

California Citizens Redistricting Commission

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SECOND DRAFT

2020 California Citizens Redistricting Commission

Recollections, Recommendations, and Resources Report

Volume 1 – Recollections and Recommendations

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 recollections 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 recommendations¹ that have been taken into account in the drafting of this report. Members of the Lessons-Learned Subcommittee² also reviewed their personal notes and Commission e-mails to glean further ideas for this report.

¹ 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 **LINK WILL NEED TO BE UPDATED!**]

² 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 Voters First Act and the 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."

Moreover, 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 a short time frame, endure a fractious political environment, and demonstrate for the first time (and against considerable ongoing opposition and doubt) that independent 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, 2021 events in Washington, D.C.).

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,”¹ offers many suggestions and lessons learned, in hopes of saving future CRCs from unnecessary difficulties, and of further streamlining and strengthening 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.

Summary Recommendations

[Consolidate all the chapter Key Recommendations here.]

Formation & Composition:

Support & Staffing:

Finances:

Administration:

Legal:

Meetings:

Agenda Setting, Subcommittees, & Internal Communications:

Training & Team Building:

Education:

External Communications:

Outreach:

Data Tools and Management:

Mapping:

Cross-Cutting Issues:

¹ [insert ink to 2010 LL report]

Learning and Sharing with Other Jurisdictions:

Key Factors for the First Two California Citizens Redistricting Commissions

Factor	2010 CRC	2020 CRC
Districts: Congressional, State Senate, Assembly, BOE; total	53, 40, 80, 4; 177	52, 40, 80, 4; 176
Format for meetings	All in-person	Mostly hybrid or virtual
Census data delivery	Normal, by April 1	Delayed, 2-stages, Aug. 12 and Sept. 16
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 (COI)	34 in-person meetings through mapping phase	35 pre-maps videoconference meetings for COI input
Public input: Line drawing	(included in above 34 meetings)	13 videoconference line drawing (12 multi-day) and 3 map public input mtgs
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	(included in above vote)
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 (<i>Moreno v. CRC</i>)
Post-maps lawsuits	4, all decided in CRC’s favor	0
Post-maps referenda	1, Prop. 40 (Nov. 2012), passed	0
Initial commissioner appl’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 Rehabilitation)
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 state + \$3.3M private outreach grants; inflation adj. total to 2021: \$17.3M	\$17.4M (see “Finances” chapter for a discussion of \$2.5M private outreach grants this cycle, not included here)

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	Start by Aug. 15 of "9" yr	Jun. 10 - Aug. 19, 2019 ¹
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 ²	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 ³	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 st meeting day of 1 st 8	---	---	Nov. 30, 2010	---	Jul. 21, 2020
1 st 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 ⁴ (25 days early)	---	Aug. 12, 2021 ⁵ (134 days late)
Statewide Database release of Redistricting Database	---	---	Apr. 13, 2011	---	Sep. 20, 2021 ⁶
Draft maps approved	---	---	Jun. 10, 2011	Jul. 1 of "1" yr	Nov. 10, 2021 ⁷
Final maps + report approved	Sep. 15 of "1" yr ⁸	Aug. 15 of "1" yr ⁹	Aug. 15, 2011	Aug. 15 of "1" yr	Dec. 26, 2021 ¹⁰
	Proposition 11 (2008)	Proposition 20 (2010)	2010 CRC Actual	Senate Bill 1096 (2012)	2020 CRC Actual

¹ Original deadline Aug. 9, 2019, extended to expand the applicant pool

² In the Nov. 2, 2010 General Election, during the legislative strikes process, Prop. 20 passed, adding congressional districts

³ Selected Dec. 10, 2010, approved Dec. 15; Angelo Ancheta selected Jan. 28, 2011, installed Feb. 10, 2011 to replace Elaine Kuo, who resigned Jan. 14, 2011

⁴ Release of California Census data (2010 Census data were released state-by-state Feb. 2 – Mar. 24, 2011)

⁵ "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)

⁶ Newly included the reallocation of individuals incarcerated in State facilities to their last known addresses

⁷ 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)

⁸ Legislative and BOE maps only

⁹ Added congressional map

¹⁰ 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 Jul. 31)

<u>Days to final maps vote from:</u>					
Random draw of first 8			271	407 ¹	543
Approval of final 6			244	373 ²	507
1 st CRC mtg of all 14			216	---	488
P.L. 94-171 release			161	137 ³	137 ⁴
Redistricting Database Release			125	--- ⁵	98

¹ Hypothetical, based on latest possible random draw date (Jul. 5) and Aug. 15 final maps approval date

² Hypothetical, based on 2020 CRC formation date (Aug. 7) and Aug. 15 final maps approval date

³ 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

⁴ Based on the Aug. 12, 2021 “legacy format” release, though this release required 6 additional days of processing by SWDB

⁵ Normally c. 30 days after P.L. 94-171 release for California

A. Formation and Composition

Key Recommendations:

- Start the selection process and the work of the CRC earlier
- Involve outgoing commissioners in the California State Auditor's recruitment efforts
- Work to increase the pool of qualified applicants from across the state, but especially among: Latinos/Hispanics, rural communities, geographical areas that have not yet had a commissioner, and from those with third-party affiliations
- Continue discussing the possibility of expanding the CRC to 15 commissioners
- In recruiting applicants, emphasize the positives of service as a commissioner while also giving a clear and accurate sense of the full commitment required
- Investigate alternate commissioner compensation arrangements that could provide a more regular and predictable income

Start earlier. Both the selection process (administered by the California State Auditor [CSA]) and the CRC's work itself would have benefitted from an earlier start. The legal deadlines for CRC formation are **all** "no later than," giving considerable flexibility for earlier timing. An earlier start would mean a longer pre-maps phase, so likely more meetings overall. Note that Senate Bill 1096 (2012) shifted the CRC timeline earlier: 2010 CRC commissioners began serving Nov. 18, 2010 (with the selection of the first eight) whereas the 2020 CRC began serving Jul. 2, 2020. Thus, the 2010 CRC served slightly less than ten years. If the 2030 CRC's start of service is shifted even earlier, the 2020 CRC commissioners will also serve slightly less than ten years. The absolute earliest the CRC can be seated is Jan. 1 of an "0" year.¹

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 of 20,724 applicants, while still impressive, was some 10,000 fewer than the 2010 initial pool. 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 (CCC) 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.

¹ This is inferred from California Constitution XXI.2.a, "*The Citizens Redistricting Commission shall be created no later than December 31 in 2010, and in each year ending in the number zero thereafter.*" By comparison, the 2010 CRC was fully formed Dec. 15, 2010, and the 2020 CRC on Aug. 7, 2020.

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 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 could be possible.

Contact between the 2020 CRC and CCC staff was made possible because the 2020 Census experienced unprecedented delays, due to the administration’s efforts to add a citizenship question and to the COVID-19 pandemic.¹ The deadline for the collection of Census data was extended from Aug. 15 to Oct. 31, 2020, and field offices that had been already closed were reopened.² This opened a brief window of overlap with the 2020 CRC ramping up its operations at the same time CCC staff (and their collaborations with community partners) were winding down theirs. The 2020 CRC was thus able to glean helpful advice, leads, and information for launching the CRC’s own outreach and education efforts. More overlap would have enabled the CRC to take greater advantage of the huge outreach campaigns, networking, and 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. In a nominal Census year, this overlap would not have occurred because the CCC would have wrapped up in the summer, while the CRC would not be seated until the fall. Thus, the only way to ensure repeating this overlap is with a summer or earlier CRC start.

On the other hand, some key 2020 CRC staff had worked on the CCC effort, and so were able to bring valuable experience to the CRC precisely because the two efforts were mostly sequential and not overlapping.

An earlier start would also help improve the CRC training process. The success of the 2010 and 2020 CRCs has firmly proven that laypeople can rise to the task of state redistricting. However, the learning curve is unavoidably long and steep. An earlier start could spread the learning process over a longer period and not overlap it with time needed for commission business matters, outreach, and mapping.

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 and college students is always worthwhile.³ Politically less-involved communities need extended efforts at education and

¹ See the Glossary entry for “Public Law 94-171” for a chronology.

² However, in-person counting efforts actually ended Sep. 30, 2020, and online submissions Oct. 15, 2020.

³ The minimum age to qualify as a commissioner is implied by the state’s constitutional provision that each commissioner “...shall have voted in two of the last three statewide general elections immediately preceding his or

mobilization; the CRC and CSA can partner with community-based organizations (CBOs) and trusted messengers in these efforts, preferably with some available funding. 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, so simply expanding the ARP would likely not result in a more diverse panel. While the 2020 ARP made full provisions for taking public comments throughout its work, the 2030, the CSA and its ARP may want to make particular efforts to engage community-based organizations rooted in underrepresented populations as it does recruitment and evaluation of applicants.

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 Latino/Hispanic 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 Latino/Hispanic commissioners in a state with an almost 40% Latino/Hispanic population. There had been 13 Latino/Hispanic candidates in the pool of 60 semifinalists (nearly 22%); after the legislative strikes and one applicant withdrawing, there were 7 Latino/Hispanic candidates in the pool of 35 finalists (20%). For 2030, the most pressing need is to increase the number of qualified Latino/Hispanic applicants of all different political affiliations, especially from the rural Central Valley communities and other historically under-represented parts of the state.¹

The selection of the final six commissioners by the first eight (who were selected by lottery) is intended to help ensure the CRC's diversity. The relevant statutory provision states:

The six appointees shall be chosen to ensure the commission reflects this state's diversity, including, but not limited to racial, ethnic, geographic, and gender diversity. However, it is not intended that formulas or specific rations be applied for this purpose. (Gov't Code §8252.g)

her application" (Article XXI.2.c.3). Ordinarily, these would be the statewide general elections in the preceding "4," "6," and "8" years (since the next, "0" year election would probably be after all the commissioner selection had taken place that year). So, someone turning 18 on an election day in a "6" year could still be 21 when selected before his or her birthday in a "0" year.

¹ See the UCLA Latino Policy & Politics Institute's report on the 2020 CRC selection process, "Redrawing California's Political Lines: Latino Representation in the California Citizens Redistricting Commission Application Process," <https://latino.ucla.edu/research/redrawing-californias-political-lines/>

Accordingly, the first eight **focused on** Latino/Hispanic finalists and chose among them for four of the six final commissioners. Comparing the 2010 and 2020 CRCs, and noting the gender balance, there were:

Commissioner Race/Ethnicity and Gender

	2010	2020
Latino/Hispanic	3	4
White	3	3
Black	2	3
Asian	4 ¹	4
American Indian	1	0
Pacific Islander	1	0
Men	8 ²	6
Women	6	8

The geographical diversity of commissioners continues to have gaps, with no commissioner so far from the Sierra/Gold Country or the Eastern Sierra, from north of Yolo County, or from the San Joaquin Valley south of San Joaquin County. Applicant recruiting for the 2030 CRC should prioritize these regions.

Commissioner Geography

	2010	2020
Shasta/Cascades	0	0
North Coastal	0	1
Sierra/Gold Country	0	0
Sacramento Valley	1	1
San Joaquin Valley	1	2
Bay Area	4 ³	3
Central Coast	1	0
Eastern Sierra	0	0
South Coastal	6	6
South Inland	1	1

Also, there has yet to be a commissioner affiliated with any qualified third political party (so, American Independent, Green, Libertarian, or Peace & Freedom; as of Sept. 2022, these four totaled 6.7% of California voters). To date, all the “neither of the largest two parties” commissioners have been Decline to State (the 2010 nomenclature) or No Party Preference (the 2020 nomenclature).

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

¹ Unchanged after Angelo Ancheta replaced Elaine Kuo

² After Angelo Ancheta replaced Elaine Kuo

³ Unchanged after Angelo Ancheta replaced Elaine Kuo

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 federal Voting Rights Act. All fully embraced the CRC’s mandate to draw fair and impartial voting districts (though there were at times varying concepts of “fairness”). Political partisanship was minimal to essentially absent during 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 single, unanimous 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, and large enough to spread the (heavy) workload and to gather a strong and diverse 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 most important argument is fairness. Currently, those in the third sub-group each wield incrementally more voting power than those in the first two sub-groups. A supermajority vote of 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. Thus, the supermajority requirement for various votes applies unevenly to the three sub-groups.
- 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. As of 2022, if those registered with third parties are included, the third subpool includes nearly 1.2 million more Californians than the second-largest party.
- Neither the 2010 nor the 2020 CRC 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.
- Having an additional commissioner could make it easier to reflect the state’s wide geographical and social diversity.
- 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.
- As an odd number, 15 commissioners would help avoid tied votes (though note that, per CONST XXI.2.5, all official actions require nine affirmative votes, so this would only apply to unofficial polls and such).

If the CRC were 15 members, the random draw, quorum, and supermajority vote requirements would need to be revisited and possibly adjusted. 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 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 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 did an excellent job checking with applicants to make sure they still intended to serve if chosen; next time, they could also explicitly verify that applicants understand and are prepared for the full commitment of time and effort required. If the 2030 CRC proceeds along the current timeline, it should have approximately 407 days from the random draw of the first eight 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 (longer) 2020 timeline.

While around two-thirds 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. Pandemic “work from home” arrangements helped in some cases, adding flexibility and reducing travel time. 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. Sustaining outside employment would surely have been much more challenging if the 2020 CRC had met all in person and travelled all around the state as the 2010 CRC did.

Besides workload, outreach efforts during recruitment 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.¹ 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.

The CRC per diem rate (Gov't Code §8253.5) is intended to make CRC service financially feasible for the widest possible range of California voters. While indeed quite generous compared to most other commissions, the arrangement can be 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. The months-long "float time" for travel reimbursements contributed to a further financial burden on some commissioners. One possibility would be to consider a system of fixed monthly compensation, perhaps broken into different levels during the different phases of service.²

Miscellaneous considerations

There was interest among some commissioners in advocating for making the legislative strikes public, if not reducing or eliminating them altogether. Even if the process were not public, the legislators involved could be required to identify who struck which candidates. Debate on this point relates to the deliberative process privilege, which balances "sunshine laws" with officials' need for free and frank confidential 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 changes could probably only be achieved via the ballot initiative process.

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

¹ Commissioners had started their service in Jul./Aug. 2020 with the expectation of the maps being completed mid-Aug. 2021, and some had made plans based on that timeline. It was not until Feb. 12, 2021 that the U.S. Census Bureau announced its P.L. 94-171 delivery delay, and even then the actual final maps deadline was not set until Sept. 22, 2021. Note too that the two to three months before the final maps deadline is by far the most demanding period for CRC time and effort—and this was precisely the final two to three months of the 2020 CRC's extended mapping timeline.

² 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."

compensated as commissioners. There would need to be one alternate from each of the three sub-pools; adding three more voices to CRC discussions would be challenging and would add incremental costs. Barring such alternates, it might be prudent to make more efforts towards those in the finalist pool who were not selected (normally 22 of 36 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, and community outreach and engagement. Commissioners also made heavy use of general organizational and managerial skills, such as:

- Participating effectively in meetings
- Navigating disagreements and conflict
- Communicating effectively at all different organizational levels
- Handling confidential matters
- Doing and presenting research
- Navigating complex processes, sometimes with conflicting requirements and goals
- Tracking multiple, different timelines
- Working with technical experts
- Working with legal counsel
- Interpreting and applying legal protocols and statutes
- Documenting work
- Being precise with numbers (populations, budgets, timelines)
- Adapting flexibly and quickly to changing needs and circumstances
- Making heavy use of electronic communications, cloud storage, videoconferencing, websites, and general office software

And, for the CRC, doing this publicly and collaboratively under heavy, immovable deadlines.

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 one Full Time Equivalent (FTE) of interim administrative support for the newly-formed CRC
- Ensure that commissioner per diem and travel expense payments commence promptly and continue uninterrupted
- Seek and obtain exemption from state contracting and procurement regulations (to parallel the CRC’s exemptions from civil service regulations in hiring staff)
- 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, possibly also create draft job postings for executive positions, and do preliminary work in creating a public input database system
- Include full search functionality in the CRC website, to include handouts, motions, and transcripts; provide collected lists of key CRC documents such as handouts and motions
- Ensure that all staff fully appreciate the CRC’s short time frame, immovable deadlines, and huge task, requiring an “all -hands-on-deck” commitment with significant overtime and weekend work, and a willingness to take on tasks outside core job duties
- If conditions warrant, consider an extension office in southern California for use up through the mapping phase

Getting started

The California State Auditor (CSA) is responsible not only for the selection process (up through the random draw for the first eight) but also for providing “*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—at no cost to the CRC—at the Department of Rehabilitation, office furnishings and equipment, and two staff members (interim counsel, and interim administrator, both of whom were retired annuitants). 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 CSA determined the CRC was fully functional as soon as all 14 commissioners were seated. There were no contracts in place, no permanent full-time employees hired, and no process in place to handle per diem or travel expense claims. The initial administrative workload for the commission fell entirely on just one interim administrator. This workload 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, issuing press releases, and responding to a full range of commissioner questions and requests. It was simply impossible to handle all needs in a timely matter, even though the 2020 CRC's interim administrator happened to be 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 addressing 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

These were mostly staffing issues. "Fully functional" should include an initial public communications capacity (even for the first 8 commissioners selected by lottery), a readily usable CRC website, at least the executive director if not all the executive staff being hired, 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 readoption 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 seems likely that future CRCs will also have differences of opinion on this matter. The 2020 CRC is still discussing the pros and cons of possibly hiring interim staff to be in place to assist the 2030 CRC in getting started, this beyond the Interim Administrator and Interim Counsel the CSA had in place when the 2020 CRC was getting started.

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; and 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 (e.g., getting all its executive staff hired within the first two months) even though it had twice the overall time the 2010 CRC had to complete its maps. Note also that, in recommending an earlier start to these tasks, the 2020 CRC realizes it was also given the exact same advice but 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 or one finalist for the Executive Director position, so to garner public comment on candidates. It could also consider conducting public interviews for 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 independent redistricting.

By statute, the CRC is required to hire "commission staff, legal counsel, and consultants as needed" (Gov't Code §8253.a.5). CRC staff are exempt from state civil service requirements, and positions need only to be previously or newly established within state job classifications. While the CRC thus has considerable flexibility in how to structure and deploy its staff, there are roles and positions required for any state agency, e.g., a budget officer. The 2020 CRC and/or CSA could research such required roles and positions and perhaps generate job description templates for them.

In hiring CRC staff, it is worth emphasizing the CRC's short time frame, immovable deadlines, and huge task, requiring an "all-hands-on-deck" commitment with significant overtime and weekend work, travel, and a willingness to work outside core job duties. All this applies to commissioners as well! The 2010 and 2020 CRCs proved the task is doable, and under a wide range of differing conditions. But it was sheer hard work for both, and will be again for the 2030 CRC.

Returning 2010 Staff

The 2020 CRC had significant carryover of key personnel from the 2010 CRC:

- The Interim Counsel and Interim Administrator provided by the CSA had both served with the 2010 CRC
- The CSA's consultant for both the 2010 and 2020 CRC selection processes was also the 2010 CRC's Executive Director, and then became the 2020 CRC's Sep. 2020 choice of Executive Director

- The Statewide Database director was the same for 2010 and 2020, and was also, separately, the lead line drawer both cycles
- The videography contractor, which played significant operational roles and did not simply provide 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 great help, since all 14 commissioners were new to the job, and all but one were new to California state government. However, there was occasional resistance to “this is how we did it last time” suggestions.

In hiring staff, the 2020 CRC made no particular effort to seek geographical diversity or to consider political affiliations (though geography was sometimes a consideration simply for work logistics). 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 will not need to be re-established; any additional positions will need to be established.

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. (Note however that outside organizations also had full grant-funded outreach efforts during the 2020 cycle.) 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, developed and implemented by Statewide Database. These inputs had to be imported and coded by a combination of up to 10 staff from the data management and outreach teams. The CRC explored outsourcing some data management functions but decided it was both more efficient and cost-effective to hire internally. This worked out extremely well because of the superb work of the CRC’s Data Manager and Data Analyst. The 2020 CRC’s use of student interns for some data entry work was a good investment in California’s future but an only partly 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 from March 2011 to July 2011, with only the July 4th 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 on weekends, but not to the degree of the 2010 CRC.

For 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 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 (full-time hire, contractor, partnership, etc.).

The 2020 CRC created the position of Deputy Executive Director partly because it wanted the strengths of two of the Executive Director (ED) candidates. The Deputy position was to primarily oversee outreach. When the Deputy ED was promoted to ED, this outreach responsibility was shifted to the Outreach Director and the Deputy ED position was left unfilled.

The 2020 CRC had a Deputy Administrator and an Administrative Assistant perform many of the duties of an executive secretary (particularly to support the commission and the scheduling, agenda development, and paperwork of its meetings) and of an operations director (overseeing office operations, meeting logistics, travel and food arrangements, procurement, etc.). The functions of a research director and those of a director of training might be useful additions for the 2030 CRC.

Because of the pandemic, the 2020 CRC mostly met virtually or in hybrid fashion. 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 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, sometimes greatly, from both budgeted amounts and actual expenditures. (See the Final Budget Report in Vol. 2 for actual expenditures.) Note also that the grouping of some categories below varies from some other reporting.

Media buys	\$1,871,804
Line Drawer	\$1,632,450

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

In addition, the 2020 CRC contracted for \$4,210,000 of outside VRA counsel 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.

Designing and 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.

The public and the CRC itself would have benefitted from a full search functionality on the CRC website, to include all handouts, motions, and transcripts. Unfortunately, this functionality was never added and many searches depended on a running knowledge of which meeting's materials to search. This lack could have been partly mitigated with full and current listings of handouts, motions, the chair rotation, subcommittee meetings, etc., but this too was not implemented, simply for lack of available time and effort.

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 (NationBuilder), 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) and so the 2020 CRC had to create and use a different URL (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) and consolidation

of the CRC's online materials being maintained there, with stable, permanent links. Nevertheless, these various data migrations have resulted in widespread "broken links" in many government, academic, news, and 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 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.

CRC Office Space

The Governor is required to "make adequate office and meeting space available for the operation of the commission" (Gov't Code §8253.6.a). Space in state office buildings in Sacramento was provided to both the 2010 CRC (Bonderson building) and the 2020 CRC (Department of Rehabilitation building). While there is no statutory requirement that the CRC's office be in Sacramento, it is the best choice for needed interaction with various state departments and entities, for recruiting experienced state employees to CRC staff, and for the CRC's "brand identity" as a statewide entity.

However, with the COVID-19 pandemic, videoconferencing and work-from-home became commonplace, including for some CRC support and even executive staff. In addition, the 2020 CRC had the Governor's temporary emergency orders allowing for commissioners' remote participation in public meetings.¹ The 2020 CRC is advocating for a continuation of this exemption but it is impossible to predict what meeting regulations will be in place for the 2030 CRC.

For commissioners, the most critical consideration is in-person attendance at CRC meetings. The 2010 CRC met in-person in Sacramento and then for both public input and business meetings across the state. The 2020 CRC met mostly in virtual/hybrid fashion, though with most (but never all) commissioners meeting in-person twice in Los Angeles (rented space), once in San Diego (rented space), and about seven times in Sacramento (CRC offices).

For the both the 2010 and 2020 CRCs, fully half (7 of 14) commissioners were from the South Coastal or South Inland parts of the state. Depending on the composition of the 2030 CRC and the meeting regulations in place then, it may be worth considering establishing an extension office in Southern California for staff and meeting use, as well as for additional public access.

¹ See the "Meetings" section for a more detailed discussion of these provisions.

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)
- Consider seeking and obtaining grantmaking authority
- Seek and obtain direct access to the Fi\$cal state finance system
- Seek and obtain a streamlined process for releasing budgeted funds

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:

	2010 CRC (actual, through Jun. 2012)	2010 CRC, inflation-adjusted (+27.5%)¹	2020 CRC (actual, through Jun. 2022)
State Auditor: selection & support ² phases	\$4.2M	\$5.4M	\$5.2M
CRC-directed, total	\$6.3M	\$8.0M	\$12.2M
Outside outreach grants ³	\$3.3M ⁴	\$4.2M	\$0 ⁵
Grand Total	\$13.8M	\$17.6M	\$17.4M
<i>Selected Items</i>			
Line Drawer	\$592K	\$755K	\$1.7M
Outside Counsel	\$2.4M	\$3.1M	\$1.2M
Staff	\$729K	\$929K	\$3.8M

¹ California CPI change, 2011-21 Annual Average, Urban Wage Earners and Clerical Workers, www.dir.ca.gov/oprl/CPI/CPICalculator/CpiCalculator.aspx

² 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.

³ From the James Irvine Foundation, for a list of recipients, see "When the People Draw the Lines: An Examination of the California Citizens Redistricting Commission," Raphael J. Sonenshein, League of Women Voters of California, 2013, available at <https://www.irvine.org/insights/when-the-people-draw-the-lines/>

⁴ Sometimes reported as \$3.5M to include some Irvine-sponsored ancillary research and evaluation grants

⁵ But \$2.5M in outside outreach grants made by Philanthropy California; see discussion below

Commissioner Travel	\$174K	\$222K	\$58K
Commissioner Per Diem	\$518K	\$660K	\$1.4M

The 2010 CRC outside outreach grants were funded by the James Irvine Foundation and given to a range of statewide and local 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. While the 2010 CRC had no actual control over these grantees’ outreach work, this funding is routinely included in budget reporting for the 2010 CRC because that work was essential to fulfilling the CRC’s statutory outreach requirement.

While the 2020 CRC differs from the 2010 CRC in not including any outside outreach grants in its financial reporting, such grants did again play a vital role in the redistricting effort. In 2019, Philanthropy California launched its Fair Representation Fund (FRF). Starting with an initial \$300,000 grant from the James Irvine Foundation, it raised \$2.5 million to support a wide array of statewide and local organizations, especially for redistricting outreach among underrepresented communities.¹ The 2020 CRC received a large volume of public input from many of the FRF grant recipient organizations and from members of the public activated by those organizations. In addition, the FRF supported outreach for local redistricting efforts. Besides the FRF, there were also surely other redistricting grants and outreach activities.

Unlike the 2010 CRC, the 2020 CRC had its own full outreach staff and program. Because of the Census delay, it also had “extra time” for outreach, and dedicated the entire summer of 2021 to a series of Communities of Interest input meetings. In addition, 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 size and costs for 2020 vs. 2010). Obtaining grantmaking authority for the 2030 CRC could open many desirable options for future CRCs in their outreach and education work, perhaps in a combination of internal + external approach.

Note however that not all commissioners supported the idea of CRC-funded outreach grants, even if the necessary statutory basis could be secured. The key challenge would be remaining

¹ See www.philanthropyca.org/fair-representation-fund and an assessment at <https://ncg.org/news/funding-redistricting-california-analysis-philanthropy-californias-fair-representation-fund>

strictly non-partisan in selecting grant recipients. The 2020 CRC discussed finding a neutral, widely-respected third-party grant administrator to insulate itself from the selection process. But even with such a grant administrator, the CRC would be funding groups that would then give and activate public input to the CRC (which, after all, is the goal of such grants)—a conflict of interest in at least appearance if not substance. In the end, the consideration of such an approach remained unfinished when the whole CRC-funded outreach grants proposal was abandoned.

The Census delay meant the 2020 CRC was in its fully active mode for 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 the 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 it 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 eventually performed. (But recall that this was the first time 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 the full Summer 2021 Communities of Interest series of 35 meetings. Those meetings all required line drawing staff, who found and displayed in real time a map of the area being discussed by each caller.

The other major expenditure variable is post-maps litigation. The 2010 CRC faced four post-maps lawsuits (spending \$1.8M for outside counsel from Aug. 16, 2011 to 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 all along would have been preferable for all concerned.

For the 2020 CRC, budgeted funds are only released as allocations for specific requests, as required by the budget act authorizing the 2020 CRC's funding. In practice, this involved tedious negotiations and repeated requests even when the budgeted amounts had already been appropriated. 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. Some commissioners were also concerned 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 awaits definitive resolution.

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.

In general, there is ambiguity about the CRC's level of activity and therefore funding needs in the "out" years between the completion and any defense of its final maps, and any ramp-up of activity to support the CSA in its recruitment efforts for the next cycle. The 2020 CRC had ample funding through June 2023 but then greatly reduced funding thereafter. Post-maps work included:

- Winding down staff and office
- Work on legislative changes
- Major website work (migrating, consolidating, archiving, stabilizing)
- Ongoing budget negotiations and efforts
- Documentation and archiving
- Developing education and outreach materials
- The research and writing of reports (such as this one)
- Possible efforts to expedite the 2030 CRC's path to becoming "fully functional"

By June 2022, business meeting frequency declined to one day a month; at some point it will decline further to quarterly or less, with associated budget impacts.

D. Administration

Key Recommendations:

- Establish public communication authority and capability as soon as the first eight commissioners are selected
- Balance greater transparency in staff hiring processes with appropriate privacy considerations
- Proactively seek feedback from the prior CRC on any returning staff applicants
- Seek and obtain streamlined contracting, procurement, and reimbursement authority
- Ensure that the per diem and travel expense claim system is up and running promptly
- Review/revise/rescind/replace adopted 2010 and 2020 CRC policies

Getting Started and Hiring

Per the legal counsel it received, the only authority the first eight commissioners had was to deliberate and pick the final six commissioners. The first eight 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 of the first eight, which produced no Latino/Hispanic commissioners (this even though the draw is entirely the CSA's responsibility and not the CRC's). The first eight need some official public communications authority and capacity. Some ability to start staff recruitment and/or contract and procurement process would have also been helpful, though waiting for the final six before taking any substantive actions.

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, even if that confidentiality were fully justified. Of course, confidentiality 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 the name of a finalist candidate so to allow for public comment before voting.

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 Authority¹ 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 2020 CRC experienced problematically slow turnaround times with necessary approvals, responses, and processing by other state agencies. For instance, work with its VRA counsel did not commence until about a month later than would have been ideal, primarily because of needed state agency approvals. As part of its post-maps proposed legislative changes, the 2020 CRC is pursuing changes to Public Contract Code §10430 and its own Gov't Code §8253.6.b, to be added to the list of state bodies exempted from procurement and contracting regulations.

The Per Diem claim system took about four months to become fully functional, which created an actual financial hardship for some commissioners. 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

¹ 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.

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 legally required by the various provisions listed on p. 3 of the Policy Manual.

- 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

In addition, the following policy was adopted after the Policy Manual was assembled:

- Application of Public Input at Commission Meetings Policy (adopted Feb. 10, 2023)

Many of these 2010 policies were adopted or adapted from 2010 CRC policies. Legally, there is only one CRC, with commissioners that change every ten years. Therefore, any adopted policy remains in effect in perpetuity until revised or rescinded. The 2030 CRC should review all policies still in force before adopting any new ones. It may wish to expedite review of per diem and travel expense payments policies, so to operationalize them promptly.

E. Legal

Key Recommendations:

- Recruit the CRC Chief Counsel based on demonstrated ability in the many and varied responsibilities entailed in the position
- Use a robustly public process to hire outside counsel
- 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
- 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
- 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)

Chief Counsel Selection

The CRC Chief Counsel position involves many and varied responsibilities, all under a very fast-paced 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 the Interim Counsel and then the 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 2020 CRC also benefitted from its chief counsel's experience with state bodies, creative solutions to unique problems, and willingness to support the commission by doing work beyond that of a typical legal counsel. The 2030 CRC would do well to hire a chief counsel with such 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.¹ There was considerable public interest in the process, and the CRC received strong, mixed 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 as VRA counsel. Strumwasser Woocher 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

¹ 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

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 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 on 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 Gibson Dunn Crutcher would not accept certain 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 detailed 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 (a total of 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 (a total of 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. Some commissioners prioritized opposition to “Prison Gerrymandering” (so, don’t count them at all) while others prioritized “One Person, One Vote” (so, count them in place). 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. Ideally, the Bureau of Prisons would address the matter nationally, providing last known address information for those incarcerated in federal institutions in all 50 states. This would be the only way to accurately place everyone regardless of their place of incarceration.

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.
- Promoting Bagley-Keene reform to permanently allow for videoconference meeting participation without having to publicly disclose home addresses and provide for public access to homes, while still requiring at least one publicly announced and accessible meeting site (so, making permanent the governor’s emergency COVID-19 provisions)

- Reducing the days of advance notice requirements during a longer period before the final maps deadline (but this will be strongly opposed by advocacy groups)
- Seeking authority for the CRC to revise and enact its own implementing regulations

The CRC There are also areas of possible advocacy that are of interest to the CRC but likely outside its official purview, 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.

The CRC holds sole authority to choose its own legal counsel “*in the defense of a certified final map*” (California Constitution XXI.3.a). The CRC thus may choose the Attorney General (AG) to help with any final map defense needs, but also may choose any other counsel, without needing AG approval. However, there is no parallel constitutional or statutory provision for the CRC choice of legal counsel for all other matters, including particularly the choice of VRA counsel.¹ Thus, the 2020 CRC sought and obtained AG approval for the hiring of its VRA counsel but not for its litigation counsel.² Gov’t Code §11041 exempts a long list of state agencies from the requirement to obtain AG approval before hiring any outside counsel. There seems to be justification for the CRC to be included on this list, in the interests of the CRC’s independence, because of the CRC’s particularly short and inflexible timeline, because of the CRC’s very specific need for legal expertise in redistricting matters, and because the CRC already enjoys this exemption for final map defense. The 2020 CRC is pursuing this further exemption.

¹ The retention of VRA counsel by the CRC is a statutory requirement (Gov’t Code §8253.a.5).

² As it happens, these were the same firm, which had applied separately and was retained separately for the two different roles.

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), including a publicly-accessible listing of all approved motions
- Vary meeting days and times to accommodate the varying needs of the public
- 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
- Implement an online index / catalog / search capability for meeting handouts
- Consider providing 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 posted its chair rotation schedule more widely and regularly than it did.

The 2020 CRC never set a fixed term for chairs. Before the mapping phase, terms usually lasted 2 to 3 meetings, which was generally 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., critical time management in meetings and intense work

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.

While the primary responsibilities of chairs were preparing for, conducting, and following up on CRC meetings, there was also considerable chair work between meetings, including: responding to the press and public, working with the executive director to manage small crises and needs, managing fellow commissioners, and generally helping to carry the leadership responsibility for the CRC.

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, starting with the next commissioner after the current chair. That way, over time, each commissioner voted at all different points in the tally. A staff member (usually the executive director) polled the votes. In retrospect, the 2020 CRC should have taken the further step of maintaining a single, publicly-accessible place on its website with all approved motions.

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 at least 10 days' public notice for ordinary meetings (the standard Bagley-Keene notice requirement, Gov't Code §11125.a,b), at least 14 days' notice *"for each meeting held for the purpose of receiving public input testimony,"* and at least 3 days' notice for meetings during the two weeks immediately prior to the mapping deadline (Gov't Code §8253.a.1). Since public comment is taken at every meeting, and since a commenter always perchance might provide "public input testimony" even during an ordinary business meeting (e.g., commenting on a community of interest or an election district boundary), the question arises whether every meeting is effectively required to be held with 14 days' notice. The 2020 CRC received conservative legal advice on this matter and provided 14 days' notice even for ordinary business meetings.

On February 10, 2023, the CRC passed a new policy on the matter, "Application of Public Input at Commission Meetings Policy." It specifies that only the following four types of meetings are "public input" meetings subject to the 14 days' notice requirement: *1. Public Input Meetings; 2. Community of Interest Meetings; 3. Line-Drawing/Drafting Meetings; and 4. Map (Draft and Final) Approval Meetings.* Note however that the 3 days' notice requirement would supersede this policy during the two weeks immediately prior to the mapping deadline.

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 unhelpful “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). Future CRCs might invite representatives from community-based organizations active in redistricting work to come explain that work, especially the process and timeframes for activating community members to make public comment.

The statutory provision for only 3-days' notice is for meetings in August of a “1” year (Gov't Code §8253.a.1). Since the normal final maps deadline is August 15, this would be 2 weeks subject to 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. This would ensure that the maximum number of meetings were available for the most critical mapping periods.

Public Participation, Public Comment, and Public Input

The 2020 CRC tried to vary meeting days and times, to accommodate the varying needs of the public. Generally, evening meetings are harder for CRC staff but better for members of the public with daytime jobs. Weekday daytime meetings are generally more convenient for CRC staff, retirees, and those whose job it is to follow the commission (e.g., staff of advocacy groups).

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 were complaints 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, and with double the time allowed if interpretation was used. 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? The CRC is not allowed to consider the residence of any incumbent or political candidate or the interests of any incumbent, candidate, or party (California Constitution XXI.2.d.4 and XXI.2.e) and so did not direct staff to research campaign news or other ways of identifying possible covert political motivations behind public input. The constitutional redistricting criteria (especially criterion #4, concerning political units and communities of interest) speak only to the facts informing redistricting decisions and not the motivations behind public input.

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 fourteen 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, which had also served both the 2010 CRC and the State Auditor’s 2010 and 2020 ARPs. Besides managing the site and broadcast audiovisual services, the Video SSC 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

- 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.

While meetings were livestreamed and captioned, there was no navigation functionality or search capability in the stream, so that, e.g., a viewer who had to momentarily step away from the livestream could pause or replay part the livestream, or search keywords from the captioning. Such a view could later review the meeting video and transcript, but these took time to post, and cumbersome even while finally available.

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. If the 2020 CRC had held in-person Public Input meetings (as the 2010 CRC did), it probably would have made more efforts to systematically rotate seating.

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; 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; and a closer bonding process among the commissioners themselves. 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 (Gov’t Code §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, 2022), sought to address this matter but died in committee.

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, interacting 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 virtual meeting, or general meeting attendance and participation. In retrospect, all these may have been worth addressing early on.

Documentation

Meeting videorecordings constitute the official record of CRC meetings; there is no statutory requirement to produce written transcripts. Nevertheless, the 2020 CRC did provide transcripts, following the precedents of the 2010 CRC and the 2010 and 2020 CSA selection processes; and simply because they are so useful. However, the 2020 CRC struggled to provide timely transcriptions of meetings, mostly because of vendor issues. Also, digital storage of very large meeting video files involved difficult 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 initiated an indexing, cataloging, or search system for such handouts. This was a significant hindrance to the public as well as the CRC itself. A post-meetings effort is underway to address this at least in part.

Interpretation

Interpretation services for meetings were always available on request, and proactively provided for specific public input meetings for a range of languages (see the chapter below on Cross Cutting Issues for details on interpretation and translation). The 2020 CRC discussed but did not implement default interpretation for all meetings, especially two-way Spanish interpretation. However, one-way ASL interpretation was provided for all meetings.

G. Agenda Setting, Subcommittees, & Internal Communications

Key Recommendations:

- Consider implementing agenda/motion/meeting management software, from the start
- For subcommittees, set policies and practices early on to establish clear working relations to staff and to the full commission
- For subcommittees, set policies and practices early on to ensure transparency and accountability (even beyond Bagley-Keene requirements)
- 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 major 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 package (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 the full list and chronology in the appendix). While not a statutory requirement, the 2020 CRC's practice was to form subcommittees with commissioners from two different political sub-groups. A 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 are 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, but 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” chapter above, this again raises the question of whether to define “*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 both subject to all Bagley-Keene requirements for announced, agendaized, public meetings, as “advisory subcommittees” (Gov't Code §11121.c). Some subcommittees experienced significant “scope creep,” especially Finance & Administration. In retrospect, that subcommittee may have been worth dividing into two subcommittees. Regular CRC business meetings typically agendaized 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 would have benefitted from a better-informed sense of its progress along the way, and of the specific efforts of each of its staff. 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, especially for line drawing
- Include a “Geography of California” training session early on
- Add more training options and topics
- 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 the 2020 commissioners was not until over a year into the 2020 CRC’s work, on September 28, 2021. Sadly, as of the date of this report, there has never been even one day when all 14 commissioners have been 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 while meeting mostly online? This question hung in the air for many months. There were some light online commissioner games and online “social lunches” that helped with getting acquainted, plus online banter and sharing, and general camaraderie from working together, especially on the many 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 replacement of both the first executive director and the first chief counsel. During those days and weeks, in a series of closed sessions (permitted under the personnel exemption in Bagley-Keene provisions, Gov’t Code §11126.a,b), 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, without

needing 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

The first 2020 CRC meeting with all 14 commissioners (Aug. 26 - Sept. 4, 2020) had training agendized for:

- Commissioner Per Diem and travel reimbursements
- State government structure
- Bagley-Keene, Public Records Act
- 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 major 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 many appendices) is meant to help jump-start this all-important learning process.

While all training materials were posted and available as meeting handouts, and while videorecordings the training sessions themselves were posted and available along with all other meeting videorecordings, it may have been helpful to have a single, organized repository of training resources, accessible via the CRC website, for use by both commissioners and the public.

Later training included a broad range of educational panels, some initiated by the CRC (especially the Language Access, Education, and Outreach & Engagement subcommittees) 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, industry sectors, and education groups (see the 2020 CRC Final Report, pp. 19-20, for a list). A presentation on California geography and one on water issues were greatly helpful and could have well been scheduled earlier. When creating education panels, the subcommittees attempted to have presenters of diverse geographic, gender, race/ethnicity, and urban/rural

representation. It was heartening to have numerous experts happily give full presentations on a pro bono basis.

Most training sessions were lecture-style presentations. Some were via prerecorded videos from the 2010 CRC (some of which were also used to brief the State Auditor's Applicant Review Panel). 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, especially on Zoom. 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 further training topics 2020 commissioners have mentioned:

CRC, California, Redistricting

- A "top to bottom" overview of the CRC's redistricting task (including a clear list of legally required CRC interim and final deliverables)
- 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
- The CRC's statutory environment and how it fits together (Constitutional vs. Government Code vs. Regulations, etc.)
- Survey of independent redistricting approaches in other states

Technical Skills and Knowledge

- 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 chapter below on Mapping)
- More mapping options (e.g., competing teams? computer-assisted? 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)
- Best practices for anticipating Public Records Act requests; general best practices for staying legally safe and low-risk
- General elections training (e.g., the BRIDGE [www.bridge-project.org] and ACE [www.aceproject.org] resources developed by a consortium of international electoral assistance providers and election management bodies)
- A hands-on hypothetical redistricting exercise (akin to a "mock court" in legal training), perhaps using population and COI data from 2020 cycle, and practicing with both an "easy" and a "hard" area; possibly developed with the National Conference of State Legislatures (NCSL)

Interpersonal Skills

- "Soft skills" training in conflict resolution, meeting facilitation, handling motions

- 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

Finding, Understanding, Using Data

- Census operations and how data is collected, process, analyzed, and reported
- Neighborhood boundaries (official, unofficial); natural resources; transportation and other infrastructure; disadvantaged communities, especially in unincorporated areas
- Finding and using other local and regional data sources (e.g., reports by councils of governments)
- 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)
- More on data management and database use

Government

- Regional government and quasi-governmental structures (e.g., county Local Agency Formation Commissions and the various Metropolitan Planning Organizations), to help inform Communities of Interest
- California State Government as it relates to the CRC (especially the legislature, Attorney General, Secretary of State, and Department of Finance)
- California political history and the CRC’s position in it

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 present report is intended, first and foremost, as a helpful resource for the 2030 CRC. 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 memos¹) 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 beyond the documentation they left behind.

¹ From 2010 Commissioners Ancheta 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 conduct 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,¹ 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 and different parts of the state, which helped mitigate any perception of partisanship or favoritism.

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)² explaining the redistricting

¹ 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.”

² See all “Redistricting Basics” items at 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, both for Commissioners and for staff, 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 COI 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. CRC was able to build on the curriculum that California Complete Count had developed. [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.

Include what we learned about outreach to rural communities

Future commissions may wish to develop a standardized letter of introduction / solicitation, as the 2020 CRC did, 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.

Future commissions 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 that there are clear procedures in place for developing, clearing, and issuing both routine and urgent statements.
- Put in place a clear policy statement on how non-standard inputs will be handled.
- 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 COI input meetings, the COI 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.

In 2023, the 2020 Commission 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) or setting up domain names in other languages that would automatically redirect to the main Commission web page. The issue of the .gov domain should also be discussed – some may take it as an indication of trustworthiness, while others could have the opposite reaction.

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 issue of social media as a communications channel TO the commission – and particularly to individual commissioners – should be addressed early in the process. The legal obligation to

post all public input coming into the Commission will have to be respected, yet the clerical burden falling on individual commissioners to forward all such communications to staff so that they can be added to the database is considerable.

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."¹ 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.² The 2020 Commission set strategic outreach goals – including a goal of engaging 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.³ Communities and groups also appreciated

¹ Letter at [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!**

² 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.**"

³ Note however the issue concerning "redistricting matters" in the "Legal" section above.

hearing directly from 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.

The 2020 CRC established a multi-prong outreach strategy, with staff and subcommittee members taking the lead at the state level and dividing the state into 11 Outreach Zones, with two commissioners assigned to each zone. The establishment of the 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” COI 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. A key discussion in this regard will be the extent to which commissioners need, want, or have the skills needed to take on the planning and execution of outreach activities.

The 2020 Commission may, if resources allow, engage in awareness activities in the lead up to the handover so that Californians are aware of the upcoming redistricting cycle. Recognizing that initial contacts are difficult for busy commissioners, a standard, official introductory letter sent to contacts identified in the 58 county profiles¹, 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.

¹ See [next] page

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 and the sharing of contacts. The 2030 CRC may also wish to consider recruiting some number of CCC outreach staff to the Redistricting Commission, given their familiarity with the communities and community groups they would be working with. Putting the 2030 commissioners in place earlier would facilitate this effort¹, though there was also recognition that early coordination work with the 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. Farm bureaux and producer associations also proved to be useful channels in reaching rural communities. 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 outline² 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 may consider 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 (DGS, SCO, OAG, SOS, DOF, and others) is ready, willing, able, & EAGER to support the 2030 Commission. There was also a

¹ See p. X for more on the discussion regarding the Commission's timeline

² See Annex X

sense that Metropolitan Planning Organizations¹ 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 an online tool to gather public input regarding the location, composition, and nature of COIs across the state. In developing its timeline, the Commission had felt that gathering COI 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 than anticipated to motivate people to participate in this phase of the process, as they are generally much more motivated after draft maps are released.

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 COI information and was already well advanced in developing the software by late 2020. The Commission's role in the development of the COI tool related primarily to the actual questions that would be asked, the languages in which the tool would be available², and the website name for the tool.

The COI 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 COI tool to a separate tool in order to submit actual map proposals was confusing to some.

The Commission later decided to develop a paper COI tool to gather the same data from individuals who were not able to access or who preferred not to use the online COI tool. In the end, the paper version of the COI 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 COI 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 COI 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 COI 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

¹ See <https://www.ca-ilg.org/post/californias-18-metropolitan-planning-organizations>

² 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?]

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 COI tool itself available to local redistricting bodies. As the tool is owned by the SWDB, and not the Commission, we can only recommend that this be considered by SWDB and the Legislature.

Other recommendations that emerged were to collect COI and mapping input through a single tool, add a question on how people heard about the CRC, and ensure that COI 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 Input” and “Public Comment”.

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.

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 longer¹, 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

¹ See [X](#) for a discussion of the possibility of extending the mapping deadline by one or two months.

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.

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”¹, 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

¹ Letter at [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!**

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.

As with the COI 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
- Including a reliable and transparent way for a third party to make an appointment to give comment, e.g., a community-based organization helping a constituent who does not have internet access

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 CBOs 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 within 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.

[MORE HERE ON THE CHALLENGES AND HOW WE ADDRESSED THEM]

Commissioners highlighted the need for future commissions 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 Response¹ (USDR), 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. Assuming it is still in existence, future commissions should reach out to UUSDR for their help an expertise.

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

¹ <https://www.usdigitalresponse.org/about>

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 COI testimony. Additionally, 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 within 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, Government Code 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 2029 / 2030 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
- 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
- Consider more hands-on training of Commissioners on real-time mapping
- Consider selecting particular chairs for the mapping phase (those with stronger time-management and leadership skills, and who have been effective at working with the line drawers)
- Develop an accurate, 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
- In the line drawer contract, include the production of large, printed display maps for each major stage of the process
- 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

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 2nd official draft plan. Another perspective was that there were too many visualization meetings rather than moving sooner to live line drawing. 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, and because of the loss of a congressional district.

A general truism in redistricting work is that public interest is low 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 throughout the summer of 2021, 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 adequately anticipating the required timelines for 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, on advice of counsel, the commission publicly released only a summary version of its RPV findings. There were some public calls for the release of the full, detailed RPV analyses, which were, after all, publicly funded, and which could be useful to others (e.g., local redistricting efforts). However, the 2020 CRC, like the 2010 CRC, chose to keep its detailed RPV analyses confidential. In any event, 100% of the data used to conduct the RPV analyses is publicly available (see the Redistricting Data Sets Summary at the end of the Glossary).

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.¹ 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

¹ See "Gingles Preconditions" in the Glossary Appendix for more details.

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 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 completely 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 COI map submissions from the public, access to past proposals, and deep 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 individual commissioners to take the initiative to arrange time with line drawers and 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 COI 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, going 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 approach may or may not be feasible or even desirable.

A critical lesson learned during the live line drawing is that an enormous amount of time can be wasted trying to move boundaries. Initially, this was due to a lack of understanding of how to make trade offs in moving populations, as well as a lack of clear goals by the commissioners proposing the changes. Eventually, we settled on asking a commissioner proposing a change to state the goal and talk through the full range of changes that would be required prior to moving any lines. This allowed the rest of the commission to see if the proposal was even likely to work and whether the commission in general agreed with the goal.

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 COI 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 COI inputs, VRA considerations, strategies for adjacent regions, and commissioner preferences. At the end of a long 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; see the appendix on Senate Accelerations and Deferrals for special considerations on numbering Senate districts.) Individual line drawers were tasked with creating draft district names, and generally did so using abbreviations of jurisdictions included in the initial draft district. 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 sequence element might also be useful in the naming convention, to help distinguish successive iterations of draft districts (e.g., "Central Valley A1, A2" etc).

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 $\pm 1\%$). 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 $\pm 5\%$. BOE was easiest of all, with only 4 districts and $\pm 5\%$ deviation (though still requiring full and close attention—so make sure to leave enough time to do it justice!). Nevertheless, even the state Senate map was very hard, involving 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, individual commissioners were sent more and more direct emails and social media posts from the public. It would have been worth developing an actual policy and practice about forbidding such efforts, and redirecting any such inputs to the CRC's public input channels. Such contacts are specifically disallowed, since "Commission members . . . may not . . . receive communications about redistricting matters from anyone outside of a public hearing" (Gov't Code §8253.a.3).

"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 to balance district populations. In developing the congressional plan, the 2020 CRC found itself at a relatively late stage with the need to move approximately 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 or at least shrink 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. The math is easy but gauging when, where, and how much to apply the math is hard. Note also that public inputs are generally insensitive to the population

balancing requirements. The “why” behind very many mapping decisions is population balancing, but essentially no public inputs concern themselves with population balancing.

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 the end, a few commissioners did choose 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, “perfect” 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.

Likewise, depending on the state of technology, the 2030 CRC should include in its line drawer contract the production of large display maps for each major mapping stage. For the 2020 CRC, only two such sets were produced, one pre-draft maps, and then the final maps. While the 2020 CRC’s online Map Viewer (which provided zoomable maps of various previous and current mapping iterations) was highly useful, there is no substitute for detailed, large-scale maps.

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. Contractor roles should have been clearly specified in their contracts and implemented in timely fashion. 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. This requires consistent and systematic attention and documentation during all public mapping sessions, and detailed tracking of the evolution of each district. The 2020 CRC used a team of CRC Outreach staff plus outside legal counsel staff, line drawers, and commissioners on the Materials Subcommittee, which got the job done despite the very late start. Legal oversight is important to make sure the district descriptions and rationales are aligned with the constitutional redistricting criteria.

Parcel Splits

Because of inevitable, small mapping errors and anomalies, there are some 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 no statewide consistency in resolving these splits. Such splits cannot be identified before the final maps are issued because the precincting process (which reveals any parcel splits) cannot begin until the final maps are in place. The whole matter of resolving these splits has not received statutory or regulatory attention.

For the 2020 CRC, the issue of parcel splits came up in the early post-maps phase, when the line drawer reported inquiries from counties seeking help. By the time the CRC had researched the matter and sought funding for the needed work, the window to render such help in a timely fashion had closed. (Recall that the Census delay had pushed the final maps deadline from mid-August to late December, and this with a June primary election to prepare for.) Counties “made do” (as they had in the 2010 cycle), without clear guidance or, in many cases, adequate resources.

There are two needs: 1. The need for a legal basis on which 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 (or something like it) 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 any property parcel to a single election district if any of the final adopted maps divide that parcel between two or more districts, provided such adjustments result in no change to any election district population, and maintain the contiguity of each district.

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

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 (who is ultimately responsible for implementing the new maps), 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 technical and legal 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 as early as possible
- View the Commission as a living institution, and develop institutional relationships with other state entities
- Provide Spanish interpretation from Day One
- 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, and keep it updated
- 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,¹ 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.

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

¹ Including a comprehensive listing of redistricting professionals – e.g., former special masters, etc.

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), State Controller’s Office, 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.”¹ 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 COI 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 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

¹ Section 8253(a)(7) of the Government Code

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 subcommittees¹ over the course of the redistricting cycle to undertake research, establish contacts, and develop recommendations for consideration by the full Commission.² Given that they consisted of only two commissioners, subcommittee meetings were not subject to the notice and transparency requirements that applied to the full

¹ 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.

² See the full list in Appendix X

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, some felt 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 Code¹ – 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. In contrast, 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 Commission sought further feedback on this issue from community groups and the public at its November 2022 meeting and decided not to pursue changes in this area.

¹ "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."

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.¹

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,² 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 requests for proposal (RFPs) and job descriptions.³ 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,⁴ 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.

¹ <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/261/Report261.pdf>

² Including staff reports on various phases of the redistricting cycle, which commissioners found very useful

³ Annex X

⁴ 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 COI 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 COI 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 2030.¹ This would give the 2030 Commission nearly a year more than the 2010 Commission had² 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.³ That effort was already winding down by the time the 2020 Commission was hiring staff, and we were lucky to find some departing California Complete Count 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.

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

¹ 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.

² The 2010 Commission held its first full meeting in January 2011, just over seven months prior to their map deadline.

³ 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.

commitment required of new commissioners, particularly in the phase following the release of Census data.¹ 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 not 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 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.

¹ A summary of hours submitted per commissioner by month during the 2020 cycle is included as Annex X.

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.¹ 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.

¹ “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>

