

BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the matter of
Full Commission Business Meeting

Secretary of State Auditorium
First Floor
Sacramento, California

Thursday, March 24, 2011

9:06 A.M.

Reported by:
Kent Odell

APPEARANCES

Commissioners Present

Maria Blanco, Chairperson

Gabino T. Aguirre

Angelo Ancheta

Vincent Barabba

Cynthia Dai

Michelle DiGuilio

Jodie Filkins Webber

Stanley Forbes

Connie Galambos Malloy

Lilbert "Gil" Ontai

M. Andre Parvenu

Jeanne Raya

Michael Ward

Peter Yao

Staff Present

Dan Claypool, Executive Director

Kirk Miller, Legal Counsel

Rob Wilcox, Communications Director

Janeece Sargis, Administrative Assistant

Deborah Davis

Lon Leach

APPEARANCES (CONT.)

Also Present

Michael Wagaman, Speaker's Office of Member Affairs

Douglas Yoakam, Senate Republican Caucus

Karin MacDonald, Statewide Database/Q2 Data Research

Ana Henderson, Warren Institute, UC Berkeley/Q2 Data Research

Robin Johansen, Remcho, Johansen & Purcell

Eric Smith

Public Comment

Tony Lafferty, ESRI

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P R O C E E D I N G S

CHAIRPERSON BLANCO: Good morning, everyone. This is the meeting of the Citizens Redistricting Commission. We are meeting today in the Secretary of State building, in the auditorium.

Just so you know, tomorrow we will be moving the meeting over to the State Capitol, to room 126.

The breakout rooms for today, we have one breakout room and it's the multipurpose room. And we'll direct anybody who's here, when we get to that point. It's outside and off the rotunda.

And we'll have the same capacity we've had for all the other meetings, where it will be broadcast for the public.

Before we get started, can we do a roll call, please.

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner Aguirre?

COMMISSIONER AGUIRRE: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner Ancheta?

COMMISSIONER ANCHETA: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner Barabba?

COMMISSIONER BARABBA: Here.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
2 Blanco?
3 CHAIRPERSON BLANCO: Here.
4 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
5 Dai?
6 COMMISSIONER DAI: Here.
7 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
8 DiGuilio?
9 Commissioner Filkins Webber?
10 COMMISSIONER FILKINS WEBBER: Here.
11 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
12 Forbes?
13 COMMISSIONER FORBES: Here.
14 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
15 Galambos Malloy?
16 COMMISSIONER GALAMBOS MALLOY: Here.
17 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
18 Ontai?
19 COMMISSIONER ONTAI: Here.
20 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
21 Parvenu?
22 COMMISSIONER PARVENU: Here.
23 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
24 Raya?
25 COMMISSIONER RAYA: Here.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
2 Ward?

3 Commissioner Yao?

4 COMMISSIONER YAO: Here.

5 ADMINISTRATIVE ASSISTANT SARGIS: A quorum is
6 present.

7 CHAIRPERSON BLANCO: Thank you. Just before we
8 get to the public comment for items not on the agenda, I
9 wanted to make a couple of comments about today's, how
10 we're going to -- we've got a couple of just logistical
11 changes.

12 One, the Finance and Administration Committee, in
13 the agenda that was posted, was listed as meeting at 3:15.
14 Because there's really only one item on that and we have a
15 lot of business with the Outreach and Technical
16 Committees, and there's a lot of overlap in memberships,
17 what we're going to do with the Finance and Administration
18 Business and report is roll it into the Executive
19 Director's report. And those are really the same items
20 that were going to be covered in committee and we can take
21 it -- you know, we can discuss it on the Commission and if
22 there's any decisions that need to be made, we'll just
23 make them directly through the Commission instead of
24 having them come back as recommendations from the
25 committee.

1 The other, perhaps, more important item for the
2 public to know about a potential -- so that they
3 understand the agenda, is you'll note on the agenda that
4 we have the Technical Advisory Committee and the Outreach
5 Advisory Committee meeting jointly from 2:00 to 4:15, here
6 in the auditorium.

7 There are a lot of items on this agenda and the
8 reason we have a lot of items on this agenda is we're
9 really at the stage, now, where we're planning everything
10 about our input -- you know, not just our first round of
11 input hearings, but really what our entire calendar is
12 going to look like between now and our final release of
13 the maps.

14 And so it's not just calendaring issues, it's also
15 issues about technical issues about how we capture the
16 public input, the technology for that, how we in turn get
17 it. All the items -- you know, this is really the heart
18 of how we're going to not only calendar our meetings, but
19 how we're going to use the meetings to really give us the
20 information we need for the Commission to do its work.

21 So, that's going to be a long meeting. And
22 tomorrow has been set aside as the day when we will hear
23 back from all the advisory committees, with the
24 recommendations.

25 And it's our hope, it's the last item that when

1 you look at Friday's calendar, the last item is to --
2 action on advisory committee recommendations.

3 It's our strong hope that that item will include
4 the adoption of the calendar for the Commission for the
5 remainder of the summer and spring.

6 In order to do that, staff will do a lot of work
7 after the advisory committee meeting and will come to us
8 at that -- at tomorrow's meeting, not just with a laundry
9 list of recommendations that the committee may have come
10 up with, but actually with a summary and some thinking
11 that will be done and presented to us, so that we can
12 really digest it and vote on it.

13 So, that's our strong hope, that we will be
14 deciding on the calendar tomorrow. There's always a
15 chance that we will not, that there are too many pieces we
16 don't know yet about either technical issues, or that we
17 aren't sure about some scheduling issues and that we may
18 not.

19 But our strong hope, and I would urge
20 Commissioners to really gear up for that, is that we have
21 a full discussion today and that we vote tomorrow on the
22 calendar.

23 Vice-Chair, any comments?

24 VICE-CHAIRPERSON ONTAI: No, I think you covered
25 it all. Thank you.

1 CHAIRPERSON BLANCO: Okay.

2 COMMISSIONER ANCHETA: So, just a question, so if
3 we're moving the Finance Committee out of 3:15 to 4:15
4 what -- are we putting anything in there?

5 CHAIRPERSON BLANCO: That's -- there's nothing in
6 there and so there is the possibility -- you know, there's
7 not complete overlap in committees. People that were
8 going to go to that can attend the Outreach and Technical
9 Committee, but that's really up to those members.

10 We also, just so -- another item. We are -- and
11 Commissioner Ward will be here momentarily. We are doing
12 a video today that the film department at Chapman
13 University has volunteered to do for us pro bono, that
14 will be an outreach video.

15 Throughout the day, during different breaks and,
16 you know, maybe lunch, et cetera, we are going to get
17 pulled out to do our little talking part. It may be that
18 that -- if there's an open slot where we eliminated the
19 Finance and Administration, that that might be a good time
20 for the video folks to catch some people, if possible.

21 But I wanted to make you aware and the public
22 aware that if you see some members leaving, it's because
23 we're also trying to do this -- this filming today.

24 Mr. Director?

25 EXECUTIVE DIRECTOR CLAYPOOL: I also wanted to

1 point out to the Commission that with its extra time, it
2 will allow you extra discussion into other items. But
3 this building closes at 5:00, so we have to plan towards
4 that.

5 CHAIRPERSON BLANCO: Thanks for that reminder.
6 So, yeah, it does build in some extra time if we go over,
7 but we do have to be out of here by five o'clock.

8 That won't be the case tomorrow, correct?

9 EXECUTIVE DIRECTOR CLAYPOOL: No, tomorrow we have
10 the regular schedule at the Capitol.

11 CHAIRPERSON BLANCO: So we can meet 'till
12 midnight?

13 (Laughter)

14 EXECUTIVE DIRECTOR CLAYPOOL: Hopefully not, but
15 yes.

16 CHAIRPERSON BLANCO: Thank you. We'll now move
17 into public comment period for items not on the agenda.
18 Do any of the members of the public wish to comment?

19 All right. Seeing no public comment, we'll move
20 to the first item on the agenda.

21 In your agenda you'll see that we have two items
22 for training. The first one, just to give you a little
23 context, where it says Statewide Database presentation,
24 it's really important at this point that the Commission
25 understand exactly what the database that we're going to

1 be using contains, how it works, what we can, can't do
2 with it. And the Legislature has requested that we, in
3 the sense, have this training presented by them, on the
4 database.

5 And so, we're going to have a report on the
6 content and one of the capacity. And here to speak to all
7 those issues, and not necessarily in this order, we're
8 going to have Mr. Michael Wagaman, from the Speaker's
9 Office of Member Affairs, and Doug Yoakam, the Senate
10 minority -- from the Senate Minority Caucus, who will
11 speak on the database and contents, and capacity.

12 And then we'll hear from Ms. MacDonald, from the
13 Statewide Database, about the details of the database,
14 itself.

15 And also present is Robin Johansen, from Remcho,
16 Johansen & Purcell, which provides legal services for the
17 Legislature. And she will not be presenting, but she will
18 be here to answer any legally -- any legal questions
19 related to the database.

20 So, who will be presenting first?

21 MR. WAGAMAN: Thank you, Commissioners, just a
22 quick introduction. My name is Michael Wagaman, I work
23 for the Speaker, so I work for the Assembly Democrats.
24 You also have a member of the Senate Republicans, so you
25 have a bipartisan, bicameral representation here, along

1 with our nonpartisan person, who does the technical work.

2 The database is one of the few functions in the
3 redistricting process that is still the responsibility of
4 the Legislature. We are mandated to provide that database
5 to you.

6 So, we're here from the Legislature to let you
7 know what that database is going to look like, what were
8 the underlying policy assumptions built into that, give
9 you some of the history of the database. And then Karin
10 can walk you through all the technical pieces so you know
11 exactly what you're going to have to work with.

12 I'm going to hand things off for a moment to Doug
13 Yoakam who, again, works for the Senate Republicans, to
14 give you some of that history of the database.

15 MR. YOAKAM: Good morning, Commissioners. My
16 name's Doug Yoakam, I work for the Senate Republican
17 Caucus. If this were -- if the Legislature were doing
18 redistricting this year, this would be my fourth
19 redistricting.

20 As the senior consultant in the Legislature on
21 redistricting, Mike asked me to give you a brief history
22 of the database and how it got to be where it is.

23 In '81 and '91 the Legislature, of course, was
24 doing redistricting, and Republicans had a database and
25 Democrats had a database, and they were different.

1 So whenever we got together and tried to talk
2 about districts, we were basically speaking foreign
3 languages. The numbers didn't agree and there was --
4 there was no agreement as to how many people were where
5 and what their affiliations, partisan-wise, were.

6 So, because of that experience Professor Bruce
7 Cain, who was a consultant in '81, and went to the
8 Institute for Government Studies at Berkeley, after that,
9 made it his mission to resolve that problem. In other
10 words, let's have one database and let's all agree on the
11 numbers.

12 Because of the difficulties of matching census
13 geography to basically precinct or political geography,
14 that's the reason that you have all of these differences.

15 And so in 1991 the Democrats were in control at
16 the time, needed to offload some items from the
17 Legislature. This was another thing that was happening at
18 the same time. Because in 1990 Prop 140 passed and it
19 contained a very large -- in addition to term limits, it
20 contained a very large budget cut to the Legislature's
21 operations, it was a mandated budget cut.

22 So, the Democrats needed to offload some items
23 from the budget and an agreement was made with the
24 University of California, at Berkeley, where Bruce Cain
25 had migrated, to house this database.

1 It was agreed upon by UC, Legislative Republicans,
2 Legislative Democrats, and the Governor's Office at the
3 time. Pete Wilson was very involved with this and so was
4 his staff.

5 This was the database that was used in 1991 by the
6 Legislature for its -- its bill and by the Supreme Court,
7 which eventually -- the masters eventually took over and
8 drew the plan that year. Mr. McKaskle was involved with
9 it at that time.

10 Over the next decade everyone here, Republican and
11 Democrat, worked together to refine the database and
12 assure each other that it was not being skewed in one way,
13 partisan way or another.

14 Former Assembly Republican Leader Bob Naylor, and
15 later Senator Bill Leonard, worked with Joe Shumate, Mr.
16 Wilson's Deputy Chief of Staff at the time, to keep
17 everyone honest and insisted -- and we insisted upon
18 documentation from Bruce Cain, and my colleagues on the
19 other side, that everything was on the up and up.

20 In 2001 we had those assurances and we all got
21 together and used the database to draw the 2001 plan.

22 So, now we've gone through another decade and UC,
23 for the most part, has kept its agreement with the
24 Legislature and directed funds appropriated by the
25 Legislature to the database, which is now housed at UC

1 Berkeley Law School.

2 There's a relationship of trust between our
3 caucuses, on the Republican side, and the caucuses on the
4 Democrat side, and Karin MacDonald, that the -- this is
5 the best data to be used for redistricting this year.

6 Mike will now explain what's in the database and
7 I'll be here for any questions, if you have them later.
8 thank you.

9 CHAIRPERSON BLANCO: Thank you very much.

10 MR. WAGAMAN: And I should have mentioned at the
11 beginning that there is a PowerPoint here that I believe
12 has been posted to the website, as well, for people to
13 follow along online, and I think Commissioners all have
14 hardcopies as well. This is kind of the fun part, so if
15 there are questions, feel free to interrupt me. This is
16 what you're getting and kind of why you're getting it.

17 Fundamentally, as Doug said, we worked very hard
18 to build trust with the database and we want to maintain
19 that trust and have designed it to try to do that very
20 goal. You know, both the Republican Caucuses and the
21 Democratic Caucuses enjoyed torturing and Karin and Bruce
22 at length over the last couple of decades to make sure
23 that we had that trust built in place.

24 At its core, it's the same database that we
25 produced in 2001, which had a lot of confidence in both --

1 with Democrats and Republicans, but also, importantly,
2 with outside interest groups and with the public as well.
3 Everybody uses the database without the fights that we had
4 in prior decades.

5 The first component is the Census geography. The
6 entire database is based on the premise that it's based on
7 block level data, which is the smallest level of Census
8 geography. So, every variable we produce for you will be
9 available at that Census block level, so you can use it
10 for any lines you may wish to draw and configure.

11 Within that Census geography, the core of the
12 database is the Census data from the PL 94-171. That
13 provides population data, voting age population data split
14 out by various racial and ethnic categories.

15 The other key component of the database and core
16 component is statement of registration data and statement
17 of vote data for the last decade.

18 Now, for the members of the public, I know the
19 Commissioners are already aware of this, may ask if you
20 guys are supposed to be nonpartisan, not considering
21 political impacts why is that data still there?

22 There are two reasons. One is that, as has been
23 discussed before, a lot of that data has to be used when
24 you're looking at compliance with the Voting Rights Act,
25 with Section 2 and Section 5 claims, any racially

1 polarized voting analysis you do, so we are still
2 providing that data.

3 So you know, we are providing the exact same
4 variable dataset that we relied on in the past. We did
5 not make any changes to that, again, to avoid introducing
6 any politics into the process. What we produced is what
7 it is.

8 How the Commission uses it, how the public uses it
9 is up to them.

10 There are a couple of components we've added that
11 were not part of the database ten years ago, but are --
12 have been added, now, and I'll walk through why those
13 decisions were made.

14 The first is citizen voting age population. Ten
15 years ago that data was not produced until after the
16 redistricting was completed.

17 The Census Bureau has now provided a special
18 tabulation based on what's called the American Community
19 Survey, which is an annual sampling of the population in
20 the country.

21 There are a lot of legal complexities in using
22 Census voting age population data, which I will defer to
23 your legal counsel and to some of the Commissioners on
24 the -- that actually know a lot more about that than I do.

25 There are also some technical challenges, which we

1 will note. The American Community Survey is a sample. It
2 is not asking everybody, like the Census. So, inherently,
3 anytime you're doing a sample, there is built-in error.

4 In addition, because the whole database is based
5 on going down to the smallest geography level, you have to
6 use a sample that's over five years, so it stretches from
7 2005 to 2009.

8 What that means is that there's a drag. The data
9 you're getting is, in many cases, three, four, five years
10 old.

11 As you all know, now, there is a huge transition
12 happening in the State, which means you may not be
13 reflecting the current -- what's the situation on the
14 ground now, you may be reflecting in that data, data that
15 is several years old. Those are all things that you're
16 going to have to consider as you apply that data.

17 The source of error to flag with the AC -- or
18 another source of error to flag with the CVAP data is that
19 the Census Bureau releases that only down to the block
20 group level, not the block level. And they actually
21 released by the Census geography from ten years ago, not
22 the current Census geography.

23 Which means all that data has to be transitioned,
24 in using complex math that I don't, again, don't
25 understand, in order to move the data forward so it can

1 all be by this common geography so you can use it. Again,
2 any time there's that going on, you're introducing some
3 additional error.

4 So, we're producing the data, but with a big
5 asterisk next to it.

6 The next item that we added is selected older
7 election data. Specifically, Commissioners had expressed
8 an interest in potentially doing some racially polarized
9 voting analysis.

10 There have not been a lot of racially polarized
11 statewide propositions in the last ten years. So, we
12 wanted to produce some of that data so, specifically,
13 we're going to move forward the elections data from Prop
14 187, Prop 209, and Prop 227 from the nineties.

15 Again, big asterisk behind those because that
16 is -- those are elections that are now 10, 15 years old,
17 lots of places are not the same as they -- do not have the
18 same people living there as lived there 10 or 15 years
19 ago.

20 The third thing that we added is, again, about
21 this public trust, public accessibility, which is we're
22 producing a lot more documentation about how the database
23 is actually produced.

24 Before, the goal was just to make sure Democrats
25 and Republicans all knew we were working from the same

1 deck. And once we achieved that goal, we add confidence.

2 That's not the process you're dealing with now.

3 Right now you really have to make sure that the whole
4 public really has confidence and really understands us, so
5 we are producing documentation is how the database is
6 produced. That will be released simultaneously with the
7 database.

8 And we're trying to develop it in such a way that
9 there are different tiers of documentation, so some of it
10 is highly complicated and uses math symbols that, again, I
11 don't understand. I'm sure Commissioner Barabba probably
12 will recognize some of them, but I don't.

13 And while other ones are much simpler and much
14 more meant to produce -- that the public can understand,
15 so you can just pick them up and understand what was going
16 on.

17 So, that what is going to be in the database.

18 What's not going to be in the database, I
19 mentioned before, the American Community Survey was used
20 to produce the CVAP data. The rest of the American
21 Community Survey we are not moving forward because, A, the
22 Census data really never intended that data to be used as
23 a redistricting database, it's meant to produce
24 demographic data.

25 The error issues that I discussed before are often

1 more significant in other portions of the American
2 Community Survey because the sample sizes get smaller, and
3 as you get smaller sample sizes you get bigger error
4 rates.

5 That doesn't mean you're not going to hear about
6 the American Community Survey, though, when you go out and
7 you do community of interest testimony. I'm sure lots of
8 groups will be coming in, saying -- not just talking about
9 their community, but providing statistics from the
10 American Community Survey to back up their community of
11 interests that they want you to protect.

12 But, again, it's not going to be part of the
13 official database.

14 The other thing we're not producing is adjusted
15 Census data. I know there's been a significant discussion
16 about that related to the prison -- the prisoner issue.
17 The reasons being that any time you do an adjustment there
18 is politics involved in that process and the voters don't
19 want the Legislature getting in the middle of the
20 politics, that's your responsibility now.

21 The other issue is that any time you do
22 adjustments they're often very significant technical
23 challenges.

24 So, for example, with the prison issue there is a
25 question of availability, do we just have the accessible

1 data. And when you talk about there's often complexities,
2 when you talk about prisoners are you talking about
3 federal prisoners, are you talking about state prisoners?
4 The data that you need from the federal prisons is not the
5 same place you're getting data from the state prisons, are
6 those in the same format.

7 All sorts of technical issues there. There are
8 also just accuracy issues because you're depending on
9 using data that was not designed for redistricting.

10 That said, what I will note is that we have had
11 members of the Legislature express interest in this issue.
12 We had one member introduce a resolution on this issue and
13 he is actually working with the Department of Corrections
14 right now to find out what data is available, what they
15 can produce.

16 So, as soon as we have that information back from
17 Corrections, we will be providing it for Commissioners for
18 you, again, to use as you wish.

19 Another thing not in there will be -- we are not
20 producing a racially polarized voting analysis. Our
21 intent is to produce the nonpartisan data, without any
22 analysis on it. Any time you want to do analysis that is,
23 again, the Commission's charge.

24 We are producing the data that would allow you to
25 do the racially polarized voting analysis.

1 Another thing we are not producing is local
2 election results. We don't capture that, we haven't
3 captured that. So, I just flag that as an issue of if
4 there's a determination as part of a racially polarized
5 voting analysis you do need local data, that's something
6 from a budgetary stand point you're going to need to ask
7 for from whoever you're hiring to do that data, you're not
8 going to get it from us.

9 And the last note is the data we're producing
10 doesn't preclude you supplementing the database, adding in
11 additional information. I know you've already discussed
12 doing that, for example, building your community of
13 interest database as you collect testimony from the
14 public. Whatever additional augmentations you want to do,
15 again, is your discretion.

16 If there are places where the Legislature --
17 there's a request for the Legislature to help facilitate
18 that we are, of course, happy to work with you because
19 Prop 11 mandates that we are supposed to work
20 collaboratively with you on this particular item.

21 And with that, I will hand it over to Karin
22 MacDonald, who will tell you about all the specific things
23 you're going to get.

24 CHAIRPERSON BLANCO: Well, I think it's -- we'll
25 hold questions until the end. I think that, you know, we

1 will hear everything in context and then we'll set aside
2 time.

3 MR. WAGAMAN: I'm sorry, I skipped one thing. I
4 forgot to tell you, our intent right now is to have the
5 database to you by April 11th. And when we release the
6 database, it will be released simultaneously. When we get
7 it, we'll be releasing it to the Commission. We will also
8 be posting it on the Statewide Database's website, so
9 everybody will have it at the same time.

10 CHAIRPERSON BLANCO: Thank you.

11 MS. MAC DONALD: Good morning, Commissioners. I
12 am now here in my capacity as Director of the Statewide
13 Database to tell you a little bit more about the nitty-
14 gritty of the database.

15 And I'd like to thank Mr. Yoakam and Mr. Wagaman
16 for helping me out, because usually I have to do this
17 entire presentation by myself, so this is rather nice.

18 Okay. So, now the slide -- I'm sorry, I didn't
19 realize we're not going to have an overhead, so if you
20 will please go to this handout, and there is a page that
21 says "Census Geography" it's basically the first chart we
22 have.

23 Okay. So, this is a graph that I grabbed a few
24 years ago from the Census website, from the Census
25 Bureau's website and it shows all of the units of

1 analysis, as they're called, from -- that the Census uses.

2 If you see the bottom there, it says "blocks."

3 And the Census block, as Michael has just mentioned, is
4 the lowest unit of analysis. So, it's basically a unit of
5 analysis is basically a reporting unit, so it's a unit of
6 which data are released.

7 That's not the same thing as data collection.

8 Because, as we know, Census data are collected on the
9 individual level, right, so especially the short form,
10 when everybody gets a form and then you fill it out.

11 But when they release it, they release it on an
12 aggregate level and the lowest unit of analysis is the
13 Census block.

14 As you can see, there is -- right above the block
15 it says "BG" and that stands for block groups. So that's
16 basically between 20 and 30 or so block groups, blocks
17 that are in one block group unit, so that is also an
18 aggregation unit. That is also a unit that the Census
19 Bureau uses.

20 And for some data, that for confidentiality or
21 other purposes cannot be released on this very small unit
22 of analysis, they release it on a larger unit of analysis,
23 which is the Census block group level.

24 As you just heard, the ACS, the ACS is actually
25 the American Community Survey data, so that's the data

1 that has all the demographics on it. That particular
2 dataset is going to be released on the Census block group
3 level.

4 However, the geography has changed. Okay. So,
5 when we're getting -- when we just got the PL 94 data,
6 about two and a half weeks ago or so, we got that on a --
7 on the 2010 Census geography, on the 2010 Census blocks.

8 The ACS, however, is going to be released on the
9 block group level for the Census geography for last time,
10 so it's the 2000 block group level. Okay, so there's a
11 bit of apples and oranges going on and that kind of
12 factors into the complexity of whether or not you can use
13 the ACS and what you can't use it for. Okay. So, that's
14 just something to keep in mind.

15 So the next level after block groups is Census
16 tracts. So again what you see is that blocks, there's a
17 line between blocks and block groups and Census tracts.
18 If there is a line connecting these units of analysis, it
19 basically indicates that they're nesting in each other.

20 So, you go from blocks, to block groups, to Census
21 tracts, then you go to counties, then you go to states as
22 you go up there, right.

23 This is an interesting one for line-drawing
24 purposes because if you're thinking about having over
25 700,000 Census blocks in the State of California, you

1 know, anybody who is constructing a district is, of
2 course, you know, clicking 710,000 times to get these
3 districts built.

4 Well, thank you Census Bureau for nesting, okay.
5 Because what you can do is you can basically take a larger
6 unit of analysis and just look at what the population is.
7 For example, we have some very small counties. Say,
8 Alpine. Alpine has like, what, 1,300. I haven't looked
9 at the details, but in the last Census they had, I think,
10 1,270 people or so in Alpine County.

11 So, if you know you're building a district and,
12 you know, you're putting your populations together, you
13 can just grab the entire county, if that works out, and
14 stick the entire county and you don't have to click on
15 every single Census block.

16 So, that's partially why this, to me, is a happy
17 chart.

18 And then it's the same with Census tracts, of
19 course. So, you always start with the larger unit of
20 analysis, the largest one that you can use, and then you
21 go down in units of analysis and you basically go to equal
22 population that way.

23 The nice thing, of course, is that since our
24 database is going to be produced on the Census block
25 level, we will have all of the data that I'm going to go

1 through on the same unit of analysis. So, you can start
2 on the block and you can aggregate up, or you can start on
3 the larger unit of analysis and then go down. So, that is
4 a flexibility that you will have when you give us guidance
5 on how we should be drawing the districts, so you can be
6 very accurate, which is great.

7 And we'll go through this. I'm a big fan of this
8 database, obviously.

9 One thing that I need to point out, to the right
10 of this chart there is places, and I don't have the
11 colored copy that you have, so places is basically the
12 Census designation for cities and anything that really has
13 a place name.

14 So, we're talking about cities, some
15 unincorporated areas like, you know, Ashland, Cherryland,
16 those kinds of places.

17 And what you can see here is that there's no
18 connection, for example, between Census tract and places.
19 What that means is that Census tracts do not nest in
20 places.

21 So, when you're using Census tracts they do not
22 perfectly correspond to the same boundaries. So if you
23 have a place boundary, let's say a city boundary, let's
24 say the City of Oakland, and you're looking at the Census
25 tracts, they don't really nest within those boundaries.

1 And there are various reasons for how and why that
2 happens.

3 But, really, one way to think about this and the
4 way I think about it is that the Census has a particular
5 purpose for how they're designating their geography. And,
6 you know, cities have different purposes for how they
7 annex and how they grow. And those two don't necessarily
8 have a whole lot to do with each other.

9 The nice thing again, though, is that we have the
10 block level and blocks do nest in Census tracts and they
11 also nest in block groups, so we do have some units of
12 analysis that help us go toward the place boundary.

13 And this, of course, is important for us because
14 the Commission has to look at keeping cities and counties
15 together as much as possible. So, we want to make sure
16 that we have the data that allows us to really look at
17 this.

18 So, let's go to the next slide. So, this is just
19 really a little graphic presentation of the geography that
20 we're looking at and that you will be very, very familiar
21 with, very quickly.

22 So, basically, California is divided into
23 counties, so this basically just shows what you had on
24 this graphic before, right. So in the upper left you have
25 California is divided into counties and then counties,

1 again, are divided into tracts. So, you have the tracts
2 nesting. I talk about it as nesting but, really, it's a
3 division, depends on if you look at it upwards or
4 downwards.

5 And then tracts are divided into block groups, and
6 you see those fine lines on the lower left side, so that
7 kind of shows you just how this breaks down and what the
8 rough geographic correspondence is with respect to that
9 one particular tract that we just pulled out.

10 And we pulled that tract out -- of course, you
11 know, when you're doing a presentation, you always look at
12 the weirdest looking geography so you can make some points
13 about that. You know, Census tracts, they don't
14 necessarily look like, you know, squares and rectangles.
15 These really are the Census units that you have available
16 to you.

17 And then, finally, the last, on the lower right
18 you have -- you have a graphic that shows how block groups
19 are divided into blocks. And that's just really, again,
20 just a visual to show you what this all looks like.

21 So, if you'd go to the next -- if you have any --
22 should I -- no?

23 CHAIRPERSON BLANCO: We'll take them all at the
24 end.

25 MS. MAC DONALD: Yeah, okay.

1 CHAIRPERSON BLANCO: Unless somebody has a burning
2 question.

3 MS. MAC DONALD: Yeah, is there -- I just don't
4 want to lose anybody.

5 CHAIRPERSON BLANCO: Yeah, yeah.

6 MS. MAC DONALD: So if anybody has a question --

7 COMMISSIONER FILKINS WEBBER: I just have a
8 question. I was just asking Commissioner Dai but --

9 MS. MAC DONALD: Yeah.

10 COMMISSIONER FILKINS WEBBER: On your chart, when
11 it broke it down from the Census tract, from Alameda
12 County, down to the Census group, then it goes from that
13 slide to the Census block.

14 So, my question was I see one, two, I guess maybe
15 four and five, why aren't there any other Census blocks
16 broken down further into the yellow shading?

17 MS. MAC DONALD: Yeah.

18 COMMISSIONER FILKINS WEBBER: Why are there only
19 like one, or two, or four, or something?

20 MS. MAC DONALD: The Census basically has criteria
21 for how they're drawing the blocks and then, also, how the
22 block groups are designated. And I think Commissioner
23 Barabba could probably give this presentation.

24 I can get the specifics for you. They have to
25 have so many people, essentially, in a Census block. And

1 then, also, there's designations for Census block groups
2 of how many people should be in there.

3 But the big thing is really that the Census
4 blocks, they have to follow visible boundaries. And, you
5 know, sometimes just think about in the rural areas, the
6 visible boundary for a Census block if you have to, you
7 know, designate it, that gets really interesting. That
8 can be a fence line, it can be a ridge line, it can be a
9 creek, it can be all kinds of different things.

10 So a lot of the ways that this is designated by
11 has to do with how many people live there, what are the
12 streets or available geographic features that they can use
13 to designate it? And then there was also public input by
14 the counties in 2000, as well as 2010, and that was called
15 the Block Boundary Suggestion Project, that California
16 allowed all the counties to participate in.

17 So, all the counties could look at their block and
18 Census geography and they could give feedback to the
19 Census Bureau about where they needed aggregation units,
20 basically. In which areas did they really need a Census
21 block drawn so that they would know exactly how many
22 people would live there.

23 Because you've got to think the Census is used for
24 all kinds of funding purposes, so if they're asking for a
25 grant or they're anticipating a lot of growth in a

1 particular area, that also factors in to how these
2 particular ones are drawn.

3 COMMISSIONER FILKINS WEBBER: But there could be
4 quite a number of people that are outside of the Census
5 block?

6 MS. MAC DONALD: Oh, yeah.

7 COMMISSIONER FILKINS WEBBER: Okay.

8 MS. MAC DONALD: They're just, then, in a
9 different Census block. Everybody's in a Census block,
10 you know, everybody's --

11 COMMISSIONER FILKINS WEBBER: Okay. It's just not
12 depicted on this slide?

13 MS. MAC DONALD: Yeah, it's probably -- it's
14 just --

15 COMMISSIONER FILKINS WEBBER: Okay.

16 MS. MAC DONALD: Yeah. Oh, gosh, so now you got a
17 whole explanation about something else. So, sorry for
18 misunderstanding the question, yes.

19 But everybody's in a Census block. Everybody is,
20 basically, because that's how we get the total population
21 for the State of California. Just the way we have to
22 assign everybody to districts, you know, the Census has to
23 put everybody into Census block.

24 CHAIRPERSON BLANCO: Okay, to move on --

25 MS. MAC DONALD: Okay. So, the next slide is

1 Census geography. And these are really just some stats
2 about California, and these are the 2010 stats for
3 California.

4 I have another slide that actually shows how
5 California's grown, and it's kind of interesting because
6 when you're comparing the Census geography, you really see
7 how much change we had. Because in 1990 I think we had
8 something like 800 or Census places, and now, we have
9 1,523. And there's stories just right there, you know,
10 about incorporations and about, you know, just how
11 Californians, you know, have been resettling and what's
12 been happening. It's just really interesting stuff.

13 So, we still have 58 counties, just like we had in
14 the nineties. But the Census places, we have a lot more
15 than we did in the last round of redistricting and when
16 the last Census was collected. So, we have 1,523, now.

17 And, of course, that means remember the criteria
18 on keeping the cities and counties together, so there's
19 more cities to be kept together now.

20 In terms of Census tracts, we have a little over
21 8,000 units to use to build the districts. And Census
22 block groups, we have 23,212. Census block groups in
23 redistricting, we don't usually talk about them all that
24 much or use them all that much.

25 We are talking about them, now, just because the

1 ACS was released on the Census block group level, so
2 that's the lowest unit of analysis for that. And I am
3 anticipating you getting a lot of public comment, you
4 know, from people wanting to use it. Because it really is
5 a tricky dataset and, you know, it's just one of those
6 things that this is the first time -- congratulations,
7 this is the first time that anybody has to deal with the
8 ACS being released, you know, like at the same time as the
9 PL 94.

10 And then in terms of total Census blocks, we have
11 710,145 units on which our data are reported.

12 If we go, please, to the next slide that is
13 entitled "Census Data"?

14 So, of course, the Census data that we're talking
15 about with respect to the Statewide Database is the file
16 that's called PL 94-171. That's the file that was
17 collected via the short form. Census day was last year,
18 April 1. Everybody got the short form. Nobody got the
19 long form anymore, sadly. I had it ten years ago, I was
20 very happy about it. Anyway, so nobody got the long form
21 anymore.

22 And the long form, of course, was collected in one
23 out of six households.

24 So, the data that we're talking about on this
25 particular slide really were collected on that one day or

1 as close to that day as the Census was able to get people
2 to fill out the form.

3 Yes, there's always an under-count issue, and
4 there's also an over-count issue. Which the under-count
5 is the one that usually people talk about a lot, the over-
6 count is usually what people don't talk about so much.

7 But, you know, this is something that can keep
8 statisticians in business for very, very long.

9 Let's go through this. So, what's on the PL 94-
10 171 which, of course, stands for Public Law 94-171. It's
11 basic informational data that jurisdictions traditionally
12 use for redistricting.

13 And why is that traditionally used? Because
14 there's simply just no better data set out there. I mean,
15 who else has the funding to go through the entire United
16 States and enumerate people? Basically, the answer is
17 nobody. And the Census is very, very good at doing what
18 they do.

19 Census 2010, the redistricting data, Public Law
20 94-171, or PL 94, contains the count of the U.S.
21 population. It's a block level dataset, as we've just
22 discussed.

23 So that means that for each block you are getting
24 the variables aggregated that were collected from the
25 short form.

1 It includes data on people's race and ethnicity
2 for both the total and the voting age population. So,
3 voting age population, of course, is 18 and above.

4 Information is based on the answers to the
5 questions in the Census 2010 short form questionnaire.
6 And there are five detailed tables available in this data
7 product.

8 So, if we go to the next slide, I will show you
9 what the documentation looks like. And this is something
10 that you probably will not have to deal with a whole lot,
11 but that's basically, you know, what we use when we build
12 the dataset.

13 So there are five tables and you see how it says
14 up here P-1 race, so P actually stands for population
15 table. So when they use an H, they use housing. So
16 there's like all these little Census short forms because
17 these people have to keep track of an enormous, enormous
18 and overwhelming amount of data. So they have figured out
19 ways to make it pretty clear to data users what we're
20 really looking at.

21 So if you see a P, then that's usually a
22 population table, as they call it.

23 So, basically, we have five tables in this
24 particular data product, and if you were to pull up the
25 documentation, this is what you would see. You see that

1 the first one talks about race. The unit versus total
2 population. That means that it's basically everybody who
3 has filled out the Census form, so it's everybody that's
4 reported in this particular dataset.

5 And then you see that it goes into the nitty-
6 gritty a little bit, so you see the population of one
7 race, which is white, alone. And then black or African
8 American alone. American Indian/Alaskan Native alone.
9 Asian alone.

10 And why are we saying "alone" behind it? It's
11 because you may remember that in 2000, for the first time,
12 people were allowed to check more than one race category.

13 So, basically, the way the Census reports it is in
14 one category of, if people selected more than one, then
15 you get, for example, white plus black, or plus whatever.
16 So, it's not just white alone, it's white plus, and so
17 forth. So that's why the "alone" is sitting there.

18 So then you have Native Hawaiian and other Pacific
19 Islander alone, and some other race alone. So, those are
20 basically the variables that you have available in that
21 particular table.

22 And then it says it repeats for the population of
23 two or more races, so that makes the dataset really big
24 because, you know, and then also the numbers. of course,
25 get smaller once you get into, you know, populations where

1 people that have checked, you know, four or more races.
2 Which is this really -- it's kind of -- it's picking up,
3 though. We didn't have a lot of people that checked
4 populations of more than one race in the last Census. And
5 there's, of course, also people trying to figure out why
6 that wasn't the case.

7 Partially, it's probably because people didn't
8 realize that they could. So the word is out, you can now
9 do it. There may also be more people in those particular
10 categories. So there are more numbers, now, in that
11 particular category.

12 Table P-2 is Hispanic or Latino, or not Hispanic
13 or Latino by race. So, again, this is total population,
14 it's the universe. And then you see Hispanic or Latino,
15 or not Hispanic or Latino, and the population of one or
16 more races. So, basically, every race gets indicated by
17 being also of Latino or not Latino origin.

18 And this is something that's incredibly difficult
19 to explain when you're giving a talk at a high school, for
20 example. I have to tell you, those are the hardest talks
21 I've ever given, when you have to explain to people, to
22 kids there why -- you know, why Latino is considered an
23 ethnicity by the Census and why, you know, black and
24 white, and all that is basically considered a race.

25 And then why, you know, a Latino person basically

1 has to choose from a race as well, because you're -- you
2 have to check a race, or you're supposed to. And then,
3 also, you have to indicate whether or not you're Latino or
4 non-Latino.

5 So, this is a really interesting topic that there
6 are a lot of papers out on that. So, it's interesting
7 reading, if you don't have enough reading already, and
8 enough thinking, then I can point you to some really good
9 literature on that topic. It's very interesting.

10 So, again, as you go to Table P-3, the population
11 table P-3, you see that this is basically the first table,
12 but the universe now is people 18 years and up. And
13 that's your VAP, your voting age population.

14 And then you have the same thing, so Table P-4,
15 population table 4 is basically a repeat of population
16 table 2, it's just for the voting age population, so for
17 VAP.

18 And then -- and then there is H-1, so that's a
19 housing table in that population table, right. So, H-1,
20 that is the most ignored table in the redistricting
21 dataset, usually, or in the Census dataset because I've
22 never -- I've really -- I don't know why nobody ever talks
23 about the housing table, but it is there. And I don't
24 exactly know how it got there, but it is definitely there
25 and there are some data on there.

1 And it's whether or not a housing unit was
2 occupied or vacant.

3 Okay. So, moving on to the next set of data.

4 CHAIRPERSON BLANCO: A question on that?

5 MS. MAC DONALD: Yes, go ahead.

6 CHAIRPERSON BLANCO: Would that capture
7 foreclosures?

8 MS. MAC DONALD: Would it capture foreclosures?
9 Well, you know, I think what it captures is what people
10 put on the Census form. So, right, so it will be the
11 Census form that went out on April 1, or it was filled out
12 on April 1, of 2000, and they -- I'm not sure. You know,
13 I have to think about it.

14 CHAIRPERSON BLANCO: Yeah.

15 MS. MAC DONALD: I don't know that I would say
16 that -- I don't think it would capture foreclosures, I
17 think it's about whether or not somebody lived in a
18 particular housing unit.

19 Because that is different from whether or not a
20 place was foreclosed, so it depends on where people live.

21 Let me do some research into that and see whether
22 there's anything that might be able to be used.

23 CHAIRPERSON BLANCO: Thank you. Okay.

24 MS. MAC DONALD: Unless somebody here has -- it's
25 just maybe that somebody here knows something. Okay, it's

1 just vacancy rates, not foreclosure rates, yeah.

2 CHAIRPERSON BLANCO: Yeah.

3 COMMISSIONER GALAMBOS MALLOY: Ms. MacDonald?

4 MS. MAC DONALD: Yes?

5 COMMISSIONER GALAMBOS MALLOY: So, to me, let me
6 get this straight, the Census collects information, the
7 information is in the Statewide Database.

8 So, the part I'm not understanding is when you go
9 back some years ago, talking about how each of the major
10 parties in California had their own databases and they had
11 different information --

12 MS. MAC DONALD: Uh-hum.

13 COMMISSIONER GALAMBOS MALLOY: -- can you just say
14 a little bit about how the information was different and
15 where the information came from at that point?

16 MS. MAC DONALD: Yes. I'll talk about that right
17 now, actually.

18 So, if you go to the next very -- not very well-
19 populated slide that says "Statement of Registration."

20 Okay, so registration data are important to any
21 racially polarized voting analysis. So, let me talk about
22 what's on the registration, what's in the registration
23 data.

24 When you think about filling out your registration
25 form, so it's your name, you know, and your birthdate and

1 what party you register with, or what party you don't
2 register with like, you know, I'm declined-to-state, so
3 it's not a party, and where you live. That's basically
4 all on the registration form. So that's all part of the
5 statement of registration and that is part of -- that is
6 also part of the dataset.

7 So, partially, I think, and I wasn't part of the,
8 you know, different datasets, so I'm not exactly sure what
9 all they argued about or where the data inconsistencies
10 came in, but I can tell you from experience that the --
11 the statement of registration so, basically, the
12 registration file for the entire State of California
13 constantly changes.

14 Five minutes ago it was different from how it is
15 now. And this is an interesting one, when people call up
16 at the database and they look at a registration file for a
17 county and then they say, well, your data are wrong. And
18 I say, well, why do you think that?

19 And then they say, well, we just got the
20 registration file for the county and it's completely
21 different. And then I ask them for the data and we
22 compare the dates, basically, of when our -- our dataset
23 was -- when this particular registration dataset was
24 collected and then when they had it, and that's basically
25 where the differences come in.

1 And I can only imagine that that, especially, if
2 you're having a political conversation, you know, could
3 really get very interesting. Because it really is a
4 changing -- it is constantly changing.

5 And if you think back to the Help America Vote
6 Act, you know, part of the Help America Vote Act is about
7 having an interactive statewide voter registration file.
8 And part of that was really that there should be just one
9 voter registration file because before, you know, because
10 all the counties have their own registrars of voters, so
11 they all built their registration files.

12 So, when somebody comes into the county office and
13 the re-register, or they change the address or, you know,
14 they change their party or whatever they do, basically,
15 their file changes.

16 So, under the Help America Vote Act, you have to
17 have that updated immediately with the State as well.

18 Before, they had different updating routines, so
19 it depended on when the county -- and, of course, there
20 were regulations then because California actually was in
21 much better compliance about, you know, keeping the
22 statewide voter registration database than many of the
23 other states.

24 But, essentially, you could have different
25 registration files on the county level, as opposed to the

1 State level, at any given time.

2 So, that's how all these little errors can creep
3 in and then these misunderstandings can start happening.

4 And that's also why it's good to have a
5 transparent dataset, where you actually have something
6 documented where everybody can look, where everybody can
7 see, you know, exactly what's happening. And people can
8 actually use these data over time and you don't have to
9 wait until the redistricting. Everybody looking at it and
10 says, well, what in the world did you people do?

11 You know, and I think that expression probably is
12 happening in a lot of different states right now, where
13 they actually have to, at the very last minute build a
14 humongous dataset, with new Census data, and then they
15 have to collect all of these, you know, registration data
16 and all of that over time. It's not an easy thing to do.

17 COMMISSIONER BARABBA: Karin?

18 MS. MAC DONALD: Yeah, go.

19 COMMISSIONER BARABBA: Do you make -- I assume you
20 use the address coding guide to take the registration date
21 to assign it to the Census information?

22 MS. MAC DONALD: We geo-code, yeah.

23 COMMISSIONER BARABBA: Okay. So, you might
24 explain to the panel why it's -- why there's a different
25 in time because address coding takes a little bit of time

1 for you to make that --

2 MS. MAC DONALD: Well, we actually -- we geocode
3 our own, basically. So, we do our own -- we do our own
4 coding and we use the TIGER.

5 COMMISSIONER BARABBA: Yeah.

6 MS. MAC DONALD: So, we use the TIGER line file to
7 geocoded into map. And geocoding is the process by which
8 you take an address and you basically allocate that
9 address on a map.

10 And I think we are on the next slide. Thank you,
11 Commissioner Barabba.

12 So, this is basically how geocoding happens. So
13 you see that star in the middle of, what we do have here,
14 a block, so in the middle of a block. So, essentially,
15 this was an address for a registered voter. You know, a
16 registered voter fills this out.

17 And I should just say here, right now, just in
18 case I forget to say it later, we do not give away -- at
19 the Database, we don't give away individual level data.
20 We are just like the Census Bureau, we want to preserve
21 people's confidentiality. And so everything, the lowest
22 unit of analysis that people get from us is actually going
23 to be block level data. So it's all aggregated, okay, so
24 there's no individual -- there's no names or anything like
25 that.

1 But this is really how it's done. How it's done
2 is that we have the file, we have the statewide
3 registration file, as we get it either from the counties
4 or the SOS, depending on when you're looking at when the
5 database was built.

6 And then we basically locate that particular
7 address in the map. And that's what happens with every
8 single registered voter in the State of California, and
9 that's called geocoding.

10 And that's a pretty -- you know, it's one of those
11 things -- I mean, there's some error in there, because
12 there's always error in there because, you know, you can
13 have -- you can have some address inconsistencies and,
14 also, there's error, really, everywhere. I mean, fill
15 out -- you know, the handwriting doesn't perfectly get
16 captured, you know, from the registration form at the
17 registrar of voters office. Or, you know, there's a
18 street versus lane, or something like that. You know,
19 there's like these little errors that always creep in.
20 But, you know statisticians always count on error washing
21 out as you aggregate up. So, you know, that's just kind
22 of -- you have to look at everything with a grain of salt,
23 I think. You know, nothing's perfect perfect, but we
24 strive to be as perfect as possible. This is as good as
25 this gets.

1 So, the next slide here says "Statement of
2 Registration" and then you see some columns on here. And
3 anyone of you who has actually looked at the Statewide
4 Database website, this is really a screen print of what it
5 would like if you're looking at the Statewide Database and
6 you're, you know, trying to download some data.

7 And it's really just as much as would fit onto one
8 slide.

9 So, you see on the left that it says "California
10 Statewide" and then you see "county 001, 03, 05" and that
11 is part of the FIPS Code. So, here's some more
12 terminology for you.

13 So this is part of the indexing mechanism that the
14 Census Bureau has for the entire -- for the entire U.S.
15 So, in this case, I'll just give you the really brief
16 rundown, it's basically in California you alphabet. If
17 you alphabetize all of the counties and then you give them
18 a number, then you're already really close to the FIPS
19 code. Except for some reason, and I don't know if
20 Commissioner Barabba can explain this or not, you have to
21 multiply by two and then subtract one, and that it why
22 you're getting these odd numbers.

23 But that's basically the entire -- this is
24 basically the entire magic of the FIPS Code. But it keeps
25 on going on, so when you see county 001, really, the best

1 thing is just to think if you're -- if you don't have the
2 county name, it's one of the early counties in terms of
3 alphabetizing it. So, that's one way to look at it.

4 They also have a numbering index for every single
5 place, for every single tract, for every single block.
6 So, you can really look at a Census code and you can
7 pretty much figure out where you are.

8 California, because part of the FIPS Code is also
9 to index all of the states in the United States so, again,
10 think about alphabetizing them. California actually
11 starts with the number 06. So, whenever you have a
12 dataset from the Census that starts with 06 you know
13 you're in California.

14 Okay. And then, and this is really the data, the
15 pointy head kind of data, geeky slide here. So you see up
16 there you see Reg, ABS, POLV and VOTE. And I can only
17 tell you it's only going to get worse because we're really
18 famous for the fabulous variable names that we have. It
19 really gets better.

20 So, reg is for registration data. ABS is for
21 absentee. POLV is basically people that vote at the
22 polls, so poll voters. And then VOTE is the total,
23 basically. And this is all about registered voters.

24 And California statewide means that there is a
25 statewide dataset available. The way that the database

1 usually builds -- or always, really, builds the data is
2 because we collect data from the counties. We also
3 process one county at a time. So, once all of the
4 counties are complete, we put them all together into a
5 statewide dataset. Because the counties, they're supposed
6 to -- they're supposed to by law, actually, give us all
7 the information that we need to build this dataset. But
8 to everybody's surprise, they do have other priorities, as
9 well, and they do have to actually run elections, and
10 they're under a lot of deadlines. Especially when, you
11 know, in California we've been having elections every five
12 minutes, it seems. So these people are incredibly,
13 incredibly busy.

14 And then, you know, for them to give us their
15 datasets, it's not necessarily they're top priority. And
16 I can understand them. I'll tell you, it's not a fun
17 thing to call them up and remind them you really need to
18 send us this because we really have to put this dataset
19 together.

20 But, anyway, we have really, really great
21 relationship with the registrars and really high
22 compliance, so it's not always necessary to call them
23 always. But that's just to say that the data don't always
24 come in when we really want them, you know, and it
25 really -- it takes some time.

1 And the statewide datasets are put together at the
2 very end, when everything else is complete.

3 Under county three, if you look under poll vote
4 and then county three, you see mail ballot county only, so
5 that's Alpine. So, Alpine actually doesn't have any
6 polling places, so you don't get the, you know, poll voter
7 kind of registration, like which people vote at the polls.
8 You basically get this -- you only get the mail ballots
9 for this particular dataset.

10 This is not necessarily something you need for
11 redistricting, okay. You have to think about the dataset
12 as something that is being used by people all over the
13 U.S. for data analysis purposes, people are writing papers
14 on this all the time.

15 Groups are using it to figure out, you know,
16 whether they -- you know, who to talk to, like what
17 representative to talk to when they want to locate some
18 sort of a health clinic, you know, and they want some
19 help. I mean, people are using this dataset for all kinds
20 of different purposes. There's a lot of research that
21 goes on with it.

22 So because we're building this dataset over time
23 and we figured it would be a really great service for the
24 State of California to have everything available as soon
25 as we have it, which actually also serves the purpose of

1 us getting it debugged and troubleshot. Because we have
2 such a huge dataset and we're operating with a very, very
3 small budget, to actually go through every single file and
4 make sure that it's all okay, we don't have the time or
5 the staff for it.

6 So, essentially, we do -- we have a pretty
7 extensive error checking program but, really, once you're
8 working with the data there can still be something, you
9 know, something was miscode or there's just the wrong --
10 okay. I'm supposed to not go into so much detail.

11 (Laughter)

12 I know, this is my database, okay, so I hope I'm
13 not boring you.

14 Okay. So, anyway, it's just that -- in any event,
15 okay, so there's a lot -- you know, people are using this
16 dataset between redistricting for a lot of different --
17 for a lot of different purposes.

18 Here is basically the data, the variables that we
19 pull off of the registration file. On the next slide it
20 says "Statement of Registration." And this is essentially
21 what I've already told you, so there's a lot of detail on
22 there.

23 And if you look on the left there are the
24 variables and they start with TOT REG, so that's total
25 registration, so you're going to have that by Census

1 block. And again, that's something that you're going to
2 need if you're doing and RPB, a racially polarized voting
3 analysis.

4 And then below it you have DEM, which stands for
5 Democrat, then Republican. AIP, American Independent
6 Party, Peace and Freedom Party, and so forth.

7 And then we also have DCL, stands for decline-to-
8 state. And then male and female below.

9 And on the next slide, this is where I say we're
10 famous for our really incredibly well-comprehensible
11 variable names. No, actually, that's on the next one.

12 So the first one is Hispanic Democrat, so we have
13 Latino Democrats, Republican, decline-to-states, and this
14 repeats for all of these other groups, for Jewish, Korean,
15 Japanese, Chinese, Asian, Indian, Vietnamese, and
16 Filipino.

17 And why is that? That is because we have surname
18 dictionaries for that. And the Latino surname dictionary,
19 for example, was constructed by the Census Bureau and
20 that's been used for quite some time. And that is also
21 something that you need to know for racially polarized
22 voting analysis, so that is also used.

23 So, surname matching and, again, as I said
24 earlier, you know, everything with a grain of salt. It's
25 not a perfect methodology, but it's one that's been used

1 and accepted by the courts for quite some time.

2 And then the particular Asian languages, they came
3 out of a different surname dictionary, and all of that is
4 actually documented on the dataset.

5 I'm just going to go a little faster now
6 because --

7 COMMISSIONER DAI: Just one question?

8 MS. MAC DONALD: Yeah. Yeah, go ahead.

9 COMMISSIONER DAI: What do you do for, for
10 example, Filipino names that have a lot of Spanish
11 surnames?

12 MS. MAC DONALD: Right. Yeah, that is -- that is
13 an interesting one because you have to basically figure
14 out whether you're going to match the Spanish surnames
15 first and then match for the Filipino afterwards, or
16 whether you're doing Filipino first and then do Spanish.

17 So, what we've been doing is do Spanish surnames
18 first, so they're -- that's what we've been doing so far.

19 Next is, again, statement of registration. Just
20 to show off some of the variables that we have in there,
21 and this is really more what a political scientist, you
22 know, gets very happy about.

23 But when you're looking at these variable names,
24 DEMMUNK or DEMFUNK, that is not a depressed Democratic,
25 that is Democratic female of unknown age.

1 Okay, this is -- and you do get used to these
2 variable names. It is a little -- sometimes a little
3 embarrassing but, you know, also kind of -- I'm glad some
4 of you at least laughed, so I think it's kind of funny.

5 So, and then it repeats for Republicans, decline-
6 to-states, and other party as well.

7 So, there's a lot of different variables that you
8 can choose from.

9 And again, at the next page, there is a little bit
10 more show off what all you can do with just one simple
11 registration file, and not much of this is really relevant
12 for redistricting purposes.

13 COMMISSIONER FILKINS WEBBER: That's what my
14 question was, because you are spending a considerable
15 amount of time on the statement of registration --

16 MS. MAC DONALD: Yes.

17 COMMISSIONER FILKINS WEBBER: -- and I wasn't
18 certain what --

19 MS. MAC DONALD: Right.

20 COMMISSIONER FILKINS WEBBER: -- the relevance is
21 for redistricting, unless you're just pointing it out,
22 that this is what's available --

23 MS. MAC DONALD: Yes.

24 COMMISSIONER FILKINS WEBBER: -- to the extent in
25 which we retain somebody to do like a racially polarized

1 study.

2 MS. MAC DONALD: Exactly.

3 COMMISSIONER FILKINS WEBBER: Oh, great.

4 MS. MAC DONALD: Exactly. And this is just --
5 it's part of the database and I just want to make sure
6 that, you know, you know that some of these variables are
7 really in there as a public service.

8 COMMISSIONER FILKINS WEBBER: Great, thank you.

9 MS. MAC DONALD: Because it has a lot of different
10 uses.

11 Yes, and I want to really speed up, now. And so,
12 we're getting to the statement of vote.

13 And so, basically, why -- you know, why do we have
14 statement of vote data in the Statewide Database? Again,
15 the reason for that is -- why do we still have it in here?
16 You know, because before they could have anything in
17 there, of course, because it was a -- you know, the
18 parties did the redistricting and now the regulations, of
19 course, have changed. But you do still need statement of
20 vote for racially polarized voting analyses. And we've
21 been, you know, collecting it over time.

22 And the thing to think about is that if we don't
23 collect election data and registration data, they're
24 pretty much gone, because there's really no reason that
25 anybody else would keep those data.

1 So we're always really quick after each election
2 to at least make sure that we get the files. Because the
3 registrars, every precinct, we'll get to that in a second,
4 they are just not kept, there's no reason to keep them.

5 So, you know, that -- my last slide will summarize
6 all of this.

7 So, statement of vote, electoral data are
8 important to any racially polarized voting analysis. So
9 racially polarized voting analysis we have another
10 acronym, so that's RPV.

11 Individual level data are not available, of
12 course, from the statement of vote. Remember, statement
13 of vote data, there we have a new unit of analysis, it's
14 reported on the precinct level. Right, when you go to a
15 polling place basically you get the total at the end of
16 the night for that precinct, so the precinct is a unit of
17 analysis.

18 Individual level data of course are not available
19 because the vote is private.

20 Precincts are the smallest unit of analysis for
21 electoral data and many change from election to election.
22 Now, that is certainly true in California. That is not
23 true in every state.

24 But in California, basically the registrars re-
25 precinct quite frequently, and part of that is due to the

1 fact that we, of course, have a lot of growth in
2 California, we have a lot of mobility in California. And
3 we have a law on the books, there's something in the
4 Election Code that says you can only have a thousand
5 registered voters per precinct.

6 So, just imagine if you have a particular precinct
7 that you have set, and then you have an apartment building
8 that gets built there, all of the sudden you have to have
9 a new precinct because you have more registered voters.
10 And that, then, kind of triggers a re-precincting. And
11 that makes the electoral geography for California very,
12 very complicated.

13 COMMISSIONER YAO: Does the vote data include the
14 absentee voting?

15 MS. MAC DONALD: Yeah, yeah. We do -- we do
16 include the absentee vote. And that's a really good
17 question because the absentee vote used to be reported by
18 some of the counties, not necessarily in the precinct
19 where the voter lived.

20 COMMISSIONER YAO: Uh-hum.

21 MS. MAC DONALD: But they now have to do that so
22 that, of course, really increases the accuracy. And they
23 were not too happy with us for that, over on the county
24 level, necessarily.

25 So, precincts, again, smallest unit of analysis

1 for electoral data and precincts do not correspond to
2 Census geography. So, they don't really have anything to
3 do with each other.

4 And again, the way to think about that is that the
5 Census has a different purpose than the registrars of
6 voters. They don't necessarily have anything to do with
7 each other. Census collects census data, registrar of
8 voters has to just make sure that they have their precinct
9 set properly, people get the proper ballots, and they have
10 to collect data and then release it, right.

11 CHAIRPERSON BLANCO: Ms. MacDonald, I'm going to
12 ask you to wrap it up soon.

13 MS. MAC DONALD: I'm wrapping. I am wrapping.

14 CHAIRPERSON BLANCO: So that we have the time for
15 questions, because we have another training at 10:30.

16 MS. MAC DONALD: Good. Yes, absolutely.

17 So, basically, because precincts do not correspond
18 to Census geography, you need to convert the precinct data
19 to the Census geography. And that, again, is a
20 complicated process, it involves a statistical procedure
21 called ecological inference.

22 We will give you documentation on that, if you'd
23 like to read it. It's not -- it's an interesting process.
24 It's a commonly used process in -- also in racially
25 polarized voting analysis, by the way. But that's

1 basically how the data are built.

2 And the way to think about it is that you have to
3 go from the precinct, which is oftentimes larger than the
4 block, basically to the Census block. So, you're going
5 from a larger unit to a smaller unit and you have to
6 figure out how to do that.

7 And the process that we use to do that is called
8 ecological inference. And again, there's books being
9 written about it and we have lots of documentation on it.

10 Statement of votes, here we just have a little
11 slide that just shows you in 2008 how many election
12 precincts we had. And these are basically just the
13 election precincts for the State of California.

14 And oftentimes precincts change with each
15 election, so that picture looks different for every
16 election. And that's also why it's really crucial for us
17 to collect the data right away at the database because,
18 otherwise, if we just get the statement of vote, you don't
19 have a geographic unit that it corresponds to, because the
20 geography underneath changes. Right. All you have is the
21 total, but you don't really know what the geography was.

22 There are just a few more slides, so statement of
23 vote again, precincts don't correspond to the Census
24 geography. You see that block that is basically sliced
25 and diced by the different precincts. And, you know, this

1 is of course an extreme scenario because we wanted to just
2 get the point across. It doesn't -- it's not always that
3 messy, but it is pretty messy out there.

4 Again, on the next slide, going away from the
5 picture, statement of vote, what does it contain? It
6 contains turnout, statewide contests, legislative
7 contests, and propositions.

8 As Mr. Wagaman has said, there's no -- we don't
9 have local data. I would love to have local data because
10 we get a lot of questions from the local jurisdictions, it
11 would be more helpful to the local jurisdictions for
12 redistricting if we would have it, but we just don't have
13 funding for it.

14 And then, finally, the final slide --

15 COMMISSIONER YAO: What's your definition of
16 local, when you say --

17 MS. MAC DONALD: Local will be local elections, so
18 like for mayor, or for supervisor, or something like that.
19 We don't have that.

20 COMMISSIONER YAO: Okay.

21 MS. MAC DONALD: So, everything we have basically
22 comes from the statewide ballot.

23 COMMISSIONER YAO: Okay.

24 MS. MAC DONALD: And then what are the advantages
25 of the Statewide Database? Again, as we've heard,

1 everybody uses the same database, it saves a lot of money
2 to not reinvent the wheel.

3 We're at the -- is everybody on this final slide
4 here? Okay.

5 Transparency obviously builds trust and that's
6 what we needed.

7 And the other -- the other side issues, so it's
8 basically the, oh, you guys have a different database and,
9 you know, are we really talking about redistricting where
10 the lines should go or are we talking about who has a
11 better dataset and a more accurate dataset? So, that's
12 eliminated.

13 And then you have more time for discussions about
14 lines and about data.

15 Availability to other jurisdictions in California
16 saves them a lot of money because we already have that
17 correspondence of like, you know, precincts to Census
18 geography. It makes it a little easier to merge in local
19 data. You know, but they still have to do it because we
20 don't have it.

21 And that's especially true for cities, counties,
22 special districts. Of course, you know, just think about
23 you have -- even though we have constrained resources, you
24 still have many, many more resources than a lot of the
25 counties and the cities out there that also are trying to

1 do a good job.

2 Debugging over time by users, that's most
3 certainly true. The more people you can use a dataset,
4 especially one of that magnitude, the more you can figure
5 out whether there's any kind of problems. You have
6 mislabeled something, you know, the data file just ended
7 up in the wrong part of the website, or something like
8 that. So, that's really helped us and we have a really
9 great interactive relationship with our users.

10 And then, you know, the public of course becomes
11 more familiar with the data and specifically because the
12 database is always open for people to come in and kind of
13 learn how to use the data, as well, so we've had a lot of
14 people that now know a lot about how to use data.

15 And it can be used between redistrictings, as I
16 said. And it avoids building a dataset at extreme time
17 pressure.

18 I mean, just imagine if we'd be sitting here like
19 two months ago and we were going from county to county,
20 times 58, you know, collecting data that we may be using
21 for racially polarized voting analysis. I mean, it would
22 just be a nightmare.

23 So, and then it leaves you more time to deal with
24 surprises, and there's always a data surprise or two. You
25 know, like we had a good one in the last Census when they

1 accidentally forgot to allocate the group quarters into
2 the proper units of analysis, so there was a whole --
3 yeah, the campus was empty, basically, there were no
4 students to be found anywhere they were located. You
5 know, it was just an error, it just happened and it got
6 fixed right away. But it gives you the time, you know, to
7 just kind of correspond, to be able to deal with it.
8 That's it.

9 CHAIRPERSON BLANCO: Thank you, Ms. MacDonald.

10 Questions? I'm going to start from this side and
11 go down, just like that.

12 COMMISSIONER YAO: Since you have it on a number
13 of your charts, can you just say a few words about the
14 start, the end, and the format on --

15 MS. MAC DONALD: The start, the end and the -- oh,
16 that's basically just when you're importing the data it
17 just tells you -- it tells you like how long the variable
18 is. So it's an old, like ASCII file format importing
19 thing, it does show you exactly at what point you have to
20 start with the variable and where the variable ends.

21 COMMISSIONER YAO: Okay.

22 MS. MAC DONALD: Yeah.

23 CHAIRPERSON BLANCO: Commissioner Ancheta?

24 COMMISSIONER ANCHETA: So, I have one question,
25 but I've got a bunch of things that I'm going to tick off,

1 so just answer yes or no when I go through them.

2 (Laughter)

3 MS. MAC DONALD: Yes.

4 COMMISSIONER ANCHETA: Okay, so statewide offices?

5 MS. MAC DONALD: Yes.

6 COMMISSIONER ANCHETA: Yes. Initiatives?

7 MS. MAC DONALD: Yes.

8 COMMISSIONER ANCHETA: State Assembly?

9 MS. MAC DONALD: Yes.

10 COMMISSIONER ANCHETA: State Senate?

11 MS. MAC DONALD: Yes.

12 COMMISSIONER ANCHETA: Board of Equalization?

13 MS. MAC DONALD: Yes.

14 COMMISSIONER ANCHETA: Okay. U.S. Senate?

15 MS. MAC DONALD: Yes. Yes, that was a yes.

16 COMMISSIONER ANCHETA: U.S. House of

17 Representatives?

18 MS. MAC DONALD: Yes.

19 COMMISSIONER ANCHETA: Presidential?

20 MS. MAC DONALD: Yes.

21 COMMISSIONER ANCHETA: Okay. And then everything

22 else sub, county, city --

23 MS. MAC DONALD: Pretty much, yeah.

24 COMMISSIONER ANCHETA: -- voting, you don't have

25 any? Okay.

1 CHAIRPERSON BLANCO: Commissioner?

2 COMMISSIONER FILKINS WEBBER: Thank you. Mr.
3 Wagner [sic] had mentioned this as well, and you stated
4 it -- no, but it's for Ms. MacDonald, I'd like to --

5 CHAIRPERSON BLANCO: Oh.

6 COMMISSIONER FILKINS WEBBER: It's the status of
7 the database. On this slide, you had mentioned that the
8 ACS information has been released and it's at the block
9 group level, but it's not current, it's from another --
10 it's from 2000, the ACS data?

11 MR. WAGAMAN: The way to think about it is the
12 process that Karin just described for converting precincts
13 to the current geography, is the exact same process we're
14 having to go through to convert this old block group data
15 to the current Census geography.

16 So, it involves taking a larger unit of geography
17 and breaking it down into smaller parts, which involves
18 this ecological analysis or as I call it, math.

19 MS. MAC DONALD: May I -- may I actually, I think
20 we didn't mention one really crucial thing, which is that
21 the Census geography changes every ten years. So we now
22 have more Census blocks than we did ten years ago.

23 So, what they're doing is because the data were
24 collected, really, over the last decade, because the
25 American Community Survey was not collected just last

1 year, they collected it on the old Census geography, and
2 that's how they're released it.

3 So, basically, the ACS data are on a different
4 unit -- you know, they're on different geography than the
5 geography on which the PL 94 was released.

6 COMMISSIONER FILKINS WEBBER: I see. So when --
7 or will the Statewide Database have that figured out in --

8 MR. WAGAMAN: Yes, that will be part of the data
9 release.

10 COMMISSIONER FILKINS WEBBER: And that's April
11 11th?

12 MR. WAGAMAN: Uh-hum.

13 COMMISSIONER FILKINS WEBBER: So that the
14 Statewide Database is working to make those conversions?

15 MR. WAGAMAN: Yes, but we're only again, as noted
16 before, doing that for the CVAP portion of the data, so
17 we're not doing it for the entire ACS.

18 COMMISSIONER FILKINS WEBBER: I understand. Thank
19 you.

20 CHAIRPERSON BLANCO: Anymore questions?

21 COMMISSIONER YAO: Yes.

22 CHAIRPERSON BLANCO: Yes, Commissioner Yao.

23 COMMISSIONER YAO: When you have the new Census
24 geography what do you do with the data from ten years ago,
25 do you update that to the new Census geography so you can

1 compare datas?

2 MR. WAGAMAN: Yeah, as I noted before, we're
3 converting for all of the data for the last ten years and
4 then we're moving forward certain variables from the
5 previous decade that we identified as potentially being
6 relevant to the Commission in any racially polarized
7 voting analysis.

8 COMMISSIONER YAO: So for the data older than ten
9 years, you don't do anything with them at this point?

10 MR. WAGAMAN: Right now we're only doing a handful
11 of variables, correct.

12 COMMISSIONER YAO: Okay.

13 CHAIRPERSON BLANCO: So, I have a question. So on
14 the CVAC that's now only in the American Community Survey,
15 because it's not in the Census data, so you've explained
16 to us that it's over a period of time.

17 MR. WAGAMAN: Uh-hum.

18 CHAIRPERSON BLANCO: And then what we'll have to
19 work with, then you'll do your magic with, is an average?

20 MR. WAGAMAN: Yeah, what the Census produces is an
21 average -- an estimate based on a five-year average from
22 2005 to 2009. And it, again, is a sample, so not
23 everybody is going to be counted even within that five-
24 year period. So there is built-in error and the Census
25 Bureau reports that error, and then we're adding

1 additional error on top of it with the geographic
2 conversation that we discussed based on Commissioner
3 Filkins Webber's question.

4 CHAIRPERSON BLANCO: So will you try
5 mathematically to capture the growth, in other words that
6 that average doesn't reflect --

7 MR. WAGAMAN: No, we're avoiding doing any
8 analysis because that brings in those kind of questions
9 that we talked about before. But yes, you are going to
10 have that and that's something that your experts are going
11 to have to look at is -- if you're talking about an
12 average, you're talking about somewhere in the midpoint
13 being 2007, so you're talking about, potentially, three or
14 four years of growth in that data. And so in places that
15 are converting over very quickly, you could have a
16 significant under-estimation as to -- or a significant gap
17 between what the VAP number, which is based on the census
18 in 2000 and what the CVAP number from over 2005-2009.

19 MS. MAC DONALD: May I add to this real quickly?
20 I don't think the Census Bureau is actually using the term
21 average when they're talking about those five years,
22 they're using a different term. And I would suggest that
23 we print out exactly what they're saying and it's
24 basically a half a page or so, of what exactly this is.
25 Because this is range data.

1 CHAIRPERSON BLANCO: Uh-hum.

2 MS. MAC DONALD: So they're actually saying we're
3 not supposed to average it, ourselves, but it's really --
4 it's kind of difficult to get my brain, at least, around
5 it. So, I think we should just let the Census, to some
6 extent, also speak for themselves on that.

7 CHAIRPERSON BLANCO: Commissioner Ontai and then
8 Commissioner Ancheta.

9 VICE-CHAIRPERSON ONTAI: Karin, my understanding
10 is that the Census Bureau is going to release the under-
11 counts maybe next year. And do you guys study that data
12 as well?

13 MS. MAC DONALD: So, I was -- I was on a panel
14 with Mr. Hogan, from the Census Bureau, who's usually
15 responsible, I guess, for the under-count issue, and that
16 was last year, and he told me that they had changed the
17 methodology that they could not actually release under-
18 count or actually estimate under-count.

19 That was the last that I heard about under-count
20 data. When the under-count was released the last time, we
21 did actually get that dataset and we had it up on the
22 website.

23 VICE-CHAIRPERSON ONTAI: Now, why would they not
24 do it this time?

25 MS. MAC DONALD: I'm sorry?

1 VICE-CHAIRPERSON ONTAI: Why would they not do it
2 this time?

3 MS. MAC DONALD: As I understood it from that
4 brief conversation, and I can get back to him and actually
5 get the detail on it, it's basically that they're just not
6 set up, there was some methodological change. But I can
7 detail for you. And I just don't know what the -- you
8 know, I think there's some political issues going on, but
9 I just don't know, I can't speak to that.

10 CHAIRPERSON BLANCO: Commissioner Ancheta?

11 COMMISSIONER ANCHETA: Yeah. And I hope the
12 answer to the question won't take too long. But there's
13 ACS five years, there's ACS three years, there's ACS one
14 year, and there's variability based on the size of the
15 population being sampled and the unit of analysis is
16 different, correct? How does that all fit together?

17 MS. MAC DONALD: The one-year estimates, and this
18 is kind of a slightly different conversation. Actually,
19 the one-year estimates are only released for populations
20 of 60,000 and above. The three-year estimates are
21 released for populations or 25,000, I think, 20 or 25,000
22 and above. And the five-year estimates are released for
23 block group. That's the lowest unit of analysis which, of
24 course, has a lot -- can have fewer.

25 COMMISSIONER ANCHETA: And the three-year and one-

1 year only have tract level, is that right?

2 MS. MAC DONALD: No, population 60,000 and above.

3 COMMISSIONER ANCHETA: I'm sorry, I know, but
4 that's a block level.

5 MS. MAC DONALD: No, no.

6 COMMISSIONER ANCHETA: One- and three-year,
7 they're all -- all three are block levels?

8 MS. MAC DONALD: Nothing -- nothing is going to be
9 on the block level. The only thing you can get on the
10 block group level is actually the five-year estimates.

11 COMMISSIONER ANCHETA: Five-year, okay.

12 MS. MAC DONALD: So for everything else it's
13 basically when you mapped it, and we mapped it just to get
14 our heads around what they meant by that. You have a lot
15 of holes, basically, you have a lot of no coverage because
16 the areas have less population than, for example, 65,000,
17 and then they're just not reporting.

18 COMMISSIONER ANCHETA: So for -- so are you --

19 MS. MAC DONALD: And that's an error.

20 COMMISSIONER ANCHETA: -- are you inputting any
21 one-year or three-year ACS data? No, it's all --

22 MR. WAGAMAN: No, we're only producing the five-
23 year data because as Karin said, that's the only one that
24 gets down to a level that's even close to block. And the
25 whole purpose of the database we are producing to you is

1 to produce every variable that exists at the block level.

2 CHAIRPERSON BLANCO: Thank you.

3 COMMISSIONER ANCHETA: That gets it, thank you.

4 CHAIRPERSON BLANCO: Anymore questions on this
5 end?

6 COMMISSIONER AGUIRRE: I have a couple of
7 questions.

8 CHAIRPERSON BLANCO: Yes, Commissioner Aguirre.

9 COMMISSIONER AGUIRRE: First of all, on the Census
10 geography, you mentioned the notion of place. Now, is
11 place defined as any legal jurisdiction?

12 MR. WAGAMAN: A place will capture all cities, it
13 will capture all the cities and towns. We actually have
14 some towns in California, too.

15 But places also will capture areas that are
16 unincorporated lands that are designated by the Census
17 Bureau as an area. Those don't have any legal meaning in
18 California, so that we don't elect people from a Census-
19 designated place, but they will show up there.

20 So you'll see, when you're actually looking at
21 maps, as they are produced you'll see a place layer that
22 will show cities, but also will show things that are not
23 cities. And to the extent you treat those and how you use
24 those, that information, again, is Commission discretion.

25 COMMISSIONER AGUIRRE: Such as barrios and sub-

1 barrios or --

2 MR. WAGAMAN: They only cover areas in -- places
3 are not within cities. So once you're in -- you're only
4 in one place at most, at one time. So you could have
5 that -- a barrio situation in an unincorporated land and
6 that may in fact be designated by the Census.

7 COMMISSIONER AGUIRRE: And the definition of
8 barrio is a traditional, accepted definition of an ethnic
9 enclave or --

10 MR. WAGAMAN: The Census looks at it more in the
11 context of a -- and Commissioner Barabba may want to chime
12 in, but it's not -- it's not defined in ethnic terms.
13 They're really using it more in the context -- it's not
14 one-for-one, but similar to the context of the way you
15 talk like a community of interest, for example.

16 COMMISSIONER AGUIRRE: Right.

17 CHAIRPERSON BLANCO: I think we have --

18 COMMISSIONER YAO: I have another question.

19 CHAIRPERSON BLANCO: Oh, okay.

20 COMMISSIONER YAO: Going back into history, when
21 you release a set of redistricting maps, you're tied to a
22 quote/unquote official database.

23 In the last two or three redistricting has that
24 definition of that standard database changed and what is
25 the concept of the data, that official database?

1 MR. YOAKAM: The concept of official database in
2 2001 was what was provided to us by the Statewide
3 Database.

4 In 1991, as I explained, we had different
5 databases. It was the same thing in '81.

6 But when the Legislature put together the plan and
7 they put it into a bill, that was voted on, on the floor,
8 they were using the database -- they were using the Census
9 as the base. But as far as analysis and political
10 analysis that both sides did, we were using different
11 databases.

12 MR. WAGAMAN: And so I'd add --

13 MR. YOAKAM: The Census is one database, then what
14 is overlaid was this political stuff that we've been
15 talking about, and then -- but the basis is always the
16 Census.

17 MR. WAGAMAN: What the -- the bill we voted on ten
18 years ago, this may be a way to look at it, actually is a
19 bill that listed all this Census geography, all these
20 little individual numbers of all these little pieces, and
21 said what district they were in. That's how we defined
22 it. We didn't have any of these underlying statistics
23 that was saying district one shall consist of all these
24 little pieces.

25 From a perspective and an analysis to get to that

1 point, we had two different datasets in the past. And so
2 when we were talking about the exact same geography the
3 Democrats may say there were 22 percent Latino
4 registration in that district and the Republicans would
5 say, no, there aren't, there are 18 percent, because we
6 were using two different datasets.

7 So we were talking about the exact same geography
8 and using apples and oranges language, so that was a real
9 problem.

10 COMMISSIONER AGUIRRE: So this Commission needs to
11 define what the standard database that we're using, I
12 assume.

13 MR. YOAKAM: This Commission, I assume, will make
14 the decision to load your computers --

15 COMMISSIONER AGUIRRE: Right.

16 MR. YOAKAM: -- with the information from the
17 Statewide Database.

18 COMMISSIONER AGUIRRE: And in the analysis do we
19 also need to define that set of databases?

20 MR. YOAKAM: I would assume that if you hire a
21 consultant to do an analysis, that consultant will tell
22 you what data he or she used to do his or her analysis,
23 and that would be up to you.

24 COMMISSIONER AGUIRRE: And so at the time that we
25 release the map all these things would be quote/unquote

1 defined as standards?

2 MR. YOAKAM: We would certainly encourage you to
3 do that because somebody in San Gabriel, who's looking at
4 your map, would be able to go to the Statewide Database
5 and if they were using a program, either online, or at
6 their desktop, then they would have the same database that
7 you used to build that.

8 So there should be only one database in
9 California.

10 COMMISSIONER AGUIRRE: Okay. And all the
11 analysis, we also should define as to whether it's an
12 adjustment by a three-year average or whatever the terms
13 are we'd be using --

14 MR. YOAKAM: We would certainly encourage you to
15 disclose what you're --

16 COMMISSIONER AGUIRRE: -- to define that
17 precisely.

18 MR. YOAKAM: -- what you're -- what is involved in
19 your analyses, yes.

20 COMMISSIONER AGUIRRE: Thank you.

21 MR. WAGAMAN: And I'd just add that, to the
22 question, you're going to have to define what statistics
23 you produce with your maps.

24 And to Commissioner Filkins Webber's question
25 earlier, that's why we wanted to make sure you knew

1 everything that we're making available to the public, a
2 lot of which may not be relevant to you, but so you can
3 make those decisions about what parts you want to include,
4 what parts you don't, knowing that the rest of the public
5 will have access to this entire dataset, so they're going
6 to be looking at it in all those different ways.

7 CHAIRPERSON BLANCO: So we're now on the time.
8 I'm going to let this go on a little bit longer because I
9 know this is really at the heart of our work, and I think
10 we can build the time in somewhere else.

11 So, we're going to go, if necessary, to 10:40, and
12 then we're going to take a break, a little bio break.

13 So, yeah, Commissioner Parvenu.

14 COMMISSIONER PARVENU: Okay. This is very
15 impressive, the information that you have available for
16 us. When we release our first set of maps, how user-
17 friendly or how -- I'm thinking in terms of the general
18 public being able to follow the methodology involved in
19 coming up with the first set of maps. How user-friendly,
20 is there going to be a supplemental report or
21 complementary report that written in layperson's language
22 to explain just how the methodology took place to come up
23 with the first draft?

24 MS. MAC DONALD: I think that's going to be for
25 you all to decide.

1 CHAIRPERSON BLANCO: Yeah, I think that's our
2 decision, yeah.

3 Commissioner Ancheta?

4 COMMISSIONER ANCHETA: Sure. So, within our
5 criteria for redistricting there are some that are clearly
6 drawn Census data, you know, city, county, that's
7 geographic data.

8 Two of them are not so clearly drawn from the
9 Census data, but you probably could rely on various forms
10 of the Census. So, neighborhood is one and communities of
11 interest. And I think we'll have a presentation later on
12 communities of interest, so we could talk about it more
13 fully there.

14 Neighborhood, any help in terms of what is in the
15 database that gives any shape to that? And not that we
16 have to do anything about that, but that I'm just
17 wondering if there's anything that helps us there.

18 MR. YOAKAM: None.

19 COMMISSIONER ANCHETA: Okay.

20 MR. WAGAMAN: Well, I would just add one thing,
21 you can think about, particularly when you're looking at
22 some of the dataset, it may have some breakdowns of some
23 stuff that you don't get from the Census. The one thing
24 that's popping in my head is we do have Jewish surname,
25 and the Census data will only have that data by white, so

1 they treat all those together.

2 So, if you're looking at a Jewish enclave, that
3 may help you find some of those little pieces.

4 The API community data is only released by Census
5 Bureau as one chunk. If you're trying to break up
6 Filipinos from Chinese, it may provide you data.

7 But to the extent that's helpful to you or not is,
8 again, Commissioner discretion.

9 COMMISSIONER ANCHETA: And again, I'm not
10 suggesting that we have to do anything beyond what -- put
11 that out there as a criterion, but I was wondering if the
12 data actually gave us anything helpful.

13 CHAIRPERSON BLANCO: Yes, Commissioner Ontai.

14 VICE-CHAIRPERSON ONTAI: Oh, Karin, do municipal
15 or city boundary lines match up neatly with the block
16 boundary lines, street lines?

17 MS. MAC DONALD: Yes, with the blocks they do.

18 VICE-CHAIRPERSON ONTAI: They do.

19 MS. MAC DONALD: With the blocks they do, just not
20 with the tracts. So if you go back to the first,
21 actually, slide, it kinds of shows you how they missed and
22 what matches up with what.

23 So if there's no line between, you know, the unit
24 of analysis and like the block, or the block group, then
25 they don't match up.

1 CHAIRPERSON BLANCO: Anymore questions?

2 Thank you very much, this was really helpful, very
3 illuminating. And thank you, also, for the historical
4 presentation, I think that's helpful as well.

5 We're going to take a five-minute break and we're
6 going to be back here at 20 of 10:00 -- 11:00.

7 (Off the record at 10:34 a.m.)

8 (Back on the record at 10:48 a.m.)

9 CHAIRPERSON BLANCO: All right, time. Who are we
10 missing? Is that everybody? And Commissioner Ward's
11 working on the video, okay.

12 All right. We're back from our break and the next
13 item on the agenda is a legal training or presentation by
14 Ms. Henderson, Ana Henderson, who's with the Warren
15 Institute, on policy and --

16 MS. HENDERSON: Law and social policy.

17 CHAIRPERSON BLANCO: Law and social policy.

18 MS. HENDERSON: Yeah.

19 CHAIRPERSON BLANCO: At UC Berkeley, at the School
20 of Law.

21 And this presentation that we've requested is to
22 help us learn a little bit more about the Federal Voting
23 Rights Act and also, so we've asked her in particular to
24 address two issues, that they should be on everybody's
25 agenda and online. Which is one, how communities of

1 interest, which is one of the criteria that we are tasked
2 with using in our redistricting, how communities of
3 interest have been defined and interpreted by the courts.

4 And also, the role of race in redistricting,
5 again, from the legal perspective, what the Supreme Court
6 and other decisions have said about the permissible or
7 impermissible uses of race in the redistricting process.

8 So, welcome, Ms. Henderson.

9 MS. HENDERSON: And thank you, Commissioner Blanco
10 and Commissioners, I'm glad to be with you today.

11 CHAIRPERSON BLANCO: Excuse me, can you move the
12 mike?

13 MS. HENDERSON: Yeah, that was the first thing I
14 was going to ask is if I was on the mike. Can you all, is
15 it working now?

16 Okay. All right. Well, first of all, I want to
17 apologize that my slides are a little bit small on this
18 handout. I had hoped that I'd have a big screen, also,
19 but I didn't get that together so I apologize. And,
20 hopefully, that you can read anything. If there's
21 anything that isn't clear, please let me know and I'll try
22 to elucidate that for you.

23 So, just as a little background about myself,
24 before I came to the University of California I was an
25 attorney in the Department of Justice, in Washington D.C.,

1 in the Civil Rights Division. My last position there was
2 in the voting section, where I was a litigator and I also
3 conducted Section 5 administrative review and also Section
4 5 litigation.

5 So I'll be talking to you today about some of the
6 Voting Rights Act issues, the consideration of race in
7 redistricting. And I'm going to save the community of
8 interest discussion until the end of my presentation.

9 So, I've listed here, very briefly, the California
10 statewide redistricting criteria. I know you all are very
11 familiar with them at this point, so I won't go through
12 them.

13 But I did want to point out the criteria that are
14 subject to the VRA and that's the middle slide on the
15 second page. Specific -- you know, since the criteria are
16 in rank order and the compliance with the Voting Rights
17 Act are second, it's the second most important criterion.

18 In addition to that, the population calculus for
19 state districts is specifically subject to the VRA. So,
20 you need to have reasonably equal population, except where
21 necessary to comply with the Voting Rights Act.

22 Compactness, following political boundaries,
23 neighborhoods, and communities of interest, and nesting
24 are all subject to the VRA compliance.

25 Officially, contiguity could be abandoned for

1 Voting Rights Act compliance, but as I'll explain during
2 the presentation, I would not advise that you do that.

3 So, very briefly, the Voting Rights Act, there's
4 two sections of the Voting Rights Act that are very much
5 involved with redistricting.

6 Section 5, which requires covered jurisdiction to
7 obtain federal pre-clearance or permission before they can
8 institute changes to their voting practices.

9 And Section 2, that prohibits discrimination on
10 the basis of race, color, and certain language minority
11 statuses in voting.

12 Okay, turn to the next page. Section 5 in
13 California, we have four covered counties, King, Merced,
14 Monterey and Yuba. That means that all voting changes in
15 those counties or affecting those counties have to be
16 submitted for federal pre-clearance. That includes
17 redistricting plans.

18 That means that our statewide plans are going to
19 need to be submitted either to the Department of Justice
20 or to the District Court, for the District of Columbia,
21 for pre-clearance.

22 When they're reviewing those, they will only be
23 looking at districts that are completely in or that have
24 part of those covered counties in them. That's when
25 they'll be able to interpose an objection, if there's a

1 problem with one of those districts.

2 If, for example, they thought there was a problem
3 with the districts in a non-covered county, they would not
4 be able to interpose a Section 5 objection.

5 The standard of review that the Department of
6 Justice or the court will use is two part. The first is
7 retrogression and the main question being asked there is
8 does the new districting plan make voters worse off than
9 they were under the existing plan, or the status quo
10 plan, or the other term that you might hear for that is
11 the benchmark plan.

12 And that basically means the plan that we're using
13 now, it's the last legally enforceable plan.

14 So, they'll be comparing the plan that the
15 Commission comes up with, with what is in existence right
16 now.

17 The other thing they'll be looking for is any
18 evidence of discriminatory purpose. And so that means was
19 the plan adopted with an intent to discriminate against a
20 racial or protected minority group, language minority
21 group?

22 Section 2 of the Voting Rights Act is more
23 expansive and it will apply statewide in California. It
24 prohibits a denial or abridgment on voting rights on the
25 basis of race or language minority status.

1 And the Voting Rights Act defines language
2 minority status very specifically. It means Asian, Native
3 American, Alaskan Native, or Spanish heritage language
4 groups.

5 Okay. And I've laid out some of the language of
6 Section 2 here, just in case you're interested in reading
7 the whole statute. But the last slide on this page, the
8 one that's entitled "Section 2 in Redistricting",
9 basically boils down why Section 2 applies to
10 redistricting. And that's because it is a voting
11 qualification or prerequisite to voting or a standard
12 practice or procedure that can result in a protected class
13 of voters having less opportunity than other members of
14 the electoral to present -- to elect representatives of
15 their choice.

16 So, on the next page, what we're typically looking
17 at in the Section 2 cases, and what the Commission should
18 be aware of when doing redistricting is what was called
19 vote dilution. And basically that means that -- that goes
20 back to the statement that minority voters have less
21 opportunity to elect a candidate of their choice.

22 And there's different ways that electoral systems
23 can dilute voting streams. I have two examples on the
24 slide at the top of the page here.

25 One is an at-large electoral system, like maybe a

1 city council that elects all its representatives at large.
2 Even if a community constituted a very large portion of
3 that city, for example, let's say 40 percent, if non-
4 minority voting against their interests, they may not be
5 able to ever elect a candidate of their choice because
6 they don't constitute a majority of the city.

7 If that city were able to be cut into districts,
8 where the minority would constitute a majority in one of
9 the districts, then they would be able to elect a
10 candidate of their choice. So that's one way of diluting
11 minority voting stream.

12 Another way is single-member districts that might
13 split up or over-concentrate a community into too few
14 districts. And this is what we'll really be looking at in
15 the statewide redistricting.

16 So, the next slide talks about Section 2 and
17 redistricting methods of vote dilution. And this is a
18 little bit of jargon for voting rights, so you can get
19 into jargon a little bit.

20 And what you'll start to hear a lot is called
21 cracking and packing, and it's humane ways of diluting
22 minority voting stream.

23 Cracking is dividing up a population. So, if you
24 had a population that could constitute a majority in a
25 single-member district, but you divided it in half, so it

1 did not constitute a majority in either district, then
2 that's cracking or dividing the population.

3 Packing is over-concentrated. So if you had a
4 minority community that could be a majority in two
5 districts, for example, but you drew your districts in
6 such a way that they constituted 80 percent of one
7 district and 20 percent of another, just to use really
8 round numbers, that would be packing or over-
9 concentrating, and also diluting their voting stream.

10 So those are the --

11 CHAIRPERSON BLANCO: By the way, I'm going to --
12 unless there's a really clarification, we can hold our
13 questions. But I would say that if there's a term or
14 something that you feel you need to know about before we
15 go on to the next --

16 MS. HENDERSON: Oh, yes.

17 CHAIRPERSON BLANCO: -- set of questions, go ahead
18 and let me know. Yes, there is a clarification?

19 COMMISSIONER ANCHETA: No, but there is another
20 term that's often used, which is stacking, right. I don't
21 know if you want to mention that or not.

22 MS. HENDERSON: Yeah. You know, cracking and
23 packing I think are the main ones that we need to really
24 look at so that's --

25 COMMISSIONER ANCHETA: Well, that's fine. That's

1 fine.

2 CHAIRPERSON BLANCO: Maybe we can do that at the
3 end.

4 COMMISSIONER ANCHETA: Yeah.

5 MS. HENDERSON: Yeah. Okay. So, yeah, and let me
6 say, also, please, I wholeheartedly agree with
7 Commissioner Blanco, please do ask me questions. I don't
8 know how familiar you are with voting rights stuff. It
9 took me a long time to really get into it and really
10 understand it.

11 You may find that my presentation is a little bit
12 repetitive and that's actually by design, because I found
13 that the more often I heard something and got used to it,
14 the more it kind of sunk into my head.

15 But I'm also trying to pare it down so we can get
16 into a lot of other things, besides Voting Rights Act.
17 So, please do ask me questions.

18 Okay. So a little bit about vote dilution
19 standards. A lot of the standards are tests that are used
20 to determine vote dilution were developed during case law,
21 so those were usually cases where minority voters were
22 challenging electoral system and saying that it diluted
23 their voting stream.

24 In those cases the burden is always on the
25 plaintiff, on the voters who are challenging the system.

1 They need to be able to prove that there's vote dilution
2 and discrimination.

3 Okay. One of the things that you'll start to hear
4 a lot, dealing with vote dilution, is something called the
5 Gingles test or the Gingles precondition. And that cites
6 back to a 1986 Supreme Court Case, Gingles versus
7 Thornburg, where the court set out a three-part test to
8 try to make -- it really sets a threshold matter for
9 plaintiffs who want to challenge a voting system. If they
10 can't satisfy the Gingles test or the Gingles
11 preconditions, they're pretty much out of luck.

12 But it's actually a good -- a good rule of thumb
13 for us to look at when we're trying to determine if
14 there's vote dilution in districts that we're drawing, as
15 well.

16 The three-part test is, the first one is that the
17 minority population is large and compact enough to be a
18 majority in a single-member district.

19 Gingles precondition two is that the minority
20 group is politically cohesive, and that means that they
21 tend to vote together as a group.

22 And the third part is that the majority or the
23 non-minority population tends to vote together and against
24 the interest of the minority population.

25 Plaintiffs in these cases then would, if they are

1 able to satisfy those three preconditions, then have to go
2 on and prove that the redistricting had a discriminatory
3 purpose or effect.

4 For redistricting purpose it's kind of a little
5 bit of the other way around, but I think you can still use
6 the Gingles test. Since the Prop 11 criteria required
7 compliance with the VRA, it's high placement on the list
8 shows that it's a very important criterion. And the goal
9 that the Commission will need to look at is to avoid
10 violating Section 2 by ensuring that redistricting plan
11 does not dilute the voting stream of racial or protected
12 language groups.

13 Okay. So you'll still be taking into account the
14 Gingles preconditions when you're doing redistricting,
15 even though the test was developed during case law.

16 Okay. So, a little bit more in-depth on these
17 Gingles preconditions. The first Gingles factor had to do
18 with drawing districts. And what you're looking at is
19 that the minority population is large and compact enough
20 to be a majority in a single-member district.

21 So the way that you do that is you draw a district
22 and you want to make sure that that district on total
23 population is as close to your ideal population as
24 possible.

25 And then, to determine if you have any Voting

1 Rights Act issues, you try to gauge the -- look at the
2 proportions of different groups within a district.

3 And on the next page I have some examples. These
4 are fictitious examples, they're just hypotheticals.

5 The first one here, I have a hypothetical with the
6 very creative name of New City. The baseline goal for all
7 districts is to have as equal a population as possible.
8 And population here is termed POP.

9 When you're looking at Voting Rights Act issues,
10 in this case you're also looking at voting age population,
11 or VAP. And I know you guys heard a little bit of these
12 terminology this morning.

13 So in this situation, in New City, we're looking
14 at an African American population. And you'll see that
15 this city is conveniently 5,000 people and just divided
16 into five districts. So, the total population or total
17 POP for each district is 1,000.

18 When you look at the BPOP or black population,
19 you'll see that there's differences within these
20 districts.

21 So, district 2, district 3 and district 7 all
22 appear to be at least 50 percent black population.

23 And you'll see the next line over is percent black
24 population, which bears that out.

25 When you look at the black voting age population,

1 or the BVAP, you'll see that the population is actually
2 lower. And this is actually pretty typical in many
3 population groups that have a younger population profile,
4 they have more -- that is that they have more children or
5 people under age 18 in their populations.

6 So you'll see some fall off between population, or
7 POP, and voting age population, or VAP.

8 So, whereas under total population district 2
9 looked like it could be a majority black district, looking
10 at voting age population, it is less than majority.

11 Now, in the next slide I have another cleverly
12 named hypothetical of New Town. Now, in New Town we're
13 looking at a Latino population. Again, it's a population
14 of 5,000, each of the districts has 1,000 people. You'll
15 see that districts 2, 3 and 5 appear to be majority Latino
16 in terms of population.

17 When you look at the next line over you have
18 Latino voting age population, or LVAP. And you'll see
19 that, again, district 2 goes down below 500, so it is no
20 longer a majority district.

21 When you look at LCVAP, or Latino citizenship
22 voting age population, it falls down even farther. And so
23 district 2 and district 4 in this example become less than
24 majority.

25 And I did hear the very end of the last session

1 where you were talking about CVAP and citizenship issues.
2 And what I note here in the last slide is that several
3 courts have required that you look at citizen voting age
4 population for Voting Rights Act issues, including the 9th
5 Circuit. And so in California we will have to take
6 citizenship into account.

7 The cycles, the CVAP data are coming from the
8 American Community Survey, which you talked about a little
9 bit.

10 I've been deeply engrossed in this issue to the
11 point that it makes my head hurt a lot. But I will note
12 here, I have a note here that the Warren Institute is
13 working on a paper on how to deal with the various
14 different sources of data for citizenship, and I hope to
15 have that out within the next few weeks, and I'll make
16 sure you all get a copy of that.

17 Okay. So turning to the second and third Gingles
18 factors, or Gingles preconditions, both of these deal with
19 voting or political behavior, so the actual behavior of
20 voters when they go into the voting booth.

21 The second Gingles precondition talks about
22 minority political cohesion, that the minority group tends
23 to vote the same.

24 And the third Gingles precondition has to do with
25 the non-minority group, a majority group voting as a block

1 usually to defeat the interests of the minority
2 population.

3 Taken together, this is usually referred to as
4 racially polarized voting analysis, or RPV. And usually
5 the plaintiff in one of these cases will present an RPV
6 analysis. And that's the -- you're really trying to say
7 that not only is there a possibility of drawing a majority
8 minority district, but the voting behavior in the city is
9 making the current system impossible for minority voters
10 to elect candidates of their choice. Okay. And then just
11 a --

12 CHAIRPERSON BLANCO: I have a clarification about
13 the difference between a plaintiff in these cases --

14 MS. HENDERSON: Yes.

15 CHAIRPERSON BLANCO: -- and us, as a Commission.
16 So, in a sense we have to anticipate, as we're drawing,
17 that somebody might do this. That if we draw something
18 that somebody might say that was a district that could
19 have been a majority minority district, and we have to
20 anticipate that they might do a racially polarized
21 analysis and come up with that fact.

22 MS. HENDERSON: Yes.

23 CHAIRPERSON BLANCO: So does that mean for us in a
24 way we have to do that as well? I mean, just your opinion
25 on that.

1 MS. HENDERSON: Yeah. Yeah, I have to say in some
2 cases I think you will. In some cases, if you have a
3 district that is currently majority minority and the
4 voters have been electing their candidates of choice, then
5 you may not have to do as in-depth an RPV, or racially
6 polarized voting analysis.

7 But if you're dealing with a completely new area
8 of the State where there is a new -- there's been
9 demographic shifts and there is a new minority population,
10 and you're trying to determine if you need to draw a VRA
11 district in that area, then you'll need to be aware of the
12 voting patterns.

13 CHAIRPERSON BLANCO: Thank you.

14 MS. HENDERSON: Okay. So, some -- just some
15 terminology dealing with Section 2 districts, just because
16 I'm -- there's a lot of confusion sometimes over
17 terminology.

18 So, a VRA district is sometimes called a majority
19 minority district, or a Section 2 district, is a district
20 where one minority group forms a majority of a district
21 and can elect a candidate of its choice.

22 A coalition district is similar, but there you're
23 dealing with two or more racial minority groups together
24 that form a majority of the district and can elect a
25 candidate of their choice.

1 And then we have another term, which is called
2 crossover district, and that's a district where a minority
3 group is less than 50 percent of the CVAP population, but
4 with the support of some white voters is able to elect a
5 candidate of their choice.

6 The crossover district is not required under the
7 Voting Rights Act, after a 2009 Supreme Court decision
8 dealing with a crossover district. That dealt with a
9 crossover district and the State of North Carolina, where
10 the State of North Carolina abandoned one of their
11 constitutional requirements not to cross county lines in
12 order to draw a district that was less than 50 percent
13 African American.

14 The Supreme Court -- that district was challenged
15 and the state, as a defense, said, well, we had to draw it
16 this way because the Voting Rights Act requires it.

17 The Supreme Court found that the Voting Right Act
18 does not require districts that are less than 50 percent
19 majority to be drawn.

20 But it's important to note that in that very same
21 decision it said that it did not prevent it. That states
22 if they want to, as a matter of policy, draw districts
23 that are less than 50 percent majority, but with crossover
24 voting minority voters are able to elect a candidate of
25 their choice, they are free to do so.

1 And in fact, the Supreme Court actually said that
2 that probably would -- crossover districts and influence
3 districts would be a good thing.

4 COMMISSIONER DAI: Ms. Henderson, is a crossover
5 district different from an influence district?

6 MS. HENDERSON: Well, we actually have a paper
7 coming out about influence districts, also. But I think
8 that they -- it's a hard call. Influence districts have
9 not been well defined so far. They've been talked about a
10 great deal in many court cases, but they haven't really
11 been empirically analyzed sufficiently, in my opinion.

12 I think that the key difference between a
13 crossover district and an influence district is if
14 minority voters are able to elect their candidate of
15 choice. And so there is some coalition between minority
16 voters and white voters.

17 And the influence districts that have been
18 discussed so far, the courts have just kind of said, oh,
19 as long as you have 25 percent, or 30 percent, or 35
20 percent without looking at the voting behavior of other
21 voters in the district, that that's an influence district.
22 And that really hasn't been empirically proven yet.

23 CHAIRPERSON BLANCO: And have the courts approved
24 or disapproved those, or what's the -- what are the court
25 decisions on influence districts?

1 MS. HENDERSON: Well, there -- well, there is
2 Georgia v. Ashcroft is where it first came up, and that
3 dealt with the Georgia redistricting. And it actually
4 popped up in Justice O'Connor's opinion, where she talked
5 about the -- some of the African American districts in the
6 Georgia redistricting had been shaved down, the level of
7 African American majority have reduced from, you know, 60
8 something percent to just over 50 percent.

9 And Justice O'Connor's opinion stated that perhaps
10 the increase in black population in neighboring districts,
11 up to 20, 30, or 35 percent would offset that reduction in
12 African American majority.

13 When the Voting Rights Act was reauthorized in
14 2006, language was put in specifically saying that in
15 Section 5 what you're dealing with is opportunity to elect
16 districts. And that is often referred to as the Ashcroft
17 fix because it was trying to say, no, influence districts
18 are not enough to satisfy your Section 5, non-
19 retrogression standard.

20 And I know that got really jargony really fast, so
21 if there's a question about it, you know, please, please
22 feel free to ask. I apologize for that.

23 Yeah, so basically the Voting Rights Act, when it
24 was reauthorized, and this was only on the Section 5 part,
25 said that you can't substitute majority districts for

1 influence districts. So even if you had, you know, ten
2 influence districts, but you got rid of your majority
3 minority districts that that did not make up for that,
4 that did not prove it was non-retrogressive. It doesn't
5 make up for it.

6 So, hopefully, that answered it a little bit more.

7 CHAIRPERSON BLANCO: Uh-hum.

8 MS. HENDERSON: Okay. All right. Okay, so
9 turning to race in redistricting constitutional concerns,
10 because the way I think of it is on one hand we have the
11 Voting Rights Act and we need to be very concerned about
12 vote dilution and not violating the voting rights of
13 voters of color.

14 On the other hand we have a string of cases,
15 mostly in the 1990s, that dealt with constitutional
16 challenges to majority minority districts. And I've
17 listed a couple of them here, Shaw v. Reno, Bush v. Vera,
18 Miller v. Johnson. As a group they're often referred to
19 as Shaw and its progeny.

20 So, about Shaw and its progeny. When Shaw
21 first -- and its progeny were first coming down, a lot of
22 people got very concerned that this meant that you could
23 not consider race at all in redistricting anymore. And
24 it's my understanding that some jurisdictions in 2000
25 actually were hesitant even to look at racial data, Census

1 data when they were doing the redistricting, for fear that
2 their plans would be invalidated for considering race.

3 And I think that an important take away point from
4 Shaw and its progeny is that race is actually still a
5 permissible consideration.

6 So, on the slide I have the main points from Shaw,
7 the kind of main take away parts.

8 What the court said is that race shouldn't play a
9 sole or predominant role in redistricting. And that where
10 race is involved the court will apply its strictest
11 standard, called strict scrutiny. And that basically
12 means that in order to use race the state needs to have a
13 compelling state interest to do so, and it needs to make
14 the use of race very narrowly tailored to achieve that
15 compelling state interest.

16 The other thing that these cases make clear is
17 that compliance with the Voting Rights Act is a compelling
18 state interest. And so in order to comply with the Voting
19 Rights Act, the state may consider race in redistricting.

20 But that consideration needs to be narrowly
21 tailored. And so that's where this not being the sole or
22 predominant role issue comes in.

23 So what does that mean, sole or predominant role,
24 how do you know if that's what race is playing?

25 The court said that race should not subjugate

1 traditional redistricting principles.

2 And for California that means the redistricting
3 criteria that are in the constitution. As long as you're
4 complying with those, you're showing that you're not
5 deviating from traditional redistricting principles and
6 making race the sole or predominant source of your
7 decision making process.

8 In addition, in some of the cases the district
9 appearance has been an important issue. And the language
10 I have here is from Shaw, that the districts were so
11 bizarre, that they just looked so strange that they
12 couldn't be explained on any other basis than race. So,
13 sometimes district appearance is important.

14 So for example, the reason I mentioned before that
15 even though officially, on the rank of criteria, Voting
16 Rights Act compliance is above contiguity, I would
17 strongly advice against drawing a noncontiguous district
18 is because the way that the district looks is important.

19 So, if the Commission were considering drawing a
20 district, a majority Latino district, for example, that
21 was half in San Francisco and half in L.A., that would be
22 a really bad idea.

23 (Laughter)

24 MS. HENDERSON: Okay.

25 CHAIRPERSON BLANCO: Just any questions so far?

1 We're good.

2 MS. HENDERSON: Okay.

3 CHAIRPERSON BLANCO: These sort of build on each
4 other so I just wanted to make sure the building blocks
5 are there.

6 MS. HENDERSON: Yes, yes, yes. Okay. So, race in
7 redistricting, this is my slide that kind of talks
8 about -- I always think of it kind of like you're walking
9 along, you're balancing different things. So on the one
10 hand you want to avoid Voting Rights Act liability, so you
11 want to avoid vote dilution for the Section 5
12 jurisdictions, you also want to avoid retrogression. And
13 for the whole state you want to avoid discriminatory
14 purpose, absolutely.

15 That means being conscious of race to avoid
16 cracking and packing, and retrogressing, and purposefully
17 harming or having discriminatory intent.

18 On the other hand you want to avoid a 15th
19 Amendment violation by conforming with your redistricting
20 principles. Of course, don't base your decision solely on
21 race and then, also, adhere to the redistricting criteria
22 that are in the California Constitution.

23 Okay. So, I'm going to shift to community of
24 interest, so we'll go into that.

25 Okay. So, community of interest, it's the fourth

1 criterion on your list, along with keep cities and
2 counties, and cities and counties and neighborhoods whole.
3 It's a very fact-intensive determination.

4 I was giving a lecture about racially polarized
5 voting analysis to a Voting Rights seminar at the law
6 school a few weeks ago, and I mentioned something about
7 community of interest and a student put up his hand and he
8 said, okay, so on the Maptitude software where's the field
9 for communities of interest? And I said, huh?

10 And he said, no, how do you find it, where do you
11 get it on the computer? And I said, oh, you don't. You
12 know, it's not something that when you fire up Maptitude
13 it's not going to say here are all your communities.

14 And so this is where you guys are really going to
15 roll up your sleeves and really do the work. The best
16 source of information about community of interest is
17 people who live in and work with communities.

18 And I'm going to note here that a lot of what I'm
19 going to say today is also true for neighborhoods.
20 Because just like there's not a community of interest
21 field on Maptitude, there often isn't a neighborhood
22 field.

23 And so when I've been talking to community
24 organizers and doing the public sessions I usually say,
25 you know, this is also -- a lot of it's going to apply to

1 neighborhood, because people will also be getting up to
2 talk to you about where their neighborhoods are.

3 When I first moved to Oakland I could not believe
4 how many neighborhoods there were. Because people would
5 say where do you live and I'd say Oakland. And they'd
6 say, no, but where?

7 And I would say -- and then it seemed like if you
8 moved two blocks, you're in a new neighborhood. And there
9 really isn't a source of that information. So, that's
10 just my little digression.

11 I'm going to focus on community of interest here,
12 but you'll also be getting a lot of information about
13 neighborhood, as well.

14 Okay. So this -- this is the criterion where the
15 Commission most needs to hear from the public. And on the
16 next slide here I have the definition or the direction
17 about respecting geographic integrity of the city, and
18 county, and city and county, and local neighborhood, local
19 community of interest.

20 And the Prop 20, as you know, added a more of a
21 definition of community of interest as a contiguous
22 population which shares common, and social, and economic
23 interest that should be included within a single district
24 for purposes of its effective and fair representation.

25 Which I would say, in other words, that means it's

1 a group of people in the same area that shares a common
2 interest or bond.

3 Okay. So, the Constitution very clearly states
4 what communities of interest are not, that it should not
5 be -- include relationships with political parties,
6 incumbents or political candidates. And so the Commission
7 should not be considering testimony that's based on that.

8 This is always something that's a little bit hard
9 for communities sometimes, because sometimes there really
10 are community affinity and people feel very strongly
11 affiliated with a party, or they feel very strongly
12 related to an incumbent.

13 But what I've been telling the public, also, is
14 you -- that's not going to be something that the
15 Commission can hear, and so that's not testimony that
16 should be considered.

17 Prop 20 also provided examples of shared interests
18 and I've listed them here on this slide. But I think just
19 that these -- this list of examples is not an exclusive
20 list, I think it's just an illustration.

21 And so, again, as you have on the last slide here,
22 that your community of interests should be defined by
23 those familiar with the community. It's up to those,
24 again, who live and work in a community to determine what
25 those common interests are.

1 And another thing that I think that's important to
2 note is that the common interests need not be just the
3 current situation, but also goals. So, it could be a
4 future aspiration, not just what is currently the
5 situation in a community.

6 So on the next slide I have some more examples and
7 that's just to try to illustrate this point. So for
8 economic interests you could have a common interest or
9 bond around the current situation, which might be common
10 employment or economic opportunities.

11 But it could also be around goals. So if people
12 are coming together because they want to expand
13 opportunities in a neighborhood, or increase development
14 in a neighborhood, or bring in business and jobs to a
15 certain area, for example.

16 Social interests are extremely broad, so that
17 could be a current situation like involvement in a school.

18 CHAIRPERSON BLANCO: We have a question.

19 MS. HENDERSON: Sure.

20 COMMISSIONER FILKINS WEBBER: I was going to get
21 to this earlier, but since you've mentioned it, are you
22 familiar with some of the debate that apparently had
23 occurred with Prop 20 in the manner in which they defined
24 communities of interest?

25 Because what -- you haven't -- I mean, I see

1 you're breaking down economic and social. But apparently
2 there was an issue because the statute, itself, says
3 social and economic. And it uses the word "and". And as
4 I understand, some of the groups that were in favor of
5 Prop 20 and were working, I believe, on some of the
6 drafting, they were concerned that the end result was the
7 word "and".

8 MS. HENDERSON: Uh-hum.

9 COMMISSIONER FILKINS WEBBER: Have you heard about
10 that discussion? Do you have any comments on it? Because
11 what you're giving us are two different categories here,
12 not necessarily considering the word "and".

13 And when you look at the examples that you pointed
14 out from Prop 20, the common -- common areas in which the
15 people share, living standards, same transportation, those
16 examples in Prop 20 appear to correlate to the use of the
17 term "social and economic."

18 So, I'm just taking it down a few more levels and
19 I appreciate the simplicity that you've provided in
20 providing us these examples. But do you know if this is,
21 in your opinion, going to become an issue or do you feel
22 that we're safe in separating economic interests from
23 social interests based on the examples that you've
24 provided?

25 MS. HENDERSON: Uh-hum. Yeah. Yeah, I was not

1 involved with Prop 20 or the debate around it, so I cannot
2 speak to that.

3 And you raise a really interesting question. And,
4 you know --

5 COMMISSIONER FILKINS WEBBER: Well, it is a
6 debate.

7 MS. HENDERSON: Yeah, yeah.

8 COMMISSIONER FILKINS WEBBER: It is a debate.

9 MS. HENDERSON: I mean I have to say that I think
10 that tying -- that -- you know, the way that we look at it
11 is it's really up to the community is what they're -- you
12 know, what their experience is.

13 And I think I need to think a little bit more
14 about your question in order to give you a really good
15 answer.

16 COMMISSIONER FILKINS WEBBER: Is there any
17 other -- any other jurisdiction, outside of California,
18 that's used this term, "community of interest" and have we
19 seen it defined by any other court that we could analogize
20 it to?

21 MS. HENDERSON: Yeah, actually, the State of
22 Alaska has some -- has an economic prong to the community
23 of interest criterion and I looked at it months and months
24 ago. But I know there was some discussion and a case
25 dealing with how they had decided to reconfigure a

1 district. And, you know, I want to review that before I
2 give you a complete answer on it.

3 COMMISSIONER FILKINS WEBBER: Oh, that's fine.

4 MS. HENDERSON: But I seem to remember something
5 about that -- and there it seemed like there was more a
6 focus on economic, and that could have just been the facts
7 of that case, that someone challenged how a district was
8 reconfigured and the basis of their challenge was, oh, you
9 know, these two cities are actually really different
10 economically.

11 I don't know for sure that it went directly to the
12 definition that was in Alaska law.

13 COMMISSIONER FILKINS WEBBER: Thank you.

14 COMMISSIONER ANCHETA: And we have lawyers who can
15 look that up.

16 COMMISSIONER FILKINS WEBBER: Oh, I know, I
17 just -- I just want to be conscientious of the manner that
18 you're separating the two out. I'm certainly not asking,
19 you know, you to tell us what you think that the law is,
20 because we do have lawyers in that regard.

21 But I just wanted the Commission to be
22 conscientious and just to understand that your recognition
23 is conscious of the fact that the word "and" was in there
24 and what -- and if you were aware of the debate, that's
25 all.

1 MS. HENDERSON: Yeah. I know that there was a lot
2 of concern that this was -- and this was, you know, again,
3 it was the -- what I was hearing running up to the
4 election, so it was electioneering and people were saying,
5 oh, this is, you know, segregation and this is all the
6 problems with it.

7 The view that I've taken and you can get -- you
8 know, one of the best ways to get a really long
9 conversation is to ask a lawyer the different between and
10 and or, or and and and. And it's true.

11 (Laughter)

12 MS. HENDERSON: Anyway, all the people -- it was
13 just the lawyers that were laughing but it's true, it's
14 totally true.

15 Yeah, you know, is it a conjunction or does that
16 mean like it's both? It has to be both together or --
17 yeah, it's a lawyerly question.

18 The way that I've been looking at it is that it
19 means both, you know, that means either.

20 COMMISSIONER FILKINS WEBBER: Either.

21 MS. HENDERSON: And so --

22 COMMISSIONER FILKINS WEBBER: Both doesn't mean
23 either.

24 MS. HENDERSON: Oh, lawyers.

25 COMMISSIONER ANCHETA: We'll have to ask our

1 lawyers.

2 MS. HENDERSON: Okay, but ask your lawyers about
3 that.

4 But one of the things that I've been trying to
5 explain, also, is that it's not just the current
6 situation, that it can be aspirational goals.

7 So where it could be something like, oh, we're all
8 very involved with our school, or we all share a very
9 common heritage, or we have similar modes of
10 transportation, it could be an aspirational goal. Like we
11 really want to improve our neighborhood, we want to bring
12 in more parks, or we want to improve the public safety, we
13 have a neighborhood watch.

14 And so there's different ways of thinking about
15 what those bonds and interests that hold a community
16 together. And it's not only -- while you can't have
17 quantitative data, or Census data, or some other type of
18 data to support that, really, what it is that holds the
19 community together is something that comes from the
20 community, itself.

21 Okay. So how to establish a COI? It's going to
22 be oral or written testimony about a community. And what
23 I've noticed, put in, in the AKA here, is that is
24 otherwise known as qualitative data.

25 Sometimes people will say that people talking

1 about their communities is anecdotal data, and that Census
2 data or something with numbers attached to it is much more
3 important.

4 Another way to think about testimony is it's
5 qualitative data. It's another data source that you need
6 to be taking into consideration when you're drawing
7 districts.

8 Okay. And they need to answer the following
9 questions: what bonds the community together? Where is
10 the community located? And why should the community be
11 kept together in a district?

12 And again, this may not be supported by
13 quantitative data, such as Census or some other source of
14 number data.

15 One thing that's very important for redistricting
16 is the location. And I have here a silly example of
17 people who frequent an internet chat room about dancing
18 cats may have a common interest, but they're not
19 necessarily geographically located.

20 And so we really want to be -- what we've been
21 doing when we're talking to the public is trying to make
22 sure that people know that they need to say where the
23 community is, and not just focus on, you know, what makes
24 them a community, or what bonds them together, what is
25 their common interest, but also where they're located.

1 And they need to be able to provide that to the Commission
2 in a way that's easy for the mappers to go ahead and use
3 with drawing.

4 So, the testimony needs to at least show where the
5 COI is located, provide at least a location, exterior
6 boundaries, maps are very helpful. And I would suggest
7 that during hearings, if someone gets up and gives
8 testimony about their community of interest, but doesn't
9 say where it is, that one of the Commissioners please ask
10 them to say where it is located. Okay.

11 COMMISSIONER AGUIRRE: Madam Chair, could I ask a
12 question about communities of interest?

13 CHAIRPERSON BLANCO: Absolutely.

14 COMMISSIONER AGUIRRE: So I understand, then, that
15 communities of interest are not to be established by the
16 Commission. Essentially, they're based on input,
17 community input.

18 MS. HENDERSON: Uh-hum.

19 COMMISSIONER AGUIRRE: So, and we can only draw on
20 community input for establishing communities of interest.
21 So in the absence of public testimony, we can't come up
22 with communities of interest.

23 MS. HENDERSON: Uh-hum.

24 COMMISSIONER AGUIRRE: So, therefore, I would
25 encourage, of course, the public to participate in these

1 input sessions because absent their participation, their
2 interests may not get represented.

3 MS. HENDERSON: That is correct. That is correct.
4 And I would wholeheartedly echo that, absolutely.

5 Okay. So community of interests and neighborhood
6 here, because I'm going to talk about methods to show
7 locations.

8 There's a couple of different methods to do it.
9 One is a description and that's basically just saying
10 where in the state, county, city, area, for example, it's
11 located. That should also include physical or legal
12 boundaries that bound the community.

13 And that can be physical boundaries, like rivers
14 or streets, or a shopping center, or a military base. It
15 can also be legal boundaries, like a city limit, or a
16 county line, or something like that.

17 Maps are another way to demonstrate where a
18 community of interest is located. There's some free
19 mapping software, such as Google maps which is, you know,
20 available on the web. And I have some examples in the
21 next slides.

22 We also provide information during the public
23 trainings that we've been doing, the public information
24 sessions, we actually stood there and showed people, you
25 know, how to use the maps. I learned it at the last

1 session. The first one we did a couple of weeks ago, I
2 sat next to my colleague and I actually learned how to do
3 it, and that's how I was able to make these pretty one's
4 for you today.

5 Then there's also fee-based mapping software, like
6 Maptitude, for example, or ARC GIS, other programs like
7 that, that can be used for generating maps.

8 Through the Redistricting Assistance Centers that
9 the Redistricting Group at Berkeley Law is manning across
10 the State people -- anyone can come in and use that
11 software and get a little bit of training, a little bit of
12 information about how to use it, and then they can make
13 their own maps using the Google maps or using the more
14 sophisticated Maptitude.

15 There's a note here about hardcopies versus
16 electronic submissions, and that's just a note for the
17 Commission to take into consideration. Because I have
18 been asked about that when I've been out in the public,
19 you know, could someone take a paper map and, you know,
20 highlight it and give it to the Commission?

21 So, I don't have any opinion about that, I'm just
22 trying to put it out there as it might be something that
23 you need to consider how you want to deal with that.

24 The next two slides are fictitious communities of
25 interest. You'll see I put it that this is not a real

1 live COI, exclamation point.

2 And I apologize that it's hard to see this. And
3 the first map, it's a district, a large -- a large
4 community of interest around the Bakersfield area. And in
5 the -- what I hoped to show you guys was in the sidebar
6 here, you can actually write in comments about it. And so
7 what I wrote in there is I think it said COI based on
8 common economic interest of agriculture, employment and
9 business.

10 And then I also had a little note about why to
11 keep it together. So, if you present the map this way,
12 you can actually see those comments.

13 And the second one here, it's actually a community
14 of interest that would be based around my office. But I
15 did flag a school, the little pinpoint that's there. This
16 is just to show that you can use the technology to drop
17 pinpoints and flag important locations throughout the COI
18 that you're trying to put together.

19 Okay. So, and then just some thoughts about
20 facilitating public comment. Since this is going to be an
21 issue about which you really need to hear from the public
22 to get the information that you need for drawing the
23 lines, it's really important that the public know, you
24 know, how to provide that information to you.

25 So, you need to gather information about COIs and

1 neighborhoods. I think you need to establish a user-
2 friendly process for obtaining that information, and that
3 includes disseminating instructions and deadlines, so that
4 the community knows how and when they need to be involved.

5 And then just some thoughts and suggestions about
6 I think it would be helpful to provide testimony
7 guidelines to community members, so they know what to do
8 when they're providing testimony.

9 That would include what information should be
10 included and what format it should be in. You might want
11 to develop a form, or if you're going to be taking
12 electronic submissions, have a web-based interface where
13 people can fill in the blanks on the different information
14 that they need to provide.

15 That would help standardize the information that's
16 presented as well, and also make sure that people are
17 providing all the information they need and aren't
18 providing partial submissions.

19 You should also be specific about the format and
20 content requirements for maps, what they should look like
21 and what information they should have.

22 The method to present testimony, if you want to do
23 it in person, online, by mail, you know, whatever.

24 And then also I think this is very important, what
25 will happen to testimony that does not meet minimum

1 standards or is late? So, people need to know what's
2 going to happen if they don't put in what -- for example,
3 if they forget to put in the location of their community
4 of interest what's going to happen.

5 Or if they submit their information late, you
6 know, what's going to happen.

7 Because that way the community both knows that
8 they need to provide complete information but, also,
9 there's no surprises for them if later something doesn't
10 get considered and it turns out it's because it was
11 lacking something or it was late.

12 Okay. And then just, lastly, some special
13 considerations for facilitating public input. One is for
14 those who can't attend a hearing, if you're going to
15 accept written testimony outside of hearings, make sure
16 that those guidelines about them are very clear because
17 you won't have an opportunity to ask them clarifying
18 questions if they're not there in person.

19 Disability access issues, both physical access to
20 hearings, American Sign Language translation, if needed,
21 and accessible written testimony protocols with web
22 interfaces.

23 And also language access, and that's just
24 translation and interpretation.

25 CHAIRPERSON BLANCO: Great. So we have -- we're

1 right on schedule and we have approximately 15
2 questions -- or 15 minutes for questions.

3 COMMISSIONER FILKINS WEBBER: I have one.

4 CHAIRPERSON BLANCO: Yes, Commissioner Filkins
5 Webber.

6 COMMISSIONER FILKINS WEBBER: Mine can be a little
7 lengthy, so I wanted to open it up to the Commission,
8 first, before I commandeer anything.

9 CHAIRPERSON BLANCO: Okay. All right. I'm just
10 going to do it in order going down because I think
11 everybody raised their hand at the same time.

12 We're going to start with Commissioner Barabba.

13 COMMISSIONER BARABBA: Yes, the -- you mentioned
14 the noncontiguous districts.

15 MS. HENDERSON: Yes.

16 COMMISSIONER BARABBA: And we were shown a map of
17 Arizona, where they had a really strange looking district.
18 Is there ever a --

19 MS. HENDERSON: Can you speak up a little?

20 CHAIRPERSON BLANCO: Yeah, can't hear you.

21 COMMISSIONER BARABBA: Is this clear?

22 CHAIRPERSON BLANCO: Yeah.

23 COMMISSIONER BARABBA: Okay. Is there ever an
24 accepted reason for a not-contiguous district? If you
25 were trying to reach, say, a Voting Rights Act activity?

1 MS. HENDERSON: So the district in Arizona that
2 you saw, I did not see it. Was that the one dealing with
3 Navaho and Hopi?

4 COMMISSIONER BARABBA: Yes. Yeah.

5 MS. HENDERSON: Okay. You know, it's --
6 noncontiguous districts are just really asking for
7 trouble. I mean, we do have issues in California with
8 islands and, you know, the Bay Bridge, and can a district
9 go across that and those are -- you know, those are --
10 that would not fall into noncontiguous district category.

11 But, you know, you should talk to your lawyers
12 about it, of course, but I would just -- yeah, I just, you
13 know, they're just -- unless -- they're highly
14 problematic.

15 CHAIRPERSON BLANCO: The next person down this
16 row?

17 COMMISSIONER FILKINS WEBBER: Okay, I'll go ahead.

18 CHAIRPERSON BLANCO: Yeah, go ahead.

19 COMMISSIONER FILKINS WEBBER: Because I don't
20 understand this.

21 MS. HENDERSON: Sure, yeah.

22 COMMISSIONER FILKINS WEBBER: And I've been trying
23 to study it and we've had opportunity to be given books to
24 read, and study in our spare time.

25 MS. HENDERSON: Oh, yeah.

1 COMMISSIONER FILKINS WEBBER: In looking at -- let
2 me make sure I've got this right. I apologize, I thought
3 I had it organized here. Oh, here it is.

4 CHAIRPERSON BLANCO: What page are you on?

5 COMMISSIONER FILKINS WEBBER: I'm on -- well,
6 goodness.

7 MS. HENDERSON: Oh, I didn't give you page
8 numbers, I'm sorry about that.

9 COMMISSIONER FILKINS WEBBER: I'm on the slide
10 that says "Race and Redistricting in California," at the
11 bottom, where you were giving us just a summary of your
12 Section 2 presentation.

13 CHAIRPERSON BLANCO: Is this posted, by the way,
14 on --

15 MS. HENDERSON: Yes.

16 CHAIRPERSON BLANCO: Okay.

17 COMMISSIONER FILKINS WEBBER: I can see and I
18 understand that we -- the Commission cannot draw district
19 lines for a discriminatory purpose, and I certainly don't
20 believe this Commission would ever let that cross their
21 mind.

22 I don't see that the Commission would be doing
23 anything intentionally that would result in vote dilution,
24 or ever retrogression, because we're going to pay
25 attention to Section 5.

1 So I guess my question is, the way that we see the
2 case authority, our challenge is to districts such for
3 cracking and packing, and I don't envision the Commission
4 doing that since we are conscientious of those issues.

5 So where, and under what circumstances, do you
6 create what are called Section 2 districts, such as
7 minority -- or majority minority districts when you're
8 drawing the lines.

9 I mean, if you're starting with number one as far
10 as population and, you know, we do everything
11 mathematically that can be done on a computer, and
12 everything can be perfect mathematically, a computer can
13 do that. And you take it down to the next level, I guess
14 I'm trying to understand where you create Section 2
15 districts, when do you create majority minority districts,
16 why do you create them? Are we supposed to count them?
17 You know, are we supposed to put one in El Centro and then
18 one up in Oakland?

19 I don't understand the process. Because I
20 understand if somebody, if a Commission, or the
21 politicians, or anybody across the United States, anybody
22 responsible for redistricting were to do something
23 intentional, and intentionally discriminate, and
24 intentionally cut up a compacted, you know, ethnic area or
25 racial area and do the cracking and packing. I understand

1 what we're not supposed to do.

2 I guess my question is what are we supposed to do?

3 MS. HENDERSON: Okay. It's a good question.

4 Okay, so let me back up a little bit. Because the Voting
5 Rights Act does not only prohibit intentional
6 discrimination, it also prohibits practices that have a
7 discriminatory effect.

8 And so vote dilution is one of those instances of
9 discriminatory intent. What you're trying to do is avoid
10 vote dilution and what you do through that is you're going
11 to be looking at where your population concentrations are.
12 And so if I'm understanding your question correctly, it's
13 not so much that you have to make sure that you take off
14 that you have a majority minority district in, you know,
15 El Centro, Oakland, et cetera, you're really looking at
16 where the populations are located.

17 And if it's possible to draw a district where
18 those populations constitute a majority of the citizen
19 voting age population in the district, and have an
20 opportunity to elect a candidate of their choice.

21 COMMISSIONER FILKINS WEBBER: Okay. But this --

22 MS. HENDERSON: And please give me a follow up
23 because I don't think I've answered it completely.

24 COMMISSIONER FILKINS WEBBER: We have seen -- I've
25 seen commentary, public comments, a lot of discussion

1 about the changes that have occurred in California and the
2 fact that there is no majority, ethnically or racially, in
3 the State of California. The growth of the Hispanic
4 population and, as Commissioner Aguirre had even said, I
5 think last week, that in projecting even the possibility
6 that Hispanics will hold a majority -- I guess my question
7 is there's a lot of commentary that says when we draw the
8 lines in the State of California it may very well be
9 possible that based on the population concentration of
10 those races the districts are going to fall in line
11 themselves, because the population truly exists for at
12 least the Hispanics. There are other issues as to the
13 other ethnicities.

14 So I guess my question becomes -- and again, this
15 could go to, you know, our own counsel as well. But just
16 factually, based on the law, do you see a necessity in
17 California, based on the changes of the population, that
18 this Commission would have to actually create a Section 2
19 majority minority district for Hispanics, let's say?

20 MS. HENDERSON: Depending on where you are in the
21 State, yes.

22 COMMISSIONER FILKINS WEBBER: Okay. So that's
23 where I'm getting to. What do you mean depending on where
24 we're at in the State?

25 Because for instance, Santa Ana is a good example

1 of a high concentration of that -- of Hispanic population,
2 they've been able to elect a candidate of their choice.
3 So are you saying under the Voting Rights Act we would not
4 have to consider a majority minority district there, but
5 we might have to consider it somewhere else where they've
6 had less of an opportunity to elect the candidate of their
7 choice? And that goes for any ethnicity or race.

8 MS. HENDERSON: No. Actually, what I'm saying is
9 it depends on where the populations are. So if you're in
10 an areas of the State where it's impossible to draw a
11 district that's more than 50 percent citizen voting age
12 population of a particular group, then you don't have to.

13 COMMISSIONER FILKINS WEBBER: So it's possible for
14 you to do it then.

15 MS. HENDERSON: Yeah. So there are -- there are
16 areas that are either, you know, very integrated and so
17 they're -- you know, it's not possible to draw districts
18 that are compact, and contiguous, and still have a
19 majority of your CVAP population of a particular group.

20 And then there's areas in the State where the
21 demographics are such that, you know, that all your
22 districts are going to be, you know, one racial group.
23 And so you just need to be -- and it's a little bit funny
24 because, like I said, the case law developed and the
25 standards that we're talking about developed in plaintiff-

1 driven suits, you know, so Voting Rights Act challenges.

2 And in some ways you're playing a defensive
3 position, you're trying to anticipate where there might be
4 a Section 2 case, and you want to make sure that you're
5 avoiding diluting the vote because you want to comply with
6 the Voting Rights Act. And you also, of course, you know,
7 don't want your plan invalidated.

8 So, it's a very -- again, kind of like that -- you
9 know, it's a very fact-intensive, very population-
10 intensive inquiry. And there are -- it's something you
11 need to be aware of when you're drawing the lines.

12 CHAIRPERSON BLANCO: Perhaps it would -- the data
13 that gets reported in the paper that sort of discusses
14 this and talks about the growth in different populations,
15 particularly the Latino population, I don't know if this
16 helps pose the question for Ms. Henderson more clearly,
17 Commissioner. You may have a situation that was a
18 population that used to be predominantly white, maybe it
19 was 80 percent 20 years ago, then that same geographic
20 area became 60 percent, and now that we get the new Census
21 numbers that are is, lo and behold, 60 percent Latino,
22 right. And it wasn't the last Census. The last Census it
23 was 40 percent Latino, right.

24 Then the question is, now that you have that
25 population shift and you're drawing the districts in an

1 area, in a geographic area where before that population
2 was not the majority, and now it is, is it correct that
3 those are the places where we might see these situations?

4 I mean, I'm just --

5 COMMISSIONER FILKINS WEBBER: Yeah, and you say
6 "see these situations." What my question is, is do you
7 not need to do a majority minority for that area in your
8 example because the population concentration exists for
9 that racial group already, because you're saying it's 60
10 percent now.

11 CHAIRPERSON BLANCO: But this would be the first
12 time, right, so you can't -- if, for whatever reason we
13 said we're going to keep the same lines that were there
14 before because we like the way it keeps the county
15 together and we like the way it encompasses a community of
16 interest, and we like the blah, blah, blah. But by doing
17 that it was -- we had designed a district that was not
18 majority minority, even though the population growth had
19 turned to majority, then we'd have -- potentially,
20 somebody could come in and say, look, how come you did all
21 of this? And we'd say, oh, we have counties, and we have
22 continuity, and we have community of interest.

23 And say, yeah, but look, you have this new growth
24 here and you didn't account for it. I mean, I think
25 that's my understanding of how it might come up.

1 MS. HENDERSON: Yeah, that's -- and that's I say
2 you need to -- that's what I mean where in the State it
3 really depends on what the populations are in the State.
4 Because there will be areas, there's definitely going to
5 be areas where it's not possible to draw a majority
6 minority district or a Section 2 district.

7 COMMISSIONER FILKINS WEBBER: Okay.

8 MS. HENDERSON: And then there are going to be
9 some areas where it's really close, you know, and there's
10 going to be some areas where it's -- you know, just by
11 drawing a district, any district, that the area is so
12 heavily minority you're going to end up with a district
13 like that.

14 But in all the situations you need to be, I think,
15 taking -- just making sure that you're taking that into
16 account and you're not opening up yourself -- you know,
17 opening yourself up to liability by not complying with the
18 Voting Rights Act.

19 COMMISSIONER FILKINS WEBBER: I just have one
20 other brief question.

21 MS. HENDERSON: Sure.

22 COMMISSIONER FILKINS WEBBER: We were given this
23 book, the redistricting -- and it was in public comment,
24 so we're not studying anything -- a fascinating chart that
25 was in here showed that there were no majority minority

1 districts for Asians or blacks in the last two -- in the
2 1990s and in 2000s. So, for black African Americans there
3 were no majority minority districts for the State House,
4 the State Senate, or the Congressional district. In fact,
5 the only ethnic group that was permitted to have them, I
6 guess, or was given the majority minority district were
7 Hispanics, and that has gone down.

8 I don't know if you've looked at this, but is that
9 because of the fact that the population didn't exist for
10 those sufficiently to warrant majority minority, if you
11 know?

12 MS. HENDERSON: I can't comment on it because I
13 have not --

14 COMMISSIONER FILKINS WEBBER: Commissioner
15 Ancheta, you're shaking your head yes.

16 COMMISSIONER ANCHETA: Yeah, I think that's right.
17 I think it's because the population --

18 COMMISSIONER FILKINS WEBBER: I just want to make
19 sure I understand that.

20 COMMISSIONER ANCHETA: -- was just not large
21 enough. But now this round maybe the Asian population, we
22 might be looking at that.

23 COMMISSIONER FILKINS WEBBER: In some areas they
24 might very well be.

25 COMMISSIONER ANCHETA: Yeah.

1 COMMISSIONER FILKINS WEBBER: Okay. So then you
2 would look at the population concentration in the area
3 where we might be able to correct, possibly, for what
4 we've seen in the past.

5 COMMISSIONER ANCHETA: Yeah.

6 MS. HENDERSON: Yeah.

7 COMMISSIONER FILKINS WEBBER: Okay, thank you.

8 MS. HENDERSON: Yeah, so it's a very population-
9 fact, Census-driven -- the other thing I'll add is we have
10 another paper coming out. Sorry, I feel like I'm
11 advertising my papers. But dealing with coalition
12 districts, specifically, and the legal and racially
13 polarized voting issues involved with coalition districts.
14 So that's another thing to keep into consideration.

15 CHAIRPERSON BLANCO: I think Commissioner Raya has
16 a question.

17 COMMISSIONER RAYA: Oh, actually, my question was
18 in the context of the previous question that Commissioner
19 Filkins Webber was talking about.

20 MS. HENDERSON: Okay.

21 COMMISSIONER RAYA: And Commissioner Blanco. When
22 we're talking about this example of population growth,
23 perhaps just in and of itself driving that determination,
24 but are we talking about just numbers, gross numbers, or
25 are we still talking about CVAP numbers, that's -- I just

1 wanted to be clear because --

2 MS. HENDERSON: Yeah. Yeah, for -- so it's --
3 when you're doing Voting Rights Act districting, you're
4 actually keeping kind of two eyes on two different screens
5 at the same time.

6 Because on the one hand you want to try to keep
7 the total population of all your districts as close to
8 that ideal population equality as possible. But within
9 that you're trying to, with your other eyeball, look at
10 what's going on with the CVAP population in California,
11 and other jurisdictions that, you know, the federal courts
12 have said you need to look at CVAP. And that's just for
13 Voting Rights Act compliance purposes.

14 So, you're trying to keep, you know, the total
15 population as equal as possible, while also making sure
16 you're looking at that CVAP population. That's, you know,
17 one of the time consuming parts of it.

18 CHAIRPERSON BLANCO: Does that answer your
19 question?

20 COMMISSIONER RAYA: I guess just what --

21 MS. HENDERSON: Please?

22 COMMISSIONER RAYA: -- I'm kind of struggling with
23 is tying in some of these other bits of information we've
24 given, for example, that minority communities have a lot
25 of young people, or not a voting age.

1 MS. HENDERSON: Yes.

2 COMMISSIONER RAYA: So if you're talking about
3 giving people an opportunity to represent -- have their
4 interests represented, there are the interests of all
5 these non-voters, so to speak, that you want to have
6 represented, but you don't have enough voters to come into
7 this process. That's just kind of what's running around
8 in here.

9 MS. HENDERSON: Yeah, definitely. And, you know,
10 for -- and I guess there's different levels that you can
11 think about it on. So on one level there's what the
12 Voting Rights Act requires you to do. And the Supreme
13 Court was very clear that you have to have at least 50
14 percent of that -- in that case it was voting age
15 population but here, in California, I think it will be
16 citizen voting age population.

17 But as I mentioned before, the court also said as
18 a matter of policy, if states want to draw districts that
19 are less than that, they're allowed to.

20 The caveat to that is you can't draw influence or
21 crossover districts in lieu of a majority minority
22 district. So you could get yourself into trouble if you
23 said, well, we could have drawn this district 55 percent
24 Asian American CVAP, but we decided to do -- you know, to
25 try to represent these other interests by doing two, you

1 know, 35 percent Asian American CVAP districts.

2 Now, someone could come in and say, huh-uh, you
3 know, that's great, you know, yes, you're allowed to do
4 that. But you couldn't because here you actually could
5 have done that majority minority district.

6 CHAIRPERSON BLANCO: I've got two more persons and
7 then I'm going to remind people that we do have counsel.

8 MS. HENDERSON: Yes.

9 CHAIRPERSON BLANCO: That we've hired for the
10 Voting Rights Act. A third, okay. And then we will have
11 public comment, and then I'll announce something about the
12 filming that is being done today, of the Commission.

13 So I have Commissioner DiGuilio, Commissioner
14 Aguirre, and Commissioner Parvenu.

15 COMMISSIONER FILKINS WEBBER: One little one.

16 CHAIRPERSON BLANCO: Okay, you're eating into your
17 lunch.

18 COMMISSIONER FILKINS WEBBER: And I'm hungry, too.

19 COMMISSIONER GALAMBOS MALLOY: Commissioner
20 Blanco, I'm sorry, it's really difficult to get in the
21 queue from down here, but I was also in the stack.

22 CHAIRPERSON BLANCO: Oh, hey, you're supposed to
23 be keeping your eye on that. Okay. Okay, Commissioner
24 DiGuilio first, Aguirre, Filkins Webber, Parvenu, Galambos
25 Malloy and -- okay. Anybody not have a question?

1 (Laughter)

2 CHAIRPERSON BLANCO: Okay.

3 COMMISSIONER DI GIULIO: Mine is very, very quick.

4 MS. HENDERSON: Okay.

5 COMMISSIONER DI GIULIO: On the second to the last
6 page, when you had mentioned what communities of interest
7 are not --

8 MS. HENDERSON: Yes.

9 COMMISSIONER DI GIULIO: -- and related
10 specifically to the party affiliation. So if the public
11 comes to us and says I'm really defined by my party
12 affiliation or we really like our representative, this is
13 where we would have to set some guidelines and say we
14 appreciate that, but that will not be able to be taken
15 into consideration?

16 MS. HENDERSON: Yes, that's correct.

17 COMMISSIONER DI GIULIO: Okay. Great.

18 CHAIRPERSON BLANCO: Commissioner Aguirre?

19 COMMISSIONER AGUIRRE: Yes, thank you for a great
20 presentation.

21 I understand the need for a study on racially
22 polarized voting, especially in those areas of California
23 where you've had significant population shifts. So what
24 other areas do you -- what other critical questions might
25 we have in the process, the redistricting process, that we

1 could avail ourselves of social scientists to inform our
2 process in the form of study? So, what other critical
3 areas, in your opinion, we would need clarity on?

4 MS. HENDERSON: Regarding the Voting Rights Act?

5 COMMISSIONER AGUIRRE: Yeah.

6 MS. HENDERSON: Yeah, the racially polarized
7 voting analysis is really the meat of, you know, the
8 analysis that needs to be done from a social scientist. I
9 mean, when you're doing cases, you know, as a plaintiff,
10 you get into other things as well. But so one of the
11 cases that I did, we were looking at responsiveness of
12 elected officials. But I don't know that that's something
13 that the Commission would need to do. Really, the RPV is,
14 you know, probably the most important part.

15 CHAIRPERSON BLANCO: Commissioner Filkins Webber.

16 COMMISSIONER FILKINS WEBBER: It is really short.

17 MS. HENDERSON: Sure.

18 COMMISSIONER FILKINS WEBBER: We have made several
19 tough decisions last week and I just want, for the
20 public's sake, for them to know that you were invited to
21 speak here today as a guest speaker, for educational
22 purposes, before the Commission made a decision to award
23 the technical contract to Q2 Data Research.

24 MS. HENDERSON: That is correct.

25 COMMISSIONER FILKINS WEBBER: And you confirm

1 that, right?

2 MS. HENDERSON: Yeah, I confirm that. And also, I
3 want to reiterate that I'm here talking to you right now
4 in my capacity as Director of Opportunity Inclusion at the
5 Chief Justice Earl Warren Institute on Law and Social
6 Policy, at the University of California Berkeley School of
7 Law.

8 (Laughter)

9 COMMISSIONER FILKINS WEBBER: Thank you for the
10 clarity because I don't want there to be speculation this
11 evening.

12 But you were -- and just so we make sure that in
13 the bid that was submitted by Q2 Data and Research, your
14 name was included as among the team that would be
15 utilized, is that correct?

16 MS. HENDERSON: That is correct.

17 COMMISSIONER FILKINS WEBBER: Okay. And what is
18 your political party affiliation, if any?

19 MS. HENDERSON: You know, I think I'm registered
20 as a Democrat.

21 COMMISSIONER FILKINS WEBBER: Okay, thank you.

22 MS. HENDERSON: But it's been a long time.

23 COMMISSIONER FILKINS WEBBER: Thank you, Ms.
24 Henderson, appreciate your presentation.

25 CHAIRPERSON BLANCO: Commissioner Galambos Malloy.

1 COMMISSIONER GALAMBOS MALLOY: Thank you. Ms.
2 Henderson, I was going to ask you to return, I think
3 briefly the word "stacking" was mentioned early on in the
4 presentation, and we kind of kept moving.

5 So, based on my kind of surface knowledge of the
6 issue of stacking, it may become an issue for the
7 Commission depending on how the local communities and,
8 therefore, we as a Commission define communities of
9 interest.

10 And I got the sense from when the term was just
11 mentioned in passing that you felt like it would not be an
12 issue, necessarily, for the Commission, or perhaps just
13 one that was outside the scope of your presentation.
14 Could you both define "stacking" and also your assessment
15 of how it relates to our work?

16 MS. HENDERSON: Yeah, I'm going to say it is
17 definitely outside the scope of my presentation and I
18 would like you to talk to your counsel for a better
19 definition of how it would be involved for you.

20 COMMISSIONER GALAMBOS MALLOY: Okay, thank you.

21 MS. HENDERSON: Sure.

22 CHAIRPERSON BLANCO: Commissioner Parvenu?

23 COMMISSIONER PARVENU: Okay, I'll be brief. First
24 of all I want to say having you on board is a definitely
25 plus for us. It was a great presentation, I'm looking

1 forward to you working with our VRA attorney, as well as
2 our colleagues here, legal staff on board, those familiar
3 with Voting Rights issues.

4 But this is more of a comment or a bit of
5 information, than it is a question.

6 We are very fortunate in the City of Los Angeles,
7 the largest city in the State, second largest in the
8 nation, to have nearly 4 million residents neatly arranged
9 in 89 neighborhood councils, where the boundaries are
10 distinctly defined and the Department of Neighborhood
11 Empowerment has done some homework, a great deal of
12 homework, already, defining these communities of interest
13 to sort of speak.

14 And there's a database that you might find -- Q2
15 may find helpful. Just wanted to throw that out there,
16 we've done a lot of work.

17 MS. HENDERSON: Thank you, I appreciate that.

18 CHAIRPERSON BLANCO: Thank you. Commissioner Yao.

19 COMMISSIONER YAO: Most of the reading material we
20 have come across clearly include the local neighborhood,
21 community of interest, and I think you've pretty much
22 emphasized that in your presentation today.

23 Now, and you also suggest that we really don't
24 understand what the community of interest until such time
25 that we hear directly from the residents of that -- of

1 that local neighborhood.

2 There's another major source of data which is in
3 these cities' general plan, roughly 500 cities across the
4 State, and I suspect the majority of them, in their
5 general plan, would describe the neighborhood within each
6 of those cities.

7 To what extent -- and these are quantitative in
8 nature, more than just qualitative, as you suggested.

9 To what extent do we need to comb through that
10 database in the drawing of our maps?

11 MS. HENDERSON: You know, I'm not aware of that
12 dataset, so I would have to look into it further. But I
13 have to say that I'm -- at least one of the things that's
14 interesting is that there's a lot of different definitions
15 of neighborhood that gone on out there.

16 So another big source that I've heard that defines
17 neighborhood is realtor's associations. And sometimes
18 they'll redefine neighborhoods, depending on where you
19 might get a little bit higher housing price. And so a
20 house that's actually in one neighborhood, but is kind of
21 close to the neighborhood where the houses sell for more
22 is suddenly deemed to be part of that neighborhood.

23 So, I would say that -- and the reason I bring
24 that up and maybe, also, with the dataset that you're
25 talking about, is that often individuals who live in

1 neighborhoods experience of the neighborhood and where it
2 is located is very different than what a realtor
3 association, or a realtor, or maybe even a general plan
4 would say.

5 And so that is another -- and sometimes the
6 experience of the neighborhood varies from neighbor to
7 neighbor, you know, that's another thing to take into
8 account. So some people will say my neighborhood goes to
9 A Street, and they'll say, no, it goes all the way to 1st
10 Street, although that probably intersects this way.

11 So there may be, you know, differences in that.
12 And so the way that we've been thinking about neighborhood
13 is that it's another area where the Commission should be
14 looking into public testimony. So, people giving feedback
15 about where their neighborhoods are located.

16 But your question and also you, Commissioner
17 Parvenu, your data sources are very interesting and we'll
18 look into those more.

19 CHAIRPERSON BLANCO: I have two more questions and
20 then we're going to stop.

21 MS. HENDERSON: Okay.

22 COMMISSIONER YAO: May I --

23 CHAIRPERSON BLANCO: Commissioner Ontai?

24 COMMISSIONER YAO: May I qualify --

25 CHAIRPERSON BLANCO: No.

1 (Laughter)

2 VICE-CHAIRPERSON ONTAI: Ms. Henderson, what is
3 your comment on this issue, can a district be drawn
4 strictly on the basis of race, Gerrymandering a racial
5 category or district?

6 MS. HENDERSON: Strictly on the basis of race, not
7 constitutionally, no.

8 VICE-CHAIRPERSON ONTAI: Okay.

9 MS. HENDERSON: No, there needs to be other
10 considerations. And the jurisprudence, or the Shaw and
11 its progeny, are very clear on that, that race cannot be
12 the sole or predominant factor in how a district is drawn.

13 CHAIRPERSON BLANCO: And final question,
14 Commissioner Ancheta?

15 COMMISSIONER ANCHETA: Okay. And you might defer
16 or have us defer to counsel, if you don't want to answer,
17 that's fine.

18 MS. HENDERSON: Okay.

19 COMMISSIONER ANCHETA: So there may be, and
20 certainly I think we probably will get some public comment
21 or submissions where there will be an assertion,
22 independent of any Section 2 or Section 5 violation, that
23 race, or ethnicity, or language, minority status could be
24 the basis, at least in part, for a community of interest.

25 MS. HENDERSON: Uh-hum.

1 COMMISSIONER ANCHETA: And that that, depending on
2 how one interprets community of interest, that we'll
3 certainly get testimony and we'll have to figure out,
4 well, does that constitute a community of interest at some
5 point.

6 CHAIRPERSON BLANCO: Uh-hum.

7 COMMISSIONER ANCHETA: But again, separate from
8 VRA compliance, race, and ethnicity, and language minority
9 could come into the community of interest discussion?

10 MS. HENDERSON: It could come into the discussion
11 as a social interest, I believe. I don't know that, you
12 know, just race alone, like, oh, we're all Latino, you
13 know, there might need to be more information than that.
14 And there's a lot of information that could be provided.

15 CHAIRPERSON BLANCO: Thank you --

16 MS. HENDERSON: Thank you.

17 CHAIRPERSON BLANCO: -- Ms. Henderson, that was
18 very helpful and I concur, we're very lucky to have you on
19 board in our other capacity soon.

20 What we're going to do now, we're going to have a
21 15-minute -- we're running late, 15 minutes of public
22 comment and then I'm going to say something about this
23 film that's being taped today, this video.

24 Do we have any public comment? No public comment.
25 We're on time.

1 So, before we break, let me just recap the
2 schedule. We are going to take lunch. The Public
3 Information Advisory Committee will meet over lunch.

4 When we come back from lunch, at one o'clock,
5 we're going to start a little bit late because we have
6 some work to do with the video folks from Chapman
7 University. They will -- they need to talk to us
8 individually, and as a group, and do some shots.

9 And then, Commissioner Ward, how long will that
10 take?

11 COMMISSIONER WARD: Approximately 15 minutes.

12 CHAIRPERSON BLANCO: Fifteen minutes. So we'll do
13 that, which will push back the commencement of the next
14 portion of the agenda, which is the administrative
15 business. It will push it back 15 to 20 minutes. And I
16 think we'll still be fine.

17 We will reconvene at 1:00 and we'll do whatever
18 they tell us to do for this video, and then we'll start 15
19 to 20 minutes later with our administrative business.

20 So for those of you viewing, we won't be back -- I
21 mean, you'll be able to view the public information
22 meeting, advisory committee meeting, but the
23 administrative business, full Commission meeting won't
24 commence until 1:15.

25 Commissioner Ward, do you want to just say a few

1 words about what we're doing, that I've alluded to, and
2 who we're working with on this taping?

3 COMMISSIONER WARD: Thank you very much, Madam
4 Chairwoman.

5 It's my pleasure to introduce to the Commission
6 Mr. Eric Smith. Eric, if you'd step up front real quick.

7 He's a senior film student at Chapman University
8 in Orange County and has been directing award winning
9 films since early in high school.

10 He is active in Army ROTC and will be working in
11 public affairs for the California Army National Guard upon
12 graduation.

13 He is currently working on not only productions
14 within Chapman Film School, but also on a balanced
15 documentary highlighting the conflict between conservative
16 tea party groups and the American Islamic community.

17 He shares officership in six college organizations
18 on campus and is an Associated Student Senator at Chapman
19 and a member of the Chancellor Student Advisory Board.

20 Mr. Smith has single-handedly put together a
21 fantastic concept in storyboard for an outreach video that
22 we'll be hosting on our website shortly, and has just
23 overcome mountains to make this happen today.

24 So on behalf of the Commission, Eric, let me thank
25 you for all your hard work.

1 MR. SMITH: Thanks.

2 COMMISSIONER WARD: And I'd just like to let you
3 introduce yourself to the Commission.

4 MR. SMITH: Great. Well, I'm really excited to be
5 working with all of you today and getting this film work
6 done. It's really an exciting proposal to work on such an
7 important project with you and to focus on one of the most
8 important aspects of getting community input into your
9 process.

10 And so I'm really excited to be talking to each
11 and every one of you today. I'll be working with you
12 here, I guess immediately after the lunch break, all
13 together. And thank you so much for the opportunity, I
14 really look forward to it.

15 CHAIRPERSON BLANCO: Thank you.

16 COMMISSIONER WARD: Madam Chairwoman, if I may?

17 CHAIRPERSON BLANCO: Yes.

18 COMMISSIONER WARD: I heard the agenda run down
19 and I apologize, I haven't been in the room today. If you
20 like, I'd like to propose that we go ahead and film the
21 panel portion of the film immediately following
22 adjournment now, and since we're all here, seated at the
23 table, and the crew is set up, we can have it done in ten
24 minutes and then we're through with the whole panel.

25 CHAIRPERSON BLANCO: You know, I discussed this

1 with our director and I think we'd like to do it after
2 lunch. Some of us really need to eat. And also, just
3 because of the advisory committee meetings that are going
4 to be meeting at noon.

5 So, I think it really works better if we do it
6 when we all come back at 1:00.

7 COMMISSIONER WARD: Thank you.

8 CHAIRPERSON BLANCO: Okay. All right, we're
9 adjourned until we come back at 1:15 for business. Twelve
10 o'clock for the Public Information advisory Committee
11 meeting, and that will be in the multipurpose room here,
12 which is as you go through the doors and you pass the
13 little coffee stand, it will be on your left.

14 (Off the record at 12:04 p.m.)

15 (Back on the record at 1:25 p.m.)

16 CHAIRPERSON BLANCO: Thank you. It's 1:25 and the
17 Citizens Redistricting Committee has reconvened after a
18 morning session, which included training and a videotape
19 that is being produced by the students at Chapman
20 University, that will be used for the Commission's public
21 education and outreach work.

22 We're going to start with -- and just to note,
23 some Commissioners are going to be leaving the room,
24 periodically, to go finish some parts of the video that
25 they have to produce. But let's start with the Executive

1 Director's Report. Mr. Claypool.

2 Oh, we'll do roll call again, but please note that
3 the people that are missing, like I mentioned, are
4 filming. So they're here, but they're temporarily out of
5 the room, but they are present. They're in attendance at
6 the meeting, but temporarily out of the room.

7 EXECUTIVE DIRECTOR CLAYPOOL: Okay. Oh, do you
8 want the roll call?

9 CHAIRPERSON BLANCO: I don't think we need roll
10 call for reconvening.

11 EXECUTIVE DIRECTOR CLAYPOOL: All right.

12 CHAIRPERSON BLANCO: I wasn't sure. You mentioned
13 it, but I don't need that we need to do another roll call
14 after lunch.

15 Mr. Claypool.

16 EXECUTIVE DIRECTOR CLAYPOOL: Well, good afternoon
17 on this stormy day. Today is Thursday, March 24th, and
18 it's been five days since our last meeting at the Capitol.
19 And in those five days, I'd like to report what you're
20 staff's been doing.

21 To start with, I'd like to talk about the
22 Department of Finance. Deborah Davis and I spoke with our
23 program analysts at the Department of Finance and we've
24 completed the last spread sheet submission that's needed.
25 Correct, the last spread sheets to Finance?

1 MS. DAVIS: Yes.

2 EXECUTIVE DIRECTOR CLAYPOOL: And so our \$1
3 million augmentation request is being submitted to the
4 Legislature this week, with a favorable request to release
5 the funds to us.

6 We should receive a response in the next week, or
7 early in the following week, but I'm very confident that
8 we are going to receive the allocation that we've
9 requested.

10 Our spread sheet also requests -- our spread sheet
11 requests a plan for funding through August 31st, 2011, so
12 it actually extends into the next fiscal year. That was
13 the way that Department of Finance wanted us to structure
14 it, so that they would ensure that we had enough money, at
15 a minimum, to get us through the redistricting process.

16 And so at our next meeting I'll be able to comment
17 fully exactly how that letter was structured.

18 Any additional funding for Commission operations
19 beyond September 1st, 2001 will be covered in our spring
20 Finance letter, which is truly a budget change proposal.

21 So as you all are learning State acronyms, that is
22 referred to as a BCP.

23 And we'll be submitting that to Department of
24 Finance this next week.

25 We had intended to submit it this week, but the

1 discussions with the Department of Finance and the
2 structure of the letter that's being forwarded on our
3 behalf took up the entire week and they did not want us
4 to -- they really didn't want both of the letters going
5 forward together. They wanted one to go forward, first,
6 to cover this current year and then the following one to
7 follow on. They didn't want confusion as to what was
8 being asked for at the Legislature.

9 We have been working with the Department of
10 General Services, we've run into procurement issues once
11 again. Many of our small contracts stopped moving through
12 DGS Procurement Division, including our contract for
13 additional computers and supplies that we'll need for our
14 public input hearings.

15 To remedy this, we have a meeting scheduled on
16 Monday, that was actually requested by Mr. Butler, the
17 Deputy Director of DGS, to resolve these issues.

18 So, generally, we'll run into a little glitch, we
19 go over it, we discuss, we move forward. I believe that
20 we will iron this out, but I wanted you to be aware that
21 the issue of procurement remains -- remains. When we have
22 time, we will go back and try to get the delegated
23 authority for contracting on our own, and this should be a
24 very high priority when this Commission considers
25 amendments to -- constitutional amendments. Because your

1 next Commission, that replaces you, should be able to be
2 exempt from this entire process. It's been the single
3 greatest bottle neck for your staff in this process.

4 We'll keep -- obviously, keep the chair and vice-
5 chair, which will be Chairman -- or Commissioner Ontai,
6 Chairman Ontai and Vice-Chair Aguirre informed as we move
7 forward.

8 We'll also be working with the Finance and
9 Administration Committee to let you know how we're doing
10 with this, so we'll keep the Commission apprised.

11 We've submitted our contract for our line-drawer
12 to DGS, as required, and it's currently being reviewed by
13 the Office of Legal Services, which is a different branch,
14 and were extraordinarily helpful. By the way, I can't
15 tell you how helpful the Office of Legal Services was in
16 not only providing us guidance in both our VRA and our
17 technical consultant contracts. But just being available
18 at a moment's notice to review questions that were
19 submitted, or questions we had about the actual process.

20 We're optimistic that the contracts will be
21 approved, we expect a response early next week. And it is
22 our understanding that Q2 can begin work immediately after
23 that approval is received from the Office of Legal
24 Services.

25 CHAIRPERSON BLANCO: And, excuse me, what was the

1 projected timing on that?

2 EXECUTIVE DIRECTOR CLAYPOOL: We're hoping for
3 early next week.

4 CHAIRPERSON BLANCO: Okay.

5 EXECUTIVE DIRECTOR CLAYPOOL: It could be sooner,
6 but -- and certainly, if it came tomorrow, we would tell
7 you. But we have to assume that it will be in the first
8 one to three days of next week.

9 Commission staffing, after advertising our
10 positions for, first, administrative position assistant,
11 we received three applications. We had one earlier in the
12 week and then two that came in yesterday.

13 We were not able to put that on the DGS website,
14 so for standard State vetting. We sent that out through
15 our 1,300 e-mail list to hit the widest possible public
16 viewing that we could.

17 We couldn't get it onto the DGS website, and we're
18 hoping to get the second one because each time we go to
19 post a position with DGS it becomes an issue, again, of
20 whether or not we can have the position, whether or not
21 the position's authorized by Finance, or the State
22 Controller's Office.

23 So in this particular case, we needed this staff
24 person as quickly as possible, so we have -- we've gone
25 ahead and filled the first position with the first person

1 that applied.

2 We'll continue to work with the Department of
3 General Services to establish the second position, and
4 then we'll have both of the positions run through the
5 State Controller's Office after approval by the Department
6 of Finance. So, Finance has to say yes, we were
7 authorized to have the person. The State Controller's
8 Office then keys the position in so that they'll actually
9 be paid.

10 The individual that applied earlier was encouraged
11 to do so by Janeece, has known Lon, and I'm going to say
12 this Latich --

13 ADMINISTRATIVE ASSISTANT SARGIS: Leach.

14 EXECUTIVE DIRECTOR CLAYPOOL: Leach, I'm sorry.
15 Lon -- all I know is Lon.

16 Lon has a marketing and finance degree, has
17 extensive experience in production process and marketing.
18 His strengths reside in sales, organization and
19 technology, and I will be recommending that the Commission
20 vote to hire Lon as our administrative assistant to travel
21 with the Commission during the input hearings.

22 We will complete our interviews of the two
23 additional applicants early next week and make our
24 recommendations to you at the next Commission hearing.

25 Clearly, as we look at these individuals, if we

1 find one that meets the -- is a good fit with this
2 Commission, we're going to bring them on with a personal
3 procurement contract, as we've done with almost everyone
4 else, so that we can get them into the process, and then
5 we'll replace that procurement contract with the salaries
6 that you've authorized at this time.

7 Code of conduct, hiring procedures and
8 communications protocol, this is required by the
9 Constitution. It was in Prop 11 and it was also in Prop
10 20. It requires that you have this in place for your
11 staff.

12 Different people have taken different parts of it.
13 I wrote the code of conduct, Marian Johnston, of our
14 staff, wrote the hiring/firing procedures, and our
15 Communications Director wrote the communications protocol.

16 We've delivered a copy of the preliminary
17 procedures manual to the members of the Finance and
18 Administrative Advisory Committee for their review and
19 comment.

20 Staff will be taking their comments and revising
21 the procedures, further comments for a presentation, a
22 decision at the next business meeting. That's why we
23 haven't distributed it fully to the Commission because
24 we'd like to get that input and have as complete a process
25 and project as possible.

1 The input meeting calendar, we completed a staff
2 revision of the calendar for the input meetings and
3 submitted it both to you, the Commissioners, and to Q2,
4 once we knew that we had a line-drawer, for their review
5 and comment.

6 As directed, we removed many of the dates to
7 weekend times, to the extent possible.

8 We removed Holy Week and other holidays, just to
9 make sure that we could keep those dates open.

10 So what we ended up was a revision where slightly
11 less than half the meetings were on weekends and slightly
12 more were on weekdays.

13 Now, this --

14 CHAIRPERSON BLANCO: Are those evenings?

15 EXECUTIVE DIRECTOR CLAYPOOL: And so the actual
16 format hasn't been -- we just decided the days and knew
17 that the Technical Committee and then the full Commission
18 would be giving us directions as to how the input hearings
19 should be structured.

20 Q2 submitted suggestions for revising the calendar
21 around a regional approach for the input hearings that
22 would allow more compact travel and the ability of the
23 line-drawers to use teams to begin drawing the lines for
24 one region, as soon as a regional meeting was completed.

25 This is a very efficient way to process this so we

1 will, first of all, be taking their considerations into
2 account and then the Commission's to try to get a product
3 that we can all at least agree is the best that we can
4 possibly do under these circumstances.

5 Once the maps are altered I will finish
6 gathering -- I'm sorry, so these maps could then be
7 altered from the regional meetings and then we could
8 gather public input from organized groups at Northridge
9 prior to releasing our first draft map.

10 So that's -- it keeps the same concept. We're
11 trying to keep the same three-draft concept that we had
12 presented to you, but working around the regional
13 approach.

14 Staff will gather all comments from the Technical
15 and Outreach Advisory Committee, and the Commissioners,
16 and make a final revision to the calendar schedule
17 following full Commission comments on Friday.

18 Now, what we'd like to do, we're going to be in
19 the Technical and Outreach meeting today and we'll take
20 whatever comments we have, and whatever comments have been
21 submitted at this point by Q2, then we'll try to get that
22 into a draft this evening, as quickly as possible, so that
23 you have a map that is as close to being completed as
24 possible for tomorrow.

25 It is very important to us that, if it's possible

1 for this Commission to complete an approval of that final
2 calendar tomorrow, that that will give the staff the
3 maximum amount of time to start planning the different
4 venues that need to be planned for us to get out on the
5 road and start doing what -- start doing what you're being
6 paid that \$300 a day to do.

7 We do have some recommendations from staff that
8 all decisions being made by the Commission regarding
9 locations and date for input meetings be made using some
10 principles. We'll present those principles to the
11 Technical Committee, but they involve just making sure our
12 timing, that we have a mix of evenings and weekends, based
13 on what's common and convenient to local areas. That the
14 public places be readily known to people living in the
15 area and, when possible, we could get them at a reduced
16 fee or without charge.

17 Transportation should always be near a freeway and
18 served by public transportation, if it's possible. There
19 might be some venues where there is no possibility of
20 that, but it is a major consideration.

21 Accessibility to the disabled is always a major
22 priority of your staff when looking at venues.

23 Schedule order, meetings should be clustered and
24 completed in one region before moving to the next.

25 Convenience, best efforts should be made to

1 minimize the total time from one venue to the next, with
2 reasonable proximity to hotels.

3 And we would ask that, to the extent possible,
4 staff and Commissioners minimize the travel expenses, as
5 much as possible.

6 And finally, that every one of these venues have
7 audio/visual livestreaming capabilities.

8 If we take these principles, as we're going to
9 recommend to the Technical and Outreach Committees into
10 account, I'm sure we're going to find high quality venues
11 for these public input meetings.

12 On the input meetings, themselves, Janeece and Lon
13 have spent the last three days identifying venues for the
14 first public input hearings that were approved by you, and
15 will continue to do so through our next meetings.

16 So far, the overwhelming response has been
17 positive and we remain optimistic that many of the venue
18 costs will be provided at a reduced cost to the
19 Commission.

20 The venues identified so far complement -- or are
21 compliant with the principles previously mentioned.

22 Once we have this formalized calendar in place, I
23 just feel it's necessary to say that it will be very
24 important that we get Commission members to commit to
25 these different events, as far in advance as possible.

1 Early commitment by the Commissioners will allow
2 venues to be planned with a minimum of wasted expense to
3 the Commission and to the organizers providing the
4 Commission with free services.

5 It will allow airline tickets to be purchased well
6 in advance of the venue at significant discounts.

7 Typically, you know, if we get out ahead by two
8 weeks, we'll cut the cost down to about a third.

9 It allows block booking of hotels for State rates,
10 ten or more rooms is typical. And allows advanced
11 reservations for rental cars to ensure that they're
12 available.

13 And we would like, in that regard, to ask the
14 Commissioners to consider, as they know who's traveling in
15 different areas to identify other Commissioners that they
16 can drive with, so we take as few cars on the road as
17 possible.

18 Clearly if there's a need, we have the money in
19 the budget for the Commissioners to all have a car,
20 themselves, but if we pull up with 16 cars, it will
21 probably make us look at little extravagant.

22 CHAIRPERSON BLANCO: As long as it's not a private
23 jet.

24 EXECUTIVE DIRECTOR CLAYPOOL: There we go.

25 The staffing plan for the input meeting is

1 tentatively scheduled for four Commission staff. This
2 would include two staff directing the public at the door,
3 and assisting with the public with the use of the
4 Commission's toolkit, to aid in providing public
5 submissions in the form that is useful to the Commission
6 and the Q2 staff.

7 And two staff working with Q2 staff and the
8 Commission, taking public submissions and cataloguing the
9 submissions.

10 In addition, as we're out on the road, the four
11 staff would split up, two are going to leave very early in
12 the morning, head to the next venue and pre -- and just
13 take a good look and make sure that it's ready for you to
14 arrive. And so that's our strategy.

15 If anyone has a better one, they need to let us
16 know, but that's the way the four of us are going to work
17 for you.

18 Commission and staff communications, the shortened
19 time frame between last week's meeting and today's meeting
20 created some confusion on the posting of the agenda, and
21 for that I have to apologize. We should have handled it
22 better for our Chair.

23 But this is going to become even more problematic
24 because we planned our business meetings for days when we
25 also have public input hearings.

1 We all anticipate that the number of items that
2 each advisory committee will have for discussion and
3 action will diminish as we complete the planning for input
4 and line drawing, and actually begin the process.

5 However, there are going to be many issues that
6 need to be addressed and resolved as we're moving through
7 the input hearing phase.

8 To facilitate this process, I'm going to recommend
9 that we amend one of our adopted procedures and consider
10 four others.

11 The amendment -- we have the current procedure
12 that all communications between Commissioners and
13 Commission staff shall be sent through the Commission's
14 current Chair and Vice-Chair, as an established practice.

15 I'd like to amend it to say that in the event that
16 there's a need for the Commission to meet an agenda item
17 data, that was previously being held, but not necessarily,
18 actually scheduled us to meet.

19 So, like Friday, in this case, that it's going to
20 be the responsibility of the Chair and the Vice-Chair to
21 inform the remaining Commissioners of the additional dates
22 and locations in coordination with myself. So, the three
23 of us will take the responsibility to let you know, as
24 early as we possibly can, that it's -- that we're going to
25 have to move into that additional date, so that you can

1 make the change. Hopefully, it will be in time for people
2 to actually make the change without making reservations,
3 but we understand that it just causes stress and we want
4 to avoid that.

5 The second thing that I'd like to propose is that
6 the Commission staff will only contact the chairs of the
7 advisory committees at the specific direction of the Chair
8 and Vice-Chair, and all information required of the
9 committee chairs will be directed back to the Chair and
10 Vice-Chair and then provided to staff.

11 The single point of contact is designed to ensure
12 that each Chair and Vice-Chair are aware of staff
13 responsibilities and it's going to minimize confusion and
14 conflicting directions to staff.

15 So, this actually is a little bit out of order,
16 but I would like the Commission to have -- to consider
17 selecting permanent chairs for the advisory committees.
18 And those individuals will be solely responsible for
19 accumulating and providing agenda items to the current
20 Chair and Vice-Chair who will, in turn, provide that
21 information to Commission staff within the time frames
22 established previously.

23 And I'm going to remind you that policy is 72-hour
24 deadline for recommendations to the Chair and Vice-Chair,
25 48-hour deadline for Chair or Vice-Chair instructions to

1 staff, and a 24-hour deadline for posting and delivering
2 the expanded agenda to the Commission.

3 So we're going to try, as much as we can, to hold
4 onto that. Because as we're -- as we're mixing these
5 business meetings and these input hearings, we don't want
6 the business meetings to get lost and we certainly don't
7 want to miss agendaing something when we have something
8 that is important for this Commissioner to consider and
9 give staff direction on.

10 The other thing that -- or the fourth thing that I
11 would suggest is that the committee advisory chairs will
12 have the responsibility to recommend agenda items at the
13 end of each business session for the next business
14 session.

15 So we have some good idea, we're going to come out
16 of this session with ideas of what needs to be on the
17 agenda next week, rather than leaving quickly and not
18 having that moved to staff let's -- I would like to have
19 that moved as quickly to us, so we can start expanding the
20 agenda before this session's even over.

21 The committee advisory chairs will also be
22 responsible for working with the Chair and Vice-Chair to
23 recommend additional agenda items leading up to the next
24 business session, while meeting our procedural deadlines.

25 So, these chairs are going to be very important to

1 us in not only giving us direction at the end of the
2 session, but picking up and directing the agenda items as
3 we move forward, so that we can flesh out the next agenda,
4 and not put all that pressure on the rotating Chair and
5 Vice-Chair.

6 The last thing I would say is that the Commission
7 or that the committee chairs shall have an interim
8 authority to commit staff to projects subject to full
9 approval of the Commission at our next scheduled session.

10 And this would be similar to the authority that we
11 gave Commissioner Filkins Webber, earlier, where we said,
12 you know, if a decision has to be made for something, you
13 make it and then we'll approve it, you know -- well,
14 actually, you were given the full authority to make the
15 decision.

16 This would be the authority to make a decision
17 subject to approval.

18 What we want to get away from in this particular
19 case, and a good example was a comment by a speaker
20 earlier, and I will -- and I'll discuss it with you here.

21 Your staff reviews all public comments coming in
22 to make sure that there's nothing inappropriate, obscene,
23 or anything else that would post up, that would be an
24 embarrassment to the Commission if it were on your
25 website.

1 This was a standard practice with the Bureau of
2 State Audits, as well.

3 We have received two controversial e-mails that we
4 did not post, and we didn't post them because we felt that
5 they met that criteria.

6 However, the gentleman that spoke made a good
7 point, and that point was that we can't appear to censure,
8 particular not staff on your behalf. These are decisions
9 that should be made by this Commission and we should
10 forward those to someone for their review, to make a
11 determination in the interim.

12 I would propose that that person would be whoever
13 the permanent chair of the Legal Advisory Committee was,
14 to say we're -- we're posting 99.9 percent of the stuff
15 that's coming in, but this we don't know, we want -- we
16 want the Commission to rule on this because it is, after
17 all, your responsibility to direct your staff.

18 Then you can -- that decision could be made and
19 then when we came back, and then I would assume that
20 whoever that individual was would also have a conversation
21 with the Chair and Vice-Chair.

22 And then when we came to a full Commission
23 meeting, you could discuss it and decide whether the
24 appropriate decision to be made, that's up for the
25 Commission.

1 But I would like these chairs to have that type of
2 authority, so that when we need something from a medium to
3 a high level decision, anywhere in there, that it's a
4 decision of the Commission and not a decision of staff.

5 So, those are the things that I would propose and
6 I would also -- those are more procedural issues. I would
7 also think that it might be appropriate for the Commission
8 to consider appointing the Executive Director, myself, and
9 Kirk Miller, your Chief Counsel, as single points of
10 contact with Q2 and the VRA attorney, attorneys for
11 communication between your staff and those entities. I
12 think that's the appropriate place for us to be.

13 So that's the end of the four days that we've
14 spent, since we saw you last. Questions?

15 CHAIRPERSON BLANCO: So, Mr. Claypool, do you want
16 to -- do you want us to go through these suggestions, some
17 of them are amendments to existing policies, if you will,
18 they're not in any reg but, you know, the policies that
19 we've established for ourselves, and others are adoption
20 of new policies. Would you like us to go through -- are
21 you recommending that we go through this now and make some
22 decisions or what was your intent?

23 EXECUTIVE DIRECTOR CLAYPOOL: And my intent was to
24 bring them out now, if it's acceptable to you, to pass
25 them out to you as -- we'll have to print them and pass

1 them out to you, so that you can consider them
2 individually. Have a discussion, possibly tomorrow in
3 full session, and then you can approve or disapprove those
4 items that you wish.

5 CHAIRPERSON BLANCO: Okay. Commissioner DiGuilio?

6 COMMISSIONER DI GUILIO: I think Mr. Claypool
7 answered it, I was just going to -- I would like to --
8 before anybody considers it, there's a number of
9 Commissioners that aren't here, so as long as your
10 intention was for us to make a decision tomorrow, after a
11 review, I would just hope that we'd get everyone's input.

12 EXECUTIVE DIRECTOR CLAYPOOL: No, I wanted to
13 catch your ear early and then we'll pass those out. I'll
14 try to get over and get those done, and then out to you,
15 and out to the public, and then we'll --

16 CHAIRPERSON BLANCO: We'll figure out where to put
17 it on the agenda.

18 EXECUTIVE DIRECTOR CLAYPOOL: Tomorrow.

19 CHAIRPERSON BLANCO: For tomorrow.

20 EXECUTIVE DIRECTOR CLAYPOOL: I think it should be
21 a fairly short item.

22 CHAIRPERSON BLANCO: Okay.

23 COMMISSIONER DI GUILIO: That was my only other
24 questions was I know some of these, that we've had in our
25 discussion, Outreach and Technical, where some of these

1 might fall in those categories. So we were planning on
2 discussing them. Would that be contradictory to what you
3 need or should we just wait until tomorrow?

4 EXECUTIVE DIRECTOR CLAYPOOL: Uh --

5 COMMISSIONER DI GIULIO: For an example, the --
6 well, I was going to say the calendar, but that's not the
7 other amendments you're talking about.

8 EXECUTIVE DIRECTOR CLAYPOOL: Right. For the
9 actual amendments, I think these are more how you -- how
10 this Commission runs its business.

11 The calendar's a separate issue and I know we're
12 going to discuss that now, in Outreach and Technical.

13 But for the basic procedural issues of knowing who
14 staff goes to and making sure that from the public stand
15 point the decision -- all the decisions that involve this
16 Commission be made by this Commission, those would be just
17 in those five things I recommended. And I would like just
18 to have that voted on tomorrow.

19 CHAIRPERSON BLANCO: Yes, Commissioner Filkins
20 Webber and then Commissioner Barabba.

21 COMMISSIONER FILKINS WEBBER: I have two
22 questions. So, based on your proposed changes, it would
23 be recommended that the committees, when they meet today,
24 designate who would be the permanent chair?

25 Or is this backwards, because what if the

1 Commission doesn't agree that the advisory committee
2 should have a permanent chair? So, I can see that we
3 would be getting into a situation tomorrow, when we
4 discuss your recommendations, that if the Commission as a
5 whole has not discussed that issue, then we're back to
6 square one because we won't have a designated chair for
7 the advisory committees when we look at your proposals
8 tomorrow. Do you see what I'm saying?

9 EXECUTIVE DIRECTOR CLAYPOOL: I should have
10 discussed this with Kirk, first.

11 I see your point, yes.

12 LEGAL COUNSEL MILLER: Well, I think that's
13 manageable. The role that's been described is what I
14 would call more of a lead than a chair, and it's
15 principally for the purposes of communication
16 facilitation, as opposed to a larger role.

17 Now, with that in mind, I think a case can be made
18 that if the committees were to select that individual
19 today, in their next meeting, and for whatever reason the
20 board -- or the Commission chose not to follow that path,
21 I would hope that would be a disappointment that the lead
22 Commissioner could accept.

23 (Laughter)

24 LEGAL COUNSEL MILLER: And we'd be where we are.
25 But on the other hand, if it's something that is embraced,

1 then we'd be well along and could implement that.

2 CHAIRPERSON BLANCO: So I would -- do you have a
3 follow-up question, Commissioner?

4 COMMISSIONER BARABBA: Not on this issue, on a
5 second issue.

6 COMMISSIONER FILKINS WEBBER: Well, just on this
7 issue because --

8 CHAIRPERSON BLANCO: No, that's what I was saying,
9 follow up to her first question.

10 COMMISSIONER FILKINS WEBBER: The only reason I
11 raise it is because I -- and I'll turn the floor over to
12 Commissioner Dai, because I do know that she -- if she has
13 any comments on that issue about -- because I know that
14 it's to facilitate communications with staff and the
15 designated chair, so I don't have a particular problem
16 with a designated person that would communicate.

17 But I think it's something that needs to be
18 decided now, so that we can facilitate communication, you
19 know, when we make decisions on your proposals tomorrow,
20 and when we adjourn tomorrow, that those individuals are
21 identified, which I suspect would have to be identified by
22 the committees that are meeting today.

23 EXECUTIVE DIRECTOR CLAYPOOL: Well, and actually
24 we could simply -- we can continue to operate through two
25 more weeks of not having this lead person identified. If

1 it were -- this is most key for when we go out and we
2 start actually having the input hearings and we really
3 need to be able to go to one person.

4 So, Rob was correct, the Public Advisory
5 Committee's already met, the Finance and Administrative
6 Committee isn't meeting. If we could simply agree in
7 principle, tomorrow, as to what path or which one of these
8 that we are going to actually follow, then we could -- we
9 could identify this lead/chair in our next set of
10 meetings, and just continue to work closely with the Chair
11 and the Vice-Chair.

12 And we'd actually -- we actually were working
13 through the people we thought were chairs, but were
14 actually, really liaisons. We could continue to identify
15 those.

16 We just want -- your staff wants a structure that
17 they understand. And mainly, and I can't emphasize this
18 enough, we want to assure the public that we don't make
19 your decisions for you, you make your own decisions.

20 We want to follow your instruction and we want to
21 make sure that we're acting on your behalf, as you wish us
22 to act, and that's why we'd like this put into place.

23 COMMISSIONER FILKINS WEBBER: Okay, thank you. So
24 we can just put that discussion off for tomorrow, I think
25 that sounds good.

1 I do have one other question. Mr. Miller, did you
2 review the code of conduct and the conflict code that's
3 being proposed by staff, that I suspect we'll take a look
4 at once --

5 LEGAL COUNSEL MILLER: Yes.

6 COMMISSIONER FILKINS WEBBER: Thank you.

7 CHAIRPERSON BLANCO: Commissioner Barabba?

8 COMMISSIONER BARABBA: Yes. That last point you
9 made about both you and the legal counsel being the
10 contact with the consultants, what happens when we get
11 into, say, June, and we're in the -- the Commission
12 directs a --

13 CHAIRPERSON BLANCO: Can't hear you.

14 COMMISSIONER BARABBA: I wanted to know the intent
15 of why -- would we have to go through the staff, then,
16 every time we wanted to get into a meeting about when we
17 were in the process of drawing the lines?

18 EXECUTIVE DIRECTOR CLAYPOOL: No, this was -- and
19 I should apologize, this was strictly a procedure for
20 staff. So staff, this is part of the communication
21 protocol for your staff, not for your Commission.

22 COMMISSIONER BARABBA: Okay, fine.

23 EXECUTIVE DIRECTOR CLAYPOOL: Your staff -- so
24 your staff are identified, Kirk is the one who works with
25 the VRA, I'll be the one for staff who communicates with

1 Q2.

2 COMMISSIONER BARABBA: Okay.

3 EXECUTIVE DIRECTOR CLAYPOOL: And then when you --
4 so if you have directions for staff or for Q2, it would
5 roll through me and roll out to them. But it doesn't
6 pertain to you, it's just to -- for the protocol.

7 CHAIRPERSON BLANCO: So I would suggest that
8 everybody think a lot about this today. I know this was
9 a -- this was -- it is -- this was a challenging agenda
10 because there were so many things that had to be decided,
11 that have to be decided at this meeting, that we couldn't
12 put off because they -- they deal with the hearings that
13 we're about to embark.

14 And we had a lot of ideas from people and we did
15 go off script in terms of who was relaying what to whom.
16 And I do also understand this issue that you're raising,
17 Mr. Claypool, about for everything to be clearly a
18 Commission decision and not a staff decision.

19 So let's think about that. I think the only
20 problem I anticipate with the -- if we have a committee
21 chair/lead that makes decisions in between meetings,
22 rather than the staff making those decisions, that
23 presents another set of problems about who a decision
24 maker is that's not -- that isn't the full Commission or
25 the full advisory committee.

1 So I think that -- when we think -- I don't want
2 to have us go into that right now, but I really want us to
3 think about that because I think that has a whole other --
4 might bring on another whole set of problems.

5 COMMISSIONER DI GIULIO: Can I ask a point of
6 clarification on that?

7 CHAIRPERSON BLANCO: Yeah.

8 COMMISSIONER DI GIULIO: And as a point of
9 clarification, do you envision the lead being someone --
10 and I understand, I think Commissioner Blanco's raising a
11 very good point here, where could the lead discuss the
12 issue that's been brought to the lead by staff with, let's
13 say, one other Commissioner in that group, but the
14 decision be made by the lead, so that the lead could be --
15 have a little additional buffer about the discussion, of
16 whether it's even appropriate for the lead to make a
17 decision or to wait for the full Commission?

18 I'm just wondering if there's a way to --

19 CHAIRPERSON BLANCO: Yeah, yeah. You know,
20 maybe -- maybe, Mr. Miller, you can look at this a little
21 bit. Because, you know, this is obviously all because of
22 our constraints, you know, with the Brown Act that we're
23 having to do this.

24 LEGAL COUNSEL MILLER: But to answer the question,
25 though, the answer to that is yes.

1 CHAIRPERSON BLANCO: Yes. And I think even if
2 there were two, there are -- it still poses some -- I
3 mean, if it's a minor technical process decision, I think
4 everybody gets comfortable.

5 If all of the sudden a decision is made to take
6 something off an agenda, then it starts to get closer to
7 the kind of things that will make other Commissioners
8 uncomfortable because they were decided by a small group.

9 So I just think we need to flesh that out
10 tomorrow.

11 EXECUTIVE DIRECTOR CLAYPOOL: And I should be more
12 clear. It was always envisioned that, for instance, with
13 this conversation about an item that shouldn't be -- that
14 we don't believe should be posted, it was always intended
15 that we would take it, if it were the lead with the Legal
16 Advisory Committee, that always the Chair and the Vice-
17 Chair would be included in the conversation.

18 This is the foremost or the most important part of
19 our procedure right now is it always go through the Chair
20 and the Vice-Chair, it always come back through them.

21 CHAIRPERSON BLANCO: Right.

22 EXECUTIVE DIRECTOR CLAYPOOL: And that's
23 important. So I would think that we'd have three involved
24 in the conversation, not just one.

25 CHAIRPERSON BLANCO: Okay. So let's -- let's just

1 put our thinking caps on tomorrow about that.

2 And I have one question for you, Mr. Claypool, but
3 it's also an agenda issue for tomorrow.

4 If we are going to adopt the calendar after the
5 intense meeting, the joint Outreach and Technical
6 Committees discuss today, and you look at it, and it comes
7 back to us tomorrow, when will be the time for public
8 comment before we vote to adopt that calendar, and how
9 much time will people have to look at that?

10 Because I know that this is an item of interest
11 and, you know, we've already -- we've received a lot of
12 public comment already about our both weekends versus
13 nights, and even regions and frequency of meetings.

14 So I -- I think this is one of those items that
15 we've sort of discussed in the past, that rises to the
16 level where you don't want to just have it brought to us
17 and then we talk about it with four people in this room,
18 and don't allow for time for comment.

19 So how would -- how would we accommodate that?

20 EXECUTIVE DIRECTOR CLAYPOOL: Well, we already
21 have the Commission's approval for the first two weeks of
22 April, so --

23 CHAIRPERSON BLANCO: Say that again?

24 EXECUTIVE DIRECTOR CLAYPOOL: We already have the
25 Commission's approval to schedule the first two weeks of

1 April. Our issue really becomes just the 14-day noticing
2 period. Because by the time we meet again, I don't know,
3 you know, we have to have venues. We could -- we can
4 either have the meeting as early as possible tomorrow and
5 then it isn't much of a public comment period if it
6 happens tomorrow. Or you can give us the authority to
7 schedule the first month and the public would have the
8 option of reviewing the last two months, or three months
9 of the schedule.

10 I mean, I don't -- because of the 14-day noticing
11 period, I don't know any other way to move around that.

12 Kirk?

13 CHAIRPERSON BLANCO: I have to do this video
14 thing, so can you take over just this item and I'll be
15 right back?

16 LEGAL COUNSEL MILLER: It was not a legal
17 question, but from a practicality perspective, I think
18 that's a good suggestion.

19 On the one hand there is a need to approve a
20 comprehensive schedule because it organizes the work and
21 it permits us to find the venues that are going to work
22 best, both for the Commission and for the public.

23 If you don't feel comfortable taking the giant
24 step, if you will, to a fully approved calendar through
25 August, I think it would be very helpful to at least feel

1 comfortable going through April, with the idea then that
2 we'll publish that larger calendar on the internet, that
3 will permit very broad input very quickly, and then come
4 back and, hopefully, it's well received, and either it's
5 approved as posted or there are changes that are made as a
6 result of the posting.

7 But I think that would give the Commission,
8 essentially, the best of both worlds, which is some
9 traction early on to start meetings and select venues, to
10 be thinking seriously about the downstream meetings and
11 get public input at the same time.

12 VICE-CHAIRPERSON ONTAI: Commissioner Dai?

13 COMMISSIONER DAI: Yeah. I'm just wondering why
14 we're discussing this now? Isn't this the major topic of
15 the Technical and Outreach Committee meeting?

16 I mean, I would like to hear from them before the
17 whole Commission discusses it.

18 VICE-CHAIRPERSON ONTAI: Yes, I think we can push
19 that on to the Technical and Outreach Committee for
20 discussion and then bring it back to the full Commission.

21 But the question being, just to summarize, if we
22 wanted to give the public some time to look at the
23 schedule, say after we've made some full discussion
24 tomorrow, then what are the alternatives?

25 One alternative, possibly, is to have a business

1 meeting on either April 9th, the 7th, or 8th. I believe we
2 have two business days set aside before the actual input
3 hearings.

4 So we could possibly have that as a final decision
5 point on the final schedule.

6 EXECUTIVE DIRECTOR CLAYPOOL: Absolutely. And I
7 don't want to preempt the Technical and Outreach
8 Committees here. The only thing I would like to say is
9 our maps -- our original calendar went out last session.
10 We've made a revision and that's been reviewed. We've
11 taken a great deal of public comment into consideration
12 and I think -- I would hope that any public comment that
13 would occur between now and then would have to be very
14 serious to move us off -- off the line from where we're
15 at.

16 Because we're going to take whatever you approve,
17 and even though we're having public comment, we're going
18 to be contacting these venues or these areas and saying,
19 if this occurs, what can you do for us?

20 Because we don't have any -- we don't have any
21 leeway there, we have to -- we have to start moving these
22 next couple of weeks to really line this up so that you go
23 to all the places you're supposed to go to.

24 VICE-CHAIRPERSON ONTAI: Okay.

25 COMMISSIONER FILKINS WEBBER: Because Mr.

1 Claypool, essentially the only changes you've made, you
2 didn't make anything real substantive, you just moved
3 things out to the weekend. Areas weren't changed that
4 much. So the public has actually had access to this
5 calendar for some time?

6 EXECUTIVE DIRECTOR CLAYPOOL: They have.
7 Actually, the second -- the second calendar on weekends,
8 we did make changes directly because of public comment.
9 We moved Auburn down to Rancho Cordova because there was a
10 comment about the Sacramento area. We made some
11 adjustments there.

12 So we have made adjustments that answered some
13 public comment.

14 COMMISSIONER FILKINS WEBBER: Thank you.

15 VICE-CHAIRPERSON ONTAI: Okay. So let's continue
16 this discussion later on. We can now close this
17 discussion and begin our two o'clock advisory, Outreach
18 and Technical Committee meeting, unless there's something
19 else you want to -- Commissioner Yao?

20 COMMISSIONER YAO: The meeting that's scheduled
21 for April the 7th, the latest date that we can post the
22 agenda is midnight tonight. Are we going to have an
23 opportunity to come back and finalize that agenda before
24 we close today?

25 VICE-CHAIRPERSON ONTAI: Don't know. Dan?

1 EXECUTIVE DIRECTOR CLAYPOOL: Thank you,
2 Commissioner Yao, because that's what we were just
3 discussing, that we need to have agenda items coming out
4 of today. We can post the agenda later on, but we need to
5 have those items. So each -- each one of the advisory
6 committees and the upcoming Chair and Vice-Chair need to
7 be thinking very quickly about what we're going to post
8 for that meeting.

9 VICE-CHAIRPERSON ONTAI: Okay. All right. So
10 that decision has to be made today.

11 EXECUTIVE DIRECTOR CLAYPOOL: The only other thing
12 is we do have -- Legal has also -- Kirk has been working
13 on several items that he should comment on. And I believe
14 that Rob has the communications report that he needs to
15 post, as well.

16 VICE-CHAIRPERSON ONTAI: Thank you.

17 LEGAL COUNSEL MILLER: Well, I do have a follow-up
18 report. Having selected VRA counsel Friday, I got
19 together with them on Monday and had, I thought, a very
20 constructive meeting.

21 But in the essence of saving time, that's really a
22 report I was going to be making in the Legal Advisory
23 Committee. Maybe it ought to just occur there and then
24 come forward.

25 VICE-CHAIRPERSON ONTAI: Rob.

1 COMMUNICATIONS DIRECTOR WILCOX: And I can do the
2 same with the Public Information Advisory Committee.

3 VICE-CHAIRPERSON ONTAI: All right. So we'll
4 commence with the Technical and Outreach Advisory
5 Committees meetings at 2:10. And I believe we'll be
6 meeting here.

7 Yes, let's do that at 2:15, our meeting, yes.

8 Are there anyone out there in the public that
9 would like to make a comment, I would invite you to come
10 down. Seeing none, all right, we'll take a 15-minute
11 break. A five-minute break.

12 (Off the record at 2:11 p.m.)

13 (Back on the record at 4:32 p.m.)

14 CHAIRPERSON BLANCO: We're back on the record, or
15 back live. I'm sorry, old habits die hard. It's 4:30 and
16 we're back into the full Commission business section of
17 our meeting on March 24th.

18 Before we take public comment, I think Mr.
19 Claypool has both an introduction and a matter for us to
20 vote on, correct?

21 EXECUTIVE DIRECTOR CLAYPOOL: I do. I would like
22 to introduce, as a candidate for our administrative
23 assistant's position, Mr. Lon Leach.

24 As I described earlier, he has a background in
25 marketing, production and technology. And he's going to

1 work with us to travel with the Commission, the daunting
2 task of traveling with this Commission through all of our
3 input meetings.

4 And with no further ado, Lon.

5 MR. LEACH: Hello. Thank you.

6 (Laughter)

7 CHAIRPERSON BLANCO: All right. No endorsement
8 speech, no --

9 EXECUTIVE DIRECTOR CLAYPOOL: He's waiting to do
10 an acceptance speech, so I need a --

11 CHAIRPERSON BLANCO: So what do we need, do we
12 need a motion?

13 EXECUTIVE DIRECTOR CLAYPOOL: We need a motion and
14 we need a super majority.

15 CHAIRPERSON BLANCO: A super majority, okay.

16 VICE-CHAIRPERSON ONTAI: I so move.

17 CHAIRPERSON BLANCO: Do I have a second?

18 COMMISSIONER RAYA: Second.

19 CHAIRPERSON BLANCO: Commissioner Raya second.

20 Public comment?

21 Hearing no public comment I don't think we need --
22 it's a super majority vote.

23 LEGAL COUNSEL MILLER: Yes, the statute doesn't
24 discriminate among the types of staff and consultants, so
25 I think that's the right interpretation.

1 CHAIRPERSON BLANCO: We're okay. All right, I
2 think we're -- even though we have a couple of
3 Commissioners doing some other business right now, I think
4 we can go ahead.

5 And can you do a roll call?

6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
7 Aguirre?

8 COMMISSIONER AGUIRRE: Yes.

9 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
10 Ancheta?

11 Commissioner Blanco?

12 CHAIRPERSON BLANCO: Yes.

13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
14 Dai?

15 COMMISSIONER DAI: Yes.

16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
17 Raya?

18 COMMISSIONER RAYA: Yes.

19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
20 DiGuilio?

21 COMMISSIONER DI GUILIO: Yes.

22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
23 Forbes?

24 COMMISSIONER FORBES: Yes.

25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

1 Galambos Malloy?

2 COMMISSIONER GALAMBOS MALLOY: Yes.

3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

4 Parvenu?

5 COMMISSIONER PARVENU: Yes.

6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

7 Barabba?

8 COMMISSIONER BARABBA: Yes.

9 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

10 Filkins Webber?

11 Commissioner Ontai?

12 VICE-CHAIRPERSON ONTAI: Aye.

13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

14 Ward?

15 Commissioner Yao?

16 COMMISSIONER YAO: Yes.

17 ADMINISTRATIVE ASSISTANT SARGIS: The motion

18 passes.

19 CHAIRPERSON BLANCO: Thank you. Welcome aboard.

20 MR. LEACH: Thank you.

21 (Applause)

22 EXECUTIVE DIRECTOR CLAYPOOL: I'll ask him to hold

23 his acceptance speech to under our three minutes.

24 (Laughter)

25 CHAIRPERSON BLANCO: Do you have something you'd

1 like to say?

2 MR. LEACH: Just that I'm excited to be a part of
3 this process and to work with you all, so thank you.

4 VICE-CHAIRPERSON ONTAI: Thank you.

5 CHAIRPERSON BLANCO: Thank you.

6 All right. Oh, now Mr. Wilcox is gone, who was
7 going to give us a little wrap up. But first we'll have
8 public comment.

9 Do we have any public comment for items not on the
10 agenda?

11 MR. LAFFERTY: Hi, my name is Tony Lafferty, I'm
12 with ESRI, and we recently submitted a cost proposal
13 regarding online redistricting and public access and
14 participation tools for your consideration.

15 CHAIRPERSON BLANCO: Thank you. Any -- yes, Mr.
16 Claypool?

17 EXECUTIVE DIRECTOR CLAYPOOL: Actually, and Mr.
18 Lafferty, if you could tell us the wonderful tool that you
19 have in your hand that will --

20 MR. LAFFERTY: Oh, okay. So, when you have your
21 recent commentary about when you go to a location and
22 you're trying to find out information about that -- about
23 that area, about the people that live there and what their
24 situation is, one of the things we have is everything now
25 is an app, right. And one of the things we do is we've

1 provided Business Analyst Online, and it's an app on the
2 App Store, it's a free app.

3 And what you can do is we have bundled business
4 statistics and demographic information about -- about the
5 U.S. So if you type in an address or a city, it will go
6 to that centroid and provide you an access point of the
7 information about that community that you're visiting.

8 So in this case we look at different types of
9 population that are there, median age, the unemployment
10 rate, those kind of things, so you'd have that available
11 for you when you go to travel. So that's a free app,
12 Business Analyst Online.

13 CHAIRPERSON BLANCO: Thank you.

14 Any other public comment?

15 Well, hum --

16 EXECUTIVE DIRECTOR CLAYPOOL: We actually have one
17 more thing that we had discussed earlier, and Kirk just
18 brought it up to mind to me.

19 CHAIRPERSON BLANCO: Okay.

20 EXECUTIVE DIRECTOR CLAYPOOL: And that is that we
21 need -- because we have to post our agenda for the 7th and
22 the 8th, we need agenda items for the advisory committees
23 for the 7th, because it has to post by midnight this
24 evening.

25 CHAIRPERSON BLANCO: Okay.

1 LEGAL COUNSEL MILLER: Yeah, and if we could
2 identify full Commission issues at the same time, that
3 would be the best practice, we then post everything at
4 once, if we can.

5 CHAIRPERSON BLANCO: Okay, so let's -- maybe the
6 way to do this, I'm going to look at today's agenda, just
7 to sort of spot possible areas that -- and we'll start,
8 first, with general business items and then we'll go to
9 potential advisory committee items.

10 So, we will hopefully, tomorrow, adopt a calendar.
11 Is that correct? Yes?

12 EXECUTIVE DIRECTOR CLAYPOOL: Yes.

13 CHAIRPERSON BLANCO: Okay. Are there items
14 related to that calendar and to subsequent meetings that
15 might have to be discussed at our next business meeting?
16 Can we get more specific? Anybody?

17 COMMISSIONER DAI: Calendar updates.

18 CHAIRPERSON BLANCO: Calendar updates about
19 places, times, et cetera.

20 COMMISSIONER DAI: Okay.

21 EXECUTIVE DIRECTOR CLAYPOOL: We have the document
22 that I gave you regarding the changes we'd like to have
23 for the Commission lead. I'm not sure, I believe that
24 probably runs through the Finance and Administrative
25 Committee for a topic.

1 LEGAL COUNSEL MILLER: Is it possible to conclude
2 that tomorrow, or is this Commission far enough along in
3 its discussions to permit that?

4 CHAIRPERSON BLANCO: I think, let's see if we can
5 even do it tomorrow. I know that we -- this was, you'll
6 be glad to know, an item of much discussion in the Legal
7 Advisory Committee, and we have some thoughts and
8 recommendations, so it's possible we can take care of this
9 tomorrow.

10 EXECUTIVE DIRECTOR CLAYPOOL: The sooner, the
11 better, thank you.

12 CHAIRPERSON BLANCO: Okay. Do we anticipate any
13 other trainings?

14 LEGAL COUNSEL MILLER: Yeah, we would like to
15 arrange the VRA training on different issues, but
16 additional training for the next meeting, that's correct.

17 CHAIRPERSON BLANCO: Okay, so that will be on
18 there.

19 EXECUTIVE DIRECTOR CLAYPOOL: And possibly PRA
20 training, as well.

21 LEGAL COUNSEL MILLER: PRA, if you're not a State
22 insider, is Public Records Act, and it is something that
23 you should have a familiarity with.

24 CHAIRPERSON BLANCO: Great. Will we have a report
25 on the -- any of the issues related to Q2? For example,

1 where their contract is at, or will that be settled by
2 then and we won't need to discuss it or --

3 LEGAL COUNSEL MILLER: Well, our -- I believe our
4 goal would be just to report back that we've completed
5 that agreement, is that correct?

6 EXECUTIVE DIRECTOR CLAYPOOL: Yes, that is.

7 CHAIRPERSON BLANCO: Okay. So that's just -- so
8 that's not an item.

9 Do you believe that they will have, Q2 will have
10 anything on the agenda for that meeting?

11 EXECUTIVE DIRECTOR CLAYPOOL: I don't think so. I
12 think that for now they know they're -- which way their
13 course is set. We do -- we will have, however, if we have
14 the vote tomorrow to proceed with the RFI for the in-line
15 process/peer review contract, we should at that point have
16 a document that -- in draft, for your review. And so I'm
17 assuming that that -- who would that go through? Would
18 that be the Technical? I guess that's a -- is that
19 Technical was the one that did the line-drawing
20 consultant.

21 CHAIRPERSON BLANCO: They did that bid so --

22 EXECUTIVE DIRECTOR CLAYPOOL: So we'll move that
23 to the Technical Committee.

24 COMMISSIONER DAI: Can you rephrase that for me,
25 or us?

1 CHAIRPERSON BLANCO: We'll need to review the
2 potential scope --

3 EXECUTIVE DIRECTOR CLAYPOOL: Scope of work
4 and --

5 CHAIRPERSON BLANCO: -- of work and --

6 EXECUTIVE DIRECTOR CLAYPOOL: Yeah, for the RFI
7 for the --

8 CHAIRPERSON BLANCO: For the RFI for the in-
9 process review.

10 EXECUTIVE DIRECTOR CLAYPOOL: Yes.

11 CHAIRPERSON BLANCO: Will there be last-minute
12 either refinements, decisions because of the input
13 meetings that you think we'll have to deal with at the
14 meeting? Will we have to review, for example, the
15 toolkit?

16 EXECUTIVE DIRECTOR CLAYPOOL: Yes.

17 CHAIRPERSON BLANCO: It seems to me -- yeah, but I
18 mean are we going to have to discuss it in full
19 Commission, at the next Commission meeting?

20 EXECUTIVE DIRECTOR CLAYPOOL: I think that you
21 have a presentation.

22 CHAIRPERSON BLANCO: In other words, do we need to
23 be training on it before we go out, all the Commissioners?

24 COMMISSIONER DI GIULIO: There was a discussion
25 that part of -- you'll hear about this a little bit

1 tomorrow, a lot tomorrow, probably. But we would have
2 liked to have had something that had the complete content
3 for how they will be run from the technology -- from the
4 line-drawing team.

5 But, unfortunately, with it just being four days
6 ago and they have no contract, there was no way to have a
7 complete list of methodology and the structure for public
8 input.

9 So we're -- this will be a point of discussion for
10 tomorrow but, you're right, the reality is we're trying to
11 get it as refined as we can, with input from the incoming
12 Chair and Vice-Chair. And I guess we're not making a
13 decision about a lead, a committee lead.

14 So that when we come back to the next meeting
15 we'll be able to vote on that as a -- accept that, as a
16 full Commission, if we'd like to, knowing that it's a
17 short period of time. But we just -- we're up against the
18 wall, there's only a certain amount of time, so we are
19 directing staff to get -- staff and our Q2 consultant to
20 get those materials ready for us so that we can review and
21 be ready to.

22 CHAIRPERSON BLANCO: So we'll both review and
23 approve the materials, but will we need to know how to use
24 them before we go out, is there a sort of a training
25 component to the use of the materials?

1 EXECUTIVE DIRECTOR CLAYPOOL: I believe, unless --
2 unless Q2 adds some portion to the component that is very,
3 very technical, and I wouldn't think they would because
4 they're sending it out to the public at all levels, I
5 would think that they would be fairly self-explanatory.

6 But, certainly, I think that there will be need
7 for a presentation because you're going to want to know
8 what materials you're providing to the public.

9 CHAIRPERSON BLANCO: Correct. It will be our last
10 meeting before we go out into the field, correct?

11 EXECUTIVE DIRECTOR CLAYPOOL: It will be, yes.

12 CHAIRPERSON BLANCO: So do we need to have a run
13 through, a discussion about how we are going to conduct --
14 I know I heard that was being discussed but --

15 COMMISSIONER YAO: That's the Technical Committee.

16 CHAIRPERSON BLANCO: Well, I know, but we're
17 deciding on the agenda for the next Commission meeting.

18 COMMISSIONER DI GIULIO: But that's included,
19 that's what Gil and I were just making sure that's
20 included in what we're putting on the Technical team's
21 agenda -- I'm sorry. That's a good point, though, does it
22 need to be simply on the Technical and Outreach because
23 that element is a part of what we're trying to agendize
24 for the advisory committee, but if we report out does that
25 cover it to the extent that you need, or would you like to

1 have it as a separate item for the full Commission?

2 CHAIRPERSON BLANCO: I think if we're going to
3 from there -- I haven't looked at the calendar, I don't
4 know if we're doing it back-to-back as originally was
5 envisioned, or we were going to meet and then go out. If
6 that's the case, and even if it's not back-to-back, we'll
7 meet and then have a meeting soon thereafter, I think we
8 need to have a discussion at the full Commission about how
9 we're going to run the hearings.

10 And I know that I overheard discussion when I
11 walked in, but not all of us were at that meeting. So I
12 would think that we'd need to have a plan for us to know
13 how to proceed at these meetings.

14 EXECUTIVE DIRECTOR CLAYPOOL: Well, and first of
15 all, yes, we go the 7th Sacramento, 8th Sacramento, the 9th
16 Redding, and then the 10th Yuba City, so we do have that.

17 And I understand what Commissioner DiGuilio is
18 saying. I think we will report what -- what we've found
19 as far as what our -- what we intend the meeting to be and
20 how we intend to run it. We'll report into the Technical
21 Committee and then they'll report out, and that may
22 suffice for a representation --

23 CHAIRPERSON BLANCO: Agenda item. So it will be
24 subsumed under a report-back item?

25 EXECUTIVE DIRECTOR CLAYPOOL: I believe so.

1 CHAIRPERSON BLANCO: Okay, I got it.

2 VICE-CHAIRPERSON ONTAI: But the point is we've
3 got to make that notice as of tonight, right?

4 EXECUTIVE DIRECTOR CLAYPOOL: Right. But if we --
5 if we have a --

6 VICE-CHAIRPERSON ONTAI: So if there's a glitch
7 that comes up and the whole Commission needs to have some
8 discourse on it, that won't be on the agenda.

9 COMMISSIONER DI GIULIO: But you could just have a
10 discussion when you report out.

11 CHAIRPERSON BLANCO: I think Commissioner Ontai's
12 saying that since this is to be able to notice that
13 meeting, we need to either specifically in the
14 subcommittee -- in the advisory committee agenda, in a
15 very specific way, or in the agenda for the full meeting
16 we need to capture this for the notice.

17 VICE-CHAIRPERSON ONTAI: Either way. I mean,
18 maybe it's a legal question.

19 CHAIRPERSON BLANCO: Yeah.

20 COMMISSIONER DI GIULIO: Well, I think, let's put
21 it this way, it's a part of a discussion that we had, that
22 was one of the elements, because it was a very critical
23 element. So does -- are we covered if in the
24 Technical/Outreach Advisory Committee we have that as a
25 part of discussion because it will encompass -- we have

1 the review of the input meeting operations, that would be
2 from staff, and then also a review for lack of -- we were
3 trying to find a good word for it, but a review of what Q2
4 would provide for the public input structure.

5 And then if that, if we're able to cover those
6 sub-points -- I mean, this time we had 11 items on our
7 Technical Advisory Committee -- Technical/Outreach. I
8 don't keep meaning to exclude Outreach, but
9 Technical/Outreach. That level of detail we can cover in
10 a general heading.

11 So I think if we have a general heading, then we
12 can have those elements discussed, and then we can report
13 back to the full Commission on all those issues. Am I
14 correct?

15 LEGAL COUNSEL MILLER: You're --

16 CHAIRPERSON BLANCO: Okay, so I think -- no, go
17 ahead.

18 LEGAL COUNSEL MILLER: Yes, we'll specify that
19 this is a subject matter for discussion in your committee.

20 And then I think part two here is that because
21 this is of unusual importance for the full Commission, it
22 would make sense to allow you a longer report-out
23 committee time, than the other committees have --

24 COMMISSIONER DI GUILIO: Exactly.

25 LEGAL COUNSEL MILLER: -- and then you can pick it

1 up as part of that report-out.

2 CHAIRPERSON BLANCO: Thank you. All right. Will
3 we have any pressing administrative business that you
4 think we're going to -- I mean, it's always on the agenda,
5 but are there going to be some decision items do you
6 think, or we'll just calendar the administrative business.

7 EXECUTIVE DIRECTOR CLAYPOOL: Only the ones that
8 we had discussed earlier, where we're asking for a
9 decision on the leads, that issue. But unless we take
10 care of it tomorrow.

11 CHAIRPERSON BLANCO: I think we might take care of
12 it tomorrow.

13 EXECUTIVE DIRECTOR CLAYPOOL: Okay.

14 CHAIRPERSON BLANCO: Commissioner Yao?

15 COMMISSIONER YAO: Can I ask to have Q2 give us a
16 detailed presentation on their map-drawing process? In
17 other words, similar to the detail that we looked at today
18 on the Census data, how -- what -- how do they do the map
19 drawing, besides just getting on a computer and pushing
20 buttons?

21 CHAIRPERSON BLANCO: If we were able to have them
22 on board and available, I would support that. I think
23 even though what we're doing not -- immediately thereafter
24 is going out and receiving input, and not necessarily
25 drawing, I think it would -- we will be better informed

1 about what we're hearing and what its use is, if we have a
2 mini-training about how all this information ends up being
3 put together.

4 I do think it will give us some context for when
5 we're receiving information on the road.

6 EXECUTIVE DIRECTOR CLAYPOOL: Then perhaps it
7 would be appropriate to ask them for not only that
8 training, but also what our relationship will be with
9 their line drawer in the field, and how that information
10 transfers across.

11 CHAIRPERSON BLANCO: Correct.

12 EXECUTIVE DIRECTOR CLAYPOOL: Okay.

13 CHAIRPERSON BLANCO: I think both of those things,
14 but a hands-on kind of presentation.

15 Yes, Commissioner Filkins Webber?

16 COMMISSIONER FILKINS WEBBER: And won't it help
17 each Commissioner be able to interact with the public and
18 ask appropriate questions, so that we could solicit
19 sufficient information for our line drawer. So if her
20 focus could be, you know, how we could help the public
21 when they're presenting their information to us, if we
22 know how she's going to do it, it might help facilitate
23 questioning.

24 COMMISSIONER DI GIULIO: And just to know that
25 these -- these are very good points, but these are things

1 that are on the -- we discussed it in the Technical and
2 Outreach, so these are things that I think are of serious
3 concern for all of us, as Commissioners, and we have that
4 on our radar. Just to reassure you that we are aware of
5 these.

6 CHAIRPERSON BLANCO: Right, we're just trying to
7 put the agenda together, so if we're on the same page,
8 that's great.

9 COMMISSIONER DI GIULIO: But I guess if I'm just
10 trying to decide if it's -- if we talk -- is it helpful
11 for us to notify you that it's on our agenda, as well, or
12 would we like to actually add it to the full agenda, too?

13 I guess if I'm trying to point that it's on our
14 agenda, is that enough for Commissioners that have
15 concerns about this, or would you like for it to be
16 expanded to the full agenda?

17 CHAIRPERSON BLANCO: I'm not clear on what you
18 mean by on your agenda?

19 COMMISSIONER DI GIULIO: These elements that have
20 been raised by yourself and Commissioner Filkins Webber,
21 correct me if I'm wrong, did we have a discussion on them?

22 COMMISSIONER YAO: I think the advisory committee
23 is an independent governing -- not independent, but an
24 identifiable governing body. So you put together your
25 agenda, I don't believe that automatically it is part of

1 the entire Commission's agenda so --

2 COMMISSIONER DI GIULIO: I guess -- I'm sorry, I
3 just thought it was that we would report out based on
4 those agenda items. And so I just was trying to decide,
5 on the Technical side if was a redundancy if we're
6 reporting out.

7 COMMISSIONER YAO: I think it's safest to --

8 COMMISSIONER FILKINS WEBBER: I was only referring
9 to Q2's training.

10 COMMISSIONER DI GIULIO: Right, mini-training
11 session.

12 COMMISSIONER FILKINS WEBBER: I wasn't overlapping
13 on any -- you're talking about that.

14 CHAIRPERSON BLANCO: No, we're talking about Q2
15 training.

16 CHAIRPERSON BLANCO: Commissioner Barabba?

17 COMMISSIONER BARABBA: My impression is that if
18 it's on an advisory committee's agenda, we're accountable
19 to report out to the full Commission what we discussed.

20 CHAIRPERSON BLANCO: Correct. What we're -- I
21 think maybe, I'm not sure where the confusion is here, I
22 think some people have request that part, in the general
23 session, not because we're making decisions based on
24 recommendations that come out of the advisory committee.

25 But that as part of our meeting, just like today,

1 we have two trainings, that we have a training on map
2 drawing, that helps us as we're doing into the next three
3 or four days of input hearings. That's what I understand
4 us to be discussing.

5 COMMISSIONER FILKINS WEBBER: Okay. That's what I
6 understand as well. I don't know if you had discussed it
7 earlier, but out of --

8 COMMISSIONER DI GIULIO: No, that's -- this is --

9 EXECUTIVE DIRECTOR CLAYPOOL: And I think that
10 this is -- maybe, possibly, the confusion is, is that we
11 asked for agenda items because we have to post this agenda
12 tonight.

13 CHAIRPERSON BLANCO: Yeah, tonight.

14 COMMISSIONER FILKINS WEBBER: Tonight, that's
15 right.

16 EXECUTIVE DIRECTOR CLAYPOOL: So that's where
17 we're working from right now is just making sure
18 everything gets on the map, so that we expand it less than
19 we normally do.

20 COMMISSIONER FILKINS WEBBER: Mr. Miller, when we
21 just left Legal Advisory, we were talking about a training
22 session with Gibson Dunn, and so I think we probably need
23 to add that for the agenda. So, if you can work with Mr.
24 Claypool on the language for this portion of the agenda
25 and Gibson Dunn's presentation.

1 LEGAL COUNSEL MILLER: Yes.

2 COMMISSIONER FILKINS WEBBER: Thank you.

3 COMMISSIONER GALAMBOS MALLOY: Mr. Claypool, what
4 do you think the likelihood is that we'll be able to --

5 CHAIRPERSON BLANCO: Can you speak up?

6 COMMISSIONER GALAMBOS MALLOY: I'm sorry. Mr.
7 Claypool, what do you think the likelihood is that we will
8 have a candidate to consider for the final staff position
9 by the next meeting?

10 EXECUTIVE DIRECTOR CLAYPOOL: I hope that it's
11 good because we have two people who have applied and we're
12 going to continue, we have a two-week period. We really
13 need that person on board. So, from that -- because that
14 person will probably be the fourth person traveling with
15 us, the way we're standing.

16 So, very good, so we need to add that as well.

17 COMMISSIONER GALAMBOS MALLOY: Commissioner
18 Blanco, can we add that one?

19 CHAIRPERSON BLANCO: Yeah. So, can we quickly,
20 but slowly, list what we have for the next meeting and
21 including whatever -- oh, no, and then the last thing we
22 have to do is we have to, if possible, have the advisory
23 committees give us what's going to be on their advisory
24 committee agenda, as specifically as possible. So we can
25 do that as well. And that will save a lot of the back and

1 forth, although there will still be some additions or
2 deletions, but that could help us quite a bit.

3 So maybe we can start with the Public Information
4 Advisory Committee, what do you envision as being on your
5 agenda at the next meeting that may be discussion and
6 possible report out with recommendation?

7 COMMUNICATIONS DIRECTOR WILCOX: I would say the
8 public input meeting communications plan, probably
9 anything to do with the website, as we are hoping to get
10 that live, but to get that still, to talk about maybe -- I
11 don't know, we'll have to revisit public comment. But
12 those are the two that come to my mind right now.

13 COMMISSIONER DI GIULIO: Yeah, those would be just
14 ongoing, probably, report outs.

15 COMMUNICATIONS DIRECTOR WILCOX: Yeah.

16 CHAIRPERSON BLANCO: Okay. And if there's
17 something else, the lead or liaison will let Mr. Ontai
18 know, and he will in turn communicate that to the staff.

19 Technical Advisory Committee, what do you see as
20 your agenda for the next meeting? The Technical and
21 Outreach.

22 COMMISSIONER DI GIULIO: Okay, this is what we're
23 going to combine. The first one would be a discussion of
24 input hearing calendar. The second one would be the
25 review of operational structure and format for input --

1 input hearings.

2 The third would be the review of technical
3 structure and content of public input at hearings.

4 The fourth would be guidelines for Commissioners
5 at public input hearings.

6 The fifth would be Census data update.

7 Number six would be public access to
8 redistricting.

9 And seven would be in-line process review IFB.

10 COMMISSIONER ANCHETA: Could I add one more item?
11 I'm not sure if this is Technical, or it might be Legal,
12 but I'd like to get us started on thinking about the
13 racially polarized voting analyst because this is, again,
14 I'm assuming, competitive bidding once again, so we should
15 just get started on that discussion.

16 COMMISSIONER DI GIULIO: So, racially polarized --

17 COMMISSIONER ANCHETA: I'm assuming it's
18 Technical, but it started in Technical, I assume.

19 COMMISSIONER FILKINS WEBBER: I think there are
20 overlapping legal issues, maybe we can add it to Legal,
21 too.

22 COMMISSIONER ANCHETA: Yeah, however you want to
23 do it.

24 COMMISSIONER DI GIULIO: Maybe you could rephrase
25 that for Ms. Sargis?

1 COMMISSIONER ANCHETA: Well, it's simply some
2 discussion at Technical and/or Legal regarding the IFB and
3 other specifics regarding the quantitative analyst
4 position, which will focus primarily on racially polarized
5 voting and Voting Rights Act compliance.

6 CHAIRPERSON BLANCO: So, a discussion -- we'll
7 hold off on where this will take place. A discussion on
8 the need for why, you know, like actually have a
9 discussion about do we and why do we need this person,
10 what type of person. And then this could result in a
11 recommendation to draft a bid?

12 COMMISSIONER ANCHETA: Yeah, I think we might want
13 to direct Mr. Miller to check in with Gibson and Dunn in
14 between now and the next meeting, so we can get some legal
15 opinions regarding what we do in fact need to think about
16 for this position.

17 CHAIRPERSON BLANCO: Mr. Claypool?

18 EXECUTIVE DIRECTOR CLAYPOOL: And we'll ask
19 Janeece to write down, we may not need an IFB on this,
20 just because of the specialization nature of it. We'll
21 look into the different ways we might be able to do this
22 without -- without going through a cumbersome process.

23 VICE-CHAIRPERSON ONTAI: Can I recommend that on
24 that issue that it be thrown over to the Legal Committee?

25 CHAIRPERSON BLANCO: That's fine.

1 COMMISSIONER ANCHETA: Whatever you want, yeah.

2 CHAIRPERSON BLANCO: Legal, yeah.

3 COMMISSIONER FILKINS WEBBER: I got it.

4 CHAIRPERSON BLANCO: All right.

5 COMMISSIONER ANCHETA: I want it to show up
6 someplace.

7 COMMISSIONER DI GIULIO: Yeah, and that reminded
8 me when Commissioner Ancheta -- was it you, Commissioner
9 Blanco, that had suggested also there was that for --
10 something was punted to us about reviewing the scope of
11 work for an RFI for the in-process review?

12 CHAIRPERSON BLANCO: Yes, that was punted to you.

13 COMMISSIONER DI GIULIO: Would you like that on
14 the agenda?

15 CHAIRPERSON BLANCO: I don't think that's Legal?

16 COMMISSIONER DI GIULIO: I mean, I'm saying would
17 you like that on Technical, so that we can add that?

18 CHAIRPERSON BLANCO: Oh, yes, that should be on
19 Technical, yeah.

20 COMMISSIONER DI GIULIO: I just want to clarify.

21 CHAIRPERSON BLANCO: Yeah.

22 COMMISSIONER DI GIULIO: So the review of the
23 scope for an RFI for in-process -- or we can just say
24 review of the RFI for in-process review, would that be --

25 CHAIRPERSON BLANCO: Yeah, and I think there it's

1 really coming up with what the scope is, what we're really
2 talking about, and then turning it over to staff to figure
3 out what to do with that.

4 EXECUTIVE DIRECTOR CLAYPOOL: Right, and perhaps a
5 starting point would be for us to draft a scope of work
6 based on what we've heard, give it to you, and then
7 because it's always easier to edit, and then you can --
8 you can make it into what you want from there.

9 CHAIRPERSON BLANCO: That sounds -- yes, okay,
10 let's proceed that way.

11 Commissioner Yao?

12 COMMISSIONER YAO: Can we put a catchall type of
13 category in there, perhaps with -- or a discussion of map-
14 drawing parameters, so that if there is time we can start
15 discussing things like where should we start the map, or
16 start the -- what part of the State should we use as a
17 starting point in drawing our map, whether it's at the
18 Section 2 and 5 districts, or whether we start from San
19 Diego and work north, or from start from north and work
20 south, and so on.

21 In other words, these are not -- not key
22 discussion right now, but at least when the topic comes
23 up, it will be on the agenda to allow to discuss it in
24 some detail.

25 CHAIRPERSON BLANCO: So, if you're --

1 EXECUTIVE DIRECTOR CLAYPOOL: It's a placeholder.

2 CHAIRPERSON BLANCO: Yeah, yeah, yeah. So here's
3 my recommendation, because we have about 30 seconds in
4 this building, which is that we not do that at this
5 following meeting, but that we use the time between this
6 meeting and the next one to actually begin to work with Q2
7 in whatever form that takes, to have them begin to maybe
8 present us with options about what the principles should
9 be that are our guiding principles.

10 How do we start, you know, all of the things that
11 sort of are going to be, in a sense, policy decisions that
12 we have to make about how we proceed. And I think it's
13 probably too soon to give that, given everything that
14 we're asking them to do, and we don't really need to get
15 there, yet, as we're doing the input.

16 But let's -- let's strive to have that at the
17 following business meeting. Does that make sense?

18 EXECUTIVE DIRECTOR CLAYPOOL: Yes.

19 LEGAL COUNSEL MILLER: Would -- would you put over
20 the adoption of the principles and the guidelines for the
21 following meeting or would you want that as part of the
22 training session?

23 CHAIRPERSON BLANCO: If they're prepared to --
24 what I think would be good in the training session is not
25 for us to be -- to hear it and be prepared to adopt

1 principles, but for them to give us examples of what it
2 means to have principles that you use for redistricting.
3 So that we, then, know what we're looking for when we have
4 that conversation, if that makes sense.

5 EXECUTIVE DIRECTOR CLAYPOOL: It does. Okay.

6 CHAIRPERSON BLANCO: All right. Yes?

7 ADMINISTRATIVE ASSISTANT SARGIS: Can I, just real
8 quick, I'm sorry, Commissioner DiGuilio, I missed your
9 second to the last one, it had something to do with
10 redistricting.

11 COMMISSIONER DI GUILIO: Public access to
12 redistricting.

13 (Laughter)

14 CHAIRPERSON BLANCO: That narrows it down.

15 ADMINISTRATIVE ASSISTANT SARGIS: I'm sorry,
16 public --

17 COMMISSIONER DI GUILIO: It's a carryover.

18 CHAIRPERSON BLANCO: All right. Well --

19 COMMISSIONER FILKINS WEBBER: Do we need to
20 summarize Legal for the agenda?

21 CHAIRPERSON BLANCO: Yes, that's our next thing.
22 Oh, summarize legal?

23 COMMISSIONER FILKINS WEBBER: For the agenda?

24 LEGAL COUNSEL MILLER: We're going to have Mr.
25 Wilcox summarize the day.

1 COMMISSIONER FILKINS WEBBER: I'm sorry, for the
2 agenda?

3 CHAIRPERSON BLANCO: Oh, yes, for the agenda.

4 COMMISSIONER FILKINS WEBBER: The Legal agenda.

5 CHAIRPERSON BLANCO: Oh, yes, sorry.

6 COMMISSIONER FILKINS WEBBER: We're going to have
7 a report back regarding Mr. Miller's anticipated meeting
8 between Gibson Dunn and Q2, which is going to take place
9 next week and any Commission action items to be addressed
10 after that meeting.

11 We are going to discuss the results of the Q2
12 firewall negotiation and the status of contract with Q2.
13 We're going to discuss Legal Advisory recommendations
14 regarding Commissioners' use of internet mapping programs
15 not authorized by the Commission, such as those of Google
16 Maps and the Advancement Project, that we saw at the civic
17 engagement. That was a task that the Commission charged
18 us to look into.

19 We have also developed a category for our
20 designated lead, which is myself, to report back to the
21 advisory committee regarding issues or decisions that have
22 been made in between our business meeting and before the
23 next meeting.

24 And the final item, which we've added since the
25 Legal Advisory, the legal necessity for racially polarized

1 voting information, parameters for such, and our VRA
2 attorney's recommendation regarding the issue.

3 CHAIRPERSON BLANCO: All right.

4 COMMISSIONER FILKINS WEBBER: And those are a
5 little specific but --

6 CHAIRPERSON BLANCO: Finance and Administration --
7 Administrative Committee?

8 COMMISSIONER DI GIULIO: Well, since the Finance
9 Administration Committee is the only one that didn't get
10 to meet this time, we have some carryovers from the last
11 time.

12 CHAIRPERSON BLANCO: Yeah.

13 COMMISSIONER DI GIULIO: But I'm assuming much of
14 that will be dealt with, hopefully. It's just a status
15 update on those, right.

16 EXECUTIVE DIRECTOR CLAYPOOL: Right.

17 CHAIRPERSON BLANCO: So, we'll just -- whatever's
18 on there will carryover, the way it reads in this agenda?

19 COMMISSIONER DI GIULIO: Right now the way it
20 reads is the Department of Finance letter for the approval
21 of current year augmentation, the budget change proposal,
22 which would be for the next year, and the status of
23 hiring.

24 EXECUTIVE DIRECTOR CLAYPOOL: Right and those will
25 still carryover. And I'm hoping for good news in at least

1 two of the three categories.

2 COMMISSIONER DI GIULIO: That's right.

3 Do we need anything else on the move or anything
4 else?

5 CHAIRPERSON BLANCO: No.

6 COMMISSIONER DI GIULIO: Okay, I think we're good.

7 CHAIRPERSON BLANCO: All right, do we need a
8 budget review, like how are we doing, our going rate?

9 COMMISSIONER DI GIULIO: Yeah, we had a standing
10 item in here before that was budget, and budget
11 augmentation, which included a review of the burn rate
12 and, you know, we had asked for budget and variance.

13 COMMISSIONER YAO: I think that should be a
14 monthly event, as compared to being --

15 CHAIRPERSON BLANCO: When was the last time we did
16 that?

17 EXECUTIVE DIRECTOR CLAYPOOL: Well, we haven't
18 really ever done that because we haven't had anybody on
19 board to do that. We just received Ms. Davis's
20 services --

21 CHAIRPERSON BLANCO: That's right.

22 EXECUTIVE DIRECTOR CLAYPOOL: -- and she's working
23 towards that right now. The big thing is the BCP.

24 CHAIRPERSON BLANCO: Right.

25 EXECUTIVE DIRECTOR CLAYPOOL: After that's done,

1 all these other reports will follow on fairly quickly.

2 CHAIRPERSON BLANCO: You let us know when we think
3 it's possible to do that.

4 COMMISSIONER DI GIULIO: Can we just put --

5 CHAIRPERSON BLANCO: But we should put it on
6 there --

7 COMMISSIONER FILKINS WEBBER: Yeah, budget review.

8 CHAIRPERSON BLANCO: Yeah, let's put it on there
9 as a standard item and then we'll -- we'll see whether we
10 can --

11 EXECUTIVE DIRECTOR CLAYPOOL: Sure. I can tell
12 you that we ran through the numbers with the Department of
13 Finance and you still have over \$2 million left. So
14 that's the best I can do at this point.

15 CHAIRPERSON BLANCO: Okay.

16 EXECUTIVE DIRECTOR CLAYPOOL: But you're not
17 broke.

18 CHAIRPERSON BLANCO: Okay. Well, that's really
19 good news.

20 LEGAL COUNSEL MILLER: Just for clarity, would
21 that be a committee report or a full Commission report?

22 COMMISSIONER DI GIULIO: Well, it would, of
23 course, be reported back to the full committee.

24 LEGAL COUNSEL MILLER: Report back to the
25 committee, initially and then you'll make the report back

1 to the full Commission.

2 ADMINISTRATIVE ASSISTANT SARGIS: Yeah.

3 CHAIRPERSON BLANCO: Yeah, the committee's asked
4 for these reports for a while but, you know, as Mr.
5 Claypool pointed out, we were lacking a budget officer
6 before.

7 COMMISSIONER FILKINS WEBBER: And I'm sorry, just
8 one other.

9 CHAIRPERSON BLANCO: Yes.

10 COMMISSIONER FILKINS WEBBER: One other item for
11 Legal, which we like to maintain some of our general
12 categories, can we just add item number one that's on our
13 agenda, already, consideration of Commission legal
14 obligations and governance matters. Because that's broad
15 enough that we were able to sock in a lot today under that
16 category.

17 COMMISSIONER ANCHETA: And maybe these should just
18 be standing items that always carry over.

19 CHAIRPERSON BLANCO: Well, we do have those. They
20 didn't necessarily get reflected, but we do have some
21 standing items for the advisory committees.

22 We've kind of lost our way a little bit, but maybe
23 we can go back to them.

24 COMMISSIONER FILKINS WEBBER: Yeah.

25 CHAIRPERSON BLANCO: All right. If nobody else

1 has something to add, I am going to ask Mr. Wilcox to give
2 us our sum up.

3 COMMUNICATIONS DIRECTOR WILCOX: All right. The
4 Commission had two trainings today, one with the Statewide
5 Database and the other on the Voting Rights Act. The 14
6 Commissioners participated in the filming of the
7 Commission's outreach video.

8 The advisory committee -- the advisory committees
9 met and the executive director gave his report, and the
10 Commission discussed and gave direction on items for the
11 next meeting agenda.

12 CHAIRPERSON BLANCO: Thank you. And we stand
13 adjourned.

14 Oh, sorry, public comment. We did it -- I know,
15 but we did it once, we'll do it again. Just did it.

16 Yes, just a reminder for us, for the public, that
17 tomorrow's meeting will be held in Room 126, of the State
18 Capitol. We will commence at 9:00 a.m. and we will go
19 until close of business. And, hopefully, close of
20 business will be five o'clock.

21 (Recess at 5:08 p.m.)

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