

Voting Rights Act Counsel Interviews

1. What, in your view, will be the most significant and challenging issues arising from the new census data for the Commission to consider?
2. Compliance with section 2 of the Voting Rights Act can take various forms, including but not limited to the creation of majority-minority districts, influence districts and collapse districts. Please describe your interpretation of the various district options and describe the challenges the Commission will face in VRA compliance in a multi-racial state like California.
3. Given your experience with redistricting, what are common mistakes made by other boards and commissions, and how can we avoid these pitfalls?
4. Please explain the budget you propose. How would you allocate your time among the necessary tasks, including attendance at Commission business and input meeting? Where can our staff and your firm work together to reduce costs? Describe generally the work product you will provide and how you arrive at its proposed cost.
5. The Voters First Act requires the final maps to be accompanied by a report that explains the basis for its decisions. What should be included in the report and how can it be used to support the Department of Justice pre-clearance requirements?
6. The public must have a high level of trust and confidence in the firm's ability to provide objective, nonpartisan advice to the Commission. How can you provide that assurance?
7. Do you foresee any additional major voting rights legislation over the next two years (e.g., the current H.R. 1, "For the People Act of 2021")? If so, how would you advise the Commission to proceed, upon enactment of such possible new legislation?
8. For the first prong of the *Gingles* Preconditions, the Commission is considering whether a minority voting bloc could consist of more than one minority group. How would you advise the Commission to approach deciding whether to form a VRA district based on such a coalition voting bloc?
9. The necessary Racially Polarized Voting analysis may come from your firm, or may be obtained elsewhere, as decided by the Commission. In either case, would you advise that the analysis remain confidential, or made public?

10. *Shelby County v. Holder* (2013) laid dormant key sections of the Voting Rights Act, including the mandate for preclearance. In your view, how should this ruling affect the process that the Commission undertakes in drawing districts? In previous iterations of CA redistricting process, the redistricting process started with section 5 covered districts and regions with large proportions of underrepresented minorities. Similarly, the retrogression standard has also been rendered dormant. In this new environment, how should the commission negotiate the process while thinking about racial equity?
11. When considering racially polarized voting, what does the experience under the California Voting Rights Act add to the evidence that the Commission should take into account in trying to draw districts?
12. In the case of *Evenwel v Abbott* (2016), the equal population standard was attacked nationally. How should California position itself given that one can anticipate a new Supreme Court that might revisit this ruling in the future?
13. Fairness is a core value of the Citizens Redistricting Commission. How would you advise the Commission negotiate fairness across multiple criteria? For example, how would you advise the Commission to negotiate the demands of racial equity established within the VRA, while avoiding making race the predominant criterion or motive?