

THE STATE OF ARIZONA  
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

July 20, 2021

8:00 a.m.

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I N D E X

	<u>AGENDA:</u>	<u>PAGE</u>
1		
2		
3	ITEM NO. I	4
4	ITEM NO. I (A)	4
5	ITEM NO. I (B)	5
6	ITEM NO. II	5
7	ITEM NO. II (A)	6
8	ITEM NO. III	7
9	ITEM NO. IV	7
10	ITEM NO. V	9
11	ITEM NO. VI	10
12	ITEM NO. VII	56
13	ITEM NO. VII (A)	56
14	ITEM NO. VIII	62
15	ITEM NO. IX	64
16	ITEM NO. X	45
17	ITEM NO. X - EXECUTIVE SESSION	55
18	ITEM NO. XI	64
19	ITEM NO. XII	66
20	ITEM NO. XIII	66
21	ITEM NO. XIV	66
22	ITEM NO. XIV	66
23		
24		
25		

1 PUBLIC MEETING, BEFORE THE INDEPENDENT  
2 REDISTRICTING COMMISSION, convened at 8:00 a.m. on  
3 July 20, 2021, via GoogleMeets, Arizona, in the presence of  
4 the following Commissioners:

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

10 OTHERS PRESENT:

11 Mr. Brian Schmitt, Executive Director  
12 Ms. 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 Mr. Eric McGhee, Efficiency Gap; PlanScore.org  
24  
25

P R O C E E D I N G

1  
2  
3 CHAIRPERSON NEUBERG: Thank you, team, you know  
4 once again for convening when we need to and for the  
5 promptness. I think it's terrific.

6 So we'll dive right in with Agenda Item No. I, call  
7 to order and roll call.

8 I(A), call for quorum. It is 8:01 a.m. on  
9 July 20th, 2021. I call this meeting of the Independent  
10 Redistricting Commission to order.

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

15 Val.

16 MS. NEUMANN: Vice Chair Watchman.

17 VICE CHAIR WATCHMAN: Present.

18 MS. NEUMANN: Commissioner Lerner.

19 COMMISSIONER LERNER: Present.

20 MS. NEUMANN: Commissioner Mehl.

21 COMMISSIONER MEHL: Present.

22 MS. NEUMANN: Commissioner York.

23 COMMISSIONER YORK: Present.

24 MS. NEUMANN: Chairperson Neuberg.

25 CHAIRPERSON NEUBERG: Present.

1 MS. NEUMANN: And for the record we also have  
2 Executive Director Brian Schmitt; we've got Deputy Director  
3 Lori Van Haren; Public Information Officer Michele Crank.  
4 On our legal team we've got Brett Johnson from Snell &  
5 Wilmer, and we've got Roy Herrera and Jillian Andrews from  
6 Ballard Spahr. Our mapping consultants we have Mark Flahan  
7 from Timmons, Doug Johnson from NDC Research, Ivy Beller  
8 Sakansky from NDC Research; and our special guest Eric  
9 McGhee who is coauthor of the Efficiency Gap and one of the  
10 board members for PlanScore.org; and our transcriptionist  
11 Angela Miller.

12 That's everyone.

13 CHAIRPERSON NEUBERG: All right. Thank you.

14 Welcome, Eric, and thank you for all of that  
15 introduction, Val.

16 Please note for the minutes that a quorum is  
17 present.

18 We'll move to Agenda Item No. I(B), call for  
19 notice.

20 Val, was the notice and agenda for the Commission  
21 meeting properly posted 48 hours in advance of today's  
22 meeting?

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

24 CHAIRPERSON NEUBERG: Thank you very much.

25 We'll move to Agenda Item No. II, approval of

1 minutes from July 19th, 2021.

2 II(A), we just had a general session. Any  
3 feedback, comments, edits?

4 COMMISSIONER LERNER: Madam Chair, the one thing I  
5 would add was to add Commissioner Watchman to the top on the  
6 list of folks at the top because since he did join a little  
7 later. It shows up later on, but it doesn't -- he doesn't  
8 appear in the top list of attendees, I'm not sure.

9 CHAIRPERSON NEUBERG: Got it.

10 Okay. If there's no further discussion, I'll  
11 entertain a motion to approve the general session minutes  
12 for July 19th, 2021.

13 COMMISSIONER LERNER: This is Commissioner Lerner.  
14 I move to approve the minutes from July 19th, 2021.

15 CHAIRPERSON NEUBERG: I'll entertain a second.

16 COMMISSIONER YORK: Commissioner York seconds.

17 CHAIRPERSON NEUBERG: Any further discussion?

18 With that, we will do a vote.

19 Vice Chair Watchman.

20 VICE CHAIR WATCHMAN: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Mehl.

22 COMMISSIONER MEHL: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Lerner.

24 COMMISSIONER LERNER: Aye.

25 COMMISSIONER NEUBERG: Commissioner York.

1 COMMISSIONER YORK: Aye.

2 CHAIRPERSON NEUBERG: With that, the minutes are  
3 approved with a 5-0 vote -- oh. Did I vote?

4 Chairwoman Neuberg is an aye.

5 And with that is a 5-0 vote on the approval of  
6 minutes.

7 Thank you, Val, as always.

8 With that, we'll move to Agenda Item No. III,  
9 opportunity for public comments.

10 Public comment will open for a minimum of  
11 30 minutes and remain open until the adjournment of the  
12 meeting. Comments will only be accepted electronically in  
13 writing on the link provided in the notice and agenda for  
14 this public meeting and will be limited to 3,000 characters.  
15 Please note, members of the Commission may not discuss items  
16 that are not specifically identified on the agenda.  
17 Therefore, pursuant to A.R.S. 38-431.01(H), action taken as  
18 a result of public comment will be limited to directing  
19 staff to study the matter, responding to any criticism, or  
20 scheduling the matter for further consideration and decision  
21 at a later date.

22 With that, we will move to Agenda Item No. IV,  
23 discussion on public comments received prior to today's  
24 meeting. Basically comments we've received in the last  
25 22 hours.

1 I open it up to my fellow Commissioners.

2 COMMISSIONER LERNER: This is Commissioner Lerner.  
3 Just a couple of things.

4 Again, thank you as always to the folks who are  
5 doing the commenting. Factoring in Independents into  
6 discussions about competitiveness was an interesting point,  
7 a good point, so it's just something for us to keep in mind  
8 since we know Arizona has a lot of Independents registered  
9 here as was mentioned by our consultants last -- yesterday,  
10 so I appreciate that.

11 And then it was an interesting point, we did ask to  
12 add ZIP Codes for people to sign in and then somebody said,  
13 well, there's a million ZIP Codes in a county. So good  
14 point on that, we'll just have to figure out how we work  
15 through that.

16 That's all I have.

17 COMMISSIONER YORK: I still like ZIP Codes. Keeps  
18 everybody local.

19 COMMISSIONER LERNER: Me, too.

20 CHAIRPERSON NEUBERG: One piece of data amongst  
21 many.

22 COMMISSIONER YORK: Exactly.

23 CHAIRPERSON NEUBERG: Any other comments?

24 Yeah, you know, I actually have nothing to add; I  
25 usually do. But I felt that many of the questions were



1 answered in subsequent presentations in the agenda.

2 And so if there is no further comment, we will move  
3 to Agenda Item No. V, which is update from the mapping  
4 consultants Timmons/NDC.

5 Please take it away.

6 MR. FLAHAN: Well, thank you very much. Good  
7 morning, everyone.

8 Good to see you two days in a row.

9 The first start we'll mention is the listening tour  
10 survey, I know there was a comment about the ZIP Codes that  
11 was just brought up. We did add ZIP Codes to the listening  
12 tour survey, and that is now ready to go. Being that ZIP  
13 Codes are a geographic feature, we can easily tie it to a  
14 county; so that's not a problem, we can get to the counties  
15 we need to. And probably estimation of 90 percent of ZIP  
16 Codes probably only span one county, I'm sure there is a  
17 couple that do span multiple counties, but we can figure it  
18 out to get that detail to you guys to if you want to see  
19 counties instead. That's -- that's not a problem.

20 The only other update that we have from yesterday  
21 to today, except for the presentation you guys will see, is  
22 we're gearing up for the listening tour, so we're making  
23 final preparation on our side to make sure we are successful  
24 going forward.

25 And, with that, that -- that's all I got from my

1 side. I'll turn it over to Doug.

2 MR. D. JOHNSON: Yeah, do we want to introduce  
3 Dr. McGhee at this point or is he on a later item.

4 CHAIRPERSON NEUBERG: Not yet.

5 MR. D. JOHNSON: Okay.

6 CHAIRPERSON NEUBERG: Oh. Yes, that's going to be  
7 our next agenda item, so before we jump to that let's close  
8 this.

9 MR. D. JOHNSON: Okay.

10 CHAIRPERSON NEUBERG: You have anything specific on  
11 what Mark just -- just shared?

12 MR. D. JOHNSON: No, I think --

13 CHAIRPERSON NEUBERG: Okay.

14 MR. D. JOHNSON: -- we got it through yesterday,  
15 so.

16 CHAIRPERSON NEUBERG: You know what, I would just  
17 like to share and just thank you Mark that -- that obviously  
18 our public comment system is working. I mean, you know, you  
19 receive public comment and within 24 hours you've digested  
20 it, planned for it, accounting for it and -- and I just want  
21 to thank you and acknowledge that.

22 And if there's --

23 MR. FLAHAN: You're welcome.

24 CHAIRPERSON NEUBERG: And if there's no further  
25 conversation, we will now jump to Agenda Item No. VI,

1 presentation and discussion concerning potential competitive  
2 measurement tests.

3 With that, Doug, please.

4 MR. D. JOHNSON: Yes. Thank you. Today we're  
5 honored to have Professor McGhee who is a first of a number  
6 of academic experts in this field I've contacted to see if  
7 they're available and willing to talk with you about the  
8 issue of competitiveness.

9 I do want to express my appreciation, I just called  
10 him on Thursday and e-mailed him on Friday, and he was  
11 willing to turn around and make a presentation to you this  
12 morning. Obviously, this has been prepared on short notice  
13 so we will probably have him back as well as we get more  
14 information on this and get more into detail and into  
15 decision-making. But he is -- I do appreciate his  
16 willingness to turnaround quickly.

17 And as -- as Valerie mentioned at the beginning, he  
18 is coauthor of the Efficiency Gap Measure that I mentioned  
19 yesterday, and he is on the board of an organization called  
20 PlanScore, which has set up a website where you can update  
21 maps -- or you submit map, and it generates a whole bunch of  
22 competitive scores, so he'll talk more about that.

23 Just a little bit of a background, he is a senior  
24 fellow at the Public Policy Institute of California, and he  
25 has his Ph.D. from the University of California at Berkley.

1           As I mentioned, he's the first of a number of  
2 experts that we will be having so that their viewpoints and  
3 perspectives can -- can essentially enrich your  
4 decision-making processes to consider this important issue.

5           And, with that, I will turn it over to him.

6           DR. MCGHEE: Thank you, Doug, and thank you to  
7 Commissioners for having me here today. I really appreciate  
8 the opportunity to speak to you.

9           As Doug said, it's been a quick turnaround so I  
10 can't vouch for the quality of this presentation but I'll --  
11 hopefully it will be clear enough for all you guys.

12           Let me -- I've never actually used GoogleMeet  
13 before. Do I do "present now" to share -- share slides?  
14 Okay.

15           MR. D. JOHNSON: Yeah.

16           DR. MCGHEE: A window.

17           COMMISSIONER YORK: It's going to be a little  
18 weird, too. All the -- all the faces will disappear and all  
19 you'll see is yourself.

20           DR. MCGHEE: Right, yeah. I'm familiar with that  
21 from Zoom; I'm just not a -- not normally a GoogleMeet guy.  
22 Let me get this started and then hopefully this will work  
23 here.

24           Can everybody see that?

25           MR. D. JOHNSON: Yep.

1 DR. MCGHEE: All right.

2 So as Doug mentioned, I'm -- you know, so I have a  
3 day job, but I also am on the board of and one of the kind  
4 of team behind -- members of the team behind this website  
5 called PlanScore, and I'm coming to you in that capacity  
6 today because I think PlanScore may have some tools that  
7 will be useful for you; and also just to talk to you more  
8 generally about competitiveness and redistricting, that's  
9 what Doug asked me to talk about today.

10 What I want to do is not necessarily in the -- in  
11 the law that establishes the Arizona Commission, it mentions  
12 competitiveness, of course, and some language about drawing  
13 a certain number of competitive districts. I'm not really  
14 here to tell you how many competitive districts you should  
15 draw or, you know, how competitive your plan should be  
16 overall, but I do -- I do want to give you some sense of  
17 how -- how you might think about the question of  
18 competitiveness and how to measure it.

19 And I think there is some -- I have some  
20 recommendations along those lines. So, again, won't be  
21 solving your problem but hopefully will be to able to shed  
22 some light on to those as it were.

23 So first I want to talk about kind of what  
24 competitiveness means, at least in the context of the  
25 Arizona Commission, how that then might be measured, what

1 might be one approach to measuring. There's actually a  
2 number of approaches, but I'm going to kind of suggest one  
3 that might be the most effective for you guys.

4 I'm going to talk a little bit hopefully without  
5 sinking too deep into the weeds about how competitiveness  
6 relates to the concept of partisan bias or partisan  
7 advantage in redistricting, which is more kind of the  
8 classic gerrymandering question; and then kind of give you a  
9 little bit of a presentation, a demo, of the PlanScore  
10 website so you can get a sense of how it might help you with  
11 this question.

12 All right. So what does "competitive" mean? Well,  
13 before we can say -- talk about competitiveness,  
14 competitiveness is one dimension of sort of partisan  
15 outcomes or election outcomes in -- in a redistricting plan,  
16 and I think that that -- that concept itself, just the  
17 election outcomes itself, can be broken into two really  
18 super broad categories.

19 The first is partisanship or partisan  
20 consideration, that's where voters are supporting candidates  
21 as representatives of political parties. So they don't care  
22 so much about the person's name; they care about the label  
23 that come after that name.

24 And so when they are evaluating, they might be  
25 somebody who is a really diehard party supporter, always

1 going to support that party; they might be somebody who  
2 decides one election to the next which party they're going  
3 to support, but they're all evaluating the candidates as  
4 members of that broader political party and how they  
5 perceive that party has performed.

6 The other just really super broad category is  
7 personal characteristics. This is when you support the  
8 candidate as an individual and the individual candidate  
9 record, either because of their personality or it's the cut  
10 of their jib, whatever it is, maybe it's just the fact that  
11 they take sort of a constellation of policy decisions that  
12 makes them distinct from the typical member of their party.  
13 It's really that individual and that individual candidate  
14 record that matters and that's what you're voting on as a --  
15 as a voter.

16 So Doug talked a little bit about this kind of  
17 personal versus partisan I think in his presentation  
18 yesterday. While personal is often considered synonymously  
19 with incumbency, it doesn't -- but it's not exclusively the  
20 same thing, but incumbency is certainly kind of one of these  
21 personal factors that might play a role.

22 So I think when we're talking about redistricting,  
23 the thing that -- that matters most is the partisan and not  
24 the personal. And that's because the partisan is the thing  
25 that -- that you guys have the most control over when you're

1 drawing the lines. It doesn't mean that incumbency doesn't  
2 play a role or have a -- have some -- doesn't -- doesn't  
3 factor into some redistricting plans; certainly if a party  
4 is drawing a plan, they might try and design the districts  
5 to -- to, you know, this particular district or that  
6 district to be represented by some particular person. They  
7 have a person in mind when they're drawing a district. So  
8 that is certainly a possibility.

9 Hold on; I'm trying to plug in my computer here.  
10 Using more juice than I expected.

11 So the -- so you can certainly have that -- that  
12 personal characteristic be part of redistricting, but I  
13 think you as the Arizona Commission, my read of the law --  
14 again, I'm not here -- I'm not a lawyer. I'm not here to  
15 advise you on the law, but my read of it and kind of how I'm  
16 going to be approaching this presentation today is on the  
17 assumption that you're actually really not allowed to  
18 consider that aspect of the line drawing.

19 So the -- the Arizona law specifically mentions  
20 party registration and voting history as something you can  
21 use to evaluate the competitiveness of districts but not the  
22 residence of incumbents or candidates. Right?

23 So that suggests to me that really beyond the fact  
24 that redistricting is mostly about -- about sort of varying  
25 the partisan composition of these districts, in addition to



1 that, that's really kind of your mandate is to -- to  
2 consider those factors and not the personal factors.

3 So when we talk about competitive and  
4 competitiveness, it's kind of a partisan definition from  
5 my -- from my perspective. So it's that the district's  
6 partisanship makes it possible that it will be held by more  
7 than one party over its lifetime, that is the -- the ten  
8 years that that district will exist.

9 That doesn't mean that the personal part isn't  
10 there, but the personal part enters into the equation  
11 through a certain amount of extra uncertainty about how the  
12 election result is going to go. So it becomes kind of  
13 packaged into a general sense of, well, you know, there  
14 might be something else going on and our prediction of how  
15 this district is going to perform is going to be less than  
16 perfect as a result. It's not the only thing that  
17 contributes uncertainty; there's lots of things, but it is  
18 one of the things that contributes to that and certainly  
19 makes it a little bit larger.

20 I'll also note that over the last, say, 30,  
21 40 years, the dominant trend has been for these -- for the  
22 personal factors to become much less important, and the  
23 partisan factors to become much more important. So these  
24 days it's pretty easy, actually, to -- to compare to decades  
25 ago to forecast how a race is going to go based on the

1 partisan composition of the district without even knowing  
2 who the incumbent is.

3 All right. How might we measure competitiveness?  
4 Well, I think there's a number of different approaches we  
5 might take and I'll -- I'll list three of them here in  
6 ascending order of quality in my view.

7 The first would be to use the party registration of  
8 the district. It's an option in Arizona; it's not an option  
9 in every state, but Arizona has party registration, so we  
10 could use party registration.

11 It is an option you could use; you could take this  
12 route. I think of the options I'm going to present here,  
13 it's the worst. Why is it the worst? Well, because what  
14 matters is not the labels on a party registration -- on a  
15 registration form -- I'm a D, I'm an R, or whatever -- it's  
16 the votes: How does this person actually cast ballots for  
17 the race in question? That's what you are actually  
18 concerned about, not party registration.

19 Party registration is a stand-in for these other  
20 things.

21 And as I heard you mention at the outset, there's  
22 this question about what to do with the other category, sort  
23 of the Independents, right? The reality is there's --  
24 there's lots and lots of research that shows that  
25 Independents are usually closet partisans; they're not

1 usually the classic swing voters. Certainly there is a  
2 chunk of Independents who are swing voters, but most  
3 Independents are not. They tend to not only vote  
4 consistently up and down the ticket for one party, but they  
5 also vote consistently over time for that same party. So if  
6 they -- if they lean Democratic in one election, they'll  
7 lean Democratic for the next election, that kind of thing.

8 So that makes allocating Independents as a way of  
9 trying to engage competitiveness problematic in my view.

10 Another option is to take votes for statewide  
11 office like presidents, US Senate, Governor and use that as  
12 a sort of stand-in as a partisan outcome of the district  
13 might go. This a better approach. It's a better approach  
14 'cause it gets closer to that concept of actual votes and  
15 it's better because in this day and age, as I said, party  
16 considerations drive outcomes a lot more than they used to.  
17 So the predictive power of these statewide offices has  
18 gotten a lot better.

19 But fundamentally what matters is votes for the  
20 office the district is drawn for, right? So it's state  
21 legislature; it's votes for state legislature. If it's  
22 Congress, it's votes for Congress. So what we really need  
23 to know is the relationship between those statewide offices  
24 and the office in question.

25 I think the best approach is to -- is to come up

1 with an expected vote: What do you think the vote is going  
2 to be in that particular district? And there are tools that  
3 allow us to do this pretty well.

4 They basically involve taking statewide office  
5 races, which you can reaggregate into the new districts once  
6 they're drawn, take those past outcomes; and then translate  
7 those into predictive party performance based on how those  
8 things have related to each other in the past.

9 So this is not a perfect method, but it requires in  
10 my view the fewest assumptions, and it's the most  
11 data-driven.

12 Now, if we're going to do this, I think there are  
13 two very broad approaches that you might take. One is to  
14 just use the average election and the other is to sort of  
15 factor in partisan tide. So what if I -- what if we use  
16 just the average election, this is sort of, okay, we know  
17 what this relationship is, and we know what it's been kind  
18 of over the last ten years, say. We use that to say, okay,  
19 what on average, over the last ten years, how would this  
20 district like this have performed if it had been -- if it  
21 had existed in the last ten years?

22 And so we -- and then for this you would -- you  
23 would just kind of pick, you'd sort of predict each of the  
24 party's performance in each of the districts, and then you'd  
25 pick some range of the two-party vote that seemed

1 competitive. So let's say, like, okay any -- any seat where  
2 the winner won by less than 55 percent, say, we'll consider  
3 that competitive.

4 You can also, for this kind of calculation, factor  
5 in the uncertainty about that expected outcome. So the --  
6 one of the nice things about this methodology is that you --  
7 you have that relationship between the statewide vote and  
8 the vote for congress or state legislature and you can see  
9 how much error there was in that forecast in the past. So  
10 you can say, okay, yeah, on average there was this  
11 relationship, but there's a lot of outcomes that don't fit  
12 that relationship perfectly. How many outcomes were there  
13 like that? How far off from that kind of main tendency were  
14 the results?

15 And then you can use that to have best guesses  
16 about the amount of error or uncertainty in your prediction.  
17 So you can also factor that in to -- to your decision.

18 And even better in my view, sort of the complete  
19 approach for the kind of thing that you're doing, is to have  
20 that kind of average outcome and then imagine what a  
21 partisan tide might do to it. A partisan tide is where an  
22 election where it seems pretty clear that candidates of one  
23 party did better across the board and candidates of the  
24 other party did worse.

25 So I'm thinking, imagine a year like 2010 for

1           Republicans or 2018 Democrats. All Republicans did better  
2           pretty much in 2010; all Democrats did better pretty much in  
3           2018.

4                        So what you can kind of look back over the history  
5           of Arizona in the last ten years and say, okay, what's been  
6           the sort of typical partisan tide, and what's the partisan  
7           tide we want to kind of imagine is the largest we would  
8           potentially see, and will any given district flip party  
9           hands under those conditions?

10                      So if you have a district that was 55 percent  
11           Democratic by your prediction and you said, oh, I think the  
12           largest tide we might see would be six -- a six-point shift,  
13           then that seat could flip and maybe we can consider that  
14           competitive because that has the potential with the sort of  
15           shifting up and down, the natural shifting up and down we've  
16           seen over time, it's likely to naturally flip. So it could  
17           be a competitive seat for that reason.

18                      So how does competitiveness relate to bias, to  
19           partisan advantage?

20                      This is a little bit more of a complicated  
21           conversation and so, like I said, I hope I don't get too  
22           much into the weeds and can keep it kind of high level, but  
23           I'm going to try to give you sort of a primer on -- on this  
24           relationship because there's not exactly the same thing, but  
25           they do relate to each other.

1           So bias or partisan advantage in redistricting is  
2 largely about the concept of efficiency. What is  
3 efficiency?

4           Well, efficiency is where the vote that you cast in  
5 a particular race has the best chance of producing a winner.

6           So if you got a district that's like 60/40  
7 Democratic, the 40 percent Republicans in that district in a  
8 sense their -- their votes are not efficient because for --  
9 for Republican wins because they're all cast for a loser.  
10 They're cast for the Republican candidate in that seat.

11           If you were a gerrymanderer you would say, "Hey,  
12 that's -- that's not good. What I would prefer is move some  
13 of those people into a neighboring district where they have  
14 a better chance of actually producing a win."

15           So what you're -- and then same thing is true for a  
16 seat where, like, say it's 80/20 Republican. Those extra  
17 Republican votes beyond the -- the number necessary to win  
18 the seat are inefficiently allocated. They can be moved to  
19 another seat.

20           So -- so the party that -- a party wins more seats  
21 as it allocates its voters more efficiency. So that is as  
22 it has more seats that it wins by small margins as compared  
23 to oppositions who win their seats, if they win any at all,  
24 by very large margins. So those large margin districts are  
25 kind of, you're sort of dumping supporters into a small

1 number of districts where they -- a lot of their votes are  
2 inefficient.

3 And all measures of partisan advantage in one  
4 respect or another capture this notion of efficiency. They  
5 do differ from each other. They can under some  
6 circumstances give different results, but they all --  
7 somewhere in them is a kernel of this concept of efficiency.

8 And I will say, for Arizona -- for reasons I can  
9 get into in the Q and A if you want, for Arizona they all  
10 give very broadly similar results. So the good news for  
11 Arizona is if you were worried about this gerrymandering  
12 question at all, you wouldn't really have to worry too much  
13 about the metric that they choose because they're all going  
14 to kind of give you the same result.

15 So how does this relate to competitiveness?

16 Well, there's one way I think that is -- that is  
17 important where it could relate to competitiveness.  
18 Generally speaking, I wouldn't worry too much about the  
19 gerrymandering side when you're thinking about  
20 competitiveness but, again, I can see a way in which they  
21 could be -- they could be problematically linked.

22 If you felt because of other criteria that the  
23 Commission is required to -- to follow, if you felt that you  
24 needed to create some uncompetitive districts, you can think  
25 those uncompetitive districts as sort of using up partisans



1 of one side. If it's an uncompetitive Republican seat,  
2 you've sort of dumped a bunch of Republicans into a small  
3 number of districts, the same thing on the Democratic side.  
4 That means if you then create -- if you create those  
5 uncompetitive districts, and you turn to the rest of the  
6 state and your goal is to create only competitive seats in  
7 the rest of the state, it will be easier to create  
8 competitive seats for the other side because you've used up  
9 a bunch of partisans in those uncompetitive seats to start.  
10 And if you end up having a small number of uncompetitive  
11 seats that are won by one party, and then the rest are  
12 competitive seats won by the other party, that's a  
13 gerrymander at least on paper. That's exactly the classic  
14 formula for partisan gerrymander, and it would be completely  
15 accidental in your case. So I would just -- I think that's  
16 where you have to be a little careful.

17 And so what's -- just to give you an example of  
18 this, our little toy example. We've got 50 voters; 30 are  
19 red; 20 are blue. And we draw these districts around those  
20 voters.

21 Oops, look, we've got five districts; and despite  
22 the fact that the state is 30 red, 20 blue, we have 3 blue  
23 and 2 red, and it's purely based on how the district lines  
24 were drawn. This is -- looks a lot like the scenario I just  
25 described because, look, we've got a couple of seats that

1 we've drawn that are overwhelmingly red, have almost no blue  
2 voters at all, and so that -- that could be kind of the  
3 initial uncompetitive seats that you draw for other -- based  
4 on other criteria; and then the remaining are just very  
5 narrowly blue, but they're blue enough that they're going to  
6 be blue seats, and that's how you end up with this distorted  
7 outcome.

8 So what's kind of the best solution of this? I  
9 think in very broad terms to avoid this kind of bias is  
10 probably best to try and balance competitiveness in some  
11 very rough sense. It doesn't have to be perfect; but if  
12 you've got some uncompetitive seats on one side, something  
13 that's roughly uncompetitive on the other side is going to  
14 help prevent this kind of scenario from happening.

15 Again they don't have to be if it's 80/20  
16 Democratic; it doesn't have to be 80/20 Republican, but just  
17 kind of seats that are also uncompetitive on the other side  
18 would help alleviate this -- this particular issue.

19 All right. How might PlanScore help?

20 So PlanScore is a collection of five geniuses and  
21 me. It is a nonpartisan redistricting resource that whose  
22 goal is to help people predict the partisan outcomes of  
23 their plans. So it -- it will give you the expected  
24 partisan vote in each district in your new plan; it will  
25 also calculate a variety of the partisan advantage metrics

1 that are out there, including the efficiency gap, but also  
2 the ones that others have created; and it will -- has a big  
3 database that has these bias metrics going way back in time,  
4 back to the 1970's for some states.

5 It's a great collection of people who are behind  
6 this, but the real amazing person -- I set him off to the  
7 side over here -- is Mike Migurski who did all the coding  
8 for the website, who has designed it, made it all work, he's  
9 an absolute wizard when it comes to this geospatial stuff.

10 So I've created some screenshots of PlanScore, but  
11 I think what I'd like to do is go to the actual website and  
12 show you it working dynamically. So let's see if I can make  
13 that work.

14 Oh, a tab. I can do a tab, that's great.

15 All right. Can everybody see that?

16 I hope so; I can't see you now.

17 MR. D. JOHNSON: Yes. Yes, we can.

18 CHAIRPERSON NEUBERG: Yes.

19 DR. MCGHEE: All right. Okay. Great.

20 So this is the main PlanScore site, when you go  
21 there, it's [www.PlanScore.org](http://www.PlanScore.org), it takes you to the -- a map  
22 of the country with the historical metrics, U.S. House,  
23 State Senate, State Houses. We don't have the historical  
24 metrics for every single state, but we them for a lot of  
25 states, generally more for state legislatures. Mostly

1 'cause when you get in the U.S. House, smaller states  
2 sometimes, you know, the -- the metrics, can -- if you have  
3 like a state with three seats, partisan gerrymandering is  
4 not as much of an issue, and it tends to become harder to --  
5 to measure.

6 But so those are the -- those are the historical,  
7 if you wanted that, it tends to be popular with the media  
8 because they write stories about the history of  
9 gerrymandering.

10 But then you can go up here to the top to score  
11 plan, and then it takes you to this site with this big bad  
12 button that says "Select a file to upload." It will take  
13 any of these types of files, and it will just automatically  
14 detect what kind of file you're uploading.

15 So what I did is I went to the website for  
16 Arizona's last Commission where they helpfully had the state  
17 files for -- for the -- for the last plan, and I downloaded  
18 it; and then I -- I just selected on my desktop, and it  
19 uploads it. So we'll give that a second to go.

20 Usually takes a couple of minutes.

21 All right. So there's Arizona's congressional  
22 districts as they exist now.

23 Now, we can go down -- the next step is we can go  
24 down, and we can actually tell PlanScore whether we think a  
25 Republican or a Democrat is going to represent that seat.

1 That's going to help with the predictions, because as Doug  
2 mentioned in his presentation yesterday, incumbency still is  
3 a factor; it's not the factor that it once was, but it is  
4 still a factor. So you're going to get a better, more  
5 accurate prediction if you factor in incumbency.

6 Again, my sense is that you are not allowed to  
7 factor in incumbency in this way. But if you wanted to,  
8 again, I'm not a lawyer so I'm not going to tell you you  
9 can't.

10 But I'm going to leave this all as though every  
11 seat is open for the purposes of this exercise under the  
12 assumption that that's what you guys would have to do too.

13 And then you just hit "Score this plan." And this  
14 part takes just a little bit longer but not too long,  
15 especially for a smaller plan like this.

16 CHAIRPERSON NEUBERG: You know, while we're waiting  
17 for this to upload, I just -- you know, I was remissent in  
18 sharing with my colleagues that after this we have the  
19 opportunity for Q and A, but we also have the opportunity to  
20 go into executive session for the purpose of obtaining legal  
21 advice with respect to the competitive measurement test. So  
22 as you're taking notes with your questions, please remember  
23 that you could have two different buckets.

24 So, with that, please continue.

25 DR. MCGHEE: Great. Thank you.

1           So you see it's now, it has finished its work. As  
2 I suggested, you look at the different measures of partisan  
3 advantage and they -- they all look broadly similar.

4           The -- each of these shows not just where this plan  
5 is, but also the -- the distribution of plans around the  
6 country on this same metric; it also tells you in terms of  
7 the uncertainty in our prediction, like, how -- how likely  
8 it is that the plan will favor one side, and all of these  
9 are, you know, 52 percent, 61, 61. Just a very slight tilt,  
10 right? Not -- not very much. That's pretty close to a coin  
11 toss, right? Which is kind of what you would hope to see on  
12 these metrics if there isn't any advantage, right? Any  
13 bias.

14           It also, for one of the measures in particular, the  
15 efficiency gap, it -- it does this kind of partisan tides'  
16 test, and it shifts things up and down to see how the  
17 advantage metric changes as a result. So how sensitive is  
18 the result to the advantage metrics swinging around?

19           And down at the bottom, and this is the part I  
20 think that might be of greatest interest for the  
21 Commissioners and for the Commission, is it gives you the  
22 specific prediction for each race.

23           Along with the chance of a Democratic win, now,  
24 this is -- this is akin to the average election result that  
25 I was talking about before, but without the partisan tide

1 part built in.

2 So we've got, again, an average election year over  
3 the last ten years. This is how each of those seats would  
4 turn out. And then this chance of a Democratic win reflects  
5 the uncertainty in our measure.

6 So that -- that number is going to get, like, here  
7 we've got a seat that's predicted to be 50/50. So the  
8 chance of a Democratic win is pretty slim, right? It's  
9 basically a coin toss.

10 But then you get down to like a 61/39 seat, and  
11 then it's overwhelmingly the like -- the chance that it's  
12 going to be a Democratic seat, and then you have the same  
13 thing on the Republican side in some cases.

14 It gives some sense; it also tells you some of the  
15 inputs that went into this, like the presidential vote, and  
16 it also has some demographics metrics; and then it notes  
17 that all of these are -- are simulated as if they would be  
18 open seats.

19 And then the map is colored to show kind of the  
20 general tendencies, the dark -- the solid colors are solidly  
21 one way or the other, and then the -- the shaded are ones  
22 that are a little sort of dicier in terms of which way they  
23 would go.

24 And that would be kind of one sense of competitive  
25 or noncompetitive, right?

1           But, again, I think it might make more sense to  
2           take these predictive votes here and acknowledge the fact  
3           that elections shift up and down, and then -- and then pick  
4           some number that seems reasonable in terms of how much  
5           shifting up and down you expect to happen and get a better  
6           sense of which ones might actually work.

7           All right. Now the question of -- shop sharing.  
8           There we go.

9           All right. Now I'm back with you guys, and so I'm  
10          going to go back to one more thing to show you.

11          So I had created these just in case it all blew up  
12          on me.

13          So this shows you, I thought it would be useful to  
14          compare this PlanScore prediction to the actual 2020 vote.  
15          Turns out the 2020 election was a pretty average election  
16          come -- like, relative to the history of Arizona over the  
17          last ten years.

18          And so you can see this open seat prediction that I  
19          just showed you compares to the actual 2020 vote quite well  
20          in each case. It's a very close match. Not perfect, but  
21          pretty close.

22          If you run PlanScore with incumbency you get even  
23          closer, right? Some of these are really pretty dead on.  
24          There's only one seat where it's a little bit off.

25          And so you can see that incumbency does matter; it



1 is changing the results a few percentage points. But it's  
2 not the -- the force that it once a was back in, say, the  
3 late 1980s you would expect incumbency to maybe shift the  
4 vote by 10 points sometimes. It doesn't do that anymore,  
5 but it does nudge it a few percentage points. So you're  
6 going to get a more accurate prediction if you use  
7 incumbency, but -- but you can get in the right ballpark  
8 without it.

9 All right. So that's -- that's the presentation  
10 I've got for today to give you some sense of kind of how I  
11 would think about this question and then the -- like, how  
12 you might use a tool like PlanScore.

13 I will say PlanScore is free and we're nonpartisan.  
14 We let anybody use it. We don't keep track of who uses it,  
15 so you can go and upload files and plans to your heart's  
16 content, and nobody will know. We won't know; we don't keep  
17 any record. So play around with it if you like, it's all  
18 automated, we don't need to be involved at all. So it's  
19 just provided there as a public service.

20 And that's all I have to say. Thank you.

21 MR. D. JOHNSON: Thank you, Eric.

22 Chair, I'll just -- a couple of final thoughts on  
23 this.

24 Again, thanks, Eric, for -- for presenting this on  
25 very short notice, so we really appreciate him putting

1 together what I think was a very useful presentation.

2 One other thing that he and I did discuss is that  
3 some people may have heard of this Dave's Redistricting app.  
4 It's an online sort of redistricting tool, and they have  
5 merged the PlanScore calculations into that. So one of the  
6 things we'll follow up with him on is, is it possible to  
7 actually build the scoring into our redistricting tool as  
8 Dave's has.

9 I have no idea whether that will be possible or,  
10 you know, resource appropriate, but we'll -- we'll follow up  
11 on that just so you have it in the range of options on your  
12 table when you do get to the point of choosing metrics.

13 DR. MCGHEE: Yeah, so we are -- as Doug says, we're  
14 embedded into Dave's Redistricting app, and I think we're  
15 potentially open to other similar collaborations, but I  
16 can't speak for the whole -- whole PlanScore organization.

17 MR. D. JOHNSON: So, yeah. Yeah, we'll follow up  
18 on that so that when this issue does come back to the  
19 Commission to make a decision, we can tell you whether or  
20 not we think we can incorporate it so it's live or whether,  
21 as you saw, you know, worst case it's very quick to upload a  
22 shape file and give you a report.

23 So thank you again.

24 DR. MCGHEE: You're welcome.

25 CHAIRPERSON NEUBERG: Thank you, both.

1           Again, just reminding my colleagues if there are  
2           questions that you've noted for executive session, let's  
3           earmark two buckets.

4           And before you turn it over to Q and A, Doug, I  
5           don't know if you want to set any, you know, additional  
6           context for how it would be helpful for us to be digesting  
7           this information or thinking about it, you know, relative to  
8           future presentations; but, if not, you know, we can  
9           certainly dive right in.

10          MR. D. JOHNSON: Yeah, no, I think, you know,  
11          whatever questions you have would be great to ask him.

12          I do realize this is a ton of information you've  
13          gotten in the last 24 hours, so I did talk already with Eric  
14          about him coming back kind of when you've had more time to  
15          process and -- and have heard other viewpoints and -- or  
16          other ideas as well so you can keep it all in context. So  
17          whatever questions you have for him today, great, this will  
18          not be your last chance to ask questions of him.

19          CHAIRPERSON NEUBERG: Okay.

20          Commissioners?

21          COMMISSIONER MEHL: I have a question for Doug, and  
22          I do appreciate the presentation, Eric.

23          Doug, when we look at the Constitution and it lists  
24          six factors and now we've had several discussions about how  
25          we measure competitiveness, how do we measure the other

1 factors? How do we measure compactness and the other  
2 factors, and will we be hearing anything on those?

3 MR. D. JOHNSON: So, yes, definitely hearing about  
4 those. Those are less complicated. I mean, the one that  
5 comes kind of close in -- in oddity, I guess, would be the  
6 compactness world because there are a whole bunch of  
7 different definitions of compactness. Like competitiveness,  
8 they often conflict too. So we'll get more into that.

9 But this is -- we put so much emphasis on this one  
10 because competitiveness seems to be simple when you first  
11 hear about it, but in reality measuring it and implementing  
12 it in a plan is very -- as you're hearing -- very  
13 complicated, so this is the one that will take a lot of  
14 thinking and a lot of discretion by the Commission.

15 The others are -- are certainly just as important,  
16 you know, we're not saying this should dominate or -- or  
17 make any judgment calls on that front, but are -- tend to be  
18 more straightforward. Like how many cities are split,  
19 that's a pretty straightforward concept.

20 So we will be covering those but not -- not to  
21 degree we're covering these.

22 COMMISSIONER LERNER: This is Commissioner Lerner.

23 So when you're looking at -- first of all, thank  
24 you for your presentation, very interesting about that; I  
25 learned a lot.

1           Question. You're using existing lines, right, the  
2 existing districts right now because that's what you have  
3 for data. How would you incorporate a PlanScore into, you  
4 know, as we're working on redistricting and we may have to  
5 move lines that exist one way or the other, how does  
6 PlanScore work with lines that are not set in stone already?

7           DR. MCGHEE: Yeah, so that's a good question.  
8 The -- I used the -- the existing maps because it was easy  
9 to get a shape file for those. To get -- what -- what  
10 the -- the upload part of PlanScore is all about the lines.  
11 The data behind all the calculations, those data, they  
12 already exist at PlanScore, and so all we need from your  
13 side of it is the lines.

14           And so I was just using those lines to give -- give  
15 some sense of how the website works. You can upload any  
16 lines you want, the only thing that we require is that it be  
17 an entire plan. So you have to draw all the districts and  
18 then upload the whole plan all together; you can't upload  
19 just sort of one district or two districts, you would need  
20 to get the whole thing in there.

21           But if it is a complete map, you can upload it and  
22 you don't even -- doesn't even have to be a legal map or  
23 anything along those lines, it just can be anything -- any  
24 map that you have drawn, and you just want to test and see  
25 what it looks like, you can up load it to PlanScore.

1           COMMISSIONER MEHL: Eric, what is the base of the  
2 data, is it the American Community Survey data? Or what is  
3 your data based on?

4           DR. MCGHEE: It -- so we have a big data set of all  
5 of the election outcomes. We actually have a data set of  
6 all the election outcomes going back to the 1970s. For the  
7 sake of PlanScore, we only used the last decade of data  
8 because we wanted everything to be as sort of close as  
9 possible to -- to current times.

10           And then we -- I mean, I don't want to get too much  
11 into the mythological weeds, but we -- we -- there's this  
12 technique called regression analysis, and we used regression  
13 analysis on those -- that big data set. So the data set  
14 consisted of the actual election outcomes. It also had the  
15 presidential vote of each district, and it also had whether  
16 that person was incumbent or open or Republican or  
17 Democratic incumbent, and see how those relate to each other  
18 over the last ten years.

19           One of the nice ways we did this is our process  
20 allows for the special estimate of the relationship for  
21 Arizona. So when we're producing those Arizona results,  
22 we're not using some kind of average relationship for the  
23 whole country, we're using Arizona relationship and  
24 predicting for Arizona; and we can do that for all the  
25 states around the country.

1           But we don't need -- so the American Community  
2 Survey has demographic information, and we did not use  
3 demographic information for our model, for our predictions.  
4 It actually -- I mean, we considered it, we tested some --  
5 some approaches that used it. It just doesn't turn out that  
6 it gives you all that much extra juice for your prediction.

7           So we wanted to keep things clean and simple so  
8 the -- the things that are driving our results are the  
9 presidential vote and incumbency and also what state and  
10 what election year you're talking about. So we have it --  
11 we allow it to kind of vary by election year as well, so we  
12 can give you a special prediction just for a particular, you  
13 know, just as if you're running election year again.

14           But we decided that the better approach would be to  
15 sort of show the average for the decade, that's just a  
16 judgment call by us about what we wanted to present; but you  
17 could, given the underlying, the nuts and bolts, you could  
18 provide a prediction for a specific election year as well.

19           Does that answer your question?

20           COMMISSIONER MEHL: It -- it does. And it -- it  
21 seems like some -- you know, how predictive will this then  
22 be of the next decade as opposed to looking backwards over  
23 the past decade, especially given that we're seeing some  
24 fairly significant shifting of voter preferences, you know,  
25 across the country, sort -- sort of a realignment that is

1 taking place.

2 So how -- how much can we count on the  
3 predictability of this given the state of the current  
4 political environment?

5 DR. MCGHEE: Yeah.

6 CHAIRPERSON NEUBERG: And I would add to that  
7 because it's directly relevant, immigration. I mean, you  
8 know, people coming to Arizona, we're -- we're an attractive  
9 state, so how that might, you know, throw all of these  
10 results off. Thank you.

11 DR. MCGHEE: Yeah. So, a -- the United States is a  
12 dynamic country and election results can definitely change,  
13 and they can change in unexpected ways. So, you know,  
14 the -- what's the line? Prediction is always difficult,  
15 especially about the future.

16 So, you know, it's -- nothing is perfect.

17 I will say, like, a couple of thoughts. One is,  
18 these days the predicability is actually better than --  
19 because -- in part because of the role of partisanship in --  
20 in American political life. It has made the predictability  
21 of elections better. It's not perfect, but it is better.

22 And I mean, as you saw, the -- the results that  
23 PlanScore spout out matched up with the 2020 election really  
24 quite well.

25 And then the other thing is, because of your



1 mandate which is to try and -- try and draw districts that  
2 are going to be competitive, you have no choice but to try  
3 and predict the future because you are drawing lines for the  
4 future, and you've been asked by the law to anticipate which  
5 seats you think would be competitive.

6 And so given that reality, it's -- the best thing  
7 to do is to -- is to predict the best that you can, and I  
8 think that this does offer the best predictions that are  
9 possible. Again, not perfect but -- but pretty accurate  
10 these days. And -- and kind of given the reality of what  
11 your mandate is, I think you probably have no choice but to  
12 do some guessing.

13 COMMISSIONER LERNER: If I can ask a follow-up then  
14 on that.

15 You used the presidential race so obviously that's  
16 every four years, but I've heard that it's actually better  
17 to use -- or good, I don't know if it's better or -- I don't  
18 know. Good to use statewide races that might be better  
19 predictors for us in Arizona versus what's happening on the  
20 national front. Also because people come out for a  
21 presidential race, but then they don't come out two years  
22 later for the other races, and in Arizona we are on that  
23 different cycle, right? So we have our statewide races not  
24 when the presidential happens.

25 So how would you -- or what might you recommend if

1           you were to look just at Arizona and use statewide races to  
2           try to give you some of that prediction that you've done.  
3           Because you did well with the alignment on presidents, but  
4           things can happen, right? The personalities can come into  
5           play; all sorts of things come into play.

6                         Would you look at any of the statewide races and if  
7           you could -- how could we test your model using other  
8           statewide races that we have?

9                         DR. MCGHEE: Yeah, there's a good question. So  
10          there's a number of reasons why we didn't use the -- use  
11          other statewide races; we did test using other statewide  
12          races.

13                        Generally speaking when you try to prove the  
14          prediction with other statewide races, it doesn't add much  
15          beyond the presidential contest. So the presidential  
16          contest, even in off years, drives most of the down-ballot  
17          contests in terms of the predictability. So you -- you  
18          could certainly look at what the gubernatorial or the U.S.  
19          Senate race did, but it's not necessarily going to add much  
20          beyond what the presidential vote gives you.

21                        Because what we're -- what we're looking for, the  
22          things that's going to -- that's going to create the most  
23          problems for something like PlanScore is where the rank  
24          order of the districts gets all messed up. So races can  
25          sort of shift one direction or another from one year to the

1 next, but they also kind of scramble relative to each other  
2 to a certain extent, right?

3 This seat was the most Republican last year, and  
4 now it's not anymore, right? That kind of thing happens.  
5 That is the piece that's hardest for PlanScore to manage.

6 The reality is that rank ordering gets scrambled a  
7 lot less than it used to, and races like governor --  
8 governor in particular is -- is one of those contests around  
9 the country that often is unpredictable. You'll have  
10 some -- the governor of Louisiana is a Democrat, the  
11 governor of Massachusetts is a Republican, right?

12 There is -- unexpected things happen in  
13 gubernatorial races. Those unexpected things in  
14 gubernatorial races and if you look at the outcome district  
15 by district, it can produce a lot of that scrambling around.  
16 You know, this district no longer looks like it's quite so  
17 Democratic because of this gubernatorial race thing.

18 But when you compare that to how the down-ballot  
19 races actually went, they don't tend to reflect that  
20 scrambling to the same extent. The down -- like U.S. House,  
21 state legislature are more predictable and that rank  
22 ordering is more consistent over time, than -- than would --  
23 it would appear by looking at some of those top other ticket  
24 races.

25 And maybe the best way to think about it is just

1           because you have a statewide race doesn't necessarily mean  
2           that it's telling you anything about the down-ballot races,  
3           right?  Imagine if somebody ran for, you know, the statewide  
4           office of motherhood and apple pie, and they happened to win  
5           by an overwhelming margin because they were really good on  
6           those two issues, but -- and people really liked that  
7           candidate.

8                         But then when they turned to state legislature or  
9           U.S. Congress, they're like, yeah, but that race doesn't  
10          (technical disruption), it's a different decision that I'm  
11          making over there.  It doesn't have anything to do with this  
12          decision over here.

13                        And so in theory those other statewide races could  
14          tell you something more about the down-ballot races, just in  
15          practice they -- they don't.  And the -- we can capture most  
16          of the -- of the additional variation through our modelling,  
17          allowing this relationship between a presidential vote and  
18          these down-ballot races, we allow that to vary by year and  
19          by state.  So we have this special relationship just for  
20          Arizona, we have a relationship that is different for each  
21          election year.  So we're capturing some of that variation  
22          over time in the way that we handle the modeling.

23                        The final reason why we didn't take the approach  
24          you're describing is that it made it a lot more complicated  
25          to put the website together because we didn't have -- we

1 don't -- you know, some states don't have a U.S. Senate race  
2 in any given election, right? Sometimes it's hard to get  
3 the results at the level of detail we need to do our -- our  
4 modeling with -- with some of these other races.

5 So it allowed us to incorporate a lot more states  
6 and do a lot more predictions for a lot more states without  
7 really any cost to the accuracy of our predictions.

8 COMMISSIONER LERNER: Thank you.

9 CHAIRPERSON NEUBERG: Any further questions?

10 Thank you so much. I thought that was incredibly  
11 informative, and we look forward to additional learning on  
12 competitive measurement tests.

13 DR. MCGHEE: For sure.

14 CHAIRPERSON NEUBERG: With that, I'm actually going  
15 to use our discretion to move agenda items.  
16 Vice Chair Watchman I believe is with us for another  
17 30 minutes and our Agenda Item No. X I think is a  
18 significant item.

19 So we'll move to Agenda Item No. X, discussion  
20 concerning a summary of recent litigation related to the  
21 Voting Rights Act Section 2, Brnovich versus Democratic  
22 National Committidee -- Committee.

23 And I would like to suggest again to the  
24 Commission, like most of our legal briefings, I suggest we  
25 have our legal briefing in public session and that we elect

1 to go into executive session -- I know I personally have  
2 some questions -- in order to understand the application of  
3 this to our unique needs.

4 And so I'd like to just for public record say the  
5 Commission may vote to go into executive session which will  
6 not be open to the public for the purpose of obtaining legal  
7 advice to further implement and/or advance these legal  
8 issues pursuant to A.R.S. 38-431.03(A)(3).

9 And, with that, I will turn it over I believe to  
10 Roy.

11 Oh. And, by the way, should we take like a  
12 three-minute break? Does anybody want a few minutes before  
13 we dive?

14 Okay. Okay, Roy.

15 MR. HERRERA: Thank you. Thank you, Madam Chair.

16 So I think the purpose of this agenda item is to  
17 provide a, you know, brief overview of the Brnovich case,  
18 which many of you have seen in the news was decided a couple  
19 weeks ago by the United States Supreme Court. Of course, as  
20 -- as the Chairwoman indicated, if there are questions  
21 related to the application of this case specifically to  
22 redistricting or potential claims that would be brought  
23 against this Commission, we would ask that -- to address  
24 those in executive session.

25 But for our purposes here, I just want to go over

1 the case, the holding of the case, and sort of what it means  
2 for Section 2 vote denial claims; and, like I said, if there  
3 are questions related specifically to -- to what the case  
4 said or did, I can answer them now or in executive session,  
5 as they apply to redistricting.

6 So I'll just start by, you know, again and this may  
7 be something that you guys are familiar with already but  
8 sort of discussing what the case is about.

9 Ultimately what the case concerned was two  
10 different Arizona policies -- election procedures that we  
11 have in the state that were challenged under Section 2, the  
12 Voting Rights Act.

13 The first was Arizona policy of rejecting election  
14 day ballots cast out of precinct. So generally referred to  
15 as the outcreasing policy. The second is Arizona's  
16 prohibition on ballot collection, which is, you know, the  
17 sort of more contentious I would say of the two policies  
18 that were in question here.

19 But as I mentioned, the plaintiffs challenged both  
20 of these policies as violating Section 2 of the Voting  
21 Rights Act. During our Voting Rights Act training, I made  
22 the distinction that under Section 2 we generally see two  
23 different type of challenges, the first are vote denial  
24 claims, and then the second are vote dilution claims.

25 It is the latter, the vote dilution claims that we

1 typically see during the redistricting process. That is not  
2 what this case was, this was a vote denial challenge, a vote  
3 denial claim, in such that it is different and distinct I  
4 think from the type of claims you typically see in the  
5 redistricting context. But, again, we can talk about its  
6 application a bit later.

7 Ultimately what happened here was that the Court  
8 did not side with the plaintiffs [sic], it ultimately sided  
9 with Attorney General Brnovich on a 6-3 vote; the majority  
10 opinion was authored by Justice Alito and the minority  
11 opinion by Justice Kagan.

12 Now, one of the reasons why this case was important  
13 -- well, I would say there's maybe two reasons. The first  
14 is that, of course, this is the first voting rights case  
15 under the new Court's constitution, meaning we have new  
16 justices on the Supreme Court. Obviously and as we all  
17 know, the Court is deemed to be more conservatively leaning  
18 given the Republican presidential nominations on the Court  
19 over the last several years. So it was the first time we  
20 saw how this Court would -- would view a voting rights case,  
21 so that's one reason why it was particularly important.

22 I think the second reason, too, is because it was a  
23 vote denial case and because the Court had not yet before  
24 this case established a clear standard or test for vote  
25 denial cases. I think, you know, a lot of folks, a lot of



1 parties in particular, a lot of amici that came in and  
2 proposed different standards to the Court were very  
3 interested in the kind of standards that the Court would  
4 adopt.

5 And in particular there were parties, for example,  
6 that encouraged the Court to adopt the kind of standard we  
7 see in a vote dilution case. And, you know, during our  
8 Voting Rights Act training I think we mentioned very clearly  
9 that the *Gingles* test, which is obviously a two-part test,  
10 which first begins with a three-part test and then goes into  
11 the totality of the circumstances test. There were some  
12 folks that encouraged the Court to adopt that kind of test  
13 in vote denial contest.

14 Now, notably, that is not what the Court decided to  
15 do. The Court instead distinguished the kind of challenge  
16 that occurred in this case as a time, place, or manner  
17 restriction -- the type of policies, I should say that were  
18 challenged in this case, as a time, place, place, or manner  
19 restriction that was distinct from a vote dilution claim.

20 And the Court went on essentially to look at a  
21 number of factors that it considered, you know, in order to  
22 establish whether there was a vote denial violation under  
23 Section 2.

24 Now I think what's important, and this is a general  
25 caveat I maybe should have started with, is that there's

1           been, you know, a lot of analysis to the meaning of this  
2           case even in a vote denial case. I mean, I -- I, you know,  
3           recently saw even this week several election scholars doing  
4           some pretty exhaustive opinion pieces on the meaning of this  
5           case, and whether the factors -- and I'll list them  
6           momentarily that the case -- that the Court considered here,  
7           are essentially going to be the -- the test going forward  
8           for vote denial claims.

9                     You know, the Court indicated in its majority  
10           opinion that the factors they considered were not  
11           exhaustive, so potentially there could be other things that  
12           the Court considers, but I think, you know, again, as  
13           election lawyers and prognosticators, we're looking at these  
14           particular factors on whether that is how we judge vote  
15           denial cases going forward.

16                    And I'll just talk about the factors very briefly  
17           and list them for you.

18                    So basically the Court listed five different  
19           factors again in a time, place, or manner case, which --  
20           which the Court deemed this one to be.

21                    The first was the size of the burden imposed by the  
22           challenged voting rule. In particular the Court noted, and  
23           I think is the quote that will be used in future vote denial  
24           cases: That the mere inconvenience to the voter cannot be  
25           enough to violate a definition of Section 2.

1           So, again, this factor sort of looks at the size of  
2 the burden imposed.

3           The second is the degree to which the voting rule,  
4 the parts from what constituted a widespread election  
5 practice in 1982. 1982, of course, was when the VRA was  
6 amended, so the Court looked back to 1982 and, again, you  
7 know, as a factor listed whether, you know, again the  
8 election procedure in question departs from a widespread  
9 practice back then when the VRA was amended.

10           The third is the size of the disparity and the  
11 rules impact on different racial groups. So, again, looking  
12 at the disparity between the racial groups that were alleged  
13 to be discriminated against under Section 2, that size of  
14 disparity is important to the Court. That's what the Court  
15 indicated at least.

16           The voting opportunities -- this is the fourth  
17 factor. Voting opportunities provided by the State's entire  
18 voting system. So, again, what kind of voting opportunities  
19 does the state provide for as a whole, you know, does it  
20 provide early voting, for example, mail-in voting, that kind  
21 of thing.

22           And the fifth -- the fifth factor that the Court  
23 listed was the strength of the State's interest served by  
24 the challenged voting rule. And in particular in this case  
25 the Court focused on avoiding voter fraud as a mainstay

1 interest related to these -- again, these particular  
2 election procedures in question.

3 So just to get through the holding of the case, as  
4 I mentioned, the Court did not find these two policies  
5 violated Section 2 as alleged by the plaintiffs.

6 In applying this tests if you want to call it that,  
7 at least applying the five factors, first, with the  
8 out-of-precinct policy, the Court found that the  
9 out-of-precinct policy posed only a modest burden on voters  
10 and that racial disparity of the impact was small. So that  
11 was, of course, an important factor in doing this analysis.

12 Further, the Court noted that precinct-based voting  
13 served a legitimate state interest in keeping wait times  
14 low, on either wait time -- wait times at voting locations,  
15 and ensuring orderly election administration.

16 So, again, looking at the five factors the Court  
17 found that this out-of-precinct policy that was challenged  
18 was not a violation of Section 2.

19 Now turning to the, as I mentioned I think the more  
20 contentious piece, which is -- the ballot collection  
21 prohibition in Arizona. The Court found, again applying  
22 this factors, that personally returning or dropping off an  
23 early ballot is part of a normal burden associated with  
24 voting and potential burdens on voters who must travel great  
25 distances are mitigated by Arizona's long early voting

1 period.

2 So, again, looking -- one of the factors as I  
3 mentioned was sort of the entire -- the entirety of the  
4 state's voting system. Here in particular the Court noted  
5 that Arizona had a long early voting period and, therefore,  
6 this prohibition, you know, was not sort of an -- an undue  
7 burden, if you will.

8 The Court found that the challengers -- again, this  
9 is related to ballot collection prohibition. Found that the  
10 challengers offered no statistical evidence of disparate  
11 impact in this case and relied only on testimony as to the  
12 impact.

13 And then finally I'll just note that the Court  
14 noted here that the State's interest in preventing fraud  
15 would have been great enough to overcome even a showing of  
16 disparate impact -- and, again, this is the Court saying  
17 this -- as mail-in voting is more susceptible to fraud and  
18 intimidation than in-person voting.

19 So to sort of summarize here, it appears we may  
20 have a new test for vote denial cases that are based on  
21 these five factors that the Court has listed. You know,  
22 again, the caveat is we haven't seen this case applied yet  
23 in a vote denial case, and so it's a bit clear -- a little  
24 bit unclear how courts will apply the five-factor test going  
25 forward and whether that is the standard going forward for

1 vote denial cases.

2 That is ultimately what happened and, of course,  
3 the challenge failed, and these two Arizona policies will  
4 continue to be in place.

5 So I'll end there with the sort of overview of the  
6 case itself and answer any questions related to that; and,  
7 of course, if there are questions that will be more  
8 appropriate in executive session, we can take them then.

9 CHAIRPERSON NEUBERG: Thank you, Roy.

10 Questions on the academic information we just  
11 heard?

12 If there are no academic questions -- and that was  
13 so informative -- I will entertain a motion to go into  
14 executive session to discuss -- for the purpose of obtaining  
15 legal advice to further implement and/or advance these legal  
16 issues.

17 Do I have a motion?

18 COMMISSIONER LERNER: This is Commissioner Lerner.  
19 I so move.

20 CHAIRPERSON NEUBERG: Do I have a second?

21 VICE CHAIR WATCHMAN: I'll second,  
22 Vice Chair Watchman.

23 CHAIRPERSON NEUBERG: Any further discussion?

24 With that, a vote.

25 Vice Chair Watchman.

1 VICE CHAIR WATCHMAN: Aye.

2 CHAIRPERSON NEUBERG: Commissioner Mehl.

3 COMMISSIONER MEHL: Aye.

4 CHAIRPERSON NEUBERG: Commissioner Lerner.

5 COMMISSIONER LERNER: Aye.

6 CHAIRPERSON NEUBERG: Commissioner York.

7 COMMISSIONER YORK: Aye.

8 CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
9 aye.

10 With that, with a 5-0 vote, we will move into  
11 executive session. We will give a full update to the public  
12 with what is discussed.

13 And if anybody needs a couple minute break, we'll  
14 see you soon. Thank you.

15 (Whereupon the proceeding is in executive session  
16 from 9:16 a.m. until 9:36 a.m.)

17

18 \* \* \* \* \*

19

20 (Whereupon the proceeding resumes in general  
21 session.)

22 CHAIRPERSON NEUBERG: Okay. I think we have our  
23 entire team.

24 Am I correct, Director Schmitt or Val?

25 DIRECTOR SCHMITT: Yep.

1 CHAIRPERSON NEUBERG: Okay.

2 COMMISSIONER YORK: We're less Chair --  
3 Vice Chair Watchman, also.

4 CHAIRPERSON NEUBERG: Yes. Welcome back everybody,  
5 team, staff.

6 Thank you for, you know, understanding the time we  
7 spent in executive session.

8 Just to alert the public, Vice Chair Watchman had a  
9 hard stop at 9:30, which we had alluded to earlier, so we  
10 appreciate him making the effort to join us for the first  
11 hour and a half.

12 I want to thank our counsel as well; we had the  
13 opportunity to discuss this case and its application to our  
14 responsibility with redistricting, and I'd say in particular  
15 as it relates to our responsibility to, you know, respect  
16 the VRA, particularly Section 2.

17 And, with that, I imagine, you know, over time it  
18 may be a conversation that we'll continue to have, but it's  
19 very new and we -- there's more questions than answers.

20 And so unless there's any other feedback on that  
21 agenda item, we can move back to Agenda Item No. VII, which  
22 is the Executive Director's report and discussion thereof.

23 Item (A) discussion and possible action on  
24 community outreach coordinator.

25 With that, Brian.



1           DIRECTOR SCHMITT: Thank you, Madam Chair. I am  
2 hopeful to have a recommendation for you all next week for  
3 outreach. They're just -- when trying to get all the  
4 details of the tour hammered out, we would like the outreach  
5 person on board as quickly as possible, but we have to make  
6 sure we're good to go on that end. So hopefully next week I  
7 have a candidate to recommend to you all.

8           That's all I have for that item.

9           CHAIRPERSON NEUBERG: You know, Brian, I just have  
10 one very quick question about -- I don't personally feel  
11 that -- that the lack of having this hire has impeded our  
12 listening tour. I mean, do you feel that in any way there  
13 have been, you know, tasks that haven't been, you know,  
14 fulfilled or any challenge on that front?

15          DIRECTOR SCHMITT: Not at all; especially on this  
16 first tour that we're doing. We have two more, so we'll  
17 continue building as the process moves along, but our whole  
18 team is -- is running as efficiently as possible and doing  
19 everything we can to make sure people are aware of the  
20 meetings, so -- will only add up with time.

21          CHAIRPERSON NEUBERG: Okay.

22          COMMISSIONER LERNER: Can I just ask a follow-up,  
23 Brian? And this may or may not -- you just said that we  
24 have two more public meeting hearings?

25          I guess I thought we had one more after this. I

1 was unclear. Can you clarify?

2 DIRECTOR SCHMITT: Absolutely. So on the timeline  
3 yesterday when we had the two review periods, one with the  
4 grid map and then one with the draft maps. In Timmons/NDC's  
5 proposal, they also proposed going out and doing eight  
6 public meetings during those two periods.

7 So it's -- it's just their first of three.

8 COMMISSIONER MEHL: This is Commissioner Mehl. I  
9 think we should think about getting feedback on the grid  
10 maps by every means other than necessarily doing tours, and  
11 then save the tours for -- for when we have the draft maps  
12 when it's really going to get intense, and we're going to  
13 have a lot of feedback. But that's just one person's  
14 thought.

15 COMMISSIONER LERNER: Yeah, I think we should talk  
16 about this more as well, Commissioner Mehl.

17 I tend to agree with Commissioner Mehl. I'm not  
18 really sure about that extra one, so that might be worth  
19 discussion at some point.

20 COMMISSIONER YORK: This is Commissioner York. I  
21 mean, maybe we make this conversation a little bit further  
22 along after we've done a couple meetings to the public and  
23 see how those go before we kind of draw some conclusions.

24 CHAIRPERSON NEUBERG: I was going to suggest that  
25 we add this as a future agenda item.

1                   COMMISSIONER MEHL: I don't think the past  
2                   Commissions did three rounds of tours; I think they -- each  
3                   of the two did two rounds of tours was my understanding.  
4                   But, Brian, if you can just look into that and report back  
5                   on that, I'd appreciate it.

6                   DIRECTOR SCHMITT: Yes, I absolutely -- absolutely  
7                   will.

8                   I think part of that was they had the data so early  
9                   so they were able to have the draft maps, but I'll look back  
10                  at the specifics and get that to you-all.

11                  MR. B. JOHNSON: Commissioner Mehl, if you want, I  
12                  can give you my understanding of what happened last time.

13                  COMMISSIONER MEHL: That would be great.

14                  MR. B. JOHNSON: Okay. So you have the -- and Doug  
15                  Johnson can jump in here too.

16                  So you have the grid map; you flip a coin. You  
17                  figure out which way it's going to go, right? So you have  
18                  that grid map.

19                  From that grid map it allows all of the  
20                  stakeholders to come in and provide their -- their maps;  
21                  and, of course, exactly what you said, they can -- they can  
22                  do that electronically or through other means. But in many  
23                  cases the various stakeholders want to come in and explain  
24                  how that map is worked and work with your map person; that  
25                  then helps you inform whether -- how to -- how to not -- how

1 to move the lines from there based off of the grid map.

2 If you wait until you have your maps complete,  
3 you're not really able to fully take into that integration  
4 that stakeholders' maps itself and that discussion. So  
5 quite honestly, the grid maps, although 23 days I think  
6 that's completely appropriate, that's going to be a pivotal  
7 time where people are putting all of the information before  
8 you're -- you're basically making the decision.

9 I'll give you an example. So the Navajo Nation  
10 came into the Commission last time in IRC 2.0 and  
11 Commissioner Freeman at the time utilized the Navajo map as  
12 one of the basis for -- for basically one of his "what if"  
13 maps that went all the way forward. If you waited until the  
14 public period once the maps were chosen, you would have  
15 missed that opportunity to fully understand why the Navajo  
16 Nation believed -- how they -- how they worked in it from  
17 the grid map itself.

18 So I just throw that in for context of how it  
19 happened last time, and the public period was really spent  
20 on -- on minutia.

21 COMMISSIONER MEHL: And I guess what I was  
22 suggesting is that obviously the 23-day period we would want  
23 every bit of input that we could get, but I don't know that  
24 we need to go out and do a series of public meetings around  
25 the state. That's really the question.

1 MR. B. JOHNSON: Understood.

2 CHAIRPERSON NEUBERG: It sounds like we're going to  
3 have subsequent conversation about this, which is  
4 appropriate.

5 COMMISSIONER LERNER: That's fine, then can we also  
6 talk about just how the grid map -- 'cause this was  
7 interesting to hear, thank you about that information about  
8 the Navajo Nation map, because my understanding the grid map  
9 will be -- it will fluctuate. It will -- you know, we may  
10 adopt one version, but it's going to change and shift as we  
11 move. So can that be part of a discussion as well?

12 MR. B. JOHNSON: And I'll -- I'll defer to -- I  
13 don't know if Doug Johnson is still on this call.

14 MR. D. JOHNSON: Yeah.

15 MR. B. JOHNSON: Okay. But -- but the real- -- the  
16 grid map, it changes as part of going into the official  
17 maps. Once you've chosen a grid map we stop calling it a  
18 grid map, it's because now you're changing it for purposes  
19 of the different criteria.

20 So -- so only one grid map, I just want to make  
21 sure we're clear on that.

22 MR. D. JOHNSON: Yeah, I would agree with that.

23 There's -- you know, there's three official maps  
24 designed by the -- the constitutional language: the grid  
25 map, the draft map, and your final map.

1           But, yes, as I think has been said fairly  
2 accurately: Once you adopt the grid map, we're calling  
3 it -- well the proposal is about a listening tour about the  
4 grid map, but in reality from day one of whether it's a  
5 public comment period or a tour, day one you're going to get  
6 proposed draft maps. So people will immediately start  
7 revising that, and they'll be submitting what they recommend  
8 you adopt as draft maps and not -- you know, all the -- all  
9 the changes of the maps have to be done in concept of  
10 changes to the grid, but -- but they'll be proposing draft  
11 maps.

12           Hopefully that helps.

13           CHAIRPERSON NEUBERG: Any other questions?

14           Okay. Thank you, Director Schmitt. Thank you,  
15 Commissioners, for your questions.

16           With that, we will move to Agenda Item No. VIII,  
17 discussion and possible action on proposed revised travel  
18 schedule.

19           Anything, Brian?

20           DIRECTOR SCHMITT: Not that much new between  
21 yesterday and today.

22           We're still trying to confirm a couple of the  
23 satellite locations in Northern and Southern Arizona. So as  
24 soon as we have those, we'll keep the website and press  
25 release updated.

1 But that's really all I have for now.

2 CHAIRPERSON NEUBERG: Okay. Thank you so much.

3 And -- and next week when we reconvene, we'll have  
4 maybe some additional insights and information about how the  
5 tour is going.

6 COMMISSIONER LERNER: Could I ask a follow-up  
7 question?

8 CHAIRPERSON NEUBERG: Please.

9 COMMISSIONER LERNER: That's just more logistical,  
10 not in terms of the public meeting area.

11 But as Commissioners we're going to be traveling,  
12 and have you indicated per diem rates -- or can you provide  
13 us with, I guess, per diem rates, recommended hotels that we  
14 stay at, things like that so we are sure to follow whatever  
15 DOA rules are as part of that.

16 So prior -- I mean, our travel doesn't really  
17 probably begin for overnight until next week, but if we  
18 could have some of that information, that will be helpful.

19 DIRECTOR SCHMITT: Yes. We have a -- kind of a  
20 travel handbook that Valerie put together that we'll get out  
21 to you-all and then hotel recommendations and just some  
22 other helpful, useful items, so we should have that to you  
23 today or tomorrow; and we can also help arrange or book any  
24 of the reservations you need.

25 So we'll work through all that in the next few

1 days.

2 CHAIRPERSON NEUBERG: Yeah, I don't think summer in  
3 Arizona you don't have to plan quite as early with -- with  
4 the lodging.

5 Any other questions?

6 Okay. Thank you, Director Schmitt.

7 With that, we'll move to Agenda Item No. IX,  
8 discussion and possible action on stock IRC presentation for  
9 public use.

10 I don't know if there's any updates from yesterday.

11 DIRECTOR SCHMITT: I should have the hopefully  
12 final version to you all today and if you have any edits or  
13 suggestions, let me know; but, if not, we'll get that on the  
14 website so the public can view.

15 CHAIRPERSON NEUBERG: Excellent. Thank you,  
16 everybody, for your feedback; it's really been a team  
17 effort.

18 With that, we will move to Agenda Item No. XI,  
19 discussion of future agenda item requests.

20 I think we had a discussion a few minutes ago that  
21 I know our staff duly noted. Anything else that any of the  
22 Commissioners would like to ensure that we add to our  
23 agenda?

24 COMMISSIONER YORK: This is Commissioner York.

25 We talked about evaluating and developing -- I



1 think on the timeline was August 3rd for the grid map start,  
2 so do we start the discussion prior to that? Where or how  
3 does it start or do we -- do we wait until then?

4 CHAIRPERSON NEUBERG: I think Doug needs to answer  
5 that question.

6 If you don't mind.

7 MR. D. JOHNSON: Not at all.

8 So that's when we were planning on presenting  
9 options and -- and ideas for how you can do it. We think it  
10 will be straightforward enough that you may be able to  
11 decide that same meeting, but it's -- there is a little bit  
12 of -- there's flex time in there if you need another meeting  
13 to decide.

14 But we're still working. We have them that the,  
15 obviously, the last two Commissions used, but we're also  
16 looking to kind of new options provided by new technology  
17 and kind of auto drawing of software, so we can include  
18 those when we present to you.

19 CHAIRPERSON NEUBERG: Okay. Thank you.

20 COMMISSIONER LERNER: I just have a quick  
21 follow-up, it's probably not -- may not be appropriate in  
22 future agenda but about our meetings on whether they'll be  
23 live streamed?

24 DIRECTOR SCHMITT: The public hearings on the  
25 listening tour?

1 COMMISSIONER LERNER: Yes.

2 DIRECTOR SCHMITT: Yes, absolutely will be.

3 COMMISSIONER LERNER: Thank you.

4 Sorry for that.

5 CHAIRPERSON NEUBERG: Okay. Anything else before  
6 we move to Agenda Item No. XII, which is announcements?

7 Okay. Next meeting date, Agenda Item No. XIII.

8 Our listening tour dates are on our website. Other  
9 than that, the next official public meeting with the five --  
10 or quorum of Commissioners -- will be next Tuesday,  
11 July 27th, at 8:00 a.m. So we look forward to seeing you  
12 then.

13 With that, we'll move to Agenda Item No. XIV,  
14 closing of public comments.

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

22 With that, we move to Agenda Item No. XIV [sic],  
23 adjournment.

24 I will entertain a motion to adjourn our public  
25 meeting.

1           COMMISSIONER YORK: This is Commissioner York. I  
2 motion to adjourn our public meeting.

3           CHAIRPERSON NEUBERG: Do I have a second?

4           COMMISSIONER MEHL: Commissioner Mehl seconds.

5           CHAIRPERSON NEUBERG: I assume no further  
6 discussion.

7           We'll do a vote.

8           We're missing Vice Chair Watchman because he's my  
9 first one on the list, but we'll move to Commissioner Mehl.

10          COMMISSIONER MEHL: Aye.

11          CHAIRPERSON NEUBERG: Commissioner Lerner.

12          COMMISSIONER LERNER: Aye.

13          CHAIRPERSON NEUBERG: Commissioner York.

14          COMMISSIONER YORK: Aye.

15          CHAIRPERSON NEUBERG: Commissioner Neuberg is an  
16 aye.

17          With that, we will adjourn.

18          We look forward to meeting so many of you over the  
19 upcoming days and reconvening in a public meeting next  
20 Tuesday, 8:00 a.m.

21          Have a great weekend, everybody.

22          (Whereupon the meeting concludes at 9:54 a.m.)  
23  
24  
25

C E R T I F I C A T E

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

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

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

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 4th of August, 2021.

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

\* \* \*

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 4th of August, 2021.

  
\_\_\_\_\_  
Miller Certified Reporting, LLC  
Arizona RRF No. R1058

Miller Certified Reporting, LLC