

# 2020 California Citizens Redistricting Commission

## Lessons Learned Report

### Introduction

The 2020 California Citizens Redistricting Commission (CRC) embraced, from its early days, the idea of seeking to leave behind a body of feedback and recommendations to assist its successors, as well as external stakeholders, in understanding the many challenges the Commission experienced, how it addressed them, and how future commissions might save valuable time by avoiding as many of these challenges as possible and by learning from our hindsight to better address those challenges that prove unavoidable.

The Commission held an interim lessons-learned discussion in August 2021, prior to the start of mapping, to ensure that memories of our early days and of our educational and outreach work were as fresh as possible. A larger lessons-learned discussion (six days in total) was held in March 2022, including presentations by several other redistricting bodies on their challenges and lessons. Notes from those events constitute the primary inputs for this report. Beyond the Commission's own discussions, a number of external stakeholders collaborated in formulating a set of valuable recommendations<sup>1</sup> that have been taken into account in the drafting of this report. Members of the Lessons-Learned Subcommittee<sup>2</sup> also reviewed their personal notes and Commission e-mails to glean further ideas for this report.

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<sup>1</sup> February 15, 2022 letter from AAPIs For Civic Empowerment Education Fund, Advancement Project California, Asian Americans Advancing Justice - Asian Law Caucus, Asian Americans Advancing Justice - Los Angeles, Bay Rising, California Black Power Network (formerly CA Black Census & Redistricting Hub), Community Coalition, California Common Cause, Inland Empire United, League of Women Voters of California, and NALEO Educational Fund, accessible at

[[https://assets.nationbuilder.com/ccrc/pages/415/attachments/original/1645830187/2021\\_CRC\\_--\\_Lessons\\_Learned\\_\\_Reflections\\_\\_and\\_Recommendations.pdf?1645830187](https://assets.nationbuilder.com/ccrc/pages/415/attachments/original/1645830187/2021_CRC_--_Lessons_Learned__Reflections__and_Recommendations.pdf?1645830187) LINK WILL NEED TO BE UPDATED!]

<sup>2</sup> Commissioner Kennedy from the inception of the subcommittee, with Commissioner Ahmad from inception to January 21, 2022 and Commissioner Yee from that point to the present

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## Executive Summary



The single most important lesson learned from the 2010 and 2020 CRCs is this: *California's independent redistricting system works*. Californians' hopes when they passed the 2008 Voter's First Act and 2010 Voters First Act for Congress have been fulfilled twice now, with two consecutive sets of fair and equitable statewide election districts. As the headline of a February 18, 2022 *Los Angeles Times* editorial declared, "Pat yourself on the back, California. Gerrymandering has been squashed."

What's more, both the 2010 and 2020 CRCs operated under severe "stress test" conditions, and yet both completed their maps on time and prevailed over all legal challenges. The 2010 CRC succeeded despite having to start entirely from scratch, work within an extra-short time frame, endure a fractious political environment, and demonstrate for the first time (and against considerable ongoing opposition and doubt) that citizen redistricting could work in such a large and diverse state. Then the 2020 CRC succeeded despite starting during the early stages of a worldwide pandemic, facing unprecedented Census uncertainties and delays, navigating statewide crises (wildfires, gubernatorial recall election), and enduring an even more fractious political environment (2020 election, January 6<sup>th</sup> events).

Whatever new challenges the future may bring, along with the inherent challenges of any large, public, organizational task, future CRCs can be confident that the fundamentals of California's independent citizen redistricting system are sound. Future CRCs have every reason to expect to continue this track record of success.

The present report, along with the 2010 CRC's "Summary Report and Compilation of 2010 Commission Actions and Suggestions for Future Citizens Redistricting Commissions," offers many suggestions and lessons learned, in hopes of saving future CRCs from unnecessary difficulties, and of further streamlining and strengthening of the CRC process. However, none of these suggestions is meant to detract from the basic trust that future CRCs should place in the system and in themselves.

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Here is a brief comparison of some key factors from the 2010 and 2020 CRCs:

Factor	2010 CRC	2020 CRC
Congressional, total districts	53, 177	52, 176
Format for meetings	All in-person	Mostly virtual
Census data delivery	Normal	Delayed, 2-stages
Timeline	Within statutory deadlines, 244 days from selection of final six to approval of final maps	Within one-time extension; 507 days from selection of final six to approval of final maps
Pre-draft maps outreach & education efforts	155 commissioner public appearances	182 “Redistricting Basics” presentations + appearances
Public input: Communities of Interest	34 in-person meetings through mapping phase	35 pre-maps videoconference meetings for Col input
Public input: Line drawing		NN videoconference line drawing and map public input meetings
Preliminary maps	1 (set of 4)	1 (set of 4)
Pop. deviation: legislative, BOE	+/- 1%	+/- 5%
Pop. deviation: congressional	+/- 1 person	+/- 1 person
Draft maps vote (all 4 plans)	14-0 (4 separate, identical votes)	14-0 (single vote for all 4 plans)
Final maps vote: legislative, BOE	13-1 (3 separate, identical votes)	14-0 (single vote for all 4 plans)
Final maps vote: congressional	12-2	
VRA Section 5 Preclearance	Jan 17, 2012 (Dept. Of Justice)	(Not required)
Videographer	Video SSC	Video SSC
Line drawer	Q2	Haystaq DNA + Q2
Outside VRA counsel	Gibson Dunn Crutcher	Strumwasser Woocher + David Becker
RPV analyst	Matt Barreto	Megan Gall
Outside litigation counsel	Gibson Dunn Crutcher; Morrison Foerster	Strumwasser Woocher
Pre-maps lawsuits	0	1, dismissed
Post-maps lawsuits	4, all decided in CRC’s favor	0
Post-maps referendums	1, Prop. 40 (Nov. 2012), passed	0
Initial commissioner app’s.	> 30,000	20,724
Commissioner replacements	1 (Ancheta for Kuo, Jan. 2011)	0
CRC office	910 P St., Suite 154A Sacramento (Bonderson Bldg.)	921 Capitol Mall, Suite 260 Sacramento (Dept. of Rehab.)
CRC staff (peak)	8 (plus student interns)	27 (plus student interns)
Funding	State, Irvine Foundation	State
Overall expenditures through June 2012 and June 2022, including selection process	\$10.5M + \$3.3M private grants funding, mostly for outreach; Inflation adj. total: \$17.3M	\$17.4M

## A. Formation and Composition

### ***Key Recommendations:***

- Consider an earlier start to the selection process and the work of the CRC
- In recruiting applicants, emphasize the positives of service as a commissioner while also giving a clear and accurate sense of the full commitment required
- Work to increase qualified applicants from across the state, but especially among: Native Americans, Hispanic/Latinos in rural Central Valley communities, throughout the northern third of the state, and from those with third-party affiliations
- Involve outgoing commissioners in the State Auditor's (CSA) recruitment efforts
- Consider constitutional changes to expand the CRC to 15 commissioners
- Investigate alternate commissioner compensation arrangements that could provide a more regular and predictable income
- Set a shared standard early for commissioner attendance and participation

***Start earlier.*** Both the selection process (administered by the CSA) and the CRC's work itself would have benefitted from an earlier start. The statutory deadlines for CRC formation are all "no later than," giving considerable flexibility for earlier timing. The main disadvantages of an earlier start would be: greater costs (with the commission seated for a longer time), and a longer commissioner commitment time (which may discourage some applicants).

For the selection process, an earlier start in a "9" year would have two benefits. First, timing the initial application period for the winter or spring would avoid the (low-attention) summer months. For the 2020 CRC, applications were open Jun. – Aug. 2019. Applications trailed expectations, and the deadline was extended 10 days in hopes of expanding the applicant pool. In the end, the 2020 initial pool was some 10,000 applicants fewer than the 2010 pool had been. An earlier, winter/spring application period may have helped generate more applicants. Secondly, an earlier start would open greater possibilities for the CSA to collaborate with the U.S. Census and California Complete Count campaigns in the CSA's applicant recruitment efforts, especially among the Census' "hard to count" populations.

However, actual collaboration, no matter how desirable, would be challenging to achieve. Census efforts are generally at maximum workload throughout their operational timelines. Also, even though the Census and redistricting are closely linked as two phases of the same process of distributing political power, the "mixed messaging" of any collaborative effort (e.g., adding CRC recruitment invitations to Census outreach materials) could be more confusing than helpful. Nevertheless, both the Census and CRC recruitment overlap greatly in their community partnerships and in their statewide scope of outreach, so some mutually-beneficial coordination should be possible.

The 2020 CRC was able to interact with some Census and California Complete Count personnel at the very end of their tenures, to capture at least some of their advice, leads, and

information. More overlap would have enabled the CRC to take greater advantage of the huge outreach campaigns, networking, and research tools (including sophisticated online demographic GIS applications) developed for the Census effort. As it was, these assets largely slipped away before the CRC was able to make good use of them.

An earlier start would also help the CRC meet its training needs. The 2010 and 2020 CRCs firmly proved that laypeople can rise to the task of state redistricting. However, the learning curve is unavoidably long and steep. An earlier start can help improve this learning process, spreading it over a longer period and not overlapping it so much with time needed for commission business matters, outreach, and mapping. Indeed, some training could even be made available at the finalist stage (especially some of the “set” topics such as Bagley-Keene compliance, CRC mapping criteria, and Voting Rights Act basics).

As the 2020 CRC nears the end of its term, it may consider producing outreach videos (perhaps in collaboration with the CSA) featuring commissioners promoting CRC work to potential 2030 CRC applicants. There is every reason to use the success of the first two CRCs to make CRC service high-profile and aspirational for as many applicants as possible.

Likewise, there are other outreach and education efforts worth pursuing well before the CSA’s actual recruitment begins. Outreach to current high school students is always worthwhile, and by starting sooner rather than later, some may reach majority age and vote enough times to apply for the commission. Politically less-involved communities need extended efforts at education and mobilization; the CRC and CSA can partner with community-based organizations (CBOs) and trusted messengers in these efforts. This suggests an actual partnership between the outgoing CRC and the CSA in the years leading up to the end-of-decade Census and redistricting cycle.

### ***Application & Selection Process***

The CSA’s Applicant Review Panel (ARP) was admirably impartial, thorough, and transparent throughout its work. The pool of qualified auditors remains not particularly diverse in socioeconomic or racial/ethnic terms. The CSA could consider using others (e.g., community members, former commissioners) as consultants to the process, but this would introduce a whole new set of representation challenges. In any case, as a public process, the ARP made full provisions for taking public comments throughout its work.

Non-English language skills would be worth inquiring about in the application process. The 2020 CRC had several Spanish-speaking commissioners and made significant use of their skills in outreach efforts. Such skills should be identified and considered a “plus factor” in the selection process, perhaps as part of the statutory criteria of having a demonstrated “appreciation of California’s diversity” and “relevant analytical skills.”

Despite the ARP’s success in creating a strong and diverse pool of finalists, and despite all statutory procedures being properly followed, the random draw for the first eight yielded no Hispanic/Latino commissioners. That outcome had a 9.7% chance of occurring, based on the



sub-pools of finalists. It was untenable to contemplate a CRC with few or no Hispanic/Latino commissioners in a state with an almost 40% Hispanic/Latino population. There had been 13 Hispanic/Latinos in the pool of 60 semifinalists (nearly 22%); after the legislative strikes and one applicant withdrawing, there were 7 Hispanic/Latinos in the pool of 35 finalists (20%). For 2030, the most pressing need is to increase the number of qualified Hispanic/Latino applicants of all different political affiliations, especially from the rural Central Valley communities and other historically under-represented parts of the state. The same can be said for Native American applicants as well as applicants from the northern third of the state.

The 2020 CRC selection process was notably successful in applying the statutory commissioner qualification of impartiality. (The other two major statutory requirements are: an appreciation of California's diversity, and analytical ability, which were both also well-met.) All 14 commissioners robustly supported impartial voting rights, whether generally or specifically in applying the VRA. All fully embraced the CRC's mandate to draw fair and impartial voting districts (though there were at times a range of concepts of "fairness"). Political partisanship was minimal to essentially absent in commission discussions, so much so that one outside consultant remarked he was greatly surprised when he happened to look up commissioners' political affiliations. Not one election district boundary came down to a hard vote; all were decided by consensus. The 2020 CRC's impartiality was definitively displayed in its unanimous, first votes to approve both its draft and then final maps.

### *Commission Size*

The statutory size of 14 commissioners generally worked well: small enough to keep discussions and procedures manageable, but large enough to spread the (heavy) workload and to gather a strong range of perspectives and skills. However, there was significant interest among many commissioners in advocating for a 15-member commission, with 5 from each of the two largest political parties and 5 not affiliated with either of those two. There are several arguments for this expansion:

- The share of "No Party Preference" voters in California has risen while the voters affiliated with the second-largest party has declined, to the point where they are comparable in size; if those registered with third parties are included, the third subpool represents nearly 1.2 million more Californians than the second-largest party
- The supermajority requirement for various votes applies unevenly to the three sub-groups; expanding to 15 would treat all three groups identically. A supermajority vote for the first eight requires 2 of 3 for the two largest parties and 1 of 2 for those not affiliated with either of those two; a supermajority vote for the full commission requires 3 of 5 for the two largest parties and 3 of 4 for those not affiliated with either of those two. Effectively, those in the third sub-group each wield incrementally more voting power than those in the first two sub-groups.
- Having an additional commissioner would generally make it easier to reflect the state's wide geographical and social diversity (so, with one more commissioner in the third sub-group, the first eight 2020 commissioners could have avoided their prolonged and difficult final choice between two geographically distant finalists)

- Those involved with drafting the 2008 Voters First Act have stated that 14 was chosen simply as a reasonable and workable number for overall commission size and for the supermajority vote arrangement, and not for any other specific reasons
- Neither the 2010 nor the 2020 CRCs had a commissioner affiliated with a third party (Green, Libertarian, etc.); an expanded third sub-group would improve the future odds for such a commissioner

If the CRC were 15 members, the selection sequence could be: 9 by random draw (3+3+3), then a supermajority vote of at least 2 of 3 in each sub-group to pick the final 6 (2+2+2). For the full commission, a supermajority vote would be an identical 3 of 5 minimum in each sub-group. The current quorum and ordinary majority vote requirement of 9 (so 9/14, a 64% vote) might or might not be changed to 10 (so 10/15, a 67% vote). The disadvantage of adding a commissioner is incrementally greater cost, and adding one more “voice” to sometimes already-crowded discussions. This change would also require a significant constitutional revision.

### ***Commissioner Time Commitment***

In recruiting CRC applicants, the CSA needs to balance the positive and attractive aspects of service as a commissioner with a clear and accurate sense of the very large (but uneven) time commitment required. The 2010 CRC had an early resignation when the extent of the required time commitment became more evident. Some 2020 commissioners commented that they did not fully anticipate the extent of the workload required, especially the number and frequency of meetings even in the early phases. During the three months before the final maps deadline, being a commissioner was easily a full-time/overtime commitment. In the selection process, the CSA should explicitly verify that applicants understand and are prepared for such a commitment of time and effort. If the 2030 CRC proceeds along the current timeline, it should have approximately 407 days from the random draw of the first 8 commissioners to the final maps approval deadline, which is exactly midway between the 2010 (271 days) and 2020 (543 days) timelines. If our recommendations for an earlier start are adopted, this could be closer to the 2020 timeline.

While around half of the 2020 commissioners did sustain full-time outside employment alongside their commission work, it took a lot of adjusting and adapting. Also, the actual workload for any given commissioner varied widely, as individual commissioners took on differing amounts of CRC responsibilities. Generally, other employment worked only to the degree that commissioners were in positions with flexible hours, or in settings where they could set their own schedules and workloads, or in settings where they could participate in CRC meetings (via teleconference) while on their jobs. Inevitably there were some hard schedule conflicts when commissioners had to be absent for various hours or days. The size of the CRC (with 14 commissioners) generally kept such absences from becoming problematic.

Besides workload, outreach efforts might also try to give a fuller sense of the range of commissioner responsibilities and activities. Only a small fraction of the work is actual mapping. The greater amount is hiring, contracting, procurement, outreach, media relations, research, extensive subcommittee work, and generally climbing a very steep learning curve.

In retrospect, it would have been good for the CRC to have an early conversation setting expectations for attendance and participation, perhaps even setting some quantitative requirements. In the course of their work, various commissioners encountered family emergencies and events, health setbacks, “day job” demands, and other shorter- and longer-term needs and choices that at times reduced their commission presence and activity. This was all the more the case since Census delays extended the 2020 CRC’s most active phase by over four months. (The full Commission’s first meeting day was Aug. 26, 2020; the U.S. Census Bureau announced its P.L. 94-171 delay on Feb. 12, 2021.) While every human endeavor involves life’s exigencies, it would have been good to have the reassurance of an agreed-upon standard for attendance and participation.

### ***Commissioner Compensation***

The 2020 CRC, unlike the 2010 CRC, did not set a policy explicitly defining a “work day” for per diem claim purposes, beyond the statutory language. Such a policy would include whether commissioners were required to track hours, whether hours from different days could/should be combined to meet a minimum number of hours to count as a “work day,” and what exact oversight the CRC would give per-diem claims. For the 2020 CRC, its Finance & Administration subcommittee and Executive Director monitored per-diem claims, but there was no ongoing reporting beyond aggregated claims as a budget line item. The 2020 commissioners did not choose to monitor each other’s per diem claims.

Several commissioners felt that the per diem arrangement (Gov’t Code §8253.5), while quite generous compared to most other commissions, was problematic in generating a highly variable and unpredictable income stream month to month. Anyone who needs CRC service to provide a steady, predictable income would not be able to serve. Because of this, it may be worth considering a system of fixed monthly compensation<sup>3</sup>, perhaps broken into different levels during the different phases of service. This is all the more the case since it took considerable time for per diem claims to start actually being paid (up to four months). The months-long “float time” for travel reimbursements also contributed to the financial burden on commissioners.

### ***Miscellaneous considerations***

There was interest among some commissioners in advocating for making the legislative strikes public (if not reducing or eliminating them altogether). This relates to the deliberative process privilege, which balances “sunshine laws” with officials’ need for free and frank discussions in the course of developing certain types of decisions. There was also interest among some commissioners in advocating for “No Party Preference” to be considered a “party” for purposes of the CRC election process (so that it could, potentially, qualify for the “second largest party” sub-group). Such a change could probably only be achieved via the ballot initiative process.

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<sup>3</sup> Article IV, Section 6(5) of Michigan’s constitution stipulates in part “Each commissioner shall receive compensation at least equal to 25 percent of the governor’s salary.”

While not required by statute, some commissioners wondered whether it might be prudent to select alternate commissioners in the same way that juries often have alternate jurors. For such alternates to actively participate as non-voting members, they too would have to be compensated as commissioners. There would need to be one alternate each from the three sub-pools; adding three more voices to CRC discussions would be challenging. Barring such alternates, it might be prudent to make more efforts towards those in the finalist pool who were not selected (normally 22 finalists) to advise them to keep some level of availability and interest, since they would be the pool from which any needed replacement commissioner would be drawn. It would have been a significant crisis if a commissioner had to be replaced during the heart of the mapping process. There would have been no time for the needed replacement procedures and no capacity for bringing a new commissioner up to speed. Thankfully, neither the 2010 nor 2020 CRC faced this situation.

In selecting the final six commissioners, both the 2010 and 2020 prioritized social backgrounds, community involvement, geographical considerations, and “soft skills” over technical / professional backgrounds, on the reasoning that technical / professional skills are not statutory qualifications for commissioners (beyond “analytical ability”), and technical expertise can generally be hired. Nevertheless, many of the technical / professional skills commissioners did bring were definitely helpful, especially in the areas of: law (the 2010 CRC had five lawyers, the 2020 one), California state government systems, non-profit networking, finance and accounting, outreach and mobilization, as well as general organizational and managerial skills (e.g., participating effectively in meetings, communicating effectively at all different organizational levels, handling confidential matters, doing and presenting research, leading groups, navigating complex processes, navigating disagreements and conflict, interpreting and applying legal protocols and statutes; documenting work, adapting flexibly and quickly to changing needs and circumstances, etc.) multitasking, computer skills, math skills, and a general ability to work publicly and collaboratively under heavy, immovable deadlines were all essential.

Commissioners sometimes wondered about the prospects for future commissioners with non-professional, non-managerial backgrounds, so to better represent Californians overall. The CRC application process is comparable to a college application, including letters of reference, essays, and the (quite-complex) Form 700 financial disclosure. CRC service involves long, complex meetings and agendas, a very steep and quite technical learning curve, heavy use of computer and online skills, and personnel and budget management responsibilities, all of which skews CRC service towards a relatively high level of education and professional skills (see the extensive list of examples of “relevant analytical skills” in California Regulations §60827). Still, commissioners wondered what was missed by not having other (large) sectors of Californians represented among themselves.

## B. Support & Staffing

### ***Key Recommendations:***

- Define “fully functional” in detail for the CSA’s statutory support role for each newly-formed CRC
- Have more than 1 Full Time Employee (FTE) of interim administrative support for the newly-formed CRC
- Ensure that commissioner per diem and travel expense payments commence promptly
- Seek and obtain exemption from state contracting and procurement regulations (to parallel the CRC’s exemptions from civil service regulations in hiring staff)
- Consider hiring one or more of these positions: Executive Secretary, Operations Director, Director of Training, Research Director
- Consider tasking the 2020 CRC in 2028/9 to refresh the CRC website, aid in the application process, work with CSA to help put interim administrative functions in place
- Establish an extension office in southern California for use up through the mapping phase

### ***Getting started***

The State Auditor is responsible not only for the selection process (up through the random draw for the first eight) but also for providing for “support functions for the commission until its staff and office are fully functional” (California Regulations §60861). But what constitutes “fully functional”? For the 2020 CRC, the CSA provided useful documentation in the form of resource binders for commissioners, copies of Roberts Rules of Order, starter laptops and cell phones, more than enough office space (free!) at the Department of Rehabilitation, office furnishings and equipment, and two staff members (interim counsel, and an interim administrator). Funding for all this, like the selection process, came from the CSA’s share of the CRC budget.

However, in retrospect, the 2020 CRC could have used considerably more help from the CSA, especially with administrative support. The initial administrative workload for the commission fell entirely on just one interim administrator. This included contracting and hiring matters, per diem and travel expense claims, website updates, arranging for training sessions, organizing the initial meetings, onboarding commissioners into the state payroll system, and responding to all manner of commissioner questions and requests. It was simply impossible to handle all needs in a timely matter, and this even though the 2020 CRC’s interim administrator was a veteran of the 2010 CRC. Specific pain points for the 2020 CRC included: slow and cumbersome ability to update the CRC website; inability to issue public statements (especially during the mini-crisis over the initial lack of any Latino/Hispanic commissioners), and a very piecemeal and slow payroll onboarding process (so that the first per diem claims took up to four months to get paid). The 2030 CRC should have more than a 1 FTE interim administrative staff; if necessary, it could perhaps acquire such interim staff on loan or as contractors.

“Fully functional” should include an initial public communications capacity (even for the first 8 commissioners selected by lottery), a readily usable CRC website, and at least the executive director if not all the executive staff being hired subject to the concurrence of the new commissioners, and a completed onboarding process for commissioner pay and reimbursements. It might be possible for the outgoing CRC to help with some of these tasks in the final years of its term (e.g., updating the CRC website). However, this must be balanced against whatever degree of independence is desired by each CRC.

### ***Hiring***

There was a significant difference of opinion among commissioners between those who welcomed carryover help from the 2010 CRC (returning staff, re-used job descriptions, general reuse of 2010 CRC systems and approaches) and those who emphasized the 2020 CRC’s independence not only from other parts of state government but also the 2010 CRC. This difference of opinion was especially acute regarding the CSA’s decision to draft provisional job descriptions for the Executive Director, Communications Director, and Chief Council positions, as a means of helping the 2020 CRC become “fully functional” more quickly. It is theoretically possible that the 2020 CRC could hire interim staff to be in place to assist the 2030 CRC in getting started. It seems likely that future CRCs will also have differences of opinion on this matter.

Regarding pace and timing of hires, there is a fundamental tension between two competing needs: 1. The need to move quickly and get key staff in place so that the CRC can proceed with its work; 2. The need to move slowly to develop solid job descriptions, advertise positions in both mainstream and niche channels, create adequate candidate pools, do thorough research on candidates, and have time to reject every candidate in a pool and start over if needed. Generally, the felt need was to fill positions quickly. Note that the 2020 CRC wished it had completed numerous hires and started many tasks earlier even though it had twice the overall time the 2010 CRC had to complete its maps. Note also that in recommending an earlier start, the 2020 CRC realizes it was also given the exact same advice, and nevertheless quickly found itself “behind,” in hiring, as well as in contracting, and procurement.

While there are proper privacy concerns in the application and interview stages of hiring, these should be balanced against the need for adequate feedback, especially for senior executive positions. The 2030 CRC might consider at least announcing the names of finalists for the Executive Director position, so to garner public comment on candidates. It could also consider conducting public interviews for that/those positions. However, this must be balanced against the possibility that making finalists public could discourage qualified candidates from applying.

Most 2020 commissioners had no prior work experience with state government and were confronted by a huge learning curve regarding state systems, policies, and procedures for hiring, procurement, and budget matters. This meant it was vital to have staff who were well-versed in state operations and processes, especially the executive director, chief counsel, lead administrator, and budget/accounting staff. Given the tight CRC timeline (even 2020’s extended

version), there is simply insufficient time for any state-inexperienced staff to come up to speed in such matters, even if they arrived with extensive experience in other settings (such as private industry or non-profits). Meanwhile, given the nature of the CRC, it is essential to hire staff who are flexible, creative problem-solvers, self-driven, accustomed to challenging work, comfortable with ambiguity, and dedicated to American democracy and citizen redistricting.

### ***Returning 2010 Staff***

The 2020 CRC had significant carryover of key personnel from the 2010 CRC. The interim counsel (Marian Johnston) and interim administrator (Raul Villanueva) provided by the CSA had both served with the 2010 CRC. The CSA's consultant for both the 2010 and 2020 CRC selection processes (Dan Claypool) was the 2010 CRC's executive director, and also became the 2020 CRC's choice of (first) executive director. The Statewide Database director (Karin Mac Donald) was the same for 2010 and 2020, and was also, separately, the lead line drawer both cycles (as Q2 for 2010; as part of the Haystaq/DNA + Q2 team for 2020). And the videography team (Kristian Manoff and his Video SSC team, playing significant operational roles and not simply providing technical services) served both the 2010 and 2020 CSA and CRCs. Together, these carryover personnel brought significant institutional knowledge and experience to the 2020 CRC effort. This was of very great help, though sometimes the 2020 CRC resisted occasional "this is how we did it last time" suggestions. It remains to be seen what degree of personnel carryover the 2030 CRC experiences.

In hiring staff, the 2020 CRC made no particular effort to seek geographical diversity or to consider political affiliations. This did not lead to any known issues with the CRC's work but did affect some public perceptions. Though exempt from civil service hiring requirements, positions must be officially established. All 2020 CRC positions will carry over to 2030 and not need to be re-established; additional positions will need to be.

### ***Staffing Levels***

The 2010 and 2020 CRCs worked under differing circumstances and had differing approaches to staffing levels.

The much-larger 2020 CRC staff was mainly due to its outreach team (12 at peak), and data management team (5 at peak). The 2010 CRC's outreach was largely "outsourced" via the James Irvine grants to outside organizations, while the 2020 CRC's outreach was via internal staff, including, e.g., regional outreach leads. The 2010 CRC did not have a data management team per se.

The 2010 CRC received public input mostly either in live sessions or via documents (paper, email, fax) which had to be variously redacted, scanned, and uploaded. The 2010 CRC employed up to 10 student interns for this work. In contrast, the bulk of the 2020 CRC's non-live-session input came via the online Draw My California Community and Draw My California District tools. These inputs had to be imported and coded by a combination of up to ten staff from the data management and outreach teams. The CRC explored outsourcing some data management functions but decided it was both more efficient and more cost-effective to hire internally. This

worked out extremely well because of the magnificent work of the CRC's data management leads, Toni (Antonia) Antonova and Paul Mitchell. The 2020 CRC's use of student interns for some data entry work was a good investment in California's future but not an especially effective means of accomplishing the needed work, mostly because of the limited time availability of such students. In retrospect, it may have been preferable to use personal service contracts to hire needed additional data entry staff.

The 2010 CRC accomplished its goals in what seemed to be an impossibly short timeframe and with a minimal staff. However, this took an extreme effort: one 2010 staffer recalls working essentially non-stop seven days per week March 2011 – July 2011, with only the July 4<sup>th</sup> weekend off. Since adding staff takes time and effort itself, additional staff would not have necessarily helped the effort in such a short timeframe. The 2020 CRC staff certainly had times of intense work, including plenty after hours and weekends, but not to the degree of the 2010 CRC.

By the time of the 2030 CRC, technological developments will surely create a very different outreach, public input, and data management landscape than the ones the 2010 and 2020 CRCs navigated. It is impossible to predict how this will affect CRC staffing needs then, other than to say it will be again be vital to hire the best possible personnel. This, as always, proceeds best by first clearly identifying tasks and goals, using those to develop job duties and positions, identifying the knowledge/skills/abilities required, and then evaluating the options for obtaining the needed personnel (internal hire, contractor, partnership, etc.).

The 2020 CRC created the position of Deputy Executive Director partly because it did not want to hire only one of the Executive Director candidates. The Deputy position was to primarily oversee outreach, and so became the Outreach Director position when the Deputy ED was promoted to ED, with no replacement hired to be Deputy ED. The 2030 CRC may want to consider adding an Executive Secretary (particularly to support the commission and the scheduling / agenda development / paperwork of its meetings) and/or Operations Director (to oversee office operations, meeting logistics, procurement, etc.). In addition, a Director of Training and a Research Director could be desirable additions.

Because of the pandemic, the 2020 CRC mostly met virtually. If the 2030 CRC resumes a more in-person meeting practice and follows the 2010 CRC in a full itinerary of public input meetings across the state, it needs significantly more staff capacity for making travel arrangements, finding meeting venues, and carrying on mobile operations. For travel arrangements, 2020 CRC had some help from staff but gradually were left mostly on their own, using the state's quite-dated Concur system. This proved burdensome even for the 2020 CRC's fairly limited travel needs.

### ***Contractors and Services***

The 2020 CRC contracted the following amounts and categories. Note that contracted amounts differ to some degree from both budgeted amounts and actual expenditures.



\$1,871,804	Media buys
\$1,632,450	Line Drawer
\$1,413,275	Videography and webcasting
\$291,500	Meeting transcription
\$238,000	Translation and interpretation
\$191,416	ASL interpretation
\$28,174	PR, graphic arts, and staff recruitment ad
\$21,000	Audio narration
\$19,998	IT consulting
\$19,600	Communities of Interest analysis
\$4,500	Meeting venue rental

In addition, the 2020 CRC contracted for \$4,210,000 of outside VRA and litigation counsel services, and was prepared to contract for a further \$1,289,100 of litigation counsel services. However, the absence of any post-maps lawsuits meant the vast majority of these amounts were not spent.

#### ***Managing the CRC Website***

The 2020 CRC inherited the 2010 CRC's website, which was in an obsolete WordPress format and thus very cumbersome to manage. This created significant access barriers and timeliness issues for the public and for commissioners themselves. Even updating the CRC website to include profiles of the 2020 commissioners was delayed. Since the CRC website is such a vital communication channel, it needs to be highly functional from the start. In time, the 2020 CRC hired a capable Communications Director, who led a complete rebranding process and eventually migrated the CRC to an attractive, fully functional, and full-featured website, but this was months into the CRC's work.

There were additional issues with maintaining access to the 2010 CRC online materials and implementing \*.gov versus \*.org website addresses. These issues related variously to California Department of Technology rules, technical issues with the 2020 CRC's choice of contact and content management software (Nation Builder), access to legacy content, and planning for future access. Unfortunately, it was not possible to simply continue using the 2010 CRC's URL ([www.wedrawthelines.ca.gov](http://www.wedrawthelines.ca.gov)) and so the 2020 CRC had to create and use a different URL ([www.wedrawthelinesca.org](http://www.wedrawthelinesca.org)). However, further efforts during the post-maps phase are pursuing a return to the original 2010 CRC URL ([www.wedrawthelines.ca.gov](http://www.wedrawthelines.ca.gov)) and consolidation of the 2010 and 2020 CRCs online materials there. Nevertheless, these various data migrations result in widespread "broken links" in many government, academic, news, and even CRC-internal materials, even when content was simply moved and not lost. Meanwhile, note that the 2030 CRC is not required to use [www.wedrawthelines.ca.gov](http://www.wedrawthelines.ca.gov) as its URL. Hopefully, technological developments can provide new solutions to these ongoing problems. Future CRCs should definitely hire capable staff to cover these needs as early as possible.

## C. Finances

### **Key Recommendations:**

- Establish consistent, regular financial reporting routines both externally (via DGS) and internally (via the CRC's own finance and accounting resources)
- Seek and obtain direct access to the Fi\$cal state finance system
- Seek and obtain a streamlined process for releasing budgeted funds
- Seek and obtain grantmaking authority

For the 2020 CRC, finances were a mixed experience. On one hand, state funding was fully adequate for the CRC's work. On the other hand, the actual procedures for obtaining funding were cumbersome and, seemingly, unnecessarily complex.

### **Expenditure Levels**

The 2010 and 2020 CRCs spent closely comparable amounts overall (adjusting for inflation) despite significant differences in cost structure and timeline:

	<b>2010 CRC (actual, through June 2012)</b>	<b>2010 CRC, inflation-adjusted (+25.7%*)</b>	<b>2022 CRC (actual, through June 2022)</b>
State Auditor: selection & support** phases	\$4.2M	\$5.3M	\$5.2M
CRC-directed, total	\$6.3M	\$7.9M	\$12.2M
Outreach grants	\$3.3M	\$4.1M	\$0
<b>Grand Total</b>	<b>\$13.8M</b>	<b>\$17.3M</b>	<b>\$17.4M</b>
<i>Selected Items</i>			
Line Drawer	\$592K	\$744K	\$1.7M
Outside Counsel	\$2.4M	\$3.0M	\$1.2M
Staff	\$729K	\$916K	\$3.8M
Commissioner Travel	\$174K	\$219K	\$58K
Commissioner Per Diem	\$518K	\$651K	\$1.4M

*\*California CPI change, 2011-21*

*\*\*For the 2010 CRC, the Secretary of State was responsible to support the newly-formed 2010 CRC until it was "fully functional"; for the 2020 CRC (and going forward) that responsibility was transferred to the State Auditor.*

The 2010 CRC outreach grants were funded by the James Irvine Foundation and given to a range of outside non-profit groups and to UC Berkeley, initially to help during the application phase, but the bulk to help during the public input phase. The CRC is required to conduct a "thorough outreach program to solicit broad public participation in the redistricting public

review process” (Gov’t Code §8253.a.7) and this private funding helped fulfill that requirement, especially given the very short timeframe available in 2011. (The Irvine Foundation also funded some ancillary research and evaluation grants, so its contribution to the 2010 CRC’s efforts is sometimes reported as \$3.5M.) While the 2010 CRC had no actual control over these grantees’ outreach work, this funding is included in 2010 CRC budget reporting because it was essential to fulfilling the CRC’s statutory outreach requirement.

In contrast, the 2020 CRC did its outreach work with its own staff, and over a longer period of time (especially in adding the full Summer 2021 series of Communities of Interest input meetings). In the 2020 cycle, the Irvine Foundation again supported redistricting outreach via grants to non-profit groups, but those grants are not included in 2020 CRC budget reporting. The 2020 CRC greatly wished to issue outreach grants to outside groups from its own budget and discussed the matter at length. However, after extensive research it could not establish the statutory authority to issue grants (which differ from ordinary contracts by being payments for work yet to be done), and so shifted to “in-house” outreach staffing (which accounts for a large part of the greater staff costs for 2020 vs. 2010). Obtaining grant authority would open many desirable options for future CRCs in their outreach and education work, perhaps in a combination of internal + external approach.

The Census delay meant the 2020 CRC was in its fully active mode for fully double the time of the 2010 CRC: from the random draw of first eight commissioners to approval of final maps was 543 days for the 2020 CRC versus 271 days for 2010 CRC, a difference of 272 days of operational overhead costs, including full commissioner, staff, and office expenses. Among other things, this additional time made possible a much fuller outreach, education, and Community of Interest input effort for 2020 than for 2010. The 2030 CRC, barring any unusual circumstances, should have approximately 407 days for the same work, so midway between the two prior CRCs; but could be longer if our recommendations for an earlier start are adopted.

The much higher line-drawer expenditure for 2020 compared to 2010 was primarily due to two factors. First, the winning 2010 (fixed-)bid eventually proved to be much lower than it should have been, and was not proportional to the scope of work that was actually performed. (But recall that this was the first time ever that redistricting by a citizen commission had been attempted in an entity anywhere near the size and complexity of California.) Secondly, the line drawing timeframe was much longer for 2020 than it was in 2010, including especially the full Summer 2021 Communities of Interest series of 35 meetings. Those meetings all required line drawing staff, so to display in real time the areas being discussed by callers.

The other major expenditure variable is post-maps litigation. The 2010 CRC faced four post-maps lawsuits (spending \$1.8M for outside counsel Aug. 16, 2011 – Jan. 31, 2012) while the 2020 CRC faced no post-maps lawsuits (though \$4.3M had been budgeted for post-maps litigation). While truly hoping the 2030 CRC repeats the 2020 CRC’s experience, prudent budgeting will be needed for possible full-scale post-maps legal challenges in 2032.

### ***Reporting and Allocating Issues***

The lack of timely financial reporting was a significant weakness throughout the 2020 CRC's work. The CRC struggled to obtain needed financial reports from DGS, and so was often in the dark about the status of cumulative and current expenditures. The CRC was also not given direct access to the state's Fi\$cal financial management system, and so could not independently track its fiscal status from the state's standpoint. Internally, the CRC's own financial reporting was also not reliably timely or complete. (The internal and external issues are related of course, since the financial data flows from one to the other.) Commissioners shared that they generally felt unable to exercise full fiscal oversight over the Commission as a whole. Reporting and oversight generally "caught up" in the post-maps phase, especially with the creation of an Audit subcommittee, and no financial issues emerged. However, much better reporting overall and all along would have been preferable for all concerned.

In the state system, budgeted funds are only released as allocations for specific requests. In practice, this involved tedious negotiations and repeated requests even when the budgeted amounts had already been long approved. There did not seem to be a good rationale for this significant demand on CRC commissioner and staff resources, and for the resulting slow pace of funding approvals. Time is of the essence in the CRC's work, and work can only proceed as funded. It is not clear if this arrangement can be simplified and, if so, at what level of state government. There are also concerns that the withholding of funds could be used to constrain the Commission's independence.

#### ***Miscellaneous Matters***

In the post-maps phase, a question arose of whether litigation funds were available only for defending the CRC's maps against direct lawsuits, or whether such funding could also be spent on related matters, e.g., filing amici briefs for redistricting court cases in which the CRC is a highly interested and potentially impacted (but not active) party to the litigation. This issue remains to be resolved.

In the post-maps phase, some commissioners became active in efforts to promote independent redistricting at the local level and/or nationally. This work was not funded by the CRC either via per diem claims or staff support.

## D. Administration

### ***Key Recommendations:***

- Balance greater transparency in staff hiring processes with appropriate privacy considerations
- Proactively seek feedback from the prior CRC on any returning staff applicants
- Ensure that the per diem and travel expense claim system is up and running promptly
- Seek and obtain streamlined contracting, procurement, and reimbursement authority
- Review/revise adopted 2010 and 2020 CRC policies and (re)enact a full set for 2030

### ***Getting Started and Hiring***

The only authority the first 8 had was to deliberate and pick the final 6—it had no capacity or authority to make public statements. This was problematic when the 2020 CRC received loud and extensive criticism for the random draw – which was not its responsibility – producing no Latino/Hispanic commissioners. The first 8 need some official public communications authority and capacity.

In hiring executive staff, the 2020 CRC proceeded with a strong sense of urgency. In retrospect, it may have helped to seek feedback on returning staff applicants from 2010 commissioners and others who were involved in the 2010 effort. In general, there seemed to be a striking contrast between the fully-transparent process to select commissioners versus the entirely-confidential process to hire staff. Of course, this is necessary to protect the privacy of job applicants in their present positions. However, especially for core executive staff including the executive director, some incremental transparency may be worthwhile, e.g., publicizing at least the names of finalist candidates.

The sense of urgency in early hiring also precluded wider searches, including settings outside mainstream state hiring channels. Even in “off years,” job descriptions can be circulated to groups that might coach and mentor potential future staff candidates. Alongside this sense of urgency, there was also a somewhat contrary sense of fiscal prudence. This prudence was good and proper, but sometimes possibly excessive. Hiring at higher duty levels and with greater reference to competitive compensation may have met further real and pressing needs at relatively small additional costs.

The unusually compressed, short-term timeframe of CRC staff positions created pinch points. The 2020 CRC was not reliably consistent or prompt with staff reviews, though was generally good about merited salary increases. (Note that the 1-year anniversary of many CRC hires will fall during the busiest mapping phase.) Also note that the short employment timeframe tends to greatly narrow the pool of interested applicants.

### ***State Systems and Regulations***

In general, state systems and regulations are designed for experienced state employees and permanent departments and agencies doing ongoing work. The CRC is unique in its very compressed and singular time frame, its re-formation from scratch every ten years, and its composition of laypeople, most/all without experience in state systems. The CRC benefitted greatly and needfully from its statutory exemption from state civil service hiring rules. Similar exemptions / exceptions / special frameworks would greatly help for contracting, procurement, receiving approved budget allocations, and reimbursing travel expenses. The CRC was unable to obtain Delegated Authority<sup>4</sup> for spending (but a simple exemption would have been vastly easier). For comparison the California Complete Count office during the decennial Census enjoyed more exemptions than the CRC. Generally speaking, the CRC experienced problematically slow turnaround times with necessary approvals, responses and processing by other state agencies.

The Travel Expense Claim (TEC) system (wherein commissioner and staff TECs were submitted to DGS for reimbursement) was sometimes painfully slow, with some reimbursements taking the greater part of a year (!) to be completed. State-set meal limits were unrealistically low. When meeting in-person, CRC staff typically made “meal runs,” which involved collecting and using individual commissioners’ personal credit cards and paying for each meal separately, so that each commissioner could itemize that meal on his/her TEC. Whatever savings was realized by such strict and narrow procedures was surely more than lost in staff and commissioner time and effort. There was not even a minimal budget for shared office coffee / tea / snacks; whatever was provided came from staff and commissioner largesse. While there is every reason to be responsible stewards of public funds, this all seemed to reflect a “penny wise, pound foolish” approach to such relatively small expenses.

### ***Policies***

The 2020 CRC drafted and adopted a range of personnel, fiscal, communications, and travel policies, listed below and contained in the 2020 CRC Policy Manual.. Those marked “\*” below are required by varoius provisions listed on p. 3 of the policy manual.

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<sup>4</sup> The delegation of purchasing authority for non-IT goods is governed by Public Contract Code (PCC) §§10308, 10309, 10331, 10332, §, and 10290.1\* and 12100 for IT goods and services. Pursuant to PCC §10331, purchasing authority granted to state agencies is subject to annual review by the Department of General Services Procurement Division (DGS/PD). In addition to DGS/PD’s review, departments are subject to audits pursuant to PCC 10333 (b) which is conducted by DGS Office of Audit Services (OAS). Purchasing authority dollar thresholds are tied to acquisition methods. Some acquisition methods are complex and considered high risk while others are not; this is a factor for assigning varied dollar thresholds. The Purchasing Authority Unit (PAU) determines the appropriate dollar thresholds for state departments based on factors detailed Chapter I of the State Contract Manual. State departments granted delegated purchasing authority are each issued a Purchasing Authority Approval Letter (PAAL) that explains the specific authority granted dollar thresholds vary by state department.

- Commissioner Code of Conduct\*
- Commissioner Per Diem Policy
- Commissioner Personal Expense Policy
- Personnel Policy\*
- Staff Code of Conduct\*
- Communications Protocol\*
- Record Retention Policy\*
- Policy on Using Chat or other Electronic Messaging during Commission Meetings
- Commission Evacuation Plan
- Public Comment During Commission Business Meetings
- Commission Travel Policy

While none of these is binding on the 2030 CRC, they may be usefully revised or re-adopted to save time and effort, especially to expedite per diem and travel expense payments. Over time, the 2030 CRC should revisit all these matters and any other relevant topics and enact its own full set of policies.

## E. Legal

### **Key Recommendations:**

- Recruit the CRC Chief Counsel based on demonstrated ability in the many and varied responsibilities entailed in the position
- Recruit VRA Counsel and begin the VRA analysis work as early as possible; there is no need to wait for the P.L. 94-171 data to arrive
- Use a robustly public process to hire outside counsel
- Obtain early and adequate training on best practices for records retention, note-taking, document management, speaking publicly, and other matters that pose legal risk
- Obtain an exemption from the requirement that the CRC needs the Attorney General's permission to hire outside counsel (Gov't Code §11041)
- Revisit the question of whether to exclude, count in place, or pursue reallocating individuals incarcerated in California in Federal institutions
- Continue considering and possibly advocating for CRC-related legal matters

### ***Chief Counsel Selection***

The CRC Chief Counsel position involves many and varied responsibilities, all under a very fast pace and tight timeline:

- Proactively ensuring all aspects of the CRC's work comply with relevant statutes, especially Bagley-Keene open meeting laws
- Interpreting and ensuring compliance with the CRC's own legal framework
- Attending CRC business and mapping meetings and responding to a wide range of legal questions at all different times and levels
- Attending committee and subcommittee meetings as needed
- Advising as to legal options and risks as needed
- Responding to individual commissioners' questions and needs
- Managing outside counsel (VRA and litigation) including work assignments and oversight of legal fees and expenses
- Interacting with the Attorney General and other state offices and officials as needed
- Providing legal support to staff as needed on personnel matters, procurement, etc.
- Leading the CRC response to Public Records Act requests
- Recruiting, deploying, and managing additional legal staff as needed (paralegals, R.A.s)
- Tracking court cases and decisions relevant to the CRC's work and advising as to possible actions or responses
- Generally explaining and giving advice about all manner of legal matters



Very many questions throughout the CRC's work related to Bagley-Keene compliance. It fell to Interim and then Chief Counsel to provide actionable interpretations, not infrequently at scattered and unpredictable points of CRC business meetings. Thorough knowledge and experience interpreting and applying Bagley-Keene regulations is an absolute must-have for CRC counsel.

Key chief counsel qualities, practices, and skills that greatly aided the 2020 CRC included: solution-focused, proactive partnership; consistent meeting attendance; consistent and timely communication; prompt responses to staff and commissioner queries; clear and precise explanations; patience in repeating explanations; a pleasant, positive, and welcoming disposition; and the ability to give the commission the needed confidence that it was on safe legal ground, and would complete its work in a legally sound and defensible manner. The 2030 CRC would do well to hire a chief counsel of comparable ability, dedication, and temperament.

### ***Outside Counsel Selection***

The 2020 CRC decided to make the selection of outside counsel a fully public process. This involved appointing a 3-person Legal Affairs Committee (LAC), with one member from each political subgroup, which would hold open, agendaized meetings. The LAC was advised that since outside counsel are contractors and not personnel, there is no provision for closed-session deliberations on outside counsel hiring decisions.<sup>5</sup> There was considerable public interest in the process, and the CRC received strong, mixed specific public comment about various candidate firms. The LAC performed disclosure checks on applicant firms, interviewed them, discussed strengths and weaknesses, and then made hiring recommendations to the full CRC.

The 2020 CRC decided on hiring separately for VRA counsel (primarily for the mapping phase) and litigation counsel (primarily for the post-maps phase). However, it conducted the two searches simultaneously. Three firms applied to each position, with one firm applying to both. The LAC recommended and the CRC hired the firm of Strumwasser & Woocher, LLP as VRA counsel. It had initially applied with the addition of Justin Levitt as a VRA specialist. When, during the application phase, Mr. Levitt took a federal government post, he was replaced by David Becker.

For litigation counsel, the 2020 CRC decided on a "smaller-bigger" approach, retaining a smaller firm (Strumwasser Woocher) for both pre- and post-maps litigation, and a larger firm (Gibson Dunn Crutcher) for potential additional help with post-maps litigation. It seemed desirable to mostly work with just one firm both pre- and post-maps: only one working relationship would be needed, and post-maps counsel would not have to be "brought up to speed" late in the process. However, the 2020 CRC also wanted to be ready for potentially large-scale post-maps legal challenges. The 2010 CRC had faced four post-maps lawsuits, and the political landscape had grown dramatically more fractious since then. Also, in the 2010 redistricting cycle, all 50 states had redistricting lawsuits. So it seemed prudent to also engage a larger firm. In pursuing

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<sup>5</sup> The matter is somewhat confusing since there is such a provision for local bodies under the Brown Act; see Gov't Code §54957.b.4

both firms for litigation counsel, there were issues about whether one would be the “lead” and how they would work together. The commission decided its own Chief Counsel would take the lead in deploying the two firms in whatever way best served the CRC’s needs.

Nevertheless, the CRC was divided on hiring Gibson Dunn Crutcher, and approved the choice on a mixed vote. In the end, its very strong record of winning high-profile cases and its capacity for quickly marshalling very large legal resources outweighed its extraordinarily high hourly rates, incomplete campaign donation disclosures, and many strongly negative comments from the public. Supporting commissioners felt it was better to have such a firm on our side than an opponent’s side. However, as it happened, after prolonged negotiations, Gibson Dunn Crutcher and the CRC were never able to settle on contract terms, as GDC refused to accept a number of standard provisions in state contracts for legal services. And, in the end, greatly surprising everyone, the CRC faced no post-maps lawsuits.

### ***Voting Rights Act (VRA) Matters***

The 2020 CRC underestimated the time needed to fulfil all state contracting requirements, and so did not get VRA Counsel in place until at least a month later than would have been ideal. VRA compliance work can begin before the P.L. 94-171 data arrive, since the initial Gingles Test analysis is based on ACS and past-elections data. An earlier start would have enabled the commission to give more focused attention to the learning curve and compliance process related to VRA matters, rather than having to do all the VRA work at the same time as all the other mapping efforts.

There is a specific issue relating to the Racially Polarized Voting (RPV) analyst and whether each CRC should recruit and contract directly with that analyst or whether VRA counsel should do that. An argument for the latter is that the RPV analysis then remains privileged as an attorney work product (though that privilege is waivable). Both the 2010 and 2020 CRCs publicly disclosed summary RPV findings. Note also that the California Supreme Court’s Dec. 15, 2021 decision in the *Moreno* matter established, *inter alia*, that the CRC is not required to release its RPV analysis. Contrary arguments include: this is taxpayer-funded research used in making redistricting decisions, and thus should be made transparent; and such analyses could be useful to local redistricting efforts. In any case, 100% of the data on which RPV analysis is performed is publicly available (via Statewide Database). The 2030 CRC will need to again decide on the RPV analyst hiring arrangement, and on whether to release any of its RPV analysis.

### ***“Redistricting Matters”***

Early in its work, the CRC faced the question of defining “redistricting matters.” Gov’t Code §8253.a.3 states, *“Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing.”* This clearly applies to any communications about election district boundaries, communities of interest, applications of the Voting Rights Act, and such. But does it apply to, e.g., a commissioner explaining the general redistricting process to a private group, without reference to any particular districts? The specific case in point was the question of whether to permit individual or pairs of commissioners (but no more than two) to provide educational

presentations to private groups, such as a local League of Women Voters gathering, or local Democratic or Republican club. After considerable discussion, the 2020 CRC decided to allow for such presentations, provided they: 1. Followed the “Redistricting Basics” slide show and script developed by the CRC (with some allowance for personal sharing and general Q&A); and 2. Began and ended with a clear disclaimer that no public input on redistricting matters would be taken. The 2020 CRC discussed but did not pursue statutory clarification of the matter, leaving it to the 2030 CRC to interpret for itself.

### ***Reallocation of Incarcerated Persons***

The 2020 CRC gave considerable attention to the matter of where to count adults incarcerated in state institutions (which totaled 122,393 individuals). A.B. 420 was signed into law Oct. 7, 2011, shortly after the 2010 CRC’s maps had been finalized. It required the CA Department of Corrections to furnish last known address information and requested – but did not require – that the CRC reallocate individuals to those addresses. On Jan. 12, 2021, the CRC voted unanimously to fulfill that request. On Sept 29, 2022, A.B. 1848 was signed into law (with 2020 CRC support and advocacy), making this reallocation step required and permanent.

The 2020 CRC also gave considerable attention to the matter of where to count people incarcerated in California in federal institutions (which totaled 14,786 individuals). It made inquiries to the Federal Bureau of Prisons but was unable to obtain last known address information. The Commission was left to decide whether to count such individuals in their places of incarceration or not count them at all. On a split vote, the 2020 CRC decided not to count them at all. The 2030 CRC will have to revisit this question unless progress is made at the federal level in the meantime

### ***Advocacy***

There are several areas of possible legal and legislative advocacy that CRC can pursue or can continue pursuing:

- Promoting the reallocation of individuals incarcerated in Federal institutions to their last known addresses, to match the policy and process now adopted for individuals incarcerated in State of California institutions. Ideally, this could be part of a comprehensive national reform effort.
- Promoting Bagley-Keene reform to permanently allow for videoconference meetings without having to publicly disclose home addresses and provide for public access to homes
- Reducing the days of advance notice requirements (but this will be strongly opposed by advocacy groups) during a longer period before the final maps deadline
- Seeking authority for the CRC to revise and enact its own implementing regulations (to the extent that there are relevant regulations, they are currently part of the California State Auditor’s regulations)

There are also areas of possible advocacy that likely do not fall within the official purview of the CRC, e.g.,

- Promoting independent local redistricting in California and nationwide
- Promoting racial/ethnic category reform for the Census (e.g., adding “Middle Eastern / North African” as a race, reworking Latino/Hispanic as a race)

### ***Miscellaneous Matters***

The 2020 CRC faced one lawsuit (*Moreno v. CRC*) as well as California Public Record Act requests. While these did not become serious impediments to the CRC’s work, they did require significant time and attention by commissioners and staff. In retrospect, it would have been helpful if commissioners had received training, as early as possible, on best practices for note-taking, using email, document management, records retention, and such, so to consistently maintain a strongly defensible legal posture and efficient compliance capability in anticipation of such challenges and requests.

Gov’t Code §11041 exempts a long list of state agencies from the requirement to obtain Attorney General permission before hiring outside counsel. There seems to be every reason that the CRC should be included on this list, in the interests of the CRC’s independence, and because of the CRC’s particularly short and inflexible timeline.

## F. Meetings

### ***Key Recommendations:***

- Follow the 2010 and 2020 CRCs in using rotating chairs; consider preferring mixed-gender pairs of chairs and vice chairs; post the rotation schedule regularly and widely
- Implement a consistent motions-documenting procedure from the start (perhaps via implementing agenda/docket software)
- Continue advocating for permanent virtual meeting participation without the current requirements for public disclosure of commissioners' (home) locations and access to those locations; continue full videoconference access to meetings
- Vary meeting days and times to accommodate the varying needs of the public
- Decide early whether incidental public testimony during ordinary business meetings constitutes "public input testimony" for purposes of 14-day (versus ordinary 10-day) meeting notice requirements
- Implement an online index / catalog / search capability for meeting handouts
- Consider providing even more language interpretation services (e.g., two-way Spanish interpretation of all meetings)

### ***Chairs and Chair Rotation***

The statutory requirements for the CRC chair and vice-chair only require selection by a supermajority vote, and that they not be from the same political sub-group (Gov't Code §8253.a.4). In practice, both the 2010 and 2020 CRCs went further and made good use of rotating chairs. In December 2020, the 2020 CRC adjusted its initial rotation so that the chair and vice chair would usually be different genders, so to contribute to a more balanced work environment. However, since the gender balance within the sub-groups was not even, this meant that the resulting political rotation was not strictly even (though chairs and their vice chairs were always from different sub-groups). Meanwhile, the rotation made no effort to consider commissioner geography, race/ethnicity, age, or any further factors.

The advantages of rotating chairs were: sharing the (heavy) workload of chairing; better deploying the range of differing strengths, skills, and perspectives among the commissioners; clearly putting into practice the CRC's bi/nonpartisan nature; promoting full engagement by commissioners; helping cultivate mutual familiarity and appreciation; and further safeguarding the CRC from narrow interests. The main disadvantage was a somewhat higher workload for staff, which had to regularly adjust to changing chairs (but this proved manageable); and some confusion for the public. In retrospect, the 2020 CRC should have done a better job widely and regularly posting its chair rotation schedule.

The 2020 CRC never set a fixed term for chairs. For most of the time, terms amounted to 2 – 3 meetings, which was somewhat less than a calendar month at a time. Terms were shorter

during the mapping phase, because of the intensity of the work then. In retrospect, it may have been helpful to specially select chairs for the mapping phase, with its particular and heightened needs (e.g., time management in meetings; working with the line drawing team). Chair terms started at the beginning of a chair's first meeting for that rotation and continued until the start of the first meeting of the next chair's turn (who would ordinarily be the vice chair, stepping up). Chairs made regular and good use of vice chairs standing in for them as needed, whether for brief periods during a meeting, or even for whole meetings.

It took some time for the 2020 CRC to develop and use a standard written form for motions. Once in place, this worked very well, with the motion language and votes all on-screen. Votes were taken in commissioner alphabetical order, but with the current chair voting last. That way, over time, each commissioner voted at all different points in the tally. Meetings of the first eight are required by regulation to use Roberts Rules of Order (California Regulation §60858.f); meetings of the full commission are not, though the 2020 CRC mostly did. It may have been worth the full commission investigating other decision-making approaches.

### ***Meeting Notice Periods***

Per statute, the CRC is required to give 10 days' notice for ordinary meetings and 14 days' notice *"for each meeting held for the purpose of receiving public input testimony,"* with a 3-day provision for the meetings in the two weeks just before the mapping deadline (Gov't Code §8253.a.1). Since public comment is taken at every meeting, and since a caller always perchance might provide "public input testimony" (taken to mean: comments related to communities of interest and other matters directly related to election district boundaries) even during an ordinary business meeting, the question is whether every meeting is effectively required to be held with 14 days' notice. The 2020 CRC received conservative legal advice on this matter and conducted itself accordingly, providing 14 days' notice even for ordinary business meetings, and not only for meetings specifically announced and designed for public input. The 2030 CRC can decide this matter for itself.

The 2020 CRC heard repeated, strong and vocal public comments insisting on generally maximizing meeting notice periods, so to maximize the time available for the public (especially via the work of advocacy groups) to plan and organize to participate in meetings. However, in practice, long notice periods contributed to "boilerplate" agendas, since it is very hard to have all needed agenda item details ready two full weeks in advance. Also, when matters come up close to a meeting date, they may not get addressed in timely fashion because of not being agendaized, or may be more than occasionally brought up under generic "catch-all" agenda items. A lot happens in 14 days. There is a balance to be maintained here between the good and right interests of the public to have generous public notice of meetings and specific agenda items, and the operational good of the CRC to set meaningful agendas and address matters in a timely fashion in the face of an immutable deadline.

Of particular interest to community-based organizations and to the general public were simply the scheduling of upcoming meetings (so to be able to plan for viewing the meeting livestream and making public comments) and especially the schedule of Communities of Interest public

input meetings (most of which focused meeting by meeting on particular areas of the state, though comments were never restricted to those areas). It seems that there should be some mutually agreeable and workable compromise here. However, the 2020 CRC did not manage to strike it, and so made the effort to meet the longer notice period.

There is a statutory provision for only 3-days' notice for meetings in August of a "1" year (Gov't Code § 8253.a.1). Since the normal final maps deadline is August 15, this is would be 2 weeks of 3-day notice. Future CRCs could simply schedule meetings for every single day in that period, then cancel any unnecessary meetings. (There are no statutory restrictions or requirements for cancelling a meeting.) Indeed, a CRC could do the same for the weeks leading up to the draft maps deadline as well, when they would be under a 10- or 14-day notice requirement. However, the hope is to uphold both the spirit and the letter of notice laws, balancing the operational needs of the CRC with the public's right to truly helpful and actionable notices.

### ***Public Participation and Public Comment***

Over time, the 2020 CRC tried to vary meeting days and times more and more, to accommodate the varying needs of the public. Evening meetings are, of course, harder for staff but are typically much more convenient for the public. During weekday daytime meetings, public comment tended to come from either retirees or those whose job it was to follow the commission (e.g., staff of advocacy groups). Also, the public is best served with time-certain public comment periods. This can be challenging, since public comment is required after each agenda item, before votes on motions, and at the end of a meeting--none of which is generally time-certain. The 2020 CRC had to gradually work on improving its practices around such timing for public comment.

For public input meetings, an immense amount of work went into developing an appointment system that would be as fair and user-friendly as possible. Inevitably there would be later comments by individuals who tried to make appointments but found the available slots already filled. The required call-in numbers and "\*" codes were made as simple as possible but were still challenging for some callers. It would have been desirable to have a queuing system that told callers their place in line and/or expected wait time. The 2020 CRC had to decide on permitted comment length, generally either 2 or 3 minutes, depending on the phase of work. The comment moderation team (part of the videography team) provided the actual timing, timing alerts ("You have 15 seconds remaining.") and cut-off of callers who continued speaking.

Commissioners discussed matters of caller validation: how to know if a caller were truly from the area identified and represented the interests identified? On one hand, there was no sure way to perform such validation; on the other hand, commissioners developed a keen sense about callers and the kinds of input they provided. Chiefly, commissioners weighed the actual content callers provided: did their requests and the reasons they gave make sense? Was there verifiable evidence for their assertions and requests?

**Meeting Management.** Meeting chairs had a considerable workload. At a minimum, they: pre-planned the agenda and meeting with the vice-chair, executive director, and other staff; opened and closed each meeting; led and tracked the agenda; took public comment at required points; handled any motions; noticed and queued commissioner comments; watched the clock; handled information provided by staff off-camera; and made real-time meeting decisions. All 14 2020 commissioners chaired at one time or another and each did so capably. The 2020 CRC discussed but did not implement a separation of chairing from meeting facilitation, except in limited fashion.

The actual flow and conduct of meetings were greatly aided by the Video SSC videography team, and especially its lead, Kristian Manoff, who had also served both the 2010 CRC and the State Auditor's 2010 and 2020 ARPs. Besides managing the site and broadcast audiovisual services, he, with his team:

- Managed all the teleconference (Zoom) technical details and provided any needed technical support to participants
  - Served as unofficial but extremely helpful timekeeper, prompting the chairs for meeting starts and required breaks
  - Managed the ASL interpreters, captioners, and court reporters
  - Helped keep track of reaching quorum at the start of meetings
  - Managed transitions into and out of closed sessions, including frequently-changing notices to the public about open session resumption times
  - Managed public comment and public input moderation (this most often delegated to Katy Manoff)
  - Reminded everyone of when they were on or off public access (e.g., during breaks)
- and all this with full reliability, courtesy, poise, and technical excellence, greatly adding to a consistently positive, orderly, and punctual meeting environment.

When meeting in-person, seating was arranged so that commissioners from the same political sub-group were not immediately adjacent to each other, but otherwise were in no particular order or arrangement.

### ***Virtual Meetings***

The 2020 CRC operated under pandemic conditions and under emergency provisions for virtual meetings as an exception to ordinary Bagley-Keene requirements (Governor's Executive Orders N-25-20 [Mar. 12, 2020], N-29-20 [Mar. 17, 2020], N-35-20 [Mar. 21, 2020], N-08-21 [Jun. 11, 2021], N-1-22 [Jan. 5, 2022], and A.B. 361 [Sep. 16, 2021]). This included all 35 of the Communities of Interest public input meetings. What was lost: the human contact and direct interaction of in-person meetings, with the public able to address the commission face-to-face; and the incalculable value of commissioners seeing in-person the wide range of regions, settings, landscapes, cities, and communities across the state, so to better understand their considerations and needs. What was gained: vastly greater access by the public, especially for those who would be unable to attend an in-person meeting; generally, more convenient access, without the need to physically wait in place for turns to speak; and the vital ability for



commissioners with health or travel limitations (whether temporary or ongoing) to serve and fully participate.

In general, there is every reason to use hybrid formats going forward, taking advantage of the differing strengths of in-person and virtual participation. However, this will require a revision of current Bagley-Keene regulations, particularly the requirement that all public officials participating in a meeting in their official capacities be at locations that are publicly disclosed and publicly accessible (§11123[c]). In practice, this means commissioners participating in a meeting from their homes must publicly disclose their home addresses in the posted meeting agenda, and provide for physical public access to their home (since the public is guaranteed the ability to make public comment from “each teleconference location”). The 2020 CRC is advocating for changes to these requirements, so to maintain the public’s full access to meetings while actually expanding participation options for officials and the public. A previous bill, A.B. 1733 (Quirk), sought to address this matter.

Nevertheless, there is no question that the meetings where almost all commissioners, line drawers, and CRC staff were all physically together went particularly well. Socializing together, having side conversations with staff and contractors, and simply being present with each other all contributed to a heightened level of productivity. Such meetings are well worthwhile even if adopting a largely hybrid approach.

The 2020 CRC never set policies for itself regarding on-/off-camera participation, verbally or otherwise signaling entering or leaving a meeting, or general meeting attendance and participation. In retrospect, all these may have been worth addressing early on.

### ***Documentation***

The 2020 CRC struggled to provide timely transcriptions of meetings. This was mostly a vendor issue. The video recordings of meetings constituted the CRC’s official record, but of course are not as easily searchable and quotable as a transcript. Digital storage of very large meeting video files involved challenges that had to be overcome.

Many meeting handouts were posted with meeting agendas, many of great ongoing interest for reference and research. However, the 2020 CRC never developed an indexing, cataloging, or search system for such handouts. This was a significant hindrance to the public as well as the CRC itself.

## G. Agenda Setting, Subcommittees, & Internal Communications

### ***Key Recommendations:***

- Consider implementing agenda/motion/meeting management software early
- For subcommittees, set policies and practices early on to ensure transparency and accountability (even beyond Bagley-Keene requirements)
- For subcommittees, set policies and practices early on to establish clear working relations to staff and to the full commission
- Establish the types and frequency of staff reports to the commission (budget, progress, staff activities, etc.)
- Establish a strong range and practice of informal organization-wide communication (bulletin board, updates, new staff introductions, etc.)

### ***Agenda, Meeting, and Task Management***

In the 2020 CRC's early weeks and months, agenda setting was a challenge, especially after choosing to hold to the maximum, 14-day meeting notice requirement. Chairs were all new, as were all commissioners, and still early in the learning curve on everything about the work ahead: the needed tasks and how to prioritize them, what resources were available and how to obtain them, what the statutory requirements were (especially the details of Bagley-Keene compliance), and simply how to work together starting as a group of strangers. Early on, the 2020 CRC implemented a simple agenda setting shared document (as a shared Google document) for commissioners to propose agenda item details for future meetings. This worked quite well. The commission discussed but did not actively pursue using a full meeting and agenda management program (e.g., BoardPro, Govenda, or Docket). In retrospect, it may well have been worth adopting such a tool, especially for assigning and tracking tasks, ideas and proposals, and handling motions consistently from the start.

In general, there could have been greater clarity about the roles of commissioners (focus on policy, direction) vs. staff (focus on implementation). Chains of command were not always clear or consistent. Staff were generally admirable in adapting to the changing and growing needs of the commission. However, in the course of discussing ideas during business meetings, it was not always clear what constituted actionable direction from commissioners to staff.

### ***Subcommittees***

Subcommittees were generally formed ad hoc as needs arose. (See Appendix **NNNN** for a full list and chronology.) While not a statutory requirement, the 2020 CRC's practice was to form subcommittees with commissioners from two different political sub-groups. A very few subcommittees were exceptions to this practice, because of particular considerations of commissioner availability, interest, and skills.

In retrospect, it would have been good to define subcommittee roles and expectations somewhat more, and to clarify the relation of staff to subcommittees. As it was, there was no formal assignment of staff to subcommittees, and so work requests were not systematized. It may have been good to at least assign a staff liaison to each subcommittee, and to clarify what subcommittees could ask of staff outside of commission direction.

Subcommittees consisted of no more than two commissioners, had no formal decision-making power, and were exempt from Bagley-Keene public meeting requirements for state bodies (per Gov't Code §11121.c). The 2020 CRC did not require subcommittees to publicly document their work or report external contacts, mostly because it was not a statutory requirement. However, transparency even beyond statutory requirements can help further build and maintain public trust. The 2030 CRC would do well to discuss this matter early in its work. There should be a reasonable balance of maintaining public trust in the transparency of the CRC process, and not encumbering subcommittees with onerous reporting requirements.

Outside contacts by a subcommittee member also relates to the statutory prohibition on commissioners communicating about “*redistricting matters*” with anyone outside of a public hearing (Gov't Code 8253.a.3). As with the discussion in the “Legal” section above, this again raises the question of whether to take “*redistricting matters*” narrowly (so, only matters pertaining to the boundaries of actual or potential election districts) or more broadly (up to any matter pertaining to any aspect of the CRC's work). The 2030 CRC would do well to discuss this matter early on and set clear guidelines for subcommittees and individual commissioners to follow.

The 2020 CRC did specifically form two committees of more than two commissioners (Public Input, and Legal Affairs), which were subject to all Bagley-Keene requirements for announced, agendized, public meetings. Some subcommittees experienced significant “scope creep,” especially Administration & Finance. In retrospect, that subcommittee may have been worth dividing into two subcommittees. Regular CRC business meetings typically agendized every subcommittee for updates and reports regardless of whether a given subcommittee had requested meeting time; some subcommittees should probably have been sunsetted earlier than they were, as their work was completed.

### ***Internal Communications and Equipment***

In general, the 2020 CRC could have used considerably more internal communication overall, both via formal reporting (especially financial, staff projects, and overall CRC progress) and via informal news and updates (especially as more and more staff were added, this in a remote/hybrid work setting). As the CRC's work ramped up, commissioners had difficulty keeping track of new staff, who was working on what, how various tasks and projects were progressing, and the growing range of available organizational and staff resources. While the 2020 CRC did reach its destination in fine fashion, it needed a better-informed sense of its progress along the way, and of the specific efforts of its fellow travelers. The 2030 CRC should ensure that its executive director gives strong attention to these formal and informal communication needs.

The 2020 CRC used Google Workspace for email, file storage, and scheduling. In early spring 2022, post maps, it transitioned to Microsoft Office/365, mostly as a more cost-effective platform.

Commissioners were issued cell phones to use for commission work (initially lower-featured “no-name” units; replaced later with up-to-date Samsung models). Likewise, commissioners were issued laptop computers for commission work (initially lower-powered HP units that lacked even webcams; later, full-featured Dell Precision units with sufficient computing power to run even large mapping programs, though only a few commissioners did so). With laptops, the 2020 CRC was quite unhelpfully constrained by state policies regarding technology purchases, which severely limit permitted choices.

## H. Training & Team Building

### ***Key Recommendations:***

- Add more hands-on training experiences to balance lecture-style presentations
- Include a “Geography of California” training session early on
- Be open to different ways team building can happen
- Build a centralized, organized library of training resources on the CRC website
- Provide incoming commissioners with past commissioners’ contact information

### ***Teambuilding in a Pandemic***

The 2010 CRC met in-person several days a week for very many weeks, and also had the irreplaceable experience of travelling together all over the state and meeting at over 30 remote sites. The 2020 CRC met under pandemic conditions right from the start and had none of these in-person advantages. (COVID-19 vaccines were not widely available until late spring 2021, over half a year into the 2020 CRC’s tenure; and even then, some commissioners had health considerations that limited their travel). The first in-person meeting with a majority of 2020 commissioners was not until over a year into the 2020 CRC’s work, on September 28, 2021. Sadly, to-date, there has never been even one day when all 14 commissioners have been present together in-person. (For the final maps documents, some signatures had to be obtained by mail.)

The advice from the 2010 CRC was that interpersonal relationships and general team-building would be essential for the trust needed in the mapping phase. Could the 2020 CRC coalesce as a team mostly online? This question hung in the air for many months. There were some light online commissioner games and “social lunches” that helped with getting acquainted, plus online banter and sharing, and general camaraderie from working together, especially on two-commissioner subcommittees. Some commissioners and staff reached out to each other for 1-on-1 “virtual coffee” get-togethers. The spirit on the commission was generally unified, positive, and optimistic, even if not particularly deep.

The most crucial bonding experience for the 2020 CRC was unplanned and unwelcome: a cluster of early-2021 internal crises that led to the changeover of both the first executive director and the first chief counsel. During those days and weeks, in a series of closed sessions (under the personnel exemption to Bagley-Keene requirements) commissioners turned to one another in trust, frankly shared their needs and fears, depended on each other to pull together urgently needed resources on the fly, identified and talked through the tough issues at hand, agreed on a course of action, volunteered as needed to implement decisions, and moved forward together. Everyone stepped up for the considerable additional time and effort required. Everyone put the commission’s best interests first, with no need to take sides, assign blame, or rehash the past. These overlapping crises could have weakened and divided the commission but instead dramatically strengthened and unified it.

***Formal Training***

Just the first 2020 CRC meeting (Aug. 26 - Sept. 4, 2020) had training agendized for:

- Commissioner Per Diem and travel reimbursements
- State government structure
- Bagley-Keene, public records
- Conflicts of Interest
- State contracting and procurement
- “Redistricting 101 and Legal Concepts that Apply to Redistricting in California”
- California demography and geography
- Census data and line drawing
- The Voting Rights Act
- Communities of Interest

In retrospect, this and other early training may have been too “front-loaded” to be effectively absorbed. It may have been more effective to pace the training over a longer span of time. It took time for commissioners to get their bearings and develop a workable sense of knowing what they didn’t know and needed to learn. At the same time, it is entirely possible that a more stretched-out training may have felt tardy at times, as very many decisions had to be made right from the start. Indeed, this report encourages the 2030 CRC to make various key decisions even earlier than the 2020 CRC did, e.g., the hiring of outside VRA counsel. The present report (including its various appendices) is meant to help jump-start this all-important learning process.

Later training included a broad range of educational panels, some initiated by the CRC and others by outside groups, on topics including the Census, Native American peoples, disability rights, racial/ethnic minority interests, LGBTQ communities, immigrant and refugee groups, and education groups (see the 2020 CRC Final Report, pp. 19-20, for a list). A presentation on California geography (by a UC Santa Barbara professor) was greatly helpful and could have well been scheduled earlier. It was heartening to have numerous experts give full presentations on a pro bono basis.

Most training sessions were lecture-style presentations, some by prerecorded videos. As such, they were more “briefings” than trainings. While presenters were generally excellent and made themselves freely available for questions, most sessions were basically passive learning, which sometimes became de-energizing. Much more hands-on training would have been very valuable.

There are surely far more worthwhile training topics than time available to address them. Here is a “wish list” of training topics 2020 commissioners have mentioned:

- A “top to bottom” overview of the CRC’s redistricting task (including a clear list of legally required CRC interim and final deliverables)

- A hands-on hypothetical redistricting exercise (akin to a “mock court” in legal training), perhaps developed in conjunction with the NCSL
- General elections training (e.g., the BRIDGE [[www.bridge-project.org](http://www.bridge-project.org)] and ACE [[www.aceproject.org](http://www.aceproject.org)] resources developed by a consortium of international electoral assistance providers and election management bodies)
- Redistricting from the point of view of county election officials; learning what actually happens to the CRC’s maps when they are implemented and under what timelines
- Regional government and quasi-governmental structures (e.g., county LAFCOs and the various Metropolitan Planning Organizations (MPOs)), to help inform Communities of Interest
- Neighborhoods (official, unofficial); natural resources; transportation and other infrastructure; disadvantaged communities, especially in unincorporated areas
- More mapping options (e.g., competing teams? computer-assisted? etc.)
- Map reading, mapping software (though it would not necessarily have been desirable for all commissioners to know and use full-featured mapping software; see the section below on Mapping recommendations)
- More on data management and database use
- “Soft skills” training in conflict resolution, meeting facilitation, handling motions
- California State Government as it relates to the CRC (especially the legislature, Attorney General, Secretary of State, and Department of Finance)
- The CRC’s statutory environment and how it fits together (State Constitutional provisions vs. Government Code provisions vs. State Auditor’s implementing regulations, etc.)
- More on state contracting procedures and options, emphasizing the (long) timelines involved; state hiring regulations, especially the use of set job descriptions
- Approaches to outreach, especially across the community-based organization landscape (which was home turf for some commissioners and a foreign land for others)
- California political history and the CRC’s position in it
- Political realities of campaigns, lobbying, special interests (e.g., ways to detect “Astroturf” advocacy; how to distinguish and consider grass-roots vs. “grass-tops” input)
- Best practices for anticipating Public Records Act requests; general best practices for staying legally safe and low-risk
- Training on implicit bias and related matters, though Bagley-Keene regulations seem to make it impossible to have the privacy and confidentiality necessary for such training to be successful

In addition, there could be some kind of early assessment to gauge commissioners’ levels of knowledge about California, state government, elections, and redistricting, so to identify needs more precisely. It may be worth considering an actual training coordinator for commissioners and staff. As it was, the 2020 CRC depended on individual commissioners taking initiative to work with chairs to arrange for time to schedule “training” sessions.

### ***Learning from Predecessors***

The 2010 and 2020 CRCs prepared full sets of final reports, supplemental reports, and archives available to both the public and future CRCs. Both the 2010 and 2020 final map reports provide levels of detail about the CRC process well beyond the legally required content of those reports. The 2010 CRC and 2010 Executive Director left helpful reports of written recommendations (2010 Commissioner Gabino Aguirre’s 2016 “Summary Report and Compilation of 2010 Commission Actions and Suggestions for Future Citizens Redistricting Commissions” and 2010 Executive Director Daniel Claypool’s 2020 “Observations Regarding California’s First Redistricting Cycle”). The 2020 CRC leaves the present report as well as its executive director’s array of documentation and guides. And the CSA will also surely again provide Commissioner Resource binders with the relevant CRC statutory provisions, Bagley-Keene materials, Form 700 information, and written public comments from the application phase.

The 2020 CRC had surprisingly low overall contact with 2010 CRC commissioners. Partly this was due to logistics: contact information had to be acquired piecemeal, and there was simply very little time in the early going. A few 2010 commissioners took the initiative to reach out (some simply via public comment, including two detailed transition memos<sup>6</sup>) and some 2020 commissioners made contact to get advice on specific matters. Partly too, there was ongoing, divided opinion on the 2020 CRC as to how much to emulate the 2010 CRC: some were happy to find any and all wheels that did not have to be reinvented, while others were very determined that the 2020 CRC be as independent as possible, so steering clear of the CRC incrementally accumulating set, institutionalized ways. Thus, there was never a consensus on how much to seek out 2010 commissioners to hear their experiences and advice.

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<sup>6</sup> From 2010 Commissioners Anchetta and Dai, posted in the Public Comments for the July 21, 2020 CRC meeting



## I. Education

### **Key Recommendations:**

- Develop a standardized presentation (including both presentation slides and an accompanying script) on the redistricting process and how Californians can participate in it
- Having core Communications and Outreach staff in place should be considered part of being “Fully Functional”
- Develop a template that counties could use to help residents understand the various redistricting processes
- Undertake a baseline survey of Californians’ knowledge about redistricting to orient the Commission’s education efforts and a follow-up survey to gauge the effectiveness of those efforts

The 2020 Commission developed its educational activities based on its understanding of the importance of establishing a common base of information for as much of the state’s population as possible,<sup>7</sup> while recognizing that reaching every Californian would not be possible with the time and resources available to the Commission. This phase of the Commission’s work fell, naturally enough, between the Commission’s own internal training and the solicitation of community of interest input. The Commission divided the state into 11 outreach zones, corresponding largely to similar zones established by the California Complete Count staff, to better coordinate its education and outreach work, with two commissioners assigned to each zone – one as lead, the other in a supporting role. Whenever possible, presentations were made by two commissioners from different candidate pools, which helped mitigate any perception of partisanship.

Commissioners were particularly enthusiastic about the public education element of their work, including the videos and print materials produced by the staff with Commissioner input and the opportunity to deliver educational talks to groups throughout the state. The recording of English- and Spanish-language presentations for use by groups that were unable to – or did not wish to – schedule a live presentation was seen as particularly useful. Commissioner participation in these educational efforts helped deepen Commissioners’ understanding of the process and hone their public speaking skills and was viewed as having contributed significantly to the Commission’s image of being friendly and accessible and to the public’s confidence in the redistricting process.

Commissioners generally felt that the materials developed during the 2020 cycle contributed significantly to the success of the process. The development of a standardized presentation (including both presentation slides and an accompanying script)<sup>8</sup> explaining the redistricting

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<sup>77</sup> As well as the language in GOV 8253(a)(7) stipulating that “hearings shall be supplemented with other activities as appropriate to further increase opportunities for the public to observe and participate in the review process.”

<sup>8</sup> See all “Redistricting Basics” items at [https://www.wedrawthelinesca.org/outreach\\_materials](https://www.wedrawthelinesca.org/outreach_materials)

process and the ways the public could participate in the process ensured that the information being communicated was as consistent and impartial as possible and helped mitigate any potential legal issues that might otherwise have arisen, further contributing to the Commission's positive public image. Materials were revised during the process to address questions raised by previous audiences.

The Commission and staff also made a strong effort to ensure that the educational effort was well documented. The Commission's YouTube presence [channel] includes XX videos of presentations made by Commissioners [and staff], and copies of all of the printed educational materials produced by the Commission, including materials in [12?] languages beyond English and Spanish, are accessible via the Commission's website. Community groups – especially smaller ones with no budget for developing their own materials – found the Commission's materials useful in their own outreach and education work.

Scheduling of presentations was burdensome, especially for Commissioners, and we ended up running out of time at the end. Given the state's population and settlement patterns, we would have benefitted from starting earlier, especially since that would have facilitated better ties with and smoother follow on from the Census outreach efforts. An earlier start would have especially helped with outreach to rural areas, where people appreciated commissioner appearances. Advertising (billboards, flyers, radio ads, and online ads), which was delayed in the 2020 cycle while the Commission sought a way to grant funds to community groups, should also be an early priority. An important part of getting an earlier start on the Commission's education effort would be having Outreach staff hired earlier; having core Communications and Outreach staff in place should be considered part of being "Fully Functional".

There is interest among current commissioners in developing new educational materials prior to the seating of the 2030 Commission, including materials on what elements are most helpful to commissioners (e.g., the items included in the Col tool: What makes your community a community? What other communities would you like to be grouped with? What other communities would you NOT like to be grouped with?) Those materials would be used by the 2020 commissioners in a new phase of educational outreach, coordinated closely with the California Complete Count staff, prior to the seating of the 2030 Commission.

The 2020 Commission recognized the strategic importance of reaching young Californians and encouraged staff to work with educators to develop appropriate curriculum materials. [more on curriculum development] Those young Californians both served as an information conduit to their families and will be more aware of the importance of redistricting and better prepared to participate in future redistricting cycles. It is important to ensure that curriculum materials are shared with private and charter schools that might not receive them directly from the public-school structure.

Older Californians are also an important group, and scheduling educational events at all county senior centers in the state (or encouraging them to show recorded educational presentations) could help broaden the Commission's impact.

Future commissions may wish to develop a standardized letter of introduction / solicitation so that groups are clear as to the purpose of proposed events. It is particularly important to consistently emphasize that educational events are not intended to – and will not – accept public input on how to draw district lines.

Future commissions may also wish to consider inviting “alumni” (former commissioners) and individuals remaining in the candidate pools after the random draw to participate in the educational outreach effort, though the budget implications of this would need to be explored. The alumni have a deep understanding of the process, while incumbent commissioners won’t have had the full experience of redistricting at the point they’re delivering educational messages. They will also have to keep in mind that the increasing number of redistricting efforts going on simultaneously will increase the potential for confusion and should consider working closely with those other efforts to develop messaging campaigns that seek to explain the different efforts. A “Materials Development Subcommittee” and staff could develop a template that counties could use to help residents understand the various redistricting processes (state, county, cities, school boards, water districts, etc.) that would include links to as many relevant bodies as possible. A baseline survey of public awareness of redistricting early in the process, combined with a follow-up survey to gauge the impact of the Commission’s education and outreach work, could be very helpful in guiding similar activities in the future.

## J. External Communications

### Key Recommendations:

- Get an early start in building relationships with media
- Ensure all key information is up to date and easily accessible on the website
- Determine early in the cycle whether the Commission will be able to grant funds
- Develop an advertising plan early in the cycle, keyed to the various phases in the Commission's strategic plan
- Require information about redistricting be included in the Voter Information Guide for the first elections following redistricting

The Commission recognized that external communications would be key to the effort to engage as many Californians as possible in the redistricting process. The Communications Director was one of the early staff positions to be filled, with two more staff (one handling social media and media monitoring and one handling the website) added in the course of our work. The Communications staff dealt well with the uncertainties facing the Commission, pivoting quickly as necessary. Their energy and dedication ensured that the Commission's online presence was dynamic and fresh. The Commission's new logo was popular and effective, facilitating identification of all Commission-produced materials.

The one-on-one training from Communications staff on handling interviews and the talking points they prepared were considered strengths. Press releases were timely and informative. The media monitoring work enabled commissioners to maintain constant awareness of the context in which they were operating. The Commission's newsletter was well received, with a distribution list that grew from X,XXX to XX,XXX during the course of the cycle, and the Commission's e-blasts had high click-through rates. The Redistricting Basics videos (one in English and one in Spanish) were helpful in getting the Commission's basic messages out and answering a lot of questions.

It proved difficult, especially early on in the process, to get the attention of the media, particularly in relation to questions relating to the process of redistricting – they often seemed more interested in the impact of redistricting on the political horseraces than in helping explain the redistricting process to the public. Getting an early start in building relationships with media will be important for future commissions. Human-interest pieces on the individual commissioners in local media soon after their selection could be a good way to kick off those relationships and to build the stature of the Commission. Commissioner bios and video presentations should be easily accessible on the website.

Racial/ethnic minority media outreach, including roundtables and training on how to cover redistricting, seemed to be more successful, though monitoring mentions in the ethnic media proved to be a significant challenge. It was clear that building relationships with editors (and in some cases, publishers) was worthwhile, and it may be that editors of ethnic media would be

willing to alert the Commission to mentions that could be incorporated into the regular media monitoring. Future commissions may wish to consider raising their profile through more op-eds and letters to the editor. Future commissions will also need clear procedures in place for developing, clearing, and issuing both routine and urgent statements.

The Commission's press conference following the formal approval of the maps was perceived as very positive; future commissions may wish to consider holding additional press conferences, particularly to highlight notable milestones. Another event for future commissions to consider would be a CA Redistricting Launch Date similar to the one that the Census [California Complete Count?] organized. This day would be about attracting attention to the launch of the Community of Interest Input phase. The idea would be to do press releases promoting the schedule of Col input meetings, the Col tool, and other resources the commission has developed for that phase. It would be big on social media, with private or public partners also promoting it. There could be a similar Launch Date event for the beginning of the actual mapping exercise. External stakeholders remarked that having a launch date for the Census effort helped them to organize their calendars and really got them excited to participate.

One notable weakness was that documents presented to the Commission were often difficult to find on the website – users generally had to know the date of the meeting for which the document was posted in order to find any given document. There were also issues with tracking changes between an initially posted version of a document and a final version after any changes introduced by the Commission. A central repository of all documents presented to the Commission, with each document tagged with the date, subject, and author, will be important in addressing this issue. The Commission's policies, meeting handouts, meeting presentations, subcommittee reports, documentation of the Commission's decisions (including final, official versions of documents adopted with changes), timely meeting summaries (as distinct from minutes), and a live / dynamic timeline allowing users to follow the Commission's progress against its plans and deadlines should all be easy to access. Ultimately, the website should be a user-friendly and up-to-date resource for the public, Commission staff, and the Commission itself. E-mail and social media should be used to highlight important website updates to both commissioners and the public.

The 2010 Commission's website had been built using an older WordPress format, which by 2020 was considered obsolete. Initially, the 2020 Commission added content to that website through a contract with a consultant proficient in legacy WordPress formats, but that individual was not available full time, meaning there were occasional delays in posting new information. On the recommendation of the new in-house Communications staff, the Commission decided to build a new website using NationBuilder, a more modern platform. Unfortunately, the California Department of Technology was unable to support that platform, necessitating a switch from the .gov domain to the .org domain for the Commission's website, causing some degree of confusion.

Overall, website maintenance ended up being a full-time endeavor, and it is likely to be so for future commissions as well; managing the Public Comment data will likely need to be addressed

as a separate task. External stakeholders highlighted the importance of maintaining the Commission’s website with as much information and as current as possible (including security updates as required) throughout the 10-year cycle.

The 2020 Commission has recently switched platforms so that the Department of Technology will be able to support its website, meaning also that it will revert to the .gov domain as before. The Commission’s recommendation is that the main site include links to content from previous recruitment (“Shape California’s Future”) and redistricting (“We Draw the Lines”) cycles to the extent possible, including (as necessary) links to the “Wayback Machine” (web.archive.org, which stores periodic snapshots of websites) and instructions on accessing materials turned over to the California State Archives. Websites should also be mobile friendly. In general, ongoing online access is a matter where best practices, available options, and paths to meet legal requirements (including ADA access) are still rapidly evolving, and where future CRCs can help provide leadership.

Language access was a high priority for the 2020 Commission, and the website was no exception. A “Language” button was added to the website to provide quick translations (via Google Translate functionality), but future commissions should carefully evaluate the quality of machine translations, which may not be as precise as human translations – they can be useful for conveying a general sense of the website’s content but are not necessarily reliable in relation to sensitive legal or procedural issues. The quality of machine translations also varies from language to language.

The name of the website should also be considered carefully - it was sometimes difficult for minority-language speakers to catch the website address when it was read out; this could be addressed either by changing the name to something simpler (e.g., [www.crc.ca.gov](http://www.crc.ca.gov)) or setting up domain names in other languages that would automatically redirect to the main Commission web page.

Social media was much more of a force in the 2020 redistricting cycle than the previous cycle, and the Commission sought to maximize its messaging impact through its social media presence. One constraint in this sense was that payment for social media ads had to go through a contractor, thus limiting the Commission’s ability to put out time-sensitive messages through these channels. In the end, commissioners felt that they could have contributed more to the social media messaging effort than they did, either through direct engagement or through a subcommittee dedicated to the topic.

The 2020 Commission had initially hoped to provide funding to community groups for communication activities and set up a subcommittee to research the matter and develop recommendations for the Commission’s consideration. Unfortunately, the subcommittee found that it would not be possible for the Commission use any of its communications budget for grants to external stakeholders, requiring it to pivot to directly engaging in communication activities that might otherwise have been undertaken by external stakeholders. The Communications staff then set up contracts by region to cover expenses of billboard



advertising, bus ads, advertising in the mass media, and advertising in ethnic media. The regionalized nature of the contracts meant that the mix of advertising could be tailored to the information-consumption patterns of each region – e.g., more emphasis on radio in rural areas, more outdoor and bus advertising in urban areas. The time invested in researching the possibility of granting funds to other groups meant that the Commission’s advertising generally appeared very late in the process, raising questions regarding the actual impact of the advertising effort.

The importance of including real human faces in the Commission’s advertising was emphasized by several speakers. It could be useful to consult with advertising experts to find a way to gauge the impact of the Commission’s advertising efforts. Recognizing the importance of innovation in modern communications, the question arose whether contracting the external communications work out could facilitate innovation.



Given the potential confusion among voters at the first primary and general elections following redistricting when they face candidates different from those with whom they are familiar, the Commission is considering proposing legislation to require information about redistricting be included in the Voter Information Guide for those elections; alternatively, a mailing could go out from the Commission or the Secretary of State to all registered voters informing them of any changes to their districts soon after the final maps are approved by the Commission and submitted to the Secretary of State.

## K. Outreach

### Key Recommendations:

- Set clear outreach goals early in the process
- Begin outreach as early as possible, including to other state entities
- Convey a full set of county profiles to the next Commission
- Don't wait for Census data to collect Communities of Interest input

Given California's large size and diverse population, it is unlikely that a 14-member body with modest staffing could conduct an adequate outreach and education program on redistricting by itself. The 2020 Commission's extensive engagement with a broad range of community-based organizations was critical to the success of this redistricting cycle, as evidenced by the enormous volumes of public participation achieved through the variety of channels offered by the Commission. An important part of this engagement was the educational presentations to the Commission by diverse community stakeholder representatives, which contributed decisively to the outreach and education planning. As pointed out by community partners, "[t]hose presentations allowed the CRC to deepen its understanding of the barriers, unique circumstances, and historical and socio-political context that shape various communities' abilities to participate in our democracy."<sup>9</sup> Those same community partners highlighted the potential value of formal partnerships between future Commissions and community-based organizations in order to engage a greater number of residents, especially those in underrepresented communities, more effectively by leveraging existing community infrastructures and networks ("trusted messengers").

It will be important for future commissioners to understand the breadth of the Commission's outreach responsibilities. A fundamental difference with other state bodies is that the Citizens Redistricting has to reach out, not just sit and wait for input to come in from the public.<sup>10</sup> The 2020 Commission set strategic outreach goals – including a goal of reaching 0.1% of Californians directly – early in the process, and these served as an important benchmark against which to measure progress and identify gaps. While the statutory requirement for a thorough outreach program does not stipulate that the commissioners themselves must play an active role in that outreach, the importance of getting an early start, the initial lack of staffing to undertake outreach work, and the interest of many of the 2020 commissioners meant that, at least until enough staff were in place, the burden of the outreach work fell to the commissioners, and by the time staff were onboarded, the commissioners' involvement was well established and generally quite successful.<sup>11</sup> Communities and groups also appreciated hearing directly from

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<sup>9</sup> Letter at [[https://assets.nationbuilder.com/ccrc/pages/415/attachments/original/1645830187/2021\\_CRC\\_-\\_Lessons\\_Learned\\_\\_Reflections\\_\\_and\\_Recommendations.pdf?1645830187](https://assets.nationbuilder.com/ccrc/pages/415/attachments/original/1645830187/2021_CRC_-_Lessons_Learned__Reflections__and_Recommendations.pdf?1645830187)] **LINK WILL NEED TO BE UPDATED!**

<sup>10</sup> GOV Code, Section 8253(a)(7) stipulates that "The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted **through a thorough outreach program to solicit broad public participation in the redistricting public review process.**"

<sup>11</sup> Note however the issue concerning "redistricting matters" in the "Legal" section above.



commissioners, even if they were unable to pose questions or provide input beyond the boundaries set by the Commission's Redistricting Basics presentation. The variety of individual approaches to Outreach among the commissioners was seen as a strength, especially to the extent that commissioners learned from each other as the Outreach work proceeded. Outreach was also greatly helped by strong, positive relationships between staff and commissioners, as well as among staff.

Dividing the state into 11 Outreach Zones was generally (though not universally) seen as having been a positive step in the process, both for the Commission and for community groups endeavoring to organize community input into the process. For the Commission, having the zones in place helped ensure coverage of the entire state and avoid duplication of effort, while for community groups, it enabled them to focus their efforts when public input meetings were scheduled by Outreach Zone. It may also have served as an incentive for members of the public, who may have felt greater ownership of "their Zone's" Col input sessions.

As noted elsewhere in this report, the 2020 Commission benefitted from an extended timeline due to the pandemic, which prompted a delay in the release of the Census data. That extended timeline was particularly useful for the commissioners to get up to speed on what the goals for the outreach effort needed to be, for the public education regarding the redistricting process, and for the Commission's overall outreach effort to promote broad awareness of and participation in the community-of-interest input phase and the mapping phase. The 2030 Commission should begin its outreach efforts as early as possible to raise awareness of the upcoming redistricting process; the 2020 Commission may also engage in awareness activities in the lead up to the handover. Recognizing that initial contacts are difficult for busy commissioners, a standard, official introductory letter sent to contacts identified in the 58 county profiles<sup>12</sup>, would be very helpful in kicking off this effort.

Recognizing the importance of a successful outreach effort, the 2020 Commission sought to leverage networks established through the California Complete Count (CCC) office. In general, the timing worked well in this regard, as those networks were ready to transition to working on redistricting as their Census work came to an end. This also had the benefit of ensuring that those who had become trusted messengers in relation to the Census could bring their credibility to the dialogue about redistricting.

Our discussions on the possible synergies between the CCC efforts and the redistricting process were extensive. Most commissioners felt strongly that, while there is no statutory requirement for the Redistricting Commission to engage with the Census and CCC, more effort should go into developing those potential synergies (and economies of scale), particularly in coordinated messaging, sharing of contacts, and a smooth transition of some number of CCC Outreach staff to the Redistricting Commission. Putting the 2030 commissioners in place earlier would facilitate this effort<sup>13</sup>, though there was also recognition that early coordination work with the

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<sup>12</sup> See [next] page

<sup>13</sup> See p. X for more on the discussion regarding the Commission's timeline

CCC would fall on the 2020 Commission and that any arrangements put in place by the 2020 Commission would be subject to review and revision by the 2030 Commission.

The Commission recognized – and it was reinforced by experience – that rural areas are difficult to reach in an outreach campaign. Those areas often have fewer established community-based organizations than urban areas, and those that do exist may not be as tied into statewide networks as their counterparts in more urban areas. County officials are typically a useful starting point for reaching communities in their counties, and especially so in rural counties. Commissioners found that their own participation in events targeting rural areas was very successful and appreciated by the local population.

One concept that proved useful during the 2020 cycle was the development of County Profiles, which are essentially an expanded contact list for each county. These start with a common outline<sup>14</sup> and were proposed to help ensure that all potential outreach partners and information sources in each county are contacted in the course of a redistricting cycle. Although there is not yet a full set of county profiles, the 2020 Commission is considering tasking staff with completing county profiles for all 58 counties prior to the seating of the 2030 Commission to facilitate the earliest possible contact by the new commissioners with those identified in the profiles. To the extent practicable, this task should be combined with updating the media list that was built during the 2020 cycle. One of the observations during the lessons-learned discussions was that earlier relationships with CBOs would have helped generate earlier public inputs. Commissioners also agreed that starting early would help build institutional relationships that aren't specific to individual commissioners.

In addition to contacts at the county level, it was clear at the beginning of the 2020 cycle that many state entities were unaware of the CRC, and it will be important for both the 2020 Commission (in its closing months) and the 2030 Commission (in its initial months) to educate them on the task at hand. The tight timeline for redistricting requires an “all-of-government” approach, and the goal should be to ensure all of state government is ready, willing, able, & EAGER to support the 2030 Commission. There was also a sense that Metropolitan Planning Organizations<sup>15</sup> could be a valuable information source and should be contacted early in the cycle.

Another concept that proved very useful in the course of the 2020 cycle was the development of a Community of Interest (Col) tool to gather public input regarding the location, composition, and nature of communities across the state. In developing its timeline, the Commission had felt that gathering Col input as early in the process as possible – and particularly before the release of Census data – might give it a more accurate understanding of the actual communities in the state with less influence of political considerations, and it was generally considered in hindsight that this was indeed the case. The main challenge in this regard is that it was more difficult

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<sup>14</sup> See Annex X

<sup>15</sup> See <https://www.ca-ilg.org/post/californias-18-metropolitan-planning-organizations>

than anticipated to motivate people to participate in this phase of the process, as they are generally much more motivated after draft maps come out.

The Statewide Database (SWDB) had, prior to the seating of the 2020 Commission, obtained funding from the legislature for the development of an online tool to gather Col information and was already well advanced in developing the software by late 2020. The Commission's role in the development of the Col tool related primarily to the actual questions that would be asked, the languages in which the tool would be available<sup>16</sup>, and the website name for the tool.

The Col tool was popular and helpful, though some found it difficult to understand until it was up and running with an online tutorial readily available. Later in the process, once the Census data were available, the need to shift from the Col tool to a separate tool in order to submit actual map proposals was confusing to some.

The Commission later decided to develop a paper Col tool to gather the same data from individuals who were not able to access or who preferred not to use the online Col tool. In the end, the paper version of the Col tool ended up serving primarily the incarcerated population in the state (which does not have computer access), as copies destined for libraries and other distribution points throughout the state were not available for timely distribution. Nevertheless, the paper Col tool was generally seen as a good idea that should be considered by the 2030 Commission, keeping in mind that the time required for production and distribution is likely to be more than might be expected. (The paper Col tool was conceived to be a self-mailer with the Commission's return address and postage permit number preprinted on the form, which would only require folding and taping before mailing; this, however, ended up requiring significant time to work with the US Postal Service to ensure that the form would meet USPS mailing requirements.)

One of the questions that arose during the lessons-learned discussions was whether it would be useful and possible to share Col input (through whatever channel) with local redistricting efforts. One suggestion that emerged was to include a box that asks: Would you like us to share your community of interest with redistricting efforts in your local region (i.e. county, city, school board, etc).? Beyond the question of sharing the input data, there was also the question of making the Col tool itself available to local redistricting bodies. As the tool is SWDB's, and not the Commission's, we can only recommend that this be considered by SWDB and the Legislature.

Other recommendations that emerged were to collect Col and mapping input through a single tool, add a question on how people heard about the CRC, and ensure that Col input is posted relatively quickly, whether received through email, feedback form, verbal comment, or any other method. Another item requiring attention is the need for clear definitions of "Public

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<sup>16</sup> These were rolled out over a period of time rather than all at once. [Could we put together a listing of the dates when the various languages went live?]

Input” and “Public Comment”. There was a sense among the commissioners that public comment was more “pure”, while public input was more influenced by political considerations.

Balancing the need for public input with the need to get the mapping done is tricky, but the wide variety of input channels offered by the 2020 Commission gave Californians ample opportunity to provide input, which they eagerly embraced. The volume of public input into the process meant, in some ways, that handling those inputs became the primary focus of the Commission (and certainly of its staff) at certain points in the process. The enormous volume of work unfortunately meant, at times, that valuable inputs were delayed in being posted for public review or got lost in the shuffle and ended up having to be resubmitted.

Statewide plans submitted by some CBOs and individuals were very impressive, but it was clear to commissioners that other groups and individuals could have benefitted from more guidance on how best to use their time and resources, and unfortunate that the time those groups took was time we didn’t hear from others. There were also concerns about how individual inputs were perceived, particularly when considered against inputs from large groups or similar input that came in repeatedly from many individuals. In the end, the 2020 Commission strove to consider all input equally, no matter the source.

While everyone – commissioners, community groups, and individuals throughout the state – could clearly benefit from having a longer time window between the release of the Census data and the due date for the final maps, the reality is that that window is unlikely to ever be significantly longer<sup>17</sup>, and everyone will have to make the necessary adjustments in order to get the greatest value out of the time available.

Generally, the online input tools made it easy for members of the public who could not call into hearings to submit their feedback to the Commission and were deemed helpful. The AirTable forms were very popular with the public, especially in comparison to the Google forms that had been in place earlier in the process.

There were some complaints about inconsistencies in the input process, citing in one case a form allowing the public to include attachments while another did not. There were also concerns that some individuals were using other channels – e.g., Twitter, personal e-mail addresses – to provide input, forcing commissioners to spend valuable time and energy forwarding these to staff so that they could be processed (redaction of contact information, conversion to PDF) and entered manually into what were otherwise smoothly operating automatic systems. Future commissions should consider making a clear policy statement on how such inputs will be handled and the potential delays in those inputs being posted as required by law.

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<sup>17</sup> See [X](#) for a discussion of the possibility of extending the mapping deadline by one or two months.

Public input regarding communities of interest was also solicited and received through live events using the Zoom online platform; in contrast, the 2010 Commission primarily received public input in person. There were other significant differences: the 2020 Commission received public input over the course of [XX] **months**, with distinct phases for collecting Col input and mapping input, whereas the 2010 Commission received public input over the course of ten **weeks**, with Col input and mapping input being received simultaneously.

While “the pandemic created unique opportunities for the CRC to experiment with virtual hearings and meetings”<sup>18</sup>, there was definitely a learning curve involved, and a few rough patches in the process. Ideally, the 2030 Commission would begin community input sessions with key resources and processes in place:

- Entire Outreach team hired, trained, and with the tools needed,
- Training for full commission on its role during public input sessions,
- Outreach materials for Public Input phase complete and translated,
- Paid media budget approved and contracts in place,
- Col Tool,
- Col Database,
- Data Manager,
- A way to display Cols received,
- A way for the public to access all Cols received,
- A contact database capable of being segmented as needed

The process for calling in was somewhat complicated, and some community members had difficulty navigating Zoom and knowing when to speak, though the Commission did receive positive feedback on establishing 90-minute windows so that people could make an appointment and know that they would be able to speak within the assigned window. That system – which placed a heavy burden on staff to transcribe appointment requests received through Google Forms and coordinate invitations with the video team and call moderators -- adapted and improved over time as staff gained experience.

Community groups also appreciated the opportunity for members of the public to call in and provide feedback on the various mapping proposals or suggest their own maps. Those calls provided important feedback to the commissioners, including introducing novel or creative solutions to problems confronting the Commission. The group presentations were seen as especially important for community members with limited English proficiency.

Unfortunately, there was some confusion particularly during the organization of those sessions, with groups being given different numbers of slots and different lengths of time, despite presenting similar types and levels of input. Beyond ensuring equal treatment of groups presenting similar levels and types of input, it is important to ensure that groups presenting plans have adequate time for a coherent presentation.

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<sup>18</sup> Letter at [[https://assets.nationbuilder.com/ccrc/pages/415/attachments/original/1645830187/2021\\_CRC\\_-\\_Lessons\\_Learned\\_\\_Reflections\\_\\_and\\_Recommendations.pdf?1645830187](https://assets.nationbuilder.com/ccrc/pages/415/attachments/original/1645830187/2021_CRC_-_Lessons_Learned__Reflections__and_Recommendations.pdf?1645830187)] **LINK WILL NEED TO BE UPDATED!**

As with the Community of Interest input sessions, things improved over time with the mapping input sessions, though there were ongoing concerns with the speed with which new maps were being posted. If new maps are not posted quickly, the result is often that members of the public are responding to older maps, and their input ends up not being useful at the moment it's offered and crowding out more useful input that might otherwise be received. There were also concerns regarding the amount of time callers were sometimes forced to wait on the line in order to speak at the end of a Commission session; the suggestion of allowing callers to leave their contact information and be called back when it is their time to speak is particularly relevant in such situations.

Several additional suggestions emerged during our discussions and through public feedback:

- Setting up the system to give callers confirmation that they had successfully entered the queue to speak;
- Informing callers of either their place in line or the estimated time until their turn to speak;
- Running tips on providing input as a banner on the video feed;
- Using the hold time to remind callers of the redistricting criteria established in California's constitution, which should also be reviewed at least at the outset of each session;
- Creating a system that allows speakers to submit follow-up documents, which might involve Commission staff sending a follow-up email after someone speaks inviting them to provide follow-up documentation.

Unfortunately, some organizations were late engaging with the Commission, and some CBO presentations to the Commission weren't as effective as they could have been. Commissioners recognized that more could have been done to tap trusted messengers to deliver the Commission's key messages. Also, the Commission's inability to make grants to community-based organizations led some groups to disengage from the process for lack of resources (though some groups had been leery of receiving funding from the Commission from the beginning, and some commissioners voiced concerns regarding how a grants program could reflect on the Commission).

## L. Data Tools and Management

### **Key Recommendations:**

- Set up a data-management system and onboard the staff necessary to manage it as early in the cycle as possible
- Ensure dedicated (separate) staffing for data entry and data analysis
- Seek outside assistance to work with the Commission on scoping the data management element
- Ensure that all public input about communities and maps – no matter how it is received – is accessible in a single place and available no more than 24 hours after receipt
- Engage early with Statewide Database regarding division of labor

A process such as redistricting is, by its nature, data intensive, and a citizen-led, people-focused process even more so. The quantity of data to be managed in a state as large and complex as California is huge, and the Commission's data-management needs were enormous.

Commissioners highlighted the need to set up a data-management system and to onboard the staff necessary to manage it as early in the cycle as possible. Redacting personally identifiable information from inputs received via mail or e-mail is a time-consuming process, as is tagging all of the data, and staffing requirements should reflect the importance of the data management function, the volume of data input staff will have to handle, the need for robust quality control, and the importance of timely public access to the data. That staff would ideally include a dedicated Data Analyst as well as dedicated data input staff and quality-control staff. The data management and website management tasks should be separately staffed so as not to result in either being shortchanged. The 2020 Data Manager's staff training and daily briefings were viewed as a best practice.

Early in the 2020 Commission's existence, contact was made with US Digital Response<sup>19</sup>, which was established in March 2020 as "a nonprofit, nonpartisan organization that helps governments, nonprofits, and public entities respond quickly to critical public needs". Several advisors from USDR served as a resource to the Commission's Data Management Subcommittee in outlining the Commission's requirements, preparing job descriptions, designing workflow, and developing scoping documents for use in the contracting process.

The software package AirTable was selected to manage the Commission's data. AirTable proved to be a popular and powerful tool, especially after SWDB and USDR adapted it to the Commission's needs, ensuring universal visibility of data. That said, there were some concerns regarding the lack of foreign language support in AirTable and the ease of use of the search function. Unfortunately, AirTable was adopted after some public input had already been received, and the database did not initially include all of that early Col testimony. Additionally,

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<sup>19</sup> <https://www.usdigitalresponse.org/about>

inputs received on paper or via e-mail required a level of handling that ended up delaying their incorporation into AirTable. Future commissions should work to ensure that all public input about communities and maps – no matter how it is received – is accessible in a single place and available no more than 24 hours after receipt. Commissioners should be kept apprised of the status of all data received. Access to the data from the Commission’s website should be straightforward.

Maptitude, the commercial mapping software used by the mapping team, was not as popular, with feedback focused on poor support. As a result, consideration should be given to using an alternative mapping program. Several speakers mentioned a need for stronger functionality for displaying submitted CoI maps and simpler search capabilities. Map Viewer was vital for those who did not have a mapping program; it was much easier to understand district boundaries on Map Viewer than on the PDF versions of the districts, which were generally seen as minimally useful but very time-consuming to produce.

In the legal framework for California redistricting, the Government Code, at Section 8253(b), stipulates that:

*The Legislature shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software for drawing maps. Upon the commission’s formation and until its dissolution, the Legislature shall coordinate these efforts with the commission.*

Maintenance of the “complete and accurate computerized database” is the responsibility of the SWDB, which is housed at the University of California Law School in Berkeley. The SWDB receives funding from the legislature to undertake its work, which in 2021 as in 2011 included the establishment of Data Access Centers in key locations throughout the state. Commissioners assessed SWDB’s good work as crucial to the success of the 2020 cycle, though there were questions regarding the cost-effectiveness of the Access Centers, which probably did not receive as many visitors in the context of a waning pandemic than they did during the 2010 cycle. Nonetheless, the staff of the Access Centers were also utilized to provide valuable technical support, including for the QGIS mapping tool.

Prior to the seating of the 2020 Commission, SWDB had already received funding for and initiated the development of tools (such as <https://drawmycacomunity.org/>, the “Community of Interest” tool) to facilitate the active participation of Californians in the redistricting process. While the Commission did have the opportunity to provide input into the final content of the tool, it was not initially aware of the development of the tool, and budget constraints meant that the Commission was unable to benefit from features and additional languages it would have wanted included in the tool for which funding was not available.

Issues regarding ownership (and security) of the data received through these tools also surfaced in the course of preparing for mapping, and the need to develop a written agreement on the handling of the data slowed the process at one point. While those issues were resolved relatively easily, and while SWDB was generally very responsive to the Commission’s requests,



there was a level of discomfort with the relationship with SWDB. Specifically, the Commission’s lack of control over the tools was seen as impinging on the Commission’s independence, as it had to rely on SWDB to relay the data to the Commission. It is clear that early communication and coordination between SWDB and future commissions regarding the development of tools for the redistricting process and the division of labor between SWDB and the Commission’s Data Management Team will be important. The 2020 Commission may also wish to consider identifying technology in ’29 / ’30 that would enable the public to input data directly into the Commission’s database.

## M. Mapping

### **Key Recommendations:**

- Start the VRA work (including RPV analysis) as early as possible; do not wait for the new Census data to arrive
- Early in the mapping phase, establish roles and procedures for creating the district summary descriptions for the final report, capturing their key features and rationales
- Consider specially selecting particular chairs for the mapping phase (those with stronger time-management skills, and extra-effective at working with the line drawers)
- Consider dividing the state into regions and assigning pairs of commissioners to do the initial research and mapping in those regions
- Consider assigning line drawing team members to commissioners to develop options and ideas
- Seek and identify neighborhood information as early as possible
- In the line drawer contract, include the production of large, printed display maps for each major stage of the process, as well as the development and updating of population deviation maps throughout the process showing where there is excess population and where population is needed
- Use whatever technology and platform is necessary to promptly post high-resolution maps of each iteration for the public to view
- Systematically document and publicly report each incremental line drawing decision
- Develop a clear and consistent naming convention for draft districts
- Formally decide on the nature and use of social justice and equity criteria in adjudicating competing Community of Interest inputs

### *Regarding Parcel Splits:*

- Include, in the CRC's budget and work plan, provision for 2-3 months of post-maps line drawer and legal counsel availability to counties
- Include in the 2030 CRC's final maps approval motion a provision granting a legal basis for counties to resolve parcel splits

### ***First Steps: Visualizations***

On Sept. 15, 2021, more than a full year after its first meeting as a full commission, the 2020 CRC finally started the actual mapping phase of its work—and this while still waiting for the final adjusted census data to arrive. The early mapping work consisted of visualizations, which are not draft maps, but rather initial depictions of various regions and some of the particular mapping issues each would involve. These visualizations made no particular attempt to start actual population balancing or full state-wide plans, and were not subject to statutory deadline

or display regulations. Commissioners gave some preliminary direction as to mapping options; line drawers would create visualizations of those options; then the commission would discuss those options, possibly modifying some, and going through iterations as needed. The goal was to gradually build pre-draft plans from which the public live mapping meetings could proceed.

Visualizations were the commissioners' first experience with live mapping, and so were, in part, training exercises. The learning curve was steep, and the information flow was heavy. During discussions of visualizations, it was sometimes all commissioners could do just to make sure they were looking at their notes for the correct visualization being discussed. Some of the frustration of this phase was probably unavoidable, but some commissioners felt the time might have been better spent elsewhere, such as making time for a 2<sup>nd</sup> official draft plan. One alternative to the visualization process would be to simply start with existing districts. The 2020 CRC chose not to do so, mostly to stay as open as possible to different mapping possibilities.

A general truism in redistricting work is that public interest is limited until the (first) draft maps appear. The 2020 CRC proved this wrong to some degree with strong public participation in its 35 Communities of Interest input meetings prior to the visualizations phase. Nevertheless, public input certainly did pick up once the visualization phase began, when the public started seeing even the most preliminary and partial depictions of election district possibilities.

#### ***Voting Rights Act (VRA) Compliance Work***

The 2020 CRC had been advised to begin VRA work as early as possible but ended up starting about a month later than desired, mostly because of not understanding all the timelines of state contracting approvals. Until the outside VRA counsel was under contract, they could not meet with the line drawing team and commissioners to begin planning collaboration efforts. Had the RPV and VRA work been started earlier, the commission would have had more time to discuss the implications and implementation of the findings. As it was, the needed discussions were all crowded into the regular mapping phase.

The 2020 CRC decided to let its outside VRA counsel recruit and hire a RPV analyst, so to retain the option of keeping the RPV analysis confidential as an attorney-client work product. In the end, the commission only released a summary version of its RPV findings.

Specific VRA liabilities and compliance options were discussed with outside counsel throughout the mapping phase. Generally speaking, the liability phase is fairly straightforward, with the RPV analyst using sophisticated computerized tools to subject hypothetical legislative and congressional districts across the state to the Gingles Preconditions.<sup>20</sup> Nevertheless, this involves some judgment calls, especially as to the compactness requirement in the first Gingles Precondition. The compliance phase is much more challenging, involving far more and greater judgment calls. In particular, there are situations where one may draw fewer VRA districts with a higher confidence of their performance as opportunity districts, or more VRA districts with a lower confidence of their performance as opportunity districts. Discussing and deciding such

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<sup>20</sup> See "Gingles Preconditions" in the Glossary Appendix for more details.

matters absorbed a great deal of commission time and effort. An earlier completion of the RPV analysis and VRA liability phase would have greatly helped the 2020 CRC avoid the time crunch it faced working through its VRA obligations in the mid- to late-mapping phases, especially as the analysis would sometimes evolve over time, leading to differing VRA considerations.

### ***Commissioners, Regions, Mapping, and Line Drawers***

The 2010 CRC had divided the state into regions and assigned pairs of commissioners to each region for focused effort during the mapping phase. In contrast, the 2020 CRC simply set out a mapping schedule and left it to individual commissioners to take initiative to develop mapping ideas. This less-structured approach worked better than might be expected, possibly because enough commissioners were self-motivated to tackle mapping tasks and challenges, and because the 2020 commissioners happened to be highly deferential to one another. Competing ideas were debated and commissioners were characteristically reasonable about the give and take of building consensus. Commissioners were also adept at gauging how strongly their colleagues felt about given proposals, and everyone accepted that redistricting is fundamentally an exercise in compromises. Commissioners were also painfully aware of the limited time available and scaled their efforts accordingly. Amazingly, not one line anywhere came down to a hard vote; all 176 districts were drawn by consensus.

Nevertheless, a more structured and systematic approach to commissioner mapping work might have been more efficient. With a different mix of commissioners, a more structured approach might have been essential. One major disadvantage of its less-structured approach is that the amount of actual mapping input by 2020 commissioners varied quite widely. A more structured approach would have directly engaged more commissioners in more of the mapping.

Some commissioners developed mapping proposals via the SWDB's Draw My California District online tool. (The key functionality needed to experiment with district boundaries is the calculation of population totals, and how each boundary manipulation affects those totals.) Some commissioners made the effort to learn QGIS (a widely-used, free, full-featured mapping program). The most efficient approach for most commissioners was collaborating with individual line drawers, with their expert mapping skills, ability to quickly load Community of Interest map submissions from the public, access to past proposals, and familiarity with mapping issues and possibilities. Over time, during the mapping phase, commissioners increasingly engaged individual line drawers for this help. In retrospect, it would have been worthwhile systematizing this from the start of the mapping phase, and maybe even assigning mappers to commissioners. Occasionally the chair would assign a pair of commissioners to work with a line drawer on a particular issue and return with a proposal, but otherwise it was up to commissioners to arrange time with line drawers to work on ideas. In the late mapping phase, time for such offline collaboration became typically off-hours and painfully short in supply.

In retrospect, it would have been helpful for commissioners to go through a complex mapping simulation exercise, so to gain experience with balancing populations, making trade-offs,

observing ripple effects, incorporating Community of Interest data, and simply practicing how to give instructions to the line drawers. The Visualizations phase functioned to some extent as a mapping training exercise, but the sheer volume and pace of visualizations discussed kept it from being particularly effective for training purposes. Ideally, commissioners would have entered the mapping phase already confident of their mapping skills. As it was, into the mapping phase, they were still very much learning on the job.

During live mapping sessions, commissioners with proposed district boundary changes would queue themselves and present them in turn. While mappers could only “try” one change at a time, a sequence of multiple mapping possibilities could be explored at length. In all cases, the chair retained the sole authority to instruct the line drawers to either commit to the change(s) being considered, or to revert back to the previous boundaries. This meant it was up to each chair during a line drawing meeting to sense the flow of consensus around proposed changes, weigh competing ideas, gauge when to cut off an unpromising line of changes, gauge when to encourage a promising one, “table” a difficult mapping issue, manage the time available, and otherwise keep the entire process orderly and productive. Note again that the 2020 CRC drew all 176 election districts by consensus; no boundary came down to a hard vote. With a different set of commissioners, this may or may not be feasible or necessarily even desirable.

Chairs during the mapping phase followed the chair rotation as it had been set out almost a year previously. A new Final Maps Planning subcommittee was formed to oversee the overall order and scheduling of mapping meetings and the (shortened) length of terms of chairs during that phase. In retrospect, it may have been worth identifying commissioners with particularly strong time-management skills as well as particularly strong skills working with the line drawers to serve as chairs during the mapping phase.

### ***Mapping Data***

The 2020 CRC often mentioned but in the end did not have the time to research and use very much data beyond the Census numbers, county and municipal boundaries, neighborhood information, and Community of Interest inputs. Other formal data could have included all manner of local and regional socioeconomic studies and reports, Local Agency Formation Commission (LAFCO) “spheres of influence” and the wide array of special districts generally (though many of these, especially school, flood, and airport districts, were frequent topics of public input). Briefings on geographically significant industries would have been helpful (e.g., petroleum refineries, seaports, timber, and agriculture). Unfortunately, the COVID-19 pandemic prevented the 2020 CRC from travelling across the state (as the 2010 CRC had done) to actually see and sense the landscapes, places, boundaries, transportation facilities, neighborhoods, and people they were trying to better understand, and to build trust and confidence in the CRC process across the state.

However, even with the largest mapping team working on any redistricting effort in the nation (four public-facing line drawers, four more behind-the-scenes, plus managers), line drawer time and energy were pushed to their limits. Working through breaks and long after hours was routine. The team’s professional dedication to the task was truly above and beyond, and was

directly responsible for a great deal of the 2020 CRC's success. As an example: while working on the State Senate draft map for Los Angeles County, commissioners went round and round trying to incorporate a long and complex list of mapping priorities based on competing Communities of Interest inputs, VRA considerations, strategies for adjacent regions, and commissioner preferences. At the end of the day, after considerable effort, it all started to seem "two steps forward, three steps back," with no solution in sight. One of the line drawers burned midnight oil to reconcile the competing priorities and to balance populations, returning the next day with what one commissioner deemed "the Miracle Map," combining all the main goals the commission had struggled with the day before into a new iteration for commissioners to consider.

Map data management, security, and backup were all the responsibility of the line drawing team. Some re-drawing routines took hours to run even on powerful laptop computers. Depending on the state of technology a decade from now, a high-speed connection to a supercomputer facility during live mapping sessions may be worthwhile.

### ***Mapping Policies & Procedures***

Giving working names to initial and proposed districts involves challenges. (In the final maps, the line drawing team assigns official district numbers according to constitutional provisions.) Individual line drawers were tasked with creating draft district names, and generally did so using abbreviations of jurisdictions included in the draft district initially. A particular difficulty arose when, over the course of mapping revisions, some districts retained their original working names even though they had ceased to contain that jurisdiction. For instance, a draft district "CUPERTINO" at times did not actually contain the city of Cupertino. Using numbers would not be a good alternative, since they would be readily confused with actual final district numbers. Letters might be useable, but it is helpful to have names with some geographical referent. One possibility might be a combination of region and letters (e.g., "Central Valley A, B, C" etc.). A date element would also be useful in the naming convention, as this would help determine whether someone is referring to a current district or one that has already been modified / superseded.

On advice from counsel, and after thorough discussion, the 2020 CRC adopted and met the following population deviation goals: +/- 1 person for congressional districts (identical to the 2010 CRC) and +/- 5% for legislative and BOE districts (different from and considerably more flexible than the 2010 CRC's +/- 1%). Note that for the legislative and BOE districts, the California Constitution as well as relevant court rulings has not established a definite numeric standard or any absolute "safe harbor" standard. The 2030 CRC should freshly review the matter before deciding on its allowable population deviations.

As recommended by its line drawers, the 2020 CRC's general mapping sequence was: Assembly, Congressional, Senate, and then BOE. Assembly was particularly hard because there are so many districts to draw. Congressional was particularly hard because of the +/- 1 person population balancing. State senate was relatively easier because there are only 40 districts and the population deviation was +/- 5%. BOE was easiest of all, with only 4 districts and +/- 5%

deviation (though still requiring full and close attention—make sure to leave enough time to do it justice!). Nevertheless, even the state Senate map was very hard, involving very many painful trade-offs and compromises. This seemed to be a good sequence overall for the flow of effort required, but of course each CRC is free to sequence its mapping however it sees fit.

The 2020 CRC decided to develop a Mapping Playbook to codify its approach to mapping decisions. This proved to be better as an occasion to discuss mapping considerations (e.g., how to weigh multiple, seemingly identical public inputs; how to weigh conflicting inputs) than as an actual guiding document during mapping. The consideration of each and every particular mapping decision involved a unique set of objective and subjective considerations that required human judgment. (This underscores why redistricting cannot be reduced to an algorithm or “just done by computers.”) Meanwhile, not everything commissioners considered was in the Playbook. In particular, social justice and equity considerations frequently came up publicly in mapping discussions (e.g., whether to make particular efforts to keep lower-resourced neighborhoods and municipalities whole) but this was never codified in the Playbook.

Over time, commissioners received more and more direct emails and social media posts from the public. It would have been worth setting an actual policy and practice about redirecting such inputs to the CRC’s public input channels.

“Equal population” is the first of the CRC’s ranked redistricting criteria. A very large percentage of the CRC’s time in actual mapping was spent adjusting boundaries for population. In developing the congressional plan, the 2020 CRC found itself at a relatively late point with the need to move c. 17,000 people from the northern half of the state to the southern half. It would have saved considerable time and effort if commissioners had worked with the line drawing team to track populations more closely earlier on, so to avoid this particular task. But in practice, district construction is a fluid process of ongoing iterations. Especially with early iterations, when there is so much effort just to “solve” major mapping issues, it is hard to gauge how close is close enough with populations of many different districts cumulatively. Note also that public inputs are generally insensitive to the population balancing requirements. The “why” behind so many mapping decisions is population balancing, but essentially no public inputs concern themselves with that criterion.

### ***Using Mapping Software***

Initially, commissioners anticipated needing to invest significant time and effort to learn and use sophisticated mapping software. But, in practice, the line drawing team was fully present, capable, and responsive to help commissioners develop mapping proposals, both in live line-drawing sessions and working individually with commissioners outside meetings. In end, a few commissioners did choose themselves to learn a full-capability mapping program (QGIS), which proved very helpful at some critical moments. Other commissioners made regular use of the limited but very useful Draw My California District online tool to develop more limited proposals. A scenario to avoid would be: numerous commissioners using a full-capability mapping program to develop extensive, competing proposals that could not be easily

reconciled. However, it is impossible to predict what the state of mapping software will be in 2030 and how it will shape the CRC's work then.

### ***District Descriptions for the Final Report***

Unfortunately, the 2020 CRC did not establish an early and systematic approach to drafting the 176 individual district descriptions for the required final report. Much of this huge research and writing task was left until the end of the final maps phase. Personnel and procedures for this should have been set in place no later than the draft maps phase. Draft descriptions will necessarily change over time, sometimes entirely. But key rationales for each district should be captured early and consistently, even while many will change and need revision right until the approval of the final maps.

### ***Parcel Splits***

Because of mapping errors and anomalies, there are some inevitable inconsistencies between Census Blocks (used by the CRC in constructing its maps) and Parcel Maps (used by county election officials in constructing precincts). This results in a very small but still significant number of parcels being split by the CRC's election district lines. County officials must assign such parcels to one or another precinct, based on case-by-case research to discern the particulars of each such parcel in relation to the apparent intentions of the CRC's lines. Counties vary widely in their resources for such research and their approaches to this work, so that there is not necessarily statewide consistency in resolving these splits.

There are two needs: 1. The need for a legal basis to make the small and limited adjustments to the CRC's final maps to resolve these parcel splits; and 2. The need for technical help to counties in researching and resolving these splits.

The legal basis can be easily provided by including the following provision in the 2030 CRC's final maps approval motion:

*County Clerk and Geographic Information Services are permitted to make minor administrative adjustments to the final adopted maps, to the extent practicable and as needed, to assign property parcels to a single election district if currently divided between two or more districts, with no change to any election district population, and maintaining the contiguity of each district.*

A permanent statutory or regulatory basis could also be pursued if that were deemed necessary.

The technical help can easily be provided by the CRC's line drawing and legal teams. The 2030 CRC should budget for 2-3 months of post-maps line-drawer and legal counsel availability to counties seeking help resolving parcel splits. While, arguably, this help should come from the Secretary of State, the CRC alone has a mapping and legal team in place with informed access to both the maps and the CRC's reasoning behind each election district. No other body or



agency in the state government has these particular assets in place; further, no other body or agency in the state government wishes to modify the final maps, even in these small, limited, and necessary ways. The 2020 CRC intends to include a line item for this work in its proposed 2030 CRC budget.

## N. Cross-Cutting Issues

### **Key Recommendations:**

- Learn as much as possible from previous commissions without giving up independence
- View the Commission as a living institution, and develop institutional relationships with other state entities
- Provide Spanish interpretation from Day 1
- Ensure that translations are completed prior to the launch of public outreach activities in order to ensure that limited-English populations are fully able to participate throughout the redistricting process
- Ensure adequate staff support for subcommittees
- Develop a Gantt chart and strategic plan early in the process to help commissioners and staff better understand the work ahead
- Seat the 2030 Commission earlier in the year
- The recruitment effort should be clearer on the time commitment required, particularly following the receipt of Census data

The Commission recognized a number of important cross-cutting issues in the course of its work, particularly independence, language access, transparency, institutional memory, and the Commission's overall timeline.

### **Independence**

The Commission's independence was an important topic of discussion from the very beginning of the 2020 cycle. According to Article XXI, Section 2(c) (1) of the state's constitution, "The selection process is designed to produce a commission that is independent from legislative influence" – i.e., from those who could unfairly benefit from influencing the Commission. Commissioners were generally very attentive to any perceived attempts to undermine the independence of the Commission – from whatever source – while also expressing a desire not to dictate to the 2030 Commission. On the other hand, there was growing recognition among both commissioners and community groups that the 2020 commissioners could have benefitted from more contact with the 2010 commissioners and that the time pressures of a redistricting cycle are such that leaving certain things in place (e.g., policies and procedures, research on software options, updated contact lists,<sup>21</sup> calls for expressions of interest, various information resources, translation and interpretation contracts, a full range of approved positions, and some minimal staffing), subject to review and modification by the succeeding commissioners, could allow them to devote more of their attention to the substantive work of redistricting.

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<sup>21</sup> Including a comprehensive listing of redistricting professionals – e.g., former special masters, etc.

Given the Legislature’s control over funding, it is important for commissioners to have an understanding of politics and the overall context in which they are working, while studiously maintaining their independence from politics and politicians. There was also recognition that while responsiveness to the communities the Commission serves is the foundation of a citizen-led, people-focused redistricting process, it is nonetheless important that the Commission not be perceived as beholden to any specific group or grouping of groups.

Going forward, there is a sense that the California Citizens Redistricting Commission should be seen as a living institution, with members who serve finite terms of office. This is not to imply the need for a permanent bureaucracy, but it is clear that state requirements and procedures being what they are, future commissioners could benefit significantly from their predecessors and a minimal core staff doing some key groundwork prior to the new commissioners taking office. Early contacts with key offices within state government – e.g., Department of Finance, Department of General Services (including the Office of Legal Services, Procurement Services, and the California Commission on Disability Access), Office of the Attorney General, and Secretary of State – and the designation of points of contact by each of those could prove beneficial for the next redistricting cycle.

### **Language Access**

Given the diversity of California’s population, language access was an important part of ensuring that the Commission fully discharged its duty to engage in “a thorough outreach program to solicit broad public participation in the redistricting public review process.”<sup>22</sup> The Language Access Subcommittee played an important role in this by researching the practices of other state bodies and making solid recommendations to the full Commission (including the languages in which the public could access the Community of Interest tool), and the 2020 Commission would recommend that such a subcommittee be appointed in the future.

Meetings of the first eight commissioners did not have language interpretation in place, despite the fact that the absence of any Latinos among the initial eight had generated significant concern regarding the extent to which the Commission would reflect the diversity of the state. The full commission initially relied on notice in its agendas establishing a five-day notice requirement for any accommodations due to disability, without explicitly mentioning requests for language support.

As part of its own training activities, the commission scheduled a very useful panel presentation on access issues and heard from several representatives of those with limited English proficiency. Eventually, decisions were taken to provide Spanish interpretation for all meetings, to provide interpretation for other languages for specific public input meetings depending on the regions being covered, and to translate all key documents into a list of [XX] languages.

Once in place, the provisions for language access reinforced the Commission’s image as open and welcoming of all input, even if they were underutilized. Getting interpretation in place was

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<sup>22</sup> Section 8253(a)(7) of the Government Code

complicated, but interpreters were well briefed and prepared by the Outreach staff for their important role. Getting written translations completed took longer than hoped, but the availability of all key Commission documents in a range of languages was seen as contributing to the accessibility of the redistricting process. The Commission also scheduled a Spanish-language presentation of its Redistricting Basics slide show, and the video of that presentation was subsequently made available to the public via the Commission's website. Overall, the language access effort of the 2020 Commission was viewed as having set an important baseline for the future.

Future commissions may wish to consider providing simultaneous Spanish interpretation of all business and public input meetings, having interpreters for some number of additional languages on call, developing a multi-lingual glossary of redistricting terminology, and undertaking a cost-benefit analysis of language support, particularly in relation to the [13] non-English languages the 2020 Commission chose and whether any we did not choose would have been better choices. It will also be important to keep abreast of legal requirements in regards to language access, including American Sign Language and captioning. Translations of informational material, the website, and social media content should be completed prior to the launch of public outreach activities in order to ensure that limited-English populations are fully able to participate in the redistricting process.

Audio captioning of the maps, completed [DATE], was an important step towards making the redistricting process more accessible to all Californians and again set an important benchmark for the future. Commissioners expressed support for ensuring that membership on the Commission should be as accessible as possible (e.g., for Californians with visual or hearing impairments). There was also a suggestion that briefings on access issues should seek to cover as wide a range of potential barriers as possible so that commissioners could address them early in the process.

### **Transparency**

Transparency was another topic of ongoing discussion. The Commission's initial briefings on the Bagley-Keene Open Meeting Act, which governs meetings of public state bodies in California, highlighted the various transparency requirements that the Commission would have to respect, most notably a requirement for timely notice of meetings of any public body [consisting of three or more officials], prohibition of consideration of non-agendized items except in cases of emergency, and a prohibition of serial meetings.

To facilitate much of the preparatory work required for Commission meetings, the Commission set up a number of two-person subcommittees<sup>23</sup> over the course of the redistricting cycle to undertake research, establish contacts, and develop recommendations for consideration by the

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<sup>23</sup> The 2020 Commission's practice was to establish subcommittees with commissioners from two different political sub-groups; the few exceptions to this practice were the result of considerations of commissioner availability, interest, and skills. This practice generally fomented strong cross-group working relationships that impacted positively on the Commission's public image and benefitted the overall redistricting process significantly.

full Commission.<sup>24</sup> Given that they consisted of only two commissioners, subcommittee meetings were not subject to the notice and transparency requirements that applied to the full Commission. Commissioners were reminded regularly of the prohibition against serial meetings and strove to respect that prohibition. There were two areas where the Commission was especially conscious of the need for transparency and public participation, and the committees handling those topics (Legal Affairs [Toledo, Sadhwani, Yee] and Public Input Design [Ahmad, Akutagawa, Andersen, Fernández, Fornaciari, Sinay, Turner]) held publicly noticed virtual meetings open to all. In general, it would be helpful to the public if subcommittees could have staff support for notetaking and ensure that meeting summaries are available quickly after meetings.

During the lessons-learned discussions, there was a consensus that the process of hiring an Executive Director is especially important and needs to be more transparent while respecting the privacy concerns of candidates (e.g., about revealing to their current employer that they are seeking another opportunity) to the extent possible. Future commissions may wish to consider establishing a three-person committee for this task, subject to the notice and accessibility requirements for meetings of public bodies.

There was extended discussion on deadlines for meeting notices. The existence of two requirements in state law – the Bagley-Keene requirement of ten days' notice of public meetings and the 14-day requirement in Section 8253(a)(1) of the Government Code<sup>25</sup> – had consistently generated some degree of **confusion**. The Commission's legal staff had generally taken the position that the 14-day requirement applied to all meetings of the Commission, since public input on redistricting could occur at any meeting during the public comment period, while a number of commissioners had taken the position that there was an intent to differentiate in the Government Code between those meetings specifically organized to receive public input, which should be subject to the 14-day notice requirement, and meetings organized for other purposes (business, post-map meetings, etc.), which should be subject to the 10-day notice requirement in the Bagley-Keene Act. Resolving this definitively should be a priority for the 2030 Commission.

The application of the three-day notice period also generated lively discussion. The need to facilitate urgent business in advance of a hard deadline must be balanced against the desire for genuine and broad public participation in the redistricting process. The experience of the 2020 Commission was that most critical decisions had already been taken by the time the Commission reached the final fifteen days of the process and that, in order to be truly useful, the three-day notice requirement should go into effect earlier, ranging from the release of the first draft maps as far back as three months prior to the deadline for the final maps. The

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<sup>24</sup> See the full list in Appendix **X**

<sup>25</sup> "The commission shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3), or its successor. The commission shall provide not less than 14 days' public notice for each meeting held for the purpose of receiving public input testimony, except that meetings held in August in the year ending in the number one may be held with three days' notice."

Commission sought further feedback on this issue from community groups and the public at its November 2022 meeting and will continue to discuss possible recommendations.

On a related subject, the 2020 Commission took a formal position in favor of maintaining hybrid meetings as the optimal modality for the redistricting effort. This is consistent with the recommendations of the Little Hoover Commission.<sup>26</sup>

### **Institutional Memory**

Given that the 2020 Commission is only the second in California and one of the pioneering citizens redistricting commissions in the country, commissioners felt it important that the institutional memory of our effort be preserved and made as accessible as possible to those interested in learning from it. Voluminous materials have already been conveyed to the State Archives,<sup>27</sup> and a subcommittee has been working with Archives staff to ensure that the materials, as well as materials from the 2010 Commission, are easy to identify and access. Unfortunately, the website of the 2010 Commission (WeDrawTheLines.ca.gov) suffered a crash in [2014?], and some materials were lost. Fortunately, the “Wayback Machine” / Internet Archive (web.archive.org) preserves snapshots of key websites, and much of the content of the 2010 Commission’s website (including materials from the recruitment phase managed by the California State Auditor), can be accessed there by typing WeDrawTheLines.ca.gov into the search box and then selecting a date from the 2,000+ snapshots taken of the website.

This report is also part of the effort to preserve and convey the institutional memory from our efforts. One of the key elements of this report is the actual timeline of phases and activities undertaken by the 2020 Commission, as an understanding of the overall timeline is key to success under a very unforgiving constitutional deadline. It also includes a full set of RFPs and job descriptions.<sup>28</sup> That said, future commissioners may choose to approach their work differently, and nothing in this report is intended to limit their authority to do so.

### **Timeline**

The timeline for redistricting is perhaps the most significant constraint on a commission, and it may well be true that no one will ever feel they had enough time. It will be important for future commissions to have a clear understanding of all of the activities to be undertaken and their interdependencies in order to reach the finish line in time. This report includes both “ideal” and “actual” Gantt charts, as well as details on key recruitment and contracting processes,<sup>29</sup> to assist our successors in understanding our timeline while acknowledging that the 2030 cycle may, with luck, have the first “normal” calendar as far as recruitment, release of Census data, and submission of final maps. In any case, we strongly recommend the development of an initial Gantt chart, to be updated during the course of the redistricting cycle, along with a “living” strategic plan, to guide the efforts of future commissions.

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<sup>26</sup> <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/261/Report261.pdf>

<sup>27</sup> Including staff reports on various phases of the redistricting cycle, which commissioners found very useful

<sup>28</sup> Annex X

<sup>29</sup> See Annex X

While a consensus has not been reached among 2020 commissioners on the optimal starting date for the 2030 Commission, it is clear that a longer timeframe (due to the pandemic and the associated delay in the release of Census data) helped the 2020 Commission by, for example, enabling it to collect community-of-interest input before receiving the Census data. While the 2010 Commission succeeded in producing its maps on time in an extremely compressed timeframe, having more time allowed the 2020 Commission to gather Col input that was less clouded by political considerations than it might have been had the Census data been available at the time.

As a result, the 2020 Commission recommends that consideration be given to seating the 2030 Commission earlier than it was seated. Within the current constitutional provisions, the earliest this could take place would be January/February 2030.<sup>30</sup> This would give the 2030 Commission nearly a year more than the 2010 Commission had<sup>31</sup> but only two months more than the 2020 Commission had. Notably, this would give the 2030 Commission better opportunity to coordinate with and benefit from the outreach work of the California Complete Count effort surrounding the 2030 Census.<sup>32</sup> That effort was already winding down by the time the 2020 Commission was hiring staff, and we were lucky to find some departing CCC staff available and ready to join the Citizens Redistricting Commission team.

While some commissioners strongly support seating the 2030 Commission even earlier, there is also a recognition that the 2020 Commission can, within constraints of time and resources (financial and human), undertake important work in the years leading up to the handover to the new commissioners. With such an earlier start, educational work on the nature and importance of redistricting could be better coordinated with the California Complete Count effort. This could include updating and implementing the curriculum materials developed in conjunction with the schools. 2028 and 2029 could also be used to update the Commission's contact database, to reach out to state agencies and brief them on the level of effort that will be required for the upcoming redistricting cycle, to research new ideas and new technologies, and to prepare reports for consideration by the 2030 Commission. Still, work done by the 2020 commissioners in 2028 and 2029 will not serve to build the individual relationships that will be important to the success of the 2030 Commission.

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<sup>30</sup> Art. XXI, Sec. 2: "*The Citizens Redistricting Commission shall be created ... in each year ending in the number zero....*" The random draw could take place in early January 2030, with the first eight members selecting the final six no later than February 15, exactly eighteen months before the map deadline.

<sup>31</sup> The 2010 Commission held its first full meeting in January 2011, just over seven months prior to their map deadline.

<sup>32</sup> The California Census 2020 Outreach and Communication Campaign Final Report (<https://census.ca.gov/wp-content/uploads/sites/4/2021/05/California-Census-2020-Outreach-and-Communications-Campaign-Final-Report-5.11.2021.pdf>) includes a recommendation that planning for the 2030 Census begin in 2024; it may be useful for the 2020 Commission to reach out to those responsible for that planning and perhaps advocate for a seat on the advisory committee.

As was the case with the 2010 Commission, the 2020 Commission also looks forward to engaging with the Office of the State Auditor on the recruitment of new commissioners. One key element of that effort will be to prepare materials that will give a clear picture of the time commitment required of new commissioners, particularly in the phase following the release of Census data.<sup>33</sup> While it is possible and understandable that commissioners will have to step back from time to time during the earlier phases of the redistricting cycle, it is difficult for a commissioner to participate meaningfully in the mapping without dedicating themselves full time or more once the Census results are received by the Commission. The Applicant Review Panel could focus applicants' attention to the level of effort likely to be required and seek confirmation of their understanding of and commitment to that level of effort.

At the end of the process, the 2020 Commission's maps were certified to the Secretary of State in the closing days of 2021, with the primary election scheduled just over five months later. While we are cognizant of the heavy burden that this placed on county election offices, which had to realign precinct boundaries to the new districts and manage the candidate nomination process beginning well in advance of the primary, consideration could be given to shifting the constitutional map deadline from 15 August back to 15 September (as it was initially stipulated in the 2008 initiative establishing the Citizens Redistricting Commission) or even 15 October. Doing so would allow community groups more time to analyze the Census data prior to the start of mapping, allow for more public input, reduce the Commission's sense of feeling rushed and lacking adequate time for reflection during the closing weeks of the process, and potentially allow for a second set of draft maps. There was also a sense among the 2020 commissioners that additional time would have been useful in the preparation of the report accompanying the final maps (especially since there are significant elements of the report that cannot be finalized until the maps are finalized) and for quality control work on the final maps.

Also related to the conclusion of the mapping process is the question of the three-day period for inspection of the final maps, which also generated some confusion. If the maps are final, they are final, and public comment on them could take place after their submission and publication. The alternative is that the "final" maps are NOT final, which could lead to a cycle of "final" maps generating comments that lead to further changes requiring a further comment period and so on. For the sake of certainty, it would be better to focus on expanding the calendar after the release of Census data (e.g., by shifting the deadline to 15 September or 15 October) to allow for two sets of draft maps and shift any comments on the "final" maps to the period after those maps have been certified to the Secretary of State.

### **Flexibility**

And finally, perhaps the most cross-cutting issue of all was the need for flexibility. Commissioners, staff, and contractors demonstrated a strong ability and willingness to pivot throughout the cycle. While future cycles may not face the same challenges – a pandemic that led to Census delays and that rendered in-person meetings impossible for more than a year, a

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<sup>33</sup> A summary of hours submitted per commissioner by month during the 2020 cycle is included as Annex X.



gubernatorial recall that overshadowed the redistricting process at a crucial point in the cycle – other challenges are likely to arise, and flexibility will be a key to success.

## O. Learning and Sharing with Other Jurisdictions

### Key Recommendations:

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There was some discussion of the Commission’s mandate, particularly in relation to working with California’s counties. In part, this was a result of requests from county election offices for assistance in resolving “parcel splits” – cases where the Commission’s district boundaries bisected a property that county election officials had to assign to a single precinct. Some commissioners supported the idea that the Commission should provide, through its mappers, the assistance requested by counties, while others felt that this sort of assistance to the counties falls more naturally within the purview of the Elections Division of the Office of the Secretary of State, which routinely provides guidance to county election offices through its periodic advisories.<sup>34</sup> If such assistance is to be provided through the Commission in the future, the financial implications will need to be taken into account.

There were also discussions regarding the extent to which the California Citizens Redistricting Commission should work with or assist county or other local redistricting efforts in the state. There are clear opportunities for synergy in public information (helping minimize confusion between the state-level and county- or other level redistricting processes) and data sharing (communities of interest received at either level could be useful to commissioners at the other level), and the Commission will continue to discuss how best to proceed, including any necessary changes to the legal framework

Finally, there was discussion regarding the potential for cooperation with other state-level redistricting bodies in the United States. While commissioners strongly support the concept of citizen redistricting, there was a consensus that any efforts in this area should be voluntary or funded from other sources, just as the work of the 2010 commission to promote independent redistricting in other states was funded by a grant from Harvard University’s Ash Center.

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<sup>34</sup> “The California Secretary of State periodically provides written guidance and information to the state’s county elections officials to help ensure a smooth electoral process.” – e.g., <https://www.sos.ca.gov/elections/advisories-county-elections-officials/2022-advisories-county-elections-officials/november>

## P. Recommendations

This report has set out many recommendations coming out of the Commission's Lessons Learned discussions and public comment. This section seeks to highlight those we feel are most likely to make the lives of our successors easier during the 2030 redistricting cycle

### **Formation & Composition:**

- Consider an earlier start to the selection process and the work of the CRC
- In recruiting applicants, emphasize the positives of service as a commissioner while also giving a clear and accurate sense of the full commitment required
- Work to increase qualified applicants from across the state, but especially among: Native Americans, Hispanic/Latinos in rural Central Valley communities, throughout the northern third of the state, and from those with third-party affiliations
- Involve outgoing commissioners in the State Auditor's recruitment efforts
- Consider statutory changes to expand the CRC to 15 commissioners
- Investigate alternate commissioner compensation arrangements that could provide a more regular and predictable income
- Set a shared standard early for commissioner attendance and participation

### **Support & Staffing:**

- Define "fully functional" in detail for the State Auditor's statutory support role for each newly-formed CRC
- Have more than 1 FTE of interim administrative support for the newly-formed CRC
- Ensure that commissioner per diem and travel expense payments commence promptly
- Seek and obtain exemption from state contracting and procurement regulations (to parallel the CRC's exemptions from civil service regulations in hiring staff)
- Consider hiring one or more of these positions: Executive Secretary, Operations Director, Director of Training, Research Director
- Consider tasking the 2020 CRC in 2028/9 to refresh the CRC website, aid in the application process, work with CSA to help put interim administrative functions in place
- Establish an extension office in southern California for use up through the mapping phase

### **Finances:**

- Establish consistent, regular financial reporting routines both externally (via DGS) and internally (via the CRC's own finance and accounting resources)
- Seek and obtain direct access to the Fi\$cal state finance system
- Seek and obtain a streamlined process for releasing budgeted funds
- Seek and obtain grantmaking authority

**Administration:**

- Balance greater transparency in staff hiring processes with appropriate privacy considerations
- Proactively seek feedback from the prior CRC on any returning staff applicants
- Ensure that the per diem and travel expense claim system is up and running promptly
- Seek and obtain streamlined contracting, procurement, and reimbursement authority
- Review adopted 2010 and 2020 CRC policies and enact a full new set for 2030

**Legal:**

- Recruit the CRC Chief Counsel based on demonstrated ability in the many and varied responsibilities entailed in the position
- Recruit VRA Counsel and begin the VRA analysis work as early as possible; there is no need to wait for the P.L. 94-171 data to arrive
- Use a robustly public process to hire outside counsel
- Obtain early and adequate training on best practices for records retention, note-taking, document management, speaking publicly, and other matters that pose legal risk
- Obtain an exemption the requirement that the CRC needs the Attorney General's permission to hire outside counsel (Gov't Code §11041)
- Obtain authority for the CRC to write its own implementing regulations
- Revisit the question of whether to exclude, count in place, or pursue reallocating individuals incarcerated in California in Federal institutions

**Meetings:**

- Follow the 2010 and 2020 CRCs in using rotating chairs; consider preferring mixed-gender pairs of chairs and vice chairs; post the rotation schedule regularly and widely
- Implement a consistent motions-documenting procedure from the start (perhaps via implementing agenda/docket software)
- Continue advocating for permanent virtual meeting participation without the current requirements for public disclosure of commissioners' (home) locations and access to those locations; continue full videoconference access to meetings
- Vary meeting days and times to accommodate the varying needs of the public
- Decide early whether incidental public testimony during ordinary business meetings constitutes "public input testimony" for purposes of 14-day (versus ordinary 10-day) meeting notice requirements
- Implement an online index / catalog / search capability for meeting handouts
- Consider providing even more language interpretation services (e.g., two-way Spanish interpretation of all meetings)

**Agenda Setting, Subcommittees, & Internal Communications:**

- Consider implementing agenda/motion/meeting management software early
- For subcommittees, set policies and practices early on to ensure transparency and accountability (even beyond Bagley-Keene requirements)
- For subcommittees, set policies and practices early on to establish clear working relations to staff and to the full commission
- Establish the types and frequency of staff reports to the commission (budget, progress, staff activities, etc.)
- Establish a strong range and practice of informal organization-wide communication (bulletin board, updates, new staff introductions, etc.)

#### **Training & Team Building:**

- Add more hands-on training experiences to balance lecture-style presentations
- Include a “Geography of California” training session early on
- Be open to different ways team building can happen
- Build a centralized, organized library of training resources on the CRC website
- Provide incoming commissioners with past commissioners’ contact information

#### **Education:**

- Develop a standardized presentation (including both presentation slides and an accompanying script) on the redistricting process and how Californians can participate in it
- Having core Communications and Outreach staff in place should be considered part of being “Fully Functional”
- Develop a template that counties could use to help residents understand the various redistricting processes
- Undertake a baseline survey of Californians’ knowledge about redistricting to orient the Commission’s education efforts and a follow-up survey to gauge the effectiveness of those efforts

#### **External Communications:**

- Get an early start in building relationships with media
- Ensure all key information is up to date and easily accessible on the website at all times
- Determine early in the cycle whether the Commission will be able to grant funds
- Develop an advertising plan early in the cycle, keyed to the various phases in the Commission’s strategic plan
- Require information about redistricting be included in the Voter Information Guide for the first elections (primary and general) following redistricting

#### **Outreach:**

- Set clear outreach goals early in the process
- Begin outreach as early as possible, including to other state entities
- Convey a full set of county profiles to the next Commission

- If possible, don't wait for Census data to collect Communities of Interest input

**Data Tools and Management:**

- Set up a data-management system and onboard the staff necessary to manage it as early in the cycle as possible
- Ensure dedicated (separate) staffing for data entry and data analysis
- Seek outside assistance to work with the Commission on scoping the data management element
- Ensure that all public input about maps – no matter how it is received – is accessible in a single place and available no more than 24 hours after receipt
- Engage early with Statewide Database regarding division of labor

**Mapping:**

- Start the VRA work (including RPV analysis) as early as possible; do not wait for the new Census data to arrive
- Early in the mapping phase, establish roles and procedures for creating the district summary descriptions for the final report, capturing their key features and rationales
- Consider specially selecting particular chairs for the mapping phase (those with stronger time-management skills, and extra-effective at working with the line drawers)
- Consider dividing the state into regions and assigning pairs of commissioners to do the initial research and mapping in those regions
- Consider assigning line drawing team members to commissioners to develop options and ideas
- Seek and identify neighborhood information as early as possible
- In the line drawer contract, include the production of large, printed display maps for each major stage of the process, as well as the development and updating of population deviation maps throughout the process showing where there is excess population and where population is needed
- Use whatever technology and platform is necessary to promptly post high-resolution maps each iteration for the public to view
- Systematically document and publicly report each incremental line drawing decision
- Formally decide on the nature and use of social justice and equity criteria in adjudicating competing Community of Interest inputs
- Regarding Parcel Splits:
  - Include, in the CRC's budget and work plan, provision for 2-3 months of post-maps line-drawer and legal counsel availability to counties who request help in resolving parcel splits as they create election precincts from the CRC's final maps.
  - Include, in the CRC final map approval motion, this provision: *"County Clerk and Geographic Information Services are permitted to make minor administrative adjustments to the final adopted maps, to the extent practicable and as needed, to*

*assign property parcels to a single election district if currently divided between two or more districts, with no change to any election district population."*

**Cross-Cutting Issues:**

- Learn as much as possible from previous commissions without giving up independence
- View the Commission as a living institution, and develop institutional relationships with other state entities
- Provide Spanish interpretation from Day 1
- Ensure that translations are completed prior to the launch of public outreach activities in order to ensure that limited-English populations are fully able to participate throughout the redistricting process
- Ensure adequate staff support for subcommittees
- Develop a Gantt chart and strategic plan early in the process to help commissioners and staff better understand the work ahead
- Seat the 2030 Commission earlier in the year
- The recruitment effort should be clearer on the time commitment required, particularly following the receipt of Census data

**Learning and Sharing with Other Jurisdictions:**

The legal framework for redistricting in California currently consists primarily of

- \* Article XXI in the state's constitution;
- \* Section 8253 et seq. in the Government Code;
- \* Title 2, Division 10, Chapter 1 of the California Code of Regulations (CCR); and
- \* a few other elements of state law in the Government Code (e.g., the Bagley-Keene Act at Section 11120 et seq.) and the Elections Code (regarding reallocation of incarcerated populations) that relate to the Citizens Redistricting Commission.

Notably, the relevant regulations in the CCR cover only the application process, the work of the Applicant Review Panel, and the filling of vacancies on the Commission. Consideration should be given to obtaining regulatory authority for the Commission and developing regulatory language – including definitions where those are needed – for later stages of the redistricting process. Regulatory language explicitly allowing for chair rotation would be useful.

Some of the changes discussed by the Commission (e.g., seating new commissioners in years ending in 9, expanding the Commission to 15 members) would require changes to the state constitution, which would have to go before the voters either as a citizen initiative or a legislative constitutional amendment. Commissioners recognized the “heavy lift” (and significant financial cost) that such an effort would represent but feel that a discussion around

potential amendments is important to have and that any changes should be made in one go rather than having changes proposed randomly. Voter education regarding the need for and potential impact of such changes will be important.

Other changes can be made through the process already set out in the Government Code, which requires support of a special majority of the Commission; the exact language of the amendments provided by the commission would then be enacted as a statute approved by a two-thirds vote of each house of the Legislature and signed by the Governor. Recognizing that some of the changes the Commission may wish to recommend might not garner the two-thirds vote needed in each house of the Legislature, an option might be to present two legislative packages: one with those changes known to enjoy the necessary support in the Legislature, and one with any other changes recommended by the Commission.



## Appendices

## Deadlines and Milestones for the 2010 and 2020 Redistricting Cycles

	Proposition 11 (2008)	Proposition 20 (2010)	2010 CRC Actual	Senate Bill 1096 (2012)	2020 CRC Actual
Applicant Review Panel random draw	---	---	Nov 16, 2009	---	May 10, 2019
Initial applications accepted (min 60 days)	Start by Jan 1 of "0" yr	---	Dec 15, 2009 - Feb 16, 2010 (64 days)	Start by Aug 15 of "9" yr	Jun 10 - Aug 19, 2019 <sup>a</sup> (71 days)
Phase I – Qualified applicants posted	Aug 1 of "0" yr	---	Feb 16, 2010	Mar 15 of "0" yr	Aug 21, 2019
Phase II – Supplemental applications accepted	---	---	Feb 17, 2010 - Apr 19, 2010	---	Aug 21, 2019 - Oct 20, 2019
Phase II – Selection of 120	---	---	Jul 21, 2010	---	Feb 21, 2020
Phase III – Interviews, selection of 60	Oct 1 of "0" yr	---	Sep 23, 2010	May 15 of "0" yr	May 7, 2020
Phase IV – up to 24 legislative strikes	Nov 15 of "0" yr	---	Nov 12, 2010 <sup>b</sup>	Jun 30 of "0" yr	Jun 26, 2020
Phase V – Random draw of first 8	Nov 20 of "0" yr	---	Nov 18, 2010	Jul 5 of "0" yr	Jul 2, 2020
Phase VI – Select final 6	Dec 31 of "0" yr	---	Dec 15, 2010 <sup>c</sup>	Aug 15 of "0" yr	Aug 7, 2020
Deadline to form CRC	Dec 31 of "0" yr	Dec 31 of "0" yr	---	Dec 31 of "0" yr	---
1 <sup>st</sup> meeting day of 1 <sup>st</sup> 8	---	---	Nov 30, 2010	---	Jul 21, 2020
1 <sup>st</sup> meeting day of full CRC	---	---	Jan 12, 2011	---	Aug 26, 2020
Apportionment data released (by Dec 31 of "0" yr)	---	---	Dec 21, 2010 (10 days early)	---	Apr 26, 2021 (117 days late)
P.L. 94-171 Census data released (by Apr 1 of "1" yr)	---	---	Mar 8, 2011 <sup>d</sup> (25 days early)	---	Aug 12, 2021 <sup>e</sup> (134 days late)
Statewide Database release of Redistricting Database	---	---	Apr 13, 2011	---	Sep 20, 2021 <sup>f</sup>
Draft maps approved	---	---	Jun 10, 2011	Jul 1 of "1" yr	Nov 10, 2021 <sup>g</sup>

<sup>a</sup> Original deadline Aug 9, 2019, extended to expand the applicant pool

<sup>b</sup> In the Nov. 2, 2010 General Election, during the legislative strikes process, Prop. 20 passed, adding congressional districts

<sup>c</sup> Selected Dec 10, 2010, approved Dec 15; on Feb. 10, 2011, Angelo Ancheta replaced Elaine Kuo (who resigned Jan 14, 2011)

<sup>d</sup> Release of California Census data (2010 Census data were released state-by-state Feb 2 - Mar 24, 2011)

<sup>e</sup> "Legacy format" release for all 50 states simultaneously; Statewide Database (SWDB) processed and released Aug 18, 2021; U.S. Census Bureau released fully formatted P.L. 94-171 Sep 16, 2021 (data identical to "legacy format" release)

<sup>f</sup> Newly included the reallocation of individuals incarcerated in State facilities to their last known addresses

<sup>g</sup> Original *Padilla/Weber* deadline was Nov 1, 2021, but with a day-for-day extension of the Nov 1/Dec 15 deadlines granted for every day after Jul 31, 2021 the Census release were delayed; a Sep 22, 2021 CA Supreme Court short motion granted an extension to Nov 13, 2021 (further extended to Monday, Nov 15 because of the weekend)

Final maps, report approved	Sep 15 of "1" yr <sup>h</sup>	Aug 15 of "1" yr <sup>i</sup>	Aug 15, 2011	Aug 15 of "1" yr	Dec 26, 2021 <sup>j</sup>
<u>Days to final maps vote from:</u>					
Random draw of first 8			271	407 <sup>k</sup>	543
Approval of final 6			244	373 <sup>l</sup>	507
1 <sup>st</sup> CRC mtg of all 14			216	---	488
P.L. 94-171 release			161	137 <sup>m</sup>	137 <sup>n</sup>
Redist. Database Release			125	--- <sup>o</sup>	98

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<sup>h</sup> Legislative and BOE maps only

<sup>i</sup> Added congressional map

<sup>j</sup> Original *Padilla/Weber* deadline Dec 15, 2021; CRC requested extension to Jan 14, 2022; CA Supreme Court set Dec 27, 2021 (based on Census data release [in "legacy format"] 12 days after July 31)

<sup>k</sup> Hypothetical, based on latest possible random draw date (Jul 5) and Aug 15 final maps approval date

<sup>l</sup> Hypothetical, based on 2020 CRC formation date (Aug 7) and Aug 15 final maps approval date

<sup>m</sup> Hypothetical, based on latest normal P.L. 94-171 release date (Apr 1) and Aug 15 final maps approval date; but note that actual release date is typically earlier, as P.L. 94-171 data are usually released state-by-state, on a rolling basis

<sup>n</sup> Based on the Aug 12, 2021 "legacy format" release, though this release required 6 additional days of processing by SWDB

<sup>o</sup> Normally c. 30 days after P.L. 94-171 release for California

## Chair Rotation

The two statutory requirements set out in CA Government Code §8253(a)(4) are that the chair and Vice Chair are selected by special supermajority vote of the CRC, and that the chair and vice chair not be of the same political party (this taken to include “No Party Preference” as a “party” in this context).

However, both the 2010 and 2020 CRCs used rotating chairs, so to share the workload; take advantage of commissioners’ differing personalities, skills, and strengths; and actively and visibly embody the bi/non/multi-partisan nature of the CRC.

The 2020 CRC’s “first eight” selected Jane Andersen (R) as its temporary chair and Trena Turner (D) as temporary Vice Chair. The first chair rotation policy (drafted by Pedro Toledo and Russell Yee) was adopted by the full CRC Sep. 2, 2020. This policy set out the chairs and vice chairs in a strict political rotation combined with alphabetical order by last names, and with each vice chair becoming the next chair. Since Turner became the first chair of the full CRC, her vice chair (and next chair) was the alphabetically first No Party Preference commissioner, Isra Ahmad. Ahmad’s vice chair (and next chair) was the alphabetically next Republican commissioner after Andersen, Alicia Fernández; and so on.

However, by chance, this rotation produced mostly same-gender pairs of chair & vice chair (fully 7 of the first 10 pairs). In time, the 2020 CRC decided it wanted more balance via mixed-gender pairs, even if this meant a less-than-strict political rotation.\* On Dec. 22, 2020, the CRC adopted a second rotation policy (drafted by Yee). This new rotation policy remained in place into the post-maps phase (with minor ongoing adjustments) and will continue until the 2030 CRC is seated.

There was never a set policy about length of term. The initial practice of terms lasting single multi-day meetings eventually changed to terms lasting two to three meetings, which generally amounted to three or so calendar weeks. In the mapping phase, with a much denser meeting schedule, the Final Maps Planning subcommittee set out much shorter terms. In the post-maps phase, terms ran one calendar month for the first six months of 2022, then quarterly thereafter.

Per the adopted policy, a given chair and vice chair officially served from the start of their first meeting until the start of the next pair’s first meeting. This enabled chairs to still be officially in place while following up matters from their meetings. Meanwhile, their vice chairs were in place to prepare for the next set of meetings, which they would be chairing.

Eventually all 14 commissioners served at least one turn as vice chair and chair. Chairs made good and frequent use of vice chairs to step in for them whether just for part of a meeting or for whole meetings. There was some discussion of separating chairing from meeting moderation, but this was not implemented. Perhaps the greatest “cost” of the rotation was to staff, which had to track the rotation schedule closely and adapt to each new chair in turn. However, this proved to be manageable and well worth the benefits of the rotation.

*\*Since there was only one male Democrat, and because various commissioners were not in the rotation at times, it was unworkable to have mixed gender pairs as well as a strict political rotation. So, in the second rotation policy (starting 12/22/20), the three sub-groups (D, R, and N) were not perfectly even. However, per statute, the chair and vice chair were never from the same political sub-group. Note also that the rotation made no attempt to consider commissioner geography or race/ethnicity.*

2020 CRC Chair & Vice Chair Rotation			
<i>Meeting Dates</i>	<i>Commissioner</i>	<i>Affiliation</i>	<i>Role</i>
<b>Jul 21-23, Aug 4-7, 2020</b>	Jane Andersen	Republican	Temporary Chair
<b>(First Eight)</b>	Trena Turner	Democrat	Temporary Vice Chair
FIRST (SEPT. 2, 2020) ROTATION POLICY IN EFFECT			
<b>Aug 26 - Sept 4</b>	Trena Turner	Democrat	Chair
	Isra Ahmad	No Party Preference	Vice Chair
<b>Sept 23-25</b>	Isra Ahmad	No Party Preference	Chair
	Alicia Fernández	Republican	Vice Chair
<b>Oct 5-7</b>	Alicia Fernández	Republican	Chair
	Angela Vázquez	Democrat	Vice Chair
<b>Oct 12-15</b>	Angela Vázquez	Democrat	Chair
	Linda Akutagawa	No Party Preference	Vice Chair
<b>Oct 20-21, 28-30</b>	Linda Akutagawa	No Party Preference	Chair
	Neal Fornaciari	Republican	Vice Chair
<b>Nov 4-6</b>	Neal Fornaciari	Republican	Chair
	J. Ray Kennedy	Democrat	Vice Chair
<b>Nov 16-18, Dec 1-3</b>	J. Ray Kennedy	Democrat	Chair
	Antonio Le Mons	No Party Preference	Vice Chair
<b>Dec 14-16, 22;</b>	Antonio Le Mons	No Party Preference	Chair
<b>Jan 11-13, 2021</b>	Derric Taylor	Republican	Vice Chair
SECOND (DEC. 22, 2020) ROTATION POLICY IN EFFECT			
<b>Jan 26-28,</b>	Derric Taylor	Republican	Chair
<b>Feb 8-9, 2021</b>	Pedro Toledo	No Party Preference	Vice Chair
<b>Feb 16-17, 24-26</b>	Pedro Toledo	No Party Preference	Chair
	Jane Andersen	Republican	Vice Chair

<b>Mar 8-9, 16-17</b>	Jane Andersen	Republican	Chair
	J. Ray Kennedy	Democrat	Vice Chair
<b>Mar 29-Apr 1, Apr 12</b>	J. Ray Kennedy	Democrat	Chair
	Alicia Fernández	Republican	Vice Chair
<b>Apr 26-29;</b>	Alicia Fernández	Republican	Chair
<b>May 4, 13-14, 18</b>	Isra Ahmad	No Party Preference	Vice Chair
<b>May 24-25; Jun 2, 9</b>	Isra Ahmad	No Party Preference	Chair
	Russell Yee	Republican	Vice Chair
<b>Jun 16, 25, 30;</b>	Russell Yee	Republican	Chair
<b>Jul 7, 13, 21</b>	Linda Akutagawa	No Party Preference	Vice Chair
<b>Jul 28; Aug 10, 19</b>	Linda Akutagawa	No Party Preference	Chair
	Neal Fornaciari	Republican	Vice Chair
<b>Aug 31; Sep 7, 15</b>	Neal Fornaciari	Republican	Chair
<b>17-18, 23</b>	Sara Sadhwani	Democrat	Vice Chair
<b>Sep 28-29; Oct 4-7 (Sac), 13-15 (L.A.), 18, 20-23</b>	Sara Sadhwani	Democrat	Chair
	Antonio Le Mons	No Party Preference	Vice Chair
<b>Oct 27-30 (L.A.), Nov 2-4</b>	Antonio Le Mons	No Party Preference	Chair
	Trena Turner	Democrat	Vice Chair
<b>Nov 7-10 (San Diego)</b>	Trena Turner	Democrat	Chair
	Derric Taylor	Republican	Vice Chair
<b>Nov 15, 17-20</b>	Derric Taylor	Republican	Chair
	Pedro Toledo	No Party Preference	Vice Chair
<b>Nov 22-23, 29-Dec 4, 6 (Sac)</b>	Pedro Toledo	No Party Preference	Chair
	Jane Andersen	Republican	Vice Chair
<b>Dec 7-11 (Sac)</b>	Jane Andersen	Republican	Chair
	J. Ray Kennedy	Democrat	Vice Chair
<b>Dec 13-17</b>	J. Ray Kennedy	Democrat	Chair
	Alicia Fernández	Republican	Vice Chair

<b>Dec 18-21 (Sac)</b>	Alicia Fernández	Republican	Chair
	Isra Ahmad	No Party Preference	Vice Chair
<b>Dec 26-27 (Sac)</b>	Isra Ahmad	No Party Preference	Chair
<b>Jan 7, 21, 2022</b>	Russell Yee	Republican	Vice Chair
<b>Feb, 2022</b> (monthly rotation starts)	Russell Yee	Republican	Chair
	Angela Vázquez	Democrat	Vice Chair
<b>Mar, 2022</b>	Angela Vázquez	Democrat	Chair
	Neal Fornaciari	Republican	Vice Chair
<b>Apr, 2022</b>	Neal Fornaciari	Republican	Chair
	Patricia Sinay	Democrat	Vice Chair
<b>May, 2022</b>	Patricia Sinay	Democrat	Chair
	Pedro Toledo	No Party Preference	Vice Chair
<b>June, 2022</b>	Pedro Toledo	No Party Preference	Chair
	Trena Turner	Democrat	Vice Chair
<b>Jul-Sep, 2022</b> (quarterly rotation starts)	Trena Turner	Democrat	Chair
	Linda Akutagawa	No Party Preference	Vice Chair
<b>Oct-Dec, 2022</b>	Linda Akutagawa	No Party Preference	Chair
	Derric Taylor	Republican	Vice Chair
<b>Jan-Mar, 2023</b>	Derric Taylor	Republican	Chair
	Ray Kennedy	Democrat	Vice Chair
<b>Apr-Jun, 2023</b>	Ray Kennedy	Democrat	Chair
	Antonio Le Mons	No Party Preference	Vice Chair
<b>Jul-Sep, 2023</b>	Antonio Le Mons	No Party Preference	Chair
	Jane Andersen	Republican	Vice Chair
<b>Oct-Dec, 2023</b>	Jane Andersen	Republican	Chair
	Sara Sadhwani	Democrat	Vice Chair
<b>Jan-Mar, 2024</b>	Sara Sadhwani	Democrat	Chair
	Alicia Fernández	Republican	Vice Chair

Apr-Jun, 2024	Alicia Fernández	Republican	Chair
	Isra Ahmad	No Party Preference	Vice Chair
Jul-Sep, 2024	Isra Ahmad	No Party Preference	Chair
	Russell Yee	Republican	Vice Chair
Oct-Dec, 2024	Russell Yee	Republican	Chair
	Angela Vázquez	Democrat	Vice Chair

*Rotation continues until the first 2030 CRC commissioner is selected*



## Committees and Subcommittees

*Each entry names the commissioners who served on that committee or subcommittee and the month in which that committee or subcommittee first appeared in a meeting agenda. In the course of time, various committees and subcommittees were disbanded (“sunsetting”) but those events are not noted.*

*The 2020 CRC’s practice was to form subcommittees with commissioners from two different political subgroups, even though this is not a statutory requirement. A very few subcommittees were exceptions to this practice, based on the exigencies of commissioner availability, interest, and skills.*

### **Committees** (three or more commissioners, required agendaized, public meetings)

1. **Legal Affairs** (Sadhvani, Toledo, Yee; Jan. 2021) Conducted interviews and made hiring recommendations for VRA counsel and litigation counsel
2. **Public Input Meeting Design** (Ahmad, Akutagawa, Andersen, Fernández, Fornaciari, Sinay, Turner; Mar. 2021) Designed strategy and process for receiving public input on Communities of Interest and maps

### **Subcommittees** (no more than two commissioners)

#### *Formed Pre-Maps*

#### FALL 2020

1. **Chair Rotation** (Toledo, Yee; Aug. 2020) Developed initial chair rotation policy and schedule
2. **Action on Census** (Sadhvani, Toledo; Sep. 2020); later, **Government Affairs/Census** (Mar. 2021) Researched and advocated for a timely and accurate 2020 Census
3. **Hiring of Executive Director** (Fernández, Kennedy; Sep. 2020); later **Executive Director Recruitment** (Mar. 2021)
4. **Hiring of Chief Counsel** (Andersen, Toledo; Sep. 2020); later **Chief Counsel Recruitment** (Mar. 2021)
5. **Hiring of Communications Director** (Taylor, Vasquez; Sep. 2020)
6. **Finance**; became **Finance and Administration** (Fornaciari, Fernández; Sep. 2020) Oversaw internal CRC financial, organizational, and personnel matters
7. **Trouble Shooting** (Le Mons, Andersen; Oct. 2020) Responded to miscellaneous issues that arose, including early commissioner cell phone and laptop computer needs
8. **GANTT Chart** (Kennedy, Taylor; Oct. 2020) Maintained our consolidated planning timeline
9. **Outreach and Engagement** (Fornaciari, Sinay; Oct. 2020) Conceptualized and strategized our initial approach to outreach and engagement, especially with community based organizations, local governments, and U.S. Census personnel
10. **Community of Interest** (Kennedy, Akutagawa; Oct. 2020) Worked with Statewide Database to conceptualize Community of Interest inputs in the Draw My California Community online tool
11. **Hiring of Deputy Executive Director** (Fernández, Ahmad; Oct. 2020)
12. **Line Drawers RFP**; became **Line Drawing** (Sadhvani, Andersen; Oct. 2020) Developed the Line Drawing RFP and led the recruitment process; oversaw line drawer scheduling, work planning, and scope of work
13. **VRA Compliance** (Sadhvani, Yee; Oct. 2020) Developed the VRA Counsel RFP

14. **Lessons Learned** (Kennedy, Ahmad, later Kennedy, Yee; Oct. 2020) Collected recommendations for the 2030 CRC, led Lessons Learned exercise post-Maps (Mar. 2021), wrote and compiled the Lessons Learned report

#### WINTER 2020-21

15. **Data Analysis** (Ahmad, Turner; Nov. 2020) became **Data Management** (Dec. 2020) Researched and recommended database solutions for public inputs
16. **Language Access** (Akutagawa, Fernández; Nov. 2020) Developed and implemented policy on language interpretation and translation
17. **Cybersecurity**, sometimes **Security** (Fornaciari, Taylor; Nov. 2020) Researched and led efforts to ensure digital and physical security of CRC assets
18. **Materials Development** (Fernández, Sadhwani; later Fernández, Kennedy; Jan. 2021) Led the development of printed outreach materials
19. **Grants** (Akutagawa, Kennedy; Jan. 2021) Led attempt to develop CRC granting program for outreach
20. **Incarcerated Populations**; became **Incarcerated Populations – State and Local Facilities** (Fernández, Sinay; Feb. 2021) Developed recommendation for reallocating persons incarcerated in State facilities to their last known addresses

#### SPRING 2021

21. **Deputy Executive Director Recruitment** (Ahmad, Fernández; Mar. 2021)
22. **Outreach Director Recruitment** (Ahmad, Fernández; Apr. 2021)
23. **Website** (Kennedy, Taylor; later Andersen, Taylor; Apr. 2021) Worked with the Communications Director to implement, maintain, and improve the 2020 CRC website (including carryover of 2010 CRC website contents)
24. **IT Recruitment** (Andersen, Fornaciari; Apr. 2021)
25. **Incarcerated Populations – Federal Facilities** (Kennedy, Turner; later Turner, Fernández; Apr. 2021) Led advocacy and sought actionable data for reallocating persons incarcerated in California in Federal facilities to their last known addresses

#### SUMMER 2021

26. **Outreach Contracts** (Akutagawa, Le Mons; Jun. 2021) Led the effort to contract with outside organizations to extend our outreach efforts on a grants basis

#### FALL 2021

27. **Mapping Playbook** (Turner, Yee; Sep. 2021) Developed the Mapping Playbook policy document for guiding mapping decisions

#### WINTER 2021-22

28. **Litigation Contract** (Toledo, Yee; Nov. 2021) Pursued the (ultimately unsuccessful) hiring of Gibson Dunn as additional litigation counsel
29. **Final Maps Planning** (Fornaciari, Sadhwani; Nov. 2021) Strategized, scheduled, and planned CRC meetings in the final mapping phase

*Formed Post-Maps*

30. **Bagley-Keene/ADA** (Kennedy, Vázquez; later, Fornaciari, Vázquez; Jan. 2022) Tracked State exemptions and implementations of open meeting laws, and advocated for permanent remote access options
31. **Long Term Planning** (Akutagawa, Fernández; Jan. 2022) Led the identification and prioritization of post-maps CRC tasks

SPRING 2022

32. **Redistricting Engagement** (Sinay, Yee; Mar. 2022) Developed guidelines for commissioner comments about the maps, developed post-maps slide show; also engaged with independent redistricting efforts outside CA (this not on CRC time)
33. **Audit** (Le Mons, Taylor; Apr. 2022) Conducted an internal audit of overall CRC finances
34. **Staff Services Manage 1 Recruitment** (Fernández, Turner; Jul. 2022) Led the recruitment and hiring of our post-2022 staff person (Corina Leon)
35. **Continuity Subcommittee** (Fornaciari, Sinay; Jul. 2022) Led efforts to ensure the best possible transition from the 2020 CRC to the 2030 CRC
36. **Legislative** (Fernández, Akutagawa; Jul. 2022) Led the development, prioritization, and implementation of post-maps legislative changes to CRC-related statutes

## Organization Chart

## **Personnel and Positions (Executive, Staff, Support)**

## **Contracts and Contractors**

Budget

**Policies**



## Motions Form



Motion Number: 2022-08-M004

Date: August 31, 2022

Motion Name: Descriptive name of the motion

Motion Details:

*The motion to be voted on by the Commission. Write out specific (word for word) motion made by a Commissioner. Edit as necessary with a final review and approval by Commissioner A who made the motion before vote.*

Motion made by: Name of Commissioner A

Time of Motion: Update time if edits adopted

Motion seconded by: Name of Commissioner B

Number of Public Input:

Commissioner Name:	Party	Yes	No	Abstain	Absent
Ahmad, Isra	No Party Affiliation	1			
Akutagawa, Linda	No Party Affiliation	1			
Andersen, Jane	Republican	1			
Fernandez, Alicia	Republican	1			
Fornaciari, Neal	Republican	1			
Kennedy, J. Ray	Democrat	1			
Le Mons, Antonio	No Party Affiliation	1			
Sadhwani, Sara	Democrat	1			
Sinay, Patricia	Democrat	1			
Taylor, Derric	Republican	1			
Toledo, Pedro	No Party Affiliation	1			
Turner, Trena	Democrat	1			
Vazquez, Angela	Democrat	1			
Yee, Russell	Republican	1			
<b>TOTAL COUNT:</b>		<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>

Motion: Passed ☒ Failed ☐

Time : Time vote is completed

Special Vote: \* 3 from each group are required

Democrat	5
Republican	5
No Party Affiliation	4

CRC Form 2101, Motion-Decision Template (4)

## **Gantt Chart**

## Narrative Timeline

### Major Phases

Fall 2018 - Spring 2019	Preparations by State Auditor for selection process
Summer 2019 - Summer 2020	Applications, interviews, and selection of commissioners
Aug 2020 - Feb 2021	CRC organizing, hiring, planning, preparing
Feb - Jul 2021	Public education (incl. 182 “Redistricting Basics” presentations)
Jun - Sep 2021	Public input (35 Communities of Interest input meetings)
Sep - Nov 2021	Draft maps: line drawing and public input
Nov - Dec 2021	Final maps: line drawing and public input
Jan 2022 – present	Post-maps work (reports, changes for 2030 CRC, wind-down)

### 2018

#### August

California State Auditor (CSA) organizes core team to lead CRC selection process

### 2019

#### January

7 – Updated regulations governing the CRC approved

Winter/Spring – online application process developed, promotion and education campaigns designed and initiated

#### February

#### March

1 – California State Auditor Elaine Howle hosts a 2020 CRC Town Hall in Sacramento to solicit ideas and feedback looking back on the 2010 CRC and forward to the 2020 CRC.

#### April

#### May

10 – California State Auditor’s random drawing to form the Applicant Review Panel (ARP) from staff qualified independent auditors with at least 10 years’ experience: Angela Dickason (D), Ryan Coe (R), Ben Belnap (NPP) selected; with alternates Ralph Flynn (D), Linus Li (NPP) and Josh Hooper (R)

#### June

10 – Initial applications open

#### July

#### August

19 – Initial applications close (extended 10 days from original deadline, to encourage more applications), 20,724 received, of which 17,081 tentatively qualified

21 – Supplemental applications requested (letters of recommendation, application essays)

#### September

#### October

20 – Supplemental applications close, 2,206 submitted, of which 2,003 are complete

#### November

20 – First cut: ARP keeps the 685 with at least one vote (but note that, per statute, all removals require a unanimous vote, CA Code of Regulations, §60837)

#### December

19 – Second cut: ARP keeps the 342 with at least two votes, yielding 176 Democrats, 80 Republicans, 86 neither of those two; Form 700 financial disclosures requested; background checks and social media scans commence

## 2020

### January

### February

19-21 – ARP selects 120 to interview (40 Democrat, 40 Republican 40 neither of those two)

### March

2 – In-person interviews commence (90 min. each, 4 per day); interrupted for two days by COVID-19 and transition to videoconference format; also monitoring poor air-quality days due to wildfires

25 – Candidate interviews resume via Zoom

### April

22 – Candidate interviews conclude

### May

6-7 – ARP announces 60 candidates to forward to state legislature (20 Democrat, 20 Republican, 30 neither of those two)

### June

17 – *Legislature v. Padilla* decided by the California Supreme Court, granting a a one-time, four-month extension of the CRC draft and final maps deadlines (to Nov. 1 and Dec. 15 respectively) plus a further day-for-day extension for every day the P.L. 94-171 data release were delayed past July 1.

26 – The Senate President pro Tempore (Toni Atkins, D-San Diego), Senate Minority Floor Leader (Shannon Grove, R-Kern County); Assembly Speaker (Anthony Rendon, D-L.A. County) and Assembly Minority Floor Leader (Megan Dahle, R-Redding) each exercise their maximum allowed two strikes from each of the three sub-pools, for a total of 24 strikes. In addition, one applicant withdraws, leaving 35 finalists.

### July

2 – California State Auditor Eliane Howle conducts random draw for first eight (3 Democrats, 3 Republicans, and 3 neither of those two Andersen, Ahmed, Taylor, Turner, Le Mons, Kennedy, Fornaciari. Sathwani). None of the 7 Hispanic/Latino candidates (4 Democrat, 2 Republican, 1 neither of those two) is selected, an outcome that had a 9.7% chance of occurring. Public outcry is immediate and strong, especially by newspaper editorials and community groups

21-23 – First meeting of the first eight commissioners. Jane Andersen selected as temporary chair, with Trena Turner temporary vice chair. First item of business: training in Bagley-Keene open meeting compliance.

### August

4-7 – First eight meet to select final six from the remaining 27 finalists (Chair Andersen, Vice-Chair Turner). An initial focus on technical and professional expertise gradually gives way to an emphasis on geographical and community representation; but all this while specifically addressing the need for Hispanic/Latino commissioners.

5-6 – Second and third days of deliberations, various slates proposed (by statute, the final 6 must be proposed and approved together as a slate). Heavy debate over the second Neither Party slot, with split votes for North Coastal vs. Orange County candidates. Heavy public comment in favor of the Orange County candidate.

7 – Sathwani slate from Aug. 6, with Orange County candidate, re-proposed and passes unanimously as the Turner First Amended slate (Akutagawa, Fernandez, Sinay, Toledo, Vasquez, Yee), completing the 14-member commission. Auditor's office sends out initial laptops, cell phones, Resource Binders, and *Roberts Rules of Order* to commissioners.

26-Sept. 4 – (Turner, Ahmad) First meeting of full commission, with a 5-page, 24-item agenda. Interim staff members provided by the State Auditor both veterans of the 2010 CRC: Marian Johnston, Interim Chief Counsel; and Raul Villanueva, Interim Administrator.

**September**

23-25 – Business Meeting (Ahmad, Fernández), executive director candidate interviews (six total), in-person in Sacramento, with most commissioners via Zoom; vote to hire Daniel Claypool as Executive Director and Alvaro Hernandez as Deputy Executive Director (with a focus on outreach).

**October**

5-7 – Business Meeting (Fernández, Vázquez)

12-15 – Business Meeting (Vázquez, Akutagawa)

12 – Daniel Claypool starts as Executive Director, reprising his same role with the 2010 CRC

14 – Interviews for Communications Director

20-21 – Business Meeting (Akutagawa, Fornaciari)

28-30 – Business Meeting (Akutagawa, Fornaciari)

**November**

4-6 – Business Meeting (Fornaciari, Kennedy)

12 – Kary Marshall starts as Chief Counsel

16-18 – Business Meeting (Kennedy, Le Mons)

16 – Fredy Ceja starts as Communications Director

17 – Training on Racially Polarized Voting

**December**

1-3 – Business Meeting (Kennedy, Le Mons)

14-16, 22 – Business Meeting (Le Mons, Taylor)

19 – Requests for Information (RFIs) for VRA, Litigation Counsels issued

20 – Internal staff crisis emerges, later leads to replacement of Executive Director and Chief Counsel

22 – Business Meeting (Le Mons, Taylor): 2nd chair rotation passed (emphasizing mixed-gender pairs)

**2021****January**

11-13 – Business Meeting (Le Mons, Taylor), passed motion to accept legislature's request to reallocated persons incarcerated in state institutions to their last known addresses

26-28 – Business Meeting (Taylor, Toledo)

28 – First meeting of Legal Affairs Committee

**February**

8-9 – Business Meeting (Taylor, Toledo), approved plan to engage a 3<sup>rd</sup>-party grant administrator for outreach grants (but this eventually comes to naught as granting authority proves elusive)

12 – U.S. Census Bureau announces unprecedented months-long delay to P.L. 94-171 release

16-17 – Business Meeting (Toledo, Andersen)

17 – Daniel Claypool resigns as Executive Director

24-26 – Business Meeting (Toledo, Andersen)

25 – Alvaro Hernandez promoted to Executive Director

**March**

8-9 – Business Meeting (Andersen, Kennedy)

16-17 – Business Meeting (Andersen, Kennedy)

18 – Strumwasser Woocher candidate team replaces Justin Levitt with David Becker

22-23 – Interviews for outside counsel (VRA and litigation, three applicant firms each)

24 – Legal Affairs Committee (LAC) votes to recommend Strumwasser Woocher + Becker as VRA Counsel and Litigation Co-Counsel; Gibson Dunn Crutcher as Litigation Co-Counsel

29-Apr. 1 – Business Meeting (Kennedy, Fernández), approved LAC recommended outside counsel hires, on mixed vote

**April**

- 1 – First meeting of Public Input Design Committee
- 12 – Business Meeting (Kennedy, Fernández)
- 17 – Line Drawing workshop with Karin Mac Donald, Jaime Clark, Willie Desmond
- 26-29 – Business Meeting (Fernández, Ahmad), interviewed Outreach Coordinator candidates (2 total), Chief Counsel candidates (6 total), unanimous vote to hire Anthony Pane as (new) Chief Counsel; Marcy Kaplan accepts position as Outreach Director
- 26 – U.S. Census releases apportionment data; California loses one congressional seat, for the first time in history

**May**

- 4 – Business Meeting (Fernández, Ahmad)
- 12 – *L. A. Times* editorial by Seema Metha criticizes CRC for alleged lack of transparency and impartiality
- 13-14 – Business Meeting (Fernández, Ahmad)
- 18 – Business Meeting (Fernández, Ahmad), first day for new Chief Counsel, Anthony Pane; concluded CRC does not have granting authority (for outreach grants)
- 24-25 – Business Meeting (Ahmad, Yee), defined “redistricting matters” and subcommittee work in relation to statutory and Bagley-Keene requirements

**June** (Col Meetings: 6)

- 2, 9 – Business Meetings (Ahmad, Yee)
- 10 – First Community of Interest (Col) input meeting (statewide, via Zoom). Very complicated arrangements for video, audio, timing, moderation, queuing; but all working out. Superb, tireless call moderation throughout the summer by videoconference team, especially Katy Manoff.
- 16, 25, 30 – Business Meetings (Yee, Akutagawa), approved outside litigation counsel contracts on mixed vote
- 30 – First meeting of outside VRA Counsel and Line Drawers

**July** (Col Meetings: 10)

- 1 – Began practice of filling “dead time” in Col meetings with commissioner stories and memories
- 7, 13, 21 – Business Meetings (Yee, Akutagawa), decided to ask California Supreme Court for January 14, 2022 final maps deadline (many CBOs asking for January 28); decided not to attempt any commissioner travel related to Col input.
- 28 – Business Meeting (Akutagawa, Fornaciari)

**August** (Col Meetings: 10)

- 10, 19 – Business Meetings (Akutagawa, Fornaciari), approved Megan Gall as RPV Analyst hire by Strumwasser Woocher
- 12 – P.L.94-171 data release in “legacy format”
- 19 – Split vote to entirely exclude persons in Federal prisons from population counts, rather than counting them in their places of incarceration
- 31 – Business Meeting (Fornaciari, Sadhwani), L.A. Col review

**September** (Col Meetings: 5)

- 7 – Business Meeting (Fornaciari, Sadhwani), Central Valley Col review
- 10 – Last Col Input meeting; 35 total since June
- 11 – Central and Coastal Col review
- 15 – Line Drawing and Business Meeting (Fornaciari, Sadhwani), first Line Drawing session, with Visualizations
- 16 – Governor Newsom extends emergency provisions for remote meetings through Jan 31, 2022
- 17-18 – Line Drawing Meetings (Fornaciari, Sadhwani)

- 20 – Statewide Database releases full California redistricting database with reallocations of persons incarcerated in state institutions
- 22 – CA Supreme Court rejects CRC request for Jan 4, 2022 final maps deadline, sets a Dec 27, 2021 final maps and Nov. 15 draft maps deadlines (extended from Nov. 13 because of the weekend)
- 23 – Business Meeting (Fornaciari, Sadhwani)
- 28-29 – Business Meeting (Sadhwani, Le Mons), first in-person CRC meeting with many commissioners (9 of 14), in Sacramento

#### October

- 1 – Large Public Records Act request arrives from Katy Grimes (California Globe)
- 2 – “Draw My California District” online mapping and submission tool goes live
- 2 – First public posting of visualizations (L.A. area)
- 4-7 – Business and Line Drawing Meeting (Sadhwani, Le Mons), approved Mapping Playbook
- 13-15 – Business and Line Drawing Meeting (Sadhwani, Le Mons), first in-person southern California meeting, in L.A.; interviews for Communications Director (4 candidates)
- 18 – Business Meeting, continuation (Sadhwani, Le Mons)
- 21 – Opinion piece by 2010 commissioner Connie Malloy in *L.A. Times*, criticizing draft L.A. districts
- 20-23 – Business and Public Input Meeting (Sadhwani, Le Mons)
- 27-30 – Line Drawing Meeting (Le Mons and Turner), in L.A.

#### November

- 2-4 – Line Drawing Meeting (Le Mons and Turner), in Sacramento
- 7-10 – Line Drawing Meeting (Turner, Taylor), in San Diego, draft maps approved on unanimous first vote Nov 10 (statutory deadline, Nov 15), draft maps “frozen” for 14 days
- 15 – Business Meeting (Taylor, Toledo); debriefed line drawing sessions at length
- 17-20 – Public Input Meeting (Taylor, Toledo), in Sacramento
- 22-23 – Public Input Meeting (Toledo, Andersen), 180 calls on Nov 23, a CRC record (matches 2010 CRC’s in-person record)
- 29-Dec. 4 – Business and Line Drawing Meeting (Toledo, Andersen), in Sacramento
- 30 – *Moreno v. Citizens Redistricting Commission* filed, petitioning the CA Supreme Court to (1) enjoin the CRC from communicating or discussing redistricting matters with third parties outside of public meetings, (2) order the CRC release all information related to non-public meetings and (3) order the CRC to end all relationships with its legal advisors’ firm.

#### December

- (Nov 29-Dec. 4 – Business and Line Drawing Meeting, in Sacramento)
- 6 – Line Drawing Meeting (Toledo, Andersen), in Sacramento, ending after midnight
- 7-11 Line Drawing Meeting (Andersen, Kennedy), in Sacramento, included plan (by Fornaciari) to shift 17K population from north to south to meet deviation limits in congressional plan
- 13-17 – Line Drawing and Business Meeting (Kennedy, Fernández); very many mapping issues to resolve still and time running short
- 15 – Petition denied in *Moreno v. Citizens Redistricting Commission*, case closed.
- 18-21 – Line Drawing and Business Meeting (Fernández, Ahmad), in Sacramento, end of line drawing Dec. 19, 11:30 PM, unanimous first vote to approve final maps Dec. 20 (statutory deadline: Dec 23 but this allows for statutory 3 days of public comment)
- 26 – Business Meeting (Ahmad, Yee), in Sacramento, final maps and report certified on a unanimous first vote (statutory deadline: Dec. 27), public comments still being called in with map change requests!
- 27 – Speeches, press conference, walked certified final report to Secretary of State’s office for official delivery, many got caught in the rain that day

## 2022

### January

- 5 – Elaine Howle announces resignation after 21 years, CA’s longest-ever State Auditor
- 7 – Business Meeting (Ahmad, Yee), discussion of what is properly our work going forward (e.g., promotion of independent redistricting nationwide?)
- 21 – Business Meeting (Ahmad, Yee), new chair rotation schedule approved with monthly and then quarterly terms

### February

- 7 – Business Meeting (Yee, Vázquez)
- 14 – Deadline for non-federal legal challenges to maps comes and goes with no lawsuits, surprising absolutely everyone
- 18 – Business Meeting (Yee, Vázquez), discussion of expiration of Bagley-Keene emergency provisions
- 18 – *L.A. Times* editorial, "Pat yourself on the back, California. Gerrymandering has been squashed"

### March

- 9-12 – Business and Lessons Learned Meeting (Vázquez, Fornaciari)
- 17-18 – Business and Lessons Learned Meeting (Vázquez, Fornaciari), finalized post-maps slideshow; heard from Arizona, Michigan, Colorado, and Long Beach commissioners
- 30 – Business Meeting (Vázquez, Fornaciari), lessons learned feedback from SWDB, Line Drawing, Data

### April

- 27 – Business Meeting (Fornaciari, Sinay), first meeting after all emergency exemptions from Bagley-Keene meeting restrictions no longer in place, so some commissioners in Sacramento and others in Anaheim

### May

### June

- 1 – Business Meeting (Toledo, Turner)

### July

- 13 – Business Meeting (Turner, Akutagawa), full budget report, continued to discuss proposed legislative changes, Corina Leon hired as CRC Staff Services Manager for 2023-30.

### August

- 31 – Business Meeting (Turner, Akutagawa)

### September

- 21 – Business Meeting (Turner, Akutagawa)
- 29 – AB 1848 signed, requiring reallocation of persons incarcerated in a state correctional facility to their last known addresses

### October

- 26 – Business Meeting (Akutagawa, Taylor)

### November

- 16 – Business Meeting (Akutagawa, Taylor), discussed wind-down of staff; panel with CBO leaders to discuss notice periods

### December

- 14 – Business Meeting (Akutagawa, Taylor) – presentation of draft Lessons-Learned Report



**DRAFT**

**DRAFT**

**DRAFT**

**DRAFT**

**DRAFT**

## **Mapping Playbook**

[note – 3 files]

## **Ready Reference**

## **Census Designated Places Over 1,000 Population**

**Post-Maps Feedback**

## Recruitment Calendar

	2020 Cycle	2030 Cycle
		(Notional)
Initial Application Period	Jun 10 – Aug 19, 2019	Dec 1, 2028 – Feb 19, 2029
Supplemental Application Period	Aug 21 – Oct 20, 2019	Feb 21 – Apr 20, 2029
ARP Meetings	August 28-30, 2019 November 20, 2019 December 19, 2019	
Interviews	Feb 18 – Apr 20, 2020 <i>[actual was Mar 2 – Apr 23]</i>	Aug 18 – Oct 20, 2029
ARP Meetings	Feb 19-21, 2020 Mar 2 - Apr 23, 2020 May 6-7, 2020	
Selection of 60	Apr 21 – May 8, 2020	Oct 21 – Nov 8, 2029
Legislative Review	May 15 – Jun 30, 2020	Nov 15 – Dec 30, 2029
Auditor Conducts Random Draw	Jul 2, 2020	Jan 4, 2030
First Meeting of First Eight	Jul 21-23, 2020	Jan 21-23, 2030
Selection of Six	Aug 7, 2020	By Feb 15, 2030
First Meeting of Full Commission	Aug 26-28, 2020	Mar 6-8, 2030
	[The 2020 census data for California were released on Aug 12, 2021, just under a year after the first full meeting of the Commission.]	[The 2010 census data for California were released on Mar 8, 2011, so this date is roughly one year before the census results might be available to the state.]

## County Profiles

\_\_\_\_\_ County Profile

1. Media
  - a. TV
  - b. Radio
  - c. Newspapers
  - d. Online
2. Cities / Towns
3. Other Redistricting Efforts
4. LAFCO
5. Native American Groups
6. Regional Organizations
7. Community-Based Organizations
  - a. Faith-based organizations
  - b. Civic organizations
  - c. Social organizations
  - d. Chambers of Commerce
  - e. Labor organizations
  - f. Health-delivery organizations
  - g. Environmental organizations
8. Community Foundations
9. School Districts
10. Higher Education
11. Libraries
12. Military
13. Transit

## **Guide to Accessing Materials and Archives**

## **Paths to Constitutional, Statutory, and Regulatory Changes**



## Select Bibliography

## Glossary

*These items are selected and defined in relation to the CRC's work, so to be especially helpful to new CRC commissioners and staff. The definitions are not intended to be legally precise.*

**AAPI** – Asian American Pacific Islander, a frequently-used racial category; but note that “Asian/Pacific Islander” was used in the U.S. Census only for the 1980 and 1990 counts; starting in 2000, “Asian” was separated from “Native Hawaiian/Pacific Islander.”

**AMEMSA** – Arab, Middle Eastern, Muslim, South Asian.

**American Community Survey (ACS)** – A program of the Census Bureau, the ACS replaced the decennial census long form in 2010 and was then implemented as an ongoing (rather than decennial) nationwide survey. The ACS produces 1-, 3-, and 5-year estimates of demographic, social, housing, and economic statistics, based on a statistical sampling of households. For redistricting purposes, the ACS is particularly useful because it includes citizenship data (unlike the decennial census) and so is the basis for the CVAP Special Tabulation used in VRA compliance work. However, ACS data are never interchangeable with decennial Census data.

**Annexation** – Most often the geographical expansion of a city or town to include additional land. This can become problematic if an annexation is not reflected in Census Geography in a timely and accurate manner. It is a redistricting judgment call what weight to give a planned or pending annexation as an extension of a Community of Interest.

**Arlington Heights Factors:** In VRA litigation, these are additional considerations a plaintiff may use to demonstrate discriminatory intent (and not just effect); taken from *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977).

**Bagley-Keene** – The Bagley-Keene Open Meeting Act (1967), which implements the state constitutional requirement that “the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny” (Art. I, Sec. 3.b.1). Fully applies to the CRC throughout both its pre-maps and post-maps phases. Largely modeled after the Brown Act (1953), which requires open meetings for local officials.

**Bayesian Improved Surname Geocoding (BISG)** – A statistical technique for estimating voter racial/ethnic identity by combining an analysis of census surnames (which do not include voter registration status) with geocoded voter registrations (which do not include racial/ethnic identity).

**BIPOC** – Black, Indigenous, People of Color.

**Block Equivalency File** – A list, usually in spreadsheet form, that correlates census blocks to election districts, especially in a new redistricting plan.

**Board of Equalization (BOE)** – Oversees county property tax assessors, administers the Alcoholic Beverage Tax, and jointly administers the Tax on Insurers. Is the only elected tax board in the nation. Operates alongside California's several other tax agencies (Franchise Tax Board, Employment Development Department, Department of Tax and Fee Administration, and the Office of Tax Appeals). Created in 1879 to enforce uniformity in property tax assessments, it grew in scope until 2017, when many of its powers were distributed to other agencies.

**California Association of Clerks and Election Officials (CACEO)** – Represents the county officials who implement new redistricting maps via precincting work, and who actually conduct elections.

**California Budget** – Proposed annually by the governor in January, revised in May, and adopted for the Jul-Jun fiscal year. Changes for the coming year are submitted (normally no later than the previous fall) as Budget Change Proposals (BCP), which are developed with, submitted to, and acted upon by the Department of General Services, the Department of Finance, and the legislature (especially via the Joint Legislative Budget Committee).

**California Complete Count Committee** – Created after the 1990 Census to help address undercount and hard-to-count issues. Committee members are appointed by the governor. Partners with the U.S. Census Bureau to develop and implement Census awareness and outreach statewide, including help to local complete count committees.

**California Department of Technology (CDT)** – State department that oversees all aspects state information technology, including websites. Formerly the California Technology Agency.

**California Public Records Act (CPRA)** – The 1968 law requiring the disclosure of governmental records to the public upon request. Applies regardless of whether the records were created on personal (vs. state) accounts and/or devices. Modeled after and refers to the 1967 federal Freedom of Information Act (FOIA).

**California State Auditor (CSA)** – The agency responsible for soliciting applications to the CRC and administering the process for selecting the CRC finalist pool and the first eight commissioners. The CSA is also responsible for supporting each new CRC in its work until it becomes fully functional. Formerly the Office of the Auditor General and later the Bureau of State Audits. While technically part of the executive branch, it is overseen by the Little Hoover Commission, so to maintain its independence.

**Candidate of Choice (COC)** – A candidate of any race/ethnicity that a racial/ethnic community prefers, especially if that community is a racial/ethnic minority and its preference differs from the preference of the adjacent racial/ethnic majority.

**Census** – Usually refers to the decennial census conducted by the U.S. Census Bureau to count every person in the U.S., as mandated in the U.S. Constitution (Art. 1, Sec. 2). The resulting count (reported as the P.L. 94-171 data) is the basis for both apportionment and redistricting. The 2020 census was notable for long, unprecedented delays in both the counting and reporting phases, caused by political and legal debates, and by the COVID-19 pandemic.

**Census Bureau** – The federal agency that administers the decennial census and other programs for enumerating and/or estimating demographic and economic facts about the U.S. Officially named the Bureau of the Census, it is part of the U.S. Department of Commerce, with its director appointed by the President. The legal basis for the decennial census is in the U.S. Constitution, Article I, Section 2, along with the Fourteenth Amendment. See the Census Bureau's own glossary here: <https://www.census.gov/glossary/>.

**Census Designated Place (CDP)** – A populated, settled, unincorporated community named and geographically defined by the Census Bureau and state and local officials. As of the 2020 Census, California has 1,129 CDPs, of which 609 have populations over 1,000, and 9 over 50,000. The largest is East Los Angeles, with a 2020 adjusted population of 119,299. The smallest are two with a 2020 adjusted population of 1: Caribou (Plumas) and Graniteville (Nevada); and several now with no population.

**Census Geography** – The hierarchical set of geographical divisions used by the U.S. Census Bureau in reporting its data. Block groups and blocks can change over time (updated for each decennial census) because of ongoing changes to populations, local housing, land, waterways, transportation corridors, and civic boundaries, etc. The below hierarchy is fully nested, that is, each level is completely divided into whole, non-overlapping divisions of the next lower level:

State  
County  
Census tract (c. 2,500 – 8,000 people)  
Block-group (c. 600 – 3,000 people)  
Block (c. 0 – 600 people)

Cities, towns, and Census Designated Places are all “Places” which typically do not fully nest in the above hierarchy. American Indian areas are divided directly into Blocks. The Bureau also uses numerous other divisions, including ZIP Code Tabulation Area (ZCTA), Public Use Microdata Area (PUMA), Census County Division (CCD), and Metropolitan Statistical Area (MSA). All these geographic data are managed in the Bureau's Topologically Integrated Geographic Encoding and Referencing (TIGER) database system.

**Citizen Voting Age Population (CVAP)** – The total population age 18 and over and a U.S. citizen in a specified geography. CVAP is a key statistic used in complying with the Voting Rights Act. Since the decennial census does not collect citizenship data, CVAP must be estimated, usually using 5-year ACS data down to the block-group level. This is issued annually as the

*CVAP Special Tabulation.* California's SWDB further processes these data to algorithmically calculate these data down to the block level on the most recent census geography. (Note that there was also, confusingly, a *CVAP Post-2020 Census Special Tabulation* planned during the Trump administration but cancelled Jan. 12, 2021. It sought to use administrative records to generate CVAP data down to the block level.)

**Coalition District** – An election district in which two or more racial/ethnic minority communities together form the majority of voters, and where that majority votes cohesively to elect candidates of its choice (of whatever race/ethnicity). It may be possible for such a coalition to qualify under the first Gingles precondition, but a clear legal precedent has not yet been established.

**Community of Interest (Col)** – Part of the fourth of California's six ranked redistricting criteria, a Community of Interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. The fourth criterion weighs Cols equally with cities, counties, and neighborhoods. Thus, it is a redistricting judgment call whether to keep together a Col that crosses a city, county, and/or neighborhood boundary; or whether any of those boundaries should instead be used to split that Col.

**Compactness** – The fifth of California's six ranked redistricting criteria, this refers not to geometrical appearance but ensuring nearby areas of population are not bypassed for more distant ones.

**Community Based Organization (CBO)** – A catchall for non-profit community groups. Some of the CBOs that actively interacted with the 2020 CRC were:

- AAAJ/ALC** - Asian Americans Advancing Justice / Asian Law Caucus
- A3PCON** - Asian Pacific Policy & Planning Council
- BCRH** - Black Census and Redistricting Hub
- CAIR** - Council on Islamic Relations
- CC** - Common Cause
- CHIRLA** - Coalition for Human Immigrant Rights of Los Angeles
- COFEM** - El Consejo de Federaciones Mexicanas (Council of Mexican Federations in North America)
- EC** - Equality California
- IERH** - Inland Empire Redistricting Hub
- IVE** - Integrated Voter Engagement Redistricting Alliance
- MALDEF** - Mexican American Legal Defense and Education Fund
- NALEO** - National Association of Latino Elected Officials
- LULAC** - League of United Latin American Citizens
- LWV** - League of Women Voters
- OCCET** - Orange County Civic Engagement Table
- PANA** - Partnership for the Advancement of New Americans
- PRA** - People's Redistricting Alliance
- VICA** - [San Fernando] Valley Industry & Commerce Association

**Contiguity** – The third of California's six ranked redistricting criteria, this requires each district to be one whole, unbroken shape. For islands, the whole, unbroken shape includes the intervening waterways, especially when served by regular ferry service. It is a redistricting judgment call whether a bridge or waterway by itself can adequately maintain contiguity in a district.

**Council of Governments (COG)** – A regional group of cities, towns, and sometimes counties, organized for cooperative efforts rather than the exercise of governing authority.

**Cracking** – A gerrymandering technique that reduces the electoral strength of a group by dividing it in a redistricting plan. For example, a cohesively voting racial/ethnic, political, or other population large enough to be a majority of a single district could be cracked into two or more districts, so that it will not be able to elect its candidates of choice in any district.

**Crossover or Opportunity District** – A district where enough majority-race/ethnicity voters “cross over” to vote with minority-racial/ethnic voters to elect the minority-preferred candidate (of whatever race/ethnicity). This phenomenon relates to VRA compliance in two particular ways: 1. A high level of crossover voting in a district means it does not meet the third Gingles precondition (that the majority racial/ethnic group regularly and cohesively votes differently than the minority group); and 2. In the

remedy phase of VRA compliance, building a VRA district involves accounting for crossover voting, as one factor in drawing an opportunity district

**Deferral** - In CA, state senators are elected in alternating odd and even districts for four-year terms. Voters in a given area might be switched from an odd to even district (or vice versa) and have their next, quadrennial state senatorial election deferred to the subsequent election cycle, thus six years after their most recent state senator election. (The California Senate can designate a “caretaker” senator to serve deferred populations in a given cycle.) Likewise, some areas may be “accelerated” by now having a senatorial election only two years after their previous one (though acceleration is considered less problematic, if at all).

**Department of General Services (DGS)** - California’s state business manager. Contracts are approved by DGS, sometimes involving review by its Office of Legal Services (OLS). Contracting can variously involve Inter-Agency Agreements (IAA), Requests for Information (RFI), Requests for Proposals (RFP), Statements of Qualifications (SOQ) and Statements of Work (SOW), among very many other requirements and possibilities.

**Deviation and Deviation Range** – The numerical difference between a district’s population and the ideal population for a given plan. The allowable deviation range for a given plan is a matter of legal judgment. For California’s congressional plan, the statutory standard is “population equality as nearly as is practicable.” The 2020 CRC interpreted this as a maximum deviation of +/- 1 person, for a deviation range of 0% (same as 2010 CRC). For California’s legislative and BOE plans, the statutory standard is “reasonably equal population.” The 2020 CRC interpreted this as a maximum deviation of +/- 5%, for a deviation range of 10% (much greater than the 2010 CRC, which kept to +/- 1%).

**Differential Privacy** – Statistical technique that adds a small amount of quantitative “noise” to census data so that it is impossible to know if a specific individual or household is in a given dataset. The U.S. Census Bureau considers the resulting small, precisely known reduction in accuracy acceptable to ensure the privacy of individuals’ and households’ census information. Without differential privacy, it might be possible to combine census results with publicly and/or commercially available data to match census data with a specific individual and/or household. This would violate the absolute guarantee of privacy of census information and compromise the public trust considered fully essential for conducting the census.

**Disadvantaged Unincorporated Community (DUC)** – An area of inhabited territory located within an unincorporated area of a county in which the annual median income household is less than 80 percent of the statewide median income. Such areas might form a Community of Interest with nearby and/or adjacent cities and towns.

**District** – A geographical area from which a public official is elected.

**Earned Media** – Any media coverage not obtained through advertising (“paid media”) or branding (“owned media”). Includes traditional news coverage, opinion pieces and letters to the editor, and even word-of-mouth and social media mentions. May include “enterprise journalism,” which is news coverage developed through investigative reporting and not based on press/news releases. The 2020 CRC received award-winning enterprise journalism coverage by CalMatters reporter Sameea Kamal.

**Ecological Inference** – Statistical techniques using aggregate (= “ecological”) data to estimate individual behavior; in RPV analysis, combining aggregate votes and aggregate racial population to estimate votes-by-race in a given geography. Various techniques such as EI, Iterative EI, and EI Rx C have differing strengths in analyzing differing political (two choices, or more?) and racial (two races, or more?) situations.

**Effective Minority District** – A district in which a cohesively-voting racial/ethnic minority population is able to elect its candidates of choice. Is relevant in both the liability and remedial stages of VRA compliance work.

**Endogenous and Exogenous Elections** – In RPV analysis and the examination of past elections (to assess polarization and cohesion) these two terms distinguish elections involving only the district in question (e.g., examining an assemblymember election in analyzing that assembly district, which would be endogenous) vs. elections involving either smaller or larger elections (e.g., examining a gubernatorial or assembly election in analyzing a state senate district, which would be exogenous).

**Equal Population** – The first of California’s six redistricting criteria, requires “population equality as nearly as is practicable” for the congressional districts, “reasonably equal population” for the legislative and BOE districts; see more at Deviation and Deviation Range.

**Ethnicity and Race** – As used by the U.S. Census Bureau, there are:

Two ethnicities:

1. Hispanic or Latino
2. Not Hispanic or Latino

Five racial categories:

and five racial categories:

1. White or European American
2. Black or African American
3. Asian American
4. American Indian/Alaska Native (AIAN)
5. Native Hawaiian/Pacific Islander (NHPI)

An individual can be one race, any combination of more than one race, or “Some Other Race.” When performing CVAP analysis, individuals who identify as more than one race are counted once for each race but counted only once for total population. One major issue with this classification is that while one can be Hispanic or Latino and be of any race, many who are Hispanic or Latino do not identify as one of the above five races (and many therefore chose “Some Other Race”). Also, there has been a longstanding proposal to newly add “Middle Eastern/North African” (MENA) as a sixth racial category.

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**FI\$Cal** – The state’s centralized financial management system for budgeting, procurement, cash management, and accounting.

**Final Report** – The required report accompanying the final maps, setting out “...the basis on which the commission made its decisions in achieving compliance with the criteria listed...[including] definitions of the terms and standards used in drawing each final map” (CA Constitution XXI.2.h).

**Form 700** – The Statement of Economic Interests, administered by the California Fair Political Practices Commission (FPPC). Required of every elected official and public employee who makes or influences governmental decisions, including CRC commissioners. Provides public financial accountability and helps avoid conflicts of interest. Filed provisionally in the CRC supplemental application stage, then upon starting service as a commissioner, and then annually thereafter throughout the term of service.

**Gantt Chart** – Project planning bar chart invented by engineer and consultant Henry Gantt (1861–1919).

**Geographic Information System (GIS)** – Any computer program that combines geographically-coded data with the ability to manage, analyze, and display those data in manipulatable layers. Some popular GIS mapping programs are QGIS (free and open source), ArcGIS (by Esri, of Redlands, California), and Maptitude (by Caliper Corp., of Newton, Massachusetts).

**Gerrymandering** – Drawing election district lines to give unfair advantage, usually to one group over another group. Typically uses techniques such as “cracking” or “packing.” Universally pronounced “jerry-” even though namesake Vice President Elbridge Gerry was pronounced “gary.”

**Gingles Preconditions or Gingles Test** – In VRA litigation, the three minimum requirements to meet before building a VRA case. A plaintiff must first show that: 1. The minority population in question is sufficiently large and compact enough to form the majority of a single district; 2. The minority group is politically cohesive (via RPV analysis); and 3. The majority group is politically cohesive (via RPV analysis) and regularly opposes the minority vote. Taken from *Thornburg v. Gingles*, 478 U.S. 30 (1986). It

may be possible for two or more racial/ethnic minority groups together to qualify under the first Gingles precondition, but a clear legal precedent has not yet been established.

**Grassroots** - Informal term for political activity (e.g., public input on CRC maps) that emerges from ordinary community members, especially in bottom-up, self-initiated, self-organized, layperson-focused, openly participatory, volunteer/small-donor funded, collective fashion, with an emphasis on “strength in numbers.” A variation is “grasstops” activity, which involves individuals with existing access to socially or politically powerful people, who can leverage that access to advance their causes (e.g., established community-based organization leaders who have cultivated such connections). Political activity presented as grassroots but actually organized and funded in top-down fashion by existing political and/or economic interests is sometimes characterized as “Astroturf” (that is, artificial grass).

**Heat Map or Choropleth Map** – A [map](#) with pre-defined areas colored or patterned in proportion to a variable aggregated for each area. VRA compliance work makes frequent use of heat maps depicting CVAP by race or ethnicity. Since the shapes and sizes of the areas are pre-defined (e.g., in this example, by whole counties) particular care must be taken to note what the map does and does not convey. Here, since this map only depicts homeownership rates by county, it tells you nothing about the absolute number of owner-occupied homes per county; in fact there are vastly more owner-occupied homes in the lightest-colored county here (L.A.) than in any of the darkest-colored counties.



**Help America Vote Act (HAVA)** – A 2022 federal law providing for the upgrading of voting systems, the establishment of the Elections Assistance Commission, and the setting of minimum elections standards. The creation of the VoteCal system was part of California’s implementation of HAVA provisions.

**Ideal Population or Ideal District** – Total population divided by the number of districts for a given plan; the population if every district in a given plan were the same numerical size (rounded up or down as needed). In California, ideal population is calculated using data adjusted for the reallocation to their last known addresses of persons incarcerated in state institutions.

**Incumbency** – The consideration of the home addresses of elected officials when redistricting, so to keep them eligible to run again in their districts. In California, incumbency is explicitly forbidden as a redistricting consideration: “The place of residence of any incumbent or political candidate shall not be considered in the creation of a map” (CA Constitution, XXI§2). In practice, this only applies to legislative and BOE officials, since the U.S. Constitution (I§2) only requires that members of the House of Representatives live in the same state as the district they represent.

**Independent Redistricting Commission (IRC)** – Any local or state redistricting commission that is substantially or fully independent of elected officials in its formation and work. The road to California’s IRC took the better part of three decades:

- 1980 – P. Burton (“modern art”) + W. Brown redistricting, rejected by referendum, reapplied by J. Brown
- 1982 – Prop. 14, commission appointed by judges and political parties (lost, 45.5%)
- 1984 – Prop. 39, commission of former judges (lost, 44.8%)
- 1990 – Prop. 119, commission appointed by retired judges (lost, 36.2%)
- 1990 – Democratic legislature redistricting, vetoed by P. Wilson, Special Masters appointed
- 2000 – Bipartisan “Incumbent Protection Plan” redistricting
- 2000 – Arizona pioneers citizen redistricting for its statewide districts
- 2003 – Gov. Gray Davis recalled; Gov. Arnold Schwarzenegger (2003-2011) backs IRC movement
- 2005 – Prop. 77, commission of retired judges (lost, 40.2%)
- 2008 – Prop. 11, CRC for State Assembly, + Senate + BOE districts (won, 50.8%)
- 2010 – Prop. 20, added Congressional districts to CRC (won, 61.2%);
- 2010 – First CA CRC formed, submits completed maps August 15, 2011
- 2015 – SCOTUS *Arizona* ruling upholds citizen redistricting
- 2020 – Second CA CRC formed; submits completed maps Dec. 27, 2021

**Influence District** - A district with a racial/ethnic minority population that is less than a majority and cannot reliably elect candidates of its choice, but in which that minority population has a substantial influence on elections outcomes.



**Latinx** – Of Latin American origin or descent, used as a gender-neutral or nonbinary alternative to *Latino* or *Latina*.

**Legislative Districts** – State legislature districts taken together (in CA, Assembly and State Senate districts), in contrast to congressional districts (even though Congress legislates too).

**Liability Phase** – Analysis during the liability phase establishes any obligation to draw a VRA district via the Gingles tests + totality of circumstances. If such a liability is established, the Remedial Phase follows.

**Little Hoover Commission (the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy)** – An independent state oversight agency created in 1962 and responsible for promoting efficiency, economy and improved service in state agencies, via reports, recommendations, and legislative proposals; also oversees the California State Auditor. Commissioners are appointed by the governor and legislative leaders. Modeled after the federal Hoover Commission.

**Local Agency Formation Commission (LAFCO)** – State-mandated regional agencies in all 58 counties that plan and regulate the establishment, expansion, governance, merger, and dissolution of local government entities, including cities and towns (but not counties) and a wide range of special districts. Established 1963 and regulated by Government Code Sec. 56000 *et seq.*, LAFCOs also formally define the geographical limits of the sphere of influence of each city, town, and special district, with updates at least every five years. A LAFCO-defined sphere of influence may help inform the boundaries of a Community of Interest. Notably, under the LAFCO system, no part of any city or town has ever met the requirements to secede to form a new city or town.

**Majority-Minority District** – A district where a racial/ethnic minority is over 50% of the CVAP. A common misperception of the VRA is that a majority-minority district must be drawn wherever possible, so to maximize the number of majority-minority districts. In VRA compliance work, many such districts are drawn hypothetically as a first step in assessing the first Gingles Precondition. If, in the end, no VRA liability is established, a majority-minority district may still be drawn but only by applying the other statutory redistricting criteria.

**MENA** – Middle Eastern North African, a proposed new race category for the Census.

**Metropolitan Planning Organization (MPO)** - Federally-mandated regional planning bodies for coordinating transportation infrastructure development in urbanized areas.

**Municipality** – An incorporated city or town. In California there is no legal difference between cities and towns. In Census geography, municipalities are a type of Place.

**National Conference of State Legislatures (NCSL)** – National Conference of State Legislatures ([www.ncsl.org](http://www.ncsl.org)), publishes the comprehensive decennial *Redistricting Law* volumes.

**Neighborhood** – A sub-unit of a city or town, sometimes officially-defined (as in Los Angeles) but usually unofficial and customary, even when longstanding. When not officially-defined, neighborhoods and their boundaries are matters of research and public testimony. Sub-types of neighborhoods include entertainment districts, redevelopment districts, and historic districts.

**Nesting** – The sixth of California's six ranked redistricting criteria, this promotes Senate districts that are composed of two whole Assembly districts, and BOE districts composed of ten whole Senate districts. In practice, as the last of the ranked criteria, it is typically implemented only partially. The 2020 CRC Final Report includes full nesting statistics in its Appendix.

**No Party Preference (NPP)** – Part of the third, "Neither of the First Two" pool from which CRC commissioners are selected. Formerly known as "Decline to State." NPP voters are not affiliated with any political party, whether major (Democrat, Republican) or minor (Green, American Independent, Libertarian, Peace and Freedom). As of October 2020, 23.97% of California voters were registered NPP.

**One Person, One Vote** – Phrase used for the constitutional requirement that each district be substantially equal in total population, regardless of age or citizenship. The "vote" in this sense is notional, since only a portion of the total population (namely, citizens of voting age) can vote.

**Opportunity District or Minority Opportunity District** – A district in which a racial/ethnic minority community is able, by itself or with coalition and/or crossover votes, to elect candidates of its choice (of any race/ethnicity). The remedial phase of VRA



compliance work consists of creating opportunity districts where the VRA liability phase identified VRA obligations. Note that while an opportunity district will substantially overlap with the specific boundaries of the area identified (through the Gingles preconditions and then the totality of circumstances) as having a VRA obligation, it may or may not follow any of those specific boundaries. There are always any number of ways to draw an opportunity district that fulfills an identified VRA obligation along with the other statutory redistricting criteria.

**Packing** – A gerrymandering technique that draws a cohesively voting racial/ethnic, political, or other population into a suboptimal number of districts. Since it only takes 50% + 1 to win an election, every additional vote is “wasted.” Packing attempts to maximize that waste so that a given population of voters can win in fewer districts than they could otherwise.

**Padilla Case or Padilla Decision (or Padilla/Weber, or Weber)** – The July 17, 2020 decision by the California Supreme Court in *Legislature of the State of California v. Alex Padilla, as Secretary of State*, granting the emergency petition filed by the Legislature for a peremptory writ of mandate seeking one-time relief from redistricting deadlines set by California law in light of the delay of census data collection and processing. Granted a four-month extension of the CRC draft and final maps deadlines (to Nov. 1 and Dec. 15 respectively) plus a further day-for-day extension for every day the P.L. 94-171 data release were delayed past July 1. Those data were indeed delayed but in ambiguous fashion, with a “legacy format” data release August 12, 2021 and fully formatted release Sept. 16, 2021. Despite a CRC request for a further extension to get past the Nov./Dec. holiday season, a Sept. 23, 2021 Court short motion set the draft maps extension to Nov. 13, 2021 (further extended to Monday, Nov. 15 because of the weekend) and final maps extension to Dec. 27, 2021. The case provides a precedent but has no other legal effect on future CRCs.

**Parcel** – A cadastral (relating to boundaries and ownership) unit of land division as determined by a registered civil engineer or licensed land surveyor (per Government Code §66445). Primarily used for taxation but also used for precincting.

**Parcel Split** – The unintentional splitting of a given property parcel into two (or more) different election districts, usually due to mapping imperfections, anomalies, or inconsistencies. Local election officials decide which district to assign such parcels to in the process of precincting. A small number of parcels are intentionally split, due to boundary features such as a river.

**Perform, Performance** – In VRA compliance, a minority opportunity district is said to “perform” if, in subsequent elections, the racial/ethnic minority voters in question are able to successfully elect their candidates of choice (of whatever race/ethnicity).

**Place** – In census geography, a municipality (incorporated city or town) or Census Designated Place.

**Plan** – Synonym for “map” when referring to a set of election districts for the whole state, so “Assembly Plan” or “Assembly Map,” “BOE Plan” or BOE Map” are interchangeable.

**Point Contiguity** – Districts that are contiguous at only a single point, as with two corners touching. Generally considered a questionable redistricting practice, as it fulfills the letter but not the spirit of the contiguity requirement.

**Preclearance** – Under Section 5 of the VRA, for states and counties identified as having a historic practice of racial discrimination in elections, the process of obtaining Federal preapproval for proposed changes to any aspect of voting, including redistricting. Was deactivated by the 2013 *Shelby* decision’s repeal of Section 4 of the VRA. Thus, the 2010 CRC had and fulfilled preclearance requirements; the 2020 CRC had no preclearance requirements.

**Precincting** – The creation of voting precincts that conform with new maps after redistricting; usually done by county election officials. Note that “No precinct shall be established so that its boundary crosses the boundary of any supervisorial district, congressional district, senatorial district, Assembly district, board of equalization district, judicial district, incorporated city, ward, or city council district” (CA Elections Code §12222[a]). The precincting process is typically where any parcel splits are revealed.

**Preliminary Maps or Draft Maps** – Any non-final redistricting map issued by the CRC, subject to Government Code §8253(a)(7). Typically, the complete congressional, State Senatorial, Assembly, and State Board of Equalization draft plans, ordinarily due no later than July 1 in each year ending in the number one. The first such display of preliminary maps is subject to a 14-day map “freeze” and comment period, then 7-days for any subsequent statewide plan. Both the 2010 and 2020 CRCs issued only one set of preliminary maps, though both discussed hopes for more than one.

**Proposition 11** – The 2008 Voters FIRST Act ballot proposition that created the CRC, for legislative and Board of Equalization redistricting. Passed 50.82% - 49.18%, a slim margin of 187,378 votes. California Common Cause led the effort to develop the proposition and qualify it for the ballot as a voter initiative.

**Proposition 20** – The 2010 Voters FIRST Act for Congress ballot proposition that extended the CRC's redistricting authority to include congressional districts. Passed 61.23% - 38.77%, a wide margin of 2,106,177 votes. Charles Munger Jr. led the effort to develop the proposition and qualify it for the ballot as a voter initiative. Prop. 27 appeared on the same ballot, attempting to abolish the CRC system and revert to redistricting by the legislature; it was defeated 40.59% - 59.41%.

**Public Law 94-171 (P.L. 94-171)** – Enacted in 1975, the federal legislation directing the Census Bureau to provide the redistricting data, namely, the "Census Redistricting Data (P.L. 94-171) Summary Files," to the fifty states. Within a year following Census Day, the Census Bureau must send the data agreed upon (by negotiation between the Bureau and the states) for redistricting. The term is also used for the actual census data delivered to the states, sometimes shortened to "PL" or "PL94" (e.g., "Are those the PL94 numbers or the ACS numbers?"). In California, the P.L. 94-171 data are further processed by Statewide Database to reallocate to their last known addresses persons incarcerated in state institutions, to produce the "adjusted" population dataset actually used in redistricting. The road to acquiring the P.L. 94-171 data from the 2020 Census was long and dramatic:

#### 2019

Jun. 26 SCOTUS rejects citizenship question on Census

#### 2020

Apr. 1 Census Day

Apr. 13 Count extended to Oct 31 due to COVID-19 pandemic

Jul. 17 CA Supreme Court's *Padilla* decision allows for maps deadline extension(s) tied to P.L. 94-171 delay(s)

Sep. 10 Manhattan Federal District Court rules against exclusion of undocumented individuals

Sep. 30 End of in-person counting efforts, before Oct 31 court extension

Oct. 15 End of online submission access, before Oct 31 court extension

Dec. 31 Normal deadline for release of apportionment data

#### 2021

Jan. 18 Census Director Steven Dillingham announces his resignation (1 yr. early)

Apr. 1 Normal deadline for release of P.L. 94-171 data

Apr. 26 Release of apportionment data (delay of 116 days)

Aug. 12 Release of P.L. 94-171 data, but in unprecedented "legacy format"

Sep. 16 Release of fully formatted P.L. 94-171 data (delay of 168 days)

**Racially Polarized Voting (RPV) and RPV Analysis** – A quantification of how voter preference differs by race in a given geography. RPV analysis is needed to see if Gingles #2 and #3 apply—does a racial/ethnic minority population vote cohesively and does the surrounding racial/ethnic majority population vote cohesively in opposition? Since no one dataset provides all the necessary variables to perform RPV analysis, one must combine decennial census, CVAP special tabulation, voter registration lists, and statements of vote for past elections, along with specialized statistical tools (e.g., Ecological Inference and Bayesian Improved Surname Geocoding) to perform RPV analysis.

**Reapportionment** – The redistribution of seats in the U.S. House of Representatives based on relative changes in the populations of the 50 states. This affects redistricting by setting the number of congressional districts that need to be drawn in each state. After the 2020 Census, California lost one seat, for the first time in its history. While California's population had grown in the previous decade, other states had grown even more.

**Reallocation** – The reassignment, for redistricting purposes, of adults incarcerated in State of California institutions to their last known addresses before incarceration (as reported by the CA Department of Corrections) rather than at their places of incarceration. This totaled 122,393 persons from the 2020 Census. Is a counter to the inflation of populations in districts with correctional facilities, sometimes called "prison gerrymandering." Originally requested by the Legislature (via A.B. 420 [2011], which revised the Elections Code; since the CRC is independent, the Legislature could not unilaterally require this) and adopted unanimously by the 2020 CRC Jan. 12, 2021; was later made mandatory in A.B. 1848 (signed 9/29/22, effective 1/1/23). The

actual reallocation processing was done by Statewide Database, using the P.L. 94-171 data to produce the adjusted populations used for redistricting, this during the approximately one month of general processing of the P.L. 94-171 data. Where complete last known addresses were not available, individuals were randomly assigned to the smallest geography that could be determined based on their partial addresses. Individuals with last known addresses outside California were not assigned to any district. Persons incarcerated in local and county facilities were not reallocated. The CRC decided on a split vote Aug. 19, 2021 to not count those in federal facilities rather than counting them at their places of incarceration (a total of 14,786 persons from 2020 Census). The 2020 CRC pursued and continues to advocate for the reallocation of people incarcerated in federal facilities in California (ideally, this would be a federal effort involving all 50 states).

**Redistricting** – The redrawing of election district boundaries. Most election district maps at all levels of government are redrawn every ten years, after the decennial Census. Is not the same as Apportionment, which is the determination of the distribution of seats in the U.S. House of Representatives among the states.

**Redistricting Criteria** – In California, there are six ranked redistricting criteria: 1. Equal Population, 2. VRA Compliance, 3. Contiguity, 4. Respect for cities, counties, neighborhoods, and communities of interest, 5. Compactness, and 6. Nesting. Explicitly excluded from consideration are: the residence of any incumbent or political candidate, and anything that would favor or discriminate against any incumbent, political candidate, or political party. The 2020 CRC could have but generally chose not to consider the existing election districts drawn by the 2010 CRC, including any attempt to pursue a “least changes” approach.

**Remedial Phase** – Once a VRA obligation is established in the Liability Phase, the Remedial Phase draws minority opportunity districts (where there is an effective opportunity for racial/ethnic minority voters to elect candidates of choice of whatever race). Drawing an opportunity district requires a consideration of 1. CVAP level, 2. RPV degree, 3. Voter registration rates, 4. Voter turnout rates, and 5. Crossover voting rates. Note that CVAP is always larger than the voting population (since not all citizens register and vote) and the voting population is always larger than a winning vote (since votes are never 100% cohesive; though this can be offset by crossover votes). One consequence is that an area may qualify for a VRA district and still be difficult to draw as an effective opportunity district (e.g., if voter registration rates are low). There is never only one way to draw an opportunity district. Ultimately, the only way to evaluate the success of an opportunity district is if it performs in subsequent elections.

**Retired Annuitant (R.A.)** – A CalPERS (California Public Employee Retirement System) retiree who, without applying for Reinstatement from Retirement, returns to work with a CalPERS employer in a designated R.A. position. Strictly limited to 960 hours per fiscal year of employment, to include any nonpaid and/or volunteer hours.

**Retrogression** – The diminishment of a racial/ethnic minority community's ability to elect candidates of its choice. Usually measured by comparing the number of minority opportunity districts in previous districting plan with its proposed replacement. Percentages of votes beyond 50%+1 may or may not be germane (e.g., a change from 62% to 57% prevailing vote may or may not signal retrogression).

**Ripple Effects** – Population changes to one proposed district necessarily affecting not only immediately adjacent districts but, though them, further-away districts, even in completely different parts of the state.

**Rotating Population** – Making simultaneous changes between adjacent districts so that there is no net change to the sum of their populations (and so, no effect on surrounding districts). When only two districts are involved, usually called “swapping.”

**Secretary of State (SOS)** – In California, officially receives the CRC's certified maps and transmits them to county election officials. Is the state's chief elections officer, overseeing all federal and state elections, and maintaining the state's official database of registered voters (VoteCal). For the 2010 CRC, was responsible for supporting the commission until it was fully functional; starting with the 2020 CRC, this responsibility was transferred to the State Auditor.

**Section 5 Districts** – In 2011, there were four counties in CA subject to VRA Section 5 preclearance: Monterey and Yuba (based on low voter participation in 1968); and Kings and Merced (based on low voter participation in 1972; in 2012 Merced successfully “bailed out” of Section 5 coverage). Since the 2013 *Shelby* decision, Section 5 preclearance is no longer required.

**Senate Factors** – In VRA litigation, a plaintiff who has satisfied the Gingles preconditions goes on to demonstrate racially discriminatory effects (regardless of intent) by using this non-exhaustive list of factors to help build a totality of circumstances. Originated in /the Senate Report accompanying the 1982 amendments to the VRA.

**Shapefile** – A computer file (and its associated files) that defines a point, line, or polygon for use in a GIS system. Election districts are created, manipulated, stored, and shared as shapefiles.

**Special Districts** – Local districts, authorities, boards, and commissions that provide only one or a limited number of designated functions, but with sufficient administrative and fiscal autonomy to function as separate government entities. Such districts may help define a Community of Interest. Certain special districts are under LAFCO regulation (e.g., water and other utilities, fire protection, flood control, park, sanitation, and airport districts) while others are not (e.g., school, community college, bridge, highway, and transit districts).

**Sphere of Influence** – Officially, an area defined by a LAFCO as the farthest likely future geographical extent of a given special district. Unofficially, an area extending outside a (small) municipality or Census Designated Place and likely part of the same Community of Interest, as determined via public testimony.

**Statements of Registration & Vote** – Elections data with voting results, registration rates, and turnout, issued publicly by county elections officials. These data are used in RPV analysis and in the VRA remedial phase, but such use require estimations of ethnicity and race (obtained via ecological inference). Archived by SWDB.

**Statewide Database (SWDB)** [www.statewidedatabase.org](http://www.statewidedatabase.org) – Created in 1993 by the California Legislature, SWDB is the state's public depository for all the population and elections data needed for redistricting. Originally housed at the Institute of Governmental Studies at U.C. Berkeley, SWDB is now housed at the U.C. Berkeley School of Law. For the 2020 redistricting cycle, SWDB developed the Draw My CA Community and Draw My CA District online tools, and QGIS plugin to newly enable the public to draw and submit maps directly to the CRC. SWDB also performed the adjustments to the P.L. 94-171 Census data to reallocate persons incarcerated in state institutions to their last known addresses for redistricting purposes.

**Statutory** – Sometimes used generally in relation to any of the laws applying to the CRC; sometimes used narrowly for the CRC provisions in California Government Code Sections 8251-8253, as distinguished from “constitutional” provisions (California Constitution, Article XXI, Sections 1-3) and/or “regulatory” provisions (State Auditor Code of Regulations, Title 2, Ch. 1, Sub-Chapters 600800-863, sometimes called “implementing regulations”); all these as implemented from the Voter's FIRST Act (2008) and Voter's FIRST Act for Congress (2010). Very many other state and federal laws also apply to the CRC (e.g., state Bagley-Keene open meeting laws, federal Voting Rights Act laws, etc.).

**Strict Scrutiny** – The use of “narrowly tailored” and “least restrictive means” to achieve a “compelling state interest” (*Shaw v. Reno*, 1993). Applied to the consideration of race/ethnicity in achieving VRA compliance, which is the sole instance in which race/ethnicity may be allowed to predominate (rather than simply being considered alongside other factors) in redistricting.

**Swapping** – Making simultaneous changes between two adjacent districts so that there is no net change to the sum of their populations (and so, no effect on surrounding districts).

**Total Population Deviation** – The result of calculating the following populations in a given plan:

$$\frac{\text{largest district} - \text{smallest district}}{\text{ideal district}}$$

So, if the largest district population is 10,000 more than the smallest, and the ideal district size is 400,000, the TPD = 10,000 / 400,000 = 2.5%. Note that the largest and smallest districts need not be adjacent or even proximate.

**Totality of Circumstances** – In VRA litigation, the consideration of all relevant factors, and not just the Arlington Heights and/or Senate Factors.

**Traditional Districting Criteria** – First referred to as such in *Shaw v. Reno* (1993) to include very widely accepted criteria such as equal population, contiguity, compactness, and respect for political subdivisions; but also including a range of other criteria used historically in different places, and variously specified by some state constitutions. “Traditional” here primarily means “has been used historically in particular places” and not necessarily “widely and unanimously approved.” The CRC's six statutory criteria are (now) California's traditional districting criteria.

**Travel Expense Claim (TEC)** – The form used by the DGS to reimburse official state travel and incidental costs.

**Unity Map** – A proposed map drawn by a coalition of multiple community groups, usually with the goal of showing that their various interests can be simultaneously upheld.

**Visualization** – Before the draft maps phase, a depiction of election district boundary ideas, presented for discussion early in the redistricting process. Typically used to help explore options for addressing large-scale considerations in a given region, without attempting close population balancing, nesting, or a complete statewide plan. Are not subject to statutory regulations concerning deadlines or posting periods.

**Vote Dilution** – Diminishing the power or weight of some votes by gerrymandering techniques such as cracking or packing; the primary target of VRA legislation; different from voter suppression.

**VoteCal** – California's official, centralized voter registration database, administered by the Secretary of State.

**Voter Registration Lists** – Lists of registered voters derived from VoteCal. Especially used by county elections officials to administer elections, but also available to candidates, parties, ballot measure committees, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State. These include names, addresses, and party affiliations down to the precinct level. These data are used in RPV analysis and in the VRA remedial phase but require estimations of ethnicity and race (obtained via techniques such as BISG).

**Voter Suppression** - The hinderance and prevention of some votes being cast at all; a matter of Fifteenth and Twenty-fourth Amendments protections; different from vote dilution.

**Voting Age Population (VAP)** – The total population ages 18 and over (citizens or not) in a given geography.

**Voting Rights Act (VRA)** – The federal legislation passed in 1965 (with subsequent amendments) to ensure state and local governments do not pass laws or policies that deny American citizens the equal right to vote based on race. Section 2 of the VRA protects voters from discrimination based on race, color, or membership in a language minority group in all election procedures. The goal of VRA compliance is to prevent minority vote dilution. Presently, only Section 2 of the VRA is operative; Section 5 (which required preclearance) was rendered inoperative by the 2013 *Shelby* decision. Note that the VRA is explicitly not a guarantee of racially proportional representation.

## Glossary Appendix: 2020 CRC Redistricting Data Sets

Data Set	Particularly Includes	Particularly Lacks
<b>Decennial Census</b> , issued as Public Law 94-171 data Aug. - Sept. 2021 (normally Feb. - Mar. of each “1” year); is the official basis for reapportionment and redistricting	Official count of actual population, down to block level, on 2020 geography  Ethnicity and Race	Citizenship
<b>CVAP Special Tabulation</b> , first issued 2002 then annually since 2011; are estimates based on 5-year ACS sampling data; Feb 2021 release based on 201206-20 ACS; used for VRA compliance work	Estimated Citizen Voting Age Population (CVAP) by ethnicity and race, down to block-group level, on 2010 geography	Block level data, 2020 geography; but SWDB algorithmically processed and reissued these data on 2020 census block geography
<b><u>CVAP Post-2020 Census Special Tabulation</u></b> (cancelled Jan. 12, 2021)	<i>CVAP down to block level, from administrative records, on 2020 geography</i>	<i>Implementation (cancelled in development phase)</i>
<b>Voter Registration Lists</b> , centrally stored and maintained by the Secretary of State’s VoteCal system; available to candidates, parties, ballot measure committees, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State; used for RPV analysis in VRA Compliance work	Names, addresses, political party affiliations, on precinct level	Ethnicity and Race (can be estimated via techniques such as BISG, which analyzes surnames and geocoded addresses)
<b>Statements of Registration &amp; Vote</b> , issued by county registrars of voters after each election; used for RPV analysis in VRA compliance work, and for the construction of opportunity districts	Vote totals, registration rates, turnout; processed and reissued by SWDB on 2020 census blocks	Names  Ethnicity and Race (can be estimated via ecological inference)