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STATE OF ILLINOIS
SENATE REDISTRICTING COMMITTEE

Wednesday, March 17, 2021

3:00 p.m.

State House
Springfield, Illinois
via Zoom videoconference

1 PRESENT via Zoom videoconference:
2 ILLINOIS REDISTRICTING COMMITTEE:
3 SENATOR OMAR AQUINO, Chair
4 SENATOR ELGIE SIMS, JR., Vice Chair
5 SENATOR SCOTT BENNETT, Member
6 SENATOR CRISTINA CASTRO, Member
7 SENATOR BILL CUNNINGHAM, Member
8 SENATOR MATTIE HUNTER, Member
9 SENATOR LAURA MURPHY, Member
10 SENATOR JASON BARICKMAN, Minority
11 Spokesperson
12 SENATOR STEVE MCCLURE, Member
13 SENATOR DAN MCCONCHIE, Member
14 SENATOR JASON PLUMMER, Member
15
16 WITNESSES:
17 MS. WENDY UNDERHILL
18 National Conference of State Legislatures
19
20 MR. BEN WILLIAMS
21 National Conference of State Legislatures
22
23 MR. STEVEN MONROY
24 Mexican American Legal Defense and
Educational Fund
MS. AMI GHANDI
Chicago Lawyers' Committee for Civil Rights
MS. DEBBIE LIU
Metropolitan Planning Council
MS. MADELEINE DOUBEK
CHANGE Illinois
MR. JAY YOUNG
Common Cause
MEMBERS OF THE PUBLIC

1 CHAIRMAN AQUINO: This meeting of the
2 Senate Redistricting Committee is called to
3 order. Will the clerk please take the role.
4 THE CLERK: Senator Sims.
5 VICE CHAIRMAN SIMS: Here.
6 THE CLERK: Senator Bennett.
7 SENATOR BENNETT: Here.
8 THE CLERK: Senator Castro.
9 SENATOR CASTRO: Here.
10 THE CLERK: Senator Cunningham.
11 SENATOR CUNNINGHAM: Here.
12 THE CLERK: Senator Hunter. Senator
13 Jones.
14 SENATOR JONES: Here. Senator Jones is
15 here.
16 THE CLERK: Senator Murphy.
17 SENATOR MURPHY: Here.
18 THE CLERK: Spokesperson Barickman.
19 SPOKESPERSON BARICKMAN: Here.
20 THE CLERK: Senator McClure.
21 SENATOR MCCLURE: Here.
22 THE CLERK: Leader McConchie.
23 SENATOR MCCONCHIE: Here.
24 THE CLERK: Senator Plummer.

1 SENATOR PLUMMER: Here.

2 THE CLERK: Chair Aquino.

3 CHAIRMAN AQUINO: Here. There being a
4 quorum present, the following entities are
5 seeking leave for photograph and video for
6 the proceedings. Apologies for those that
7 are waiting. We are having some technical
8 difficulties, along with some feedback we are
9 hearing, so bear with us. Also we are
10 waiting for a slip from media. Thank you.

11 Chris Webb from WCIA is seeking
12 leave for photograph and video of the
13 proceedings. Is there leave? Leave is
14 granted.

15 Senator Sims for a motion.

16 VICE CHAIRMAN SIMS: Thank you,
17 Mr. Chairman. I move that this hearing be
18 transcribed by the court reporter so that the
19 committee can have a full transcript of this
20 hearing which the committee can approve at a
21 future hearing once members and staff have
22 had an opportunity to review the transcript
23 and make any needed corrections.

24 CHAIRMAN AQUINO: Senator Sims moves to

1 allow a court reporter to transcribe the
2 hearing. Is there leave? Leave being
3 granted, the court reporter will be allowed
4 to transcribe the hearing.

5 I will start with an opening
6 statement. I understand Vice Chair Sims has
7 an opening statement, as well. And if
8 Minority Spokesperson Barickman has any
9 opening statement, we will go to that, then
10 dive into our testimony for today.

11 Good afternoon and welcome to
12 the first meeting of the Senate Redistricting
13 Committee. This is a historic day as we are
14 beginning one of the most important duties
15 granted upon us by the Constitution, ensuring
16 communities and citizens across the State of
17 Illinois receive fair and equal
18 representation. Redistricting is a vital
19 part of our democracy, a process that at the
20 heart is about making sure all voices are
21 heard; and that's what we will do. This
22 meeting is just the first of more than a
23 dozen hearings the Senate Redistricting
24 Committee is scheduled to hold in the coming

1 weeks as we gather input from across the
2 state. The hearings will take place both in
3 person, as well as virtually, allowing for
4 input from stakeholders in all of Illinois'
5 102 counties.

6 We've established 15
7 subcommittees to ensure members of this
8 committee and chamber can hear firsthand from
9 citizens and stakeholders. Senate Democrats
10 are committed to a redistricting process
11 guided by the principles of transparency,
12 fairness and reflecting the diversity of
13 Illinois. Shortly we will launch an online
14 portal where anyone can draw and submit their
15 own map. This is a first here in Illinois
16 and underscores our commitment to
17 transparency and our desire to hear from you.

18 While this year presents new
19 challenges, we will continue -- excuse me.
20 While this year presents new challenges and
21 will continue to do so, we will not and must
22 not shy away from our responsibility to enact
23 a fair map.

24 I am proud to serve on this

1 committee with our vice chair, Senator Elgie
2 Sims. His keen understanding of the state
3 and the law is an asset for us in this
4 process. I am proud that this committee
5 reflects the broad racial and geographic
6 diversity of Illinois. I look forward to
7 hearing from my fellow senators and our
8 panelists here today as we begin the process
9 of drafting a fair map.

10 Mr. Vice Chairman, if you want
11 to read in your remarks.

12 VICE CHAIRMAN SIMS: Thank you, Chairman
13 Aquino, for your remarks, and let me echo
14 your commitment to proceeding in a thorough,
15 thoughtful and transparent manner.

16 It is important to understand
17 why we are beginning this process today. It
18 is our constitutional duty to ensure
19 communities across Illinois receive fair and
20 equal representation, and we will not abandon
21 that duty. Indeed, the pandemic has laid
22 bare the inequities faced by many of our
23 communities, especially black and brown
24 communities; and this can only be addressed

1 when everyone has a seat at the table.
2 That's why this committee is dedicated to
3 meeting the June 30th deadline that is set
4 forth by the Illinois Constitution. The
5 outcomes are far too important to be decided
6 by a handful of political insiders. Citizens
7 must have their voices heard. Under this
8 process, stakeholders from all 102 counties
9 and all 177 members of the Illinois General
10 Assembly will get a say, which presents more
11 opportunities to truly reflect on the
12 diversity of our state.

13 I look forward to working with
14 you, Chairman Aquino, and all members of this
15 committee as we listen and learn from a
16 variety of viewpoints across this state.
17 Thank you all, and let's begin.

18 CHAIRMAN AQUINO: Thank you, Mr. Vice
19 Chair. Blue Room Stream also seeks leave to
20 stream video of the proceedings. Seeing no
21 objection, leave is granted.

22 And Minority Spokesman
23 Barickman, if you would like to say some
24 comments.

1 SPOKESPERSON BARICKMAN: Thank you,
2 Mr. Chairman and ladies and gentlemen.
3 There's been a lot of discussion already just
4 in opening comments about transparency and
5 the importance of the process. I'd like to
6 address that just first and foremost up
7 front. As I mentioned to the chairman before
8 the committee, from our side of the aisle,
9 there is a need for this committee to publish
10 the meeting times, dates and locations that
11 are anticipated this spring. I think it's
12 interesting to note that already the House
13 Democrats have evidently set the bar and
14 threshold for transparency. They've
15 published a schedule for the entire spring,
16 but we don't have that here in the Senate;
17 and I would hope that we could have that in
18 due order. Appreciate that request,
19 Mr. Chairman.

20 More substantively, I think one
21 of the most important things that this
22 committee needs to address is the importance
23 of the accuracy of the data that is used in
24 the redistricting process this year. To me,

1 that is the single most important thing that
2 we need to address. We are already -- I'm
3 already concerned that the use of faulty data
4 risks violation of the equal protection
5 clause of the Voting Rights Act and
6 jeopardizes the very principles that I
7 believe both sides of the aisle adhere to,
8 whether that's supporting communities of
9 interest, protecting racial minorities and
10 otherwise.

11 The only dispute that I think
12 that exists at the moment is what data is
13 used, and I look forward to a thorough
14 discussion of that issue today, the questions
15 of the accuracy and reliability of that data,
16 and also the process. Hundreds of thousands
17 of Illinoisans have asked this General
18 Assembly to provide for an independent
19 commission for drawing maps. They want, and
20 millions of Illinoisans want, for a
21 redistricting process to result from citizens
22 drawing maps, not politicians picking voters.
23 I think it's fundamental that this committee
24 address why that independent commission is

1 not being utilized when, in fact, to my
2 friends on the other side of the aisle, many
3 of you, many of you, as recently as last year
4 put your name behind an independent
5 commission process that we have an
6 opportunity to implement here today and this
7 spring.

8 So with that, Mr. Chairman, I
9 look forward to our discussion here and
10 throughout the spring, and I will turn the
11 mic back to you. Thank you, Mr. Chairman.

12 CHAIRMAN AQUINO: Thank you Spokesperson
13 Barickman. We have several people on Zoom
14 here that will be providing oral testimony.
15 But before we go there, the Redistricting
16 Committee is in receipt of written testimony
17 from James Zay, the chair of the DuPage
18 County's Redistricting Committee, Marie
19 Dillon and Deborah Harrington on behalf of
20 the BGA, Alison B. Hoff on behalf of the
21 League of Women Voters. The committee has
22 also received a slide deck from the National
23 Conference of State Legislatures. These
24 documents will be made part of the committee

1 record and posted on the committee's ILGA
2 website.

3 There are many members of the
4 Senate who have never gone through a
5 redistricting process, so we will start our
6 first Redistricting Committee hearing with
7 some baseline education testimony from NCSL,
8 the National Conference of State
9 Legislatures, represented by Wendy Underhill
10 and Ben Williams. The presentation will be
11 in two parts. After part one, we will open
12 the hearing up to questions. We will then
13 proceed to part two of the NCSL presentation.
14 After that is finished, we will open up the
15 hearing to questions on that part.

16 Is either Miss Underhill or
17 Mr. Williams ready to proceed? Thank you.
18 Go right ahead.

19 MR. WILLIAMS: Thank you very much,
20 Chairman Aquino and Vice Chair Sims, members
21 of the committee, for having us with you
22 today. I'm Ben Williams. I'm a policy
23 specialist in elections and redistricting at
24 the National Conference of State

1 Legislatures. And the director of our
2 program, Wendy Underhill, is with us as well.
3 She is going to be talking about the census
4 and the data questions that you have
5 addressed, and I'm going to be talking about
6 the law around redistricting, both federal
7 and state, constitutional and statutory. And
8 I'm also going to talk about redistricting
9 principles and redistricting criteria, which
10 you have certainly heard about. And I will
11 use those terms interchangeably. If I say
12 "principles" or I say "criteria," I'm
13 referring to the same thing.

14 So let me go ahead and pop up my
15 slides for you, just to make sure that we are
16 ready to go. Please let me know if anyone
17 has trouble seeing that because you would
18 think after a year of Zoom I would be perfect
19 at this, but I am not. Okay. If everyone
20 can see that screen, then I think that we
21 should be in good shape.

22 So the first thing you should
23 know about NCSL is that we are the nation's
24 bipartisan organization serving the needs of

1 legislators and legislative staff throughout
2 the country and the territories. While our
3 structure is bipartisan, our work is
4 nonpartisan. That means that NCSL does not
5 offer advice on policy matters that come
6 before state legislatures. Instead, we
7 provide a 50-state perspective on key topics.
8 And when the topic is redistricting, we have
9 many things that we can offer, which both
10 Wendy and I will mention before we close for
11 the day.

12 Our bread-and-butter work is
13 responding to research requests from
14 legislators and legislative staff. We do so
15 in a confidential manner. So if any of you
16 with would like to contact us after today's
17 hearing about redistricting, the census or
18 any other topic, that's why we are here, so
19 please reach out.

20 And with that, I'll share an
21 outline for today. The part one is the
22 redistricting section, which I will be
23 covering; and then Wendy will be covering
24 part two with the census. And I'll be going

1 over the law. If you look at this, you can
2 see that the law is organized top down
3 through the supremacy clause; so we start
4 with federal constitutional doctrines, then
5 we go with the Voting Rights Acts, the
6 federal statutes. And then we end up with
7 the federal and state principles. And Wendy
8 will be going through the census delays and
9 differential privacy and concepts you have
10 heard about, and we will be able to answer
11 any questions you have on those.

12 So the first thing that I'd like
13 to cover for you is racial gerrymandering.
14 This didn't have to be first. It's just one
15 of the federal constitutional doctrines that
16 needs to be addressed. And this doctrine
17 emerges from the equal protection clause of
18 the U.S. Constitution. It originated out of
19 a case called Shaw v. Reno out of North
20 Carolina in the 1990s. The original racial
21 gerrymandered district is on the screen for
22 you to see. That's the North Carolina 12th.

23 And the claim was brought by a
24 group of white plaintiffs in North Carolina

1 in the 1990s and said that they had the right
2 to live in a race neutral society and that
3 the district shown here, which was drawn by
4 the state legislature with pressure from the
5 Department of Justice at the time, as overly
6 considering race. And this was a new theory
7 that had never been in the law before. But
8 the Supreme Court recognized it and said that
9 under the equal protection clause, this
10 consideration of race is unconstitutional.

11 It was unclear at the time
12 exactly what that meant. How do you know
13 when the consideration of race is too much?
14 And eventually it came out in later cases
15 that there is a theory called predominance.
16 Which means that when drawing districts for
17 legislative offices, so Congress or state
18 legislatures, race cannot be the predominant
19 factor in the construction of a particular
20 district. That claim died a little bit in
21 the 2000s because of a break in Supreme Court
22 precedence, but it reemerged in this past
23 decade but with different plaintiffs this
24 time. In this case it's primarily black

1 plaintiffs bringing lawsuits saying that the
2 Voting Rights Act was misinterpreted to
3 overly concentrate minority voters in a
4 select handful of districts and having a
5 diluting effect on the remaining districts.
6 And the Supreme Court, once again, recognized
7 that that was a predominant use of race that
8 was outside the scope of what the Voting
9 Rights Act required and struck down this
10 district as unconstitutional.

11 So if you ask your counsel, they
12 will tell you that the slide I'm showing you
13 right now is a simplification of the process.
14 There are more questions to be asked. But in
15 general, if you wanted an overview of how
16 racial gerrymandering cases are looked at by
17 courts, this is the logical flow chart that
18 judges consider. So if race was the
19 predominant factor in the creation of a
20 district, then you ask, was the predominant
21 use of race required by the Voting Rights
22 Act?

23 So if you went through the
24 elements of determining whether a Voting

1 Rights Act district should be created, was it
2 clear that it was required in that particular
3 case? If the answer is yes, the Supreme
4 Court has said that following the VRA is a
5 case in which the predominant use of race is
6 permissible. Anything short of that, the
7 district is invalid. Obviously, if race
8 didn't predominate, then the district is
9 constitutional, as well.

10 The other doctrine in federal
11 law is partisan gerrymandering. I'm sure you
12 all have heard lots about this, particularly
13 in this past decade with your neighbor,
14 Wisconsin, having a lot of litigation over
15 this. And it was a major focus at the
16 Supreme Court. There were two primary legal
17 theories that were being considered. One was
18 a claim under the Fourteenth Amendment that
19 argued about the relative treatment of
20 parties or supporters of parties to one
21 another and whether or not that violated the
22 equal protection under the laws.

23 There was another theory that
24 came out of a case in Maryland that argued

1 that the history of voting, which is the data
2 type that is used in some of these states
3 when drawing districts to achieve political
4 outcomes, was viewpoint discrimination under
5 the First Amendment and was, therefore,
6 unconstitutional under that theory. The
7 Supreme Court, however, decided in 2019, in a
8 case called *Rucho v. Common Cause*, that these
9 cases were no longer justiciable in federal
10 courts. They have said it was a political
11 question that was left to the political
12 branches of government and that courts were
13 ill equipped to determine how much
14 partisanship in redistricting was too much.

15 However, the Supreme Court did
16 state in that case that that was just federal
17 law and that legislatures and states were
18 free to legislate on the subject of
19 partisanship and redistricting as much as
20 they wanted; and if there were state legal
21 elements, for example, state prohibitions on
22 considering partisanship in redistricting,
23 state prohibitions on using partisan data in
24 redistricting, that those would not be

1 subject to the restrictions of this case,
2 that this is purely an interpretation of the
3 federal Fourteenth Amendment and First
4 Amendment.

5 The third federal constitutional
6 doctrine is one person, one vote. Obviously,
7 that was mentioned right at the outset of
8 this hearing, so I don't need to dwell on it
9 very much. But the idea behind it is that
10 every voter or every person shall have an
11 equally weighted say in government. And the
12 two cases that came out of the 1960s,
13 *Wesberry v. Sanders* and *Reynolds v. Sims*, the
14 only important thing for a legislature to
15 know really about this, because it's a really
16 settled area of law, is that there is a
17 difference between the congressional district
18 construction and the state legislative
19 district construction.

20 In the congressional context,
21 the Supreme Court has said that this requires
22 exact numerical equality between the
23 districts or as close as you can get.
24 Obviously, if you have an odd number of

1 people in your state, you can't get it
2 perfectly, but one person deviation at the
3 most. Any further deviation requires some
4 legitimate government interest to be asserted
5 at the moment the district is constructed if
6 it's to survive a court challenge later on.

7 With state legislative
8 districts, primarily because in most states
9 state legislative districts tend to be
10 smaller, and the more districts you have, the
11 harder it is to get exact numerical equality,
12 the Supreme Court has allowed a little bit
13 more wiggle room. They've said that plus or
14 minus five percent from the ideal district is
15 permissible. Ideal district is just total
16 population of the state divided by the number
17 of districts. And any further deviation from
18 that, again, requires a legitimate state
19 interest to be asserted. And if you look at
20 the history of most states and what they've
21 redistricted, they tend to fall within that
22 plus or minus five percent range.

23 So that's the federal
24 constitutional rules. The primary statutory

1 law at the federal level is the Voting Rights
2 Act, which does apply to redistricting. And
3 the first section that is worth mentioning is
4 Section 5. That was a section that had a
5 regime called the preclearance regime, if
6 you're familiar with that term. This was a
7 section of the Federal Code that had a
8 formula to determine which states, based upon
9 a particular history of discrimination in
10 voting, would have to have any subsequent
11 changes to their election laws, which
12 included redistricting plans, pre-cleared by
13 the federal government. And that would
14 either be by the Department of Justice itself
15 or in a three-judge court in Washington, DC.

16 That provision went into effect
17 in the original Voting Rights Act of 1965,
18 and it was in effect for all decades since,
19 until 2013, when the Supreme Court in a case
20 called Shelby County versus Holder held that
21 that formula I mentioned, because it had not
22 been changed in 50 years, was an intrusion
23 upon federalism and was unconstitutional.
24 The Supreme Court had actually left the

1 structure of Section 5 in place so, in
2 theory, a new coverage formula could be
3 enacted and Section 5 could be in play for
4 this cycle. But what you need to know is
5 that Section 5 is still the law of the United
6 States, and it applies to exactly zero
7 jurisdictions. So for all intents and
8 purposes, there is no Section 5 functionally.

9 I've included a picture of
10 Congress on there because there are bills
11 moving through Congress that would reinstate
12 Section 5. There is one that's been
13 introduced in the House. I don't believe
14 it's been voted on yet. And I believe a
15 complementary version has been introduced in
16 the Senate. These would be H.R. 4 and S. 4.
17 And those bills, we'll see whether or not
18 they are passed and signed into law. I
19 haven't seen the exact language yet, so I
20 can't tell you if the coverage formula would
21 apply for this cycle or not, but that's
22 something for you to keep an eye on is that
23 this could be in play at some point in the
24 future, near future.

1 The section of the Voting Rights
2 Act that still applies is Section 2. Unlike
3 the preclearance regime, a state doesn't have
4 to get permission to change its election
5 laws. This is not a prophylactic measure.
6 This is a cause of action that citizens have
7 to bring lawsuits after the fact, after
8 redistricting has occurred. The key thing
9 that Section 2 is getting at is vote
10 dilution, which is the relative strength of
11 one person's representation or one person's
12 vote to another; and it applies nationwide.

13 The burden of proof in Voting
14 Rights Act Section 2 claims is discriminatory
15 effect. Plaintiffs who bring these lawsuits
16 do not have to prove that the legislature had
17 some racial animus or racial intent in
18 diluting the voting power of a particular
19 minority group that applies under this
20 section of the law. They just need to prove
21 that there was a discriminatory effect on
22 their relative voting strength in order to
23 succeed on one of these claims.

24 I've included the analysis here

1 for you. There is a case from the 1980s
2 called Thornburg v. Gingles which laid out
3 three sort of threshold steps that a person
4 who wants to bring a vote dilution claim has
5 to prove. The first one is that the minority
6 group in question has to be sufficiently
7 large and geographically compact to
8 constitute a majority in a particular
9 district. And then the second one is that
10 the minority group is politically cohesive.
11 So, for example, if you had two groups that
12 were identified as Latino in south Florida,
13 for example, but one of them tends to vote
14 for one party and one tends to vote for
15 another, you wouldn't have the political
16 cohesion you would need under this section.

17 Then the third clause is that
18 white voters act as a block to defeat the
19 minority group's candidate of choice. Those
20 last two are called racial polarization
21 sometimes. You may have heard that are term,
22 as well. And if you can prove all three of
23 the preconditions, then you move on to these
24 factors that the U.S. Senate laid out in

1 their report authorizing the Voting Rights
2 Act in 1982 stating that these are the things
3 that courts should look at if they are trying
4 to determine whether or not a Section 2
5 violation exists. In principle, if you can
6 prove the Gingles preconditions, you can
7 probably also prove at least enough of the
8 Senate factors on the totality of the
9 circumstances to win on one of these claims;
10 but I've laid them out here because it is
11 part of the analysis.

12 So the other principal of the
13 law that is relevant are these free and equal
14 election clauses, and you may have heard
15 about these cases in the past. These clauses
16 have been in state constitutions in many
17 cases for over a century. They haven't
18 really been touched on. They might not have
19 been used very much in litigation in the
20 past. In 2018, they became relevant again
21 when the Pennsylvania Supreme Court ruled
22 that its requirement that all elections be
23 free and equal meant that there was a
24 prohibition on partisan gerrymandering in the

1 state of Pennsylvania. And the state's
2 entire congressional district map was struck
3 down as a violation of the state
4 constitution. And that was a big deal. And
5 a couple months later, a North Carolina court
6 did the exact same thing and struck down that
7 state's entire congressional districting plan
8 as a violation of that state's free elections
9 clause.

10 And this is relevant because now
11 that we know that partisan gerrymandering is
12 no longer justiciable in federal courts, we
13 at NCSL and many others expect that
14 plaintiffs will start turning to state courts
15 to continue to bring these 29. And this is
16 likely to be one of the main causes of action
17 because they are so prevalent in state
18 constitutions across the country.

19 And Illinois is one of the 30
20 states that has one of these clauses in its
21 constitution. Illinois Article 3 Section 3
22 says all elections shall be free and equal.
23 And it will be interesting to see how they
24 develop moving forward. Obviously, unlike a

1 federal standard, state courts have the
2 authority to interpret their own
3 constitutions as they see fit. It's not
4 likely that we are going to see mirror images
5 of the Pennsylvania and North Carolina cases
6 across the country wherever these cases are
7 brought, but I bring it to your attention
8 because it is something that will play a much
9 greater role in this coming redistricting
10 cycle than it has in any other. So if you
11 are a person who has done redistricting in
12 the past or you are familiar with the
13 process, this is the new thing that you
14 should be aware of.

15 That's all I have for
16 litigation. I'm going to move on to
17 principles and criteria now. So the only
18 federal principle that is relevant is that
19 Congress has required that congressional
20 districts be single-member districts. So,
21 for example, a state cannot elect all of its
22 member of Congress at large, and it can't use
23 a multi-member districting system. It's not
24 what Illinois uses, so it's not super

1 relevant. Sometimes we testify in states
2 that use multi-member districts, and it is an
3 important differentiation to make with them.

4 So this is one of the two
5 principles that applies to Illinois'
6 legislative districts and your state law in
7 its compactness. It's a common principle.
8 Forty states have this, so it's very
9 prevalent. There is no determined way to
10 figure out what compactness is. In fact,
11 some people just think they can switch using
12 that if it's relatively square or relatively
13 circular in a particular district. But there
14 are multiple ways to measure. And I've
15 listed two of the most common ones, Posby
16 Popper and Reock here. And I've shown you a
17 district, this yellow rectangle, and it has
18 very different scores under Polsby Popper and
19 Reock. This is interesting because these are
20 two of the most common measures that are
21 used, and yet they come out with dramatically
22 different scores. That just goes to show you
23 when you're looking at the redistricting
24 software that you'll be using, you'll notice

1 that it has measures of compactness built
2 into it. It will have Reock. It will have
3 Polsby Popper. It may have a few others as
4 well. All of the redistricting platforms,
5 whichever one Illinois has contracted with,
6 will have something like this. I think it's
7 important to be aware that you need to look
8 at the multiple scores because looking at one
9 in particular may not give you the full
10 picture.

11 The second principle is
12 contiguity. This is the most common
13 principle. All 50 states have it, including
14 Illinois. And the general rule is that you
15 must be able to go to every part of the
16 district without leaving it. There can be no
17 area of the district that is wholly
18 disconnected from the rest. The only two
19 places where this tends to come up as an
20 issue is if you have a municipality, for
21 example, that has annexed neighborhoods that
22 are outside, are not contiguous with the rest
23 of the municipality, but you have a
24 requirement that you should keep counties

1 whole or cities whole or something like that.
2 Obviously, you have to either split the city
3 or the county then.

4 It can also come into effect in
5 water. I've shown you an example of a House
6 district in Virginia. This is House District
7 100. And the area that's in the large oval
8 is the eastern shore of Virginia. It's a
9 large but relatively sparsely populated area
10 of the state. It actually does not have a
11 sufficient population to maintain a district
12 on its own, so the state legislature had to
13 put another part of the district somewhere;
14 and they put it in downtown Norfolk, which
15 you can see in the small circle. And the
16 reason they did that is because the bridge
17 that connects the two sort of terminates
18 relatively close to that point, so they are
19 thinking to the extent that it is contiguous,
20 at least there is a bridge connecting the
21 two. That was their logic. It wasn't
22 required by law or anything. But it can give
23 you an idea of what they were thinking when
24 they drew it this way. Again, water tends to

1 be an issue. Other than that, it's not too
2 much of an issue.

3 Another common principle that we
4 see are preserving political subdivisions.
5 It's in 45 states. It can refer to anything.
6 It typically isn't a fund at all, whether it
7 be counties, cities, schooled boards,
8 municipal boards, whatever. In particular
9 regions of a state, the relative importance
10 of different political subdivisions may vary.
11 In a particular state, counties may be the
12 really important political subdivision in the
13 state. If you are in New England, it's
14 townships. And if you are in a very large
15 city, like Chicago, it could be something
16 else entirely, wards, some other definition
17 of neighborhood. It's been argued in
18 political science literature that this is a
19 stand-in for our communities of interest or
20 compactness. It does tend to serve some of
21 the same effects. But in general, it's one
22 of those terms, like compactness, that has a
23 little bit of flexibility in it, depending on
24 which definition you use.

1 I want to define for you two
2 specific applications which are in counties.
3 So the state of Idaho has an extremely strict
4 whole county provision. Their state Supreme
5 Court has declared entire state legislative
6 plans unconstitutional if a plaintiff can
7 prove that one fewer county could have been
8 split. So it can be rigorously applied in
9 certain circumstances. And in North
10 Carolina, they have what I call a county
11 grouping provision in their state
12 Constitution which requires that groups of
13 counties be grouped together if at all
14 possible. And then if you sort of think
15 about it, it's like little exercises in
16 redistricting within those groupings instead
17 of redistricting across an entire state. It
18 doesn't apply to Illinois, but they are
19 principles in the nation that are worth
20 mentioning.

21 Another principle is preserving
22 communities of interest. This is one that we
23 get asked about perhaps the most at NCSL.
24 And unfortunately, it's one that has the

1 fewest definitions to offer. Some states do
2 specify what it means, so I've given you two
3 positive definitions, from Alaska and
4 Missouri that define what a community of
5 interest is. And I have given you a negative
6 definition from the California constitution
7 which doesn't specify what a community of
8 interest is, but it does specify what it is
9 not and specifically excludes those. I
10 believe in the California model, they have
11 public hearings, and they ask people what
12 their communities of interest are. And if
13 you fall under one of these exclusions, they
14 just sort of draw a line through it and don't
15 include that in their considerations. But
16 that's another model for how attempting to
17 define a community of interest could work.

18 Another principle I have for you
19 is preserving the course of prior districts.
20 This is a somewhat infrequent principle.
21 It's only in about ten states. The rationale
22 tends to be not unnecessarily breaking up
23 people's relationships with their
24 representatives. Usually if you look at it

1 in the law, it's listed as permitted but not
2 required. And there are some states, like
3 Arizona, that specifically reject this
4 principle. Arizona's constitution actually
5 requires for their congressional districts
6 that they wipe the slate clean every decade.
7 They start at the northwest corner of the
8 state and move southeast and have an
9 algorithm draw roughly population squares,
10 and they redistrict from there. It's very
11 prescriptive.

12 The example I've given you is
13 from West Virginia, which as you can see
14 between the 2000 and 2010 versions of the
15 congressional districts, they only moved them
16 one county, and they didn't do anything else
17 with their congressional districts at all.
18 Just to give you an idea of the extent to
19 which preserving the cores can be considered.

20 There are some other
21 redistricting principles that are not
22 traditional but we have seen more and more in
23 recent decades. We call these emerging
24 principles or emerging criteria at NCSL. The

1 most prevalent of those is a prohibition on
2 favoring or disfavoring an incumbent
3 candidate or party. The wording varies
4 depending on which state you look at, but
5 that's the most general bucket you can throw
6 these clauses into. These tend to be in the
7 western United States. There are exceptions.
8 Florida has one of these. Nebraska has one
9 of these provisions, as well.

10 Then there are a handful of
11 states that prohibit the use of partisan data
12 when redistricting. That actually conflicts
13 with the next one, which is competitiveness.
14 You can imagine if you have a requirement
15 that elections or districts have competitive
16 elections, it would require you to know
17 something about the underlying political
18 makeup of that district. So as you can see,
19 some of these emerging criteria do not play
20 well with one another.

21 Then the last one which is only
22 in one state, Ohio, sole state to have this
23 in their constitution, has requirement of
24 proportionality. And the proportionality

1 principle goes like this. You look at a
2 certain selection of statewide elections over
3 a previous period of time, usually ten years,
4 and those are aggregated into some
5 calculation. Which elections are included or
6 excluded could, in theory, vary. And you get
7 a percentage of people in that state who tend
8 to vote for the Democrat party and a
9 percentage of that people in that state who
10 tend to vote for the Republican party.

11 The instruction in the Ohio
12 constitution is to try to draw districts so
13 there is roughly the same number of
14 representatives per party as there is a
15 statewide vote share. So if you had a state
16 that was 60 percent from one party and 40 for
17 another, you would have 60 percent of the
18 representatives from the 60 percent party and
19 40 percent of the representatives from that
20 40 percent party. Ohio has never used this
21 before. They will be using it for the first
22 time in 2021 and 2022, so it will be
23 interesting to how that plays out.

24 I got through this a little bit

1 quicker than I anticipated I would. So if
2 Chairman Aquino or any members of the
3 committee, if you have questions, I am more
4 than ready to answer them. Thank you for
5 having me again.

6 CHAIRMAN AQUINO: Thank you,
7 Mr. Williams. Any discussion? Any questions
8 from the committee? Just questions on this
9 part from anyone? No?

10 MR. BARICKMAN: I was of the
11 understanding that we would hear from both
12 representatives from NCSL and then have an
13 opportunity to question both of them.

14 CHAIRMAN AQUINO: We are going to stop
15 here to take questions for this part. You
16 can ask questions later if Mr. Williams is
17 going to be on for the entirety. So I'm
18 getting some feedback a little bit, so I
19 apologize. Mr. Williams, will you be on for
20 the entirety of the NCSL presentation?

21 MR. WILLIAMS: Yes, I will be on for the
22 entire time. If at the end, Senator
23 Barickman, if you have a question for me
24 after Miss Underhill is finished speaking, I

1 will be happy to answer it at that time, as
2 well.

3 SPOKESPERSON BARICKMAN: Okay.

4 CHAIRMAN AQUINO: I am looking. We do
5 have members that are joining us via Zoom. I
6 don't see any hands up at the moment, nor
7 anyone here present with their hands up. So
8 I would ask if Ms. Underhill can begin her
9 presentation then.

10 MS. UNDERHILL: Absolutely. And thank
11 you, Chair Aquino and Vice Chair Sims and
12 members of the committee. I do want to
13 reiterate what Ben said, which is that our
14 job at NCSL is to provide a 50-state
15 perspective on any given topic. And the idea
16 is that you in your own state have very deep
17 resources on the specifics of your state.

18 So with that, I'm going on move
19 on to the census side of things. And Ben, I
20 will just let you run the slides, if you want
21 to just go ahead on to the next one. So we
22 do recognize that the census matters, and I'm
23 going to offer at least four reasons. And
24 probably the most important one of all is

1 that if the data is good, you get your fair
2 share of federal funding. The second, of
3 course, is apportionment, and that means how
4 many seats you have in the U.S. House. And
5 then there is redistricting: How do you
6 divide those lines for your Congress folk and
7 for your legislators, and then policymaking.
8 I'm going to guess that all of you, or at
9 least your staff, all rely on census data for
10 lots and lots of different things. So let's
11 go to the next slide.

12 So I want to talk about
13 apportionment. I'm sure you all know that
14 Illinois is poised to lose a congressional
15 district. I thought it might be fun for you
16 to see who else is going to lose. Maybe
17 fun's not the right word there, but to give
18 you some idea. And of course a California
19 seat that's likely to be lost. It's not that
20 seat that moves up to Oregon, but it just
21 helps to demonstrate it.

22 I guess I do want to say here
23 before we move on that these are estimates at
24 this point. They are estimates made in

1 December of 2020, by Election Data Services.
2 And there is the possibility that when the
3 actual decennial census data comes out there
4 could be some changes, but as each year went
5 by in the last decade, these estimates got
6 locked in a little bit further.

7 Next slide, Ben.

8 So in terms of I've just told
9 you that we do this 50-state work. I did
10 bring four data points for you that are
11 specific to Illinois, and three of them
12 indicate that redistricting is harder in
13 Illinois than it is in most states. So as I
14 mentioned, you are likely to lose a seat in
15 Congress going from 18 to 17. And it's
16 easier if you don't lose any seats. Of
17 course, if you have the power, you wouldn't
18 want to lose the seat. But if you don't lose
19 any seats, you can just make changes around
20 the margins. But if you actually lose a
21 seat, then you have to really divvy up how
22 the congressional landscape will really look.

23 Then the next thing is that you
24 have a March 15th primary. That is very

1 early. You are the third state in the nation
2 to hold your primary next year. And as I was
3 putting this together, I realized it is
4 363 days away at this point.

5 And the next is that your
6 Constitution calls for your legislative maps
7 to be drawn by June 30th. And I can tell
8 from your opening comments that that's very
9 much on your mind. So I don't know what
10 direction you are going to go with it, but
11 you are unusual in being in that place.

12 And so those three things make
13 things harder. But I did want to then
14 reference that \$347 billion comes from the
15 federal government to Illinois based on
16 formulas that use census data. That's the
17 upside of looking at this census, and I
18 wanted to give one positive note on this
19 slide.

20 Next slide, please.

21 All right. So I promise I'm
22 going to talk about this census, but I did
23 want to put it in perspective, and that's
24 that in the 230 years that the nation has

1 been doing censuses -- I don't know if there
2 is such as a censi, but censuses I'm going to
3 go with -- it's never been the same from one
4 decade to the next. And here's just three
5 sort of high points or low points, depending
6 on how you look at it.

7 In the 1920s, the census was
8 done, and it was delivered to Congress; but
9 Congress did nothing with it throughout the
10 entire decade, so they used their same
11 districts for two full decades. At the end
12 of the 1920s, they enacted something that
13 requires themselves to do redistricting on,
14 or reapportionment, on a regular basis. And
15 it's interesting to note that until 1960, all
16 census work was done by finding people at
17 their residences. And in 1960, that was the
18 first time that forms were mailed out to
19 people. But even so, they had enumerators
20 come and pick up those completed forms.

21 And then in 1975, the
22 requirement for the public law 94-171 was
23 enacted by Congress, and NCSL did have a role
24 in the enactment of that. We have spoke on

1 behalf of states to say we need this kind of
2 detailed, granular, very small geography
3 data, and we need it provided to us in a
4 usable format. And each state has a little
5 bit different definition of what usable is,
6 and that was because in the sixties, a series
7 of lawsuits meant that every state does have
8 to do redistricting at the legislative level
9 as well as the congressional level every
10 decade. So if you are going to have that
11 requirement, the census had to come forward.

12 Next one.

13 So how were people counted this
14 year? Actually it's last year, isn't it? In
15 2020, that was the first decade where an
16 online option was made available. Probably
17 most of you remember receiving something in
18 the mail that said go online and fill out
19 your form. If you didn't do it the first
20 form, they sent you another one, then another
21 one; and after that, they sent you an actual
22 form. So if you were in that camp where you
23 got a form either because you hadn't
24 responded to the postcards that told you to

1 go online or because you are at a PO box and
2 don't have a regular street address, or for
3 any other reason, if you want to get the full
4 form, you always could fill it out and mail
5 it back in.

6 This year there was the
7 opportunity of making a phone call and there
8 was help for English and for 12 other
9 languages available on the phone. I will say
10 that there are 59 other languages that were
11 supported by written documents or videos, as
12 well. So this idea of having somebody help
13 you do the form was very much there.

14 And then there is the in-person
15 door knocking. And I'd like you to know that
16 my husband was an enumerator for the census
17 this year. Most of the time he's retired,
18 but he came out of retirement to go knock on
19 doors. So we were looking at the census from
20 the ground level, as well as the policy level
21 this year. And of course the operations in
22 the field were hit hard by the pandemic,
23 which I'll talk a little bit more about as we
24 go forward.

1 And then the last way that
2 people were counted this year was through
3 imputation. So that's when household
4 information might have been incomplete for
5 one reason or another and the Census Bureau
6 fills in the missing information with data
7 that they get from administrative records or
8 sometimes from asking the Post Office, you
9 know, if they run into the mail carrier or
10 neighbors, that kind of thing; so they fill
11 in the remaining information.

12 So what's the state's role in
13 terms of the census? The most important
14 thing to know is that absolutely nothing is
15 required of the states. This is a federal
16 operation. And yet, most states did do a
17 fair amount this decade to be useful to the
18 census. And one way was by creating complete
19 count committees and by providing funding for
20 those complete count committees so that
21 people in the state who had helped to ensure
22 that residents were ready, willing and able
23 to fill out their forms. And you might like
24 to know that Illinois put the second most

1 number of dollars towards outreach amongst
2 all of the states.

3 The other thing that states can
4 do to help with the census is to provide
5 geographic data throughout the decade. So
6 the Census Bureau gives a number of different
7 opportunities for states to provide input
8 either -- I'm going to go with a voting
9 tabulation districts. When you know exactly
10 what your precincts are -- that's what they
11 are called in most places -- those are shared
12 with the census, and they can provide data
13 for you based on those precincts. But before
14 that, there is a block boundary suggestion
15 program, and you can do an update of local
16 census addresses.

17 So there are these various ways
18 that the state can provide information to the
19 census, and that will ensure that you get
20 back higher quality data, something that's
21 more usable. And I will just reiterate that
22 this year, I'd say more states have helped
23 out on that than in previous decades.

24 So I'm going to brief for just a

1 moment, and then we are going to talk about
2 the delays, which is probably what you most
3 want to hear about. And I'm going to start
4 with the headline, and the headline is that
5 congressional apportionment data will be
6 released not at it's original deadline of
7 December 31st but on the new deadline of
8 April 30th, and that the redistricting data
9 that ordinarily would have been due on
10 April 1st is to be delivered on
11 September 30th.

12 But there's been breaking news
13 on this front. And the breaking news is that
14 that exact same data that PL 94-171 data
15 intended specifically for redistricters will
16 be provided in the last half of August in a
17 different format. It's called a legacy
18 format, whereas the September release will be
19 in a table format. This news is so new that
20 I'm really having a hard time saying that the
21 redistricting data is coming in August, but
22 that does seem like that's the case, that the
23 states will receive that data in August.

24 So let's look at why there are

1 delays. Of course, the biggest reason is the
2 pandemic. People were out in the field in
3 March, and they -- everything was called to a
4 halt. My husband got a call mid-day saying,
5 "Get off the streets. Get home." There were
6 fires and floods and tornados that hit during
7 the August/September timeframe when much of
8 the field operations were going on. Those
9 were, of course, localized, but several
10 states were hit by each of those things.

11 And then there were policy
12 changes throughout 2020, that meant that
13 there was sort of a hurry-up-and-then-wait
14 thing going on for the census. They first
15 had the delay based on the pandemic. Then as
16 they got forward into August and September,
17 the Bureau was asked to speed up again. And
18 then there were lawsuits that said please
19 don't speed up. So that just was a lot of
20 uncertainty in that final phase of the field
21 operations.

22 And then after the field
23 operations, the Census Bureau was asked to
24 focus specifically on apportionment with the

1 hope that they would be able to provide a
2 portion of the data on December 31st, when it
3 was due. And that meant that it was less
4 attention during the late fall months on the
5 redistricting part. And then there was a
6 change, of course, to a new administration.
7 And this is pretty unusual. First of all
8 only every 20 years do you have that occasion
9 where you have a census and a presidential
10 election. Then in all of the other years
11 where there wasn't a pandemic, the data was
12 very far down the road. The congressional
13 data was already released, and the
14 redistricting data was very close to being
15 late by the time the administrative switch
16 took place, so that makes this year
17 particularly unusual.

18 So in terms of the problems that
19 these delays caused, on the next slide, Ben,
20 the key thing, of course, is that there is
21 less time for redistricting. But that's not
22 the whole story. Even after the data
23 arrives, the state data people do need to do
24 some things to prep that data. And I've

1 heard that that can be two weeks of work or a
2 month of work, something in that
3 neighborhood. And for those states that are
4 reallocating their prisoners, that's when
5 this would take place, and it adds a wrinkle.
6 I believe Illinois will be doing that in 2030
7 but not this time around.

8 So there is data preparation
9 that takes place before redistricting can
10 start. But then after the redistricting is
11 done, there is a whole bunch of other things
12 that follow, and it really is a timeline; and
13 these next things can't happen until the
14 first thing happens. So you think of the
15 primaries. But even before the primaries,
16 there is the filing period both when it opens
17 and at the close of it. And in some states
18 there are residency requirements. Maybe that
19 candidate has to have lived in that district
20 for a full year before they can run for that
21 district, so that kind of makes an early
22 November deadline for those folks or maybe
23 just a half a month, which would be around
24 that time.

1 Then there is the handoff of the
2 amounts from the redistricters to the local
3 election officials who can then prep for the
4 coming primary. They have a lot of things
5 that they need to do. Might include
6 re-precinting, rejoining the precincts
7 because of population shifts. And they
8 absolutely have to meet that 45-day deadline
9 for when ballots are not only prepared but
10 sent out to overseas voters.

11 So I always just want to mention
12 this because it is a long time schedule.
13 Redistricting is one piece of it. The rest
14 of it follows up afterwards. And I tend to
15 be a little bit on the Pollyanna side, so I
16 was looking for some upsides for
17 redistricting. This may seem a little
18 farfetched, so let's give it a try. The
19 first, of course, is that by doing the
20 delays, the Bureau has more time to work on
21 data quality. Okay. And in many states,
22 they may be deciding that they are going to
23 use their regular session right now to do
24 regular business. Between COVID and budgets

1 there is allotment of that kind of business
2 to be done. And then they will be doing
3 redistricting in a special session in the
4 fall. So maybe it means you can have more
5 attention to the everyday business of
6 legislature. And this is a time when you can
7 be hearing from your state demographer or
8 other folks about how population is shifting.
9 And it's an opportunity to draw some
10 preliminary maps. This could either be to
11 ensure that you feel comfortable with the
12 software and the process that you've got or
13 to see what parts of the state might be
14 hardest to get just right.

15 And then this is also an
16 opportunity to gather public input, and I
17 understand that that's what you all will be
18 doing with your series of hearings this
19 springtime, so you are already ahead of me on
20 that.

21 And then there are the
22 deadlines, and we categorize states into when
23 are their constitutional or statutory
24 deadlines. And Illinois fits in that first

1 group with your deadline being right before
2 July 1st. I guess I don't need to say much
3 more about that other than those deadlines do
4 put states in a bind. And what they can do
5 about that we will look at on the next slide.

6 One option for states when they
7 have one of those kinds of deadlines is to
8 ask a state court for relief. California did
9 that some many months ago, and the court
10 said, yes, you do not have to meet your
11 constitutional deadline for redistricting.
12 And Oregon has now asked their state Supreme
13 Court for similar relief. You could also
14 alter some of your deadlines. That doesn't
15 work so well if it's a constitutional
16 deadline because that needs to go to the
17 voters. But if a deadline is statutory, then
18 that's possible. Either the primary dates or
19 the filing dates could be altered. Of
20 course, you might get yourself a couple of
21 extra weeks by doing that, but there are
22 downstream consequences. All those things
23 would have to happen after redistricting.

24 Some states have a backup

1 mechanism that's already laid out. In some
2 places, that's a Supreme Court or the
3 Secretary of State does it in one state that
4 I know of. I know you have a backup
5 commission that is on your books. Then there
6 is what we are calling the two-step. This is
7 where some states might decide to use a data
8 source other than the official decennial
9 census data and go ahead and redistrict on
10 their regular schedule with this other data
11 source and then perhaps plan a quick do over
12 when the decennial census data arrives. And
13 as I've been thinking about this, I realize
14 that some states might choose to expect not
15 to do a do over when the decennial census
16 arrives, that instead, they could let it
17 stand thinking that the data source that they
18 have was close enough. But I'm going to
19 guess that in any case, a court down the road
20 somewhere will be making a decision about
21 that alternative data source and was it
22 satisfactory in terms of its accuracy.

23 Which brings me to alternative
24 data sources. Of course, not all states have

1 an opportunity to use an alternative data
2 source because quite a few states explicitly
3 say in their constitution that they must use
4 the decennial census data. But Illinois is
5 not in that group. It is in the group where
6 the constitution is silent about what the
7 data source will be. So this would be
8 something you could think about. None of the
9 ideas that I have are perfect, and I could
10 say that if any of them really work great,
11 then all the states wouldn't be so anxious to
12 wait for the census data. They'd go ahead
13 and use some other source to start with.

14 So there is the Northwestern
15 Community Survey. This is put out by the
16 Census Bureau. And there are two flavors
17 there. One is a one-year estimate, and this
18 is only useful in jurisdictions that are
19 larger than 65,000 people, which makes it
20 essentially not satisfactory as a source for
21 redistricting because, of course,
22 jurisdictions large and small have to be
23 accounted for. Then there is the five-year
24 American Community Survey, or ACS, estimates,

1 and this comes out on a rolling basis. So
2 2015 to 2019 is one set of five years. 2016
3 to 2020 is the next set of five years. I see
4 I have an error on my slide. I apologize.
5 December 2020, not December 2002. So with
6 this, what you've got is the kind of like
7 average of those five years. So if it were
8 2015 to 2019, it would be sort of like using
9 the 2017 data, so it loses some immediacy.
10 It loses the brand new data. And so it's a
11 question of whether that data is good enough.
12 I do want to say that Oklahoma plans to use
13 this approach, so we will be watching them as
14 they proceed.

15 And then there is the estimated
16 2020 population, also produced by the Census
17 Bureau. And for this they start with 2010
18 census. And every year they estimate the
19 next year's population based on data on
20 births, deaths and migration, so it keeps
21 changing as the decade goes on. Excuse me
22 just a moment.

23 This data does not go to the
24 block level, so that doesn't make it workable

1 in all places. Idaho, however, is going to
2 use this data this year, again, so it can
3 meet its constitutional deadline. But it has
4 a very strong criteria to keep counties
5 whole, so this data source is satisfactory
6 for Idaho. They have very few counties that
7 are going to need to be split.

8 So my other source that I didn't
9 put on the slide -- that's fine, Ben; let me
10 just mention this -- is that there are
11 commercial sources of data. And I think your
12 data vendor would be the person to talk about
13 what's available outside of census products
14 themselves.

15 All right. So we've got these
16 delays going on at the census. And it
17 probably makes you wonder what the heck are
18 they doing. If counting ended in October,
19 what are they doing between October and
20 September 30th or the end of August? So here
21 is a slide that I borrowed from the Census
22 Bureau. And at the upper left, they are
23 ensuring that all the responses have the
24 right geographic coding. And then they are

1 doing that imputation that I mentioned where
2 they fill in characteristics and such when
3 they don't have data from the actual
4 enumeration. Then they are applying
5 differential privacy. That's a topic I'm
6 going to bring on in just a moment for you.
7 Then they do quality control in all of the
8 data. Then they create it in the various
9 formats that are needed for delivering, and
10 then they deliver it.

11 This slide was provided to us on
12 March 5th. Things have changed since then.
13 As I say, there are going to be two releases.
14 One will be in August with the data in a
15 different format than what's mentioned here.

16 All right. I'm going to breathe
17 here, and then we're going to say let's look
18 at the differential privacy. This is a form
19 of disclosure avoidance. So if disclosure
20 avoidance is the umbrella term, differential
21 privacy is the specific system underneath
22 that. And it is important to protect the
23 privacy of all of the respondents. That's a
24 federal law requires that. And every decade

1 a system for that has been used. In the last
2 decade the system was called swapping. That
3 system proved to be breakable. So the Census
4 Bureau said that they had to figure out
5 something different, and what they selected
6 was this new thing they called differential
7 privacy.

8 Before we move on, I do want to
9 say that any approach that protects privacy
10 also will have an impact on data accuracy and
11 usability. There is sort of a push/pull
12 between those two things.

13 So to show how this works, let's
14 go to the next slides, which I also borrowed
15 from the Census Bureau. And you will see a
16 group of numbers on the left and a group of
17 numbers on the right. The one on the left
18 represents the numbers as enumerated, and the
19 ones on the right represents the numbers as
20 reported. So you can see that the reported
21 numbers are somewhat different from the
22 enumerated numbers. For instance, there is a
23 14 in the upper left of the group of numbers
24 on the left, and it's a 13 in that same slot

1 on the other side. And it's a 64 in the
2 lower right on the first set, and that
3 becomes a 65 on the other side. So the
4 Bureau refers to this as adding noise to the
5 data. It means you insert a little error,
6 and that increases the uncertainty. It means
7 it's less possible for anyone to go back and
8 reconfigure the data and identify specific
9 people at specific households. So "noise" is
10 an official term, even though it doesn't
11 sound that way.

12 Let's go to the next slide.

13 So what does this mean? We you
14 could talk about this for a very long --
15 well, actually, we couldn't talk about it for
16 that long. I know a little bit, but it's
17 hard to know enough to talk to the
18 mathematicians on this topic. But in terms
19 of our purposes, it's important to know that
20 the state total population will be reported
21 as they enumerated it. So that is being held
22 constant. There won't be differential
23 privacy applied to the state total
24 population. The noise will show up more in

1 rural areas than in urban areas, and it will
2 show up more with small racial or ethnic
3 groups than with larger racial or ethnic
4 groups.

5 And the final decision on
6 exactly how this is going to be enacted has
7 not been made yet. I believe we are looking
8 at June before we know the exact balance
9 between privacy and the accuracy. So it's a
10 little hard to give the specifics, but this
11 is something probably your demographer knows
12 a lot about what this is meant or will mean
13 for Illinois.

14 All right. And this is my
15 second-to-last slide. I wanted to say that
16 it's not uncommon that the Census Bureau gets
17 sued over some various things each decade,
18 but it is uncommon that there are two suits
19 already this year before the data is
20 released. One is out of Ohio. And there the
21 attorney general is simply saying that the
22 Census Bureau is not in compliance with
23 federal law on the release of the data and
24 saying move it up; get it done now. The

1 Alabama case says the same thing about the
2 deadlines, but it also says that the use of
3 differential privacy is unconstitutional and
4 that the way differential privacy was adopted
5 was not in accordance with the appropriate
6 federal law on how administrative processes
7 should be done.

8 That does sound like a lot of
9 downer stuff. I do want to add one good
10 thing on this slide before we sort of close
11 up shop, and that is that the Census Bureau
12 responded to that Ohio lawsuit by detailing
13 everything that it is doing in regard to the
14 processing between now and the end. And it
15 was by going through that extra step that
16 they said, wait a minute. We've got that
17 earlier step. We can release that in August.
18 Let's go ahead and do that. So it was
19 because of the lawsuit that we will have data
20 in August instead of in September.

21 And that's where I'd like to
22 close. We are available to support your work
23 in any way that you like. We do plan to do
24 one more redistricting seminar. It will be

1 in August, probably the third week of August.
2 We have the Redistricting Law 2020 book. If
3 any of you do not have that, please let us
4 know. We want to get that out to you. We
5 can't tell from looking at the image, but
6 it's 282 pages, ten chapters and something
7 like eight appendices. Mine is pretty
8 dog-eared. Yours probably doesn't need to be
9 quite that dog-eared, but you are welcome to
10 have it.

11 Ben and I both are happy to take
12 questions from you now or at any time in the
13 future, and we appreciate very much that you
14 invited us to be with you today.

15 CHAIRMAN AQUINO: Wendy and Ben, thank
16 you so much for that presentation, very
17 thorough and informative. Senator Castro for
18 questions.

19 SENATOR CASTRO: Yeah, actually I have a
20 question. Wendy, how many states are
21 considering the two-step?

22 MS. UNDERHILL: I only know of two.
23 I'm guessing others are doing it, but I think
24 we would get to something like five. That's

1 a rough estimate.

2 Ben, do you have a different
3 answer on that question?

4 MR. WILLIAMS: No. No. I think that --
5 I mean that we know that Oklahoma has
6 announced in their legislative guidance that
7 they are pursuing this. The deputy secretary
8 of state who was on our census call who is in
9 Idaho -- Idaho is a commission state, so
10 obviously it's not through their legislature.
11 But he works with their commission, and he
12 said they are going to be using a different
13 data product. Idaho, I believe, has said
14 that they are only going to do the one-step,
15 if necessary, and then go back and do the
16 second step if there is error.

17 Oklahoma, the house has said
18 that they are doing a two-step, and the
19 Senate has said that they are doing a
20 one-step. Obviously, the two chambers will
21 have to reconcile that. But those are the
22 only two states that we know of for certain.

23 If there are rumors circulating,
24 we would love to hear that because we are

1 trying to collect this information, as well,
2 but those are the only two states that we
3 know for certain at this point, other than
4 reports that we have heard about Illinois, as
5 well.

6 CHAIRMAN AQUINO: Minority Spokesperson
7 Barickman.

8 SPOKESPERSON BARICKMAN: Thank you,
9 Mr. Chairman. Wendy and Ben, I've got some
10 questions for both of you. First of all,
11 just thanks for your expertise here. I had
12 the opportunity, I think along with some of
13 my other colleagues, to participate in your
14 redistricting seminar, which was incredibly
15 informative. The expertise that you bring
16 here I think is really helpful, so thank you
17 for that.

18 I want to first address -- I
19 just want to put something on the table that
20 I think, Wendy, you referred to about
21 Illinois having a -- you suggested a deadline
22 of June 30th. I don't read our Constitution
23 that way. I think the Illinois Constitution
24 sets forth a path that allows for the

1 legislature to put forward maps by June 30th;
2 and then if that doesn't occur, it triggers a
3 more independent process that concludes on
4 October 5th. I think some people may like
5 the legislative process; some may not.

6 But I think it's -- I want to
7 bring some clarity to your suggestion that we
8 have a June 30th deadline. You don't
9 really -- that's not really what you meant,
10 is it?

11 MS. UNDERHILL: I appreciate that
12 correction. I absolutely understand that
13 there is a backup commission that comes into
14 play if the legislature doesn't do its work.
15 I think of myself as working for
16 legislatures, so that's why we categorized it
17 that way; however, in the future, I'll make
18 that distinction if I should be asked about
19 details about Illinois.

20 SPOKESPERSON BARICKMAN: And the other
21 may be a little of a clarification, too, the
22 notion that there be a two-step process.
23 What that is really suggesting is that a
24 legislative body would potentially reconvene

1 itself and potentially assemble the votes
2 necessary under whatever the state's
3 constitution may require. In Illinois, I
4 mean, that's a really high threshold for us
5 to think that we are going to rush back to
6 Springfield when we're not in session. Maybe
7 the governor here would pull a special
8 session for that. He might have that
9 authority. But then it would even follow
10 that, you know, that the legislature or a
11 majority or a supermajority of them would
12 just do whatever the people drawing the maps
13 decided.

14 So I guess I want to point out
15 that two-step process comes with some
16 significant risks that it may not actually
17 result in any changes in law, right?

18 MS. UNDERHILL: That is correct. We do
19 know that a number of states, 12 states
20 specifically, used a special session in the
21 2010 cycle, so that's 12 states that feel
22 like that's pretty common behavior. I will
23 say those are mostly states where their
24 sessions last from, let's say, January to

1 March or January to May. So you can see why
2 under normal circumstances, they would think
3 a special session would be required.

4 And I'd offer that this two-step
5 is a brand new idea that nobody's done
6 before, so there is lots of unknowns about
7 it. Everything that relates to the pandemic
8 and beyond is sort of unprecedented, so we
9 are not really able to see the future, what
10 it's going to look like. I think your vision
11 of what it would mean in your state is much
12 clearer than what I could offer.

13 SPOKESPERSON BARICKMAN: Thanks for
14 that perspective. It's really great. I want
15 to turn to the -- your slides addressed this
16 -- very recent news that legacy format data
17 might be available more than a month early
18 than we anticipated, in fact, suggesting that
19 data may be available sometime in August.
20 Explain that to us. I mean, what does that
21 mean for states who are contemplating, you
22 know, maybe a desire right now to do
23 something because there is delays in data?
24 This helps alleviate that concern, right, by

1 making good data available early? Can you
2 explain that legacy format file and what that
3 means to the states?

4 MS. UNDERHILL: I will do my best. In
5 previous decades, a system was made available
6 to the states where the states could query a
7 database inside of the Census Bureau and get
8 out the information that they needed. More
9 recently, there's been a move towards
10 providing the states with easier-to-use data
11 in a tabular format. And that was the only
12 intention for this year was to put out the
13 tabular format, and that's the extra step.
14 It turns out you have to go through the
15 relational database step to get to the table
16 format. So that's why, if you are willing to
17 work with the database, then you can
18 redistrict earlier.

19 And I would offer that if you
20 have people who have been on the
21 redistricting team in the previous decade, or
22 really any data-savvy people, and that would
23 not include me, would know how to import this
24 information and formulate it the way they

1 need to. So that sort of explains why there
2 is the legacy versus the new version. And
3 then it absolutely means for states that are
4 concerned about all of the many deadlines
5 down the road, that they can maybe breathe
6 for a moment and say, wow, we've just bought
7 ourselves a month. Of course, they lost five
8 months. They lost six months, and then they
9 bought one back.

10 I do think there would be a view
11 from people in the states, as they begin to
12 absorb that this is available to them in
13 August, that they could begin their work a
14 month earlier than would otherwise have been
15 expected.

16 MR. BARICKMAN: I am right there with
17 you. When they talk about all this data, it
18 can be mind-numbing. It begs the questions
19 for us in the states: Do we go down a path
20 right now of trying to cobble together some
21 data that we all know is outdated and faulty,
22 or do we instead spend maybe the upcoming
23 weeks and months simply preparing for how we
24 might take some of that early release data

1 from the Census Bureau and use it for our
2 purposes? I think there are some things --
3 who would we work with to do something like
4 that?

5 MS. UNDERHILL: I'm not sure I have a
6 great answer to that question. I do know
7 that you have data vendors who support your
8 statewide database who you could talk with
9 about that. But it does remind me that I
10 didn't say quite as clearly as I could have
11 that those lawsuits at the end of my slide
12 presentation, and particularly the second one
13 out of Alabama -- if I could, I'll just take
14 a moment to say that they could change the
15 time schedule yet again for us. So what I've
16 given you is the most recent information we
17 have available.

18 If one of those lawsuits gets to
19 the Supreme Court and the Supreme Court says
20 whatever, we are all going to do what the
21 Supreme Court says. And the second of those
22 two, the Alabama lawsuit, says that this
23 differential privacy that is the method
24 selected this year to do disclosure avoidance

1 is inherently unconstitutional. If you take
2 away -- if the Supreme Court were to agree
3 with the plaintiffs, the Census Bureau would
4 have to -- that might sound like it would
5 make it easier because they would be missing
6 a step, but no, they'd actually have to
7 reinsert some other disclosure avoidance
8 process. And every single algorithm that
9 they have built throughout this decade, or at
10 least the last few years, is aiming at using
11 it.

12 So I'm putting another
13 uncertainty out there. In a year of
14 uncertainty, here's one more. If the Supreme
15 Court should rule in a certain way, the
16 Census Bureau might find themselves having to
17 say one more time, oh, my goodness, new
18 deadlines either earlier or more likely later
19 again.

20 SPOKESPERSON BARICKMAN: So let's come
21 up for air on the legacy data. What about
22 this? You know, we are all trying to digest
23 the distinctions that exist between ACS data
24 and the regular old census data that we will

1 eventually receive, right? You know, as I
2 kind of spent some time on this, I see all
3 these articles suggesting ACS data is less
4 accurate. It includes more significant
5 margins of error. It's less reliable. Just
6 the data sets aren't comparable.

7 Can you walk us through, you
8 know, some of what you see as the significant
9 differences between the ACS data and the
10 Census Bureau data?

11 MS. UNDERHILL: What I can say is that
12 on Monday -- and this is Wednesday -- on
13 Monday, I said to Ben that what we need to do
14 is produce some kind of a cheat sheet on
15 what's the difference between these various
16 forms of data. And Ben and I will do our
17 best. It may not be at the level of detail
18 that you are looking for. It would probably
19 work for your average legislator, but I'm
20 guessing that it might not be precise enough.
21 So that makes me wonder if that might be
22 something your state demographer could do or
23 if someone else who might be able to dig in
24 on it a little bit more. I think the things

1 that you offered and I mentioned are known to
2 be true. One is estimates; the other is
3 enumeration. One is averaging five years;
4 the other is a point in time. But the extra
5 piece that we have to add into that analysis
6 is what does the differential privacy do to
7 the decennial census data? Does it make it
8 unusable in one way or another? It makes it
9 not so easy to do the apples and oranges.

10 SPOKESPERSON BARICKMAN: Sure. Yeah.
11 I'm thinking there is some really important
12 information that, again, all the states might
13 benefit. As you look at census data is
14 really a snapshot in time, right, of the
15 country or the state in our case? As I
16 understand the ACS data, it's really, you
17 know, maybe a snapshot of three million,
18 maybe three and a half million people across
19 the country, which would really mean to a
20 state like Illinois, you know, if you do the
21 math on that, it would suggest that Illinois
22 might create maps based on data that could
23 include as few as 250,000 of our 13 million
24 residents. It just seems like it's going to

1 have a much more significant margin of error.
2 And I want to talk about that. But I think
3 your help and expertise in letting us really
4 see those differences could help.

5 I'm told that there is
6 differences in the data and how it affects
7 things like people in poverty, that the data
8 counts that are used in the ACS data would
9 result in different outcomes for people in
10 poverty, that it might use a different
11 methodology that results in different
12 residents and locations for the population.
13 And that can have an impact on states that
14 have populations that aren't always around.
15 Illinois happens to have a lot of -- we call
16 them snowbirds here -- people who leave the
17 state for months and months of time. And we
18 certainly wouldn't want to have the effect of
19 not counting those people with ACS data
20 because their data suggested those people
21 were Florida residents. So your help in that
22 would be incredibly beneficial.

23 MS. UNDERHILL: We will produce our
24 simple side-by-side. It also strikes me that

1 this is the place where technology and the
2 law overlap, so there may be -- I don't know
3 if it's your attorney general or someone else
4 in the state who you might want to get an
5 advisory opinion from on this because it's
6 not just what's the data. It's would it
7 stand up in court.

8 SPOKESPERSON BARICKMAN: So let me pivot
9 on that. And I really appreciate your help,
10 Wendy. I think really incredible stuff that
11 you all provide. I want to ask Ben a couple
12 of questions if he's still with us. Ben, are
13 you still there?

14 MR. WILLIAMS: I am, Senator.

15 SPOKESPERSON BARICKMAN: Thanks. We
16 talked with Wendy about the data. I'm
17 concerned about the accuracy of the data.
18 And some may wonder why that matters. Your
19 presentation talked about things. I took
20 some notes here. You talked about Section 2
21 violations of the Voting Rights Act and how
22 plaintiffs may not have to actually prove
23 discriminatory intent, just a discriminatory
24 effect. And I'm trying to -- I want to

1 understand what you mean by that in relation
2 to the accuracy of the data. My concern is
3 that, you know, that the outcome of the
4 Illinois legislature -- it may not be that
5 anyone intends to create discriminatory
6 districts and maps, but the effect of using
7 outdated and inaccurate data may result in a
8 discriminatory effect. And I want to
9 understand what that exposes our state's maps
10 to under the Voting Rights Act.

11 MR. WILLIAMS: Sure, Senator. I would
12 say that for the past several decades, states
13 have been using PL 94-171 data, and that
14 has -- because it's been coming out on time,
15 and states have built their systems on the
16 presumption that it comes out by the
17 statutory scheme set by Congress. So all of
18 the law that we have seen around the Voting
19 Rights Act, much of which is judicially
20 constructed. I mean, Congress did write the
21 law, but much of the structure around it has
22 been created by courts.

23 Operating under the presumption
24 that districts were drawn by the PL file, at

1 this point I would say, Senator, it's too
2 early to know exactly how courts will react.
3 I could imagine there would be a myriad of
4 factors that courts would be looking at, one
5 of which would be that Congress did not
6 deliver the data by the time it was supposed
7 to. Does that factor into a judge's
8 consideration of what data sets were used? I
9 don't know.

10 And I would advise any state
11 that's thinking about this just to ask
12 counsel. Your counsel will have the best
13 understanding of how Voting Rights Act cases
14 have played out in Illinois in the past much
15 better than I, who have a broader perspective
16 but doesn't go as deep into a particular
17 state's history. And they would be able to
18 tell you best what the particular impacts of
19 using an alternative data set would be on the
20 Voting Rights Act.

21 I would say that there are other
22 organizations that may be thinking about
23 this. There might be advocacy groups or
24 other groups that may have an opinion as

1 well. There are several on the left or right
2 of the spectrum. I'd be happy to name some
3 that maybe may have information. But in NCSL
4 we don't necessarily know at this point, and
5 we are taking a wait-and-see to see how the
6 litigation plays out because, as you all
7 know, in any state in any decade when we at
8 NCSL look at the litigation record, states
9 get sued every year, nearly all of them every
10 cycle for multiple reasons.

11 So the fact that there will be
12 litigation is known in advance. It's the
13 question of what exactly it's sued under.
14 Will there be litigation about the types of
15 data that are used? Presumably so. We are
16 already seeing litigation about the PL file
17 itself, as Wendy mentioned, in Alabama before
18 it even comes out. I would expect to see a
19 lot more of this in the coming weeks and
20 months. And your counsel may be able to give
21 you the best preview of how it's going to
22 look for you.

23 SPOKESPERSON BARICKMAN: Yeah, you know,
24 our counsel has pointed us to a lot of

1 litigation historically, much of it landing
2 in the federal courts, but dealing
3 specifically with the use of ACS data and the
4 federal courts, you know, finding that they,
5 you know, quoting here, that the data is less
6 reliable, it's not intended to be used in
7 redistricting, that it's not for the purpose
8 of drawing redistricting maps, that it's not
9 an actual enumeration of the population for
10 the purposes, you know, that we are
11 discussing here.

12 And so we are concerned about
13 that, and I guess I'm trying to validate our
14 concerns with you. I mean, what we don't
15 want to do is create chaos in our state by
16 doing something that simply gets tied up in
17 courts and really has a tremendous impact on,
18 you know, the outcome of redistricting, who
19 runs for office, where or how they file
20 petitions. So I'm looking to validate what
21 our counsel is telling us is concerns are
22 actually true.

23 MR. WILLIAMS: Of course, Senator. And
24 I will say that in general, the only data

1 product that NCSL asked the Census Bureau to
2 create back in the seventies, and they did
3 create for redistricting, specifically was
4 the PL 94 file. That was the NCSL's ask, and
5 it was granted.

6 I will say there has been some
7 litigation about data accuracy in the past,
8 for example, the state of Hawaii. Hawaii is
9 a state that has a large military population
10 that is transient and does not stay in the
11 state for a particular period of time. But
12 if you followed the Census Bureau's general
13 rules about counting where people sleep on
14 census day, on April 1st in years ending in
15 zero, you would catch a large military
16 population in the state of Hawaii.

17 The state redistricted excluding
18 those people, using alternative data to
19 exclude them from their total population
20 count for redistricting purposes. And the
21 Supreme Court said that that was okay. And
22 the standard that they argued was reasonably
23 approximate accuracy to the PL file. That's
24 the standard that has been used in past

1 decades. I don't have enough information to
2 tell you how the ACS data from 2015 to 2019
3 will compare specifically to the PL file that
4 will be coming out in September because it's
5 still uncertain what that PL file is going to
6 look like. Is the Census Bureau going to
7 have to stop using differential privacy and
8 go back into a different method of disclosure
9 avoidance? How much imputation relative to
10 prior years will have to be used in this data
11 file? I don't know. But I don't think
12 you're alone in asking those questions,
13 Senator. I think that that is a question
14 that many people are asking.

15 As Wendy has said, 2020 and 2021
16 are the years of uncertainty. This is just
17 yet another uncertainty that I cannot clarify
18 for you specifically, but I can tell you are
19 not asking questions no one else is asking.
20 Other people are asking those questions, too.

21 SPOKESPERSON BARICKMAN: Great. All
22 right. And, Mr. Chairman, last question
23 here.

24 Ben, you talked about this trend

1 that's moving across the states related to
2 claims being made under the Constitution and
3 the requirement for free and equal
4 representation. What I took from that is a
5 suggestion that those states who may embrace
6 an independent commission that removes
7 lawmakers from the mapmaking process is more
8 likely to survive the scrutiny under those
9 types of claims. Is that where you are
10 suggesting as you looked at what's happened
11 in other states?

12 MR. WILLIAMS: I don't know that that's
13 necessarily the case, Senator. It is true
14 that both of the maps that were drawn that
15 were sued under and that were invalidated were
16 drawn by legislatures. It was the
17 Pennsylvania congressional map and the North
18 Carolina congressional map. Pennsylvania
19 does have a commission for their legislative
20 districts, but that was not challenged in
21 that case.

22 It's unclear mainly because it's
23 so new. We only have two states. It's only
24 been around for a couple of years at this

1 point. If you come back and ask me in 2030,
2 I might have a better answer, and I could
3 show you the data and show you where cases
4 were successful or not. In the end, I don't
5 have enough clarity.

6 Wendy, do you have anything to
7 add that might clarify for Senator Barickman?

8 MS. UNDERHILL: Yeah, if I may. We do
9 have some information on the success of plans
10 drawn by commissions and drawn by
11 legislatures, success being measured by their
12 outcomes in court, not success in terms of
13 anything that other people might use a
14 definition of fairness for. And it turns out
15 legislative ones and commission maps tend to
16 come out about the same.

17 Now again, like Ben's saying,
18 that's not about the specific cases in these
19 two places. But overall, it's interesting to
20 note that legislatures and commissions do
21 about the same when they get to court.

22 SPOKESPERSON BARICKMAN: Have you looked
23 at -- have you identified any states that as
24 a result of COVID are changing their laws to

1 remove the ability of an independent
2 commission to do its work? Because really,
3 really, that's what's being contemplated here
4 is that Illinois might consider a process
5 that takes away the independent commission
6 that's already afforded in our state's
7 constitution. Are you aware of any states
8 who are actually moving the other way, away
9 from independent commissions?

10 MS. UNDERHILL: No, sir.

11 CHAIRMAN AQUINO: I'm sorry. I need to
12 interject here. And I'd like to ask the
13 minority spokesperson to specifically
14 identify the bill that he's talking about
15 that would be removing any commission.

16 SPOKESPERSON BARICKMAN: Well, I think
17 there have been a number of lawmakers on the
18 majority side of the aisle who have suggested
19 a process that may use ACS data and come back
20 and then later tweak it. It's in the news.

21 CHAIRMAN AQUINO: You just said though
22 that there is a bill to remove --

23 SPOKESPERSON BARICKMAN: I didn't say
24 anything about a bill. I said a process that

1 would change the manner in which the state
2 already has in place an independent
3 commission. That's what we have in Illinois.
4 Some like it; some don't, but we already have
5 that.

6 And the question, Mr. Chairman,
7 is whether Illinois is going to use
8 potentially flawed data to hit a June 30th
9 deadline that does not mandate it but allows
10 the state to circumvent the independent
11 commission process that's already in place.

12 CHAIRMAN AQUINO: There is not an
13 independent commission, as you know, that
14 those people that are on that commission are
15 appointed by leaders that's very partisan.
16 The result of that has led to --

17 SPOKESPERSON BARICKMAN: It's
18 bipartisan.

19 CHAIRMAN AQUINO: So you very well know
20 that is not this independent commission that
21 you speak of. It's a partisan commission
22 because you are saying leaders and others
23 would be appointing individuals to that
24 commission. That's not independent in any

1 way.

2 SPOKESPERSON BARICKMAN: Well, it's
3 certainly bipartisan; and that is not
4 something that is afforded through the
5 legislative process if it's simply controlled
6 by a majority vote.

7 CHAIRMAN AQUINO: Well, bipartisan
8 certainly when all General Assembly members
9 are able to participate in this process of
10 the legislature, and also the fact that all
11 counties in the process that we are putting
12 here are going to be able to participate, you
13 know, at these subcommittee hearings. In
14 addition, as we talked about the portal that
15 we are going to be using, that allows for the
16 first time ever every citizen in the state of
17 Illinois to be a part of the process and
18 literally submit their own maps to this
19 process.

20 You can continue with your line
21 of questioning, and we can move on to other
22 people that have to ask questions.

23 SPOKESPERSON BARICKMAN: Sure. And I
24 just want to make this point. The

1 Constitution allows citizens a vote and a say
2 in the process in a manner in which they are
3 not allowed under the -- by law, right? The
4 Constitution would create a commission that
5 includes people who are not members of the
6 General Assembly, and it would provide to
7 them a vote. That's the independence. Is
8 there a dispute on the independence that
9 having people vote on these maps may provide?

10 CHAIRMAN AQUINO: You can direct your
11 last questions to NCSL so we can have others.

12 SPOKESPERSON BARICKMAN: I appreciate
13 that, Mr. Chairman. I just wanted to make
14 the point. You raised the point that the
15 commission that exists in the Constitution --
16 I'm not sure if your point is that it's not
17 independent or it's -- the commission
18 includes people who are not members of the
19 General Assembly. In fact, there is no
20 requirement that that commission consists of
21 all lawmakers. But there is no person in
22 this state of 13 million people who gets a
23 vote on legislative maps that are advanced
24 through the legislative process. That's why

1 that commission is independent. It's
2 bipartisan, and that's my point,
3 Mr. Chairman.

4 So I'll turn back to the folks
5 from NCSL. Welcome to, you know, legislative
6 debates which occur. But it's clearly an
7 important issue that we are handling. I
8 wanted to thank you, Ben and Wendy, for,
9 again, for your time today and your
10 testimony. So thank you.

11 CHAIRMAN AQUINO: Leader Cunningham.

12 SENATOR CUNNINGHAM: Thank you,
13 Mr. Chairman. I have a question for Wendy.
14 And I apologize. I was called out for a
15 meeting, so maybe you covered this ground.

16 I wanted to go back to the
17 points you made about the potential of using
18 estimates in the community survey data. Are
19 you aware of any studies or efforts that have
20 been done in the past to determine the
21 accuracy of that data compared to a
22 subsequent census that sought to see how
23 accurate those estimates that community
24 survey data was compared to the actual hard

1 census data that, you know, came out a year
2 or two later?

3 MS. UNDERHILL: Thanks for that
4 question. The answer is I'm not aware of
5 them, but I don't want to stop quite there.
6 I do know that when the decennial census data
7 is released, Phase 5 of it which comes in
8 about year 2022, is a look back; and they do
9 statistical analyses to see how close the
10 decennial census was to what they can find.
11 That makes me think that probably the Census
12 Bureau probably does some kind of a look back
13 on the ACS, and that's something we would be
14 happy to look into for you.

15 SENATOR CUNNINGHAM: I direct you -- I
16 did find one such study was conducted by the
17 Pew Research Center. They put out a paper in
18 January of 2011, which they went and they
19 looked and compared what the estimates of the
20 census data made based on, I believe, data
21 from 2005 through 2009, then compared it to
22 the 2010, the hard census data; found it was
23 tremendously accurate. Varied a little bit
24 from state to state. Actually, Illinois, it

1 was within 1 percent of being accurate. So I
2 would direct your attention and the attention
3 of other committee members to that study that
4 was done by the Pew Research Center. Are you
5 familiar with that at all? Obviously not.

6 MS. UNDERHILL: I'm familiar with the
7 Pew Center, but I'm not familiar with that
8 study. And I'm glad that you brought it to
9 my attention because if we do, in fact, put
10 together a side-by-side on the data, we can
11 use that reference in there, as well. So I
12 appreciate that. Thank you.

13 SENATOR CUNNINGHAM: Thank you.

14 CHAIRMAN AQUINO: Thank you. I do have
15 a few questions myself before we move on.
16 Sorry. Give me one second. Before I ask
17 some last questions, I have Minority Leader
18 McConchie for some questions.

19 SENATOR MCCONCHIE: Thank you, Mr.
20 Chairman. Thank you to both of you from
21 NCSL. A couple of questions, since this has
22 been brought up on the American Community
23 Survey data. One is that on your slides,
24 page 33, under the five-year estimates, you

1 indicate it goes to the block level. Isn't
2 it actually the, like, block group level,
3 isn't it a level of, like, 600 to 3,000
4 people, which is what I think that kind of
5 block unit is, in order to, you know, so it's
6 not nearly as specific, and in the census
7 block size, that those blocks are actually a
8 half acre or 30,000 square feet in size, so
9 obviously much more accurate?

10 MS. UNDERHILL: I appreciate you saying
11 that, and I think that you are right. I got
12 my information for that slide from a Census
13 Bureau slide. And if Ben and I can, behind
14 the scenes, quickly confirm that, we will do
15 that. But I think you are right. And that
16 when I took the information from the census
17 slide, I wasn't careful enough and must have
18 dropped off the block group instead. So if
19 we could just -- in fact, Ben's already
20 checking it.

21 Yes, it is block group level.
22 So thank you, and I will fix the slides to
23 that effect. That means it's less granular
24 than what I represented it to you.

1 SENATOR MCCONCHIE: One more question in
2 regards to that. I'm trying to remember if
3 it was from this hearing or another point.
4 There was statements made -- my understanding
5 is that there was concern the federal
6 government made changes to the ACS data that
7 was published introducing certain factors
8 into them to ensure that there is anonymity
9 to the results that came from that. Wasn't
10 that relatively recently done? So even if
11 ACS data back in 2011 was within 1 percent,
12 it wouldn't be anymore because of the
13 requirements under federal law to insert
14 extra things in order to ensure that a
15 particular household, in answering ACS's
16 survey, can't be identified?

17 MS. UNDERHILL: I do not know the answer
18 to that. I'm happy to go to the Census
19 Bureau and find out more. The attention has
20 very much been on the change to differential
21 privacy on the decennial census. I wouldn't
22 be surprised if there is a methodological
23 change because they are in a continuous
24 improvement kind of plan themselves. So if

1 you'd allow me to go back and find out what
2 changes may have been made to the way they
3 collect the ACS data and whether anonymity is
4 making it a little noisier than it otherwise
5 would be, as well.

6 SENATOR MCCONCHIE: That would be great
7 because if that's the case, then the previous
8 study that has been referenced would not
9 apply any longer under the data potentially
10 to be used for this. Thank you very much,
11 Mr. Chairman.

12 CHAIRMAN AQUINO: Thank you. I have a
13 few questions for you both in reference to
14 the public law that you had referenced in
15 94-171. I'm just curious if you could repeat
16 how many states are required to use that
17 public law for redistricting data from the
18 Census Bureau for this term?

19 MS. UNDERHILL: It's not so much that
20 the states are required to use the 94-171
21 data.

22 Ben, while I'm talking, maybe
23 you could go look which ones are required to
24 use census data. The census is required to

1 provide that data to the states, so that's
2 different than requiring the state to use
3 that data. And we do have a web page up on
4 the use of census data and where is it
5 required and where is it not. And I think
6 there is about six states that explicitly say
7 census data or other data if the census data
8 isn't available. So about six states have
9 created a place where they can have an if
10 not.

11 And then there is -- the rest of
12 the states are divided approximately evenly
13 between those that specifically say use the
14 decennial census data, which would mean that
15 PL 94-171, and those like Illinois that are
16 silent on that question. And Ben may have
17 the answer for you now.

18 MR. WILLIAMS: Yes, Wendy. Sorry. I
19 just looked it up on our website. And there
20 is sort of a thin line in the language here,
21 Mr. Chairman, that it says "census data." It
22 doesn't say, like, the PL 94-171 file
23 necessarily in these statutes. We've done
24 some grouping on our website to simplify the

1 analysis.

2 But we have Illinois as a state
3 that has historically relied on census data,
4 but it is not required in state law. That's
5 our categorization of Illinois. And then
6 there are six states that explicitly say that
7 it can be the census or something else.
8 There are 16 other states like Illinois that
9 have used in the past but are silent on its
10 necessity.

11 CHAIRMAN AQUINO: And what do some of
12 those states use in terms of data for
13 redistricting?

14 MR. WILLIAMS: Historically, they've all
15 used the PL data because it's usually on time
16 and free; so that's what they have tended to
17 use in the past because it's an official
18 enumeration. If the states try to do their
19 own enumeration, as New York has done in
20 previous decades, you can imagine, it could
21 be quite costly. Since it's a product that
22 the Census Bureau provides, in pattern and
23 practice, states have over the decades have
24 come to rely on it, but the legal necessity

1 of using it varies.

2 I will add that states always do
3 at least some additions to the census data.
4 I don't know of any states that just take the
5 PL file, plug it into their software and do
6 redistricting. Most states add other layers
7 of data to it which may be important. For
8 example, if the state has gathered
9 information on communities of interest, it
10 may be important to have that data as a layer
11 on top of the census data. You may have
12 additional information about socioeconomics,
13 or to a certain extent you need political
14 information to comply with the Voting Rights
15 Act, so that would be something that would be
16 included in there.

17 It's not a case where it's just
18 census data. It's always census data plus
19 other things. And the census data, the PL 94
20 data in particular, has historically been
21 used; but it's not necessarily required in
22 the 17 states that where it's just a pattern
23 or practice, which is what Illinois is.
24 There are 21 states that say that they have

1 to use census data, but it doesn't specify
2 necessarily that it has to be PL. It could
3 be something else, in theory.

4 MS. UNDERHILL: Thank you. The only
5 adjustments that we are -- and I think that
6 word might be -- that we are familiar with,
7 are prisoner reallocation and then also the
8 military, which Hawaii did. I'm not sure if
9 they are still doing it. And Kansas used to
10 adjust for students who were in state or out
11 of state; but this very decade, they have
12 stopped that, so they no longer have that.

13 So when you get that data, those
14 are the kind of adjustments that are made;
15 and then you start to add in those other
16 things that Ben mentioned, as well.

17 CHAIRMAN AQUINO: Lastly, when, if ever,
18 has this census data been this delayed our
19 history?

20 MS. UNDERHILL: Not in our lifetimes,
21 and I think I'm speaking for everyone who is
22 on this call now. I know that it used to
23 take longer. Like if you went back to 1850,
24 I think you were talking about two, three

1 years down the road. But since that 1929
2 census or Apportionment Act, I believe that
3 this is the only time that it's been late.
4 And if you would allow us to double-check
5 that we've got that right, we will get back
6 to you to confirm that.

7 CHAIRMAN AQUINO: I appreciate both you
8 and NCSL for all the help and the work that
9 you do. Thank you for your testimony. We
10 are going to be moving on.

11 MS. UNDERHILL: Thank you very much for
12 including us. I think we will stay on and
13 learn what we can while we are here with you.

14 CHAIRMAN AQUINO: Feel free to. Please
15 do.

16 And so next we will move on to
17 our next witness, which is Steven Monroy with
18 the Mexican American Legal Defense and
19 Educational Fund, also known as MALDEF.
20 Steven.

21 MR. MONROY: Thank you, Mr. Chairman.
22 We'll be pulling up my notes. Thank you,
23 Mr. Chairman and members of the committee,
24 for the opportunity to testify today. My

1 name is Steven Monroy, and I'm a staff
2 attorney with MALDEF, the Mexican American
3 Legal Defense and Educational Fund. For over
4 50 years MALDEF has worked to protect the
5 rights of Latinos in the United States,
6 particularly through voting rights; and we do
7 this through community education, advocacy
8 and litigation. Our organization has been
9 involved in Illinois redistricting since the
10 1980s, and we have regularly partnered with
11 other stakeholders representing diverse
12 communities, developed model maps and monitor
13 the state's compliance with the Voting Rights
14 Act and other federal law requirements.

15 In 2021, Latino participation is
16 more critical than ever before. Latinos are
17 about 17.5 percent of the state's total
18 population and about 15 percent of the
19 state's voting rights -- excuse me -- the
20 state's voting age population. Latinos are
21 the fastest growing minority group in
22 Illinois, but redistricting has historically
23 not been reflected in increased Latino
24 political power.

1 This redistricting cycle poses
2 unprecedented challenges to community
3 engagement in the redistrict process. And in
4 order for members of the Latino community to
5 have an effective voice in this process, we
6 offer the following three recommendations to
7 this committee: First, that hearings be
8 scheduled at least two weeks in advance and
9 be widely publicized; second, that the
10 committee provide at least two weeks time, as
11 well, between releasing a plan and holding a
12 hearing to consider that plan so the public
13 has meaningful time to provide a response and
14 recommendations in response to the released
15 plan; and then third, that the committee
16 publishes a map of the areas covered by the
17 Senate Redistricting Subcommittees, for
18 example, showing the boundaries between the
19 Chicago North and the Chicago Northwest
20 Subcommittee's jurisdiction.

21 The Latino community has
22 historically experienced voting
23 discrimination and attempts to dilute the
24 effectiveness of their votes. Today Illinois

1 still suffers from racially polarized voting
2 and depressed minority registration and
3 turnout. Redistricting must take into
4 account the need to overcome the lingering
5 effects of discrimination and offer minority
6 voters an equal opportunity to elect their
7 candidates of choice.

8 New district boundaries should
9 fairly reflect minority voting strength and
10 not seek to minimize or dilute the minority
11 vote. And we expect to testify again before
12 this committee on behalf of Latinos in areas
13 throughout the state. Thank you for your
14 time.

15 CHAIRMAN AQUINO: Thank you, Steven.
16 Before we move on, Senator Sims in the chair.

17 VICE CHAIRMAN SIMS: Thank you. Thank
18 you, Mr. Chairman. Is there any discussion
19 on the questions, Mr. Monroy? Senator
20 Barickman.

21 SPOKESPERSON BARICKMAN: Thank you,
22 Mr. Chairman. I guess I have a question in
23 light of the testimony from Mr. Monroy. The
24 law today under the Redistricting

1 Transparency Act of 2011, requires four
2 hearings after the release of the census
3 data. So do we know when those hearings will
4 occur?

5 VICE CHAIRMAN SIMS: Senator Barickman,
6 I will have to get back to you on that just
7 so we are on the full schedule.

8 SPOKESPERSON BARICKMAN: Thank you,
9 Mr. Chairman. No other questions.

10 VICE CHAIRMAN SIMS: Thank you. And
11 thank you. Seeing no further questions,
12 thank you, Mr. Monroy, on your testimony.

13 Next, our next witness, Mr. Ami
14 Ghandi from Chicago Lawyers Committee for
15 Civil Rights. Mr. Ghandi.

16 MS. GHANDI: I am Ami --

17 VICE CHAIRMAN SIMS: Or Mrs. Ghandi.
18 I'm sorry. Ami, I'm sorry.

19 MS. GHANDI: No problem. Good evening,
20 everyone. My name is Ami Ghandi, and I'm a
21 senior counsel at Chicago Lawyers' Committee
22 for Civil Rights. Thanks for the chance to
23 speak briefly. We are a nonpartisan,
24 nonprofit organization that has been working

1 for the past 50 years to advance racial
2 equity and economic opportunity for all. We
3 provide legal representation through our
4 partnerships with 40 member law firms and our
5 partnership with the National Lawyers'
6 Committee for Civil Rights Under Law. We aim
7 to ensure that all eligible voters are able
8 to cast ballots, that their votes are not
9 diluted and that the system does not
10 undermine their fundamental right to vote and
11 their right to choose their elected
12 officials.

13 Our organization has a history
14 of representing black community organizations
15 in redistricting litigation under the federal
16 Voting Rights Act and Constitution. But even
17 aside from litigation, we are very proud to
18 work with black voters and other voters of
19 color in working collaboratively with our
20 government leaders to try to strengthen
21 voting rights and our ability to elect the
22 candidates of our choice. We have the
23 privilege of working with community members
24 on the south and west sides of Chicago and

1 the south and west suburbs, as well as
2 community members in environments like jails
3 and prisons. It's an honor to do this work.
4 And I can report to you that community
5 members are eager to give input during this
6 redistricting cycle.

7 We are over two hours into this
8 hearing and I think are just starting to hear
9 some of that community input. People will be
10 watching to see if that input is meaningfully
11 considered by lawmakers. There must be
12 robust opportunities for input after
13 lawmakers share proposed maps with the public
14 but before those maps are finalized.
15 Ultimately, community members will have the
16 most relevant insights about whether proposed
17 lines dilute their voting rights.

18 We greatly appreciate and
19 respect legislators weighty responsibility
20 for redistricting. But legislators' input
21 simply is not a substitute for community
22 members' input and voters' input.

23 Before I joined the staff of
24 Chicago Lawyers' Committee -- now this is

1 back in the 2011 redistricting cycle -- I had
2 the opportunity to advocate alongside a
3 diversity of communities of color on a unity
4 map effort. Our coalition included
5 organizations that engaged black, Latino,
6 Asian American and Arab American communities.
7 We did not achieve all that we aimed to do,
8 but there were some important signs of
9 progress. We have stood in solidarity and
10 worked hard to avoid being pitted against
11 each other.

12 As a voting rights attorney, I
13 am seriously concerned about the need for
14 greater community input this time around.
15 The very few of us who are able to sign up in
16 time today and wait for hours to speak is not
17 representative of everyone who cares about
18 having their voices heard and having their
19 votes counted fairly. There are actually a
20 few ongoing tables and discussions in the
21 community on this very topic of
22 redistricting, including by nonpartisan
23 collaboratives and coalitions. And we
24 sincerely hope that legislators and map

1 drawers will take the time to visit those
2 community contexts as well because not
3 everyone may feel comfortable or may even
4 know to sign up for these formal
5 opportunities through Zoom to engage with you
6 all.

7 Chicago Lawyers' Committee is
8 interested in knowing what mechanisms will be
9 in place for community review and input after
10 proposed maps and data are released. I know
11 we have to be extra creative right now to
12 engage community members, but it's essential
13 that we do that.

14 Thank you for the opportunity to
15 submit testimony today.

16 VICE CHAIRMAN SIMS: Thank you, Miss
17 Ghandi, for that testimony. And as Chairman
18 Aquino mentioned, there will be a tool
19 available for communities to participate and
20 look at maps in the future, and that will be
21 released very soon. So thank you for that.

22 Questions for Miss Ghandi?
23 Seeing none, thank you again.

24 Next we have -- our next witness

1 is Miss Debbie Liu from Metropolitan Planning
2 Council. Miss Liu.

3 MS. LIU: My name is Debbie Lou with the
4 Metropolitan Planning Council. I'm pleased
5 to join you today to discuss full community
6 engagement that Illinois should incorporate
7 into the 2021 future redistricting processes.

8 I grew up in Chicago's Chinatown
9 where in 2000, the neighborhood had four
10 different state representatives. As Asian
11 American residents, we were convinced that
12 more representation was better despite how
13 small the population and voice was compared
14 to the rest of the district. In reality, the
15 population has to compete for attention for
16 many different elected officials rather than
17 having one champion on community issues, such
18 as a longstanding high school that serves
19 Chinatown that the community does not have.

20 This process is endemic across
21 many neighborhoods even in Chicago, where
22 Englewood has six alderman, and throughout
23 the state. And for years this has been
24 ongoing long before I was even born.

1 It doesn't have to be this way.
2 Illinois has opportunity and responsibility
3 to turn the redistricting process to ensure
4 greater equity, transparency and
5 accountability. Given the harsh and
6 entrenched polarization that defines today's
7 political climate, it has never been more
8 important to ensure a functional and
9 transparent electoral process for Illinoisans
10 who can believe in it.

11 This year the General Assembly
12 has an opportunity to deliver on that
13 responsibility. The state should undertake
14 an authentic community engagement process
15 before and after the map drawing to better
16 reflect how communities exist in real life.
17 That engagement should include special
18 attention to racial, ethnic and language
19 minorities as part of its equitable process
20 to center voices that have traditionally been
21 on the menu, rather than at the table. By
22 including a robust community engagement
23 component to redistricting, the General
24 Assembly can make sure communities like

1 Chinatown are more robustly represented.

2 The state needs community-based
3 criteria that can hold the bipartisan
4 Redistricting Committee accountable for
5 accurately defining communities. That means
6 to draw districts that are truly contiguous,
7 compact, coterminous, practical and
8 nondiscriminatory, which requires access to
9 updated data reviews in a very transparent
10 manner.

11 Every community deserves to
12 determine its own future and to identify how
13 they want their representation. Illinois
14 needs to be responsive to the needs of these
15 communities and to ensure that there is a
16 reason to show up at every election.
17 Illinois has a chance to be a model to
18 showcase the best of democracy starting at
19 the local community level.

20 Thank you for letting me speak
21 today.

22 VICE CHAIRMAN SIMS: Thank you, Miss
23 Liu, for your testimony. And again I will
24 remind you we will have that tool available

1 via our website. That will be publicly
2 facing so individuals who want to look at
3 their communities and looking at communities
4 of interest, they will have the opportunity
5 to do that. So what I would ask for you and
6 all of the witnesses to help us get the word
7 out about that tool and others. And as these
8 community hearings happen and take place,
9 please help us publicize those, so we want as
10 many people to participate as possible
11 because that's the way that we are going to
12 have the input that the communities deserve.
13 So thank you.

14 Questions from members of the
15 committee? Okay. Seeing none, thank you,
16 Miss Liu, for your testimony. Next, our next
17 witness is Madeleine Doubek with CHANGE
18 Illinois. Miss Doubek.

19 MS. DOUBEK: Thank you Chairman Sims and
20 Senate Redistricting Committee members for
21 providing me with the opportunity to testify
22 about the remapping process for Illinois
23 state and congressional districts. I do want
24 to correct the record if I may. At the

1 beginning of the hearing this afternoon,
2 Chairman Aquino said that Deborah Harrington
3 was affiliated with the Better Government
4 Association. She is actually co-chair of the
5 CHANGE Illinois board.

6 My name is Madeleine Doubek, and
7 I'm the executive director of CHANGE Illinois
8 and the CHANGE Illinois Action Fund. Both
9 are nonpartisan non-profits. CHANGE Illinois
10 is a coalition, and alongside our diverse
11 partners in more than 30 organizations, we
12 long have advocated for an independent and
13 transparent redistricting process that
14 results in equitable maps.

15 The fight for fair maps is not
16 new. In the 1980s, President Ronald Reagan
17 condemned the act of partisan gerrymandering,
18 and in the past decade, President Barack
19 Obama has continued to condemn partisan
20 gerrymandering from both parties doing so
21 from the Illinois House chamber in 2016. Yet
22 here we are on the eve of the redraw without
23 a single legislative move toward the ideals
24 of two former presidents from different

1 parties.

2 The U.S. House democratic
3 majority had approved H.R. 1, which in part
4 requires independent commissions to draw
5 congressional districts due to state -- I'm
6 sorry -- due to states' inaction in
7 combatting racial and partisan
8 gerrymandering. And here in Illinois, there
9 is more support from your constituents for
10 independent and transparent redistricting
11 processes than ever before.

12 A survey conducted by CHANGE
13 Illinois last year found that 75 percent of
14 Illinois voters support truly independent
15 redistricting. Shortly after being named
16 chair of the Illinois Democratic Party,
17 Congresswoman Robin Kelly affirmed that she
18 supported independent redistricting in a
19 media interview. She co-sponsored and voted
20 for H.R. 1. Governor J. B. Pritzker, while
21 campaigning, has said on multiple occasions
22 that he supports independent maps. And more
23 recently, he and his staff have said they
24 would veto partisan or gerrymandered maps.

1 The newly elected speaker of the
2 house, Emanuel Chris Welch, previously has
3 sponsored legislation supporting an
4 independent redistricting commission in 2016
5 and 2020.

6 With all this support for
7 independent and transparent redistricting,
8 it's time that we break from the old way of
9 drawing maps. Instead, we ask that maps be
10 drawn that truly are in the best interest of
11 people in communities across the state that
12 allow them to meaningfully participate in the
13 process. We ask for a process that results
14 in maps that empower people to elect
15 candidates of their choosing.

16 We've seen in Illinois and
17 across the nation how redistricting can be
18 weaponized against individuals, parties,
19 communities and people of color. We cannot
20 continue down that path. In order to meet
21 these challenges, CHANGE Illinois worked with
22 Senator Melinda Bush to introduce Senate Bill
23 2554, a plan that would ensure more equitable
24 maps than those of the past.

1 No matter who is drawing the
2 maps, there are a number of steps needed to
3 ensure we have a fair mapping process. Our
4 solution starts with robust public engagement
5 with a minimum of 35 public hearings across
6 the state and virtually to give people ample
7 opportunity to participate. People need more
8 than simply the opportunity to testify, as
9 several of my colleagues have said here
10 today. They need lawmakers to respond to
11 their testimony and map submissions so that
12 they can understand whether their feedback is
13 being used in map proposals considered by the
14 Illinois General Assembly.

15 Those organizing these hearings
16 also should make sure that language access is
17 not an impediment to people participating.
18 S.B. 2554 includes best practice fairness
19 standards for mapping that prioritize
20 compliance with the federal Voting Rights Act
21 and the Illinois Voting Rights Act to make
22 certain that communities of color have the
23 opportunity to elect their preferred
24 candidates. It also includes consideration

1 of communities of interest and geographic
2 boundaries that already exist.

3 And our solution calls for not
4 drawing maps for partisan purposes, but
5 instead prioritizes maximizing electoral
6 competition. Historically, remapping has
7 been used to shore up majority political
8 power, leaving voters without choices on
9 election day. In Illinois, our elections are
10 woefully uncompetitive. Last fall, nearly
11 half the General Assembly elections were
12 uncontested. Prior cycles were worse, and
13 redistricting contributes to this. Partisan
14 gerrymandering, quite simply, is a form of
15 voter suppression.

16 We ask this committee to again
17 establish a website that makes public all
18 information used in the remapping process,
19 including testimony, map submissions by the
20 public, proposals being drafted by the
21 committee, and all other documents and
22 communications relevant to its work. A
23 compliance report must be issued with any map
24 proposal describing how the plan meets the

1 requirements in the federal Voting Rights Act
2 and responds to proposed -- to testimony and
3 maps submitted by the public. And there must
4 be a period, as many have said, between the
5 introduction of a final proposed map and
6 votes by the chambers to ensure that
7 additional public hearings are held and the
8 public has the time to understand and respond
9 to the proposed maps.

10 We also ask that you consider
11 fixing the implementation date of the
12 recently enacted No Representation Without
13 Population Act, a law that will end prison
14 gerrymandering. We should not deprive those
15 who are incarcerated of their representation
16 for another entire decade when we can make
17 the law effective now. After the bill was
18 signed into law, the Department of
19 Corrections said they have much of the
20 information that is required, so why would we
21 withhold representation for those who are
22 incarcerated for another ten years?

23 The need for remapping
24 transparency and accountability is

1 underscored by the challenges from the Census
2 Bureau's delay. It's been suggested by the
3 National Conference of State Legislatures
4 that lawmakers or map drawing commissions in
5 other states could use different data for map
6 drawing and fix the maps after the new census
7 data becomes available. The non-legacy
8 census data needed for legislative
9 redistricting will not be available until
10 September 30, 2021. Officials have said on
11 multiple occasions that they would not
12 release the data in batches to prioritize
13 states such as Illinois with stricter
14 constitutional deadlines. Yet we already
15 have two public hearings scheduled by senate
16 redistricting committees, and there's been
17 little indication as to what data the General
18 Assembly will be using or whether it plans to
19 attempt to delay the remap for the most
20 current data.

21 How can we expect people to
22 participate in the redistricting process when
23 these critical details haven't been made
24 available? Should people in the northern

1 Illinois region be prepared to present
2 testimony on what the districts in their
3 areas should look like by tomorrow's hearing?
4 Should they have their community-of-interest
5 map proposals ready for the subcommittee, or
6 is the hearing simply to talk about how the
7 committee will conduct itself over the next
8 few months?

9 Will the northern Illinois
10 subcommittee follow the same process as the
11 southern Illinois subcommittee, or will each
12 committee be free to conduct itself
13 differently without any uniform rules?
14 None of the answers to these questions has
15 been made clear, making it even more
16 difficult for people to participate in the
17 redrawing of their districts in a meaningful
18 way. It is imperative that more information
19 be provided about how these hearings will be
20 conducted, what will be discussed and that
21 greater notice is given to the public so
22 people know how to participate. It's
23 critical that lawmakers begin engaging the
24 public in the process, but at this point it

1 isn't even clear what these committees, based
2 on vague regions, are responsible for
3 overseeing. Some committees are based on
4 counties, others on vague parts of counties
5 or altogether vague regions.

6 Given that this committee is
7 charged with drawing maps we would ask that
8 you at least provide the public with a map of
9 these regions so they know which hearings are
10 relevant to them. You have a responsibility
11 to make it abundantly clear to the public
12 they can participate. Our recommendation
13 would be for subcommittees to postpone
14 meetings until general guidelines and uniform
15 rules can be established to ensure members of
16 the public have ample time to participate and
17 to incorporate more transparency and
18 accountability into this process.

19 Illinois's districts belong to
20 the people. And they have made clear they
21 expect an independent and transparent process
22 that values the principle of one person, one
23 vote. We urge you to meet their clear
24 expectations.

1 Thank you for providing me with
2 the opportunity to testify. I'm happy to try
3 to answer any questions committee members
4 might have.

5 VICE CHAIRMAN SIMS: Thank you. Aquino
6 back in the chair.

7 CHAIRMAN AQUINO: Thank you. Any
8 questions, Minority Spokesperson Barickman?

9 SPOKESPERSON BARICKMAN: Sure. Thank
10 you, Mr. Chairman.

11 I wonder, I guess to start,
12 there is a number of questions that were
13 posed by the witness. Will those questions
14 be answered? The witness, you know, asked
15 the fundamental question, what data is being
16 used? Is there an answer to that question?
17 Or what's the intent of what data will be
18 used? Do we know?

19 CHAIRMAN AQUINO: The purpose of these
20 hearings is to get the information so that we
21 do have the best data available to come up
22 with a map by our June 30th deadline.

23 SPOKESPERSON BARICKMAN: And again, now
24 I'm asking the questions the witness asked.

1 If the purpose of the hearings is
2 transparency, if the public doesn't know what
3 data is being used, how is that a transparent
4 process?

5 CHAIRMAN AQUINO: The data that will be
6 used, it's what we have best available before
7 the June 30th deadline that we have of having
8 a map. And so that is the purpose of having
9 these hearings and why we are going
10 throughout the state is to talk to those
11 communities of interest that know their
12 districts, that know their communities. They
13 wouldn't be a community of interest if they
14 don't know their communities.

15 And so that's why we are going,
16 you know, later this week to DuPage, to
17 Northern Illinois and then next week to
18 Peoria and other places. We have 15
19 subcommittees that are geographically
20 representative of the entire state so that we
21 can listen to those communities of interest
22 to develop these maps with the best data that
23 we have in front of us before the June 30th
24 deadline.

1 SPOKESPERSON BARICKMAN: Okay. Let me
2 ask it this way. For the public, for whom
3 there has been testimony that you are going
4 to have a website and you are going to ask
5 the public to submit maps, what data do you
6 tell the public to use in drafting those
7 maps? They need to know, don't they? I
8 mean, this is a fundamental question. We are
9 going to have hearings. We are going to ask
10 you to submit maps. But you, the public,
11 what data should they use? It's not a
12 difficult question.

13 CHAIRMAN AQUINO: The portal isn't set
14 up today. That's why we are having these
15 hearings, to set up -- to figure out what
16 data points we are going to be using for that
17 portal that will be made public where every
18 one in the state of Illinois can design a map
19 and submit it to for consideration.

20 SPOKESPERSON BARICKMAN: When's the
21 portal -- the witness posed terrific
22 questions that my constituents are asking,
23 and I think the public deserves an answer.
24 There is, apparently, an effort to establish

1 meetings around the state in various regions
2 where the public is told show up, submit maps
3 to a portal that doesn't exist, rely on data
4 that we won't tell you what to use. And so I
5 think the public deserves some clarity on
6 what the purpose of all these public hearings
7 is.

8 CHAIRMAN AQUINO: Today is March 17th.
9 We are starting early so that we can --
10 sorry. If people that are not speaking can
11 mute their -- thank you. We are starting
12 early to have these hearings so that we can
13 have public input, a thorough process in this
14 so that we can meet the June 30th deadline of
15 getting a fair map that is representative of
16 the state of Illinois. So that's why we are
17 having these hearings today. That's why we
18 are going to have these subcommittee hearings
19 that are reflective of the geographical
20 differences of this entire state. And we are
21 going to have multiple hearings from now
22 until June 30th to establish that.

23 SPOKESPERSON BARICKMAN: Look. I think
24 it's a really simple question. You are

1 continually pointing, Mr. Chairman, to the
2 June 30th date. The president of the Senate
3 it was all over the media yesterday saying
4 that there is an intent to produce a map by
5 June 30th. There's been testimony today
6 repeatedly saying we are going to have
7 hearings, and we expect the public to submit
8 maps so that they can be considered and so
9 that communities of interest can have input.

10 My question: What data should
11 the public and what data do you intend to
12 use?

13 CHAIRMAN AQUINO: That is the purpose of
14 these subcommittees, and that's why today --
15 I'm sorry. Could you mute? Thank you. As a
16 purpose of these hearings, and so we are
17 having that discussion to determine what data
18 we will be using for the June 30th deadline.
19 Your interpretation of our Constitution is a
20 little different of how we interpret it in
21 the sense that we -- it is pretty lined out
22 that we as a General Assembly have to do our
23 due diligence and our work, despite delays
24 from the Census Bureau data, that we should

1 be acting and getting a map by June 30th.
2 That is our duty. That is what we are going
3 to do, and that is the purpose of having
4 these hearings. We will be determining that
5 information of the data and those things
6 throughout these committees.

7 SPOKESPERSON BARICKMAN: I have a
8 question for the witness. But, to be clear,
9 on the Constitution there is no such mandate.
10 There is no mandate that the legislature
11 produce a map by June 30th. The plain
12 language of the Constitution, I've got it
13 right here. The folks online can pull it up.
14 If no redistricting plan becomes effective by
15 June 30th of that year, a legislative
16 redistricting commission shall be constituted
17 not later than July 10.

18 That's not a mandate for us,
19 sir, to produce a map. That means that in
20 the event the legislature doesn't produce a
21 map, there is another process afforded very
22 clearly in our Constitution for a process.
23 Some people like it; some people don't. But
24 the point is, I don't think there is any

1 dispute about whether there is a mandate
2 here. Let me ask a question.

3 SENATOR CASTRO: Senator Barickman, I
4 need to correct the record because I'm
5 actually looking at the statute. In the year
6 following each federal decennial census, the
7 General Assembly by law shall redistrict the
8 legislative district and their representative
9 districts. So it is our constitutional duty.
10 And it says, also, it talks about the
11 commission.

12 So I need to correct some things
13 that you have stated. "If no redistricting
14 plan becomes effective by June 30th of that
15 year, a legislative redistricting commission
16 shall be constituted no later than July 10th.
17 The commission shall consist of eight
18 members, no more than four of whom shall be
19 members of the same political party. The
20 speaker and minority leader of the House of
21 Representatives shall appoint to the
22 commission one representative and one person
23 who is not a member of the General Assembly.
24 The president and minority leader of the

1 Senate shall each appoint to the commission
2 one Senator and one person who is not a
3 member of the General Assembly. The member
4 shall be certified to the Secretary of State
5 by appointing -- by the appointing authority.
6 A vacancy of the commission shall be filed
7 within five days by the authority that made
8 the original appointment. A chairman and
9 vice chairman shall be chosen by majority of
10 all members of the commission, total of
11 eight, no later than August 10th. The
12 commission shall file with the Secretary of
13 State a redistricting plan approved by at
14 least five members. If the commission fails
15 to file an approved redistricting plan, the
16 Supreme Court shall submit the names of two
17 persons not of the same political party to
18 the Secretary of State no later than
19 September 1st. No later than September 5th,
20 the Secretary of State publicly shall draw by
21 random selection the name of one of the two
22 persons to serve as the ninth member of the
23 commission. An approved redistricting plan
24 will be filed by the Secretary of State shall

1 be presumed valid, shall have the force and
2 effect of law and shall be published promptly
3 by the Secretary of State."

4 That seems pretty clear,
5 Senator. So you want to take a very public
6 process and give it in the hands of eight
7 people; and then we those eight people can't
8 decide, let it get drawn by the name of a
9 hat. Tell me how that is a fair and
10 independent process.

11 So let's talk facts, and let's
12 talk about what's in the statute because I
13 read the statute right here. Thank you.

14 SPOKESPERSON BARICKMAN: Sure. We just
15 had an, I suppose for the record, the
16 verbatim of what's in the Constitution, the
17 point being that there is a process in place.
18 Look, I didn't create it. The delegates to
19 the Illinois Constitution -- somebody needs
20 to mute -- put this in place. I'm simply,
21 again, stating that it's a false choice that
22 if the legislature does not act that
23 something terrible will occur here, when in
24 reality, there is a process in place to

1 account for that very clearly. Some like it;
2 some don't.

3 I do have a question for the
4 witness. I think we are still -- is our
5 witness still with us?

6 MS. DOUBEK: Yes.

7 CHAIRMAN AQUINO: Ask your question.

8 SPOKESMAN BARICKMAN: Hi, Miss Doubek.
9 Thanks for being with us, and thanks for the
10 work that your organization does. Even
11 recently, I have had some great conversations
12 with one of your board members who happens to
13 be one of my constituents, Mr. McMillan. I
14 know you as an organization have put
15 countless hours of your life into, you know,
16 enacting fundamental change in how the
17 legislature acts on this important issue.

18 I want to convey to you that I
19 hear you. I heard your testimony. You
20 repeatedly referenced the desire for an
21 independent commission redistricting process
22 to be put in place. I believe that that may
23 be done by statute, that being what your
24 organization championed last year or over the

1 last few years as being done through
2 constitutional amendment. So I believe that
3 that which you championed may be done by
4 statute. And I wonder if that's true that we
5 can do that and create an independent
6 commission by statute, whether your
7 organization would then support that.

8 MS. DOUBEK: We support the will of the
9 people of the State of Illinois.
10 Seventy-five percent of Illinois voters have
11 said they want to see politics taken out of
12 this process. I would say that politics is
13 involved in this process now, and it would be
14 involved if there were political appointees
15 to a backup commission.

16 So yes, in an ideal world, we
17 would wish for an independent commission that
18 is nonpartisan in nature and that boosts
19 electoral competition so that we all have
20 choices when we go to the ballot box amongst
21 multiple Democrats and multiple Republicans
22 and any third-party candidates who wish to
23 run. But if that is not possible in this
24 current year in this current situation, it's

1 absolutely essential that people understand
2 what the Northern Illinois Region is, what
3 the Southern Illinois Region is, what data is
4 going to be used, and that especially, as
5 many of my fellow advocates have said here
6 today, enough time is given once maps are
7 proposed to understand and respond to them
8 before they are voted on.

9 SPOKESPERSON BARICKMAN: I don't know if
10 you are aware, but my understanding is that
11 other states have enacted independent
12 commissions by statute. I believe New York's
13 done that. Again, you know, these are things
14 that lead me to believe that this may be done
15 in Illinois. You and your organization
16 organized hundreds of thousands of people,
17 you know, that circulated these petitions and
18 asked to do this by constitutional amendment.
19 Again, I just want to be clear, if we are
20 able to -- if we are able to do that by
21 statute, which I believe we can, but if we
22 are able to do it by statute, will your
23 organization support that effort?

24 MS. DOUBEK: We have long championed an

1 independent process and an independent
2 commission, and so that is certainly what we
3 ultimately hope to achieve because it's what
4 the people of Illinois want. Whether that is
5 possible in the tight timeframe we have in
6 front of us at this moment, I do not know.
7 And so what I would ask is that, however this
8 process goes, that communities of interest
9 truly be given a meaningful chance to
10 participate and to understand what's been
11 proposed and have plenty of time to react to
12 it before votes are taken.

13 SPOKESPERSON BARICKMAN: Thank you.
14 Appreciate that. What is your suggestion --
15 you suggested that there be a postponement of
16 the committees until there was more
17 transparency. Can you provide for me, you
18 know, some specifics on what you are looking
19 for there, what kind of a postponement
20 specifically and what guidelines are you --
21 maybe you touched and said that in your
22 opening statement. But what kind of, you
23 know, postponement do you believe is in
24 order?

1 MS. DOUBEK: Well, I think it would be
2 terrific if the portal was up and operating
3 that has been mentioned here several times
4 today. I think people need a better
5 understanding of what these different regions
6 and subcommittees are about and what their
7 responsibilities are. And there needs to be
8 more time given for people to be able to know
9 that these hearings are going to happen and
10 to prepare for them.

11 You know, as some of my
12 colleagues pointed out, there were only a
13 handful of us who pay attention who knew that
14 this hearing was happening this evening and
15 had a chance to jump in and participate. We
16 need to ensure that people in every corner of
17 this great diverse state of ours have a
18 chance to participate and provide their input
19 and have it responded to.

20 SPOKESPERSON BARICKMAN: Do you need to
21 know what data should be relied on for
22 members to submit maps through the portal?

23 MS. DOUBEK: Well, it certainly would
24 be better and helpful if members of the

1 public wanted to try their hand at drawing
2 and mapping their own community of interest
3 to be able to use the data that lawmakers
4 intend to use.

5 SPOKESPERSON BARICKMAN: Okay. Thanks
6 for your testimony. Appreciate it. Thank
7 you, Mr. Chairman.

8 CHAIRMAN AQUINO: Thanks, Chairman Sims.

9 VICE CHAIRMAN SIMS: Thank you,
10 Mr. Chairman. I've got a couple questions,
11 and a couple are process for you.
12 Mr. Chairman, how many committee hearings are
13 scheduled to date?

14 CHAIRMAN AQUINO: I'm sorry. I'm on
15 mute here. But four. Including today is
16 four. So after today, there are three, one
17 happening tomorrow -- my apologies; I don't
18 have mine -- one happening tomorrow,
19 Thursday, with the DuPage County, Friday the
20 Northern Illinois and Monday in person in
21 Peoria, but all three would be via Zoom.

22 VICE CHAIRMAN SIMS: Thank you,
23 Mr. Chairman. You answered part of my next
24 question. The meetings would be virtual, so

1 these meetings will happen to be on Zoom,
2 correct?

3 CHAIRMAN AQUINO: That is correct. On
4 Monday, however, in Peoria, there is going to
5 be the ability to be in person, as well, in
6 addition to Zoom.

7 VICE CHAIRMAN SIMS: Thank you,
8 Mr. Chairman. And then also, this is the
9 floor of the meetings that have been
10 outlined. This is the floor and not the
11 ceiling, so that's not a maximum; this is
12 just the beginning of those hearings,
13 correct?

14 CHAIRMAN AQUINO: That is correct.

15 VICE CHAIRMAN SIMS: So this would allow
16 for communities to continue to have these
17 discussions on an ongoing basis to identify
18 and to outline the issues of concern in their
19 communities, is that correct?

20 CHAIRMAN AQUINO: That is correct.

21 VICE CHAIRMAN SIMS: So these hearings,
22 we are not going to these hearings to
23 present. We are going to these hearings to
24 listen, is that correct?

1 CHAIRMAN AQUINO: That's correct.

2 VICE CHAIRMAN SIMS: So what I would
3 like to make sure -- and I respect the work
4 of Madeleine tremendously. She and I have
5 worked together on a number of issues,
6 including the end of present gerrymandering.
7 That is an issue that is near and dear to my
8 heart on a number of these fronts. I think
9 the import of the takeaway from your answers
10 to the questions I laid out is that while
11 these hearings are a beginning of the
12 process, not the end. It is us being able to
13 hear from communities, the start of this
14 process. We are starting -- again, this is
15 March 17th -- and we are starting earlier
16 than we have started in the past to give more
17 input and the ability for more input; is that
18 correct, Mr. Chairman?

19 CHAIRMAN AQUINO: That is correct.

20 VICE CHAIRMAN SIMS: Okay. Thank you.
21 I don't think I need to go back through the
22 discussion of the constitutional mandate. I
23 thought Senator Castro laid out the mandates
24 and the text of the Constitution

1 appropriately, so I don't think I need to go
2 into that. But I think what is important for
3 us to note, Mr. Chairman, is, and for the
4 public, this is a process where we are trying
5 to lay out for the public the ability to
6 participate. This is the beginning of that
7 process, not the end. So for everyone to be
8 engaged, we want them to stay engaged. We
9 want them to have the ability to have their
10 say, and that's what this process is all
11 about.

12 So thank you so much, and I
13 appreciate the testimony here today. I
14 appreciate the opportunity to ask those
15 questions. Thank you, Mr. Chairman.

16 CHAIRMAN AQUINO: Thank you. And with
17 no further questions for Miss Doubek, I
18 appreciate her testimony. And we will be
19 moving on to our final testimony, it being
20 provided by Jay Young from Common Cause.

21 MR. YOUNG: Thank you, Chairman Aquino.
22 Good evening everyone, Chair, Vice Chair
23 Sims, and other members of this committee.
24 Thanks for the opportunity to testify here

1 today.

2 My name is Jay Young, and I'm
3 the executive director of Common Cause
4 Illinois. And Common Cause is a national
5 nonpartisan watchdog, got about a million and
6 a half members around the country with
7 operations on the ground in all -- in 30
8 states, but members and boards on the ground
9 in all 50, including 35,000 members and
10 reformers here in Illinois.

11 We have been actively involved
12 in redistricting on multiple levels around
13 the country, and that includes educating
14 people on what the redistricting process is,
15 how communities can participate and the need
16 for transparency and inclusiveness. We
17 advocate for those things where they're
18 possible. We sue when they are not.

19 As has been stated many times
20 over today, this is a redistricting year like
21 no other. And we are well aware that the
22 clear language of our Constitution and the
23 upcoming March 22 primaries place Illinois in
24 a bind that's faced by no other state in the

1 nation. However, while I understand and
2 appreciate the urgency the General Assembly
3 feels to find a solution to this problem,
4 we'd strongly urge this body to consider why
5 we are here in the first place. The Covid-19
6 pandemic, natural disasters, and frankly the
7 naked attempts by the Trump administration to
8 undercut the census for political ends have
9 resulted in extraordinary delays in the
10 gathering, analysis and dissemination of the
11 data files that you need to begin the remap
12 process.

13 When Common Cause first learned
14 about the adjusted timeline for the Census
15 Bureau to release this data, we understood
16 that the extra time was not only to adjust
17 for the extended enumeration period that we
18 had fought for across this country and here
19 in Illinois, but also to take the time to get
20 the data right, particularly given all the
21 disruptions that people had to face because
22 of COVID in the summer of storms and fires.

23 It's our strong recommendation,
24 therefore, that the General Assembly not

1 produce any congressional and state district
2 lines before the U.S. Census Bureau releases
3 the redistricting files to the states. Now
4 we've heard today just two days ago that it
5 seems like there is an accelerated timeline
6 on that, but I think I share Miss Underhill's
7 skepticism. I've spent the last three years
8 living and breathing the census, including
9 chairing the state policy table and advising
10 Secretary Ho's census office on a number of
11 these things, and we've seen deadlines come
12 and go. While I welcome the updated
13 timeline, I'm taking it with a giant grain of
14 salt.

15 So again, our, Common Cause's,
16 recommendation is to not draw any lines until
17 the redistricting data has been released.
18 Now that doesn't mean we shouldn't do
19 anything. We see the September 30th release
20 date as an opportunity, an opportunity to
21 hold extensive hearings before the census
22 data is released, to take public testimony
23 about where these communities of interest lie
24 that we have talked about today. It's an

1 opportunity to leverage the state's army of
2 trusted messengers that can engage in the
3 communities where we saw low self-response
4 rates, particularly in the south and west
5 sides of Chicago. It's an opportunity for
6 this assembly to honor its multi-year
7 investment in census outreach to our most
8 vulnerable communities.

9 Now I was really happy to listen
10 and learn from our friends at NCSL today, and
11 we heard about the range of options that are
12 available to the states in this moment. Our
13 stance at Common Cause is clear. Whatever
14 course this body charts, a final map must be
15 a fair map. That means that any map must
16 accurately reflect our state today,
17 especially in those communities of color and
18 those groups which have traditionally been
19 deprived of their full and equal
20 representation at all levels of government.

21 I was pleased yesterday to read
22 President Harmon's op ed in the Sun-Times
23 where he offered a megaphone to those folks
24 that have been silenced; but for a fair map

1 to be inclusive, you got to give folks a real
2 and informed opportunity to participate.
3 Zoom calls have their place. But for those
4 of us that ran GOTC operations, GOTV
5 operations, those of us that organized around
6 fair tax, George Floyd, you name it, we know
7 that this process will take trusted
8 messengers, and it can't be rushed.

9 A fair map must accurately
10 reflect our communities to the greatest
11 extent possible. The map must guarantee
12 equal populations across electoral districts.
13 It must satisfy the Voting Rights Act. You
14 can't meet either of those baselines through
15 guesswork.

16 The American Community Survey
17 and other instruments, they are excellent. I
18 used a lot of the population estimates in the
19 more than 60 census presentations that I did
20 over the last two and a half years, say. But
21 they rely on sampling techniques, and they
22 only provide data at the block group level.
23 The decennial census, however, takes a
24 snapshot of every person living in our state.

1 It's got protocols for following up if folks
2 don't answer the door or didn't fill out
3 their forms. It imputes residency and the
4 like. But most importantly, it provides that
5 granular block-level data that's needed to
6 protect the rights of our people.

7 Finally for this process to
8 truly be fair, the General Assembly must
9 consider moving the March 22 primary, as well
10 as the November 21 petition dates, to allow
11 times for maps that are based on the actual
12 census data to be drafted and vetted. That
13 recommendation I don't make lightly. And I
14 would urge this body to use the intervening
15 months to undertake a race equity analysis to
16 determine the implications of moving these
17 dates.

18 To be perfectly honest with all
19 of you, I am in this business to protect
20 communities, communities first. Now these
21 recommendations and adjusted timelines that I
22 have proposed today are likely going to
23 necessitate the involvement of the courts.
24 We stand ready to work with the General

1 Assembly to adjust the timelines to
2 accommodate the Census Bureau's work. As we
3 did last summer, where we joined with the
4 League of Women Voters and Governor
5 Schwarzenegger to support the legislature in
6 what was a friendly lawsuit to change their
7 constitutional deadlines, we are currently
8 doing that right now in Oregon.

9 My closing message today is a
10 simple one. The census data is worth the
11 wait. I thank you for the opportunity to
12 appear today, and I'm glad to be the last
13 person in a long hearing, but I look forward
14 to answering any questions that you might
15 have.

16 CHAIRMAN AQUINO: Thank you to you,
17 Mr. Jay Young, and to Common Cause. Is there
18 any discussion?

19 Seeing none, ladies and
20 gentlemen as a reminder, the Senate
21 subcommittees have the following upcoming
22 hearings: Thursday, March 18, DuPage County
23 via Zoom; Friday, March 19, Northern Illinois
24 via Zoom -- both of those are at 3:00 p.m.

1 -- and Monday, March 22, in Peoria at the
2 Peoria Civic Center at 5:00 p.m. All the
3 information for those can be found on the
4 ILGA.com website. Excuse me. And if there
5 is no further business to come before the
6 committee, this meeting of the Senate
7 Redistricting Committee stands adjourned.

8 (Proceedings were adjourned
9 at 5:58 p.m.)

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1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:
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5

6 I, Cathleen M. Baker, CSR,
7 Certified Shorthand Reporter, and a notary
8 public in and for the County of Cook and
9 State of Illinois, do hereby certify that the
10 testimony given in the proceedings before THE
11 STATE OF ILLINOIS SENATE REDISTRICTING
12 COMMITTEE, on March 17, 2021, was recorded
13 stenographically by me and transcribed by me.

14 I FURTHER CERTIFY that the
15 foregoing transcript of said proceedings is a
16 true, correct, and complete transcript of the
17 proceedings held at the time and place
18 specified.

19 I FURTHER CERTIFY that I am not
20 a relative or employee or attorney or
21 employee of such attorney or counsel, or
22 financially interested directly or indirectly
23 in this action.

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IN WITNESS WHEREOF, I have set

my hand.



Cathleen M. Baker
Certified Shorthand Reporter
Certificate No. 84-002130

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102 6:5 8:8	2 24:2,9,14 26:4 77:20	230 42:24	45-day 52:8	ability 86:1 105:21 137:5 138:17 139:5, 9
10th 128:16 129:11	20 50:8	250,000 75:23	<hr/> 5 <hr/>	absolutely 39:10 46:14 52:8 67:12 71:3 133:1
12 45:8 68:19, 21	2000 35:14 109:9	2554 115:23 116:18	5 22:4 23:1,3, 5,8,12 91:7	absorb 71:12
12th 15:22	2000s 16:21	282 64:6	50 22:22 30:13 101:4 105:1 140:9	abundantly 121:11
13 60:24 75:23 89:22	2002 57:5	29 27:15	50-state 14:7 39:14 41:9	accelerated 142:5
14 60:23	2005 91:21	<hr/> 3 <hr/>	59 45:10	access 111:8 116:16
15 6:6 101:18 123:18	2009 91:21	3 27:21	5:00 147:2	accommodate 146:2
15th 41:24	2010 35:14 57:17 68:21 91:22	3,000 93:3	5:58 147:9	accordance 63:5
16 97:8	2011 91:18 94:11 104:1 107:1	30 27:19 113:11 119:10 140:7	5th 59:12 67:4 129:19	account 103:4 131:1
17 41:15 98:22	2013 22:19	30,000 93:8	<hr/> 6 <hr/>	accountability 110:5 118:24 121:18
17.5 101:17	2015 57:2,8 83:2	30th 8:3 42:7 48:8,11 58:20 66:22 67:1,8 87:8 122:22 123:7,23 125:14,22 126:2,5,18 127:1,11,15 128:14 142:19	60 37:16,17,18 144:19	accountable 111:4
177 8:9	2016 57:2 113:21 115:4	31st 48:7 50:2	600 93:3	accounted 56:23
17th 125:8 138:15	2017 57:9	33 92:24	64 61:1	
18 41:15 146:22	2018 26:20	35 116:5	65 61:3	
1850 99:23	2019 19:7 57:2,8 83:2		65,000 56:19	
19 146:23	2020 41:1 44:15 49:12 57:3,5,16 64:2 83:15		<hr/> 7 <hr/>	
1920s 43:7,12			75 114:13	
1929 100:1				
1960 43:15,17				
1960s 20:12				
1965 22:17				

<p>accuracy 9:23 10:15 55:22 60:10 62:9 77:17 78:2 82:7,23 90:21</p> <p>accurate 74:4 90:23 91:23 92:1 93:9</p> <p>accurately 111:5 143:16 144:9</p> <p>achieve 19:3 107:7 134:3</p> <p>acre 93:8</p> <p>ACS 56:24 73:23 74:3,9 75:16 76:8,19 81:3 83:2 86:19 91:13 94:6,11 95:3</p> <p>ACS's 94:15</p> <p>act 10:5 17:2, 9,22 18:1 22:2,17 24:2, 14 25:18 26:2 77:21 78:10, 19 79:13,20 98:15 100:2 101:14 104:1 105:16 113:17 116:20,21 118:1,13 130:22 144:13</p> <p>acting 127:1</p> <p>action 24:6 27:16 113:8</p> <p>actively 140:11</p>	<p>acts 15:5 131:17</p> <p>actual 41:3 44:21 59:3 81:9 90:24 145:11</p> <p>add 63:9 75:5 85:7 98:2,6 99:15</p> <p>adding 61:4</p> <p>addition 88:14 137:6</p> <p>additional 98:12 118:7</p> <p>additions 98:3</p> <p>address 9:6, 22 10:2,24 45:2 66:18</p> <p>addressed 7:24 13:5 15:16 69:15</p> <p>addresses 47:16</p> <p>adds 51:5</p> <p>adhere 10:7</p> <p>adjourned 147:7,8</p> <p>adjust 99:10 141:16 146:1</p> <p>adjusted 141:14 145:21</p> <p>adjustments 99:5,14</p> <p>administratio n 50:6 141:7</p> <p>administrative 46:7 50:15 63:6</p> <p>adopted 63:4</p>	<p>advance 80:12 102:8 105:1</p> <p>advanced 89:23</p> <p>advice 14:5</p> <p>advise 79:10</p> <p>advising 142:9</p> <p>advisory 77:5</p> <p>advocacy 79:23 101:7</p> <p>advocate 107:2 140:17</p> <p>advocated 113:12</p> <p>advocates 133:5</p> <p>affects 76:6</p> <p>affiliated 113:3</p> <p>affirmed 114:17</p> <p>afforded 86:6 88:4 127:21</p> <p>afternoon 5:11 113:1</p> <p>afterwords 52:14</p> <p>age 101:20</p> <p>aggregated 37:4</p> <p>agree 73:2</p> <p>ahead 12:18 13:14 39:21 53:19 55:9 56:12 63:18</p> <p>aim 105:6</p> <p>aimed 107:7</p> <p>aiming 73:10</p>	<p>air 73:21</p> <p>aisle 9:8 10:7 11:2 86:18</p> <p>Alabama 63:1 72:13,22 80:17</p> <p>Alaska 34:3</p> <p>alderman 109:22</p> <p>algorithm 35:9 73:8</p> <p>Alison 11:20</p> <p>alleviate 69:24</p> <p>allotment 53:1</p> <p>allowed 5:3 21:12 89:3</p> <p>allowing 6:3</p> <p>alongside 107:2 113:10</p> <p>alter 54:14</p> <p>altered 54:19</p> <p>alternative 55:21,23 56:1 79:19 82:18</p> <p>altogether 121:5</p> <p>amendment 18:18 19:5 20:3,4 132:2 133:18</p> <p>American 56:24 92:22 100:18 101:2 107:6 109:11 144:16</p> <p>Ami 104:13, 16,18,20</p>	<p>amount 46:17</p> <p>amounts 52:2</p> <p>ample 116:6 121:16</p> <p>analyses 91:9</p> <p>analysis 24:24 26:11 75:5 97:1 141:10 145:15</p> <p>animus 24:17</p> <p>annexed 30:21</p> <p>announced 65:6</p> <p>anonymity 94:8 95:3</p> <p>answering 94:15 146:14</p> <p>answers 120:14 138:9</p> <p>anticipated 9:11 38:1 69:18</p> <p>anxious 56:11</p> <p>anymore 94:12</p> <p>apologies 136:17</p> <p>apologize 38:19 57:4 90:14</p> <p>apparently 124:24</p> <p>appendices 64:7</p> <p>apples 75:9</p> <p>applications 33:2</p> <p>applied 33:8 61:23</p>
---	---	--	---	--

applies 23:6 24:2,12,19 29:5	92:14 95:12 97:11 99:17 100:7,14 103:15	23 129:3 141:2,24 143:6 145:8 146:1	averaging 75:3	8 67:20 69:13 71:16 73:20
apply 22:2 23:21 33:18 95:9	108:18 113:2 122:5,7,19 123:5 124:13 125:8 126:13	asserted 21:4, 19	avoid 107:10	75:10 77:8,15 80:23 83:21 85:7,22 86:16,23 87:17 88:2,23 89:12 103:20, 21 104:5,8 122:8,9,23 124:1,20 125:23 127:7 128:3 130:14 131:8 133:9 134:13 135:20 136:5
applying 59:4	131:7 136:8, 14 137:3,14, 20 138:1,19 139:16,21 146:16	asset 7:3	avoidance 59:19,20 72:24 73:7 83:9	
appoint 128:21 129:1		Association 113:4	aware 28:14 30:7 86:7 90:19 91:4 133:10 140:21	
appointed 87:15		attempt 119:19		
appointees 132:14		attempting 34:16		
appointing 87:23 129:5	Arab 107:6	attempts 102:23 141:7	<hr/> B <hr/>	
appointment 129:8	area 20:16 30:17 31:7,9	attention 28:7 50:4 53:5 92:2,9 94:19 109:15 110:18 135:13	back 11:11 45:5 47:20 61:7 65:15 68:5 71:9 82:2 83:8 85:1 86:19 90:4,16 91:8, 12 94:11 95:1 99:23 100:5 104:6 107:1 122:6 138:21	based 22:8 42:15 47:13 49:15 57:19 75:22 91:20 121:1,3 145:11
apportionmen t 40:3,13 48:5 49:24 100:2	areas 62:1 102:16 103:12 120:3	attorney 62:21 77:3 101:2 107:12	backup 54:24 55:4 67:13 132:15	baseline 12:7
approach 57:13 60:9	argued 18:19, 24 32:17 82:22	August 48:16, 21,23 49:16 58:20 59:14 63:17,20 64:1 69:19 71:13 129:11	balance 62:8	baselines 144:14
appropriately 139:1	Arizona 35:3	August/ september 49:7	ballot 132:20	basis 43:14 57:1 137:17
approved 114:3 129:13, 15,23	Arizona's 35:4	authentic 110:14	ballots 52:9 105:8	batches 119:12
approximate 82:23	army 143:1	authority 28:2 68:9 129:5,7	bar 9:13	begin 7:8 8:17 39:8 71:11,13 120:23 141:11
approximately 96:12	arrives 50:23 55:12,16	authorizing 26:1	Barack 113:18	beginning 5:14 7:17 113:1 137:12 138:11 139:6
April 48:8,10 82:14	Article 27:21	average 57:7 74:19	bare 7:22	begs 71:18
Aquino 7:13 8:14,18 11:12 12:20 38:2,6, 14 39:4,11 64:15 66:6 86:11,21 87:12,19 88:7 89:10 90:11	articles 74:3		Barickman 5:8 8:23 9:1 11:13 38:10, 23 39:3 66:7,	behalf 11:19, 20 44:1 103:12
	Asian 107:6 109:10			
	assemble 68:1			
	assembly 8:10 10:18 88:8 89:6,19 110:11,24 116:14 117:11 119:18 126:22 128:7,			

behavior 68:22	16:24 105:14, 18 107:5	breakable 60:3	93:13 94:19 95:18 97:22	116:24 132:22
belong 121:19	block 25:18	breaking 34:22 48:12, 13	126:24 141:15 142:2	careful 93:17
Ben 12:10,22 39:13,19 41:7 50:19 58:9 64:11,15 65:2 66:9 74:13,16 77:11,12 83:24 90:8 93:13 95:22 96:16 99:16	47:14 57:24 93:1,2,5,7,18, 21 144:22	breathe 59:16 71:5	Bureau's 82:12 119:2 146:2	cares 107:17
Ben's 85:17 93:19	block-level 145:5	breathing 142:8	Bush 115:22	Carolina 15:20,22,24 27:5 28:5 33:10 84:18
beneficial 76:22	blocks 93:7	bridge 31:16, 20	business 52:24 53:1,5 145:19 147:5	carrier 46:9
benefit 75:13	Blue 8:19	briefly 104:23	<hr/> C <hr/>	case 15:19 16:24 18:3,5, 24 19:8,16 20:1 22:19 25:1 48:22 55:19 63:1 75:15 84:13, 21 95:7 98:17
BGA 11:20	board 113:5 131:12	bring 24:7,15 25:4 27:15 28:7 41:10 59:6 66:15 67:7	calculation 37:5	cases 16:14 17:16 19:9 20:12 26:15, 17 28:5,6 79:13 85:3,18
big 27:4	boards 32:7,8 140:8	bringing 17:1	California 34:6,10 40:18 54:8	cast 105:8
biggest 49:1	body 67:24 141:4 143:14 145:14	brings 55:23	call 33:10 35:23 45:7 49:4 65:8 76:15 99:22	Castro 64:17, 19 128:3 138:23
bill 86:14,22, 24 115:22 118:17	book 64:2	broad 7:5	called 15:19 16:15 19:8 22:5,20 25:2, 20 47:11 48:17 49:3 60:2,6 90:14	catch 82:15
billion 42:14	boosts 132:18	broader 79:15	calling 55:6	categorization 97:5
bills 23:10,17	born 109:24	brought 15:23 28:7 92:8,22	calls 42:6 117:3 144:3	categorize 53:22
bind 54:4 140:24	borrowed 58:21 60:14	brown 7:23	camp 44:22	categorized 67:16
bipartisan 13:24 14:3 87:18 88:3,7 90:2 111:3	bought 71:6,9	bucket 36:5	campaigning 114:21	Cause's 142:15
births 57:20	boundaries 102:18 103:8 117:2	budgets 52:24	candidate 25:19 36:3 51:19	caused 50:19
bit 16:20 21:12 32:23 37:24 38:18 41:6 44:5 45:23 52:15 61:16 74:24 91:23	boundary 47:14	built 30:1 73:9 78:15	candidates 103:7 105:22 115:15	ceiling 137:11
black 7:23	box 45:1 132:20	bunch 51:11		censi 43:2
	branches 19:12	burden 24:13		census 13:3 14:17,24 15:8
	brand 57:10 69:5	Bureau 46:5 47:6 49:17,23 52:20 56:16 57:17 58:22 60:4,15 61:4 62:16,22 63:11 70:7 72:1 73:3,16 74:10 82:1 83:6 91:12		
	bread-and-butter 14:12			
	break 16:21 115:8			

39:19,22 40:9 41:3 42:16, 17,22 43:7,16 44:11 45:16, 19 46:5,13,18 47:4,6,12,16, 19 49:14,23 50:9 55:9,12, 15 56:4,12,16 57:16,18 58:13,16,21 60:3,15 62:16,22 63:11 65:8 70:7 72:1 73:3,16,24 74:10 75:7,13 82:1,12,14 83:6 90:22 91:1,6,10,11, 20,22 93:6, 12,16 94:18, 21 95:18,24 96:4,7,14,21 97:3,7,22 98:3,11,18,19 99:1,18 100:2 104:2 119:1, 6,8 126:24 128:6 141:8, 14 142:2,8, 10,21 143:7 144:19,23 145:12 146:2, 10 censuses 43:1, 2 center 91:17 92:4,7 110:20 147:2 century 26:17	certified 129:4 chair 5:6 7:1 8:19 11:17 12:20 39:11 103:16 114:16 122:6 139:22 chairing 142:9 chairman 7:10,12 8:14, 18 9:2,7,19 11:8,11,12 12:20 38:2,6, 14 39:4 64:15 66:6,9 83:22 86:11,21 87:6,12,19 88:7 89:10,13 90:3,11,13 92:14,20 95:11,12 96:21 97:11 99:17 100:7, 14,21,23 103:15,17,18, 22 104:5,9, 10,17 108:16, 17 111:22 112:19 113:2 122:5,7,10,19 123:5 124:13 125:8 126:1, 13 129:8,9 131:7 136:7, 8,9,10,12,14, 22,23 137:3, 7,8,14,15,20, 21 138:1,2, 18,19,20 139:3,15,16,	21 146:16 challenge 21:6 challenged 84:20 challenges 6:19,20 102:2 115:21 119:1 chamber 6:8 113:21 chambers 65:20 118:6 champion 109:17 championed 131:24 132:3 133:24 chance 104:22 111:17 134:9 135:15,18 change 24:4 50:6 72:14 87:1 94:20,23 112:17 113:5, 7,8,9 114:12 115:21 131:16 146:6 changed 22:22 59:12 changing 57:21 85:24 chaos 81:15 chapters 64:6 characteristics 59:2 charged 121:7 chart 17:17 charts 143:14 cheat 74:14 checking 93:20	Chicago 32:15 102:19 104:14,21 105:24 106:24 108:7 109:21 143:5 Chicago's 109:8 Chinatown 109:8,19 111:1 choice 25:19 103:7 105:22 130:21 choices 117:8 132:20 choose 55:14 105:11 choosing 115:15 chosen 129:9 Chris 115:2 circle 31:15 circular 29:13 circulated 133:17 circulating 65:23 circumstances 26:9 33:9 69:2 circumvent 87:10 cities 31:1 32:7 citizen 88:16 citizens 5:16 6:9 8:6 10:21 24:6 89:1 city 31:2	32:15 Civic 147:2 Civil 104:15, 22 105:6 claim 15:23 16:20 18:18 25:4 claims 24:14, 23 26:9 84:2, 9 clarification 67:21 clarify 83:17 85:7 clarity 67:7 85:5 125:5 clause 10:5 15:3,17 16:9 25:17 27:9 clauses 26:14, 15 27:20 36:6 clean 35:6 clear 18:2 120:15 121:1, 11,20,23 127:8 130:4 133:19 140:22 143:13 clearer 69:12 climate 110:7 close 14:10 20:23 31:18 50:14 51:17 55:18 63:10, 22 91:9 closing 146:9 co-chair 113:4 co-sponsored 114:19
---	---	--	--	---

coalition 107:4 113:10	17,20 90:1 115:4 127:16	134:16	109:5,17,19 110:14,22	comply 98:14
coalitions 107:23	128:11,15,17, 22 129:1,6,	common 19:8 29:7,15,20	111:11,19 112:8 123:13	component 110:23
cobble 71:20	10,12,14,23 131:21 132:6,	30:12 32:3 68:22 139:20	136:2 144:16	concentrate 17:3
Code 22:7	15,17 134:2	140:3,4 141:13	community- based 111:2	concepts 15:9
coding 58:24	commissions 85:10,20 86:9	142:15 143:13	community- of-interest 120:4	concern 69:24 78:2 94:5 137:18
cohesion 25:16	114:4 119:4 133:12	communicatio ns 117:22	compact 25:7 111:7	concerned 10:3 71:4 77:17 81:12 107:13
cohesive 25:10	commitment 6:16 7:14	communities 5:16 7:19,23, 24 10:8 32:19	compactness 29:7,10 30:1 32:20,22	concerns 81:14,21
collaborativel y 105:19	committed 6:10	33:22 34:12 98:9 101:12	comparable 74:6	concludes 67:3
collaboratives 107:23	committee 5:13,24 6:8	107:3,6 108:19	compare 83:3	condemn 113:19
colleagues 66:13 116:9 135:12	7:1,4 8:2,15 9:8,9,22	110:16,24 111:5,15	compared 90:21,24 91:19,21 109:13	condemned 113:17
collect 66:1 95:3	10:23 11:16, 18,21,24	112:3,12 115:11,19	competete 109:15	conduct 120:7,12
color 105:19 107:3 115:19 116:22 143:17	12:6,21 38:3, 8 39:12 92:3	116:22 117:1 123:11,12,14, 21 126:9	competition 117:6 132:19	conducted 91:16 114:12 120:20
combatting 114:7	100:23 102:7, 10,15 103:12	134:8 137:16, 19 138:13	competitive 36:15	Conference 11:23 12:8,24 119:3
comfortable 53:11 108:3	104:14,21 105:6 106:24	140:15 142:23 143:3, 8,17 144:10	competitivene ss 36:13	confidential 14:15
comments 8:24 9:4 42:8	108:7 111:4 112:15,20	145:20	complementar y 23:15	confirm 93:14 100:6
commercial 58:11	117:16,21 120:7,12	community 34:4,7,17	complete 46:18,20	conflicts 36:12
commission 10:19,24 11:5 55:5 65:9,11 67:13 84:6,19 85:15 86:2,5, 15 87:3,11, 13,14,20,21, 24 89:4,15,	121:6 122:3 136:12 139:23 147:6, 7	56:15,24 90:18,23 92:22 101:7 102:2,4,21 105:14,23 106:2,4,9,15, 21 107:14,21 108:2,9,12	completed 43:20	Congress 16:17 23:10, 11 28:19,22 40:6 41:15 43:8,9,23

78:17,20 79:5 congressional 20:17,20 27:2,7 28:19 35:5,15,17 40:14 41:22 44:9 48:5 50:12 84:17, 18 112:23 114:5 142:1 Congresswom an 114:17 connecting 31:20 connects 31:17 consequences 54:22 consideration 16:10,13 79:8 116:24 124:19 considerations 34:15 considered 18:17 35:19 106:11 116:13 126:8 consist 128:17 consists 89:20 constant 61:22 constituents 114:9 124:22 131:13 constitute 25:8 constituted 127:16 128:16	constitution 5:15 8:4 15:18 27:4,21 33:12 34:6 35:4 36:23 37:12 42:6 56:3,6 66:22, 23 68:3 84:2 86:7 89:1,4, 15 105:16 126:19 127:9, 12,22 130:16, 19 138:24 140:22 constitutional 7:18 13:7 15:4,15 18:9 20:5 21:24 53:23 54:11, 15 58:3 119:14 128:9 132:2 133:18 138:22 146:7 constitutions 26:16 27:18 28:3 constructed 21:5 78:20 construction 16:19 20:18, 19 contact 14:16 contemplated 86:3 contemplating 69:21 context 20:20 contexts 108:2 contiguity 30:12	contiguous 30:22 31:19 111:6 continually 126:1 continue 6:19, 21 27:15 88:20 115:20 137:16 continued 113:19 continuous 94:23 contracted 30:5 contributes 117:13 control 59:7 controlled 88:5 conversations 131:11 convey 131:18 convinced 109:11 cores 35:19 corner 35:7 135:16 correct 68:18 112:24 128:4, 12 137:2,3, 13,14,19,20, 24 138:1,18, 19 correction 67:12 Corrections 118:19 costly 97:21 coterminous	111:7 Council 109:2,4 counsel 17:11 79:12 80:20, 24 81:21 104:21 count 46:19, 20 82:20 counted 44:13 46:2 107:19 counties 6:5 8:8 30:24 32:7,11 33:2, 13 58:4,6 88:11 121:4 counting 58:18 76:19 82:13 countless 131:15 country 14:2 27:18 28:6 75:15,19 140:6,13 141:18 counts 76:8 county 22:20 31:3 33:4,7, 10 35:16 136:19 146:22 County's 11:18 couple 27:5 54:20 77:11 84:24 92:21 136:10,11 court 5:1,3 16:8,21 17:6 18:4,16 19:7,	15 20:21 21:6,12 22:15,19,24 26:21 27:5 33:5 54:8,9, 13 55:2,19 72:19,21 73:2,15 77:7 82:21 85:12, 21 129:16 courts 17:17 19:10,12 26:3 27:12,14 28:1 78:22 79:2,4 81:2,4,17 145:23 cover 15:13 coverage 23:2,20 covered 90:15 102:16 covering 14:23 COVID 52:24 85:24 141:22 Covid-19 141:5 create 59:8 75:22 78:5 81:15 82:2,3 89:4 130:18 132:5 created 18:1 78:22 96:9 creating 46:18 creation 17:19 creative 108:11 criteria 13:9, 12 28:17 35:24 36:19
--	---	---	--	---

58:4 111:3	70:1,10	72:8	46:17 47:5	defining 111:5
critical 101:16	71:17,21,24	date 118:11	57:21 59:24	definition
119:23	72:7 73:21,	126:2 136:13	60:2 62:17	32:16,24 34:6
120:23	23,24 74:3,6,	142:20	70:21 73:9	44:5 85:14
Cunningham	9,10,16 75:7,	dates 9:10	80:7 99:11	definitions
90:11,12	13,16,22	54:18,19	113:18	34:1,3
91:15 92:13	76:6,7,8,19,	145:10,17	118:16	delay 49:15
curious 95:15	20 77:6,16,17	day 5:13	decades 22:18	119:2,19
current	78:2,7,13	14:11 82:14	35:23 43:11	delayed 99:18
119:20	79:6,8,19	117:9	47:23 70:5	delays 15:8
132:24	80:15 81:3,5,	days 42:4	78:12 83:1	48:2 49:1
cycle 23:4,21	24 82:7,18	129:7 142:4	97:20,23	50:19 52:20
28:10 68:21	83:2,10 85:3	DC 22:15	December	58:16 69:23
80:10 102:1	86:19 87:8	deadline 8:3	41:1 48:7	126:23 141:9
106:6 107:1	90:18,21,24	48:6,7 51:22	50:2 57:5	delegates
cycles 117:12	91:1,6,20,22	52:8 54:1,11,	decennial	130:18
	92:10,23	16,17 58:3	41:3 55:8,12,	deliver 59:10
	94:6,11 95:3,	66:21 67:8	15 56:4 75:7	79:6 110:12
	9,17,21,24	87:9 122:22	91:6,10 94:21	delivered 43:8
	96:1,3,4,7,14,	123:7,24	96:14 144:23	48:10
	21 97:3,12,15	125:14	decide 55:7	delivering
	98:3,7,10,11,	126:18	130:8	59:9
	18,19,20	deadlines	decided 8:5	democracy
	99:1,13,18	53:22,24	19:7 68:13	5:19 111:18
	104:3 108:10	54:3,7,14	deciding	Democrat
	111:9 119:5,	63:2 71:4	52:22	37:8
	7,8,12,17,20	73:18 119:14	decimal 128:6	democratic
	122:15,17,21	142:11 146:7	decision 55:20	114:2,16
	123:3,5,22	deal 27:4	62:5	Democrats
	124:5,11,16	dealing 81:2	deck 11:22	6:9 9:13
	125:3 126:10,	dear 138:7	declared 33:5	132:21
	11,17,24	deaths 57:20	dedicated 8:2	demographer
	127:5 133:3	debates 90:6	deep 39:16	53:7 62:11
	135:21 136:3	Debbie 109:1,	79:16	74:22
	141:11,15,20	3	defeat 25:18	demonstrate
	142:17,22	Deborah	Defense	40:21
	144:22 145:5,	11:19 113:2	100:18 101:3	Department
	12 146:10	decade 16:23	define 33:1	16:5 22:14
	data-savvy	18:13 35:6	34:4,17	118:18
	70:22	41:5 43:4,10	defines 110:6	depending
	database	44:10,15		
	70:7,15,17			

32:23 36:4 43:5 depressed 103:2 deprive 118:14 deprived 143:19 deputy 65:7 describing 117:24 deserve 112:12 deserves 111:11 124:23 125:5 design 124:18 desire 6:17 69:22 131:20 detail 74:17 detailed 44:2 detailing 63:12 details 67:19 119:23 determine 19:13 22:8 26:4 90:20 111:12 126:17 145:16 determined 29:9 determining 17:24 127:4 develop 27:24 123:22 developed 101:12	deviation 21:2,3,17 died 16:20 difference 20:17 74:15 differences 74:9 76:4,6 125:20 differential 15:9 59:5,18, 20 60:6 61:22 63:3,4 72:23 75:6 83:7 94:20 differentiation 29:3 differently 120:13 difficult 120:16 124:12 dig 74:23 digest 73:22 diligence 126:23 Dillon 11:19 dilute 102:23 103:10 106:17 diluted 105:9 diluting 17:5 24:18 dilution 24:10 25:4 direct 89:10 91:15 92:2 direction 42:10 director 13:1 113:7 140:3	disasters 141:6 disclosure 59:19 72:24 73:7 83:8 disconnected 30:18 discrimination 19:4 22:9 102:23 103:5 discriminator y 24:14,21 77:23 78:5,8 discuss 109:5 discussed 120:20 discussing 81:11 discussion 9:3 10:14 11:9 38:7 103:18 126:17 138:22 146:18 discussions 107:20 137:17 disfavoring 36:2 dispute 10:11 89:8 128:1 disruptions 141:21 dissemination 141:10 distinction 67:18 distinctions 73:23 district 15:21	16:3,20 17:10,20 18:1,7,8 20:17,19 21:5,14,15 25:9 27:2 29:13,17 30:16,17 31:6,11,13 36:18 40:15 51:19,21 103:8 109:14 128:8 142:1 districting 27:7 28:23 districts 16:16 17:4,5 19:3 20:23 21:8,9, 10,17 28:20 29:2,6 34:19 35:5,15,17 36:15 37:12 43:11 47:9 78:6,24 84:20 111:6 112:23 114:5 120:2, 17 121:19 123:12 128:9 144:12 dive 5:10 diverse 101:11 113:10 135:17 diversity 6:12 7:6 8:12 107:3 divide 40:6 divided 21:16 96:12 divvy 41:21	doctrine 15:16 18:10 20:6 doctrines 15:4,15 documents 11:24 45:11 117:21 dog-eared 64:8,9 dollars 47:1 door 45:15 145:2 doors 45:19 Doubek 112:17,18,19 113:6 131:6,8 132:8 133:24 135:1,23 139:17 double-check 100:4 downer 63:9 downstream 54:22 downtown 31:14 dozen 5:23 drafted 117:20 145:12 drafting 7:9 124:6 dramatically 29:21 draw 6:14 34:14 35:9 37:12 53:9 111:6 114:4 129:20
--	---	--	---	---

142:16	easier 41:16 73:5	election 22:11 24:4 26:14 41:1 50:10 52:3 111:16 117:9	118:13 138:6, 12 139:7	entrenched 110:6
drawers 108:1	easier-to-use 70:10	elections 12:23 26:22 27:8,22 36:15,16 37:2,5 117:9, 11	ended 58:18	enumerated 60:18,22 61:21
drawing 10:19,22 16:16 19:3 68:12 81:8 110:15 115:9 116:1 117:4 119:4,6 121:7 136:1	eastern 31:8	electoral 110:9 117:5 132:19 144:12	endemic 109:20	enumeration 59:4 75:3 81:9 97:18,19 141:17
drawn 16:3 42:7 78:24 84:14,16 85:10 115:10 130:8	easy 75:9	elements 17:24 19:21	ending 82:14	enumerator 45:16
drew 31:24	echo 7:13	Elgie 7:1	ends 141:8	enumerators 43:19
dropped 93:18	economic 105:2	eligible 105:7	engage 108:5, 12 143:2	environments 106:2
due 9:18 48:9 50:3 114:5,6 126:23	ed 143:22	Emanuel 115:2	engaged 107:5 139:8	equal 5:17 7:20 10:4 15:17 16:9 18:22 26:13, 23 27:22 84:3 103:6 143:19 144:12
Dupage 11:17 123:16 136:19 146:22	educating 140:13	embrace 84:5	engagement 102:3 109:6 110:14,17,22 116:4	equality 20:22 21:11
duties 5:14	education 12:7 101:7	emerges 15:17	engaging 120:23	equally 20:11
duty 7:18,21 127:2 128:9	Educational 100:19 101:3	emerging 35:23,24 36:19	England 32:13	equipped 19:13
dwell 20:8	effect 17:5 22:16,18 24:15,21 31:4 76:18 77:24 78:6,8 93:23 130:2	empower 115:14	Englewood 109:22	equitable 110:19 113:14 115:23
<hr/>	effective 102:5 118:17 127:14 128:14	enact 6:22	English 45:8	equity 105:2 110:4 145:15
E	effectiveness 102:24	enacted 23:3 43:12,23 62:6 118:12 133:11	ensure 6:7 7:18 46:21 47:19 53:11 94:8,14 105:7 110:3,8 111:15 115:23 116:3 118:6 121:15 135:16	error 57:4 61:5 65:16 74:5 76:1
eager 106:5	effects 32:21 103:5	enacting 131:16	ensuring 5:15 58:23	essential 108:12 133:1
earlier 63:17 70:18 71:14 73:18 138:15	effort 107:4 124:24 133:23	enactment 43:24	entire 9:15 27:2,7 33:5, 17 38:22 43:10 118:16 123:20 125:20	essentially 56:20
early 42:1 51:21 69:17 70:1 71:24 79:2 125:9,12	efforts 90:19	end 15:6 38:22 43:11 58:20 63:14 72:11 85:4	entirety 38:17,20	
	elect 28:21 103:6 105:21 115:14 116:23			
	elected 105:11 109:16 115:1			

establish 117:17 124:24 125:22	excludes 34:9	extent 31:19 35:18 98:13 144:11	fairness 6:12 85:14 116:18	fewer 33:7
established 6:6 121:15	excluding 82:17	extra 54:21 63:15 70:13 75:4 94:14 108:11 141:16	fall 21:21 34:13 50:4 53:4 117:10	fewest 34:1
estimate 56:17 57:18 65:1	excuse 6:19 57:21 101:19 147:4	extraordinary 141:9	false 130:21	field 45:22 49:2,8,20,22
estimated 57:15	executive 113:7 140:3	extremely 33:3	familiar 22:6 28:12 92:5,6, 7 99:6	fight 113:15
estimates 40:23,24 41:5 56:24 75:2 90:18,23 91:19 92:24 144:18	exercises 33:15	eye 23:22	farfetched 52:18	figure 29:10 60:4 124:15
ethnic 62:2,3 110:18	exist 73:23 110:16 117:2 125:3	<hr/> F <hr/>	fastest 101:21	file 70:2 78:24 80:16 81:19 82:4,23 83:3, 5,11 96:22 98:5 129:12, 15
eve 113:22	exists 10:12 26:5 89:15	face 141:21	faulty 10:3 71:21	filed 129:6,24
evening 104:19 135:14 139:22	expect 27:13 55:14 80:18 103:11 119:21 121:21 126:7	faced 7:22 140:24	favoring 36:2	files 141:11 142:3
evenly 96:12	expectations 121:24	facing 112:2	federal 13:6 15:4,6,7,15 18:10 19:9,16 20:3,5 21:23 22:1,7,13 27:12 28:1,18 40:2 42:15 46:15 59:24 62:23 63:6 81:2,4 94:5, 13 101:14 105:15 116:20 118:1 128:6	filling 51:16 54:19
event 127:20	expected 71:15	fact 11:1 24:7 29:10 69:18 80:11 88:10 89:19 92:9 93:19	fill 44:18 45:4 46:10,23 59:2 145:2	fills 46:6
eventually 16:14 74:1	experienced 102:22	factor 16:19 17:19 79:7	final 49:20 62:5 118:5 139:19 143:14	finalized 106:14
evidently 9:13	expertise 66:11,15 76:3	factors 25:24 26:8 79:4 94:7	finalized 106:14	Finally 145:7
exact 20:22 21:11 23:19 27:6 48:14 62:8	explain 69:20 70:2	facts 130:11	find 73:16 91:10,16 94:19 95:1 141:3	finding 43:16 81:4
excellent 144:17	explains 71:1	fails 129:14	feedback 38:18 116:12	fine 58:9
exceptions 36:7	explicitly 56:2 96:6 97:6	fair 5:17 6:23 7:9,19 40:1 46:17 113:15 116:3 125:15 130:9 143:15, 24 144:6,9 145:8	feel 53:11 68:21 100:14 108:3	finished 12:14 38:24
exclude 82:19	exposes 78:9	fairly 103:9 107:19	feels 141:3	fires 49:6 141:22
excluded 37:6	extended 141:17		feet 93:8	
	extensive 142:21		fellow 7:7 133:5	

firms 105:4	formats 59:9	143:19	23 129:3	glad 92:8
firsthand 6:8	forms 43:18,	fun 40:15	141:2,24	146:12
fit 28:3	20 46:23	fun's 40:17	145:8,24	good 5:11
fits 53:24	74:16 145:3	functional	gentlemen 9:2	13:21 40:1
five-year	formula 22:8,	110:8	146:20	57:11 63:9
56:23 92:24	21 23:2,20	functionally	geographic	70:1 104:19
fix 93:22	formulas	23:8	7:5 47:5	139:22
119:6	42:16	fund 32:6	58:24 117:1	goodness
fixing 118:11	formulate	100:19 101:3	geographical	73:17
flavors 56:16	70:24	113:8	125:19	GOTC 144:4
flawed 87:8	Forty 29:8	fundamental	geographically	GOTV 144:4
flexibility	forward 7:6	10:23 105:10	25:7 123:19	government
32:23	8:13 10:13	122:15 124:8	geography	19:12 20:11
floods 49:6	11:9 27:24	131:16	44:2	21:4 22:13
floor 137:9,10	44:11 45:24	funding 40:2	George 144:6	42:15 94:6
Florida 25:12	49:16 67:1	46:19	gerrymandere	105:20 113:3
36:8 76:21	146:13	future 23:24	d 15:21	143:20
flow 17:17	fought 141:18	64:13 67:17	114:24	governor 68:7
Floyd 144:6	found 91:22	69:9 108:20	gerrymanderi	114:20 146:4
focus 18:15	114:13 147:3	109:7 111:12	ng 15:13	grain 142:13
49:24	Fourteenth		17:16 18:11	granted 5:3,
folk 40:6	18:18 20:3	G	26:24 27:11	15 8:21 82:5
folks 51:22	frankly 141:6	gather 6:1	113:17,20	granular 44:2
53:8 90:4	free 19:18	53:16	114:8 117:14	93:23 145:5
127:13	26:13,23	gathered 98:8	118:14 138:6	great 56:10
143:23 144:1	27:8,22 84:3	gathering	Ghandi	69:14 72:6
145:1	97:16 100:14	141:10	104:14,15,16,	83:21 95:6
follow 51:12	120:12	general 8:9	17,19,20	131:11
68:9 120:10	Friday 136:19	10:17 17:15	108:17,22	135:17
force 130:1	146:23	30:14 32:21	giant 142:13	greater 28:9
foremost 9:6	friendly 146:6	36:5 62:21	Gingles 25:2	107:14 110:4
form 44:19,	friends 11:2	77:3 81:24	26:6	120:21
20,22,23	143:10	82:12 88:8	give 30:9	greatest
45:4,13 59:18	front 9:7	89:6,19	31:22 35:18	144:10
117:14	48:13 123:23	110:11,23	40:17 42:18	greatly 106:18
formal 108:4	134:6	116:14	52:18 62:10	grew 109:8
format 44:4	fronts 138:8	117:11	80:20 92:16	ground 45:20
48:17,18,19	full 30:9 43:11	119:17	106:5 116:6	90:15 140:7,8
59:15 69:16	45:3 51:20	121:14	130:6 138:16	group 15:24
70:2,11,13,16	104:7 109:5	126:22 128:7,	144:1	24:19 25:6,10

54:1 56:5 60:16,23 93:2,18,21 101:21 144:22 group's 25:19 grouped 33:13 grouping 33:11 96:24 groupings 33:16 groups 25:11 33:12 62:3,4 79:23,24 143:18 growing 101:21 guarantee 144:11 guess 40:8,22 54:2 55:19 68:14 81:13 103:22 122:11 guessing 64:23 74:20 guesswork 144:15 guidance 65:6 guided 6:11 guidelines 121:14 134:20	93:8 117:11 140:6 144:20 halt 49:4 hand 136:1 handful 8:6 17:4 36:10 135:13 handling 90:7 handoff 52:1 hands 39:6,7 130:6 happen 51:13 54:23 112:8 135:9 137:1 happened 84:10 happening 135:14 136:17,18 happy 39:1 64:11 80:2 91:14 94:18 122:2 143:9 hard 45:22 48:20 61:17 62:10 90:24 91:22 107:10 harder 21:11 41:12 42:13 hardest 53:14 Harmon's 143:22 Harrington 11:19 113:2 harsh 110:5 hat 130:9 Hawaii 82:8, 16 99:8 headline 48:4	hear 6:8,17 38:11 48:3 65:24 106:8 131:19 138:13 heard 5:21 8:7 13:10 15:10 18:12 25:21 26:14 51:1 66:4 107:18 131:19 142:4 143:11 hearing 5:2,4 7:7 12:6,12, 15 14:17 20:8 53:7 94:3 102:12 106:8 113:1 120:3,6 135:14 146:13 hearings 5:23 6:2 34:11 53:18 88:13 102:7 104:2,3 112:8 116:5, 15 118:7 119:15 120:19 121:9 122:20 123:1, 9 124:9,15 125:6,12,17, 18,21 126:7, 16 127:4 135:9 136:12 137:12,21,22, 23 138:11 142:21 146:22 heart 5:20 138:8	heck 58:17 held 22:20 61:21 118:7 helped 46:21 47:22 helpful 66:16 135:24 helps 40:21 69:24 high 43:5 68:4 109:18 higher 47:20 historic 5:13 historically 81:1 97:3,14 98:20 101:22 102:22 117:6 history 19:1 21:20 22:9 79:17 99:19 105:13 hit 45:22 49:6, 10 87:8 Ho's 142:10 Hoff 11:20 hold 5:24 42:2 111:3 142:21 Holder 22:20 holding 102:11 home 49:5 honest 145:18 honor 106:3 143:6 hope 9:17 50:1 107:24 134:3 hours 106:7 107:16 131:15	house 9:12 23:13 31:5,6 40:4 65:17 113:21 114:2 115:2 128:20 household 46:3 94:15 households 61:9 hundreds 10:16 133:16 hurry-up-and-then-wait 49:13 husband 45:16 49:4
<hr/> I <hr/>				
H				
H.R. 23:16 114:3,20 half 48:16 51:23 75:18				Idaho 33:3 58:1,6 65:9, 13 idea 20:9 31:23 35:18 39:15 40:18 45:12 69:5 ideal 21:14,15 132:16 ideals 113:23 ideas 56:9 identified 25:12 85:23 94:16 identify 61:8 86:14 111:12 137:17 ILGA 12:1 ILGA.COM 147:4 ill 19:13

<p>Illinois 5:17 6:13,15 7:6, 19 8:4,9 27:19,21 28:24 30:5,14 33:18 40:14 41:11,13 42:15 46:24 51:6 53:24 56:4 62:13 66:4,21,23 67:19 68:3 75:20,21 76:15 78:4 79:14 86:4 87:3,7 88:17 91:24 96:15 97:2,5,8 98:23 101:9, 22 102:24 109:6 110:2 111:13,17 112:18,22 113:5,7,8,9, 21 114:8,13, 14,16 115:16, 21 116:14,21 117:9 119:13 120:1,9,11 123:17 124:18 125:16 130:19 132:9, 10 133:2,3,15 134:4 136:20 140:4,10,23 141:19 146:23 Illinois' 6:4 29:5 Illinois's 121:19</p>	<p>Illinoisans 10:17,20 110:9 image 64:5 images 28:4 imagine 36:14 79:3 97:20 immediacy 57:9 impact 60:10 76:13 81:17 impacts 79:18 impediment 116:17 imperative 120:18 implement 11:6 implementatio n 118:11 implications 145:16 import 70:23 138:9 importance 9:5,22 32:9 important 5:14 7:16 8:5 9:21 10:1 20:14 29:3 30:7 32:12 39:24 46:13 59:22 61:19 75:11 90:7 98:7,10 107:8 110:8 131:17 139:2 importantly 145:4 improvement</p>	<p>94:24 imputation 46:3 59:1 83:9 imputes 145:3 in-person 45:14 inaccurate 78:7 inaction 114:6 incarcerated 118:15,22 include 34:15 52:5 70:23 75:23 110:17 included 22:12 23:9 24:24 37:5 98:16 107:4 includes 74:4 89:5,18 116:18,24 140:13 including 30:13 100:12 107:22 110:22 117:19 136:15 138:6 140:9 142:8 inclusive 144:1 inclusiveness 140:16 incomplete 46:4 incorporate 109:6 121:17 increased 101:23</p>	<p>increases 61:6 incredible 77:10 incredibly 66:14 76:22 incumbent 36:2 independence 89:7,8 independent 10:18,24 11:4 67:3 84:6 86:1,5,9 87:2, 10,13,20,24 89:17 90:1 113:12 114:4, 10,14,18,22 115:4,7 121:21 130:10 131:21 132:5, 17 133:11 134:1 indication 119:17 individuals 87:23 112:2 115:18 inequities 7:22 information 46:4,6,11 47:18 66:1 70:8,24 72:16 75:12 80:3 83:1 85:9 93:12,16 98:9,12,14 117:18 118:20 120:18</p>	<p>122:20 127:5 147:3 informative 64:17 66:15 informed 144:2 infrequent 34:20 inherently 73:1 input 6:1,4 47:7 53:16 106:5,9,10, 12,20,22 107:14 108:9 112:12 125:13 126:9 135:18 138:17 insert 61:5 94:13 inside 70:7 insiders 8:6 insights 106:16 instance 60:22 instruction 37:11 instruments 144:17 intend 126:11 136:4 intended 48:15 81:6 intends 78:5 intent 24:17 77:23 122:17 126:4 intention 70:12</p>
---	--	---	--	---

intents 23:7	84:15	jump 135:15		31:22 35:1
interchangeably 13:11	investment 143:7	June 8:3 42:7 62:8 66:22 67:1,8 87:8 122:22 123:7, 23 125:14,22 126:2,5,18 127:1,11,15 128:14	<hr/> L <hr/>	43:22 59:24 62:23 63:6 64:2 68:17 77:2 78:18,21 89:3 94:13 95:14,17 97:4 101:14 103:24 105:4, 6 118:13,17, 18 128:7 130:2
interest 10:9 21:4,19 32:19 33:22 34:5,8, 12,17 98:9 112:4 115:10 117:1 123:11, 13,21 126:9 134:8 136:2 142:23	invited 64:14	jurisdiction 102:20	ladies 9:2 146:19	89:3 94:13 95:14,17 97:4 101:14 103:24 105:4, 6 118:13,17, 18 128:7 130:2
interested 108:8	involved 101:9 132:13, 14 140:11	jurisdictions 23:7 56:18,22	laid 7:21 25:2, 24 26:10 55:1 138:10,23	103:24 105:4, 6 118:13,17, 18 128:7 130:2
interesting 9:12 27:23 29:19 37:23 43:15 85:19	involvement 145:23	Justice 16:5 22:14	landing 81:1	103:24 105:4, 6 118:13,17, 18 128:7 130:2
interject 86:12	issue 10:14 30:20 32:1,2 90:7 131:17 138:7	justiciable 19:9 27:12	landscape 41:22	lawmakers 84:7 86:17 89:21 106:11, 13 116:10 119:4 120:23 136:3
interpret 28:2 126:20	issued 117:23		language 23:19 96:20 110:18 116:16 127:12 140:22	laws 18:22 22:11 24:5 85:24
interpretation 20:2 126:19	issues 109:17 137:18 138:5	<hr/> K <hr/>	languages 45:9,10	22:11 24:5 85:24
intervening 145:14	<hr/> J <hr/>	Kansas 99:9	large 25:7 28:22 31:7,9 32:14 56:22 82:9,15	lawsuit 63:12, 19 72:22 146:6
interview 114:19	jails 106:2	keen 7:2	larger 56:19 62:3	lawsuits 17:1 24:7,15 44:7 49:18 72:11, 18
introduce 115:22	James 11:17	Kelly 114:17	lastly 99:17	Lawyers 104:14
introduced 23:13,15	January 68:24 69:1 91:18	key 14:7 24:8 50:20	late 50:4,15 100:3	Lawyers' 104:21 105:5 106:24 108:7
introducing 94:7	Jay 139:20 140:2 146:17	kind 44:1 46:10 51:21 53:1 57:6 74:2,14 91:12 93:4 94:24 99:14 134:19, 22	Latino 25:12 101:15,23 102:4,21 107:5	lay 139:5
introduction 118:5	jeopardizes 10:6	kinds 54:7	Latinos 101:5, 16,20 103:12	layer 98:10
intrusion 22:22	job 39:14	knew 135:13	launch 6:13	layers 98:6
invalid 18:7	join 109:5	knock 45:18	law 7:3 13:6 15:1,2 16:7 18:11 19:17 20:16 22:1 23:5,18 24:20 26:13 29:6	lead 133:14
invalidated	joined 106:23 146:3	knocking 45:15		leader 90:11 92:17 128:20, 24
	joining 39:5	knowing 108:8		
	judge's 79:7			
	judges 17:18			
	judicially 78:19			
	July 54:2 127:17 128:16			

mandates 138:23	125:2 126:8 133:6 135:22 145:11	61:5,6 70:3 71:3 93:23 111:5 127:19 143:15	22	Mexican 100:18 101:2
manner 7:15 14:15 87:1 89:2 111:10	March 41:24 49:3 59:12 69:1 125:8 138:15 140:23 145:9 146:22,23 147:1	meant 16:12 26:23 44:7 49:12 50:3 62:12 67:9	members 6:7 8:9,14 12:3, 20 38:2 39:5, 12 88:8 89:5, 18 92:3 100:23 102:4 105:23 106:2, 5,15 108:12 112:14,20 121:15 122:3 128:18,19 129:10,14 131:12 135:22,24 139:23 140:6, 8,9	mic 11:11 mid-day 49:4 migration 57:20 military 82:9, 15 99:8 million 75:17, 18,23 89:22 140:5 millions 10:20 mind 42:9 mind- numbing 71:18 mine 64:7 136:18 minimize 103:10 minimum 116:5 minorities 10:9 110:19 minority 5:8 8:22 17:3 24:19 25:5, 10,19 66:6 86:13 92:17 101:21 103:2, 5,9,10 122:8 128:20,24 minus 21:14, 22 minute 63:16 mirror 28:4 misinterprete d 17:2 missing 46:6 73:5
map 6:15,23 7:9 27:2 84:17,18 102:16 107:4, 24 110:15 116:11,13 117:19,23 118:5 119:4,5 120:5 121:8 122:22 123:8 124:18 125:15 126:4 127:1,11,19, 21 143:14,15, 24 144:9,11	margin 76:1 margins 41:20 74:5 Marie 11:18 Maryland 18:24 math 75:21 mathematicia ns 61:18 matter 116:1 matters 14:5 39:22 77:18 maximizing 117:5 maximum 137:11 Mcconchie 92:18,19 94:1 95:6 Mcmillan 131:13 meaningful 102:13 120:17 134:9 meaningfully 106:10 115:12 means 14:4 16:16 34:2 40:3 53:4	measure 24:5 29:14 measured 85:11 measures 29:20 30:1 mechanism 55:1 mechanisms 108:8 media 114:19 126:3 meet 52:8 54:10 58:3 115:20 121:23 125:14 144:14 meeting 5:12, 22 8:3 9:10 90:15 147:6 meetings 121:14 125:1 136:24 137:1, 9 meets 117:24 megaphone 143:23 Melinda 115:22 member 28:22 105:4 128:23 129:3,	members' 106:22 mention 14:10 52:11 58:10 mentioned 9:7 20:7 22:21 41:14 59:1,15 75:1 80:17 99:16 108:18 135:3 mentioning 22:3 33:20 menu 110:21 message 146:9 messengers 143:2 144:8 method 72:23 83:8 methodologica l 94:22 methodology 76:11 Metropolitan 109:1,4	

Missouri 34:4	139:19 145:9, 16	13:23 14:4 27:13 33:23 35:24 38:12, 20 39:14 43:23 80:3,8 82:1 89:11 90:5 92:21 100:8 143:10	24	21:16 37:13 47:1,6 68:19 86:17 116:2 122:12 138:5, 8 142:10
model 34:10, 16 101:12 111:17	multi-member 28:23 29:2	multi-year 143:6	noisier 95:4	numbers 60:16,17,18, 19,21,22,23
moment 10:12 21:5 39:6 48:1 57:22 59:6 71:6 72:14 134:6 143:12	multiple 29:14 30:8 80:10 114:21 119:11 125:21 132:21 140:12	NCSL's 82:4	non-legacy 119:7	numerical 20:22 21:11
Monday 74:12,13 136:20 137:4 147:1	municipal 32:8	Nebraska 36:8	non-profits 113:9	<hr/> O <hr/>
monitor 101:12	municipality 30:20,23	necessarily 80:4 84:13 96:23 98:21 99:2	nondiscrimina tory 111:8	Obama 113:19
Monroy 100:17,21 101:1 103:19, 23 104:12	mute 125:11 126:15 130:20 136:15	Nebraska 36:8	nonpartisan 14:4 104:23 107:22 113:9 132:18 140:5	objection 8:21
month 51:2, 23 69:17 71:7,14	myriad 79:3	necessitate 145:23	nonprofit 104:24	occasion 50:8
months 27:5 50:4 54:9 71:8,23 76:17 80:20 120:8 145:15	<hr/> N <hr/>	necessity 97:10,24	Norfolk 31:14	occasions 114:21 119:11
move 25:23 28:16 35:8 39:18 40:23 60:8 62:24 70:9 88:21 92:15 100:16 103:16 113:23	naked 141:7	needed 59:9 70:8 116:2 119:8 145:5	North 15:19, 22,24 27:5 28:5 33:9 84:17 102:19	occur 67:2 90:6 104:4 130:23
moved 35:15	named 114:15	negative 34:5	northern 119:24 120:9 123:17 133:2 136:20 146:23	occurred 24:8
moves 40:20	names 129:16	neighbor 18:13	northwest 35:7 102:19	October 58:18,19 67:4
moving 23:11 27:24 84:1 86:8 100:10	nation 33:19 42:1,24 115:17 141:1	neighborhood 32:17 51:3 109:9	Northwestern 56:14	odd 20:24
	nation's 13:23	neighborhood s 30:21 109:21	note 9:12 42:18 43:15 85:20 139:3	offer 14:5,9 34:1 39:23 69:4,12 70:19 102:6 103:5
	national 11:22 12:8,24 105:5 119:3 140:4	neighbors 46:10	notes 77:20 100:22	offered 75:1 143:23
	nationwide 24:12	neutral 16:2	notice 29:24 120:21	office 46:8 81:19 142:10
	natural 141:6	newly 115:1	notion 67:22	offices 16:17
	nature 132:18	news 48:12, 13,19 69:16 86:20	November 51:22 145:10	official 55:8 61:10 97:17
	NCSL 12:7,13	ninth 129:22	number 20:24	officials 52:3 105:12 109:16
		nobody's 69:5		
		noise 61:4,9,		

119:10	100:24 103:6	129:8	paper 91:17	partnership
Ohio 36:22	105:2 107:2	originated	part 5:19	105:5
37:11,20	108:14 110:2,	15:18	11:24 12:11,	partnerships
62:20 63:12	12 112:4,21	outcome 78:3	13,15 14:21,	105:4
Oklahoma	116:7,8,23	81:18	24 26:11	parts 12:11
57:12 65:5,17	122:2 139:14,	outcomes 8:5	30:15 31:13	53:13 121:4
one-step	24 142:20	19:4 76:9	38:9,15 50:5	party 25:14
65:14,20	143:1,5 144:2	85:12	88:17 110:19	36:3 37:8,10,
one-year	146:11	outdated	114:3 136:23	14,16,18,20
56:17	option 44:16	71:21 78:7	participate	114:16
ongoing	54:6	outline 14:21	66:13 88:9,12	128:19
107:20	options	137:18	108:19	129:17
109:24	143:11	outlined	112:10	passed 23:18
137:17	oral 11:14	137:10	115:12 116:7	past 16:22
online 6:13	oranges 75:9	outreach 47:1	119:22	18:13 26:15,
44:16,18 45:1	order 9:18	143:7	120:16,22	20 28:12
127:13	24:22 93:5	outset 20:7	121:12,16	78:12 79:14
op 143:22	94:14 102:4	oval 31:7	134:10	82:7,24 90:20
open 12:11,14	115:20	overcome	135:15,18	97:9,17 105:1
opening 5:5,7,	134:24	103:4	139:6 140:15	113:18
9 9:4 42:8	ordinarily	overlap 77:2	144:2	115:24
134:22	48:9	overly 16:5	participating	138:16
opens 51:16	Oregon 40:20	17:3	116:17	path 66:24
operating	54:12 146:8	overseas	participation	71:19 115:20
78:23 135:2	organization	52:10	101:15	pattern 97:22
operation	13:24 101:8	overseeing	parties 18:20	98:22
46:16	104:24	121:3	113:20 114:1	pay 135:13
operations	105:13	overview	115:18	Pennsylvania
45:21 49:8,	131:10,14,24	17:15	partisan	26:21 27:1
21,23 140:7	132:7 133:15,	<hr/>	18:11 19:23	28:5 84:17,18
144:4,5	23	P	26:24 27:11	people 11:13
opinion 77:5	organizations	<hr/>	36:11 87:15,	21:1 29:11
79:24	79:22 105:14	p.m. 146:24	21 113:17,19	34:11 37:7,9
opportunities	107:5 113:11	147:2,9	114:7,24	43:16,19
8:11 47:7	organized	pages 64:6	117:4,13	44:13 46:2,21
106:12 108:5	15:2 133:16	pandemic	partisanship	49:2 50:23
opportunity	144:5	7:21 45:22	19:14,19,22	56:19 61:9
11:6 38:13	organizing	49:2,15 50:11	partnered	67:4 68:12
45:7 53:9,16	116:15	69:7 141:6	101:10	70:20,22
56:1 66:12	original 15:20	panelists 7:8	partners	71:11 75:18
	22:17 48:6		113:11	76:7,9,16,19,

20 82:13,18 83:14,20 85:13 87:14 88:22 89:5,9, 18,22 93:4 106:9 112:10 115:11,14,19 116:6,7,17 119:21,24 120:16,22 121:20 125:10 127:23 130:7 132:9 133:1, 16 134:4 135:4,8,16 140:14 141:21 145:6 people's 34:23 Peoria 123:18 136:21 137:4 147:1,2 percent 21:14, 22 37:16,17, 18,19,20 92:1 94:11 101:17, 18 114:13 132:10 percentage 37:7,9 perfect 13:18 56:9 perfectly 21:2 145:18 period 37:3 51:16 82:11 118:4 141:17 permissible 18:6 21:15 permission 24:4	permitted 35:1 person 6:3 20:6,10 21:2 25:3 28:11 58:12 89:21 121:22 128:22 129:2 136:20 137:5 144:24 146:13 person's 24:11 persons 129:17,22 perspective 14:7 39:15 42:23 69:14 79:15 petition 145:10 petitions 81:20 133:17 Pew 91:17 92:4,7 phase 49:20 91:7 phone 45:7,9 pick 43:20 picking 10:22 picture 23:9 30:10 piece 52:13 75:5 pitted 107:10 pivot 77:8 PL 48:14 78:13,24 80:16 82:4,23 83:3,5 96:15,	22 97:15 98:5,19 99:2 place 6:2 23:1 42:11 50:16 51:5,9 77:1 87:2,11 96:9 108:9 112:8 130:17,20,24 131:22 140:23 141:5 144:3 places 30:19 47:11 55:2 58:1 85:19 123:18 plain 127:11 plaintiff 33:6 plaintiffs 15:24 16:23 17:1 24:15 27:14 73:3 77:22 plan 27:7 55:11 63:23 94:24 102:11, 12,15 115:23 117:24 127:14 128:14 129:13,15,23 Planning 109:1,4 plans 22:12 33:6 57:12 85:9 119:18 platforms 30:4 play 23:3,23 28:8 36:19 67:14	played 79:14 plays 37:23 80:6 pleased 109:4 143:21 plenty 134:11 plug 98:5 PO 45:1 point 23:23 31:18 40:24 42:4 66:3 68:14 75:4 79:1 80:4 85:1 88:24 89:14,16 90:2 94:3 120:24 127:24 130:17 pointed 80:24 135:12 pointing 126:1 points 41:10 43:5 90:17 124:16 poised 40:14 polarization 25:20 110:6 polarized 103:1 policy 12:22 14:5 45:20 49:11 142:9 policymaking 40:7 political 8:6 19:3,10,11 25:15 32:4, 10,12,18 36:17 98:13 101:24 110:7	117:7 128:19 129:17 132:14 141:8 politically 25:10 politicians 10:22 politics 132:11,12 Pollyanna 52:15 Polsby 29:18 30:3 pop 13:14 Popper 29:16, 18 30:3 populated 31:9 population 21:16 31:11 35:9 52:7 53:8 57:16,19 61:20,24 76:12 81:9 82:9,16,19 101:18,20 109:13,15 118:13 144:18 populations 76:14 144:12 portal 6:14 88:14 124:13, 17,21 125:3 135:2,22 portion 50:2 Posby 29:15 posed 122:13 124:21 poses 102:1
---	--	--	--	---

positive 34:3 42:18	predominant 16:18 17:7, 19,20 18:5	presidential 50:9	28:17 29:5 33:19 35:21, 24	28:13 53:12 67:3,5,22
possibility 41:2	predominate 18:8	presidents 113:24	prior 34:19 83:10 117:12	68:15 73:8 84:7 86:4,19, 24 87:11
Post 46:8	preferred 116:23	pressure 16:4	prioritize 116:19 119:12	88:5,9,11,17, 19 89:2,24 102:3,5
postcards 44:24	preliminary 53:10	presumed 130:1	prioritizes 117:5	109:20 110:3, 9,14,19 112:22
posted 12:1	prep 50:24 52:3	presumption 78:16,23	prison 118:13	113:13
postpone 121:13	preparation 51:8	pretty 50:7 64:7 68:22 126:21 130:4	prisoner 99:7	115:13 116:3 117:18
postponement 134:15,19,23	prepare 135:10	prevalent 27:17 29:9 36:1	prisoners 51:4	119:22
potential 90:17	prepared 52:9 120:1	preview 80:21	prisons 106:3	Pritzker 114:20
potentially 67:24 68:1 87:8 95:9	preparing 71:23	previous 37:3 47:23 70:5,21 95:7 97:20	privacy 15:9 59:5,18,21,23 60:7,9 61:23 62:9 63:3,4 72:23 75:6 83:7 94:21	120:10,24 121:18,21 123:4 125:13 127:21,22 130:6,10,17, 24 131:21 132:12,13 134:1,8 136:11
poverty 76:7, 10	prescriptive 35:11	previously 115:2	privilege 105:23	138:12,14 139:4,7,10 140:14 141:12 144:7 145:7
power 24:18 41:17 101:24 117:8	present 39:7 120:1 137:23 138:6	primaries 51:15 140:23	problem 104:19 141:3	problems 50:18
practical 111:7	presentation 12:10,13 38:20 39:9 64:16 72:12 77:19	primarily 16:24 21:8	proceed 12:13,17 57:14	processes 63:6 109:7 114:11
practice 97:23 98:23 116:18	presentations 144:19	primary 18:16 21:24 41:24 42:2 52:4 54:18 145:9	proceeding 7:14	processing 63:14
pre-cleared 22:12	presents 6:18, 20 8:10	principle 26:5 28:18 29:7 30:11,13 32:3 33:21 34:18, 20 35:4 37:1 121:22	proceedings 8:20 147:8	produce 74:14 76:23 126:4 127:11,19,20 142:1
precedence 16:22	preserving 32:4 33:21 34:19 35:19	principles 6:11 10:6 13:9,12 15:7	process 5:19 6:10 7:4,8,17 8:8 9:5,24 10:16,21 11:5 12:5 17:13	produced 57:16
precincts 47:10,13 52:6	president 113:16,18 126:2 128:24 143:22			product 65:13 82:1 97:21
precise 74:20				
preclearance 22:5 24:3				
preconditions 25:23 26:6				
predominance 16:15				

products 58:13	145:1	5,6,10,17,23	130:20	120:14 122:3, 8,12,13,24
program 13:2 47:15	proud 6:24 7:4 105:17	125:2,5,6,13	131:14,22	124:22
progress 107:9	prove 24:16, 20 25:5,22 26:6,7 33:7 77:22	126:7,11	putting 42:3 73:12 88:11	136:10
prohibit 36:11	proved 60:3	130:5 136:1	<hr/>	138:10
prohibition 26:24 36:1	provide 10:18	139:4,5	Q	139:15,17
prohibitions 19:21,23	14:7 39:14	142:22	<hr/>	146:14
promise 42:21	47:4,7,12,18	publicize 112:9	quality 47:20 52:21 59:7	quick 55:11
promptly 130:2	50:1 77:11	publicized 102:9	query 70:6	quicker 38:1
proof 24:13	89:6,9 96:1	publicly 112:1 129:20	question 19:11 25:6 38:13,23 57:11 64:20	quickly 93:14
prophylactic 24:5	102:10,13	publish 9:9	65:3 72:6	quoting 81:5
proportionalit y 36:24	105:3 121:8	published 9:15 94:7 130:2	80:13 83:13, 22 87:6 90:13 91:4 94:1	<hr/>
proposal 117:24	134:17	publishes 102:16	96:16 103:22	R
proposals 116:13 117:20 120:5	135:18	pull 68:7 127:13	122:15,16	race 16:2,6, 10,13,18
proposed 106:13,16 108:10 118:2, 5,9 133:7 134:11 145:22	144:22	pulling 100:22	124:8,12	17:7,18,21
protect 59:22 101:4 145:6, 19	provided 44:3 48:16 59:11 120:19 139:20	purely 20:2	125:24	18:5,7 145:15
protecting 10:9	providing 11:14 46:19 70:10 112:21 122:1	purpose 81:7 122:19 123:1, 8 125:6 126:13,16 127:3	126:10 127:8	racial 7:5 10:9 15:13,20
protection 10:4 15:17 16:9 18:22	provision 22:16 33:4,11	purposes 23:8 61:19 72:2 81:10 82:20 117:4	128:2 131:3,7 136:24	17:16 24:17
protects 60:9	provisions 36:9	questioning 88:21	questioning 88:21	25:20 62:2,3 105:1 110:18 114:7
protocols	public 34:11 43:22 53:16 95:14,17 102:12 106:13 116:4, 5 117:17,20 118:3,7,8 119:15 120:21,24 121:8,11,16 123:2 124:2,	push/pull 60:11	questions 10:14 12:12, 15 13:4 15:11 17:14 38:3,7, 8,15,16 64:12,18 66:10 71:18 77:12 83:12, 19,20 88:22 89:11 92:15, 17,18,21 95:13 103:19 104:9,11 108:22 112:14	racially 103:1
		put 11:4 31:13,14 42:23 46:24 54:4 56:15 58:9 66:19 67:1 70:12 91:17 92:9		raised 89:14
				ran 144:4
				random 129:21
				range 21:22 143:11
				rates 143:4
				rational 34:21
				re-precinting 52:6
				reach 14:19
				react 79:2 134:11
				read 7:11

66:22 130:13 143:21 ready 12:17 13:16 38:4 46:22 120:5 145:24 Reagan 113:16 real 110:16 144:1 reality 109:14 130:24 realize 55:13 realized 42:3 reallocating 51:4 reallocation 99:7 reapportionment 43:14 reason 31:16 45:3 46:5 49:1 111:16 reasons 39:23 80:10 receipt 11:16 receive 5:17 7:19 48:23 74:1 received 11:22 receiving 44:17 recent 35:23 69:16 72:16 recently 11:3 70:9 94:10 114:23 118:12 131:11	recognize 39:22 recognized 16:8 17:6 recommendation 121:12 141:23 142:16 145:13 recommendations 102:6,14 145:21 reconcile 65:21 reconfigure 61:8 reconvene 67:24 record 12:1 80:8 112:24 128:4 130:15 records 46:7 rectangle 29:17 redistrict 35:10 55:9 70:18 102:3 128:7 redistricted 21:21 82:17 redistricters 48:15 52:2 redistricting 5:12,18,23 6:10 9:24 10:21 11:15, 18 12:5,6,23 13:6,8,9 14:8, 17,22 19:14, 19,22,24 22:2,12 24:8	28:9,11 29:23 30:4 33:16,17 35:21 36:12 40:5 41:12 43:13 44:8 48:8,21 50:5, 14,21 51:9,10 52:13,17 53:3 54:11,23 56:21 63:24 64:2 66:14 70:21 81:7,8, 18 82:3,20 95:17 97:13 98:6 101:9,22 102:1,17 103:3,24 105:15 106:6, 20 107:1,22 109:7 110:3, 23 111:4 112:20 113:13 114:10,15,18 115:4,7,17 117:13 119:9, 16,22 127:14, 16 128:13,15 129:13,15,23 131:21 140:12,14,20 142:3,17 147:7 redraw 113:22 redrawing 120:17 reemerged 16:22 refer 32:5 reference 42:14 92:11	95:13 referenced 95:8,14 131:20 referred 66:20 referring 13:13 refers 61:4 reflect 8:11 103:9 110:16 143:16 144:10 reflected 101:23 reflecting 6:12 reflective 125:19 reflects 7:5 reformers 140:10 regard 63:13 regime 22:5 24:3 region 120:1 133:2,3 regions 32:9 121:2,5,9 125:1 135:5 registration 103:2 regular 43:14 45:2 52:23,24 55:10 73:24 regularly 101:10 reinsert 73:7 reinstate 23:11	reiterate 39:13 47:21 reject 35:3 rejoining 52:6 related 84:1 relates 69:7 relation 78:1 relational 70:15 relationships 34:23 relative 18:19 24:10,22 32:9 83:9 release 48:18 62:23 63:17 71:24 104:2 119:12 141:15 142:19 released 48:6 50:13 62:20 91:7 102:14 108:10,21 142:17,22 releases 59:13 142:2 releasing 102:11 relevant 26:13,20 27:10 28:18 29:1 106:16 117:22 121:10 reliability 10:15 reliable 74:5 81:6 relied 97:3
---	---	---	---	---

135:21	105:3 109:12	43:22 44:11	response	79:13,20
relief 54:8,13	111:13	84:3 89:20	102:13,14	98:14 101:5,
rely 40:9	118:12,15,21	requirements	responses	6,13,19
97:24 125:3	143:20	51:18 94:13	58:23	104:15,22
144:21	representative	101:14 118:1	responsibilitie	105:6,16,21
remaining	107:17	requires	s 135:7	106:17
17:5 46:11	123:20	20:21 21:3,18	responsibility	107:12
remap 119:19	125:15 128:8,	33:12 35:5	6:22 106:19	116:20,21
141:11	22	43:13 59:24	110:2,13	118:1 144:13
remapping	representative	104:1 111:8	121:10	145:6
112:22 117:6,	s 34:24 37:14,	114:4	responsible	rigorously
18 118:23	18,19 38:12	requiring	121:2	33:8
remarks 7:11,	109:10	96:2	responsive	risks 10:4
13	128:21	research	111:14	68:16
remember	represented	14:13 91:17	rest 30:18,22	road 50:12
44:17 94:2	12:9 93:24	92:4	52:13 96:11	55:19 71:5
remind 72:9	111:1	residences	109:14	100:1
111:24	representing	43:17	restrictions	Robin 114:17
reminder	101:11	residency	20:1	robust 106:12
146:20	105:14	51:18 145:3	result 10:21	110:22 116:4
remove 86:1,	represents	residents	68:17 76:9	robustly
22	60:18,19	46:22 75:24	78:7 85:24	111:1
removes 84:6	Republican	76:12,21	87:16	role 28:9
removing	37:10	109:11	resulted 141:9	43:23 46:12
86:15	Republicans	resources	results 76:11	rolling 57:1
Reno 15:19	132:21	39:17	94:9 113:14	Ronald
Reock 29:16,	request 9:18	respect	115:13	113:16
19 30:2	requests	106:19 138:3	retired 45:17	room 8:19
repeat 95:15	14:13	respond	retirement	21:13
repeatedly	require 36:16	116:10 118:8	45:18	rough 65:1
126:6 131:20	68:3	133:7	review 108:9	roughly 35:9
report 26:1	required 17:9,	responded	reviews 111:9	37:13
106:4 117:23	21 18:2 28:19	44:24 63:12	Reynolds	Rucho 19:8
reported	31:22 35:2	135:19	20:13	rule 30:14
60:20 61:20	46:15 69:3	respondents	rights 10:5	73:15
reporter 5:1,3	95:16,20,23,	59:23	15:5 17:2,9,	ruled 26:21
reports 66:4	24 96:5 97:4	responding	21 18:1 22:1,	rules 21:24
representation	98:21 118:20	14:13	17 24:1,14	82:13 120:13
5:18 7:20	requirement	responds	26:1 77:21	121:15
24:11 84:4	26:22 30:24	118:2	78:10,19	rumors 65:23
	36:14,23			

run 39:20 46:9 51:20 132:23	seat 8:1 40:19, 20 41:14,18, 21	78:11 79:1 81:23 83:13 84:13 85:7 90:12 91:15 92:13,19 94:1 95:6 103:16, 19 104:5 115:22 128:3 129:2 130:5 138:23	132:10	significant 68:16 74:4,8 76:1
runs 81:19	seats 40:4 41:16,19	senators 7:7	shape 13:21	signs 107:8
rural 62:1	second-to-last 62:15	senior 104:21	share 14:20 37:15 40:2 106:13 142:6	silenced 143:24
rush 68:5	secretary 55:3 65:7 129:4, 12,18,20,24 130:3 142:10	sense 126:21	shared 47:11	silent 56:6 96:16 97:9
rushed 144:8	section 14:22 22:3,4,7 23:1, 3,5,8,12 24:1, 2,9,14,20 25:16 26:4 27:21 77:20	September 48:11,18 49:16 58:20 63:20 83:4 119:10 129:19 142:19	Shaw 15:19	similar 54:13
<hr/> S <hr/>	seek 103:10	series 44:6 53:18	sheet 74:14	simple 76:24 125:24 146:10
S.B. 116:18	select 17:4	serve 6:24 32:20 129:22	Shelby 22:20	simplification 17:13
salt 142:14	selected 60:5 72:24	serves 109:18	shifting 53:8	simplify 96:24
sampling 144:21	selection 37:2 129:21	Services 41:1	shifts 52:7	simply 62:21 71:23 81:16 88:5 106:21 116:8 117:14 120:6 130:20
Sanders 20:13	self-response 143:3	serving 13:24	shop 63:11	Sims 5:6 7:2, 12 12:20 20:13 39:11 103:16,17 104:5,10,17 108:16 111:22 112:19 122:5 136:8,9,22 137:7,15,21 138:2,20 139:23
satisfactory 55:22 56:20 58:5	seminar 63:24 66:14	session 52:23 53:3 68:6,8, 20 69:3	shore 31:8 117:7	show 29:22 60:13 61:24 62:2 85:3 111:16 125:2
satisfy 144:13	senate 5:12,23 6:9 9:16 12:4 23:16 25:24 26:8 65:19 102:17 112:20 115:22 119:15 126:2 129:1 146:20 147:6	sets 66:24 74:6 79:8	short 18:6	showcase 111:18
scenes 93:14	Senate 7:1 38:22 64:17, 19 77:14	settled 20:16	Shortly 6:13 114:15	showing 17:12 102:18
schedule 9:15 52:12 55:10 72:15 104:7		seventies 82:2	show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	shown 16:3 29:16 31:5
scheduled 5:24 102:8 119:15 136:13		Seventy-five	show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	showing 17:12 102:18
scheme 78:17			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	showcase 111:18
school 109:18			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	showing 17:12 102:18
schooled 32:7			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	shown 16:3 29:16 31:5
Schwarzenegger 146:5			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	showing 17:12 102:18
science 32:18			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	shown 16:3 29:16 31:5
scope 17:8			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	showing 17:12 102:18
scores 29:18, 22 30:8			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	shown 16:3 29:16 31:5
screen 13:20 15:21			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	showing 17:12 102:18
scrutiny 84:8			show 29:22 60:13 61:24 62:2 85:3 111:16 125:2	shown 16:3 29:16 31:5

situation 132:24	solution 116:4 117:3 141:3	61:8,9 85:18 93:6	spring 9:11,15 11:7,10	13:7 14:6 15:7 16:4,17
sixties 44:6	sort 25:3	specifically 34:9 35:3	Springfield 68:6	19:16,20,21, 23 20:18
size 93:7,8	31:17 33:14	48:15 49:24	springtime 53:19	21:1,7,9,16, 18 24:3 26:16
skepticism 142:7	34:14 43:5	68:20 81:3	square 29:12 93:8	27:1,3,14,17 28:1,21 29:6
slate 35:6	49:13 57:8	82:3 83:3,18	squares 35:9	31:10,12
sleep 82:13	60:11 63:10	86:13 96:13	staff 14:1,14 40:9 101:1	32:9,11,13 33:3,4,5,11, 17 35:8 36:4, 22 37:7,9,15
slide 11:22	69:8 71:1	134:20	106:23	39:16,17 42:1
17:12 40:11	96:20	specifics 39:17 62:10	114:23	44:4,7 46:21
41:7 42:19,20	sought 90:22	134:18	stakeholders 6:4,9 8:8	47:18 50:23
50:19 54:5	sound 61:11	spectrum 80:2	101:11	53:7,13 54:8, 12 55:3
57:4 58:9,21	63:8 73:4	speed 49:17, 19	stance 143:13	61:20,23
59:11 61:12	source 55:8, 11,17,21	spend 71:22	stand 55:17 77:7 145:24	65:8,9 69:11
62:15 63:10	56:2,7,13,20	spent 74:2 142:7	stand-in 32:19	74:22 75:15, 20 76:17 77:4
72:11 93:12, 13,17	58:5,8	split 31:2 33:8 58:7	standard 28:1 82:22,24	79:10 80:7
slides 13:15	sources 55:24 58:11	spoke 43:24	standards 116:19	81:15 82:8,9, 11,16,17
39:20 60:14	south 25:12	Spokesman 8:22 131:8	stands 147:7	87:1,10 88:16
69:15 92:23	105:24 106:1	spokesperson 5:8 9:1 11:12	start 5:5 12:5 15:3 27:14	89:22 91:24
93:22	143:4	39:3 66:6,8	35:7 48:3	96:2 97:2,4
slot 60:24	southeast 35:8	67:20 69:13	51:10 56:13	98:8 99:10,11
small 31:15	southern 120:11 133:3	73:20 75:10	57:17 99:15	103:13
44:2 56:22	sparsely 31:9	77:8,15 80:23	122:11	109:10,23
62:2 109:13	speak 87:21	83:21 85:22	138:13	110:13 111:2
smaller 21:10	104:23	86:13,16,23	started 138:16	112:23 114:5
snapshot	107:16	87:17 88:2,23	starting 106:8 111:18 125:9, 11 138:14,15	115:11 116:6
75:14,17	111:20	89:12 103:21	starts 116:4	119:3 123:10, 20 124:18
144:24	speaker 115:1 128:20	104:8 122:8, 9,23 124:1,20	state 5:16 6:2 7:2 8:12,16 11:23 12:8,24	125:1,16,20 129:4,13,18, 20,24 130:3
snowbirds 76:16	speaking 38:24 99:21 125:10	125:23 127:7		132:9 135:17
society 16:2	special 53:3	130:14 133:9		140:24 142:1, 9 143:16
socioeconomic s 98:12	68:7,20 69:3	134:13		
software 29:24 53:12 98:5	110:17	135:20 136:5		
sole 36:22	specialist 12:23	sponsored 115:3		
solidarity 107:9	specific 33:2 41:11 59:21			

144:24 state's 27:1,7, 8 46:12 68:2 78:9 79:17 86:6 101:13, 17,19,20 143:1 stated 128:13 140:19 statement 5:6, 7,9 134:22 statements 94:4 states 19:2,17 21:8,20 22:8 23:6 27:20 29:1,8 30:13 32:5 34:1,21 35:2 36:7,11 41:13 44:1 46:15,16 47:2,3,7,22 48:23 49:10 51:3,17 52:21 53:22 54:4,6, 24 55:7,14,24 56:2,11 64:20 65:22 66:2 68:19,21,23 69:21 70:3,6, 10 71:3,11,19 75:12 76:13 78:12,15 80:8 84:1,5,11,23 85:23 86:7 95:16,20 96:1,6,8,12 97:6,8,12,18, 23 98:2,4,6, 22,24 101:5 119:5,13 133:11 140:8	142:3 143:12 states' 114:6 statewide 37:2,15 72:8 stating 26:2 130:21 statistical 91:9 statute 128:5 130:12,13 131:23 132:4, 6 133:12,21, 22 statutes 15:6 96:23 statutory 13:7 21:24 53:23 54:17 78:17 stay 82:10 100:12 139:8 step 63:15,17 65:16 70:13, 15 73:6 steps 25:3 116:2 Steven 100:17,20 101:1 103:15 stood 107:9 stop 38:14 83:7 91:5 stopped 99:12 storms 141:22 story 50:22 stream 8:19, 20 street 45:2 streets 49:5 strength 24:10,22	103:9 strengthen 105:20 strict 33:3 stricter 119:13 strikes 76:24 strong 58:4 141:23 strongly 141:4 struck 17:9 27:2,6 structure 14:3 23:1 78:21 students 99:10 studies 90:19 study 91:16 92:3,8 95:8 stuff 63:9 77:10 subcommittee 88:13 120:5, 10,11 125:18 Subcommittee 's 102:20 subcommittee s 6:7 102:17 121:13 123:19 126:14 135:6 146:21 subdivision 32:12 subdivisions 32:4,10 subject 19:18 20:1 submissions 116:11	117:19 submit 6:14 88:18 108:15 124:5,10,19 125:2 126:7 129:16 135:22 submitted 118:3 subsequent 22:10 90:22 substantively 9:20 substitute 106:21 suburbs 106:1 succeed 24:23 success 85:9, 11,12 successful 85:4 sue 140:18 sued 62:17 80:9,13 84:15 suffers 103:1 sufficient 31:11 sufficiently 25:6 suggest 75:21 suggested 66:21 76:20 86:18 119:2 134:15 suggesting 67:23 69:18 74:3 84:10 suggestion 47:14 67:7 84:5 134:14	suits 62:18 summer 141:22 146:3 Sun-times 143:22 super 28:24 supermajority 68:11 support 63:22 72:7 114:9,14 115:6 132:7,8 133:23 146:5 supported 45:11 114:18 supporters 18:20 supporting 10:8 115:3 supports 114:22 suppose 130:15 supposed 79:6 suppression 117:15 supremacy 15:3 Supreme 16:8,21 17:6 18:3,16 19:7, 15 20:21 21:12 22:19, 24 26:21 33:4 54:12 55:2 72:19,21 73:2,14 82:21 129:16 surprised 94:22 survey 56:15,
--	--	---	--	--

24 90:18,24 92:23 94:16 114:12 144:16 survive 21:6 84:8 swapping 60:2 switch 29:11 50:15 system 28:23 59:21 60:1,2, 3 70:5 105:9 systems 78:15	talked 77:16, 19,20 83:24 88:14 142:24 talking 13:3,5 86:14 95:22 99:24 talks 128:10 tax 144:6 team 70:21 techniques 144:21 technology 77:1 telling 81:21 ten 34:21 37:3 64:6 118:22 tend 21:9,21 32:20 36:6 37:7,10 52:14 85:15 tended 97:16 term 22:6 25:21 59:20 61:10 95:18 terminates 31:17 terms 13:11 32:22 41:8 46:13 50:18 55:22 61:18 85:12 97:12 terrible 130:23 terrific 124:21 135:2 territories 14:2 testify 29:1 100:24 103:11	112:21 116:8 122:2 139:24 testimony 5:10 11:14,16 12:7 90:10 100:9 103:23 104:12 108:15,17 111:23 112:16 116:11 117:19 118:2 120:2 124:3 126:5 131:19 136:6 139:13, 18,19 142:22 text 138:24 theories 18:17 theory 16:6, 15 18:23 19:6 23:2 37:6 99:3 thin 96:20 thing 10:1 13:13,22 15:12 20:14 24:8 27:6 28:13 41:23 46:10,14 47:3 49:14 50:20 51:14 60:6 63:1,10 things 9:21 14:9 26:2 39:19 40:10 42:12,13 49:10 50:24 51:11,13 52:4 54:22 59:12 60:12 62:17 72:2 74:24	76:7 77:19 94:14 98:19 99:16 127:5 128:12 133:13 140:17 142:11 thinking 31:19,23 55:13,17 75:11 79:11, 22 third-party 132:22 Thornburg 25:2 thought 40:15 138:23 thoughtful 7:15 thousands 10:16 133:16 three-judge 22:15 threshold 9:14 25:3 68:4 throw 36:5 Thursday 136:19 146:22 tied 81:16 tight 134:5 time 16:5,11, 24 37:3,22 38:22 39:1 43:18 45:17 48:20 50:15, 21 51:7,24 52:12,20 53:6 64:12 72:15	73:17 74:2 75:4,14 76:17 78:14 79:6 82:11 88:16 90:9 97:15 100:3 102:10, 13 103:14 107:14,16 108:1 115:8 118:8 121:16 133:6 134:11 135:8 141:16, 19 timeframe 49:7 134:5 timeline 51:12 141:14 142:5, 13 timelines 145:21 146:1 times 9:10 135:3 140:19 145:11 today 5:10 7:8,17 10:14 11:6 12:22 14:21 64:14 90:9 100:24 102:24 103:24 107:16 108:15 109:5 111:21 116:10 124:14 125:8, 17 126:5,14 133:6 135:4 136:15,16 139:13 140:1, 20 142:4,24 143:10,16 145:22 146:9,
<hr/> T <hr/>				
table 8:1 48:19 66:19 70:15 110:21 142:9 tables 107:20 tabular 70:11, 13 tabulation 47:9 takeaway 138:9 takes 51:9 86:5 144:23 taking 80:5 142:13 talk 13:8 40:12 42:22 45:23 48:1 58:12 61:14, 15,17 71:17 72:8 76:2 120:6 123:10 130:11,12				

variety 8:16	virtually 6:3	18 79:13,20	124:4 147:4	19,21 65:4
vary 32:10	116:6	98:14 101:6,	Wednesday	77:14 78:11
37:6	vision 69:10	13,19,20	74:12	81:23 84:12
vendor 58:12	visit 108:1	102:22 103:1,	week 64:1	96:18 97:14
vendors 72:7	vital 5:18	9 105:16,21	123:16,17	win 26:9
verbatim	voice 102:5	106:17	weeks 6:1	wipe 35:6
130:16	109:13	107:12	51:1 54:21	Wisconsin
version 23:15	voices 5:20	116:20,21	71:23 80:19	18:14
71:2	8:7 107:18	118:1 144:13	102:8,10	withhold
versions 35:14	110:20	VRA 18:4	weighted	118:21
versus 22:20	vote 20:6	vulnerable	20:11	witnesses
71:2	24:9,12 25:4,	143:8	weighty	112:6
veto 114:24	13,14 37:8,		106:19	woefully
vetted 145:12	10,15 88:6	W	Welch 115:2	117:10
vice 5:6 7:1,	89:1,7,9,23		Wendy 12:9	Women 11:21
10,12 8:18	103:11	wait 56:12	13:2 14:10,23	146:4
12:20 39:11	105:10	63:16 107:16	15:7 64:15,20	word 40:17
103:17 104:5,	121:23	146:11	66:9,20	99:6 112:6
10,17 108:16	voted 23:14	wait-and-see	77:10,16	wording 36:3
111:22 122:5	114:19 133:8	80:5	80:17 83:15	work 14:3,12
129:9 136:9,	voter 20:10	walk 74:7	85:6 90:8,13	34:17 41:9
22 137:7,15,	117:15	wanted 17:15	96:18	43:16 51:1,2
21 138:2,20	voters 10:22	19:20 42:18	Wesberry	52:20 54:15
139:22	11:21 17:3	62:15 89:13	20:13	56:10 63:22
video 8:20	25:18 52:10	90:8,16 136:1	west 35:13	67:14 70:17
videos 45:11	54:17 103:6	wards 32:16	105:24 106:1	71:13 72:3
view 71:10	105:7,18	Washington	143:4	74:19 86:2
viewpoint	114:14 117:8	22:15	western 36:7	100:8 105:18
19:4	132:10 146:4	watchdog	When's	106:3 117:22
viewpoints	voters' 106:22	140:5	124:20	126:23
8:16	votes 68:1	watching	whichever	131:10 138:3
violated 18:21	102:24 105:8	57:13 106:10	30:5	145:24 146:2
violation 10:4	107:19 118:6	water 31:5,24	white 15:24	workable
26:5 27:3,8	134:12	ways 29:14	25:18	57:24
violations	voting 10:5	47:17	wholly 30:17	worked 101:4
77:21	15:5 17:2,8,	weaponized	widely 102:9	107:10
Virginia 31:6,	21,24 19:1	115:18	wiggle 21:13	115:21 138:5
8 35:13	22:1,10,17	web 96:3	Williams	working 8:13
virtual 136:24	24:1,13,18,22	website 12:2	12:10,17,19,	67:15 104:24
	26:1 47:8	96:19,24	22 38:7,16,	105:19,23
	77:21 78:10,	112:1 117:17		

works 60:13
65:11
world 132:16
worse 117:12
worth 22:3
33:19 146:10
wow 71:6
wrinkle 51:5
write 78:20
written 11:16
45:11

Y

year 6:18,20
9:24 11:3
13:18 41:4
42:2 44:14
45:6,17,21
46:2 47:22
50:16 51:20
57:18 58:2
62:19 70:12
72:24 73:13
80:9 91:1,8
110:11
114:13
127:15 128:5,
15 131:24
132:24
140:20
year's 57:19
years 22:22
37:3 42:24
50:8,10 57:2,
3,7 73:10
75:3 82:14
83:10,16
84:24 100:1
101:4 105:1
109:23

118:22 132:1
142:7 144:20
yellow 29:17
yesterday
126:3 143:21
York 97:19
York's 133:12
Young
139:20,21
140:2 146:17

Z

Zay 11:17
Zoom 11:13
13:18 39:5
108:5 136:21
137:1,6 144:3
146:23,24