

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

November 30, 2021

8:01 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 8:01 a.m. on
3 November 30, 2021, via GoogleMeets, Arizona, in the presence
4 of the following Commissioners:

5 Ms. Erika Neuberg, Chairperson
6 Mr. Derrick Watchman, Vice Chairman
7 Mr. David Mehl
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 Ms. Marie Chapple Camacho, Outreach Coordinator
16 Mr. Roy Herrera, Ballard Spahr
17 Mr. Daniel Arellano, Ballard Spahr
18 Mr. Eric Spencer, Snell & Wilmer
19 Mr. Brett Johnson, Snell & Wilmer
20 Mr. Mark Flahan, Timmons Group
21 Mr. Parker Bradshaw, Timmons Group
22 Mr. Douglas Johnson, National Demographics Corp.
23 Ms. Ivy Beller Sakansky, National Demographics,
24 Corp.
25

P R O C E E D I N G

1
2
3 CHAIRPERSON NEUBERG: Welcome, everybody. We will
4 get started.

5 Agenda Item I, call to order and roll call. I(A),
6 call for quorum.

7 It is 8:01 a.m. on Tuesday, November 30th, 2021. I
8 call this meeting of the Independent Redistricting
9 Commission to order.

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

14 Val.

15 MS. NEUMANN: Thank you, Madam Chair.

16 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, also in
2 attendance -- will be joining us shortly, is Executive
3 Director Brian Schmidt, Deputy Director Lori Van Haren,
4 Public Information Officer Michele Crank, Community Outreach
5 Coordinator Marie Chapple; and we have Brett Johnson and
6 Eric Spencer from Snell & Wilmer from our legal team, and
7 Roy Herrera -- and I'm not sure if Daniel Arellano is at the
8 meeting, but he's from Ballard Spahr along with Roy. Our
9 mapping consultants are Mark Flahan from Timmons, Doug
10 Johnson and Ivy Beller-Sakansky from NDC Research; and we
11 have Angela Miller, our transcriptionist, and that is
12 everyone.

13 CHAIRPERSON NEUBERG: Okay. Thank you.

14 Sorry, I was hearing some background noise.

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

17 Agenda Item I(B), call for notice.

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

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

22 CHAIRPERSON NEUBERG: Thank you very much.

23 Agenda Item No. II, approval of minutes from
24 November 16th, 2021. We have II(A), the general session; we
25 did not have an executive session.

1 I will open it up to any feedback/dialogue about
2 the general session minutes.

3 If there are no comments about it, I'll entertain a
4 motion to approve the general session minutes from
5 November 16th.

6 VICE CHAIR WATCHMAN: Vice Chair Watchman moves to
7 approve the minutes for November 16th.

8 COMMISSIONER MEHL: Commissioner Mehl seconds.

9 CHAIRPERSON NEUBERG: If no further discussion,
10 Vice Chair Watchman.

11 VICE CHAIR WATCHMAN: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Mehl.

13 COMMISSIONER MEHL: Aye.

14 CHAIRPERSON NEUBERG: Commissioner Lerner.

15 COMMISSIONER LERNER: Aye.

16 CHAIRPERSON NEUBERG: Commissioner York.

17 COMMISSIONER YORK: Aye.

18 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
19 aye.

20 And with that, the minutes are approved.

21 Thank you very much, Val, as always.

22 Agenda Item No. III, opportunity for public
23 comments.

24 Public comment will now open for a minimum of
25 30 minutes and remain open until the adjournment of the

1 meeting. Comments will only be accepted electronically in
2 writing on the link provided in the notice and agenda for
3 this public meeting and will be limited to 3,000 characters.

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

11 That brings us to Agenda Item No. IV, discussion on
12 public comments received prior to today's meeting. And I
13 open it up to comments from my colleagues.

14 COMMISSIONER LERNER: I'm going to reiterate what
15 many of us have said in the past, we're getting great
16 comments, really great feedback, and the amount of
17 engagement by the public is impressive. I just want to say
18 thank you to the public. We are -- I am reading everything,
19 as I'm sure my colleagues are too, but I just wanted to say
20 how much it's appreciated. It gives us great insight.

21 Thank you.

22 CHAIRPERSON NEUBERG: I echo that.

23 The only thing I want to add is I want to give a
24 special thank you to those people, individuals and
25 organizations who have made the extra effort to flesh out

1 the entire state map. What happens when we receive feedback
2 in that kind of form, it shows the communities are
3 understanding the ripple effects throughout the rest of the
4 state, and so it helps provide ideas that are a little less
5 maximalist; and so I think sometimes doing that extra effort
6 to be aware of how your request affects the rest of the
7 state, you know, leads to, I think, more compromised
8 negotiation/dialogue. It's just extra information for us.

9 So with that, I thank the public.

10 And if there's no other feedback on -- on this
11 issue, we will move to Agenda Item No. V, update from
12 mapping.

13 We'll have two sections (A), update on polarization
14 data based on approved draft maps and potential related
15 variations; and then the second part, fin- -- finishing what
16 we've started, the review of draft maps and opportunity for
17 discussion regarding draft maps' adherence to Article IV,
18 Part 2, Section 1, paragraphs 14 and 15 of the Arizona
19 Constitution.

20 We do have the ability to go into executive session
21 if we want to seek legal advice to further implement these
22 legal issues, although I would like my colleagues to also be
23 aware that under Agenda Item No. VI, we are going to get a
24 briefing from the legal team on the constitutional criteria,
25 including the VRA, and the 14th Amendment. So I expect that

1 we'll likely go into executive session under Agenda Item
2 No. VI.

3 So with that, I'm going to turn it over to Mark
4 and/or Doug to walk us through agenda Item No. V.

5 MR. FLAHAN: Good morning. A general update from
6 the mapping team, we've crossed the 200 mark for published
7 plans. So as of this morning, we're at 201 published plans
8 that we've received.

9 Since you did mention full plans, we have received
10 72 full congressional statewide maps, and we've 65
11 legislative statewide maps. The rest of them are just the
12 single districts.

13 On public comments, we have received lots of public
14 comments, the public has been very active which has been
15 very good. 1,420 comments have come in to date through the
16 digital submission online from the hub.

17 So that just goes to show you how much comments
18 we've got.

19 As of yesterday on the 29th, we received 42 new
20 comments just on that date. And that is available to the
21 public on the redistricting hub.

22 If there's no questions on those two pieces, then I
23 will turn it over to Doug on the polarization report.

24 MR. D. JOHNSON: Okay. Thank you, Mark.

25 Good to be with all of you again. So in our --

1 this is kind of our latest update in our ongoing work to dig
2 deeper and deeper into the polarization numbers. We have
3 now run primary elections so we've got the two general
4 elections that you've -- we've talked about before, the 2018
5 governor's race and 2018 attorney general's race, and now
6 we've added to that the 2018 attorney general -- I'm sorry,
7 governor's primary, the Democratic primary from that year,
8 just looking to see where this polarization appeared in
9 these different elections.

10 And you should have kind of our cover sheet that
11 describes the various tables we have, and the latest tables
12 from Dr. Handley.

13 And just briefly summarize, what we're finding is
14 in the Commission's selected draft congressional map, 7.1,
15 Congressional District 7, the kind of
16 Tucson/Pima/Yuma/southern congressional districts that we're
17 looking at, it comes back polarized in all three elections.
18 So in the 2018 governor's Democratic primary and both of the
19 2018 general elections that we're looking at.

20 The -- in that congressional map 7.1, Congressional
21 District 3, the redrawn district, comes up as polarized in
22 the 2018 gubernatorial election, and while it's right on the
23 edge, it's not quite in the polarized range for the 2018
24 primary and the 2018 attorney general's election.

25 On the legislative side -- oh, and then we also ran

1 the numbers for congressional districts, for the same
2 congressional districts in map 7.2; and in that, the
3 Congressional District 7 comes up as -- as polarized in both
4 the gubernatorial general election and the gubernatorial
5 primary, but not in the attorney general general election --
6 that's a tongue twister for ya; and in 7.2 Congressional
7 District 3, the South Phoenix based congressional district
8 does not come up as polarized in any of the three elections.

9 Legislatively looking at the -- our highly Latino
10 kind of focused districts, three of them -- Legislative
11 Districts 23, 24, and 26 -- come up as polarized only in the
12 2018 governor's general election; Legislative District 21
13 comes up as polarized in both the 2018 governor's general
14 and primary elections.

15 In contrast, Legislative District 22 comes up as
16 polarized in both general elections but not in the primary
17 election we analyzed.

18 Legislative District 20 comes up as polarized only
19 in the primary. And why I'm saying "only," it 's just one
20 of the three, but it is an important measure that we are
21 getting polarization even if it's quote, unquote, only in
22 one election.

23 And then the legislative district we're looking at,
24 Legislative District 11 also the -- in South Phoenix, the
25 one that abuts South Mountain, it does not come up as

1 polarized in any of the three elections we looked at.

2 So we're continuing to look at additional data; we
3 actually just got another set of data processed and -- and
4 about to be run for polarization looking at some other
5 elections, but it's just a quick summary of where we're at
6 now.

7 So there is a lot of data associated with these
8 reports, of course. So happy to -- to talk about it now or
9 later on when you have more time to -- to digest it all; but
10 the top level, that's the key findings of polarization
11 really in -- in both congressional districts in our
12 congressional map 7.1 and in all of the legislative
13 districts except Legislative District 11 in our legislative
14 map 10.0.

15 CHAIRPERSON NEUBERG: Doug, you alluded to a chart
16 that the Commissioners received or a report from Lisa
17 Handley, I don't recall seeing anything. I don't know if my
18 colleagues have seen anything.

19 MR. D. JOHNSON: Oh.

20 COMMISSIONER LERNER: That was my question as well.

21 MR. D. JOHNSON: Okay. Things are moving around
22 and getting edited quickly.

23 Let me show you -- let me see if I can show my
24 screen here.

25 Here we go.

1 So this is kind of a cover memo that we wrote --
2 let me make this bigger, there you go -- to go with the
3 standard tables that I'll show you in just a second that
4 will look very familiar.

5 So because we're now up to -- there are four
6 standard tables that I'll show you next, we put together
7 this summary table and this is what I was just reading from,
8 giving you that list of which elections are showing up as
9 polarized for which districts.

10 The other thing that we added to this is you have
11 the kind of in-depth report from Dr. Handley on her
12 methodology, but this is just kind of a one page "how to
13 read the tables" guide and -- and how to dig into the data
14 if you want to dig into the data.

15 So the main thing here is this table and then a
16 reference to the -- to the PDF files.

17 I can bring those up. Here we go.

18 So this hopefully looks familiar. You can see this
19 is the general election for the -- for the congressional
20 districts. So you can see the governor and attorney general
21 race here for Congressional District 3 in map 7.1, and then
22 the Hispanic candidate is actually showing up as the
23 Hispanic-preferred candidate getting 98 percent of the
24 Hispanic or Latino vote; and then for non-Hispanic votes
25 getting -- non-Hispanic voters as the preferred candidate in

1 the governor's race get 45 percent of the vote, which makes
2 it polarized. You can see over here because the
3 non-Hispanic voters are supporting a different candidate
4 than the Hispanic voters are.

5 The attorney general's race in District 3,
6 51.9 percent of the non-Hispanic voters, so a very slim
7 majority supported the same candidate. So it does show up
8 as not polarized, but it's obviously very close at 51.9.

9 One of the interesting twists here in this is part
10 of the reason we added the cover page we haven't had before,
11 is in the governor's race in CD-3 for map 7.2, the
12 Hispanic-preferred candidate gets 91.6 percent of the
13 Hispanic voter's support, but only gets 49.3 percent of the
14 non-Hispanic voters, just barely below 50 but below 50, so
15 it comes back as nonpolarized. And what the cover letter
16 talked about is because there were three candidates, the
17 reason it was 49.3, that's still the first-place candidate
18 among the three who were running.

19 So normally being below 50 percent here, you would
20 think -- expect it to show up as polarized, but in this case
21 it's not because the Hispanic-preferred candidate is still
22 the preferred candidate of the non-Hispanic voters as well.
23 Just a function of it being the Green candidate in the race
24 and being so close to 50 percent.

25 And -- so we can walk through each of these tables.

1 So this is the general election table; the primary
2 election is set up the exact same way. We get the
3 Hispanic-preferred candidate votes by Hispanic voters, the
4 non-Hispanic voters' votes for that same candidate in the
5 primary by district and by plan.

6 And this is where you can see over on the
7 right-hand side, District 7 shows up as polarized in the
8 primary and both elections in both maps.

9 Then we've got the same tables for legislative
10 and -- and legislative districts but for the primary and
11 general elections.

12 CHAIRPERSON NEUBERG: Is that something, Doug, that
13 you'll be forwarding to us today?

14 MR. D. JOHNSON: Yes. Yes, it -- and we'll be
15 posting it as well.

16 CHAIRPERSON NEUBERG: And posting it online?

17 MR. D. JOHNSON: Yeah, they've been reviewed by
18 Legal already and approved for -- for sharing. My apologies
19 for getting ahead of this. But, yes, you'll definitely get
20 those today, and we'll post them for the public access as
21 well.

22 CHAIRPERSON NEUBERG: Okay.

23 MR. D. JOHNSON: I guess the -- the key conclusion
24 at this point -- and again, you know, this is a matter of
25 continuing to dig deeper and deeper each time -- is that the

1 changes to the congressional map, to the CD, Congressional
2 District 3, did take that district from being not polarized
3 in any of the three elections we're looking at, to
4 registering as polarized in the general election for
5 governor; and it was just outside the range of being
6 polarized for attorney general as well.

7 COMMISSIONER LERNER: Doug, how -- as we move
8 forward and make adjustments to districts, how quickly will
9 we be able to receive this kind of information to help us
10 understand whether we're -- for the VRA districts, whether
11 we're achieving polarization?

12 MR. D. JOHNSON: That is something we're -- we're
13 working to modify our databases so that we can turn them
14 around at least within 24 hours and -- and hopefully even
15 faster than that.

16 But that is something that we're working on right
17 now.

18 CHAIRPERSON NEUBERG: And -- and, Doug, did I hear
19 you correctly that -- that you're continuing to explore
20 other races that we may be able to look into to further
21 demonstrate potentially polarization, or do you feel the
22 ideas for additional races are -- are wearing thin now?

23 MR. D. JOHNSON: Well, so the -- the races that
24 carry the most weight are races where a member of the
25 protected class in question is a candidate. So in this case

1 we're looking at Latino voters. We previously looked at
2 Native American voters, and so these are the elections that
3 had Latino candidates in them.

4 But other elections can add insight to that,
5 Especially since so many of those come back with the
6 non-Latino voter percentages at 49 or 50.5, so. So, yes, we
7 are adding a couple of essentially white-versus-white
8 candidate elections in to see if we -- if polarization
9 appears in those elections as well. So that -- that's the
10 next step.

11 And it's the result of so many of these being just
12 right on the razor's edge of being polarized or not
13 polarized. This hopefully will give us additional
14 information/insight into which way those districts likely
15 tip.

16 CHAIRPERSON NEUBERG: And do you know when we might
17 expect data from that?

18 MR. D. JOHNSON: Certainly this week. Hopefully in
19 the next day or two.

20 CHAIRPERSON NEUBERG: Okay. Great.

21 MR. D. JOHNSON: Mm-hm.

22 Any other questions?

23 If not, we can jump into our next piece which is
24 the looking at our last group of districts for our map
25 review.

1 CHAIRPERSON NEUBERG: Sounds good.

2 MR. D. JOHNSON: Mark you want to bring those up?

3 So we have -- we've already finished going through
4 all the congressional districts, so now we're doing our last
5 set of Legislative Districts 21 through 30.

6 There we go.

7 So as starting with 21. And in 21 you may recall
8 it starts in South Tucson and goes down to
9 Santa Cruz County.

10 So, yeah, can we get bigger? There we go.

11 Yeah, there we go.

12 So as I mentioned, we're starting in South Tucson
13 or southern Tucson coming down and getting -- let me see
14 here, there we go.

15 So we're getting Sahuartia and really just going
16 around the reservation, the Tohono O'odham Reservation, to
17 carve down into Nogales and -- and in that area in
18 Santa Cruz County. As you may recall, this is one where
19 Santa Cruz County is divided, so this is getting Nogales and
20 the surrounding areas into District 21.

21 In terms of the numbers, this district is -- make
22 sure I got the right columns here -- it is overpopulated at
23 4.19 percent; And citizen voting age population is one of
24 the districts we're tracking for Voting Rights Act
25 compliance is at -- it's 48 percent Latino by voting age

1 population; it's 41 percent non-Hispanic/white by citizen
2 voting age population; and by the same category, 5 percent
3 Black or African American, 3 percent Asian American, and
4 citizen voting age population, 2 percent Native American.
5 By single-race voting age population, it's 1 percent Native
6 American.

7 It is not one of our competitive districts. It's
8 got a vote spread of 33.2 percent; and all nine elections
9 went the same way, there are no swing elections.

10 It is an effective district. In the governor's
11 race, the Latino-preferred candidate received just under
12 60 percent of the vote, and in the attorney general's race,
13 Latino candidate received 67 percent of the vote.

14 Looking at the compactness scores, by the polygon
15 and -- and parameter score, it's kind of in the middle
16 range, as it is blending both the Nogales and Tucson urban
17 areas, and then has a connector between the two; by Reock is
18 0.37; by the convex hull measure it's 0.61; the Grofman
19 measure has it at 7.85; Schwartzberg is 2.21 and
20 Polsby-Popper is 0.2.

21 District 21.

22 Jumping to District 22, bring that up.

23 MR. FLAHAN: Do we have any questions on 21 first?

24 MR. D. JOHNSON: Oh, right. Sorry.

25 CHAIRPERSON NEUBERG: Any comments from my

1 colleagues just on the constitutional criteria doing a
2 review?

3 I mean, I think, it's -- it's typical of districts
4 that we track to protect communities of interest, in this
5 case tracking VRA compliance; and, you know, the shape, the
6 compactness is sometimes, you know, compromised in order to
7 keep communities together and empower the Latino community
8 to elect a candidate of -- of their choice.

9 You know, there's some I think slight adjusting to
10 do a better job of keeping communities of interest together
11 around the boundaries, and I think again, you know, maybe
12 looking at the slight -- slight overpopulation issues, but I
13 think it meets all criteria and serves its purpose.

14 MR. D. JOHNSON: All right. Seeing no other
15 comments, we'll jump to 22 then.

16 So 22 -- there you go. Roughly speaking you see
17 the purple district here. It starts in -- in southwestern
18 Phoenix and goes out and catches the southern portion of the
19 West Valley out to the county line.

20 Looking at the places involved, it has a
21 significant portion of Avondale, significant portion of
22 Buckeye, goes down and picks up Gila Bend, has a good piece
23 of Goodyear, and then obviously significant Phoenix
24 population; it also gets the northern part of Tolleson and I
25 think -- oh, yeah, and then Tonopah and Wintersburg make up

1 the rest of that.

2 It is entirely in Maricopa County.

3 So if we jump then to the numbers. This district
4 is just under 3 percent underpopulated; and citizen voting
5 age population, it is another heavily Latino district that
6 we are tracking for Voting Rights Act effectiveness. It's
7 47 percent Hispanic or Latino by citizen voting age
8 population, which is less than 50 but it is a polarity as
9 the non-Hispanic/white population is at 39 percent CVAP;
10 non-Hispanic/Black is at 8 percent; Asian American is
11 3 percent CVAP; and Native Americans are 2 percent of the
12 citizen voting age population and 1 percent of the
13 single-race voting age population.

14 It is not in our competitive range as its vote
15 spread is 17.6 percent and, again, there are no swing
16 districts as one party wins all nine of the elections we
17 track for that.

18 It is an effective district for Voting Rights Act
19 purposes with the Hispanic-preferred candidate getting
20 52.6 percent in the governor's race and 58 percent in the
21 attorney general's election.

22 Looking at the compactness scores. Again, this is
23 another one that blends urban and more open, rural areas, so
24 the polygon and perimeter scores are in the mid range; the
25 Reock score is 0.42; convex hull is 0.78; Grofman is 5.86;

1 Schwartzberg is 1.65; and Polsby-Popper is 0.37.

2 Any questions or comments about District 22?

3 CHAIRPERSON NEUBERG: I do know we need to fix
4 Gila Bend a little bit. The mayor wasn't too enamored with
5 our map.

6 But I -- ditto with 21, it serves, you know, a
7 purpose of keeping the Latino community empowered, able to
8 elect a candidate of their choice, and the lack of
9 competitiveness is a result of higher needs.

10 MR. D. JOHNSON: If there's no other comments,
11 we'll jump to 23.

12 So 23 is down in Southern Arizona, and this is the
13 district that goes from the Tohono O'odham Reservation lands
14 all the way close to Tucson and the main body of the
15 reservation all the way over to Yuma.

16 It does have a piece -- kind of the southern end,
17 really south of Gila Bend, portion of Maricopa County.

18 Then in Pima County we're getting everything from
19 Ajo to Ak Chin and then all the -- of course, all the
20 communities of the Tohono O'odham Reservation, Drexel
21 Heights; and some larger communities involved, we're
22 getting -- there we go, Sells, Three Points, Valencia West;
23 and it has just the reservation portion of Pinal County, so
24 we're getting those small communities in there.

25 And then over in Yuma, we're getting most of the

1 population of Yuma County, everything from Donovan
2 Estates -- you can see the list here, Fortuna Foothills,
3 San Luis -- all of San Luis, and all of Somerton are in here
4 as well.

5 COMMISSIONER LERNER: Doug, just as a quick
6 question as we're looking at these splits, is there
7 something that shows -- that lists each community in
8 alphabetical order so we can see how many times they're
9 split?

10 So if I'm looking at Wellton, is it only split
11 once? Is it split twice, three times? Is there a way that
12 we could see that so we -- I'm assuming most are only split
13 once or twice -- you know, twice maybe, but there may be
14 some that are split that we need to be conscious of. So is
15 there a way to give us another table that lists them in
16 alphabetical location regardless of county location or
17 anything so we can actually get a handle on that?

18 Does that make sense as a question, do you not...

19 MR. D. JOHNSON: Oh, definitely. Definitely.
20 Yeah, I think you're right, virtually all of these are just
21 between two districts, but -- I don't know if it's a native
22 report or if we would need to re-sort this report, but we
23 could generate that.

24 MR. FLAHAN: Yeah, we can look into that. But I
25 think if you could use the "find" button. Ah, Wellton has

1 two Ls.

2 MR. D. JOHNSON: Yeah, so.

3 MR. FLAHAN: So that would be one way you could do
4 it using the find --

5 MR. D. JOHNSON: Mm-hm.

6 MR. FLAHAN: -- or visually you come over here and
7 put Wellton, show, zoom in to it, and visually you can see,
8 okay, it's in District 30 and District 23.

9 MR. D. JOHNSON: Yeah. And for almost all of these
10 small towns they're just -- you know, along the edges,
11 obviously, these are easy clean-up things we can do as we
12 come back in.

13 Yeah, in most areas it's -- there's only going to
14 be two districts around that community, so it's pretty clear
15 it's just two; but, yes, when we get into the Tucson area
16 and Maricopa area where they're -- and particularly the
17 Central Phoenix area, it can be harder to tell. So we
18 can -- yeah.

19 COMMISSIONER LERNER: Okay.

20 MR. FLAHAN: So we can look into what we can do for
21 more of an ordered report.

22 COMMISSIONER LERNER: Thank you.

23 MR. D. JOHNSON: Okay.

24 So -- so by the numbers, District 23, it's a little
25 underpopulated at 1.06 percent under the ideal. It is

1 majority Latino at 51 percent Hispanic or Latino by citizen
2 voting age population. Its 38 percent of citizen voting age
3 are non-Hispanic/white, 2 percent are Black or African
4 American; 2 percent are Asian American; 7 percent are Native
5 American by citizen voting age population or 5 percent by
6 single-race voting age population.

7 It is interestingly enough competitive at
8 5.4 percent. It's within our -- it's not within our
9 4 percent highly competitive range, but it is within our
10 7 percent competitive range. And this is the odd -- oddball
11 election, it shows us eight elections won by the Democrat
12 and zero by the Republican because the ninth race was a tie
13 in the -- in the districts that -- or the precincts that
14 make up the districts. So that's not a typo, the ninth was
15 a tie.

16 Then by the tracking, it is just below 50 percent
17 for the governor's a race, and it is 53.1 percent by the
18 attorney general's race in our effectiveness measures.

19 Looking at compactness scores. Obviously, this
20 district covers a very large area. So its perimeter and
21 polygon area scores are high; on the Reock, score is 0.25;
22 convex hull is 0.82; Grofman is 6.73; Schwartzberg is 1.9;
23 and Polsby-Popper is 0.28.

24 Any comments or thoughts on District 23?

25 CHAIRPERSON NEUBERG: I think they're much of the

1 same of the previous ones where the lack of competitiveness
2 is -- you know, reflects the keeping the Latino community of
3 interest empowered and together. I think there's tweaks
4 around, you know, as -- as all of the districts, tweaks
5 around the borders, the boundaries, to, I think, do a better
6 job of keeping certain communities of interest together, but
7 I'm confident we can accomplish that.

8 MR. D. JOHNSON: Okay. If not, we'll -- if there's
9 no other comments, we'll jump into District 24.

10 MR. FLAHAN: Hey, Doug, before you jump into
11 District 24.

12 MR. D. JOHNSON: Yeah.

13 MR. FLAHAN: I was noticing this, if you use the
14 Excel version of the district splits and you use the "find"
15 ans you type in Wellton, you hit -- ah. Just had this
16 working -- okay. I don't know why it's not coming up just
17 yet.

18 Let's see.

19 MR. D. JOHNSON: I think the Excel might have your
20 live window.

21 MR. FLAHAN: There it is; I didn't have a cell
22 clicked on it.

23 So if you do "control find" in the Excel for
24 Wellton, you can see it's been split two times. If it will
25 show up.

1 If I type in Phoenix, it finds all. You can see
2 Phoenix has been split a bunch of times in districts. So
3 that can be an easy way to look how many times the city has
4 been split.

5 MR. D. JOHNSON: Okay.

6 MR. FLAHAN: All right, 24.

7 MR. D. JOHNSON: Yeah. So we're in -- in the heart
8 of Phoenix here. So we get piece of Avondale and then you
9 can see just zero population pieces of -- piece of Glendale,
10 piece of almost entirely Phoenix, and then just a little
11 piece of Tolleson.

12 MR. FLAHAN: And the Tolleson piece is north of
13 I-10.

14 MR. D. JOHNSON: Yeah, okay.

15 Jumping into the numbers. It is a bit
16 overpopulated at 2.6 percent. This is a majority Latino
17 district. Its 63 percent of citizen voting age population
18 are Hispanic or Latino; 23 percent are non-Hispanic/white, 9
19 percent non-Hispanic/Black; 2 percent non-Hispanic/Asian
20 American; 3 percent Native American by citizen voting age
21 population and 1 percent Native American by single-race
22 voting age populations.

23 It is not one of our competitive districts as the
24 vote spread is 53.9 percent. And it does perform in both
25 elections with the Hispanic-preferred candidates getting 71

1 and 76 percent of the vote respectively in the two
2 elections.

3 Given the -- the urban nature of this district and
4 square shape or rectangular shape, the polygon area and
5 perimeter scores are -- are quite low; the Reock score is
6 .34; convex hull is .97; Grofman score is 5.01; Schwartzberg
7 is 1.41; and Polsby-Popper is 0.5.

8 Any -- any questions or comments about District 24?

9 Oh, yeah, and what Mark is showing, as you can see,
10 the Tolleson border, the boundary of the district follows
11 the freeway -- the southern boundary of the district follows
12 the freeway all the way across, and there's a little piece
13 of Tolleson that's across the freeway.

14 MR. FLAHAN: Yep, with 16 people in it.

15 MR. D. JOHNSON: Mm-hm.

16 CHAIRPERSON NEUBERG: You know, the only -- the
17 only thing that I would add, too, is that we're tracking it
18 as a VRA, you know, compliant district potentially. You
19 know, I think the -- the Hispanic CVAP is a little higher,
20 you know, you mentioned it is a little overpopulated so we
21 should just keep our eyes on that.

22 MR. D. JOHNSON: Sounds good.

23 Okay. Jump to District 25. So 25 is a West Valley
24 seat. You can see it's starting over just on the edge of
25 Phoenix, then coming out and getting Luke Air Force Base and

1 some of the rural area to the west of there.

2 Looking at the place report we're getting Avondale,
3 Buckeye, El Mirage, a good portion of Glendale, Goodyear,
4 Litchfield Park, part of Peoria, a small piece of Phoenix,
5 and Surprise are all in -- in District 25.

6 And in those Surprise, this is the non-Sun City
7 portion of Surprise.

8 Looking at the numbers, it is overpopulated at
9 2.3 percent.

10 Looking at citizen voting age population, it's
11 26 percent Hispanic or Latino, 59 percent
12 non-Hispanic/white, 8 percent non-Hispanic/Black, 4 percent
13 non-Hispanic/Asian American, and 1 percent Native American
14 by both the citizen voting age population and the
15 single-race voting age population categories.

16 It is just outside of our -- our competitive spread
17 at 8 percent on the vote spread; and on the swing votes, all
18 nine elections were won by one party, and it's not a
19 district that we're tracking for -- for an exact
20 effectiveness.

21 Going over to the compactness scores. Again, it
22 mixes some of the rural areas and urban areas with just a
23 bit of rural area on the west end of it, so it's -- it's
24 kind of in the middle on or polygon on perimeter scores;
25 Reock is .52; convex hull is .85; Grofman is 5.13;

1 Schwartzberg is 1.45; and Polsby-Popper is 0.48.

2 Halfway through our list for today. And any
3 comments or questions on District 25?

4 COMMISSIONER LERNER: So Mark, which -- which city
5 are you showing right there?

6 MR. FLAHAN: That is the city of Surprise.

7 COMMISSIONER LERNER: Okay. We had a lot of cities
8 in this one.

9 CHAIRPERSON NEUBERG: Yeah, so --

10 MR. FLAHAN: So --

11 CHAIRPERSON NEUBERG: Yeah, I think we could do a
12 better -- I think it meets the constitutional criteria. I
13 think we could do a better job with, you know, several
14 communities of interest that are being split up city-wise
15 and even noncity-wise, yeah.

16 COMMISSIONER LERNER: Yeah, that's -- that's part
17 of my interest is kind of looking at some of those and see
18 how they have the...

19 CHAIRPERSON NEUBERG: And then after we clean up
20 the -- the, you know, communities of interest, we can then
21 go take another look at the competitiveness. I think Doug
22 said it's just slightly outside the range, you know, it's
23 possible to -- to, you know, do some tweaks that don't
24 undermine the communities of interest to make it within the
25 range, that that would be a great bonus. That remains to be

1 seen.

2 MR. FLAHAN: And on the report here, just a
3 reminder, if you see the asterisk in front of the city or
4 the county, that means it's being split. So that's an easy
5 marker to know if it's being split.

6 Where Citrus Park doesn't have it, it's completely
7 within the district.

8 COMMISSIONER LERNER: Well, and that's been my --
9 that was my question before was the -- I can do the -- I can
10 do the search and all, but if I had a single sheet where I
11 could just see Avondale and see that it's in three places or
12 whatever, it would be very simple to kind of then be looking
13 at how that split occurs.

14 MR. FLAHAN: Sure.

15 COMMISSIONER LERNER: That's -- that's -- I think
16 those are important things for us to look at.

17 MR. FLAHAN: Yeah, and after I'll take a look and
18 see what we can do for that.

19 CHAIRPERSON NEUBERG: Yeah, personally,
20 Commissioner Lerner, what I've find the most effective and
21 I've -- and I've learned to do it quite quickly, is what
22 Mark showed earlier which is the "find" feature; and it
23 could be a city, it could be, you know, a general area, and
24 then it just pulls it up for you and you can expand it and
25 literally not only count the number of times but you see

1 exactly where it is.

2 COMMISSIONER LERNER: Yeah, I certainly can do
3 that, yeah.

4 MR. D. JOHNSON: Yeah, okay.

5 Okay. Should we jump to 26?

6 CHAIRPERSON NEUBERG: Yes, please.

7 MR. D. JOHNSON: Again, we're in the heart of
8 Maricopa County here. You get into District 26 and you can
9 see it's fairly easy to describe: It's a good portion of
10 Glendale, a small piece of Peoria, and then Phoenix
11 population. I mean this is entirely a Maricopa County
12 district.

13 By the numbers, it's just a little bit
14 overpopulated at 0.96 percent over.

15 By citizen voting age population, it is 40 percent
16 Latino or Hispanic; 42 percent non-Hispanic/white; it's
17 11 percent non-Hispanic/Black or African American; 4 percent
18 Asian American; and 3 percent Native American by citizen
19 voting age population, by single-race voting age population
20 it's 2 percent Native American.

21 At a vote spread of 28.0 percent, it's not one of
22 our competitive districts, and there are no swing elections
23 of the nine elections we're tracking.

24 It is an effective district from a Voting Rights
25 Act perspective with the Hispanic-preferred candidate

1 receiving 56 percent of the vote in the governor's race in
2 2018 and 62 percent in the attorney general's election.

3 In terms of compactness, again it's a very urban
4 district, so it's perimeter and polygon scores are quite
5 low; by Reock it's 0.49; convex hull it's 0.87; Grofman is
6 4.6; Schwartzberg 1.3; and Polsby-Popper 0.59.

7 Any comments or questions about District 26?

8 CHAIRPERSON NEUBERG: Can you remind us what that
9 tail is just south of Camelback? Was that to include -- you
10 know, keep the Latino community whole?

11 I don't remember the details about that; I'm just
12 curious why that little tail is there.

13 MR. D. JOHNSON: Yeah. Off the top of my head, I
14 don't recall the changes that have been made to that. We'd
15 have to go back and check the log on those.

16 I'm not sure if it's just a population balancing
17 issue or if it was a community of interest change that led
18 to that.

19 Mark, can you zoom in and see what that curve --
20 what is that arched line there?

21 MR. FLAHAN: That is the canal.

22 COMMISSIONER YORK: Follows the canal.

23 MR. D. JOHNSON: Yeah.

24 MR. FLAHAN: Yeah.

25 So that is the canal, I-17 is the border here on

1 the west side, Camelback is the north, and 19th Avenue is
2 the east.

3 CHAIRPERSON NEUBERG: I think it's compact, it
4 keeps a community of interest together; and I think we could
5 look at some of the adjustments to clean up, you know, even
6 make cleaner lines potentially or better adjust lines for
7 communities of interest, but I think it meets the test, the
8 constitution test.

9 MR. D. JOHNSON: Okay. No other comments we'll --
10 we'll jump to 27.

11 And here you can see we're staying in Maricopa
12 County, and it's another one that is fairly easy to
13 describe: It's a good piece of Glendale, large piece of
14 Peoria, and then about 27,000 people from Phoenix.
15 Apparently does have a -- zero population pieces of Sun
16 City, we can check on what that is.

17 Looking at the numbers, this district is -- is
18 underpopulated by 2.79 percent.

19 By citizen voting age population, it's 17 percent
20 Hispanic or Latino; 73 percent non-Hispanic/white; 3 percent
21 non-Hispanic/Black or African American; 4 percent Asian
22 American; and 1 percent Native American by both citizen
23 voting age population and by single-race voting age
24 population.

25 Its vote spread is 13.1 percent, and of the nine

1 races we tracked, it did not swing in any of these nine; and
2 it's not a district we're tracking for Voting Rights Act
3 effectiveness.

4 On the compactness scores, again these urban
5 districts always have very low numbers on polygon and
6 perimeter scores; by Reock it's 0.48; convex hull is .87;
7 Grofman is 4.76; Schwartzberg is 1.34; and Polsby-Popper is
8 0.55.

9 Any questions or comments on 27?

10 CHAIRPERSON NEUBERG: It's compact, it keeps
11 communities of interest together. I think its lack of, you
12 know, competitiveness, it's hard to make it more competitive
13 when you've got a very competitive district to the right,
14 D-2 and, you know, it is where it is where the communities
15 of interest live. So I think it -- it makes sense and
16 balances the six criteria.

17 MR. D. JOHNSON: Okay.

18 MR. FLAHAN: And here is the little tail of Sun
19 City that goes into District 27.

20 MR. D. JOHNSON: You can see the district is
21 following the river and the city border crosses it.

22 Okay. So let 's jump to 28.

23 This is another district, it actually starts up in
24 Anthem and New River, catches the north end of the West
25 Valley and then comes out to the county line.

1 So you can see the list of communities involved:
2 We've got Anthem with 23,000 people, New River at 17,000,
3 Peoria and -- and Phoenix are the biggest chunks of the
4 district, about 75,000 each; and then Surprise and
5 Wickenburg and Whitman bringing up the rest of it.

6 When it talks about the Wickenburg splits, there is
7 because Wickenburg is -- the city of Wickenburg crosses the
8 county line, so the district is following the county line.

9 By the numbers this district is underpopulated by
10 4.95 percent, so it's short by almost 12,000 people.

11 By citizen voting age population, it's 9 percent
12 Hispanic or Latino; 83 percent non-Hispanic/white; 2 percent
13 non-Hispanic/Black; 4 percent Asian American; and 1 percent
14 Native American by both citizen voting age population and
15 single-race voting age population.

16 It's not one of our competitive seat with a vote
17 spread score of 30.1 percent, and all nine of the elections
18 we tracked for swing elections were all won by the same
19 party. And it's not a district we're tracking for Voting
20 Rights Act effectiveness.

21 And compactness scores. You can see by blending
22 urban and a rural areas, it comes into the middle range for
23 polygon and perimeter scores; the Reock score is 0.31;
24 convex hull is .82; Grofman is 6.17; Schwartzberg 1.74; and
25 Polsby-Popper is 0.33.

1 Any comments or questions about District 28?

2 CHAIRPERSON NEUBERG: I think it balances the six
3 criteria. I think we could do some tweaking with
4 communities of interest to make even more people happy.

5 MR. D. JOHNSON: Okay. And our second to last,
6 District 29. This really is the district focused on the Sun
7 Cities.

8 Scroll down here. There we go.

9 So we're getting the bulk of El Mirage, a piece of
10 Peoria, Sun City itself, Sun City West, and then most of the
11 population of the district comes from Surprise, both
12 Sun City Grand and areas south of Sun City Grand, and it
13 does have Youngtown in it as well; and it is obviously an
14 entirely Maricopa County district.

15 Looking at the numbers. This one is overpopulated
16 by 3.73 percent.

17 By citizen voting age population, we're at
18 14 percent Hispanic or Latino; 78 percent
19 non-Hispanic/white; 5 percent Black or African American; 2
20 percent Asian American; and 1 percent Native American by
21 both citizen voting age population and by single-race voting
22 age population.

23 The vote spread score is 7.3 percent; and of the
24 nine elections we are tracking, none of them swung so one
25 party won all nine elections.

1 Jumping over to the compactness scores. No
2 surprise, it's area and perimeter scores are very low; the
3 Reock score is 0.57; convex hull is .84; Grofman is 5.7;
4 Schwartzberg is 1.61; and Polsby-Popper is 0.39.

5 Comments or questions about this one?

6 CHAIRPERSON NEUBERG: Do you remember, Doug, if --
7 if that overpopulation was, you know, in order to keep this
8 community of interest together or was it just, you know,
9 kind of an accidental, you know, just an effect of keeping
10 it as together as we could?

11 I'm wondering if it's possible to -- to, you know,
12 shed, or -- or if it was necessary to keep the people
13 together.

14 MR. D. JOHNSON: Given the borders of -- of Sun
15 City and Sun City West and Sun City Grand, it's a little
16 limited in where we could take population off, but there may
17 be some options. As -- as Mark highlighted here, we have a
18 border of El Mirage and, you know, perhaps more of El Mirage
19 could go together in -- in 25 to take population out of 29;
20 or as we looked at earlier, Surprise is actually split
21 between three districts with a piece of it in 25, perhaps
22 more of non-Sun City Surprise could go into 25.

23 So there are things we could look at.

24 The -- I think you're showing the Glendale piece --
25 I think he was just showing the Glendale piece, the piece of

1 Glendale in there is just the piece that crosses over the
2 river. Again, we're following the river.

3 MR. FLAHAN: That was Peoria.

4 MR. D. JOHNSON: What was that, Mark?

5 MR. FLAHAN: That was Peoria, this piece that I was
6 showing.

7 MR. D. JOHNSON: Oh, Peoria. Thank you.

8 MR. FLAHAN: Yep.

9 MR. D. JOHNSON: Yeah, so you can see where it
10 comes over the freeway and the city crosses over the freeway
11 there, too.

12 MR. FLAHAN: Yep. That's where you get the Peoria
13 population.

14 MR. D. JOHNSON: So there a couple of spots we
15 could take off some of it -- some of that overpopulation.

16 CHAIRPERSON NEUBERG: I think it does a good job
17 meeting all six criteria. The lack of competitiveness is a
18 testament to, you know, the communities there; and with
19 tweaks, we can make it better.

20 MR. D. JOHNSON: Okay.

21 Okay. So and then wrapping up our -- our tour of
22 the maps, Legislative District 30.

23 This is the western, really, the Colorado River
24 district. You can see it gets Mohave County, everything
25 except for the tribal reservation lands, and then it gets

1 La Paz County and the northern portion of Yuma County.

2 And so the community's list is going to be
3 essentially the communities of those three counties, just
4 going you can see the La Paz County, it's got all the
5 communities of La Paz County in it; Mojave is actually
6 you'll see a large -- probably the largest, and -- and it's
7 got everything except for the reservation; and then in
8 Yuma County where it's divided -- scroll down, there we
9 go -- we're getting a piece of the Fortuna Foothills and
10 most of Wellton, essentially all the population of Wellton
11 for about 6,000 people. So it's not a lot of people in
12 Yuma County, even though it's a lot of the territory of the
13 county.

14 By the numbers, it's 1.62 percent underpopulated.

15 Citizen voting age population is 14 percent
16 Hispanic or Latino; 81 percent non-Hispanic/white; 1 percent
17 Black or African American; 1 percent Asian American; and
18 then by citizen voting age population is 3 percent Native
19 American, and by single-race voting age population is 2
20 percent Native American.

21 The vote spread is 48.5 percent; and one party won
22 all nine of the elections we're tracking for swing
23 elections. And this is not a district we're tracking for
24 Voting Rights Act effectiveness.

25 As a relatively rural district, this is the polygon

1 and perimeter scores are -- are high on this one; its Reock
2 score is 0.26; its convex hull is 0.69; Grofman is 7.67;
3 Schwartzberg is 2.16; and Polsby-Popper is 0.21.

4 Again, its -- its shape is largely dictated by the
5 shape of those three river counties, so.

6 Any comments or questions on this one?

7 CHAIRPERSON NEUBERG: It think it looks like we
8 tried hard to keep communities of interest together.

9 MR. D. JOHNSON: Oh, and I should note, I mentioned
10 in Mohave County, the -- the Kaibab and Havasupai
11 reservation areas are not in this district, but it does have
12 the Colorado River tribe in it. So there are a couple of
13 reservations in it as well.

14 With that, we have wrapped up our walk-through
15 the -- through the maps and hopefully it's been useful. And
16 as you've discussed, there have been notes -- notable areas
17 where we need to definitely look at and be prepared to make
18 some clean-ups as you come back for the next round of
19 mapping.

20 CHAIRPERSON NEUBERG: I think it was very helpful,
21 Doug. Not only the -- the specificity, you know, the
22 detailed information you shared, but also priming us to be
23 thinking about the six criteria. We're, you know, gearing
24 up for deliberations and understanding that we'll go through
25 this process again at the end so that we, you know, are

1 comfortable in our rationales for why we're drawing the
2 lines as we are. So I think it helped prepare us well.

3 Are there any other questions for Doug or Mark?

4 COMMISSIONER LERNER: Thank you. This was a good
5 overview.

6 CHAIRPERSON NEUBERG: Okay. If there isn't
7 anything else, we can move to Agenda Item No. VI.

8 I'll just wait a minute to see if there's any
9 last-minute questions?

10 Nope.

11 We'll move to Agenda Item No. VI, legal update
12 concerning Arizona Constitution criteria, including the VRA
13 14th Amendment of the United States Constitution, and
14 competitiveness.

15 I will turn it over to our legal counsel. I am
16 expressing, I believe, some degree of briefing in public and
17 then I would like to suggest to my colleagues that we have a
18 motion to go into executive session, which will not be open
19 to the public, for the purpose of obtaining legal advice to
20 further implement and/or advance these legal issues pursuant
21 to A.R.S. 38-431.03(A)(3).

22 And with that, I turn it over to our counsel.

23 MR. HERRERA: Thanks, Madam Chair. Before we get
24 started, I just wanted to ask whether the court reporter
25 needs a break. If that's necessary, we can obviously wait.

1 CHAIRPERSON NEUBERG: How long, Roy, is -- is the
2 public part of the presentation?

3 MR. HERRERA: I would say probably about -- it's
4 not very long -- 20 minutes.

5 CHAIRPERSON NEUBERG: Up to Angela if you'd like a
6 break now or a break at about 9:30.

7 THE COURT REPORTER: We can break after, that's
8 fine. Thank you.

9 CHAIRPERSON NEUBERG: Okay, we'll aim to break
10 maybe after the -- the presentation. Thanks, Roy.

11 MR. HERRERA: Okay. Let me try to share my screen.
12 Hopefully you can see that.

13 You guys can see that okay? Perfect.

14 All right, So thanks, Madam Chair and members of
15 the Commission. We wanted to provide particularly knowing
16 that the stage that we're in and we're reaching sort of the
17 end of the last business meeting before the final map
18 drawing stage of the process, as well as finishing the --
19 the public comment period after post -- after draft maps
20 were adopted.

21 We wanted to return to the Commission, one, to
22 provide a bit of a refresher and overview as to the
23 requirements that the Commission must adhere to under
24 federal law, under the federal constitution, the Voting
25 Rights Act; and then provide an analysis of the draft maps,

1 both the CD and LD map, district by district as it relates
2 to -- to compliance with federal law.

3 So my presentation here is going to be primarily
4 based on the VRA and of course the federal constitution, the
5 14th Amendment. It's not our plan to provide a formal
6 presentation on the other five constitution factors. As we
7 know there are six factors, one of them is compliance with
8 federal law. With the other five factors of the state
9 constitution, we're certainly able to -- to provide advice
10 to that later today, and I think we do intend to at least
11 touch on competitiveness in a later presentation. But
12 certainly if there are any questions on the other factors,
13 we can either answer them in public session or in executive
14 session, whatever you deem appropriate.

15 But, again, this -- this presentation will be based
16 on federal law.

17 So starting here.

18 So as the Commissioners all know at this point, the
19 maps, both the CD map and the legislative map, has to comply
20 with federal law, that includes the United States
21 Constitution and the federal Voting Rights Act. The Arizona
22 Constitution and the framers of the proposition that created
23 the IRC recognized this and required the Commission to
24 adhere to federal law. It is the first of the six factors.
25 Of course, the constitution says that the district shall

1 comply with the U.S. Constitution and the United States
2 Voting Rights Act. It's notable that in the language of the
3 constitution this was the only one of the six constitutional
4 criteria that is absolutely mandatory and does not have that
5 "to the extent practical (verbatim)" language -- qualifying
6 language that the other five factors have. So that is
7 notable.

8 Throughout this whole process the Commission and
9 the staff, and of course counsel and the consultants that
10 counsel have retained have considered the requirements of
11 the federal law. This includes at every iteration of the
12 draft map stage, and of course with the adopted draft maps,
13 we will continue to do so into the final map -- map drawing
14 stage; but it's important to note that obviously compliance
15 with federal laws, you know, at the foremost of our
16 considerations in advising the Commission.

17 So to -- again, and this is somewhat of a review of
18 several presentations that we've given to the Commission
19 before and of course advice that we've given to the
20 Commission about what complying with federal law means. And
21 one way to sort of look at this is to look at how you could
22 potentially violate federal law, that is to say, how could
23 you violate the Voting Rights Act or the U.S. Constitution.

24 And there are two primary ways that a violation can
25 occur, and I'm going to talk about both of them in greater

1 detail in some slides here.

2 But the first is vote dilution, that would be a
3 violation of Section 2 of the Voting Rights Act. One thing
4 to note here, of course -- and we've noted this to the
5 Commission before -- that it is Section 2 of the Voting
6 Rights Act that is currently operable and applies to the
7 map-drawing process that the IRC is undertaking. Section 5,
8 of course, since the Shelby County decision, that is the
9 preclearance requirement, is no longer applicable to this
10 process.

11 And I mention that only to say and reiterate
12 something we've mentioned before, which is the lack of
13 preclearance during this redistricting process does
14 introduce some element of uncertainty as to sort of how the
15 elements of Section 5 will apply this time around. But
16 it -- it's just something that I want to point out.

17 But at this point, what we're worried about is vote
18 dilution under Section 2 as one potential way that federal
19 law can be violated.

20 The second way would be racial gerrymandering,
21 which would be a violation of the 14th Amendment of the
22 U.S. Constitution. So those are the two ways to do it.

23 Now, either claim -- those two ways you can violate
24 federal law.

25 Either claim, either violation, could occur if

1 there are allegations -- or proven allegations I should
2 say -- of packing or cracking a minority group.

3 And, again, this is a bit of a reiteration, but
4 when we think about packing, what we're talking about is
5 when a minority group is packed as a super majority in fewer
6 districts than it could effectively control, and, as a
7 result, there's a dilution of voting or voting power for
8 that minority group.

9 And a classic example, and I think we'll refer to a
10 case in the next slide that shows this, is when you have two
11 districts that have minority populations and you create a
12 super majority in one -- two districts that are next to each
13 other, you create a super majority in one district and not
14 in the other, such that in that second district that
15 minority group does not have the ability to elect a
16 candidate of its choice. That's classic packing scenario
17 that could occur and that could potentially be a violation.

18 The second is cracking. That's sort of opposite
19 situation where you are dispersing the minority group across
20 multiple districts such that it can't control any of them.
21 So instead of putting them in a sizable number in a
22 particular number of districts, you are spreading across a
23 lot of districts and, as a result, the minority group can't
24 elect the candidate of its choice.

25 Both packing or cracking could result in -- in

1 either a vote dilution under Section 2 or a gerry -- a
2 racial gerrymandering claim.

3 Now, what does Section 2 tell us? You know, I'm
4 going to first talk about vote dilution. Well, Section 2
5 says and it prohibits "The drawing of a minority group that
6 is sufficiently populous, compact, and cohesive to elect a
7 candidate of its choice into a district where it's not able
8 to do so."

9 So, in other words, you have a scenario where a
10 minority group is compact enough and politically cohesive
11 enough to elect a candidate of its choice in a particular
12 district, but the -- the map drawer decides not to do so.
13 That is a potential Section 2 violation, and that is what
14 Section 2 prohibits.

15 Now, how could that violation be established by a
16 plaintiff? And, again, this is something we've reviewed
17 before, but this is the sort of classic *Thornburg v. Gingles*
18 analysis; and as part of that analysis you start the
19 analysis looking at three different factors. Again, I'll
20 get into each of these in a little bit more detail in a
21 couple of future slides here.

22 But the three factors which, I think, at this
23 point, are probably engrained in the Commissioners' mind.
24 The first factor, of course, is that the minority group is
25 sufficiently large and geographically compact to constitute

1 a majority in a single-member district. The second is that
2 that particular minority group is politically cohesive, that
3 is to say it votes together for a particular candidate of
4 its choice. The third is that the majority in a particular
5 district, in this case it would be white voters, vote
6 sufficiently in a bloc to enable it to usually defeat the
7 minority's preferred candidate.

8 The second and third prongs are typically referred
9 to as racial polarization or racially polarized voting.
10 That's the sort of analysis that we do, and we'll talk about
11 what that analysis looks like.

12 But these are the three factors under *Gingles* that
13 you have to consider for a plaintiff to establish a
14 violation under Section 2.

15 Now if these factors are met, then under *Gingles*
16 you actually go to a second stage of the process where the
17 Court considers the totality of the circumstances, which is
18 getting into the so-called Senate factors. Part of those
19 factors include an analysis of present and historic
20 discrimination in a particular geographic area against a
21 minority group.

22 So it's those first three factors and if they're
23 established, you go to the second stage, the totality of
24 circumstances stage, in order to establish whether there's a
25 violation.

1 Again, these are -- these are what the plaintiff
2 must establish if it were to bring a Section 2 claim.

3 Now, to talk a little bit more about these factors,
4 when we talk about that first factor about whether a
5 minority group is sufficiently populous, what we're talking
6 about is that the minority group must comprise at least
7 50 percent plus one of a hypothetical district's voting age
8 population to succeed on a Section 2 vote dilution claim.

9 So if a plaintiff comes in alleging Section 2 vote
10 dilution, that very first *Gingles* factor in order to meet
11 that basically what they have to establish is that the
12 minority group is 50 percent plus one of the district's
13 citizen voting age population.

14 Now the proper measure of a minority group's voting
15 age population in the Ninth Circuit is actually citizen
16 voting age population since that determines if it's actual
17 ability to elect.

18 So it is that CVAP number that we have looked at
19 throughout this process that is the relevant number for
20 determining that first *Gingles* factor.

21 Now, in a vote dilution claim, if it were to be
22 brought by a plaintiff, the State which in this case which
23 would include the government, would include the IRC, could
24 defend the vote dilution claim if crossover voting enables
25 the minority to elect a candidate of its choice. And by

1 that, when I refer to crossover voting, what I'm talking
2 about is that a sufficient number of white voters vote
3 alongside the minority group such that the minority group
4 has the ability to elect a candidate of its choice.

5 One final thing to note here that's important is
6 that the map drawer's motive is irrelevant to the analysis.
7 So in other words, even in a situation where the map drawer
8 didn't necessarily have a clear motivation to violate
9 Section 2, nevertheless a Section 2 violation could exist if
10 again, a plaintiff is able to establish all of the *Gingles*
11 requirements, so that is something to consider.

12 I'll give you an example of a vote dilution claim.
13 This is from South Dakota, the Bone Shirt case in 2004.
14 This involved, again, a classic packing scenario. This is a
15 successful challenge by Native Americans to 2001 LD map.

16 In that case the plaintiff alleged that the State
17 had violated Section 2 by packing Native Americans into an
18 86 VAP super majority district and leaving 23 percent Native
19 American VAP in an adjacent district.

20 And these are labeled as 26 and 27. On the next
21 slide, I'll show you a map so you have a better
22 visualization of that.

23 But in that particular case, the plaintiffs showed
24 that the Native Americans could have formed a compact,
25 cohesive majority in both LD-26 and 27 and, of course, the

1 map drawers choose not to do that. The Court agreed with
2 the plaintiffs in this case holding that the current LD map
3 impermissibly diluted the Indian vote and violated Section 2
4 of the VRA. Basically, the Court required that the
5 defendants, in this case government, afford the Indians in
6 both -- again, I'm quoting "Indians" from the case, in both
7 Districts 26 and 27 a realistic and fair opportunity to
8 elect their preferred candidates.

9 So let me just show you sort of what that looked
10 like in that case, the Bone Shirt case. You can see on the
11 left, this is the redistricting map 26 and 27. One district
12 had that super majority and the other district had a much
13 lower voting age population for Native Americans, and then
14 you can see on the right, the remedial plan as a result of
15 the court ruling changed that district such that, in both
16 districts, the Native Americans were able to elect
17 candidates of their choice.

18 I should also note by the way, we don't have this
19 in here, but the decision by the district court was affirmed
20 by the Eighth Circuit.

21 So that's a vote dilution claim and the
22 requirements to establish one by plaintiffs.

23 I'm next turning to racial gerrymandering and
24 discuss that. Mentioned that a little bit before, racial
25 gerrymandering could be a violation of the equal protection

1 clause of the 14th Amendment. The 14th Amendment prohibits
2 drawing district lines predominantly on the basis of race
3 unless the State can show that the district line is narrowly
4 tailored to advance a compelling interest.

5 A plaintiff in a racial gerrymandering claim must
6 show that race predominated over other traditional
7 redistricting criteria. When I refer to "traditional
8 redistricting criteria," as we all know, again, at this
9 point what we're talking about primarily is some of the
10 other factors listed in the state constitution, things like
11 compactness, respect for geographic and political boundaries
12 (verbatim), communities of interest, et cetera.

13 So in a racial gerrymandering claim, a plaintiff
14 must show that race predominated over all those other
15 factors.

16 It is notable that courts have held that complying
17 with the Voting Rights Act can be a compelling interest as
18 long as the State can show a strong basis in evidence for
19 its belief that the Voting Rights Act required a particular
20 district. So, again, it is possible, in order to defend a
21 racial gerrymandering claim, that a map drawer could point
22 to its basis or a strong basis in evidence for a belief that
23 the Voting Rights Act required a particular district to be
24 drawn. That could potentially serve as the compelling
25 interest in order to defend a racial gerrymandering claim.

1 Now, when can a impermissible racial gerrymander
2 occur? Well, it typically happens in one of two instances.
3 The first is more common, which is the district is irregular
4 or bizarrely shaped district, or otherwise inconsistent with
5 traditional redistricting criteria and is inexplicable on
6 any basis other than race.

7 Those are sort of your classic -- and I'll show a
8 photo of this or a map of this in one of the next slides
9 here, but your classic racial gerrymander where you have an
10 extremely bizarrely shaped district, and it's very clear in
11 looking at the district, there is no other reason for
12 drawing of the district other than the basis of race, and it
13 ignores, you know, traditional redistricting criteria like
14 compactness and communities of interest.

15 So that's one way you can have a racial
16 gerrymander.

17 The second way is that if there is over evidence of
18 racial motivation, even if the district complies with the
19 traditional redistricting criteria. That's from the
20 Bethune-Hill case. So that's a situation where the record
21 just shows that there is overt evidence of racial
22 motivation, and as a result, potentially a racial
23 gerrymandering claim could be successful.

24 So let me give you an example. This is from the
25 Cooper case. Here this is, you know, actually a more recent

1 2017 case that made its way to the Supreme Court. And the
2 case involved a successful challenge to two majority Black
3 North Carolina congressional districts, they were labeled
4 CD-1 and CD-12. The Court concluded that race was a
5 predominate motive for the creation of both districts and
6 could not be justified by reference to the Voting Rights
7 Act.

8 You can see in the maps below, the two districts
9 that were in question, you can see, of course, how bizarrely
10 shaped they were, particularly the one on the right, the
11 district 12; kind of your classic gerrymander situation.

12 When we're talking about, you know, how the Court
13 determined that race was a predominant motive, one of the
14 things the Court noted is that the map drawer in this
15 situation mechanically where it was trying to get to
16 50 percent plus minority CVAP, in that -- in that particular
17 map drawing process, and the Court deemed that to be
18 inappropriate. There are other reasons I think that are
19 important to -- to consider there that the Court referred
20 to. One other reason, of course, is that the state
21 constitution in North Carolina required the map drawers to
22 consider keeping counties whole, which is something that the
23 map drawers in that scenario did not consider at all or
24 ignored, at least that's what was established by the Court.

25 So that's a situation of a racial gerrymander, and

1 you can see how unique the districts look in that particular
2 case.

3 So the final slide here is we wanted to sort of
4 provide some additional information. You know, when we are
5 thinking about complying with federal law, what are the
6 different factors that the Commission has to consider in
7 order to analyze whether a particular district or map
8 complies?

9 And we kind of broke it down into three broad
10 areas. The first consideration, of course, as we mentioned
11 before, the citizen voting age population of a minority
12 group in a given area; what is the CVAP number in that
13 particular district?

14 We -- you know, Timmons has presented consistently
15 in each stage of the map drawing process as to what the CVAP
16 number is in a particular area. That CVAP number is
17 important for a number of reasons. One, of course, is it's
18 a useful number in order to determine whether a particular
19 minority group has the ability to elect candidates of its
20 choice; it's an important number to determine whether the
21 first *Gingles* prong is met in a potential vote dilution
22 claim, so that is why citizen voting age population is
23 particularly important when analyzing compliance.

24 The second sort of factor or -- or sort of subject
25 that a map drawer has to consider related to compliance with

1 federal law is polarization. We had some presentation on
2 this earlier from Timmons, but the question here is do
3 minority voters and white voters choose opposing candidates
4 in elections?

5 Why do we care about polarization? Well, I think
6 we care about it for two reasons. First, it goes to the
7 cohesiveness in white bloc voting elements of the *Gingles*
8 test, that's second and third prongs; and it involves
9 determining which candidate each group tends to prefer.

10 So, you know, we look at it because it's again the
11 second and third prongs of *Gingles*; and the way we look at
12 polarization is through ecological regression, that is the
13 kind of analysis that, of course, Lisa Handley has presented
14 and undertaken with Timmons on behalf of the Commission.

15 So that's one reason why we care about
16 polarization.

17 The second reason we care about polarization has to
18 do with determining what our performance thresholds are on a
19 particular district; and by that I mean, what is the
20 percentage CVAP for a minority group that needs to exist in
21 a district for that minority group to elect a candidates of
22 its choice, it's preferred candidate. And that threshold
23 takes into account minority vote preferences which, of
24 course, relates to polarization, turnout, and crossover and
25 coalition voting to determine what that percentage is, what

1 share of the population of a district a minority group must
2 represent in order for it to be able to elect a candidate of
3 its choice. So polarization is important for those two
4 different reasons.

5 The third sort of category when again analyzing
6 compliance with federal law, and this relates -- primarily
7 related to, you know, racial polarization -- or I should say
8 racial gerrymandering claim, is racial predominance.

9 Looking at the record, looking at the map, we have to ask
10 ourselves questions like: Is the district bizarrely shaped;
11 does district regard the traditional redistricting criteria
12 such as communities of interest, such as compactness; is
13 there evidence in the record of explicit race-based goals?

14 So these are three areas -- three factors, if you
15 will, that a map drawer has to consider in -- when it comes
16 to complying with federal law, and it's certainly something
17 that has been considered which has been shown in the tables
18 that Timmons has consistently shown throughout the process
19 in presenting various iterations of the draft map and, of
20 course, over the last few sessions related to the adopted
21 draft map.

22 So that's the conclusion of the presentation we
23 wanted to give here. We're happy to answer any questions
24 about this and certainly, you know, look forward to
25 providing additional legal advice related to the draft maps.

1 CHAIRPERSON NEUBERG: Is this, Roy, the last public
2 presentation? Everything else is for seeking legal advice
3 in executive session if we choose to go that route?

4 MR. HERRERA: That's right. If you choose to go
5 that route, that's what we would be presenting.

6 CHAIRPERSON NEUBERG: Okay.

7 Well, thank you very much for this overview.
8 It's -- it's a great reminder and again, you know, now that
9 we're experienced more, I think it even, you know, we absorb
10 it in a deeper way.

11 At this point unless there's, you know, just
12 factual, you know, questions, I would suggest that we move
13 to go into executive session for the purpose of obtaining
14 legal advice.

15 Pursuant to -- hold on -- pursuant to A.R.S.
16 38-431.03(A)(3), I will entertain a motion to go into
17 executive session.

18 COMMISSIONER LERNER: This is Commissioner Lerner.
19 So move.

20 VICE CHAIR WATCHMAN: Vice Chair Watchman seconds.

21 CHAIRPERSON NEUBERG: Any further discussion?

22 Vice Chair Watchman.

23 VICE CHAIR WATCHMAN: Aye.

24 CHAIRPERSON NEUBERG: Commissioner Mehl.

25 COMMISSIONER MEHL: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Lerner.

2 COMMISSIONER LERNER: Aye.

3 CHAIRPERSON NEUBERG: Commissioner York.

4 COMMISSIONER YORK: Aye. And I also propose we
5 take a break.

6 CHAIRPERSON NEUBERG: Yes.

7 Commissioner Neuberg is an aye.

8 With that, we will move to executive session with
9 our legal counsel and staff. We will take a
10 five/seven-minute break, and we'll reconvene in executive
11 session.

12 Please X out of this link, and we look forward to
13 returning to the public when we're done seeking legal
14 advice.

15 Thank you.

16 (Recess taken from 9:30 a.m. to 9:38 a.m.)

17 (Whereupon the proceeding is in executive session
18 from 9:38 a.m. until 11:26 a.m.)

19

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22 (Whereupon all members of the public are present
23 and the proceeding resumes in general session.)

24 CHAIRPERSON NEUBERG: Welcome back, everybody.

25 Thank you for the public's patience, we were in executive

1 session where we were able to seek legal advice and do a
2 district-by-district VRA legal analysis, which is very
3 helpful, as we are moving into the deliberation phase next
4 week.

5 With that, we will move to Agenda Item No. VII,
6 discussion and possible action on public comment during the
7 deliberation meeting.

8 This is an opportunity to for the five
9 Commissioners to discuss what we would like to do, how we
10 would like to handle public comment during deliberations.
11 Options. You know, the last deliberative process we did not
12 have in-person public comment, but rather we continued to
13 keep open our portal 24/7 for written comments.

14 And I open it up to thoughts/reactions from the
15 four of you first.

16 Any changes you want to make? Did it work for you?
17 Do you agree with that method this time around?

18 You know, obviously seeing it through the lens of
19 ensuring we do our due diligence of ensuring we hear public
20 testimony and remain, you know, accessible to receiving, you
21 know, substantive feedback.

22 COMMISSIONER MEHL: Chairwoman, I would recommend
23 we do the same this time. I thought it worked rather well
24 last time, and as we have seen, this is going to be a really
25 intense time for the Commission, and we're going to need all

1 the time that we can gather. And the public has still --
2 they've become very good at giving us feedback which I
3 appreciate, but I don't think we will lack for feedback as
4 we go through those -- those meetings if we do it
5 electronically.

6 COMMISSIONER LERNER: And I concur with
7 Commissioner Mehl. I felt that -- as long as we have the
8 time in the evening to review public comment, we -- it's a
9 good way for us to get some feedback as things are moving
10 forward.

11 VICE CHAIR WATCHMAN: And Madam Chair, I agree also
12 with Commissioner Mehl. The last -- the last process I
13 think worked well. And even though I think we had a little
14 snafu, we had a couple different groups wanting to speak, we
15 gave them the opportunity, but I think we have a lot of work
16 to do, time is short; and so certainly have to use our
17 evenings to look at any comments that maybe were
18 communicated during the day.

19 So I agree, let's keep it like we did last time.

20 CHAIRPERSON NEUBERG: Yes, I also agree. I think
21 actually for me having the down time in between to actually
22 study the -- the public feedback is more helpful. So I
23 think, you know, continuing to keep the portals open for
24 written comment where we in our, you know, due time can
25 study the material with the maps in front of us and take

1 notes and all of that, I think worked well for me as well.

2 So I think we're in agreement. So we'll continue
3 the public hearings and then starting with deliberations on
4 Monday, we will focus on, you know, continuing to solicit
5 public feedback through our website.

6 Okay. With that, we will move to Agenda
7 Item No. VIII, Executive Director's report.

8 I turn it over to Brian and Lori.

9 DIRECTOR SCHMITT: Thank you, Madam Chair.

10 First, let me share my screen really quickly.

11 I want to briefly just discuss the -- so a couple
12 weeks ago we went through the current year's expenditures.
13 We're working on updating that. So total this year we've
14 spent about \$1.5 million. There are a few outstanding
15 invoices just from our recent listening tour, so the numbers
16 will get updated over the next few weeks.

17 So over the next few months we'll be working with
18 the Joint Legislative Budget Committee and Office of
19 Strategic Planning and Budget to work on our fiscal year '23
20 budget. We've put together kind of a skeleton out --
21 outline what we think we might need after speaking with the
22 attorneys and then just the other costs.

23 So our proposed budget is going to be \$2.6 million.
24 And as we move forward it's always a very fluid process.
25 I'll continue to update you where we are on that. And I

1 think we'll also have a better idea of -- of what we'll face
2 in the next couple months, so that might also affect our --
3 what we would ask for.

4 Are there any questions on the budget?

5 All right. Next up I will turn it over to Lori for
6 a few updates on our meetings and other items.

7 MS. VAN HAREN: Thank you, Brian.

8 Madam Chair and Commissioners, I just want to, one,
9 tell you that, based off of the public feedback that we
10 received and the request from several members of the East
11 Valley leadership who sent a letter to us asking for an East
12 Valley meeting, we were able to secure a meeting location on
13 Thursday, December 2nd, at 6:00 p.m. We've posted the
14 meeting information and link to the WebEx on our website at
15 IRC.AZ.gov. The meeting location is at 855 West 8th Avenue
16 in Mesa. And, again, we've posted that on our website.

17 So we're real excited that we were able to get that
18 meeting there, we hope the public will come and attend and
19 give us feedback. And it will be run just like any of our
20 other public hearings.

21 We also wanted to go over the deliberation dates
22 again. I know there was reference to the last -- at the
23 last meeting we had, our last business meeting, that there
24 was an eighth date. So just for the public and for the
25 Commission, the 6th -- December 6th and December 9th are

1 deliberation meeting dates, they will begin at 9:00 a.m. and
2 they're virtual.

3 Then we have Friday the 17th, Sunday the 19th,
4 Monday the 20th, Tuesday the 21st, and Wednesday the 22nd.

5 And, again, all of those meeting dates will start
6 at 9:00 a.m. The location for those meetings is at the
7 Palomar which is located at 2 East Jefferson in Phoenix, so
8 here in Downtown Phoenix; and we will have all of those
9 meeting dates posted on our website.

10 Does anybody have any questions about those?

11 COMMISSIONER MEHL: I do. So we are not going to
12 use Tuesday the 7th as a -- as a deliberation day?

13 MS. VAN HAREN: That is my question for you guys.
14 I believe somebody is traveling on that day and cannot
15 attend a deliberation date meeting; and I don't believe we
16 are going to have a business meeting, but please correct me
17 if I'm wrong.

18 CHAIRPERSON NEUBERG: I do not believe we need a
19 business meeting a week from today. If there was time to
20 deliberate, it wouldn't be a bad idea to add a few hours
21 provided that Mapping, you know, it's a little organic,
22 we'll be meeting for the first time on Monday the 6th. You
23 know, it's not clear yet what exactly we'll be asking our
24 mapping team to be doing and providing within -- within
25 24 hours if we deliberate on the 7th.

1 I would absolutely be open to adding some virtual
2 deliberation time on the 7th because, you know, earlier
3 and -- and more I think gives us more options. It makes me
4 more comfortable, but...

5 COMMISSIONER MEHL: Is there any Commissioner that
6 is not available on the 7th?

7 CHAIRPERSON NEUBERG: And how many hours are people
8 available on the 7th?

9 COMMISSIONER MEHL: I always set the day aside
10 because that's our regular meeting -- meeting day.

11 CHAIRPERSON NEUBERG: You know what, I'm inclined
12 to suggest that we add hours of deliberation but maybe start
13 a little later, so that if Mapping can get it to us early
14 Tuesday morning, we give ourselves a couple of hours to look
15 at something before we would actually meet.

16 Is -- you know, Doug and Mark, are you guys here?
17 What are your thoughts about use of time on Tuesday,
18 the 7th? Virtually. So whatever work you're doing, you
19 would be virtual as well.

20 MR. D. JOHNSON: Sorry. My -- let me plug my
21 camera back in here.

22 Can you hear me okay?

23 MR. FLAHAN: Well --

24 MR. D. JOHNSON: Go ahead, Mark.

25 MR. FLAHAN: I think a couple of hours on Tuesday,

1 you know, might not be a bad idea. I think the time
2 turnaround is going to be -- is depending on what type of
3 directions you guys give us day one.

4 COMMISSIONER MEHL: Is the -- is the meeting on the
5 6th virtual or in person?

6 CHAIRPERSON NEUBERG: Virtual. That -- that first
7 week we are going to be meeting virtually, and then after
8 that we will -- it will all be in person.

9 COMMISSIONER LERNER: Was there a reason that we
10 decided to meet virtually? Is it just as we're getting
11 organized and structured?

12 MR. B. JOHNSON: Real quick, and Lori maybe you can
13 provide some clarification here, our understanding was the
14 6th and 9th were going to be hosted here at the legal office
15 and for all the Commissioners to attend, it's only virtual
16 for the public due to spacing issues.

17 MS. VAN HAREN: That is --

18 MR. D. JOHNSON: We'd be virtual. Yeah, we'd be
19 virtual as well. Mapping team would be virtual.

20 CHAIRPERSON NEUBERG: Oh, so the Commissioners
21 would all come together and Mapping is virtual?

22 Logistically it's very difficult for Mapping to
23 come and then break things down and leave and then come, and
24 so for efficiency purposes, we thought we would do virtual
25 those first two days, the 6th and the 9th; and then when

1 they come out on the 16th, they'll set up and stay set up
2 throughout the rest of the process.

3 COMMISSIONER MEHL: I appreciate the difficulties
4 with Mapping, I think that's a great solution for them; but
5 I think we have an incredible amount of work to do, and if
6 people are available on the 7th and we can meet personally
7 as a Commission with Mapping virtual on the 6th, 7th, and
8 9th, I think we could be more productive.

9 But I'm willing to -- to come back off of that if
10 others disagree.

11 COMMISSIONER YORK: I just have one request. I
12 need to probably -- I have a -- I'm out of town on the 8th,
13 so I need to leave after 4 o'clock on the 7th.

14 CHAIRPERSON NEUBERG: I'm very supportive of all of
15 this. I'm supportive of meeting, you know, those of us who
16 can in person with Mapping virtual; I think it aids
17 communication. And I'm highly supportive, you know, what if
18 we -- you know, looked at something like 11:00 to 4:00 on
19 the 7th so that we give Mapping that time, you know, to, you
20 know, hope fully get something to us with that.

21 MR. HERRERA: Can we --

22 CHAIRPERSON NEUBERG: What?

23 MR. HERRERA: I apologize, Madam Chair, I thought
24 we were on mute, but I can ask the question actually. What
25 we're talking about is not in lieu of that Sunday meeting,

1 right? This is an additional map drawing day? I just want
2 to confirm that.

3 CHAIRPERSON NEUBERG: Correct.

4 COMMISSIONER LERNER: I also had December 14th on
5 my calendar, did that get changed or was that incorrect?

6 CHAIRPERSON NEUBERG: I have Watchman out on the
7 14th.

8 MR. D. JOHNSON: Wait. Did -- forgive me, did
9 somebody just mention a Sunday meeting?

10 CHAIRPERSON NEUBERG: There was a Sunday that was
11 put on reserve in case we felt that we were going to need
12 it. Which date was that Lori and Brian?

13 MS. VAN HAREN: Sunday, December 19th.

14 And Madam Chair, if you want me to go back through
15 those dates again I can do so.

16 CHAIRPERSON NEUBERG: Why don't you do it one more
17 time.

18 MS. VAN HAREN: Okay. So now the virtual dates are
19 December 6th, December 7th before 4:00, and December 9th.

20 The in-person dates are December 17th, which is a
21 Friday; Sunday, December 19th; Monday, December 20th;
22 Tuesday, December 21st; and Wednesday, December 22nd.

23 COMMISSIONER MEHL: I also had us meeting on
24 Thursday the 16th; is that not correct?

25 CHAIRPERSON NEUBERG: Me, too. I have us meeting

1 as well.

2 COMMISSIONER LERNER: Yeah, I had the 14th and
3 16th. So if we can just get clarification on who -- if
4 there's people who can't be here, that would be great.

5 MS. VAN HAREN: And I can ask Commissioners now.
6 At that meeting I didn't have that the 16th was one of the
7 dates.

8 And just so you're aware, we've already booked --
9 maybe we can add on an additional day, I just have to check
10 to make sure.

11 COMMISSIONER MEHL: I'm good on the 16th.

12 COMMISSIONER LERNER: I am, too.

13 CHAIRPERSON NEUBERG: Okay. You know what, let's
14 start from the beginning and just confirm each date.

15 The 6th virtual with Mapping, the five
16 Commissioners together if possible in the room; on the 7th
17 from 11:00 to 4:00, Mapping virtual, us together in person;
18 the 9th, start time 9:00 a.m., virtual with Mapping, the
19 rest of us together.

20 The next question is, Watchman are you out on the
21 14th?

22 VICE CHAIR WATCHMAN: I can be in Phoenix. My
23 schedule changed, so I am available on the 14th now. Last
24 month I wasn't, so.

25 COMMISSIONER YORK: Well, I moved a date around so

1 that I'm -- I'm only -- I'm not really available on the 14th
2 and 15th, so.

3 CHAIRPERSON NEUBERG: Okay. Well, we didn't need
4 it; we didn't plan on it. So we'll go back to the 16th --
5 unless, do we want to look at the 13th? The 13th was going
6 to be out, but I don't know if Watchman is available now on
7 the 13th.

8 VICE CHAIR WATCHMAN: I am available, Madam Chair.

9 COMMISSIONER MEHL: I would have to leave early on
10 the 13th. I'm available in the morning and midafternoon,
11 but I'd have to leave by midafternoon. I'd have to leave by
12 about 2 o'clock on the 13th.

13 COMMISSIONER LERNER: That would work. Would that
14 be okay to come up for that?

15 CHAIRPERSON NEUBERG: The one challenge to that is
16 logistics, I don't know if it makes sense for Mapping to
17 physically fly everybody out, set everything up for a Monday
18 meeting, and then we're not getting together again until the
19 Thursday the 16th.

20 COMMISSIONER LERNER: Unless it will be virtual
21 again.

22 CHAIRPERSON NEUBERG: I don't know how
23 constructive -- Mapping, what are your thoughts about the
24 number of days we would have working virtually with you
25 rather than in person?

1 MR. FLAHAN: I'm trying to think of it off the top
2 of my head. I think in person might be a little more
3 constructive for us, but I don't know how much it matters.

4 Doug, do you got an idea there?

5 MR. D. JOHNSON: Yeah. I mean, part of the thought
6 is that the first meeting or two we anticipate there will be
7 a giant wish list of, you know, all the stuff you've heard
8 coming out of the public hearings, so there will be a ton of
9 mapping work to do and likely a number of new maps coming
10 out where we're doing kind of statewide changes. So those
11 are much bigger projects that take more time and, thus, I
12 think that's part of the reason we had more time between the
13 meetings in the early meetings; and then when we get to the
14 later meetings, they'll be faster, more focused, making one
15 changes in one region and then us -- have us come back.

16 So I think that was the idea between the spaced-out
17 meetings for the first couple and then almost every day at
18 the end to the last week there, but...

19 MR. FLAHAN: I mean --

20 MR. D. JOHNSON: If we do too many meetings up day
21 after day upfront then we just won't -- we may not have had
22 time to deliver on everything you've asked about on the
23 first couple of days.

24 CHAIRPERSON NEUBERG: Right, but it sounds like
25 maybe you would almost advocate for instead of having a

1 virtual meeting on the 7th, having a virtual meeting on the
2 13th, because that breaks up the early days more and gives
3 you more time in between.

4 MR. FLAHAN: I mean, Doug -- you tell me what you
5 think, but I almost like that reasoning better, swapping the
6 13th for the 7th. Unless you see something there.

7 MR. D. JOHNSON: No. I -- I think that does make
8 sense.

9 CHAIRPERSON NEUBERG: Okay. So starting again,
10 Commissioners: The 6th, the 9th, and the 13th will be full
11 virtual deliberation meetings with Mapping, preferably the
12 five of us together with a start point at 9:00 a.m. if
13 that's possible on the 13th. Commissioners?

14 COMMISSIONER MEHL: I do have -- I would have to
15 leave by around 2:00. So whether you want to start at
16 8:00 a.m. or...

17 COMMISSIONER LERNER: That's fine with me, whatever
18 works.

19 CHAIRPERSON NEUBERG: Yeah, and it will -- it will
20 be virtual so we don't have the travel time. So that --
21 that's fine.

22 COMMISSIONER LERNER: No. I thought -- aren't
23 we --

24 COMMISSIONER MEHL: No, we're going to be together.

25 COMMISSIONER LERNER: We're going to be together.

1 CHAIRPERSON NEUBERG: Oh. That's true. Okay.

2 COMMISSIONER YORK: When on 8th -- 8:00 a.m. on the
3 13th, I'm sorry.

4 CHAIRPERSON NEUBERG: 8:00 a.m. on the 13th.

5 COMMISSIONER MEHL: I'm okay at 9:00, too. I just,
6 I feel bad I need to leave but I do. So...

7 COMMISSIONER LERNER: That's fine.

8 COMMISSIONER YORK: Let's do 8:30.

9 COMMISSIONER LERNER: Cut the difference.

10 CHAIRPERSON NEUBERG: Okay. What, 8:30 on the
11 13th?

12 COMMISSIONER YORK: Yeah.

13 CHAIRPERSON NEUBERG: Okay. Then we will be in
14 person together on the 16th and 17th, 20th, 21st and 22nd
15 for all-day full in-person deliberations. We could decide
16 now or later if we want to start at 8:00 a.m. or 9:00 a.m.

17 Remember, we need travel time and we'll probably
18 need time to catch up on maps, so I -- I don't think we
19 would start too early. I wouldn't suggest starting before
20 9:00.

21 And then in addition, we have a tentative date of
22 Sunday the 19th if we feel as we're moving forward that that
23 extra date would make a difference in our ability to
24 finalize the maps as much as we can before the 22nd.

25 And we'll get these dates up on the website soon.

1 COMMISSIONER LERNER: So thinking 9:00 to 5:00 on
2 those other dates, just to allow us time? Something like
3 that?

4 Okay.

5 COMMISSIONER MEHL: And Lori, you'll send us a
6 nice, clean update on the schedule?

7 MS. VAN HAREN: Yes, absolutely, Commissioner Mehl.
8 I will send you it right after this meeting.

9 COMMISSIONER LERNER: With the location?

10 MS. VAN HAREN: With all of the locations as well.

11 COMMISSIONER LERNER: The locations? Okay, thank
12 you.

13 CHAIRPERSON NEUBERG: Okay. And back to you Lori,
14 then.

15 MS. VAN HAREN: Okay. So that was all the updates
16 I had on the deliberation meetings.

17 As far as migration, so we are now fully migrated
18 over to Microsoft as of this past week. So all our systems
19 have been migrated over, and we last week were able to -- to
20 work with the vendor to make sure that there -- you know, if
21 there was anything that didn't fully migrate that we were
22 able to move it over; which is helpful for our public
23 records response, because as we've discussed before, part of
24 our intention in migrating to Microsoft is so that we could
25 more easily and more quickly respond to public records.

1 So we expect and anticipate that that response will
2 happen a lot faster now.

3 Does anybody have any question about migration or
4 public records?

5 Okay. And I think that was everything I had. I
6 will now send it over to Marie to give an update on our
7 outreach.

8 MS. CAMACHO: Thank you, Lori.

9 Madam Chair and members of the Commission, I'll
10 give you a quick review of our preliminary numbers for our
11 outreach.

12 As of Saturday when we conclude this last listening
13 tour, we will have done 61 in-person meetings throughout the
14 state of Arizona. So that doesn't include our virtual
15 efforts or anything else that we've been doing online, but
16 that's just our in-person meeting with the folks around
17 Arizona.

18 We also, our regular or at least targeted contact
19 with 350 individuals representing cities, towns, counties,
20 tribes, voter groups and other organizations that we share
21 information with, and through these groups, we hope that
22 they amplify this information to their constituencies.

23 And, finally, Michele had been working with the
24 media to get information out about the Commission efforts.
25 From mid-October to present, she's had about 33 print

1 stories about the redistricting process; and then for the
2 newsletter she has about 1,500 subscribers, you know,
3 reading about everything that we've been doing.

4 So that kind of concludes the preliminary numbers
5 for what our outreach efforts are.

6 Any questions?

7 Thank you.

8 DIRECTOR SCHMITT: Thank you, Marie.

9 And that is all we have for you today.

10 CHAIRPERSON NEUBERG: All right. Any last
11 questions, Commissioners?

12 Okay. With that, we will move to Agenda
13 Item No. IX, discussion of future agenda item requests.

14 Okay. We'll move to Agenda Item No. X,
15 announcements.

16 We've got lots of wonderful announcements. We have
17 hearings every day this week, tonight starting at 6:00 p.m.
18 we will be in Avondale as well Pinetop; tomorrow we will be
19 Payson and Window Rock, both at 6:00 p.m.; on Friday we will
20 have our virtual town hall at noon, it will go up to two
21 hours depending on demand -- oh and then we, as Lori
22 announced, we also have the Mesa East Valley hearing
23 Thursday at 6:00 p.m.; and then Saturday we will both in
24 South Tucson and in Maryvale; and then on Monday the 6th, we
25 will begin our deliberations.

1 So we have a lot of really great stuff coming up.
2 Lots of ways for the public to engage.

3 Any other announcements from staff?

4 COMMISSIONER YORK: I have a question. We do not
5 have a business meeting next week on the 7th, correct?

6 CHAIRPERSON NEUBERG: Correct. We are not planning
7 to have a business meeting next week on the 7th. And to be
8 honest, we're -- we're I think we need to chat about when
9 we're going to have another business meeting. We're going
10 to have opportunities to get business done and we'll be
11 seeing each other very regularly over the next two weeks, so
12 I'm not sure we even need another Tuesday business meeting,
13 but...

14 COMMISSIONER YORK: That was my next question was
15 the 14th, another day, so.

16 CHAIRPERSON NEUBERG: No.

17 COMMISSIONER YORK: Great. No problem.

18 CHAIRPERSON NEUBERG: Okay. If no other
19 announcements, Agenda Item No. XI, which is the next meeting
20 date. We announced the hearings, and we do not have a next
21 business meeting yet scheduled, that will be to be
22 determined.

23 Agenda Item No. XII, we'll now be closing public
24 comments.

25 Please note, members of the Commission may not

1 discuss items that are not specifically identified on the
2 agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action
3 taken as a result of public comment will be limited to
4 directing staff to study the matter, responding to any
5 criticism, or scheduling the matter for further
6 consideration and decision at a later date.

7 With that, we'll move to Agenda Item No. XIII,
8 adjournment.

9 I will entertain a motion to adjourn.

10 COMMISSIONER YORK: I motion to adjourn.
11 Commissioner York.

12 COMMISSIONER LERNER: Commissioner Lerner --

13 VICE CHAIR WATCHMAN: Vice Chair Watchman seconds.

14 CHAIRPERSON NEUBERG: Okay. Vice Chair Watchman, a
15 vote.

16 VICE CHAIR WATCHMAN: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Mehl.

18 COMMISSIONER MEHL: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Lerner.

20 COMMISSIONER LERNER: Aye.

21 CHAIRPERSON NEUBERG: Commissioner York.

22 COMMISSIONER YORK: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
24 aye.

25 With that, I look forward of seeing so many of my

1 colleagues and the public tonight and every day for the next
2 weeks.

3 Okay. Bye-bye, everybody. Thank you.

4 (Whereupon the meeting concludes at 11:53 a.m.).
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17 "This transcript represents an unofficial record. Please
18 consult the accompanying video for the official record of
19 IRC proceedings."
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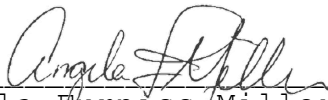
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1
2 STATE OF ARIZONA)
3) ss.
4 COUNTY OF MARICOPA)

5 BE IT KNOWN that the foregoing proceedings were
6 taken before me, Angela Furniss Miller, Certified Reporter
7 No. 50127, all done to the best of my skill and ability;
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10 I CERTIFY that I am in no way related to any of the
11 parties hereto nor am I in any way interested in the outcome
12 thereof.

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14 I FURTHER CERTIFY that I have complied with the
15 requirements set forth in ACJA 7-206. Dated at Litchfield
16 Park, Arizona, this 21st of December, 2021.

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20 CERTIFIED REPORTER (AZ50127)

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23 complied with the requirements set forth in ACJA 7-201 and
24 7-206. Dated at LITCHFIELD PARK, Arizona, this 21st of
25 December, 2021.

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