

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION

In the matter of:

CRC BUSINESS MEETING/LESSONS LEARNED

THURSDAY, MARCH 17, 2022

9:32 a.m.

Reported by:

Jacqueline Denlinger



APPEARANCESCOMMISSIONERS

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

STAFF

Alvaro Hernandez, Executive Director
Anthony Pane, Chief Counsel

VISITING GUESTS

Aislinn Kottwitz, Commissioner, Colorado's Legislative
Redistricting Commission
Cynthia Orton, Commissioner, Michigan Commission
Dustin Witjes, Commissioner, Michigan Commission
Edward Woods, Director of Communications, Michigan
Commission
Gary Horvath, Commissioner, Colorado Legislative
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Lori Schell, Commissioner Colorado's Congressional
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Rebecca Szetela, Commissioner, Michigan Commission
Sharon Diggs-Jackson, Vice Chair, Long Beach Independent
Redistricting Commission
Shereen Lerner, Commissioner, Arizona Independent
Redistricting Commission
Suann Hammersmith, Michigan Commission

PUBLIC COMMENT

Renee Westa-Lusk

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P R O C E E D I N G S

9:32 a.m.

1 CHAIR VAZQUEZ: Good morning, California. Welcome
2 to our Lessons Learned -- continuation of our Lessons
3 Learned conversation. If we could -- I think most of us
4 are here.

5 So Director Hernandez, can you call the role?

6 MR. HERNANDEZ: Yes, Chair. Commissioner Yee?

7 COMMISSIONER YEE: Here.

8 MR. HERNANDEZ: Commissioner Ahmad? Commissioner
9 Akutagawa?

10 COMMISSIONER AKUTAGAWA: Here.

11 MR. HERNANDEZ: Commissioner Andersen?

12 COMMISSIONER ANDERSEN: Here. And happy Saint
13 Patrick's Day.

14 MR. HERNANDEZ: Yes. Commissioner Fernandez?

15 COMMISSIONER FERNANDEZ: Presente.

16 MR. HERNANDEZ: Commissioner Fornaciari?

17 VICE CHAIR FORNACIARI: Here.

18 MR. HERNANDEZ: Commissioner Kennedy?

19 COMMISSIONER KENNEDY: Here.

20 MR. HERNANDEZ: Commissioner Le Mons?

21 COMMISSIONER LE MONS: Here.

22 MR. HERNANDEZ: Commissioner Sadhwani?

23 COMMISSIONER SADHWANI: Here.

1 MR. HERNANDEZ: Commissioner Sinay?

2 COMMISSIONER SINAY: Here.

3 MR. HERNANDEZ: Commissioner Taylor?

4 COMMISSIONER TAYLOR: Estoy aqui.

5 MR. HERNANDEZ: Thank you. Commissioner Toledo?

6 COMMISSIONER TOLEDO: Here.

7 MR. HERNANDEZ: Commissioner Turner?

8 And Commissioner Vazquez?

9 CHAIR VAZQUEZ: Yep. Here.

10 MR. HERNANDEZ: Thank you. You have a quorum.

11 CHAIR VAZQUEZ: Great. Thank you. All right. So I

12 am going to walk us through the run of show for today.

13 So we are going to start off at 9:45 to 11 o'clock with

14 our continuation of the Lessons Learned, talking about

15 cross-cut -- continuing to talk about cross-cutting

16 issues. We will have our scheduled break at 11 -- from

17 11 to 11:15. When we reconvene at 11:15, we'll, again,

18 be continuing our cross-cutting issues conversation, our

19 Lessons Learned conversation, through to lunch, which

20 will be at 12:30. We'll take an hour for lunch, and

21 we'll be scheduled to come back at 1:30.

22 And from 1:30 to 3 o'clock, we will have a panel

23 to -- with some guests -- to talk about Lessons Learned

24 from other states and local redistricting. We're going

25 to zoom out a little bit and take a look at what else has

1 been happening across the country. Then at 3 o'clock,
2 we'll, again, have our scheduled break to 3:15. At 3:15,
3 we will have 45 more minutes to continue our Lessons
4 Learned conversation, and we will take public comment at
5 4 o'clock. And we will go until 4:30 or when we conclude
6 business.

7 All right. Any questions about the run of show?
8 Seeing none, let's go to announcements. Are there any
9 announcements from commissioners or staff?

10 Yes, Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Thank you, Chair. I just
12 wanted to report that on Tuesday we had a panel with the
13 California Hispanic Chamber of Commerce regarding the
14 apportionments and the redistricting. It went really
15 well. There were representatives from all of California,
16 and my favorite question was why isn't independent
17 redistricting in all states as well as all processes. So
18 I think we did a pretty good job -- the panel members did
19 a good job of educating everyone and hopefully motivating
20 them to go talk to their cities and counties, and let's
21 get this independent redistricting widespread. Thanks.

22 CHAIR VAZQUEZ: Great. Thanks so much for that
23 update. Anybody else? Any other announcements? Okay.
24 All right. Then Commissioners Yee and Kennedy, I turn it
25 over to you.

1 COMMISSIONER KENNEDY: Very good. Thank you, Chair.
2 As the Chair mentioned, we're going to start off today
3 talking about cross-cutting issues. These are issues
4 that didn't neatly fit into a single category. It's also
5 a good opportunity for you if you've remembered something
6 that you wanted to put on the table earlier and did not
7 do that. Now, would be a good time to get those issues
8 out.

9 So looking at the Lessons Learned prompts document
10 that we had circulated before last week's meetings, we're
11 looking at cross-cutting issues such as maintaining
12 independence, transparency and nonpartisanship, record-
13 keeping and archiving, the overall time line and
14 workload, language and disability access, the rate --
15 sorry, the role and place of the CRC in the independent
16 redistricting movement related to Commissioner
17 Fernandez's comment just now. Responding to the unknown
18 and the unexpected -- the pandemic, senior staff
19 turnover, census delay and other uncertainties,
20 commissioner absences, litigation risks. Thankfully, we
21 had no cyber-attacks, but part of what we're about during
22 this Lessons Learned exercise is to leave behind
23 recommendations for the 2030 Commission. And one of the
24 things that we have to recognize is that we may have been
25 lucky on some things, and things that we didn't

1 experience could easily happen to the 2030 Commission.
2 So we're trying to exercise our imaginations and think in
3 terms of what could happen and how we can lay the best
4 possible groundwork for the 2030 Commission.

5 So with that, I will open it up to comments,
6 questions, contributions.

7 Commissioner Sinay?

8 COMMISSIONER SINAY: So you said to go ahead and
9 talk about the things that made you go, oh, yeah. So
10 here's a few of my, oh, yeahs. One of the thoughts I had
11 was -- why don't we -- the ping-pong balls -- it would
12 seem to be -- it seemed to be better --especially after
13 what happened this time where no Latinos were chosen and
14 there was an abundance of northern California -- and I
15 might be wrong on that one during the eight -- but it
16 seems like it would be good for it to go six, and then
17 those six pick the final eight. And depending what the
18 number is, I know we've talked about do we need to change
19 that number?

20 But that was just something that hit me that I think
21 for -- to be able to really represent the State of
22 California, the majority should not be left to chance. I
23 wanted -- we talked about what we've got paid, but we
24 really haven't talked about the state per diem system in
25 Lessons Learned. But I really do think that that's

1 something that needs to be discussed as well, especially
2 with the changes in tax laws and everything else were you
3 can't write off -- even as a self-employed person I
4 can't -- whatever we pay above and beyond for meals and
5 everything else is our expense. And so that really makes
6 it prohibitive for some to join the redistricting
7 Commission, as well as work for the government and so
8 many other things. So I think that that per diem piece
9 is something -- I don't think it's something we need to
10 lead. I'm sure there's probably a union or something
11 that's looking into that, but just something that we can
12 support.

13 I also wanted us to consider thinking through
14 increasing our mandate -- speaking to the legislature --
15 and apologize if I'm not getting all the wording
16 correctly of how the process would work -- but to expand
17 our mandate to include supporting independent
18 redistricting commissions in California, especially
19 because we are seated for ten years, and it would make
20 sense to use our knowledge and expertise at the county
21 and the city levels if they need them. So I'm not
22 including nationally, because I think that that might be
23 pushing it a bit, but I do definitely think that in the
24 whole State of California we should be -- that other
25 Californians can turn to us if they need to learn from

1 our expertise.

2 One of the things that we did -- I know I'm jumping
3 around, but these are just all the things that came up --
4 one of the things that we did was we created really good
5 systems, but we didn't necessarily always create the
6 policies to ensure that we were all using the systems the
7 same. And I keep going back to, I know -- I thought we
8 built a really good system for the public to have equal
9 access to all of us through the Airtable and the form
10 that they could give us input as well as public comments
11 and such, but we didn't create the systems that said,
12 hey, so that everybody -- there's equity in the public of
13 who has access to us, we will only read the input that's
14 brought to us -- that's already in the database so that
15 we all have access to that database at the same time and
16 the information. If someone had our emails -- if there
17 was different ways to access us, but that wasn't equity
18 for Californians. And so I'm looking there.

19 I know it all ended up in the database and we all
20 got it later. So I want to encourage 2030 to think
21 through. What are the purposes of the systems you're
22 creating, and what policies need to be in place so that
23 everybody has the same understanding of what those
24 systems are? Because I think -- it might not be that you
25 actually create a policy, but at least have that dialogue

1 and conversation and not make an assumption that
2 everybody's on the same page.

3 And then, at one point we talked about the panels
4 and such that came to speak to us as commissioners. And
5 one of the things -- I don't know if Commissioner
6 Vazquez, and then later Commissioner Fornaciari and I
7 shared is that that was all very intentional. One of my
8 lessons learned as a facilitator was at the beginning, I
9 said, hey, let's all go around and talk about what is
10 fair representation. Why are we here? And everybody
11 kind of looked at me and said, well, we all know why
12 we're here; we don't need to do that. And that was the
13 most brilliant pushback I've probably received, because
14 it got me to think through -- okay, but how do we know
15 we're all on the same page?

16 And Commissioner Vazquez and I had long
17 conversations about what does fair and representation
18 mean? And we started thinking through, well, who are the
19 different communities; what are the different sectors?
20 And that's how all those panels were brought. And I
21 think by having that educational purpose -- it wasn't
22 only just good for us, but it allowed us to build that
23 foundation so that we all had that same experience of
24 California to define fair and representation
25 collectively.

1 And so I appreciate all those who said, no, we don't
2 need to talk about what it is; we know we're here. And
3 actually, we went through our process that got us to the
4 place where we all had a collective vision of what fair
5 and representation meant. And that didn't mean that we
6 were all a hundred percent on the same page, but it did
7 mean that we had a beacon we were all kind of going to --
8 I don't know if I'd use that word, but a light. But I
9 thought that that part was really important. And those
10 are my only ah-ha moments. Sorry.

11 COMMISSIONER KENNEDY: Thank you, Commissioner
12 Sinay. Can I ask you to just give us a little more
13 detail on what you're referring to when you're saying,
14 looking at the per diem system and taxes and so forth?
15 Just so we're all clear on the --

16 COMMISSIONER SINAY: Yeah.

17 COMMISSIONER KENNEDY: -- goal there?

18 COMMISSIONER SINAY: So originally, the tax
19 system -- the federal tax system was set up that whatever
20 you paid for lunches while you were on a business trip
21 fifty miles away from -- and let's be clear -- I am not a
22 tax attorney -- but this is how I understand it from my
23 accountant -- or an accountant -- but when I would sit
24 down with him, I used to be able to say, okay, this is
25 what was reimbursed, and this is what wasn't reimbursed.

1 And that part that wasn't reimbursed was treated as part
2 of business expenses. It didn't mean a hundred percent
3 was written off, but there are different rules depending
4 for different things.

5 With the tax the way I understood it, sitting with
6 my accountant this time, is that's no longer the case.
7 And if you get paid whatever's over -- too bad. It's
8 just your expense. And I know that that -- it all
9 depends on who -- if you are self-employed or not --
10 self-employed and all that -- but it used to be in any
11 business you could write off what wasn't covered by your
12 employer. But that's no longer the case. But the per
13 diem is just a way to allow for the cost of anything from
14 breakfast on up.

15 COMMISSIONER KENNEDY: Very good. Thank you,
16 Commissioner Sinay. Commissioner Vazquez.

17 CHAIR VAZQUEZ: Thank you. Commissioner Sinay
18 reminded me of one of the first observations I made about
19 this whole process during the application period about
20 sort of payment per diem, stipends, what have you -- and
21 it always struck me as compensation structure that really
22 favored self-employed and retired people, and really puts
23 up many barriers to working-class folks with nonregular
24 schedules and young people who maybe haven't had as much
25 industry experience in order to be able to set their own

1 schedules. And so I think -- it may not be the solution,
2 but I think one of the solutions to explore is -- at
3 least through the mapping period -- to consider making
4 commissioners exempt employees, whether part time or full
5 time -- and have them -- have them be salaried. And it
6 think this would open up opportunities to serve on the
7 Commission to many more folks.

8 COMMISSIONER KENNEDY: Yes. Thank you for that.
9 And maybe this would be a good question this afternoon
10 when we are in the discussion following the panel.
11 Because my understanding is that the Michigan Commission
12 is salaried, and so we can ask them about that experience
13 and how they feel that that impacted the applicant pool
14 in their case.

15 Chief Counsel Pane?

16 MR. PANE: Thank you, Commissioner. Just a quick
17 note on that. I would underscore what Commissioner
18 Vazquez had just raised as a way of addressing the policy
19 discussion here, primarily because in the state, the per
20 diems are normally around 100 dollars or there's no per
21 diem at all. And then there are a few that are salaried
22 part-time positions, and it really runs the gamut. So
23 all of those options exist. The no per diem. The 100-
24 dollar per diem. Higher per diems, which are less -- and
25 this Commission actually has one of the higher ones if

1 you're going just by on the hundreds of dollars -- and
2 then there are some boards that are actually -- to
3 Commissioner Vazquez's point -- have salaries. So we
4 would want to -- if that were the will of the Commission,
5 we would want to be seeking a change commensurate with
6 some of those other public bodies that have a salary.

7 Thank you.

8 COMMISSIONER KENNEDY: Perhaps recognizing the
9 unique nature of this work. Commissioner Sinay?

10 COMMISSIONER SINAY: So I misspoke. I got per
11 diem -- I mean, I get the per diem for kind of your day,
12 but in other jobs I've had per diem is the per diem for
13 food. So I was talking about more along the food -- how
14 much we get for food. So I just wanted -- since I
15 missed -- since I may have misspoken, I just wanted to
16 clarify.

17 COMMISSIONER KENNEDY: Thank you for that, yes. So
18 what we're talking about is what is sometimes called
19 meals and incidentals or something similar to that. Very
20 good.

21 Commissioner Ahmad?

22 COMMISSIONER AHMAD: Yeah. Thank you, Chair. I
23 just had a quick clarifying question -- and please
24 interrupt if I'm getting ahead of the conversation -- but
25 some of these changes or items that we're talking

1 about -- my understanding is that they're in the
2 legislation that governs the Commission, so would that
3 mean that if the Commission were to recommend changes, it
4 would have to go back out to the people, or is that a
5 legislative process that can happen within the
6 legislature?

7 COMMISSIONER KENNEDY: Thank you for that. Chief
8 Counsel Pane?

9 MR. PANE: So Commissioner Ahmad, if it's a
10 statutory change under the Commission's statute, the
11 Commission statute, actually, 8251, I believe, sort of
12 sets out the process for how any amendment to the
13 statutes occur. If it's language that needs to be
14 changed in Article 21 of the California Constitution,
15 that is a different process. That is going to have to go
16 before the voters.

17 COMMISSIONER KENNEDY: And just one more footnote on
18 that -- my understanding would be that if there are
19 recommended changes to, for example, the electoral code
20 which is where the language on reallocation of
21 incarcerated individuals is -- that is something that the
22 legislature does not require our concurrence for. The
23 legislative concurrence is only required for those
24 elements in the government code directly related to the
25 Commission.

1 MR. PANE: That's correct.

2 COMMISSIONER KENNEDY: My concern in that regard is
3 that someone could eventually use -- put language in the
4 electoral code or somewhere else in the code structure
5 that we don't have that same role in any changes in order
6 to get around the requirement that it be -- that the
7 Commission propose it, essentially. Maybe that's just be
8 a little too paranoid on my part, but the language is
9 that the Commission's concurrence is required for changes
10 to a very particular portion of the legal framework --
11 anything else in the legal framework can be changed
12 without our concurrence. I'm just wondering if that's
13 really the way that the original framers of this legal
14 framework intended it or if that was unintended?

15 MR. PANE: And to that point --

16 COMMISSIONER KENNEDY: Chief Counsel Pane?

17 MR. PANE: -- Commissioner -- yeah. So to that
18 point, Commissioner Kennedy, at least in theory -- I
19 mean, it would probably depend on the individual statute,
20 but the theory is if it's outside of the Commission's
21 statutes -- at least it is very likely to, but almost
22 certainly affects other state bodies in the state
23 government. And so you have a broader audience than --
24 obviously, the Commission's statutes only affect the
25 Commission, so I think -- when we talk elections code --

1 and again, it depends on the particular circumstances --
2 but it may have an impact with other departments and
3 other state entities. And so they may have to weigh in
4 in some level when the legislature is looking at making
5 those changes.

6 COMMISSIONER KENNEDY: Thank you for that.
7 Commissioner Sinay, your hand was up.

8 COMMISSIONER SINAY: It was but then I -- my only
9 point was, I think that as we're working on the documents
10 on all of this and what our next steps are -- and this is
11 kind of what Commissioner Fernandez and Commissioner
12 Akutagawa had done -- is just put all our different
13 thoughts under which one -- which one of the ways it
14 would have to be changed and what does that mean? But
15 for now, this is kind of free thinking wish list moving
16 us forward.

17 COMMISSIONER KENNEDY: Very good. Thank you. Any
18 further thoughts on this first item in the prompt --
19 maintaining independence, transparency, and
20 nonpartisanship?

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Actually, no to that part.
23 I had my little list of things -- I went back over all
24 our notes last week, so I wanted to make sure I circled
25 back now instead of later. A couple things -- I believe

1 it was Commissioner Yee last week brought up recommending
2 some language regarding this whole piece of -- once we
3 draw -- once we finalize our maps, there is a county
4 piece to it, and I think his recommendation was going to
5 be to have the line drawers pick that piece up next time
6 around. I just wanted to state that I'm still against us
7 being in the middle of it. It should be -- it really
8 isn't our responsibility to -- not that we don't want to
9 support the counties -- but it is, I believe, the
10 secretary of state -- and I would like to have that sort
11 of arrangement made and not us in the middle. Because
12 it's a service that we're not going to be providing, so
13 we don't actually know exactly what they need. So it's
14 really difficult to monitor.

15 And another thing in terms of Lessons Learned that I
16 thought about is that as we've known the year-and-a-half
17 that we were commissioners, approximately -- things
18 change in our lives, and just for the future
19 commissioners to know -- it's okay to back off if you're
20 on subcommittee -- don't feel like you have to continue
21 to work on that if there's too many things. So I did
22 appreciate a couple times when a couple commissioners did
23 say, hey, I've just got too much on my plate. So thank
24 you very much for doing that, and there are thirteen
25 other individuals that can step up as well. So it's okay

1 to step back. It can be overwhelming as we know.

2 There was quite a bit of recommendations regarding
3 the recruitment by the state auditor. I think I went
4 back and I was trying to reflect on that, and I was
5 thinking, we weren't able to get to every Californian,
6 either, and they -- I believe they used a community's
7 organizations and other trusted agencies to reach out.
8 And at the end of the day, the fourteen of us did hear
9 about it somehow, be it firsthand from them or secondhand
10 or whatever the case may be. So I do think that we can
11 provide suggestions on additional resources. I think
12 it's -- I'm not sure it's fair to criticize their
13 outreach and recruitment efforts. We were in the same
14 boat. We weren't like Census that had 187 million. We
15 had two or three million to conduct those outreach. So I
16 just wanted to say that out loud.

17 Thank you, Commissioner Sinay for bringing -- I did
18 have the travel reimbursement. Not only that -- there
19 has to be a better way of meals. I mean, why can't we
20 just -- why can't there be an account and you charge it
21 to whatever account that is. And I'm pretty sure there's
22 boards and commissions out there that don't have to order
23 their meals for every single individual. So there's got
24 to be a better way to do it -- a streamlined process.
25 And I'm trying to remember if your initial meeting of the

1 eight if the state auditor brought in food for you. So I
2 mean, if they were able to do it, why can't the
3 Commission do it where it really -- and I appreciate --
4 thank you, Commissioner Turner that brought that up --
5 man, when you chair -- having to stop and order your meal
6 is really distracting, because you've got a hundred other
7 things that you're trying to take care of. And even
8 during -- even if you're not the chair, you're really
9 try -- you really need to focus on drawing the lines, not
10 on your next meal. So let's do a better job next time of
11 trying to streamline just the entire process. And if
12 there's a way that we don't even have to submit travel
13 claims -- hallelujah, because I still haven't received my
14 reimbursement from September on. So it's been over six
15 months. I've got some claims out there that I haven't
16 received reimbursement, and that's not fair.

17 We were talking about the salary implications and
18 now you're talking about out-of-pocket that you haven't
19 been reimbursed for. And yes, I'm not sure what the
20 process is to try to get the meal reimbursement rates
21 increased, but it's actually -- it's so ridiculous what
22 the rates are. So whatever we can do to try to support
23 those efforts, be it a letter to whoever's responsible,
24 or trying to figure out that process. I think that's --
25 that would definitely be worthwhile for future

1 commissions.

2 And when we're on subcommittees we do get very
3 attached to our subcommittees, but at the end of the day
4 when it has to be sunsetted, it has to be sunsetted. So
5 be willing to let it go. I think I was probably ready to
6 let it go before we actually had to on language access.
7 It's okay to let it go because you really need to focus
8 your time on the input that we're receiving. And as we
9 saw, there was just thousands. And I think that's all I
10 had. Thank you.

11 COMMISSIONER KENNEDY: Thank you, Commissioner
12 Fernandez. Commissioner Andersen?

13 COMMISSIONER ANDERSEN: Yeah. I just want to do a
14 quick one on the food. Thank you for bringing that up.
15 Yeah. It was really crazy. And the first eight did --
16 the way it worked with the state auditors is a little
17 sheet came in that basically had selections. And you
18 could kind of pick, yeah, I'll have that one, this one,
19 and that one, and then it was brought in. So that made
20 it so much easier as opposed to, hey, go to the menu
21 here, and then kind of order and then make the payment.
22 That was just crazy. I was there in the beginning before
23 it even started that you could do that, which worked
24 really well.

25 But the other item I want to talk about is food at

1 the office. The office -- we need to figure out somehow
2 or other that they can actually have food when we have
3 meetings, and we don't have to run out for everything.
4 All that came out of the pocket of basically, the staff.
5 Or we put money in for anything that was there. That's
6 insane. Like, in terms of their coffee -- basic office
7 needs include a few things to eat, like, coffee, tea -- a
8 few incidentals like that, and that's just crazy. So
9 that needs to be somehow included in the setup of things
10 that do get included for office setup -- should be some
11 basic things like that. I know there's some -- one of
12 the state rules are -- I have no clue how that works, but
13 I really want to push that for the staff as well. Not
14 just the Commission.

15 COMMISSIONER KENNEDY: Thank you, Commissioner
16 Andersen. So back to -- back to my question -- anything
17 further on the topic of maintaining independence,
18 transparency and nonpartisanship? We had some discussion
19 last week, particularly around independence, and I had --
20 I had posed the question, independence from whom?
21 Because to me it seems like there was perhaps too much
22 emphasis on independence from the 2010 Commission where
23 really the intent of the concept of independence is
24 maintaining independence from those who would benefit or
25 could benefit from our work. And the 2010 -- previous

1 commissions aren't going to benefit from our decisions
2 on -- on the maps. So I just wanted to flag that again.

3 Transparency, we've talked a lot about Bagley-Keene
4 and applicability. We went to court seeking a change in
5 the three-day rule, because it's rather fixed at meetings
6 in August of years starting in one. Do we want to
7 propose something that's a little more generic than that?
8 Do we want to propose that that extend farther back --
9 not just the last two weeks? It seemed to me that by the
10 time we were in that window, we were almost in the window
11 where we couldn't do much of anything. So is that
12 provision as it's written really the best we can do, or
13 are there ideas that we can put on the table that might
14 improve it?

15 Commissioner Sadhwani.

16 COMMISSIONER SADHWANI: Yeah. Thank you,
17 Commissioner Kennedy. I think this is one of the most
18 important questions, actually, is independence from whom.
19 And I think it's something that we struggled with --
20 well, I don't think we struggled with it, but the
21 circumstances arose in which we needed support from
22 somewhere, someone, and I think we were often grasping
23 for where that would come from. Of course, we had people
24 taking cheap shots at us because we were trying to figure
25 out the census time line and how that's going to impact

1 things. Independence should be from the legislature, of
2 course, but as a state body, there are just certain
3 pieces where we -- especially if we're going to be dumped
4 out there into the world to figure out how to run this
5 ship -- how to build the ship and run it at the same
6 time. We do need to have at least -- and I said this
7 last week -- at minimum liaisons with the secretary of
8 state's office with the attorney general's office
9 potentially with the governor's office.

10 And I think -- I don't think that there's any new
11 rules or laws that need to be made, but certainly
12 something that the 2030 Commission should be made aware
13 of is that independence can also mean independence from
14 community groups. And I know that's a little bit --
15 potentially of a controversial thing to say, but I
16 certainly wrote about that in the memo that I wrote back
17 when Charlie Munger was taking shots at us -- that I did
18 really feel like Common Cause was an ally -- provided a
19 lot of important support to the Commission and guidance
20 to us throughout our process, which was very helpful --
21 but I also think they were wearing multiple hats. I
22 mean, they were also convening groups that had a real
23 interest in the process, and I think at times I felt
24 like, well, we got to be independent from you all as
25 well.

1 And again, I don't think that that's any new law or
2 rule that needs to be codified, but I think it's
3 something that minimally should be a part of our -- at
4 least a mention in our recommendations for the 2030
5 Commission to remember that everybody has some sort of
6 interest in this. Even Common Cause that, of course,
7 played such an important role in the creation of these
8 Commissions -- they were clearly wearing more than one
9 hat at certain times in this process and I think that
10 that was a challenge for us.

11 COMMISSIONER KENNEDY: Very good. Thank you,
12 Commissioner Sadhwani. Commissioner Andersen.

13 COMMISSIONER ANDERSEN: Yeah. I'm going to follow
14 also with Commissioner Sadhwani. I would recommend that
15 the 2030 Commission have official liaisons between any
16 agency that -- or group -- that could be considered
17 "nontransparent" if we're talking with them. At times we
18 actually had to talk to the legislature. We actually had
19 to talk to the attorney general. There are groups we
20 actually had to talk with. And so if there was sort of
21 an official liaison, then it wouldn't be, oh, that was
22 behind closed doors, that sort of thing. Possibly even
23 some of the -- because we do have to work with community
24 groups. And we also are on a different level -- and
25 that's the recommendation for any of those groups -- but

1 on a different level, the 2010 Commission really said,
2 we're not going to have anything to do with politics, so
3 we're not going to connect at all. Where, as I believe
4 we -- again, this wasn't officially written down -- you
5 need to know enough about the politics to make sure
6 you're not being fooled by all the politics involved.

7 And that is political parties -- as Commissioner
8 Sadhwani was saying -- many different groups wear
9 different hats and are trying to move the Commission in
10 different, particular ways. And I think the Commission
11 needs to be aware of that. Don't lock themselves into,
12 no, we will ignore every bit of that. I think that's
13 something we would -- as a recommendation -- for the 2030
14 Commission that they pay attention enough to be aware of
15 what's going on to remain, like -- take all the
16 information in and go, thank you very much, we're making
17 our own decisions. I don't know how exactly to put that,
18 but I'll just leave it at that.

19 Then I do actually want to go back with that -- back
20 to the ping-pong balls and setting the first thing up.
21 The one thing we did hear about is everything by the
22 state auditor was very, very transparent, out in the open
23 completely until the list of 120 names went to the
24 legislature. And then we had no clue how any of that
25 stuff happened. The public had no clue whatsoever. And

1 six of the names were deleted. It's very interesting if
2 you look -- the changes in who was deleted at that time
3 by the legislature for those periods of both Commissions.
4 That is an issue that was brought up many, many times. I
5 don't know what we would do about that, but it's an item
6 I just wanted to mention.

7 COMMISSIONER KENNEDY: Thank you, Commissioner
8 Andersen. Yes, there certainly at the time was a lot of
9 discussion in the media about the legislative strike
10 process and ways to improve that. I think I saw a
11 mention of should it be limited to one strike per, rather
12 than two, so that the maximum number that could be
13 eliminated from the pool of sixty would be twelve rather
14 than twenty-four. Is there reason to require a
15 rationale, an explanation of each strike? I don't know,
16 Commissioner Fornaciari, whether the grand jury had
17 anything similar to a strike process when it was being
18 set up. But if there was, I would certainly be
19 interested in hearing about and seeing if there is any
20 other model that we could look at for this.

21 COMMISSIONER ANDERSEN: Yeah. One quick thing I did
22 want to say -- I totally misspoke. I didn't mean 120.
23 It was for the list of sixty that went to the
24 legislature, and then they deducted from there. Thank
25 you. Sorry about that. I was thinking about that last

1 process. Thank you.

2 COMMISSIONER KENNEDY: Thank you, Commissioner
3 Andersen. Commissioner Turner.

4 COMMISSIONER TURNER: Yeah. I just wanted to add in
5 briefly to that point. My opinion is, as thoroughly as
6 the applicants have been vetted at that point, I'm not
7 certain why the legislatures get any strikes.

8 COMMISSIONER KENNEDY: Thank you for that.
9 Commissioner Fornaciari?

10 VICE CHAIR FORNACIARI: Yeah. Just to follow up on
11 your question -- yeah, the process that we went through
12 in San Joaquin County was the judge and the CEO of the
13 court interviews everyone and then selects those that go
14 forward. And then it's just a random draw process. But
15 yeah, I appreciate Commissioner Turner's question, is why
16 the legislature has a hand in this process at all. But
17 it's a very good point about the transparency that it
18 suddenly becomes completely opaque and then thirty-six
19 names just come out the other end.

20 And I want to just publicly appreciate Commissioner
21 Sadhwani's comment -- everyone has an agenda. And I
22 think it took me a while to learn that and appreciate
23 that, but everybody in this process has an agenda. And
24 the next Commission should just be made aware of that
25 ahead of time.

1 COMMISSIONER KENNEDY: Very good. Thank you,
2 Commissioner Fornaciari.

3 On transparency and Bagley-Keene -- I'm flipping
4 through Bagley-Keene here on the side -- there are places
5 in Bagley-Keene where it'll say, this section is not
6 applicable to such-and-such body. Are there provisions
7 in Bagley-Keene that are so onerous that they constitute
8 a real impediment to a citizens redistricting commission
9 carrying out its work in a timely manner? As I have said
10 before, I think we're not looking to get out from under
11 any and all regulation; we just want to make sure that
12 the regulations that are in place, allow the Commission
13 to do what it was established to do. And very few
14 functions of other commissions are as time-bound as the
15 functions of the redistricting commission. And I want us
16 all to contemplate -- as was said earlier, the bottom
17 line from last week seems to be do everything earlier, do
18 everything earlier. With the time line as it is, some
19 things can't be done earlier, and yet they can't be done
20 later, either. So how do we resolve that squeeze? And
21 are there provisions that are perhaps unrealistically
22 onerous that we need to propose changes to?

23 Commissioner Andersen?

24 COMMISSIONER ANDERSEN: Yeah. There are. I don't
25 have my complete list, but the one thing that you brought

1 up is the three-day requirement. The ten to fourteen,
2 which is totally -- again, it's not one of those
3 things -- we're not trying to avoid -- it's the
4 timeliness of it. And I would recommend that we
5 change -- because the way -- the way it's written right
6 now in the law is -- or in the regulations -- is the
7 month of August has the three-day. And I would say, we
8 would recommend that to the last two months of the
9 process. Because that is when we really start whipping
10 into high gear.

11 You're meeting all the time -- and to make a
12 change -- a three-day thing is -- then, you could
13 actually make an agenda -- and this actually is for the
14 benefit of the public -- because the way it is now, you
15 sort of have to make this sort of generic agenda. And
16 then the run of show is really where things are down
17 to -- this is what's really going to happen. And if it
18 became a three-day requirement, that would actually
19 give -- I think that might help, giving the public the
20 actual real information. So the way it is right now,
21 it's a serious hinderance for the public to participate.
22 And I think if we do the last two months, should unknown
23 things happen, we don't have to go and change it from a
24 particular month that's spelled out right now. Because I
25 also think that we're actually going to change that

1 month. So I would recommend it be the last two months.

2 COMMISSIONER KENNEDY: Very good. Thank you,
3 Commissioner Andersen. Commissioner Fernandez?

4 COMMISSIONER FERNANDEZ: Thank you. In terms of
5 onerous, I feel that we were limited so much by the ten-
6 day versus fourteen days. Things come up throughout the
7 process, especially in the beginning where we're not
8 meeting as often, so if something comes up you're kind of
9 stuck -- you can't really deal with it until two weeks
10 later. So I would really like to have that changed.
11 Even if it was seven days, that's at least better for
12 future Commissions. And yeah, in terms of the three
13 days, I agree with Commissioner Andersen, it needs to be
14 more -- the last two weeks, you're basically done, so
15 that three-day isn't really helpful at all in terms of
16 being able to change an agenda. So that would be great.

17 And then, well, we've already talked about the whole
18 virtual thing and not virtual and having the in-person
19 and all that. So that's also an impediment because -- I
20 mean, not only if you have -- very sensitive to health
21 needs, but if something else comes up and you have to
22 travel when -- I can't think of a good reason why you
23 have to be in person all the time, right? Things come up
24 and you've got to take care of whatever you need to take
25 care of so that you're in a good place, in a healthy

1 place, in a mentally good place, when you're drawing
2 lines. So this whole having to meet in person -- I agree
3 that it's great for team building and all of that, but in
4 terms of one hundred percent, I'm not sold on the one
5 hundred percent.

6 And thank you, Commissioner Sadhwani and
7 Commissioner Fornaciari, about the whole independence.
8 And Commissioner Andersen was trying to get around the
9 word motivate -- manipulated when she said fooled -- yes,
10 I don't want to be manipulated. You know what it reminds
11 me of -- it reminds me of your kids, when you give them a
12 little bit and they keep getting -- they want more than
13 just that line. They keep inching that boundary. So at
14 the start, you just got to set the boundary, because it
15 just gets worse if you keep allowing them in, is how I
16 see it and how I picture it. So thank you for bringing
17 that up. Thanks.

18 COMMISSIONER KENNEDY: Thank you, Commissioner
19 Fernandez. Commissioner Yee?

20 COMMISSIONER YEE: Thank you. On the subject of
21 transparency, I'm thinking of the Charlie Munger
22 complaint, the L.A. Times editorial and all that -- about
23 our subcommittees meeting, votes, and things like that.
24 So I want to have my Commissioner consciences completely
25 clear about everything we did. And perceptions matter,

1 right? We are very dependent on public trust, so I can
2 see an argument for maybe some additional transparency
3 there, for instance requiring subcommittees to report all
4 their outside contacts and things like that. I mean,
5 that would be a little more work, but I can see how the
6 public perception would be improved if that kind of
7 policy were in place. I think it'd be completely
8 unreasonable -- go all the way and say, oh, absolutely
9 everything has to be in public. And Charlie Munger
10 claiming that when he set on a Commission he never
11 handled a piece of paper except in public, which should
12 happen -- I don't know how he got anything done, then.
13 But I could see an argument for more transparency around
14 the subcommittee work especially, than we practiced.
15 Thanks.

16 COMMISSIONER KENNEDY: Well, and again, it might be
17 a good topic to ask the Michigan Commission about
18 because, of course, their transparency requirements, if
19 anything, seem to be even more stringent than ours in
20 that they had a Michigan Supreme Court ruling against
21 them on some transparency issues.

22 So it'll be interesting to hear what they have to
23 tell us about their experience and it might be a good
24 opportunity to ask them how it impacted their work.

25 Commissioner Sadhwani?

1 COMMISSIONER SADHWANI: Yeah. I think just on that
2 point, I could see a recommendation being, create a
3 system early on to capture all of your meetings. I think
4 for us, we were getting somewhat different advice on the
5 subcommittees of, to who we can talk to, when we can talk
6 to them. Especially for those of us that were a part of
7 the first eight when the council advised us, talk to no
8 one. Right? You can talk to no one. And then when we
9 got the advice of subcommittees of two are okay. I said,
10 okay, so I can talk to another commissioner. And then it
11 was, you can go out and talk to community groups or
12 others if it's helpful to do so. And then I think we all
13 took that on.

14 And I think we were all using the honor system and
15 best judgment, and we were reporting back -- hey, I had
16 meetings with this person, I had meetings with this
17 person. In fact, when that frivolous lawsuit was brought
18 about our transparency issues and the lawyers were
19 looking at it, they actually went back and saw all of the
20 meetings that were mentioned in the lawsuit were
21 mentioned in public sessions in memos that were
22 written -- everything was actually there, but it wasn't
23 systematized. And I remember back then, even,
24 Commissioner Sinay talking about, shouldn't we be
25 capturing this, guys? Shouldn't we, like, put in who are

1 all of the meetings? It's a lot of work, but I think it
2 speaks also to that other recommendation around having
3 staffing that's actually helping commissioners. If we're
4 going to do a meeting and you have an RA, an assistant,
5 something like that, then they can help track more of
6 that.

7 To add to that transparency. I don't think it was
8 that any of us were trying to not be transparent. It was
9 unclear what we needed to do and how we can do it. And
10 at a certain point, you know, after we've already been
11 working for several months, really hard to go back and
12 capture every last, you know, conversation that's been
13 had. But I agree with you, Commissioner Yee. More
14 transparency is good.

15 COMMISSIONER KENNEDY: Thanks, Commissioner
16 Sadhwani. Commissioner Andersen.

17 COMMISSIONER ANDERSEN: Yeah. This is along those
18 same lines. And they're -- I really want to make a big
19 distinction here between -- I understand, you know, that
20 frivolous lawsuit, but when Charles Monger was saying,
21 "Well, when I was on the commission, I waited and
22 everything just came to me." And that's lovely. But
23 that's not our mission. Our mission is, we have to reach
24 out to others. And that was the big difference. And I
25 understand a lot of people go, "Well, wait, wait, wait."

1 But commissions don't work like that. You just wait for
2 people to come present information to you.

3 But if we did that, then we would not have heard
4 from all of California. And that's a huge difference.
5 So I -- and I'm complete, yes, we want to be transparent,
6 but, you know, when -- at times we -- so we write down
7 every single county, person we spoke with as we were
8 trying to find out who we talked to in each county. I
9 mean, it's a little bit, like, okay, you know, you have
10 to be careful in terms of what you're actually asking
11 people to do because then, you know, if you write it very
12 strictly, then you didn't write down if you talked to the
13 secretary of the head of the commission -- the head of
14 the county who relay was a firefighter but because
15 they -- because they worked two jobs -- and you didn't
16 put that down for, you know, Alpine County.

17 You know, something like that. You know, you have
18 to be really careful about, you know, we want to be
19 transparent but in our job to reaching out to pretty much
20 all Californians, you know, you can really, you know, you
21 can hamstring the commission by making it, you have to
22 write down absolutely everything.

23 You know, and that's not the -- we want to stick
24 with the intent of transparency, yes. And, you now,
25 we're trying to put down in what documents we used, to

1 connect everybody. But there's going to be some sort
2 of -- someone called, you know, returned the call to tell
3 you that, you know, to get to that tribal group you
4 actually have to talk to two other elders. And they
5 might not even leave their name. So how do you do the
6 transparency of things like that, you know?

7 So I'd like us to make the recommendation of how to
8 be transparent but I would not -- I would really say --
9 but, you know, you can't say you must write down every
10 single person on time. You know we have to be very
11 careful how that is written. But the real point is,
12 because we must reach out. The commission, the CRC,
13 every single commission from now on is still charged with
14 trying to reach all of California. And those
15 commissions, you wait until, you know, the coastal
16 commission, right? You wait until things come to you,
17 you know, that's not a strict, hard rule. But our rule
18 is very different.

19 So just wanted to make sure that that gets in the
20 recommendation. Thank you.

21 COMMISSIONER KENNEDY: Thank you, Commissioner
22 Andersen.

23 Commissioner Fornaciari?

24 VICE CHAIR FORNACIARI: Yeah, I guess I would just
25 say substantive conversation is not just conversations

1 with everyone we have, right? Need to be captured. I
2 think ultimately that we did a pretty good job, though,
3 you know, getting that documented. And I think, you
4 know, I think a fair criticism would be that it wasn't as
5 publicly available as it could have been. But it was
6 documented. And a lot of what Commissioner Sadhwani said
7 I was going to say, so I won't repeat it.

8 But and I believe we captured this already but I
9 want to circle back since it's a key part of this
10 conversation. And in this recommendation letter we got
11 from Common Cause and other groups that, you know,
12 subcommittees should oversee critical issues such as
13 legal issues and public input design should hold their
14 meetings in public.

15 And I think that's a good recommendation. And I
16 think we did that. And I think it was important. You
17 know, and it, you know, frankly, for me, watching the
18 legal subcommittee's meetings was helpful for me as a
19 commissioner and, you know, just as a citizen, just
20 watching, right? To understand, you know, what the
21 process they were going through and it gives you a much
22 deeper insight into what's going on than a brief report-
23 out.

24 COMMISSIONER KENNEDY: Very good. Thank you,
25 Commissioner Fornaciari.

1 Commissioner Sinay?

2 COMMISSIONER SINAY: I don't, I mean, thank you,
3 Commissioner Sadhwani for remembering that I did bring
4 that up a long time ago, that we should be keeping track.
5 And I did create a spreadsheet that anyone who met with
6 me, that it was in there and that spreadsheet was sent to
7 legal and legal used it during the lawsuit and the other
8 time. And it wasn't cumbersome. It was just very quick.
9 Just writing everything in. And it was actually also
10 helpful when we had to do reporting on how many folks did
11 we talk to and stuff.

12 What I would probably recommend for next time and,
13 you know, we kind of figured out forms and database and
14 all that later. But my vision, and this is how we, you
15 know, have done it 20 years ago in my philanthropic work
16 and other organizations I work in, was creating a form
17 where people could really -- could quickly say, this is
18 who I met with. This is the content information. This
19 is what we talked. And it all goes into a data base.
20 But then that becomes part of the mailing list.

21 But, you know, we were very dependent on -- okay, I
22 had this conversation and sent it staff and I had hoped
23 that it got into the database or not. And we just kept
24 missing that opportunity to really create a process that
25 we could share what we were learning. And then that we

1 could all go into, you know, that data base. Kind of
2 like we got into looking at the COI input. We could have
3 all, you know, spent some time just looking at each
4 other's conversations and all had been kind of made aware
5 if we had the time. Obviously, you know, people had all
6 sort of different things.

7 So I guess what I would say is in the future, I
8 would encourage, I would ask, you know, as a guidepost
9 question, how do you want to capture your learning as
10 you're meeting? How do you want to capture your
11 learnings from the community? Individual conversations,
12 individual meetings, and how do you want to ensure that
13 you capture the contact information of everybody that you
14 come by so that they can stay in the know.

15 The other piece I want to say is, we were really --
16 I don't know, the commissions I know about don't just sit
17 there. They do have site visits. And they do travel
18 through California and see Californians. So there's
19 hundreds of different commissions. And so all of them
20 have different, you know, our experience on this
21 commission is going to be very different than if we go on
22 to another commission.

23 And I agree with, you know, with what was said, that
24 ours is unique and in this time, I think that's it's
25 really, really important that, for this time of COVID it

1 was really important for us to figure out how to get a
2 feel and an understanding of the communities when we
3 wouldn't travel to them.

4 And I will say that the individual conversations
5 were critical. And I've shared this before and I'll
6 share it again. One of the conversations that
7 Commissioner Ahmad and I had in Imperial County really
8 struck me to the core. And it's kind of something that
9 I've kept as a memory -- as a very fond memory. And that
10 was at the end of the meeting with this group in
11 Imperial, they said, you know, usually people reach out
12 to us and at the end of a conversation, like, okay,
13 that's going nowhere. But this time I really and truly
14 believe that this'll be different. You all did a really
15 good job. Thank you.

16 And that group stayed engaged and -- but just being
17 able to hear that. And I'm sure Commissioner -- you
18 know, we've heard Commissioner Andersen and Commissioner
19 Akutagawa. I know Commissioner Yee and I heard it when
20 we talked to someone who lived, I think she lived, like,
21 two blocks from Oregon border or something. And was,
22 like, how the heck did you find me. You know, and so it
23 really did make a difference to people when -- when we
24 had those one-on-one conversations with those folks. And
25 it really energized them to get other people involved.

1 And I do -- you know, staff did do a great job of
2 capturing emails and such, but again, we had to make sure
3 we were sending them to them. That's why if there was
4 some way to actually have a good form or something that
5 would allow us to have that all in one place.

6 COMMISSIONER KENNEDY: Very good. Thank you,
7 Commissioner Sinay.

8 Commissioner Andersen?

9 COMMISSIONER ANDERSEN: Yeah. Thank you for that,
10 Commissioner Sinay. That jogged something in my head.
11 You know, writing this down, writing this down, writing
12 this down. One thing that we're trying to avoid is
13 obstacles for the average Californian to say, hey, I
14 could do that job. And in some of these, like, I would
15 recommend on a subcommittee or in all different ways, to
16 have staff person who could be taking all the notes.
17 Because otherwise, you know, not every person who's going
18 to be, would like considering applying for this
19 commission has the time, then, to write down absolutely
20 everything and type it all in and that kind of stuff.

21 Not everyone has that ability or capacity, you know,
22 they're not that adapt with all the different versions,
23 you know, of, you know, software, et cetera, et cetera.
24 Or even just certain of those abilities. And again, I
25 don't want it to be a roadblock. So and that's

1 something, the reason why I'm bringing that up is, you
2 know, and we're saying, okay, we'll put that -- we go
3 back and forth with data base. This staff needs to be a
4 bit more to cover putting these things into a data base.
5 To making sure all these notes get taken. You know,
6 keeping track of all that stuff. Because as Commissioner
7 Sinay said, we have to do that right at the beginning.
8 All of that.

9 And that took a lot of time because we didn't have
10 staff. And it slows everything down in terms of, you
11 know, think of the other contacts we could have made and
12 the more -- further reaching we might have done if we did
13 have staff earlier. And that need to go into budget
14 considerations. Thank you.

15 COMMISSIONER KENNEDY: Thank you, Commissioner
16 Andersen.

17 Commissioner Vazquez?

18 CHAIR VAZQUEZ: Thank you. Building off of that, we
19 might consider creating a board secretary staff position
20 or a commission secretary staff position so that we can
21 free up, in particular our executive director, to be,
22 again, much more high-level in the management and
23 execution of our policies and not have our ED so in the
24 weeds on administrative things both during meetings and
25 in between meetings.

1 I absolutely do not think that we necessarily need
2 transcripts of what happened, especially if we have our
3 videos. That being said, I do think a summary of actions
4 taken and discussions had is so important if not for the
5 public, at least for other commissioners. I mean, it is
6 just impossible to have one hundred percent attendance at
7 every meeting. But that's not realistic for any -- for
8 any company or organization.

9 But in order to follow conversations and follow the
10 through lines and understand sort of where your
11 organization, the commission is and its business, rather
12 than having commissioners sort of watch the whole
13 commissioner meeting which they missed, I think it's a
14 much better use of their time to be able to read -- get
15 summary notes in particular, and especially of actions
16 taken. Yes, and I think that will -- could be completed
17 by a commission secretary.

18 COMMISSIONER KENNEDY: Thank you, Commissioner
19 Vazquez. There was another hand up and I lost track of
20 it.

21 COMMISSIONER TURNER: It was me. And then I put it
22 down, Commissioner Kennedy. And I just wanted to say, it
23 felt to me like there may also be some wisdom when
24 Commissioner Andersen was speaking about having a person,
25 staff person, capture the notes. Just from a consistency

1 standpoint, not necessarily whether or not someone has
2 the skill to do it. From a consistency standpoint,
3 across commissioners, across subcommittees, and based on
4 what actually gets captured.

5 All of us have different styles of capturing notes.
6 And some of us are copious note takers. And some of just
7 take some of the highlights. And so trying to put all
8 that into some sort of spreadsheet later, to me it seemed
9 it like it still will be off balance and you wouldn't get
10 the same level of information from all of the meetings.
11 So I just thought that was another good reason to perhaps
12 have a staff person capture all of the notes.

13 COMMISSIONER KENNEDY: Perfect. Thank you so much
14 Anything further on language and disability access? We
15 said that we were perhaps a little disappointed with the
16 extent to which some of the access work was taken
17 advantage of. And yet at the same time, I think my sense
18 is that we were all very committed to making the process
19 as accessible as possible.

20 Commissioner Fornaciari?

21 VICE CHAIR FORNACIARI: Yeah. I agree with that a
22 hundred percent. And we talked about, you know, ensuring
23 that or suggesting that they translate all the meetings
24 in the future in Spanish.

25 You know, I really did like that the staff got the

1 maps, had some kind of map reader deal set up for
2 visually impaired. And I think that's important in that,
3 I think that came up a couple times but I kind of felt it
4 fell through the cracks. But then they sort of magically
5 had it done for us. I don't even think, I mean, I don't
6 recall hearing that they were doing to do it until after
7 it was done.

8 But outstanding. I think that was great. And I
9 think that needs to be at the forefront of the next
10 commission's efforts because, you know, and maybe it's up
11 to us, and I think that has been brought up before but
12 I'll bring it up again, to think of ways, you know, that
13 we can modify the process in the whole system to enable
14 folks with different disabilities to participate more
15 effectively. And become commissioners. And participate
16 as members of the public.

17 COMMISSIONER KENNEDY: Thanks for that. Colleagues
18 might remember that I had report out from speaking at the
19 state-wide voting accessibility advisory committee that a
20 member of the public, I believe, who is blind called in
21 and said that she had considered applying to the -- on
22 the commission but had decided not to because she was
23 afraid that her blindness would be too limiting of a
24 factor. And so yes, I fully agree that the audio
25 captioning of the maps was a major contribution and that

1 we should also be looking at how to ensure that the
2 position of commissioner is very accessible to those who
3 may be living with any sort of disability.

4 Commissioner Turner?

5 COMMISSIONER TURNER: Thank you. Along the lines of
6 language access, I've been trying to think through, what
7 is the proper balance -- so we know there are many, many
8 languages spoken in California and we elected to
9 translate, I think, what was it, fourteen we landed on.
10 And I'd love to see the balance between cost
11 justification of those languages. Were all fourteen used
12 and utilized?

13 And on one hand, we can say, well, it was access and
14 available for people. But we had, you know, many, many
15 other languages that we did not translate that did not
16 provide access. And so I'm just wondering if we could at
17 some point look at -- and I think maybe Marcy's team did
18 some work on this already, but did we select the right
19 languages? Was it worth the investment, for lack of a
20 better word, was it worth the investment? And were there
21 different languages that should have been considered in
22 our translation efforts?

23 COMMISSIONER KENNEDY: Thank you, Commissioner
24 Turner.

25 Commissioner Yee?

1 COMMISSIONER YEE: Yeah, for access, super thankful
2 for the ASL we've had for all our meetings. All our
3 wonderful translators. And also the captioning. But I
4 was also curious what the actual statutory requirement
5 is? Is it indeed for both ASL and captioning for all
6 meetings? I'm not sure if I ever heard what our
7 requirement is there.

8 COMMISSIONER KENNEDY: Chief Counsel Pane, are you
9 able to respond to that?

10 MR. PANE: Not off the top of my head. I'd have to
11 go back and research that issue for Commissioner Yee.
12 Happy to do that.

13 COMMISSIONER YEE: Sure, thanks.

14 COMMISSIONER KENNEDY: Very good. Thank you. Thank
15 you, Commissioner Yee.

16 Commissioner Andersen?

17 COMMISSIONER ANDERSEN: Yeah. The one
18 recommendation I would have for all the next commissions
19 is to have a presentation to the entire commission about
20 access. And it's language access, disability access,
21 because it will vary from year to year in terms of, you
22 know, what's, you know, common place, you know, that's
23 just normal access.

24 And because of some things I, you know, although I
25 live in Berkley, which is an extremely accessible town.

1 It's, you know, sort of a -- but the couple things I
2 learned from the presentation is, like, font. You know,
3 things like, you know, things like that, which are, you
4 know, on all your documents. And that little things like
5 that, I don't care how up to date you think you are,
6 you're going to learn more.

7 And so I think that would be very valuable for all
8 commissions to receive a really good presentation on
9 access, you know, language access, disability access, all
10 types of access. So I make that recommendation. Thank
11 you.

12 COMMISSIONER KENNEDY: Thank you, Commissioner
13 Andersen.

14 Director Kaplan?

15 MS. KAPLAN: Just wanted to flag for everyone.
16 There was a language access summary that was posted and
17 shared during the January 21 commission meeting. So if
18 you want to go back and take a look at that if there's
19 other information that you want compiled as well.

20 COMMISSIONER KENNEDY: And I believe there's also a
21 report from the ethnic media contractor that's a separate
22 document.

23 MS. KAPLAN: Yeah, I believe Fredy posted that also.
24 That went over the different briefings that they did.
25 Which languages those were done in. All the advertorial

1 placements that were done and which languages those were
2 done in as well, including the reach of that effort.

3 COMMISSIONER KENNEDY: Very good. Thank you so much
4 for that. Any further thoughts on our overall timeline
5 and workload? I've said that we are going to be
6 including a Gantt Chart with the Lessons Learned report.
7 And I've been thinking further on that in recent days and
8 wanting to make sure that we have the start, the
9 initiation of any contracting. And how long it took
10 until the contract was let. Same with hiring. When were
11 positions posted? When were interviews held? When were
12 people hired? I really want to give, or at least leave
13 behind for the 2030 commission as much detail as possible
14 on how long things actually took. Not just how long we'd
15 like to think they would take but how long they actually
16 took so that they can plan with that information in mind.

17 Commissioner Vazquez?

18 CHAIR VAZQUEZ: Thank you. I am not sure if this
19 idea has already been shared because, I apologize, I've
20 missed a lot of this conversation. But one thing that I
21 have been mulling over in my brain. And maybe
22 controversial or a nonstarter for some. But I really
23 have wondered if it makes sense to bring the entire --
24 bring the next cohort on a whole year earlier than
25 originally laid out. That would require our commission

1 to roll off a year earlier, which, you know, has I'm sure
2 its trade-offs for some and positives for others.

3 But I think it's so unproductive to bring together a
4 new set of fourteen adults and expect them to both build
5 an entire state agency from, hopefully not scratch, but
6 bare bones to back up and working again. Get then to
7 team-build. And then also expect them to wrap their arms
8 around community outreach and then, finally map drawing
9 in what, like, less than year. Or a year-ish and some
10 change. That just, I think, that our recommendation for
11 folks to start earlier -- I think we should consider
12 thinking about what that actually means in practicality
13 and potentially giving future cohorts a much longer
14 runway in which to accomplish the meat of their task.

15 So it would frontload a lot of that work. And folks
16 would still continue to have several years after to smile
17 and wave from the commission dais.

18 COMMISSIONER KENNEDY: Yeah. I've even heard
19 suggestions that the commission be put in place in years
20 beginning with five to give them enough time to engage
21 with the census and plan and so forth. Not sure how
22 realistic that is at this point. I did raise last week,
23 that, you know, maybe the provision that it be in years
24 beginning in zero came from the fact that the first of
25 the two initiatives was only on the ballot in the year

1 beginning in the eights.

2 So they couldn't, well, you know, do it before they
3 had the initiative on the ballot. You know, I suppose
4 they could have called for future commissions to be
5 formed in years ending in five. But, you know, for
6 better or for worse, Section 2(a) of Article XXI of the
7 Constitution reads, "The Citizens Redistricting
8 Commission shall be created no later than December of 31
9 in 2010 and in each year ending in the number 0
10 thereafter."

11 So essentially, we'd be looking at a Constitutional
12 change if the intent were to move it any earlier than,
13 you now, say the 2nd of January of 2030. Now, 2nd of
14 January of 2030 would already be, you know, at least six
15 more months than we had and virtually, a full year before
16 the 2010 commission had because the 2010 commission only
17 held its first meeting as a full commission, I believe,
18 in January of 2011.

19 So if we were able to make it possible for the 2030
20 commission to hold its first meeting in January of 2030,
21 rather than 2031, they would essentially be nearly a full
22 year better off than the 2010 commission.

23 Commissioner Andersen?

24 COMMISSIONER ANDERSEN: You know, on that note I do
25 agree, they need to start earlier. When? I don't know.

1 And I would recommend that we actually -- remember we had
2 a big thorough discussion about this if not in these two
3 days, because I think we have -- it's a full discussion
4 itself, but a little bit later in terms of our
5 recommendations.

6 But I do believe we should make that change to
7 increase. How much? I'm not quite sure. And it --
8 because has implications on -- change in timeline has
9 implications not just on the commission, but it has
10 implications on election boards and other groups like
11 that. Also the state auditor's office.

12 So but the other item I wanted to bring up, you
13 know, on the Gantt Chart, I totally, you know, yes, we
14 want layout exactly what happened, how long things took
15 this year. Then I would like also to do then -- an ideal
16 is, given, you know, now we know, like, it takes eight
17 months to do this and nine months to do this. And then
18 place one of -- backwards from, say, you're delivering
19 the maps on -- don't have a particular date on it, but,
20 you know, month, you know, whatever that month is. And
21 then backtrack it all to have it ideal. This would have
22 been ideal. Present that -- so it's two Gantt Charts.
23 As we did -- as we would have liked to. Thank you.

24 COMMISSIONER KENNEDY: Thank you for that,
25 Commissioner Andersen.

1 Of course, one of the other things that I've been
2 thinking about as far as the Gantt Chart and the timeline
3 in general is, you know, we had some hiccups and with a
4 timeline as tight as the redistricting timeline is to
5 begin with, you know, ensuring that there is adequate time
6 to allow to allow for hiccups is very important. So
7 there's the kind of ideal without hiccups, but there's
8 the ideal with allowances for hiccups.

9 Any further thoughts on contracting? I had written
10 that out on my sheet with the prompts because I do think
11 that contracting was an important element in allowing us
12 to do our work. And yet was certainly problematic at
13 points.

14 Commissioner Andersen?

15 COMMISSIONER ANDERSEN: Contracting was sort of near
16 and dear to my heart since I've got heavily involved in
17 quite a bit of it. And I believe we have, I just got to
18 run through in my mind what I think is essential because
19 I think you have that copied. But I would recommend a
20 presentation to the commission about contracting, you
21 know, what are the different forms? What are the
22 implications of the forms? You know, types, like, you
23 know, there's RFP, there's RFQ, there's, you know, level
24 one, level two. Contracting with outside consultants
25 versus contracting with other state agencies. And the

1 variations which the commission has to deal with.

2 And then I would also recommend for the previous
3 commission to put together examples of what they did for,
4 you know, each different one. And I would say, like, I'd
5 like us to update those RFPs, RFQs as appropriately for
6 the next commission. So like the, on the '28, '29 years,
7 they would be updated to include -- now, I'm specifically
8 thinking of technological advances and, you know, in map
9 drawer, things like that, specifically.

10 And those items I really want -- I believe we have
11 those listed but just in case -- I'm doing a quick
12 summary of those contracts. And then, also, following
13 through who follows the money involved in those contracts
14 because there were -- in different contracts is, and this
15 contract consultant shall do X, Y, Z. To make sure that
16 those items also get followed through in the contact.
17 Because that can get lost as one group writes a contract
18 and another group follows the payment and that line.

19 So there needs to be a connection between the two
20 somehow on several different contract. I think that --
21 those are the big items I have on my list. Thank you.

22 COMMISSIONER KENNEDY: So essentially ensuring
23 quality control and monitoring of contracts once they're
24 in place?

25 COMMISSIONER ANDERSEN: Right. Sorry, on more item.

1 And in terms of our staffing, we needed a larger, you
2 know, a staff to do the contracting and administration of
3 that because we had one person who understood the
4 connection in the different state agencies. And that is
5 entirely too much work for one person. One staff level
6 person, you know, even with a couple of assistance, it's
7 too much at the top for one person.

8 COMMISSIONER KENNEDY: Very good. Thank you,
9 Commissioner Andersen.

10 Director Kaplan, Chief Counsel Pane, just wanted to
11 touch base or Executive Director Hernandez, get any
12 thoughts you might have on contacting and what we can do
13 to leave things better off for the 2030 commission.

14 Director Hernandez?

15 MR. HERNANDEZ: So definitely what has already been
16 mentioned is leaving behind kind of a trail for the next
17 commission to follow as more of an administrative trail
18 of the things that need to be done.

19 Raul and I are working on putting some of that
20 information together to have more of a template format
21 and approach to provide for the next administration and
22 how they can, you know, just pick up where we left off
23 this year. For them to just pick up where we left off in
24 2030 or, you know, 2030.

25 So that's kind of what we're working on as we're

1 speaking. I'm taking notes and identifying other areas
2 where we can do the same. To provide that level of
3 information to the next commission.

4 COMMISSIONER KENNEDY: Great. Thank you very much
5 for that.

6 Commission Fernandez?

7 COMMISSIONER FERNANDEZ: Thank you. I just wanted
8 to confirm with Executive Director Hernandez that he has
9 had staff review the current duty statements and
10 recruitment paperwork as well as all the contract
11 language. So in other words, hopefully Freddy will
12 review all of the documents or documentation for the
13 communication side. And Marcy would do outreach. Raul
14 would do all of the administrative information. And to
15 include their own position, right? Their own recruitment
16 information. And then Anthony would do the counsel
17 things.

18 COMMISSIONER KENNEDY: Thank you, Commissioner
19 Fernandez.

20 Director Hernandez?

21 MR. HERNANDEZ: Yes. So yes. We are looking at
22 that. And one of the things that we've realized and
23 we've discussed it, Marcy's brought it up, I've brought
24 it up, you know, as much as we had planned, these are
25 their duties and rules and responsibilities, things just

1 came up that were not expected, anticipated, or planned
2 for. And so we're looking at that. Some of these are
3 anomalies, given the circumstances we found ourselves in
4 in this commission. That being COVID.

5 Also other factors that, you know, were unplanned.
6 So with that, balancing out what we anticipate will be
7 their duties in the future may change completely from
8 what we've had and the things that we're adding to it as
9 we speak today, given all the circumstances we
10 encountered.

11 So I'm trying to find that balance of information.
12 But we do have the duty statements, you know, and we have
13 been reviewing them.

14 CHAIR VAZQUEZ: So thank you. I'm going to
15 interrupt us here. We have our break. I have 11:01. If
16 we could be back by 11:16 so we can get the full 15
17 minutes, that'll be great. And we'll get back to
18 everyone's comments. Thanks.

19 COMMISSIONER KENNEDY: Thank you.

20 (Whereupon, a recess was held from 11:01 a.m.
21 until 11:16 a.m.)

22 CHAIR VAZQUEZ: All right. Welcome back.

23 We'll hand this back over to Commissioner Kennedy.

24 COMMISSIONER KENNEDY: Well, and I was prepared to
25 hand it over to Commissioner Yee. But I guess I can

1 continue for now.

2 COMMISSIONER YEE: Please do.

3 COMMISSIONER KENNEDY: Okay. Director Kaplan had
4 her hand up and Commissioner Andersen had her hand up.
5 Director Kaplan?

6 MS. KAPLAN: I just wanted to follow up on the
7 discussion around contracting. I think what was
8 effective for many of the contract staff that were
9 specialized in the particular areas were the ones that
10 more directly oversaw the contracts and were the key
11 point persons. I would recommend that in the future.
12 And if there is ambiguity on who is the point person, you
13 know, providing recommendations in the contract, going
14 forward.

15 COMMISSIONER KENNEDY: Thank you.

16 Commissioner Andersen?

17 COMMISSIONER ANDERSEN: Yeah, thank you. On the
18 staff roles and duty statements, I would really suggest
19 that we not only give, you know, what was the original
20 statement but include all the tasks they end up doing.
21 And I understand that, you know, try to say, well, try to
22 write it so what you would assume would really be more
23 perfect for the next time around, but the listing of
24 everything that each positions actually ends up having to
25 do would make sure that all those tasks get covered.

1 And the 2030 commission can then at that point go,
2 oh, got it. Because some of those jobs, regardless, will
3 need to be done, but not necessarily by that person but
4 someone else. And by having the two to compare, I think
5 will be very helpful. And it would also reduce the tasks
6 of trying to, you know, weed out what -- well, let's
7 create, you know, a variation of this is what we propose
8 because we don't necessarily know, for each particular
9 job. Thank you.

10 COMMISSIONER KENNEDY: Thank you, Commissioner
11 Andersen.

12 Chief Counsel Pane, did you have anything, any
13 thoughts on contract management as it relates to our
14 external counsel and your managing those contracts?

15 MR. PANE: Thank you, Commissioner. Not really. If
16 I did want the commissioner to be aware. And this will
17 certainly be in part of what I produce for the
18 commission, legal did devote one of the retired annuitant
19 positions to focus on contracting because it was such a
20 legal need for the commission.

21 And I can pretty, I think, confidently forecast that
22 it will be for the next commission. And it might even be
23 more impact, if given the time frames. So and that'll be
24 in my recommendations as well. But I just want you all
25 to be aware of that.

1 COMMISSIONER KENNEDY: Thank you, Chief Counsel
2 Pane.

3 Along the lines that I mentioned earlier, things
4 that didn't happen to us but might have. Anybody have
5 thoughts on any of those things that could easily have
6 happened, but luckily didn't? That's also part of the
7 reason that I wanted to organize the panel with some of
8 the other redistricting commissions for this afternoon
9 because something may not have happened to us but could
10 easily have. And maybe it happened to someone else and
11 we can learn from their experience.

12 So I just wanted to get people to think of any of
13 those things that didn't happen to us that could easily
14 have and -- and any thoughts on how to make the 2030
15 commission's life easier if those things do come to pass.

16 Commission Sinay?

17 COMMISSIONER SINAY: Well, one thing that did happen
18 to us and I don't know -- we really, you know, how to
19 give advice or just even just to say. I thought one of
20 the best things that, one of the best pieces of advice --
21 there's several great pieces of advice. One was do the
22 VRA districts first. The second was, yes, start as soon
23 as we can on everything. But the third that was, you're
24 going to be going to sued and don't let that fear stop
25 you from doing what's right.

1 And I, you know, repeated that to myself, to
2 colleagues, to staff, you know, and so it was always
3 about don't let that fear stop you from doing what's
4 right. But how do we prepare for getting requests, you
5 know, and I think we talked about it a little bit before.
6 But how do we -- for requests for our notes and things
7 like that.

8 You know, what should we -- should we not, you know,
9 we never got that kind of advice. I've gotten that
10 advice before, like when I started on the schoolboard.
11 And also, even when I worked at one of the foundations,
12 you know, legal came in and gave us advice on how to keep
13 notes and all those things. We just were told, don't
14 delete anything. But there wasn't the do, do, you know,
15 write the notes you need to be able to remember what
16 you're doing. These are some things to keep in mind.
17 And Neal's laughing at me -- I mean Commissioner
18 Fornaciari is laughing at me for some reason. It's
19 probably because I've way too many notes.

20 COMMISSIONER KENNEDY: Thank you, Commissioner
21 Sinay.

22 Commissioner Sinay?

23 COMMISSIONER SINAY: One of the things we kept
24 saying we were going to do, and I remember Commissioner
25 Fornaciari kind of helped us start on this but we never

1 quite finished it. But was thinking through how we want
2 to work together. What is our agreements among each
3 other and how we want to agree to disagree and all those
4 things. And we got through it but those first few months
5 were really, really tough.

6 And so as much as I say, maybe a Lesson Learned was
7 not to talk about what our vision is, you know, why we're
8 here, because we kind of got to that. I think we did
9 need, at the very beginning to, you know, at the very
10 beginning, how we wanted to work with each other. And as
11 soon as that came in, what was the difference between
12 what was the staff role and what was the commissioner's
13 role.

14 COMMISSIONER KENNEDY: Thank you, Commissioner
15 Sinay. On the issue of record keeping and archiving, and
16 we started or we had a little bit of discussion last
17 week. I want to ask for thoughts on what additional
18 reporting from staff would have been useful to
19 commissioners. My own sense is that we heard about
20 achievements but not as much about the work that was
21 actually going into those achievements. So I just want
22 to see if colleagues had any thoughts on that.
23 Commissioner Sinay.

24 COMMISSIONER SINAY: I think sometimes it's
25 difficult to share about all the work that goes into the

1 achievements because then, there's that fine line between
2 being informed and then opening the door to be
3 micromanaged. And so, I think that, you know, I
4 understand why there was that hesitation.

5 I think what would have been helpful is to have it,
6 you know kind of a dashboard, an agreement on what
7 success looked like and how we were getting there. And
8 knowing when we weren't getting to certain places, being
9 able to ask questions and staff to answer, okay, this is
10 how we shifted or whatnot.

11 But the reports that staff provided at the end of
12 each phase were really good. But I would say we need to
13 be careful about process versus outcomes because we
14 don't, you know, it's that understanding of what the role
15 of staff and what's the role of commissioners, which we
16 never really quite defined.

17 COMMISSIONER KENNEDY: Very good. Thank you,
18 Commissioner Sinay.

19 Director Hernandez?

20 MR. HERNANDEZ: Yes, thank you. One of these I was
21 going to share is that some of the things, you know, the
22 work behind the scenes is figuring out how we're going to
23 do something. You know, there was a lot of unknowns.
24 The timings, how soon can we get these things done. And
25 so there was a lot of work going on. But there's also a

1 lot of, okay, how are we going to do this?

2 And so I don't know if that would have been helpful
3 to the commission. And I do agree that there's that fine
4 line of, you know, what level of information you provide
5 because once you open the door, you can't close it again.
6 And so, you know, a lot of ideas would be coming through.
7 And the micromanaging is kind of a concern I would have.
8 When you do open the door, does offer opportunity for
9 looking at things very differently. It could change the
10 direction that you're going. And then that did happen a
11 number of times where, you know, we shared information
12 and then direction was changed. We were redirected to do
13 it differently. And so now we had to go back and figure
14 out how were we going to do it differently now with the
15 new parameters or new guidance that was being given.

16 So there are some challenges and I do think, you
17 know, moving forward, looking ahead, if we do have that
18 high-level plan that doesn't change, you know, that's
19 wishful thinking on my part, it would make things so much
20 easier. But as we pivoted from having in-person to not
21 having in-person. Extending our due deadline. All of
22 these things where we had to pivot, it just made it very
23 difficult to kind of plan out the entirety of the
24 processes that we were trying to implement. And
25 implementing those processes were very new.

1 The other thing, since I have the floor, I wanted to
2 mention a couple of things that I think this commission
3 should consider as you're looking at the Lessons Learned
4 and the environment that we were in. Obviously, we've
5 talked about COVID a number of times. But you also had,
6 you know, January 6th, and just that whole implication of
7 where government itself was going.

8 And then you also had a lot of the recall impacts to
9 the commission. There was a lot of community
10 organizations that said, you know, we don't have time to
11 really focus on, you know, this other activity that's
12 going on right now. And I think that had a major impact
13 on community organizations getting involved with us early
14 on. You heard Fredy also with the media. They didn't
15 want to talk to us. There wasn't a whole lot going on.
16 But they had other things that they were focused on. So
17 it took the tension away from the commission's work.

18 So I did want to bring those up as part of the, you
19 know, the landscape that this particular commission had
20 to work in. Thank you.

21 COMMISSIONER KENNEDY: Thank you. I think that is
22 important to keep in mind.

23 Commissioner Andersen?

24 COMMISSIONER ANDERSEN: Yeah. This is a different
25 one than I just -- I'd forgotten about is, one thing I

1 think we should mention -- and what this came from is,
2 you know, what if things had -- we didn't have to deal
3 with what if.

4 Two items about commissioners themselves. One that
5 I think we should -- a recommendation we should give to
6 the other commissions is in the backgrounds of
7 commissioners, it's helpful to have someone with a bit of
8 knowledge of law. Someone with a bit of knowledge of
9 tech. Someone with a bit of knowledge of outreach. And
10 I know other commissioners will come up with certain
11 ideas. Just a little bit of background in those fields
12 really helps on the commissions as opposed to, you don't
13 everybody with the same background. But I think everyone
14 knows that.

15 But the other item that we did not have and it
16 really could have is one or two commissioners or a group
17 of commissioners who, like, I'm not going to work with
18 those other commissioners. Not going to hear it. And
19 you've heard about that, I mean, we've always have told,
20 you know, all the hard choice, oh this could be that --
21 and that could happen. You could have someone who, you
22 know, ultimately is not going to work with another
23 commissioner or other commissioners.

24 And you know, I think maybe, you know, personnel
25 related matters. These are items that a bit of training

1 on interaction and with staff, with commissioners, a
2 little bit of training in that might be a good thing for
3 all commissions. Those are some of the -- and part of
4 that is, like, I don't know what you're really going to
5 do. But I'm sure there's some sort of training log out
6 there that deals with, you know, how to relate to people
7 when they don't want to be related to, or vice versa sort
8 of thing. So just thought I'd bring that up, which is a
9 tough one.

10 COMMISSIONER KENNEDY: Thank you, Commissioner
11 Andersen. And that actually prompts me to ask to Counsel
12 Pane, this is relating to Bagley-Keene and the topic that
13 has come up several times of team building, you know, the
14 issue that Commissioner Andersen just raised. I mean,
15 would Bagley-Keene, for example, preclude all of the
16 commissioners for signing up for a publicly available
17 course provided by, you know, a commercial provider or
18 something where there were individual from other states,
19 other bodies, other industries as it were, I mean, I've
20 done -- I went to a leadership training course decades
21 ago at the Center for Creative Leadership in North
22 Carolina.

23 And they're one of the world's biggest providers of
24 leadership training. And I'm just wondering if, you
25 know, something like that is something that, you know,

1 all fourteen commissioners could do. But it's also open
2 to other people from other industries and so forth and
3 it's not directly related to the work of the commission.
4 And so therefore, it doesn't violate Bagley-Keen. Is
5 something like that possible?

6 MR. PANE: Absolutely. I think that's -- so there's
7 pieces. There's the size number that I know that's been
8 a subject of litigation and of much concern. But there's
9 also the other prong to it, which is discussing
10 commission business. Now, that's a little bit more
11 ambiguous. But certainly if it's team building or, you
12 know, sort of working together that's obviously broader
13 than, you know, we're not talking commission business,
14 that's perfectly legitimate to do. And would not violate
15 Bagley-Keene.

16 COMMISSIONER KENNEDY: Okay. Thanks. So that --
17 that could be a way forward for a future commission.
18 Commissioner Taylor.

19 COMMISSIONER TAYLOR: Thank you.

20 (Audio interference) -- that question with Chief
21 Counsel. That wasn't necessarily the interpretation that
22 this commission that we had. It seemed that our legal
23 advice was to refrain from that sort of training. That
24 we weren't able to do that. That Bagley-Keene restricted
25 us from any training that wasn't under the full light of

1 public view. Thank you.

2 COMMISSIONER KENNEDY: Thank you, Commissioner
3 Taylor. Chief Counsel Pane, I don't know if you have any
4 response to Commissioner Taylor.

5 MR. PANE: No, no, I mean, Commissioner Taylor, I
6 understand what you're saying. Bagley-Keene has
7 exceptions under certain conditions, and I have to go
8 back. My recollection was when I came on in May, that
9 that was part of the presentation that I provided, and
10 that was in some of the PowerPoint slides. There are --
11 Bagley-Keene does allow for more than two members of a
12 public body to meet or to be in the same room, I should
13 say, and that's not considered a meeting, and that
14 primarily turns on the content. You wouldn't have -- all
15 fourteen of you, for example, could go to a conference
16 that's not about commission, redistricting. That
17 doesn't mean that there's a meeting that requires
18 attending notice and all of the disclosure requirements.

19 Now, you need to make sure that you don't discuss
20 commission business when you're all together, but nothing
21 prevents the fourteen of you, for example, in going to
22 that conference. So oftentimes, legal advice, and I'm
23 going make this broader than the legal advice that the --
24 that I've given, is oftentimes it's easier to just tell
25 somebody a straight number. Like, oh, no. Doesn't

1 matter what it is. If it's more than two, then it's all
2 off limits. It's easier that way. Sometimes people like
3 hearing easier rules because they have so many or other
4 things to worry about. So it's just easier, okay. If
5 there's more than two, that's a nice, clean way of
6 dividing it, but the law is a little bit more numerous
7 than that.

8 COMMISSIONER TAYLOR: Thank you. Yes, I remember
9 when you came on with us. I think then my advice or
10 recommendation with that or to help the future commission
11 is that that's clearly defined within an earlier enough
12 time frame so that they can take advantage to that -- to
13 those provisions within Bagley-Keene; whereas, by the
14 time you came on with us, we might have been beyond the
15 point where that was the most effective use of our time.
16 Thank you.

17 COMMISSIONER KENNEDY: Thank you, Commissioner
18 Taylor.

19 Okay. Going -- looking at the list of prompts here
20 again, responding to the unknown and unexpected pandemic,
21 senior staff turnover since this delay and uncertainties,
22 commissioner absences, litigation risks, thoughts on any
23 of those, or are there other cross-cutting issues that
24 we haven't prompted you on?

25 Commissioner Sinay?

1 COMMISSIONER SINAY: Yeah. I guess those goes back
2 to kind of you had brought up, you know, commissioners'
3 absence, and I would turn it around and just what -- you
4 know, if we looked at agreements and what's our
5 agreements to each other and participation, you know,
6 what does it mean to participate, I think having those
7 agreements at the onset so we all kind of understand, and
8 also I think being open and honest to each other when we
9 need to step forward and when we need to step
10 backwards -- back, sorry, and move forward and move back.

11 I mean, we've all -- we all had different crises at
12 different times and different family emergencies and
13 different workloads, and the -- you know, I think part of
14 sharing where we were on things was what kind of brought
15 us closer and respectful, and that maybe part of a Lesson
16 Learned is I -- you know, I liked -- you know, I -- when
17 the -- the letter that we received from the public said
18 it would be good to know when commissioners are on and
19 when they're off camera. It was kind of an
20 interesting -- you know, I can understand why they're
21 saying that at the same time as, you know, we all had to
22 take care of business at different times, but again,
23 it -- being able to have an agreement with each other
24 and maybe we move -- you know, as we move to the
25 processes, we may need to change the agreements.

1 You know, at the beginning, it might have been more
2 flexible, and then during line drawing, we get a little
3 more, and then, you know, I don't know what our
4 expectations are right now of each other for the next ten
5 years, and I think what I would recommend for the
6 commission is for them to set those expectations among
7 each other versus having it written.

8 You know, in a lot of places they'll -- you know, a
9 lot of boards I've worked with, in their bylaws they will
10 write, you need to attend at least 80 percent of the
11 meetings or, you know, be very strict, but I think it is
12 something that should be constantly a conversation, and
13 maybe we need guiding questions like, what does it mean
14 to be engaged, what does it mean to be fully active,
15 what -- how do you share with your colleagues when you
16 need to take a step back? You know, more guideline
17 questions that could have been helpful for -- you know,
18 for our -- for -- as we learned, you know, bumping along.

19 COMMISSIONER KENNEDY: So what I'm understanding is
20 a -- favoring an ongoing conversation rather than writing
21 down rules and establishing forms and procedures.

22 COMMISSIONER SINAY: Yeah, because I think what
23 happens is -- is it changes and it evolves at different
24 times. There were times when we were -- yes. I just
25 think it evolves and we -- and you as a commission -- we

1 as a commission didn't know what we didn't know until we
2 were in the middle of it. I do think that maybe one
3 procedure -- one area where we may want to think through
4 is if a commissioner has to step -- at what point is it
5 too far into the process to -- for the governor to select
6 a new person if a commissioner needs to step back, or
7 what happens -- someone had asked what happens now
8 post-maps if one of us, you know, says, you know, I can't
9 do this anymore? You know, do we still need -- does the
10 governor still need to put on -- put a new person, and
11 so -- but I think on the whole, it's that, hey. You guys
12 really do need to have these conversations and be honest
13 with each other on what are the pressures outside of the
14 commission and how can you step up? You know, again,
15 move up or move back.

16 COMMISSIONER KENNEDY: Yeah. Just calling attention
17 to Government Code Section 8252.5, Citizens Redistricting
18 Commission vacancy, removal, resignation, absence,
19 Subsection (b)(1) talks about any vacancy occurring prior
20 to December 31 of a year ending in the number 2 shall be
21 filled within thirty days, and then after that, it's
22 within ninety days. So I mean, it doesn't look like
23 there's any flexibility as far as whether it would be
24 filled. I mean, we can certainly recommend a change to
25 that. That's in the government code section that we have

1 the authority to recommend a change to. As it currently
2 stands, those provisions are there.

3 Commissioner Fornaciari?

4 VICE CHAIR FORNACIARI: Yeah. I think that's --
5 that's a really good point. You know, just brings me
6 back to the grand jury. We lost a couple jurors towards
7 the end of the process, and we as a group decided not to
8 replace them because of the amount of overhead to bring
9 them up to speed to where we were wouldn't allow it, but
10 the problem -- part of the problem is to get people to
11 vote for the maps, right, so there's a balance, and you
12 know, so maybe -- I don't know, I haven't thought about
13 this too deeply, but if we were in the middle of map
14 drawing and we lost somebody, and then we have 30 days to
15 replace them, you know, I just -- how would you do that
16 in a practical sense?

17 You know, we didn't -- I mean, I went back for the
18 presentation that I made yesterday and counted that I
19 worked twenty-six days in November. I don't know when in
20 November I would have found the time to figure out who
21 to -- you know, how we're going to hire the next or get
22 the next person in. So maybe that's something that, you
23 know, two of us can take time to think about and come
24 back some ideas on how practically that might happen.

25 COMMISSIONER KENNEDY: Great. Thank you for that.

1 Commissioner Fernandez?

2 You're muted. Did you wave yourself off? I'm
3 sorry. I was taking notes.

4 COMMISSIONER FERNANDEZ: Oh, sorry. That's -- I'm
5 sorry. I did have it on mute. It was -- it is one of
6 the items on our legislative -- potential legislative
7 changes that Commissioner Akutagawa and I put together
8 and brought forward in terms of discussing whether we
9 need to fill vacancies, especially after final maps were
10 approved.

11 Again, as Commissioner Fornaciari brought up, you
12 get into potentially some items you need to have a super
13 majority, so it can come into play in terms of wanting to
14 fill it, but yes, like during September, October,
15 November, December, that would have been very difficult
16 to carve out time to fill a vacancy if we did have a
17 vacancy, so -- and especially if we only had 30 days to
18 do it, and as I mentioned last week, once we finally
19 get -- once we start the line drawing, there should be no
20 subcommittee work. It should just be pure line drawing
21 so that we're all free -- freed up to concentrate on
22 that.

23 COMMISSIONER KENNEDY: Great. Thank you for that.

24 Commissioner Taylor?

25 COMMISSIONER TAYLOR: Thank you. I mean, I guess

1 you have a variety of ways that you could think to
2 address that, possibly rolling with an alternative --
3 alternate or two that is present, that takes all the
4 training, that is ready to step in a shorter period of
5 time as opposed to fifteen -- thirty days, however long
6 it would take to fill that position.

7 I would have to think that in the -- on the coming
8 commissions, and I'll use myself as an example, that
9 other people are going to have a drastic change in their
10 lifestyle at some point during this -- during their
11 tenure, and -- and you know, when I look back at my
12 tenure this far, it just happened to be like the month
13 before in September. You know, September was a troubling
14 month for me as I had a job change. We would have to --
15 and I'm -- and was I at a point of no return? You know,
16 it was right in front of line drawing, and would it have
17 been advantageous for me to be have been replaced or to
18 continue knowing that there's still technology where I
19 could follow everything that the commission did prior to
20 the line drawing.

21 If we had some sort of mechanism in place where if I
22 were to step away or someone were to step away, they
23 could immediately fill in, I think it's advantageous. If
24 not, there might be a point of demarcation where it just
25 doesn't benefit the commission to replace them, to have

1 that person to continue and make use of the tools that
2 are available. So aside from having some sort of
3 alternate in place, we just have to be mindful when we
4 get to that point of no return, I think, if that jumble
5 made sense. Thank you.

6 COMMISSIONER KENNEDY: Thank you, Commissioner
7 Taylor.

8 You know, the idea of having alternates ready to
9 step in is, you know, to my mind, a good idea and
10 essentially, you know, there are those remaining in all
11 three sub pools who are, bottom line, subject to being
12 called on at any time. Now, you know, maybe there's a
13 way to engage them.

14 You know, maybe as Commissioner Fernandez said, you
15 know, mapping is such a critical part of the -- I mean,
16 it is the critical part of the process and -- and sending
17 out to a reminder to those remaining in the sub pools
18 that they could be called on on short notice to step in,
19 you know, I guess I would think that that's reasonable to
20 just send out a reminder of their status at a couple of
21 points in the process.

22 Commissioner Andersen?

23 COMMISSIONER ANDERSEN: Yeah. I was thinking along
24 those same lines in that, yes, I don't believe there was
25 any indication whatsoever, if you didn't make it on the

1 commission, you know, in those -- in -- the people who --
2 in the sub pool who did not make it on the commission, I
3 don't believe there was any other information went out to
4 those people to say, hey. By the way, you could get
5 called up at any time, and I would actually propose that
6 an alternate, at least one of all three of the different
7 groups, be on the commission or listed on the commission
8 as an alternate, not with a voice, but to be ready in the
9 event that they would be needed, and that -- they -- I
10 don't know how that would work, but I think it's
11 something we should seriously consider, particularly
12 because, you know, and someone could, you know, drop dead
13 and you'd have be replaced, you know, right in the -- you
14 know, ate too much Thanksgiving turkey, boom, down they
15 go, you know, something.

16 So not a bad way to go, but still -- and you'd have
17 to someone because you need people to vote, and if
18 someone was already up to speed, and I think maybe even
19 if it actually went -- you know, like would a couple of
20 those -- the people who did not make it on the
21 commission, would they consider, you know, being closely
22 involved because not everyone will. They'll say, no.
23 Huh-uh. I've moved on, thank you very much. But I think
24 it's something that we should again probably look into
25 with a little more depth as you could in terms of

1 something that didn't happen to us that seriously could.
2 That's a biggie. That's a really big item. So I -- but
3 I think about an alternate and how that would happen. I
4 would pursue that.

5 COMMISSIONER KENNEDY: Yeah. I was thinking that
6 one of the states did have a provision for alternates,
7 and I'm not finding it right now, but that might be the
8 question that we could pose to commissioners from other
9 states.

10 Commissioner Toledo?

11 COMMISSIONER TOLEDO: I'm certainly in favor of
12 having an -- in the alternates, having alternates ready
13 in case they're needed, and I think we have that, and
14 maybe it's more of making sure that they're following the
15 process and engaged and ready to fill in if needed, and
16 it's also a very political process, right? It's the
17 governor who appoints the -- if I'm understanding, if I
18 remember correctly, it's the governor who appoint
19 replacements. So talk about trying to get politics of
20 it, right?

21 So I wonder if maybe it should be like a lottery
22 system or something with the remaining people or whatnot,
23 but I'm not sure. I'd need to think about it a little
24 bit more. Thank you.

25 COMMISSIONER KENNEDY: Thank you, Commissioner

1 Toledo.

2 Looking at the statutes, and I'm sure Counsel Pane
3 can correct me if I'm wrong about this, it actually says,
4 "Any vacancy, whether created by removal or resignation
5 or absence shall be filled by the commission within the
6 30 days after the vacancy occurs from the sub pool of
7 applicants of the voter registration category as the
8 vacating nominee." There may be further detail also in
9 the regulations, but it looks like it would be up to the
10 commission to fill the vacancy in trying to maintain the
11 bodily reflective of the state's diversity in the
12 process.

13 Commissioner Fornaciari?

14 VICE CHAIR FORNACIARI: Yeah. This conversation
15 reminds me of a -- of a model that we already have in
16 this country, the jury model, and the alternates -- and I
17 was an alternate. I sat through the entire trial, and
18 then I didn't get to vote in the end, but I got paid the
19 same \$500 that everyone else got paid.

20 So I would think that if we -- you know, if we're
21 going to think about an alternate model, that maybe we
22 should think about, you know, something like the grand
23 jury and alternates, you know, be part of the commission,
24 be paid, you know, obviously not get the vote, but go
25 through the process with us so if they have to fill in,

1 they're really, really, really up to speed, not just
2 watch, but up to speed and you know, again, they've
3 gotten compensated, and they're part of the entire
4 process, except for the voting part of it.

5 And in reflecting, it made me really reflect back on
6 picking the first six, and if we could have had
7 alternates when we picked the first six, and think they
8 may -- might have made the process go a little bit
9 more -- a little bit more smoothly.

10 COMMISSIONER KENNEDY: Can you just elaborate a
11 little bit more on that?

12 VICE CHAIR FORNACIARI: Well, we got hung up on
13 whether, you know, frankly we were going to pick the
14 person from Eureka or Commissioner Akutagawa, right,
15 and that was -- I mean, that kind of hung us up when we
16 were picking the next six, and if we could have said,
17 okay. We'll put one of them on the commission and one as
18 an alternate, I think that would have been -- I think
19 that would have helped us along.

20 COMMISSIONER KENNEDY: Okay. Got it.

21 Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Thank you. I was just
23 going to mention also what Commissioner Fornaciari said,
24 is if we have alternates, we can't expect them to listen
25 and be involved in the whole entire process if they're

1 not being paid. So that would definitely have to be --
2 that would have to be either they're an alternate and
3 there's no requirement for them to be involved until
4 they're needed, or you know, it's one or the other.

5 And then I just wanted to touch back on -- oh, gosh.
6 I have letters -- or notes here. Oh, Commissioner
7 Kennedy, you had mentioned the leadership training. For
8 me personally, I would prefer team building versus a
9 leadership training. I've gone to so much leadership
10 training throughout my entire career that I don't want to
11 go to another leadership training, but the team building
12 would be so great to have and so necessary.

13 It made such a world of difference once we actually
14 were able to meet in person. I mean, we did have some
15 team buildings and, you know, lunches and whatever, but
16 it would have -- I think it would have helped so much
17 earlier because you're getting to know people, and you're
18 making assumptions, right, when it's just virtual versus
19 in person, and they're a person and they have their own
20 lives, and you get to know that. So for me, that would
21 be actually more important. And then I had another note
22 here, but I have no idea what I wrote down, so I think
23 that's it.

24 COMMISSIONER KENNEDY: Thank you, Commissioner
25 Fernandez.

1 Commissioner Turner?

2 COMMISSIONER TURNER: Yeah. Thank you. On the
3 alternates, I support for sure having paid alternates,
4 not so much the random draw because a random draw, if I
5 sat a person waiting to see if I was going to be a random
6 draw, I wouldn't be as engaged, and I think it would be
7 just absolutely detrimental to the seated commission to
8 bring someone in randomly, and then have to catch them
9 up, and they've missed all the information, and I think
10 it almost an impossibility to go back and listen to all
11 of the recordings and have the same level of engagement,
12 so yeah, and with the expectation that they are fully
13 engaged, I would want to support them being paid as
14 alternates while they're waiting, one in each party type.

15 And as far as the training, the leadership or the
16 team building training, it would be great even if this
17 commission could meet. We were blessed and fortunate
18 enough to have Commissioner Yee and Sinay and others that
19 love to do, you know, party games of sorts or team
20 building and come up with different things, but what if
21 the commission did not have them? I mean, if forced to,
22 I've certainly done enough of them, I could have come up
23 with something, but, you know, they had that extra
24 passion and desire to create it. We all went with it,
25 and it just was beneficial.

1 It seemed like something that was light-hearted for
2 us to participate or not, but it made a difference, and
3 it would be an easy list perhaps to just list or to
4 bequeath maybe four or five exercises, so if nothing
5 else, it's like, here's your go-to, pick from these. It
6 will be beneficial in the long run, you do need to know
7 your fellow commissioners, and they wouldn't have to
8 start from scratch on that. Thanks. And they can use it
9 or not, but at least they would have it there for them.

10 COMMISSIONER KENNEDY: Great. Thank you,
11 Commissioner Turner.

12 Commissioner Fornaciari?

13 VICE CHAIR FORNACIARI: Yeah. So I don't want to
14 belabor this point too much, but I mean, to me it seems
15 like team building exercises for the commission seem like
16 a gray area in Bagley-Keene, and I do recall that we were
17 getting input from community groups that it was
18 encouraging us to do team building exercises, you know,
19 off-line in our like our social lunches and that kind of
20 thing and I -- you know, I think there's some ambiguity
21 in Bagley-Keene on that, and I think it's critical for us
22 to encourage them to embrace that ambiguity too and do
23 some team building exercises.

24 COMMISSIONER KENNEDY: Thank you, Commissioner
25 Fornaciari.

1 Commissioner Sinay.

2 COMMISSIONER SINAY: Yeah. We had actually received
3 input from the public going both ways. Some were very
4 adamant that we shouldn't, and they wanted us to do team
5 building, but they wanted it to be public and that --
6 yeah, and, you know, part of the hard -- you know, we
7 wanted to do, you know, as Commissioner Taylor said, you
8 know, we were rely looking at the biases training, you
9 know, for us just to understand our implicit and explicit
10 biases and how do we talk to each other about it because
11 I think that that that's really critical in this whole
12 process, especially because it is political, and there is
13 ethnic communities, racial -- you know, we know why, and
14 we were told no, you have to do that in public, not
15 private, and that's where we were told by some of the
16 community groups.

17 And so I definitely feel that anything that's going
18 to leave us vulnerable to get to know each other has to
19 be -- we have to be able to have some privacy so we can
20 have those conversations, and that includes what I was
21 saying earlier about when we need to step up and when we
22 need to step back. I don't think that those
23 conversations need to happen -- be in public. Maybe
24 it's, you know, a closed session where, you know, we just
25 say or it goes to the executive director or legal

1 counsel, and that gets shared. I would rather it be a
2 conversation so that we can offer our support to the
3 individual, but that -- as you all know, that's me.

4 But you know, I think it's interesting the whole
5 conversation about an alternate, and this is, you know,
6 my under -- I had never thought of the alternate coming
7 from the pool of those were before because I -- the way I
8 had read it was the governor gets to select, but either
9 way, I mean, if there's an alternate and they're being
10 asked to serve, even if they don't get a vote, I do feel
11 that they should get financially compensated, just like
12 the rest of us, but I think it's a lot of ask of someone.

13 You know, when you're on a jury, it can be a jury
14 multi-months, so I won't make it -- I won't make -- but
15 you know, it's thinking through that piece. I think
16 there was also -- and this is coming from the community,
17 is the community wanted to know what role could they
18 have -- I mean, when could they push or when could they
19 request for an absent commissioner or something like
20 that, and I don't know what the answer is to that, but I
21 just wanted to raise that so that, you know, we've been
22 trying to be very consistent about bringing up what folks
23 are saying. I don't -- yeah. Yeah.

24 COMMISSIONER KENNEDY: Thank you, Commissioner
25 Sinay.

1 Commissioner Fernandez?

2 COMMISSIONER FERNANDEZ: Thank you. Just really
3 quick, I just thought of this. I mean, and we also need
4 to think about if they are -- if we -- if future
5 commissions do have an alternate, are they able to ask
6 questions, are they able to give opinions like we do?
7 I'm just thinking, man, there's fourteen of us, and some
8 of our conversations have gone on forever, and if you add
9 three to that, whew. You know, that's going to be quite
10 a bit. So I think we really need to think about that
11 what role could like if we're going to recommend it and
12 maybe what the parameters would be.

13 COMMISSIONER KENNEDY: Thank you, Commissioner
14 Fernandez.

15 Commissioner Turner?

16 COMMISSIONER TURNER: Thank you. I just -- I don't
17 know if I just didn't take it down or went it up by
18 mistake. Thank you.

19 COMMISSIONER KENNEDY: Thank you. I put myself in
20 the queue to say, you know, in general, I like the idea
21 of having alternates on deck as it were, but I go back to
22 a point that I made earlier, if -- you know, if the --
23 one of the objectives in selecting the final six is to
24 ensure that the full commission broadly reflects the
25 diversity of the state, how would you ensure that, you

1 know, one alternate per sub pool is going to be able to
2 replace the one who leaves without really disturbing that
3 reflection of the state's diversity? And I don't have an
4 answer. I just -- I have that question.

5 You know, would that -- could that make things
6 worse? I mean, if we lost a particular skill set and
7 summon of the alternates had that particular skill set,
8 if you only had three alternates, none of those three had
9 that skill set, but somebody still remaining in one of
10 the sub pools did. You know, so right now for me,
11 it's -- it is raising more questions than a clear path
12 forward, but certainly happy that we're discussing it,
13 and agree that it probably deserves some further
14 decisions.

15 Commissioner Le Mons?

16 COMMISSIONER LE MONS: Do we know if any other
17 commission has faced this issue of -- and how did they
18 resolve it? Because I think all of the points that
19 different commissioners has raised around this issue --
20 so part of me goes -- gosh knows how I can be on certain
21 topics, but part of me goes, you know, there's a beauty
22 in organically solving the issues in front of you.

23 COMMISSIONER SINAY: Yeah.

24 COMMISSIONER LE MONS: And I'm grateful that we
25 didn't have to solve this issue. We had other issues to

1 solve that the fourteen of us figured out how to solve.
2 So some of these things, while we want to help future
3 commissions and share what our experience is, this really
4 wasn't our experience. We didn't have to -- we don't
5 have a Lesson Learned from having to replace a
6 commissioner because we didn't have to do it. So trying
7 to ward off things that could go wrong, I feel like is a
8 little bit of scope lead for this process. So that's why
9 I just wanted to say that about that. Yeah. It's kind
10 of hard to offer up a solution for a problem we didn't
11 live through. So anyway. I'll stop there with that.

12 COMMISSIONER KENNEDY: Thank you, Commissioner Le
13 Mons. The 2010 commission actually had to replace a
14 commissioner, and I was looking in their recommendations
15 document about -- to find what they said about that, and
16 I'm not finding the specific information, but they do say
17 that there needs to be training. Here it is. The --
18 "The training plan should include a strategy for training
19 of any replacement commissioners during the ten-year term
20 of the commission," and as I say, the 2010 commission did
21 have to replace someone, I think fairly early on in the
22 process, and it ended up, I believe being Commissioner
23 Ancheta who joined the commission at that point.

24 Commissioner Fornaciari?

25 VICE CHAIR FORNACIARI: Yeah. I just want to

1 provide a little bit of clarity. So Section 8252.5(a)
2 talks about removal. If a commissioner is going to be
3 removed, has to have the concurrence of the governor and
4 two-thirds vote of the Senate to remove someone, but if
5 someone is removed or resigned, then it's up to the
6 commission to -- to replace them from the sub pool of
7 applicants of the same voter registration category as the
8 vacant -- vacating nominee after all the strikes. So you
9 know, supposedly we're supposed to go back to the sub
10 pool and look for a replacement.

11 I guess for me, if I sort of project forward, if I
12 didn't get randomly selected, A, I'm not sure how engaged
13 I would have been to know what was going on; and if
14 you guys call me a year after it was over, I'd probably
15 be doing something else that would preclude me from
16 joining the commission. Yeah.

17 COMMISSIONER KENNEDY: Thank you for that,
18 Commissioner Fornaciari.

19 Commissioner Le Mons?

20 COMMISSIONER LE MONS: Yeah. I was just going to
21 say, and the variations on, you know, would that would
22 look like, not in terms of the process point of view, but
23 the timing. So it sounds like the 2010 commission was
24 really early on, but, you know, some of our discussion of
25 course today has been about, you know, what if it happens

1 in September or right before the maps are being drawn or
2 in the middle, and you know, I mean, we could go on and
3 on kind of trying to figure out what that might look
4 like, but I think sometimes -- yeah, yep.

5 That's all. I just found -- I think it's an
6 interesting exploration, but I don't know that we really
7 can lend a whole lot to it because I think I like the
8 alternate idea, but it comes with a whole set of
9 considerations that would have to be explored, et cetera,
10 and it's like, yeah. We could talk about this for
11 another couple days. Anyway, that was my little two
12 cents on that piece.

13 COMMISSIONER KENNEDY: Thank you, Commissioner Le
14 Mons.

15 Anyone else?

16 Okay. Commissioner Turner?

17 COMMISSIONER TURNER: Yeah. Just real quick, when
18 you read the verse a couple of times about replacing
19 commissioners and what have you, but it seemed that we
20 weren't clear at all. So depending on if any of us, we
21 had -- you know, I had COVID and was out, Commissioner --
22 you know, a couple of the other commissioners had
23 illnesses, a job change, et cetera. Even if we desired
24 to replace someone, it seemed like there was always a
25 question of how would be do it specifically, what were

1 the steps, do we have clarity on that, or do we need
2 clarity based on, you know, what Commissioner Le Mons is
3 saying now? If for whatever reason, if there a
4 commissioner that wasn't serving appropriately or just
5 was not -- you know, do we have details around what that
6 actually looks like other than it's left to the
7 commission?

8 COMMISSIONER KENNEDY: Well, as -- as Commissioner
9 Fornaciari was pointing out, the removal elements are in
10 one subsection, and the replacement provisions are in
11 another. So removal depends on the governor and with
12 concurrence of two-thirds of the Senate. You know, would
13 you ever get --

14 COMMISSIONER TURNER: Right.

15 COMMISSIONER KENNEDY: -- two-thirds of the Senate
16 to agree with the other to remove someone. Replacement,
17 yes. That's in the hands of the commission, and the
18 commission could theoretically set up something in the
19 policy manual for how to deal with that. I would prefer
20 to see it in regulations and, you know, I keep coming
21 back to the need for further regulations.

22 There is a page in our handbooks entitled,
23 "Commission Vacancies." It's Section 60863 of the CCR.
24 So if a vacancy occurs on the commission before it
25 completes its redistricting function and the commission

1 is unable to fill the vacancy with an applicant from the
2 same sub pool, that goes into calling on the state
3 auditor to reconvene a panel to create a new sub pool.
4 Keeps its redistricting function, and the commission
5 determines that it needs to fill the vacancy, but it
6 unable to fill it with an applicant from same sub pool,
7 again notify the auditor, reconvene a panel to create a
8 new sub pool.

9 So there is that, but I don't think that really goes
10 as far as we would like it to, but it certainly --
11 and I'll ask Chief Counsel Pane to step in on this. It
12 at least is there as a hook onto which we could work
13 with the auditor's office, since I believe they're the
14 ones who got that regulation into place initially, and we
15 could work with the auditor's office to propose whatever
16 additional detail we might believe is prudent to have in
17 that regulation talking about commission vacancies.

18 COMMISSIONER TURNER: Uh-huh.

19 MR. PANE: That's correct, Commissioner Kennedy. In
20 fact, even if you probably -- because it doesn't discuss
21 vacancy, if you wanted to clarify what is meant by a
22 vacancy, that could be the place to do it. So yes. I
23 mean, there's a lot of -- the points -- the point of
24 regulations is to clarify existing statutes, and
25 certainly I'm sure the state auditor will have its own

1 rationale and opinions as to what areas they are able to
2 help promulgate regulations and which they are not. So
3 certainly working with them on this, if the commission
4 wants to pursue this further, you know, we certainly
5 would have to work with the state auditors on it as it is
6 their regulation.

7 COMMISSIONER KENNEDY: And just for anyone -- for
8 any commissioner who wants to take a look at it, that's
9 on page 47 under tab 2 in our handbook that we were given
10 way back when, but it's California Code of Regulations
11 Section 60863, commission vacancies.

12 Anything else from anyone?

13 Before we break for lunch and acknowledging that we
14 have guests joining us after lunch to share some of their
15 experiences in other states and in -- in local
16 redistricting, one of the items in the prompt -- prompts
17 document is role and place of California Citizens
18 Redistricting Commission in the independent redistricting
19 movement.

20 So I just wanted to put that on the table in case
21 colleagues wanted to have any further discussion on that
22 topic, and if not, I'll turn it back over to the Chair.

23 CHAIR VAZQUEZ: So unless there are strong
24 oppositions, I think we will break for lunch now since we
25 have guests coming at 1:30. That means an extra-long

1 lunch break for everyone, and so we'll reconvene at 1:30.

2 COMMISSIONER KENNEDY: Thanks, everyone.

3 COMMISSIONER TURNER: Angela's the best, Neal. I'm
4 just saying. I like the Chair.

5 MR. MANOFF: Thanks so much, everybody. Enjoy your
6 lunch.

7 (Whereupon, a recess was held from 12:18 p.m.
8 until 1:30 p.m.)

9 VICE CHAIR FORNACIARI: Welcome back to the
10 California Citizens Redistricting Commission, Lessons
11 Learned exercise. I want to welcome our guests this
12 afternoon and thank them for taking their time to share
13 their experiences with us. We're very much looking
14 forward to that. I want to thank Commissioners Kennedy
15 and Yee for putting this panel together, and I will turn
16 it over to them to moderate the panel. Thank you.

17 COMMISSIONER KENNEDY: Thank you, Chair.

18 Yes, I also want to join you in welcoming all of our
19 guests. We have Commissioner Shereen Lerner from the
20 Arizona Independent Redistricting Commission,
21 Commissioner Aislinn Kottwitz from Colorado's Legislative
22 Redistricting Commission, Commissioner Lori Schell
23 Colorado's Congressional Redistricting Commission. We
24 have Commissioner Susan -- Suann Hammersmith. Sorry
25 about that.

1 Suann Hammersmith from the Michigan Commission,
2 Commissioner Cynthia Orton from the Michigan Commission,
3 Commissioner Dustin Witjes from the Michigan Commission.
4 We have Edward Woods, the director of communications for
5 the Michigan Commission, and we have Commissioner Sharon
6 Diggs-Jackson, the vice chair of the Long Beach
7 Independent Redistricting Commission with us.

8 I believe I'm missing Commissioner Horvath from the
9 Colorado Legislative Commission and Commissioner Szetela
10 from the Michigan Commission.

11 Oh, there's Commissioner Horvath.

12 Commissioner Horvath, thank you for joining us
13 from --

14 COMMISSIONER HORVATH: Thank you.

15 VICE CHAIR FORNACIARI: -- the Colorado Legislative
16 Redistricting Commission. And with that, I am going to
17 start off because this was also an opportunity to take a
18 look at some of the lessons from the 2010 California
19 Redistricting Commission, I did speak with one of the
20 commissioners a couple of weeks ago whose suggestion was
21 that they had put all of their recommendations into their
22 summary and recommendations report, and perhaps we should
23 just take items from that.

24 So what I've done is I've gone through the 2010
25 commissions report, and this is for benefit of the

1 public, for benefit of our colleagues from other
2 redistricting commissions as well as a reminder to us of
3 some of those Lessons Learned or recommendations from the
4 2010 California Citizens Redistricting Commission.

5 The 2010 California Citizens Redistricting
6 Commission was the first citizens redistricting
7 commission in California. Of course, we had the example
8 of Arizona guiding much of the process. Authority for
9 the California commission over legislative districts was
10 established by a citizens' initiative that passed in
11 2008, and a subsequent citizens' initiative in 2010 added
12 the authority over congressional redistricting to the
13 commission's mandate.

14 At that time, the deadline for the maps was also
15 shifted from September 15th to August 15th. The
16 California State Constitution establishes six strict
17 ranked criteria for redistricting.

18 First of all is compliance with the U.S.
19 Constitution, especially in relation to equality of
20 population.

21 Second is compliance with the Voting Rights Act.

22 Third is contiguity.

23 Fourth is respect for counties, cities,
24 neighborhoods, and communities of interest, and we always
25 note that among those four, there is no ranking.

1 So it was left to the commission to determine
2 whether they were to -- they would respect a county
3 boundary or a city boundary or a neighborhood boundary or
4 a county boundary, et cetera.

5 The fifth criterion is compactness, not bypassing
6 nearby populations for more distant populations, and
7 finally nesting. The sixth criterion says that, "Where
8 possible without violating any of the previous criteria,
9 two assembly districts should be used to form one Senate
10 district, and in turn, each Board of Equalization
11 district should be made up of ten complete and adjacent
12 Senate districts."

13 There were a couple of additional requirements in
14 the California State Constitution. Districts cannot take
15 into account the residents of any incumbent or candidate.
16 That's important in state races because individuals
17 running to represent state districts are required to live
18 in the districts that they are seeking to represent.
19 Also districts cannot be drawn to advantage or
20 disadvantage any political party, any incumbent, or any
21 candidate.

22 The 2010 commission, as is the case with the 2020
23 commission, operates under fairly comprehensive open
24 meeting requirement with very limited exceptions. The
25 2010 commission being the first in California had an

1 initial applicant pool of 36,000. So that's out of a
2 population of that point at 30-some-million. So 36,000
3 initial applicants were screened by the applicant review
4 panel set up by the California State Auditor. They
5 reviewed those and whittled that down to 120 candidates,
6 40 democrats, 40 republicans, and 40 others that they
7 were going to interview.

8 After the interviews, they select sixty, so twenty
9 democrats, twenty republicans, and twenty others to
10 submit to the legislature for legislative strikes.
11 Leaders in both houses can strike up to two candidates
12 from each sub pool. So three sub pools times two houses
13 times two leaders each would come up with twenty-four
14 total possible strikes, reducing the sixty-person pool to
15 thirty-six.

16 We then have a random draw process run by the
17 California State Auditor to draw the names of the first
18 eight commissioners, that's three democrats, three
19 republicans, and two others drawn by lottery. The first
20 eight then select the final six, two democrats, two
21 republicans, and two others, to achieve a group that is
22 "Reasonably reflect of the state's diversity."

23 The 2010 commission frequently said that they had to
24 set up, implement, and carry out their mission on the
25 fly, and that it was akin to designing, constructing, and

1 flying the airplane after takeoff. There were concerns
2 around the timing and the adequacy of training,
3 especially for the first -- sorry, for the final six
4 members. The first eight received training live, and
5 then the final six were required to basically watch the
6 videos of the training that the first eight received.

7 They said that informal and after-hours gatherings
8 by commissioners for dinner and socializing were critical
9 for team cohesion and mission commitment and created a
10 culture of listening, collegiality, and respect, which
11 enabled commissioners to deal with tough issues in the
12 glare of the public eye.

13 Once the final six were selected, the full
14 commission decided on a shared governance model. The
15 legal framework says that the commissioners shall select
16 a chair and a vice chair and that those two should be
17 from different parties, and this was actually a
18 suggestion coming from someone -- a member of the public.
19 The 2010 commission decided to set up a system with
20 rotating chairs and vice chairs. Some of the
21 commissioners initially excluded themselves, but
22 eventually inserted themselves into the rotation.
23 Delegating authority primarily to the chair and vice
24 chair was an effective way to move commission processes
25 forward while still maintaining the ability for the full

1 commission to make final decisions about redistricting.

2 The 2010 commission's report highlighted the minimal
3 time available for filling high profile senior staff
4 positions and selecting external counsel, an RPV analyst,
5 and a mapping team, and they said that they ultimately
6 selected two law firms with different strengths and skill
7 sets to provide a balanced and tactical team approach to
8 address any and all expected legal challenges.

9 In relation to contracting, particularly in relation
10 to mapping services, they said that due to the
11 application of strict conflict of interest criteria to an
12 already small pool, the number of available candidates
13 for mapping services came down to only two, and both were
14 alleged to have partisanship in their background.

15 They said that they relied on their mapping
16 consultants to provide basic demographic information
17 about each part of the state, but that that did not
18 include other sources of data, which would have been
19 helpful with local and regional analyses, especially of
20 communities of interest.

21 They said that state regulations in relation to
22 procurement, contracting, personnel proved onerous and
23 time consuming, but that the experience and connections
24 of the executive director and support staff with state
25 agencies allowed for the use of various fast-track

1 mechanisms available within the state's standard
2 processes.

3 They said that the generally recognized that given
4 the circumstances, advisory committees were a viable and
5 effective solution for handling the immense workload and
6 complex decisions that had to be made. The open meeting
7 requirements, what we refer to as the Bagley-Keene
8 requirements, forced the commission to work withstanding
9 agendas, which listed general topics under each advisory
10 committee heading.

11 In keeping with the requirement for advanced posting
12 of agendas, meetings were scheduled as a contingency just
13 in case issues arose that required quick action. That
14 ended up confusing the public regarding meeting days,
15 times, and locations, specific agenda items, or whether
16 the commission was actually going to meet at all. They
17 also said that with the exception of the chair and vice
18 chair, commissioners sometimes received agenda
19 information for the first time during commission meetings
20 or the day before.

21 Obviously, the requirements, the time commitment
22 presented many challenges to individuals who had their
23 own businesses and employment responsibilities. Through
24 the -- they said that through the course of thirty-four
25 public meetings at thirty-two locations around the state,

1 more than 2,700 participated in person and over 20,000
2 written comments were submitted. Typically each speaker
3 was given three minutes, although they occasionally had
4 to reduce that in order to accommodate the remaining
5 speakers within the time available.

6 They ended up learning about mapping processes once
7 mapping was actually initiated and said that that slowed
8 down the process and contributed to a poor first set of
9 draft maps and not being able to put forth a second draft
10 map.

11 They established a public -- or established public
12 comment email accounts that allowed commissioners to
13 check public comments on the go. The volume of public
14 comments that came to the commission, especially after
15 the first maps were posted, quickly became difficult for
16 individual commissioners to effectively monitor. They
17 said that due to the short timelines and budget issues,
18 they did not do much in the area of public education and
19 relied on their nonprofit partners to fill the void.

20 They said that providing simple and workable formats
21 for submission of public input and comments was a strong
22 recommendation, effective use of low-cost channels, such
23 as ethnic and social media will be critical elements
24 moving forward.

25 They encouraged us to cultivate relationships with

1 community-based organizations but treat all stakeholders
2 equitably. They said that while organized groups often
3 represent the views of many people, their opinions are
4 not more or less important than those of individual
5 citizens, each of whom may offer important insights.
6 They provided a diversity of meeting times and days of
7 the week, an attempt to accommodate as large an audience
8 as possible. They generally allocated three hours for
9 each hearing, but that quickly became inadequate. They
10 decided that input hearings require the attendance of all
11 commissioners, even though there were suggestions that
12 subsets could represent the full commission and increase
13 the number of hearings and cover more territory.

14 I'm going to stop there. I hope that that helped
15 our colleagues from other commissions understand a bit of
16 what the 2010 Commission here in California faced. And I
17 will now turn it over to Commissioner Lerner from the
18 Arizona Independent Redistricting Commission.

19 Commissioner Lerner.

20 UNIDENTIFIED SPEAKER: It looked like she froze.

21 COMMISSIONER KENNEDY: Commissioner Lerner. We're
22 not here. There you go.

23 COMMISSIONER LERNER: I got kicked off. My internet
24 wasn't very good, so I had to reconnect. Sorry.

25 COMMISSIONER KENNEDY: Not a problem. Over to you.

1 COMMISSIONER LERNER: Oh, I'm sorry. I heard the
2 end of yours, and then I was kicked off, so I didn't know
3 what was next. I didn't hear.

4 COMMISSIONER KENNEDY: Okay. You're next.

5 COMMISSIONER LERNER: All right. So how long do you
6 want me to talk? I just --

7 COMMISSIONER KENNEDY: Fifteen, twenty minutes,
8 somewhere in there.

9 COMMISSIONER LERNER: Okay. All right. Well, first
10 of all, I just want to say thank you for inviting me or
11 one of us from our commission. We appreciate that. We
12 just finished up in January. And I'm very interested in
13 your process that you're going through. We are not going
14 through that. I'll explain why in a little bit.

15 So thank you, Commissioner Kennedy, for sending me
16 some talking points, some ideas of things that you're
17 interested in learning more about, so. And again, thank
18 you to everybody.

19 I'll tell you just a little bit, as you had
20 mentioned Commissioner Kennedy about Arizona in your
21 overview. This is our third time going through the
22 redistricting. And each time it's quite different. We
23 have not changed anything. And I'll explain why in a
24 little bit, why nothing has been changed, even though we
25 have found some continuing issues. But I will just say

1 upfront, the concern is if we open up to changing,
2 there's a concern about the whole thing being done away
3 with. So there's a little bit of concern about how do we
4 make adjustments that we know are needed because our
5 guidelines are in our Constitution.

6 So in 2000, we passed a voter driven initiative and
7 it was called Proposition 106 that basically amended our
8 Constitution to try to, and I'll quote, "End the practice
9 of gerrymandering and improve voter and candidate
10 participation in elections by creating an independent
11 commission of balanced appointments to oversee the
12 mapping of fair and competitive Congressional and
13 legislative districts."

14 We basically transferred the power to redraw lines
15 from the Legislature, and that was the intent. There are
16 twenty-three provisions in our Constitution that go with
17 the redistricting. I am only going to talk about a few
18 that are most relevant.

19 Probably the most important in some ways is who is
20 on the commission, the composition and the commissioner
21 qualifications. So I want to mention those first. We
22 have only five members on the commission. We have two
23 Democrats, two Republicans, and one Independent. No more
24 than two commissioners of the four in a party can be in
25 the same county. So that means Maricopa County, for

1 example, is our largest county. We can have no more than
2 two for Maricopa County, even though more than sixty
3 percent of the population of the state live in that one
4 county.

5 So the way it works is that there is a commission on
6 appellate court appointments that establishes the
7 finalists for the commissioner candidates. So I'll tell
8 you what happened -- and that commission on appellate
9 court appointments is appointed by our governor. So
10 whoever the governor is has a lot of control over who
11 they want to serve on the commission by selecting
12 carefully who they will put on that appellate court
13 appointments' panel.

14 What happened in Arizona this time is that the
15 majority of the appointments were, in fact, eighty to
16 ninety percent of them, were Republicans. They had a few
17 independents and then one or two Democrats. That group
18 reviews all of the applications that are submitted and
19 they do interviews of their final candidates. So we had
20 150, not like your 36,000. They narrow that down to a
21 pool of fifty. And then they interview twenty Democrats,
22 twenty Republicans, and ten independents. And then from
23 that, they narrow it down in half to ten Republicans, ten
24 Democrats, and five independents.

25 At that point, the Senate and House leadership of

1 each party get to select from that pool. So the
2 Republican Senate leader selects somebody, then the
3 Democratic Senate leader selects someone because it's a
4 majority, then minority order. Then a House majority and
5 then a House minority leaders and they select the final
6 candidates to the redistricting commission. Then at that
7 point, the four candidates will select the Independent on
8 the commission, who is also the chairperson. So at that
9 point, you have two Republicans, two Democrats who select
10 the Independent.

11 You are not eligible if you have held public office
12 in the last few years or are a paid lobbyist. Those are
13 the only criteria for that. How that is defined is a
14 little, I don't know, loosey goosey, maybe is the way --
15 because we actually had an Independent that we
16 interviewed that was working for an agency, but they
17 claimed they weren't a lobbyist. So there are some
18 questions over how those definitions exist.

19 So that's how we select the people. So we have five
20 people who serve. The chair is the Independent, and then
21 the commission elects a vice chair. And the vice chair
22 really just handles meetings if the chair is not there.
23 So that's kind of the way that works.

24 The other piece in terms of our constitutional
25 change that I'll mention, that that's our selection

1 process, is the goals for redistricting, which are very
2 similar to California's. Obviously, have to comply with
3 the Constitution, the U.S. Constitution and the Voting
4 Rights Act. Obviously, that changed with the Supreme
5 Court decision in 2013, so slight modifications in terms
6 of what we had to comply with.

7 The Congressional districts have to again have equal
8 population as much as possible within one vote, is the
9 way it works for us within one person. And state
10 legislative districts can have equal population to the
11 extent practicable, but basically within a few percents,
12 no more than four or five percent. But they can have --
13 you can have a few percent off. So some might have a few
14 more people, some a few less.

15 Districts are compact, geographically compact and
16 contiguous to the extent practicable. This happens in
17 each of our criteria. To the extent practicable,
18 district lines use visible geographic features to these
19 towns, county boundaries, and undivided census tracts.
20 And then again, to the extent practicable, competitive
21 districts should be favored. But here's the difference,
22 where to do so would create no significant detriment to
23 other goals.

24 So I'll come back to this a little more, but one of
25 the big questions that came up quite a bit in this

1 iteration as well as the last one was the lack of
2 definitions. We don't have a good strong definition for
3 what a community of interest is. We use some of the
4 common criteria for what compact means. We all know what
5 contiguous means, but we also note -- I also can tell you
6 we created districts that were not compact as they could
7 have been. The communities of interest varied widely
8 over the definition and then the issue of what does it
9 mean to say, no significant detriment to other goals, was
10 not ever resolved. There were very different
11 perspectives on that. So that's some of the issues that
12 we were confronted with.

13 Our timeline was that we were appointed in November.
14 We started our work in January of 2021. We were
15 appointed November of 2020. Our beginning, we selected a
16 mapping consultant -- well, our first thing was to select
17 staff. We selected a mapping consultant. And we had two
18 legal teams, one that was preferred by the Democrats and
19 one preferred by the Republicans. That was a result of
20 the 2010 redistricting where there were some conflicts.
21 And so this time there were no conflicts.

22 I will say that our group did very well together.
23 We were very collegial to the last three weeks when we
24 had to make final decisions on lines, as I'm sure you can
25 understand. So we had no troubles with selections of the

1 legal team consultants, or staff. All of that went very
2 smoothly. Even if we didn't all agree, we all moved
3 forward in a very positive way.

4 We then, because we had some time to kill,
5 basically, because we didn't have anything from the
6 census, we took a listening tour around the state. We
7 heard more than thirty -- we had more than thirty
8 hearings with thousands and thousands of people
9 participating. We had people do presentations, our state
10 demographer. We had legal issues presented to us, the
11 Census Bureau. We talked about racial polarization
12 competitiveness criteria. We had a lot of time to learn
13 at the beginning.

14 In September, we created our grid map. September to
15 October, we did our draft map development. A lot of the
16 comments from the public were incorporated into that.
17 Not only did we get public hearings, but every meeting we
18 had, the public had options to provide input online and
19 also web input. So we had tens of thousands of comments
20 from the public, just as you mentioned.

21 September to October, we had draft map development.
22 And then we did another listening tour from October to
23 November. We again went around the state. We also had
24 everything available online, so we really had amazing
25 involvement from the public. In December, we did our

1 final map development then adoption and then moved it to
2 the Secretary of State in January.

3 So that's kind of our structure. It's a small
4 group, five people. We had great support from our staff,
5 from our lawyers, from our mapping consultant. Things
6 went very well.

7 In terms of our meetings, they were all held online
8 except for the times we were doing our specific mapping
9 and when we were in our public hearings. Although, we
10 also had public hearings online as well, so people didn't
11 have to come. And sometimes, many times we actually had
12 hearings two or three places on the same night to try to
13 have multiple places and opportunities. So we all could
14 hear everything going on at each meeting, but we might be
15 in Flagstaff and in Tucson on the same day, with
16 splitting up with our commissioners.

17 Yeah, as I mentioned, we had lots of hearings, lots
18 of comments. We used an Esri mapping tool, which a lot
19 of people complained about initially, but I can tell you
20 in the end, people learned how to use it and it was very
21 effective. It was just a little complicated to learn in
22 the beginning because a lot of people were more
23 comfortable with Maptitude, but the Esri tool worked
24 well, and our consultant was very good at it.

25 Our staff worked well together. We worked really

1 hard to get the involvement from the community. And I'll
2 say that one of the best things that happened in terms
3 of, I think, all the commissioners is how much we learned
4 about our state. So in terms of, you know, kind of
5 looking at some of the good things, these were all the
6 good things. We learned a lot. We've got a lot of
7 public involvement, a lot of support from the community,
8 and did our due diligence in all of that.

9 A couple of things that weren't as good to give you
10 sort of the challenges that we had. One of the things
11 that we're supposed to do as we're moving forward and
12 drawing our maps is exclude party registration and voting
13 history and the addresses of any incumbents. We are not
14 supposed to take into account any incumbents and where
15 they're located as we're doing our mapping; that did not
16 always occur. So we did have a few instances when
17 incumbents' addresses were used by a commissioner or two,
18 to say, we want to move a line over here without actually
19 saying always, this is why, but we all ultimately learned
20 why. So that's a challenge. How do you keep that
21 transparency? How do you keep those kinds of things from
22 happening?

23 So what are things that we've come up with? I'm
24 just going to go through a couple of things, Commissioner
25 Kennedy, that you mentioned about -- that you mentioned

1 of maintaining independence. It is difficult to keep
2 separation from members of the party and elected
3 officials. We know that some of our commissioners were
4 very close in contact with members of parties -- with
5 elected officials in terms of where the line should be
6 drawn. The issue for us that we have to address is
7 what's the ramifications of that. And we don't have any
8 right now unless somebody commits a loop and sues us and
9 says they were doing this. So we have not been sued,
10 which is a good thing. But it's apparent that there were
11 some commissioners who were factoring in locations of
12 elected officials; so that's a challenge.

13 Transparency, I feel that all of our meetings were
14 online. We kept very careful about quorum, making sure
15 that we weren't in a quorum at any time. Because so many
16 of our meetings were online, we did not have the
17 opportunities that you mentioned in 2010 for people to
18 sit down and have dinners, or drinks, or any of that.
19 But we did get to know each other in the times that we
20 were in person. And I feel there was very good
21 transparency in our meetings.

22 You mentioned nonpartisanship. I feel it is still a
23 partisan process in Arizona because of the selection
24 process and the fact that you have each party looking to
25 try to do the best that they can, but it's a negotiation.

1 I don't know that the negotiations always went as well as
2 they could have, but it is a process. There's still
3 partisanship. The hope is that we can keep improving on
4 how to make it less partisan.

5 Record keeping and archiving, all of our meetings
6 were recorded and transcribed, and everything was posted
7 online. So anybody could look back at any meeting at any
8 time. They could look at the transcriptions. They could
9 look at our minutes, so. And it's still all up there.

10 You mentioned overall time and workload, and I'm
11 just going through your list, your comments here. The
12 timeline, we had to expedite because of the census delay
13 just like everybody else. The workload was incredibly
14 intense. And in your comments, Commissioner Kennedy, you
15 mentioned people who had full-time jobs had struggles in
16 2010. We had the same problem. We had some folks on the
17 commission who were working full time, and they had real
18 difficulties balancing the workload. Especially when you
19 only have two Democrats and two Republicans and the
20 Independent, there's a lot of weight that -- a lot of
21 work that has to be done by those few people. And
22 basically, you have to know the whole state and know
23 everything when you're only two in each and then one.

24 Language and disability access, all of our meetings
25 have sign language interpreter. Public hearings also had

1 Spanish language interpreters as well.

2 The role and place, let's see, how we fit into the
3 independent redistricting movement, I think Arizona has
4 been three iterations now and we do need to do some
5 changes. The last two cycles, this one and the last one,
6 had some problems because of the power of a single
7 independent chair.

8 It's a lot of power and weight to put on one person.
9 When you have two people, two parties who are debating
10 over where a line should be drawn, each of them looking
11 out for their own interests, it really ends up being the
12 one independent who makes all the decisions as part of
13 that. And if the Independent has a bias, which I will
14 say in 2010, the Republicans felt that the Independent
15 was biased towards the Democrats. And in 2020, this
16 year, the Democrats feel that there was a bias for the
17 Republicans. So when you have one person, it becomes a
18 big challenge, and that's one of the things that I know
19 we need to be looking more closely at as part of that.

20 The irony was for the 2010, where the Republicans
21 felt that the Democrat -- that the Independent was more
22 Democratic leaning, the Republicans have held the
23 Legislature in those ten years since. So if there was a
24 bias, it didn't work very well with the Democrats. We'll
25 see what happens now where the Democrats felt that there

1 was a bias for the Commission -- for the Independent on
2 the Republican side, we'll see what happens over the next
3 ten years.

4 In terms of basic attendance and all of that, we
5 only had five people. We did everything we could to make
6 sure we had to move a meeting if we had to adjust the
7 time, that everybody could be in attendance. We had
8 excellent attendance. We didn't have any staff turnover.
9 We had very good staff. We did have some concerns about
10 making sure we had balanced staff. Our executive
11 director had been very involved in the Republican Party
12 and our deputy was Democrat. So we tried to do some
13 balancing with all of that.

14 We had excellent litigation teams. Again, one was
15 representing from the Republican side, one for the
16 Democratic side, but they worked incredibly well together
17 on things that had pretty good agreements on everything.
18 And we had no problems with the online -- I mean, you
19 know, minor technical problems like anybody else, but no
20 Zoom bombing or cyber-attacks or anything.

21 So just to finish up a little bit of where we need
22 to make improvements. The selection process for the
23 commissioners needs to change because right now it's very
24 biased based on the party that is the governorship
25 because they can manipulate the group that does the --

1 that makes those decisions, which happened this time.

2 We need to adjust the number of people on our
3 commission because the single person who is the
4 independent chair has ultimate power, but also ultimate
5 stress because one person has everything coming at them.
6 And it's incredibly stressful for that person to try
7 to -- to know that they are the one making the final
8 decision versus having others that can provide input to
9 provide balance. So that doesn't allow for balance by
10 having that, so we know we need to change that.

11 It's also a very big challenge when the Constitution
12 is not followed. We have, as I mentioned, we had some
13 problems where people were making deliberate changes to
14 lines to accommodate folks, and if the two people in the
15 party and the Independent agreed to that, then you had
16 these violations that occurred as part of the
17 Constitution. So that has to be an issue -- that is an
18 issue.

19 The other one that's a really big one for us is the
20 interpretation of the requirements. The fact is,
21 communities of interest went everything from people
22 having to -- people saying, well, my community of
23 interest is where I go shopping, to people saying, well,
24 it's really where my county seat is, and the laws that
25 are -- you know, that we're following in those areas. I

1 mean, it was a wide range, lots of disagreements on what
2 that meant, disagreements over what we mean by geographic
3 boundaries. In some cases, we'd say this mountain was a
4 boundary. In other cases, they'd say that mountain was
5 not a boundary. What do we mean by compactness? So even
6 though there are measures to deal with that, that didn't
7 really resolve some of that concern.

8 Another issue are what does it mean to have minority
9 representation? What happens with the Voting Rights Act,
10 with the changes in that? Those are questions that came
11 up quite a bit on what that means.

12 There were some biases on who was listened to and
13 who was not. Again, depending on the members of the
14 commission, as part of it, we had some situations that
15 occurred where we have some areas in our state where you
16 could tell exactly who was listened to, which we
17 shouldn't have. It should be more balanced than that.
18 And those were some.

19 And then who was providing advice. There are some
20 other things that went on who was giving input was
21 another challenge. So those are some of the things. We
22 have a lot of good. We're in our third time and I think
23 it's now time for us to see how we can make some
24 adjustments, but it's all a matter of what we can do
25 without losing what we have, so overview. Hopefully, I

1 didn't go on too long.

2 COMMISSIONER KENNEDY: Great. Thank you so much,
3 Commissioner Lerner. Now, I'd like to hand it --
4 Commissioner Sadhwani, we're going to -- we're going to
5 have an open discussion after the break, but --

6 COMMISSIONER SADHWANI: Okay.

7 COMMISSIONER KENNEDY: -- we'll do presentations
8 between now and the break.

9 COMMISSIONER SADHWANI: Will our guest speaker after
10 the break?

11 COMMISSIONER KENNEDY: Yes. Yes.

12 COMMISSIONER SADHWANI: I see. I see. Thank you.

13 COMMISSIONER KENNEDY: I'd like to turn it over to
14 the Colorado Commissions, the Colorado Legislative
15 Redistricting Commission and the Colorado Congressional
16 Redistricting Commission, Commissioner Kottwitz,
17 Commissioner Horvath, and Commissioner Schell.

18 COMMISSIONER SCHELL: Great. Thank you so much. I
19 will be speaking on behalf of all of us with some input
20 as we go forward. So very much appreciated Commissioner
21 Lerner's overview. Seems like everybody faced generally
22 the same issues.

23 Our process was quite different. We have, I think,
24 are the only state that has two separate commissions. So
25 the Congressional Commission is completely separate from

1 the Legislative Commission and each Commission has twelve
2 members, four Democrats, four Republicans, and four
3 Independents.

4 This was all a compromise, but forty-three percent
5 of Colorado's registered voters are unaffiliated. So the
6 role of the unaffiliateds was an important one. And in
7 the final analysis, the final map had to be approved by a
8 supermajority of eight, of which two had to be
9 unaffiliated. So the unaffiliateds played a very large
10 role. I think some of the party -- so I think some of
11 the parties might have felt perhaps too large a role.

12 So we had three separate buckets of applicants for
13 each of the Republicans, the Democrats, and the
14 unaffiliateds. There were hundreds of applicants in each
15 bucket, and the requirements were you had to be -- had
16 voted in each of the last three general elections. You
17 couldn't have held public office for the last five years
18 and there might have been others, but there were -- those
19 were the requirements.

20 And we did not have the interview process that
21 Commissioner Lerner described. We had a panel of three
22 retired judges that took each pool of applicants in each
23 of those three buckets down to a total of fifty, based on
24 some of the requirements that the applicants reflect the
25 demography of the state, race, gender, et cetera.

1 And then we had a two-step process. The first six
2 commissioners on each commission were chosen through a
3 bingo ball process. Literally, each of those 150 people
4 that were identified in those three buckets of 50, there
5 were two chosen from each bucket. And they had to --
6 those first six had to be chosen from six different
7 Congressional districts. At the time, we had seven
8 Congressional districts. So for instance, I was a bingo
9 ball. I was the very first bingo ball on the
10 Congressional. And that meant that the next person who
11 was drawn, who happened to be also from my district was
12 unable to be seated in the first round.

13 The second six commissioners were seated several
14 weeks later, and they were based on recommendations from
15 party members, again, from the legislative leadership so
16 that both the Democrats and the Republicans were able to
17 put two lists from each House of their recommendations,
18 ten each, ten each. And then, I believe, it was the
19 panel of judges that selected the remaining six based on
20 the recommendations from the parties.

21 And I'm not really sure how this -- the second two
22 unaffiliateds were chosen by the judges. So a little bit
23 different than -- and I think maybe more, you know, maybe
24 less expertise in redistricting.

25 So I'm very jealous of Arizona's timeline. The

1 legislative commission was two weeks behind the
2 Congressional Commission in all aspects, just I think, to
3 allow the legislative staff to have some breathing room.
4 Our legislative staff was assigned from Colorado's
5 nonlegislative -- excuse me, nonpartisan legislative
6 staff. They were amazing, completely overworked. And
7 they actually were tasked with drawing the initial map
8 and then three rounds of maps after that. The
9 commissioners could draw their own maps, but we did have
10 starting points and at least, on the Congressional side,
11 that was a very important aspect of moving things
12 forward.

13 Both commissions had a committee structure. It was
14 very similar. We had a legal committee to help choose
15 our outside counsel. That was mostly for litigation
16 purposes. We had data and mapping committees for both
17 commissions. They were a little bit different on the
18 Congressional side.

19 We actually had a very formal vetting process for
20 all of the Congressional maps that were submitted by the
21 public. We also had a -- everything was done online.
22 We, for instance, looked at 170 maps that were submitted
23 by the public and the Legislative Commission did not have
24 that similar process.

25 The legislative data and mapping committee was the

1 one that developed the partisan index that we used. We
2 had eight political races from 2016 forward that were
3 chosen to be our partisan index. We did have a specific
4 competitiveness criteria, but it was the very last in the
5 hierarchy of criteria. All of this is in the Colorado
6 Constitution.

7 So I think similar to Arizona, the issues that we've
8 identified would be a little bit difficult to change it
9 because if you open the Colorado Constitution to changes,
10 you run the risk of, you know, ending up somewhere you
11 don't expect. So one of the -- one of the issues that
12 we'll face is that we now have eight Congressional
13 districts. So we could do a similar process, but we'll
14 end up, because we have the twelve commissioners and now
15 eight Congressional districts, we will have to -- I'm
16 sorry, we'll have more Congressional districts that only
17 have one representative on each of the commissions.

18 So this came up with kind of a laundry list, so I'm
19 just going to go through it. I won't reiterate -- I
20 could reiterate many of the items that Commissioner
21 Lerner mentioned, but I will try and highlight the things
22 that maybe are a little bit different.

23 We, I think, like, probably all commissions and when
24 I say, we, I'm speaking for both of our commissions, we
25 guarded our independence vehemently. The only role that

1 the Legislature played in the redistricting process was
2 to allocate funding.

3 And you know, as I think everybody has found, the
4 work required was far more than I think any of the
5 commissioners on our commissions anticipated. And we
6 could have probably used a lot more funding, and that
7 would be one of the recommendations going forward.

8 With respect to our hierarchy of requirements, we
9 had a lot that were on a similar level. So for instance,
10 the population equality had to occur within contiguous
11 districts. Similarly, we had a plus or minus one percent
12 for the Congressional districts and up to a five percent
13 maximum divergence in the legislative districts.

14 The next item was the VRA compliance. And then our
15 keeping whole communities of interest was on the same
16 level as keeping whole political subdivisions. And that
17 created a tension and a lot of uncertainty. And I think
18 everybody is faced with the same issue, what is a
19 community of interest. And I think we all faced some of
20 the issues where, you know, identify which and you want
21 to achieve and then identify a community of interest that
22 will get you to that end. So that equality of the
23 communities of interest in the whole political
24 subdivisions created some tensions.

25 Compactness was next and then competitive was the

1 last criteria. And again, kind of, to the extent
2 possible when we had our thirty plus public hearings
3 around the state, many public commenters were very
4 surprised to hear that competitiveness was the last
5 criteria. And we heard a lot of public comments that
6 that should be higher and admonishing us to weight that
7 more heavily. And we had to explain multiple times that
8 these are constitutional criteria that we have no control
9 over.

10 With respect to timing, we were not seated until
11 February and March of 2021. And the constitutional
12 deadline to get our maps to the Supreme Court for
13 Congressional was the 1st of September. Now, all of you
14 were involved and know that given the timing of the
15 delayed census data, that was, you know, impossible.

16 So we went to our Supreme Court and requested two
17 additional months. They gave us one through, kind of, a
18 sleight of hand. They didn't tell us that they were
19 allowing the constitutional deadline to be adjusted.
20 They just said, this is the date when we will brief this
21 issue.

22 So we had pretty much five weeks from the time we
23 had workable census data to go through three rounds of
24 staff maps and approve a final map. The Legislative
25 Commission had the two extra weeks because they were two

1 weeks behind the Congressional. So it was absolutely
2 overwhelming.

3 The communities of interest, you know, I think
4 played perhaps an overly important role because nobody
5 knew what that really meant. So I won't belabor that
6 point. I think that it needs to be stated upfront and
7 there needs to be ongoing recognition that redistricting
8 is an inherently political process. We saw, I think,
9 more political maneuvering on the Legislative Commission
10 than on the Congressional district. But it may just have
11 been more finessed on the -- excuse me, on the
12 Congressional side. We were aware of commissioners, you
13 know, again speaking to partisans probably on both sides,
14 so that is an ongoing issue that I think everybody faces.
15 But it is an inherently political process.

16 Perhaps the most contentious issue that both of our
17 commissions faced was the issue of prisoner reallocation.
18 Our Legislature, after the amendments were passed that
19 created these two commissions, our Legislature had passed
20 a law saying that the prisoners had to be reallocated.
21 At least, on the Congressional side, our legal counsel
22 said since that was done after the constitutional
23 amendments, that we didn't necessarily have to follow
24 that. And this was a case where the two commissions
25 parted ways.

1 The Congressional Commission was unable to achieve
2 the supermajority required to require that prisoner
3 reallocation back to their last home address. And the
4 Legislative Commission did vote with a supermajority to
5 do that prisoner reallocation. And the major points of
6 debate there was whether it was appropriate to adjust the
7 census data in any way versus different qualitative
8 arguments.

9 I remember you talked about the committee structure.
10 We did each have communications committees. And again,
11 they were similar but provided different services to the
12 commissions. The legislative committee was responsible
13 for summarizing the content of the public hearings for
14 the legislative commission, whereas on the Congressional
15 side, they were what -- we did not -- everybody took
16 their own notes, as was mentioned on the public hearings,
17 and our communications committee actually summarized over
18 5,000 public comments and they tried to do that weekly
19 for the Congressional Commission, which was incredibly
20 important to us all.

21 We felt like both commissioners in terms of our
22 education, both commissions tried too hard to find
23 speakers who were politically neutral. We felt, in
24 hindsight that we might have learned more by consciously
25 choosing partisan speakers from both sides, might have

1 had a better discussion of the issues. We did find that
2 the NCSL Redistricting Conference in Salt Lake City was
3 incredibly well-timed and a great opportunity to meet
4 some of you, actually.

5 So we did have over thirty-two joint hearings,
6 again, to save time for our staff. The Legislative and
7 Congressional held joint public hearings for the most
8 part. Those were all hybrid. You can be there both in-
9 person -- either in-person or virtual. After we actually
10 had our first staff map that used actual census data, we
11 held three additional purely virtual hearings. And that
12 was done in part because that was already into September
13 and there was no way that any of us, as commissioners,
14 could actually be traveling around the states. Most of
15 the hearings were in the I-25 corridor in the metro area,
16 which made it very difficult for people who aren't in the
17 metro area to attend as many hearings as they might have
18 wished.

19 Colorado, like many states, has a very uneven
20 distribution of population. And you know, that just
21 causes a lot of issues, both with respect to travel and
22 with respect to redistricting, because we end up with
23 some very, very large districts.

24 We were overall disappointed in the amount of public
25 participation in our hearings. And in the hearings that

1 were really well-attended, they were clearly being driven
2 by partisan interests.

3 So one of the questions was how to deal with the
4 political operatives and the lobbyists. We had a little
5 bit of a snafu in foreseeing the lobbyists registration
6 requirement via communications. All of our meetings were
7 open to the public. There were some issues at the end on
8 the legislative side as they move towards their final
9 maps, but everything was online. It remains online, at
10 least, the audio, not the visual.

11 So our strong recommendation is that the
12 commissioners draw their own maps and not hire outside
13 consultants. We think that that's necessary to have a
14 rational, logical story. And that when the commissions
15 draw their own map, it's a clear path to coalition
16 building with other commissioners. And we saw this
17 particularly, I think, on the legislative side. There
18 was a coalition of commissioners that came together
19 towards the end of the process that I think proved to be
20 very important in getting their final map approved.

21 Last minute changes to maps are a problem. We also
22 had the seventy-two hour, the three-day requirement. The
23 Congressional Commission chose not to relax that, the
24 Legislative Commission in the end did. The Congressional
25 Commission, there were some arguments that people thought

1 it was not transparent to reduce that time frame. It's
2 not an argument that made sense to me because we were all
3 in public meetings. But again, the difference in how the
4 two commissions -- how the two commissions went.

5 We felt like our Supreme Court did a great job of
6 protecting the independence of both the commissions. In
7 the end, they stated that the only basis they would have
8 for not improving -- excuse me, not approving the
9 commission's final maps would be either if the maps
10 didn't meet the constitutional criteria or if the
11 commission felt that we had abused our discretion and
12 they did that in neither case.

13 We have had some subsequent filings by the Secretary
14 of State based on input from the county clerks of
15 residential parcels that have been split. Some areas
16 where a few voters ended up in a different county than
17 the rest of their district and there was a fear of you
18 know, not having the voter secrecy.

19 So one of the things that we felt in our selection
20 process was a need to have a greater emphasis on the
21 geographic diversity where the different commissioners
22 were located. In several cases, we had commissioners in
23 the same district. And our districts, again, tend to be
24 fairly large where they were almost neighbors, so just by
25 virtue of the way the process was done.

1 So I think I'll leave it up there. I may have more
2 things we can add if people have comments. But those
3 were our main maybe differences and -- but similarities,
4 so much of what Commissioner Lerner said about Arizona
5 that, you know, resonated with us in Colorado. The time
6 crunch being seated in February and March and having a
7 September 1st or September 15th deadline was just really
8 onerous. Thank you.

9 COMMISSIONER KENNEDY: Thank you, Commissioner
10 Schell. I will now turn it over to the Michigan
11 Commission. We have Commissioner (sic) Hammersmith,
12 Commissioner Orton, Commissioner Szetela, Commissioner
13 Witjes, and Director Woods.

14 COMMISSIONER WITJES: Give me one second. I'm
15 resizing my screen here a little bit. So I just wanted
16 to first introduce myself. My name is Dustin Witjes, and
17 I'm the newly elected vice chairperson for the Michigan
18 Independent Redistricting Commission. And I also wanted
19 to thank Commissioner Kennedy for the kind invitation as
20 well as the California Redistricting Lessons Learned
21 Subcommittee.

22 So with that said, I'll get going. I'll nod my head
23 here. All right. So I'm going to start off with our
24 selection process. So we're selected out of -- we're
25 comprised of thirteen randomly selected Michigan

1 residents. The way that it worked, we had about 10,000
2 people applied to be part of this commission, which was
3 then truncated down to 200 individuals. And then
4 finally, a random selection occurred -- well, the
5 selection from 10,000 to 200 was random, and then the 200
6 to 13 was also random. And that included to have four
7 affiliated with the Democratic Party and four with the
8 Republican Party and five who associated with neither
9 Democratic or Republican parties. And this was done
10 through the Department of State. They handled
11 everything. And then the final selections happened with
12 a -- I believe, it was a accounting firm local to the
13 area.

14 So here are the commissioners that served. We have
15 in order, Doug Clark, who was a Republican or who is a
16 Republican, Juanita Curry, who is a Democrat, Anthony
17 Eid, who is an independent, Brittni Kellom, who is a
18 Democrat, Rhonda Lange, who is a Republican, Steven Lett,
19 who is an independent, Cynthia Orton, who is a
20 Republican, and she is also joining me today and will be
21 speaking later on. M.C. Rothhorn, who is a Democrat, and
22 also our newly elected chairperson. We have Rebecca
23 Szetela, our outgoing chairperson and also a independent.
24 She is also here with me and will be speaking later on
25 today. We have Janice Vallette, an independent, Erin

1 Wagner, a Republican, Richard Weiss, an independent. And
2 then you have myself at the bottom, and I am affiliated
3 with the Democratic Party.

4 Our mission was to lead Michigan's redistricting
5 process to assure Michigan's Congressional State Senate,
6 and State House districts lines are drawn fairly in a
7 citizen-led transparent process, meeting our
8 constitutional mandates. Our vision was to chart a
9 positive course for elections based on fair maps for
10 Michigan today and for the future. And our core values
11 were integrity, respect, transparency, and purposeful.

12 And going back to the mission, I did want to say
13 that we were in fact and still are the only body that can
14 draw the lines, so you'll hear from one of my colleagues
15 talking about our vendors, and they were just there to
16 basically click the buttons in the software when we were
17 holding our meetings and in an open forum for everyone to
18 attend if they chose to or watch it online.

19 And as far as our core values, our integrity was
20 honesty. We were honest with each other. We worked
21 together and we were honest with the community. And then
22 as far as respect go, we had honesty -- honor and
23 dignity, I should say, and that was not only between our
24 fellow commissioners, but also with that of the public
25 going through and listening and understanding where

1 people came from and what their values were and what they
2 held dear really helped guide us and the commission as a
3 whole, to draw maps the way that the citizens of Michigan
4 wanted the maps to be drawn.

5 As far as transparency goes, everything that we did
6 was in an open meeting, absolutely everything. We had
7 everything from the very first meeting where we were
8 sworn in as commissioners to final day when we were voted
9 on our maps to today, when we're having meetings to
10 discuss what we need to discuss after the fact is all
11 still live streamed, transcribed, and placed into the
12 open public.

13 And our purpose was to be intentional. Like, we
14 wanted to listen to everybody throughout the state. We
15 had a public comment portal. We held our open hearings
16 that we went to. Everything was for the intent to hear
17 what the public of Michigan wanted to hear -- or sorry,
18 wanted to say, and have us take that into account and
19 draw the maps as the way that the Michigan residents and
20 voters intended the maps to be drawn for the census
21 cycle.

22 With that, I'm going to turn it over to, I believe,
23 Rebecca, and I will be here waiting for questions later
24 on.

25 COMMISSIONER SZETELA: Good evening, everyone, and

1 thank you for having us. My name is Rebecca Szetela.
2 And I am going to talk a little bit about the challenges,
3 the solutions, and the recommendations that our
4 particular commission had in this process and what we
5 would recommend for the future. So those challenges
6 included COVID, which obviously everybody experienced
7 that. The second challenge was just the data analysis,
8 which I'll talk about a little bit more. And then the
9 last challenge that we had was really public education
10 and informing the public. Next slide. There we go.

11 So COVID-19, obviously this was a challenge for
12 everyone; it was a challenge for us. One of the biggest
13 challenges was the fact that we have thirteen people who
14 are randomly selected who have to learn to work together
15 really quickly and in an environment where we couldn't
16 get together in the room with each other. So that made
17 it extraordinarily challenging to build that rapport that
18 was going to be so necessary for us to work together as a
19 group.

20 So what our Executive Director Hammersmith did was
21 she chose to create some, what she called icebreakers, at
22 the beginning of our Zoom meetings to sort of help us get
23 to know each other. And those were very basic things.
24 Like, what's your favorite type of pizza? What's your
25 favorite book? What movies do you like? And it seems

1 simple and silly, but that really did help us sort of
2 understand who each other were and get a familiarity with
3 each other and build that rapport at a time when we
4 weren't able to be in person.

5 We also, in the time while we were waiting for
6 census data, we had trainings, practice session where we
7 would go into other states and practice drawing on our
8 software to learn how to draw once we actually received
9 our data. And that was very helpful to get us acclimated
10 to actually drawing because unlike in some other states,
11 our commission is composed of essentially people who have
12 no knowledge of redistricting whatsoever. So we had a
13 very steep learning curve and that helped us to have
14 those trainings.

15 In addition, our mapping vendors were able to take
16 some legacy data and provide us with data to work with a
17 little earlier than we might have had if we waited for
18 the full-census release. So that was very helpful for
19 us.

20 And something that our commission used extensively
21 was the concept of virtual meetings. We did local
22 government presentations throughout the state to
23 local/state municipal governments. We would present to
24 their board of trustees or board of directors or whatever
25 the case may be based on the municipality and try to drum

1 up interest in redistricting and try to drum up citizens
2 being driven to our meetings.

3 And then at our meetings, itself, we utilized public
4 comments virtually quite extensively, so that if people
5 weren't comfortable coming out to a public meeting once
6 we were meeting in person because of COVID concerns, they
7 could reach out to us via phone, via Zoom, by whatever
8 methods they were comfortable with to get their message
9 across. So we did utilize that pretty extensively.

10 One of the recommendations as to how to improve that
11 in the future, I think, would be looking at more ways to
12 improve efficiencies in terms of public comments that
13 were out there. We had three different methods that
14 people could comment. I think maybe in the future, a
15 future commission maybe might settle that down to one, so
16 that we don't have three different types of areas where
17 people could put comments, or they might decide that that
18 multiple method of commenting worked well. So something
19 to consider in the future, how to be more efficient in
20 receiving information from the public. Okay.

21 The next issue that we faced, and the next challenge
22 was really just the data. How are we going to process
23 the data? How are we going to draw maps? Are we going
24 to draw maps? Are we going to have our vendors draw map?
25 What are we going to do? Are we going to look at maps

1 from the public? So we had to really decide all those
2 issues.

3 As being the first commission to ever do this in
4 Michigan, we had to really sit down and come up with some
5 detailed procedures as to how to actually go about the
6 process of drawing maps. And we worked with a couple of
7 the commissioners in subcommittee, and they sat down, and
8 they came up with a very detailed process documents to
9 sort of guide us.

10 And then as we moved through the process, we were
11 learning as we were going. And so sometimes we would
12 find that a process that sounded great on paper didn't
13 work so great in practicality and so we would revise our
14 process. So I believe we actually ended up with over
15 twenty reiterations of our procedures by the time we
16 finished mapping. And so we were really able to tailor
17 those procedures to make sense for the practical reality
18 of how we were drawing maps.

19 Another solution that we dealt with was how to
20 analyze racial voting patterns in our area. As most
21 people know, the metro Detroit area has a highly
22 concentrated black population, and we needed to analyze
23 what percentages we potentially needed to have in
24 different areas to make sure that we were complying with
25 the Voting Rights Act.

1 And in order to conduct that analysis, we needed an
2 expert to do it. It just wasn't something that we could
3 do on our own. So we did hire an analyst. Dr. Lisa
4 Handley was her name, who conducted a racially polarized
5 voting analysis for the entire State of Michigan. And
6 she provided us with recommendations so that we could
7 follow a data-driven process when it came time to draw
8 the maps.

9 The next thing that we did, and we will touch on
10 this in a later slide a little bit, is we had to have a
11 way to process all the comments we received. We received
12 close to 30,000 public comments throughout this process,
13 which is an enormous amount of information to receive
14 from the public and an enormous amount of information to
15 sort of synthesize and try to apply.

16 So one of the ways that we were able to absorb that
17 information was we did hire another expert, Dr. Moon
18 Duchin, who actually performed what we called heatmaps.
19 So she conducted -- produced heatmaps for us of the
20 different communities of interest that were being
21 identified by area of the state. So maybe she took a
22 portion of the upper peninsula, and she would show what
23 were the groupings of communities of interest that were
24 being identified in those areas. And that analysis
25 enabled us to narrow down communities of interest that

1 were being identified and help incorporate them into our
2 maps.

3 So in terms of the future, what could we do better,
4 what do we recommend. Because we received so many public
5 comments, I think that we could have -- we could have a
6 more detailed and maybe more expert analysis of the
7 comments we received. 30,000 comments is so many
8 comments. And it would be wonderful to have a detailed
9 tabulation and an accounting of what we received and what
10 those comments were saying in some way, shape, or form.
11 And so that would certainly be something we would
12 recommend in the future for a future commission to have a
13 more accurate way to quantify what the comments we were
14 receiving.

15 The other thing would be to secure the mapping
16 consultants as soon as possible. There's a lot of work
17 those mapping consultants have to do. And then there's a
18 lot of work that we had to do in terms of learning how to
19 use the software. And the sooner that the future
20 commission has those two things in place, the quicker
21 they can go through this process of learning how to draw
22 maps and learning how to redistrict and working with
23 those vendors to help make that happen. So sooner hiring
24 is better in my humble opinion.

25 And then the same thing with the practice mapping.

1 I mean, this is a complicated process to draw these maps.
2 There is a huge learning curve. The software was
3 complicated. And there is some time associated with
4 learning how to use the software, learning about the
5 constitutional criteria that we had to follow, and
6 learning how to assimilate all the data we were receiving
7 from the public into what our finished product was going
8 to be. So more time to practice would definitely be
9 advised.

10 And then the last thing would be to ensure that the
11 computers can handle mapping software. We did have some,
12 sort of, technical issues with some individuals having
13 problems with their computers because this was a very,
14 you know, memory-intensive program that we were using.
15 And I think if we had to do it all over again, we maybe
16 would have gone with a better and bigger computer system
17 so that commissioners wouldn't have the frustration of
18 having software lock up on you or close out on you.

19 And I will pass it over to our Executive Director
20 Hammersmith.

21 EXECUTIVE DIRECTOR HAMMERSMITH: Good afternoon.
22 And thank you so much for this opportunity. I am the
23 executive director, not a commissioner, so. And thank
24 you for the opportunity to learn and to share both.

25 In the area of public education, one of the things

1 we did was forge collaborations with more than forty
2 statewide organizations. These included groups like the
3 Arab Community Center for Economic and Social Justice,
4 the Asian Pacific Islander American Vote Michigan,
5 Council of Michigan Foundations, the United Ways of
6 Michigan, the League of Women Voters, Voters Not
7 Politicians, which is the organization that put prop to
8 the ballot that created the commission, MSU Extension
9 Centers, the Library Association of the state, and
10 others. So we had great collaborations. And those
11 groups helped spread our public education messages.

12 In Michigan, we do have a digital divide. We have
13 urban areas without internet access as well as many rural
14 areas without internet access. So one of the things we
15 did was that we targeted direct mail campaigns, sending
16 out 145,900 postcards to households, informing them how
17 they could get involved in the process.

18 One of the recommendations that we feel would help
19 significantly would be educating the media upfront, so
20 they understand redistricting better, so then they in
21 turn can inform the public better. I think no matter
22 what you do, you're always going to have a feeling that
23 you could have done more, or you could have engaged more
24 people in the process. Michigan is a state about twenty-
25 five percent the size of California, so that would help

1 put in perspective. We have about ten million residents
2 in our state.

3 Also, as Commissioner Szetela indicated, we did have
4 almost 30,000 public comments. They could comment on our
5 public comment portal. They could comment on the mapping
6 portal. They could actually go in and put a pinpoint on
7 the commission-drawn maps and let the commissioners know
8 how they felt about their area of the maps. So
9 significantly, I think the commissioners had a huge job
10 with just keeping up with the public comment. One of the
11 things I want to mention, too, before we move to the next
12 commissioner is I want to mention our criteria in the
13 State of Michigan. So we had seven criteria. They're in
14 our constitution in ranked order.

15 The first is complying with federal law and that's
16 equal population and the Voting Rights Act -- adhering to
17 the Voting Rights Act.

18 Secondly, the districts have to be geographically
19 contiguous.

20 Third, they should reflect the State's diversity and
21 communities of interest.

22 Fourth, no disproportionate advantage to any
23 political party.

24 And fifth, not favor or disfavor an incumbent or an
25 elected official or a candidate for office.

1 Six, then become the county, city, or township
2 boundaries to be reflected.

3 And seventh, reasonably compact.

4 You'll see some of these are different. Some are in
5 different order from the other states. We have no
6 competitiveness criteria and we did hear a lot of public
7 comment about making every district competitive, which is
8 really, really difficult in a state like ours where, for
9 example, our Upper Peninsula is primarily rural. Our one
10 congressional district encompasses the Upper Peninsula
11 and the northern part of the mitten. So our population
12 is certainly not distributed equally either.

13 So those are my comments, and I will turn it over to
14 Commissioner Orton to follow up from here.

15 COMMISSIONER ORTON: Yeah, so I'll just share what
16 our amendment says about communities of interest because
17 it might be a little different than some of the other
18 states. It says, "Communities of interest may include,
19 but shall not be limited to, populations that share
20 cultural or historical characteristics or economic
21 interests. Communities of interest do not include
22 relationships with political parties, incumbents, or
23 political candidates."

24 So the MICRC commissioned the Glengariff Group to
25 conduct a presurvey to identify awareness, messaging, and

1 communication mediums to share the news about the
2 redistricting process. And the key findings from the
3 survey -- also a post survey that we also conducted. So
4 but you can see that by a margin of 78.4 percent, so just
5 4.7 percent, voters that were aware of redistricting
6 changes said that Michigan should stay with the
7 redistricting commission. So we found that interesting.

8 So on behalf of the Michigan Independent Citizens
9 Redistricting Commission, we want to thank you for
10 putting this together and for inviting us. We were
11 anxious to learn from others as well and we'll be happy
12 to answer any questions if there are any.

13 COMMISSIONER KENNEDY: Great. Thank you so much,
14 Commissioner Orton and all of your colleagues. I'll now
15 turn it over to Commissioner Diggs-Jackson, the vicechair
16 of the Long Beach Independent Redistricting Commission.
17 That will take us to our break and then we'll be back
18 after break for an open discussion. So thank you so
19 much.

20 Commissioner Diggs-Jackson.

21 COMMISSIONER DIGGS-JACKSON: Thank you very much.
22 Again, my name is Sharon and we represent the City of
23 Long Beach, which is located in Southern California, part
24 of Los Angeles County, residence of just under 500,000.

25 So this year was the first time that we had ever

1 done an independent citizen redistricting commission.
2 Previously, it had been handled by our city council
3 members. Our constituents, our residents passed what we
4 called Measure DDD in 2018. So this was the first time
5 that we actually had an opportunity to redistrict in
6 terms of by the residents and the citizens.

7 I was the vicechair. It was an interesting process.
8 We were able to start or we were seated in the end of
9 November of 2020 and we actually started -- had our first
10 meeting, I think, in December of 2020. And then we
11 worked through the year and we were able to actually
12 create our new maps and get those passed in December of
13 2021.

14 So in that twelve-month period, a lot happened. We
15 had to grow as a unit as well as we were impacted by,
16 just like all of the other commissions, with the delayed
17 census. With this being our very first time, just
18 interpreting what did the charter actually say? What
19 did the voters actually want? What was their intent when
20 they created it? All of those questions had to be
21 answered for the very first time while we were in the
22 middle of the process.

23 Our selection process was actually done by -- we
24 received over 400 applicants from residents. Those
25 applicants were reviewed -- applications were reviewed by

1 what we call our ethics commission, which is another
2 independent residential body. They reviewed them. They
3 got down to a pool of approximately 40. They then did a
4 random selection, ensuring that there was at least one
5 representative from each of our nine council districts.
6 So we are a city that's governed by nine council
7 districts and then we have a citywide mayor. So they
8 have to ensure that there was one representative from
9 each of the districts as well as then we had four
10 alternates that were selected.

11 The Ethics Commission selected the nine -- one for
12 each district. And then when our commission was brought
13 together, we were given a pool of ten additional names
14 and then the commission itself selected the four
15 alternates. So we ended up with a few of our districts
16 having two representatives, but we wanted to make sure
17 that no more than -- any district had more than two. And
18 the reason and the rationale for us selecting those four
19 was to try to balance out and to fill in if there were
20 any gaps in terms of demographics that maybe needed to be
21 resolved.

22 We -- the commission itself selected its chair and
23 vicechair. We have -- this was initiated by a charter
24 amendment that had been approved. And the charter is
25 very specific. It outlined the selection process. It

1 outlined the meeting schedule. It outlined about the
2 alternates. It was -- it's very specific. And so trying
3 to fulfill all of those things that were part of the
4 charter amendment was challenging at times.

5 Our commission was totally staffed by city staff.
6 So we as the commission, did not have an opportunity to
7 select. We didn't have an opportunity to select the
8 consultants. We didn't have the legal counsel. It was
9 staffed totally through our city manager's office. And
10 luckily, they were very helpful, very involved, very
11 engaged, but we were not part of the selection process
12 for that at all.

13 Let's see -- I'm just going to walk through some of
14 the things that -- I don't know -- a lot of what we went
15 through and a lot of the requirements that are part of
16 our charter have already been spoken to. But I can, kind
17 of, just give you really quickly what our charter calls
18 out in terms of the criteria for redistricting.

19 First and foremost, the districts have to be nearly
20 equal in population. The maps must comply with the
21 Federal Voting Rights Act, geographic continuity, respect
22 for neighborhood seeking to minimize their division,
23 consideration of communities of interest.

24 Number six, not dividing neighborhoods that have a
25 common history, culture, or language.

1 Seven, follow geographic and topographical city
2 features.

3 Eight, districts should be understandable by voters.

4 Nine, compactness -- nearby populations should be
5 together when possible. And then the very last one, they
6 should correspond to census blocks, not tracks, but
7 census blocks.

8 We, too, because of when we were seated, like I
9 said, it was the end of November and we really got
10 started in December, we kind of had a lot of down time.
11 But that down time really wasn't down time because there
12 was a lot of preparation that needed to be done. If you
13 can imagine we had nine citizens who were brought
14 together for the first time. Actually, I don't know that
15 any of us knew each other on any kind of a level of
16 having interacted before. And so there was a need to do
17 some team building. There was a need to try to establish
18 maybe some norms. How would we communicate with one
19 another? How would we resolve issues? Did we need to
20 come up with some bylaws or sort of an action plan? So
21 we did do quite a bit of team building in the very
22 beginning during that down time.

23 We also sought to be educated. We wanted to know
24 more about redistricting. We wanted to understand more
25 about the Voting Rights Act. We wanted to better

1 understand our city. One of the challenges I think we
2 found early on and the question that came to me was what
3 makes for a good commissioner? What kind of individuals
4 should be sitting in that seat to help draw district
5 boundary lines? Do you want people who are very much
6 engaged, people who have been active in the process?

7 Our commission is nonpartisan. So there was no
8 issues of Democrat, Republican, or Independent. But we
9 are a city that's very territorial around its
10 neighborhoods. At times, you think you're living in a
11 different country depending upon which district you live
12 in.

13 So being able to work together in that realm was a
14 challenge for us and a, sort of, a knowledge base that
15 some commissioners brought to the table versus some who
16 hadn't. There were a few commissioners who really hadn't
17 been that involved in their community. And so -- and
18 didn't understand the larger city of Long Beach. They
19 understood their little small part of the world, but had
20 not spent much time in the rest of the city. And that
21 was one of the things that came up too for us, and I'm
22 kind of going back and forth between lessons learned as
23 we walk through this.

24 There was a lot of emphasis early on about community
25 of interests and the meetings that, once we did start

1 setting them up, we held an in-person live meeting in
2 each of the nine council districts. Because of different
3 COVID restrictions, at times that had to be a hybrid type
4 of a meeting. But we did hold one meeting in each of the
5 nine districts. And in doing that, there was a lot of
6 conversation around their slice of the pie. And I think
7 that set a tone for us as we moved through the process,
8 because then once we got towards the end and it was time
9 to now start drawing the maps, people had spent a lot of
10 time talking about their personal interests, their small
11 part, but we hadn't talked much about the city.

12 I mean, we had to draw council district lines that
13 would serve the entire city. And so while it was great
14 to hear a lot about the individual needs and concerns,
15 very often more often than not, the concerns from one
16 district were in direct conflict to another district.
17 And so when we got towards the end of the process and now
18 we as commissioners start talking about drawing the
19 nine -- the district lines for the whole city, people at
20 times felt sort of, like, disenfranchised. Like, you
21 didn't listen to us. We told you what we wanted, but
22 they weren't looking that in the context of that's not
23 going to serve the city.

24 So it was great to get that individual information
25 up front. But at the end, it proved to be a little bit

1 of a liability for us because we had people yelling and
2 screaming at us about having, you know, 300 people came
3 out and said, we need this boundary line. And then when
4 that didn't happen, they felt disenfranchised. So one of
5 the big lessons that at least I learned and we learned as
6 a commission is to talk about the overall objective
7 throughout the entire process.

8 Let's see what else did we do? Our mapping
9 consultant, we think overall, they did a good job for us,
10 but one of the things we would have liked is that they
11 would have had a better understanding of our city so that
12 as they were processing and as they were taking
13 information and then coming up with "doing mapping for
14 us", there were a couple of times where we felt like they
15 didn't quite listen. And then the map that was presented
16 at our meetings ended up causing us a lot of
17 consternation and a lot of work trying to then move
18 around. So the more -- the more familiar your mapping
19 consultant is with your community, your neighborhood, and
20 all that they can hear and receive and then the maps that
21 come out are more reflective.

22 Let's see what else did we do? I'm just trying to
23 go through it kind of quickly. Because of COVID like
24 that was also mentioned doing the hybrid meetings at
25 times challenge challenging. I think I heard someone

1 else comment about receiving input from so many different
2 avenues from whether it was a phone call, whether it was
3 a text message, whether it was an email. Even in our
4 small city of which we like to call small 500,000, the
5 volume at times of trying to read all of the comments and
6 really give them the attention that they needed was
7 overwhelming at times. It really was.

8 We had meetings that went to 2 o'clock in the
9 morning -- that started at 5:30 and went to 2 o'clock in
10 the morning. We were committed to reaching the objective
11 and being able to draw boundary lines in preparation for
12 our upcoming election, which is in June. Had we not met
13 the deadline, which was, I think, December 3rd, it could
14 have -- there were two options that could have happened.
15 It could have gone to court and then a judge could have
16 decided for us as opposed to us as citizens.

17 Or had we asked and said we weren't -- and asked for
18 the extension of time that's allowed for in our charter,
19 then our June elections would have been thrown into sort
20 of a turmoil. We basically would have almost been
21 operating without any counsel alliance and we would have
22 kept the ones that we already had. So we felt like our
23 backs were against the wall and it wasn't an option for
24 us not to come to an agreement and to come to a
25 consensus. And luckily, as a governing body, we were

1 able to do that. It had to be a three-fourths majority.
2 It couldn't be just a simple majority per hour charter.
3 So there was a lot of team building.

4 One of the other things that was interesting for us,
5 and I don't know how it worked for the other commission,
6 the amount of contact and the ability for us to talk
7 amongst ourselves as commissioners was a challenge at
8 times as well. The Brown Act provisions were a big
9 concern for us, you know, and we got smarter as
10 commissioners, and I'm talking more from a personal
11 level, of what we learned. We got smarter as
12 commissioners.

13 In the beginning, we felt like we had to follow
14 every single little rule. We were worried. We were
15 nervous. As we became more emboldened and more
16 empowered, and as more -- we took on more power because
17 we ultimately knew that our neighbors and the community
18 was going to blame us. So about halfway through, I guess
19 by August, we as a commission decided that we want it to
20 be the controller of our destiny. So we started making
21 demands of the city.

22 We went back to our legal team and said you have not
23 served us properly. These are some questions we have.
24 We need you to give us some answers right away. Our
25 chair took a more aggressive role just because we felt

1 like we needed to do that with our mapping consultant.
2 At one time, our mapping consultant was actually there in
3 the meetings, but by them being in the meetings, they
4 were limited in some of the ability that they could do in
5 terms of on-the-spot changing and making adjustments to
6 the mapping. So we said we don't need you at the
7 meeting, we need you in your office so that you'll be
8 able to give us answers when we say what does this do
9 when you move this line? And what do you do that?

10 So like I said, we felt like it was important for us
11 to take back some of our power and direct the process and
12 move it through and that helped us to come together as a
13 commission, I think, and ultimately helped us in terms of
14 our decision making. It was very interesting. I don't
15 know about any of the other ones.

16 Our charter requires if you are a commissioner, you
17 then cannot support any kind of political candidate for
18 ten years. You are somewhat on the commission for ten
19 years until the next commission is appointed, unless you
20 resign. It also says that we can't engage -- like I
21 said, in any kind of a local political campaign. And so
22 that's going to be one of the interesting things for the
23 next time they try to set a commissioner. I think some
24 will find that a little restrictive.

25 I think that's kind of it because a lot of what's

1 already been said speaks to us as well. But that was
2 Long Beach. That's how we did it on a city level and I'm
3 trying to decide if I'm going to be able to adhere to
4 that ten-year restriction or not.

5 VICE CHAIR FORNACIARI: Well, thank you. Thank you
6 for that. Okay. I think I'll jump in, Commissioner
7 Kennedy. Thank you all so much. This has been so
8 interesting. I have a whole page full of questions for
9 everyone. Unfortunately, we have a required 15-minute
10 break to give our interpreters and other staff a break.
11 So we will return at 3:17. So thank you all.

12 (Whereupon, a recess was held from 3:02 p.m.
13 until 3:17 p.m.)

14 VICE CHAIR FORNACIARI: Welcome back and thank you
15 for joining us.

16 At this point, I guess we are in the Q&A portion of
17 our panel discussion. And again, I want to just thank
18 everyone who's joined us from throughout the country and
19 really interesting information you shared with us and
20 certainly want this to be a two-way street. If you have
21 questions for us, let's have them. We all need to learn
22 from each other.

23 And I'll turn it back to Ray at this point -- I
24 mean, Commissioner Kennedy, sorry.

25 COMMISSIONER KENNEDY: Thank you, chair and

1 Commissioner Sadhwani, you had had your hand up earlier
2 so I want to call on you.

3 COMMISSIONER SADHWANI: Oh, great. Okay. I
4 wasn't -- I didn't realize I was kicking myself, but I'm
5 happy to. You know, I raised my hand I think after
6 Commissioner Lerner was talking from Arizona. But the
7 question actually holds for all of the commissioners
8 because I think what I heard from many of the different
9 comments had to do with the different consultants that
10 were hired.

11 So my initial question actually for Commissioner
12 Lerner had been around this issue that you had raised
13 several times about commissioners perhaps taking on
14 thinking about where incumbents lived and the incumbents
15 addresses. I was really interested in that. In
16 particular, I believe that you had National Demographics
17 Corporation I believe as your consultant and Doug
18 Johnson. You know, he's California based, I think.

19 Yeah, I'd love to hear more about your thoughts
20 on -- to what extent the consultant may have played some
21 role in this concern around thinking about incumbents
22 address. That's a very specific question to you. But
23 more generally, I do think, you know, one of my takeaways
24 from this process has been that commissions rely very
25 heavily on the consultants that we have to hire. And

1 there isn't necessarily a very large pool of consultants
2 who are out there. What are what were some of the
3 general concerns that came about through this process?

4 Commissioner Diggs-Jackson, you were talking at the
5 end about this need of feeling like you had to reclaim
6 power from your consultants, to some extent, or legal
7 team. I think in general, I'd love to hear some broader
8 reflections on that, particularly as we move forward into
9 2030. What do we need to be thinking about? I mean, one
10 of the things we've talked about here at the CRC is
11 independence from the legislature. Do we also need to be
12 worried about independence from consultants, as well, to
13 some extent? And it's kind of a broad question, but I'd
14 love to hear some general thoughts on that. Thank you.

15 COMMISSIONER LERNER: I guess I'll just -- I'll
16 thank you for that question. I'll start out with my
17 answer and then hand it off to whoever is next on that.
18 So we actually gave direction to our consultant. One of
19 the complaints that had occurred in 2000 and 2010 was
20 that there was a feeling that the consultant had been in
21 control. And different consultants -- NDC was in 2000
22 and then different consultants in 2010. So the feedback
23 had been that they were taking over too much of the
24 drawing process. So this time we were very clear they
25 weren't to draw anything without our direction. And we

1 would spend a lot of time during our meetings being very
2 clear over exactly what we wanted done.

3 Now, when it came to the incumbents that occurred,
4 the consultant had nothing to do with that. That came
5 directly from commissioners who said, I would like to
6 move a line here, here, and here, and then they would
7 give us some reason. And it only came out usually a
8 little bit after that line was drawn that it was done for
9 incumbency. And the challenge that we had as a
10 commission is when we raised those concerns. If we would
11 have to try to take back those lines, move them back and
12 we'd have to have a vote. And the vote pretty much went
13 against, you know, moving them back each time.

14 So that was the challenge with that. But it did not
15 come from the mapping consultant and they would sometimes
16 even say you need to be clearer about how you want us to
17 move the line because we don't understand what you're
18 asking for. So I have to say -- and there were a few
19 times that I will say that we asked a consultant. We
20 don't know exactly why don't you see what you can give
21 us? And they would bring back two or three options for
22 us and then we would work with that.

23 I feel that the commissioners really had control
24 over the mapping and even though we were reliant on the
25 consultant, we could still make very specific changes

1 even down to, you know, draw from 48th Street to 49
2 Street. So yeah, and NDC I know is a California-base.
3 They had done other work in Arizona and of course, they
4 had worked in the 2000 commission. And I know that they
5 also are a controversial group.

6 But I will tell you, I feel that they did follow our
7 directives and did what we asked as part of that? So
8 it's a good question, and I'm glad to be able to address
9 that or at least clarify that we did have control -- I
10 feel the commissioners really did have control over the
11 drawing of the lines.

12 VICE CHAIR FORNACIARI: Thank you, Commissioner.

13 COMMISSIONER DIGGS-JACKSON: We were a little
14 different than that because I guess it was our first
15 time. We felt, like, a little overwhelmed so we were
16 relying so much on the consultants. And it wasn't until
17 we felt like we had given some specific direction and
18 then they made some sort of decisions of their own.

19 And I'll give you a real quick example of this one.
20 There is one dividing line that they kind of established
21 on their interpretation, which really made no sense. It
22 kind of cut a community in half and we ended up having
23 four hours of testimony from all of those residents
24 yelling and screaming at us about why would you pick that
25 line? So and it was after that that then we decided that

1 we knew our city better than anyone so we needed to be
2 really specific about no we mean this line because it's
3 within the neighborhood and we gave them a little more
4 specific instruction.

5 One of the other things we ran into with our
6 consultant in the mapping, we use Maptitude, which was
7 the initial one. But then as time went on, there was a
8 more simplified program that we started using towards the
9 end that was more user friendly. And we, as
10 commissioners, were originally told not to draw maps of
11 our own, that we should wait, get the input from the
12 public, and not draw maps of our own. Which we also felt
13 that in the back end probably wasn't the best idea
14 because we, as commissioners, needed to understand how
15 one line impacts another line.

16 So we needed to become almost experts on Maptitude
17 and drawing lines ourselves so that we would know that
18 what we're asking them to do may not even be a good
19 option. So that was another part of us kind of taking
20 back our power to where it's like, oh no, I'm going to go
21 spend a couple of hours on that mapping system myself so
22 I understand what it can do and can't do.

23 VICE CHAIR FORNACIARI: Very good. Thank you so
24 much.

25 Commissioner Witjes?

1 COMMISSIONER WITJES: Well, I just wanted to
2 somewhat agree with what Commissioner Diggs-Jackson just
3 said. We had multiple vendors come to us and one vendor
4 in particular, I'm not going to name names, but one
5 vendor said, you know, we're not -- we recommend that you
6 don't draw the maps. And you just focus on community of
7 interest and let us know what those particular
8 communities of interest were or are so that we can help
9 draw the maps. And that was one of my main reasons for
10 not voting to have that particular vendor be our mapping
11 vendor.

12 So I totally agree with you. You as a commissioner
13 or as a commissioner in charge of drawing the maps, you
14 should do so and your vendors should know that you are
15 the people that are directing them to draw the maps
16 because you do know your state better than or location
17 better than what the vendors do nine times out ten.

18 VICE CHAIR FORNACIARI: Great. Thank you for that.
19 I am going to call on Commissioner Szetela first and
20 then -- because Commissioner Kottwitz had a comment from
21 earlier, I'll call on her, and then I have Commissioner
22 Yee, Commissioner Fornaciari, and Commissioner Fernandez.

23 So Commissioner Szetela.

24 COMMISSIONER SZETELA: Thank you.

25 So I would just expand on what Dustin said as well.



1 When we did finally pick our mapping vendor, they were
2 instructed that we were going to be drawing the lines.
3 But I do feel like sometimes as a Commission, we maybe
4 put that almost too literally, to the point where it
5 would cause frustration, because we would get in
6 situations where maybe we would be stuck, especially when
7 we're trying to rebalance districts for population, and
8 though you're doing those very minute changes to black
9 level, I think there was a lot of resistance to letting
10 them make any suggestions. So I think it sort of maybe
11 needs to be a little more relaxed than we were. I think
12 we were too hyper vigilant about we can't accept any map
13 drawing advice from them, and I think maybe a little
14 softer approach might have eliminated some of that
15 frustration. But at the same time, you know, I think it
16 was appropriate that we had control of the lines, I just
17 don't think we needed to be so stringent about when we
18 got stuck asking for help from people who are very
19 skilled with drawing maps.

20 COMMISSIONER WITJES: And I would agree. I would
21 echo that sentiment as well.

22 COMMISSIONER KENNEDY: Great. Thank you so much.

23 Commissioner Kottwitz.

24 COMMISSIONER KOTTWITZ: Thank you. And thanks again
25 for having us.

1 So Colorado is clearly the outlier here. We did
2 draw our own maps, and I think we actually didn't have
3 any of these issues with a consultant being in charge or
4 even staff, really, because we did that. Now, not all
5 commissioners drew them, but you know, certain
6 commissioners would draw a portion of the state -- you
7 know, an area they're familiar with, and then that's
8 actually how our coalition, that I think was incredibly
9 successful, worked was because I took Commissioner
10 Horvath's Broomfield area and another commissioner's area
11 and were able to bring in the pieces that were important
12 to everybody. And while it was really intimidating --
13 and I am by no means a tech expert -- we did have
14 staff -- tech experts -- that were able to help us.

15 And again, it goes back to, you know, in your area,
16 you may say, hey, well, I really need to include this
17 county or this neighborhood or this portion of the city,
18 but without drawing the maps yourself, you're not able to
19 really fully realize what that does, right? Because it's
20 an affect -- everywhere you move line, it affects
21 multiple areas. So that's why I think all commissioners,
22 for the most part -- there's maybe a couple exceptions
23 between the two from both Colorado Commissions -- believe
24 that that was really a huge help was having commissioners
25 draw the maps themselves. It relieves a lot of those

1 issues.

2 I will say a consultant issue that we maybe had or a
3 good one that we had was we did have an ensemble
4 analysis. They came in as a consultant to analyze the
5 maps drawn both by staff and by commissioners, so we were
6 able to take the same set of data points and have an
7 outside vendor -- I guess, maybe a vendor, not a
8 consultant -- provide that feedback to us, so that was
9 incredibly helpful. And then another consultant we used
10 was a VRA expert. I'm not sure that was as helpful.
11 I'll let my other commissioners speak to that if they'd
12 like, but I didn't find that to be quite as helpful, and
13 it could just be the makeup of the state of Colorado as
14 well, but.

15 COMMISSIONER KENNEDY: Very good. Thank you so
16 much.

17 Commissioner Fornaciari.

18 VICE CHAIR FORNACIARI: A really interesting
19 conversation. I think we did all of that to some extent,
20 right? I mean, so we got -- we started off with
21 visualizations and just sort of general --
22 generalizations, visualizations. And if you give your
23 mappers ambiguous or conflicting direction, you will come
24 back with maps that completely surprise you. But then,
25 you know, there were times when commissioners went off

1 and drew parts of their states on their own and presented
2 it to the Commission. There were times when
3 commissioners worked -- one or two commissioners would
4 work -- with the line drawers on a particularly
5 challenging part of the state to sort of work through a
6 logjam that we had in part of the state.

7 You know, we had 52 Congressional districts, and 80
8 Senatorial districts, and 40 -- I mean, 80 Assembly
9 districts, and 40 Senatorial districts in four other
10 equalization districts, and there were a lot of districts
11 and a lot of challenges in how to trade-off. And then,
12 you know, we got to a point where when it got down to the
13 real minute details of balancing it out, you know, we
14 would allow the consultants to work on that and come back
15 to us. So I just wanted to kind of share, I think, sort
16 of a high-level approach that we took and it was really,
17 really hybrid and evolved as we went along, but it
18 definitely is a learning process, and learning the trade-
19 offs with mapping, I think, is critically important.
20 That's one the Lessons Learned that we identified.

21 I just have a couple of questions. Well, I have a
22 bunch of questions, but I'll only ask two. So first, I
23 want to ask our colleague from Arizona, it sounds pretty
24 partisan, did -- what was the final vote on the maps?
25 Was it 3 to 2, or was it?

1 COMMISSIONER LERNER: It's a great question. So on
2 our Congressional, we initially had a 5-0 vote that
3 changed to 3 to 2 once we learned about some of the lines
4 that had been drawn for partisan purposes and some other
5 issues that arose. And the legislative was also 3-2 all
6 the time. And it -- and as I said, I think, initially,
7 we were really getting along until the last few weeks,
8 and then some of the -- it became incredibly partisan and
9 lines were being changed somewhat arbitrarily from some
10 per -- from my perspective. Other people were like, oh,
11 here's the reason, but it became different
12 interpretations on the definitions in our Constitution.
13 So yeah, 3 to 2 is basically how they both ended up.

14 VICE CHAIR FORNACIARI: Okay. Thanks.

15 So I have one question for our colleagues from
16 Michigan. And maybe we can take this question off-line,
17 but really interesting sort of concept about analytics on
18 the public input you're getting to -- and I assume the
19 idea was to kind of come up with sort of summaries of the
20 information that you're getting in. You know, we got
21 19,000 pieces of input in a little over a month, and at
22 the end it was just a tidal wave and just incredibly
23 difficult to manage. And so you know, I would think if
24 there were opportunities to come up with to summarize the
25 data for the commissioners, would -- it would make it a

1 lot more effective. You know, I don't know. I'd be
2 interested to hear. I mean, I'd like to hear the
3 details, but just hear your impressions and your thoughts
4 on that.

5 COMMISSIONER KENNEDY: Commissioner Witjes, did
6 you -- would you like to take that or toss it to one of
7 your colleagues?

8 COMMISSIONER WITJES: I'm going to go ahead and punt
9 that, because I had a different question.

10 COMMISSIONER KENNEDY: Commissioner Szetela.

11 COMMISSIONER SZETELA: Yeah. So I would say the one
12 thing that would have been really useful for us at the
13 end -- because again, it was the same thing: there was
14 this flood of once we had approved our proposed final
15 maps, this flood of voting that came in, and just having
16 an objective tally of the votes would have been very
17 important. Because we would have comments coming in
18 verbally either in person or via Zoom and phone, and then
19 we had comments coming in by email, and then we had
20 comments coming in via our comment portal, which was
21 online, and then we actually had maps themselves, where
22 people could drop a pin and put a vote in, and we didn't
23 really have a central place where we were tracking all of
24 those votes as to -- you know, I like this, or I like map
25 A or B or C, or I don't like any of them, and that would

1 have been very important, I think, for our final
2 deliberations to actually have those objective numbers.

3 And in the absence of that, what ended up happening
4 is we had members of the public saying, you don't have a
5 tally anywhere, but I wouldn't tally it for you, and
6 here's the map that should win. And so we didn't even
7 have a way to verify that. So to me, that was a really
8 big kind of a gap in our analysis that would have been
9 very helpful to us in the end to evaluate all those
10 comments.

11 COMMISSIONER KENNEDY: Great. Thank you so much.

12 COMMISSIONER ORTON: I'll just add, if I can --

13 COMMISSIONER KENNEDY: Yes.

14 COMMISSIONER ORTON: -- that we touched on the heat
15 map idea. I wish we had an example for you, but it
16 was -- basically, it would show a different area and the
17 color would be darker if there were more comments in that
18 area. We might not know what the comments were -- what
19 they were saying specifically, but then we could go look
20 and see that there were a lot in the area. That was
21 probably the best example we had of putting all the data
22 together at that point, but if there could be something
23 like that for all the comments in the end, that would be
24 really helpful, I would think.

25 COMMISSIONER LERNER: Just from Arizona's

1 perspective, we did something very similar. We also had
2 a heat map in our first round that was created to show
3 where most of the comments were, but we also recognize
4 that had to do a lot with where we were holding our
5 meetings at the time, so it didn't -- wasn't as
6 effective -- it was initially, but then over time, we
7 realized we were -- every place we were going, we were
8 getting a lot of comments, so we just blanketed the
9 state, and then just, you could do searches. If you were
10 wanting to know about Prescott, you could search and look
11 for anybody who had comments on Prescott, or any of
12 those. I think we -- all of our Commissions were
13 overwhelmed with comments, which I think is a great
14 comment about our democracy.

15 COMMISSIONER KENNEDY: It is. And then hopefully,
16 at some point, we'll have a chance to explain how we
17 handled it.

18 In the meantime, Commissioner Fernandez.

19 COMMISSIONER FERNANDEZ: Thank you.

20 And thank you, everyone, for presenting. This is
21 absolutely a wonderful panel.

22 So thank you, Commissioners Yee and Kennedy for
23 putting this on.

24 And I actually thought that Commissioner Fornaciari
25 was going to try to get tritrate -- titrate on there

1 somewhere or something like that at the -- that's the
2 word we were going to try to work in, but we didn't work
3 it in.

4 Anyway. I want to go back to the line drawing. And
5 I think my fellow commissioners will remember this part
6 of it is, you know, once you get started, you kind of get
7 into it. And I remember our VRA attorney really got into
8 it, and some of our line drivers, and I remember a few
9 comments that they would make, saying, you know, the
10 easiest way to do this population shift is to do this and
11 that. But you know, again, we had to remind them, we're
12 not here to do the easy thing; we're here to do the right
13 thing. So I think we just had to come back to that.

14 What I did have a question for all of these
15 efforts -- you know, we're restricted by Bagley-Keene, so
16 our public notices need to go out ten or fourteen days
17 prior to a meeting. And as you know, in two weeks, quite
18 a bit can happen. So you're kind of restricted. So I
19 was wondering if those from the other states also have
20 some sort of restriction. I'm used to -- the school
21 board said it was a three-day. This fourteen-day is kind
22 of prohibited sometimes, so I would really like to get
23 your feedback on that. Thank you.

24 COMMISSIONER LERNER: We just had a forty-eight
25 hour -- we just have to do something. At least I think

1 either forty-eight or seventy-two hours, but if not, it
2 was not that difficult for -- not as difficult as what
3 you're talking about.

4 COMMISSIONER KENNEDY: Commissioner Horvath.

5 COMMISSIONER KOTTWITZ: Colorado's only seventy-two
6 hours.

7 COMMISSIONER KENNEDY: Okay.

8 COMMISSIONER HORVATH: Yeah, I was going to say
9 the -- ours was minimal; it was not restrictive, and we
10 were able to add things to the agenda. The agenda went
11 out in advance and you could add things to the agenda on
12 the day of the meeting if you needed to.

13 Got a -- one comment and one question. The comment
14 relates to tallies in the information from the portal.
15 We did not get near as much information in Colorado as
16 you did in other areas. I thought the value of that
17 information on the portal was limited. I think the city
18 that produced the most number of comments was Steamboat
19 Springs; it's a town of 25,000. It did -- it got -- it
20 had the most activity on the portal because one of our
21 commissioners lives there and she generated activity,
22 which is a good sign of democracy, but if you -- it's
23 not -- it wasn't represented.

24 I live in a town called Broomfield. They didn't
25 want the -- a certain line moved. So there were probably

1 300 comments: keep Broomfield whole. So when you have
2 that bias, it's great. We had one party who didn't like
3 our maps, so they sent out a notice to, you know,
4 everybody in the state to write in, and the comments were
5 so-and-so were guilty of gerrymandering, which wasn't
6 true. But the value of doing something like a tally
7 would not have been useful.

8 The question I had relates to when you drew the
9 maps, did you have a philosophy for drawing the maps? We
10 had a lot of really interesting discussions that said,
11 start in the corners; another philosophy was, start on
12 the inside and go out; another one was, start on the
13 outside and go in. Another philosophy was start with
14 your biggest cities, and then do everything else.
15 Interesting discussions. What did anyone else do on that
16 topic?

17 COMMISSIONER KENNEDY: Commissioner Lerner.

18 COMMISSIONER LERNER: Well, in Arizona, we draw our
19 grid map and it was -- we -- and then every -- it's
20 mostly just to change the old map and throw out the old
21 maps, and nobody thinks we're tweaking anything. And
22 that's -- so we -- it was sort of random; it's like, do
23 you want to -- we just picked a place to start the new
24 grid map, and then we informed the public that this was
25 not anything like the final map, and we tweaked it from

1 there. Well, "tweaked"; we completely changed it. If
2 you looked at our grid map, which was the first
3 iteration, it has nothing to do with our final map as
4 part of it. And it was just -- the whole reason we do a
5 grid map -- initial one -- is to wipe the slate clean so
6 nobody thinks we're changing current lines. So that was
7 the only thing we did. And then after that, we just used
8 our constitutional criteria.

9 COMMISSIONER KENNEDY: Okay.

10 COMMISSIONER ORTON: In Michigan --

11 COMMISSIONER KENNEDY: Commissioner -- yep.

12 COMMISSIONER ORTON: Sorry. In Michigan --

13 COMMISSIONER KENNEDY: Go ahead.

14 COMMISSIONER ORTON: -- we started from scratch, and
15 we chose to use what we call "regions". We split the
16 state up into ten different areas just simply so that
17 when we were having a drawing session, the public would
18 know what area we were going to be working on, and then
19 we would publish beforehand which areas we were moving
20 to.

21 COMMISSIONER KENNEDY: Thank you for that.

22 Okay. So back to -- hands up -- Commissioner
23 Lerner, did you have something further?

24 VICE CHAIR FORNACIARI: Do you want me to share what
25 we did?

1 COMMISSIONER LERNER: I have a -- yes. Well, I was
2 going to ask about -- that's what I was going to be
3 asking about. So go ahead and do that, and then I have
4 another question --

5 VICE CHAIR FORNACIARI: Sure.

6 COMMISSIONER LERNER: -- for California.

7 VICE CHAIR FORNACIARI: Okay. Sure. We kind of
8 learned -- this is another example of learning as we went
9 along. But what we did is we started with Congressional
10 maps for the entire state, then Assembly, then Senate,
11 and we started with visualizations, which were pretty
12 just kind of rough idea of what we wanted the state to
13 look like. We didn't start with last times' maps; we
14 made them up. But we got to a point where we, after a
15 few iterations, we focused on the VRA.

16 And we didn't start with the VRA, because we didn't
17 have the data yet when we started mapping. But once we
18 got the VRA data, then as we went through our iterations,
19 we focused on our VRA districts to nail those down, and
20 most -- much of that was in southern and central -- or
21 all of it was in southern and central California. And so
22 we nailed those districts down and then built out from
23 there, you know? So that can make it kind of a
24 challenge, right? Because you've got borders on -- well,
25 borders on three sides and an ocean on one side, and

1 other geographic features that make it hard. But for us,
2 it got to the point where it was most important for us to
3 focus on the VRA, get those done, and then work out from
4 there.

5 COMMISSIONER KENNEDY: Thank you, Commissioner
6 Fornaciari.

7 Commissioner Lerner, back to you.

8 COMMISSIONER LERNER: Yeah, I had a question because
9 several states talked about random selection. You --
10 California had that; you had large numbers of people
11 apply. I think several of you had this kind of random --
12 I know we -- ours is random, too; it's whoever wants to
13 apply, but we have such a -- we only had 150 apply and
14 it's such a small Commission, right? So I'm really
15 curious, because it sounded like in some cases there
16 was -- it's also the drawing out of a hat of names. None
17 of us knew anything about redistricting; I think that's
18 common with all commissions, right? We all go into it
19 without knowledge; we all go into it with certain rules.
20 But I'm very curious. In California, you had a large --
21 huge number of people, as did others, on how that worked
22 for you. And then if others want to comment as well how
23 that random selection worked.

24 COMMISSIONER KENNEDY: Yeah, I'll lead it off and
25 then see if colleagues have anything to add. I mean, I

1 think that is truly one of the greatest strengths of the
2 process here in California. And this time around being
3 the second Commission, and maybe because people got an
4 idea of how big the time commitment was or it wasn't as
5 novel, we had slightly over 20,000 initial applications.
6 Those were screened for conflicts of interest, general
7 eligibility, et cetera, and then some number of those
8 were invited to submit what were called "supplemental
9 applications", which had essay questions and asked for a
10 lot more information. So there were a little over 2,000
11 supplemental applications. Those were reviewed by the
12 Applicant Review Panel -- the three-person applicant
13 review panel set up by the State Auditor's Office.

14 State Auditor's Office is an independent agency;
15 very highly regarded. They selected the Applicant Review
16 Panel randomly, so it -- they're just layer after layer
17 of insulation from politics in the process. And the
18 Applicant Review Panel progressively narrowed the 2,000
19 down to 120 that they wanted to interview. And then
20 after the interviews, they came up with the list of
21 sixty, which is what they passed to the legislature, and
22 the legislative leaders had the opportunity to strike.

23 The legislative strikes ended up being controversial
24 because they significantly reduced the proportion of
25 Latino candidates remaining in the subgroups. And then

1 when the first eight of us were selected, we were under
2 enormous pressure because there were no Latinos among the
3 first eight in a state that is roughly forty percent
4 Latino. So you know, that's the beauty of leaving some
5 of the positions for the initial cohort to fill. And
6 using our discretion and looking at the balance of
7 geography, gender, you know, skills, et cetera, we were
8 able to come up with a group that I think was just an
9 amazing group of people, and you know, as the legal
10 framework requires, broadly representative of the state
11 of California. But I do think that all of those layers
12 of insulation from politics, with the exception of the
13 legislative strikes, really are perhaps the strongest
14 element in our process.

15 COMMISSIONER LERNER: Any other states want to --
16 thank you for that, that's great -- comment on the
17 process in terms of the rand -- because I think others
18 also have a fairly random process. Ours is -- I mean,
19 ours is random to a certain point, but ultimately --

20 COMMISSIONER KOTTWITZ: Ours is a -- in Colorado,
21 ours is a hybrid; it's -- half of our commissioners are
22 random, obviously meeting all the qualifications, and the
23 other half are appointed. So Commissioner Schell spoke
24 briefly about it, but essentially, the majority and the
25 minority leader of our State House and State Senate are

1 able to put forth a list of ten people that they would
2 like to be on the Commission, and that's after the first
3 half have already been randomly selected.

4 So you know, myself -- actually, I think both
5 Republican commissioners and both Democrat commissioners
6 for the legislative commission came from that list of
7 ten. You know, their strategy behind it, I would say on
8 those lists, you know, and there's a political part to
9 that, but you know you're going to get, you know, two
10 Republicans and two Democrats out of that. So you know,
11 I know why I was on that list of ten, and I think it's
12 because I had a lot of proven bipartisanship, and that's
13 why I was included in there, but you know, that's not
14 always the case.

15 But I think -- you know, we actually had this
16 discussion last night -- I'll speak for myself -- I think
17 the hybrid is the best model. I think that there were
18 some commissioners that were more frustrating, in my
19 opinion, and maybe didn't have the same, you know,
20 fairness intent that I did, but I don't know that
21 changing our process to all random or all selected would
22 change that either, right? I think -- so I think the
23 combination, you know, added some political persuasion,
24 perhaps, or political operative, but I don't know that
25 that was entirely a bad thing either, you know?

1 Because understanding the political process,
2 understanding -- like Commissioner Horvath was saying --
3 and it was me that was called out continuously by the
4 party -- you know, there were hundreds and hundreds of
5 comments coming directly at me as a commissioner. Having
6 been in the political realm before, it really wasn't
7 bothersome to me, necessarily, and it was easy to point
8 out, hey, this is just a political play, it means
9 nothing, let's read through all this junk to see the real
10 comments. So in a way that was actually really
11 beneficial that I'd been in the political atmosphere
12 prior. So I would say -- I'd hope -- I don't want to
13 speak for the other two commissioners, but I think the
14 hybrid was -- provides a good opportunity for both sides.

15 COMMISSIONER SCHELL: The only thing that I would
16 add -- thank you. The only thing I would add is it
17 wasn't necessarily so that the partisan recommended
18 commissioners who were more partisan than some of those
19 who were chosen at random, so I too think it worked
20 really well. Being unaffiliated, I did not take the
21 criti -- I did not take the bad press as easily as
22 Commissioner Kottwitz did, but you know, to the point
23 that Commissioner Lerner, you know -- towards the end, it
24 got really nasty all the way around, but I thought our
25 process actually worked pretty well.

1 COMMISSIONER KENNEDY: Commissioner Horvath.

2 COMMISSIONER HORVATH: Yes, thank you.

3 I think the hybrid process worked well, because if
4 anything, this might have given the political operatives
5 a venue for getting their viewpoints heard on the
6 Commission. And it took me a long time to figure that
7 out, but I think that one of the parties did a really
8 good job of that and the other one didn't, but I think
9 the process -- the hybrid process -- is -- was really
10 good.

11 COMMISSIONER KENNEDY: Thank you.

12 Commissioner --

13 COMMISSIONER SCHELL: Can I just make one more
14 comment?

15 COMMISSIONER KENNEDY: Yes.

16 COMMISSIONER SCHELL: Sorry. So being
17 unaffiliated -- so ostensibly, we would have ended up
18 with twenty candidates from each party being recommended,
19 and I think that was the intent in the spirit of the law.
20 The Republicans gave the exact same ten for both sides of
21 the legislature, which, I don't think was in the spirit
22 of the law, but I thought it was pretty clever because
23 then you're going to get two out of your ten instead of
24 two out of your twenty.

25 COMMISSIONER KENNEDY: Interesting. Thank you for

1 that.

2 Commissioner Witjes.

3 COMMISSIONER WITJES: All right. So my question --
4 I don't want to go back ten minutes, but this is directly
5 towards Commissioner Kottwitz. You had said that you
6 started in areas of the state, and you wor -- people who
7 knew areas of the state better, and then, you know, you
8 worked together to try and figure out how to draw the
9 maps. As a body of ours that were selected basically at
10 random, and knowing that the southeastern portion of
11 Michigan is the most populous area in the state,
12 naturally, we had more people from around that particular
13 area be part of the Commission. We had others from
14 outside, of course, but my question to you is, what did
15 you do when those particular ideas overlapped?

16 COMMISSIONER KOTTWITZ: Compromise, I mean, is the
17 simple question (sic); and we weren't always successful.
18 But essentially, how it started is there were portions of
19 maps -- not even a whole map -- you know, some bureaus
20 would submit a whole map, right? Farm Bureau -- you
21 know, for instance, we have a lot of agriculture here in
22 Colorado, much like California, right? But those areas
23 are in one specific part of the state, and so I think,
24 you know, we had a challenge. Commissioner Schell was
25 talking about that earlier, that, you know, the

1 concentration mark commissioners were actually right up
2 and down I-25. So for those of you that don't know
3 Colorado, it's a rectangle, it's right down the middle.
4 So you have the western slope, the northwest slope, the
5 eastern part of Colorado, which basically looks like
6 Kansas, right? It looks nothing like what people picture
7 in Colorado. We had very little representation.

8 I think a bonus was is I -- I'm a native. So I grew
9 up in that area so was able to give some reference to
10 that, but we really relied on commissioner-submitted
11 portions. So like, keep Broomfield whole, right? There
12 was another commissioner who wanted to keep Arvada whole.
13 There was a commissioner from the Denver area and a group
14 that submitted a map, and we thought, hey, they're the
15 experts in Denver, so we sort of did footprints. Sorry,
16 I can't remember which state it was that talked about the
17 areas or regions; we called it "footprints", I would say.
18 So then what we would do is take kind of those experts
19 and those opinions out there, and then it came down to
20 tweaking, right?

21 There was an example -- we had a guy up here who
22 wanted to keep these one, two communities together. When
23 we changed it around to keep them, we realized we were
24 foregoing two of our criteria for one criteria, right?
25 And so we moved it back. And those were live. I think

1 that was the most successful part is we called it a
2 "coalition". There was a group of, what was it, three
3 Republicans, two one affiliates, two and a half one
4 affiliates, and a Democrat that all worked together in
5 live almost workshop sessions where we sat there and
6 tried it. We'd live move that portion, you know, to make
7 them work together. I don't know if I answered that
8 question. But you know, we kind of did the broad
9 footprints, and then we worked on the minutia and moving
10 the smaller areas around.

11 COMMISSIONER WITJES: So you did -- my only question
12 to that is -- and I'm a big proponent of compromise; we
13 had that happen a lot in Michigan as well -- what
14 happened when you couldn't reach a civil compromise? Did
15 you have a vote of the commissioners and your commission
16 to say, okay, this is how we're going to draw this
17 particular line, or did it just turn into a big argument?

18 COMMISSIONER KOTTWITZ: I'll give you -- I'll give
19 you a few meetings to go watch for some entertainment and
20 you'll see how that went down.

21 COMMISSIONER WITJES: Perfect. Can't wait.

22 COMMISSIONER KOTTWITZ: But I would say, you know,
23 honestly, those coalitions, it was a group of seven
24 people. So I would say it was very easy to get to a
25 group of seven. I think, you know, over those

1 compromises, they were smaller portions of towns or where
2 the split was, where the problem, in my opinion -- I'll
3 let the other two commissioners join in here, especially
4 Commissioner Horvath -- is when it came down to getting
5 the eighth vote. We were close, but then there was this
6 perspective that a 12-0 vote or map that passed
7 unanimously is better than an 8-0 vote map and will hold
8 up better in Supreme Court. And so I often think our
9 eighth and ninth vote that would have been for that
10 coalition, that compromise map, they chose to forego that
11 in the interest of a 12-0 map. And I was not one of
12 those; I was happy with an 8-0 map, so I'm not the best
13 to ask a follow-up question on that, but -- and that was
14 at the end when we were having, you know, seven, eight-
15 hour meetings every single night. So honestly, I feel
16 like it was -- the compromise was fairly easy with that
17 group of seven, and frankly, the eighth and ninth were
18 pretty easy as well.

19 COMMISSIONER WITJES: Thank you. Appreciate it.

20 COMMISSIONER KOTTWITZ: Would you agree,
21 Commissioner Horvath?

22 COMMISSIONER HORVATH: Definitely.

23 COMMISSIONER KOTTWITZ: I will point out
24 Commissioner Horvath and I are not of the same political
25 party and he's probably my favorite commissioner, so just

1 to be clear.

2 COMMISSIONER HORVATH: Well, thank you. You made a
3 lot of good things happen because of your ability to work
4 with everybody in the group, and I think that's -- was
5 something that was really important in terms of getting
6 maps drawn is having someone like that in charge of the
7 group. There were people in the Commission who couldn't
8 have made that work. I couldn't have made it work, but
9 she did, and that was great. Anyway. Thank you.

10 COMMISSIONER KENNEDY: Thank you. We've got two
11 minutes before we're supposed to go to public comment.
12 With the indulgence of the Chair, we might be able to
13 extend a little bit. This is a great discussion, so.

14 VICE CHAIR FORNACIARI: Yeah, that's fine. We can
15 go -- I'd like to start taking public comment by like,
16 4:30, but you know, we don't have to go that late either,
17 but. We can --

18 COMMISSIONER KENNEDY: Okay. So I'll call on
19 Commissioner Kottwitz, Commissioner Schell, and
20 Commissioner Lerner.

21 COMMISSIONER KOTTWITZ: Thank you. I really do not
22 intend to monopolize this. I'm clearly a redistricting
23 nerd, but I assume we all are, right? So I had two
24 questions for whomever. You know, we're the only state
25 that called out competitiveness as a criteria. And yes,

1 it was fifth, but it was still a very clear criteria to
2 be included. So I noticed in the presentations from the
3 other states, you know, everybody said, well,
4 competitiveness wasn't part of it, but I noticed -- I
5 think multiple said something about, you know, you
6 couldn't draw a map to favor a political party or not.
7 And so when I read that, I think, well, that's
8 competitiveness, right? Like, you should be drawing a
9 map that's not favoring a Democrat or Republican. So if
10 someone can just help me understand how you are -- how
11 you interpret that, because clearly I don't have the same
12 interpretation.

13 And then my other question is I felt really
14 constrained when discussing the VRA in that, you know,
15 our legal counsel -- it's the number one reason maps are
16 thrown out, right? We all know that. And so I'm hearing
17 some of you talk about it much more freely -- and I don't
18 know if it was my lack of knowledge or our Commission or
19 our legal advice, but we felt very hesitant to have open
20 conversations about the VRA and public meetings, which
21 makes it a challenge, right? Because we want to be
22 transparent about that. So I'm just curious about how
23 you guys go about communicating VRA in your public
24 meetings.

25 COMMISSIONER KENNEDY: Okay. So to respond to

1 Commissioner Kottwitz's questions, Commissioner Lerner
2 and Commissioner Andersen.

3 COMMISSIONER LERNER: I didn't know if Arizona -- if
4 California was going to also respond to that, too.

5 COMMISSIONER KENNEDY: Commissioner Andersen will.

6 COMMISSIONER LERNER: Oh, great. Okay. So I don't
7 know where everybody is from.

8 So I will clarify if it wasn't clear,
9 competitiveness is one of our criteria in Arizona. Our
10 criteria are not ranked; so it's just one of our six.
11 Some people feel it is ra -- it's got a lower level
12 because it says, to the extent practicable and as long as
13 it's not to the detriment of any other criteria. But we
14 don't have it ranked 1 through 6; it's A through G, I
15 think it is, which was very clearly done to show
16 nonranking. So we do competitiveness.

17 But the really big issue, which is why we could not
18 seem to do some of the things you all are talking about
19 with compromise, I think, is because when people were
20 saying, we want to make an adjustment in Coconino County,
21 they were clearly looking at how many Democrats or
22 Republicans were in certain areas as they were making
23 those adjustments. So it was very difficult to reach
24 those compromises when you were on a borderline of if you
25 do that, it's a 52-48 split. It was fine if you were

1 going to be at seventy percent of one party or another,
2 but when it got -- and our biggest problems as a
3 Commission is when we got to those, unfortunately, few
4 districts -- eight out of thirty -- well, not even eight
5 out of thirty, I would say -- where you were within a
6 four, five, six, seven-point range. Then it became
7 contentious because people didn't want to compromise on
8 losing a point here or a point there. So that's -- the
9 competitiveness and the party registration were
10 definitely used as part of our line drawing, which made
11 it a challenge to reach the compromises you all are
12 talking about. So that's one thing which led to some of
13 the challenges I think we have in Arizona.

14 And then the second thing is, we did talk about the
15 VRA quite a bit, and we did a lot of public discussions
16 of it as well. We got criticized by some saying we were
17 gerrymandering for race as part of it, but we were going
18 to follow the law. And we had seven VRA districts as our
19 legislative, and we had two congressional, and even
20 though our population had dramatically increased and we
21 could have had a third VRA congressional and an eighth
22 VRA legislative, we were voted -- it was a 3 to 2 vote
23 not to expand that; so we stayed with the same as we had
24 ten years ago, but we were very honest and up front
25 publicly about it because it was in our constitution to

1 follow the Voting Rights Act. So hopefully that
2 clarifies Arizona a little bit.

3 COMMISSIONER KENNEDY: Great. Thank you.

4 Commissioner Andersen.

5 COMMISSIONER ANDERSEN: Yeah. Thank you.

6 The VRA is, you know, a tough one, but it's not as
7 tough as everyone's making it, quite frankly. And we
8 initially sort of drew almost all of our districts really
9 with an eye on sort of everything, but by communities of
10 interests, county lines, and city lines. So you kind of
11 have a rough outline of districts, and then you're really
12 looking at -- you know, when you're looking at -- well,
13 okay, actually, we're talking about the population
14 criteria. You have to talk about population.

15 When you're talking about the Voting Rights Act, you
16 do have to mention race, and often it's kind of brought
17 up, you talked about race, it's the only criteria you're
18 talking about. And no, it's in the totality. You know,
19 you're talking about race, but you're also talking about
20 the county lines, the city lines. And it -- when you
21 actually -- you know, it comes down to the Gingles
22 criteria. But basically, when you have numbers, that's
23 the -- that's easy. You have -- and you can actually --
24 you talk about race because you have the numbers of
25 people of that race, or one of the, you know, minority

1 races that are protected. And when you have that group
2 and you have those numbers, you have to look at it
3 through Gingles criteria. And if you have racially
4 polarized voting, you draw VRA. It's really that simple.

5 And everyone wants to make this horrible, oh my God,
6 you know, because it's political, but if you really look
7 at what are the criteria, what do you have and what you
8 don't have -- and we actually have in California some
9 issues that most states don't, because we have a large
10 mix of races and they vote politically in different
11 groupings. So we actually have -- like, in the -- I live
12 in the Berkeley/San Francisco Bay Area -- and in the Bay
13 Area, you actually have numbers of minorities that
14 would -- could produce the required VRA, except we don't
15 have racially polarized voting, which is -- ultimately,
16 the goal of the VRA Act is that you don't need to draw
17 particular areas, because if you have a candidate who's
18 of a particular race and they're a great candidate,
19 people vote for them. They cross racial lines.

20 And so it's really -- the thing that you do avoid is
21 if it's not a VRA district, and you say, oh, but we're
22 kind of drawing for racial criteria -- and but if you're
23 drawing, that's -- that is an issue where you're in a
24 problem. And we didn't have that because we're actually
25 talking about, you know, our -- if you have a cultural

1 connection, that's a community of interest; that has
2 nothing to do with races. Because we have a lot of areas
3 where -- you have historical areas, which, you know,
4 might be called particular race areas, but it's really --
5 it's a historical cultural area that have shared
6 different cultural aspects. And again, particularly in
7 California, you have everybody appreciating those
8 cultural aspects, so you actually have a lot of mixed
9 races, mixed cultures all together. So you know, it's --
10 you don't have to make it quite as complicated as it
11 really is, and you can still -- but you have to follow
12 the Gingles criteria. So that's (indiscernible,
13 simultaneous speech) --

14 COMMISSIONER WITJES: Well, I would have to disagree
15 because --

16 COMMISSIONER ANDERSEN: That's what (indiscernible,
17 simultaneous speech) are all about.

18 COMMISSIONER WITJES: -- for example, how do you
19 take racial packing out of it then? I mean, if, based on
20 your argument, it's like if you have a bunch of people of
21 a particular race, for example, living in one area, you
22 can -- someone can make the argument, and yeah, you
23 packed us in one particular area. That makes no sense.

24 COMMISSIONER ANDERSEN: Does anyone else want to
25 jump in on this one -- on the --

1 COMMISSIONER LERNER: We had a situation like that
2 in one of our Congressional districts where there was
3 packing, and we brought up packing versus not; and I will
4 say I didn't win that one. But you can have packing, but
5 you have to be -- I think you have to be real up front
6 about what's going on and hope for the best with it.

7 COMMISSIONER WITJES: I don't think so.

8 COMMISSIONER ANDERSEN: I will jump in. Actually --

9 COMMISSIONER WITJES: I don't think that's true.

10 COMMISSIONER LERNER: We tried to counter the
11 packing, but you know, you can't always -- they can
12 also --

13 COMMISSIONER WITJES: No, the only reason why I'm
14 interrupting is because that's what we did. We did
15 counter the packing. Like, we had districts in 2010, for
16 example, that were ninety percent African American or
17 Black. They're not anymore. So I mean, and that
18 delicate balance is difficult when it comes to VRA
19 analysis. It's not easy, trust me.

20 COMMISSIONER ANDERSEN: Well, that is -- has to do
21 with percentages. You know, when you're talking about,
22 oh, a certain percentage, and that's where you really
23 have to have a very good RPV analysis -- analysts, and
24 you need to kind of look at that. And you have ranges of
25 numbers.

1 COMMISSIONER WITJES: That's true.

2 COMMISSIONER ANDERSEN: As long as you're
3 considering a range of numbers -- because any particular
4 analyst will come up with a different -- slightly
5 different number, but -- you know, because it's, you
6 know, you have more than fifty. Well, does it just take
7 fifty? Does it only take forty-nine? You know, and
8 that's where -- you know, does it actually take close to
9 sixty? But if you all of a sudden go, well, it's really
10 around fifty to sixty percent, but you decide to go
11 eighty percent, that's packing. It was kind of -- it's
12 again, you know, now, do you want to talk it's seventy-
13 four, seventy-six percent, then you're trying to be very
14 political. And that's where you have to go, okay, now,
15 let's kind of step back for a minute and look at the
16 overall picture here.

17 COMMISSIONER WITJES: I see your point.

18 COMMISSIONER ANDERSEN: And that's where -- yeah,
19 it's --

20 COMMISSIONER WITJES: I see your point.

21 COMMISSIONER ANDERSEN: -- coming down to
22 percentages.

23 COMMISSIONER WITJES: But for us, for example, in
24 Michigan, we had an ar -- we had areas where there were
25 ninety percent or more of a minority race packed into a

1 district, as far as I can tell. And we had racially
2 polarized voting analysis done that said, you know, that
3 doesn't really need to be the case, and we're looking at
4 more of forty percent to be able to have minorities elect
5 candidates of choice. So that's when things get
6 difficult, when it comes to -- when it becomes -- when we
7 have so many people in one consolidated area, and we have
8 to figure out how to draw districts to get it down to
9 that particular percentage, that does indeed get very
10 difficult. And we've had many, many arguments on where
11 to draw lines for that reason alone.

12 COMMISSIONER SZETELA: I would say -- I just want to
13 chime in because I do have to go. You know, with the
14 Michigan Commission, we do have highly concentrated
15 minority populations around the city of Detroit and Grand
16 Rapids -- those are our two major areas -- to lesser
17 degrees up in Flint, which is a smaller city but still
18 highly concentrated. So we had the very concentrated
19 urban areas, and then those areas also tend to be what a
20 lot of people call "Democratic vote things". So we had
21 two issues we were trying to balance, which was, one, the
22 Voting Rights Act compliant, which we relied heavily on
23 our experts in terms of coming up with the ranges that we
24 thought were appropriate, and then we did unpack.

25 I mean, as Dustin indicated, we had districts that

1 were eighty, eighty-five percent, ninety percent African
2 American, and there was just no reason why those
3 districts needed to be as concentrated as they were
4 because you could draw them differently. And so we
5 accounted for that and stretched out districts to make
6 the percentages more reasonable while still providing
7 minority voters an opportunity to elect.

8 And then the other issue was also, you know,
9 breaking out those democratic concentrations to make sure
10 that the map overall had partisan fairness. And then
11 just to touch on the issue of partisan fairness versus
12 competitiveness, I'm not sure how it is in other states,
13 but what we were hearing from people in Michigan with
14 respect to competitiveness is they want their individual
15 districts to be competitive. So maybe they want their
16 district to be a fifty/fifty or a forty-two -- forty-
17 two/fifty -- fifty-eight, something like that. They want
18 them competitive; they want them within five percentage
19 points, whereas what Michigan required was actually
20 partisan fairness on a statewide level. So we weren't
21 looking at individual districts in terms of how
22 competitive they were, we were looking at the math
23 overall and the 13 Congressional, the 38 State Senate,
24 and then the 110 State House, and out of the entire map,
25 how balanced was it from a partisan fairness perspective?

1 And honestly, I think if we had had competitiveness
2 as a criteria in Michigan, it would have been a much,
3 much more difficult job because there are just areas in
4 Michigan like the entire Upper Peninsula, which is highly
5 concentrated Republican, and I just don't know that you
6 could ever make a district -- depending on the size of
7 the district -- that's going to be competitive up in that
8 area unless you want to have it jump across Lake
9 Michigan, go all the way down to the bottom of the state.
10 It's just not going to happen. So I think partisan
11 fairness in our state, given the geography, was the way
12 to go. And although we did have maps with some
13 competitive districts, it wasn't a goal for us and it
14 wasn't a target for us to achieve. And I don't think we
15 could have achieved it, honestly.

16 COMMISSIONER WITJES: And one thing --

17 COMMISSIONER SZETELA: But I do have to go,
18 everybody. Thank you.

19 COMMISSIONER WITJES: Thank you, Commissioner
20 Szetela.

21 COMMISSIONER WITJES: One thing I did want to add to
22 that is that, especially with the state of Michigan, is
23 if we start to unpack, we start getting these weird
24 shapes when it comes to the districts that we're drawing.
25 So we automatically get called out for gerrymandering

1 particular districts, which is just not the case. We're
2 trying to adhere to the criteria of equal population as
3 well as the Voting Rights Act. And in the areas that we
4 have been drawing, especially in southeast Michigan, we
5 had to draw some weird shapes to get that effect. And we
6 were also able to keep with all of our other state
7 criteria that we had with communities of interest.
8 Luckily, compactness was number seven.

9 So as far as I was concerned, I tried my best and
10 tried to keep districts compact when trying to handle
11 these particular issues. But if I had to draw a nice,
12 long district that was this long, for example, I'd do it
13 if it would -- if it made -- if it would make sense to do
14 so to have to adhere to everything that we had to do for
15 both federal law and for the Michigan State Constitution.
16 And I think we did a very good job doing so in such a
17 populated area of multiple different kind of individuals
18 and different -- with different cultural aspects to make
19 sure that their voices were heard at the table, and I
20 think all thirteen of us did that the best that we could.

21 COMMISSIONER KENNEDY: Great. Thank you.

22 Commissioner Schell.

23 COMMISSIONER SCHELL: Thank you. I'll try to be
24 brief. I just wanted to -- since Commissioner Horvath
25 and Commissioner Kottwitz are both on the legislative

1 commission, I just wanted to give the perspective on kind
2 of compromise on the Congressional side. As mentioned,
3 Colorado, you know, we have the Rocky Mountains that
4 split the state basically, you know, one-third to the
5 west of the Rockies and one-third -- two-thirds to the
6 East.

7 Fortunately, our constitution requires that at least
8 one commissioner on each Commission be from west of the
9 Continental Divide. Well, I was the only Congressional
10 commissioner that was west of the Continental Divide.
11 And a major issue in Congressional redistricting was
12 traditionally, we have split the state along the
13 Continental Divide -- that's kind of how the state was
14 settled -- but there was a push to split it across the
15 middle -- east -- we -- north, south, and being the only
16 one from the western side of the state, it was -- it got
17 really, really nasty.

18 And in the end, I know the legislative commission
19 ended up with a 12-0 vote, but we had a nonbinding,
20 nonsupermajority vote by the commissioners who preferred
21 that southern district map that we keep eleven of our
22 southern counties together, going across the mountains,
23 which, again, it -- from my western slope perspective,
24 would not have been my first preference. But we stuck
25 with that -- or I accepted that as a compromise that we

1 would keep those eleven counties together, but that
2 required making some other changes in other parts of the
3 state that probably some of us wouldn't have otherwise
4 chosen to do.

5 In the end, the commissioner that promoted those
6 eleven counties being kept together -- which we did do --
7 voted against the map. So that was very disappointing to
8 me, because you know, we have made other changes that I
9 would not otherwise have done. So it was quite different
10 on the Congressional side.

11 We -- because of our kind of lack of minority
12 population in Colorado on the Congressional side, the VRA
13 was not an issue. And because we don't have anywhere
14 that has a big enough concentration and because Hispanics
15 are a major minority, we heard a lot of testimony that,
16 well, they don't all vote in the same manner, depending
17 on if they're newcomers, if they're well-established. So
18 we've kind of compromised by having our 8th congressional
19 district, which is to the north of the Denver area, be, I
20 think, thirty-eight percent Hispanic and -- but our
21 competitive district. So that was how we tried to
22 address kind of VRA concerns.

23 COMMISSIONER KENNEDY: Thank you, Commissioner
24 Schell.

25 Commissioner Lerner.

1 COMMISSIONER LERNER: Well, I think our issue in
2 Arizona is having only five commissioners, and following
3 the VRA is very political as a result. So we did do all
4 the racial polarization. We did do all the things that
5 were required as part of that, but when it came down to
6 when we were drawing lines, changes that were made were
7 done for political purposes as well. So it wasn't as
8 clean as some other states, where you have other folks
9 there, but because partisanship was part of our
10 competitiveness, if we look at some of our legislative
11 districts -- and I'll just give you a quick example.

12 We have a group of folks -- the Latino Coalition
13 came together statewide. They made proposals on
14 districts that they sent to us right at the beginning,
15 saying, this is how we think this works; these are
16 racially polarized districts. They proposed eight; we
17 ended up with seven. But they gave us a proposal, which
18 our Commission voted 3 to 2 to not follow. They gave --
19 they ended up with four or five different proposals as
20 part of it, and we kept changing and modifying what they
21 felt was in the best interest of their community as part
22 of that. And the districts themselves were modified not
23 because was it in the best interest for the VRA, but was
24 it in the best interest for how we want to move districts
25 in the surrounding area in terms of red versus blue make

1 up.

2 And so there were districts where you have
3 incredibly high percentages of Latino voters in those
4 areas that are probably -- that are on the edge of not
5 being racially polarized, don't meet those exact criteria
6 because of what was happening around it. And because you
7 have only five commissioners in our state, it's a lot
8 tougher, I think, to reach some of those compromises that
9 so many of you were talking about. So that's a challenge
10 in Arizona that we have. But we certainly did -- we
11 worked very closely with partners in the community to try
12 to not follow them exactly, but certainly take everything
13 into account that we could. So just as a note on where
14 Arizona stands with this VRA piece as part of it.

15 COMMISSIONER KENNEDY: Thank you, Commissioner
16 Lerner.

17 Commissioner Horvath.

18 COMMISSIONER HORVATH: Yes, thank you.

19 I wanted to add one or two more comments on
20 competitiveness in Colorado. Competitiveness, as it's
21 listed in our provision, says that we have to maximize
22 the number of states that have the potential of changing
23 at least once during the next decade. Now, what that
24 means is we're not trying to make every district
25 competitive; we're trying to minimize the number of safe

1 districts. And a safe district is defined as either a
2 Democrat -- just one that will always vote for the
3 Democrats and one that will always go for the
4 Republicans. We have sixty-four count -- what did we
5 have, sixty-five districts?

6 COMMISSIONER KOTTWITZ: Sixty-five in the House --

7 COMMISSIONER HORVATH: And --

8 COMMISSIONER KOTTWITZ: -- yes.

9 COMMISSIONER HORVATH: -- in the House, and I think
10 we were able -- I think our final House district had
11 eighteen districts that were competitive. So going back
12 to what the situation was in Arizona and in Michigan, we
13 tried to reduce the number, but we could of had the
14 number of safe districts to where there would have been
15 fifty, fifty-five, or six -- fifty-five out of sixty-five
16 districts, but we got it lowered down. So that's how we
17 view competitiveness. We -- we're not saying or
18 suggesting that every district has to be competitive, and
19 I think that puts a different light on the situation.

20 COMMISSIONER KENNEDY: Thank you, Commissioner
21 Horvath.

22 COMMISSIONER HORVATH: Thank you.

23 COMMISSIONER KENNEDY: Commissioner Fornaciari.

24 VICE CHAIR FORNACIARI: I want to just touch on this
25 idea of competitiveness and thinking of political parties

1 and candidates; and that really wasn't even part of our
2 crit -- it's not part of -- I mean, the -- it says the
3 place of residence of any incumbent or political
4 candidate may not be considered in the creation of a map
5 and districts may not be drawn for the purpose of
6 favoring or discriminating against an incumbent political
7 candidate or political party. So our process did not
8 involve consideration of competitiveness, fairness,
9 political parties at all. And I think, you know, I think
10 that went a long way to make it a more congenial process
11 for us.

12 You know, and there was a question that came a while
13 back about moving lines and voting. And I'll just share,
14 we didn't -- we took one vote the whole time we were
15 mapping, and that vote was to approve the final maps and
16 that was it. So you know, it just -- the way our
17 Commission is formed and the criteria that we use is, I
18 think, a little bit more objective and lends itself to a
19 more congenial process, but I think that also has to do
20 with the fourteen of us, too.

21 COMMISSIONER KENNEDY: Thank you, Commissioner
22 Fornaciari.

23 Commissioner Sadhwani.

24 COMMISSIONER SADHWANI: Yeah. Thank you.

25 And I completely agree with Commissioner Fornaciari

1 on that, as I tend to do, right? I mean, Democrats and
2 Republicans working in harmony. Competitiveness was not
3 an issue for us; it's not a part of our criteria; and it
4 was not something that we looked at at all.

5 At one point, we did have a presenter suggest that
6 we should think about competitiveness. And we actually
7 had a host of people call in, saying, that's not one of
8 your criteria. That's going to have implications for the
9 VRA, right? California is a bit of a different state.
10 Unlike, you know, Arizona, Colorado, Michigan, we do tend
11 to be, you know, tend to lean in one direction more, so
12 perhaps that's why it's not a part of our of our
13 criteria.

14 On the VRA piece, I just wanted to raise -- you
15 know, and I appreciate Commissioner Andersen's, you know,
16 thoughtfulness on this. I do think having served on the
17 VRA Subcommittee and was thinking a lot about our VRA
18 compliance considerations here in the state, I don't
19 think it was always quite as easy. And I think one of
20 the challenges that we grappled with as a Commission was
21 was also the con -- the legal concern and consideration
22 of not allowing race to predominate. While we weren't
23 allowing race to predominate -- we didn't see it that way
24 at all.

25 If we're talking about it publicly, if we're talking

1 about VRA districts and the areas where those districts
2 are going to need to lie, how much can you talk about it,
3 right? What -- in what ways might people who wanted to
4 bring lawsuits against us use, perhaps, the amount of
5 time that we talked about race, or VRA districts -- use
6 the number of times that we talked about it, under what
7 circumstances we talked about it. So I think that there
8 were challenges in that way. But yes, it does come back,
9 again, to all of the other criterion and weighing them
10 against one another.

11 I think overall, you know, we -- as was mentioned,
12 we passed our maps unanimously. We did also increase our
13 majority/minority districts for the Latino community here
14 in the state of California from ten Congressional
15 districts in 2010 to sixteen now. I think this is a, you
16 know, a reasonable reflection of where the community is,
17 this -- the growth of the community over time, and so I
18 think it was the right and appropriate thing to do. But
19 we certainly had our challenges along the way also to
20 create those districts that were effective.

21 I was curious, just while I had the floor, if other
22 states have been facing lawsuits. I haven't been
23 tracking that very much myself. If there have been
24 either suits on VRA or on competitiveness or claims of
25 gerrymandering, it would be helpful just to hear -- get a

1 sense of what other commissions are facing.

2 COMMISSIONER KENNEDY: Thank you, Commissioner
3 Sadhwani.

4 Just a reminder that the Chair asked that we be
5 ready to start taking public comment by 4:30, so we've
6 got about four minutes left.

7 Commissioner Witjes.

8 COMMISSIONER WITJES: Well, I'll be real quick; and
9 I do have to leave in four minutes, so. My question is,
10 how did other commissions take races into account that
11 weren't accounted for in the census? And anyone --

12 COMMISSIONER KENNEDY: Thank you for that.

13 COMMISSIONER WITJES: -- can answer. I'm just
14 curious. Because we have -- like I said, we have the
15 largest concentration of Arab Americans and North African
16 races in the state of Michigan, which is not in the
17 census. And I'm sure there are other races that are not
18 on the census. So how do you take that into account
19 during your public hearings, and how do you address that?
20 Because that's going to be important for --

21 COMMISSIONER KENNEDY: And I --

22 COMMISSIONER WITJES: -- our Commission's future.

23 COMMISSIONER KENNEDY: Right. I mean, in part, I
24 think through community of interest testimony, but I know
25 that Commissioner Sinay has been particularly interested

1 in this and would like to respond.

2 So Commissioner Sinay.

3 COMMISSIONER SINAY: Thank you.

4 So in San Diego, we do have some similarities to
5 Michigan in that we do have a really large Chaldean Iraqi
6 community, and I know Michigan -- Detroit has the
7 largest, and I think we have the second largest -- and we
8 did a lot of it through communities of interest. Our --
9 the organizations told us -- you know, we really pushed
10 out -- we really asked them to let us know where those
11 communities were.

12 And then we also had a lot of maps that were
13 submitted to us from Asian coalitions as well as, you
14 know -- well, (indiscernible) coalition; so it was Middle
15 Eastern and Asian Muslim coalitions, as well as Black
16 hub -- you know, Black coalitions, and Latino coalitions;
17 and all of that helped us to be able to map it as well.
18 And then we really took that, and you know, we went
19 really carefully when we were in different areas. We
20 would look at those maps that these groups had sent us
21 and say, okay, it looks like there's a population here.
22 And sometimes we couldn't remember exactly where the
23 population was, and they let us know; they would call in
24 and say, yes, you're right, there is a Hmong community in
25 Stockton -- I'm just throwing one out there -- and the

1 streets are this, this, and that. And so our process was
2 a dialog. You know, there was constantly people watching
3 us, and I don't know, I mean, we thought it was boring
4 sometimes to watch ourselves, and we were, you know, in
5 the fishbowl. It was interesting to me that so many
6 people watched us all the time, but they -- but it was a
7 very engaging process in that regard.

8 COMMISSIONER WITJES: Okay. So then my follow-up
9 question to everybody is -- and I do like that answer:
10 based on communities of interest. What happens when --
11 if and when -- or if, I guess, not necessarily a when --
12 communities of interest get moved down on your list of
13 criteria to take into effect? Which could very well
14 happen. So how would you handle that at that particular
15 point in time?

16 COMMISSIONER LERNER: One advantage Arizona has is
17 that it's not ranked. So if you don't rank your
18 criteria, then you don't have to worry about that piece
19 of it. And if it's in your constitution, it's not so
20 easy to change that ranking either. So if you already
21 have it ranked, then you would have to actually go back
22 and change the constitution, which might open up a whole
23 other kind of can of worms, so.

24 COMMISSIONER KENNEDY: Yeah.

25 COMMISSIONER LERNER: Just as a quick answer to that

1 one.

2 COMMISSIONER KENNEDY: As I mentioned -- yeah. And
3 as I mentioned in our case, communities of interest are
4 on the same level; they're all part of criterion four,
5 which is counties, cities, communities of interest, and
6 neighborhoods. So it is entirely up to the Commission
7 how we prioritize those in any given case. And there
8 were probably cases where sometimes we prioritize the
9 county lines; sometimes we prioritize the communities of
10 interest; sometimes we prioritize the neighborhood or
11 city. It was entirely up to us.

12 COMMISSIONER WITJES: Yeah, I almost like that more.
13 Because for example, in Michigan, we had the communities
14 of interest number three -- well, number one on our state
15 side, but number three on the -- on our stuff that we had
16 to take into account after equal population and VRA.
17 That makes more sense to me, is like -- because we had
18 county lines further down the list. So we -- as far as I
19 was concerned, the county is not a community of interest;
20 neither is a township. If I can figure out a reason to
21 divide a township or a county to adhere to a community of
22 interest, I would do so. So that's where things get
23 difficult.

24 And I would be more inclined to say that a county
25 could potentially be a community of interest, but because

1 that wasn't the fact in our criterion that we had to take
2 into account, I could not -- and I stood by that my
3 entire time -- it was like, as far as I'm concerned, a
4 township or a county is not a community of interest. I
5 can tell you with a hundred percent fact that my county
6 that I live in is a pretty solid community of interest
7 based on everything that we do, but we had to -- we split
8 it up. And I stood by that based on the fact that those
9 particular lines are lower down on the criterion that we
10 would take into account.

11 COMMISSIONER KENNEDY: All right.

12 Commissioner Sinay, did you have anything else, or
13 is your hand just still up?

14 COMMISSIONER SINAY: I just wanted to say two
15 things, and they're kind of related. One is that we do
16 see the -- this issue with the census -- you know, the
17 census still needs to expand their definition of
18 community. And as a Commission, we're -- you know, we're
19 looking to see if we -- if we're collectively going to
20 work, you know, not to lead, but to follow our support
21 efforts like that. So that's a conversation that we're
22 having as a Commission is, hey, we need this for our
23 work, you know, we need it to be better.

24 And then the second thing -- Commissioner Yee had
25 brought this up earlier, but he and I had this idea right

1 after we finished the maps that we wanted to talk to all
2 of you and get to know -- you know, there's a lot of
3 issues that we're grappling with, and I thank you all for
4 this conversation. Because I've been writing down some
5 themes because we started getting -- we started a
6 conversation with League of Women Voters and common cause
7 about having a national conference at some time. It'll
8 allow us all to take a deep breath after all the work
9 that we've done, but try to figure out what it would look
10 like, and you know, first of all, get funding to put it
11 together.

12 But so I wanted just to say this is the beginning of
13 conversations, and we're hoping, you know, who the
14 audience and all that is -- we haven't gone there; we've
15 just said, hey, this is a dream of ours because we think
16 it'll be good for our states, our cities, as well as the
17 country's democracy. So we will keep you all informed on
18 what we're doing.

19 COMMISSIONER KENNEDY: Thanks for that --

20 VICE CHAIR FORNACIARI: Are we set?

21 COMMISSIONER KENNEDY: -- Commissioner Sinay.

22 Just one last point, Commissioner Fornaciari, if I
23 can.

24 VICE CHAIR FORNACIARI: Sure.

25 COMMISSIONER KENNEDY: The last sentence of our

1 criterion four says, "Communities of interest shall not
2 include relationships with political parties, incumbents,
3 or political candidates". So as far -- I mean, the
4 definition of the COIs is still a little flexible, but
5 that is in the constitution explicitly, and that would
6 certainly help it.

7 So back to the Chair. Thank you, Chair.

8 VICE CHAIR FORNACIARI: Thank you so much.

9 Just to clarify, Commissioner Sinay -- in her
10 comments, she talked about the census taking -- she took
11 communities into account, but what she really meant was
12 race and -- more race and ethnicities into account,
13 breaking it down a little bit further. And so we're
14 working on that.

15 And yeah. And so Commissioner Sinay and
16 Commissioner Yee, you're working, again, with League of
17 Women Voters to try to get the -- get a more -- you know,
18 more momentum going for Citizen Redistricting
19 Commissions, and so more to come on that.

20 Really, really, really want to thank everyone for
21 joining us and participating. This has been an -- just
22 an outstanding conversation, and I'm hoping we can
23 continue with that. Thank you all. And you know, if --
24 feel free to invite any of us, if you have, you know,
25 similar exercises or conversations. I'm sure we'd all be

1 more than happy to participate.

2 And with that, Kristian, if you could call for
3 public comment.

4 PUBLIC COMMENT MODERATOR: Sure thing, Chair.

5 COMMISSIONER WITJES: Wait. One thing I did want to
6 add is like -- one thing --

7 VICE CHAIR FORNACIARI: Okay.

8 COMMISSIONER WITJES: -- that I want all of you to
9 understand and take dear is that every single one of us
10 have a bond that not many people have. So I -- if any
11 one of you all need to get in contact with any one of us,
12 please do so, because this is a very rare opportunity
13 that we have, and I think we're doing things for the
14 greater good of not only our states, but also for the
15 country. So keep that in mind. And I apologize to
16 interrupt, but I just needed to say that we have a bond
17 that not many people have.

18 VICE CHAIR FORNACIARI: Great point. Thank you for
19 that. I agree. And you know, we need to work together
20 to keep this going and make it even more effective.

21 PUBLIC COMMENT MODERATOR: All right. To public
22 comment. Thanks all.

23 In order to maximize transparency and public
24 participation in our process, the commissioners will be
25 taking public comment by phone. To call in, dial the

1 telephone number provided on the live stream feed. It is
2 877-853-5247.

3 When prompted, enter the meeting ID number provided
4 on the live stream feed. It is 87992576958 for this
5 meeting. When prompted to enter a participant ID, simply
6 press pound.

7 Once you've dialed in, you'll be placed in a queue.
8 To indicate you wish to comment, please press star nine.
9 This will raise your hand for the moderator.

10 When it's your turn to speak, you'll hear a message
11 that says, the host would like you to talk, please press
12 star six to speak.

13 If you'd like to give your name, please state and
14 spell it for the record. You are not required to provide
15 your name to give public comment. Please make sure to
16 mute your computer or live stream audio to prevent any
17 feedback or distortion during your call.

18 Once you're waiting in the queue, be alert for when
19 it is your turn to speak. And again, please turn down
20 the live stream volume.

21 And we do have some people called in. We're going
22 to go to caller 2829. Please follow the prompts. The
23 floor is yours.

24 MS. WEST: Yes. Good afternoon, commissioners.
25 This is Renee Westa-Lusk. I just have two questions.

1 Like, when did the CRC get the VRA data? Did you get it
2 before you drew the visualizations or after the
3 visualizations? I assume before the first draft map came
4 out. Because you explained there was a delay in drawing
5 the VRA districts first, and you couldn't do it because
6 of the data -- you didn't have the data, so you couldn't
7 do those first.

8 And then my second question: in California, isn't
9 it required that you have to draw a VRA district if an
10 area meets all the Section 2 VRA criteria? You can't
11 just overlook it and not draw it. Because I kind of got
12 that impression from the Arizona mission, that they left
13 out a VRA district when they should have drawn it.

14 Those are my questions. Thank you.

15 VICE CHAIR FORNACIARI: Let's see. We started our
16 visualizations before we had the census data, and so the
17 VRA analysis wasn't completed when we started our
18 visualizations, but we certainly had our VRA analysis
19 underway when we completed the draft maps. So it's --
20 the VRA is a federal law and so compliance with the VRA
21 is a federal issue.

22 So Sara or whoever step in. Sara, thank you for
23 saving me on that. I think I understand it, but I'll
24 turn it over to you.

25 COMMISSIONER SADHWANI: Sure. I mean, I think here

1 in California, we certainly did our best to have a robust
2 VRA analysis. But redistricting, VRA typically lands at
3 the remedy phase, meaning when a plaintiff brings a
4 lawsuit against a map, and then it would be up to a judge
5 to adjudicate that and to make a decision about whether
6 or not another district should be drawn.

7 So it sounds like in Arizona -- and I don't know if
8 anyone from Arizona is still on -- but that there are
9 many different ways, of course, that maps can be drawn.
10 They went down one road where, perhaps, it was possible
11 to draw another one. If adjudicated in court, there
12 would need to be proof and evidence that a vote dilution
13 of a community was occurring, and a judge would have to
14 agree with that. So I mean, my sense is that's kind of
15 where it stands.

16 I don't -- I hope that answers your question. I
17 don't know if anyone's planning to bring a lawsuit in
18 Arizona; it sounds like there hasn't been any at this
19 point in time.

20 VICE CHAIR FORNACIARI: Thanks, Commissioner
21 Sadhwani. The -- I called you "Sara" earlier.

22 COMMISSIONER SADHWANI: I am Sara.

23 VICE CHAIR FORNACIARI: I know. Neal. But you
24 know, we try to be a little bit more formal.

25 I guess that's it. The -- I'm sure the directions

1 have been completed at this point. And so with that, I
2 am going to put this meeting in recess until 9:30
3 tomorrow morning when we will continue our Lessons
4 Learned exercise. So thank you very much.

5 And again, Commissioner Kennedy, Commissioner Yee,
6 thank you both so much for putting this panel together.
7 It was a great, great discussion. Really appreciate it.

8 COMMISSIONER KENNEDY: Thank you.

9 Thanks, everybody.

10 UNIDENTIFIED SPEAKER: Thanks, everybody. That was
11 really helpful.

12 COMMISSIONER SADHWANI: Thank you.

13 COMMISSIONER KENNEDY: Have a good evening.

14 VICE CHAIR FORNACIARI: Yeah, you too.

15 COMMISSIONER KENNEDY: Thank you so much, everybody.

16 We are in recess.

17 (Whereupon, the CRC Business Meeting/Lessons

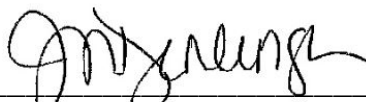
18 Learned meeting adjourned at 4:43 p.m.)
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25

CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of April, 2022.




JACQUELINE DENLINGER, CET-797

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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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.



LORI RAHTES, CDLT-108

April 7, 2022