

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Wednesday, November 30, 2011
4:16 p.m.

Location

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

Attending

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

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist
Kristina Gomez, Deputy Executive Director
Stu Robinson, Public Information Officer

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

Reported By:
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Certified Court Reporter #50162
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1 Tempe, Arizona
2 November 30, 2011
3 4:16 p.m.

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

6
7 (Whereupon, the public session commences.)

8 CHAIRPERSON MATHIS: Good afternoon. This meeting
9 of the Arizona Independent Redistricting Commission will now
10 come to order.

11 Today is Wednesday, November 30th, and the time is
12 4:16 p.m.

13 Please rise for the Pledge of Allegiance.

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

15 CHAIRPERSON MATHIS: Okay. We'll start with roll
16 call.

17 Vice-Chair Freeman.

18 (No oral response.)

19 CHAIRPERSON MATHIS: Vice-Chair Herrera.

20 VICE-CHAIR HERRERA: Here.

21 CHAIRPERSON MATHIS: Commissioner McNulty.

22 COMMISSIONER McNULTY: Here.

23 CHAIRPERSON MATHIS: Commissioner Stertz.

24 COMMISSIONER STERTZ: Here.

25 CHAIRPERSON MATHIS: We have a quorum.

1 I would like to announce that we heard from
2 Commissioner Freeman, and his wife is doing great after
3 giving birth yesterday. And their baby's name is
4 Ryan Andrew Freeman.

5 And unfortunately Mr. Freeman had some other
6 unforeseen circumstances come up this week and so
7 unfortunately he won't be able to make it, but he is
8 following along. He watched some of the hearing yesterday,
9 somehow. I don't know how, but he managed to do that. And
10 then plans to watch them, any that he misses.

11 So that's the great thing about streaming this
12 live, and also it is uploaded to our website at
13 azredistricting.org. Anyone can download these meetings and
14 watch them at any time.

15 Other folks at the table include our legal
16 counsel. We have Bruce Adelson, Joe Kanefield, and
17 Mary O'Grady with us today.

18 Our mapping consultant Willie Desmond and Ken
19 Strasma.

20 Other folks in the room include our executive
21 director Ray Bladine in the back, as well as deputy
22 executive director Kristina Gomez.

23 Stu Robinson is our public information officer.

24 And Lisa Schmelling is our public outreach
25 coordinator.

1 And we have Buck Forst, our chief technology
2 officer.

3 And then Marty Herder is taking an accurate
4 transcript of today's proceedings.

5 So when we do get to public comment, in case I
6 forget, be sure to spell your name when you come up to the
7 microphone to address us.

8 So with that, I think we're on to the next item on
9 the agenda, which looks a lot like yesterday's agenda
10 because I think it is pretty much the same agenda. And I'm
11 not sure we'll be -- we have anything new to discuss.

12 I'll bring those agenda items up one by one just
13 in case there is something that anybody wanted to add.

14 So, number two, discussion concerning process and
15 schedule for adjusting the draft maps to develop final maps.

16 We talked about this for a long time yesterday,
17 both the schedule and the process.

18 Did anyone have anything new they wanted to add?

19 (No oral response.)

20 CHAIRPERSON MATHIS: I had one correction to my
21 schedule that I told Ray about. December 15th, I think
22 we're starting the meeting at 1:00 p.m. that afternoon. And
23 I can make that meeting, but I'll have to be chairing from
24 Tucson.

25 So that's the only change.

1 So other than that.

2 Okay. Anything else?

3 All right.

4 Number three, anything new on discussion of voting
5 rights analysis for draft congressional and legislative
6 districts and benchmark districts?

7 We had a presentation yesterday by Strategic
8 Telemetry and Bruce Adelson, and that was very informative.

9 That should be up on our website now for anybody
10 who missed that.

11 So we also -- we're going to be talking more about
12 Voting Rights Act information with regard to both the draft
13 legislative and congressional maps later in the agenda,
14 because we gave some direction yesterday to our mapping
15 consultant to take a look at those closely and see if there
16 were any areas we needed to bolster or talk about more
17 today.

18 But otherwise, anything else?

19 KENNETH STRASMA: Nothing to add at this time.

20 CHAIRPERSON MATHIS: Okay.

21 Overview of public input on draft maps.

22 We had a presentation yesterday by Strategic
23 Telemetry on the side of that also. It's up on our website.

24 I don't think there's anything new that we need to
25 cover there.

1 Consideration of input from the legislature and
2 the next agenda item from the governor's letters on mapping
3 adjustments.

4 The Commission received letters, both through
5 memorial and minority report from the legislature and then
6 also from the governor's office. And each commissioner has
7 a copy of that, and those will be taken into consideration
8 as we make mapping adjustments.

9 And then the next one is discussion and public --
10 possible direction to mapping consultant regarding
11 adjustments to draft congressional districts.

12 So, I think that's where we stand today on
13 number seven.

14 And we did talk to our mapping consultant
15 yesterday.

16 We had consensus from the group that it does make
17 sense to ensure that our voting rights districts, since that
18 is something that we have to comply with, it's a federal
19 requirement, are sound, and so we directed our mapping
20 consultant to take a closer look at some of that and maybe
21 they can walk us through what information they have.

22 KENNETH STRASMA: Thank you, Madam Chair.

23 We did begin looking at some districts, and
24 Mr. Adelson and the rest of the legal team did this morning,
25 looking at some possibilities. As was speculated yesterday,

1 there are no simple, easy improvements. We thought it would
2 be useful if we walked you through part of what we were
3 looking at this morning and describe some of the potential
4 tweaks and tradeoffs involved.

5 So, with that, I'll turn it over to Mr. Desmond.

6 WILLIE DESMOND: We were trying to decide where
7 to start our analysis, and I think just looking at purely
8 the breakdown of racial categories in the district, I think
9 that Districts 24 and 26 might be good places to try to
10 improve.

11 CHAIRPERSON MATHIS: Are we going to start on the
12 legislative?

13 WILLIE DESMOND: The legislative, yeah.

14 So, we haven't done anything to those yet.

15 We could explore some possibilities, and I think
16 it's a useful exercise to kind of go through and see just
17 what comprises those districts, and kind of the process that
18 we plan on using and have been using to evaluate if there
19 are ways of improving the voting rights compliance of these
20 districts.

21 So with that, I think we'll start with
22 District 26.

23 So, if you recall, District 26, right here, it
24 is -- you guys all missed my screens.

25 It is Tempe, Arizona, and a portion of

1 west Mesa -- northwest Mesa that comprises District 26.

2 In the current -- so currently in the draft map,
3 District 26 has a voting age Hispanic population of 30.4,
4 which is our lowest of all the voting rights districts.

5 It has a voting age non-Hispanic White percentage
6 of 55.3.

7 When we look at total population, those numbers
8 improve somewhat.

9 Total population, it is 36.8 percent Hispanic and
10 48.7 percent non-Hispanic White.

11 So --

12 CHAIRPERSON MATHIS: Can you repeat that
13 non-Hispanic White number?

14 WILLIE DESMOND: Non-Hispanic White number of the
15 total population is 48.7.

16 So right there we do know that this is a district
17 that has a young Hispanic population.

18 So, in trying to evaluate ways to improve it,
19 there's two ways we can do that. We can add in Hispanic or
20 other minority voters, or we can remove White voters.

21 So the shading on the screen is the inverse of
22 White percentage, meaning the darker the color the fewer
23 White voters voting age population there is.

24 So the darkest green is 90 -- or 80 to 90 or
25 90 percent plus minority voting age.

1 The lightest areas are 10 to 20 or even below
2 minority. So it's 90 percent plus in some areas voting age
3 White.

4 So looking at it initially, we could take from the
5 west and improve there.

6 There are some reasons that's not our first
7 choice.

8 Partially because District 27 is one of our voting
9 rights districts. So you'd be harming one to improve
10 another.

11 Also, if you turn back on the census place, you
12 see that the border of this district runs right along the
13 Tempe-Phoenix town line. So it's a good, natural boundary,
14 and it's one of the constitutional criteria, so it makes
15 sense to not change that if possible.

16 CHAIRPERSON MATHIS: And, Mr. Desmond, what's the
17 overall population as drafted for 26?

18 WILLIE DESMOND: As drafted, 26 is 213,247, a
19 deviation of 179 people or a tenth of a percent.

20 So almost a perfect number.

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: District 26 is a coalition
24 district.

25 I asked if District 26 was a coalition district.

1 WILLIE DESMOND: Yes.

2 VICE-CHAIR HERRERA: So moving non-Hispanic
3 Democrats from that probably would not be a good idea.

4 WILLIE DESMOND: Yes.

5 VICE-CHAIR HERRERA: Yes, it's not a good idea?

6 WILLIE DESMOND: It's not a good idea.

7 And I'll show you that in just one second.

8 The next way to improve that, I guess, would be
9 take some of this Hispanic population or minority population
10 up in District 24. However, again, 24 is another coalition
11 district. One that we're going to look at. We certainly
12 don't want to take anything from that if we don't have to at
13 this point.

14 So the area that's the most obvious is to take
15 this minority population here from District 25.

16 However, when we start analyzing that, what we
17 realize is that though there is a higher minority
18 population, not leaps and bounds higher, it does have a
19 relatively low performance in electing candidates of choice.

20 So we have -- I'm going to turn on the shading
21 that shows -- it's a little difficult to see.

22 This shading is at the block level. The darker
23 the blue is the higher that the Hispanic candidate did in
24 the mine inspector's race 2010.

25 So what becomes apparent is that when we turn back

1 on the racial shading, these white areas are really
2 strongest performing areas as far as supporting the minority
3 candidate.

4 This, this corner up here, when we take a look at
5 that, is that although that's the highest Hispanic percent,
6 it's some of the worst performing in the mine inspector's
7 race.

8 There's two likely reasons for this. The first
9 would be that these are very low turnout areas among the
10 minority population. The second would be that it's, I
11 guess, pro-life Hispanic voters, some who are more in line
12 with the Republicans.

13 When we start to analyze, we do see that it is
14 most likely -- possibly a turnout issue.

15 So it becomes difficult to do some sweeping
16 changes where we can bring up the Hispanic population or
17 minority population without greatly damaging their ability
18 to elect a candidate of their choice.

19 So I think in this case, and we may very well find
20 in some of the others, the work that's going to have to be
21 done is really just around the fringes.

22 It's going to be incremental gains where we move
23 White population and add in population that's just as strong
24 for candidates of choice and maybe marginally better on
25 racial competition.

1 So, with that said, you know, there's some things
2 we can do.

3 We can start with just removing some people.

4 This district does have a comfortable -- it is --
5 not ideally populated. Mr. Adelson and -- in the Texas case
6 pointed out that it is an accepted methodology from the
7 Department of Justice to try to remove White voters.

8 One thing we found interesting is that we're going
9 to keep the racial shading on, but we are going to shade
10 this by mine inspector percentage. So you can see some of
11 the easy places to. . .

12 These are the easy places to pick up.

13 So there are some areas around the fringe where
14 the Hispanic population is low, and the mine inspector isn't
15 that, that -- as good as the district-wide average.

16 Because by removing those areas we would improve
17 it a little bit.

18 BRUCE ADELSON: Excuse me, Madam Chair, may I make
19 a comment?

20 CHAIRPERSON MATHIS: Yes.

21 BRUCE ADELSON: Thank you. I want to elaborate a
22 little bit on the comment of the moving White voters.

23 What it's very important to remember is that we're
24 looking for non-Hispanic White voters who do not support
25 minority candidates of choice.

1 So we're not -- this is not looking for people all
2 of one race. This is about electoral performance in
3 supporting candidates of choice.

4 I think that's a very important distinction, and
5 that parallels what the Department of Justice looks at, and
6 certainly what is happening in the Texas litigation.

7 So we're basing this in our analysis and
8 examination on electoral performance and electoral support
9 coinciding with the candidates that are supported by
10 minority voters in proposed districts that can, that can
11 ostensibly elect minority candidates of choice.

12 Thank you.

13 COMMISSIONER McNULTY: Just to follow on that,
14 we're looking for crossover voters, to use the definition
15 that Ken gave us yesterday. When we're looking at
16 non-minority voters, we're looking for crossover voters.

17 BRUCE ADELSON: Absolutely. The White crossover
18 voters, yes, Commissioner McNulty, I agree. That's a
19 perfect description.

20 VICE-CHAIR HERRERA: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Herrera.

22 VICE-CHAIR HERRERA: One thing we should consider,
23 when you have -- looking at majority-minority districts, and
24 you have a White, non-Hispanic population that may support
25 the majority, and if it makes sense to move those to a

1 different district to strengthen the majority-minority
2 district, because we're moving those non-Hispanic voters
3 and putting them in another district that can strengthen
4 maybe the competitiveness or other criteria of surrounding
5 districts, is that -- Mr. Adelson, does that make sense?

6 BRUCE ADELSON: Well, as far as competitiveness, I
7 won't speak to that only to the extent it interferes with
8 the Voting Rights Act compliance.

9 But your point of going to electoral performance
10 is very important from a federal standpoint, because that is
11 the benchmark, if you will, the evaluative tool that the
12 Department of Justice uses, is performance matched with
13 population.

14 Rather than just using numbers, performance is
15 absolutely essential.

16 WILLIE DESMOND: So, at this time we don't have
17 any specific changes we're asking you to look at.

18 I guess it's more about just kind of explaining
19 the process we're going to be going through.

20 If you want, we can try right now to improve this
21 in session to go through and do that.

22 Or if it's more helpful, we can take a look at
23 District 24 and some of the other districts and look at some
24 of these same numbers and really get a better understanding
25 of what it's going to take to improve some of these

1 minority-majority districts.

2 So just now Ken brought up the possibility,
3 there's these -- there's two districts right to the east of
4 District 26. Adding those to see what it would do.

5 This district right here would probably be a good
6 district, a good block group to add.

7 It has a 54 percent support for the mine
8 inspector, which is slightly below, I believe, what the
9 districts' average is currently.

10 But it would increase the minority percentage
11 slightly.

12 Another, another option to improve these things
13 would be to remove these two block groups. They both have a
14 relatively low minority population, and they supported the
15 Hispanic candidate in the mine inspector's race at only
16 33 -- or 34 and 37 percent rate.

17 The other consideration, that I know Bruce doesn't
18 want us to worry about, but there's a constitutional
19 criteria to, you know, respect municipal boundaries and also
20 to try to make these districts compact and contiguous, so
21 moving the border in kind of a jagged manner picking block
22 groups here and there is something that, you know, we will
23 take your direction on what level of toleration -- how much
24 you tolerate those types of changes too.

25 But if we were to do something like remove these

1 two blocks, or these two block groups, and this one, these
2 are, these are all right on, right on the edge, grab this
3 one, this one, and this one.

4 What that would do is it would make District 26 --
5 it would lose 8,933 people, giving that district a deviation
6 of minus 6800, or I think that's roughly about four percent.

7 About three and a half percent maybe.

8 So within a range that Bruce and the legal team, I
9 believe, think is safe.

10 District 20 -- I'm just going to go ahead and --
11 District 26 would also. . .

12 CHAIRPERSON MATHIS: So just a clarification for
13 legal. Not only is it safe, it's desirable, right, in this
14 instance? Because this is a majority-minority district, and
15 based on we heard yesterday underpopulating those to account
16 for future population growth makes sense.

17 Is that right, or no?

18 BRUCE ADELSON: Madam Chair, underpopulating
19 majority-minority districts, as you said, is an accepted
20 method of meeting the requirements of the Voting Rights Act.
21 Because that may typically increase the minority proportion,
22 which is key.

23 You could not necessarily add one additional
24 minority voter but still increase the minority proportion by
25 moving voters who are not crossover voters out of the

1 district.

2 So, yes, underpopulation is a -- is an accepted
3 method of doing that.

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 VICE-CHAIR HERRERA: The underpopulating method, I
7 call it, I don't know if there's a technical term, that's
8 one method I would like to definitely look at, but my only
9 concern is what happens to the other districts that you're
10 moving population to. Obviously we need to look at that as
11 well. If we go with that scenario, I would like to see what
12 happens to 25 and I think 18 in terms of the additions to
13 those districts.

14 WILLIE DESMOND: Both 25 and 18 are both currently
15 overpopulated. Again, well within the acceptable margin.

16 They would still be within the acceptable margin,
17 but we need to be careful and just subtract people from one
18 district that go to another. And then the repercussions.

19 To just give you an example, these changes right
20 here would take the voting age Hispanic population in this
21 district from 30.4 to 30.8.

22 So, it would go up four tenths of a percent.

23 The White percentage would go from 55.3 to 54.65.

24 So these are incremental changes.

25 COMMISSIONER McNULTY: Mr. Adelson looks pleased

1 however.

2 You talked about there's a difference between
3 .1 percent and .5 percent.

4 So why don't you talk a little bit more about that
5 in the context of something like this where, you know,
6 people are going to say we have a ugly looking map, and we
7 have to, you know, look at what it's going to do to these
8 adjacent districts in terms of the other criteria and so
9 forth.

10 BRUCE ADELSON: Commissioner McNulty, Madam Chair,
11 I think this is a very graphic demonstration of the
12 difficulty of making adjustments that are very important.

13 The -- my view with redistricting is that
14 sometimes after the point can be very significant.

15 I don't think moving population necessarily, a
16 minority population, from 30 percent to 30.1 percent is
17 going to be significant from a voting rights perspective.
18 However, I look at -- look at it more as a continuum, that
19 if you make initial potential changes that move minority
20 population by .4, .5 percent in another direction, that
21 that's indicative of a trend that might be explored further.

22 Because it is -- in certain elections one tenth of
23 a point can be very significant if it's a close election.

24 And in doing election analysis to determine
25 effectiveness, that's one of the things that you look at.

1 Close elections in a variety of years at various
2 stages, local, federal, state, to make a determination of
3 effectiveness.

4 So to me, if the trend from the voting rights
5 perspective is the minority population is increasing and
6 potentially the crossover non-Hispanic White population is
7 also increasing, those are very positive trends because they
8 indicate that the district arguably is going to be stronger
9 from a voting rights perspective.

10 COMMISSIONER McNULTY: Madam Chair, Mr. Adelson,
11 so when you speak of a trend, are you thinking, the
12 timeline -- the period in which the trend is occurring is
13 our alteration of these maps? Is that --

14 BRUCE ADELSON: Commissioner McNulty, Madam Chair,
15 I'm thinking more the trend is that changes that are being
16 looked at are trending in a positive direction because the
17 population is moving in a population -- in a direction,
18 I'm sorry, that is positive from a Voting Rights Act
19 standpoint.

20 So I'm not thinking in terms of calendar or
21 timeline. It's more process.

22 COMMISSIONER McNULTY: Okay. And are these -- the
23 incremental changes that we might make in districts, because
24 this is Section 5, they're in a sense cumulative, to the
25 extent that we make them, you know, statewide?

1 BRUCE ADELSON: I'm not sure what you mean,
2 Commissioner McNulty, about changes statewide.

3 If you look at this -- let's say with this
4 district, just this for a talking point, let's say all the
5 changes that are highlighted in red are made. That
6 necessarily -- wouldn't necessarily have any, any impact
7 statewide.

8 The impact might be on the deviation across all
9 30 legislative districts.

10 COMMISSIONER McNULTY: That's what I mean.

11 BRUCE ADELSON: Yeah, the deviation change would
12 likely be very small, because we're not talking about that
13 much population.

14 If we're talking about an underpopulation of
15 15 percent, which I certainly don't advise, then the
16 deviation across all the districts would be greater, because
17 the deviation in this one district would be larger than what
18 we're talking about here.

19 COMMISSIONER McNULTY: Thank you.

20 WILLIE DESMOND: And, again, looking at these
21 changes, one thing to note is that the Hispanic voting age
22 percentage goes up by four tenths.

23 The voting age White percentage drops by
24 six tenths.

25 And the Hispanic candidate in the 2010 mine

1 inspector race would go from 54.05 to 55.01. So that's goes
2 up by a full percentage point.

3 This is not average population. This is just
4 moving it.

5 But there -- I guess the point I'm trying to make
6 is there's a lot of consideration besides just population
7 that we need to be aware of when we're trying to improve
8 some of these districts.

9 And we'll have this information available to you
10 in the change reports. You're going to want to look at more
11 than just the mine inspector race. That can't be the one
12 that we use for everything.

13 But what we have right now, that's a fairly good
14 indicator.

15 Any other questions about this? This is a change
16 that we want to accept and then generate the change report
17 for you guys tomorrow to look at this? Do you want to keep
18 trying to make some tweaks around the edges right now?

19 COMMISSIONER McNULTY: I guess while we have it up
20 here, I'd like to hear your thoughts about tweaks around the
21 edges, while we're all sitting together, whether you think
22 there are any others that are worth looking at that don't --
23 would not substantially impact adjacent districts.

24 I'm particularly concerned about 18, the balance
25 of 18.

1 I don't think we want to mess with 27.

2 And I think whatever we do in 26 we probably need
3 to consider it in conjunction with what ultimately happens
4 in 24 and 28.

5 But I believe a starting point would be to look at
6 what else you think might improve those districts.

7 WILLIE DESMOND: I'm going to add some things in,
8 just this one district. This one block group, to the east
9 of the district.

10 The population of 1800 people.

11 This would, at this point, overpopulate
12 District 26 by 700 -- by 1800 people.

13 Hispanic percentage would go from 30.4 to 30.6.

14 So, that's a good change.

15 And the mine inspector race would go from 54.0 --
16 actually stay exactly the same, exactly at the district
17 average.

18 So there's changes like that which don't affect
19 ability to elect, but they do elect the racial composition.
20 So that would be a change that we would probably recommend.

21 It does slightly harm the district's compactness.

22 Another, another consideration is that we look at
23 the major roads that run along this area. Currently the
24 eastern border is Gilbert Road. What this would do is make
25 it jut out there, so it's not quite as simple a map also.

1 Are there other questions? Or should we just go
2 through some other possible, possible things that we see
3 happening here?

4 COMMISSIONER McNULTY: I do have a question.

5 Are we -- should we -- have we prioritized the
6 districts in which it's most important to undertake this
7 exercise? I mean, I don't think we need to do it in 27.
8 You know what I mean?

9 KENNETH STRASMA: The -- and Mr. Adelson, I'm
10 sure, can add more to this.

11 Twenty-six is one of the districts where the issue
12 of minority population from districts that weren't previous
13 minority districts definitely comes into play. So if we are
14 able to improve 26, that makes our burden of proof a little
15 easier.

16 So that's one of the reasons to started with that.

17 And then we also would want to look at it 24 and
18 4. As we discussed yesterday they -- they look quite sound,
19 but if we're looking for any place for argument, those are
20 the three districts I would have.

21 BRUCE ADELSON: And, Madam Chair, to follow up on
22 what Mr. Strasma said, I agree that these districts, because
23 of the percentage of voters from districts that cannot elect
24 now, raise more questions for me than other districts may.
25 But there are other districts other than these three that

1 have -- that I also have questions about. Like we talked
2 about yesterday.

3 These questions don't mean that these are
4 problematic from a legal standpoint.

5 These are questions that we are looking at to
6 answer and satisfy, because these are the same questions
7 that the Department of Justice will ask.

8 KENNETH STRASMA: If I might make a suggestion, no
9 one has a direction at this point, perhaps we should make a
10 version of this map with the changes that Mr. Desmond had
11 shown, and then report back tomorrow on the impact to all of
12 the districts, so they can envelope Commissioner McNulty's
13 concern about the impact on competitiveness of District 18
14 and the effect on District 5.

15 Because as we discussed, none of this happens in a
16 vacuum. So with your indulgence, we would, we would commit
17 these changes. They would not be any official action at
18 this point, other than to look at the impact tomorrow.

19 And perhaps move on to look at 24 or 4.

20 CHAIRPERSON MATHIS: Sounds good to me.

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: Is there any reason why we
24 shouldn't make proposed changes or changes to 24, 4, and 26
25 now, and then you and your team come back and show us all

1 the changes at one time? Or do you suggest not doing that?

2 KENNETH STRASMA: No, I think that would be fine,
3 if we're able to come up with suggested changes for all
4 three of the districts, which we would be able to come back
5 tomorrow on and show the impact to all the adjoining
6 districts.

7 CHAIRPERSON MATHIS: Sounds good.

8 So are we going look at 24, just to get a sense
9 now of what you're doing to 24?

10 COMMISSIONER McNULTY: So you're going to save all
11 those changes that we just looked at in a separate version
12 of 26 and then run the analysis that we can then consider.

13 KENNETH STRASMA: Yes.

14 COMMISSIONER McNULTY: Okay.

15 VICE-CHAIR HERRERA: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

17 VICE-CHAIR HERRERA: In coming back with a
18 competitiveness report, will you bring all the different
19 types of competitiveness, and evaluate the -- how they
20 changed before and after.

21 WILLIE DESMOND: Yeah. The change report we have,
22 hope to have tomorrow, is -- it will have racial categories.
23 It will have different competitiveness and the different
24 kind of key minority elections that we've been looking at.

25 I think, Ken, do you want to mention which those

1 are?

2 KENNETH STRASMA: Sure. As Mr. Adelson has
3 pointed out, it's important to look at more than just one
4 year. With that in mind we want at a minimum to look at
5 president 2004. 2004 there were no statewide minority
6 candidates from major parties, so we look at presidential
7 race where from a homogenous precinct analysis it was clear
8 that John Kerry was the candidate of choice of the both
9 Hispanic and Native American communities.

10 We would look at the race for secretary of state
11 in 2006, the race for president in 2008, and as we have been
12 looking at the race for mine inspector in 2010.

13 And in addition to that, the various competitive
14 indexes that we've been looking at will also be included,
15 and those are basically just averages for all of the
16 election years included.

17 So starting with just the 2010 and '08, and also
18 adding '04 and '06, and adding registration.

19 BRUCE ADELSON: Excuse me, Madam Chair, I also
20 wanted to add that we've been discussing adding the
21 Proposition 200 contest in 2004 as potentially having value
22 for this analysis as well.

23 WILLIE DESMOND: One other thing is there is also
24 a splits report on there. It's very minor. That says how
25 many split counties, municipalities. So you can see if a

1 change adds another split to one of those areas.

2 It doesn't go into what the splits are. It just
3 says that this is the number before and after the changes.

4 So District 24 is, if you remember, the
5 Fort McDowell Salt River Indian reservations, the
6 southernmost portion of Scottsdale, and then an area of
7 central Phoenix.

8 It's, again, a coalition district.

9 It has a voting age Hispanic population of 31.8,
10 voting age non-Hispanic White population of 53.8, a total
11 Hispanic population of 38.6, and a total non-Hispanic White
12 population of 46.4.

13 Again, it does border many majority-minority
14 districts, so that kind of limits our ability at this point
15 to move it without harming some of those. And that's
16 something I'll look at later and do the analysis to show
17 that. But I guess the one thing that could be done right
18 away that makes sense is since District 24 is slightly
19 overpopulated, and District 23, which is immediately to its
20 north, is very underpopulated, we could definitely swap some
21 population there. Brings District 23 closer to the ideal
22 value and District 24 could stand to lose a few thousand
23 White voters if they don't too negatively affect their
24 ability to elect a candidate of choice.

25 So with that said, I'll start again with just

1 showing the shading.

2 There are some areas in the central Scottsdale
3 area, and some in Phoenix, where the minority percentage is
4 low.

5 We could probably start by just taking some
6 population from District 24 and moving it to District 23, if
7 we were to do something like. . .

8 That would remove 5,346 voters, give us
9 District 23 -- again, District 23 is underpopulated by
10 almost 6300 the voters, so it would still be underpopulated
11 with that.

12 Non-Hispanic White percentage in District 24 would
13 fall to 53.02 percent from 53.8 percent. So we would lose
14 eight tenths of a percent of White voters.

15 Looking at the mine inspector race, this new
16 district elected the mine inspector candidate at a rate of
17 59.39. And I believe the old way it was 58.7. So it would
18 be about a point and a half better than there.

19 So that's a relatively simple change to make.

20 It doesn't necessarily harm any other
21 majority-minority districts.

22 When we turn on the census place again, see it
23 would just be giving slightly more of Scottsdale to the
24 district where all Scottsdale is already.

25 So, things like that are relatively easy changes

1 that would probably help a little bit.

2 Again, I don't have all the numbers how this
3 affects 23. This is something that if you're comfortable
4 looking at, I'll those for you tomorrow, not just how it
5 helps the voting rights district, but also what effect it
6 has on the rest of the map in general.

7 COMMISSIONER McNULTY: Madam Chair.

8 In the Scottsdale hearing, just looking at the
9 transcript, we got testimony, a couple maps from Sue Gerard
10 former state legislature -- legislator on ways to improve
11 District 24 as a minority district and to accomplish several
12 other goals at the same time.

13 And I wondered if when you look at this, if you
14 would pull that up and look at her maps and her testimony,
15 and maybe give us an analysis of that tomorrow as well.

16 WILLIE DESMOND: We will definitely try to have
17 that tomorrow.

18 That's something that the legal team had brought
19 up today when we were meeting earlier, that it would be a
20 good idea to take a look at those. So that's definitely
21 something --

22 COMMISSIONER McNULTY: Okay. It's Page 127 of the
23 Scottsdale transcript.

24 WILLIE DESMOND: Yeah. The issue there is just,
25 if that the maps are on paper, it takes a little bit longer

1 to get those loaded up and then run sort of an analysis.

2 If we can get a -- if we received a copy
3 electronically and still have that, I think we can reach out
4 to receive one.

5 COMMISSIONER McNULTY: Maybe Mr. Bladine can try
6 and do that.

7 VICE-CHAIR HERRERA: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE-CHAIR HERRERA: I don't recall that when
10 Ms. Gerard made the presentation, was she part of a
11 coalition? Or she presented the map as an individual?

12 COMMISSIONER McNULTY: I'm just reading the
13 transcript. It looks like she just presented it as an
14 individual.

15 WILLIE DESMOND: I think we have the CD in the
16 office and apparently we also have copies.

17 I'll just double check that, and hopefully have
18 that for you tomorrow.

19 Are there other things, just having seen kind
20 of this process, that you want us to keep in mind? Is
21 there any other direction that you want to give as we do
22 look at it to kind of try to improve these voting rights
23 districts?

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: Mr. Desmond, when you were
2 back at 26 making those recommendations, which were to the
3 benefit of 26, we talked about last night sometimes that
4 there's unintended or intended consequences that happen. I
5 know that that's going to get a lot of reaction.

6 If you look at those blocks that you just
7 extracted and moved those into the adjacent district,
8 what was the composition of the voters of those extracted
9 blocks?

10 WILLIE DESMOND: The percentage or the racial
11 composition?

12 COMMISSIONER STERTZ: Both.

13 WILLIE DESMOND: Well, those blocks were selected
14 because they had a low support for the Hispanic candidate,
15 who was a Democrat in the mine inspector race, and also
16 had a low minority percentage. So I'm not sure how they
17 would look on other races. They could be very polarized
18 blocks.

19 The change report does have that other information
20 so you can tell if they're polarized.

21 But I'm assuming that they are -- aren't, to the
22 extent that these people exist in District 26, probably more
23 White and more Republican.

24 COMMISSIONER STERTZ: And so -- Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: Mr. Desmond, as you
2 contemplate these -- those blocks, where they're being moved
3 to, also as it affected to that district, how are we going
4 to be able to track whether or not that district has been
5 positively or negatively affected? Not because they're, not
6 because they're moving into a majority-minority district,
7 but they're moving into either a district that is -- is
8 either highly populated by Republicans or would be typically
9 voting in a Republican matter, or being placed into a
10 Democrat district where those votes would actually be
11 nullified?

12 WILLIE DESMOND: Again, the change report will
13 show the effect on both the district where stuff is being
14 added to and the districts where something is being taken
15 away from.

16 I think it probably would be helpful if we showed
17 that sample change record that we had up yesterday again.

18 There are some adjustments that programming in
19 right now to include those -- the racial minority races that
20 are important.

21 So this isn't going to look exactly like the final
22 version, but this would be very good opportunity as we do
23 complete that this evening to let us know if there's other
24 information that you guys think would be helpful.

25 But just looking up here, this is the sample

1 change that would be -- if we would keep Cochise County
2 whole and add Green Valley to that district.

3 So you have -- the two sets at the top, at the top
4 you can see -- we're starting with the draft map. And then
5 the new map is called draft change one, Green Valley and
6 Cochise.

7 So those -- you can see that that's the before and
8 that's the after.

9 There's a line that says the districts' effect.

10 So those changes only affect two districts.
11 They're the only districts included on here.

12 Everything else would be exactly the same from the
13 draft maps.

14 So it affects District 1 and it affects
15 District 2.

16 The first set is for how it affects District 1.

17 So you have -- if the deviation from the ideal
18 population, you have that, the number and the percentage.
19 You have that both for the old district, the draft map, the
20 new district, that draft change one, and you have the
21 percent that that changed.

22 So from the deviation of ideal population, if
23 you're going to accept that, the new district has an
24 overpopulation of 3,300. The old district was
25 underpopulated by about 5100. So that's a change of about

1 8,046 people, relative to the ideal population. The change
2 is actually about 40,000 people, but it was, you know,
3 40,000 to one and 32 from the other.

4 You have that Hispanic, non-Hispanic White,
5 non-Hispanic African American, and non-Hispanic
6 Native American numbers, so you can see, you know, both the
7 number before, the number after, the percentage before,
8 percentage after, and what those changes are.

9 So you can see District 1, which is not the voting
10 rights district, would be about 8.44 percent more Hispanic
11 and about 8.28 percent less White, on total population.

12 We then have those same breakouts for the voting
13 age population.

14 So you have that all for District 1 and then you
15 have the same thing again for District 2.

16 So, looking at these in, in -- like, you can see
17 that there's a change of 20,086 more Hispanic voters that
18 came in to District 1 with that change.

19 And that same number, 20,086, left District 2.

20 If it would be a change that affects
21 three districts, that wouldn't necessarily be one to one.
22 It would be a portion from one and the other kind of circle
23 around and stuff.

24 But you'll be able to see how each district is
25 affected as far as racial competition, so as ideal

1 population.

2 The next section we have out here is the split
3 section. So because we are removing that split from
4 Cochise County, we can see the old district had four
5 counties that were unsplit. The new plan has five counties
6 that are now unsplit.

7 The old district -- the old map had six counties
8 that were in two districts. Now it is five in two
9 districts.

10 It had five in three districts. It still has five
11 in three districts.

12 So basically what you've done there is you have
13 one less unsplit district and one fewer split into two.

14 And you have that at the census place, at the
15 census tract, at the census block group, at the reservation,
16 and the tribal subdivision.

17 So you can see how -- how each change would affect
18 all of those different constitutional criteria as far as
19 splitting different geography.

20 For the next section we have in there is the
21 different competitiveness numbers. And if there are a
22 number -- there are five different competitive indexes, four
23 of which we've been using.

24 I'm not sure if the '04, '06 election results were
25 ready whether we were still meeting or if those came in

1 later.

2 I think they were ready.

3 But just as a quick refresher, index two is a
4 average of 2008, 2010. Solely election results.

5 Index three is 2008.

6 One third 2008, one third 2010, and one third
7 party registration.

8 Index four is 2004, '6, '8, '10 election results
9 solely.

10 And index five is those four elections and then
11 party registration as a component.

12 So you'll have those percentages, both before and
13 after for each of the districts.

14 You also have just the pure party registration
15 numbers, both with Republican, Democrat, and other, and also
16 just Republican and Democratic two way.

17 So can see, just for an example, if we look at
18 index two, District 1 went from 62.4 percent Republican to
19 60.8 percent Republican.

20 A loss of 1.6 percent Republican.

21 If we look at index five, for District 2, you can
22 see that it went from 39.6 percent Republican up to
23 44.3 percent Republican.

24 A change of 4.7 percent.

25 And if we wanted to look at our registration

1 statistic, you can see that the old district was
2 20.7 percent Republican, 46 percent Democrat, 33.3 percent
3 other.

4 For the changes, that would go from 44.6, 42.3,
5 33.2. So changes of 3.9, 3.7 -- negative 3.7 and negative a
6 tenth of a percent respectively.

7 So these are the deals that were intending to
8 include along with those key minority races.

9 And, again, if there's other things that you guys
10 think would be helpful, let us know, and we'll put them in
11 here.

12 I think it is by design a short report though.

13 We don't want to make this bog down and get too
14 crazy. We want to kind of be able to provide a quick
15 snapshot.

16 And if there's further analysis you'd like to see,
17 then we could do that in a separate thing.

18 But ideally this would be a page or two that we
19 could give you with each of these changes that you can
20 really quickly kind of understand and grasp the top, top
21 changes. And then if you have questions about that, we can
22 drill down and see where those come from or why that
23 happened.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: Mr. Strasma, I appreciate
2 the macroview of what happens district by district, but what
3 I was more inclined to get some reference to is that when
4 you take blocks out of -- as you're making adjustments to
5 improve the ability to elect in a particular district and
6 you're extracting a block and moving it to another district,
7 not how that affects the overall district, but that block
8 that you're extracting, as you may have described may have
9 been an Anglo block, a Republican voting block, and looking
10 at where that block is being moved to, what I'm, what I'm
11 concerned about is that we're going -- we may be taking
12 voters and moving them into a place where they have a --
13 they -- maybe packing into a larger Republican district
14 where there is already a majority of Republicans might be a
15 preference for that group to be input. It might be -- I'm
16 trying to make sure that we're not disenfranchising any
17 potential voters or any potential voter blocks as we're
18 moving from one district to another.

19 VICE-CHAIR HERRERA: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: I think we all agree that
22 the -- fulfilling the Voting Rights Act requirements trumps
23 pretty much anything.

24 You know, let's be honest, that there is, that
25 there is the Voting Rights Act that we need to meet.

1 And if it means moving blocks of people to
2 different districts, in a district that they -- that their
3 vote may not be or their district may not be as competitive
4 because we're putting more Democrats or Republicans in a
5 district, then that's what we have to do.

6 I think we all agree that that -- that the Voting
7 Rights Act is the number one thing that we need to comply
8 with.

9 So these are just ideas that we're considering.
10 We're not approving any of these. These are -- at this
11 time.

12 We're asking Strategic Telemetry to make those
13 changes and come back with a report that tells us, okay, we
14 proposed these changes, you made those changes, so what was
15 it -- how many of the districts that we changed but also the
16 surrounding districts.

17 And I think we won't know that until they make
18 those districts and come back with that information. And
19 that will be, will be by tomorrow.

20 KENNETH STRASMA: If I may, Madam Chair, to expand
21 on an earlier answer, if I understand correctly,
22 Commissioner Stertz has two concerns. One that population
23 that's moved may have an accidental and unnoticed impact.
24 And that a separate question about, you know, given that
25 impact, is it a change that we still want to make.

1 As to the first question, I feel that will be
2 addressed by the report Mr. Desmond went through, that all,
3 all of the districts affected by the change are listed. So
4 we'll be able to see not only where the population came from
5 but where it went.

6 There's no population that just goes away with an
7 unanalyzed effect.

8 As for the second question, that, of course, is a
9 judgment call for the Commission, as you've been doing all
10 along, balancing the six constitutional criteria. You know,
11 after we see it, the report will be able to tell us how does
12 it affect the partisan composition, the competitiveness, the
13 number of splits, the compactness, et cetera. All of those
14 things will be what the Commission evaluates in deciding
15 whether or not to adopt a change.

16 COMMISSIONER STERTZ: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Stertz.

18 COMMISSIONER STERTZ: I appreciate that,
19 Mr. Strasma, because that's exactly the next question I was
20 going to lead into.

21 Is that we've got communities that are not
22 being -- we're looking at this as being sort of a raw data,
23 purely from the Voting Rights Act perspective.

24 I can appreciate Commissioner Herrera's approach
25 on all that.

1 But I'm not going -- I don't want to lose sight of
2 that there are many ways to solve the same problem.

3 And if we solve the problem with a particular
4 block that actually might break up a neighborhood, I don't
5 think that that would be meeting our, our overall goal.

6 So, I think as we're making these considerations,
7 we've got to look at all of the -- all the criteria. Right
8 now we're not looking at geography. Here we're looking at
9 purely voter -- voter blocks and voting patterns and the
10 ability to elect.

11 And we want to be overlaying those simultaneously
12 with the other criteria and not get lost in the mess.

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: I do understand Mr. Stertz'
16 concerns, and balancing the six criteria is not easy.
17 You'll all agree to that.

18 But I, I -- I lost what I was going to say.

19 I -- I'll come back.

20 CHAIRPERSON MATHIS: Okay. Thank you.

21 BRUCE ADELSON: Excuse me, Madam Chair, if I
22 may --

23 CHAIRPERSON MATHIS: Mr. Adelson.

24 BRUCE ADELSON: -- make a comment. I appreciate
25 that.

1 I think that just in the time that we've been
2 spending in the last hour or so, I think what we've been
3 talking about really is a great demonstration about how
4 difficult this is.

5 What I think is important to clarify a little bit,
6 I know that there are six constitutional factors. In my
7 opinion, you're balancing four.

8 The two federal factors beat the state factors.

9 So I understand certainly from a state perspective
10 concerns about communities of interest and contiguity and
11 competitiveness. I understand that those are very
12 significant factors and people are very concerned about
13 them.

14 But I think it's important to look at the two
15 federal factors as not being in the same mix.

16 You have the two federal factors. And if you
17 imagine a piece of paper, two federal factors, then a large
18 space, and then you get to the state factors.

19 Because the federal factors can -- unless they're
20 satisfied, you won't have preclearance, so you won't have a
21 plan.

22 So in my thinking you're balancing four after you
23 satisfy the two federal ones.

24 I hope that's helpful.

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: Actually that's exactly what
3 I was going to say.

4 But in addition to that, I think I do disagree
5 with Mr. -- Commissioner Stertz' assessment that there are
6 many ways to work with these majority-minority districts and
7 improve them.

8 I don't think there is many ways. I think we're
9 limited to what we can do without making drastic changes.

10 And the changes that are being proposed are, as
11 Mr. Desmond said, they're going around the edges and trying
12 to improve it without making drastic changes.

13 So I disagree that there's many ways we can
14 approach this.

15 COMMISSIONER McNULTY: Madam Chair.

16 CHAIRPERSON MATHIS: Ms. McNulty.

17 COMMISSIONER McNULTY: Before we leave this, did
18 we talk yesterday about adding CVAP as a data point on the
19 minority-majority district change reports?

20 KENNETH STRASMA: Yes. Thank you, commissioner.

21 We will be having CVAP and also Hispanic
22 registration added.

23 COMMISSIONER McNULTY: Thank you.

24 WILLIE DESMOND: I just want to also say the
25 change report isn't necessarily meant to be just a voting

1 rights change report.

2 So, you guys will be considering a lot of second
3 round testimony, and so there's going to be changes you
4 want to see to these maps that have nothing to do with
5 the voting rights. They don't affect voting rights
6 districts.

7 So, you know, also thinking about these change
8 reports, think of other information you might want just in
9 evaluating how they fit together the constitutional
10 criteria.

11 Because there's certainly going to be some minor
12 technical changes or we'll be able to say are there, you
13 know, a few less split census tracts, or there's a town
14 that's not divided in half, or you can see those types of
15 things also.

16 Or you can see something more competitive or
17 something less competitive.

18 All of the constitutional criteria, we would like
19 to be able to inform on that.

20 So, you know, we've started with these voting
21 rights districts, again, just because that is such a
22 priority and such a goal to achieve preclearance, but we'll
23 be running this change report, again, it'll be, it'll be
24 public information, once they're ready, on all of the
25 changes that you consider to the map.

1 And it's just intended to provide you with an easy
2 analysis tool as you consider changes.

3 COMMISSIONER STERTZ: Madam Chair.

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Who would like to go?

6 VICE-CHAIR HERRERA: Mine will be quick,
7 Madam Chair. We used to have, when we were doing draft maps
8 what-if scenarios, we would have the compactness reports,
9 and I'd like to see as many reports as can be measured that
10 impact the other four criteria.

11 Obviously competitiveness, compactness, and the
12 other.

13 KENNETH STRASMA: Just as the Commission is tasked
14 with balancing the different criteria, we are tasked with
15 readability versus comprehensiveness.

16 We will probably take a dual approach and have a
17 snapshot that we'll try to keep on one page and then a more
18 detailed report with everything.

19 So we will endeavor to get all -- most of the
20 report information on one page.

21 I also wanted to add, yesterday we had resolved to
22 try not to sound like we were speaking a foreign language.
23 So just to clarify that CVAP is citizen voting age
24 population, in the sense it provides estimates of
25 citizenship by different racial group, which we have added

1 to our redistricting database. And that's something that we
2 had some issues about.

3 CHAIRPERSON MATHIS: Thank you.

4 Ms. O'Grady.

5 MARY O'GRADY: Madam Chair, just a brief point.

6 And I -- the change report isn't going to capture
7 all the constitutional criteria.

8 Commission Stertz mentioned geographic features
9 that I don't think is in the current draft and won't be, you
10 know, expanded to include that, for example. So the
11 Commission will need to -- and communities of interest,
12 there may be communities of interest testimony, but it isn't
13 reflected on the change report.

14 So it's good to keep an eye on those things as
15 well that, you know, that data isn't -- it's not a
16 data-oriented constitutional criteria.

17 COMMISSIONER STERTZ: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Stertz.

19 COMMISSIONER STERTZ: I appreciate that,
20 Mrs. O'Grady, because that's exactly where I was going to
21 with Mr. Adelson.

22 As the constitution reads, it doesn't say do these
23 and don't consider the other four.

24 It's pretty clear that we've got to meet this
25 criteria.

1 And I am aware that there are many ways that we're
2 going to be able to meet this criteria, and that's why we've
3 hired this incredibly capable group of experts to be able to
4 assist us to get there in meeting the criteria, but not at
5 the, not at the detriment of meeting the rest.

6 So if the only way -- the only solution would be
7 to split a neighborhood in half, I'm positive that out of
8 200 plus thousand people in a particular area that we're
9 going to be able to meet the requirement of the Department
10 of Justice and not split that neighborhood in half.

11 BRUCE ADELSON: Commissioner Stertz, thank you. I
12 think that your point is well taken as far as that there are
13 several different approaches to satisfying the federal
14 criteria.

15 I think that my main point was that the -- while I
16 certainly understand and appreciate the factors, state
17 factors under the state constitution, the federal factors
18 are the ones that are paramount.

19 But I certainly agree with you that there can be
20 alternative mechanisms and methods to getting to where you
21 want to go. Absolutely.

22 COMMISSIONER STERTZ: And all of those I don't
23 want to overlook as we go down this path. So as we're going
24 through the, yes, let's accept this particular change,
25 Madam Chair, that it was starting to get to the lean down

1 that Commission Herrera was alluding to, yes, let's
2 integrate this change, I want to make sure that we are
3 seeing what the complete reaction is going to be, not just
4 on population, but also drilling down into the other areas
5 of our constitutional mandate.

6 CHAIRPERSON MATHIS: Fair enough.

7 COMMISSIONER STERTZ: Thank you.

8 CHAIRPERSON MATHIS: Any other comments on 24 --
9 no, we're on 26 now -- no, 24.

10 We did 20 -- no, 26.

11 And then 24, and now 4. Right? That's the other
12 one?

13 Do we want to look at that?

14 WILLIE DESMOND: We haven't prepared anything
15 before, but, yes, we could.

16 CHAIRPERSON MATHIS: Yeah, let's just pull it up
17 since it's one of the three that. . .

18 WILLIE DESMOND: As you'll recall, District 4
19 doesn't have the same low Hispanic voting age percentage.
20 It's 53.7 percent HVAP. However, in terms of our analysis,
21 it's one of the lower performing as far as ability to elect
22 candidates of choice.

23 So it appears as though it still can.

24 It's certainly better than the district as it
25 stands now, and is an improvement, not retrogressive. But

1 in the spirit of improving where we can, we thought that
2 might be another good place to start.

3 So District 4 does have a portion that comes up
4 into Maricopa County, and then it goes down and includes the
5 Tohono O'odham Nation and then the southern portion of
6 Yuma County.

7 So, again, here we are. We're shaded by minority
8 percentage.

9 So these large white areas are areas that has no
10 population.

11 So that's the Goldwater Range there.

12 So, that kind of runs down the center of the
13 district.

14 I think it probably would be helpful if we zoom
15 in.

16 So the area that's in Pima County is basically the
17 Tohono O'odham Nation, and then the area that links the two
18 portions of the reservation.

19 When we turn on the census place, we see there is
20 three points that links those two. That is a municipality
21 there that's included, oozing out a little bit again.

22 It goes along the southern border, into Yuma, and
23 I believe it follows kind of exactly almost, almost the same
24 line as the congressional district.

25 So it takes portions of Yuma, and it takes some of

1 San Luis and comes across through the desert, and comes up
2 into Maricopa here, includes Gila Bend and portions of
3 Buckeye and Goodyear.

4 So thinking about how we can improve this
5 district, the priority here is not necessarily making it
6 more Hispanic, it's how to improve its ability to elect.

7 With that said, we start looking again at the mine
8 inspector's race.

9 You can see this is by census blocks, so there's a
10 lot more areas that have no population because the block
11 group captures a large portion, so it's shaded.

12 So one possible solution would be to look in Yuma.
13 This is the scale, rough guide, the darker kind of the
14 purple it is, the higher the Hispanic candidate did in the
15 mine inspector's race.

16 So we kind of did a fairly good job at least of
17 going around it and drawing a line that captures that
18 support. Since it's the block level, there's, there's some
19 areas that may be kind of grabbed in, but it's probably not
20 a tremendously large population that would have a big
21 effect.

22 Following over, there's a chance -- there's some
23 areas in Pima County that we could help, but, again,
24 Districts 2 and 3 are also voting rights districts in
25 Pima County. So certainly if we're going to consider

1 changes that weaken two by removing Cochise County, we
2 probably don't want to improve, improve four at the expense
3 of two right now.

4 So there is some population in District 11 that it
5 might be able to pick up.

6 Looking at the overall population of District 4,
7 it is overpopulated by 1,000 people.

8 So there's a good possibility that we'll be able
9 to shed some White population somewhere along the way,
10 possibly in District 11. Maybe to -- the portion from
11 northern Yuma to District 13.

12 And finally when we look up at Maricopa section,
13 there may be some, some population it could gain, but I
14 don't want to take too much from 19. That's another one of
15 our voting rights districts.

16 Perhaps maybe some from 13.

17 I want to go ahead and turn back on the block
18 group shading. And, again, we'll label by support for the
19 Hispanic candidate in the mine inspector's race.

20 COMMISSIONER STERTZ: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Stertz.

22 COMMISSIONER STERTZ: This is going to be for
23 Mr. Adelson and Mr. Strasma.

24 What are your -- there's a, there's a desire by
25 looking at all these districts that there's a new target

1 that's wanting to be set.

2 KENNETH STRASMA: I wish we could give you a
3 numeric number.

4 As I said yesterday, I believe these are good,
5 sound districts that would be precleared. But between I
6 believe and approval by DOJ is a long path of variance.

7 If we are able to improve one of these districts,
8 that makes our task of proving that it is an effective
9 district easier, and therefore I would leave these alone.

10 COMMISSIONER STERTZ: So the districts that you
11 would see for improvement, are you focusing on any
12 particular districts? For example 30, which has an adjacent
13 district, which has a much higher capacity, why would --
14 should we be looking at 30 for example?

15 KENNETH STRASMA: The three I listed, 24, 26,
16 and 4, were just the priorities that I would look at when
17 going through the analysis.

18 And the ones that jumped out as needing more
19 analysis, not necessarily that there anything wrong with the
20 district, but that in order to meet our burden of proof we
21 would like to look at it more.

22 I think I'm sure that Mr. Adelson can expand on
23 that.

24 BRUCE ADELSON: Madam Chair, Commissioner Stertz,
25 if I could address your question, I wanted to elaborate on

1 what Mr. Strasma said.

2 Just using your example of District 30, one of the
3 differences with District 33 is that District 30 right
4 now -- proposed District 30 comprises more than 68 percent
5 from two existing legislative districts where minority
6 candidates can currently elect. So I have a lot fewer
7 questions about 30 than I would about 24, 26, and 4, because
8 they're composed more of voters, residents, from districts
9 where minority candidates are not electing now.

10 So from my perspective, as I said yesterday and
11 earlier today, with the questions that I have, those are
12 more paramount for me, just as intellectually in trying to
13 resolve the questions that I have about districts that have
14 relatively large percentages of people from legislative
15 districts that cannot currently elect.

16 There, there are additional districts with
17 additional questions, but those are the ones that for me
18 came up more readily, because the questions are -- there are
19 more questions about those, because of the percentages of
20 people from districts that cannot currently elect.

21 And going to your question about percentage,
22 percentage of -- that we're looking at or at least that I
23 can speak to for myself that I'm looking at, there is
24 ongoing analysis to determine the percentage of minority
25 voters that are necessary in the current -- in your proposed

1 districts that is necessary to be able to elect candidates
2 of choice.

3 That percentage can vary by district. In one
4 district it might be 52 percent. In another district it
5 might be 60 percent.

6 That analysis is, as I understand is in the
7 process now, that is very significant and something that I'm
8 certainly interested in seeing when the analysis is
9 complete.

10 COMMISSIONER McNULTY: Madam Chair.

11 CHAIRPERSON MATHIS: Were you finished,
12 Mr. Stertz?

13 COMMISSIONER STERTZ: Yeah, go ahead.

14 CHAIRPERSON MATHIS: Ms. McNulty.

15 COMMISSIONER McNULTY: Mr. Strasma, I think you
16 mentioned that in this District 4 what we are looking at is
17 not increasing HVAP but ensuring the ability to elect.

18 And that I would think would tie back perhaps to
19 the racially -- at least in part to racially polarized
20 voting in this part of the world.

21 And I wonder if we can talk a little bit about how
22 we -- about that issue generally in relation to how we prove
23 to DOJ that this is a sound district.

24 And also the extent to which that the comparison
25 between this district and the existing District 24, in that

1 regard, the improvement in that regard is going to be
2 persuasive.

3 BRUCE ADELSON: Thank you.

4 Commissioner McNulty, Madam Chair, I think that,
5 that what we were talking about earlier as far as trending,
6 as far as moving population in a positive direction
7 concerning the Voting Rights Act, I think that in making
8 changes, considering changes, as far as the Voting Rights
9 Act district are concerned, the proposed majority-minority
10 districts, and those are the districts that I'm focusing on,
11 if the trend is in the direction that we were talking about
12 earlier, then that's a very positive element that we will
13 highlight in the submission.

14 One of the things that I counsel my clients at the
15 local level is when changes are made that change a
16 district's population by making -- bringing in more
17 non-Hispanic White crossover voters, for example, taking out
18 more non-Hispanic White crossover voters that don't support
19 the same candidate of choice, bringing in minority voters
20 who turn out and register at a relatively high rate so that
21 those districts' abilities to elect is preserved and
22 potentially strengthened. All of those elements are very
23 significant from a Section 5 standpoint and for preclearance
24 in highlighting to the department.

25 When I look at a submission as in a way a movie,

1 there is certain things in a movie or in a book that you
2 want to highlight to the reader or to the viewer.

3 The Department of Justice is the viewer. So to
4 the extent we can highlight that in District X we change the
5 minority population in this way, and that enhances the
6 ability to elect by allowing minority voters more
7 opportunities to elect, which we can prove by using these
8 elections, that's something that I highly recommend. That's
9 something that the department looks at. They make a big
10 circle around it. They do analysis to see if their analysis
11 supports it.

12 And once the analysis is done, they just check it
13 off and move on to something else.

14 The narrative like that has the value of showing
15 to the department, wow, they really have done their homework
16 and they understand how this plays out.

17 So to the extent that that can be done, it's a
18 tremendous benefit to the Commission and to the state.

19 Thank you.

20 KENNETH STRASMA: Can I expand slightly addressing
21 Commissioner McNulty's question about crossover vote
22 polarization. This is a highly polarized district. With
23 Hispanics estimated supporting the Hispanic candidate for
24 mine commission about 82 percent, compared to 21 percent
25 non-Hispanic White voters. So this is not a district where

1 we can rely on significant White crossover vote to help
2 Hispanics elect their candidate of choice.

3 Overall in the district, it was carried by
4 candidate for mine inspector by a total 52 percent, was not
5 carried by President Obama in 2008 or the candidates for
6 secretary of state in '06 or president in '04.

7 So just to underscore what Commissioner McNulty
8 said, this is by about voting strength, not about overall
9 Hispanic percent.

10 One of the, one of the reasons for this is no
11 doubt prison population in the district.

12 The district includes about 8,000 prison
13 population, I believe. And as we discussed earlier in
14 taking that into account, we look at voting strength,
15 because those people, while they are counted in the official
16 census population, we have to count them for district
17 population, they're unable to vote, and therefore unable to
18 impact the ability to elect.

19 COMMISSIONER McNULTY: As I recall, when you
20 created this boundary for District 4, particularly in the
21 Yuma, San Luis area, those were all factors that were taken
22 into account when that was created.

23 WILLIE DESMOND: Yes.

24 CHAIRPERSON MATHIS: Mr. Stertz, did you have
25 something?

1 COMMISSIONER STERTZ: Madam Chair, thank you.

2 When we were weighing Hispanic surname matches, is
3 there a, is there a mechanism or a blending or an algorithm
4 that you were using?

5 Because it doesn't show up here.

6 But I'm guessing that there is one that you've
7 developed that is looking at these multiple factors that
8 would allow something other than CVAP or HVAP as being a
9 characteristic or analysis?

10 KENNETH STRASMA: Yes, commissioner. You alluded
11 to the Hispanic surname lookup. The census analyzes results
12 of the 2000 census, where they have every surname respondent
13 and their self-identified race and generate a dictionary of
14 the race by surname.

15 We match the top 200,000 surnames in the country
16 to the Arizona state voter file and the percent Hispanic,
17 Native American, African American, and non-Hispanic White
18 according to the census survey match.

19 There are a number of different methodologies that
20 are used to translate that into Hispanic voter counts.

21 Indulge me while I get a little bit technical, not
22 as involved as it is in documentation that we released along
23 with these numbers and DOJ submission.

24 Individuals are not flagged as yes or no Hispanic.
25 They're given a percent likelihood of being Hispanic based

1 on their surname. The two most common methods are to sum
2 the percent likelihood divided by a hundred to get the
3 estimated count of Hispanics in a given area. And the other
4 is to count number of individuals who are at 50 percent plus
5 Hispanic.

6 We ran both of those and found the results to be
7 nearly identical.

8 And went with the 50 percent plus Hispanic given
9 that that's slightly easier to make the display.

10 So that's a methodology reaching for Hispanic
11 surnames.

12 I do want to reiterate what we've discussed a
13 number of the meetings ago, just as with homogenous
14 precinct analysis where studies have found that voters
15 who live in heavily segregated precincts tend to have
16 different voting behavior than voters in more integrated
17 precincts.

18 The same sort of thing is found based on surnames.

19 People with traditional Hispanic surnames tend to
20 have different voting behavior from people with less
21 identifiable surnames.

22 With that in mind, that's one of the reasons why
23 we do all of these data points separately, and we will be
24 looking at all of them and including all of them in the
25 submission.

1 CHAIRPERSON MATHIS: Ms. McNulty.

2 COMMISSIONER McNULTY: So with all that in mind,
3 what would you propose to do to look at, you know, tonight
4 or tomorrow for District 4?

5 What -- were you thinking removing -- reducing the
6 population, reducing the -- removing White voters, White
7 polarized voters?

8 WILLIE DESMOND: I would think we would try to
9 remove, yes, the White polarized voters.

10 An eye towards improving how this district would
11 have performed had it existed in the past decade, looking at
12 those different kind of highlight minority races, '04, '06,
13 '08, 2010, as kind of a proxy for how they would do in a
14 voting rights district.

15 Because the analysis, the full analysis can't be
16 done on the fly necessarily.

17 So using all those data points try to improve how
18 this, this district's ability to elect would look.

19 COMMISSIONER McNULTY: Will we be comparing that
20 to how this district is currently configured?

21 WILLIE DESMOND: Yes.

22 COMMISSIONER McNULTY: Would perform so that that
23 could be used in the presentation?

24 BRUCE ADELSON: Yes, I think,
25 Commissioner McNulty, Madam Chair, I think that in -- from a

1 Section 5 perspective, the number one comparison is the
2 comparison between whatever the proposed districts end up
3 being and the proposed districts now with what's called the
4 benchmark, all of your existing legislative districts.
5 Justice will -- it's almost a line-for-line comparison. If
6 District A has minority population of 55 percent and the
7 average minority population across the majority-minority
8 districts, let's say, is 56 percent, but in the proposed
9 plan, if it's 50 percent, then that would be a problem.

10 Because Justice does that kind of matching.

11 They look at the turnout, registration, in which
12 they rely on Spanish surname, electoral performance over the
13 decade.

14 So that is the baseline comparison.

15 But to your point, comparing your proposed plan as
16 it is now with whatever changes you and the Commission
17 suggest to be looked at, yes, there would be a comparison in
18 order to determine whether or not from a Section 5
19 perspective the changes enhance the opportunity to elect, do
20 they diminish that.

21 Those are all very significant.

22 And then of course as Commissioner Stertz was
23 saying earlier, there are state considerations which are
24 certainly -- would be relevant too.

25 So, the, the comparison between the proposed plan

1 and the benchmark plan can be rather rigid in the sense that
2 it is literally a district-by-district, line-by-line
3 comparison.

4 And if there are -- in the comparison if the
5 proposed plan does not meet the benchmark, then under
6 Section 5 that can be a problem.

7 So that's something that's an inexorable
8 comparison that has to be satisfied.

9 COMMISSIONER STERTZ: So, Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Stertz.

11 COMMISSIONER STERTZ: That takes me back to my
12 earlier question about the adjustments of percentages.
13 Those are the benchmarks that we're referring to. Correct?

14 BRUCE ADELSON: Sorry. Commissioner Stertz, the
15 benchmark, do you mean the percentages that we're talking
16 about earlier in the --

17 COMMISSIONER STERTZ: Describe the benchmarks that
18 we are going to be compared against.

19 BRUCE ADELSON: The benchmark legally is your
20 current legislative districts, as they exist today, without
21 looking at what the Commission has done.

22 So whatever is done from a Section 5 perspective,
23 you would be comparing what the Commission does with that
24 benchmark, as a -- the districts as they exist today.

25 But for purposes of discussion, in moving forward

1 to submission and preclearance, there would also be a
2 comparison between what you have -- what's in your proposed
3 plan to date and whatever changes are suggested to the
4 proposed plan.

5 So there are two different levels of comparison.

6 COMMISSIONER STERTZ: So, Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

8 COMMISSIONER STERTZ: Do we currently, do we
9 currently have any benchmarks are below 50 percent Hispanic
10 voting age population?

11 BRUCE ADELSON: Commission Stertz, you mean in the
12 state? I believe there are two districts that are below
13 50 percent.

14 COMMISSIONER STERTZ: And of those, of those two,
15 are there any that are as high as the HVAP populations that
16 are currently being represented?

17 BRUCE ADELSON: You mean the HVAP percentages in
18 your proposed plan?

19 COMMISSIONER STERTZ: Yes.

20 BRUCE ADELSON: I -- my recollection is, yes, that
21 there are comparable numbers between your proposed plan and
22 the benchmark.

23 I couldn't tell you specifically district by
24 district, but there are comparable numbers.

25 WILLIE DESMOND: District 13 is -- current

1 District 13 has the highest HVAP at 68.27 percent.

2 MARY O'GRADY: Madam Chair, just in terms
3 comparing the benchmark, and I invite Bruce to comment, our
4 process is so different than other states that DOJ is
5 accustomed to looking at because most states start from the
6 current map and we start from the grid.

7 And so our preclearance becomes more complicated
8 just because of that process.

9 And in comparing, we are making some substantial
10 changes geographically.

11 It's a statewide test comparing the benchmarks,
12 but ours will be in geographically different locations.

13 So I think for the Yuma one, we will direct them
14 to 24 and show them that our District 4 is better than old
15 24.

16 So southern Arizona as a whole, we have
17 three majority -- we have three voting rights districts in
18 our proposed draft, but the benchmark had four.

19 We're moving more of our benchmarks to Maricopa
20 County.

21 So we'll just have to explain that to DOJ as part
22 of our process.

23 We will explain -- we will compare them to the
24 benchmarks in that area, but we'll also have to explain, you
25 know, why we're moving things to Maricopa County and what

1 we've done with those populations, if anything, in the old
2 areas.

3 That's mainly southern Arizona with District 25.
4 And then District 23 that was a voting rights area in
5 Pinal County, that's not a voting rights area in our plan.

6 So it's just another complicated factor in terms
7 of our analysis with the DOJ, but we're trying to keep an
8 eye on how these compare with the benchmarks in that same
9 geographic vicinity, to the extent there is one.

10 BRUCE ADELSON: And, Madam Chair, if I could
11 elaborate a little bit. I certainly agree, because under
12 your state law, you work off a grid.

13 I'm not aware of any other state that does that.
14 Certainly not any other Section 5 state.

15 So there is that extra level of explanation in the
16 submission to explain to the Department of Justice how your
17 process is different than, let's say', Louisiana, for
18 example.

19 The department will look at the majority-minority
20 district by region, as Ms. O'Grady said, and it's also look
21 at it across the board.

22 So that's why when I was suggesting earlier that
23 just for the sake of discussion, if right now the average
24 number, the average across majority-minority districts under
25 your benchmark is 53 percent, that if it dropped to

1 45 percent across all districts in your proposed plan, then
2 that would be a concern for the department.

3 They will look at each district, of course, and
4 make as much of an equivalency comparison to your existing
5 districts, but they'll also look adjust the board.

6 That's what they're doing in the Texas case, for
7 example. And that is a routine aspect of their preclearance
8 review.

9 CHAIRPERSON MATHIS: Thank you.

10 Any comments or questions on this?

11 (No oral response.)

12 CHAIRPERSON MATHIS: Okay. So we talked about 26,
13 24 and 4.

14 Is there more on that?

15 WILLIE DESMOND: As far as the Voting Rights Act,
16 those are the three we started with.

17 We haven't really looked to see where else needs
18 to be improved. I guess those would be for looking for
19 something to be worrisome those would be the ones to be
20 concerned about.

21 The other thing that we can do, and that we can do
22 tonight also, is look at other types of changes that you
23 guys would like to see.

24 There's -- I can give some examples of some
25 technical changes that might make sense to make, you know,

1 based off of what Maricopa County asked for.

2 Although I think some of those changes maybe we
3 should wait until we get a little bit closer to the final,
4 because it doesn't make sense to move things, you know,
5 block by block, if they're going to be changed anyway.

6 CHAIRPERSON MATHIS: Before we talk about
7 additional changes, is there anything Voting Rights Act wise
8 on the congressional map that we need to be thinking about,
9 any tweaks?

10 MARY O'GRADY: We did get a letter from the
11 Hispanic Coalition for Good Government today that is very
12 similar to their public testimony, and so I can give that
13 copy of that letter to the Commission, and then I'll punt to
14 Bruce to make his additional comments.

15 BRUCE ADELSON: Thank you.

16 Madam Chair, I think that one of the questions
17 that I had with the congressional is similar to the
18 legislative, to the extent that voters -- or residents, I'm
19 sorry, residents are included in the proposed districts who
20 are currently in districts that cannot elect candidates of
21 choice, that that would be something that would be
22 highlighted, and we'd have to look at and resolve.

23 And I think that the Maricopa County district, the
24 minority population is very, very similar to the benchmark
25 minority population.

1 Typically I always have a predilection to see if
2 minority population can be increased above the benchmark,
3 even if the increase is marginal, just as a hedge against
4 potential future retrogression.

5 So that's a question that I had about the Maricopa
6 County district.

7 And as far as the Pima County district, the -- my
8 main question is similar. To the extent that there are
9 residents that are in the proposed district who are
10 currently not in a congressional district where they can
11 elect, we need to highlight that and resolve if that is an
12 issue for the Department of Justice.

13 Because, again, that is something that they will
14 highlight and want an answer to.

15 COMMISSIONER McNULTY: Madam Chair, on
16 Mr. Adelson's point, I guess, my question will be how are we
17 going to answer those questions?

18 And on a completely separate point, I wondered if
19 before we finished tonight we could look at
20 Legislative District 2, that minority-majority district, and
21 that, you know, the beginning that you did for the change
22 reports of those changes, I'd like while we have all of our
23 lawyers while Mr. Adelson is here in town to talk about
24 those issues, what, you know, what we're looking at, whether
25 there's any way that we can make that swap to bring, you

1 know, Bisbee and Douglas back into Cochise County, move
2 Green Valley back into the Santa Cruz Valley and find
3 another way to strengthen that district.

4 BRUCE ADELSON: We should, absolutely.

5 And I think that what's so valuable about this is
6 in doing the actual level of digging which is required in a
7 Section 5 submission, this may not be an issue. But it's
8 more from my perspective of looking at things that the
9 department will ask about.

10 And I really have to stress that I'm not guessing
11 about this. It's not as if I'm wondering and I am just
12 pulling things out of thin air.

13 These are questions they will have.

14 So if they have them, I have them, we have them,
15 and we just need to answer them, and resolve whether or not
16 there's an issue.

17 Because I think that as we talked about yesterday,
18 the overlying -- the overwhelming priority is in moving
19 forward to have preclearance without a request for
20 additional information so the state can move forward as
21 expeditiously as possible for your elections next year.

22 For that to happen preclearance will obviously
23 need to occur and occur as quickly as it can.

24 WILLIE DESMOND: I have that change loaded up like
25 the other ones.

1 So here's a map following that change that we
2 discussed, which will need to move Green Valley from
3 District 1 into District 2 and for District 2 to lose the
4 area of Bisbee and Douglas that's in Cochise County and give
5 that back to 1.

6 And zooming in specifically to that area, let's
7 see how that looks following -- I thought I had that in
8 here. Let me add it quickly.

9 So this green area is the old district line.

10 So the current draft is the green.

11 The black line is what it would look like
12 following this change.

13 So if you turn on the census place and we shade
14 that, we can see that this area right here is the
15 municipality of Green Valley.

16 The line used to kind of run around its western
17 border. Now it falls straight down.

18 The I-19 corridor that we heard a lot about in
19 keeping those areas together is preserved.

20 Additionally this kind of arm from Santa Cruz
21 dividing Bisbee and Douglas is removed.

22 So this does have definite effects on District 2's
23 minority population.

24 We can kind of go through what this map looks like
25 now.

1 I have the -- what it used to look like. Maybe
2 that's a helpful way to start.

3 So, previously District 2 was underpopulated by
4 204 people.

5 It had a total Hispanic population of 66.4 and a
6 total non-Hispanic White population of 26.8.

7 Under this current iteration, District 2 is now
8 underpopulated by 8,699 people. It has -- I'll just tell
9 you the voting age.

10 So current, in the draft map, the Hispanic voting
11 age population of 61.4.

12 And Hispanic non -- non-Hispanic White voting age
13 population of 31.7.

14 With this change, that goes to a Hispanic
15 population of 52.79.

16 So a drop of almost nine points, or eight and a
17 half points.

18 The non-Hispanic White population goes up to
19 40.49.

20 So looking back here, we should be able to -- so,
21 District 2 went from 31.7 to 40.1, from 61.42 to 52.79
22 voting age Hispanic.

23 We don't have the mine inspector loaded up here,
24 but I think Ken could probably look up the mine inspector
25 race for the old District 2.

1 It was 63. With this change, it would go to
2 56.76.

3 With that, I'll turn that over to Bruce.

4 COMMISSIONER McNULTY: Help.

5 What's the benchmark that we're --

6 BRUCE ADELSON: Well, without, without looking at
7 your current district, this is a good, I think, example of
8 comparing what your proposed plan, and the reason that I
9 referred to your draft as a proposed plan, because that's
10 how Justice will refer to it.

11 So please forgive my terminology.

12 Your, your current draft, your proposed plan in
13 comparing it to the suggestions that's have been made.

14 The drop in the minority percentage is clearly --
15 is a significant one.

16 That doesn't necessarily mean that it is
17 retrogressive. In order to determine whether it's
18 retrogressive or not, we need to look at additional
19 elections in the reconfigured suggestion that has been made.

20 It is conceivable that the reduction may not be
21 retrogressive and minority voters will be able to elect at
22 an acceptable level in this district.

23 It's impossible to know just based on numbers, and
24 that's why I think it's important to remember the admonition
25 of the U.S. District Court in the District of Columbia when

1 the court ruled that Texas had used an improper method in
2 its preclearance application by relying on numbers.

3 It is possible that that reduction may not be
4 retrogressive. Maybe it is.

5 But until there's additional election analysis
6 that we can look at to determine what the result would be,
7 it's just surmising.

8 COMMISSIONER McNULTY: So, Madam Chair,
9 Mr. Strasma, can we look at that? Can we look at this as a
10 possible district as it's shown here and do that analysis
11 and also look at whether there might be ways to improve it?

12 WILLIE DESMOND: Yes, we can, we can take this
13 change and expand it a little bit more, balancing more
14 population between Districts 1 and 2 to try to minimize the
15 effect.

16 There's a chance that some of the population in
17 that portion of Tucson that's in District 1 can be picked up
18 that might help improve this.

19 So we'll explore that.

20 Do you want to do that right now? Or. . .

21 COMMISSIONER McNULTY: Not necessarily. I think
22 people probably need a break.

23 CHAIRPERSON MATHIS: Just take a break.

24 Yeah. I'm sure Marty is ready.

25 It's 6:03 p.m.

1 Should we take a ten-minute break?

2 We'll come back shortly.

3 (Brief recess taken.)

4 CHAIRPERSON MATHIS: Recess is over. The time is
5 6:23 p.m.

6 And we're in the midst of discussion Voting Rights
7 Act issues pertaining to the relevant -- to the different
8 districts.

9 And, so what is our plan here on this district,
10 LD 1?

11 We've -- the mapping consultant has shown us some
12 adjustments that we might consider in terms of making
13 Cochise County whole and removing that tail that we had
14 initially.

15 And they've shown us the changes.

16 And I guess you'll do a complete change report or
17 you've already got that calculated for this?

18 KENNETH STRASMA: We already have -- well, I guess
19 not a complete change report. It doesn't have all the
20 elections we want to look at. So we'll need to run that.

21 Also my understanding of the instruction was to
22 take these basic changes and then Mr. Desmond could also
23 look to see if there are any additional improvements that
24 could be made while we're working on this district and
25 report back tomorrow.

1 My guess is that the minor changes that we looked
2 rather for three districts might be more easy consensus
3 decisions once we have all the information.

4 And it may be that we come back with numbers on
5 this that we're not able ourselves and legal counsel to give
6 advice on if this is doable pending further analysis. That
7 might be something that we might need to look at over the
8 weekend, but let's take first crack at it.

9 CHAIRPERSON MATHIS: Okay. And we can review the
10 analysis tomorrow. Okay.

11 Any other comments on this, commissioners?

12 COMMISSIONER STERTZ: I'd like to approve it.

13 CHAIRPERSON MATHIS: Okay. Mr. Stertz supports
14 those changes as they are already.

15 COMMISSIONER STERTZ: Keep them whole.

16 CHAIRPERSON MATHIS: And then the other changes,
17 that Green Valley addition into two, and then there might be
18 some other little changes around the edges that we'll talk
19 about tomorrow depending on what we find.

20 KENNETH STRASMA: Fine.

21 CHAIRPERSON MATHIS: Great.

22 Okay. Any other discussion we want to have
23 pertaining to Voting Rights Act analysis for LD or CD?

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Yes.

1 COMMISSIONER STERTZ: Prior to the break,
2 Mr. Adelson was going through a description of the process,
3 and he was using some phrasing that was very typical to him
4 in regards to maps that are for submittal.

5 And during the break we had an opportunity to get
6 some clarification of that.

7 And it might be to the benefit of the audience and
8 commissioners just to revisit that for a moment.

9 BRUCE ADELSON: Thank you, Commissioner Stertz and
10 Madam Chair, and I will sometimes apologize for slipping
11 into Department of Justice parlance.

12 The Department of Justice views maps that are
13 submitted to them as proposed.

14 And in my examination of various redistricting
15 plans, be it the Commission's draft plan or other
16 jurisdictions' draft plan, I tend to call them proposed
17 plans.

18 Commissioner Stertz is certainly correct that this
19 is not proposed as far as being proposed to the Department
20 of Justice.

21 It is a draft map.

22 So I will apologize for any slippage of parlance
23 and forgetting that I'm not with the Department of Justice
24 anymore.

25 But I tend, as I said, I do tend to look at this

1 from the perspective of what the department will do. But
2 I certainly take the point that this is clearly a draft map.

3 Thank you.

4 KENNETH STRASMA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Strasma.

6 KENNETH STRASMA: If I may offer a suggestion.

7 This came up in some of our meetings earlier today and
8 yesterday. The confusion when we have drafts with the lower
9 case D and drafts with the capital D and the proposed map.

10 That perhaps we should use draft to refer to the
11 maps that were taken for the 30-day comment period, use
12 working map as the terminology for the maps with adopted
13 changes, so when the Commission attempts to adopt a change
14 that becomes a working map, and when the Commission actually
15 votes to approve the final map that will become the proposed
16 map.

17 COMMISSIONER STERTZ: Sure.

18 KENNETH STRASMA: Just to avoid lots of confusion.

19 CHAIRPERSON MATHIS: I understand that, so, that
20 means something I think to me.

21 How does everyone feel? Do you like that?

22 Okay. Good. Everyone's nodding.

23 That sounds good.

24 So draft maps will refer to the approved drafts
25 that were out for 30-day comment period.

1 Working map will be the map that as we make
2 adjustments, that we'll refer to that as the working map.

3 And then the proposed map will be what goes to
4 Justice.

5 Is that right?

6 Sorry. Mr. Kanefield.

7 JOSEPH KANEFIELD: I would suggest that rather
8 than using the word proposed, use the term final to mirror
9 the language in the constitution.

10 CHAIRPERSON MATHIS: Okay. Good. Final map is
11 what will be the proposed map to Justice.

12 Okay.

13 That all sounds good.

14 All right. Any other discussion we want to have
15 on voting rights analysis?

16 We received this letter that -- maybe this is for
17 congressional district only it looks like, from the Hispanic
18 Coalition for Good Government today.

19 And it looks like just some precinct level type
20 adjustments, but I'm wondering if the mapping consultant, if
21 we could all agree that they could at least look at this
22 letter and see what those changes would do.

23 KENNETH STRASMA: Yes, Madam Chair, we will look
24 at it. We may need some additional follow-up if there are
25 neighborhood or place names that are used that aren't

1 standard census terminology, so I'm not sure if we'll be
2 able to have it tomorrow, but we will look at this and work
3 with the Coalition if we need additional information.

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: One point of caution is that
7 I would hate to say that, that, that this letter, although
8 as I made comment during the break, is all about communities
9 of interest and geographic features and relationships
10 between communities and not about statistics and not about
11 the ability to elect.

12 It is incredibly important. I don't want to give
13 any less weight or any more weight to this document than I
14 would to any of the other 6500 pieces of public commentary
15 that have previously come in.

16 So I would -- I can't -- although this is
17 absolutely relevant, and it's great to see that right now
18 we're going to be taking and utilizing and reviewing all the
19 remaining four items of the constitution as they reflect to
20 these existing -- in the draft map, the CD 2 and CD 7.

21 I just wanted to make a clarification of that
22 point.

23 CHAIRPERSON MATHIS: Right. And, yeah, CD 3 and
24 CD 7.

25 And the reason we're bringing this up now is

1 because they are voting rights districts, and that's -- it
2 is very relevant to consider that now, even though the kinds
3 of changes may relate to other pieces like geography, as
4 Mr. Stertz mentioned. But I think it's definitely relevant
5 to the voting rights analysis that we're trying to get
6 through this week while Mr. Adelson is here.

7 Anything else on congressional -- again,
8 congressional or legislative with voting rights?

9 (No oral response.)

10 CHAIRPERSON MATHIS: Okay. Is there -- are there
11 any changes, anything else we want to give to our mapping
12 consultants to talk about in terms of other changes that we
13 would like to do for either congressional or legislative
14 maps?

15 Does anyone have any thoughts?

16 We talked about this a little bit yesterday.

17 COMMISSIONER STERTZ: Madam Chair.

18 CHAIRPERSON MATHIS: There may be things that we
19 all have consensus on that we could actually --

20 COMMISSIONER STERTZ: Madam Chair, I think that
21 because of our conversation yesterday and it now being
22 pursued in LD 1 and LD 2 as far as analysis is concerned, it
23 will be -- there are -- as we are developing the -- and
24 reviewing the voters rights districts, we always have
25 adjustments to others.

1 As you see that by keeping Cochise County whole
2 and keeping the I-19 corridor intact, it has made an impact
3 to both LD 1 and LD2.

4 It would be incumbent to pursue this as a study
5 for our -- which is what I believe that Strategic Telemetry
6 is going to be doing this evening, coming back to us and
7 giving us some -- their analysis, and make that the first
8 point of our conversation tomorrow, so that we can start to
9 look at any of those other areas around the state that are
10 criteria that we've heard through public comment, that we
11 would like to have integrated in for -- or balanced in that
12 may have effect or have intended or unintended consequences,
13 again, some of the voters rights districts.

14 CHAIRPERSON MATHIS: Okay. Any thoughts from
15 other commissioners on that?

16 (No oral response.)

17 CHAIRPERSON MATHIS: Okay. Do we want to then
18 essentially wait until tomorrow and see -- and we can come
19 back with our ideas based upon whatever analysis we're shown
20 tomorrow on the voting rights work that they're going to be
21 doing for us opportunity?

22 Or other thoughts?

23 COMMISSIONER McNULTY: I think that makes sense on
24 the legislative maps, too. It sounds like you've got
25 homework for tonight on those maps.

1 I had some thoughts about the congressional map,
2 that I'd like to talk about. And I'm not sure, it sounds
3 like you have enough to do tonight. I don't really want to
4 load you up with stuff.

5 KENNETH STRASMA: I don't believe we would be able
6 to get to anything additional tonight.

7 I would be happy to take the notes now and/or at
8 the meeting tomorrow, and we'll have a three-day break
9 before the next meeting, to get that done.

10 COMMISSIONER McNULTY: Okay. All right. I'd be
11 happy to do both, give you notes or then kind of run through
12 it in the morning. We're meeting tomorrow, at 1:00 o'clock.

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: I'd like for
16 Commissioner McNulty to propose those changes tonight. And
17 if Ken and his team are not able to get to the changes
18 tonight, that's fine, as long as we discuss it tonight and
19 then have them as homework for the next couple days.

20 COMMISSIONER McNULTY: That's probably a good
21 idea, see if it's in concept something that folks want to
22 think about.

23 CHAIRPERSON MATHIS: Those are the congressional.

24 COMMISSIONER McNULTY: This is on the
25 congressional.

1 And, and, and my thought is to make minor changes
2 that would solve some significant issues that were raised in
3 the public comment period.

4 One of those being to keep Cochise County whole.

5 One being to reduce the size of CD 1, increase the
6 compactness a little bit.

7 One being to consolidate Oak Creek, the Village of
8 Oak Creek with Sedona.

9 And one being to consolidate Fountain Hills with
10 urban Maricopa County.

11 And I think what I'll do rather than go through
12 this in a lot of detail is just to give you the concept.

13 If we make Cochise County whole, we move about
14 7600 people from CD 1 to CD 2.

15 So we take the -- you know, those ranching
16 communities from Cochise County that we had made part of
17 CD 1, and they become part of CD 2 again, and Cochise County
18 is whole.

19 So once we've done that, we need to adjust CD 2
20 for that increased population.

21 And I looked at an area near Littleton, the census
22 place, Littleton in Tucson, which isn't really a real place
23 but it's a census place, kind of south of 22nd Street and
24 east of I-10.

25 There are a couple census tracts, 21 and 41 and

1 501, and they appear to equate, you know, pretty well with
2 the population that we were bringing into CD 2.

3 And I can give you my notes, so you don't really
4 have to. . .

5 So then we'd have CD 3.

6 So those people, 7600 or so people are going to
7 come into CD 3, and CD 3 is going to be overpopulated.

8 We'll just leave that there for a while.

9 And then we're going to go up to Oak Creek, the
10 Village of Oak Creek, and we're going to kind of fix the
11 underpopulation in CD 1 by pulling in the folks from
12 Oak Creek with Sedona, that community, putting them
13 together.

14 And that's about 6,000 people.

15 And then, you know, we had quite a bit of comment
16 that it wasn't just Oak Creek. It was some of that
17 unincorporated area around there. So we would make up the
18 rest of the population, underpopulation, in CD 1 from that
19 unincorporated areas around Oak Creek.

20 So then I think we have too many people in CD 3,
21 and too few people in CD 4.

22 So then we're going to go to Fountain Hills. And
23 we're going to move Fountain Hills from CD 4 into CD 6,
24 where Scottsdale is, where Fort McDowell is.

25 And it looked like the census tracts -- I'll give

1 you a list of census tracts that I thought made sense,
2 but -- and so that's about 27,500 people.

3 So now we've got about 7,000 too many people in
4 three, way too few people in four, about 35,000 too few in
5 four, and about 27,000 too many in six.

6 So then we address the underpopulation in CD 4 by
7 moving New River and Anthem from four to six.

8 There's also just a little -- just north of Anthem
9 there's a little piece of Phoenix between I-10 --

10 KENNETH STRASMA: Excuse me, commissioner, could
11 you go back a sentence?

12 COMMISSIONER McNULTY: Yes, yes, back up.

13 So we address the underpopulation on CD 4 by
14 moving New River and Anthem.

15 So what we're essentially swapping Fountain Hills
16 for New River and Anthem. We're putting Fountain Hills in
17 six and we're putting New River and Anthem in four.

18 And at the same time there's a little area just
19 north of Anthem where there is a split of Phoenix. And we
20 can, we can take that split out by moving that part of
21 Phoenix that's between the I-17 and New River into CD 8 from
22 CD 4.

23 So that reduces the number of splits in that area.

24 Then in the northwest portion of Maricopa County,
25 there's another -- there are a couple splits there.

1 We move the part of district -- Maricopa County
2 that was in District 4 to District 8. That's not very many
3 people. It's about 775 people. But it reduces -- it's
4 another split that's gone.

5 And similarly Peoria and Wickenburg are split
6 between two districts and there's some unpopulated areas
7 there. I think we can make them whole in eight.

8 That's not necessary, but just some, you know,
9 looking there, that reduces another couple splits.

10 So then going back to Maricopa County, the area
11 east of I-17, if we move census tract 6113 from eight into
12 six.

13 And there also -- there are a couple other census
14 tracts there. And that brings us, and I'll give you those
15 numbers, that brings us -- brings District 6 almost into
16 balance, not quite, but I figured you guys can figure that
17 out.

18 And so then what we're left with is an imbalance
19 between eight and three.

20 In the Goodyear -- and if we go to the Goodyear
21 area, Goodyear is already split once. We can adjust the
22 population between eight and three in Goodyear without
23 having any more splits in Goodyear, which is balance that
24 out.

25 And then we would have gone around all the

1 districts.

2 Cochise County would be one whole district.

3 The lobster claw would be gone.

4 Fountain Hills would be back in with metropolitan
5 Phoenix.

6 Oak Creek and those suburban areas would be
7 together in with Sedona.

8 CD 1 would be smaller.

9 So I suggest that we look at that.

10 WILLIE DESMOND: The one thing I just want some
11 clarification on, for all of these changes to the
12 congressional map, is since, since we do have a much higher
13 burden in the congressional map to achieve a zero person
14 population deviation, I guess our thinking is that while
15 exploring these changes if we can keep that to a maybe a
16 couple hundred people, but not necessarily zero it out for
17 every one of these, these changes you want to look at.

18 Obviously when we do zero it out that would be
19 another change that you guys would have to approve, but I
20 think we can get a lot more done if we're not necessarily
21 trying to find the census blocks that have three people to
22 move from one to the other to balance.

23 When we do this kind of change, if that's all
24 right, to not present the absolute zero population
25 deviation, that would be helpful.

1 COMMISSIONER McNULTY: I think that's fine. And I
2 didn't, I didn't try to get that close.

3 But my perspective on these changes is that this
4 is kind of what I want to see on the congressional map.

5 I want to make small changes that have significant
6 benefit in terms of the public comment.

7 And these I thought were some of the -- perhaps
8 the more significant public comments that we could actually
9 affect.

10 You know, there were some things that we simply
11 can't do. For example, you can't have a rural, you can't
12 have a rural district, wholly rural district, that's, you
13 know, small.

14 We got a lot of comment in that regard.

15 And there's certain things just because of the
16 Voting Rights Act that we can't do.

17 You know, one of them being having purely rural
18 districts.

19 Another one would be keeping a couple counties
20 whole that we simply can't do because of Voting Rights Act
21 issues.

22 But these, I thought, were things that can be done
23 with very modest changes to the map and without having a lot
24 of consequences, a lot of ancillary consequences.

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: When we had this discussion
3 of process yesterday, we were talking about trying to not
4 have to go through a variety of different iterations of
5 directions or directives given to the mapping consultant to
6 come back with defendant mapping scenarios.

7 I'm wondering if this is the best -- if there has
8 been a change of course that's taken place. I'm not sure if
9 it has or not, but it appears as though that we are going to
10 be as individual commissioners giving modifications to the
11 draft maps to the mapping consultants to make changes to
12 come back with for analysis.

13 COMMISSIONER McNULTY: If I could comment on that.
14 What, what I was suggesting yesterday was that we
15 discuss in concept changes that we would like to see, and
16 what the -- and include in that discussion what we thought
17 the ripple effects were of those changes, and then see if as
18 a group we have a consensus that that's something that we
19 would like to look at.

20 And if it is something we would like to look at,
21 then the mapping consultant would go ahead and work on it
22 and give us more information.

23 So I'm not really directing Ken and Willie to do
24 anything.

25 I'm proposing this as, as a group of minor changes

1 that I think would have major impact on approving some of
2 the comments that we heard for consideration by the group,
3 with the request that we have consensus, we ask Ken and
4 Willie to --

5 VICE-CHAIR HERRERA: Madam Chair.

6 COMMISSIONER McNULTY: -- look at the changes in
7 more detail.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE-CHAIR HERRERA: Just a quick questions for
10 Commission Stertz.

11 Is there any changes that -- proposed changes that
12 Commissioner McNulty made that you like?

13 COMMISSIONER STERTZ: Following along from the
14 beginning, I wasn't tracking it in such a way to be able to
15 track along and I was not taking copious notes that
16 Strategic Telemetry was, was taking.

17 I was, I was following along with the concept that
18 there were adjustments that she was laying out to certain
19 districts and bringing certain cities combined with others.

20 I think that there is -- I think there's probably
21 a reflection of that testimony that ties back to commentary
22 that we received during public comment, and there is going
23 to be, for example, the Fountain Hills question, the keeping
24 Cochise County whole, the reducing the mass of CD 1.

25 Some of those things are relevant. So I think

1 that those are -- those were comments.

2 There are, there are, again, as I said before,
3 there are multiple ways to approach the same solution.

4 Reducing the mass of CD 1 can happen from -- not
5 from the south. It could also happen from the north.

6 Some of the other aspects of what we're talking
7 about.

8 So unless I would really -- I think that from a,
9 from a 30,000 foot view of making these adjustments, if,
10 if -- the quickest way to do this, I think, would be -- it
11 seems to me that Ken and Willie were taking copious notes.

12 If you could distribute those to Mr. Bladine, at
13 least it would give us before you're doing the drafting work
14 to be able to look at what public concepts were and how
15 those concepts would be done, so that we can have that level
16 of dialogue at the Commission level.

17 KENNETH STRASMA: If no one has any objection, I'd
18 be happy to do that.

19 I -- a couple further comments on the general
20 process, although I would encourage the Commission to look
21 at and adopt or reject changes one at a time.

22 Commissioner McNulty's changes generally have a
23 ripple effect around the entire state, so I'm not sure the
24 extent to which we would be able to do separate them out.

25 As we discussed, we may be able to show the impact

1 on all the criteria on all the districts, so the
2 commissioners will be able to make an informed decision
3 based on that.

4 I would, in terms of process, getting back to what
5 I had mentioned about the term working map, I would
6 encourage the Commission if at all possible to avoid
7 bifurcating onto separate maps.

8 Commissioner Stertz mentioned making CD 1 smaller
9 working from the north versus from the south.

10 If that's a decision that the Commission can make
11 and then move on, that is going to make this a much more
12 manageable task than if we were to, you know, do two
13 versions of that and then be commenting both of those
14 versions and then bifurcate those and look on eight
15 versions.

16 I think that's probably a useful process to these
17 what-if maps to some extent. But, but now that we're closer
18 to the finish, it may be making decisions one change at a
19 time and adopting or rejecting them.

20 I would like to stress that a commissioner may
21 very well quite validly change their mind later on in the
22 process.

23 You might adopt a change and then five changes
24 down the road we see that in order to achieve some, some
25 goal relevant to the constitutional criteria we need to roll

1 back what were your changes.

2 And the Commission can always do that as they
3 vote.

4 Knowing that none of this --

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: There's a couple changes that
8 Commissioner Stertz had mentioned, the, you know, the
9 keeping Cochise County whole, reducing the size of CD 1, and
10 also adding Fountain Hills to the Scottsdale district. I
11 think it's District No. 6.

12 Now, those are three areas that I'm not
13 necessarily in agreement with, but I am willing to at least
14 look at those changes that Commissioner McNulty proposed.

15 I'm, again, not necessarily agreeing to those
16 changes, but at least agreeing to, to see what they look
17 like and to see what impact they have, although the
18 changes -- I think she had made changes to I think all the
19 districts, except nine and.

20 COMMISSIONER McNULTY: Five, seven, and nine.

21 VICE-CHAIR HERRERA: Five, seven, and nine.

22 And you adjusted accordingly when you took out,
23 you added to another one, and it went around
24 counterclockwise.

25 COMMISSIONER McNULTY: Pretty much. In terms of

1 concept, the concept is it would make Cochise County whole,
2 move Fountain Hills back into urban Maricopa County, resolve
3 the Oak Creek-Sedona issue, and make very minimal changes in
4 order to accomplish -- the other changes in order to
5 accomplish those things.

6 It would also reduce a few splits in Maricopa
7 County.

8 VICE-CHAIR HERRERA: Sure. And, again, these
9 are -- I don't agree to all the changes, in just the
10 concept, but I'd like to see what the map would look like
11 with those changes made.

12 So I would suggest that we consider either voting
13 on those changes and see if what they look like, because
14 with the -- because I agree that, as I mentioned before,
15 what I don't want to see is each commissioner making their
16 own recommendations and going back to the what-if scenario.
17 I think that would be not a good use of our time.
18 Considering we are crunched for time, that would not be a
19 good use of our time, so I would recommend that we vote on
20 those changes. However minor they are, we should as a
21 Commission vote for them.

22 COMMISSIONER McNULTY: By that you mean just to
23 have a consensus that we see what they look like, not that
24 we actually vote on them.

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: Because we've got the -- I
3 want to also be able to afford our fifth commissioner,
4 Commissioner Freeman, who's out because he's celebrating the
5 joy of the birth of his son, that was my suggestion about if
6 we would be able to take this narrative that was just laid
7 out, e-mail it out so that we would be able to get some,
8 some feedback.

9 I'm not disagreeing with Commissioner Herrera, and
10 please make note of that.

11 That we are -- that going down the path about
12 picking some places where we can give solid direction to
13 the -- Strategic Telemetry together is, is a wise and
14 prudent move to make for us to get closer to completion of
15 this.

16 My, my other question, and you may have just sort
17 of glazed over this in regards to the voters rights
18 districts, are -- is there any contemplation of
19 modifications to either of those two as they currently
20 exist?

21 CHAIRPERSON MATHIS: Of -- on the congressional?

22 COMMISSIONER STERTZ: On the congressional side.

23 CHAIRPERSON MATHIS: Well, we just received this
24 input on some precinct level information related to three
25 and seven, so there may be some other tweaks that also are

1 out there in public comment that we need to consider.

2 COMMISSIONER STERTZ: Right now, from the -- from
3 Mr. Adelson and legal counsel and consultants, are three and
4 seven solid?

5 BRUCE ADELSON: Commissioner Stertz, and
6 Madam Chair, what I said before, the question I have about
7 to the extent there may not be any resident -- to the extent
8 that you have residents in these two districts that are
9 currently congressional districts where they cannot elect
10 candidates of choice, that's a question.

11 As I said, there may not be any residents, but
12 that's something I would like to know.

13 And also I have a question about with the Maricopa
14 County area district, where the minority percentages of
15 virtually the same as in the benchmark.

16 So as I said earlier, my predilection is always to
17 see if the minority population can increase to guard against
18 potential issues down the road.

19 That doesn't mean the minority population needs in
20 to increase five percent, ten percent. The increase could
21 just be a marginal one. And I look at that as a safehold in
22 case there's something out there that we're not familiar
23 with or in case the department has an issue about
24 retrogression by effect.

25 So those are my main questions about the

1 two majority-minority districts.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: I respectfully disagree with
5 Mr. Adelson about the -- about seven. I think seven has
6 proven it was created that it can elect a candidate of their
7 choice, and it's been Pastor ever since that district was
8 created, I think I'm correct. And the non-Hispanic
9 population in that district is a crossover population.

10 So what I don't want to do is add more Hispanics
11 to that already high HVAP, and then, again, in ten years
12 from now they will be increasing it some more, to the point
13 that it will be at 60 some percent. And that I don't want
14 to do. I don't think that's necessary.

15 I think we, we have enough evidence to show that
16 that district the way it is won't pass the DOJ
17 because of -- I mean, again, just saying that we've had one
18 representative for that district since it was created, and
19 it happens to be a choice that the minority
20 majority-minority voters want.

21 BRUCE ADELSON: Commissioner Herrera, Madam Chair,
22 I agree with the concept of not adding minority voters
23 gratuitously and certainly not packing them, which is a
24 violation as we've discussed of the Voting Rights Act and
25 potentially the U.S. Constitution.

1 I think that my question is that if -- what one of
2 things I always look at is when the long-serving candidate
3 of choice doesn't run for election anymore.

4 Does the district's performance remain the same?
5 Does the fact that there is a new candidate on the
6 ballot, does that change the minority community's ability to
7 elect.

8 So, you know, again, as I had said earlier, I'm
9 not suggesting that this is a problem, in that this is a
10 legal problem the Department of Justice would flag and say
11 no.

12 This is just a question in abundance of caution
13 looking at the issues and having questions about them. The
14 question and the answer could very well be we don't need to
15 do that.

16 And if analysis proves that out, certainly I
17 concur with you. I'm a very strong advocate of not acting
18 and not violating federal law to the extent that packing
19 occurs.

20 VICE-CHAIR HERRERA: Thank you for the
21 explanation.

22 I don't disagree with what you just said. I, I
23 think having an analysis and seeing if it's necessary, I
24 think I'm in favor of that.

25 Let me go back to the direction that

1 Commissioner McNulty or the information that she had
2 provided to Ken Strasma and his team, that I think that's
3 something that we should move forward with.

4 I understand that Commissioner Freeman isn't here.

5 I wish it was me that had the third child and
6 issues --

7 COMMISSIONER STERTZ: Fourth.

8 VICE-CHAIR HERRERA: His fourth, sorry. That
9 would be my third. But that if it's not, then -- but we
10 need to do, need to move forward.

11 We can provide Commissioner Freeman with as much
12 information as possible. He can still comment even though
13 he's still -- he's not here physically at the meeting, I
14 suspect that he's watching right now. Knowing who he is, he
15 probably is watching. And I would like to move forward with
16 the recommended changes that were proposed by
17 Commissioner McNulty.

18 Again, these are just changes, they're not being
19 adopted, and then have Strategic Telemetry work out all that
20 information with the -- with all the reports and provide
21 them to all of us as soon as possible.

22 COMMISSIONER STERTZ: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: This is going to take us
25 down the path of us going ahead and me creating a whole list

1 of my own set for submittal.

2 I would like to take a deep breath on this, pull
3 our socks up on this. Let's get a chance to take a look at
4 what, what she just -- you're talking about getting approval
5 for going ahead and redrawing maps right now. And I think
6 that that's really ill advised. And because my view of this
7 is about all the changes to every single district we make
8 and resubmit them before we start this process going and
9 spinning in a direction that's not going to be healthy for
10 the Commission.

11 VICE-CHAIR HERRERA: Madam Chair, I didn't say for
12 us to adopt these changes. I said these are changes that
13 are -- that I think even -- I think I've heard
14 Commissioner Stertz mention a couple of these
15 changes that -- the reason I asked him if he approved of any
16 of the changes that Commissioner McNulty made, although he
17 didn't take any notes, he was listening.

18 Because you mentioned three things that
19 Commissioner McNulty mentioned.

20 And that's keeping Cochise County whole.

21 Commissioner Stertz had mentioned that a numerous
22 times.

23 Placing Fountain Hills -- removing Fountain Hills
24 outside -- away from District 4.

25 Commissioner Stertz did mention that numerous

1 times.

2 And also reducing the size of District No. 1.

3 He's mentioned that numerous times.

4 So those are three changes out of the, I think,
5 possibly seven.

6 Those are three main -- probably the biggest
7 changes are those three that Commissioner McNulty proposing
8 that Commissioner Freeman -- actually Freeman and Stertz
9 have mentioned that they want to see in, in the final map,
10 or at least moving forward.

11 So I don't, I don't think that these are changes
12 that are just -- we'll pull out of the air. These are
13 changes that I can look at the record that Stertz had
14 mentioned he wants to see.

15 And, again, these are just proposed changes.
16 We're not adopting anything.

17 CHAIRPERSON MATHIS: So what I would like to say
18 is I feel like there is consensus of the four concepts that
19 Ms. McNulty just mentioned, keeping Cochise County whole,
20 increasing the compactness of CD 1, consolidating Oak Creek
21 with Sedona, and consolidating Fountain Hills with urban
22 Maricopa. Those four things can be achieved likely in
23 different ways.

24 And even though she got down to precinct level
25 moves or ideas of census tract level moves that Mr. Strasma

1 and Mr. Desmond can explore, I'm sure there are other ways
2 to do it too. But I would think that we can all, I would
3 hope, move forward on just the concepts of those four
4 things, and then let them do the analysis.

5 They can do exactly what her notes say, and we'll
6 get a copy of those.

7 And if we don't agree or we think there's a better
8 way to accomplish those four things, then, then we look --
9 we'd have another commissioner propose those.

10 So to me that seems like a reasonable way to do
11 it. And they can start at least with her notes. And she's
12 done, she's done work on this, and, and we'll all have a
13 copy of it.

14 And then if we don't like something or we think it
15 can be done better in a different way, we can explore that.

16 So, could we get consensus at least just to do
17 those to accomplish those thematic --

18 COMMISSIONER STERTZ: Madam Chair.

19 CHAIRPERSON MATHIS: -- things that she presented?

20 COMMISSIONER STERTZ: We've got equal testimony on
21 the concept of keeping Greenlee and Graham Counties whole,
22 as well as keeping Cochise County whole. So let's add
23 keeping Graham and Greenlee together as well.

24 Those are -- that used to be one county years ago
25 before it was split. We heard a lot of testimony about

1 that.

2 So if we're going to start going down and trying
3 to, trying to drill down on those levels, I'd like to get --
4 if that's what we're going to talk about, that's fine with
5 me.

6 VICE-CHAIR HERRERA: Madam Chair.

7 COMMISSIONER STERTZ: I'm okay with keeping
8 Greenlee, Graham, Cochise whole.

9 Connecting Fountain Hills in with urban.

10 Taking Apache -- the Gold Canyon, Apache Junction
11 link out this connection with the upper northwest corner of
12 the state.

13 I'm comfortable with the Cottonwood, the fire
14 district, the -- that you had mentioned,
15 Commissioner McNulty, area.

16 I'd like to add that the -- all of the I-19
17 corridor be kept whole. We've heard substantive testimony
18 about that.

19 And that there be a relook of bringing southern
20 Pinal County, Saddlebrooke, and its adjacencies, as well
21 as Marana, eastern, western Marana, which is right now
22 split into two districts, back into a single district,
23 along with Saddlebrooke, Oro Valley, all of, all of Marana
24 proper.

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: The -- I think all of us can
3 probably go through the same list of things we want to
4 change and have a laundry list, as Commissioner Stertz just
5 had.

6 I don't know if that's, again, if that's the right
7 move.

8 Again, it will be taking us back to what-if
9 scenarios.

10 That, the changes that Commissioner McNulty
11 proposed were significant to me.

12 I don't agree with all of them. There are some
13 that I do agree with and there were some of them probably
14 that Commissioner Stertz agrees with.

15 And that's the whole thing about compromise. I
16 don't want to remove Fountain Hills out of District 4. I
17 don't want to do that.

18 I don't want to combine or keep Cochise County
19 whole and also remove the size of District 1. I want to
20 keep it the way it is. But, again, I'm willing to look at
21 those changes that Commissioner McNulty is proposing,
22 because there are some changes that I like.

23 And that's the whole thing about compromise, that
24 I think Commissioner Stertz will agree with, that there are
25 some things that, that are going to be proposed that you

1 don't like, but there's some things that will -- that I'll
2 propose that you do like. And you have to say, okay, this
3 is worth it, can I -- I'm not going to get everything, but
4 I'm going to get some of the major changes that have been
5 requested by Stertz, Freeman, and some of the Republican
6 testimony.

7 Or, say, you know what, no, I'm not going to do
8 that, I'm going do my map and, and not accept any of the
9 changes that the Democrats are proposing.

10 So really there's two choices here. One of
11 them is compromise, and I think that's what we're trying to
12 do.

13 COMMISSIONER STERTZ: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Stertz.

15 COMMISSIONER STERTZ: That's about as far
16 mischaracterization of that I could possibly imagine.

17 You've used that word compromise over and over
18 again, and that's just not been the case, so let's go back
19 to this again.

20 Commissioner McNulty outlined some, some
21 adjustments that were made that were subtle and small
22 adjustments that Commissioner Herrera may or may not like,
23 that other commissioners may or may not like.

24 I've done the same thing based on the public
25 testimony that I've received and that you received and that

1 we received.

2 And I have added those items to the list of
3 Commissioner McNulty.

4 There is no reason at all, if we're going to
5 go down the path of making one, two, or three changes
6 that we shouldn't look at the five, six, seven, eight, or
7 nine.

8 So let's add these lists to the one that
9 Commissioner McNulty added and let's have
10 Strategic Telemetry go ahead and have a run at it.

11 VICE-CHAIR HERRERA: Madam Chair, just in the
12 interest of time, what I would like to do is make a motion
13 that we allow Strategic Telemetry to move forward creating a
14 working map with the changes that Commissioner McNulty
15 proposed.

16 I think this is the only way this is going to work
17 for us to be able to, as I mentioned before, being
18 consistent, for us to be able to vote on the proposed
19 changes for the working map, because if not we're going to
20 be here all night, going back and forth as we were
21 yesterday, saying the same thing over and over again.

22 So my recommendation is to vote, move forward, and
23 have Strategic Telemetry work on those changes that were
24 proposed to see what they look like.

25 I think that's a -- that is a good idea, there's

1 some changes that are -- that Stertz likes. I know there
2 are some changes that he likes. There are some changes that
3 I like.

4 So, that would be my recommendation, or my motion.

5 CHAIRPERSON MATHIS: Well, I don't, I don't think
6 we need to do motions and voting right now, but I do think
7 this isn't the extent of all the changes for the
8 adjustments.

9 I mean, what Ms. McNulty just presented isn't
10 everything that we've heard in public comment.

11 And granted we can't do absolutely everything that
12 we've heard, because a lot of it conflicts.

13 So we're going to have to do the best we can.

14 But I think that all four of those things are all
15 things that we all agree on that we would like to see
16 happen.

17 And then so my suggestion would be, and
18 Mr. Strasma, I don't think they can do this tonight anyway,
19 they've already told us that, but for us to -- you know,
20 they can -- that's tee'd up, she has notes, and she'll make
21 sure that we get all that.

22 I think that you and Mr. Freeman, if you guys have
23 things to list with also the ripple effects attached, that
24 you can share with all of us, that would also be helpful,
25 and, yes, I think they should explore those.

1 We'll have to see how, how things unfold.

2 But I do think these four things were all things
3 that we heard a lot about and I think all agree on, keeping
4 Cochise County whole, increasing the compactness of CD 1,
5 consolidating Oak Creek with Sedona, and then consolidating
6 Fountain Hills with urban Maricopa.

7 Granted there were other areas too in the map we
8 heard a lot about too, and we'll have to consider those.

9 But I think that's a good start at least in that
10 she could share information with all of us, and they can do
11 the analysis and tell us what that means from at least their
12 initial stab at her suggested ways of doing it.

13 And then if others have other ways they think
14 would be better of doing it, we'll have to talk about those.

15 VICE-CHAIR HERRERA: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

17 VICE-CHAIR HERRERA: I don't want to be a broken
18 record again, but I don't agree with all those changes.

19 CHAIRPERSON MATHIS: Right. Okay.

20 VICE-CHAIR HERRERA: I mentioned which ones I
21 don't agree with, but I'm willing to see what they look like
22 once we make those changes.

23 But, again, I don't necessarily agree with them.

24 CHAIRPERSON MATHIS: Okay. That's a good point.

25 Yeah, it's more we agree that it's worth looking

1 at them. And get the analysis done so we can see what
2 impacts those adjustments would do if they're workable.

3 COMMISSIONER STERTZ: Two things, Madam Chair.
4 There is a motion on the floor.

5 CHAIRPERSON MATHIS: Okay. But it hasn't been
6 seconded.

7 COMMISSIONER STERTZ: Correct.

8 CHAIRPERSON MATHIS: So it can die.
9 It can also live, depending on what others do.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: Eventually we're going to
13 have to vote on these things, so you can put off voting --
14 that's not -- I mean, you're not going to hurt my feelings
15 by not voting on this motion.

16 But eventually you're going to have to -- there's
17 going to be changes that will probably be -- are going to be
18 proposed by Commissioner Stertz that's I'll probably not
19 agree with based on the things he just mentioned.

20 And, again, those are changes that I would
21 probably not agree with, if those are the changes he's
22 proposing and proposed to Strategic Telemetry, I would not
23 be in favor of that.

24 So if we go -- if we're going to send
25 Strategic Telemetry every change that each commissioner

1 wants to make and have their own map, again, we're going
2 back to what we did before.

3 It was a very productive project that we all did
4 and we were involved in, but with the creating final maps,
5 it's probably not a good use of our time.

6 COMMISSIONER STERTZ: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

8 COMMISSIONER STERTZ: Just for clarification,
9 according to Mr. Herrera the list that Commission McNulty
10 forwarded is just fine, but a list of somebody else is not.

11 I want to just get this clear that I'm going to
12 suggest this again, that since they can't work on this
13 tonight anyway, that we -- they send out a list of
14 Commissioner McNulty's laundry list that we can come back
15 and say, yes, because she has ratcheted down to precinct and
16 to relevance, so that we can look at it tonight, and then we
17 can have some commentary on it tomorrow, rather than just
18 picking and choosing bits and pieces that we may or may not
19 agree to to determine what the ramifications are.

20 I think that they've got their homework for
21 tonight.

22 Let's let -- let's get the distribution of
23 Commissioner McNulty's notes in our hands, so that we have
24 can have this as an active discussion point.

25 VICE-CHAIR HERRERA: Madam Chair, just quickly.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: I mean, the changes that
3 Commissioner McNulty proposed are nothing new. Again, she
4 put a lot of effort into it, a lot of thought into it. And
5 I'm sure she probably stayed up late last night while I was
6 sleeping.

7 And your comments that you made weren't as thought
8 out as Commissioner McNulty's.

9 She came prepared. She was the only one that came
10 as prepared as she did.

11 I wasn't as prepared as she was,
12 commissioner Mathis wasn't, and neither were you.

13 So that's one of the reasons why I am okay with
14 moving forward with it, because she went step by step each
15 district that she was moving, adding, what the impact will
16 be.

17 That's why we moved forward.

18 Not because she recommended them, but because of
19 the time and effort she put into them and explaining some of
20 the, some of the impacts and how to correct the impact.

21 COMMISSIONER STERTZ: Madam Chair, if you'd like,
22 for Commissioner Herrera's sake, I can take you block by
23 block through census blocks through census tract of every
24 single adjustment that I would like to have integrated in.

25 And this is probably going to take the better part

1 of a couple of hours.

2 It is very intense and very complex. Because I
3 have done the homework. And I have done a complete analysis
4 of this, of the areas that all reflect the data that I've
5 received from the 6500 pages of comment and public
6 testimony.

7 So we can go down the path, because I have done
8 homework, and I am prepared to do so, and I've got it right
9 down to the census block, the census block group, and the
10 census tract.

11 So where -- would you like me to begin or would we
12 be better served to take another path?

13 VICE-CHAIR HERRERA: Madam Chair, just quickly.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: I can do the same thing. I
16 will come back tomorrow and give you block by block census
17 tracts and I'll take you -- it'll take me a good part the
18 day.

19 If you want to do that, I'm happy to do that
20 tomorrow.

21 If Commissioner Stertz wants to do it tonight,
22 which, again, I don't think it would be a good use of our
23 time, but I -- and it wouldn't be a good use of our time if
24 I did the same thing, spending four or five hours on the
25 changes that I want to make.

1 But if that's what you -- if that's the path
2 Commissioner Stertz wants to go, I'm happy to do that.

3 COMMISSIONER STERTZ: Well, you were --
4 Madam Chair.

5 Commissioner, you're just giving all kinds of
6 accolades to all of, all of the Commissioner McNulty's hard
7 work. She's staying up last night while you were sleeping.
8 Making sure that all of her hard work was complete.

9 I've got an equal level of work that we'd like to
10 have. If you'd like me to read it into the record, I can.

11 I'm making a suggestion that I think is prudent
12 and practical.

13 And, Madam Chair, I think that you can bring this
14 dialogue to a close by making a recommendation that, that
15 the legislative maps get tweaked, we reconvene at
16 1:00 o'clock tomorrow, and that a distribution of
17 Commissioner McNulty's notes be made, so that we can review
18 them as they were the first ones that went out.

19 COMMISSIONER McNULTY: Madam Chair, the process
20 that we discussed yesterday was the process that I just went
21 through.

22 I provided four, five major goals.

23 I walked through the ripple effects of the goals,
24 and I have it all described.

25 And, I, I think that, you know, it gave us the

1 opportunity to talk about it in concept. So we know whether
2 these are things that on balance we would like to consider
3 or not like to consider.

4 And I would request that Mr. Stertz do the same
5 thing tomorrow with his proposed changes. Lay them out,
6 give us the highlights of the concept of what they are, tell
7 us what the ripple effects will be, and how he would propose
8 to address those, we can discuss them in concept. And if
9 the concepts are things that we would want to consider in
10 more detail then -- I mean, to me that process makes sense,
11 because we do need to move forward. We need to keep our
12 mappers busy. We need to talk as a group about what we want
13 to do.

14 And so I think it is a little bit apples and
15 oranges.

16 So I would ask that that's what you do, that you
17 take what -- the thoughts that you have and you put them
18 together and show us what the impacts are going to be,
19 and then we can talk about them the same way we did about
20 these.

21 But I would hope we can get this in the queue for
22 the mappers to begin working.

23 COMMISSIONER STERTZ: Madam Chair, my only comment
24 would be if we can get that list, because I did not take
25 copious notes as you went through them, and --

1 COMMISSIONER McNULTY: Sure. I'll run through it
2 one more time.

3 Making Cochise County whole --

4 COMMISSIONER STERTZ: One moment.

5 (Brief pause.)

6 COMMISSIONER McNULTY: Number two is reducing the
7 area and increasing the compactness of CD 1 somewhat.

8 Number three is --

9 COMMISSIONER STERTZ: Reducing.

10 COMMISSIONER McNULTY: -- the area. And
11 increasing compactness.

12 It's, you know, every little bit counts.

13 Consolidating the Village of Oak Creek with Sedona
14 and some of the surrounding unincorporated areas.

15 COMMISSIONER STERTZ: Can you repeat the Sedona,
16 please?

17 COMMISSIONER McNULTY: Consolidating the
18 Village of Oak Creek with Sedona.

19 COMMISSIONER STERTZ: Number four.

20 COMMISSIONER McNULTY: Moving Fountain Hills into
21 CD 6 from CD 4, so it's in the same congressional district
22 with Scottsdale, Fort McDowell.

23 COMMISSIONER STERTZ: Number five.

24 COMMISSIONER McNULTY: And then the fifth was just
25 some ancillary side effects where it makes some census

1 places whole to reduce splits in northwestern Maricopa
2 County.

3 CHAIRPERSON MATHIS: So we've lost Mr. Herrera,
4 but you're going to be working on Voting Rights Act
5 information tonight.

6 KENNETH STRASMA: Correct.

7 CHAIRPERSON MATHIS: And then tomorrow we'll be
8 discussing this more, and Mr. Stertz will be bringing his
9 ideas to the table and share those notes with us too.

10 So I think we have a game plan.

11 Does that sound good?

12 Mr. Herrera is hopefully okay with that.

13 Okay. Well, with that I think we move on to the
14 next agenda item, which will be, I believe, public comment.

15 I just have a couple request to speak forms. And
16 if anybody would like to address us, please fill one out.

17 Just making sure there was nothing else.

18 That's it?

19 Public comment.

20 I only have two actually -- oh, there will be
21 three.

22 Mohur Sidhwa, representing self, from Tucson.

23 Adolfo Echeveste.

24 He left? Okay.

25 Chase Williams. I think this happened yesterday.

1 CHASE WILLIAMS: Chase Williams, C-H-A-S-E,
2 W-I-L-L-I-A-M-S.

3 I want to thank the Commission for starting to
4 talk about changes today because a lot of voters who are
5 sitting at home are kind of wondering where we're going
6 next.

7 But specifically about a few of the changes. When
8 we look at the changes you're going to make to 26, I as a
9 resident of 18 would just like to reiterate the importance
10 of competitiveness in that district. Our current district,
11 which is LD 20, is decently competitive, but 18 is much more
12 competitive.

13 So I request that if you are going to make changes
14 in the southern part of 26, that we make sure that the
15 competitiveness of 18 is not affected.

16 Also thinking about the elementary school
17 districts in that area, Kyrene, Tempe, as well as the high
18 school district, because some of those lines along Baseline
19 especially could be impacted by some of those changes.

20 Additionally with the congressional map, obviously
21 we'll see the analysis of Commissioner McNulty's proposal.
22 But I would just like to reiterate the importance was
23 competitiveness in all those districts, especially in the
24 district that currently -- I guess one, whatever the
25 district that encompasses the Navajo Nation to make sure

1 that we protect the competitiveness in that district.
2 Because remember we do have four Republican districts and
3 two Democratic districts and only three competitive
4 districts, so McNulty's changes do alter the
5 competitiveness, I would like to reiterate that we shouldn't
6 put those into place.

7 Then finally on the question of the Voting Rights
8 Act. I think that Mr. Stertz and Mr. Freeman need to
9 remember that the federal does come before the state
10 regardless of whether the state constitution does list six
11 items.

12 If we don't prioritize those federal items first,
13 we're never going to have a map and we'll be back here in
14 four months trying to do this all over again or the court's
15 going to take them over and we'll be back here in 2013
16 trying to redraw maps again to meet the requirements of the
17 federal requirement for Voting Rights Act.

18 So basically competitiveness, I'm going to make
19 sure we're protecting the Voting Rights Act.

20 Thank you.

21 CHAIRPERSON MATHIS: Thank you.

22 Our next speaker is Leonard Gorman, executive
23 director for Navajo Nation Human Rights Commission.

24 LEONARD GORMAN: Good evening. Since this is the
25 first time back from the long break in November,

1 congratulations to having you start up again.

2 And also congratulations to Commissioner Freeman,
3 another addition to the southern part of the state of
4 Arizona.

5 Just the area of the Voting Rights Act, and also
6 the community of interest concerns. It's a delight from the
7 Navajo Nation Human Rights Commission's perspective that
8 you've engaged a former employee of the U.S. Department of
9 Justice to provide you guidance and to comply with the
10 Voting Rights Act of the United States of America.

11 And certainly support comments that have been made
12 by your consultant with the Navajo Nation District 7 as
13 drafted.

14 Navajo Nation has very strong concerns about the
15 voting performance of our citizens in that portion of the
16 United States, the state of Arizona.

17 Just some key factors to take into consideration,
18 when you continue to examine LD 7 along the lines of
19 comments that were made by consultant.

20 I think there's a strong opportunity for you to
21 increase the Native American voting population in
22 District 7, and as we had mentioned many times in the month
23 of October.

24 Some of the factors that need to be keyed in on as
25 you go along in examining the voting performance are, as an

1 example, the populations on -- population on the
2 Navajo Nation.

3 While there are a significant number of voting age
4 populations, however, significant number of those voting age
5 performance levels are more in the area of 40 years on up.

6 While the population seems to be more centered on
7 ages from 18 to 40 in the voting age population, those
8 individuals, their performance level is relatively low in
9 contrast to the voting age population 40 and up.

10 Now, the other aspects you really need to take
11 into consideration in determining the increase in the voting
12 age population of LD 7 is the fact that Navajo Nation is a
13 very rural area.

14 And then not only the concerns about during the
15 day of the election we have weather conditions that may
16 impede on voters' travel, residents' travels in those areas,
17 but also the concern about the voting precincts versus -- on
18 the Navajo Nation versus the voting precincts by state.

19 There are a tremendous amount of concerns related
20 to that -- to those issues.

21 Oftentimes we find Navajo people, Navajo voters
22 have a very difficult time canvassing the precinct areas,
23 and often get confused between Navajo Nation elections and
24 also state elections.

25 People often see, particularly in the voting age

1 group that I refer to, 40 and up, have significant concern
2 about having to travel from one polling place to the next
3 polling place to cast both Navajo Nation ballot and also the
4 state ballot.

5 So those are some of the factors as I understood
6 as explained to you.

7 It's not only the percentage Native American
8 voting age population as a concern. It's not just a number
9 concern, but also those are some of the key factors that
10 need to be taken into consideration.

11 As far as the congressional district is concerned,
12 the Navajo Nation I think has a very generous forethought,
13 20 years, 30 years from now.

14 It is the hope that somewhere, at least maybe 15,
15 20 years from now, there will be an opportunity in which the
16 district which now it is located will become a
17 minority-majority concern and relative to the Voting Rights
18 Act.

19 So those are the concerns that the Navajo people
20 have in relation to this.

21 So taking those type of factors into
22 consideration, bringing down the number of Native American
23 voting age population in current LD 1, would have some
24 significant concerns with the Navajo Nation. I think if
25 there's an effort to tweak and affect the compactness of

1 CD 1, that those would also be a factor in assuring that the
2 Native American voting age population is taken into
3 consideration.

4 And finally the communities of interest aspects.

5 I know that there are many concerns that were
6 raised throughout the second round of hearings, public
7 hearings, in particularly the area of Flagstaff and the
8 Navajo Nation regions.

9 I think in this time and age, this day and age,
10 the Navajo people, specifically through the Human Rights
11 Commission, we've been very active in illustrating and
12 educating the Arizona public about the indigenous people's
13 concerns, not only in the state of Arizona, but also
14 throughout the United States.

15 And the kind of history that placed the state of
16 Arizona in the situation where it's now covered under
17 restriction.

18 I think those are the concerns that we have when
19 you talk about the northeast region of the state of Arizona.

20 Places that we noted of community of interest are
21 not only just because Navajos have migrated to border town
22 areas, but also there are traditionally used areas, lands
23 that have been traditionally occupied and used by the Navajo
24 people, indigenous peoples, long, long, long before people
25 came from Europe, which is now Europe.

1 And those are still, in our minds, in our lives,
2 these are imprints that we have as indigenous peoples of the
3 state.

4 We are taught from birth on up about sacred sites.
5 The San Francisco Peaks is a very important mountain to the
6 Navajo people and various others indigenous peoples around
7 that area.

8 And I think our effort here as a human rights
9 concern is to ensure that the proper attention, proper
10 consideration, are provided throughout the processes that
11 are available in policy making, state and federal.

12 So that's some of our primary concerns.

13 So iterations or concerns that we put forward that
14 competitiveness needs to be a factor. Navajo Nation is not
15 necessarily concerned about competitiveness. It's really
16 concerned about a lot of these fundamental aspects of our
17 daily lives. And these are some of the accounts that we
18 presented to you throughout the course of your second public
19 hearing and even before in the first public hearings.

20 So I just wanted to recap on some of those issues.

21 And we will be hopefully able to participate as
22 often as we have in the past throughout the course of your
23 discussions and iterations and public comment.

24 Again, thank you very much for allowing the Navajo
25 Nation Human Rights Commission to provide comments. Thank

1 you.

2 Have a wonderful evening.

3 CHAIRPERSON MATHIS: Thank you, Mr. Gorman. I
4 have a quick question. I'm not sure I understood this, and
5 you may reference to it, and I wondered if you could just
6 explain it again.

7 But you made the distinction between Navajo Nation
8 elections and state elections.

9 Can you talk about that a little bit more in your
10 purpose for bringing that up?

11 LEONARD GORMAN: The Navajo Nation has its own
12 election process.

13 And the elections take place every two years.

14 So, for example, the first year, first cycle
15 election may be voting local elections at the tribal office.
16 Tribal officers normally have about four or five positions
17 at the tribal level, but they also have school board members
18 as elected positions locally.

19 So they alternate between local elections and also
20 the Navajo national elections where the legislature of the
21 Navajo Nation plus the president, vice president positions.

22 So, let's say, the first year as, say, 2010, we
23 just had the presidential election along with the
24 legislative election.

25 Next year we will have local officials election.

1 So along those time frames, also state elections
2 occur.

3 And oftentimes those state elections, at the
4 location and polling places may be within the same regional
5 area. However, precinct boundaries for Navajo elections are
6 different from state's precinct boundaries.

7 There are many places in which they overlap, so a
8 group of Navajos may be asked to travel a distance away from
9 a polling place for the Navajo Nation election but may be
10 required to go across to another precinct area to cast their
11 ballots for the state election.

12 So those are some of the confusing aspects that
13 exist.

14 Simply because the state's, the state election
15 does not respect totally the Navajo Nation's precincts.

16 CHAIRPERSON MATHIS: Okay. Thank you. I
17 appreciate that.

18 Any other comments, questions?

19 All right. Thank you.

20 I think I have another couple more.

21 Steve Muratore, publisher Arizona Eagletarian.

22 STEVE MURATORE: Thank you, Madam Chair,
23 commissioners.

24 I had a specific issue with a boundary on -- for
25 the congressional draft map.

1 Right now at where the 101 and the 202 intersect
2 in the east valley, about a mile north of that is McKellips
3 Road.

4 And you have a little part of -- it's about a
5 block north, it extends about a block north of McKellips and
6 about a quarter to a half mile west of the 101, that little
7 notch that has a couple of hundred people right now in CD 6.

8 I'd like to see that area moved to CD 9.

9 It would help to alleviate the current
10 overpopulation in CD 6 and would restore the franchise of
11 voting for that area, which is not nearly as overwhelmingly
12 Republican as the rest of CD 6.

13 So that's -- I've mentioned that before in public
14 testimony, but I wanted to make sure you guys thought about
15 it now.

16 Thanks.

17 CHAIRPERSON MATHIS: Thank you.

18 Our next speaker is Janet Regner, consultant for
19 Coconino County.

20 JANET REGNER: Good evening, commissioners. And I
21 too would like to welcome you all back and thank you again
22 for all your work.

23 And also congratulate Commissioner Freeman.

24 My name is Janet Regner, and I'm a consultant for
25 Coconino County. And I simply wanted to reiterate from the

1 second round of public hearings of what you heard in
2 Flagstaff as well as Cottonwood, that on behalf of the
3 Coconino County Board of Supervisors that you include the
4 Schultz fire and flood area in the Flagstaff legislative
5 district, and that would be Fernwood and Timberline areas,
6 as well.

7 And as has been stated several times in public
8 testimony by the residents of that area, that is a very,
9 very important planning district now.

10 The recovery from that fire and flood is going to
11 be multi-year. And so it's, it's extremely important to the
12 residents of that area that they be all in the same
13 Flagstaff legislative district.

14 So I just wanted to -- I know that Mr. Stertz was
15 unable to be there in Flagstaff and hear that directly,
16 although you probably heard it online, so I just wanted to
17 reiterate that.

18 Thank you very much.

19 CHAIRPERSON MATHIS: Thank you.

20 Is there anyone else who would like to address the
21 Commission?

22 (No oral response.)

23 CHAIRPERSON MATHIS: All right. Well, thank you,
24 public, for sticking with us and providing your input
25 tonight.

1 That just leaves adjournment on the agenda. And
2 the time is 7:38 p.m., so this meeting is adjourned.

3 And we'll meet again tomorrow at 1:00 p.m. here.

4 (Whereupon, the meeting adjourned.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.
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4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing
7 128 pages constitute a true and accurate transcript of all
8 proceedings had upon the taking of said meeting, all done to
9 the best of my skill and ability.

10 DATED at Chandler, Arizona, this 8th day of
11 December, 2011.

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C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162

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