The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 10:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair

PATRICIA TIMMONS-GOODSON, Vice Chair*

DEBO P. ADEGBILE, Commissioner*

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner*

DAVID Kladney, Commissioner*

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director*

MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:
MARIK ZAVIER-BRIER
ALFREDA GREENE
PAMELA DUNSTON, CHIEF, ASCD
DAVID MUSSATT, Director, RPCU
WARREN ORR
MICHELE RAMEY
SARALE SEWELL
JUANDA SMITH
BRIAN WALCH
MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:
SHERYL COZART
JASON LAGRIA
CARISSA MULDERS
AMY ROYCE
RUKKU SINGLA
ALISON SOMIN
IRENA VIDULOVIC

INTERNS PRESENT:
MAIA BROCKBANK
AMY JEANNERET
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(10:01 a.m.)

CHAIR LHAMON: This meeting of the U.S. Commission on Civil Rights comes to order at 10:01 a.m. on August 17, 2018. The meeting takes place at the Commission's headquarters located at 1331 Pennsylvania Avenue, Northwest, Washington, D.C.

I'm Chair Catherine Lhamon. Commissioners who are present at this meeting in addition to me are Commissioner Heriot and Commissioner Narasaki. On the phone, if you could confirm you are on the line after I say your name. I believe we have Vice Chair Timmons-Goodson.

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Present.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLASTNEY: Here.

CHAIR LHAMON: And Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Thank you. A quorum of the Commissioners is present.

Is the court reporter present?
THE COURT REPORTER: Yes.

CHAIR LHAMON: Thank you. Is the Staff Director present?

MR. MORALES: I am on the phone, yes.

CHAIR LHAMON: Thank you. The meeting now comes to order.

Before we proceed with the agenda and our formal business today, I want to take a moment to address the passing of two individuals.

First, Dr. Dawn Mabalon who was a professor of history at San Francisco State University until her tragic death a few weeks ago. The Commission had invited Dr. Mabalon to speak today in recognition of her expertise as an accomplished scholar of Filipina/Filipino American history. I regret that we did not have the opportunity to hear from her.

Her work to preserve and spread the stories of early Filipina/Filipino Americans helped to enrich and deepen our country's understanding of the American experience. Those contributions will continue to live on as more students of history and civil rights read her work.

I understand that Commissioner Narasaki would also like to say a few words.
COMMISSIONER NARASAKI: Yes, thank you, Madam Chair. I would like to add my deepest condolences to the family and the friends of Dr. Dawn Mabalon. Since learning of her passing last week, I've heard an outpouring of grief from the Filipino American community about what a tremendous loss this is to them and to our nation. She was an inspiration to many across the nation.

In her book, Little Manila Is In The Heart, Dawn chronicles the settlement and creation of Little Manila in Stockton, California in the early 20th century. She said she sought to rewrite the dominant narrative of Asian American history which has downplayed the Filipina American community building.

The title of her book derives from a seminal Asian American novel, America Is In The Heart, by the late poet, author, and activist Carlos Bulosan. Dawn believed that early Filipino American immigrants' deep faith in America sustained them through decades of sacrifice and poverty, racial violence, denials of right to immigrate, become citizens, and to marry whom they wish, and labor repression.

Her documentation of the stories of early Filipino immigrants are important because Filipino
Americans have played a critical but largely forgotten role in American history. I was very much looking forward to hearing her share this history, and I hope the Commission will be able to revisit this topic in the future.

Thank you.

CHAIR LHAMON: Thank you.

Next, I want to address the passing of a member of the Commission's Georgia Advisory Committee, Justin Pressley.

Justin had served as a member of the Georgia State Advisory Committee since 2011, serving for the last seven years. Justin was clearly dedicated, personally and professionally, to the disability rights movement and ensuring independent and integrated space for people with disabilities. His years of service benefitted all of us, and we are grateful for the time and energy he devoted to this civil rights cause and so many others.

The Commission sends our condolences to the families of Justin Pressley and Dr. Dawn Mabalon.

Now, we'll move to approval of our agenda.

I. APPROVAL OF AGENDA

CHAIR LHAMON: Is there a motion to approve the agenda for this business meeting?
COMMISSIONER NARASAKI:  I so move.

CHAIR LHAMON:  Thank you.  Is there a second?

COMMISSIONER HERIOT:  Second.

CHAIR LHAMON:  Thank you.  Let's start with a couple of amendments.  I move to amend to take down the discussions and votes on program planning for FY 2019 and 2020 as well as the presentation provided for Dr. Mabalon.  Is there a second?

COMMISSIONER NARASAKI:  I second.

CHAIR LHAMON:  Thank you.  Any other amendments?

COMMISSIONER YAKI:  Madam Chair, Commissioner Yaki.

CHAIR LHAMON:  Go ahead, Commissioner Yaki.

COMMISSIONER YAKI:  Yes, Madam Chair.  I move to amend the agenda to include a discussion and vote on the Stand Your Ground report.

CHAIR LHAMON:  Thank you.  Is there a second?

COMMISSIONER NARASAKI:  I second.

CHAIR LHAMON:  Thank you.  Any other amendments?  If there are no further amendments, let's vote to approve the agenda as amended.  All those in
favor, say aye.

(Chorus of aye.)

CHAIR LHAMON: Any opposed? Any abstentions? The motion passes unanimously.

We'll hear now from our Maine Advisory Committee Chair Diane Khiel on the Committee's recently released report, Voting Rights in Maine.

CHAIR LHAMON: Chair Khiel, you have ten minutes to present to us.

MS. KHIEL: Madam Chair and Commissioners --

(Telephonic interference.)

CHAIR LHAMON: Chair Khiel, I'm sorry. You're breaking up.

(Telephonic interference.)

CHAIR LHAMON: Chair Khiel, you're breaking up. Why don't we go to our other presenter at the moment and see if we can find a better line for you.

MS. KHIEL: Okay. Thank you.

CHAIR LHAMON: Thank you. So next, we'll hear a presentation from our Arizona Advisory Committee Chair, Lorena Van Assche, on the Committee's recently released advisory memorandum, Voting Rights in Arizona.
II. BUSINESS MEETING

PRESENTATION BY ARIZONA ADVISORY COMMITTEE CHAIR ON
THE COMMITTEE'S RECENTLY RELEASED REPORT,
VOTING RIGHTS IN ARIZONA

CHAIR LHAMON: Chair Van Assche, are you available?

MS. VAN ASSCHE: I am. Good morning, Chairperson.

CHAIR LHAMON: Good morning.

MS. VAN ASSCHE: Arizona this year took upon to examine potential barriers to voting that may have a discriminatory impact on voters based on race, color, sex, disability status, and national origin. And its intent was to supplement the U.S. Commission on Civil Rights 2018 statutory enforcement report.

We gathered information from a public meeting that we held earlier this year on March 9th held in Phoenix and testimony that was submitted to the Committee in writing as well as testimony that was received during the January 11, 2018 meeting of the Native American Voting Rights Coalition.

We submitted a memo. And our memo, of course, that you have and I know you have read, has focused on four areas, potential barriers to voting in the areas of language access, bifurcated voter
registration system, voter ID law, and restriction on mail-in ballots.

We also took a look at the impact of Shelby County v. Holder decision, specifically regarding access to polling location. And the findings that we found with regard to the impact of Shelby with polling locations were quite interesting.

Arizona, after the 2016 election, made national headlines for having very long lines. And one of the reasons for that was that Arizona had closed over 70 percent of its voting locations compared to the prior 2012 election. Those closures were justified by voting -- by the Maricopa -- and this is in Maricopa County. I'm sorry if I said Arizona. It's Maricopa County.

Maricopa County elections director advised -- or county recorder, I'm sorry -- advised that the reason for that was that there had been a declining interest in voting in person given the mail-in voting ballots that are available in Maricopa County, the cost of maintaining those polling locations, and the lack of interest of poll workers at those locations.

But what we heard from the community, specifically, the voters with disabilities, were that those lines were especially impactful for them because
many of them rely on what we call in Arizona, Dial-a-Ride. It's a public assistance ride. And those rides will not wait for their riders for an indefinite amount of time. So a lot of these voters with disabilities would go to these locations that had excessive lines and had to walk away -- I'm sorry -- had to leave because they didn't have the time to stand and wait in those lines.

The voters with disabilities also made a significant showing at our public hearing on March 9th and expressed a concern with the lack of the poll workers' knowledge of the voting machines. A lot of the poll workers didn't know how to turn on the machines. They didn't know what features they had to -- for the voters with disabilities. And so again, the voters with disabilities had, many times, if they couldn't wait for the poll workers to figure out how to turn on the machine or how to give them the access to the voting machine, they would have to just leave.

The Shelby County case also had an impact on language access. There are counties in Arizona that lost 203 coverage, but one of the positive findings that we heard at our meeting is that despite not receiving that coverage, they continued to receive language access. And the voter experts encouraged
these communities.

And specifically in Arizona, we have a lot of Native Americans who have language other than English. But they are encouraged to maintain collaboration with county officials. And even though these certain counties weren't required to have language access, they continued to do so during the 2016 election. So that was a very positive finding for us.

The other impact that Shelby County v Holder had in Arizona, which was very significant and a subject of ongoing litigation, is the ballot collection law. So in Arizona, after Shelby County v Holder, Arizona voters passed a law that made it a felony for individuals to collect and turn in another's ballot. And this had an impact on voters, especially in counties with a lot of Native Americans who are very far away from their polling location and who, based on testimony, would rely on friends or other organizations that would collect their completed ballots and turn it in for them.

In March of 2016, before the election, Arizona voters made it a felony for individuals to collect and turn in others' ballots. They excluded, however, household members, family members, or
caregivers. The group filed for an injunction to prevent the ban from going into effect before the election. The district court in Arizona did not grant the injunction. The 9th Circuit granted it and found that it was unlikely that the Justice Department would have granted those pre-clearances had the protections of Shelby County been in effect.

However, just recently in May of this year, the Arizona District Court issued an order upholding the ban on collection. And in doing so, it had surveyed voters affected by the ban and concluded that the law did not have a sufficiently negative impact on voters statewide to raise sufficient concern. That is an issue. Immediately it was appealed. So it is up for appeal.

But those are really the three significant impacts that we found based on the testimony, written testimony, and the Native American hearing that was held on how Shelby County v. Holder impacted Arizona.

In addition to that, one of the issues that we also took testimony on and looked at was Arizona's bifurcated voter ID laws. Arizona, in 2004, submitted -- approved what is called Proposition 200. And what that sought to do is to require proof of citizenship for all voter registration forms.
The U.S. Supreme Court in 2016 denied that requirement. And so what Arizona did as a result is it created a dual registration system so that voters could register for the federal election, did not require at the time of registration proof of citizenship. But if they wanted to register to vote in the state of Arizona, proof of citizenship was required.

And what we found was that this dual bifurcated system has created a lot of confusion with voters who believe that they are registering to vote for all elections and come to find out they only registered to vote for the federal election and not for the Arizona statewide election.

That law also was subject to litigation in a lawsuit that was initiated in November 2017. That law also recently settled, and it settled after our report was submitted. So the settlement is not found -- contained in this report. But the lawsuit that was referenced in the report is in footnote 47. And we, as a Committee, did not have an opportunity to review that, of course. But I did want to raise that update to the Commission.

The recommendations that we received from the county recorder in response to the concerns about
long wait lines was that Maricopa County -- and again, this is Maricopa County which is the largest county in Arizona that had those headline-making, five-hour wait lines. The suggestion that -- or recommendation that they made is that Maricopa County move to vote center models where instead of going to mandatory polling locations, voters would be allowed to go to the location of their choice.

There are two counties in Arizona where we have that out of the 15 counties. And that is a move that the county recorder believes would remedy a lot of the issues of voters being turned away because they went to the wrong voting location. And also that would remedy the long wait lines that we saw in 2016.

CHAIR LHAMON: Ms. Van Assche, thank you so much for your presentation about the report. I want to open it up for -- about the advisory memorandum, I'd like to open it up for questions and comments from my fellow Commissioners.

Commissioner Narasaki?

COMMISSIONER NARASAKI: Thank you, Madam Chair. I want to thank the Arizona State Advisory Committee and Chair for doing this extensive report. Arizona has been sort of ground zero in the Southwest for issues around voting.
I was very interested because Arizona does have such a significant Native American population and the findings around that community. And one of them struck me that Native American voters reported that when they went to the polls to vote, they learned that they were dropped from registration rolls but had received no notification explaining the reason for being dropped. And then they were unable to vote because of the deadline for registration is 30 days prior to the Election Day.

Do you know whether the state is doing anything to look into that problem? And I know some of it is often caused because of the remoteness of Native American reservations and the issues they have with being able to receive mail.

MS. VAN ASSCHE: Yes, you highlighted a number of issues that our Native American community has. But to answer your question, I don't know what remedies are being placed to -- so that doesn't happen again. I believe that information was gathered from the Native American meeting that was held in January. So although we do have a transcript, it wasn't at our public meeting.

But we did highlight two things that the Native American community has unique issues with, and
those are addresses on the forms. The forms that we have in Arizona require a physical address form. And the addresses that Native American communities have don't necessarily comply with the traditional address that we would see on other forms. And so they struggle with providing an address that the county officials find in compliance.

And so that, I know, is an issue that has been raised, and it was raised at our public meeting. Unfortunately, I don't know what is being done to address that.

The other item that I think you addressed is language access. And Arizona is unique in that it has multiple Native American communities that have a language other than English. And so although not required, based on the testimony we received, it appears that county officials are still working with providing language in their native language so that they have help in registering to vote and in actually voting.

COMMISSIONER NARASAKI: I'd note that also your report highlighted the fact that under the National Voter Registration Act, states are required to provide registration opportunities at the DMV and also at the state agencies. And it seems that Native
Americans also were not being asked 100 percent of the
time at either place to register. So I was also
interested in whether there's any follow up on that
issue.

MS. VAN ASSCHE: Yes, that was something
that we found. And as far as follow up, I don't know
beyond highlighting that that was a concern and
something that did happen. I don't know what is being
done to remedy that also.

COMMISSIONER NARASAKI: Great. And I just
have one final question. In your recommendations, you
asked our Commission to send this advisory memo and
make recommendations to DOJ. And one of them says,
appropriate the nearly $320 million already allocated
to counties to election assistance. And I'm wondering
-- I'm not quite sure what that means. Does that mean
that the state has $320 million that it's sitting on?

MS. VAN ASSCHE: That was a recommendation
that we heard from a county recorder in response to
the lack of or the aging of the voting machines. And
so what he advised us is that there was this $320
million allocated to counties. I believe that's a
federal amount. I don't think that that's money that
we're sitting on in the state, but I'm not exactly
sure.
COMMISSIONER NARASAKI: Okay. If you could get clarification since you're asking us to --

MS. VAN ASSCHE: Absolutely.

COMMISSIONER NARASAKI: -- approach DOJ that would be helpful. Thank you.

CHAIR LHAMON: Questions from other --

MS. VAN ASSCHE: Absolutely. Thank you.

CHAIR LHAMON: Thank you. Questions from other Commissioners? While waiting, I will say, Chair Van Assche, I really appreciated the --

COMMISSIONER ADEGBILE: Madam Chair?

CHAIR LHAMON: I'll just finish my thought and then come to you next, Commissioner Adegbile. Perfect, thank you.

COMMISSIONER ADEGBILE: Sure, sure.

CHAIR LHAMON: Chair Van Assche, I really appreciated the inclusion of the bright spot about language access in the report and also in your presentation. It was really exciting to read and to hear that multiple counties in Arizona are continuing to provide language access supports, even though during the 2016 elections, they did not meet the Federal Section 203 covered language criteria. So that was an unusual bright spot and certainly very pleasant to get to read.
I also wanted to ask you, in the recommendations for the advisory memorandum, you suggest that the Arizona state legislature eliminate the requirement that felons pay fines and fees in order to restore their voting rights. And I wondered if my fellow Commissioners would have any objection to our attaching the Commission's fines and fees report when we send your recommendations to the Arizona state legislature. So just curious if any of my fellow Commissioners have concerns about that.

(Simultaneous speaking.)

VICE CHAIR TIMMONS-GOODSON: Madam Chair, this is Vice Chair Timmons-Goodson. I think that's a wonderful idea.

CHAIR LHAMON: Thank you. Hearing no objection, I think we will do that.

Commissioner Adegbile?

COMMISSIONER ADEGBILE: Thank you. I want to join my fellow Commissioners in thanking you for the fine work and for your report this morning. Please carry our thanks to the entire Committee.

I had a question about the reasons that the Maricopa registrar used or offered for eliminating polling places. I think you said that two of the reasons were that more voters preferred to mail in
their ballots. And then another one was that there
was a lack of interest in people serving as poll
workers. Is that -- did I that capture two of the
reasons you offered?

MS. VAN ASSCHE: Yes, those were two of
the reasons I offered. And I know he offered more, if
you'd like to hear: cost pressures associated with
maintaining the location and the voting equipment and
the less locations willing to serve as polling
locations because of increased liability, lack of
security, lack of compliance with the ADA, and
insurance concerns.

COMMISSIONER ADEGBILE: And the reduction
in polling places was -- did you say it was 70
percent?

MS. VAN ASSCHE: Yes, it was 70 percent
compared to the 2012 election, and it was 85 percent
reduction compared to the 2008 election.

COMMISSIONER ADEGBILE: So I guess I have
two questions. One is, what evidence did Maricopa
County offer in support of these purported
justifications for such a drastic reduction? And in
particular, was there any evidence that the challenges
in these areas had become drastically more in the
course of the last four years than they had been
previously?

MS. VAN ASSCHE: The evidence that they provided was only their testimony, nothing in addition to that. And I'm sorry. Your second question was what?

COMMISSIONER ADEGBILE: Yes, so I guess to my mind that a 70 percent reduction in polling places in the most populous county, as you said, in the state is a rather drastic change in voting access. And so my thought is that there would've had to have been a rather precipitous and drastic change in the ability of the county to provide access to polling places that had any chance of backing up the purported justification.

And so I'm just wondering what type of studies they had conducted, what type of poll worker outreach they had tried and had demonstrated to have failed. Was there anything like that, or was it just simply on their say-so, which, of course, would be a thin reed on which to hang such a drastic reduction in access to polling places?

MS. VAN ASSCHE: No studies were offered to the Committee to substantiate the reasons that they offered. That's not to say that they don't have studies that substantiated those reasons. But as far
as the Committee is concerned, the only thing that they offered the Committee as reasons for the reduction was their testimony that these were the factors that precipitated that action.

COMMISSIONER ADEGBILE: Okay. And presumably, if they had studies, they might've included them with their testimony.

I want to ask one more question, and you noted that because of the timing of the settlement, it was not -- and here, I'm speaking about the settlement with respect to dual registration requirements, breaking up the state registration requirement from the federal registration requirement. There have been cases on these issues, voting rights cases in earlier periods. And in particular, there's a Mississippi case.

But one of the things that I'm wondering about this is even though the report did not treat the settlement because of its timing, do you know anything about the terms of the settlement?

MS. VAN ASSCHE: I did read over the order. It's a 20-page order that is approving the settlement. So it is a publically available document. However, I know as a general idea that the plaintiff in the action, which was LULAC, the League of United
Latin American Citizens of Arizona, appeared to have settled with favorable terms as to them.

So what they were seeking was favorable to them. But specifically, I don't know what the terms of the settlement are. I don't know what the walkaway terms are, if the forms are going to change or specifically if citizenship is still going to be an issue.

COMMISSIONER ADEGBILE: Okay. Well, thank you again for your hard work and your presentation today. It was very informative and certainly adds to our examination of voting access nationwide. Thank you so much.

MS. VAN ASSCHE: Thank you.

CHAIR LHAMON: Chair Van Assche, thank you very much for your leadership on the Arizona State Advisory Committee, and thank you to you and to all of the Committee members for the work on this report.

With that, I think we'll try again with the Chair of our Maine State Advisory Committee.

PRESENTATION BY MAINE ADVISORY COMMITTEE CHAIR ON THE COMMITTEE'S RECENTLY RELEASED REPORT, VOTING RIGHTS IN MAINE

CHAIR LHAMON: Ms. Khiel, let's see if we can hear you better this time.
MS. KHIEL: Okay. I will try, and please stop me if you can't.

CHAIR LHAMON: Terrific. We can hear you well.

MS. KHIEL: Is that better?

CHAIR LHAMON: Yes, thank you very much.

MS. KHIEL: Okay, good. Good morning, Chair and Commissioners. Thank you for inviting me to present highlights from the Maine Advisory Committee's Voting Rights Report and to provide additional information since our report was issued.

But first, I'd like to thank our advisor, Barbara de La Viez, who oversees ten state advisory committees, for her tireless guidance and support. I don't know how she does it, but I do know that we would not be as productive as we are without her. We have a great collaboration.

In addition, the Committee greatly appreciates the contributions of intern Elizabeth Boyle who helped with research in drafting sections of this report.

The Committee is currently working on its project on the criminalization of people with mental illnesses and hopes to have a report ready soon. But when it learned that the Commission's statutory report
was on voting rights, it saw an opportunity to contribute to the work of headquarters. So we voted to pause our work on that project and pour our energy into supporting the valuable work of the Commission.

This was particularly timely for two reasons. First, Matt Dunlap, the Maine Secretary of State, was on the Voting Rights Commission formed by President Trump and has filed a lawsuit challenging the openness of that work. That Commission has since been disbanded. The documents that Secretary Dunlap sought are now available, and they demonstrate that there is no evidence of voter fraud.

Second, there were some attempts, considered blatant by the Committee, to suppress the vote in Maine particularly of students. For these reasons, the Committee voted in February to have the briefing and managed to put it together one month later in March of this year. It included participation by the Maine Secretary of State and outstanding presentations by the ACLU, the League of Women Voters, and Disability Rights Maine.

Not only was the advisory committee able to do the briefing, but it was also able to finish and vote on a report four weeks later. Which leads me to the report. Because the Commissioners have read the
First, we learned that Maine has a statutory, regulatory, and community commitment to participation in elections. We have some of the most inclusive and protective voting laws in the country, making Maine one of the most democratic states in the United States. Our residents may register to vote on Election Day. There is no photo ID requirement, and those convicted of crimes are not deprived of their right to vote. Maine serves as a model for the Commission and the rest of the country for recognizing the value of the fundamental right to vote.

Moreover, in our June 2018 primary, Maine implemented the first ever statewide ranked choice voting for gubernatorial and federal candidates. That said, we also learned that despite this commitment to broad participation, there are remarkable but predictable attempts to prevent eligible voters from exercising that important right.

While we note in our report that voter suppression takes the form of both legislative and official government action, today I want to focus on suppression by official government action, particularly highlighting what happened in 2016 and
2018 at Bates College which is located in our second largest city of Lewiston.

Through the testimony of Secretary Dunlap, we learned that on the Saturday before the November 2016 presidential election, an anonymous orange flyer was left in several student dorms and in the campus dining hall on the Bates College campus.

The flyer, a copy of which the Committee obtained, was entitled Bates Election Legal Advisory, on bright orange paper and warned that if you choose to register and vote in Lewiston, then you must pay, in bold letters, to change your driver's license to Lewiston within 30 days and pay, bold again, to re-register any vehicle you have in Lewiston and have it inspected. And then, I quote, usually, this would be hundreds of dollars in total.

Then you may recall in our report at Appendix 2, Secretary Dunlap also provided our Committee with a copy of a misleading letter that the Mayor of Lewiston had sent out to newly registered voters, primarily students, in February of 2018. What you don't see in the report but what is included in the briefing transcripts is testimony that came at the public remark segment from Bates College student Max Gardner.
He came forward to testify about the impact that the mayor's letter had on him and his fellow students, how it confused them, instilled fear of criminal prosecution and of financial penalties and critically how it kept students away from the polls. Mr. Gardner's passionate remarks demonstrated how the spreading of false information, particularly when there's little time to clear up misunderstandings so close to an election, had a major negative impact on student voting. This is a perfect example of suppression by official government action.

The Committee was pleasantly surprised to learn just two weeks ago that there's now a bill before the United States Congress that actually refers to the 2016 effort to keep Bates College students away from the polls. This bill would make it a federal crime to knowingly and intentionally spread false information to try to keep people from voting.

The penalty included in the bill, submitted by U.S. Senator Claire McCaskill, a Democrat from Missouri, for engaging in deceptive acts includes a fine of up to $100,000 and as many as five years in prison. The proposal, which is being introduced in both the House and the Senate, called casting a ballot for one's preferred candidate, “a fundamental right”. 
The purpose behind this bill is to prohibit and to punish any suppression of the vote, including, and I quote, the dissemination of false or misleading information meant to prevent voters from casting their ballots, undermine the electoral process, or intimidate the electorate, end quote.

Among the actions that concern the bill's sponsors are any intentional efforts to spread false information about polling places, the time of elections, and the necessity of various forms of identification. Presumably, this law would cover instances like in Maine where voting was made to sound as if it were contingent upon compliance with motor vehicle or other laws.

When asked for comments on this proposed federal bill, Maine's Secretary Dunlap responded that he's even had reports from students attending another of Maine's campuses, the University of Maine's flagship Orono campus, who were told that they would be jeopardizing their financial aid packages by virtue of registering to vote and changing their residency, which is blatantly false.

The legislation is called the Deceptive Practices and Voter Intimidation Prevention Act. In conversations with my fellow committee members, there
seems to be consensus that the current bills before Congress that strengthen the integrity of our voting system and ensure the public confidence in our elections are critical and go to the very reason the Commission on Civil Rights was founded. The Committee also believes that the fundamental right to vote should not be impeded or burdened by legislative or any government or private action.

Thank you very much for allowing me to report on behalf of the Maine Advisory Committee.

CHAIR LHAMON: Thank you, Chair Khiel. I'll open for questions from my fellow Commissioners. While folks are thinking, I'll start off with some of my own.

I, one, want to thank you and your Committee for your incredibly prolific work in the time that I've been here. So I appreciate your jumping in on this topic because it's valuable to us for the Commission's reporting on voting rights and also was very grateful to be with you for the briefing that you all held on the criminalization of mental illness and look forward to that report as well.

From this report, I was really struck --

MS. KHIEL: Yes, thank you.

CHAIR LHAMON: Sure. I was really struck
by the contrast between what the report says and what you said about the inclusive state laws in Maine for voters, and the explicit racialized threat to voters from the Republican Party Chair in recent years, and also the inaccess for persons with disabilities with respect to the right to vote, and the repeat targeting of college students as recently as this year to limit their right to vote.

And I wonder if you, I wonder if the Committee have views about the ways that the inclusive state laws with respect to voting contrast with those very stark limitations on access to franchise for some people in Maine.

MS. KHIEL: Regarding the voter suppression, it seems as though -- and which I emphasize that it happens always on the eve of the election. The week leading up or on the eve, it happens at the last minute where confused students or others can't challenge what's being said. So that's a problem.

And we may have all the laws under the sun to protect voters' rights. But when these actions are taken at the last minute, it makes it very difficult to try to educate people and to bring them to the polls and especially with students who are busy and
who want to do the right thing but they're afraid of
putting their financial aid in jeopardy or otherwise
they're getting in trouble with the law by virtue of
voting.

So it's a problem that I don't know
whether this new federal law might address. But
certainly, it sounds like it's exactly what we need
here in Maine.

There is great cooperation regarding the
disability -- the access to the polls. There's a
great collaboration between the Disability Rights
Maine organization and the Secretary of State's
office. And they're trying to break down the physical
barriers as well as other barriers related to the
training of poll workers. Poll workers that don't
realize that persons who have disabilities can come in
and bring somebody in to help assist them to vote and
don't realize that they cannot ask or challenge
somebody based on guardianship status.

So there are forces that work against
these impediments, but it's certainly not perfect.

CHAIR LHAMON: Thank you. I do also just
want to highlight the jaw dropping nature of the
racialized threat that is included in the memo, that
this is page 11 of your memo. And it refers to the
2012 Republican Party Chair who was the chair at the time noting that there were dozens, dozens of black people who came in and voted on Election Day. And I will say that I found that so striking that I went to look up what had actually happened because it seemed almost implausible to me.

And when I reviewed it in news reports, I learned that it reads as, in fact, worse than you charitably put it in your advisory memorandum, that, in fact, the chair went on TV and said that in some parts of rural Maine, there were dozens, dozens of black people who came in and voted on election day. And he noted everybody has the right to vote -- these are quotes, everybody has the right to vote, but nobody in town knows anybody that's black.

That also really struck me. And then I went on to read that he noted that, nobody in town knows anybody that's black. And he was referring to multiple towns. So it's hard to imagine that he actually knows that nobody in town knows whether somebody is or is not black in multiple towns.

He subsequently apologized, which I appreciate. But that is just an astonishing, astonishing way to frame and otherwise --

MS. KHIEL: Yes.
CHAIR LHAMON: -- people who live in Maine

MS. KHIEL: Yes, we found --

CHAIR LHAMON: -- have the right to vote
and should be able to be respected as voters as
recently as this century. So I am sorry it happened.
I'm very grateful that your Committee reported on it,
and I just -- I found it stunning.
So I will pause there. Commissioner Narasaki?

COMMISSIONER NARASAKI: Thank you for your
report. It's refreshing to hear about a state who's
actually focusing on trying to make sure that everyone
who is eligible to vote actually has an opportunity to
cast their vote and is encouraging people to vote. So
it sounds like it's wonderful to live in Maine,
unless, of course, you're a student.

CHAIR LHAMON: Or one of those black
people from the report.

COMMISSIONER NARASAKI: Or one of the
black people.

But one of the experiments that you're
doing I think is fascinating which is your foray into
ranked choice voting which is also happening in
several cities in California as a way to try to lessen
the political divide and improve the discourse in elections and hopefully have better results at the end of the day. And I'm wondering how the experiment went, if you happen to have some thoughts about that.

MS. KHIEL: As stated in the report, we used it for the June primaries for the gubernatorial and the federal election. And I thought personally that it went quite smoothly. The reaction was it's kind of strange that you don't have a result on the same day as Election Day. Now, we're used to having the results late on the night of an election.

But in both instances with our primary candidate and our federal candidate for U.S. Congress, we had to wait about a week for the results. So first, it was announced who got first, second, third, fourth, and fifth. And then when it was realized that the top candidate didn't have a majority of the votes, that is, over 50 percent, then the bottom vote getter was eliminated and her votes were distributed amongst the remaining candidates until -- and that keeps going until somebody gets the majority of the votes over 50 percent.

So in both cases, our federal candidate and our gubernatorial on the Democrat side, we had to wait about a week. So it was kind of, like, anti-
climactic. But I think it was worth it for all the reasons that you just mentioned.

The state is still working to try to smooth out. We have a clash with the Maine Constitution in that it requires a plurality for a winner in a statewide vote. And that's why this conflicts by saying that it requires a majority. So the goal is to now amend the Constitution so that all elections can use ranked choice voting.

CHAIR LHAMON: Thank you. I want to see if my fellow Commissioners who are on the phone have questions.

COMMISSIONER KLADNEY: Yes, Madam Chair. This is Dave Kladney. I was wondering if --

(Telephonic interference.)

CHAIR LHAMON: Commissioner Kladney, we're having trouble hearing you. Can you speak closer to your phone?

(Simultaneous speaking.)

COMMISSIONER KLADNEY: Can you hear me now?

CHAIR LHAMON: Yes, now we can.

MS. KHIEL: I can now.

COMMISSIONER KLADNEY: Okay. Thank you.

Maine is one of two states, I think, in the country
that allows prisoners to vote. And I was wondering if
the Committee did any work on that or if you have any
information as to how that functions and how much
participation there is.

MS. KHIEL: We had testimony from the
NAACP of Maine who goes into the prison and actually
has voter registration and voter education drives in
the Maine state prison as well as the one in southern
Maine. And so there's that organization. It works in
collaboration with the Secretary of State to go in and
educate voters. And it works very smoothly, and it's
something that hopefully will never change.

There was an issue this year where
apparently the NAACP however wasn't able to go into
the prison. And that was something that came to the
Committee's attention after our report -- after our
briefing that this year that the NAACP was not allowed
to go in and present their program in time for the
June primaries. And I think that they're still trying
to pursue the -- going to the prisons before the
general election.

COMMISSIONER KLABNEY: Was there a reason
given by the Administration for that?

MS. KHIEL: It was very vague. What we
heard through the grapevine, the Committee, that is,
was that there was new legal staff in the Governor's Office and they wanted to explore the issue more. That's all that we know. And it sounds suspect, but hopefully they'll be able to get back in and continue with these programs that have gone on for the last ten years.

COMMISSIONER KLADNEY: Thank you very much.

CHAIR LHAMON: It sounded like there may have been --

MS. KHIEL: Thank you.

CHAIR LHAMON: -- another Commissioner who also had a question.

COMMISSIONER ADEGBILE: Yes, Madam Chair. This is Commissioner Adegbile. It's more in the nature of a comment than a question. But I just wanted to underscore that on page 15 of your report, you explain a little bit about how same-day registration has expanded participation and the impact that it's had on Maine's consistently high voter participation levels across the 50 states.

And I just think it's noteworthy to underscore that in the last five days before the election, your report said, as I read it, that in the 2008 presidential election, almost 56,000 voters
registered in that final five-day period. And in 2010, it was over 19,000 voters that registered in that period. And I just think that those numbers point to ways in which our voting system can be structured to enhance voter participation rather than to put up barriers to participation.

So I compliment Maine's example, and I thank you for underscoring it, which is a positive story, even as we face the story about the impediments that are being put in the way of students.

MS. KHIEL: Thank you.

CHAIR LHAMON: Chair Khiel, thank you again for your leadership on the Maine State Advisory Committee and for taking the time to speak with us today and your patience with us because we couldn't hear you the first time. So for coming back, we really appreciate it.

MS. KHIEL: Thank you for your support.

CHAIR LHAMON: Terrific. So we'll next turn to a discussion and vote on the Commission's report titled, Police Use of Force and Examination of Modern Policing Practices.

**DISCUSSION AND VOTE ON COMMISSION REPORT**

**AN EXAMINATION OF EXCESSIVE FORCE AND MODERN POLICING PRACTICES**
CHAIR LHAMON: We'll hold two votes.
First, we'll consider the report, and second, we'll consider the findings and recommendations.

To open the floor for discussion, is there a motion?

COMMISSIONER NARASAKI: So moved.

COMMISSIONER KLADNEY: Yes, Madam Chair.

Commissioner --

CHAIR LHAMON: Go ahead, Commissioner Kladney.

COMMISSIONER KLADNEY: That's all right. It's been moved.

VICE CHAIR TIMMONS-GOODSON: I'll second that.

CHAIR LHAMON: Just to make clear, that we're moving to approve the report text and that it's been moved by Commissioner Narasaki and seconded by the Vice Chair. Thank you.

Commissioner Kladney, as a sponsor of the project, would you like to begin our discussion?

COMMISSIONER KLADNEY: Yes, I would, Madam Chair. I proposed this project in 2014 when police use of force reached a high point in the news. Cases like the shooting of Tamir Rice and John Crawford troubled me then and continue to stand as examples
where lives were cut short without justification.

I would also like to note that all eight Commissioners on the Commission at the time -- seven other Commissioners co-sponsored this project. Just before our 2015 briefing, the terrible news of Walter Scott showed lawless police use of force taking a life that should never have been taken.

The attention to these shootings helped to uncover friction between police and communities. It also showed the ways that police use of force is not tracked and how officers are not held accountable in these situations where it's called for.

I am proud of the briefing we held at the John Jay College School of Criminal Justice in New York City. I would also like to thank the many current and former Commission staff who made it happen and those who worked on the report that followed.

To name a few, I'd like to thank Marik Xavier-Brier, Katherine Culliton-Gonzalez, Maureen Rudolph, and both of their teams for excellent research and drafting. I'd especially like to thank Pam Dunston and Tina Louise Martin and their teams for everything that needed to happen to have a difficult field hearing in New York City. It's a hard location to work at. I'm very grateful for all the work you
do, and I thank the Commissioners' special assistants and interns who all reviewed the report, worked on it to shape the final version on a bipartisan basis.

Since the briefing, some unjustified police uses of force have continued despite the national attention on the issue. I believe a great, great majority of law enforcement officers perform their jobs excellently, even in trying circumstances. I think they are trying to do good. I greatly respect their courage and those who seek to do the right thing by their communities.

Unfortunately, as a nation, we still have to ensure Constitutional and excellent policing practices for all people. There is a lot that can be done. Our report shows many departments are making progress that should be emulated. It also shows an abdication of responsibility at the federal level for continuing to work with police departments to make these improvements.

I thank my fellow Commissioners for supporting this project, and I hope the Commission's report and our findings and recommendations help us as a nation make progress on this issue.

Thank you.

CHAIR LHAMON: Thank you, Commissioner
Kladney. To continue the discussion, I offer a few points.

First, I thank you, Commissioner Kladney, for your leadership in initiating the project and seeing it through to this point. And I echo your thanks to our staff for their work on this project.

Though the project began three years ago, it unfortunately remains a timely topic for the Commission to address. In the report text, which has undergone rigorous research and review by numerous staff members as well as Commissioners, recognizes ongoing work to improve police practices, and, as an important addition, can serve as a foundation for necessary further reform.

I hope in particular the Department of Justice will heed the calls in this report for its involvement in developing best practices and working with police departments around the country to ensure Constitutional policing so all persons involved in police interactions, police officers, and the communities they serve may remain safe.

Is there any other discussion or amendments for this report? Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, Madam Chair.

I would very much like to add my appreciation to
Commissioner Kladney and his wonderful special assistant for their leadership in working with staff to shepherd this report through. It has been a long time that we have been working on it, and it's sad that it's still extremely timely, even though the hearing was in 2015.

I do want to also acknowledge that we had many state advisory committees who also had hearings on the topic and want to thank the regional staff and those committees for their contributions which were very important to keeping the report very current. So thank you.

CHAIR LHAMON: Any further discussion? Hearing none, I'll call the question and take a roll call vote. I just want to be very clear that what we're voting on is the version of the report, including some supplemental edits as circulated by Commissioner Kladney's special assistant yesterday.

So moving forward, Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Recuse.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I vote no.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.
CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One Commissioner is recused, two Commissioners opposed, no Commissioner abstained, all others were in favor.

Next we will consider the findings and recommendations to the report. To open the floor for discussion, is there a motion?

COMMISSIONER KLADNEY: Madam Chair, David again. I would move that we approve the final version of the findings and recommendations which all the Commissioners, I believe, received yesterday.

CHAIR LHAMON: Thank you. Is there ---

COMMISSIONER KLADNEY: Which had minor edits in it.

CHAIR LHAMON: Sorry. Thank you. Is there a second?

COMMISSIONER NARASAKI: I second.
CHAIR LHAMON: Thank you. Is there any discussion? Hearing none, I call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Recused.

CHAIR LHAMON: Thank you. Commissioner Heriot?

COMMISSIONER HERIOT: I vote no.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One Commissioner is recused, two Commissioners voted no, no Commissioner abstained, and all others were in favor.

I'll note that with the adoption of the report and the findings and recommendations, the clock begins ticking with respect to deadlines for
statements and rebuttals. The deadline for statements will be Monday, September 17, and the deadline for rebuttals will be Wednesday, October 17. If a Commissioner intends to file a surrebuttal, notice will need to be given by Wednesday, October 24, and the surrebuttal will be due on Wednesday, October 31.

The next item is a discussion and vote on the Commission's report titled, Contemporary Civil Rights Challenges: A View from the States, 2018 Survey of the State Advisory Committees to the U.S. Commission on Civil Rights.

**DISCUSSION AND VOTE ON THE COMMISSION'S REPORT TITLED, A VIEW FROM THE STATES: 2018 SURVEY OF THE STATE ADVISORY COMMITTEES TO THE U.S. COMMISSION ON CIVIL RIGHTS**

CHAIR LHAMON: To open the floor for discussion, I move for approval of the report text as circulated by my special assistant on Thursday, August 9, 2018, subject to any editorial or typographical changes necessary for publication.

Is there a second?

VICE CHAIR TIMMONS-GOODSON: I second.

This is the Vice Chair.

CHAIR LHAMON: Thank you, Madam Vice Chair. To begin discussion, I offer a few points.
First, I thank our staff, especially Sarale Sewell as well as Katherine Culliton-Gonzalez and Maureen Rudolph, for moving this project forward. The Commission is uniquely strengthened by our capacity to benefit from the expertise of the advisory committees we have in all 50 states plus the District of Columbia.

The survey reported in this publication was a valuable opportunity to hear from members of all committees about the issues they thought most important in their states as well as the issues they thought we at the Commission should take up in our nationwide assessments.

I am so very grateful to the state advisory committee members who took the time to complete the survey, and I know my work on this Commission already is richer for benefitting from the views this survey report describes. I look forward to a wider public also benefitting from the expertise the survey captures once the report is public.

Is there any other discussion or amendments for this report? Hearing none, I'll call the question, take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.
CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I'm going to abstain on this one.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADENY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One Commissioner abstained, no Commissioner opposed, all others were in favor.

Thank you all. I'll note that all Commissioners agreed to forego individual statements on this report, and so we will move to immediate electronic publication of this report in the coming days.

So we will now discuss and vote on the schedule for business meetings in 2019.

DISCUSSION AND VOTE ON

2019 BUSINESS MEETING CALENDAR
CHAIR LHAMON: Everyone should have a proposed list of dates for meetings next year which I will read out loud now: January 25, February 22, March 22, April 12, May 17, June 7, July 19, August 16, September 13, October 18, November 15, and December 6.

To open the floor for discussion, I move to approve the schedule as previously circulated and read out loud now. Do I have a second?

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: Thank you. Any discussion? Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, Madam Chair. As I noted to staff, I do have afternoon conflicts for the June, July, and August meetings. As long as they are business meetings and not all-day hearings, I can make those dates work.

CHAIR LHAMON: Thank you. So unless there's further discussion, I'll call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Aye.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.
CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER KLADNEY: Yes.
CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes.
CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.
CHAIR LHAMON: Vice Chair Timmons-Goodson?
VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIR LHAMON: And I vote yes. The motion passes unanimously.

Next, we'll discuss and vote on the nominated chair of the Committee's Oregon Advisory Committee.

DISCUSSION AND VOTE ON COMMISSION'S OREGON ADVISORY COMMITTEE CHAIR

CHAIR LHAMON: Before we begin discussion, I remind my fellow Commissioners that the Commission has a policy not to defame, degrade, or incriminate any person. Each of these individuals has agreed to volunteer time and energy in the pursuit of the protection of civil rights.

The Staff Director has recommended for appointment Thompson Faller as Chair of the Oregon State Advisory Committee. To open the floor for discussion, I move that we approve this appointment.
Do I have a second?

COMMISSIONER KLADNEY: Madam Chair, I'll second.

CHAIR LHAMON: Thank you. That was Commissioner Kladney. Any discussion of this appointment? Okay. I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Aye.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes unanimously.

The next item on our amended agenda is to discuss and vote on the release of the Commission's
DISCUSSION AND VOTE ON COMMISSION'S REPORT,

STAND YOUR GROUND

CHAIR LHAMON: To open the floor for discussion, do we have a motion?

COMMISSIONER YAKI: I have a motion.

CHAIR LHAMON: Okay, Commissioner Yaki?

COMMISSIONER YAKI: Yes, I move to release this report as a transcript of our hearing in Orlando and only with the Commissioners' statements to accompany it.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: Thank you. To begin discussion, I offer a few points. This project stems from a briefing that the Commission held in 2014. It was and continues to be an important topic for civil rights evaluation. Very recent news reports suggest Stand Your Ground laws are used and can be used in ways that are deeply troubling, and there is evidence to suggest racial discrimination.

Unfortunately, our record from our investigation is dated, and I understand the data collected for the report is insufficient to address
the scope of the investigation, separate and apart from the age of the data. The staff who worked on this report no longer work at the Commission.

I am proud and grateful that our staff have made tremendous strides, even in challenging budgetary times, in moving through the backlog of Commission reports that existed when I joined the Commission. Whereas when I joined the Commission a year and a half ago, we had 13 reports pending and we voted to add 5 more topics, rounding our total to 18 pending reports, following publication of reports from our earlier votes today before this one, now we will have 8 reports pending.

I am deeply grateful to the Commission staff for their hard work to press our mission forward and to my fellow Commissioners for committing our time and expertise to sharing our views on these critically important civil rights topics. And I look forward to the publication of the remaining reports on our agenda in addition to adding to that important body of work.

For this Stand Your Ground project, I am told we effectively would need to restart the investigation before we could offer considered Commission judgment and reporting. Commissioner Adegbile and I were not Commission members at the time
of this investigation, and I understand Commissioner Kladney was not present for its briefing.

Facing the difficult circumstance of insufficient data to offer current analysis and a need to restart an investigation before having an opportunity to deliver that analysis, I support this motion to release the report as transcript only with Commissioner statements as a way to share the information the Commission has taken in on this crucial topic and offer an opportunity for Commissioners to share views based on the record we have.

Is there any further discussion? Commissioner Heriot?

COMMISSIONER HERIOT: Yes, I object to publishing this report without the empirical research that we did undertake. The fact that it was insufficient to prove the null hypothesis does not mean that it's not useful. In fact, I think what's happened here is that the members of the Commission are unhappy with what the data show. And it's important that what we have be part of the report.

I also am assuming that given that this means that we have three outstanding reports, that if we're going to do statements, they need to be timed so
that they can be given our attention. So while I
object to the report, I would intend to write a
statement. And I would like the schedule for that to
take us beyond the two reports that we already have
statements pending.

I mean, right now, we're working on our
rebuttals for the voting rights report, and that's
overlapping with the police practices report. And I
think we can handle that. But I don't think we can
handle throwing another set of statements on top of
it.

CHAIR LHAMON: Commissioner Heriot, I
think that's fair, and the plan is to stagger time for
statements. So I think there will be time for this as
well. Thank you.

Any further discussion? Okay. I'll call
the question and take a roll call vote.

Commissioner Adegbile, how do you vote?
COMMISSIONER ADEGBILE: Abstain.
CHAIR LHAMON: Commissioner Heriot?
COMMISSIONER HERIOT: I vote no.
CHAIR LHAMON: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: No.
CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER Kladney: Yes.
CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. Two Commissioners opposed, one Commissioner abstained, all others were in favor.

I'll note that with this vote, the clock begins ticking with respect to deadlines for statements and rebuttals, as Commissioner Heriot has raised. Because we also approved today the Commission's report on police practices, we will stagger the deadlines for statements, rebuttals, and surrebuttals. The deadline for statements will therefore will be -- October 1 and the deadline --

COMMISSIONER HERIOT: Wait, that's not much of a stagger.

CHAIR LHAMON: It gives us two additional weeks.

COMMISSIONER HERIOT: Well, that's not enough. I mean, that's just silly.

CHAIR LHAMON: Well, this is the current plan, but we can discuss it if we need to come up with
an additional plan that will work.

COMMISSIONER HERIOT: I mean I can't possibly work on three things at the same time. This is a fairly complicated thing. We need to string it out longer than that.

CHAIR LHAMON: Okay. So why don't we have a discussion. I'll tell you the dates that we have currently discussed and I understood your special assistant to have agreed to. But we can --

COMMISSIONER HERIOT: No, no.

CHAIR LHAMON: But we can --

COMMISSIONER HERIOT: I'm the one that writes the statements.

CHAIR LHAMON: Wonderful. Then we can find additional time and think about what will work. But the current plan was that the statements will be Monday, October 1, the deadline for rebuttals would be Thursday, November 1. And if a Commissioner intended to file a surrebuttal, notice will need to be given by Thursday, November 8, and the surrebuttal would be due Thursday, November 15.

If we need to work on a schedule that better accommodates Commissioner Heriot's schedule, I'm happy to hear what that schedule could look like.

COMMISSIONER HERIOT: Well, why don't we
just take out -- what I really need is time for the initial statement. And so the October date is the one that is the biggest problem. I think I can probably do rebuttal faster than 30 days, and I doubt surrebuttal is going to be needed. I mean, I've never done a surrebuttal. So what I really need is run this by October 31st, rebuttals two weeks after that, so --

CHAIR LHAMON: Does any Commissioner have concern with modifying the schedule that way or have a concern with deciding this at this moment?

COMMISSIONER HERIOT: Better to do it now than later.

COMMISSIONER NARASAKI: I support Commissioner Heriot's request for an extension. My understanding is we are also hopeful to get another report ready for vote this fall. And so that will add to the challenge. And so I am supportive.

CHAIR LHAMON: Any other Commissioners with views or concerns?

COMMISSIONER HERIOT: Is there a particular date you want to get this done by? Is there a drop dead date any --

CHAIR LHAMON: I don't think so. So I have no objection. I want to make sure that what we're talking about works for other schedules.
Hearing no concern, so then what we're discussing is deadline October 31?

COMMISSIONER HERIOT: I don't know what day of the week that is. I just made that up.

CHAIR LHAMON: That is find out-able. So October 31 is a Wednesday, and then the deadline for rebuttals would be two weeks following that which would be November 14.

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: And --

COMMISSIONER HERIOT: Surrebuttals a week later. But again, I --

CHAIR LHAMON: So surrebuttals a week later takes us into Thanksgiving which is not an issue for me, but just making sure people are clear about that. Okay, okay. That is our current plan.

While we're on that topic, I think we had an issue about surrebuttals for another report coming and a deadline for that. Having reached this agreement that we likely don't need the surrebuttals for the Stand Your Ground report, are we in a position to expect that we likely don't need surrebuttals for the report on Native American civil rights?

COMMISSIONER HERIOT: I can't tell you.

CHAIR LHAMON: Okay. Our next item on our
agenda is to hear from the Staff Director Mauro Morales for our monthly Staff Director's report.

MANAGEMENT AND OPERATIONS

STAFF DIRECTOR'S REPORT

MR. MORALES: Thank you, Madam Chair. Since there's a 13-hour time difference where I currently am and D.C. --

COMMISSIONER HERIOT: Where are you?

MR. MORALES: I would defer any of my -- I am in Tokyo, Japan at the moment.

COMMISSIONER HERIOT: Cool.

MR. MORALES: I will defer any discussion. Of course, if a Commissioner has any questions, I will be in the office on Monday and available to speak with you. So I thank you, Madam Chair.

CHAIR LHAMON: Thank you, Mr. Staff Director. I hope you get some sleep, and I appreciate your calling in from Tokyo.

If nothing further, I hereby adjourn --

MR. MORALES: Thank you.

CHAIR LHAMON: Oh, sorry. Commissioner Narasaki?

COMMISSIONER NARASAKI: So, Madam Chair, you earlier talked about the amazing work that our office of -- I never know what it stands for -- OCRE,
our research office has done to help us really get ahead and start to clear the backlog significantly.

And I also want to note the performance and productivity of our state advisory committees. Now that they are full in terms of having actual people in the Committees, it has been a challenge for staff because we haven't been able to increase the number of staff. And so they are carrying a much heavier load. But I do want to note the productivity and the value that the reports on the state level have contributed to our own Commission report.

So I just want to add that. Thank you to the leadership of David Mussatt, the regional staff, and, of course, our Staff Director who has been moving all of these pieces with very limited resources.

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CHAIR LHAMON: Very much echo that gratitude. It's really exciting to be able to see the enormous productivity from the state advisory committees and to benefit from their expertise. Thank you.

Okay. With that, I hereby adjourn our meeting at 11:15 a.m. Eastern Time. Thank you.

(Whereupon, the above-entitled matter went off the record at 11:15 a.m.)