

STATE OF CALIFORNIA  
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

MONDAY, MARCH 29, 2021

9:30 a.m.

Transcribed by:

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APPEARANCESCOMMISSIONERS

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

STAFF

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

TECHNICAL CONTRACTORS

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

PRESENTERS

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

**Also Present**Public Comment

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

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P R O C E E D I N G S

1  
2 March 29, 2021 9:30 a.m.

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

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

8 MR. SINGH: Thank you, Chair Kennedy.

9 Commissioner Ahmad.

10 COMMISSIONER AHMAD: Here.

11 MR. SINGH: Thank you. Commissioner Akutagawa.

12 COMMISSIONER AKUTAGAWA: I'm here.

13 MR. SINGH: Commissioner Andersen.

14 COMMISSIONER ANDERSEN: Here.

15 MR. SINGH: Commissioner Fernandez.

16 VICE CHAIR FERNANDEZ: Here.

17 MR. SINGH: Commissioner Fornaciari.

18 COMMISSIONER FORNACIARI: Here.

19 MR. SINGH: Commissioner Kennedy.

20 CHAIR KENNEDY: Here.

21 MR. SINGH: Commissioner Le Mons.

22 COMMISSIONER LE MONS: Here.

23 MR. SINGH: Commissioner Sadhwani.

24 COMMISSIONER SADHWANI: Here.

25 MR. SINGH: Commissioner Sinay.

1 COMMISSIONER SINAY: Here.

2 MR. SINGH: Commissioner Taylor.

3 COMMISSIONER TAYLOR: Present.

4 MR. SINGH: Commissioner Toledo.

5 COMMISSIONER TOLEDO: Here.

6 MR. SINGH: Commissioner Vazquez.

7 Commissioner Yee.

8 COMMISSIONER YEE: Here.

9 CHAIR KENNEDY: And we missed Commissioner Turner.

10 COMMISSIONER TURNER: And I'm here.

11 MR. SINGH: Sorry. Commissioner Turner.

12 COMMISSIONER TURNER: No worries.

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

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

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

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

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

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

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

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

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

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

1 to the commission and value to the taxpayer. These are  
2 based on the strengths and weaknesses identified by the  
3 legal committee during their deliberations.

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

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

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

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

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

25 Fourth, the committee found, Woocher specializing in



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

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

11 CHAIR KENNEDY: Thank you, Mr. Cannon.

12 Katy, do we have others?

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

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

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

21 PUBLIC COMMENT MODERATOR: Yes, we can.

22 CHAIR KENNEDY: yes, we can.

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

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

1 billed for numerous associates and senior partners. But  
2 we only got some of the charges reduced. I urge you to  
3 clarify billing practices before hiring.

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

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

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

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

21 CHAIR KENNEDY: Have a good day.

22 MS. DAI: Bye-bye.

23 CHAIR KENNEDY: Bye.

24 PUBLIC COMMENT MODERATOR: And I will be moving down  
25 the line. I would like to remind everyone in the queue.

1 If you would like to make a comment, please press star 9  
2 to raise your hand.

3 MR. SUKATON: Good morning.

4 PUBLIC COMMENT MODERATOR: The floor is yours.

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

7 CHAIR KENNEDY: Yes.

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

1 like the rest of us here, just trying to live their  
2 lives.

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

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

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

14 Katy, our next caller.

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

17 And the floor is yours.

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

24 And then I have a question about when individuals or  
25 organizations from a community send in written public

1 input through letters or emails. Is anyone from a  
2 community eligible to submit letters, including local  
3 elected officials? Just wanted that clarified. Thank  
4 you.

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

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

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

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

22 Commissioner Sadhwani.

23 COMMISSIONER SADHWANI: Thank you so much, Chair.

24 I just wanted to add when I clicked it I was able to  
25 open it, but I'm sure everyone's operating off of

1 different systems. When Ms. Shellenberger joins the call  
2 later today, she is intending to share her screen and  
3 share this document so everyone will be able to see it.

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

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

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

21 CHAIR KENNEDY: Thank you.

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

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

25 Are there general announcements at this point or

1 items of interest from individual commissioners or staff?

2 Commissioner Sadhwani.

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



1 CHAIR KENNEDY: And we have inquired about the  
2 possibility of having the commission's Twitter feed  
3 mirrored on the Commission website to increase access to  
4 it.

5 Mr. Ceja.

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

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

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

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

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

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

21 CHAIR KENNEDY: Very good. Commissioner Sinay.

22 COMMISSIONER SINAY: I just wanted to share that I  
23 did meet with the representatives from all the farm  
24 bureaus in Zone B or they were all invited and three were  
25 able to attend. Some Farm Bureaus have smaller staffing

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

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

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

24 We anticipate a an update, including recommendation  
25 discussion from the Legal Affairs Committee. The

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

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

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

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

23 CHAIR KENNEDY: Sorry. Thursday, yeah.

24 MR. MANOFF: Very good. Thank you.

25 CHAIR KENNEDY: Thank you for that. Yes, this is an

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

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

9 Director Hernandez.

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

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

21 So welcome, Mr. Singh.

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

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

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

11 (Audio interference)

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

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

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

23 The director of outreach. The paperwork will be  
24 submitted as well. And finally, our Chief Counsel, the  
25 paperwork was submitted. We're hoping to have that

1 posted today. As soon as that gets posted, we'll add  
2 that one and all the others on to our website as well.

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

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

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

1 for per diems. Under the contract services, you'll  
2 notice that we now have the line drawer contract included  
3 on there. That's 1.6 million.

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

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

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

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

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

25 Our fiscal director has been in contact with the



1 Department of Finance and will provide the --

2 CHAIR KENNEDY: Director Hernandez?

3 DIRECTOR HERNANDEZ: Oh, yes?

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

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

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

25 Okay. Please proceed.

1           DIRECTOR HERNANDEZ:   Okay.   Thank you.

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

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

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

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

1 the changes that have come up for you to review and/or  
2 approve if necessary.

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

6 And that concludes my report.

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

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

15 Chair, do you have a preference?

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

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

1 candidate does have the qualifications. We're very  
2 fortunate to find someone that sounds like will need  
3 minimal training to be an asset right away.

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

6 CHAIR KENNEDY: Very good. Is there a second?

7 Commissioner Fornaciari, thank you.

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

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

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

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

24 Once you have dialed in, you'll be placed in a  
25 queue. To indicate you wish to comment, please press

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

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

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

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

17 (Pause)

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

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

22 Okay. Then thank you, Katy.

23 PUBLIC COMMENT MODERATOR: You're welcome.

24 CHAIR KENNEDY: If we can have Mr. Singh call the  
25 roll for the vote, and we start with the person after the

1 chair, so -- I forget who comes after me.

2 DIRECTOR HERNANDEZ: Commissioner --

3 CHAIR KENNEDY: Commissioner Le Mons.

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

6 CHAIR KENNEDY: You'll call the roll?

7 DIRECTOR HERNANDEZ: Yes, sorry about that.

8 CHAIR KENNEDY: Okay. Very good.

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

11 CHAIR KENNEDY: Okay.

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

16 Commissioner Le Mons.

17 COMMISSIONER LE MONS: Yes.

18 DIRECTOR HERNANDEZ: Commissioner Sadhwani.

19 COMMISSIONER SADHWANI: Yes.

20 DIRECTOR HERNANDEZ: Commissioner Sinay.

21 COMMISSIONER SINAY: Yes.

22 DIRECTOR HERNANDEZ: Commissioner Taylor.

23 COMMISSIONER TAYLOR: Yes.

24 DIRECTOR HERNANDEZ: Commissioner Toledo.

25 COMMISSIONER TOLEDO: Yes.

1 DIRECTOR HERNANDEZ: Commissioner Turner.

2 COMMISSIONER TURNER: Yes.

3 DIRECTOR HERNANDEZ: Commissioner Vazquez.

4 Commissioner Yee.

5 COMMISSIONER YEE: Yes.

6 DIRECTOR HERNANDEZ: Commissioner Ahmad.

7 COMMISSIONER AHMAD: yes.

8 DIRECTOR HERNANDEZ: Commissioner Akutagawa.

9 COMMISSIONER AKUTAGAWA: yes.

10 DIRECTOR HERNANDEZ: Commissioner Andersen.

11 COMMISSIONER ANDERSEN: Yes.

12 DIRECTOR HERNANDEZ: Commissioner Fernandez.

13 VICE CHAIR FERNANDEZ: Yes.

14 DIRECTOR HERNANDEZ: Commissioner Fornaciari

15 COMMISSIONER FORNACIARI: Yes.

16 DIRECTOR HERNANDEZ: And Commissioner Kennedy.

17 CHAIR KENNEDY: Yes.

18 DIRECTOR HERNANDEZ: Motion passes.

19 CHAIR KENNEDY: Thank you for that.

20 Is there anything else on outreach at this point,

21 Director Hernandez?

22 DIRECTOR HERNANDEZ: The only other thing -- and I

23 think the subcommittee will talk about it, is that we had

24 a very productive meeting with the USBR, that they are

25 going to be helping us with a database. And so that is

1 very exciting news.

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

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

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

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

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

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



1 all, that that -- release of that information would  
2 trigger the time for you to begin working on your  
3 redistricting maps.

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

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

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

25 So thank you for that. And yes, we will be

1 discussing this further approximately an hour from now.

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

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

6 Mr. Ceja, please.

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

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

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

23 And I just wanted to -- to thank everyone for  
24 participating. And you all sound so professional when  
25 you're doing your interviews. It's like you're the

1 experts in this field. And it felt so amazing to see  
2 that happen. So thank you so much.

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

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

21 So wanted to open that up for conversation.

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

1 somewhere easily accessible on the website. So my  
2 personal feeling at this point before sitting down and  
3 discussing it with Commissioner Taylor is -- would be  
4 yes. And I would welcome any other input from  
5 commissioners.

6 Commissioner Andersen.

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

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

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

1 CHAIR KENNEDY: Commissioner Fernandez, and then  
2 Commissioner Sinay.

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

10 CHAIR KENNEDY: Commissioner Sinay.

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

20 CHAIR KENNEDY: Thank you. Any others?

21 Commissioner Sadhwani.

22 COMMISSIONER SADHWANI: Thank you. I completely  
23 agree with everything that's been said. If there's a  
24 way, as the database that's being developed to data  
25 management, as that becomes developed, if -- if there can

1 be some sort of connection between the two. I think at  
2 some point, as we're seeing already, the volume of  
3 submissions is going to increase exponentially.

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

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

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

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

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

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

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

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

1 present it to you then.

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

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

15 CHAIR KENNEDY: Very good. Commissioner Sinay.

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

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

21 CHAIR KENNEDY: Very good. Commissioner Andersen.

22 COMMISSIONER ANDERSEN: Thank you, Director Ceja.  
23 And one thing I would like to emphasize in all of our  
24 communications is please have all the public go to our  
25 community of interest tool and use this. And we should



1 talk this up because we don't want to have everyone, all  
2 the public, think, I'm just waiting for these, quote,  
3 public input meetings. Now, is the time to get involved.  
4 If we could please emphasize that. Because I know that  
5 if all committee people think nothing really matters  
6 until we start going out to the public. So I just would  
7 like to bring that up.

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

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

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

20 So I hope that we can be as specific as possible and  
21 help people find what they're looking for. They can take  
22 whatever time they want to, to explore the website, but  
23 if we are referring people to something specific on the  
24 website, I would -- I would suggest that we be as  
25 specific as possible as to where to find that on the

1 website so that they don't waste time that they don't  
2 want to spend moving around the website.

3 Okay. Anything else is your report?

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

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

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

11 Commissioners Fernandez and Fornaciari, please.

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

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

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

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

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

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

24       You're on mute right now.

25       CHAIR KENNEDY: Let's see if there are comments from

1 commissioners. Commissioner Andersen.

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

11 CHAIR KENNEDY: Any other comments?

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

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

25 CHAIR KENNEDY: Right. Commissioner Le Mons.

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

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

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

25           So with that said, I would support Commissioner

1 Fernandez and Fornaciari's recommendation to leave the  
2 policy as is.

3 CHAIR KENNEDY: Commissioner Fernandez.

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

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

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

20 Okay. Go ahead with the next item then.

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

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

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

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

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

1 costs associated with it.

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

19 CHAIR KENNEDY: So with that --

20 VICE CHAIR FERNANDEZ: Any questions?

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

24 VICE CHAIR FERNANDEZ: That was something that we  
25 discussed because obviously it would be time-consuming



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

9 CHAIR KENNEDY: Excellent. Thank you.

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

23 So with that, I was -- we're just hopeful that as we  
24 move forward and we build our agendas, we're just a  
25 little bit more deliberate in terms of how we schedule

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

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

22       So are there any questions?

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

25       COMMISSIONER FORNACIARI: Thank you for taking care

1 of it for me. Yeah, I appreciate it. Thank you.

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

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

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

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

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

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

1 Thursday morning, so we are very excited and very  
2 pleased.

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

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

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

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

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

1 terms of changes and demographics from 2010 using the ACS  
2 data, American Community Survey, so stay tuned on that,  
3 and we're working to try and bring that to you.

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

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

1 fun tool to play around with and certainly a great piece  
2 to sit, to kind of wrap our minds around the job in front  
3 of us.

4 Commissioner Yee?

5 CHAIR KENNEDY: Very good.

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

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

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

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

25 I'm sorry, Commissioner Sinay, who's the -- what's

1 the organization who translated our presentation?

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

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

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

1 CHAIR KENNEDY: Commissioner Sinay?

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

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



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

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

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

1 CHAIR KENNEDY: Commissioner Turner?

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

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

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

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

23 CHAIR KENNEDY: Commissioner Akutagawa?

24 COMMISSIONER AKUTAGAWA: Yes, to piggyback on what  
25 Commissioner Sinay just mentioned, I believe when we last

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

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

25 And one of the things that they did also suggest is

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

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

16 Commissioner Sinay?

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

1 statewide, so kudos.

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

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

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

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

1 Director Ceja?

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

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

22 Anything further from the subcommittee?

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

1 discussion regarding impact of census delay on CRC  
2 calendar and electoral cycle.

3 Thank you, all. Have a good break.

4 (Whereupon, a recess was held)

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

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

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

1 share on an as needed basis, I think will be very  
2 important from here on out.

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

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

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



1 That's totally on me, so my apologies for that.

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

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

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

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

24 So at Statewide Database, we started to investigate  
25 what this legacy dataset is, and we asked ourself some

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

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

23 But once we had ascertained that this is essentially  
24 the same data, that those are the same data that are  
25 contained in the dataset, we started to go to our step 2,

1 which was asking ourselves whether these data can be  
2 accurately converted into the dataset that they are going  
3 to release at the end of September.

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

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

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

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

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

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

1 looking good. So thank you. And of course, I'm  
2 available for questions.

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

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

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

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

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

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

12 CHAIR KENNEDY: So I will call --

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

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

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

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

12 CHAIR KENNEDY: Okay. Commissioner Fernandez?

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

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

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

1 know, you know. And I don't think it's going to be  
2 tremendous.

3 VICE CHAIR FERNANDEZ: Thank you.

4 CHAIR KENNEDY: Very good. Commissioner Sinay?

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

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

18 CHAIR KENNEDY: Thank you.

19 Commissioner Andersen?

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



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

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

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

1 course, they have an entire, you know, the entire nation  
2 to deal with.

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

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

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

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

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

22 COMMISSIONER ANDERSEN: Sorry, and one last one. So  
23 yes that we have this legacy data, but could we just use  
24 it like we did the 2010 without this two-week window, or  
25 do -- is this absolutely required, essentially that yeah,

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

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

1 that was a variable that wasn't in there.

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

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

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

25       So I have Commissioner Toledo, Commissioner

1 Akutagawa, Commissioner Turner, and then Commissioner  
2 Andersen.

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

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

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

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

24 Usually Statewide Database doesn't do parallel  
25 processing with the Demographic Research Unit, so that's

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

8 COMMISSIONER TOLEDO: Thank you. I appreciate that.

9 CHAIR KENNEDY: Commissioner Akutagawa?

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



1 It is -- is that -- okay. Okay. So I'd be curious to  
2 hear what your crystal ball might speculate.

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

25 COMMISSIONER AKUTAGAWA: Thank you.

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

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

14           Commissioner Turner, please.

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

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

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

1 pulling in doing their own research, which may free them  
2 up to get the data out sooner to everyone, trying to get  
3 an idea of what that look like, number 1.

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

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

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

1 everybody's just struggling with all of these timelines  
2 that were up to us because of the pandemic and you know,  
3 the subsequent delays of the census data.

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

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

18       COMMISSIONER TURNER: Okay.

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

1 that format, it's just that they then don't put them out  
2 like that. So it's just -- it's basically just internal  
3 things that are happening.

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

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

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

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

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

13 CHAIR KENNEDY: Very good.

14 Commissioner Andersen?

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

24 But -- so -- and I'm just looking at this and Karin,  
25 if you can kind of correct me timewise, in terms of your

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

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

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

25       MS. MAC DONALD: So I think Ms. Shellenberger is

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

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

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

22           So for some people it's going to be longer. For  
23 some people, it's going to be shorter. For us, it's --  
24 you know, we want to just make sure that we have a  
25 reasonable amount of time. We're obviously going to try



1 to turn this around as quickly as possible. Nobody's  
2 going to go on a mini break in the middle of those two  
3 weeks, you know. So we'll do what we can on our end,  
4 with the two weeks, as well as the four weeks, you know.

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

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

9 COMMISSIONER ANDERSEN: Exactly.

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

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

21 COMMISSIONER ANDERSEN: Thank you, very much.

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

24 COMMISSIONER LE MONS: So my question is how  
25 optional this is? And the second part of that is, who

1 ultimately will be making the decision as to whether or  
2 not we'll be receiving legacy data versus the formatted  
3 data?

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

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

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

1 demands on the data, I think that, generally speaking,  
2 you know, if we can get something earlier, we're going to  
3 have to process that so that people can use it.

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

8 CHAIR KENNEDY: Commissioner Sadhwani?

9 COMMISSIONER SADHWANI: Sure. Thank you.

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

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

22 CHAIR KENNEDY: 12:45.

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

25 I'm wondering if Tricia Webber and Ryan Ronco just

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

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

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

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

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

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

1 58 counties in California, at least fifty-nine different  
2 ways to do everything that we have to do. And I want to  
3 make sure that we have plenty of time for Lori because  
4 she did a fantastic job, at our meeting last week, in  
5 explaining the needs of the counties.

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

14 And I think that we're just here to have a seat at  
15 the table to talk out those issues that we have. Because  
16 generally speaking, if we did not have COVID and this  
17 delay in data, we would be looking at an election that  
18 begins, for us, December 16th, which is the first warning  
19 shot that is fired for candidates to begin the process of  
20 conducting an election for a June 7th, I believe -- I  
21 can't remember if it's 7th, 8th, or 9th -- election day  
22 2022. That means it's a long process.

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

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

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

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

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

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

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

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

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

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

1 what that might look like for the various stakeholders.

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

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

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



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

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

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

24 So you know, kind of -- we -- when I put this  
25 together, I worked from the -- from the deadline that

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

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

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

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

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

16       It was -- it was a very difficult to hold a June 7th  
17 primary with a December 15th map adoption deadline  
18 because as Ryan pointed out, the signature in lieu date  
19 is December 16th and would have been -- it would have  
20 required some changes to the -- to that and some  
21 flexibility already. So there was already pressure on  
22 June 7th and then once you start shifting beyond December  
23 15th, June 7th looks further out of reach.

24       We used June 28th because it bought three weeks.  
25 And then July 12th was the date that was chosen because,

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

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

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

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

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

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

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

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

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

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

1 this -- it allows time to -- for those challenges, if  
2 needed.

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

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

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

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

24           The signature in lieu period is a period that can be  
25 flexible. It can be shortened. There are provisions and



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

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

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

25       So I -- hopefully, that frames some of these -- some

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

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

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

17 Are there questions from colleagues? Commissioner  
18 Akutagawa?

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

1 that I had imagined when I first got onto the Commission.  
2 Not that we thought that we would be having to go to this  
3 level of detail, I guess. Not in the way we are doing,  
4 we probably would have.

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

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

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

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

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

1 time due to all the tools that are available.

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

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

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

24 For me personally, I am of the belief that working  
25 this out in collaboration is our best path forward for

1 all Californians. And sure, we could go out and say, no,  
2 we're going to wait until the September 30th data comes  
3 out. We're taking all of that time until February 15th.  
4 I'm not sure that that is really being responsive,  
5 though, to the needs of Californians. And that's kind of  
6 been my own way of looking at that.

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

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

22 Ms. Schellenberger and then Commissioner Fernandez.

23 MS. SHELLENBERGER: Yeah, and I think, I'd just like  
24 to, because I am facilitating the other stakeholders and  
25 I think the Commission is a stakeholder the -- and you

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

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

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

1 in the back of our minds.

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

12 Commissioner Akutagawa.

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



1 responsibility to the people of California if we don't --  
2 if we don't get the maps out on time.

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

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

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

1           But again, they, of course, can't control what the  
2 courts are going to do. If there is going to be  
3 something happening. But for us, we're sticking to what  
4 they're telling us right now and moving back -- moving  
5 forward with those states.

6           CHAIR KENNEDY: Very good, Mr. Ronco.

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

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

1           So if there are further delays, we just wanted to  
2 make sure that your Commission understands that July 12th  
3 is probably the last date that we can accommodate moving  
4 anything backward without real significant other  
5 considerations. Thank you.

6           CHAIR KENNEDY: Thank you. Commissioner Sadhwani.

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

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

25           But I am -- I can speak generally on behalf of the

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

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

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

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

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

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

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

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

25           So with all that said, the creation of the

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

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

25 COMMISSIONER SADHWANI: Thank you so much. Do --

1 Commissioners, you have any questions? Comments? Follow  
2 up?

3 CHAIR KENNEDY: Commissioner Sinay?

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

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

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

23 There are considerations surrounding just people's  
24 lives generally and how that affects their likelihood to  
25 participate in the election and to be able to participate



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

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

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

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

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

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

8 Commissioner Sadhwani.

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

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

1 Commission can begin to think about and consider.

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

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

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

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

23 (Whereupon, a recess was held)

24 CHAIR KENNEDY: Thank you. Welcome back from the  
25 lunch break. We had a very good discussion of the impact

1 of the census delay on our calendar as well as the  
2 electoral cycle. And we'd like to open it up for public  
3 comment at this point. So Katy, would you please read  
4 the instructions for general public comment?

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

6 In order to maximize transparency and public  
7 participation in our process, the Commissioners will be  
8 taking public comment by phone. To call in, dial the  
9 telephone number provided on the livestream feed. It is  
10 877-853-5247.

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

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

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

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

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

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

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

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

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

10 CHAIR KENNEDY: Thank you, Mr. Millar.

11 Katy, next caller.

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

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

25 It doesn't really, in my opinion, I haven't seen

1 really good data that it affects voter turnout by moving  
2 it earlier. My concern is moving it to July 12. I think  
3 you're going to have more difficult time getting the  
4 voters engaged. And especially under the duress of  
5 COVID.

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

22       I think they need more than that. They need like  
23 fifteen extra days or not actually -- bump it up to  
24 sixty. And I think the commission should come up with  
25 their own deadline to accommodate the election clerks.

1 That's my comment. Thank you for listening.

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

11 Katy, do we have more?

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

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

25 I wanted to just sort of list up our thoughts on



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

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

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

1 when the primary is. But again, it changes every year.

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

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

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

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

24 MR. WOODSON: That's right. Yes. I think we know,  
25 right, that there are, you know, considerations and

1 restrictions around the primary date. But we don't see  
2 moving the date, you know, a few weeks to give folks more  
3 time to weigh in on maps as more important than it is to  
4 provide time for public input. We also have to sort of  
5 evaluate, you know, when redistricting data comes out and  
6 draw maps to submit to you all. And to give us more time  
7 to do that, I think it would be valuable.

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

10 MR. WOODSON: Thank you.

11 CHAIR KENNEDY: Katy.

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

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

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

1 Caucus works with. We do work with organizations on  
2 voter education. And we do care deeply about equitable  
3 access to the voting process, especially for lower  
4 propensity voters and for communities of color.

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

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

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

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

1 in March. And we think there is more importance in  
2 making sure there's enough time to do the best job  
3 possible on these maps that will last a decade than being  
4 too worried about making changes to the primary date.

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

9 CHAIR KENNEDY: Thank you, Ms. Marks.  
10 Katy, do we have any other callers?

11 PUBLIC COMMENT MODERATOR: That was it.

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

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

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

25 Okay. We will hold on Language Access and go to

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

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

13       Commissioner Sinay.

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

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

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

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

13 Go ahead, Commissioner Sinay.

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

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

1 that have kind of, these are the three C's, the love for,  
2 culture -- I can't remember what they are. But there's  
3 just different ways. So it's that middle piece  
4 sometimes --

5 CHAIR KENNEDY: Right.

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

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

12 Commissioner Turner.

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

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

25 I think if there was more, this is why it matters to



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

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

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

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

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

1 accomplish all our goals.

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

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

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

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

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

9           Commissioner Turner, am I forgetting anything?

10          COMMISSIONER TURNER: You are spot on.

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

13          CHAIR KENNEDY: Okay, very good.

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

16          Commissioner Le Mons.

17          COMMISSIONER LE MONS: Hi there. Good afternoon.

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

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

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

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

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

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

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

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

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

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

20 You're muted. Sorry.

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

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

9 CHAIR KENNEDY: Okay, very good.

10 Commissioner Andersen.

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

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

1 gathering and looking at, that would be a great step, I  
2 think, forward for the entire group. Thank you.

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

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

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

1 started thinking about along those lines as well.

2 CHAIR KENNEDY: Right. Okay. Thank you.

3 Commissioner Akutagawa.

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

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

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



1 management, but also our line drawers help us to really  
2 understand how we can best use that data.

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

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

10 CHAIR KENNEDY: Yes.

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

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

1 requirements and things like that. But ultimately, the  
2 commission has to evaluate these. And we have no basis  
3 of that yet.

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

8 CHAIR KENNEDY: Commissioner Akutagawa.

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

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

1 being equal and ultimately, you know, doing our best that  
2 we can with the information that we have.

3 CHAIR KENNEDY: Commissioner Sinay.

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

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

1 of criteria.

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

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

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

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

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

24 So we're having good conversations and we'll come  
25 back soon with some recommendations, but that I don't

1 think we'll need to create anything new, that we will  
2 just use that -- the COI paper tool that's being created  
3 is going to work well.

4 CHAIR KENNEDY: Commissioner Turner.

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

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

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

1 COMMISSIONER TURNER: Okay.

2 COMMISSIONER SINAY: Sorry.

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

5 COMMISSIONER SINAY: So --

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

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

15 COMMISSIONER TURNER: Okay.

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

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

1 important for people to provide this input, not just the  
2 instructions on how to do so.

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

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

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

8 COMMISSIONER ANDERSEN: Thank you.

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

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

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

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

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

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

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

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

25 And then another good question and good discussion



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

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

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

24 And we already touched on this idea to dub the -- in  
25 the twelve languages, and we're still following up on

1 that. We don't have all the cost data on that, but we're  
2 finishing up. But again, we thought we'd just go ahead  
3 and do what we could do in the interim and have those two  
4 public meetings we suggested in the Outreach update.

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

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

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

1           And now I think, Commissioner Sinay, did I missing  
2 anything?

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

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

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

25           And then Commissioner Andersen is putting together

1 some information on the line drawer contract, so we'll  
2 have that for Thursday.

3 You're muted.

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

9 Commissioner Ahmad, anything else?

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

14 CHAIR KENNEDY: Excellent. Commissioner Sinay.

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

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

25 COMMISSIONER SINAY: Thank you, Chair. We have

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

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

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

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

24 CHAIR KENNEDY: Okay. If it is before 2 p.m. on  
25 Wednesday, we would be able to get that listing into

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

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

11 COMMISSIONER ANDERSEN: Okay.

12 COMMISSIONER TOLEDO: As soon --

13 CHAIR KENNEDY: Commissioner Sadhwani.

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

16 CHAIR KENNEDY: Commissioner Sadhwani.

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

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

1 that up.

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

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

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

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

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

23 CHAIR KENNEDY: Director Ceja?

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

1 COMMISSIONER ANDERSEN: Yay.

2 DIRECTOR CEJA: It's live.

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

10 COMMISSIONER TOLEDO: So --

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

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

16 COMMISSIONER ANDERSEN: Perfect. Thank you.

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

20 Commissioner Andersen?

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



1 ourselves? So which is Commissioner Fornaciari and  
2 myself.

3 Do you want to take over, Commissioner Fornaciari?

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

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

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

25 COMMISSIONER ANDERSEN: Yeah, I guess it was because

1 when we did that, it was thinking the special -- the  
2 specialty involved, you know, the -- a bit more  
3 information on it, but.

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

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

11 CHAIR KENNEDY: Which is two weeks.

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

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

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

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

1 CHAIR KENNEDY: Director Hernandez?

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

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

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

20 DIRECTOR HERNANDEZ: Okay.

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

1 just carry on helping out, if that's okay.

2 Director Hernandez.

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

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

8 COMMISSIONER FORNACIARI: We ever did.

9 CHAIR KENNEDY: I think the question --

10 DIRECTOR HERNANDEZ: Okay.

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

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

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

20 COMMISSIONER FORNACIARI: Okay.

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

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

1 report from the legal affairs committee.

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

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

19 COMMISSIONER ANDERSEN: Thursday afternoon.

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

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

1 CHAIR KENNEDY: Good.

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

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

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

1 ding, ding, ding -- there is -- there was a bit of --  
2 there could have been more precision and clarity in the  
3 RFI exactly what we were asking for.

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

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

23 Gibson Dunn has worked kind of both sides of lots of  
24 different things, and that includes things that would be  
25 perceived by many as being contrary to our values. So

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

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

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



1 need you to send that work.

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

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

16 Commissioner Sadhwani or Toledo, anything I missed?

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

24 CHAIR KENNEDY: Okay. Commissioner Turner?

25 COMMISSIONER TURNER: Um-hum. Thank you, Chair.

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

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

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

20 COMMISSIONER TURNER: Um-hum.

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

24 CHAIR KENNEDY: Commissioner Toledo?

25 COMMISSIONER TOLEDO: So for me, and I -- while we

1 didn't consider it very deeply, we did consider it a --  
2 did consider the issue briefly. And that consideration  
3 had to do with our compressed time line. We have a lot  
4 less time and will be doing a lot of work this winter.  
5 To do an RFI in the middle of the map-drawing process  
6 when we have -- would be very difficult and challenging  
7 to do so.

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

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

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

7           COMMISSIONER TURNER: Um-hum.

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

10          CHAIR KENNEDY: Commissioner Turner.

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

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

23           I'm going to mention the Strumwasser --

24          CHAIR KENNEDY: (Indiscernible) --

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

1 CHAIR KENNEDY: Go ahead.

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

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

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

23 CHAIR KENNEDY: Okay. Commissioner Sadhwani.

24 COMMISSIONER SADHWANI: Thank you, and thank you to  
25 Commissioner Yee for chairing this process last week and

1 throughout this month. He's done a phenomenal job, and  
2 so I just wanted to recognize his good work here.

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

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

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

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

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

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

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

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

11 CHAIR KENNEDY: Thank you.

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

14 CHAIR KENNEDY: Commissioner Toledo.

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

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



1           At this point, we don't really know when that will  
2 be. And so that's perhaps some -- a piece of -- a clause  
3 or a provision that we can add and work through and  
4 negotiate with the -- with our firms. And to that, I  
5 would just ask Marian if she sees any problem with  
6 including such a term in our -- in a potential  
7 procurement agreement.

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

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

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

1 first caller in.

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

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

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

24 And we do have a couple people in the queue, and I  
25 would like to remind people in the queue if you would

1 like to comment, please press star 9 to raise your hand  
2 indicating you wish to comment. And the floor is yours.

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

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

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

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

23 Well, we would just like to note that, given that  
24 compliance with the Voting Rights Act is the second-  
25 highest criteria that the commissioners have to consider

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

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

16 I'll be happy to take any questions.

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

19 Katy, would you please invite the next call?

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

25 MS. WESTA-LUSK: Hello. This is Renee Westa-Lusk.

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

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

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

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

1 questions. Thank you for listening.

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

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

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

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

1 home page, if you scroll down, there's a -- it says  
2 public comment. There's an email address. There's a  
3 phone number to call during the meetings. There's a --  
4 there is the mailing address, and then there is a link to  
5 the COI tool, which is drawmycommunity.org.

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

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

15 MS. WESTA-LUSK: Okay.

16 COMMISSIONER FORNACIARI: Thank you.

17 MS. WESTA-LUSK: Thank you.

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

20 CHAIR KENNEDY: Okay. Invite them in.

21 PUBLIC COMMENT MODERATOR: And the floor is yours.

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

1 now. The League of Women Voters believes in efficient  
2 and economical government that would -- it requires  
3 competent personnel, clear assignment of  
4 responsibilities, adequate financing, and coordination  
5 among different agencies and levels of government.

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

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

24 We do recognize that any contractor needs to be  
25 paid. They're a business with their own costs. However,



1 in 2011, Morrison & Forester did not leave the  
2 litigation, but instead chose to stay on and accept  
3 delayed payment. We're in debt to MoFo for their  
4 unstinting defense of the 2010 maps.

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

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

16 PUBLIC COMMENT MODERATOR: Yes, Chair.

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

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

1           COMMISSIONER YEE:   Thursday.

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

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

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## CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, of the videoconference recording of the proceedings provided by the California Citizens Redistricting Commission.



LORI RAHTES, CDLT-108

July 4, 2022  
DATE