

THE STATE OF ARIZONA  
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

July 19, 2021

8:00 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT  
2 REDISTRICTING COMMISSION, convened at 8:00 a.m. on  
3 July 19, 2021, via GoogleMeets, Arizona, in the  
4 presence of 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. Loriandra Van Haren, Deputy Director  
13 Ms. Valerie Neumann, Executive Assistant  
14 Ms. Michele Crank, Public Information Officer  
15 Mr. Roy Herrera, Ballard Spahr  
16 Ms. Jillian Andrews, Ballard Spahr  
17 Mr. Eric Spencer, Snell & Wilmer  
18 Mr. Brett Johnson, Snell & Wilmer  
19 Mr. Mark Flahan, Timmons Group  
20 Mr. Douglas Johnson, National Demographics Corp.  
21 Ms. Ivy Beller Sakansky, National Demographics  
22 Corp.  
23  
24  
25

P R O C E E D I N G

1  
2  
3 CHAIRPERSON NEUBERG: We're going to get going.

4 Thank you, everybody, for joining us on a day that  
5 is not typical.

6 I want to thank my fellow Commissioners, our staff,  
7 everybody for, you know, kind of rallying around a problem  
8 last week; and we apologize to the public for the -- well,  
9 we couldn't control the outage, but now we have a new  
10 mechanism so that if there's an outage, we have a means  
11 through which we can continue our meeting. But I really do  
12 appreciate everybody's time and flexibility for us to be  
13 able to continue our very meaningful work.

14 And, with that, we will get going right away.  
15 Agenda -- oh. And for the public's awareness, I informed  
16 our Commissioners, Vice Chair Watchman will not be with us  
17 until 9:10; at about 9:20, shortly after Vice Chair Watchman  
18 joins us, he is actually going to take over and lead the  
19 meeting. I will be participating, but I am in the middle of  
20 traveling, and so it's just a little more convenient for me  
21 to participate through audio.

22 So just to give everybody's a heads-up that there  
23 will be this transition coming up in about an hour and  
24 15 minutes or so.

25 So, with that, we'll call to order and roll call.

1 I(A), call for quorum.

2 It is 8:02 a.m. on Monday, July 19th, 2021. I call  
3 this meeting of the Independent Redistricting Commission to  
4 order.

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

9 Val.

10 MS. NEUMANN: Thank you, Madam Chair.

11 Commissioner Lerner.

12 COMMISSIONER LERNER: Present.

13 MS. NEUMANN: Commissioner Mehl.

14 COMMISSIONER MEHL: Present.

15 MS. NEUMANN: Commissioner York.

16 COMMISSIONER YORK: Present.

17 MS. NEUMANN: Chairperson Neuberg.

18 CHAIRPERSON NEUBERG: Present.

19 MS. NEUMANN: And for the record, we also have in  
20 attendance Executive Director Brian Schmitt. We have our  
21 deputy director Lori Van Haren, public information officer  
22 Michele Crank; from our legal team we've got Roy Herrera and  
23 Jillian Andrews from Ballard Spahr, and from Snell & Wilmer  
24 we have Eric Spencer -- and Brett Johnson I believe will be  
25 joining us via telephone -- he's there, thank you; and our

1 mapping consultants, we've got Mark Flahan from Timmons and  
2 Doug Johnson and Ivy Beller Sakansky from NDC Research; and  
3 Angela Miller our transcriptionist.

4 That is everyone.

5 CHAIRPERSON NEUBERG: Okay. Thank you.

6 Please note for the minutes that a quorum is  
7 present.

8 Welcome, Lori. And if I don't mind, I'll put this  
9 under the agenda item of our executive director,  
10 Mr. Schmitt, but maybe you could introduce yourself and, you  
11 know, just -- well, you know, let the public know a little  
12 bit who you are and see your face. But, welcome.

13 Okay. Agenda Item I(B), call for notice.

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

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

18 CHAIRPERSON NEUBERG: Okay. Thank you.

19 Agenda Item II, approval of minutes from July 13th,  
20 2021; Agenda Item (A), general session, that's the only  
21 minutes that we have.

22 I'll entertain discussion; and, if there is no  
23 further discussion, I'll entertain a motion to approve the  
24 general session minutes from July 13th of 2021.

25 COMMISSIONER LERNER: This is Commissioner Lerner.

1 I move to approve the minutes from July 13, 2021.

2 CHAIRPERSON NEUBERG: Do I have a second?

3 COMMISSIONER YORK: Commissioner York seconds.

4 CHAIRPERSON NEUBERG: Further discussion?

5 With that, we'll move to a vote.

6 Commissioner Mehl.

7 COMMISSIONER MEHL: Aye.

8 CHAIRPERSON NEUBERG: Commissioner Lerner.

9 COMMISSIONER LERNER: Aye.

10 CHAIRPERSON NEUBERG: Commissioner York.

11 COMMISSIONER YORK: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
13 aye.

14 And, with that, the minutes are approved 4-0.

15 Thank you again, Val, for your excellent minutes.

16 Agenda Item No. III, opportunity for public  
17 comment.

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

23 Please note, members of the Commission may not  
24 discuss items that are not specifically identified on the  
25 agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action

1 taken as a result of public comment will be limited to  
2 directing staff to study the matter, responding to  
3 criticism, and scheduling the matter for further  
4 consideration and decision at a later date.

5 With that, we move to Agenda Item No. IV,  
6 discussion on public comment received prior to today's  
7 meeting of July 19th.

8 I open it up to my fellow Commissioners.

9 Okay. If there's -- if there's no comment then,  
10 you know, this is really just a continuation of our agenda  
11 from last week.

12 I just have a few things we'd like to emphasize.  
13 It's clear that the public is curious and interested in our  
14 guidelines and procedures of our public hearings, our travel  
15 schedule, our Executive Director will go into some of that  
16 in the appropriate agenda item; I'd like to address some  
17 concern about the public about satellite locations and our  
18 ability to kind of reach out to -- to faraway areas, the  
19 tentacles of our state.

20 I just want to let you know that personally I --  
21 there's no promises, but as of right now, I'm planning to  
22 attend all meetings in person barring last-minute, you know,  
23 complications. With that, I'm going to be on the road with  
24 a lot of dead time throughout the entire state.

25 If anybody in the public feels that -- that your



1 community is not being heard or that the geographic  
2 challenges are too great, please reach out on our general  
3 website and we will, you know, vet speaking opportunities.

4 I am happy to travel -- I'm going to be in my  
5 car -- to come to communities and meet. We want to go  
6 through our normal vetting process to make sure the  
7 organizations that we meet with reflect well the kind of  
8 information we want to learn and that, you know, there's a  
9 large enough constituency that it makes sense.

10 But please reach out to us and -- and -- and  
11 there's a way in which your voices and your needs can  
12 absolutely be heard.

13 In addition, there's some concern about the  
14 stock -- not the stock presentation, but the general  
15 guidelines. I'd like to reassure the public that we in our  
16 stock presentation that we're going to be, you know, showing  
17 each and every meeting, we have very clear guidelines about  
18 defining communities of interest: What are your common  
19 interests, what are your shared characteristics, are there  
20 certain policies that affect you in a similar way, are there  
21 certain geographic realities that play a role in what you  
22 feel you need for representation?

23 You don't have to remember what I'm saying because  
24 this is all part of our presentation, but there's an  
25 interest in understanding how we're going to solicit the

1 information that we want.

2 We're also going to try to clarify what defines a  
3 community of interest. That's what we want to know. What  
4 are your common interests together? What do you feel you  
5 need to share with us in order for your, you know,  
6 freedoms/your needs to be represented.

7 We will bring this up again during the agenda item,  
8 but I really just wanted to make sure that the public is  
9 aware that we're reading, digesting, and -- and adjusting  
10 everything in our travel schedule based on -- on what we're  
11 hearing.

12 And, other than that, that's all I have. Unless  
13 any other Commissioners would like to chime in.

14 Okay. With that, we will move to Agenda Item  
15 No. V, which is the Executive Director's report and  
16 discussion thereof.

17 And so I turn it over to Director Schmitt.

18 DIRECTOR SCHMITT: Thank you, Madam Chair.

19 First off, I would like to have Lori, our new  
20 deputy director, introduce herself to everyone.

21 So, Lori.

22 MS. VAN HAREN: Good morning, everyone.

23 My name is Lori Van Haren; I'm the new deputy  
24 director for the Commission. I'm super excited to be here.  
25 I really appreciate the work that you all are doing. I know

1           there's a lot of work ahead, and I'm excited to be a part of  
2           it.

3                        Just a little bit about myself. I'm a native  
4           Arizonian; I was born and raised here. I come from a line  
5           of native Arizonans, and I am a mother of three and have  
6           been working at the City of Phoenix for the last seven  
7           years.

8                        So I'm very excited to take on this new challenge.

9                        DIRECTOR SCHMITT: Thank you, Lori.

10                      All right. So I have a quick overview of last  
11           year's spending. Let me pull that up really quickly.

12                      All right. So here is our fiscal year '21  
13           spending.

14                      In total, our budget was \$500,000. Our legal fees  
15           accounted for about 291,000; the mapping software and  
16           hosting services costs \$128,928; personnel services were  
17           about \$50,000 of our expenses; outside -- professional and  
18           outside services were about \$16,000; employee-related  
19           expenses were 11,000; and then just other operating costs  
20           were about 1,600.

21                      And as we move forward, we'll have a better picture  
22           of what this next year will look like.

23                      We don't know what's going to come, but we have a  
24           good general idea of what our expenses will be, so we will  
25           put together a slightly more detailed budget for this coming

1 year; but we're in a interesting spot just how the  
2 Commission is set up where we don't really know what we will  
3 face moving forward, but the -- the budget allows us the  
4 flexibility to do what we will have to do over the next  
5 year.

6 Next item, next week I should have a recommendation  
7 for IT migration. We're -- we've just been going back and  
8 forth with one of the vendors to make sure we're getting  
9 everything we need with this.

10 And I touched base with Commissioner Lerner this  
11 afternoon about the community outreach position, but I don't  
12 have a recommendation today.

13 And, with that, if anyone has any questions, I'm  
14 happy to answer them.

15 CHAIRPERSON NEUBERG: Brian, can you give us an  
16 update on the staffing hires?

17 You mentioned that you don't have a recommendation  
18 today, but can you just maybe share a little bit of the  
19 process, where we are, what hires are still outstanding,  
20 and, you know, how you feel about it in terms of a general  
21 timeline.

22 DIRECTOR SCHMITT: Sure, absolutely.

23 We received quite a few applications for it -- for  
24 the community outreach position, so we've just been going  
25 through that and trying to figure out which candidates to

1 interview.

2 The other outstanding hire is the IT position, but  
3 with that we may be able to solve it with the IT company we  
4 use and not use one of our full-time positions for that, it  
5 just -- we're trying to see what we can work out with the  
6 different firms, so.

7 That's where we're at with those hires, and then  
8 we'll have our full team together. So hopefully in the next  
9 week or two, we'll be all ready.

10 CHAIRPERSON NEUBERG: Thank you. And -- and just,  
11 you know, all of us, I speak for myself, but we appreciate  
12 the focus on efficiency with the IT hire and looking at what  
13 we have/what we don't have. You know, thank you for that  
14 thoughtfulness.

15 DIRECTOR SCHMITT: Absolutely. Thank you.

16 CHAIRPERSON NEUBERG: Anything else from -- from  
17 anybody?

18 Director Schmitt, anything else?

19 DIRECTOR SCHMITT: That's all I have for you today.

20 CHAIRPERSON NEUBERG: Okay. With that, we will  
21 move to Agenda Item No. VI, update from our mapping  
22 consultants, Timmons/NDC.

23 We have (A), the discussion and potential action on  
24 the proposed IRC timeline of events that was included in  
25 Attachment A to our agenda; and (B), presentation,

1 discussion, and potential action on different measurements  
2 of competitiveness and potential presenters.

3 With that, I turn it over to Timmons and NDC.

4 MR. FLAHAN: Thank you very much. Good morning,  
5 Commission.

6 Let me share my screen together; we've got a good  
7 presentation for you.

8 Can you see the screen because I cannot see you  
9 anymore?

10 MS. SAKANSKY: Can you make it a little larger,  
11 please?

12 MR. FLAHAN: Do you see the full slide or do you  
13 see my presenter screen?

14 MS. SAKANSKY: I do see the full slide; it is small  
15 on my monitor.

16 MR. FLAHAN: I don't know that I --

17 CHAIRPERSON NEUBERG: Just FYI, on my monitor it's  
18 half my -- my computer, you know, so I see it well. Maybe  
19 others can chime in to see if they're -- if they're having  
20 problems seeing it.

21 COMMISSIONER LERNER: I -- I see it fine as well.

22 COMMISSIONER MEHL: And I also see it fine.

23 MR. FLAHAN: I don't think there's anything else I  
24 can do, it's full screen on my screen.

25 MS. SAKANSKY: Thank you.

1           MR. FLAHAN: So quick overview what we're going to  
2 talk about on the agenda side, like Madam Chairperson said,  
3 talk about the project schedule; then talk about the  
4 listening tour and community of interest survey. I'll have  
5 some slides from that; and then we can give you a live tour  
6 as long as the Internet allows us to, which we should; we'll  
7 talk about the elections database, the redistricting  
8 training session; and then we'll go over to Doug from NDC to  
9 talk about competitiveness training, and then at the very  
10 end we can do some questions and answers if you guys have  
11 any questions.

12           So the first thing we'll talk about is a project  
13 schedule. There is two project schedule options that were  
14 provided.

15           Option 1, it is a 30-day grid map public comment  
16 period, and you will look at the socioeconomic report was  
17 due on the 13th, which is actually we'll show you today  
18 because we did not have -- we had issues at the last  
19 meeting; same with the listening tour feedback form, that  
20 will be today; and the competitiveness training that was  
21 scheduled for last Tuesday will be today.

22           On the 20th, hopefully we can get some  
23 competitiveness guest speakers on there; and then the  
24 biggest highlight here is the listening tour will be from  
25 the 23rd to the 9th.

1           Esri software should be done the last week of July;  
2 we have set that up with Esri. We did get a week behind on  
3 that, so it should be done by the last week of July, and  
4 then that will set up Esri training for the first week of  
5 August and not the last week of July.

6           The next thing that's really critical here is we  
7 have scheduled competitiveness grid map selection for the  
8 meeting on August the 3rd with the hope that you guys can  
9 select the competitive methods on August 3rd.

10           On August 16th, the census data PL data should be  
11 released, and once that's released the next day Esri will  
12 load census PL data into the redistricting system. And that  
13 will take two weeks which will be ready on the 3rd; and then  
14 starting right after that we'll load the Arizona state data  
15 into the redistricting system, and that will take us a week  
16 out to September 6th.

17           And then right before that we will have the  
18 community of interest report done on August 31st, and that  
19 is the report from all of the listening tour meetings that  
20 you had and all the community interest surveys that we had;  
21 we will compile the data and present it to you so that way  
22 you can see what the public had.

23           The next piece is that the mapping system will be  
24 live on the 13th, ready to build your grid maps which then  
25 we'll look on the 14th; competitiveness report and polarized



1 voting report will be there on September 14th also for that  
2 grid map; and then the grid map 30-day review starts on  
3 September 15th and will run through 10/26/21, which will  
4 give you a 30-day public comment period; and after that  
5 we'll compile your data, from 10/22 to 10/26 we will build  
6 your draft maps; from 10/27 to 10/29, which will then allow  
7 you to have a public decision meeting on November 2nd  
8 through November 3rd.

9 And then after that, after you guys have had your  
10 decision-making meeting, we will put out your draft maps for  
11 public review for 30-day comment from 11/4 to 12/6; and then  
12 after that 12/9 to 12/17 will be the public review and the  
13 development of tentative final maps; and after that we'll  
14 have a county clean-up period; and then on the 22nd of  
15 December the Commission could adopt the final plans.

16 So the key thing here is on the left side of the  
17 screen is the grid map review dates, the draft map hearings,  
18 and the public review of tentatively adopted plans and  
19 allows you guys to adopt your plans by 12/22, so right  
20 before the Christmas time frame.

21 The option -- any questions on Option 1 before I go  
22 to Option 2?

23 Okay. Option 2, the only differences here on  
24 Option 2 is when you go down to the grid map review --  
25 because everything above the grid map review is actually is

1 exactly the same in Option 1, is it takes the grid map  
2 review to September 15th and limits it to 23 days, which  
3 then takes it out to October 8, 2021; and that will make our  
4 grid map comment data compilation from December 11th --  
5 sorry, October 11th through October 15th; and then we would  
6 develop your draft maps from October 15th to October 22nd,  
7 which would allow you also three days for a public decision  
8 meeting from the 22nd of October through the 27th of  
9 October; and then starting on October 28th would be the  
10 30-day public review of the draft maps to 11/30; we would  
11 process all the data that we got from the draft maps from  
12 11/30 to December 7th.

13 Final map reading and comment time from  
14 December 7th to December 13th, Commission revised and  
15 tentatively adopt plans from 12/14 to 12/17; and county  
16 clean-up would be 12/20 to 12/21; and the Commission adopted  
17 plans on 12/22.

18 So the difference is that we have more time after  
19 the draft map review to take all the final data processing,  
20 make any changes that you would direct us to make, and allow  
21 you guys to have more time if you need more than three days  
22 to discuss and tentatively adopt the final plans.

23 And then the key -- the key dates here are on the  
24 left side. Like I said, everything above the grid map is  
25 exactly the same as Option 1; the dates that start to change

1 is after the grid map review.

2 Is there any questions on that?

3 COMMISSIONER LERNER: This is Commissioner Lerner.  
4 I have a bunch of questions about the calendar and the  
5 schedule, but I -- it may be better to go after your  
6 presentation so you might answer them as we move forward; I  
7 don't know.

8 MR. FLAHAN: Okay.

9 COMMISSIONER LERNER: I don't know where the  
10 presentation is going so I don't want to start now and then  
11 have you say, "Well, we're covering that."

12 MR. FLAHAN: No, I -- I got you on that. Like I  
13 said, I can't see the face block right now so let me go to  
14 the next slide because that's the order of operations slide,  
15 and I think that will help explain some of the stuff.

16 And then once we get through with a couple schedule  
17 slides, then let's open the questions and answers for the  
18 schedule because the rest of the items that we have are  
19 items that are listed here on the schedule, but I think it  
20 will be better to stop there and answer any questions you  
21 have on the schedule.

22 So you guys asked for an order of operations of  
23 different tasks, what is it dependent on, and what is the  
24 product of the outcome.

25 So here is a slide on the order of operations. So

1 the listening tour that is coming up this week, it is  
2 dependent on the community of interest survey, which we'll  
3 show you today, and the socioeconomic data and report, which  
4 again we will show you today. The product is the community  
5 of interest report, so after all the listening tour sessions  
6 are done and everybody has listed their community of service  
7 we will -- or community of interest, we will create a  
8 community of interest report and provide that back to you at  
9 the end of the August; and same thing is the socioeconomic  
10 web app which you guys will see today as a product before we  
11 start the listening tour.

12 Redistricting system. We're setting up your IT  
13 environment, we had a good meeting with -- with the state of  
14 Arizona ASET group. We need to get your training session  
15 done, the census data will need to be released on  
16 August 16th, and then elections database for the state of  
17 Arizona needs to be complete and ready to load into the  
18 redistricting system; and then after all that's done, we'll  
19 have the Esri redistricting system up and running.

20 For the grid maps, it is dependent on the grip map  
21 method selection that you as a Commission will select, and  
22 it is dependent on the competitive method selection that you  
23 guys will get a presentation on today and whatever the  
24 Commission selects moving forward. And after that, that  
25 product will be the grid map and the competitiveness report

1 and the polarized voting report.

2 For draft maps to start, we need to get rid of  
3 the -- get rid of, sorry, we need to get through the grid  
4 map public meeting; they need to be complete, and we need to  
5 compile all of the public data that we got from the grid  
6 maps, provide that you. Once that is done we can create the  
7 draft maps per your directions, and you will have a  
8 competitiveness report and a polarized voting report, and  
9 that will complete the draft maps task.

10 For final maps --

11 CHAIRPERSON NEUBERG: Mark. Mark.

12 MR. FLAHAN: Yes.

13 CHAIRPERSON NEUBERG: I have a question just for  
14 clarification. I'm not sure I understand what polarized  
15 voting report is.

16 MR. FLAHAN: Doug, could you give a quick  
17 explanation of the polarized voting report?

18 MR. D. JOHNSON: Sure.

19 That's looking at the history of election results  
20 in the context of the federal Voting Rights Act and  
21 identifying what are the general expectations for the -- for  
22 the map in order to assert compliance of the federal Voting  
23 Rights Act.

24 CHAIRPERSON NEUBERG: Okay. Thanks.

25 MR. FLAHAN: Any other questions?

1           COMMISSIONER MEHL: You know we keep using the term  
2 "community of interest," and as -- and as I've thought  
3 through some of the meetings that we're going to have, I  
4 think it's also important for the public to realize that  
5 different communities are going to have to be joined up  
6 especially at the congressional level. So another thing I  
7 think that we're going want to hear from the public is who  
8 is -- who are you happy to be joined with and who are you  
9 not happy to be joined even if you're different communities.

10           So I think that is actually going to be very  
11 important as we go down the road.

12           MR. FLAHAN: Yes.

13           Any other questions?

14           Then the last order of operations for the final  
15 map, the draft map public hearings need to be completed, the  
16 draft map public data needs to be compiled; and then per  
17 your direction we can create the final maps and give you a  
18 competitiveness report and a polarized voting report for  
19 that.

20           And that's really the order of operations for the  
21 major tasks.

22           The next slide that I have for you that I think  
23 this would be the great slide to have questions and answers.  
24 Here are the two schedules face-to-face to each other that  
25 you can use to compare in one screen. Option 1 is on the

1 left side which is the 30-day comment period, and Option 2  
2 is on the right side which is the 23-day grid map comment  
3 period.

4 So, with that, I would like to open it up to  
5 questions.

6 CHAIRPERSON NEUBERG: You know, before we actually  
7 get to the questions, maybe you could also share a little  
8 bit of your thinking about the pros and cons of both  
9 schedules and then we -- because I'm presuming that's going  
10 to be one of the questions.

11 MR. FLAHAN: Okay.

12 CHAIRPERSON NEUBERG: And then we can dive into the  
13 specifics.

14 MR. FLAHAN: The pros and cons.

15 The pros to Option 2 going with the 23-day grid map  
16 period is that after the draft map 30-day comments, it gives  
17 more time at the end of the draft maps period for you guys  
18 to take your time reading the data that we get from the  
19 trap -- from the draft maps, being able to get final  
20 comments from the public, being able to create those draft  
21 maps; and it tentatively allows you to have three or four  
22 more days of Commission debate if you would like that.

23 On the 30-day period, the Commission debate we have  
24 scheduled for, you know, three days. We don't have that  
25 much time unless we push out the Commission finally adopting

1 plans on December 22nd.

2 Doug, you got any other pros and cons here?

3 MR. D. JOHNSON: Yeah, I would say -- and unless  
4 there's a real desire to have a long 30-day initial output,  
5 really when things are really going to matter are at the  
6 end. So the more time you can put at the end, I would  
7 recommend doing that.

8 So I think it's good we have the two options  
9 available for you to talk through if you do want to more  
10 front-load the community input; but if you don't have a  
11 strong inclination any way, I would suggest save yourself  
12 the time at the end when the decisions are being made and go  
13 with the 23 days.

14 CHAIRPERSON NEUBERG: Thank you.

15 COMMISSIONER MEHL: Doug, this is Commissioner  
16 Mehl.

17 Is it realistically that -- the schedule at the end  
18 seems really compressed. Is it realistic we can debate  
19 these issues in that time frame?

20 MR. D. JOHNSON: You're exactly right, it is -- you  
21 know, whichever way you go it's compressed at the end. It's  
22 compressed the whole time really. So it is certainly a  
23 concern.

24 You know, if things go smoothly, yes, I think  
25 this -- this can work. If not, yeah, they have to push past



1 December 22nd. But, yeah, the whole -- the delay with the  
2 census data just has everyone jammed up, of course across  
3 the whole country, and particularly when your -- when your  
4 scope is as big as our state, that -- that very compressed  
5 time frame is brutal.

6 CHAIRPERSON NEUBERG: And, Doug, along those lines,  
7 you know, this early December deadline I believe is  
8 predicated on the Secretary of State's Office desire to  
9 have, you know, the maps done by early January.

10 Can you share with us a little bit -- I mean, we're  
11 presuming that there's going to be unexpected challenges  
12 like maybe a power outage and losing our link, you know,  
13 just as a funny example, but, you know, we also have legal  
14 challenges potentially coming up. You know, how far back  
15 can we push that; and, with that, and this is for later  
16 conversation, what our holiday schedule ought to be  
17 anticipating in an ideal world a closing date of  
18 December 22nd but understanding realities where this might  
19 be headed into January so we can all be prepared?

20 MR. D. JOHNSON: I'm not really sure how to answer  
21 that.

22 We did look back, the IRC version 1.0 filed their  
23 maps with the Department of Justice January 24th and IRC 2.0  
24 filed their maps with the Department of Justice  
25 February 10th and 28th, so they both did run longer; but as

1           you say, we have the request from the Secretary of State to  
2           try to finish sooner.

3                     But, yeah, I mean there's -- obviously in aiming to  
4           finish before essentially the new year deadline from the  
5           Secretary of State, that has us very, very compressed  
6           without a doubt. But that's not a statutory requirement,  
7           it's a -- it's a process requirement.

8                     CHAIRPERSON NEUBERG: Right. And so just to be  
9           clear, these -- I'm not suggesting that we don't aim with --  
10          with the greatest commitment, these are aspirational  
11          deadlines; and with circumstances that present, you know,  
12          themselves, this would allow us a few weeks of, you know,  
13          wiggle room at the end to accommodate unexpected challenges.

14                    Am I understanding that correctly?

15                    MR. D. JOHNSON: Well, the question of when you say  
16          "this." The schedule does not allow wiggle room. This is  
17          banded together to get it done.

18                    CHAIRPERSON NEUBERG: But we would have the ability  
19          to modify.

20                    MR. D. JOHNSON: I'll defer to -- to Legal on that,  
21          yeah.

22                    CHAIRPERSON NEUBERG: Okay.

23                    COMMISSIONER LERNER: This is Commissioner Lerner.

24                    I actually was going to state on the subject  
25          mentioned that, could we get a sense from Legal, 'cause I

1 have the same concerns that everybody else is expressing  
2 about that December 22nd date and our compression. The most  
3 important thing we're trying to do is -- is work on these  
4 specific maps, you know, the grid map is just the beginning  
5 point, but we have very limited time.

6 I know the Secretary of State has requested that,  
7 but if we are not legally obligated, perhaps we can -- and  
8 maybe the Legal folks can us tell us, can we just change  
9 that date to what we think will work for us? Because this  
10 is so important that I'd love for us to know if there's a  
11 way for us just to make that decision, and then our  
12 consultants can actually adjust the timeline to say: "All  
13 right, now we're going to go another two weeks; here is how  
14 we would envision this working."

15 Because they're working with this very compressed  
16 date that seems almost a little artificial based on simply  
17 what the Secretary of State has requested versus what is  
18 required by them.

19 So since Doug mentioned Legal, I don't know, Chair  
20 Neuberg, if we can request Legal's perspective?

21 CHAIRPERSON NEUBERG: Please.

22 Legal?

23 MR. HERRERA: Thank you, Madam Chair and  
24 Commissioner Lerner.

25 So from a legal perspective, as far as what the

1 requirements are, I mean, the constitution is clear in that  
2 the Commission is to adopt a grid map, make adjustments to  
3 that grid map based on all six of the factors; adopt a draft  
4 map and then provide a 30-day comment period before the  
5 final adoption.

6 Other than that 30-day comment period that is  
7 required after the draft maps are -- are adopted, there are  
8 no other requirements timingwise, so you could expand or  
9 contract the calendar at your bidding.

10 Certainly the December 22nd deadline I think is  
11 aimed at meeting the -- the January 2nd deadline as  
12 suggested by the Secretary of State; but, you know, if the  
13 Commission needed to go past that, from a legal perspective  
14 that will be allowed.

15 Of course, there's been some legislation passed  
16 during the legislative session this past time to try to make  
17 the adjustments for candidates' ballot access, which is  
18 primarily what we're concerned with on January 22nd, make it  
19 easier for candidates to -- to file to run for office if the  
20 Commission were to adopt maps post January 2nd.

21 But, again, you know, it's really policy decision  
22 other than the 30-day required comment period after the  
23 draft maps.

24 CHAIRPERSON NEUBERG: And -- and just to be clear,  
25 Roy, what you're saying is we can adopt an aspirational

1 schedule and when circumstances come, there are no legal  
2 barriers to us adjusting the timeline?

3 MR. HERRERA: That's correct beyond --

4 CHAIRPERSON NEUBERG: And -- go ahead.

5 MR. HERRERA: Sorry, Madam Chair.

6 That is -- that is correct. I mean, other than the  
7 30-day comment period and the other things the Commission  
8 has to do, of course, draft -- adopting the grid map,  
9 adopting draft maps and adopting final maps, other than the  
10 30-day comment period, there's not a timing legal  
11 requirement.

12 So, you know, you could make adjustments again  
13 based on -- what you want to do as Doug mentioned, prior to  
14 the Commission adopting their final maps, a couple of weeks  
15 after what would be after the January 2nd deadline, you  
16 know, this time around.

17 COMMISSIONER LERNER: So, Chair Neuberg, I will say  
18 I'm concerned about, as Commissioner Mehl mentioned, I'm  
19 really concerned about the compression at the end. 'Cause  
20 our most important task here is to create these district  
21 boundaries, congressional and state legislative; and I just  
22 don't feel there's enough time for us to think through  
23 the -- you know, one of the -- one of the things that the  
24 consultant is doing is going to be receiving a lot of maps  
25 from the public, and we're going to be taking a look at

1 those, and I think with the compression we are going to have  
2 not as much time to really think through. I mean, I like to  
3 process things in my brain a little bit, so I'd like to have  
4 time to not have to make a decision the day we hear a  
5 presentation and then say, "Now what do you want to do?"  
6 I'd like to have time to process that and think through.

7 And it may mean that we need to start meeting more  
8 often as well as a Commission, but if -- if there is a  
9 way -- and maybe, Doug, you can speak to, you know, how  
10 could we -- if we could -- if the Commission chose to extend  
11 the date, knowing that there is a way for candidates to  
12 still be able to get their signatures and all, if I -- if I  
13 were to just ask Doug just in general how much more time do  
14 you think would be helpful -- whether we did this or not,  
15 just I'm just curious, how would you decompress this a  
16 little bit?

17 MR. D. JOHNSON: Yeah, I think I would -- I  
18 wouldn't add time to any of the earlier/mid stages, because  
19 all you have said very clearly and I agree that the  
20 compression and the key time is at the end. You know, folks  
21 who don't make it to meeting or don't think of what they  
22 want to say during a meeting requiring a 30-day map review,  
23 well they can show up at the final meeting and add those  
24 comments.

25 So whatever time you want to add on, I would just

1           tack on at the end, and that would let you really take that  
2           little window of three days that's on here to revise and  
3           tentatively adopt your plans in mid-December and make those  
4           three days discussion time, you know, where the  
5           Commissioners could talk about options, talk about your  
6           thoughts on the input that you've gotten. And I'm sure have  
7           a ton of maps that you could -- you'll have to sift through;  
8           and then you could take a break for Christmas and New Year's  
9           and come back and take you, know, the first two weeks of  
10          January to really go through and make decisions  
11          line-by-line, district-by-district. I mean, that would --  
12          that would really relieve a lot of the pressure.

13                   CHAIRPERSON NEUBERG: You know, my -- my -- so  
14          understanding that we have flexibility and come  
15          December 22nd we feel we need more time, it sounds like from  
16          Legal that we could just decide then to take more time.

17                   My concern is psychologically if we set a deadline  
18          of mid-January and then, you know, conflicts happen, we have  
19          to skip a meeting for whatever reason, unexpected  
20          challenges, it always takes a little more time than you  
21          think.

22                   So from my perspective -- and, again, I'm just  
23          being devil's advocate here -- I guess I'm not sure I  
24          understand the downside of having a more aspirational goal  
25          to keep us moving, to keep us, you know, really in check

1 such that we can protect ourselves to have that adequate  
2 time at the end and if necessary to extend it.

3 So I just want to make sure, my concern is if we  
4 say, okay, let's do a mid-January deadline and we miss a  
5 few meetings, are we begging, you know, problems down the  
6 road?

7 COMMISSIONER LERNER: So this is  
8 Commissioner Lerner.

9 Just I understand what you're saying because of the  
10 certainty there's always that potential of something coming  
11 up. I just -- I just have this concern about how condensed  
12 this is and then we say, "Well, we said we'd be done by this  
13 date," and I don't want to be pressured.

14 So if we knew that if we go with this saying it's  
15 not going to be a three-day review for maps but it's -- you  
16 know, I just -- I just don't want to have us come up and  
17 then say but we have this deadline and we want to keep it.  
18 We haven't missed a meeting so why won't we keep the  
19 deadline? I just think that extending it gives us more  
20 thought time as part of it.

21 Whatever we want to do is fine as long as we know  
22 that when it comes to looking at our draft maps we could  
23 extend it beyond the -- the short time frame. As Doug said,  
24 that's a very short time frame for us to be processing.

25 So however we want to do it, but I want to be sure



1 that if we do keep that December 22nd we're really clear  
2 that we could easily go another three weeks if somebody --  
3 if the Commission starts to feel uncomfortable.

4 COMMISSIONER YORK: This is Commissioner York.

5 Shereen, I appreciate your comments. I'm -- I'm  
6 inclined to agree with Commissioner Neuberg as far as let's  
7 adopt Option 2 and allow us some time for reviewing. I  
8 don't think we're going to have a sense of the pace until --  
9 until some time in October. 'Cause realistically most --  
10 since most Commissioners just -- most IRCs receive data in  
11 March. I mean, now all of a sudden we're going to get data  
12 in September or August, really. And so we'll have a sense,  
13 I think, by October on if we -- how much time we're really  
14 going to need and so at that point maybe we adjust the  
15 schedule. But for right now, I would vote or be in favor of  
16 adopting Option 2.

17 COMMISSIONER MEHL: This is Commissioner Mehl.

18 I would add to that just some practical thinking,  
19 'cause we all have lives; we need to schedule some things.  
20 That mid-December period, we may want to just be wanting to  
21 think about planning an entire week where we meet every day  
22 and in an -- in anticipation that that's when we're really  
23 grinding through all the issues and trying to talk to one  
24 another about how to -- how to move lines here and there and  
25 how to make the adjustments to best serve the state.

1           I think it's going to be take some intensity at  
2           that period, and it would be realistically just for all of  
3           us to understand that and maybe figure out what we can  
4           narrowly at least for the moment be trying to hold the  
5           entire week.

6           And these Zoom meetings have been surprisingly  
7           efficient, but I think at that point we may want to all be  
8           in a room together every day until we can work through it.

9           CHAIRPERSON NEUBERG: I'm really glad, Commissioner  
10          Mehl, that you mention that, and that piggybacks on  
11          Commissioner Lerner's comment about increasing the frequency  
12          of our meetings, and I think we're all hearing that as it  
13          approaches later in the year, it -- it's going to be much  
14          more time consuming, much more demanding; and we don't have  
15          to do this now, but I really suggest that Director Schmitt  
16          get in touch with us with our holiday schedules, and staff  
17          and Commissioners try to get on the same page with protected  
18          days that we can collectively decide to, you know, do what  
19          we need to do or want to do over the holidays.

20          But I think most of us understand that it's -- it's  
21          going to be a significant time investment in December. And,  
22          to be honest, I mean, I'm presuming January because we're  
23          not -- you know, we haven't had legal challenges yet. I  
24          mean, you know? I mean, things may be significantly  
25          affected by anything that may come about, although we hope

1 that doesn't happen.

2 COMMISSIONER LERNER: So I -- I appreciate the  
3 comments, and I agree on the fact that we'll probably need  
4 some intense time.

5 I also think that that might occur not only in  
6 December but there might be another time where we might want  
7 to meet a couple of times a week. So perhaps we could look  
8 at picking that pace up because when we start to get the  
9 maps from the public, one meeting isn't going to do it per  
10 week, and so it might be that we need to schedule them and  
11 then if we don't need to hold the second meeting, great; but  
12 maybe we can do that a few weeks before as well or a couple  
13 of different times.

14 And then I have another question that might help up  
15 front. Is there a reason why we're looking at 23-day versus  
16 a 14-day for the grid map? Could we shorten that period at  
17 the front end to 14 days, and then we get another week later  
18 on?

19 I don't know what the reasons are for 30 or 23  
20 versus 14 for the grid map.

21 MR. D. JOHNSON: Mark, you want me to take that or  
22 you want to take that.

23 MR. FLAHAN: Let me just throw in something first,  
24 Doug, and then why don't you follow up on it.

25 The 30-day grid map review was the original

1 schedule that we submitted the RFP; and then we looked at  
2 23 days to try to allow for more time on the back end that  
3 you guys have been talking about for the draft and the final  
4 maps.

5 Doug, what else do you want to add?

6 MR. D. JOHNSON: I want to just note, part of that  
7 is there's a lot of moving parts in terms of getting things  
8 set up and in particular collecting all that election data  
9 and getting it analyzed. So part of that 23 days is so that  
10 there's a little bit of flexibility in case, you know, the  
11 competitiveness data isn't ready or the polarized voting  
12 data isn't ready turning out how hard it's turning out to be  
13 to get that data; and -- and it's also, that's really the  
14 time for the public to be drawing maps.

15 So I think it would go down to 14 days if we're  
16 sure we'll hit every day perfectly, though I'm a little  
17 concerned about knocking down to 14 days and then if there's  
18 a five-day delay, it becomes only nine days for the public  
19 to really weigh in.

20 Because I think -- it's certainly the hope is the  
21 public will really show up in that window with lots of maps.  
22 And -- and Commissioner Mehl's point that the other time to  
23 think about is that October 15th to October 22nd window  
24 where you'll likely be meeting three or four or five times  
25 in that window to -- to develop that draft map.

1           So I -- I guess I'd say ideally, yes, we could  
2           knock that down to 14 days; but I think there's too many  
3           moving parts in terms of, you know, getting the data ready  
4           so that the public can actually draw their maps and we can  
5           start analyzing their maps to really get that aggressive.

6           COMMISSIONER LERNER: So -- so I'm a little  
7           confused, then, on this because I thought that once the grid  
8           map is drawn and approved by us, then the public is going to  
9           start submitting lots of their maps; and what you're saying  
10          is that's going to be concurrent even though we haven't  
11          decided on a grid map. And that's where I'm confused about  
12          why we need so much upfront time with the grid map because  
13          the grid map should be taking into account the initial data  
14          you have as of August 16th, so once you get the August 16th  
15          data and start -- you know, take a couple of weeks, whatever  
16          you need for that to get that going, it's once you've given  
17          us a few grid maps, I'm not sure why at that point we need  
18          23 days.

19          I'm not talking about your upfront needs for data  
20          processing at all, you need to take whatever time you need  
21          for that --

22          MR. D. JOHNSON: Sure.

23          COMMISSIONER LERNER: -- but if the -- you've now  
24          provided us with several versions of grid maps, why do we  
25          need 23 days at that point instead of 14 days? So that then

1 the public, once they know the grid map, they can start  
2 drawing their maps and giving us drafts.

3 MR. D. JOHNSON: Yeah, it may be just the timing is  
4 weird. So the 23-day or 30-day period, that's the period  
5 after the draft map is chosen but before -- before you go in  
6 and -- I'm sorry, that's the period after the grid map is  
7 chosen and before you start choosing the draft map.

8 So you're -- you're exactly right, it doesn't take  
9 23 days to develop grid map options and get public input on  
10 that, that's actually the kick-off day of day -- of the 23  
11 days.

12 COMMISSIONER LERNER: Okay. So that helped, that's  
13 what was not clear to me, yeah.

14 MR. D. JOHNSON: Yeah. Sorry. That's just a  
15 naming convention that's confusing. Sorry about that.

16 COMMISSIONER MEHL: This is Commissioner Mehl.  
17 So I'm hearing that week of October 11th is going  
18 to be an intense week we're going to want to maybe have  
19 multiple meetings and potentially be meeting in person  
20 instead of by Zoom.

21 And I'll be in Ohio at a wedding on October 9th, so  
22 the October 11th week works great for me to be -- be in  
23 Phoenix the whole week; the week before would be a real  
24 problem for me.

25 MR. D. JOHNSON: Yeah, and it will probably be the

1 week after that, actually. The 11th through the 15th I  
2 think is when we're processing and preparing reports for you  
3 and then --

4 COMMISSIONER MEHL: Okay.

5 MR. D. JOHNSON: -- probably on the 15th you'd  
6 start meeting.

7 COMMISSIONER YORK: Would be the week of the 18th.

8 COMMISSIONER MEHL: Yeah.

9 COMMISSIONER YORK: The 18th, David.

10 CHAIRPERSON NEUBERG: So if --

11 COMMISSIONER LERNER: So --

12 CHAIRPERSON NEUBERG: I just want to understand,  
13 are you hoping that at the end of this conversation today we  
14 approve one of these schedules or is this more brainstorming  
15 and a decision at a later date?

16 I just want to understand what you're needing from  
17 the meeting today.

18 MR. FLAHAN: The -- the two schedules were in  
19 response when you guys were asking for what the rest of the  
20 year looks like. It would be -- it would be great to get  
21 the schedule buttoned down as soon as possible.

22 CHAIRPERSON NEUBERG: Okay.

23 MR. FLAHAN: That way we know what to expect on our  
24 side.

25 If there's some fluidity in it, as you guys see as

1 the Commission fits as you guys are discussing, yes; but it  
2 would be nice to know, that way we can start to plan on our  
3 side, because come August, and as we can see in September,  
4 things are going to start moving really quickly, and if we  
5 can have the schedule set, then it's easier on our side to  
6 make sure that we can hit your dates.

7 Not saying we're not going to hit the dates, but it  
8 makes it easier on our side to plan.

9 COMMISSIONER LERNER: Can I ask a question then  
10 about let's go back to the front end on how much time we  
11 have for the grid map development just to look at?

12 Because I was very confused; I thought that the  
13 grid map -- you were saying we had 23 days just for the grid  
14 map. I'm much more comfortable now knowing that once we  
15 have the grid map, now we've got this period of time for the  
16 public to submit draft maps for us to play around with  
17 mapping, all of those things. That's what you're saying is  
18 that that's the period for 30 days.

19 But can you talk about a little bit of the upfront  
20 on what's going to happen with our development of the grid  
21 map? It looks like we have basically one day to do that and  
22 I know that's -- I'm probably not reading that correctly, so  
23 if you can clarify.

24 MR. FLAHAN: So the dates that are highlighted that  
25 are shaded in gray are all of the time frame periods where



1 we're out getting public comment; and that's why the  
2 listening tour dates are shaded gray; that's why the grid  
3 map 30-day review is shaded gray, and that's where the draft  
4 map 30-day public review is shaded gray. So that's all the  
5 times you will be getting information from the public.

6 And that's really what changed from the 30-day grid  
7 map review to the 23-day grid map review is that comment  
8 time.

9 For the grid map to be adopted, the Commission will  
10 decide on a method for -- to create the grid map, and then  
11 we will create the grid map.

12 Doug, you want to talk about -- the creation of it  
13 or the process?

14 MR. D. JOHNSON: Yeah, so the grid map is  
15 essentially an automated map data: You pick kind of where  
16 we start, what direction you go. But there's not a lot of  
17 discretion, you know, beyond and kind of here's the map so  
18 far, which way do we go, we're halfway through.

19 It's more -- at least traditionally it's been a map  
20 that we picked a method for creating this grid and just --  
21 it's almost hit a button, and the computer makes it. It  
22 doesn't quite get that easy, but that's kind of the goal.

23 So that's the reason why we had the earlier  
24 discussion about talking about options about how the map  
25 would be made, even before the data is available; and then

1 we just have one day where we do it in public, make that  
2 map.

3 But it wouldn't be a lot of -- at least as we're  
4 envisioning it, it wouldn't be a lot of back and forth in  
5 decisions, it would simply be: Here's the method you gave  
6 us for how you want us to make it. Boom, we make it, and  
7 there's your map.

8 COMMISSIONER LERNER: Would that be the kind of  
9 thing where we could -- 'cause I'll be honest, I mean, you  
10 know, I don't know what it's going to look like. We're  
11 going to give you some options based on your -- you're going  
12 to give us advice; we'll give you some options. It might be  
13 nice for you to give us some options, and then whatever our  
14 next meeting is, whether it's that week or the week after,  
15 we can then make that decision.

16 So again we can kind of look at it. Doing  
17 something the same day just always makes me nervous if we're  
18 making that big a decision versus having -- even if it's a  
19 Tuesday/Thursday and we just have some time to kind of go:  
20 "Now, why would I want this one over that one," and have me  
21 have some time to think through.

22 Is that possible to give us some time like that?

23 MR. D. JOHNSON: Yeah, so what -- what Mark has  
24 done here in the 23-day version is the August 3rd would be a  
25 big, in-depth discussion about the methods that have been

1 used in the past and some new ones that technology  
2 advancements have made possible now that you can choose from  
3 for how to make the grid.

4 So August 3rd we'd discuss that, you could make a  
5 decision there or any time between then and actually drawing  
6 the mid- -- I'm sorry, drawing the map a month later,  
7 September 14th.

8 So you would have a number of meetings where you  
9 can discuss it and think about it and get public input on it  
10 obviously about how to do that.

11 COMMISSIONER LERNER: Okay.

12 COMMISSIONER MEHL: This is Commissioner Mehl.

13 I think I'm hearing a consensus that of the two  
14 schedules we all are leaning to the 23-day one and taking  
15 that up; I don't hear any disagreement on that.

16 And I'm also hearing that from October 11th to  
17 December 22nd is going to be an extremely intense time for  
18 the Commission, which is not unexpected, and I think those  
19 are the key takeaways.

20 But I would suggest that we just approve the 23-day  
21 with the Option 2 and -- and move forward, and I don't know  
22 if on the schedule we can highlight that there's going be  
23 significantly more meetings between October 11th and  
24 December 22nd than once a week or we want to show that in  
25 any -- in any way, but I think we are all aware of that.

1                   CHAIRPERSON NEUBERG: I agree. And I would also  
2 like to emphasize that -- that it seems that this map is  
3 aspirational of the goals, something to motivate us to -- to  
4 work very hard, schedule frequent meetings, but it provides  
5 a little bit of a buffer for unexpected, you know,  
6 complications; and that we retain all ability to adjust  
7 outside of, obviously, the legal requirements.

8                   And so, you know, I -- I feel quite comfortable  
9 with this personally.

10                  COMMISSIONER MEHL: And, Chairwoman, even though  
11 it's aspirational, the public is well-served if we can  
12 actually achieve it; there's a lot of people waiting for our  
13 work to be completed. So I think it's aspirational, but  
14 it's also a true goal, and if we can hit this, it would be  
15 wonderful, and it would really help a lot of people if we  
16 could achieve it.

17                  CHAIRPERSON NEUBERG: I agree. To say only it's  
18 aspirational would defeat the purpose, so -- so, yes, we  
19 would embrace the goal with sincerity but, again, I just  
20 come back to the fact that we have no idea what to expect  
21 with legal challenges, you know; so -- so I think we all  
22 ought to go into this with eyes wide open and -- and we  
23 cannot compromise the quality, you know, the end product.

24                  I mean as Commissioner Lerner is saying, there  
25 needs to be a certain amount of deliberation and

1 consideration to provide the maps that the state deserves.

2 So I'm all for going all in for this timeline with  
3 the caveat that we will not be careless or reckless and  
4 compromise the integrity of the maps.

5 COMMISSIONER LERNER: And I agree with everything  
6 that Commissioner Mehl and -- and Chair Neuberg, I agree  
7 with both of you. I mean, obviously, we'll have a goal, but  
8 I don't want to compromise it but trying to just meet the  
9 arbitrary December 22nd date.

10 I'd like to also just -- and I agree also that I  
11 think we're all in agreement on the 23 days.

12 Some of the terminology that's being used in your  
13 calendar is why I've been confused, I'll be honest. So I  
14 don't know if when you go back, it would help me if you  
15 could sort of clarify that. I know you're probably using  
16 the terminology you're used to, but it's not what somebody  
17 outside would be used to. So maybe would -- that's why I  
18 was so confused about why are we doing that with the grid  
19 map.

20 So if you could go back into that and maybe rethink  
21 how you're -- what we're doing in that, because I'm looking  
22 in this in the same way now, right? We have September 14th  
23 when we're going to adopt the grid map; we have a  
24 competitiveness report and a polarized voting report; but  
25 should we be adopting the grid maps before we have seen

1 those reports or should we be seeing those reports and then  
2 adopting those?

3 So should we add those -- and I know I'm probably  
4 getting into the weeds here a little bit, but it is a  
5 concern of mine in terms of understanding the process.

6 MR. FLAHAN: Go ahead.

7 COMMISSIONER LERNER: No, I just had -- just a  
8 question. I should -- I mean, just asking, as I'm looking  
9 at, I think it's hard to adopt something without all the  
10 data up front because we will all want to know those  
11 criteria, the data that's there, so I'm just asking those  
12 questions.

13 COMMISSIONER YORK: This is Commissioner York.

14 Isn't the grid map created around population?

15 MR. D. JOHNSON: Yes. So that -- it's fine.

16 So the grid map does not have any Voting Rights Act  
17 consideration or competitiveness considerations. The reason  
18 those are all on the same day is kind of adopting the grid  
19 map kicks off fixing the grid for all those other issues,  
20 and so we want to get those reports to come out at the same  
21 time.

22 But, yeah, we can certainly do a -- a more clear,  
23 simpler now that we're not juggling two maps and that kind  
24 of thing, we can get that kind of a public version of the  
25 schedule to understand.

1           But, yes, you're right the grid is a very, very  
2 basic map but then gets adjusted for voting rights and  
3 competitiveness and all the other criteria.

4           COMMISSIONER YORK: Yeah, then once we set the  
5 direction of the drawing of the grid maps, and then the rest  
6 of the stuff falls into place after it.

7           COMMISSIONER LERNER: Right. And I think it's  
8 compactness and population that you have to look at, right?

9           COMMISSIONER YORK: Right. Right.

10          COMMISSIONER LERNER: The grid?

11          I'm more just trying to get clarification. I know  
12 I'm in the weeds. Sorry.

13          COMMISSIONER YORK: No, you're fine. But I think  
14 that they -- if they're able to blow up the schedule now  
15 based on us choosing Option 2, we can get a little more  
16 clarity to vote.

17          COMMISSIONER LERNER: Absolutely.

18          COMMISSIONER MEHL: Chairwoman, do we need a motion  
19 to adopt Schedule 2, whatever additional detail our  
20 consultants can put in?

21          CHAIRPERSON NEUBERG: I don't know if we need a  
22 formal motion.

23          Doug, Counsel, would you like a formal motion?

24          COMMISSIONER MEHL: I think we have a clarity of  
25 what we're -- what we are directing, so.

1 CHAIRPERSON NEUBERG: Okay. Excellent.

2 So I will entertain a motion to approve Option --  
3 it's 2, correct? I'm -- I'm -- it's very small writing.

4 COMMISSIONER MEHL: Yes.

5 CHAIRPERSON NEUBERG: Option 2 of the schedule.

6 And I'd like to just thank our mapping team. You  
7 know, we're catching up with the jargon. You know, I know a  
8 lot of this is just second nature to you, but the lay  
9 leaders and the public it's, you know, just making sure we  
10 understand what each and every item means. So the language  
11 we're all really speaking to the -- to the same issue.

12 But, I agree, I think there's a lot of consensus  
13 that Option 2 is what works for our Commission with a strong  
14 goal but understanding that there is some legal flexibility  
15 within this in order for us to make sure that the quality of  
16 the map serves the state.

17 And so, with that, I'll entertain a motion to go  
18 with Option 2.

19 COMMISSIONER MEHL: So moved.

20 COMMISSIONER LERNER: Commissioner Lerner seconds.

21 CHAIRPERSON NEUBERG: If there's no further  
22 discussion, we'll take a vote.

23 Commissioner Mehl.

24 COMMISSIONER MEHL: Yes.

25 CHAIRPERSON NEUBERG: Commissioner Lerner.



1 COMMISSIONER LERNER: Yes.

2 CHAIRPERSON NEUBERG: Commissioner York.

3 COMMISSIONER YORK: Yes.

4 CHAIRPERSON NEUBERG: Commissioner Neuberg is a  
5 yes, aye.

6 And with that 4-0, we will go with Option 2.

7 Thank you again, I mean, it makes it very real and  
8 actually to be honest very exciting as well. So thank you.

9 COMMISSIONER LERNER: Just to clarify then, we will  
10 get a new version of Option 2 with a little more clarity on  
11 some of the items on what will be will be happening in each  
12 category where needed.

13 MR. FLAHAN: Yes. I'll add a description to all of  
14 the dates here, make sure we're all working on the same data  
15 and same knowledge.

16 COMMISSIONER LERNER: Thank you.

17 MR. FLAHAN: Not by tomorrow, though. But I'll  
18 have it to you shortly after this.

19 CHAIRPERSON NEUBERG: Excellent. Thank you so  
20 much.

21 And, with that, please feel free to move on to  
22 Agenda Item (B), the competitiveness.

23 MR. FLAHAN: I still actually have a couple things  
24 on --

25 CHAIRPERSON NEUBERG: Oh, okay. Please.

1 MR. FLAHAN: -- before we get there.

2 Now that we have the schedule done, so we're all  
3 embarking on a listening tour coming up at end of this week  
4 and that all talks about community of interest. So we have  
5 created a community of interest survey that I would like to  
6 show you.

7 So, what is a community of interest? It's a  
8 population that shares a common socioeconomic interest that  
9 should be included for considerations for purpose of  
10 effective and fair representation.

11 So to gather that information from the public, we  
12 have created a community of interest survey. It is digital,  
13 web-based. So you can do it from your computer; you can do  
14 it from your phone or your tablet. It allows for people to  
15 access the survey 24/7 at their own convenience, so I think  
16 that is a big win for the public to be able to provide you  
17 guys public input.

18 Will allow citizens to draw their own community of  
19 interest map on a digital map that we provide them, and that  
20 eliminates some of the trying to interpret what the citizen  
21 said to put on a map to show you guys, and so I think this  
22 will be really good for them; and at the same time they'll  
23 be able to provide a written description of their community.

24 And I will show it to you live, but to give you a  
25 sense of it, here's what the survey looks like.

1           It asks for their first, their last name, their  
2           e-mail address if they want to provide it to us; if they  
3           don't want to provide it to us, that's fine. One notice  
4           about any -- any data that is given in the survey that it  
5           will be made part of the public record, so make sure the  
6           public is aware of that.

7           We took some of your comments about the listening  
8           tour survey and incorporated in here, so the question is:  
9           "Are you submitting comments as part of an organization, yes  
10          or no?" If you are, give us your organizational name. "Are  
11          you being paid to submit comments, yes or no?" Then: "Are  
12          you planning on attending a listening tour public meeting,  
13          yes or no?" And if yes, you can select the meeting that --  
14          that you're attending.

15          You can draw your boundary map, and I will show you  
16          how to do that in the live session in a second.

17          We've also created instructions on how to create  
18          your map so people can read a quick PDF to understand the  
19          different buttons and what they do and the functionality;  
20          and then give us your community description and then any  
21          additional comments that you would like to submit.

22          So let me give you a live view of that.

23          I'm going to have to stop sharing so -- the  
24          PowerPoint, so hold on, let me kick over.

25          Can you see the listening tour survey now?

1 COMMISSIONER YORK: Mm-hm. Yes.

2 MR. FLAHAN: Okay. So we have created two  
3 different versions of the listening tour survey, one in  
4 English and one in Spanish. I'm going to show you the  
5 English one here first.

6 So we also have a full screen version of it.

7 Basically it provides you some quick information  
8 about: "Every ten years Census provides incites into  
9 changing populations and demographics across the country";  
10 defines what a community of interest is; tells the public  
11 that their help is needed, we need -- you know, they need to  
12 use the survey to provide as much information as possible so  
13 that way we can put it into the report, submit it back to  
14 you guys as a Commission to be able to make your decisions.

15 And, again, the comments will be made part of the  
16 public record.

17 So the first thing that the user needs to fill out  
18 is their first and their last name. Anything that you see  
19 here with a red exclamation point is a required field. They  
20 can put in their e-mail address, but, like I said, it's not  
21 required.

22 Then the next piece is: "Are you submitting  
23 comments as part or on behalf of an organization?" You can  
24 say yes or no. And if you say no, you move on to the next  
25 question of: "Are you being paid to submit the comments?"

1 If you say yes here, then we require the user to put in  
2 their organizational name.

3 The second piece is: "Are you being paid to submit  
4 your comments?" We talked about if you put no.

5 "Are you planning on attending a listening tour  
6 meeting?" If you are planning on attending a listening tour  
7 meeting and you say yes, we provide all the dates that you  
8 guys have selected for your listening tour, and the user can  
9 select one or if they want to go to multiple ones, they can  
10 select multiple ones. That is up to them. If they are not  
11 and they are just submitting us data, you can hit no.

12 Your community name. So you're going to have to  
13 give the name, say "my community" or whatever the public  
14 would like to name it.

15 The next is the boundary map. So this is where you  
16 actually draw the area of your community of interest on the  
17 map. There's multiple ways of doing that. You can zoom in  
18 on this small map or you can hit this button here, which  
19 will open up to a large, full screen map, and then we can  
20 actually zoom into our area. And you can use the plus  
21 buttons here, or you can type in an address.

22 So if we typed in 1100 West Washington -- oops, got  
23 to spell it right first -- Street, Phoenix. It has a smart  
24 context box so you don't have to finish typing. You can  
25 select that, and it zooms you into that area. So now you

1 can say, okay, this is my area. And if I zoomed out a  
2 little bit, maybe I would like to say that all of Capitol  
3 Mall is a community of interest. It's all government  
4 buildings and has a shared interest.

5 So I can come over here to this little button on  
6 the top right-hand corner that's called "area"; I click on  
7 it, and it allows me to easily click on the map and draw my  
8 area.

9 So let's just start here at 18th Avenue and  
10 Jefferson. I click and you can see the line is starting to  
11 draw. So let's say we want to go down 18th Avenue to  
12 Jackson and incorporate this area; and say we don't want the  
13 cemetery here, so every time I click the mouse what we see  
14 happen is another point drops on the map; and say we're  
15 going down on here West Jefferson all the way over to where  
16 the Industrial Commission is, and go up to 8th Avenue and  
17 click another one there, and go down Adams Avenue; but then  
18 we want to come up here and incorporate the last couple of  
19 state buildings. So we can keep drawing here and here and  
20 here, here, and go all the way over to 18th Avenue.

21 And either I can double click like you saw, or I  
22 can go back and click the very last point here that I  
23 started with, and it will complete your drawing.

24 And now I have a completed community of interest  
25 area that will go back to the map.

1           When I'm done with that, I can come over here and  
2 hit this "X" and it will take me back to the survey.

3           If I want to change my map to say: Oh, I actually  
4 wanted this building right here that's not incorporated in  
5 my map. Click the pencil here and you can see all of the  
6 dots which are the vertexes of my drawing, I can come in  
7 here and drag them to incorporation other things; or say,  
8 you know, I don't really want these be buildings here in the  
9 corner, I can also click it and subtract the couple  
10 buildings that I want -- oops. Didn't mean to do that.

11          And I can grab this vertexes to keep the one  
12 building that I wanted.

13          So that's a way that they can edit their drawing.

14          And once they're done, they can hit the pencil and  
15 you can see it's submitted. And so the way the public knows  
16 that their area is complete is that it's one solid line,  
17 it's not dotted anymore, and it is a shaded area in here.

18          And say if I messed up and I wanted to start over,  
19 I can hit the trash can and my area is gone, and then I can  
20 start over exactly what you guys saw in drawing a new area  
21 for my community of interest.

22          And for time's sake, I will just draw a quick one  
23 here since you guys have seen the drawing tools already.

24          And see I can come over here and click on last  
25 point, and it will also finish, too.

1           They wanted to change their base map, they can. If  
2 they wanted aerial imagery, we can draw aerial imagery; if  
3 they wanted just a gray canvas, there is a gray canvas.

4           Pretty much all the base maps that Esri provides is  
5 available for the public to draw their stuff. So they can  
6 use any type of base map that give them the knowledge of the  
7 area that they need.

8           Now if I click "X," you can see that here's my area  
9 for my community boundary, submitted in the map; I can say  
10 give you a description, "description"; and then if I want to  
11 put any additional comments I can, but this is not required;  
12 a note and certification about putting in communication and  
13 submissions to IRC are considered public records and may be  
14 requested by or provided to members of the public or the  
15 media unless an unauthorized -- or unless an authorized  
16 privilege or exception applies.

17           And then it's just by submitting the below  
18 information and any attachments you are certifying that the  
19 information is true and correct to the best of your  
20 knowledge. Submission of false information or false  
21 certification to a government agency may be considered a  
22 violation of applicable law, including Arizona revised  
23 Statute Title 13 Chapter 27. Just as a note to -- to the  
24 people that are submitting it.

25           And then once you're done you need to check the box



1 accept my submission will be added to the public record, hit  
2 accept; you will get a survey ID as a digital receipt here,  
3 but your survey is not a hundred percent complete because  
4 you need to hit "submit." And once you hit "submit" you  
5 will get this screen that says your survey was sent  
6 successfully.

7 And that is the part that we would like to use for  
8 the community of interest survey.

9 We also have community of interest survey in  
10 Spanish for you, which is the exact same questions just  
11 translated into Spanish. I won't go over all the questions  
12 or draw the maps, exactly the same as the English version,  
13 just here in Spanish.

14 And that's what we have for the listening tour  
15 survey.

16 Do we have any questions on that?

17 COMMISSIONER MEHL: I brought this up earlier, but  
18 I'll bring it up again, some of our most difficult decisions  
19 are going to be on the congressional maps where you need  
20 800,000 people. It's going to be what communities get  
21 combined and what ones are avoiding being combined. And how  
22 do we get better information on what the public views on  
23 that?

24 And legislatively it's the same issue but it's a  
25 little bit easier because the boundaries are smaller.

1 MR. FLAHAN: Doug, you want to that one?

2 MR. D. JOHNSON: Sure.

3 It's not as much a mapping issue as -- viewpoint,  
4 it's more of getting people's opinions. So that I think  
5 would be more just traditional verbal or written commentary  
6 about we think our neighborhood goes with these  
7 neighborhoods to those that have opinions.

8 I think typically there are very few people that  
9 have opinions of kind of what their community of interest  
10 would go with, so it's going to fall a lot on our shoulders  
11 as Commissioners to make those decisions I think.

12 Mark and we actually discussed this through the  
13 period of should we ask a question there about what area  
14 should you be with or not be with, and tends to set up a  
15 little bit of too much of an antagonistic theme to the  
16 forms, so try to keep these more on the positive side.

17 But certainly expect and hope that we will get  
18 testimony about "here's my community and here's communities  
19 I would like it to be with"; but that would be more written  
20 than -- than verbal.

21 COMMISSIONER MEHL: Thank you.

22 COMMISSIONER LERNER: This is  
23 Commissioner Lerner --

24 CHAIRPERSON NEUBERG: Doug and Mark, you know, I'm  
25 wondering is it advantageous for the community to submit

1 feedback more verbally or more through draft maps?

2 Because with draft maps we can't just take a  
3 wonderful map and say, "Oh, we like that, okay." You know,  
4 we need to work with the grid map, and then justify each and  
5 every adjustment.

6 So I'm wondering if we get a map from somebody in  
7 the community, how we translate that map into meaningful  
8 data. So in terms of advising the public how to best get  
9 their perspective across, what would you advise?

10 MR. D. JOHNSON: I mean, certainly a draft -- you  
11 know, if they're worried about their neighborhood, this  
12 community of interest tool is the -- is the best because you  
13 get both, you get the map and you get the commentary with  
14 it.

15 (Whereupon Vice Chair Watchman joins the meeting at  
16 9:19 a.m.)

17 MR. D. JOHNSON: In terms of kind of feedback on  
18 the grid map, feedback on map changes, I mean, the more  
19 specific people can be the better. So a draft map is  
20 probably the best.

21 CHAIRPERSON NEUBERG: Okay.

22 MR. D. JOHNSON: But the thing we always say in the  
23 public comments is: Always tell the explanation. The  
24 explanation of your map is almost more important, because,  
25 you know, hopefully we'll get, who knows, a hundred or so

1 maps. The odds any one map will be the perfect map that  
2 gets adopted is almost zero, so the key thing is to share  
3 what were your goals in this map so that -- the Commission  
4 may adopt a different map but still embrace your goals as an  
5 individual submitting your comments, so.

6 MR. FLAHAN: And the data that we take in from the  
7 public on this survey will be provided to you guys in a  
8 report by the end of August, so you guys will have the data  
9 that the public gave to you in a report fashion and in a map  
10 fashion that you guys can take into account and at least,  
11 you know, read it, digest it before the -- the grid map  
12 session, so that will be at the end of August.

13 COMMISSIONER LERNER: I have a couple --

14 MR. FLAHAN: So you have more data. I'm sorry to  
15 interrupt.

16 COMMISSIONER LERNER: No, no. I'm sorry. I  
17 apologize.

18 No, I think that's great to have that.

19 A couple of questions, we talked about how we would  
20 know when we talk about communities of interests how we  
21 would know these are people from those communities or  
22 outside, and at one point we talked about having their put  
23 their ZIP Code or their city or something in there as a  
24 marker so we don't get a lot of folks outside who might be  
25 consultants or something who aren't part of the community.

1           So is there a way to add that in there to put in  
2           what is your ZIP Code, something like that. So we know if  
3           somebody is talking about something from Mesa and they have  
4           85202, they -- you know they're from Mesa. Can we add that  
5           in there in the initial description so that we identifier?

6           That would help us know we're actually getting  
7           people from the community because we have otherwise no way  
8           to know.

9           MR. FLAHAN: You're talking about right here after  
10          first name, last name, e-mail address, add a ZIP field here?

11          COMMISSIONER LERNER: Yeah. What's your ZIP Code?  
12          That way they're commenting on their community.

13          MR. FLAHAN: We can definitely add the field,  
14          that's -- that's not a problem; there will be no way to  
15          verify that actually came from that ZIP Code, though. But  
16          we can -- we can definitely record it for you.

17          COMMISSIONER LERNER: And make it a required, yeah.

18          I understand we can't verify, but all we can do is  
19          do our best. I mean, I would like to be sure we're getting  
20          comments from the community itself versus folks who might be  
21          trying to influence things.

22          MR. FLAHAN: Sure.

23          COMMISSIONER LERNER: We talked also about how --  
24          that would be great -- thank you, Mark -- if you can just  
25          add that.

1           And then the other thing we talked about and I  
2 think we'll be able to judge that, if we start to get a lot  
3 of the same thing from people, we'll know there's a campaign  
4 or something, and that's why having the Zip might help a  
5 little bit as well to differentiate some of that.

6           MR. FLAHAN: Okay. I'm going to take a note of  
7 that, just hold on one second.

8           CHAIRPERSON NEUBERG: And while you're taking a  
9 note of that, Mark, I'm sorry for interrupting, I want to  
10 welcome Vice Chair Watchman. Thanks for joining us; we  
11 missed you. We'll catch you up; but, with that, I'm  
12 actually going to turn it over to my colleague to lead the  
13 meeting. I will be participating through audio, but just  
14 given it's a little more difficult when you can't see  
15 people, I really appreciate Vice Chair Watchman taking over,  
16 so.

17           So please continue Mapping. Vice Chair Watchman,  
18 we are in the middle of VI(A), still --

19           VICE CHAIR WATCHMAN: Okay.

20           CHAIRPERSON NEUBERG: -- the discussion of our  
21 timeline. Thank you.

22           VICE CHAIR WATCHMAN: Okay. Thank you,  
23 Madam Chair.

24           My apologies for being late. As our Chair said,  
25 we're on Item VI(A), and so any more questions? I think

1 we're in a Q and A.

2 COMMISSIONER LERNER: I have a further follow-up  
3 question, Mark.

4 MR. FLAHAN: Yes.

5 COMMISSIONER LERNER: When is this going to be  
6 published?

7 MR. FLAHAN: The goal is for it to be published  
8 today, but we got to go make a small change so we are still  
9 going to try to get it done by today, that way we can get it  
10 to Brian to be able to put on your website.

11 COMMISSIONER LERNER: Okay.

12 MR. D. JOHNSON: And one thing I'd add to that, the  
13 -- the hope is, to just to emphasize, is that folks will  
14 fill this out before they come to the listening tour  
15 meetings so that at the listening tour meeting pull up their  
16 map and show it at the tour, and that will -- that will save  
17 time during listening tour and make it very easy for folks  
18 to specifically show their map to you while you're hearing  
19 them talk about what makes their area a community of  
20 interest.

21 COMMISSIONER LERNER: I'll just say, I'm really  
22 appreciative of this. I think this is a great addition for  
23 the listening tour to get more feedback, as much feedback as  
24 possible.

25 And with that one little addition, and that will be

1 a requirement, right, the ZIP Code? You'll make that as a  
2 requirement?

3 MR. FLAHAN: Yeah.

4 COMMISSIONER LERNER: I think this will be really  
5 helpful for us to be hearing from people.

6 VICE CHAIR WATCHMAN: Yeah, it would. Thank you  
7 Doug and Shereen, Commissioner Lerner.

8 Any questions?

9 COMMISSIONER MEHL: I have a question on the  
10 listening tour, I don't know if this is the right time to  
11 ask it but I'll ask it.

12 VICE CHAIR WATCHMAN: Go ahead.

13 COMMISSIONER MEHL: When we do these tours, do we  
14 have a timeline? How long are each of these meetings going  
15 to be? Are we going to actually have a hard close or  
16 open-ended close; how is that going to happen?

17 VICE CHAIR WATCHMAN: Mark --

18 MR. FLAHAN: Is that a question for our team or the  
19 question for the Commission to debate?

20 COMMISSIONER MEHL: I'm not even sure.

21 Doug, what have you seen and what have you done in  
22 the past, what do you recommend? So now it's a question for  
23 you.

24 MR. D. JOHNSON: Yeah. Typically they're fairly  
25 open, you know, unless -- unless there's two in a day where



1           you have to get to the next one kind of thing.

2                       Obviously you'd want to have scheduled time so  
3 people don't show up at the end and then think they have  
4 another half hour. But -- but, yeah, I mean, you know, it  
5 would be a nice problem to have to have a lot of folks that  
6 want to share thoughts.

7                       COMMISSIONER MEHL: I mean, are these typically  
8 three-hour meetings, five-hour meetings? What -- I really  
9 don't have a feel for what these public meetings are going  
10 to be.

11                      MR. D. JOHNSON: Yeah, and it's hard to say because  
12 we are in a unique situation here where, you know, because  
13 of the COVID delay to census data, we don't have any data.  
14 Most of our clients that are doing these kinds of things are  
15 seeing fairly limited turnout, you know, 5 or 10 people; 20  
16 or 30 is pretty good.

17                      And mostly people are just in information-gathering  
18 mode, there's not a lot of direct input going on at this  
19 point, which is to be expected since we don't have any data  
20 or draft maps yet, so.

21                      But, you know, Arizona is -- is unique in so many  
22 ways and, you know, we just have no way of knowing how many  
23 folks are going to turn up.

24                      MS. SAKANSKY: Additionally, we have found greater  
25 involvement as the process proceeds.

1                   COMMISSIONER MEHL: So once we have draft maps, you  
2 will see that second round of meetings being much more  
3 active?

4                   MS. SAKANSKY: Traditionally that's what we've  
5 seen.

6                   COMMISSIONER LERNER: Can I ask a question, then,  
7 follow-up Commissioner Mehl, that's a great question.

8                   VICE CHAIR WATCHMAN: Go ahead.

9                   COMMISSIONER LERNER: Maybe -- maybe Brian knows  
10 the answer, have we got a structure for our meetings at this  
11 point where we have how many minutes we're allowing people  
12 to speak, those kind of things? That that might help us  
13 have a sense of it if we know -- and for the public, too --  
14 to know you have three minutes, you have five minutes, they  
15 can prepare accordingly, and that might help a little bit of  
16 that structure.

17                   DIRECTOR SCHMITT: I can quickly just go through  
18 the rough run of show that we have.

19                   So it will be call to order; Pledge of Allegiance;  
20 Commissioner introductions; followed by a mapping  
21 consultant, Legal, and staff introductions; and then a brief  
22 presentation on the redistricting process, and then we would  
23 open it up to public comments for two/three minutes, that's  
24 kind of a decision for -- for you all, and it depends how  
25 many -- how many people we have in attendance as well.

1           VICE CHAIR WATCHMAN: Well, if I could, it -- it  
2           seems to me, Brian, that perhaps we need to -- I don't know  
3           if you have that in writing, but it would be my thought that  
4           we should have an agenda that's included with our stock, and  
5           so that way when people come it's either electronically  
6           available or we have a piece of paper when people come in so  
7           that way they know.

8           Are you planning that, Brian?

9           DIRECTOR SCHMITT: Yes, we are.

10          And we're also going to have QR codes throughout  
11          the room so folks can access the survey, our website  
12          "contact us," all the different portals.

13          VICE CHAIR WATCHMAN: Okay.

14          COMMISSIONER LERNER: Yeah, I think that would be  
15          great if we could post that, what you just said, in advance.

16          And I would say three minutes would be an  
17          appropriate time for people to present, I don't know what  
18          other Commissioners think.

19          VICE CHAIR WATCHMAN: David, what do you think?

20          COMMISSIONER MEHL: I think three minutes sounds  
21          good.

22          VICE CHAIR WATCHMAN: Okay. Doug?

23          COMMISSIONER YORK: I'm good with three. I think  
24          we limit it to maximum of 25 presentations. That's --  
25          that's an hour. What's that? Three -- that's 75 minutes.

1                   COMMISSIONER LERNER: Well, if we have -- I don't  
2 think we'll have that problem, but if --

3                   COMMISSIONER YORK: Just set a boundary in a  
4 meeting.

5                   COMMISSIONER LERNER: If we have a really large  
6 crowd, I would hate to shut people down, but I don't know  
7 that we'll have that.

8                   I guess I don't want to -- I wouldn't know how  
9 we'll stop at 25 and...

10                  COMMISSIONER YORK: Well, just be nice to throw it  
11 out there so at least they knew they needed to get signed up  
12 if they wanted to talk.

13                  COMMISSIONER MEHL: At some point, Brian, I think  
14 you -- if you really do have a big audience, you need to  
15 then say, "If anyone has something new to add -- you know,  
16 you can reaffirm, you know, through the web or through these  
17 other portals what's already been said, if you have  
18 something new to add, then we'd love to hear from you."

19                  But that will be a nice problem if we have that  
20 much participation.

21                  COMMISSIONER LERNER: Right. I agree.

22                  MR. D. JOHNSON: And if I may --

23                  VICE CHAIR WATCHMAN: Please.

24                  MR. D. JOHNSON: -- add to that, just to reinforce  
25 that point.

1           One thing to emphasize when you're talking to the  
2           community and talking to people is, the technology is so --  
3           I mean, is so different now than it was ten years ago. You  
4           know, sharing their map and sharing their input through that  
5           survey form is perhaps more effective than coming and  
6           speaking at the meeting. You know, this is now a 24/7 input  
7           process, not a "You only get to offer your input at a  
8           meeting" process.

9           So definitely encourage folks to -- to submit their  
10          thoughts, submit their maps whenever they feel like it and  
11          not feel like if they don't speak in a meeting they're not  
12          heard.

13          VICE CHAIR WATCHMAN: So I have a question. Brian,  
14          we're going to also have this via Zoom and so -- or whatever  
15          platform -- we're going to have give those people some time  
16          as well; is that correct?

17          DIRECTOR SCHMITT: So currently the plan was to  
18          encourage people to go and use the electronic survey. We  
19          can also open up public comment so people can could comment  
20          that way as well. There's a lot of moving pieces, so I want  
21          to make sure when people show up at any of the locations,  
22          that they get a chance to speak if they would like.

23          But that's how we were planning on handling the  
24          electronic input, not necessarily folks joining via Zoom.

25          COMMISSIONER LERNER: So -- so can you clarify how

1 the remote locations will ultimately work, then?

2 So I think that -- we want to be sure, so the  
3 Commissioners may be in one location, but then people will  
4 be at another remote location. We will be seeing their  
5 presentations as well, right, their testimony?

6 DIRECTOR SCHMITT: Yes. So they would act kind of  
7 like a tile on our screen today, so it would be Kingman or  
8 Buckeye or wherever we are; that's how they'd be able to  
9 participate.

10 COMMISSIONER LERNER: Okay.

11 MR. FLAHAN: And we pull up their submission of the  
12 map in the -- in the main room so it will go on that screen  
13 as another tile.

14 COMMISSIONER LERNER: Right.

15 VICE CHAIR WATCHMAN: Great questions.

16 Any other questions?

17 And so we're on Item VI(A); is that correct? So we  
18 need to move on to VI(B) shortly?

19 COMMISSIONER LERNER: Just, sorry, it's a  
20 follow-up --

21 VICE CHAIR WATCHMAN: Go ahead.

22 COMMISSIONER LERNER: -- and, Brian, go ahead and  
23 you and NDC/Timmons will at some point by the end of the day  
24 hopefully have a lot of this information, or by earlier --  
25 or by some time tomorrow at the latest maybe have all this

1 information up so people can plan or prepare. Some people  
2 who may have been going -- planning on going to a meeting  
3 may choose not to, other people may say I really want to see  
4 how the meetings work, now they're going to go.

5 But if we can get all that up there, that will give  
6 the public plenty of time to kind of look at stuff and make  
7 their plans. Because this all sounds -- it's all coming  
8 together. It's a lot of work like you said, but it's all  
9 coming together.

10 DIRECTOR SCHMITT: Yes, we will get all the new  
11 information up, and then really start pushing it out to the  
12 public.

13 COMMISSIONER MEHL: And then, Brian, we -- we also  
14 as Commissioners need to know who is going to be at what  
15 meetings. I know that that first week is extremely  
16 difficult for me, but I'm going to try to join by Zoom on a  
17 few, and then that second week I'm going to be very active  
18 just because of things I have going on; and I want to make  
19 sure, and I've heard Chairwoman Neuberg say she'll be at  
20 most of them.

21 In the previous commission they had anywhere from  
22 two to three Commissioners at any given meeting, and I think  
23 as long as we know that we're covering and at least two or  
24 three of us at each meeting, then I will be more comfortable  
25 knowing that I'm not able to make much of it that first week

1 in person. So it will be good for us to see who is going to  
2 be able to go to what.

3 DIRECTOR SCHMITT: Sure. We will get the -- all  
4 the meeting information out to you all for calling in or  
5 signing in; and then also attendance currently at all the  
6 hearings, we have at least two Commissioners at each of the  
7 main locations.

8 COMMISSIONER MEHL: Okay. Good. Good.

9 COMMISSIONER LERNER: Commissioner Mehl, I  
10 appreciate that 'cause I have the same concern because I'm  
11 unable to attend all of them either in person.

12 VICE CHAIR WATCHMAN: Brian, if you could, I know  
13 you did a survey, you asked me, and I said I'll be at all of  
14 them; if you can kind of put that into a chart for all of  
15 us, that way we can answer Commissioner Mehl's question and  
16 so then we have good coverage.

17 DIRECTOR SCHMITT: Absolutely.

18 VICE CHAIR WATCHMAN: Yeah, okay.

19 Okay. Any other discussion on Item VI(A),  
20 discussion and potential action for proposed IRC timeline of  
21 events?

22 COMMISSIONER LERNER: Just to clarify --

23 CHAIRPERSON NEUBERG: Yes.

24 COMMISSIONER LERNER: Go ahead, Commissioner Chair  
25 Neuberg.



1 CHAIRPERSON NEUBERG: Hi, yes.

2 I just want to make one comment about the time  
3 frame of the public hearings. You know, we don't know how  
4 many people are going to show up and once we create the  
5 effort of getting there and having security and guidelines,  
6 you know, I -- I think we need to be prepared to -- to be  
7 there for a while. I -- obviously, we need an end point, we  
8 can't be there, you know, endless hours, but I think we  
9 should be prepared to be there for a significant enough  
10 amount of time to get through, you know, the amount of  
11 public comment that's there.

12 Thank you.

13 VICE CHAIR WATCHMAN: I agree. Yeah, thank you,  
14 Madam Chair. I agree, we have to play it by ear for the  
15 first couple hearings, and then we'll have an idea, you  
16 know, as to how form of content for the remainder of the  
17 meetings.

18 So, colleagues, plan on being there as much as you  
19 can, you know, from -- in case we start at 5:00 for the rest  
20 of the evening. I don't know, 9:00 or 10 o'clock probably  
21 at the latest, but we'll have an idea.

22 I know that looking at the prior meetings, the --  
23 the listening tours were not that well attended; after the  
24 maps were decided, that's where you had the attendance. So  
25 my guess it will be light, but we'll see.

1 Thank you, Madam Chair. Great question.

2 Any other questions for --

3 COMMISSIONER LERNER: This is Commissioner Lerner.

4 I just want to say I agree with --

5 VICE CHAIR WATCHMAN: Okay.

6 COMMISSIONER LERNER: -- Chair Neuberg's comments  
7 as well.

8 VICE CHAIR WATCHMAN: Great. Thank you.

9 Okay. Well, we're done with VI(A); let's go to  
10 VI(B), and that's presentation, discussion, and potential  
11 action of different measurements of competitiveness and  
12 potential presenters.

13 Brian, who is -- who is doing that?

14 DIRECTOR SCHMITT: Actually, I think Mark had a few  
15 more slides --

16 VICE CHAIR WATCHMAN: Okay.

17 DIRECTOR SCHMITT: -- that he was going to go  
18 through just really quickly before we switch over to Doug.

19 VICE CHAIR WATCHMAN: Okay. Thank you.

20 MR. FLAHAN: I'll put the PowerPoint back on the  
21 screen. I do have a couple more things for you.

22 COMMISSIONER LERNER: Mark, would it be possible  
23 for us to get a copy of this at some point?

24 MR. FLAHAN: The PowerPoint?

25 COMMISSIONER LERNER: Yes.

1 MR. FLAHAN: Yes.

2 DIRECTOR SCHMITT: I will send it out after the  
3 meeting.

4 VICE CHAIR WATCHMAN: Thank you, Brian.  
5 Mark, please.

6 MR. FLAHAN: All right. Okay. I lose the screen  
7 again, so can you guys see the PowerPoint?

8 COMMISSIONER YORK: Yes.

9 MR. FLAHAN: Okay. The other thing you notice on  
10 the schedule from the previous couple slides is the  
11 socioeconomic report. We turned that into a web app so that  
12 way you guys can consume it and the public can consume it  
13 very easily. It is an Esri web app builder application, so  
14 it's a dynamic web application that people can go to; it's  
15 on your desktop, your phone, your tablet, same thing as the  
16 survey. It's a responsive layout, so however you want to  
17 review it you can. And the same process, it's available on  
18 the web 24/7/365 so people can view it at their pleasure.

19 The data that's included in the report are these  
20 pieces. CVAP is citizen voting age population, so we have  
21 the term defined. We have Latino CVAP; Asian CVAP; Black  
22 CVAP; white CVAP; (technical difficulty) CVAP; Native  
23 American CVAP; rental/renter housing, other languages at  
24 home; renter housing, multifamily housing; education of a  
25 bachelor's or higher; household income above 75,000 or

1 greater; the percentage of speaking Spanish at the home; and  
2 the percentage of families with children at the home.

3 And it look like this you can go to a bunch of  
4 different variables to see what it looks like on a map, on a  
5 choropleth map, and let me give you a demo of it.

6 So here's the web app that we built for the report.  
7 Here on the left side of the screen, you can drag this open  
8 if you want to read it more. Here is the "about." This is  
9 all talking about demographics for the state of Arizona. It  
10 also has the functionality and the different things that you  
11 can do with the variables and how you can turn them on and  
12 turn them off.

13 We are working on increasing the speed of it right  
14 now.

15 So how do I actually use this? Let me minimize  
16 that for right now.

17 Is here's the map you can zoom in to wherever you  
18 want to go or, again, you can type the address in here if  
19 you want. If you use the 1100 West Washington example --

20 COMMISSIONER MEHL: Mark, I have a simple question.  
21 Is this census data or is this some -- where does this data  
22 come from?

23 MR. FLAHAN: Doug, you want to take that one?

24 MR. D. JOHNSON: Yes.

25 It is from the Census Bureau. It's from the

1 American Community Survey, so.

2 COMMISSIONER MEHL: Thank you.

3 MR. FLAHAN: Move that Google Share out of the way.

4 COMMISSIONER LERNER: Doug, is this current data  
5 though or old data?

6 MR. D. JOHNSON: Yes, so this is current. This is  
7 the -- collected over -- the American Community Survey is  
8 collected over five-year span, so it's 2015 through 2019,  
9 which is the latest ACS data and will be the -- there won't  
10 be any updates between now and when you're mapping. So this  
11 is the official data for redistricting.

12 MR. FLAHAN: So go down here to Gila Bend. Can  
13 zoom into the area, I can hit the demographic variable list,  
14 and then I can start to look at the different variables.

15 So if I want to look at the Latino CVAP in the  
16 area, we can see here's exactly what it looks like for  
17 Gila Bend. And you can see the percentage of Latino CVAP  
18 from 75 to a hundred all the way down to zero to 25 percent.  
19 You can see where that starts to break down. You can zoom  
20 in closer to see the streets.

21 If you want to change the base map, you're more  
22 than welcome to do that. If we wanted a dark gray canvas so  
23 you can just see the colors more, you can. We can turn that  
24 off, and you can go to any of the other ones in the area.

25 We can zoom out, and you can see that the tiles

1 will change as you zoom out.

2 If we want to look at other variables, we wanted to  
3 look at percentage of children at home. Here's what it  
4 looks like in that area. Other languages at home or speak  
5 Spanish at home.

6 Same here with renter-occupied housing or  
7 multifamily housing, we can start to see.

8 And as you can scroll around the map you can see  
9 the tiles will respond back as we -- as we zoom in.

10 There's the Buckeye area.

11 Income variable, income of 75,000 or greater.

12 Or bachelor degree or higher.

13 And that is what we have for your socioeconomic  
14 report. And this would allow the constituents to actually  
15 use this in tangent with your survey.

16 Do we have any questions on this?

17 COMMISSIONER LERNER: Mark, can you go back to one  
18 of those? Because knowing the -- just any one of them that  
19 you want.

20 The three dots on the right, what would those tell  
21 you? Like, if you clicked the first one -- just because I'm  
22 thinking proportions, right? Sometimes you're looking at  
23 different proportionality, and we need to be conscious of  
24 that. So something that might say there's 90 percent, it  
25 might be 90 percent but based on a different proportion of

1 something at a smaller population size.

2 When I've used census data in the past, you have to  
3 be really conscious of that or you're misreading what you're  
4 seeing.

5 MR. FLAHAN: Yes. Let me turn off the one that I  
6 have on there right now. Hold on a second.

7 Turn off this one so we get a little more  
8 variation.

9 You actually brought up a good point and two things  
10 to answer that question. One, if we zoomed into the area  
11 here, this is all by census block. If I click on it, I can  
12 get the pop to pop up where it tells me what census block it  
13 is, the area of the county, and the population that resides  
14 there and the actual percentage number. So you can get the  
15 ro- -- the actual data for that area and you can see that if  
16 I -- I guess I can't move out the map, but you can see the  
17 area it draws around in the same thing.

18 So if I go back and open this up and I hit the  
19 dots, we can either turn the transparency on, you can zoom  
20 up, and show item details. That's what you can do for the  
21 three dots.

22 But I think the way that you would want to get to  
23 the data is find the area that you're looking and say: "Oh,  
24 this is blue, let me find -- let me see what it has to say  
25 in the pop up."

1 Does that help you?

2 COMMISSIONER LERNER: Yes, thank you.

3 MR. FLAHAN: And then if you want to come up here  
4 to the top right corner, you can click on that, you can get  
5 the legend. So if you had multiple things turned on, you  
6 can see the percentages, but just remember that the map is  
7 for the entire state so they're just going to draw right on  
8 top of each other. But if you wanted to change the  
9 transparency to see through to two different layers, you  
10 could; and that was available by those three dots.

11 And if you click up here on the "Arizona" logo on  
12 you guys' actual logo, it will take you to your website. I  
13 just don't want to click on it right this second.

14 And if you want to go home, you can click on the  
15 "home" button, and it will take you back out to the state.  
16 The one thing to know is that the demographics don't drop to  
17 state level because Arizona is a very large state, and it  
18 would take a lot of time to wait for all those tiles to zoom  
19 in. So we've limited it to a scale of 1 to 320,000. And it  
20 is responsive, so once you hit the actual limit it will  
21 start to draw.

22 And, like I said, we're working on -- on improving  
23 performance. Because in the Phoenix area there's a lot of  
24 data points and you can see it's a little slower than some  
25 of the other areas.



1           But here it is more at the county-wide level that  
2           you can see.

3           Any other questions?

4           VICE CHAIR WATCHMAN: Any other questions for Mark?

5           MR. FLAHAN: If there is none, I got a couple other  
6           slides then I can turn it over to Doug for -- for his  
7           training on competitiveness.

8           COMMISSIONER LERNER: Just, Mark, when will this be  
9           available for us to access or for the public as well?

10          MR. FLAHAN: We will get this to Brian with the  
11          listening tour survey links.

12          COMMISSIONER LERNER: Thank you.

13          MR. FLAHAN: You're welcome.

14          VICE CHAIR WATCHMAN: Okay. Anything else for Mark  
15          before we move on to Doug?

16          MR. FLAHAN: Two things -- and I guess we actually  
17          don't even need -- one update, on the elections database,  
18          we've been collecting some data from the counties; we still  
19          have more data to collect, so we're working on collecting  
20          all of that to work on that.

21                 That's a quick up- -- update on the elections  
22                 database and where we stand with that right now.

23                 The other piece of the puzzle that I wanted to talk  
24                 to you guys about what was redistricting training, and I  
25                 know there's a question about training. Right now it is

1 scheduled for the first week of August. Like I said, we're  
2 redoing the agenda. I will send you guys, there are some  
3 YouTube links that you guys can see how the redistricting  
4 software works, so you can view that in the meantime until  
5 we get to the redistricting training, but the first session  
6 will be in the first week of August.

7 So any -- any YouTube or anything that you guys  
8 view is not your official training.

9 That's the update that I have for training. Is  
10 there any question on that?

11 COMMISSIONER LERNER: Just as a follow-up on the  
12 YouTube links, will you put up some YouTube links for the  
13 public as well for the grid maps, you know, so they can  
14 actually -- what you showed us here, so the things you're  
15 doing, will you have some YouTube links the public can then  
16 access once you posted your opportunities for submitting for  
17 the community for our first public hearings, and then any of  
18 the other things.

19 I know it always helps when I can go through them  
20 at my own pace, so then when I miss something I can go back.

21 So I guess I'm checking to see whether all of these  
22 things that you're showing us will be available to the  
23 public as well as -- as a YouTube link or some kind of  
24 link/training.

25 MR. FLAHAN: For the community of survey interest

1 and the socioeconomic web app, we do have it here in this  
2 meeting that the public can view. I can make some YouTube  
3 videos of that going over that and work with Brian on trying  
4 to post it out to YouTube; the original thought, though, is  
5 that showing it off in the public meeting and having the  
6 record where people can review the meeting would be sort of  
7 the online training, but if you prefer we could create one  
8 separate.

9 COMMISSIONER LERNER: It's probably fine what  
10 you've done here. I just wasn't thinking through that part,  
11 yeah.

12 MR. FLAHAN: The one thing that we do have is for  
13 the maps stuff is we do have a PDF of it of some of the  
14 things and explaining what all the icons are, explaining how  
15 to actually create a map in the maps. So we do have a PDF  
16 that if they get stuck, they can click on the link and view  
17 the PDF.

18 MR. D. JOHNSON: Mark, just to clarify. When you  
19 say "for the map stuff," do you mean for the survey or for  
20 the socioeconomic site.

21 MR. FLAHAN: For the survey. The socioeconomic  
22 site is in that "about" which that pops up when you load the  
23 screen.

24 Thanks, Doug.

25 COMMISSIONER LERNER: Yeah, my -- my only concern

1 is that if people want to really be involved is that they  
2 have a way to learn how to do it, that's all.

3 However is the best method.

4 MR. FLAHAN: I agree with you.

5 VICE CHAIR WATCHMAN: Any -- any other questions?

6 Are you done, Mark?

7 MR. FLAHAN: I am. So, Doug, you're on.

8 VICE CHAIR WATCHMAN: Let's turn to Doug. Doug,  
9 you're on.

10 MR. D. JOHNSON: Okay. So, I'm going to jump into  
11 competitiveness. Let me see if I can share my -- let me  
12 make sure I have this ready. And then trying to share my  
13 screen.

14 Okay. Here we go.

15 Okay. Can you see my presentation?

16 Yes?

17 VICE CHAIR WATCHMAN: Yes, I can see it.

18 MR. D. JOHNSON: Okay. Thank you.

19 VICE CHAIR WATCHMAN: Proceed.

20 MR. D. JOHNSON: Okay. So what I want to talk  
21 about is competitiveness, not to define it but to give you  
22 kind of -- frame the issue and some of the challenges and  
23 decisions that you face as you go through the process of  
24 adopting these maps.

25 As everyone on the Commission and likely everyone

1 in the public is aware, Arizona has this unique requirement  
2 in its Constitution, that one of the criterion is "To the  
3 extent practicable competitive districts shall be -- should  
4 be favored where to do so would create no significant  
5 detriment to the other goals."

6 So obviously there's been a lot of discussion about  
7 this, and so I want to put this in context of what does it  
8 mean to be -- to be a competitive district and how do you go  
9 about identifying and defining those?

10 And, again, I'm not going to give you the answer;  
11 I'm going to hopefully frame the questions so that you can  
12 be thinking about how you want to answer that question as  
13 you go forward.

14 Just as -- as what some folks have said in the  
15 past, the National Conference of State Legislators which  
16 does a lot of work on redistricting, a lot of research on  
17 redistricting, gathering examples from all the states and --  
18 and talking to a lot of experts in the field, they say one  
19 common definition is what's showing here: Districts having  
20 relatively even partisan balance making competition between  
21 the two major parties more intense.

22 Pretty straightforward, pretty common sense.

23 Professor Michael McDonald who has worked on this  
24 issue in the past had a similar definition saying it's  
25 districts in which: Each major party has an equal chance of

1 winning and in which we don't know before the election who  
2 will win.

3 So, again, these are fairly common sense  
4 definitions.

5 And then figuring out how to put numbers to that is  
6 a big question. When you look at challenges, it's -- the  
7 biggest question is how to measure it. You know, what --  
8 what past election results, voter registration data, what  
9 comes in to your definition of competitiveness; and then we  
10 get into added twists that I come back to throughout this  
11 presentation. Which is sometimes when you're creating a  
12 competitive district, if you're making a highly competitive  
13 district, you're pulling members of one party from one area,  
14 members of another party from another area; and you can  
15 create a competitive district in the middle, but you might  
16 leave those two areas that you pull from ultra safe for each  
17 party.

18 And so one of the questions that comes up  
19 throughout this process is, how do you balance that  
20 trade-off between making a -- one highly competitive seat if  
21 it takes two possibly competitive seats and makes them both  
22 safe? What is that balance?

23 And it is one of the key thoughts as I wrestle with  
24 this issue that I think of is it's not a yes/no question on  
25 competitiveness. There's obviously highly competitive

1 seats, somewhat competitive seats, and then ultra safe or  
2 bulletproof seats. So there is a range of competitiveness  
3 to keep in mind. So as you move one seat one way on that  
4 range, if it requires moving another seat the other way,  
5 where is the balance, and what is the trade-off there?

6 And then there was a study, oh, it's probably  
7 12 years, now it's called "The Big Sort." Which is more and  
8 more people in the whole country, not just in Arizona, tend  
9 to live in counties where people tend to vote like this. So  
10 we're see geographic areas become more and more politically  
11 polarized over time.

12 It's not -- certainly not universally true; there  
13 are certainly exceptions to that, but that does make the  
14 challenge of drawing competitive districts more difficult as  
15 people in a given small geographic area tend to be more and  
16 more all of one party.

17 Similar to how we talked about with the communities  
18 of interests a little bit earlier. You have to take --  
19 sometimes you have to take those fairly one-party areas and  
20 put them with areas that are one party the other way in  
21 order to make the competitive district.

22 Similarly, the Voting Rights Act or other criteria  
23 such as, you know, keeping cities and counties together may  
24 require or encourage the concentration of voters in one  
25 party in the district especially now that we have this big

1 sort going on.

2 The interesting thing is, if you have a given area  
3 such as an area that has to be -- that ultimately we decide  
4 has to be put together to provide the Voting Rights Act, say  
5 that party is heavily democratic, in a state where the  
6 democratic party is the larger state party, that would  
7 actually improve competitiveness in the -- in the other  
8 districts by taking some of the majority party members and  
9 kind of concentrating them in a side district; but in a  
10 state where that's party that is being concentrated for  
11 whatever other reason is a smaller party, that makes it more  
12 difficult to draw a competitive district elsewhere, because  
13 the other party's advantage in the state as a whole now gets  
14 increased in the rest of the state as you have that  
15 concentrated area.

16 So it's just the key thing there is to keep in mind  
17 is that decisions made under the other criteria do have an  
18 impact on competitiveness and can either make it easier or  
19 harder to draw competitive districts as you go along.

20 Starting from the big picture as I noted,  
21 competitiveness is a scale, so keep that in mind. You know,  
22 as we -- as you kind of determine a range, if you determine  
23 a range that you're going to consider it by competitive --  
24 the definition of competitive seat, you know, we can draw  
25 more seats that are right at the end of the range than we



1 can seats that are perfectly balanced, and so how do you  
2 make that choice between the two options.

3 That's the challenge we'll face continually  
4 throughout this process.

5 Also, of course, as you think about elections,  
6 upsets do happen. Sometimes elections are competitive even  
7 when the competitive measures say that seat is not -- not  
8 competitive. It could be because of the candidates running;  
9 it could be some scandal or other major newsworthy event  
10 during the campaign. It might just be an unusual year.

11 So defining competitiveness of a district separate  
12 from all those factors, is -- is a challenge.

13 And the -- the incumbency advantage, which is very  
14 hard to define precisely but which is a clear reality,  
15 and/or extorting candidates, as I just mentioned, can skew  
16 competitiveness data.

17 So one things that often comes up is people will  
18 say, you know, this very popular incumbent is safe every  
19 year; you know, we want to see even that incumbent seat  
20 become competitive. Well if that incumbent enjoys say a 10  
21 percent incumbent advantage because they're getting  
22 crossover votes or otherwise a vote for the other party, if  
23 you make that seat competitive offsetting that advantage and  
24 that incumbent loses, well, now you have a seat that's 10 or  
25 12 percent in favor of the other party and a different

1 incumbent.

2 So you have to be careful of looking at the  
3 competitiveness of a district as a district and separating  
4 that from is this seat competitive given who is in it, which  
5 is a separate measure and would only be a one-time thing.

6 So this -- this -- as you start -- hopefully as  
7 you're starting to get a sense of defining competitiveness  
8 is a complicated challenge facing this Commission.

9 The goal, however, keeping in mind the big picture  
10 down at the bottom here is the key thing, which is: If  
11 voter preferences change from one election to another, the  
12 people who get elected should change as well.

13 I think Arizona has very successfully achieved this  
14 particular -- you know, the country as a whole saw a big  
15 wave of elections from 2006 to 2012; and if you go back and  
16 look at those elections, you saw that as -- as a country as  
17 a whole went one way or another, Arizona's congressional  
18 delegation changed more than just about every state's  
19 delegation in the country.

20 So that's the kind of things you want: As voting  
21 preferences change, the people elected should change. It  
22 won't be a perfect balance, but that's the big picture goal  
23 of competitiveness. Sometimes it's called a responsive seat  
24 as well.

25 Now, we've had a couple of interesting

1 developments, and this is where there's a lot more academic  
2 literature and a lot more measures for you to consider this  
3 time around than there were 10 years ago or 20 years ago.

4 This all kind of triggered back with a federal case  
5 Vieth v. Jubelirer -- if I'm pronouncing that correctly --  
6 out of Pennsylvania in 2004, when Justice Kennedy who was  
7 then on the Supreme Court, was a swing vote -- and this was  
8 a partisan gerrymandering case -- and he said: Well, I'm --  
9 in a layman's language, obviously not a legal  
10 interpretation.

11 More or less Justice Kennedy's ruling was: Well, I  
12 could see the court overturning part of the gerrymander, but  
13 I don't like any of the measures available; so we need to  
14 find a measure that the Court could use to identify a  
15 partisan gerrymander.

16 More or less in academic terms, that was a call for  
17 papers, and it triggered a ton of academic research and  
18 writing on how to identify partisan bias and plans.

19 And then Wisconsin this Gill v. Whitford case in  
20 2018, we really saw the result of that call for papers. It  
21 was a big focus on the efficiency gap and the mention on  
22 other -- other measures as well.

23 And so that case came up to the Supreme Court and  
24 then we had -- with using the efficiency gap, than Rucho v.  
25 Common Cause in North Carolina had a main focus on looking

1 at extreme outliers, looking at what are the range of  
2 possible maps that North Carolina might have drawn, and then  
3 showing through some computer analysis that the map adopted  
4 was on the extreme end of that.

5 So we had all these measures coming out, and  
6 ultimately the Supreme Court kind of reversed that 2004  
7 decision, and the U.S. Supreme Court said: We're not going  
8 to get into partisan gerrymandering; they ruled out those  
9 cases. And now they stick largely with population balance  
10 and voting rights cases. So all the action shifted to the  
11 state courts now.

12 But what we have is whole bunch of literature on  
13 this issue and a whole bunch of academic measures, but  
14 here's the key challenge facing you, which is all these  
15 papers were written coming out of that Pennsylvania 2004  
16 case focusing on how do we look at a map and identify and --  
17 and confirm that it is a partisan gerrymander.

18 Arizona takes a very different approach in the  
19 your -- your Constitution, as I mentioned, uniquely  
20 emphasizes competitiveness. So now we need to look at  
21 which, if any, of these new measures can be used the other  
22 way around to -- to identify what is a competitive district.

23 And there's a lot of these things out there.

24 And I have a bunch of articles that I'll share with  
25 you as well so you can read -- dig into some of this.

1           And but, keep in mind, as you look into all the  
2           research on this, that there is this kind of flipped image  
3           where all the research is about banning partisan  
4           gerrymandering and/or at least identifying partisan  
5           gerrymandering and our approach under the state constitution  
6           is trying to enhance competitiveness; and so we have to look  
7           at what -- which of these tools would be useful.

8           So just very quickly, some of them you'll see  
9           there's seats/votes bias, partisan swing, partisan symmetry.  
10          These are three very closely related measures. The idea is  
11          that in a single winner or in Arizona's case -- you know,  
12          for the State House, two winners per district -- you're  
13          never going to get perfect proportionality, and that's not  
14          the goal.

15          What these seats/votes bias, partisan swing, and  
16          partisan symmetry try to look at is, is the advantage for  
17          the winning party essentially the same?

18          So if the Democratic party gets 53 percent of the  
19          votes, do they get, say, 55 percent of the seats? Well, if  
20          that's the case, if the Republican party gets 53 percent of  
21          the vote, they should get 55 percent of the seats. They  
22          acknowledge that in a single-member system there's going to  
23          be some winner advantage; but the idea at least as I'm  
24          speaking very simply is, it should be the same winner  
25          advantage regardless of party.

1           Other tests I mentioned: Responsiveness. That's  
2 just the idea of do the districts -- does -- does who get --  
3 gets elected respond to changes in who the voters prefer.

4           Proportionality is one thing that's analyzed, again  
5 it's not considered a requirement by just about anybody, but  
6 it is one measure you can say: Are party seats roughly  
7 equivalent to the proportion of the votes that they get.

8           There's a -- then we get into a little more  
9 complicated things. There's mean median difference where  
10 you take the average percent of the vote. So does the  
11 Republican party get 46 percent of the vote for -- for a  
12 given, you know, for Congress or the State Senate or the  
13 State House; does the Republican party get 46 percent of all  
14 those statewide for Congress, and then that would be its  
15 mean across the districts. And how close are the districts  
16 -- is the median among the districts, so among your nine  
17 seats? Is the median number of votes 46 percent, or does it  
18 vary a lot?

19           If there's variance between the mean and median,  
20 then you're getting districts that either -- that are kind  
21 of packed for that party, and it's considered a measure of  
22 possible bias in the map.

23           Declination is a similar way of -- of charting the  
24 percentage of the votes that a party gets. As you -- as you  
25 know I'm working with some, bring some academics in, I do

1 have one coming tomorrow, that can talk about these in a  
2 little bit more detail and give you a little more  
3 definition. I'll leave some of these details to them.

4 Efficiency gap, one of the authors of that is  
5 actually coming tomorrow. This is where you look at wasted  
6 votes. And a wasted vote is considered an extra vote in a  
7 district that a party wins or a vote cast in a district that  
8 a party loses, and looks at the difference between the  
9 wasted votes for each party and how efficient it is.

10 I mentioned the extreme outlier analysis, where you  
11 can kind of look at the range of possible maps and where  
12 does an adopted map follow on that.

13 And then there's a reasonable bias view that I'll  
14 come back to.

15 And, of course, there's many more. Any time you  
16 might imagine that the Supreme Court says: Academics, we  
17 want to consider and possibly endorse your formula; you're  
18 going to get a lot of academics and studies on the view.

19 There's a paper cited here on this slide by Bruce  
20 Cain and Wendy Cho called "A Reasonable Bias Approach to  
21 Gerrymandering," it has a couple of really good quotes in it  
22 and -- and I want to highlight these points.

23 First of all, one of the things when you read  
24 about, like, the Rucho case and the Wisconsin case, coming  
25 at the end of the decade, as Cain and Cho point out, it's

1           pretty easy to look backwards and do a seats/vote gap and  
2           analyze: Has a map that was adopted at the start of a  
3           decade proved over time to be competitive or to be -- to be  
4           partisan gerrymander?

5                        But as they note, it's more problematic to project  
6           forward competitiveness into the future. It's one thing to  
7           look at the actual congressional districts drawn and the  
8           actual election results in them eight years or ten years  
9           later than to try to use some measure to approximate what  
10          you think those congressional districts will do in the  
11          coming years.

12                       So that's the key thing to keep in mind is the  
13          challenge. It's much easier to look backwards and define  
14          competitiveness than it is to define future competitiveness  
15          when you're -- when you're drawing your map.

16                       And as they say here: It appears that the concept  
17          of political fairness like compactness is multidimensional  
18          and cannot be fully captured by a single number.

19                       They're just highlighting all the different factors  
20          that can go in and how hard it is to say take the, you know,  
21          Trump/Biden results in 2020 presidential election district  
22          by district and just say that as an accurate measure.  
23          Obviously that brings in -- or any other election that you  
24          use -- brings in all kind of other factors that complicate  
25          the analysis.



1           So when we're looking at the elements of the  
2           measurements, when you're hearing from these folks and when  
3           you're debating what do we want to measure and how are we  
4           going to measure that, first of all, remember that point I  
5           made early on, that we're trying to measure the innate  
6           Republican versus Democratic leaning of a district. We're  
7           trying to separate out candidate factors, you know, all the  
8           other unique factors that go into every election, and just  
9           identify the make -- how does the makeup of that district  
10          influence the competitiveness of it?

11          We also want the measures to be district specific.  
12          A lot of the measures like declination in particular, some  
13          of the swing measures, are plan wide; they look at the state  
14          as a whole, and they're not really useful in identifying the  
15          competitiveness of a given district. And given the language  
16          of the Constitution, the general interpretation is they were  
17          more focused on drawing individual competitive districts  
18          than we are on, say, partisan fairness of -- of the map as a  
19          whole. When we're looking let's -- let's make those  
20          individual districts responsive.

21          And then forward looking as I was just talking  
22          about; keep in mind, a lot of the measures are looking  
23          backwards at historic elections and may not be all that  
24          useful in looking forward to help us project competitiveness  
25          into the future.

1           And, unfortunately, there is no perfect measure. I  
2 would love to wrap this presentation up with a "Here's the  
3 unanimously agreed upon perfect measure."

4           As Cain and Cho in that paper concluded, what  
5 measure you choose gives you a different answer, and so  
6 that's -- that's going to be your challenge as we go through  
7 this is that there is no perfect measure, and the measures  
8 will disagree with each other.

9           So as we're coming through this, again, some other  
10 factors for you to think about as we're wrestling with what  
11 measures we're actually going to use to define  
12 competitiveness or to evaluate competitiveness through this  
13 process.

14           Ease of measurement is -- is certainly a  
15 consideration. It will be great as residents are drawing  
16 their maps for them to just as they can get a percentage of  
17 the district that would be Latino or a percentage of the  
18 district would be renters, but then also get a  
19 competitiveness score live as they're mapping. Some of the  
20 measures allow that; some don't. Some the map would need to  
21 be drawn and then sent off for evaluation.

22           Now, one of the nice things is those  
23 "send off for evaluation" systems have gotten much better.  
24 The one you're going to hear about tomorrow called  
25 PlanScore, the -- the map drawer who is looking on their

1 maps at home can actually just export the file and run it  
2 and have an answer in a few minutes. They don't have to  
3 wait a couple of days like we used to back in -- two decades  
4 ago.

5 But given how delayed this is, that time factor is  
6 going to be a big consideration of you being able to make  
7 these decisions on the fly. So hopefully we'll be able to  
8 develop measures and implement them in the system so that  
9 they are live.

10 There are bigger picture calculation challenges to  
11 be aware of. As we're looking at past legislative election  
12 results, if we're -- if we're incorporating past  
13 congressional or State House or even Corporation Commission  
14 results into a formula to measure competitiveness, how do we  
15 calculate in an uncontested election? You know, if a  
16 district is uncontested, well, it's unlikely that the real  
17 makeup of the district is a hundred percent one party and  
18 zero percent.

19 So how do we approximate the postpartisan leaning  
20 of that past district as we use it to resolve a new  
21 district? We don't want to be put a hundred percent/zero  
22 percent in, but we also don't want to leave it just blank  
23 and ignore the fact obviously there's some advantage for one  
24 party in that seat.

25 In Arizona we have the challenge of how you measure

1 multiwinner elections from your State -- past State House  
2 elections. Sometimes that is done by simply ignoring the  
3 number one finisher and just looking at the results between  
4 the number two and number three finisher, but that is  
5 certainly a mathematical challenge as we're calculating our  
6 measure as well.

7 And then we have to be careful of how measures are  
8 influenced by incumbency advantage, especially given the  
9 short term limits of the state. A district's past results  
10 can swing quite a bit simply because a very popular  
11 incumbent turned out. So the same district one year could  
12 look super safe, and then next year can look highly  
13 competitive. So we have to be careful of that as we're  
14 developing our measures.

15 And I kind of went through this already, so I won't  
16 go through it again. But, again, this is the incumbency  
17 advantage can throw things off, and the key thought is that  
18 almost always open seats are more competitive than incumbent  
19 held seats just because you lose that incumbent advantage.

20 And that's really where a map's competitiveness is  
21 clear in future elections, the Commission's successful level  
22 of drawing competitive seats is really how many of those  
23 seats flip back and forth as they're open. Obviously, if  
24 they flip back and forth from year to year, even better, but  
25 the incumbency advantage is something the Commission can't

1 really overcome.

2 So let's talk about specific choices of elections.  
3 The easiest way to measure competitiveness is voter  
4 registration; it's really easy to understand, it's really  
5 easy to measure, and it's really easy to calculate. You  
6 know the vote -- the public all understands it.

7 Unfortunately, the rise of Independent voters who  
8 are now, last I looked are -- are the second largest party  
9 in Arizona, and I think they're close to being the first,  
10 the largest party, really undermines the usefulness of the voter  
11 registration measure.

12 Obviously, if you have a measure that only includes  
13 at most two-thirds of the voters, then you're ignoring the  
14 impact of the other third of the voters on the  
15 competitiveness.

16 So then we really get into looking at individual  
17 election results. For example, do we just take Trump and  
18 Biden 2020 and call that our measure? Or an average of  
19 high-profile election results? You know, take all the  
20 statewide elections from 2018 and 2020 and average the  
21 two-party vote of that?

22 Those are also really easy to understand, really  
23 easy to measure and calculate. It's easy in the form to  
24 tell the public what you're doing, and they will get it  
25 right away. It also has the advantage it forces a

1 Republican versus Democratic choice, because they are  
2 generally speaking the only candidate seeing loss of votes  
3 in these elections, so it removes that Independent voter  
4 complication.

5 But, obviously, as I'm sure you all are thinking  
6 already, the candidate personalities and election-specific  
7 factors, specific to that contest can undermine the value of  
8 a measure of competitiveness of the underlying  
9 competitiveness of an individual district.

10 What is often used is low-profile statewide  
11 elections, something where the candidates running are  
12 relatively low profile so the voters are making their  
13 decision more on the party letter on the ballot more than on  
14 personal knowledge of the differences between the two  
15 candidates. So that gets more of a pure partisan leaning  
16 competitive measure which is what we want for the districts.

17 But, you know, in Arizona and really nationally  
18 there are fewer and fewer of these. You know, in 2001 if  
19 you go back and look at the discussions back then, there was  
20 a very common measure called "Arizona Quick and Dirty,"  
21 which was simply a measure, an average, of all the Arizona  
22 Corporate Commission records over four years. Back then  
23 especially in the '90s where the data came from for that  
24 measure, the Corporation Commission candidates were fairly  
25 anonymous, so people were voting pretty heavily based on

1 just the -- the party registration.

2 Obviously, as all of you are aware, those elections  
3 have become more high profile as candidates are better known  
4 in more recent years, so that makes that a less ideal  
5 measure than it was back then.

6 Sometimes they were tried to use ballot  
7 propositions or averaging ballot proposition votes. Those  
8 obviously have the advantage of being free of candidate  
9 personalities. There's no incumbent, but the challenge is  
10 finding ballot measures that are really split on party  
11 lines. You know, there's often so many issues where one  
12 faction of one party or the other crosses over and changes,  
13 that that limits their -- their usefulness.

14 So -- so this is the challenge of how do we pick  
15 these elections?

16 And, you know, the Commission ten years ago, I  
17 think they had nine indexes they were running. Essentially  
18 they just chose -- had nine different groups of elections  
19 that they used and averaged them out and then gave these  
20 nine different scores; which is kind of honestly reflecting  
21 the difficulty of using these elections as an average  
22 measure, but at the same time it's really hard to figure  
23 out: Are you improving or not improving the competitiveness  
24 seat if you got nine measures that may be going opposite  
25 directions as you make changes to seats?

1           We're going to come back to some of the more  
2 complicated things, but let me quickly just show them a  
3 little bit to you.

4           I mentioned a partisan swing; you can see the  
5 charts at the bottom and my thanks to Jeffrey Shen, whose  
6 paper on the website I borrowed these images from. These  
7 are seats/votes curves. You can see at the -- on the left  
8 is an ideal; as a party crosses through 50 percent,  
9 whichever party gets more than 50 percent of the vote gets  
10 more seat, and that advantage is -- is equal for both  
11 parties.

12           On the right is a clear partisan gerrymander where  
13 the blue party, even if they get 50 percent of the vote, as  
14 you go from left to right, they hit that vertical dash line,  
15 the blue party may get 50 percent of the vote and still get  
16 only 25 percent of the seats. They don't get 20 -- they  
17 don't 50 percent of the seat until they get up to the where  
18 the blue line crosses the horizontal dash line.

19           So that's where the seat/vote curves can show you  
20 partisan advantage or disadvantage. But, again, this is  
21 more of a map wide or statewide measure; it's not really a  
22 district-by-district measure.

23           I talked a quite a bit about the efficiency gap and  
24 mean/median already, so I'll just move on from these. But,  
25 again, these are more statewide measures.



1           And with mean/median in particular, it's more of a  
2           measure of a fair map or a party we get the percentage of  
3           seats, you know, might get the percentage of seats  
4           reflective of its share statewide or might actually get  
5           none. You know, if -- a perfect mean/median, a party could  
6           get 48 percent of the votes statewide and if they perfectly  
7           meshed, they get 48 percent of the vote in every district,  
8           and they wouldn't win anyway. So it's more of a fair map  
9           measure, not really something you would use specifically  
10          district by district.

11          Declination I'll just give you a quick discussion  
12          on that. What you're looking at -- each of these dots would  
13          be a district in the chart. The green dots would be seats  
14          that the party in question won, the yellow squares would be  
15          the districts that the party in question lost, and you're  
16          looking for the change in angle as you go from the -- the  
17          seats that they won to the seats that they lost.

18          For example, this one is a sign of a map that is  
19          gerrymandered against the party in question. So the seats  
20          they win, they win with a ton of votes, 70 percent. And  
21          then their voters are split up so that they're just below  
22          50 percent of their seat. So rather than -- you know, an  
23          even balance would put one or two of these yellows into the  
24          green range, but instead the party has been carefully  
25          divided up to not win any of those other seats, and they

1 just packed in the other two. With one competitive seat  
2 where the green dot is right there on the line.

3 So that change in angle as you go from shooting up  
4 to winners and then just almost horizontally through the  
5 losers is the declination formula that is looked at.

6 So revisiting the challenge before you and I'm  
7 going to get -- you're obviously not going to get any  
8 answers out of this what I'm presenting you today, I'm  
9 really just trying to get you clear on what the challenges  
10 that you face is, is a lot of new measures have been  
11 identified, but they are identified to prevent partisan  
12 gerrymandering, not really with the goal of enhancing  
13 competitiveness.

14 So what we'll be looking over the next couple of  
15 weeks with you is, how do we use these measures and enhance  
16 competitiveness the other way around from how they were  
17 originally developed. And some of them won't work because  
18 they are focused on the bias of that entire map, not on  
19 trying to enhance the competitiveness of the individual  
20 districts.

21 And as you go through the research and -- and read  
22 about other states' experience as we're trying to learn  
23 lessons that may be helpful to Arizona, keep in mind that in  
24 other states, a competitive district can be a sign of  
25 gerrymandering. For example, in North Carolina if the

1 Republican party or any state that the Republican party  
2 controls, or in Illinois or Maryland or another state where  
3 the Democratic party controlled, a competitive district can  
4 be a sign of gerrymandering. If what happens if the party  
5 in control draws as many safe seats as they can and they  
6 pack the other party into as few seats as possible; but then  
7 they go back and say here's a safe seat from the other  
8 party, maybe can we change it a little bit, pull some  
9 Republicans out of other seats, Democratic seats -- or vice  
10 versa -- and make one of the other parties few safe seats in  
11 their competitive seat.

12 And so they may not be able to make it all the way  
13 into the states for the majority party, but they might make  
14 it competitive in order to take it away from the other  
15 party.

16 So this is not reflective of Arizona; this is not  
17 what the law in Arizona at all is talking about, but just  
18 something to keep in mind as you're looking at experiences  
19 in other states, that a competitive district may not be the  
20 sign of a good map, it may be yet another sign of a party  
21 gerrymander and used to undermine a smaller party in another  
22 state.

23 So the options that you'll be wrestling with most  
24 likely is some average of past election results that is  
25 fairly easy to calculate, easy to understand, obviously has

1 the challenge of picking which elections to use; you may  
2 want to consider scoring maps, given a certain number of  
3 points for highly competitive and -- and somewhat  
4 competitive districts, and then negative points for blowout  
5 districts. That would give you a scoring method of  
6 comparing different maps. But obviously deciding how many  
7 points you get to for a highly competitive seat, a somewhat  
8 competitive, and how many to lose for a blowout seat is a  
9 tough choice as well.

10 And then possibly, you know, look to maybe when you  
11 get down to a few maps that you're focusing on, run those  
12 through more advanced analysis. And, like I said, I'm  
13 certainly not the only one with the answers here, the  
14 residents of Arizona, the public, and some of the academics  
15 that we're trying to bring in will certainly have additional  
16 ideas and insights on how to interpret these things.

17 So I do have some slides following up to kind of  
18 show you examples of -- of how mapping choices can impact  
19 competitiveness. But before I do those, let me pause and  
20 see if you have questions at this point.

21 Anything at this point or should I jump into that?

22 A lot of information, obviously.

23 COMMISSIONER LERNER: I say keep going right now.

24 VICE CHAIR WATCHMAN: Keep going?

25 MR. D. JOHNSON: Okay.

1 VICE CHAIR WATCHMAN: Okay. Let's keep going,  
2 Doug.

3 MR. D. JOHNSON: Yeah, this won't take too long, I  
4 don't think.

5 VICE CHAIR WATCHMAN: Okay.

6 MR. D. JOHNSON: These are more going to -- the  
7 challenges I was talking about as you're drawing maps and  
8 choosing between maps trying to illustrate them.

9 So I just put together this little chart somewhat  
10 randomly chosen between the purple and orange parties of 50  
11 voters, and overall it's split 27/23.

12 As we go into it, you know -- and -- and all the  
13 dates are arranged the same in all the maps. As you just do  
14 a perfectly compact map, you could get, you know, four seats  
15 that are 6 to 4 with a 2-2 split and then one seat that's 7  
16 to 3 purple. So sometimes you do get somewhat competitive  
17 seats that just fall out even though you don't pay any  
18 attention to competitiveness.

19 And the way to look at this is, you know, yes,  
20 purple has a three-seat advantage to two seats for orange.  
21 But, you know, if we're thinking of 6 to 4 is a somewhat  
22 competitive seat, then orange has a chance of winning 4 out  
23 of the 5 seats here if there's a year where the voters went  
24 to orange; similarly, purple have has a chance of winning 5  
25 out of 5 seats in this kind of alinement.

1           You can also -- say we make a change and we take  
2           that 7 to 3 seat, and like I was talking about at the  
3           beginning, pull out one of the orange voters to go into the  
4           neighboring district, this makes the neighboring district a  
5           5-5 tie. Highly competitive, perfect competitiveness in  
6           that seat; but at the cost of the other seat becoming 8 to 2  
7           for purple.

8           So I'm not saying this is worth it or not worth it,  
9           this is a challenge you'll face as you go forward to make --  
10          as you make a seat more competitive, it might be by pulling  
11          people out to neighboring districts that then make those  
12          neighboring districts safe.

13          And what is the balance between -- that you have to  
14          achieve between those choices?

15          You can even start getting some kind of odd looking  
16          lines. You know, if we -- if we add some jigs and jags in  
17          order to enhance competitiveness, we can make three of these  
18          seats perfect 5-5 ties, and then we get -- the cost, though,  
19          is that the other two become both 6 to 4 purple.

20          So they're still somewhat competitive, but in a  
21          really good year, orange can win all 5, but in the --  
22          there's a much higher chance of purple might win all 5.

23          Giving you a little bit of that issue I talked to  
24          you about. What if other criteria or decisions lead to a  
25          packed district? For example, if you have one seat that's 8

1 to 2 for orange? Just by if that is required, then kind of  
2 the natural ripple of that through would be in this setup.

3 A purple advantage in all four other seats.

4 So three might be some competitive; one is somewhat  
5 -- fairly safe for purple, but you can see how one place  
6 where you have to pack quickly ripples through and gives the  
7 other party an advantage in the other seats.

8 One thing that does come up sometimes is, okay, if  
9 we have to draw for whatever other criteria requirements  
10 this 8 to 2 orange seat well, then, do we intentionally  
11 offset? That in order to enhance the competitiveness of the  
12 other three seats, do we intentionally draw 8 to 2 purple?

13 So that we can pull those purple voters out of the  
14 other seats and kind of just say: Okay, we have one safe  
15 for one party; that has a ripple through the map. Let's  
16 offset that with a, you know, bulletproof seat for the other  
17 party in order to make a 5-5 seat above and keep the other  
18 two somewhat competitive. That is one argument that some  
19 people make as you go through the process.

20 And just to see -- just so you understand why  
21 people are concerned about partisan gerrymandering in other  
22 states so much, even though this map has an orange advantage  
23 -- I'm sorry, has a purple advantage in the total numbers of  
24 voters in this little scenario, it is possible to draw a map  
25 that has three -- or two safe orange with 7 to 3 orange

1 advantages, and then a 6 to 4 orange advantage by really  
2 packing in a 9-1 purple and 8-2 purple.

3 So even in this map which has a definite purple  
4 advantage, they were not in control of the process, the maps  
5 could be gerrymandered.

6 Thankfully, Ari- -- this is why Arizona has the  
7 Commission and has the rules of the Commission that it does,  
8 that this kind of stuff doesn't go on.

9 So those are kind of just illustrations.

10 I think the PowerPoint is posted. If not, we'll  
11 get it posted and over to all of you so you can kind of flip  
12 through these and take a little more time. But, you know,  
13 hopefully these illustrate the challenge between if you make  
14 one seat bulletproof in order to make another safe, will  
15 that work? It may. The answer could very well be yes to  
16 that.

17 And then the -- the challenge is as you'll --  
18 you'll get into between a somewhat competitive, in this case  
19 a 6-4 seat, versus getting all the way to 5-5 highly  
20 competitive seat.

21 But if you get 6-4 seats, if they all lean one way,  
22 is that map -- you know, they're all somewhat competitive,  
23 but would that be fair if one party has the advantage?  
24 That's a challenge you'll face going through.

25 And then lastly, keep the big picture perspective.



1 Competitiveness, once you agree on a measure or a set of  
2 measures is mathematical, and anything mathematical can,  
3 when stuck into a computer, overwhelm everything else.

4 Those that followed the 2001 process closely will  
5 -- may remember that the judge, the Superior Court judge  
6 ordered the Commission to start -- to draw the grid and then  
7 draw the most competitive map possible; and that, one of the  
8 two maps drawn is at the right here.

9 And you can see, if that's all you're looking at,  
10 if you're just focusing on the most competitive map  
11 possible, back then the result was actually 24 competitive  
12 districts out of the 30 legislative seats; but as you can  
13 see, they're whacky. Three of them labeled D, Z, and AA in  
14 this map were -- divided up the Navajo reservation and then  
15 came in and divided up Scottsdale. So competitive seats,  
16 but keep in mind we're always talking in context, keep the  
17 bigger picture in mind which is we're talking about  
18 achieving competitiveness within the -- the whole range of  
19 criteria facing this Commission.

20 And that leaves you with the final slide which is  
21 just reminding you the language, which is complicated  
22 language that you'll have to wrestle with throughout this  
23 process of how to meet goal -- the requirement that you --  
24 "To the extent practical competitive districts shall be  
25 favored, where to do so would create no significant

1           detriment to the other goals."

2                       So hopefully this obviously doesn't -- I'm not  
3           aiming to answer any questions in terms of what is the  
4           magical definition of competitiveness with this, simply to  
5           frame the questions that you face and to -- to get you  
6           thinking about the challenges that you'll face as you  
7           wrestle with this issue throughout the process. You know.

8                       So with that we -- we do have a group of about  
9           seven or eight academics that we've reached out to -- to see  
10          if they're available to come and speak with you. One is  
11          available tomorrow, and so we'll get him going. He's  
12          actually from the PlanScore group, which I think is a very  
13          promising option, so I'm happy to have him. He's called  
14          Eric -- his name is Eric McGhee, and the others we're  
15          bringing in as we get them lined up.

16                      VICE CHAIR WATCHMAN: Thank you, Doug.

17                      MR. D. JOHNSON: If you're not shellshocked from  
18          all of that, I'm happy to have any questions you have.

19                      VICE CHAIR WATCHMAN: Thank you, Doug.

20                      Any questions for Doug?

21                      COMMISSIONER LERNER: Doug, when do you think -- so  
22          when do we have to have a final decision on how we're going  
23          to measure competitiveness? What's our time frame on our  
24          considering the different options?

25                      MR. D. JOHNSON: So, we'd like to have it built in

1 with the system when the system goes live. So I think  
2 that's around September 10th or September 5th is our goal.

3 So obviously, as I mentioned earlier in the  
4 meeting, we are trying to rush to catch up with lost time to  
5 build the competitiveness database, we have all the data  
6 ready, but parallel with that work can be talking about the  
7 different measures and over the next, I guess, six weeks  
8 hopefully come to a definition of what -- of what you want  
9 to use.

10 COMMISSIONER LERNER: And just as a follow-up, I  
11 know you mentioned the measures for 2011, that they had  
12 eight or nine different indices. Would you be able to maybe  
13 go back and give us a little presentation on that maybe next  
14 week on how did those work, were they effective, were there  
15 two or three more effective than others? Just kind of an  
16 assessment from that.

17 Because I know they looked at number of voters, you  
18 know, kind of looked at competitiveness, the average of  
19 party registration and I think how many people voted, and  
20 there were a number of different variables. I'm curious to  
21 hear your perspective on that -- whether we want to take  
22 another look and use any of those again, whether we want to  
23 say nope. You know, just what your thoughts would be.

24 MR. D. JOHNSON: Sure. And actually one of the  
25 nice things is when Brian and the team built the new

1 website, they carefully preserved the old website. And so  
2 being able to go back and pull all those indexes off of the  
3 old website and so I can certainly put those together and  
4 have kind of a list of what they were calculating, that we  
5 can do fairly quickly -- not by tomorrow but fairly quickly.

6 And then the -- the nice thing that they actually  
7 did ten years ago is they actually took the -- some possible  
8 measures, and looked back at the previous ten years'  
9 elections and which ones accurately reflect that the seats  
10 had actually flipped back and forth. That will take more  
11 time to do but -- but certainly we can work on that because  
12 it was very handy at the last Commission to see that.

13 COMMISSIONER LERNER: With -- and that's what I was  
14 wondering -- I realize not right away because it take time  
15 to process it -- rather you want to run a couple of those  
16 through the last ten years to see, kind of follow the same  
17 measures but use --

18 MR. D. JOHNSON: Yep.

19 COMMISSIONER LERNER: -- our most recent ten years,  
20 and maybe you could come back to us and say you've kind of  
21 some of the same ones they did, but we're using the more  
22 recent data, and here 's what your thoughts are. I mean, it  
23 would be helpful.

24 MR. D. JOHNSON: Yes, we can definitely.

25 COMMISSIONER LERNER: That will be great. Thank

1           you.

2                   VICE CHAIR WATCHMAN: Thank you, Shereen.

3                   Any -- any other questions?

4                   CHAIRPERSON NEUBERG: Yes. This is Chair Neuberg.  
5 I'm curious -- you know, thank you for this outstanding  
6 presentation.

7                   Is there a relevance with our compressed time frame  
8 with the measure competitiveness that we use? Because, you  
9 know, based on your presentation and that of our legal  
10 counsel, competitiveness is one of the last criteria that we  
11 plug in after we account for, you know, the -- the other  
12 criteria.

13                   So at the end, I mean, we need to ensure that  
14 there's sufficient time to go back and adjust. Is there any  
15 relevance with the time frame with all of these different  
16 measures?

17                   MR. D. JOHNSON: Well, I do want to be careful  
18 about how we word this, and -- and Eric and Roy and Brett  
19 and the legal team jump in here if I say anything wrong.

20                   The -- the language in Prop 106 is weird in that it  
21 says we don't use competitiveness in the initial map and  
22 that then the map is adjusted. I believe there's consensus  
23 that that reference to the initial map is the grid map, so  
24 then we would be using competitive data as you develop the  
25 draft map and then as the draft map is revised into the

1 final map.

2 Then -- and the issue, the tradeoff in the language  
3 of the criteria and the competitiveness is to be favored as  
4 long as there's not significant detriment is a very  
5 challenging decision for you to weigh.

6 It is worth noting that the (A) through (F)  
7 criteria are not prioritized. So just the fact that it's  
8 (F), doesn't mean it's the least important, it's more the  
9 language of the individual criteria that's linked to that,  
10 so.

11 So, yes, we would [sic] be using the  
12 competitiveness data or competitiveness measure for drawing  
13 the grid 'cause that that's -- I believe that's considered  
14 initial map; but then it would jump right after that.

15 And, Legal, jump in if I said anything that makes  
16 you nervous or further needs to be clarified there.

17 MR. HERRERA: No, this is Roy. I -- been taking  
18 notes concerning, I think there's sort of two separate  
19 questions here maybe that they're getting at, Madam Chair.  
20 One is the sort of given the expedited nature of all this  
21 due to the census delays, whether there's a practical issue  
22 with selecting some of these measures because of, you know,  
23 the shortened time frame versus how the Commission will  
24 eventually decide to weigh competitiveness vis-à-vis the  
25 other factors?

1           And so after the first question I think it would be  
2           useful, Doug, to know whether any of these particular  
3           measures would take too long, for example, to get answers or  
4           propose any kind of practical problems with our timeline.

5           CHAIRPERSON NEUBERG: Again, yes. The former is my  
6           question, more the time frame. Thank you.

7           MR. D. JOHNSON: Thank you.

8           And you're exactly right. Things that would have  
9           to be sent off and analyzed and returned back in a day or  
10          two, you know, just aren't going to have much time for that,  
11          especially when you're down to the final decision phase. So  
12          that's where it takes some work and we're -- part of the  
13          reason to bring in the different folks that are written,  
14          just to see how many of them can we incorporate into the  
15          system?

16          And I'm certainly not an expert on the math behind  
17          all these different calculations. So if they can be  
18          incorporated in so that they're calculated live as -- as you  
19          move a block, it gives you the competitiveness score, that  
20          is going to be a much more useful measure for you as you  
21          make your decisions than something that would have to be:  
22          Okay, pause, send this off and get then it back and a delay.

23          Just because, as you know and we're talking about  
24          in detail earlier, your schedule is so compressed due to the  
25          delay in the census data.

1           COMMISSIONER LERNER: So to follow up on that, that  
2 what I'm hearing mean that we -- we potentially -- like last  
3 time they had eight or whatever, what if we said: You know,  
4 there was three competitiveness measures, we're not sure  
5 which one would work best -- or four or whatever. If we  
6 could come up with something that does it live like you're  
7 saying, then we could have our data, run those measures each  
8 time and say it seems like measure three seems to be working  
9 more consistently in a better way.

10           Is that the kind of thing you're talking about?

11           MR. D. JOHNSON: Yes. Yes. And some of the new  
12 stuff, like I know the -- in the preliminary talk I had with  
13 the person you're going to hear from tomorrow, the PlanScore  
14 folks, they actually run about three or four of the  
15 different formulas on your averages. So they'll run kind of  
16 the swing vote, the partisan swing measures, they'll run the  
17 efficiency gap, and they'll run -- oh, it's something called  
18 the King Rothman judge-it formula.

19           And they have managed to build that software into  
20 this online app called Dave's Redistricting app that you may  
21 have heard of.

22           So we're -- one of the things I talked to them  
23 about just on Friday is, I wonder how hard it would be to  
24 then build that in to the -- to the Esri system that we're  
25 building.



1           Right now it's a you take your map, you make a  
2           shape file, you stick it on their website and 10 or  
3           15 minutes later it gives you back an answer for all of  
4           those -- all of those calculations that you're averaging.  
5           Which is nice but a delay. It would be really nice if -- if  
6           we can find a way to build it in, I just don't know if it  
7           will be possible.

8           But the averages, essentially what they used 10  
9           years ago and what the Commission used 20 years ago,  
10          especially later on was simply: Here's six elections we're  
11          going to average; here's three elections we're going to  
12          average, you know, and -- and just a whole bunch of  
13          averages. That, obviously, as you -- as you say could be --  
14          are reported instantaneously by the system. And that's --  
15          that's nice.

16          And I think you're right, as you go along you'll  
17          get a sense of which ones seems to be the outlier averages  
18          that are probably an indication of incumbency or candidate  
19          factors that may get not as good a measure as the others.

20          COMMISSIONER LERNER: I don't think a 15-minute  
21          delay is too bad, it would be a two-day delay would be.

22          MR. D. JOHNSON: Right. Right. Uh-huh.

23          VICE CHAIR WATCHMAN: Okay. Any -- any more  
24          questions for Doug?

25          MR. SPENCER: Mr. Vice Chair, this is -- this is

1 Eric in the legal room.

2 I just want to point out for the Commission that  
3 the schedule that we tentatively adopted today has us making  
4 this competitive method selection by August 3rd. So that's  
5 a good four to five weeks prior to the September 10th date  
6 that Doug mentioned.

7 So I think based on some of the discussion earlier  
8 today we have -- we have room to move that date, but I just  
9 wanted to flag that for the Commission that we had already  
10 put a -- a bookmark on August 3rd for that decision to be  
11 made.

12 That's all I had.

13 VICE CHAIR WATCHMAN: Okay. So it sounds like on  
14 this particular issue we'll be able to address the items  
15 that Doug has pointed out, and that I guess for the most  
16 part we're able to choose some sort of -- it's kosher on a  
17 legal basis, so that's good.

18 Any -- any more questions for Doug and the  
19 presentation?

20 COMMISSIONER LERNER: And just following up on what  
21 Eric said, that August 3rd date, because we've said we'd be  
22 flexible, so we have room to push that back based on Doug's  
23 presentation as well, right?

24 MR. D. JOHNSON: Yeah. By a week or two, yes.

25 VICE CHAIR WATCHMAN: Okay.

1           Okay. Any other -- any other points on this, Mark  
2 and Doug?

3           This basically we're on Item VI, we talked about  
4 the timelines and then this is the competitive --  
5 competitiveness issue. So we're good?

6           MR. D. JOHNSON: Yep.

7           VICE CHAIR WATCHMAN: Okay. Let's move on then to  
8 Item No. VII, and that's the discussion of possible action  
9 of proposed revised travel schedule.

10          And so I will turn it over to you, Brian.

11          You're on mute, Brian.

12          DIRECTOR SCHMITT: Thank you, Vice Chair.

13          Couple of quick updates on our listening tour  
14 schedule. In order to give the public a little more space,  
15 we're moving from Phoenix City Council Chambers to the  
16 Phoenix Convention Center in the south building, that's for  
17 our Sunday, July 5th -- 25th meeting. All that is on our  
18 website.

19          We've also confirmed our last meeting for this  
20 round, which will be August 9th at the Mesa Convention  
21 Center.

22          All those dates are on our website; also sent  
23 around an updated schedule to folks who have signed up for  
24 our newsletter to make sure that they have the most accurate  
25 dates, but those are really the only changes at this moment.

1           VICE CHAIR WATCHMAN: Okay. Colleagues, I'm sure  
2 you're well aware of the travel schedule. Are you  
3 comfortable with the locations?

4           I know that I did see it, and my apologies for  
5 missing the early part of the meeting, there was probably  
6 some feedback about adding a location in the Yuma area. I  
7 don't know if that was raised, I think the San Luis district  
8 as I'm being -- as I recall.

9           And so has that -- has been put -- brought to your  
10 attention, Brian, and have we discussed that and is that  
11 something we need to think through as far as the schedule?

12          DIRECTOR SCHMITT: Thanks, Vice Chair.

13          It is -- originally San Luis was on our schedule.  
14 We were hoping that we'd be able to do one there this time  
15 around, but when we were trying to get out into the  
16 communities and get into rural areas as much as possible,  
17 San Luis is only about 20/30 minutes/miles from Yuma; we're  
18 holding our first meeting down there pretty far south.

19          And we did -- referring back to the schedule we  
20 looked at earlier, we have two more rounds of public  
21 hearings. So I'm sure that we'll make our way back to Yuma,  
22 and San Luis is at the top of our list for -- for future  
23 locations.

24          VICE CHAIR WATCHMAN: Well, we'll make it a point  
25 to get there.

1                   DIRECTOR SCHMITT: Absolutely.

2                   VICE CHAIR WATCHMAN: So thank you, Brian.

3                   Colleagues, did you have any additional last-minute  
4 questions on this?

5                   I know we're meeting tomorrow but we start Friday,  
6 so hopefully when we get the schedule out, we don't make any  
7 changes and that's set.

8                   So any -- any comments?

9                   Commissioners?

10                  Okay. Well, looks like we're ready to roll on that  
11 front so thank you. Thank you, Brian, for the schedule.

12                  The deals with Item No. VII.

13                  Let's go to Item No. VIII, that's discussion and  
14 possible action on the stock IRC presentation for public  
15 use.

16                  And so I think, Brian, you have that so I'll turn  
17 it over to you.

18                  DIRECTOR SCHMITT: Thank you, Vice Chair.

19                  So our -- our presentation -- our stock  
20 presentation that we're going to use at the beginning at all  
21 of these public hearings and put on our website so the  
22 public can use them if they'd like is almost ready. We're  
23 making it a little less legal and a little more user  
24 friendly.

25                  So we should have that up this week, and it will

1 also be translated into Spanish.

2 VICE CHAIR WATCHMAN: So can we have it by tomorrow  
3 so that we can look at it or -- you said later this week,  
4 what does that mean?

5 DIRECTOR SCHMITT: At least the English version,  
6 yes.

7 COMMISSIONER LERNER: Well, will we be able to --  
8 can you send out another -- I know we've seen a past draft,  
9 but can you send it to the Commissioners before it's  
10 finalized so we can provide input?

11 DIRECTOR SCHMITT: Absolutely. Will do.

12 VICE CHAIR WATCHMAN: Yeah. Thank you, Shereen.  
13 Yeah, let's do that, Brian, that way we get one  
14 last shot of how the stock looks.

15 But thank you for making it less legal. I think  
16 that's one of my recommendations, so that's important.

17 Any -- any other thoughts on the stock  
18 presentation?

19 Okay. Well, there being none, let's move on to  
20 Item No. IX, and that's discussion and possible action on  
21 the information received by the privacy differential  
22 presentation that we had last week, and that includes the  
23 census data, census delays and ways to mitigate its  
24 disruption.

25 And so I think we're basically trying to conclude

1           what we're going to talk about the other day.

2                       So, is that -- are you handling that, Roy? Or who  
3 is handling this, Brian?

4                       Roy?

5                       MR. HERRERA: I'm happy to, Vice Chair.

6                       I think that the purpose of this agenda item just  
7 is to follow up. Obviously, we had presentations of the pro  
8 and con issues related to differential privacy, so we just  
9 wanted to provide if there's any -- an opportunity for  
10 follow-up questions from the Commission or any issues  
11 related to those presentations.

12                      I will say that the next agenda, Eric is going to  
13 give an update on the Alabama litigation that, of course,  
14 involves census delay and differential privacy. So we can  
15 certainly just move to that agenda item if there are no  
16 questions here to talk about that litigation.

17                      VICE CHAIR WATCHMAN: Yeah, I know we had to cut  
18 our meeting short because of power failure, and we had some  
19 discussion on two presentations. And those presentations  
20 were very insightful, very informative, but in some cases  
21 complex.

22                      And so but my recollection is in summary is that at  
23 the end of the day, you know, you almost have the difference  
24 between raw data and census data is almost -- it's almost  
25 the same. There's going to be some -- some variances but

1 not enough to make a big change in the integrity of the  
2 data. That's -- that's my understanding.

3 And so I don't know if colleagues have any other  
4 thoughts on this -- on those two presentations?

5 CHAIRPERSON NEUBERG: This is Chair Neuberg.

6 I would like -- you know, again, as we mentioned  
7 last week, I thought the presentations were excellent, and  
8 especially with the epsilon value being so high. And, you  
9 know, I remember the 20,000 population level that Dr. Duchin  
10 emphasized, and given that the smallest legislative district  
11 is multifold over that, you know what, I was less -- much  
12 more comfortable.

13 And aside from that, my understanding and I believe  
14 it's Title 16 of the Arizona statutes, we're required by law  
15 to use the census data. So my takeaway is -- is that, you  
16 know, I think we did our due diligence to really study the  
17 matter and I -- I think, you know, we can be as comfortable  
18 as we possibly can using the census data, and I'm not sure  
19 we have any other choice.

20 VICE CHAIR WATCHMAN: Yeah, I agree, Madam Chair.  
21 Go ahead, David.

22 COMMISSIONER MEHL: Yeah, I agree totally with  
23 that. I think we -- we will receive the census data, and we  
24 have no choice but to use it, and I think we can be very  
25 comfortable using it.



1 COMMISSIONER LERNER: I agree as well.

2 VICE CHAIR WATCHMAN: Shereen -- Doug?

3 MR. D. JOHNSON: Vice Chair, if I can just throw  
4 out, I agree with everything you said and I think you're  
5 right. Just as -- as was I think was discussed quite clear  
6 last time, don't be surprised if people pull out individual  
7 block oddities and flag it that this is impossible.

8 I'm glad you've done your due diligence and now  
9 understand the issue and realize that, yes, there will be  
10 some impossible numbers in some of the blocks because of  
11 this differential privacy; but it all -- as you've just  
12 discussed accurately, it all washes out in the higher level.

13 Just so folks are not surprised if residents find,  
14 you know, two more adults than there are total people in a  
15 given block. There is some weirdness that will happen in  
16 the block level, but not at the district level.

17 VICE CHAIR WATCHMAN: Thank you.

18 Commissioner York, my apologies.

19 COMMISSIONER YORK: I agree.

20 VICE CHAIR WATCHMAN: You agree? Okay.

21 Okay. Well, I like that.

22 Let's -- let's move on then to continue with Roy on  
23 the next, the Item No. X.

24 This is legal update regarding the State of Alabama  
25 versus the U.S. Department of Commerce and the Census

1 Bureau. I did see the information you sent, Doug -- I'm  
2 sorry, Roy, and can you expand on that and give us an  
3 update?

4 COMMISSIONER LERNER: I'm sorry, do we need a  
5 motion by the way for this differential or can we just say  
6 because we all said okay, we're good? I don't know what's  
7 required.

8 COMMISSIONER MEHL: I think we're good unless we  
9 would take a motion to go in a different direction. So I  
10 don't think we need to do anything.

11 VICE CHAIR WATCHMAN: Yeah, I agree. And we'll  
12 make that call. So there's no disagreements amongst our --  
13 our Commission, so we'll move forward.

14 It's probably still -- could be an open item, but  
15 it looks like we've done our due diligence as the Chairwoman  
16 said, and it's something that we have to use.

17 And I think we'll hear from Roy for further add --  
18 add clarification to use of the data. So I'll turn it over  
19 to you, Roy, to talk about the Alabama case.

20 MR. HERRERA: Yeah, thank you, Mr. Vice Chair.

21 As I mentioned, we had a -- we had a decision at  
22 the district court level in Alabama, so I'm going to turn it  
23 over to Eric to -- to give a description of that and where  
24 exactly it stands.

25 MR. SPENCER: Hi. Good morning, all.

1 I'll just summarize. The Alabama decision came  
2 down after our last meeting where we had full power, and it  
3 won't change anything we're going to do here in the next  
4 couple months. As you may recall, there were two main  
5 claims in that lawsuit, one was about the delay in the  
6 census data, you know, coming four or five months after what  
7 statute requires, and the other component of the lawsuit was  
8 about the use of differential privacy.

9 On the census delay aspect, the Court essentially  
10 said that it -- it doesn't have a role to play here. At  
11 oral argument plaintiffs basically asked that the data be  
12 moved up to July 31st; and given that the actual data is  
13 going to be coming August 16th, which has been reinforced  
14 several times by the Census Bureau publically, including in  
15 the Ohio case, I think the Court just collectively shrugged  
16 its shoulders that it was an in -- inappropriate remedy to  
17 grant preliminary injunctive relief to force the Bureau to  
18 deliver the data two and a half weeks earlier than -- than  
19 it promised to do.

20 So the Court didn't dismiss those delay claims, but  
21 by refusing to enter a preliminary injunction, those claims  
22 probably won't go anywhere in the future.

23 But the more important aspect is about differential  
24 privacy, and the Court essentially said there's no injury  
25 yet for them to act on. The plaintiffs in this case, beyond

1 the State of Alabama, it -- the State's claims didn't go  
2 anywhere, but there were several individual plaintiffs that  
3 claimed that the use of differential privacy would affect  
4 their rights. For example, diluting their voting rights,  
5 losing federal funding, etc.

6 And the Court determined that those plaintiffs had  
7 not yet proved any injury that the Court could act upon and  
8 since the data hasn't come out yet, the claim isn't even  
9 ripe. So injury fact and ripeness are two key components of  
10 what's called standing, and the Court held that the  
11 plaintiffs didn't have standing on -- on three of their  
12 claims.

13 So they can come back later on and reallege these  
14 claims after the differential privacy has been applied, but  
15 for now those claims are dismissed without prejudice, so  
16 they can be refiled.

17 There was one legal claim that remained alive and  
18 that was that the use of differential privacy and the way  
19 the Census Bureau went about reaching its decision was,  
20 quote, "arbitrary and capricious." That's the claim that  
21 plaintiffs can bring under the Administrative Procedures  
22 Act, but the Court essentially held that the plaintiffs  
23 waited too long to make that argument.

24 The differential privacy policy was announced  
25 beginning way back in 2017/2018, and the Court essentially

1       said that the plaintiffs slept on their rights and their  
2       lack of diligence in bringing that claim is something that a  
3       court will evaluate in assessing whether to enter a  
4       preliminary injunction. Since that delay was unreasonable  
5       in the Court's opinion, the Court refused to enter a  
6       preliminary injunction.

7                Again, that claim is still alive. They can later  
8       prove at trial that the policy -- or the decision-making  
9       process that the Bureau used was arbitrary and capricious,  
10      but that trial wouldn't occur for potentially a year or  
11      more.

12             So the bottom line here is the Court refused to  
13      enter a preliminary injunction. As a result, the Census  
14      Bureau is going to apply differential privacy to the data  
15      that will come out on August 16th, and there will likely be  
16      no pre-August 16th judicial remedy that will preclude the  
17      Census Bureau from applying the differential privacy  
18      measurement to the data, and any lawsuits that will result  
19      from this will have to come after that data has been  
20      delivered and likely based on actual evidence that that data  
21      hurts that particular group, and then they can bring those  
22      claims again.

23             But for now I don't see any impediments to the  
24      Bureau producing their -- their legacy data on August 16th  
25      with differential privacy applied.

1 I'm happy to answer any questions that you have.

2 VICE CHAIR WATCHMAN: Any questions, Commissioners,  
3 on this issue?

4 It sounds to me as we get closer to August 16th,  
5 that, you know, the data is the data and so the differential  
6 factoring I guess is still an open issue but, you know, we  
7 have a responsibility to move forward with the  
8 redistricting.

9 So I guess if there's other challenges that happen,  
10 would that affect us, Eric or Roy? You know, say -- say the  
11 data comes out and -- and because there's potential is  
12 pending, would the courts accept another legal challenge,  
13 could that hold us up?

14 MR. SPENCER: I suppose it's possible but it  
15 will -- it will depend on the lawsuit, the reach of the  
16 plaintiffs' claims, the degree of harm they've allegedly  
17 identified, so it's really too soon to tell.

18 But I agree with your basic premise, Mr. Vice  
19 Chair, that we're locked in at this point and it's time  
20 to -- time to get the data and start drawing our maps.

21 VICE CHAIR WATCHMAN: Very good. I agree.

22 Any -- any other thoughts, Commissioners?

23 Okay. Great.

24 All right. That -- that deals with Item No. X.

25 Let's move on to Item No. XI, and that's the

1 discussion of future agenda items and the requests.

2 And so I think I heard Doug has a person that may  
3 be joining us and I don't -- does anybody else have anything  
4 to add? Brian?

5 I know we have our agenda for tomorrow, so we're  
6 probably talking about the agenda next week. Any additional  
7 items that we need to add or consider?

8 So basically our standard agenda as we have  
9 formatted.

10 Okay.

11 Okay. Well, let's move forward. And so tomorrow  
12 we have our next meeting at 8 o'clock and then -- okay. On  
13 the 20 -- the following week, is that the same day as our  
14 one of our -- our hearings out there, Brian?

15 DIRECTOR SCHMITT: Yes, it is.

16 VICE CHAIR WATCHMAN: Okay. I don't have the  
17 agenda in front of me, so are we going to do that online and  
18 then move to the meeting location?

19 DIRECTOR SCHMITT: I would leave that up to the  
20 Commission --

21 VICE CHAIR WATCHMAN: Okay.

22 DIRECTOR SCHMITT: -- if they would like to still  
23 continue having Tuesday at 8:00 a.m. and then the option of  
24 joining the public hearings later that evening or doing them  
25 in the afternoon and then going into the public hearing.

1           So I would defer to you all if there's -- if you  
2           have an opinion or a preference.

3           VICE CHAIR WATCHMAN: Okay. I'm sorry, I pulled my  
4           agenda up. And so for the 27th the hearing is in Prescott,  
5           correct?

6           DIRECTOR SCHMITT: Yes.

7           VICE CHAIR WATCHMAN: Okay. So we are scheduled --  
8           sorry. I had -- so we're scheduled for 8 o'clock on the  
9           27th. So my guess is we'll continue to do it by Zoom while  
10          people travel, so.

11          Okay. Any -- any other items to -- to consider on  
12          this future items?

13          Okay. That's No. XI.

14          Let's go to No. XII, announcements.

15          Does anybody have any announcements? Brian, let's  
16          start with you.

17          DIRECTOR SCHMITT: I don't have any other  
18          announcements at this point.

19          VICE CHAIR WATCHMAN: Okay. Our mapping  
20          consultants? Mark, Doug?

21          MR. FLAHAN: No announcements on my side.

22          MR. D. JOHNSON: Nothing -- nothing from me.

23          VICE CHAIR WATCHMAN: Legal? Anything from Legal?

24          MR. HERRERA: Nothing from us, Mr. Vice Chair.

25          VICE CHAIR WATCHMAN: Okay. And Commissioners?



1 I do have not an announcement but you mentioned,  
2 Brian, that in some of the e-mails possible meetings with  
3 like, for example, the Intertribal Council of Arizona. Did  
4 I miss that or is that still something that's being  
5 scheduled?

6 DIRECTOR SCHMITT: Yes. You and Chair Neuberg are  
7 going to speak with them at their meeting in the next couple  
8 weeks, I don't have the date in front of me, but...

9 VICE CHAIR WATCHMAN: You don't have the date?  
10 Okay. Let's see if we can get that so at least the public  
11 knows about what we're doing.

12 DIRECTOR SCHMITT: Sure.

13 VICE CHAIR WATCHMAN: Okay. Thank you, Brian.

14 DIRECTOR SCHMITT: Absolutely.

15 VICE CHAIR WATCHMAN: Okay. That's Item No. XII.

16 Let's go to XIII, next meeting date.

17 Next meeting date is we get back to our regular  
18 Tuesday meeting, so tomorrow at 8:00 a.m.; and the agenda is  
19 out -- or has to be; and then after that we're back to next  
20 week, July 27th at 8 o'clock, followed by our -- our hearing  
21 in Prescott. So I'm sure everybody has that scheduled.

22 Okay. Let's move on to Item No. XIV, and that's  
23 closing of the public comments.

24 And so I'll have to read here that please note that  
25 members of the Commission may not discuss items that are not

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

7 And so, you know, for the record we made that  
8 statement. So I appreciate -- allowing me to do that.

9 And so we're at the end of our meeting, we're at  
10 Item No. XV, adjournment.

11 COMMISSIONER MEHL: I move that we adjourn.

12 VICE CHAIR WATCHMAN: There's a motion by  
13 Commissioner Mehl to adjourn.

14 Is there a second?

15 COMMISSIONER LERNER: I second.

16 VICE CHAIR WATCHMAN: Commissioner Lerner seconds.  
17 All those in favor -- I'm running my own meetings  
18 here. Sorry.

19 Commissioner York.

20 COMMISSIONER YORK: Aye.

21 VICE CHAIR WATCHMAN: Commissioner Lerner.

22 COMMISSIONER LERNER: Aye.

23 VICE CHAIR WATCHMAN: Commissioner Mehl.

24 COMMISSIONER MEHL: Aye.

25 VICE CHAIR WATCHMAN: And Commissioner Vice -- or

1 Madam Chair Neuberg.

2 CHAIRPERSON NEUBERG: I am an aye.

3 VICE CHAIR WATCHMAN: Aye.

4 Okay. Thank you very much, and thank you for  
5 allowing me to chair, and I appreciate it and my apologies  
6 for being late.

7 So we will see everybody tomorrow bright and early  
8 at 8:00 a.m.

9 So, so long everybody and have a great day.

10 (Whereupon the proceeding concludes at 11:10 a.m.)

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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 3rd of August, 2021.

*Angela Furniss Miller*

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