THE STATE OF ARIZONA

INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING

Via GoogleMeets

August 24, 2021

8:00 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 8:00 a.m. on
3 August 24, 2021, via GoogleMeets, Arizona, in the presence
4 of the following Commissioners:
5 Ms. Erika Neuberg, Chairperson
Mr. Derrick Watchman, Vice Chairman
6 Mr. David Mehle
Ms. Shereen Lerner
7 Mr. Douglas York
8 OTHERS PRESENT:
9 Mr. Brian Schmitt, Executive Director
Ms. Loriandra Van Haren, Deputy Director
10 Ms. Valerie Neumann, Executive Assistant
Ms. Michele Crank, Public Information Officer
11 Ms. Marie Chapple Camacho, Outreach Coordinator
Mr. Alex Pena, Outreach Coordinator
12 Mr. Roy Herrera, Ballard Spahr
Ms. Jillian Andrews, Ballard Spahr
13 Mr. Eric Spencer, Snell & Wilmer
Mr. Brett Johnson, Snell & Wilmer
14 Mr. Mark Flahan, Timmons Group
Mr. Douglas Johnson, National Demographics Corp.
15 Ms. Ivy Beller Sakansky, National Demographics,
Corp.
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1 P R O C E E D I N G
2
3 CHAIRPERSON NEUBERG: Welcome, everybody. We'll
4 call the meeting to order.
5 Agenda Item I, call to order and roll call. 1(A),
6 call for quorum.
7 It is 8:00 a.m. on Tuesday, August 24th, 2021. I
8 call this meeting of the Independent Redistricting
9 Commission to order.
10 For the record, the executive assistant Valerie
11 Neumann will be taking roll. When your name is called,
12 please indicate you are present; if you're unable to respond
13 verbally, we ask that you please type your name.
14 Val.
15 MS. NEUMANN: Vice Chair Watchman.
16 VICE CHAIR WATCHMAN: Present.
17 MS. NEUMANN: Commissioner Lerner.
18 COMMISSIONER LERNER: Present.
19 MS. NEUMANN: Commissioner Mehl.
20 COMMISSIONER MEHL: Present.
21 MS. NEUMANN: Commissioner York.
22 COMMISSIONER YORK: Present.
23 MS. NEUMANN: Chairperson Neuberg.
24 CHAIRPERSON NEUBERG: Present.
25 MS. NEUMANN: And for the record we also have in

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1 attendance Executive Director Brian Schmitt; Deputy Director
2 Lori Van Haren; Public Information Officer Michele Crank;
3 Community Outreach Coordinators Maya Chapple and Alex Pena.
4 Our legal team we've got Brett Johnson and Eric Spencer from
5 Snell & Wilmer; Roy Herrera and Jillian Andrews from Ballard
6 Spahr. Our mapping consultants we've got Mark Flahan from
7 Timmons. Doug Johnson and Ivy Beller Sakansky from NDC
8 Research; and our transcriptionist Angela Miller.
9 That's everyone. Thank you.
10 CHAIRPERSON NEUBERG: Thank you, everybody, for
11 joining us.
12 Please note for the minutes that a quorum is
13 present.
14 Agenda Item I(B), call for notice.
15 Val, was the notice and agenda for the Commission
16 meeting properly posted 48 hours in advance of today's
17 meeting?
18 MS. NEUMANN: Yes, it was, Madam Chair.
19 CHAIRPERSON NEUBERG: Thank you.
20 Agenda Item II, approval of minutes from
21 August 17th, 2021.
22 We have just (A), the general session. Do I have
23 any discussion on the minutes from last week?
24 If there's no discussion, I'll entertain a motion
25 to approve the minutes from August 17th, 2021.

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1 COMMISSIONER MEHL: This is Commissioner Mehl.
2 I move to approve the minutes.
3 COMMISSIONER LERNER: Commissioner Lerner, I'll
4 second.
5 CHAIRPERSON NEUBERG: Discussion?
6 With that, we'll do a vote.
7 Vice chair Watchman.
8 VICE CHAIR WATCHMAN: Aye.
9 CHAIRPERSON NEUBERG: Commissioner Mehl.
10 COMMISSIONER MEHL: Aye.
11 CHAIRPERSON NEUBERG: Commissioner Lerner.
12 COMMISSIONER LERNER: Aye.
13 CHAIRPERSON NEUBERG: Commissioner York.
14 COMMISSIONER YORK: Aye.
15 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
16 aye.
17 And, with that, the minutes of last week are
18 approved.
19 Thank you again, Val.
20 Agenda Item No. III, opportunity for public
21 comments.
22 Public comment will now open for a minimum of
23 30 minutes and remain open until the adjournment of the
24 meeting. Comments will only be accepted electronically in
25 writing on the link provided in the notice and agenda for

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this public meeting and will be limited to 3,000 characters.

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

With that, we'll move to Agenda Item No. IV, discussion on public comments received prior to today's meeting.

Do any of my colleagues have anything to share or any thoughts on this issue?

Yeah, I -- I think the silence is a recognition that the topics are relevant and timely, yet, we've addressed them; and I think a lot of the substantive comments our mapping team is recording and digesting.

And so we're reading each and every one and taking note of it. So thank you for the public's engagement.

And if there's no other further conversation on that, we'll move to Agenda Item No. V, update from the mapping consultants, Timmons/NDC.

Take it away Mark and Doug and Ivy.

MR. FLAHAN: Good morning, Commissioners.

Update on the census data. Everything is

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1 proceeding on time with the census data; Esri is processing
2 it, I know they've downloaded it. If you've noticed, Esri
3 has put a couple of products on the census data; just put it
4 out on their own company web page. But they are on track
5 moving forward, so that keeps us on track with the creation
6 of the grid maps right now. We don't see an issue with that
7 right now, but we're waiting for the 2020 data to be able to
8 begin that work.
9 For integration and approved competitive measures
10 integration we're on track with that too. We're still
11 waiting for the census data 2020 to be put into our Arizona
12 redistricting system and then once that's done, we can start
13 moving forward on that. But right now we're just sort of in
14 a holding pattern for Esri to finish processing it and then
15 to give our system an update on the newest data.
16 On the public training update, we've had some
17 internal conversation about it. Right now we are thinking
18 tentatively that it will be six different sections for
19 training that would be broken down into different sections.
20 That way the public can go and view that training section
21 individually. We think that will be a better approach than
22 just building, you know, 30-, 45-minute long training. That
23 way it would be targeted so if you want to go back and view
24 it, you don't have to try to fast forward to the exact
25 section of the video you want, you could pick up the video

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of where you're actually trying to get information from.

So that is our approach right now. We are looking at trying to have that out in September, in early September.

Other than that, that's really the update that I have for the public training. I don't know if there's any questions on that or on the census data.

I know it's a short and sweet update, but we're sort of in a holding pattern right now.

COMMISSIONER MEHL: This is Commissioner Mehl.

Mark, you want to just remind the public for what the target is for having everything loaded where they can actually start dealing with the map with the new data?

MR. FLAHAN: The target date to have the mapping system go live is the 13th of September.

I'm going to double-check that on my side, but I'm 99 percent sure that is correct.

COMMISSIONER MEHL: Thank you.

MR. FLAHAN: Yep. 13th of September.

COMMISSIONER LERNER: Mark, this is Commissioner Lerner.

Can you then -- I know you said early September, I think it would be great if the training could be done prior to that date so the public could, you know, start to trying to get familiar, so when it comes out on September 13th, they can actually look at it and start to play around with

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1 it.
2 You think that that -- you said early September,
3 you think that would be possible have that done then in time
4 for the public to have access to the training?
5 MR. FLAHAN: The training should be done before the
6 redistricting system goes live.
7 COMMISSIONER LERNER: Okay.
8 MR. FLAHAN: So we'll try to target a couple of
9 days ahead of that. I can provide you guys an update next
10 week. We're still processing exactly how we want to divide
11 it up right now.
12 COMMISSIONER LERNER: Okay. Thank you.
13 MR. FLAHAN: Mm-hm.
14 COMMISSIONER LERNER: And, Chair Neuberg, I have
15 one more question, if that's okay, about data.
16 Doug Johnson, the last time I had mentioned the
17 compactness and contiguity measures since we mentioned the
18 competitiveness, I went back and tried to read through
19 everything -- and I know one of them you said "you'll know
20 it when you see it" -- but there was, with the compactness,
21 you had mentioned a few types of measures, but I don't know
22 that we ever got back to whether or not we're using
23 Polsby-Popper or Reock -- and I may be pronouncing them
24 wrong -- for the compactness.
25 And so just in terms of processing data and adding

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1 it to the data set, I was wondering where we were with --
2 with that measure.
3 CHAIRPERSON NEUBERG: And, you know what, that
4 is -- that is exactly on my mind as well,
5 Commissioner Lerner, and I -- you know, I'm going to
6 actually look to the legal counsel here, whether this is
7 maybe something we need to put on the agenda for further
8 conversation. We -- we do, the Commission is interested in
9 understanding, I know it's relatively simple and it may just
10 be a mathematical formula, but how do you measure
11 compactness? How do you measure contiguity?
12 Yes, we don't have to do it now; but I think it's
13 just an empirical objective question about the formula. And
14 so Commissioner Lerner's asking about that. Legal, is that
15 something we should put on the agenda for another time?
16 MR. B. JOHNSON: This is Brett.
17 I do -- I do think it's something we can put on the
18 agenda to really actually map out those different formulas,
19 as also reiterate the competitiveness measures that were
20 selected at the last meeting and what form- -- how -- how
21 exactly the formula is used.
22 You might remember from Doug's presentation from
23 last week, he went down of what IRC 2.0 did. They had a
24 very specific mathematical equation of how it looked; and so
25 hopefully between the mapping consultants and us, we can --

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1 we can work it out as to what those actual formulas sent to
2 the Commission next week.
3 MR. D. JOHNSON: Yeah. And -- and just as a little
4 preview, there's kind of -- there's really two parts to the
5 question you're asking, I think.
6 One is, what competitiveness measures will be
7 available in the Esri tool? And they have the whole bunch
8 that any -- any user in the system can choose to run. So,
9 something similar to what we talked about with the
10 competitiveness tools, just because the Commission didn't
11 adopt a specific measure doesn't mean that residents can't
12 go, you know, submit in some other website and get those
13 formulas if they're interested.
14 So, certainly, built in the Esri tool will be a
15 whole bunch of compactness measures that anyone can run.
16 I think what we're talking about as an agenda item
17 for next week is: Will the Commission adopt one as their
18 of- -- one or two or something like that -- as their
19 official measures, and we'll come back to you on that and
20 give you an in-depth presentation.
21 But -- but people should just know that the
22 Commission's decision to focus on one won't limit their
23 ability to also look at the others.
24 COMMISSIONER LERNER: Yeah, and -- thank you.
25 That's -- I'm happy to wait until next week and put it on

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the agenda for that, because it's just something I'm -- I'm curious about because I know there's different options.

Thank you.

CHAIRPERSON NEUBERG: Any other updates from the mapping team and any other questions from fellow Commissioners of the mapping team?

MR. FLAHAN: I will tag on.

You did ask about, you know, public training and everything, when that will be available. I will -- I will provide the staff Esri's YouTube link, they do have like 20 videos just talking about the redistricting system, so. So if you want to go view those today, those are public out on YouTube. That might give them a small taste of what it's like before we get something more tailored to the Arizona system. So that -- that will be probably be helpful.

So I'll get that over to the Commission staff today.

CHAIRPERSON NEUBERG: Thank you.

MR. FLAHAN: Mm-hm.

CHAIRPERSON NEUBERG: If there are no other questions/comments, we'll move to Agenda Item No. VI, Executive Director's report and discussion thereof.

Prior to turning it over to Executive Director Schmitt, there are five items. I just want to give a heads-up to my fellow Commissioners and the public, that

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1 regarding VI(E), update regarding public records requests, I
2 personally am going to make a suggestion that we make a
3 motion to go into executive session to seek some guidance on
4 the legal process of providing the public records now that
5 all of these records are coming forth, we can best fulfill
6 our responsibility to provide these records, but we'll do so
7 at the end when we get to Item No. VI(E).
8 So, with that, I will turn it over to Executive
9 Schmitt.
10 DIRECTOR SCHMITT: Thank you, Madam Chair.
11 First, I will just touch briefly on migration. We
12 are still working on it; it is a much more complex situation
13 than we originally thought, but we're still working through
14 that. So I will hopefully have an update next week with
15 where we're at and the timing of it all.
16 I'm going to next pull up kind of an overview of
17 our budget.
18 Can you all see that?
19 So as you all know, the legislature allocated
20 $7.9 million for the IRC in budget; those are nonlapsing
21 funds. In conversation, a big part of it was the previous
22 two Commissions have -- had a history of having a pretty
23 large expenditures over the years. I think the last
24 Commission by the end spent about 12.7 million. So this 7.9
25 is nonlapsing; it's there if the Commission needs it.

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1 Like I said last week, we're kind of building an
2 airplane while flying; we don't know what all of our
3 expenses will be, but this kind of gives you a brief
4 overview of what our expenses have been year to date.
5 Personnel and employee-related expenses were
6 $33,000 in July; August, that's only a partial.
7 Professional outside services, that includes
8 transcriptionist, legal, some IT expenses that we had for
9 the tour, mapping consultant cost, some travel, operating,
10 and then the new laptops that were purchased.
11 Again, August is not final and we are still working
12 through all the expenses from the listening tour, so those
13 numbers will definitely be adjusted a bit.
14 But if there are -- are there any questions on the
15 budget?
16 CHAIRPERSON NEUBERG: Director Schmitt, before --
17 if there's no question, if you're going to move on to
18 another agenda item, I'd like to make a comment. But,
19 first, I want to make sure there's time for questions or
20 comments on the budget.
21 COMMISSIONER LERNER: Brian, I just have a quick
22 question, and -- Chair Lerner [sic].
23 The -- will you have -- I know it's hard to develop
24 a month to month, because things keep changing and of course
25 there's different things that we're doing. We don't have a

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1 listening tour every month, things like that. Is it
2 possible for you to sort of try to kind of give an
3 estimate -- not right now, I know -- of what you think your
4 expenditures might be on a monthly basis?
5 I know that you've got -- we've got the 7 million,
6 which is nonlapsing, which certainly should take us through
7 our work, but I just was wondering if you think that's
8 possible; or, because of how things are shifting, do you
9 think it will be difficult to do so?
10 DIRECTOR SCHMITT: Yeah, projections are something
11 we're working on between employee-related costs, rent, cell
12 phone service, that kind of stuff. Yeah, we'll work on kind
13 of a -- not a skeleton, but kind of just an overview of the
14 basic expenses, and then moving forward the costs of depend
15 on what -- on what we face, so.
16 COMMISSIONER LERNER: Yeah, that makes sense.
17 Thank you.
18 CHAIRPERSON NEUBERG: That actually touches upon,
19 you know, the comment that I wanted to make or at least my
20 observation.
21 You know, we're unlike other commissions or
22 agencies where we're responsible to provide a product and
23 there's so many unknowns. And when we think about the
24 budget, why is it that the legislature allocated such a
25 generous amount for this year, it's understanding, you know,

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all these unknown factors. Particularly, I would say on the legal front, where expense cost likely, you know, is going to be, you know, the legal, you know, budget.

We have done -- thanks to the guidance of our legal counsel, you know, there's been a tremendous amount of responsibility and we have had not, you know, a litigation that we've had to cover; but when we think about our budget, the most expensive items: public hearings, legal bills, it's entirely unknown. And -- and so to begin to provide estimates that are wildly inaccurate, I think we just have to be careful about.

From my perspective, the good news is we've been allocated a generous amount in recognition of the expenses other commissions have -- have faced. I think we've done a very responsible job navigating that. The staff does not have leeway to be paying bills that -- that are outside of what we've already approved; and so there's great news.

And I know it's frustrating for everybody, you want, you know, a nice, you know, budgeting pie, I'm just not sure we're going to be able to provide what people are wanting.

So that was the one comment I wanted to make.

DIRECTOR SCHMITT: Unless there are any other questions, we'll move on to the next agenda item which is our outreach strategy plan.

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1 And I am going to turn it over to Michele and Marie
2 and Alex to go over their plan and proposal.
3 MS. CRANK: Good morning, Madam Chair and
4 Commissioners, Vice Chair Watchman, and other Commissioners.
5 I guess it's kind of like a communication
6 plan/outreach coordination. I would like to start out with
7 on the piece with the website development. We are currently
8 working with A- -- ADOA's IT department; and the reason why
9 we're working with ADOA IT department as we develop the
10 website, is they know all the parameters that we're allowed
11 to utilize within the website development and enhancing our
12 website. They have the ability to utilize the State of
13 Arizona seal, otherwise we'd have to go to the State
14 Secretary, you know, Office, you know, to get permission to
15 utilize the seal. So, they're familiar with all of those
16 parameters.
17 We did complete a form that they required, so we're
18 hoping that we will complete this process.
19 We've given them an idea on format on what we would
20 like to see. Again, concentrating on creating a website
21 that is very user friendly. So when somebody goes to our
22 website, they have the ability to fill out the public
23 comment forms or anything else that we have coming up, and
24 we're hoping to complete this process by the end of this
25 week.

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1 You can currently go to the website, and those that
2 did not have the opportunity to attend any of our listening
3 tour sessions, they now can go and click on the links -- on
4 the links that are available and listen to the recordings
5 off of YouTube.
6 And then in this -- in this website development, we
7 are also working on creating and developing a new FAQ page,
8 so that -- that's the website development piece of it.
9 On the social media sites, we're working hand in
10 hand with Alex, and Alex will present a little bit more on
11 this. The social media sites, we have created a Facebook
12 account, Twitter account, Instagram, and a YouTube account
13 that was already established.
14 And "ArizonaIRC" is our acronym for the social
15 media site; icons have been placed within our signature
16 lines, and we can certainly share those with you as
17 Commissioners as well. On all of our staff members these
18 icons -- the four social media icons have been placed on the
19 signature line, so if somebody clicks on the Facebook icon,
20 it takes them directly to our Facebook account.
21 We will also be exploring the relevancy of
22 additional social media accounts such as LinkedIn, Nextdoor,
23 Reddit, Pinterest, and some of the other social media to see
24 if there's any relevancy for "ArizonaIRC" to be on these
25 types of social media sites, so there's discussion on that

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one.

And then as far as the newsletter goes, we did create the first draft of the newsletter, and it's been reviewed by Deputy Director Lori; and then our Executive Director, Director Schmitt, will be reviewing it and then it will be placed on -- on the website. In addition to that, it will be sent out to those that have signed up to receive the website, and there's at least over 300 -- close to 400 names on those that have signed up to receive the newsletter. And we will be sending that out with e-mail and/or SendGrid, which is an internal State mailing, and that also it will be placed on our social media sites.

And so, with that, those three areas -- addressing those three areas -- and then in addition to that, I just want to share with you that the newsletter is going to be a weekly publication. We hope to have information about upcoming meetings within the newsletter, so it goes out the week -- the week before the schedule -- the scheduled meeting; and then, again, it's just kind of quick snippets within the newsletter.

So, with that, I'd like to turn it over to Alex. Alex will talk about the social media piece of it that he's working on, in addition to that his outreach; and Marie will also talk about her outreach activities as well.

Alex.

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1 MR. PENA: Good morning, Madam Chair, Vice Chair,
2 and Commissioners. I just want to make sure everybody can
3 hear me?
4 Yes? All right, awesome.
5 So I'm going to touch on a couple things that
6 Michele had mentioned. Currently, we are working on the
7 redesign of the website; and once we get that up to speed,
8 I'm going to be able to have the ability to go in and -- be
9 able to go in and make minor edits so that way we won't have
10 to rely on IT all the time for changes, so I can take over
11 that once we get up to speed on that process.
12 I'm currently in the process of creating a series
13 of marketing -- marketing collateral that will consist of
14 content toolkits. These toolkits will be informative social
15 media toolkits and interactive one-sheets with prewritten
16 content and graphics created for our partners,
17 organizations, and individuals to utilize and share with
18 their networks and communities of interest.
19 In addition to social media outreach, I'm updating
20 our platforms to be consistent all with each other; and then
21 in addition, utilizing our social media platforms which are
22 Facebook, Instagram, Twitter, and YouTube and leveraging
23 them to promote upcoming Commission meetings and directing
24 them to where they can submit public comment.
25 In addition to that, I'm working on creating a

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series of cool spotlight videos that work with our local representatives in our cities, towns, and counties capturing two- to five-minute video clips of local mayors, city council members, and town representatives highlighting the importance of having communities of interest come out and be present at upcoming Commission meetings.

And then in addition to that, I am tracking all of our metrics. So once we start pushing this stuff out on social media, I will be able to capture the amount of impressions, views, and shares that will be pushed out.

Yeah, and then I'm going to hand it over to Marie who will go a little bit more into the outreach and the groups that we are working with.

MS. CAMACHO: Thank you, Alex.

Can you hear me? Good. I have a new set here, headset, so I want to make sure.

So I have a working list of governments, governmental associations, and minority representing groups that I have started. And this week I started reaching out to them.

So I started with the city and towns, and I will work my way through that list, and I hope to have it completed by this week -- at least the majority of folks on those lists. So that's, like, my initial outreach to folks.

I've already got some feedback from cities and

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1 towns. They have -- they were very grateful for the
2 outreach. They know how important the work you guys are
3 doing; and, in fact, we even have one request from Kingman
4 to attend their city council meeting in November, so I'll be
5 working with the Commissioners as to which one of you would
6 like to take part in that. You can do it remotely or in
7 person if you prefer.
8 So that's kind of in summation what I've got going
9 right now.
10 DIRECTOR SCHMITT: Great. Thank you, all.
11 Were there any questions from Commissioners so far?
12 COMMISSIONER LERNER: I just want to say thank you.
13 This sounds like you're doing a great job pulling together
14 this community outreach; it will really be helpful for our
15 community that's been involved to be hearing from it.
16 Sounds like a great plan and you all divided up things
17 really nicely, so I just want to say I appreciate that.
18 CHAIRPERSON NEUBERG: And I'm excited about the
19 synergy because as we're up and running with these broader
20 outreach tentacles when we have additional public hearings
21 and opportunities to convene our outreach, you know, is just
22 going to go so much further, and it's all synergistic. So
23 it's -- it's exciting.
24 So, thank you.
25 DIRECTOR SCHMITT: Thank you, Madam Chair.

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1 Next up, just a quick update, with Marie and Alex
2 coming on board, they have completed or are working through
3 their new employee training. We're also going to all go
4 through ADOA public records training, in addition to having
5 them review the presentations that were already presented by
6 our legal counsel, so we'll have that -- I think that is
7 next week.
8 And then next up I'm going to turn it over to Lori
9 to talk about public records requests.
10 MS. VAN HAREN: Thank you, Chairman Neuberg and the
11 rest of the Commissioners.
12 I wanted to basically just make sure the public
13 knows, on our website at IRC.AZ.gov you can submit a public
14 records request under the "contact us" tab. There's a form
15 right there that you can submit as well.
16 And I believe just generally, Director Schmitt
17 talked about before, we have had a solution to the
18 integration process, and so if you'd like more detail about
19 how we're going to respond to public records request, as the
20 Chairwoman said before, we would go into executive session
21 right now.
22 CHAIRPERSON NEUBERG: Thank you.
23 With that, we will come back and give a thorough
24 update to the public. If there's no other specific
25 questions, I'm going to suggest that we make a motion to

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1 move into executive session which will not be open to the
2 public, for the purpose of obtaining legal advice to further
3 implement the ability of the Commission to honor our
4 responsibility to provide public records and to advance all
5 legal issues associated with this pursuant to A.R.S.
6 38-431.03(A)(3).
7 If there's no other discussion, I will entertain a
8 motion to go into executive session.
9 COMMISSIONER YORK: This is Commissioner York.
10 I motion we go into executive session.
11 VICE CHAIR WATCHMAN: Vice Chair seconds.
12 CHAIRPERSON NEUBERG: Any other conversation?
13 We'll do a quick vote.
14 Vice Chair Watchman.
15 VICE CHAIR WATCHMAN: Aye.
16 CHAIRPERSON NEUBERG: Commissioner Mehl.
17 COMMISSIONER MEHL: 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 an
23 aye.
24 With that, we'll move into executive session.
25 With us will be our legal counsel, our entire

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1 staff, as well as our transcriptionist. Please "X" out of
2 this link.
3 And to the public, we don't expect this to be very
4 lengthy. We'll see you soon. Bye-bye.
5 (Whereupon the proceeding is in executive session
6 from 8:32 a.m. until 9:09 a.m.)
7
8 * * * * *
9
10 (Whereupon a brief recess was taken from 9:09 a.m.
11 until 9:15 a.m.)
12 CHAIRPERSON NEUBERG: Come back to Commissioners
13 and the public and staff, we'll wait until we have all
14 Commissioners live and our staff ready to go; but it will
15 resume very shortly.
16 Okay. I see Commissioner York.
17 COMMISSIONER YORK: Sorry, I was trying to figure
18 out how to get my camera to work again.
19 I got it.
20 CHAIRPERSON NEUBERG: No problem.
21 We're waiting for Commissioner Mehl and then we
22 will reconvene in public session.
23 (Brief pause.)
24 Give it another minute or two and then maybe we'll
25 check in with Commissioner Mehl and make sure that his

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technological ability to connect is working okay.

(Brief pause.)

Director Schmitt, do you want to check in with Commissioner Mehl and see if he's having any difficulty connecting with us? Oh. Here he -- here he is. Wonderful.

We were just speaking about you.

COMMISSIONER MEHL: Sorry, I was having computer trouble.

CHAIRPERSON NEUBERG: That's what we figured.

COMMISSIONER MEHL: It locked me out and wouldn't let me in.

CHAIRPERSON NEUBERG: It's frustrating. But, well, welcome back and welcome to everybody.

Thank you for everybody's patience while we were in executive session.

Public records is -- is such a meaningful, important topic and legally something that actually has great complexity as we, you know, just experienced.

Just as an update to the public what was discussed, we reviewed the process through which there will be a data migration of all of the information or correspondence from Google into the e-discovery system at Ballard Spahr; there will be a thorough review of all of that correspondence of what's privileged, what's a matter of public record, such that when the requests come in, we can more efficiently

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1 provide that data.
2 In addition to that, it was a helpful opportunity
3 for the Commissioners to review legislative privilege, our
4 responsibility to document the, you know, organizations,
5 their interest in contacting us to provide information, as
6 well as how we handle our efforts to learn from, you know,
7 mentors and -- and opportunities in the public. And,
8 really, the most important aspect of this, how is it that we
9 as Commissioners can organize our correspondence and our
10 work such that we can honor the public records requests as
11 efficiently and effectively as we can.
12 And -- and that was the conversation. And -- and
13 thank you to the legal counsel.
14 With that, we will move to Agenda Item No. VII,
15 update, discussion, and potential action regarding retention
16 of Voting Rights Act consultants.
17 With that, I turn it over to our counsel.
18 MR. HERRERA: Thank you, Madam Chair.
19 As we discussed in last week's meeting and I think
20 prior to that, legal counsel has retained consulting experts
21 related to the Voting Rights Act in order to assist us as we
22 advise the Commission on the requirements of the Voting
23 Rights Act and the compliance of the maps that the
24 Commission draws in relation to compliance with the Voting
25 Rights Act.

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1 So, at this point, both Ballard & Spahr and Snell &
2 Wilmer have retained respective consulting experts. We're
3 at a point now I think now that they've been retained where
4 we can actually discuss them in public. So I'll just start
5 and I'll turn it over to Brett on -- on Snell & Wilmer's
6 consulting expert.
7 So Ballard Spahr has retained -- and this is going
8 to be a bit of a mouthful, so let me -- let me try it and
9 then I will spell it, and he luckily allows me to call him
10 Professor Stephen, because it's much easier.
11 But Ballard Spahr has retained Professor Stephen
12 Ansolabehere, who is a professor at Harvard University.
13 He's a nationally recognized expert in Voting Rights Act and
14 redistricting; he's an expert that has provided expert
15 testimony and expert reports in over a dozen lawsuits, has
16 experience in Arizona in Voting Rights Act. And he will be
17 working alongside with a graduate assistant to -- to help
18 us, you know, again provide that consulting advice.
19 I don't know, Brett, if you want to just sort of
20 provide a brief introduction of -- of the expert that Snell
21 & Wilmer has retained.
22 MR. B. JOHNSON: Yes. Thank you, Roy.
23 So Snell & Wilmer has retrained Professor Sean
24 Trende from The Ohio State University -- I got to get the
25 "The" in there.

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1 And Sean Trende is also a recognized expert on the
2 Voting Rights Act; has testified in multiple cases
3 throughout the -- throughout the country, including several
4 here in the state of Arizona where he has acted as an expert
5 witness for the state of Arizona under both previous
6 Secretary of State Reagan and current Secretary of State
7 Hobbs, as well as Democratic County Recorder F. Ann
8 Rodriguez down in Pima. So he's very well versed in Arizona
9 and all the different factors that would go into a VRA
10 analysis.
11 The good thing is that both Shawn and Stephen --
12 I'll call him Stephen too -- know each other, and just like
13 the Ballard and Snell team, believe we'll all be able to
14 work collectively as part of the legal -- the legal team to
15 make sure you're getting the best advice possible.
16 MR. HERRERA: Yeah, and I'll just add of course we
17 will share CVs of the respective experts to the Commission
18 so you can review.
19 And, actually, for purposes of the
20 transcriptionist, Angela, I will spell Professor Stephen's
21 last name. It is A-N-S-O-L-A-B-E-H-E-R-E.
22 So that's our update, Madam Chair. And, obviously,
23 if the Commissioners have any questions, we'll happy to
24 answer them.
25 CHAIRPERSON NEUBERG: I want to thank you for doing

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1 your due diligence, finding experts that work well together
2 such that we are able to honor our responsibility to honor
3 the VRA.
4 I mean, you know, we will do our due diligence and
5 thank you for, you know, making it a little easier for us to
6 do so.
7 If there are no further questions, we'll move
8 forward to Agenda Item No. VIII, which is discussion of
9 future agenda item requests.
10 I know there was one issue that was brought up
11 earlier in the meeting having to do with a report from
12 mapping on compactness and contiguity. Any other future
13 agenda item requests that have not otherwise been on our
14 radar?
15 COMMISSIONER LERNER: So, Chair Neuberg, I had a
16 thought. We are looking at bringing in some outside
17 speakers, academic speakers I think, on, like, the five Cs
18 and the Copper Corridor and some other issues. One of the
19 things that we heard was that we didn't -- that -- that we
20 haven't had enough outreach with the Latino community, and
21 so I was wondering if we could bring in a speaker that could
22 maybe speak to little bit of the history of the minority
23 communities in Arizona; give us some background.
24 We had that good presentation that Roy had given us
25 on some of the legal things that Native Americans have gone

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1 through, might be helpful if we had -- rather than having
2 lots of different organizations be coming in, potentially
3 having more of an academic overview like we're talking about
4 with some of these others on some of the history.
5 And, you know, in terms of where people are
6 located, population dynamics, demography, things like that
7 might be interesting to hear.
8 So it's a thought for the next agenda item to place
9 that on there for discussion of.
10 CHAIRPERSON NEUBERG: It -- it sounds like what I'm
11 hearing from you, Commissioner Lerner, is a desire to
12 understand from a demographer's perspective the history of
13 all of our population. You know, minority, yes, but -- but
14 to have an equal playing field, to understand who our
15 population is, where they are, you know, so we can
16 collectively understand who -- who we're redistricting for.
17 COMMISSIONER LERNER: Yeah. I mean, I think and it
18 goes with -- that's a great summary, actually, much better
19 than I presented.
20 But that -- that goes with a little bit of us
21 trying to understand some of the other aspects: The
22 economy, it goes with the communities of interest. So, to
23 me, you know, when we talked about locations of meetings and
24 we were talking about not being in certain areas, there's
25 reasons people are settled in those areas.

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1 So, yeah, that would -- that would be very helpful,
2 I think for us to understand -- better understand
3 communities of interest that are out there as well and our
4 populations.
5 So I thought we could add that potentially for
6 agenda item to find a speaker on that or something.
7 CHAIRPERSON NEUBERG: Yeah, no, I -- I think that
8 that's an important topic and -- and, you know, a question:
9 Do we need an additional speaker?
10 Does -- I mean, maybe this is deferring to mapping,
11 and I'm not going to put you on the spot, but you have a
12 demographer, you know, is it an issue of seeking out
13 additional expert, you know, testimony, is it an issue of
14 having our current staff further flesh out that data for us
15 to consider?
16 I think that's -- that's an important question.
17 And maybe we don't have to answer it right now, but
18 we can give our staff a few days before, you know, the --
19 the next agenda comes out to think through how it is that we
20 tap into, really, the question that you're asking.
21 COMMISSIONER LERNER: Right, exactly. Thank you.
22 And that's what I was thinking it might have to be
23 on -- I didn't know it could -- it might have to be on an
24 agenda or not, I wasn't sure.
25 CHAIRPERSON NEUBERG: Right. 'Cause from my

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1 perspective as I'm just thinking this through as you're
2 bringing this up, there's two components to this: One is an
3 objective analysis of who our population is, all minorities,
4 everybody included; the other is having opportunities for
5 those groups to speak to us.
6 And I -- I see them as separately. You know, one
7 in terms of being able to speak to us, you know, we've
8 discussed with staff we want to ensure an equitable system
9 through which -- and we will have many additional public
10 hearings. Aside from that, us understanding the scheme of
11 the context to digest that information.
12 And I -- I like this -- this idea, and maybe, you
13 know, again prior to us, you know, firming up an agenda, we
14 could ask our staff to think through who the best speaker
15 might be for us to understand the constituency of Arizona.
16 DIRECTOR SCHMITT: Absolutely. We will look into
17 it, Madam Chair and Commissioner Lerner.
18 COMMISSIONER LERNER: Thank you.
19 And I think, Chair Neuberg, you're right, it's the
20 former of what you said not -- the latter in terms of
21 speakers I understand we have to do during our public
22 hearings --
23 CHAIRPERSON NEUBERG: Okay.
24 COMMISSIONER LERNER: -- but you -- you are correct
25 in terms of what I'm -- I'm hoping to hear from.

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1 Thank you.
2 CHAIRPERSON NEUBERG: Okay. Excellent.
3 Thank you.
4 Anything else in terms of agenda, you know, future
5 items?
6 Okay. With that, we'll move to Agenda Item No. IX,
7 announcements.
8 For the public's awareness, the Commission and our
9 staff will be joining Esri for a software training,
10 four-hour opportunity at 11:30. There will be no business
11 addressed during that meeting, nothing advanced; and so it's
12 an e-session only because that was our opportunity to take
13 advantage of -- of Esri's availability, and it was just, you
14 know, expedient for the Commissioners' schedule.
15 And as mapping has already discussed, there will be
16 abundant opportunities for the public to also be trained in
17 the software technology.
18 And, with that, we'll move to Agenda Item No. X,
19 next meeting date.
20 We will reconvene next Tuesday, August 31st, at
21 8:00 a.m.
22 With that, we'll move to Agenda Item No. XI,
23 closing of public comments.
24 Please note members of the Commission may not
25 discuss items that are not specifically identified on the

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1 agenda. Therefore, pursuant to A.R.S. Section 38-431.01(H),
2 action taken as a result of public comment will be limited
3 to directing staff to study the matter, responding to any
4 criticism, or scheduling the matter for further
5 consideration and decision at a later date.
6 With that, we'll move to Agenda Item No. XII,
7 adjournment.
8 I will entertain a motion to adjourn.
9 VICE CHAIR WATCHMAN: Vice Chair Watchman motions
10 to adjourn.
11 COMMISSIONER LERNER: Commissioner Lerner seconds.
12 CHAIRPERSON NEUBERG: Okay.
13 Vice Chair Watchman.
14 VICE CHAIR WATCHMAN: Aye.
15 CHAIRPERSON NEUBERG: Commissioner Mehl.
16 COMMISSIONER MEHL: Aye.
17 CHAIRPERSON NEUBERG: Commissioner Lerner.
18 COMMISSIONER LERNER: Aye.
19 CHAIRPERSON NEUBERG: Commissioner York.
20 COMMISSIONER YORK: Aye.
21 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
22 aye.
23 With that, we will adjourn this public meeting. I
24 thank everybody for your partic- -- participation, I thank
25 the public for joining, and I will see my fellow staff and

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team members at 11:30 and the public next Tuesday at 8:00 a.m.

Thank you, everybody. Bye-bye.

(Whereupon the proceeding concludes at 9:35 a.m.)

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1 C E R T I F I C A T E

2

3 STATE OF ARIZONA)

4) ss.

5 COUNTY OF MARICOPA)

6

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

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

12 I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield
13 Park, Arizona, this 8th of September, 2021.

14

15 _____
Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

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* * *

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18 complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 8th of
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