



PUBLIC MEETING MINUTES - JULY 20, 2021

In Attendance:

Chairwoman Erika Neuberg
Commissioner Shereen Lerner
Commissioner David Mehl
Commissioner Douglas York
Executive Director, Brian Schmitt
Deputy Director Lori Van Haren
Public Information Officer, Michelle Crank
Brett Johnson, Snell & Wilmer
Roy Herrera, Esq. Ballard Spahr
Jillian Andrews, Esq. Ballard Spahr
Mark Flahan, Timmons Group
Doug Johnson, NDC Research
Ivy Beller Sakansky, NDC Research
Dr. Eric McGhee, Co-author of the Efficiency Gap, Board Member of PlanScore.org
Angla Miller, Transcriptionist

I. Call to Order and Roll Call *(4:20 YouTube)*

- A. Call for Quorum
- B. Call for Notice

Present:

Chairwoman Neuberg
Vice-Chair Watchman
Commissioner Lerner
Commissioner Mehl
Commissioner York

A quorum is present.

Executive Assistant Valerie Neumann confirmed that the meeting agenda was properly posted at least 48 hours prior to the meeting.

II. Approval of minutes from July 20, 2021 [\(6:26 YouTube\)](#)

A. General Session

Commissioner Lerner motioned to approve the General Session minutes from the July 19, 2021 meeting, seconded by Commissioner York. The motion was approved 5-0. There were no Executive Session minutes for the July 19, 2021 meeting.

III. Opportunity for Public Comments [\(8:01 YouTube\)](#)

At 8:05am Chairwoman Neuberg opened public comments and indicated that public comments would be open for a minimum of 30 minutes and would remain open until the adjournment of the meeting.

IV. Discussion on Public Comments received prior to the July 19, 2021 meeting. [\(8:49 YouTube\)](#)

Commissioner Lerner brought up a noteworthy public comment asking the Commission to make sure Independents are factored into their discussions. Lerner also mentioned another comment regarding the zip code field request, and how there may be multiple zip codes in one county.

V. Update from the mapping Consultants, Timmons/NDC.

Mark Flahan from Timmons advised that the requested zip code field has been added to the web based survey. Flahan advised that since zip codes are a geographical feature, they can easily be tied to a county, and a zip code based report can be produced if desired. Timmons/NDC is making final preparations for the Listening Tour.

VI. Presentation and discussion concerning potential competitive measurement tests. [\(12:43 YouTube\)](#)

Dr. Eric McGhee, co-author of the Efficiency Gap, and board member of PlanScore.org gave a presentation on measuring competitiveness in redistricting. Topics of the presentation included: What does competitiveness mean?, How might competitiveness be measured? How does competitiveness relate to bias?, and how might PlanScore help? McGee also provided a demonstration as to how the PlanScore website works. *This presentation has been posted to the IRC website.*

Dr. McGhee left the meeting at 9:03am.

Please note, Item X was addressed out of order.

X. Discussion concerning a summary of recent litigation related to the Voting Rights Act, Section 2 (*Brnovich v. Democratic National Committee, etc. al*)

The legal team provided a brief overview of the Brnovich case which was recently decided upon by the U.S. Supreme Court. The case concerned two different Arizona election procedure policies which were challenged under section 2 of the Voting Rights Act. The first was AZ policy of rejecting election day ballots cast out of precincts, and the second is Arizona's prohibition on ballot collection. This was a vote denial claim, rather than a vote dilution claim typically seen in redistricting cases. The court did not side with the plaintiffs, and was one of the court's first cases under the new Court's constitution. The court listed five factors to consider vote denial cases going forward; Size of the burden imposed by the challenged voting rule, the degree to which the voting rule departs from what constituted a widespread election practice in 1982, the size of the disparity in the rules impact on different racial groups, voting opportunities provided by the state's entire voting system and strength of the state's interest served by the challenged voting rule.

Legal suggested there may be a new test for vote denial cases based on the five factors listed.

For the purposes of obtaining legal advice to further implement and or advance these legal issues, Commission Lerner motioned to go into Executive Session, seconded by Vice-Chair Watchman. The motion passed unanimously 5-0.

Upon returning from Executive Session, Chair Neuberg advised that Vice-Chair Watchman left the meeting at 9:29 am during Executive Session. Neuberg summarized that during Executive Session the Commission had the opportunity to discuss the legal case and its applications to the Commission's responsibility with redistricting, and as it relates to their responsibility to respect the VRA, section II.

VII. Executive Director's Report and discussion thereof. ([1:42:07 YouTube](#))

A. Discussion and possible action on Community Outreach Coordinator

Executive Director Schmitt updated the Commission as to the status of the Community Outreach Coordinator, and that he is hopeful to have a candidate to recommend to the Commission by next week. Commissioner Lerner asked for clarification on the fact that two more Listening Tours were suggested. Commissioner Mehl suggested another round of public hearings after the draft maps. The previous commissions held two rounds of meetings, Schmitt advised that both prior commissions received their data earlier in the process.

VIII. Discussion and possible action on proposed revised travel schedule. [\(1:50:50 YouTube\)](#)

Executive Director Schmitt stated that staff is working on confirming several satellite locations in Northern and Southern Arizona. As soon as the locations are confirmed, the website and press releases will be updated. A travel binder will be provided to the Commissioners with hotel recommendations and per diem rates for traveling.

IX. Discussion and possible action on stock IRC presentation for public use. [\(1:52:10 YouTube\)](#)

Executive Director Schmitt advised the final version of the presentation will be distributed to the Commissioners by the end of the day, and if there are no edits, it will be posted to the website.

XI. Discussion of future agenda item requests. [\(1:52:42 YouTube\)](#)

The Commissioners would like to discuss the future rounds of public hearings.

XII. Announcements. [\(1:54:40 YouTube\)](#)

There were no announcements.

XIII. Next meeting date. [\(1:54:52 YouTube\)](#)

The next meeting will be held on July 27, 2021 at 8:00am.

XIV. Closing of the Public Comments. [\(1:55:21 YouTube\)](#)

Public Comments were closed at 9:52am.

XV. Adjournment. [\(1:55:52 YouTube\)](#)

The meeting was adjourned at 9:53am. Commissioner York motioned to adjourn the meeting, and Commissioner Mehl seconded the motion. The motion was unanimously approved 4-0.