

May 5, 2011

Via Electronic Mail
Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

RE: Public testimony about California's redistricting process

Dear Members of the Citizens Redistricting Commission:

We are writing to express our perspectives on several issues relating to the rules and practices for the presentation and assessment of public input during California's redistricting process. Our comments cover presentations by organized groups and community-based organizations; written testimony; the notice provided of rules for public hearings; and comments from speakers about their relationships with elected officials. As noted in more detail below, we believe that certain rules and practices of the Commission are creating obstacles that will impair the ability of Californians to provide meaningful input to the Commission, or could have the potential of doing so. Moreover, we believe that many of these obstacles will have a particularly detrimental impact on the participation of members of California's underrepresented communities.

I. Presentations by organized groups

We understand that the Commission has imposed procedural limits on speakers who testify as a coordinated group. These include: 1) limiting the number of speakers to five per group; and 2) prohibiting organized groups from signing up for speaker slots until the official start time of the hearing, even though individuals can sign up for speaker slots starting one hour prior to the official start time. We believe these limitations will significantly impair the effectiveness of group presentations. The Commission's public input hearings should be equally open to organized group efforts as they are to individual speakers, so that every person has a fair opportunity to provide information about their communities of interest (COIs) and neighborhoods.

The group presentation format is intended to allow community members to present information in an articulate and well-organized manner. Speakers' testimonies complement rather than duplicate each other. Moreover, providing testimony is a form of civic engagement for community members. Organized groups are helping to ensure that traditionally underrepresented communities can increase their participation in the redistricting process.

In fact, the Commission's own materials recognize the value of group presentations by encouraging community members to provide testimony through community-based organizations. For example, on the reverse side of the Public Input Hearing Worksheet posted on the Commission's website,¹ it states:

¹ http://wedrawthelines.ca.gov/downloads/meeting_handouts_apr2011/learnmore_20110412_worksheet.pdf

How can public comment and testimony be given?

The Commission encourages the public to provide testimony in an effort to best identify the unique regional qualities of Communities of Interest. Public comments about Communities of Interest can be submitted in a variety of ways, including: ...

- Through a community-based organization (CBO): There are many CBOs that are working with communities and presenting testimony to the Commission. Go to: www.RedistrictingCA.org.

By explicitly stating that providing public comment through a CBO is an option for submitting testimony, the Commission is confirming the legitimacy of this practice to the public. However, imposing limitations on group presentations undermines the ability of CBOs to convey that input to the Commission.

We have also been told by some Commissioners that the limitations on group presentations are justified because the commission is providing an opportunity on May 24 and 26 for organized groups to make presentations on specific mapping proposals. We very much appreciate this opportunity, and look forward to this component of the public input process. However, the purpose of the mapping proposal hearings is quite different than that of the public input hearings which are occurring now. As noted in the Commission's April 26 draft guidelines for submission of district plans, the mapping proposal hearings are specifically intended to provide an opportunity for discussion of the maps submitted, and are not intended to provide an additional opportunity for testimony focused solely on COIs.

The Commission's rule regarding group presentations also has the unintended consequence of penalizing groups who are open about the fact that they are doing a group presentation, compared to individuals who are obviously coordinating their testimony, but do not overtly state that they are a group.

We understand that the Commission may feel it needs to address situations where the presentation of duplicative testimony by individuals results in lengthy hearings that impose hardships on other members of the public who wish to testify. However, rather than impose a blanket restriction on group presentations, the Commission can find other ways to deal with this challenge. For example, the Commission can request that speakers who are making points that are repetitive of previous testimony make a concise statement such as "me, too" to express their support for the previous comments.

II. Weighing testimony provided by community-based groups

We also urge the Commission to give testimony from community-based groups at least equal weight as testimony from individual members of the public. First, groups represent multiple individuals, and their testimony often incorporates the perspectives of a large number of individual stakeholders.

In addition, testimony from groups serving underrepresented communities may provide information from community members who face barriers to testifying themselves. For example, these community members may face challenges with obtaining transportation to the hearing site, or may have work or family-care responsibilities which prevent them from attending hearings. The community members may also face language barriers that affect their ability to testify personally. We appreciate the consideration the Commission has already given to mitigating these barriers through the schedule and location for hearings, and the provision of translation services. However, these challenges still exist to a certain extent, especially for members of underrepresented communities. Thus, testimony from community-based groups gives voice to community members who might otherwise be excluded from the public input process.

III. Written testimony

We acknowledge that the Commission has directed Q2 Data and Research to prepare regional summaries of testimony that include both written comments as well as oral testimony provided at the commission's hearings. This is a good first step toward ensuring that written testimony is given the same consideration as oral testimony by the Commissioners as they proceed with their redistricting responsibilities.

We also strongly encourage the Commission members to read and consider all of the written comments, so that those submitting written comments have an equal opportunity to be heard. This is critical for several reasons. First, members of the public may not be able to convey all of their thoughts in the two-to-three minute timeframe provided at the public hearings. Written comments can give the Commission a more complete and richer understanding of community members' input, such as their perspectives on communities of interest or neighborhoods. In addition, members of underrepresented communities may find it daunting or intimidating to testify at public hearings, and written comments are how they prefer to provide their input.

Moreover, at some of the more crowded hearings, community members arrived in a timely manner and needed to leave before testifying, because they were unable to wait for the extremely lengthy time that would have been required before being given the opportunity to speak. In some cases, these community members waited for three hours and were unable to stay at the hearing any longer. Thus, they intend to submit their testimony in writing, and it should be given at least the same serious consideration as community members who were able to testify in person.

IV. Inadequate notice of rules for public hearings

We understand that the Commission faces the difficult challenge of creating an extensive new public input structure for California's redistricting process in a very short time frame. However, the Commission appears to have developed or changed some of its rules very quickly, without providing the public with adequate notice.

The Commission's public hearing notices do not describe the Commission's rules for matters such as when individuals must sign in, and the time limits for their testimony. This has created significant confusion for members of the public. We recommend that for each public hearing notice, the Commission should specify how much time each speaker is allotted, and whether that amount of time will vary depending on the number of speakers who attend. For example, the notice could specify that generally members of the public will be allotted five minutes; then three minutes if the number of speakers exceeds X; then two minutes if the number of speakers exceeds Y. This will allow members of the public to prepare testimony that adheres to the time limits, and to more easily change their comments' length as they become aware of the number of speakers at a hearing. We recognize that some information about time limitations is contained in the press releases issued by the Commission on May 3 and 4, but press releases are not seen by all members of the public. A full explanation of the rules for signing in and time limits for testimony should be in the public hearing notices.

In addition, the Commission had previously indicated that its members would continue to listen to testimony beyond the time formally publicized as the close of the hearing, long enough to ensure that any individual who arrived before the close would be allowed to testify. In order to achieve this important goal, the Commission should ensure that all hearing facilities can be kept open long enough to allow the Commission to extend the hearing beyond the regularly scheduled closing time, if necessary. In addition, the Commission should publicize a cut-off point (such as the end of the scheduled hearing time or ten

minutes before) by which individuals must arrive in order to be able to speak. The Commission should allow anyone arriving by this cut-off point to speak.

V. Comments from speakers about their relationships with elected officials

We believe the Commission should not give less weight to comments about COIs or neighborhoods from individuals who are encouraged to testify by elected officials, as long as the content of their testimony falls within the Voters First Act's definition of COIs. We understand that under the Act's definition, COIs do not include relationship with incumbents, candidates or political parties. If the Commission decides to impose restrictions on speakers' comments that define their COIs through such relationships, then the Commission should do so in a fair and even-handed manner that avoids any chilling effect on underrepresented communities (for example, by singling out particular minority communities). The Commission should also bolster its efforts to educate the public on how to frame testimony in a manner that complies with the requirements of the Act's COI definition.

We believe the Commission shares our vision of an accessible and inclusive public participation process that provides all Californians with an opportunity to provide meaningful input to the Commission. We look forward to continuing our work together to achieve this important goal. Thank you for your consideration of our views.

Sincerely,

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