

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

June 1, 2021

8:07 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 8:07 a.m. on
3 June 1, 2021, via GoogleMeets, Arizona, in the presence of
4 the following Commissioners:

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

10 OTHERS PRESENT:

11 Mr. Brian Schmitt, Executive Director
12 Ms. Valerie Neumann, Executive Assistant
13 Mr. Roy Herrera, Ballard Spahr
14 Ms. Jillian Andrews, Ballard Spahr
15 Mr. Eric Spencer, Snell & Wilmer
16 Mr. Brett Johnson, Snell & Wilmer
17 Mr. James Whitehorne, Census Bureau
18 Mr. Michael Hawes, Census Bureau
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P R O C E E D I N G

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3 CHAIRPERSON NEUBERG: Thank you to our colleagues
4 and the public for your patience. We will next week go live
5 early to make sure that we have the kinks worked out so that
6 we're ready to go and respect everybody's time; but,
7 welcome.

8 I hope everybody had a nice and really rewarding
9 Memorial Day, Memorial Day weekend; and I want to give just
10 a special thanks to everybody who -- who makes an effort to
11 enhance, protect our democracy, our democratic freedom,
12 everybody really who is participating, you know, on this
13 call in whatever capacity. So none of us take it for
14 granted, it's a deep privilege to be helping to protect, you
15 know, our democratic freedoms here.

16 With that, we'll call the meeting to order. Agenda
17 Item No. I, call to order and roll call.

18 Call -- I(A), call for quorum. It is 8:08 a.m. on
19 Tuesday, June 1st, 2021. I call this meeting of the
20 Independent Redistricting Commission to order.

21 For the record, the executive assistant, Valerie
22 Neumann, will be taking roll. When your name is called,
23 please indicate you are present; if you're unable to respond
24 verbally, we ask that you please type your name.

25 Val.

1 MS. NEUMANN: Vice Chair Watchman.

2 VICE CHAIR WATCHMAN: Present.

3 MS. NEUMANN: Commissioner Lerner.

4 COMMISSIONER LERNER: Present.

5 MS. NEUMANN: Commissioner Mehl.

6 COMMISSIONER MEHL: Present.

7 MS. NEUMANN: Commissioner York.

8 COMMISSIONER YORK: Present.

9 MS. NEUMANN: Chairperson Neuberg.

10 CHAIRPERSON NEUBERG: Present.

11 MS. NEUMANN: And for the record we also have in
12 attendance Executive Director Brian Schmitt; from Snell &
13 Wilmer we have Brett Johnson and Eric Spencer; and from
14 Ballard Spahr we have Roy Herrera and I believe Jillian
15 Andrews is on the -- on the call as well; and we have from
16 the Census Bureau James Whitehorne and Michael Hawes also
17 from the Census Bureau along; and last but not least, we
18 have Angela Miller, our transcriptionist, with us.

19 CHAIRPERSON NEUBERG: Thank you very much, Val.
20 And please note for the record that a quorum is present.

21 With that, we move to Agenda Item I(B), call for
22 notice.

23 Val, was the notice and agenda for the Commission
24 meeting properly posted 48 hours in advance of today's
25 meeting?

1 MS. NEUMANN: Yes, it was.

2 CHAIRPERSON NEUBERG: Thank you very much.

3 Item No. II, approval of minutes from May 25, 2021.
4 We have our general session minutes and I do not believe we
5 have executive session minutes.

6 With that, we've all had advance time to review
7 and -- and provide edits. Any discussion?

8 And, if not, I'll entertain a motion to approve the
9 general session minutes from May 25th of last week.

10 COMMISSIONER LERNER: This is Commissioner Lerner.
11 I move to approve the minutes from May 25, 2021.

12 CHAIRPERSON NEUBERG: Do I have a --

13 COMMISSIONER MEHL: Commissioner Mehl seconds.

14 CHAIRPERSON NEUBERG: Any further discussion?

15 Vice Chair Watchman.

16 VICE CHAIR WATCHMAN: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Mehl.

18 COMMISSIONER MEHL: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Lerner.

20 COMMISSIONER LERNER: Aye.

21 CHAIRPERSON NEUBERG: Commissioner York.

22 COMMISSIONER YORK: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
24 aye.

25 And with 5-0 vote, the minutes of last week,

1 May 25th, are approved.

2 Thank you again, Val, for your diligence in writing
3 I think, you know, really great, fantastic minutes.

4 Item No. III, opportunity for public comments.

5 Public comment will open for a minimum of
6 30 minutes and remain open until the adjournment of the
7 meeting. Comments will only be accepted electronically in
8 writing on the link provided in the agenda for this public
9 meeting and will be limited to 3,000 characters.

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

17 With that, we'll move to Item No. IV, discussion on
18 public comments received prior to today's meeting of
19 June 1st.

20 I open it up to my fellow Commissioners.

21 COMMISSIONER LERNER: This is Commissioner Lerner.
22 I noticed on the agenda it had May 25th -- I just noticed it
23 this morning -- for the discussion and it probably should
24 have said June 1st. And I -- I hadn't noticed that until I
25 was just going back to the agenda this morning. Just as a

1 note as part of that.

2 CHAIRPERSON NEUBERG: Okay.

3 COMMISSIONER LERNER: And then the only other thing
4 was, I don't know, there were a few comments in there last
5 time about difficulty or some references that the comments
6 referred to May 18th not May 25th. More -- this is more
7 administrative, but that they -- they were -- there was a
8 few that said it wasn't ade- -- properly designated in terms
9 of the date.

10 And then there were some folks who claimed -- who
11 said it was difficult to post comments.

12 So I just want to be sure for the future that we
13 make sure that it's -- I'm not sure what was happening, to
14 be honest. I -- I noticed that and I just wanted to comment
15 on that, that we were aware of the concerns that were
16 expressed by the public and we'll do our best to make sure
17 that those are taken care of.

18 CHAIRPERSON NEUBERG: Yes, thank you,
19 Commissioner Lerner.

20 Yes, there was a glitch, we did have the wrong date
21 which was very misleading to the public in terms of their
22 confidence about whether or not their comments were getting
23 to us. I can assure you, you know, we apologize again for
24 that -- that technological glitch, but we have received all
25 comments and -- and, you know, are sifting through them. So

1 we apologize for that.

2 COMMISSIONER LERNER: And, Chairwoman, the only
3 other questions I had was a couple of folks commented on the
4 comment about public comments submitted after the meetings,
5 and I -- I just wanted to ask again whether those are -- if
6 there's a way to combine those, to merge those, so the
7 public can see all comments that are submitted.

8 I know that right now -- I don't know that we can
9 do it right away. Again, I feel like until we can get our
10 technology folks in there may -- we may need to continue
11 with some of these things until we have IT that can help us.
12 But I wonder whether or not there's a way for us to merge
13 the public comments that come after our meeting closes with
14 the ones that come during the meeting -- closes; many of
15 them are very similar in what they're saying, and I'm not
16 sure that they need to be separate other than the timing is
17 separate in terms of when people submit.

18 CHAIRPERSON NEUBERG: Commissioner Lerner, I don't
19 think it's as much of a tech-, you know, -nology issue as a
20 conceptual one in which up to now, we have viewed the ways
21 to communicate us a little differently. The public
22 comments, you know, during the public session mirroring what
23 would happen if people came to testify if we were all, you
24 know, getting together, and that is -- is openly, you know,
25 transparent from, you know, live public and then posted.

1 The "contact us" is a way for people to communicate
2 more targeted-specific comments. I -- I'd say it gives a
3 sense of more privacy; I say a sense because we all know
4 that due to public records requirements, they are open to
5 public records. And, yes, we are a visible commission and
6 we will probably regularly get requests to release those --
7 those comments; and we do.

8 So I'm open, you know, to -- to the broader
9 Commission's views on it, legal counsels' views of, you
10 know, whether or not it makes sense to differentiate them.
11 You know, at minimum, you know, we need a disclaimer on our
12 website and everybody should be aware that -- that even when
13 you do submit comments to us privately, they all are subject
14 to public record, you know, requests and so nothing truly
15 is -- is private.

16 COMMISSIONER LERNER: Yeah, I would be interested
17 in -- in legal counsel as well on that. 'Cause I -- I
18 understand exactly -- I understand what you're saying,
19 Chairwoman, I would just be curious whether there's a legal
20 difference or whether it's just a perception, as you
21 mentioned, difference. We will also be getting e-mails from
22 people that will also be subject to public records as well,
23 I assume.

24 But I'd be curious to know, just on this one,
25 'cause, yeah, I'm just learning as part of this on the

1 public comments piece. Is there a difference or an
2 expectation of more privacy by submitting it after the
3 meeting versus during the meeting, and if counsel could
4 speak to that.

5 CHAIRPERSON NEUBERG: And -- and before counsel
6 responds, can you remind us, I believe public comments are,
7 in fact, voluntary anyway; but, with that, please advise.

8 MR. HERRERA: Thank you, Commissioner Lerner and
9 Madame Chairwoman. It's our view that there wouldn't be a
10 legal distinction from the public records' perspective on
11 whether the comments were received during the meeting versus
12 if they were after the meeting, so there wouldn't be any
13 legal distinction there. I think ultimately it comes down
14 to a policy decision from the Commission on deciding whether
15 to combine the two.

16 I guess for practical purposes, which is that there
17 may be things that come in on the website that aren't really
18 public comment like in a traditional comment like, for
19 example, and so you'd have to decide whether you want to
20 separate that from, you know, what just the regular public
21 comments will be -- in -- in type. So that's just more
22 practical, you just may have to go through and sort of
23 determine what is really a public comment and what isn't
24 before you release it.

25 But, again, from a legal perspective and public

1 records' perspective there's no difference.

2 COMMISSIONER MEHL: This is Commissioner Mehl. And
3 reading through the public comments each week, I don't see
4 that the public is perceiving a distinction nor are the type
5 of comments any different. So I would support
6 Commissioner Lerner's idea that we end up combining them all
7 and have them all be public.

8 CHAIRPERSON NEUBERG: Unless there's any
9 disagreement, I'm amenable to that.

10 VICE CHAIR WATCHMAN: I support that. This is
11 Vice Chair Watchman.

12 CHAIRPERSON NEUBERG: Okay. I believe we can
13 entertain a motion to move that we -- yes, Counsel, we
14 can -- we can move forward with action within this agenda
15 item or not?

16 MR. HERRERA: Yeah, we're going to have -- it's not
17 on the agenda, so we will need to agendize it.

18 MR. JOHNSON: But real- -- this is Brett --

19 CHAIRPERSON NEUBERG: Okay.

20 MR. JOHNSON: This is Brett. Real quick, I
21 consider this an administrative action by the Chair.
22 Chairwoman Neuberg just gave the -- the okay for the public
23 comments that come out on a weekly basis after they've been
24 distributed to the Commissioners, they can just be made
25 public on the website there; I don't think you need to vote

1 on this.

2 CHAIRPERSON NEUBERG: Okay. All right. Excellent.

3 Thank you. Excellent conversation.

4 And anything else with regard to public comments
5 from my -- my colleagues?

6 From my perspective in addition to what was already
7 shared, I just want to reiterate, you know, that there's the
8 typical frustration from the public about us going into
9 executive session. Just want to reiterate again that we
10 would not be doing our job if we didn't use every avenue to
11 be wise about legal strategy and protect ourself such that
12 whatever, you know, final maps we produce, you know, can
13 stand legal scrutiny.

14 So the fact that we have consensus with partisan
15 Commissioners, an Independent Commissioner and a bipartisan
16 representation of legal counsel and we a hundred percent
17 agree, I think the power of that message, you know, says --
18 says something.

19 And then I just want to thank, you know, I know
20 people made an effort to provide feedback about, you know,
21 who our communities of interest and helping us begin to
22 think through our next step of a listening tour; and not
23 just receiving feedback from the public, but also being
24 attentive to reaching out to all the different segments of
25 our state that we might not even, you know, necessarily know

1 about. And -- and I just want to really thank that -- that
2 some of the comments are moving in that direction, and as
3 we're beginning to think through a travel schedule, that's
4 very useful.

5 So unless there's anything else, we will move to
6 Agenda Item No. V, which is a presentation from the United
7 States Census Bureau.

8 We welcome you and the floor is yours.

9 MR. WHITEHORNE: Thank you. So this is James
10 Whitehorne from the Census Bureau.

11 Can I just verify that you can hear me?

12 All right. Thank you.

13 I'm going to go ahead and set up a presentation
14 here. And let me get it on the right one.

15 So this is my first time using this -- I'll share
16 that and then do "alt" "tab" and...

17 There we go. That should look right. Hopefully
18 someone will speak up if that is not looking correct for you
19 all.

20 So I appreciate the invitation to come to speak
21 with the Commission today and for the Commissioners and the
22 staff who helped organize this. As you can imagine, we've
23 been doing a lot of outreach and discussion around the
24 census redistricting data and the timing and the -- the
25 disclosure avoidance techniques that Michael will talk about

1 after me.

2 But I found it very useful to -- to briefly touch
3 on the census geography because that's very important to
4 know, because that's the framework against which all this
5 data is -- is going to be draped.

6 So for a point of reference, the -- the Census has
7 a national geographic database that we've had for several
8 decades, and we call it the TIGER database: Topologically
9 Integrated Geographic Encoding and Referencing database, but
10 "TIGER" for short.

11 So often times when you hear people talk about the
12 census geography, you would hear people talk about TIGER
13 files. Because you're going to be working with geography at
14 the state levels, so you'll most likely be using geographic
15 information systems to -- to do your modifications and to
16 draw those new districts as the -- the shapefiles, the
17 geographic files that come out of our geographic database
18 will typically be called TIGER files.

19 The types of geography that we keep in this
20 national database is we have legal geographies, which are
21 the geographies that are defined by law, you know,
22 incorporated places and counties and states have very legal,
23 strong structures.

24 We have statistical geographies. Statistical
25 geography contains things like the census tracts and the

1 block groups and the blocks, the blocks being the most
2 aggregate piece of geography that we report data for.

3 And then our administrative geographies, like
4 election areas, congressional districts, state legislative
5 districts, the voting districts which is our umbrella term
6 for precincts and wards, those are also contained and
7 provided to the states.

8 But what's really I wanted to focus on is just that
9 census block. The census block is going to be the -- the
10 piece of geography which is most relevant when building
11 redistricting plans because it's the -- the basic LEGO, the
12 individual piece that all other geographies are made of;
13 it's the -- the smallest level of geography that you can get
14 data for. In a city, it's going to look like a city block,
15 typically bound on four sides by the streets that surround
16 that block; but as you move out into suburban areas,
17 ex-urban areas and rural areas, these can get much, much
18 larger and sometimes can encompass hundreds of square miles.

19 But what they aren't is they aren't based on
20 population; some blocks, a lot of census blocks, don't even
21 have any population. We've done a lot of work this decade
22 to redefine how we created the block to try to drive the
23 number of blocks down back to something more like what we
24 had in Census 2000; there was a tremendous explosion of
25 blocks in 2010 and we -- we think we still did a good job.

1 And I'll show you what that means; you should still have
2 confidence in the data and geography, even though we have
3 pushed the number of blocks down.

4 It's also important to note that you don't get a
5 block level data with the American Community Survey. So if
6 you're using the American Community Survey to inform any of
7 your work, that -- that survey only goes down to what's
8 called a "block group level," the block group level being an
9 accumulation of blocks; a small piece of geography but it is
10 a piece of geography that accumulates as blocks.

11 And the way this geography fits together, each
12 block fits within a block group; block groups, one or more
13 block groups makes up a census tract; that then goes into
14 counties and states.

15 And you can see it in this diagram, if you ever see
16 a census presentation where we talk about geography, you'll
17 get this slide, this is one we like to use a lot because it
18 illustrates pretty easily. You can see how census blocks
19 nest within block groups within census tracts within
20 counties within states, so as you go up that direction or
21 line, you're going through what we call our geography
22 hierarchy.

23 But you can see there's other geographies that are
24 of concern. You have voting districts. So voting districts
25 are built from blocks directly, but voting districts -- if

1 you see the little purple line that goes back to counties --
2 nest within counties. You can go to state legislative
3 districts, they're built from blocks but they nest within
4 states. So that's sort of how you read this.

5 But you can see, everything goes back to that block
6 as being that sort of essential piece that makes up all
7 other geography in a census universe.

8 I just wanted to mention, so we -- we did work very
9 hard this decade to refine how we created our census blocks
10 in trying to drive that number back down closer to what we
11 had in Census 2000; we had a huge increase in blocks, as you
12 can see both on the national level and for the state of
13 Arizona specifically increase in 2010, so we made some
14 refinements.

15 And I don't want you to be scared by that when you
16 see -- start working with the data and working with the
17 data, I don't want that to be a cause of concern.

18 This is just an example. If you look at the 2010
19 example, you can see we were holding in this -- in this
20 airport, we were holding all of these access roads and
21 little roads around in the airport; that's really not -- not
22 needed for the type of work people use census geography for.

23 So in 2010 -- or 2020, we modified the way blocks
24 are created to try to eliminate some of those things. So
25 you can see in the 2020 census blocks all of that sort of

1 internal roadwork has disappeared, but we've maintained the
2 -- the boundaries of the areas around there. So the types
3 of things we worked to get rid of was, you know, sort of
4 roads inside airports, roads inside cemeteries,
5 cloverleaves. Things that would typically not be helpful
6 and actually could be a hindrance because they create really
7 small, hard to use pieces of geography.

8 And this is just how it looks together, so you can
9 see how much -- much more clean the 2020 geography is.

10 So I'm going to switch over --

11 COMMISSIONER LERNER: Excuse me. Can I ask a
12 question?

13 MR. WHITEHORNE: Yes. Absolutely.

14 COMMISSIONER LERNER: Could you just explain, why
15 was there an increase in blocks from 2000, 2010 and now
16 there is a decrease? Just trying to understand --

17 MR. WHITEHORNE: Yeah.

18 COMMISSIONER LERNER: -- what happened.

19 MR. WHITEHORNE: So, census blocks -- and this is
20 something that a lot of people don't realize, is that census
21 blocks are not permanent. So even though when -- especially
22 when you're looking at an urban area, you'll typically have
23 the same block structure because it's densely populated and
24 there's, you know, nice streets that bound all the city
25 blocks; but the reality is the census blocks are thrown away

1 each decade and completely regenerated.

2 So in 2010, the algorithm that we used to create
3 those blocks, we -- well, we -- there were two things going
4 on, one is we had just completely realigned the entire
5 database to make it more precisionally accurate. It used to
6 be what I would call "notionally accurate." Like, we knew
7 that -- that this street had these -- was on the left side
8 of this other street, so we knew the positional accuracy of
9 everything; but we actually, in 2010, went through a process
10 to realign it so if you took our street layer and you
11 overlaid it with, let's say, satellite imagery, the streets
12 should line up where you saw the streets in the satellite
13 imagery.

14 So between that massive overhaul of our database
15 and then the way we wrote that algorithm, it was overly --
16 overly using features as block boundaries. So like I
17 mentioned, the things I mentioned, there could be streets in
18 the middle of cemeteries -- and typically people don't live
19 in cemeteries, you can never say never, but typically they
20 don't. And so it was holding all those streets, but they
21 really weren't the type of streets we wanted to hold. So we
22 modified our algorithm to not do that.

23 Cloverleaves. For every on-ramp for a highway, we
24 want the highways held as block boundaries, they make great
25 block boundaries, but we didn't necessarily need the ramps

1 that created the four cloverleaves to get onto the highway to
2 be block boundaries, so we modified our algorithm to do
3 that.

4 And that's the majority of what you're seeing in
5 this sort of -- we didn't do a good job of taking care of
6 that in 2010, we paid extra attention to it this decade and
7 we were able to improve that block algorithm so that it paid
8 attention to the important stuff but not to the things that
9 didn't matter.

10 Does that address your concern or question?

11 I can't see you, so I'll assume without speaking up
12 that you're okay.

13 So I'm going to go into the redistricting data now.
14 I do like to point out the difference between apportionment
15 and redistricting, you probably are quite aware of it at
16 this point so I won't dwell on it, but I think it's
17 important to note that the apportionment data is only
18 produced at the state level, and we create that total
19 population for apportionment from the resident population
20 plus the federally affiliated count overseas, which is those
21 people who -- and their dependents -- who are in service to
22 the federal government, but they are stationed or deployed
23 over -- or stationed overseas.

24 So those populations together equal the
25 apportionment population; and it's only reported in the

1 state total, and it has no disclosure avoidance applied
2 other than aggregation because aggregation to the state
3 level is a method of disclosure avoidance.

4 But redistricting data goes all the way down to
5 that block, that -- that little piece of geography that you
6 need. It has all the race, ethnicity, and housing
7 characters that -- that you're going to want to use as you
8 make considerations in your plans. But the other part
9 that's important is it only counts the resident population,
10 because that's the population that we have a specific
11 location for within each state. So if you're looking to
12 calculate your ideal population for your districts, you
13 would want to use the resident population only. And we do
14 report that separately when we do apportionment so you have
15 that number available so you know what your ideal district
16 sizes are or you can figure that out now. But it's just
17 important that you know that distinction.

18 And then Michael will talk about our disclosure
19 avoidance technique, which is the topped-out algorithm which
20 uses differential privacy to help protect the data.

21 And then the other reason I wanted to show this
22 slide is we now have this dual delivery, this dual time
23 frame delivery for the data. We're trying to make sure that
24 we're -- we're getting what we can out as quickly as we can;
25 and we, in looking at our schedules, realized we could put

1 out this legacy format file by August 16, 2021 -- and I'll
2 talk about that more in a minute -- and the DVD and flash
3 drives and our data.census.gov platform will still be
4 available in September, which we had previously announced.

5 So just a brief overview of the program itself.
6 The redistricting data program at the Census Bureau is in
7 place because of Public Law 94-171. The law just has three
8 main actions that the Census Bureau is required to take.

9 One is an umbrella requirement that we run the
10 program in a nonpartisan manner, and we do that by reaching
11 out to the legislature in every state, minority and majority
12 parties, both chambers, and we get them to assign a person
13 or people who can act as nonpartisan liaisons to the
14 program; and then for the rest of the decade we work with
15 that person or if they're in -- position changes, we work
16 with the person who is in the position which is identified.
17 Michael Braun, the Executive Director of the Legislative
18 Council, is our liaison for Arizona; and we use that person
19 so we can have that nonpartisan contact with the state.

20 The next part is we have to allow the State to
21 identify the small area geography that it needs to be able
22 to conduct legislative redistricting; that's typically been
23 those blocks. So we have a program where the state can
24 influence the blocks; and then the voting districts, the
25 precincts and wards. "Voting districts" is our umbrella

1 term for precincts and wards to accommodate all of those.

2 And then we also do collect the legislative and
3 congressional districts. That's so we can keep out current
4 statistics for -- for those new boundaries. So that's one
5 of the main parts of the project.

6 And then the second part is to get the data out
7 within a timely manner, which is supposed to be no later
8 than one year from census date. As we all know, that's been
9 delayed and we're going to talk about that some more, too,
10 here and what's the difference in those deliveries.

11 The program is conducted through this five-phase
12 program. I'm not going to dwell on that, but if you have
13 any questions about the program itself, I'm more than happy
14 to address those as well.

15 We have already started to provide some of the
16 products from the -- the official products for the 2020
17 census in the form of the geographic support products. We
18 provided the shapefiles, the reference maps, the block
19 assignment files, name lookup tables, and the block-to-block
20 relationship files back in January and February of this
21 year. This provides the geographic framework which you can
22 use once the da- -- once you receive the actual counts.

23 The shapefiles being for geographic information
24 systems. The reference maps or PDF maps that can be printed
25 out on plotters that people can work with have county block

1 maps, which are important. Some small jurisdictions can
2 actually use those county block maps to do their
3 redistricting in an old pen-and-paper fashion by just taking
4 the counts and -- and that map and working with it that way;
5 and then just some other support materials with those block
6 assignment files and block-to-block relationship files.

7 As far as the count data that you can expect. If
8 you've worked with the census data before, this should look
9 very familiar. The first five tables are exactly the same
10 as what we produced in 2010; it's the race table, Hispanic
11 or Latino and not Hispanic or Latino by race, for the first
12 two tables; then the voting age version of both of those
13 tables; then we have occupancy status, housing unit count
14 table, which identifies how many housing units and then
15 whether they were occupied or vacant; and then we have a new
16 table this decade, there's been a lot of states who have
17 moved towards, for the most part, around prisoners, where
18 they're going to take -- where census counts prisoners and
19 they're going to reallocate them to a previously known
20 address before they conduct their redistricting.

21 So we've got this table in here, it's a group
22 quarters population by group quarters type for the seven
23 major group quarters types, which are things like adult
24 correctional facilities, juvenile facilities, nursing homes,
25 military quarters; and it's just total population for this,

1 it doesn't have demographic breakdown, but it will allow --
2 it's a tool to allow those states who have that statutory
3 requirement to help them do their -- do their work.

4 All of those tables that you see are available at
5 the census block level.

6 To give you a peek under the hood, when you open up
7 these tables, what will you find inside? So the Census
8 allows a respondent to -- to pick one of six -- one or more
9 of six races. So they're the -- the White alone, the Black
10 African-American alone, American Indian and Alaskan Native
11 alone, Asian alone, Native Hawaiian and Other Pacific
12 Islander alone, or Some Other Race alone.

13 So when you open up this table we report this data
14 back to the redistricting dataset exactly as it was reported
15 to us. So if I go in and I select "White alone" for myself,
16 I would show up where you see the "Population of one race:
17 White alone." If I had picked two races, let's say White --
18 White and American Indian/Alaskan Native, I would have shown
19 up in the White/American Indian/Alaskan Native and in the
20 two or more races cat- -- summariz- -- summary category; and
21 we can go through that until we get all the way to where
22 someone has selected all six categories. So we just report
23 it as the -- the respondent has reported it.

24 We do the same thing for the population 18 and
25 over, but what we do is we swap in -- instead of doing the

1 total population as the universe, we swap in only the
2 population that's 18 years or over. So that ends up with
3 the -- the same structure but just you're only measuring the
4 people who are 18 and over.

5 Very similar structure for the Hispanic or Latino
6 and not Hispanic or Latino versions of these tables. The
7 difference being "Hispanic or Latino" is an ethnicity, and
8 so anyone who says that they are Hispanic or Latino in these
9 tables go into that Hispanic or Latino category; and then
10 all the people who said they are not Hispanic or Latino get
11 iterated in the same fashion based on the races that they
12 chose. So it's just a slight variation.

13 And, again, the voting age population version, is
14 we swap in and only measure from the population 18 and
15 older.

16 The housing and group quarters tables are actually
17 much simpler. The housing tables is just total housing
18 units, whether -- and then broken down by whether they're
19 occupied or vacant; and then the group quarters population
20 for a total population and then broken down by the
21 categories as you see on the screen there, the ones that I
22 mentioned previously.

23 So where are we now? What has been going on since
24 we released those apportionment counts?

25 There were several steps that we sort of identified

1 that had to be achieved in order for us to get this data out
2 the door.

3 The first thing we had to do -- remember, the --
4 the apportionment counts are only state total population
5 counts. So as we continue on, we need that apportionment
6 count as input to the rest of the redistricting process; but
7 the next step would be to ensure that all the records are
8 coded to their most detailed level of geography, and that
9 work is actually already completed.

10 We're deep into this next stage, the conducting
11 characteristic editing and imputation, which ensures each
12 record has a valid value for all the major characteristics.
13 This takes care of several things: One, it takes care of
14 whether it's invalid values. Let's say I say my birthday is
15 1971, but I say I'm five years old. We have to resolve that
16 to make sure that that gets corrected; and we have the tools
17 and records and techniques to be able to do so.

18 If someone says that they're married and they're 50
19 years old and their spouse is five years old, we have to be
20 able to resolve that; or if there's an item nonresponse,
21 someone didn't respond to one of the questions, they skipped
22 it, we have to be able to input the value to -- to be able
23 to put into that characteristic so we have a full and
24 comprehensive dataset.

25 This is really the -- the -- probably one of the

1 most complex parts of the operation and it is where we
2 assure the quality and accuracy, it's really where a lot of
3 that quality and accuracy comes from.

4 After that file is completed, we can apply our
5 differential privacy or provide our privacy protections;
6 then that goes over to tabulation where they will tabulate
7 it and put it out in all the many formats that we have to
8 create; then we create physical media, we load and test our
9 web-based tools, and then we get that data to the states and
10 public by September 30th.

11 And so what can people expect in September?

12 There's two things: One, we have DVDs and flash
13 drives. These are actual physical materials where we have
14 the data integrated with intuitive browsing tools that also
15 has some custom extraction menus to make it easy to pull
16 large data sets off the disk that can then go into a
17 geographic information system or database; and these are
18 what we deliver to the -- the official recipients, those who
19 are required by law. So the Governor, the majority and
20 minority parties in the legislature, to the Commission.

21 So we should be getting contact information from
22 you so we can deliver a copy of these disks to you.

23 And that's our -- that's our official active
24 delivery of sending something to the state.

25 For the general public and for anyone who chooses

1 to use it, we have our data.census.gov data explorer, this
2 also gets loaded in September; and this is kind of like a
3 shopping site, you know, you can -- instead of going in and
4 saying: I want a pair of pants, I want them brown and I
5 want them this size, you can go in and say: I want the
6 census redistricting data, I want for the state of Arizona,
7 I want it for census block, and I want the race table; and
8 then you can view that or map it or download that data
9 directly from that tool as well.

10 As I was walking through this flow chart of how we
11 got -- get from apportionment to data out the door, you
12 know, as we've been looking to try to reduce the impact of
13 the delay of the data, we were looking heavily at our
14 schedules to see, well, is there something we can do
15 earlier? And in between this transition from tabulating and
16 creating these files in multiple formats and then creating
17 that physical media and loading web-based system, we
18 identified what we're calling "legacy format summary files."

19 And this is always a product, been a product, part
20 of the product plan for the 2020 census; we were just going
21 to put it out with those same materials we put out in
22 September. And the reason for that is because although this
23 is also the P.L.94-171 redistricting data, it does require
24 some additional handling to properly extract the data from
25 this format.

1 But I want to be very clear: This is going to be
2 fully reviewed and cleared for publication; it's the same
3 data as what we will be putting out in those easier-to-use
4 forms in September. As a matter of fact, it's actually the
5 source data that we then transform and integrate with that
6 browsing software that goes onto the DVDs. So it's -- it's
7 all the same data, it's just a different format.

8 We do have some prototype data available so people
9 can practice in working with this, you're building a way to
10 get it to their database, practicing inquiries to pull data
11 out of it. It is for Providence County, Rhode Island,
12 because that's where our 2018 and -- census test was
13 conducted, so that's the data that we used to build this
14 demonstration set, but it will function and look exactly
15 like what you can expect for 2020.

16 And it's actually a quite simple file set. It's
17 going to be one zip file per state with four text files
18 included within each zip file.

19 One of those files is a geo header, has all the
20 geographic information for the state for every level of
21 geography that we've calculated.

22 And then the data, the tables are on the data
23 segments. There's three data segments: Table P1 and P2,
24 those race and Hispanic or Latino not Hispanic or Latino by
25 race are on data segment 1; P3, P4, and H1 are on data

1 segment two, and there used to only be two data segments in
2 2010, but we added that group quarters table so we needed a
3 place to put it, so we created a third data segment, and
4 that's where you can find the group quarters table.

5 We've also added in the geographic information, a
6 field called "Geocode," which has the key that you can use
7 to link to the shapefiles that Census also produces, as long
8 as you include that geocode field when you're creating an
9 extract of this data set.

10 And this data is all piped and limited; we used to
11 have a mix of formats in 2010, we've tried to simplify that
12 by just making it piped and limited to make it easier to
13 work with.

14 And to try to sort of remove the -- the mystery
15 around when we say "additional handling is required," I'm
16 just going to step through four slides here to just give you
17 a general idea of what we mean. These are basically the
18 tables that go into a relational database and then you have
19 to pull your -- your subset of data out.

20 So each table, the top -- what you see on the top
21 here is an extract of the geo header, the file that has all
22 the geographic information; and it's actually much longer
23 than this, it goes off to the right but I just truncated it
24 for purposes of getting it on to the screen in a legible
25 format.

1 Down below is data segment one. Again, it goes
2 much farther to the right but I truncated it to fit it on
3 the screen.

4 But you see it with the red boxes and arrows, they
5 both have this field called "logical record number." That
6 field has unique numbers in all of those -- in every single
7 row and they equate to the row in the -- in the other table.
8 So you just -- using your database software, you join on
9 that field so that they know which records go with which,
10 and then you can ask yourself something. If you have those
11 fields connected, you can start asking questions.

12 This is that Rhode Island data I said, so my
13 question is: I want total population for my township in
14 Rhode Island.

15 So I go to technical population, which is already
16 published on the web, and I say, "What's the -- what's the
17 geographic code?" Which in census language is summary level
18 for the townships, that's 060.

19 And then I say, "Well, what field will give me
20 total population?" So I look in data segment one, field
21 P0010001 is total population.

22 So then I create a query against the database that
23 says "give me all the records for that summary level." "Sum
24 level" being this field abbreviation is equal to 060 output
25 for me. The corresponding geocode field, that's that one I

1 told you that gives you the link to the shapefiles; names,
2 which isn't actually on the screen here because it's part of
3 the file that's truncated, but -- but it's in that geo
4 header field; and then P0010001.

5 So what that does is it will select all the records
6 where the 060 is in the summary level field, and that will
7 then translate both to all the -- the fields in the geo
8 header that equate to that record, and it will look for the
9 equivalent record in the other table and pull it together so
10 you get a table like what you're used to seeing.

11 So it is a little cumbersome; it's not particularly
12 difficult once you get things set up.

13 And we are trying our best to support this. We've
14 consulted with the major software vendors. We've talked to
15 Esri; we've talked to Citygate GIS; we've talked to Caliper
16 Corporation; we've talked to Election Data Services, to
17 PolyData; we've talked to the staff at the National
18 Conference of State Legislatures Redistricting and Elections
19 Committee; we've talked to a nonprofit group like
20 Redistricting Data Hub who is going to process this data for
21 folks at the block level; we've talked to individual states
22 to make sure that they all understand this format that's
23 coming in August and that they feel comfortable using it.
24 And to -- to date we have not run into anyone who thinks
25 they will have any trouble; they're very familiar, this has

1 been around for awhile, we've produced data in this format
2 for at least the last two census, so people seem to be
3 confident that they will be able to start working with this
4 data when it comes out in August.

5 We've already published the technical documentation
6 to help people work with it; we have that prototype data so
7 that people can practice with it. Those four text files
8 don't have -- they just have the information, they don't
9 have the field names in there, so we created a header file
10 that has the field names in there, so if you're trying to
11 build your own database, you can just grab that Excel file
12 and use the header files out of there to start.

13 We have a Microsoft Access database shell. You can
14 use Microsoft Access to work with this sample data to
15 practice with it, to practice the logic of assembling those
16 queries. We have an illustrated guide; we're working on a
17 video that will also go along with that to demonstrate
18 concepts. We have SAS scripts for those that use
19 statistical software so you can easily import those into
20 SAS. We're working to also duplicate those scripts in our
21 ARG, so that people can use it with a software that doesn't
22 require a license, an open-source software version. So
23 we're working on that.

24 So we're trying to get as many support products as
25 we can out and available in advance so people can practice

1 and feel comfortable with the August data set.

2 So the way this will rollout is on August 16th
3 we'll publish the -- the legacy format summary files to our
4 FTP sites for people to come and get; and then in September
5 we will mail the DVDs and flash drives to the official
6 recipients you see down below, and then we'll confirm that
7 at least a couple of people in this state have received that
8 data; and then we'll publish data to our data explorer web
9 tool, that data.census.gov.

10 And to make it easier to find all of this
11 information along the way, we turned the redistricting data
12 program's website to sort of a one-shop -- one-stop-shop for
13 all this information. So when you go to census.gov/RDO, a
14 nice, easy to remember URL, if you're looking for the
15 prototype data, that sample data that you can practice with,
16 or any of the support products I mentioned, they're in the
17 redistricting program management, they're under "phase
18 three," which is data delivery for the program.

19 And so we have all the support material there, it's
20 accessible now; and then the official data as it becomes
21 available will go into this "Decennial Census" field
22 "94-171, Redistricting Data Summary Files" link, and that's
23 where we also already have links to the geography, so we can
24 get to the geography easily, but we will add links to the
25 data as it gets published as well, and maybe move some of

1 those support products up under there.

2 And then finally just to mention that on the
3 left-hand side you will always find this voting rights link,
4 and that's where you can go see the Section 203 language
5 determinations, the most current ones were published in
6 2016, the newest ones will be out in December of 2021; then
7 we also have our citizen voting age population by race and
8 ethnicity that we make from the American Community Survey on
9 an annual basis at the request of the Department of Justice,
10 for purposes of Section 2 enforcement under the Voting
11 Rights Act.

12 And with that I would just say thank you very much
13 for listening to a fairly lengthy presentation, and I'm more
14 than happy to take additional questions if you have any.

15 CHAIRPERSON NEUBERG: Yes, thank you so much for
16 that comprehensive presentation.

17 I'm wondering -- I hope this will eventually be put
18 on our website that we -- we could talk about that.

19 I do have a question. So the Census Bureau has
20 made a commitment to Ohio to provide the data by
21 August 16th. I'm wondering, are you able to give the same
22 commitment to Arizona to provide us the data at the same
23 time?

24 MR. WHITEHORNE: Yes. We will be posting on
25 August 16th the data for every state, the District of

1 Columbia, and Puerto Rico. That is our plan; that is the
2 schedule that we're working towards.

3 CHAIRPERSON NEUBERG: Excellent. Thank you very
4 much.

5 Other questions?

6 COMMISSIONER LERNER: And I may have missed it
7 because I bounced off and on for a few seconds, sorry about
8 that, but differential privacy. There's been a lot of
9 discussion about what that means and where that fits in.
10 Could you speak to that and help us understand it a little
11 better?

12 MR. WHITEHORNE: So the -- the next presenter is
13 going to be Michael Hawes, he is my colleague who is much
14 better at describing differential privacy and how it
15 applies. But -- but essentially it is the protection
16 mechanism that is planned to be used to prevent the
17 respondent data from being identifiable to outside database
18 attacks, database reconstruction or reidentification
19 attacks, and -- and Michael, I'm sure, will go into a lot
20 more detail around that.

21 COMMISSIONER LERNER: Thank you.

22 I just had one more quick question, I'm sorry.

23 MR. WHITEHORNE: Certainly.

24 COMMISSIONER LERNER: When you were talking about
25 table P5, you -- did I get that you included universities,

1 so college students? So does that mean college students are
2 going to be reallocated to their home, where they came from
3 or -- did I misunderstand that? I may have misunderstood
4 it.

5 MR. WHITEHORNE: Yeah, so it -- there -- there are
6 college students included in that table, that's one of the
7 group quarters.

8 So not all college students will be there, it will
9 be those who are living in dorms or a group quarter setting
10 in the Census definition, but that's just reporting where
11 Census has counted them. The reallocation work is typically
12 around prisoners and it's a state responsibility, and so
13 it's just -- this is just a tool to allow them to know where
14 Census counted these individuals and how many we've counted,
15 so that if the state chooses to reallocate the population
16 they can do so prior to doing the redistricting.

17 New York and Maryland did this after the 2010
18 census and now there's about nine, ten, eleven states,
19 somewhere in that realm, that do it.

20 The only -- the only state that uses students --
21 Kansas used to move students and military around in this
22 regard, but they passed a constitutional amendment in 2018
23 to remove that requirement from redistricting. So Hawaii is
24 the only state left that uses students and military, and
25 they do it just because they have such an overwhelmingly

1 large population of nonresident military there that they are
2 allowed to make a modification to their population to create
3 what they call the resident population base. Because
4 otherwise their -- their districts would be way out of whack
5 from as far as where the Hawaiians live, people -- people
6 who actually are residents of Hawaii.

7 COMMISSIONER LERNER: Thank you.

8 CHAIRPERSON NEUBERG: If there are no other
9 questions, please move forward.

10 MR. WHITEHORNE: Well, I just want to -- I want to
11 say thank you very quickly. I do have to drop off the call,
12 so if there are other questions for me, please feel free to
13 e-mail me directly; I will make sure you guys have the slide
14 deck and my e-mail address is in that slide deck. And I
15 apologize, I usually like to stick around for the whole
16 thing, just an unfortunate set of circumstances at the
17 moment that I -- I do have to drop off.

18 So thank you very much.

19 CHAIRPERSON NEUBERG: Thank you for joining us, we
20 appreciate it.

21 MR. HAWES: All right. So good morning, everyone.
22 My name is Michael Hawes, I'm senior advisor for data access
23 and privacy at the Census Bureau; and as my colleague James
24 Whitehorne mentioned, I'll be discussing with you the Census
25 Bureau's modernization of our privacy protections.

1 And let me just share my presentation here.

2 Okay. Open.

3 All right. Can somebody just confirm they can see
4 my slides?

5 COMMISSIONER LERNER: Yes.

6 MR. HAWES: Okay. Great. Thank you so very much.

7 So all right. So, the Census Bureau takes its
8 responsibilities for protecting privacy and confidentiality
9 very seriously. Data stewardship as we -- as we call this
10 -- this broader initiative is absolutely central to our --
11 our ability to actually produce high-quality statistics
12 about the nation.

13 This is a legal responsibility for us under
14 Title 13, Section 9, of the United States Code; but more
15 importantly, our ability to get the public to provide us
16 their information is -- is really contingent on the public's
17 trust in us that we will be able to properly safeguard their
18 personal information in the data that we publish.

19 And when we publish our data products, we can't
20 just consider privacy threats as they exist today. Once we
21 publish those data, they're out there for good and we have
22 to make sure that they will continue to be protected against
23 privacy attacks after we have published them.

24 Over the past century the Census Bureau has been a
25 world leader in the research, design, and implementation of

1 various methods that can be used to protect privacy and
2 confidentiality in published data products; and over the
3 decades as the nature of our own data releases has changed
4 and as the privacy landscape has changed, we've improved the
5 statistical techniques that we use to protect those data.
6 And our -- our adoption of differentially private disclosure
7 avoidance methods for the 2020 census is really just the --
8 the latest in what has been the long history of continuous
9 improvement and innovation in this space.

10 So the challenge that we really face is we collect
11 data to be able to release it to the public; and census data
12 are used for a wide, wide array of different purposes.
13 They're used to apportion seats in the House of
14 Representatives; they're used to draw federal, state, and
15 local district boundary, as you all know; they're used to
16 allocate over 675 billion dollars per year in federal
17 funding; and they support critical decision making at the
18 federal, state, tribal, and local levels on -- on an almost
19 daily basis.

20 And in order to support all of these myriad use
21 cases, we have to publish enormous numbers of statistics
22 that are calculated from the decennial census; and to
23 support those uses, we have to publish those often with
24 very, very fine levels of geographic granularity and
25 characteristic detail.

1 Unfortunately, we know that every time you release
2 any statistic that's calculated off of a confidential data
3 source, you're going to reveal or leak a tiny amount of
4 private or confidential information in the process. So if
5 you release too many statistics too accurately, eventually
6 you'll reveal all of the underlying confidential data; and
7 this challenge is even more concerning when you consider
8 recent advances and changes that have occurred in the
9 privacy space over the last decade, decade and a half.

10 There's an old adage that nothing on the Internet
11 ever goes away, and the same is true for data once you have
12 released it out into the wild.

13 Data about us are collected every day by the
14 businesses we interact with, social media, and by many other
15 sources; and those data could be leveraged by a malicious
16 actor to attempt to reidentify or triangulate in on specific
17 individuals in the data that the Census Bureau publishes
18 following the census.

19 And when you combine this proliferation of
20 third-party data with advances that we've seen in computing
21 power and optimization algorithms, it's now ever easier to
22 -- to leverage those third-party data in an attempt to undo
23 the privacy protections that we put in place for the census.

24 So what would this actually look like? Well, the
25 danger here comes from what we call "database

1 reconstruction." There's a common misperception that when
2 you aggregate data, it's going to be sufficient to protect
3 privacy of the individuals that are represented in those
4 statistics; and while that's still sometimes the case for --
5 for small data releases or in limited data products, it's
6 not the case when you're releasing large amounts of
7 statistical data tables.

8 In fact, you can think of the challenge here much
9 like a game of Sudoku, if you're familiar with the puzzle
10 game. With a Sudoku puzzle, if you have enough numbers
11 prepopulated into the grid, well then, eventually there's
12 one and only one solution to the puzzle.

13 Well, the same holds true for aggregate data tables
14 like those we publish after the census. If we publish
15 enough of them with enough different characteristics sliced
16 and diced in different ways, well, eventually there's one
17 and only one set of individual level records that could have
18 yielded all of those different aggregate data tables; and
19 then it just becomes a matter of setting up a system of
20 equations for a computer to solve to figure out what those
21 individual-level records actually were. And computer
22 algorithms can now do this very easily in many cases.

23 So what would this look like in practice? Well,
24 let's say you have some basic demographic information about
25 the seven people who live on a particular block, and then

1 you want to calculate some -- some descriptive statistics
2 about those individuals. How many were female? How many
3 were black? How many were married? And so on.

4 Well, from those simple aggregate statistics in
5 that table on the left, it's actually a very simple and
6 trivial matter to solve for the only set of individual-level
7 records that could have yielded those aggregate results.

8 And "trivial" is really the key word here. It took
9 a 2013 MacBook Pro a grand total of 0.2 seconds to solve for
10 that unique set of individual-level data on the right that
11 were represented in that aggregate data table on the left.

12 So now you have individual records for all seven of
13 those people, but can you actually identify who they are?
14 Well, that's also a very simple exercise. You can -- while
15 the reconstructive individual-level records that you
16 extracted from those data tables didn't have any -- any
17 individuals' names on them, they did have some
18 characteristics about those individuals that could be linked
19 or used to link to some external file -- say, for example,
20 voter registration lists -- that do have names on them. In
21 this case, age and sex of those individuals at the block
22 level would be sufficient to link to that third-party data
23 source, and now you've just figured out those names for
24 those individuals and you now know Jane, Joe, and John's
25 race and relationship status.

1 Well, so with this kind of -- of attack in mind and
2 with the knowledge that every statistic that you release
3 leaks a tiny bit of confidential information, we wanted to
4 see how protected the disclosure avoidance methods that we
5 used for prior censuses are against these type of attacks.

6 So to give you an idea, the 2010 census collected a
7 handful of attributes about the approximately 309 million
8 individuals in the U.S. in 2010. That gave us about
9 1.9 billion confidential data points that we had to protect;
10 but the 2010 census data product that we published after the
11 census included over 150 billion different individual
12 statistics calculated from those 1.9 billion confidential
13 data points.

14 So the question is: Are those 150 billion
15 statistics enough to allow reconstruction and
16 reidentification of those individuals from published data?

17 Well, unfortunately, the answer that we found in
18 our own internal simulations of this type of attack was
19 that's absolutely enough. In fact, using just a small
20 portion of the published 2010 data tables, we were able to
21 accurately reconstruct individual-level information and then
22 link those to third-party commercially available data from
23 the time period, and we were able to confirm that we had
24 accurately reidentified 17 percent of the U.S. population
25 that was enumerated in the 2010 census, or 52 million people

1 we had accurately reidentified.

2 So this was absolutely an eye opener for us, and it
3 made us realize that the privacy protections that we've used
4 for the last few censuses were no longer going to be
5 sufficient to protect those data against the -- the rising
6 threats from this proliferation of third-party data and from
7 these more powerful computing algorithms that can level
8 those data.

9 So we realized that for the 2020 census in order to
10 meet our legal and ethical obligations to protect the
11 privacy of our respondents and to protect the
12 confidentiality of their data, we had to modernize our
13 approach to privacy protection.

14 So to understand kind of how this modernization
15 works and what it means, it's helpful to understand a little
16 bit about disclosure avoidance methods more generally. So
17 at their core, disclosure avoidance methods try to make
18 reidentification of individuals in published data more
19 difficult by one or more of three kind of broader
20 approaches: They either seek to reduce the precision of the
21 data that you release; they seek to actually remove
22 vulnerable records or vulnerable individuals from the data;
23 or, they seek to add uncertainly or noise into the data, all
24 with an objective of making it more challenging for an
25 attacker to actually be able to pick out any specific

1 individual with any certainty.

2 And commonly used traditional approaches to
3 disclosure avoidance methods includes things like
4 suppression of entire tables of the data or cells of those
5 tables; rounding values in the data you publish; recoding
6 extreme value, so instead of saying that there's X number of
7 individuals who are 101, 102 or 103, you would recode all
8 the individuals at that part of the age distribution to,
9 like, "greater than 85," that would be an example of top
10 coding; you can sample from a larger population; you can
11 swap records to introduce that uncertainty, record swapping
12 was the primary mechanism that we used for the 2010 census,
13 for example; or, other forms of injecting noise or
14 uncertainty into the data that you're publishing.

15 But it's important to know that any statistical
16 technique that you're going to use to protect privacy,
17 including those we've used for past census, is going to
18 impose a fundamental trade-off between the degree or
19 strength of the privacy protection, and from a resulting
20 accuracy or availability or usability of the data that you
21 want to publish; and where on this spectrum or this balance
22 between privacy protection and fitness for use of the data
23 is going to be determined specifically by the parameters of
24 the implementation of your disclosure avoidance method.

25 And those parameters can include things like your

1 record swapping rates, your noise injection parameters, your
2 cell suppression thresholds, your rounding rules, and so on.

3 So policymakers are always going to have to make
4 this choice between how strong of the privacy protection
5 versus how accurate or how available or how usable the data
6 are going to be, and they have to then operationalize those
7 choices in the parameters of the disclosure avoidance
8 system's implementation.

9 The challenge when doing this with more traditional
10 approaches to privacy protection like those we used for past
11 censuses, is that they don't usually provide much in the way
12 of being able to quantify the privacy protection itself. A
13 lot of those decisions have often been very subjective in
14 nature, kind of based on expert judgment of the statistical
15 practitioners who are responsible for performing those
16 privacy protections; and as the privacy landscape has
17 changed over the decades, those practitioners of disclosure
18 avoidance have had to adjust their implication parameters to
19 keep pace with those rising threats.

20 But these traditional approaches, because they lack
21 this ability to really quantify protection, have often
22 largely been scattershot solutions that result in over
23 protecting some records -- essentially reducing accuracy or
24 usability in the process -- while under protecting the most
25 vulnerable records in the data. So you get, again, this

1 scattershot and -- and uneven application of privacy
2 protection across the board.

3 Well, those limitations of traditional approaches
4 to disclosure avoidance are what lead us to differential
5 privacy. And unlike disclosure avoidance methods like
6 swapping or cell-suppression, etc., disclosure --
7 differential privacy isn't really a disclosure avoidance
8 method as much as it's a framework, a privacy accounting
9 framework for defining and quantifying privacy protection
10 and privacy risk.

11 I mentioned before, every individual that's
12 reflected in every particular statistic contributes towards
13 that statistic's value, and every statistic that you publish
14 is going to leak or reveal a small amount of private
15 information about those individuals reflected in that
16 statistic.

17 Differential privacy has this privacy risk
18 accounting framework allows us to assess each and every
19 individual's contribution to each statistic that we want to
20 publish; and by measuring that contribution, we can measure
21 the privacy risk and thus limit how much information about
22 those individuals will leak in the published statistics.

23 So when you combine this differentially private
24 accounting framework of privacy risk with disclosure
25 avoidance methods like noise injection, differential privacy

1 allows you to precisely control the amount of confidential
2 information leakage that's going to occur in the statistics
3 you publish.

4 And one of the benefits about this is because it is
5 quantified in ways that traditional approaches haven't been,
6 you can have kind of infinitely tuneable parameter set- --
7 settings or dials in your implementation to then very
8 precisely set where you want to fall on that spectrum from
9 perfect privacy at the one extreme to perfect accuracy at
10 the other.

11 Perhaps most importantly -- and getting at the
12 comment I made before about the need to be able to protect
13 against privacy threats that emerge tomorrow, next week, or
14 next year -- the privacy guarantees of this accounting
15 framework afforded by differential privacy are both
16 mathematically provable and they're future proofed. So we
17 don't have to worry about what new third-party data might
18 come into existence in a year or how computers or their
19 operational algorithms might improve over time either.

20 And, lastly, this calibration, this quantification
21 of -- of the privacy protection, enables us to get optimal
22 data accuracy for any given level of privacy protection.
23 And this is a huge improved advancement over those more
24 scattershots the traditional methods typically had.

25 So the only way you can absolutely eliminate any

1 risk of reidentification, the only way you could have, like,
2 ironclad privacy guarantees in your published data, would be
3 to never publish any usable data at all; and as the nation's
4 leading provider of quality statistics about the country,
5 not publishing data is not really an option for us. So
6 instead we have to find a point on the spectrum between
7 perfect privacy with unusable data at one extreme and
8 perfect data with no privacy protection at other -- on the
9 other extreme -- on the other extreme, we have to find a
10 point in between where the data are sufficiently accurate to
11 meet their intended uses, while also being sufficiently
12 protected to meet our legal and ethical obligations to
13 protect the confidentiality of our respondents.

14 Well, once you determine that ideal point on that
15 spectrum within this differentially private accounting
16 framework of privacy risk, we can set what we call the
17 "privacy loss budget," and that represents where on that
18 spectrum between the extremes you're going to fall.

19 An epsilon of zero -- sorry. I jumped ahead.

20 That point becomes known as your privacy loss
21 budget and you'll see this abbreviated as "PLB" for short,
22 or by the Greek letter epsilon.

23 And an epsilon of zero in this framework would be
24 the world of perfect privacy with completely useless data;
25 and an epsilon of infinity, at the other extreme, would be

1 the world of perfect data with no privacy protection. So
2 ideally you need to find a value for epsilon, a value for
3 the privacy loss budget that's going to be somewhere in
4 between those two extremes.

5 So what does all this mean for the 2020 census?

6 Well, for starters, it's important to know that
7 our -- our modernization of our disclosure avoidance
8 methods, our -- our adoption of this differential privacy
9 framework for our privacy protections for 2020 do not change
10 our constitutional mandate to apportion the seats for the
11 House of Representatives using actual enumeration. So
12 apportionment data that were released back in April were the
13 actual enumerated state population totals with no noise
14 added to them.

15 The remaining 2020 census data products, including
16 the Public Law 94-171 redistricting data summary file and
17 all of the subsequent data products, will have privacy
18 protections applied to them as they have in prior decades,
19 it's just this time around the noise that's being injected
20 will be done through our differentially private disclosure
21 avoidance system rather than through the data swapping
22 mechanism that we used for past censuses.

23 Now, there are some important decisions that have
24 to be made in this space. We still have not yet determined
25 what the privacy loss budget for the 2020 will be. Our Data

1 Stewardship Executive Policy Committee will making those
2 decisions in the -- in the near future.

3 As they make those decisions, they will also have
4 to allocate shares of that privacy loss budget to the
5 various data product that comprise the 2020 census, the
6 first of which will be the redistricting data, which are
7 coming out, as James mentioned, this fall. But there are
8 all these subsequent data products, including our
9 demographic and housing characteristic files and the
10 detailed tabulations that follow those as well as out-year
11 uses of census data, all of which have to get shares of this
12 privacy loss budget; and the larger the relative shares that
13 are allocated to one data product over another, the greater
14 the relative accuracy of those tabulations versus the
15 tabulations included in other data products.

16 In addition to this, each statistic, each
17 tabulation, each table that you produce within each of these
18 data products consumes a fraction of your overall privacy
19 loss budget. So how much of the privacy loss budget you
20 allocate to particular tabulations or tables at particular
21 levels of geography is also going to determine the relative
22 accuracy of those tables over other tables that received a
23 smaller share.

24 And so our Data Stewardship Executive Policy
25 Committee will also have to decide the relative

1 prioritization of tabulations of particular geographies over
2 other or particular types of tables over other; and those
3 are policy decisions that have to reflect the -- the
4 priority uses of census data.

5 So what have we been doing for the last several
6 months?

7 So between December and March of this year, our
8 disclosure avoidance system team were focusing on tuning our
9 algorithms, tuning those -- those dials that I mentioned
10 before to ensure fitness for use of the Public Law 94-171
11 redistricting data; and to do this we conducted over 600
12 full-scale runs of our algorithm using the 2010 census data
13 as its input.

14 And our goal in doing this was to determine what --
15 what those settings for the privacy loss budget should be,
16 what should the overall share of the privacy loss budget
17 allocated to the redistricting data product be; how should
18 we allocate that privacy loss budget to the various
19 tabulations, the various component tables of the
20 redistricting data; and how much should be allocated for
21 those tables at the state level versus the tract level
22 versus the block level.

23 And so through this we were empirically assessing
24 the impact of different combinations of those settings,
25 different combinations of those dial parameters, and then

1 working closely with subject matter experts in our
2 demographic and decennial directorates to evaluate the
3 resulting fitness for use of those data against the
4 redistricting use cases, Voting Rights Act administration
5 and enforcement, and other priority uses of the
6 redistricting data product.

7 But we also wanted to rely on external feedback in
8 this evaluation as well, so since October of 2019 we've been
9 periodically releasing demonstration data products where
10 we've run 2010 census data through various iterations of our
11 topped-out algorithm in our disclosure avoidance system to
12 enable our external data users to evaluate the resulting
13 fitness for use and to provide feedback to help us better
14 improve the design of the algorithms and the -- the setting
15 of those parameters.

16 Now, the first four of those sets of demonstration
17 data that we released in October of 2019 and then May,
18 September, and November of 2020, used what we are calling a
19 "conservative global privacy loss budget," tuned to the
20 accura- -- sorry, tuned to the privacy side of the spectrum
21 rather than the accuracy side; and we kept that privacy loss
22 budget constant across those four demonstration data
23 releases, to enable our data users to assess and evaluate
24 algorithmic improvements that we were making to the design
25 of the system.

1 But the actual 2020 census data products are not
2 going to be held to that fixed conservative,
3 more-privacy-end-of-the-spectrum privacy loss budget. On
4 April 28th of this year, we released a fifth set of
5 demonstration data using a -- a higher global privacy loss
6 budget, epsilon of 12.2, compared to an epsilon of 4.5 that
7 we used for those earlier demonstration products; and we
8 believe this higher level of the privacy loss budget more
9 closely approximates the level that will actually be used
10 for the 2020 census redistricting data.

11 As I said, in the coming days and weeks we'll be
12 making final decisions on the parameters to be used for the
13 production run of the redistricting data. Once those
14 decisions have been made and once we have run the production
15 versions of the 2020 redistricting data product, we will
16 then release a final set of demonstration data using the
17 2020 census run through the algorithm with all the same
18 parameters and settings that were used for the actual 2020
19 redistricting product, and we'll release that final set of
20 demonstration data in September of this year, to allow data
21 users to evaluate the anticipated accuracy and fitness for
22 use of the actual redistricting data that are coming out.

23 If you want to learn more about what we're doing
24 with the modernization of our privacy protection and the
25 development of the disclosure avoidance system, you can

1 subscribe to our newsletter. We issue new updates a couple
2 times a week or -- or, you know, approximately these days
3 it's about a couple times a week, and in slower periods
4 about every week, every other week. But you can sign up for
5 our newsletter just by going to Census.gov and searching for
6 "disclosure avoidance"; or you can find a whole wealth of
7 information on our disclosure avoidance system modernization
8 and the development of the data all on our website, again go
9 to Census.gov and search "disclosure avoidance." We've got
10 videos, fact sheets, frequently asked questions, and also a
11 lot of -- of other really useful resources there.

12 And, with that, I'm going to stop sharing so I can
13 see if hands get raised and I'd be happy to answer any
14 questions you might have.

15 CHAIRPERSON NEUBERG: Thank you, Michael, for that
16 very substantive presentation, it's a complicated topic and
17 you did an excellent job of trying to, you know, put it into
18 language that we can all understand.

19 I have a two-part question before I turn it over to
20 my colleagues.

21 My first question has to do with how differential
22 privacy affects different states differently. Particularly,
23 that there's a greater threat of introducing the noise in
24 the states that have rural areas and particularly I would
25 say our tribal communities, which are unique areas.

1 So, number one, can you speak to how the
2 differential privacy affects Arizona in particular; and,
3 with that -- and -- and this is, you know, a little bit of a
4 provocative question, if the data is going to be so noisy,
5 particularly for a state like Arizona, why should we wait
6 for the data and not rely on other types of survey data and
7 other sources of information?

8 MR. HAWES: Okay. So two parts to your question
9 there.

10 To the first part about is -- is differential
11 privacy in our disclosure avoidance system going to impact
12 states differently? The most important thing to recognize,
13 as I mentioned during the presentation, is the overall level
14 of accuracy in terms of absolute accuracy of the data is
15 determined specifically by the privacy loss budget and how
16 it's allocated.

17 And it's important to know that the way the
18 topped-out out algorithm, which is central to our disclosure
19 avoidance system, works is the same amount of privacy loss
20 budget is allocated to all geographic units at the same
21 level of the geographic hierarchy. So all states receive
22 the same share of privacy loss budget, all counties receive
23 the same share, all block groups or blocks receive the same
24 share.

25 So in terms of absolute accuracy of the data, there

1 -- there's not going to be differential impact on -- on
2 accuracy from -- from state to state or from -- from block
3 to block.

4 Now, that's kind of in terms of the absolutely --
5 overall absolute accuracy of those.

6 Now, where you may see some -- you know, may
7 observe some -- some differences, is the system is designed
8 to provide you more and more reliable, more and more
9 accurate answers as you are generating statistics for larger
10 and larger geographies, larger and larger sets of
11 population.

12 So, for example, if the average -- and, again, the
13 privacy loss budget has not been determined yet, so we
14 don't -- we don't know what the specific level of accuracy
15 for the actual 2020 redistricting data will be until that's
16 determined.

17 But let's say as it was in our recent set of
18 demonstration data that there was an average, like, a mean
19 amount of error at the census block of plus or minus three
20 people. Well, plus or minus three people in a block that
21 has 120 people is going to be a very small relative
22 difference; three people in a block that only has three
23 people, well, that's still the same absolute amount of
24 difference, but it's going to appear larger in relative
25 terms because the denominator of your percentage is -- is so

1 much smaller.

2 So you may, if -- if you're focusing on percentage
3 differences, you will see differences in that relative
4 accuracy when you're looking at small populations or -- or
5 small subgroups; but the overall level of accuracy is still
6 going to be the same across those, because it's the same
7 amount of noise, it's just the same amount of noise in
8 what's being observed as a smaller -- smaller denominator.

9 Now, what that means is the noisiest data at any
10 level of privacy loss budget in relative terms, the noisiest
11 data are going to be your block-level data. But -- I mean,
12 we recognize the importance of block-level data for
13 redistricting and drawing voting districts, et cetera. The
14 block -- the system is designed such that even though the --
15 those fundamental pixels of the blocks that you're using to
16 build your maps are going to be noisier as opposed to the
17 higher-level geographies, as you add those blocks together,
18 as you add them together, the noise cancels out.

19 So as you build larger and larger geographies from
20 those individual pixels, you'll be getting more accurate and
21 accurate results for those larger constructs, those -- those
22 districts that you're constructing. And, in fact, we
23 specifically tuned our algorithm to ensure that this was the
24 case. I was talking about those 600-plus experiments that
25 we were running, we were specifically tuning the minimum

1 amount of privacy loss budget that would be necessary for
2 that to redistricting-use cases for arbitrarily constructed
3 off-spine off those -- the geographic hierarchy entities to
4 ensure that we were going to be getting statistically
5 reliable results from those noisy pixels being aggregated
6 into larger pictures.

7 CHAIRPERSON NEUBERG: Thank you.

8 And one final follow-up before I turn it over to my
9 colleagues, I don't want to hog it.

10 Would you say that this differential privacy and --
11 and the noise will affect more the legislative districts,
12 those small areas in which you say even three households
13 could potentially even make a difference?

14 MR. HAWES: So, again, the -- one of the qualities
15 of official statistics at large, in the U.S. and other
16 countries, et cetera, is you want the accuracy of the
17 statistics that you're calculating to improve, to increase,
18 as -- as the number of individuals, the number of households
19 that you're measuring increases.

20 So when you get to -- when you get to population
21 sizes for state legislative districts you're talking
22 thousands of people.

23 CHAIRPERSON NEUBERG: Right.

24 MR. HAWES: And by -- by the point you get to that,
25 the data are -- are -- are substantially more accurate. I

1 mean, they're -- the -- as that denominator increases,
2 you're going to get more and more and more accurate data.

3 The tuning that we were doing was specifically to
4 much smaller districts, because that was where there was a
5 lot of concern about what would the impact on very small
6 voting -- voting districts be. So we were tuning to ensure
7 minimum amount -- minimum degrees of accuracies for
8 districts as small as 500 to 549 people. But when your --
9 when you get into districts with thousands of people in
10 them, the impact of the noise is -- is really going to be
11 negligible.

12 CHAIRPERSON NEUBERG: Thank you.

13 Other questions?

14 COMMISSIONER MEHL: This is Commissioner Mehl. So
15 are you saying that when we -- we look at legislative
16 districts that will be X thousands of people on average,
17 that the noise has cancelled itself out by the time you get
18 to that level and that we shouldn't worry about this, or
19 will we actually be dealing with districts where the
20 population isn't true?

21 MR. HAWES: So I -- I want to caution with the use
22 of the word "true" in any statistical content. There are
23 numerous sources of error present in any census or survey
24 data; there's coverage errors in terms of people that --
25 that we missed in the counting of the census; there's

1 coverage errors in terms of, like, over counting, like
2 children/college students are great examples of people that
3 get counted twice in the census; there's measurement errors;
4 there's operational errors and so on; and there's a privacy
5 protection error.

6 There has been impact on the data used from the
7 census due to the privacy protections for decades, so -- so
8 I want to caution against kind of referring to: Are these
9 true numbers or not true numbers?

10 At the level of, kind of, congressional and state
11 legislative redistricting, our own empirical evidence and
12 the design of the system in itself is intended to -- to
13 ensure that the -- the results that you get are going to be
14 statistically valid, they are going to accurately reflect
15 the districts that you are constructing; but you have to
16 acknowledge that they do include those sources of error from
17 the many different sources.

18 What we can say is that the error introduced as a
19 result of the privacy protections, comparatively speaking,
20 is substantially less than at levels of privacy loss budget
21 we are currently contemplating; the error from the privacy
22 protection is substantially less than the error that is
23 introduced from other sources in the conduct of the census,
24 whether it's coverage error, measuring error, et cetera.

25 COMMISSIONER LERNER: This is Commissioner Lerner.

1 CHAIRPERSON NEUBERG: Please.

2 COMMISSIONER LERNER: So you've been saying you've
3 been releasing the -- the data out for people to look at --

4 MR. HAWES: Mm-hm.

5 COMMISSIONER LERNER: -- so who are the folks that
6 are doing some of these evaluations that are -- are they
7 giving feedback saying this seems to be, you know, too high/
8 too low? Who has actually been doing these kinds of
9 analyses?

10 And the second part would be, can we get a copy of
11 your PowerPoint at some point as well?

12 MR. HAWES: Okay. To your second point, absolutely
13 and I'm happy to share that as soon as we're -- as soon as
14 we're done with the call today.

15 To your first question, we've actually had an
16 extensive set of outside data users and experts reviewing
17 our data for us and providing quite extensive feedback. In
18 fact, I -- as I was waiting for my chance to present, I was
19 going through my -- my morning e-mail, and we got 22 sets
20 of -- of evaluations that came in today from outside data
21 users.

22 Who -- who they are largely, we have gotten
23 feedback from a number of state demographers, from
24 redistricting experts, from academics; we've gotten feedback
25 from other governmental agencies. It's really a diverse set

1 of data users, plus we've been working very closely with our
2 advisory committees, our federal advisory committees, and
3 the National Academy of Sciences.

4 So, yeah, a wide array of sources reflecting kind
5 of the priority users of census data in terms of
6 redistricting-use cases, state demography, city planning,
7 academic uses, and many, many more.

8 COMMISSIONER LERNER: Just as a follow-up, then.
9 So you are then evaluating the responses as you're
10 considering what the next step would be; is that correct?

11 MR. HAWES: Exactly. So the next -- the next step
12 of the process is going to be in -- in fact, early this
13 month, is going to be setting the privacy loss budget and
14 allocating it for the production run of the redistricting
15 data.

16 And so -- so right now we're evaluating the
17 feedback that we've got on the demonstration data product
18 that we released in April to inform that -- that privacy
19 loss budget decision-making.

20 Again, trying to find that optimal balance between
21 privacy protection on the one hand and -- and releasing
22 quality statistics that are fit for use on the other.

23 COMMISSIONER LERNER: Thank you.

24 CHAIRPERSON NEUBERG: I have another question.

25 So we were so appreciative of your colleague

1 earlier assuring Arizona that we will receive the data same
2 time that Ohio is going to receive the census data, but can
3 you help us understand what difference is there between the
4 data that will be released on August 16th versus the data
5 that will subsequently be released in September; and, is the
6 difference in the quality or substance of that data relevant
7 to us doing our job?

8 MR. HAWES: So if my colleague James Whitehorne
9 were still here, he would be the first to reassure you that
10 the data being released in August and the data being
11 released in September are the exact same data; they are the
12 official 2020 redistricting data product.

13 What is going to differ between them is the format
14 in which they're being released and the -- the kind of
15 user-friendliness of the tools that are being provided with
16 them.

17 So the August 16th release is in what's been called
18 the legacy format. Those are a little bit harder to work
19 with, you need to have a little bit more understanding of
20 the file structures, et cetera, in order to -- to kind of
21 parse through them. The release in September is going to
22 have kind of all the bells and whistles to make it easy to
23 extract the specific information you're looking for; but
24 it's going to be the same data.

25 CHAIRPERSON NEUBERG: Excellent. Thank you.

1 Other questions?

2 It's really been a substantive, you know,
3 presentation and I think very helpful; and I'm really glad
4 that -- that we were able to do this in public session, you
5 know, so our state could, you know, learn from the Census
6 Bureau.

7 MR. HAWES: Well, thank you so much for having me.
8 And I will be sure to, as soon as I'm off the call, I will
9 send you a copy of my slides so you can include them in the
10 record.

11 CHAIRPERSON NEUBERG: We would appreciate that very
12 much.

13 And unless there's any other questions, we can
14 thank our guests and move on, so.

15 MR. HAWES: Great, thank you.

16 CHAIRPERSON NEUBERG: Thank you very much.

17 So, with that. I want to be sensitive if -- if we
18 need a break before moving on to Agenda Item No. VI, which
19 is Director Schmitt's report.

20 Anybody want a five-plus minute break?

21 Or should we plow through? I'm good -- plow
22 through. Okay.

23 With that, we'll move to Agenda Item No. VI,
24 Executive Director's report and discussion thereof.

25 Director Schmitt, please.

1 DIRECTOR SCHMITT: Thank you, Madame Chair.

2 So Michele Crank, our PIO, started today. She's in
3 orientation but will join us for our meeting next week;
4 excited to have her on board.

5 I've been working with ADOA to try and get those
6 positions posted. I'm meeting with them at 2:30 this
7 afternoon and they think that we'll be able to post them
8 this week; it may be contingent on the budget, but I will
9 update all of you after I meet with them.

10 They are -- ADOA has also helped engage a vendor
11 for our migration from Google to Microsoft, so we'll know
12 more details on that shortly. The good news about the
13 vendor that they chose as well is that they can also -- we
14 can contract them to be part-time IT until we hire someone,
15 which would be helpful. So once I have more information on
16 that, I'll -- I will get it to you.

17 And then lastly, the budget is still -- they're
18 still negotiating at the legislature; I think they adjourned
19 until June 10th, but they may come back in session sooner.

20 If you have any questions, I'm happy to answer.

21 CHAIRPERSON NEUBERG: No questions?

22 I have a question about our travel schedule.

23 DIRECTOR SCHMITT: Sure.

24 CHAIRPERSON NEUBERG: So, you know, and I know that
25 this may bleed into, you know, Timmons/NDC, you know,

1 guidance, but at some point we're going to want to have a
2 better sense of when we're moving out into communities,
3 meeting with people; I know we need to, you know, integrate
4 a full team, you know, IT, PIO, you know, our mapping
5 consultants; we don't want to travel unnecessarily, you
6 know, there needs to be a mission and a specific purpose.

7 But -- but anything on that front that you'd like
8 to update us on?

9 DIRECTOR SCHMITT: I'll work with each of you to
10 see if there are dates that wouldn't work or if there -- if
11 there -- where you wouldn't be able to attend; and start
12 putting together ideas of what a travel schedule might look
13 like and I'll get that for you in the next week or so.

14 CHAIRPERSON NEUBERG: Okay. Great.

15 Any other questions/comments on Director Schmitt's
16 report?

17 COMMISSIONER LERNER: Chairwoman, I just -- I'd
18 like to follow up with your comment about the travel. If we
19 could at least get our -- if we could get that somewhat
20 finalized sooner than later, I think it would help
21 communities also to know that we're -- we're going to be in
22 their community at a certain date, even if we don't have all
23 the logistics, we -- I know that the logistical piece is
24 difficult at this point, so.

25 But even if we end up having to do it virtually, we

1 could be knowing that on a certain date we would be hearing
2 from Show Low, let's say.

3 And then the other -- I guess at some point I'd
4 like us to -- to spend some time on defining how these
5 meetings will work, what -- what we're looking for, whose --
6 how long each person gets to speak, what the parameters of
7 their -- of the talks, you know, of what they're speaking
8 about would be, whether we want to -- just how we would work
9 that.

10 We want to have -- and I'm picking Show Low as an
11 example. But, you know, if we are in Show Low, are we going
12 to be wanting to have people come from Phoenix and speak,
13 you know, or are we wanting to be focusing on that general
14 community area and asking those folks; and then the
15 parameters of what we would be asking them to speak about,
16 whether it's not just going to be communities of interest,
17 but they might have other comments that they want to
18 provide.

19 So maybe as a Commission we could spend some time
20 in the future discussing those parameters what we would
21 expect from public meetings, as well as the dates and
22 time -- dates and locations.

23 CHAIRPERSON NEUBERG: You know, I -- I agree and
24 I -- I think the feedback and hopefully the synergy will
25 work with our mapping consultants to help guide us with the

1 decisions about where to physically travel and -- and listen
2 and learn so we understand where, you know, the needs are in
3 our state, the sticky points, and so we make sure that our
4 travel is deliberate and -- and will -- will facilitate the
5 production of -- of good maps.

6 But I'm on the same page, I feel that same level --
7 you know, it's what, we're June already. So, you know, as
8 we unify our broader staff, it's definitely I think on our
9 minds.

10 Any other questions for -- for our Executive
11 Director?

12 Okay. With that, we will move to Agenda Item
13 No. VII, discussion and possible action on legal counsel
14 briefing --

15 MR. JOHNSON: Chairwoman Neuberg, real quick.

16 CHAIRPERSON NEUBERG: Yes.

17 MR. JOHNSON: I know that we've been discussing
18 this on several agendas, but did -- did we have any
19 resolution on the tech budget and approval for migration and
20 getting all that technology done?

21 CHAIRPERSON NEUBERG: Last week we did approve the
22 purchase of some additional equipment, I don't know if
23 there's anything additional that our director needs at this
24 point.

25 MR. JOHNSON: Perfect. I just wanted to raise that

1 as a point of conversation, if necessary.

2 CHAIRPERSON NEUBERG: Director Schmitt, is there
3 anything else that -- from a technology perspective, a
4 staffing perspective, that you feel we need to help kind of
5 bring all of this together?

6 DIRECTOR SCHMITT: The only portion that's
7 outstanding is the vendor; I don't have a cost on that yet,
8 they said it would be pretty minimal since we only have so
9 many users. As soon as I have that, I will send it out to
10 all of you.

11 CHAIRPERSON NEUBERG: Okay.

12 COMMISSIONER YORK: I have a question. This is
13 Commissioner York.

14 CHAIRPERSON NEUBERG: Please.

15 COMMISSIONER YORK: Brett Johnson, question: Are
16 you recommending the Microsoft solution be in place before
17 we travel?

18 MR. JOHNSON: Yes. Yes.

19 CHAIRPERSON NEUBERG: And I -- I think the timing
20 will work out with how the hires are coming on board, with
21 where we are with moving forward with that transition, I
22 believe we can do it within the platforms that will legally,
23 you know, be traceable, but -- but that's, you know, a very
24 important question.

25 Okay. Other legal guidance questions. I know that

1 we're talking about guidance on open meeting law,
2 compliance, ethics and conflict of interest avoidance, and
3 public records request processing.

4 MR. HERRERA: Thank you, Madame Chairwoman. So
5 we're on Agenda Item No. VII then? We've jumped then?

6 CHAIRPERSON NEUBERG: Okay. Is it -- I'm sorry
7 about that.

8 Is there any further discussion on Agenda Item No.
9 VI? Okay. Sorry.

10 Moving ahead, Agenda Item VII, discussion and
11 possible action on legal counsel briefing.

12 Agenda Item No. (A), consideration and possible
13 adoption on Commission guidance on open meeting law
14 compliance, ethics and conflict of interest avoidance, and
15 public records request processing.

16 As all of you may remember we began this
17 conversation last week, and I know our counsel has moved
18 forward with working on some drafts. I will turn it over to
19 our counsel to maybe talk through some drafts with the goal
20 of potentially talking through our priorities and being able
21 to come to an agreement next week such that we could even
22 post the guidance to our agenda and we can make it, you
23 know, kind of part of the public process.

24 So, with that, I will turn it over to our legal
25 counsel.

1 MR. HERRERA: Thank you, Madame Chairwoman.

2 As we mentioned, at the direction of the Commission
3 last week we have begun to prepare some guidance based on
4 the different areas of legal issues and advice that we've
5 given already.

6 And before we get into the drafts, last week I
7 think we agreed to have the PowerPoint presentations that we
8 gave in executive session posted on the website. I'm not
9 sure if Brian or Valerie, if you can confirm that that was
10 posted?

11 DIRECTOR SCHMITT: Yes, they are on the newsroom
12 section of our website.

13 MR. HERRERA: Great. Thank you, Brian.

14 So we're going to start with the -- the public
15 records request, and Eric -- I'm going to turn it over to
16 Eric, he's going to talk through some guidance he's prepared
17 and a public records request form; and then we'll talk about
18 the other areas, including the ethics and conflicts of
19 interest and open meeting law.

20 MR. SPENCER: Thanks.

21 Just to give you all a game plan or proposed game
22 plan, this document that I'll present and the next that Roy
23 will present are designed to be a way to generate
24 discussion, they're just draft templates, and I'll just go
25 over some of the highlights today and try and flag potential

1 decisions for the Commission to make.

2 I think between today's presentation and when we
3 post our agenda for next week, if -- if Director Schmitt
4 could relay any Commissioner guidance to us that you all
5 come up with outside of the meeting -- of course, we'll get
6 your feedback within the meeting, but the goal is to hear
7 your outtake during this meeting and take the next couple of
8 days to get any supplementary guidance, and then we'll
9 formalize these policies, attach them to next week's agenda
10 so the public can see them over the weekend and into Monday;
11 then we can more formally debate them on next Tuesday's
12 meeting and potentially adopt them.

13 But on public records here are just some of the
14 decision points I think a guidance document should have.

15 Number one, one of the methods by which we'll
16 accept public records requests, I've leaned over my skis
17 here by essentially proposing that we create a specific
18 e-mail address for public records requests separate from our
19 normal admin or contact e-mail address that currently
20 exists. I assume that Valerie or Director Schmitt have
21 relative ease in creating those or can work with ADOA to
22 make that happen.

23 But we want to accept both by mail and by e-mail.

24 My -- my recommendation, which is not embodied
25 here, is to also have a web form to accept these via the

1 websites. Those -- those could be typed into the website
2 and dumped into an e-mail that gets auto circulated to Brian
3 or Valerie and our new public information officer who will
4 be coming on board. That might just be an easier submission
5 system.

6 Also, I've -- I've circulated but I'm not
7 displaying it here, a old-fashioned paper-based public
8 records request form, it's actually a fillable PDF -- I
9 don't have it on the screen -- but that might be a good
10 interim solution to upload that to the website as a PDF,
11 that way folks can download it, type in their public records
12 requests, and e-mail it or mail it to the Commission.

13 That form can later be superceded by a web- --
14 web-based submission system if that's the direction the
15 Commission wants to go. But I -- but I designed that over
16 the weekend, and maybe Brian could have -- or, Mr. Schmitt,
17 might have already forwarded to you.

18 Another thing to think about is fees. Now, for
19 noncommercial requests we are not required to charge fees,
20 many agencies do. That doesn't apply to an in-person
21 inspection, and the way that I've worded the draft policy
22 here assumes you got to make an appointment to do an
23 in-person review; there's a statutory right to inspect
24 records in person, by the way.

25 But mostly copies will be made, preferably

1 electronic versions instead of making old-fashioned
2 photocopies.

3 So there's a draft fee schedule here that tries to
4 account for the different types of requests we would expect
5 to see over the next year, year and a half. The \$0.25 per
6 page figure actually comes out of Title 12, there's a \$0.25
7 per page fee that's in a subpoena statute that I used as an
8 analogy, I think it's 12-340 -- 12-351; but there's nothing
9 in the public records statutes that addresses these costs,
10 and so we have some discretion about how to set these, and
11 they should in an ideal world begin to approximate our
12 actual cost. But I think it's fair to the public that we
13 need to publish a fee schedule so it doesn't appear
14 arbitrary when we receive a public records request.

15 So here are some of the numbers to chew on over the
16 next couple days. Electronic copies are -- are preferable.
17 We try to -- my recommendation is that we try to put as much
18 on our website as we can, not only to reduce if not
19 eliminate the cost to the public, but to reduce the amount
20 of staff labor time that it will take our staff to produce
21 those.

22 Let me skim through here. So timing, this is more
23 of an internal policy, it's just that we acknowledge all
24 public records requests within two business days. The
25 Commission can dial it down to one business day, I didn't

1 want to get too aggressive there. Brian and Valerie should
2 -- should opine about our staff resources, but currently
3 it's set at a presumptive two-business days to -- to
4 acknowledge receipt.

5 Some records, many records, could be produced
6 within 30 days, that's an aspirational goal, but we put in
7 this guideline that we think it's going to take more than
8 30 days, we'll be in contact with the requestor and let --
9 and let them know and give them a forecast. We always try
10 to do rolling productions if possible so as not to hold
11 everything back at once. That's not mentioned here, but
12 that's an implicit premise of any good public records
13 policy.

14 We try to tell the public here that we don't have a
15 legal obligation to create records that don't already exist.
16 In my past experience that's not only seen through requests
17 to compile data into summaries to make it more user friendly
18 or even to ask questions to the Commission, those aren't
19 really proper under the public records law. So that's a --
20 this is a bit of a forecast to the public that we're really
21 only legally obligated to provide public records, not to
22 create them.

23 And then there will be legal reviews that have to
24 be done every now and then of potential reasons to withhold
25 documents based on recognized privileges.

1 Now, another part of public records production is
2 public records retention. I didn't find that the previous
3 IRC had a custom retention schedule on file with the state
4 library archives and public records, we might want to do
5 that. This essentially copies the template that would
6 normally would be found from the state library and archives
7 when an agency or government proposes a custom retention
8 schedule, this is a little bit like what the cover page
9 would look like; there's a lot of legal boilerplate in here.

10 And then comes the retention schedule itself.
11 Different records receive different retention periods based
12 on the nature of that record, so we'll work with Director
13 Schmitt and Valerie over the next couple days to see what
14 other categories of information is the Commission likely to
15 possess and -- and what is an appropriate retention period
16 to keep those records.

17 I just put maps in here as permanent. I'm usually
18 against automatically defaulting to permanent retention, but
19 this is for the purpose of -- of discussion. I don't know
20 if -- if a -- if a longer -- if a nonpermanent but a long
21 period of time could be submitted and maybe that's a
22 discussion we need to have with library archives and public
23 records.

24 This portion doesn't really belong about e-mails
25 and text messages, it doesn't -- I don't typically see that

1 in a -- in a retention schedule, but it is a policy decision
2 for the Commission to debate. In my experience, governments
3 have the discretion to decide what parameters they will set
4 for their e-mail systems especially. I don't know if that
5 can be automatically applied to text messages, that might be
6 more of a -- of a policy that is set by the government body
7 but implemented by individual commissioners and staff
8 members themselves.

9 But let me just confine the discussion to e-mails
10 for a moment: There's no set retention period for e-mails
11 as a method of communication. What you're supposed to do
12 upon receiving an e-mail is determine which of the above
13 categories that e-mail falls into and then archive and
14 retain that e-mail according to that -- that retention
15 schedule.

16 So if it's a personnel-related e-mail, you'd move
17 that into your personnel records folder that you've
18 hypothetically created in your own e-mail system or a
19 central repository that the Commission is creating, and that
20 folder would have the appropriate retention set for it --
21 here I've just picked two years -- and that's the way that
22 particular e-mail will get stored.

23 But it is not uncommon for government e-mail
24 systems to have an auto archiving function. I've always
25 been told no e-mail is truly deleted, so I shy away from

1 "auto delete" as a phrase and I'm going to use the term
2 "auto archive." But after a certain period of days, those
3 e-mails would presumptively disappear from one's inbox and
4 be auto archived after a period of time.

5 I'm used to 180-day period from my previous
6 government experience. That -- the agency I worked with,
7 Secretary of State, were under the jurisdiction -- had under
8 its jurisdiction the state library archives and public
9 records, so it felt like an explicit or at least implicitly
10 approved time period; but that's a policy decision for the
11 Commission to reach in -- in -- in having some future
12 discussions with state library archives maybe with your IT
13 director, but that's something we should reach a decision on
14 and not leave it to chance.

15 So that was an overview of the public records
16 guidance; we can certainly add to this, change it.

17 And maybe I'll let Roy take over on the open
18 meeting law guidance, and then maybe at the end if anybody
19 has feedback they want to provide in the meeting, we'll --
20 we'll take notes and get ready to incorporate that.

21 So let me minimize this and bring up the open
22 meeting law portion.

23 MR. HERRERA: Yeah, so I'll turn to the open
24 meeting law portion, the "guiding principles" is how we
25 described it here in this document. Again, this is a little

1 bit different, I think, than the public records or even the
2 ethics piece because, you know, we obviously have very
3 extensive open meeting laws. So rather than just, you know,
4 reiterating or regurgitating the existing law in our own
5 guiding principles, I tried to distill that into sort of
6 broader points, really in demonstration of the Commission's
7 commitment of following open meeting laws and commitment to
8 transparency and openness as the Commission has demonstrated
9 in -- in its comments during this meeting.

10 So what I tried to do, again, is to try to take the
11 pretty extensive open meeting laws and put it into a shorter
12 document that has these principles.

13 So as you can see, you know, it's ten bullet points
14 here. We, you know, start with a commitment to openness and
15 -- and public access to the process; we then discuss sort of
16 the training that the Commissioners have received at this
17 point, you know, on open meeting laws; you know, the third
18 bullet point here is talking about, you know, communications
19 outside of meetings and -- and, you know, what principles
20 the Commissioners will use outside of that. Of course, in
21 particular we talk about polling other members and other
22 issues that could be created by, you know, open meeting law
23 issues that may be created by doing that.

24 Responding to complaints, you know, sort of another
25 obvious point that, you know, when there's an open meeting

1 law complaint, that we will respond promptly to that as the
2 Commission has done to date.

3 The next piece here is on the agenda, again,
4 providing agendas and providing the information that the --
5 appropriate notice to the public about what the Commissioner
6 will be discussing.

7 We then talk about the clarity of meetings. So,
8 you know, again talking about, you know, providing
9 clarification, deliberation, and decision of the Commission
10 to the public.

11 And then, you know, number seven, calls to the
12 public. You know, we note that calls to the public are
13 optional under open meeting laws but, of course, we have
14 striven to include them in the agenda and continue to do
15 that.

16 We then address the public and social events.
17 Again, you know, providing the appropriate notice of the
18 public events and identify the nature of those events.

19 Then we, of course, make the commitment to the
20 public distribution of minutes.

21 And then lastly, you know, we talk about the
22 necessity of executive session but, of course, being able to
23 structure the agenda so that executive session is minimized,
24 again, promoting sort of the commitment to transparency.

25 So as I mentioned, this is again for an

1 aspirational document; they're guiding principles. But,
2 again, is designed to sort of demonstrate to the public that
3 the Commission takes open meeting law seriously and is --
4 and is making those kinds of commitments.

5 So are there any questions about the meeting law
6 piece?

7 And, again, this is all subject to your comments,
8 you know, over the week. If there's something in particular
9 that you think we should reiterate, we can discuss that and
10 add it.

11 So then I'll turn to the last piece, which is the
12 conflict of interest and ethics.

13 So we have discussed and I think Brett a couple of
14 meetings back circulated copies of the current ethics rules
15 that the State House and State Senate use in addition to the
16 Corporation Commission ethics rules. And so we have noted
17 in a prior meeting that there's some differences in the --
18 in the two rules, but the differences are -- are fairly
19 small. I mean, there are some differences, but I think
20 generally speaking the vast majority of the language at both
21 the House and the Senate rules are largely tracking with
22 each other.

23 And so I'll just sort of describe them if you don't
24 have them in front of you. I can actually share it if you
25 want to do that.

1 Just to sort of show you -- I can't share my
2 screen.

3 There it is.

4 Okay. So I have up before you the -- get to it.
5 The Corporation Commission -- okay. These are the House
6 rules.

7 And so as you can see, some of this language is,
8 you know, not necessary or applicable to us, like talking
9 about House membership and caucus behavior in annual
10 session. But I'll turn to the code of ethics, which is
11 Rule 33.

12 So you can see this first section is primarily
13 about what I will sort of call antibribery language, as well
14 as the reiteration of the commitment to not disclose
15 confidential information or disclose any information that's
16 gleaned during the performance of your duty for personal
17 financial benefit; and also then discuss, you know, avoiding
18 any particular contract, in this case, you know, any
19 contracts with the Commission itself. You know, again
20 appearing for a fee on -- on behalf of another entity before
21 the Commission itself, I mean things that are unlikely but,
22 again, are a reiteration of, you know, commitments that you
23 would -- you would make under the ethics rules.

24 And then the rules then turn to the actual personal
25 financial interest, which is really more of a conflict of

1 interest language. This again is getting into a situation
2 where you may have a personal financial interest in a
3 decision that the Commission is going to make, and so the
4 idea here is that you would identify that personal financial
5 interest and then, you know, make a disclosure of it and
6 then, of course, if necessary abstain from taking any
7 action.

8 So, you know, essentially here is the sort of
9 procedures that you could use to disclose and then avoid any
10 particular conflicts of interest.

11 This actually gets to the only major difference
12 between the House and the Senate ethics, and this is
13 actually subsection (c), so (A)(2)(c) -- or, I'm sorry
14 (2)(c), where under the House rules you have to actually
15 file a formal written statement that announces the nature of
16 your personal financial interest and then disclose that, as
17 opposed to the Senate rules where you just, you know, again
18 decline to participate given the personal financial
19 interest.

20 So -- and that's really the end of the rules. So
21 the ethics rules are fairly truncated here, but I think one
22 of the things we sort of want some guidance on is, again,
23 whether we want to just adopt, again, the House rules or the
24 Senate rules or if you want to create something that's
25 entirely different.

1 Again, I think, you know, the House and Senate
2 rules also largely track what the Corporation Commission
3 uses. The Corporation Commission has some additional
4 language in the ethics rules that are specific to the
5 Corporation Commission related to its oversight over
6 securities, for example, so that's not necessary. But the
7 rest of the stuff on conflicts of interest, again, the
8 commitment to not disclose confidential information, it
9 essentially tracks.

10 So we wanted to get, you know, give you a sense of
11 what the ethics will look like, what the minor differences
12 are between the House and the Senate; but, either way, our
13 choice here is to adopt one of these versions or perhaps,
14 you know, take from them and then add whatever we think is
15 necessary.

16 So are there any questions about the ethics rules?

17 COMMISSIONER LERNER: This is Commissioner Lerner.

18 COMMISSIONER YORK: This is Commissioner York.

19 The --

20 COMMISSIONER LERNER: Can you send those out?

21 MR. HERRERA: Yeah, we'll resend copies of the
22 rules to you after the meeting.

23 COMMISSIONER YORK: This is Commissioner York. I
24 would suggest we adopt either the Senate or the House's
25 rules since they've already been vetted and move forward.

1 Did you make a change in (c) to -- to incorporate
2 both?

3 MR. HERRERA: No, I didn't. So these are the
4 actual rules, I didn't make any -- any changes to them at
5 all.

6 So, you know, again, that's the only major
7 difference if we're going to adopt one or the other between
8 the House and the Senate, is that the House rules require
9 that written statement of a conflict of interest under this
10 subsection. That's actually really the only difference
11 between the two other than, you know, obviously different
12 references to the House and the Senate speaker, et cetera.

13 So that would be the choice before you, if you want
14 to adopt the House ones, then the commitment would be if
15 there was a conflict of interest you would have to prepare a
16 written statement; or, pick the Senate where you don't have
17 to do that.

18 COMMISSIONER YORK: So why don't we adopt the House
19 ones, they're more onerous.

20 CHAIRPERSON NEUBERG: I -- I like that approach.
21 The more conservative the -- you know, the one that holds us
22 to the highest standards.

23 COMMISSIONER YORK: I agree.

24 MR. HERRERA: Well, given that instruction, I'll
25 convert this. I'll obviously change the references to

1 something that is usable to the Commission and then present
2 it next week along with the other final versions after we
3 receive the comments during the week of open meeting laws
4 and public records.

5 And, with that, I think that's -- that's all we had
6 for today on this section and this agenda item,
7 Madame Chair.

8 CHAIRPERSON NEUBERG: Well, thank you and now the
9 public knows what we've been doing in executive session;
10 it's not as sexy as maybe it, you know, sounds.

11 But, thank you, and we do aspire to, you know,
12 submit our -- our templates for our agreed-upon guidance to
13 the public.

14 With that --

15 COMMISSIONER LERNER: Commissioner -- Chairman.
16 Can I just ask one quick follow-up question from the public
17 records?

18 What -- what happened last time with the public
19 records in terms of retention of things like agendas and
20 those? I know there was a two-year limit.

21 Are we following some of the things that was done
22 in the past? I know some of the stuff is different because
23 the electronic has changed in ten years, but I was just
24 curious about the retention piece on where that fit in to
25 what was done in 2000 and 2010.

1 MR. SPENCER: Commissioner Lerner, because there
2 was no custom retention schedule created by the last IRC
3 that's available on the library and public archives website,
4 I don't know what it was; and one of my aspirational goals
5 this week was to get to Director Schmitt to see, to the
6 extent we received a handover of information from the prior
7 commission, would there be something in there about public
8 records policy that I could steal and take credit for or at
9 least have situational awareness about what our the
10 predecessors did.

11 And it was logistically difficult given the
12 three-day holiday weekend, but now that we're back in the
13 saddle, I'll -- I'll give him a call and see if there's
14 something we can incorporate from the past commission to
15 make sure we're consistent.

16 COMMISSIONER LERNER: Thank you.

17 CHAIRPERSON NEUBERG: Any other questions or
18 comments?

19 All right. Thank you.

20 And, with that, we'll move to Agenda Item No. VIII,
21 which is discussion and possible action on census data and
22 delay and ways to mitigate its disruption.

23 Agenda Item (A), VIII(A), status of state
24 demographer's presentation.

25 With that does our counsel have any update?

1 MR. JOHNSON: Chairwoman, I think we're still on
2 track. Hopefully we'll have that locked up by the end of
3 the week and to confirm a specific date for the
4 presentation.

5 CHAIRPERSON NEUBERG: Okay. Thank you for your
6 persistence on that.

7 And if there are no further questions, we will move
8 to Agenda Item No. IX, update from the mapping consultant
9 Timmons/NDC.

10 I can report that they are, in fact, meeting today
11 for their internal kick-off meeting and they will then be
12 sharing all of that information with us next week at our
13 meeting.

14 Other than that, I don't really have much to, you
15 know, share from them outside of the fact that we're excited
16 to collaborate and move forward.

17 I don't know if anybody has any additional details
18 to add or questions on that front.

19 With that, we'll move to Agenda Item No. X,
20 discussion of future agenda item requests.

21 Anything from my fellow Commissioners that is not
22 outside of the normal course of business that we've been
23 discussing throughout the meeting?

24 COMMISSIONER LERNER: Chairwoman, I would like to
25 ask if we could maybe schedule some time to talk about how

1 we want to run our public hearings as an agenda item; and
2 perhaps if our mapping consultant is present at that time,
3 it would be helpful for their input as well on -- on what
4 are -- what are some good ways that we can be thinking
5 about, maybe looking at how some other states have been
6 doing their hearings, if they've already been up and running
7 we could maybe take some lessons from them as well.

8 So I -- I would like to maybe have us have some
9 discussion about that.

10 And in the future maybe add in something about --
11 for our mapping consultants to talk a little about the
12 mapping piece when -- people are submitting maps. I think
13 we've got some time for that, but we'll want to get some
14 input from them on how do we judge which one -- what we do
15 with the maps that are submitted 'cause we'll get so many.

16 But that one piece I think we have some time on,
17 but the public meetings piece I would really like to have us
18 talk a little bit more about how we define those meetings.

19 CHAIRPERSON NEUBERG: That's -- it's absolutely
20 timely.

21 And, Director Schmitt, let's -- let's make a note
22 to ask Timmons/NDC that in context of their presentation
23 next week to ask them to focus particularly on these public
24 hearings, what we need to be focused on, you know.

25 VICE CHAIR WATCHMAN: Madame Chair, this is

1 Vice Chair Watchman. I think I spoke to it last week, but
2 in addition to the agenda, my thought is we need to have
3 some sort of PowerPoint presentation. Everyone that talked
4 today had -- had something and so, maybe we'll leave that to
5 Director Schmitt, our legal counsel, and the mapping
6 consultants on, you know, our -- I'll call it our stock
7 presentation. I think, you know, up to ten page, if you
8 will, PowerPoint presentation on some of that.

9 Because I imagine that we'll go to some communities
10 that are probably very unfamiliar on what redistricting is,
11 the process, and who are the players. And so maybe we can
12 start crafting that and putting that together because that
13 will certainly take up most of our agenda.

14 But, obviously, the point is to hear and get
15 feedback, but in order to get feedback we need to spell out,
16 you know, what -- what we're doing, why, and who are the
17 team players. So I think we should start working on that
18 and we can talk about it next week as well.

19 CHAIRPERSON NEUBERG: Yes, no, excellent point;
20 it's a dialogue. And so we're sharing us with them and
21 they're sharing, you know, their stories with us, and I
22 think that's an important point.

23 COMMISSIONER LERNER: Chairwoman, I have a question
24 for you pertaining to this last time the question was raised
25 about having special presentations to the Commission, can we

1 fold those into our overall discussion about public hearings
2 or is it appropriate to discuss -- where -- when it is
3 appropriate to have that discussion?

4 CHAIRPERSON NEUBERG: Yeah, you know what, I'd say
5 right now because, you're right, we -- we need a follow-up
6 to that conversation.

7 I don't think -- I mean, you know, we don't have it
8 agendized, so -- so we can propose ideas and discuss the,
9 you know, general context. We had opened up the idea of
10 inviting our, you know, state minority/majority leaders to
11 come speak to us about their ideas. You know, it's
12 something that we could take advantage of learning from them
13 not only now, but -- but down the road; they have a vested
14 interest.

15 You know, I think it's -- it's helpful for us to be
16 thinking through criteria or things that we explicitly want
17 to be asking of them, so I think we should absolutely put
18 that on our agenda to solidify that.

19 And if there are other, you know, leaders I would
20 say that we would like to extend a formal invitation to.

21 COMMISSIONER LERNER: Chairwoman, I -- I think it's
22 -- from my perspective I've been thinking more about this
23 and I'm concerned about sort of we -- we open up and then
24 we -- where do we end in terms of having special
25 presentations? I have a bit of a concern as I thought more

1 about it about -- about having them come separate from our
2 public hearing process.

3 I understand the perspective of why that might be
4 helpful, but then I'm -- I'm not sure where we say yes or no
5 to different groups because so many have special interests.
6 When do we say -- do we say no to Chamber of Commerces? Do
7 we say no to city leaders?

8 I -- I -- I started to rethink whether or not we
9 want to have a special opportunity for certain groups or
10 whether we want to just say "please come to our public
11 hearings and speak to us from the perspective of your
12 legislative knowledge that you can bring to it as part of
13 that."

14 So while I understood what our legal counsel's
15 point was about the Constitution, it does give a 30-day
16 period when they have their prescribed role, so all of this
17 would be -- I understand the -- the potential advantage to
18 having them come and speak early as well as late; but
19 constitutionally we have them coming, from what I understood
20 from Eric, we have -- they have a 30-day period for that.

21 So -- so my concern is I'm sort of back to not
22 suring -- not being sure that this is the wise approach at
23 this point. I'm not sure which leaders we invite and which
24 ones we don't as part of that, so I think we need probably
25 to think through that, from my perspective, a little bit

1 more. And maybe just invite them as we have in the past, I
2 think they have in the past spoken to -- at our public
3 hearings, they have come to those public hearings and
4 presented.

5 So I just wanted to -- to raise that question.

6 CHAIRPERSON NEUBERG: I think it's an important
7 question that we need to think through. I mean, who is it
8 that we explicitly invite and carve out time and -- and who
9 is it that just, you know, reaches out to us and requests
10 time to speak to us. I would absolutely, you know, suggest
11 that we put this on the agenda.

12 COMMISSIONER MEHL: This is Commissioner Mehl. I
13 share the hesitancy of Commissioner Lerner on inviting sort
14 of special guests in to speak. I know the -- the House and
15 Senate majority and minority parties will have a formal role
16 to comment once we have draft maps and I think that's an
17 important process and something we'll need to be looking at
18 that.

19 But other than that, if we do a really significant
20 public process throughout the state, between that and the
21 ability of people to write in and put comments to us in
22 writing on a day-to-day basis, I think we may have enough
23 opportunity for anyone who wants to speak to us to
24 communicate.

25 CHAIRPERSON NEUBERG: Just for the sake of being a

1 contrarian -- and I don't even know where I fall on this
2 issue -- are they not entitled to maybe, you know, speaking
3 to us personally? I mean, you know, when we think about
4 communities of interest, I don't think it's random that the
5 majority and minority leaders pick the partisan
6 Commissioners first.

7 I mean, when you think about how this process even
8 begins, they're the ones who pick you. And -- and so what
9 does that mean?

10 And -- and, you know, with that, given that there
11 must be some meaning to that, I can't help but say that I'm
12 curious about what's on their mind. And I've been
13 sensitive, to be honest, to not have any conversations, you
14 know, to live in a silo so we have these public organic
15 meetings. And, you know, just on a personal level I have to
16 say part of me is curious about what they have to say. I
17 guess I could reach out to them, you know, per counsel's
18 guidance about what's appropriate. But I don't know,
19 they're the ones who started the process, and if they're not
20 integral to the process, why is it that our Constitution
21 asks those leaders to begin the process?

22 VICE CHAIR WATCHMAN: Well, Madame Chair, I
23 think -- I think the whole independent commission was
24 started by -- by a ballot measure and so it was a consortium
25 of folks that put this task together and that's what we're

1 living up to.

2 So for me at this point, I think I agree with my
3 two Commissioners, Commissioner Mehl and Lerner, that maybe
4 we should hold off on inviting them because as -- as we look
5 into this, we're going to have many, many special guests and
6 so when does it end? So the whole point of public hearings
7 and public meetings is it's an invitation to everybody,
8 including our legislative leaders.

9 And so I think need more discussion on this next
10 week, but at this point I'm leaning toward holding off, you
11 know, because again it doesn't end. You've got the
12 counties, you've got the tribes, you've got the cities and
13 towns, and chambers and whatnot. And so, you know, are we
14 going -- are we going to have special meetings and then
15 public hearings and then a road tour?

16 You know, I think we all got to keep it simple and
17 so -- but, you know, we're guided by the Arizona
18 Constitution as amended, you know, which -- which puts this
19 whole process in place, so.

20 Thank you. A few of the thoughts that I have.

21 CHAIRPERSON NEUBERG: Well, sounds like we
22 definitely need to add this to our agenda because it's --
23 it's initiating, you know, I think a robust, important
24 conversation.

25 Any other agenda items that have not been touched

1 upon through the meeting so far?

2 And -- and we have until Thursday late afternoon,
3 again, if my fellow Commissioners have additional items that
4 they'd like to suggest that we add; the agendas are
5 typically not posted until late afternoon on Thursday.

6 Okay. With that, we will move to Agenda Item
7 No. XI, discussion and possible action on the scheduling of
8 future meetings.

9 I have us down for the next few weeks at 8:00 a.m.
10 on Tuesdays. If there are any conflicts or anything that
11 anybody wants to bring to our attention, please let us know.

12 Okay. With that, I'll look forward to convening
13 with all of you next, Tuesday, the 8th, at 8:00 a.m.

14 And, with that, we will move to Agenda Item
15 No. XII, announcements.

16 Next meeting date, which is the June 8th at
17 8:00 a.m.

18 Agenda Item No. XIII, closing of public comments.
19 Please note members of the Commission may not discuss items
20 that are not specifically identified on the agenda.
21 Therefore, pursuant to A.R.S. 38-431.01(H), action taken as
22 a result of public comment will be limited to directing
23 staff to study the matter, responding to any criticism, or
24 scheduling the matter for further consideration and decision
25 at a later date.

1 And, with that, we'll move to Agenda Item No. XIV,
2 which is adjournment.

3 I will entertain a motion to adjourn.

4 VICE CHAIR WATCHMAN: So moved. This is
5 Vice Chair Watchman.

6 CHAIRPERSON NEUBERG: Do I have a second?

7 COMMISSIONER MEHL: Second.

8 CHAIRPERSON NEUBERG: Any further discussion?

9 Vice Chair Watchman.

10 VICE CHAIR WATCHMAN: Aye.

11 CHAIRPERSON NEUBERG: Commissioner Mehl.

12 COMMISSIONER MEHL: Aye.

13 CHAIRPERSON NEUBERG: Commissioner Lerner.

14 COMMISSIONER LERNER: Aye.

15 CHAIRPERSON NEUBERG: Commissioner York.

16 COMMISSIONER YORK: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
18 aye.

19 And, with, that I look forward to convening with
20 everybody next Tuesday at 8:00 a.m.

21 Have a wonderful weekend.

22 (Whereupon the proceeding concludes at 10:28 a.m.)
23
24
25

C E R T I F I C A T E

STATE OF ARIZONA)

) ss.

COUNTY OF MARICOPA)

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

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

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 14th of June, 2021.



Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 14th of June, 2021.



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