



**CALIFORNIA CITIZENS REDISTRICTING COMMISSION**

**SUMMARY REPORT AND COMPILATION OF  
2010 COMMISSION ACTIONS AND SUGGESTIONS  
FOR FUTURE CITIZENS REDISTRICTING COMMISSIONS**

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## **I. Introduction and Executive Summary**

In November 2008, the voters approved Proposition 11 and enacted the Voters First Act (the “Act”) to shift the responsibility for drawing Assembly, Senate, and Board of Equalization districts to an independent Commission. In November 2010, the voters approved Proposition 20 and amended the Act to include Congressional redistricting within the Commission’s mandates. The Act’s stated purpose called for an independent Citizens Redistricting Commission to draw districts based on strict, nonpartisan rules designed to ensure fair representation. The Act also charged the Commissioners with applying the law in a manner that was impartial and reinforced public confidence in the integrity of the redistricting process. (Cal Const., art. XXI, § 2, sub. (c)(6).) Consequently, the Act provided that each Commissioner was to be prohibited from holding elective public office at the federal, state, county or city level for a period of ten years from the date of their appointment, and from holding appointive public office for a period of five years. In addition, Commissioners would be ineligible for five years from holding any paid position with the Legislature or with any individual legislator, and could not be a registered federal, state or local lobbyist during this period.

The Citizens Redistricting Commission for the State of California (the “Commission”) completed its task of creating statewide district maps for Assembly, Senate, Board of Equalization, and Congress in accordance with the provisions of Article XXI of the California Constitution. The maps received final approval by the Commission and were certified to the Secretary of State. The Commission was successful in defending its maps in the State Supreme Court, federal court and in Superior Court.

This effort was a historic event in the history of California. The people of California demanded a fair and open process when they adopted Propositions 11 and 20, which amended the California Constitution and created the Commission. A group of 14 citizens, chosen from an applicant pool of more than 36,000, engaged in an extraordinary effort to conduct an open and transparent public process designed to receive input from the people of California about their communities and desires for fair and effective representation at each district level. The amount of public participation was unprecedented. The people participated in the deliberations and debate over where to draw the lines. Through the course of 34 public meetings and 32 locations around the state, more than 2,700 people participated in person, and over 20,000 written comments were submitted. In addition, extensive participation in the form of proposed alternative maps for the state, various regions, or selected districts were received from a variety of individuals and groups.

The result of this effort was a set of statewide district maps for Assembly, Senate, Board of Equalization, and Congress that fully and fairly reflects the input of the people of California. The process was open, transparent, and free of partisanship. There were long and difficult debates, and disagreements among competing communities and interested persons. No person or group was excluded from full participation in the process. Commissioners didn’t always agree on all the issues or their resolution. However, Commissioners were committed to the mission and valued and respected each other’s opinions. Thousands of individuals and many groups provided input and suggestions, and these were considered fairly and impartially. Throughout this process, the Commission was diligent in carefully analyzing and evaluating all contributions and maintained its absolute independence as citizen representatives for all of California. In the end, the full Commission voted overwhelmingly to approve each set of maps.

Based on the 2011 experience, statutory changes have been made to allow the selection process of future the citizens redistricting commissions work to begin 4.5 months earlier. These statutory changes also provide them a full 12 months to carry out their duties before the August 15<sup>th</sup> deadline for submittal and approval of maps.

The Commission is proud to have served the people of this great State, and has developed this report detailing the challenges faced and lessons learned and puts forth suggestions for future redistricting commissions. For the sake of simplicity, this handbook is organized into five consecutive sections of activity that detail the phased contexts within which the Commission operated in carrying out its tasks. These sections are as follows:

- Recruitment and Selection
- Setup and Operations
- Community Input/Hearings
- Mapping
- Post-Mapping/Litigation

As California's first Citizens Redistricting Commission, it literally had to set up, implement and carry out its mission on the fly, akin to "... designing, constructing and flying the plane after takeoff!" In this regard, this Commission called on and tapped all the myriad talents and expertise of the fourteen individual commissioners in facing a great variety of challenges and for solving problems never before encountered by any other commission. It is noteworthy that all mandates were met within the required timeline. All maps were drawn fairly and transparently, the public was engaged as never before and all newly drawn districts successfully withstood several legal challenges which sought to overturn them. At all times, the Commission functioned independently of other organizations and this report reflects such autonomy. There are other reports, court cases, public comments and legislative amendments that are hyperlinked for public access and reference.

This report is a compilation and summary of actions and strategies utilized in meeting difficult challenges that demanded imaginative and inventive solutions. It represents the experiences of this commission with an expectation these "lessons learned" may serve as a useful guide while acknowledging that the next Commission will certainly face a different set of circumstances and conditions. Given the diverse and nuanced perspectives on the many issues faced, it represents the collective responses from all fourteen individual commissioners rather than actions taken by "*the Commission*". It offers "suggestions" rather than recommendations in the hope they will be helpful to future citizens redistricting commissions while respecting that they may face a different set of circumstances and challenges.

## II. Recruitment and Selection

1. **Recruitment and Selection of Commissioners** – This task was assigned to the Bureau of State Audits (BSA) which, in collaboration with a group of non-profit community-based organizations, carried out an extensive recruitment process which included press releases and public information sessions across the state. Approximately 36,000 California residents submitted applications for the Commission resulting in a diverse applicant pool due primarily to the education and outreach activities of various partners from the non-profit sector mostly funded by the Irvine Foundation. This involvement by community-based organizations was critical. Concerns have been raised about the continued availability of such funding to continue participation by such partners. Also, information provided to potential applicants referred to the overall goals of Proposition 11 and didn't include any specifics about the process, timelines, individual commitment required, impacts on personal, professional or business interests, etc. Given this dearth of information, the 14 selected Commissioners were asked to take a leap of faith to simultaneously design, build and maintain the organization after takeoff! The Bureau of State Audits set up a two-part application process. First, it required all applicants to provide basic information to screen for minimum qualifications. Secondly, a “supplemental application” was put in place which required applicants to complete several essays and provide additional information.
  - a. **Commission action** – none, since the Commission was in the formative stage and not yet operational.
  - b. **Commissioner Information/Suggestion(s)**: This Commission is committed to assisting future redistricting commissions with outreach and to otherwise disseminate information about redistricting and the application process as well as to plan and implement a robust and creative social media campaign. Commissioners will be available to speak to interested groups about the process and their experiences.
2. **Application Process** – This task was also carried out by the Bureau of State Audits (BSA). Again, the participation of ~~the~~ non-profit organizations was invaluable in encouraging applicants and providing assistance with the application itself, although the actual application was completed and submitted online. There were numerous positive comments about the overall process including the web application form, its multi-stage process, sign-ups for interview slots and the open deliberation of the Applicant Review Panel during public review of applications, interviews and selection. The Bureau of State Audits did an excellent job handling the volume of applications and went above and beyond their standard work plan. Coordination of this process by the BSA was excellent.
  - a. **Commission action**: none, since it was in the formative stage and not yet operational.
  - b. **Commissioner Information/Suggestion(s)**: If possible, the next Commission should reduce the number of interviews from 5 to 4 per day to allow for fuller review of applicant materials and to guard against fatigue by the Applicant Review Panel. In the application info, it should clarify the operational meaning and application of “impartiality” by drawing the distinction between advocacy of issues/groups/people/areas versus the ability to be impartial despite being an advocate. Also in the section on “appreciation for diversity in demographics and geography”, divide these into different sections to capture both an applicant’s experience with diversity in or with communities/people versus knowledge of and experience in the various geographic areas of California. In the “analytical skills” section, ask about applicants’ ability to apply and adjust multiple conflicting criteria over large geographic areas. Although mandated by law, the requirement for providing conflict of interest info for extended family members was considered to have discouraged some potential applicants. Further, the next Commission should consider additional inquiry regarding a candidate’s past involvement in the 2011 redistricting process such as level of involvement either as a Commissioner, public participant or with an organization.

Finally, focus on candidates' present philosophy of redistricting for 2021 in light of substantial changes and corrections necessary in 2011 due to past gerrymandering.

3. **Interactions with State Agencies** – The Commission had to work with a variety of state agencies with which most Commissioners had limited or no knowledge or experience.
  - a. **Commission action:** Given the need to work with state agencies primarily based in Sacramento, Commission looked favorably on hiring of staff familiar with these agencies, their functions, and processes.
  - b. **Commissioner Information/Suggestion(s):** Commissioners felt support staff from the BSA-Applicant Review Panel and Secretary of State (SOS) were generally responsive and courteous in the initial selection and setup. However, a few commissioners felt the transition from BSA to SOS didn't go smoothly and this led to confusion and disruption. This transition occurred when the Commission was just settling in, and it was difficult to ascertain where to go with their questions. Commissioners were generally unaware of how state agencies were responsible for assisting the Commission functionally and bureaucratically. In the future, through the negotiated statutory amendments, the BSA will handle the whole transition and the Secretary of State will no longer be involved. Also, a crash course on state hiring rules, contracting and agency protocols is absolutely necessary.
  
4. **Selection of First 8 Commissioners** – The law required the BSA Applicant Review Panel to review all applications and select the first eight commissioners who would then be responsible for selecting the remaining six.
  - a. **Commission action:** This was the first task faced by the Commission. All discussions and actions continued to be fully transparent and all agendas were posted in accordance with the Bagley-Keene Act and deliberations were live-streamed on the Internet.
  - b. **Commissioner Information/Suggestion(s):** There was a full and public discussion of applicants under consideration and the public selection was conducted by random draw using ping pong balls. However, some commissioners felt this random draw constrained the available choices for the additional six. Even though random draw was mandated by law, there were concerns that other alternatives should have been considered. Also, although commissioners were to represent the diversity of California interests in assuring and expanding the franchise, there was some concern about the need to clarify the nature of relationships with the various partners involved in the redistricting public process.
  
5. **Selection of Final 6 Commissioners** – The initial eight commissioners were required to review the remaining applicant pool and carry out a public and transparent process to select the remaining six to complete the Commission with the total of 14 members.
  - a. **Commission action** – There was overall agreement that following the lottery with the full consideration of all remaining candidates and their qualifications under the three primary selection criteria was handled well.
  - b. **Commissioner Information/Suggestion(s):** This selection was carried out with much discussion and debate regarding the various talents and backgrounds of the remaining applicants within the context of the needs of the CRC to include being reflective of state demographics while being able to develop and function as a team to meet its legal mandates. There was some concern regarding the lack of representation from the lesser populated areas of the state. Even though mandated by law, there was expressed concern regarding the “blind” vetoes by the Legislature and the lack of public disclosure of why certain applicants had been struck from consideration by each of the two major political parties.
  
6. **Training of First 8, and then the final 6, Commissioners** – The great majority of commissioners had limited experience and knowledge working within the state bureaucracy or how the CRC could work

successfully within its agency/departmental structure. To address this need, several trainings were scheduled and provided to the CRC.

- a. **Commission action** – The Commission received available training within a very tight timeline even though Commissioners had a limited understanding of the types of information and knowledge that would be required as the CRC moved forward in meeting its mandates.
- b. **Commissioner Information/Suggestion(s):** Training was uneven for both sets of commissioners (sometimes jokingly referred to as the “lucky ones” and the “chosen ones”). The short timeline compressed opportunities for fullness and comprehensiveness although this time period has now been extended through statutory amendment. The lack of adequate training was especially true for the last six who were relegated to watching videos of what the first eight had received. Commissioners recommend advance planning of topics and schedule so all commissioners are appropriately trained; perhaps the first eight should only be trained on the selection process for the final six with the full training component carried out once the full commission is seated. This should include a strategy for training of any “replacement” commissioners during the ten-year term of the Commission. An additional concern was the constraint on commissioners from educating themselves about general redistricting via available national and regional conferences, workshops and trainings on in. It should be mentioned that this constraint was imposed on the advice of counsel.

### III. Setup and Operations

1. **Commission Setup and Operations --**
  - a. **Commission action** – Given the short time available, staff did their best to secure adequate facilities, albeit temporary, and to organize operational protocols and processes.
  - b. **Commissioner Information/Suggestion(s)** – The next Commission could use the extra time to be thoughtful about the setup phase. It should also expand IT and GIS support in-house.
2. **Commissioner Socialization/Team-Building --**
  - a. **Commission action** – A disparate group of public citizens, now high-profile Commissioners, were brought together and expected to function as a team in meeting a most challenging and politically provocative mandate.
  - b. **Commissioner Information/Suggestion(s):** Informal and after-hours gatherings by Commissioners for dinner and socializing was critical for team cohesion and mission commitment and created a culture of listening, collegiality and respect which allowed for dealing with tough issues in the glare of the public eye. Future commissions could consider participating in sessions aimed at development of high-performance teams available through consultants. Overall, the commission bonded as a team even though there were differences of opinion on a number of items.
3. **Commission Election of Chair/Vice Chairperson** – Once the fourteen Commissioners were in place, they needed to establish a leadership process for moving forward.
  - a. **Commission action** – The eight commissioners had initially elected a Chair to lead the process during the period for the selection of the remaining six, as mandated by statute. Once these were selected, the full Commission decided on a shared governance model with rotating Chairs and Vice Chairs that would bring forth a new Chair for each session of business meetings, who had served as Vice Chair for the previous meeting. As mandated by law, the Chair and Vice Chair had different party affiliations. Most of the Commissioners volunteered to be part of this process.
  - b. **Commissioner Information/Suggestion(s):** As required by law, Commissioners agreed to the immediate election of a Chair as uncomfortable as this was given they were literally strangers and unaware of each other’s background and experience. Once Commissioners became acquainted, it

soon became apparent that as a group they possessed a broad variety of skills which could strengthen and focus the Commission. The notion of a rotating leadership model was actually suggested by a member of the public and was initially opposed by several Commissioners and the staff. Nevertheless, a system of rotating leadership was accepted and everyone was given a chance to serve. A few individuals excluded themselves at first but they eventually inserted themselves into the rotation. The Executive Director drew up the rotation to ensure that at no time would the Chair and Vice Chair be from the same party. The Commission suggests this system of rotating chairs be considered as a way of sharing responsibility and to guard against one particular individual or faction usurping the process.

4. **Hiring of Executive Director** – Once Commission leadership was established, next on the agenda was the hiring of an executive director. The Secretary of State (SOS) was asked to provide the necessary support to publicize and recruit applicants for this position.
  - a. **Commission action** – The Commission collaborated with SOS to hire an ED. An attorney from SOS assisted the Commission and provided legal advice on the process, and an HR specialist presented on state hiring guidelines.
  - b. **Commissioner Information/Suggestion(s)**: Once the pool of applicants was narrowed down, the full Commission interviewed candidates and selected an individual who was familiar with state government processes and had relationships with most of the state agencies which would be involved. Although a few commissioners felt outreach and recruitment of the Executive Director should have been more extensive, candidates' knowledge, background and experience with state agencies were considered critical for the job. Actually, there were four jobs posted by the Secretary of State primarily through state recruitment channels, so one had to either be a state employee or someone familiar with state government to find these job postings. The job postings had stringent conflict-of-interest criteria and this eliminated many potential candidates. Regarding other staff hiring, CRC timelines did not allow for a traditional recruitment process so it had short job searches and quick turnaround times. The Commission suggests additional time for it to carry out its tasks and this should allow for a more deliberate and adequate vetting of candidates.
5. **Hiring of Staff Attorney/General Counsel** – The CRC began with an attorney on temporary loan from SOS and, as mandated by law, it was required to hire its own independent legal counsel.
  - a. **Commission action** -. The Commission tasked its recently hired Executive Director with publicizing for this position specifying issues related to conflict-of-interest criteria. Given the absence of specifics within the language of Proposition 11, this conflict-of-interest criteria was discussed and debated at length. Once the position description was posted, conflict-of-interest criteria eliminated several potential applicants. The remaining prospects were interviewed by the full Commission and a candidate from the Sacramento area with extensive agency experience was selected.
  - b. **Commissioner Information/Suggestion(s)**: Future Commissions should broaden the pool of these applicants recognizing that the strict interpretation of political conflicts of interest might eliminate most if not all viable candidates. It should seek applicants that are proven problem-solvers, have broad experience advising boards and commissions and have extensive knowledge and experience with VRA and its enforcement. Beginning the hiring process earlier should yield a larger pool.
6. **Hiring of Public Information Officer** – A public information officer was necessary to handle all media logistics and to advise the Commission on its message and otherwise manage all public information aspects of its work.
  - a. **Commission action** – The Commission tasked the Executive Director with recruitment of qualified applicants and to work with a committee to review applications and put forth recommendations for consideration by the full Commission. As with the general counsel, conflict-

of-interest criteria limited the number of qualified candidates. The Commission chose not to hire the ED's first choice and instead hired a Sacramento-based applicant that was considered to be more well-rounded than the others.

- b. **Commissioner Information/Suggestion(s):** Commissioners felt fortunate to have found someone with broad PR experience that included traditional and social media. However, links with ethnic media were not as strong. Also, the Commission suggests finding someone who can meet the challenge of coaching 14 different personalities as well. It should be vigilant in identifying and eliminating candidates who could pursue the limelight for themselves. As part of the interview process, the Commission should ask candidates to develop and present a sample press release on a hypothetical hot redistricting issue.

## 7. Hiring of Other Staff –

- a. **Commission action** - The Executive Director was tasked with recruitment and hiring of other support staff to assist the Commission. As with other positions, all hiring had to be approved by the full Commission. It is worth mentioning that the Commission directly supervises only one employee, the Executive Director, and he/she in turn supervises and manages the rest of the staff. To clarify, the rest of the staff works for the Executive Director and all supervision and management lies within his/her purview. There were times when issues of protocol arose when Commissioners went directly to staff without notifying the ED and this led to needless confusion.
- b. **Commissioner Information/Suggestion(s):** Commissioners felt staff support was highly qualified and responsive to commission needs. The Commission suggests the next CRC work to ensure key support staff has a working knowledge of state contracting, procurement and reimbursement procedures as well as resourcefulness, teamwork and strong public interaction skills. The use of annuitants was crucial for staying within budget while getting someone with strong backgrounds for the tasks at hand. CRC suggests that Commissioners should not be involved in the management of subordinate staff. The hierarchy should be clearly delineated and commissioners should know from day one where to go with a concern/criticism/suggestion. Its structure should include a personnel committee, either as a separate committee or as a sub-group under the "Finance and Administration Committee" as was implemented by the 2010 CRC. This body will serve to advise the ED on job descriptions, to inform commissioners about personnel policies and procedures, to liaison between the ED and the Commission and to conduct appropriate evaluations of higher level staff in consultation with the ED. The evaluation of the ED is in the hands of the full Commission.

## 8. Hiring of Voting Rights Act (VRA) Attorneys – The constitution required the hiring of VRA attorneys to advise the Commission in compliance with this Act.

- a. **Commission action** – The Legal Advisory Committee took the lead, in concert with the ED, in recruiting and selecting a VRA-qualified attorney/firm to assist and advise the Commission. The Commission ultimately selected two firms with different strengths and skill sets to provide a balanced and tactical team approach to address any and all expected legal challenges.
- b. **Commissioner Information/Suggestion(s):** Due to the tight timeline, the process for hiring VRA attorneys was severely constrained. The next Commission should begin process much earlier to allow for a more extensive and thorough recruitment and selection. It should take care to evaluate VRA experience recognizing that applicants may have previous partisan representation but this shouldn't be a primary criteria for disqualification. The reality is that most firms will have "political" conflicts of interest and these are very difficult to evaluate given the high profile of the Commission's work. Ultimately, it should select someone who can be impartial in representing the Commission and that can provide sound legal counsel.

- 9. Hiring Mapping/Technical Consultant** – The ultimate product of the CRC was the drawing of maps that were VRA-compliant and met all criteria mandated by Proposition 11 and consultants were hired to fulfill this task.
- a. **Commission action** – The Commission directed the ED to post a request for proposals (RFP) and search for qualified firms to carry out this mapping process. Ultimately, a consultant associated with the Statewide Database was selected.
  - b. **Commissioner Information/Suggestion(s)**: Due to the application of strict conflict-of-interest criteria to an already small pool, the number of available candidates came down to only two and both were alleged to have partisanship in their background. Of these two, a firm associated with the Statewide Database was hired as the other candidate was eliminated for being “non-responsive” to the RFP by failing to disclose key information. The contracted firm performed admirably given the circumstances of rushed hearing and mapping tasks. CRC suggests an earlier start time to allow for casting a wider net for applicants with an eye on selecting firms that have little or no connection with political institutions. Also, the public needs to know up-front that this contractor works for the Commission and it is the Commission that draws the lines and not the contractor. In the interest of providing clarity and transparency, the Commission should have preliminary discussions with potential applicants regarding the application of conflicts criteria.
- 10. Hiring of RPV Consultant** – To meet the requirements of the Voting Rights Act, specifically Section 2 and Section 5, data on the actual or potential incidence of racially polarized voting (RPV) within the state had to be collected, analyzed and interpreted. Therefore, consultants were contracted for these tasks and to render legal advice to assist with the drawing of VRA compliant district maps.
- a. **Commission action** – The Commission delegated to the Legal Advisory Committee the tasks of advertising for and recruitment of an RPV consultant and to present a recommendation. The timeline was extremely tight given the date of release of census figures and, as a result, the first set of draft maps were drawn without the benefit of this type of voting analysis.
  - b. **Commissioner Information/Suggestion(s)**: Again, it would have been helpful to have started recruiting earlier in the process, perhaps even before the census data was released. As already indicated, the first draft maps were presented without the availability of any RPV data. The next cycle should strive to have at least three viable VRA consultants to select from. Also, if the intention is for these RPV experts to be supervised by the Commission’s general counsel for privileged and confidential reasons, then this general counsel should also have broad experience with VRA in order to direct the consultant. Actually, the RPV consultant was a subcontractor of the VRA attorneys. If the RPV consultant’s work product is to be disclosed, their work should be available to the commission to discuss sources and conclusions.
- 11. Hiring of Additional Staff Analysts** – Although a number of excellent staff were hired to manage and carry out the administration and legal compliance of the Commission’s work, there were other areas that called for hiring specialized staff analysts to advise it.
- a. **Commission action** – Given the tight timeline and budget, the ED suggested utilizing the state’s annuitant pool that could be tapped for a number of specialized tasks. Even though annuitants provided excellent service, there were areas of need that called for other types of specialized information and/or analysis. However, the Commission’s work was moving so fast that recruiting and hiring these staff wouldn’t have provided timely benefits. As a result, the Commission was left to conduct individual research and/or to depend on information provided at hearings by the public.
  - b. **Commissioner Information/Suggestion(s)**: The CRC relied on its mapping consultants to provide basic demographic information about each part of the state. This didn’t include other sources of data which would have been helpful with local and regional analyses especially of communities of interest. The Commission strongly suggests hiring of additional staff/analysts to provide comprehensive data on geographic elements/barriers, tax base, employment,

socioeconomics, ethnicity and protected classes profiles, income, industries and other areas as needed and appropriate.

**12. Hiring process and Logistics of Staff Personnel** -- Given the procedures followed to empanel the Commission, there was limited time for posting, interviewing and hiring of staff. This time limitation forced the Secretary of State to hire a few positions, acting on behalf of the CRC, to enable the Commission to transition quickly and to stand on its own. Since this was carried out through state government channels it resulted in a state government-based staff which in turn resulted in locating CRC headquarters in Sacramento.

- a. **Commission action** – The Commission was supportive of the Executive Director’s recommendations for staff hires. The retired annuitant pool was a great source of experienced part-time staff. A few issues of protocol arose when individual commissioners were trying to do the work of the staff or bypassing the Executive Director and speaking to them directly. Overall, Commissioners felt the ED and support staff carried out their duties admirably given all the time, logistical and budget challenges we confronted.
- b. **Commissioner Information/Suggestion(s)** –The ED was allowed to hire support staff although Commissioners felt they should be involved in the selection and hiring of General Counsel and the Communications Director. Commissioners suggest setting up a process for regular, closed session feedback sessions for the ED to raise issues and concerns. The next Commission should have full budget oversight with regular reports on expenditures and available funding. There should be a personnel committee to establish and review personnel practices and ensure regulatory compliance.

**13. Hiring of Staff and Logistics with State Contracting Procedures** – Time limitations provided challenges in developing, posting and acting on Requests for Proposals/Requests for Information (RFP/RFI) requests, bid proposals and final contracts. In this regard, state regulations proved onerous and time-consuming.

- a. **Commission action** – The Finance and Administration Advisory Committee was involved in the development of RFPs even though other Commissioners would have liked more involvement. The Commission was supportive of the ED and his staff as they worked through all challenges related to state contracting procedures. The experience and connections of the ED and support staff with state agencies allowed for using various fast-track mechanisms available within the state’s standard processes.
- b. **Commissioner Information/Suggestion(s)** – The next Commission will have additional time to more effectively deal with the lengthy and cumbersome RFP and RFI processes. The Commission should be more directly involved with the substance and structure of RFPs and associated timelines. This should be worked through the Finance and Administration Advisory Committee with feedback and reports back to the full Commission. Commission should be trained upfront on how the state process works.

**14. Rotating Chair/Vice Chair Responsibility** – The Commission was immediately faced with the task of establishing a leadership structure to guide the fulfillment of its mandates. A system of rotating Chair/Vice Chair was established once the full Commission was empaneled.

- a. **Commission action** – This system served the Commission well throughout all the various phases to include data collection, public hearing and outreach, line drawing, litigation and the resolution of all legal challenges. Once its mandates had technically been fulfilled, the Commission began to dismantle its staffing structure, to reduce its facility footprint and to close out its budget. As a result, the Commission was decentralized geographically and the rotation system was replaced with longer term and geographically representative leadership. It was agreed to select a Chair and Vice-Chair (one from Northern California and the other from Southern California) to continue

during the balance of the ten-year service commitment. Annual elections would be held to select and elect this leadership.

- b. **Commissioner Information/Suggestion(s)** – This rotation process worked well overall. The next Commission may want to revisit the “term” of service for Chair and Vice-Chair and protocols for chair hand-offs among and between Commission leadership and insure these are not handled exclusively by the ED. The next cycle should establish “job descriptions” and guidelines for these leadership functions.

**15. Delegation of Authority** – Delegated authority, primarily to the Chair and Vice-Chair, was an effective way to move Commission processes forward while still maintaining the ability for the full Commission to make final decisions about redistricting. Keeping delegated authority to two Commissioners of different party affiliations was also effective and worked to keep it as impartial as possible.

- a. **Commission action** – The challenges associated with meeting Bagley-Keene (B-K) requirements and tight timelines led to delegation of authority to two individuals empowered to speak for the Commission on certain time-sensitive tasks. Although this delegation was usually given to the Chair and/or Vice Chair, there were times when other Commissioners were entrusted with this responsibility depending on the topic or issue.

- b. **Commissioner Information/Suggestion(s)** -- Next Commission should consider implementing delegated authority although it should clearly define its scope and the maintenance of its multi-partisan/non-partisan nature.

**16. Establishing and Ensuring Transparency** –

- a. **Commission action** – The Commission quickly implemented public access to all meetings as well as videotaped and streaming videos. Given the tight timeline, there were a few instances where agendas were posted late on the website. Due to compliance with B-K requirements, standing agendas included broad topic areas and were, therefore, not always specific about items coming up for discussion.

- b. **Commissioner Information/Suggestion(s)** – The process could be improved in regards to timing and posting of meetings (and transcripts) to the website as well as having increased access and interactive processes for the public. Commissioners suggest posting a 5-minute video and/or a one- page “Executive Summary” of all actions taken at each meeting. Written transcripts should be posted as soon as practicable with searchable indexing system capabilities.

**17. Public Communications** -- Overall, the process for public input worked quite well.

- a. **Commission action** – The Commission provided opportunities for public comment at all meetings and invited input from the public on specific agenda items as they came up for discussion. It incorporated social media and other online vehicles for information dissemination.

- b. **Commissioner Information/Suggestion(s)** – Regarding upcoming business items, Commission could post a question, or prompt, and solicit public input which would then be incorporated into their discussion. Training on social media should be provided to all Commissioners early on. There needs to be a more intense and focused effort on outreach and engagement with ethnic media. Additional venues and/or extended times for public input at Commission hearings should be provided around the state. There were several hearings with large numbers of participants and some speakers didn’t have a chance to present their information because of time constraints. Typically, the amount of time given to each speaker was three minutes ... and sometimes it was necessary to whittle this down in order to accommodate the remaining speakers within the time available. This will perhaps be a greater challenge as independent citizen redistricting processes become more well-known.

## 18. Advisory Committee Structure --

- a. **Commission action** – There were mixed reviews of the committee structure by Commissioners. On the one hand, some were concerned that Advisory Committee business ended up being repeated/rehashed at formal full meetings. However, it was generally recognized that, given the circumstances, Advisory Committees were a viable and effective solution for handling the immense workload and the complex decisions that had to be made and acted on. One weakness was the scheduling of two or more committees at the same time which precluded participation by those interested in both.
- b. **Commissioner Information/Suggestion(s)** -- Although the committee structure worked well, the next Commission could delegate more administrative tasks to staff and consultants which would allow Commissioners to focus their energies on more substantive issues.

## 19. Agendas, Structure and Process – Laying the necessary groundwork, rapid gearing up, ongoing foundational tasks and a heavy workload didn't always allow for clear and specific agendas.

- a. **Commission action** – Bagley-Keene posting requirements forced the Commission to work with “standing agendas” which listed general topics under each advisory committee heading. Every effort was made to anticipate and list specific items to be discussed but this wasn't always possible. Unfortunately, the fluid nature of Commission business called for the discussion of items not specifically identified in the standing agendas although they were within the purview of the various committees. A lot happens between two-week periods (the B-K 14 day posting requirement) and there were issues that called for an immediate decision or vote in order to get something done in a timely manner. In keeping with its commitment to 14-day postings, meetings were scheduled as a contingency just in case issues arose that required quick action. Consequently, this confused the public regarding meeting days, times or locations, specific agenda items ... or whether the Commission was actually going to meet at all! The Commission attempted to keep the public informed as soon as it was clear that a meeting was going to be held and a more specific agenda was posted. This sometimes didn't occur until just a few days before the actual meeting.
- b. **Commissioner Information/Suggestion(s)** – Unless there is a waiver to Bagley-Keene, agendas for the next Commission will continue to be a moving target. One suggestion is to establish a clear process for posting and sub-committee reporting. Also, if the next Commission uses standing agendas, these should be as detailed as possible. Since there will be additional time for planning, items of business should be scheduled systematically for consideration.

## 20. Structure and Process of CRC-Administration-Attorney-Consultant Communication and Coordination

- a. **Commission action** – The Commission established a two-commissioner rule on internal communications which limited Commission effectiveness. Any and all communication between the Commission and attorneys and consultants had to go through the Executive Director and this curtailed and constrained adequate discussion and thus hampered decision-making.
- b. **Commissioner Information/Suggestion(s)** – The ED should facilitate more direct communication between the entire Commission and attorneys and consultants and distribute and post information for review prior to meetings. With the exception of the Chair and Vice Chair, Commissioners sometimes received agenda information for first time during Commission meetings or the day before. This required quick processing of complex information by Commissioners and a quick decision or vote was often necessary. The next Commission could focus on more clearly centralizing the flow of information through the Chair or Vice Chair or an Advisory Committee with timely dissemination to all Commissioners and the public.

**21. Use of Personal vs. Public Equipment --**

- a. Commission action** – The lack of available equipment and the low quality of such equipment forced Commissioners to utilize their own computers, smart phones and internet resources. This was problematic since this potentially made all commissioner files “discoverable” given the specter of impending lawsuits, and the potential disclosure of personal information and files was unsettling at the very least. Eventually, smartphones and Wi-Fi internet access units were made available but most commissioners continued to use their own computers.
- b. Commissioner Information/Suggestion(s)** – Commissioners should be provided with all equipment necessary to carry out its mandates.

**22. Per Diem and TEC Reimbursements –**

- a. Commission action** – Per Diem and TEC forms were required for reimbursement of personal expenditures by commissioners in carrying Commission business. In an effort to comply with fiduciary responsibilities, the Commission decided to set guidelines for what constituted an official meeting for reimbursement purposes and defined a “day” as a total of six hours of involvement with official Commission business.
- b. Commissioner Information/Suggestion(s)** – Guidelines regarding allowable and non-allowable items should be established early. To prevent confusion, commissioners should receive training at the beginning of their service. Also, online forms completion should be available and processing should be centralized with one staff member. Staff should establish firm timelines for submission of forms so as to monitor budget expenditures. It should establish guidelines for that define an official “meeting” and a “work day” for reimbursement and/or compensation purposes.

**23. Business Meetings** – By law all Commission meetings were accessible to the public. These included public hearings, committee meetings and business meetings.

- a. Commission action** – Business meeting agendas were always packed with some items requiring immediate deliberation for a votes or decision. It was impossible to predict how much time each agenda item would take so some items were crunched at the end. On a personal level, attendance at the numerous meetings presented many challenges to individuals who had their own businesses and employment responsibilities. Admittedly, meetings could have been run more effectively
- b. Commissioner Information/Suggestion(s)** – Advisory committees should meet the evening before business meetings to maximize effectiveness. Reference materials for agenda items should be provided to Commissioners at least 72 hours prior if at all possible. Teleconferences would also reduce transportation, lodging and related costs and allow greater participation by the public. Business meetings can also be alternated between Sacramento/Bay Area in the north and the LA-metro in the south. .

**24. Business Locations** – The Commission was required to provide public access to all meetings regardless of location and live-streaming and audio-video requirements called for equipment that wasn’t readily available at some of the preferred venues. .

- a. Commission action** – Searching for and securing venues that had the necessary Internet and communications infrastructure was a challenge. The State Capitol and the Sacramento area became the most practical and cost-effective option.
- b. Commissioner Information/Suggestion(s)** – To provide maximum public access and participation, business meetings should also be scheduled in southern California where the bulk of the population resides. For safety reasons, all locations should be ADA compliant and have rear exits and restrooms and eating areas reserved exclusively for the Commission. When business meetings were combined with public hearings, the venues weren’t always appropriate but this can be addressed with more advance planning. Adequate funds should be set aside to insure adequate facilities are available.

- 25. Commissioner Seating** – CRC staff generally took responsibility for seating of commissioners at the various meeting locations with the Chair and Vice Chair having the central seats typically in a straight or curved configuration facing the public. Some venues were lecture-hall type facilities so some Commissioners had their backs to the audience. Also, in an effort to present information to the public, video presentations were sometimes projected on screens located behind Commissioners and this was awkward and ineffective. Commissioners then would have to turn around or access the information online and this presented its own set of problems.
- a. **Commission action** – Regarding seating arrangements, Commissioners asked staff to mix up seating order for the sake of fairness and effectiveness.
  - b. **Commissioner Information/Suggestion(s)** – Commissioners should be assigned seats randomly. Visual mediums should be in front of Commission seating and not behind or over the shoulder. Commissioners should have adequate workspace to accommodate computers, notebooks and other working materials.
- 26. Commissioner Voting (alphabetical vs. random, etc.)** – Voting was either by roll call vote or by consensus. Initially, the order for voting was left up to staff and going alphabetically was the easiest. Commissioners with last names early in the alphabet were sometimes at a disadvantage if the wishes of the total commission weren't readily discernible.
- a. **Commission action** – At times, commissioners asked staff to mix it up but when agenda discussions became hectic, the alphabetical system was the default.
  - b. **Commissioner Information/Suggestion(s)** – Develop a scheme/system for truly random voting.
- 27. Logistics (emails, phone calls, business cards, etc.)** -- There were many challenges in setting up the Commission. One of these was finding suitable and stable facilities. The Commission was housed in a state facility on a temporary basis so business cards didn't have a permanent address. Since commissioners are appointed for a ten-year period, this becomes problematic as well.
- a. **Commission action** – Since commissioners were prohibited from private communication with the public on redistricting matters, email services were primarily for internal use. Similarly, direct phone conversations with the public regarding redistricting were prohibited.
  - b. **Commissioner Information/Suggestion(s)** – The Commission suggests establishing a permanent location or post office box address that will be stable for the ten-year duration if at all possible. Also, explore setting up virtual phone numbers through the Internet.
- 28. Redistricting Software Training**
- a. **Commission action** – There was a difference in training provided to the two separate membership groups of commissioners. The first group of eight received training that was wide-ranging and enlightening regarding state demographics while the second group was provided video links and handouts to catch up on their own. Even then far too much was left to each commissioner to learn on the fly. As a result there was a disparity of understanding of some redistricting issues which at times slowed down the process and/or led to needless dissension and debate. Commissioners were advised by counsel against accessing or utilizing any mapping-related software on their own since this constituted potentially "drawing maps outside of a public meeting. As a result, commissioners had to learn about mapping processes once mapping was actually initiated. This unnecessarily slowed down the process and contributed to a poor first set of draft maps and not being able to put forth a second draft set. VRA training was quite basic although handbooks were provided to commissioners. Of the various areas covered, VRA and application of mandated criteria were two that could have used more attention.
  - b. **Commissioner Information/Suggestion(s)** – One suggestion is to provide links to potential applicants to reliable sources of information so they come in with some level of understanding. Also, this Commission can serve as a resource for the next cycle. Some form of mapping software training should be provided ahead of the actual mapping process. Tools can be identified ahead of time and the Commission can get clear direction from counsel on their use and practice.

Guidelines could be established for commissioners to attend trainings at conferences on redistricting. It should perhaps include having experience with GIS as a desirable skill.

**29. Voting Rights Act (VRA) Training --**

- a. **Commission action** – VRA training was quite basic and supplemented by several handbooks which provided more in-depth information which commissioners had to review on their own.
- b. **Commissioner Information/Suggestion(s)** – Provision of more extensive training in this area is recommended perhaps by a law professor partnering with a practicing attorney. This training should be high priority along with other redistricting and line-drawing training.

**30. Audio/Video Assistance (options, cost, alternatives) --**

- a. **Commission action** – CRC hired audio/video consultants to record and live-stream all business meetings.
- b. **Commissioner Information/Suggestion(s)** – The next Commission should hire at least one tech-savvy staff member who can explore all options for providing full transparency and public access of meetings and materials. CRC must publish searchable transcripts and index-capable videos within 48 hours of every business meeting. Commission should explore how technology can make these processes more cost-effective. The consultants hired were terrific!

**31. Posting of Business and Input Meetings --** Bagley-Keene was a challenge but it was OK.

- a. **Commission action** – In order to meet posting requirements, CRC used standing agendas for all potential meeting days to avoid the problem of missing adequate notice. Once the actual days were determined, the other days were cancelled. This was confusing to the public (and to commissioners) but necessary.
- b. **Commissioner Information/Suggestion(s)** – Fully explore technological options to make posting more efficient and less confusing. Consider limitations within underserved communities who may have limited access to new media. Publish public service announcements and blurbs in Community Events sections of local newspapers, especially regarding public input meetings.

## **IV. Community Input/Hearings**

**1. CRC-Public Communication via Website** – The Commission conducted a total of 34 public hearings during a 10-week time period. The tight timeline and the combination and intersection of hearings with the mapping phase compressed the time for line-drawing and this proved to be a huge challenge.

- a. **Commission action** – The Commission established public comment email accounts that allowed commissioners to check public comments on the go. Coding by geographical region was helpful especially for those teams working those areas. The volume of public comments that came to the Commission, especially after the first draft maps were posted, quickly became difficult for individual commissioners to effectively monitor.
- b. **Commissioner Information/Suggestion(s)** – The next Commission should endeavor to carefully plan and establish a balance between the input and mapping phases. It should also be aware of potential email spoofing schemes designed to advance a particular point of view benefitting one or more groups. It should be prepared for an anticipated deluge of electronically submitted public comments and materials. It should develop a method for indexing/analysis/summary of public comments. Consider hiring an agency to monitor and organize all public input with summary reports to CRC and also look for ways to increase web interactivity with public.

**2. Public Education Process --**

- a. **Commission action** – Due to quick timelines and budget issues, Commission didn't do much in this area and relied on its non-profit partners to fill the void. Efforts to provide basic information

on mission and process at input hearings was attempted but time limitations rendered it largely ineffective.

- b. Commissioner Information/Suggestion(s)** – A few areas for education are assistance with explaining applicable criteria, how to provide effective and relevant input and also establishing realistic expectations of what redistricting can and cannot do. The notions of “neighborhood” and communities of interest need to be carefully defined and clearly articulated to the public. There was much ambiguity in testimony that arose because of the vagueness in the COI definitions used by the CRC and the public. Public education should begin well ahead of the selection of the next Commission. A potential partnership with Census 2020 could be established as a vehicle for accomplishing this. Anticipating a diminished level of support by the non-profit sector, the next Commission should allocate funds for public education. There should be a defined focus and outreach targeting unserved and underserved populations.

**3. Solicitation of Public Comment**—Compliance with Bagley-Keene is a must.

- a. Commission action** – Within budget and time constraints CRC provided targeted outreach for public comment primarily through traditional media but with a heavy reliance on non-profit partners.
- b. Commissioner Information/Suggestion(s)** – This goes hand in hand with public education. Use any and all traditional and non-traditional media, social media, community organizations and business associations to inform the public regarding opportunities for providing input. Provide simple and workable formats for submission of public input/comments. Effective use of low-cost channels such as ethnic and social media will be critical elements moving forward.

**4. Working with Community-Based Organizations --**

- a. Commission action** – Once it became clear that funds were not available for outreach and public education, CRC had to depend on nonprofit sector community partners to carry out these functions. Of particular value was the collaboration between community partners in their map presentations which allowed for more focused and effective suggestions to the Commission on how to address communities of interest (COIs) especially in urban areas. The Commission was threatened with litigation by individuals and groups if their suggestions were not implemented. There were some concerns about undue influence of some partners. However, the great majority of commissioners felt these partners provided a needed and indispensable service to the process.
- b. Commissioner Information/Suggestion(s)** – The next Commission should continue to cultivate relationships with community-based organizations who often speak for members of underserved communities who would not otherwise participate in the input process. But it is important to treat stakeholders equitably. While organized groups often represent the views of many people, their opinions are not more or less important than those of other individual citizens—each of whom may offer important insights.

**5. Formats for Receiving Information--**

- a. Commission action** – CRC didn’t provide adequate education or instructions to the public on formats for providing information. As a result, there was a great variety of documents from hand-drawn maps and written comments to fully documented, graphically organized presentations.
- b. Commissioner Information/Suggestion(s)** – The next Commission needs to establish guidelines and processes for receiving input for all media formats and for all major spoken languages. A workable indexing system should be established for both commissioners and the general public. A system of automatic translation would also be terrific. To avoid repetition of the same information by multiple speakers, consider developing a process for “ceding” time by one input speaker to another and establish guidelines that allow this and prevent hijacking of meetings by particular groups. Consider providing standardized electronic templates for comments and for maps that can be easily integrated by mappers. The Commission should decide whether this is the duty of

the legislature through its responsibility for the State-wide Database or will it be up to the Commission to work this out?

**6. Organizing/Formatting Received Input --**

- a. **Commission action** – This Commission was unable to establish a system for map information so almost all maps were provided in written form. Given limited time at public hearings, many members of the public were not able to provide their testimony even though they'd waited for hours.
- b. **Commissioner Information/Suggestion(s)** – The next Commission should consider developing a system for accepting input apart from actually speaking before the Commission such as video-taping their comments for later consideration and review. It must clarify responsibilities for maintaining the central input database with indexing systems to handle standard and cutting edge formats. The work of the 2010 Commission was hampered through the absence of such a system. There's an urgent need for an adequate database with retrieval mechanisms for analyzing public testimony.

**7. Public Display and Posting of Information --**

- a. **Commission action** – The public wasn't always clear on how to access the central database.
- b. **Commissioner Information/Suggestion(s)** – The next cycle should set public access as a priority with consideration of translation into all the major spoken/written languages.

**8. Input Meeting Locations --**

- a. **Commission action** – Commission business was primarily located and conducted in Sacramento except for input hearings around the state. Business meetings-Input hearings were held mostly in areas of high population density or strategically and centrally located to ensure the most access. Even then, the public from northern counties and southern desert areas had to drive long distances to participate.
- b. **Commissioner Information/Suggestion(s)** – The next Commission must be aware of time restrictions provided by various venues available for input hearings. It should consider issues of parking, safety and security. Venues should have separate eating areas, separate restroom facilities and rear exits for commissioner safety.

**9. Input Meeting Structure --**

- a. **Commission action** – Commission was totally open to hearing from any and all individuals and groups at hearings and business meetings.
- b. **Commissioner Information/Suggestion(s)** – The next cycle can consider sub-dividing areas for discussion into sections so presentations can be more focused. Having a means for technical projections of maps being presented would be beneficial to both commissioners and the public. At the beginning of each meeting, the public should be reminded of acceptable and non-acceptable comments and behaviors. Protocols should be in place to handle any emergencies and/or disruptions that may arise. Breaks and time for lunch or dinner should be scheduled.

**10. Times and Length of Meetings --**

- a. **Commission action** – The Commission allowed for comments from as many participants within the allowed meeting times as possible. CRC provided a diversity of meeting times and days of the week in an attempt to accommodate as large an audience as possible. The three hours allocated for each hearing quickly became inadequate given the large number of speakers. The Commission decided that input hearings required the attendance of all commissioners even though there were suggestions for subsets could represent the full commission thereby increasing the number of hearings and covering more territory.

- b. **Commissioner Information/Suggestion(s)** – There is a practical limit to how much information a commissioner can take and process as well as how long s/he can sit and listen. The next Commission should schedule periodic breaks and time for lunch and dinner. It should set a maximum time for each hearing or break it up into two separate days. Meeting times can be varied to accommodate the typical work schedules for key industries in the region. It should consider establishing systems for virtual submission of comments.

#### 11. Locations --

- a. **Commission action** – The primary location for business meetings and mapping was in Sacramento. Due to tight timelines and budget, staff sought out suitable facilities for meetings/hearings that were provided at little or no cost.
- b. **Commissioner Information/Suggestion(s)** – There were a number of requests for hearings in parts of the state that were under-represented i.e. the northernmost areas of the state as well as the mountain and desert regions. The next Commission should consider an equal number of meetings between the Sacramento/San Francisco and the LA metro areas. Perhaps there should be a larger number of hearings in southern California given its larger concentration of residents.

#### 12. Eligibility of Speakers--

- a. **Commission action** – The Commission debated eligibility criteria to identify and determine what constituted an “eligible community organization” for the sake of participation at specific groups-only input sessions; this proved to be largely unnecessary. Although there were mythical groups who presented, they were fairly obvious and didn’t crowd out those that were/seemed bona fide.
- b. **Commissioner Information/Suggestion(s)** – The next Commission may want to discuss and make decisions about the potential manipulation of the input process. This suggestion is not meant to discourage commentary or the mobilization of speakers but simply to point out that it’s possible to “stack” testimony or mislead the Commission.

#### 13. Other Comments regarding the Community Input Process --

- a. **Commission action** –
- b. **Commissioner Information/Suggestion(s)** – The next Commission plan and implement a comprehensive outreach and public education campaign. For the public hearing phase, the Commission should announce rules for providing input in advance and explain rationale for hearings and process. It ought to provide signage with info on CRC and input formats and find ways to solicit participation from areas that have been traditionally unserved or underserved. It should not defer to groups that threaten, or have the means, to file a lawsuit.

## V. Mapping

### 1. Mapping Process/Format --

- a. **Commission action** – The Commission was required to conduct all line drawing at sessions fully open and accessible to the public. It hired consultants who were tasked with taking recommendations from the public under the direction of the Commission and bring changes to the next meeting for review and consideration by the Commission.
- b. **Commissioner Information/Suggestion(s)** – The next Commission needs to understand the complexity of overlapping communities of interest. It should provide mappers enough time to incorporate suggestions from commissioners and the public. Also, it should schedule more regional breakout sessions and more days for actual line drawing work with consultants.

### 2. Visualizations --

- a. **Commission action** – As previously mentioned, the public didn’t fully understand the process and content for provision of their input and how this was incorporated into map configurations. The

Commission directed mappers to incorporate mapping input into sets of visualizations. Members of the public cried foul since this “mapping” would occur off-line and not be accessible to the public. The Commission responded these were not actual maps but a simple way to visualize “what if” situations. These visualizations helped both commissioners and the public to see how public input and comments translated onto a map configuration. One drawback was their development in isolation from surrounding areas and COIs. It was one way for the Commission to capture the fast-moving action in regards to line drawing.

- b. **Commissioner Information/Suggestion(s)** – The next Commission should clarify for the public the implementation of ranked criteria with VRA and equal population being the highest level for consideration. It should also thoroughly explain the use of visualizations and their purpose as “what if” schemes for evaluating possibilities

### 3. Approaches to Mapping (VRA, regional, by District-type, etc.) --

- a. **Commission action** – The Commission debated several options regarding where to start with line-drawing: north to south? metro areas first then outward into less populated areas? existing districts then modify using mandated criteria? Once the Section 5 districts in the middle of the state were drawn, it became obvious these would be the drivers both going north and south. Starting from the north and going south worked well. In the absence of definitive VRA information, the first set of draft maps was drawn without the benefit of RPV (racially polarized voting) analysis data. As a result, CRC was immediately criticized for some very obvious errors.
- b. **Commissioner Information/Suggestion(s)** – VRA district options must be drawn first; these are the first puzzle pieces! This is vitally important especially in the Section 5 districts and to a lesser degree with Section 2s. Perhaps the first “draft map” should include only the VRA districts. (Note: there’s a real possibility that the Voting Rights Act, specifically Section 5, may be modified so as to create a different set of circumstances and priorities for redistricting.) Next, it should consider working with the assembly and senate districts since they are so intertwined with an eye on blending as required by the criteria. Also, Board of Equalization (BOE) map drawing should be given adequate time.

### 4. Draft Maps (number, timing display options, etc.) --

- a. **Commission action** – Due to lack of time and the absence of RPV data, the Commission provided only one set of draft maps even though its intention had been to provide a second set of drafts.
- b. **Commissioner Information/Suggestion(s)** – Given the additional time available, the next Commission could consider providing more than one statewide draft map and set a timeline accordingly. The first map should at a minimum include VRA districts informed by RPV analysis data. These draft maps must be widely published by the media to allow for public consideration and meaningful feedback.

### 5. Setting Public Expectations --

- a. **Commission action** – The Commission was eager and excited to hear from the public but quickly realized there was a confusion regarding the application of constitutional criteria.
- b. **Commissioner Information/Suggestion(s)** – The next Commission ought to include information about constitutional criteria in their public education campaign. It should clarify how the CRC must balance competing testimony within constitutional guidelines and mandates.

### 6. “Live” Sessions --

- a. **Commission action** – The live sessions reflected the final stages of draft maps and “clean up” of areas such as neighborhoods, streets, small-scale COIs that could be done in one sitting. They were directions provided to mappers for completion while the Commission and the public were in session.

- b. Commissioner Information/Suggestion(s)** – The next cycle may consider providing periodic summaries for the public for monitoring and feedback purposes.
- 7. Time to Review Recommendations --**
  - a. Commission action** – Given the tight timeline to produce appropriate and legally defensible maps, Commissioners worked feverishly during the line-drawing phase and this was very challenging. Map configurations were moving targets and adequate time for reflection wasn't always available.
  - b. Commissioner Information/Suggestion(s)** – The next Commission ought to provide a timeline that allows adequate time for review of map drawing and especially of any sets of draft maps published for the public.
- 8. Benefits/Disadvantages of a Single Location for Mapping --**
  - a. Commission action** – Given the challenge of finding adequate facilities, McGeorge Law School was a saving grace. Being in Sacramento, it was very convenient for the CRC's Sacramento-based staff. Since this space was dedicated for our purposes, our technical consultants didn't have to break down their equipment and set it up again the next day. Although McGeorge was a good facility, its lecture hall seating arrangement didn't allow for face-to-face interaction among commissioners.
  - b. Commissioner Information/Suggestion(s)** – The next cycle could consider finding a southern California location for some of the mapping activities. Especially at the latter stages of drawing, it should establish one location that is dedicated to mapping and allows equipment to remain set up from day to day.
- 9. Physical Needs, Length of Sessions, Technological Interactions with Public, etc.) --**
  - a. Commission action** – Although consultants did an excellent job with their tasks, the equipment wasn't always the best. Sometimes, due to the particular facilities layout, and in deference to the public, the screen projections were behind the Commission.
  - b. Commissioner Information/Suggestion(s)** – The next cycle should secure large and colorful screens as well as powerful projection equipment for mapping purposes. Mapping software should be accessible by Commissioners through their computers so they can follow the action and connect virtually with each other. It should plan for and facilitate acceptance of commentary and input from remote sites. For commissioners, insure there are lots of water, healthy snacks and adequate furniture for them to sit comfortably for long periods of time.
- 10. Other Comments re: Mapping Process --**
  - a. Commission action** –
  - b. Commissioner Information/Suggestion(s)** – The next Commission ought to balance the CRC's need to move quickly with the public's need to understand in order to engage. VRA counsel should provide timely legal guidance in this area to Commissioners so they can better plan an approach to drawing VRA-based districts. It should maintain the system where a particular mapper was in charge of a particular region of the state. Also, there is a need to plan and schedule sufficient time to prevent compression of process at the end.

## **VI. Post-Mapping/Litigation**

- 1. Communication Surrounding Litigation --**
  - a. Commission action** – Commissioners were advised to not have any communication or discussion about redistricting matters with the public, the media, community partners or each other outside of public meetings. Even though each of the two firms hired had their special areas of expertise, it

still led to issues of communication. CRC established a system where only 2 commissioners (with legal experience/background) communicated with these firms.

- b. **Commissioner Information/Suggestion(s)** – Suggest next Commission have special topic trainings about legal issues such as communications during litigation. It should clarify and establish guidelines regarding legalities surrounding communication between more than two commissioners.

**2. Representation (multiple vs. one legal firm, type of firms, etc.) --**

- a. **Commission action** – Ideally, the Attorney General will defend the CRC and the state against litigation as this would be the most cost effective. When the AG declined representing the CRC, it was decided to hire two specialty firms as the best way to go given the legal challenges that confronted the Commission.
- b. **Commissioner Information/Suggestion(s)** – The next Commission should hire specialty firms if necessary to best represent it for the range of expected litigation. Consider mitigating the expense of multiple firms by soliciting pro bono services and/or negotiating terms that minimize billable hours for inter-firm meetings and clearly specify which firm is the lead for specific issues. The Commission should be involved in directing the activities of all its legal counsel leaving staff to manage interaction between outside counsel and the Commission.

**3. Legal Advisory Committee --**

- a. **Commission action** – The Commission gave delegated authority to two commissioners with legal backgrounds to interface with and provide oversight of legal counsel. This was invaluable as they were able to break down and explain the various legal approaches and arguments both for and against certain positions. They did most of the heavy lifting and the Commission put its trust in their good judgment.
- b. **Commissioner Information/Suggestion(s)** – Consider cross-training and educating non-lawyers so they can understand the legal considerations and obligations of the Commission.

**4. General Counsel-VRA Attorneys Collaboration --**

- a. **Commission action** – Some commissioners felt there was a dis-connect between our general counsel and the two legal firms hired to represent us.
- b. **Commissioner Information/Suggestion(s)** – The next Commission must be involved (through legal Advisory committee or another mechanism) in directing the actions and legal research being undertaken by legal consultants instead of allowing this to become a staff responsibility. VRA attorneys must provide timely and accurate legal advice. The role of general counsel should be clarified regarding its responsibility for oversight of special counsel. It should strongly require that general counsel should have a background with VRA if at all possible especially in the enforcement aspects of the law.

**5. PRA Requests Within Confidentiality --**

- a. **Commission action** – Commissioners weren't always clear on the process for compliance with PRA (Public Records Act) requests especially as related to the disclosure and submittal of personal confidential information, unrelated to Commission business, that was on computers, smart phones and personal individual accounts.
- b. **Commissioner Information/Suggestion(s)** –The next Commission should provide training about PRA requests and compliance. It should establish guidelines that set aside immediate compliance of requests until after periods of hectic input hearings and line-drawing/mapping are over.

**6. Working with Legislative Staffers --**

- a. **Commission action** – The Commission appointed a two-person ad-hoc committee to work with legislative staffers on the statutory amendment process and to advocate for and represent its

interests. A list of relevant issues was identified and discussion of back-and-forth negotiations was held in open session.

- b. Commissioner Information/Suggestion(s)** – The next Commission should consider establishing earlier contact with legislative staffers and to identify potential allies with the legislative leadership. There is also the need for additional training to fully understand the legislative bill processes.

**7. Negotiations Process with Legislative Staffers and advocacy --**

- a. Commission action** – The two-person Statutory Amendment Ad-hoc committee took the lead with negotiations of statutory amendments. Even though the Commission had final endorsement authority over all amendments, the legislature still held the power of the purse and this power was used it to whittle away at various CRC recommendations. Information on issues and positions was brought back to the full Commission. There was vigorous debate and consensus items were moved forward. Community partners were also helpful with input and advocacy in support of the Commission.
- b. Commissioner Information/Suggestion(s)** – Even though the Commission was able to include several key items, the next Commission should rally increased support from community partners and legislative allies to put forth stronger positions. This could be accomplished with a carefully planned and articulated lobbying campaign.

**8. Timeline for Process --**

- a. Commission action** – Even though this Commission was able to get the timeline extended for the next cycle, it will still be a hectic and intense process in accomplishing all its tasks.
- b. Commissioner Information/Suggestion(s)** – The next Commission should plan for pending litigation and statutory amendment recommendations as the process is unfolding so as to be prepared for these inevitable challenges. There is an urgent need for an adequate litigation budget as lack of an adequate funding scheme almost left the Commission without legal representation when it was challenged in the State Supreme Court. All post-map activities should be charted out on a timeline and systematically dealt with ahead of time. Perhaps it should conduct a commissioner survey ahead of developing recommendations for statutory amendments. As the Commission is appointed for a ten-year period, funding is allocated only through the mapping and the post-litigation phase. There is much that can be accomplished during the interim 8-9 years to keep the public informed, conduct evaluations and research on the process, to work and collaborate with other government agencies to coordinate activities and to disseminate information on redistricting.

## VII. List of Hyperlinked Appendices

1.

DRAFT