

**U.S. DEPARTMENT OF JUSTICE SUBMISSION**

**Supervisory Redistricting  
Gila County, Arizona**

**Submitted by**

**Linda V. Eastlick, Director  
Gila County Department of Elections**

**November 21, 2011**

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## GILA COUNTY DEPARTMENT OF ELECTIONS

1400 E. Ash  
Globe, Arizona 85501

November 21, 2011

**ORIGINAL SENT FEDEX: 8670 5830 1469**

Mr. Chris Herren  
Chief, Voting Section  
Civil Rights Division  
Room 7254, NWB  
United States Department of Justice  
1800 G Street, N.W.  
Washington, D.C. 20006

Re: Submission Under Section 5 of the Voting Rights Act  
Supervisorial Redistricting for Gila County, Arizona

Dear Mr. Herren:

In accordance with the Voting Rights Act of 1965 as amended, and on behalf of Gila County, Arizona, we are requesting your review and preclearance for Gila County to adopt a new Supervisorial Redistricting plan for the Gila County Board of Supervisors, the governing entity for Gila County. One member is elected from each of the three Board of Supervisor districts. This cover letter is accompanied by an Exhibit Listing, and two USB flash drives which contain all exhibits and audio for public meetings detailed in the Exhibit Listing.

Pursuant to 28 C.F.R. § 51.34, Gila County requests expedited consideration of its preclearance request.

In reviewing the information contained in the exhibits, it will be apparent that Gila County conducted the Supervisorial redistricting in concert with the Community College redistricting. Therefore, meetings, public notices, and a majority of the background materials are relevant to both processes. The Community College redistricting will be the subject of a separate submission to the Department of Justice. Submissions will

contain relevant materials; however, many exhibits pertain to both redistricting processes and, therefore, will be duplicated in each submission as necessary.

Both the Supervisorial and the Community College redistricting processes resulted in precinct boundary changes. A third submission will be made to the Department of Justice requesting preclearance of precinct boundary and polling place changes.

For your convenience, further information is set forth as prescribed by 28 C.F.R. § 51.27 as follows:

#### **A. COPY OF ENACTMENT:**

The Board of Supervisors of Gila County, Arizona met on October 3, 2011 to approve mapping alternative "Plan A," which will divide the County into three substantially equally populated districts named District 1, District 2, and District 3. This configuration is the same as the benchmark. On October 18, 2011, the Gila County Board of Supervisors ordered: (1) Plan A be adopted as the Gila County Supervisorial Redistricting plan; (2) the Supervisorial district boundaries be implemented and take effect upon preclearance by the Department of Justice; and (3) precinct boundary changes required as a result of the adoption of Plan A take effect upon preclearance by the Department of Justice. The Order can be found in Exhibit Item A-5. Plan A details can be found in Exhibit Item B-3. The proposed Board of Supervisors redistricting plan is referred to herein as "the proposed plan."

#### **B. COPY OF EXISTING PROGRAM:**

A map of the benchmark three-district Gila County Board of Supervisors districting plan with 2010 Census population figures is included as Exhibit Item B-2.

#### **C. EXPLANATION OF CHANGES:**

In accordance with Arizona Revised Statutes (A.R.S.), A.R.S. 11-211, the Board of Supervisors shall consist of three members elected by district in counties with fewer than 175,000 people. According to the 2010 Census, Gila County's population is 53,597. Pursuant to Arizona law, the Board of Supervisors is the local government authority empowered to redistrict. Copies of relevant Arizona statutes are attached as Exhibit Item A-4.

Hispanics (17.9% of total population) and American Indians (14.8% of total population) are Gila County's largest minority groups.

Summary population percentages by Supervisorial District are contained in the following table. A detailed spreadsheet is contained in Exhibit A-10.



<b>Population by District</b>	<b>Benchmark Plan</b>	<b>Proposed Plan</b>
Total Population, District 1	18,105	18,105
Total Population, District 2	17,151	18,121
Total Population, District 3	18,341	17,371
Total Minority Population, District 1	11.49%	11.49%
Total Minority Population, District 2	34.48%	34.29%
Total Minority Population, District 3	56.19%	57.65%
Total Anglo Population, District 1	88.51%	88.51%
Total Anglo Population, District 2	65.52%	65.71%
Total Anglo Population, District 3	43.81%	42.40%
Total Hispanic Population, District 1	8.10%	8.10%
Total Hispanic Population, District 2	28.66%	28.89%
Total Hispanic Population, District 3	17.47%	16.61%
Total American Indian Population, District 1	1.97%	1.97%
Total American Indian Population, District 2	4.17%	3.68%
Total American Indian Population, District 3	37.64%	40.01%
Total Voting-Age Population, District 1	15,193	15,193
Total Voting Age Population, District 2	13,541	14,218
Total Voting Age Population, District 3	13,392	12,715
Total Minority Voting-Age Population, Dist 1	9.13%	9.13%
Total Minority Voting Age Population, Dist 2	30.16%	30.27%
Total Minority Voting Age Population, Dist 3	50.28%	51.22%
Total Anglo Voting-Age Population, Dist 1	90.87%	90.87%
Total Anglo Voting-Age Population, Dist 2	69.84%	69.73%
Total Anglo Voting-Age Population, Dist 3	49.72%	48.78%
Total Hispanic Voting-Age Population, Dist 1	6.23%	6.23%
Total Hispanic Voting-Age Population, Dist 2	24.88%	25.34%
Total Hispanic Voting-Age Population, Dist 3	16.45%	15.49%
Total American Indian Voting-Age Pop, Dist 1	1.75%	1.75%
Total American Indian Voting-Age Pop, Dist 2	3.63%	3.24%
Total American Indian Voting-Age Pop, Dist 3	32.77%	34.75%



Prior to this Supervisorial redistricting change, Gila County had one majority-minority district, Supervisor District 3. Under the proposed plan, District 3 remains a majority-minority district. Under the benchmark and proposed plans, no single minority group constitutes a majority of this district's population. American Indians constitute the district's largest minority, with benchmark 6,903 total population and 4,388 VAP. The benchmark and proposed District 3 include the San Carlos Apache Reservation, the County's largest Indian Reservation, and the White Mountain Apache Reservation. These Reservations are split between counties: Gila, Graham and Pinal Counties share the San Carlos Reservation and Gila, Apache, and Navajo Counties share the White Mountain Apache Reservation. Benchmark and proposed District 3 contain all of the San Carlos and White Mountain Apache Reservations that are in Gila County.

According to the 2010 Census, 5,288 people live on the San Carlos Reservation, of whom 5,108 (96.5%) are American Indians. According to the same Census, 1,673 people live on the White Mountain Apache Reservation, of whom 1,649 people (98.5%) are American Indian.

Benchmark District 3 includes the towns of Hayden and Winkelman, which are majority Hispanic. According to the 2010 Census, Hayden has a total population of 662 people, of whom 84.4% are Hispanic. According to the same Census, Winkelman has a total population of 353 people, of whom 82.4% are Hispanic. However, over the past decade, Hayden and Winkelman also suffered population loss of 25.78% and 20.32% respectively. Conversely, it should be noted that the Christmas precinct population has increased from 232 to 325 and the Hispanic population in this precinct has increased 138.33%, from 60 to 143

During the redistricting process, Hispanic residents of these majority Hispanic communities overwhelmingly favored staying in District 3 so they could continue having a voice in County elections. During the redistricting process, these residents objected to a proposed redistricting plan, Plan D - Tonto Apache Plan, that proposed moving their communities to District 2. A thorough discussion of the redistricting process follows.

Together with District 3's Hispanic residents, American Indians and Hispanics make District 3 a majority-minority district and have demonstrated the ability as a coalition to elect their candidates of choice. This district is currently represented by Shirley Dawson (D- Anglo). No minorities have run for District 3 Supervisor since preclearance of the benchmark plan.

Compared to the benchmark plan, the proposed plan preserves the ability of District 3's minority voters to elect candidates of choice.

District 2 is not a majority-minority district numerically. However, electoral performance has shown that Hispanic voters here can often elect candidates of choice. Indeed, this district has historically elected more minorities (Hispanics) to the Board of Supervisors than any of the three districts. District 2 is currently represented by Michael Pastor (D-Hispanic). Mr. Pastor is the only minority on the Board of Supervisors. This



district has traditionally included the Town of Miami, which has arguably one of the strongest traditions and history of Latino voter turnout and electoral involvement of all Gila County municipalities. According to the 2010 Census, Miami has a total population of 1,837 people, of whom 1,029 people (56%) are Hispanic.

District 2 has also traditionally included most of Globe, the County seat and one of the County's most populous municipalities, which also has a strong tradition of Latino voter turnout and electoral involvement. Globe's current mayor, Fernando Shipley, is Hispanic. According to the 2010 Census, Globe has a total population of 7,532 people, of whom 2,775 people (36.8%) are Hispanic.

The proposed plan retains Miami and most of Globe within proposed District 2.

Proposed District 2 also retains several other precincts that have approximately 30% or more Hispanic population, such as Claypool #2 (32.7%) and Claypool #3 (43%).

Compared to the benchmark plan, the proposed plan preserves the ability of District 2's Hispanic population to elect candidates of choice.

District 1 is a heavily majority Anglo district. This district is currently represented by Tommie Martin (R- Anglo). Minority voters in this district are not numerous enough to elect candidates of choice.

The total population deviation for the districts is:

<b>Total Population</b>	<b>Before the Change</b>	<b>% Deviation From Ideal</b>	<b>After the Change</b>	<b>% Deviation from ideal</b>
Total Population, District 1	18,105	1.34%	18,105	1.34%
Total Population, District 2	17,151	-4.00%	18,121	1.43%
Total Population, District 3	18,341	2.66%	17,371	-2.77%
Ideal Population	17,866		17,866	
Total % deviation from Ideal		6.66%		4.20%

**D. PERSON MAKING SUBMISSION:**

On behalf of Gila County:

Linda V. Eastlick, Director  
 Gila County Department of Elections  
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 928.402.8708  
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**E. SUBMITTING AUTHORITY:**

Gila County Board of Supervisors, Gila County, Arizona

**F. COUNTY AND STATE OF SUBMITTING AUTHORITY:**

Gila County, Arizona

**G. PARTY RESPONSIBLE FOR CHANGE:**

The party responsible for making the proposed changes is Gila County.

**H. AUTHORITY FOR MAKING CHANGE:**

Arizona law provides the Gila County Board of Supervisors with redistricting authority for the Board of Supervisors.

ARS 11-211. Membership; qualifications; term

- A. In each county having a population of less than one hundred seventy-five thousand persons, a board of supervisors shall consist of three members, ... who shall be qualified electors of their supervisorial district and who shall be elected at a general election at which the president of the United States is elected.

All relevant Arizona redistricting statutes are included in Exhibit Item A-4.

**I. DATE OF ADOPTION:**

Gila County adopted the proposed changes on October 18, 2011

**J. EFFECTIVE DATE:**

The changes will take effect immediately after preclearance by the Attorney General.

**K. ENFORCEMENT OF CHANGE:**

Gila County will enforce the proposed changes only after preclearance by the Attorney General.

**L. SCOPE OF CHANGE:**

The changes contained herein will affect Gila County.



**M. REASONS FOR THE CHANGE:**

Gila County redistricted its supervisory districts to comply with the U.S. Constitution's one person, one vote requirement, the Voting Rights Act, and Arizona state law.

**N. ANTICIPATED EFFECT ON MEMBERS OF RACIAL OR LANGUAGE MINORITY GROUPS:**

Gila County does not anticipate that the proposed changes contained in this submission will have a discriminatory effect on members of racial or minority groups in Gila County. Gila County does not have a retrogressive purpose in making the changes contained in this submission.

**O. PAST OR PENDING LITIGATION:**

There is no pending or past litigation concerning the change in this submission.

**P. PRECLEARANCE OF PRIOR PRACTICE:**

Gila County received preclearance from the Department of Justice for its last supervisory redistricting plan on August 5, 2002, (DOJ Submission # 2002-3232). A copy of the Department's preclearance letter is included as Exhibit Item A-3

**Q. REDISTRICTINGS AND ANNEXATIONS:**

The Gila County Board of Supervisors is the governing body for Gila County. Under the benchmark plan, one supervisor is elected from each of three districts. Supervisors serve four-year terms. The method of electing supervisors will not change under the proposed plan. The frequency of Board of Supervisor elections will not change under the proposed plan.

The benchmark, precleared, Board of Supervisors districting plan has one majority-minority district (District 3). The proposed plan retains District 3 as a majority-minority district and preserves the ability of District 3 minority voters to continue electing their candidates of choice.

Gila County has three county elected officials elected by district who are members of a racial or minority language group: District 2 Supervisor Michael Pastor (Hispanic); Gila Community College District 3 Governor Armida Bittner (Hispanic); and Gila Community College District 5 Governor Bernadette Kniffin (American Indian - Apache). Additionally, Gila County has two county officials elected at large who are members of a racial or minority language group: Clerk of Superior Court Anita Escobedo (Hispanic) and County Attorney Daisy Flores (Hispanic).

According to the 2010 Census, Gila County has a total population of 53,597 people, of which 7,946 are American Indian (14.8% of total population) and 9,588 are



Hispanic (17.9% of total population). According to the same Census, Gila County has a voting age population of 42,126 people, of which 5,145 are American Indian (12.2% of total VAP) and 6,519 are Hispanic (15.4% of total VAP).

Gila County's population has grown 4.41%, or by 2,262 people, since 2000. According to the 2010 Census, over the past decade, the County's Hispanic population grew by 12.19%, the County's American Indian population grew by 24.38%, and the County's non-Hispanic Anglo population dropped by .26%. Gila County's having one majority-minority Board of Supervisors district is consistent proportionately with the County's overall minority population and is also consistent proportionately with the County's growth pattern over the past decade. See Population Growth Rates in Exhibit A-10.

### **Electoral Performance**

Supervisor elections since the last pre-cleared supervisory districting change occurred in 2002, 2004 and 2008. Election returns, by precinct, and applicable voter registration statistics for all presidential preference, primary, and general elections held in 2002, 2004, 2006, 2008, and 2010 are included in this submission and detailed in the Exhibit Item C.

Gila County's minority voters, both Hispanics and American Indians, tend to support Democratic Party candidates. In Supervisor Districts 2 and 3, Democratic candidates tend to win, with the electoral support of Hispanic and American Indian voters.

In the 2002 general election for District 2 Supervisor, Jose Sanchez (D-Hispanic) defeated Roberta Johnson (R-Anglo), 58.4% to 41.6%. Mr. Sanchez was the candidate of choice of District 2's Hispanic voters.

In the 2004 primary election, Mr. Sanchez gained the Democratic Party nomination by defeating Danny Michels (Anglo), 46.62% to 42.86%. In the 2004 general election, Mr. Sanchez ran unopposed and was elected District 2 Supervisor with more than 98% of the vote.

In the 2004 primary election, Shirley Dawson (Anglo) gained the Democratic Party nomination for District 3 Supervisor by defeating Robert Mounce (Anglo), 41.22% to 33.61%. In the 2004 general election, Ms. Dawson defeated Bill Fogel (R-Anglo), 67.5% to 32.04%. Ms. Dawson was the candidate of choice of District 3's minority voters in the general election.

In the 2008 primary election, Michael Pastor (Hispanic) gained the Democratic Party nomination for District 2 Supervisor by defeating Danny Michels, 50.6% to 37.29%. Ms. Dawson ran unopposed for the District 3 Supervisor Democratic Party nomination.

In the 2008 general election, Michael Pastor ran unopposed and was elected District 2 Supervisor with more than 98% of the vote. In the 2008 District 3 Supervisor general election, Ms. Dawson won re-election, defeating David Cook (R-Anglo), 48.82% to 44.96%. Ms. Dawson was the minority voters' candidate of choice in the general election.

### **Redistricting Required Contents**

Pursuant to 28 CFR §51.28 (f)(3-5), a flash drive containing all exhibits including public redistricting meetings, calendar of redistricting events, copies of comments from the general public about redistricting, and public communications, such as public notices and public statements from County officials, are included throughout the exhibits. Specifically, see Exhibit Item A-12, A-13, A-14, A-15, A-16, and Exhibits D, E, F, G, and H. See Exhibit Listing for complete information.

During the redistricting process, Gila County conducted substantial outreach to the County's Latino and Native American populations. Pursuant to 28 CFR §51.28 (f), the County posted Spanish language notices of redistricting public meetings and provided Spanish language assistance at these meetings. Copies of these notices are included with each of the meetings contained in Exhibit Items E-2, F-1, and G-1. Details of meetings with the tribal governments are included in Exhibit Items D-2, F-3, F-8, F-13, G-3, and G-5.

The County provided online information, in English and Spanish, about the redistricting process. A screen shot from the County's Home Page as well as the Spanish from the citizen mapping tool page are included in Exhibit Item A-15 as examples. All public notices and citizen input materials were rotated through the website in English and Spanish throughout the redistricting process over the past year.

There was media coverage of the redistricting process. Relevant newspaper articles are referred to frequently in this submission. Pursuant to 28 CFR §51.28 (f)(1), copies of newspaper articles are included as Exhibit A-13.

### **Census Data**

Census data is contained in the Exhibit Item A-10

### **Voter Registration Data**

Voter Registration statistics before the change and after the change as well as an Excel file of registered voters are contained in Exhibit Item A-11.

### **Redistricting Process Summary**

The following narrative describes the process undertaken to establish new Supervisorial Districts in Gila County, Arizona.



Arizona Revised Statute §11-212 states the Board of Supervisors shall meet at the county seat on or before December 1, following the release of the United States decennial census data, and divide the county into three Supervisorial Districts which shall be numbered respectively, District 1, District 2, and District 3. Further, the statute states the Board of Supervisors shall define the boundaries and set limits of each District and make the division equal or with not more than ten per cent difference in population. See Exhibit Item A-4.

In preparation for redistricting of the Supervisorial boundaries, Gila County began the redistricting process in November, 2010. During the ensuing eleven months, the following activities were undertaken to ensure an open process which encouraged public participation and resulted in the adoption of a plan which conformed to the U.S. Constitution and the Voting Rights Act of 1965:

- November, 2010 - Contracted with redistricting and mapping consulting firm Federal Compliance Consulting LLC. Consultants included Bruce L. Adelson, Esq. and R. Anthony Sissons.
- December, 2010 - Conducted informational meetings with County management and County elected officials, and special district elected officials.
- January - March, 2011 - Board of Supervisors adopted redistricting criteria in the form of Redistricting Principles. See Exhibit Item A-7. Additionally the Board adopted the Redistricting Advisory Committee Selection Guidelines (See Exhibit Item H-4, H-5, and H-6, and established the citizen Redistricting Advisory Committee (RAC). See Exhibits H-3, H-4, H-5, and H-6. Gila County submitted a Preclearance Request to DOJ, dated January 21, 2011. On February 18, 2011, DOJ issued a no determination letter concerning the creation of this Committee. This letter is attached as Exhibit Item A-6.
- February - April, 2011 - Conducted nine redistricting public information meetings with the San Carlos Apache Tribal Council, community college board members, various city and town elected officials, civic organizations and members of the public.
- March - July, 2011 - Held seven Redistricting Advisory Committee meetings wherein the Committee members discussed their role and responsibilities relative to the process, reviewed the legal complexities of redistricting, discussed redistricting alternatives, discussed project timelines, listened to public input, reviewed maps submitted by citizens and determined which maps to recommend to the Board of Supervisors.
- June - July, 2011 - Held eleven Round One meetings throughout the County to disseminate information to the public about the redistricting process, encourage public participation in the process, and explain how they could participate and/or provide input.



- August 15, 2011 - Redistricting Advisory Committee submitted three Supervisorial redistricting plan alternatives to the Board of Supervisors for consideration. Plan KLFSP016 created by Kristine Feezor, Plan TJM01 created by Tom Moody, and Plan TAT01 created by the Tonto Apache Tribal Council.
- August 23, 2011 - Board of Supervisors held a work session to review and discuss the mapping alternatives presented by the Redistricting Advisory Committee. During this work session, the Board was advised that the Tonto Apache Plan appeared to be retrogressive to the ability of District 3's minority voters to elect their candidates of choice. The Board requested a viable alternate of the Tonto Apache plan be created by the consultants.
- September 6, 2011 - Board of Supervisors agreed on four maps to be circulated during Round Two meetings including the three plans submitted by the Redistricting Advisory Committee (KLFSP016, TJM01, and TAT01) and an alternative to the Tonto Apache plan created by the consultants. The Board believed that the Tonto Apache plan should go forward as an option during the public comment period in order to allow the public the maximum opportunity to voice their opinion regarding the plan. The plans were renamed as follows:
  - Alternative to the Tonto Apache plan became Plan A
  - KLFSP016 became Plan B
  - TJM01 became Plan C
  - TAT01 became Plan D
- September 6 - 12, 2011 - Round Two meetings were conducted throughout the County to display the four mapping alternatives and receive public input.
- September 20, 2011 - Board of Supervisors reviewed public comments previously on the record regarding the four mapping alternatives and heard additional public comments. The Board determined that only the three mapping alternatives which upheld minority voting strength would proceed to the next phase. Those three alternatives were Plan A, Plan B, and Plan C. The Board of Supervisors voted 3-0 not to move forward with Plan D, believing it to be retrogressive.
- October 3, 2011 - Gila County Board of Supervisors selected Supervisorial Redistricting Plan A. An Order to adopt Plan A effective upon approval by the Department of Justice was signed by the Board of Supervisors on October 18, 2011.

Exhibits A - H included with this submission contain details of the Gila County redistricting process.

**Background Information and the Northern and Southern Gila County Divide - Its Impact on the Redistricting Process**

Gila County's supervisorial redistricting was informed by a divide between the northern and southern parts of the County. There is a difference of opinion as to which



precincts are in the “north” and which are in the “south”. However, we will use the Roosevelt, Sierra Ancha Precincts as the dividing point for illustrative purposes. The Roosevelt precinct is currently in Supervisorial District 2 and the Sierra Ancha precinct is currently in District 3.

The northern part of the County is predominantly Anglo. The southern part has the County's largest concentration of minorities: Hispanics, in the areas of Globe, Miami, Claypool, Hayden, Winkelman, and Christmas; and Native Americans on the San Carlos Reservation (San Carlos Precinct) and White Mountain Reservation (Canyon Day and Carrizo Precincts).

Of the 9,588 Hispanics in the County, 7,412, or 77.3%, live in southern precincts. Of the 7,975 Native Americans in the County, 7,354, or 92.2%, live in the southern precincts. The following table shows 2010 Census total population and applicable minority data by precinct:

<b>Southern Gila County Precinct</b>	<b>Total Population</b>	<b>Total Hispanic Origin</b>	<b>Total American Indian</b>
Globe #1	1,170	231	29
Globe #2	769	317	47
Globe #3	365	114	20
Globe #4	954	280	56
Globe #5	304	100	6
Globe #6	1,815	581	182
East Globe	1,263	424	39
Globe #7	891	257	36
Globe #8	1,096	580	40
Globe #11	1,222	323	58
Miami #1	862	441	33
Miami #3	1,290	696	29
Claypool #3	1,111	479	19
Central Heights	974	278	9
Claypool #1	1611	439	48
Claypool #2	1873	613	63
Hayden	662	559	2
Winkelman	353	291	9
Christmas	325	143	4
Roosevelt	354	10	16
Sierra Ancha	288	20	9
Canyon Day (Res)	1,549	30	1,510
Carrizo (Res)	127	1	124
San Carlos (Res)	5,288	205	4,966
<b>South Subtotal</b>	<b>26,516</b>	<b>7,412 / 28.0%</b>	<b>7,354 / 27.7%</b>

Northern Gila County Precincts			
Tonto Basin	1634	78	14
Payson #1	2430	436	71
Payson #2	2864	315	165
Payson #3	3102	151	98
Payson #4	1567	124	29
Payson #6	1590	178	42
Payson #7	1396	111	31
Payson #8	1793	151	20
Payson #5	2180	174	26
Star Valley	2836	239	39
Whispering Pines	305	11	4
Zane Grey	793	46	2
Gisela	886	34	16
Young	756	43	30
Pine-Strawberry	2949	85	34
<b>North Subtotal</b>	<b>27081</b>	<b>2176 / 8.0%</b>	<b>621 / 2.3%</b>
<b>TOTAL / PERCENT</b>	<b>53597</b>	<b>9588 / 17.9%</b>	<b>7975 / 14.9%</b>

Exhibit Item A-10 contains 2010 Census Data for the Supervisorial Districts benchmark and proposed plans.

When the redistricting process began this year, the perception among many northern Gila County residents was that the 2000 BOS redistricting:

*...gave southern Gila County effective control of the board of supervisors and Gila Community College board. That helps explain why Payson [northern Gila County] has inadequate county facilities and a shriveled share of county attention and spending. See: Payson Roundup Article, January 25, 2011, Exhibit Item A-13.*

Under the previously precleared benchmark supervisorial redistricting plan, District 1 elected a supervisor (Tommie Martin - Anglo) from northern Gila County. Supervisors from District 1 have always been Anglo and District 1 is heavily majority Anglo in total population (88.5%) and VAP (90.1%). During the 2010 redistricting process, many northern County residents wanted to have two of the three Supervisorial Districts where they perceived they could elect a supervisor. This desire informed many of these County residents' opinions during the redistricting process in spite of the fact that citizens from two large northern precincts, Payson #2 and Star Valley, located in benchmark districts 2 and 3 respectively, had never tried to run for office. Press and opinions reflective of these sentiments continued:



*A decade ago, adroit gerrymandering compounded by federal restrictions on splitting the San Carlos Reservation between two Supervisorial Districts gave the south county area two votes on the three-vote board [of supervisors]. See: Payson Roundup article, March 4, 2011, Exhibit Item A-13.*

***And See: Payson Roundup article, "County caught pulling new redistricting scam," March 11, 2011, Exhibit Item A-13.***

***And: Payson Roundup article, "County Redistricting is a Politically Charged Process," April 8, 2011, Exhibit Item A-13.***

***And: Payson Roundup article, "County Sees Few District Changes," June 21, 2011, Exhibit Item A-13.***

In 2011, Gila County used a Redistricting Advisory Committee, consisting of volunteer members selected by the Board of Supervisors, to prepare proposed redistricting plans and maps. Gila County sent a Preclearance Request to DOJ, dated January 21, 2011. On February 18, 2011, DOJ issued a no determination letter concerning the creation and use of this Committee in redistricting. This letter is attached as Exhibit Item A-6.

During its many deliberations, the RAC wrestled with the federal requirements that govern redistricting. Reflective of the north/south split in Gila County, some committee members were concerned about the requirements of Section 5 and the Voting Rights Act. For example:

*... I still come back to the fact that someone in times past, created Districts that packed the minorities in such a way that we cannot realign anything in the supervisor districts without running afoul of a perceived "damage" to minority rights.*

*... It gets worse with the College Districts.... some of these HAVE to be changed, and any change in the Southern areas WILL affect minority concentrations.... These districts are so far out of balance that they must be changed. However, Districts 3-5 have significant minority populations. Any changes will decrease the concentration of minority voters. However, if we don't change them, we are ignoring the "one person, one vote"... in favor of a Voting Rights Act restriction (which, in my mind, should come AFTER keeping the Constitutional requirements [sic] met).*

***See: June 14, 2011 Email from RAC member Mac Feezor to Gila County Election Director Linda Eastlick, Exhibit Item A-9.***

Gila County Elections staff and consultants provided guidance and information to the RAC concerning Section 5, Section 5 regulations, and the DOJ redistricting guidelines that they needed to follow.



As discussed in the above mentioned review by the RAC, one of the plans submitted to the RAC, and subsequently submitted to the Board of Supervisors, was a proposed map from the Tonto Apache Tribe. The Tonto Apaches are located in the Payson area (Payson #2 Precinct) of northern Gila County. This tribe has 165 members and is the smallest of the County's three Apache tribes.

The Tonto Apache proposal moved the Payson #2 Precinct including the Tonto Reservation from Supervisor District 2 into District 3, thus combining the Tonto Apache Reservation with the San Carlos and White Mountain Apache Reservations that are located in District 3.

The Tonto Apache proposal increased District 2's all minority VAP by more than 6% (6.34%) to 36.5% (Benchmark = 30.16%) and decreased District 3's all minority VAP by more than 6% (6.37%) to 43.9% (Benchmark = 50.28%). The Tonto Apache proposal increased the non-Hispanic Anglo population proportion in District 3 (49.35%) by almost 7% compared to the proposed plan (42.4%). The Tonto Apache proposal also contained more non-Hispanic Anglos (8,849) in District 3 than the benchmark (8,036) and the proposed plan (7,365). The Tonto Apache Plan increased the non-Hispanic Anglo VAP in District 3 (7,473 people, 56.09%) by nearly 7% when compared to the benchmark (6,659 people, 49.7%) and by 7.3% and nearly 800 people when compared to the proposed plan (6,202 people, 48.78%).

Additionally, Plan D moved the towns of Hayden and Winkelman from District 3 to District 2. According to the 2010 Census, Hayden has a total population of 662 people, 84.4% of whom are Latino. Winkelman has a total population of 353 people, 82.4% of whom are Latino.

The Tonto Apache proposal eliminated District 3's status as a majority-minority district, lowering the District's all minority VAP to 43.91% and its HVAP to 9.3%. Under the precleared benchmark, District 3 has 16.45% HVAP and all-minority VAP of 50.28%.

The RAC chose to forward the Tonto Apache proposal to the Board of Supervisors as it was submitted, without any changes. The Payson and Star Valley Town Councils voted to endorse the Tonto Apache Plan. Payson and Star Valley are located in Northern Gila County. According to the 2010 Census, the Town of Payson has a total population of 15,301 people, 92% of whom are non-Hispanic Anglo, 9.7% are Hispanic, and 2.3% are American Indian/Alaska Native. The Town of Star Valley has a total population of 2,310 people, 91.4% of whom are Anglo, 9.9% are Latino, and 1.5% are American Indian/Alaska Native.

There were several media reports concerning the Tonto Apache plan. For example:

*The Tonto Apache-submitted Gila County Supervisorial redistricting map may become the rallying point for north county residents concerned about redistricting...The Tonto Apache plan would reduce the Hispanic and Apache*



voting block in District 3 from about 56 percent to more like 40 percent- even though it would increase the Apache total. And that could run afoul of federal guidelines. **See: Payson Roundup article "Tribes's Map Dominates Redistricting Debate," July 19, 2011, Exhibit Item A-13.**

*The Payson Town Council last week unanimously supported a plan put forward by the Tonto Apache Tribe to draw new district lines for the three county board of supervisor seats. The Star Valley council is also expected to support the plan. That would make the Tonto Apache plan the North County favorite... 'As we have battled our way through redistricting, we find there are conflicting rules,' said Payson Mayor Kenny Evans, referring to federal guidelines that say districts should have nearly the same population but boundary changes should not reduce the total percentage of minority voters in certain districts. 'Someone is going to have to say which rule we follow. **See: Payson Roundup article, "Payson Council Supports Tonto Apache Redistricting Plan," July 26, 2011, Exhibit Item A-13.***

On July 29, 2011, the RAC approved three maps and forwarded them to the Board of Supervisors for the Board's consideration. These maps, with accompanying population data, are included as Exhibit Item B-6.

On August 23, 2011, the Board of Supervisors held a redistricting work session. The Board directed the County's consultants to prepare an alternative to the Tonto Apache Plan to remedy the Plan's reduction in District 3 minority voting strength.

On September 6, 2011, the Board of Supervisors voted 2-1 to release four redistricting plans for public comment. These four plans were: Plan A (the adjusted Tonto Apache Plan prepared by the County's consultants); Plans B and C, as submitted by the RAC, and Plan D, the original Tonto Apache Plan relabeled as Plan D. The Board wanted to hear public comments about Plan D, especially the comments of people living in the Globe, Miami, Hayden, and Winkelman areas. District 2 Supervisor Michael Pastor (Hispanic) opposed sending the Tonto Apache Plan for public comment.

During the public comment period, many Anglo Payson-area residents voiced support for Plan D, the Tonto Apache Plan. See: Gila County Redistricting Public Input Summary, attached as Exhibit Item A-14.

For example, at a public meeting in Tonto Basin on September 7, 2011:

*Shirley Dye (Anglo- Payson) supports Plan D. Believes it strengthens the Latino vote in District 2 and the Native American vote in District 3 because it moves all the Native Americans into District 3 and all the Latinos into District 2... "Native Americans and Latinos have different languages and cultures and should be identified as distinct minorities rather than being lumped together for numbers sake."*



At that same meeting:

*Laido Rodriguez (Hispanic- Globe) was concerned about Shirley Dye's presentation....Rodriguez responded, "With all due respect, I think that you're just a little bit misled as to what ... we're doing in dividing the county into ...districts ...I was hearing segregation of a sort. You want to segregate various races into certain areas, and that's not our job. Our job is to make sure that everybody has a vote (and) to be able to vote the person they want into office,... it's not segregating (people into) a certain district. I was hearing you present your speech and I was saying it sounds like she's trying to segregate the whole County between ...the Apaches, Hispanics, and Anglos. That's what I'm hearing. Ms. Dye responded, "Segregation ...never crossed my mind..." Mr. Rodriguez replied (unintelligible on the audio), "Well, that's what it feels like."*

At the September 12, 2011 public meeting in Hayden/Winkelman, and in other comments received by the County, Latino residents expressed virtually unanimous opposition to Plan D, the Tonto Apache Plan. They also supported keeping Hayden and Winkelman in Supervisory District 3. See: Gila County Redistricting Public Input Summary, attached as Exhibit Item A-14.

On September 28, 2011, the San Carlos Apache Tribal Council met to decide its redistricting preferences. The Council rejected Plan D, the Tonto Apache Plan, and endorsed Plan A. See email from the Tribal Council Attorney, Steve Titla, dated September 29, 2011, Exhibit A-8.

The redistricting process continued to attract media attention in the Payson area.

For example:

*Supposedly the Justice Department now has rigid rules to protect minority voting rights from abuse at the hands of white politicians. As a result, the Justice Department will supposedly automatically reject any change in the minority percentages in two of the three Supervisorial districts... One of the county's consultants said the Voting Rights Act takes precedence over a constitutional mandate to make the population in each district the same. How does a law passed by Congress overrule what is in our Constitution? And politicians wonder why the Tea Party movement gains new members every week... The consultants said the Justice Department would flip out because the [Tonto Apache plan] would reduce the total minority voting percentage from [sic] 50 to 44 in one district while increasing minority totals by a similar percentage in the neighboring district. We don't believe it for a minute. No one knows for sure how the DOJ would respond to a map that protects both Apache and Hispanic voting rights, while also reflecting population shifts... **See: Payson Roundup editorial, "Redistricting: The Fix Is In," September 23, 2011, Exhibit A-13.***



***And See: Payson Roundup articles, "Redistricting Committee Frustrated with Map Plan," September 23, 2011; "Redistricting Maps Draw Variety of Comments," September 16, 2011; and "County Districts Now Balanced," October 4, 2011," Exhibit Item A-13.***

On October 3, 2011, the Board of Supervisors met to finalize its mapping choice. By a unanimous vote of 3 to 0, the Board chose Plan A for its Board of Supervisors redistricting plan.

The proposed plan has the highest all-minority VAP for District 3 of all four plans considered by the Board, 51.22%, which is nearly 1% greater than the benchmark's all-minority VAP (50.28%). Proposed District 3 has 6,951 American Indians (40.01%) and 2,885 Hispanics (16.61%), for a total of 9,836 minorities (56.62%) between these two groups. Benchmark District 3 has 6,903 American Indians (37.64%) and 3,205 Hispanics (17.47%), for a total of 10,108 minorities (55.11%) between these two groups.

One of the key factors in proposed District 3 is the **reduction** of the non-Hispanic Anglo VAP (6,202 people, 48.78%), compared to the benchmark, (6,659 people, 49.72%).

Significantly, Plan A also **decreases** the non-Hispanic Anglo total population in District 3 by nearly 700 people (9.5%) and by approximately 450 people of voting age (7.3%), when compared to the benchmark. Benchmark District 3's non-Hispanic Anglo population is 8,036 (43.8% of total population). The proposed plan's District 3 non-Hispanic Anglo population is 7,365 (42.4% of total population).

The **reduction** of proposed District 3's non-Hispanic Anglo total population and VAP **combined** with the **increase** in the proposed district's American Indian total population and VAP protect District 3's minority voters ability to elect candidates of choice. The switch from benchmark District 3 to proposed District 2 of the Sierra Ancha Precinct (288 total population, 7% Hispanic, 89.5% Anglo) and Globe#11 Precinct (1,222 total population, 26.4% Hispanic, 67% Anglo) helped to achieve the reduction in District 3's non-Hispanic Anglo population and VAP.

The proposed plan moves the Tonto Apaches into District 3 and at the same time retains the heavily majority Hispanic towns of Hayden and Winkelman in District 3. Proposed District 3 also retains the voting precinct of Christmas, which is 44% Hispanic.

The proposed plan increases District 3's Native American VAP to 4,418 people (34.75%), nearly 2% (1.98%) above the precleared benchmark District 3 (4,388 people, 32.77%). American Indians are the largest minority group in District 3.

The American Indian VAP in benchmark District 3 grew at the highest rate of any minority group in Gila County. According to the 2010 Census, nearly 1,000 (984) more American Indians are of voting age in benchmark District 3 than there were in 2000. This 22% increase is approximately double the rate of Hispanic VAP increase over the same period of time in District 3.



Proposed District 3 retains and strengthens this American Indian voting power by keeping the three Reservation precincts (San Carlos, Carrizo, and Canyon Day) that are in benchmark District 3 together in proposed District 3 while also adding the Tonto Apaches to this district.

Proposed District 3 HVAP drops by 0.96% from benchmark District 3, 16.45% of VAP to 15.49% of VAP, 234 people, although the proposed district's total minority VAP increases compared to the benchmark because of the increase in American Indian population and decrease in non-Hispanic Anglo population. This HVAP drop is partly due to continued population loss over the past decade in the towns of Hayden and Winkelman, which are mining communities. Layoffs and automation in the mines over the past several years, and quality of life issues in aging towns, have resulted in a continuing decline in the number of residents as many people leave these communities in search of other employment or a better quality of life.

The decrease over the past ten years can be seen in the following table:

	<b>Total Population</b>	<b>Hispanic Population</b>	<b>VA Population</b>	<b>Hispanic Voting Age Population</b>
<b>2000 Census</b>				
Hayden	892	754	596	496
Winkelman	439	331	311	226
Total	1,331	1,085	907	772
<b>2010 Census</b>				
Hayden	662	559	494	415
Winkelman	353	291	280	223
Total	1,015	850	774	638

Proposed District 2's HVAP of 3,603 people, 25.34% is nearly 1/2 percent (0.46%) higher than the benchmark District 2 HVAP of 3,369 people, 24.88%. Hispanics are the largest minority group in District 2. Although District 2 is not a majority-minority district under the benchmark and proposed plans, this district has often elected Hispanics to the Board of Supervisors. District 2 is currently represented by Michael Pastor (D-Hispanic). Mr. Pastor is the only minority on the Board of Supervisors.

This district has traditionally included the Town of Miami, which has arguably one of the strongest traditions and history of Latino voter turnout and electoral involvement of all Gila County municipalities. According to the 2010 Census, Miami has a total population of 1,837 people, of whom 1,029 people (56%) are Hispanic. However, Miami's population dropped by nearly 100 people over the previous decade, according to the Census. In 2000, 1,936 people lived in Miami, of whom 1,054 (54.43%) were Hispanic.



District 2 has also traditionally included most of Globe, the County seat and one of the County's most populous municipalities, which similarly has a strong tradition of Latino voter turnout and electoral involvement. Globe's current mayor, Fernando Shipley, is Hispanic. According to the 2010 Census, Globe has a total population of 7,532 people, of whom 2,775 people (36.8%) are Hispanic.

The proposed plan retains Miami and most of Globe within proposed District 2.

Proposed District 2 also retains two of the three Claypool area precincts, Claypool #2 (32.7% Hispanic) and Claypool #3 (43% Hispanic).

Proposed District 2's HVAP (25.34%) is only 0.42% less, constituting 26 fewer Hispanic voting age residents, than the highest District 2 HVAP of the Plans A, B, and C considered by the Board (Plan B's HVAP was 25.76%). This, of course, does not include the Tonto Apache Plan, which the Board determined was retrogressive to District 3's minority voters and rejected by a vote of 3 to 0 on September 20, 2011.

In addition, proposed District 2's all-minority VAP is 30.27%, which is 0.11% above the all-minority VAP of benchmark District 2 (30.16%). District 2's Hispanic total population increases under the proposed plan (5,236 people, 28.9% of total population) when compared to the benchmark (4,916 people, 28.66% of total population).

Data from the benchmark Supervisory districts and Plans A-D are included in Exhibit Items B-2, B-3, and B-5.

### **Explanation of the Process**

Twenty-three Supervisorial maps were received from County residents. All but one were reviewed and evaluated by the Redistricting Advisory Committee. The one map (from Mr. David Cook), which was not reviewed by the Committee, was submitted five weeks after the Committee made its recommendations to the Board of Supervisors. Mr. Cook presented his map directly to the Board of Supervisors on September 20, 2011.

Maps were evaluated in accordance with Redistricting Principles established by the Board of Supervisors. In addition, the Board placed special emphasis on:

- Maintaining District 3 as a majority-minority district.
- Maintaining the minority coalition Hispanic and Native American voting blocs in District 3.
- Maintaining the current total minority voting strength in Districts 2 and 3
- Increasing total population in District 2.
- Evaluating the map submitted by the Tonto Apache Tribal Council requesting they be moved from District 2 into District 3 in order to be joined with the San Carlos and White Mountain Apache Tribes.
- Listening to citizen input to the process.



All citizen input was evaluated against the Gila County Redistricting Principles (see Exhibit Item A-7), the U.S. Constitution and the Voting Rights Act. It was especially important that Gila County ensure minorities retained their ability to elect and that the final plan comply with the spirit and the intent of the Voting Rights Act.

The Redistricting Advisory Committee chose to submit three mapping alternatives to the Board. They were:

KLFSP016 by Kristine Feezor  
TJM01 by Tom Moody  
TAT01 by the Tonto Apache Tribal Council

See Exhibit Item E-10 for the Redistricting Advisory Committee's report to the Board of Supervisors.

Nineteen maps were rejected by the Committee for the following reasons: 1 contained boundaries which were not contiguous; 2 resulted in population deviations in excess of 10%; 16 were retrogressive to varying degrees. The Board of Supervisors declined to evaluate the David Cook map, which was submitted directly to the Board five weeks after the submittal deadline, because of its lateness and the fact the map was based on voter registration and did not analyze minority populations.

### **Outreach to Minority Groups**

Comments received from Latinos during public meetings centered on their not wanting to be separated from their current districts and their not wanting to be concentrated in District 2 at the expense of their being removed from District 3.

There are no formal Latino groups in Gila County and, therefore, we did not meet with any formal groups. Meeting notices and public participation materials were published in English and Spanish. See Exhibits F and G. Spanish and Apache language interpreters were available at pertinent public meetings.

The San Carlos and White Mountain Tribes represent over 97% of the Native American population in Gila County. The San Carlos Tribe consists of approximately 4,966 members (3,123 voting age) and the White Mountain Tribe consists of approximately 1,634 members (1,047 voting age) in Gila County - both tribes extend into other Arizona counties. The Tonto Apache Tribe is the smallest Tribe in Gila County with a population of approximately 165 members, which includes 115 voting age members. This tribe is contained within the boundaries of the Payson #2 precinct in Gila County.

Gila County Elections staff met with the San Carlos Tribal Council on February 3, 2011 and again on August 19, 2011 to disseminate redistricting information and to request Tribal input and participation. Additionally, we conducted a Round One meeting on the San Carlos Reservation on June 8, 2011. Elections staff had a number of



detailed conversations with Mr. Steve Titla, San Carlos Tribal Attorney and Mr. Titla attended two Board Meetings, August 15, 2011 and September 6, 2011.

Elections staff provided Mr. Titla with numerous copies of maps and other information that he requested for further Tribal Council discussions. It is our understanding that discussions were held by the San Carlos, White Mountain, and Tonto Apache Tribal Councils in a joint meeting at the Hon Dah Casino and Resort in Hon Dah, Arizona on September 9, 2011. On September 29, 2011, Mr. Titla advised Elections staff via email that the San Carlos Tribal Council **“chose Map A to support at a special meeting.”** Map A is the map selected by the Gila County Board of Supervisors and the subject of this submission. Mr. Titla's email is included as Exhibit Item A-8.

Elections staff met with the White Mountain Tribal Council during Round One meetings on July 6, 2011 and again during the Round Two meetings on September 7, 2011 to disseminate redistricting information and to request Tribal input and participation. The Council stated they would consider sending a representative to the Board of Supervisors meeting held on September 20, 2011, however, no representative was present.

Elections staff met with the Tonto Apache Tribal Council on June 21, 2011 to disseminate redistricting information and to request Tribal input and participation. This Tribal Council did submit a map for consideration, which is discussed in this submission. A request to appear before the Council during Round Two meetings was declined through a message from the Tribe's Business Manager/Comptroller, Mr. Jerry Holland.

The Tonto Apache Tribal Council submitted their mapping recommendation on July 12, 2011. As shown by the demographic statistics above, the Tonto Apache Tribe is the smallest Tribe in Gila County.

As discussed previously, the Tonto Apache map reduced minority voting rights in District 3. The mapping plan moved Gisela (830 Anglos) from benchmark District 2 into Plan D District 3 and removed strong Hispanic precincts such as Hayden (559 Hispanics), Winkelman (291 Hispanics), and Christmas (143 Hispanics) from benchmark District 3 to Plan D's District 2. The combination of these two actions, without a corresponding inclusion of a sufficient number of minorities, resulted in a reduction of Hispanic voting strength of -7.14% and a reduction in overall minority voting strength of -6.37% in District 3.

Comments made by members of the Hispanic community in the Globe/Miami and Hayden/Winkelman/Christmas areas revealed that they felt the Tonto Apache map resulted in segregation and they were not in favor of moving such a large number of Hispanics out of District 3. Additionally, they believed that such a move eliminated their opportunity to elect in District 3. In reality, both the Native Americans and the Hispanics in District 3 have very similar voting patterns and vote in concert frequently to elect candidates of choice. This is not unusual given the fact the large majority of Native Americans and Hispanics here are registered Democrats.



In order to recognize the opinions of both minority groups and to meet requirements of the Voting Rights Act, the Board of Supervisors requested the consultants create an alternative plan to the Tonto Apache plan that was not retrogressive. The plan created by the consultants subsequently became known as Plan A which:

- Moved the Tonto Apache Reservation into District 3, as requested by the Tonto Apache Tribal Council.
- Retained the Tonto Apache in the Payson #2 precinct without creating their own precinct, as requested by the Tonto Apache Tribal Council.
- Retained the Hayden, Winkelman, and Christmas precincts in District 3, as requested by Hispanics in the Globe/Miami/Hayden/Winkelman/Christmas areas.

After addressing each of the four plans in detail, it was determined by the Board of Supervisors that Supervisorial Plan A was the best compromise considering the many conflicting issues. It addresses the Voting Rights Act, the most important and reasonable requests of the Tonto Apache, the concerns of the Hispanic communities which would have been affected, and maintains the coalition Hispanic/Native American composition which previously existed in District 3.

A detailed listing of all maps included with this submission is contained in the Exhibit Listing

**R. SUPPLEMENTAL INFORMATION:**

**Minority Contacts**

Below is the minority contact information for the changes contained in this submission.

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Marvin Mull San Carlos Apache Tribe Transportation Planner 1018 Indian Route 6 San Carlos, AZ 85550 928.475.3222 m_mull@hotmail.com	Fernando Shipley City of Globe Mayor 1400 N Broad Street Globe, AZ 85501 928.425.7656 or 928.701.3424 Fernando@fernandoshipley.com



Michael A. Pastor Gila County Supervisor 1400 E. Ash Street Globe, AZ 85501 (928) 402.8753 mpastor@co.gila.az.us	Loretta Stone San Carlos Apache Tribe Environmental Protection Agency Dir. 1245 N Quartz Loop Globe, AZ 855501 928.475.2218 Arizona2008@q.com
Adelaido Rodriguez Retired Small Business Owner 843 S Highland Drive Globe, AZ 85501 928.473.3172 ayboy1@cableone.net	

The entire submission, including all exhibits, is available for inspection at the Gila County Elections Department from 9 am to 5 pm Monday through Friday. The Notice of Submission availability, in English and Spanish, is being provided at the County Elections Office and in newspapers of general circulation. Spanish and Apache language assistance will be available.

If you need additional information or have any questions regarding the content of this submission, please contact the Gila County Department of Elections at (928) 402-8708.

Respectfully,



Linda V. Eastlick, Director  
Gila County Department of Elections

Attachments