

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

August 3, 2021

8:05 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 8:05 a.m. on
3 August 3, 2021, via GoogleMeets, Arizona, in the presence of
4 the following Commissioners:

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

10 OTHERS PRESENT:

11 Mr. Brian Schmitt, Executive Director
12 Ms. Loriandra Van Haren, Deputy Director
13 Ms. Valerie Neumann, Executive Assistant
14 Ms. Michele Crank, Public Information Officer
15 Mr. Roy Herrera, Ballard Spahr
16 Ms. Jillian Andrews, Ballard Spahr
17 Mr. Eric Spencer, Snell & Wilmer
18 Mr. Brett Johnson, Snell & Wilmer
19 Mr. Mark Flahan, Timmons Group
20 Mr. Douglas Johnson, National Demographics Corp.
21 Ms. Ivy Beller Sakansky, National Demographics,
22 Corp.
23 Dr. Moon Duchin, Director, Metric geometry &
24 Gerrymandering Group Redistricting Lab (Tufts
25 University)
Mr. Eric McGhee, Public Policy Institute of
California and Board Member of PlanScore
Dr. Samuel Wang, Director, Princeton Gerrymandering
Project
Mr. Adam Podowitz-Thomas, Legal Director, Princeton
Gerrymandering Project

P R O C E E D I N G

1
2
3 CHAIRPERSON NEUBERG: Okay, everybody. We're
4 hoping that Commissioner York is going to solve his
5 technology issues; we've all been there and experienced
6 that.

7 With that, I'm going to welcome our team, our
8 guests, the public; we'll dive right in.

9 Agenda Item No. I call to order and roll call.

10 Agenda Item I(A), call for quorum. It is 8:05 a.m.
11 on Tuesday, August 3rd, 2021. I call this meeting of the
12 Independent Redistricting Commission to order.

13 For the record, the executive assistant Valerie
14 Neumann will be taking roll.

15 When your name is called, please indicate you are
16 present. If you're unable to respond verbally, we ask that
17 you please type your name.

18 Val.

19 MS. NEUMANN: Thank you, Madam Chair.

20 Vice Chair Watchman.

21 VICE CHAIR WATCHMAN: Present.

22 MS. NEUMANN: Commissioner Lerner.

23 COMMISSIONER LERNER: Present.

24 MS. NEUMANN: Commissioner Mehl.

25 COMMISSIONER MEHL: Present.

1 MS. NEUMANN: Commissioner York.

2 COMMISSIONER YORK: Present.

3 MS. NEUMANN: Thank you. And Chairperson Neuberg.

4 CHAIRPERSON NEUBERG: Present.

5 MS. NEUMANN: For the record, we also have in
6 attendance Executive Director Brian Schmitt, Deputy Director
7 Lori Van Haren, Public Information Officer Michele Crank.
8 On our legal team we've got Brett Johnson and Eric Spencer
9 from Snell & Wilmer, Roy Herrera and Jillian Andrews from
10 Ballard Spahr. We have our mapping consultants, Mark Flahan
11 from Timmons, Doug Johnson from NDC Research, Ivy Beller
12 Sakansky from NDC research.

13 We also have special guest Dr. Moon Duchin,
14 director of Metric Geometry and Gerrymandering Group --
15 Redistricting Labs; Dr. Eric McGhee, Public Policy Institute
16 of California and board member of PlanScore; Dr. Samuel
17 Wang, director of Princeton Gerrymandering Project; and Adam
18 Podowitz-Thomas, legal director of Princeton Gerrymandering
19 Project; and we possibly have Dr. Gary King from Harvard
20 also attending maybe perhaps a little bit later.

21 And thank you, Madam Chair, that's all we have.

22 CHAIRPERSON NEUBERG: Okay. Thank you very much.

23 And please note for the minutes that a quorum is
24 present.

25 Agenda Item No. I(B), call for notice.

1 Val, was the notice and agenda for the Commission
2 meeting properly posted 48 hours in advance of today's
3 meeting?

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

5 CHAIRPERSON NEUBERG: Thank you.

6 We'll move to Agenda Item No. II, approval of
7 minutes from July 27th, 2021.

8 Two items: (A), our general session minutes; Item
9 No. II(B), the executive session agenda item which was
10 VII(B), it was the discussion of the employment issues
11 regarding our community outreach director -- outreach
12 coordinator positions.

13 I open it up to any discussion.

14 If there's no discussion, I will sent entertain a
15 motion to approve the general session and executive session
16 minutes from July 27th of last week.

17 VICE CHAIR WATCHMAN: Vice Chair Watchman motions
18 to adopt the minutes as presented.

19 CHAIRPERSON NEUBERG: Do I have a second?

20 COMMISSIONER MEHL: Commissioner Mehl seconds.

21 CHAIRPERSON NEUBERG: Any further discussion?

22 We'll take a vote.

23 Vice Chair Watchman.

24 VICE CHAIR WATCHMAN: Aye.

25 CHAIRPERSON NEUBERG: Commissioner Mehl.

1 COMMISSIONER MEHL: Aye.

2 CHAIRPERSON NEUBERG: Commissioner Lerner.

3 COMMISSIONER LERNER: Aye.

4 CHAIRPERSON NEUBERG: Commissioner York.

5 COMMISSIONER YORK: Aye.

6 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
7 aye.

8 With that, the general session and executive
9 session minutes are approved from July 27th of last week.

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

11 We'll move to Agenda Item No. III, opportunity for
12 public comments.

13 Public comment will open for a minimum of
14 30 minutes and remain open until the adjournment of the
15 meeting. Comments will only be accepted electronically in
16 writing on the link provided in the notice and agenda for
17 the public meeting and will be limited to 3,000 characters.

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

25 And with that we move to Agenda Item No. IV,

1 discussion on public comments received prior to today's
2 meeting.

3 And I open it up to my colleagues if you have
4 thoughts or comments.

5 COMMISSIONER LERNER: This is Commissioner Lerner.
6 I just want to say thank you for the comments. It's often
7 inter- -- it's interesting to hear from those of you who
8 have been attending the sessions on your perspectives,
9 things that you're picking up on.

10 And then appreciate a lot of the advice that we're
11 getting on things. There's a lot of different things that
12 you're suggesting that we do, so certainly we will take some
13 of those things into account and appreciate your insights on
14 that.

15 I'm just going to keep it very general with that.

16 COMMISSIONER MEHL: I'd like to add that just the
17 other public comments we've been getting obviously have been
18 at our listening tour, and I think our tour has been very
19 productive, and the substantive comments we've gotten at
20 these meetings has been really significant, so I appreciate
21 the public input that we're receiving.

22 COMMISSIONER YORK: Yeah, I was going to say, I
23 think that the engagement level either between the public
24 meetings and also the response to viewing the public
25 meetings and comments about 'em are pretty exciting.

1 VICE CHAIR WATCHMAN: For -- for me it was good to
2 see good turnout, you know, and so that -- that demonstrates
3 to me, Madam Chair and members of the public, that our
4 community is very interested.

5 And so, you know, despite meeting in the evening or
6 on the weekend, you know, we had great turnout. So, you
7 know, for me I appreciate everybody who participated and
8 everybody who presented, great comments.

9 And so thank you very much public.

10 CHAIRPERSON NEUBERG: Yeah, I'd like to add I'm
11 going to reserve feedback about the listening tour to when
12 we speak about -- you know, with our mapping consultants
13 about feedback, et cetera.

14 I'd like to respond to just some common sentiments
15 that we've heard from the public through our web portal and
16 public comment live feeds.

17 There's some questions about how to submit
18 comments. I just want to reassure the public again:
19 Everything that we do, you can revisit online live through
20 our, you know, links; and so you're able to watch everything
21 that happened and respond to us provided that you have
22 Wi-Fi; that's a separate issue.

23 Outreach. There are questions about our outreach
24 efforts. I want to reassure the public: We are taking note
25 of who is attending, who is not attending, who we're hearing

1 from, who we need to reach out to; outreach will pick up and
2 we're taking note of -- of where that needs to happen. If
3 you feel communities of interest are not hearing from us or
4 -- or learning about where our meetings are, help us. You
5 know, send the links to your friends.

6 We're doing our best.

7 There's questions about our Native American
8 outreach. I just want to reassure the public we are doing
9 our due diligence to have communications, conversations; we
10 feel really good about the input we're receiving, and we
11 understand the challenges to that community. And I'd say
12 more than that community, you know, the rural areas where
13 the Internet bandwidth is limited, that in particular I
14 think this is a challenge and -- and we will make sure, even
15 if it's the old-fashioned way of mailing an input, we will
16 hear from everybody.

17 I know there's frustrations about the Tucson
18 venues, our staff will announce what we know. Thank
19 goodness within the Tucson boundaries, you know, I feel
20 confident that people won't have to drive much more than a
21 30-minute, you know, radius and so I think we're okay.

22 And, with that, I don't have further additions with
23 the public comments. There will be further thought on the
24 listening tour as we hit that agenda item.

25 COMMISSIONER MEHL: Madam --

1 CHAIRPERSON NEUBERG: Yes, please.

2 COMMISSIONER MEHL: I have a question.

3 CHAIRPERSON NEUBERG: Yes.

4 COMMISSIONER MEHL: Are -- are the listening tour
5 videos available for people to see or will -- I don't think
6 they are now, will they be available and when will that
7 occur?

8 Or transcripts of the -- you know, how can somebody
9 go back and look at a meeting that has occurred?

10 DIRECTOR SCHMITT: Commissioner Mehl, we have them
11 all recorded and we're working on uploading them; hopefully
12 we'll have that done today.

13 COMMISSIONER MEHL: Thank you.

14 CHAIRPERSON NEUBERG: Thank you.

15 They -- they will be available and accessible.
16 And -- and, again, everybody with Internet bandwidth will be
17 able to experience it and respond to it, and those who
18 don't, we will make sure that we can connect and get
19 feedback.

20 And if there's no further conversation about the
21 public comments, we will move to Agenda Item No. V, update
22 from our mapping consultants, Timmons/NDC.

23 Thank you so much for your incredible participation
24 in the listening tour, you know, absorbing a tremendous
25 amount of data. I will turn it over to you with the one

1 request that we will start with Item No. (F), which is our
2 competitive speakers just out of deference for the time of
3 so many of our guests who have joined us.

4 And, with that, I turn it over to Timmons/NDC.

5 MR. D. JOHNSON: Chair Neuberg, members of the
6 Commission, this is Doug Johnson from NDC. Thank you very
7 much for accommodating our guests.

8 I do have to say I'm thrilled with the response
9 we've had and to introduce this panel to you today.

10 I would argue this may be the -- most impressive
11 panel on competitiveness that's ever come together. It's
12 certainly up there on the list. So, thanks -- thanks to our
13 participants.

14 Very briefly, I'll just take 30 seconds for a
15 little background for those that may have not watched your
16 earlier meetings. There are two key challenges that -- that
17 have been discussed with the Commission on -- on the
18 competitiveness question: One is what past elections to use
19 when attempting to create the future competitiveness of
20 districts; and number two is how to analyze those past
21 elections, how do we use those numbers in a productive way.

22 And so you've already seen presentations by the
23 legal team, by myself, and by Dr. McGhee on competitiveness;
24 and today we have a couple -- we have actually three more
25 speakers to talk about that.

1 I've asked each presenter -- or pair of presenters
2 in one case -- to take 10 to 12 minutes or so to present
3 their ideas and their -- how they came to what they suggest
4 for the Commission to consider. And I've asked them to take
5 such a short amount of time because -- that is pretty short
6 given the complexity of the issue -- to allow lots of time
7 for robust group discussion with the Commission, and I've
8 asked for all the speakers to stick around so we'll have a
9 group discussion at the end.

10 First of all, we'll start with the pair, Samuel
11 Wang and Adam Podowitz-Thomas who are both from the
12 Princeton Gerrymandering Project.

13 Professor Wang is actually a neuroscience professor
14 at Princeton and director of the project, and he holds a BS
15 in physics from Caltech, and a Ph.D. in neuroscience from
16 Stanford University School of Medicine. He initially got
17 into this field in 2004, starting aggregi- -- aggregating
18 president election polls, which has now become a very common
19 approach to looking at presidential polling; and he
20 started -- as part of that effort, he started Princeton
21 Election Consortium; and in 2012 he sought issues with
22 what's described on their website as new systemic distortion
23 representation in the U.S. House, and that led to his
24 interest in voting rights and creation of the Princeton
25 Gerrymandering Project.

1 With him is Adam Podowitz-Thomas who is senior
2 legal strategy -- strategist for the Princeton
3 Gerrymandering Project and the Princeton Electoral
4 Innovation Lab. He helps dictates the team's role in
5 redistricting and election policy nationwide and works
6 closely to build relationships with reform organizations and
7 craft strategy internationally.

8 As they put on the website, he translates the
9 team's data expertise in useful legal and policy analysis,
10 which is exactly what we are trying to do here today. He
11 also holds a JD from Stanford Law School and undergraduate
12 degree in history and geography from the University of
13 Georgia.

14 Following them -- I'll just to do all the intros at
15 once.

16 Following them we have returning, thankfully,
17 Professor Moon Duchin, as you remember she spoke with us
18 earlier about the census privacy disclosure avoidance issue.
19 She is a professor of mathematics and a senior fellow at the
20 Tisch College of Civic Life at Tufts University. She runs
21 the MGGG Redistricting Labs which draws from math,
22 computing, geography, law, and policy. The study of wide
23 spectrum issues related to census elections and
24 redistricting. She's been recognized as a Guggenheim
25 Fellow, a Radcliffe Fellow, and a Fellow of the American

1 Mathematical Society; and the lab's enjoyed major support
2 from the National Science Foundation.

3 And then he presented initially to you already but
4 he graciously agreed to return for the panel discussion. We
5 again have Eric McGhee, senior fellow at the Public Policy
6 Institute of California, where he focuses on elections,
7 legislative behavior, political reform surveys, and polling.
8 He is one -- he is cocreator of the Efficiency Gap, which
9 we've talked about is a widely used measure of
10 gerrymandering. And before joining PPIC, he was assistant
11 professor of political science at the University of Oregon
12 and Congressional Fellow. He holds a Ph.D. in political
13 science from the University of California Berkley, and
14 serves on the board of PlanScore which he discussed with
15 Commission at the prior meeting.

16 Lastly, as been noted, we invited Dr. King; he was
17 unable to make it, but I did have an extensive conversation
18 with him and as appropriate I'll share some of his thoughts
19 when we get to the panel discussion.

20 With those introductions, I again want to thank our
21 guests for joining us, notably on -- on quite short notice,
22 and invite D. Wang and Mr. Podowitz-Thomas to kick things
23 off for us.

24 DR. WANG: All right. Well, thank you so much,
25 Doug, for that very kind introduction; and thanks to all the

1 Commissioners, really appreciate what you've been doing,
2 watching you with great interest from afar as you are
3 pioneers in the active independent redistricting. Arizona
4 has long led the way in independent redistricting and so
5 it's been a pleasure to watch you.

6 And Chair Neuberg it's a pleasure to meet you in
7 person -- as close to in person as we're likely to get under
8 current circumstances.

9 What I thought I'd do is I'd lay out some issues,
10 Mr. Podowitz-Thomas is here with me, and the two of us
11 together can answer questions having to do with either data
12 or analytics or legal matters. As senior legal strategist,
13 Mr. Podowitz-Thomas is familiar with procedures not only in
14 Arizona but also redistricting all across the country, so he
15 can give you good comparisons and contrast.

16 Let me just explain myself a little bit. One, of
17 course, might want to know why a professor of neuroscience
18 is getting engaged in redistricting. I think this
19 illustrates the degree to which redistricting has really
20 come into the public eye. I'm sure that many of you got
21 interested in redistricting in the last ten years after
22 seeing the kinds of battles that become increasingly
23 partisan over the last several decades across the United
24 States and the kind of difficulties that have come, even
25 with the best of intentions.

1 I know even in Arizona where there's a relatively
2 well-crafted law, there has actually still been some
3 contention about the fairness of redistricting process even
4 with an independent commission in the last few decades.

5 And -- and really what I want to get into today is
6 that topic. And I should say that in addition to what Doug
7 has said, I have given assistance to both Democratic and
8 Republican elected officials in matters ranging from
9 national science policy to autism research to statistical
10 analysis of elections, and several of -- some of my work
11 been quoted by the Supreme Court of the United States by
12 Chief Justice John Roberts.

13 I want to start with something that's not technical
14 at all and just basically start with the process itself.
15 Now you all, of course, are at this point well-versed with
16 the process and criteria you're supposed to reach. You have
17 expert assistance -- very fine expert assistance in, of
18 course, Johnson's organization and you have other assistance
19 available to you; but what you may not have assistance in,
20 is assistance in dealing with the huge amount of public
21 attention that is about to come your way. I'm sure the
22 public input process has been really in some way very
23 illuminating.

24 My understanding of the redistricting process as an
25 observer as from the -- from the confines of someone who

1 doesn't have the responsibility of drawing the lines, is
2 that you have a public input phase, organizations like --
3 like MGGG Professor Duchin's organization, like
4 Representable.org and others will be giving you input and
5 that's the input stage; but you are also going to be getting
6 a lot of input after the lines are drawn. And if you were
7 on the political scene in Arizona ten years ago, you know
8 the input will be extremely contentious, and you will be the
9 target of attention.

10 What I'm here to offer you today is not quite so
11 much the math, which I think you can hear about from
12 Professor Duchin and Dr. McGhee, but also the idea that
13 competitive can be a shield for you; that by building
14 competition, by observing that seventh criteria of the seven
15 criterias laid out in the Proposition 106 passed several
16 years ago, that can shield you to some extent to some of the
17 public criticism you will encounter.

18 So you may be called upon to treat the parties
19 fairly, you may each have your own views of what constitutes
20 fair treatment of the two parties; but in addition to that,
21 by building competition where possible, and that's -- that
22 phrase "where possible" is doing a fair amount of work. By
23 doing where possible, you will build not only a good map but
24 you will also build a defense for yourself. And I realize
25 that -- I know you have a public interest to serve, but in

1 addition to that you're going to get so many questions; and
2 I think this is really important to recognize all the hard
3 work you're going to be doing weeks and months ahead and
4 think about how -- how you can carry out that duty.

5 And while I have not walked in your shoes, I think
6 that that -- that competition is a key piece of carrying out
7 your duties in a way that's going to make -- you know, make
8 your life relatively free of people driving by your house or
9 whatever horrible things that are going to be happening and
10 I hesitate to even guess.

11 Let me just show you a few slides, and then I'll be
12 delighted to cede the floor to the next speaker.

13 Let's see here. So as I said, we are here at
14 Princeton -- you can see my slides; is that right?

15 MR. D. JOHNSON: Yes.

16 Yes. We can, yes.

17 DR. WANG: So as I said here at Princeton, we have
18 an organization called the Electoral Innovation Lab, and --
19 and we seek to repair and strengthen democracy using
20 science, law, and practical strategies for nonpartisan
21 reform. And -- and we've been really encouraged by the all
22 the interest nationwide by redistricting and -- and we've
23 been talking with organizations nationwide, including in
24 Arizona.

25 This is just a map to just show, shown in this kind

1 of blueish color are states that have independent
2 commissions; and Arizona really led the way and has done
3 more work to do than, say, some states that maybe only have
4 a few districts. But, in fact, Arizona has led the way
5 starting several decades ago in redistricting.

6 And this is a reference if you ever want to learn
7 about redistricting in other states that have followed the
8 path that is led by Arizona. For example, we're working
9 with the new commission that's formed in New Mexico, your
10 neighbors who are a little bit behind but they are, in fact,
11 catching up rapidly, and they are hoping to apply lessons
12 from Arizona and other states.

13 Now, just to dive right in, the issue of
14 competitive in Arizona, just to remind you of what -- of
15 language that you have already read, I'm sure,
16 competitiveness is a criteria of Proposition 106; and our
17 reading of it and Mr. Podowitz-Thomas can answer more, is
18 that it was key to the passage of Proposition 106 in 2000.
19 And if you look at these -- this analysis by legislative
20 counsel, one of the things it said here is, "adjustments
21 made to map to meet the following goals." And you've heard
22 about one through six including political party
23 registration, voting history, data, and can't be used to
24 create district maps -- although I will say watchdog
25 organizations and external organizations are at liberty to

1 find out exactly what the outcomes are of -- of that, and
2 we're among those organizations.

3 But -- but you have many criteria to follow,
4 including communities of interest, whether from Native
5 people or from other communities across the state; following
6 geographic features: cities, towns, and county boundaries
7 and so on.

8 But I want to call your attention to the last
9 thing, which is what we are talking about today, which is
10 competitive districts; and specifically the language is
11 "Competitive districts are favored if competitive districts
12 do not harm the other goals listed."

13 So the idea here is that competitiveness is an
14 important criteria, and it figured prominent in the minds of
15 Arizona voters when they voted for Proposition 106. And I
16 wanted to start with that and just show you some things that
17 were said at the time to emphasize where possible it is
18 recommended to, in fact, work towards competition.

19 So during the campaign to pass Prop 106 things were
20 said like: "For too long both parties have created
21 legislative and congressional districts to protect their
22 incumbents. Such gerrymandering eliminates real political
23 competition and shortchanges all of us."

24 Another quote is, comparing this process with the
25 current method which is the method at the time, where

1 "Legislators can create safe districts for themselves
2 ensuring little competition."

3 And finally the League of Women Voters speaking for
4 the idea of creating opportunity for legislative candidates
5 to face opposition in their bid for office.

6 So this is all to say that increasing the amount of
7 competition beyond what a state legislature would do is, in
8 fact, one of the criteria and where possible it is -- it is
9 desirable to build such a map.

10 Now, you're going to hear about different
11 mathematical ways of defining competition, and despite the
12 fact that I do data analysis in my day job, despite the fact
13 that my -- my stock and trade are data analysis, you have
14 expertise available to you to gauge that, and you have
15 citizen groups who do a bang-up job of identifying when a
16 district is competitive or not.

17 So rather than get into that too much, let me just
18 show you easy it is. This is just an example of how one
19 measures competitiveness.

20 And I just want to point out in our age of
21 partisanship, voter behavior is easier to predict than it
22 used to be, despite the large number of independent voters
23 and nonaffiliated voters; people say that they're
24 Independent, but they often have preferences in how they
25 vote. So what that means is it is possible to take data

1 analytics and actually predict within a few points of how a
2 district is likely to turn out.

3 This is just a simple plot of congressional map
4 that was enacted in 2019 during court battles in North
5 Carolina. Because of gerrymandering disputes in
6 North Carolina, they had several lawsuits which consumed a
7 lot of time at the legislatures. And you can see on the
8 right, this is a graph that just shows what the district map
9 was like before the last redraw; and you can see here,
10 there's a competitive zone. So there is a graph from no
11 Democrats voting for the candidate to an estimated
12 100 percent of voters voting for the candidate.

13 And you can see that across all these congressional
14 districts in North Carolina, between 30 and 70 percent of
15 voters vote for -- or expected to vote for a candidate in
16 that district, anywhere from 30 percent Democratic or
17 70 percent Republican; or vice versa, 70 percent Democratic,
18 30 percent Republican.

19 The point is that it is possible with data
20 analytics, with voting records, with precinct geographies,
21 with census bloc geographies, to use tools like Dave's
22 Redistricting app, Esri Redistricting, Districtr which a
23 tool developed at Tufts by Professor Duchin's team.

24 All of these tools are able to predict
25 competitiveness. And you can see here that the map before

1 the lawsuit had districts that fell outside the shaded gray
2 zone. And the point is that when -- when the expected
3 outcome is within 7 points, there's relatively little
4 uncertainty; and that relative lack of uncertainty means a
5 lack of competitiveness.

6 And you can well imagine the way this graph is laid
7 out, that it would not have been very hard to draw a few
8 districts that were competitive here in this gray zone.

9 You see this little jump here, and that little jump
10 I can assure you was designed on purpose by people seeking
11 to create a partisan advantage.

12 And so I think the main point is it's not hard to
13 detect and it wouldn't be hard to -- to build competitive
14 districts.

15 Now, in my last minute I just want to show you
16 something that is on a website that you can explore at your
17 leisure. And the thing I'd like to show you now is
18 something from the political handicapping website
19 FiveThirtyEight.

20 As you can see, this is now current district
21 boundaries in your state in Arizona. And I just want to
22 show you here at the bottom, this is now a handicapping site
23 that is good at telling when you have usually Democratic
24 districts, highly competitive districts, or usually
25 Republican districts.

1 And they have a database of districts that are
2 gerrymandered in either direction. So the current map has
3 three competitive districts; as you well know, these
4 competitive districts went in favor of Democrats in the last
5 election. The same -- one can draw a similar map for
6 legislative.

7 But it's also possible to draw maps that favors
8 Republicans. So this is a way of drawing a map that favors
9 Republicans, and some of you might be satisfied with such a
10 map. You can see here that Tucson is split, Phoenix is
11 packed into a district that includes parts of Tucson, and
12 you can see this is a seven/two map. In the other direction
13 it is possible to build a map that favors Democrats; and in
14 this case only three districts are safely Republican.

15 So it's possible to draw these different maps.

16 And let me just skip to highly competitive
17 elections, and now you can see here there it's possible to
18 draw highly competitive districts in which four out of the
19 nine districts are, in fact, highly competitive.

20 And if you take a look at these, I encourage you to
21 go over to FiveThirtyEight.com and play with it at your own
22 leisure.

23 If you look here at these maps very carefully, you
24 can see these districts are reasonably compact, and they
25 don't do such a bad job of keeping counties and other

1 communities whole. And so you may start with a grid-type
2 structure, but it would not be that hard to go to a map that
3 is relatively competitive.

4 The point being that, of course, you have to look
5 at the other criteria, and but drawing competition is
6 possible and within your reach, and it is within your
7 discretion to do that.

8 Why don't I go ahead and stop there and -- and give
9 either time for immediate question or turn it over to the
10 other speakers.

11 MR. D. JOHNSON: If anyone has any quick,
12 clarifying question, you can certainly ask it now or we'll
13 certainly have a bigger discussion.

14 COMMISSIONER MEHL: I have a simple question which
15 is, that set of maps you just showed, is that a website we
16 can access?

17 DR. WANG: Oh, yes. If you don't mind, I'll drop
18 it into the chat and I can also mail it to your -- to your
19 expert.

20 Yeah, you'll have fun playing on it. And depending
21 on what you want, depending on your personal predilections,
22 you'll find something of interest in all the maps of that
23 site.

24 Let me see if I can -- let me see here. I'm
25 putting it in the chat now for everyone and -- and you can

1 look at that at your leisure.

2 If you have it, Commissioner Mehl, it should be
3 there.

4 MR. D. JOHNSON: And just for those watching the
5 live stream going and can't see the chat, we will add that
6 to the Commission website.

7 COMMISSIONER LERNER: This is Commissioner Lerner.
8 I have questions but I think I'm going to wait and hold them
9 all 'til -- 'til the end.

10 DR. WANG: Okay.

11 CHAIRPERSON NEUBERG: Yeah, I just wanted to
12 emphasize, again, along Commissioner Lerner's comments, we
13 will have an opportunity to synthesize all of the
14 information and come back to our guests and ask questions.

15 So for now I think it probably is most expedient to
16 think about specific clarifying questions to help understand
17 the content of the information we're receiving.

18 MR. D. JOHNSON: So if there are no more quick
19 clarifying questions, I'll ask Adam to speak next if he's
20 ready.

21 MR. PEDOWITZ-THOMAS: Doug, I yielded my time to --
22 to Dr. Wang, and I'm happy to yield to Dr. Duchin who I
23 believe was up next.

24 MR. D. JOHNSON: Okay.

25 DR. WANG: Yes, I hogged Adams's points. I'm

1 sorry.

2 MR. D. JOHNSON: No problem. Thank you very much.

3 So we'll turn to Professor Duchin.

4 PROFESSOR DUCHIN: Okay. Hi, everyone. Let me see
5 if I can get my screen share working.

6 Okay. How's that? Can you see the full screen?

7 I can't see you anymore, but I will take that for a
8 yes.

9 MR. D. JOHNSON: Yes. Yes. Looks great.

10 PROFESSOR DUCHIN: Okay. Great.

11 All right. Let me get my timer going to make sure
12 I stay on my time points.

13 All right. So I want to talk about some practi- --
14 I'm going to dive right into practicalities. How would you
15 design for competitiveness; what are some ways that are out
16 there to do it; what are some kind of pros and cons and
17 different ways of thinking about it?

18 What I'll do is I'll build up to a perspective in a
19 way of kind of mapping out competitiveness that's emerged
20 from recent work that I've been doing in -- in other states.

21 So to start, I'm not going to dwell on
22 generalities, but I'm just going to point out when we talk
23 about competitiveness, there's already some -- it's a
24 multivalent term and there's already some ambiguity about
25 what it is, which definitely spills over into measurement

1 issues.

2 So after an election has been conducted, you can
3 say, like, retrospectively that it was competitive if the
4 outcome was close; that's one thing we sometimes mean by
5 talking about a competitive contest.

6 During an election while it's being conducted,
7 while it's being campaigned, you can say that it's
8 competitive if the outcome is unsure. And, for instance,
9 political scientists have sometimes argued that this could
10 be measured by campaign spending or by campaign activity and
11 appearances, that might be a measure of how unsure the
12 candidates are about the outcome.

13 But, you have a different task in front of you
14 which is not during or after but before, right? And so if
15 you're trying to assess whether a proposed plan should be
16 called competitive, here you're talking about a plan not an
17 election. So no election has yet been conducted and, in
18 fact, you're tasked with something that will stand up for
19 ten years and be able to be regarded as competitive over a
20 long time span.

21 So this presents a different kind of measurement
22 challenge, and I think Eric McGhee also referenced this in
23 his remarks to you a week or two ago.

24 You will -- you will need to do something to
25 measure that, either to build a predictive vote index or to

1 study recent past voting patterns. And, of course, there's
2 no bright line between those, you can use recent past voting
3 patterns to try to make a prediction. Just to observe, you
4 know, it brings back this question that Doug prompted, kind
5 of primed at the beginning, which is sort of which
6 elections, how should we think about this?

7 So what I'm going to do is show you some ideas that
8 use statewide elections of the recent past. And many of
9 these ideas would carryover if you chose to use a predictive
10 vote index or if you chose to use lower-level predictive
11 results, but I'm going to -- I'm going to confine my brief
12 remarks to recent past statewide elections and show you a
13 couple of ideas about that.

14 Okay. So first of all, I have paper about
15 competitiveness in statistics and public policy from last
16 year, you can get to it from my group's website,
17 MGGG.org/competitiveness.

18 And these pictures should remind you a little of
19 some of the pictures you just saw from Sam.

20 We're looking here at Virginia, we're looking at
21 the enacted congressional and state Senate plan; and just
22 district by district marking the democratic percentage.

23 Sam showed you a gray shaded area that were close
24 to 50/50, these diagrams have that's in green the area
25 that's close to 50/50, and then purple is a band around the

1 statewide average.

2 So for this particular election, this was a
3 presidential 2016 election if I remember right. For this
4 particular election, the statewide average is little above
5 50 percent Democratic as we remember, and then we get to see
6 how the districts cross through that.

7 And so one thing that you might want to do is look
8 at how much time those dots spend in the bands. Right?

9 If you see more dots in the bands, that's more
10 districts where the result would have been close under the
11 this voting pattern; something that cuts through the bands
12 more quickly might -- might be seen to leave some
13 opportunity for competitive districts on this table.

14 And in the paper we go through and do this for a
15 range of states: Massachusetts, Virginia, Wisconsin,
16 Georgia, and Utah. And in some of those, if you look at
17 Georgia State Senate map for instance, boy, that seems to
18 take a really quick path through the competitive zone.
19 Right? And that looks like something that might be a sign
20 of an intent to create safe seats.

21 That's a great way to think about a districting
22 plan and a single election, except that the counterfactual
23 is a little hard to get your hands on. Right? Because the
24 best way to understand districting plans is to compare them
25 to other plans that could have been drawn at the time with

1 the same. That's your task, right, as a line drawing body
2 is not just to assess the plan in isolation but to think
3 about your range of possible plans that you can draw.

4 And that's why the title of this paper references
5 elasticity. Like, how much choice do you have? How much
6 kind of control does the ability to change the lines really
7 give you over things like competitiveness?

8 So something I wanted to flag about this kind of
9 approach. First of all, plots like this only work for one
10 vote index or election at a time; secondly, it's hard from
11 looking a plot like this to think about the plans that could
12 have been, they're not visible yet in a plot like this; and,
13 thirdly, you know, it's the terrain, the political geography
14 of where people live and how they vote, might constrain --
15 you don't actually have complete elasticity to place those
16 dots wherever you want.

17 I'd like to make one more quick observation before
18 I pivot to a different approach. I'll also say, these kinds
19 -- these styles of pictures do highlight attention that you
20 have, a choice that you have; because statewide the total
21 voting is what it is, by creating more districts close to
22 50/50, the cost of that is also creating more districts that
23 are safe. Right?

24 So you have to think about whether having lots of
25 districts that are close to 50/50 merits others that are

1 really locked for one party or the other; and that's just,
2 you know, an ineliminable balancing act that you face when
3 you're thinking about competitiveness.

4 Okay. So this is -- in our paper we looked at some
5 past approaches to competitiveness in states, including we
6 briefly mentioned Arizona ten years ago but, really, here's
7 sort a summary of -- of the findings of our work. There's
8 lots of well-meaning metrics in play ten years ago, but a
9 lot of them have some issues that we've tried to outline in
10 the paper.

11 Many of them lack clarity about how to use multiple
12 elections, whether you're trying to maximize close
13 districts, minimize safe districts, or tolerate both; and
14 unintended consequences. So sometimes as in the Clean
15 Missouri Reform that was passed at the ballot box in 2018,
16 the rural in the name of competitiveness ends up according
17 to our analysis being anticompetitive, you know, after the
18 dust settles.

19 So this is an issue that we've seen time and again
20 with metrics that are out there for competitiveness.

21 And then I'll say, you know, maybe to push back
22 just slightly against the optimism that you heard from Sam
23 when he said competitiveness is easy to measure on one of
24 those sides, we find it's pretty hard to measure. The
25 engineering to maximize to closed districts for a vote index

1 is actually very hard to do in a given stay, and it's not
2 terribly secure to pay off in future elections, especially
3 deep into the future.

4 So there are things about it that are success
5 stories, but we found that when we try to do it in state
6 after state there's also things that are quite subtle and
7 difficult.

8 So I want to present with the balance of my time
9 just a new approach. Some of the work that I'm doing in --
10 in this cycle is with the People's Map Commission in
11 Wisconsin, which is not the official line drawing body, but
12 nonetheless a citizen's group convened to think about how
13 they want their -- the lines to look.

14 Unlike you, they have proportionality as one of
15 their stated goals, so that's different than your stated
16 goal of competitiveness. But some of what's come out of
17 thinking about that I think will be quite useful for you to
18 look at.

19 So I want to present some -- some recent kind of
20 Wisconsin data as a new way of thinking about potential
21 operationalization of competitiveness.

22 Okay. So, first, let's warm up by looking at the
23 enacted plan in Wisconsin. This is the assembly plan with
24 99 districts in Wisconsin.

25 And here's a kind of plot that I'm going to focus

1 on for the balance of my time. This shows you eight
2 statewide elections, shows you all the governors, senators,
3 and presidential elections in the last cycle -- well, until
4 2018; and the blue line shows you the vote share for
5 Republicans, that was just an arbitrary choice to do it from
6 the point of view from a Republican. The blue line shows
7 you the Republican vote share in those elections.

8 You can see Wisconsin is a very tightly contested
9 state from a vote share. Sometimes it's below 50 percent,
10 sometimes above.

11 In green is the ideal efficiency gap. We have Eric
12 McGhee here, one of the efficiency gap inventors.

13 And efficiency gap is really similar to
14 proportionality when you look at this way, it's literally
15 just twice as far away from the 50 percent line; so the
16 highs are little higher and the lows are a little lower.

17 So you see here both the proportionality line,
18 that's blue; the efficiency gap line, that's green; and the
19 actual enacted plan that's orange, sailing comfortably on
20 the Republican side consistently throughout the entire
21 cycle. Although it hits proportionality just in the Senate
22 race of 2018.

23 Everybody okay with what's happening in this
24 picture? Because this is the style of picture I want show
25 you for a few more slides.

1 Okay.

2 So if you're asking: Is this plan competitive?
3 This picture doesn't yet give you a whole lot of evidence
4 for whether this enacted plan in orange is competitive or
5 not. It tells you that overall it tends to favor
6 Republicans relative to either proportionality or the
7 efficiency gap but doesn't say that much by district by
8 district swingy-ness.

9 So let's look at some plans that were made by,
10 like, a random computer process. And I want to stipulate as
11 always when I talk about algorithmic plan generations:
12 These aren't plans that are suitable for adoption; they're
13 plans just made to understand the landscape of the possible.
14 Because as I said earlier, your task is to pick out lines
15 among the ones that are possible to draw. So just intended
16 for comparisons.

17 Okay. So now you see that that enacted plan in
18 orange and these random plans in red and green, and they
19 sort of behave differently as the sea level rises and lowers
20 over the last ten years.

21 Okay. These are just plans made with the basic
22 constraints of population balance and contiguity and
23 compactness.

24 You have many priorities to consider, and you can
25 layer those in and still ask questions about how plans

1 perform relative to the partisan preferences of -- of the
2 state.

3 So these are plans that are made -- actually, let's
4 compare that slide where these plans don't really seem to
5 follow county lines very well. County lines are in black.
6 So this slide where we have turned on some preference for
7 county preservation, now you can see these are snapping much
8 more nicely to county lines.

9 And we start to see a pattern in some of these
10 plans, some of them are what you might call responsive:
11 When the state tends more Democratic, the plans dip down,
12 when the state tends more Republican, the plans dip up;
13 they're responding to the voting changing preference of the
14 electorate.

15 So by "responsive" I mean, in particular, favoring
16 each side when they have a vote majority and sometimes with
17 a kind of stronger what's sometimes called "winner's bonus."

18 Now, the last concept I want to introduce is the
19 concept of stable versus highly responsive plans. So if you
20 look in the upper left, you can see the plan that is noted
21 in green there really follows that proportionality line
22 pretty closely all across the cycles; as the red one rises
23 and falls more markedly. So you'd call that more
24 responsive.

25 And you can think about engineering for

1 responsiveness or engineering for stability. These -- these
2 are questions you can face as you raise your different, you
3 know, priorities.

4 What I want to point out that's kind of emerged
5 from this examination is the consequences for
6 competitiveness. And so, in particular, as you might guess,
7 a responsive plan, a plan that rises and falls as the vote
8 preferences do, is going to tend to have more swing
9 districts. So here by "swing district" I mean a district
10 that is not always won by one party. So across all eight
11 elections that we're viewing here, a safe district, a lock
12 district, would be one that is always won by the same party
13 no matter who the candidate is and what the year is, the
14 district is always won by one party.

15 Whereas a swing district sometimes has the
16 Democratic candidate prevail and sometimes has the
17 Republican candidate prevail.

18 So notice that the responsive plans has 30 to 34
19 swing districts, while each of the stable plans that you see
20 in the other picture has only 17, so about half as many
21 districts that ever change hands.

22 So I'll just move to my last slide. Just to sort
23 of think about how that plays out, there's no denying
24 there's a high degree of political polarization in the U.S.
25 at this time, and so all the plans that I've showed you from

1 our random sampling procedures, they tend to have lots of
2 districts that don't change hands; that are either won zero
3 times by Republicans or eight times by Republicans; plans
4 that are -- districts that are always favoring the same
5 side.

6 But one way to think about a mandate to
7 competitiveness is looking for plans in which some districts
8 are sometimes won by the one party's candidate and sometimes
9 the other over the course of that.

10 So over the course of thinking about
11 proportionality came the following -- oh, yeah. So these
12 are the always Republican, the always Democratic, and the
13 swing districts, and that's how to think about these plots.

14 So over the course of thinking about this came a
15 possible interpretation of competitiveness, one way to think
16 about this practically is a competitive plan can swing with
17 a vote rather than having outcomes locked in. So the whole
18 plan or the individual districts can be thought of as
19 responsive to the preferences of the electorate.

20 So I argue that that's an idea that kind of emerges
21 from this, it's like an intentional conflation of what's
22 called competitiveness with what's called responsiveness.
23 It's a way of thinking about what voters are after when they
24 ask you not to, like, ordain the outcomes with the drawing
25 of the lines themselves.

1 Okay.

2 So thanks very much. I'll stop there.

3 MR. D. JOHNSON: Thank you Professor Duchin,
4 definitely appreciate that.

5 And that will lead us into our discussion. I will
6 note, kind of a nice coincidence actually, the approach
7 Professor Duchin was just describing where you kind of look
8 at which districts have different winners in different
9 election contests and switch from contest to contest, is
10 actually the same thing that Professor King raised when I
11 talked to him, the same idea. It kind of said, rather than
12 looking at averages, look at how many people win -- who wins
13 which election.

14 So this may become known as the "Massachusetts
15 method," I don't know.

16 PROFESSOR DUCHIN: Well, there's some
17 crystallization of opinion around that rather than trying to
18 come up with one true vote index, just serially looking at
19 past elections.

20 MR. D. JOHNSON: So, yes, it's great to have
21 that -- that thought represented and appreciate you
22 capturing that, definitely.

23 So, with that, I'll -- I'll ask Eric to also turn
24 on his camera. And just as a reminder, he talked -- gave
25 you somewhat of an introduction of competitiveness last time

1 and also talked about plans for and demonstrated that
2 website -- just to draw your memories about -- that
3 generates some of these different measures for each plan
4 that's submitted to it.

5 So, with that, I will hand it over to the
6 Commissioners.

7 CHAIRPERSON NEUBERG: Before we dive into the Q and
8 A, I just want to help orient us into our thinking around
9 two issues: Number one, we are hoping a week from today
10 that the Commissioners will vote upon a competitive measure
11 that we are going to use, so I encourage us to ask specific
12 questions.

13 If you're creating algorithms what are you -- what
14 are you inputting?

15 How are you measuring Rs, Ds, and Is? I had some
16 follow-up question from our presentation last week on -- on
17 Independents.

18 Logistically how long do these measurements take?
19 We have a compressed time frame, do you create these
20 algorithms in advance and after the data is there is it a
21 matter of, you know, inputting it into a computer?

22 So -- so these have been wonderful presentations,
23 but I'd like to see us bring this information into a very
24 practical conversation about how we measure competitive --
25 we already -- we received our legal briefing about where

1 competitiveness ranks in our constitutional requirement and
2 how we think of it. Now we're focused mathematically,
3 statistically how we measure it and advance this.

4 And so, with that, I open that -- open the
5 conversation to my -- to my colleagues.

6 COMMISSIONER LERNER: Well, this is
7 Commissioner Lerner.

8 I actually think those are great questions that
9 Chairwoman Neuberg -- perhaps just in a general sense. I
10 would love to hear the answer from our consultants of the
11 question you just asked about practicality before we get
12 into maybe more specifics; I think that's a great way to
13 start.

14 CHAIRPERSON NEUBERG: And as you speak, because I
15 had follow-up questions, as you were talking about
16 competitiveness, yes, we are looking at Rs, we're looking at
17 Ds, we're looking at voting patterns, but there's additional
18 information that goes beyond who you vote for in the general
19 election. There's how you behave that makes a candidate
20 even rise to the level; there's primary behavior; there's
21 fundraising, there's op eds; there's -- and so
22 statistically, mathematically, how do we capture that?

23 MR. D. JOHNSON: Well --

24 PROFESSOR DUCHIN: Well, I could react. And so
25 Eric and Sam and Adam, please jump in.

1 So a few practical questions that just got raised.

2 So one is, which elections?

3 Well, the approach I just showed you was to look at
4 all the -- the sort of top of the ballot statewide for the
5 whole previous census cycle. What's nice about that is that
6 it gives you enough data points to look at that rising and
7 falling sea level that I was talking about.

8 So I'd love to see you put together a dataset that
9 spans over at least five years and preferably ten, and
10 that -- that includes like high -- highs and lows, I think
11 that's important.

12 To -- to the specific question about how to
13 incorporate -- okay. So, first of all, what are the Rs and
14 Ds and Is? So lots of people will give you different ideas
15 about that. And, for instance, Sam showed you the very cool
16 atlas redistricting from FiveThirtyEight, which I love, I
17 look at all the time, but the thing that they're doing to
18 get the reds and blues and purples is their using something
19 called the "Cook PVI." So they're -- they're -- they're
20 making a predictive index of how people's voting compares to
21 the presidential nationwide.

22 So if they're doing that in the Reagan years and
23 over the rate of competitive, you would have to be quite
24 Republican. So -- so just beware the way that Rs and Ds and
25 Is are being counted.

1 So the approach that I've advocated for is to not
2 label people as Rs and Ds and Is, because the whole thing
3 about voting is that we have agency, and we can go vote
4 based on different information and different candidates
5 different ways at different times, and that's why I really
6 like the cast votes, the actual votes that were cast, as a
7 way to understand patterns of preferences.

8 It's true that if you do that only for one option
9 or only for two, then factors like incumbency and strength
10 of campaigning and just plain candidate availability and
11 geographic parts of the state that someone is from, parts of
12 country, are going to matter a lot; but over the span of a
13 whole cycle, you will see enough variety that some of those
14 idiosyncrasies come out in the wash.

15 So I just want to caution you again --

16 CHAIRPERSON NEUBERG: Let me, Dr. Duchin, let me
17 just ask a quick clarifying question.

18 DR. DUCHIN: Yeah.

19 CHAIRPERSON NEUBERG: When you say "the voting
20 pattern," is that voting pattern in primaries and generals?

21 PROFESSOR DUCHIN: You could absolutely do that. I
22 showed you statewide generals. Because you can't use a
23 primary to look at people's preferences between the two
24 parties -- well, except in a state like California or
25 Louisiana that has an open primary, but -- but not in

1 Arizona.

2 I certainly think primaries are important; I think
3 campaign spending is important, but when you try to bring
4 all those things into a predictive vote index, I think you
5 run into what the Supreme Court has memorably called
6 "gobbledygook problems." Right? Eric can talk about that
7 more in detail.

8 But the -- the sort of more stewing together that
9 you try to do to build, like, one composite, the harder it
10 is to explain what you've done, and I don't think you get as
11 much payoff for that as you do by just looking at the votes
12 as they were cast.

13 So I'm advocating for simplicity partly because
14 you're going to need to explain it to public and really
15 because I also think it gives you better results.

16 So that -- and last thing I'll say -- I don't want
17 to go on -- is particularly I want to caution against using
18 voting registration because that identifies people with a
19 party, and we know that people's voting behavior varies
20 enormously whether they turn out, how they vote, just in one
21 little data point. I believe it's still the case in
22 Kentucky that there are more registered Democrats than
23 Republicans; a fact that doesn't track with current voting
24 behavior, but people once registered may not have changed
25 their -- their party registration.

1 Okay. Thank you.

2 DR. MCGHEE: Yeah, I -- I would just agree with a
3 lot of what Moon just said. First of all, in my
4 presentation last week, I -- I emphasized there's kind of
5 these three tiers of -- of the approach in terms of what I
6 would think of as equality. Are you going to -- any one of
7 these three approaches will probably get you in -- into the
8 right sort of ballpark, I would say. But I think some are
9 definitely preferable to others.

10 So using registration has a lot of problems, not
11 just the ones that Moon mentioned, but the ones Sam
12 mentioned about how -- what do you do with Independents?
13 What does an Independent mean?

14 Turns out when people say they are Independent,
15 they actually vote pretty reliably with one party or other.
16 So you're not -- in using that registration, you're not
17 getting that information, right.

18 The second would be to just use these statewide
19 races, some combination or just presidential or just
20 gubernatorial or what have you, I -- I think that's
21 preferable to using the party registration, but I think
22 it -- it still has its own problems because it's not the
23 actual vote for the office that you're concerned about, be
24 it legislature or congress, right.

25 So the best I think is to use some of those

1 statewide races which you can reconfigure into your new
2 districts, that's what's be -- that's the advantage of
3 those, is you can sort of reshape them into your new
4 districts; and then you can use that to predict based on
5 recent elections how those are likely to turn out.

6 And as the other panelists have mentioned, these
7 days, those kinds of predictions are more accurate than they
8 were, say, 30 or 40 years ago, so you have some extra
9 flexibility.

10 There is also this element of incumbency and
11 personality that comes into these contests, it definitely is
12 still present, and it definitely still exists.

13 I think my read of the Arizona law -- and I guess I
14 would -- I would definitely pass off to the lawyers on this,
15 so don't trust me, but my read of it is that you're not
16 actually allowed to think about those things. You're not --
17 you're supposed to think about competitiveness as a partisan
18 consideration, and those other things become kind of noise
19 or uncertainty in terms of the districts that you design and
20 how they're going to turn out, and it's just sort of
21 unavoidable given the fact that you're not supposed to think
22 about which incumbents are in which districts and so forth,
23 right, that's forbidden, right?

24 So I think that all point to an approach that says,
25 you know, either use these statewide races or preferably

1 from my perspective, relate those statewide races to the
2 actual contest for exactly the reasons that Moon just
3 mentioned. That, you know, what -- what you know these PVI
4 indexes that they have on the FiveThirtyEight site are just
5 presidential vote basically but relative to the nation as a
6 whole, and that's going to be dependent on how that
7 presidential contest turned out, and isn't going to
8 necessarily -- during that time, keep in mind in like the
9 '80s, for instance, there were a lot of Democrats who won in
10 seats that were won by Regan. A lot of them.

11 So you want to make that connection to the actual
12 contest however you can. Whatever the -- your method of
13 doing that, I do -- I definitely agree that using the actual
14 contest is using the best approach; and then trying to
15 extract it in more sort of a partisan question is a good
16 idea as well.

17 DR. WANG: I wonder if I could just interject just
18 for a moment, just to point out as you heard today, there's
19 a really strong let's call it an academic's intellectual
20 theory for understanding what competitiveness is and how to
21 detect it after the election has taken place.

22 So from the others and from people who are not here
23 today, there is this excellent, I'd call it conceptual and
24 theoretical framework, but most of it in some sense doesn't
25 concern you. You're the practitioners who are actually

1 drawing the line and so, consequently, you don't -- I mean,
2 you don't have to think about some of the things that have
3 come up here, others can examine it forensically years from
4 now.

5 The way I would put it is just to make it really
6 concrete what others have already said, is that you can
7 instruct your expert to do the following: Obtain
8 precinct-by-precinct voting behavior for a market basket of
9 elections over the last decade, whether it be the
10 corporation commissioner or senate or president or -- and so
11 on, and that basket will give you a sense for how much
12 different parts of Arizona varied over the last decade; and
13 then you can take your draft map which you draw according to
14 criteria in six, not using party registration or voting
15 behavior, you drew it from other principles, you can hand it
16 off to the voting expert and say, "Okay, we didn't do that
17 but, hey, can you take a look at this?"; and then your
18 expert can take this and say, "Okay, I looked up in my
19 computer the voting behavior of people for corporation
20 commissioners and senate and so on," and calculate about how
21 much the variation -- this tied that Professor Duchin was
22 talking about, and you can calculate that amount of
23 variation.

24 And it's transparent; it doesn't require knowing,
25 you know, I would start talking about statistical terms like

1 standard deviations, you don't have to do that. Okay? You
2 could, but you don't have to. You could just say, "You know
3 what, we looked at these ten elections over the last
4 decade," and then you could find out how variable it is.

5 And I think you can do it in relatively plain
6 English, not too far from what I just said; the graph you
7 can look at is the graph that Professor Duchin showed you
8 with the dots on diagonal and then my thing with the dots;
9 and then if that thing is kind of a bunch of dots on a
10 diagonal, then it's pretty good, if it looks like a hockey
11 stick, that's not so good.

12 So I think a lot of the theory and fancy stuff, not
13 to call what we do as academics theory and fancy stuff, but
14 a lot of that is going to be applied by others around you,
15 and that's definitely going to be part of the conversation;
16 but in your act as practitioner, you're the people in the
17 arena, you can reduce this to these things.

18 And, of course, they're -- you know, important
19 complications that you heard about and those of us out here
20 on the outside are definitely going to be thinking about
21 those complications.

22 But I think there's just some simple stuff, and I
23 would say all I've really done is somewhat rephrased what
24 you heard into very specific statements that I think your
25 expert demographer can do for you.

1 MR. D. JOHNSON: And if I can, just for the public
2 watching and just on a wording thing -- obviously, these
3 experts are all dealing with 50 states -- in Arizona the --
4 the map that is not drawn using vendors is -- is the grid
5 map and then the draft map shows reflections of that.

6 Just so we're all on the same page to what
7 Professor Wang was referring to --

8 DR. WANG: Thank you.

9 MR. D. JOHNSON: -- that's the draft map is drawn
10 without the --

11 DR. WANG: Got it. That's very important. Thank
12 you.

13 In that case, modify everything I said according to
14 -- to what you know better.

15 MR. D. JOHNSON: It all still works but just that
16 one-word verification, thank you.

17 But I know we'll get comments if I don't clarify
18 that.

19 DR. MCGHEE: I would just -- the one other thing I
20 forgot to mention, Commissioner Neuberg, you had a question
21 about primaries and I would agree with Moon that the
22 primaries are not going to be particularly helpful because,
23 really, the best that they're going to give you, there's
24 ways that you can try to kind of work primaries to give you
25 something that tells you something about the general

1 election.

2 But, really, the -- the competitiveness question I
3 think is -- is about the general election and whether
4 that -- that district could be held by more than one party,
5 and not competitiveness within the parties which is all
6 about personalities.

7 COMMISSIONER LERNER: This is Commissioner Lerner.
8 Can I follow-up with a couple -- with a question?

9 CHAIRPERSON NEUBERG: Please.

10 COMMISSIONER LERNER: So I think this is -- this
11 is -- I'm finding this really interesting and fascinating
12 and thank you for all this.

13 A question would be how much does top of the ticket
14 impact? So when you have a Democrat as president, how much
15 does that impact our statewide races and a Republican as
16 president?

17 So when we're thinking about looking across several
18 races over several years, how do we factor in that, you
19 know, when there's a President Obama people may have voted a
20 certain way -- because some people -- some people simply
21 want to have a balance, right, in Congress? They say:
22 Well, if I've got a Democrat president, I may vote for
23 Republican in Congress because I want to have a balance in
24 power. And vice versa, right, if we have a President Trump,
25 how much does that affect it?

1 How do we factor all of that in? And should we
2 sort of take from both -- does that factor in?

3 DR. WANG: Well, let's see. So ideally we believe
4 that we as voters have agency and, of course, that's
5 extremely important for us to be good citizens. But, in
6 fact, what you're saying is quite important, which is that
7 there are broad patterns that are seen. Midterm elections
8 usually go against the incumbent president, that's a broad
9 principle that comes up year after year.

10 Another broad principle that comes up is over the
11 last 10, 20 years, it is more and more the case that
12 president and senate elections go in the same direction.
13 There are extremely few senators who are of different
14 parties than who won the presidential election in the year
15 that they were elected. I believe the only exception in the
16 last election was Senator Collins, a Republican in Maine,
17 who won her Senate race despite the fact that Joe Biden won
18 the presidential race.

19 And so we must act as if voters have agency; but
20 just like anything else, individual voters have some agency,
21 but as a group you can kind of tell what broadly -- what
22 kind of things they're likely to do in the aggregate just as
23 you might, say, control crowds at a concert and so on.

24 And so I think that you can take this into account
25 by assuming that voters have agency, and then using the

1 precinct information and just ask your expert to say: Okay,
2 here's a hypothetical district, how did they vote for
3 corporation commissioner in this year? How did they vote
4 for senate in this other year?

5 And the statistical procedure that takes into
6 account both agency and everything else is to say: Draw
7 your hypothetical district and then ask how did that whole
8 district, that hypothetical district that you drew, how did
9 that district vote? And then do it for corporation
10 commissioner, president, senate, what have you.

11 And then take those estimates and they represent
12 different ways that Moon's tide comes in, right? And then
13 you can then -- so all this -- you know, is important
14 political science and then you can figure it in without
15 worrying about it too much.

16 That would be my recommended way of dealing with
17 it.

18 PROFESSOR DUCHIN: Yeah, I think literally I would
19 phrase essentially the same reaction is you take it into
20 account by not taking it into account. Namely, by taking
21 like a long enough time span of longitudinal election to see
22 conditions change. Right? So that no idiosyncrasy
23 dominates your whole dataset.

24 When you try to do something fancier to control for
25 various patterns, you get yourself into sort of trouble with

1 some simplicity and explainability; and I just think
2 simplicity and explainability are at a premium here, and you
3 just don't get enough advantage from cleverer approaches to
4 merit sacrificing simplicity and explainability.

5 Just a couple other thoughts from the earlier
6 questions about algorithms, how fast, preprogramed, maybe we
7 can come back to that when the conversation trends back that
8 way.

9 DR. MCGHEE: I would also just say I think in my
10 presentation last week, I said much the same thing. So what
11 I advocated in that presentation was coming up with a
12 prediction for, like, one particular prediction for a
13 particular race, mostly just to get a sense of what the rank
14 order of the districts was, sort of which one was the most
15 Republican and the next most Republican and so on and so
16 forth; but then you definitely want to move those results
17 around according to what you have seen in the past from
18 partisan tides and see how vulnerable those particular
19 outcomes are to the kinds of shifts that we see around from
20 one year to the next.

21 Because those shifts, you're absolutely right,
22 those shifts can be quite significant, and especially if you
23 have a competitive plan, can pick up a lot of -- can make a
24 lot of seats flip.

25 And other aspects of the variability of elections

1 are real, but I would say probably not even as significant
2 of those up and down swings.

3 PROFESSOR DUCHIN: Actually, I would like to just
4 riff on that for a second.

5 So to move results around, nobody has used this
6 phrase yet, but there's a really popular idea in the
7 political science literature called "uniform partisan swing"
8 that hasn't come up yet as such.

9 And there the idea is: Take an election and then,
10 like, add five points to Republican in every single precinct
11 and take five points away. So it's called "uniform" because
12 you do the same rising and lowering everywhere, and it's a
13 way of taking one data point, which is maybe an observed
14 election, and then moving it up and down; and lots of people
15 do this for various purposes when they're trying to do
16 election modeling.

17 I guess the thing I wanted you to know about the
18 approach I'm outlining for you, is that it is completely
19 free of swing assumptions because we kind of know even if
20 uniform partisan swing might be helpful for thinking about
21 swing, the -- the advantage of using ten years' worth of
22 observed elections is that you're naturalistically seeing,
23 like, how voters in the wild behave. Right?

24 You're actually making observation that show you
25 rising and lowering levels, and can actually capture

1 something about the -- the geography of the way tides rise
2 and fall rather than doing something artificial like pushing
3 votes up by the same amount everywhere and down by the same
4 amount everywhere. You have the data available to you to
5 not have to make any artificial assumptions about swing, but
6 to be able to just see the observed going over the course of
7 ten years.

8 And, you know, in the simplicity and explainability
9 territory and that can be a really strong way to go.

10 COMMISSIONER MEHL: This is Commissioner Mehl, I
11 have a question.

12 So as I understand it we need to follow the
13 constitution and draw draft maps, and then once we have some
14 draft maps, we can start playing this to analyze. Because
15 when we are trying to do a draft map, we're going to have
16 some differing opinions of the should this go this way or
17 this town be included in this district or that; and we can
18 use this competitiveness measure to sort of compare some
19 competing draft maps at the end.

20 What basket of elections would you recommend
21 specifically that we use if we use the ten years going
22 backwards?

23 PROFESSOR DUCHIN: At a minimum, I would like to
24 see you use the ones that I showed: Presidential, governor,
25 and senate. I think those are -- in many states those are

1 really -- you see really different voting behavior across
2 those contests; and then, you know, Sam's been mentioning
3 there might be some really interesting down-ballot races,
4 and I think it could be really good to add those.

5 But --

6 DR. WANG: Let me clarify. The reason that they're
7 important is they're not interesting.

8 PROFESSOR DUCHIN: Yes. There's -- there's lots of
9 views on it, absolutely.

10 DR. WANG: No, the point is most people don't have
11 strong views about --

12 PROFESSOR DUCHIN: Yes.

13 DR. WANG: -- down tickets. So they're interesting
14 from an analyst's point of view. So to us they're super
15 interesting, but most voters just go in and say, "Oh, you
16 know, I'd like to vote for this..."

17 PROFESSOR DUCHIN: Yeah, So Tom Hofeller, for
18 instance, who is sort of this notorious redistricting
19 consultant whose disks got turned over by his daughter to --
20 to Common Cause, he had some particular views on that.

21 There -- there are folks who have, like, really
22 strong views like tax assessor rates should be the one that
23 tells you everything. Opinions vary.

24 For me that doesn't matter so much, what I care
25 about when I look to the inclusions of elections is that

1 you're taking naturalistically observed results and not kind
2 of combinations of elections that try to control for various
3 factors.

4 One thing that I hear a lot is people saying that
5 you should try to pick races that are similar to, say, if
6 you're doing a congressional map, races that are the most
7 similar to congressional voting behavior. I actually have a
8 slightly different view which is that raising and falling
9 tide that I was talking about is the crucial thing. That
10 you actually want to see elections that are atypical as well
11 as elections that are typical because that stress tests your
12 map for how it performs in wave years, and you've got ten
13 whole years to plan for it. Right?

14 So I actually think the bigger you can make that
15 basket, right, the more kind of robust of a view you'll get
16 of how a proposed plan behaves under pressure. Right?

17 And I would disagree; you're doing to make grid
18 maps; you're going to make kind of draft maps without doing
19 partisan tuning; but then you could make a plot like the --
20 the ones that you were seeing from -- from us, and see how
21 many districts are actually swinging to one party or the
22 other over the course of the time period, and use that as a
23 metric. Just a number of districts that ever change hands
24 can be a metric that guides you in the direction of more
25 competitiveness.

1 CHAIRPERSON NEUBERG: I'd like to interject again.

2 DR. MCGHEE: Can I -- can I just raise one point
3 really quickly?

4 CHAIRPERSON NEUBERG: Please.

5 DR. MCGHEE: Because I have a slightly dissenting
6 view on this point.

7 My feeling is, so when we look at how the different
8 top of the ticket races relate to the U.S. Congress, state
9 legislature say, the presidential contest is far and away
10 the most predictive results. There are a lot of personality
11 issues that come into, particularly like gubernatorial races
12 have a lot of personality issues that come in; the senate
13 still to a large extent has personality that comes into it
14 and competitiveness in terms of whether you have a candidate
15 who is well-funded who can run against the incumbent, for
16 instance.

17 And those things don't end up trickling down to
18 those down-ballot races, what does trickle down is that
19 presidential contest, and can -- and -- that that's the best
20 predictor. All these other things can predict at the
21 margins, but that presidential contest is really going to be
22 driving most of what you're looking for.

23 The -- the swings up and down are very real and
24 definitely something you want to take into consideration,
25 though; so that's -- that's definitely a factor. But I

1 think it's important to try and -- like, you don't want to
2 just add in races, in my view, without any sense of how much
3 they're contributing, because to your -- your prediction
4 that you care about, because you might end up getting
5 something that is misleading one direction or another.

6 So that's -- that's where I dissent a little bit
7 from Sam and Moon.

8 PROFESSOR DUCHIN: Well, just -- just to be clear
9 on that, it depends if your goal is prediction or if your
10 goal is kind of like responsiveness and durability. Right?

11 If your goal is prediction, I agree in many states
12 -- not all, like Utah is an exception, Alaska is an
13 exception -- in many states the presidential contest is
14 particularly valuable for prediction of these districted
15 races; but I think here the goal isn't actually prediction.
16 At least that's my, you know, kind of point of view that I'm
17 expositing, that -- that competitiveness has to do with how
18 a map responds. That's the point of view that I'm at least
19 trying to describe.

20 And so for that, actually, if you just focused on
21 the most predictive you wouldn't be seeing the kind of
22 behavior, for instance, look at Pennsylvania in 2017/2018,
23 there was a lawsuit and an expert, Nate Persily, was brought
24 in from outside, brought in by the Court to draw the map.
25 So he drew the map in 2018, which was immediately subjected

1 to the 2018 wave year of voting, which would have been quite
2 hard to predict.

3 So if you're -- if you're being narrowly
4 predictive, the map is ultimately not going to be judged not
5 only by typical but also by extreme years, so I think you
6 really need to see both in the dataset.

7 COMMISSIONER LERNER: Can we hear Dr. Wang's
8 perspective as well on that because that
9 was (technical/audio disruption)?

10 DR. WANG: Well, I think, I mean, I -- I think to
11 the extent that we're -- the three of us are not in full
12 agreement, I think the points of disagreement from your
13 point of view is endusers I think are relatively small in
14 the sense that we're all saying use real election data, use
15 as many, you know, elections as you can.

16 The last decade of elections will give you lots of
17 swing if you are paying attention. You know, 2018 was a
18 really terrific year for -- for Democrats, 2016 was a really
19 surprisingly good year for Republicans in some ways, 2014 if
20 I remember -- the point being that you use that whole basket
21 of things.

22 And make -- make sure that you make use of that
23 information. Because of this tide effect, you need to make
24 sure that precincts get combined with one another to make
25 your estimate.

1 You know, I'm not sure that I'm saying something
2 that's very much different from the others. I think that we
3 are very engaged in a lot of these details, but you're --
4 you're looking forward in time to see what surprises may
5 come.

6 I don't know that you're going to like what I'm
7 about to say, but one thing you can do is you can harness
8 the public to help you. I'm not sure you want that input,
9 but -- but, you know, like to the extent these maps become
10 publicly known, there will be plenty of super interested
11 people that will have lots -- lots to say to you. So that
12 will be another approach.

13 But, certainly, you have it within your reach to
14 basically instruct poor Doug to collect, you know, decades
15 worth of statewide elections, and he'll run off after all
16 that stuff and collect it for you and, just say: Okay,
17 Dude, I want to know the average and standard deviation; or,
18 I want to know whether this district is going to turn out
19 for one party or the other 90 percent of time, and poor Doug
20 and his staff are going to run off after that.

21 And from what I know about him, I'm sure they can
22 do it.

23 CHAIRPERSON NEUBERG: You know, I'd like to again
24 just -- just inject a thought.

25 This is so informative, remarkably educational,

1 information we all need to learn, absorb, and understand.
2 I'm also hoping to take this 30,000-foot view, bring it down
3 to our job and a decision we need to make next week. That
4 is -- and if you're all willing -- and maybe, you know, I'll
5 leave it up to you if you're willing, we'd like to hear
6 specifically: What's your recommendation? What's your
7 algorithm? What's your mathematical formula? What's your
8 suggestion about how to measure competitiveness?

9 Along with that, is there a time element? How do
10 you do that? Do you do it while we're working on grid maps,
11 is it something to be done after the fact?

12 Let us know based on your years of experience what
13 you specifically recommend and think.

14 DR. WANG: I think it would be possible for each of
15 us to come up with a few slides or, like, short description
16 of exactly what each of us individually would do; or we
17 could -- or, you know, we could work together on it.

18 CHAIRPERSON NEUBERG: We're going to vote next week
19 and this is your opportunity to share with us what your
20 opinion is.

21 DR. WANG: So what substantively are you going to
22 vote on?

23 COMMISSIONER LERNER: Chair Neuberg, I am -- I just
24 have a question, I did not know we were going to vote next
25 week. I actually would like to hear some substantive

1 examples, even if it's next week, and then the week after we
2 could vote.

3 Because I'd like to -- I'd like to process some of
4 that and I didn't know we were -- I thought we were just
5 beginning this discussion, I did not realize that we were
6 voting next week; because this is a lot to take in, a lot --
7 a lot of information, so I was hoping -- and I love the idea
8 of getting some very specific examples that could be
9 presented to us, but...

10 CHAIRPERSON NEUBERG: Commissioners, we will
11 respect all of that, and I just want to inject just a dose
12 of some realism with our time frame. You know, we have a
13 compressed schedule, there are so many substantive issues
14 and -- look, as an academic, I would love nothing more than
15 to dive into each and every one of this issue and spend
16 considerable time, I find it so meaningful and important.

17 I just want to inject a little expediency in the
18 process. Because if we let deadlines go now, what's going
19 to happen as it builds week after week after week?

20 And so, with that, I'm just injecting a little dose
21 of practicality to what we're doing and -- and so, with
22 that, I will defer to my colleagues and our guests to
23 respond.

24 MR. D. JOHNSON: Commissioner Neuberg --

25 PROFESSOR DUCHIN: I just -- I'm sorry.

1 MR. D. JOHNSON: If I can put a little context
2 around it. The thinking in scheduling when the Commission
3 would address this, is there's a little bit of flexibility,
4 but our hopes is to have a decision from the Commissioner,
5 or at least an initial direction from the Commission, on
6 what measures to use prior to the census data being
7 available and use.

8 Because at that point, all the public commenters
9 will have run the numbers, because they already have their
10 database built, the Democrats have their database built; the
11 Republicans have their database built. And once that data
12 comes up they'll all start using that census data.

13 So our hope is to get direction prior to that
14 census data being available and usable, which hopefully will
15 be next week; there might be a little bit of flexibility but
16 not a whole lot.

17 PROFESSOR DUCHIN: Just to highlight, Chair
18 Neuberg, so I did propose a possible very concrete metric a
19 moment ago, which is once you've chosen your kind of range
20 of statewide elections to look at, if you want to understand
21 whether one plan is more competitive than another, to count
22 the number of districts that have ever changed hands between
23 the parties. That's a very concrete measurement.

24 And to your earlier question about does it take a
25 long time to calculate? No, that's instant. That's an

1 instant calculation once you've got your dataset together.

2 So let me also take this opportunity to
3 disambiguate, so where's the algorithm here? There's two
4 different separable pieces of this kind of analysis: One,
5 is just the calculation piece which is, as I said, instant
6 once you've got the setup in place; there's a second place
7 where at least in my slides that I was showing you some
8 algorithmic outputs, and that was making lots of plans by
9 computers that you can use as a baseline for comparison.

10 You don't -- let's keep those apart in our minds,
11 both of them are great tools, like calculating a metric in a
12 static way: Here's a plan; here's a score. Or sort of
13 comparison about a lot of other lines you could have drawn.
14 I would love to see you have both of those in your arsenal,
15 but just to distinguish, one is computational and
16 sophisticated which is generating a lot of competitor plans;
17 and the other is computational and simple, which is
18 calculating a given metric for a particular proposed plan.

19 So also I think probably all -- all three of us
20 would say -- all four of us, certainly I would say what's so
21 beautiful about independent commissions like this one is
22 it's just -- you know, wax poetic for a moment -- it's
23 deliberative democracy in action. We get to see you think
24 about what matters and how to interpret it and how to make
25 it operational so that you can quantify it.

1 I think the role of someone like me, the proper
2 role that I try to aspire to, is to help point out issues
3 and make these ideas into something measurable. So I can
4 describe alternatives, of course, but I try never to sort of
5 advocate for one best way of doing something, but to help
6 you take your deliberation and turn it into something
7 manageable.

8 So, you know, I and I'm sure the other visitors are
9 on hand to help with that and to give you advice; but,
10 ultimately, it's really important decision for you to make
11 transparently in just the way that you're doing.

12 COMMISSIONER MEHL: This is Commissioner Mehl and
13 I'll be (indiscernible), I think one thing we're hearing is
14 it's going to be pretty easy to see that we have a few races
15 out of the legislature and congress that are going to be
16 very predictable and going to be one-party races; and
17 there's going to be a whole mishmash in the middle where we
18 can sort of kind of tell whether something is competitive
19 and whether it's not, but there is no exact measure that's
20 going -- going to nail it to where we really know.

21 And let's not forget we are in the growth state,
22 where we have seven and a quarter million people roughly
23 right now, and we're going to have eight and a half million
24 people -- or something in that range -- by the time this
25 decade is over and -- and these maps apply. So we have to

1 use our best judgment and bring it to the table and use
2 these measures, but we're not going to find a mathematical
3 model that's going to tell us exactly what's going to
4 happen.

5 DR. MCGHEE: Yeah, I would say I think you're
6 absolutely right. There are lots of metrics, no single
7 metric is going to be perfect.

8 And I also think on a more optimistic note, that
9 all of these approaches that we mentioned are going to point
10 in kind of similar directions. Right?

11 So we're not talking about necessarily massive
12 gaps, they may -- each one may produce its own sort of
13 result, if you will.

14 And, you know, so -- if -- if the question is what
15 should we do specifically? I can give you my answer to that
16 question.

17 If the question is: Could we take any one of these
18 approaches and run an ensemble of these approaches and they
19 would all generally point in the same broad direction; and
20 when you factor in the fact that over the next decade there
21 is going to be a lot of uncertainty, things are going to
22 happen that we can't anticipate, and so it's always possible
23 that -- that the predictions of any of these methods are
24 going to -- are going to surprise us and not turn out to be
25 right, then that -- yes, that's absolutely true as well.

1 So I guess if you ask me what my own approach would
2 be, I would say go use PlanScore, that's why we built it.
3 It uses the presidential vote largely for -- for this kind
4 of purpose. We -- it does use a more kind of complicated
5 methodology behind the scenes, but we tried to make it
6 behind the scenes so you didn't have to worry about that
7 part and you can upload your maps and take a look at how we
8 would predict each of the races would go, and then do this
9 sort of swing them around and make sure that they're not --
10 you know, trying to look at how they behave based on the
11 kind of swings and changes that we've seen over the past ten
12 years. Or longer, if you want.

13 That would be my approach. But, again, I do want
14 to emphasize, I don't think that that approach is going to
15 produce a result that's radically different than if you just
16 sort of take a large number of statewide races and see how
17 the district has performed in those over the past ten years.

18 There is -- these days any partisan race statewide
19 is going to be doing a reasonably good job of predicting how
20 that seat is going to go and to try and maybe tell you
21 something about how it would behave in different conditions,
22 so.

23 COMMISSIONER MEHL: A lot of these measures end up
24 giving you sort of a percent. And, Moon, in your
25 presentation I think it was, you were using 46 and a half to

1 53 and a half percent being defined as pretty competitive?

2 DR. WANG: No, I think that -- that was us, but I
3 think Moon had a more complex thing, I had actually middle
4 zone and then like little zones above and below which was
5 more -- I think was more carefully thought out.

6 COMMISSIONER MEHL: So how would you define what is
7 competitive? (Inaudible/multiple speakers.)

8 PROFESSOR DUCHIN: So on standard -- one -- there's
9 two standard things that people often do: One is to have
10 what we call "vote band measures" around 50 percent, so
11 often, you know, 50 percent plus or minus 5, say; and the
12 other, which I think is less well-supported by vote logic,
13 but another commonly observed way to measure is to do a band
14 around an average, either a band around your statewide
15 average or a band around, like, the national statewide
16 average the way those PVI works.

17 So a vote band measure would be some level plus or
18 minus some fixed amount, such as 50 percent plus or minus 5.
19 That would be a vote band approach.

20 And what I was telling you from the paper, the
21 research paper that I wrote with my colleagues DeFord and
22 Solomon, is that we found that that was a very difficult
23 measure to engineer for. That if you try to find maps that
24 do well on that metric, it puts a lot of pressure on your
25 vote index. And so instead of trying to get into a band

1 around 50 percent, that's what kind of led to the point of
2 view that you can instead look for how the map as a whole
3 holistically responds to the rising and lowering levels
4 across a range of elections. Right?

5 That doesn't require you to specify 50 percent of
6 the target and 5 percent or 6 percent or 4 percent of the
7 band, because you're looking holistically at the whole map
8 performs.

9 Does that make sense? Do you see what I mean?

10 MR. D. JOHNSON: Let me -- so you're talking --
11 when you're talking about the different approaches, the --
12 the one that puts more pressure is kind of the average of
13 the elections.

14 PROFESSOR DUCHIN: Yeah, trying to combine them
15 into a single vote index and then aiming for a target
16 of 50 percent in that vote index, which is the
17 FiveThirtyEight approach.

18 It sometimes works really well predictively, but
19 it -- it puts a lot of pressure on the way that you've
20 chosen to combine all the elections; and if you instead look
21 at the elections serially, you get a really broad view on
22 the way people actually vote in your state.

23 COMMISSIONER LERNER: And, Dr. Wang, I'd be
24 interested to hear your perspective of this as well as
25 another option.

1 DR. WANG: Well, if you were going to do that, one
2 way you could get around that problem would be if you had a
3 whole -- let's say you have ten different elections, you
4 could calculate the average performance for a hypothetical
5 district and then to calculate the amount of variation about
6 it.

7 The method -- the measure of variation is called
8 the standard deviation. And so you could calculate an
9 average and a standard deviation, so you could, you know,
10 and that standard deviation is called Sigma. I mean, if
11 you're into investing, I forget, there's some measure of
12 volatility, what do they call it in that field, like beta or
13 something like that. But you could if you wanted to.

14 I mean, look, if it were me doing it, this is what
15 I would do: I'd get a basket of dozen elections; I'd take a
16 draft map and score it with those dozen elections, you know,
17 each one of those; I'd calculate an average and a standard
18 deviation, and I'd say if something was within one standard
19 deviation, I'd call it like a competitive district; I'd use
20 Moon's measure, which sounds like which is easy to explain
21 to people, which is how often has this hypothetical district
22 ever flipped in the last decade? That measure has the power
23 to be super easy to explain, and I would stop. That's what
24 I would do.

25 Now, you know, maybe others on this call might have

1 a different preference for what they'd do, that's what I
2 would do; I wouldn't mess around with like blah-blah about
3 incumbency; and no offense to Eric, like, PlanScore has the
4 problem of you have to open it up and look inside and look
5 at regression and stuff and people's eyeballs are going to
6 glaze over. I mean, look, I love it but I just -- but you
7 have to contend not with meeting the standards of Eric; you
8 have to contend with the public is going to be watching you.

9 And so simplifying this to the point where you can
10 just like look at somebody at the town hall and say: I
11 don't know, we just took these dozen elections, we
12 calculated the average, two-thirds of the time, you know, it
13 was pretty close. You know, something like that.

14 Like, like, I think that -- I recognize that there
15 is a lot of super interesting analysis that went in to what
16 you heard today, but that's just what I would do, I would
17 just, you know, keep it simple -- at least what I think is
18 simple -- you know, maybe Moon and Eric and I could go into
19 a room and arm wrestle for, like, what we felt was simple.

20 But -- but, you know, it's just -- I don't think
21 it's rocket science, and I think once it's written down in
22 English and you all as a Commission agree on it, I think
23 that you can like give that document to Doug Johnson and
24 they can do it.

25 Now, like, we're not fully -- you know, we didn't

1 -- Moon and Eric and I didn't talk before this call, so
2 inevitable we're going to have own views about how these
3 things, this is what you do when you have, like, three
4 experts, like, we have, you know, four opinions.

5 So I think that -- that you have a lot of good
6 options as Eric has said and now it's a question of figuring
7 out what you think you can defend to the public.

8 Now, you know, that's my two cents.

9 MR. D. JOHNSON: And, Professor Wang, I want to
10 thank you, going to back my earlier point about how much I
11 appreciate this phenomenal panel coming together. I was a
12 little worried there was a little too much consensus going
13 on early on and it might have been playing down how the
14 complicated nature of this, so this kind of discussion and
15 disagreement is welcome and appreciated because it does help
16 the Commission understand the -- the choices they face.

17 COMMISSIONER LERNER: As a follow-up, and I -- and
18 I know Chair Neuberg commented as an academic, I feel the
19 same way, I'm enjoying this conversation.

20 But as a quick follow-up because we have had a lot
21 of others, last time they used, I don't know, like eight or
22 nine measures which was obviously way too much, but -- no.

23 But I am --

24 DR. WANG: Too many.

25 COMMISSIONER LERNER: -- wondering about whether or

1 not we could use two or three measures? Because I'm hearing
2 some different perspectives that are interesting that we
3 could use just to compare; and then as we move forward, we
4 may find that one measure really hones down better than the
5 others if we have two or three.

6 'Cause I'm -- I'm interested in the top of the
7 ballot kind of things that you all are talking about, but
8 I'm also intrigued by some of the lower ballot ones. You've
9 mentioned corporation commission, we've seen things like
10 superintendent of instruction flip, treasurer, you know,
11 some of our lower ones have gone back and forth, and they
12 don't always follow the top of the ticket.

13 So you might have -- you know, we've had pretty
14 stable on the top of the ticket, for example, at governor
15 that has been Republican for the past ten years, but then
16 below that you've had some Democrats and Republicans flip
17 back and forth. So I'm kind of intrigued by that.

18 So I guess what I'm wondering is whether or not --
19 we don't want to go to the extreme case that the last
20 Commission did with having eight or nine measures, but if we
21 had two or three that looks at we've got the president race,
22 we've got some statewide top ticket, and then we have maybe
23 some statewide or -- you mentioned precinct level, but
24 statewide lower ticket that, you know, we've got all sorts
25 of things, you know, that maybe we could throw in there.

1 So if we had two or three that we could use as a
2 comparative, that might help us figure out what's working
3 and what isn't. So that's a question I have for you all of
4 whether or not that's something we should use.

5 CHAIRPERSON NEUBERG: And to piggyback before you
6 even respond 'cause this will be more efficient to have two
7 lines of questioning at the same point.

8 To expand a little bit about if, you know, past
9 commissions in Arizona what they -- what worked/what didn't
10 work on competitiveness; and along Commissioner Lerner's
11 line of questioning, I think she's really getting an
12 algorithm, you know, what -- what specifically we should
13 prioritize in our own calculations.

14 Thank you.

15 PROFESSOR DUCHIN: Yeah, I would just point out
16 that to accomplish what I think you're describing,
17 Commissioner Lerner, you don't necessarily need multiple
18 metrics, but it would help you to have multiple
19 visualization, so just to draw that distinction.

20 You might want to -- so you might want a few
21 different ways of looking at the performance of a particular
22 plan that you can use to make complimentary understandings
23 or sort of see it from different points of view. It doesn't
24 require you to introduce several quantitative metrics
25 because the -- you know, if you need quantitative metric

1 from this, and I gather from the fact that you're voting on
2 one next week, that you decided that you do want a
3 quantitative metrics rather than kind of a holistic
4 qualitative metric -- or qualitative means of describing and
5 deciding; when you have one metric, any two plans are
6 comparable by the way for that metric. As soon as you have
7 two or three, you no longer have the mutual comparability
8 of -- of multiple plans.

9 Now, there's something to be said from getting away
10 from just rank ordering plans, but I'm just pointing out
11 that as soon as you introduce a second quantitative metric,
12 you might have two plans where one is better on one, the
13 other is better on the other, and then use that end goal and
14 now what do we do.

15 So there's -- if you are committed to producing a
16 quantitative metric, there is an advantage to having just
17 one metric and several visualization in that it gives you
18 kind of direct comparability at the end of the day.

19 DR. WANG: Yeah, may I show you guys something?

20 You guys could -- I mean, you know, depending on
21 what you all want, this is just one organization's view of
22 how one designs these metrics.

23 You can imagine some kind of dashboard where you
24 have competitiveness, you have geographic features that are
25 important to you, racial fairness and partisan fairness.

1 You can imagine, like, some kind of dashboard like this
2 that's easy to use.

3 This is something that we're going to be rolling
4 out in the next week or so, that's just a way of capturing
5 the concept that we're talking about.

6 And then, you know, you know, when you say there's
7 eight or nine measures, that sounds faintly scary, but I
8 think it could be simplified in a smaller number and each of
9 us might have different views on what those are, but this is
10 just to give you a snapshot of what kind of thing it could
11 look like as a means of demonstrating what such a dashboard
12 would like.

13 And it's like a car dashboard, you want -- you
14 know, you're driving down the road and got your plan and you
15 want to be able to just see how you're doing; and -- and
16 it's -- and I think it's something where you want rapid
17 feedback that you can offer each other and yourself.

18 So it sounds to me that's the kind of thing that
19 maybe you're looking for.

20 COMMISSIONER LERNER: That dashboard is -- I find
21 that is really interesting because that's one of the things
22 we've been talking about is how do we know if a district is
23 compact or -- I mean, we can kind of look at it but it's
24 subjective to some extent --

25 DR. WANG: Yeah. I mean --

1 COMMISSIONER LERNER: -- but with your part -- with
2 looking at these competitiveness, a dashboard like that
3 could be very useful.

4 I'm sorry. Go ahead.

5 DR. WANG: Yeah, there's different ways to measure
6 it. I think we've been, you know, internally debating on my
7 team how one measures these things.

8 I think our current measure of compactness is
9 either one of the ones that you can find in the legal
10 literature like these names Polsby-Popper and Reock; the
11 other measure that we've been playing with is one that was
12 developed by Professor Duchin's group, which is a number of
13 splits metrics that's a little more mathematical but
14 actually easier to explain.

15 So there's different ways to do it. I think it
16 wouldn't be too hard to come up with a dashboard-like
17 measure that you all could use internally and that would I
18 think pretty defensible.

19 COMMISSIONER LERNER: I would be really interested
20 to see what that would look like.

21 COMMISSIONER MEHL: And another thing that jumps
22 out, we have PlanScore that we could use, we have a basket
23 of past elections we could use, and it wouldn't be very
24 complicated to use both of them and see. And I suspect they
25 will come out fairly close but there may be a district or

1 two where they don't come out so close and we have to decide
2 what we think makes the most sense.

3 COMMISSIONER LERNER: Yeah, that's -- I agree,
4 Commissioner Mehl, I mean, that's why I was kind of
5 intrigued by looking by having a couple of things, at least
6 to get us started with it, two or three measures.

7 And I would like to hear from Dr. Johnson as well,
8 Doug, as well on that perspective of having two or three
9 measures that we start with and then as we move forward we
10 may find that one measure is really providing us with more
11 of that insight as others.

12 Doug, what do you think as far as somebody who has
13 done this before?

14 MR. D. JOHNSON: Sure. I think there -- that is
15 certainly an option you can take; and then I think that
16 certainly happened in 2001, 2011 perhaps may have been the
17 more holistic approach. It was interesting, they had eight
18 or nine different measures, but all they were were eight or
19 nine different baskets of election average; so it was really
20 the same approach, just with a bunch of different baskets
21 they used.

22 So we wouldn't want to do that; we'd want more
23 varieties like Commissioner Mehl was saying there, two
24 perhaps radically different or significantly different
25 approaches.

1 But, yeah, there are certainly -- certainly you
2 don't have to arrive at just one magic number, there really
3 isn't one magic number. I think the fact some of that
4 consensus coming amongst -- amongst the experts in this
5 field.

6 And just to the point, just so everyone knows, to
7 Professor Wang's note about building tenure database, there
8 is a small army of Timmons Group folks working very
9 diligently right now to do just that. So are -- we are
10 aiming to have a tenure database of every -- at least every
11 statewide legislative and congressional election available
12 to be able to go into this pool.

13 COMMISSIONER LERNER: And, Doug, what do you think
14 also about the dashboard that we just saw that Princeton
15 developed?

16 MR. D. JOHNSON: I'm very hopeful about it. It
17 looks a lot like some capabilities I know the Timmons Group
18 folks has in the hub site that they're building for this
19 project; but I don't know if that's just me not really
20 knowing how the hub site works, guessing what's possible
21 versus what's actually possible.

22 But I think it's certainly something we will work
23 with the Timmons Group team on and come back to you with.

24 DR. WANG: I will say they have lot of expertise.

25 Like, the main thing that went into that dashboard

1 I showed you is we spent a lot of time sitting around coming
2 up with things that are bad ideas, and so we -- like, the
3 main thing that's interesting about the dashboard is states
4 that were left out because we thought, nah, not quite
5 suitable; and so we've had a lot, like, internal
6 arguments/discussions on that point. And probably what's
7 left out is a fairly important input, so whatever it is that
8 your -- your -- that Doug's organization has to offer, we
9 might have a few things to say about things one might want
10 to leave out. But, you know, that's -- we can communicate
11 that in writing if you like.

12 MR. D. JOHNSON: Yeah, we will. We will follow up
13 with that on your point.

14 And I do -- appreciative of the speakers, this is
15 about as long as I predicted them going. I just want to
16 check in and see if anyone has to drop.

17 PROFESSOR DUCHIN: I should probably get going, but
18 I'd be happy if there's any last question or two I'd be
19 happy to field them before I drop off.

20 Okay. Well, thanks, it's always an honor to speak
21 a group doing the great work that you all are doing.

22 So please feel free to reach out if you want any
23 follow up on today's conversations.

24 CHAIRPERSON NEUBERG: Thank you, Dr. Duchin. We
25 appreciate you participating.

1 PROFESSOR DUCHIN: Thanks for the invitation.

2 MR. D. JOHNSON: And I do, I think, on behalf of
3 the Commission want thank for sharing with us. It is a
4 great opportunity for the Commissioners who are going to be
5 intimately studied by all these folks to hear in advance the
6 type of studies that they're going to be doing on the work
7 that you do as opposed to just having your work probed
8 afterwards, so.

9 CHAIRPERSON NEUBERG: And, Doug, if there is
10 additional information you would like to send the
11 Commissioners' way on behalf of our guests, on behalf of you
12 before next week when we do hope to, you know, move forward
13 a specific method, please share that data with us. We're --
14 we're, obviously, you know receptive to learning.

15 MR. D. JOHNSON: Yes.

16 And I will certainly follow up with everybody
17 hopefully by the day after tomorrow and get any additional
18 thoughts. You know, I think all of us the moment we hang up
19 think: Oh, I should have mentioned that. So I'll follow up
20 and hopefully by Thursday get the feel from everyone if they
21 have follow-up thoughts to share with you as we go into next
22 week.

23 COMMISSIONER LERNER: Thank you for the speakers.

24 As we know competitiveness is influenced by lots of
25 different factors as we've heard over the last ten years and

1 so, Doug, from my perspective if we can -- if -- I'm still
2 not sure I'm going to be comfortable voting next week. I
3 understand, Chair Neuberg, exactly what you're saying in
4 terms of our needs to move forward, I do. But I would also
5 -- if we can get your proposal beforehand, from my
6 perspective, I'm a process person, I need to have some time
7 to kind of think through.

8 So if we can have that, your proposal by Friday,
9 then I might be more comfortable with being ready to vote on
10 Tuesday. If not, if we're hearing it for the first time, as
11 we all know just as you said, we go: Oh, I wished I asked
12 that question, we may not always have that ready to go.
13 Because there's so many variables that we heard here,
14 including just the idea of top of the -- top of the ballot
15 national elections like president versus governor versus
16 corporation commission and so on, those are the things that
17 I think we have to really be thinking through.

18 So I don't know if you'll -- you'll have that for
19 us by Friday to send to us, if possible, that would be great
20 just so that we can all kind of think through what you're
21 proposing.

22 MR. D. JOHNSON: Yeah, I -- I think that is the
23 goal. And I think Professor Wang kind of touched on earlier
24 too; it's not just to get it to the Commissioners, but get
25 it to the public to harness -- harness the power of the

1 masses to give them a chance to weigh in as well.

2 COMMISSIONER MEHL: It sounds like we're going to
3 need to at least discuss or consider doing a basket of
4 elections. So, Doug, would be very helpful for you and
5 Timmons to let us know what basket is possible, what -- what
6 elections would you have data on that we could select from.

7 COMMISSIONER LERNER: And then perhaps we talked
8 about PlanScore as well, I think Commissioner Mehl you
9 mentioned that we have that as well, so that's where I was
10 thinking about getting a few options for us to consider as
11 part of that.

12 MR. D. JOHNSON: Yep. Yeah, definitely.

13 We had started talking last week I believe it was
14 on the possibility of working with PlanScore, how it may be
15 able to be integrated and some like that. I don't think
16 we'll have a final decision on that, but they've already
17 provided very helpful information on that front, and we can
18 continue to look into that and see how much -- my read is
19 that it should be able to be integrated, but I wouldn't be
20 the one having to do that work because I don't know how to
21 rate that kind of programming stuff, so we'll continue along
22 that path as well.

23 MR. FLAHAN: Doug, can we make sure we also get,
24 like, time frames on how long it would take to run some of
25 these equations or processes? I think that will be critical

1 to the input too.

2 MR. D. JOHNSON: Yes. Definitely makes sense.

3 COMMISSIONER LERNER: Yeah. And, again, from last
4 time my understanding was -- and I would not want to go the
5 direction of eight or nine options -- but I know they were
6 able to run those, like, almost immediately after with each
7 map; but it was -- it was very quick.

8 DR. MCGHEE: Yeah, so our -- my understanding from
9 the person who is the-- the coder behind the site, Mike
10 Migurski, is that we have the capacity to run as many maps
11 as you would want to throw at us in a reasonable amount of
12 time. So it's probably -- he's built it out to handle
13 millions of maps potentially, so it should -- it should run
14 pretty quick.

15 COMMISSIONER LERNER: Well, then, then any internal
16 one that we do, right, the one that Commissioner Mehl
17 mentioned, the basket of races, that would be something
18 similar. Right?

19 MR. D. JOHNSON: Yes. The idea is, kind of like
20 you saw Eric present the other day, that when you -- when
21 you submitted the map or plans for his website and there
22 was, you know, whatever, three or five seconds or whatever
23 it was to run, is potentially what we're hoping what the
24 program interface would allow the user to hit a button and
25 say "get my PlanScore," it would likely be about that same

1 rate of five or seven seconds to generate it. It would just
2 do it in the redistricting tool as opposed to having to take
3 the map over to the website.

4 DR. WANG: Right, the basket approach is one
5 that -- that I think, for instance, my organization
6 could work with -- with Doug and Mark and whoever is
7 handling the back end, and the expertise would be in-house;
8 then you would do it rapidly map by map.

9 One concern, I mean, I think I started to wonder
10 about, like, public records issues. Like once you start
11 outsourcing to an external site, then that creates -- I
12 don't know. I have no idea what the legalities of it are.
13 But if you have it -- if you have the expertise internal to
14 your organization, then you will be able to do, like, these
15 basket-based calculation fairly straightforwardly.

16 So I think you have multiple options available to
17 you: One is the Migurski-McGhee thing at PlanScore; another
18 is to rely on internal expertise.

19 MR. D. JOHNSON: Do what we can in terms of putting
20 together both a list of options and -- and suggestion and
21 recommendation and getting that to the public ahead of time.

22 COMMISSIONER LERNER: And -- and, Doug, I
23 appreciate that you'll pull together a few.

24 Just one last question is, when you present us with
25 your options could you use some real datasets and say -- and

1 I know -- I may be asking too much, so. Like, if you were
2 to say: All right I got -- even if it's not going through
3 the ten years, just to say let's look at the last, whatever,
4 two years, four years, just for the sake of discussion, not
5 for -- I don't know that you could pull it all together with
6 all that analysis in one week.

7 But -- but if we could -- if you could say: Here's
8 three options for you and here's how this one would look,
9 this one would look, and this one would look in terms of
10 actual data. Would that be possible?

11 MR. D. JOHNSON: I'm very reluctant to promise
12 anything using real data but we may be able to use sample
13 outputs.

14 COMMISSIONER LERNER: That would be fine.

15 MR. D. JOHNSON: Take charts surrounding from, you
16 know, Princeton and PlanScore and Tufts and -- and show you
17 kind of what the charts that that measure generates look
18 like.

19 COMMISSIONER LERNER: That would be great.

20 CHAIRPERSON NEUBERG: If there are no further
21 questions on competitiveness, before I turn it back to Doug
22 to, you know, take over the other areas and thank all of our
23 guests, I just want to -- there was a public comment and,
24 you know, it relates to this specific agenda item, why we
25 are spending so much time on evaluating competitiveness when

1 it is (F) on the constitutional criteria where we, you know,
2 evaluate it, respect it, you know, after the other issues
3 are respected.

4 It's because it's so complicated to quantify and
5 evaluate, just like our communities of interest, why we're
6 on the traveling tour. The other constitutional criteria
7 are a little bit more straightforward and easier to
8 calculate. When you're talking about equal population, you
9 take the census data, you divide it by 9, you divide it by
10 60.

11 So -- so with the public's, you know, observation
12 of the work that we're doing, this means nothing in terms of
13 the deference, you know, with -- with how we're allocating
14 importance to the constitutional criteria. This is just
15 strictly as you're hearing a very complicated data point to
16 plug in.

17 MR. D. JOHNSON: Any -- any final thoughts from our
18 remaining three of you?

19 If not, on behalf of the Commission, thank you very
20 much for spending your time. And, yes, we will definitely
21 follow up with all of you.

22 CHAIRPERSON NEUBERG: Thank you all. We -- we
23 deeply appreciate your participation and involvement; very
24 helpful.

25 DR. MCGHEE: Thank you for having me and thank you

1 for your service to the State, it's great.

2 DR. WANG: Yes, thank you, and we admire what
3 you're doing.

4 COMMISSIONER LERNER: Thank you.

5 CHAIRPERSON NEUBERG: Doug, you're welcome to
6 continue, but I would be remiss if I didn't ask my
7 colleagues if anybody needed a break.

8 And if nobody chimes in, please feel free to
9 continue.

10 MR. D. JOHNSON: I -- I will defer to Mark and
11 Brian about if they had a list that they wanted to cover the
12 different questions today or topics or...

13 CHAIRPERSON NEUBERG: Well, we're -- we're on
14 Agenda Item V, and we started with Agenda (F), which is
15 competitiveness, so we can go back up to V(A), travel
16 schedule meetings update, and then (B), (C), (D), and (E).

17 Mark is on mute.

18 MR. FLAHAN: The comment of the year.

19 Are we good to go forward then without the break?

20 CHAIRPERSON NEUBERG: I defer to all of you.

21 I think continue, please.

22 MR. FLAHAN: Okay.

23 You know, so far we've had I think a really good
24 attendance at our listening tour; and I believe we have six
25 listening tours still outstanding, and the next one will be

1 Wednesday in Yuma.

2 As far as the community of interest survey we've
3 got 176 submissions so far.

4 And I'm going to share my screen with you. And
5 here is our submission dashboard for all the 176 that have
6 been submitted online. This does not include the paper
7 forms that were submitted at each listening session, but we
8 will work on getting the paper forms into this digital
9 product, we just haven't had time to exactly work on that
10 just yet, and now we're starting that right now.

11 The other thing to notice is it just changed from
12 177 to -- or 176 to 177 live while we're doing that, and I
13 didn't even plan that, that was pretty good. So we can see
14 that people are continually using the product and submitting
15 us more data.

16 This dashboard is open to the public. Brian has
17 added it to IRC website under the community of interest
18 survey. So you are able to go today and look at it and see
19 all of the community of interest surveys that were submitted
20 to us.

21 There's a couple of ways you can interact with this
22 tool. You can come over here to the left list here that's
23 right under the big "176" numbers; and this is ordered by
24 the most recent comments. You can come over here and click
25 one, and it will zoom in and highlight the polygon that

1 we're talking about.

2 You can click on it, except but this is a hard area
3 because there's 11 that are sitting on top of each other;
4 and you can start to go through the 11 that are in that
5 exact place. And as you can go through, you can see all of
6 the different comments that we received from that community
7 of interest survey.

8 And just keep hitting the arrow.

9 The other way you can interact with this map. If
10 you close it, you can hit the "home."

11 You can zoom in to an exact area. Say you are
12 interested, you know, over here in the Gila County area, you
13 can start to see that the numbers change that are displayed
14 on the map. So right here in the middle of the screen
15 there's 37 of the 177 showing.

16 And this is just to give you guys a big overview of
17 what we've seen and the areas that the public is saying is
18 my community of interest; but that data is -- is out there
19 today.

20 Part of the community of interest survey we will
21 look at sort of simplifying the dataset for you, but this is
22 the raw data that's out there right now.

23 COMMISSIONER LERNER: Mark, this is really great to
24 see how much participation there is.

25 I was going to just ask you, you just said you are

1 going to simplify the data for us, can you tell us a little
2 bit about how you will do that. 'Cause this looks --
3 there's going to be a lot, there's so much information right
4 there. It's great from the public, but I'm just curious how
5 we will process that -- or you will.

6 MR. FLAHAN: So we're going to -- and don't quote
7 me on this a hundred percent, we're going to work on there's
8 been a lot of different acronyms that have been thrown out
9 at the listening tour -- Copper Corridor, Green Valley --
10 we're going to work on trying to take these polygons and see
11 where the overlaps are and see where people attempt to agree
12 on different areas and see where the changes are and provide
13 that data back to you; and then we are going to, we've taken
14 copious notes on what people have said, and we can sort of
15 summarize that and provide that back to you.

16 Doug, jump in if you think there's -- there's a
17 couple of things that I'm missing.

18 MR. D. JOHNSON: The only thing I would add is we
19 are looking at methods to -- and I think the Timmons team is
20 on top of this is, is where different people have tried to
21 draw the same community by drawing the same area and using
22 similar descriptions, there are ways that we can summarize
23 this -- those descriptions to give you an easier-to-view
24 take on that.

25 But it's been great to see the input.

1 One -- one other thing that has been mentioned,
2 some folks have mentioned they're drawing their maps in a
3 website called Representable rather than using this tool,
4 which complicates our lives, but we have reached out to
5 Representable folks, and we think we will be able to get a
6 download of those submissions as well.

7 But we do recommend using the State's tool just to
8 make sure that all comments come in and get processed in a
9 way that everyone is expecting them.

10 COMMISSIONER MEHL: And as has been mentioned, we
11 have been talking a lot about competitiveness and taking a
12 lot of time, but this is the heart and soul of the input we
13 really need as we take a look at drawing our first draft
14 map, is really trying to understand where people think their
15 communities of interest are and how can we combine them in
16 the most reasonable fashion and meet the equal population
17 and other tests, and then test them later for
18 competitiveness.

19 COMMISSIONER YORK: I've got a question, Mark.
20 Do map quantities go up after we do listening tour
21 date at each site?

22 MR. FLAHAN: I haven't actually put any analysis in
23 that --

24 COMMISSIONER YORK: Because I was just noticing,
25 like, Yuma didn't have much, but I'm assuming once we go to

1 Yuma we'll have more, right?

2 MR. FLAHAN: Yes. I -- I think from looking at it
3 we get some before the meeting as people are looking, they
4 want to attend that meeting in the link right there to
5 provide public comments is available; I have not looked that
6 much afterwards.

7 But we talked about going to work on Wednesday and
8 this is the Yuma area, so we got four that -- areas that
9 sort of influence the Yuma area; and we got one that was
10 just submitted today at 7:28 a.m., one that was submitted
11 yesterday, one that was submitted on Sunday, and one that
12 was submitted back on the 28th of July.

13 So my quick looking at it is that people submit it
14 right before they come and attend a meeting, 'cause I've
15 seen those numbers creep up as we're about to have a
16 meeting.

17 And we can just click on one. Like, here's Yuma,
18 right? Here's the exact community description: "We are a
19 majority Hispanic Latinx community that is very family
20 orientated, our community festivals bring together all
21 people from our communities." And additional comments: "We
22 are majority Hispanic Latinx community that is presently
23 gerrymandered into a district that is led by a
24 congressman..."

25 Okay. So you can see the exact comments that they

1 submit for us.

2 Right --

3 MS. SAKANSKY: This is Ivy. I might add as well
4 that if somebody has presubmitted a map, Mark does show that
5 on the screen in the live meeting if they're there.

6 MR. FLAHAN: Yeah, Ivy brings up a good -- a good
7 point here, that if people submit the community of interest
8 survey ahead of time, and when they come up to speak they
9 either let us know before they speak or we can find their
10 name in the submitted entries, we bring up their map live on
11 the screen. So when they are describing their community of
12 interest, we have the exact boundaries that they drew in our
13 community of interest survey.

14 COMMISSIONER LERNER: Just -- Mark, just as a quick
15 follow-up, what is the deadline for online submissions? Are
16 we going to go a few days after the last of the public
17 hearings so people can submit?

18 I think it's the last day, but can we keep that
19 open just for a couple more days? I'm not sure of the
20 deadline, I'm sorry.

21 MR. FLAHAN: Right now we've set it to August 10th,
22 the day after the last listening tour meeting, at 5:00 p.m.
23 Mountain Standard Time and 6:00 p.m. Mountain Daylight Time.

24 COMMISSIONER LERNER: So is that just so you can
25 start the process the information? Is there a way we can

1 extend it by a couple of days? Or maybe just exactly what
2 you were thinking about that.

3 MR. FLAHAN: Twofold: One that is because we're
4 going to have to take all the data and process it after it's
5 all submitted; and then the second piece is we are on the
6 hook to deliver you guys the community of interest report by
7 August 31st, so we do need a couple of weeks to process
8 that.

9 If the Commission did want to push the date a day
10 or two, that could happen; but the more time that you guys
11 take away from us in the back end, the harder sometimes it
12 is to generate the different data points that you want.

13 So for right now we have it as basically 24 hours
14 after the last listening tour starts in Mesa on the 9th.

15 COMMISSIONER LERNER: Okay. Thanks.

16 MR. FLAHAN: Mm-hm.

17 And you can see on the community of interest survey
18 the submission dashboard link is right there. So if you
19 want to get to it just click it, just click on that and it
20 will fire up the dashboard.

21 Let's see. What else do we got on the listening
22 tour stuff ?

23 I think we've been very happy with the turnout that
24 we've had from the listening tour. You had a lot of people
25 attend, so that is -- that is really good for our side.

1 Other than that for the meetings update, I don't
2 really have anything else. Doug or Ivy, do you guys have
3 anything you want to throw out in the meetings update topic?

4 MR. D. JOHNSON: I -- I would just say I've been
5 very impressed with the substance of the input coming from
6 the public. It's been great to think how it's been focused
7 on the exact communities of interest and neighborhood
8 definition people have been, which is what was the goal this
9 tour.

10 MS. SAKANSKY: And -- and I would echo that as
11 well. It's been phenomenal to see the turnout and the
12 passionate input.

13 DIRECTOR SCHMITT: And too I guess I'll jump in
14 with the numbers.

15 So far we've had almost 900 folks attend in person;
16 we've had about 300 attend online. So we're looking at
17 about 1,150 people participating so far.

18 And so not -- not to be competitive with 2.0, but
19 we have surpassed them on attendance and we still have six
20 left, so. It's been a great turnout so far.

21 COMMISSIONER MEHL: And, Brian, is this the right
22 time to update us on the Tucson locations or do you want to
23 do that on your later report?

24 DIRECTOR SCHMITT: No, I can do that right now.

25 Our first location on Saturday is going to be at

1 Westin La Paloma; and then on Sunday we're still working
2 with Mayor Ramirez's staff, it's either going to be at
3 El Rio Community Center or JW Marriott Starr Pass.

4 So we'll have those posted with all the details
5 this afternoon.

6 CHAIRPERSON NEUBERG: And, yeah, before we dive
7 into more of the details of the traveling tour, I would just
8 like to thank our staff and fellow Commissioners; it was a
9 remarkable tour.

10 I have to say on a personal level, it was one of
11 the highest honors of my life to just meet with our state,
12 our communities of interest who had such levels of
13 confidence in us to share their sentiments; the mapping team
14 who day after day was absorbing an inordinate amount of data
15 that I think you're probably still going to be sifting
16 through, and we're just starting and so it was an incredible
17 experience.

18 We're learning -- it wasn't perfect. We're --
19 we're digesting all of the pieces of feedback and
20 information on how to make it better; but it's a great start
21 considering we don't even have data yet. So I'm remarkably
22 enthusiastic and excited.

23 I do have questions, you know. So, Mark, one of
24 the questions from the public: When you submit a map, can
25 somebody submit two maps, both the congressional map and a

1 legislative map on the -- on the website?

2 MR. FLAHAN: For the redistricting system?

3 CHAIRPERSON NEUBERG: Correct. That -- that was
4 one concern. I did hear that people felt they could only
5 submit one map, but there's two maps that are very relevant
6 to people --

7 MR. FLAHAN: Mm-hm.

8 CHAIRPERSON NEUBERG: -- so I want to make sure
9 that people have that ability to submit both.

10 MR. FLAHAN: Yes, they should be able to submit
11 both maps.

12 MR. D. JOHNSON: And I would just add, actually one
13 of the challenges of this process is that people can submit
14 multiple congressional maps and multiple legislative maps;
15 and so when they do so, we need them to be clear, is there a
16 second map a replacement for their first or are they
17 submitting an alternative approach.

18 So it's good for folks to be aware, when they
19 submit their maps they need to clarify if it's a replacement
20 from their previous suggestion or are they throwing out an
21 entirely different suggestion.

22 COMMISSIONER MEHL: Is -- is there confusion?
23 Because on the community survey on -- on where describing
24 their community of interest, is that where they can only
25 submit one map?

1 MR. FLAHAN: They can only submit one map per
2 community of interest survey, but they can submit multiple
3 community of interest surveys. And, in fact, there have
4 been people that have submitted multiple community of
5 interest surveys.

6 COMMISSIONER LERNER: So at this point they're
7 focused on the community of interest surveys, and then
8 eventually they will be doing the -- or are they already
9 submitting congressional and legislative maps in that?

10 'Cause there's a couple of different places for
11 them, right?

12 MR. FLAHAN: I have not looked through the
13 community of interest surveys for if they're trying to
14 submit us congressional or legislative district maps, but
15 they can only submit one polygon. So they should be only
16 submitting as community of interest data right now.

17 MR. D. JOHNSON: And the community of interest
18 maps, ^ CK don't generate population counts. So they
19 couldn't be population amounts.

20 MR. FLAHAN: It is just tell us where your area is
21 and tell us what makes your area special.

22 CHAIRPERSON NEUBERG: You know, some people, Mark,
23 have had trouble utilizing the mapping tool online to create
24 their lines and they're concerned that their verbal feedback
25 won't be considered if they're not able to create this map.

1 So just two thoughts -- and I believe this is on
2 your radar -- one is just making the site as user friendly
3 as possible, some of us are maybe a little geographically
4 challenged; and the other is just making sure, I understand,
5 I think the maps are critical information because it's
6 taking not only your verbal data, but it's making it
7 empirical for us so we're not interpreting your words.

8 When we hear the words of the community, we
9 translate that; our mapping folks are looking literally at
10 lines and I think it's a little bit more specific
11 information. But I want to make sure that the public, you
12 know, who maybe is like my age and above and, you know, not
13 so good online, that we're able to give our verbal feedback.

14 And even I would say -- and this is a reflection of
15 my time with Vice Chair Watchman with the Intertribal
16 Association of Arizona -- making sure that those that don't
17 have Wi-Fi are able to mail in a physical map and -- and
18 just the old-fashioned way communicate data to us that you
19 will translate.

20 MR. FLAHAN: Well, I know if you have come to the
21 listening tour meetings there are paper documents that are
22 available to the public to fill out and I know staff is
23 gathering that turning it over to us, and that is part of
24 the process, you know, that we're going to have to take that
25 paper document and digitize it.

1 The one caution that I would say out there is, you
2 already brought up the point about, you know, map-based
3 data, is that we will be interpreting what they say in words
4 and looking at the maps to try to find the lines that match
5 their exact words. So the map portion is nicer in the sense
6 that we're getting an accurate representation of what their
7 community of interest is, because now there's no translation
8 of where are they trying to tell us versus what the lines
9 are drawn on the map. So it's a little more accurate that
10 way if they could fill out the map for us.

11 Does that answer your question?

12 CHAIRPERSON NEUBERG: Yes.

13 MR. FLAHAN: Okay.

14 CHAIRPERSON NEUBERG: We're looking forward to
15 seeing you in Yuma and Nogales and Safford and Tucson.

16 MR. FLAHAN: Yes. Yes. We will be there with you
17 guys, not a problem. Not looking forward to 117 [sic], but
18 we will be there.

19 I believe that's all the update we would have on
20 the travel schedule and the listening tour right now.

21 Should we jump to Item (B)?

22 CHAIRPERSON NEUBERG: Please.

23 MR. FLAHAN: So we got Item (B), we previously
24 discussed, you know, do we hold one or two more, you know,
25 statewide tours/public hearings going around the state, one

1 for the grid map, one for the draft map. I know there was
2 some conversation about that in the last couple meetings
3 that we had.

4 Doug, do you want to add some -- some information
5 there?

6 MR. D. JOHNSON: Really, that's what we are coming
7 back to you for your direction, your decision on this. But
8 the question is, does between the adoption of the grid and
9 the adoption of the draft maps, does the Commission go back
10 out and get another round of, as Mark said, on-site visits;
11 or, is it more a -- a open hearing process where people can
12 participate from wherever and share their thoughts on the
13 map page.

14 One thing we did discuss at staff level is at
15 looking at the two stages between the grid and the draft
16 versus between the draft and the final; and if you're only
17 going to do a listening tour one of those two, I think our
18 suggestion would be to certainly do it the second stage,
19 because that's when all the final decisions and, really,
20 the -- the rubber hits the road as the phrase goes. So if
21 someone can't for some reason participate in hearing the
22 first round between the grid and the draft, then they could
23 still be heard before the final decision, which makes --
24 which I think would be our suggestion over the other way
25 around.

1 But other than that, I'm happy to answer any
2 questions you have. I'm looking for your direction.

3 CHAIRPERSON NEUBERG: Commissioners?

4 COMMISSIONER LERNER: This is Commissioner Lerner.

5 I tend to agree with Doug. I think the real key
6 one is once we have lines drawn for another round of
7 listening tours.

8 COMMISSIONER YORK: Yeah, my feedback is due to the
9 commitment of time and also the shortness of time we have to
10 make decisions, I believe that the -- the tour after we draw
11 draft maps would be the one that we should recommend.

12 COMMISSIONER MEHL: This is Commissioner Mehl.

13 I agree with both -- both the other the
14 Commissioners.

15 VICE CHAIR WATCHMAN: This is Vice Chair Watchman.

16 Yeah, I agree with that too. The only challenge
17 that I see is that, you know, just looking at -- and I have
18 attended all the sessions so far, two physically and the
19 other -- the balance, you know, by Internet, and so I'm not
20 sure if we're seeing all the communities of interests and
21 we're not hearing from them and how do we make sure that
22 we -- we hear from them.

23 You know, for example, there's 23 tribes, I think
24 we've heard from three. I don't know and maybe I missed,
25 you know, when folks identified themselves but, you know,

1 other parts of our communities, the Hispanic community.
2 Maybe I'm missing it, but I don't think I've heard from all
3 of our respective communities of interest.

4 And so, you know, in deference to them and how do
5 we make sure that we hear from them, you know. And so, yes,
6 it's a two-way street, you know, but we heard from -- you
7 know, from -- from the reservations that, you know, we -- we
8 may or may not have done a good job in trying to identify
9 locations; and that's the tough one in some cases because a
10 lot of reservations are -- they're still technically
11 shutdown because of COVID, and maybe we get past COVID.

12 So you know, if -- if we move to the draft maps and
13 we forego the grid map, I guess for me how do we -- for me I
14 want to hear from all 23 tribal leaders in this state. I
15 think that's very, very important, 'cause they represent
16 their communities of interest; and then I'd like to hear
17 from -- and probably will from Yuma and Nogales, but I
18 haven't heard from Phoenix, you know, the Hispanic
19 community. So I think it's important and incumbent upon us
20 to figure out how to reach them, and then that -- that will
21 all tie together, so.

22 But moving to draft map in the interest of time,
23 you know, I think that's acceptable by me at least at this
24 point.

25 So thank you, Madam Chair.

1 COMMISSIONER MEHL: This is Commissioner Mehl.

2 I think Commissioner Watchman brings up a good
3 point and really stresses the importance of our outreach
4 through social media and other means. I don't think adding
5 another tour would really help that, but I think that, you
6 know, we're adding two more people, we've got some
7 additional staff coming on, and I think it does highlight
8 how important it is for them to be really aggressive in
9 those outreach efforts.

10 VICE CHAIR WATCHMAN: Yeah. Thank you, Dave. Yep,
11 that's -- that's probably the key: How do we aggressively
12 get out there and impress upon the communities, you know,
13 this is very important; it's every ten years, so.

14 CHAIRPERSON NEUBERG: You know, these are excellent
15 points and I agree with all the sentiments that have been
16 raised. I think in terms of physical travel tour after we
17 have the draft maps, I -- I personally too would love to be
18 on the ground meeting, visiting, all of that. The question
19 is how -- how do we collect the best, most comprehensive
20 data between now and then; and is the physical on-the-ground
21 tour the most effective way to get that data in between?

22 And -- and if the staff, and I mean this broadly,
23 you know, we just experienced a collective effort that
24 required time, resources, investment and we're collecting
25 returns on that. I'd like to hear if the staff has any

1 recommendations or thoughts about that relative return on
2 investment.

3 And -- and can we along the lines of what my four
4 other colleagues just asked, can we before the draft maps
5 get -- get, you know, drafted, are we able in a virtual way
6 to -- to receive the information from communities of
7 interest?

8 And, if not, I'd also like to just, you know, make
9 myself available. Even though we don't do an official
10 travel tour, I believe that some of us are willing to be
11 very accessible to communities of interest. If you can't
12 come to us, reach out to us and let us know and we will make
13 a way to come to you.

14 And so, with that, I'd just like to see if the
15 staff has any thoughts or -- or feedback to share on this
16 conversation.

17 DIRECTOR SCHMITT: Sure. Thank you, Chair Neuberg.

18 The tour has been from my perspective really great
19 so far; we've gotten great feedback, folks really appreciate
20 that we've been there in person or virtually and had the
21 opportunity to share their thoughts and opinions on what
22 their communities of interest are.

23 The tour is time intensive, staff intensive, each
24 stop was probably -- we probably had 14 to 16 people
25 traveling, not including the Commissioners, so it is a large

1 undertaking. And we want to continue to do more outreach,
2 and I think now we'll have a little more time to do that and
3 focus on that over the course of the next month, month and a
4 half as we build up to grid maps and then draft maps.

5 So every day we're trying to add and get people
6 involved in every aspect that we can.

7 MR. D. JOHNSON: And if I can just add to that a
8 little bit, this is Doug.

9 I think two pieces: One, just to emphasize for
10 those watching, the Commission is debating whether or not to
11 travel around the state. Obviously, there will be lots of
12 opportunities for the public to share their thoughts, the
13 question is just whether we're physically traveling or -- or
14 gathering those in another means through meetings like this
15 and the opportunity for the public to share their thoughts.

16 The other is one of the advantages in terms of
17 data, Chair Neuberger, to your question is, what we have
18 available in the world of data is so far ahead of where
19 anyone was ten years ago. You know, I was thinking when we
20 heard from the Pinal residents about their development
21 boundaries, you know, now with these tools as people are
22 drawing maps, they can switch to the satellite map and
23 actually see where the houses are versus where the rural
24 areas starts, you know; and now we have the socioeconomic
25 reports where folks can just flip on the layers and see

1 exactly where boundary of the people who speak Spanish at
2 home stop or where, you know, all those different types of
3 characteristics, where there's kind of a border between
4 renters versus owner-occupied housing.

5 So I think in terms of data it's easier for the
6 public now to share their thoughts than ever before. If
7 people define their area as a development or as a
8 socioeconomic characteristic, they just need to let us know
9 that and we can tie the data to that far easier and faster;
10 and the public drawing their maps can also reference that
11 data far better than ever before.

12 I'm very optimistic about the utility of all the
13 comments and inputs we've been getting in terms of being
14 able to tie to essential maps.

15 CHAIRPERSON NEUBERG: I'm -- I'm starting to hear
16 some consensus around potentially looking at options to do
17 virtual learning, data collection after the grid map, and
18 focus on a robust listening tour after the draft map is
19 adopted and we'll go on the road with the caveat that, you
20 know, if there are communities that have challenges with
21 communicating to us through virtual means, that -- that
22 there are ways in which we can, you know, come to you and --
23 and collect the information that we need.

24 If there's disagreements or -- or further debate,
25 please -- please share.

1 Okay. Thank you.

2 I -- I think, you know, we're embarking on, you
3 know, a tremendous amount of data collection thanks to the
4 state and -- and to our staff.

5 Please continue.

6 MR. FLAHAN: So Item No. III is training options.
7 And I know last week we presented a couple of different
8 training options to you and, you know, how hands-on do the
9 Commission want to be; and I think this is the same item as
10 the discussion of holding, you know, one or two more
11 statewide listening tours, we're coming back to you, trying
12 to figure out, you know, what you guys have decided and what
13 information we need going forward.

14 COMMISSIONER LERNER: Well, I know -- this is
15 Commissioner Lerner.

16 From my perspective, you know, I'd like to get
17 hands-on as soon as you're able to get us in there so I can
18 begin to understand more of what's -- what's going to be as
19 part of the -- the maps that you're producing, so I'll have
20 a better way of looking through them.

21 And I think we had talked about that the
22 training -- I know I'd like the full level of training, I'm
23 interested in that full level. Again, not because I want to
24 be producing maps; but to understand the maps that are
25 produced, I would like to understand how they are produced.

1 So it helps me to have that full understanding of -- because
2 we are going to be recovering a lot from the public which is
3 going to be great.

4 So as soon as you're ready to -- to create the
5 schedule for training, that's -- that's my perspective
6 anyway.

7 MR. FLAHAN: Okay.

8 VICE CHAIR WATCHMAN: This is Commissioner
9 Watchman.

10 I agree, whenever you get it ready, you know, then
11 I can pop it on. I don't know how you plan it, but some
12 sort of -- some sort of webinar, self-paced maybe, is one
13 option, then I can go back and if I had some challenges I
14 will work with you all.

15 MR. FLAHAN: Okay.

16 CHAIRPERSON NEUBERG: Yeah, I think we're ready
17 next week, I think we need some Esri training. If I'm
18 pronouncing it properly.

19 MR. FLAHAN: I think the good news is that I can
20 report that it has been successfully installed, that was
21 today; so that was very exciting. So we have moved
22 definitely forward.

23 So I will work with Esri on -- on getting a list of
24 training points and topics, and then we can work on setting
25 time aside for that.

1 Doug, do you have anything else?

2 CHAIRPERSON NEUBERG: All right. I think we're
3 ready.

4 MR. D. JOHNSON: Nope.

5 MR. FLAHAN: Okay.

6 Then like to go to Item (D) for competitiveness and
7 grid maps selection.

8 I believe, Doug, you've got a presentation for
9 this?

10 MR. D. JOHNSON: Yes. Let's see here.

11 Okay. Let me share my screen.

12 COMMISSIONER YORK: Real quick, does anybody need a
13 break besides me?

14 CHAIRPERSON NEUBERG: How about we take a
15 three-minute break. Commissioner York, you give us the time
16 estimate.

17 COMMISSIONER YORK: What is it? So -37.

18 CHAIRPERSON NEUBERG: You got it. We'll see
19 everybody at 10:37. Thank you.

20 (Recess taken from 10:34 a.m. to 10:39 a.m.)

21

22 CHAIRPERSON NEUBERG: Okay. I see our
23 Commissioners, I want to make sure our broader staff is back
24 online with us.

25 Okay. I believe I see our team.

1 And, Doug, when you and Mark are ready to convene,
2 please do so.

3 MR. FLAHAN: Hey, Doug, before you start --

4 MR. D. JOHNSON: Yeah.

5 MR. FLAHAN: -- just want to revisit one -- one
6 quick point. I mentioned the Esri redistricting system is
7 installed, but I should also point out that we are still
8 doing some regression testing and set up before it's
9 a 100 percent ready for use. So just want to put that piece
10 out there too that way you guys have the full picture.

11 With that being said, I will turn it over now to
12 Doug.

13 MR. D. JOHNSON: Okay. And just so folks,
14 Commissioners, I'm going to talk walk through a little bit
15 of introduction and -- and what the last two commissions did
16 about the grid and go through those what they did in some
17 detail, and then have a suggestion for how this Commission
18 can approach it with some alternative options for you to
19 consider, and just want to say I'm throwing the suggestions
20 out there at the end to help the discussion along, but not
21 at all wedded to them if -- if there's disagreement.

22 So let me jump in, then. I have spent some quality
23 time recently with the transcripts and PowerPoint files from
24 the last two commissions, so hopefully you'll find this
25 useful.

1 First of all, the -- the key thing, of course, as
2 with everything is the language of Prop 106.

3 One of the key things is that Prop 106 says: The
4 commencement of the mapping process shall be the creation of
5 district of equal of population in a grid-like pattern
6 across the state.

7 It's pretty straightforward; simple idea.

8 Go to the next slide.

9 In 2011, I think they captured the idea of the grid
10 fairly well when one of the Commissioners stated this and
11 then the others agreed saying: "The purpose of the grid map
12 is really to make clear that we're starting over; we're not
13 taking existing districts and moving them around, we're
14 wiping the slate clear -- clean and we're starting over."

15 And one of the things I have at the end is actually
16 a comparison of both prior commission's grid maps with their
17 final maps, to see how -- to just really emphasize that
18 point that this is not so much about the details of the
19 grid, it gets massively redrawn before the -- the final map
20 is adopted in both the prior commissions, it's more about
21 wiping out the existing map and starting from scratch.

22 So going back to 2001, obviously, this is the first
23 time this has been attempted. So they actually had a number
24 of discussions and considered a number of things. What they
25 ended up was the idea of starting from what are called

1 townships, which as people know their history, it was how
2 the original the whole west was laid out; and then matching
3 those -- the idea of the nice, square, grid townships with
4 census tracts, which of course we have to use because that's
5 where the numbers come from and that's where we get our
6 equal population.

7 So they went through -- actually, they went
8 through three or four different ideas and trials before
9 landing on this approach, where they started at the -- at
10 the township-defined centerline center of the state, defined
11 it in geography terms as the Gila meridian and Salt River
12 baseline, kind of in the population center of the state; and
13 then they randomly chose which quadrant, you know, that
14 center point created four quadrants of the state, they
15 randomly chose which quadrant to start in and which
16 direction to go from there.

17 Ultimately randomly chose the northwest quadrant
18 and moving counterclockwise; and then they just aggregated
19 census tracts -- and I'll show you kind of how this works in
20 just a moment -- until they reached the population numbers.

21 And they found that the townships on their own
22 didn't really work as well, they had to look at township
23 grids and then ultimately what they called "super grids," as
24 they -- especially for the congressional map, as they
25 figured out how to gather in enough population in a

1 grid-like manner.

2 And you can see what they did within townships on
3 the right, these graphics. They would start -- you can see
4 the arrows above and below.

5 They started quadrant one and then kind of worked
6 their way around: One, two, three, four; and then reversed
7 the approach in the next township and then the next township
8 until they got to that number. It's a little abstract but
9 thankfully they also create some great graphics that I've
10 stolen -- or borrowed to show you.

11 So this is that map of townships, you can see
12 virtually all the state long, long ago divided up into
13 townships, with some exceptions; but, obviously, this is the
14 ultimate grid. But, of course, has been discussed before,
15 these little grids are far from population balanced, so
16 we -- and the census data is not compiled by township, so we
17 can't actually use the specific grids -- specific townships
18 for the grid, but the first Commission did use them as a
19 guide.

20 And so what they did, if you look in the bottom
21 right, you see the -- the red township square. Now, in this
22 kind of example, the methodology, is start there and then --
23 let's see -- start collecting in in essentially a grid-like
24 manner, you know, as I showed before: Left, up, right, and
25 then continuing on into those quadrants.

1 And this really is, township by township, is the
2 ultimate in grid-like manner.

3 And they just sort of worked their way around until
4 they hit either the county border or the population number.

5 So the townships, as I mentioned, worked great,
6 what gets tricky is when you put the tracts in because the
7 census geography is where we get our numbers, and they don't
8 follow the townships.

9 So we take the grid we just saw and really
10 starts -- and it really is powers of 2. And then it's 2
11 wide and then it's 4 wide and then it's 8 wide and then it's
12 16 wide.

13 They would take that approach and then try to match
14 it up with census blocs as well as they could.

15 But as you can see, as the census tracts fill in,
16 it's not clean, it's not easy. But that's the approach they
17 would take is kind of following the townships as a guide for
18 which tracts to pick as they tried to do a grid.

19 Thankfully they've gone through all this so we can
20 learn from their approach and not have to repeat each of the
21 kind of learning steps that they went through as the first
22 entry to do that.

23 As you can see on the left and right -- left is the
24 congressional grid, right is the legislative grid -- the
25 resulting maps. You have the statewide and then we have on

1 the left the Phoenix detail and then on the right the Tucson
2 detail for each map.

3 And if you -- the counties aren't overlaid on these
4 maps they pulled off the 2001 Redistricting Commission's
5 website, but if you know your counties, you can kind of tell
6 they did roughly follow county lines -- county borders,
7 although of course each county will need to be split once as
8 they moved for population balance from one county to the
9 next.

10 So in that way we got this somewhat grid like and
11 that's about as close to grid like as is possible.

12 I should note at the top the population deviations.
13 Keep in mind, we talked about constitutionally you've heard
14 about 10 percent is the -- the max that is presumably
15 constitutional. The legislative map on the right, the
16 deviation was at 7.45 percent, essentially they get, you
17 know, within plus or minus 5 percent, try not to be too
18 close to 5 percent, and then stop for their legislative
19 maps.

20 For congressional, as -- as you've heard before,
21 the population rule is really perfect balance, you can only
22 be off by 1 percent; but the first Commission got close to
23 that, just over half a percent difference between the
24 largest and smallest, but it was off by nearly 4,000 people.
25 The idea of being -- going from that 4,000 margin to a 0

1 margin is an enormous project of picking census bloc by
2 census bloc. So in this manner of accepting that -- that
3 slight deviation knowing that these maps are going to change
4 enormously, they could simply stick to using census tracts
5 and a simpler approach and a more understandable approach
6 without having to be questioned about why one bloc was
7 chosen versus another one to try to balance the map.

8 So they did accept larger than what was okay for a
9 final map in a deviation of a congressional grid.

10 So that is a quick summary of what was a very long
11 process in 2001.

12 In 2011, obviously they build -- built off what had
13 been learned before. Again, they were using census
14 geography and they were -- they closely laid out, the only
15 of the Prop 106 criteria they were following for the grid
16 was equal population and staying compact and contiguous, for
17 the -- for the grid-like manner with equal population under
18 the direction of Prop 106.

19 And they did follow census -- they followed
20 counties, census tracts, and they also followed census bloc
21 groups when they drew their map for reasons I'll show in a
22 minute.

23 They had an interesting approach, they actually
24 ultimately decided to draw two sets of maps: And Option 1
25 congressional map and Option 2 congressional map; and Option

1 1 and Option 2 legislative map.

2 Through lots of discussion they decided they want
3 to see both approaches. Instead of starting at that
4 township center point that IRC 1.0 started at, they chose
5 the densest populated central census bloc, which turned out
6 to be in Glendale at the corner of Montebello Avenue and
7 59th Avenue; so they choose a different starting point.

8 And then they moved -- then they flipped a coin to
9 decide from there, do they move clockwise or
10 counterclockwise and counterclockwise won for both. So map
11 Option 1 started at that point in Glendale and then followed
12 essentially the same process that 2001 did of aggregating
13 geography in a counterclockwise motion.

14 Map Option 2 was to start in a corner of the state
15 and then similarly go and then choose which direction to
16 move. So first they flipped a coin for east or west side,
17 and then they flipped a coin for north or south, and you can
18 see the southeast -- the east and south won those coin
19 tosses. So they started in the southeast corner and then
20 they flipped a coin to choose going into a clockwise manner.

21 And then both of those maps were drawn and brought
22 back, which led to a very extensive discussion; and,
23 notably, that Commission's first split vote on a map, and it
24 was slightly contentious even choosing a grid where they
25 ultimately choose the Option 2 congressional and Option 2

1 legislative maps on a 4 to 1 vote.

2 And here are their grid maps. This is the
3 congressional grid maps, they looked at Option 1 on the
4 left, Option 2 on the right; as I noted in both cases
5 they -- they chose Option 2.

6 And here are the legislative maps. Again, Option 2
7 which started in the southeast corner and built out from
8 there.

9 Let me go back to the congressional maps for a
10 moment.

11 They did -- 2011 did decide to get perfect balance.
12 So part of the reason there are a lot more small county
13 splits in this map, I believe -- I wasn't part of the
14 drawing, obviously, but I believe is because of that pushing
15 for perfect balance, which would require taking a little bit
16 of a piece here or there. Whereas, if you're relying on
17 more deviation at this stage you have a little more
18 flexibility to stick with whole tracts and whole counties.

19 But they did take that time and go down to perfect
20 balance, even knowing the maps would rapidly change going
21 forward.

22 Other alternatives. We have looked into, you know,
23 now we have various options for automated redistricting.
24 The common concern that comes up again and again, though,
25 is, you know, someone writes the algorithm and so that

1 induces decisions and induces measures and weights that then
2 influence the final map.

3 Also, for example, the Maptitude software --
4 redistricting software, has the ability to generate maps
5 automatically, but it needs the user to designate seeds,
6 starting points, either 9 if you're drawing 9 districts or
7 30 if you're drawing 30 districts; and it works from these
8 seeds. And, obviously, picking those seeds would influence
9 the result and -- and leads to complicated choices.

10 So the automated approaches may not be as -- as
11 independent or pure as -- as often are considered.

12 Along that line, one thing I did note was the 2011
13 Commission staff did highlight that it was a grid-like
14 manner that implies compactness and so they ran various
15 compactness formulas on the Option 1 and Option 2 maps, and
16 which one was defined as more compact depended on which
17 compactness formula was chosen. So if you built a
18 compactness formula into your algorithm that would determine
19 which map was chosen.

20 There is an alternative approach. Actually
21 Professor Duchin, which we heard from earlier, has one of
22 the programs that does this kind of thing, where you can a
23 generate a hundred or a thousand maps optimized for
24 compactness and then randomly choose one of them or randomly
25 choose one of the group in that batch that's considered most

1 compact. So that's possible, it would be a new approach,
2 but I don't know that it really gains anything over the
3 traditional approaches that the previous commissions have
4 taken.

5 And, of course, there may be other ideas that you
6 have or that others have suggested to how the grid might
7 be adopted that I haven't thought of or come across.

8 I do want to highlight, though, that point I made
9 early on about how much the maps change.

10 So this is the 2001, on the left is the
11 congressional grid, on the right is the final map adopted by
12 2001.

13 So you can see, you know, every district has major
14 changes to it in -- in this map.

15 Similarly in 2011, the selected congressional grid
16 is on the left, the final map is on the right. You can see,
17 you know, it -- it's hard to imagine that one came from the
18 other for either of these commissions, but that is the
19 beauty of and the value of all the input and guidance and
20 criteria that you will be applying after the grid map is
21 adopted.

22 So just to emphasize that the grid map is a
23 starting point, mainly aimed at wiping out the previous map
24 as a reference point, but it is nowhere near the final map.

25 So in terms of suggestions, again, I'm not wedded

1 to this, but to give you some concrete thoughts to think
2 about and react to, could really start with two or three
3 random picks.

4 You know, number one you could either choose to or
5 you could randomly choose whether you start in the center
6 townships point or in a corner. I think given the 2011
7 commission's decision not to use their -- the grids that
8 started from the population -- densest census bloc by
9 population, it's probably better to start at the township's
10 center point, it's a little more understandable for the
11 public as well.

12 So you can start either township center or a corner
13 and you can randomly make that choice or choose it for
14 whatever reason you wish. If it is a corner, you can
15 randomly choose which corner, and then randomly choose
16 clockwise or counterclockwise.

17 When we are make -- implementing those directions,
18 my suggestion would be to use counties and whole census
19 tracts. That does involving accepting slightly
20 less-than-perfect congressional district population balance
21 at a certain stage, but that can easily be adjusted as the
22 whole map gets redrawn anyways; it also benefits from there
23 is the Proposition 106 criterion to use whole census tracts
24 as much as possible.

25 And then similarly as -- as I showed, kind of

1 powers of two, taking one and then two and then four. As
2 you can see in the top rit -- top right graphic, revisiting
3 that. You know, you have 1 red and then you have 2 --
4 2-by-2 orange and then 4-by-4 yellow and then 8-by-8 and
5 16-by-16, taking that approach.

6 What we found looking back in 2001 and what 2011
7 really concluded, is the townships weren't that important,
8 it was more that square, 1-by-1, 2-by-2, 4-by-4, 16-by-16
9 approach could easily be done just using miles. You know,
10 go over one mile, up one mile; go over two miles, up two
11 miles; over four miles, up four miles. Or, you know, in the
12 urban areas, it may be fractions of miles.

13 But that kind of powers-of-two pattern just makes
14 sense. I think we can certainly use miles and distances
15 rather than township squares, they work fine.

16 And ultimately, as I mentioned, these are just
17 suggestions for you to react to, not wedded to them if you
18 have alternative thoughts. Because the key thought is how
19 much -- whatever grid is drawn is going to change before you
20 get to your final map.

21 So with that I will stop sharing and then welcome
22 your discussion and direction.

23 CHAIRPERSON NEUBERG: Commissioners, please ask
24 your questions.

25 COMMISSIONER MEHL: So in 2011 they tried to

1 respect county borders to some extent in the grid?

2 MR. D. JOHNSON: Yes. Yes, they did that sin- --
3 same kind of rotation process but with stop at the county
4 lines. But, as you saw on the map, with -- there's -- that
5 leads to some county lines being respected, but of course
6 you still have to cross because of population requirements.

7 COMMISSIONER LERNER: But they did do a little bit
8 more on the population size, right? In 2011 --

9 MR. D. JOHNSON: For the congressional map --

10 COMMISSIONER LERNER: -- as well. For the
11 congressional, right?

12 MR. D. JOHNSON: -- they did.

13 COMMISSIONER LERNER: Which was kind of interesting
14 just to see what happens when you actually take the
15 population into account, just as an interesting piece.

16 Do you not think that's important to do on the
17 first round? Do you think it doesn't matter? How important
18 do you think that piece is a since that's part of our
19 requirement?

20 MR. D. JOHNSON: I think the potential controversy
21 outweighs the value of it. Because to do that, you end
22 up -- you know, you will see as we go through this process,
23 you end up thinking: Which of these census bloc has -- here
24 are three census blocs that have three people in them, which
25 census bloc do we take?

1 In 2001 I remember the Maricopa elections officials
2 being upset because the final congressional map had a
3 district that took nine people out of the -- out of the city
4 of Phoenix, but it was the only place we could find nine
5 people in the whole -- whole border of the two districts.

6 So it -- I think it kind of takes you that --
7 number one, it takes time; and, number two, I think it gets
8 into too much controversy with which blocs to be picked to
9 rework that -- or work that exercise.

10 COMMISSIONER LERNER: And I'm just curious, you
11 mentioned that there was a 4-to-1 split. When we're talking
12 about the grid map and you're saying it's going to be
13 changed anyway, why was there controversy over -- if you can
14 give us some insight over what that controversy was about
15 when you're -- when it seems like all we're doing is wiping
16 the slate clean?

17 MR. D. JOHNSON: Yeah, I think part of the value --
18 just when I say this, I'm not criticizing what the past
19 commission did, I'm just saying the value that it is to
20 follow the past commissions and learn from what they went
21 through.

22 It was actually a dispute over the resulting map
23 was were there two congressional districts on the southern
24 border of Mexico or were there three, and (technical/audio
25 disruption) preferred -- even though that's a not a grid

1 criterion, one Commissioner was upset that there was -- I
2 forget which way it was, I'd have to go back, but he was
3 upset that both versions had three or that both versions had
4 two when he wanted to see the other approach and that led to
5 a negative vote.

6 So I think the lesson that can be learned there
7 is -- and -- and everyone back at the time acknowledged that
8 that was not a grid criterion, but it still led to an
9 acrimonious debate according to reading of the transcripts,
10 and I think the lesson learned is to just do one.

11 COMMISSIONER LERNER: One grid map you mean, draft?

12 MR. D. JOHNSON: Exactly.

13 COMMISSIONER LERNER: And since it was going to
14 change from, I mean, that three or two, whichever it was,
15 ultimately that was going to change anyway, right, as the
16 maps were laid out? So this was just the draft and then it
17 may not have been three or two, whatever that was in the
18 end, right?

19 MR. D. JOHNSON: Correct. Actually it did flip.
20 Looking at the -- from the grid to the final, it did go the
21 way that the one Commissioner preferred, so.

22 You know, again not criticizing the last
23 commission, just the lessons we can all learn from the past
24 experiences, when you have two maps in front of you it's
25 almost impossible to not start looking and weighing factors.

1 COMMISSIONER MEHL: I suspect that first commission
2 in particular, they weren't quite sure how much the draft
3 map would resemble the grid map. We can look back at the
4 last two commissions and can see a dramatically different,
5 and can be, I think, quite unconcerned about what this grid
6 map looks like, other than the fact that it wipes out the --
7 the old lines.

8 MR. D. JOHNSON: Yes. And just for the record,
9 folks maybe wondering why I don't have more insight into it,
10 I did work for the 2001 commission but I didn't start until
11 July; so I come on after the grid had been adopted, so I
12 wasn't privy to those.

13 But looking back at their record presentations,
14 they actually seeing the first -- they first adopted
15 actually about ten rules with how the grid should be adopted
16 and then have to come back and say: Well, those rules
17 didn't really work out, here's why, let's revisit this, you
18 know, here's the challenges we ran into and the choices we
19 had to make.

20 So I think it was actually the third approach that
21 was the one that was actually used.

22 COMMISSIONER MEHL: Doug, do you see any advantage
23 in starting at population center versus starting in a corner
24 of the map or...

25 MR. D. JOHNSON: Not that came clear to me. I

1 think the -- the first commission started in the middle, the
2 second one started in the corner, and I think both worked
3 out.

4 CHAIRPERSON NEUBERG: Just to share my two cents on
5 this conversation, and I appreciate, you know, my fellow
6 Commissioners (technical/audio disruption), I actually don't
7 want that much dialogue on these random maps because too
8 much dialogue implies that we're applying knowledge to a
9 random map.

10 And so my recommendation -- and I'm going to defer
11 to my colleagues, is that we pick one and we move on; and
12 I'm open to whether you want to start with the middle or the
13 sides, but the true deliberation starts post grid map, and
14 our effort is to provide truly an arbitrary map to wipe the
15 slate clean and start all over. And so I just want to warn
16 us not to -- you know, overthinking it is actually counter,
17 you know, to maybe what we're, you know, required to do.

18 COMMISSIONER YORK: So my -- my thoughts are that
19 we have two issues that are big in Arizona, immigration and
20 water, and that we should start in the southwest corner of
21 Yuma and go clockwise.

22 COMMISSIONER LERNER: And I'm -- I don't have an
23 opinion, Commissioner York; that could be a good way to
24 start.

25 I -- I'm wondering -- I agree, Chair Neuberg, that

1 we don't want to spend a huge amount of time, but we have a
2 three-week period after we select this, so I guess that
3 confuses me a little bit about that piece of it, of why we
4 have this three weeks after. Is that just so people can see
5 the grid and now begin to draw their maps, right?

6 Just want to make sure we are all on the same page
7 so that people aren't commenting on the grid map per se, but
8 they're commenting now that they have a grid map they can
9 actually now provide input, because I don't want there to be
10 confusion from the public.

11 MR. D. JOHNSON: Yeah, you know, it's a sad task
12 but you might almost look at it as the grid map is drawn to
13 be hated.

14 So, you know, it's super simple. I mean, the --
15 the fact that immediately jumps out at everyone, is the
16 tribal reservation is not respected, you know, and there's
17 no Voting Right Acts considerations in this and no
18 competitive. So, it is clearly drawn to trigger people
19 giving thoughts on -- because it's really easy to make it
20 better, so it's clearly drawn to generate those discussions
21 on how to make it better.

22 COMMISSIONER MEHL: I'm good with starting anywhere
23 anybody wants to start; and I do think doing the equal
24 population and respecting counties to the extent practical
25 is about the only guidance we should give, and -- and just

1 make it happen and move on and head to the real maps.

2 COMMISSIONER LERNER: And, Commissioner Mehl, I'll
3 agree. I think if we can add in respect for the counties
4 into that, that would be great. And --

5 COMMISSIONER MEHL: I agree with that.

6 COMMISSIONER LERNER: And I just, I don't know if
7 we want to just for the sake, because the other
8 Commissioners looked at it, I have no real preference at
9 this point. More -- more I just enjoy the curiosity if
10 anything, unless we have to decide, you will be coming back
11 next week to show us our grid map, correct? Is that right,
12 Doug?

13 MR. D. JOHNSON: I did not have a chance to check
14 the schedule. I'm not sure if we have -- because we need
15 the population data, so it won't be next week.

16 COMMISSIONER LERNER: Right.

17 MR. D. JOHNSON: But as soon as the population data
18 is in the system then, yes, we would generate it and bring
19 it back.

20 COMMISSIONER LERNER: So just for -- again, I have
21 no issue with the southwest corner of Yuma, but it might be
22 interesting to do a southwest and northeast just to have two
23 maps to look at, one which starts up on the northeast part
24 of the Navajo Reservation maybe and then do one on the
25 southeast with Yuma.

1 I don't know how people feel having two just to
2 look at, I know it's not a big thing, but it might be
3 interesting.

4 CHAIRPERSON NEUBERG: I understand this, I just
5 want to pose a conceptual question, if we start beginning to
6 ask for multiple grid maps, is that not us applying the
7 constitutional criteria already? Does that not make moot
8 the random aspect of this?

9 COMMISSIONER MEHL: I also think just by having two
10 maps we're going to have -- invite disagreement on something
11 that we're -- you know, we're going to have enough
12 disagreements later. I'd rather not have disagreements on
13 something that doesn't matter.

14 So I don't care at all where we start in the
15 northeast corner or the southwest corner and I have no
16 opinion on it, but I do encourage us just to do one grid map
17 and -- and, therefore, not have anything to discuss or
18 debate.

19 Which emphasizes my understanding of how
20 unimportant this grid map is other than wiping out the old
21 map.

22 MR. D. JOHNSON: Yeah, and just if I can add to
23 that debate a little bit, it was interesting going back to
24 the transcripts last commission, the discussion you're
25 having is almost exactly the discussion they had, with one

1 Commissioner said: What does this matter, how can we
2 possibly be debating this? And one Commissioner saying: I
3 don't know it doesn't matter but I hate this map.

4 And just for the record, those two Commissioners
5 were the same party, so it wasn't a partisan split coming
6 out, it was just that.

7 So I think given that lesson learned, they shared
8 the same curiosity about seeing two maps, but I would lean
9 towards not doing two maps unless you -- unless you really
10 want.

11 CHAIRPERSON NEUBERG: I feel relatively strongly,
12 actually, about not doing two maps. Not again, you know, I
13 love intellectual debate and I could do this endlessly but I
14 feel that it's meant to be random and so, therefore, I don't
15 like the idea of debate.

16 And so, with that, you know, I would like my
17 colleagues to -- to decide.

18 And we don't have to -- my understanding is we
19 don't need to decide today, but we do -- well, I believe
20 we're slated to decide next week.

21 COMMISSIONER MEHL: Well, there's no reason not to
22 decide because there's not a whole lot more to debate. So
23 for the interest of moving forward, I will make a motion.

24 I make a motion that we do one grid map for --

25 MR. B. JOHNSON: Commissioner Mehl, I -- I

1 apologize, it's for -- it's on this agenda, I don't believe
2 we have the ability to do a vote and a motion. If you want
3 to make your motion for consideration at the next meeting,
4 so be it for sure and then you are also allowed to get
5 public comment for that week period, but I don't believe we
6 can do a vote today.

7 I don't know if Roy agrees with me.

8 MR. HERRERA: Yeah, I completely agree, it's not on
9 the agenda so we would have to agendize it for next week if
10 we were going to -- going to have a vote.

11 So it could, as it sounds like from Commissioner
12 Mehl, it will be a pretty quick simplified matter, so we'd
13 have to put it on the agenda.

14 COMMISSIONER MEHL: Then I will suggest for us to
15 ponder for a week the following motion: That we authorize
16 our mapping consultants to do one grid map for each of the
17 legislative and congressional districts -- or, maps, and
18 that they do it by using miles, whatever is most convenient
19 for them as consultants, and that they respect counties to
20 the extent that they can and equal population rounded
21 reasonably.

22 And I will let Shereen add to my suggested motion
23 where she wants to start. So I don't care.

24 COMMISSIONER LERNER: I don't have a strong
25 preference. I would like to hear from

1 Commissioner Watchman, too, on that. I don't necessarily
2 have a strong preference, I was just throwing it out there
3 as another option. So I'm not trying to take away the Yuma
4 beginning either as much as possible.

5 VICE CHAIR WATCHMAN: Well, thank you. There's two
6 reservations in Yuma, by the way. There's the Quechan Tribe
7 and then the Cocopah, they're right -- right in -- within
8 the city limits of Yuma.

9 At this point I don't -- I don't really have a
10 strong feeling. I think I'd like to listen to the next
11 agenda item that's coming up about the Native Americans or
12 -- or the Voting Rights Act, and then that will probably
13 help me decide, you know, whether or not we have two grid
14 maps, one grid map, and where do we start.

15 But I think, you know, we as Commissioners should
16 identify a spot and if we agree all to it, and then we work
17 from there; and then we direct our -- our consultants to
18 move forward on that, so.

19 But listening to the next agenda item will help me
20 and then next week we'll, you know, as Commissioner Mehl is
21 pointing out we'll have a chance to vote on it, so.

22 COMMISSIONER MEHL: And at this point I don't think
23 we need to formalize the motion but we've at least outlined
24 a direction we can go. Let's get on the agenda that we will
25 have a vote on this next week and we can all stare at the

1 ceiling and decide what we want to do with it, but...

2 VICE CHAIR WATCHMAN: I'll bring my darts.

3 COMMISSIONER MEHL: Yeah, there we go.

4 COMMISSIONER LERNER: Commissioner Mehl, I agree
5 with what you have outlined, by the way: Miles, counties,
6 and equal population, I think that's a great start too.

7 VICE CHAIR WATCHMAN: Well, if I could, though, in
8 -- in -- well, we'll see what -- what kind of a substantive
9 and legal analysis our legal counsel points out about the
10 Voter Rights Act as it relates to, you know, Indian country,
11 because Indian country as -- as I'm learning, you know,
12 reservations are -- I think they're -- and we'll hear about
13 it specific to the Voter Rights Act, but, you know, I'll --
14 I'll listen in and we can go from there.

15 One caveat is we may have to respect, even
16 though some of them are small, we still have 23 reservations
17 here in the state and --

18 COMMISSIONER MEHL: Commissioner Watchman, that --
19 that will not apply to the grid map whatsoever by the
20 constitution and it applies very strongly to the draft maps
21 and final maps.

22 VICE CHAIR WATCHMAN: Exactly, but we have to keep
23 that in mind too. So -- that's one of our jobs.

24 But I hear what you're saying. Thank you.

25 MR. D. JOHNSON: If I can just for clarification,

1 the reason the counties came up earlier is that census
2 tracts are drawn county by county, so by using the tracts
3 you kind of end with up counties as opposed to -- but I
4 couldn't find any reference to the past ones, but I would
5 guess that's why counties come up and tribal reservations in
6 the debates because of (inaudible/multiple speakers).

7 VICE CHAIR WATCHMAN: Well, if I could as a little
8 bit of history, most reservations were created in 1867, and
9 the state of Arizona 1912 and so somehow, you know, the --
10 it's history, but -- but the state of Arizona forgot about
11 the tribes, you know, to a certain respect.

12 And so I hear what the constitution says so, you
13 know, I have to raise that as -- as a point of contention
14 especially for Indian country.

15 But let the process move forward, we'll hear about
16 what -- what the Voting Rights Act says and, you know,
17 we'll -- we'll deal with what the constitution says.

18 So thank you.

19 CHAIRPERSON NEUBERG: As it relates to the grid
20 map, it sounds like all five Commissioners are very onboard
21 with picking one, voting on it next week; respecting
22 counties, population. The one thing that we -- that we
23 haven't decided, and maybe that's the most random element is
24 do we start southeast, southwest, the middle.

25 And I don't know if you need that answer today,

1 Doug, but if any -- I mean, it's so random. If anybody
2 opinion has an opinion about the starting point.

3 I think, Commissioner York, you said on the
4 southwest side?

5 COMMISSIONER YORK: Yeah, in Yuma. My concern, I
6 mean, the Colorado River is always going to be a contention
7 for Arizona and immigration, so I -- in my head that was a
8 likely place to start. Not that it means anything, but it
9 was a definitely something that I thought of.

10 MR. D. JOHNSON: And I can mention, in 2011 the
11 press release actually went to far as to highlight the year
12 of a quarter, it was a 1965 quarter that was used for the
13 flip. So it is -- would also leave on the table for you to
14 consider next week just flipping a coin to choose too.

15 COMMISSIONER LERNER: And -- and last time they
16 started in the southeast, right?

17 MR. D. JOHNSON: That was where the coin sent them,
18 yes.

19 COMMISSIONER LERNER: Yeah. Sounds good.

20 COMMISSIONER MEHL: I can assure you, if I thought
21 it mattered I would have an opinion; I have no opinion.

22 MR. FLAHAN: To answer the question about schedule
23 that was a while back, on the schedule the grid map adoption
24 is not until September 14th.

25 I know that came up. Just so you guys are aware.

1 MR. B. JOHNSON: Right. Real quick, though, let's
2 make sure we're clear here, Mark: The way to draw the map
3 is going to be chosen next Tuesday as a vote, you're going
4 to get the competitive -- or the data from the census, if we
5 wait past the census time frame we're kicking the can down
6 the road again; and when you present the grid map, that is
7 the presenting of the grid map, going through all the data
8 and going through what Commissioner Mehl -- all the
9 Commissioners, whatever they vote on, that will be the date
10 of the presentation of the grid map that will be voted upon.

11 Am I clear?

12 MR. FLAHAN: Yes. That's exactly what I meant.

13 MR. B. JOHNSON: Make sure we're not kicking
14 something down the can -- down the road again.

15 MR. FLAHAN: That wasn't my intent, I just heard
16 the question and I wanted to make sure that was -- that was
17 thrown out there.

18 MR. B. JOHNSON: Okay, perfect.

19 CHAIRPERSON NEUBERG: And, you know, I just want to
20 add one little comment because I think we're all feeling the
21 pressure of a compressed time frame.

22 Just because we can kick a can down the road,
23 doesn't mean it's the wisest thing to do. And so I just
24 implore our team, there's so many unexpected, unknown
25 challenges that are about to -- to hit us, with such a

1 compressed time frame, particularly with some of these
2 decisions where there aren't unknowns, we can make these
3 decisions now. It's not that they're waiting for -- for
4 unknown information.

5 So when we can make these decisions and we can move
6 forward, I really hope collectively we could stick as
7 closest to the strictest version of our time frame as we can
8 out of respect for all the things we don't know that's going
9 to head our way.

10 MR. D. JOHNSON: Okay. I think -- unless the legal
11 team has any feedback, I think we have good direction on
12 what to bring back.

13 And, yes, we can come back with the agendized,
14 the -- the Commission making a decision on this, and you can
15 decide where the starting point is and direction at that
16 point unless Legal has any guidance on that.

17 MR. HERRERA: No, I think we're good to go.

18 CHAIRPERSON NEUBERG: Okay. Great.

19 Mark, you're not done.

20 MR. FLAHAN: Yes, we have -- we have quite a bit
21 for you guys today.

22 CHAIRPERSON NEUBERG: And again, you know, I -- I'm
23 accused of not giving breaks to everybody. So if at any
24 point anybody needs a break, please chime in.

25 MR. FLAHAN: Well, if there is nothing, then

1 let's -- let's move to (E), the practical voting rights
2 session by Doug. I think he has a PowerPoint for us.

3 MR. D. JOHNSON: This is my day in the spotlight
4 here.

5 Very briefly as -- as setting ground up for this,
6 the idea here is to not revisit what -- what Roy already
7 very ably presented previously about what the law says, you
8 know, the -- the specifics of the law, this is really to
9 give you a commissioner's practical view of what you'll see
10 and the decisions you will face related to the Voting Rights
11 Act as you go through this process.

12 So, with that, let me share the presentation.

13 And I thought, Chair Neuberg, you made a very good
14 point earlier, which is these are things we know, there will
15 be lots of surprises; and the only thing expected is that
16 there will be unexpected through this process.

17 Briefly summarizing as I mentioned the presentation
18 you received June 29th, taking all the details that were
19 presented then to summarize them to a practical key goal of
20 the Voting Rights Act, is to ensure the creation where
21 possible of geographically compact majority-minority
22 districts where the protected class is reasonably assured of
23 being able to elect the candidate of its choice.

24 So there there's a lot of more detail and a lot
25 more substance to -- to that idea in that June 29th

1 presentation that I'll refer you all to, but that really is
2 a big-picture goal, is to giving an equal opportunity to
3 what the law defines as protected classes.

4 So we're talking Latinos, African Americans, Native
5 Americans, and Asian Americans that are generally the
6 universally defined protected classes.

7 One thing to think about when you hear talk about
8 the Voting Rights Act is there are different focuses of the
9 Voting Rights Act in the literature, depending on whether
10 the literature is aimed at the potential plaintiffs or
11 whether the literature is aimed at the jurisdictions, in
12 this case the State.

13 So was talked about back in June, to bring a
14 Section 2 challenge under the Voting Rights Act, the
15 potential plaintiffs must be able to prove that they can
16 draw a district where the protected class is a majority of
17 the expected voters. Among other things, there's a lot of
18 other consideration.

19 But you hear a lot of talk about the law requiring
20 the drawing of district where the protected class is a
21 majority, just want to put that in context, that is a
22 requirement for a plaintiff to bring a challenge; I think
23 the term is "standing," to show standing, but I'll defer to
24 the attorneys on those types of terms.

25 From the perspective of the State, what the State

1 has to show when you're drawing maps to show that they're
2 legal is that they are effective. That they give that
3 opportunity to elect to the protected class, among many
4 other things.

5 And -- and as I'll talk about, a district does not
6 necessarily have to be a majority district to be an
7 effective district; but it -- it often does, and sometimes
8 it might even have to be a little higher than a majority.

9 So what is effectiveness? How is that looked at?

10 Number one, how many protected class voters are
11 there? If there are a majority of the expected or potential
12 voters, that's pretty clearly an effective district. You
13 can also go too far as was talked about back in June, you
14 can pack; but when we're measuring does it reach that --
15 does the district reach that effective level, that's what
16 we're looking for, number one. Is it -- if a protected
17 class is a majority of the voters, that's looking pretty
18 good.

19 There is a second factor, though, of how cohesive
20 is -- are the voters in that protected class? Do they vote
21 as a bloc? Do they often split internally? If there is a
22 history -- a clear history of splitting internally, well
23 then that -- they may be a higher percentage to be
24 effective.

25 Or do they vote fairly unified? In which case,

1 that number to make it an effective district would be lower
2 if they're voting consistently 90 or so percent together or
3 any high number.

4 Then, of course, the flip side of protected class
5 cohesion is crossover votes. How much support do the
6 preferred candidates of the protected class typically get
7 from nonprotected class voters?

8 So if there's a high history of crossover and
9 consistent history of crossover -- can't just be one-time
10 exceptions -- then that effectiveness number would come over
11 if the protective class can regularly count on 10, 20
12 percent of crossover voting, then it can make an effective
13 protected class seat even if it's not a majority protected
14 class seat.

15 So those are the key numbers that drive the
16 definition of whether the district is protected; and all
17 this stuff please take with a caveat. There are, among
18 other factors, there's always unique factors in every case
19 and analysis.

20 So having measured these three factors, first, we
21 look at the numbers. There are various measures of
22 ethnicity and surnames you'll get. Total population, voting
23 age population both come from the decennial census; citizen
24 voting age population data comes from the American Community
25 Survey. We already have that data and there's also

1 surname-identified voter records.

2 All these different numbers will be in the data
3 set. The key one that is almost all -- almost always the
4 focus is that citizen voting age population figure, because
5 it is the what Courts, at least the Ninth Circuit Court, has
6 looked at as the best measure of the potential voting bloc;
7 but all the other data can help give the full picture of
8 whether a district is effective.

9 Then the protected class cohesion and the typical
10 crossover voting percentages are determined by that
11 polarized voting analysis of past voting behavior. So that
12 really highlights how important that is. That analysis also
13 plays another role if that process is brought by a
14 plaintiff, but that's separate from our discussion.

15 When we're looking at numbers that you need to try
16 to aim for to meet the requirements of the Voting Rights
17 Act, we're really looking at identifying that cohesion level
18 and identifying that traditional crossover level.

19 Challenges when you're looking at this is regional
20 variations. You can -- you -- even within the same
21 protected class, so amongst African American, Latinos,
22 Native Americans in one part of the state, there may be
23 higher turnout, historical turnout levels, things like that
24 that in another part of the state. So those different areas
25 would have different effectiveness numbers.

1 Similarly, the political cohesion can definitely
2 differ. One thing historically -- not talking about only
3 Arizona but historically everywhere, when a protected class
4 is first getting close to electing their first
5 representative on the city council or their first
6 representative in congress, there's enormous cohesion
7 rallied by that; and then once that becomes routine there
8 tends to be more dissension.

9 So depending on the history of a given area, the
10 level of political cohesion can differ from that same
11 protected class in a different area.

12 Similarly, crossover voting levels can vary greatly
13 from one part of the state to another.

14 And the thing to be careful of and the reason this
15 is always a bit of gray judgment-level analysis, is there
16 can be sometimes huge year to year variations and turnout,
17 and it can be hard to do -- similar to what we're talking
18 about competitiveness, looking back it's easy, looking ahead
19 to predict how these districts you're drawing will perform
20 can be hard to predict what turnout levels will continue.

21 And then, of course, in every election, especially
22 as you get more local or higher profile like presidential,
23 there are candidate-driven factors that we want to try to
24 isolate and -- and minimize if we can in our analysis, so
25 that we can analyze your proposed districts and how they

1 will perform with a minimum of kind of noise from factors in
2 past elections that may or may not continue in future
3 elections.

4 So those are challenges we face in coming up with
5 these numbers.

6 So if there are these regional variations, how do
7 we analyze region by region? How do we determine the
8 regions? Typically that's based on population patterns.

9 So here you see on the left what's called a heat
10 map, as the colors getting hotter like the yellow and red,
11 that's where there are higher percentages. On the left it's
12 Latinos, in the center is Native Americans, and on the right
13 is African Americans.

14 Not looking -- obviously you can't see real
15 details; I'm just trying to give you a sense of regional
16 glances of how we might look at this.

17 So, you know, on the left the Latino mapping see
18 there's clearly the Phoenix area -- greater Phoenix area,
19 there's the kind of eastern Pinal southern Gila County area,
20 and there's Tucson and Santa Cruz County and a little bit
21 down in the southeastern corner. So those might be
22 different regions that we would need to analyze -- oh. And
23 then, of course, Yuma. Sorry.

24 So each of those we would need to look at and see,
25 are there different regional patterns in those highlighted

1 areas?

2 Similar, Native Americans, I mean no surprise, when
3 we mapped the Native American percentages, the areas that
4 jump are the tribal reservations, and so you can see those
5 areas. And we want to look at, are there different levels
6 of cohesion and different effectiveness numbers say in the
7 Navajo Nation than one of the Tohono O'odham.

8 And then for African Americans you can see really
9 the only concentration, geographic concentration where they
10 pop at all and they're still below 50 percent is in Maricopa
11 County in that southeast area, where you can just barely
12 make out a little bit of blues in there.

13 But that is not a population that is any longer a
14 majority of any given area, but they may still elect
15 sometimes, so it's worth -- we still want to consider that.

16 So we do this region-by-region analysis, we get
17 kind of targets, and these are not precise targets; this is
18 a gray science, not a precise science. But we get targets
19 for what are those effectiveness numbers.

20 And then as in all things this Commission will do,
21 numbers are a piece of the puzzle but they're all subject to
22 community input, community analysis and requests and other
23 what the Voting Rights Act calls totality of circumstances
24 factors that you can see at much more detail at June 29th.

25 For example, if an area is a historic area with a

1 long established history of generating, you know, Native
2 American or Latino or African American candidates, well --
3 and -- and those candidates being successful, well, that's
4 going to factor into this analysis differently than an area
5 that is more new arrivals, whether immigrant arrivals or
6 arrivals from South California or wherever. You know, an
7 area that's more heavily new arrivals may have less history
8 of electing and may have a different effectiveness number
9 than that first area described.

10 So those are all the kinds of things you try to get
11 from community input and community feedback in addition to
12 the numbers; this is not purely a numbers game.

13 So that is kind of an introduction to the practical
14 side of how we approach this and what you'll get, the
15 reports and the decisions you will face and the input we'll
16 be seeking as we go through these -- these deliberations
17 throughout the state.

18 Happy to answer any questions that may have
19 triggered.

20 There's no action needed by the Commission; this is
21 really just to set the stage for what will be -- as
22 Commissioner Watchman noted, what will be a big and
23 important topic as you move forward from the grid.

24 COMMISSIONER MEHL: This is Commissioner Mehl with
25 a question.

1 Doug, I think one of our challenges is going to be
2 that we have a number of districts today, both
3 congressionally and the legislature that are
4 majority-minority districts, but we're going to need to add
5 a bunch of population because of the change of population in
6 the state and there's not a lot of minority population to
7 add to those places.

8 So how do you determine a crossover voter's
9 propensity to vote for a minority candidate when you're
10 bringing in an area that's never had them on the ballot to
11 test whether they are or not? Is it party registration or
12 how -- how do you look at that?

13 MR. D. JOHNSON: That's a great question. This was
14 a huge issue back in 2001 when there was a legislative
15 district that had historically elected Native Americans, but
16 it was actually the smallest district, it was 25 percent
17 underpopulated, so who -- where do you go to get that
18 population?

19 And it's a very hard question. I think you nailed
20 it on the head, if -- if there's -- if the areas around
21 there have not historically had Native American candidates
22 running or use exact legal term -- candidates preferred by
23 Native American voters running and we can't really do a
24 polarized voting analysis and a cohesion and crossover
25 analysis numerically, that really comes down into community

1 input and -- and where does that testimony say makes sense
2 to go.

3 There may be some analysis possible in terms of if
4 we have a statewide election where there was a clear
5 preference of the protected class population in -- in
6 question, we might be able to look at where that a candidate
7 also did well, but that is -- it's definitely a -- a
8 second-choice analysis numerically compared to actually
9 having a head-to-head traditional Voting Rights Act
10 analysis.

11 But, yeah, I would -- I would say that there may be
12 some numbers we can add to that but, primarily, it's going
13 to be community input guiding your -- those decisions.

14 COMMISSIONER MEHL: I was hoping you'd have an
15 easier answer than that.

16 MR. D. JOHNSON: Well, and as you know, we don't
17 have the numbers yet, so maybe -- you know, one of the --
18 this census is the most interesting census in a long time.
19 So maybe these districts will -- will be fully populated,
20 who knows.

21 Other questions?

22 So one of the -- one of the things, actually that
23 question somehow triggered a thought that I didn't include
24 in the presentation but it's probably worth mentioning, is
25 that I noted that an effective district may not need to be

1 fully 51 percent or 50 percent plus one and you can get into
2 trouble with packing, and the biggest question you run into
3 in that line is, where else can you put those voters?

4 If you have an option of having a seat let's say
5 59 percent or 51 percent, if you put that -- the community
6 in question in another district, do those voters have the
7 ability to elect their preferred candidate in the second
8 seat? In which case that, you know, makes sense to move
9 them over there and give them that shot at that second seat,
10 and in keeping them in their first seat might be packing.

11 Versus if you're putting them in the second seat
12 and the analysis is that there's really not a significant
13 chance of electing their preferred candidate, then it may
14 make sense to keep them in the first seat. Where even
15 though they're not vital to make it effective, they can
16 still be with their voting bloc that's electing their
17 preferred candidates.

18 So to your point of it being complicated and not
19 simple, this all gets very complicated down the line.
20 Certainly.

21 COMMISSIONER MEHL: I think the more practical
22 thing we may run into is a choice between you draw a really
23 gerrymandered funny district to go find more of the minority
24 people, or you draw a more compact district bringing in
25 people that are not of -- not the minority but they may have

1 similar voting patterns or may not.

2 But I think I can see places on our map where we're
3 going to face that exact issue.

4 MR. D. JOHNSON: Yes. And I -- I completely agree
5 and I -- would -- I will stay ten feet to that and refer you
6 back to the June presentation of those...

7 COMMISSIONER LERNER: These were -- these were
8 questions that I had as well, Commissioner Mehl, so thank
9 you for raising those.

10 'Cause I was also wondering about how this would
11 all -- and I assume what will happen, Doug, is that you will
12 be working through a lot of the options and you can say:
13 Here's a good example -- just what you said: Here's an
14 example of where a district is packed and here's where we're
15 moving them out and here's what the numbers and the data
16 looks like to help us analyze that.

17 COMMISSIONER MEHL: And (inaudible/multiple
18 speakers) speaking, we're going to turn to Roy and Brett and
19 say: Give us some guidance here, which is more defensible?

20 MR. D. JOHNSON: Yeah, and I think we will
21 certainly be looking at, and one of the nice things is that
22 over both of the previous commissions, both the Native
23 American community and Latino community were extremely
24 active and -- and very clear in coming forward with
25 extensive analysis and numbers for your consid- -- and maps

1 for your consideration as well; and we certainly hope that
2 they will continue that tradition.

3 CHAIRPERSON NEUBERG: Commissioner Mehl, you just
4 brought up our counsel, and just out of respect just in
5 case, either of you would like to chime in? No need, we can
6 continue, but -- but since you were brought up I just wanted
7 to check in to see if you had anything you wanted to share.

8 MR. HERRERA: Not -- not really. I would just add,
9 you know, that Brett and I are here to, you know, help guide
10 the Commission as the mapmaking goes forward, so that
11 certainly is part of our role. But nothing else to add.

12 CHAIRPERSON NEUBERG: Okay. Continue.

13 MR. D. JOHNSON: That's all I had unless there are
14 other questions from the Commission.

15 Obviously this is a topic we will be returning to a
16 lot as this goes forward; both in open and in closed
17 session, I suspect.

18 CHAIRPERSON NEUBERG: We appreciate, I mean, you
19 know, the amount of work/time you've put into our collective
20 project has -- has been tremendous. Thank you for all of
21 this.

22 We look forward to next week hopefully voting on
23 our grid map, hopefully voting on our competitive measure
24 tests; and, Commissioners, if you have other specific
25 questions to help you make your decisions, I believe our

1 staff is accessible, please reach out and make sure that any
2 outstanding questions that you have are resolved so that you
3 feel comfortable with the information we have, and we're
4 ready to move forward with decisions.

5 Okay. And if there are no further conversations
6 with this very robust conversation of Agenda Item No. V, I
7 think we can move on to Agenda Item No. VI unless anybody
8 needs a break.

9 And that is discussion concerning Native American
10 Voting Rights Act and interaction with other Voting Rights
11 Act laws and Arizona redistricting process.

12 Just as a matter of context, Vice Chair Watchman
13 just requested that our legal counsel dive a little deeper
14 into the application of some of these new laws or -- or
15 Supreme Court decisions on voting rights, how it relates to
16 the Native American population in Arizona.

17 I would like to say that we can open it up to our
18 counsel for their public presentation. After that, if there
19 are specific legal questions as it relates to the
20 application of this information to our efforts in
21 redistricting, we can vote to go into executive session.

22 The rationale for that is that it is for the
23 purpose of obtaining legal advice to further implement
24 and/or advance the legal issues related to this VRA
25 presentation pursuant to A.R.S. 38-431.03(A)(3).

1 And, with that, I will turn it over to Roy of our
2 counsel.

3 MR. HERRERA: Thank you, Madam Chair. So I'm going
4 to try to share my screen here which is always a daunting
5 task.

6 So sometimes the technology is tough. All right.
7 Can you guys see the presentation?

8 CHAIRPERSON NEUBERG: Yes.

9 MR. HERRERA: Okay. Of course I have it at the
10 end, which is not helpful, so I'll go back to the beginning.

11 But I think the purpose is as -- as Madam Chair
12 noted, is this is a continuation of a discussion that we had
13 back in June, as Doug referenced, when we did an overall
14 presentation on the Voting Rights Act and some of the
15 requirements under Section 2 which, of course, applies to
16 redistricting and overall voting procedures.

17 So what we wanted to do here is I think do a deeper
18 dive into how those laws are particularly applied to Native
19 American populations in the United States and in Arizona.

20 So I think, you know, what we're going to do here
21 is I'm going to do a sort of a more historical overview of
22 the history of discrimination against Native Americans, and
23 in particular Native American voting rights and political
24 rights; and then after that, I will talk through some
25 specific, you know, areas where Native Americans have

1 litigated, you know, particular -- an alleged particular
2 discrimination; and then I think I'll end with a discussion
3 on the Voting Rights Act in particular, both in different
4 areas where the Voting Rights Acts have been -- has been
5 used to protect the rights of the Native American
6 population, and then more specifically at the end I'll talk
7 about how it's been applied to redistricting.

8 I think you will notice that a lot of this
9 presentation is, I think, helpful background information and
10 contextual information for the Commission, but a lot of it
11 isn't directly relevant to redistricting, but it does again
12 sort of inform, I think, your decisions when you're thinking
13 about Native American populations as a community of
14 interest, for example, in some of the other decisions you
15 have to make during the mapping process.

16 And also I'll say that this is designed to be sort
17 of a very high-level overview. I mean, I could literally
18 spend, you know, semesters and write books, you know, on
19 this issue and many people have. There are many experts out
20 there that have entire careers based on this kind of
21 research. So, again, it's not designed to talk about
22 everything because that would be impossible under the
23 circumstances.

24 The other thing I would say, of course, is if there
25 are any questions please feel free to interrupt me, I'm

1 happy to go into the more specifics if necessary.

2 So let me start with the historical background.
3 And I started with this American Indians and Alaskan Natives
4 have lived in North America for 15,000 years. This AIAN
5 acronym is commonly used to describe the population, so
6 sometimes I'll refer to it as either AI or AIAN during the
7 presentation.

8 In the United States there are 574 federally
9 recognized Native American tribes; and as many of you know,
10 Colorado, Arizona, and Oklahoma have the largest AIAN
11 populations in the country.

12 And, of course, has been noted a couple of times
13 even today there are 23 reservations in Arizona alone. And
14 if you look at Arizona's first congressional district, that
15 has the highest AIAN population in the United States for any
16 congressional district, and it's approximately 22 percent of
17 the voting age population.

18 And in the next slide it's going to show the more
19 specifics of the state and the various -- on the left you'll
20 see a map with the various reservations and where they're
21 located; and of course on the right you'll see the names
22 of -- of the various tribes.

23 So this is, again, just to show you where they are,
24 and you will see in prior presentation in particular in
25 Apache County and the northeast with the Navajo Nation being

1 the largest reservation in the country, you know, a
2 particular concentration there.

3 And I will do a little bit of a deeper dive into
4 Apache County a little bit later but, again, this is just to
5 give you some context.

6 So again continuing on this sort of historical
7 analysis, you know, and this is a story that I think is
8 familiar to you already but it is important to tell, which
9 is, you know, again, the subrogation and displacement of
10 tribes during the settlement of North America, you have the
11 Indian Appropriations Act of 1871, which ended the U.S.'s
12 recognition of tribes as a sovereign nation, and it began
13 treating tribes as domestic dependent nations subject to
14 federal law.

15 What's notable about that is that reservations
16 under that act are not subject to state law and are still
17 not subject to state law to this day. And it's important to
18 note in the context of what we're talking about VRA and
19 various discrimination against Native Americans in the
20 voting context, because oftentimes this idea that because
21 reservations are not subject to state law, that fact has
22 been used as a justification for some of the forms of
23 discrimination we've seen, and I'll get into specific
24 examples. But that's a notable thing.

25 And then I also have an excerpt here from the U.S.

1 Constitution in Article 1, and this is the provision that
2 has to do with the apportionment, and you will see there's
3 language in here that has a particular exclusion excluding
4 Indians not taxed.

5 And, again, that's another basis historically that
6 we've seen states in order to justify the various
7 discriminatory laws that they have passed, by pointing to
8 this the idea that Indians or Native Americans are not taxed
9 that somehow that sort of discrimination is justified.

10 Going to the next slide you'll see, you know,
11 again, which I've already touched on, is the AIAN population
12 has often been denied citizenship, let alone the right to
13 vote, unless they assimilated into whatever, you know,
14 whatever the sort of state government said is the sort of
15 overall culture.

16 And there's some specific -- you know, I excerpt
17 from the Minnesota Constitution, for example, which it
18 basically a cultural purity test of whether individuals
19 adopted the language, customs, or habits of civilization;
20 and it wasn't until assimilation occurred that citizenship
21 would be possible.

22 Again -- and that was of course from 1858.

23 There was a *Swift v. Leach* case from more recently
24 in 1920, where a group of American Indians could vote only
25 because they, quote, "lived the same as white people, are

1 Christians, and have severed their tribal relations."

2 So, again, the markers always -- have sometimes
3 been assimilation in -- in order for citizenship to be -- to
4 be given.

5 And on the left-hand side of this slide we have an
6 excerpt from the 1860 census, this is instructions to the --
7 to the marshals gathering data, and you see this dichotomy
8 between Indians that have renounced tribal rule and who are
9 under state or territorial laws are to be enumerated, are to
10 be counted, and that is different than Indians that are not
11 taxed which are not to be enumerated. And, again, this is
12 the sort of justification for the discrimination that we
13 saw.

14 And, you know, going forward as things have
15 progressed, we finally see in 1924 that Congress passes the
16 Indian Citizenship Act. This formally granted U.S.
17 citizenship to all AIANS -- individuals -- but despite this
18 discrimination, you'll see in the next few cases here on
19 this slide, discrimination against Native communities
20 continued to persist, largely based on the views that I've
21 already mentioned, that typical American Indian populations
22 had not assimilated were, quote, "Wards of the state or were
23 excluded from state affairs." In other words, they didn't
24 pay taxes or were subject to service of process.

25 Again, these are all justifications for some of

1 these discriminatory practices.

2 So an example here, just a couple of examples, one
3 from Arizona, the *Porter v. Hall* case, this is a situation
4 where -- and this was the first -- it's notable to point
5 this out, that Arizona was the first State Supreme Court to
6 consider the effect of the citizen act that I referenced in
7 1924 on Native American voting rights. And the particular
8 circumstances of this case were that two Native American
9 citizens sued after being denied voter registration by a
10 county clerk. So they attempted to -- to register as
11 voters, the county clerk denied, and therefore they sued.

12 Ultimately, the Court actually sided with the
13 county clerk, emphasizing the role of states and regulating
14 the franchise, the right to vote, and then basically said
15 that Native Americans were covered by a provision in the
16 state's constitution providing that no person under
17 guardianship, *non compos mentis*, or insane, shall be
18 qualified to vote at any election.

19 So you see here even after the Indian Citizenship
20 Act was passed in 1924, you have a State Supreme Court
21 denying the right of Native Americans to register based on
22 this -- on these reasons.

23 It's important to also note that this case, this
24 *Porter v. Hall* case, was not overturned until 1948 in the
25 *Harrison v. Leveen* case, which in that case Arizona Supreme

1 Court ruled American Indians had the right to vote even
2 though the State still argued in that case Native Americans
3 were akin to wards of the state.

4 So even that, you know, 1948, 20 years later, the
5 State was still making that argument; but, ultimately, the
6 State Supreme Court overruled *Porter v. Hall*.

7 I have a couple of other examples of this kind of
8 thing from other states, *Trujillo v. Garley* in 1948,
9 American Indians were not able to vote because they were not
10 state residents; *Allen v. Merrell* is a Utah case from 1957,
11 again, American Indians ineligible to vote because they were
12 not subject to state law on reservation.

13 So, again, the theme of that is even though the
14 Indian -- the Indian Citizenship Act was passed,
15 discrimination still persisted.

16 I'm going to talk now more about Arizona
17 specifically, and I mentioned earlier, you know, about
18 Apache County because it is a unique county.

19 Of course the Navajo Nation is in the Apache
20 County, it's the largest American Indian reservation;
21 there's also the Apache-Hopi tribes in Apache County. So I
22 think it's a good lens through which to view the history of
23 electoral discrimination against Native Americans.

24 As we know, and Commissioner Watchman knows in
25 particular, the county is very large, it's sparsely

1 populated, but 76.9 percent of its residents are American
2 Indian; and it's also one of three counties in the United
3 States where American Indian as a language is the
4 predominantly language group, the largest of course being
5 Navajo language.

6 So here's a couple of cases that I think again are
7 instructive in this area, the first is the *Shirley v.*
8 *Superior Court* case. This is a case where a Navajo tribal
9 member won election to the county's board of supervisors,
10 but was denied certification of his election because he was
11 immune from service of process while on the reservation and
12 did not own any real or personal property subject to
13 taxation by the state.

14 The State -- the State Superior Court actually
15 upheld the denial of the certification of that individual's
16 election, and it wasn't until the Arizona Supreme Court
17 reversed that case where the certification of that election
18 was allowed to go forward. So that was in 1973.

19 In 1975 we have the *Goodluck v. Apache County* case.
20 This was a redistricting challenge case where, again, there
21 was a three-district board of supervisor's map, and then
22 Navajo voters in that case sued under Section 2 of the
23 Voting Rights Act and the 14th and 15th Amendments. The
24 County defended that lawsuit and argued that the Indian
25 Citizenship Act was unconstitutional. Ultimately, the

1 district court rejected the challenge, and SCOTUS, the
2 Supreme Court of the United States, actually affirmed that
3 rejection; so the map was allowed to continue.

4 Another case more recently is from 1980, this is
5 Apache City High School District. This was a situation
6 wherein related to objections that the Department of Justice
7 had in the early 1980s, under preclearance. Again this was
8 Section 5 preclearance that existed at the time, and those
9 objections were regarding to -- regards to the districts in
10 that particular county, ballot access for reservations, and
11 language resources for nonEnglish speakers.

12 There basically was sharp reductions in polling
13 places on reservations at the time, a lack of language
14 assistance for Navajo speakers, and a failure to provide
15 absentee ballots to reservation voters.

16 What ultimately happened there in that case is that
17 the case was -- was settled and the remedies in that
18 particular case led to bilingual voter outreach and
19 registration and increase of polling location or a reversal
20 of the reduction, an increase of poll workers and
21 reapportionment of the school districts.

22 So, again, a challenge that was partially related
23 to redistricting or districting as well as other voting
24 procedures.

25 Even more recently in 2002 -- and, again, this is

1 in a preclearance era -- the Department of Justice had
2 particular objections related to the inconsistency between
3 tribal and county and state legislative districts. Of
4 course, tribal governments have their own legislative
5 districts or governmental districts and the -- the
6 objections that the Department of Justice had was that those
7 districts were different than the county and state
8 legislative districts; and as a result, Native American
9 voters were alleged to have their votes disqualified at
10 public elections because they attempted to vote in their
11 tribal district instead of their state district.

12 As a remedy to these particular objections by the
13 Department of Justice, the government recommended that the
14 State provide election officers in polling places near
15 district lines with registration lists and trained them in
16 instructing voters on where to vote. So that was the
17 proposed remedy in that case so that people -- so Native
18 Americans had their votes counted.

19 So, again, these are all cases related to
20 Apache County. There are many other cases in Arizona and
21 across the country, but I think these give you a good sample
22 of the type of discriminatory practices that have been
23 challenged by Native American voters and give you some sense
24 of even how recent some of these challenges have occurred.

25 And I'll get into even the *Brnovich* case which we

1 discussed last week; but, you know, these -- these kind of
2 challenges continue to this day.

3 Which actually leads to my next slide, we're going
4 to finally turn to the Voting Rights Act.

5 And, again, I'm not going to rehash the entire
6 Voting Rights Act presentation from last time, for example,
7 Section 2 and the *Gingles* test and all of that. Doug
8 actually mentioned quite a bit of that in his presentation a
9 few minutes ago. But, instead, I'm going to talk and
10 summarize some of the forms of disenfranchisement that
11 Native Americans have faced and then have challenged under
12 the Voting Rights Act, with the idea of being that the
13 Voting Rights Act is designed to -- to protect voting
14 rights, in particular voting rights of Native Americans.

15 I will add, by the way, there have been proposed
16 Native American Voting Rights Act, meaning that there are --
17 and this is as recently as the last congress, proposals in
18 congress that will be very specific to expand voting rights
19 and voting access to Native Americans; they haven't passed,
20 but oftentimes they're referred to in -- you know, in the
21 media and election law via reports, so I just thought I'd
22 mention that.

23 What they would do, just to summarize very quickly,
24 is create a separate preclearance process for voting
25 procedures that would affect Native American populations.

1 It would also create a Native American Voting Rights Act
2 task force, things like that. So there is something that is
3 called the Native American Voting Rights Act, and it's been
4 proposed in Washington.

5 So back to the Voting Rights Act. And, again, I'm
6 going to talk about this in buckets. So different areas,
7 different voting procedures or voting issues, and how Native
8 Americans have challenged those particular procedures or
9 issues under the VRA.

10 The first is language assistance. As I kind of
11 alluded to in the Apache County example and even earlier,
12 more than 25 percent of single-race AIAN persons speak a
13 language other than English at home, and two-thirds of those
14 speakers of AIAN languages live in predominantly Native
15 communities and are often geographically isolated, which is
16 certainly true in Arizona.

17 But Section 2 of the VRA offers protection. We
18 have this case from 1984, *Harris v. Graddik*, which required
19 jurisdictions to recruit poll workers which speak minority
20 languages, which again designed to help, you know,
21 predominately Native speakers or other individuals who speak
22 minority languages in helping to vote. The idea being that,
23 you know, poll workers who speak that language can provide
24 the assistance at the polling locations to those speakers.

25 In addition to that in 1975, there were amendments

1 to the VRA, in particular Section 203 was added, which
2 requires covered jurisdictions to provide bilingual written
3 materials and oral language assistance. And I'll get into
4 the next slide. I'll go over what covered jurisdictions or
5 what the formula is for covered jurisdictions under this
6 section.

7 But for historically unwritten language, the
8 covered jurisdiction -- and, again, this is under
9 Section 202 -- must provide oral instructions, assistance,
10 or other information related to registration and voting.
11 Again, designed to provide necessary language assistance to
12 voters.

13 In addition to that, under Section 203, the
14 jurisdiction would have to take all reasonable steps to
15 ensure that sufficient information is available to allow the
16 minority groups to participate effectively in voting
17 connected activities.

18 One thing to note here, though, is that even under
19 Section 203, the standard here is substantial compliance
20 with the requirement of 203, not perfection.

21 Now, on this next slide I'll talk about covered
22 jurisdictions. Now, you remember on the Voting Rights Act
23 presentation we talk about covered jurisdictions and the
24 context of Section 5; and, in particular, how Section 5
25 interplays with Section 4, which actually had a coverage

1 formula, and we went over the Shelby County case which did
2 away with Section 4's coverage formula for Section 5 claims.

3 The covered jurisdiction formula we're talking
4 about here under Section 203 is a different one, and
5 basically the -- the jurisdictional sort of formula has to
6 do with a situation or a jurisdiction where single-language
7 minority populations are limited -- or have limited English
8 proficiency, also an observation or analysis of a literacy
9 rate in a particular jurisdiction. Those two things are
10 analyzed and eventually determined by the director of the
11 census to make a decision on whether a particular
12 jurisdiction is covered under Section 203.

13 As recently as 2002, Arizona jurisdictions -- or,
14 excuse me, I should say the Director of the Census actually
15 publishes the covered jurisdictions under this formula; and
16 as recently as 2015, the director has actually published
17 that list, and under that list, 10 of Arizona's 15 counties
18 were covered by this -- by this formula this, coverage
19 formally under Section 203.

20 So all the requirements that I went through in the
21 last slide regarding language assistance, there are 10 of 15
22 of Arizona counties that are covered by this particular
23 requirement -- or these particular requirements.

24 Now, you know, we talked about language assistance
25 as sort of one bucket or one area of laws or procedures that

1 have been challenged under the VRA, the second is more
2 general election procedures.

3 You know, much of the voting rights litigation
4 concerning Native Americans seek to challenge practices in
5 election administration that result -- that, as a result of
6 the unique geography, culture, and access to infrastructure
7 or other resources of the tribe have a desperate impact on
8 American Indian voters.

9 So this is the sort of most common type of
10 challenges that you see. Again, the unique geography,
11 culture, and access to infrastructure or other resources
12 present enfranchisement pitfalls or possible
13 disenfranchisement; and those kinds of election procedures
14 that could result in that are challenged under Section 2.

15 I have a couple of recent examples of this. Of
16 course we saw the *Navajo Nation v. Hobbs* case, this is from
17 2019. In that case, the Navajo Nation and Navajo citizens
18 sued the Arizona Secretary of State, Apache, Coconino,
19 Navajo Counties for violations of the VRA, as well as the
20 1st -- 1st and 14th Amendment in the Arizona Constitution.

21 The result of that litigation was a settlement,
22 which under that settlement the State agreed to provide
23 additional in-person early voting polling places, voter -- a
24 voting education plan to maximize voting registration, radio
25 advertisements and election information provided in the

1 Navajo language, Navajo translators at each polling place,
2 and of course it allowed voters -- or at least under the
3 settlement allowed voters to have the opportunity to cure
4 unsigned ballots. So that was a result of very recent
5 litigation brought by the Navajo Nation where we saw the
6 changes enacted as a result of the settlement.

7 Also, if we're talking about election procedures,
8 as we talked about in the *Brnovich* case, election procedures
9 and voting practices, and in particular in *Brnovich* it was
10 the ballot collection prohibition in Arizona law and the
11 out-of-precinct voter -- voting policy under Arizona law
12 that were challenged.

13 In that particular case, the Ninth Circuit had
14 ruled that provisions -- that the provisions violated
15 Section 2. Of course, as we talked about I think it was
16 last week, the Supreme Court disagreed and overturned that
17 ruling; and the Supreme Court held that the rules that were
18 challenged imposed only unremarkable burdens, especially in
19 the light of several options afforded by the State to cast
20 ballots. We went through that a bit in more detail last
21 week.

22 But one thing that's important is that one of the
23 allegations in that case is that the -- the plaintiffs had
24 alleged that there was a disparate impact on minority voters
25 including Native American populations by those two

1 particular challenge policies. The Court disagreed and said
2 that the plaintiffs had not proven a sufficient disparate
3 impact on minority populations, including Native American
4 populations.

5 So that's, you know, something that just came from
6 this year as we're continuing to see how the jurisprudence
7 has been shaped in this area.

8 I'll go to a third bucket here of -- of types of
9 challenges, and this is voter ID. We've seen a number of
10 recent high-profile cases related to voter ID requirements.

11 In the *Brakebill* case, this is a 2016 case, Native
12 American voters sought and won a preliminary injunction
13 enjoining enforcement of North Dakota's newly passed voter
14 ID law. The district court in that particular case ruled in
15 favor of the plaintiffs because evidence showed that many
16 tribal identification cards did not list a residential
17 address; 21 percent of Native Americans lack the
18 documentation necessary for obtaining the appropriate
19 identification and access was further limited by Native
20 Americans living in remote areas.

21 On appeal the 8th Circuit actually overturned the
22 injunction and said it was too broad, but in the interim
23 North Dakota actually amended its law and the actual
24 litigation itself was resolved.

25 You see in additional cases of the *Spirit Lake*

1 *Tribe* case that was somewhat similar to the *Brakebill* case,
2 and in the end of that case -- or at least I should say the
3 consent decree that was signed in that particular case, it
4 basically allowed voters to mark on a map to show where they
5 lived and that was going to be sufficient, you know,
6 basically to -- to, you know, have their vote counted.

7 So, again, this is a voter ID context which is a
8 unique situation. Again in the *Brakebill* case we -- and
9 even the *Spirit Lake* case, we have a situation where the
10 tribal ID cards didn't have an address, the tribal residents
11 lacked the documentation to obtain the ID, and then the
12 remote geography presented a particular challenge; and then,
13 ultimately, the settlement was that they could -- they could
14 mark on a map where they lived to settle this case.

15 So another type of challenge has been brought by
16 Native American voters due to, you know, some of the unique
17 circumstances there.

18 Finally, sort of the last bucket of -- of VRA types
19 of cases that have related to or been brought by Native
20 American voters is in redistricting. And, of course, you
21 know, that's of primary interest here to this Commission.

22 It's important to note, you know, as I mentioned
23 when we talked about the *Brnovich* case and when we talked
24 about in the Voting Rights Act presentation, in a
25 redistricting context the type of challenge you normally see

1 is a vote dilution claim. In other words, a minority
2 voter's vote has been -- voting power has been diluted.
3 That is the typical thing that you see under Section 2.
4 That is different than vote denial cases, and I won't get
5 into all of that, but -- but typically in redistricting we
6 see that kind of thing.

7 Well, it's important to know that American Indian
8 voters have one vote dilution claims under Section 2. I'll
9 give you an example here. This is the *Large v. Fremont* case
10 from Wyoming in 2010. You had two tribes challenged the
11 outlier -- at-large elections for county commissioners in
12 that case.

13 This is a good illustration of how Section 2
14 analysis is done in a vote dilution context. We talked
15 quite a bit about the *Gingles* test and *Gingles* factors, well
16 the Court went through that entire analysis in that
17 particular case.

18 So going through the first three factors under
19 *Gingles*, the Court found that the tribes were geographically
20 compact and politically cohesive, that white majority votes
21 sufficiently blocked minority candidates, that the elections
22 themselves were racially polarized; turning to the second
23 part of the *Gingles* test which is totality of the
24 circumstances, the Court went on to do an analysis and find
25 that there was a history of discrimination in education,

1 employment, and health, in political participation; there
2 were racial appeals in campaigns in that particular
3 jurisdiction. There were very few elected tribal members,
4 and then there was of course a lack of responsiveness to
5 tribal needs that was established.

6 So that's a good example of the kind of overall
7 analysis that you do under *Gingles*, but -- but I thought I'd
8 mention that.

9 We have an even more recent -- from Utah 2017
10 challenge. This is a situation where Navajo voters
11 challenged county commissioners' districts and school board
12 districts on different grounds. They first challenged it on
13 the basis that the districts were -- or constituted an
14 unconstitutional racial gerrymandering and that they
15 violated the 14th Amendment one-person, one-vote; and then
16 of, course, ultimately the type of challenges most commonly
17 brought, that the -- the reapportionment, or the map I
18 should say, violated Section 2 of the VRA.

19 Now one thing that -- and I have some excerpts
20 here, but ultimately what became the problem in this case
21 and this gets into kind of a larger point we made during the
22 VRA, is the interplay between two Section 2, the Voting
23 Rights Act, but also the idea of racial gerrymandering.

24 And in this particular case one of the things
25 that -- and I should sort of note that ultimately the --

1 the -- the Court felt that the county's maps in this case,
2 but the reason they did that is because the county -- and
3 this is according to the Court -- equated compliance with
4 the VRA with proportionality.

5 So basically the county said: "Well, you know, we
6 are going to comply with the VRA by making the district
7 representation proportional to the overall democ- --
8 demographics of the particular county. Of course, the Court
9 went on to say that that is, you know, not equal, that
10 proportionality is not the same as compliance with the VRA,
11 and sometimes proportionality can lead to racial
12 gerrymandering which becomes the problem -- or potential
13 problem.

14 And so this is an example here where, you know,
15 different considerations that this Commission is going to
16 have to, you know, take into account is compliance with the
17 Voting Rights Act, but also voting allegations of racial
18 gerrymandering.

19 So I have a, you know, last slide here on
20 recommendations, and I say "recommendations" meaning really
21 more of observations.

22 You know, first, of course as we went through with
23 the first three slides, recognizing the -- the long history
24 of discrimination against AIAN -- AIAN population, it's gone
25 on for a long time historically in the United States, and I

1 think the recognition of that is important.

2 But the only thing to think about, of course, is
3 that the AIAN population forms unique communities with
4 distinctive cultural language and traditions, and this is
5 particularly important when we're thinking about -- and this
6 is the third bullet point here -- when we're thinking about
7 communities of interest, which we're required under the
8 State Constitution, and, of course, Native communities and
9 reservations can constitute communities of interest to be
10 preserved in redistricting, so that is a factor that this
11 Commission has to consider directly.

12 And so I'm hopeful that this presentation has given
13 you kind of a broader overview of, you know, again how the
14 VRA as been used and applied to Native American population.
15 But in particular I think the takeaway here is when
16 considering communities of interest, the Native American
17 populations/reservations, you know, should be considered.

18 So, with that, I will take any questions. Or,
19 certainly, if, you know, the Commissioners have any requests
20 for legal advice we can do that in executive session, and I
21 turn it back to you, Madam Chair.

22 CHAIRPERSON NEUBERG: Thank you, Roy. Outstanding
23 presentation. Absolutely helps us understand this community
24 of interest.

25 If there are specific questions related to the

1 presentation, I open it up to my colleagues.

2 As it relates to legal advice interpreting this
3 information and applying it to our redistricting efforts, I
4 will welcome a motion to go into executive session.

5 And, with that, I open it up to my colleagues.

6 COMMISSIONER LERNER: Thank you, Roy. This was
7 real interesting.

8 I had a -- I don't think either of these require us
9 to move into executive session.

10 I was curious, you said there was 10 of Arizona 15
11 counties that have the language redistricting requirement,
12 which are the five that don't?

13 MR. HERRERA: I actually don't have that in front
14 of me, but I can --

15 COMMISSIONER LERNER: Okay.

16 MR. HERRERA: I can certainly get back to you on
17 it, yeah.

18 COMMISSIONER LERNER: I was just curious because
19 it's just an interesting point and I would be curious to
20 know. I can probably find it online.

21 MR. HERRERA: We can get that answer and send it to
22 you, Commissioner.

23 COMMISSIONER LERNER: Okay. Thank you.

24 And then the other question I had -- oh. I'll let
25 somebody else ask a question first.

1 CHAIRPERSON NEUBERG: No. Commissioner Lerner,
2 just flow and then we'll move on.

3 COMMISSIONER LERNER: Okay. So I had another
4 question about the 2019 case, *Navajo Nation v. Hobbs*. There
5 have been some -- and I don't know if you look at these now,
6 there's been some new recent laws that have been passed by
7 the legislature. Are those -- how do those impact sort of
8 that -- that one which had the violations that you mentioned
9 providing -- and the decision was to provide more
10 opportunities?

11 The new laws that have just been passed by our
12 legislature, how will those -- are those affected? I mean,
13 how -- I guess I'm not sure how to ask the question, but I
14 guess I'm wondering whether those laws now, do they go back
15 to that case and look at that case and say now those new
16 laws are violating the decision that was made in 2019?
17 Where does that all fit in?

18 MR. HERRERA: Well, I -- I think the answer to
19 that, obviously I'll want to get Brett's thoughts on this,
20 is that this is a -- what we're talking about here is sort
21 of a dynamic situation, right? So laws change, new laws are
22 enacted, and then, you know, if people want -- want to,
23 they'll go forward and challenge them.

24 So I imagine there have been a number of -- and
25 this not just some of the procedures that I've talked about

1 in this case, but a whole lot of changes coming from the
2 legislature this particular session, and so whether any of
3 those different changes actually get challenged in court and
4 a Judge decides, you know, whether they do violate the law
5 or violate this prior settlement, that all remains to be
6 seen.

7 But I guess my answer would be, it's a dynamic
8 situation, and we'll have to continue to monitor it.

9 Now, of course, I guess before turning it to Brett,
10 the other thing to think about here is, you know, a lot of
11 the laws we're talking about aren't exactly related to
12 redistricting. Right? I mean, we're talking about overall
13 voting procedure. And so for your purposes, I think it's
14 important to -- and of course we will keep you apprised of
15 these changes, but they aren't necessarily related to
16 redistricting.

17 So I don't know, Brett, if you have any thoughts.

18 MR. B. JOHNSON: No, Roy.

19 I think Roy hit it on the head. I don't think any
20 of the laws impact redistricting. If there is litigation
21 that is brought against those -- those new laws or laws in
22 other states, for that matter -- excuse me -- whatever the
23 Court's opinions on that may drive some of the legal
24 analysis because standards may change or standards may
25 evolve; but the underlying statutes or law would not --

1 would not impact redistricting in my opinion.

2 COMMISSIONER LERNER: Okay. Thank you.

3 VICE CHAIR WATCHMAN: Madam Chair, if I could --
4 well, first, thanks, Roy, for the presentation. It's
5 basically really what I wanted to have all of us hear.

6 As you can tell, Madam Chair and my colleagues,
7 Arizona has a -- has a rich history, you know, of -- of
8 obviously our -- our members and our -- our Natives, and
9 contrary to kind of some of the comments that we heard from
10 the public, you know, I just -- I just want to make sure
11 that many of us understood and understand, you know, the --
12 the position of our tribes.

13 And so for me, though, and what I'm hearing, is
14 that for the most part tribal reservations are considered a
15 community of interest, and so I'm really hoping that we hear
16 from our -- our -- not only our tribal leaders but our
17 tribal members, you know, and express basically how they
18 feel they fit into the voting process.

19 And so in many cases -- I myself am Navajo and --
20 and, you know, for the most part I guess, just like all of
21 us, you know, I'm dual citizen if you will, you know, of the
22 state and of my tribe. And so growing -- growing up on a
23 reservation sometimes you forget that you're within a state,
24 so it's when you go off to college then you recognize.

25 So, you know, I joke but, you know, I went abroad

1 to get educated, that's my joke. But I left the Navajo
2 reservation to go to Tucson to get educated, and so, you
3 know, many -- many of us who grow up on a reservation, you
4 know, have -- have that sense of community.

5 And so -- but I think it's very important for many
6 of the citizens here in the state that, again, we have a
7 rich, deep, robust history and, you know, it does include 23
8 federally recognized tribes, and so.

9 But thank you, Roy, and everybody for the
10 information, and thank you colleagues for listening to this
11 very important part of Arizona's history.

12 So thank you, Madam Chair.

13 CHAIRPERSON NEUBERG: Does anybody feel the need to
14 move into executive session to discuss the application of
15 what we just learned to our redistricting efforts?

16 My personal understanding: You know, we have great
17 empathy for the challenges, definitely a community of
18 interest, we're --

19 VICE CHAIR WATCHMAN: Yes.

20 CHAIRPERSON NEUBERG: -- we're collecting data. If
21 this is something that we feel that we need to, you know,
22 understand with a legal, you know, effort to -- to adhere to
23 our responsibilities to redistrict equitably, I'd like to
24 move into executive session.

25 Does anybody have any further questions?

1 I mean, I'm seeing no, but. You know, I'm not
2 going to unnecessary move into executive session if people
3 don't have questions.

4 MR. HERRERA: Madam Chair, if I could, our crack
5 legal team has the answer to Commissioner Lerner's question
6 about the counties.

7 So the five counties that are not covered are
8 Cochise, Greenlee, La Paz, Mohave, and Yavapai. That's the
9 coverage under Section 203, the language minority coverage
10 counties.

11 COMMISSIONER LERNER: Thank you.

12 VICE CHAIR WATCHMAN: Well, you know, Madam Chair,
13 I'm sure we're -- we're at a point where we need to have
14 executive session. You know, certainly what -- what our
15 legal counsel has pointed out is, in fact, you know, tribal
16 communities are considered community of interest, so it
17 might be a little bit too early.

18 You know, one of the points that I think that I
19 need to express is that, you know, this is a two-way street.
20 So, you know, obviously we did a listening tour and so I'm
21 encouraging -- and, again, we'll probably have to work on
22 our side -- to get feedback and input from our tribal
23 citizens out there.

24 When we get the feedback then I think we -- if
25 there's challenges we can move into, you know, some legal

1 discussion, but I personally don't think that -- that we're
2 ready at this point. I think it's pretty clear with what
3 legal counsel has pointed out, that -- that one can make the
4 argument again that tribal reservations, you know, are
5 considered community of interest.

6 But one thing, though, that maybe wasn't pointed
7 out is that, you know, there's, what, almost 8 million
8 federally recognized tribal members, half of them live off
9 reservation. And so there's -- there's a huge -- huge
10 Navajo population in Phoenix and Flagstaff. I think we
11 heard, you know.

12 And so, I guess, the question that maybe one could
13 raise is that to what degree are the Native populations who
14 live off populations, you know, what do they feel and how do
15 they feel, are their interests being represented? And we
16 haven't heard.

17 And so, you know, it's a two-way street and I'm
18 encouraging and hoping that, you know, our Native
19 population, you know, come to our website, come to our
20 future hearings, and express their -- their thoughts and
21 opinions, so.

22 But at this point, unless Legal disagrees, I
23 don't -- I don't think there's really anything to -- to
24 discuss. It's been well presented.

25 So thank you.

1 CHAIRPERSON NEUBERG: My sense is that we're
2 understanding this through the lens of a community of
3 interest, which is a topic we will have repeated study on.

4 And if there is not further, you know, feedback
5 from our counsel or Commissioners, I believe we can move on
6 to the next agenda item.

7 Okay. Thank you very much, that was highly
8 informative.

9 With that, we'll move to Agenda Item No. VII, the
10 rubric discussion and legal implications related to Arizona
11 Constitution criteria and established process.

12 Just to give context to the public who may be not,
13 you know, aware of the meaning of this topic, there was a
14 recommendation at one of our public hearings early on to
15 maybe translate our constitutional criteria into a rubric.
16 One of our Commissioners found that topic of interest and we
17 tasked our legal counsel to look into the application of
18 that to our legal -- our responsibilities.

19 Given that these -- this is legal advice, I'm going
20 to recommend that we move into executive session to talk
21 about some of the specific legal questions that we have
22 related to this rubric.

23 And if there are not specific clarification
24 comments, I will entertain a motion to move into executive
25 session.

1 VICE CHAIR WATCHMAN: Vice Chair Watchman moves to
2 go into executive session.

3 CHAIRPERSON NEUBERG: Okay. And -- and just for
4 clarification, in case I didn't read it for record, we are
5 voting to go into executive session which will not be open
6 to the public for purpose of obtaining legal advice to
7 further implement and/or advance the legal issues related to
8 Agenda Item No. VII, pursuant to A.R.S. 38-431.03(A)(3).

9 And, with that, I think I heard a motion?

10 VICE CHAIR WATCHMAN: Yeah. Sorry. I did.

11 CHAIRPERSON NEUBERG: Yes. Do I have a second?

12 COMMISSIONER MEHL: Second.

13 CHAIRPERSON NEUBERG: Any further discuss- -- and
14 for the record that was Commissioner Mehl.

15 Any further discussion?

16 With that, we will take a vote.

17 Vice Chair Watchman.

18 VICE CHAIR WATCHMAN: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Mehl.

20 COMMISSIONER MEHL: Aye.

21 CHAIRPERSON NEUBERG: Commissioner Lerner.

22 COMMISSIONER LERNER: Aye.

23 CHAIRPERSON NEUBERG: Commissioner York.

24 COMMISSIONER YORK: Aye.

25 CHAIRPERSON NEUBERG: Commissioner Neuberg is an

1 aye.

2 With that, our legal team, our five Commissioners,
3 our staff and the transcriptionist will convene in executive
4 session. We do not expect this to last a very long time.

5 Thank you. Please "X" out of this link.

6 (Whereupon the proceeding is in executive session
7 from 12:27 p.m. until 12:34 p.m)

8
9 * * * * *

10
11 (Whereupon the proceeding resumes in general
12 session.)

13 COMMISSIONER YORK: Erika, you're muted.

14 CHAIRPERSON NEUBERG: Sorry about that.

15 I was going to welcome everybody back to the public
16 session, thank everybody for your patience.

17 We are on Agenda Item No. VII, we were discussing a
18 suggestion about adopting a rubric to basically interpret
19 the constitutional criteria for evaluating the districts.

20 We had a great legal conversation. The over- --
21 you know, the general sense is that it's clear the
22 Commissioners have been, you know, hired in essence to do
23 our job and that embracing additional criteria would welcome
24 maybe some legal challenges; we all are embracing the effort
25 to be as empirical and as objective as we possibly can with

1 the constitutional criteria and we will do, you know, our
2 best.

3 And unless there is further conversation and
4 discussion on that, we will move to Agenda Item No. VIII,
5 Executive Director's report and discussion thereof.

6 And I turn it over to Director Schmitt.

7 DIRECTOR SCHMITT: Thank you, Madam Chair.

8 Just a quick update from me today on hiring. HR
9 was able to split the jobs into two six-month gigs, so we
10 are just waiting for the background checks to clear and
11 we're hoping to have them on board and down in Southern
12 Arizona with us. So hopefully we'll get them on in the next
13 day or so.

14 But that is all I have for today.

15 CHAIRPERSON NEUBERG: Okay. And if there is no
16 further questions, we will move to Agenda Item No. VIII
17 [sic], discussion of future agenda item requests.

18 Anything from my colleagues?

19 VICE CHAIR WATCHMAN: Yeah, Madam Chair. Maybe not
20 this month but, you know, we're moving into August, maybe
21 September, I'm kind of a budget guy, so maybe we can get a
22 budget report. I'm not clear exactly -- I know we -- we
23 were approved with a budget, I don't know if I saw the
24 details, but it would be nice to see that, you know.

25 Maybe -- maybe first part of September, that will

1 give us -- it will just give us a time to look at our July
2 and August expenses, so.

3 Something that I'd like to see monthly.

4 DIRECTOR SCHMITT: Absolutely, Vice Chair. I will
5 get that together for you and we will have to put together a
6 budget submission, so we're working -- for next -- for next
7 fiscal year. Not --

8 VICE CHAIR WATCHMAN: Oh. Okay.

9 DIRECTOR SCHMITT: Not the current one. They're
10 due the beginning of September, so we're working with
11 Central Service Bureau and budget office to put that
12 together and I'll come back to you all with the
13 recommendation.

14 VICE CHAIR WATCHMAN: Okay. And then regarding our
15 meetings, I know that we were submitted either packets or
16 maps and -- like, when we were in Window Rock, I think the
17 leadership handed us an envelope, you know, hopefully we'll
18 get a copy of that; and then we'll probably need to
19 interpret the two individuals that spoke Navajo because, you
20 know, Navajo has -- as was pointed out by legal counsel, is
21 still a predominant language and most of the Navajo
22 governmental settings are in Navajo, so.

23 So if we can get that interpreted for -- for our
24 colleagues here will be nice, so.

25 DIRECTOR SCHMITT: Absolutely. We are looking on

1 scanning all -- all of the paperwork we got from the first
2 part of the road show and we will get it out to all of you.

3 CHAIRPERSON NEUBERG: And -- and,
4 Vice Chair Watchman, absolutely, not only did I read that,
5 we are in the process of making sure that our counsel is --
6 has every page in there.

7 VICE CHAIR WATCHMAN: Got it.

8 CHAIRPERSON NEUBERG: Yeah. Thank you.

9 COMMISSIONER LERNER: I would like the -- this is
10 Commissioner Lerner.

11 At some point, whether it's next time -- we have a
12 lot next time, I know, but we're always going to have a lot
13 now. At some point should we be discussing our meeting
14 schedules, not -- not traveling the part, but whether or not
15 we can do -- continue to do this, and I know it will be very
16 difficult, but whether we can continue to do this on a
17 once-a-week schedule, or whether we should at some point
18 start looking at adding some other time.

19 So if we -- if we have a presentation, for example,
20 next week on something but we want to move forward quickly,
21 instead of having to make that immediate decision, giving us
22 a day or two to process and then come back for some things.

23 I know we've talked about October will be probably
24 an intense period, but I'm just throwing it out there that
25 there may be some times when we have to have -- make some

1 decisions fairly quickly. As you've already heard, I like
2 the process things in my brain so I might need some extra
3 time.

4 So I'm just asking that question, whether or not we
5 want to have a discussion on that.

6 COMMISSIONER YORK: Well, my question around time
7 is that we need to allow the public 48 hours, correct?

8 CHAIRPERSON NEUBERG: Yes.

9 COMMISSIONER YORK: And -- and so maybe Timmons
10 could give us some insight -- or NDC -- into kind of when
11 we're going to need a lot -- you know, or the weeks on the
12 agenda that we're going to need some time.

13 Because, like, today's call lasted much longer than
14 I anticipated and I had to cancel some stuff, so I -- you
15 know, that will be nice if we had some forethought to that
16 as opposed to just jump to the next Thursday.

17 COMMISSIONER LERNER: Yes, I'm just thinking maybe
18 we have that on our discussion on our agenda and have that
19 kind of idea.

20 CHAIRPERSON NEUBERG: We can -- you know what, I
21 believe -- I believe we can do some of this administrative
22 work offline in terms of looking at Commissioner's/staff's
23 scheduling over the -- over the ensuing couple months.

24 As we're discussing conflicts, I do, you know, want
25 to make sure that our Commission is aware that on Tuesday,

1 September 7th, it is the first day of Rosh Hashanah, an
2 important holiday in the Jewish community. That is a week
3 that if possible we could potentially look at rescheduling
4 for September 9th.

5 I don't want to take too much of the public's time
6 with hashing, you know, all of our schedules, but I think
7 Commissioner Lerner brings up an important point. Just
8 looking perspectively, if we need to be adding an additional
9 day besides Tuesday morning, what works collectively for our
10 schedules.

11 In addition, I'd like to look at that specific week
12 of September 6th to see if it's possible for the broader
13 team to convene on September 9th.

14 MR. D. JOHNSON: Yeah, Chair Neuberg, this is Doug.

15 I know during closed session we lost Mark, and he's
16 kind of the master of the schedule, so this may be something
17 we need to work through on the staff side.

18 CHAIRPERSON NEUBERG: Absolutely. No need to hash
19 it out right now.

20 COMMISSIONER LERNER: Do you need an answer for us
21 on the 9th now or is that something...

22 CHAIRPERSON NEUBERG: Follow up with Brian, please.

23 COMMISSIONER MEHL: I'm totally good on the 9th.

24 COMMISSIONER LERNER: Yeah.

25 CHAIRPERSON NEUBERG: But I do think -- I mean, in

1 terms of -- and whether, you know, this is a future agenda
2 item and maybe we explicitly talk about our schedule, you
3 know, perspective -- Commissioner Lerner's right. I mean,
4 you know, there's going to be a lot of demands coming up,
5 and in addition to this protected time on Tuesday morning,
6 some of which goes into Tuesday afternoon which is going to
7 happen more and more, it's helpful for us to know, you know,
8 what -- what the boundaries are and what the -- the best
9 possible alternative is for our collective team.

10 COMMISSIONER LERNER: So is this something,
11 Chairwoman, that we should have the staff send out a note or
12 something to us and we can respond?

13 CHAIRPERSON NEUBERG: Yes. I'm going to task our
14 Director to work on some calendaring issues.

15 DIRECTOR SCHMITT: I will follow up with all of
16 you.

17 COMMISSIONER YORK: Thanks, Brian.

18 COMMISSIONER MEHL: It -- it sure looks like
19 starting around October 12th or so, we're going to need --
20 that's when we're going to really dig into the draft maps
21 and try to create draft maps. That next week or two from
22 the 12th to the 23rd or so of October, we're going to need
23 to be meeting every other day or every day or -- we're going
24 to need a bunch of meetings in that time period if we're
25 going to successfully do the draft maps. So I would at

1 least start staring at that time period.

2 VICE CHAIR WATCHMAN: Mm-hm.

3 COMMISSIONER LERNER: As well as we would also be
4 doing tours, traveling probably.

5 COMMISSIONER YORK: No, we do tours after we create
6 the maps.

7 COMMISSIONER LERNER: Yeah, but I'm thinking --
8 (Inaudible/multiple speakers.)

9 COMMISSIONER LERNER: Right, yeah.

10 COMMISSIONER MEHL: We will have a very busy
11 October, November, December.

12 COMMISSIONER YORK: Yes.

13 CHAIRPERSON NEUBERG: I think we're collectively
14 understanding this compressed time frame, and it would be
15 helpful for all of us to immediately get our schedules in
16 sync and -- and map these additional dates moving forward,
17 you know, a few months ahead.

18 I have an additional agenda item request, and I'm
19 not closing the conversation if there's further
20 conversation.

21 You know, one of the things that I think we all,
22 you know, really heard on the listening tour was how
23 essential the five Cs are still in Arizona just as a civics
24 remember -- you know, reminder of our community, the five Cs
25 in Arizona being copper, cattle, cotton, citrus, and

1 climate.

2 What do I mean by that? As we're listening to our
3 communities of interest, and I -- and, Director Schmitt,
4 thank you for -- for this recommendation, might it make
5 sense to request an expert in these resources? Particularly
6 water, mining, fire. It transcends these boundaries, it
7 speaks to economic interests, communities of interest.

8 So I'd be interested if there -- again, if it's
9 efficient and doesn't delay our time frame, to have somebody
10 speak to us about these common economic interests that we've
11 learned about.

12 COMMISSIONER LERNER: Well, I certainly heard a lot
13 about things at our meetings --

14 VICE CHAIR WATCHMAN: Madam Chair.

15 COMMISSIONER LERNER: -- and I think it will be
16 interesting to dig a little deeper into those.

17 COMMISSIONER MEHL: But I -- I would recommend that
18 if we do that, that you want to focus those discussions on
19 how that impacts communities of interest and not just a
20 general historic presentation.

21 CHAIRPERSON NEUBERG: Absolutely. The application
22 of it to our state today: Where are the water demands?
23 Where are the mining interests? Where are the farming
24 challenges?

25 The application of these basic concerns to our

1 state as it relates to our effort to understand communities
2 of interest moving forward.

3 VICE CHAIR WATCHMAN: Well, Madam Chair, this is
4 Vice Chair Watchman.

5 In any country there's other drivers, too. Gaming
6 is a big -- a big one, you know, and the tribes just got
7 through recently negotiating all their gaming compacts and
8 so that's a huge, huge driver, especially for the tribes in
9 the Valley area; and then some tribes obviously have
10 forestry and cattle.

11 But I would add to that list a few more economic
12 drivers: Gaming obviously is one, farming is another,
13 but -- but there's a lot of -- a lot of interties between
14 our tribal reservations and the so-called border towns, you
15 know. And so I think I heard a lot of our public
16 reservation say we spend their money like in Flagstaff,
17 Show Low.

18 So -- so if we're going to go that route, perhaps,
19 you know, other drivers that are important to any country,
20 so. But good -- good point I think it would be interesting.

21 I forgot about the five Cs or four Cs and
22 they're -- they're still valuable, still valuable today.

23 Thank you.

24 MR. B. JOHNSON: So, Chairman Neuberg, we can -- we
25 can look into this and obviously there's a lot of state

1 agencies that are already versed and have the data readily
2 available, so I think that would be one place to start.

3 In regard to economic, some of the economic data
4 that Vice Chair Watchman was mentioning. We already heard
5 from the Commerce Authority demographer, but it also might
6 be worth hearing about some -- from some of the economic
7 development folks if they're part of different
8 organizations. I'm thinking about GPEC, the Sun Corridor,
9 Inc., some of the other groups that Vice Chair Watchman is
10 also involved in and maybe do a panel discussion on that.

11 So I think offline we can probably -- the staff can
12 take our collective minds and develop some of these for your
13 consideration.

14 CHAIRPERSON NEUBERG: Thank you.

15 And -- and I would like to again clarify that I do
16 not want this to be an impediment to our schedule moving
17 forward; we're receiving a tremendous amount of data and so
18 this is additive.

19 Any further additions to considering our agenda
20 moving forward?

21 With that, we'll move forward to Agenda Item
22 No. IX, announcements.

23 Please check our website for our listening tour.
24 Come meet us. Tomorrow is in Yuma, the next night Nogales,
25 then Safford, then Tucson. Please. Please.

1 And -- and if you're not coming, let all your
2 friends know where we're going to be and have them join us
3 or join us online.

4 COMMISSIONER MEHL: Madam Chairwoman, I think it
5 would be worth repeating the two locations in Tucson since,
6 you know, people have been asking about those.

7 DIRECTOR SCHMITT: Sure, Commissioner Mehl.

8 The first one on Saturday at 10:00 a.m. is at the
9 Westin La Paloma, and then Sunday at 10:00 a.m. it will
10 either be at JW Marriott Starr Pass or El Rio Community
11 Center; and we will get those posted as soon as they're
12 confirmed. We'll also send out an e-mail to our newsletter
13 list so everyone has the locations.

14 CHAIRPERSON NEUBERG: And let's not forget we also
15 have an East Valley, yes, in Maricopa County, on Monday
16 night. So I was remiss in reminding everybody about that
17 event as well.

18 Any other announcements?

19 Okay. With that, we'll move to Agenda Item No. X,
20 next meeting date.

21 It depends on which meeting. We will -- on the
22 listening tour is tomorrow at 5:00 p.m. as we have
23 mentioned; in terms of a business meeting, we will reconvene
24 next Tuesday morning at 8:00 a.m., September 14th [sic].

25 And with that, we will move to Agenda Item No. XI,

1 closing of public comments.

2 Please note, members of the Commission may not
3 discuss items that are not specifically identified on the
4 agenda. Therefore, pursuant to A.R.S. 38.431.01(H), action
5 taken as a result of public comment will be limited to
6 directing staff to study the matter, responding to any
7 criticism, or scheduling the matter for further
8 consideration or decision at a later date.

9 And, with that, we will move to Agenda Item No.
10 XII, adjournment.

11 I will open it up for a motion to adjourn.

12 COMMISSIONER LERNER: This is Commissioner Lerner.
13 So moved.

14 CHAIRPERSON NEUBERG: Do I have a second?

15 COMMISSIONER YORK: Commissioner York seconds.

16 CHAIRPERSON NEUBERG: Vice Chair Watchman.

17 VICE CHAIR WATCHMAN: Aye.

18 CHAIRPERSON NEUBERG: Commissioner Mehl.

19 COMMISSIONER MEHL: Aye.

20 CHAIRPERSON NEUBERG: Commissioner Lerner.

21 COMMISSIONER LERNER: Aye.

22 CHAIRPERSON NEUBERG: Commissioner York.

23 COMMISSIONER YORK: Aye.

24 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
25 aye.

1 With that, we will adjourn. I look forward to
2 seeing our broader team, the public, tomorrow night in Yuma
3 and for the rest of the week.

4 Thank you everybody for your time and for your
5 efforts. Bye-bye.

6 (Whereupon the proceeding concludes at 12:54 p.m.)
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C E R T I F I C A T E

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

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

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

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 18th of August, 2021.



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

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 18th of August, 2021.



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