

STATE OF CALIFORNIA  
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

MONDAY, MARCH 29, 2021

9:30 a.m.

Transcribed by:

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APPEARANCESCOMMISSIONERS

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

STAFF

Alvaro Hernandez, Executive Director  
Fredy Ceja, Communications Director  
Marian Johnston, CRC Staff Counsel

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator  
Katy Manoff, Comment Moderator

PRESENTERS

Karin MacDonald, Statewide Database  
Lori Shellenberger, Common Cause  
Tricia Webber, CACEO  
Ryan Ronco, CACEO

Also Present

Public Comment

Peter Cannon  
Cynthia Dai  
Samuel Sukaton, CA League Conservation Voter's Fund  
Renee Westa-Lusk  
Kevin Nillar  
James Woodson, Black Census and Redistricting Hub  
Julia Marks, Asian-Americans Advancing Justice, Asian Law  
Caucus  
Rosalind Gold, NALEO  
Helen Hutchison, League of Women Voters of California

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P R O C E E D I N G S

1 March 29, 2021

9:30 a.m.

2 CHAIR KENNEDY: Thank you. Good morning, everyone.  
3 My name is Ray Kennedy. I am the rotating chair for this  
4 set of meetings. It is 9:30 on Monday, March 29th, 2021.

5 And I will call this meeting to order and ask Mr.  
6 Singh to call the rules for us.

7 MR. SINGH: Thank you, Chair Kennedy.  
8 Commissioner Ahmad.

9 COMMISSIONER AHMAD: Here.

10 MR. SINGH: Thank you. Commissioner Akutagawa.

11 COMMISSIONER AKUTAGAWA: I'm here.

12 MR. SINGH: Commissioner Andersen.

13 COMMISSIONER ANDERSEN: Here.

14 MR. SINGH: Commissioner Fernandez.

15 VICE CHAIR FERNANDEZ: Here.

16 MR. SINGH: Commissioner Fornaciari.

17 COMMISSIONER FORNACIARI: Here.

18 MR. SINGH: Commissioner Kennedy.

19 CHAIR KENNEDY: Here.

20 MR. SINGH: Commissioner Le Mons.

21 COMMISSIONER LE MONS: Here.

22 MR. SINGH: Commissioner Sadhwani.

23 COMMISSIONER SADHWANI: Here.

24 MR. SINGH: Commissioner Sinay.

25 COMMISSIONER SINAY: Here.

1 MR. SINGH: Commissioner Taylor.

2 COMMISSIONER TAYLOR: Present.

3 MR. SINGH: Commissioner Toledo.

4 COMMISSIONER TOLEDO: Here.

5 MR. SINGH: Commissioner Vazquez.

6 Commissioner Yee.

7 COMMISSIONER YEE: Here.

8 CHAIR KENNEDY: And we missed Commissioner Turner.

9 COMMISSIONER TURNER: And I'm here.

10 MR. SINGH: Sorry. Commissioner Turner.

11 COMMISSIONER TURNER: No worries.

12 MR. SINGH: Chair Kennedy, you have a quorum.

13 CHAIR KENNEDY: Thank you very much. And as usual,  
14 we will now open for public comment.

15 Katy, good morning. Could you please read the  
16 instructions for public comment?

17 PUBLIC COMMENT MODERATOR: Yes. Good morning. In  
18 order to maximize transparency and public participation  
19 in our process, the commissioners will be taking public  
20 comment by phone to call in the telephone number provided  
21 on the livestream feed. It is 877-853-5247. When  
22 prompted, enter the meeting ID number provided on the  
23 livestream feed. It is 92317965628. For this meeting,  
24 when prompted to enter a participant ID simply press the  
25 pound key. Once you have dialed in, you will be placed

1 in a queue. To indicate you wish to comment, please  
2 press star 9. This will raise your hand for the  
3 moderator. When it is your turn to speak, you will hear  
4 a message that says the host would like you to talk in a  
5 press star 6 to speak. If you would like to give your  
6 name, please stay and spell it for the record. You are  
7 not required to provide your name to give public comment.

8 Please make sure to mute your computer or livestream  
9 audio to prevent any feedback or distortion during your  
10 call. Once you are waiting in the queue, be alert for  
11 when it is your turn to speak. And again, please turn  
12 down the livestream volume. And again, if you are in the  
13 queue, please press star 9 to raise your hand indicating  
14 you wish to comment.

15 We do have someone in the queue and they have raised  
16 their hand.

17 CHAIR KENNEDY: Very good. Go ahead, invite them  
18 in, please.

19 PUBLIC COMMENT MODERATOR: Will do, Chair. And the  
20 floor is yours.

21 MR. CANNON: Good morning. My name is Peter Cannon,  
22 C-A-N-N-O-N. Regarding the legal committee's  
23 recommendation to have co-counsel for litigation, I  
24 wanted to make a few recommendations to maximize utility  
25 to the commission and value to the taxpayer. These are

1 based on the strengths and weaknesses identified by the  
2 legal committee during their deliberations.

3 First, the committee identified Woocher as having  
4 the clear and less expensive fee structure that Gibson  
5 could provide the easiest access to additional personnel.

6 Therefore, in most circumstances, Woocher should be  
7 treated as the lead firm, with Gibson supplementing where  
8 additional resources are required. This will keep costs  
9 down while maintaining flexibility depending on how much  
10 litigation arises.

11 Second, the committee found that as VRA Counsel,  
12 Woocher would offer greater efficiency, coordination, and  
13 strategy, while there were mixed reviews of Gibson's VRA  
14 work in 2010.

15 Therefore, Woocher should be responsible for all  
16 work relating to the VRA in consideration of race. This  
17 would include both before and after the lines are  
18 adopted. You need one firm dealing with this part of the  
19 law in and out of court.

20 Third, therefore, Gibson should focus on preparing  
21 for litigation not related to the VRA, particularly where  
22 Woocher may not have sufficient capacity or Gibson had  
23 greater overall strength.

24 Fourth, the committee found, Woocher specializing in  
25 representing government agency -- the committee found



1 that they were specializing in representing government  
2 agencies. Therefore, Woocher should be designated lead  
3 on litigation relating to government bureaucracy, Bagley-  
4 Keene, state contracting rules, et cetera.

5 So to summarize, use the cheaper firm wherever  
6 possible. Use a bigger firm to supplement when needed.  
7 VRA Counsel is your VRA litigation counsel. And lastly,  
8 leverage unique firm strengths where appropriate. I hope  
9 this helps. Thank you.

10 CHAIR KENNEDY: Thank you, Mr. Cannon.

11 Katy, do we have others?

12 PUBLIC COMMENT MODERATOR: We do have several people  
13 in the queue. I will open this one up.

14 I would like to remind everyone in the queue to  
15 press star 9 to raise your hand. We do have some with  
16 their hand raised over them and we now have multiple  
17 people. And the floor is yours.

18 MS. DAI: Hello again, commissioners. This is  
19 Cynthia Dai. Can you hear me?

20 PUBLIC COMMENT MODERATOR: Yes, we can.

21 CHAIR KENNEDY: yes, we can.

22 MS. DAI: Okay. Regarding agenda item 10, I wish to  
23 share our experience hiring litigation counsel from the  
24 perspective of a nonlawyer 2010 commissioner, who headed  
25 the Finance and Administration Committee. Hiring two

1 firms definitely exceeded the cost of one. I recommend  
2 that you consider delaying your decision to hire counsel.  
3 There are plenty of time sensitive decisions you must  
4 make. This is not one of them. We did not hire  
5 litigation counsel until shortly before we released our  
6 final maps. Reopening the RFP at a later date may  
7 provide better options. New A.G. Bonta may agree to  
8 defend the CRC, as is typically done for a government  
9 agency, which would dramatically reduce the cost. You  
10 may attract additional bidders after they see draft maps.  
11 Regarding our experience with Gibson Dunn, they were  
12 adequate as VRA counsel, but I believe we were much  
13 better served by two expert commissioners as well as two  
14 at Q2, including one extremely experienced attorney who  
15 had previously worked at DOJ. Only after the A.G.  
16 declined to defend the CRC maps did we consider hiring  
17 outside counsel. We would have happily awarded Morrison  
18 Foerster the contract, but appointed Gibson Dunn as co-  
19 counsel because we thought they could bring  
20 (indiscernible) up to speed faster. As the first CRC, we  
21 wanted to provide the best possible chances for our maps  
22 to prevail. I was very concerned about Gibson Dunn's  
23 billing, the majority of our legal expenses. We objected  
24 to mass meetings between the firms where Gibson Dunn than  
25 billed for numerous associates and senior partners. But

1 we only got some of the charges reduced. I urge you to  
2 clarify billing practices before hiring.

3 I share the concerns about lack of disclosure and  
4 conflicts of interest. For us, this alone would have  
5 been a disqualifier. Transparency and a nonpartizan  
6 ethos were key values we sought to embody. I urge you to  
7 be responsible stewards of taxpayer money, proactively  
8 seek information to thoroughly vet firms, just as the  
9 auditor's office did for us. Take your time and save  
10 yourself from hiring, from having to terminate another  
11 critical hire. Thanks for listening.

12 I submitted more complete comments in writing and  
13 I'm happy to answer questions now or on Thursday.  
14 Unfortunate, I'm not available for the rest of today.

15 CHAIR KENNEDY: Are there any questions for  
16 Commissioner Dai while she's on the line? Okay. I'm not  
17 seeing any. Commissioner Dai, thank you so much for your  
18 comments.

19 MS. DAI: Okay. No problem. Good luck.

20 CHAIR KENNEDY: Have a good day.

21 MS. DAI: Bye-bye.

22 CHAIR KENNEDY: Bye.

23 PUBLIC COMMENT MODERATOR: And I will be moving down  
24 the line. I would like to remind everyone in the queue.  
25 If you would like to make a comment, please press star 9

1 to raise your hand.

2 MR. SUKATON: Good morning.

3 PUBLIC COMMENT MODERATOR: The floor is yours.

4 MR. SUKATON: Good morning. Just want to make sure  
5 you can hear me.

6 CHAIR KENNEDY: Yes.

7 MR. SUKATON : Excellent. Good morning. This is  
8 Samuel Sukaton from the California League Conservation  
9 Voters Fund. I'm not speaking around the Legal Affairs  
10 Committee recommendation, but I did notice that one of  
11 its members, Commissioner Sadhwani, brought her attention  
12 on Twitter, a really specific community of interest,  
13 because, as you may remember, Councilmember DeLeon was  
14 mentioning the bear that was visiting Eagle Rock  
15 residents. I'm sure it was it was light hearted, but  
16 Commissioner Sadhwani invited us to draw a bit of a  
17 community interest, which we submitted, some of the -- we  
18 drew neighborhood together, folks that live along the  
19 edge of the Angeles National Forest and San Gabriel  
20 National Monument. So you know, as we're as we're going  
21 into a bit of a temp today, I just wanted to invite  
22 people to, one, get some fresh air and two, just like  
23 you're dealing with bears, no surprises, make no sudden  
24 movements. And again, just relax because bears are just  
25 like the rest of us here, just trying to live their

1 lives.

2       And I actually want to thank Commissioner Sadhwani  
3 for that suggestion. We did submit a draft map around  
4 the neighborhood, and I'll definitely be tweeting it back  
5 out to you. Thanks, Commissioner.

6       But again, thanks for carrying a lot of difficult  
7 decisions this morning, and I hope you're having a great  
8 meeting this week.

9       CHAIR KENNEDY: Thank you so much. My neighbors  
10 here at Morongo Valley may be interested in something  
11 along the same lines, since we have bear sightings here  
12 as well.

13       Katy, our next caller.

14       PUBLIC COMMENT MODERATOR: Yes. All right. And we  
15 have one more.

16       And the floor is yours.

17       MS. WESTA-LUSK: Good morning, commissioners. This  
18 is Renee Westa-Lusk calling; just two things. The  
19 handout listed for today's meeting. Handout number 9A,  
20 CCRC redistricting timeline scenarios. It's not openable  
21 from my end of the line. I can't open that handout, so I  
22 don't know what's in it.

23       And then I have a question about when individuals or  
24 organizations from a community send in written public  
25 input through letters or emails. Is anyone from a

1 community eligible to submit letters, including local  
2 elected officials? Just wanted that clarified. Thank  
3 you.

4 CHAIR KENNEDY: Thank you, Ms. Westa-Lusk. Anyone  
5 is invited to submit public comment. It is public. It  
6 will be posted on our website for the commissioners'  
7 viewing, but for the public's viewing as well. So we are  
8 happy to receive input from anyone.

9 Marian, I don't know if you have anything you'd like  
10 to add.

11 MS. JOHNSTON: No, you are correct. Anyone may  
12 submit comment, including elected officials.

13 CHAIR KENNEDY: So thank you for that question. The  
14 handout -- and I don't know if you would like some help  
15 off-line in getting to that. We can also try to share a  
16 screen with this on it if and when we discuss it. But it  
17 is looking at various scenarios and how the redistricting  
18 timeline interacts with the election timeline for the  
19 2022 primary elections, which are currently scheduled for  
20 early June of 2022.

21 Commissioner Sadhwani.

22 COMMISSIONER SADHWANI: Thank you so much, Chair.

23 I just wanted to add when I clicked it I was able to  
24 open it, but I'm sure everyone's operating off of  
25 different systems. When Ms. Shellenberger joins the call

1 later today, she is intending to share her screen and  
2 share this document so everyone will be able to see it.

3 I also just wanted to apologize. Some of these  
4 documents were only posted this morning. I know that we  
5 do have a strong desire to get things out sooner than  
6 that. And I just want to own that that that was my  
7 fault, that it fell through the cracks this weekend. And  
8 I just wasn't didn't get it out for posting prior to  
9 that. So my apologies to all of my colleagues as well as  
10 the public

11 CHAIR KENNEDY: Ms. Westa-Lusk, we do anticipate a  
12 discussion on this as part of 9A, update and discussion  
13 regarding impact of census delay on CRC calendar and the  
14 electoral cycle. And we have invited a few outside  
15 resources to join us at 11:15, following the morning  
16 break. So if you would like to follow that discussion,  
17 we will be going into that immediately following the  
18 morning break.

19 MS. WESTA-LUSK: Okay. Thank you.

20 CHAIR KENNEDY: Thank you.

21 PUBLIC COMMENT MODERATOR: And that was it for our  
22 callers.

23 CHAIR KENNEDY: Very good. Thank you, Katy.

24 Are there general announcements at this point or  
25 items of interest from individual commissioners or staff?

1 Commissioner Sadhwani.

2 COMMISSIONER SADHWANI: So I just want to follow up  
3 on the comment that was made. Yes, it had been tweeted  
4 at, I think, at me as well as at We Draw the Lines, a  
5 video of L.A. City Councilmember Kevin DeLeon doing a  
6 video of bear sightings in Eagle Rock. And you know,  
7 there's an individual dressed up as a bear kind of  
8 dancing around him. So I did respond saying if you if  
9 you're interested, it was it was tweeted at us as, this  
10 is a community of interest that we should be thinking  
11 about. And so I just responded with a emoji smiley face,  
12 saying, you know, you are welcome to submit a community  
13 of interest at the COI tool website. So it does to me  
14 when I saw that it did raise a question for me, though.  
15 If people are tweeting at us, are we capturing that? Are  
16 we putting it on our website somewhere? I think that we  
17 should. I don't know that we have a protocol for doing  
18 that yet, but I do think we should have that on our  
19 radar. I think especially as things pick up, you know,  
20 that will be an important piece to be monitoring as well.  
21 You know, I can't stop -- I think I've seen many of us  
22 get tweeted out at different points in time. So I'm not  
23 sure how to respond to that or to not respond. But I  
24 just wanted to raise that.

25 CHAIR KENNEDY: And we have inquired about the



1 possibility of having the commission's Twitter feed  
2 mirrored on the Commission website to increase access to  
3 it.

4 Mr. Ceja.

5 DIRECTOR CEJA: I did want to mention -- thank you  
6 commissioner Sadhwani, that as you start talking to the  
7 community via social media that it's perfectly fine. I  
8 mean, we all have conversations on social media. But  
9 once you start getting questions about public input or  
10 input to the commission, it's totally appropriate to send  
11 them to either [wedrawthelines.org](http://wedrawthelines.org) or  
12 [drawmycaliforniacommunity.org](http://drawmycaliforniacommunity.org), so that we can capture  
13 that information properly. And then I had an additional  
14 comment.

15 I want to make it a point to start publicly  
16 announcing for the record what's on the public comments  
17 list for this week. We did receive substantial public  
18 comment. So I'll just read it off the list. And this is  
19 posted on our website under the 2021 Main Meeting tab.  
20 So we did receive a public comment from Faustina  
21 Washburn, from Mr. John Tuteur, from the Napa Valley  
22 Vintners, from Lloyd Champion, part of Sherman Oaks, also  
23 known as POSO. Christopher Pond, the Wine Growers of  
24 Napa Assembly letter, the Winegrowers of Napa House of  
25 Representative letter. They also shared the Wine Growers

1 of Napa Senate letter that they sent into our senators.  
2 We received public comment Beckstoffer Vineyards from  
3 Tony Bernhard, regarding item 10, meeting interpretation  
4 recommendations letter from some of our community  
5 partners. Beth Femino, also regarding item 10. Angelo  
6 Ancheta, also regarding item 10. Cyntia Dai, also  
7 regarding item 10. Letter to the Legislature -- or  
8 letter from the Legislature to the commission. And then  
9 a public comment from Stacey Andersen. And again, those  
10 are all posted on our website.

11 CHAIR KENNEDY: And I want to take the opportunity  
12 to thank all of those who took the time to provide that  
13 public input. We encourage everyone with questions or  
14 concerns or points that they wish to share with the  
15 commission to continue to do so. So thank you to all of  
16 those.

17 Marian, did you have anything else that you wanted  
18 to add regarding social media responses?

19 MS. JOHNSTON: Nothing at this time, Commissioner.

20 CHAIR KENNEDY: Very good. Commissioner Sinay.

21 COMMISSIONER SINAY: I just wanted to share that I  
22 did meet with the representatives from all the farm  
23 bureaus in Zone B or they were all invited and three were  
24 able to attend. Some Farm Bureaus have smaller staffing  
25 than others, but it was a really helpful meeting just to

1 understand more the rural area and the agriculture side.  
2 And the reason I'm really bringing it up is to encourage  
3 all of you to reach out to your Farm Bureau folks,  
4 especially if you have rural areas. And the list of all  
5 the local contacts is attached to that state outreach  
6 list that we've been sharing. So that has all the links  
7 to different organizations statewide that can that have  
8 local chapters that can help you in your local  
9 outreaches.

10 CHAIR KENNEDY: Very good. Thank you so much.

11 Let me just, again for those joining us, do a quick  
12 review of the agenda. We will have the Executive  
13 Directors report, including discussion, possible action  
14 on staffing and personnel, as well as budget contracts  
15 and or procurement. The Deputy Executive Director's  
16 report on outreach activities, Chief Counsel's report,  
17 Communication Director's report and then subcommittee  
18 reports. No matter what, our intent is to take up item  
19 9A, the impact delay on our calendar and the electoral  
20 cycle at 11:15. Depending on how long that takes, we  
21 would proceed with the other subcommittee updates before  
22 lunch as well as probably after lunch.

23 We anticipate a an update, including recommendation  
24 discussion from the Legal Affairs Committee. The  
25 Government sector panel, given the heavy agenda that we

1 have, that will be deferred for probably the meeting on  
2 the 12th and 13th of April. The line draw RFP  
3 subcommittee, we do anticipate a report there, followed  
4 by data management.

5 We will be going into closed session this afternoon.  
6 I anticipate that that will be after the afternoon break.  
7 So we would likely close the public portion of today at  
8 the time that we take the afternoon break and then return  
9 in closed session, reconvening in open session tomorrow  
10 morning with a report on any actions taken in closed  
11 session.

12 We also anticipate that item 12, we would have a  
13 presentation from the selected line draws on Thursday and  
14 the intent is to complete our agenda by lunchtime on  
15 Thursday so that there could be a committee meeting  
16 Thursday afternoon. And that would be the public input  
17 meeting, design subcommittee meeting Thursday after  
18 lunch. So that is that is the review of the agenda. I  
19 don't know if there are any questions.

20 MR. MANOFF: Chair, this is Kristian. I don't have  
21 us scheduled for tomorrow. Do you mean Thursday?

22 CHAIR KENNEDY: Sorry. Thursday, yeah.

23 MR. MANOFF: Very good. Thank you.

24 CHAIR KENNEDY: Thank you for that. Yes, this is an  
25 experiment that we decided on some time back to have a

1 two-day or in this case, one-and-a-half-day meeting with  
2 the two days separated by a few days. So we're going to  
3 see how this works. If it works well, we may do it  
4 again. If it doesn't work well, well, we tried.

5 So with that, unless there are any other updates or  
6 comments from commissioners, I would ask the Executive  
7 Director to begin his report.

8 Director Hernandez.

9 DIRECTOR HERNANDEZ: Thank you, Chair, and good  
10 morning, Commissioners.

11 First, I'm going to start off by talking about our  
12 staff and personnel. You've all had a chance to hear our  
13 administrative assistant, Ravinder Singh. He started  
14 with us on March 22nd last week and has quickly  
15 acclimated himself to the commission. Mr. Singh will be  
16 taking notes, doing a summary, indexing the meeting and  
17 assisting in future agendas. He's also going to be  
18 staffing our front desk and our main phone line and we'll  
19 be monitoring our Voter First Act email.

20 So welcome, Mr. Singh.

21 In regards to our account analyst, we have made a  
22 recommendation to the Finance Administration Subcommittee  
23 to hire the account analyst. The candidate is currently  
24 an accountant I with the California Highway Patrol and  
25 has over three years in state service. The candidate

1 brings knowledge of The State Administrative Manual and  
2 government code as it relates to invoices. The candidate  
3 is also very familiar with fiscal and personal  
4 transaction functions that will assist both our fiscal  
5 director and our deputy administrator. And the candidate  
6 has an eye for detail.

7         So I am asking for confirmation of that hire from  
8 the Commission, and the Finance and subcommittee will  
9 bring that up. In regards to our other positions --

10         (Audio interference)

11         DIRECTOR HERNANDEZ: It's interesting. I'm hearing  
12 myself. Okay.

13         In regards to our field staff leads. The paperwork  
14 will be submitted today if it hasn't already been  
15 submitted, and hopefully it will post at the end of the  
16 day or early tomorrow.

17         We'll be hiring regionally. One of the things that  
18 held it up is that we had to hire -- or include that  
19 we're going to be hiring regionally, one in Northern  
20 California, central area and two in southern L.A. and San  
21 Diego split. So that's where we are with that one.

22         The director of outreach. The paperwork will be  
23 submitted as well. And finally, our Chief Counsel, the  
24 paperwork was submitted. We're hoping to have that  
25 posted today. As soon as that gets posted, we'll add

1 that one and all the others on to our website as well.

2 All right. Moving on to the protocols for the  
3 Commission Communication, I'm going to defer to the  
4 Finance and Administration Subcommittee to discuss any  
5 updates they may have on any protocols.

6 So moving on to our budget, our last budget  
7 projections were posted on February 8th, 2021. And  
8 shortly thereafter we found out that the census data  
9 would be delayed until September 30th. So we have posted  
10 the revised budget projections. So they're out there on  
11 our web, under the handouts. And you'll note that we  
12 have increased our estimated budget shortfall from 7.162  
13 million to 8.593 million. It's an increase of  
14 approximately 1.4 million, and that's attributable to new  
15 contracts under the contract services and including costs  
16 for our in-person meetings.

17 So now I'm going to just go over high-level  
18 highlights for your convenience. Operational, we moved  
19 commissioner per diem out of the outreach and public  
20 input meetings and also the line draw sessions and moved  
21 it all up per year direction into the per diem. So we  
22 didn't separate it out for each of the activities under  
23 the outreach and all the other public input meetings and  
24 sessions. So it's all now included in that one line item  
25 for per diems. Under the contract services, you'll

1 notice that we now have the line drawer contract included  
2 on there. That's 1.6 million.

3 We've also increased legal services and VRA counsel  
4 since we now are working on getting those contracts in  
5 place. And we also have included the videography  
6 business meetings and line drawing RFP cost estimates.  
7 So those are an increase as well.

8 Under the outreach section under production, we've  
9 increased materials by 50,000 and we talked about that at  
10 the last meeting. That's for the printing of the paper  
11 COI, community of interest, in a paper format.

12 And again, I mentioned that we moved out the  
13 premiums and we've also added the CRC sponsored  
14 redistricting meetings that I mentioned at the last  
15 meeting. Given that we may be going towards public input  
16 meetings also you'll see that is been included there at  
17 the very end.

18 In regards to the public input meetings themselves,  
19 we've included estimates for in-person meetings. Should  
20 we shift at some point, we want to make sure we have the  
21 funding for that and also for the line drawing sessions.

22 Are there any questions that you have at this point?  
23 Okay. I will move on.

24 Our fiscal director has been in contact with the  
25 Department of Finance and will provide the --



1 CHAIR KENNEDY: Director Hernandez?

2 DIRECTOR HERNANDEZ: Oh, yes?

3 CHAIR KENNEDY: Sorry. Sorry. Under the  
4 operational budget -- or maybe I missed it. I'm not  
5 seeing that I missed it. Postage for the paper  
6 communities of interest tool. I'm not sure I see postage  
7 anywhere in the budget. And we've been discussing, we're  
8 intending to have that as a postage-paid item to come  
9 back through business reply mail, which means we need to  
10 fund our business reply permit account before we start  
11 distributing those forms so that when people drop them in  
12 the mail, we can get them back through business reply  
13 mail, which means we need to fund our business reply  
14 permit account before we start distributing those forms  
15 so that when people drop them in the mail, we can get  
16 them.

17 DIRECTOR HERNANDEZ: That's correct. I do not have  
18 it there. I will talk with our fiscal director and see  
19 if it's already included. If not, we'll definitely need  
20 to be adding that cost into the budget. Thank you for  
21 pointing that out.

22 CHAIR KENNEDY: Thank you. Any other questions,  
23 commissioners?

24 Okay. Please proceed.

25 DIRECTOR HERNANDEZ: Okay. Thank you.

1           As I mentioned, our fiscal director has been in  
2 contact with the Department of Finance and will provide  
3 the budget estimate when it is approved. And has already  
4 reached out to them just to let them know that we're  
5 working on that and it needs to be approved by the  
6 commission before it goes to them.

7           The videography RFP posted on March 16th and the  
8 proposals are due today. And so we'll be receiving  
9 those. Just wanted to let you know about that.

10          Moving on to the outreach updates. One of the  
11 things that I've done is changed -- per the commission  
12 recommendation, changed -- the Deputy Executive  
13 Director's report will now be the Outreach Director's  
14 report on future agenda items -- on future agendas, I  
15 should say.

16          In regards to the outreach update, as was mentioned  
17 when we approved the strategic outreach plan back in  
18 January of 20 -- January 28th of this year, the plan is,  
19 was, and continues to be a living document that would be  
20 updated as we move forward. So the current plan that we  
21 had out there did not reflect the extended dates, the  
22 census delays, or any other adjustments that have been  
23 made. But you will see that we will be posting an  
24 update -- or we have posted an updated draft with some of  
25 the changes that have come up for you to review and/or

1 approve if necessary.

2 I will defer to the outreach and engagement  
3 subcommittee to further discuss that, if you have any  
4 specific questions on the revised strategic plans.

5 And that concludes my report.

6 Oh, yes, Commissioner Fernandez -- or Vice Chair  
7 Fernandez, I should say.

8 VICE CHAIR FERNANDEZ: I should say through  
9 everything, which is fine, but I really wanted to go back  
10 to the staffing. I think it's been customary for us if  
11 there's new hires that we vote and make motions for them  
12 during this time versus the subcommittee. So I wanted to  
13 know if we should continue to operate that way.

14 Chair, do you have a preference?

15 CHAIR KENNEDY: I -- yeah, I would probably concur  
16 that now would be better than under the subcommittee. I  
17 mean, in my mind the subcommittee reviews the -- the  
18 recommendation, but the -- the request for approval is  
19 actually coming from the Executive Director. And so I  
20 would agree that now is a better time.

21 VICE CHAIR FERNANDEZ: Okay. And so with that, I  
22 will make a motion and as Director Hernandez mentioned,  
23 both Commissioner Fornaciari and I have reviewed the  
24 resume, the duty statement, and we concur that the  
25 candidate does have the qualifications. We're very

1 fortunate to find someone that sounds like will need  
2 minimal training to be an asset right away.

3 So I do make a recommendation that we hire the  
4 account analyst position.

5 CHAIR KENNEDY: Very good. Is there a second?  
6 Commissioner Fornaciari, thank you.

7 Discussion? Okay. And before we vote, we need to  
8 invite public comment.

9 Katy, would you please invite public comment? This  
10 is on a potential hire that has been recommended by the  
11 admin and finance subcommittee and requested by the  
12 Executive Director.

13 PUBLIC COMMENT MODERATOR: I had to make notes on  
14 that one. Okay. In order to maximize transparency and  
15 public participation in our process, the commissioners  
16 will be taking public comment by phone. To call in, dial  
17 the telephone number provided on the livestream feed. It  
18 is 877-853-5247.

19 When prompted to enter the meeting ID number  
20 provided on the livestream feed, it is 92317965628 for  
21 this meeting. When prompted to enter a participant ID,  
22 simply press the pound key.

23 Once you have dialed in, you'll be placed in a  
24 queue. To indicate you wish to comment, please press  
25 star 9. This will raise your hand for the moderator.

1 When it is your turn to speak, you'll hear a message that  
2 says, the host would like you to talk, press star 6 to  
3 speak. If you would like to give your name, please state  
4 and spell it for the record. You are not required to  
5 provide your name to give public comment.

6 Please make sure to mute your computer or livestream  
7 audio to prevent any feedback or distortion during your  
8 call. Once you are waiting in the queue, be alert for  
9 when it is your turn to speak. And again, please turn  
10 down the livestream volume.

11 And the commission is taking public comment on a  
12 potential hire that they just discussed. And there is no  
13 one in the queue at this time.

14 CHAIR KENNEDY: We will stand by until the  
15 livestream catches up.

16 (Pause)

17 PUBLIC COMMENT MODERATOR: And the instructions are  
18 complete on this stream, Chair.

19 CHAIR KENNEDY: Okay. Let's give it thirty seconds  
20 so that people have time to follow the instructions.

21 Okay. Then thank you, Katy.

22 PUBLIC COMMENT MODERATOR: You're welcome.

23 CHAIR KENNEDY: If we can have Mr. Singh call the  
24 roll for the vote, and we start with the person after the  
25 chair, so -- I forget who comes after me.

1 DIRECTOR HERNANDEZ: Commissioner --

2 CHAIR KENNEDY: Commissioner Le Mons.

3 DIRECTOR HERNANDEZ: Chair Kennedy, for this go-  
4 around I'm going to do the vote.

5 CHAIR KENNEDY: You'll call the roll?

6 DIRECTOR HERNANDEZ: Yes, sorry about that.

7 CHAIR KENNEDY: Okay. Very good.

8 DIRECTOR HERNANDEZ: We're still transitioning over  
9 to that.

10 CHAIR KENNEDY: Okay.

11 DIRECTOR HERNANDEZ: All right. So the motion is to  
12 hire the account analyst recommended by me, the Executive  
13 Director. Motion made by Commissioner Fernandez,  
14 seconded by Commissioner Fornaciari.

15 Commissioner Le Mons.

16 COMMISSIONER LE MONS: Yes.

17 DIRECTOR HERNANDEZ: Commissioner Sadhwani.

18 COMMISSIONER SADHWANI: Yes.

19 DIRECTOR HERNANDEZ: Commissioner Sinay.

20 COMMISSIONER SINAY: Yes.

21 DIRECTOR HERNANDEZ: Commissioner Taylor.

22 COMMISSIONER TAYLOR: Yes.

23 DIRECTOR HERNANDEZ: Commissioner Toledo.

24 COMMISSIONER TOLEDO: Yes.

25 DIRECTOR HERNANDEZ: Commissioner Turner.

1 COMMISSIONER TURNER: Yes.

2 DIRECTOR HERNANDEZ: Commissioner Vazquez.

3 Commissioner Yee.

4 COMMISSIONER YEE: Yes.

5 DIRECTOR HERNANDEZ: Commissioner Ahmad.

6 COMMISSIONER AHMAD: yes.

7 DIRECTOR HERNANDEZ: Commissioner Akutagawa.

8 COMMISSIONER AKUTAGAWA: yes.

9 DIRECTOR HERNANDEZ: Commissioner Andersen.

10 COMMISSIONER ANDERSEN: Yes.

11 DIRECTOR HERNANDEZ: Commissioner Fernandez.

12 VICE CHAIR FERNANDEZ: Yes.

13 DIRECTOR HERNANDEZ: Commissioner Fornaciari

14 COMMISSIONER FORNACIARI: Yes.

15 DIRECTOR HERNANDEZ: And Commissioner Kennedy.

16 CHAIR KENNEDY: Yes.

17 DIRECTOR HERNANDEZ: Motion passes.

18 CHAIR KENNEDY: Thank you for that.

19 Is there anything else on outreach at this point,

20 Director Hernandez?

21 DIRECTOR HERNANDEZ: The only other thing -- and I  
22 think the subcommittee will talk about it, is that we had  
23 a very productive meeting with the USBR, that they are  
24 going to be helping us with a database. And so that is  
25 very exciting news.

1 Other than that, I believe the subcommittee will  
2 report on any additional information. Thank you.

3 CHAIR KENNEDY: Very good. Very good. Thank you.

4 Marian, do you have anything to report at this  
5 point?

6 MS. JOHNSTON: Yes. As I mentioned in my email to  
7 you all about the Ohio case, the Census Bureau announced  
8 during that hearing that they would be releasing what  
9 they call legacy format summary redistricting data files.  
10 They've since put out an announcement about it, saying  
11 that that would be released to all states by mid to late  
12 August 2021.

13 They said, because we recognize that most states  
14 lack the capacity or resources to tabulate the data from  
15 these summary files, we reaffirm our commitment to  
16 providing all states tabulated data in our user-friendly  
17 system by September 30th.

18 I must admit I didn't understand what this legacy  
19 format summary redistricting data file was, but in  
20 reading Ms. Mac Donald's memo to you all -- it was posted  
21 this morning, and I trust her and her skills and  
22 abilities. She says that we are one of the states who do  
23 have the capacity to use that data. If that is true,  
24 then I agree with the letter from the Legislature to you  
25 all, that that -- release of that information would



1 trigger the time for you to begin working on your  
2 redistricting maps.

3       Now, the timing on that is still a little vague,  
4 because they say they will release it by mid to late  
5 August. If it were by August 15th, that would mean that  
6 your first draft maps are due no later than November  
7 15th, and your final ones would be due by the end of  
8 December. Of course, that's a moving target depending on  
9 when the census actually releases this legacy data. But  
10 I would encourage the commission to be flexible in  
11 adjusting its timeline and to use -- if Ms. Karin is  
12 correct, to use the release of the summary legacy data as  
13 the time to commence your four and a half for preparing  
14 your maps.

15       Any questions? I know it's going to be talked  
16 about. Ms. Mac Donald is talking, other people are  
17 talking later today.

18       CHAIR KENNEDY: That is very helpful. That will  
19 obviously trigger an adjustment to the Gantt Chart that  
20 we are trying to keep up to date. It will need to be  
21 taken into account in a -- another iteration of the  
22 strategic outreach plan. Essentially this will determine  
23 a lot about our way forward.

24       So thank you for that. And yes, we will be  
25 discussing this further approximately an hour from now.

1           Are there any other questions or comments at this  
2 point from commissioners? Okay.

3           Seeing none, the next item is the communication  
4 director's report.

5           Mr. Ceja, please.

6           DIRECTOR CEJA: All right. Thank you so much. And  
7 that's exciting news. Feels like everything is coming  
8 together.

9           So just wanted to let you all know that last week,  
10 we did a series of interviews. Commissioner Toledo was  
11 on KSRO radio. Commissioner Ahmad was on the  
12 (indiscernible) Beat. Director Hernandez did an  
13 interview with the (indiscernible). And Commissioner Yee  
14 did an interview this morning with KQMS radio.

15           So the interviews are starting to roll in. I did my  
16 first initial touch last week. Just blasting all the  
17 zones in case they wanted to do a story on the process or  
18 highlight the commissioners. And we got follow up with  
19 phone calls to the different regions that hadn't received  
20 any luck yet. Don't fret. We have plenty of time to do  
21 these interviews.

22           And I just wanted to -- to thank everyone for  
23 participating. And you all sound so professional when  
24 you're doing your interviews. It's like you're the  
25 experts in this field. And it felt so amazing to see

1 that happen. So thank you so much.

2 Also wanted to bring up the fact that we're starting  
3 to receive public comment and public input. If you look  
4 at the list under public comment to this agenda on the  
5 website, you'll start to see a mix of both public comment  
6 and public input, where people are saying hey, keep my  
7 Napa Valley region together, don't split it up. So  
8 wanted to bring that conversation up to you,  
9 Commissioners, on how best to capture the information,  
10 where to put it, and how to report out when these things  
11 come in.

12 So today, what I did is take an opportunity under  
13 the announcement to let you all know what was under  
14 public comment. But then also, want to bring up the  
15 conversation if we want to add a tab on our website to  
16 include -- or to park public input, because we're not  
17 using public input yet. But we do want to keep it  
18 somewhere so it's readily available when we do start  
19 having those conversations and drawing maps.

20 So wanted to open that up for conversation.

21 CHAIR KENNEDY: I would -- Commissioner Taylor and I  
22 will be putting together more comprehensive  
23 recommendations for progress on the website, but I would  
24 say that, yes, it is important to have that input  
25 somewhere easily accessible on the website. So my

1 personal feeling at this point before sitting down and  
2 discussing it with Commissioner Taylor is -- would be  
3 yes. And I would welcome any other input from  
4 commissioners.

5 Commissioner Andersen.

6 COMMISSIONER ANDERSEN: Thank you, Director Ceja,  
7 for bringing that up to our attention. And the website  
8 subcommittee will I know do a very good job of making  
9 good solid recommendations.

10 One thing I would suggest, just for ease of the  
11 public viewing of this input, is if we could possibly  
12 group it by county and/or possibly then region. So  
13 someone could quickly kind of look up what's in their  
14 area. Just at -- obviously that is an item that will be  
15 further dealt with I believe by the data management  
16 subcommittee. But in terms of just general public  
17 viewing, that might be the quickest, easiest thing to  
18 help. So thank you.

19 DIRECTOR CEJA: I will touch base with Commissioners  
20 Taylor and Kennedy about the website portion. But as  
21 public comment, I get their email. Would the appropriate  
22 protocol be to share that with the entire commission  
23 before we post it anywhere, and say hey, this has come in  
24 so far? I think we've been doing that so far. So --

25 CHAIR KENNEDY: Commissioner Fernandez, and then

1 Commissioner Sinay.

2 VICE CHAIR FERNANDEZ: I think if we have a separate  
3 tab, I don't necessarily think it needs to be shared with  
4 all of us when you get it, and as long as it's in that  
5 tab, I think that would suffice because it would be  
6 public information out there. I would hate to lose it in  
7 my email. And I know that having a separate tab would  
8 definitely keep it visible for everyone else.

9 CHAIR KENNEDY: Commissioner Sinay.

10 COMMISSIONER SINAY: I was thinking through kind of  
11 our -- our agreement that all data is equal. Doesn't  
12 matter if it's a first or the last that we received. And  
13 we're not going to get emails for every query we receive,  
14 so that may not make sense for every community of  
15 interest map we receive. So it may make sense to put it  
16 in a tab, as Commissioner Fernandez said, and then we  
17 review all of it at one time when we're looking at that  
18 area.

19 CHAIR KENNEDY: Thank you. Any others?

20 Commissioner Sadhwani.

21 COMMISSIONER SADHWANI: Thank you. I completely  
22 agree with everything that's been said. If there's a  
23 way, as the database that's being developed to data  
24 management, as that becomes developed, if -- if there can  
25 be some sort of connection between the two. I think at

1 some point, as we're seeing already, the volume of  
2 submissions is going to increase exponentially.

3 And so that list I think having it available  
4 somewhere on our website is absolutely important. But  
5 ensuring that -- that there's some rhyme or reason to it  
6 besides simply the day on which it arrived to us I think  
7 would be really, really helpful and beneficial to think  
8 through how to best achieve that.

9 CHAIR KENNEDY: And we do need to look back because,  
10 you know, we have received sporadically public input over  
11 the months. I mean, we can probably go back into last  
12 year and find input from individuals that we would want  
13 to capture under that tab.

14 DIRECTOR CEJA: The other thing I wanted to mention  
15 is that I posted an op-ed, a draft op-ed, under the  
16 website for my report. So the idea was to have the  
17 chair, which is Commissioner Kennedy, pen the first op-  
18 ed, just letting the public know what we're doing with  
19 the extra time that we have because of the census delay.  
20 So because we have new information today, we might want  
21 to change that depending on how the conversation goes  
22 later today.

23 So that's out there. We'll try to pitch the first  
24 op-ed to major newspaper, and then use that template or  
25 other templates that are out there to pitch local op-ed

1 in your zone under your title for the commissioners that  
2 belong to those zones. Again, this is part of the  
3 education process so people know what we're doing with  
4 our time and when do we expect to have those final maps  
5 in.

6 We do have the redistricting video. They're putting  
7 the final touches on it. So we met with the material  
8 subcommittee and we came up with two additional slides.  
9 So we're going to need to incorporate that into the  
10 video. One is what sort of COI information we're asking  
11 the public for. So it's letting them know, hey, this is  
12 how to explain your community. This is the input that  
13 we're looking for.

14 And then the other slide that we thought would be  
15 essential is language assets. How we're going about  
16 making sure that we're allowing all Californians to  
17 participate in our process. So we value that. And for  
18 all those community groups that are out there that have  
19 been telling us, hey, this is important, we get it.

20 And so we're incorporating it into the slides  
21 presentation so that you feel like you're being heard,  
22 but also letting the public know how best to go about  
23 getting the information in their language. So we will be  
24 adding those, and hopefully we can come back Thursday and  
25 present it to you then.

1           And so the last thing I wanted to share is that we  
2 have the social media toolkit that we're going to be  
3 sending out this week, today, to our community partners.  
4 So the idea is to provide social media content for  
5 nonprofit or advocacy organizations, the farm bureau or  
6 whoever else wants to share our content on social media.

7           We're sending out that information on a weekly  
8 basis, providing the assets, which is the photos for  
9 social media, and then suggested language for Facebook,  
10 for Instagram, and for Twitter, so that they can just  
11 keep reshuffling our information on a weekly basis and  
12 letting their audiences know what we're doing as a  
13 commission.

14           CHAIR KENNEDY: Very good. Commissioner Sinay.

15           COMMISSIONER SINAY: Director, can you just make  
16 sure that the commissioners are on the email list that  
17 gets that social media toolkits just so we're in the  
18 loop? Thank you.

19           DIRECTOR CEJA: And what was the -- website?

20           CHAIR KENNEDY: Very good. Commissioner Andersen.

21           COMMISSIONER ANDERSEN: Thank you, Director Ceja.

22 And one thing I would like to emphasize in all of our  
23 communications is please have all the public go to our  
24 community of interest tool and use this. And we should  
25 talk this up because we don't want to have everyone, all



1 the public, think, I'm just waiting for these, quote,  
2 public input meetings. Now, is the time to get involved.  
3 If we could please emphasize that. Because I know that  
4 if all committee people think nothing really matters  
5 until we start going out to the public. So I just would  
6 like to bring that up.

7 CHAIR KENNEDY: Thank you, Commissioner Andersen.  
8 Commissioner Sinay.

9 COMMISSIONER SINAY: I believe that that's the main  
10 purpose of the op-ed that's been drafted so that people  
11 know we want to hear from you now.

12 CHAIR KENNEDY: I'll include this in my discussions  
13 with Commissioner Taylor, but I also think it's important  
14 whenever possible, whenever reasonably possible, but when  
15 we refer people to the website, we refer them to a  
16 specific place on the website, because if all we do is  
17 say, look at our website, then they're left hanging as to  
18 where to find something on the website.

19 So I hope that we can be as specific as possible and  
20 help people find what they're looking for. They can take  
21 whatever time they want to, to explore the website, but  
22 if we are referring people to something specific on the  
23 website, I would -- I would suggest that we be as  
24 specific as possible as to where to find that on the  
25 website so that they don't waste time that they don't

1 want to spend moving around the website.

2 Okay. Anything else is your report?

3 DIRECTOR CEJA: No, that's it. Thank you.

4 CHAIR KENNEDY: Very good. Thank you so much.

5 Okay. So with that, it is -- we are going on 10:30. We  
6 will go ahead and start subcommittee updates but we will  
7 skip item 9(a) for now until we come back from our break  
8 at 11:15. So we are now at 9(b), finance and  
9 administration.

10 Commissioners Fernandez and Fornaciari, please.

11 VICE CHAIR FERNANDEZ: Thank you, Chair. There was  
12 a report that was posted because we had quite a few items  
13 since our last meeting. We've already talked about the  
14 account position. So thank you so much for approving  
15 that.

16 At the last meeting, or maybe it was the meeting  
17 before, I honestly can't remember. We were directed --  
18 excuse me -- to review our current hiring process because  
19 they was I guess questions last time as to whether or not  
20 we should do the hiring and the discussion during closed  
21 session versus open session. And so what Commissioner  
22 Fornaciari did is he provided the current language that  
23 we had already approved as a commission to delegate the  
24 review of the -- the resume and the recruitment  
25 information and the duty statement to have our

1 subcommittee review that, and then report back in terms  
2 of whether we had issues or not, whether we agree with  
3 the recommendations that were being made.

4 And at this point, we feel -- and at that point, our  
5 policy also states that at the executive level positions,  
6 we do conduct that hiring in our closed session and the  
7 discussion as well and then we report out in open  
8 session. But all other positions we discuss in open  
9 session.

10 So our recommendation is just to keep with our  
11 current policy. And again, I just want to reiterate the  
12 reason we don't give the person's name is because they  
13 aren't hired yet. And some of them don't -- in case  
14 maybe their current employer is listening, they want to  
15 be the ones to tell their employer first before they hear  
16 it from someone else. And then again, I believe it was  
17 Commissioner Le Mons last time, we're -- we're making  
18 motions to hire, to fill the position, not necessarily  
19 the person. So again, that's why we're recommending we  
20 don't make changes to the current policy.

21 So I didn't know if you wanted to discuss that  
22 further, Chair Kennedy, or should I just keep moving?

23 You're on mute right now.

24 CHAIR KENNEDY: Let's see if there are comments from  
25 commissioners. Commissioner Andersen.

1           COMMISSIONER ANDERSEN: Thank you, Commissioner  
2 Fernandez. I'm just clarifying when we say the hiring  
3 process for the executive staff will be conducted by the  
4 entire commission, okay -- oh, executive -- okay.  
5 That's -- I just want to make sure that -- the next line  
6 seemed to say Executive Director was organizing things,  
7 but I see that the staff is indeed by the commission, the  
8 executive staff. Where the lower staff is -- so I  
9 withdraw my comment. Thank you.

10           CHAIR KENNEDY: Any other comments?

11           I would observe that, you know, it is important for  
12 the full commission to approve the creation of positions.  
13 I guess my question would be to counsel. My  
14 understanding is we are still required to approve each  
15 individual hired, not just the creation of the position.  
16 And if we're required to approve the individual, it has  
17 always seemed a bit counterintuitive to me to be asked to  
18 approve someone that we know little to nothing about.

19           MS. JOHNSTON: Yes, Chair, this is correct. Under  
20 your statute, it takes a special vote, three from each  
21 subgroup, for any hiring of all employees. So it does  
22 have to be a vote on each hire. As to how you do that,  
23 that's a policy decision for you all.

24           CHAIR KENNEDY: Right. Commissioner Le Mons.

25           COMMISSIONER LE MONS: For me, I think it's a matter

1 of interpretation. We are approving the position and we  
2 are approving the hire. But we are not involved in the  
3 interview process. And whether they give us three  
4 sentences or give us three paragraphs, we've not met the  
5 person. We've not interviewed the person, and I think  
6 that's the point -- kind of the sticking point is some  
7 people feel like they don't have enough information.

8       And I think by keeping it focused on we are voting  
9 on the position first, the creation of that position.  
10 And then we are voting to support the Executive Director  
11 or the hiring manager in their choice. So it -- it  
12 suggests to me that we trust the executives that we hire  
13 who are serving as hiring managers to make those  
14 decisions, and we're doing our regulatory duty to vote on  
15 the hiring.

16       But I would caution us about getting focused on the  
17 interview, the review of the person. I mean, if there  
18 are some very specific, I don't know, conflict of  
19 interest criteria or something that's flag-raising, maybe  
20 there's some kind of vetting process that could be put  
21 in. And I think we have that through our subcommittee  
22 because they work with -- on all the hires. They work  
23 with the various hiring managers.

24       So with that said, I would support Commissioner  
25 Fernandez and Fornaciari's recommendation to leave the

1 policy as is.

2 CHAIR KENNEDY: Commissioner Fernandez.

3 VICE CHAIR FERNANDEZ: And I just want to clarify,  
4 Chair Kennedy, that Commissioner Fornaciari and I, we do  
5 review the duty statements, we do review the resumes. We  
6 do review the applications just to make sure that there  
7 are -- the candidate does have the skills that they're  
8 looking for.

9 Also, we do also confirm that there was vetting done  
10 in terms of reference checks of the candidate.

11 CHAIR KENNEDY: No, that is helpful. I, you know,  
12 it has also seemed to me that inviting public comment  
13 when the public doesn't know who the person is, is also a  
14 bit counterintuitive. But you know, it is important for  
15 the public to understand the process that the  
16 subcommittee goes through and to take some assurance away  
17 that we are carrying this out responsibly. So thank you  
18 for that.

19 Okay. Go ahead with the next item then.

20 VICE CHAIR FERNANDEZ: Okay. And so for the next  
21 one, Commissioner Kennedy -- or Chair Kennedy, I'll have  
22 to -- what is it called -- Ecro or whatever. Apparently,  
23 there were transcripts being done. So right now, we have  
24 SR, administrative -- director of administration, Raul  
25 Villanueva, to find out where they are. So once we find

1 out where the transcripts are, then they will be posted  
2 to the website. So I misunderstand, or I guess actually  
3 never knew that we had transcripts. I had asked a few  
4 times. So hopefully soon, and I did receive an update  
5 from Ms. Villanueva this morning and we're hoping by the  
6 end of the week to have resolution as to when to locate  
7 who has them, and then two, to post those to our website.  
8 So yay, good news. That's it. All right.

9 CHAIR KENNEDY: It is good news, and it something  
10 that we had been promising. If you read the important  
11 notes to the agenda, that is included in those important  
12 notes. So yes, I'm very happy that we will be carrying  
13 through with that commitment.

14 VICE CHAIR FERNANDEZ: Yes. Thank you. And then  
15 the next -- oh, any other questions? I'll keep going.

16 Okay. The next one is recommendation for agenda  
17 management. Initially, we had -- Commissioner Fornaciari  
18 and I, we had looked into possibly contracting out to  
19 have an automated agenda building solution. And so at  
20 this point we've actually dropped moving forward with  
21 that. We did actually meet with someone, but it just  
22 feels at this point that the Commission really is a  
23 short-lived, one year, and for us to get it started, and  
24 it's just a lot of effort to go into that. Also, the  
25 costs associated with it.

1 But on the other hand, we have good news. Thank you  
2 to Kristian, our wonderful videographer, he has shown  
3 us -- they also do the videography for the California  
4 Department of Education for their board, and he showed us  
5 through YouTube, it's free, which is a great deal. It's  
6 a free feature that we can actually post our video  
7 meetings, and what we do is, probably have Ravi, Mr.  
8 Singh, it'll probably be his function. What they do is  
9 they index. So they would index the specific agenda  
10 items so that they just have to click on it and it takes  
11 them directly to the video link in terms of when the item  
12 was discussed. So we are -- that's what we're going to  
13 recommend or we're going to look into further, and  
14 Kristian has offered to train one or two individuals,  
15 which is great, and we'll work -- go collaboratively with  
16 staff to get that moving. So that was additional good  
17 news also.

18 CHAIR KENNEDY: So with that --

19 VICE CHAIR FERNANDEZ: Any questions?

20 CHAIR KENNEDY: -- are we able to go back and so we  
21 can post past meetings all the way back to the beginning  
22 of the 2020 Commission and they would do the same?

23 VICE CHAIR FERNANDEZ: That was something that we  
24 discussed because obviously it would be time-consuming  
25 potentially, but I also mentioned to Executive Director



1 Hernandez that that might be a good job for, like,  
2 student assistants, you know, because if you can imagine  
3 having to watch days and days of meetings -- so we're  
4 also working with that too, yeah. That would be the  
5 goal, and so we're just going to have to work towards  
6 that and -- towards that goal and hopefully -- and that  
7 should be included in the budget as well.

8 CHAIR KENNEDY: Excellent. Thank you.

9 VICE CHAIR FERNANDEZ: Okay. I'm going to move on  
10 now. Yes, so the last part, Commissioner Fornaciari and  
11 I had discussed at the last meeting our business meeting  
12 costs, and we do have information on the handout that  
13 Commissioner Fornaciari provided, and I believe -- now,  
14 my addition's a little bit off right now, but I think it  
15 was like seven or \$8,000 a day if we don't cancel a  
16 meeting in time, we're still charged seven or \$8,000  
17 because we still have the videographer. Obviously, this  
18 makes sense because, you know, they're providing -- it's  
19 their job and they're providing a service, so it would be  
20 your videographer, your sign language, your captioning,  
21 and your transcription.

22 So with that, I was -- we're just hopeful that as we  
23 move forward and we build our agendas, we're just a  
24 little bit more deliberate in terms of how we schedule  
25 agenda items and if we have anything for placeholders, to

1 please be very conscious and let the Chair know as soon  
2 as possible. If those agenda items are no longer going  
3 to be needed, because if it's a difference of maybe  
4 having an extra hour or two for a meeting versus carrying  
5 it over to the next day for a couple hours, it would make  
6 sense to make it an eight-hour meeting versus a six-hour  
7 meeting and a two-hour meeting. So I was just trying to  
8 be a little bit more aware of the financial costs that go  
9 out. And although they said that they require a twenty-  
10 four hour minimum notice so that we don't incur these  
11 additional costs, it'd be great if we had a two-day  
12 notice.

13 So I just want to throw that out there as well.  
14 Building our agendas in the futures to just be aware of  
15 that of the additional cost regard. I mean, it's -- I  
16 know many of us are elated when we have that extra day or  
17 we get done early, it's great, but then on the flip side  
18 of it, we also have fiduciary responsibility I feel to  
19 make sure that we use the funds as efficiently as  
20 possible.

21 So are there any questions?

22 Commissioner Fornaciari, this is really your report,  
23 but I think you --

24 COMMISSIONER FORNACIARI: Thank you for taking care  
25 of it for me. Yeah, I appreciate it. Thank you.

1 VICE CHAIR FERNANDEZ: Sure. Anytime. We're a  
2 team.

3 CHAIR KENNEDY: Any questions or comments from other  
4 Commissioners?

5 Okay. So 9C is the Gantt charts, so at this point,  
6 given the new information in Ms. Mac Donald's note as  
7 well as the letter from the Legislature, Commissioner  
8 Taylor and I will endeavor to update the Gantt chart.

9 This will also be informed by the discussion of 9A  
10 that we'll have in just over a half an hour. So by the  
11 next meeting, we should have an updated Gantt chart up on  
12 the website.

13 9D, line drawers are FP. Now, we have a separate  
14 item on the agenda, item 12, so unless the subcommittee  
15 wants to take its five minutes or less at this point,  
16 Commissioner Andersen, so ahead.

17 COMMISSIONER ANDERSEN: Yes, it is with, you know,  
18 great joy and excitement that the line drawer  
19 subcommittee is pleased to say the contract has been  
20 approved. It was approved as of late Thursday. We had  
21 the pleasure of meeting with representatives from both  
22 Haystaq and Q2 on Friday. There's much to be talked  
23 about, worked out, and they will be giving us a short  
24 presentation on Thursday. Now, it looks like it'll be  
25 Thursday morning, so we are very excited and very

1 pleased.

2 They are also aware of how deadlines and things are  
3 changing. They have many different ideas about idea --  
4 ways they can move things forward and assist. So it will  
5 be, as we work with them, it will be very productive.  
6 That will not be the full point of their discussion on  
7 Thursday. It will be more of an introduction and  
8 organizational type of thing, and we'll have more  
9 meetings to come.

10 So Commissioner Sadhwani, did you want to add  
11 anything?

12 COMMISSIONER SADHWANI: That's it. Thank you so  
13 much.

14 CHAIR KENNEDY: Very good. So agenda item 12 then  
15 would be on Thursday. All right. 9E, VRA compliance  
16 Commissioners Sadhwani and Yee.

17 COMMISSIONER SADHWANI: Well, I think a part of the  
18 VRA compliance will also be discussing the recommendation  
19 of the Legal Affairs Committee. In terms of VRA Counsel,  
20 just as way of an update, we're trying to create a panel.  
21 We're hoping for April 12th and 13th. I don't think  
22 Commissioner Yee actually knows this just yet, but I  
23 think that that date is actually not going to work for  
24 our panelists to receive the presentation from PPIC in  
25 terms of changes and demographics from 2010 using the ACS

1 data, American Community Survey, so stay tuned on that,  
2 and we're working to try and bring that to you.

3 I think in the next couple weeks as the line drawer  
4 comes on as we make some determinations around the VRA  
5 and litigation counsel, we'll have a -- plenty of  
6 opportunities for trainings in the coming weeks and month  
7 or so. So certainly we're thinking about this also in  
8 terms of -- in the meantime, we also did reach out to a  
9 researcher from CUNY in the State of New York. They have  
10 a really great tool called Redistricting and You. We are  
11 potentially looking to see if that researcher can come  
12 and join us and give an overview of the tool, but you all  
13 can also just find it at Redistricting and You, I think  
14 dot org. I can double-check that and share that with  
15 everyone. It's a great tool.

16 Specifically looking at where lines are drawn right  
17 now, and this is for the entire United States, and taking  
18 a look at potential population shifts in a given district  
19 where the lines are drawn now. All right. So it just  
20 gives you a sense of how much of a differentiation there  
21 would be. There's a lot of factors that we don't know  
22 yet, right, what will be the total number of people in a  
23 district when we draw it this time around, et cetera. So  
24 there's many things to still work out, but it's kind a  
25 fun tool to play around with and certainly a great piece

1 to sit, to kind of wrap our minds around the job in front  
2 of us.

3 Commissioner Yee?

4 CHAIR KENNEDY: Very good.

5 COMMISSIONER YEE: That's all. Thank you.

6 CHAIR KENNEDY: Very good. Any questions for the  
7 VRA compliance subcommittee?

8 Okay. Outreach and engagement. Commissioner Sinay  
9 and Commissioner Fornaciari?

10 COMMISSIONER FORNACIARI: Yeah, we just have a very  
11 brief report. Most of the work we've done over the last  
12 week or so is -- will be in number -- letter O, but we  
13 did meet with the Outreach team a few times over the past  
14 week and came up with some recommendations on moving  
15 forward with Outreach that are contained in our, you  
16 know, report. So continue to leverage past and upcoming  
17 district basics presentations, promote through social  
18 media, regular media, through the Commissioners, through  
19 the newsletter, target opportunities to broad reach.  
20 Statewide, continuing some statewide engagement with  
21 organizations. And then continue to monitor the regions  
22 in California to ensure we're reaching out to everyone.  
23 And then continue presentations in Spanish.

24 I'm sorry, Commissioner Sinay, who's the -- what's  
25 the organization who translated our presentation?

1           COMMISSIONER SINAY: Commissioner Sadhwani did a  
2 presentation for Sherla (ph.), and they had it translated  
3 while she was speaking in English, they had it  
4 translated.

5           COMMISSIONER FORNACIARI: Yeah, so we're getting  
6 that translated version of our presentation for us to use  
7 too and -- yeah, we'll -- so our second recommendation is  
8 to promote two redistricting basics presentations, one in  
9 English and one in Spanish with Q&A. We'll record those.  
10 We're proposing to do those on April 20th in English at 2  
11 p.m. before the business meeting that's from 4 to 8. And  
12 then we're proposing to do the Spanish one, April 26th at  
13 5 p.m. after our business meeting that day, and we're  
14 proposing to have multiple Commissioners do that  
15 presentation in Spanish, and again, with Q&A, we'll  
16 record those presentations and have those posted on our  
17 website and available for other -- for folks to view or  
18 other organizations to use.

19           And in particular, for the Spanish presentation,  
20 we'll have sign language, closed captioning and comments  
21 and questions in language. So we're proposing to go  
22 ahead and do that. I don't know that we need a vote or  
23 anything. I just want to open it up for comment or  
24 thoughts on that.

25           CHAIR KENNEDY: Commissioner Sinay?

1           COMMISSIONER SINAY: I just wanted for those who are  
2 in the design working group, we're also known as the  
3 public input design subcommittee, I think. Anyway, I  
4 nicknamed it such shorter, but this builds on the  
5 conversation that we had about do we dub all -- in all  
6 fourteen languages the presentation, and the cost is a  
7 lot to dub all fourteen of them, and we're still  
8 exploring that and we still want to make everything as  
9 accessible especially when requested, but this was our  
10 recommendation on how to use our resources, our -- what  
11 the tradeoffs were, and what the impact we can make,  
12 especially the first one, we don't feel that -- we feel  
13 that there's still a lot more potential of promoting  
14 those presentations that are happening even if we're not  
15 posting what others are, and just thinking that through.  
16 So we'll continue to just do that.

17           For three, I'm really, really excited and Fredy can  
18 probably talk more to this, but we're looking at creating  
19 shorter presentations because it's going to make -- not  
20 too many people are going to sit through a fifteen minute  
21 or half an hour presentation, but if we create little  
22 vignette second in different languages with the subtitles  
23 underneath, we can get a lot more information out to more  
24 people in a more engaging way.

25           CHAIR KENNEDY: Thank you. One question on my part.



1 We've talked a lot about making these as convenient as  
2 possible to people throughout the state, and I understand  
3 and embrace the idea of these being posted so that people  
4 can access them anytime, but I'm still looking at the  
5 English presentation being done at 2 p.m. and wondering  
6 if we should look for an opportunity to do it later in  
7 the day when we might have a larger live audience.

8       Alternatively, you know, I could possibly see going  
9 with two of each, but you know, I take your point about  
10 the cost of dubbing and subtitling two sets of videos  
11 rather than just one set of videos. And so yes, we do  
12 need to take that into consideration, but I guess --

13       COMMISSIONER SINAY: I think that's a great point,  
14 Chair, and one of our thoughts is once it is actually a  
15 video, we can have it at different times and do the Q&A  
16 live so we can have different Commissioners. So we could  
17 be doing Facebook live or YouTube live, and so we can be  
18 doing it, and that's like English and Spanish were the  
19 two that we really wanted to create as soon as possible  
20 so that we could get out to as many people in different  
21 ways. So we are thinking that. The reason we have it at  
22 the two, the times we have it is we were looking for the  
23 cost effective way of doing it with our existing  
24 meetings.

25       CHAIR KENNEDY: Commissioner Turner?

1           COMMISSIONER TURNER: Thank you, Chair. I'm  
2 wondering, we have Director Ceja that's already worked on  
3 a video of all of the Commissioners, so I'm trying to  
4 determine how is this different from the video we've  
5 already prepared?

6           COMMISSIONER FORNACIARI: So the difference in this  
7 case would be there'd be live Q&A that would be recorded  
8 and go along with it.

9           COMMISSIONER SINAY: And it'll have the new slides,  
10 so we're constantly updating the presentation, but we  
11 could use the video and just do the Q&A as well, but you  
12 know, we could do it either of those two ways.

13           The bigger question we were having was we had asked,  
14 you know, staff looked into the research of how much  
15 would it cost to dub into all fourteen languages, and  
16 we're still going to translate the slides and probably  
17 the script in all fourteen languages, but the actual  
18 dubbing will be -- we, you know, we need to still talk  
19 this further with the language access group, but we were  
20 thinking that could be done at request to be very open  
21 for at requests.

22           CHAIR KENNEDY: Commissioner Akutagawa?

23           COMMISSIONER AKUTAGAWA: Yes, to piggyback on what  
24 Commissioner Sinay just mentioned, I believe when we last  
25 had a conversation, we did recommend that the PowerPoint

1 presentation itself be translated into the twelve  
2 languages, but we actually recommended that we don't  
3 translate the script partly because the script is long  
4 and also we believe that there will be nuances that I  
5 think those who will be giving the presentations in  
6 language would probably prefer to use just the PowerPoint  
7 as its base and be able then to present out. And we  
8 didn't feel that, you know, just from a resources point  
9 of view, we thought that if we translated the PowerPoint  
10 that that would actually be the most useful tool to  
11 translate. And we're also concerned about how much time  
12 it takes to also roll out the script changes, and since  
13 there's constant changes going onto it, we were concerned  
14 about having to constantly update it, too.

15       And then also, if I can make a comment on the short  
16 little vignettes, I think it's a great idea. I just  
17 wanted to just share briefly that I had a conversation  
18 with one of the organizations or entities in my  
19 particular zone, and they are a local community college  
20 that is being very proactive and actively engaged in  
21 helping to ensure that redistricting is shared with the  
22 community college community as well as the district wide  
23 community.

24       And one of the things that they did also suggest is  
25 using the students to do those little vignettes that they

1 themselves plan to create, and part of it is students  
2 speaking to students, and then also they're recruiting  
3 different students who can speak other languages so that  
4 they'll also be presenting in various languages, and  
5 we've connected the school with the Outreach and  
6 Communications Team, so I think there's going to be some  
7 conversations going on. We have already asked about can  
8 we use you, and they're totally fine with that too, so it  
9 would hopefully, you know, ensure that there could be  
10 some, you know, some other additional materials and  
11 collateral that we'll be able to use that they'll be  
12 sharing with us still.

13 CHAIR KENNEDY: That is excellent news, Commissioner  
14 Akutagawa, and thank you so much for that.

15 Commissioner Sinay?

16 COMMISSIONER SINAY: Just one last update for our  
17 very short report. I want everybody, pat yourself on the  
18 back. Anyway, we've done forty-six presentations and  
19 the -- they have -- we have done at least one  
20 presentation almost every single zone, so we are keeping  
21 track of the zones and where we need to, you know, do  
22 more outreach and more engagement, but I just wanted to  
23 say congratulations, everyone, thank you. Thank you to  
24 staff. We've got forty-six with four of them having been  
25 statewide, so kudos.

1           COMMISSIONER FORNACIARI: Yeah, and one last thing  
2 that we forgot to include in the report, the written  
3 report that Director Hernandez alluded to, the meeting  
4 with USDR. We met with the outreach staff with USDR and  
5 they quickly came up with an idea for database for  
6 keeping track of our contacts and questions that we have  
7 and the like, sort of a mini contract tracker -- I forget  
8 the term, but they're moving forward with that, and it's  
9 really going to help out. So hopefully we'll have -- I  
10 don't know how long it's going to take, but maybe in a  
11 few weeks, we'll have a database we can begin to use to  
12 track our contacts, so that's all we have.

13           CHAIR KENNEDY: Thank you, Commissioner Fornaciari,  
14 for that; good news.

15           Two things before we go to break. One is on one  
16 date, presentations in Spanish, do we want to add and  
17 other languages upon request? Just a thought.

18           And second, I think I recall Director Ceja  
19 mentioning at one point the idea of a podcast, and if I'm  
20 correct, just wanted to touch base and see if there's  
21 been further thought on that. That, I guess, goes to  
22 this short videos and vignettes. You know, podcasts  
23 would be another option, so I just wanted to put those on  
24 the table and get some reaction.

25           Director Ceja?

1           DIRECTOR CEJA: Yes, so when I'm staring at my  
2 ceiling at two in the morning, these are the things that  
3 come to mind as, how can we get the word out? Yeah,  
4 podcasts. We should actually be doing our own. When I  
5 was at the City of LA, we started doing our own, because  
6 I was working for the first council district out of  
7 fourteen, we started our own TV station, so we started  
8 producing our own videos, our own interviews with  
9 community folks, with the council member, and we were  
10 pushing content out as opposed to waiting for news  
11 resources to capture our content and then put it out. So  
12 that's definitely something we can do. We can do  
13 podcasts. We can do short videos where we interview  
14 Commissioners on certain subjects like the deadline  
15 continuing to move back and forth and what that means for  
16 communities. But yeah, let me put something together and  
17 I'll run it by you.

18           CHAIR KENNEDY: Okay. I'm sure the subcommittee  
19 would be happy to consider that recommendation from  
20 staff.

21           Anything further from the subcommittee?

22           Okay. Very good. Thank you, both, for that. It's  
23 11 o'clock, and we will break for fifteen minutes, after  
24 which we will go into our discussion on 9A, update and  
25 discussion regarding impact of census delay on CRC

1 calendar and electoral cycle.

2 Thank you, all. Have a good break.

3 (Whereupon, a recess was held)

4 CHAIR KENNEDY: Thank you, and welcome back from the  
5 morning break. We are going back to item 9A, update and  
6 discussion regarding impact of census delay on the  
7 Commission's calendar and the electoral cycle. I want to  
8 thank Commissioner Sadhwani and Commissioner Toledo for  
9 inviting some guests to join us for that discussion, and  
10 I will ask them to introduce our guests.

11 COMMISSIONER SADHWANI: Sure. Thank you, Chair.  
12 I'll go ahead and get started, and Commissioner Toledo,  
13 please jump in, as I'm sure I'll forget something.

14 As we have previously reported, we've been  
15 attempting to do some outreach to various stakeholders to  
16 learn more about of what's at stake. With the census  
17 delay, we have added to the agenda, this update for the  
18 subcommittee. I believe from here on out, Alvaro, you  
19 can correct me if I'm wrong. In large part because it's  
20 a moving target, and as we've seen or as we'll hear very  
21 shortly from Karin Mac Donald at Statewide Database, we  
22 keep getting new information. We hadn't even heard of a  
23 legacy dataset before, so I think having an opportunity  
24 to have an update and allow the experts to come in and  
25 share on an as needed basis, I think will be very

1 important from here on out.

2 Today, we have with us a number of guests who will  
3 help share a little bit more about the perspectives of  
4 all sort of key stakeholders. As a way of an update, we  
5 were able to host a meeting with many of these  
6 individuals last week including a few more, including  
7 Karin, who you all know from the Statewide Database,  
8 Ethan Jones and Joel Yang from the Legislature, Ryan  
9 Ronco and Tricia Webber from the CACEO, and I'll let them  
10 introduce themselves and their other respective  
11 organizations in just a moment, as well as Lori  
12 Shellenberger from Common Cause, who I think we were all  
13 familiar with many public comments that we've received  
14 over the last several months.

15 In addition, in our broader meeting, there were  
16 representatives from the Secretary of State's office.  
17 Unfortunately, they were unable to be here today, but I  
18 anticipate that this is not our first -- excuse me, not  
19 our last conversation, but only our first.

20 So with that, I wanted to start today with Karin and  
21 allowing her some time to talk a little bit more about  
22 the legacy census data. There was also a memo from her,  
23 which is posted on the website for you all to review.  
24 Again, my apologies. It was only posted this morning.  
25 That's totally on me, so my apologies for that.



1           After that, we'll move to Lori and talk a little bit  
2 about various scenarios that that might mean, and  
3 actually, perhaps we can also have Ethan and Joel talk a  
4 little bit about the letter that we've received from the  
5 Legislature as well.

6           So with that, Karin, I'm going to pass it over to  
7 you.

8           MS. MAC DONALD: Thank you so much. Good morning,  
9 Commissioners. Thank you very much, Commissioner  
10 Sadhwani, for this introduction. I will keep my remarks  
11 pretty brief.

12           As Commissioner Sadhwani said, I sent over a memo  
13 late last week that outlined pretty much what I'm going  
14 to tell you right now. A couple of weeks ago or so we  
15 received a message from census with, again, a new update,  
16 and that update was that they had assessed their data  
17 operations and had come to the conclusion that they would  
18 be able to release a dataset earlier than they had told  
19 us the P.L. dataset would be released, and they were  
20 going to call this the legacy dataset and with that  
21 everybody was wondering what is a legacy dataset and what  
22 are they actually releasing.

23           So at Statewide Database, we started to investigate  
24 what this legacy dataset is, and we asked ourself some  
25 questions. So mainly, what are the legacy data and you

1 know, how do they differ from the file that we usually  
2 refer to as the P.L. file or the P.L. 94171 file that the  
3 census had, not too long before told us, was not going to  
4 be released until the end of September.

5       And so subsequent to getting the email from census,  
6 I reached out. I had a long conversation with census and  
7 ascertained that the data contained in these two files is  
8 actually the same data. So these are exactly the same  
9 data. However, there are some differences. And those  
10 differences all relate to formatting, so the legacy data  
11 set essentially in a completely different format, and  
12 they call it the legacy format because that's how they  
13 used to put data out, and it's essentially an interim  
14 product for them because census formats their data in a  
15 particular way, and this legacy data set, they said they  
16 could put out so that people could get started earlier,  
17 but there are a lot of if's and these if's relate to  
18 basically whether you're equipped to handle a large  
19 dataset that's pretty much in raw format. So it requires  
20 more, you know, database skills. It just requires more  
21 database management skills and so forth.

22       But once we had ascertained that this is essentially  
23 the same data, that those are the same data that are  
24 contained in the dataset, we started to go to our step 2,  
25 which was asking ourselves whether these data can be

1 accurately converted into the dataset that they are going  
2 to release at the end of September.

3 And so we did some work. We, you know, pulled down  
4 a prototype dataset that they had released that has, you  
5 know, it's prototype dataset that is in the legacy  
6 format, started working with that. Again, had some  
7 conversations with census.

8 And then I reached out to our state demographer,  
9 whom I've been working with, that's Dr. Walter Schwarm,  
10 who heads the Demographic Research Unit for the State of  
11 California. And for those of you who are not yet  
12 familiar with them, this is a really incredible shop that  
13 Walter heads up. They have a nationwide, really fabulous  
14 reputation for the work that they do. And they work with  
15 big data for the State of California, and they work with  
16 more census data than Statewide Database does, because  
17 Statewide Database actually only works with this tiny  
18 little file called the PL94 and then maybe some ACS data,  
19 but you know, they do a whole lot more than we do.

20 So they're very well equipped to work with these  
21 data as are we, of course, and so we came to an agreement  
22 that we would both, both of our shops would work on this  
23 dataset together, but separately basically, and set up  
24 processing at the Demographic Research Unit as well as at  
25 the Statewide Database and conduct what's called parallel

1 processing for these data. And so you know, we went  
2 through the various steps and came to the conclusion that  
3 we feel very comfortable saying that we can accurately  
4 process these datasets so that, you know, we will in the  
5 end we will have a PL94 dataset in the same format that  
6 the census will be releasing later.

7       And of course, our next question was how long will  
8 this take, because if it's going to take us just as long  
9 as it will the census to get that dataset out, then it's  
10 not really worth doing. And we looked through the  
11 various processes, and we came to the conclusion that we  
12 could do this even if there were some snafus or you know,  
13 some data inaccuracies that we would discover along the  
14 way where we maybe had to go back to census or so and  
15 kind of figure things out. We're very confident that we  
16 can turn this around in the span of two weeks.

17       And then the final question was, what are the cost  
18 implications, and that is the question that we have not  
19 yet been able to answer. We're still waiting for some  
20 documentation from census, so census is developing this  
21 documentation right now, and I think once we have that  
22 and once we've actually figured out how to set up the  
23 files properly, we will have a better idea on that, but  
24 this pretty much my presentation. I am, you know, it's  
25 looking good. So thank you. And of course, I'm

1 available for questions.

2 CHAIR KENNEDY: Thank you, Karin. I do have one  
3 question, which is, I'm understanding legacy data not  
4 just from the name of it, but also other things that I've  
5 read about it. Is there data in the same format as was  
6 used in 2011, then you have the experience of using the  
7 data that were released in 2011 in the same format, or  
8 have I missed something along the way?

9 MS. MAC DONALD: Thank you. We are still looking at  
10 that. They do call it legacy data. They do say that  
11 that is the same format, but we're verifying that, but  
12 you are absolutely correct that we have the experience to  
13 do this. We, you know, obviously work with these data a  
14 lot and we work with longitudinal and very large  
15 databases for the State of California, so yes, I have  
16 that level of confidence to say that we can process this  
17 dataset accurately. Thank you.

18 CHAIR KENNEDY: Perfect. Any other questions?  
19 Commissioner Ahmad.

20 COMMISSIONER AHMAD: Thank you, Chair. This is more  
21 of just legal considerations. I'm just not familiar with  
22 it. First, I have total trust in Californians to process  
23 this data. We are super nerds out here and we got this,  
24 and in terms of the legal side, so my understanding is  
25 that our deadline is triggered once states receive the

1 census data. Does that trigger include this additional  
2 adjustment, or is it just because they're going to  
3 release that data presumably sometime in the summer, it's  
4 going to start that timeline regardless of if we go that  
5 route or not?

6 MS. MAC DONALD: So that's not a question for me.  
7 Thank you. Thank you, Commissioner Ahmad. I appreciate  
8 it, though. You know, I'm, of course, not an attorney,  
9 and I'm hoping there's somebody else on the call who can  
10 answer that question.

11 CHAIR KENNEDY: So I will call --

12 COMMISSIONER AHMAD: Yeah. No, IDS -- I just should  
13 clarify that that yeah, it wasn't directed at you, Karin,  
14 but definitely, definitely may impact whether we all  
15 choose to go that route or not, and I see Marian's hand  
16 up. I don't know, Chair Kennedy.

17 CHAIR KENNEDY: Yeah, so I would recognize Ms.  
18 Johnston, and then I have Commissioner Fernandez,  
19 Commissioner Sinay, and Commissioner Henderson after  
20 that.

21 MS. JOHNSTON: The way that your initiative was  
22 drafted, it doesn't specifically say what you're looking  
23 to for your data. And in fact, it just goes by the data  
24 that census was supposed to give it to you, which was  
25 April 1st. And then that triggers your time limits.

1 Under the Supreme Court Decision, the Padilla v.  
2 Legislature case, when you get the data is when your time  
3 starts to run, and if it is correct, as I believe it is  
4 with Mac Donald's testimony that this in fact the same  
5 data, just in a different format, then that would trigger  
6 your time limits. But again, it's just a matter of  
7 extrapolating from your own statute and constitutional  
8 requirements that was based on expecting to get it on  
9 April 1st and have a delay in your maps based on how long  
10 after April 1st you actually received the data.

11 CHAIR KENNEDY: Okay. Commissioner Fernandez?

12 VICE CHAIR FERNANDEZ: Yes, thank you, Karin, for  
13 the information, and I read your letter. So thank you so  
14 much. It really does address my concerns.

15 So the only other thing was the, you mentioned that  
16 there are cost of locations, obviously, and I just wanted  
17 to remind myself. The cost for the database, that is  
18 under a separate budget than the Commission's budget,  
19 correct?

20 MS. MAC DONALD: Yes, yes. It is funded at UC  
21 Berkley, and you know, obviously, this is additional  
22 processing, so once we've figured it out, we'll let the  
23 Legislature know, and they've been really good partners  
24 to us, so I don't foresee any problems, though I don't  
25 know, you know. And I don't think it's going to be

1 tremendous.

2 VICE CHAIR FERNANDEZ: Thank you.

3 CHAIR KENNEDY: Very good. Commissioner Sinay?

4 COMMISSIONER SINAY: Thank you. I thought  
5 Commissioner Fernandez was going to beat me to this  
6 question, but as part of the incarcerated people's  
7 subcommittee, I just wanted to get clarification. When  
8 you say two weeks, is that two weeks in addition to the  
9 four weeks you had told us before, so it's six weeks, or  
10 you know, where does that all fit into this?

11 MS. MAC DONALD: Yes, thank you, Commissioner Sinay,  
12 for that question. I should have probably clarified that  
13 from the get-go. The two weeks basically get us to the  
14 same spot where we would have been once the P.L. in the  
15 originally planned format would be released. So the two  
16 weeks are in addition to the four weeks.

17 CHAIR KENNEDY: Thank you.

18 Commissioner Andersen?

19 COMMISSIONER ANDERSEN: Thank you for all this  
20 information, and I want -- my question is actually about  
21 the data before we get into the legal of it, because our  
22 trigger is when the data gets to us. But my question is,  
23 this data until we've had this two-week evaluation by you  
24 and work on it, at what point is it the same data as  
25 2010? Is it originally as soon as it comes out or is it



1 only after the two-week when you have been able to verify  
2 that and then you go, oh, indeed this is now exactly the  
3 same as 2010? So it's actually accuracy of the data is  
4 my question here?

5 MS. MAC DONALD: Yeah, thank you very much,  
6 Commissioner Andersen, for that question. So the data  
7 are -- in something like the 2010 format, but the data  
8 itself -- and the format, we will be able to verify much  
9 before we get the data. And in fact, we'll have to have  
10 the formatting verified, and that's what the census is  
11 working on right now. They're, you know, preparing all  
12 kinds of documentation files right now, and we'll be  
13 setting up our systems accordingly.

14 The data that are released sometime in mid to late  
15 August are the actual P.L. data. The first thing that I  
16 verified, because, you know, otherwise it would have  
17 been -- it would have made no sense to keep talking about  
18 this dataset, was that these are in fact the same data.  
19 So these are the data -- they are not going to touch  
20 these data. They are going to be working at census. If  
21 anybody's as curious as I was about what the census does  
22 in like four to six weeks with this data, with these  
23 data, it's -- they do a whole lot of formatting. They  
24 have to load these data into their systems online. Of  
25 course, they have an entire, you know, the entire nation

1 to deal with.

2           So these things just kind of take time. So that's  
3 why it takes them longer than it would take us because we  
4 have to deal only with the very small State of  
5 California, and also, we don't have to load things into,  
6 you know, relational databases that they have where  
7 they're, you know, portioning out certain geographic  
8 units that we don't deal with and so forth. So we have a  
9 different lift than they do, but these are in fact the  
10 same data. They are not going to touch the actual data  
11 in between the release of the legacy data to the other  
12 format being released.

13           And I hope that answers your question, Commissioner  
14 Andersen.

15           COMMISSIONER ANDERSEN: Just a quick follow-up on  
16 that. So that our two-week window that you need, that is  
17 cause, in your letter as I read it, that is to verify and  
18 work with the, you know, you're saying that you note  
19 independent verification of the accuracy. And with the  
20 DRU, the democratic -- Demographic Research Unit. So in  
21 the parallel processing of that, so that two-week window  
22 is just for, it's not so much -- could you explain why  
23 you want to do that two-week window, let's put it that  
24 way?

25           MS. MAC DONALD: Yes, uh-huh, thank you. Thanks for

1 that follow-up. So what I meant by, you know, making  
2 sure that these data are accurate, it refers to us  
3 processing these data and formatting them into the  
4 formats that we need to actually work with them. So it's  
5 taking the raw data and then, you know, putting labels on  
6 records, on merging them together, making sure that  
7 they're available on the block, on the block group, on  
8 the chart, and so forth. So it's basically just one  
9 gigantic set of numbers and then making sense of those  
10 and making sure that you can extract the units of  
11 analysis that we need to build the database. So that is  
12 something that we will be doing at Statewide Database and  
13 then independently at the Demographic Research Unit.

14 What we are not doing is we're not verifying whether  
15 the census data themselves, so the dataset that they send  
16 us is accurate. That's something that we cannot do at  
17 that point. It's not something that would be part of our  
18 task. Our task would be to take this legacy dataset and  
19 make it into something that we can work with in terms of  
20 formatting, and I hope that makes sense.

21 COMMISSIONER ANDERSEN: Sorry, and one last one. So  
22 yes that we have this legacy data, but could we just use  
23 it like we did the 2010 without this two-week window, or  
24 do -- is this absolutely required, essentially that yeah,  
25 we're getting this, but it isn't apples to apples with

1 2010, only half the tweak window is it apples to apples  
2 for the 2010, because you don't -- you see where I'm  
3 coming from is what is the data distinction? Can we  
4 actually -- we still have our first reallocation issues.  
5 That aside, complete aside is -- because we're basically  
6 saying, look, because you got, you know, rough numbers go  
7 when these rough numbers are not actually usable until  
8 the two-week window and that's -- I -- if you could  
9 clarify that, because I think that's the big mis --  
10 either yes, it's not a problem whatsoever, and we are  
11 going, or no, we really can't do our regular work until  
12 the two-week window. You being the Statewide Database,  
13 we still have the other issues. Thank you.

14 MS. MAC DONALD: Yes, so thank you for that. Yeah,  
15 I see your point. I think they're saying that it's  
16 essentially like 2010, but it really isn't necessarily  
17 like 2010. This is really still a different dataset, and  
18 we do need to go through all of these processes before we  
19 can get to our additional four-week window. And of  
20 course, we're going to do this as quickly as possible,  
21 but you know, just considering all of the things that  
22 have happened with the census, you know, we looked at  
23 this dataset and you know, this whole data processing  
24 team, we already found like one issue with documentation  
25 that was a variable that wasn't in there.

1           You know, things happen with these things. The  
2 census is kind of rushing things, so it will just take  
3 time to be able to do this accurately, and again, it  
4 is -- there are similarities, but there are also  
5 differences, and you know, they put out a prototype  
6 dataset for Rhode Island, by the way, that shows how they  
7 are, you know, formatting these legacy data and you know,  
8 people can use that to figure out whether they can work  
9 with these data, but it's not exactly the same as back  
10 then, no. Thanks.

11           CHAIR KENNEDY: Okay. Before I proceed with the  
12 list, I just wanted to remind colleagues and the public  
13 what the wording of the Supreme Court, California Supreme  
14 Court decision was in July of last year. If the Federal  
15 Government transmits the census data to the state later  
16 than July 31, 2021, the number of days of additional  
17 delays shall be considered to be the additional federal  
18 delay.

19           So we are not talking about the clock starting when  
20 the data reached the Commission. We are starting the  
21 clock, and the clock would start when the census data are  
22 transmitted by the federal government to the state. I  
23 just want us all to be clear on that.

24           So I have Commissioner Toledo, Commissioner  
25 Akutagawa, Commissioner Turner, and then Commissioner

1 Andersen.

2 So Commissioner Toledo, and then I have Commissioner  
3 Le Mons.

4 COMMISSIONER TOLEDO: Thank you, Commissioner Chair  
5 Kennedy. This is for Ms. Mac Donald. So the data is  
6 transmitted to you, but it's my -- in my reading of  
7 the -- in my reading of your letter and also just some of  
8 the other information that has come to us, it's -- your  
9 taking, or the State of California would be taking  
10 responsibility of this data because it hasn't been  
11 formatted, it hasn't been processed, and in fact,  
12 wouldn't you say that your agency, and maybe Caltech as  
13 well would be acting as though they were the Census  
14 Bureau at that point in processing and formatting the  
15 data and then delivering it to the State of California?  
16 Because you're in a sense acting as though you are the  
17 Census Bureau and in fact you have to guarantee that to  
18 make that assurance to the Census Bureau? I'm just, you  
19 know, that's just in my reading of it, but please  
20 elaborate if that is an incorrect interpretation.

21 MS. MAC DONALD: Yeah, thank you for that. This may  
22 be also a good one for an attorney to get involved here,  
23 but I'll tell you what my read on this is. We don't  
24 collect the data. We don't know, you know, what their --  
25 we can't control what they're reporting to us. We're not

1 changing the data in any way. We're not applying, you  
2 know, disclosure avoidance and all of that. So what  
3 we're doing is just formatting, and that's essentially  
4 what we always do, if you think about it, you know, at  
5 Statewide Database. I mean, we take raw data and then we  
6 format these data in different ways and then we make them  
7 available, and it's something that we regularly do. I  
8 don't really see that we're doing, aside from, you know,  
9 making these data available this time in a new format and  
10 going through some advanced processing, so you know, that  
11 we can get a head start basically. Aside from that,  
12 we're really not doing anything out of the ordinary. You  
13 know, but we do, and the census does that say that, have  
14 to take responsibility that our -- for the fact that our  
15 formatting is correct. So you know, if we were to say  
16 aggregate some of these flocks up incorrectly and then  
17 some of these track totals are wrong, and then, you know,  
18 we start drawing lines, we said there's something or  
19 somebody uses it and then the census releases their data,  
20 and they'll like, well, your tracks are wrong, then  
21 that's on us obviously. But that's why we're engaging in  
22 this parallel processing so that does not happen, right.

23 Usually Statewide Database doesn't do parallel  
24 processing with the Demographic Research Unit, so that's  
25 that additional step in that collaboration that we're

1 engaging in to make sure that we can do it quick, that,  
2 you know, we have, you know, the most, you know, the most  
3 educated eyes really with respect to, you know,  
4 processing census data on this particular project. So I  
5 think that's pretty much what I can say about this. I  
6 hope that answers your question, Commissioner Toledo.

7 COMMISSIONER TOLEDO: Thank you. I appreciate that.

8 CHAIR KENNEDY: Commissioner Akutagawa?

9 COMMISSIONER AKUTAGAWA: This one's for -- question  
10 is for Karin. I think I just want to ask maybe to see if  
11 you're comfortable doing some crystal-balling. I read in  
12 your memo, you know, mid to late August, so in the, I  
13 guess in the interim when you heard from the Census  
14 Bureau that you have a better sense of what that time  
15 frame will be when you will receive this legacy data and  
16 also, I guess just for my own clarification, what I'm  
17 reading is basically instead of a one-month process to  
18 process the data, now we're looking at a six-week  
19 process, I guess, just to put it in that way. So if you  
20 get it in mid, let's just say August, we're looking at  
21 maybe having usable data that, you know, incorporates in  
22 the incarcerated people numbers. So we'll probably be  
23 getting the -- we could get the data on the early side as  
24 early as maybe late September instead of late October.  
25 It is -- is that -- okay. Okay. So I'd be curious to



1 hear what your crystal ball might speculate.

2 MS. MAC DONALD: You know, honestly, a couple of  
3 years ago, I would have been more willing to crystal ball  
4 than these days because the census has just gone so  
5 sideways on us, and you know, there's all these lawsuits  
6 going on right now, you know, I guess they're -- that one  
7 lawsuit is fast-tracking to the Supreme Court, and so who  
8 knows. But I will tell you this about data people, and I  
9 know many of you on the Commission have worked with data  
10 and you know this. Is that when you give estimates, time  
11 estimates when you are a data person, you usually try to  
12 give yourself a few extra days just in case something  
13 goes wrong. And you keep your fingers crossed that, you  
14 know, nothing goes wrong and you can stick to your  
15 earlier deadline. So you know, I think the census tries  
16 not to overpromise and under deliver. They're obviously  
17 in the public spotlight, so my guess would be that they  
18 are assuming that they can get this out mid-August, and  
19 then everybody's going to be really happy to get it mid-  
20 August, rather than late August, but you know, also  
21 having -- they also have a little buffer in case  
22 something goes sideways. And I think everything else  
23 that you mentioned, yes, it is -- that's accurate --

24 COMMISSIONER AKUTAGAWA: Thank you.

25 And Commissioner Chair Kennedy, is are -- or

1 perhaps, I don't know, maybe this is a question for  
2 Commissioner Sadhwani. Are we going to be hearing any  
3 comments from the rest of the panels, because I'd  
4 actually be very interested in hearing Ms.  
5 Shellenberger's respective on what these data delays also  
6 mean. I was reading her spreadsheet, and there's so many  
7 different variables that, you know, for us to think  
8 about.

9 CHAIR KENNEDY: We will be hearing from them all.  
10 We just have a lot of interest and a lot of questions  
11 upfront, but we'll get through those and turn to the  
12 other guests as well.

13 Commissioner Turner, please.

14 COMMISSIONER TURNER: Thank you. And thank you, Ms.  
15 Mac Donald, thank you, Chair.

16 A couple of questions still kind of going back along  
17 the same line of Commissioner Toledo, had questions in  
18 regards to -- so you'll be doing the parallel processing  
19 to ensure accuracy of the data translation.

20 I'm wondering, first of all, do you know, if other  
21 states are also considering doing their own translations,  
22 and I'm thinking about that only in terms of the vast  
23 amount of data that you mentioned obviously that needs to  
24 happen the nation and wondering how many states would be  
25 pulling in doing their own research, which may free them

1 up to get the data out sooner to everyone, trying to get  
2 an idea of what that look like, number 1.

3 And then I'm also, along those same lines,  
4 wondering, seeing as how that there -- we are ensuring  
5 accuracy, and I have every confidence that it will be, is  
6 there a point where the Census Bureau will use your data  
7 and not have to do the translations for California and is  
8 there then a compensation back to California for that  
9 when that happens? And if there is any conceivable  
10 point, could there be us coming up with data, and then  
11 there's still census still releasing data later that  
12 there may be a disparity and wonder what might happen  
13 then?

14 MS. MAC DONALD: Thank you, Commissioner Turner.

15 So on your first point, there are many other states  
16 that are looking into converting these data, and I think,  
17 you know, very few states have a redistricting database.  
18 I mean, there's very few that have a public redistricting  
19 database. So all of those states, they are presumably  
20 relying on consultants, and some of them have consultants  
21 hired and other people don't, you know, so there is quite  
22 a bit of juggling going on. I mean, I've already heard  
23 that there is some states looking for anybody who can  
24 convert these data for them because, you know,  
25 everybody's just struggling with all of these timelines

1 that were up to us because of the pandemic and you know,  
2 the subsequent delays of the census data.

3 So there are other states who are doing it for sure.  
4 I know some of them that are, you know, in the process of  
5 it. They have people on board that are working on it and  
6 others are still looking for people to do it for them.  
7 So we're not going to be alone.

8 With respect to the Census Bureau using these data,  
9 I think we will all be working with these data at the  
10 same time, so when we're done with these data, presumably  
11 the Census Bureau will be done with these data, with  
12 these steps of data processing also, but they just have  
13 to do all kinds of additional steps to get the data out  
14 because they release the data differently. And a lot of  
15 that has to do with loading into their interfaces on the  
16 web.

17 COMMISSIONER TURNER: Okay.

18 MS. MAC DONALD: And you know, getting the  
19 programing done on that. They also have mandatory  
20 reviews. I think they also do parallel processing within  
21 the census, so I don't think they would be using the  
22 California data because they already have the data and  
23 they're probably at the same -- they'll probably have  
24 them done around the same time that we do, at least in  
25 that format, it's just that they then don't put them out

1 like that. So it's just -- it's basically just internal  
2 things that are happening.

3 And finally, please remind me of your last question.

4 COMMISSIONER TURNER: Yeah, so the last piece I'm  
5 wondering, what could conceivably happen, so then they  
6 will be doing the parallel processing, doing it the same  
7 time pretty much as what we would if we agree to move  
8 forward earlier, and I'm wondering with the ultimate  
9 dataset that is delivered, is there a possibility with  
10 the extra steps that they do, that they'll present  
11 something that looks different than what we've presented?

12 MS. MAC DONALD: Well, from -- thanks for -- thanks  
13 for that. I -- well, they have assured us that they're  
14 not going to touch the actual data again, so the data  
15 should be the same. Is there a possibility that they  
16 are -- there may be some formatting issues so that some  
17 of these totals are different? I suppose there's always  
18 a possibility. Is it likely? No, it's not likely. If  
19 it does happen, then we'll deal with it and we'll figure  
20 it out because that's what we do, we're data people, you  
21 know, and so there are ways to figure this out. I mean,  
22 you know, was that ten or twenty years ago, the census,  
23 they forgot, you know, some of the group quarters, for  
24 example. So they weren't there at all, and then, you  
25 know, everybody, you know, called them up. I was like,

1 you guys forgot the group quarters and then, you know,  
2 they added them. I mean, they make mistakes too, right,  
3 but the good thing about having a lot of people that  
4 have, you know, the qualifications to work with these  
5 datasets and have their, you know, have the education,  
6 basically, to do it is the -- it turns into a big  
7 collaboration. So that if there is a problem on their  
8 end, on our end, it will be found, it will be dealt with.  
9 And that's just, kind of, what we do. So -- but thank  
10 you.

11 COMMISSIONER TURNER: Thank you. Um-hum, thank you.

12 CHAIR KENNEDY: Very good.

13 Commissioner Andersen?

14 COMMISSIONER ANDERSEN: Thank you for all this and  
15 all the additional questions and information. I do still  
16 see it, as Commissioner Toledo and Commissioner Turner  
17 just mentioned, is that basically the Census Bureau is  
18 handing over data, which is usable but not really usable,  
19 and puts it on the states for -- you know, here's your  
20 two weeks of -- if you can do it in two weeks or six  
21 weeks, if you can do it in six weeks. And yeah, the  
22 other states are going to have to pay for that.

23 But -- so -- and I'm just looking at this and Karin,  
24 if you can kind of correct me timewise, in terms of your  
25 portion. Basically, originally, what would we have a

1 "four-and-a-half-month window", July 31st to December  
2 15th. And we know in that, there's a 30-day window, and  
3 yes, the State gets the data, but we can't use it yet  
4 because we haven't done prisoner allocation. So it  
5 brings us down to a three-and-a-half month. But now,  
6 there's an additional two weeks in there that we "get the  
7 data", but we can't use it. So I mean, it isn't -- so  
8 basically, now by moving this date -- giving us this half  
9 data now, they basically cut out two weeks from the line  
10 drawing process.

11 And is there any -- I mean, that basically what's  
12 happening because -- is that correct? So essentially,  
13 we're down to three months. And then, of course, you put  
14 the holidays in, then that affects us even more. But  
15 just in terms of the reality, from the time the Census  
16 data gets to the state, then you take thirty days --  
17 about thirty days. Given this new getting us this data,  
18 it's now going to be the six weeks. So are -- why --  
19 essentially, what I'm saying is our front window has  
20 moved up but our back window will also move up but it  
21 squishes the part of the in the middle, which the line  
22 drawing bites into the two weeks -- it comes out of that.

23 Is that kind of a fair assumption, a basic summary?

24 MS. MAC DONALD: So I think Ms. Shellenberger is  
25 going to be talking about the calendaring. So perhaps,

1 that is a question more for her than for me because  
2 I'm -- really my presentation for today was really about  
3 what we can do, can we get this done and so forth. So if  
4 you don't mind, and if Lori doesn't mind, perhaps, she  
5 might be better equipped to answer that question.

6 COMMISSIONER ANDERSEN: All right. No, thank you.  
7 Thank you. Let's us -- you know, that two-week window.  
8 But in terms of -- this is normally -- this is normally  
9 work that the Census Bureau would be doing, it's just to  
10 help states out a bit rather than waiting until the July,  
11 September 30th, they're saying we can give it to you mid-  
12 August, but then there's another two weeks that you have  
13 to do, or plus, depending on the states.

14 MS. MAC DONALD: Right. For -- and -- yes, that's  
15 true. And for some -- and for some states, you know, it  
16 may be faster because, you know, not everybody has, you  
17 know, as many people as we do in California, obviously.  
18 So I'm guessing that, you know, in some states you might  
19 be able to do it on your calculator. No, kidding. But  
20 for California, clearly not.

21 So for some people it's going to be longer. For  
22 some people, it's going to be shorter. For us, it's --  
23 you know, we want to just make sure that we have a  
24 reasonable amount of time. We're obviously going to try  
25 to turn this around as quickly as possible. Nobody's



1 going to go on a mini break in the middle of those two  
2 weeks, you know. So we'll do what we can on our end,  
3 with the two weeks, as well as the four weeks, you know.

4 COMMISSIONER ANDERSEN: Oh no, it's with the --  
5 your -- we have no question it's going to be accurate and  
6 you will be doing things very, very well. I just --

7 MS. MAC DONALD: Yes. And as process as we can.

8 COMMISSIONER ANDERSEN: Exactly.

9 MS. MAC DONALD: And the Census Bureau does -- this  
10 is an interim product for them. So that -- this is not  
11 something they usually put out, right? So this is an  
12 interim product. This is a response to everybody saying  
13 we cannot get this done, you need to give us data  
14 earlier. This is respond -- this is a response to them  
15 being sued. And so that's how they came up with it, you  
16 know. And they're trying to be helpful.

17 But yes, is it more work on our end? Yes. Is it a  
18 higher cost? Yes. Are they going to pay us? Probably  
19 not.

20 COMMISSIONER ANDERSEN: Thank you, very much.

21 CHAIR KENNEDY: Okay. Commissioner Le Mons. And  
22 then I'll turn it back over to Commissioner Sadhwani.

23 COMMISSIONER LE MONS: So my question is how  
24 optional this is? And the second part of that is, who  
25 ultimately will be making the decision as to whether or

1 not we'll be receiving legacy data versus the formatted  
2 data?

3 MS. MAC DONALD: Thank you, Commissioner Le Mons.  
4 Well, the receipt of the data, they are going to send the  
5 legacy data out. So I think we're going to get these  
6 data. It's not -- I think everybody's going to get them  
7 and they're probably going to put them onto the web,  
8 also, for download, most likely in the FTP site. I can  
9 verify that, where these data are going to be.

10 The late September release is also going to be  
11 something that they're going to send out. That's just  
12 part of what they do. They send it to all of the  
13 recipients and then they make it available on their  
14 website. So I don't think that that's optional. This  
15 legacy data set is going to arrive in various ways in --  
16 on our screens.

17 And about who makes the decision on whether or not  
18 was the question, who makes the decision to process the  
19 information earlier? Yeah. So I -- you know, I am -- I  
20 am guessing that that is something that we would -- we  
21 would all come to that decision in, you know,  
22 collaboration with the Legislature, remembering that the  
23 CRC's not the only that uses Statewide Database data and  
24 has deadlines for redistricting. So regarding the  
25 demands on the data, I think that, generally speaking,

1 you know, if we can get something earlier, we're going to  
2 have to process that so that people can use it.

3 But we have our Ledge colleagues on the call. So  
4 perhaps, they can speak to that more accurately. It's a  
5 good question. I hadn't actually thought about it. So  
6 thank you.

7 CHAIR KENNEDY: Commissioner Sadhwani?

8 COMMISSIONER SADHWANI: Sure. Thank you.

9 So I think that that's actually a great segue, kind  
10 of question to bring in some of our other guests here  
11 today. And I so appreciate this conversation. I think  
12 it needed to be had. And I'm glad everyone's had an  
13 opportunity to ask questions and get additional  
14 information. It sounds like there's still a lot of  
15 unknowns that we're going to have to work through.

16 Lori Shellenberger from Common Cause is going to  
17 present a chart that she put together. But I'm  
18 wondering -- Lori, if you're okay with it, before we go  
19 into it, I just want to be conscious of our time.  
20 Because, Chair, we need to end by 12:30; is that correct?

21 CHAIR KENNEDY: 12:45.

22 COMMISSIONER SADHWANI: 12:45, okay great. So we do  
23 have a little bit more time.

24 I'm wondering if Tricia Webber and Ryan Ronco just  
25 want to, at least, introduce themselves and talk a little

1 bit about your organization and some of the timeline  
2 considerations of why you need the map set at a certain  
3 point of time, just to share a little bit about that  
4 before we get into the scenarios. If -- Lori, if you're  
5 okay with that.

6 And then Ethan, Joel, Barnd (ph.), I think if you're  
7 there too, perhaps, after we have the conversation of  
8 scenarios -- and I'm sure that's going to generate some Q  
9 and A also -- but I do want to make sure we have enough  
10 time to just discuss the letter from the Legislature and  
11 understand your interpretation of the timeline as you put  
12 in the -- that letter.

13 So Tricia and Ryan, do you want to just introduce  
14 yourselves a little bit and talk a little bit about, you  
15 know, the need for the maps for your work?

16 MR. RONCO: Sure. Thank you, Commissioner Sadhwani.

17 I'm Ryan Ronco the county clerk reporter, I register  
18 our voters. And as the commissioner said, Tricia  
19 Webber's here. We flipped a coin and I lost, so I have  
20 to speak first.

21 So we represent the California Association of Clerks  
22 and Elections Officials, which is an -- a statewide  
23 organization, obviously. It's set forth to try to manage  
24 the needs of fifty-eight different counties, which with  
25 58 counties in California, at least fifty-nine different

1 ways to do everything that we have to do. And I want to  
2 make sure that we have plenty of time for Lori because  
3 she did a fantastic job, at our meeting last week, in  
4 explaining the needs of the counties.

5 But generally, we're here as the entity that is  
6 going to, usually, directly take this data that will be  
7 coming to us -- these data and input it so that we can be  
8 able to conduct an election. And that is, I think, the  
9 end goal here that we're remembering, is that the process  
10 is to conduct an election. And we're going to have to  
11 conduct an election one way or another, on some date or  
12 another.

13 And I think that we're just here to have a seat at  
14 the table to talk out those issues that we have. Because  
15 generally speaking, if we did not have COVID and this  
16 delay in data, we would be looking at an election that  
17 begins, for us, December 16th, which is the first warning  
18 shot that is fired for candidates to begin the process of  
19 conducting an election for a June 7th, I believe -- I  
20 can't remember if it's 7th, 8th, or 9th -- election day  
21 2022. That means it's a long process.

22 And we have to find ways to be able to shorten, or  
23 change, that process so that we can meet these deadlines.  
24 And so that's what our role here is today, is to just  
25 remind you that -- and be a resource to you that we can

1 know how your problem and solutions that you're going to  
2 create is going to impact what we need to do downstream  
3 from that. And we're thankful for the opportunity to be  
4 able to be here with that.

5 And Tricia, I don't know if you had something you  
6 wanted to add.

7 MS. WEBBER: Well, I'll just introduce myself. I'm  
8 Tricia Webber. I'm the county clerk registrar for Santa  
9 Cruz County and with Ryan, we're the co-chairs of the  
10 Elections Legislative Committee for CACEO, our state  
11 association. And so we are intimately involved in all  
12 legislation and anything that may have impact or create  
13 legislation, and redistricting is a part of that.

14 As you know, there's been many redistricting changes  
15 in the past year -- two years, mainly for local  
16 redistricting. And then we get all of the data from all  
17 of our districts. So our counties, our cities, the state  
18 lines, the special districts, the school districts. And  
19 we get all of that as a part of our redistricting portion  
20 that we need to do.

21 And we have to, basically, throw out everything that  
22 we've had for the last ten years, as far as precincts go,  
23 take in all the new information. Draw all new -- you  
24 know, get our lines all drawn in there and put our  
25 precincts back together before we're even able to open

1 candidate filing. So although we will be getting data in  
2 from the different districts on the, kind of, a rolling  
3 basis, until we have everything in, it's hard for us to  
4 actually create our precincts.

5 And so I guess you can say we're the complete end  
6 users of this entire process. And thank you, very much,  
7 for having us here today.

8 COMMISSIONER SADHWANI: Great. Thank you, so --  
9 thank you for being here, I really appreciate it. And  
10 I -- I'll just say, I learned so much from the both of  
11 you, as well as the folks from the Secretary of State's  
12 office, about how this data -- how the maps will really  
13 be used in order to conduct an election. And I just want  
14 to make sure that that information gets shared with all  
15 of my colleagues here today.

16 With that, I want to turn it over to Lori. I think  
17 you should have the ability to share your screen if you  
18 so choose. You know, we're -- I think we're all familiar  
19 with -- I know the first time I saw Lori on the screen, I  
20 was like, oh my gosh, this is what you look like, after  
21 hearing your voice so many times. So I'm very pleased to  
22 be able to welcome you here today. And thank you, so  
23 much, for putting together these scenarios to start to  
24 think about, should the -- given the various delays and  
25 what that might look like for the various stakeholders.

1 MS. SHELLENBERGER: Yeah, of course. It's nice to  
2 see you all. I feel like I've been stalking you for  
3 months and I finally got invited to the party. So it's  
4 really nice to be here.

5 And I just want to, first, say I am a consultant to  
6 Common Cause on the California national redistricting  
7 work and I -- on behalf of Common Cause, I facilitate a  
8 group of stakeholders, many of whom you hear from  
9 regularly. That includes the proponents of the  
10 initiative that created the Commission. I -- so the  
11 government groups, environmental justice groups,  
12 integrated voter engagement groups that'll be engaging  
13 people in redistricting, and also civil rights groups  
14 that will doing and leading unity mapping and advocating  
15 for Voting Rights Act compliant districts.

16 I just wanted -- before I share my screen, I want to  
17 throw out a few disclaimers. First is, what I'm -- what  
18 I've shared with the Commission is a working document  
19 that is, probably more than anything, a window into my  
20 brain, but is a reflection of conversations that we have  
21 had as a collaborative with elections officials. We've  
22 spoken to more than a dozen elections officials across  
23 the state, representing large, medium, and small  
24 counties. And we've spoken with the Legislature. We've  
25 spoken with -- also with the County Government



1 Association, who's also -- the counties are also looking  
2 for more time to complete their process. So we've --  
3 we've engaged a lot of stakeholders.

4 This document that doesn't represent a proposal. It  
5 doesn't represent the views of any one of the  
6 organizations in the collaborative. It's just a  
7 reflection of the ways in which we been putting together,  
8 kind of, the time frames that are impacted. Both, the  
9 Commission's process, as well as the pressures that this  
10 puts on the election calendar. And it tries to map out  
11 some of those decision points because, I think, what  
12 everyone is realizing is, this is really a share the pain  
13 situation where everyone is really looking for ways to  
14 give up a little bit to make this work. And it's not  
15 ideal for anyone, of course.

16 And so that's -- that's the goal of the document  
17 that I shared with the Commission. And I'll share --  
18 I'll share my screen. This was drafted before we knew  
19 what the legacy data was, and before Karin and Statewide  
20 Database had time to think through what it would take for  
21 them to format that data. So what I've done is use --  
22 let me -- here we go -- can you see that?

23 So you know, kind of -- we -- when I put this  
24 together, I worked from the -- from the deadline that  
25 Commissioner Kennedy through out there as just an

1 example, not based on discussion of the Commission. But  
2 just at -- when the delay was announced and we thought  
3 that the P.L. data would not be received until September  
4 30th. And so using his January 31st sample deadline, I  
5 mapped out three scenarios.

6 That January 31st deadline, of course, already  
7 shaved two weeks off of your process. I would argue  
8 that -- you know, in light of the conversation earlier  
9 and sort of continuing that, in terms of what is the  
10 receipt date of the data, that there is an argument that  
11 the Supreme Court, when it issued its order, was  
12 contemplating formatted P.L. data. And that -- you know,  
13 so that's something for you to consider and for your  
14 counsel to consider, and whether clarification is needed  
15 from the Court.

16 But I'd argue the data that's being received is  
17 under the extraordinary circumstances that existed due to  
18 the pandemic when the Legislature and Secretary Padilla  
19 went to court to get the relief and extend the deadline.  
20 And there is an argument that that two weeks is a  
21 critical time period for what's being formatted. And so  
22 under that, January 31st is still, theoretically, an  
23 operable deadline because if you assume four weeks being  
24 tacked on -- if it's two to four weeks -- and I'd argue,  
25 it's probably -- you want to go with the later date --

1 you could still see a January 31st adoption deadline if  
2 you take the date that Statewide Database begins  
3 adjusting the data as the two weeks after they've  
4 received the legacy data. But again, I think that's  
5 still probably up for debate and a little -- still a  
6 little hanging in the balance a bit.

7 But I'm going to go ahead and proceed with this  
8 January 31st deadline just to show you what the decision  
9 points are. And with that deadline, we mapped three  
10 primary dates, June 7th, June 28th, and July 12th. And  
11 I'm going to just explain briefly why those were the  
12 chosen, June 7th being the current date and a January  
13 31st map adoption deadline shows how very difficult it  
14 would be to hold a June 7th primary.

15 It was -- it was a very difficult to hold a June 7th  
16 primary with a December 15th map adoption deadline  
17 because as Ryan pointed out, the signature in lieu date  
18 is December 16th and would have been -- it would have  
19 required some changes to the -- to that and some  
20 flexibility already. So there was already pressure on  
21 June 7th and then once you start shifting beyond December  
22 15th, June 7th looks further out of reach.

23 We used June 28th because it bought three weeks.  
24 And then July 12th was the date that was chosen because,  
25 I know the Secretary of State's office and I know Tricia

1 also mapped out all of the Tuesdays, starting from  
2 September all the way back where it's -- and July 12th is  
3 really -- excuse me -- the latest date that you could  
4 have a primary election and still do everything you  
5 needed to do by the general. But I put a big asterisk  
6 next to that, that that would be -- that would put  
7 tremendous pressure on preparing for the general election  
8 if you held a July 12th primary.

9       So I'm going to walk through this without being too  
10 specific on each date and really just talk about the  
11 various time periods that are in play. And then, I'll  
12 open up to questions.

13       So as Karin said, the Statewide Database, after it  
14 formats the legacy data, still needs that thirty days to  
15 adjust the data based on prison population and I think,  
16 some other, you know, voter -- voter information. After  
17 that thirty days, you have your time period for doing a  
18 VRA analysis based on that adjusted data. You,  
19 obviously, can start some of that before you get it but  
20 it turns, significantly, on that final data.

21       And the drafting and posting of your maps, you had  
22 previously allotted two a -- two full months for that.  
23 Commissioner Kennedy's proposal had shaved two weeks off  
24 of that time period. If Statewide Database released the  
25 data a little bit earlier, then you might land in the

1 same place and by that weeks, or make a decision to give  
2 up two weeks somewhere else. But that's a really  
3 critical time period and it's a critical time period for  
4 the Commission to ensure VRA compliance and time to fully  
5 draft those -- those maps. But it also is a critical  
6 time for groups that are providing input to the  
7 Commission because there is a distinction between  
8 community of interest testimony that can be presented  
9 prior -- prior to the receipt of state-adjusted data and  
10 the submission of more formal maps which are based on  
11 state-adjusted data.

12 And I know you'll be going into those distinctions a  
13 little bit more in your public input meeting on Thursday  
14 and bringing folks in to speak about that. And I'd urge  
15 you to continue the dialogue, especially with groups that  
16 do statewide unity mapping, on the importance of that  
17 time period so that those groups have time to submit  
18 draft maps before the Commission posts its draft map,  
19 because that's a really important time period to  
20 influence the -- that first draft.

21 After that, you had allotted a month for your time  
22 period between the first draft maps and the revisions to  
23 those maps. So a month for public comment and the -- and  
24 that's a really critical time period for you, as well,  
25 because you're -- that's the time when you're making

1 really important decisions based on lots of information  
2 that's going to be coming in from the public about how  
3 lines should be adjusted. And then, again, you have two  
4 weeks until your final adoption deadline.

5       The next period of time that's really critical but  
6 not written into the statute at the state level is the  
7 period -- it's this period of time between map adoption  
8 and the time needed for court review or referendum. That  
9 is -- that is a tw -- and at the local level, that's  
10 built in to the local redistricting statute. It's a  
11 twenty-eight-day period that is required before signature  
12 in lieu can be -- the signature in lieu period can begin.  
13 And at the state level, it's generally been considered to  
14 be a month -- you know, a month so that you allow the  
15 maps to settle before the train leaves the station and  
16 they're really being implemented, and candidates are  
17 acting upon those.

18       So that's a really important time period for the  
19 Commission, for elections officials so they have  
20 certainty, and also for advocates who may be advocating  
21 for -- if there are -- you know, I'm sure that this  
22 commission is going to do a wonderful job and will comply  
23 with the Voting Rights Act, but if -- just in case they  
24 don't and they're -- and great minds can disagree on  
25 this -- it allows time to -- for those challenges, if

1 needed.

2       Then, you get to the time period -- the time period  
3 that Ryan and Tricia explained, very calmly, that is a  
4 really challenging period for election officials. And  
5 that is the period -- the amount of time they need to  
6 adj -- to implement the map -- to adjust the map. They  
7 call it precincting the maps. But in a nutshell, what it  
8 means is that you and I, the ballot we get in the mail  
9 has the right candidates on it, if they assign us to the  
10 right precinct. And so when they get maps, they have to  
11 assign voters to new precincts potentially. And that can  
12 become very complicated for a lot of reasons.

13       Despite advances in technology, it still requires a  
14 lot of human review and quality control. Secondly,  
15 there -- this only happens every ten years, maybe a  
16 handful in between if you've had just local jurisdictions  
17 can -- you know, adj -- shifting to district elections.  
18 But otherwise, you oftentimes don't have the expertise in  
19 house. Historically, folks who've done this before --  
20 and there's been a lot of turnover in the elections world  
21 in the last ten years, so this is time consuming. And  
22 any election official you talk to will tell you it's the  
23 one thing that could cost them their job if they don't  
24 get this right. So they want to get it right.

25       And thirty days is the date that we put in here.

1 Elections officials will tell you they need longer than  
2 that. This time period can run concurrently to that  
3 court review period. Elections officials will start  
4 doing that work to precinct the maps as soon as the maps  
5 are adopted. That time period can also -- and has in the  
6 past -- overlapped with the beginning of the signature in  
7 lieu period. Ideally, they're able to finish that work  
8 before the signature in lieu period ends because they  
9 have to verify the signatures and they want to make sure  
10 the voters have been assigned to the correct precinct  
11 before they start the signature verification for the  
12 signature in lieu petition.

13       And here's where you get into some set deadlines  
14 that start -- and these -- the items that -- on the rest  
15 of this list are dates that work backwards from election  
16 day. In the election world, you'll see E minus X number.  
17 And you're working back from the date of the election.  
18 And these are the time periods that would require  
19 adjustment regardless of -- probably regardless of the  
20 primary date. And you start to see -- and this -- and  
21 this really start to animate how things start to get  
22 crunched.

23       The signature in lieu period is a period that can be  
24 flexible. It can be shortened. There are provisions and  
25 statute to shorten it for special elections. And you



1 know, it could be eliminated but you would, then, need to  
2 eliminate fees. And you could end up with very long  
3 ballots. So there's usually an incentive to keep it.  
4 But if you shorten the period, you, then, reduce the  
5 number of signatures required proportionally.

6 The signature in lieu period -- you, then, get into  
7 the nominating period. And I put the dates in for, you  
8 know, what those would be, depending on the primary. The  
9 nomination period can -- the signature in lieu period can  
10 overlap with the nomination period if it needed to. That  
11 has happened in the past. So that's another area that  
12 could be crunched and of course, that's an area where  
13 you're starting to put the squeeze on candidates and  
14 campaigns.

15 And of course, here's the -- I illustrate the  
16 primary date and the dates following that just because it  
17 start -- I think it helps folks who don't think about  
18 elections all the time to understand how primary dates  
19 start -- can start to bump against a general election,  
20 and how a July 12th primary does start to provide very  
21 little turnaround time for the work that needs to be done  
22 to prepare for an election and mail out ballots to  
23 voters.

24 So I -- hopefully, that frames some of these -- some  
25 of the thinking and you know, there are lots of ways that

1 you can start moving two weeks here and there at the  
2 beginning of the calendar, should you be able to buy some  
3 time. But I'm happy to take -- I'm happy to take  
4 questions or if the Commission needs additional timelines  
5 mapped out, I can -- we -- I will probably be doing that  
6 myself and can share as we do it.

7 CHAIR KENNEDY: Thank you, Ms. Shellenberger. You  
8 know, this is -- I had put together that revised Gantt  
9 chart as -- in large measure, as a means of provoking  
10 this sort of conversation. And then hoping colleagues  
11 understand there are deadlines before an election date  
12 that have to be respected, including the nomination  
13 period and the precincting.

14 So this is extremely helpful to us in this  
15 discussion.

16 Are there questions from colleagues? Commissioner  
17 Akutagawa?

18 COMMISSIONER AKUTAGAWA: First off, I just want to  
19 say thank you, Ms. Shellenberger. That was really  
20 interesting and very, very fascinating. And just I  
21 think -- I know for me, personally, I think just even  
22 seeing, at a more detailed level, that connection between  
23 the redistricting work and the elections work was, I  
24 think, really, really helpful and probably not something  
25 that I had imagined when I first got onto the Commission.

1 Not that we thought that we would be having to go to this  
2 level of detail, I guess. Not in the way we are doing,  
3 we probably would have.

4 Question for you in terms of the dates. I don't recall  
5 hearing, and I -- I'm a little unclear myself. So who  
6 decides what these primary dates are going to be? Is it  
7 the Legislature that's going to decide it? Is it the  
8 courts? And I think what I heard is there's some kind  
9 of -- the middle ground dates. And then when will that  
10 also be decided as well too, because I think -- I think  
11 that will also be helpful for us to know as well too, as  
12 we consider, you know, all the maps, all the other things  
13 that we're going to need to consider. It's clear that  
14 there's -- there's a lot of other moving parts. And I  
15 guess I'll just put a question out to also Commissioner  
16 Sadhwani, what other things -- I think this is brought to  
17 light, you know, are there other things that we should  
18 also be, as a commission, also be keeping in mind in  
19 terms of, what are going to be those ripple-effect  
20 implications to other parts of the overall? Not only I  
21 would say the electoral system, but you know, to other  
22 areas that maybe we may not be aware of. Thank you.

23 MS. SHELLENBERGER: Did you, Commissioner Sadhwani,  
24 did you want me to go first, or do you?

25 Okay. Well, the Legislature can, I mean, if the

1 Legislature can, it -- you would not have to go to court  
2 for any of these scenarios, first of all. Other than if  
3 you, it may be that you should go to court to get clarity  
4 on what your P.L. data release date is for -- that  
5 triggers your furthest date out. But the Legislature can  
6 change -- the primary, they did so last year by  
7 legislation. They moved it to June 7th, as you'll  
8 recall.

9       We had anticipated last year that we might have  
10 to --- that the Legislature might have to change the  
11 signature in lieu requirement because of your December  
12 15th deadline. But at the time it was decided action  
13 wasn't needed because things were still up in the air.  
14 You might have gotten -- you might get the data earlier,  
15 maybe you would have an earlier adoption date.

16       So the Legislature can do those things. I think  
17 everyone is respecting this -- the Legislature is  
18 respecting the Commission's independence And that the  
19 Commission first needs to decide how much time it needs  
20 and what its deadline is. And of course, the Commission  
21 has interests to protect it. It has to protect the  
22 public input process. And all of the work that it's put  
23 into that. And recognizing that this time around, you're  
24 probably going to get even more submissions than last  
25 time due to all the tools that are available.

1 But I will also say that in California, we have had,  
2 you know, I think very good luck working together as  
3 stakeholders. And you know, the hope is that folks will  
4 work together to come to a mutual, you know, a mutually  
5 agreeable solution. But they need to hear from the  
6 Commission. And you have a lot of learning and  
7 information to digest. I know this just starts to make  
8 your eyes roll back in your head. It's like it's so much  
9 to process.

10 But it -- you all have a lot of power here because  
11 you really do have to decide what -- how much time you  
12 need. And then folks will start moving from there.

13 COMMISSIONER SADHWANI: And I think Commissioner  
14 Akutagawa, just to echo Ms. Shellenberger, I would tend  
15 to agree with that. I mean, I think as the Commission  
16 will need to sort out this piece, that we are  
17 independent, we can make whatever date we want. But at  
18 the same time, so much else hinges on that. And I think  
19 what we said in the prior meetings is, we're all here  
20 because we believe all Californians should be able to  
21 vote, should be -- should have free and fair access to  
22 elections and believe in transparency of these processes.

23 For me personally, I am of the belief that working  
24 this out in collaboration is our best path forward for  
25 all Californians. And sure, we could go out and say, no,

1 we're going to wait until the September 30th data comes  
2 out. We're taking all of that time until February 15th.  
3 I'm not sure that that is really being responsive,  
4 though, to the needs of Californians. And that's kind of  
5 been my own way of looking at that.

6 But I certainly recognize and understand that we as  
7 a Commission need to come to a decision on this matter.  
8 Which is why we've begun this conversation with so many  
9 different stakeholders who are involved in the process to  
10 come and be a part of that conversation.

11 CHAIR KENNEDY: Yeah. I mean, I think the point  
12 that I've made is, we need to make sure that we have the  
13 time that we need to do a good job. But we can't do that  
14 without regard for the fact that election officials also  
15 need the time that they need to do a good job. And I  
16 think it was Ms. Schellenberger who said, you know, this  
17 is to some extent the matter of sharing the pain and  
18 coming up with the best way to do that. And so yes, this  
19 is a very important, very timely discussion. And I want  
20 to thank everyone for participating in it.

21 Ms. Schellenberger and then Commissioner Fernandez.

22 MS. SHELLENBERGER: Yeah, and I think, I'd just like  
23 to, because I am facilitating the other stakeholders and  
24 I think the Commission is a stakeholder the -- and you  
25 may mean this by, you know, just necessarily, but I think

1 that, you know, the public is a really important  
2 stakeholder in the groups that are going to try and do  
3 the work to engage people in the process. And so I would  
4 just flag that. I think you probably necessarily meant  
5 that. But I think that's really important to me.

6 CHAIR KENNEDY: To me that's an integral part of our  
7 work. And the time that we need is to, you know, make  
8 our commitment to transparency and public participation,  
9 not just something that exists on paper, but something  
10 that, there really is a real opportunity for that. And  
11 not just a spoken and written opportunity. So thank you.  
12 Commissioner Fernandez.

13 VICE CHAIR FERNANDEZ: Yeah. I just want to comment  
14 on the, you know, taking our time and you bring -- you  
15 brought up a good point, Chair Kennedy. And I just want  
16 to reemphasize that, I guess the longer we take and if  
17 others cannot adjust, as in the precinct elections and  
18 everything. And also, we would not want our maps not to  
19 be used for the next election. Does that make sense?  
20 Because the Court could say, okay, you're not done, we're  
21 going to move on and maybe they'll be ready for the next  
22 one. But we are going out there, we're wanting everyone  
23 to participate, and for me, it would be a failure on my  
24 part if they weren't used. So we also need to keep that  
25 in the back of our minds.

1 CHAIR KENNEDY: I think I pointed out that there are  
2 states that have taken or are considering taking that  
3 route, I mean, particularly those states that have  
4 statewide elections this year. There's little choice.  
5 And so yes, that is an extreme solution, but one that  
6 some states are forced to take. It's certainly not one  
7 that we would want to see, want to, you know, go with  
8 upfront. But the bottom line is that is always a  
9 possibility, that maps would not be used until 2024, in  
10 our case.

11 Commissioner Akutagawa.

12 COMMISSIONER AKUTAGAWA: I guess I just feel like I  
13 have to ask this question of Karin. Is there a  
14 possibility that the census, we're going to see even a  
15 remotest possibility that there's going to be additional  
16 delays on the census data? Because I think that that --  
17 I hear what you're saying. I mean, we don't want to -- I  
18 am of the mind that we don't have to wait. I think we  
19 just have to make some decisions about what dates we're  
20 going to be working from. Because as a Commission, I  
21 think we do need to, you know, have those kind of dates  
22 in mind so that we can also do our work properly, too.  
23 And I think, too, what Commissioner Fernandez says -- I'm  
24 also thinking that we would not be fulfilling our  
25 responsibility to the people of California if we don't --



1 if we don't get the maps out on time.

2 And frankly, I don't think that that would be --  
3 that would bode well for the 2030 Commission, you know,  
4 if for whatever reason, you know, something happens and  
5 our work is considered a bust, you know, even given all  
6 of these different factors.

7 But to me, I think the one concern I do have is, you  
8 know, is there anything that you, from what you're  
9 hearing, that that could determine that the census is  
10 just, all of a sudden, say, we're not going to be able to  
11 get you the data by mid-August, much less end of  
12 September?

13 MS. MAC DONALD: Thank you for that question,  
14 Commissioner Akutagawa, but I have not heard anything  
15 like that. But I think we all have to just continuously  
16 remind ourselves that there are lawsuits going on. And  
17 who knows, at Statewide Database, I'll tell you, we are  
18 working with these dates at this point, because I think  
19 that's the best we can all do, is we can only work with  
20 the information that they're giving us at this point. I  
21 know that sentence is very, very careful with their  
22 communications. I think they would not have put this out  
23 if they had to -- if they had any -- if they have any  
24 concern about potentially having to backpedal on this.

25 But again, they, of course, can't control what the

1 courts are going to do. If there is going to be  
2 something happening. But for us, we're sticking to what  
3 they're telling us right now and moving back -- moving  
4 forward with those states.

5 CHAIR KENNEDY: Very good, Mr. Ronco.

6 MR. RONCO: Thank you, Chair Kennedy. I just wanted  
7 to follow up on that same question by saying that we are  
8 concerned. And we recognize that there probably will be  
9 things that will come up, hopefully not in other census  
10 delay. But other things that could impact your schedule.  
11 We just wanted to make sure that you understood that from  
12 the CACEO perspective, July 12th is the last date that we  
13 can move the primary election back in order to  
14 accommodate the delays. But also still conduct both the  
15 primary and the general elections correctly.

16 It's already going to be a burden, as was mentioned  
17 by Lori. But July 12th -- we have to recognize July  
18 18th, if nothing else changes, is the date that candidate  
19 filing begins for the -- nomination period begins for the  
20 general election. So that's literally not even a week  
21 after the election would be conducted on July 12th. And  
22 that doesn't even take into account our canvassing duties  
23 and post-election ballot counting and auditing and all  
24 that that we need to do.

25 So if there are further delays, we just wanted to

1 make sure that your Commission understands that July 12th  
2 is probably the last date that we can accommodate moving  
3 anything backward without real significant other  
4 considerations. Thank you.

5 CHAIR KENNEDY: Thank you. Commissioner Sadhwani.

6 COMMISSIONER SADHWANI: Yeah. If there aren't other  
7 pressing questions or comments from Commissioners, we do  
8 also have representatives of the Legislature here as  
9 well, Ethan Jones, Joel Yang -- I'm wondering if you all  
10 want to just weigh in a little bit, perhaps to talk a  
11 little bit more about the question Commissioner Akutagawa  
12 had asked about the possibility of changing the primary  
13 date and just simply what that process would look like.  
14 As well as share a little bit more about the letter that  
15 we have received.

16 MR. JONES: Sure. Thank you. So welcome. Thank  
17 you, Commissioners. My name is Ethan Jones. I'm the  
18 chief consultant to the Assembly Elections Committee. I  
19 believe we also have Joel Yang from the Senate Republican  
20 Caucus as well as Dianne Griffiths from the Senate on as  
21 well. Although I understand that they may have both  
22 needed to jump off at 12:30. So I'm not sure if they're  
23 available or not.

24 But I am -- I can speak generally on behalf of the  
25 Legislature today. So you have seen the letter that was

1 sent by legislative leaders. We are absolutely pleased  
2 that the Statewide Database is confident that it can  
3 accurately convert data from the Legacy Data format into  
4 a format that's more usable for redistricting purposes.  
5 That's great news. And it's great to see that it can be  
6 done on a timeline that should allow state and local  
7 redistricting to proceed sooner than if we had to wait  
8 for the traditionally formatted P.L. 94-171 file.

9 We do understand that conversion is going to require  
10 additional financial resources. And that it doesn't  
11 eliminate the need to consider adjustments to elections  
12 calendars by amending the elections code. But the  
13 Legislature has been, and continues to be, committed to  
14 working with the Commission to ensure the integrity of  
15 California's state and local redistricting process.

16 I know there's been a lot of discussion today about  
17 the issue of the deadline and what the implications are  
18 of the release of this Legacy data. I am not an  
19 attorney. So I'm not going to get into parsing the legal  
20 arguments. What I will say is that our counsel, which is  
21 the counsel that brought the Legislature v. Padilla  
22 lawsuit in the California Supreme Court to get the  
23 Commission additional time to finish its lines last year,  
24 before this Commission was formed, has looked at this  
25 issue, and they reached the same conclusion that the

1 Commission's Counsel has -- that the triggering event is  
2 the release of the data in the Legacy format. So again,  
3 I can't speak to the legal reasoning behind that, but I  
4 can tell you that our counsel did reach the same  
5 conclusion that your counsel did.

6 So because it appears that the -- that California  
7 may be able to use this Legacy Data format to start the  
8 State and local redistricting process sooner than if we  
9 had to wait for the release of the traditionally  
10 formatted file, there's a possibility that the 2022  
11 primary may not have to be moved in order to accommodate  
12 these delays. And that's one of the things that the  
13 Legislature will be looking into and having  
14 conversations, continuing to have conversations with  
15 election officials and other interested parties to figure  
16 out how to accommodate those changes.

17 But the -- any change in the date of the primary  
18 election, any other changes to the elections code, the  
19 deadlines in the elections code to accommodate the  
20 changes in the redistricting schedule are things that the  
21 Legislature can and would do through legislation.  
22 Including potentially changes to candidate filing  
23 deadlines or other changes to reflect the changes in the  
24 revised redistricting timeline.

25 As with any significant changes to the elections

1 process, we always try to evaluate those changes from the  
2 lens of making sure that we're minimizing risks to the  
3 elections process. And that's especially true when we're  
4 considering policy changes, where we don't have recent  
5 experience that we can look to, to try to evaluate what  
6 the impacts of that are. And to that point, the last  
7 time that California had a statewide primary election  
8 later in the year than June 8th was almost 80 years ago.  
9 So we don't have recent experience with having a primary  
10 election beyond the beginning of June. And while we can  
11 probably anticipate some of the challenges that would  
12 come along with moving the primary back later than that,  
13 there are almost certainly unanticipated consequences to  
14 such a change as well.

15       And as always -- and we want to make sure that those  
16 unanticipated consequences don't create an unacceptable  
17 risk of disenfranchising voters. Which is something that  
18 I, I think it's fair to say when the Legislature is --  
19 looks at issues like these is always at the forefront of  
20 our minds of how do we make sure that we accommodate a  
21 primary election, in this case that can be held in a way  
22 that maintains the integrity of the process and that  
23 ensures that we're not disenfranchising voters?

24       So with all that said, the creation of the  
25 redistricting database is something that the Legislature

1 has an obligation under the law to do. And it's an  
2 obligation that we have to coordinate with the Citizens  
3 Redistricting Commission on that. But it is something  
4 that is important not only obviously for the Citizens  
5 Redistricting Commission at the state level, but it's  
6 essential for redistricting at the local level as well.  
7 And all those are important pieces to resolving in time,  
8 to then allow for preparations for, and the conduct of,  
9 the primary election. And then subsequently the general  
10 election on a timeline that works to protect the input  
11 process that is an essential part of the redistricting  
12 process, both at The State and local level, to protect  
13 the time that county elections officials and state  
14 elections officials need to prepare for and conduct the  
15 primary and general election.

16 And then to make sure that the turnaround time  
17 between the primary and general election allows the  
18 general election to be conducted effectively, all while  
19 making sure that we're not unduly affecting voters, which  
20 at the end of the day, I think is the largest group of  
21 people that are going to be affected by all these  
22 decisions, are the twenty-plus million voters in the  
23 State of California.

24 COMMISSIONER SADHWANI: Thank you so much. Do --  
25 Commissioners, you have any questions? Comments? Follow

1 up?

2 CHAIR KENNEDY: Commissioner Sinay?

3 COMMISSIONER SINAY: Thank you all. This has been  
4 really helpful and obviously we need to continue a  
5 process out -- be patient with us as we ask questions you  
6 may have already answered but we're processing.

7 Mr. Jones, you had mentioned the disenfranchisement  
8 of voters, and that's something that's really top of mind  
9 for me as well. But can you explain more how changing  
10 the primaries could affect that, that piece?

11 MR. JONES: Sure there are. Again, I think there  
12 are unanticipated potential implications of making such a  
13 change. Generally speaking, when California has looked  
14 at changing the date of the primary election in the past,  
15 not necessarily in the context of the situation that  
16 we're in now, but sort of broader policy conversations  
17 about the appropriate time for holding the primary  
18 election, there are considerations about the amount of  
19 time that elections officials need between the primary  
20 and general election to make sure that there aren't  
21 problems with the general election.

22 There are considerations surrounding just people's  
23 lives generally and how that affects their likelihood to  
24 participate in the election and to be able to participate  
25 in the election. You'll notice, for instance, one of the



1 timelines that I don't think anybody has really thrown  
2 out as a potential possibility for moving the primary  
3 election is July 5th. And the reason is we know that if  
4 you move a primary election to the day after a 4th of  
5 July holiday, that could very negatively impact that  
6 process in a way.

7       So that's why you've seen, in addition to the  
8 existing date, you've seen two other dates that skip over  
9 that early July date as a potential. So it's things as  
10 simple as, you know, people's travel schedules over the  
11 summer. But there are a lot of other more complex  
12 factors as well that it really is hard to anticipate all  
13 the things that could affect how people respond to what  
14 would be a change and an election date that's something  
15 that we haven't done in close to eight decades.

16       CHAIR KENNEDY: Tricia, could I -- yes -- call on  
17 you?

18       MS. WEBBER: Thank you. And I just wanted to add on  
19 to what Ethan was saying, is we did -- our last primary  
20 was in March of last year. So just by going by, you  
21 know, because it was moved back to June, we're already  
22 going to need to do a bunch of outreach on our end  
23 because people may be thinking in March, now there's  
24 going to be a primary because that's the last one we had.  
25 So any time you move the date equals -- you have to

1 really do outreach to educate people when the actual date  
2 is going to be. And so moving it even later than a month  
3 that they're sort of used to because we did that four  
4 years ago then, you know, it adds extra challenges.

5 CHAIR KENNEDY: Thank you so much. Any final  
6 comments from our guests?

7 Commissioner Sadhwani.

8 COMMISSIONER SADHWANI: Sure. Well, I was just  
9 chomping at the bit to add in from a research standpoint,  
10 when you look at voter turnout in primary elections,  
11 particularly for communities of color, you see a huge  
12 drop off rate, especially for -- in nonpresidential  
13 election years. So I can imagine that moving to the  
14 primary could potentially have a disproportionate impact  
15 on communities of color -- voting communities of color  
16 here in California.

17 But with that, I know that we are up against our  
18 break. I want to thank our guests so very much for  
19 coming in today. I see Lori has one last thing to say,  
20 which I will certainly make that time for. I think this  
21 has been a great first conversation and you know, the  
22 subcommittee will continue to work with stakeholders to  
23 bring more folks into it for additional conversations and  
24 hopefully develop a recommendation that the whole -- the  
25 Commission can begin to think about and consider.

1           Lori, do you want to have the last word?

2           MS. SHELLENBERGER: I just urge you to bring in  
3 folks to talk about the impact on voters, because there  
4 are folks, you know, folks are going to be doing  
5 education already about the primary being moved, whether  
6 a few weeks, whether they think that impact -- I'd  
7 encourage you to hear from some of those experts.

8           CHAIR KENNEDY: Let me in closing, thank all of our  
9 guests. We do really appreciate this. And also say, I  
10 don't want to presume on your time. So I will, I guess,  
11 refrain from issuing a formal invitation to join us after  
12 lunch. We do always take public comment first thing  
13 after lunch. I'm anticipating that we could have quite a  
14 bit of public comment. And what we will do is we will  
15 take down any questions that are relevant to you and  
16 channel those to you and then get your responses and post  
17 those on our website so that the public can have access.

18           So again, thank you so much. And we look forward to  
19 keeping in touch. So it's 12:45. We will take our one  
20 hour lunch break and be back at 1:45. Thank you,  
21 everyone.

22           (Whereupon, a recess was held)

23           CHAIR KENNEDY: Thank you. Welcome back from the  
24 lunch break. We had a very good discussion of the impact  
25 of the census delay on our calendar as well as the

1 electoral cycle. And we'd like to open it up for public  
2 comment at this point. So Katy, would you please read  
3 the instructions for general public comment?

4 PUBLIC COMMENT MODERATOR: Will do, Chair. Okay.

5 In order to maximize transparency and public  
6 participation in our process, the Commissioners will be  
7 taking public comment by phone. To call in, dial the  
8 telephone number provided on the livestream feed. It is  
9 877-853-5247.

10 When prompted to enter the meeting ID number  
11 provided on the livestream feed, it is 923-1796-5628 for  
12 this meeting. When prompted to enter a participant ID,  
13 simply press the pound key. Once you have dialed in,  
14 you'll be placed in a queue. To indicate you wish to  
15 comment, please press star 9. This will raise your hand  
16 for the moderator. When it is your turn to speak, you  
17 will hear a message that says the host would like you to  
18 talk and to press star 6 to speak.

19 If you would like to give your name, please state  
20 and spell it for the record. You are not required to  
21 provide your name to give public comment. Please make  
22 sure to mute your computer or livestream audio to prevent  
23 any feedback or distortion during your call. Once you  
24 are waiting in the queue, be alert for when it is your  
25 turn to speak. And again, please turn down the

1 livestream volume. And again, if you are in the queue,  
2 please press star 9 to raise your hand indicating you  
3 wish to comment. Thank you.

4 We do have someone in the queue. However, they have  
5 not raised their hand yet.

6 And we do have a raised hand. Here we go. And the  
7 floor is yours.

8 MR. MILLAR: Hi, this is -- Yes, hello. This is  
9 Kevin Millar (ph.) from Antioch. And I wanted to call  
10 about the discussion this morning. It was really, really  
11 concerning to hear that. May I misheard. It sounded  
12 like the panelist suggested ignoring your own lawyers and  
13 filing suit over what's really just two weeks and the  
14 whole process. I mean, I don't understand why we would  
15 sue over two weeks. The last commission drew these  
16 lines -- they eight months, you know, but you know, from  
17 what I can tell, you're going to have sixteen months.  
18 And that's not even enough. That's twice -- twice as  
19 much as the last time -- I mean sixteen weeks, I think.

20 Anyways, you -- you have two -- less than two weeks  
21 with the data. There's nothing you can do an extra eight  
22 months of planning just to go a little bit faster. I  
23 just, I don't understand why we would get in this big  
24 fight over two weeks. I don't think suing is going to  
25 help you -- help progress things. And you know, they

1 were going to be asking about twenty million people to  
2 change everything, all their districts once these maps  
3 are done. And you know, just the fact that we can't  
4 think through how to deal with two weeks, I think that's  
5 really selfish. It's not what we want as part of this.

6 So please reconsider and please share the pain with  
7 the rest of the people involved in this process. Thank  
8 you.

9 CHAIR KENNEDY: Thank you, Mr. Millar.

10 Katy, next caller.

11 PUBLIC COMMENT MODERATOR: Yes. We do have a couple  
12 of people with raised hands. But I would like to ask  
13 anybody else in the queue. If you do not have your hand  
14 raised, please press star 9 to raise your hand and I will  
15 go to the next caller. And the floor is yours.

16 MS. WESTA-LUSK: Hello. This is Renee Westa-Lusk.  
17 R-E-N-E-E. Last name is W-E-S-T-A and then there's a  
18 hyphen and then it's Lusk, L-U-S-K. My personal read on  
19 this is that because, I've been active in elections and  
20 politically for a number of years. And moving the  
21 primary has been done before, mostly from the June to the  
22 March -- here it's been done, I think, at least two or  
23 three times before last year.

24 It doesn't really, in my opinion, I haven't seen  
25 really good data that it affects voter turnout by moving

1 it earlier. My concern is moving it to July 12. I think  
2 you're going to have more difficult time getting the  
3 voters engaged. And especially under the duress of  
4 COVID.

5 The other thing I think that the Commissioners  
6 should do, they should come up with their own absolute  
7 deadline of when they must have their map drawing done  
8 and everything regardless of the election -- well, not  
9 regardless, but in order to accommodate the election  
10 cycle, because I'm worried that the county clerks will  
11 not have enough time to do their job because you're  
12 expecting them to redistrict all their precincts on top  
13 of coping with COVID. And on top of doing their regular  
14 elections' job. If they only had to do the regular  
15 election job without COVID and without having to  
16 redistrict, they probably would have enough time to do  
17 their work in thirty days. But I think, expecting them  
18 to do all their work in thirty days and be ready to start  
19 sending out for publishing the ballots and everything is  
20 not enough time.

21 I think they need more than that. They need like  
22 fifteen extra days or not actually -- bump it up to  
23 sixty. And I think the commission should come up with  
24 their own deadline to accommodate the election clerks.  
25 That's my comment. Thank you for listening.

1 CHAIR KENNEDY: Thank you, Ms. Westa-Lusk. And  
2 indeed, as Mr. Millar said, this is about exploring how  
3 we can best share the pain among, excuse me, among all of  
4 the actors involved. We also have something on the order  
5 of 175 or more districts to draw. And those are going to  
6 take us more than five or 10 minutes each. So we just  
7 have to figure out how best to divide this up to give  
8 everybody the best chance of success. So thank you for  
9 your comment.

10 Katy, do we have more?

11 PUBLIC COMMENT MODERATOR: We do. We have another  
12 caller with their hand raised. And we do have other  
13 callers in the queue that do not have their hand raised.  
14 So if they would like to raise their hand again, it is  
15 star 9. And I will unmute the caller that does have  
16 their hand raised. And the floor is yours.

17 MR. WOODSON: Good afternoon, Commissioners, this is  
18 James Woodson calling from the Black Census and  
19 Redistricting Hub. I hope you all are doing well. I  
20 just want to thank you for your consideration of the  
21 elections timeline and the final map deadline. I know  
22 it's a lot to think about and there's a lot of  
23 stakeholders and a lot of opinions.

24 I wanted to just sort of list up our thoughts on  
25 this. You know, I think folks know that we are connected



1 to an organization called California Calls that  
2 historically has done a lot of voter engagement around  
3 infrequent voters, voters of color, folks who are at high  
4 risk of being disenfranchised. We were very active last  
5 year trying to figure out what elections would look like  
6 to ensure that we would not disenfranchise voters. And  
7 we do a multiple rounds of voter engagement over the last  
8 several years, every year.

9       You know, from our perspective, I think that, first  
10 of all, the primary has moved multiple times, right? We  
11 initially had primaries in June. We moved them to March.  
12 And now we are moving them back to June. You know, the  
13 primary is also on a different date every year, that we  
14 have to really sort of contend with, and figure out how  
15 to educate folks on when the primary will take place.

16       And so that is certainly always an issue that comes  
17 up for us every year. But we do, you know, our best and  
18 use our resources to make sure that folks are educated  
19 about when they can vote. I think for us as a group that  
20 does voter engagement but also is doing redistricting  
21 outreach, there's certainly more important for us to have  
22 time for line drawing, for public input on maps, than it  
23 is to preserve the primary date. Again, we will use the  
24 resources to make sure that the public is educated about  
25 when the primary is. But again, it changes every year.

1 And I think those are issues that we are well equipped to  
2 deal with and navigate around.

3       What doesn't come around every year and what we  
4 haven't, you know, better equipped to necessarily deal  
5 with, is a shifting and changing redistricting timeline  
6 that allows for a minimum amount of public input time.  
7 And so we would just ask that, you know, you all do your  
8 best to protect as much time as you can. Again, I know  
9 that there's a lot of moving pieces in consideration.  
10 But again, I just wanted to lift up our perspective on  
11 this. Thank you.

12       CHAIR KENNEDY: Thank you, Mr. Woodson.  
13 Commissioner Sadhwani.

14       COMMISSIONER SADHWANI: Yes. Mr. Woodson, if you're  
15 still there. So if I may. Just to clarify, so what I'm  
16 hearing then is, having more time during the input  
17 process for communities to share their communities of  
18 interest or their potential full maps that they might  
19 want to submit to the Commission. You see that as being  
20 more valuable, that time period, right? Because it only  
21 comes around once every ten years, than maintaining  
22 primary. Is that is that correct?

23       MR. WOODSON: That's right. Yes. I think we know,  
24 right, that there are, you know, considerations and  
25 restrictions around the primary date. But we don't see

1 moving the date, you know, a few weeks to give folks more  
2 time to weigh in on maps as more important than it is to  
3 provide time for public input. We also have to sort of  
4 evaluate, you know, when redistricting data comes out and  
5 draw maps to submit to you all. And to give us more time  
6 to do that, I think it would be valuable.

7 CHAIR KENNEDY: Very good. Thank you again, Mr.  
8 Woodson.

9 MR. WOODSON: Thank you.

10 CHAIR KENNEDY: Katy.

11 PUBLIC COMMENT MODERATOR: And we do have one more  
12 caller. All right. And the floor is yours. I apologize  
13 for that.

14 MS. MARKS: No worries. Hi. My name is Julia  
15 Marks. I'm calling from Asian-Americans Advancing  
16 Justice, Asian Law Caucus. And I just wanted to start  
17 off by saying thank you for your deep engagement with  
18 this. It is a challenging set of circumstances and has a  
19 lot of complexity, and I appreciate the care you're  
20 bringing to the projects.

21 I'll be reiterating quite a few of the points made  
22 by the previous caller. I just wanted to share some  
23 reflections on how the decisions that you're weighing  
24 might affect the community's decision that Asian Law  
25 Caucus works with. We do work with organizations on

1 voter education. And we do care deeply about equitable  
2 access to the voting process, especially for lower  
3 propensity voters and for communities of color.

4 But we are working on redistricting, too, and want  
5 to be sure that there's going to be adequate time for  
6 communities to engage at the state and local level in the  
7 process. And a lot of this takes the form of sharing COI  
8 which can occur before the data are ready.

9 But a large portion of the work is also in coming up  
10 with draft -- draft map proposals and talking to  
11 community members about what those may look like and  
12 bringing them to the Commission as suggestions and  
13 recommendations so that we can better inform your line  
14 drawing process.

15 So I want to reiterate the importance of having  
16 enough time between the release of the census data and  
17 the drafting of maps and the finalization of maps to make  
18 sure there is full opportunity for public participation  
19 in that essential part of the process.

20 So to the issue of moving the primary. While, you  
21 know, we do have some concerns that it could cause some  
22 voter confusion, we're already anticipating needing to  
23 educate voters on the fact that the primary will be in  
24 June, since the last major primary for the presidency was  
25 in March. And we think there is more importance in

1 making sure there's enough time to do the best job  
2 possible on these maps that will last a decade than being  
3 too worried about making changes to the primary date.

4 So I just wanted to share that perspective and thank  
5 you again for being a key stakeholder in these  
6 conversations for the Commission itself and for all  
7 Californians who want to have a say in this process.

8 CHAIR KENNEDY: Thank you, Ms. Marks.

9 Katy, do we have any other callers?

10 PUBLIC COMMENT MODERATOR: That was it.

11 CHAIR KENNEDY: Okay, very good. Thank you for  
12 that. And we will take public comment again in just over  
13 an hour before going into our closed session. So if  
14 anyone still has anything they want to share with us, we  
15 would be taking our afternoon break at 3:15. And so  
16 about 3 o'clock or so we might be turning back to public  
17 comment.

18 At this point, we will continue with subcommittee  
19 updates. And the next subcommittee is the Language  
20 Access Subcommittee. I know that Commissioner Fernandez  
21 is away for a couple of hours dealing with family issues.

22 Commissioner Akutagawa, are you in a position to  
23 report to us on language access issues?

24 Okay. We will hold on Language Access and go to  
25 Materials Development. Again, Commissioner Fernandez is

1 away for a couple of hours. The one thing that I would  
2 report at this point is that we are working with staff to  
3 develop two new slides for the presentation. Director  
4 Ceja outlined those earlier in the day. Those are on  
5 what sort of input we are looking for as far as  
6 communities of interest -- what constitutes good and  
7 useful input for us.

8       And the second will be on language access. So  
9 hopefully the next meeting, or by the meeting on the  
10 12th, we will have those finalized as far as our  
11 recommendations.

12       Commissioner Sinay.

13       COMMISSIONER SINAY: Those are great. And I think  
14 we might need a third one that's just a little bit more  
15 detail on, "How do you identify your community and  
16 community of interest?". And that might be in the first  
17 one you were discussing. But just really understanding,  
18 you know, how to define, not define but how to benefit --  
19 it's a team sport and what does it look like or whatever?

20       CHAIR KENNEDY: Right. And our approach on this was  
21 to say, okay, we currently have a slide that has, what I  
22 consider, a pretty good text description of what a  
23 community of interest is. And then a bullet talking  
24 about describing your community of interest. And we  
25 concluded that the bullet on describing your community of

1 interest could be pulled out into a separate slide and  
2 beefed up some. Because we have had people asking us,  
3 you know, how do you want this input? Or what would  
4 constitute good and useful input?

5 So I think we could work and continue to refine the  
6 main body of the original slide to address what you're  
7 talking about, what is a community of interest? And the  
8 second one that we're working with staff on right now is,  
9 you know, what is good and useful input. And then it  
10 transitions into, these are the different ways that you  
11 can convey your input to us.

12 Go ahead, Commissioner Sinay.

13 COMMISSIONER SINAY: I guess I see it as, what is a  
14 community of interest? How do you define a community of  
15 interest? and how do you let us know about it? So  
16 there's kind of that middle one where when I'm doing a  
17 presentation, I kind of struggle -- is where most of the  
18 questions come in, you know, is, you know, political  
19 parties or is this, you know, a lot of those questions  
20 come up.

21 So that's the part of -- even if it's just examples  
22 or -- I know we have that kind of in the drawing but  
23 there's a few of different texts that I've read and I  
24 shared with Fredy -- sorry, with Director Ceja, you know  
25 that have kind of, these are the three C's, the love for,

1 culture -- I can't remember what they are. But there's  
2 just different ways. So it's that middle piece  
3 sometimes --

4 CHAIR KENNEDY: Right.

5 COMMISSIONER SINAY: -- that people are still  
6 struggling with.

7 CHAIR KENNEDY: Okay. To the extent that you can  
8 provide some more input to Director Ceja so that as he's  
9 developing this for the subcommittee to review that, that  
10 would be fantastic. Okay.

11 Commissioner Turner.

12 COMMISSIONER TURNER: Thank you, Chair. I was going  
13 to add in addition -- or for me, more importantly than  
14 the how or just as important would be the why. I still  
15 think that we can blow out some more, why it matters. If  
16 people are clear, why the description, the delineation of  
17 who they want to be in relationship with, why that  
18 matters. I think it'll help them with the how.

19 Understanding that if indeed they do not define who their  
20 community of interest is, they could be broken up into  
21 different districts which when issues arise, they don't  
22 know who to necessarily call on or with everyone reaching  
23 out to different districts and waters down their desire.

24 I think if there was more, this is why it matters to  
25 you specifically. Instead of giving a general, it can



1 impact even your school districts. It can even impact on  
2 maybe some scenarios or something specific about what  
3 difference it would make if you had one representative as  
4 opposed to people that you're in relationship with or in  
5 different areas. I think that would really help our  
6 community.

7 CHAIR KENNEDY: Okay. You know, I'll certainly  
8 discuss this with Commissioner Fernandez, but likewise,  
9 if you have any specific examples that you could share  
10 with or suggestions that you could share with Director  
11 Ceja, that would be fantastic. Okay. Anything else?  
12 Then we will move to Website.

13 Commissioner Taylor, do you have anything at this  
14 point?

15 COMMISSIONER TAYLOR: Just a few things real quick.  
16 Just want to acknowledge that staff is working hard,  
17 diligently for all the suggestions to try to implement  
18 those. I know they're especially working hard right now  
19 to get all of the videos posted from my engagements. So  
20 if you follow on the outreach calendar, more of those  
21 videos are now being posted.

22 Again, this is a work in progress, so continue to  
23 send us your ideas and we'll try to implement those with  
24 staff. But they are working diligently to try to  
25 accomplish all our goals.

1 CHAIR KENNEDY: And of course, Commissioner  
2 Fernandez's indication from earlier today that we will be  
3 working to get the transcripts of meetings up as well.  
4 So that hopefully we'll be able to address the concerns  
5 of those who wrote in to encourage us to post those  
6 transcripts.

7 Next, we have Data Management. Commissioners Ahmad  
8 and Turner.

9 COMMISSIONER AHMAD: Thank you, Chair. We have  
10 three points to deliver today. One is that we are moving  
11 forward with the data management -- our data manager  
12 position. We have worked with the team to put together  
13 that duty statement, revised it, got input from USDR in  
14 terms of some of the technical aspects of the position  
15 itself. Raul is pushing that through. We do have to get  
16 that position established. However, I was told that it  
17 will be a more streamlined process this time around. So  
18 we are looking forward to that.

19 We are in conversation with USDR to sort of draft  
20 our agreement terms. Not necessarily a contract as we  
21 had discussed previously, but just some sort of document  
22 that we can point to so we have a very clear  
23 understanding of what CRC's responsibilities are and what  
24 USDR are volunteering to take on for this project.

25 And then the last item, we are very excited to have

1 a conversation with the line drawers when it is told to  
2 us that it is appropriate to do so. I think it will be  
3 very, very beneficial in terms of the management of all  
4 the information that comes through, so that we can best  
5 create a process that will supplement and support our  
6 line drawers in an efficient -- efficient manner moving  
7 forward.

8 Commissioner Turner, am I forgetting anything?

9 COMMISSIONER TURNER: You are spot on.

10 COMMISSIONER AHMAD: And Chair, we will not be  
11 meeting our additional agenda item. Thank you.

12 CHAIR KENNEDY: Okay, very good.

13 Next up, we have Grants. Commissioners Akutagawa  
14 and Le Mons.

15 Commissioner Le Mons.

16 COMMISSIONER LE MONS: Hi there. Good afternoon.

17 So we have, as you all know, that this innovative,  
18 pioneering idea of ours to provide grants to community-  
19 based organizations, et cetera, is something new. And  
20 based on the nature of our Commission and what governs  
21 our operations and how we navigate with the state, et  
22 cetera, there's still a few things that we're working out  
23 in terms of clearing the path to being able to actually  
24 do this.

25 So unfortunately, we don't have an advancement

1 update to report today. My hope is that, if by our next  
2 Commission meeting we'll have something more definitive.  
3 But we're still trying to cross the T's and dot the I's  
4 with regard to our ability to do this and how we can do  
5 it within the framework of how we exist as a Commission  
6 and the regulatory requirements that govern what we do or  
7 don't do. So that's as much as I can really speak to  
8 that today.

9 But the team is busy working and staff is working  
10 diligently with the appropriate parties so that we'll be  
11 able to bring a more substantive update at our next  
12 meeting. Thank you, Chair.

13 CHAIR KENNEDY: Thank you. I'm just in order to  
14 report on the Communities of Interest, too, I'm just  
15 pulling up an email chain, which is a very long thread.  
16 The latest from last week was that the Communities of  
17 interest input tool is now available in Korean, Russian,  
18 Armenian, Japanese, Punjabi and Khmer.

19 So the colleagues at Statewide Database have made  
20 enormous progress in delivering to us the COI tool in  
21 additional languages. We really appreciate all of their  
22 hard work on this and we look forward to hearing how  
23 things are going as far as user statistics. And we know  
24 that they are also now -- they're working on getting  
25 Farsi and Arabic up. Those are taking just a little bit

1 longer because scripts are read right to left rather than  
2 left to right. And that once Arabic and Farsi are up,  
3 they will be able to turn their attention to Hmong and  
4 Thai.

5 So we will continue to roll out languages as they  
6 become available. And we are very excited and want to  
7 encourage populations throughout the state that need this  
8 sort of language, access to make use of the Communities  
9 of Interest input tool in their language so that we can  
10 all demonstrate the utility of making it available in  
11 these additional languages.

12 Commissioner Akutagawa, do you have anything further  
13 to add?

14 COMMISSIONER AKUTAGAWA: No. That was a great  
15 report. Thank you.

16 CHAIR KENNEDY: Thank you. And can I come back to  
17 you at this point for a report on the Language Access  
18 Subcommittee?

19 You're muted. Sorry.

20 COMMISSIONER AKUTAGAWA: Oh, my apologies. I just  
21 want to just share in terms of the language access, we  
22 have finalized the contract with one of the vendors for  
23 the interpretation and translation. They're called  
24 Continental and we are beginning to have some of the  
25 documents translated. I mentioned this morning that the

1 PowerPoint charts, the FAQs and just about redistricting,  
2 there's just a simple fact sheet about redistricting that  
3 those documents are being translated. And I will also  
4 double-check with Director Ceja to make sure I'm not  
5 misrepresenting. But I believe those were the three that  
6 we had agreed upon, so. Okay. I see that he's nodding  
7 yes.

8 CHAIR KENNEDY: Okay, very good.

9 Commissioner Andersen.

10 COMMISSIONER ANDERSEN: Thank you. This is back on  
11 the COI tool. And I'd actually like to -- both the COI  
12 tool group and also goes to the data management to  
13 consider -- you both are the subcommittees that are  
14 looking at what information we're actually gathering from  
15 the Community of Interest tool. And at this point, what  
16 I'd like to say is, could you possibly, with that in  
17 mind, take the first initial pass at what evaluation  
18 criteria might look like for the communities of interest.

19 Because since you have that information, you know,  
20 this is an issue we will all need to be dealing with.  
21 And the line drawers will obviously be very interested in  
22 this. And this -- but this is a Commission decision. So  
23 if you guys could just start that process with, knowing  
24 the information that you're actually going to be  
25 gathering and looking at, that would be a great step, I

1 think, forward for the entire group. Thank you.

2 CHAIR KENNEDY: And just, this is mostly for the  
3 benefit of the public. If you can just provide a little  
4 more detail on what it is you're suggesting that we do,  
5 as far as establishing criteria for communities of  
6 interest?

7 COMMISSIONER ANDERSEN: Well, I believe you're --  
8 we're hearing those questions about -- when the public is  
9 calling and say, well, what do you want in our -- as we  
10 tell you about our community? You know, what is good  
11 criteria? Because basically what they're asking is, what  
12 we -- what will the Commission be considering? Should we  
13 have two communities of interest which are overlap or in  
14 direct conflict, direct confrontation with each other.  
15 When we need to just draw district lines? Something has  
16 to get divided up. How do we as the commission evaluate  
17 that fairly, considering the public and considering their  
18 input?

19 And so I think that's making a stab at that. What  
20 is in the best -- in the public's best interest? And  
21 what can we -- information can we give the public to help  
22 us evaluate it as well and equally and fairly? So this  
23 is -- so this is the issue I think that we will need to  
24 be grappling with. And I believe the public has indeed  
25 started thinking about along those lines as well.

1 CHAIR KENNEDY: Right. Okay. Thank you.

2 Commissioner Akutagawa.

3 COMMISSIONER AKUTAGAWA: Commissioner Andersen, I  
4 don't, I guess, I'm not sure if we can say what is good  
5 or what is bad. I mean, their input is their input. And  
6 I think that's what we've been saying we want. I think  
7 in terms of when there's, let's just say, conflicting  
8 interests in a region, I think what my understanding is,  
9 we have to be guided first and foremost by those, you  
10 know, six different criteria that as a redistricting  
11 commission, we have to follow in terms of how we draw  
12 those, you know, how we draw those lines.

13 And so I guess in some ways, to me, those are some  
14 of those considerations. But the public is going to give  
15 their input. And I would just say, given some of the  
16 early inputs that we've already received that were part  
17 of our meeting handouts today, you could see that we're  
18 going to get, you know, a wide range of different inputs.

19 But I think we're -- I feel a little uncomfortable  
20 saying that we're going to judge what's good and what's  
21 bad. I think we just have to take what we can get based  
22 on what people are able and willing to give in the -- in  
23 the best of their abilities. And to try to understand  
24 and to, I guess, through the use of both the data  
25 management, but also our line drawers help us to really



1 understand how we can best use that data.

2 And they may be used in different ways perhaps to  
3 guide us around those decisions. But I would just say,  
4 if anybody else has any different opinions, I mean, you  
5 know, I think this is what makes us really interesting  
6 and kind of fun to work with, too.

7 COMMISSIONER ANDERSEN: Could I say just a little  
8 bit more about it?

9 CHAIR KENNEDY: Yes.

10 COMMISSIONER ANDERSEN: This is not at all about  
11 good or good, bad data or bad data. We want, you know,  
12 that's not it. It's -- and we'll absolutely follow the  
13 six criteria. What happens is, when you have -- we're  
14 trying to draw or gather a district and there is in our  
15 number four item, of all equal weight are city lines,  
16 county lines and communities of interest. Now, not  
17 often, but sometimes city lines go around counties.  
18 They're in two counties.

19 Sometimes those communities might be in that. And  
20 then an additional area. When we're evaluating, we have  
21 to draw a line, unfortunately, right down the middle of  
22 something like that. How do we weigh these issues? And  
23 that's something that the line drawer will give us -- you  
24 could do this, you could do that, and still meet the VRA  
25 requirements and things like that. But ultimately, the

1 commission has to evaluate these. And we have no basis  
2 of that yet.

3 And it's not good or bad. It's, we want to keep all  
4 communities together. It's just sort of, these are ideas  
5 we have to start thinking about. It's not your ranking  
6 or anything like that.

7 CHAIR KENNEDY: Commissioner Akutagawa.

8 COMMISSIONER AKUTAGAWA: I guess I will say that  
9 this is where and why public input is going to be so  
10 important, because the more input we can get, the better  
11 it helps inform our decisions when we do have all things  
12 being equal. You know, what are the communities telling  
13 us? And the more we can get, the more nuanced we can  
14 also get because of their input in, I would just say for  
15 anybody that's listening, this is where, you know, again,  
16 another example of our voices really being important and  
17 that it does matter. And you know, if anybody thinks  
18 that, oh, what does it matter, it matters. And I  
19 think -- I would just encourage anybody to please, you  
20 know, provide that public input.

21 Because I think, you know, Commissioner Andersen,  
22 you do bring up a really good point, and it would be  
23 helpful to hear from the communities themselves, you  
24 know, rather than us just trying to weigh all things  
25 being equal and ultimately, you know, doing our best that

1 we can with the information that we have.

2 CHAIR KENNEDY: Commissioner Sinay.

3 COMMISSIONER SINAY: Yeah. This is the question  
4 that we'll all be grappling with, but I think it's a  
5 commit -- that's why there is an independent  
6 redistricting commission of fourteen very diverse, unique  
7 individuals. And they work so hard to get us all with  
8 different lived experiences, professional experiences.  
9 And I don't think you can create a criteria. I mean,  
10 I've thought about it. I'm like, well, how do you do it?  
11 I think it's going to be something that's -- democracy's  
12 messy, and that's going to be the messiest part when we  
13 have these competing conflicts of interest and figuring  
14 it out.

15 And I just -- I wouldn't want to create a criteria  
16 that people end up trying to work around or whatnot  
17 versus hearing what people have to say. We're going to  
18 get different perspectives from the same geographic area,  
19 and sometimes we'll get actual district maps, and so you  
20 know, we're going to get all sorts of information. But  
21 the State of California and the (audio interference) have  
22 depended on -- you know, put it on us to deal with that  
23 messiness and ask more questions and learn together. So  
24 I just feel really uncomfortable about creating any type  
25 of criteria.

1 CHAIR KENNEDY: Okay. Very good. Thank you. 9(M),  
2 Cyber Security. Commissioners Fornaciari and Taylor.

3 COMMISSIONER TAYLOR: Nothing new from the  
4 cybersecurity security standpoint unless Neal has  
5 something.

6 CHAIR KENNEDY: Okay. Very good. Incarcerated  
7 Populations. Commissioners Fernandez and Sinay.  
8 Commissioner Sinay.

9 COMMISSIONER SINAY: Thank you. So Commissioner  
10 Fernandez and I have met with the three different groups,  
11 the California Department of Corrections, Chief Probation  
12 Officers of California, and the California State Sheriff.  
13 We're going to now take all our notes from the different  
14 groups and kind of put them together and see what would  
15 work the easiest.

16 Obviously, all of them -- I was -- all of them are  
17 really supportive of what we're doing. They want their  
18 folks and you know, the incarcerated people to  
19 participate. We've also said, well, how do we get your  
20 staff to participate? So that's another group, you know,  
21 that a lot of people work in those areas, especially in  
22 rural areas.

23 So we're having good conversations and we'll come  
24 back soon with some recommendations, but that I don't  
25 think we'll need to create anything new, that we will

1 just use that -- the COI paper tool that's being created  
2 is going to work well.

3 CHAIR KENNEDY: Commissioner Turner.

4 COMMISSIONER TURNER: Thank you, Chair.

5 Commissioner Sinay, I am wondering, with the paper COI  
6 tools that we have available for the population, I'm  
7 wondering if there is any particular video outreach or  
8 something that is targeted to that population that will  
9 help them participate and see the importance even of them  
10 being housed at the time.

11 COMMISSIONER SINAY: You're absolutely right, and  
12 that's -- it's kind of a two-pronged -- so we have been  
13 talking about what time -- do they have videos and all  
14 that. So that's part of it as well. It won't be just  
15 giving them the paper and they have to figure out what it  
16 is. So we're looking at kind of a whole education  
17 campaign.

18 Also, I want to bring up again, we bring it up a  
19 lot, but the census really helped with this because the  
20 census work within a lot of these -- these institutions,  
21 so they're already -- there were already much more open  
22 for us saying how can we build on what you did for the  
23 census? But yes, I think you're bringing up a great  
24 Trena -- I mean, Commissioner Turner.

25 COMMISSIONER TURNER: Okay.

1 COMMISSIONER SINAY: Sorry.

2 COMMISSIONER TURNER: And not just the how to fill  
3 it out. I would imagine --

4 COMMISSIONER SINAY: So --

5 COMMISSIONER TURNER: -- there would instructions  
6 coming with the COI tool. You'll understand I'm talking  
7 about why they're -- why they still are concerned and  
8 would want to participate even if they were lifers, even  
9 if they were -- even if they were -- wherever the case  
10 was. Okay.

11 COMMISSIONER SINAY: Exactly. It's more that  
12 civic -- that civic piece, you know, being connected to  
13 your -- yes.

14 COMMISSIONER TURNER: Okay.

15 COMMISSIONER SINAY: I hear what you're saying. The  
16 bigger picture.

17 CHAIR KENNEDY: And that is what would go as at  
18 least part of the text on the tear-off sheet, not the --  
19 not the sheet that comes -- not the form itself, but we  
20 do -- at this point, we are looking at having a  
21 separate -- not separate -- an attached but detachable  
22 sheet accompanying the form so they can't get separated  
23 until the person is ready to fill out the form, and that  
24 that detachable part would have some text on why it is  
25 important for people to provide this input, not just the

1 instructions on how to do so.

2 Okay. 9(O), Public Input Meeting Design.

3 COMMISSIONER ANDERSEN: Sorry. Did you miss M,  
4 cybersecurity.

5 CHAIR KENNEDY: I did not. Commissioner Taylor  
6 reported that there was nothing significant to report.

7 COMMISSIONER ANDERSEN: Thank you.

8 CHAIR KENNEDY: So 9(O), public input meeting  
9 design.

10 COMMISSIONER FORNACIARI: Okay. I'll go. Let's  
11 see. So we had our first Public Meeting Input -- Public  
12 Input Design Meeting Subcommittee meeting, and I think it  
13 went really well. There's a several-page attachment here  
14 for you all, six pages. I'm not going to go through the  
15 whole thing. I'm going to hit the highlights, and  
16 Commissioner Sinay is going to help out where I'm missing  
17 points.

18 But we focused for this first meeting on the -- on  
19 the what and the how. And I think we had a really  
20 spirited discussion. And where was I going to start?

21 COMMISSIONER SINAY: The why and what, not the how.

22 COMMISSIONER FORNACIARI: Yeah, the why and the  
23 what? Why did I write how down? What, not how. So one  
24 of the topics that came up, we talked about the different  
25 phases of public input. You know, the public education

1 and the pre-census public input and post-census public  
2 input, and you know, what do we need during each of those  
3 phases, and what are the tools we're going to use?

4       But some good questions came up during that time.  
5 The original design, or the kind of let's call it the  
6 baseline design that was used to -- for the budgeting  
7 purposes included four meetings for group presentations.  
8 And so we did have a bit of discussion about that. Is it  
9 fair to give groups more time? How do we -- does that  
10 weight their input more than individual input? How do we  
11 define a group? You know, what types of input are  
12 community groups looking to give?

13       So Commissioner Sinay and I met with representatives  
14 of few community groups to try to understand that, and we  
15 got some good ideas there, and we've -- for those of you  
16 didn't quite catch it, we added another meeting on -- of  
17 this committee on April 6th before our evening meeting,  
18 and we've invited -- we're inviting folks from community  
19 groups to come and discuss in more detail about what  
20 their plan is to help inform the subcommittee and then  
21 ultimately inform the entire Commission about the  
22 approach so we can understand what they're thinking and  
23 understand how, you know, we can engage with those folks.

24       And then another good question and good discussion  
25 that came in -- up during the meeting, and we didn't we



1 don't have answers for but we're thinking about and I  
2 thought I'd share with the whole Commission is, you know,  
3 when does public input stop? I mean, when do we stop  
4 public input?

5       You know, we can't just continue to take public  
6 input, as -- you know, as we're drawing the maps or you  
7 know, we've got to have some time to digest the public  
8 input and then incorporate that in our maps. And so you  
9 know, we've got a series of questions about that.

10       And we'll start about, you know, how much time do we  
11 give the public to digest the census information after it  
12 comes out before we put our maps out and when we accept  
13 input from the public. And it was interesting in the --  
14 for those of you who watched the interviews on the  
15 litigation counsel, I think all three of them suggested  
16 giving the public some time to digest the census data  
17 before coming out with your maps. And I think  
18 Commissioner Sadhwani said she was going to capture some  
19 of the other suggestions from the litigation counsel  
20 interviews. And it was, you know, really interesting to  
21 hear their thoughts, but so you know, just some of the  
22 things that came up there.

23       And we already touched on this idea to dub the -- in  
24 the twelve languages, and we're still following up on  
25 that. We don't have all the cost data on that, but we're

1 finishing up. But again, we thought we'd just go ahead  
2 and do what we could do in the interim and have those two  
3 public meetings we suggested in the Outreach update.

4 And so for our next meeting, we're going to be  
5 looking at sort of the ground rules or the framework  
6 within which we need to work. And so we've got -- we're  
7 getting the legal requirements, we're getting the budget,  
8 we're going to talk about the contract with the line  
9 drawer and what -- you know, what the framework of that  
10 contract looks like, and so we can understand that.

11 And now that we have maybe a little bit better of an  
12 idea of a notional time line in there, so we'll try to  
13 put something together, at least that we can talk to, for  
14 that meeting. And then the meeting on the 6th, we're  
15 going to -- as I mentioned, we're going to invite in some  
16 community groups and understand what their process is.  
17 We're hoping to have the line drawer come potentially to  
18 and talk with them a little bit more.

19 And then the next -- the follow-up, subsequent  
20 meeting is on the 14th, and we're hoping that we can  
21 begin to make some decisions on what are -- at least our  
22 pre-census outlook -- outreach or input meetings look  
23 like and begin to start picking out dates for those  
24 meetings.

25 And now I think, Commissioner Sinay, did I missing

1 anything?

2 COMMISSIONER SINAY: No. The only thing, quoting  
3 Commissioner Fornaciari, during our meeting, we won't be  
4 making any decisions. We'll be creating recommendations  
5 to bring to the full Commission, but it -- we're having  
6 fun, I think, and I -- we are hoping that the -- we will  
7 be creating a parameters document kind of after our  
8 meeting coming up so that we all have it so it's a  
9 template that we can all refer to.

10 Because I think often we get confused on what's  
11 Bagley-Keene, what's actually from our -- you know, where  
12 are we -- what is -- what are real constraints and which  
13 ones have we put on ourselves because we've heard it  
14 somewhere that we're just trying to figure all those  
15 pieces out. But thank you, everybody, who's been  
16 participating.

17 COMMISSIONER FORNACIARI: We're getting some  
18 documents together that we'll be posting as soon as we  
19 can. I've put together a legal summary. I've put  
20 together a budget summary, and it's just based on the  
21 baseline budget, and then -- that we have and that's the  
22 budget. You know, we're going to design these meetings  
23 the way we want to design.

24 And then Commissioner Andersen is putting together  
25 some information on the line drawer contract, so we'll

1 have that for Thursday.

2 You're muted.

3 CHAIR KENNEDY: Very good. Any questions, comments  
4 from other commissioners? Okay. Not seeing any, Lessons  
5 Learned Subcommittee, Commissioner Ahmad and I. I want  
6 to thank Commissioner Sinay for continuing to channel  
7 Lessons Learned suggestions to us.

8 Commissioner Ahmad, anything else?

9 COMMISSIONER SINAY: Nope. I made some notes from  
10 the interviews, I heard my key word, trigger, of me  
11 perhaps this is a lesson learned. So jotted those things  
12 down, but keep them coming.

13 CHAIR KENNEDY: Excellent. Commissioner Sinay.

14 COMMISSIONER SINAY: I'm loving the fact that the  
15 community now is saying that, so I think one of the last  
16 ones I sent you actually came from one of the groups  
17 said, can you put this in your Lesson Learned document?  
18 So keep sending them in, community.

19 CHAIR KENNEDY: Excellent. Okay. Deputy Executive  
20 Director recruitment, which we are now renaming the  
21 Outreach Director recruitment. That would be  
22 Commissioners Ahmad and Fernandez. So Commissioner  
23 Ahmad.

24 COMMISSIONER SINAY: Thank you, Chair. We have  
25 everything ready to go for the hiring -- recruitment, I

1 should say, of our Director of Outreach. We are waiting  
2 for the alert we get in our inbox saying that posting is  
3 posted and live. Once that happens, I encourage everyone  
4 to share widely with your networks. We do have social  
5 media this time around for this executive hire, so we  
6 will be sharing on our social media platforms as well.

7 CHAIR KENNEDY: Very good. And finally, Chief  
8 Counsel recruitment, Commissioners Andersen and Toledo.

9 COMMISSIONER ANDERSEN: Okay. Thank you. Well, you  
10 did hear a little bit of the update from our Executive  
11 Director. The Chief Counsel recruitment is all  
12 finalized. It's all perfect, perfect. It went to DGS,  
13 which is Department of Government Services. And as soon  
14 as they are able to post it, it will be posted.

15 And then to coordinate to -- whenever that --  
16 actually, it could be the end of today, it might be first  
17 thing tomorrow. And then it will also go up on our  
18 website. So it is a -- essentially, it's a done deal and  
19 it's up. So it's all done. We haven't quite seen it yet  
20 because of the standard procedure. It goes to State, who  
21 posts it, and we post -- it posts, essentially, at the  
22 same time. So that could be literally any day.

23 CHAIR KENNEDY: Okay. If it is before 2 p.m. on  
24 Wednesday, we would be able to get that listing into  
25 ElectionLine.org for this week. If we miss 2 p.m., which

1 is 5 p.m. Eastern, then it would not be able to appear  
2 there until next week. So I am hoping and I'm happy to  
3 be the one who reaches out to them if that would be  
4 helpful.

5 There are others, such as Professor Rick Hasen's  
6 election law blog out of UC Irvine, that Rick has been  
7 generous in listing such things for us in the past. So  
8 you know, yes, let us know as soon as -- as soon as it's  
9 ready to roll.

10 COMMISSIONER ANDERSEN: Okay.

11 COMMISSIONER TOLEDO: As soon --

12 CHAIR KENNEDY: Commissioner Sadhwani.

13 COMMISSIONER TOLEDO: -- as we get it, we will -- we  
14 will send it out.

15 CHAIR KENNEDY: Commissioner Sadhwani.

16 COMMISSIONER SADHWANI: Thank you. Just a quick  
17 question, and maybe I missed this. How long are we  
18 anticipating the recruitment to be live? Like, how --  
19 when are -- when would applicants be due? When would an  
20 applications be due?

21 COMMISSIONER ANDERSEN: We did not actually set that  
22 because of when it actually goes live. So you know, they  
23 used to say, what's the date? And we didn't want that to  
24 be, you know, in two days. So we did not actually set  
25 that up.

1 Pedro, did you want to talk about what we were  
2 considering?

3 COMMISSIONER TOLEDO: We were looking at about a  
4 three-week turnaround.

5 COMMISSIONER SADHWANI: I would just add that sounds  
6 great. You know, many of the folks that we interviewed  
7 last week for litigation or VRA certainly have a wealth  
8 of experience, some of them particularly in representing  
9 public entities. And certainly, I think it would be  
10 worthwhile, at minimum, reaching out to them to let them  
11 know that this is -- that this -- that there is this  
12 opening, and perhaps someone -- if not themselves,  
13 perhaps someone in their networks, might have the  
14 relevant experience that we might be looking for.

15 COMMISSIONER ANDERSEN: Yeah, that could -- once  
16 recommendations and things for other jobs have been taken  
17 care of, we certainly plan to do that. So thank you,  
18 Commissioner Sadhwani. And I think that's all unless  
19 someone else had a question.

20 COMMISSIONER TOLEDO: I think Director Ceja had a  
21 question.

22 CHAIR KENNEDY: Director Ceja?

23 DIRECTOR CEJA: Yeah. I just checked the CalCareers  
24 site, and Chief Counsel has already posted on the site.

25 COMMISSIONER ANDERSEN: Yay.

1           DIRECTOR CEJA:  It's live.

2           COMMISSIONER ANDERSEN:  Great.  So yes.  So we'll  
3 have -- get it.  Commissioner Kennedy, if we could get  
4 that -- or if, Director Ceja, if you have a copy of it or  
5 I know our Executive Director does, if we can hand it to  
6 the appropriate people to be distributed, that would be  
7 very, very good.  Thank you.  Although we do have to put  
8 a date on it now.

9           COMMISSIONER TOLEDO:  So --

10          COMMISSIONER ANDERSEN:  So we'll get -- yeah.  We'll  
11 give you a date on that.

12          COMMISSIONER TOLEDO:  And Director Ceja just put  
13 the -- the listing, just sent out the email and the  
14 weblink to the posting.

15          COMMISSIONER ANDERSEN:  Perfect.  Thank you.

16          CHAIR KENNEDY:  Very good.  Okay.  So next up, we  
17 have the legal affairs committee update, Commissioners  
18 Yee, Toledo, and Sadhwani.

19                   Commissioner Andersen?

20          COMMISSIONER ANDERSEN:  Sorry.  There's one more  
21 committee.  We haven't actually met yet, but we needed to  
22 add it.  Remember, we created the -- I'm looking at  
23 Commissioner Fornaciari.  Is it the IT Recruitment  
24 Subcommittee?  Is that what I think we're calling  
25 ourselves?  So which is Commissioner Fornaciari and



1 myself.

2 Do you want to take over, Commissioner Fornaciari?

3 COMMISSIONER FORNACIARI: Yeah. We haven't met yet.  
4 We're getting a -- Raul's getting the slot, and then we  
5 had a draft job posting that we had gotten, but it wasn't  
6 quite right. So I had asked Director Hernandez to look  
7 into see if there are standard job categories that we  
8 went -- we might want to look at for this. So we're  
9 going to -- we're going -- we're going to get going here.  
10 We haven't met yet, but we're moving out.

11 CHAIR KENNEDY: Okay. So we will need to add that  
12 to the agenda for the meeting on the 12th and 13th.

13 COMMISSIONER FORNACIARI: So I did kind of have a  
14 question. And so this is a staff role, so why did we  
15 form a subcommittee to recruit for a staff role? I mean,  
16 we have subcommittees who recruit for executive roles,  
17 but it just kind of dawned on me. I mean, I was all gung  
18 ho for this subcommittee to be formed, and then as I'm  
19 thinking -- reviewing our job, our hiring protocol and  
20 reviewing what we've done in the past, yeah. I don't  
21 know. It's just something that occurred to me that I  
22 thought I'd throw out there, see if anybody else had a  
23 comment on that.

24 COMMISSIONER ANDERSEN: Yeah, I guess it was because  
25 when we did that, it was thinking the special -- the

1 specialty involved, you know, the -- a bit more  
2 information on it, but.

3 CHAIR KENNEDY: Okay. Commissioner Toledo and then  
4 Commissioner Ahmad.

5 COMMISSIONER TOLEDO: So I was just going to point  
6 out that on the Chief Counsel job description, the --  
7 April 12th is the filing date. So it appears that we  
8 have a -- we do have a date for submission, and that's  
9 April 12th, but --

10 CHAIR KENNEDY: Which is two weeks.

11 COMMISSIONER TOLEDO: -- that's exactly two weeks.  
12 Two weeks for applicants.

13 CHAIR KENNEDY: Okay. Very good. Commissioner  
14 Ahmad?

15 COMMISSIONER SINAY: Thank you, Chair. Just in  
16 response to Commissioner Fornaciari's question, I do  
17 think it's important that we stick to some sort of  
18 standardized protocol in terms of hiring practices.

19 I would also raise asking Alvaro and team if this is  
20 a position that they require or if we already have that  
21 in-house talent and sort of leaning on their expertise on  
22 the inner workings of the organization to determine the  
23 specific needs for this type of role. Just something to  
24 consider.

25 CHAIR KENNEDY: Director Hernandez?

1           DIRECTOR HERNANDEZ: Yes, thank you. As far as the  
2 talent being available, what we're looking for is someone  
3 who is full-time, IT person who is full-time versus the  
4 current staffing, which is not full-time, it's part-time.  
5 So that's one of the considerations. In regards to the  
6 technical aspect, we don't have anyone else that could  
7 fill that role at this point, and that's why we want to  
8 do the recruiting.

9           In response to Commissioner Fornaciari's question,  
10 either way would work for us. And if we continue the  
11 path that we have, whereas the staff will pursue the duty  
12 statement and so forth and work through the Finance and  
13 Administration Subcommittee and or the Data Management  
14 Subcommittee and/or any other committee that wants to be  
15 involved, we'll be more than happy to do so. It's just a  
16 matter of letting us know what you would prefer. Thank  
17 you.

18           CHAIR KENNEDY: It's fine with me if we --

19           DIRECTOR HERNANDEZ: Okay.

20           CHAIR KENNEDY: -- if we continue -- I mean, I'm  
21 happy to continue to support it either way. It just kind  
22 of dawned on me that we're kind of treating this one a  
23 bit differently, but we're treating the data manager a  
24 little bit differently, too. So there you go. We can  
25 just carry on helping out, if that's okay.

1 Director Hernandez.

2 DIRECTOR HERNANDEZ: So just to be clear, we  
3 don't -- we're not creating a subcommittee for the IT  
4 recruitment. Is that what I'm understanding?

5 CHAIR KENNEDY: My understanding from what was said  
6 was that we already did.

7 COMMISSIONER FORNACIARI: We ever did.

8 CHAIR KENNEDY: I think the question --

9 DIRECTOR HERNANDEZ: Okay.

10 CHAIR KENNEDY: -- whether we should extinguish it  
11 or keep it alive.

12 COMMISSIONER FORNACIARI: What do you think,  
13 Commissioner Andersen? Do you want -- I mean --

14 COMMISSIONER ANDERSEN: You know, I think, you know,  
15 it would certainly be helpful because given how many  
16 other tasks that I know the staff is doing, you know, if  
17 we could help out, I'd be more than more than willing to  
18 do that.

19 COMMISSIONER FORNACIARI: Okay.

20 COMMISSIONER ANDERSEN: It doesn't have to be on a  
21 subcommittee level, but.

22 CHAIR KENNEDY: Okay. For the time being, we will  
23 maintain that subcommittee and we'll add it to the agenda  
24 for the 12th and 13th. So now we will proceed to the  
25 report from the legal affairs committee.

1           COMMISSIONER YEE: Yes. Thank you, Chair. I want  
2 to be mindful of time, though. I mean, I think I can  
3 give an update of where we are now, but I think it will  
4 lead to a longer, fuller discussion from the whole  
5 commission. So I know we have a closed session later  
6 this afternoon. I'm wondering what your timing looks  
7 like.

8           CHAIR KENNEDY: If there's anything that you want to  
9 share in public session, there's probably ten or fifteen  
10 minutes for that, followed by public comment, followed by  
11 the afternoon break and closed session, and then we would  
12 have some time tomorrow. We do have a presentation from  
13 the line drawer tomorrow, but it looks like we might not  
14 have much else before our scheduled middle of the day  
15 conclusion. And then the subcommittee would have its  
16 meeting tomorrow afternoon with the Public Input Meeting  
17 Design Subcommittee.

18           COMMISSIONER ANDERSEN: Thursday afternoon.

19           CHAIR KENNEDY: Sorry. Yes, Thursday. Thank you.

20           COMMISSIONER YEE: Okay. So why don't I update the  
21 commission and the public where the Legal Affairs  
22 Committee is at and then anticipate that on Thursday  
23 we'll pick up the topic and open the discussion to the  
24 issues that will be raised. How's that?

25           CHAIR KENNEDY: Good.

1           COMMISSIONER YEE: Okay. So Legal Affairs Committee  
2 did produce a memo which is in your handouts outlining a  
3 motion that we had passed as well as the reasoning behind  
4 it. So basically, recruiting for the VRA counsel and  
5 litigation counsel. We unanimously decided to recommend  
6 Strumwasser & Woocher plus David Becker for our VRA  
7 counsel. And then Strumwasser & Woocher, David Becker,  
8 plus Gibson Dunn for litigation co-counsel.

9           So those were the recommendations that we voted on  
10 and passed. Since then, we've received significant  
11 public comment, including from two former commissioners,  
12 raising additional thoughts and considerations. I would  
13 say nothing has come up that we didn't consider at least  
14 somewhat. But the comment from the former commissioners  
15 as well as members of the public do add to the depth of  
16 probable needed discussion on the full Commission of some  
17 of the issues.

18           Two in particular. One had to do with disclosures,  
19 and there was a bit of back and forth with Gibson Dunn  
20 about their disclosures of possible conflicts of interest  
21 and lobbying activity and political donations. An issue  
22 actually did come up in 2011 as well. You can see in the  
23 pub -- in the meeting handouts our query to them and  
24 their quick response. I would say for Lessons Learned --  
25 ding, ding, ding -- there is -- there was a bit of --

1 there could have been more precision and clarity in the  
2 RFI exactly what we were asking for.

3       At the same time, you know, within the range of  
4 interpretation that the RFI presented, you know, one  
5 could disclose more or disclose less. And in the case of  
6 Gibson Dunn, it was a little less. When we queried, they  
7 responded quickly and fully. However, you know, there  
8 have been comments from the public about whether this,  
9 you know, represents a -- kind of a way of looking at  
10 things and a way of working with us that may give us some  
11 pause.

12       On the matter of -- the other matter that would bear  
13 some discussion is the nature of Gibson Dunn's work and  
14 how it has represented interests that may be perceived or  
15 may actually be contrary to our values as a redistricting  
16 commission. And it's the nature, of course, of legal  
17 practice that one can specialize and -- for instance,  
18 Strumwasser & Wocher specializes in representing  
19 government entities, government agencies, and so  
20 typically finds itself aligned with the values of  
21 those -- you know, of those agencies.

22       Gibson Dunn has worked kind of both sides of lots of  
23 different things, and that includes things that would be  
24 perceived by many as being contrary to our values. So  
25 for instance, right now, currently, they are representing

1 the City of Santa Monica in a CVRA issue, which if the  
2 side of the City represented by Gibson Dunn prevails,  
3 could be perceived as weakening the CVRA, which, you  
4 know, could be perceived as contrary to our values as the  
5 Commission.

6 They're also the firm that prevailed in Bush v. Gore  
7 as well as Citizens United. So on one hand, there's a  
8 perception issue there. On the other hand, they win.  
9 And since we have no idea on what basis we might be  
10 challenged, it could be our maps, it could be anything  
11 procedural starting any time, including, you know,  
12 tomorrow, for all we know. And having, you know, the  
13 strongest possible litigation resources on -- at our  
14 disposal -- you know, our maps will mean nothing if we  
15 are successfully challenged on anything, right?

16 So as we discussed that in the Legal Affairs  
17 Committee, we decided that meant something and it meant  
18 enough to us to recommend Gibson Dunn as co-counsel.  
19 Now, of course, in retaining two firms, of course, hoping  
20 that it will not end up meaning fully double the cost,  
21 you know, we'd want probably Strumwasser & Woocher to be  
22 more involved early on since they would be VRA -- if they  
23 are, indeed, VRA counsel, and they can, you know, align  
24 their work on the VRA stage of our work with the later  
25 need you to send that work.



1           And then Gibson Dunn would be more active if and  
2 when other challenges come. And the fact that they are a  
3 very large firm, international firm, and have, you know,  
4 more or less unlimited resources was attractive to us,  
5 since we have no idea of what challenges may come or what  
6 scale they may be.

7           So that's where we landed. I should say we did not  
8 really consider cost. We were advised early on that that  
9 was not -- you know, this is not a competitive bid and  
10 you know, that wasn't going to be a major factor in  
11 ranking a recommendation. However, the full Commission,  
12 of course, is welcome to consider cost and to make that  
13 more of a consideration than we did on the Committee. I  
14 think that's about it.

15           Commissioner Sadhwani or Toledo, anything I missed?

16           COMMISSIONER TOLEDO: I would just add, while cost  
17 was not a big factor in our decision, we did recognize  
18 that the Commission would be able to, if they -- if we so  
19 choose to go forward with our recommendation, would be  
20 able to negotiate rates through the procurement process  
21 with any or both of the candidates, both with the VRA  
22 process and for the litigation RFI.

23           CHAIR KENNEDY: Okay. Commissioner Turner?

24           COMMISSIONER TURNER: Um-hum. Thank you, Chair.  
25 Commissioner Yee and Committee, I'm wondering, earlier we

1 heard from former Commissioner Cynthia Dai and you know,  
2 a lot of thoughts that she had. One of them was to delay  
3 hiring. I'm wondering if that -- how did that land for  
4 you?

5 COMMISSIONER YEE: You know, we really didn't  
6 consider that because our job at the moment was to make a  
7 recommendation based on the RFIs and the responses we  
8 received. However, there's nothing in our discussion, I  
9 think, that is averse to that except two considerations.  
10 One is, you know, really not knowing when we might be  
11 challenged. Commissioner Dines mentioned, you know,  
12 really not looking into litigation representation until  
13 just about when the draft maps were being released. We  
14 could wait till then, you know, and if nothing comes  
15 along till then, then, you know, that would be fine.

16 The other consideration is simply have -- you know,  
17 if we -- any firm we retain on our side would be a firm  
18 not available to anyone who wants to challenge us.

19 COMMISSIONER TURNER: Um-hum.

20 COMMISSIONER YEE: And you know, how -- how to weigh  
21 that, that's a pretty inquandable thing, but a realistic  
22 thing as well. So we did discuss that.

23 CHAIR KENNEDY: Commissioner Toledo?

24 COMMISSIONER TOLEDO: So for me, and I -- while we  
25 didn't consider it very deeply, we did consider it a --

1 did consider the issue briefly. And that consideration  
2 had to do with our compressed time line. We have a lot  
3 less time and will be doing a lot of work this winter.  
4 To do an RFI in the middle of the map-drawing process  
5 when we have -- would be very difficult and challenging  
6 to do so.

7       The other thought process that -- the other thought  
8 that came to my mind was, and maybe to others as well,  
9 was that if we retained the attorney, we -- through the  
10 procurement process, we can actually control when we  
11 start to use that attorney. We can control quite a bit  
12 of -- we can control the cost. We can control the  
13 timing. We can control many aspects of the -- of the  
14 process with the vendor.

15       And so this may allow us to not have to go through  
16 an RFI process later in the -- in the winter. Of course,  
17 if we could postpone until after the maps were drawn in  
18 January and February, that might be a consideration,  
19 although it would be nice, especially in this  
20 unprecedented time when we almost for certain will be --  
21 will face challenge, it may be good to have legal counsel  
22 there to provide us with guidance on preventing  
23 litigation and working with us throughout the map-drawing  
24 process as well.

25       And we, of course, would have to manage any vendor.

1 I think that whoever we hire as Chief Counsel has to know  
2 how to manage vendors, because if we don't manage the  
3 vendor and we don't control the cost, that's going to be  
4 on us and on our Chief Counsel. And so I think we can do  
5 that if we -- if we set ourselves up correctly.

6 COMMISSIONER TURNER: Um-hum.

7 COMMISSIONER TOLEDO: And I'll defer to my other two  
8 colleagues.

9 CHAIR KENNEDY: Commissioner Turner.

10 COMMISSIONER TURNER: Yeah. Along the same lines  
11 because there's perhaps new information that just came  
12 in. Also the other -- well, it was all interesting  
13 points, but the other thing that kind of stuck with me  
14 was her suggestion that the new AG Bonta may take on  
15 litigation or take -- or assign someone. I wasn't sure.  
16 She briefly mentioned that, but I thought that was  
17 something interesting that should be considered as well.

18 COMMISSIONER YEE: Certainly. The 2010 Commission,  
19 the AG's Office declined to take on the litigation, at  
20 least the primary litigation. But who knows? Yeah,  
21 there's a new AG, so.

22 I'm going to mention the Strumwasser --

23 CHAIR KENNEDY: (Indiscernible) --

24 COMMISSIONER YEE: I'm sorry. I --

25 CHAIR KENNEDY: Go ahead.

1           COMMISSIONER YEE: I was just going to mention the  
2 Strumwasser & Woocher proposal involved a personnel  
3 change. Originally, it featured Professor Justin Levitt,  
4 who is very familiar to this commission, and we were  
5 looking forward to interviewing him, but another  
6 opportunity came his way.

7           The team was able to replace him with David Becker,  
8 who has a lot of experience in the Department of Justice  
9 as well as being the founder and director of the Center  
10 for Election Innovation and Research, an organization  
11 that does absolutely align with the Commission's values,  
12 you know, straight up. So we found that impressive that  
13 they were able to recruit Mr. Becker.

14          In terms of fees, Strumwasser & Woocher provided us,  
15 you know, a full fee schedule. Gibson Dunn did not, and  
16 you know, described what they considered to be a more  
17 discounted approach from their usual fees, a mix of  
18 hourly and a fixed fee arrangements, but we did not -- we  
19 did not pursue details on that, so. And then, you know,  
20 Gibson Dunn was the largest single vendor expenditure ten  
21 years ago.

22          CHAIR KENNEDY: Okay. Commissioner Sadhwani.

23          COMMISSIONER SADHWANI: Thank you, and thank you to  
24 Commissioner Yee for chairing this process last week and  
25 throughout this month. He's done a phenomenal job, and

1 so I just wanted to recognize his good work here.

2 I just wanted to also add, you know, in thinking  
3 about this recommendation, looking back at 2010, they did  
4 actually -- they had a very different setup, but they did  
5 have co-counsel. They did have two different law firms  
6 that were involved in the representation of the 2010  
7 Commission. And so I just wanted to raise that. I think  
8 some comments were made about, you know, why need -- why  
9 do you need to, et cetera.

10 So I just want to remind us that this is not an  
11 uncommon solution. And I think what is different, the  
12 way we've distinguished ourselves from 2010 is separating  
13 the VRA component from litigation, and in that, really  
14 honing in on key experts with VRA experience. And I  
15 think we did receive several public comments about Mr.  
16 Becker, who certainly was new to us. You know, Justin  
17 Levitt, we had had as a guest many times. I think there  
18 was a lot of comfortability among many of the  
19 commissioners with that -- with that applicant, in  
20 general.

21 But we did have many people call in or write in  
22 saying that, you know, David Becker is a very reliable  
23 substitution of Mr. Levitt. Similar to Mr. Levitt, he's  
24 also spent many years at the Department of Justice under  
25 both the Clinton administration as well as the Bush

1 administration. And so he does -- he does bring with him  
2 a significant amount of VRA expertise that I think will  
3 greatly serve the Commission.

4 I tend to agree with Commissioner Toledo on this  
5 point. Could we wait and do an RFI later on? Sure. But  
6 given the conversation this morning with the census  
7 delay, a potentially crunched time line, I think we're  
8 going to have enough on our hands already, especially  
9 once we go out and start to moving into community input  
10 sessions. We already anticipate those being very long  
11 days for us, so I think we've -- we had decided to do  
12 this process at this point in time. And my preference  
13 personally would be to continue moving forward.

14 I don't know if Marian can speak more to the  
15 Attorney General's component. I know that there was a  
16 letter that had been written to the 2010 Commission at  
17 that time that we have full authority to hire outside  
18 litigation.

19 DIRECTOR KAPLAN: The Commission does have statutory  
20 authority to hire its own attorneys, and that makes it  
21 somewhat unique among State agencies, and we did get that  
22 confirmed by the Attorney General. So we don't have to  
23 have the permission of the Attorney General like other  
24 state agencies do.

25 Last time around, probably because the Commission

1 was so new and because the AG is a political office, they  
2 did not wish to represent the Commission. The cases they  
3 did represent the Commission were where they were also  
4 representing another State agency, and so adding the  
5 Commission as another client did not substantially change  
6 the work that was involved in the AG, and it was more of  
7 a administrative question or state government procedure,  
8 not so much to the merits of what actions the Commissions  
9 took. So I have no idea --

10 CHAIR KENNEDY: Thank you.

11 DIRECTOR KAPLAN: about the new Attorney General.  
12 If you recall, there --

13 CHAIR KENNEDY: Commissioner Toledo.

14 DIRECTOR KAPLAN: -- was some difficulty in getting  
15 the Attorney General to represent the Commission in the  
16 citizenship case.

17 COMMISSIONER TOLEDO: I just wanted, you know --  
18 thank you, Marian, for that. I think that's helpful.  
19 And I think also through the negotiation process, we can  
20 put in a clause that -- that basically would -- that our  
21 contract would end once it's transitioned to the Attorney  
22 General's Office. I think, at some point, we do  
23 anticipate transitioning our legal work to the Attorney  
24 General's Office.

25 At this point, we don't really know when that will



1 be. And so that's perhaps some -- a piece of -- a clause  
2 or a provision that we can add and work through and  
3 negotiate with the -- with our firms. And to that, I  
4 would just ask Marian if she sees any problem with  
5 including such a term in our -- in a potential  
6 procurement agreement.

7 DIRECTOR KAPLAN: Attorneys are always at your  
8 pleasure, so you can discontinue them for any reason or  
9 no reason.

10 COMMISSIONER TOLEDO: And then I think the other  
11 thing that we did discuss during public session was the  
12 possibility of, if for some reason any of these -- and it  
13 goes back to the point that Marian just pointed out, for  
14 some reason we needed a different attorney, we could  
15 always go back and post it, worst case scenario, I think.  
16 But we're hoping to avoid that scenario and work  
17 through -- work through a VRA counsel and a litigation  
18 counsel that would work closely with us and our Chief  
19 Counsel and be able to represent the interests of the  
20 Commission and the people of California.

21 CHAIR KENNEDY: Very good. At this point, I would  
22 like to move to public comment. I see that we already  
23 have people raising their hands. So Katy, if you could  
24 read the instructions and then go ahead and invite the  
25 first caller in.

1 PUBLIC COMMENT MODERATOR: Yes, Chair. In order to  
2 maximize transparency and public participation in our  
3 process, the commissioners will be taking public comment  
4 by phone. To call in, dial the telephone number provided  
5 on the livestream feed. It is 877-853-5247. When  
6 prompted, enter the meeting ID number provided on the  
7 livestream feed. It is 92317965628 for this meeting.  
8 When prompted to enter a participant ID, simply press the  
9 pound key.

10 Once you have dialed in, you'll be placed in a  
11 queue. To indicate you wish to comment, please press  
12 star 9. This will raise your hand for the moderator.  
13 When it is your turn to speak, you will hear a message  
14 that says the host would like you to talk, press star 6  
15 to speak. If you would like to give your name, please  
16 state and spell it for the record. You are not required  
17 to provide your name to give public comment.

18 Please make sure to mute your computer or livestream  
19 audio to prevent any feedback or distortion during your  
20 call. Once you are waiting in the queue, be alert for  
21 when it is your turn to speak. And again, please turn  
22 down the livestream volume.

23 And we do have a couple people in the queue, and I  
24 would like to remind people in the queue if you would  
25 like to comment, please press star 9 to raise your hand

1 indicating you wish to comment. And the floor is yours.

2 MS. GOLD: Hi. Good afternoon, commissioners. This  
3 is Rosalind Gold from the NALEO Educational Fund.

4 R-O-S-A-L-I-N-D. And the last name is Gold, G-O-L-D.

5 First of all, I want to thank you all again for a  
6 very thoughtful, very thorough review and assessment of  
7 which firms would be best suited to be both VRA counsel  
8 and litigation counsel for the Commission to take on  
9 these very important responsibilities. And I also really  
10 want to acknowledge the Legal Affairs Committee for your  
11 hard work on this.

12 I would just like to raise some issues for you to  
13 think about with regarding the role of Gibson Dunn as  
14 litigation counsel. I believe that there had been some  
15 consideration of how much Voting Rights Act experience  
16 and what kind of Voting Rights Act experience would be  
17 needed for the litigation counsel rather than the VRA  
18 counsel, particularly since the VRA counsel was  
19 specializing on voting rights issues and it wouldn't  
20 necessarily be something that might come up for the  
21 litigation counsel.

22 Well, we would just like to note that, given that  
23 compliance with the Voting Rights Act is the second-  
24 highest criteria that the commissioners have to consider  
25 and the criteria that's higher than that is, you know,

1 compliance with the Constitution. You know, these are  
2 core, core redistricting concepts, and we feel it is  
3 critical for the litigation attorney chosen to have a  
4 very, very high level of experience and knowledge, not  
5 only of compliance with the Voting Rights Act, but also  
6 with respect to election law, government procedures, law  
7 dealing with agencies.

8 And we just feel if you look at the experience of  
9 Gibson Dunn, you are not seeing the level of experience  
10 in those matters that you might be seeing or you are  
11 seeing with Strumwasser. So I think we would want to  
12 really understand better what the role of Gibson Dunn is  
13 being seen as with respect to litigation counsel and why  
14 a co-counselship is the approach that's being decided on.

15 I'll be happy to take any questions.

16 CHAIR KENNEDY: Any questions for Ms. Gold? Okay.  
17 Thank you very much, Ms. Gold, for your comment.

18 Katy, would you please invite the next call?

19 PUBLIC COMMENT MODERATOR: Yes, Chair, I will. And  
20 I would also like to remind anybody in the queue to press  
21 star 9 to raise their hand if they wish to comment. I do  
22 have someone with their hand raised. I'm waiting for  
23 them. And the floor is yours.

24 MS. WESTA-LUSK: Hello. This is Renee Westa-Lusk.  
25 I just have some questions. One has to do with the

1 design committee on public input. They're having a  
2 meeting this Thursday. Will they be answering the  
3 questions that they put in their notes? And I'm  
4 specifically honing in on some of the questions having to  
5 do with criteria the CRC is looking in regards for COI,  
6 you know, what is considered eligible to be a community  
7 of interest.

8 Questions regarding security. How will you regard  
9 public input to make sure it's actually coming from  
10 California residents versus outside the state or even  
11 outside a district or a community of interest that's  
12 stating that they're within a certain area of the state.

13 And then I wanted to know about the accepted methods  
14 of public input. I know you can send letters in via the  
15 U.S. mail to the Commission and you can send emails, but  
16 I'm not quite sure what email address to use. And then I  
17 think I heard maybe it was from the Executive Director  
18 Hernandez or the Communications Director Ceja, people  
19 could actually call in on the phone and leave comments.

20 And then I wanted to know what the role of social  
21 media will be. Is social media going to be involved in  
22 one of the methods of public input? Because I have a  
23 concern regarding security. How can you be sure that's  
24 coming from the State of California? Those are my  
25 questions. Thank you for listening.

1 CHAIR KENNEDY: Thank you very much for calling.  
2 Commissioner Sinay or Commissioner Fornaciari, would you  
3 like to answer the in -- and the basic question is, will  
4 the subcommittee be responding to its own questions at  
5 the Thursday meeting or is that to be at a later date?

6 COMMISSIONER FORNACIARI: Some of them. I can  
7 answer some of those questions now. You know, as far as  
8 COI input and what we're looking for in COI input, we're  
9 addressing that through the materials committee is  
10 developing additional slides for the education  
11 presentation to address that issue that's been brought up  
12 by a number of folks.

13 As far as public input goes, you know, we're not --  
14 you know, we can't ask people to identify themselves or  
15 where they're from when giving public input, so you know,  
16 we have no mechanism for ensuring, you know, that public  
17 input is coming from California or from a specific region  
18 that we're -- we're targeting.

19 The other question that you asked at the meeting but  
20 you didn't ask today is, you know, if someone misses  
21 their regional meeting, can they go to a different  
22 meeting? And the answer is yes. We're accepting public  
23 input at all times. As far as how to provide us public  
24 input, if you go to [wedrawthelinesca.org](http://wedrawthelinesca.org), right on the  
25 home page, if you scroll down, there's a -- it says

1 public comment. There's an email address. There's a  
2 phone number to call during the meetings. There's a --  
3 there is the mailing address, and then there is a link to  
4 the COI tool, which is drawmycommunity.org.

5 And I think -- is that all -- did I answer all the  
6 questions? Commissioner Sinay, did I miss any?

7 COMMISSIONER SINAY: No. There's a lot of questions  
8 and we're not going to answer them all on Thursday, but  
9 that's why we're trying to keep them as people bring them  
10 up and either the public or the commissioners at all  
11 meetings and document them and go back to them and keep  
12 making sure that we're answering them. But I think you  
13 did a great job, Commissioner Fornaciari.

14 MS. WESTA-LUSK: Okay.

15 COMMISSIONER FORNACIARI: Thank you.

16 MS. WESTA-LUSK: Thank you.

17 PUBLIC COMMENT MODERATOR: And we do have one more  
18 caller.

19 CHAIR KENNEDY: Okay. Invite them in.

20 PUBLIC COMMENT MODERATOR: And the floor is yours.

21 MS. HUTCHISON: Thank you very much. This is Helen  
22 Hutchison with the League of Women Voters of California.  
23 I want to start by saying that we support the comments of  
24 our colleague from NALEO earlier in this -- earlier just  
25 now. The League of Women Voters believes in efficient

1 and economical government that would -- it requires  
2 competent personnel, clear assignment of  
3 responsibilities, adequate financing, and coordination  
4 among different agencies and levels of government.

5       In addition to the overall principle, while we  
6 believe in full funding of government, we also strongly  
7 promote fiscal responsibility, the careful use of and  
8 accountability for the expenditure of public money. The  
9 past history of the Redistricting Commission was one of  
10 the firms under consideration raises serious concerns  
11 about potential fiscal problems. The amount the firm  
12 charged as well as cost overruns.

13       If they were to be hired, the Commission would need  
14 to exercise strict oversight of their work. Do you have  
15 that expertise? And if you do, is it the best use of  
16 limited time and energy of Commission members? While the  
17 Legislature has been generous with funding for the  
18 Commission, the funds will not be unlimited. The  
19 Commission has an obligation to think carefully before  
20 contracting with a firm that has overbilled in the past,  
21 and in addition, left litigation mid-stream over a  
22 potential payment delay.

23       We do recognize that any contractor needs to be  
24 paid. They're a business with their own costs. However,  
25 in 2011, Morrison & Forester did not leave the



1 litigation, but instead chose to stay on and accept  
2 delayed payment. We're in debt to MoFo for their  
3 unstinting defense of the 2010 maps.

4 Finally, I want to suggest that the Commission focus  
5 more on the depth of a potential counsel's experience  
6 than overall size of the firm. Voting rights is a  
7 particular legal specialty, and the Commission needs  
8 counsel that has a strong record of experience in this  
9 area. While challenges to the maps will most likely cite  
10 a variety of areas, at their root, the challenges and  
11 especially the defense of maps, will be based on voting  
12 rights. Thank you all very much.

13 CHAIR KENNEDY: Thank you, Ms. Hutchison. Katy,  
14 that's all we have in the queue?

15 PUBLIC COMMENT MODERATOR: Yes, Chair.

16 CHAIR KENNEDY: Yes, we are overdue for our break.  
17 My apologies to the staff for that. Let us take a  
18 fifteen-minute break. In fact, let's take a twenty-  
19 minute break and come back at 3:45, and that will be in  
20 closed session.

21 So to members of the public, we thank you for  
22 joining us today. We look forward to seeing you at 9:30  
23 tomorrow morning when we -- not tomorrow, Thursday  
24 morning.

25 COMMISSIONER YEE: Thursday.

1 CHAIR KENNEDY: 9:30, Thursday morning, when we  
2 reconvene. Thursday, the 1st of April. So we will -- we  
3 will take a break right now and then go into closed  
4 session.

5 (Whereupon, the CRC Business Meeting  
6 adjourned.)

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CERTIFICATE OF TRANSCRIBER

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  
LORI RAHTES, CDLT-108

July 4, 2022  
DATE