

PUBLIC HEARING
STATE OF CALIFORNIA
CALIFORNIA STATE AUDITOR
BUREAU OF STATE AUDITS

In the Matter of:)
)
Selection Process for the)
Citizens Redistricting Commission)
and the Applicant Review Panel in)
the Implementation of)
the Voters First Act)
-----)

OFFICE OF THE COURTS
MILTON MARKS AUDITORIUM
455 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA

FRIDAY, FEBRUARY 27, 2009
10:00 A.M.

ORIGINAL

Reported by:
Deborah Baker

A P P E A R A N C E S

FOR THE STATE AUDITOR'S OFFICE

Sharon Reilly, Chief Counsel to the State Auditor

Margarita Fernandez, Chief of Public Affairs

Steven Russo, Chief of Investigations

PUBLIC SPEAKERS

Bob Abeling

Warren Hernand

Joyce Hlava

Malka Kopell, California Forward

Helen Hutchison, League of Women Voters of Oakland

John Taylor

Joan Gallegos

David Williams

Kristin Chu, League of Women Voters of San Francisco

Jennifer Ong

Alan Jorgensen

John Wallace

Caesar Anda

Edmund Duggan

Jenny Hughes

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P R O C E E D I N G S

1
2 PANEL CHAIR REILLY: Good morning. On behalf of
3 the State Auditor, I would like to thank you for your
4 participation in today's meeting regarding the
5 implementation of the Voters First Act. California voters
6 approved this new law in November of 2008.

7 I'd like to introduce myself, and then I'll let
8 the panel members introduce themselves.

9 I'm Sharon Reilly, and I'm chief counsel to the
10 State Auditor.

11 PANEL MEMBER FERNANDEZ: I'm Margarita Fernandez,
12 chief of public affairs.

13 PANEL MEMBER RUSSO: I'm Steven Russo. I'm an
14 attorney with the Bureau of State Audits.

15 PANEL CHAIR REILLY: As stated in the meeting
16 notice, this meeting is to solicit comments regarding the
17 processes that should be established for individuals to
18 apply to become members of the citizens redistricting
19 commission and for the selection of an Applicant Review
20 Panel to assess the applicants and create an applicant
21 pool of 60 qualified members.

22 As I think you're aware, there's also the
23 component of what the redistricting commission itself is
24 responsible for. The role of the State Auditor is limited
25 to forming the commission itself, so we ask that you limit

1 your comments to the formation of the commission.

2 The comments received at this meeting may be
3 considered as the State Auditor develops and establishes
4 processes that are necessary to implement the Act. We may
5 occasionally follow up with follow-up questions or ask you
6 to clarify your comments so that we may fully understand
7 them.

8 And again, our purpose today is to listen to your
9 thoughts and concerns regarding the role of the State
10 Auditor in the implementation of the Act.

11 To follow up on something that's come out in
12 previous meetings, there's been a lot of discussion of
13 outreach and the need for our office to do outreach, and I
14 just wanted to let you know that this is the start of the
15 regulatory process in soliciting feedback, but we also
16 have a major outreach plan underway that we're still
17 developing; and we appreciate your comments on outreach,
18 but just keep in mind that this is just the start, we have
19 a lot more to deal with and we know that.

20 Once you have provided your comments, unless you
21 are interested in hearing what others say today, you can
22 feel free to leave. We will have the transcripts of
23 today's meeting on our web within a couple of weeks.

24 And based on the size of the crowd, I don't think
25 we need to limit comment time or take breaks, but we'll

1 see how it goes.

2 If the State Auditor determines that additional
3 meetings are needed, future meetings may be scheduled.

4 And what we've been doing so far with these
5 meetings is going row by row, and that seems like it works
6 the best. If anybody has any pressing time commitments
7 and needs to go earlier, just raise your hand and let me
8 know when we begin.

9 Written comments may be sent to the address on
10 our handout or via email. If you have written comments
11 that you would like to submit today or any questions about
12 where you can send your written comments, please provide
13 them to Barbara Paget over there, and she will help you.

14 This meeting is being recorded, and the intent is
15 to make a transcript of the recording available on our
16 website, as I said earlier. Before beginning your
17 comments we ask that you state your name for the record
18 and also spell your name so that we have it properly
19 recorded.

20 If you would like to be added to our list of
21 interested persons for meetings for any future mailings
22 regarding the State Auditor's implementation of the Voters
23 First Act, you may also sign up with Barbara over there.

24 So with that, I think that we can begin and start
25 taking comments from the first row starting on your right

1 side.

2 Any comments on the first row? No?

3 How about the second row?

4 MR. ABELING: Do you wish me to --

5 PANEL CHAIR REILLY: Yes, please come up there,
6 because it's recorded.

7 MR. ABELING: I'm a little on the slow side, so
8 you'll have to bear with me.

9 PANEL CHAIR REILLY: No problem.

10 MR. ABELING: Good morning. Bob Abeling,
11 A-b-e-l-i-n-g, [REDACTED], [REDACTED]

12 PANEL CHAIR REILLY: Since this is being
13 recorded, you don't need to give your address.

14 MR. ABELING: Some meetings do, some don't, so I
15 thought I'd throw it in.

16 PANEL CHAIR REILLY: Yeah.

17 MR. ABELING: Okay. First of all, I'd like to
18 thank the State Auditor's office for taking on this task.

19 But my comments in regards to the process for the
20 selection of the commission is that I would ask that, if
21 possible, the three auditors that are selected at random
22 interview entirely the pool, whether it be a hundred or a
23 thousand; I don't have any idea of that, and I imagine
24 your auditing firm does not either. But I'll give you
25 quickly a very -- scenario which I learned about in 1997.

1 I was on the civil grand jury for Marin County.
2 And how that process works is an application pool also,
3 but what transpires are the judges, and there's 12 in
4 Marin County, each get whatever amount is selected. So if
5 there's a hundred applications, it comes out to 12.25
6 persons that they interview. They are required by state
7 statute also or the Government Code to drop that pool down
8 to 30. So therefore, they have to eliminate two and a
9 half people. And then the rest of the judges do the same
10 thing, and that pool is brought down to 30.

11 So my interpretation of that is each judge does
12 not get to see that person, so they cannot make
13 comparisons accurately. Then the true system, like this
14 system, will come into play, is that eventually out of the
15 hat, there's 19 names that are drawn. Years ago they used
16 to have just two or three alternates; well, now they've
17 found out -- and hopefully the process through this
18 organization will occur -- is that people used to, they
19 figured, drop out because of illness, death, moving, jobs,
20 and so forth; but what transpired is quite often, once the
21 person was assigned as a civil grand juror, they realized
22 that it was more work than necessary, so all of a sudden
23 they'd go to the judge and say, hey, this is not for me.

24 So now it is standard, at least in Marin County,
25 and I think throughout the state, that they keep on ten

1 alternates on account of just mainly that process. So I'd
2 like to bring that to your attention also during this
3 process of the selection for the 60 pool.

4 Also, another thing is I would ask that you
5 consider having a central location, either geographically
6 in the largest city to the closest center of the state or
7 possibly have these interview processes go along, as you
8 have with the public out comments, have them in Redding,
9 Sacramento, San Francisco, and so forth. But I feel
10 that's more apropos to the applicants, whether it be 50 or
11 500 that apply, I'm sure each person, if they have that
12 sincere interest, will come to that area for the interview
13 process.

14 One other thing also, in the application form, I
15 would suggest strongly also that you put in -- and I don't
16 know the proper terminology, but some notification that
17 this commission will take a very large amount of time, at
18 least in the first ten years, then it might become a
19 little bit more perfunctory, if you want to call it, but
20 during this initial process. So -- and I don't want to
21 give examples -- but let's say the ditch digger might have
22 more time than the CEO of that high corporate company, but
23 both persons, whether they're equal in knowledge or
24 interpretations and so forth, should be forewarned that
25 this is, you know, an issue that is really going to take

1 time. So I'm not asking that all retired people be
2 applied and that -- the working persons, but a person
3 should be informed of that.

4 Also in that notification process it should
5 probably be mentioned too, prior to, that you will be
6 either having one central location for the application
7 process or the different areas within the state of where
8 the large populations are.

9 Thank you for your time.

10 PANEL CHAIR REILLY: Thank you.

11 MR. ABELING: Any questions?

12 PANEL CHAIR REILLY: No, thank you. That was
13 helpful.

14 MR. ABELING: I can get down slowly. Thank you.

15 MR. HERNAND: My name is Warren Hernand -- what
16 did you ask for in addition to address?

17 PANEL CHAIR REILLY: To spell your last name.

18 MR. HERNAND: H-e-r-n-a-n-d, Warren Hernand.

19 My comments relate to the -- and I haven't really
20 studied the text completely, but I don't think there was
21 anything in there with regard to geography in the
22 selection. So I just wanted to call it to your attention.
23 I don't think it would probably be a good idea to have all
24 of the commissioners from the south of the state or all of
25 them from the north of the state. So I think it would be

1 good to give some consideration to geography.

2 And second -- the second comment relates to where
3 the meetings will be held. And again, if it turned out
4 that all the commissioners were in the north, it would be
5 good to not hold the meetings in the south and vice versa.

6 Thank you.

7 PANEL CHAIR REILLY: Thank you.

8 Is there anyone else in the second row that would
9 like to comment?

10 MS. HLAVA: Well, thank you very much for having
11 us here today. My name is Joyce Hlava, and it's spelled
12 H-l-a-v-a. It's a silent H; it's a little tricky.

13 I'm a former council member and mayor in
14 Saratoga, and I'm currently serving on the planning
15 commission there.

16 I was a supporter of Prop 11 for two reasons.
17 One was that I think we've gerrymandered ourselves into a
18 total stalemate at the state level; and second of all, my
19 city was one of the ones that's seriously affected by that
20 kind of gerrymandering. Because we tend to have more
21 republicans than are in the rest of Santa Clara County, we
22 are now in a Senate district which very cleverly goes
23 across the mountains, totally avoiding all those bad
24 democrats in Santa Cruz County, and down the coast, and
25 the bulk of my city is represented -- and I'm not saying

1 anything bad about the individual person -- but in a
2 Senate district whose primary interests are agribusiness,
3 whereas we are in Santa Clara County, our community of
4 interest is Santa Clara County, we have Silicon Valley
5 jobs and Silicon Valley transportation issues that we're
6 concerned about.

7 So basically I convinced so many people to vote
8 for Prop 11 that I felt now that I need to continue on to
9 make sure that it works, since I told so many people this.

10 So I'm going to go through -- you had about five
11 bullet points that you wanted comments on, and I'm going
12 to kind of go through those and try and give you my
13 thoughts on them.

14 The first one was the application process. And
15 in terms of the applications, it seems to me that there
16 are basically three things that you need to know about
17 these people. And the first one is who are they and what
18 have they done. I don't expect that you're going to have
19 anyone who has direct experience on a redistricting
20 committee, that's probably not going to happen; but I do
21 think that the important thing is the ability to work in a
22 group, the people who've served on boards and commissions,
23 and the ability to listen to a lot of points of view,
24 which is something that I think is part of leadership.
25 And because there are -- there will be staff support for

1 the commission, I'm not sure that I think that math skills
2 are as important as the ability to work in groups and
3 listen to a lot of points of view.

4 Second thing is why do they want to serve -- and
5 that may be a one-paragraph answer -- but I think it's
6 important to know why they got involved or what their
7 motivation is.

8 And thirdly, I think you do need to have some
9 kind of references; and how you set up that system and at
10 what stage that happens, I'm not sure that's as important
11 as the fact that -- it's important to know what their
12 coworkers or associates, how they view them, as much as
13 how the person views them self, because the rest of this
14 is pretty much their own self-assessment.

15 I'd also like to see that applicants are acting
16 as individuals and not necessarily looking for
17 representatives of particular groups. I think Prop 11
18 fails if we end up with -- and this is a very big
19 stereotype, but just to make a broad point -- if we end up
20 with all the democrats being from labor unions, all the
21 republicans being from business, and all the independents
22 being from environmental groups, I don't think that really
23 represents the whole State of California.

24 On creating the Applicant Review Panel,
25 obviously, from what I said there, you might guess that in

1 terms of the state auditors that are picked for this, I
2 think the single most important quality that they need to
3 have is experience in hiring and reading resumes; because
4 they're probably going to get a whole lot of paper, and
5 once they do the initial conflict screening, then in order
6 to get down to 60 people, they're going to have to be able
7 to look at these on paper and at some point make some
8 paper cuts before you get to some kind of interview
9 process, if that's in the cards.

10 And obviously the Applicant Review Panel, when
11 you're putting the names in the hat of the various -- of
12 the democratic auditor, the republican auditor, and the
13 independent or declined-to-state auditor, you need to
14 first make sure that all of them have no kind of conflict
15 of interest in terms of -- I mean, the proposition talks
16 about the applicants having qualifications with no
17 conflict of interest essentially going back ten years, and
18 so you may need to look at previous employers or something
19 like that.

20 On the issue of conflicts of interest, in
21 addition to the criteria in the proposition, or maybe as a
22 way to enforce that, it seems to me that every applicant
23 should be filling out the Form 700, which is what the FPPC
24 requires from all of us, planning commissioners, city
25 council members, whatever, in order to establish that

1 there aren't conflicts of interest.

2 And on the issue of publicizing the names in the
3 applicant pool, I really think this process needs to be
4 very clear and open and transparent and that the names
5 should be public and publicized. At the same time, I
6 think there needs to be some kind of prohibition on
7 contact between the applicants and anyone in the
8 legislative process, because otherwise, before you even
9 get to some kind of system there, you know, you could have
10 private deals made.

11 One of the things about that is that because the
12 legislative leaders can strike people from each one of the
13 pools, they would need to have a basis for doing that, and
14 I think the best basis for doing that is some kind of
15 interview process that is a public process so that
16 everyone sees the questions that the legislators ask of
17 the applicants and that everyone sees the answers that the
18 applicants give.

19 You talked about the random selection or asked
20 about the random selection of eight members, and I'm not
21 sure what kind of input you wanted on that. It seems to
22 me that drawing names from the hat is the easiest and most
23 public way to do it. You don't want to have some computer
24 pick them, because too easy to play with.

25 But I do think that when the eight selected

1 members, randomly-selected members look at appointing the
2 other six, they need to ensure that with those additional
3 picks, they try to create some kind of balance by region
4 in the state. And I agree with the gentleman who talked
5 about geographical diversity and by ethnicity and by sex.
6 You know, Abigail Adams said, "Please don't forget the
7 ladies." And even though we are 52 percent of the
8 population, somehow it's a big deal if we even get to be a
9 third of the legislature. So I'd just like to point out
10 that that might be one of the -- one of the things that
11 you could look for in terms of balance.

12 And thank you very much for having us here today.

13 PANEL CHAIR REILLY: Thank you for your comments.

14 MS. HLAVA: Do you have any questions?

15 PANEL CHAIR REILLY: No. Thank you for the
16 detail.

17 MS. HLAVA: Thanks.

18 PANEL CHAIR REILLY: Is there anyone else in the
19 second row who would like to comment?

20 MS. KOPELL: Good morning. I'm Malka Kopell,
21 M-a-l-k-a K-o-p-e-l-l from California Forward. And
22 California Forward is a bipartisan public interest
23 government reform effort. Thank you for allowing us the
24 opportunity to provide input to you. I have written
25 comments, and I can leave them here or email them.

1 As you know, California Forward was a strong
2 supporter of Prop 11. Being so, we understand that its
3 passage marks only the beginning of the significant work
4 to be done to ensure that this reform is a success. The
5 appropriate fair and thorough implementation of Prop 11 is
6 of paramount importance; in other words, as I'm sure
7 you'll agree, this needs to be done right. Therefore, we
8 at California Forward have charged ourselves with
9 monitoring the implementation process for Prop 11 very
10 carefully and are pledging to you that we will support the
11 process in any way we can.

12 I want to begin by thanking you for holding these
13 hearings. Starting with listening hearings is a welcome
14 signal about how you intend to carry out this important
15 job. Maintaining and even increasing your outreach
16 inclusiveness as you go forward will also be greatly
17 valued.

18 We want to echo the comments you've heard in
19 previous hearings about making future meetings more
20 accessible to the public, including holding meetings on
21 weekends and meetings, publishing transcripts of the
22 meetings in a timely way, and considering additional ways
23 of holding them, including broadcasting them on the web,
24 videotaping them for later viewing, and are providing
25 online ways to comment.

1 We're very pleased with the interest the public
2 is showing in the redistricting commission process and
3 have been approached by many, many individuals who have
4 asked us how to get involved. We're also impressed with
5 the level of the thoughtfulness of the comments we've
6 heard up and down the state and the commitment people have
7 shown by missing work and in some cases traveling many
8 miles to participate. I'm sure you're impressed as well.

9 Now to speak directly to your questions about the
10 application selection process for the citizens
11 redistricting commission, we've heard a lot of comments to
12 date, the bulk of which we see as centering around two
13 main points.

14 First, people want a selection process they can
15 trust. That means that the word needs to get out far and
16 wide to give interested people the opportunity to apply
17 for the commission and that the selection process itself
18 should be as transparent as you can make it.

19 Second, people want a commission that they can
20 trust and that they feel represents them. That means that
21 it needs to reflect the diversity of the people it
22 represents, not only in the overall group of applicants,
23 not only in the final pool of 60 selected by the Applicant
24 Review Panel, but in the final 14 members.

25 Throughout the course of these hearings we've

1 heard a lot of good ideas about how to accomplish these
2 two things included in the comments of California Common
3 Cause, the League of Women Voters, AARP, the National
4 Association of Latino Elected Officials, the Asian Pacific
5 American Legal Center, the Center for Governmental
6 Studies, the California Voter Foundation, experts in
7 outreach, those who have had experience with other
8 redistricting commissions, and members of the public.

9 Here are some of those ideas: First, do broad
10 and deep outreach to potential applicants. Have outreach
11 materials outline the importance of the redistricting
12 process, how the selection process will work, desired
13 qualifications of commissioners, and conflict of interest
14 provisions. Use a variety of communication methods to get
15 the word out, including an interactive website, mailers,
16 and print and electronic medium, including ethnic medium.
17 Make an extra effort to ensure the outreach gets to
18 hard-to-reach populations that are traditionally
19 underrepresented in the election process. Enlist other
20 statewide organizations, for example, AARP, the League of
21 California Cities, and community-based nonprofits, civic,
22 and business organizations as partners in outreach.

23 Second, make it easy for applicants to apply.
24 Make the application as simple as possible. Set up a
25 hotline to answer questions regarding application criteria

1 and process. Hold workshops or trainings in communities
2 to inform and support potential applicants about the
3 application process. As with the outreach, enlist partner
4 organizations in this phase as well. If you do
5 interviews, hold them in various parts of the state, as
6 has been said, to reduce travel and financial barriers
7 that may be encountered by applicants.

8 Third, strive to ensure that the final selected
9 members represent the diversity of California. Instruct
10 the Applicant Review Panel to ensure diversity in each of
11 the three final applicant subpools of 20. Recommend a
12 decision-making process for how the first eight
13 randomly-chosen commissioners select the final six that
14 will provide the best opportunity for diversity. You may
15 want to study in advance the varying effect of different
16 decision-making processes, for example, voting on a slate
17 of candidates versus considering them one by one.

18 Fourth, make the selection process transparent.
19 Provide applicants who were rejected, because they do not
20 meet the conflict of interest provisions, the reason for
21 their rejection. Consider making the deliberations of the
22 Applicant Review Panel as public as possible, including
23 having the meetings be public and subject to the open
24 meeting requirements of the Bagley-Keene Act. Consider
25 putting the meetings on the internet.

1 And finally, while prohibiting ex parte
2 communication with members of the Applicant Review Panel,
3 consider allowing members of the public to submit public
4 comment to the Applicant Review Panel in person, in
5 writing, by calling in, and/or electronically.

6 These are some of the many useful ideas we heard
7 in your hearings, and we strongly encourage you to
8 consider them and others that help carry out the spirit of
9 Prop 11 and maximize the effectiveness of the citizens
10 redistricting commission.

11 Finally, we know you have a huge task before you.
12 California Forward wants to offer our help and support to
13 help you research questions you might be struggling with
14 as you prepare your regulations and to help you reach out
15 to potential applicants around the state and support them
16 in the application process. And we aren't the only ones
17 who can help. Many of the organizations and individuals
18 that have come before you over the past few weeks are
19 equally dedicated to the success of this reform and stand
20 ready to help you make this process work.

21 We urge you to think of all of us as your
22 partners in this effort and to call on any of us to
23 support you as you move forward.

24 Thank you.

25 PANEL CHAIR REILLY: Thank you.

1 Is there anyone else in the second row that would
2 like to make comments?

3 How about the third row?

4 MS. HUTCHISON: I'm Helen Hutchison,
5 H-u-t-c-h-i-s-o-n, and I'm president of the League of
6 Women Voters of Oakland. One of the jobs in the league
7 that I particularly love is speaking about ballot
8 measures, and one of my favorite presentations is at a
9 high school in central Oakland.

10 For the past several years I have been working
11 with a teacher at Mandela High School, one of the small,
12 autonomous schools that share the Fremont High School
13 campus and the Fruitvale District of central Oakland. I
14 just want to make this clear, that this is a public high
15 school and it's part of the Oakland Unified School
16 District. The students there are mostly first-generation
17 Californians, and many of them are English learners from a
18 wide variety of backgrounds.

19 The presentation that I do with the students
20 there is what we in the league call an advocacy
21 presentation. This means that I present the full neutral
22 background information about ballot measures, but I'm also
23 free to talk about what the league's position is on ballot
24 measures. We found over the years that this makes for the
25 most interesting debate in the classroom.

1 So why am I telling you about all of this? Well,
2 last November when the teacher, Patricia Arabia, and I
3 talked about what ballot measures we were going to talk
4 about before the election, the first one that I suggested
5 was Prop 11. She thought this might be a reach for her
6 students to relate to.

7 In general, we choose the measures, the ones that
8 are getting the most publicity or the ones that are of
9 particular interest to high school students. But because
10 I was so passionate about this measure, she agreed to add
11 it to our list.

12 When I got to her classroom, Ms. Arabia had done
13 her normal great preparation with the students. The
14 students understood the basics of redistricting. She'd
15 also talked with them about some of the basic issues and
16 who was for and against this measure.

17 So I started into my presentation and how the
18 measure would work and the pros and the cons. And then we
19 talked about why they should care about redistricting and
20 how it would affect them. And in every class the students
21 got it. They understood why redistricting mattered to
22 them at their school and in their lives in central
23 Oakland. They asked me a lot of very hard questions,
24 particularly about how people of color and working people
25 would be represented on the commission. I reassured them

1 that you were going to be doing wide outreach to all of
2 California and that they would be represented on the
3 commission.

4 And in every class, by the end of the period
5 there was at least one student who wanted to apply for the
6 commission. I couldn't bring myself to tell them that
7 they, as newly-registered voters, weren't going to be
8 eligible.

9 What I learned here was that once you really have
10 someone's attention, it doesn't take much to convince them
11 that redistricting does really matter to them. It didn't
12 even take me a full 40-minute class period. We covered at
13 least one other proposition in every class and sometimes
14 we got to two. What you need to do is figure out how to
15 find that audience and get their attention.

16 Thank you.

17 PANEL CHAIR REILLY: Thank you.

18 Is there anyone else in the third row who would
19 like to comment?

20 MR. TAYLOR: Hello. My name is John Taylor,
21 T-a-y-l-o-r. And I'd like to thank the Auditor's office
22 for the opportunity to provide input at this point; and
23 indeed, the fact that you're having these meetings up and
24 down the state, I think is a very encouraging sign, and I
25 hope you continue to keep the process very open and

1 professional.

2 I'm one of those people who is considering
3 applying for the commission, so I'm going to limit my
4 remarks to your first point, that is, how that process
5 should work.

6 I suspect there are a lot of us in the state who
7 are considering applying for the commission, and we're
8 going to have to make judgments about whether this is
9 something we're willing to do; and then, of course, the
10 process will determine whether we're capable of doing it.
11 But that first portion, are we willing to do it or not, I
12 believe can be substantially improved and your applicant
13 pool can be much better if you provide us a really good
14 explanation of what the job would be, and not only what
15 the job would be after you're selected, but also what the
16 selection process would look like. So that if you are
17 selected to the commission, you don't end up resigning.
18 And I'm echoing the first speaker's comments. The last
19 thing you want to do is get somebody selected into the
20 commission and then have them resign the next week when
21 they discover that it's a lot more work than they
22 expected.

23 So included in that job description, I think
24 key -- the key element of that is how much time is it
25 going to require and how much time in the first --

1 whatever time period, the first few months when the thing
2 is getting up and operating and the next year and whatnot.

3 Those of us who are still working -- and I'm a
4 consultant, so I suspect my income would suffer if I were
5 appointed to the commission. And so I need to make a
6 trade off, can I afford to do this? So one of the things
7 that the job description I would hope would contain is
8 some indication of what the remuneration would look like.

9 Another aspect of that job description I would
10 think would be what is the support staff, support,
11 professional support going to look like and how much would
12 the commission members be doing versus the support staff;
13 and that obviously relates to how much time would be
14 required on the part of the commission members, where
15 meetings would be held, how many meetings would be held.
16 Are they a one-day meeting and then two weeks later
17 another one-day meeting? Or are they three-day meetings
18 and then you don't meet for a month? Any of that kind of
19 thing that can help applicants better judge how their
20 serving on the commission would fit with the other parts
21 of their life would make it easier for them to judge
22 whether or not it's a process that they could contribute
23 to.

24 Thank you very much.

25 PANEL CHAIR REILLY: Thank you.

1 Is there anybody else in the third row who would
2 like to comment?

3 How about the fourth row? Thank you.

4 MS. GALLEGOS: Good morning. My name is Joan
5 Gallegos, G-a- double L -e-g-o-s. And I'll be very, very
6 brief.

7 One of the things I'm concerned about is that you
8 really do have some kind of geographical diversity on this
9 commission. I spent ten years as a board member of the
10 California Special Districts Association, and one thing I
11 know from that experience is that there are difficulties
12 for people in the northern part of the state getting their
13 voices heard on statewide issues.

14 The other -- the lady from the league brought up
15 a very interesting issue, and I don't know how you can do
16 it, but if you can find some way to harness the energy of
17 the young voters that was created by the last election, I
18 think it really would serve the process well.

19 Thank you.

20 PANEL CHAIR REILLY: Thank you.

21 Is there anybody else in the fourth row who would
22 like to comment? Yes.

23 MR. WILLIAMS: Good morning. My name is David
24 Williams, and I'm from Livermore. Way back in '86, I ran
25 for Congress in the old 9th Congressional District, which

1 was gerrymandered; 62 percent democrat, 29 percent
2 republican. Of course I lost. And I sort of got
3 acquainted with the redistricting through some hands-on
4 experience. I've followed it ever since.

5 And I'm convinced now that one of the reasons
6 that we have all the problems not only in Washington but
7 in Sacramento is that we have a bunch of safe seats where
8 the democrats and the republicans get together and in
9 collusion they give one district to one party and another
10 district to the other party, and this just paves the way
11 for the special interests, and we get lousy government.

12 We're running up a tremendous deficit that we're
13 going to pass on to our children and grandchildren. And
14 you can go down the line. Health care, we pay twice as
15 much, but we die sooner, and the infant mortality is
16 higher. On and on and on.

17 So I think we have a great American system of
18 checks and balances between the states, between the
19 different branches of the federal government and so forth,
20 and if we don't sabotage it, it's done wonders for us, and
21 it can do more. We need competitive districts. And what
22 I'm hearing today, unfortunately, on picking a commission
23 is going to perpetuate the problem.

24 So I've attended the state meetings on
25 redistricting after the ten-year census; and all the

1 federal government tells you to do is that you have to
2 have an equal number of people in the different districts,
3 which is quite correct, and that they should be
4 contiguous, and not in two parts, some almost are. But
5 then you get into the business of, oh, we want to follow
6 the rivers, we want to follow the township lines, we want
7 to have a district for every ethnic minority in the state.
8 Well, I think the ethnic thing we can sort of put behind
9 us. We now have a black man who is President of the
10 United States; that's it, we're all Americans.

11 But if you start trying to make your
12 commission -- well, probably a good way to do it would be
13 to really go out and try to get as many people in the
14 state to apply as possible. Then you'd have to have a
15 series of lotteries to get your geographical selection and
16 to get your ethnic selection and then your gender
17 selection and then so forth and so on.

18 But maybe the way to do it is just to get as many
19 people as possible to apply for the job. Certainly, as
20 one speaker said, tell them exactly what's involved
21 beforehand. And I think you should definitely make very
22 good computer Silicon Valley resources to these people,
23 because basically it's a job of math; that you have a
24 state -- and we're not going to get equal competitive
25 districts throughout the state. The fact of the matter is

1 there's more democrats than there is republicans; and so
2 therefore, when we take the 120 Assembly and state Senate,
3 unfortunately it doesn't include Congressional districts,
4 right now we have out of 120 only about a handful that are
5 competitive. We could have at least 110, but we're not
6 going to get 120, because there's more democrats than
7 republicans. Then you also have places like here in
8 San Francisco where you have a preponderance of one
9 political party over the other, or in the northeast part
10 of the state where it's mostly republicans.

11 So you're not going to get perfection with the
12 enemy -- how's that old saying go, that the enemy of the
13 good shall not be perfection, or something like that --
14 but in any case, get as many people to apply as possible,
15 then have some random things. But if you're going to go
16 for other objectives, other than competitiveness, I've
17 seen it in the past, you're just going to spin your
18 wheels, and we're going to end up with the same thing.

19 Meanwhile, the state legislature will be doing
20 the old fashioned gerrymandering of the Congressional
21 districts, so that won't help us. There are a few states
22 in this country where they don't let the legislature pick
23 their own seats, their own voters to speak of, and we'll
24 have to emulate them someday, but right now a good start
25 is in the State of California, so that we get competitive

1 districts, we'll get a heck of a lot better government.

2 When you go to these states that do not allow the
3 legislators who pick their own voters, you get a lot less
4 expensive and a lot more effective government, one that
5 has better schools. So let's remember that California
6 ranks 47th in the whole country in the quality of our
7 schools. When they have high-paying jobs in Silicon
8 Valley, very often they have nobody to hire here; which
9 they're not educated enough, they have to go abroad and
10 recruit somebody and bring them in with a special visa
11 permit.

12 So it's a big challenge. And I hope they get as
13 many people to apply -- you're going to have to do an
14 education job, because a lot of times when you talk to
15 people about redistricting and gerrymandering, their eyes
16 just glaze over. But you can use graphics, and you can
17 use things. And try to connect to why it is so important,
18 why it is such a vital part of our government and that
19 they should care.

20 I think now that we have a recession and people
21 are hurting, people are going to get a lot more interested
22 than they have been, at least some of them, and that's a
23 very good thing; but you have to educate them as to what's
24 all involved and get as many in as possible, and then have
25 some fair member.

1 And then you're going to have this check thing
2 where the various members of the legislature are going to
3 have some veto power over the commissioners. That's not a
4 particularly good idea because we're going to end up then
5 probably with a group of democrats that are partisan, and
6 just our team and the heck with the competitive elections;
7 and then you're going to get a group of republicans, the
8 same thing, exactly the same way. But fortunately you
9 will have some independents, and that may be the saving
10 grace. Good luck with it.

11 PANEL CHAIR REILLY: Can I ask you to spell your
12 name for the record.

13 MR. WILLIAMS: Oh, yeah. My name is David
14 Williams, and that's D-a-v-i-d W-i-l-l-i-a-m-s.

15 PANEL CHAIR REILLY: Thank you.

16 MR. WILLIAMS: Surely.

17 MS. CHU: Hi. My name is Kristin Chu, C-h-u,
18 from the League of Women Voters of San Francisco. This is
19 exciting to be here. This process is very exciting.

20 Prop 11 created an opportunity for California
21 that is great, and the task in front of you is massive. I
22 urge you to seek as much diversity as possible. We live
23 in a beautiful state, very, very diverse state, and I urge
24 you to respect that and make sure that it's a part of this
25 organization.

1 Thank you.

2 PANEL CHAIR REILLY: Thank you.

3 Is there anyone else in the fourth row who would
4 like to comment?

5 How about the fifth row? Anyone in the fifth
6 row?

7 How about the sixth row?

8 MS. ONG: Hi. My name is Jennifer Ong. Last
9 name is O-n-g. As I'm listening here -- I'm sorry, I came
10 in a little bit late. I know we're addressing racial and
11 gender diversity, but I had an experience as a trustee for
12 our California Optometric Association where we were
13 interviewing candidates. And that day we interviewed 12
14 for the state assembly. And there was one that really
15 stood out, one candidate. And we thought, wow, this guy
16 is great. And we asked our lobbyists and the people that
17 had a lot of experience in politics; and they said, he's
18 never going to win. And we said, why? And they said, he
19 doesn't have the money. He's in a district that has
20 extremely diverse socioeconomic diversity.

21 And so that's what I would want to bring up, is
22 considering a situation like that. He was in a district
23 where there was one area that was completely going to have
24 a lot of backers with a lot of money, and that city that
25 really needed his help, would never have that, they

1 couldn't even match anything close to it. So I hope the
2 commission will keep that in mind.

3 PANEL CHAIR REILLY: Thank you.

4 I think we're on the fifth row still.

5 Sixth row?

6 MR. JORGENSEN: Hello. My name is Alan, A-l-a-n,
7 Jorgensen, J-o-r-g-e-n-s-e-n. I've heard some very good
8 comments, and I would like to add my comments to those.

9 Of course we are in a very diverse state, and
10 that individuals who apply as part of the panel have some
11 knowledge of that diversity, not only with people but the
12 geography of California; that there be rural
13 representation in some form; that up front the applicants
14 know the effort, the skills, and the commitment that will
15 be required as a member of the 60; and then of course the
16 final panel of 14, that those selected through the
17 interview process, that there be some consideration to
18 their ability to collaborate and compromise with one
19 another; and potentially the training for those
20 individuals or some support for those individuals to get
21 in that direction.

22 That prior to selection, at this time, that there
23 be consideration for how a member -- if it should happen
24 to get to this point, and we would of course hope not, be
25 excused from service by maybe other members of the panel,

1 an individual, I think we've experienced at times, can
2 certainly hold up the progress and the work of a panel;
3 and that there also be consideration for alternates or
4 some form of replacement, even prior to the selection. I
5 don't know if you want to call them alternates, but some
6 form so that the process is not slowed and continues on.

7 Thank you.

8 PANEL CHAIR REILLY: Thank you.

9 Is there anyone else in the sixth row who would
10 like to comment?

11 How about the seventh row?

12 Is there anybody else in the room who would like
13 to comment?

14 MR. WALLACE: Good morning. Thank you for the
15 opportunity to speak here. My name is John Wallace. Do
16 you need my address or --

17 PANEL CHAIR REILLY: No.

18 MR. WALLACE: No, okay. I came in a little bit
19 late, so I may have missed something.

20 PANEL CHAIR REILLY: If you could spell your name
21 for the record.

22 MR. WALLACE: W-a-l-l-a-c-e.

23 And I've heard a lot about how these -- it should
24 be selected. A lot of people brought up the diversity;
25 but I just did want to read the one part of the proposed

1 initiative itself. That these subpools shall be created
2 on the basis of, one, relevant analytical skills; two,
3 ability to be impartial; and three, appreciation for the
4 California diverse demographic and geography.

5 Thank you.

6 PANEL CHAIR REILLY: Is there anybody else who
7 would like to comment?

8 Okay. We're going to hold the microphone open
9 till 12:00 just in case anybody else comes; but since
10 nobody else in this room wants to comment at this time, I
11 think we can feel free to adjourn at least this group.

12 Thank you.

13 (Recess.)

14 MR. ANDA: Last name is Anda, A-n-d-a. I just
15 want to address a couple of points.

16 Number one, with regard to the Applicant Review
17 Panel, which I understand the Bureau will be awarding
18 three positions, which is bipartisan; one would be
19 democratic, republican, and one independent. Just wanted
20 to know if -- the question of what if they have conflicts
21 of interest? We understand that the commissioners, there
22 are guidelines for their conflicts, such as they've
23 donated \$2,000 to political parties, they've changed their
24 party registration, which is something I've done in the
25 past ten years. You know, commissioners have conflicts of

1 interest, but what of the Applicant Review Panel, which
2 is, my understanding, would be very critical, because if
3 you have to go from 20,000 to 60, what if there's a
4 conflict of interest?

5 PANEL CHAIR REILLY: Right. And I believe those
6 same standards apply to the Applicant Review Panel.

7 MR. ANDA: But I didn't see that in the actual
8 language of the text, so just --

9 PANEL MEMBER RUSSO: It is there. You just have
10 to look pretty closely for it. It's just one sentence
11 that's kind of --

12 MR. ANDA: It's like some obscure --

13 PANEL MEMBER RUSSO: It's in a different place
14 than the other discussion about the Applicant Review
15 Panel.

16 MR. ANDA: Okay. And then the other question --
17 well, that was actually regarding the conflict of
18 interest.

19 The other question would be, it's my
20 understanding that the Bureau is actually under the
21 auspices of the Governor's office now, as of about ten
22 years ago, there was a restructuring?

23 PANEL CHAIR REILLY: The Bureau has always been
24 independent. We need to be independent in order to do the
25 kind of work we do. So prior to 1992 we were under the

1 legislature, now we're --

2 MR. ANDA: And then you switched --

3 PANEL CHAIR REILLY: -- now we're a
4 quasi-executive branch agency that's independent from the
5 Governor.

6 MR. ANDA: Okay. I just wanted to get to that
7 point actually, because at some point I'm wondering if the
8 Bureau will be able to interject when the Applicant Review
9 Panel is actually selecting -- will the Bureau actually
10 interject whenever the Applicant Review Panel is actually
11 making any decisions from, say, these thousands of people
12 who are applying to cut it down to 60? Will the Bureau
13 have any authority whatsoever?

14 PANEL CHAIR REILLY: And that's actually the
15 purpose of these meetings, is to get questions out like
16 that so we can consider them as we're drafting our
17 regulations.

18 MR. ANDA: Because, again, it's -- you know,
19 there might be a conflict if the Bureau, who is, in my
20 understanding, still technically under the Governor's
21 control.

22 PANEL CHAIR REILLY: No. It's really clear in
23 our statutes that we're free from executive branch
24 control.

25 MR. ANDA: I just looked it up last night; and

1 again, I'm just looking at conflicts, because at some
2 point this is the whole reason why this is occurring.

3 And then just something that I wanted to make
4 sure to address, which is -- one of the previous speakers
5 actually addressed -- was that the issue of economic and
6 voter equity.

7 I know from being raised in Los Angeles but also
8 living in various parts of the state, the voters who have
9 low voter turnout are sometimes put together in a district
10 with voters with high voter turnout. And when you look at
11 the economics of all this -- because I have a background
12 in economics -- there's a correlation between economic
13 inequality and voter apathy. So that's something to
14 consider. Because when you look at, say, for example --
15 and I know this is part of the guidelines from Prop 11 --
16 when you look at the issue of diversity in the commission,
17 but also considering the Federal Voting Rights Act, you
18 know, there's an issue of not really spelling out economic
19 inequality as well, as far as I've read in the Federal
20 Voting Rights Act. So that for me is an issue to be
21 considered.

22 PANEL CHAIR REILLY: Okay.

23 MR. ANDA: And then just the overall issue of,
24 you know, what if the panel or the commission is selected,
25 but yet people in the community still interject to some of

1 the things that they're deciding, they're not actually
2 being elected by people. And so that's an issue for me,
3 because how do I address my concerns whether they're
4 dividing a community of my interest, slashing it in half
5 because it would be more beneficial for other areas. And
6 that goes back to the whole original issue of conflict of
7 interest and how everything is actually addressed.

8 So, is that good? Anything else?

9 PANEL CHAIR REILLY: Do you have any further
10 questions or comments?

11 MR. ANDA: No, just that.

12 PANEL CHAIR REILLY: Okay. Thank you.

13 I think we have another person who would like to
14 comment.

15 Thank you.

16 MR. DUGGAN: My name is Edmund Duggan. I'm an
17 attorney in San Rafael, [REDACTED]
18 [REDACTED] My bar number is 46663.

19 I served as a planning commissioner and elected
20 city attorney in my city. I remain active in San Rafael
21 and serve as a director of the Glenwood Homeowners'
22 Association. I'm married and have five adult children. I
23 live in the 6th Assembly District, presently held by Jared
24 Huffman and State Senator Mr. Leno. As a democrat,
25 Mr. Huffman and Mr. Leno cannot lose an election as the

1 districts are now constituted.

2 The legislature elected very liberal democrats
3 and very conservative republicans. The public is not well
4 served, and the referendum and initiative continued use is
5 a very serious reflection of that fact. Some issues
6 cannot be handled because of the extreme partisan
7 bickering.

8 As to apportioning, each Senate district should
9 be made fair demographically taking into account cities,
10 counties, zip codes, mountains, rivers, highways, and
11 other logical and sensible points of identification. The
12 Senate district should be cut into two Assembly districts
13 with the same criteria. This would make it easier for the
14 voting public to get to know their state legislator, and
15 it is so that any changes will improve the situation.

16 And that's the end of my comments.

17 I would like to have an application, if you can
18 send it to me, to be on the commission, if that's
19 possible.

20 PANEL CHAIR REILLY: Sure. And you can give your
21 information to Barbara, who is over there, and we'll put
22 you on our list.

23 MR. DUGGAN: Thank you very much. I love this
24 process. See those TV cameras over there, about some guy,
25 Bonds? Why isn't this an important issue? It is amazing

1 to me that this is so on the back burner. People don't
2 seem to understand, and we've really got to get some more
3 information out, because this is why the legislature isn't
4 working.

5 Thank you.

6 PANEL CHAIR REILLY: Thank you.

7 Is there anybody else at this time who would like
8 to comment?

9 We'll hold it open until 12:00.

10 (Recess.)

11 MS. HUGHES: I don't know what kind of a
12 statement you want me to --

13 PANEL CHAIR REILLY: If you want to make a
14 statement; you don't have to. We had quite a big group
15 here at 10:00, but nobody else had more comments, so we
16 just went ahead and let them go.

17 MS. HUGHES: Oh.

18 PANEL CHAIR REILLY: So if you have any concerns
19 about the initiative that you would like to state --

20 MS. HUGHES: Well, I was just concerned about the
21 redistricting, because I wanted -- I wanted fairness, I
22 wanted to be sure that, like, all sides were -- could be
23 represented in a fair and equal way. And that's why I'm
24 here.

25 I don't know much about the whole process, but it

1 sounded like something that I could help with, because I
2 have very strong analytical skills and I like problem
3 solving. So I thought maybe I could contribute to this,
4 to this whole process. And I wanted to -- like, to, I
5 guess, make a difference in how things are done in this
6 state because I just -- well, I just wanted to be a part
7 of the whole situation. And I'm not sure of, like, how
8 all of this is done and -- but if I had all of the
9 information available to me, I'm sure that I can help do a
10 good job.

11 PANEL CHAIR REILLY: Okay. And we will be
12 posting information on our website about when there will
13 be other opportunities to comment as we go through the
14 regulatory process; so there will be written regulations
15 that you can look at and consider and give us comments on.

16 Also, if you are interested in serving on the
17 commission itself, you can give your name to Barbara over
18 there, and she will put you on our list of people who are
19 interested in serving on the commission.

20 MS. HUGHES: Oh, I am interested in serving on
21 the commission.

22 PANEL CHAIR REILLY: Okay. And can you state
23 your name and spell it for the record.

24 MS. HUGHES: Oh. I'm Jenny, J-e-n-n-y, Hughes,
25 H-u-g-h-e-s.

1 PANEL CHAIR REILLY: Okay. Great. So if you can
2 give your name and address to -- your contact information
3 to Barbara so she'll get you on our list.

4 MS. HUGHES: Okay. Fine. Thank you very much.
5 Was this just for comments?

6 PANEL CHAIR REILLY: Yeah. Today is just for
7 comments on what the process should look like --

8 MS. HUGHES: Oh, what the process should look
9 like.

10 PANEL CHAIR REILLY: -- on selecting the
11 redistricting commission members.

12 The role of the State Auditor is limited to
13 forming the redistricting commission itself. We don't
14 really have a role -- once the commission is formed, our
15 role is much more limited. So what we were trying to do
16 today is get comments from people who have looked through
17 the initiative and had concerns or suggestions about how
18 we can best accomplish our task under the initiative. And
19 we also are taking written comments. So if you go through
20 the initiative and you have suggestions about how we can
21 best implement it, you can send them to our office as
22 well.

23 MS. HUGHES: I'm pretty good at organizing
24 things. I've done that in several different areas in my
25 lifetime. So I don't know, you know, how these things

1 happen in the state, so I'm kind of like feeling my way
2 around; but once I know what's going on, then I have good
3 ideas too.

4 PANEL CHAIR REILLY: And we will be posting more
5 and more information on our website. And if you can get
6 on our email list, we can send you email updates about
7 what's going on.

8 MS. HUGHES: Okay. Fine. Thank you. And your
9 name is?

10 PANEL CHAIR REILLY: I'm Sharon Reilly.

11 MS. HUGHES: Sharon Reilly.

12 PANEL CHAIR REILLY: I'm chief counsel to the
13 State Auditor.

14 And this is Steven Russo. He's an attorney in
15 our office.

16 PANEL MEMBER FERNANDEZ: I'm Margarita Fernandez.

17 MS. HUGHES: Pardon me?

18 PANEL MEMBER FERNANDEZ: Margarita Fernandez,
19 chief of public affairs.

20 MS. HUGHES: Nice to meet you.

21 PANEL CHAIR REILLY: Nice to meet you, too.

22 MS. HUGHES: Thank you very much.

23 PANEL CHAIR REILLY: Thank you.

24 Seeing that there are no further comments, this
25 meeting is adjourned.

1 (Thereupon, the February 27, 2009,
2 California Bureau of State Audits
3 Public Hearing was adjourned at 11:45 a.m.)

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CERTIFICATE OF REPORTER

I, DEBORAH BAKER, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing Bureau of State Auditors Public Meeting; that thereafter the recording was transcribed.

I further certify that I am not counsel or attorney for any of the parties to said Public Meeting, or in any way interested in the outcome of said Public Meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of March, 2009.



DEBORAH BAKER