

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

August 10, 2021

8:01 a.m.

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INDEX

	NUMBER:	PAGE:
1		
2		
3		
4	Item No. I	4
5	Item No. I(A)	4
6	Item No. I(B)	5
7	Item No. II	5
8	Item No. III	7
9	Item No. IV	7
10	Item No. V	15
11	Item No. V(A)	16
12	Item No. V(B)	30
13	Item No. VI	42
14	Item No. VI(B)	47
15	Item No. VII	113
16	Item No. VIII	123
17	Item No. IX	127
18	Item No. X	128
19	Item No. XI	128
20	Item No. XII	128

21
22
23
24
25

1 PUBLIC MEETING, BEFORE THE INDEPENDENT REDISTRICTING
2 COMMISSION, convened at 8:01 a.m. on August 10, 2021, via
3 GoogleMeets, Arizona, in the presence of the following
4 Commissioners:

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

8 OTHERS PRESENT:

9 Mr. Brian Schmitt, Executive Director
10 Ms. Loriandra Van Haren, Deputy Director
11 Ms. Valerie Neumann, Executive Assistant
12 Ms. Michele Crank, Public Information Officer
13 Ms. Marie Chapple Camacho, Outreach Coordinator
14 Mr. Roy Herrera, Ballard Spahr
15 Ms. Jillian Andrews, Ballard Spahr
16 Mr. Eric Spencer, Snell & Wilmer
17 Mr. Brett Johnson, Snell & Wilmer
18 Mr. Doug Johnson, National Demographics Corp.
19 Mr. Mark Flahan, Timmons Group
20 Ms. Ivy Beller Sakansky, National Demographics Corp.

21 *Members of the Public
22
23
24
25

P R O C E E D I N G

CHAIRPERSON NEUBERG: Okay. I believe we have everybody on board. Oh, no. Commissioner York. Hold on. Just one sec.

Okay. With that, I think we can begin. We'll dive in. Agenda Item I, call to order and rollcall.

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

For the record, the Executive Assistant, Valerie Neumann, will be taking roll. When your name is called, please indicate you're present. If you're unable to respond verbally, we ask that you please type your name.

Valerie.

MS. NEUMANN: Thank you, Madam Chair.

Vice Chair Watchman.

VICE CHAIR WATCHMAN: Present.

MS. NEUMANN: Commissioner Lerner.

COMMISSIONER LERNER: Present.

MS. NEUMANN: Thank you.

Commissioner Mehle.

COMMISSIONER MEHLE: Present.

MS. NEUMANN: Commissioner York.

COMMISSIONER YORK: Present.

1 MS. NEUMANN: Chairperson Neuberg.

2 CHAIRPERSON NEUBERG: Present.

3 MS. NEUMANN: And, for the record, we also
4 have in attendance Executive Director Brian Schmitt, Deputy
5 Director Lori Van Haren, Public Information Officer Michele
6 Crank, our Community Outreach Coordinator Marie Chapple.
7 And from our legal team, we have Eric Spencer and Brett
8 Johnson from Snell & Wilmer, Roy Herrera and Jillian
9 Andrews from Ballard Spahr. Our mapping consultants, we
10 have Mark Flahan from Timmons, Doug Johnson from
11 NDC Research, Ivy Beller Sakansky from NDC Research, and
12 Cathy Taylor, our transcriptionist.

13 Thank you.

14 Back to you, Chair Neuberg.

15 CHAIRPERSON NEUBERG: Thank you. Please note
16 for the minutes that a quorum is present.

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

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

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

22 CHAIRPERSON NEUBERG: Thank you.

23 Agenda Item II, approval of minutes from last
24 week, August 3rd, 2021. We have, A, the general
25 session minutes; we have, B, the executive session minutes,

1 which reflected Agenda Item VII, our discussion of the
2 rubric related to the Constitutional criteria and the
3 Constitutional implications for that.

4 Is there any discussion on the minutes?

5 If there's no discussion, I'll entertain a
6 motion to approve both the general session and executive
7 session minutes.

8 COMMISSIONER LERNER: This is
9 Commissioner Lerner. I move to approve both sets
10 of minutes.

11 CHAIRPERSON NEUBERG: Do I have a second?

12 COMMISSIONER YORK: Commissioner York
13 seconds.

14 CHAIRPERSON NEUBERG: Further discussion?
15 We'll take a vote.

16 Commissioner Watchman -- excuse me -- Mehle.

17 COMMISSIONER MEHLE: Aye.

18 CHAIRPERSON NEUBERG: Commissioner Lerner.

19 COMMISSIONER LERNER: Aye.

20 CHAIRPERSON NEUBERG: Commissioner York.

21 COMMISSIONER YORK: Aye.

22 CHAIRPERSON NEUBERG: Commissioner Neuberg is
23 an aye.

24 And with that, we approve the minutes from
25 last week. And I'm just smiling because I'm trying to find

1 all the boxes where everybody is.

2 Thank you again, Val, for your minutes.

3 With that we'll move to Agenda Item
4 Number III, opportunity for public comments. Public
5 comment will open for a minimum of 30 minutes and remain
6 open until the adjournment of the meeting. Comments will
7 only be accepted electronically in writing on the link
8 provided in the notice and agenda for the public meeting
9 and will be limited to 3,000 characters. Please note
10 members of the Commission may not discuss items that are
11 not specifically identified on the agenda. Therefore,
12 pursuant to A.R.S. 38-431-01(H), action taken as a result
13 of public comment will be limited to directing staff to
14 study the matter, responding to any criticism, or
15 scheduling the matter for further consideration and
16 decision at a later date.

17 With that, we move to Agenda Item IV,
18 discussion on public comments, received prior to today's
19 meeting, August 10th. And I open it up to my fellow
20 Commissioners.

21 COMMISSIONER LERNER: This is
22 Commissioner Lerner. I want to say thank you. You gave us
23 a lot of specific comments this last time that related
24 questions -- sorry. Cathy?

25 THE COURT REPORTER: No.

1 COMMISSIONER LERNER: You're okay?

2 THE COURT REPORTER: Yes.

3 COMMISSIONER LERNER: Okay.

4 -- that -- that related to our public
5 meetings. And I just -- I wanted to say thank you for your
6 feedback and also to let you know we heard you. Staff
7 worked incredibly hard to pull together the meetings. And
8 glitches will always happen as we're proceeding with
9 things, but I know every time anything happens staff worked
10 very hard to address those issues.

11 So I -- I appreciate the comments that you
12 gave on our meetings on developing communication plans, our
13 work today that you commented on as well about developing
14 grid maps in competitive districts. I'll basically just
15 add that we appreciate the -- the detail that you provided
16 in many of your comments and the feedbacks.

17 There was one in particular I wanted to
18 mention. Somebody mentioned about changes in districts
19 over 10 years, and I thought that was a really good point.
20 Very often we're commenting about things that are today,
21 but 10 years ago things were different. And so that
22 acknowledgment that changes have occurred, I think, was an
23 important one.

24 Thank you.

25 Thank you, Chair Neuberg.

1 COMMISSIONER MEHLE: This is
2 Commissioner Mehle. I just want to comment that the public
3 meetings, the turnout was really strong. And the comments
4 by most -- the vast majority of comments were really on
5 point and meaningful and helpful. So I want to thank --
6 thank the public, thank all the people that came out. We
7 really do appreciate that.

8 VICE CHAIR WATCHMAN: Madam Chair, this is
9 Vice Chair Watchman. I, too, want to thank the public for
10 participating in the public hearings. And yesterday I
11 think we heard a couple strong suggestions, and, you know,
12 I'm not sure how to approach it. I think two -- well, the
13 two that I can think of is one.

14 The first one is extending the -- the
15 submission for community interest plans. And so we have a
16 deadline coming up, and I heard that loud and clear. And
17 so I'm not sure how to approach that as a Commission. Yes,
18 our -- our schedule is truncated, partly because the census
19 information was delayed. And so that -- that is delaying
20 and actually shortening up our whole entire process.

21 And -- and, also, I did hear. And I agree,
22 and, you know, I just don't have a -- an answer or
23 solution, but, you know, we -- we have not heard from all
24 segments of our community, you know. We had a couple
25 tribal leaders, I think, you know, three or four at best,

1 and, you know, there's about 20 others. And then the black
2 community. And then, for the most part, I heard a lot of
3 comments from the Latino community.

4 And so -- and -- and, you know, I've been
5 involved in tribal government for years, and usually the
6 challenge is to get out there. And I think a lot of
7 reservations are still closed right now just because of
8 COVID-19 concerns. And so, you know, having public
9 hearings out on the reservations may not be possible right
10 now, but at the same time, you know, they are part of the
11 Arizona public, and, you know, they're citizens, and, you
12 know -- and maybe we deal with it in the next round. But I
13 am very interested in hearing more details from -- from all
14 segments regarding their community interest. So, you know,
15 those are two thoughts that -- that rang loud and clear for
16 me last -- last night.

17 And so, you know, I don't have a solution.
18 You know, I hate raising problems, but, you know, we --
19 we -- we still have to think about that. And maybe it --
20 it could be dealt with in our schedule. So -- but great
21 comments, and it was good just to see everybody show up for
22 all 15 hearings that we had, so -- so thank you,
23 Madam Chair.

24 MR. B. JOHNSON: And Vice Chair Watchman,
25 this is Brett. We had -- the Commission can discuss that

1 under Roman Numeral V on the agenda today. So we can
2 address it.

3 CHAIRPERSON NEUBERG: Thank you.

4 VICE CHAIR WATCHMAN: Thank you.

5 CHAIRPERSON NEUBERG: Anything you want to
6 add, Commissioner York?

7 Not to put you on the spot, but, you know,
8 just in case.

9 COMMISSIONER YORK: Well, I -- I felt, you
10 know -- you know, the feedback last night was that we
11 weren't enough in market or in -- in areas, but we also
12 from the Commission standpoint, we spent a lot of time, and
13 we had 15 meetings, we had quite a few people show up, we
14 had great participation on the written side. And, you
15 know, so unfortunately we can't probably blanket Maricopa
16 County as well as -- as Maricopa County would like to be
17 blanketed, where the bulk of the population of the state
18 is, but overall I think we did a pretty good job.

19 I know we're going to go out to the state
20 again with maps, and so we -- I'm sure we're not going to
21 go to exactly the same places as we did last time, and so
22 we'll continue to listen.

23 And, from my standpoint, I -- I think what
24 the public is typing on our reviews is pretty -- pretty
25 informative and continues to show that they're engaged and

1 critical, you know, of our -- of our actions. And, you
2 know, we're doing as best we can. And I think last night
3 was a -- you know, was a good showing of -- of what we're
4 trying to listen for.

5 And so that's kind of all I had.

6 CHAIRPERSON NEUBERG: Yeah. It -- it's a lot
7 of information to absorb and digest. We have been working
8 nonstop for two and a half weeks. I do implore the public
9 to give us some patience just to, you know, sift through
10 what we're hearing, what we're not hearing, and to
11 strategically come back to the community with explicit, you
12 know, game plans.

13 But for now, you know, given that it's just
14 literally I think, 12, 13 hours since we -- we closed our
15 last meeting, I'd like to share my take on what we heard,
16 synthesizing, you know, what we hear through the web
17 comments. And it bleeds into the next item, the travel
18 tour, so I think it kind of comes together.

19 Outreach. It is very clear our community
20 wants and needs us to extend and expand our outreach. We
21 agree. I am so proud of our staff. It's not that they
22 haven't done outreach if you look at the empirical numbers
23 of people showing up, responses, data we're receiving. I'm
24 so incredibly proud, but we promise it's not enough. We
25 understand that. We've welcomed two new outreach

1 coordinators who will help us with that strategic planning
2 of how best to do outreach.

3 Related to that, you know, people have really
4 expressed opinions, sometimes frustrations, about travel
5 locations and accessibility. We did pick, I think, the
6 best first 15 spots. Our state is big. It's diverse.
7 We're just scratching the surface. We are understanding
8 who's showing up and we're understanding who's not showing
9 up, and we will put our collective minds together. It'll
10 be an agenda item and think through how we redistrict for
11 the entire state of Arizona.

12 Having said that, there's a premium on
13 showing up, because you know your voices are being heard.
14 For those who feel that their voices aren't being heard, in
15 addition to us thinking through our population and the gaps
16 and the data we're receiving, we welcome your request to
17 come to you to hear from you. I remember a -- a stat I saw
18 in a -- the Arizona Republic just a few days ago saying
19 13 percent of our state doesn't have broadband. 5 percent
20 of that doesn't even have the infrastructure. That's a gap
21 that we have to be thinking about, other people for whom
22 maybe these environments really don't work for them.

23 Please submit information through our
24 website. We have to vet the requests. We want to make
25 sure that the community that is asking us to, you know,

1 invest time meets a basic level of threshold that will be
2 relevant to redistricting. And that's just a reality. We
3 have limited time and bandwidth. We want to ensure that
4 the conversations are going to be constructive and add to
5 the information that's helpful for us to meet your needs,
6 and we also want to vet it so we can ensure balance,
7 because we do want to ensure there's an overall balance
8 of -- of perspectives that we're hearing.

9 Reach out now, please, community. Don't wait
10 until the draft maps are out. You can/will have all of the
11 legally required, you know, public time to comment. But
12 this Commission is very interested in learning. We're
13 studying. We're going around the state. We're investing a
14 lot of time. Weigh in now so that when we're continuing
15 our tour, we always have the information that you're
16 sharing with us in our perspective.

17 And I'm sorry. I'm almost done. Rushing the
18 timeline.

19 There was some concerns that with a focus on
20 the approved option 2, Schedule, that the five
21 Commissioners agreed on that by returning to that schedule,
22 you know, that maybe we'll cut corners or compromise
23 integrity or quality. That won't happen. Will not happen.
24 But we need to stick to deadlines, because decisions and
25 the information, it only gets increasingly, you know, more

1 complex, not simpler.

2 Competitive measures. Oh, my goodness. A
3 lot of focus on, please, please, please prioritize
4 competitiveness. This Commission, we care deeply about
5 competitiveness as the rest of the meeting will
6 demonstrate. We're giving it the attention it is due. All
7 criteria of the Constitution demand consideration and
8 attention. However, according to the Constitution, we can
9 consider competitiveness to the extent that it does not
10 cause a detriment to the other factors.

11 Why am I emphasizing this? Please,
12 community, be specific if you're just asking for
13 competitiveness. If you can link it to one of the other
14 Constitutional criteria to help us understand your basic
15 democratic needs, that's going to be a more effective way.

16 And with that, I am done. It's just been a
17 lot of information that we've been receiving, and my basic
18 motivation in -- in sharing my -- my feedback is to really
19 reassure the public that we care and that we want to learn
20 and we want to really truly redistrict for everybody.

21 And with that, we will turn it over to Agenda
22 Item Number V where the mapping consultant can take it away
23 and talk about our tour and all of the subsequent
24 decisions.

25 But prior to that, again, I just want to

1 reiterate the deep sense of gratitude to the staff who have
2 been traveling and working nonstop. Of course glitches
3 happen, but just the data we've received is in and of
4 itself proof that -- that it was fabulous, so thank you.

5 And with that, I'll move it over to our
6 mapping team.

7 MR. FLAHAN: Good morning. Well, we've had a
8 great 15 meetings. Lots of intense -- lots of outreach. I
9 was looking at our community of interest survey tool this
10 morning, and as of right now we have received 616
11 submissions. So people have provided us a lot of data.

12 A couple things that we heard on the tour
13 regarding the community of interest survey was people were
14 asking to extend the deadline of it because the current
15 deadline is today at 5:00 p.m. Mountain Standard Time. So
16 I'll put that out there.

17 The other couple comments that we heard
18 was the socioeconomic map and the demographics weren't the
19 easiest to use. So we've actually went back and reworked
20 another product that I think is easier to use. So we have
21 a -- another product that the public can use. And if you'd
22 allow me, I'd be happy to show it to you.

23 CHAIRPERSON NEUBERG: Please.

24 MR. FLAHAN: Okay. Hold on. Let me share my
25 screen.

1 Can you see the screen now?

2 MR. D. JOHNSON: Yes, we can see it.

3 MR. FLAHAN: So this is a story map, the same
4 in the web builder for the socioeconomic report. You can
5 scroll down and it gives you a quick intro, talks about the
6 data, shows you a pop-up box here, shows you the different
7 demographic points that are here.

8 And then what we have done is we have divided
9 up into big buttons that you can click when you want -- you
10 see the population variables. So no more having to go to a
11 different window. You can click on it. You can see the
12 entire state. There are sections of Arizona where there is
13 no -- no data, so we decided to gray that out instead of
14 showing 0 percent as blue. So we think that'll make it a
15 lot easier to scroll through them. All you need to do is
16 click the different buttons. There's also places of
17 interest. If you wanted to click in some of them, it will
18 take you directly to it.

19 Our language, it's, again, big buttons. You
20 can zoom in either by hitting buttons over here, and you
21 can see everything starts to change. I believe it is a lot
22 more responsive for everybody. And you can click on it and
23 get the pop-up, and you can see it gives you the entire
24 demographics for that -- for that block.

25 So not only do you get to see the map of what

1 you're looking at, but you can also see the entire
2 demographics for that section. So I think that'll make it
3 a little easier for the public to consume. So you now have
4 two products out there and then the last couple
5 demographics. And you can see that now it draws the entire
6 state of Arizona.

7 That's what I got for you for -- on the
8 second version of the socioeconomic report. I will work
9 with Brian on putting it on the website.

10 Are there any questions about that?

11 COMMISSIONER MEHLE: Mark, this is
12 Commissioner Mehle, on the community of interest survey
13 where we've had people ask us to extend, how much could we
14 extend that deadline without hampering your work?

15 MR. FLAHAN: I would say maybe a day or two
16 max, because there is a lot of data that came through it.
17 Just yesterday we were probably at a -- just a tiny bit
18 over 400, and today we're at 616, I think I saw the last
19 number. So it seems like we get, you know, almost 200 a
20 day at least in the last 24 hours.

21 COMMISSIONER MEHLE: That --
22 Commissioner Mehle. That almost argues more for extending
23 it than not extending it if we're getting that kind of
24 activity. If we were to extend it to the end of the day
25 Friday, is that something that you can live with, or is --

1 is that a problem?

2 MR. FLAHAN: Hold on. I'll look at a
3 calendar.

4 Doug, what's your thoughts?

5 MR. D. JOHNSON: Without seeing specifics, if
6 the team can squeeze their time a little bit and give
7 another day, fine. The -- while everyone wants to
8 participate more in the current phase, keep in mind this is
9 just initial input. When people really are going to get
10 their hands dirty on this is when we have the grid map out
11 and people can start making much more concrete numbers.

12 So I would be sure that nothing -- no
13 extension at this time impacts when that stage happens.
14 You don't want to take time from discussing agri maps to
15 increase the time to discuss community of input first,
16 because the discussion of maps is certainly a much higher
17 priority.

18 CHAIRPERSON NEUBERG: And that's the point I
19 wanted to emphasize, that, you know, I -- yes, we can
20 extend it a little bit. This is the first bite of the
21 apple, you know, so -- so the community will have many
22 opportunities to continue to weigh in.

23 MR. D. JOHNSON: Right.

24 COMMISSIONER LERNER: And this is
25 Commissioner Lerner. Will the -- will the website be shut

1 down then at the end of the day, or is it something that --
2 I mean, I guess that's my first question, Mark.

3 MR. FLAHAN: When -- when the deadline hits,
4 we will turn off the survey --

5 COMMISSIONER LERNER: Okay.

6 MR. FLAHAN: -- but the dashboard will
7 continue to -- to work. So it won't allow any new input
8 into the system, but the litany to our Commission dashboard
9 that's out there, that's on the IRC website, will continue
10 to work with the data that was submitted to it from people
11 through the deadline.

12 MR. B. JOHNSON: But, Mark -- this is
13 Brett -- real quick for clarification, which Doug just
14 mentioned, once we get into the grid map, this is all going
15 to be put back up, and people are going to be able to deal
16 with it actually using live.

17 So this is not an end-all/be-all of tomorrow
18 or next day. In fact, you're going to have a much more
19 fulsome system, you know, in a week or so.

20 MR. FLAHAN: Right.

21 MR. D. JOHNSON: Yeah, I'm pretty sure -- I
22 appreciate that input, but the reality is last night there
23 was a consensus that there was not enough time. I would
24 ask for a few more days.

25 COMMISSIONER LERNER: With that, this is

1 Commissioner Lerner, I would tend to agree, but I'd want to
2 make sure that from NDC that that's going to work.

3 MR. FLAHAN: I wouldn't go anywhere past
4 two days, because our goal is to get you the report by the
5 end of the month for the 31st. And the less days that we
6 have on the back end to process the report -- you know, it
7 doesn't make it that much easier for us. And the more data
8 that we get, the more processing that we have to do on the
9 back end. Not saying that more data's bad. More public
10 input and data is great. It just cuts down the time that
11 we have to create the product for you.

12 CHAIRPERSON NEUBERG: So what if we
13 considered today, is today a working day, tomorrow a
14 working day? Maybe the end of the day tomorrow.

15 To be honest, those who are most focused on
16 this are focused today, will hear these deadlines, and I --
17 I think the most relevant deadline is really the next 24,
18 30 hours.

19 COMMISSIONER YORK: I would agree with that.
20 And I also think that we do our part to travel to the other
21 places.

22 COMMISSIONER LERNER: And I agree with that
23 as well, with that extra day.

24 VICE CHAIR WATCHMAN: I agree.

25 MR. D. JOHNSON: And -- and, sorry. I want

1 to add, too, just so the public is clear, this is not the
2 end of discussion communities of interest. If they didn't
3 get their map in in this phase and then the grids come out,
4 they feel that their community of interest is divided, they
5 can still raise that issue with the Commission, even if
6 it's not a community of interest that we drew in in this
7 phase. There's no cutoff in that criterion being
8 considered. They can still come up and raise the thoughts,
9 as someone mentioned earlier, about an entirely different
10 community of interest later on in the process if they
11 choose.

12 VICE CHAIR WATCHMAN: Madam Chair?

13 CHAIRPERSON NEUBERG: Yes.

14 VICE CHAIR WATCHMAN: If we could allow for
15 another day or two, I think that'll demonstrate that, you
16 know, we have listened to the public and -- and, as
17 Commissioner York said, we did hear loud and clear that a
18 few more days is being requested, and I think we should do
19 it. And, yes, we have many bites at the apple, but, you
20 know, I think we need to listen at all segments of each
21 bite.

22 And so this is very important and -- and --
23 and, yes, it's -- it's a challenge to, you know, get to
24 every segment of our community, but, you know, I heard it
25 loud and clear, as Commissioner York mentioned, you know, a

1 reasonable request to add a few more days.

2 So, you know, if we have the staff up from
3 our side, then -- then so be it. So I think -- I think
4 the -- the -- the request is put out there, and I'd like to
5 accommodate that in some -- some fashion.

6 CHAIRPERSON NEUBERG: Okay. So is there a
7 recommendation -- I proposed close of day tomorrow? Do
8 people feel that an additional day is going to yield
9 meaningful data and -- and the mapping folks can
10 accommodate that?

11 I defer.

12 MR. FLAHAN: From the Timmons side, we're
13 okay with an extra day.

14 COMMISSIONER MEHLE: This is
15 Commissioner Mehle. I make a motion we extend the deadline
16 until the end of the day Wednesday.

17 CHAIRPERSON NEUBERG: And just for
18 clarification, is that 5:00 p.m., or is that midnight?

19 COMMISSIONER MEHLE: 5:00 p.m.

20 CHAIRPERSON NEUBERG: Okay.

21 MR. B. JOHNSON: And just for clarification
22 on the legal side, so we're doing this under -- you all are
23 doing this under Roman Numeral V(A)?

24 CHAIRPERSON NEUBERG: Okay.

25 COMMISSIONER YORK: This is

1 Commissioner York. I second.

2 CHAIRPERSON NEUBERG: Okay.

3 THE COURT REPORTER: I'm sorry. I'm not
4 hearing.

5 CHAIRPERSON NEUBERG: Right. Can we back up,
6 Commissioner York. Can you please -- did you hear
7 Commissioner Mehle?

8 THE COURT REPORTER: Yes.

9 COMMISSIONER YORK: And you heard Brett
10 Johnson?

11 THE COURT REPORTER: Yes.

12 COMMISSIONER YORK: This is Commissioner
13 York. I second the motion.

14 CHAIRPERSON NEUBERG: Any further discussion?
15 Okay. With that, we will take a vote to
16 extend the deadline to 5:00 p.m. Wednesday, tomorrow,
17 August 11th.

18 Vice Chair Watchman.

19 VICE CHAIR WATCHMAN: Aye.

20 CHAIRPERSON NEUBERG: Commissioner Mehle.

21 COMMISSIONER MEHLE: Aye.

22 CHAIRPERSON NEUBERG: Commissioner Lerner.

23 COMMISSIONER LERNER: Aye.

24 CHAIRPERSON NEUBERG: Commissioner York.

25 COMMISSIONER YORK: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Neuberg is
2 an aye.

3 And the community of interest survey has been
4 extended till tomorrow at 5:00 p.m.

5 With that, mapping, please continue.

6 COMMISSIONER LERNER: This is
7 Commissioner Lerner. Can I just make one comment? I just
8 want to say thank you for the story maps. I've used story
9 maps in the past. I think that is easier for the public.
10 It certainly was easier for me in work that I've done. So
11 I'm glad that you heard that from the public and
12 modified -- you know, added another way for people to get
13 to it in an easier way. So I appreciate that.

14 I just wanted to comment on that.

15 MR. FLAHAN: You're very welcome.

16 Okay. So the -- the next thing on our
17 agenda -- or is there any other questions about the story
18 that we just had for me?

19 Any of the Commissioners? No. Okay.

20 Training dates. So talking about getting the
21 Commissioners training for the redistricting system. I
22 know we've talked about that a couple different times. I'd
23 like to be able to try to figure out some dates to get you
24 guys training. And I think that's -- that's sort of a
25 question for you guys, is we need to come up with training

1 dates because the clock's sort of clicking down. So we
2 want to get that on the books so I can get that scheduled
3 so we can make sure that -- that we're successful for that.

4 CHAIRPERSON NEUBERG: How much time do you
5 need, and when is the optimal time to do this, please?

6 MR. FLAHAN: I would say it would be --
7 that's a good question on timing. I'm trying to think
8 about that. I'm thinking maybe two to four hours.

9 What do you think, Doug?

10 MR. D. JOHNSON: Yeah, that should be plenty.

11 MR. FLAHAN: Yeah. And from the perspective
12 of training, it would probably be the end of next week, if
13 possible. We're making a modification of the redistricting
14 system on the 16th, so that gets rid of the first
15 couple days of next week. So either the end of next week
16 or the week of the 23rd, 24th.

17 COMMISSIONER YORK: You have a couple options
18 in case our schedule doesn't allow it.

19 And the other thought I have is, is it in
20 person or is it online?

21 MR. FLAHAN: It would -- it would be in,
22 like, a setting like this, and then like a Zoom or a
23 GoogleMeets.

24 COMMISSIONER YORK: Okay. And do we have to
25 do that now in public meetings format, or do we just do it,

1 schedule a time with you?

2 MR. FLAHAN: I'll let Brett comment on that
3 one.

4 MR. B. JOHNSON: Well, I -- it depends on
5 what the Commission chooses. If it's going to be
6 individual, then it's just regular training like you have
7 in staff. If we're doing it as a group, then we're going
8 to have some notice requirements.

9 CHAIRPERSON NEUBERG: Yeah, I -- our initial
10 discussion up to now, just as a reminder, is our sentiment
11 was for us to do this collectively. And so, therefore, you
12 know, it would be subject to open meeting laws and -- and
13 all of the protocol that goes along with that, which is
14 fine. I mean, that --

15 MR. FLAHAN: Yeah, I would definitely suggest
16 doing it as a group, not individual.

17 CHAIRPERSON NEUBERG: Okay.

18 COMMISSIONER MEHLE: This is --

19 CHAIRPERSON NEUBERG: Go ahead, please,
20 Commissioner Mehle.

21 COMMISSIONER MEHLE: This is
22 Commissioner Mehle. I'm traveling a week from Friday and
23 not available, but I am available on Wednesday or Thursday
24 next week at any time.

25 COMMISSIONER LERNER: This is -- this is

1 Commissioner Lerner. Thursday is wide open for me, so if
2 we could do it on the 19th, perhaps, that would be a -- a
3 good day for me. If not, then I could try to arrange
4 something on the 18th, work around some things. I could
5 probably make adjustments. Sooner than later as we get
6 going on that.

7 Sorry, Doug.

8 COMMISSIONER YORK: No. My next week's
9 pretty full, but I was hoping to do it the week of the
10 23rd.

11 CHAIRPERSON NEUBERG: And is this not
12 something that we can -- you know, I say squeeze in. We
13 have robust meetings, but something to do on a regular
14 Tuesday meeting?

15 MR. D. JOHNSON: Are you thinking -- it would
16 take your whole meeting. You wouldn't have any time.

17 CHAIRPERSON NEUBERG: Well, we -- we have a
18 precedent of having long meetings, but I -- I hear you. It
19 sounds like it's better to carve out a separate time if we
20 can find a time.

21 COMMISSIONER MEHLE: I've cleared up all of
22 every Tuesday. So I could do it on the 24th, you know,
23 later in the day Tuesday. Do the morning meeting and maybe
24 break and do that in the early afternoon or something.

25 COMMISSIONER LERNER: I could meet -- this is

1 Commissioner Lerner. I could do that as well on Tuesday
2 the 24th if we want to suggest that the afternoon be
3 scheduled for training if we could get through our business
4 in the morning.

5 CHAIRPERSON NEUBERG: Vice Chair Watchman,
6 how does that look for you?

7 VICE CHAIR WATCHMAN: The 24th is good, yes.
8 I -- I've been trying to clear my whole Tuesdays just for
9 things like this, and so the 24th would be good for me as
10 well.

11 CHAIRPERSON NEUBERG: Does that work for the
12 mapping team?

13 MR. FLAHAN: As long as you guys are welcome
14 for a long meeting, I don't see an issue with it. And I
15 can take this as an action item and report back next week
16 about the exact time commitment that you guys would need
17 for the training. And we had mentioned two to four hours.
18 I could try and button that down a little bit more and give
19 you a more exact number.

20 CHAIRPERSON NEUBERG: Okay.

21 MR. FLAHAN: But I will --

22 CHAIRPERSON NEUBERG: And that's okay. It
23 sounds like, you know, listening to my peers that we have
24 truly blocked Tuesdays off and that people are open-minded,
25 you know, to having long days. And maybe that's efficient.

1 Maybe that's, you know -- but thank you.

2 MR. FLAHAN: The -- the next part is the
3 competitive grid map selection discussion. That's B. I
4 think we -- we moved that to under C, because I think if we
5 talk about the discussion on when to increase the number of
6 regular meetings it would be better in B and then the
7 competitive grid map selection could also flow into VI if
8 you're okay with that, Madam Chairwoman.

9 CHAIRPERSON NEUBERG: Please.

10 MR. FLAHAN: Okay. The -- the question came
11 to us about, you know, when are we going to need to start
12 increasing the amount of the meetings with the amount of
13 work that's coming and the amount of public input and the
14 grid map and the draft maps. I think soon you guys are
15 going to have to start increasing your meetings to at least
16 a couple times per week. I know Doug's had quite a bit of
17 experience on public meetings and the exact timing of when
18 to increase.

19 Doug, do you want to give them some of your
20 experience?

21 MR. D. JOHNSON: Sure. I think there's --
22 there's two ranges we're talking about. One is kind of
23 between the grid and the draft map, how are you going to
24 get public feedback and what meetings are you going to hold
25 and whether that would be each Tuesday or whether try to

1 add in a couple more meetings, just kind of listening
2 meetings for the Commission.

3 Then there's the kind of decision meetings,
4 where you take everything you've heard about the grids and
5 how to improve them and make decisions about the adjusting
6 the grid. And that is really -- you know, I would envision
7 that as essentially a whole week in all likelihood.

8 I believe, Mark, correct me if I'm wrong, I
9 think that we have that still scheduled for October 15th
10 through the 22nd?

11 MR. FLAHAN: Give me a second. I have to
12 bring that up. I don't have it sitting right in front of
13 me. Hold on.

14 MR. D. JOHNSON: Sorry. I don't know that
15 it's necessarily that we're looking for we'll go to twice a
16 week for the rest of the project as much as, you know,
17 increase a little bit when you're listening and then an
18 intensive week of decisions. And hopefully we can get it
19 done in a week.

20 And then after the draft map is adopted, and
21 then you're going to do your 30-day Constitutional
22 requirement period where you're planning to go back out and
23 do another listening tour. They won't be back-to-back
24 meetings like they were in this past listening tour, just
25 because there's a lot more processing and -- and taking in

1 the input required, but they will be, you know, fairly
2 frequent, I'm sure. And then those would lead into
3 another -- I think we're looking at December 7th through
4 14th or somewhere in that range of an intensive week to
5 week and a half of final decisions.

6 And -- and I know we talked about the 22nd,
7 and that's not quite going to the 22nd. Because then once
8 you arrive at a near final map, we want to do that last
9 phase of letting the County Elections folks weigh in to see
10 if there's any administrative shifts that would make their
11 jobs easier the last couple of days.

12 So, you know, we're really looking at maybe
13 adding in another meeting each week or every other week
14 between the adoption of the grid and the draft and an
15 intensive week to week and a half of decisions, decision
16 meetings, and then your listening tour and then another
17 intensive week to 10 days at the end.

18 COMMISSIONER MEHLE: This is
19 Commissioner Mehle. You said October 15th, but that's a
20 Friday. So would it be the week of the 11th or the week of
21 18th, do you think, that we'd really need multiple
22 meetings, or are we really going to be meeting most days?

23 MR. D. JOHNSON: That's what Mark is checking
24 on now, exactly where that's falling, but it may make sense
25 to have a first meeting on Friday with your initial

1 directions. We can process those directions and then get
2 more fine-tuned over the rest of the days of the week, the
3 next following week.

4 MR. FLAHAN: Yeah. For the schedule right
5 now, we have tentative the grid map 23-day review from the
6 September 15th through October 8th. And then October 11th
7 through the October 15th week of comment and compile all
8 the data that we hear from the review. And then
9 development of the draft maps from the 15th to the 22nd,
10 and then the draft map public decision meeting from 10/22
11 to 10/27. As Doug said, that might be a week long, so that
12 time frame might expand a little bit.

13 I think the key here is, is that the critical
14 time is your schedule's going to have to definitely flow
15 and have a lot more meetings and -- and we're going to have
16 to be a little flexible as we work through this process.

17 COMMISSIONER LERNER: This is
18 Commissioner Lerner. I -- I appreciate this discussion,
19 because I'm always worried about how we -- if we do need
20 something, how do we fit that in. I wonder if we could put
21 in a tentative schedule of a second day every other week
22 or -- or every week that we may cancel, but that way we're
23 holding some time during that period when we're receiving
24 the grid map comments, you know, prior to that, the 23rd
25 three-day review, when we might want to talk about some of

1 the things that we've heard. It would be something that
2 would go on the calendar so that we could leave it open for
3 a while, but then as we get closer, we could say we're not
4 going to need that or we will.

5 And then if you think we need to possibly
6 extend the 15th to the 22nd, it would be better to do so
7 now so we could put it in our schedule. And, again, we
8 could always take it off. It's easier to do that than to
9 have people schedule meetings and then now be asked to
10 cancel them later on. So I'm just thinking of doing some
11 holding dates that we can take off if we don't need them.

12 Would that be something we could consider?

13 CHAIRPERSON NEUBERG: I think that makes
14 perfect sense. I think it would help us, the five of us,
15 to know -- Tuesdays we all know we block off. Is there an
16 alternative date that we can more reliably lean on in these
17 times when it's more frequent?

18 You know, I don't know if you -- if -- if we
19 had the bandwidth now, if people know their schedules to
20 chime in, or we can also have Brian circle back to
21 everybody, but I'm open.

22 COMMISSIONER MEHLE: From the discussion --
23 this is Commissioner Mehle -- it didn't sound like we had a
24 need for a second meeting until we had the intense time,
25 which really sounds like it'll be from October 15th to the

1 27th or so. And that we -- we probably all need to just
2 totally block off that period of time or pretty -- pretty
3 near it. That most days in that -- in that week-and-a-half
4 period we're going to want to probably try to get together.

5 COMMISSIONER LERNER: So this is
6 Commissioner Lerner. I thought -- I was misunderstanding
7 Doug maybe. I thought he said we might have to extend a
8 few days here and there, and so that's all I was reacting
9 to. Maybe I misunderstood, but I was thinking if we were
10 going to have that maybe -- maybe we should do it now and
11 then cut it.

12 So -- so, Doug, could you clarify that. I
13 may have misunderstood.

14 MR. D. JOHNSON: Yeah. So the thought is
15 between the grid -- between adoption of the grid and the
16 intensive meetings on the draft, the Commission plans to
17 take it -- hopefully extensive public input on the grids
18 and how they should be adjusted to meet the Constitutional
19 criteria. So the Commission has decided to do that through
20 the regular hearing process rather than a listening tour,
21 which I think makes sense.

22 So it would be beyond your usual business
23 meetings, because obviously you'll want to take public
24 testimony during these times so the public can share their
25 thoughts on those -- their suggestions. They don't have to

1 share it verbally. You know, obviously we'll have a ton of
2 technology options for them, and that is certainly optimal.

3 But -- but, yeah, I think it won't -- you
4 won't be able to do that just on Tuesday mornings. Whether
5 you make every Tuesday very long or whether you add a
6 second day, I think, would be the two options facing you
7 there.

8 CHAIRPERSON NEUBERG: It will be helpful to
9 me --

10 MR. D. JOHNSON: It may not need even be
11 every week. It may be every other week.

12 CHAIRPERSON NEUBERG: And it would be helpful
13 to clarify when we talk about scheduling additional
14 meetings which ones are business meetings, where we're
15 focused on decision-making and processing and that kind of
16 stuff, versus public hearing. Because I -- I see that as a
17 different bucket. Just so we're all on the same page with
18 what we're scheduling and how -- and how it fits in.

19 Maybe just, you know, for expediency, Doug,
20 maybe, you know, you can reach out to Brian, let him know
21 when you feel those weeks are going to require, you know,
22 additional time, and then Brian can reach out, and we can
23 all put our schedules together and figure out alternative
24 times and dates that work collectively and along with our
25 staff.

1 COMMISSIONER YORK: Well, we need some
2 specifics. I mean, this generality is hard, as far as I'm
3 concerned, as far as trying to set a schedule. I mean,
4 give us your optimal situation and your least optimal
5 situation, specifically with Brian, and then we can adjust
6 and try to sort of come back and give a -- now some -- some
7 sense.

8 But, I mean, if I look at your schedule,
9 10/28 to 10- -- to 11/30, draft map hear- -- draft map
10 hearings, that's a really broad swath of time. And so if
11 we could tighten this up a little bit so Shereen and I
12 and -- we can get our ducks in a row.

13 MR. D. JOHNSON: Yeah. We -- we can
14 certainly do that. I'll work with Brian. That the draft
15 and final map is going to be more or less another listening
16 tour. And, as you know, your -- your team has been very,
17 very busy and hasn't been able to work on that window yet.

18 So we'll get some -- we'll nail down some
19 dates and locations for that. We'll meet with them on the
20 schedule between the grid and the draft map too. So
21 we'll -- but just so folks watching this understand, it'll
22 likely be either really long Tuesdays or one additional day
23 at least every other week and perhaps every week. And
24 we'll come back to you with -- with a concrete set of dates
25 for you to react to.

1 COMMISSIONER MEHLE: Doug, another question
2 I guess I'm a little naive on. Once we start trying to do
3 the draft maps, what -- are we likely to meet every day for
4 six days, or are we likely to take two or three days?

5 Just from your experience, can you describe
6 that practicality of that process on how we -- we might
7 expect to go about that, because I don't -- I have no idea.

8 MR. D. JOHNSON: Yeah. I would expect to
9 meet every day. I mean, I appreciate Mark raising that we
10 actually have the 15th through the 27th as kind of the
11 window here. So we'll work with you, work through Brian,
12 and get -- there may be a day off here or there in that
13 window, but it's likely to be most of those days.

14 What -- I know what happened in 2001. I
15 didn't follow it all that closely two years ago. But in
16 2001, it would be one day on the legislative map, one day
17 on the congressional map, one day on the legislative map,
18 one day on the congressional. As the changes discussed one
19 day for the legislative map would be made in the background
20 on the next day while the Commission was talking about the
21 congressional map, and vice versa.

22 And we all know there is an infamous part of
23 the transcript where it says, "Thud. Loud noise heard in
24 the back of the room."

25 And one of the Commissioners said, "I think

1 we just lost one of the consultants."

2 So it is intensive, it is a little harried,
3 and we'll probably need a day or two off in that time
4 period just for us all to catch our breath. But, yeah, I
5 would expect it to be fairly intensive.

6 And part of the reason to plan for two weeks
7 is we just don't know the dynamics of the Commission,
8 how -- the dynamics of the public input, how quickly we'll
9 be able to get to consensus or to -- at least to a vote on
10 that draft map. So it's better to allow plenty of time.
11 And if we finish early and the public could start reacting
12 to the draft map, fantastic. But that certainly -- we have
13 to get the job done one way or another.

14 COMMISSIONER LERNER: This is -- thank you,
15 Doug. This is Commissioner Lerner. So part of what you'd
16 be doing is once we decide on the competitive whatever
17 we're going to be doing, the competitive factor that we're
18 going to be looking at, you'll have to be running that
19 after each map. That's part of the issue, right, in terms
20 of giving us live data of how does it impact conspicuity
21 and compactness and all that. So that's part of that every
22 other day, we'd be looking at some of those, that data
23 snip.

24 So at one point -- and I'm not trying to get
25 a lot -- a lot more meetings. I'm just trying to be

1 concerned about it's very difficult for us to schedule
2 meetings at the last minute because of everybody's
3 schedule. So as you're thinking about the days that we
4 need to meet, if you think that there's a chance we'll need
5 more days out of that week, can you please add that in
6 there as tentative saying, please reserve these two days
7 and those two days. And then if we don't need them, we
8 can -- again, we can remove them. But my concern is
9 where -- it's difficult for everybody to set aside a week
10 or two in advance very often versus a month or two.

11 MR. D. JOHNSON: Sure.

12 COMMISSIONER LERNER: But that's part of it;
13 right? We're going to be looking at live data each time.
14 So we'll be looking at maps and waiting for you to come
15 back with, here's what the data shows now that you've made
16 these changes.

17 Is that correct?

18 MR. D. JOHNSON: Definitely. And one of the
19 dynamics of these meetings is, you know, you'll look at
20 each region, you'll get testimony from different regions,
21 and you'll say, okay, you know, in Yuma make this change
22 and in Tucson make this change.

23 And we'll, you know, nail that -- each of
24 those individual changes down and get to a specific
25 direction with notes about why that -- that ties back to

1 the Constitutional criteria. But then balancing those
2 changes in the middle, you know, is -- takes almost as long
3 but isn't really substantive.

4 You know, and I'm picking random areas, so
5 there -- there will be time where we'd go off and make all
6 of the different pieces of the puzzle that you've given
7 direction on fit together in one puzzle.

8 So that's -- that's where, yeah, there's
9 processing time and we may switch maps.

10 CHAIRPERSON NEUBERG: I think it would be
11 helpful, as we discussed earlier, for Doug, if you don't
12 mind, sharing with Brian just your best recommendations,
13 you know, not the perfect plan, but best recommendations
14 for frequency and the timing.

15 And Brian can reach out to Commissioners, and
16 we can collectively find, you know, windows of opportunity
17 that work for us. And I would actually say maybe not just
18 focus in October, but we know this is coming up later in
19 the year as well and -- and so if we're going to be
20 coordinating calendars, you know, let's go all in.

21 MR. D. JOHNSON: Yep. Will do.

22 CHAIRPERSON NEUBERG: Thank you.

23 VICE CHAIR WATCHMAN: Madam Chair, this is
24 Vice Chair Watchman. If we could maximize Tuesdays, that
25 will be great, you know, because I think we did have that

1 discussion.

2 CHAIRPERSON NEUBERG: Right.

3 VICE CHAIR WATCHMAN: I've been trying to
4 guide my -- my scheduling for the balance of the year and
5 set aside Tuesdays all day, you know, for -- for these --
6 this important work that we're doing. So keep that in
7 mind.

8 CHAIRPERSON NEUBERG: Yeah. I think we're
9 all on board with -- with long Tuesdays.

10 Is there anything else with Agenda Item V? I
11 mean, it -- with mapping? I mean, you're up again with
12 number VI, and I don't know how to kind of bifurcate what's
13 what, so I defer to you.

14 MR. FLAHAN: Yeah. I think Item V(B),
15 competitive grid map selection discussion, and Item VI,
16 presentation, discussion, and potential action concerning
17 competitiveness measures and grid map selection decision,
18 sort of go together.

19 So I as long as you allow it, I think it's
20 safe to go to Item VI with Doug.

21 CHAIRPERSON NEUBERG: Unless there's any
22 other comments or -- or disagreements, but please do.

23 MR. D. JOHNSON: And, if I could, I would
24 suggest we switch the two and do the grid first, if that's
25 okay?

1 CHAIRPERSON NEUBERG: Sure.

2 MR. D. JOHNSON: Okay. So not a lot to
3 present on the grid. You know, we spent a lot of time on
4 it last week. Hopefully you've all had time to think about
5 it and think about what options you think make sense. Just
6 as a quick reminder, you know, our suggestion is to pick a
7 starting point, you know, either in the center of the state
8 or in the corner -- and that could be randomly chosen or
9 you can give direction on that -- and then pick a
10 direction, whether we want to go clockwise or
11 counterclockwise from there, as we -- as we put this grid
12 together.

13 So happy to chat in more detail if you want
14 to revisit anything about it, but that -- that really is
15 the discussion and decision on the table before you.

16 CHAIRPERSON NEUBERG: Okay. I'm going to
17 throw out a proposal. No. I'm going to listen to
18 Commissioner Lerner first.

19 COMMISSIONER LERNER: No. I was actually
20 going to say Commissioner Mehle had a proposal up last
21 time, and I was fine with the pursuit moving forward. But
22 I'd love to hear from you, Chairwoman.

23 CHAIRPERSON NEUBERG: Mine was just as
24 random. I was going to say let's start in the middle. And
25 you know how you go counterclockwise, there's a -- you

1 know, that little loop?

2 But -- but I -- I'm open to other
3 preferences. My -- my interest is random cleaning the
4 slate and dividing up the districts into equal population
5 per the Constitutional guidelines. So that's what's on my
6 mind.

7 Commissioners.

8 COMMISSIONER MEHLE: This is
9 Commissioner Mehle. I'll make a motion to try to start it.
10 So I move that we direct our consultants to develop a grid
11 map that is -- starts in the middle of the state, goes
12 counterclockwise, has equal population.

13 And I think that's it.

14 COMMISSIONER YORK: This is
15 Commissioner York. I would amend that to start at the
16 State Capitol.

17 COMMISSIONER MEHLE: Just for fun, sure. And
18 the other element was and respect county boundaries to the
19 extent reasonable.

20 CHAIRPERSON NEUBERG: State Capitol down in
21 Phoenix? That's not in the middle. I think Prescott's
22 more in the middle.

23 MR. D. JOHNSON: Well, just to clarify -- I
24 wasn't clear in the introduction. We're talking about the
25 middle, the past Commissions have used -- have looked at

1 the township median --

2 CHAIRPERSON NEUBERG: Okay.

3 MR. D. JOHNSON: -- if you may remember from
4 that map, which actually is in Phoenix. Although the last
5 Commission ended up using the densest. They started the
6 densest census block in the state and went from there. So
7 you can start at any point you want.

8 CHAIRPERSON NEUBERG: Okay. I don't care.

9 VICE CHAIR WATCHMAN: Well, this is Vice
10 Chair Watchman. I'd like to go clockwise instead of
11 counterclockwise so that, you know, we're all consistent.
12 So I'm in favor of starting in the middle, but I would like
13 to go clockwise.

14 COMMISSIONER MEHLE: I'll amend my motion to
15 go clockwise.

16 COMMISSIONER YORK: I would amend it -- I
17 would amend it to go to township median, whatever that is.

18 COMMISSIONER MEHLE: I'll accept that
19 amendment.

20 MR. D. JOHNSON: I would note, just so it's
21 clear, part of the reason it's not in the open area is
22 wherever you start is actually going to be divided always.
23 So it makes more sense for it to be in the middle of an
24 urban area that's going to be divided anyways than to
25 divide say in the middle of Yavapai County.

1 COMMISSIONER YORK: Okay.

2 CHAIRPERSON NEUBERG: I think we have a
3 consensus. Starting in the middle per the geographic, you
4 know, latitude/longitude that Doug feels is adequate and
5 then going clockwise.

6 VICE CHAIR WATCHMAN: Uh-huh.

7 CHAIRPERSON NEUBERG: Okay. So do we have a
8 motion?

9 MR. D. JOHNSON: Could I clarify? Not that
10 we're -- it's not up to me, but at the township median or
11 as close as we can to the census geography to that point.

12 CHAIRPERSON NEUBERG: Yes.

13 COMMISSIONER MEHLE: Yes, I think we have a
14 motion, so we need a second and a vote.

15 CHAIRPERSON NEUBERG: Okay. Do we have a
16 second?

17 COMMISSIONER LERNER: This is
18 Commissioner Lerner. I'll second that.

19 CHAIRPERSON NEUBERG: Okay. We'll open it up
20 for a vote unless there's other further conversation.

21 Vice Chair Watchman.

22 VICE CHAIR WATCHMAN: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Mehle.

24 COMMISSIONER MEHLE: Aye.

25 CHAIRPERSON NEUBERG: Commissioner Lerner.

1 COMMISSIONER LERNER: Aye.

2 CHAIRPERSON NEUBERG: Commissioner York.

3 COMMISSIONER YORK: Aye.

4 CHAIRPERSON NEUBERG: Commissioner Neuberg is
5 an aye.

6 With that, we approve the grid map starting
7 in the township median and rotating clockwise. And we're
8 super excited for the map.

9 COMMISSIONER MEHLE: And just with equal
10 population and respecting county boundaries where
11 applicable.

12 MR. D. JOHNSON: Yes. Yes.

13 CHAIRPERSON NEUBERG: Correct.

14 MR. D. JOHNSON: Both of those are in the
15 Constitution, where it says equal population. And we use
16 facts which do follow county lines.

17 CHAIRPERSON NEUBERG: Thank you for that
18 clarification, Commissioner Mehle, just to make sure that
19 we're all on the same page and -- yeah. Great.

20 Okay.

21 MR. D. JOHNSON: Okay. I'll just take a note
22 there on that.

23 And then -- okay. So now competitiveness.
24 Let me launch in. So I'm going to start this discussion
25 kind of with a -- this is obviously a big topic and a -- it

1 has a lot of impact on the process, so I'm going to try to
2 summarize what's been covered in the past few
3 presentations.

4 That's not another power outage, is it?

5 MR. SCHMITT: Fire alarm.

6 COMMISSIONER YORK: No. It's my phone
7 buzzing. Sorry.

8 MR. D. JOHNSON: Okay. So I'm going to go
9 through and summarize the presentation that you've had so
10 far, because I think, as you've noted, the level of public
11 interest is rising rapidly in this process, and we're happy
12 to see that, and then offer some not specific
13 recommendations, but kind of the shape of -- of how a
14 motion or decision could -- could take. And my thought is
15 you'll see a suggestion for what would be included in your
16 motion in terms of form, not substance.

17 And then after you have discussion and get a
18 sense of where you want to go, I could certainly help you
19 put that in -- into a concrete motion and -- and specifics,
20 as much as you need help with that, in order to make it
21 actionable by us and the Timmons team and be able to
22 incorporate that.

23 So with that, I will -- my grid map. I'm
24 going to share my screen and leap into the presentation.

25 Okay. So, again, competitiveness in Arizona

1 is unique in the form of -- of the Constitutional
2 requirement that it be considered. You see on the screen
3 the language from Prop 106. "To the extent practicable,
4 competitive districts should be favored where to do so
5 would create no significant detriment to the other goals."

6 So achieving that goal is what we're looking
7 at.

8 How do we measure whether we're achieving it
9 or not. First, summarizing what's been done before. The
10 IRC 1.0, or as we've been calling it, the 2001 Commission,
11 used four measures. They looked at party registration and
12 the difference between the two parties and also whether or
13 not the third-party vote with registered percentage was
14 larger than the difference between the two parties. They
15 looked at what they call the Arizona Quick & Dirty, or AQD,
16 which was just a straight average of the last two election
17 cycles, Corporation Commission or elections. They use a --
18 a fairly sophisticated statistical tool called JudgeIt.
19 Certainly sophisticated for the time. They used a big kind
20 of regression analysis to try to predict election results.
21 And then they used averages of -- of statewide office
22 elections from the previous two election cycles as well.

23 For party registration, and actually for
24 everything, they ended up defining competitive, as a
25 general rule, as being within 7 percent. So if the -- if

1 the Democratic and Republican shares of the two-party vote
2 were within 7 percent of each other, essentially a 53/47
3 district would count as competitive. As I mentioned, they
4 also did look at that.

5 For voter registration, they also did look at
6 whether third-party registration was greater than the
7 Democratic versus Republican difference. And just as a
8 historical note, third-party registration was growing
9 quickly back then but is nowhere near as large as it is
10 today in Arizona.

11 I mentioned the average of the Corporation
12 Commission races. And for a JudgeIt -- it was called
13 JudgeIt back then. Sometimes in the current literature and
14 in Dr. Wane's presentation, something that was referred to
15 as the King/Grofman Partisan Bias measure. Those are
16 essentially the same thing. And then I mentioned the
17 averages. The 7 percent number actually came about both
18 from Commission discussion and because in JudgeIt, as a
19 statistical measure, would generate a standard error. And
20 so it turned out that the standard error or, roughly
21 speaking, the margin of error was plus or minus 3 and a
22 half percent. And so for JudgeIt, that was the statically
23 defined 7 percent range.

24 And that became the range used for all the
25 measures. It wasn't a -- a formally debated or discussed,

1 you know, 7 percent versus 10 percent or what range to use.
2 That was -- just evolved out of the early discussions. And
3 they did discuss but ended up not formally counting whether
4 a bulletproof district, meaning absolutely no chance of
5 the -- of the other party winning that seat, would be a
6 negative that would detract from the overall competitive
7 evaluation of a -- of a map. In the end, different
8 Commissioners personally gave that weight in their
9 decisions, but it wasn't formally measured. But,
10 obviously, you could -- you could look at those numbers
11 generated for competitiveness and see which districts
12 appear to be bulletproof.

13 Just as a note, a useful quote from that year
14 was they talked about the AQD and said the Corporation
15 Commission results were used because they're less likely to
16 be kinds of races where there was lots of kind of
17 candidate-driven variables coming into play. So it --
18 especially back then, it was largely viewed as an election
19 that people would vote based on the R or the D after the
20 name. But so it was viewed as kind of at the time a
21 neutral measure of pure partisan lead.

22 In terms of methodology and how the systems
23 worked, the AQD and the voter registration numbers and the
24 election result averages were live. You would -- as you
25 made changes in the map, you would see those numbers

1 change. So it was instantaneous in the database, just like
2 the demographics.

3 For JudgeIt, it -- those -- to get those
4 numbers, we did have to send it off. If we knew we were in
5 the middle of a -- of a mapping -- intense mapping period,
6 we would have the -- the professor that was running them on
7 standby, and he could turn those around in about four hours
8 when it was planned. If there was a map sent to him
9 without preplanning, it generally took about a day to get
10 those numbers back. So there was a significant delay in
11 it -- before we could actually get the JudgeIt numbers for
12 a specific map back then.

13 Jumping ahead 10 years, we get to the
14 IRC 2.0, the 2011 Commission, and they used eight different
15 averages of statewide election results from statewide
16 elections from 2004 to 2010. Here's a list of all of them.
17 The numbers are from 2 to 9. I'm not sure what happened
18 to -- to number 1, but they -- in all their reports, they
19 listed them as Index 2 through Index 9, so I -- in case
20 someone goes back and looks at their reports, I have
21 followed their numbering in here for Index 2 through
22 Index 9. And so you get everything from just averaging the
23 2008 and 2010 elections with each year rated equally, all
24 the way down to -- you can see Index 9 rating the current
25 and the most recent back then, 2010, and the prior, the

1 2008 election, equally, and then less weight to 2006 and
2 adding in a party registration factor.

3 So they got -- their averages got fairly
4 interestingly weighted in trying to come up with more
5 complex ways of looking at it. But, again, because these
6 all are essentially averages, they were able to do these
7 live.

8 And they would -- you can see the other
9 consideration they would do at the end of Index 9 is where
10 one candidate kind of blew out the other side or a
11 candidate received more than 60 percent of the two-way
12 vote, so a 20 percent win, they would not include that race
13 in order -- the thinking on that approach is something
14 unusual happened in that race that may be candidate
15 specific and does not reflect the overall partisan lean of
16 a given area.

17 So I'm not aware of -- I -- it's -- it's
18 possible that they have one and I'm just not aware of it,
19 but I'm not aware of any competitive definition of a range
20 being competitive, like similar to the 7 percent used by
21 the first Commission. I think they just have those numbers
22 out and they were generally referred to, whether they
23 considered districts or maps competitive. But certainly,
24 as I mentioned, certainly I welcome you to be -- welcome
25 any correction on that if I did miss something. The

1 keeping-wise, all those measures were live. They didn't
2 have to send their data -- their maps off for any analysis.
3 And so that -- that kind of wraps up what's been done
4 before.

5 Looking at 2021 and the idea of simple
6 options, you know, you've got voter registration, you've
7 got an updated average of -- of a selection of statewide
8 election results. You have to pick which ones you want to
9 do and whether you want to weight them at all, although
10 weighting tends to get out of the simple range if you're
11 weighting specific races.

12 And then, as you heard and I'll talk about it
13 in more detail, there's this new idea, which is also very
14 simple, which is look at a selection of -- of statewide
15 elections and see in a given current or given proposed
16 district, did the Democratic candidate win some of them and
17 the Republican candidate win some of them, and treat that
18 as a competitive seat where both parties have a shot to
19 win. So those are all pretty simple.

20 More complicated options that we've discussed
21 at least briefly are what sometimes is sometimes called the
22 seats votes bias or partisan swing approach. I think you
23 can do a responsiveness analysis with a slightly different
24 look at swing.

25 As I mentioned, the JudgeIt, now known more

1 as the King/Grofman measure of a partisan bias.

2 I briefly spoke about declination, the weird
3 kind of charting of the dots, which has a horrible name but
4 is more of a plan-wide measure of a fair -- it's actually
5 more of a plan-wide measure of fairness than it really is
6 of competitiveness.

7 And then you heard from Mr. McGhee about
8 efficiency gap.

9 And mean-median difference comes up a lot.
10 It's -- it's actually quite easy to calculate, but it
11 doesn't really define competitiveness. It's more a measure
12 of what they call fair -- generally viewed as fairness or a
13 detection method for bias in the map. So it's not really a
14 competitive measure.

15 The other thing that we've heard about is
16 kind of thousands of maps comparisons. Sometimes these
17 are -- are built through computer programs using a program
18 approach called Markov-Chain algorithms. And that's where
19 you write an algorithm that attempts to set rules for the
20 other criteria and then generate hundreds or thousands of
21 maps. The trick is you still have to define the
22 competitiveness in this score. This doesn't replace the
23 competitiveness in the score. It's just a way of evaluating
24 different maps.

25 And then you run this algorithm and see, you

1 know, in each of the maps how many competitive differences
2 does it generate?

3 I'm going to show you a chart of the end
4 result of this. Don't worry.

5 And so you get this chart graph at the end,
6 and then you look where a specific map being considered
7 falls in that range.

8 So, for example, here you have a chart.
9 You've got, you know -- each of these bar -- vertical bars,
10 the colored vertical bars, indicate how many of the
11 thousands of maps came out with the competitiveness score
12 given at the bottom.

13 And so you can see that, you know, there's a
14 few at each end, and then obviously more in the middle.
15 And then with -- so this is generated ahead of time, and
16 you have this set chart of what are kind of the
17 possibilities in Arizona.

18 And then for each map you see, you would
19 calculate along and you get the green arrow, according to
20 the red map going vertical, and you would see where that
21 map falls on this chart.

22 Now Professor Duchin, who's one of the
23 country's top experts in this methodology, noted this is a
24 very useful tool but it -- as she talked about, it's not a
25 complete solution. You wouldn't want to kind of hand the

1 whole decision over to the algorithm and just let it run,
2 because it can -- you can get some weird quirks in how
3 these algorithms work, of course. You may divide up a
4 community interest, or some weird things can happen that
5 you wouldn't want to consider.

6 So we run the -- run the algorithm. We
7 generate the -- the vertical bars here according to their
8 scores on whatever competitive measure you choose, and then
9 we chart each map and see -- because that's fairly easy, to
10 get a competitive score for an individual map, and see
11 where it falls. And does it fall generally in the midrange
12 of the thousands of maps option? And if so, that -- that
13 is noted and left out because it wouldn't be competitive,
14 whereas a map falling in either extreme would be considered
15 an outlier, and generally in a negative way.

16 So that's the idea of the thousands of maps
17 tool being involved. Again, it doesn't replace choosing a
18 competitive measure. You have to choose what competitive
19 measure you're using to generate the thousands of maps.
20 But it can be a measuring stick if you want to go there.
21 But, again, understanding this generally falls in the more
22 complicated side of things.

23 The nice pieces that we do have a lot of --
24 of partisan statewide elections as -- as options to look
25 at. I think we've actually had two, six, 10 -- let's --

1 about 18 elections for -- for statewide office, for
2 individual statewide office, and then we've had all the
3 Corporation Commission races. So there's a lot out there,
4 only two of which were uncontested over the last decade.

5 These are the numbers. I hand-typed these,
6 so it's noted at the bottom I may have made a few typos
7 because we're still building the official database, but you
8 do see a lot of competitive races. And I'll come back to
9 this chart later on in the context of the different
10 academics' feedback we received.

11 The one catch, and the reason I put this on
12 here, is the Corporation Commissioner races. You can see,
13 for example, in 2020 there was only one Democratic
14 candidate and there were three Republicans for the three
15 offices that were open. Other years there were two versus
16 two. And there were two open in 2018. Two Democratic and
17 two Republicans and three seats in 2016, and so on, in the
18 general elections, of course.

19 So how do we analyze these? It definitely is
20 a little weird. You know, candidate dynamics, campaign
21 dynamics operate a little differently when you have
22 multiple seats open, especially in kind of Arizona's
23 special election scenario where you have single-shot
24 candidates running.

25 So the -- the math that we do if -- if you

1 choose to use the Corporation Commissioner election is --
2 for analysis is we just pick the top Republican and the top
3 Democratic candidates. So in 2020, we would look at the
4 1,450,000 for the Democratic candidate, the 1,439,963 for
5 the Republican candidate. We ignore the other two
6 Republican candidates. You just pick the top line for
7 Republican and Democratic and treat it as a single seat
8 election if you're going to look at it. So that is a twist
9 that I did want to mention about whether or not we want to
10 use that race going forward.

11 Next I'm going to summarize and hit some
12 key -- some key points out of what our academic panel
13 mentions. I do want to add a disclaimer. These are my
14 summaries of them. If people want to see their exact
15 comments -- and, you know, these are a lot of people who do
16 a lot of expert witness work, so hopefully future lawyers
17 won't rely on my summaries and will go to their original
18 materials to see exactly what they said. And we do have
19 materials in writing from each one of them as well that
20 are -- that are available.

21 First, just going in the order they --
22 Dr. McGhee talked about he agreed with the general
23 discussion that had been held on the importance of
24 explainability of a measure that the residents can
25 understand. So that carries a lot of weight, and it -- it

1 definitely enhances the viability and the validity of your
2 competitive rankings that you give to a map and, thus, the
3 decisions that you make in that process.

4 His big point was that the presidential vote
5 in a district is far and away the best predictor of
6 congressional district results. So a lot of the map that
7 he talks about relies heavily on that presidential vote.
8 And -- but he did note that in these days, where -- where
9 we have such partisan extremes, there's not going to be a
10 lot of variation, what the -- if you use a presidential
11 vote versus some other statewide election.

12 And he did highlight, and, actually, everyone
13 agrees, the other academics agreed the worst measure now is
14 party registration with Independent being the -- you know,
15 such a huge group. And Independents are not necessarily in
16 the middle. They can be on the left -- they can actually
17 be on the left or the right of the two major parties.
18 Party registration numbers really are no longer a good
19 measure of competitiveness in Arizona.

20 Better than that, in his view, was some
21 approach of averaging past election results, past statewide
22 election results. And then his preference, as he talked
23 about, was statistical regressions that look at
24 historically how good have those statewide elections been
25 at predicting how an individual district would vote and

1 then adjusting those past election numbers in order to
2 accommodate any noise that was found in -- for example, if
3 a presidential candidate, you know, underperforms compared
4 to what you'd generally expect of the general partisan lean
5 of the state, that may -- then the presidential vote for
6 that candidate may need to be increased a little bit to
7 give a more accurate prediction to under-account for
8 that -- or, I'm sorry -- to account for that
9 underperformance. So that was his preference, was to use
10 this kind of -- the various statistical analyses methods.

11 His first recommendation was to use this
12 PlanScore site. As noted -- as he noted, Mr. McGhee is a
13 board member of PlanScore. And you may have actually
14 seen -- interesting in timing, there just was a press
15 release -- the -- the Campaign Legal Center, which sponsors
16 PlanScore and -- and really funds it, just relaunched this
17 tool I think yesterday or the day before. So this is --
18 this has been getting some publicity.

19 He demonstrates the site for you live. You
20 submit your -- your -- the shape file of your plan, and it
21 calculates the efficiency -- the statistical measure, the
22 efficiency gap, partisan bias, that King/Grofman judgment
23 measure, and then the mean-median gap.

24 It is heavily reliant on the previous
25 presidential result and -- but it does use some past

1 legislative congressional results. And any time you're
2 using past congressional or legislative results for any
3 measure, you run into challenges of uncontested elections.
4 And so you have to fill in those data holes.

5 And then, of course, they have a -- as you
6 saw, a very quick responding website that runs these things
7 quickly. So there are some -- some mathematical kind of
8 shortcuts that have to be taken in order to get these
9 things to work on a website.

10 So as with JudgeIt back in 2001, you know,
11 the PlanScore numbers can be a useful tool if you want to
12 use them, but it does come with noise that comes from any
13 statistical analysis. So you want to be careful of not
14 worrying about a plan -- if one plan is half a point higher
15 than the other, it's more are they in the competitive
16 range, then, yes.

17 The other consideration you'd have is you
18 could have -- PlanScore generates all three scores. You
19 could -- the efficiency gap, the mean-median gap, and
20 partisan bias. You can choose to just focus on -- on one
21 or two of those as your official measures. It's worth
22 knowing, as -- as Eric noted himself, and the others that
23 agreed with, the mean-median gap is more a measure of bias.
24 It measures how -- how the average or the -- the statewide
25 average of the vote for a certain office compares to the

1 district-by-district average.

2 So, actually, if you have a state that goes
3 56 percent for one candidate, the mean-median gap favors
4 every district by 56 percent for that candidate. So it is
5 more of a bias measure. It's not really a competitiveness
6 measure. Efficiency gap might get closer to
7 competitiveness but is also a plan-wide kind of partisan
8 type of thing. You could have a good efficiency gap score
9 with a map that's kind of -- I'll use the term fair between
10 two parties even if districts are not independently
11 competitive. The partisan bias gives you more of a
12 competitive measure and, again, statically calculated using
13 kind of their -- their mathematical approach. So the math
14 reach of these on the site are open source, and people can
15 look at the specifics. If they are map specifics, they
16 want to look exactly how it's calculated.

17 He also in -- in the email kind of summarized
18 his testimony. And this is part of the record. He -- he
19 talked about generating a competitive range of reasonable
20 swing. So think of this -- it was a little hard to follow
21 at first, but think of this of how do you determine is it
22 plus or minus 3 percent? Plus or minus 5 percent? What is
23 that competitive range or, as he called it, a reasonable
24 swing.

25 So this -- you kind of have to wrap -- at

1 least I had to kind of take some time and wrap my head
2 around what he was saying here, but he was saying look at
3 the average vote for U.S. House, State Senate, and State
4 House, the vote share in each of the last five elections,
5 and that gives you, you know, three different scores for
6 each year; one -- one average for the U.S. House, one
7 average for the Senate, and one average for the State
8 House. And then across those five years, average all the
9 U.S. House races and average all of the State Senate races
10 separately and average all of the State House races and see
11 which one of those three tends to swing the most. And
12 whatever chamber you find the largest kind of typical
13 swing, treat that as your competitive range.

14 So if, say, in the State House races you see
15 a significant swing of 6 percent, you know, and that's
16 bigger than your Senate and House races, you would use that
17 6 percent range as your competitive range. So it's -- it's
18 essentially he calls it reasonable swing, and really it's
19 defining that competitive range. Then you would calculate
20 the number of competitive districts in that range either by
21 using PlanScore or using some other approach.

22 So it is something you can do. He talks
23 about subtract 50 percent from the predictive vote share.
24 That's just a mathematical kind of norming thing where your
25 competitive range is going to be, say, 6 percent.

1 PlanScore is going to say the predictive vote is 55 percent
2 for one party. So you -- you subtract 50 percent to get
3 5 percent and know that it's in that range. So it's a
4 little -- again, you kind of have to wrap your head around
5 it, but it kind of makes sense once you wrap your head
6 around it.

7 He did talk about caution against using a
8 statewide office with larger partisan swings than that
9 reasonable swing range. And he notes that not just in
10 Arizona, but gubernatorial races tend to be especially
11 notable for this, his research.

12 This is similar to the ideal that the IRC 2.0
13 had of excluding those elections where a candidate got
14 60 percent. So we're trying to exclude those outlier
15 elections. So I put together the next slide. He did not
16 give specifics about which elections to avoid, but looking
17 at that table that we saw earlier, to his point, the
18 gubernatorial elections definitely are larger, more --
19 significantly larger margin of victory than in other
20 elections. You consistently see the lowest Democratic
21 percentages and the highest Republican percentages in
22 the -- the two gubernatorial elections, the 2016
23 U.S. Senate race was also there, and then actually the --
24 almost the highest was the 2014 Corporation Commissioner
25 race.

1 So if you wanted to kind of follow his advice
2 of excluding the -- the outlier big wins, those would be
3 for -- that perhaps fall into that category. You can see
4 all the others are much closer. You know, you get to 2012,
5 you get a 55 percent, 54.6, but the others are all really
6 between 53 and 50 percent votes for the winners.

7 So that was a -- a summarizing Eric's
8 comments for Dr. Duchin. She made the important point to
9 remember that it is much harder to predict future election
10 results than it is to analyze current or past election
11 results. We can all come to a fairly quick consensus on
12 which elections in the past five election cycles have been
13 competitive. We're looking back, it's -- it's relatively
14 easy to figure that out. It's really hard to figure out
15 how we predict that going forward.

16 In her opinion, using a selection of really
17 world election results, the actual election results is
18 clearer, more understandable, and it's -- and essentially
19 just as likely to be accurate as the more complicated
20 partisan swing and other statistical measures.

21 And then coming back to that point, then all
22 the academic panel members mentioned is it's really to
23 understand that, hey, this district of the eight elections
24 we're looking at, or 12 elections we're looking at,
25 Democrats won nine of them and Republicans won three of

1 them, so both parties could win, or vice versa.

2 MR. B. JOHNSON: Doug, real quick. This is
3 Brett. Could you reintroduce Dr. Duchin and her
4 affiliation?

5 MR. D. JOHNSON: Oh, yes. Thank you.

6 So, yes, as a reminder, she is the director
7 of what's called the MGGG Redistricting Lab. Actually, I
8 had to go dig to find what that stands for. Metric
9 Geometry & Gerrymandering Group. But it's MGGG
10 Redistricting Lab. It's at the Tisch College of Tufts
11 University. And she's actually a consultant as well to
12 the -- the Michigan Independent Redistricting Commission,
13 and she's working with lots of other groups across the
14 country. So she's a Tufts University professor running an
15 institute there that's very involved in redistricting work.

16 So just going back to this, so she did -- as
17 I mentioned earlier, she's one of the nation's top experts
18 on these Arcane Algorithms that emphasizes -- that gives a
19 sense of what is possible, but you shouldn't rely on that
20 to pick the plan, putting too much into the algorithm
21 values that are -- that are entered at the beginning.
22 Obviously there are a lot of statistical measures. Most of
23 them, as I noted before, were developed to develop partisan
24 gerrymandering.

25 You know, Arizona, as I mentioned at the very

1 beginning, is very unique on this census on
2 competitiveness. So we have to be careful to draw only
3 what is useful in measuring competitiveness, not what has
4 been developed for plan-wide as far as gerrymandering
5 measures. And, of course, we have the challenge that share
6 everyone's fairly familiar with it of more and more voters
7 are living in areas with voters that vote similarly to
8 them. So it is -- there is a natural tendency towards safe
9 districts. And so then the challenge in drawing swing or
10 competitive districts is to get a district that would be --
11 could be won by each party in different elections.

12 She took the point that the icing was -- and
13 I really appreciated all these academics' participation.
14 The dynamic that we got between the three of them, I
15 thought, was just fantastic. And she referenced to the
16 point that the presidential election, and secondarily the
17 Senate -- U.S. Senate election might be the most frequently
18 accurate predictor of future election results, but she took
19 that another step of saying other statewide election
20 results could reflect more of the competitive swing of the
21 seat. If an occasional seat goes against that presidential
22 prediction, that's an indication that there's some
23 variation or some swing in that district.

24 As I rephrase it, you know, are you looking
25 to correctly predict the right winner as often as possible,

1 in which case you'd probably go with the presidential vote
2 as your sole predictor, or are you looking to correctly
3 predict which seats would both parties have a chance to
4 win? In which case you would want to get a wider range of
5 elections.

6 Her point was interesting, and I think I
7 heard this before, but it was an interesting twist of where
8 you might rule out other -- other campaigns because of
9 personality and other campaign-specific factors. She said
10 as long as you have a large pool of elections, those are
11 actually the factors you might want to look at, because
12 they'll wash out and they'll -- those factors bring out the
13 competitiveness or the swing nature of competitive seats or
14 swing seats, which was an interesting twist.

15 She agreed party registration is no longer a
16 good measure.

17 And then now we get into her two possible
18 measures for your consideration. One, as I mentioned, is
19 this flip seats or swing districts measure. Simply look
20 back at a range of past elections, could be all 18, could
21 be a subpool of them, and see which districts had -- went
22 for one party's candidates in one election and another
23 party's candidate in another election.

24 She also had a -- a kind of a more
25 traditional possibility which she called a vote band metric

1 where you average out some past elections. You get an
2 average range and pick, you know, what's a competitive
3 range of that. You know, is it 53/47, 55/45, or whatever
4 range you decide on, and then just see which districts,
5 using that average measure, fall into that range. Kind of
6 like IRC 1.0 did with their 7 percent range on the
7 Corporation Commission race and some statewide races, or as
8 I believe IRC 2.0 was doing, even though they didn't
9 specify a specific range.

10 So just before I move on from Dr. Duchin, I
11 did find it very interesting that one of the nation's top
12 experts in kind of all of these statistical measures -- she
13 and Dr. McGhee and Dr. Wang all fall into that category --
14 did not recommend or -- or really push using those more
15 complicated statistical measures and really said kind of
16 keep it basic. And that's something -- essentially the
17 basic measure she thought would work just as well as the
18 more complicated ones for that difficult task of predicting
19 future election results.

20 Then our third final academic was Dr. Sam
21 Wang, who is from the Princeton Gerrymandering Project
22 obviously at Princeton University. The Princeton
23 Gerrymandering Project is actually a project of his larger
24 effort, which is the Princeton Election Consortium.

25 So he talked about initiating a thought which

1 is because of the partisan extremes that the U.S. is in
2 today, voter behavior is easier to predict now than it was
3 historically. Again, he made that same point about it's a
4 lot easier to identify competitiveness going back than
5 looking forward even in this partisan environment today.
6 But he did note, as we showed earlier, we have lots of
7 swingy elections in Arizona, and he did send a letter that
8 you can refer to as well for more detail than what I'm
9 presenting today.

10 His view actually was very similar to
11 Professor Duchin's in that the more intensive the
12 statistical analysis, which is really the bread and butter
13 of the Princeton Gerrymandering Project, may be more
14 appropriate for academic study and retroactive analysis
15 rather than using live during mapping. And, really, he
16 was -- strongly cautioned about be careful of the
17 assumptions in those statistical models and especially
18 things like how quickly they fill in data when there was an
19 uncontested election and things like that. Always know
20 that that is -- every statistical model of every kind has
21 these kinds of noise and assumptions built into them. And
22 then be aware of explaining their complexity. You know, if
23 something's a black box, it's hard to convince the public
24 of its -- of its results. Not impossible, you know, but
25 certainly a -- a larger challenge than a simple measure.

1 He did show the FiveThirtyEight.com website
2 and how it has a model of what are competitive
3 possibilities. I would add to that too, actually,
4 Professor Duchin at MGGG has a similar website where you
5 can kind of see what are the most competitive maps
6 reasonably possible, things like that. Dave's
7 redistricting map has a similar site, where they run
8 thousands of maps and they show, you know, kind of the most
9 competitive and the most compacted and things like that.

10 So one of the most interesting twists this
11 time around is going to be that our data -- you know, the
12 IRC's data is not the only data out there. We hopefully
13 will be getting lots of testimony and lots of folks who are
14 familiar with specific areas of the state and will be
15 coming to IRC and saying, hey, your numbers may show this,
16 here are some other numbers that you should consider that
17 may better reflect the specific area of the state, and,
18 thus, maybe help us make this a competitive map. So
19 there's lots of stuff out there. I look forward to that
20 being a part of this whole era of redistricting.

21 His summary in the end was to use what he
22 called a market basket of -- of statewide elections. He
23 did say don't look at legislative election results or
24 congressional results because you have at the end of the
25 election factors. And then you have incumbency advantage,

1 and that really can twist your data. When you have a
2 proposed district where the underlying one seat's one had
3 incoming and the other didn't, the data may not be directly
4 mergeable into your new district.

5 So he did say use that market basket of those
6 statewide partisan elections, because thankfully we have
7 lots of them. And then he kind of fell into the same two
8 bowls that Professor Duchin did, an average performance
9 metric where you average out the number of statewide
10 elections and define the competitive band and just see
11 which proposed seats in a given map fall into that band.

12 And then he also proposed what he called a
13 responsive districts metric, which is that same idea as
14 Professor Duchin's swing district measure metric, of look
15 at individual past statewide elections and see, did this
16 district Republican won it two times and Democrat lost, or
17 vice versa. Just looking at which districts had the -- had
18 shown the proclivity to elect both candidates to both
19 parties as indications of swing.

20 So that is a -- a not-so-quick run-through of
21 everything you've heard so far. The goal today is -- if
22 you are -- can get to that point, is to select which method
23 you wish to use, select which elections you want to put
24 into the -- that methodology calculations, and then to
25 select, you know, whatever ranges you want to use for

1 competitiveness, if you do want to set a range, or some
2 other ranking system.

3 And then I just put the idea of
4 competitiveness points out there. The only thing that that
5 would add is if you want to kind of say, okay, the
6 positives for a map are how many competitive districts it
7 has, and then if you want to develop some system for taking
8 away because it -- for how many bulletproof districts the
9 map has. Hard to do, and none of the past Commissions did
10 it, but it is an idea out there that you can consider.

11 As a quick summary, looking here, the method,
12 this is the first group of methods for your, A, decision as
13 I mentioned. You've got from McGhee PlanScore and his
14 reasonable swing options, both which are -- PlanScore
15 certainly falls into the complicated side. The reasonable
16 swing is complicated to get your head around. It's not
17 that complicated once you're doing it.

18 It is noted that the PlanScore method, as he
19 demonstrated, is very quick, but regardless of whether the
20 user has to do it individually or whether we can build it
21 into the system, and that's something we could figure out
22 down the road, there is a -- a delay of 30 seconds or
23 two minutes, depending on the timing between when you send
24 the plan off to PlanScore and you get those scores back.

25 The other approach is from Professor Duchin

1 and Wang, you know, the swing districts or responsive
2 districts, depending on whose nomenclature you use, or the
3 vote bands and average performance, which is very similar
4 to the -- the simple average that IRC 2.0 used, are all
5 very simple and could be built into the system.

6 And same thing with the down-ballot election
7 average that IRC 1.0 used, simple, built right in, and you
8 get those numbers live.

9 Just to be sure we're kind of seeing
10 everything in the more complicated range, as there was some
11 talking, as I mentioned -- some folks just use the
12 presidential election result. It's very simple,
13 straightforward. And then there's a whole bunch of these
14 very complicated statistical models. The ones with the
15 asterisks next to them are more measures of an overall plan
16 bias or, quote, potential partisan gerrymandering, than
17 they are measures of district competitiveness.

18 Then looking at Decision B, once you choose
19 your method or methods, which elections you include, we do
20 have this chart of all the statewide elections. You can
21 include all of them. You could include just the
22 down-ballot, just the top-ballot ones, or the lower profile
23 or higher profile ones, and, of course, discuss whether to
24 include the Corporation Commission and then which years to
25 use.

1 There's -- for those that took the time to
2 look at this presentation ahead of time, it was posted on
3 Friday, note the interesting twist, which is the
4 Republicans won in everything statewide in 2012 and 2014
5 and 2016, and then the Democrats won everything in 2020,
6 the three statewide elections, as we look at them here.
7 And then 2018 was a toss-up. 4-4 for both parties. If you
8 looked at the numbers in the earlier table, you may have
9 noticed this, but in 2020 there was a huge increase in
10 turnout as well in the state.

11 So the question is, is should we use all
12 10 years as -- get a big picture, or is there a thought
13 that the older elections are kind of out of date and the
14 state has changed, so we should just use 2016 through 2020,
15 or something like that. And then the question that
16 Professor McGhee raised of perhaps leaving out the
17 outliers, those 56 plus elections. But really that
18 selection is up to you of what election to put in that
19 basket. And then lastly deciding on the range or -- and if
20 you want to do any kind of rankings or points would be the
21 final decision in this process.

22 So, again, the three things are select your
23 method, select which elections, and then establish your
24 range. And I've got some samples here of what you could
25 choose for each of those. I think you've covered them all

1 pretty much.

2 As I mentioned at the start of this, as you
3 talk through this and as you kind of get some solidity or
4 thinking what you might want to go with, I can certainly
5 help you with specific feedback on any goals that you want
6 to accomplish and how to -- how to structure this in a way
7 that would work both in the way you want to achieve it and
8 how we implement it in the system.

9 So final thoughts, we're coming to you now
10 because this obviously needs to be set up in the system,
11 and we want to get a baseline set of rules that you're
12 going to use to evaluate these maps before we're actually
13 applying them to maps. But to reinforce, there is
14 flexibility going forward. This is not a final decision.
15 You know, you could always add in additional measures as
16 you go forward and hear from the -- from the public more
17 and more as the system -- as this process goes ahead. And
18 certainly there could be local variations, where people
19 come and explain where it's competitive even though your
20 score is --

21 THE COURT REPORTER: I'm sorry.

22 COMMISSIONER YORK: Doug, this is
23 Commissioner York.

24 CHAIRPERSON NEUBERG: Excuse me,
25 Commissioner York. We're going to have a lot of questions.

1 That was a robust presentation. We do need to take a break
2 for our broader group that is here transcribing and
3 participating and recording everything. So, please, if you
4 could just hold onto that question. And if we could hold
5 onto everything. And we'll take a maximum -- I'd say a
6 maximum of 10 minutes. Please reconvene maybe in
7 eight minutes if you can so we can hit the ground running.
8 And I apologize to interrupt at this meaningful juncture,
9 but we have to do what we have to do. We'll see everybody
10 back no later than 9:55. Thank you.

11 (Recess from 9:45 a.m. to 9:55 a.m.)

12 CHAIRPERSON NEUBERG: Okay. Welcome back
13 everybody. I want to make sure we have our entire team
14 reconvened. I see Commissioner Mehle has left. Maybe a --
15 an Internet issue. Thank you for everybody's patience. We
16 want to make sure that Commissioner Mehle's able to dial
17 in. At least there is a challenge. There he is.

18 Okay.

19 COMMISSIONER MEHLE: Sorry.

20 CHAIRPERSON NEUBERG: No problem. Great to
21 have you back online.

22 With that, Doug, please. You know, sorry for
23 that interruption, but --

24 COMMISSIONER YORK: Oh, I was just jumping
25 in. I'm kind of one of those.

1 So the -- Doug Johnson, can you go back in
2 the slide with the -- so I was jumping around in my head.
3 I'm like, okay, what are the easy things we can kind of
4 knock off and agree on as a Commission -- and so my thought
5 the -- the thought that I had was the easiest thing we can
6 look at was the election results from that chart on your
7 presentation. And if you want to put that up there.

8 The -- if you look at 2020 and 2018 and 2016,
9 if you take the averages of those, they look pretty -- they
10 look like they would cancel each other out as far the Dems
11 in '20 and the Republicans in '16. And then '18 was
12 obviously -- that was the chart -- yeah, the averages if
13 you look at it.

14 So I thought those are the three years we
15 could decide on at least for election years to use. That
16 was -- that was sort of my initial stab at one of the items
17 that we needed to decide today.

18 CHAIRPERSON NEUBERG: Thank you,
19 Commissioner York, for diving into the conversation.

20 I don't know, Doug Johnson, is there anything
21 else that you would like to either reiterate, conclude?
22 You know, because we had that awkward break before we
23 turned to Commissioner conversation and -- and dialogue?

24 MR. D. JOHNSON: No. I think that I've
25 covered a lot, so I'm happy to answer any questions and

1 come -- come back to things. And, of course, you have all
2 the references and materials from earlier meetings as well.
3 So happy to answer any questions for -- or provide any
4 guidance I can as you talk about it.

5 COMMISSIONER LERNER: This is Commissioner --

6 CHAIRPERSON NEUBERG: That was and is a lot
7 of information. Let's try to just bifurcate, you know,
8 starting with maybe clarification questions. And then I do
9 appreciate Commissioner York, you know, connecting this
10 with specific decision-making. But let's focus on
11 understanding it and then deciding what we're going to do
12 about it.

13 And with that, Commissioner Lerner, please.

14 COMMISSIONER LERNER: Oh, I actually -- I
15 just wanted to say thank you to Doug for that good summary.
16 I've spent a lot of time since you sent that on Friday
17 trying to understand everything. It is incredibly
18 complicated and in terms of all the different iterations
19 and different ways to go through those.

20 I am so -- and I don't have a specific
21 question now, but I will, I think. As we get to talking
22 about the methods, I think I will. And I might follow
23 Commissioner York, like, if we can do one thing. When we
24 get to methods, I'm more going to have questions in terms
25 of understanding some of that. I understand the averages

1 real well. That piece was very clear to me.

2 One question I do have, just to have a --
3 thinking down the road as we -- when we get to methods,
4 at -- earlier on when you were -- last time when you were
5 presenting, you said maybe consider two to three different
6 measures as we move forward. I know you said later on we
7 can always add some more.

8 Are you still of that same mind, that we
9 could try to start with two to three measures, let's say,
10 and we may find one works better and we may drop the others
11 later?

12 But at least as we start -- that we're not
13 going to select one measure, but we'll probably select a
14 few to get us going. We may add later; we may drop.

15 Is that still what you're thinking?

16 MR. D. JOHNSON: Yes. Yes, definitely.

17 COMMISSIONER LERNER: Okay.

18 COMMISSIONER MEHLE: This is
19 Commissioner Mehle. This is Commissioner Mehle, and I
20 think one thing that was really notable, and I'm pretty
21 good at math for a layman, but when you have Dr. Duchin and
22 Dr. Wang telling us, you know, you better keep it simple,
23 the more complicated stuff has -- have issues, then I think
24 we need to take that to heart.

25 So I would avoid the more complicated

1 statistical measures and at -- and I think the one -- one
2 that I think stands out and I -- if others agree, is just
3 using a simple basket of -- of elections and agreeing on
4 that basket and that that should be one measure. And then
5 whether there's another one somebody thinks is worth doing
6 or not, I'm -- I'm open to that. But -- but that where
7 Doug started is where I would jump to, that that should be
8 one measure. And pick a basket of elections and use that
9 basket as a measure and -- and I would tend to agree with
10 him to drop the '12 and '14, because the state has changed
11 so much. And I would agree with I think Doug's, basically,
12 recommendation, although he never quite says it that way,
13 that we kick the outlier elections of the Governor and
14 McCain's election out and perhaps not use Corporation
15 Commission because of the things he pointed out that
16 probably doesn't add much to use it when you look at
17 Duchin -- Dr. Duchin's comments that it -- any grab-bag of
18 a few elections is going to get you the same result.

19 That, again, keeping it simple would be to
20 knock out the outlier elections, knock out Corporation
21 Commission, use '16, '18, '20 elections. And that's
22 probably a pretty good basket for us to be measuring from.

23 COMMISSIONER LERNER: This is
24 Commissioner Lerner. I'm in agreement with a lot of what
25 you just said, Commissioner Mehle and Commissioner York.

1 So maybe we could kind of go back to the
2 three different things that he had to say and then talk
3 through each one at a time. So if we start with
4 Commissioner York's proposal of which years, would that
5 be -- what would you suggest in terms of that? But I think
6 maybe that's -- he said, what if you have methods,
7 elections, and I think one more.

8 MR. D. JOHNSON: The range.

9 COMMISSIONER MEHLE: The range.

10 COMMISSIONER LERNER: The range, right. So
11 right now Commissioner York started with elections;
12 correct?

13 COMMISSIONER MEHLE: Implicitly he selected a
14 method which is a basket of elections and jump to the
15 specific election. So I think one measure being selected
16 is a basket of elections using '16 on.

17 COMMISSIONER YORK: Well, in our three --
18 Commissioner York. Our three consulting panel definitely
19 recommended that. And definitely American election results
20 were superior to registration. So we kind of all -- we
21 should all agree on that at least.

22 COMMISSIONER MEHLE: Right.

23 COMMISSIONER LERNER: Sure.

24 CHAIRPERSON NEUBERG: And I have a request of
25 Doug Johnson. You know, feel free to lean in in terms of

1 guidance.

2 This is a tremendous amount of information
3 for us to digest and decide upon. And, you know, we've now
4 known each other, we're working together, we trust your --
5 your judgment. And so if we're asking the right questions,
6 great. If we're not, you know, please feel free to -- to
7 weigh in.

8 And, again, I want to reiterate to the
9 public, and -- and which has been emphasized, whatever we
10 decide today, it's not written in stone. We get to adopt
11 this over time with new information or we think
12 differently. So this -- like a grid map is a starting
13 point.

14 Thank you.

15 MR. D. JOHNSON: Chairman Neuberg, I
16 definitely agree with that. I didn't want to get too
17 far -- you know, materials I put in front of you, I didn't
18 want to get out ahead of the Commission, but certainly I
19 think the comments so far kind of mirror my -- my thoughts.
20 I think the comments about which elections to look at make
21 sense. If -- if that ends up being where the Commission
22 agrees, I think that makes a lot of sense.

23 The one thing on the methods is once you have
24 that pool of elections, we can do both. We can average
25 them, or we can do the -- and/or we could do the basket to

1 see, you know, of those whatever it is, 12 elections, you
2 know, how many did one party win versus how many the other
3 party won. So I think both of those probably make sense.
4 They're both kind of what -- it was -- I was kind of amazed
5 that our academic panel wasn't that far apart on these
6 issues. I was surprised by -- by how close those three
7 were in their general thinking. And it sounds like the
8 Commission may, at least the comments made so far, may be
9 closer to agreement than this could have been certainly.

10 But, yeah, I think the comments made so far
11 definitely make sense and -- and could be implemented.

12 COMMISSIONER MEHLE: Doug, this is
13 Commissioner Mehle with a really simplistic question. I
14 assume you have voting data by precinct, and that's why
15 when you change district lines you can then reflect what
16 those lines -- what the voting pattern would have been in
17 that newly defined district. Is that how it works?

18 MR. D. JOHNSON: Yes, well, you're exactly
19 right. We've got -- the Timmons team is doing the
20 Herculean effort of building this giant database, and then
21 we actually break it down by census block, each individual
22 census block, within those precincts.

23 COMMISSIONER MEHLE: Okay. And you have --
24 and you have voting data by block. That's accurate? Is
25 that how it works?

1 MR. D. JOHNSON: It's -- it's disaggregated
2 so -- because we don't really know how that city block
3 voted. But it's a share -- we give each block a share of
4 the precinct's votes --

5 COMMISSIONER MEHLE: Okay.

6 MR. D. JOHNSON: So that when we reaggregate
7 it into the new districts that are drawn by block, we have
8 a pretty good measure, especially at the legislative
9 district size hopefully. You're hearing this theme a lot.
10 Hopefully the noise and the data will -- will balance out
11 as we reaggregate in the districts. Yes, it is a precinct
12 block -- precinct database and broken down by census block
13 and then grouped back up into the new legislative
14 districts.

15 COMMISSIONER MEHLE: That was helpful to me
16 and I suspect to some of the public also.

17 COMMISSIONER LERNER: All right.
18 Commissioner -- thank you, Commissioner Mehle. That was a
19 question I had, too, so it wasn't too simplistic at all.

20 I just -- yes. So when we're looking at
21 these statewide races, we're actually looking at statewide
22 races, though, at a very fine level; right? That's part of
23 what Commissioner Mehle was just asking.

24 MR. D. JOHNSON: Yeah.

25 COMMISSIONER LERNER: So I think that's good

1 for us to be aware of. If we're looking at a senate race,
2 we're looking at a particular voting census block quote
3 with that.

4 My question is in the Constitution it says,
5 "No significant detriment to the others."

6 How do we -- when we're looking at this --
7 and this may be a question that's unanswerable. You know
8 what's coming, I think.

9 How do we measure significance on this to
10 know whether or not there is a significant detriment here
11 or there's a significant issue?

12 MR. D. JOHNSON: Yeah. I'm going to be very
13 general and say there's a huge element of Commissioner
14 judgment in that. Legal can certainly give you an
15 in-depth -- and I'm sure he's probably planning on giving
16 you an in-depth briefing, if they haven't already.

17 This was a huge issue in, you know, the years
18 over the court battles of the first Commission. You know,
19 the -- the initial trial judge said the Commission had to
20 define very, very specific definitions and follow those
21 definitions, and then the Appeals Court threw that out. So
22 where that all landed I will leave as -- as legal -- as
23 guidance for the legal team to give you.

24 But as a general rule, there's a large amount
25 of Commissioner judgment in that, as I understand it.

1 CHAIRPERSON NEUBERG: And -- and we do have
2 the ability to go into executive session if anybody has,
3 you know, the desire to seek legal advice as it relates to
4 what these Constitutional requirements mean. Not that
5 we're hiding anything from the public, but if we need
6 personal legal counsel, that has been agendaized and it is
7 something that we have the ability to do if desired.

8 COMMISSIONER LERNER: Chair Neuberg, thank
9 you. I don't feel I need it right now, but at some point
10 down the road I could see us asking some of those questions
11 to help us with some of those items.

12 MR. D. JOHNSON: And that would be my
13 suggestion, is today focus on the first half of the
14 criterion, which is what is a competitive district, and
15 then later on we can focus on what is the significant
16 detriment to the other criteria.

17 Both are obviously huge decisions.

18 COMMISSIONER LERNER: This is
19 Commissioner Lerner. I'd like to go back to
20 Commissioner York's initial proposal of the years.

21 Maybe, Doug, do you want to make a proposal
22 or something?

23 MR. D. JOHNSON: Sure. Yeah, I think the
24 Com- -- if I can, I'll combine Commissioner York and
25 Commissioner Mehle's suggestions of taking the last three

1 election cycles, the 2016, 2018, and 2020. As was noted,
2 2016 Republicans won everything, 2020 the Democrats won
3 everything, and 2018 is a toss-up year. So it gets a
4 balanced pool that way.

5 And then -- so Commissioner York, and then
6 the suggestion was to modify that by dropping the -- the
7 McCain and the gubernatorial elections that were kind of
8 outliers and -- and the Corporation Commission's because of
9 the unusual dynamics of that election.

10 So that would be all the other statewide
11 offices for those three election cycles in our basket.

12 COMMISSIONER MEHLE: So this is
13 Commissioner Mehle. And, as often, I'll craft the motion.

14 MR. D. JOHNSON: Sure.

15 COMMISSIONER MEHLE: So I move that we as
16 a -- as one measure of competitiveness choose a basket of
17 elections, that we choose the basket as just defined by
18 Doug Johnson. And I don't know if it really needs anything
19 more than that to settle on -- on that. And then use the
20 measures -- both measures from that basket that he
21 mentioned that would be reported to us.

22 COMMISSIONER YORK: So that would be average
23 statewide results and then the individual statewide
24 results, I think; right?

25 COMMISSIONER MEHLE: Do you want to -- do you

1 want to say that in your words, Doug?

2 COMMISSIONER YORK: Johnson.

3 MR. D. JOHNSON: Yeah.

4 COMMISSIONER YORK: We'll call you DG. I'm
5 DY. So we'll say that.

6 MR. D. JOHNSON: Yeah.

7 COMMISSIONER MEHLE: Or DJ. I'm sorry.

8 MR. D. JOHNSON: Even more confusing, one of
9 my team working on some local projects also is Doug
10 Johnson, so --

11 COMMISSIONER YORK: Too many Dougs out there.

12 MR. D. JOHNSON: Right.

13 So, yes, the thought would be we would do the
14 average of those elections.

15 And then the last -- the next step would be
16 to redefine a range that you want that average to fall into
17 for a competitive seat, but for now we just say an average.
18 And we'd also calculate the kind of basket. Did
19 Republicans win all the seats, did Democrats win all the
20 elections in a given district, or was there a mix?

21 COMMISSIONER LERNER: Just before we finalize
22 that motion, we also had -- I think there was some -- or I
23 may be wrong because I don't remember exactly.

24 If we didn't have candidates running against
25 each other, we -- I don't know where that fits in. Like

1 the State Mine Inspector doesn't always have somebody. So
2 we want to exclude any of those that would go with the same
3 idea of the outliers; correct?

4 VICE CHAIR WATCHMAN: The uncontested.

5 COMMISSIONER MEHLE: Yeah.

6 COMMISSIONER LERNER: I think --

7 COMMISSIONER MEHLE: Yeah, agreed. I don't
8 know that there were any from '16 on, but if there were, I
9 would agree.

10 MR. D. JOHNSON: Yeah. Just to clarify,
11 there were two, but they were both in 2014. So they're not
12 in -- in the basket.

13 COMMISSIONER LERNER: Okay. Thank you.

14 MR. B. JOHNSON: Doug, real quick. This is
15 Brett. Just for keeping the record clean, I'm trying to go
16 through your slide. It might be helpful to pull it up, but
17 I'm on slide 33 where you talk about a Decision A, which is
18 the basket, whatever you want to call it, that that was the
19 first determination. I appreciate Commissioner York has
20 moved to what those elections would be.

21 Do those need to be separate decisions, or
22 are you combining right now Decision A and Decision B into
23 one decision?

24 This is for Doug Johnson.

25 MR. D. JOHNSON: Yeah. Yeah. So at this

1 point you're exactly right. They're kind of combining the
2 two decisions into one. Which if the Commission's got
3 their --

4 MR. B. JOHNSON: When you're looking at -- I
5 appreciate that. When you're looking at Decision A -- I
6 believe we're on -- on slide 33 -- we're not going to be
7 using -- or the Commission's not going to do anything on
8 34.

9 So when you're looking at Commission -- on --
10 at 33, which of those specific descriptions are you using
11 to clarify that?

12 I believe -- I believe the Commission needs
13 clarification as to what they're actually picking on that
14 spreadsheet --

15 MR. D. JOHNSON: Okay.

16 MR. B. JOHNSON: -- in 33.

17 MR. D. JOHNSON: Yeah. Let me share that so
18 you can see what he's referring to.

19 So what we're looking at now would be kind of
20 the -- the second -- the white band and the -- the blue
21 band below it.

22 So looking at actual past election results in
23 both cases. And for the first part of it, we'd be looking
24 at the number of districts that swing, just counting how
25 many districts went Dem -- Dem and Republican in different

1 elections, and then also looking at an average of -- of
2 those elections.

3 We don't have -- we haven't defined the
4 range. We'll come back to that after -- after this measure
5 for the average. But right now we're looking at what
6 Professor Duchin called swing districts and what
7 Professor Wang almost identically called responsive
8 districts and what the same professors and the last IRC
9 used of an average of past election results.

10 MR. B. JOHNSON: Okay. So we can call it --
11 you're going to have two -- in essence, two metrics at the
12 end of this. One is we're going to call it the simple
13 average, and the other one we're going to call it swing
14 districts. Is that fair?

15 COMMISSIONER YORK: Fair.

16 MR. D. JOHNSON: Yep.

17 MR. B. JOHNSON: Okay.

18 COMMISSIONER LERNER: These are exactly
19 why --

20 CHAIRPERSON NEUBERG: I would like to
21 reiterate that this is an initial decision and that we have
22 the ability to alter or change if there is additional
23 information that comes in that we want to. But it's so
24 helpful to be thinking through these issues now and getting
25 on the same page.

1 Please.

2 COMMISSIONER LERNER: Chairman Neuberg, thank
3 you for that. That clarifies.

4 Just -- this is Commissioner Lerner. So we
5 are talking about two different methods. I just -- because
6 based on that discussion; right? A swing --

7 MR. D. JOHNSON: Yes.

8 COMMISSIONER LERNER: A simple average method
9 and a swing district method, but we may be using the same
10 pool of data?

11 COMMISSIONER MEHLE: I think it's better to
12 define it as one method that comes out with two metrics.

13 COMMISSIONER LERNER: I'm okay with that too,
14 just as long as we're clear we'll end up with two results.

15 COMMISSIONER MEHLE: We will have two results
16 out of that.

17 MR. D. JOHNSON: Yes.

18 COMMISSIONER LERNER: This is
19 Commissioner Lerner. So is the last thing that we -- do we
20 move forward with Commissioner York's and
21 Commissioner Mehle's original -- like their proposals, or
22 should we also now talk about range to make them
23 comprehensive?

24 CHAIRPERSON NEUBERG: I'm going to defer to
25 Doug Johnson, because, Doug, you -- you alluded to earlier

1 maybe not addressing range right now.

2 But what is your suggestion and guidance on
3 this?

4 MR. D. JOHNSON: Oh, I -- my thought was to
5 move forward with this vote right now and then move
6 immediately into a discussion of range. But perhaps nail
7 this one down first.

8 CHAIRPERSON NEUBERG: Okay.

9 COMMISSIONER LERNER: So I'll ask Doug
10 Johnson.

11 And I'm going to try, Doug York, to always
12 use your full names now or Commissioner to clarify.

13 So, Doug Johnson, we have districts that --
14 where do districts that tend to swing fall into this? Do
15 we keep them in consideration? Because we have some
16 places, right, where districts do shift back? We've heard
17 from -- in our public listening tour, we heard people say,
18 well, I used to be in this district. Now I don't -- I have
19 these.

20 Does that -- we just count those as part of
21 it? Is that -- I mean, loop those out? What happens with
22 those?

23 MR. D. JOHNSON: People's statements about
24 being in a district that was competitive or that has been
25 competitive kind of get blown up because the grid blows up

1 all the current districts. So this is really a -- a -- a
2 measure. I mean, we'll apply it to the grid after it's
3 drawn, because that's what the Constitution says, but
4 obviously this is not something we're using in development
5 of the grid. So it's much more a theoretical application
6 to the draft maps as they're drawn as opposed to looking
7 back at past districts that may or may not -- may or may
8 not have been competitive.

9 MR. B. JOHNSON: So, Doug Johnson -- I
10 apologize. It's Brett again.

11 Another clarification point for the record to
12 alleviate Mr. Spencer. Swing districts and responsive
13 districts, that is the same thing. We're just calling it
14 swing districts. Fair?

15 MR. D. JOHNSON: I believe so. It depends on
16 who you talk to. There -- there is a little bit of
17 difference in the literature between competitiveness and
18 responsiveness. I don't think it's anything that troubles
19 this Commission or that factors into this Commission's
20 decisions but that just to be aware, yes, the swing
21 district measure that Professor Duchin talked about and
22 this responsive district measure that Professor Wang talked
23 about are implemented the same way and are essentially the
24 same thing.

25 MR. B. JOHNSON: Does the output --

1 MR. D. JOHNSON: Yeah.

2 MR. B. JOHNSON: And the output is the number
3 of districts that swing?

4 MR. D. JOHNSON: Exactly. Just --

5 MR. B. JOHNSON: Okay.

6 MR. D. JOHNSON: -- for clarification,
7 Professor Duchin in her writing has a different definition
8 of responsive districts. So if you look at her writing,
9 her responsive districts measure would be different. And
10 that's --

11 MR. B. JOHNSON: Okay.

12 MR. D. JOHNSON: -- not what we're talking
13 about today.

14 MR. B. JOHNSON: Understood.

15 And then for the next -- the other
16 deliverables, those bands, average performance, simple
17 average -- that we are calling simple average perform the
18 exact same function which will lead to a competitive range,
19 which we will talk about -- the Commission will talk about
20 next. Fair?

21 MR. D. JOHNSON: Yes.

22 COMMISSIONER YORK: Correct.

23 MR. B. JOHNSON: Okay.

24 MR. D. JOHNSON: You'll get a list of which
25 districts are swing districts, and which districts are in

1 the competitive range under the simple average.

2 MR. B. JOHNSON: Okay.

3 MR. D. JOHNSON: So you'll get two different
4 measures.

5 MR. B. JOHNSON: Before we go off of that,
6 Mr. Spencer, anything else you want clarification on?

7 MR. SPENCER: No. I think we're good.

8 MR. D. JOHNSON: Okay.

9 COMMISSIONER MEHLE: So there is a motion. I
10 don't think we've had a second, so ...

11 COMMISSIONER YORK: Well, I think we were
12 having questions and discussion. Are we ready to move to a
13 second, Commissioner Neuberg?

14 CHAIRPERSON NEUBERG: Well, I would
15 actually --

16 VICE CHAIR WATCHMAN: Yeah.

17 CHAIRPERSON NEUBERG: I would actually like
18 it if you would reiterate the motion just to remind us of
19 what we're voting on. And we will ask for clarification
20 from the mapping consultants or Legal if there is anything
21 not specific enough in this motion.

22 So please, Commissioner Mehle.

23 COMMISSIONER MEHLE: I move that we choose
24 the method of basket of actual past elections, that we use
25 that basket to produce two metrics, the simple average and

1 the swing average, and that we use the basket as designated
2 by our earlier discussion of 2016 to 2020 elections
3 excluding unopposed or outlier elections that were
4 56 percent or more, and we eliminate the Corporation
5 Commission from the list.

6 How's that for a specific motion?

7 MR. D. JOHNSON: I'll just offer one
8 clarification. Rather -- just a wording thing. Rather
9 than swing average, it's counting swing districts. But
10 everything else is good.

11 COMMISSIONER MEHLE: Thank you. So
12 corrected.

13 COMMISSIONER LERNER: And,
14 Commissioner Mehle, also we have -- I think we were going
15 to remove any non- -- did you include that and I missed it?

16 COMMISSIONER MEHLE: I did say it. Yeah.

17 COMMISSIONER LERNER: Thank you.

18 COMMISSIONER MEHLE: Any uncontested --

19 COMMISSIONER LERNER: Thank you.

20 COMMISSIONER MEHLE: -- or outlier. And
21 outlier is defined as 56 percent or more.

22 COMMISSIONER LERNER: Okay. Sorry. I just
23 didn't hear.

24 COMMISSIONER MEHLE: Yeah.

25 CHAIRPERSON NEUBERG: Do we have a second?

1 COMMISSIONER LERNER: This is
2 Commissioner Lerner. I'll second.

3 CHAIRPERSON NEUBERG: Any further discussion?
4 Okay. Vice Chair Watchman.

5 VICE CHAIR WATCHMAN: Aye.

6 CHAIRPERSON NEUBERG: Commissioner Mehle.

7 COMMISSIONER MEHLE: Aye.

8 CHAIRPERSON NEUBERG: Commissioner Lerner.

9 COMMISSIONER LERNER: Aye.

10 CHAIRPERSON NEUBERG: Commissioner York.

11 COMMISSIONER YORK: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Neuberg is
13 an aye.

14 And with that, we approve this first draft,
15 this iteration of our competitive measure test, something
16 as we have clarified in the past that is open to revision
17 as we move forward in the process.

18 Okay.

19 MR. D. JOHNSON: So the other piece of it is
20 addressing the range here.

21 CHAIRPERSON NEUBERG: Please.

22 MR. D. JOHNSON: Oh -- so the -- the various
23 ones that are -- have been tossed out are we talked about
24 the first Commission used a 7 percent range, so plus or
25 minus, you know, essentially a 53.5 to 46.5 percent spread.

1 Others that have been mentioned, some literature and by
2 some of the academics that talked to you, were a 6 percent,
3 so plus or minus 3 percent spread. And then historically
4 going back, way back in the academic literature there's
5 been plus or minus 5 percent has been used, so a 55/45.
6 Professor Duchin did say that may not be as applicable
7 these days, but it's still out there in the discussions.

8 So what I would -- this is always tough
9 because it's -- it seems somewhat arbitrary. So what you
10 may -- very well may end up doing down the line is using
11 two different ranges, saying, well, how many fall in this
12 range and how many fall in this larger range?

13 I might suggest for now we start with just a
14 range, and let's see how that works out and get one range
15 and see how that works out, get the public input and let
16 you see how that applies to the maps as -- as the early
17 maps evolve, and then we can improvise from there as seems
18 to make sense once you get a more concrete experience.

19 COMMISSIONER LERNER: This is
20 Commissioner Lerner. I'd like to throw something out about
21 how about a 4 percent range, 48 to 52 percent as a
22 possibility?

23 VICE CHAIR WATCHMAN: As a start.

24 COMMISSIONER MEHLE: That's a tighter range
25 than anything in any of the literature.

1 COMMISSIONER LERNER: I know. I --

2 COMMISSIONER MEHLE: Yeah.

3 COMMISSIONER LERNER: I just know -- I do
4 understand that. And with the way things have been
5 changing in our state, that's part of why I was thinking
6 maybe a little bit tighter range. And I know the
7 literature tends to go a little further. I know that, but
8 I just -- I was going to throw that out there to say --
9 because that, to me, is really truly competitive when you
10 get to that, but it's just a start for discussion.

11 MR. D. JOHNSON: And --

12 COMMISSIONER MEHLE: Dr. Duchin seems to
13 recommend a 53 to 47 range and Dr. Wang a 46 and a half to
14 53 and a half, just -- just to read it out of their
15 proposals.

16 CHAIRPERSON NEUBERG: And we have a big state
17 with many districts, and so, in my mind, I'd like to think
18 about a range that could be applicable to, you know, as
19 broad of our districts as possible.

20 MR. D. JOHNSON: And I should add one
21 clarification just -- I should have mentioned this upfront,
22 is for this range we're only -- this range is only used
23 with a simple average number, because the -- the swing
24 district's measure gives you a count of how many districts
25 flipped. There's no percentage range on that.

1 So the nice thing is as you go forward,
2 you'll see are those two numbers -- are those two measures
3 identifying the same districts? Or if the swing district's
4 measure is identifying districts that are not in your
5 range, that may give you a sense that maybe -- or vice
6 versa. Maybe your range should be tightened up or widened
7 out as you go along.

8 So -- so just to clarify that this range is
9 only for the simple average measure. The swing district's
10 measure does not use a range.

11 VICE CHAIR WATCHMAN: Well, Madam Chair, I
12 think Doug's suggestion -- Doug Johnson suggested, you
13 know, we could have a couple ranges, and so I'm inclined
14 to, you know, kind of shorten that range. And, you know, I
15 like what Commissioner Lerner's saying, you know, start
16 with a 4 percent. Even though, you know, some of the --
17 the writing is -- may have a wider range, you know, there's
18 been a lot of swings, a lot of changes.

19 And so I -- I like what Commissioner Lerner
20 is saying as -- as a starting point, so -- and maybe we
21 could use an average of the -- of the -- the three
22 different ranges that were put on the table by Wang and --
23 and the others. But we need a starting point. 4 percent
24 appeals to me.

25 CHAIRPERSON NEUBERG: Okay. Can you -- Doug

1 Johnson, just for clarification, can you just clarify for
2 us, as we're thinking through this, what the disadvantages
3 of a narrower range would be --

4 MR. D. JOHNSON: Okay.

5 CHAIRPERSON NEUBERG: -- if there are. I
6 mean, I'm just asking.

7 MR. D. JOHNSON: Yeah. And --

8 VICE CHAIR WATCHMAN: And the positives too.

9 CHAIRPERSON NEUBERG: No. Yeah, exactly.
10 I'm -- I'm trying to learn.

11 MR. D. JOHNSON: Yeah. You know, the -- the
12 advantages are the easier sides. Let me take that first.

13 The advantages are -- something that has a
14 52/48 percent range is clearly a toss-up seat, you know,
15 anyone could win anything anytime. And so that is a -- you
16 know, might be termed a highly competitive seat. So the --
17 that's the advantage. Clearly it's -- it's highly
18 competitive.

19 There's two parts of the disadvantage. One
20 is -- and this is where you might -- getting to
21 Commissioner Watchman's points, this is where you might
22 want to jump in with multiple ranges too. If a seat is
23 53/47 and we're just using a 4 percent range, where in the
24 County competitive difference there's not a big difference
25 between the 53/47 and the 60/40 seat. They're both

1 considered not competitive. So that clearly a 53/47 is
2 more competitive than a 60/40. And this is where -- to
3 your earlier point, this is where the competitiveness gets
4 so complicated.

5 The other side is that if we're pushing for a
6 tight range, well, that's going to lead to more blending,
7 you know, for blending one Republican community with one
8 Democratic community in a way that you don't find is a
9 significant detriment to either one. You have to do more
10 blending to get to 52/48 than you do to get to a 55/45.

11 So those would be the two pieces. Not
12 against it. I mean, if -- if it -- if it gets the
13 Commission along in this decision, you know, I would --
14 it's certainly worth jumping in with two ranges now. If
15 you want to see a report of 52/48 and a report of, you
16 know, 56 and a half to 40 -- well, what is it? -- 53 and a
17 half to 46 and a half, the 7 percent range, we could
18 certainly -- it's really easy in the system for us to
19 report both those scores.

20 COMMISSIONER LERNER: This is
21 Commissioner Lerner. I'd be open to having two ranges like
22 that. 48/52 and a 47/53, perhaps which is a little bit
23 wider. And if we could look at both of those and see how
24 they land, we can evaluate later on and see how it's going.

25 COMMISSIONER MEHLE: I would be okay with

1 using the dual range so that we're really effectively
2 reporting highly competitive and competitive measures.

3 COMMISSIONER YORK: So 7 percent and
4 4 percent?

5 COMMISSIONER MEHLE: It was actually
6 8 percent. 47/53 and 44/4- --

7 COMMISSIONER LERNER: It was 6 percent, I
8 think. Or it could be --

9 COMMISSIONER MEHLE: Yeah. Excuse me.
10 6 percent.

11 COMMISSIONER LERNER: 4 percent. So we could
12 go with I think --

13 COMMISSIONER YORK: I think 3 and a half/3
14 and a half would be the way I'd do it, which would give us
15 just a little bit broader. Because, I mean, if you listen
16 to our tour, community interests are very concerned about
17 staying together. So that would give us a spectrum of
18 both, right, competitiveness and then probably define more
19 communities if we had a little bit broader scope.

20 COMMISSIONER MEHLE: So go with Wang's 53 and
21 a half/46 and a half?

22 COMMISSIONER YORK: Right.

23 COMMISSIONER MEHLE: And go with Shereen's
24 proposal, which was --

25 COMMISSIONER YORK: 48.

1 VICE CHAIR WATCHMAN: 48/52.

2 COMMISSIONER MEHLE: Yeah.

3 COMMISSIONER LERNER: But you don't want to
4 do the 40 -- I think 47/53 was Duchin. Am I wrong? I
5 can't remember.

6 COMMISSIONER YORK: Duchin was 7.

7 COMMISSIONER LERNER: Duchin was 7 and Wang
8 was --

9 COMMISSIONER YORK: The same.

10 COMMISSIONER LERNER: -- the same.

11 MR. D. JOHNSON: I would just -- in terms of
12 those, if you're going to use two, it might be better to
13 have a little bit more range between those two.

14 COMMISSIONER YORK: That was my thought, so
15 we can see the spread.

16 COMMISSIONER LERNER: Okay.

17 MR. D. JOHNSON: If you're using a tighter
18 one, you're using 52s and 53s as opposed to 52s and 53 and
19 a halves.

20 COMMISSIONER LERNER: Perfect. So it -- to
21 clarify, it would be 46.5 to --

22 COMMISSIONER YORK: 53.5.

23 COMMISSIONER MEHLE: 53.5.

24 COMMISSIONER LERNER: Yeah. We're talking
25 after -- 48 and 52. We're going to compare those.

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1 MR. D. JOHNSON: Okay.

2 COMMISSIONER MEHLE: Uh-huh.

3 COMMISSIONER LERNER: We could do that.

4 COMMISSIONER YORK: Yep.

5 MR. D. JOHNSON: And just for going ahead, if
6 this is the way you think, just so you know, if we see
7 oddities in the reports, mainly between the two measures
8 that we're using, then we can dig into things like, you
9 know, is it -- are the, you know, presidential elections
10 driving those oddities, are the Secretary of State
11 elections driving those oddities.

12 And we -- as you're doing revisions, if you
13 choose different revisions down the line, we can tie it
14 into the data and the math and analysis in a way that makes
15 sense.

16 COMMISSIONER YORK: Perfect.

17 CHAIRPERSON NEUBERG: I think we have
18 consensus. And if somebody would like to, you know, make a
19 motion, I'll entertain that.

20 COMMISSIONER LERNER: This is
21 Commissioner Lerner. I propose that we use two ranges for
22 our -- it's only going to apply to the simple average
23 analysis that we're going to be doing. One range will be
24 48 to 52, and the other range will be 46.5 to 53.5.

25 CHAIRPERSON NEUBERG: Do I have --

1 COMMISSIONER MEHLE: I will second.

2 CHAIRPERSON NEUBERG: I'm sorry. Who was
3 that?

4 COMMISSIONER MEHLE: Commissioner Mehle
5 seconds.

6 CHAIRPERSON NEUBERG: Okay. Any further
7 discussion?

8 We'll take a vote. Vice Chair Watchman.

9 VICE CHAIR WATCHMAN: Aye.

10 CHAIRPERSON NEUBERG: Commissioner Mehle.

11 COMMISSIONER MEHLE: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Lerner.

13 COMMISSIONER LERNER: Aye.

14 CHAIRPERSON NEUBERG: Commissioner York.

15 COMMISSIONER YORK: Aye.

16 CHAIRPERSON NEUBERG: Commissioner Neuberg is
17 an aye.

18 With that we vote 5-0 to approve these two
19 different ranges.

20 And with that, unless there is any further
21 conversation, we can move on to -- oh, wait. Doug, I don't
22 want to pass off if there's anything else you want to sum
23 up or --

24 MR. D. JOHNSON: Yeah, just one concluding
25 comment, just so the Commission know, and for the public to

1 encourage them, that, as I noted, kind of buried in the
2 presentation, this is a whole new time compared to 20 years
3 ago. There are all these resources out there on the web,
4 and we encourage the public to use those resources and come
5 in. And if they're finding something interesting and
6 insightful in the data in their analysis using these other
7 measures, they should not feel limited by just the data
8 that we're putting out on the Commissioners that we have.
9 We welcome all their input and thoughts and guidance on
10 these questions, you know, as the Commissioner just talked
11 about here. Totally open to this information.

12 And this is one of the new things of this
13 year is how many resources are out there. So we welcome
14 the public -- we welcome hearing from the public as they
15 come to you and share their thoughts on possible other
16 interpretations of how maps might look.

17 COMMISSIONER LERNER: Chair Neuberg, can I
18 ask -- this is Commissioner Lerner -- ask one more question
19 of Doug --

20 CHAIRPERSON NEUBERG: Please.

21 COMMISSIONER LERNER: -- Doug Johnson?

22 MR. D. JOHNSON: Go ahead.

23 COMMISSIONER LERNER: Thanks -- thanks,
24 Commissioner Neuberg.

25 I just wanted to know, at one point we talked

1 about having more -- multiple measures. We now have two
2 measures. I would like to know if you would have a third
3 measure for -- okay. You're looking at third and fourth.

4 I see Doug York raising his hand.

5 So I guess that's where I'm at now, is what
6 are the -- we want to talk about other measures that we
7 might be interested in using.

8 So maybe Commissioner York, I don't know if
9 you have a suggestion for some other measures or if Doug
10 Johnson has, but are there some others that we should be
11 looking at is my question?

12 MR. D. JOHNSON: I'll offer my thoughts.
13 And, obviously, Commissioner York and others should chime
14 in, clearly. Something I'll defer to all of you on these
15 questions.

16 No. You know, I was -- as I mentioned
17 earlier, I was fairly surprised at kind of the -- the
18 consensus and the guidance we received. I was expecting a
19 lot of competing, very complicated statistical model
20 suggestions, and we didn't really get that. You know,
21 PlanScore is one that was talked about. I -- and
22 Dr. Duchin on a follow-up call said, well, I have, you
23 know, my website where you can dump your map and get scores
24 back too.

25 So that relates to the point you made earlier

1 about even though they're not adopted as official measures,
2 certainly the public is welcome to take any map they want,
3 dump them in those red sites, and come back to you and
4 report the scores. And you could certainly take that into
5 consideration in your deliberations. So I -- I think you
6 have a pretty good measure.

7 The other one that -- maybe as you get along
8 that might be useful if we're getting a lot of questions
9 and conflicts between the three scores that you'll get now,
10 the two range scores and then the sim- -- the swing
11 district's count, then maybe we want to look at, you
12 know -- you know, having Professor Duchin run a
13 Markov-Chain chart kind of setup or something like that.

14 But I think you've got a good base to work
15 from, and we'll see how the different maps start scoring
16 and what questions and complications those bring up would
17 be my thought.

18 But we're, of course, happy to do whatever --
19 whatever the Commission directs as we go along.

20 COMMISSIONER LERNER: Thank you.

21 CHAIRPERSON NEUBERG: Thank you. And I think
22 there is a premium on, you know, simplicity, transparency,
23 making it accessible and understandable to the broader
24 public. Sometimes we can make it more complicated and --
25 and it maybe doesn't have the return that we had hoped.

1 So -- but -- but if there's meaningful changes and
2 adaptations that we need to make, we're certainly open to
3 that.

4 If there's no other further discussion, we
5 will turn it over to our Executive Director, Brian. We are
6 on Agenda Item Number VII, executive director's report and
7 discussion thereof.

8 MR. SCHMITT: Thank you, Madam Chair. First
9 I want to touch on the listening tour. I'd like to thank
10 you, the public, Commissioners, the mapping consultants,
11 and legal team for participating. In the tour, we got some
12 really great feedback.

13 Second, I'd really like to thank our staff
14 for their hard work over these last two weeks. They not
15 only set up 15 public meetings, but they helped coordinate
16 30 sites around the state. I know I personally drove about
17 2,000 miles. I'm sure that Lori, Val, and Michele probably
18 drove more. We had a presence in every one of Arizona's
19 counties. We had over 2100 folks attend the public
20 hearings in person and virtually. We had 600 -- over 600
21 online community interest surveys collected. We had 400
22 speaker -- over 400 speakers testify. We collected
23 hundreds of paper surveys along the way while continuing to
24 receive public input and doing the day-to-day work for the
25 Commission. And for most of the tour, it was just the four

1 of us. And I don't want to say there weren't glitches
2 along the way, power outages, torrential rainfall, fire
3 alarms going off, but I promise you those glitches bug me
4 more than anyone else.

5 We're just starting to really build a good
6 foundation. We've listened to the public along the way.
7 We've taken notes of what they've had to say and how we can
8 improve moving forward. Someone said the other day we're
9 flying an airplane while building it, and that is the most
10 accurate description I've heard so far of this process. So
11 please bear with us. We're doing our best. We want
12 everybody who wants to participate to participate.

13 So I just want to kind of run through that
14 really quick and thank our staff for their hard work. I --
15 we kept them away from home for a while and had them on the
16 road. So I wanted to do that, first of all.

17 COMMISSIONER LERNER: Commissioner Neuberg.

18 MR. SCHMITT: Sorry.

19 COMMISSIONER LERNER: Director Schmitt, I
20 just want to say thank you. That was a lot, a huge amount
21 of work that you all put together. I want to acknowledge
22 the staff on that. I also wanted to acknowledge
23 Chair Neuberg, who attended all the meetings in person with
24 you. Not all of us were able to do so. And we know how
25 hard all of you worked. And I just want to say thank you

1 to all of you to thank you for what you did. It is tough.
2 You never know what you're going to see or find when you
3 turn up in a new place. And I know all the staff worked
4 real hard.

5 And, Chairman Neuberg, I appreciate the fact
6 that you were able to attend every meeting. So thank you
7 for that.

8 MR. SCHMITT: Thank you.

9 Next up I would like to introduce -- we have
10 two new outreach folks, Marie, who has started, and Alex
11 will start full time next Monday. So I want to give Marie
12 a second to introduce herself to the Commission and to the
13 public.

14 MS. CHAPPLE: Thank you, Brian.

15 Good morning, Chair and Commissioners. I'm
16 really happy to be here supporting the Commission and the
17 staff.

18 A special hello to Commissioner Lerner. I
19 staff the Tempe Citizens Census Committee, which you served
20 on.

21 And happy to be here. Just want to clarify
22 my name because it causes some confusion. I am Marie
23 Chapple Camacho, but I go by Marie Chapple for ease of use.
24 Because I keep the Spanish tradition of both parents names,
25 and Marie Chapple's the shortened version of that.

1 MR. SCHMITT: Great. Thank you so much,
2 Marie.

3 So as we move forward, I know outreach was
4 something we heard from the public, that they wanted more
5 outreach. We are building every day. And if there are
6 groups out there who would like to participate or would
7 like our help in helping them participate, please reach
8 out. That's what we're here for. And -- and we'll get you
9 involved in the process every step of the way.

10 Next up, just quickly on the budget we're
11 working with the Office of Strategic Planning and
12 Budgeting, OSPB, and our reps at the Central Services
13 Bureau to put together our budget submission that's due on
14 September 1st. So next week I'll have more details on that
15 for you.

16 And then we are working on putting together
17 the five Cs meeting in the next few weeks and reaching out
18 to different experts and professionals to get them on
19 board. I'm looking forward to that.

20 That is all I had for you all today, unless
21 you have questions.

22 VICE CHAIR WATCHMAN: So, Director Schmitt,
23 on the budget, you mentioned you're working on it. Is that
24 for next fiscal year or this fiscal year? Because I think
25 we're in a new fiscal year, which started on July 1, if I'm

1 not mistaken.

2 MR. SCHMITT: Yes. So that -- it's part of
3 our budget process that we have to submit to OSPB, JLBC,
4 all the different acronyms, on September 1st. So they
5 build the budget based off of what we expect this year's
6 budget to be.

7 VICE CHAIR WATCHMAN: Okay. So we do have a
8 budget for this fiscal year, which we're now in month 2?

9 MR. SCHMITT: Yes. So we're working
10 through --

11 VICE CHAIR WATCHMAN: Okay.

12 MR. SCHMITT: -- just putting together the
13 numbers of what staff expenses should be, all -- all -- all
14 the different pieces. So --

15 VICE CHAIR WATCHMAN: Okay.

16 MR. SCHMITT: -- we'll get a presentation
17 next week or two once we finalize that.

18 VICE CHAIR WATCHMAN: Okay. And then on --
19 at this point, F, you mentioned the speakers on the various
20 components. I heard a lot from our -- our listening
21 session about the different economic centers. And, of
22 course, you have the copper corridor, tourism, military,
23 some reservations who have gaming.

24 And so you just mentioned the copper
25 corridor, and so I guess, you know, my thought is to make

1 sure you include the other components. You know, tourism
2 is a -- obviously a huge, huge draw for Arizona. It's -- I
3 don't know how to capture that, but, you know, it's -- it's
4 particularly beneficial for Northern Arizona. So, you
5 know, I'd like to hear a discussion on that --

6 MR. SCHMITT: Sure.

7 VICE CHAIR WATCHMAN: -- as well as the
8 copper corridor, which is -- has the mainstay for the state
9 for the last century.

10 MR. SCHMITT: Absolutely.

11 VICE CHAIR WATCHMAN: Yeah.

12 MR. SCHMITT: We'll work on putting together
13 a good group of individuals that can address the common
14 themes that we heard while we were on the road.

15 CHAIRPERSON NEUBERG: Yeah. I'd like to just
16 add a -- a color to that.

17 In my mind, when we think about speakers
18 coming and addressing the five Cs, it -- from my
19 perspective, it's what are our precious resources that
20 cross across multiple communities of interest through
21 which, you know, we need to understand who needs what. And
22 so with the economic angle of this, I think it's
23 understanding the broader economic thread that crosses
24 through our entire state, that we need to understand how it
25 connects different disparate communities. If there are

1 specific economic interests to a community of interest
2 that's separate from that broader thread work, that is also
3 incredibly important, but, in my perspective, should go in
4 a bucket of learning about a community of interest.

5 And that -- and this is where we're just
6 starting to think through equita- -- equitably how to be
7 breaking down these general themes, you know, that relate
8 to as many of the communities as possible.

9 So I appreciate the feedback. I know Brian
10 will synthesize everybody's feedback and -- and will
11 propose, you know, the speakers that -- that, you know,
12 appeal to -- to the needs, I'd say, of the broader state.

13 COMMISSIONER LERNER: Chairman --

14 COMMISSIONER MEHLE: Okay.

15 COMMISSIONER LERNER: Sorry. I'm having
16 trouble with my microphone.

17 Just as a follow-up, Chairman Neuberg, we did
18 hear some thought, and you alluded to this earlier in the
19 meeting, about hearing the proposal. We had consulted they
20 had, which endured.

21 Should they contact the executive director
22 then about potentially coming in and asking for a
23 presentation time or having a meeting of some kind? Would
24 that be the best approach?

25 CHAIRPERSON NEUBERG: You know what?

1 Absolutely. And this piggybacks to the public comments
2 section.

3 First of all, we're not done with listening.
4 And so, you know, it's possible after we can synthesize
5 what we just learned, what was effective, you know, how to
6 maximize return on investment with our collective staff
7 time. We could do additional tours. We could do targeted
8 learning. We -- and, you know, ask the community's
9 patience to give us just a little time to digest what we
10 learned and come back with some proposals since we
11 finished, you know, just last night.

12 But with that, please don't hesitate. Reach
13 out on our link. If you feel your community has not been
14 heard, let us know. We will find a way to meet with you
15 and make sure your needs are heard.

16 VICE CHAIR WATCHMAN: Madam Chair, you know,
17 you're talking about communications and talking about
18 feedback. And I would take a guess that a lot of folks
19 rarely look at our website, and the social media approach
20 seems to be a more common platform that a lot of people
21 use. And so I know in the rural areas everybody has a cell
22 phone, obviously. You know, it -- service is -- is kind of
23 sparse here and there. But I do know that in my area, you
24 know, a lot of folks have access to, you know, Facebook.
25 I'm not a big Facebook user, but I hear a lot of that in my

1 neck of the woods.

2 And so I'm not sure, you know, if we're
3 thinking about, you know, how do we communicate on a
4 broader scale. And so, you know, emails and, you know,
5 stuff on our website, it's great, but I don't know if we
6 have the -- the actual I'll call it market penetration.
7 And so I'm not sure what our -- what our -- our new -- our
8 renewed communications plan is going to be, but I think we
9 talked about that earlier, and so I think we ought to think
10 about that.

11 CHAIRPERSON NEUBERG: I do know that staff is
12 working on this. I don't know if they're ready to address
13 any of this or if you would like to add this as an agenda
14 item for next week to speak more broadly about explicit
15 outreach efforts.

16 MR. SCHMITT: The communications aspect is
17 definitely something we're working on between digital and
18 more traditional media. That's something that we heard on
19 the road about even just advertising in local newspapers,
20 things like that. So we are talking through that, and
21 hopefully we can come back to you with a plan in the next
22 week or two, especially now that we have our outreach folks
23 on board. I think that they'll be very helpful in helping
24 to develop that.

25 VICE CHAIR WATCHMAN: Sounds good. Thank

1 you, Director Schmitt. I think it's important. I know
2 that a lot of the reservations have a local weekly
3 newspaper. And so, you know, some of the work that I do, I
4 have subscriptions to those just to keep up with it, keep
5 up with what's going on in the local areas. And so -- and
6 then, of course, a lot of the tribes have radio stations.
7 And, in fact, you know, I think a lot of the tribal members
8 listen to the radio when their council -- when the tribal
9 leaderships are meeting.

10 So that -- that's where -- in the rural
11 areas, especially on reservations, that's how they
12 communicate to -- to the citizens. So -- but I know the
13 staff is all up to date on that, so -- but just so you know
14 how -- how things work from my viewpoint.

15 So, thank you.

16 CHAIRPERSON NEUBERG: Thank you.

17 I mean, I just want to emphasize, something
18 must have worked because we had so many people show up. So
19 obviously some people got the -- got the notice, which is
20 wonderful. Not enough. We're just scratching the surface.
21 But we started.

22 So with that, Director Schmitt?

23 MR. SCHMITT: That is all I have for you all
24 today. Thank you.

25 CHAIRPERSON NEUBERG: Any other questions?

1 Okay. Thank you again, staff, for your
2 tireless commitment to the process, you know. You've been
3 a joy to work with and -- and, you know, the results are --
4 are fabulous, but we'll do better.

5 With that, we will move to Agenda Item
6 Number VIII, which is discussion of future agenda item
7 requests.

8 I know that we spoke about focusing on, you
9 know, social media, slash, outreach efforts. That's one
10 bucket that I think, you know, we need to revisit. I -- I
11 believe we also need to come back and revisit in the
12 duration between grid maps and a draft map in lieu of a
13 physical tour. How is it that we best collectively, you
14 know, get data and tap into our state.

15 And I'm not suggesting that we wait for that,
16 but it's something that I think would be helpful for us
17 to -- to convene and have a formal conversation about.

18 COMMISSIONER YORK: So
19 Commissioner Neuberg --

20 CHAIRPERSON NEUBERG: Yes.

21 COMMISSIONER YORK: -- when we get advice on
22 how to gather the data or feedback or -- because I'm not
23 sure the Commissioners are able to talk about it because we
24 don't even know what it looks like; right?

25 So is that what you're asking or --

1 CHAIRPERSON NEUBERG: Well, I -- I think
2 after we have the opportunity to have staff to digest the
3 information and come back and report to us, you know, what
4 they learned, what worked, what didn't work, what are gaps
5 in our knowledge, they can then share with us, I think,
6 better, you know, where we need to head. And from that,
7 with the expertise of the staff, think about it from a
8 strategic lens --

9 COMMISSIONER YORK: Okay.

10 CHAIRPERSON NEUBERG: -- knowing we have
11 technology. And rather than doing just the blanket, you
12 know, let's go all over, understanding the specific areas
13 we need to hone in.

14 But -- but we do need a little bit of time,
15 again, for our mapping team to -- to, you know, absorb the
16 data and transcribe it and for our -- our collective staff,
17 you know, to -- to really think through what worked and
18 what didn't.

19 But I think that whether -- it doesn't have
20 to be next week, but in the next couple of weeks, that's
21 something I think needs to be on our radar.

22 COMMISSIONER YORK: I have another question
23 or topic, I guess.

24 We're in theory supposed to get census data
25 next week; correct?

1 How does that -- I mean, how does that work?
2 I mean, the public's probably wondering, so what does that
3 mean for the State? Do we get -- does the Timmons Group
4 download it? Where does it go? How do we implement it or
5 how do we start using it?

6 Obviously we set a method for grid mapping.
7 So I may need some clarification on that.

8 MR. D. JOHNSON: If I may.

9 CHAIRPERSON NEUBERG: Can I.

10 I just wanted to make sure with Legal, is
11 this -- this may be a new agenda item. Is this okay for us
12 to discuss broadly?

13 MR. B. JOHNSON: Yeah, I think it's covered
14 by Agenda Item V, so long as you're going back to Agenda
15 Item V as well as it's probably covered for Brian's report.

16 CHAIRPERSON NEUBERG: Okay. Excellent.
17 Thank you for that clarification.

18 Please, Doug.

19 MR. D. JOHNSON: Just a quick update. And
20 Mark will take the technical side of this.

21 Just so everyone's on the same page, the
22 Bureau just announced, I think, Friday that they're
23 actually going to release the date the day after tomorrow.
24 So the data will be released on Thursday. But just keep in
25 mind the best description I heard, I wish I came up with

1 it, is someone referred to this. Think of this as the IKEA
2 of data release. It's a lot of stuff in a box that needs
3 to be somehow put together. So it will not be a -- the
4 moment the data comes out we can give you anything.

5 So with that, I'll hand it off to Mark.

6 MR. FLAHAN: That is a great analogy. I
7 hadn't heard that one yet.

8 So the -- the plan for that is once the
9 census data's released is really one of building the
10 redistricting system. We'll download it. They will put it
11 together, and they will load it into the redistricting
12 system. Their plan is to take two weeks to do so. And
13 then after that, Timmons Group will take a week to -- to
14 add the elections data into it from Arizona. With that
15 being said, then after that, the redistricting system will
16 be ready to go.

17 I have not talked to Esry [phonetic] about
18 the release -- early release of the census data, but I do
19 not think that changes our schedule, even though we get two
20 extra weekdays and two weekend days. I believe the
21 schedule for Esry holds true today, the original schedule.

22 COMMISSIONER YORK: Well, it looks like for
23 me the week after Labor Day, right, to basically have
24 usable data?

25 MR. FLAHAN: Yes. Our target right now is

1 the 6th of September with getting you guys a grid map for
2 the 14th of September.

3 COMMISSIONER YORK: Okay.

4 MR. D. JOHNSON: And just -- just so
5 everyone's on the same page, too, it's almost certain
6 either the Bureau -- the Census Bureau or the State
7 Tomographer or various entities out there will be kind of
8 crashing through this data and putting out numbers for the
9 county totals, you know, the current county totals, the
10 current city totals, and maybe even the current legislative
11 and competitive district totals. Everyone's on the same
12 page. It's one thing to quickly run numbers for an
13 existing jurisdiction. It's a whole 'nother to set up a
14 redistricting system that's ready to use those numbers.

15 COMMISSIONER YORK: Okay. Thank you.

16 CHAIRPERSON NEUBERG: We'll be patient.

17 Any other comments on future agenda item
18 requests?

19 We'll move to Agenda Item Number IX,
20 Announcements.

21 One announcement -- well, it's a suggestion
22 if everybody agrees, we had talked about a Rosh Hashanah, a
23 Jewish holiday, coming up on September 7th, a Tuesday. And
24 we looked at our collective schedules. There is not a
25 great alternative.

1 So we're proposing to actually skip a formal
2 meeting that week. We have not had a day off in a long
3 time. With the discussion of the timing of the Census
4 Bureau and our focus on the grid maps the previous --
5 the -- the following week, it's actually a really good week
6 for us to maybe skip a meeting and catch up. And if that
7 is -- if there's no opposition, I'm going to propose that
8 we skip the meeting on September 7th. Of course if there
9 is any urgent business, anything that emerges between now
10 and then, we can always reconvene and -- and discuss
11 otherwise.

12 And if there's no further discussion, we'll
13 move to Agenda Item Number X, next meeting date, which is
14 August 17th, 8:00 a.m., as our normal Tuesday meeting.

15 And if there's no further comment, we'll move
16 to Agenda Item Number XI, closing of public comments.
17 Please note members of the Commission may not discuss items
18 that are not specifically identified on the agenda.
19 Therefore, pursuant to A.R.S. 38-431.01(H), action taken as
20 a result of public comment will be limited to directing
21 staff to study the matter, responding to any criticism, or
22 scheduling the matter for further consideration and
23 decision at a later date.

24 With that, we'll move to Agenda Item
25 Number XII, adjournment.

1 I will entertain a motion to adjourn.

2 VICE CHAIR WATCHMAN: So moved.

3 Commissioner Watchman moves we adjourn.

4 CHAIRPERSON NEUBERG: Second?

5 COMMISSIONER MEHLE: Commissioner Mehle
6 seconds.

7 CHAIRPERSON NEUBERG: Okay. Vice Chair
8 Watchman.

9 VICE CHAIR WATCHMAN: Aye.

10 CHAIRPERSON NEUBERG: Commissioner Mehle.

11 COMMISSIONER MEHLE: Aye.

12 CHAIRPERSON NEUBERG: Commissioner Lerner.

13 COMMISSIONER LERNER: Aye.

14 CHAIRPERSON NEUBERG: Commissioner York.

15 COMMISSIONER YORK: Aye.

16 CHAIRPERSON NEUBERG: And

17 Commissioner Neuberg is an aye.

18 With that I will adjourn. Again, I thank our
19 broader team, our Commissioners, the staff, and the public,
20 for your ongoing commitment, and we look forward to seeing
21 you at our next meeting and be in touch. Take care.

22 COMMISSIONER YORK: Bye-bye.

23 CHAIRPERSON NEUBERG: Bye-bye.

24 (The proceedings concluded at 11:01 a.m.)

25

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4 BE IT KNOWN that the foregoing proceedings were

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15 Dated at Phoenix, Arizona, this 23rd day of

16 August, 2021.

17 */s/ Cathy J. Taylor*

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