

Good _____ ladies and gentlemen. I am Jim Wright, a voter from San Jose.

I have previously submitted detailed written comments to Mr. Claypool and Ms. Brumley containing some concerns and suggestions about the proposed regulations and the Draft application form.

My purpose here is to inform the audience about some of those items and to reinforce my arguments.

Regarding § 60804. Appointment to Federal or State Office

I believe that anyone who has been seriously considered for appointment to a Federal or State Office should be excluded from consideration for the panel because they are "tainted" by the political process involved in such appointments.

Furthermore, all employees of the State of California serve at the pleasure of the Governor and/or Legislature, so should also be excluded.

Regarding § 60813. Consultant

A person employed by a consulting firm and who in-turn applies their services to effect the decisions and direction of any political process or election should be excluded. They are "active" on behalf of their client irrespective of their personal beliefs.

Regarding § 60815. Federal Office

The term "Federal Office" should be construed to include the entire executive branch of the federal government. This must also include anyone who consults, staffs or volunteers for a candidate in a Presidential or Congressional election.

Active participation on behalf of a political party or candidate is, to me, a clear conflict of interest with the intent of the Voter's First Act.

Regarding § 60824. Randomly Draw

Section (c)(2) says “ ... The balls for each of the subpools shall be affixed with a label. The label shall have written on it identifying ...”

I've tried to follow these instructions with very disappointing results.

Placing a sticky label (flat piece of paper) on a round surface (the ball) may well lead to malfunction within the mechanics of the bingo cage selection process. The labels may even come loose, stick together or otherwise gum-up the mechanism after the cage is “rotated vigorously”.

It would be better to clearly inscribe the unique number upon each ball with indelible ink. A black “Sharpie” pen may be a good choice to do this assuming that the balls are of a white or light hue.

Note that the digits 6 and 9 must be underlined (as 6 and 9) since each can easily be mistaken for the other (ie: “16” looks like “91” when upside down)

Regarding § 60840. Outreach Program

Discussion ???

Regarding § 60848. Phase II Application Review
And § 60850. Phase III Applicant Review
And § 60852. Phase IV: Applicant Name Striking Process

Removal notification to applicants in the pool of 120 should always include the reason(s) why they have been removed. eMail is good, but a snail-mail letter might be a nice touch.

Moving on to the Draft Application Form ...

I compliment the team on constructing a very nice and reasonable series of questions to collect the information from each applicant.

There are, however a few areas that might need some enhancement to avoid technical problems and improve validity of the data collected.

- 1 Would there be any value to having the applicant submit a recent photo (head and shoulders only)?
- 2 In capturing an eMail address for the first time, a mechanism for validating that eMail address may be important to future activities. A handshake with the user through sending an eMail message to the provided address containing a report-back link would accomplish that purpose. I know this is complicated, but many commercial sites perform just that task.
- 3 For the convenience of the user on a password protected site, there should be a means for changing ones' own password, resetting the password and/or retrieving a lost/forgotten password.
- 4 Applicant identification information should also include any preferred prefix (Ms., Mrs., Mr., Dr., The Reverend, ...) and suffix (III, IV, Jr., Ph.D, ...) to their name.
- 5 Best time to contact boils down to a few well defined choices. "Morning, Afternoon, Evening, Weekends, and Anytime" come to mind.
- 6 The household income information should clearly indicate that Gross value as reported on the most recent Income Tax return is to be used.

And in order to verify that information with the Franchise Tax Board or IRS, the Tax Payer ID number (SSN) should be collected.
- 7 Add a Question to address whether the applicant is an employee or appointee within the U.S. Federal Government. Though the "employment history" on the supplemental application will also turn-up that information.

On the Supplemental Application Form ...

- 1 **Employment History:** "Retired" is a valid current employment status and should be accommodated in some manner.
- 2 **Criminal History:** "NONE" is a valid response and there is no way to differentiate that status from the absence of a response.
- 3 **Financial Contributions:** "NONE" is a valid response and there is no way to differentiate that status from the absence of a response.
- 4 **Immediate Family Information:** The leading paragraph is ambiguous in that it mentions the "categories below" and then apparently uses the same list to qualify any of those listed as having a "special relationship" with the applicant. As it stands, every name listed would have that "special relationship". I think you meant to specify various family relationships to guide the applicant in listing their family members and then to indicate that some of them are special with regard to the items that are listed.

Family members should include at least the applicant's living Children (over 18), Siblings, Parents and Spouse or Registered Domestic Partner.

The reason this information is requested should be clearly stated. Namely, to determine if there is a point of contact subject to possible undue influence upon the applicant in the performance of their duties as a commissioner.

Based on the three criteria stated, I would not need to supply any family information and I believe that, at the very least, the living members of my Nuclear Family (children, former spouse) should always be listed.

- 5 A model for Letters of Recommendation should be provided. Most important is proper and complete identification of the author of such letters. Much more guidance is needed on what will be accepted/rejected in review of such letters including their length.

Is it your intent that the Applicant should collect their Letters of Recommendation and then submit them in support of their own application? Or ... may they be submitted directly to the Panel.

Can more than the requested three Letters of Recommendation be submitted?

The Commission

There are no regulations concerning behavior of the Commission once it has been formed. Is it the intent of the Bureau that the Commission establish its own rules and regulations within the context of existing state laws and regulations?

The following items could (and some must) become regulations before the Commission is seated:

1. The Commission shall elect a Commission chair by majority vote among the initial eight Commission members with at least one affirmative vote from members of each subpool.
2. The Commission shall elect a Commission vice-chair by majority vote among all fourteen Commission members with at least two affirmative votes from members of each subpool.
3. While serving on the Commission, the members of the Commission shall comply with all of the following requirements:
 - a. Perform the work of the Commission in a manner that is consistent with the statutes and regulations governing the Commission's work.
 - b. Refrain from engaging in any conduct described in section 19572 of the Government Code that would be cause for employee discipline.
 - c. Conduct the work of the Commission in a manner that is impartial and that reinforces public confidence in the integrity of the Commission's work.
 - d....
4. The Secretary of State shall have the authority to remove from the Commission any member that the Secretary of State determines can no longer serve as a member of the Commission due to any of the following:
 - a. Resignation from the Commission
 - b. Failing to satisfy any of the requirements for being a Commissioner as described in ...
 - c. Failing to perform the duties of a Commission member as described in ...
 - d. Upon the removal of a member of the Commission, the State Auditor shall select a replacement according to regulation § 60855.
 - e....

5. Except in instances where it conflicts with state law, the Commission shall conduct the meetings of the Commission in accordance with the most recent edition of Robert's Rules of Order.
6. A Quorum to conduct business in an open meeting is for nine of the fourteen Commission members to be present. The nine must be the Commission Chair and/or Vice-Chair.
7. The Commission shall abide by all district formation rules as set forth in Article XXI, Section 2 (d), (e) and (f).

Boundaries of existing voting precincts as established by the various counties shall be respected when establishing boundaries for each of the eighty (80) Assembly districts. Each such Assembly district shall enclose roughly the same number of California's (legal) citizens as enumerated by the most recent decennial census.

8. Voting on individual elements (one district) for inclusion in the final maps shall require nine affirmative votes using the triple-plurality rule.
9. Acceptance of the final maps for publication shall be conducted using the triple-plurality rule as described in Article XXI, Section 2(c)(5).
10. In the event of any legal challenges raised to the final maps, the Commission Chair shall speak for the Commission with the assistance of counsel.
11. The Commission shall seek and hire appropriate staff and consultants with the assistance of the Secretary of State.
12. Counsel for the Commission for the purpose of resolving matters of law, shall be provided by the California Secretary of State.
13. The Commission may establish a time limit presentations and a size limit on written comments presented during open public sessions.
14. Members of the Commission including the Commission Chair and Vice-Chair, counsel, consultants and staff are prohibited from speaking with the media.
15. Press releases relating to Commission meetings, findings and decisions shall be issued through the media office of the California Secretary of State. These shall also be posted on an appropriate website in a timely manner.
16. Commission members, consultants and staff shall quiet and cause to become inactive any existing presence they may have on the internet with the exception of their personal or business eMail addresses for the duration of their active service.

17. Commission members, counsel, consultants and staff are prohibited from using Twitter, FaceBook and any other electronic mechanisms and media for receiving, presenting or discussing any aspect of Commission business.

Items of interest to the Commission that are available in electronic (eMail, Twitter, FaceBook, ...), print (newspapers, books, ...), broadcast (radio or television) may be submitted to the Commission if such submission occurs during open public session by the author or owner of the work.

18. Discussion of Commission business among the consultants and staff is permitted providing no one else is present. Commission members are specifically excluded from such discussions.

All conclusions and advice from consultants and staff shall be conveyed to the Commission only during open public sessions.

All direction given by the Commission to consultants and staff shall be offered only during open public sessions.

19. All commission questions requiring consultation with counsel shall be presented and responded to in open public session.

20. All restrictions on Commission members, counsel, consultants and staff are lifted only upon completion and approval of the requisite three maps and resolution of any possible challenges thereto.

Any Commission members, counsel, consultants and staff dismissed or otherwise separated prior to completion of the three maps shall continue to be restricted in their communications for the same duration without exception.

Perhaps some penalty should be devised for violation of this stricture.

21. ...

Thank you for your consideration of these points.

May we have a successful first Citizens Redistricting Commission!!