

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)

COPY

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MONDAY, FEBRUARY 23, 2009
11:00 A.M.

A P P E A R A N C E SFOR 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

Chris Carson, League of Women Voters of California

Bob Stern, Center for Governmental Studies

Sarah Pillsbury, Voter Engagement Network

Arturo Vargas, NALEO Education Fund

Tom Bates

Maria Camacho, Consensus Planning Group

Richard Fawcett

Eugene Lee, Asian Pacific American Legal Center

Genevieve Clavreul

Amanda Rigby

Dean Smith

Carrie Ann Ferrel-Hines

Bertie Wood, League of Women Voters of Torrance

Lola Unger, League of Women Voters of Los Angeles County

Grace Yoo, Korean American Coalition

Eric Green, ACLU of Southern California

Israel Foyer

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- Amanda Fowler, New American Foundation
- Mary Garcia
- Charlie Woo
- Angie Reyes-English
- Mike O'Gara
- Douglas Johnson, Rose Institute of State Local Government
- Karen Robinson-Stark
- Vincent Jones, California Common Cause
- Selena Lu
- Jim Wright

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P R O C E E D I N G S

1
2 PANEL CHAIR REILLY: -- approve this new law in
3 November of 2008. At this time I would like to introduce
4 myself and the rest of the panel. I'm Sharon Reilly, and
5 I'm Chief Counsel to the State Auditor.

6 PANEL MEMBER FERNANDEZ: I'm Margarita Fernandez.
7 I'm Chief of Public Affairs for the California State
8 Auditor's Office.

9 PANEL MEMBER RUSSO: And I'm Stephen Russo, and
10 I'm an attorney with the Bureau.

11 PANEL CHAIR REILLY: And also, in the back we
12 have Barbara Paget, who is helping us with handing out
13 information about the Voters First Act.

14 As stated in the meeting notice, the purpose of
15 this meeting is to solicit comments regarding the
16 processes that should be established for individuals to
17 apply to become members of the citizens redistricting
18 commission and for the selection of the Applicant Review
19 Panel. That panel is going to assess the applicants and
20 create an applicant pool of 60 qualified members. The
21 comments received at this meeting may be considered as the
22 State Auditor develops and establishes processes that are
23 necessary to implement the Act.

24 At this point we're not here to provide
25 information; we're here to gather information from the

1 public and hear your thoughts on how the Act should be
2 implemented. We are also not here to engage in debate of
3 law or discuss the merits of the Act; just we're just here
4 to hear your feedback on how we can best implement it.

5 We may occasionally ask follow-up questions or
6 ask you to clarify your comments so that we may fully
7 understand them. Again, our purpose today is that we
8 really want to listen and understand what your concerns
9 are or suggestions for how who best implement the Act.

10 I want to comment on something that's come up at
11 prior meetings on the subject of outreach. These are just
12 our initial efforts to gather information about how to
13 implement the Act, it also serves as a method of educating
14 the public about the Voters First Act; but we do intend to
15 do more extensive outreach so that voters are aware of the
16 opportunity to apply to the commission. So that's
17 something that we're working on and planning as we speak.

18 Once you've provided your comments, if you have
19 other places to go, don't feel like you have to stay here.
20 We'll actually have the transcripts of this meeting on our
21 website within a couple weeks of this meeting.

22 We intend -- we can stay until five o'clock
23 today, but if the comments end earlier, then we'll likely
24 adjourn earlier.

25 And written comments may be sent to our address

1 on our handout that Barbara has back there or via email.
2 If you have any written comments that you would like to
3 submit today, please give them to Barbara in the back.

4 As I already said, this meeting is being
5 recorded, and I believe that Common Cause is also
6 videotaping it and will be making it available on their
7 website.

8 Before beginning your comments, we ask that you
9 state your name for the record. And also, if you would
10 like to be added to our list of interested persons for any
11 future mailings regarding the State Auditor's
12 implementation of the Voters First Act, you may sign up
13 with Barbara in the back of the auditorium before you
14 leave today; however, we just want to let you know that
15 that's purely voluntary and is in no way a condition to
16 addressing the panel today.

17 Oh, and one more thing. The microphone for
18 public comment is here, but we also have a portable
19 microphone if it's difficult or you don't want to go
20 provide comments there.

21 So I think what we've been doing at these
22 meetings is just kind of going row by row and letting
23 people come up and give us their thoughts.

24 So why don't we start with the first row here.
25 Does anybody have comments?

1 MS. CARSON: Good morning. I'm Chris Carson.
2 I'm a member of the board of directors of the League of
3 Women Voters of California. And I would like to thank the
4 State Auditor's office for holding this public hearing
5 today.

6 The League of Women Voters was a major sponsor of
7 Proposition 11, which establishes an independent
8 redistricting commission so that voters would be able to
9 select their elected representatives and not be selected
10 by them.

11 One of our goals throughout the long history for
12 the support of an independent commission was to create a
13 process that would result in a commission that looks like
14 California, a commission that truly represents the vast
15 diversity of peoples, regions, and talent that make up our
16 state. In order to do that, the State Auditor, which has
17 been charged with creating and administering the
18 application selection process, needs to do the widest
19 possible outreach to communities throughout the state.
20 There are many ways in which this may be done, and I would
21 like to comment on just one.

22 If the process is to be really open and
23 transparent, public hearings that allow all citizens the
24 opportunity to attend need to take place at times when
25 they can attend. While the League understands that the

1 State Auditor needed to begin the process quickly, we are
2 concerned that holding hearings only during the day and
3 during the week shuts out millions of working
4 Californians. Only a select group of people have the
5 ability or leisure to participate at the times these first
6 hearings are being held. Future public hearings should be
7 timed in the evening and on the weekend so that all
8 interested citizens may attend.

9 It is absolutely essential that Californians see
10 that the process is open to everyone, and holding meetings
11 at times and days convenient to the most citizens will
12 make that clear in the most concrete terms.

13 Thank you.

14 PANEL CHAIR REILLY: Thank you.

15 Is there somebody else in the first row who would
16 like to speak?

17 MR. STERN: Good morning. I'm Bob Stern. I'm
18 president of the Center for Governmental Studies here in
19 Los Angeles. We're a nonprofit non-partisan organization
20 that has studied the governmental process for the past 25
21 years, including campaign financing, term limits, the
22 initiative process, and, most relevant to you,
23 redistricting.

24 We have published a number of studies on
25 redistricting, including, "Drawing Lines: A Public

1 Interest Guide to Real Redistricting Reform," "Redrawing
2 Lines: A Public Interest Analysis of California's 2006
3 Redistricting Proposals," and "Redistricting Reform in
4 California," which was a study of Proposition 11 on the
5 November 2008 ballot. We also provided input into the
6 drafting of Prop 11, the successful measure that we're now
7 discussing.

8 My background includes the following: I was --
9 before joining the Center for Governmental Studies, I was
10 a committee consultant to the Assembly Elections and
11 Reapportionment Committee in 1971 when the legislature
12 tried to draw a redistricting plan. In fact, I sat in on
13 the meetings. While I wasn't involved in drawing the
14 lines, I sat in on the meetings hearing from the
15 legislators pleading for districts that omitted their
16 opponents, that included heavy contributors, and possibly
17 universities. So their main concern was very, very --
18 very, very simple, a help them out.

19 In 1972 I became elections counsel to California
20 Secretary of State's Office, and then became the first
21 general counsel of the California Fair Political Practices
22 Commission where I worked until 1983.

23 I really appreciate the fact that you're holding
24 these meetings throughout the state. You've made an
25 excellent start in implementing the measure. I have a

1 number of suggestions for you, but they only relate to
2 your role and the role of the Applicant Review Panel and
3 not the process itself that the commission must undertake
4 when it starts to redraw California's lines. I'm sure
5 some of my recommendations may repeat what you've heard,
6 but I have some new ideas.

7 Number one, you have a great opportunity to
8 publicize the appointment process with the May 19th
9 special election. I would urge you to contact the
10 Secretary of State and at the very least ask them to put
11 in an announcement in the statewide ballot pamphlet about
12 the application process. The statewide ballot pamphlet
13 won't be as long this time, but it has -- if you notice,
14 there are white spaces in here, this page, for example;
15 you can put an announcement to contact you regarding the
16 plan. If they have an extra white page -- and they
17 actually have a few pages here of extra pages -- you
18 should also perhaps put in the application itself so that
19 people can -- because these are the people who will be
20 most interested in applying. So think about that.

21 Secondly, there are a number of local elections
22 in November of this year. 60 cities are holding local
23 elections, including Blythe, Duarte, Gilmore, Livermore,
24 Merced, Modesto, Redlands, Riverside, San Bernardino,
25 Santa Barbara, Visalia; and I've only named a few. Now,

1 they all -- you should ask them to insert information
2 about the application process in their sample ballots.
3 Here's one. This is a small one, so the probably
4 application might not fit on this. But here's another
5 one. Santa Monica has a large sample ballot; so you could
6 put it in there. So contact the cities about putting in
7 an application or at least information about applying.
8 The League of California Cities has a list of cities that
9 are holding elections this November, so contact them.

10 These November elections are held right before
11 the January 1st, 2010, date when the application process
12 can be initiated, but the law says that you are to
13 initiate the application process by January 1st, so you
14 can obviously start right away and start implementing it
15 right now.

16 Three, the law does not say whether all aspects
17 of the meetings of the Applicant Review Panel -- that's
18 the three auditors -- are public, including the meeting
19 that decides who will be the 60 people nominated by them.
20 Should the meetings of this Applicant Review Panel be open
21 when they consider the 60 people? On the one hand you
22 want transparency; on the other you may be making some
23 judgments and offering some views that may be somewhat
24 embarrassing to these people being considered.

25 Bottom line, in my view, you should make all the

1 meetings open in order to protect the integrity of the
2 process. You have to err on the side of transparency as
3 opposed to worrying about hurting somebody's feelings.
4 That will be a very interesting meeting, to see how they
5 talk about which 60 they're going to be picking, because
6 they're supposed to pick the 60 based on experience and
7 other factors.

8 Four, you should recommend that all meetings of
9 the Applicant Review Panel should be available on the
10 internet, and modern technology should be used to transmit
11 the hearings in all available materials. Consideration
12 should be given to allow people to call in with testimony,
13 rather than requiring them to go to Sacramento or wherever
14 the meetings are held.

15 And I also hope that your transcripts will not
16 only be transcripts, but I would hope that -- you need to
17 have your website updated quicker. I mean, I went on your
18 website, and it was just a notice of the meetings. And
19 you need to have -- I would have liked to have seen what
20 people said at previous meetings. So you need to put the
21 testimony of people testifying up as soon as possible.

22 Five, the Applicant Review Panel is required to
23 nominate people on the basis of, quote, "relevant
24 analytical skills, ability to be impartial, and
25 appreciation for California's diverse demographics and

1 geography." This language does not say that the nominees
2 have to reflect California's diversity. That's apparently
3 left to the eight randomly-selected commissioners out of
4 the 60 that are nominated who then must select another
5 six.

6 These six that are selected should be chosen to
7 ensure the commission reflects, quote, the state's
8 diversity, including but not limited to racial, ethnic,
9 geographic, and gender diversity. The law also says,
10 however, it is not intended that formulas or specific
11 ratios be applied for this purpose, applicants should be
12 chosen based on relevant analytical skills and ability to
13 be impartial.

14 Despite the language, I think the Applicant
15 Review Panel should do more than just pick people who have
16 an appreciation for California's diverse demographics and
17 geography. I think the Applicant Review Panel can't leave
18 it to the eight to accomplish that task. It needs to
19 ensure that the pool contains enough diversity to make an
20 important start to comply with the language that the
21 commission itself reflect the state's diversity,
22 including, but not limited to racial, ethnic, geographic
23 and gender diversity. More attention should be paid to
24 the diversity of the commissioners than the experience of
25 the commissioners.

1 How California accomplishes its redistricting in
2 2011 will be watched by the rest of the nation. If the
3 process goes well, other states are sure to follow. If
4 2011 is a model redistricting, perhaps California will add
5 Congress to the commission's task for 2021. If the public
6 loses confidence in this commission, this will bode poorly
7 for the commission's -- for the public's confidence in the
8 redistricting for the next decade and will bode poorly for
9 other similar commissions.

10 Your role in the process is critical. I'm
11 confident you will meet the challenges and aspirations set
12 forth by this very important measure.

13 And finally, good luck.

14 PANEL CHAIR REILLY: I just have a couple of --
15 one comment and a couple of questions.

16 Just to let you know, we are in the process of
17 trying to get into the May ballot. There's a pretty tight
18 timeline on it, so I'm not sure that we can be as
19 ambitious as you're suggesting, but at least if we can get
20 the word out, that's our goal.

21 MR. STERN: Great.

22 PANEL CHAIR REILLY: Then the other question I
23 have is relating to diversity and whether you've had any
24 thoughts on whether Proposition 209 would impact our task
25 in forming a diverse commission.

1 MR. STERN: Well, of course, this is a
2 constitutional amendment too, so I think that this is more
3 specific than Proposition 209, and so I think that
4 obviously you're going to have to try to resolve as best
5 you can with Prop 209, but because this is a
6 constitutional amendment, I think that you have a chance
7 of amending or at least not having to worry as much about
8 Prop 209 as perhaps other measures.

9 PANEL CHAIR REILLY: Okay. Thank you.

10 MR. STERN: Sure.

11 PANEL CHAIR REILLY: Is there somebody else in
12 the first row?

13 MS. PILLSBURY: Hello. I'm Sarah Pillsbury. I'm
14 with the nonprofit Voter Engagement Network. This is a
15 national network, which we had our first training in
16 Los Angeles, we are establishing a project in Los Angeles,
17 to reach out to California. We are a non-partisan
18 organization that reaches out to all nonprofits to train
19 them how to reach out to their clients and communities to
20 engage them in all aspects of civic participation, both
21 voting and, now coming up, a campaign called "Nonprofits
22 Count" regarding the census, because for this commission
23 to do its job well, we need to get an accurate census for
24 the State of California.

25 I would just like to add to the comment on

1 transparency that I think that whatever -- I don't know
2 what kind of other publicity you have about these events
3 and -- but I think that there should be a very broad
4 outreach, whatever can be done. The media, unfortunately,
5 does not do the job it should do, but I don't know -- and
6 I don't know what kind of resources you have for public
7 relations, but if you can get on Facebook, if you can get
8 on Twitter, if you can go on all -- any kind of new media
9 to get the word out that people both need to be counted
10 and they need to be engaged in this process.

11 And we have not -- as I said, we have not yet
12 started our project, we are looking forward to doing so,
13 and when we do, we will be in touch with you because I
14 think the nonprofit community is a very, very, broad
15 specter and is a way that we can reach out in an intimate
16 way through the trusted messengers who work at nonprofits,
17 to client communities who should be engaged in this
18 process.

19 Thank you.

20 PANEL CHAIR REILLY: Thank you.

21 Is there anyone else in the first row who would
22 like to comment?

23 MR. VARGAS: Good morning. My name is Arturo
24 Vargas. I'm the executive director of the NALEO
25 Educational Fund. We are a national nonprofit

1 organization whose mission is promote the participation of
2 Latinos in the American political process. We help people
3 become citizens, encourage people to vote, we will have a
4 massive census program to make sure of a full enumeration
5 of all Americans and all Latinos, and we provide training
6 to elected officials so that they can become America's
7 best public servants. We are regularly called upon by the
8 United States Congress, both the House and the Senate, to
9 offer expert testimony on voting rights, on the census,
10 and on election reform.

11 In addition, I directed the 1991 redistricting
12 program for the Mexican-American Legal Defense and
13 Educational Fund. That was a process that resulted in a
14 historic increase of districts for Latinos to elect
15 candidates of their choice. And in 2000- -- 2003 I was a
16 member of the Los Angeles County Redistricting Commission.

17 Joining me here today is Rosalind Gold. She is
18 our senior director of policy research and advocacy, and
19 she is the primary author of my comments, which are a
20 summary of a letter that we have submitted to the State
21 Auditor.

22 What I'd like to do is to highlight our
23 recommendations from this letter; but before doing so, I
24 would like to advise the State Auditor that Proposition 11
25 cannot yet be implemented without it first being

1 precleared by the U.S. Department of Justice since it
2 represents a change in California's election system. So,
3 therefore, we believe these hearings are premature, and we
4 are participating only because we have no assurances that
5 the Bureau of State Audits will provide future
6 opportunities for input.

7 In addition, the NALEO Educational Fund has
8 joined with four other leading civil rights organizations,
9 and we have submitted a letter of objection to the United
10 States Department of Justice requesting that they not
11 preclear Proposition 11 because it will have a
12 retrogressive impact on the ability of California minority
13 voters who are protected by the Voting Rights Act.

14 Thus, while we offer the following
15 recommendations for consideration by the State Auditor, we
16 believe that they can only minimally mitigate the serious
17 and fundamental problems with Proposition 11's selection
18 process and the implementation of these recommendations
19 will not mitigate the retrogressive impact of any of
20 Proposition 11's provisions.

21 So we have the following observations and
22 recommendations: First, the State Auditor should ensure
23 that the commissioner application and selection process is
24 open and transparent. We believe that all stages of the
25 redistricting process should be conducted in an open and

1 transparent manner, including the application and
2 selection process for commissioners. To do so, we
3 recommend two actions.

4 One, the State Auditor should promulgate
5 regulations governing all aspects of the selection process
6 including the process by which members of the Applicant
7 Review Panel are chosen, the procedures for submitting
8 applications for the Applicant Review Panel, and
9 procedures and criteria that the panel uses to select
10 candidates for the applicant subpools, and the procedures
11 and criteria used by the State Auditor to remove
12 candidates from the subpools for conflicts of interest.
13 With respect to the adoption of these regulations, we also
14 note that they would need to be precleared by the
15 Department of Justice as well.

16 Second, in order to enhance the transparency of
17 the application and selection process, we believe that the
18 State Auditor should make the list of all auditors
19 employed by the State of California who meet the
20 definition of, quote, "Qualified independent auditor,"
21 unquote, under Prop 11 and who are thus eligible to serve
22 in the Applicant Review Panel. The Applicant Review Panel
23 should conduct their deliberations on candidates including
24 any votes taken to select candidates in public. We
25 recommend that the State Auditor consider explicitly

1 making meetings of the panel relating to such
2 deliberations subject to the open meeting requirements of
3 the Bagley-Keene Act.

4 In addition, the State Auditor should provide
5 members of the public with an opportunity to comment on
6 the qualifications of candidates. Prop 11 prohibits the
7 Applicant Review Panel from communicating with members of
8 the State Board of Equalization, the State legislature,
9 and members of Congress. We recommend the State Auditor
10 prohibit any ex parte communication between the panel and
11 any members of the public during the same period.

12 Our second recommendation is that the Applicant
13 Review Panel members be provided compensation and express
14 reimbursement. It is a tall order what we're asking of
15 the three members of the Applicant Review Panel to do, and
16 we believe that they should be appropriately compensated
17 so that they are able to fulfill their duties.

18 Third, the State Auditor must pursue strategies
19 to achieve diversity within both the commission, the
20 candidate pool -- the commission candidate pool and the
21 applicant pool. Proposition 11's random selection process
22 for the eight of the fourteen redistricting commissioners
23 will make it extremely difficult for the composition of
24 the commission to fully reflect the geographic, ethnic,
25 racial, gender, and age diversity of California's

1 population.

2 In order to increase the probability that
3 commissioners from diverse communities will be selected,
4 the group of candidates for the applicant pool must be
5 diverse as well. To achieve this, the State Auditor must
6 actively recruit candidates through vigorous and effective
7 outreach strategies.

8 We recommend the State Auditor should work with
9 organizations that serve diverse communities, to conduct
10 other forms of outreach, including workshops and
11 presentations around the state. In addition to working
12 with -- to ensure that the applicant pool is diverse, we
13 also believe that the Applicant Review Panel should work
14 to ensure that the subpools of qualified applicants from
15 which the redistricting commissioners are chosen are also
16 diverse.

17 Fourth, the State Auditor must articulate
18 specific criteria for the creation of the applicant
19 subpools. Under Prop 11, the Applicant Review Panel
20 established by the State Auditor must create three
21 subpools of qualified applicants for the redistricting
22 commissioner positions. As noted above, two of the
23 criteria for determining applicants' applications
24 qualifications are whether they possess relevant and
25 analytical skills and have the ability to be impartial.

1 We urge the State Auditor to articulate in its
2 proposed regulations the specific criteria that will be
3 used to assess whether applicants possess the skills that
4 effective commissioners would need. We believe the
5 criteria should be -- should at least including the
6 following: That is, that these individuals have
7 demonstrated skill or experience with governmental
8 redistricting; demonstrated skill or experience with the
9 analyzing complex geographic, demographic, and political
10 data; demonstrated skill or experience with reviewing and
11 assessing public testimony; demonstrated experience and
12 expertise in the implementation and enforcement of the
13 Voting Rights Act through the applicant's work with or on
14 behalf of any of the groups protected under Sections 4,
15 F4, Section 5, and Section 203 of the Voting Rights Act.

16 Fifth, the State Auditor should ensure that the
17 applicant disqualification provisions do not disqualify
18 individuals unfairly or where there is no meaningful risk
19 of conflicts of interest. The measures sets forth the
20 requirement that redistricting commissioners must have
21 been voted in two -- must have voted in two of the last
22 three statewide general elections immediately preceding
23 their application.

24 We believe that several of the grounds for
25 disqualification in Prop 11, such this is one, are vaguely

1 defined or subject to varying interpretations. Thus, it
2 is important that the State Auditor apply these conflicts
3 of interest requirements in a manner that does not
4 unreasonably disqualify capable candidates from the
5 applicant pool where there is no meaningful risk of
6 conflict of interest.

7 To help ensure that qualified candidates are not
8 disqualified because of factual errors or otherwise
9 erroneous determinations by the State Auditor, the State
10 Auditor shall provide any applicants, disqualified because
11 of concerns about their voting behavior or conflicts of
12 interest, with an explanation of the grounds for
13 disqualification and the information upon which the State
14 Auditor relied to make its determination. The State
15 Auditor should also provide applicants with the
16 opportunity to request a review of their disqualification.

17 Finally, the State Auditor should establish a
18 process that allows disqualified candidates to appeal the
19 disqualification.

20 These recommendations are provided in more detail
21 in the letter that we submitted. We thank you for the
22 opportunity to present these comments.

23 PANEL CHAIR REILLY: Thank you. I just have a
24 couple comments.

25 We are aware of the preclearance process; and

1 that's ongoing right now. But we're kind of on tight
2 timelines, so we really needed to get things up and
3 running at the same time. And we're also aware that we
4 will need to preclear the regulations.

5 And as far as having other opportunities for
6 input, we -- through the regulatory process, there will be
7 more opportunities as we go through it for you to provide
8 feedback.

9 And thank you for your very detailed feedback.

10 PANEL MEMBER RUSSO: Following up on that, I
11 guess I'd like to know what you see the harm being in our
12 moving forward given the fact that we've got these tight
13 timelines. What's -- what do you see is the issue of with
14 us moving forward at this point since we have to start the
15 application in January?

16 MR. VARGAS: And that's why I'm here today. I
17 mean, if, in fact, there wasn't this unreasonable timeline
18 of this rapid implementation in time for the next
19 redistricting, we wouldn't be here, we would wait to see
20 the determination by the Department of Justice. And that
21 was, in fact, one of the problems with Proposition 11's
22 presence on the ballot and its passage.

23 PANEL CHAIR REILLY: Thank you.

24 PANEL MEMBER RUSSO: Thank you.

25 PANEL CHAIR REILLY: Is there anyone else in the

1 first row?

2 MR. BATES: Good morning. I am an individual
3 speaking for myself. I'm nervous, so if I ramble a
4 little, please bear with me.

5 PANEL CHAIR REILLY: Can you please state your
6 name?

7 MR. BATES: Oh, I'm sorry. My name is Tom Bates.
8 I'm a native Angelino, native Californian, Vietnam vet,
9 disillusioned democrat, massively disillusioned
10 republican, my political status is massively
11 disillusioned, and I'm very upset with the dysfunctional
12 government we have in the State of California at this
13 time.

14 Our government was set up for a legislative
15 branch, an executive branch, and a judicial branch. Our
16 founding fathers never knew about computers and how they
17 twist, distort, misrepresent the rights of people. I live
18 in a district where the only way the party's going to
19 change in my district is if the candidate dies or is
20 termed out. They will not listen to me. I have no voice
21 in government. I am structurally disenfranchised. I can
22 go down and I can say, "This is wrong," and it can be
23 wrong, and if they don't choose to, I have no recourse.

24 You have a momentous task before you. Just like
25 the Gorgon's Knot. The state is primarily democratic with

1 a minority of republicans. There were deals made in the
2 legislature to create safe seats for both parties, which
3 was intolerable and unacceptable.

4 And a point I'd like to point out, the republican
5 party of the State of California did not support Prop 11,
6 and it was to their benefit. And the reason I think they
7 did is because they sold out, and I don't appreciate that
8 whatsoever.

9 Whatever you do, whatever process you do, you're
10 going to have primarily a majority of democrats in the
11 State of California and a minority of republicans. The
12 only process that we have to react to is a more balanced
13 district. I would suggest that it be done by lines, and
14 whatever lines, whatever people are in those lines, that's
15 with the way it lays.

16 I object vehemently to ethnicity, to gender
17 significance, to any other racial or minority; we are
18 Americans, this is an American process. And if these
19 folks are worried about whether their people are going to
20 be represented, draw numbers. Numbers have no reference
21 to name or anything. But do it -- create a -- create a
22 process that ends in a positive benefit.

23 If I -- the districts are going to be, like I
24 said, primarily democratic. Mine is like 76 percent
25 democratic. If my district was 60/40, my elected

1 representative might listen to me; I might have some
2 participation in government. And it's total frustration
3 because in my process -- in my living for the last 30
4 years, I've been a Realtor. I've been a legislative bill
5 reader for the Association of Realtors; I read
6 legislation. It causes me to drink, because I read it,
7 but I don't know the way it's going to be implemented.

8 And, you folks, whatever you do, it does have to
9 be transparent, up front, honest, blind in some respects;
10 but if it's drawn out -- if the whole state is democratic,
11 I don't really care as long as everybody has some type of
12 representation. No party, no group should be given any
13 special preference because of training, of background or
14 anything. We're still Americans, folks, and that's what
15 it's about.

16 I've seen things happen; they're blatantly ruled
17 illegal at later times. I've gone to court. I do expert
18 witnessing also. To me, this is the greatest country in
19 the world.

20 And I want to applaud you. You have a task that
21 is mind boggling, but it is so long overdue. It needs to
22 be done with honesty and with the best interest of the
23 people of State of California and a beneficial event
24 should occur at the end of things. Now, it won't be
25 perfect, but it will be better than what we've got. And I

1 want to thank you.

2 I was also disappointed in the turnout. L.A.
3 County has 10,271,000 people; we've got 50 here. One of
4 the problems with call-in voting -- there was a book many
5 years ago written by -- it was a satire on politics. It
6 was called "The Masses are Asses." The majority of the
7 people of the United States, including yours truly, vote
8 on 30-second film clips. They don't read, they don't know
9 the situation, they don't know the legislation, they don't
10 know the unintended consequences, they have no concept;
11 they're just voting because it feels right. And that's a
12 system -- this one lady here who's working on the
13 voters -- god bless you, you are really, really needed,
14 and I applaud you for educating the people. This is the
15 best system in the world when we know what we're doing,
16 when we can make an honest decision. We can vote, and we
17 can do good. And I wish everybody good of every stripe,
18 but it has to be done fairly.

19 And I want to thank you for your time. And I'm
20 also going to be -- if you'd like to, I put in -- I'd love
21 to participate. Okay?

22 PANEL CHAIR REILLY: Sign up for our interested
23 persons list.

24 MR. BATES: I've done land use, I've got land
25 planning UCLA taxes, from USC, whatever, but you need to

1 do good.

2 And I want to thank you for your time.

3 PANEL CHAIR REILLY: Thank you.

4 Is there anyone else in the first row who would
5 like to speak?

6 How about the second row? Starting from this
7 side.

8 MS. CAMACHO: Hi. Good morning. Thank you for
9 the opportunity to provide testimony today. My name is
10 Maria Camacho, and I'm with Consensus Planning Group. I
11 was asked to come and speak by California Forward.

12 Last summer my firm was retained by the "Yes on
13 Prop 11 Campaign" to pursue support for Proposition 11
14 from individuals, leaders, and organizations in the Latino
15 community in southern California. The case to support
16 Proposition 11 was made through direct communication
17 between my team and targeted Latino leaders including
18 federal, state, and local elected officials, business
19 organizations, school officials, student organizations,
20 and other community-based organizations in L.A. County,
21 Orange County, the inland empire, Riverside County, and
22 Ventura County.

23 Now, the challenges in the second phase of
24 redistricting reform are the following: The redistricting
25 process is not commonly known, understood, or of interest

1 to the general population. The size and diversity of
2 California means that educating and inspiring the general
3 public to become commissioners must be strategically
4 approached to be effective. For the outreach process to
5 be legitimate and defensible, it must be equitable and
6 transparent.

7 First, an outreach plan should be developed which
8 outlines a timeline and geographic boundaries and defines
9 the methods to be used in reaching out to the following
10 key audiences: Elected officials, community-based
11 organizations, and the media. These audiences can then be
12 used to facilitate the dissemination of information about
13 the formation of a redistricting commission along with the
14 commission application process.

15 Next, communication materials should be developed
16 to provide potential applicants with meaningful and
17 understandable information that encourages participation
18 in the application process. The following collateral
19 materials are often used in traditional forms of outreach:
20 Fact sheets, newsletters, e-newsletters, frequently asked
21 questions, mailers, and Powerpoint presentations.

22 All materials should include key themes and
23 messages that will serve as the foundation of all public
24 information. An interactive website should also be
25 created to serve as a comprehensive communications tool

1 for the State Auditor and the Applicant Review Panel as
2 well as a resource for potential applicants.

3 Finally, a telephone hotline should be
4 established that features a recorded message with the
5 relevant application process information along with the
6 option to leave a message.

7 Throughout all phases of the outreach efforts,
8 the media should be kept engaged through press releases,
9 media advisories, desk-side briefing, and proactive story
10 pitching. You should work with the media to broaden
11 community awareness and that participation to include
12 those who will not receive or be open to other forms of
13 communication.

14 As mentioned earlier, California is a large and
15 diverse state, so every step of the outreach process must
16 use a combination of traditional and new media tools such
17 as Twitter and Facebook to reach the most amount of
18 individuals in a timely and cost-effective manner. Though
19 traditional approach to outreach will enable the State
20 Auditor's Office to reach a sizable audience, underserved
21 communities are frequently difficult to reach and require
22 extra resources. Therefore, the State Auditor's office
23 will need to have a complete and accurate understanding of
24 how diverse communities most effectively receive and
25 respond to information.

1 Consensus has found the following methods of
2 communication to be effective in reaching underserved
3 populations: Reach out to the key leaders in the
4 communities to engage them to become local spokespeople on
5 the issue; post informational fliers at community activity
6 centers, restaurants, libraries, senior centers, health
7 care facilities, and recreational facilities; attend and
8 set up informational booths at cultural events and local
9 parks; assemble a public speakers' bureau houses of -- to
10 attend houses of worship, rotary clubs, chamber events,
11 city halls, and key community organization gatherings;
12 conduct local workshops; and create a public service
13 announcement, PSA campaign; and purchase print media
14 advertisements in the popular news sources serving
15 targeted audiences.

16 So for the past 20 years, Consensus Planning
17 Group has mastered the art of community outreach through
18 innovative communication programs tailored to each
19 clients' audience. Whether it's meeting community members
20 at their doorsteps or conversing with them through social
21 networking sites, Consensus Planning Group strives to
22 ensure that the project succeeds no matter what level of
23 interaction is needed to reach the heart of the targeted
24 audience.

25 Consensus Planning Group is pleased to have been

1 invited to speak today as an expert in the community
2 outreach field, and we are willing and able to assist the
3 State Auditor's Office with its upcoming statewide
4 outreach efforts.

5 Thank you.

6 PANEL CHAIR REILLY: Thank you.

7 Did you have any questions for her?

8 PANEL MEMBER FERNANDEZ: Later, I think.

9 PANEL CHAIR REILLY: Thank you.

10 MS. CAMACHO: Sure. I can leave my card. Thank
11 you.

12 PANEL CHAIR REILLY: So we're on the second row.

13 MR. FAWCETT: Good morning. I'm Richard Fawcett.
14 What I did was take your memo and -- you said you wanted
15 to have responses to these various questions -- I've
16 numbered the questions, and so I'll just go down my list
17 of comments on each question.

18 PANEL CHAIR REILLY: Okay. Great.

19 MR. FAWCETT: I will make one editorial comment.
20 I think that perhaps Proposition 11 may not be the best
21 written proposition that we've ever had, but it addresses
22 what I consider to be the most critical issue in
23 California politics if not in the nation.

24 With gerrymandering that we have, most districts
25 are very, very safe districts. So if you're in one of

1 those republican districts, you want to -- if you want to
2 win, you must be the most extreme republican; if you're in
3 the democratic-controlled district, you must be the most
4 extreme democrat, or you probably won't be elected. So
5 that's why I think this is critical.

6 Your question, one, the process, I would suggest
7 that you, the State Auditor or the Applicant Review Panel,
8 must be able to add additional qualifications, partially
9 because -- or maybe rephrase some of these qualifications
10 because they are so vague. I suggest that if not to
11 eliminate potential members of the commission, then
12 certainly to help in ranking them, that those who have a
13 vested interest, such as contributors through political
14 action committees, officers and employees of organizations
15 which receive benefits from the state, unions, certain
16 companies, and significant proponents or opponents of the
17 proposition.

18 There needs to be a process to protect the
19 applicant from clerical errors. For example, I lived in
20 Los Angeles for 31 years, moved down to the desert five
21 years ago. The director of elections in Riverside County
22 has misspelled my name, my middle name three times. Now,
23 the last time that I didn't vote in a general election was
24 when our son was being born and I was in the hospital with
25 my wife, and that was in 1964.

1 Qualifications. Determining analytical skills
2 and ability to be impartial. This does not require a
3 rocket scientist, it does not require a Ph.D. in
4 government relations or how the country was built or
5 constitutional law. It requires a reasonably good amount
6 of intelligence and ability to read and figure out what
7 the relevant laws say and then the ability to say I don't
8 care if the district is republican controlled or democrat
9 controlled, I want to do the logical thing.

10 I live in a district that is partially Rancho
11 Mirage, California, and partially parts of Riverside --
12 the City of Riverside, which is over a mountain from where
13 I live. It does not include Palm Springs. That is
14 stupid. Okay. Comments on number one.

15 The Applicant Review Panel, it's not clear to me
16 if you're going to use auditors employed directly by the
17 state or any California licensed CPA. I think that's a
18 relevant consideration. And if you're going to use
19 non-government employees on the review panel, they need to
20 be from firms -- since I was in one of those firms at one
21 point -- they need to be from firms that do not have a
22 significant amount of their practice with municipalities,
23 government agencies, or the State of California. So those
24 are my comments on number two.

25 Number three, the removal of an applicant. Seems

1 to me the critical issue is confirming the applicant's
2 qualifications and independence. People do lie. You are
3 going to have to audit those applications. Suggestion, to
4 reduce the cost of that, that you come up with your
5 initial 60 applicants fairly early and then do a cursory
6 review of -- do a cursory review of everybody; the 60, do
7 a really thorough review.

8 There needs to be a process for notifying those
9 people who have been reviewed. And I guess this is more
10 in the form of a question. Do you want to have an appeal
11 process so if somebody feels they have been unjustly taken
12 off, that they can appeal?

13 The publication of the names per the code; only a
14 question there. Is there a risk that there will be
15 pressure placed on applicants; and if so, how do we
16 protect them. And, frankly, what brought this to mind is
17 the pressure that is -- or the backlash that's been put on
18 those who voted or who supported Proposition 8. This is
19 an issue.

20 Random selection of eight initial members, your
21 question five. There doesn't appear to be any real choice
22 here, but I think you've got an issue in that you could
23 have a very easily -- a very well-diversified group of 60
24 applicants, but when you just do this drawing from a hat,
25 you could end up inadvertently with a non-diversified sort

1 of a group. All I'll leave to you folks to figure out
2 what to do.

3 Creation of new pool. That seems pretty
4 straightforward. Take those who were near qualified,
5 didn't make it before, and when somebody drops off, go
6 look at those first. If you need to, if that's not
7 sufficient, just go through the same process as you're
8 developing now.

9 In addition, a couple of comments that I have
10 that are not addressed -- well, that I didn't address
11 here. One, I can see a significant amount of time being
12 necessary by either the head of the commission or a
13 variety of members of the commission to appear before the
14 state legislature, appear before the public. I can see
15 significant amount of pressure being applied on those
16 people, those people who are going from safe to non-safe
17 seats in the legislature don't want to lose their jobs.
18 So I think it's necessary to protect those people.

19 I think it's also necessary to take into
20 consideration the time that's going to be necessary to
21 make these engagements. Now, I'm retired, I have no
22 problem; but somebody who's working for a living, even
23 though you've got a provision in here that they're not
24 going to be discriminated against in their job, if
25 somebody's working on a promotion, they're going to be

1 discriminated against if they spend a significant amount
2 of time away from their position.

3 So those are my comments, my questions. And I am
4 really, really pleased to see you people doing this.
5 Thank you.

6 PANEL CHAIR REILLY: Thank you.

7 I think we're still in the second row. Is there
8 anybody -- oh, yes.

9 MR. LEE: Good morning. My name is Eugene Lee,
10 and I direct the Voting Rights Project at the
11 Asian-Pacific American Legal Center, or APALC. APALC is a
12 non-partisan, nonprofit organization providing civil
13 rights support to the Asian and Pacific Islander American
14 community. We've been involved with the redistricting for
15 a number of years, including in the 1991 and 2001
16 statewide redistrictings. We've been involved with
17 discussions about redistricting reform. And I do want to
18 make clear that our organization does support
19 redistricting reform concept, although we oppose
20 Proposition 11 for a variety of reasons.

21 Our comments are going to echo some of the
22 comments made earlier, so I'd like to repeat them to put
23 them on the record. Additionally, we've provided you a
24 letter last week with our comments. So if you have
25 questions about that letter, I can answer those as well.

1 I'd like to start by -- in the same vein as what
2 was mentioned by the NALEO Educational Fund informing you
3 that Proposition 11 cannot be implemented until it's been
4 precleared under Section 5 of the Voting Rights Act. And
5 I also want to inform you that APALC is one of the
6 organizations that has submitted a comment letter to the
7 U.S. Department of Justice urging them to lodge an
8 objection to implementation of Proposition 11.

9 We have ten recommendations for how this
10 selection process should be implemented as well as the
11 role of the State Auditor and the Applicant Review Panel;
12 so I'm just going to go through them one by one.

13 Our first recommendation is that the State
14 Auditor must conduct substantial work to increase the
15 diversity among applicants to the redistricting
16 commission. So we're talking about the pool of candidates
17 who apply to be on the commission. We believe that the
18 State Auditor must engage in broad outreach to diverse
19 communities across the state, including the importance of
20 the redistricting process, how the selection process will
21 work, the qualifications for commissioners, the conflict
22 of interest provisions, the voter registration and voting
23 history requirements, and other relevant information. So
24 we believe this outreach should encompass all of those
25 areas.

1 This outreach should include, number one,
2 publicity in ethic media; number two, partnerships with a
3 wide range of organizations who can conduct outreach to
4 their constituents; number three, in-person workshops and
5 presentations; number four, publicity in online and
6 electronic formats. Additionally, we believe the State
7 Auditor should consider providing grants to
8 community-based organizations whose mission is
9 specifically to serve diverse communities so that these
10 organizations can conduct outreach to their constituencies
11 on the selection process as well as identify persons who
12 can serve on the commission.

13 Our second recommendation is that once we have
14 the candidate pool, the Applicant Review Panel should
15 consider the actual diversity of the applicants when they
16 are selecting the 60 members of the final nominee pool as
17 well as the overall diversity of each of the subpools.

18 I'd like to echo the comments made by Bob Stern
19 at Center for Governmental Studies. When the State
20 Auditor is looking at each applicant, it should consider
21 the actual diversity of the applicant rather than be just
22 appreciation for diversity.

23 Additionally, when the Applicant Review Panel was
24 looking at each subpool, it should consider the overall
25 diversity of each subpool once it's considered each

1 applicant individually.

2 A third recommendation is with regard to the
3 criteria that the Applicant Review Panel will use. So in
4 addition to our comment about considering the actual
5 diversity of the applicant, we believe that the other two
6 criteria, relevant analytical skills and ability to be
7 impartial, those need to be clearly defined. We believe
8 those two terms by themselves are vague and do not provide
9 much guidance to the Applicant Review Panel.

10 With regard to relevant analytical skills, we
11 believe that the State Auditor should select criteria
12 which enable the Applicant Review Panel to assess whether
13 each applicant can understand analysis, presentations,
14 testimony, involving complex demographic, political, and
15 geographic data.

16 The Applicant Review Panel should also look at
17 whether applicants can assess how maps the commission
18 creates or whether maps submitted to the commission relate
19 to -- how those maps relate to the criteria set forth in
20 Proposition 11, including compliance with the Voting
21 Rights Act.

22 Also, the State Auditor should select criteria
23 that will allow the review panel to understand -- that
24 will allow the review panel to judge whether these
25 applicants understand recommendations and advice provided

1 by commission staff and counsel.

2 So the point here is that while the commissioners
3 will have commission staff and counsel to guide them
4 through the process, we believe it's critical that these
5 commissioners have the ability to fairly judge
6 recommendations from their staff instead of being blindly
7 led by staff and counsel.

8 With regard to ability to be impartial, again, we
9 think this is vague. We don't have a recommendation on
10 how the State Auditor should flesh this out at this time,
11 but we do believe that the State Auditor should take
12 whatever criteria it chooses in its proposed regulations
13 on the selection process and make them subject to public
14 comment.

15 Our fourth recommendation is with regard to the
16 conflict of interest provisions. We believe that the
17 State Auditor should construe these narrowly. We believe
18 that several of these are vague or not clearly defined,
19 creating potential for overbreadth or unevenness in how
20 they are applied. Accordingly, we believe the State
21 Auditor should construe terms as such as "immediate
22 family" or "persons under a contract with" narrowly.

23 Additionally, the conflict of interest provision
24 relating to service with a political party, campaign
25 committee, or central party committee should be clarified

1 so that a person who is simply working on a campaign as a
2 paid or unpaid volunteer will not be disqualified solely
3 on the basis of that service.

4 Our fifth recommendation is that the State
5 Auditor should provide applicants who are disqualified
6 both with written notice that explains the basis for the
7 disqualification as well as an opportunity to have that
8 disqualification reviewed. This is because the analysis
9 of whether applicants are disqualified under the conflict
10 of interest provisions or whether they do not meet the
11 voter registration and voting history requirements can
12 involve intensely fact-based determinations, which in some
13 cases are very technical. And so applicants are not
14 unfairly disqualified because of factual errors in
15 underlying documentation or because of an erroneous
16 determination by the State Auditor, we believe that
17 applicants need to have a written notice that explains why
18 they're disqualified as well as a chance to have that
19 reviewed.

20 Our sixth recommendation is that the State
21 Auditor should specify the process for how the eight
22 commissioners, randomly-selected commissioners, select the
23 six remaining slots. And there are two aspects to this
24 that I'd like to comment on.

25 First is the method of voting. So we can think

1 of several ways that the eight commissioners vote on these
2 six remaining slots. One is to consider each slot one by
3 one and take a separate vote on each slot. The other way
4 that we can think of is for the eight commissioners to
5 take a vote on a slate of six commissioners that they
6 discussed prior, and they vote on six commissioners at one
7 time. And we think the choice of this can affect the
8 decision-making behavior of the eight commissioners, which
9 in turn can affect the diversity and expertise of the
10 remaining six commissioners.

11 So we think that to better inform its rule
12 making, the State Auditor should take some -- take a
13 chance to study this, including identifying any research
14 that may be relevant on how different voting processes can
15 affect decision-making behavior. And we think the State
16 Auditor should do this prior to starting the rule-making
17 process.

18 The other aspect is consideration of diversity.
19 Proposition 11 requires that the six remaining
20 commissioners are supposed to be chosen to ensure the
21 commission reflects the state's diversity, including a
22 variety of factors including racial, ethnic, geographic,
23 and gender diversity. We believe that the State Auditor
24 should instruct the eight commissioners who make these six
25 choices, that while they should not employ formulas or

1 ratios, they should seek to achieve representation from a
2 range of ethnic and racial groups and also that
3 representation from one racial group alone does not
4 reasonably reflect the state's diversity. So we believe
5 that instruction should be made to those eight
6 commissioners.

7 Our seventh recommendation is that we believe the
8 State Auditor, as well as the Applicant Review Panel needs
9 to provide an equal playing field for all applicants so
10 that anyone who wishes to may participate in the
11 application process regardless of their financial
12 situation, regardless of any logistical barriers they may
13 face.

14 So, for example, the State Auditor should not
15 require any applicants to pay fees in connection with the
16 application. Also, the State Auditor should not require
17 applicants to provide underlying documentation or other
18 proof that they passed the conflict of interest
19 requirements or that they satisfied the voter registration
20 and voting history requirements. Here we make a
21 distinction between applicants showing that they have the
22 relevant analytical skills or an ability to be impartial.
23 We don't comment on what the State Auditor should do in
24 terms of having applicants demonstrate that, but with
25 regard to applicants and their ability to pass the

1 conflict of interest requirements and voting requirements,
2 we believe that applicants should be able to do that
3 simply with an attestation or provide answers to questions
4 on the application.

5 Our last recommendation in this area is that if
6 the Applicant Review Panel uses an interview process to
7 assess applicants, it should set up local interview sites
8 across the state rather than requiring applicants to
9 travel to Sacramento.

10 Our eighth recommendation is that the State
11 Auditor should make sure that the members of the Applicant
12 Review Panel are provided with compensation and
13 reimbursement of expenses. The proposition is silent on
14 this. Proposition 11 does provide compensation for
15 commissioners, but it's silent with regard to the
16 applicant review members. Despite this, we believe that
17 the State Auditor should go ahead and provide the
18 Applicant Review Panel members with compensation and
19 reimbursement.

20 The ninth recommendation is that we believe the
21 State Auditor should adopt a variety of measures to
22 increase transparency of the selection process. So, for
23 example, the State Auditor should prohibit ex parte
24 communications between the Applicant Review Panel and
25 members of the public, while at the same time, the State

1 Auditor should allow members of the public to provide
2 public comment to the Applicant Review Panel on the
3 commission applicants.

4 And also we support the recommendation that the
5 Applicant Review Panel should conduct its deliberations in
6 public, as well as their meetings should be subject to the
7 open meeting requirements of the Bagley-Keene Act.

8 Aside from the operations of the Applicant Review
9 Panel, we believe that the process for selecting the three
10 members of the Applicant Review Panel should be
11 transparent. We believe that transparency would be
12 increased by having a list of all auditors employed by the
13 State of California who meet the definition of qualified
14 independent auditor be made publicly available.

15 And then lastly, we believe there should be
16 transparency in how the legislative leaders exercise their
17 ability to strike applicants from the 60-person nominee
18 pool. So the legislative leaders should be required to
19 articulate their reasons for striking specific applicants.

20 Our tenth and last recommendation is that the
21 State Auditor should provide multiple opportunities for
22 the public to provide input on the form of application
23 that is used by people wishing to apply to the commission.
24 So we believe that there should be at least two
25 opportunities; and one suggestion for this is that prior

1 to the rule-making process, the State Auditor should take
2 public input on its draft preliminary version of the form
3 of application and then also take public comment again on
4 the form of application as part of the rule-making
5 process. That would give the public two bites at the
6 apple.

7 So I'd like to stop here and see if there are any
8 questions.

9 PANEL MEMBER FERNANDEZ: You said they should
10 provide at least two opportunities for the application
11 process itself, or at least --

12 MR. LEE: For the form of application.

13 PANEL MEMBER FERNANDEZ: Right. And one of them
14 was to look at the draft, and the second one was?

15 MR. LEE: And then I would recommend that the
16 form of application be included in the proposed
17 regulations, and that would give the public another chance
18 to review that form of application.

19 PANEL MEMBER FERNANDEZ: Okay.

20 PANEL CHAIR REILLY: Thank you for your detailed
21 comments; they're very helpful.

22 This lady here is going to speak first.

23 MS. CLAVREUL: Well, I see your kind of selection
24 by seat is kind of prejudicial for people who are
25 disabled. I mean, you know, usually we don't have an

1 opportunity to sit where we want; and second, usually
2 these kinds of meeting is first-come, first-served who are
3 asked to speak. I think that would be very nice.

4 My name, by the way, is Genevieve Clavreul.

5 Also, I think a limit of the time that people can
6 speak is kind of important, especially you allow, you
7 know, (unintelligible), and you will provide access to
8 people.

9 I am very concerned of the process right now.
10 You know, in -- like somebody mentioned earlier, we are
11 ten million people in Los Angeles; it's probably less than
12 50 people coming today. Apparently, your message is not
13 getting across. There is 33 million people in California.
14 You have been into four cities, and I'm sure you have less
15 than 200 people. That's pathetic.

16 So, you know, I think that, yes, you have to do
17 it in a short period of time, but I know myself I could
18 make a few phone calls and have more people attend a
19 meeting I organize.

20 So I think it's time -- you know, you're spending
21 tax money to do it. I'm sure we are paying your hotel
22 when you go to different cities and so on, the
23 transportation, blah, blah, blah. I think we're getting a
24 really terrible return on our investment.

25 Thank you.

1 PANEL CHAIR REILLY: Thank you.

2 And as I mentioned at the beginning, we are
3 looking into various ways that we can increase outreach.
4 The purpose of these meetings is to get feedback on the
5 best way to implement the Voters First Act itself, but we
6 will continue to do a great deal more outreach so voters
7 are aware that they can apply.

8 So was there somebody else in the first row?

9 MS. RIGBY: Thank you for having this meeting
10 here today. I appreciate your time and your energy.

11 My name is Amanda Rigby, and I actually drove up
12 here from San Diego because I could not make the San Diego
13 meeting because it was in the middle of the day on a
14 Monday where my husband could not rearrange his work
15 schedule so that I could leave my kids to come to the
16 meeting. So I do reiterate what everybody else has said
17 about needing to have meetings that are more open to the
18 general population. I know a lot of people that wanted to
19 come to these meetings, but again, were not able to for
20 various reasons. So I think it's really important.

21 And to reiterate what this lady said about the
22 meetings, and I see some of them are just mostly coastal.
23 There's a huge, huge number of people that really are
24 involved or want to be involved and are interested in this
25 process. And I think the fact that it was voted in the

1 affirmative for Proposition 11 is an indication that the
2 general population is interested in this and does know
3 about it.

4 Traditionally, when people don't know, don't
5 understand or don't care about a proposition, they're
6 going to vote "no" on it, because "no" usually means no
7 change, status quo. So the fact that they voted "yes" on
8 this means that the tide is changing and people are
9 interested in this problem.

10 My concern with Proposition 11 is it came out of
11 a need and a concern because we have legislators who are
12 being elected to office not based on their experience or
13 their qualifications but on some other special reason or
14 circumstance. And yet we're being charged with putting
15 together a commission of people with certain
16 qualifications and experience; and I find that to be an
17 interesting position that we're in.

18 And I just want to caution that as with has
19 happened so many times in this state, when there has been
20 a board or commission a created for citizens, it is made
21 up of people with such experience and qualifications as
22 required by whatever, that you've created yet another
23 political divide between the people running things and the
24 general people in the population who have to live with
25 these decisions.

1 And I really want to caution about the amount of
2 qualification and experience that you're going to require
3 of the commissioners; that you're going to leave out,
4 again, the general population and the people that this
5 issue does affect on a daily basis. Granted, there has to
6 be a level of intellect and understanding to do the job,
7 and I understand that; but I don't think that we should
8 sell short the average California citizen and voter,
9 because I really believe that there are people out there
10 who can do the job, but they really feel left out, they
11 feel slighted, they are frustrated, and they are
12 disappointed.

13 And I think -- I have my concerns about how this
14 is going to work; I think it is a necessary process. I
15 think the initial -- eight initial commissioners, to me
16 that seemed a bit arbitrary about how that was going to be
17 chosen. So those are just my basic concerns.

18 That's pretty much it. Thanks again so much. I
19 appreciate your time.

20 PANEL CHAIR REILLY: Thank you. Thank you for
21 coming to Los Angeles.

22 Is there anybody else left in the first row who
23 would like to comment?

24 How about the second row?

25 (Conversation beyond range of microphone.)

1 PANEL CHAIR REILLY: How about the third row?

2 (Conversation beyond range of microphone.)

3 PANEL CHAIR REILLY: Is there anybody on this
4 side in the third row here? Yeah.

5 MR. SMITH: Good morning. And thank you. My
6 name is Dean Smith. I'm a third-generation Californian
7 and Angelino, but otherwise just a citizen who happened to
8 work in the county government for 34 years.

9 Unfortunately, I'm unfamiliar with the State
10 Auditor's Office. I'm hoping that you're a lot like the
11 GAO at the federal level and have that kind of integrity;
12 and if you do, then I'm feeling a little better about --

13 PANEL CHAIR REILLY: That's exactly who we are.
14 We're the California's counterpart to the GAO.

15 MR. SMITH: And that's a good thing.

16 Having worked, again, in a government, I
17 understand the pressures that come down on staff from
18 political elected people, and it's tough to maintain your
19 integrity, but I encourage you to do that.

20 I would echo a lot of things that the other
21 people have said, hopefully without being too redundant.
22 I would disagree with the one gentleman who said that this
23 is the most important thing. This is really the second
24 most important thing. The first most important is
25 campaign finance reform. If we don't change the way these

1 guys get their money, nothing else is going to change.
2 But changing gerrymandering, getting gerrymandering out of
3 redistricting is certainly important.

4 I would just ask that you do this process
5 governed by the intent of Proposition 11. Most of the
6 comments, again, that have been made about the details, I
7 think are well taken. If it's going to work -- if the
8 process does work, the state will be better served; if it
9 fails, however, I'm afraid we're going to get worse rather
10 than better.

11 And I have a fear that there are a couple of
12 loopholes in here, like any three people in the party can
13 vote against this for whatever reason, and then it goes to
14 these special masters, whoever they are, and then it goes
15 to the court, which defeats the whole purpose of
16 Proposition 11.

17 So I would hope that somehow the commission is
18 chosen in such a way that that doesn't happen, that it
19 doesn't become somehow corrupted by politics and that the
20 people chosen are just political hacks who are going to
21 throw a monkey wrench into the system for the sake of
22 going back to the status quo or worse.

23 And, again, I think the best chance for making
24 that happen is to follow Proposition 11 and to pick people
25 who are qualified and capable. I would echo what the last

1 woman said; they don't have to be Ph.Ds government
2 relations or attorneys, they need a fair amount of
3 intelligence, but a whole lot of common sense. And I
4 would echo the comment of a gentleman earlier who said the
5 districts ought to be, you know, kind of rectangular based
6 on population and not based on everything else and have
7 these long spidery legs going out there to reach people
8 for the wrong reasons.

9 And I -- again, the subpools ought to be created
10 on the basis of these things, analytical skills and
11 impartiality, and then consideration of geography and
12 diversity. And if we do that, I think we'll be okay.

13 So thank you again for this opportunity to speak.

14 PANEL CHAIR REILLY: Thank you.

15 Okay. I think we're still in the third row.

16 MS. FERREL-HINES: Thank you for giving me the
17 opportunity to speak. My name is Carrie Ann Ferrel-Hines.
18 I am a member of the board of directors of the American
19 Civil Liberties Union, Southern California affiliate,
20 however, I'm here in my capacity as a private citizen.

21 The ACLU was very involved in the passage of
22 Proposition 11, was very supportive of it, but I as an
23 individual also supported it as well and wanted to have an
24 opportunity to come here today and express my appreciation
25 that the Auditor is here conducting these hearings

1 throughout the state.

2 I think that we would be better served by there
3 being several more meetings that would allow for a more
4 diverse cross-section of the state, to have an opportunity
5 to get an understanding of what the proposition will do
6 and how it will be implemented; but this is a great first
7 start.

8 I would like to see the Auditor implement a
9 publicity campaign to provide more information to the
10 public, possibly the utilization of the internet, some
11 interactive website that would provide the public with an
12 opportunity to not only express their interests in being
13 chosen as members of the commission, as well as the
14 selection committee, as well as serving on the commission,
15 but also to just be able to gather information about the
16 process.

17 And, really, I just wanted an opportunity to come
18 up and express my interest in the commission and its
19 selection process and to receive information from the
20 Auditor on this further.

21 PANEL CHAIR REILLY: Thank you.

22 Is there anyone else in the third row who would
23 like to comment?

24 How about the fourth row?

25 MS. WOOD: I am Bertie Wood, speaking for the

1 Torrance League of Women Voters. I'm here to express our
2 satisfaction, the independent commission was chosen by the
3 people for redistricting in California, and our
4 appreciation for this public input into its formation.

5 We sense an urgency to move forward quickly in
6 the process, as quickly as complete transparency permits.
7 We're glad to help in encouraging a wide variety of
8 citizens to join the pool of commission applicants.

9 Question: Should churches, temples, mosques be
10 on the list to receive notice? Faith communities are
11 comprised of people on all levels of wealth, education,
12 ethnic background drawn together by an urge to serve
13 others. In our area, effective contact could be made
14 through the South Coast Interfaith Council in San Pedro.

15 Thank you.

16 PANEL CHAIR REILLY: Thank you.

17 MS. UNGER: Good afternoon, ladies and gentlemen.
18 My name is Lola Unger, and I represent the League of Women
19 Voters of Los Angeles County. I am the advocacy director.
20 We are an interleague organization that comprises 11
21 League of Women Voters groups throughout Los Angeles
22 County. We have worked hard in support of independent
23 redistricting for many, many years because we were tired
24 of politicians who were unaccountable and want to help to
25 stop the gridlock in Sacramento that keeps pressing issues

1 from being addressed.

2 The most recent marathon budget impasse in the
3 California legislature is yet another reason for the new
4 redistricting guidelines. And they are so urgent. The
5 passage of the Voters First Act will forever change the
6 current system, which has allowed legislators to draw
7 their own district lines to guarantee their reelection.
8 State law makers have had an inherent conflict of interest
9 and have been unaccountable to voters and their needs,
10 which is why we couldn't get a budget passed or health
11 care reform or proper education funding or you name it.

12 After the 2010 census, the new redistricting
13 commission will have received power -- removed power from
14 the legislators to redraw district boundaries for the
15 State Senate, the State Assembly, and State Board of
16 Education.

17 The league supports the Applicant Review Panel
18 that narrows the pool to 60 persons and then the final
19 appointment of a 14-member independent citizens commission
20 to perform the process, establish clear criteria for how
21 the boundaries shall be drawn. And the League most
22 assuredly supports an open and transparent process with
23 due notice, public hearings, and no communications outside
24 of meetings.

25 And in the formation of the commission, we would

1 like to suggest that you cast your nets far and wide by
2 going -- giving statewide notice, using a public and
3 transparent application process that disseminates the
4 information, the process information, and the forms to
5 news organizations, cities, counties, and especially,
6 right here, public libraries in so many cities throughout
7 the State of California.

8 Thus information about the commission and the
9 application process will be able to reach the largest
10 possible audience and include the broadest group of
11 applicants that we expect should include women and
12 minorities. And because women and minorities represent
13 such a large percentage of our state's population, we are
14 counting on you to reflect that population in your final
15 appointments to the redistricting commission.

16 We look forward to hearing more about your open
17 hearings throughout the state, the comments of the hearing
18 participants, and we will continue to follow the
19 application process as it plays out.

20 Thank you for your attention.

21 PANEL CHAIR REILLY: Thank you for your comments.

22 Is there anyone else in the fourth row who would
23 like to comment in the middle section?

24 MS. YOO: Good afternoon. My name is Grace Yoo.
25 I'm the executive director of the Korean American

1 Coalition here in Los Angeles. I was given notice of
2 today's hearing by Common Cause, and I wanted to thank
3 them for sending out the information.

4 And before I proceed, I'd like to comment on
5 NALEO and the Asian Pacific Americans Legal Center's
6 concerns, and I would echo that, but continuing in
7 understanding that we are limited in time, and so you are
8 probably going to have to proceed with this hearing.

9 I believe that the Applicant Review Panel, you
10 might consider people to select in -- not everyone is
11 going to want to join in -- and while you're giving them
12 the opportunity to select in, versus at this point it
13 sounds like they need to select themselves out, by saving
14 time you can ask them to identify themselves as a
15 registered democrat, republican, independent, green,
16 whatever you wish, as required by the Act. That way you
17 can save some time.

18 As far as the publication of the names in the
19 applicant pool, I believe that for transparency's sake, it
20 will be required that you put this on your website or some
21 other way be noticed.

22 I am concerned as to the pressures that will come
23 upon these people who are in the applicant pool. So just
24 like juries are sequestered or prevented from having
25 contact, I think you need to put some sort of practical

1 limits. Likely some of the candidates on the applicant
2 pool will be people who are in the public eye and
3 interacting with elected officials; so perhaps you can put
4 some kind of disclaimer of public interaction as
5 permissible, just not anything smaller than a party of
6 five or whatever, you know, limits you'd like to put in.

7 The selection of the actual 60 applicants seems
8 like a very tall order when you look at all the
9 qualifications listed in here, so I wish you all the best
10 of luck.

11 I think one of the ways to really hit home and
12 get a diverse community pool is to hit ethnic media.
13 You're talking about putting ads into papers; well, I urge
14 you to hit the ethnic media because that will be the best
15 way to reach the population that you're seeking.

16 Additionally, PSAs, we've got so many television
17 stations in every imaginable language, and I know that
18 they are more than happy and willing to work with them; so
19 please reach out to them. And if you have any needs, I'm
20 more than happy to share my lists with you.

21 Thank you.

22 PANEL CHAIR REILLY: Okay. Thank you very much.

23 Is there anyone else in row four who would like
24 to comment?

25 MR. GREEN: Good morning. My name is Eric Green.

1 I'm with the American Civil Liberties Union of Southern
2 California. And I want to thank you all for coming and
3 having the hearing today. And I know it's a very
4 difficult task that you have in front of you, and we
5 appreciate the fact that you're taking it with a good deal
6 of seriousness.

7 You've heard a lot of very sound advice from a
8 lot of people this morning; much of it the ACLU would
9 echo. And rather than doing that, I'm going to try to
10 keep my comments brief in the interest of moving the
11 process along.

12 The ACLU's hope is that the redistricting
13 commission will help create a redistricting process and
14 the legislative body that will be reflective of and
15 sensitive to and responsive to and accountable to the
16 people of this very diverse state. We expect that the
17 individuals that you choose will demonstrate, above all,
18 commitment to the integrity of that process. Throughout
19 California, north and south and coastal and inland and
20 rural and urban, there is a deep and broad pool of talent,
21 and we really hope that you cast a very wide net to reach
22 out to that pool throughout the state.

23 Some of the types of people that you're -- I
24 imagine you're thinking of reaching out to would including
25 demographers, election law professors and voting rights

1 experts, journalists and historians and scholars and
2 community activists deeply knowledgeable about our
3 communities. Voting rights advocates and those with a
4 demonstrated commitment to protecting minority voting
5 rights especially, especially in view of some of the
6 concerns that you have heard here. I don't think any of
7 those should be taken lightly, and there needs to be an
8 extra strenuous effort made to really make sure that the
9 process addresses those concerns. And, of course, people
10 not beholden to or subject to the influence of any
11 political party or ideological faction.

12 Of course, we also would stress that you should
13 emphasize racial and professional and geographic diversity
14 in the selection of the commission and a commitment to the
15 transparency of the process and to public scrutiny of the
16 process. I think that is essential in order for there to
17 be a level of public trust and confidence that we have not
18 exchanged one flawed process for another.

19 And throughout all of this, we would urge that
20 you stay open to people who may not have the traditional
21 academic or professional pedigree, but nonetheless would
22 have the commitment, would have the intelligence, would
23 have the passion, would have the ability to serve well.

24 Again, we understand that this is not an easy
25 task, appreciate your taking it on. I really hope that

1 the good advice that you've heard today will be absorbed
2 and reflected in the work. And if there's anything that
3 the ACLU can do to help that process, please contact us
4 and let us know.

5 PANEL CHAIR REILLY: Thank you.

6 Is there anyone else left in the fourth row who
7 would like to comment?

8 How about the fifth row, starting over here? No?
9 Here?

10 MR. FOYER: Good morning. And thank you again
11 for being here. I must say as counter to your justified
12 criticism of holding it in mid-day, I want to say on the
13 other side, the fact that you're so patient and tolerant
14 and listen to people, don't cut them off, is very
15 impressive, if you know what happens in other hearings and
16 councils. Appreciate that really.

17 And in the same spirit of good cop, bad cop,
18 plus, minus, I must say I was quite unhappy to see Prop 11
19 as a constitutional amendment. I think it's not good
20 policy to lock things into a kind of Sears Roebuck
21 catalog, if you know what that is, remember what it was.
22 It's against a justified experimental reform. We need
23 that for reapportionment. There's no question of that.
24 Whether this is the right one and all the details, that
25 remains to be seen. There's, unfortunately, a bad history

1 in the state over for the last 30, 40 years of political
2 reform measures that get kicked out by the courts or end
3 up as being rather meaningless and not terribly reform in
4 actuality.

5 And so that's a tall order you have on your
6 shoulders, to try to counter that with a model, hopefully
7 a positive model of good political reform. And whether
8 one is for or against this originally, it's important to
9 try to make the best of it and make it really functional
10 and meaningful.

11 PANEL CHAIR REILLY: Excuse me. Can you state
12 your name, please?

13 MR. FOYER: Oh, I'm sorry. My name is Israel
14 Foyer.

15 PANEL CHAIR REILLY: Thank you.

16 MR. FOYER: For background briefly, I've been a
17 candidate for secretary of state, obviously unsuccessful;
18 and I'm presently on the board of the -- governing board
19 of radio station KPFK, Pacifica listener sponsored
20 station, but I'm here in my own personal capacity, not at
21 all representing anyone else.

22 I think you heard so many good suggestions. I
23 not only want to compliment you, I want to compliment the
24 people before. Whether one agrees or disagrees, they're
25 really thoughtful; people put a lot of thought into this.

1 And I respect that effort as well as your serious
2 listening and following up on some of these, because this
3 is a really difficult task.

4 I think the key -- it may be obvious, but I'll
5 say it anyhow -- the key is we need people who are going
6 to be clear-minded, open-minded, and fair-minded; not
7 closed-minded, narrow-minded, or empty-minded. And in
8 that connection -- I'm not trying to be just humorous, but
9 a little humor wouldn't hurt -- we need people who are
10 knowledgeable with the political process in its broadest
11 sense, but yet aren't narrow-minded partisan bound.
12 That's not easy, but it is possible, there are people.

13 And you heard before someone say here, one need
14 not be a politician or government official or an academic
15 or a lawyer necessarily -- not to denigrate these
16 professions -- to qualify. And that's the task; is to
17 open it up enough to the public so that people ordinarily
18 who are either disillusioned or not active, but have the
19 capacity, will come forth and serve on various stages of
20 this process.

21 And that connection indeed, it's important to
22 really maximize the public outreach. You heard this, I
23 won't repeat it, but it's really important so that people
24 who would ordinarily disdain or not even think about it
25 will say, yeah, maybe I can accomplish something useful on

1 this. Very important to do that.

2 And another -- again, not to try to repeat too
3 many other people's comments -- another thought is what
4 about the role of staff or consultants or technicians in
5 that process? At some stage, towards the end obviously,
6 that's rather important. And quite often a nominal board
7 often has less power at the mercy of their underlings,
8 compatriots. That's a very important thing, how are these
9 people selected. So at every stage of the selection
10 process is pretty crucial as to what comes out.

11 You know, the old garbage-in-garbage-out idea,
12 vis-a-vis computers, well, it applies to even
13 non-computing operations. So I think it's important to
14 have people who have good judgment, who are not biased
15 politically, even though they're involved politically, and
16 who are knowledgeable; and that's not easy to come by, but
17 it is possible, and this means both by the selection body
18 and by those who are being selected. If you do that, we
19 might make something decent out of this proposition, which
20 otherwise is good idea that may go nowhere or may not
21 accomplish its original aims.

22 I thank you, and I look forward to meeting with
23 you again.

24 PANEL CHAIR REILLY: Thank you.

25 Is there anyone else in the fifth row who would

1 like to comment in this section?

2 Yes?

3 UNIDENTIFIED SPEAKER: Can I wait until the
4 others have spoken first?

5 PANEL CHAIR REILLY: Sure.

6 MS. FOWLER: Hi. My name is Amanda Fowler. And
7 I'm the political reform intern at the New American
8 Foundation Political Reform Program. I'm speaking on
9 behalf of our deputy director, Gautam Dutta, who cannot
10 join us today.

11 We were pleased that the voters approved Prop 11
12 last November. To ensure its success, we want to share
13 with you a few quick suggestions. First, we urge the
14 State Auditor to conduct an aggressive statewide education
15 campaign about Prop 11. In this manner, communities would
16 not only learn why Prop 11 is important, but encourage
17 their members to apply for the independent redistricting
18 commission.

19 Second, we commend the State Auditor for making
20 these hearings accessible to a large number of California
21 residents. In that vein, we strongly recommend that the
22 independent redistricting commission also holds its
23 hearings and meetings throughout the state and not just in
24 Sacramento.

25 So thank you very much.

1 PANEL CHAIR REILLY: Thank you.

2 So I think we've covered the fifth row. Why
3 don't we start in this section, the back section there.
4 Is there anybody in the back section who would like to
5 comment? Okay.

6 MS. GARCIA: Good afternoon. My name is Mary
7 Garcia. I'm a native native here; been here a very long
8 time. I just want to suggest to you, because I am an
9 active member in a neighborhood council here, to approach
10 DONE, which works with the neighborhood councils. We have
11 approximately 1500 very active members in neighborhood
12 councils. And speaking for myself, I have 24 years of
13 activism in this city; so probably between all of us we
14 have thousands of years. So consider them as a source.
15 And I would be looking forward to an application myself.

16 Thank you.

17 PANEL CHAIR REILLY: Great. Thank you.

18 Is there anybody else in this area who would like
19 to speak? Okay.

20 MR. WOO: Good afternoon. My name is Charlie
21 Woo, W-o-o, a business owner in Los Angeles. I want to
22 talk about outreach.

23 And first of all, I'd like to recognize Common
24 Cause for letting me know about this opportunity to share
25 my thoughts.

1 As many have said, California is a very large and
2 diverse state, and it's really difficult to outreach to,
3 you know, different communities, and I just want to share
4 because of my involvement in different business community
5 groups that I want to share some -- a couple thoughts
6 about how to reach out.

7 And one of the areas I would like to emphasize is
8 the Asian American community. That's quite underserved in
9 the political arena. And I would echo the Korean American
10 Coalition that testified just a little bit earlier about
11 the ways to reach out to the Asian American community.

12 And in particular, I chair a nonprofit,
13 nonpartisan voter education and registration group, CAUSE,
14 Center for Asian-Americans United for Self-Empowerment.
15 We do voter registration, voter education, we have
16 election town hall meetings, particularly to discuss the
17 propositions. Let me tell you, if you don't understand
18 English that well, it's very difficult to really
19 understand and vote on different propositions. And a lot
20 of people would vote if they really understand what the
21 implications are in different propositions. We do that,
22 and we do different outreach in the different
23 Asian-American community. We have a telephone hotline.

24 And I think promoting the understanding of the
25 redistricting is really something that we should be able

1 to do. And there are many organizations like ours that
2 can do that; and Korean American Coalition is also one of
3 them.

4 And I also like to reiterate about importance of
5 ethnic media. Although I read all the major newspapers, I
6 always find time to read Asian newspaper because they
7 cover areas the mainstream paper neglect. I think this is
8 an area that we should really explore using Asian media.
9 I don't know what your budget is, I don't know whether you
10 have money to buy advertising or not, but I think a press
11 conference, particularly with Asian American groups, would
12 be effective, and I think that's -- that's, either in
13 newspapers, radio, or television. I mean, there are
14 various talk show programs and television programs. I'm
15 sure this is something that the ethnic media would like to
16 educate the community on.

17 And also -- and I don't know if anybody
18 mentioned, what business groups and a neighborhood
19 council, that's a good resource. And I happen to be a
20 past president of a neighborhood council in the downtown
21 area. And I think that's a lot of concern, you know,
22 community activists involved in that -- those
23 organizations. And also, business groups. I think
24 that's -- that's an area. Because in -- particularly in
25 Los Angeles, when you talk with the business community,

1 you don't really talk about large corporations with the
2 government affairs and office or lobbyists; you're talking
3 about the small and medium companies, that the business
4 owners and employees probably are too busy worrying about
5 their business than complicated issues such as this.

6 So but again, business community, either through
7 the chamber of commerce or through the trade group or
8 geographic business organizations, are very well
9 organized, and I think that is really an important
10 resource. Even including the big chamber of commerces. I
11 chaired the Los Angeles Area Chamber of Commerce several
12 years ago. Let me tell you, they are have the ability to
13 communicate with tens of thousands of businesses and their
14 employees. And again, you know, this is an area to --
15 that I think we should focus on.

16 Again, I think there are many more Asian American
17 community activists business owners that would like to
18 help. And let me give an example. I also happen to be on
19 the State Commission on Asian and Pacific Islander
20 Americans Affair Commission, and it's really one of a
21 kind, and also is a self-funded commission, so we don't --
22 we're not at the expense of taxpayers. As commissioners
23 we have to contribute time and effort and also money so
24 that we can advise the Governor and the state legislature
25 on Asian-American issues. And there are twelve other

1 commissioners like myself from different part of the state
2 representing the diverse Asian-American community. I
3 think that's one group that you should be able to outreach
4 to and use -- take advantage of those connections to reach
5 out to many underserved Asian Americans in California.

6 Again, thank you for the opportunity to share my
7 thoughts.

8 PANEL CHAIR REILLY: Thank you.

9 Is there anyone else in this section? Yes.

10 MS. REYES-ENGLISH: Good afternoon. For the
11 record, I'm here as a constituent in the 51st District.
12 My name is Angie Reyes-English. I'm also the city clerk
13 in the City of Hawthorne.

14 I was brought to the attention of this meeting
15 just from an email that was sent to me. I think as a city
16 clerk it would have been ideal to have the city clerk
17 served, sent a notice so that all the city clerks
18 throughout California can make the public aware of these
19 types of meetings, and moreover, post those in public.

20 I also would like to echo the sentiments of the
21 gentleman that was here earlier in regards to the
22 outreach. It's very important, as we all know, going
23 forward. I also would like to suggest that in the
24 municipalities, various municipalities, they have public
25 television, which is free of charge for anyone who wants

1 to post public notices, events, et cetera. I think it's
2 ideal to take advantage of those that are available to
3 make the outreach out there in those communities.

4 Coming to Los Angeles today, here downtown, I
5 think is very difficult for a lot of individuals to be
6 here; the parking, let alone the traffic, and, moreover,
7 just finding transportation if someone is without a
8 vehicle. So those are just a couple things to also keep
9 in mind. And maybe do the outreach a little bit more in
10 these municipalities versus such big cities as
11 Los Angeles.

12 I also would like to see a breakdown of resources
13 used, funding-wise, in regards to, you know, quantifying
14 what is it and how much you're spending for the outreach.
15 I think that's important, and I'm sure a lot of
16 individuals would agree.

17 Let's see. The outreach I think should be
18 implemented first before the actual process. And
19 considering the amount of time that we have, I think it's
20 essential that we get on that quickly.

21 Other than that, I appreciate your time, I
22 appreciate you being here and having the public comments.
23 I hope that you'll take in, and, moreover, maybe allocate
24 additional meetings, again, to make the outreach a little
25 more accessible for folks that can't be here today.

1 Thank you.

2 PANEL CHAIR REILLY: Thank you.

3 Is there anyone else in this section?

4 MR. O'GARA: I'll be brief. My name is Mike
5 O'Gara. I live in Sun Valley. I've been here since 1973.
6 I'm a member of the neighborhood councils. I'm surprised
7 there's not more people here from the neighborhood
8 councils, but they didn't know about it I'm sure.

9 There was an article in January 4th, the "Daily
10 News," and that's the only notification of this meeting.
11 And I happened to write to somebody from the newspapers
12 last week and say, what's going on with this? And they
13 told me about this meeting. You need to -- this has to be
14 a do-over, because you have hardly anybody here. This is
15 a huge -- ten million people, and nobody knows about it.
16 It's a secret. So you need to do some outreach and come
17 back here.

18 Thank you.

19 PANEL CHAIR REILLY: Thank you.

20 Is there anyone else in this section who would
21 like to comment?

22 Why don't we move on to the middle section then.
23 Is there anybody in the middle section who would like to
24 comment?

25 MR. JOHNSON: Good afternoon. And thank you

1 again for holding this hearing. I think it's great that
2 you guys are doing this outreach.

3 My name is Douglas Johnson. I'm with the Rose
4 Institute of State Local Government. I've emailed Barbara
5 quite a bit; I don't know if you guys have seen those or
6 not. I also served as the technical consultant to the
7 Arizona Independent Redistricting Commission and to the
8 City of Modesto's Independent Districting Commission that
9 just finished its work. So I wanted to share a couple
10 thoughts.

11 In particular, one thing -- I want to be sure
12 people understand, because in Arizona there was a lot of
13 controversy. They thought the redistricting commission
14 would make redistricting nonpolitical. And so when the
15 parties and the reporters started writing about political
16 impacts, they said the commission has failed. And I think
17 one thing to always keep in mind is that redistricting
18 will always have a political impact. The goal is to make
19 it not a political process. So one of the things I think
20 in Arizona was a problem is they set the wrong
21 expectations. So I wanted to make that clear.

22 In line with that, I want to encourage you and
23 everyone in this process to never underestimate the
24 ferocity of the parties and the incumbents as they try to
25 get into this process. One thing I say is that the

1 parties will attack the process, they will criticize the
2 process as they try to find their ways in. Then they will
3 viciously attack the process, when they think they found
4 their way in, just to cover themselves, so that it looks
5 like they're upset with the process when they may very
6 well think they're in control of it. So never
7 underestimate how hard the parties and the incumbents will
8 work to try to get their way into this. And I think the
9 writers of the initiative did a good job of building in
10 protections.

11 With that though, I do want to note a couple
12 things in the qualifications process. I think a lot of
13 the focus is on the language saying, you know, relevant
14 analytical skills, an appreciation for the diverse
15 demographics and geography. I want to also highlight the
16 other phrase in there, which is ability to be impartial.

17 Dean Smith, a 34-year county employee who spoke
18 earlier, mentioned there are many ways that incumbents can
19 make their feelings felt. And one of the kind of
20 instinctive populations we look at as might make good
21 commissioners would be city planners, county planners,
22 those guys that have GIS skills that look at communities
23 everyday. But remember who their bosses are. Is there a
24 city or a county in this state who doesn't have at least
25 one elected official who is planning to run for state

1 office? I don't think so. And so would it be wise for a
2 career employee of one of these future candidates to be
3 drawing a district for them to run in? I don't impinge
4 the city and county employees' integrity in any way, I'm
5 just saying the pressure is enormous that comes down on
6 these commissioners, and there really isn't -- there's no
7 way for them to resist that.

8 I would have a similar concern about UC
9 professors. We've actually seen pressure brought on the
10 UC schools if institutes or professors get too involved in
11 redistricting reform. Teachers, I'm a little more
12 comfortable with. I mean, school funding is fairly
13 formulaic. It's a lot harder for the legislature to reach
14 all the way down to high school civics teachers, that type
15 of person, not that they won't try, but I think they're
16 fairly safe. But I would have concern about planners,
17 city and county planners and UC employees, be they
18 professors or staff.

19 Would also encourage -- these guidelines are
20 general, and that has been criticized by a couple of
21 speakers today. I actually think that's a good thing. If
22 you look at San Diego, which has its own city council
23 that's an independent commission, very general. They look
24 for men and women who will give the commission geographic,
25 social, and ethnic diversity, and who have a high degree

1 of competency.

2 In Modesto, similarly they look for people who
3 have demonstrated civic involvement and a capacity to
4 serve in an honest, independent, impartial fashion. These
5 are not saying they worked with the Voting Rights Act.
6 They're not being specific. And I would encourage you to
7 stay that general.

8 Redistricting is something people can learn with
9 the right advice in a public process where that advice is
10 checked by other people in the public. And we've seen it
11 in Arizona and in Modesto and San Diego. People who are
12 involved in rotary, people who are involved in Kiwanis,
13 people who teach high school civics, all of them are
14 perfectly qualified as long as they have a bipartisan
15 spirit.

16 And I would almost encourage the commission to
17 think about -- or the selection committee to think about
18 rather than trying to pick the 60 best, you know, maybe
19 you just make a tier; say these people are all in the same
20 tier, and then we draw 60 people out of that, rather than
21 trying to choose person A versus person B, because then
22 you could end up in court. We've already seen the
23 statements on preclearance and people fighting
24 preclearance on this and the talks about our time limits.
25 There will be efforts to delay this.

1 And so I would encourage, you know, keep it
2 simple, try to avoid lawsuits, because the one thing
3 redistricting does is keep lawyers well employed. And
4 there was also two requests for the list of state auditors
5 who would be qualified. I think that would be something
6 good to release after the drawing of who is going to be on
7 the commission, I would not release it beforehand because
8 they are state employees and efforts will be made to get
9 to them and to be sure that those who would have integrity
10 and would be impartial may be encouraged to decline to
11 serve in an effort to get the people on there who the
12 parties feel that they can get to more easily. And if for
13 no other reason, then just to save the auditors of that
14 hassle of facing that kind of pressure.

15 You guys are busy people, and this isn't really
16 in the job description I don't think any of you signed up
17 for. So with that, happy to share any other information
18 as this process goes forward, love to see you guys doing
19 all this work and the great outreach; and, of course, this
20 is just the beginning.

21 So thank you very much.

22 PANEL CHAIR REILLY: Thank you.

23 Is there anyone else in this section? Yes.

24 MS. ROBINSON-STARK: Hello. And thank you very
25 much for having this meeting. I was informed of it by

1 California Forward, and I have been very interested in
2 redistricting since the discussion topic came up a few
3 years ago relative to the impasse on budgeting in the
4 State of California. It is what drew my attention to the
5 need for redistricting, and I stayed committed to that
6 issue and looked for ways to be informed about the
7 commission for redistricting.

8 PANEL CHAIR REILLY: Can I interrupt for just a
9 second. Would you please state your name for the record.

10 MS. ROBINSON-STARK: Oh, didn't I say? Karen
11 Robinson-Stark. I am so sorry.

12 I'm here representing myself as just one of the
13 ordinary people who isn't serving on any commission,
14 doesn't work for any city organization, and is a fairly
15 informed but not right up to the minute on all the details
16 of national, state, and local government. And I'm the
17 kind of person that I would like you to consider. And I
18 think that the gentleman who just spoke is a wonderful
19 resource, I hope you ask have his card.

20 But furthermore, that issue of pressure on
21 ordinary people, one of the people from the ACLU and the
22 gentleman who is on the board at KPFK, they both talked to
23 the idea of having people who aren't ordinarily in the
24 process be people chosen. I have footnotes about that in
25 my mind, because people who are not ordinarily part of

1 this kind of process are -- can be very unable to cope
2 with the kind of influence that will be brought to bear.

3 I mean, when you think of all the effort that
4 people have put into these strange little odd-shaped
5 districts, and then they with a clear conscience -- no,
6 excuse me, with the appearance of a clear conscious stand
7 up and say this is reasonable. And so, you know, Ms.
8 Karen Robinson-Starks of the California area need to have
9 a certain level of previous involvement and capacity to
10 say, oh, isn't that interesting, and, you know, my
11 decision will be my decision.

12 So when you're looking for the broad range of
13 people, although you want to avoid the people who are, you
14 know, highly identified with a particular project, you
15 don't want to go so completely out of it that somebody who
16 barely votes ends up being the person that you choose.

17 And I also want to say that all of the people who
18 have gathered here, it is lovely to see this many people
19 out on a Monday in Los Angeles when it might rain.

20 But in addition to that fact, is that we're not
21 going to please everybody, and this commission selection
22 process is a beginning. And I would really like to think
23 that everybody is grown up enough to believe that
24 everybody doesn't get their fair share and that's the
25 nature of it. 60 people is not a lot of people in the

1 whole State of California. So I'd like people to be ready
2 to suck it up when it turns out the person that they
3 thought should get it didn't or their group wasn't, you
4 know, adequately represented. They'll have more chances.
5 This isn't the last time ever, it's just a beginning.

6 Thank you.

7 PANEL CHAIR REILLY: Thank you.

8 Is there anybody else in this section? Yes,
9 please.

10 MR. JONES: Hello. My name is Vincent Jones.
11 I'm with California Common Cause. I'm the L.A. organizer.
12 And we're a big supporter of Prop 11. And I'm glad
13 everybody's here participating in democracy.

14 I have a few comments and thoughts about how to
15 do outreach for the commission. Number one, I think the
16 Prop 11 and redistricting is an important part of the
17 democratic process, and I think -- I know you guys are
18 more concerned about how to best implement it. I think
19 you have to also manage the PR. I think that if the
20 general public does not believe in the process, then they
21 won't believe in the product. And so I think to the
22 extent that we can manage perceptions, like one gentleman
23 said that is very important, is people's expectations;
24 that's very important as well.

25 Also, I think with the constraints on our budget

1 right now, we all have many ideas of how to best get the
2 word out there, but we all know that the state government
3 is constrained fiscally by what can be done. And you
4 guys, there are three of you guys here, and there are 38
5 million Californians I believe.

6 So perhaps one way you could try to achieve the
7 goal without overburdening yourselves is by creating an
8 advisory panel that is either -- it can be bifurcated
9 where one part of the panel is about helping with
10 outreach, where you get a number of groups, like many
11 groups who are here, to help to do outreach, but within
12 their different bailiwicks, because certain groups like
13 know how to communicate to their groups better than
14 anybody else could. And even you guys got many ideas, you
15 couldn't do them all.

16 So perhaps you could get parties who are
17 interested to be on an advisory panel and perhaps you
18 could -- even some foundations who do fund work for civic
19 engagement to fund some of their activities to be able to
20 make it something that they can do in a real way as
21 opposed to burdening an already overburdened organization.

22 You may be able to do the same thing for the more
23 technical implementation aspects of it, where many
24 organizations, like the gentleman from the Rose Institute
25 who has -- or Common Cause or League of Women Voters or

1 whomever, who have a lot of expertise about this process
2 and the detail that can help you to kind of vet some of
3 your thoughts in the rule-making process before you put it
4 out to the public, so you can maybe try to mitigate some
5 of the complaints or the issues that you will have; but
6 you can have them working with you hand in hand to develop
7 the rules for this important process. And that would also
8 go towards dealing with the perception of the final
9 product.

10 Some other ideas for outreach, most people get a
11 utility bill of some sort. So perhaps you can do some
12 advertising through those, either through a little insert
13 or something -- I know they have those little newsletters
14 oftentimes too. You could explain what Prop 11 will do
15 and how people can get involved and give their input on
16 how they can be involved on the commission itself also.

17 And I know one of the things I work with at
18 Common Cause is Democracy Matters, which is a bunch of
19 chapters of college students who are organizing their
20 peers around various issues. And I think college students
21 have a lot to offer to this process, even though they may
22 not be Ph.Ds and lawyers just yet, they are studying with
23 Ph.Ds and lawyers and experts about these various issues,
24 and their opinions and their inputs are very valuable.
25 And I think if you had forums like these on college

1 campuses or you took into account age as part of
2 diversity, that would be very important to engaging a
3 population that often feels disengaged from the political
4 process or the democratic process.

5 I think it's been said several times about social
6 networking and Facebook. You know, I think for young
7 adults, our social square these days is things like
8 Facebook. And you can do target advertising for very
9 cheap amounts of money to really get the word out to
10 people who are interested in democracy and governing and
11 the world, but wouldn't necessarily read an announcement
12 in the newspaper or get an email from a group here or
13 something else, but you can reach them through Facebook
14 and social networking things.

15 And lastly, I want to say I agree with the people
16 who said that you shouldn't just get people who have lots
17 of letters behind their names, but whatever -- whomever
18 you ultimately get, if you have some sort of training
19 process to help people to understand what has happened in
20 the past for redistricting, what the process is really
21 like, like what -- what's the -- how do you -- what's the
22 Voting Rights Act, what does that mean, what's
23 preclearance, because people oftentimes get demystified --
24 they need to demystify some of the terms and the processes
25 so that one person who knows everything does not become

1 the de facto leader, but each person can feel like they
2 can be a full contributor to the process.

3 But thank you guys for being here, and thank you
4 all you guys, too.

5 PANEL CHAIR REILLY: Thank you.

6 Is there anyone else in the middle section there
7 would that would like to comment?

8 Why don't we move to the next section. Is there
9 anybody who would like to comment? Okay.

10 MS. LU: Hi. My name is Selena Lu. This will be
11 brief.

12 I am very active in many groups, including the
13 League of Women Voters Pasadena area, but I'm here as a
14 citizen and as an active citizen to ask if you -- one
15 thing I would suggest is that many groups want to get the
16 word out. I've spoken to many groups leading up to this
17 meeting, and they're always asking for a flier. So I put
18 one together.

19 But if on your website, because I've gone to your
20 website to get information, for these hearings or any
21 future events, a one-page flier to get the information you
22 want out from the State Auditor would be very helpful,
23 because it would come from the State Auditor and the
24 information would be accurate. So that's all I ask.

25 Thank you.

1 PANEL CHAIR REILLY: Thank you.

2 Is there anybody else in this section that would
3 like to speak? This one here? No?

4 How about over here? Is there anyone else in the
5 room who would like to speak?

6 Yes, sir.

7 MR. WRIGHT: Thank you, Sharon. I'm Jim Wright,
8 a voter from San Jose. And after the meeting that we
9 recently had in Fresno that I went to, I went home and did
10 some work, and I provided you with a copy of what I did.
11 And that is to put together a sample, what I consider a
12 sample of what would be the application that could be used
13 for the people who want to become commissioners. It's not
14 a finished product, it needs a lot of additional work I'm
15 sure in both content, the wording, and the format. I
16 offer it as a suggestion, which incorporates the points
17 made at previous meetings along with some items derived
18 from the Act itself.

19 I think that the finished form, once it's
20 achieved, should be available in three ways. First of
21 all, it should be available on the worldwide web, perhaps
22 as a modifiable pdf form, much like is done for the income
23 tax forms for example; secondly, people should be able to
24 request the form by calling a number and leaving their
25 name and address; and thirdly, they should be able to mail

1 in a letter saying I would like to have a form. So they
2 need an address that they can send it to. Your feelings,
3 of course, on how this might be implemented within the
4 state, I don't know whatever resources the state has for
5 doing things like this.

6 I have brought additional copies of this
7 suggested form, application form; I'll leave them on the
8 table in the back so anybody can have them, take a look at
9 them if they will, provide their comments about the
10 content.

11 Would you have any questions about it at this
12 time?

13 PANEL CHAIR REILLY: I don't at this time.

14 PANEL MEMBER RUSSO: No.

15 MR. WRIGHT: Okay. Thank you for your time.
16 You're doing a great job on these meetings.

17 PANEL CHAIR REILLY: Thanks.

18 So I'm going to call for comments one more time.
19 Is there anybody else? Yes.

20 MS. RIGBY: Can I just make an additional
21 comment?

22 PANEL CHAIR REILLY: Yes, of course. Please
23 state your name again.

24 MS. RIGBY: My name is Amanda Rigby. And I don't
25 represent anybody except my family. I'm just a wife and

CERTIFICATE OF TRANSCRIBER

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

Date: February 23, 2009

I hereby certify that the foregoing is a correct
transcript from the digitally-recorded hearing of the
above-referenced matter for the California Bureau of the
State Audits, to the best of my ability.


Diana Sasseen