, there are so many  
19 complexities with open enrollment, charter schools, it never  
20 rose to the top six constitutional criteria and convinced me  
21 that it should take precedence over other requirements.

22 In terms of the complaints about signif -- specific  
23 districts, I don't want to get into a defense of each and  
24 every one, that would be endless, but let me just say a  
25 brief few words.

1 I viewed Congressional District 2 as a compromise.  
2 Commissioner Mehl's initial northern district proposal in  
3 3.1 truly from my perspective made the most sense from a  
4 community of interest perspective. However, you may recall  
5 I rejected it outright because I felt it was too politically  
6 extreme. I was concerned that minority groups such as the  
7 Native Americans might be marginalized. So we worked hard  
8 and found a balance that in my view maximized the ability of  
9 the rural community to have representation, but ensure the  
10 Native American community would be adequate -- adequately  
11 represented.

12 I like what this district allowed for in terms of  
13 balancing the rest of the state. Once we achieved this  
14 compromise, I didn't see a constant need to revisit it,  
15 despite the repeated attempts from my colleagues.

16 I believe rural communities will also be well  
17 represented in CD-9. Although it's paired with western  
18 parts of Maricopa County, there aren't in my mind any  
19 inherent incompatibilities and I've gone on record to  
20 believe that an elected leader can consistently address the  
21 needs of constituents.

22 I really like CD-3, it's not only a VRA district,  
23 but it truly stands on its own. The fact that it is highly  
24 Democratic is predictable, like-minded people live together;  
25 it's urban.

1 I'm very comfortable with Congressional District 6  
2 and 7, we did right by the Latino community and also created  
3 a highly tossup district in southern Arizona that respected  
4 the University of Arizona and other Tucson communities of  
5 interest.

6 I firmly believe that Phoenix and our suburban  
7 communities will be very well represented by our new  
8 congressional districts 1, 4, and 8.

9 The bottom line is that I stand behind our  
10 congressional map and feel that our posit- -- it positions  
11 our state to have fair and robust representation.

12 To Commissioner Mehl and York, thank you for your  
13 integrity and support. I'm deeply appreciative. I know you  
14 have only agreed to support this map if it was a 5-0 vote.  
15 Your willingness to certify this map despite our Democratic  
16 colleagues breaking their word is honorable.

17 To my Democratic colleagues, I'm -- I'm deeply  
18 disappointed by what I anticipate in your vote but not at  
19 all surprised. This is the second time you have put  
20 partisan interests above the Commission.

21 You refuse to certify the mapping decision despite  
22 acknowledging we have a fair and legitimate process. Let me  
23 be clear, failing to certify the results of fair and  
24 democratic processes because you don't like the outcomes is  
25 dangerous and wrong regardless of who does it.

1 I'm asking my Democratic colleagues to consider  
2 their vote. Are you going to undermine faith in our system  
3 and contribute to the toxicity of political mistrust and  
4 tribalism?

5 Minority leader Reginald Bolding tweeted this week,  
6 quote, "Our fight in the upcoming session will be to save  
7 democracy itself."

8 Well, I call on all sides to take responsibility,  
9 do better, and honor our country.

10 And that is what I have to say on this issue. And  
11 so with that, I believe that we are going to propose a vote.

12 MR. B. JOHNSON: Chairwoman, you have to vote.

13 CHAIRPERSON NEUBERG: I would like to entertain a  
14 motion -- do we have a motion to support our congressional,  
15 the revised congressional map?

16 And I will put it up to -- I believe we had a first  
17 and a second so now we just vote.

18 MR. B. JOHNSON: Actually, Chairwoman, everybody  
19 has voted but you.

20 CHAIRPERSON NEUBERG: Okay. Sorry.

21 Well, I vote yes. I'm deeply proud of the maps  
22 that we have created.

23 And with that, I believe that the maps have been  
24 approved and certified, the congressional map, based on a  
25 3-2 vote.

1           And with that, I believe we can move to Agenda Item  
2           Number VIII(2) -- VIII(B).

3           MS. NEUMANN: Excuse me, would it be possible to  
4           take a five-minute break for the transcriptionist?

5           CHAIRPERSON NEUBERG: Absolutely. It is now 12:14,  
6           let's reconvene at 12:20.

7           MS. NEUMANN: Thank you.

8           CHAIRPERSON NEUBERG: Thank you.

9           (Recess taken from 12:14 p.m. to 12:24 p.m.)

10

11           CHAIRPERSON NEUBERG: Okay. Let's resume, I  
12           believe that we are on Agenda Item Number VIII,  
13           congressional map discussion and approval, and I bring it  
14           forth to any further conversation from my colleagues.

15           MR. B. JOHNSON: Chairwoman, just to clarify, are  
16           you on VIII(B) now?

17           COMMISSIONER YORK: Commissioner Neuberg, we're on  
18           legislative now, I believe.

19           CHAIRPERSON NEUBERG: Yeah. I'm sorry, which item  
20           are you referring to?

21           MR. B. JOHNSON: Have you -- have you moved to  
22           VIII(B)? Just want to be clear for the record.

23           CHAIRPERSON NEUBERG: No, we're still on VIII(A).

24           MR. B. JOHNSON: Okay.

25           CHAIRPERSON NEUBERG: And if there's anything else

1 that anybody else wants to add to that, otherwise we'll move  
2 to Agenda Item VIII(B).

3 MR. B. JOHNSON: So Commissioner Neuberg -- or  
4 Chairwoman, I'm not going to tell you how to run the  
5 meeting, if you want to have more discussion on it.  
6 Technically the discussion has already been had, the vote  
7 has been had, and there's no more deliberation on a vote  
8 that's already occurred.

9 CHAIRPERSON NEUBERG: Okay. So you're saying that  
10 we're ready for a vote on VIII(A)?

11 MR. B. JOHNSON: A --

12 VICE CHAIR WATCHMAN: We just did VIII(A).

13 MR. B. JOHNSON: Chairwoman, we've already -- we've  
14 already voted on VIII(A), the congressional maps have been  
15 approved and approval for certification, we are now on for  
16 VIII(B), which is the legislative maps discussion and  
17 approval unless you desire otherwise.

18 CHAIRPERSON NEUBERG: No. I'm all good with that.

19 MR. B. JOHNSON: So for the record -- so for the  
20 record, all Commissioners we are now on Agenda Item VIII(B),  
21 legislative discussion and approval.

22 Thank you.

23 CHAIRPERSON NEUBERG: And with that I will open it  
24 up to my colleagues to discuss your thoughts on our  
25 legislative map and we are moving towards discussing and

1 approving and certifying the legislative map.

2 COMMISSIONER MEHL: Madam Chair, this is  
3 Commissioner Mehl, I would like to make a motion that we  
4 approve and certify the revised legislative map that is  
5 before us today.

6 CHAIRPERSON NEUBERG: Do I have a second?

7 MR. B. JOHNSON: And Commission -- Chairwoman, just  
8 real quick, there was some discussion at the beginning with  
9 the mapping consultants about 17.0 and 17.1, we would just  
10 like to clarify for the record we're talking about  
11 Legislative District map 17.0.

12 COMMISSIONER MEHL: That is correct.

13 CHAIRPERSON NEUBERG: Thank you.

14 Do I have a second on Commissioner Mehl's motion?

15 MS. NEUMANN: Commissioner York, I believe you're  
16 muted.

17 COMMISSIONER YORK: I am. Thank you.

18 I'd like to second Commissioner Mehl's motion to  
19 approve the legislative map 17.0.

20 CHAIRPERSON NEUBERG: Any discussion?

21 Okay. If there's no discussion, we can move to a  
22 vote to approve legislative map.

23 COMMISSIONER YORK: Call for the vote,  
24 Commissioner Neuberg.

25 CHAIRPERSON NEUBERG: Yes, I'll call for a vote.

1 Commissioner Watchman.

2 VICE CHAIR WATCHMAN: Madam Chair, I exercise my  
3 vote, you know, and I -- you know, the democratic process so  
4 we're free to vote in any way, shape, and form. So, you  
5 know, a lot has been discussed today and it's unfortunate  
6 that, you know, that we had to end with, you know, a lot of  
7 unnecessary and unfounded discussion.

8 But for me as an independent commissioner, you  
9 know, it's -- it's my duty and right to -- to vote in any  
10 way that I think is necessary and appropriate which  
11 reflects, you know, my vote regardless of prior votes.

12 And so having said that, I vote no.

13 CHAIRPERSON NEUBERG: Commissioner Mehl.

14 COMMISSIONER MEHL: Well, I have some additional  
15 comments to make on the legislative map also. Many of the  
16 general comments I made about the CD maps apply equally to  
17 the legislative maps, but I feel that I need to make  
18 comments to clarify the record as to the legislative map.

19 During our last day of deliberation on the  
20 legislative maps, Commissioner Lerner torpedoed months of  
21 compromise and deliberation over what she termed minor  
22 adjustments to one district that would have in fact had  
23 ripple effects throughout the entire map, undoing  
24 communities of interest, and making a less competitive map  
25 overall except for those Democrat-protected districts that



1 are sacrosanct under the VRA.

2 From a global perspective, there's some general  
3 points that the Commissioner made about the legislative map  
4 that need to be addressed today.

5 First, she argues that our maps should not have  
6 split Flagstaff consistent with mayor's requests. However,  
7 the Flagstaff split was as a result of a compromise to keep  
8 the White Mountain community together and at the same time  
9 specifically respect the request of the Navajo Nation and  
10 other tribes. Furthermore, parts of Flagstaff split by the  
11 40 represent different communities, the northern side  
12 includes the downtown area and includes the university and  
13 more permanent residents, while the southern side consists  
14 of some residential areas and golf communities that are a  
15 mix of second or vacation homes along with full-time  
16 residents.

17 While of course we consider requests like the  
18 Flagstaff mayors when drawing our districts, the sheer size  
19 of Flagstaff made this request difficult to honor. Numerous  
20 cities are split by many iterations of these maps, so why  
21 should Flagstaff be the only city we avoid splitting? On  
22 the other hand, other cities, certainly smaller cities such  
23 as Sedona, were much easier to keep together.

24 Second, Commissioner Lerner argues that mall  
25 shopping centers and golf courses are not communities of

1 interest. We respectfully disagree. What constitutes a  
2 community of interest is subjective and in the eye of the  
3 beholder. That's exactly why we spent countless hours  
4 listening to public comment. As I stated before, when  
5 balancing all six constitutional criteria, especially  
6 nonnegotiable provisions like population equality and the  
7 VRA, we have to understand that this means some communities  
8 of interest need to be split.

9 This is why the constitution provides we respect  
10 communities of interest to the extent practicable.  
11 Naturally, we're all going to disagree about when one  
12 criteria must yield to another and that's why we deliberate  
13 and vote.

14 With respect to Commissioner Lerner's specific  
15 criticisms about mall shopping center and golf courses, I  
16 think this is more about how those places drive and unite  
17 the neighborhoods that surround them. For example, each of  
18 these communities share the same important economic drivers  
19 such as tourism and water management.

20 Next I will address Commissioner Lerner's claim  
21 that we were inconsistent with respect to school districts.  
22 Because of open enrollment and the charter school system,  
23 kids are no longer assumed to attend a school in their  
24 neighborhood. In Maricopa County for example, only about  
25 50 percent of kids actually attend their assigned public

1 school. This along with other constitutional criteria  
2 impacted the extent to which school districts were  
3 considered.

4 Moreover, some of the districts we adopted from the  
5 Latino Coalition reflected consideration of different  
6 schools in those regions. We also considered the  
7 multicultural high school district in Chandler as reflected  
8 in importance from the Chair.

9 Finally, some school districts were so large they  
10 do not fit neatly into a single district. For example, Deer  
11 Valley School District and Paradise Valley School Districts  
12 are split because they are larger school districts that  
13 actually cannot fit into a single LD.

14 Finally, Commissioner Lerner argued we should have  
15 used the 101 as a geographic barrier. However, a freeway  
16 boundary is not something listed as a required  
17 constitutional criteria. Rather the constitution calls for  
18 adherence to geographic features, political subdivisions,  
19 and undivided census tracts.

20 We honored those features wherever possible. For  
21 instance, in Mesa we used Baseline rather than the 60  
22 because it's a city boundary.

23 In turning to specific legislative district for  
24 Legislative District 2, Commissioner Lerner expressed  
25 additional concerns about the competitiveness of the

1 district and felt that the December 20th map better  
2 reflected the constitutional criteria. Her main concerns  
3 were the district's competitiveness, communities of  
4 interest, school district, and population.

5 However, LD-2 is a compact district that follows  
6 constitutional criteria, a product of numerous rounds of  
7 deliberations and ultimate compromise between all  
8 Commissioners. The district sits almost completely in  
9 Phoenix, incorporating Deer Valley and keeping the Moon  
10 Valley neighborhood together.

11 Its respect for geographic boundaries include a  
12 natural boundary through part of the Adobe Dam area to the  
13 west, Shaw Butte to the south, above to -- Union Hills to  
14 the northeast, and Cave Creek to the east. It also includes  
15 communities of interest such as the Deer Valley Airport, the  
16 areas south of the 101, the student housing community there  
17 on Thunderbird, and nearly united Deer Valley Village.

18 As this is the growth area, there's no reason for  
19 Deer Valley Village to be split as Commissioner Lerner had  
20 suggested.

21 Furthermore, contrary to Commissioner Lerner's  
22 implications, LD-2 remains a highly competitive district  
23 with a competitive spread of 3.8 percent based on the  
24 parameters selected by the entire Commission.

25 As stated above, it would be especially

1           inappropriate to retroactively change these agreed upon  
2           standards so late in the process. Also as already  
3           discussed, not all districts and especially not districts  
4           required by the Voting Rights Act can be competitive. Given  
5           that LD-2 remains competitive by all measures does not seem  
6           fair to target this specific district in light of the  
7           careful interest, balancing, and resulting compromise.

8                     Any overpopulation in this district among others is  
9           a direct result of a ripple effect created by the  
10          underpopulation in other districts to accommodate the needs  
11          to comply with the VRA and the request of the Navajo Nation.

12                    In fact, Commissioner Lerner's proposal on  
13          December 22nd would have created an even greater  
14          overpopulation. The consequential ripple effects would have  
15          impacted the entire region, including districts requested by  
16          the Latino Coalition whose proposed districts were advocated  
17          by Commissioner Lerner.

18                    According to our mapping team, Commissioner  
19          Lerner's suggestion would require us to rotate population  
20          numbers through at least LD-3, 28, and 29. It would have  
21          also caused us to move and split the communities of interest  
22          around the university area currently located in LD-27.

23                    With respect to schools, both school districts and  
24          universities are recognized communities of interest,  
25          although they may sometimes give way to adherence to town

1 boundaries, we have used them consistently throughout this  
2 process. To argue that it should not be a community of  
3 interest for this district but rely on it solely for other  
4 districts plays politics with the rationale.

5 In light of our need to balance the constitutional  
6 criteria, we were not always able to strictly adhere to  
7 school districts, but we were able to here.

8 Commissioner Lerner even acknowledged that her plan  
9 keeps some communities of interest together while splitting  
10 others, such as a Deer Valley Village in half. I agree we  
11 cannot keep all communities -- community of interests  
12 together and we often need to make very difficult decisions  
13 while balancing competing constitutional criteria. However,  
14 this in this case the decision was easy and  
15 Commissioner Lerner's proposal unnecessarily creates a  
16 significant detrimental impact to these communities of  
17 interest.

18 Finally, this is the only district where  
19 Commissioner Lerner brought up economics and home values.  
20 If this is a factor she wants to us to consider, we would  
21 request to revisit other LDs also.

22 Next, for Legislative District 4, Commissioner  
23 Lerner expressed that she wanted to make several changes.  
24 However as previously explained by Commissioner York, LD-4  
25 is a highly competitive district with a competitive range of

1 3.42 percent that keeps together McCormick Ranch,  
2 Desert Ridge, Paradise Valley, and portions of Scottsdale  
3 going as far south into Arcadia just north of the canal.

4 The district includes several resort communities  
5 including the Phoenician, Desert Ridge, Biltmore, and the  
6 resort near Piestawa Park -- Peak. These communities and  
7 their associated golf courses have unique issues such as  
8 water management that would not be represented by the  
9 remarkably different entertainment and tourism interests of  
10 nightclubs in Scottsdale and Tempe.

11 Additionally in line with Commissioner's Lerner  
12 emphasis on school districts, LD-4 also includes several  
13 high schools and their feeder middle and elementary schools  
14 such as Chaparral and Horizon high schools. While we  
15 ideally would attempt to keep entire school districts  
16 united, Paradise Valley and Scottsdale Unified School  
17 Districts are so big they have to pour over into other  
18 districts.

19 While Commissioner Lerner indicated an interest in  
20 making Arcadia whole, the piece she references is not  
21 technically part of Arcadia and, in fact, represents a  
22 completely different community of interest.

23 Arcadia proper is a high-income area with  
24 single-family homes valued as high as a thousand per square  
25 foot. In contrast, the piece Commissioner Lerner references

1 is transitional area consisting of a wider mix of home  
2 values and types such as older multifamily complexes,  
3 duplexes, and small apartment complexes. To my  
4 understanding based on Zillow, that homes in this area carry  
5 significantly lower value and tend to range from the \$3- to  
6 \$500 per square foot.

7 West of 40th Street represents an appropriate  
8 boundary between these areas.

9 If Commissioner Lerner is concerned about home  
10 values as she suggests and her criticism of LD-2, a split  
11 between these communities would make sense.

12 Commissioner Neuberg agreed that  
13 Commissioner Lerner's proposal split up many communities of  
14 interest to their detriments to achieve competitiveness,  
15 which is simply not allowed under the Arizona Constitution.

16 For instance, Commissioner Lerner's proposal would  
17 also have split up McCormick Ranch. If the Commission were  
18 to make changes to this district, the ripple effects would  
19 affect Legislative Districts -- District 8's entertainment  
20 district which would negatively impact the Salt River Indian  
21 Reservation. They also would have disrupted other districts  
22 including VRA districts. To bring LD-4 all the way south to  
23 LD-11, this would have an inevitable ripple effect on LD-5.

24 Additionally, she did not want to add Desert Ridge  
25 to this district but did not articulate why.



1           For Legislative District 5 which has now been  
2           changed to 1, Commissioner Lerner argued that geographic  
3           boundaries such as Mingus Mountain should have been used.  
4           This touched on the relation to CD-2 in adopting boundaries  
5           from this district, the Commission was faced with a choice:  
6           use geographic boundary or use county boundaries, either of  
7           which is appropriate under the Arizona constitution.

8           Ultimately we chose to use county boundaries to  
9           respect communities of interest in Yavapai County. As Chair  
10          Neuberg recognized, Yavapai County's retirement communities  
11          have unique political interests that are remarkably  
12          different than that from the younger university population  
13          in other areas.

14          The district line almost perfectly follows the  
15          county line, making allowances to unify Sedona in accordance  
16          with its request by following a city boundary instead of a  
17          county boundary.

18          Moreover because the Verde River portion of the  
19          district is fed by the Chino Basin, we heard testimony from  
20          Noel Campbell that it made more sense to keep these  
21          communities together from a water management standpoint.

22          On the southern end, we decided to keep Wickenburg  
23          united with the more rural district so it would not be  
24          combined with Metro Phoenix, and Commissioner Lerner was  
25          okay with this suggestion.

1           Finally, in previous Commission maps Yavapai was  
2 combined with Maricopa. However, we heard testimony from  
3 people in Anthem and New River who did not want to be in a  
4 district with Yavapai. At the time Commissioner Lerner was  
5 open to putting New River in a different district. However,  
6 her version of the map would have paired the remainder of  
7 Yavapai with these communities. Consistent with the  
8 Commission's discretion, we chose to respect the community's  
9 request.

10           Additionally, to obtain more competitiveness in  
11 this district would probably have brought this district into  
12 Anthem and New River and would also have created ripple  
13 effects in Flagstaff and the White Mountains.

14           Next for Legislative District 6 and 7,  
15 Commissioner Lerner argued the changes were made to benefit  
16 a sitting legislator. I emphatically deny these  
17 accusations. Instead, these changes were intended to  
18 benefit and respond to the request of the Navajo Nation to  
19 increase its citizen voting age population for primary  
20 races, which the Commission noted many times would be a  
21 priority to respect communities of interest.

22           This change also made perfect sense from a boundary  
23 perspective because of the freeways in the area. Our  
24 changes were twice approved by the Navajo Nation; and  
25 reflecting the great spirit of compromise that drove many of

1 our decisions, Commissioner Watchman specifically told us  
2 that he appreciated our support in crafting these districts.

3 Additionally, the Commission was very conscious  
4 about keeping reservations together. Consequently, this  
5 district is less compact because of our shared desire to  
6 connect as many tribal entities as possible in response to  
7 the tribe's request to remain compliant with the Voting  
8 Rights Act and to preserve communities of interest.

9 Our main goal in crafting District 6 and 7 was to  
10 ensure representation of as many communities as possible.  
11 Importantly, the White Mountains were vocal even before the  
12 release of the census data and several of us recognized that  
13 the White Mountain community has been disenfranchised for  
14 the last ten years. This community has substantial natural  
15 resources, forestry and wildlife concerns, especially water  
16 issues that are different from the interests of the Navajo  
17 Nation.

18 Even though we could not include Eagar and other  
19 cities in Apache County in LD-7, keeping communities like  
20 Show Low and Pinetop in this district gives the White  
21 Mountains more of a voice even for those cities still in  
22 LD-6.

23 Additionally as noted several times during  
24 deliberations, I strongly believe that the Navajo Nation and  
25 Flagstaff have a shared interest in tourism which drives

1 both economies. This district also gives the casino  
2 industry significant representation which we've heard about.

3 Moreover economic development on tribal lands is  
4 different than economic development in the rest of the  
5 state. I determined that this district should have a  
6 representative who understands and does not discount these  
7 differences.

8 For Legislative District 7 more specifically  
9 Commissioner Lerner thought that Yavapai County did not need  
10 to be kept together and that this hurt competitiveness in  
11 the district. However, if we can keep counties together, we  
12 should; and regardless, no competitive analysis impacted  
13 Yavapai.

14 Further, Commissioner Lerner's preferred  
15 preferential changes would have had substantial ripple  
16 effects for Maricopa, Coconino, and the White Mountains.  
17 These consequences are a clear example of using  
18 competitiveness to the detriment of other constitutional  
19 criteria.

20 Commissioner Lerner also had the flexibility to  
21 lock in proposed districts so we can address the ripple  
22 effects. If she had an issue with any specific district,  
23 she could have moved at any time to lock in a district.  
24 Nevertheless she chose not to raise many of her concerns  
25 with these specific districts until the very end.

1 Legislative District 13 was a true example of a  
2 compromised district that respects communities of interest  
3 such as the Asian communities. Changes to this district  
4 were done even though the Commissioners recognized that the  
5 changes would reduce compactness. Several members,  
6 including Commissioner Lerner and Commissioner Neuberg,  
7 liked District 13. While I like certain aspects of LD-13,  
8 it's not our ideal district. If Commissioner York and I  
9 wanted to raise every single one of our own issues, we would  
10 have requested changes in this district, such as responding  
11 to requests from the mayors of Chandler and Gilbert better  
12 respecting the Asian community and making the Gilbert School  
13 District more whole.

14 This shows that while each of us might have  
15 different ideas about the best way to balance the  
16 constitutional criteria, we all had to give and take to  
17 reach a compromise to best serve the collective state  
18 interest.

19 With respect to Legislative District 16,  
20 Commissioner Lerner expressed her opinion that the district  
21 could be changed without much elaboration. We're unsure  
22 what specific changes she would prefer; although, again,  
23 these districts are a product of a substantial amount of  
24 compromise on all sides.

25 This district pays careful attention to the

1 communities of interest within its boundaries. For  
2 instance, it recognizes and respects the I-10 corridor  
3 communities where significant growth is projected to occur  
4 between Phoenix and Tucson.

5 Other communities such as Casa Grande, Eloy,  
6 Arizona City, Coolidge and Florence specifically requested  
7 to be together but not in a Maricopa County dominant  
8 district. The Ak Chin Indian Reservation is also together,  
9 which is a major employer for the city of Maricopa.

10 Any changes to this district would affect the  
11 tribal communities on the north and south ends of the  
12 district, such as the Tohono O'odham which would hurt our  
13 priority to keep the southern tribes together as a community  
14 of interest when possible.

15 Changes would also have ripple effects into the  
16 boundary between LD-6 and 7, which would potentially impact  
17 LD-6 as a tribal VRA district.

18 Finally, Commissioner Lerner believes that  
19 Legislative District 17 is a manipulated district that split  
20 up school districts, unnecessarily split Tucson, and did not  
21 respect geographic boundaries or communities of interest and  
22 is outside of the competitive range.

23 Commissioner Lerner also suggested that this  
24 district was created at the request of a legislator, which I  
25 again vehemently deny. I live in Pima County; I've been

1 active in the community for years, if anyone understands the  
2 communities of interest in this area, it's me.

3 To the contrary of Commissioner Lerner's comments,  
4 LD-17 is a well-balanced district that achieves  
5 representation per traditionally disenfranchised  
6 communities, something that Chair Neuberg noted that she  
7 found compelling; and represents another true compromise in  
8 which neither side got everything she wanted.

9 While Commissioner Lerner recognizes that this  
10 district consists of mainly of unincorporated areas, she  
11 fails to recognize that these areas along with the eastern  
12 wards of Tucson share a common interest, often legislatively  
13 at odds with the city, especially on water, transportation  
14 and infrastructure issues. Because of the ward voting  
15 system in Tucson, these areas are virtually disenfranchised  
16 creating issues with city funding and management.

17 Pima County is currently suing the city of Tucson  
18 over a failed water policy that is meant to disenfranchise  
19 parts of this specific area.

20 They'd then end up unrepresented on these issues in  
21 the legislature because the city ends up choosing the  
22 representation under the current boundaries.

23 Other proposals shortchanged this group as a strong  
24 community of interest and left them without meaningful  
25 representation.

1           This district is also a product of substantial  
2           compromise. When Commissioner Lerner expressed concerns  
3           about Vail's inclusion in LD-17, we agreed to pull Vail out;  
4           but this was exchanged for more of the city of Tucson. This  
5           district also ends including more of the city of Tucson than  
6           originally contemplated because of Commissioner Lerner's  
7           request in LD-19 and 21.

8           I could go through all the remaining districts, but  
9           I think that the major points have been made. This  
10          legislative map is the product of all five Commissioners  
11          working through many deliberations and compromise to create  
12          the best map for our state.

13          I'm confident that our work has produced a map that  
14          clearly meets the constitutional criteria as set forth in  
15          the Arizona constitution, and I am therefore proud to vote  
16          yes on the approval and certification of this map.

17          CHAIRPERSON NEUBERG: Commissioner Mehl, thank you  
18          so much for that.

19          If you don't mind, I'm going to ask if we could  
20          have a ten-minute recess. Just, I need to attend to a few  
21          issues, if that's okay with our broader group.

22          So we'll have a --

23          COMMISSIONER YORK: 1 o'clock?

24          COMMISSIONER LERNER: 1:00 --

25          CHAIRPERSON NEUBERG: Reconvening at 1:00 a.m.,



1 thank you -- 1:00 p.m. Thank you.

2 (Recess taken from 12:50 p.m. to 2:25 p.m.).

3 (Chairwoman Neuberg is not present for remainder of  
4 proceedings.)

5

6 VICE CHAIR WATCHMAN: Thank you, staff. This is  
7 Vice Chair Derrick Watchman.

8 It has come to my attention that we're unable to  
9 continue with the meeting today and so we're going to move  
10 to adjournment in a few minutes here.

11 If I could, staff, Brian, Lori and Val, please  
12 coordinate with each of us for the next meeting, gonna have  
13 to see when everybody is available, including our Chair; and  
14 so I guess independently reach out to see our schedules for  
15 the rest of our week.

16 I will note that we basically finished up  
17 discussion Item VIII(A), we did have a vote on VIII(A) only,  
18 and were moving to Items (B), (C), and (D). Because we only  
19 accomplished Item VIII(A), we are unable and will not  
20 transmit the maps to the Secretary of State until we  
21 complete the legislative map discussion approval, and that  
22 will be at our next meeting.

23 So just -- just for the record, I want everybody to  
24 be aware of that.

25 I will proceed to close the public comments.

1 Please note that members of the Commission may not discuss  
2 items that are not specifically identified on the agenda.  
3 Therefore, pursuant to A.R.S. Section 38-40 -- -341.01(H),  
4 action taken as a result of public comment will be limited  
5 to directing staff to study the matter, respond to any  
6 criticism, or scheduling the matter for further  
7 consideration and decision at a later time.

8 So this -- this closes our public meeting comments.

9 With that, we will again reach out to everybody to  
10 identify a new date and time, hopefully sometime this week.

11 And so we're now on Item Number XIII, and so I'm  
12 open to motion to adjourn the meeting.

13 COMMISSIONER MEHL: This is Commissioner Mehl, I  
14 move that we adjourn the meeting.

15 VICE CHAIR WATCHMAN: Thank you, Commissioner Mehl.

16 Do I have a second?

17 COMMISSIONER LERNER: Commissioner Lerner seconds.

18 VICE CHAIR WATCHMAN: Commissioner Lerner seconds.

19 Any discussion, comments, regarding this?

20 There being none, Commissioner Mehl, what's your  
21 vote.

22 COMMISSIONER MEHL: Aye.

23 VICE CHAIR WATCHMAN: Commissioner Lerner.

24 COMMISSIONER LERNER: Aye.

25 VICE CHAIR WATCHMAN: Commissioner York.

1                   COMMISSIONER YORK:  Aye.

2                   VICE CHAIR WATCHMAN:  Vice Chair votes aye.

3                   The meeting is hereby adjourned.  It is now 2:27.

4                   And as I said, my -- my apologies to the public, we  
5                   had to unexpectedly close the meeting.  We will schedule a  
6                   meeting very soon, so just pay attention to our IRC website.

7                   And so with that, please have a great afternoon and  
8                   we will get our final meeting going as soon as possible.  So  
9                   my apologies to everybody and the meeting is hereby  
10                  concluded and adjourned.

11                  Farewell, everybody, and hopefully have a great  
12                  afternoon.

13                  Thank you.

14                  (Whereupon the proceeding concludes at 2:28 p.m.)

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23                  "This transcript represents an unofficial record.

24                  Please consult the accompanying video for the official

25                  record of IRC proceedings."

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 21st of January, 2022.

  
\_\_\_\_\_  
Angela Furniss Miller, RPR, CR  
CERTIFIED REPORTER (AZ50127)

\* \* \*

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 21st of January, 2022.

  
\_\_\_\_\_  
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