

STATE OF CALIFORNIA  
CALIFORNIA STATE AUDITOR'S OFFICE (CSA)  
2020 CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

FIRST EIGHT COMMISSIONERS PUBLIC MEETING

621 Capitol Mall, 10th Floor  
Sacramento, California 95814

TUESDAY, JULY 22, 2020

9:33 A.M.

Reported by:  
Peter Petty

APPEARANCESCOMMISSIONERS:

Jane Andersen, Temporary Chair

Trena Turner, Temporary Vice Chair (Remote attendance)

Isra Ahmad, (Remote attendance)

Neal Fornaciari, (Remote attendance)

J. Ray Kennedy

Antonio Le Mons, (Remote attendance)

Sara Sadhwani, (Remote attendance)

Derric H. Taylor, (Remote attendance)

STAFF:

Amanda Saxton, Counsel

Shauna Pellman, Secretary, (Remote attendance)

ALSO PRESENT

Justin Levitt, Loyola Law School, (Remote attendance)

AT&T Operator

PUBLIC COMMENT:

Angelo Ancheta, Commissioner, 2010 Citizens Redistricting Commission

Andre Parvenu, Commissioner, 2010 Citizens Redistricting Commission

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Call to Order and Roll Call

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8. Recorded training sessions:

(c) Training Video: "Redistricting 101," Justin Levitt (Loyola Law School) provides an overview of the redistricting process, with a focus on the applicable legal concepts including the Voters FIRST Act, U.S. Constitution and the Voters Rights Act of 1965.

6

(d) Training video: "Impartiality and Working with Others," Andre Parvenu (2010 Citizens Redistricting Commissioner) discusses working with others as a member of the Commission.

59

Adjournment

82

P R O C E E D I N G S

9:33 a.m.

1  
2  
3 CHAIR ANDERSEN: I'd like to get the meeting  
4 started with the -- I believe we have quorum, so I'd like  
5 to open the meeting.

6 And, initially, I would like to do just a couple  
7 of administrative things. Specifically, for the  
8 clarification in transcription and pronunciations, I  
9 believe when we try to get my attention so the Chair  
10 recognizes you, if you could please say Madam Chair.  
11 Because the Madam part is very different from Commissioner  
12 and so I can distinguish it.

13 And then, I would like to make sure I'm actually  
14 pronouncing everyone's name properly. I think that's very  
15 important. And so, what I'd like to do is go through, you  
16 know, alphabetically everyone, and if you could please tell  
17 me exactly how you want your name to be pronounced?

18 So, Commissioner Ahmad, is it -- could you --

19 COMMISSIONER AHMAD: Hi, good morning.

20 CHAIR ANDERSEN: Good morning.

21 COMMISSIONER AHMAD: It's Ahmad.

22 CHAIR ANDERSEN: Ahmad. Ahmad?

23 COMMISSIONER AHMAD: Yes.

24 CHAIR ANDERSEN: Ahmad, thank you. Commissioner  
25 Ahmad.

1 I'm Andersen. It's very easy to pronounce, but  
2 it is s-e-n.

3 So, now, Commissioner Fornaciari?

4 COMMISSIONER FORNACIARI: I pronounce it  
5 Fornaciari. The c-i is the h sound.

6 CHAIR ANDERSEN: So, could you please pronounce  
7 that, please?

8 COMMISSIONER FORNACIARI: Fornaciari.

9 CHAIR ANDERSEN: Oh, Fornaciari, great. So,  
10 Commissioner Fornaciari.

11 Then, Commissioner Kennedy, that's also --

12 COMMISSIONER KENNEDY: Kennedy.

13 CHAIR ANDERSEN: Kennedy, okay. It has two n's.

14 And then, we have Commissioner Sadhwani or could  
15 you please pronounce it.

16 COMMISSIONER SADHWANI: Yeah, you got it,  
17 Sadhwani.

18 CHAIR ANDERSEN: Sadhwani. Sadhwani. So, Ahmad.  
19 Fornaciari. Fornaciari? Sorry, Fornaciari.

20 COMMISSIONER FORNACIARI: It's s-h, shari.

21 CHAIR ANDERSEN: Fornaciari. Fornaciari.  
22 Sadhwani.

23 And Commissioner Taylor. That's Taylor is  
24 correct?

25 COMMISSIONER TAYLOR: Yeah, that's it.

1 CHAIR ANDERSEN: Thank you very much.

2 And Commissioner Turner.

3 VICE CHAIR TURNER: Uh-hum, yes.

4 CHAIR ANDERSEN: Great. Okay.

5 COMMISSIONER LE MONS: And Commissioner Le Mons.

6 CHAIR ANDERSEN: Oh, sorry. Now, Commissioner Le  
7 Mons, is that Le Mons, or with the s or not?

8 COMMISSIONER LE MONS: With the s.

9 CHAIR ANDERSEN: With the s, so Le Mons.

10 COMMISSIONER LE MONS: Correct.

11 CHAIR ANDERSEN: Great, thank you very much.

12 COMMISSIONER LE MONS: Uh-hum.

13 CHAIR ANDERSEN: Okay. Well, with that I believe  
14 we have a full quorum and we shall proceed with Item Number  
15 (c), the training video, "Redistricting 101" with Justin  
16 Levitt.

17 (Video titled: "Redistricting 101"  
18 played.)

19 (Video paused)

20 CHAIR ANDERSEN: We will also break at this time.

21 Oh, and one thing I did mention, a couple of the  
22 Commissioners have a few things they must do today, so they  
23 will be in and out of their presence on the Zoom call.  
24 That's been worked out ahead of time and we will always  
25 have a quorum. So, thank you.

1 (Off the record at 10:44 a.m.)

2 (On the record at 10:52 a.m.)

3 CHAIR ANDERSEN: We'll bring the meeting back to  
4 order. And I would like at this time to recognize Ms.  
5 Saxton, who has a couple of administrative items for us  
6 regarding Justin Levitt.

7 MS. SAXTON: Thank you, Madam Chair. You may  
8 notice that we are going to skip over a portion of the  
9 prerecorded training. We are going to have the privilege,  
10 after the training is over, of having Professor Levitt join  
11 us by phone, live, and he will address those portions at  
12 that time and be able to take Commissioner questions. So,  
13 if you do notice that, that's the reason. Thank you.

14 CHAIR ANDERSEN: All right, we can continue.  
15 Thank you.

16 (Video resumed)

17 CHAIR ANDERSEN: We might stop there, please, for  
18 a few minutes. We need to take a 15-minute break for our  
19 interpreters and sign language people. So, it is now 11:15  
20 and we'll meet back at 11:30. Sorry, my watch is a little  
21 off. We'll meet back, say 11:35.

22 (Off the record at 11:17 a.m.)

23 (On the record at 11:35 a.m.)

24 CHAIR ANDERSEN: I'd like to recognize  
25 Commissioner Le Mons, who has a comment for us.

1           COMMISSIONER LE MONS: Hi. I came back a few  
2 minutes before the break was up and I noticed there was a  
3 full-fledged conversation happening. And I'd like to just  
4 request that those kinds of conversations are done where  
5 the whole Commission gets to hear it and be a part of it.

6           And, so, I want to understand what the parameters  
7 and rules are around that because I think that's happened a  
8 couple times, and this one was the most concerning for me.

9           CHAIR ANDERSEN: Oh, I will address that right  
10 away. I don't -- this was the only conversation that did  
11 actually happen without everyone being on. Anything else  
12 you might have heard or something was just, you know, a  
13 technical about when we're starting or something like that.

14           What did just happen is Professor Levitt is going  
15 to be in person because a section of the video conference  
16 that was presented earlier this year to the ARP is cut out  
17 in a section. And so, he's going to come on later and fill  
18 in what happened there, and then answer questions.

19           He actually just got on and said, look, I'm here.  
20 I could just start taking over from now and go on. But  
21 that would not be proper from what we've already posted, in  
22 terms of the agenda. That's what we were discussing. I  
23 said, you know, thank you very much, it's a great offer.

24           And I believe he will be coming back when the  
25 full Commission is in place and presenting to us at that

1 time. So, that was what you did miss and I'm sorry that  
2 was -- we could have -- we probably should have waiting  
3 until the full Commission, until the full eight were here  
4 to have that conversation. But that was a -- I thought was  
5 administrative and I did not intend to have any kind of  
6 conversation or material that was not presented to the full  
7 eight of us. I do apologize for that.

8           And we are on standard now, it's just that what  
9 is going to now happen is we will now continue with the  
10 training, and at the end we're asking Mr. Levitt to come  
11 join us again, and he will discuss -- when we took that  
12 earlier break, there's a section of slides that we missed,  
13 we skipped over because the video was out. And he will  
14 tell us, inform us about what that is and answer any  
15 questions. And he was just mentioning that there are some  
16 updates which he will go into. Because if you look at the  
17 material, it's at the end of our slide package.

18           COMMISSIONER LE MONS: Madam Chair?

19           CHAIR ANDERSEN: Yes.

20           COMMISSIONER LE MONS: First, I'd say I  
21 appreciate the explanation. But more germane to my point  
22 is I'd like for, if we can agree that we're on break, we're  
23 on break.

24           CHAIR ANDERSEN: Yeah.

25           COMMISSIONER LE MONS: And we're not handling

1 business outside of that, so that we then have to get a  
2 recap. We're here and we can have the opportunity to hear  
3 it firsthand from whoever is a part of that discussion.  
4 So, that's what I'm asking is that we respect breaks.

5           If a person's not back from the break and we have  
6 a quorum, that's different. But this seemed like -- and I  
7 know it's innocuous at this point, but I want us to set a  
8 standard moving forward so we don't have this problem in  
9 the future.

10           CHAIR ANDERSEN: Yes, I appreciate that,  
11 Commissioner, and that is the way we should be moving  
12 forward. I misspoke. You know, it should have been just  
13 an administrative, which I should have not done, I should  
14 have asked him to wait for a minute until we all got back.  
15 And that is the correct thing to do and I did overstep.

16           So, you're correct Commissioner Le Mons, we shall  
17 wait until I say we're back form break before we have any  
18 other discussion. Because we do want to be open and  
19 inclusive, so thank you very much.

20           COMMISSIONER LE MONS: Thank you, Chair.

21           CHAIR ANDERSEN: That is the standard.

22           COMMISSIONER FORNACIARI: Madam Chair?

23           CHAIR ANDERSEN: Yes, Commissioner --

24           COMMISSIONER FORNACIARI: So, I don't know if  
25 this is what Commissioner Le Mons is referring to, but

1 someone in the background was having a discussion about the  
2 Voting Rights Act and racially polarized voting. It was  
3 picked up on the microphones. I thought it was you and I  
4 was looking at you, but if you weren't talking, you were  
5 looking at yourself. So, I don't know what conversation  
6 that was going on in the background, but probably, you  
7 know, I don't know who was having that conversation but, I  
8 mean, that sounded to me more like business we should be  
9 talking about, you know, not on break.

10           You may not have heard it because it was picked  
11 up on the microphones.

12           CHAIR ANDERSEN: Okay, thank you. Yes, well, I  
13 think we must be careful if we're having a discussion just  
14 among ourselves, or something. I'm not aware of that one,  
15 so if there was a --

16           MS. SAXTON: Madam Chair?

17           CHAIR ANDERSEN: Yes.

18           MS. SAXTON: Commissioner Fornaciari, you said  
19 that you heard discussion about what seemed to be the  
20 Voters Rights Act during the break time, or was that during  
21 -- I'd like to get to the bottom of that so we're not --

22           COMMISSIONER FORNACIARI: Yeah, it was during the  
23 break. You know, I heard -- I don't know if it was a  
24 recording playing or something or what was going on, but I  
25 was picking up audio, somebody talking about the Voters

1 Rights Act.

2 MS. SAXTON: I know that there were, and I'm not  
3 saying that this is what you are speaking about  
4 particularly, but there were points in the video where  
5 whomever was attending in the audience during that  
6 videotaped presentation was talking about things that got  
7 picked up by the microphone. But you're actually talking  
8 about not during the presentation.

9 COMMISSIONER FORNACIARI: During the break.

10 MS. SAXTON: Okay. I'm not certain what that  
11 could have been or what that was, but --

12 COMMISSIONER FORNACIARI: Okay.

13 MS. SAXTON: -- but, again, Commissioner Le Mons'  
14 point is well taken.

15 CHAIR ANDERSEN: Yes. And again, I apologize. I  
16 was not aware of that. But I think we must be careful --  
17 we have to be careful that if we're having any -- you know,  
18 obviously if we're talking about, I don't know who, but it  
19 can't be on the microphone because it cannot be among  
20 anyone else. And so, I do apologize for that.

21 Here in the room there's only myself and  
22 Commissioner Kennedy, and our counsel. And we were not  
23 having a conversation, so that was not -- I'm not sure what  
24 you did overhear, but I do appreciate you bringing that to  
25 our attention. And I do apologize if there's any -- anyone

1 felt there was any impropriety or anything like that,  
2 because we certainly do not want that to happen, have  
3 anyone feel that way.

4           So, with that said, I believe we can -- any other  
5 things should we address before we continue with the  
6 training? Any other Commissioner wish to say anything?  
7 Not at this time, okay.

8           Then, I would like us to proceed with the  
9 training. Thank you.

10           (Video resumed)

11           CHAIR ANDERSEN: I believe we're going to stop  
12 the video now. And if we can get Mr. Levitt online, we'll  
13 ask him -- ah, I see Mr. Levitt's with us now. Welcome,  
14 sir. We've just completed the video and we'd like it if  
15 you could run us through the section that we missed, which  
16 I think has been pointed out to you, and then sort of give  
17 us a bit of an update, and then please answer, if we can  
18 ask you questions.

19           MR. LEVITT: Happily. And I will try and go  
20 slightly more quickly through the video so that I can leave  
21 enough time for your questions because that's really the  
22 most important.

23           Can you all hear me all right, I'll start there.  
24 Okay, good, excellent.

25           I want to actually start, if I can, right where I

1 left off with the video which is in thanking you all so  
2 tremendously for your service. I really think this is a  
3 tremendously important endeavor for the state and for all  
4 of the people who live within the state. And the fact that  
5 you all have stepped up and agreed to be part of this  
6 Commission is an enormous service to all of us.

7           And so, as someone who's not on the Commission,  
8 but benefits directly from your work, thank you.

9           And I'll also say beyond today, if there are  
10 opportunities for me to be helpful you or a resource to  
11 you, I'm more than happy to, there's a lot of complicated  
12 stuff that you're dealing with.

13           I also want to make sure that you know that  
14 although I've been retained to give you legal training, or  
15 training on the law that you apply as Commissioners, I am  
16 very aware that I am not your legal counsel. You'll have  
17 counsel guiding you, as the first eight Commissioners,  
18 through selection of the remaining six, and then the  
19 Commission will have the change to employ counsel of its  
20 own. And you should listen to them, whoever they are. But  
21 I hope I can at least provide some context for the  
22 decisions you are going to make.

23           And I will focus this, as I focused the training  
24 for the Applicant Review Panel, on that law to provide --  
25 that helps you with the decisions you have in front of you,

1 and particularly the decisions on who the remaining six  
2 Commissioners should be. I think that is my mandate.

3           So, I'll start. As I understand it, the portion  
4 that you weren't able to hear or the audio cutout was on  
5 race and ethnicity. I've got a section of that  
6 presentation queued up, so I'm happy to start with that.  
7 If that's not correct, please let me know. I want to be  
8 responsive to what it was that you missed.

9           CHAIR ANDERSEN: That is exactly what we did  
10 miss. Thank you very much.

11           MR. LEVITT: Okay. And vitally important, so I'm  
12 happy to walk through. With your permission, I'll share my  
13 screen. I actually have the exact same slide show that you  
14 just saw still living on my computer. And I think the  
15 easiest way to go about this, maybe, is just to walk you  
16 through the slides sharing the screen, so if that's all  
17 right.

18           CHAIR ANDERSEN: Perfect.

19           MR. LEVITT: Hopefully, what I've done is  
20 actually that, that you now see the presentation to race  
21 and ethnicity is actually taking over your screen.

22           So, and then I'll come back at the very end of  
23 the presentation I gave. I think the only substantive  
24 information that has changed since 2019 is your timeline  
25 that has changed. California law has changed in that

1 respect. I'm happy to address that later. That was the  
2 last thing I left with in the video you just saw, but I'll  
3 skip quickly to that after I'm done with this.

4 So, very quickly, more quickly than it really  
5 deserves, but this is not the first you'll hear this  
6 information and not the last time you'll hear this  
7 information.

8 The California law asks you to consider race and  
9 ethnicity in the redistricting process in a few ways. And  
10 federal law asks that you consider race and ethnicity in  
11 the redistricting process in a few ways.

12 I'll actually leave specific elements of the  
13 diversity of the Commissioner selection to the end. I know  
14 that you've heard public comment on this before and you  
15 will certainly hear public comment on this later. What I'm  
16 talking about here are the ways in which race and ethnicity  
17 may be used to draw the lines that will count for your  
18 selection of the remaining six applicants, in addition to  
19 their own demographic details.

20 I've tried to distill the rules, and they are  
21 tremendously complex, to three basic points. Rule one, and  
22 these all follow legal requirement -- rule one, don't set  
23 out to hurt voters based on their race or ethnicity.

24 Historically, there have been two primary ways in  
25 which this has been done. It's this is a highly stylized

1 jurisdiction and the minority voters in the jurisdiction  
2 are the ones labeled in gray. Tracking those voters,  
3 drawing districts to divide a minority community so as to  
4 minimize or diminish their electoral power that hurts  
5 voters on the base of their race or ethnicity. So, setting  
6 out to crack minority populations into multiple districts,  
7 thereby diminishing their power is one means by which this  
8 has historically been done.

9           The converse can be just as bad. Setting out to  
10 concentrate minority voters or over-concentrate minority  
11 voters in a particular district so as to deprive other  
12 districts of minority representation. That is putting a  
13 lot of minority voters into one district so that they are  
14 left -- have less representation elsewhere may also hurt  
15 voters based on their race or ethnicity.

16           So, don't set out to divide minority communities  
17 artificially or to --

18           CHAIR ANDERSEN: Excuse me. Excuse me, Mr.  
19 Levitt.

20           MR. LEVITT: Yes.

21           CHAIR ANDERSEN: I apologize here, but I think we  
22 did hear your cracking/packing, whole summary of the race  
23 and ethnicity. I believe the part that we actually missed  
24 was before this, when you were sort of finishing up about  
25 the Voting Rights Act.

1 MR. LEVITT: Ah.

2 CHAIR ANDERSEN: Is that --

3 MR. LEVITT: Thank you for the clarification. I  
4 don't want to repeat. Time is precious and I don't want to  
5 repeat what you've already heard.

6 CHAIR ANDERSEN: Yeah, I mean that's -- I have  
7 the --

8 MR. LEVITT: That's actually -- it's slightly  
9 after that I would have been talking about the Voting  
10 Rights Act.

11 CHAIR ANDERSEN: Yeah, so this is -- I think, I  
12 believe, and now if there's another Commissioner thinks,  
13 but it was to hire experts. Slightly before because when  
14 you were finishing up with the Voting Rights Act about Rule  
15 3, you had several rules in the Voting Rights Act, and it  
16 was as you were finishing that that we essentially lost it  
17 and then came back in at the beginning of considering race.  
18 And considering race and ethnicity traits in terms of  
19 hiring. And then, yeah, then you got back in. Then we  
20 picked up. So, it was literally I think we didn't miss  
21 that much. It was at the end of the --

22 MR. LEVITT: Okay.

23 CHAIR ANDERSEN: Yeah.

24 MR. LEVITT: Great. Even better, I don't want to  
25 repeat what you've already said -- what you've already

1 heard. You can test it on consistency, but you don't need  
2 to take up your time to do that.

3 So, as I understand it, the audio came back in  
4 around here, so you heard my recommendations about what it  
5 is the Commission will need to consider when dealing with  
6 race and ethnicity. And you left, perhaps around here, am  
7 I understanding you correctly?

8 CHAIR ANDERSEN: Rule 3.

9 MR. LEVITT: We can start wherever it is you  
10 wish.

11 CHAIR ANDERSEN: I think that's pretty good.  
12 Probably the Voting Rights Act. I believe we went to Rule  
13 2.

14 COMMISSIONER FORNACIARI: Okay, this slide we  
15 saw.

16 CHAIR ANDERSEN: Yes, exactly. We saw that one.  
17 And then, I believe it's right after -- we did -- we were  
18 right in here. We had that one and then I think did we  
19 miss it? Yes, basically right in here is where we ended up  
20 stopping because we didn't get into --

21 MR. LEVITT: Okay.

22 CHAIR ANDERSEN: Yeah, essentially, you're just  
23 post the different rules in -- like Rule 3, and then you'd  
24 just kind of gone through that and you were summarizing at  
25 the end.

1 MR. LEVITT: Good. Okay, great, that actually  
2 saves me time and it saves you time, so I can get to your  
3 questions much better. Thank you.

4 So, essentially, this was a bit of a warning.  
5 The 2010 Commission struggled a bit in living up to its  
6 expectations under the various rules, and particularly  
7 under the Voting Rights Act. That's not to say they  
8 violated the Voting Right Act. I want to be abundantly  
9 clear about this. There were cases that were brought in  
10 court. They didn't test all of the possible ways in which  
11 there might or might not have been a violation, but the  
12 court challenges were rejected.

13 What I want to draw attention to is the process  
14 they set themselves on set themselves up for potential  
15 failure. In part due to some of the advice they received  
16 from their counsel, which is unfortunate. So, I do not  
17 claim that the past Commission violating the Voting Rights  
18 Act, but I can give you some warnings about where their  
19 process that may have gone awry that will help you consider  
20 that your process should be and what sort of traits you  
21 should look for.

22 So, first, the Commission in 2010 delayed  
23 training on the Voting Rights Act. They recognized that  
24 they needed training quite early in the year ending in 1,  
25 and maybe some of them even before that. But it took a few

1 months before the Commission as a whole received specific  
2 training on the Voting Rights Act. And the Voting Rights  
3 Act is complicated. And so, hearing about it when you're  
4 working all as a Commission, as a whole, and when you start  
5 to have a sense of various geographies, this is the sort of  
6 training that can really help to receive multiple times.  
7 Not that I'm going to go back and redo the training you  
8 already heard an hour ago. But it is useful for you very  
9 quickly, when you're sitting as a Commission of the whole  
10 to receive specific training so that you know what you're  
11 looking for.

12           The Commission delayed acquiring data, in  
13 particular acquiring data on racially-polarized voting.  
14 The Commissioners recognized that it would need data on  
15 racially-polarized voting, but took a long time to hire a  
16 consultant to provide that data. And then, took a long  
17 time to ask for the data back.

18           The data, racially-polarized voting analyses can  
19 take some time. As you heard in the training because they  
20 depend on very reliable methods, but they depend on the  
21 accumulation of statistics of local election results in  
22 lots of different precincts. And the California Statewide  
23 Database, run out of University of California at Berkeley,  
24 does a remarkable job in collecting that data. That's a  
25 great service to you. But it takes some while to process

1 in order to determine the extent to which voting is  
2 polarized based on race. And it's more difficult when you  
3 have, as California does, multiple ethnicities in various  
4 jurisdictions that make the calculations harder.

5 And so, it's not just as simple as pushing a  
6 button and getting a yes or no response. The 2010  
7 Commission delayed the outreach to consultants and as a  
8 result got data back quite late in the process.

9 The 2010 Commission flirted for a while with  
10 blinding itself to local voting results, saying we  
11 shouldn't see the results of local elections. It didn't  
12 actually take this path. I'm very glad it didn't. Had it  
13 taken that path, it would have made it impossible for them  
14 to comply with the Voting Rights Act.

15 But there were lots of discussions over a long  
16 period of time about whether, consistent with California  
17 law, the Commission should retrieve local election results.

18 I can tell you, unambiguously, the answer is for  
19 purposes of complying with the Voting Rights Act, yes, that  
20 data is necessary.

21 And at the conclusion, the Commission came  
22 through in 2010, but it took a while to get there.

23 I think the 2010 Commission, because of all of  
24 those three aspects actually set up a process where it was  
25 engaging with the Voting Rights Act only late in the

1 process. That is it drew districts for other purposes and  
2 then intended to incorporate the Voting Rights Act. In  
3 part because the data were late arriving, the training was  
4 late in coming.

5           And what that means is I don't know that the  
6 Commission paid attention to path dependence. Paid  
7 attention to the ways in which the decisions they'd already  
8 made on criteria that were under California and federal law  
9 less important to help to drive the final outcome. They'd  
10 already started walking down a street before they realized  
11 they might have to change the direction they were  
12 traveling.

13           I think the Commission in 2010 ended up doing a  
14 fair job with individual groups of minorities. So,  
15 individual districts responsive to Latino population, Asian  
16 population, African American population. In walking  
17 through all of the transcripts of all of the meetings,  
18 there wasn't much time to evaluate and so there wasn't much  
19 evaluation of the ways in which different minority groups  
20 in an area might vote as a block.

21           And as you know from the training, that's  
22 something that the Voting Rights Act provides. So, it may  
23 well be it depends on the data. It may well be that  
24 African Americans and Latinos in a particular part of the  
25 state have very distinct political preferences. And where

1 that's true, the Voting Rights Act says respond to each in  
2 turn, but not necessarily both in combination.

3 But in other parts of the state it may be that  
4 Latinos and African Americans have very similar political  
5 preferences. And in those circumstances the Voting Rights  
6 Act says there may be responsibility to respond not only to  
7 each group separately, but to the group as a whole.

8 The Commission, in 2010, didn't leave itself  
9 enough time for that analysis.

10 As I discussed when talking about population, I  
11 think the Commission hemmed itself in too tightly with  
12 population requirements of equal population that were not  
13 required by law. And that constrained choices under the  
14 Voting Rights Act that it only realized it had to relax at  
15 the very last minute. That set the Commission up for  
16 trouble. When it bound its own hand too tightly up front  
17 that caused a lot of panic when it realized it had to undo  
18 the constraint late in the process.

19 And to some degree, and this I think was vetted  
20 by counsel, this is something that the Supreme Court later  
21 corrected in other states. California didn't get there,  
22 but other states did. There was some advice that conflated  
23 the opportunity to elect candidates of choice of voters,  
24 which is a combined demographic and political calculation  
25 based on data and actual electoral performance with

1 demographics.

2           That is, counsel suggested the districts had to  
3 be drawn at 50 percent or more minority. That's something  
4 that got Virginia in trouble. It got Alabama in trouble.  
5 It got North Carolina in trouble and had districts struck  
6 down in those states later in the cycle.

7           It sure looked like California did a very similar  
8 thing in its process. And again, I don't know that that  
9 ended up violating the Voting Rights Act in the way that  
10 the districts were finally drawn, but it was not a process  
11 that was reliably designed for compliance.

12           And all of this resulted, I've said it a few  
13 times but I wanted to emphasize, it created unnecessary  
14 risk in all of this by drawing the maps with only a vague  
15 notion of the Voting Rights Act, and leaving Voting Rights  
16 Act compliance for last, to sort of tweak the edges, rather  
17 than building Voting Rights Act compliance in from the get  
18 go.

19           Part of that was the timing. And so, part of  
20 that was working on constraints that the Commission had set  
21 in place early and that it was difficult to recover from.  
22 So, I don't mean it's to a time fault. But I do want to  
23 note that leaving Vote Rights Act compliance to late is  
24 certainly not the optimal strategy to making sure that you  
25 end up complying at the end of the day.

1           And then, I don't know whether you saw this slide  
2 or not, so I'm happy to review it quickly. I don't know  
3 whether the audio was on. The third rule of the road --  
4 one is don't discriminate against minorities intentionally.  
5 Two is comply with the Voting Rights Act. And three is a  
6 constitutional, a national constitutional constraint that  
7 suggests caution about looking only at minority  
8 demographics and not at other factors.

9           So, the Federal Constitution says, in a number of  
10 cases from the 90's through to quite recently, that race  
11 can only predominate, race or ethnicity can only  
12 predominate in the decision to put people inside or outside  
13 of the district if there's a really good reason.

14           Compliance with the Voting Rights Act has  
15 consistently been held up as a really good reason. But  
16 that review is quite strict and that review is quite  
17 unpleasant when courts apply it. And so, I think best  
18 practice is you -- it's very rare that you will be called  
19 on to make a choice where race really is the predominant  
20 reason for putting people inside or outside the district in  
21 the way that the courts will strictly scrutinize.

22           The analogy I draw is to driving. It is very  
23 important to stay within the speed limit. But if you are  
24 only focused on the speedometer when you're driving, you're  
25 going to crash. If that's the only thing you're looking

1 at, if you are not looking at the road, if you're not  
2 looking at the traffic, if you're not looking at your  
3 destination or the way you get there, you're probably going  
4 to steer into a tree if you just have your head down and  
5 focused on the speedometer.

6 Most of us, all the time when we're driving, pay  
7 attention to a lot of different things. We pay attention  
8 to the climate in the car. We pay attention to where we're  
9 going. We pay attention to what the driver in the -- the  
10 passenger in the seat next to us is saying. We pay  
11 attention to the signal, and we pay attention to traffic.  
12 We pay attention to weather conditions. We pay attention  
13 to the fuel gauge. We might pay attention to the music  
14 selection in the car. And, also, the speedometer. And we  
15 check in from time to time to make sure that we are in fact  
16 going the right speed.

17 That doesn't mean that we are ignoring the  
18 speedometer. It doesn't mean we're paying less attention  
19 that we should to the speedometer. It means that while we  
20 are making sure that we're paying attention to the  
21 speedometer to go the right speed, we're also paying  
22 attention to a lot of other factors.

23 And that's what the Federal Constitution demands  
24 or at least requires a really good reason for deviating  
25 from in the area of race and ethnicity.

1           Again, complying with the Voting Rights Act has  
2 been held up as one of these really good reasons for race  
3 too predominantly. But you needn't get there, you needn't  
4 have your districts come under constitutional challenge if  
5 complying with the Voting Rights Act isn't the only reason  
6 you're drawing a district, but merely one very important  
7 reason to draw a district among many.

8           And most of the time, the districts that you draw  
9 will incorporate those other factors as well. You'll be  
10 taking compactness into consideration. You'll be taking  
11 the population count into consideration. You'll be taking  
12 communities of interest into consideration as California  
13 law asks you to.

14           And also, the Voting Rights Act. This does not  
15 make the Voting Rights Act less important. It is vitally  
16 important. But as long as you consider Voting Rights Act  
17 responsibilities as well as these other matters, just like  
18 considering all of the various environmental factors as  
19 well as the speedometer, the Federal Constitution won't get  
20 in the way of the districts that you draw. That is, it  
21 won't be this heightened review for causing race to  
22 predominate, when you're really staring only at one factor  
23 alone.

24           I mentioned the California Voting Rights Act in  
25 my presentation because it's a thing, because it's under

1 scrutiny and some challenge because you may hear cases  
2 about the California Voting Rights Act in particular. The  
3 good news is after everything we've just discussed, and all  
4 the training you got, you don't need to worry about it.  
5 You don't need to worry about it, at least not in your  
6 capacity as Commissioners. Because it only applies to  
7 jurisdictions with at large elections.

8           It applies for municipal districts, and counties,  
9 and school boards that have all elected officials, that  
10 elect all legislators from the jurisdiction as a whole, and  
11 not those that have district lines. And all of the  
12 districts you're drawing are single-member districts.

13           So, the fact that you're drawing the State Board  
14 of Equalization lines, and State Assembly lines, and State  
15 Senate lines, and Congressional lines means that the  
16 California Voting Rights Act is one thing that you all, in  
17 this capacity, don't have to worry about at all. And that,  
18 given all the rest of what you have to worry about is  
19 probably pretty nice.

20           I think this is the point at which you said the  
21 audio came back on. So, I really want to start there. And  
22 maybe I'll move to timing or maybe I'll take whatever other  
23 questions you have.

24           CHAIR ANDERSEN: Is that correct, everyone? I  
25 think we might -- just it's in between here. I think we

1 might have come in just at the end of that next slide. Am  
2 I correct, am I -- did we stop right here? I'm asking  
3 other Commissioners, is this the --

4 VICE CHAIR TURNER: Madam Chair, I don't recall  
5 this line.

6 CHAIR ANDERSEN: You don't recall it. Yes, I  
7 don't think we did finish this slide. I think we didn't  
8 get these next two slides. And we certainly started with  
9 the Chicago.

10 MR. LEVITT: Okay.

11 CHAIR ANDERSEN: So, I think it was somewhere in  
12 the middle of the next slide, actually, was when it sort of  
13 jumped in. So, if you wouldn't mind just giving us a kind  
14 of a -- I guess this is the beginning of the summary of --

15 MR. LEVITT: Yeah, this one's easy.

16 CHAIR ANDERSEN: Thank you.

17 MR. LEVITT: In part because you've already sort  
18 of heard the before and the after, so the middle part will  
19 be straight forward.

20 Most of the work that I described with respect to  
21 analyzing polarized voting you'll want to hire experts to  
22 do. That's something that the PhDs do and that  
23 redistricting analysts do. And so, you want to hire  
24 experts to do them.

25 You won't have to actually do this difficult

1 calculation. You may wish to, if some of you have that  
2 expertise, but you won't have to.

3           Mostly, you'll need to ask -- Commissioners as  
4 yourselves, and ask the other six, to be able to evaluate  
5 the experts that you hire. So, that's a trait or a skill  
6 that you'll want to select for, right, making good  
7 assessments about experts who will serve you in this  
8 capacity.

9           And you'll need to not turn over the process to  
10 the experts alone. That is you'll need the ability to ask  
11 hard questions, and your fellow six Commissioners will need  
12 the ability to ask hard questions of the experts you hired  
13 to make sure that they're giving you the advice that you  
14 want and that the law requires.

15           Hard questions about what the baseline for  
16 drawing the Voting Rights Act districts are, for example,  
17 the minority proportion of the citizen voting age  
18 population for that first -- the first category I mentioned  
19 as Voting Rights thresholds considerations.

20           You'll want to be able to ask some hard questions  
21 about voting patterns by race or ethnicity in a particular  
22 region, including multiple combinations of racial or ethnic  
23 groups.

24           You'll want to ask some hard questions about the  
25 districts that they're recommending. Not only do they work

1 in theory, but do they work in practice? How do they know?  
2 What's their methodology for assessing electoral  
3 performance?

4           And I'll emphasize again, as I did in the video,  
5 electoral performance is really the touchstone of the  
6 Voting Rights Act. How do these districts work in  
7 practice, not just in theory?

8           And you'll also want to be assess expert  
9 determinations about the historical context. I mentioned  
10 in the video all of the Voting Rights Act is very  
11 contextual. You can't just make assumptions. There are  
12 plenty of experts available to inform you on those  
13 qualitative and historical traits that you'll have to  
14 consider, but you'll want to ask some hard questions about  
15 them. And so, you'll want Commissioners who feel  
16 comfortable, who have the capacity of doing that.

17           That does mean the Commissioners themselves have  
18 to be experts, but it means they have to be not easily  
19 cowed by people presenting themselves as experts. You can  
20 trust them to give their opinions, but you should also be  
21 able to question them about why they say what they say.

22           You'll want Commissioners who will be able to  
23 assess geographically visual information. This is  
24 important throughout. I've mentioned it a bunch. But a  
25 lot of this information about where populations are, and

1 which populations are where is visual, and so you'll want  
2 Commissioners who have ready facility with assessing that  
3 sort of information.

4           You'll want, I mentioned this abundantly in other  
5 parts of the presentation, Commissioners who understand the  
6 limits of what the data show. What they do show and what  
7 they don't show.

8           And this last one you heard me say at the end of  
9 literally ever section, because it's the most important  
10 thing I come back to the fact that it's the most important  
11 thing. The natural human instinct to search for clean  
12 answers, answers that seem simple, are not always the  
13 answers that are legally compliant. Sometimes they are,  
14 sometimes they're not.

15           And so, in the Voting Rights Act, as elsewhere,  
16 you need people who are comfortable not just defaulting to  
17 the answer that seems the easiest.

18           CHAIR ANDERSEN: Great.

19           MR. LEVITT: And then, I talk about Chicago.

20           CHAIR ANDERSEN: Yes. I think and we definitely  
21 -- that's where we sort of picked up. So, thank you. I  
22 think we've finished the slide.

23           If you would go possibly to the end, you're  
24 talking about the timeline and then open for questions.

25           MR. LEVITT: Yes, happily. And I will in about

1 15 minutes move to the phone, but that will be seamless.  
2 I'm actually speaking to you on the phone now, so all  
3 you'll do is lose the tape that wasn't worth that much to  
4 you anyway. But I'm more than happy to continue answering  
5 questions on the phone.

6           So, this -- there's been a bunch of noise and a  
7 bunch of developments in the redistricting arena since I  
8 presented this to the Applicant Review Panel. But the vast  
9 majority of it doesn't yet affect California. That is, the  
10 vast majority of what I presented is exactly the same.  
11 Other states will have changed in different ways. Other  
12 states' practices have changed. But the vast majority of  
13 what I presented doesn't really affect California.

14           The rules now are very much the same as the rules  
15 that they were last year, with one significant difference  
16 and that is the timeline has shifted. Or, I should say the  
17 timeline has probably shifted.

18           So, the Census Bureau, because of the pandemic,  
19 the reason that I'm speaking to you know through Zoom and  
20 not in person, because of the pandemic the Census Bureau's  
21 ability to conduct the Census has been affected, as all of  
22 our abilities to do a lot of things have been affected.  
23 And they were not able to do the in-person canvassing.

24           An awful lot of what the Census does it by mail  
25 response, or phone response, and this year by internet

1 response. But it has always involved the substantial  
2 component of going around to people's houses and following  
3 up on people. That normally starts in May. May of 2020  
4 was a very different time than May of 2010. And that meant  
5 that the Census Bureau was not able to send Census takers  
6 around house to house in May.

7           They've asked for a four-month delay,  
8 essentially, across the board. So, they've asked to start  
9 this individual in-person engagement four months later,  
10 starting now in August. They've asked to deliver data to  
11 the Congress, rather than December 31st, they've asked to  
12 deliver that by April 1st. And they've asked to get you  
13 the state data, rather than April 1st, July 31st.

14           They have not yet been given permission to do  
15 this. So, Congress has to change the statute. There are  
16 two statutes, federal statutes that drives the Census  
17 Bureau's delivery of data. And right now, today, the rule  
18 is that the data have to be in by December 31st. But the  
19 Census Bureau has said we're not going to be able to get  
20 you an accurate count by then, please give us more time.

21           That request is pending with Congress. I believe  
22 it's past the House. I believe it's still sitting in the  
23 Senate, momentarily. I think there has been bipartisan  
24 support for extending the deadline because everybody  
25 recognizes how important the Census is and there's broad

1 agreement that they should have the additional time to  
2 conduct it, as they've requested.

3           So, the request came from nonpartisan career  
4 staff, very focused on getting the count accurate.

5           But you can predict as well as I can whether that  
6 legislation that will actually pass. That's a prediction  
7 and not a guarantee.

8           And so, though I hope that it passes Congress,  
9 right now the timeline is what it is. I anticipate that  
10 that timeline will shift. And so, I anticipate that they  
11 will actually deliver data four months past where they want  
12 to be.

13           The Legislature of California anticipated that  
14 they would deliver data four months after. And so, they  
15 asked the California Supreme Court for permission to modify  
16 the deadlines that are sitting in front of you. Because if  
17 the Census Bureau delivered you data by July 31st, you  
18 wouldn't have it before you were responsible for delivering  
19 a first draft of maps under the State Constitution. That  
20 is, they've be asking you to do something that was  
21 impossible.

22           And so, the Legislature asked for permission to  
23 delay the timeline. The prior Commission agreed. Lots of  
24 people agreed across the political spectrum. And the  
25 California Supreme Court very, very recently granted that

1 extension. The time is compressed. I confess, I cannot  
2 remember whether it was last week or the week before, or it  
3 might have been yesterday. But the California Supreme  
4 Court released (indiscernible) that says that maps are now  
5 due, the first draft is due November 1st. The final maps  
6 are due December 15th. So, they have extended your  
7 deadlines.

8           This deadline here, of July 1st, is now November  
9 1st. This deadline here, of August 15th, is not December  
10 15th. They said if the Census Bureau is even later in  
11 getting you the data, as the pandemic is unpredictable, so  
12 nobody can be sure, that you have a commensurate additional  
13 number of days. However late the Census Bureau data comes  
14 in, you have that extra time. And they've requested,  
15 encouraged that if the Census Data comes to you before July  
16 31st that you expedite your work as much as possible,  
17 because the timeline after you approve maps is still tight.  
18 But that's the change to the timeline.

19           I don't candidly know whether there will be  
20 further litigation if the Census Bureau does not get an  
21 extension, to seek to have your work returned to the  
22 earlier timeline. That is, if the Census Bureau has to  
23 deliver data that it's knowingly incomplete by July 31st --  
24 sorry, by April 1st, the current deadline. I don't know  
25 whether there will be data that tries to put you back on an

1 earlier track.

2           And so, I would encourage you to do all of the  
3 work that you can do, and you can do quite a bit of work on  
4 this original timeline in order to get ready for the data.  
5 There's lots that you can do before the data arrives. I'd  
6 encourage you to do a bunch of that work on the original  
7 timeline, with the knowledge that you may have a few extra  
8 months to actually draw the maps if the data are in fact  
9 late, or if in fact there's a delay. That is, the timeline  
10 is compressed enough that I think it would behoove you to  
11 start based on the aggressive timeline, if you can, with  
12 the knowledge that you may have a little bit more time to  
13 draw the maps based on the Census data provided you late.

14           So, the hiring process, the internal review  
15 process, the process of seeking public feedback, all of  
16 that can start before the data arrives.

17           And with that, I will stop sharing my screen and  
18 I'm happy to answer any other questions that you have.

19           CHAIR ANDERSEN: Great. At this time would any  
20 of the Commissioners care to ask a question?

21           COMMISSIONER FORNACIARI: Madam Commissioner --  
22 or, Madam Chair, I have a question.

23           CHAIR ANDERSEN: Yes, Commissioner Fornaciari.

24           COMMISSIONER FORNACIARI: Thank you. Let's see,  
25 the last Commission put together a document of lessons

1 learned. One of the lessons learned, one of the  
2 suggestions for us, from them, is to start with the Voting  
3 Rights Act districts. These are the first puzzle pieces,  
4 they say. And especially in the Section 5 districts.  
5 Maybe I missed that, what is Section 5?

6 MR. LEVITT: So, this is the one piece -- so,  
7 when the Commission was ready, this was a provision that  
8 applied to California and it is a provision that applies no  
9 longer. In 2013, the Supreme Court invalidated a portion  
10 of the Voting Rights Act.

11 It does not affect, I want to emphasize it  
12 doesn't not affect anything that I mentioned today. It  
13 does not affect anything in the video. As of 2019 that was  
14 designed to lay out exactly what you need going forward.

15 It was a separate portion of the Voting Rights  
16 Act that was Section 5. And the Supreme Court invalidated  
17 the formula that applied that section to California.

18 So, the 2010 Commission had essentially another  
19 set of requirements that you don't have. But I think their  
20 counsel, in the lessons learned, was exceedingly wise, I  
21 alluded to it in my own presentation, I think it is still  
22 very important to begin the redistricting process focused  
23 on the remaining portions of the Voting Rights Act that do  
24 apply, and that will save you -- they learned the lessons  
25 that I had mentioned. That they ran into trouble sort of

1 leaving the Voting Rights Act process until the end. And  
2 their suggestion to you to bake it in from the beginning is  
3 still a suggestion, independent of Section 5, that I  
4 heartily agree with.

5           COMMISSIONER FORNACIARI: Okay. So, you know,  
6 just so I make sure, you know, we all understand what  
7 you're suggesting here is, you know, move out as quickly as  
8 we can I guess to begin to hire consultants that will help  
9 us understand issues related to racially polarized voting.  
10 That will help guide us on where we have to focus our  
11 efforts on Voting Right Act districts, I guess.

12           And then, you know, once we begin to draw the  
13 lines and think about doing that, put Voting Rights Act --  
14 or, put that in the forefront of what we're thinking about.

15           MR. LEVITT: Correct, yes. I think that's  
16 exactly right.

17           And I'll also say that you can get, in addition  
18 to racially-polarized voting analysis, you can begin to get  
19 a feel for where you might have particular responsibilities  
20 around the state. Not only through your own personal  
21 experience. I mean this is part of why having the  
22 Commission that represents the diversity of the state  
23 itself is so important.

24           But also, the Census Bureau puts out estimates  
25 that are not particularly appropriate for you to use in

1 drawing the districts, but may well help you focus your  
2 time before the official data come in. So, there's a  
3 survey that's a reliable survey, that comes out. It's  
4 taken every month. It's allotted in five-year chunks.  
5 It's called the American Community Survey. And some of the  
6 other presenters I think mentioned it. I think I might  
7 have mentioned it as well.

8           That data exists for 2017, and '18, and '19, and  
9 '20, and can help guide you in rough form even before the  
10 official Census data come out for 2021 that you use to  
11 actually draw the district. So, it's a little bit like  
12 painting with broad brush and the refining the brush work as  
13 the Census data come in. You can start using that ACS data  
14 even before the official Census data are delivered.

15           COMMISSIONER FORNACIARI: Okay, very good. Thank  
16 you.

17           CHAIR ANDERSEN: Commissioner Sadhwani?

18           COMMISSIONER SADHWANI: Yes, thank you Madam  
19 Chair. Thank you so much actually for this presentation.  
20 It's been extraordinarily helpful.

21           Since -- and I guess I should say I am one of  
22 those PhDs who drives (indiscernible) estimates. And so,  
23 though, only on an academic setting. I've never done that,  
24 you know, as a Commissioner.

25           I'm curious because Section 5 was brought up, why

1 all Section 5 is, you know, no longer on the books after  
2 Shelby? I'm curious about your legal opinion, however,  
3 right, given that the -- and I'm not a legal scholar or  
4 attorney by any means. I'm curious of your interpretation  
5 of the law on this matter. But given that the requirements  
6 of Section 5 are no longer there in terms of retrogression  
7 is it still the case, though, because Section 2 is still so  
8 much a component, right, it's still on the books. And,  
9 certainly, whatever lines that we draw could come under  
10 lawsuits under Section 2, is it your legal opinion then  
11 that when engaging in the redistricting process a  
12 Commissioner such as our, or in other states, would be wise  
13 perhaps to maintain some of the expectations of Section 5,  
14 even though that is no longer, you know, a law.

15 MR. LEVITT: I think that what you'll find is  
16 that many of the districts that were drawn for Section 5  
17 purposes are also required under Section 2. And so, in  
18 individual circumstances I think you'll find that the  
19 obligation may come from a different part of a statute, but  
20 nevertheless still exists in the same area of the  
21 population.

22 I think you'll also separately find that many  
23 racial or ethnic groups also co-reside or are co-located  
24 with communities of interest. And that you may also, under  
25 that portion of California statute, find that the districts

1 that exist are also important to maintain for that  
2 community even if it's not specifically defined as a racial  
3 or ethnic community. That is, people have common interests  
4 in legislation that often correlate with racial or ethnic  
5 backgrounds. They may have common cultural factors and  
6 they have common employment, and they may in a particular  
7 area of the state have things in common that make them a  
8 community of interest. They happen to be of the same race  
9 or ethnicity, but for reasons apart from their race or  
10 ethnicity. And then in other circumstances paying  
11 attention to the communities of interest will also be  
12 important.

13           And setting out to break up a district drawn for  
14 minority voting rights because they are drawn for minority  
15 voting rights can get you in trouble with discriminating on  
16 the basis of race or minority, as I mentioned in the first  
17 place. So, actively targeting a district that used to be  
18 established for Section 5, and breaking it up because of  
19 its racial or ethnic composition that's also unlawful.

20           So, I don't think that you should preserve the  
21 existing districts that are drawn for Section 5 or that  
22 were drawn for Section 5 because they were drawn for  
23 Section 5. That shouldn't be the reason. But I think many  
24 parts of the state you will find that there are other  
25 reasons why those districts were drawn that still reflect

1 legal requirements. And so I think it likely that starting  
2 with not the existing district configurations, but starting  
3 with the existing communities for which districts were  
4 drawn is likely to be good guidance for you in complying  
5 with the law going forward.

6 COMMISSIONER TAYLOR: Madam Chair, this is  
7 Commissioner Taylor. I have a question.

8 CHAIR ANDERSEN: Yes, Commissioner Taylor.

9 COMMISSIONER TAYLOR: Mr. Levitt and I know you  
10 expressed some concern with the 2010 Commission. The  
11 threshold that they set for the population variation or the  
12 deviation, did they come up with that threshold themselves,  
13 and then did they have to subsequently put that out to the  
14 public, or was that discovered through the meetings, or  
15 through the defending of the maps, or through quantitative  
16 analysis?

17 MR. LEVITT: Yeah, that's an excellent question.  
18 The answer was different, I think, at different times in  
19 the Commission's existence, so it changed a little bit from  
20 month to month. Some of those population deviations were  
21 recommended by counsel, I think improperly. Some were  
22 decisions of the Commission.

23 All of the decisions of the Commission were  
24 undertaken -- I have no reason to believe that the  
25 Commission took decisions that were not properly public on

1 the record. And so, I think that all of those decisions  
2 that were made by the Commission were public.

3 I don't know the extent to which they were  
4 debated as such at every stage. So, at some point the  
5 Commission seemed to actively discuss we're going to tie  
6 our own ends by adopting a particular state population  
7 deviation. This is what we want to achieve.

8 And in some cases it seemed more like it flipped  
9 in as a sort of default instruction to the line drawers  
10 without much actual discussion.

11 And I think as the presentation I made indicates,  
12 the actual number changed from time to time. The target  
13 that the Commission was seeking.

14 So, I think I'm heading back to the beginning  
15 part of my presentation and you'll see it in the first  
16 couple of slides where I talk about population deviations.

17 But the Commission decided on a plus or minus 2  
18 percent standard, then a plus or minus 5 percent standard  
19 with an explanation over 2 percent. Then, we want you to  
20 get as little as possible, but we'll allow you to go up to  
21 5 percent total, then 1 percent total, then 2 percent total  
22 but we'll add more to the Voting Rights Act.

23 Some of those decisions were vigorously discussed  
24 and thought through. I think even if they arrived at an  
25 improper place. Some of them were counseled by legal

1 counsel.

2 COMMISSIONER TAYLOR: Uh-hum.

3 MR. LEVITT: Some of them just appeared to be  
4 instructions and it wasn't clear to me how thoroughly the  
5 Commission was thinking those through before giving that  
6 instruction to the line drawers. That is some of them were  
7 expressed in instructions to the technical components, show  
8 me the next set of lines that does the following, and it  
9 appeared that a new standard cropped up without fulsome  
10 discussion among the Commission. So, I think the answer is  
11 a little bit of everything.

12 COMMISSIONER TAYLOR: So, the restrictions that  
13 they placed on themselves based on a deviation began to  
14 control the decisions based on the maps?

15 MR. LEVITT: They did. And I will say the  
16 Commission recognized that it was putting itself in a box.  
17 And late in the process began to step back. So, one of the  
18 later decisions they said is we've got this population  
19 deviation, but go farther if you need to for Voting Rights  
20 Act compliance.

21 But I think so many other decisions had already  
22 been set by that point informally, if not formally, that I  
23 think it's the sort of path dependence I was talking about,  
24 the Commission seemed to be -- there are lots of choices  
25 that you're going to have to make. And once you've made a

1 set of decisions it's easy to say, okay, we made this set  
2 of decisions. I'm not going to go back and revisit the  
3 particular path that brought us down the left fork or the  
4 right fork.

5 I believe that the Commission took the left fork  
6 with a certain set of population deviations. And then  
7 that, as a practical matter, if not a legal matter, meant  
8 that they weren't considering the paths down the right fork  
9 when it came to opening things back up later in the  
10 process. That's a very human trait, but it did not serve  
11 them well.

12 COMMISSIONER TAYLOR: Thank you.

13 CHAIR ANDERSEN: Any additional questions at this  
14 time? I know that's a lot of information, very detailed.  
15 Oh, we have -- I'm sorry, Commissioner Sadhwani.

16 COMMISSIONER SADHWANI: Yes, thank you. This was  
17 earlier in the presentation, though perhaps it was already  
18 answered. On one of the slides discussing compliance with  
19 VRA you had multiple points. One of them was -- does an  
20 underrepresented minority face -- do underrepresented  
21 minorities face discrimination? What kind of  
22 discrimination are we talking about there? Electoral  
23 discrimination or other forms?

24 MR. LEVITT: No. So, in the contextual and  
25 historical -- that's an outstanding question. The courts

1 considered both electoral discrimination, but also  
2 historical discrimination that might either manifest in  
3 electoral discrimination, aside from electoral  
4 discrimination. So discrimination in housing, or  
5 education, or employment, or health that might manifest  
6 itself in various electoral preferences.

7 Or, ways in which the electoral district, even if  
8 they don't presently discriminate, might perpetuate the  
9 past effects of discrimination outside in those areas.

10 So, the Voting Rights Act is intentionally  
11 contextual and essentially says where a racial or ethnic  
12 minority group has faced discrimination either official or  
13 societal, that that must be taken into account in  
14 determining whether there is an obligation to draw  
15 districts such that the minority population in that area  
16 has meaningful electoral power.

17 And so, the Voting Rights Act very specifically  
18 contemplates electoral districts that attempt to give  
19 electoral power to a minority because it has faced  
20 discrimination in other areas, in order to help ensure that  
21 that discrimination is not perpetuated when they're able to  
22 elect representatives of their own choice who may be more  
23 responsive to them.

24 It also contemplates responding directly to  
25 electoral discrimination, but it's certainly not limited to

1 that.

2 CHAIR ANDERSEN: So, actually, the follow --

3 MR. LEVITT: And that --

4 CHAIR ANDERSEN: Sorry.

5 MR. LEVITT: I should add just a real quick  
6 follow up. That's been part of the Supreme Court's case  
7 law on the Voting Rights Act and part of the legislative  
8 history of the Voting Rights Act from the beginning. That  
9 is since 1982, when this broader contextual set of factors  
10 was brought into the Voting Rights Act that was abundantly  
11 clear.

12 Those factors that I mentioned on that list are  
13 known -- I can't remember whether I said this in the  
14 presentation or not, are known as the Senate Factors,  
15 colloquially, because they are the very factors that the  
16 Senate, in its report on passing the 1982 Amendment to the  
17 Voting Rights Act relied on as a way of establishing  
18 whether, in the totality of circumstances, minority votes  
19 had been diluted or not. So, they have been backed in from  
20 the get go. And they, themselves, responded to Supreme  
21 Court precedence before that.

22 CHAIR ANDERSEN: So, actually, a follow up sort  
23 of on that same thing. So, what is there not enough  
24 precedent in the actual voting data, you can't really tell,  
25 well, they vote one way or another. But it's an

1 historically discriminated area. Do you have to have both,  
2 hand in hand, or does one indicate a preference that it  
3 needs to be addressed?

4 MR. LEVITT: You need both. It's an excellent  
5 question. You need both. But I do want to emphasize that  
6 the presence or absence of racially polarized voting is  
7 most often proven with statistical data, but does not have  
8 to be proven with statistical data.

9 CHAIR ANDERSEN: Okay.

10 MR. LEVITT: So, one of the predicate factors,  
11 and this is important, is that voting in the district is  
12 racially polarized. And if there has been historical  
13 discrimination, but voting is not racially polarized, there  
14 is no liability under the Voting Rights Act.

15 Important to consider, racial polarization is not  
16 just a partisan thing, decidedly not just a partisan thing.  
17 So, many elections are evaluated in local elections where  
18 there is not a partisan preference on the ballot. And the  
19 elections may be evaluated in the primaries, where the  
20 choice is among candidates of the same political party.

21 So, I don't mean to suggest that if there's -- if  
22 the public all prefers a particular political party, but  
23 there's no racial polarization, that's not how it's  
24 defined.

25 But if there's no distinction in how different

1 groups of voters vote based on race or ethnicity, the  
2 Voting Rights Act does not impose (indiscernible). Most  
3 often, the way that you show that is through statistical  
4 data. But as you've indicated, there are some  
5 circumstances where the statistics aren't powerful enough  
6 to reveal a pattern than people know to be there. This  
7 happens most often in very small towns or very small  
8 counties, where you have fewer people and less statistical  
9 power.

10           And so, cases coming out of those small towns and  
11 small counties have shown racial polarization through  
12 community testimony, through the testimony of elected  
13 leadership, and through the testimony of community leaders.  
14 It's rarer, but it certainly exists.

15           And so, yes you need both, to your question, and  
16 it's an excellent one. But if the data, if the statistical  
17 data aren't powerful enough to show a real pattern that  
18 exists in the community, other nonstatistical data will  
19 suffice, as long as it's a real pattern in the community.

20           CHAIR ANDERSEN: And so, similar on that, you did  
21 mention the communities of interest. That could also, as  
22 I'm thinking of sometimes, you know, as you say, we're  
23 approaching this from many different directions, looking at  
24 communities of interest might also be able to take care of  
25 some of these areas in that they overlap. We don't

1 actually have the statistics, you know, the racially  
2 polarized, but it's a community of interest regardless.

3 MR. LEVITT: That's true, yes. The communities  
4 of interest -- so, you are free under California law to  
5 figure out how you will determine communities of interest.  
6 That's a choice available to you. You can use statistics  
7 from things like the American Community Survey,  
8 socioeconomic characteristics, occupations, rental or  
9 owning patterns, things like that to bolster your  
10 assessment. You can use testimony from the public to  
11 bolster your assessment.

12 Again, many of you -- there's diversity on the  
13 Commission reflecting not only race and ethnicity, very  
14 important, and something I know you've received a lot of  
15 attention on, but also geography and socioeconomic is  
16 important because you understand the communities in your  
17 areas.

18 Often, those communities will embrace, maybe not  
19 perfectly, but there will be a substantial overlap with  
20 racial and ethnic communities where the data may be harder  
21 to come by. That is not surprising. That's common and not  
22 just in California.

23 MS. SAXTON: Madam Chair, I'm sorry to interrupt.  
24 Two items. One item, we were informed that Professor  
25 Levitt might need to switch to telephone, now, and get off

1 of the Zoom, so I wanted to give him an opportunity to do  
2 that.

3 MR. LEVITT: And I appreciate that. I will take  
4 that offer.

5 MS. SAXTON: And secondly, perhaps it's time to  
6 queue up additional -- or to queue up public comment.

7 CHAIR ANDERSEN: Oh, thank you.

8 MS. SAXTON: And also, if we can find out if  
9 there's more questions for Professor Levitt.

10 CHAIR ANDERSEN: Yes, I was just going to --

11 MS. SAXTON: Okay.

12 CHAIR ANDERSEN: Thank you very much.

13 MS. SAXTON: Of course.

14 CHAIR ANDERSEN: Yes, at this time --

15 MR. LEVITT: And just to prove to you that this  
16 works, I will stop my video and leave you from the Zoom  
17 conference. But I am still very much with you, if you have  
18 questions. Before I lose you facially, I again really  
19 appreciate your time, and effort and energy. This is  
20 vitally important and I thank you. It's a lot of work and  
21 I know you know that already.

22 CHAIR ANDERSEN: Well, I think the -- we all  
23 thank you very much for all your -- taking some time to be  
24 with us here today and answering these questions, and for  
25 your whole presentation. Wonderful.

1           At this point I'm going to ask if we could read  
2 the requirements for the public to comment, call in. And  
3 then, once that's done, then I would ask if there are any  
4 more questions from the Commission.

5           MS. SAXTON: At this time the first eight  
6 Commissioners will now take public comment. If you'd like  
7 to make a public comment regarding the redistricting  
8 training session, please call 888-235-2367. That's 888-  
9 235-2367. And provide the operator with either the access  
10 code for the meeting, which is 8121803, that's 8121803, or  
11 the name of the meeting with is the training meeting for  
12 the first eight Commissioners.

13           You'll have two minutes for your comment. The  
14 operator will take your name. It doesn't need to be your  
15 real name. You can use anonymous, for instance. And be  
16 prepared to state and spell your name.

17           Again, that's 888-235-2367, with an access code  
18 8121803.

19           CHAIR ANDERSEN: Thank you. Do we have any  
20 additional questions from the other Commissioners? Not at  
21 this time.

22           Do we happen to have -- Ms. AT&T Operator, do we  
23 happen to have anyone on the phone, any public questions on  
24 the phone?

25           AT&T OPERATOR: Yes, we do have a public question

1 and we'll just -- or a comment. We'll remind everyone to  
2 get into the question queue or public comment queue you  
3 would press 1, then 0 on the telephone keypad. We will  
4 take public comment from Angelo Ancheta. The line is open.

5 MR. ANCHETA: Oh, good afternoon Commissioners.  
6 Congratulations. I wish I was able to obviously join you,  
7 but circumstances prevent that. And, hopefully, the video  
8 that you saw yesterday was helpful.

9 I do want to comment on Professor Levitt's  
10 presentation, particularly around the Voting Rights Act.  
11 But I did want to alert you to the fact that I have sent in  
12 a fairly lengthy email and set of attachments that was sent  
13 in yesterday. And I had not seen that on the website, yet.  
14 But I do plan to speak at the general comment session  
15 tomorrow.

16 And because I was the Chair of the Commission at  
17 the end of its term, I wanted to alert you to some  
18 transition items. So, I'll cover that tomorrow.

19 With respect to Professor Levitt's presentation,  
20 he's absolutely right on and particularly in terms of the  
21 importance of the Voting Rights Act. And in his criticisms  
22 of the Commission were in fact very diplomatic. And I  
23 think it's a very correct analysis to say that the  
24 Commission was off in terms of its timing, and the priority  
25 setting in terms of making the Voting Rights really close

1 to the top of the list of items to cover.

2 I think we got it right in the end. But I think  
3 because of the enthusiasm of the Commission to have a lot  
4 of hearings, to have excessive public comment, a lot of the  
5 Voting Rights Act attention was diverted until later in our  
6 process.

7 So, I think it's important for you to, one,  
8 prioritize that procedure in terms of looking at how the  
9 Voting Rights Act is enforced, and how you hire your  
10 counsel, and your ecological regression, polarized voting  
11 analysis.

12 I think for purposes of your selection of the six  
13 remaining Commissioners, I don't see anybody in particular  
14 who has VRA experience among the supplemental applications.  
15 Some of them have been redacted, so I'm not sure if there  
16 is something there.

17 But you do have some expertise already on the  
18 Commission. Commissioner Sadhwani has done ecological  
19 regression analyses in her own dissertation, for example.  
20 I would certainly draw on her expertise. And several of  
21 you have a lot of quantitative experience. Look at those  
22 kinds of qualities because I think the VRA has to be a much  
23 stronger priority as you move forward.

24 CHAIR ANDERSEN: I think we seem to have lost Mr.  
25 Ancheta.

1 MR. ANCHETA: Oh, I'm still here.

2 CHAIR ANDERSEN: Oh, okay.

3 MR. ANCHETA: I'll end with that.

4 CHAIR ANDERSEN: Okay.

5 MR. ANCHETA: If there's any questions, again I'm  
6 happy to talk to you further tomorrow on some more general  
7 matters. And I, as well as many of the former  
8 Commissioners are happy to assist as you move forward.

9 CHAIR ANDERSEN: Great. Well, thank you very  
10 much. We do look forward to hearing from you again  
11 tomorrow. Thank you.

12 MR. ANCHETA: Great, thank you.

13 CHAIR ANDERSEN: Sorry, I need to pause one  
14 minute in the public. Are there any additional questions  
15 for Mr. Levitt from the Commission? Seeing that there are  
16 none, Mr. Levitt we'll say thank you very much for all your  
17 help. And we'd love to hear from you at any other time,  
18 but I know you have other things to do, so we'll let you  
19 go. And thank you for being here.

20 MR. LEVITT: That's quite all right. My profound  
21 pleasure and best of luck to all of you.

22 CHAIR ANDERSEN: Thank you.

23 Okay, now, is there -- are there any more public  
24 comments on the matter of the "Redistricting 101"?

25 Ms. AT&T Operator, do we have anyone in the

1 queue?

2 AT&T OPERATOR: We have no one in queue on the  
3 phone.

4 CHAIR ANDERSEN: All right. I might just wait  
5 one more minute because we need to take -- we need to take  
6 a break for lunch, and for all our interpreters and the  
7 sign language.

8 That's coming up on a minute. Our AT&T Operator,  
9 do we have anyone in the queue?

10 AT&T OPERATOR: We have no one in the phone queue  
11 at this time.

12 CHAIR ANDERSEN: Okay, thank you. Well, with  
13 that I'm going to go ahead and recess the meeting for right  
14 now and for lunch. Is -- well, we're quite behind. So, do  
15 we want the 40 minutes and be back at -- that would put us  
16 at 2:00. Is that enough time for everyone?

17 COMMISSIONER SADHWANI: Madam Chair?

18 CHAIR ANDERSEN: Yes.

19 COMMISSIONER SADHWANI: May I ask, do we have a  
20 sense -- I don't see on the agenda anywhere these are all  
21 video-recorded trainings. Do we have a sense of how long  
22 the training video this afternoon is?

23 MS. SAXTON: This afternoon's training video is  
24 about 50 minutes.

25 CHAIR ANDERSEN: Five zero?

1 MS. SAXTON: Five zero minutes.

2 CHAIR ANDERSEN: Five zero, yeah.

3 COMMISSIONER SADHWANI: That's helpful.

4 CHAIR ANDERSEN: Or, we can just have half an  
5 hour. Do we want to make it, you know, everyone come back  
6 at ten to 2:00, 1:50?

7 COMMISSIONER FORNACIARI: I would say two  
8 o'clock. It's 1:23 at this point.

9 CHAIR ANDERSEN: Okay, so we'll resume the  
10 meeting at two o'clock. Thank you.

11 (Off the record at 1:22 p.m.)

12 (On the record at 2:02 p.m.)

13 CHAIR ANDERSEN: We're going to start up again  
14 and we will continue with Item (d), which is the training  
15 video "Impartiality and Working With Others" from Andre  
16 Parvenu, who was one of the 2010 Citizens Redistricting  
17 Commission Commissioner.

18 (Off-mic comment)

19 CHAIR ANDERSEN: Oh, I'm sorry. Yes, one minute  
20 to give Steve a chance to get there. Thank you. Great.

21 (Video titled: "Impartiality and Working  
22 with Others" played.)

23 (Video stopped)

24 CHAIR ANDERSEN: Have we lost the video. I'm not  
25 sure, I think the audio cut out on the tape and I don't

1 know if we're going to get that back. We'll give it a  
2 minute to see if we're getting that back.

3 MS. SAXTON: Madam Chair, would it be a good time  
4 to open up for public comment while we're waiting to see if  
5 it comes back online?

6 CHAIR ANDERSEN: Yes. At this point we will ask  
7 for public comment. In case we -- if we're going to get  
8 this back up, we're looking into it. But at this time we'd  
9 like to open for public comment. If you could please read  
10 the --

11 MS. SAXTON: The first eight Commissioners will  
12 now take public comment. If you'd like to make public  
13 comment regarding the training session, you may now dial  
14 888-235-2367. Again, that's 888-235-2367. And provide the  
15 operator with either the access code for the meeting, which  
16 is 8121803, that's 8121803, or the name of the meeting  
17 which is the training meeting for the first eight  
18 Commissioners.

19 You will have two minutes for your comment.  
20 Please provide your name. It doesn't have to be your real  
21 name. It can be any name you choose. And be prepared to  
22 state your name and spell the name when requested.

23 Again, that's 888-0235-2367, with an access code  
24 8121803. That's 8121803.

25 CHAIR ANDERSEN: Thank you, Ms. Saxton.

1           While we're waiting for the public comments and  
2 to see if we have this coming back online, I'd like to look  
3 at our agenda for tomorrow. We'll have our last training  
4 video and then we'll go into the public comment on general  
5 matters.

6           I would like us to -- each of us consider  
7 tonight, so we can do this tomorrow. After the last  
8 training video, I would like each of the Commissioners to  
9 basically do a reflection on what they've learned from the  
10 video, what they've learned from the training. How this  
11 might affect your consideration of the applicants that --  
12 the remaining applicants. And what sort of skills that you  
13 feel you -- skills or talents you have. What skills or  
14 talents you might be looking for in those other  
15 Commissioners. And what methods, or paths, or things you  
16 should -- we should probably consider doing to be prepared  
17 for our next set of meetings beginning August 4th.

18           So, I would like you to all consider that  
19 tonight. And then, as we complete our training, just do  
20 basically a reflection for everyone and that way we can get  
21 ready to proceed with the meeting, the upcoming meetings,  
22 and then we'll take public comment.

23           Okay, can we check on the video now?

24           (Video resumed)

25           (Video stopped)

1 CHAIR ANDERSEN: This is exactly where we were  
2 before.

3 MR. PARVENU: Hello? Hello?

4 CHAIR ANDERSEN: Oh, is that one of our  
5 Commissioners?

6 (Video resumed)

7 (Video stopped)

8 CHAIR ANDERSEN: We're having a little technical  
9 difficulty on our end.

10 MR. PARVENU: Hello, yes. Can you hear me? Am I  
11 being heard?

12 CHAIR ANDERSEN: Yes. Yes, you are. May I ask  
13 who is speaking?

14 MR. PARVENU: This is the broadcast speaking with  
15 you --

16 CHAIR ANDERSEN: Are you calling in, sir?

17 MR. PARVENU: Andre -- yes, this is Andre  
18 Parvenu. Good afternoon everyone. I'm Commissioner  
19 Parvenu.

20 I want to first of all congratulate each and  
21 every one of our new Commissioners on board. I also want  
22 to apologize for that presentation. I was under an  
23 impression at that time that I was giving my general  
24 thoughts and views about my experiences as a Commissioner.  
25 And I didn't speak specifically on the topic of how to work

1 with one another.

2 I want to say, too, that the Applicant Review  
3 Panel is doing an excellent job and I appreciate all of  
4 your work.

5 I did speak again on working with others, but I  
6 want to do so, now, quickly, in my two minutes.

7 I want to say there was like 14 strangers on an  
8 airplane, on your mark, get set, ready, go. We had to  
9 figure out who was going to copilot and pilot the plane.  
10 We knew that we had a destination of August the 15th. And  
11 we had to get along and that failure was no option.

12 So, the question is how do you start getting to  
13 know each other and how do we bring that togetherness  
14 about. We started quite simply with lunches. Adhering to  
15 Bagley-Keene, of course, but we had to become comfortable  
16 with each other.

17 So, we got to know the intricate details about  
18 each other. We, for example, knew when to pause on a  
19 session. We needed to know when we had potty breaks.  
20 Commissioner Dai, DiGuilio, and Barraba were on point with  
21 that. We knew also when the discussion got heated. The  
22 chair and co-chair knew when it was time to recess and sort  
23 of calm down or simmer down, so we never really reached a  
24 boiling point.

25 Some of our decisions took hours, for example.

1 The executive director (indiscernible) -- other decisions,  
2 where we were going to actually hold out next meetings and  
3 so on. We had to get to know each other's thought  
4 processes very well.

5 We established subcommittees. That's the second  
6 thing we did to get to know each other better. We, in our  
7 case, had a legal and a public outreach subcommittee, and  
8 an administrative subcommittee. For example, with the  
9 legal subcommittee we had Commissioners Forbes, and Filkins  
10 Webber, and Blanco, and Ancheta. They talked the legal  
11 talk. I knew nothing about their language.

12 And also, the administrative subcommittee,  
13 Cynthia Dai, and DiGuilio, and Yao, they took on that  
14 responsibility. So, they got to know each other  
15 intricately well.

16 Another thing that worked real well for us  
17 outside of the actual business meetings was just traveling  
18 together. We formed carpools and vanpools to go from place  
19 to place. There were instances where Democrats and  
20 Republicans were in the same car and we drove for miles  
21 without argument. We had road trips from Sacramento to San  
22 Francisco. Those were frequent. And from Bakersfield to  
23 Oakland. It saved money. We were very cognizant of that.  
24 We knew we could not run out of money, we budgeted and  
25 that. So, we actually saved money by being together in our

1 varied trips, be it the hotels, or various hearings that we  
2 attended. We spent evening time together as well. The  
3 afterhours events were very important. The bars and  
4 lounges at the Sheraton I can remember. The Sacramento  
5 Airport, we'd sort of debrief on our way home. We had to  
6 make this fun to the extent that we could.

7           And I would say to the Commission, or some of you  
8 that see this as being drudgery or a burden, it's a great  
9 experience. Make fun out this. You know, have fun  
10 together, get to know each other.

11           Another thing that we did was that we did not  
12 really focus or discuss presidential politics. When we  
13 began, Bush was the President, Bush was in office, and then  
14 it was Obama and Trump. There was the Arab Spring, there  
15 was the Tea Party movement, there was the occupying  
16 movement. We didn't discuss our thoughts and feelings  
17 intricately about any of these activities. We just kept  
18 our conversation elevated above those type of potentially  
19 inciteful discussions. So, we didn't talk politics and we  
20 certainly didn't talk religion.

21           To this day I don't know what religious  
22 backgrounds that most of the Commissioners have. I can  
23 assume because we have an Italian or some Latinos it might  
24 be Catholic. But, you know, that doesn't matter. I  
25 couldn't care, we could care less.

1           We also knew each other so well that we sustained  
2 each other through life celebrations. We knew when our  
3 birthdays were and congratulations, and we celebrated with  
4 each other through weddings and vacations. Life happens.

5           So, when one Commissioner, for example  
6 Commissioner Malloy was in Columbia, we were in Columbia,  
7 and Hawaii.

8           CHAIR ANDERSEN: Excuse me.

9           MR. PARVENU: And we also had tragedies that  
10 still hurt. We collectively worked as a body. So, thank  
11 you for allowing me to speak. And again, I apologize for  
12 the earlier presentation.

13           CHAIR ANDERSEN: Thank you very much Commissioner  
14 Parvenu, or former Commissioner Parvenu. We didn't realize  
15 there was a misunderstanding of you coming on. Thank you  
16 for giving us that because basically that did complete your  
17 -- the training video. We understand we had a bit of issue  
18 with the audio. But now, I feel you actually have finished  
19 it, particularly the working with others. And I appreciate  
20 you calling in. Thank you very much.

21           MR. PARVENU: Thank you.

22           CHAIR ANDERSEN: AT&T Operator, do we happen to  
23 have any other in queue, any other people in queue?

24           AT&T OPERATOR: We have no one in the queue. But  
25 as a reminder, if you'd like to get into the queue from the

1 phone you would press 1, then 0 on the telephone keypad.  
2 Again, we have no one on the phone, in queue at this time.

3 CHAIR ANDERSEN: Thank you. Are there any other  
4 comments at this point, while we're waiting for another  
5 minute to allow public call in? Are there any other  
6 comments or any of the Commissioners have anything they'd  
7 like to kind of add to finish up today's business?

8 So, Commissioner Kennedy?

9 COMMISSIONER KENNEDY: This basically takes some  
10 points made by the last two videos. I'm wondering from  
11 counsel, we face a different context than the 2010  
12 Commission faced in that the California Voting Rights Act  
13 didn't exist back then or we weren't in the midst of the  
14 litigation that we're in now with cities being pressured to  
15 set up their own redistricting commissions and so forth.

16 So, Professor Levitt's comment that we're not  
17 bound by it, of course we're not bound by it. But is there  
18 any utility and are we able to attend local redistricting  
19 commission meetings in order to hear what public comment  
20 those local redistricting commissions are receiving? Would  
21 that be -- would that be allowable and would it be useful  
22 to us?

23 MS. SAXTON: That's a question as far as whether  
24 it would be useful that I will leave to the Commission. As  
25 whether that would be permissible, as I sit here I can't

1 think of any reason why it wouldn't be permissible, as long  
2 as whatever you learned, or heard at those meetings was  
3 applied or used by the Commission appropriately.

4 CHAIR ANDERSEN: Would you like to take that  
5 under consideration? That's a very -- it could be of great  
6 concern. We're very interested, it might be a possible  
7 source of data, but we should really look into that to make  
8 sure that we figure out the legality of that issue.

9 MS. SAXTON: Additionally, I want to mention that  
10 that's potentially a Bagley-Keene Open Meeting Law issue.

11 CHAIR ANDERSEN: Yes.

12 MS. SAXTON: You wouldn't all be able to go  
13 together or in any number that creates a quorum because you  
14 would then have a meeting at the local meeting. Does that  
15 make sense? Okay, so, yeah I'll take a look at that but --

16 CHAIR ANDERSEN: Yeah, if you could.

17 MS. SAXTON: -- to see if I would change what I'm  
18 telling you now, which is I think that's a fine thing to  
19 gather information on as long as you don't have a quorum,  
20 and as long as whatever you learn you apply appropriately  
21 under the applicable Voters FIRST Act.

22 COMMISSIONER KENNEDY: Thank you.

23 CHAIR ANDERSEN: Thank you.

24 COMMISSIONER SADHWANI: Madam Chair, can I add on  
25 to that question?

1 CHAIR ANDERSEN: Commissioner Sadhwari [sic].

2 COMMISSIONER SADHWANI: Thank you. Sadhwani.

3 CHAIR ANDERSEN: Sadhwani.

4 COMMISSIONER SADHWANI: Can I just add on to  
5 that. I know that I've seen posted that there are a number  
6 of public meetings regarding various communities. For  
7 example, I'm looking at one, the California Black Census  
8 and Redistricting Hub. I saw one from the Schwarzenegger  
9 Institute at USC. It would be helpful to get legal  
10 guidance on whether or not we could go and listen to those.  
11 I think there's probably a lot of helpful information.

12 But yeah, you know, certainly I wouldn't want to  
13 be in violation of Bagley-Keene or anything else. You  
14 know, I don't know if it's -- as we attend various kinds of  
15 meetings, you know, we report back to the Commission or  
16 something of that nature. Because I would imagine that  
17 there's going to be many of such meetings that would  
18 potentially be helpful in informing us, and kind of  
19 learning more. So, I would put that out there as well,  
20 just to add to Commissioner Kennedy's question.

21 CHAIR ANDERSEN: Thank you.

22 COMMISSIONER LE MONS: Madam Chair?

23 MS. SAXTON: Madam Chair?

24 CHAIR ANDERSEN: Thank you. Thank you,  
25 Commissioner Sadhwani.

1           Would you like to add to that, Commissioner Le  
2 Mons?

3           COMMISSIONER LE MONS: No, I don't want to add to  
4 that. I just want to make a different comment.

5           CHAIR ANDERSEN: Okay.

6           COMMISSIONER LE MONS: I'd like for us --

7           CHAIR ANDERSEN: Could I put you on hold for one  
8 minute?

9           COMMISSIONER LE MONS: Yeah.

10          CHAIR ANDERSEN: Because I just want to finish on  
11 that one topic. Commissioner Sadhwani --

12          COMMISSIONER LE MONS: It is about the topic.

13          CHAIR ANDERSEN: Yes. I just want to say that  
14 any -- again, to keep the information that would be  
15 valuable to the Commission, we'd need then to come back and  
16 report it in public. So, I believe that's what you were  
17 referring to, to bring that back to the group. That would  
18 just have to be done in public.

19          MS. SAXTON: Madam Chair, I --

20          COMMISSIONER LE MONS: That's what I'd like --  
21 I'm sorry.

22          MS. SAXTON: I just wanted to make one comment to  
23 just remind, that might help frame. The first eight are  
24 only allowed to consider and do the work of selecting the  
25 next six.

1 CHAIR ANDERSEN: Oh, that's correct.

2 MS. SAXTON: And so, these discussions seem as  
3 though they are best suited for when the full 14 forms.  
4 Which is not to say you can't discuss what you learned in  
5 your training. I just submit that that is in your future  
6 in terms of what you're allowed to consider and do.

7 CHAIR ANDERSEN: Right.

8 MS. SAXTON: And excuse me, Commissioner Le Mons,  
9 I'm sorry I interrupted you.

10 CHAIR ANDERSEN: Yes, I did, too. So, thank you.  
11 Yes, so we'd have to bring that back not to our group, but  
12 to the full Commission.

13 And could I have Commissioner Le Mons, please?

14 COMMISSIONER LE MONS: Actually, Amanda addressed  
15 exactly what I was going to say. I think that we need to  
16 keep the scope of our discussions and work narrow, very  
17 narrow for a lot of reasons. It's not in our purview,  
18 number one. And I think that we want to be careful not to  
19 -- maybe even over bound as a group before our full  
20 Commission.

21 I think I'd just like us to focus on getting the  
22 information that we need and the support that we need for  
23 doing the one task that we have to do as eight people. And  
24 that is to select the other six.

25 CHAIR ANDERSEN: Thank you, Commissioner Le Mons.

1 That's exactly our task and, you know, I think we -- or,  
2 certainly, I'm getting a little anxious because I start  
3 thinking about where we need to go. But number one, we  
4 have to pick to make the full Commission then we can  
5 proceed. So, thank you for that.

6 COMMISSIONER LE MONS: You're welcome.

7 CHAIR ANDERSEN: Any additional questions or  
8 comments?

9 MS. SAXTON: Madam Chair, also one thing I just  
10 wanted to remind is that at the time that you are the full  
11 14, you will have a different legal counsel, who will be  
12 your legal counsel as to some of the issues that were just  
13 raised and brought up. And so, that's something to  
14 remember.

15 And just in general, as we all know, whatever we  
16 do here and in the future is going to be governed by the  
17 restriction on having communications on redistricting  
18 matters with any person. So, that's also something to just  
19 keep in mind for now and for the rest of your time as  
20 Commissioners. Thank you.

21 CHAIR ANDERSEN: Thank you. At this time, do we  
22 have any -- AT&T Moderator, do we happen to have any public  
23 in the queue?

24 AT&T OPERATOR: We have no one queuing up at this  
25 time for public comment.

1           CHAIR ANDERSEN: Thank you. Well, since we did  
2 open that up and we've been waiting, I believe we've had  
3 plenty of time for the public to comment in.

4           So, if there are any other final comments for  
5 today's business, from any of the other Commissioners?  
6 Upon seeing none, I will call this meeting --

7           COMMISSIONER AHMAD: Actually, Madam Chair?

8           CHAIR ANDERSEN: Oh, I'm sorry. Commissioner  
9 Ahmad.

10          COMMISSIONER AHMAD: I just wanted to clarify  
11 what the expectation is for what each Commissioner will be  
12 presenting tomorrow after the training. Can you please go  
13 over that one more time just so we have it and can clearly  
14 understand it?

15          CHAIR ANDERSEN: Yes. What I'm suggesting is  
16 actually a reflection of having gone through the training.  
17 What did you learn from the training? You know, did you  
18 get anything out of it? Has it affected -- well,  
19 obviously, we got something out of it. But has that  
20 affected your ideas of what's needed that you might not  
21 have known before? Or, how is that causing you to  
22 reconsider your -- say, you know, boy, I have these skills.  
23 Now, I think we need to add these other skills and talents  
24 to our group. Just, you know, what did you learn, how you  
25 think we should go, and what should be the next steps that

1 in your opinion we should be doing to, you know, hit the  
2 ground running on August 4th, in our -- you know, even  
3 like, you know, well, I appreciate how the training said,  
4 well, don't bring any slates in or I think we should bring  
5 slates in, something like that.

6           It's not -- it's really sort of how you feel and  
7 what you'd like to do about it. So, it's basically, you  
8 know, what did you get out of the training? How do you  
9 feel that applies to -- in consideration of our next six?  
10 Are there any particular skills you feel you have? You  
11 feel that are missing in our group? And, you know, what  
12 you believe we should be doing for tomorrow.

13           Is that specific enough or -- and again, this is  
14 also -- this is an idea. If you think, yeah, that's really  
15 not what I got out of it, that's certainly up to you. I  
16 just would like each of us to do a sort of reflection.

17           COMMISSIONER LE MONS: Madam Chair?

18           CHAIR ANDERSEN: Yes, Commissioner Le Mons.

19           COMMISSIONER LE MONS: Yeah, I'd like to piggy-  
20 back on what you're saying. I'd like to invite a  
21 discussion about that. I think it would be more  
22 appropriate that that's something that you'd want to put  
23 forward is that the group have a discussion about that, as  
24 opposed to charging us with a particular task. That's my  
25 personal point of view about that.

1 CHAIR ANDERSEN: Well, thank you. I do  
2 appreciate that. This is not new business because we are  
3 not adding anything to the agenda. So, it's just a  
4 reflection on our existing training.

5 Now, we can discuss our existing training but --

6 COMMISSIONER LE MONS: I'm not assuming it to be  
7 new business, Madam Chair. What I'm hearing is that we're  
8 being given, by the Chair, a directive that we're supposed  
9 to do between this meeting and the next meeting. And I  
10 think if you have ideas about things that we might do that  
11 I think you open that up for a discussion with the group  
12 and we can decide whether that's something that we want to  
13 do, or should do. I'm not taking a position either way.  
14 But I just don't think it's appropriate for you to just  
15 give us a mandate of something to do.

16 I mean, we've been trained as to what we're  
17 supposed to be considering for this one and only task that  
18 we have to accomplish. So, I'm just sharing my point of  
19 view on this.

20 CHAIR ANDERSEN: Thank you, Commissioner Le Mons.  
21 I'm walking a fine line here of not adding new business.  
22 We're certainly always open to discuss our reflections. I  
23 think if that answers your -- your reflection could be I  
24 think we should. Or, your reflection could be, you know, I  
25 don't think that's necessary and that's it.

1           If we want to discuss it at that point, other  
2 reflections, I believe we're certainly open to that, if  
3 that addresses your --

4           VICE CHAIR TURNER: Madam Chair?

5           CHAIR ANDERSEN: Yes, Commissioner Turner?

6           VICE CHAIR TURNER: Yes, thank you. I'd like to  
7 just have us consider having the discussion at the  
8 conclusion of our training and perhaps as precursor to our  
9 actually taking our first steps in selecting the next six  
10 Commission members, as opposed to reflections at this point  
11 on the training.

12           CHAIR ANDERSEN: All right, that's -- would  
13 everyone like to discuss the -- we sort of have a -- I  
14 guess we'll actually put this to a motion. Would we like  
15 to have --

16           MS. SAXTON: Madam Chair? I'm sorry, we can't  
17 take a motion on this at this time, it's not agendized.

18           CHAIR ANDERSEN: Yes, because it's not an agenda  
19 item. All right, thank you. I'd suggest a reflection if  
20 you would like to. At this point that's all right. If  
21 not, you certainly -- we can possibly add it to the agenda  
22 for the August 4th meeting.

23           So, with that in mind was there any other -- any  
24 other items to conclude this -- to finish today's business  
25 and before we go into recessions?

1           Seeing no other, I call this meeting --

2           COMMISSIONER SADHWANI: Oh, I'm sorry, Madam  
3 Chair.

4           CHAIR ANDERSEN: Commissioner Sadhwani.

5           COMMISSIONER SADHWANI: Thank you. I think, I'm  
6 just trying to understand the full picture of the  
7 conversation that we've just had. I think I understand  
8 Commissioner Le Mons' perspective that if we're going to  
9 have a reflection that is something that we should all  
10 agree to as opposed to, you know, kind of being given the  
11 mandate of having a reflection. So, I agree with you on  
12 that, Commissioner Le Mons.

13           To that end, however, I think I would agree that  
14 it would be helpful to have a reflection. And I would be  
15 curious, you know, this is just my perspective because I  
16 would be curious to have that reflection time so that I can  
17 learn a little bit more about where the other Commissioners  
18 -- you know, where everyone's at, at this point in time. I  
19 like the idea of sharing a little bit of what we've learned  
20 from the -- reflecting on what we've learned from the  
21 trainings and what we are thinking about prioritizing as we  
22 move to that next stage for the August 4th meetings that  
23 begin at that point.

24           So, I actually just want to say I hear both sides  
25 of it and I don't think they're necessarily in conflict

1 with one another. I think that there's a -- yeah, I'm open  
2 to reflections.

3 CHAIR ANDERSEN: Thank you for making the  
4 comment.

5 COMMISSIONER FORNACIARI: Madam Commissioner?

6 CHAIR ANDERSEN: And as we enter business -- or  
7 finish our training tomorrow, anyone is free to make any  
8 kind of comment that they would like.

9 COMMISSIONER FORNACIARI: May I make a comment?

10 CHAIR ANDERSEN: Commissioner --

11 COMMISSIONER FORNACIARI: Fornaciari.

12 CHAIR ANDERSEN: -- Fornaciari.

13 COMMISSIONER FORNACIARI: Yeah. I agree with  
14 Commissioner Sadhwani. I think it would be really valuable  
15 to hear a summary of the skill sets that we all think we  
16 have, so we can figure out where the gaps are to try to  
17 help us when we're putting together, you know, a slate or  
18 whatever we want to do.

19 I also think it would be a good idea to spend a  
20 little bit of time, you know, philosophically talking about  
21 the approach we want to take because there are a few  
22 different approaches.

23 But, basically, I agree that it would be a good  
24 idea to give us all a few minutes to just share some  
25 details about ourselves, and what we're thinking, and what

1 we've learned.

2 CHAIR ANDERSEN: Well, thank you for that.

3 So, we'll -- we may or may not be reflecting  
4 tomorrow after our training video.

5 So, Commissioner --

6 COMMISSIONER LE MONS: Madam Chair?

7 CHAIR ANDERSEN: -- Ahmad.

8 COMMISSIONER AHMAD: Yeah, I just wanted to add  
9 that I think we should be very careful about how we share  
10 our process moving forward regarding the selection of the  
11 next six candidates, just to (indiscernible) --

12 COMMISSIONER LE MONS: I agree.

13 COMMISSIONER AHMAD: -- and in defining our  
14 perspective going into reviewing all the applications, of  
15 highly qualified remaining.

16 CHAIR ANDERSEN: Oh, absolutely, yes.

17 MS. SAXTON: Madam Chair?

18 CHAIR ANDERSEN: I'm sorry, who was --

19 COMMISSIONER FORNACIARI: Commissioner Le Mons.

20 CHAIR ANDERSEN: So, who was that? It was  
21 Commissioner --

22 COMMISSIONER LE MONS: Oh, that -- oh, I did.  
23 Yeah, that wasn't me, but I had raised my hand a moment  
24 ago. I wanted to just make a clarifying point. I don't  
25 know how necessary it is, but I feel like it is.

1 My position was neither whether we should or  
2 shouldn't do reflection, it was very narrow to us  
3 discussing how we should approach this, being that we're  
4 entertaining as opposed to being given a directive by the  
5 Chair.

6 CHAIR ANDERSEN: Oh.

7 COMMISSIONER LE MONS: So, I wanted to be very  
8 clear as to what I was saying.

9 CHAIR ANDERSEN: Okay.

10 COMMISSIONER LE MONS: So, I've not taken a  
11 position. I didn't even share my position on whether we  
12 should or shouldn't because I don't think I could get to  
13 that point yet. Okay, so I'll stop there.

14 CHAIR ANDERSEN: Thank you for the comment.

15 And I thought did someone else have a comment to  
16 say?

17 MS. SAXTON: Madam Chair, that might have been  
18 me.

19 CHAIR ANDERSEN: Oh, yes.

20 MS. SAXTON: I just want to remind that tomorrow  
21 at the end, if the Chair wishes to invite other  
22 Commissioners to talk about or make comments on their  
23 training experience that we do need to be very careful that  
24 we stay on the subject of what was learned in the training,  
25 what the takeaway was from the training. And as one of the

1 other Commissioners mentioned, not get too far ahead into  
2 what I think of legally as the distinction between the  
3 training meeting --

4 CHAIR ANDERSEN: Right.

5 MS. SAXTON: -- and then selection.

6 CHAIR ANDERSEN: Yes.

7 MS. SAXTON: Speaking about what you're going to  
8 take away from training for the future is going to be  
9 something that fits with our agenda. Going too far, you  
10 might hear me at the microphone saying that is perhaps not  
11 within what you're going to be able to speak about under  
12 the agenda. Does that make sense?

13 CHAIR ANDERSEN: Thank you very much. That was  
14 the point I was trying to make. I was not trying to give a  
15 mandate, a chair mandate. I was just trying to -- rather  
16 than spring it on everyone I was trying to say why don't  
17 you think about it tonight, so we could have a reflection  
18 at your discretion. I apologize if my wording was not  
19 exact and it came off as a mandate.

20 I think the idea that we all eventually came  
21 around to is it would be beneficial to have, to share about  
22 what we think about the training and what we learned from  
23 that.

24 So, and I think that's where we will go from now  
25 on. And let's pick up tomorrow, so at 9:30.

1           Do we have any additional comments? No. Then I  
2 call today's meeting in recess and we will start tomorrow  
3 morning at 9:30.

4           (Thereupon, the First Eight Commissioners  
5 meeting recessed at 3:17 p.m.)

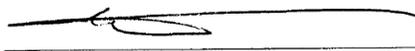
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IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of August, 2020.



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PETER PETTY  
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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



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MARTHA L. NELSON, CERT\*\*367

August 11, 2020