The Commission convened via teleconference at 12:00 p.m. EDT, Norma Cantu, Chair, presiding.

PRESENT:

NORMA CANTU, Chair
J. CHRISTIAN ADAMS, Commissioner
DEBO P. ADEGBILE, Commissioner
STEPHEN GILCHRIST, Commissioner
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
DAVID Kladney, Commissioner
MICHAEL YAKI, Commissioner
MAURO MORALES, Staff Director
DAVID GANZ, General Counsel
STAFF:

NICHOLAS BAIR
STANLEY CARR
SHERYL COZART
IVY DAVIS
PAMELA DUNSTON Chief, ASCD
ANTONIO FAUNTOY
ANDREW GALL
ALFREDA GREENE
STEVEN IRWIN, Chair. PA Advisory Committee
PILAR McLAUGHLIN
DAVID MUSSATT, Dir, RPCU
BROOKE PERRY
CORRINE SANDERS
Nadine SMITH, FL Advisory Committee
MICHELE YORKMAN RAMEY

COMMISSIONER ASSISTANTS

Alec Duell
Alexander Heideman
Carissa Mulder
Irena Vidulovic
John Mashburn
Juana Silverio
Thomas Simuel
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OPERATOR: Hello. Today is Friday, September 10th, 2021 at 12:03 p.m. Eastern Standard Time. Welcome to the Commission meeting for September 10th. This call is being recorded. At this time, it is my pleasure to turn the conference over to Chair Norma Cantu. Ma'am, please begin.

CHAIR CANTU: Thank you. Welcome to the business meeting for the U.S. Commission on Civil Rights. The meeting comes to order at 12:03 Eastern Standard Time on Friday, September 10th, 2021.

I am Chair Norma B. Cantu, and I thank the staff who have completed the public notice needed for this meeting and arranged for this public phone call. We thank the general public for their interest in attending today.

Due to respect for health and safety, the commissioners are conducting this business meeting by phone conference. I would like to confirm that each commissioner is on the phone line, and we'll take a roll call. Please say present when I say your name.
Commissioner Adams.

COMMISSIONER ADAMS: Present.

CHAIR CANTU: Commissioner Adegbile.

COMMISSIONER ADEGBILE: Present.

CHAIR CANTU: Commissioner Gilchrist.

COMMISSIONER GILCHRIST: Present.

CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: I'm here.

CHAIR CANTU: Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Here.

CHAIR CANTU: Thank you. Commissioner Kladney.

COMMISSIONER Kladney: Here.

CHAIR CANTU: Commissioner Yaki.

COMMISSIONER YAKI:Present.

CHAIR CANTU: We have, based on the response, a quorum of the commissioners present. Is the court reporter present?

COURT REPORTER: I am.

CHAIR CANTU: Thank you. Is the director present?

MR. MORALES: I am present.

CHAIR CANTU: Thank you. The meeting will now come to order, and I will begin with agenda.
I. APPROVAL OF AGENDA

CHAIR CANTU: Let me start by making a motion to remove two items from the agenda for consideration. We were not on time in getting the paperwork that is supportive of items 2D and 2E, and so my motion is to withdraw those two items from the agenda, and we will pick them up at a later date because we need more time for discussion on both items, discussion and vote on Commission fiscal year '22 topics and fiscal year '23 statutory enforcement report topics, along with item E which is the Commission conversation about the Statement on School Safety.

I would ask, please, for a second to the motion to withdraw items D and E under Section II of the business meeting.

COMMISSIONER GILCHRIST: Madam Chair, Gilchrist seconds.

CHAIR CANTU: Thank you, Commissioner.

All those in favor of withdrawing those two items from today's agenda, please say aye.

(Chorus of aye.)

CHAIR CANTU: Does anyone say no?

Thank you. The motion carries.
The next item is to move to change our October date for our FEMA Houston field briefing. We had it on our calendars as October 22nd. We will have a better shot at success of attendance if we move it to Thursday, October 21st. So instead of Friday, October 22nd, we're moving it to Thursday, October 21st. This briefing will actually be held virtually. We have not reopened government to do in-person yet; and so, in order to protect the staff and the commissioners and the public from the ongoing COVID-19 pandemic, this meeting will not be in person.

So with that motion changed to the agenda, adding that agenda item, I'm calling for a second to change the agenda to add that date change as an item. Could I have a second?

COMMISSIONER ADEGBILE: Adegbile seconds.

CHAIR CANTU: Thank you. Please say verbally aye if you favor adding that item on the change to the agenda for today.

(Chorus of aye.)

CHAIR CANTU: Does anyone say no? The motion carries; the item is added. The third agenda item -- are there any
others? I'm sorry. I don't have any more proposed. Do any of the commissioners wish to further amend today's agenda? Hearing none, we can now vote on the agenda, if so. I think we can just do it by aye.

Do we approve today's agenda? Please say aye if you approve.

(Chorus of aye.)

CHAIR CANTU: Does anyone say no?

The motion carries. Thank you.

II. BUSINESS MEETING

PRESENTATIONS FROM ADVISORY COMMITTEES TO THE COMMISSION ON RECENT REPORTS/MEMO RELEASES

CHAIR CANTU: Moving to our first order of business then, we will turn to the presentations from advisory committees to the U.S. Commission on their recent activities, their reports, their memos. And so, first, we will hear from our Pennsylvania Advisory Committee Chair, Steven Irwin, and he will be addressing us on the committee's release report on school discipline.

Chair Irwin, I've got you scheduled for ten minutes, and we're starting at 12:11. So you have the floor.
STEVEN IRWIN, CHAIR, PA AC

CHAIR IRWIN: Thank you, Chair Cantu and members of the Commission. Thanks for this opportunity to present the report, our report Disparate and Similar Impact of the Inclusionary Practices on Students of Color, Students with Disabilities, and LGBQT Students in Pennsylvania Public Schools.

I've been a member of the Pennsylvania Advisory Committee for 20 years, and it really is an honor to present to you today. I present today as the current Chair. This report was produced under the previous cohort, which was led by Patricia Hopson-Shelton.

I want to tell you your decisions in making your appointments to the SACs are absolutely important because you put together a group of people in Pennsylvania that was diverse, knowledgeable, hardworking, and enabled us to put together a report and several hundred pages that was really of great depth and substance and we hope will inspire the Commission to take action in this area.

We heard from five panels, very diverse panels at all levels, the national panels
and Pennsylvania, both students, administrators, policy people, academics. And our conclusion might be summed up as follows: disproportionate use of punishment violates and threatens to violate the civil rights of students in Pennsylvania's public schools.

Here's what we learned. The zero tolerance policies and the expanded security and the presence of police that we see in Pennsylvania schools today has led to disparities in the imposition of student discipline. Underfunded schools are more likely to resort to punitive discipline. Why? Because, in part, there are insufficient resources to cover the costs of more expensive, yet effective, social supports for students. We learned that high suspension rates hurt not only the kids who are subjected to the exclusionary discipline but hurt the kids who remain in the classroom, even with the allegedly destructive student.

Here's some statistics you might find interesting and notable. Black students are three times more likely to be suspended than white students. Disabled students are twice as likely to be suspended over white students.
Among the top 25 school districts in the country, for numbers of black students being arrested in Pennsylvania has been great. Black students are seven times more likely to be arrested than white students. Latinx students are three times more likely to be arrested than whites. Incidentally, Pennsylvania is one of the three states where exclusionary discipline is most frequently imposed on Latinx students.

With respect to LGBQT students, there are many anecdotes, but a dearth of data on their experience. We do know that two times as many LGBQT youth report being subjected to exclusionary discipline than those who report not receiving such punishment.

We learned that disparities in punishment result not from student behavior but from the different treatment these students receive. That is, kids, because of their color, gender identity, or disability status, are being treated more severely.

Now, the lack of culturally competent school policies manifested in codes of conduct, which often have a narrow definition of acceptable behavior, lead to disparate outcomes.
These policies fall short in creating a climate in the class that supports all students. For example, when policies authorize discipline for insubordination, that leaves room for substantial subjectivity in making those determinations and lead to unequal and inequitable treatment.

We learned that state education funding prioritizes police over social work and restorative discipline. They all favor spending on hardening over preventative measures.

We learned that there is a great need for disaggregated data. That is data broken down by race, by sexual identity, and disability.

And what is the result of these civil rights infringements? Well, criminalization within the education environment leads to higher rates of incarceration. Testimony showed that limiting police involvement increases graduation rates.

So here's what we recommend. We recommend that the use of exclusionary discipline for nonviolent acts in the school setting end. We recommended that the use of police in schools to serve as school disciplinarians should be minimized. Teaching and implementing trauma-
informed responses to behavior triggered by adverse childhood experiences will lead to more beneficial responses to disciplinary situations. We recommend doing a better job of collecting the data that can inform policy and decision-making in schools when these circumstances arise. This means collecting disaggregated and intersectional data and averting the underreporting of removals and arrests and better understanding the reasons for them. We recommend the use of positive behavior intervention supports; and, finally, we recommend expanding the use of restorative trauma-informed relational repair rather than punishment.

For these reasons, the Pennsylvania Advisory Committee recommended to the Commission in our report, we respectfully request that the Commission encourage those federal agencies promulgating guidelines and financially underwriting elementary and secondary education that they provide incentives and resources to create a positive school environment, one which elevates alternatives to exclusion.

We request that the Commission implore those federal agencies able to insist on the
collection of data on exclusionary discipline to do it. Subjectivity and discretion at the principal level make it impossible to hold individuals accountable. We heard testimony of educators who are trained in these strategies and employing them have empathy for the kids they're responsible for and who bring these students together for restorative outcomes. We heard from children who are eternally grateful to these educators and administrators for employing those techniques. By knowing where there is outside discipline, we can make other educators aware that they are outliers. We can make them aware of the alternatives, and we can give them the tools to use these alternatives.

We ask the Commission to reinstate the 2014 joint guidance of the Department of Justice and the Department of Education on Nondiscriminatory Administration of School Discipline, which will provide a roadmap for instituting these techniques.

To conclude, exclusionary discipline doesn't work. It doesn't make schools safer. It doesn't improve educational outcomes. Suspension, expulsions, and arrests do not deter
future misbehavior or departures from the rules. What they do do is increase the risk of a student dropping out. And a student who has been suspended is 94 percent less likely to earn a college degree, and we all know that not finishing high school have repercussions for that student and their families for the rest of their lives.

So based on this deep dive into the state of discipline in public schools in Pennsylvania, your Pennsylvania Advisory Committee respectfully requests that the Commission declare that discipline that discriminates against or has a disparate impact with respect to students of color, disabled students, and LGBQT students be eliminated in our public schools; that exclusionary discipline be limited for all students; and that restorative and preventative practices become the norm instead. In this way, our children will have the opportunities to learn in environments where they feel welcome, where they feel respected, and see diversity celebrated; and, as a result, we'll make major progress in ensuring that the pipeline from the school to the prison will be dismantled.
Thank you very much for this opportunity to present.

CHAIR CANTU: Thank you, Chair Irwin.

That was nine and a half minutes. You're very cogent and very clear and very timely.

CHAIR IRWIN: Thank you.

CHAIR CANTU: You're welcome. Do any of the commissioners wish to ask questions?

COMMISSIONER ADEGBILE: Commissioner Adegbile yields to the senior commissioner from California.

COMMISSIONER GILCHRIST: Thank you, Commissioner. Thank you very much for that report. I'm sort of a, when it comes to issues like this, I like a deep dive.

Did your study show any correlation or coincidence, you know, whatever you want to call it, between the disparities in any particular jurisdiction or schools and the diversity component of either the school board or the administrators charged with school discipline?

CHAIR IRWIN: That's a great question.

Do you mean within Pennsylvania or nationally? We had national experts, as well as administrators within Pennsylvania. But we did
find --

COMMISSIONER GILCHRIST: Obviously within Pennsylvania, yes.

CHAIR IRWIN: Yes. So within Pennsylvania, what we found was outstanding examples of actors, whether it be judges, whether it be administrators, at all levels, who understand and recognize the advantages of benefits of restorative discipline, who have employed them in their settings. There is not enough data, reliable data, verified data, to be able to give a more specific response to that, Commissioner. And that is really one of the reasons that we really believe that the collection of data really must be improved dramatically to give us the tools we need to identify where these problems arise.

COMMISSIONER GILCHRIST: Yes. I only ask that because I know that oftentimes school boards' policies may or may not actually reflect the demographics of the population that they serve, and I think that has a direct and correlative impact on policies adopted and sensitivity and understanding of, quite frankly, the students who they're enacting policies
supposedly on behalf of.

So thank you for that. And, again, thank you for the good work.

CHAIR IRWIN: You're welcome. Thank you.

CHAIR CANTU: Commissioner Adegbile.

COMMISSIONER ADEGBILE: Thank you. Thank you, Chair, for your important presentation and thank you to the state advisory committee for taking up this important topic.

I guess I want to ask you a question based on your experience and examination in Pennsylvania, if you formed any judgments about the context that brings schools to adopt the methods that lead to exclusionary practices in school environments. And, more specifically, I think, on the one hand, educators, parents, families, students themselves, all have an interest in schools where there is order, where there is safety, where the educational environment is conducive to learning, and, in some cases, where there are consequences for not following a school's rules, right? We all have to follow rules in school, and so we understand that there is an interest in order in our
But I'm wondering what, in your view, leads to these punitive and aggressive tactics that so many schools have adopted when the key goal of our educational institutions is to help people form themselves socially, emotionally, and intellectually, and be prepared to engage as citizens and productive people in the country. What is the context that leads schools to adopt such punitive measures, and how did we get there?

CHAIR IRWIN: That's a really great question, and I'd love to follow-up with you. Let me give you some of my judgments maybe that I've formed, and please ask me again if I don't answer the question properly.

I think there's a couple of things. Above all, I think that the SAC would, there's a consensus that they're in Pennsylvania which has, compared to other states, relatively inadequate support of local school districts. It's a property tax system that doesn't adequately fund schools. There is not the resources available to be able to spend on training of administrators and teachers to be able to have the skills to administrator these kinds of restorative
strategies. And that takes trainings. It's not something you can just talk about. You need people who really know what they're doing in order to bring people together.

You have administrators who, if they have empathy, it goes a long way. But what we found is, the testimony we heard from administrators who are doing this, it becomes a 24/7 job for them. This is not a 9 to 5 or 7 to 3 type of thing. This is something where they are working with these students and they're in the community, you know, seven days a week, 24 hours a day, with the families, with the parents.

We really need to have people who are equipped in the schools to do this, not only teachers but social workers who are trained to do that kind of work. And right now the way that the legislation, in Pennsylvania at least, is there is an emphasis on safety but it's in hardening, more addressing these issues by having police in the schools, thinking that they will be a deterrent violence and other things. We know that having the presence of police in the schools does not lead to safer schools necessarily, and it does not, it's not leading to students being
in school more, learning more, having better educational outcomes either.

So we're not saying, we're not saying that violent action not be dealt with appropriately. But nonviolent circumstances that occur that are disruptive can be addressed in a much better way that keep kids in school and able, when they transition back to school, to continue learning where they were learning, if they're still in that setting.

I don't know if that helps, Commissioner Adegbile, a little bit.

COMMISSIONER ADEGBILE: It does, it does. Thank you again for the work of your committee and your report to us today. I appreciate it.

CHAIR IRWIN: Thank you.

COMMISSIONER GILCHRIST: Madam Chair—sorry. Go ahead. Commissioner Yaki, please go right ahead.

COMMISSIONER YAKI: No, no, no, Commissioner Gilchrist. I just had a follow-up, so I'll go after everyone has had their turn.

COMMISSIONER GILCHRIST: Okay. Chair Irwin, thank you so much for this report to you
and the committee there in Pennsylvania. I just had a quick question regarding the recommendations.

Obviously, when we find students who find themselves in situations like this, parents oftentimes request for their children to have options when it comes to education. I was just curious if there was any consideration given in the report to any parental choice options for students that may find themselves in these environments where they cannot escape. Any thoughts on that?

CHAIR IRWIN: By parental choice, do you mean in charter schools or nonpublic schools or in --

COMMISSIONER GILCHRIST: Yes, any other, any option, whether it's a public charter school or if it's a private school. Any option that a parent would seek to exercise with regard to their children trying to escape some of this in the traditional public schools.

CHAIR IRWIN: Well, that's a great question, and I'm not -- it's sort of maybe three responses, and maybe not of them are going to directly respond to you, Commissioner Yaki, and I
apologize.

One is, first, let me say that the 14 members of our SAC under the previous cohort were, it was really a very appropriate topic for us to address because we had, among us, we had educators, we had people working as lawyers in the education setting, people who work with Big Brothers and Big Sisters and youth groups in the community and immigrant groups and others who really are immersed in the educational issue. So we were really well-suited to address those and the alternatives that you've raised.

We did not, we really did focus on public schools. We did not go outside to parochial or private or other ADY type programs. I am familiar with those, and I think they raise a whole host of really important issues, but they were outside the scope of our report. There are individuals who have those characteristics that suffer trauma or are a member of one of the more marginalized groups in society as children who may go to those other schools who do not have, frankly, the legal rights to enforce their civil rights the way that students in public school may have. And those rights have not been enforced as
aggressively as the Commission hopes that, as the SAC hopes that the Commission will propose and endorse. That can cause those individuals, because they're not in a public school, to be subjected to really discriminatory treatment without recourse.

So I know that there are, I'm familiar with also ADY programs that set up great facilities for students who are then removed from the school setting. And they work very well with those kids, but they're required to be put back in the school setting within 30 or 60 days before they have the opportunity -- and, often, they do very well in those settings because they're smaller, smaller environments, they're given more individual attention, they have people who are trained in social work and health and recognizing the trauma these children have dealt with, and they're able to address those issues. It's very hard to do that in the school setting. Those resources are not there.

So I think, again, it comes down to resources and recognizing that the school setting is probably one of the best places to identify these kinds of behaviors and even address some of
these kinds of behaviors.

But, again, this was a little bit outside the scope of what we were able to address during our term. I apologize for that.

COMMISSIONER GILCHRIST: No worries.

Thank you for your response.

CHAIR IRWIN: You got it.

CHAIR CANTU: Does anyone else have a question?

COMMISSIONER YAKI: Well, this is Commissioner Yaki. I have a follow-up. I was going to wait until everyone else had their chance.

CHAIR CANTU: Yes, please, please.

COMMISSIONER YAKI: Chair, I just wanted to follow up on the police issue. Number one, do the school districts pay for the police to be present? And, number two, what kind of training do they require of these officers in order to be in a school setting and did you examine it, did you get any info on what kind of training was involved and whether it seemed to be appropriate for a school system?

CHAIR IRWIN: That is a really great question, and I can't recall immediately whether
we collected that information specifically, but I
will, again, take a look at the material we've
amassed and answer you outside of this. I'll
follow up with you.

My understanding is that, you know,
each school district has their budgets, and
they're able to, they're not precluded, they have
a good deal of discretion and sovereignty in
deciding whether they want to put law enforcement
in their schools and how they want to do that.
There are incentives at state level in terms of
funding to support that, and it's significantly
more, the use of those funds is significantly
more weighed in favor of funding police rather
than restorative personnel or mental health or
behavioral health kinds of supports.

COMMISSIONER YAKI: Yes, that would be
great. I mean, part of me is curious as to
whether or not, in a game of Peter paying Paul,
if there is, whether or not police budgets are
being supplemented by school budgets and to what
extent it comprises a proportion of a school
district's entire budget. So, yes, if you can, I
think all that is fascinating. And if you have
anything on that that would be great to review,
but I will ask you to try and recall everything that you heard or saw in your testimony.

CHAIR IRWIN: Thank you for that opportunity, Mr. Yaki. We'll definitely follow up on that. My sense is that the police do things, once the police see activity in the school setting that they believe -- they're given broad discretion. So if they see something that's not necessarily illegal activity but is disruptive activity, they would not stop to do what a normal principal or assistant principal or teacher might do in that setting.

So, you know, they're there, they're wearing a uniform, they're having that kind of interaction. But once they make a determination that there has been some kind of a criminal act or potentially criminal act, it's their call all the way through and the school system is not training them in how to respond. This is a response that they draw from their own police training, and they can remove that student at any point and bring them into the criminal justice system or not do it. And that's what happens.

You know, there's interventions all along the way. There's tremendous discretion
from the time the student walks into the school
until the time that the student goes home or
doesn't go home. And, you know, who's making
those determinations? It's not a very functional
system. And if it were working, then it might be
another thing. But it's not changing the
outcomes.

And so it seems that we could better
use those resources to, again, to employ the
restorative and preventative type things that
would reach students, all different students who
come from all different backgrounds, especially
in a public school setting, to learn to get along
with each other, to take responsibility for their
actions, to understand the roles that they played
in bringing the situation about, and then moving
on. That will keep them in school, keep their
instruction days as high as possible, make it
more likely they'll graduate and go on to more
rewarding lives.

COMMISSIONER YAKI: Great. Thank you
very much, Mr. Chair. And, again, thank you and
the SAC for your leadership.

CHAIR IRWIN: Thank you, Commissioner.

CHAIR CANTU: Would any other
comissioner ask a question? I will add, from my experience in working with doctoral students who are investigators in this area, that one key indicator is whether the personnel have their annual appraisals done by the chief of police or whether it's done by the school leadership because the behavior of the school resource officers or the police on campus can be affected by whether certain items are part of their personnel review. And so if they have to be individually reviewed by the school principal, there will be educational outcomes that they'll be asked to do. Help with attendance, did you help students to graduate on time, you know, those kinds of issues could be part of the personnel manual or handbook.

And so it's an easy check to just ask who does your performance review and are there education elements of that. And I learned that from my students, so I will give them full credit for that.

Are there any -- if there's no further questions, I will, again, thank you Chair Irwin. You've done a terrific job with leadership, and your committee and your prior chair should be
commended for an excellent report to us. So thank you --

CHAIR IRWIN: Thank you very much.

CHAIR CANTU: Thank you very, very much. You're welcome to stay on the line. You're welcome to stay on the line.

CHAIR SMITH: I will.

NADINE SMITH, CHAIR, FL AC

CHAIR CANTU: We're going to move on, our next item of the agenda is a presentation regarding Florida's State Advisory Council. We are going to hear from Florida State Advisory Committee member Nadine Smith and on the committee's release report on voting rights.

Chair Smith, you've also got ten minutes, and you have the floor.

CHAIR SMITH: All right. Thank you very much. Good afternoon, everyone. And I will do my best to hit the mark as well as my counterpart just did.

As you all know, in October of last year the Florida Advisory Committee released an advisory memorandum to the Commission, and it followed from a series of public meetings that we had collecting public testimony on voting rights
all across the state. And we really sought to evaluate voter access in Florida with a particular emphasis on the areas that may demonstrate a disparate impact on protected classes under the Voting Rights Act.

It has been, roughly, two decades since this issue was the focus of the Florida Advisory Committee. In 2001, there were hearings held in Florida that found widespread voter disenfranchisement, and so two decades later it seemed like it was time for us to take another look in ensuring every vote counts and every voter can vote. You know, obviously, a fundamental right in a democracy and an issue that had already generated a lot of conversation in our state, particularly around felon disenfranchisement. And there are quite a few recommendations that emerged from all of those conversations, but we hope that the report helped to spotlight the urgency of protecting the rights of all Floridians to know that their vote is protected.

One of the issues that came up frequently in these conversations across the state was the removal of pre-clearance
protections of the Voting Rights Act through the 2013 Supreme Court decision in Shelby v. Holder, and that it had resulted in an increase in restrictive voting laws in Florida and in other states, as well. And those restrictive voting measures had really, had cost advocates and community groups who are really working to ensure every vote counts. Unprecedented time, costly court battles, et cetera.

But the conversations that we had across the state, the testimony that we heard from all over Florida would have fell into a handful of buckets: the limitation on voter registration and strict maintenance of voter rolls in ways that erroneously canceled registration disproportionately among voters of color; unnecessary limitations on early voting; disproportionate rejection of mail-in ballots that are deemed as having significant mismatches by untrained officials and that those rejection of mail-in ballots disproportionately impacted black voters and young voters; just literal structural barriers to voting on election day. We heard from the disability community about a variety of ways that there were structural
barriers to be even able to cast votes, but not just around disabilities but also around language, you know, the barriers facing individuals with limited English language proficiency.

And another issue that arose that, you know, I think, as we begin to put this report together, we might not have anticipated how much of the conversation included election security concerns, not so much around voter fraud, which, by all accounts, was negligible, vanishingly small, but around the issue of retaining a paper trail and concerns about the ability to verify electronic voting.

So that's sort of the basket of the issues that arose. I'll just spotlight a few of the recommendations that emerged, but one of them was that the U.S. Commission issue formal recommendations to the Florida governor and legislator to expand the voter registration deadline to election day and institute same-day or election day voter registration options, as other states have, in addition to postal mail notification require electronic communication with inactive voters, including email, text
messages, prior to canceling voter's registration and, again, after registration cancellation has occurred. So if you didn't vote in two consecutive elections, then maybe a minimal effort to ascertain that you are still, you still intend to be a registered voter. And if you don't get that communication, then you're removed from the rolls and you may not know that until you go to cast your ballot.

Require all polling locations offer voters the option to vote by paper ballot. This is particularly important in the case of malfunctioning voter machines or excessively long lines, et cetera. And then, in conjunction with local activists, advocates in the disability rights community conduct an assessment of the voting process in Florida to ensure all aspects of accessible, effective training to provide all of the elected officials and poll workers so that they understand what their responsibilities are in order to make the polling experience, the voting experience, accessible for people with disabilities and require each county to develop an election disaster preparedness plan available to the public. You know, obviously, Florida is a
place where we get hit by a lot of hurricanes.

And what began to emerge in the testimony was that the responses to it were disparate, and some asserted that, depending on where you were and what the demographic makeup of your community was, you were more likely to be allowed to, for example, fax your ballot in, something that's not provided for under law, in an emergency, in the aftermath of a hurricane, when the same provision was not permitted in majority black precincts, so making sure that there's an even playing field and that the same procedures are followed.

So I'm going to pause there and invite any questions or follow-up, or, if you'd like me to dive deeper into any of the areas that I've highlighted.

CHAIR CANTU: I appreciate that you took such a deep dive already. Commissioners, would you like to identify yourselves and ask a question?

CHAIR SMITH: Was I truly that thorough?

CHAIR CANTU: You were.

COMMISSIONER YAKI: Oh, I'm sorry.
Mine was on mute. This is Commissioner Yaki. Thank you very much, Madam Chair, for the work that you have done. I had a question, and I'm not too sure if you can answer or not. But I just wanted to get your sense or the committee's sense on how something like the pandemic, in your view, affected voting in Florida in the 2020 election, in terms of just the issue that you brought up today.

CHAIR SMITH: Honestly, we were not in the pandemic as we were holding much of this, you know, going through this process. It wasn't an experience that people had had yet at the polling, so it's not within the scope of this presentation.

I will say, you know, just in terms of how it played out, there were lots of concerns about the accessibility issues that arose when you had longer lines, people attempting to space out. But we weren't in a position at the time of building this report to analyze that at all.

COMMISSIONER YAKI: Okay. Thank you.

COMMISSIONER ADEGBILE: Madam Chair,

Commissioner Adegbile.

CHAIR CANTU: Please proceed.
COMMISSIONER ADEGBILE: I just wanted to thank you for your report. I had the opportunity to attend one of the information-gathering sessions on behalf of the Commission, and I really appreciate the work that the SAC has done in bringing attention to these issues and the pathway of all of our eligible voters to have their votes cast and counted. So I'm just sharing my thanks and appreciation for your good work.

CHAIR SMITH: Thank you. We really appreciated your attendance and the fact that so many people in the community, you know, were able to be there in person or send their information. And, obviously, Florida, because of the felon disenfranchisement, Florida voters in 2018 voted really decisively to restore voting rights for individuals with felony convictions. And subsequent to the passage of that ballot measure, legislation was introduced that curtailed that access.

And so while that was the place we assumed a lot of the conversation would be centered, and, certainly, a large proportion was, I wanted to spend time on the other issues that
emerged because I think we all, I think we've heard a lot about felon disenfranchisement and there's a lot more work to be done there. But our hope really is, you know, just as you attending that hearing helped to draw more attention, more media coverage, more involvement from the community, we're really hoping that the Commission will use this moment, as we are heading back into election season again, to really put a spotlight on this.

And we know, in the past, when this conversation has come up, it has prompted real change, greater access on college campuses, greater access to early voting, weekend voting, those kinds of things. And now at a time when we're seeing the erosion of that, the voice of this Commission is really quite powerful and really important. So thank you for taking the time to be with us, and thank you to all the commissioners for continuing to give us a platform for having these conversations.

CHAIR CANTU: Anyone else wish to ask a question? May I just probe a little bit? Were there discussions of how to build trust and confidence in performing the task of verifying
that they got the right voter and the voter is
ing voting in the right place? How do we not lose
voters, and how do we not deter people from
voting, as we take that task up?

CHAIR SMITH: Well, there were a lot
of conversations about the things that were
actually eroding trust. Over-emphasis on the
concept of voter fraud, despite the lack of data
supporting that, is actually creating barriers to
people to be able to cast their ballots. There
were conversations about paper trails, not just
as evidence that there is anything going on that
is improper but also just in terms of building
the confidence that there is the ability to trace
that your ballot was cast, that nothing can
happen, you know, through software or hacks or
things of that nature.

But I think really what a great deal
of the conversation was let us begin with the
premise that we want as many people who are
eligible to vote to cast their ballots in every
election, and then let the process for how you
get there flow from that shared premise, and, you
know, as opposed to a conversation that says
we're going to make, we're going to put many,
many barriers in front of voters that make it harder for them to get to the ballot to ensure that it's cast. And just looking around at other states, you can see that there are things that are already in place, working effectively, allowing people to register same day, allowing people greater access to the ballot.

And so I think that much of the conversation as how do we change the tenor of the conversation away from, you know, barriers and we're going to remove you from the ballot and we're going to create impediments to, we want to make it easier for everyone, you know, even if you've never registered before. We're going to make it as easy as possible for you to access the system.

So I do think there's a lot of work to be done, just on the basis of trust in a system where I think there was a clear sense by the majority of people presenting testimony that Florida's election system is driven, certainly at the legislative level, if not as much at the local level, by efforts to shape and minimize who had access to the ballot.

CHAIR CANTU: Thank you, thank you.
Are there any further questions? If there are no further questions, then we're going to move on to the next item.

Thank you, Chair Smith, for your service and leadership on the Florida State Advisory Committee. But your presentation today was succinct, and it is a very, very thoughtful report and I'm glad you took the time to come speak with us today about it.

CHAIR SMITH: Thank you.

CHAIR CANTU: And, again, I invite you to stay on if you'd like, but if you've got other urgent business, you know, please go with our gratitude.

CHAIR SMITH: Have a good afternoon, everybody.

CHAIR CANTU: Yes, thank you.

DISCUSSION AND VOTE ON STATE ADVISORY COMMITTEE APPOINTMENTS

CHAIR CANTU: So the second item on today's agenda is a discussion on appointments to our state advisory committees. As you know, the Commission depends on advice from highly qualified persons who serve in each of the committees in our 50 states, plus the District of
Columbia. And, most recently, the Commission will be recruiting and identifying and bringing on advisors from the U.S. Virgin Islands, Puerto Rico, and the Northern Mariana Islands, and American Samoa.

Today, we have two advisory state committees with recommendations that have been vetted by the commissioners and have been vetted by staff. And these are folk who are highly qualified. So New Mexico and Texas are on our agenda today, and I will get us started by moving to a point person to serve on the state advisory committee, members of the state of Texas, and they're based on, as I said, vetting that has been performed, and they come also with recommendations of the staff director.

**NEW MEXICO ADVISORY COMMITTEE**

I'm going to read off the names, so please bear with me while I do that: Christopher Saucedo, nominated for chair, and he is a new appointee; Nicolas Davis, new appointee; Elizabeth Eastman, new appointee; John Gist, new appointee; Vinay Harpalani, new appointee; Pamelya Harndon, new appointee; Stacy Moses, new appointee; Sandra Ortsman, new appointee; Carolyn
Stith, new appointee; Sydney Tellez, new appointee; Marc Tizoc Gonzalez, new appointee; and Douglas Turner, new appointee.

All these individuals will serve as uncompensated government employees. If the motion passes, the Commission will authorize the staff director to execute the appropriate paperwork.

So do I have a second for this motion?

COMMISSIONER ADEGBILE: Adegbile seconds.

CHAIR CANTU: Thank you. I'll open the floor for discussion. And the paperwork on them has been completed, so we did pursue having bipartisan representation, diversity, and really, really strong credentials.

So I'm opening the floor for discussion. Thank you. So without discussion, it is still, you know, critical that I call the question. So let's take a roll call vote, please.

Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.

CHAIR CANTU: Commissioner Adegbile.

COMMISSIONER ADEGBILE: Aye.
CHAIR CANTU: Commissioner Gilchrist.
COMMISSIONER GILCHRIST: Aye.
CHAIR CANTU: Commissioner Heriot.
COMMISSIONER HERIOT: I vote yes.
CHAIR CANTU: Commissioner Kirsanow.

Commissioner Kirsanow.

OPERATOR: I think he had to leave the call.

CHAIR CANTU: Okay. I'll come back to him. Commissioner Kladney.

COMMISSIONER Kladney: Yes.

CHAIR CANTU: Commissioner Yaki.

Okay. Let me come back. Commissioner Kirsanow.

Commissioner Yaki. Okay.

OPERATOR: And Commissioner Yaki is muted.

COMMISSIONER YAKI: Aye.

CHAIR CANTU: I heard Commissioner Yaki. Thank you.

COMMISSIONER YAKI: I really would like the refrain on the commentary from the host.

CHAIR CANTU: Thank you. Anyone else -- I'm the last one. I'm trying to count to eight, so I vote aye.

All right. So the tally is seven
commissioners voting, all voting aye. So the motion carries.

**TEXAS ADVISORY COMMITTEE**

So the second is I now move to appoint the following persons to serve on the state committee for Texas. Yes, the state of Texas. Their names, and I'll try to go a little quicker so that we can get done with this meeting: Merrill Matthews, nominated for chair and returning appointee; Jada Andrews Sullivan, new; Joni Baker, returning; Josh Blackburn, returning; Charles Blaine, new; Charles Burcheyy; returning; Rogene Clavert, returning; Cecelia Castillo, returning; Ariel Dulitisky, new; Mark Harrington, new; Brandon Holt, new; Christopher Kulesza, new; Austin Nimocks, new; Ronald Smeberg, returning; Barbara Walters, returning; Jamilah Way, new.

All these individuals will serve as uncompensated government employees. If the motion passes, the Commission will authorize the staff director to execute the appropriate paperwork.

Do I have a second for this motion for advisory committee members in the state of Texas?

COMMISSIONER YAKI: Seconded,
Commissioner Yaki.

CHAIR CANTU: Thank you. I'll now open the floor for discussion.

COMMISSIONER ADEGBILE: Madam Chair, Commissioner Adegbile.

CHAIR CANTU: Yes, I recognize Commissioner Adegbile.

COMMISSIONER ADEGBILE: Madam Chair, I'm just double-checking, did you designate the person who would serve as chair of the Texas State Advisory Committee?

CHAIR CANTU: The first name, Merrill Matthews, nominated for chair and returning.

COMMISSIONER ADEGBILE: Thank you.

CHAIR CANTU: He's a returning appointee. Any other questions or comments? Okay. Unless there's any further discussion, I'm going to call the question and take a roll call vote.

Commissioner Adams.

COMMISSIONER ADAMS: Yes.

CHAIR CANTU: Commissioner Adegbile.

COMMISSIONER ADEGBILE: Aye.

CHAIR CANTU: Commissioner Gilchrist.

COMMISSIONER GILCHRIST: Aye.
CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: Yes.

CHAIR CANTU: Commissioner Kirsanow, are you back online? That's okay. Commissioner Kladney.

Commissioner Yaki.

COMMISSIONER YAKI: Aye.


We have six commissioners all voting aye. The motion carries. Congratulations to the new advisory committee members for the states of New Mexico and Texas. This is one of the very important items of business that commissioners carry, and I congratulate the new members and the returning members.

We're now going to go to the third item --

COMMISSIONER KLABNEY: Madam Chair, here's Kladney. My call got dropped, but I vote yes.

CHAIR CANTU: Thank you. Yes, thank you, sir. We are having, we are experiencing these difficulties, and I please ask your
patience on that. And please let us know through
your essays also if you get dropped on the phone.
We will try to get you right back on again.

VOTE TO AMEND OCTOBER 2022 BUSINESS MEETING

DATE

CHAIR CANTU: The third item on the
agenda is amending the date of the business
meeting in October. I move to adopt October 21st
in 2022, and is there a second?

COMMISSIONER KLADNEY: Kladney will
second.

CHAIR CANTU: Thank you. Any
discussion?

COMMISSIONER KLADNEY: What time does
that meeting start?

CHAIR CANTU: I can't answer. Does
someone know? We usually do this on Eastern
Time.

COMMISSIONER YAKI: I think it's 12 to
3, isn't it?

CHAIR CANTU: Mr. Morales--

MR. MORALES: This is Staff Director
Morales. That is correct. It is scheduled for
12 to 3, same time as it was for Friday, the
22nd. It's just been moved up one day. Thank
CHAIR CANTU: So any further discussion? I'm reminding everyone that this is October 21st, 2022, so please let's not confuse that with this October.

Any other questions?

Commissioner Adams. Calling for votes now.

COMMISSIONER ADAMS: Yes.

CHAIR CANTU: Commissioner Adegbile.

COMMISSIONER ADEGBILE: Aye.

CHAIR CANTU: Commissioner Gilchrist.

COMMISSIONER GILCHRIST: Aye.

CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: Yes.

CHAIR CANTU: Commissioner Kirsanow. Commissioner Kladney.

COMMISSIONER KRADNEY: Yes.

CHAIR CANTU: Commissioner Yaki.

COMMISSIONER YAKI: I think I'll vote no because I haven't voted no in a while.

CHAIR CANTU: Got you. You just want to see if I can add. Okay. So I'm voting yes, so we have seven members voting, six commissioners voting yes and one no. Was my math
right? You're never going to say I'm right.

CHAIR CANTU: And now we're turning to
the last item -- not the last item because I
don't ever want to call someone the last item.
We're going to turn to Staff Director Morales.
If you have a report you'd like to present right
now, we'd be happy to hear from you.

MR. MORALES: Yes, Madam Chair. But I
think there was the amending to FEMA Houston
field briefing date.

VOTE TO AMEND FEMA HOUSTON FIELD BRIEFING DATE

CHAIR CANTU: Let's look at that.
Thank you. That is a good catch.

COMMISSIONER ADEGBILE: Madam Chair,
Commissioner Adegbile. My understanding is that
we're trying to amend the date from Friday,
October 22nd to Thursday, October 21st.

CHAIR CANTU: Correct. So it's our
fourth item on the agenda. It's amending the
Houston field briefing date. We had some
scheduling conflicts. It's for this year, so my
motion is to hold the Houston field briefing date
on Thursday, October 22nd, 2021, and that's a
change. Right now, we had voted in October 22nd,
Friday. We want to do it Thursday.
So to open the floor, is there a second?

COMMISSIONER YAKI: Commissioner Yaki seconds.

CHAIR CANTU: Thank you, Commissioner Yaki.

COMMISSIONER Kladney: Madam Chair, we're changing it to October 21, 2021; is that correct?

CHAIR CANTU: Yes, 21 in '21.

COMMISSIONER Kladney: At 11:00 Eastern Standard Time; is that correct?

CHAIR CANTU: Staff Director, can you answer that? Because I don't know.

MR. Morales: I believe it's 12, but, Commissioner Adegbile, do you have any --

COMMISSIONER ADEGBILE: I believe it's 11 to 2. I was under the impression it was 11 Eastern to 2 was what I had, but I'm open --

MR. Morales: Okay. You're correct, you are correct.

COMMISSIONER ADEGBILE: -- to revision.

MR. Morales: You are correct. Thank you.
COMMISSIONER Kladney: Thank you for the clarity.

Chair Cantu: Any other questions or discussion? So I'll call the question and take roll call.

Commissioner Adams, how do you vote?

Commissioner Adams: Yes.

Chair Cantu: Commissioner Adegbile.

Commissioner Adegbile: Aye.

Chair Cantu: Commissioner Gilchrist.

Commissioner Gilchrist: Aye.

Chair Cantu: Commissioner Heriot.

Commissioner Heriot: Yes.

Chair Cantu: Commissioner Kirsanow.

Commissioner Kladney.

Commissioner Kladney: Yes.

Chair Cantu: Commissioner Yaki.

Commissioner Yaki: Aye.

Chair Cantu: And I vote yes. Seven commissioners voted, all voted aye. The change is approved, and the motion carries.

All right. So we've done both the FEMA and the business meeting.

Management and Operations - Staff Director's Report

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CHAIR CANTU: And so our last item, Staff Director Morales, thank you for getting me back on track. Just inquiring once more, we've already gotten your written Staff Director's report. Do you have anything to add or any oral presentation to accompany it?

MR. MORALES: Thank you, Madam Chair.

In the interest of time, I have nothing further to add than what's already contained in the report. I just want commissioners to know that I'm always available to discuss with a commissioner about any item contained in the report.

So I would like to take a moment just to acknowledge that yesterday was the anniversary that 64 years ago President Dwight Eisenhower signed the Civil Rights Act of 1957. The act established the civil rights section of the Justice Department, empowered federal prosecutors to obtain court injunctions against interference with the right to vote. But, more importantly, for our purposes, the act established the federal civil rights, the U.S. Civil Rights Commission with the authority to investigate discriminatory conditions and recommend corrective measures.
I'll probably do an outreach to commissioners in the near future about the potential to have an anniversary of some sort celebration, probably not as elaborate as the one we had for the 60th, but, given next year will be the 65th, it will be probably appropriate to have some sort of acknowledgment of the 65th anniversary.

So with that, Madam Chair, I thank you and I'll reach out to commissioners on that issue in the future.

CHAIR CANTU: We need causes for celebration, and that is an excellent reason to have an anniversary.

Before concluding the business, I would like to take the Chair's privilege and ask for a moment of silence to show our respect because tomorrow will be the 20th anniversary of September 11 to show in honor the folks who had deceased because of that tragedy. There are survivors who will never forget, and we want to thank the first responders and show our respect to family and friends.

Could we please have a moment of silence?
III. ADJORN MEETING

CHAIR CANTU: Thank you. That concludes the business on the agenda for today's business meeting. If there's nothing further, I hereby adjourn the meeting at 1:13 p.m. Eastern Standard Time.

(Whereupon, the above-entitled matter went off the record at 1:13 p.m.)