

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

MONDAY, MARCH 29, 2021

9:30 a.m.

Transcribed by:

eScribers, LLC

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

INDEX

	<u>PAGE</u>
Call to Order and Roll Call	5
Public Comment	6
Announcements/Commissioner Updates	16
Executive Director's Report	21
Public Comment	28
Motion to Hire Accountant Passes	31
Chief Counsel's Report	32
Communication Director's Report	34
Finance and Administration Update	42
Gantt Chart Update	51
Line Drawers RFP Update	51
VRA Compliance Update	52
Outreach and Engagement Update	54
Update and discussion regarding impact of Census delay on CRC Calendar and Electoral Cycle	63
Presentation by Karin MacDonald	65
Ryan Ronco Presentation	92
Tricia Webber Presentation	94
Lori Shellenberger Presentation	96
Ethan Jones Legislature Discussion	115
Materials Development Update	133
Website Update	137
Data Management Update	138

Grants Update	139
Community of Interests Input Tool Update	140
Language Access Update	141
Cyber Security Update	148
Incarcerated Populations Update	148
Public Input Meeting Design Update	151
Lessons Learned Update	156
Outreach Director Recruitment Update	156
Chief Counsel Recruitment Update	157
Public Comment	178

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 or
12 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, 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.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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