

STATE OF CALIFORNIA

CALIFORNIA CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

TUESDAY, JANUARY 12, 2021

9:30 a.m.

Transcription by:

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APPEARANCESCOMMISSIONERS

Antonio Le Mons, Chair
Derric Taylor, Vice-Chair
Isra Ahmad, Commissioner
Linda Akutagawa, Commissioner
Jane Andersen, Commissioner
Alicia Fernandez, Commissioner
J. Kennedy, Commissioner
Neal Fornaciari, Commissioner
Sara Sadhwani, Commissioner
Patricia Sinay, Commissioner
Pedro Toledo, Commissioner
Trena Turner, Commissioner
Angela Vazquez, Commissioner
Russell Yee, Commissioner

STAFF

Daniel Claypool, Executive Director
Kary Marshall, Chief Counsel
Marian Johnston, CRC Staff Counsel
Wanda Sheffield, Office Technician
Marcy Kaplan, Director of Outreach
Freddy Ceja, Communications Director
Cecilia Gomez Reyes, Communications Manager

TECHNICAL CONTRACTORS

Jesse Fraire, Public Comment Moderator

PRESENTERS

Aleks Kajstura, Prison Policy Initiative
Karin MacDonald, Statewide Database

Also Present

PUBLIC COMMENT

Debbie McElroy
Eric Payne, Central Valley Urban Institute
Ethan Jones, Assembly Elections Committee
Martha Camacho Rodriguez
Renee Westa-Lusk
ThoVinh Banh, Disability Rights California
Henry Fung
Jeanine Erikat, PANA
Julia Marks, Asian Law Caucus

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P R O C E E D I N G S

1
2 January 12, 2021

9:30 a.m.

3 CHAIR LE MONS: Good morning, staff.

4 Good morning, commissioners.

5 And good morning, California.

6 Welcome to day 2 of our first meeting of 2021. At
7 this time, I'd like to go to Director Claypool for roll
8 call.

9 MS. SHEFFIELD: I'm here. I'm here.

10 CHAIR LE MONS: Hi, Wanda. Sorry about that. I
11 didn't see you. So I'd like to go to Wanda. Ms.
12 Sheffield, you do recall.

13 MS. SHEFFIELD: Commissioner Sadhwani.

14 COMMISSIONER SADHWANI: Here.

15 MS. SHEFFIELD: Commissioner Sinay.

16 COMMISSIONER SINAY: Here.

17 MS. SHEFFIELD: Commissioner Taylor.

18 VICE CHAIR TAYLOR: Present.

19 MS. SHEFFIELD: Commissioner Toledo.

20 COMMISSIONER TOLEDO: Here.

21 MS. SHEFFIELD: Commissioner Turner.

22 COMMISSIONER TURNER: Here.

23 MS. SHEFFIELD: Commissioner Vazquez.

24 COMMISSIONER VAZQUEZ: Here.

25 MS. SHEFFIELD: Commissioner Yee.

1 COMMISSIONER YEE: Here.

2 MS. SHEFFIELD: Okay.

3 Commissioner Ahmed.

4 COMMISSIONER AHMAD: Here.

5 MS. SHEFFIELD: Commissioner Akutagawa.

6 COMMISSIONER AKUTAGAWA: Here.

7 MS. SHEFFIELD: Commissioner Andersen.

8 Commissioner Fernandez.

9 COMMISSIONER FERNANDEZ: Here.

10 MS. SHEFFIELD: Commissioner Fornaciari.

11 COMMISSIONER FORNACIARI: Here.

12 MS. SHEFFIELD: Commissioner Kennedy.

13 COMMISSIONER KENNEDY: Here.

14 MS. SHEFFIELD: And Commissioner Le Mons.

15 CHAIR LE MONS: Here.

16 MS. SHEFFIELD: Thank you.

17 CHAIR LE MONS: Thank you. We have confirmed

18 quorum?

19 MS. SHEFFIELD: Yes, it is.

20 COMMISSIONER ANDERSEN: Commissioner Anderson also

21 here.

22 MS. SHEFFIELD: Got it. Thank you.

23 CHAIR LE MONS: All right. Thank you, everyone. So

24 I'd like to at this time go to Jesse so he can read the

25 instructions. We will go to our opening public comment.

1 And this is the general public comment, Jessie. And that
2 means that callers can speak on any topic.

3 PUBLIC COMMENT MODERATOR: In order to maximize
4 transparency and public participation of our process, the
5 commissioners will be taking public comment by phone. To
6 call in, dial the telephone number provided on the
7 livestream feed. The telephone number is 877-853-5247.
8 When prompted, enter the meeting ID number provided on
9 the livestream feed. It is 939 8946 6294 for this week's
10 meeting. When prompted to enter a participant ID, simply
11 press pound.

12 Once you have dialed in, you'll be placed in a queue
13 from which a moderator will begin unmuting callers to
14 submit their comments. You will also hear an automated
15 message to press star 9. Please do this to raise your
16 hand indicating you wish to comment.

17 When it is your turn to speak, the moderator will
18 unmute you and you will hear an automated message that
19 says, the host would like you to talk and to press star 6
20 to speak. Please make sure to mute your computer or
21 livestream audio to prevent any feedback or distortion
22 during your call. Once you're waiting in the queue, be
23 alert for when it is your turn to speak. And again,
24 please turn down the livestream volume. These
25 instructions are also located on the website.

1 The Commission is taking public -- general opening
2 public comment at this time.

3 Good morning, caller. Could you please state and
4 spell your name for the record, please?

5 MS. MCELROY: Yes, my name is Debbie D-E-B-B-I-E
6 McElroy M-C-E-L-R-O-Y. And I thank the commissioners and
7 all of their staff for all of the information that you
8 provided for us to review.

9 And last night, I went through the information that
10 you put together for the public meetings -- the education
11 meetings that you're going to be presenting at. And I
12 just had -- as a relatively new person to this whole
13 process, I just have a couple of suggestions.

14 At the beginning of the presentation, and I believe
15 it's slide 2 you talk about the redistricting. And I
16 think it would be helpful if maybe you add a slide 2A
17 that basically shows that you're doing four different
18 maps, the Congressional districts -- Federal
19 congressional districts, the State assembly districts,
20 the State Senate districts, and the Board of
21 Equalization. And I did not realize that there were four
22 different maps that you're drawing the lines for. And
23 yes, there's some place where you talk about that, but I
24 think having a separate slide that makes that clear would
25 be very helpful to the people that are at these meetings.

1 And that maybe you want to have a separate handout
2 piece that you explain each one of those four maps and
3 you do talk about the reapportionment and that's what the
4 Congressional seats are based on. But it would be
5 helpful for people to understand a little bit more about
6 that. And then also, all of the rules that go around all
7 of that.

8 Somewhere in your presentation, you say when people
9 want to submit comments towards the community of interest
10 groups or whatever you say you have to understand the
11 rules. And I think it would be helpful if you had a
12 separate handout that basically explained how the
13 Congressional districts are based on populations, that
14 they have to be equal. Explain the rules around the
15 Senate that it has to be two contiguous Assembly
16 districts. And I don't even understand what the State
17 Board of Equalization is all about, I don't have time to
18 look into that.

19 So those are my suggestions for the materials that
20 you're planning to use. And again, it was very helpful,
21 all the information that you have out there. But if
22 you're going to go out and talk to people, I think you
23 should be providing a little bit more information about
24 what these maps are and what they represent. And -- and
25 all of you know all of this, the people you're going to

1 be talking to may or may not know it. So again, thank
2 you for all of the information you provided.

3 CHAIR LE MONS: Thank you, Ms. McElroy. We
4 appreciate it. And this is great feedback because our
5 whole intent is to educate the community, so getting that
6 feedback of what is unclear and where we need to dig a
7 little deeper we really appreciate it.

8 Jesse, do we have any additional callers in the
9 queue?

10 PUBLIC COMMENT MODERATOR: There are currently no
11 callers in the queue, Chair.

12 CHAIR LE MONS: Okay. Well, we thank Ms. McElroy
13 for her comments. And we will be having open public
14 comment again later in the afternoon.

15 Commissioner Sinay?

16 COMMISSIONER SINAY: I think she brings up a great
17 point. I mean, all her points were really good. And I
18 think as we're sharing this -- and I know I'm the first
19 one out, so I'll be the -- the guinea pig for us all next
20 week -- but if we can share what questions came up, maybe
21 staff can create a forum where we -- we respond back on
22 how the presentation went and what questions came up. So
23 if we're seeing that we have the same questions, that
24 means we need to clarify something.

25 CHAIR LE MONS: Thank you for that.

1 Any other commissioner comments? Commissioner
2 Anderson.

3 COMMISSIONER ANDERSEN: Thank you. Just a general.
4 Commissioner Fornaciari yesterday brought up the
5 discrepancy like terminology words with maps and the
6 different types of maps, which Ms. McElroy her comments
7 reminded me. What we came up with on the line drawing RP
8 is district maps. Always use district maps when you're
9 talking about any of our four districts that we're
10 drawing, the big maps.

11 Otherwise, then -- because we talk about COI tool
12 the COI map. And then if we're talking about the COI
13 map, use the community of interest map and don't -- or
14 the community of interest tool. But make sure don't just
15 use the word "map" because it's very confusing. So I
16 think in terminology-wise, if we just try to pick that
17 particular say district map when we're talking about the
18 actual map drawing, that -- I think that would help.

19 CHAIR LE MONS: Thank you for that, Commissioner
20 Andersen.

21 Any additional comments or feedback from
22 commissioners?

23 Okay. So we're going to have a presentation in
24 about twenty minutes. And so I think what I'd like to do
25 is use this time in the interim to address agenda item

1 number 16, I'm sorry, not 16, 18, which are -- is our
2 discussion of future meeting dates and agendas.

3 Commissioner Yee was going to put together a little
4 bit of some recommendations for us. And we were going to
5 litmus that against the Gantt Chart. Commissioner
6 Kennedy was going to take on that responsibility. And
7 any other commissioners that are on subcommittees that
8 have timelines were going to look at those to be able to
9 provide feedback in this process.

10 So at this time, I'd like to turn the floor over to
11 Commissioner Yee to kind of guide this step of us
12 identifying upcoming meetings whichever months he has
13 addressed so far. So Commissioner Yee.

14 COMMISSIONER YEE: Okay. So -- and note I'm going
15 to have to hop off in about five minutes. So I'll launch
16 the dates and you guys can take it from there. So I'm
17 recommending we try to duplicate the February dates from
18 March. So thinking of March 8 and 9 and then 16 and 17.

19 And then I contacted Commissioner Vasquez and I'm
20 wondering -- and about her availability. She might be
21 able to do the 22nd, 23rd. So I'm thinking for that
22 third week of meetings to recommend we go back to Monday,
23 Tuesday then. So that would be 8, 9, 16, 17, 22, 23.

24 CHAIR LE MONS: Okay.

25 Commissioner Kennedy, you had mentioned thinking

1 that we would need something at least that first week of
2 March potentially based on some of the activities. Would
3 you like to provide your feedback and comments on that,
4 please? Or at -- on any of it.

5 COMMISSIONER KENNEDY: Yeah. Couple of things.
6 First of all, on this, I think echoes something that
7 Rosalind Gold had mentioned yesterday, if I'm not
8 mistaken, with the announced delay in the delivery of the
9 apportionment data to the President, which now has an
10 estimated delivery date of I believe it's March the 6th,
11 the timeline as it currently stands if we expect at least
12 a two-, if not a three-month delay between that delivery
13 of apportionment data to the President and the actual
14 release of the redistricting data to the state and then
15 we take the one month that Statewide Database has
16 indicated will be necessary for them to build the
17 database that we would actually be using, that the
18 timeline starts to have problems reaching a 15 August
19 target date for delivery of maps. I just wanted to
20 highlight that.

21 As far as a meeting in early March, the one thing
22 that I'm already aware of is the expectation that the
23 line drawer would be starting on -- is that March the 1st
24 or April 1st, Commissioner Andersen?

25 COMMISSIONER ANDERSEN: March 1st.

1 COMMISSIONER KENNEDY: March 1st. So if the line
2 drawer is starting then, I think it would be useful for
3 us to have a meeting right up front.

4 And again, as I mentioned yesterday, this is just to
5 hold the date. As we get closer, we can decide whether
6 to confirm that date or not. But I just think it would
7 be wise for us to hold a day or two that first week of
8 March for the purpose of meeting and starting to work
9 with the line drawer. Any further hiring or contracting
10 issues I don't want to get stuck in a situation where we
11 need to have a meeting and we don't have meeting dates
12 available to us. Thank you.

13 CHAIR LE MONS: Thank you. Do you have
14 recommendations on which days that week? Commissioner
15 Kennedy, do you have any recommendations on which days
16 for the first week of March?

17 COMMISSIONER KENNEDY: I would be fine with 2nd or
18 3rd, I guess, don't want it to be immediately before the
19 meeting on the 8th and 9th.

20 CHAIR LE MONS: Okay. So what we have so far as
21 proposed dates would be March 2nd through 3rd for a two-
22 day meeting, March 8th through 9th for a two-day meeting,
23 March 16th through 17th for a two-day meeting, and March
24 22nd through 23rd. So we have most of the weeks covered.
25 Commissioner Turner?

1 COMMISSIONER TURNER: I just wanted to make note
2 that that's every Tuesday of the month. And all -- I do
3 have a standing meetings on Tuesdays, and although I'm
4 willing to be and can adjust and be at two of the
5 Tuesdays, which is what we're doing in February, I just
6 want to give notice that the others I will not be present
7 for on a Tuesday.

8 CHAIR LE MONS: Okay. Which weeks are those,
9 Commissioner Turner?

10 COMMISSIONER TURNER: I can -- I don't have a
11 preference of week. It's just that I cannot be gone
12 every --

13 CHAIR LE MONS: Every --

14 COMMISSIONER TURNER: -- Tuesday of the --

15 CHAIR LE MONS: -- Tuesday.

16 COMMISSIONER TURNER: -- month. Yes.

17 CHAIR LE MONS: Okay. Okay.

18 So with that said, I know we talked about in the
19 past shifting the days during the week.

20 So let's go to Commissioners Fernandez and then
21 Sadhwani.

22 COMMISSIONER FERNANDEZ: Yes. My -- right now as we
23 have like 16th and 17th and 22nd and 23rd. And so
24 there's really only two days in between those two
25 meetings. So I would recommend that maybe we not meet

1 the week of the 23rd and meet the week of the 29th to --
2 I'm not sure -- as we know now building agendas and if
3 you only have two days in between, it's really difficult
4 to try to keep up with agendas and what's going to be
5 needed for those meetings.

6 CHAIR LE MONS: Are you referring to the March
7 meeting?

8 COMMISSIONER FERNANDEZ: March. I'm --

9 CHAIR LE MONS: The 22nd?

10 COMMISSIONER FERNANDEZ: -- I'm referring -- March,
11 yes. Because right now it's the 16th and the 17th, which
12 is a Tuesday, Wednesday. And then the recommendation is
13 to have the following Monday, Tuesday. So there's only
14 two working days in between those --

15 CHAIR LE MONS: Yeah.

16 COMMISSIONER FERNANDEZ: -- two meetings.

17 CHAIR LE MONS: I understand.

18 COMMISSIONER FERNANDEZ: So I'm suggesting maybe not
19 meet the week of the 22nd and meet the week of the 29th.

20 CHAIR LE MONS: Okay. Okay, great.

21 COMMISSIONER FERNANDEZ: And we could --

22 CHAIR LE MONS: I'll put --

23 COMMISSIONER FERNANDEZ: -- do the 31st and the 1st
24 so that will not be another Tuesday for Commissioner
25 Turner.

1 CHAIR LE MONS: Okay.

2 Commissioner Sadhwani.

3 COMMISSIONER SADHWANI: I really like Commissioner
4 Fernandez's idea. The other piece, I don't have any
5 problem with Commissioner Kennedy's proposal to add
6 meetings that first week of March. I just want to -- I
7 don't -- maybe Director Claypool or Commissioner
8 Fernandez or Ms. Marshall who have more experience with
9 the RFP process could weigh in here. The 24th and 25th
10 of February, we will be finalizing VRA counsel, hopefully
11 litigation counsel, outside litigation team, as well as a
12 line drawer. In terms of the commission we'll vote on
13 those -- all of those individuals or teams at that point
14 in time.

15 How much time do we need to actually finalize a
16 contract for them? That would be my only hesitation
17 about having a meeting that first week of March, is that
18 my guess is there's going to be a little bit of back and
19 forth to finalize the actual contract. So we might just
20 need a few more working days to hammer out some of those
21 details. But I'm not familiar with that process, so if
22 someone else could weigh in, that might be helpful.

23 That doesn't mean we can't meet, but that there will
24 be other kind of business to take care of at that time,
25 because we're kind of really packing a lot into the 24th

1 and 25th. So if there's other agenda items, I might
2 almost just say let's have 24th, 25th, 26th of February
3 and take that first week of March off to hammer out those
4 contracts. Again, if someone else --

5 CHAIR LE MONS: Director Claypool.

6 DIRECTOR CLAYPOOL: So it's going to take a while
7 once you approve it to put together a contract. And as
8 Chief Counsel Marshall has pointed out, the biggest delay
9 is going to be gaining signatures for these documents and
10 getting them back and forth. Then it's going to have to
11 go to review by the Office of Legal Services, which we
12 hope will be fairly quick, we'll get a priority review.
13 So I don't think that we will actually have the person
14 under contract with a signed signature on the 1st of
15 March. We will have a line drawer as soon as we select
16 one and we say that's our person.

17 And as it happened the last time, the line drawer is
18 going to start working right from the time they know
19 they're the person that's going to be done -- or going to
20 be doing the lines. But the actual contract itself, I
21 would imagine, is going to go into the first week and
22 possibly the second week of March to get all the
23 signatures done.

24 CHAIR LE MONS: Go on, Commissioner Sadhwani.

25 COMMISSIONER SADHWANI: Great. Thank you. So given

1 that, yeah, I might actually recommend perhaps adding
2 that Friday the -- I believe it's Friday, February 26th
3 to our agenda just to make sure that we have enough time
4 in case there's any deliberation over the decisions, in
5 case there's a lot of public feedback or comment and then
6 not meeting March 1st.

7 And I don't know, Commissioner Kennedy, if you feel
8 differently about that. I'm certainly open to it, but
9 just knowing how hirings have gone previously, I might
10 suggest that.

11 My other question is, are we anticipating starting
12 to go out and doing some of those COI meetings, the
13 mapping meetings, in March in that latter half of March?
14 Is that the plan or was it in April? If so, we should
15 start thinking about, even if we don't have dates for
16 those outreach meetings, we might just want to have that
17 in the back of our minds as we're planning out our
18 business meetings.

19 CHAIR LE MONS: Commissioner Sinay then Commissioner
20 Anderson.

21 COMMISSIONER SINAY: So here's a challenge we've
22 had, I don't think anyone has taken ownership of the COI
23 input meetings. And if that should be at the outreach
24 working group, please let us know. We had thought our --
25 we were going all the way to the public information and

1 then the line drawing team was taking the COI input and
2 designing those. But if that's not how it is, let us
3 know. But I know that a couple of commissioners have
4 asked me, and we've been nervous about this. So I think
5 it's a good time to decide who's in charge of those so
6 that we can be clear on all of it.

7 CHAIR LE MONS: Commissioner Sadhwani, do you have a
8 reply to that or -- no? Okay.

9 Commissioner Anderson.

10 COMMISSIONER ANDERSEN: Thank you. Yes, I do
11 believe we're going to need the line drawing, we're going
12 to be evaluating the proposals. They're actually going
13 to be due before 4 o'clock on Monday, the 22nd. We will
14 be evaluating them. And part of that is having them do a
15 presentation for us. So in that 24, 25, and I am
16 thinking go to 26, particularly if we're all doing this
17 line -- the VRA contracting as well, we'll need that time
18 because we're going to need to arrange presentations in
19 there and then we pick the line drawer. And I would
20 actually like -- because then there are the procedures
21 through that exactly what we do and how that works.

22 And then I think we should have like a -- remember
23 how we were talking about doing a training session or
24 just a bit of a this is how it really works, and have one
25 of those in that first week of March. So I would like to

1 have like a day or two in that first week of March just
2 to kind of get things so we know what's going on, work
3 out just a plan, or just make it all refresh it in our
4 minds of how this could actually work so we can actually
5 put all our plans together. It is nothing like seeing
6 how things actually could occur to really solidify in our
7 minds. So I do think we should continue that 24, 25, 26
8 given the amount of material that we need for those days
9 the amount that we have to cover.

10 And I do think it could be the 3rd, 4th, maybe
11 March, have the line drawers start, we go a little
12 orientation on the 1st and they actually do something
13 with us on Wednesday, Thursday -- Wednesday or Thursday.

14 CHAIR LE MONS: Okay. Let me just recap where we
15 are so far. We have a proposal to extend the last week
16 in February meeting to add a day to handle the business
17 that's going to be necessary. So they'll be adding the
18 26th.

19 We have a proposal to also keep the first week of
20 March, excuse me -- yeah, the first week of March, and
21 look at maybe the 3rd and 4th, which kind of addresses
22 Commissioner Turner's Tuesday issue. And then the keep
23 the 8, 9, 16, 17, and then potentially not meet the week
24 of the 22nd and schedule a 31, one meeting for that last
25 week of March.

1 Does anyone have any objections to that pattern?

2 Commissioner Akutagawa.

3 COMMISSIONER ANDERSEN: Why -- say maybe --

4 CHAIR LE MONS: Excuse me. Excuse me, Commissioner
5 Anderson, Commissioner Akutagawa has the floor.

6 COMMISSIONER AKUTAGAWA: I'll -- go ahead,
7 Commissioner Anderson, I'll go after you.

8 COMMISSIONER ANDERSEN: Sorry. Could I just say I
9 think we would possibly need one day, the 3rd would
10 address both Commissioner Turner's issue and we still
11 have a couple of days before the full meet 8, 9. Unless
12 there's other items that need to. But for the line
13 drawer I think it would just the one day would be
14 required.

15 CHAIR LE MONS: Thank you, Commissioner Anderson.
16 Commissioner Akutagawa.

17 COMMISSIONER AKUTAGAWA: So two things. One, I was
18 going to suggest the same thing. I was going to ask if
19 the intent of that first week of March is to be
20 essentially what I think I heard Commissioner Anderson
21 say is a training, could we do it perhaps just one day,
22 maybe that Wednesday, the 3rd so that we can also avoid
23 multiple Tuesdays for Commissioner Turner?

24 And then the other thing I wanted to note for
25 everybody's just consideration is that March 31st is a

1 Cesar Chavez holiday, which is technically a state
2 holiday for the State of California. So --

3 CHAIR LE MONS: Okay.

4 COMMISSIONER AKUTAGAWA: -- we may want to work
5 around it.

6 CHAIR LE MONS: Okay. So I think we --

7 Does anybody else have any objections to anything
8 other than that last week of March at this point? So we
9 have adding the 26th, we have one day during the week of
10 the first week of March the 3rd, 8th, 9th, 16th, 17th,
11 and now we're just working out those last days.

12 So would we like to leave it the 22nd, 23rd, or
13 choose some different days that week so that we avoid
14 another Tuesday? But I believe those were, the 22nd,
15 23rd was when Commissioner Vazquez is available.

16 Are you available, is that confirmed, Commissioner
17 Vazquez?

18 COMMISSIONER VAZQUEZ: No, it's not confirmed. I --

19 CHAIR LE MONS: Okay.

20 COMMISSIONER VAZQUEZ: That week is just up in the
21 air. The best case scenario is that I am available.

22 CHAIR LE MONS: Okay. Thank you.

23 Commissioner Akutagawa.

24 COMMISSIONER AKUTAGAWA: I mean, would it be
25 possible to consider maybe April 1st and 2nd? I do like

1 that idea of skipping the week of the 22nd, especially if
2 we have to also consider some of the public meetings that
3 we need to -- public input meetings that we need to start
4 thinking about scheduling.

5 CHAIR LE MONS: Okay.

6 COMMISSIONER AKUTAGAWA: That (indiscernible,
7 simultaneous speech) --

8 CHAIR LE MONS: Does anyone have any -- okay.

9 Does anyone have any objections to the 1st and 2nd?
10 Commissioner Anderson, did you have something to
11 add?

12 COMMISSIONER ANDERSEN: I'm just -- was that of
13 April, the 1st and 2nd of April?

14 CHAIR LE MONS: Yes.

15 COMMISSIONER ANDERSEN: Oh.

16 CHAIR LE MONS: Yes.

17 COMMISSIONER ANDERSEN: Thank you.

18 CHAIR LE MONS: Commissioner Sadhwani.

19 COMMISSIONER SADHWANI: I do technically have a
20 political science conference I need to be at. It's Zoom-
21 based, so I could maybe try and come back and forth, but
22 I will be presenting there.

23 CHAIR LE MONS: On both of those days?

24 COMMISSIONER SADHWANI: Yeah.

25 CHAIR LE MONS: Okay.

1 Commissioner Vazquez?

2 COMMISSIONER VAZQUEZ: I was just going to flag that
3 the 2nd is Good Friday. I don't know if folks were
4 planning to celebrate, but --

5 CHAIR LE MONS: Okay.

6 I see Commissioner Sinay, I think you're going to
7 suggest that as well, that it's Good Friday? Okay.

8 So we are trying to solve that last week. Let's see
9 if we can do this in the next sixty seconds. We can
10 either stay with what we have, the week of the 22nd, and
11 pick two different days. Maybe we pick the 24th, 25th,
12 25th, 26th. That's one option. Or we can pick two
13 different days of that final week avoiding the holidays.
14 It sounds like the only way to avoid the holidays would
15 be to do the Monday, Tuesday, 29th and 30th.

16 UNIDENTIFIED SPEAKER: But that was -- that
17 wasn't --

18 CHAIR LE MONS: Commissioner Fernandez.

19 COMMISSIONER FERNANDEZ: Since that week is up in
20 the air for Commissioner Vasquez, maybe we just do the
21 25th and 26th of March. Because we were trying to avoid
22 the Tuesdays also.

23 CHAIR LE MONS: Okay.

24 Is everyone else okay with --

25 Commissioner Akutagawa?

1 COMMISSIONER AKUTAGAWA: Yeah, unfortunately, the
2 25th I have a program that's that day. I mean, if we're
3 trying to avoid people's things, I just will chime in on
4 that. What about if we do Monday the -- if we do two
5 with days in between, like Monday the 29th and April 1st?

6 CHAIR LE MONS: How do people feel about that,
7 Monday, the 29th and April 1st? I see thumbs up.

8 Anybody just totally against that? Okay. So I
9 think we're going to go with that.

10 So this is what we're looking at, we have adding the
11 26th of February. We have March 3rd. We have March 8th
12 and 9th. We have March 16th and 17th. And then we have
13 the Monday, the 29th and Thursday, the 1st of the last
14 week of March.

15 General consensus. Anyone no? Can I see some
16 thumbs up? Okay. That's the schedule. Hopefully --

17 Commissioner Vazquez.

18 COMMISSIONER VAZQUEZ: Sorry. So can we just run
19 through one more time --

20 CHAIR LE MONS: Sure.

21 COMMISSIONER VAZQUEZ: -- that list.

22 CHAIR LE MONS: Okay. So I'm going to run through
23 it one more time.

24 Staff, please capture this. We're adding the 26th
25 of February to our 24th through 26th meeting. We will do

1 the first week of March, March 3rd. We will do March 8th
2 through 9th, March 16th through 17th, and March 29th and
3 April 1st.

4 It's now 10 o'clock. So I want to respect our
5 guest's time and move forward. I'd like to now turn the
6 floor over to Commissioner Fernandez to bring our guest
7 forward on our panel. Which is to discuss incarcerated
8 populations.

9 Commissioner Fernandez.

10 COMMISSIONER FERNANDEZ: Thank you. Okay. Aleks is
11 here. Is Karin here? Do I see Karin? I don't think I
12 see Karin yet. I don't see her.

13 CHAIR LE MONS: Okay, so we'll give Karin a few
14 minutes to join us.

15 COMMISSIONER FERNANDEZ: Yeah.

16 CHAIR LE MONS: Thank you, Commissioners for getting
17 that scheduling piece worked out and using that time real
18 well; I appreciate it.

19 So Commissioner Fernandez will give Karin a couple
20 of minutes. Why don't we take a five-minute break and
21 then that way, if you can hang back, Commissioner
22 Fernandez, and orient your guest.

23 COMMISSIONER FERNANDEZ: Yes.

24 CHAIR LE MONS: And we'll come back in five minutes
25 and start.

1 COMMISSIONER FERNANDEZ: Okay.

2 CHAIR LE MONS: So let's everyone take a five minute
3 break, please. Be back at 10:05, so four-minute break.

4 (Whereupon, a recess was held at 10:01 a.m.
5 until 10:05 a.m.)

6 CHAIR LE MONS: Okay, welcome back from the break.

7 Commissioner Fernandez is going -- with the support
8 of Commissioner Sinay, will be leading our panel
9 discussion on incarcerated populations with our guest.
10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes, thank you, Chair.

12 So I just want to give you a little bit of
13 background. Assembly Bill 420 added election code
14 Section 21003 in 2011, and then that was amended by
15 Assembly Bill 2172 in 2018. And per the -- and we do
16 have a one-page handout that we did provide for everyone.
17 And per the Election Code, the legislature is requesting
18 that California Citizens Redistricting Commission deem
19 each incarcerated person as residing at his or her last
20 known place of residence, rather than at the institution
21 of his or her incarceration.

22 And just for clarification, I just want you to
23 make -- I just want you to -- to make sure that you
24 understand this relates only to individuals incarcerated
25 in state adult correctional facilities under the control

1 of California Department of Corrections and
2 Rehabilitation.

3 The local jails, county -- the local areas, they
4 currently already do it this way, where they are counted
5 in their place of residence.

6 So in the past inmates have been counted as residing
7 at the location of the state correctional facilities,
8 rather than in their home communities.

9 The data is then used for the redistricting, which
10 could result in distorted local and state representation.
11 Because the Citizen's Redistricting Commission is an
12 independent body, the legislature -- they were unclear as
13 to whether they could require us to do this, or not. So
14 that is why they're requesting and that's why we're
15 coming forward because as a commission we need to make a
16 decision if we are going to go with the request of
17 deeming each incarcerated person as residing at his or
18 her last known place of residence or keep them as they're
19 counted now, at where they are resided in the -- at the
20 correctional facility.

21 And so today, we do have two panel members and the
22 first is to discuss why we should adjust the census
23 figures; and we have Aleks Kajstura, I hope I said that
24 right. She's with -- she's a legal director at the
25 Prison Policy Initiative. And the Prison Policy

1 Initiative was a supporter of the initial legislation.

2 And then here to discuss how we would adjust the
3 census data, we have Karin McDonald, who is a director of
4 Statewide Database, and I probably don't even need to
5 introduce her since she's been here, and I think all of
6 us have been communicating with her. But she will go
7 through how we would do this. And Karin has also worked
8 with the California Department of Corrections and
9 Rehabilitation the last few years to try to work out how
10 we're going to receive that dataset.

11 And with that, I'm going to turn it up -- turn it
12 over to Aleks.

13 MS. KAJSTURA: Good morning. Thank you for having
14 me here today, Commissioners. So I'm the legal director
15 at the Prison Policy Initiative and as the Commissioner
16 noticed -- noted, we were proponents of the original
17 legislation. I work -- I've been working on addressing
18 issues of prison gerrymandering for over ten years across
19 the country. So that's the context I'm here in today.

20 So first, let's start out with the problem that
21 prisoner reallocation is trying to solve is. So when the
22 Census Bureau publishes redistricting data, that data
23 includes people who are incarcerated, counted at the
24 location of the facility, rather than at their home
25 address; which is the way that the Bureau counts

1 everybody else.

2 So using the census' data ends up distorting
3 political representation. So states are now taking
4 initiative on their own to fix the data to make it useful
5 for creating districts that would have equal
6 representation. And the California legislation provided
7 a mechanism for doing this, and so, you know, it's now up
8 to the Commission to decide whether to correct the data
9 or leave it with the raw census data.

10 So why is the census data problematic? In
11 California incarcerated people make up kind of big
12 percentages of some districts. If you're looking at the
13 Assembly District 32 has nearly eight percent of the
14 district is actually people who are counted in prisons
15 there, rather than actual district constituents. And
16 there are five other districts at the assembly level that
17 have over two percent of their population just coming
18 from the prisons rather than from actual constituents.

19 The (indiscernible) examples can be found at the
20 local government level, for example, in Solano County ten
21 percent of a Board of Supervisors District is people who
22 are incarcerated in that county, rather than actual
23 county residents.

24 And so for shorthand, we just call this prison
25 gerrymandering. So how did we get to this point? So the

1 Census Bureau has actually been counting incarcerated
2 people in this way since the very first census in 1790.
3 But it wasn't until the rise of mass incarceration in the
4 1990s, with the following redistricting in 2000, where
5 you could really see the impact in democracy. So mass
6 incarceration had just gotten to a point where it was
7 taking this methodology from the Census Bureau which in
8 the past, didn't really make much of a difference and
9 now, is actually skewing representation when you're using
10 it for redistricting.

11 So the Census Bureau counts people incarcerated at
12 the location of the facility because it uses this kind of
13 definition of residence that's where you eat and sleep
14 most of the time, should be where you're counted. And
15 there are two problems with that. One, it runs counter
16 to state redistricting law in terms of residence. And
17 two, for most incarcerated people it doesn't even meet
18 the Census Bureau's own definition.

19 So you're looking at California, it's like most
20 states. Your residence is defined as the place where you
21 choose to be and don't intend to leave. So that's
22 obviously not a prison. And in addition to the common
23 law, the California Election Code is very explicit about
24 this. It says that, quote, "A person does not gain or
25 lose a domicile solely by reason of his presence or

1 absence from a place while kept in an almshouse, asylum
2 or prison."

3 So the law is simple. Even people who are in
4 prison, who cannot vote, still retain their home
5 residence and that's where the representatives treat them
6 as constituents. If they have a need to talk to a
7 representative, they're going to go to their home
8 representative.

9 And so counting people at the location of the
10 prison, creates this disconnect between the redistricting
11 data and where the constituents are. And for what it's
12 worth, you know, this is even -- the way the Census
13 Bureau counts incarcerated people is even against their
14 own redistricting definition. Because if you're looking
15 at where you eat and sleep most of the time, you know,
16 the census is done every ten years. Average sentence
17 life is about two years. But even looking within those
18 two years, incarcerated people are not at the location of
19 that facility. So when I say, you know, you're counted
20 where you happen to be on census day, it literally is
21 where you happen to be on census day. Because you get
22 moved around between the prison facilities at the whim of
23 the state. So you're not at any given facility for very
24 long, even if you might be away from home. Your home is
25 really the only place where you have a true connection to

1 the community, to your representatives.

2 And you can see this in the way that the Census
3 Bureau counts other, similarly situated, populations. If
4 you look at hotels. You know, some people say well the
5 prison's always there, so they should be counted there.
6 But if you look at hotels, you know, in a normal year,
7 you'd have some place that's full all the time. Yet
8 those people aren't counted just because the building's
9 there. You -- everybody is counted at home, knowing that
10 that's where they live, that's where their home is. If
11 you look at boarding school students, for example,
12 they're away from home, maybe also against their will.
13 They have a place where they live, eat, sleep most of the
14 time, yet they're counted back at home, because obviously
15 that's where the community is. That's where they're
16 representatives are through their parents.

17 But in 2020, unfortunately, the Census Bureau still
18 counted incarcerated people at the location of the
19 facility, leaving it up to states and localities to solve
20 this problem. And although in the last decade or so,
21 there's been a momentum among the states to correct the
22 data, this problem was actually originally identified by
23 local governments, because that's where the problem is
24 starkest. That's where you can really see it clearly.
25 You have governments that would be facing drawing Board

1 of Supervisors of county, City Council District that
2 would be entirely the prison and no actual local
3 constituents. So they'd be drawing a district that would
4 have an empty seat. At which point, it is just obvious
5 that, like, this data is wrong and so they adjust the
6 data on their own to solve this. After the 2010 census,
7 we found over 200 counties and municipalities across the
8 states that have done this, including ten counties in
9 California. So for example, if you look at Del Norte
10 County, their district, this is very rough numbers, about
11 5,000 people per district for the Board of Supervisors.
12 They have the Pelican Bay State Prison there. It's
13 overrule 3,000 people. So obviously, if you were to
14 include that in a district, you'd have one district
15 that's over half of the district population that would be
16 people in the prison, with no connection to the local
17 community.

18 And so the legislature's recommendation here is to,
19 kind of, take this approach that's been identified by the
20 local governments and apply it to have a statewide
21 solution where the state can actually reallocate
22 everybody back home.

23 And on that note, you know, this is really about
24 redistricting data. It doesn't tie into funding formulas
25 whether it's federal aid, state aid, local grants;

1 because one, it's -- the way the census data is done is
2 that basically every agency that wants data from the
3 census takes it directly from the census. Nobody's going
4 to come looking at, hey, what did the districting
5 commission use? Let's maybe use that dataset to allocate
6 building funds.

7 So this is something that never really percolates
8 back up into the system. And yes, you know, this is
9 about political representation and once you have equal
10 representation that might shift political power in the
11 state. So that you have different priorities in the
12 legislature and that might indirectly affect funding
13 through that way. But there's no formula funding that
14 uses this data, that will all continue to be the census
15 data. And that's not saying that that's bad, because the
16 funding formulas are often sophisticated enough to not be
17 fooled by the prison miscount. For example, if you're
18 looking at school funding, it's often the number of
19 students. Basically, the funding gets -- the funding
20 formulas have become so sophisticated that this is just
21 not a problem at the funding level. It is a problem when
22 you're looking at political representation.

23 And Karin will go over the data in detail, but I'd
24 just like to make a general point, kind of, looking at a
25 broader context here. The goal is to have redistricting

1 data that is more accurate than what the Census Bureau
2 will give you. This doesn't mean -- basically no state
3 can do this kind of reallocation perfectly. There are
4 going to be flaws in the home address data that you'll
5 have, like every state that's doing this. There'll be
6 missing fields, something that's going to be incomplete.
7 You can't, you know, plot somebody exactly on a map. And
8 you know, to just overgeneralize and ballpark, I expect
9 about eighty percent of reallocation to be very
10 successful. And the end result is not going to be
11 perfect data, but it is going to be data that is much
12 more accurate than the raw data from the Census Bureau,
13 because if you're thinking about it, the Census Bureau
14 will count every single incarcerated person in the wrong
15 place. Like, during this reallocation, you're going to
16 get a lot of folks back into their communities so that
17 they can be represented properly. And so, you know, once
18 the Census Bureau publishes their data, it's really up to
19 each state to fix it up and to use it for redistricting
20 as they see fit.

21 COMMISSIONER FERNANDEZ: Thank you, Aleks. We're
22 going to go straight to Karin and then we'll have --
23 we'll be open for questions after Karin's presentation.

24 MS. MACDONALD: Thank you so much. Thanks,
25 Commissioners, for inviting me to be here and very happy

1 to be able to share this presentation with Aleks.

2 I'm going to share my presentation, if that's okay.

3 Just one moment, please, I want to share my screen. Just
4 pushed the wrong button of course; there you go.

5 All right, so this is a very brief summary asking
6 what and how, since Aleks just talked about the why. So
7 let's just start really quickly by recapping the
8 legislative history. Starting with 2011, Assembly Bill
9 420, the Davis Bill, which was the original bill, and it
10 outlined the legislative intent.

11 In 2012, there was a little bit of a cleanup bill,
12 Assembly Bill 1986, also by Davis and it made some
13 changes to the original bill to make it more efficient
14 for implementation. And then, in 2018, we have Assembly
15 Bill 2172, the Weber Bill. And that updated the bill,
16 made some modifications to ensure that the original bill
17 can be implemented consistent with legislative intent.
18 There is a lot of detail available. I actually gave a
19 presentation to the previous CRC on the Weber Bill, where
20 I outlined some of the changes. If you are interested, I
21 am sure the link to that presentation can be provided to
22 you or alternatively, I can just re-send that
23 presentation back over.

24 So background, really quickly, Election Code Section
25 21003, is what we're talking about and I'm summarizing

1 all of these things. So after April 1, and no later than
2 July -- sorry. I'm trying to move this thing here. No
3 later than July 1, in the ending with zero, the
4 California Department of Corrections and Rehabilitation,
5 CDCR, will provide a single database with information
6 about every incarcerated person in a facility under the
7 CDCR's control, to the California Redistricting
8 Commission and the legislature.

9 Under subdivision (b) of Section H253 of the
10 government code, it's the legislature's responsibility to
11 provide a complete and accurate computerized database for
12 redistricting. And that responsibility, of course, is
13 fulfilled by the Statewide Database, which is why I'm
14 here talking to you right now.

15 The 2010 Citizens Redistricting Commission voted in
16 2019, to make the Statewide Database the recipient of the
17 file transmitted by the CDCR. And that was done at the
18 tail end, obviously, of the last CRC's reign, so to
19 speak. And they did that because the CRC really did not
20 have any capabilities of storing the data or keeping the
21 data. The data was sensitive of course. And, of course,
22 also because the ultimate responsibility for building the
23 dataset, the redistricting dataset is fulfilled by the
24 Statewide Database. So just having this particular
25 dataset floating around doesn't really help anyone.

1 The legislature also, for that reason, designated
2 the Statewide Database as a recipient of the file
3 transmitted by the CDCR.

4 So the transmitted data, to talk about that. On May
5 11, 2020, the CDCR did transmit the file. As
6 Commissioner Fernandez said, I've been working with them
7 for quite a few years to make sure that the sets were
8 correct. That we all knew what we needed and, you know,
9 that the fields were right, and we understood what we
10 were seeing in the file. We have, in the past, received
11 a couple of test files. So this has been a good
12 collaboration with the CDCR.

13 They transmitted the file early, earlier than they
14 had to and they transmitted to us, essentially the same
15 data that they transmitted to the Census. And that, of
16 course, is a great thing. We have talked about that in
17 the past as we didn't want, you know, two separate
18 datasets to be transmitted partially, because of
19 something that Aleks was talking about; that people are
20 moved all the time. And we just wanted to make sure that
21 we have the same numbers reported in the facilities, you
22 know, that -- in the dataset that's going to Census as
23 opposed to us.

24 We got a single file, and the following information
25 was supposed to be in it and, you know, as available for

1 each incarcerated person. It was a unique identifier.
2 We don't have, you know, names of incarcerated persons.
3 We have residential address or addresses. It turned out
4 that some incarcerated persons have multiple addresses
5 that were provided over time, at which the person was
6 domiciled prior to incarceration. And then the file also
7 includes person's ethnicity and race. That is an
8 interesting one, because, of course, CDCR does not use
9 the census form to collect race and ethnicity, so that
10 there are definitely some differences between the census
11 data and the CDCR data. And then the location of the
12 facility of incarceration.

13 And very kindly the CDCR also sent us a separate
14 file just to make sure that we had all the addresses of
15 the facilities properly, you know, in our dataset so that
16 we knew where they were.

17 The CDCR transmitted 122,730 unique IDs to the
18 Statewide Database, so these are unique incarcerated
19 persons. The first geo code -- so geo code is when you
20 take, essentially take an address and you locate it on a
21 map. When we first ran this dataset we got roughly a
22 fifty percent match. There were 14,948 complete
23 addresses that could not be matched. And so what that
24 means is that the geography file that we're using, were
25 basically geocoding into the census geography and we

1 could not find those addresses. We're working on those
2 addresses individually and we have been able to match
3 many of them already. But this is an ongoing process.

4 Then, if you have your calculator out, you know that
5 there is a remaining 41,076 addresses. So they -- those
6 are addresses that don't have complete addresses.
7 They're not complete. They may have just a city, for
8 example, or a house number is missing and so forth. Of
9 course the law provides what we're supposed to do with
10 this, so we're going to be working on those separately.
11 Once we have the complete addresses match, we're going to
12 move to the 41,076 addresses to see what we can do with
13 those.

14 But just like Aleks said, I am very hopeful that
15 we're going to be able to match many of these, you know,
16 almost perfectly. And the other ones we're just going to
17 match to the smallest unit that we can possibly
18 reallocate them to.

19 So Election Code Section 21003 then says that the
20 legislature, in coordination with the CRC, shall ensure
21 that the CDCR dataset is incorporated into the Statewide
22 Database. We are working on that. As I just explained,
23 we are preparing the data to be incorporated once we
24 actually have a census dataset. So that we can do the
25 adjustment rather quickly.

1 The Statewide Database will then adjust the total
2 population and the race and ethnicity based on the CDCR
3 dataset by removing the data of the incarcerated persons
4 from the geographies where they were enumerated, either
5 facilities, and reallocating them in the geographies of
6 their last residence, if possible. And if we can't do
7 that, then there is a random allocation process. If the
8 specific residential address is not available, then the
9 smallest geographic unit possible will be used for the
10 geographic reallocation.

11 And the legislature requests that the CRC deem each
12 incarcerated person as residing at their last residential
13 address rather than the place of incarceration.

14 And that is my summary of this, the what and the
15 how. And I'm happy to answer questions, of course.
16 Thank you.

17 COMMISSIONER FERNANDEZ: Thank you. Chair Le Mons
18 did you want to handle the people asking questions? Or
19 how did you want -- or --

20 CHAIR LE MONS: You can feel free to facilitate that
21 process if you like.

22 COMMISSIONER FERNANDEZ: Okay, that's fine. Do we
23 have any questions for our panel? Okay. Let me -- I
24 have, let's see, Commissioner Akutagawa, then Turner, and
25 then I saw Toledo. Hold on, let me write these down.

1 Kennedy, who else? Oh Marion? Marion, and we've
2 got Ahmad and Anderson. Did I miss anyone.

3 Okay, so we'll start with --

4 CHAIR LE MONS: And Taylor.

5 COMMISSIONER FERNANDEZ: Okay. Sorry.

6 CHAIR LE MONS: And I'll help you out. We'll work
7 together.

8 COMMISSIONER FERNANDEZ: Thank you so much. I
9 appreciate it. So we'll start with Commissioner
10 Akutagawa.

11 COMMISSIONER AKUTAGAWA: Okay. I think I'm just
12 going to ask why -- this is probably just going to sound
13 a little silly, but I just want to ask, perhaps,
14 clarification on a obvious question. This is for Karin
15 MacDonald. If the legislature is requiring that the
16 datasets be incorporated into the data that the Statewide
17 Database has, and that there was actual legislation
18 passed, I think just for clarification, I think we as the
19 CRC, as the Commission, are being asked to vote and
20 affirm that? Or -- I guess, and if that's the case, I
21 guess I'm just kind of questioning why? If it's already
22 been passed as law, isn't that something that we would
23 just then have to follow?

24 MS. MACDONALD: I think that might be a question for
25 your council, Commissioner Akutagawa.

1 COMMISSIONER FERNANDEZ: So I guess maybe the other
2 question would be -- that is associated with Commissioner
3 Akutagawa's question is, you're going to adjust the data
4 in the Statewide Database in terms of you're going to
5 move them from this area? What if the Commission decided
6 not to do that? Would we have to then readjust the
7 numbers of that? Is that what you're asking Commissioner
8 Akutagawa?

9 COMMISSIONER AKUTAGAWA: Actually, I guess I'm
10 just -- well, I mean, that's another way to look at it.
11 I guess I'm just questioning why we would even have to --
12 maybe like formally approve it, when it sounds like it's
13 already been passed as law, and it sounds like this is
14 something that we have to follow?

15 MS. MACDONALD: At this point, they are requesting
16 that we do it, because they cannot dictate. Or they
17 don't -- they didn't feel that they can dictate that to
18 us.

19 MS. MACDONALD: Commissioner Fernandez, would you
20 like me to address the second part of the --

21 COMMISSIONER FERNANDEZ: Sure. Of course.

22 MS. MACDONALD: Yeah. So it is now law that the
23 cities and counties have to use the adjusted datasets.
24 So in case that you would not want to do that, then we
25 would essentially produce two datasets. One that has the

1 adjustment and one that doesn't.

2 COMMISSIONER FERNANDEZ: Okay. Thank you.

3 Commissioner Turner?

4 COMMISSIONER TURNER: Thank you. Karin, I just
5 wanted to understand. On the reallocation and then
6 matching up the addresses and all of the other piece
7 parts, you also said that when that was not -- when that
8 could not be done, you spoke about the adjusting it to
9 the smallest geographic something or other. I didn't
10 understand the phrasing. Tell me what that -- what does
11 that mean?

12 MS. MACDONALD: Yes, thank you, for that question
13 and apologies if I was not clear about that. For
14 example, if an address only says that the last, you know,
15 the last residential address was in Oakland, then we
16 would randomly allocate the person into Oakland. Or if
17 it were the last residential address is in Solano County,
18 then the person is allocated randomly in Solano County.

19 So we will allocate into the smallest geography that
20 we have information about.

21 COMMISSIONER TURNER: Thank you.

22 COMMISSIONER FERNANDEZ: Commissioner Toledo?

23 COMMISSIONER TOLEDO: Thank you. I just, I wanted
24 some clarification. In one of your slides, Ms.
25 MacDonald, you mentioned there were 122,000 unique

1 identifiers, but only 60,000 were geocoded. Does that
2 mean you're reallocating the 122,000 or the 60- -- or the
3 half that were geocoded? Thank you.

4 MS. MACDONALD: Yeah. Thank you for that question.
5 So when we got 122,000, you know, addresses, the first
6 thing or actually fields; the first thing you do is you
7 figure out how many will match, right? So we ran them
8 through a geocoder and, of course, they were databases
9 set up to geocode, because we geocode the voter
10 registration file every election. So we essentially use
11 that same process and -- people talk about hits, how many
12 hits did you get? And about half of them were geocoded
13 right away, we didn't have to touch them.

14 So then we looked at, okay, what wasn't geocoded,
15 and the first thing that happened was we saw that there
16 were 14,000-something addresses that did not get hits,
17 but they looked like they were perfect addresses. So
18 we're looking at why is that. So we're going one by one.
19 And for example, one could be -- it says it's the street,
20 but not an avenue. So then that gets changed from the
21 street to an avenue, because we have a perfect address
22 but that, you know -- that's the -- those are the kinds
23 of errors that are in there.

24 So currently, we have geocoded, first the 66,000,
25 then some of the 14,000; I think most of them already.

1 And we're working through the remaining ones to get as
2 close as possible to geocoding or randomly allocating all
3 122,000, if that makes sense.

4 CHAIR LE MONS: Thank you.

5 COMMISSIONER FERNANDEZ: Commissioner Kennedy.

6 COMMISSIONER KENNEDY: Thank you, Commissioner
7 Fernandez.

8 Happy New Year, Karin.

9 Question: the handout makes it clear that what
10 we're looking at here is populations in state prisons.
11 What about federal prisons? How are federal prisoners
12 handled?

13 MS. MACDONALD: Yes, thank you. So there are not
14 that many federal prisoners and we have a notation in the
15 data set that says whether there are some federal
16 prisoners in one of the facilities -- one or more of the
17 facilities that are under the control of the CDCR. And
18 there is a little provision in the law that those
19 essentially be removed from the -- from the place where
20 they were enumerated. But they're not to be allocated to
21 a district or a geography. And aside from that, we did
22 not receive any data about federal facilities. So that's
23 not part of the law.

24 COMMISSIONER KENNEDY: But if we're going to try to
25 be consistent, should we not make at least a good-faith

1 effort -- the "we", the Commission, make a good-faith
2 effort to obtain information about inmates in federal
3 facility. And Aleks jump in if you'd like. I'm just --
4 I'm trying to come up with something that makes logical
5 sense and is as comprehensive as possible and as fair as
6 possible.

7 MS. KAJSTURA: Yeah, so it would definitely make
8 sense to treat federal people in federal prison the same
9 as the state prison. Unfortunately, the Bureau of
10 Prisons, which runs the federal prison system and -- has
11 control of the addresses for those folks is refusing to
12 cooperate with states and give out any information. So
13 most states -- it's to the degree that most states don't
14 even count on that data coming in the law, which is why
15 it was written the way it was.

16 COMMISSIONER FERNANDEZ: Thank you. Marian.

17 MS. JOHNSTON: Thank you. My question, you said
18 you'd do it as quickly as possible. I understand you're
19 getting everything ready ahead of time. But given that
20 the Commission's already facing a delay, do you have a
21 time estimate about how long it would take you to make
22 those adjustments?

23 MS. MACDONALD: Yes. Thank for that question. We
24 will obviously be done before the Census data arrives.
25 You know, Statewide Database, we're a small shop and we

1 do, you know, the most important things first, so this is
2 something that we have been working on and it will
3 absolutely be done by the time the Census data arrives.

4 MS. JOHNSTON: But you can't integrate it until you
5 get the Census data. How long will the integration take?

6 MS. MACDONALD: That's correct. Well, as -- I've
7 said previously, we take one month to bring the previous
8 data that we have corrected into the new Census geography
9 and merge it with the new Census data. So this is just
10 part of that. And it will be part of that four-week
11 period of time that we'll need after the release of the
12 Census data to give you a data set that you can use for,
13 you know, Voting Rights assessments and for later on.

14 MS. JOHNSTON: Thank you.

15 COMMISSIONER FERNANDEZ: Commissioner Ahmad.

16 COMMISSIONER AHMAD: My question was answered.
17 Thank you.

18 COMMISSIONER FERNANDEZ: Okay. Commissioner
19 Andersen.

20 COMMISSIONER ANDERSEN: Thank you. I have a few.
21 First of all, this is to Karin mostly. In 2019 the CRC
22 authorized the Statewide Database to receive the CDCR
23 data. And the, the legislature then approved that or
24 maybe I have the wrong terminology, but does that mean we
25 might have to redo it every ten -- every new CRC, do we

1 have to reauthorize that? Or is -- did the legislature
2 essentially take that out of our hands?

3 MS. MACDONALD: I'm not sure that the legislature
4 had something to with that, Commissioner Andersen. I
5 think what happened is if you look at the time line when
6 the data are sent over, that's just right at that time
7 line when the new CRC's being, you know, selected. And
8 so, it's kind of -- it's just kind of an awkward -- it's
9 just an awkward time to send any data anywhere. I think
10 perhaps your counsel could answer whether or not you have
11 to renew that particular request. But I think it's
12 pretty straightforward.

13 COMMISSIONER ANDERSEN: Okay. But that is something
14 that has been done right now for us. But we might have
15 to do, like, i.e., that's our future work the next
16 Commission?

17 MS. MACDONALD: Yes, correct. That's possible.

18 COMMISSIONER ANDERSEN: Okay. Thank you.

19 COMMISSIONER FERNANDEZ: And just for clarification,
20 Commissioner Andersen, the language that legislation --
21 or the elections code section says that the dataset -- is
22 supposed to be sent to the legislature and to the
23 Commission. So it's supposed to be sent to both of them.
24 And so the Commission made the decision to have it go to
25 Statewide Database and the legislature also chose to have

1 the dataset go to Statewide Database.

2 COMMISSIONER ANDERSEN: Okay.

3 COMMISSIONER FERNANDEZ: Instead of receiving it
4 separately.

5 COMMISSIONER ANDERSEN: Right. But my question is,
6 you know, because one Commission that shuts down and the
7 new one starts up. Do we -- might also redo that. So
8 okay. Then, I've got the numbers. That -- those were --
9 ah. So the Statewide Database now actually has -- I
10 believe Commissioner Akutagawa kind of said this, there
11 are the two different files. You are required by law,
12 Statewide Database, to make the changes from the other
13 population data because is it cities and counties must
14 use these data -- this data now -- this modified data?

15 MS. MACDONALD: Yes. That's my understanding.

16 COMMISSIONER ANDERSEN: Okay. And they're
17 requesting that we do the same. And then, if we --
18 again, if we say, oh, we don't want to do that. You
19 would actually just use the original data that comes from
20 the Census Bureau?

21 MS. MACDONALD: That is correct. We would basically
22 put out a second dataset.

23 COMMISSIONER ANDERSEN: Okay. Then the state
24 populations you have, like, 127,730. Any ballpark idea
25 on federal numbers?

1 MS. MACDONALD: I do not have federal numbers. I'm
2 sorry.

3 COMMISSIONER ANDERSEN: Okay.

4 MS. MACDONALD: They -- because they were not part
5 of this project --

6 COMMISSIONER ANDERSEN: Right.

7 MS. MACDONALD: -- so they were not submitted to us.

8 COMMISSIONER ANDERSEN: Is --

9 MS. MACDONALD: I -- Aleks might have a number, I
10 don't know.

11 COMMISSIONER ANDERSEN: Is Aleks -- do you happen
12 just a ballpark on federal numbers?

13 MS. KAJSTURA: Are you asking about federal
14 facilities in California or --

15 COMMISSIONER ANDERSEN: Yes.

16 MS. KAJSTURA: -- people from California in federal
17 facilities?

18 COMMISSIONER ANDERSEN: Oh, I see. Yeah, okay. Do
19 you happen to have ballpark on either of those number?

20 MS. KAJSTURA: I can get those in the next couple of
21 minutes if I can come back to it?

22 COMMISSIONER ANDERSEN: Great. Thank you very much.
23 And then, just for our time line Ms. MacDonald, well --
24 you have to do a recoding, a re-geographic coding based
25 on the new numbers if I understand it. They -- you know,

1 you take the old geography and you modify it for the new
2 geography. Could you give us a little bit more
3 information about that and when you are able to do that?

4 MS. MACDONALD: Yeah. I mean, first we have to wait
5 for the PL-94 data. So that's just the we use that
6 dataset that the census will release. We have to wait
7 for those data to be released and then, we will see
8 what's reported in the group quarters file. And then, we
9 will essentially match that to what we have. And then,
10 take people out of the group quarter and relocate it into
11 the new geography. And then also, adjust the race and
12 ethnicity numbers.

13 COMMISSIONER ANDERSEN: Yeah, well -- what I was
14 talking about is actually the new geography. You -- at
15 some point you do that and you modify everything over.
16 Could you give a little bit more information to us on
17 that so it's -- we all understand it in our -- in the
18 timing of all this.

19 MS. MACDONALD: Yeah. So the new geography from
20 census, so that's the thing you title line file, will be
21 released sometime in February. So we will have the new
22 census block. And then -- but we still really can't do a
23 whole lot until we have the new data reported because the
24 new data will be recorded on the new census block. And
25 the group quarters facilities are part of that. So

1 essentially, there's very little we can do short of just
2 making sure we have a very clean data set that we can
3 then -- you know, that's then ready to go as soon we
4 data. And then we run, you know.

5 COMMISSIONER ANDERSEN: Okay. And that's why it
6 takes from the time you get this data, it takes about a
7 month before it would be eligible -- able for us to be
8 able to use it.

9 MS. MACDONALD: That's correct. I mean, as you
10 know, all of you have been on our website at Statewide
11 Database, we have a lot of data. And you know, we
12 collect data with each election. And all of those data
13 are essentially on the old geography. And for you to
14 have those data available for a Voting Rights Act
15 compliance and so forth, all of that has to be moved to
16 the new geography because otherwise you're looking at,
17 you know, at apples and oranges. And, you know, there's
18 already -- it already is complicated enough without
19 having to do that when you're doing redistricting, you
20 know, on this level.

21 COMMISSIONER ANDERSEN: Thank you. And that also
22 affects the COIs at that point. Like any COIs that go in
23 now have to be changed over; is that correct?

24 MS. MACDONALD: Yeah. So the COIs -- so we are
25 still on the old geography, but luckily, even with all of

1 the delays, the census is a little compartmentalized. So
2 they are able to give us geography pretty soon. So we're
3 hoping before, you know, the big first wave of COI input
4 arrives, we will be able to integrate the new geography
5 into the COI tool. And yes, whatever we have on the old
6 geography will -- we will move over.

7 COMMISSIONER ANDERSEN: Thank you.

8 COMMISSIONER FERNANDEZ: Okay. I have Commissioner
9 Taylor -- oh, wait. I'm going to go back to Aleks and
10 you have information for us. She's so good.

11 MS. KAJSTURA: So the latest quick answer I could
12 get on federal correctional facilities in California, so
13 that's when the facility's located in California as of
14 the 2010 census was about 20,000. And then, in 2019,
15 Bureau of Prisons reported out that people in federal
16 facilities, nationwide, that came from California was
17 about 9,000.

18 COMMISSIONER FERNANDEZ: Thank you, Aleks. I have
19 Commissioner Taylor and then Commissioner Akutagawa.

20 VICE CHAIR TAYLOR: Good morning. Two questions and
21 I like to hear things multiple times just to make sure I
22 get it right. So Aleks, you're stating that the law
23 regarding residents incarcerated populations is in
24 contradiction to practice. Can you just repeat that for
25 me, please? And my second question would be for Karin.

1 When we get the numbers -- when we get our dataset, will
2 that be inclusive of the adjustment or will we have to
3 adjust for it? Thank you.

4 MS. KAJSTURA: So yeah, residents law in California,
5 as in most states, runs contrary to the way the Census
6 Bureau defines residents for the redistricting counts.
7 And in California, it's in the Election Code Section
8 2025. A person does not gain or lose domicile solely by
9 reason of his presence or absence from a place while kept
10 in an armed house asylum or prison. So the -- basically,
11 in terms of election code, which governs representation
12 in the state, a person's residence remains their home
13 address even while incarcerated.

14 MS. MACDONALD: Thank you for the question,
15 Commissioner Taylor. You will not have to do the actual
16 adjustment. Luckily, we will do that for you.

17 COMMISSIONER FERNANDEZ: Okay. Commissioner
18 Akutagawa.

19 COMMISSIONER AKUTAGAWA: Yeah, thank you. I have
20 three questions now. For clarification, how many federal
21 prisons are there in California?

22 COMMISSIONER FERNANDEZ: I don't know if Aleks
23 knows. I know. I don't know.

24 COMMISSIONER AKUTAGAWA: Yeah, I was just curious if
25 the 20,000, you know, is it housed in one location or. I

1 mean. That's a very big prison otherwise, but.

2 MS. KAJSTURA: Roughly 15-ish. And I'm not really
3 sure. Well, let's see. I can give you the counties real
4 quick and sorry if I butcher these. Alameda, Contra
5 Costa, Imperial, Kern, Kern, Lassen, Los Angeles, Los
6 Angeles, Los Andros, Merced, San Bernardino, San Diego,
7 Santa Barbara, three.

8 COMMISSIONER AKUTAGAWA: Okay. So all throughout
9 the state. Thank you. My second question is, this is
10 for Karin. You mentioned that there's a difference
11 between the ethnicity and race data, between what the
12 CDCR is, I guess the California Department of Corrections
13 gives you and what you get from the census. What does
14 that mean or what -- what does that mean? What's the
15 difference and what's the impact?

16 MS. MACDONALD: Hi, Commissioner Akutagawa, this
17 is -- this is one of those questions that we could
18 probably talk about for five hours plus. So of course,
19 you know, CDCR, they are collecting data for different
20 reasons than the census. Right? So of course, what
21 they're collecting in the way that how -- in how they're
22 collecting it is a little different.

23 Also, you know, the census collect the fresh
24 dataset, quote/unquote, every ten years. And CDCR, they
25 have some people that have been there for quite some

1 time. And you know, input mechanisms have changed,
2 filing systems have changed, databases have changed, and
3 so forth. So there is a there's a little bit of a
4 difference there.

5 So what CDCR does is they actually ask people to
6 specify their ethnicity and then they assign a race based
7 on that. And the way they're doing it -- and again, if
8 perhaps I should send over the old PowerPoint that I
9 showed the last CRC because I have a couple of slides on
10 that issue on that PowerPoint. It is kind of interesting
11 how they're doing it, and it definitely does not
12 necessarily match up with census.

13 I looked at the previous census and found out that
14 some -- in some cases there seemed to be an overuse of
15 some other race category reported by the census. And I
16 see those of you who work with the census data, smile a
17 little. So that's when they -- when it didn't match up.
18 Essentially, then the census says, well, that's just some
19 other race. So you know, honestly, we'll do what we can
20 with, you know, an imperfect dataset to make sure that we
21 get these allocations done as best as we possibly can.

22 We'll see what they're going to report to us this
23 time, and then, you know, we can report back about how
24 well this is going to go.

25 COMMISSIONER AKUTAGAWA: Okay. And last question.

1 If we agree to do what's recommended to utilize the data
2 for incarcerated people based on their home domicile, not
3 their prison domicile. Would we need to vote on it or
4 would the CRC in 2030 need to vote on it again or is this
5 going to be the practice going forward without the next
6 Commission having to vote again on this issue?

7 MS. MACDONALD: I think that's, again, a legal
8 question. Perhaps Marian can help with that.

9 COMMISSIONER AKUTAGAWA: It looks like Kary might
10 have that answer.

11 MS. MARSHALL: Just a quick response from my
12 preliminary review. Unless it's changed in law by the
13 time 2030 comes into effect right now, it just appears
14 that the legislature is dictating the mandate for local
15 jurisdictions to use the adjusted data for the prison
16 populace. As of right now, it's not applicable to us.
17 And just as a reminder, the legislator doesn't dictate
18 CRC. We are an independent entity.

19 And I believe I'm earlier Commissioner Andersen
20 actually, you know, touched base when she mentioned that
21 it was applicable only to what was applicable to local
22 jurisdictions.

23 COMMISSIONER AKUTAGAWA: Does that mean that if we
24 agree to follow the recommendation to not utilize the
25 prison population domicile or the prison domicile as the

1 address and instead their previously known residential
2 address, does that become practice from here on out? So
3 in other words, will the 2030 Commission need to revote
4 on this again?

5 MS. MARSHALL: Well, just like you said, it's a
6 practice. It's not the law. And until the law change --
7 is just be is the preference of that particular
8 Commission

9 COMMISSIONER AKUTAGAWA: Got it. Thank you.

10 COMMISSIONER FERNANDEZ: Marian, were you going to
11 respond to that as well?

12 MS. JOHNSTON: Just to add -- just as the prior
13 Commission could not find this Commission, this
14 Commission can't find the next Commission. So I agree
15 with what Kary's recommendation was.

16 COMMISSIONER FERNANDEZ: Okay. Commissioner Sinay,
17 and then Commissioner Kennedy.

18 COMMISSIONER SINAY: A question was asked,
19 immigration detention centers are federal facilities. So
20 therefore, they're not counted -- they're not -- those in
21 those centers will not be part of this -- of these
22 numbers you're giving us. But the immigration detention
23 centers are not -- that they're not part of the 13 that
24 you all had mentioned earlier. Right? Those are in
25 addition to the federal the federal prison facilities.

1 COMMISSIONER FERNANDEZ: Aleks, would you know that
2 --would you happen to know that information? You're
3 looking for it now, I can tell you. Let me go to -- how
4 about if I go to --

5 MS. KAJSTURA: Yeah.

6 COMMISSIONER FERNANDEZ: -- Commissioner Kennedy or
7 are -- you want to keep looking?

8 MS. KAJSTURA: Well --

9 CHAIR LE MONS: Can you -- can you ask her to
10 please -- could you please go to Commissioner Kennedy?
11 And could we reserve the conversation to our state as
12 opposed to federal because the federal issues don't apply
13 to us. And if Commissioners have curiosities about
14 those, there's all kind of resources available to be able
15 to get your curiosity served. This would not be the
16 forum for that line of questioning. I prefer that we not
17 continue to go in that direction.

18 COMMISSIONER FERNANDEZ: Okay. Mr. Kennedy.

19 COMMISSIONER KENNEDY: This is not a matter of
20 curiosity. This is a matter of people of California who
21 may be in federal facilities. And we would like to have
22 a way of counting them and including them in our process.

23 CHAIR LE MONS: That's correct. But Karin MacDonald
24 and the Statewide Database will not be able to do that.
25 That's been made explicit in our presentation and I think

1 it's -- for us to keep asking our guests questions about
2 something that's beyond their scope and then having them
3 do real time research for us. If that's something that
4 we're interested in and we want to tackle as a
5 Commission, the federal issue, then we should do that is
6 my point.

7 COMMISSIONER KENNEDY: They -- I've printed out
8 Election Code Section 21-003 and the -- even for 2030, it
9 is -- it is using the requests language. So what we do
10 is what we do.

11 COMMISSIONER FERNANDEZ: Okay. Any other --
12 Commissioner Andersen. And I will agree with Chair Le
13 Mons, this is -- the focus right now is with the
14 legislation and having to deal with the state -- the
15 incarcerated people in state facilities. And so,
16 Commissioner Andersen.

17 COMMISSIONER ANDERSEN: Thank you. Right now, the
18 same counties must use this and therefore do so. And in
19 terms of -- that's like the for all of redistricting
20 within the cities and counties. If we also do this same,
21 how does that actually affect the counties? And what I'm
22 specifically wondering is, isn't that -- does that take
23 funding because the population would be lower? So if
24 funding goes down for their hospitals, schools, for
25 everything or how -- what are the, you know, do you --

1 can you ask this, or can you answer this, or is that sort
2 of beyond your expertise? And I think that's probably to
3 Ms. Karin.

4 COMMISSIONER FERNANDEZ: Aleks had actually
5 addressed it earlier, but I think she can go into more
6 detail.

7 MS. KAJSTURA: Yeah. So it -- the redistricting
8 data has no impact on funding because it is solely
9 limited to redistricting data. There's no funding
10 formula that looks to redistricting data to distribute
11 funds. So it's a separate dataset that will just be used
12 for redistricting, whether it's at the local level or The
13 state level. Other states that have done these
14 adjustments haven't seen any changes in the funding
15 formulas exactly for these reasons.

16 And this is why, historically, counties have -- it's
17 the counties that actually have the highest prison
18 populations that have led this kind of change for their
19 own -- for their supervisors redistricting. They'll
20 actually do the only kind of adjustment they can, which
21 is just to remove that prison population from their
22 county count when they're doing -- when they're drawing
23 their own board of supervisor districts. And it really
24 has no impact on the funding they get because it's just
25 the data they use for their districts.

1 COMMISSIONER ANDERSEN: Sorry. Just a minute.

2 COMMISSIONER FERNANDEZ: Commissioner Andersen, I
3 thought it was the total funds are divided up by county
4 based on population. Is that -- and then if they lose
5 that population, obviously the county funds will go down?
6 Is that -- is that not -- just not correct because I
7 might misunderstand that?

8 MS. MACDONALD: Perhaps I could weigh in on this
9 also, Commissioner Andersen. So I think what you're
10 talking about is the fact that census data are just being
11 used for a multitude of different reasons and public
12 health data funding, as you said, and then also
13 redistricting. What we're doing is we're just taking
14 redistricting and essentially putting it into a separate
15 box.

16 So the overall census data are not going to be
17 affected for any other purpose. So essentially, just
18 this one data set that goes to us to save our database
19 for redistricting purposes, that's where the adjustment
20 will happen. Everybody else -- all other data sets are
21 based on census for the next ten years, like the APS, for
22 example, which always uses the census as a platform and
23 the decennial data as a platform, they will all remain
24 the same. So none of these will be affected.

25 COMMISSIONER FERNANDEZ: Perfect. Thank you very

1 much. That was exactly my question. Any other
2 questions? I don't think I see anyone. Commissioner
3 Sinay, did you want to add anything as my partner?

4 COMMISSIONER SINAY: I wanted to just say that I
5 just have one. So just as an overview, as we started
6 going into this topic, we realized that -- well, I should
7 say Commissioner Fernandez, working in this area,
8 understood the how complicated was much quicker than I
9 did. But we didn't -- that it does get confusing with
10 the federal, the state, and the county jurisdictions of
11 the different prisons.

12 We also realize, as originally, we wanted to create
13 a panel that talked about these issues as well as
14 outreach, and we realized we needed to pull that --
15 separate them because outreach would also include county
16 and formerly incarcerated. So we will have those
17 conversations later. If Commissioners are interested in
18 more data about the federal -- getting a feel of that
19 federal, it is complicated for us to move forward on
20 that. And we could get general large numbers.

21 But as our two speakers have said, we can't -- it'll
22 be very difficult for us to pull them out and that that
23 percentage of our data will be 80 percent correct. As
24 Aleks had told us, that's kind of what the expectation
25 is. It's only going to get a little muddier if we also

1 try to add the federal. But you can let us know and we
2 can see what we can find. But I wanted --

3 CHAIR LE MONS: Excuse me, Commissioner Sinay. I
4 want to interrupt you. We do need to take a break. So I
5 want to let the public know that we're going to take a
6 15-minute break and we'll come back and we'll continue
7 this discussion. I hope our guests can stay in the event
8 that we have questions. And thank you as well, Aleks
9 Great, perfect.

10 So we'll pick up with you, Commissioner Sinay when
11 we come back. And we'll take a fifteen-minute break and
12 be back at 11:16.

13 (Whereupon, a recess was held from 11:01 a.m.
14 until 11:16 a.m.)

15 CHAIR LE MONS: All right. Welcome back. So if we
16 have -- I want to check to see if any Commissioners have
17 additional questions for our panelists before we move to
18 a motion to adopt the recommendation.

19 Commissioner Yee.

20 COMMISSIONER YEE: Yes. Thank you. Thank you to
21 our panelists. I'm just trying to think of any reasons
22 we wouldn't do this. I'm trying to think of who wouldn't
23 want us to do this, you know, and then practically
24 speaking, so check me on my logic here, panelists. I'm
25 thinking so if we remove incarcerated persons from their

1 places of incarceration, those districts would end up
2 geographically getting a little bigger, you know, to
3 capture replacement population.

4 And then, the districts where they're reallocated to
5 would get infinitesimally probably smaller, maybe in
6 practice actually not get smaller, but in theory get a
7 little smaller because they would have a little bit more
8 population. But again, that would not affect any actual
9 funding formulas for anybody who actually uses census
10 data. Is that the correct way of thinking? And if so, I
11 mean, it really doesn't sound like an effect that anyone
12 would oppose for any reasons I can think of.

13 I don't know. Have you heard of anyone? Has
14 anyone -- what, if anything, does anyone bring up in
15 opposition to this idea? Thanks.

16 MS. KAJSTURA: So the most kind of kneejerk reaction
17 in opposition is usually on the funding issue. And that
18 is, again, just a misunderstanding of how the data
19 functions. As Karin said, the redistricting data is in
20 its own box. It is not going to use for any federal or
21 any funding formulas.

22 So then you're limited to basically folks who will
23 lose out on this extra representation they've been
24 getting. And, you know, you're looking at the issues
25 nationally. We've had even representatives who have a

1 lot of prisons in their districts bring forth this sort
2 of legislation because they do want to change it. So
3 it's really comes down to very, very few people in a
4 state that benefit from prison gerrymandering. Because
5 if you think about the way it works, like you said, it's
6 transferring a lot of people out of the prison district
7 and you reallocate them back all over the state. So
8 nobody really -- no district will gain all that much
9 population. But that one district with a lot of prisons
10 will lose the population for political representation.

11 And so then, if you look at it that way, even the
12 district with the second most prisons in the state loses
13 out representation compared to that one, because it's a
14 skewing of representation all the way down the line. We
15 looked at -- and we've been talking about local districts
16 as well. And we looked at how this works out. We took a
17 smaller state just so it's more -- it was easier for us
18 to deal with. And we looked at Rhode Island and we
19 looked at, okay, who benefits all the way through?

20 So from -- you live in a city that has a prison in
21 it and you live right next to the prison, so you benefit
22 from having that extra representation at the -- at your
23 city council, your lower chamber state district, your
24 upper chamber state district, and all the way through the
25 political system. And we found that applied to 112

1 people that was 0.011 percent of the population.

2 So if you, you know, just over generalize,
3 extrapolate to Californian, that would be about 4,000
4 people in California you'd expect to really benefit from
5 prison gerrymandering. And those who liked that more
6 than the principles of equal representation, I guess,
7 could argue that let's keep up the way this.

8 CHAIR LE MONS: Thank you for that, Aleks. Any
9 other questions or comments, Commissioners?

10 So if someone would like to put forward a motion.

11 Commissioner Sadhwani?

12 COMMISSIONER SADHWANI: Yes. Thank you. I would
13 move that we adopt the recommendations of the
14 subcommittee that we the 2020 Citizens Redistricting
15 Commission -- I'm reading this here off of their handout,
16 which is posted online, shall deem people incarcerated in
17 a state correctional facility on April 1st, 2020, as
18 residing at their last known place of residence rather
19 than at the institution of their incarceration, as
20 described in Section 21003 of the Elections Code.

21 CHAIR LE MONS: Is there a second, Commissioner
22 Andersen? Could you verbally second, please?

23 COMMISSIONER ANDERSEN: I'd second it.

24 CHAIR LE MONS: Okay. So let's go to -- I'm sorry,
25 Director Claypool.

1 DIRECTOR CLAYPOOL: If I could just have that
2 reference again on the -- very slowly, on the actual
3 motion, please.

4 CHAIR LE MONS: Okay.

5 COMMISSIONER SADHWANI: So I'll read it again.

6 DIRECTOR CLAYPOOL: Please.

7 COMMISSIONER SADHWANI: We, the 2020 Citizens
8 Redistricting Commission shall deem people incarcerated
9 in a state correctional facility on April 1st, 2020, as
10 residing at their last known place of residence rather
11 than at the institution of their incarceration as
12 described in Section 21003 of the Elections Code.

13 DIRECTOR CLAYPOOL: Thank you.

14 COMMISSIONER SADHWANI: And that was actually the
15 recommended action of the subcommittee in the handout
16 that is posted on our website.

17 DIRECTOR CLAYPOOL: Thank you.

18 CHAIR LE MONS: Thank you very much, Commissioner.
19 Jesse, could you read the instructions, please? And
20 we're inviting public comment on the motion and
21 presentation that we just heard.

22 PUBLIC COMMENT MODERATOR: In order to maximize
23 transparency and public participation in our process, the
24 Commissioners will be taking public comment by phone to
25 call in total the telephone number provided on the

1 livestream feed.

2 The telephone number is 877-853-5247. When
3 prompted, enter the meeting ID number provided on the
4 livestream feed. It is 93989466294 for this week's
5 meeting. When prompted to enter a participant ID simply
6 press pound.

7 Once you have dialed in, you'll be placed in a queue
8 from which a moderator will begin and meeting callers to
9 submit their comments. You will also hear an automated
10 message to press star 9. Please do this to raise your
11 hand indicating you wish to comment.

12 When it is your turn to speak, the moderator will
13 unmute you and you'll hear an automated message that says
14 the host would like you to talk and to press star 6 to
15 speak. Please make sure to mute your computer or
16 livestream audio to prevent any feedback or distortion
17 during your call. Once you're waiting in the queue, be
18 alert for when it is your turn to speak. And again,
19 please turn down the livestream volume. These
20 instructions are also located on the website.

21 The Commission is taking public comment on the
22 motion to adopt the subcommittee's recommendation on
23 incarcerated populations. And at this time -- and I
24 would like to correct the meeting ID number is actually
25 91837803898.

1 Good morning, caller. Could you please state and
2 spell your name for the record, please?

3 MR. PANE: Absolutely. Eric Payne, E-R-I-C
4 P-A-Y-N-E.

5 PUBLIC COMMENT MODERATOR: The floor is yours
6 caller.

7 MR. PANE: Thank you. Good morning, Commissioners.
8 My name is Eric Pane. I'm executive director of the
9 Central Valley Urban Institute. You heard from us back
10 in October of late last year. We sent you a letter. And
11 we are coming before you again to stand in strong support
12 of the committee's subcommittee's recommendations. Thank
13 you for your time.

14 CHAIR LE MONS: Thank you, Mr. Pane. Our next
15 caller, please, Jesse, if we have anyone in the queue.
16 Jesse, are you there?

17 PUBLIC COMMENT MODERATOR: Yes, Chair, I'm waiting
18 for the caller to unmute themselves.

19 Callers, if you could please press star six. Good
20 morning, caller. Could you please state and spell your
21 name for the record, please?

22 MR. JONES: Yeah, my name is Ethan, E-T-H-A-N,
23 Jones, J-O-N-E-S.

24 PUBLIC COMMENT MODERATOR: Thank you, Mr. Jones.
25 Could you please -- or the floor is yours.

1 MR. JONES: Thank you very much. Thank you,
2 Commissioners. My name is Ethan Jones. I am the chief
3 consultant to the Assembly Elections Committee, and I am
4 authorized to speak today both on behalf of California
5 State Assembly and the California State Senate.

6 By way of a little bit of background, I have worked
7 for the Assembly Election Committee for twenty years now.
8 So I've been involved in the consideration of all of the
9 legislation that the original enactment of Elections Code
10 Section 21003 and the two subsequent bills that made
11 changes to that original bill. You had excellent
12 presentations from your two presenters today that gave a
13 very good overview, both of the rationale behind the
14 legislation and the mechanics of how this would work. So
15 I won't repeat their points, other than just to point out
16 that in enacting this legislation, the Legislature was
17 concerned that the policy of having individuals counted
18 in the facility where they are incarcerated for
19 redistricting purposes undermines the principles of their
20 representation. And that was the rationale for enacting
21 this bill.

22 I know there's been a lot of discussion this morning
23 about the fact that the legislation does not provide for
24 people who are incarcerated in federal facilities to be
25 reallocated. That was something that was considered

1 during the legislative process after the original bill
2 was enacted in that first follow up cleanup bill, A.B.
3 1986 from 2012. And ultimately, it was due to concerns
4 about the inability to get the data necessary to
5 appropriately adjust census data from federal facilities
6 that that was ultimately excluded from the legislation.

7 The -- in addition to those three bills as dealing
8 with redistricting at the state level, there has been
9 mention of the fact that in 2019, the California
10 Legislature enacted Assembly Bill 849 by Assemblymember
11 Bonta, which requires counties and cities, when they are
12 doing their redistricting, to use the adjusted data. So
13 this would be wholly consistent with that and shows the
14 legislature continued interest in this issue.

15 I'd also note that we have worked very closely with
16 Ms. MacDonald at the Statewide database to help make sure
17 that CDCR gets her the information that she needs and to
18 help make sure that the law is written in a way that it
19 is able to be implemented by her. She was instrumental
20 in helping come up with some of the language that went
21 into Assembly Bill 2172 in advance of this year's
22 redistricting process to make sure that the law was
23 workable for her and that she could provide the
24 Commission with the data so that if it chooses to go in
25 this direction, you have the ability to do so.

1 The last point I'd just make -- and this this was
2 referenced earlier as well. The Legislature, in enacting
3 Assembly Bill 420 and subsequent legislation in
4 recognition of the fact that it is this Commission that
5 has the ultimate authority to draw the district lines,
6 made the decision that it would be appropriate for us to
7 request for the Commission to make these adjustments in
8 the data that you are using to draw district lines,
9 rather than seeking to make that decision ourselves. And
10 with that, I'm happy to answer any questions that any of
11 the Commissioners may have.

12 CHAIR LE MONS: Do any of the Commissioners have
13 questions?

14 Commissioner Kennedy.

15 COMMISSIONER KENNEDY: I believe that we are in
16 something of a unique situation. And I would like to see
17 us make at least a good-faith effort that I mentioned
18 earlier to obtain information on federal prisoners. We
19 have a new senator who has been Secretary of State and
20 previously a legislator. I'm certain that Mr. Padilla is
21 well aware of the history of all of this and the fact
22 that he is going to be sitting in the Senate.

23 I would like to ask this Commission to request that
24 Senator Padilla send a letter to the Bureau of Prisons
25 requesting the data. We may not get it. But I would

1 like to see us ask for it. Thank you.

2 CHAIR LE MONS: Commissioner Sadhwani.

3 COMMISSIONER SADHWANI: I would agree with you,
4 Commissioner Kennedy. And while we have Mr. Jones on the
5 line, I wanted to ask if he knows if there's any
6 individuals or persons that we should be in contact with
7 to attempt to do that.

8 MR. JONES: Off the top of my head, I don't have
9 recommendations about who specifically you should contact
10 to get that information. This was something that was
11 discussed in 2012, in the immediate aftermath of two
12 states that had adopted similar policies for the last
13 round of redistricting.

14 And the change that was made in the 2012 legislation
15 was based, from my recollection, on the difficulty that
16 some of those states had in obtaining that information.
17 But off the top of my head, I'm sorry, I don't have
18 suggestions about who you might be able to contact to
19 best get that information.

20 CHAIR LE MONS: Thank you so much, Mr. Jones.
21 Jesse, do we have any additional callers in the queue,
22 please?

23 PUBLIC COMMENT MODERATOR: Yes, sure. One moment,
24 please.

25 Caller with the number ending in 7644, if you could

1 please press star 6 to unmute yourself. Good morning,
2 caller. Could you please state and spell your name for
3 the record, please?

4 MR. JONES: Oh, I've already given a public comment.
5 Thank you.

6 PUBLIC COMMENT MODERATOR: That concludes all
7 callers, Chair.

8 CHAIR LE MONS: Thank you so much. Thank you
9 callers for your comments and feedback.

10 Wanda, I'd like to go -- barring any additional
11 comments from Commissioners, I'd like to go to the vote.
12 Any comments?

13 Wanda, could you call the vote, please?

14 MS. SHEFFIELD: Commissioner Sadhwani?

15 COMMISSIONER SADHWANI: Yes.

16 MS. SHEFFIELD: Commissioner Sinay?

17 COMMISSIONER SINAY: Yes.

18 MS. SHEFFIELD: Commissioner Taylor.

19 VICE CHAIR TAYLOR: Yes.

20 MS. SHEFFIELD: Commissioner Toledo?

21 COMMISSIONER TOLEDO: Yes.

22 MS. SHEFFIELD: Commissioner Turner?

23 COMMISSIONER TURNER: Yes.

24 MS. SHEFFIELD: Commissioner Vazquez.

25 Commissioner Vazquez?

1 Commissioner Yee?

2 COMMISSIONER YEE: Yes.

3 MS. SHEFFIELD: Commissioner Ahmed?

4 COMMISSIONER AHMAD: Yes.

5 MS. SHEFFIELD: Commissioner Akutagawa?

6 Commissioner Andersen?

7 COMMISSIONER ANDERSEN: Yes.

8 MS. SHEFFIELD: Commissioner Fernandez?

9 COMMISSIONER ANDERSEN: Yes.

10 MS. SHEFFIELD: Commissioner Fornaciari?

11 COMMISSIONER FORNACIARI: Yes.

12 MS. SHEFFIELD: Commissioner Kennedy?.

13 COMMISSIONER KENNEDY: Yes.

14 MS. SHEFFIELD: Commissioner Le Mons?

15 CHAIR LE MONS: Yes.

16 MS. SHEFFIELD: Motion passes.

17 CHAIR LE MONS: Thank you, Wanda.

18 MS. SHEFFIELD: You're welcome.

19 CHAIR LE MONS: So with that, we want to thank our
20 guests, both Karin and Aleks, for joining us this
21 morning.

22 Commissioner Fernandez?

23 COMMISSIONER FERNANDEZ: Yes. When we was when we
24 spoke with Karin about this issue, she also brought up a
25 census data issue. I didn't know if we wanted to talk

1 about it now or maybe for a future issue. She had
2 concerns with the census data once we received it, so I'm
3 not sure if we want to do that now or table it.

4 And then the second piece of it is yesterday Fredy
5 mentioned the letter from Dr. Weber that we received. So
6 I think at this point it would be appropriate for us to
7 respond since the motion has already passed.

8 CHAIR LE MONS: Okay. So let's first start with Ms.
9 MacDonald.

10 Is that something you'd like to address while you're
11 here?

12 MS. MACDONALD: I will be happy to talk to you very
13 briefly about that. If you would like me to have time
14 for it.

15 CHAIR LE MONS: Sure.

16 MS. MACDONALD: Okay. So yes, I do. And I think
17 Aleks will agree. We -- I think many of us in the kind
18 of census user community have some significant concerns
19 about what we're going to get from the census. The
20 census is still working through some of the issues of
21 data release. Of course, many of you have probably seen
22 that they just posted another delay to the apportionment
23 data. They say that there are operational difficulties,
24 so the data get pushed back further and further.

25 And one of the things that's happening is that

1 they're using a new disclosure avoidance system called
2 differential privacy. And with differential privacy,
3 they are holding some populations invariant, but not
4 prison population. So what that means -- and we could
5 talk about this for a longer period of time also, so you
6 may consider whether you want to agenda for a separate
7 conversation. But just to give you the little nutshell,
8 they are not reporting, essentially, the prison
9 populations in the way that they were reported by CDCR to
10 them.

11 So essentially, even though CDCR gave us, Statewide
12 Database, the same data set that they gave to census, the
13 census will be reporting these numbers differently. They
14 will be reporting different characteristics, so the race
15 and ethnicity will be different. And they will be
16 reporting different total populations because of this
17 disclosure avoidance system. And that is something that
18 we are all grappling with. And I have certainly pushed
19 back on that.

20 I don't know if Aleks wants to weigh in on it. I
21 know -- I'm not -- we're not the only ones that have that
22 problem. And it's also far from the only problem that
23 we're seeing with this new disclosure avoidance system.
24 But this is just to give you a heads up, because, you
25 know, from the Statewide Database perspective, we're

1 supposed to give you an accurate data set. And of
2 course, that relies on the fact that we are getting
3 accurate data from the census.

4 So these things just become a little bit more murky
5 as we go down the road. And I think you should have the
6 heads up on this that there are some things that are in
7 the works and that may create a problem.

8 CHAIR LE MONS: Thank you for that, Ms. MacDonald.
9 We do have a subcommittee action on census. I'd like to
10 encourage that. So I know you are already in
11 communication with Ms. MacDonald at all regarding these
12 issues, but we really will lean on that subcommittee to
13 bring forward an agenize items, as we move forward, that
14 that require a deeper dive or some additional attention
15 from the Commission. And I believe that's Commissioner
16 Sadhwani and Toledo.

17 So if you guys will take up the charge in that area,
18 we know this is a moving target and ever evolving as it
19 relates to the census and the census data. So whatever
20 decisions that influence as we try to use our positions
21 here to influence in the past will of course, want to
22 continue to do that.

23 Does anyone have any questions regarding this topic
24 for Ms. MacDonald or for Aleks? Okay with that, we --
25 you brought up a letter, Commissioner Fernandez, that --

1 Director Ceja would like to present.

2 Are you prepared to do that, Director Ceja?

3 DIRECTOR CEJA: Yes. So a few days ago we received
4 a letter from Assemblymember, Dr. Shirley Weber, pretty
5 much indicating that the Commission should consider
6 counting individuals who are incarcerated in their last
7 residence as opposed to where they're being held. And I
8 do believe the Commission has taken the appropriate
9 measures today, and that is the response that we'll
10 include in the letter sending it back to Dr. Weber.

11 CHAIR LE MONS: Okay. Anybody have any questions
12 regarding what Director Ceja referring to or our action?
13 Commissioner Andersen?

14 COMMISSIONER ANDERSEN: I just have one thing I'd
15 like to either propose or add to the lessons learned or
16 put off note, is in 2029, I do recommend that we come
17 back to this and reauthorize the Statewide Database to
18 essentially do the same thing for us that the CRC
19 information goes the Statewide Database. And we have
20 this fantastic, very comprehensive, but concise
21 conversation, essentially, they're great pros. There are
22 essentially no cons.

23 And I would recommend that we write that up briefly
24 for the 2030 Commission, so they don't need to go through
25 this. And if we'd like to consider, you know, do we want

1 to put some legislation together, such that that's
2 already in our charge and it doesn't have to be addressed
3 every ten years? I don't know if Chair, you want to do
4 something with that or we send that to the Lessons
5 Learned Committee or like to address that.

6 CHAIR LE MONS: Two things. One is -- so I'm sure
7 Commissioner Kennedy, who represents the Lessons Learned
8 Committee, along with Commissioners Ahmed, are noting
9 that. Also I know we keep referencing -- I'll take this
10 moment to go on and officially establish the incarcerated
11 population subcommittee that we keep alluding to that
12 does it officially as this.

13 So we will -- I'm going to establish the
14 Incarcerated Populations Subcommittee, which will be
15 Commissioners Fernandez and Sinay. And then they too can
16 take up this matter and associate -- associated matters
17 as we move forward as a Commission and bring forward
18 recommendations as well as agendas as appropriate, those
19 issues that require us to have more involved deliberation
20 and take actions on. Barring any objections to that,
21 we'll move forward that way. Commissioner Fornaciari?

22 COMMISSIONER FORNACIARI: I just have a question for
23 Ms. MacDonald. Seems like -- so do you have a kind of a
24 best guess as to when we might see the census data at
25 now, you know, considering the way things are? And then,

1 how do you think that the problems with differential
2 privacy might impact that?

3 MS. MACDONALD: That's a big question, Commissioner
4 Fornaciari

5 COMMISSIONER FORNACIARI: Yeah. I was kind of
6 afraid to ask it, so -- but.

7 MS. MACDONALD: Yeah. So let me take the first
8 piece first. Well, we're definitely not going to see the
9 PL-94 data said by the last day of, you know, by April 1,
10 essentially. It's going to be pushed back. If you're
11 looking at what we found out yesterday, which is that the
12 apportionment data are not even going to be out until
13 early March. And if you look at previous timelines,
14 which essentially had apportionment data out by the last
15 day of December and then redistricting data, you know,
16 basically by the end of March.

17 So there was a three month difference in between. I
18 mean, over the thumb, of course, I know as much as you
19 do. It looks like we're looking at a significant delay
20 there. We know that they had originally -- when they
21 first got the extension granted, that they then walked
22 back, they had asked to be able to deliver data by the
23 last day of July. And I think that data is starting to
24 become more and more realistic, to tell you the truth.

25 So I think we may see the data a little bit before

1 then. But my guess -- and really this is only a guess,
2 is that we're really looking at, like, June or July to
3 get census data. And in terms of differential privacy,
4 they have released four different, what they call
5 demonstration products. So basically, test data sets
6 where they tried out differential privacy on the 2010
7 census data just to see what it would do. And it's not
8 pretty.

9 They're still working on this algorithm. Usually
10 the census takes, you know, eight years or so to
11 implement something new. In this particular methodology,
12 they didn't start working on implementing until 2018. So
13 you know, nobody's really surprised that they have a lot
14 of issues with it, but they're also kind of operating a
15 little bit in a black box, so they're not as transparent
16 as we're used to. So when they're talking about
17 operational challenges, we don't really know what that
18 means. So there's a little bit of unease out there.

19 But you know, on the positive end, there are a lot
20 of really smart people and, you know, state demographers
21 and so forth that are trying to give input to census.
22 And we're hoping that they're going to be receptive.
23 We're hoping that with these delays, they're actually
24 going to take that time and engage in more conversation
25 with outside statisticians and people that know something

1 about privacy to see whether there is perhaps some
2 different methodologies that they can use and so forth,
3 because we know the data are going to be affected.

4 We're just not entirely sure to what degree and how
5 much of a problem it's going to be. For prison
6 populations at this point, if they are reporting, you
7 know, the group quarters the way that they're planning
8 on, it's definitely going to be a problem. It's going to
9 be a significant problem for the states that have to do
10 this and everything else, we're just not sure yet.

11 CHAIR LE MONS: Thank you.

12 COMMISSIONER FERNANDEZ: I think you're on mute,
13 Chair.

14 CHAIR LE MONS: Thank you for that. I said, with
15 that, I'd like to thank Aleks and Karin for their
16 presentations today and all the helpful information. And
17 then I was asking if, well, if Commissioners Fernandez or
18 Sinay had any closing comments.

19 Well, thank you so much for joining us. And I'm
20 sure we'll be seeing you again without a doubt. Have a
21 wonderful rest of your morning.

22 And I just want to say to Commissioners Kennedy and
23 Sadhwani, to please feel free to bring your concerns and
24 recommended actions to the newly formed subcommittee
25 around the incarcerated populations at the federal level.

1 And then, you know, be in communication with that
2 subcommittee about any things that we might be able to do
3 in terms of advocacy -- whatever it is that that you're
4 proposing that we want to do. And then agenizing those
5 for our upcoming meetings as well so we can pursue that
6 aspect of the matter.

7 Okay. Any other questions or feedback regarding
8 this topic before we move on? See none. So what I'm
9 proposing that we do is go on and break for lunch, now.
10 I don't want to tell the public a different report time.
11 So I'd like us to do the afternoon agenda item of the
12 recommendations on language access, particularly because
13 that has been a really hot topic and a lot of people have
14 interest in it. And there was some request of us to try
15 to nail down a time. So we did.

16 Originally, we were going to do it on Wednesday and
17 because we were so efficient with our agenda and we got
18 it done, which is going to be in two days, we moved it to
19 this afternoon at 1:30. So my recommendation would be to
20 break for lunch now return at 1:20, 1:25 in preparation
21 for the 1:30 agenda item. That way, we give the public
22 an opportunity for those who aren't tuning in and
23 watching us live right now to know that that that's when
24 we'll be back. And we'll tackle our final agenda item of
25 language access recommendations at 1:30.

1 Do I have any objections from Commissioners on this
2 plan?

3 Commissioner Fornaciari?

4 COMMISSIONER FORNACIARI: Yeah. Commissioner Sinay
5 brought up a question earlier that I think we need to
6 address that didn't get addressed. And that who has
7 ownership of planning and scheduling or public outreach
8 meetings?

9 CHAIR LE MONS: So my -- I thought when she asked
10 that question -- I'm not professing to have the answer.
11 But that was going to be determined as a part of our
12 broader outreach plan. Isn't that one of the subsets of
13 our outreach? Is that -- we're talking about a subset of
14 our outreach. Is that right today, Commissioner Sinay?

15 COMMISSIONER SINAY: No. The assumption that we had
16 been moving on was that when we did the community of
17 interest input that that was going to fall under our line
18 drawers to design those sessions and the times and stuff.
19 And so we hadn't moved into that. We can, but we wanted
20 to make sure -- you know, no one was -- no one was owning
21 that piece up to now, and so we wanted to make sure -- I
22 brought it up because I wanted to make sure we did have
23 an owner.

24 CHAIR LE MONS: Couple things. What I recall is the
25 line drawer subcommittee has put out within the RFP some

1 different models, if you will, and they're asking the
2 line drawers to respond to it. And I think that's an
3 outstanding question that will get more crystallized as
4 we move forward in understanding the scope of what the
5 line drawers are going to do. And I do feel that that
6 dovetails with our broader outreach strategy -- is a
7 subset of it. It's one of the types of meetings that
8 we'll do.

9 So I think it isn't something that we need to define
10 an owner today to make sure that it's happening. It's
11 happening within a couple processes and will come
12 together. And I think it'll make a little clearer about
13 who that owner should be as we move forward.

14 So can that subcommittee -- which I believe is
15 Sadhwani and Andersen, in concert with our director of
16 communications, Ceja, in concert with our deputy
17 executive director, Hernandez -- tackle this question?
18 And of course, our executive director. But please tackle
19 this question and come back with some recommendations at
20 a future meeting as to how we're going to handle that.
21 Is that okay?

22 COMMISSIONER ANDERSEN: Yes, absolutely.

23 CHAIR LE MONS: Okay. Looks -- I see a lot of
24 affirmative. All right, so with that, we're going to
25 break for lunch and I'll see everybody back at 1:25. So

1 we'll be ready to jump into our final agenda item at
2 1:30. Enjoy your lunch.

3 Welcome back, everyone. I hope you had a nice,
4 enjoyable lunch. We're going to first go to public
5 comment, as we do typically following our lunch hour, and
6 receive public comment -- general public comment. And
7 then we will come back after public comment and hear from
8 our Language Access Subcommittee who has some
9 recommendations for us to explore.

10 So Jesse, if you could read the instructions and
11 invite the public forward for our afternoon public
12 comment?

13 PUBLIC COMMENT MODERATOR: In order to maximize
14 transparency and public participation in our process, the
15 commissioners will be taking public comment by phone. To
16 call in, dial the telephone number provided on the
17 livestream feed. The telephone number is 877-853-5247.
18 When prompted, enter the meeting ID number provided on
19 the livestream feed; it is 91837803898 for this week's
20 meeting. When prompted to enter a participant ID, simply
21 press pound.

22 Once you have dialed in, you'll be placed in a queue
23 from which a moderator will begin unmuting callers to
24 submit their comments. You will also hear an automated
25 message to press star 9. Please do this to raise your

1 hand indicating you wish to comment. When it is your
2 turn to speak, the moderator will unmute you and you will
3 hear an automated message that says the host would like
4 you to talk and to press star 6 to speak. Please make
5 sure to mute your computer or livestream audio to prevent
6 any feedback or distortion during your call.

7 Once you are waiting in the queue, be alert for when
8 it is your turn to speak. And again, please turn down
9 the livestream volume. These instructions are also
10 located on the website.

11 The Commission is now taking general public comment
12 at this time.

13 Caller, if you could please press star six to unmute
14 yourself.

15 MS. CAMACHO RODRIGUEZ: Hello?

16 PUBLIC COMMENT MODERATOR: Hello. Could you please
17 state and spell your name for the record, please?

18 MS. RODRIGUEZ: It's Martha, M-A-R-T-H-A, Camacho
19 Rodriguez, C-A-M-A-C-H-O R-O-D-R-I-G-U-E-Z.

20 PUBLIC COMMENT MODERATOR: Thank you. The floor is
21 yours.

22 MS. RODRIGUEZ: Thank you. I just wanted to say
23 thank you to the individuals present for this hearing,
24 and the wonderful information that you are giving to the
25 public. And I'm pleased to see that we are finally going

1 to give our community a seat at the table, and that we
2 are, in fact, going to include our incarcerated community
3 members.

4 And so I live in southeast Los Angeles, and I think
5 it's super important as you're making decisions for
6 communities that are highly impacted with, you know,
7 environmental justice issues, political issues, and
8 you're drawing up lines, that you keep the community's
9 voice at the forefront when you make these decisions.
10 And so I appreciate your hard work. Thank you.

11 CHAIR LE MONS: Thank you, Ms. Camacho Rodriguez,
12 for your comments.

13 Jesse, do we have other callers in the queue?

14 PUBLIC COMMENT MODERATOR: We do, Chair. One
15 moment, please.

16 Good afternoon, caller. Could you please state and
17 spell your name for the record, please?

18 RENEE WESTA-LUSK: Yes. Renee Westa-Lusk.
19 R-E-N-E-E is the first name. Last name is W-E-S-T-A, and
20 then there's a hyphen, and then it's Lusk, L-U-S-K.

21 I want to thank the commissioners that spoke
22 yesterday about reaching out to the various communities.
23 And I will do what I can to have my community reach out
24 to some of the commissioners. And I appreciate that
25 invitation that you gave yesterday.

1 And I also just wanted to clarify a little bit about
2 the redistricting 101 document that was presented
3 yesterday. The reason why I brought up about the topic
4 of that you need to clarify the -- what you -- what kind
5 of testimony, what kind of letters you want, what kind of
6 content in the email when you have the redistricting
7 hearings is because there were a few comments that got
8 political in some of the hearings that I -- redistricting
9 hearings I went to in 2010. But I think you're going to
10 have to educate the public specifically what kinds of
11 testimony you're -- that you need from them.

12 And that's why I mentioned the clarification of the
13 criteria will be really important because you don't want
14 to spend a lot of your time having to throw out some
15 testimony, because I know the last redistricting
16 commission had to throw out some letters and comments
17 because they were just way too political and didn't give
18 them any value and -- valuable information to help them
19 draw the lines or to get an idea of a community of
20 interest, which also helps you draw the lines. So that's
21 what I wanted to just clarify.

22 I didn't want to make it sound like there were lots
23 of political comments, but there were some. And in the
24 heated atmosphere we find our country in right now, I
25 think you're going to have to emphasize no partisanism

1 put in any kind of comments for the redistricting
2 hearings. But thank you for letting me comment.

3 CHAIR LE MONS: Thank you, Ms. Westa-Lucks (sic) --
4 Lusk, my apologies.

5 Jesse, do we have additional callers in the queue?

6 PUBLIC COMMENT MODERATOR: It is uncertain right
7 now, Chair.

8 As a reminder, callers, if you could please press
9 star nine to raise your hand to indicate you wish to
10 comment.

11 One more time, callers, if you could please press
12 star nine if you wish to make a comment and have not yet
13 done so.

14 Chair, I don't see any participants raising their
15 hand.

16 CHAIR LE MONS: Okay. Thank you very much for that,
17 Jesse.

18 So at this time, we'll move to agenda item number
19 13, Language Access Recommendations. So I'd like to turn
20 the floor over to Commissioners Akutagawa and Fernandez.

21 COMMISSIONER AKUTAGAWA: All right. Great. Thank
22 you very much, everyone, for giving us this time to
23 present. I just want to acknowledge that we did submit,
24 and it was posted to the commission website on Sunday
25 evening, our yes, rather long document although what we

1 wanted to do is to summarize. And we captured all of the
2 input that we got as a result of the panel presentations.

3 I do want to just say, for the purposes of the
4 commissioners and also anybody who is listening in and
5 has been looking at the documents, the real -- the first
6 two pages are probably the most important parts because
7 that does include our initial recommendation. Pages 3
8 through 5 is a summary of the common recommendations that
9 we heard from all of the presenters. And then the pages
10 that remain, from pages 6 through 20, just to make it
11 easier, we summarized or we captured all of the
12 recommendations provided by all of the panelists so that
13 it was all in one document. And so that's why it is a
14 rather daunting number of pages. But the actual real
15 parts are pages 1 and 2.

16 And then also I want to acknowledge that we have
17 separately a spreadsheet that accompanies our two pages
18 of our -- of our recommendations document, of which our
19 recommendations are aligned and are based on that
20 spreadsheet. So I just wanted to put that out there.

21 So I want to just start by just speaking to what
22 our -- or Commissioner Fernandes and I, what our
23 understanding of what the purpose of the Language Access
24 Subcommittee is. And our understanding is that we were
25 to recommend the languages to be provided by the

1 Commission in its outreach materials and during public
2 meetings, and that these recommendations will lead
3 eventually to the contracting of interpretation and
4 translation services. In terms of the outcome, what we
5 identified were that there are multiple language and
6 cultural factors as well as recommendations that could
7 impact the Commission's ability to ensure greater
8 accessibility and broad, inclusive, and equitable
9 participation in the redistricting process.

10 And I wanted to also note that as a process, what we
11 engaged in is that over four different redistricting
12 commission meetings -- California Citizens Redistricting
13 Commission meetings, I realize that I should be very,
14 very intentional and also very clear about what meetings
15 we're talking about based on yesterday's conversation.
16 We did have four meetings from late October through early
17 December in which we had multiple panels featuring
18 experts from various diverse communities presenting not
19 only their -- some brief community information, but also
20 barriers and their recommendations for greater
21 accessibility, outreach, and engagement. And as I
22 mentioned, the summary of their recommendations follow on
23 page 6 through 20.

24 We also reviewed and analyzed different documents as
25 well, too. And we did include what those documents are.

1 And I believe on the documents that -- or what was posted
2 to the website, if you click on those names, you should
3 be able to hyperlink to what the actual documents are.
4 So I just wanted to share that in terms of what our
5 process was.

6 I'm going to turn this -- the next page over to
7 Commissioner Fernandez to go through the recommendation.

8 COMMISSIONER FERNANDEZ: Okay. Thank you,
9 Commissioner Akutagawa. And we also wanted to mention
10 that we did -- based on information that we heard
11 yesterday as well as -- or discussions from yesterday as
12 well as information that we received, there's not an
13 action item for this, we will be coming back in two weeks
14 because we're going to revisit some of the areas. So
15 right now, we're just kind of giving you what we have so
16 far. And so it may look differently, we're not sure to
17 what extent, in two weeks when we come back with action
18 items.

19 So hopefully the commissioners were able to download
20 the spreadsheet that basically it show -- how I came up
21 with this is I use the information from the Secretary of
22 State their elections information. And what it does is
23 it shows by county what languages must be translated
24 versus what ballots, per se, need to be translated in
25 terms of being available for those people that come in to

1 vote and request a ballot in a specific language. And
2 that would be what we would call the language -- the
3 precinct level. So if it's over three -- if there's --
4 if there's a population in that county that is over 3
5 percent that is non-English, they're required to provide
6 a ballot at the precinct in that language.

7 And so we use this information to -- this, plus in
8 combination with the panel members, we use the
9 information to come forward with our recommendations.
10 And so based on that information, and as you look -- as
11 we started to look at the spreadsheet and we divided it
12 into our zones, so of course, the zones that are shown
13 now are not -- do not match the zones that we approved
14 yesterday in terms of the (audio interference). So we'll
15 definitely update that for our next meeting. So based on
16 that information that we came up with, and if you look at
17 the zones, you can definitely see that there's language
18 translation needs in specific areas, not necessarily
19 statewide.

20 So our first recommendation was to contract for
21 statewide translation interpreter services for Chinese
22 Mandarin and Chinese Cantonese, Spanish, Tagalog, and
23 Vietnamese because that was pretty much throughout -- I
24 don't want to say every single county, but Spanish,
25 almost every single county. If you look at the

1 spreadsheet, it does have a large population of Spanish
2 speakers.

3 And so then we went from that, then we went to the
4 next level in terms of, okay, that statewide is what our
5 recommendation is. But then there are also area-specific
6 translation and interpreter needs. And for that, we did
7 say, okay, for those areas, for American Indian, Arabic,
8 Armenian, Cambodian, Hmong, Japanese, Korean, Punjabi,
9 Persian, Syriac, and Thai, those would be specific to the
10 areas that is shown on this chart where there is a large
11 concentration of that language.

12 And then our third recommendation was to work with
13 local communities to provide area-specific translation
14 services for the remaining languages as needed. And this
15 is kind of where our recommendations will probably change
16 for the next meeting, because we did speak with staff and
17 we kind of have -- we have to revisit this because we
18 need to determine what the costs would be, like, for each
19 additional language that we, you know, approve to
20 translate, what does that mean? Right?

21 And then also, that's just one piece of it. The
22 second piece of it is, as we go out and we do our
23 outreach and our input meetings, we at some point will
24 have to decide, you know, you need to let us know we can
25 advance what type of interpreter services may be required

1 so that we can make sure that we contract with that
2 because we can't be expected to be available to provide
3 interpreter services for every language throughout the
4 state.

5 So three and four, we do have recommendations there,
6 but those are the ones that will probably be more fluid
7 in terms of when our recommend -- in terms of our final
8 recommendation next time. And of course, we all -- we
9 want to work with our partners and our community-based
10 organizations, as we heard, especially with the -- with
11 the tribal organizations. They highly recommended that
12 we go through them in terms of any sort of message or
13 outreach that we want to do for various reasons. And of
14 course, we want to make sure that we are very respectful
15 of cultural needs and languages.

16 And so also what we want to come away with is there
17 is so much information. I mean, we could -- Commissioner
18 Akutagawa and I we're talking, we could probably study
19 this for six months and we still -- I'm not sure how far
20 we would get, but at some -- but we have to draw the
21 line. I said, well, actually, we're going to draw the
22 line. But we had to draw the line on language access in
23 terms of, okay, we've got a cutoff point.

24 And so as we are all reaching back out to our
25 regions, it would be extremely helpful if you would ask

1 them, one, what their translation and interpreter needs
2 are, and also the number of population that requires that
3 translation and interpreter services. Because when you
4 look at the precinct information, obviously it's not
5 going to account for every single resident in California
6 because many are not registered to vote or can't vote.
7 So that would just be more information that would be
8 helpful for us as we move forward in our California
9 redistricting activities.

10 Commissioner Akutagawa, was there anything else that
11 we wanted to add before we open it up for discussion?

12 COMMISSIONER AKUTAGAWA: Yeah, I'll just add a few
13 more things. I mean, one, we want to be mindful in terms
14 of the various (audio interference). You know, I know
15 that there's default languages, for example, that we
16 recommended for the COI tool that was used by the
17 Secretary of State as well as the -- particularly by the
18 California Census Office. So Commissioner Fernandez and
19 I have kept that in mind. I think, as she said, there's
20 kind of some distinctions that I guess -- there's some
21 distinctions to be made, but at the same time, this is
22 where some of the fluidity, I think, is going to need to
23 perhaps be taken into account.

24 So one, when you look at these kind of -- these
25 first two recommendations, part of it is also going to,

1 as she said, depend on what are going to be the needs
2 during the public hearings. And then part of it is also
3 around what will we be able to provide in written
4 material form. And then this is where there's going to
5 need to be some of the partnership conversations that I
6 think we're going to have to have with the different
7 community-based organizations because throughout the
8 presentations, what we did hear is that many of them are
9 willing to help, be partners, to ensure that languages
10 that we may not be directly translating materials or to
11 provide other kinds of translation services during public
12 hearings, they are willing to step up. And obviously,
13 this then connects back to some of the conversations that
14 are also going on around the grants and the outreach
15 grants that would be eventually provided to different
16 community-based organizations.

17 I think there's still some, I would say, some
18 ambiguity around that. That that still means that not
19 everything is going to be set in stone. And I think
20 that's also partly what Commissioner Fernandez was
21 talking about, that there's going to be, I think, some
22 updates to what we're doing. But for the purposes of at
23 least giving something for all of the commissioners and
24 also everybody and anybody who's interested in this topic
25 and is listening in, we figure it's better to start with

1 something then to just leave everything just kind of
2 open-ended right now. So I wanted to say that.

3 Also, as I mentioned, we summarize some of the
4 common recommendations and considerations that were
5 brought up by the panelists. And so what you'll see on
6 pages 3 through 5 are the compilations of those. As best
7 as we can, we try to keep -- or we try to -- we try to
8 keep in their own words what was recommended. But where
9 there was, you know, similarities or repetition of the
10 same message, we consolidated it into some of these big
11 buckets that you'll see. You know, for example, around
12 using trusted messengers, working with communities,
13 utilizing ethnic media, suggestions or recommendations
14 around public meetings and hearings, and then translation
15 and interpretation work. And then lastly around
16 education. And then -- you know, just some important
17 language and communication considerations that we felt
18 was important to call out and lift up.

19 These are not necessarily all what we would call
20 language access kinds of considerations or
21 recommendations, but are still important to the outreach
22 and engagement, and we didn't want it to get lost. So we
23 created these pages here for everyone's review as well,
24 too. And again, as best as we could, we tried to keep it
25 in the words that our presenters gave to us, other than

1 in the areas where, you know, I may have consolidated it
2 into similar things so that we were reading the same
3 thing over and over again.

4 Last thing I want to say, and this is the part about
5 working with local communities, what we did learn and
6 that we did not include in this is that given advance
7 notice, we are not going to be limited to, for example,
8 the top twelve languages that we might have used in the
9 COI tools. There is possibilities that, with advance
10 notice, we may be able to provide language translation or
11 interpretation services for public hearings, with advance
12 notice, that may be a language that may not be, you know,
13 one of the ones that the Secretary of State requires or
14 that the Census Bureau also used.

15 So there is a possibility that there may be
16 definitely ranges, but we also -- I also want to say we
17 heard and we do acknowledge that some people would feel
18 more comfortable coming with their own family members or
19 other trusted resources to come and perhaps bring for
20 interpretation services. I think what -- maybe the one
21 distinction that I'll say is that in terms of having --
22 without advance notice on-demand translators, that I
23 think is up for discussion.

24 Most likely, I think -- Commissioner Fernandez, I
25 think we spoke about maybe having Spanish as probably the

1 only one that we may want to make sure that we have at
2 all meetings translation services available. But for all
3 other languages, including even the ones that we're
4 seeing statewide, we may -- we would probably just ask if
5 people could notify us that there will be needs for
6 certain kinds of translations.

7 The statewide languages is really applied. I
8 believe our intent was really more around materials and
9 even then, after the presentation yesterday, I think
10 we're having conversations about what specific materials
11 would be translated so that it has the most impact. And
12 then, what materials would we translate into the
13 additional languages as we go out into communities, and
14 that it's identify that there's a specific need.

15 So that's what we're talking about in terms of
16 there's some fluidity that we want to just acknowledge is
17 going to be happening. And that may not make people
18 happy, but we're trying to be responsive, too, so.

19 CHAIR LE MONS: Thank you, Commissioners Akutagawa
20 and Fernandez. Before we get into the feedback and
21 discussion, could you lift up what some of the key
22 takeaways you're expecting from this discussion to
23 further the work that you need to do next? I understand
24 that the discussion today is going to inform some more
25 official recommendations that you'll be bringing in a

1 couple of weeks. So if you could just give us a little
2 bit of a frame as what will be of greatest use to you in
3 terms of -- from your own perspective, in what you need.
4 And that doesn't mean that there can't be other feedback,
5 of course. But I do want to make sure that the
6 discussion is focused on really helping you be able to
7 move your work forward.

8 COMMISSIONER AKUTAGAWA: Maybe I'll start first. I
9 think what would be helpful -- so one thing we're doing
10 is we're -- we should -- we're investigating more of the
11 different costs for the translations of all of the
12 materials and what choices we'll have to make. So for
13 example, with the presentation yesterday around the
14 redistricting basics and the video, we're looking into
15 what would be the costs to translate into multiple
16 languages, up to -- not just the five that we recommended
17 for statewide, but also up to the twelve that we are
18 using, for example, on the COI tool. And then what would
19 the additional cost be if we were to go beyond those
20 twelve to go to maybe additional -- I think it was like,
21 you know, maybe up to twenty additional languages. What
22 would the cost be? Those are things that we're weighing.

23 But what would be helpful, I think, is in addition
24 to the video, we're looking at producing different kinds
25 of materials. What would the commissioners feel is most

1 important to translate? Because we're going to have to
2 make some choices about what materials we'll have to
3 translate into broader languages. What would be most
4 important? And that would also be important for us to
5 hear from the committees as well, too.

6 Obviously, you know, we expect that we're going to
7 get lots of feedback on this document. Like I said, I
8 think we just wanted to put something out there for
9 people to react to, but that would be helpful because at
10 some point we're going to have to decide what's important
11 enough to translate and what would be of most use to
12 communities versus trying to translate all documents.
13 That's just going to become really unwieldy for, I think,
14 all of us in multiple ways. So.

15 Commissioner Fernandez, anything else that you feel
16 would be important?

17 COMMISSIONER FERNANDEZ: No. I mean, I think you
18 hit it right on target. The goal -- part of our goal
19 will also be is we need to start the process of
20 contracting for translation -- interpreter services. So
21 the longer -- we felt, the longer we put this off, the
22 longer it's going to take to get that contract finalized.
23 So yes, we just need to know -- we need to get to the
24 point where we can actually start that process.

25 And I would probably defer to Director Claypool in

1 terms of how long that will take. I do know that
2 Translation Interpreter Services is on the California
3 multiple award Schedule, so it doesn't have to go through
4 the full RFP process, which definitely cuts down the
5 timeline. But as we saw yesterday, starting next month,
6 potentially, and Commissioner Sinay next week, we'll be
7 going out to conduct informational or educational
8 presentations. So we really need to get going on the
9 contract side of it.

10 CHAIR LE MONS: Thank you. So with that, why don't
11 we open up the discussion to the commissioners with any
12 feedback that you have on the document and any comments
13 or suggestions in service of the goals that the
14 subcommittee has raised as needing to address.

15 COMMISSIONER AKUTAGAWA: Looks like Commissioner
16 Kennedy. Oh, okay.

17 CHAIR LE MONS: Commissioner Kennedy.

18 COMMISSIONER KENNEDY: Thanks. I was waiting to see
19 if others were going to have item -- you know, thank you
20 for this. It is important. You're right. We need to
21 get it moving as soon as possible. I think it would be
22 helpful to more clearly distinguish between translation
23 and interpretation. I know that it's very easy to use
24 them interchangeably, but they're not the same thing and
25 they're different skill sets and different professionals

1 who do one versus the other. I think it's very important
2 and you've both brought this out, but I think we have to
3 be a little more specific in distinguishing the end uses
4 or purposes of materials.

5 I'm not really understanding the concept of doing
6 translations for specific areas of the state. I mean, if
7 you translate it, which implies a written document, I
8 don't see the point of not making something that you've
9 paid for to be translated to be available statewide. If
10 you're going to translate it, you know, make it available
11 statewide. And particularly the website, I think the
12 website is one of those things that are really -- because
13 so much, if not all of the materials that we are talking
14 about are going to be on the website, you know, I think
15 that's perhaps one good lens to look at it through.

16 Now, that doesn't mean as you've indicated, it
17 doesn't mean that absolutely everything on the website
18 would be available in absolutely every one of the
19 languages set out. But if something is translated for
20 one area of the state, you know, to me, it just doesn't
21 make sense not to make the translation, which is a
22 written document, available to people statewide. I'll
23 stop there and we can see where the conversation goes.
24 Thanks.

25 CHAIR LE MONS: Thank you, Commissioner Kennedy.

1 Other commissioners?

2 COMMISSIONER AKUTAGAWA: I thought I saw

3 Commissioner Sinay --

4 COMMISSIONER SINAY: Yes.

5 COMMISSIONER AKUTAGAWA: -- also.

6 COMMISSIONER FERNANDEZ: Can I respond --

7 CHAIR LE MONS: Okay.

8 COMMISSIONER FERNANDEZ: -- to Commissioner Kennedy

9 or --

10 CHAIR LE MONS: Yeah, I'm --

11 COMMISSIONER FERNANDEZ: -- do you want --

12 CHAIR LE MONS: Yeah, I'm going to moderate.

13 COMMISSIONER FERNANDEZ: Oh, okay.

14 CHAIR LE MONS: Thank you. I'm going to -- I should

15 have said that. I'm going to moderate the discussion.

16 So you'd like to comment? Go right ahead, Commissioner

17 Fernandez.

18 COMMISSIONER FERNANDEZ: Commissioner Kennedy, yes,

19 you're absolutely correct. And we were talking about

20 that last night. It's like if we translate it in

21 Armenian, that's going to be available for everyone. So

22 when -- it's really -- this is really more of a

23 interpreter services, I would say, although -- however,

24 we are going to -- it's partly translated, if it is going

25 to be translated, it's going to be available statewide.

1 Because again, like you mentioned, we've already
2 translated it, right? And it would be on our website in
3 that language still. Yeah.

4 CHAIR LE MONS: Commissioner Sinay?

5 COMMISSIONER SINAY: This is related, but not -- one
6 of the things that's come up when we are talking about
7 outreach and engagement that the staff had asked was what
8 languages do commissioners speak? And so as people, you
9 know, ask us for different speakers for different
10 languages, and I don't know if we want to do it really
11 quickly here or do it as a survey, but it might be good
12 to do it here just so the public sees.

13 CHAIR LE MONS: Would we like to go around and do a
14 round robin as to what languages commissioner speak, or
15 we can have our staff get that information and post it
16 when -- and make it available to the public? Who all's
17 in favor of a round robin? Who's all in favor of our
18 staff doing it and posting it? Okay. We'll do a round
19 robin. I'll call you. You say what languages you speak.
20 Who is recording? Staff's recording? Okay.

21 We'll start with Commissioner Ahmad.

22 COMMISSIONER AHMAD: Spoken -- oh, stop. Okay.

23 CHAIR LE MONS: Oh, excuse me. Ms. Kaplan?

24 MS. KAPLAN: I guess I would add, in addition to
25 presentation -- and Fredy, maybe you would add to this --

1 if you would feel comfortable doing a media interview in
2 language? Would that be helpful to know, Fredy, as well?

3 CHAIR LE MONS: Okay. So the -- so what we're
4 trying to get at is, when we're asking what language you
5 speak, it needs to be the language that you're
6 comfortable doing a presentation in, being interviewed
7 in, et cetera.

8 MS. KAPLAN: Maybe also for written?

9 CHAIR LE MONS: So that's not speaking --

10 MS. KAPLAN: But that's --

11 CHAIR LE MONS: So we're asking --

12 MS. KAPLAN: Right.

13 CHAIR LE MONS: -- the commissioners --

14 MS. KAPLAN: Okay.

15 CHAIR LE MONS: -- to translate materials? Are we
16 going there? I didn't think so. No, we're not going to
17 do that. So we're talking about you speaking and
18 presenting in a language other than English. Which
19 languages are those? And you'd be prepared to do
20 interviews as well.

21 Commissioner Ahmad?

22 COMMISSIONER AHMAD: Spoken Urdu and Punjabi.

23 CHAIR LE MONS: Commissioner Toledo?

24 COMMISSIONER TOLEDO: Spanish.

25 CHAIR LE MONS: Commissioner Sinay?

1 COMMISSIONER SINAY: Spanish.

2 CHAIR LE MONS: Commissioner Andersen?

3 COMMISSIONER ANDERSEN: English for me.

4 CHAIR LE MONS: Commissioner Akutagawa?

5 COMMISSIONER AKUTAGAWA: English. I can understand
6 but I would not want to conduct business in Japanese.

7 CHAIR LE MONS: Commissioner Turner?

8 COMMISSIONER TURNER: English only.

9 CHAIR LE MONS: Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: Spanish.

11 CHAIR LE MONS: Commissioner Taylor?

12 VICE CHAIR TAYLOR: English.

13 CHAIR LE MONS: Commissioner Yee?

14 COMMISSIONER YEE: English only.

15 CHAIR LE MONS: Commissioner Fornaciari?

16 COMMISSIONER FORNACIARI: English.

17 CHAIR LE MONS: Commissioner Kennedy?

18 COMMISSIONER KENNEDY: Spanish and Portuguese.

19 CHAIR LE MONS: Commissioner Vazquez?

20 COMMISSIONER VAZQUEZ: English.

21 CHAIR LE MONS: Commissioner Sadhwani?

22 English for Commissioner Le Mons.

23 Okay. Ms. Kaplan?

24 MS. KAPLAN: Sorry, I did just -- for the written,
25 it was more just -- sometimes when you do translation,

1 it's helpful to have an additional eye just review
2 documents as well. So that was why I had brought up the
3 written, as they would be like a reviewer -- a potential
4 reviewer of a translated document. I know you had
5 (indiscernible, simultaneous speech) --

6 CHAIR LE MONS: Commissioner Akutagawa?

7 COMMISSIONER AKUTAGAWA: I think on Ms. Kaplan's
8 point, I do know that what we heard from the different
9 community presenters were that some of the community-
10 based organizations would be open to reviewing
11 professionally translated documents to ensure accuracy or
12 at least appropriate translation. And so I wanted to
13 just put that out there as well too, that that could be
14 part of any conversation we might be able to have with
15 them.

16 CHAIR LE MONS: And to Ms. Kaplan's point, if there
17 are commissioners that want to offer that service, feel
18 free to reach out to Ms. Kaplan and the communications
19 director and let them know that.

20 Other comments on the document, recommendations, et
21 cetera?

22 I'll throw my comments in. To piggyback a little
23 bit on Commissioner Kennedy, for me, I guess I need
24 things organized a little bit differently and maybe in
25 the second round of recommendations. So for example,

1 we'll start with the website since that was brought up.
2 If the -- based on all of the research, feedback, et
3 cetera, the recommendation is that the website will be
4 available in X number of languages, whatever that is, and
5 then identifying what they are, and that takes into
6 consideration the ease -- it might be very -- it might be
7 pretty simple to translate the website. I have no idea.
8 So I'm not making any decision, you know, any thoughts
9 about that, but understanding that.

10 And then what is going to be the languages that
11 we're embracing as a commission, as the foundational
12 languages, which is similar to the Secretary of State
13 says this or. But what is the commission saying is going
14 to be their base number of languages? And based on that,
15 that would extend to the majority of the information that
16 we're putting out, in my mind.

17 And then there is creating mechanisms for some of
18 the languages that fall into that hard to reach category
19 that we've elevated as a priority, and making sure that
20 we're able to meet those needs vis-a-vis our partnerships
21 with community-based organizations, our contracting with
22 interpreters and or translators, whatever those
23 mechanisms are going to be, so that we're discussing the
24 mechanism, the reach, and how it feeds into our broader
25 goal of language access as we just described it, as a

1 priority. So then that gives me a very organized way to
2 be able to support, you know, thumbs up, thumbs down,
3 particular things. If they could be organized in those
4 various -- it doesn't need the categories that I just
5 presented, but whatever categories we need to be making
6 decisions about where we're going to be.

7 So that would be my feedback. I think the document
8 that was put forward was very thoughtful and a lot of
9 wonderful work went in, it gives us a lot of background
10 to support our positioning. And it gives us a recap of
11 what we've heard, the consideration sets, et cetera. So
12 I think it would be important that we all make sure we
13 read it so that it informs our decision making when it
14 comes time in a couple of weeks to begin voting on the
15 recommendations that are brought forward. So that would
16 be my feedback globally on this particular topic.

17 Other commissioners? Commissioner Sinay?

18 COMMISSIONER SINAY: Yeah. If I knew you guys were
19 doing such a great summaries, I wouldn't have taken so
20 many notes during all the presentation. Great job. I
21 definitely am printing it out and putting it in my
22 binder. I wanted -- in San Diego, I -- you know, when we
23 spoke with -- Bona (ph.) spoke with us, they had said
24 that the language that's spoken the most by the black
25 refugees or African refugees in San Diego was Amharic,

1 not necessarily Arabic. And so I just wanted, you know,
2 my understanding is that that's one of the most spoken
3 languages in all of California by African refugees. So I
4 just wanted to just touch base on that comment.

5 CHAIR LE MONS: Commissioner Akutagawa? Yes. So
6 I'm -- just for the facilitation process, Commissioner
7 Akutagawa and Fernandez, feel free to jump in and respond
8 to questions. I won't call on you guys to do that. I
9 just want to facilitate the commissioners queuing up to
10 comment.

11 COMMISSIONER AKUTAGAWA: Thank you. And thank you,
12 Commissioner Sinay. Yes, you're right. Amharic is one
13 of the more frequently spoken languages that was noted by
14 PANA, along with, I believe, Somali was another language
15 that was not too far behind Amharic. I think those are
16 some of the areas where it gets a little tricky for us
17 because we acknowledge and want to ensure, along the
18 lines of what Commissioner Le Mons said about some of the
19 harder to reach communities, you know, how do we ensure
20 that there's going to be translation on, you know, for
21 those communities? And I think since that's not
22 necessarily one of the, I'll say, I guess, frequently
23 cited or required languages by the state, it's not that
24 those are not ones that we wouldn't include, but what we
25 did hear is that those might be some of the languages

1 that we would work with some of the community-based
2 organizations to provide those language translations.

3 And then, of course, if that's going to be done,
4 then, you know, what we would want is just in case, I
5 mean, as Commissioner Kennedy has said, that from a
6 written materials -- any written materials that would be
7 translated by, you know, community-based organizations
8 and partners, you know, we would want to make that
9 obviously available statewide as well, too.

10 So we realized after we had submitted the
11 recommendations that there were some additional
12 clarifications that we needed to give in terms of our
13 thought process when we put it together. We were just --
14 so there's that. And I think that's where some of the
15 trickiness comes into play. Like, so for example, you
16 know, even though we could say we want to as a commission
17 say we're going to embrace these languages and we're
18 going to provide professional translation in some of
19 these languages, I think there's some questions that we
20 need to clarify, particularly with some of the community
21 partners we've heard from. Some communities, the
22 preference would be to have translations done by some of
23 the trusted messengers because there are some reading
24 between the lines -- and this is my assumption, is that
25 they wouldn't trust our translations. They would rather

1 see the translations come from trusted sources and then
2 shared with us versus the other way around.

3 And so I think these are some of the additional
4 clarifications that we need to make, and we realize that
5 these are some of the questions that still remain open
6 and that may continue to remain open even as we move
7 forward. And this is where some of the intersects with
8 the grants comes into play. And that this, I think, to
9 Commissioner Kennedy's point also, too, about making
10 materials available statewide, I think there's also a
11 timing issue so that, for example, I'll use Armenian.

12 Armenian is very prevalent in a particular area of
13 Southern California, but not as prevalent throughout the
14 rest of the state. That doesn't mean that we wouldn't
15 consider creating those materials in Armenian, but from a
16 timing perspective, you know, there's a lot of work to be
17 done and that may come a little bit later, immediately
18 before, we may do a presentation to that community in
19 Southern California. But then after it's done, then it
20 will become available statewide. So there's some timing
21 issues that also come into play. Where do we need to
22 prioritize? You know, what languages do we have to make
23 sure we do first because it's statewide versus as we go
24 through each region, we'll make sure that translated
25 materials are going to be available.

1 Commissioner Kennedy, I also want to say thank you
2 for your point about interpretation and translation.
3 Commissioner Fernandez and I did speak very explicitly
4 about that, but after your comment, I realize we should
5 have made that distinction on our document as well, too.

6 CHAIR LE MONS: I'm noticing that we do have the
7 public queuing up. And this is one of those topics that
8 we will lean heavily on the public, and based on a lot of
9 the things you just said, Commissioner Akutagawa. So I'd
10 like, if there's no objection from Commissioners, to just
11 bring the public into the conversation. And then we'll,
12 of course, continue. Is everyone okay with that?

13 So Jesse, could you read the instructions? And
14 let's bring the public into this conversation.

15 PUBLIC COMMENT MODERATOR: In order to maximize
16 transparency and public participation in our process, the
17 Commissioners will be taking public comment by phone. To
18 dial in, call the telephone number provided on the
19 livestream feed. The telephone number is 877-853-5247.
20 When prompted, enter the meeting ID number provided on
21 the livestream feed; it is 91837803898 for this week's
22 meeting. When prompted to enter a participant ID, simply
23 press pound.

24 Once you have dialed in, you'll be placed in a queue
25 from which a moderator will begin unmuting callers to

1 submit their comments. You'll also hear an automated
2 message to press star 9. Please do this to raise your
3 hand, indicating you wish to comment. When it is your
4 turn to speak, the moderator will unmute you and you'll
5 hear an automated message that says the host would like
6 you to talk and to press star 6 to speak. Please make
7 sure to mute your computer or livestream audio to prevent
8 any feedback or distortion during your call.

9 Once you're waiting in the queue, be alert for when
10 it is your turn to speak. And again, please turn down
11 the livestream volume. These instructions are also
12 located on the website.

13 The Commission is taking public comment on the
14 language access recommendations at this time.

15 Good afternoon, caller. Could you please state and
16 spell your name for the record, please?

17 MR. BANH: Hi. Yes, this is ThoVinh Banh. Spelled
18 T, like Tom, H-O, capital V, like victor, I-N-H, and
19 capital B, like Bob, A-N-H. And I'm calling with
20 Disability Rights California. And good to see everyone.

21 CHAIR LE MONS: The floor is yours. Go ahead,
22 caller.

23 MR. BANH: Okay, great. Thank you so much. I just
24 want to provide a quick reminder to not forget about
25 American Sign Language. So I know that it's streamed in

1 American Sign Language, and I hear -- I can see the --
2 the signers do so. So ASL, as -- as -- as folks may
3 know, is its own distinct language with its own
4 grammatical pattern, its own structure, all that. And
5 there's, you know, across the United States, so there's,
6 you know, there are data from 500,000 to like a third
7 most-used language. So please do not forget the non-oral
8 languages including ASL.

9 And I know Ms. Kaplan in her work with the census,
10 ASLs come up oftentimes with the U.S. Census also being,
11 you know, being more considerate of it, and in generally
12 just more thought around that. So I would encourage the
13 same for this body. And thank you for your
14 consideration.

15 CHAIR LE MONS: Thank you. Thank you for your
16 comment.

17 Jesse, could you invite the next caller?

18 PUBLIC COMMENT MODERATOR: Good afternoon, caller.
19 Could you please state and spell your name for the
20 record, please?

21 MR. FUNG: My name is Henry Fung. Capital
22 H-E-N-R-Y. And then last name is capital F, U-N-G.

23 PUBLIC COMMENT MODERATOR: Thank you. The floor is
24 yours.

25 MR. FUNG: Okay. And my comment is regarding the --

1 the language access plan. You know, I'm a Chinese
2 American, and you know, my -- my folks are born in --
3 were born overseas. So they're U.S. citizens, as am I.
4 And one of the issues looking at the discussion on
5 Chinese is that while, you know, the -- the spoken
6 language is addressed in the fact that Mandarin and
7 Cantonese being given -- given equal -- equal weight and
8 also Taiwanese in the -- in the Southern California Los
9 Angeles County area, there is no difference or there's no
10 distinction made between traditional and simplified
11 Chinese.

12 And we know that while people that were immigrated,
13 you know, the long-time Chinese community here, pre-1965,
14 generally is traditional Chinese as well as people from
15 Taiwan, overseas Chinese communities like Malaysia,
16 Vietnam, et cetera. You also have quite very many people
17 from China that have immigrated here, you know, since the
18 Communists -- the Communists in China had simplified the
19 language. And also, Singapore, also, uses simplified
20 Chinese as well.

21 So you have two distinct written types of language
22 that, you know, while someone who reads traditional, like
23 I read traditional, you know, you can kind of pick out
24 simplified Chinese. It -- it can be challenging. And
25 vice versa for people who may have grown up in China,

1 have immigrated to the United States, become citizens,
2 and trying to read traditional Chinese, it may be
3 challenging for them as well.

4 So it's important that when you have the different
5 script, the different written languages for a Chinese
6 language, that both are present, because we really can't
7 just say that it's all traditional Chinese like we used
8 to. But you also are starting to see some jurisdictions,
9 like LAUSD, for example, only print out things in
10 simplified Chinese, which makes it difficult for people
11 like my parents to understand. So -- so definitely do
12 both scripts, both traditional and simplified, at least
13 for Mandarin.

14 In the Cantonese script, there is a separate
15 Cantonese script, but generally speaking, you know,
16 Cantonese readers are from Hong Kong, so they would do
17 traditional Chinese. And I'm just a little surprised
18 that that kind of blind spot between the different types
19 of writing systems and scripts was not included in the
20 report. Thank you.

21 CHAIR LE MONS: Thank you, caller.

22 Jesse, could you invite the next caller into the
23 conversation?

24 PUBLIC COMMENT MODERATOR: Yes, one moment, Chair.
25 Callers, if you could please press star nine to raise

1 your hand to indicate that you wish to comment.

2 Good afternoon, caller. Could you please state and
3 spell your name for the record, please?

4 MS. ERIKAT: Good afternoon. My name is Jeanine
5 Erikat, that's J-E-A-N-I-N-E, last name, E-R-I-K-A-T.

6 PUBLIC COMMENT MODERATOR: Thank you. The floor is
7 yours.

8 MS. ERIKAT: Thank you so much for your time. Good
9 afternoon, everyone. My name is Jeanine Erikat. I was
10 present with you a couple of months back with my coworker
11 and colleague, Rahmo on behalf of PANA.

12 First, I wanted to say thank you all so much for the
13 work that you've been put into this outreach plan. I can
14 tell it's very thoughtful, intentional, and you've taken
15 into our recommendations into account, as well as the
16 other panelists who presented. Something I did want to
17 comment on is that although we did stress -- we did
18 stress the importance of community partners and we asked
19 that trusted messengers are used in the process, you
20 know, that these community partnerships on translations
21 should be funded and should not come out of outreach
22 grants -- grants. Too often the financial burden of
23 translation is passed on to these communities and it just
24 exasperates the inequity. And then instead of doing
25 direct outreach with community, we have to dedicate our

1 time and budget to translation.

2 So again, we'd love to collaborate with you all on
3 these efforts and work as trusted messengers in our
4 communities, but it would make a really big difference,
5 especially for our African communities, which we don't
6 see any African languages represented despite a large
7 Amharic speaking community in the Bay Area, Los Angeles,
8 and a huge Somali community in San Diego of over 20,000
9 people. So again, I just wanted to reiterate that we'd
10 love to work with you on this, but we would really
11 appreciate the support of the commission to translate
12 these materials within these languages. Thank you.

13 CHAIR LE MONS: Thank you.

14 Jesse, could you invite our next caller into the
15 conversation?

16 PUBLIC COMMENT MODERATOR: I don't believe there are
17 currently any callers in the queue, Chair.

18 As a reminder --

19 CHAIR LE MONS: Okay.

20 PUBLIC COMMENT MODERATOR: -- callers, please press
21 star nine to raise your hand to indicate that you wish to
22 comment.

23 CHAIR LE MONS: There we go, we have a hand. 6158?

24 MS. MARKS: Yes. Hi --

25 PUBLIC COMMENT MODERATOR: Good afternoon.

1 MS. MARKS: Hi, my name is -- oh.

2 PUBLIC COMMENT MODERATOR: Go ahead --

3 MS. MARKS: Go ahead.

4 PUBLIC COMMENT MODERATOR: -- sorry.

5 MS. MARKS: My name is Julia Marks. I'm calling
6 from Asian-Americans Advancing Justice, Asian Law Caucus.
7 That's Julia, J-U-L-I-A, Marks. M-A-R-K-S. I just wanted
8 to thank everyone for the work that went into this
9 document and for the really thoughtful discussion today.
10 We appreciate that this is an evolving document and look
11 forward to providing additional feedback and working with
12 you all as you continue to update and refine it.

13 My understanding from the discussion so far is that
14 commissioners will be taking a closer look at their
15 respective regions and consulting with stakeholders about
16 language needs in the coming weeks. I just wanted to say
17 I really appreciate that approach. This is a great
18 starting point, but consultation with partners in each
19 region will be helpful. And also that in the course of
20 looking at the regional needs, I'd recommend that you
21 look at data on how many people in each region are
22 limited English proficient and speak a given language in
23 addition to looking at some of these elections-related
24 analysis and county-based analysis.

25 There are languages spoken by large numbers of

1 Californians that might not look as significant when
2 focused on the Secretary of State's data and analysis.
3 That's because the Secretary of State's data is based on
4 counties and precincts, but there are quite a few
5 communities who might be sizable in a given region but
6 aren't densely clustered in specific precincts. An
7 example of this would be the large number of Korean-
8 speaking people in the Bay Area. So in the chart
9 provided for your plan, the only Bay Area county with
10 mandatory Korean coverage is in Santa Clara County, but
11 the region as a whole has more than 25,000 limited
12 English-proficient Korean speakers.

13 Similarly, Arabic is spoken by more than 65,000
14 limited English-proficient Californians, but in the
15 current proposal, it's only mandatory for one county in
16 the state. So I would recommend looking at additional
17 data beyond this. And we're happy to be a resource in
18 providing that data or helping you locate it if it could
19 inform your process.

20 I also wanted to note that I really appreciate that
21 the current draft includes opportunity to add languages
22 for interpretation at regional hearings at a later time
23 upon request from community members and community
24 organizations. I do recognize that for administrative
25 reasons, you may want more certainty early on, but I

1 would urge you to find a way to keep some of that
2 flexibility available. For example, perhaps you could
3 set aside some additional budget to pay for
4 interpretation at regional hearings for languages that
5 have not been identified yet but will be requested in the
6 future.

7 Again, I just want to say that we are happy to be a
8 resource to you all as you continue to explore these
9 issues and we really appreciate your time.

10 CHAIR LE MONS: Thank you so much.

11 Jesse, do we have additional -- I see there's about
12 four people in the queue.

13 They may not all want to comment, but let's check
14 and see.

15 PUBLIC COMMENT MODERATOR: Callers, if you could
16 please press star 9 to raise your hand to indicate that
17 you wish to speak, now would be the time.

18 CHAIR LE MONS: Okay. Seeing no additional callers.
19 Is that correct, Jessie?

20 PUBLIC COMMENT MODERATOR: Yes, Chair.

21 CHAIR LE MONS: Okay. We'll close public comment
22 for right now and go back to the discussion.

23 Commissioners, I actually would like to make a
24 recommendation, which kind of segues from Ms. Mark's
25 point. We as commissioners have been out in the various

1 zones meeting with different partners, most of which
2 vis-a-vie the census. And what I'd like to do -- or
3 would like to recommend is that if we haven't already
4 began to put together a database of those particular
5 partners -- I know everyone that we talk to and what was
6 formerly zone 1, now zone B, were very receptive and just
7 very generous in their desire to support. And I think
8 some of this research in terms of language needs in those
9 zones could be acquired through those partnerships and
10 relationships as opposed to us.

11 We know a lot of effort. I know at least for our
12 zone, there was a lot of administrative footwork in
13 getting those calls established, et cetera. And I know
14 also in working with Commissioner Kennedy similarly. So
15 it was very labor intensive to get folks on the phone,
16 get them scheduled, these need to be rescheduled, et
17 cetera.

18 So the reason I'm recommending that we put together
19 the database of those who have said yes, we want to help
20 you, and those that we met with that said yes was
21 prepared to help us in any number of ways. They
22 basically just ask, but I don't think we put a formal
23 process in play to communicate with them. So if we could
24 begin to establish that database, we could push out an
25 invitation to them. We could also ask them to push that

1 invitation to their networks, which is one of -- I know
2 with the zones that we worked in was one of the big
3 things they offered up was not only sending us lists, but
4 they would blast things out for us. And in many cases,
5 they are trusted messengers.

6 So I think we can begin to leverage those
7 individuals. And I think any individual that then
8 responds from that outreach and says yes, I'm here to
9 help you, we now can add them to our database as someone
10 who fully would work with us. So I just would like to
11 recommend that that mechanism become operational so that
12 we can utilize it. So while we're still working
13 individually with the zone captains or whatever we're
14 called, zone leads, we have a mechanism at our staff
15 level that can pull certain triggers for us to have the
16 flow of communication happen broadly and quickly. Yeah.

17 Other commissioners?

18 Commissioner Yee.

19 COMMISSIONER YEE: Yeah. I'm just really enjoying
20 this discussion. For this investment that we're making
21 in this part of our work, I'm thinking whatever else we
22 do, you know, a lot of times it counts for a lot to have
23 anything at all appear in one's language. Not
24 necessarily everything, or even a lot of things, but
25 anything.

1 So like, when I get mail from my health insurance
2 plan, right, there's an insert that has, like, three
3 sentences in, like, thirty different languages, right.
4 If you need help the translation, whatever, call this
5 number, whatever it says. And something whatever --
6 whatever else we do, you know. Maybe have, like, a one-
7 paragraph description of our work or something translated
8 in twenty-plus languages appear on the website somewhere,
9 you know, when we do other kinds of outreach to have. If
10 you have a montage of somebody saying make your community
11 count or something, you know. Say it in lots and lots of
12 different languages.

13 That -- apart from what we do in hearings, and what
14 we do in COI tool, and what we do in whatever else, and
15 it counts for a lot. You know, even hearing anything at
16 all, and you're like -- especially if you're a small
17 minority group counts for a lot. So I would encourage
18 those kinds of efforts alongside our bigger efforts to
19 provide services.

20 CHAIR LE MONS: Thank you for that, Commissioner
21 Yee.

22 Other commissioners?

23 Commissioner Akutagawa.

24 COMMISSIONER AKUTAGAWA: All right. First off, I
25 just want to say thank you to everybody who called in.

1 And I think there -- I just want to acknowledge that I
2 think there were some -- perhaps some -- maybe, I think
3 we just need to be much more explicit even of the things
4 that we're taking for granted. And I think maybe that's
5 how I would best word it.

6 For example, with ASL, I think I just already
7 assumed that we were going to include it because we're
8 already doing it as part of our regular practice of the
9 commission meeting. So I didn't -- I think I made an
10 assumption that it wasn't as necessary to call it out
11 because I already knew in my mind that we were already
12 going to do it. So I do appreciate (indiscernible)
13 calling in to remind us that -- that just told me that
14 we -- even, like, on --

15 And I know, Commissioner Yee, you had already
16 pointed this out about simplify Chinese versus
17 traditional Chinese. I think that was an assumption that
18 I also made to that we were going to already cover that,
19 but I think what it spoke to -- what I heard from the
20 speakers is that we can't make those kind of assumptions,
21 and that even on certain things, we have to be very
22 explicit about different kinds of things.

23 I think -- I also want to additionally say I would
24 be interested in hearing, and maybe this is again, you
25 know, at some point reopening to public comment, what

1 are -- I think there's --

2 I agree, Commissioner Yee, with what you said about
3 having the different languages and people being able to
4 see in the various languages would be important. I think
5 the question becomes what are the most important pieces
6 of information, documents, materials, whatever it is,
7 that would help to be able to communicate that, because
8 at -- we do have to make some traces because we can't do
9 everything, but what would be in -- in this case, I would
10 say in the commission's mind, but also amongst our
11 community members, what are some of those things that
12 would be important to ensure that we provide translated
13 materials. For example, on the website.

14 And by the way, I just want to note that at least in
15 the initial cost that we looked at, there's a charge per
16 word. So we may want to think about being less wordy.
17 And I know I'm guilty of that too, but one of the things
18 that Commissioner Fernandez and I talked about is the
19 FAQs would be a really important piece that we should
20 translate into multiple languages because that really
21 speaks to the kind of things that people may want to know
22 and have questions about.

23 And the more languages that we could translate that
24 into could be an important -- that's an example of
25 something that would be important to ensure that there's

1 multiple translations, but are there other things that
2 perhaps, from the commission and from the public, that we
3 should be taking into account that we might not be
4 thinking about, or we might, but we just need affirmation
5 of it.

6 CHAIR LE MONS: Commissioner Fernandez.

7 COMMISSIONER FERNANDEZ: And just for clarification,
8 FAQ is frequently asked questions. Commissioner
9 Akutagawa and I went through that yesterday with acronyms
10 left and right.

11 And we also -- Commissioner Yee, you bring up a good
12 point. We discussed this last night, and we were
13 thinking -- because they do charge per word, we were
14 thinking, like, a postcard. Something that's very
15 simple. We can just hand it out. And we're thinking
16 limited based on the number of words, right? So we have
17 been thinking about how can we get this out there in as
18 many languages as we can, but, of course, there is a cost
19 associated with all this.

20 And then I just wanted to remind everyone as you're
21 reaching out to not -- please don't forget to ask them
22 about language access and the population of non-English
23 speakers and their communities, and counties, and what
24 languages are spoken, so. Thank you.

25 CHAIR LE MONS: Commissioner Fernandez, could you

1 send through Director Ceja the bullets to us that you
2 just kind of (indiscernible) right there that you want to
3 make sure that are being asked so that everyone is making
4 sure to capture the same information?

5 I have a clarity question, and then I'll come right
6 to you, Commissioner Sinay.

7 The clarity question, I don't recall when we did
8 budget. Do we have a delineated language access budget
9 or language translation and interpretation budget?

10 Director Claypool?

11 DIRECTOR CLAYPOOL: So that amount can fall into the
12 outreach budget that we've just made a request for
13 release, and it could also fall into the operational
14 budget once we get further along into your public
15 hearings if for any reason the outreach budget had been
16 exhausted and we needed additional funds, because it is a
17 function of both.

18 CHAIR LE MONS: Okay. Thank you.

19 And then one other point I wanted to make before
20 going to Commissioner Sinay is -- and this is for
21 Director Ceja, and it's in the spirit, I think, of our
22 desire to work with CBOs. I know in the website that was
23 presented yesterday, as with all websites, there's a
24 contact us opportunity, a how you can get involved
25 opportunity.

1 I'd like to recommend that we draft a proactive
2 appeal and actually position an appeal so that it's
3 not -- it's less passive and actually more aggressive in
4 saying we really want you involved, and this is how we
5 want you involved. So if you could -- if the team could
6 create something like that to bring forward to us in our
7 next meeting for consideration, that would be awesome,
8 because I think that -- the feeling I have from the
9 spirit of the commissioners is part of our goal is to
10 work with the local communities as much as possible, et
11 cetera.

12 And I think sometimes, communities are just waiting
13 for us to reach out to them. And in some cases, we won't
14 know who they are to even reach out to them, but I think
15 if we keep pushing the old appeal, we want you kind of
16 approach, and then asking all of our panelists and anyone
17 that engages with us beyond just the topic that they come
18 to talk about, if they could extend our appeal to our
19 networks to let them know we're here, and we really want
20 to work with you, and then we're going to have different
21 ways for you to plug in, but show us who you are that
22 want to be a part of this wonderful process of redrawing
23 the lines.

24 Commissioner Sinay.

25 COMMISSIONER SINAY: Thank you. Two points. One,

1 building on what you've asked regarding the budget, we
2 did have -- when we talked about the kind of -- the first
3 time we talked about the strategy map, we did have a
4 proposed budget for the outreach. The outreach budget we
5 had proposed line items and there were ranges, but at the
6 time, we said we needed to hear from staff exact to
7 finalize those ranges. And so I do want to put that out
8 there.

9 And in the idea in that budget we had, we did
10 include collateral as part of it -- a high budget for
11 collateral -- what we felt was a high budget for
12 collateral that included if we needed that for
13 translation, but again, we need staff to do the itemize,
14 but I think it is important for staff because I think
15 most staff wasn't onboard at that point on that regime is
16 that we do have ranges and that are part of that document
17 that was sent to them yesterday.

18 Second of all, this just occurred to me, but the
19 languages that we're looking at is we get that from the
20 Office of Voter Registration with the electric. And so
21 that means that they're looking at predominantly folks,
22 I'm guessing, who are registered to vote and in those
23 languages, or do we -- let me back track.

24 How do they get the languages? How is that -- and
25 the reason I'm asking is in many communities, what we're

1 finding -- in many counties, what we're finding is that
2 there's very new communities as of the last ten years and
3 stuff, and they won't be U.S. citizens. They won't be
4 registered to vote. And so are they falling through the
5 cracks or not? So if you could explain how they come up
6 with these languages.

7 CHAIR LE MONS: Commissioner Fernandez.

8 COMMISSIONER FERNANDEZ: I'm not sure. I have to
9 research how they come up with the languages, but when I
10 did present it -- and that's why I felt it was important
11 that when we reach out to the communities -- because it
12 is dated. Obviously, it's going to be dated information.
13 So that's why it's important when we move -- when we
14 reach out to our zones that we ask them, because
15 obviously, like you mentioned, there's shifts, shifts of
16 population. So we want to know what the population is
17 right now versus what it was a few years ago when this
18 was done.

19 So I'm not sure how they came up with this
20 information, but again, you're not going to include
21 everyone because not everyone registers to vote or can
22 vote. And I'll get the email out that Chair Le Mons
23 requested on that.

24 CHAIR LE MONS: Thank you, Commissioner Fernandez.
25 Commissioner Kennedy.

1 COMMISSIONER KENNEDY: Thank you, Chair. I've
2 pulled up the memorandum that went out the 21st of May
3 from the Secretary of State to county clerks and
4 registrars. And the first paragraph of that, I think,
5 provides the answer to the question.

6 So the first paragraph reads, "Under California
7 Elections Code Section 14.201, the Secretary of State by
8 January 1 of each year in which the governor is selected
9 must determine the precincts where three percent or more
10 of the voting-age resident" -- so it doesn't talk about
11 registered. It's just voting-age resident -- "are
12 members of a single-language minority and lacks
13 sufficient skills in English to vote without assistance."

14 So as far as the -- as far as the precinct-level
15 numbers that the subcommittee was talking about, this is
16 the memo from the Secretary of State that generated that
17 information.

18 CHAIR LE MONS: Thank you for that, Commissioner
19 Kennedy.

20 Commissioner Akutagawa.

21 COMMISSIONER AKUTAGAWA: I just want to note that
22 Cecilia just put something in there too. And the other
23 thing I wanted to also note is that in terms of the
24 language, there were a couple slight tweaks that were --
25 I guess I'll just say for the COI, the twelve languages

1 that were recommended were based on census data, not on
2 the election. So that was supposed to be a more
3 inclusive. And the census -- or the California census,
4 the languages that they chose to use were based on inputs
5 from community-based organizations. That's what my
6 understanding is.

7 And then also, I do know that there were a couple
8 languages that were -- at least one language that was
9 dropped from what the census proposed versus what the
10 Secretary of State proposed. I know that Thai was
11 dropped from the census designated languages, and I think
12 there was another language that was put in place. So
13 then I just don't remember off the top of my head right
14 now.

15 CHAIR LE MONS: Thank you, Commissioner Akutagawa.

16 Are there any other comments or feedback that you'd
17 like to provide the subcommittee on the language access
18 so that they can continue forward with their work and be
19 prepared to come back in a couple weeks to present some
20 recommendations?

21 Director Claypool.

22 DIRECTOR CLAYPOOL: I was wondering if it wouldn't
23 be helpful perhaps in the interim period between now and
24 that next meeting whether the subcommittee would want to
25 possibly just do a poll of the commissioners regarding

1 the languages that they believe would be most important
2 to them, because it's going to be -- in order for staff
3 to give estimations of what things are going to cost, we
4 need to have some parameters as to how far we're going to
5 have to reach in order to produce the different materials
6 that the commission is considering, but that's just a
7 thought.

8 CHAIR LE MONS: I have a question, Director
9 Claypool. To your point, is it -- is there a large price
10 variations between languages, or could you do it on a
11 volume basis? Meaning if we're doing five languages
12 versus ten languages versus twenty, or do you need to
13 know the very specific languages in order for the costing
14 portion?

15 DIRECTOR CLAYPOOL: I -- and that's one of the
16 things that I would have to work with Director Ceja and
17 Director Hernandez on to get an idea of how these
18 different companies are pricing their services, but what
19 we do know is is that the cost is going to really be
20 determined by the volume that you wish to have
21 interpreted as Commissioner Akutagawa said. If their
22 pricing by the word, then we need to be less robust, but
23 having said that, if we get that parameter, I'm still
24 believing that it will be less than we think in order to
25 get kind of the pdf version so that we can send it out to

1 individuals, and then they could possibly use it in their
2 communities, but first, we have to kind of lock in on
3 something that we can measure, and something that we can
4 cost out.

5 CHAIR LE MONS: Okay. Can you explore that question
6 of the numbers versus languages? Because I don't think
7 that the robustness won't -- see, that's a separate
8 point. So even if we tell you the languages we prefer,
9 we still haven't addressed how robust we are or aren't.
10 So I think what you're trying to do, at least at this
11 point, is be able to get some cost information, some cost
12 data.

13 So if you can just ask that question whether or
14 not -- where the differentials are. And then that way
15 you can give that information to the subcommittee, and
16 then they can then proceed with getting whatever
17 additional information that they need to get in the
18 interim in service of that, because what I would hate to
19 do is us try to define the languages today in service of
20 your cost issue is A) is not necessary. And
21 commissioner -- the subcommittees are really looking to
22 bring a lot of variables together.

23 So I think in order for us to have a really pointed
24 discussion about this and come up with those kind of
25 definitive decisions, which we agree we were not going to

1 do today also. So I don't think we should pick those
2 languages today because we said we weren't taking action.
3 We were going to give feedback. So we would be prepared
4 to take that action in the next meeting as agreed.

5 Commissioner Akutagawa, Fernandez, then Kennedy.

6 COMMISSIONER AKUTAGAWA: So thank you, Commissioner
7 Le Mons. Commissioner Fernandez and I also did ask
8 similar questions of the staff as well, too. I do know
9 that they've started some of their research on it. And
10 my understanding in having that conversation is that
11 depending on the kind of languages, there are different
12 cost factors. The one question I do have, and I don't
13 know if this is something that Director Claypool or even
14 Director Hernandez might be able to answer, or if this
15 even a legal question, which is I know in some cases,
16 there are certain languages that I suspect that if we
17 chose to be as inclusive as I think we would like to be,
18 there may be some languages that some of the, I guess
19 I'll say, professional translation or interpretation
20 services might have problems meeting those needs. And
21 would we be better off, and can we go directly to certain
22 communities to pay directly experts in those communities
23 where they would be able to provide those translations.
24 That would be separate and additional as was suggested
25 for the translation by community members who are rooted

1 in those communities and have direct knowledge of some of
2 the languages that might not be easily provided by the
3 services.

4 Is there anything that stops us from going to them
5 essentially?

6 CHAIR LE MONS: Director Claypool.

7 DIRECTOR CLAYPOOL: It'll be a function of cost. It
8 has to -- not necessarily does it stop us from going to
9 them, but how quickly we can go to them if the cost is
10 clearly less than \$10,000, we may be able to use a fair
11 and competitive contract, the personal services. If we
12 go over that, then we would have to go through the C-MAS
13 and so forth to see if there were others who can provide
14 the same service.

15 So again, it will just -- it'll be a case-by-case
16 basis, Commissioner.

17 CHAIR LE MONS: Commissioner Fernandez.

18 COMMISSIONER FERNANDEZ: I have an email drafted
19 because I wanted the subcommittee to meet with Director
20 Claypool and the communications director so we could go
21 over this information. So I don't -- but it just
22 depended on if our meeting ends today. I'm going to see
23 if we can meet tomorrow so we can kind of try to --

24 CHAIR LE MONS: The meeting will end today,
25 Commissioner.

1 COMMISSIONER FERNANDEZ: Okay, good. So the goal of
2 the meeting for tomorrow, that they don't know about is
3 to actually talk different contracting abilities and the
4 cost and all that. So that's like the big piece that we
5 want to try to nail down quickly.

6 CHAIR LE MONS: Awesome.

7 COMMISSIONER FERNANDEZ: Don't know if we want to
8 take more time here, but I --

9 CHAIR LE MONS: Thank you for that, Commissioner
10 Fernandez. We're going to leave that to the
11 subcommittee. So the subcommittee will work with staff
12 on those pieces.

13 Commissioner Kennedy.

14 COMMISSIONER KENNEDY: Thank you, Chair. I wanted
15 to go back to something that Ms. Marks said, which I
16 think is a fundamental point that the -- at least most of
17 the datasets that we've been using for this analysis, and
18 this includes the analysis that we were doing in looking
19 at languages for the communities of interest tool. Most
20 of those datasets are based on precinct-level boundaries.
21 And Ms. Marks's point is really important that there are
22 communities in this state that are not as concentrated or
23 not concentrated enough to rise to the level of requiring
24 language support at the precincts. And yet, if we look
25 at them on the whole of the state, they're sizable

1 communities.

2 And so I'm wondering -- I don't have a clear sense
3 of whether Public Policy Institute of California or UC
4 Berkeley, or any of the other university campuses around
5 the state who might have the best dataset that we could
6 use that would not be circumscribed at the precinct
7 level. In other words, would give us a more realistic
8 picture of the different language communities in the
9 state. And as she mentioned, particularly those who have
10 limited English proficiency. People can speak Spanish,
11 but if they're a hundred percent proficient in English,
12 or they can speak Thai, but if they're a hundred percent
13 proficient in English, that's a different kettle of worms
14 from trying to meet the very legitimate needs of people
15 who have limited English proficiency.

16 So just asking if anyone among us or our listeners
17 when they have an opportunity to call in before we finish
18 for the day can point us towards the best datasets.

19 Thank you, Chair.

20 CHAIR LE MONS: You're welcome.

21 Ms. Kaplan.

22 MS. KAPLAN: The census office did have a dataset on
23 limited English proficiency that was a Puma data level.
24 I'm sorry. I know some of you have been in touch with
25 the (indiscernible) that may be; however, if you want my

1 help in that, let me know.

2 CHAIR LE MONS: Okay. You could reach out to
3 Commissioner Akutagawa and Fernandez on that. I
4 understand there's a meeting happening tomorrow.

5 MS. KAPLAN: Sure.

6 CHAIR LE MONS: Perfect. And I saw Ms. Gomez
7 enthusiastically nodding in the affirmative. I bet she
8 has some expertise in this area too. So please feel free
9 to engage her as well.

10 We have -- we're up on a break actually. And yeah,
11 we came back at 1:25. So technically, we're up on a
12 break at 2:55; is that right?

13 PUBLIC COMMENT MODERATOR: That's right, Chair.

14 CHAIR LE MONS: Okay. And I definitely want to
15 respect that. So we're going to take our fifteen-minute
16 break. And then we'll come back, and we will go to the
17 closing public comment for today and entertain any
18 additional comments. Because there was a direct appeal
19 made by some commissioners to the public to chime in on a
20 couple issues, so while we're talking about this I
21 definitely want to give them the opportunity to do that
22 as well our closing public comment. They can comment on
23 anything, so this will be a really good opportunity
24 before we close out this meeting cycle.

25 With that, it's 2:55, I expect you back at 3:10, and

1 we will resume the meeting.

2 Thank you so much. Enjoy your break.

3 (Whereupon, a recess was held from 2:55 p.m. until
4 3:10 p.m.)

5 CHAIR LE MONS: Welcome back, everyone. I hope you
6 had an enjoyable break. At this time I'm going to move
7 into final public comment of the meeting. Before I do so
8 are there any comments from Commissioners?

9 Okay. Great.

10 At this time, Jesse, I'd like to have you read
11 instructions for our final public comment of this
12 meeting. We are taking public comment on any of the
13 topics that have been addressed throughout the agenda
14 yesterday and today. Thank you.

15 PUBLIC COMMENT MODERATOR: In order to maximize
16 transparency and public participation in our process, the
17 Commissioners will be taking public comment by phone. To
18 call in, dial the telephone number provided on the
19 Livestream feed. The telephone number is 877-853-5247.
20 When prompted enter the meeting ID number provided on the
21 Livestream feed. It is 91837803898 for this week's
22 meeting.

23 When prompted to enter a participant ID simply press
24 pound. Once you have dialed in you'll be placed in a
25 queue from which a moderator will begin unmuting callers

1 to submit their comments. You will also hear an
2 automated message to press star 9. Please do this to
3 raise your hand indicating you wish to comment.

4 When it is your turn to speak the moderator will
5 unmute you, and you will hear an automated message that
6 says, The host would like you to press star 6 to speak.
7 Please make sure to mute your computer or Livestream
8 audio to prevent any feedback or distortion during your
9 call.

10 Once you're waiting in the queue be alert for when
11 it is your turn to speak, and again, please turn down the
12 Livestream volume. These instructions are also located
13 on the website. The Commission is taking final public
14 comment on any agenda item at this time. And as a
15 remember -- as a reminder, callers, please press star 9
16 to raise your hand.

17 CHAIR LE MONS: Commissioner Kennedy (ph.)?

18 COMMISSIONER KENNEDY: Chair, while we're waiting I
19 just wanted to give a shout out to our counterparts of
20 the Michigan Redistricting Commission who are also
21 meeting at this very moment.

22 CHAIR LE MONS: Thank you for that.

23 (Pause)

24 PUBLIC COMMENT MODERATOR: Chair, no callers have
25 joined the queue.

1 CHAIR LE MONS: Let's give it another thirty
2 seconds.

3 (Pause)

4 CHAIR LE MONS: Still no one in the queue, Jesse?

5 PUBLIC COMMENT MODERATOR: That is correct, Chair.

6 CHAIR LE MONS: Okay. Thank you so much. We'll
7 closing public comment. Commissioners, I just want to
8 thank all of you before we adjourn the meeting. I want
9 to thank the staff and all the Commissioners for their
10 hard work, and during my time as Chair it's been a great
11 honor to serve the Commission as Chair since December
12 14th, I believe it was.

13 I want to personally thank Commissioner Taylor who
14 was a consummate Vice Chair. It really made my job very
15 easy. So again, I appreciate the opportunity. It's been
16 a great pleasure, and at this time we will -- 3:14 on
17 January 12th adjourn this series of meetings. This
18 meeting is adjourned.

19 (Whereupon, the meeting adjourned at 3:14 p.m.)
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I certify that the foregoing is a correct transcript, to the best of my ability, of the videoconference recording of the proceedings provided by the California Citizens Redistricting Commission.



LORI RAHTES, CDLT-108

June 17, 2022

DATE