

**BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION**

**In the Matter of
Full Commission Business Meeting**

Sierra Toyota
Antelope Valley Room
Lancaster, California

Reported by:
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COMMISSIONERS PRESENT:

Gabino T. Aguirre
Angelo Ancheta
Vincent Barabba
Maria Blanco
Cynthia Dai
Michelle DiGuilio
Jodie Filkins Webber
Stanley Forbes
Connie Galambos Malloy
Lilbert R. "Gil" Ontai
M. Andre Parvenu
Jeanne Raya
Michael Ward
Peter Yao

COMMISSIONERS ABSENT:

STAFF PRESENT:

Dan Claypool, Executive Director
Kirk Miller, Legal Counsel
Rob Wilcox, Communications Director
Janece Sargis, Commission Liaison

ALSO PRESENT:

PUBLIC COMMENT:

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CHAIRPERSON BARABBA: Good afternoon. This is the Citizen's Redistricting Commission Meeting being held in Lancaster California. We are delayed because we had some technical difficulties and our staff moved as fast as we possibly could to get up and live and we're glad we're all here. So let's take a roll call if we could please.

COMMISSION LIASON SARGIS: Commissioner Aguirre?

COMMISSIONER AGUIRRE: Here.

COMMISSION LIASON SARGIS: Commissioner Ancheta?

COMMISSIONER ANCHETA: Here.

COMMISSION LIASON SARGIS: Commissioner Barabba?

COMMISSIONER BARABBA: Here.

COMMISSION LIASON SARGIS: Commissioner Blanco?

COMMISSIONER BLANCO: Here.

COMMISSION LIASON SARGIS: Commissioner Dai?

COMMISSIONER DAI: Here.

COMMISSION LIASON SARGIS: Commissioner

DiGuilio?

COMMISSIONER DIGUILIO: Here.

COMMISSION LIASON SARGIS: Commissioner Filkins-

Webber?

COMMISSIONER FILKINS-WEBBER: Here.

COMMISSION LIASON SARGIS: Commissioner Forbes?

1 **COMMISSIONER FORBES:** Here.

2 **COMMISSION LIASON SARGIS:** Commissioner
3 Galambos-Malloy?

4 **COMMISSIONER GALAMBOS-MALLOY:** Here.

5 **COMMISSION LIASON SARGIS:** Commissioner Ontai?

6 **COMMISSIONER ONTAI:** I am here.

7 **COMMISSION LIASON SARGIS:** Commissioner Parvenu?

8 **COMMISSIONER PARVENU:** Here.

9 **COMMISSION LIASON SARGIS:** Commissioner Raya?

10 **COMMISSIONER RAYA:** Here.

11 **COMMISSION LIASON SARGIS:** Commissioner Ward?

12 **COMMISSIONER WARD:** Here.

13 **COMMISSION LIASON SARGIS:** Commissioner Yao?

14 **COMMISSIONER YAO:** Here.

15 **COMMISSION LIASON SARGIS:** A quorum is present.

16 **COMMISSIONER BARABBA:** This meeting is scheduled
17 to do a review of the regions that we visited earlier.
18 And because of the time delay in getting started and our
19 need to be ready to go for the input meeting which starts
20 at 2 p.m. we're going to adapt a little bit and we're
21 going to -- because we're going to focus on the
22 guidelines for map drawing, which we started at a
23 previous meeting. And since one of the aspects of the
24 line drawing guidelines that we're going to deal with
25 relates to the Voting Rights Act we've asked Ana

1 Henderson and the Q2 team to provide us with some
2 information that we saw when we were in Region Six to
3 invoke in Kern County and Merced County relative to some
4 of the complications associated with that I think we
5 should be considering. And then following that we'll go
6 into the guidelines and at that point we'd ask
7 Commissioner Filkins-Webber in the legal to kind of keep
8 track of things and hopefully find a way to create a
9 motion that would allow us to be moving ahead.

10 **MS. HENDERSON:** Okay, thank you Commissioners.
11 Good afternoon. So at the meeting yesterday we went
12 through Region 9 and Regions 5. We have Region 6 left to
13 go to, but we're just going to focus on the Section 5
14 Districts and just would like to show you a few things
15 for your information and your consideration. When we're
16 looking at Section 5 Districts one of the standards that
17 we'll be looking at is the standard of retrogression that
18 you've heard about before.

19 And when looking at retrogression we will be
20 comparing the voting strength of minority voters and the
21 existing districts with the new districts. The existing
22 districts I refer to as benchmark districts. So what
23 we're going to show you first here on the screen is the
24 benchmark district Assembly District 30, which
25 encompasses all of Kings County, just so you can get a

1 sense of where this district is now. It also goes into
2 Kern County where we also heard testimony during the
3 Region 6 hearings in Bakersfield, so I just wanted to
4 give you an idea of what this looks like right now and
5 the executive summary we included some demographic
6 information about the existing population in AD30. For
7 your information currently it has a Hispanic population
8 of 68.79. And you'll see that includes all of Kings
9 County, part of Fresno County, goes down into Kern County
10 and around taking up part of east Bakersfield. Okay.

11 **FEMALE 1:** I'm sorry, where is that on your
12 (inaudible)?

13 **MS. HENDERSON:** It's on the last page of the
14 Region 6 wrap-up at the bottom of the third to last page
15 and then the last page.

16 And what we included in this part of the
17 technical wrap-up was just a description of the districts
18 just to give you kind of an idea of where things lay
19 right now. It was not to anyway suggest that they have
20 to be like this in the future, just so you know what's
21 going on in the existing districts. And the only reason
22 we went into the existing districts in this area is
23 because of Section 5 and the retrogression standard.
24 Okay.

25 So, next we will show you -- I'm going to show

1 you the senate district also that has Kings County. And
2 that is current Senate District 16. The current
3 population of District 16 is 70.88 percent Hispanic with
4 a voting age population or VAP of 66.19, Latino. And
5 we'll highlight this; it's in the red dot.

6 **COMMISSIONER BLANCO:** We're missing the, you
7 know, the top.

8 **MALE:** Maria, would you put your microphone on
9 please?

10 **MS. HENDERSON:** We're pulling out so you can
11 see it. It was zoomed in for the assembly district.
12 Okay.

13 So now we're going to shift up to the two
14 legislative districts that include Merced County. We'll
15 do the senate district first. The population statistics
16 for that senate district are currently 59.14 Latino total
17 population, and voting age population of 53.48 percent.

18 **CHAIRPERSON BARABBA:** Peter, do you have a
19 question?

20 **COMMISSIONER YAO:** No.

21 **COMMISSIONER BLANCO:** Yeah, that's what I was
22 trying to say, statistics has the --

23 **MS. HENDERSON:** Yeah, that's actually showing
24 you the whole state, it's not the -- that's right.

25 **COMMISSIONER BLANCO:** No, no, no, I'm just

1 talking about you know at the very top it has the
2 population data so we can see that.

3 **MS. HENDERSON:** That actually is showing the
4 whole state population data.

5 **COMMISSIONER BLANCO:** Oh.

6 **MS. HENDERSON:** Okay, so in green, that's the
7 current senate district including Merced County. And
8 then we'll do the assembly district. And that district
9 is currently 51.95 Latino total population, with a voting
10 age Latino population of 27.03. And it's the area in
11 green that's kind of at the top of the screen that Jamie
12 is highlighting right now.

13 **COMMISSIONER BLANCO:** So I think we asked to
14 have the old census data loaded. Is that done, the 2000?

15 **MS. HENDERSON:** If it's all right I'd like to
16 show you the 2010 distribution.

17 **COMMISSIONER BLANCO:** Okay.

18 **MS. HENDERSON:** That's what I will pull out.
19 So the 2010 distribution, we're going to show you the
20 Latino population for this area and what we've done is a
21 tract-by-tract distribution of the population. So once
22 we get it up and I can make sure I have the key right I
23 will read to you what the different colors mean. So this
24 is just showing you the census tracts and highlighting
25 the different census tracts by percent Latino voting age.

1 That's age 18 or over. The darkest salmon color is 75 to
2 100 percent Latino voting age. The next shade down is 60
3 to 75 percent Latino voting age. The kind of peach color
4 right there is 50 to 60 percent Latino voting age. The
5 next shade down is 30 to 50 percent voting age Latino and
6 the kind of cream color is 0 to 30 percent Latino voting
7 age.

8 **FEMALE:** So, Ms. Henderson is it correct to say
9 that the retrogression standard that we need to look at
10 is 2010 census data in the old districts?

11 **MS. HENDERSON:** That's correct.

12 **FEMALE:** Okay. Thank you.

13 **FEMALE:** The other question I have even though
14 we haven't had a discussion about it yet is and I think I
15 had a question of Ms. MacDonald as well. You're only
16 using the voting age population, but then there are some
17 additional standards from the 9th Circuit Court of
18 Appeals decision regarding citizen voting age population.
19 Do you have any -- based on your expertise or your
20 recommendations on -- I mean we haven't discussed what
21 we're going to be looking at so your data that you have
22 now are just voting age population. Do you have similar
23 I guess maps that -- like what you're showing us now that
24 show the CVAP?

25 **MS. HENDERSON:** Yes, we can put those together.

1 We are showing you voting age population today because
2 we're still -- we had a little technical problem
3 yesterday and I'm not a hundred percent sure that the
4 CVAP data are not going to crash my machine right now
5 because I just got the CVAP data so in order to give you
6 an idea what's going on I wanted to show you the VAP or
7 voting age population data, but we do have those data
8 available and can use them.

9 **FEMALE:** And so when you, you know, if you
10 didn't have any technical issues, obviously we'll work
11 through those, then you could be pulling up a map similar
12 to what we're looking at now that would have CVAP?

13 **MS. HENDERSON:** Yes, we can.

14 **FEMALE:** Thank you.

15 **FEMALE:** And Ms. Henderson, how accurate is the
16 citizen voting age population data?

17 **MS. HENDERSON:** Oh that's going to be a very
18 long discussion that we may want to get into another time
19 just because of the interest of time, but -- if that's
20 okay.

21 **FEMALE:** No problem.

22 **MS. HENDERSON:** Okay.

23 **CHAIRPERSON BARABBA:** I would just say that
24 based on having gone through that once or twice it's -- I
25 wouldn't consider it a very reliable number because

1 you're going to ask somebody to tell you they're not a
2 citizen while you're collecting the information. And the
3 likelihood of getting a proper response is really not
4 high.

5 **FEMALE:** That's the reason I asked the
6 question.

7 **FEMALE:** The -- Commissioner Barabba?

8 **CHAIRPERSON BARABBA:** Yes?

9 **FEMALE:** Well, and I think there's other
10 problems, which is the -- that it's American Survey and
11 it's an average and compiled over five years and so it's
12 not the most recent, so it's not just how people
13 designate their real methodological issues with this time
14 because the census didn't catch your citizenship.

15 **MS. HENDERSON:** Yes, it really --

16 **CHAIRPERSON BARABBA:** It never has.

17 **MS. HENDERSON:** -- yeah, so it is a different
18 survey, it's a sample survey. There are varying degrees
19 of margin of error depending on how big the population
20 you're looking at is and so just from a methodological
21 point-of-view and in terms of margins of error when
22 you're talking about American Community Survey data for
23 very large populations they're pretty good. When you're
24 getting into like a very small area these census data are
25 not even publicly available in some cases.

1 **FEMALE:** So would it be fair to say that it's
2 an interesting number, we probably need to take it with a
3 grain of salt because of all these methodological
4 reluctance to answer these kinds of issues.

5 **MS. HENDERSON:** I think we -- yeah there's a
6 lot, but I guess that it's going to be a very long
7 discussion.

8 **CHAIRPERSON BARABBA:** Commissioner Ancheta?

9 **COMMISSIONER ANCHETA:** And I think there a lot
10 of complications which I think both the consultants and a
11 lot of commissioners are aware of, but I think the advice
12 of our VRA counsel was at this point that we just make
13 sure we get both sets of data.

14 **CHAIRPERSON BARABBA:** Yeah.

15 **COMMISSIONER ANCHETA:** We might have depending
16 on how we feel our confidence level on the CVAP data, we
17 may need to use voting age population even though
18 Commissioner (inaudible) is right about the 9th Circuit
19 case law, but there's questions about reliability but at
20 least it will have a more complete data so that we have
21 both numbers to work with. That's probably the best way
22 to go at this point.

23 **MS. HENDERSON:** And I will point out if I may
24 that we're lucky in California the statewide database has
25 publicly available more types of -- more different ways

1 to get at CVAP, for example, sir name match voter
2 registration data that in most states is not readily
3 available, so there are some --

4 **CHAIRPERSON BARABBA:** Commissioner Raya?

5 **COMMISSIONER RAYA:** I had a question -- sorry,
6 I was on. Is there a way that we can get either a
7 printout or an email, you know, an attachment or
8 something so that we have this map to review when we're
9 doing our homework?

10 **MS. HENDERSON:** Certainly, yeah, we are happy
11 to provide whatever the commission would like.

12 **COMMISSIONER RAYA:** Well, that's my request.

13 **MS. HENDERSON:** Okay. So I wanted to -- there
14 was some questions that came up yesterday about some of
15 the visualizations that we were doing and whether voting
16 rights issues may impact on them and so I wanted to give
17 you just kind of a preliminary introduction to some of
18 the maps that we can look at to demonstrate how
19 population distributions might affect how districts are
20 drawn from a voting rights act perspective. So yesterday
21 we we're looking at a map that didn't have any of the
22 racial demographics in it and when you're getting into a
23 section of the state like Region 6, you know, it's
24 something that should be taken into consideration. And
25 this is the kind of stuff that we look at when we're --

1 as I mentioned on Thursday when we're trying to draw maps
2 and draw districts and trying to see how things look,
3 we're looking at all this at the same time. So we will
4 be able to see the tract level or if want to make it
5 block group -- or block level on some cases. We also see
6 the city and county lines and that's what I meant when I
7 said we look at all this at the same time. So I thought
8 it might help the commission a little bit to understand
9 what we do.

10 **CHAIRPERSON BARABBA:** So when we give a -- give
11 you some direction then you follow the direction, you
12 provide before the report then if it dealt with a Section
13 5 issue you would list not only what you found but the
14 data that it was derived from and whether you -- the
15 level of confidence you have with each of those files?

16 **MS. HENDERSON:** Absolutely.

17 **CHAIRPERSON BARABBA:** Okay.

18 **MS. HENDERSON:** Yes, so as for Section 5 what
19 we would do is we would take the benchmark plan so that
20 the different populations that I just showed you in the
21 benchmark plan, the current districts, but using 2010
22 census data and then would compare that to whatever
23 district the commission directed us to draw and then show
24 you the 2010 census data and those new districts, so that
25 way you would be able to compare between the two

1 different districts and see if there was any idea of
2 retrogression.

3 **CHAIRPERSON BARABBA:** Commissioner Yao?

4 **COMMISSIONER YAO:** This is a question on the
5 mechanic of coming up with the district. Does Section 2
6 require for example that we have a population district
7 that would contain the maximum percentage of -- is
8 minority the right term to use, to maximize the
9 percentage?

10 **FEMALE:** Oh, Commissioner Barabba?

11 **CHAIRPERSON BARABBA:** Yes?

12 **COMMISSIONER BLANCO:** I think what we should
13 do, I mean maybe we should let --

14 **CHAIRPERSON BARABBA:** Excuse me, Maria, are you
15 answering Peter's question?

16 **COMMISSIONER BLANCO:** Yes, I am.

17 **CHAIRPERSON BARABBA:** Okay.

18 **COMMISSIONER BLANCO:** Yes. Because I know
19 we're going to get into that conversation later about
20 what the guidelines are on Section 2 and it is related to
21 the training that the attorney's -- it was that whole
22 conversation we had that I think Mr. Brown presented, but
23 it will go into the -- I think into our -- it's going to
24 bleed into the next discussion on guidelines --

25 **CHAIRPERSON BARABBA:** Okay.

1 **COMMISSIONER BLANCO:** -- so maybe we can wait
2 for that conversation.

3 **CHAIRPERSON BARABBA:** And Jodie, did you have a
4 --

5 **COMMISSIONER FILKINS-WEBBER:** When you do the
6 analysis that you're going to present to us when you look
7 at the -- these Section 5 counties and you're going to
8 give us the statistical numbers between the 2010 data,
9 voting data in comparison to I guess the direction that
10 we have -- or some of the insight maps I guess we've
11 given you, is that correct, that's what you're saying
12 you're going to do?

13 **MS. HENDERSON:** That's correct.

14 **COMMISSIONER FILKINS-WEBBER:** And then are you
15 going to take it like the next step and -- if you haven't
16 been given guidelines in that regard, please tell me
17 because we can work on it. That's part of what we're
18 going to do today. Are you -- I noticed that, you know,
19 when you did your wrap-up in your executive report then
20 you highlighted some technical notes, are you going to do
21 that as well? So for instance if we're, you know, 30
22 percent off on a Hispanic population that appears to be
23 retrogression are you going to take it that next level
24 down and say, you know, highlight -- it appears, you
25 know, your insight map is 30 percent off or?

1 **MS. HENDERSON:** Yes, if the commissioner would
2 like us to do that we would be happy to do that.

3 **COMMISSIONER FILKINS-WEBBER:** Okay. I'll make
4 a note of that.

5 **MS. HENDERSON:** Okay.

6 **COMMISSIONER FILKINS-WEBBER:** And then when you
7 come down to those issues if and you still need further
8 direction based on the guidelines that were provided by
9 VRA to consult with them as well to have confirmation
10 that from our VRA consultants' perspective they would
11 agree that if we're 30 percent off it would be a Section
12 5 violation because we've retrogressed.

13 **MS. HENDERSON:** Yes.

14 **COMMISSIONER FILKINS-WEBBER:** Would you like
15 their input in that regard too?

16 **MS. HENDERSON:** Yes, definitely.

17 **COMMISSIONER FILKINS-WEBBER:** Okay.

18 **MS. HENDERSON:** Yeah, if --

19 **COMMISSIONER FILKINS-WEBBER:** Thank you.

20 **CHAIRPERSON BARABBA:** Is there any other
21 questions on this particular issue? Jodie, do you think
22 this might be time for a motion to see if we can get some
23 commission agreement?

24 **COMMISSIONER FILKINS-WEBBER:** Yes. As the
25 commission will recall, two or three days ago?

1 **CHAIRPERSON BARABBA:** I thought it was last
2 month.

3 **COMMISSIONER FILKINS-WEBBER:** The record will
4 speak for itself. I believe it was Thursday in Los
5 Angeles, whatever day of the week that was. We passed a
6 motion directing our consultant to consider based on the
7 recommendations of advice of counsel, the Section 5
8 counties and as part of that motion I appreciate Ms.
9 Henderson pointing out what they're going to be able to
10 do for us with those guidelines. But based on her
11 additional insight regarding those issues I would just
12 ask preliminarily for -- and since she's asked for it I
13 would propose that we move one further additional
14 guideline that in consideration of the Section 5 counties
15 that Q2 perform the retrogression analysis with the 2010
16 voting information and in doing so then consult with VRA
17 counsel and jointly provide recommendations to the
18 commission to the extent in which our insight maps either
19 meet must or with present Section 5 or could constitute
20 retrogression that could give rise to a potential for
21 Section 5 violation.

22 **MS. HENDERSON:** If I may, census -- is census
23 data is probably more specific than voting information?

24 **COMMISSIONER FILKINS-WEBBER:** Okay. The census
25 data.

1 **MS. HENDERSON:** Okay. Thank you.

2 **COMMISSIONER FILKINS-WEBBER:** Is there a
3 second?

4 **MALE:** (Inaudible).

5 **COMMISSIONER FILKINS-WEBBER:** That's fine; I
6 can go through it again. I should probably type it next
7 time. I can shorten it up.

8 **FEMALE:** Please.

9 **COMMISSIONER FILKINS-WEBBER:** I'm thinking and
10 talking out loud at the same time. So I would move that
11 --

12 **CHAIRPERSON BARABBA:** Is there a question, I
13 can't --

14 **COMMISSIONER FILKINS-WEBBER:** Okay. I would
15 move that Q2 be provided guidelines from this commission
16 to perform the necessary Section 5 comparison between the
17 2010 census data in consultation with varied counsel to
18 determine if there's been a violation of Section 5 on
19 retrogression.

20 **CHAIRPERSON BARABBA:** Second?

21 **COMMISSIONER ANCHETA:** I'll second that motion.

22 **CHAIRPERSON BARABBA:** Second by Mr. Ancheta,
23 Angelo.

24 **MALE:** So I'm not clear relative to what we
25 passed the other day. I understand it's sort of a

1 clarification regarding the 2010 census data, but is that
2 all that the motion goes to?

3 **COMMISSIONER FILKINS-WEBBER:** In that they
4 actually provide the commission with that guidance.

5 **MALE:** Okay. And that's fine, but I would note
6 that there are other things that probably do need to be
7 looked at and then the VRA counsel have advised us on a
8 lot of things including election data and other voting
9 history. There's a lot of other stuff in other words
10 that would need to be looked at and I don't think the
11 motion goes to this, but as long as it's clear that there
12 are additional things, and this is only really a
13 clarification regarding the appropriate census data.

14 **CHAIRPERSON BARABBA:** That's correct.

15 **MALE:** That's fine.

16 **CHAIRPERSON BARABBA:** Okay.

17 **MALE:** As long as it doesn't limit the full
18 universe of data that needs to be looked at because a lot
19 of other stuff does if available.

20 **COMMISSIONER FILKINS-WEBBER:** Oh you mean for
21 Section 5?

22 **MALE:** For Section 5, yeah. In other words --

23 **COMMISSIONER FILKINS-WEBBER:** Oh no, it's
24 broad, that's all.

25 **MALE:** Yeah, but anyway, as long as it's sort

1 of a specification of 2010 versus 2000, that's fine, but
2 again -- but there's a bunch of other stuff that as long
3 as this motion doesn't really limit that I think it's
4 fine. Okay.

5 **CHAIRPERSON BARABBA:** Maria?

6 **COMMISSIONER BLANCO:** So one ditto on that, I
7 don't want limit our legal look at Section 5 to
8 retrogression because it includes other factors when
9 you're making a legal analysis in Section 5 counties so I
10 would clarify that this is only one part of Section 5
11 analysis that we're doing, which is the retrogression,
12 but that is not the only Section 5 analysis that we're
13 going to do for Section 5 counties. So that's I would --
14 I hope that when we vote that's clear.

15 But I -- and then just -- it's just a little
16 bit of a wordsmithing issue, but I would not say
17 violation, I -- because, I mean there could be
18 retrogression and it might not be a violation, a clear
19 cut violation, that's where you're going to argue about
20 the edges.

21 **FEMALE:** A problem area.

22 **COMMISSIONER BLANCO:** So -- what?

23 **FEMALE:** A problem area, essential issue.

24 **COMMISSIONER BLANCO:** It raises Section 5
25 benchmark issues, but I, you know, I would not say it's a

1 violation because that would limit it and would require
2 legal analysis before we could even proceed.

3 **CHAIRPERSON BARABBA:** Jodie, are you --

4 **COMMISSIONER FILKINS-WEBBER:** Then I would
5 propose an amendment to my motion that Q2 with
6 consultation with VRA counsel identify Section 5
7 benchmark issues.

8 **FEMALE:** And this is just clarification for the
9 other commissioners. This is, you know, this is
10 direction to our line drawers and I would imagine we'd
11 have separation direction to give some (inaudible) on VRA
12 counsel on the other issues, other legal issues.

13 **FEMALE:** I have a question I guess from having
14 remembered when we were working on the budget through
15 finance and administration, we did have within that line
16 item four other technical consultants we had talked about
17 doing retrogression studies and so is the idea that we're
18 building them in now to earlier stages of the process and
19 so we would not likely need to do that, to dip into that
20 line item to -- or we think there's an iterative process,
21 there might be a layer we do through Q2 and then another
22 separate study we have to commission later?

23 **CHAIRPERSON BARABBA:** Angelo, do you want to
24 address that?

25 **COMMISSIONER ANCHETA:** Yeah, I --

1 **FEMALE:** And, Ms. Henderson, I believe she has
2 something as well.

3 **COMMISSIONER ANCHETA:** Yeah, I think that's
4 right and a lot of this information can be taken from
5 census data that are available currently. I think we
6 should just get started on. And again, electoral data
7 and other things where there might have to be some
8 additional study. Ideally we have someone in place at
9 that point, but we can certainly -- I can just get the
10 ball rolling on this right now. And of course we're
11 voting a minimum number of counties where the supply --
12 so -- as best we can form our decision making earlier,
13 all the better.

14 **CHAIRPERSON BARABBA:** Did you have a comment?

15 **MS. HENDERSON:** Yes. What Q2 would be doing is
16 strictly looking at the census data and identifying
17 potential retrogression issues to discuss with VRA
18 attorneys. Some of these and some of these
19 determinations may actually need racially polarized
20 voting analysis so it's not wholly; it's not just a
21 census issue. The data gets you started, but in some
22 areas we may need racially polarized voting analysis.

23 **CHAIRPERSON BARABBA:** Okay. Any other
24 comments? Commissioner Yao?

25 **COMMISSIONER YAO:** Now, does this motion limit

1 ourselves to just the previously identified Section 5
2 counties or does it go broader enough saying that we
3 suspect that there may be an issue that we would proceed
4 and analyze and present it and discuss it with the
5 council and present it to the commission for
6 consideration?

7 **FEMALE:** Can I answer that?

8 **CHAIRPERSON BARABBA:** Yes.

9 **FEMALE:** Okay. This is only with Section 5, I
10 believe that Commissioner Filkins-Webber will have
11 another one on Section 2 in just a second if we can move
12 this.

13 **COMMISSIONER YAO:** Okay. That's fine; I didn't
14 know that at the time.

15 **MALE:** It does affect other counties because
16 these districts transcend other boundaries, so yes, there
17 will be affects on others besides just those four.

18 **CHAIRPERSON BARABBA:** Okay. Let's call for the
19 question. I think we can do a (inaudible).

20 **MS. HENDERSON:** We need a second on the
21 amendment.

22 **CHAIRPERSON BARABBA:** Public comments?

23 **FEMALE:** Commissioner Yao.

24 **CHAIRPERSON BARABBA:** Okay.

25 **FEMALE:** This is -- thank you, thank you for

1 the opportunity for public comment. I just want to make
2 sure that I'm understanding because listening to your
3 discussion this is what I think you're voting on, so just
4 whatever. Q2 perform a comprehensive analysis including
5 retrogression analysis of Section 5 counties using 2000
6 and 2010 census data, election data -- no.

7 **CHAIRPERSON BARABBA:** No, 2010.

8 **MS. HENDERSON:** No, 2010.

9 **FEMALE:** 2010 election data --

10 **CHAIRPERSON BARABBA:** No.

11 **FEMALE:** Census data, census data.

12 **FEMALE:** But then Commissioner Ancheta talked
13 about other data being important such as election data
14 and you didn't want to limit it to that.

15 **FEMALE:** Right, but (inaudible) Q2.

16 **FEMALE:** So are you voting to limit it to only
17 census data?

18 **CHAIRPERSON BARABBA:** No, we are not.

19 **FEMALE:** Okay. So you are going to use other
20 data besides census data?

21 **COMMISSIONER FILKINS-WEBBER:** Right now the
22 only thing we're agendized is for is guidelines to our
23 map, our line drawer so we are --

24 **FEMALE:** To do this, but you're directing them
25 to your census data and other data.

1 **COMMISSIONER FILKINS-WEBBER:** No. We're just
2 doing census data because --

3 **FEMALE:** Are you or are you not using other
4 data? For this analysis only you're only using census
5 data?

6 **COMMISSIONER FILKINS-WEBBER:** For -- we're
7 asking Q2 --

8 **FEMALE:** Okay, no, no, no, I understand, I
9 understand it's just your direction. Okay. So then
10 you're going to come back --

11 **COMMISSIONER FILKINS-WEBBER:** Back to the
12 originally --

13 **FEMALE:** Okay.

14 **COMMISSIONER FILKINS-WEBBER:** -- polarized
15 voting analysis.

16 **FEMALE:** Okay.

17 **CHAIRPERSON BARABBA:** Thank you.

18 **FEMALE:** I -- I got lost. Thank you.

19 **CHAIRPERSON BARABBA:** Any other comments from
20 the public? Okay. All in favor signify by raising your
21 hands, oh excuse me.

22 **FEMALE:** (Inaudible).

23 **FEMALE:** I would like just to make sure that
24 since my name's going to be on it.

25 **FEMALE:** The motion is for Q2 to be provided

1 guidelines from the commission to perform necessary
2 Section 5 comparisons between 2010 census data in
3 consultation with VRA consultants to identify Section 5
4 benchmark issues as to retrogression.

5 **COMMISSIONER FILKINS-WEBBER:** Perfect.

6 **CHAIRPERSON BARABBA:** We don't often get it
7 perfect, but congratulations. All in favor signify by
8 raising your hand and saying aye.

9 **ALL:** Aye.

10 **CHAIRPERSON BARABBA:** Any opposed? So passed.
11 Jodie, go ahead.

12 **COMMISSIONER FILKINS-WEBBER:** Ms. Henderson, do
13 you remember or if any other commissioner can refresh my
14 memory there was another question that I had asked you
15 that you needed further direction on this Section 5
16 still. I thought there was or maybe that was all
17 encompassing, I can't remember.

18 **MS. HENDERSON:** On Section 5, not that I
19 recall.

20 **COMMISSIONER FILKINS-WEBBER:** Okay. Okay.

21 **MS. HENDERSON:** I apologize if I'm missing
22 something. If you think of it, please let me know.

23 **CHAIRPERSON BARABBA:** I can guarantee you she
24 will.

25 **COMMISSIONER FILKINS-WEBBER:** Okay. Next

1 pursuant to our VRA counsel's advise, they have also
2 asked that we direct Q2 to identify geographically
3 compact single minority populations pursuant to Section 2
4 of the voters Voting Rights Act. Pursuant to their
5 recommendation they have just stated that it would be
6 based on voting age population equal or exceeding 50
7 percent of a hypothetical assembly senate congressional
8 district and I suspect that could be based on our insight
9 maps that we have proposed. So in that regard and based
10 on our discussion earlier which we may have to get into
11 later, I will just disregard the Supreme Court and the
12 Court of Appeals discussion regarding the word citizen
13 voting age population and the other term eligible voting
14 age population. We just won't get into that today
15 because I -- as I've listened to my fellow commissioners
16 I feel that we want to see a broader, you know, broader
17 application of the census data. So in that regard I
18 would propose that we -- that I -- I would move actually
19 that we direct Q2 to identify geographically compact
20 single minority populations whose voting age populations
21 are equal to or exceed 50 percent of -- oh, I'm sorry --

22 **FEMALE:** I all --

23 **COMMISSIONER FILKINS-WEBBER:** You know what,
24 I'll -- I have it written here, it's actually -- let me
25 finish the statement then I'll finish. That equal to or

1 exceed 50 percent of a hypothetical assembly senate or
2 congressional district. And what I'm specifically
3 referring to is page 5 of the Gibson Dunn Guidelines,
4 Section 5(a).

5 **FEMALE:** From the bound volume, correct?

6 **COMMISSIONER FILKINS-WEBBER:** Correct that we
7 received the other day. And now this is a general
8 direction for Q2 to look at it under the -- under all of
9 these insight maps that we proposed because we have
10 already provided direction with our last motion that
11 you're going to perform this Section 2 analysis on the
12 Section 5 and that's already been passed as of two days
13 ago and that's also contained in the Gibson Dunn. So
14 this is a broader general request for direction to Q2 in
15 looking at Section 2 VRA issues overall on our
16 hypothetical proposals that we've made.

17 Do you need any additional information or help
18 in that regard, Ms. Henderson?

19 **MS. HENDERSON:** A question for the commission.
20 Would the commission like us to identify areas in the
21 state in general, as opposed to just hypothetical
22 visualizations that we've done so far, so basically
23 provide you if -- in consultation with the VRA attorneys
24 if we identify an area that the commission should be
25 aware of?

1 **COMMISSIONER FILKINS-WEBBER:** Well, right now
2 it's based on our insight maps, not your hypothetical.

3 **MS. HENDERSON:** Oh, yeah.

4 **COMMISSIONER FILKINS-WEBBER:** My motion right
5 now is limited to the -- those issues as potential
6 Section 2 violations based on the insight maps that we've
7 provided.

8 **CHAIRPERSON BARABBA:** Jodie, I think what she
9 was suggesting is are there areas whether they're in a
10 hypothetical district or not that we would like to be
11 apprised of.

12 **COMMISSIONER FILKINS-WEBBER:** Right.

13 **CHAIRPERSON BARABBA:** Is that the question?

14 **MS. HENDERSON:** Yeah, it's more that, you know,
15 if -- like similar to the map that we provided earlier
16 today showing you where concentrations are. If you would
17 like us to consult with the VRA attorneys to see if
18 there's areas that the commission should take into
19 consideration beforehand.

20 **COMMISSIONER FILKINS-WEBBER:** I would like to
21 ask further input from my fellow commissioners before I
22 actually broaden a proposed motion since I don't have a
23 second on it right now.

24 **MS. HENDERSON:** Yeah.

25 **CHAIRPERSON BARABBA:** Maria?

1 **COMMISSIONER BLANCO:** So, I think we should ask
2 for the analysis beyond the insight maps we're doing and
3 the reason I think that and I'm, you know, we should talk
4 about it, but my -- the reason why I'm leaning like that
5 is that we could get even when -- though the insight maps
6 are completely preliminary we could be going down the
7 road and feeling really great about a map and then we go,
8 whoops. If we had thought about the Section 2 issue here
9 we would have drawn this assembly differently or we would
10 have drawn this congressional district differently. I
11 mean I'm looking at that information from just what's up
12 there for Fresno and Tulare and I'm looking at the
13 numbers and I'm seeing, you know, 900 people in an area,
14 which, you know, 900,000, you know, and thinking wow,
15 that's, you know, a senate and a congressional district,
16 but maybe if we went and had a conversation we would say
17 oh, people talked about this and they talked about
18 counties and we wouldn't even look at that. So I think
19 it would be helpful to do it for -- I think technically
20 it might look like a separate map that pick up the
21 separate Section 2 possibilities and that we have that --
22 we're working with that alongside our other mapping
23 process when we're doing our insight maps. That would be
24 my thinking.

25 **CHAIRPERSON BARABBA:** Okay. Anybody else?

1 Maria, excuse me, Jeanne.

2 **MS. RAYA:** My feeling is I agree with doing
3 this because I think the sooner that we can all get this
4 information the easier it's going to be when we get to
5 the next step. I just feel like the more background I
6 have and the more time I have to really, you know, digest
7 that the better idea I'm going to have going forward -- I
8 think will just be more efficient.

9 **CHAIRPERSON BARABBA:** Okay. Commissioner
10 Ancheta?

11 **COMMISSIONER ANCHETA:** Yes, I do want to raise
12 an issue and I had discussed this with VRA counsel, but I
13 wanted to ask Ms. Henderson about this specific in terms
14 of the availability of the data now, how much more it
15 would require for them to do, but as you know the
16 language it does say compact single minority population.
17 And I had discussed with council the notion of
18 coalitional district, which are combining minority
19 populations and certainly agreed that the case law is not
20 set either way as to whether these are in fact completely
21 viable or not so we may in fact get proposals to combine
22 minority populations. But his thinking was that it may
23 be difficult to try to get all that data together because
24 there's so many areas where they are in fact combined so
25 trying to create potential districts creates a lot of

1 numbers right.

2 But I wanted to note this issue because I
3 believe his suggestion was to sort of maybe take a wait
4 and see because we do have to look at other factors
5 including cohesiveness and polarized voting. But I think
6 this language is fine for getting the basic data we need
7 to look at and I think the VAP data captures the CVAP
8 numbers anyway. So I think this is a good place to
9 start, but I did want to flag that because we -- I
10 suspect we will be getting some proposals, but again Ms.
11 Henderson can confirm, I think it would be very hard to
12 actually try to look at all the possibilities of
13 coalitional district just based on census data. It did
14 come up as an issue, but I discussed it with Mr. Brown.

15 **MS. HENDERSON:** We can map it. There is, you
16 know, more sophisticated regional polarized voting
17 analysis issues that go into that to establish political
18 cohesion between different groups so that that would not
19 be what we were doing, but we can map if the commission
20 wanted us to look at specific minority combinations in
21 areas, we can do that mapping.

22 **COMMISSIONER ANCHETA:** So I -- it's a tough
23 question because if you want to sort of take it
24 proactively it's hard because there's a lot of possible
25 places. I'm willing to go sort of counsel's advice to

1 maybe take a wait and see, but again it may be something
2 we do have to look at.

3 **COMMISSIONER FILKINS-WEBBER:** I have a question
4 in that regard. Based on your expertise in this area, do
5 you see it as a maybe a second or a third level analysis
6 when we know that we may have some issue at a population
7 stage? For -- in other words you don't meet the 50
8 percent threshold --

9 **COMMISSIONER ANCHETA:** Yeah.

10 **COMMISSIONER FILKINS-WEBBER:** -- and based on
11 the community input that we've had, we've had quite a
12 number of members of the public that said, I don't have
13 any problem being combined with other ethnic groups, so
14 do you see it as maybe like a second or third step
15 direction when they identify where they -- where we can't
16 get the threshold?

17 **COMMISSIONER ANCHETA:** Yeah, and that may
18 simply be looking at other areas of keeping places
19 together where it comes up anyway and I think that's the
20 better way to go is just do it that way. But again,
21 particularly when you are trying to say there is a VRA
22 issue here, somebody's going to have to show that they
23 actually vote together, right.

24 **COMMISSIONER FILKINS-WEBBER:** Right.

25 **COMMISSIONER ANCHETA:** And I don't think we're

1 in a position to generate that, not yet, but that's a lot
2 of data analysis that would have to be pushed forward and
3 I think it maybe better or more prudent at this point to
4 just sort of see if anybody's going to propose it and
5 then take a closer look at it.

6 **CHAIRPERSON BARABBA:** Richard did you -- okay.

7 **COMMISSIONER FILKINS-WEBBER:** I have one other
8 -- one other question. What do you mean by hypothetical?
9 If I were to consider your input and my fellow
10 commissioners' input in considering a motion for
11 direction --

12 **FEMALE:** Where are you reading from Jodie?

13 **COMMISSIONER FILKINS-WEBBER:** I'm reading from
14 --

15 **FEMALE:** What page?

16 **COMMISSIONER FILKINS-WEBBER:** I'm reading from
17 VRA counsel's page 5 of the guidebook. And you had
18 mentioned that as well hypothetical districts. What do
19 you mean by that?

20 **MS. HENDERSON:** It's a term of art; it's like
21 the visualizations that the commission has been
22 discussing. So it's --

23 **COMMISSIONER FILKINS-WEBBER:** Well, what I'm
24 saying --

25 **MS. HENDERSON:** -- it's kind of one step below

1 a proposed district. It's -- when you go into court to
2 do one of these cases you usually press on a hypothetical
3 district, so I think that's where the term came from.

4 **COMMISSIONER FILKINS-WEBBER:** Well, for
5 instance I could see, I mean this doesn't have any lines
6 other than, you know, the county divisions and certainly
7 we could see based on this information and your level of
8 expertise is going to go, you know, it's going to be a
9 little bit more detailed, but are you -- I just want to
10 be prepared in the event that, you know, what we -- for
11 what we might get back. In other words would you be
12 drawing lines, you know, and giving us districts in an
13 area that would be beyond, you know, our suggested
14 insights? That's what I mean by hypothetical or would
15 you be putting something up similar to what you have here
16 without lines saying, okay these are the areas where, you
17 know, if you looked at this county or this city this is
18 where you have greater numbers without their actually
19 being, you know, lines?

20 **MS. HENDERSON:** If the commission would like us
21 to do hypothetical lines we can do that. What makes
22 hypothetical lines effective for this type of approach,
23 what isn't done is outlined here is that right now you
24 can see a distribution. What we don't have in this is
25 how many people are in each of these tracts. So when we

1 do -- if you draw hypothetical lines then you actually
2 get the population statistics. And so you're able to see
3 if it actually goes above the 50 percent or not. This is
4 very interesting for visualizing and getting an idea of
5 where you may need to be cognizant of Voting Rights
6 issues, but it doesn't actually give you any information
7 about if you actually pass that threshold.

8 **COMMISSIONER FILKINS-WEBBER:** Okay. Then I
9 would propose --

10 **CHAIRPERSON BARABBA:** Just give me -- people
11 are starting to come in and the public input meeting is
12 going to start at 2 o'clock as it was agendized. And so
13 I just wanted to let you know we're having a discussion
14 about the manner in which we can legally give direction
15 to our line drawers, so if you're wondering what we're
16 talking about it's a subject that was agendized for an
17 earlier meeting. And the other question is is this room
18 so if you can kind of keep your comments down to a
19 minimum because it's causing some of our members not to
20 be able to hear everything being said. Thank you.

21 **COMMISSIONER YAO:** This is really a question
22 for Commissioner Ancheta. Is it more likely that we run
23 into this problem when we have -- let's say the first
24 minority reaching, let's say 40 percent and then a second
25 group coming in and forcing it to go over the 50 percent

1 point, or is it more likely to have two groups of equal
2 size, let's say 26 plus 26 would equal to 52 percent. If
3 we're just going to look at the majority group and then
4 that would support my first example.

5 **CHAIRPERSON BARABBA:** Right, right.

6 **COMMISSIONER YAO:** But if it's likely to be the
7 second scenario then maybe just looking at the
8 majority/minority would be an issue. In any case, maybe
9 I would welcome a reading from the council before we kind
10 of jump into this massive number analysis.

11 **MALE:** And I'm not proposing we do that at this
12 level anyway. I think we just want to make us aware of
13 the fact that that this data will come up. I think it's
14 very difficult to try to look at potential combination --
15 potential districts that might have coalitional
16 majority/minority districts. There's so many place where
17 you can -- if you run the numbers they could be there and
18 again I think for this kind of case where there's a VRA
19 question you must show cohesive -- I can't imagine moving
20 forward without showing some degree of cohesive voting
21 between multiple groups.

22 So I'm -- I wanted to flag it, I wanted to find
23 out from Ms. Henderson if we could do it. I suspect it's
24 just too much to do frankly. But she suggests it could
25 be done, but I don't think at this level we want to move

1 it too far because we need other data.

2 **CHAIRPERSON BARABBA:** Okay.

3 **MS. HENDERSON:** Yeah.

4 **CHAIRPERSON BARABBA:** Any other, yes?

5 **COMMISSIONER DIGUILIO:** Before Commissioner
6 Filkins expands on this motion I just want to -- would
7 kind of like to incorporate a little bit of what she was
8 saying. I would like to know when we're getting -- when
9 these -- when this data will be presented back to us
10 because to the extent possible I'd like it to be
11 incorporated with the insight maps that we've done and
12 I'm not sure if we'd be able to incorporate what we're
13 doing for region five and then possibly the wrap up for
14 four to prevent -- not to prevent, but to try and
15 minimize the amount of conceptual line drawing that Q2
16 has to do. I'd like this study to be done in the context
17 of our insight maps to the extent possible, so I wasn't
18 sure if this would be presented next -- at our next
19 meeting or if you're looking at a couple meetings down so
20 that we can incorporate the insight or maybe Ms.
21 Henderson could give us some details about when this
22 would happen.

23 **MS. HENDERSON:** I just want to make sure I know
24 what you mean incorporating the population data into the
25 insight visualizations that have already been performed?

1 **COMMISSIONER DIGUILIO:** I think it would be
2 helpful because we've already made some determination
3 that these are at least some of what we conceptually see
4 so to run this series in the context of our insight maps
5 and then in the areas where we haven't had a chance to
6 discuss it in our wrap up, you know, that would -- you
7 probably would have to take some discretion I guess to
8 determine some lines. But I'd like to incorporate our
9 thoughts as much as possible on this.

10 **MS. HENDERSON:** Yeah, so for the hypothetical
11 visualizations that have already been instituted that's
12 actually can be done very quickly because we already have
13 those lines and we just need to do the population
14 numbers. Actually they were on some of the screens that
15 were up yesterday. I know they weren't completely easy
16 to see from where you all were sitting.

17 **COMMISSIONER DIGUILIO:** So it's real time?

18 **MS. HENDERSON:** Yeah. So that is already in
19 there. As far as the hypothetical visualization or lines
20 kind of identifying areas to be cognizant about for
21 Voting Rights Act issues we would need a bit longer to do
22 that and I would want to talk to my tech team so I don't
23 make them not sleep even more for the next couple days.

24 **COMMISSIONER DIGUILIO:** I just didn't know if
25 there was a timeframe of getting these.

1 **MS. HENDERSON:** Yeah, we can further --

2 **COMMISSIONER DIGUILIO:** The further out we get
3 them I guess the more incorporates our discussion.

4 **MS. HENDERSON:** Yeah.

5 **COMMISSIONER FILKINS-WEBBER:** As our technical
6 expert what were your thoughts -- you've heard from the
7 commission now, Commissioner Blanco is suggesting maybe
8 looking at as a separate map were -- was that your idea
9 because now Commissioner DiGuilio is saying we'd like to
10 look at it in conjunction with the insight maps. What
11 were your thoughts in providing technical expertise to
12 this commission, what were you thinking you could do for
13 us?

14 **MS. HENDERSON:** We can do either or both and
15 it's really what the commission finds the most helpful.
16 I think that voting rights at counsel would probably like
17 to know about areas of concern earlier. I don't want to
18 speak for them, but I, you know, in my past experience I
19 would want to know as soon as possible and so the
20 commission may want to also know mostly so that when
21 you're going through, I mean as you remember from
22 yesterday it was a lot of work to go through all that and
23 you got a little kind of taste of what it's like to get
24 into the mapping world and, you know, if you do all that
25 work and put hours into it and then you find out as

1 Commissioner Blanco said, that there is - you've cut off
2 the population, you've cracked a population, then you're
3 kind of, you know, jumping out the window because you
4 have to start over.

5 **CHAIRPERSON BARABBA:** Commissioner Yao?

6 **COMMISSIONER YAO:** In thinking about the issue
7 in real time one easy way of doing it is just look at the
8 minority distribution by the biggest cities in the state.
9 There are 488 cities in the state of California. Let's
10 say the top ten percent, 50 cities, if we have the
11 statistics for these 50 cities and if these cities are
12 close to each other than by definition you could
13 potentially have such a district, so without doing a lot
14 of things maybe we can just simply identify the top 50
15 most populated cities and then provide the minority
16 either population or percentage data to us

17 **CHAIRPERSON BARABBA:** I don't think what we're
18 talking about precludes that, but that would be a tactic
19 we (overlapping.)

20 **COMMISSIONER YAO:** Visualization data is going
21 to take longer time than were interested in.

22 **CHAIRPERSON BARABBA:** Actually, I think this
23 dates that which is pretty much already within the
24 statewide database --

25 **MS. HENDERSON:** Yeah.

1 **COMMISSIONER FILKINS-WEBBER:** I would move that
2 this commission direct Q2 to identify geographically
3 compact single minority populations whose voting age
4 populations are equal to or exceed 50 percent of a
5 hypothetical assembly senate or congressional district
6 and further ask for the detailed information on the same
7 analysis on our insight maps.

8 **CHAIRPERSON BARABBA:** Is there a second?

9 **FEMALE:** Second.

10 **CHAIRPERSON BARABBA:** Discussion? Do you want
11 to read it?

12 **COMMISSIONER FILKINS-WEBBER:** We can just refer
13 to Section 5(a) on page 5 of the Gibson Dunn proposal.

14 **FEMALE:** In addition to the insight maps.

15 **COMMISSIONER FILKINS-WEBBER:** In addition to
16 5(a) of Gibson Dunn, page 5, we're also asking that Q2
17 provide us the same data for our insight maps that we are
18 drawing at our regional wrap ups.

19 **FEMALE:** Commissioner Filkins-Webber, are you
20 including by reference as well Part (b) and (c), which
21 actually falls into advice of these potential issues?

22 **COMMISSIONER FILKINS-WEBBER:** Yes, and I will
23 amend my motion to add the guidelines on advise of VRA
24 counsel under section 5(b) and (c) that Q2 should work
25 with VRA counsel to identify whether fragmenting those

1 populations may result in a Section 2 violation, sorry,
2 Janice, you can copy it from there, okay. And should
3 advise the commission -- and both Q2 and VRA will advise
4 the commission on whether to adjust district lines based
5 on that.

6 **CHAIRPERSON BARABBA:** Any --

7 **COMMISSIONER FILKINS-WEBBER:** And essentially
8 for the fellow commissioners on the motion if Janice
9 can't get it all done. It's the 5 (a), (b), (c), page 5
10 of Gibson Dunn's advice of counsel.

11 **CHAIRPERSON BARABBA:** Okay. All in favor of
12 the motion? Excuse me, any public comments on the
13 motion? Seeing none, let's move forward. All in favor
14 signify by raising your hands saying aye.

15 **ALL:** Aye.

16 **CHAIRPERSON BARABBA:** Opposed? Mentions?
17 Passed.

18 **FEMALE:** Okay. Commissioner Barabba has asked
19 me to (inaudible) on the rest of the commission as we
20 have a number of other items to take care of, so --

21 **COMMISSIONER FILKINS-WEBBER:** Do you want to do
22 the contiguous and the contact really quick?

23 **FEMALE:** Yes.

24 **COMMISSIONER FILKINS-WEBBER:** Okay. That's
25 what I was going to do and then we've got to get to

1 number four.

2 **FEMALE:** Yes.

3 **COMMISSIONER FILKINS-WEBBER:** Okay. That's
4 what I was moving right into, okay.

5 The commission has an opportunity to review
6 advise of counsel's recommendations on page 6 as to
7 dealing with contiguous and compactness requirements of
8 our -- of the California Constitution, particularly
9 Section 6(b). And the proposal is that we would provide
10 guidelines to Q2 that in consideration of our insight
11 maps to -- the idea is essentially is to include based on
12 advice of counsel --

13 **FEMALE:** May I help (inaudible)?

14 **COMMISSIONER FILKINS-WEBBER:** -- yeah, the
15 noncontiguous areas be included in the district as
16 they've recommended here in those areas where those no
17 population such as where you have the unincorporated
18 areas with zero population, but -- I haven't made a
19 motion yet, but what -- in other words if you have areas
20 where you have unincorporated areas with less population
21 that is associated with a designated city, oh but -- Ana
22 please?

23 **MS. HENDERSON:** Would you like me to try to
24 explain?

25 **COMMISSIONER FILKINS-WEBBER:** Oh sure.

1 **MS. HENDERSON:** So in some areas of the state
2 there are -- there's a city and then what you may call
3 and island or a polka dot that's official land, but
4 nobody actually lives there so it's zero population or
5 zero pop. So if you dealing with a noncontiguous area of
6 a city that has no one living in it does the commission
7 want us to try to maintain city boundaries by keeping
8 that noncontiguous zero population area with the city, or
9 might it be acceptable to, you know, put it in a separate
10 district if necessary. The idea being that it might
11 impact on compactness if you have to draw out away from
12 the city line into a county to get an incorporated area
13 that is not contiguous.

14 **FEMALE:** So examples of this might be as we've
15 been shown before in training the borders of the city of
16 Fresno, which has a lot of islands that are kind of way
17 out from the city. So is it a -- can we agree that they
18 can bypass that nonzero population, noncontiguous areas
19 of the city?

20 **MS. HENDERSON:** Zero population.

21 **FEMALE:** Zero population, noncontiguous areas
22 of the city.

23 **MALE:** I think that's okay, but maybe you
24 should just flag them for us so we can make a decision.
25 I don't know if you have to have a rule on this one, but

1 I think --

2 **FEMALE:** Well, the idea is to provide these
3 guidelines so they can actually draw our maps, otherwise
4 there going to have to consult on --

5 **MALE:** Maps, okay.

6 **FEMALE:** -- they're going to have to consult on
7 this everything that happens, which happens a lot.

8 **COMMISSIONER FILKINS-WEBBER:** Okay, but are we
9 making a decision that for instance, we heard public
10 comment yesterday about Santa Clarita and a significant
11 area of Santa Clarita that has unincorporated area and
12 based on everything that we heard --

13 **FEMALE:** Yes.

14 **COMMISSIONER FILKINS-WEBBER:** -- and certainly
15 add to this Ms. Henderson that they're building out and
16 they're growing and so I would not want to consider even
17 an insight map that would cut out unincorporated areas
18 where they may not be population given that they have
19 growth and they've got plans on those unincorporated
20 areas that might be further out from the city, but you're
21 suggesting that we would cut them out because they're not
22 part of the city when you're considering (overlapping.)

23 **MS. HENDERSON:** Actually I'm suggesting
24 incorporated [sic] areas so a part of a city that's not
25 attached, but does not have any population so the city

1 maybe has its water treatment plant outside of the city
2 on some piece of land that isn't attached to the city.

3 **COMMISSIONER FILKINS-WEBBER:** So, you're
4 recommending that it would be included?

5 **MS. HENDERSON:** That if it is going to impact
6 on compactness or something like that if the commission
7 would, you know, if the commission feels strongly about
8 keeping zero population noncontiguous incorporated areas
9 with the incorporated area of the city or if they can be
10 -- or if the district would go in between the populated
11 part of the city and the unpopulated part of the city.

12 **FEMALE:** For clarification, this is in areas
13 where we have not received public input so that we can
14 give Q2 a rule of thumb to follow where we don't have
15 input. If we have input obviously then we can direct
16 them to draw a particular way, for example, dealing with
17 Santa Clarita --

18 **FEMALE:** Ms. --

19 **FEMALE:** -- where we have no input then, you
20 know, what is the rule of thumb they should use?

21 **FEMALE:** It would really help me to come to a
22 determination on this if I could get a better sense of,
23 I'm sure as our expert, you have an idea of what's the
24 scale of how often we're going to confront this and how
25 far removed geographically are some of these areas, like,

1 you know, are there a few top areas where it's really
2 going to be an issue or is it really few and far between?

3 **MS. HENDERSON:** Yeah, I have to say I can't say
4 for the whole state of California, I -- we know of a few
5 examples of this but I'm not comfortable saying across
6 the board in California.

7 **FEMALE:** I'm comfortable with giving you a rule
8 of thumb to work with, however, thinking from an
9 environmental perspective even where there are areas
10 where there are not population there may be some factors,
11 water sheds, you know, any of a number of different
12 things that would clearly have an impact on a regions
13 desire to be politically configured a certain way so I'm
14 happy to give you a rule of thumb as though, but not make
15 a hard and fast rule that we couldn't adjust.

16 **FEMALE:** These are just rule of thumbs, they're
17 guidelines. Commissioner DiGuilio?

18 **COMMISSIONER DIGUILIO:** And just a follow-up on
19 that a little bit, I'm wondering if you know, if it's not
20 going to happen excessive amount of times is it possible
21 simply to follow the rule of thumb but to make a note
22 when those times have happened so that we're aware then
23 we can further look into them?

24 **MS. HENDERSON:** Absolutely.

25 **FEMALE:** Is that realistic?

1 **MS. HENDERSON:** Yeah, absolutely. It's only,
2 you know, we just wanted to flag this that there's a
3 potential issue and if we can get some guidance now about
4 --

5 **COMMISSIONER DIGUILIO:** Then generally I could
6 -- I would accept that rule of thumb as long as there's a
7 designation that we knew that so we could redo it.

8 **FEMALE:** Commissioner Yao?

9 **COMMISSIONER YAO:** Just a point of
10 clarification. This really doesn't impact contiguity of
11 city lines, it really just impact the compactness of the
12 district; is that --

13 **COMMISSIONER DIGUILIO:** No, it's --

14 **COMMISSIONER YAO:** Can you give me an example,
15 it would violate the --

16 **COMMISSIONER DIGUILIO:** Fresno.

17 **MS. HENDERSON:** Okay. So it's not a contiguity
18 issue, it's the following city lines issue. I think
19 you're correct Commissioner Yao.

20 **COMMISSIONER YAO:** So as long as the entire
21 city is within the district it really wouldn't violate
22 what we set in terms of following the city line, right?

23 **MS. HENDERSON:** Yeah, it also depends on how
24 the compactness -- how much the commission wants to look
25 at compactness. So in some situations if you need to

1 deviate or cut a straight line or go outside
2 (overlapping.)

3 **COMMISSIONER YAO:** So the way I see it is
4 really impact the compactness more so than any of the
5 other factors, is that --

6 **FEMALE:** Correct.

7 **COMMISSIONER DIGUILIO:** Well, contiguity is
8 ranked higher than city lines and so if you have a city
9 that is noncontiguous by advice of counsel we need to
10 follow contiguity.

11 **COMMISSIONER YAO:** Would (overlapping.)

12 **COMMISSIONER DIGUILIO:** Like the city of
13 Fresno, which has many islands.

14 **MS. HENDERSON:** What --

15 **COMMISSIONER YAO:** Would we violate the
16 contiguous factor in the city of Fresno by giving you --

17 **MS. HENDERSON:** If --

18 **COMMISSIONER YAO:** -- permission to do this.

19 **MS. HENDERSON:** -- if you had -- it would
20 violate contiguity if your district was just Fresno here
21 and then just the island here and I'm suing Fresno as an
22 example because we're going to pull it up so you can see
23 some of these islands. So if you had a district that for
24 example say Fresno was in District 1, and you wanted to
25 put all of Fresno in District 1, and everything around it

1 was District 2, then you'd have District 1 here and
2 District 1 here. So that's when contiguity would be
3 impacted.

4 **FEMALE:** Commissioner Filkins-Webber?

5 **COMMISSIONER FILKINS-WEBBER:** Then I would --

6 **MS. HENDERSON:** So the highlighted area on this
7 map right now is showing Fresno, so you can see that much
8 of Fresno is together, but then on the bottom left there
9 is a portion of Fresno that's not contiguous for the rest
10 of the city, but it is still part of the city of Fresno.

11 **COMMISSIONER FILKINS-WEBBER:** Then I would move
12 that we direct Q2 to identify and include any
13 noncontiguous and zero population portions of the areas
14 as an example like Fresno be drawn into the same district
15 as the city and to then simply identify for us -- I'm
16 sorry, and hold on -- where maintaining the city does not
17 and that separate noncontiguous area does not interfere
18 with communities of interest and just simply identify
19 issues where there may be an issue relating to
20 compactness. Is that sufficient for you?

21 **FEMALE:** It's not what -- they're recommending.
22 They're recommending that you make it compact when
23 there's nobody there.

24 **COMMISSIONER FILKINS-WEBBER:** I know. But we
25 are recommending that -- well, I'm recommending that the

1 noncontiguous areas where there's zero populations, I
2 think you're going to see that greater on unincorporated
3 areas for cities that may be annexing those areas such as
4 what we've heard from Santa Clarita, so I would like to
5 see that those noncontiguous zero populations be drawn
6 into the city's district, or I mean in that area. I know
7 we might have a compactness issue later, but continuity
8 comes first in the priority so that's why I'm proposing
9 looking at this then we can look at if we have another
10 issue of compactness. Now there is the inverse
11 obviously, and if somebody has another motion, but that's
12 the motion. I don't know if anybody wants to second it
13 or not.

14 **MALE:** Second, I don't know.

15 **FEMALE:** That doesn't sound like there's a
16 second?

17 **MALE:** Can someone read it back?

18 **MS. HENDERSON:** I didn't get the whole motion.

19 **COMMISSIONER FILKINS-WEBBER:** Okay.

20 **MS. HENDERSON:** I can read what I've got and
21 you can add from where I stopped.

22 **COMMISSIONER FILKINS-WEBBER:** My motion is that
23 in those circumstances where there are non-contiguous
24 zero population areas, they should be drawn into the same
25 district -- I'm sorry, I'm reading this.

1 **FEMALE:** (Inaudible).

2 **COMMISSIONER FILKINS-WEBBER:** Okay.

3 **FEMALE:** And I don't have what you have, so --

4 **COMMISSIONER FILKINS-WEBBER:** Okay. Well you
5 had it in front of you, I'm sorry.

6 **FEMALE:** Well --

7 **FEMALE:** Refer to this section.

8 **MALE:** Page 6.

9 **COMMISSIONER FILKINS-WEBBER:** It's on page 6,
10 at the top in the paragraph where it says question. In
11 the middle I'm reading where it says whether such
12 noncontiguous zero population should be drawn. That's
13 where I'm at.

14 **MALE:** I'm suggesting I should check --
15 (inaudible).

16 **FEMALE:** Is this whole --

17 **COMMISSIONER FILKINS-WEBBER:** No, no, no, I'll
18 -- just follow along with me then. I would move that the
19 commission direct Q2 that where there are noncontiguous
20 and zero population portions of areas they should be
21 drawn into the same district as the closest city and
22 maintaining that for the purposes of maintaining the city
23 to the extent in which it does not interfere with
24 communities of interest and that they identify for the
25 commission any potential violations of compactness rules.

1 **FEMALE:** Is there a second?

2 **MALE:** That's straight out of the guide; I'll
3 second that.

4 **CHAIRPERSON BARABBA:** Okay, discussion?

5 **MALE:** No.

6 **FEMALE:** Yeah.

7 **COMMISSIONER DIGUILIO:** I actually, I don't
8 think that's what they're saying actually. If you read
9 it it's actually saying that contiguity is more important
10 than city boundaries so you have to go by contiguity.

11 **COMMISSIONER FILKINS-WEBBER:** So it was the --
12 I understood it was for us to allow for the breaking of a
13 city --

14 **COMMISSIONER DIGUILIO:** Correct.

15 **COMMISSIONER FILKINS-WEBBER:** -- in the case
16 where it's a zero population area, so where we're giving
17 them a rule of thumb is to break the city to allow for
18 contiguity of the larger area to be able to incorporate
19 that noncontiguous zero population area. So as I
20 understood it was -- the motion was in the absence of
21 public testimony that we would allow our Q2 to take
22 noncontiguous to break cities under -- and areas that are
23 noncontiguous zero population in order to contain -- to -
24 - for contiguity of the larger area outside the city.

25 **COMMISSIONER DIGUILIO:** That's my

1 understanding.

2 **COMMISSIONER DIGUILIO:** So under that -- it's
3 my understanding of that I would vote against this
4 motion.

5 **FEMALE:** I'm not recommending that you break a
6 city; I mean Fresno is the prime example. You're talking
7 about a noncontiguous area. My recommendation is that
8 they wouldn't be inclusive of it.

9 **FEMALE:** My explanation was just why I would
10 vote against it was because my understanding was to break
11 the city.

12 **FEMALE:** To allow for greater -- to adhere to
13 the contiguity principle, which is higher than the city
14 boundaries that we would makes sure to prioritize
15 contiguity over city boundaries.

16 **MALE:** I would concur that we should not
17 include the unpopulated city boundaries that are outside
18 of the contiguous city. And to the argument that well if
19 they're planning to have growth in the future -- I think
20 we can't go there. I think we have to -- I mean it's
21 like to me it's a little bit like saying well, there was
22 an undercount, maybe there was, but we can't go there. I
23 mean I think we have to deal with what's there now and
24 not what the city or --

25 **FEMALE:** Might.

1 **MALE:** -- might have in the future because I
2 actually don't want to be in a place where I have to ask
3 every single city what are you planning to do in the
4 future, over the next ten years. I think we can't go
5 there.

6 **FEMALE:** I agree and I think that that this may
7 get us into an area where we'll provide the direction,
8 we'll get the maps to be able to look at and it may spark
9 some additional community of interest testimony that
10 would then allow us to adjust, but I believe if we go
11 ahead and try and do these projections ourselves we get
12 ourselves on shaky territory in terms of trying to assume
13 data that we don't actually have to work with, so I would
14 agree, we need to work with what we have now.

15 **FEMALE:** Do we want to vote on this motion or
16 would you be amenable to withdrawing the motion and doing
17 an alternative one?

18 **COMMISSIONER FILKINS-WEBBER:** I'll withdraw my
19 motion and I invite you, Commissioner Dai, to consider --

20 **COMMISSIONER DAI:** Let me try it.

21 **COMMISSIONER FILKINS-WEBBER:** -- whatever we
22 want to try to do with it.

23 **COMMISSIONER DAI:** I would move that we direct
24 you to in the case of nonzero population, non-contiguous
25 portions of a city --

1 **FEMALE:** Nonzero, or zero?

2 **COMMISSIONER DAI:** I'm sorry, zero population;
3 see I already ran into trouble. Zero population,
4 noncontiguous areas of a city and in the absence of other
5 public testimony to the contrary, that they be permitted
6 to draw -- draw that out -- draw that area out if
7 necessary in order to adhere to other principles like
8 compactness.

9 **FEMALE:** What?

10 **FEMALE:** You can't.

11 **FEMALE:** Draw something out.

12 **COMMISSIONER ANCHETA:** Leave out.

13 **COMMISSIONER DAI:** Leave out. That if it comes
14 to it that they don't have to include it in the city. In
15 other words adhere to contiguity over city boundaries in
16 the case of noncontiguous city area.

17 **COMMISSIONER ANCHETA:** Well, I'm going to --
18 oh there's no second on it.

19 **COMMISSIONER FILKINS-WEBBER:** There's no second
20 yet, so if you have a better way of stating it, please
21 do.

22 **COMMISSIONER ANCHETA:** Okay. I have no further
23 motions and that is in dealing with noncontiguous
24 portions of a city where they have no population Q2 be
25 directed to follow the guidelines on page 6 of Gibson

1 Dunn's guidelines --

2 **FEMALE:** Give a section.

3 **COMMISSIONER ANCHETA:** -- B Roman VI,
4 (b)(1)(b).

5 **FEMALE:** Read it for us, please Angelo, do you
6 know what it says?

7 **FEMALE:** Yes.

8 **COMMISSIONER ANCHETA:** Okay. So if you don't
9 have it it says, and I'm quoting so --

10 **FEMALE:** Yes, I think it's better.

11 **COMMISSIONER ANCHETA:** -- so I'm referring for
12 edification of the commissioners and the public that the
13 language that I'm referring to says:

14 1) "Where maintaining the city intact does not
15 interfere with communities of interest, it
16 simply makes the district less compact than
17 generally speaking the higher prioritized
18 constitutes criteria should govern (in this
19 case) keeping cities whole."

20 2) "If, however, including noncontiguous areas
21 of the city will result in a noncontiguous
22 district you must again defer to the higher
23 criteria of contiguity (in this case)
24 contiguity."

25 **FEMALE:** Will you add the thing about the --

1 **FEMALE:** Airport.

2 **FEMALE:** -- zero population areas?

3 **FEMALE:** Airport is to be zero.

4 **COMMISSIONER ANCHETA:** I think that's what the
5 dealing -- my preface was in dealing with noncontiguous
6 portions of the city to have no population.

7 **FEMALE:** There you go.

8 **COMMISSIONER ANCHETA:** So that was the first
9 part of my motion.

10 **FEMALE:** That's good.

11 **COMMISSIONER FILKINS-WEBBER:** And in the
12 absence of community testimony as --

13 **FEMALE:** Right.

14 **FEMALE:** Second?

15 **COMMISSIONER ANCHETA:** No.

16 **FEMALE:** Ms. (Inaudible)?

17 **FEMALE:** Clarifying what you added to the
18 beginning of (inaudible)?

19 **COMMISSIONER ANCHETA:** Well, I started out the
20 motion by saying that in dealing, and this is 6(b)(1),
21 I'm using the same language here for your reference. In
22 dealing with noncontiguous portions of a city that have
23 no population --

24 **FEMALE:** There we go.

25 **COMMISSIONER ANCHETA:** -- comma, Q2 be directed

1 to follow the guidelines under -- the Gibson Dunn
2 guidelines in the proposed guidelines --

3 **FEMALE:** Principles.

4 **COMMISSIONER ANCHETA:** -- principles, I'm
5 sorry, 6(b)(1)(b), period, end of motion. I did meet the
6 section for purposes of edification. That's not in the
7 full motion, but that's the language of (overlapping.)

8 **COMMISSIONER DIGUILIO:** Okay, seconded by
9 Commissioner Ward. Any discussion, are we clear on the
10 motion now?

11 **FEMALE:** Yeah.

12 **COMMISSIONER DIGUILIO:** Okay.

13 **FEMALE:** Question.

14 **COMMISSIONER DIGUILIO:** Question Commissioner
15 Yao?

16 **COMMISSIONER YAO:** The proposition guideline on
17 contiguous applies to the district and not to the city;
18 is that the understanding?

19 **FEMALE:** Yes.

20 **FEMALE:** Yes.

21 **COMMISSIONER YAO:** So what this motion does is
22 allowing us to draw a district in another part outside of
23 that district to the district. Is that the motion that
24 we're proposing?

25 **FEMALE:** That's number 2.

1 **COMMISSIONER ANCHETA:** Yeah. Fundamentally
2 saying --

3 **FEMALE:** No.

4 **MALE:** No.

5 **COMMISSIONER ANCHETA:** Leave out the airport.

6 **FEMALE:** No, leave out --

7 **MALE:** No.

8 **COMMISSIONER ANCHETA:** From the district in
9 which the city is located.

10 **COMMISSIONER YAO:** Yeah.

11 **MALE:** The commissioner has never mentioned --

12 **COMMISSIONER YAO:** No.

13 **MALE:** -- there's a second element, which I'm
14 not including --

15 **FEMALE:** Sure.

16 **MALE:** -- in this motion, which is 6(b)(2) on
17 page 6 of the guide. That's (inaudible) to move
18 separately, but that's separate scenario.

19 **FEMALE:** This is (inaudible) being the city.

20 **FEMALE:** Chair Barabba?

21 **CHAIRPERSON BARABBA:** No.

22 **FEMALE:** I'm sorry.

23 **COMMISSIONER YAO:** May I follow through asking
24 -- where is that says we cannot do it?

25 **FEMALE:** Nowhere.

1 **MALE:** It isn't.

2 **COMMISSIONER YAO:** Why is that we have to come
3 up with a ruling saying that we're going do something
4 that we --

5 **COMMISSIONER DIGUILIO:** Because they need to
6 draw a map and they do not want to consult with us on a
7 177 districts with, you know, hundreds of cities every
8 time.

9 **COMMISSIONER YAO:** It really has to do with a
10 compactness and not the contiguous portion of the
11 requirement; is that not correct?

12 **CHAIRPERSON BARABBA:** There are conflict -- the
13 guidelines will conflict and unless Q2 gets some guidance
14 one way or the other they won't know what to do except
15 draw a lot of different options for us and I think we're
16 trying to limit that and we've asked them to flag it --

17 **COMMISSIONER DIGUILIO:** Right.

18 **CHAIRPERSON BARABBA:** -- when they do that --

19 **COMMISSIONER DIGUILIO:** It is not about
20 compactness --

21 **CHAIRPERSON BARABBA:** -- when examining things.

22 **COMMISSIONER DIGUILIO:** -- it is about
23 contiguity, which is the third highest criteria and then
24 we have to give them direction on this.

25 **COMMISSIONER YAO:** Contiguity of the city or

1 contiguity of the district?

2 **COMMISSIONER DIGUILIO:** Of the district,
3 however, cities are part of districts and city boundaries
4 are not always contiguous and so there may be situations
5 where it may not make sense to include a noncontiguous
6 zero population area of the city.

7 **COMMISSIONER YAO:** Case in point is in the Los
8 Angeles County there are a lot of unincorporated area and
9 if going to be outside of any city district that you
10 draw, okay, so it is impossible to draw districts in Los
11 Angeles County when you just simply follow the city
12 lines, okay. So because of that particular fact --
13 because of that particular fact I don't know what we're
14 doing that gives us additional flexibility.

15 **CHAIRPERSON BARABBA:** Well, we're not, that's a
16 very important issue that you flagged. Right. That's
17 not what Q2 has raised as an issue. It may be another
18 issue. You're absolutely right. That's a really
19 important one. That's not what we're covering here.

20 **FEMALE:** Right.

21 **CHAIRPERSON BARABBA:** And again we can look at
22 that another time.

23 **COMMISSIONER YAO:** Okay.

24 **CHAIRPERSON BARABBA:** But that's an important
25 one.

1 **COMMISSIONER DIGUILIO:** We have three minutes
2 left. Is there more discussion or --

3 **COMMISSIONER FILKINS-WEBBER:** Just --

4 **COMMISSIONER DIGUILIO:** -- are we going to vote
5 on the motion?

6 **COMMISSIONER FILKINS-WEBBER:** -- going to
7 clarify that whether we're talking about, these are about
8 cities. I mean one of our criteria is that maybe we'll
9 discuss later is that in all efforts we're going to try
10 and keep counties and cities together, but this is a case
11 where in some cities there are zero population
12 noncontiguous, so we're saying we're going to give them
13 permission to not necessarily keep them with the city, so
14 we're basically giving them permission to split the city
15 in these cases when there's zero population. So that's
16 simply about how to --

17 **FEMALE:** (Overlapping.)

18 **COMMISSIONER FILKINS-WEBBER:** -- look at from
19 the city.

20 **COMMISSIONER DIGUILIO:** Okay. Does everyone on
21 the commissioner understand this motion now?

22 **FEMALE:** Yes.

23 **COMMISSIONER DIGUILIO:** Alright. Any further
24 discussion? Great. Any public comments on this motion?
25 Thank you. Can we vote on this motion now? All those in

1 favor please signify by raising your right hand and
2 saying aye.

3 (Ayes)

4 **COMMISSIONER DIGUILIO:** Okay.

5 **COMMISSIONER FILKINS-WEBBER:** I drafted the
6 second --

7 **COMMISSIONER DIGUILIO:** Alright.

8 **COMMISSIONER FILKINS-WEBBER:** I would move that
9 further direction be provided to Q2, that in the absence
10 of community of interest data and information concerning
11 neighborhoods that Q2 is to use objective standards of
12 respecting city and county lines. And in doing so shall
13 not consider partisan voter registration data.

14 **FEMALE:** Second.

15 **FEMALE:** Is that --

16 **FEMALE:** Are you reading from the guide?

17 **COMMISSIONER FILKINS-WEBBER:** This is we're
18 dealing with --

19 **FEMALE:** Right.

20 **COMMISSIONER FILKINS-WEBBER:** -- no, I'm not
21 reading from the guide. It was an issue that was raised
22 by Commissioner Dai in consultation with VRA counsel that
23 their -- and it has been pointed out through various
24 public comments that there may have -- there may be areas
25 where we have not received community of interest data so

1 therefore they need direction regarding the manner in
2 which the lines would be drawn.

3 **FEMALE:** This is to balance cities, counties,
4 neighborhoods and community of interest because they're
5 all equal in criteria number 4, so we want to give them a
6 rule of thumb to follow where we have not heard from
7 anyone that we should otherwise split cities and
8 counties, which we have heard a lot of testimony on. But
9 where we haven't heard any testimony, we're giving them a
10 rule of thumb to follow the objection criteria, which
11 they can look at, which are the city boundaries and the
12 county boundaries.

13 **FEMALE:** Exactly.

14 **FEMALE:** And I can understand that in the
15 absence of public testimony we would like them to follow
16 -- be respectful of counties and cities, but maybe
17 Commissioner Filkins-Webber can read the last part. I
18 wasn't sure where the --

19 **COMMISSIONER FILKINS-WEBBER:** The last -- the
20 last part --

21 **FEMALE:** -- (overlapping.)

22 **COMMISSIONER FILKINS-WEBBER:** -- provides a
23 further direction and further clarification from members
24 of the public who have been concerned regarding our
25 selection of various consultants for this commission.

1 But just to further reinforce that they will follow the
2 law that they will not consider partisan voter
3 registration in determining the use of the objective
4 standards of city and county lines.

5 **COMMISSIONER DIGUILIO:** You have a hand over
6 here.

7 **COMMISSIONER FILKINS-WEBBER:** Yes, Commissioner
8 Raya?

9 **COMMISSIONER RAYA:** I would prefer that --
10 rather than --

11 **COMMISSIONER FILKINS-WEBBER:** Okay, it's right
12 here. The further direction on the last portion of my
13 motion is according to advice of counsel on page 5,
14 section 6 that in general partisan voter registration
15 data shall not be used in drawing the first set of maps
16 to avoid violating the state constitutional requirement
17 and then it goes on.

18 **FEMALE:** Commissioner Filkins-Webber, is that
19 just tying in like our seventh criteria?

20 **COMMISSIONER FILKINS-WEBBER:** Yeah.

21 **FEMALE:** Is that what you're doing you're
22 wrapping in our seventh criteria into that?

23 **COMMISSIONER FILKINS-WEBBER:** Yes.

24 **FEMALE:** Okay. That's all, I was just curious
25 as to where that came from.

1 **COMMISSIONER DIGUILIO:** Commissioner Blanco?

2 **COMMISSIONER BLANCO:** I'm a little confused why
3 we're going through all this right now. We have a
4 mandate, we have a constitution that says that we cannot
5 consider voter candidates or, you know, in any way in
6 this process and it tells us what we can look at and it
7 tells us what we can't look at in the constitution. I
8 don't see that we need further guidance and in fact this
9 language about in general seems to qualify what's in the
10 constitution, which is an absolute bar. So I don't know
11 why we would want to do something that's different than
12 what's in the constitution. I think we should stick to
13 what we're doing which is guidance for the map drawing
14 and they already have the guidance that they're not
15 allowed to consider voter partisanship, so I don't
16 understand.

17 **COMMISSIONER FILKINS-WEBBER:** No, they don't.
18 That's the purpose of the motion.

19 **COMMISSIONER BLANCO:** It's in the constitution.

20 **COMMISSIONER FILKINS-WEBBER:** But they -- the
21 commission is to follow the constitution and we're
22 providing further direction to our consultants that they
23 are to follow those provisions as well. That's for
24 certain.

25 **COMMISSIONER BLANCO:** Well then I say we --

1 they follow the constitution.

2 **COMMISSIONER YAO:** Yeah, make that a motion
3 that they follow the constitution.

4 **COMMISSIONER BLANCO:** The constitution.

5 **COMMISSIONER FILKINS-WEBBER:** Well, you can
6 make the motion, but my motion stands right there.

7 **COMMISSIONER DIGUILIO:** So we have a motion on
8 the floor and we have a negative one minute to vote on
9 this so are there real concerns about this since it's
10 basically reiterating what is in the constitution?

11 **MALE:** Can I have it read back, please, I --

12 **COMMISSIONER BLANCO:** I can tell you what my
13 concern is legally.

14 **COMMISSIONER FILKINS-WEBBER:** Sure.

15 **COMMISSIONER BLANCO:** When you start qualifying
16 something as -- is as if the original wasn't -- as a
17 lawyer when you -- something comes up and you say well
18 what was the intent of this statute, and then you go back
19 and you say, oh at this hearing they actually went back
20 and had to say this. That's an indicator that they
21 didn't find that the constitution was specific enough.
22 And that's what happens in litigation. And I don't want
23 that to happen. The constitution is clear enough and
24 it's our guidance and if we look like we don't understand
25 what's in there, or that we're modifying what's in the

1 constitution it's problematic legally.

2 **COMMISSIONER DIGUILIO:** Thank you, Commissioner
3 Blanco. For the sake of expediency, commissioner
4 Filkins-Webber, would you be amenable to just dropping
5 that last portion and we can deal with this at a later
6 time so that we can get the criteria in 4 clarification.

7 **COMMISSIONER FILKINS-WEBBER:** I'm afraid I
8 cannot. The motion as read since you've asked to have it
9 read back and the particular reason that this is being
10 added in here is because we have received various public
11 comments that Q2 is not to be drawing lines on their own.
12 And with this particular directive we are asking them to
13 use the set of standards. And within that standard it
14 was also further clarification a reminder that they are
15 not to use partisan data. As such, my motion is in the
16 absence of community of interest data, and neighborhood
17 data, Q2 is to use objective standards of respecting city
18 and county lines and in doing so shall not consider
19 partisan voter registration data.

20 **COMMISSIONER DIGUILIO:** Commissioner Raya?

21 **COMMISSIONER RAYA:** I'm concerned; I'm going to
22 vote against the motion. I'm concerned about having to
23 get into a discussion that I think has already been
24 answered, I think we know what the standards are, Q2
25 knows. This issue has been the issue of who's driving

1 the train, that's been resolved.

2 **COMMISSIONER DIGUILIO:** Okay. Commissioner
3 Filkens-Webber, I would like to vote on criterion 4. I
4 think this deserves a little more discussion than we're
5 going to have right now, so I would plead with you that
6 you drop the last portion, so we can vote on criterion 4
7 and let our consultants begin on doing our insight maps.
8 Would you be amenable to that if we can defer the further
9 discussion to 5/5?

10 **FEMALE:** How's that? Yeah. How about I call
11 the vote?

12 **FEMALE:** Yes.

13 **FEMALE:** She calls the vote.

14 **COMMISSIONER DIGUILIO:** That's fine; that would
15 take a two-thirds vote. I'm asking Commissioner Filkins-
16 Webber if she's willing to drop that so we can vote on
17 criterion 4.

18 (Overlapping.)

19 **COMMISSIONER DIGUILIO:** Okay. Is there a
20 second to call the question?

21 **FEMALE:** I'll second.

22 **MALE:** Second.

23 **COMMISSIONER DIGUILIO:** Okay. Takes a two-
24 thirds vote to call the question. All in favor of
25 calling the question please raise your right hand. Okay.

1 Looks like we have two-thirds.

2 **FEMALE:** Yes.

3 **COMMISSIONER DIGUILIO:** Okay. So any further
4 discussion? Alright. Any public comment?

5 **FEMALE:** What is Q2?

6 **COMMISSIONER DIGUILIO:** Q2 are mapping
7 consultants. Right, yeah, they our line drawers. Okay.
8 All those in favor of this motion please signify by
9 saying aye and raising your right hand.

10 (Ayes)

11 **COMMISSIONER DIGUILIO:** I have two. All those
12 opposed?

13 **ALL:** Ayes.

14 **COMMISSIONER DIGUILIO:** Okay. Any extensions?
15 I believe the motion has failed.

16 **MS. HENDERSON:** Opposed two ayes and 12 no, the
17 motion fails.

18 **COMMISSIONER FILKINS-WEBBER:** So unfortunately
19 there was an issue raised, we're going to have to defer
20 this discussion to later; hopefully it doesn't cripple
21 our line drawers. Since we will be meeting again on the
22 fifth, we'll work on crafting a motion that everyone is
23 comfortable with. We need to stop now to allow time for
24 --

25 **FEMALE:** Can we --

1 **COMMISSIONER FILKINS-WEBBER:** -- public input.
2 We are five minutes behind and we do not want to make the
3 public wait any longer than they have. So if you would.

4 **FEMALE:** Michelle has a motion she was wanting
5 to --

6 **COMMISSIONER FILKINS-WEBBER:** But can we not
7 take -- can we take two minute if it doesn't go anywhere
8 I'll withdraw it?

9 **CHAIRPERSON BARABBA:** We -- we've committed to
10 be ready to go with input (inaudible).

11 **COMMISSIONER FILKINS-WEBBER:** I know but was --
12 we are --

13 **CHAIRPERSON BARABBA:** And --

14 **COMMISSIONER FILKINS-WEBBER:** -- are out of
15 time.

16 **CHAIRPERSON BARABBA:** -- maybe 15 minutes to be
17 prepared for it. So we'll bring this session to an end.
18 And to the members of the public, we have to revise some
19 of the technical equipment so we can handle your input
20 properly. And so we'll hopefully start as close to 2:00
21 as possible.

22 **(Meeting adjourned)**

23

24

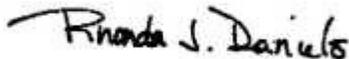
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