

DRAFT - FOR CONSIDERATION OF THE CRC

Please plan to discuss the general arguments and main points of the letter. Specific edits to the verbiage should be emailed.

April 23, 2021

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

RE: Continuation of Executive Orders N-25-20 and N-25-29

Dear Governor Newsom,

The California Citizens Redistricting Commission (CRC) is actively planning and implementing a robust public education and outreach plan, as per our mandate in the Voters First Act. As a state commission, we operate under the requirements of the Bagley-Keene Open Meeting Act to ensure transparency and equal opportunity to participate in the redistricting process.

The COVID-19 pandemic has brought many challenges to our work, but Executive Orders N-25-20 and N-25-29 have allowed the CRC to continue its work through virtual meetings. These orders enabled the Commission to increase transparency and public participation, and also made possible greater involvement by Commissioners whose health would not otherwise permit them to participate. Members of the public have been able to observe and address the Commission telephonically and electronically, without the need for actual attendance at a physical location, with any requests for reasonable accommodation satisfied.

We are heartened by the improvements being seen in the daily case and vaccination rates throughout the state, but are concerned that lifting these executive orders would have a detrimental impact on our work over the next year to provide meaningful engagement opportunities that are accessible to all Californians. The virtual platform allows us to reach Californians broadly throughout the state. This will be particularly important as the Commission seeks public input, including from those in remote locations who would find it extremely difficult to attend meetings in person. If physical attendance were the only way to participate, many of the persons the Commission is inviting to offer public input would be unable to do so.

In addition, Commissioners themselves have not been limited to attending only in locations that are open to the public and otherwise accessible, as required under Bagley-Keene. This has enabled home-bound Commissioners to continue their redistricting work remotely and safely.

For these reasons, **the Commission encourages the continuation of these executive orders regarding Bagley-Keene** until the Bagley-Keene Open Meeting Act may be amended to allow bodies such as the Commission to hold virtual meetings that are open to all Californians, wherever they are located. The redistricting process is time bound, and we anticipate a flurry of activity over the next several months. We ask for clarity on the direction you intend to take as to these key executive orders, so that we can appropriately plan and not be sidelined by a return to Bagley-Keene provisions that would necessarily end our ability to meet virtually.

California is a national example of independent redistricting, and we take seriously the mandate of transparency and public participation in the process of drawing district boundaries. As in many areas of public life, however, the pandemic has taught us that our ways can be reimaged. We believe that many provisions under the Bagley-Keene Open Meeting Act, which were originally conceived of in 1967, could be transformed and modernized to better meet the needs of twenty-first century transparency and public participation. We would be happy to be partners in rethinking this vital law in the future.

Sincerely,