

May 10, 2023

California Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814

Re: Recollections, Recommendations, and Resources Report

Dear Commissioners:

Since the passage of Propositions 11 (2008) and 20 (2010) establishing the Citizens Redistricting Commission (CRC), the Legislature has endeavored to respect the CRC's independence while providing the support to the redistricting process mandated by the voters. The following feedback to the CRC in drafting its Recollections, Recommendations, and Resources Report is therefore narrowly limited to those areas where there is a legislative responsibility under Propositions 11 and 20.

REDISTRICTING SOFTWARE

Section 8253(b) of the Government Code requires the Legislature, in coordination with the CRC, to provide public access to redistricting software and data. In 2011, privately funded Data Access Centers were the primary means of public access to redistricting data.

Technological advancements since 2011 created opportunities for greater public access to the redistricting process. Accordingly, the Legislature worked with the Statewide Database (SWDB) to develop new redistricting tools, including an online Community of Interest (COI) tool, an online line drawing tool, and a downloadable desktop line drawing tool.

The Legislature takes seriously its voter-mandated responsibility to provide public access to redistricting data and software in coordination with the CRC, while striving to respect the CRC's independence. This was one reason that the SWDB was tasked with evaluating and developing these tools, given its reputation for independence and experience in a similar role in 2011. To ensure that these tools were available for use in the 2021 redistricting process, preliminary development began before the 2020 CRC was seated. As a result, members of the 2010 CRC were included in development and testing.

As soon as they were in place, the Legislature contacted CRC transition staff to discuss the need to update the 2020 CRC about these tools once the CRC was fully seated. That briefing was held on September 25, 2020, at the CRC's second meeting. We therefore were concerned by the draft report's conclusion the CRC, "was not initially aware of the development of the [COI] tool" (page 69). In 2030, the Legislature will look for additional opportunities to quickly update the incoming CRC of the work done to provide public access to redistricting data and software.

Unfortunately, some efforts to respect the CRC's independence may have unintentionally created challenges. For example, the tools were designed to allow the CRC to decide how and when to publish the data it received, with the SWDB serving as a conduit for the data. Because the CRC requested the capture of sensitive individual information, a written data handling agreement had to be put in place between the CRC and SWDB to ensure secure handling. It is regrettable if efforts to respect the independence of the CRC while protecting confidential information instead created a sense of,

“impinging on the Commission’s independence, as it had to rely on SWDB to relay the data to the Commission” (page 70).

The Legislature remains committed to fulfilling its responsibilities under Propositions 11 and 20 in coordination with the CRC. For future commissions, earlier coordination on issues relating to public access tools and data management, as recommended in the draft report, will help further protect the CRC’s independence.

BUDGET

The draft report states, “the 2010 and 2020 CRCs spent closely comparable amounts overall (adjusting for inflation)...” (page 27). This statement may not paint a complete picture.

For example, the report includes \$3.3 million in outreach grants from outside donors as part of the 2010 expenses. However, those grants included approximately \$1.0 million to SWDB and the Advancement Project to provide public access to redistricting software. For 2020, access to the software was paid for by the SWDB, including from a \$1.9 million budget augmentation. As a result, the report includes the costs of providing public access in the 2010 CRC expenses, but does not do so for the 2020 CRC. In addition, as the report acknowledges, other outside outreach grants similarly are not included in the 2020 CRC totals (page 28).

The Legislature anticipated that the 2020 process would be more expensive than 2010, even after adjusting for inflation, and appropriated additional funding accordingly. Based in part on recommendations from the 2010 CRC’s post-adoption reports, the Legislature authorized an additional \$2.1 million in public funds for outreach based on the recommendation not to rely solely on private outreach funding, and \$4.3 million for post-adoption expenses to allow for a more nimble response to any lawsuits challenging the CRC’s adopted maps. The Legislature also allocated an additional \$1.3 million for operating expenses resulting from an extension in the commission’s timeline.

COVID-related delays further extended timelines, prompting the Legislature to allow funds previously reserved for litigation to be used for other purposes. The lack of post-adoption litigation meant these funds did not have to be backfilled.

Independent redistricting, with robust public outreach and input, has proven to be more expensive than initially anticipated. Focusing on how 2020 expenses compared to 2010 may not be the most important lesson learned. Rather it may be worthwhile to highlight how increased funding benefited the process, which investments proved most important, and how funds might have been put to better use.

MAPPING TIMELINE

The Mapping section of the report (pages 71-77) discusses the factors that create an inevitable time crunch between the availability of census data and the deadline to adopt maps. The former is outside the state’s control and the latter is constitutionally established and can be changed only by the voters. Consequently, the time between the federal release of census data and the SWDB release of the official redistricting database plays a major role in how long the CRC has for its mapping work. The importance of this time was a lesson learned from 2011.

As a result, the state significantly increased the SWDB budget in the last decade to help speed up that process. That investment proved important, as the CRC voted in January 2021 to reallocate individuals incarcerated in state institutions to their last known addresses, as requested by the Legislature. This additional step significantly increased the work of the SWDB.

Despite the additional challenges, the early investment of resources allowed the SWDB to release the official redistricting database in a comparable number of days to 2011, and before the committed deadline. Having learned the complexities of reallocation, the SWDB hopes to expedite this process further in 2031. The Legislature will continue to invest resources toward that goal.

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