

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

FRIDAY, SEPTEMBER 26, 2025

9:30 a.m.

Reported by:

Peter Petty



APPEARANCESCOMMISSIONERS

Neal Fornaciari, Chair
Pedro Toledo, Vice Chair
Isra Ahmad, Commissioner (Remote attendance)
Linda Akutagawa, Commissioner
Peter Blando, Commissioner (Remote attendance)
Alicia Fernández, Commissioner
J. Ray Kennedy, Commissioner
Antonio Le Mons, Commissioner
Sara Sadhwani, Commissioner (Remote attendance)
Patricia S. Sinay, Commissioner
Derric Taylor, Commissioner (Remote attendance)
Trena Turner, Commissioner (Remote attendance)
Angela Vázquez, Commissioner (Remote attendance)
Russell Yee, Commissioner

STAFF

Tim Treichel, Senior Attorney
Tammy Bacon, Web/IT Specialist (Remote attendance)
Gloria Pacheco, Administrative Assistant

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

Also PresentPRESENTER

Justin Levitt, Professor of Law, LMU Loyola Law School
(Remote attendance)

PUBLIC COMMENT

Maria Skelton (Remote attendance)
Betty Wilson (Remote attendance)

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P R O C E E D I N G S

September 26, 2025

9:39 a.m.

CHAIR FORNACIARI: Good morning, and welcome to the September 26th -- sorry, whoops -- 2025 business meeting for the California Citizens Redistricting Commission.

I'm Neil Fornaciari, the current chair, and I will call this meeting to order. We will start with roll call.

MR. TREICHEL: Good morning. Commissioner Ahmad?

MR. MANOFF: Can you please turn on your mic? The green button.

UNIDENTIFIED SPEAKER: No, no, not that one.

CHAIR FORNACIARI: The button. Push the green button. On the mic.

MR. TREICHEL: Commissioner Ahmad?

MR. MANOFF: Is your mic on, Tim?

MR. TREICHEL: Commissioner Ahmad?

MR. MANOFF: Better. Thank you.

MR. TREICHEL: Commissioner Ahmad?

CHAIR FORNACIARI: She'll be joining us later.

MR. TREICHEL: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Here.

MR. TREICHEL: Commissioner Blando?

COMMISSIONER BLANDO: Here.

MR. TREICHEL: Commissioner Fernández?

COMMISSIONER FERNÁNDEZ: Presente.

1 MR. TREICHELDT: Commissioner Fornaciari?

2 CHAIR FORNACIARI: Here.

3 MR. TREICHELDT: Commissioner Kennedy?

4 COMMISSIONER KENNEDY: Here.

5 MR. TREICHELDT: Commissioner Le Mons?

6 COMMISSIONER LE MONS: Here.

7 MR. TREICHELDT: Commissioner Sadhwani?

8 COMMISSIONER SADHWANI: Here.

9 MR. TREICHELDT: Commissioner Sinay?

10 COMMISSIONER SINAY: Here.

11 MR. TREICHELDT: Commissioner Taylor?

12 COMMISSIONER TAYLOR: Present.

13 MR. TREICHELDT: Commissioner Toledo?

14 VICE CHAIR TOLEDO: Here.

15 MR. TREICHELDT: Commissioner Turner?

16 COMMISSIONER TURNER: Here.

17 MR. TREICHELDT: Commissioner Vázquez?

18 COMMISSIONER VÁZQUEZ: Here.

19 MR. TREICHELDT: And Commissioner Yee?

20 COMMISSIONER YEE: Here.

21 MR. TREICHELDT: That completes the roll call.

22 MS. BACON: Are there some remote?

23 CHAIR FORNACIARI: I'm sorry, what?

24 MS. BACON: Are there some remote attendees?

25 CHAIR FORNACIARI: Yes, there are five remote

1 attendees, but they're all present.

2 MS. BACON: Okay. Thank you.

3 CHAIR FORNACIARI: Yeah.

4 Well, welcome, everyone. Great to see you all
5 again. I'm going to start off with a tiny apology. I
6 was a little remiss. I meant to send an email to all of
7 the Commissioners a month ago today. It was the fifth
8 anniversary of the first meeting of these fourteen
9 commissioners. That day, we -- the next six were sworn
10 in, and this adventure began.

11 I was reflecting, you know, on the work we did, the
12 good work we did for the people of California. Eight
13 strangers came together, and you know we didn't know each
14 other. Four of us were present. Four of us were remote.
15 COVID started. But we were able to come together and
16 choose the next six who were going to join this adventure
17 with us. And we were all sworn in on August 26, 2020.

18 And it was kind of strange to think it was that long
19 ago that we started down this road and to reflect back on
20 all of the hours, meetings that we put in, committee
21 meetings, presentations with the public, all the work
22 that we did. The mapping, the hours and hours and hours
23 in October, November, and December.

24 But we all came together as a group and did some
25 great work for the people of California. I'm really

1 proud of the way we worked together and what we were able
2 to accomplish. Just a little more than halfway done with
3 our journey here. So just wanted to bring that up and
4 thank everyone. Great time. I miss you guys.

5 I also want to thank Gloria, Tammy, and Tim for
6 their incredible commitment to the Commission and the
7 extraordinary efforts that they put forth over the past
8 two months in response to the, just, overwhelming amount
9 of extra work required to respond to email, phone calls,
10 all related to the mid-decade redistricting effort going
11 on in the Public Records Act request.

12 I mean, they all signed on to work just a few hours
13 a week, and they've been putting in significantly more
14 time than that. And so on behalf of the Commission, I
15 really -- I can't thank you all enough for the -- for the
16 work and the commitment. So thank you.

17 Let's see, I have some comments to make before we
18 begin. You know, the two -- two reasons for calling this
19 meeting were to discuss the Commission's role or standing
20 in the mid-decade redistricting and Prop 50, and -- if
21 any. And then to discuss the Public Records Act request.
22 And then any other work that we have to take care of as a
23 group.

24 So I'm going to begin with an update for everyone on
25 the state of the Commission, then talk about the current

1 status, and then some comments about mid-decade
2 redistricting as it relates to the commission for the
3 public.

4 So I'm going to start with a little bit of
5 background for the public. You know, The Citizens
6 Redistricting Commission was created when the voters
7 passed the Voters First Act in 2008. The act took the
8 responsibility for redistricting away from the
9 legislature and authorized the Commission to create
10 district maps for statewide offices. In 2010, the
11 Congressional Voters First Act added the responsibility
12 for creating congressional district maps to the
13 commission.

14 The fourteen-member Commission is composed of five
15 Democrats, five Republicans, and four members not
16 affiliated with either of those two parties. The
17 Commission must draw district lines in conformity with
18 strict, nonpartisan rules designed to create districts of
19 relatively equal population that will provide fair
20 representation for all Californians. This set of
21 commissioners was seated in August 2020. And after a
22 sixteen-and-a-half-month process, we approved and
23 delivered our maps to the Secretary of State in December
24 of 2021.

25 So the Commission spent the following year and a



1 half winding down our operations, writing reports,
2 archiving our work, which finished in June of 2023.
3 Okay, thank you. Beginning in fiscal year '23-'24, the
4 Commission requested around \$250,000 for an ongoing
5 budget. This would have allowed the Commission to meet a
6 couple of times a year, continue working on modifications
7 to the laws and regulations governing the Commission, and
8 to prepare for the seating of the next set of
9 commissioners in 2030.

10 The State allotted the Commission \$180,000, which
11 allows the Commission annually, which allows the
12 Commission to meet once per fiscal year, pay for a part-
13 time staff of three, and comply with the bureaucratic
14 requirements of the State. So that's kind of the
15 background where we are at this point.

16 So, you know, what's going on right now? Gloria,
17 Tammy, Tim, and I have spent a lot of time responding to
18 phone calls, emails, press inquiries, trying to
19 understand the Commission's role in the mid-decade
20 redistricting effort and responding to the Public Records
21 Act request. Thus far, the Commission has received over
22 250 emails, well over 100 phone calls, and I think just
23 one letter? One letter. And most of these messages fell
24 into these categories.

25 There are people who believe we can somehow stop

1 this effort and are asking us to do so. There are people
2 who support the Commission, but also support the mid-
3 decade redistricting effort and just want to let us know.
4 There are people who believe the Commission is behind the
5 effort and drew the maps and are very angry about it.
6 There are people who support the effort and believe the
7 Commission is against the effort because of flyers and
8 emails they have received. And they are also very angry.

9 So we're getting it from both sides. As you can
10 imagine, most of the messages are very emotional and
11 contain inappropriate language. Because responding to
12 every email individually is not possible given our
13 staffing levels, Tammy replied to the -- with the
14 Commission's statement on mid-decade redistricting to all
15 of the emails we received prior to releasing the
16 statement. Subsequent to releasing the statement, she
17 set up an automatic response to incoming emails that
18 sends the statement.

19 Gloria also modified her phone message to clarify
20 the Commission's role in the mid-decade redistricting
21 effort. We are still trying to monitor email and calls
22 and reply to those with other questions. But again, it's
23 difficult given our staffing levels. But we're doing our
24 best to try to keep up. We're working to get the emails
25 posted to our website. We're going to remove any

1 personally identifiable information from the senders of
2 those emails, but just simply do not have the bandwidth
3 to redact the language. We're also working to get
4 transcripts of the phone messages generated and post
5 those also, again, without redaction.

6 I estimated that we spent about \$12,500 more than
7 average from last year. I expect about -- in August, I
8 expect about the same in September. Gloria and I met
9 with Jessie Romine and Justin Adelman from the Department
10 of Finance, letting them know we were running a little
11 bit hot on the budget and, you know, what our concerns
12 were. I mean, it was a good meeting. You know, they had
13 some suggestions that we look into reducing the scope of
14 the Public Records Act request and, you know, see if we
15 can slow down work later in the year. Both of which we
16 had worked on -- or have been working on.

17 They also suggested if there is no requirement for
18 us to respond to email and phone calls that we don't. So,
19 you know, all of these things, we can discuss. So I
20 included the budget language for the Commission as a
21 handout. As you can see, there are just a few provisions
22 in our budget language that will allow for a budget
23 increase, either litigation, filling a vacancy, or
24 increased costs from the Department of Technology or the
25 Department of General Services.

1 So from a budget perspective, last year we were
2 about \$25,000 under budget, even though we had a similar
3 spike in spending last year when Commissioner Yee and Tim
4 had to work on what to do about replacing Jane, and then
5 we held a meeting. Also, Karina was on board at the
6 beginning of the year last year and is currently not. So
7 you know, there's a little bit of flex -- budget
8 flexibility there. I think now that we have the
9 messaging under control, things should slow down with
10 regards to that. But there's still a lot of work to do
11 on the PRA response. So we have to continue to keep an
12 eye on the budget. So that's kind of the budget update
13 at this point.

14 And now I'm going to switch gears a little bit and
15 make a couple comments on mid-decade redistricting and
16 Prop 50. There's a lot of misunderstanding about the
17 Commission's role, and I just want to try to clarify that
18 for the public. Excuse me.

19 I'll just start with a couple of the paragraphs from
20 our statement, just to reiterate. So the Commission has
21 absolutely no involvement in the Governor's efforts to
22 replace the State's congressional maps. The Governor's
23 proposed congressional maps were drawn by the
24 Legislature, not the Commission. In addition, the
25 Commission has no affiliation with any organization

1 lobbying for or against this proposition. Any
2 communication from the Commission will come through our
3 official channels via social media or in an email from
4 the Voters First Act at crc.ca.gov. Our official website
5 is wedrawthelines.ca.gov.

6 Information from any other source is not from the
7 Commission. For example, a .org address. So if you
8 received a flyer on Prop 50, it wasn't from the
9 Commission. If you received an email on Prop 50, it
10 wasn't from the Commission. At this time, the Commission
11 has no official position regarding the Governor's
12 proposed redistricting in Prop 50.

13 Individual commissioners are free to exercise their
14 First Amendment rights to free speech and may express
15 their personal views on the current redistricting
16 proposal. Such comments are solely those of individual
17 commissioners and do not represent the official position
18 of the Commission. In addition, and to hopefully clarify
19 and remove confusion, if passed, Proposition 50 would
20 replace the congressional maps drawn by this Commission
21 with maps drawn by the legislature. Again, the
22 Commission has had no involvement in creating the
23 congressional maps proposed in Proposition 50.

24 So I hope this clarifies confusion, and I read that
25 statement because, you know, I'm trying to capture the



1 themes that we've heard from the phone calls and the
2 emails and the comments that I've gotten myself and just
3 misunderstanding out there. So hopefully that clarifies
4 the role of the Commission.

5 So then finally, as always, the Commission welcomes
6 input from the public. We'll provide a number of
7 opportunities for public input today. To be consistent,
8 public input -- to be consistent with our past practices,
9 public input, public comment will be limited to one and a
10 half minutes, just as we did during mapping, because
11 we're not taking public comment on mapping. You know, if
12 we have a number of phone calls, we'll close the phone
13 lines five minutes after the final announcement for
14 public input. And anyone using foul or threatening
15 language will be cut off immediately.

16 So that is my comments. I want to turn it over to
17 the commissioners to -- if any of the commissioners have
18 any general announcements, questions, comments.

19 Ray?

20 COMMISSIONER KENNEDY: Thank you, Chair. I, just on
21 a personal note at this point, I'm recently back from a
22 Carter Center election observation mission to Guyana. It
23 had been 34 years since I'd been in Guyana, and it was
24 good to see that election. I will be leaving on Tuesday
25 for a month in Ireland on an assessment mission for the

1 upcoming presidential elections in Ireland. So I'll be
2 like eight or nine hours ahead. So if you need to reach
3 me, just please keep that in mind. Thanks.

4 CHAIR FORNACIARI: Commissioner Akutagawa.

5 COMMISSIONER AKUTAGAWA: I just wanted to also
6 reiterate what you said about the staff. So thank you,
7 Tim, Gloria, and Tammy. But I also want to just say
8 thank you to you, too. I know it's been a lot of work on
9 your part. I always feel that we are fortunate that we
10 have the right person at the right time for things that
11 have been happening. And I just want to say thank you to
12 you for what you've been doing on our behalf as a
13 commission. And, you know, again, right person, right
14 time. You may not feel that, but I certainly do. So I
15 just wanted to acknowledge you and thank you for all that
16 you've been putting in, you know, to help navigate us
17 through this current time right now.

18 CHAIR FORNACIARI: Well, thank you for that.

19 Any other comments or input?

20 Well, let's see. Typically, at this point, we'll
21 call for public comment. Unfortunately, we have a
22 visitor joining us in three minutes. So I think what I'm
23 going to do at this point is we're going to wait for
24 Professor Levitt to join us and then -- and then jump
25 into the mid-decade redistricting discussion. And then

1 we can -- we'll -- at the end of that, we'll have public
2 comment and -- on the first two agenda items -- or those
3 two agenda items, and then we will go from there.

4 So we'll -- I'll start with my preface. I expect
5 Professor Levitt to join us any minute now.

6 Oh, Commissioner Sinay?

7 COMMISSIONER SINAY: I want to echo Lin -- sorry,
8 Commissioner Akutagawa's comments since we have a few
9 minutes until we're waiting for Professor Levitt. But
10 also I wanted to thank and reflect on how awesome it's
11 been and it was to work with all of you. And I've been
12 shocked when people say to us, oh, it's too bad you guys
13 didn't get to bond as much as 2010 because you didn't
14 travel or, you know, it doesn't seem like you all know
15 each other as well. And I think that that's malarkey.
16 Since you're going to Ireland, I'll use that.

17 But I really do feel that these -- you all are 14
18 people that will always be part of my life and not just
19 colleagues, but friends. And sometimes it feels like
20 family, right? The whole -- the fighting part I think of
21 as family. But in the end, we all really do care about
22 each other. So I just wanted to put that out there in
23 the public as well, that we are really -- you know, we
24 did work together. And when people ask me, why do I, you
25 know, still promote independent redistricting

1 commissions? Why was I a fellow, a non-paid fellow to do
2 that stuff?

3 The truth is that I felt like it was a gift to work
4 with all of you and be in the center of true democracy in
5 these times. And I want others to get that same
6 experience. And so I just wanted to put that out there.
7 Thank you all. And thank you, especially, Commissioner
8 Fornaciari. It's so weird to call you all commissioners
9 again.

10 CHAIR FORNACIARI: Well, thank you for that.

11 Let's see. Okay. Oh, it's Professor Levitt? I
12 don't see -- there he is.

13 Hi, Professor Levitt. Welcome.

14 MR. LEVITT: Yes, I'm here. Sorry, I did not mean
15 to interrupt. Hello, all. Pleasure meeting with you.

16 CHAIR FORNACIARI: No worries. No worries. Thank
17 you so much for joining us.

18 Okay. I just have a few remarks to start things
19 off. I want to welcome and thank Professor Levitt for
20 joining us today. He has been an amazing friend and
21 supporter of the Commission. We are grateful for his
22 willingness, once again, to make time for us. I just
23 want to make it clear that Professor Levitt is not here
24 to provide legal advice to the Commission, but to share
25 his thoughts on the Commission's role regarding mid-

1 decade redistricting.

2 So just to frame the conversation here for everyone,
3 so my intent for this discussion is for the commissioners
4 to get a better understanding of the role of the
5 Commission with regards to the mid-decade redistricting
6 effort in Prop 50 underway in California. You know,
7 we're in uncharted territory here and, you know, not sure
8 where this is all going to go, but I thought we should
9 have the conversation amongst ourselves, allow the
10 public -- and allow the public to provide their thoughts.

11 We're going to start by allowing the commissioners
12 to comment and ask questions. Then have Professor Levitt
13 share his thoughts and continue the discussion. I've
14 allotted an hour, but you know, if we need to go more,
15 that's -- we can. We can continue after the closed
16 session.

17 So Ray had had his hands raised a while back, so
18 I'll turn it over to Ray.

19 COMMISSIONER KENNEDY: Thank you, Chair.

20 In the midst of everything going on, I have
21 preferred to reserve my thoughts on what's unfolding
22 until we were together. We've been able to understand
23 each other and build consensus on so many occasions along
24 the way after listening to each other. Unfortunately,
25 the State's misguided cuts to our budget last year have

1 meant that we have not been able to respond to the moment
2 as I would have liked. I fully respect the right of
3 those colleagues who have chosen to speak publicly in
4 their personal capacity, and I appreciate your indulgence
5 as I take a few moments to share my own thoughts. And I
6 really look forward to our discussion later on.

7 In his remarks after meeting with a delegation of
8 Texas legislators, Governor Newsom mentioned that we
9 should all be playing by the same set of rules. That's a
10 great idea, but why not focus this energy on changing the
11 U.S. Constitution so that no state is able to game the
12 system? The founders embedded a number of provisions in
13 the Constitution to keep states from adopting beggar-thy-
14 neighbor policies, as some of them had done under the
15 Articles of Confederation. But the founders didn't fully
16 anticipate the emergence and dominance and permanence of
17 political parties in America.

18 We should be working to pass an amendment to the
19 U.S. Constitution stipulating that redistricting is only
20 allowed in the aftermath of the decennial census in
21 response to a final court order or as a result of a
22 citizen's initiative. The Governor also spoke of moral
23 clarity and moral authority, yet his proposal is to go
24 low because the other side is going low. Is that really
25 an exercise of moral clarity? Is that really going to

1 convince voters in the future that they can trust anyone
2 in a position of power, or will it simply turn more
3 people off to politics?

4 The Governor's approach to this controversy has
5 struck me as eerily similar to what we've heard from the
6 President: I, alone can fix this. But then does it even
7 need to be fixed? To my mind, this is yet another
8 manufactured emergency. First, the administration's
9 effort to squeeze more seats out of Texas might well
10 backfire, as a similar mid-dis -- mid-cycle redistricting
11 there did twenty-some years ago. Second, midterm
12 election losses for the party in the White House, which
13 are normal in American politics, could be even bigger in
14 2026.

15 According to a newsletter from Princeton's Electoral
16 Innovation Lab last week, the median swing in a midterm
17 election is thirteen seats, and forecaster Elliot Morris
18 now thinks a swing of twenty seats or more is likely.

19 The statement of reasons for the Voters First Act
20 for Congress in 2010 included the following. Allowing
21 politicians to draw these districts, to make them safe
22 for incumbents, or to tailor the districts for the
23 election of themselves or their friends, or to bar the
24 district to the election of their adversaries is a
25 serious abuse that harms voters. It was a serious abuse

1 then. It's a serious abuse now.

2 The Voters First Act was passed by the voters of
3 California in 2008 to take legislative map drawing out of
4 the hands of politicians. An even larger majority of the
5 state's voters voted in 2010 to take congressional map
6 drawing out of the hands of politicians. Why should we
7 give up these hard-fought victories and return to the
8 days when legislators drew their own districts to ensure
9 their continuity in office and congressional districts
10 that they could aspire to win after hitting their term
11 limits in the legislature?

12 Governor Newsom and his colleagues have now shown us
13 that independent citizen redistricting may have always
14 been, in some ways at least, an illusion. If politicians
15 can step in to draw their own maps whenever they want,
16 and then ask the voters to approve them, how much true
17 power did we have in the first place? What is to stop
18 them from doing the same thing 10 years from now, in the
19 middle of the next cycle? It is critically important to
20 understand the source of this action.

21 It is not the people of California, through a
22 citizen's initiative, who would have every right to do
23 so, who have initiated this effort to replace the maps
24 produced by the Citizens Redistricting Commission.
25 Instead, it comes from the very politicians that the

1 voters of California intended to remove from the process.
2 Those politicians did not have the power to draw new
3 maps, and yet they did, and are now asking the State's
4 voters to endorse their action.

5 The Commission has demonstrated how a highly
6 transparent, voter-focused redistricting process, led by
7 citizens broadly reflecting the diversity of our state,
8 including its political diversity, and engaging tens of
9 thousands of Californians along the way, can produce fair
10 maps. The 2020 Commission adopted our maps unanimously
11 in a very rare achievement in our country at any time,
12 but especially in these troubled times. We saved the
13 taxpayers of the state millions in expenses to defend our
14 maps against challenges in the courts or via referendum
15 because there were no challenges to our maps.

16 But Governor Newsom and his colleagues have suddenly
17 come up with a way to challenge our maps without saying
18 they're challenging them. Setting them aside without
19 saying that they're setting them aside. Suspending them
20 without saying that they're suspending them. But that is
21 indeed the reality of what is proposed. And to add
22 insult to injury, the Office of the Attorney General,
23 which was supposed to be the Commission's official legal
24 counsel following the Commission's downsizing two years
25 ago, has refused to even advise us on our rights and

1 obligations in the current situation, much less represent
2 us in court.

3 We've been told that we have no standing to defend
4 our maps against their actions because the governor and
5 his colleagues are not directly challenging our maps. I
6 can understand why some people might want us to think
7 that, but I disagree. I have drafted, interpreted, and
8 implemented election-related laws around the world for
9 decades. And I believe that if we read Article 21,
10 Section 3A of the state constitution, in light of the
11 stated purpose of the initiative that created the
12 commission, we have every right to defend those maps, and
13 that the legislature is bound by that same section of the
14 Constitution to provide the funding required for that
15 defense.

16 I've also reviewed the Legislature v. Deukmejian
17 decision from 1983 regarding mid-cycle redistricting,
18 including the dissenting opinion in that case. The
19 ruling itself highlighted an important legal principle
20 that strikes me as pertinent to our discussion here.
21 That which cannot be done directly cannot be done by
22 indirection. I highlight my experience not to say that
23 I'm right, but rather to say, as a reasonably informed
24 citizen and member of this body, that I believe we need
25 to have a detailed public discussion with impartial

1 outside counsel involved to better determine where we go
2 from here.

3 And while I would have much preferred to have such a
4 discussion months ago, I'm happy that we're having a
5 serious discussion about it today. Not only has all of
6 this been schemed up without the Commission's input,
7 without even the courtesy of formal notice to the
8 Commission, but the State's budget constraints on the
9 Commission have prevented it from convening until now to
10 discuss our response. As I commented a year ago
11 yesterday in an op-ed in the Sacramento Bee, in my
12 decades working in international electoral assistance,
13 I've seen that the most common way of undermining
14 independent commissions is to starve them of the funding
15 they need to carry out their work.

16 Well, it worked. If we leave any of the
17 Commission's rightful powers on the table, whether that
18 be to complete the pending work on the remainder of our
19 legislative package or to defend our maps, we will
20 inevitably leave future iterations of the Commission
21 weaker than it is today. I do not want to see that
22 happen. There are other, better ways than gerrymandering
23 to win seats, including doing the hard work of winning
24 hearts and minds.

25 If the Democratic Party wants to win more House

1 seats, and I sincerely hope it does, it needs to knock on
2 doors in every county in this country and listen to the
3 people. It needs to present candidates who deeply
4 resonate with the people. And it needs to propose and
5 support policies, including citizen redistricting
6 commissions for this and every other state in the nation
7 that enjoy the broadest possible support. It needs to act
8 in ways that command respect rather than ways that turn
9 people off, especially independent voters.

10 If the Democratic Party can't win a midterm election
11 for the House of Representatives in 2026, after all that
12 we have been through, then the future of our country is
13 indeed in peril, and setting aside our maps for five
14 seats will have been a high price to have paid in vain.
15 Stooping to the level of the other side might, but
16 realistically might not, be effective in the short term.
17 But it would certainly deepen cynicism around the
18 Democratic Party, around politics, and around government
19 in general, which will just make tyranny that much
20 stronger. This is not what I'm about.

21 I stated in my application to serve on the
22 Commission that I wanted to see California continuing to
23 serve as a model for the other states in the Union. I
24 see citizens of other states fighting the battle to have
25 the right to draw their own lines through citizen

1 redistricting commissions, and I know that the better job
2 we do here in California, the more likely they are to win
3 the right that we already enjoy. But beyond my own
4 desire to see California serving as a model for other
5 states, I swore an oath to support and defend the state's
6 constitution, and I'm doing what I believe is necessary
7 to abide by that commitment.

8 Before I conclude, I'd like to share a short passage
9 from a longer piece by the editorial board of The Truth
10 Project. Gerrymandering becomes a dam, holding back the
11 future long enough to protect the present for just a
12 little while longer. But the longer that dam holds, the
13 more pressure builds behind it. And at some point, that
14 pressure breaks everything.

15 That's where we're headed. A system that pretends
16 to be representative while being deliberately designed
17 not to be. A political map that doesn't reflect the
18 people, just the fear of losing power. And when that
19 happens, the damage goes beyond voting. It breeds
20 distrust, apathy, disillusion. People start pulling
21 away, not because they don't care, but because the game
22 feels rigged.

23 The Governor of California isn't my hero. My heroes
24 are the tens of thousands of Californians who made the
25 effort to make their voices heard in the redistricting

1 process. The people around the country, who continue to
2 push for independent redistricting in their own states
3 and nationwide. And my colleagues on this Commission,
4 who put their hearts and souls into this endeavor and who
5 have treated each other with exemplary respect throughout
6 our tenure.

7 Thank you, Mr. Chairman.

8 CHAIR FORNACIARI: Thank you, Commissioner Kennedy.

9 Commissioner Le Mons.

10 COMMISSIONER LE MONS: Thank you for that,

11 Commissioner Kennedy.

12 I have to go on record saying I agree with you 1,000
13 percent. There wasn't a sentence, a word choice, a
14 punctuation, or pause that I do not agree with. This
15 whole process for me, personally, my lifetime has been
16 spent being a part of organizations and institutions who
17 profess one thing and never do what they profess to do.
18 It's always a game. It's always a charade. It's always
19 a pretend. And it's very frustrating. I am so proud to
20 be a part of this body. I consider it one of the
21 highlights of my career. Why? Because of what this body
22 stood for, why it came -- or stands for, why it came into
23 existence and the experience that I had with the other
24 thirteen individuals and all of the support, both, from
25 the community our staff etcetera for us to achieve a

1 monumental accomplishment that we're all proud of.

2 And to have this process that we're facing, not as a
3 commission because we're not in it per se, but to be
4 thrown into the center of this situation, disrespected --
5 I did like this when you talked about the AG's office
6 because that just blew my mind, and that began even
7 before we got into this process. But that conflict of
8 interest is crystal clear, and we served on the losing
9 side of that relationship which I'm pissed about.

10 So I just wanted to acknowledge that I agree with
11 you, Commissioner Kennedy. Yeah, I'll just stop there.
12 I agree with you. Thank you.

13 CHAIR FORNACIARI: Thank you, Commissioner Le Mons.
14 Commissioner Fernández.

15 COMMISSIONER FERNÁNDEZ: Yeah, I wasn't going to say
16 anything, but -- it's on. Can you hear? Can you hear me
17 now? I'm Verizon now. No, that's not any sort of, you
18 know.

19 I did not, and will never say it as eloquently as
20 Commissioner Kennedy, because I just have it on a Post-
21 it. And I'm not mocking it at all, but you just said it
22 beautifully, so thank you very much.

23 The only thing I had on it was challenging maps.
24 How can this not be considered challenging our maps? And
25 that's what I'm hoping Professor Levitt can highlight

1 that piece for us, because I've had many individuals --
2 because I know the budget, and I know the budget language
3 says only when our -- when we're defending our maps. And
4 because they haven't come out and said they're
5 challenging our maps, they're saying our maps were fine,
6 but we're just going to change them. So how can that not
7 be that they're challenging our maps?

8 And I agree with what Commissioner Le Mons said as
9 well, and have utmost respect for everyone. I respect
10 everyone's opinions; we're -- we can be on different
11 sides, which is fine. But we all came on to this
12 commission with a certain belief. And I just feel that
13 we are being pushed aside at this point. We spent
14 thousands of hours listening to thousands of public
15 input, sacrificing our own personal time, personal lives,
16 because we believed in this. And yes, definitely, feel
17 disrespected by what's going on. Thank you.

18 CHAIR FORNACIARI: Thank you, Commissioner
19 Fernández.

20 Commissioner Sinay.

21 COMMISSIONER SINAY: We were just talking about
22 writing styles and Commissioner Kennedy, thank you for
23 having your writing style that is powerful and says a lot
24 of what I think is in in a lot of our hearts.

25 This isn't about us as fourteen individuals, and

1 that's what I keep trying to tell people when they tell
2 me I'm emotional, or I'm too invested. It's about the
3 35,000 inputs we received, plus others who trusted the
4 process. And that's who were the heroes, as you said.

5 My point I wanted to really make was that we had --
6 when we talked about the Attorney General being our legal
7 counsel, we specifically had said it was a conflict of
8 interest. I remember having a Post-it note saying
9 conflict of interest, asking that question, would it be a
10 conflict of interest because I'm -- legally I'm not
11 always -- yeah, I don't have a law degree like some of my
12 colleagues and such.

13 And I do think it's important for us to make sure to
14 add that to our Lessons Learned document and make sure
15 that we share that with -- I hope there's a 2030
16 Commission. I still am trying to be an optimist about
17 that. But that -- I don't think the Attorney General
18 should ever be the legal counsel for an independent
19 redistricting commission.

20 CHAIR FORNACIARI: Thank you, Commissioner Sinay.
21 Commissioner Turner.

22 COMMISSIONER TURNER: Yes, thank you. And hello to
23 everyone.

24 I just wanted to join in to the comments to be able
25 to say how much I always appreciate hearing from Ray and

1 the expertise -- Commissioner Kennedy and the expertise
2 that he has and all of the fellow commissioners. I think
3 also it is possible to hold two truths. I, 100 percent
4 still stand in support of what we did as a commission and
5 in the theory of what the Commission stands for.

6 I don't think people will become more distrustful or
7 have more apathy or disillusion. I think they are
8 already that. I think that the frustration, the fear,
9 the cost, the lives, the -- just the sheer chaos that
10 we're seeing in our nation now, for me, requires that
11 something different happens in this moment. I don't
12 think that we're going -- we stand to lose democracy. I
13 strongly believe we're already losing democracy.

14 And so for my personal feelings, I -- this is for me
15 has never been about a power grab for Newsom or what he
16 wants to do one way or the other. It is in response to
17 what millions of Californians are living in real
18 experience. So the holding of two truths, all of what
19 was stated eloquently, can't disagree with anything that
20 was said. And in addition to that, we have people right
21 now that I feel beholden to, people in the community,
22 people that I have traveled and have spoken with that
23 have a very different experience and path forward, short
24 of us with the slow wheels of trying to make something
25 shift and change for a future time.

1 I think had we been working those at the same time
2 to ensure that redistricting was in place across our
3 nation, I think that would have been beautiful. I think
4 it would be great if that stroke of a pen could happen
5 across the nation. That's great. I think that even with
6 what typically happens mid-districting and what
7 happens -- I think that people are within their right to
8 believe we're in different times now, and I don't think
9 anything -- it doesn't appear that anything is currently
10 working the way that it typically does.

11 And so I just wanted to name that. I wanted to name
12 that. I still stand firmly in my thought process of
13 needing to do something to support people now. And I
14 hear and understand where my fellow commissioners are
15 hanging out at. And if they're -- they could both
16 happen, I think that's great. I don't have it written or
17 even on a Post-it, but just did want to share my heart
18 and perspective, Thanks.

19 CHAIR FORNACIARI: Thanks, Commissioner Turner.
20 Commissioner Taylor.

21 COMMISSIONER TAYLOR: Yeah. I'm hearing everyone,
22 and I just know that we have Professor Levitt here that
23 might be able to provide some insight. I would love to
24 start journeying down that path and see what he has to
25 offer.

1 CHAIR FORNACIARI: Okay. There are no other hands
2 raised -- commissioner hands raised at this point.

3 Professor Levitt, your thoughts, comments, you know,
4 whatever you'd like to add. Again, we really, really
5 appreciate you joining us.

6 MR. LEVITT: Of course. And thank you so much for
7 the invitation to be with all of you again. It is a
8 pleasure to be seeing you, even if virtually.

9 I want to put a pin in or an exclamation point
10 behind what the Chairman offered before, which is I am --
11 I understand you've had quite a few tussles over who your
12 legal counsel is, and the one thing I know is that I am
13 not him. I am also not your political counselor. I am,
14 for these purposes, an academic who happens to follow
15 this stuff closely and hopes to be helpful in whatever
16 way I can. But I am certainly not telling you what your
17 legal rights, responsibilities, or obligations may be.

18 I also come to this as a big supporter, and very
19 publicly so, of the initiatives in 2008 and 2010, and as
20 a supporter of similar initiatives across the country and
21 in Congress to try and replicate the work that you've
22 done here. Not every state needs a commission configured
23 exactly like California, but I think every state would
24 benefit tremendously from commissions that are similarly
25 configured to deliver real independent work on behalf of

1 the constituents in their states. And I think other
2 states are learning from you, have been learning for you
3 for decades.

4 And I want to say that that respect for the process
5 didn't stop in 2010. I have had the opportunity to work
6 with your predecessors a bit and to work with many of you
7 a bit and to appear before you as a commission a bit.
8 And I have enjoyed that experience tremendously. So I
9 also want to thank you for your incredibly hard, and I
10 think, incredibly valuable work and for the very clear
11 and palpable, tremendous respect you have for each other.
12 It was clear from the get-go. It is clear now. And I
13 think it has helped put this commission in a really
14 wonderful place, continuing, I think, much of the respect
15 that the first commissioners -- the first iteration your
16 predecessors had for each other in really delivering for
17 the state of California.

18 And I know that has not always come easily, either
19 through substantive challenges that you've worked through
20 or through logistical challenges, like administrative
21 support and budget, as you've mentioned. I also know
22 Commissioner Le Mons mentioned that he agreed 1,000
23 percent with Commissioner Kennedy. My number may be a
24 bit smaller than that, but only by a bit. I agree with a
25 whole lot of what Commissioner Kennedy said and the

1 sentiments that he expressed and also think he expressed
2 them beautifully, though I don't have them on a Post-it
3 or otherwise.

4 When it comes to the current role of the Commission
5 in this controversy, I first want to start with your
6 August 28th statement to the public, which was, I
7 believe, at least the last time that I saw that this
8 Commission expressed thoughts about Prop 50 and about the
9 current moment as a commission. And I think that August
10 28th statement was exactly right. I thought it was very
11 carefully calibrated. And I think the sentiment was
12 precisely right, both in encouraging and/or acknowledging
13 the rights of individuals to have thoughts as individuals
14 about what's going on. Some for the current proposition,
15 some against, some neutral, some not choosing to express
16 a preference at all. I think that's entirely appropriate
17 the commissioners continue in their own personal capacity
18 to have whatever thoughts they have.

19 And I think the August 28th statement reflected the
20 fact that the Commission didn't have at that time a
21 statement as a commission, but in saying that, left open
22 the possibility that you might. And I think that that
23 too is entirely appropriate. If the Commission decides
24 as a commission to have a statement on the current
25 proposition, then I think it's absolutely appropriate for

1 you all not to lose your speech rights as a body and to
2 be able to speak out as you choose, both as individuals
3 and as a group. And I think that both are powerful.

4 When it comes to the legal reading, which is -- I
5 know is part of the reason that you have me here today,
6 including Section 3A of Article 21 that Commissioner
7 Kennedy flagged, I want to say again, I am not the final
8 word on this, and certainly not the final word as your
9 counselor on this. I'll confess that this is one of the
10 few departures from the 1,000 percent that I might agree
11 with Commissioner Kennedy on.

12 I read that language in context to say -- and here
13 I'll quote from the -- I don't have it memorized, so I'm
14 going to pull it up, the language of Section 3A. "The
15 Commission has the sole legal standing to defend any
16 action regarding a certified final map," I think is the
17 critical language about legal authority. And I think
18 that's the same language that Commissioner Kennedy
19 flagged. And again, as a guy who knows some stuff about
20 some things, but not as your lawyer, I interpret that to
21 mean that the Commission is charged with legally
22 defending, pardon me, a challenge in court to the maps
23 that you have drawn.

24 It is difficult to understand that language for me
25 as authorizing or giving the Commission sole power to

1 affirmatively challenge a proposal to change the overall
2 rules, which is effectively what Prop 50 is, right? Prop
3 50 is a -- an entreaty to the voters to change the
4 constitution, one time and one time only, and leaves that
5 decision up to the voters. And I think it is difficult
6 to understand an attack or a potential attack on Prop 50
7 as a defense of an action against a certified final map
8 that you've put forward.

9 I also think as a technical matter, if the voters
10 reject Prop 50, there is no pending action on any
11 certified final map, right? The question before the
12 voters is whether to change the state constitution or
13 not. And if the voters say not, which they very well
14 might, I don't view it as a given conclusion the way the
15 voters are going to come out on this in a month -- just
16 over a month. So if the voters say, actually, we'd
17 rather keep the Commission and the maps that we have and
18 reject the prospect of change, definitionally, there is
19 no challenge to your map pending at all. Your map stays
20 in place for the next -- until the next census and until
21 the next commission is constituted.

22 So with respect to the narrow legal authority of the
23 Commission to intervene in a legal proceeding, I, with
24 great respect, read the language of the Constitution a
25 little bit differently than I think Commissioner Kennedy

1 might. And I don't see a legal role for the Commission
2 in affirmatively challenging the voters' ability to
3 change their minds on what the Constitution says, which
4 to me seems different from a particular attack on the
5 validity of the maps that you've created. And I'll note,
6 your maps have not been challenged. I think that's an
7 immense credit to the work that you did. That's a rarity
8 across the country. California is in pretty rarefied air
9 of having created maps that did not draw a legal
10 challenge successfully or otherwise.

11 So I'll say again, I commend you on the work that
12 you did. I acknowledge I am not the only one with an
13 opinion on what that language means. And I certainly
14 respect others who feel differently about it. That's --
15 for what it's worth, my read of what Section 3A was
16 designed to do, and the language fits to me most
17 naturally with, you are the defenders of a legal
18 challenge to your maps, but have no formal legal role,
19 which is not to say precluded from speaking out on, have
20 no formal legal role in deciding what the voters do or do
21 not decide is the basis of going forward.

22 And I would feel the same way about that if the
23 voters decided to amend, for example, the California
24 Constitution to add criteria or subtract criteria or
25 change criteria that you use to add personnel to the

1 Commission or subtract personnel from the Commission. I
2 think it's entirely consistent with that to say, you all
3 would have the ability and right in your individual
4 capacity and as a group to speak out for or against
5 proposed changes like that and say in your wisdom how you
6 thought they would work out, but that you wouldn't
7 necessarily have a legal role in challenging
8 modifications to the Commission or its future work.

9 And I think that the same thing is true. This is
10 essentially a modification to the Commission and its work
11 for the next five years as I read it. I'll stop there.
12 I'm happy to engage in whatever conversation you wish,
13 but I know others have thoughts and want to make sure
14 there's plenty of room for discussion.

15 CHAIR FORNACIARI: Thank you, Professor Levitt.

16 Commissioner Kennedy and then Commissioner Taylor.

17 COMMISSIONER KENNEDY: Thank you, Chair.

18 I may or may not have been clear enough. My sense
19 is that if this had come from the voters in the form of a
20 citizens initiative, I would not have a problem with it.
21 What I have a problem with is legislators who did not
22 have the power to draw maps, drew maps and are asking ex-
23 post, in a way, for permission to put those maps into
24 effect. In my mind, they simply went beyond their legal
25 remit. The whole purpose of the Voters First Act for

1 Congress in 2010 was to remove this power from
2 legislators. And if the voters want to restore that
3 power to legislators, be it temporarily or permanently,
4 that is up to the voters. But this did not come from the
5 voters. So that is my problem with this.

6 MR. LEVITT: And for what little it's worth, I
7 understood your comments to reflect that perfectly
8 clearly. I think there was no confusion on my end. I -
9 and if the Legislature purported to draw maps and then
10 assert that they were the legal maps without an
11 intervening change to the constitution, then my answer
12 would be very different. I think that would be an attack
13 on the validity of your maps and something that the
14 Commission would absolutely have the legal standing to
15 jump in on.

16 The -- legally, and this may not be the same as
17 morally or politically, legally, I don't see a
18 distinction between the Legislature proposing a change to
19 the Constitution and then a particular map being drawn
20 and a particular map being drawn and asking the voters to
21 ratify that particular map as the next set of maps in the
22 Constitution. That is, the map that the Legislature's
23 drawn does not take effect. It has no legal impact at
24 all until or unless the voters decide to approve it in
25 November.

1 And I don't view the timing in that, whether the
2 voters approve the change, and then the map is drawn, or
3 the map is drawn, and then the voters approve the change,
4 as creating a meaningful legal distinction given the
5 California Constitution. But I appreciate that that
6 may -- outside of the legal realm, that may feel very
7 different.

8 CHAIR FORNACIARI: Thank you.

9 Commissioner Taylor.

10 COMMISSIONER TAYLOR: Thank you.

11 Professor Levitt, forgive me if I go too far afield.
12 My understanding is that Prop 50, it's being -- the
13 verbiage is related to a one-time, mid-decade
14 redistricting. So when they say one-time, is that in
15 reference to that ten-year period so that when the next
16 commission is set, they can have a one-time,
17 redistricting because it's within that ten-year period
18 that decade, so this is something that could be repeated
19 every ten years?

20 MR. LEVITT: It's -- I think that the voters have
21 the ability to change the state constitution whenever
22 they want. That's a power the state constitution itself
23 provides to the voters. Prop 50's measure says that
24 from -- if it passes, from November through 2030,
25 there'll be a different set of maps. Prop 50 explicitly

1 says, and I also have it brought up here, the Citizens
2 Redistricting Commission established pursuant to Section
3 1 of Article 21 shall continue to adjust the boundary
4 lines of the Congressional, State Senate, Assembly, Board
5 of Equalization districts in conformance with the
6 standards and process set out in Section 2 of the
7 Constitution in 2031 and every ten years thereafter.

8 So the Prop 50 contemplates the continuing regular
9 operation of the commission. You're absolutely right
10 that there's nothing to stop the voters from changing
11 that again next year or the year after that or the year
12 after that or the year after that. If the voters decide
13 that they want to change the state constitution in
14 November and then decide again in February they want to
15 change the state constitution, that's available.

16 COMMISSIONER TAYLOR: So just as a follow-up. So
17 even though it says one time, it can be repeated?

18 MR. LEVITT: Correct. There's nothing in Prop 50
19 that itself repeats, but you're absolutely right that
20 there's no stopping either the legislature from asking
21 the voters to approve or from a citizen's initiative
22 doing this again. That's correct.

23 CHAIR FORNACIARI: Did you have a follow-up,
24 Commissioner Taylor?

25 COMMISSIONER TAYLOR: No, thank you. Thank you.

1 CHAIR FORNACIARI: Okay.

2 Commissioner Le Mons.

3 COMMISSIONER LE MONS: Thank you, Mr. Levitt. That
4 was really helpful. I, personally, just want to say that
5 I wasn't personally looking for a way for us to take
6 legal action. I felt very comfortable that this has been
7 carefully constructed and crafted in a way that actually
8 set us aside. So I feel like, you know, our work isn't
9 being disrespected on its face or anything like that.
10 It's a strategy that's being used.

11 What I hope we can take away from this is where
12 there may be -- I think the Attorney General issue is
13 probably the biggest takeaway for me as one of the
14 things, in terms of whether or not we need to propose
15 some different type of relationship, sort of revisiting
16 what we were concerned about as we were wrapping up our
17 work and proposing future budgets. And we explicitly
18 addressed the issue of representation in the event that
19 it was needed for unforeseen reasons. And I'm not even
20 saying that this particular situation rises to those
21 reasons that we would have necessarily needed counsel in
22 terms of a direct defense of anything.

23 But just the sheer ability -- sheer ability to get
24 legal counsel was hampered, and I think that that's
25 problematic. So I think that we need to make sure that

1 if there's any way for us to, sort of, sew up that
2 situation, as we've attempted with our Lessons Learned,
3 to try to really share any obstacles that we encounter,
4 that there might be ways to improve the situation moving
5 forward, knowing that this isn't a perfect process and
6 it's ever evolving. We're only the second commission of
7 this beautiful, beautiful idea.

8 So it's those kinds of things that I'm hoping that
9 would come from this discussion. I think they are
10 beginning to, and we talk more specifically about what
11 actions we plan to take whether that's some kind of
12 additional statement or position or legislative requests.
13 Hopefully, fellow commissioners, those can be some of the
14 things that are part of that discussion. I feel very --
15 I -- my first comment was emotional.

16 I stay 1,000 percent in support, by the way,
17 Kennedy. Just in that when you were describing that, I
18 didn't interpret you suggesting that there had been a
19 attack that we needed to defend. At least that was at
20 least what I thought I heard. So I wasn't concerned so
21 much about that. I do miss our plane rides. I'm a bit
22 more prepared for your statement maybe if I had been on
23 the plane with you.

24 And then, finally I wanted to say as we -- I think
25 for those listening, this is really more for the public,

1 I think hearing just, sort of, our thoughts and sharing
2 our experience of the process, hopefully it helps give
3 you some additional insight and information into whatever
4 decision you want to make as a private citizen with
5 regard to Proposition 50. I think there's a value in
6 this conversation for the listening public to that end as
7 well. I fully support the citizens -- excuse me, the
8 public's ability to make the decisions that they feel
9 they need to make as a result -- as it relates to how we
10 should move as a state through our constitution.

11 So by no means do I feel like we should in any way
12 interfere with that. And I don't think that anything we
13 have said or any actions we have taken so far suggests
14 that. If anything this body represents a real commitment
15 to the community and the populace of California's voice
16 being front and center and really being used to inform
17 how the State moves and governs itself. So I don't think
18 there's any change being asked on that end. Thank you

19 MR. LEVITT: And I'll just -- if I might, Mr. Chair,
20 I'll just point out that very much in keeping with that
21 spirit I mentioned, I think you all have done an
22 exemplary job of representing the public's interest thus
23 far in your service as commissioners. I think one of the
24 things that your predecessors did as a gift to you is
25 suggest changes that they had discovered in the way that

1 the Commission worked, tweaks and improvements for the
2 future. And I think it would continue that exemplary
3 service to do likewise, if you had thoughts to bestow
4 upon, or legal changes to suggest for your successors. I
5 think those are emphatically, not only welcome, but
6 extremely helpful to future generations of this
7 commission.

8 CHAIR FORNACIARI: Yes, thank you for that. We have
9 made a number of changes to the statutes to date, and I
10 think we're going to have a conversation about another
11 one later. I do want to say that it's a sad state of
12 affairs when a commission of the state of California
13 cannot get legal support and has to go out begging for
14 help from friends of the Commission.

15 Commissioner Sinay.

16 COMMISSIONER SINAY: Not only have we made some
17 changes, but we have three volumes written on ideas,
18 Lessons Learned, and whatnot. And so I do encourage
19 individuals, organizations.

20 I also want to add, Neil, to -- sorry, Commissioner
21 Fornaciari, to our -- to what you said, that it's also a
22 sad state of affairs when our -- some of our -- some of
23 the strongest supporters of independent redistricting
24 commissions have left us behind. And -- maybe left us
25 behind is the wrong word, but a lot of the good

1 governance organizations have chosen to step aside.

2 The question I had for you, Professor Levitt, is
3 since a lot of people are framing this as a national
4 versus local context and that, you know, it -- that we
5 got -- you know, yes, California is the, you know, the
6 golden state for democracy. And do -- you know, we've
7 got to -- you know, that's great when things are going
8 well, but now look at what's going on nationally, we've
9 got to think differently. How does this affect the
10 national independent redistricting movement?

11 That's a movement I've been part of since the day --
12 you know, I feel like I got engaged right after we turned
13 in our maps. And it feels like it would be -- you know,
14 there was a movement ahead of time. There was a lot of
15 push. There have been -- Michigan has an independent
16 redistricting commission. Ohio has put -- has made
17 efforts. There was the John Lewis Act where that -- the
18 independent redistricting commissions would go across the
19 board in all states. There is a new measure, whatever,
20 that Senator Padilla has put forward for no mid-
21 districting -- redistricting, but I don't know if it
22 talks about independent redistricting.

23 I know Prop 50 does have some language in there, and
24 that's what's making it kind of confusing because there's
25 two parts from what I understand. The first part is, is

1 it okay to put aside the independent redistricting
2 commission for these maps? And the second part is, is it
3 okay for us to move forward on promoting independent
4 redistricting throughout the whole nation? And my
5 understanding is that propositions can't have two
6 questions at the same time. So that makes this
7 proposition really messy, because you may want to say yes
8 to the second part and maybe not agree to the first or
9 vice versa.

10 So I'm really curious if California taking this
11 stance and saying, oh we can put this aside right now,
12 what it does to the national movement to push for more --
13 for fair maps in 2030?

14 MR. LEVITT: It's a great question. Let me just
15 start with a moment on the Prop 50 question, and then
16 I'll answer on the national front to the extent that I
17 can.

18 The -- as I read Prop 50, the operative provisions,
19 the legally operative provisions, are designed to replace
20 the existing maps for the next five years. And that's the
21 sole subject that it has. You are absolutely right that
22 there's a longstanding rule about initiatives having one
23 and only one subject so that you don't confuse the public
24 so that you don't worry about log rolling. There is
25 language in Prop 50 about the need to encourage

1 independent redistricting around the country. It's in
2 the sort of more hortatory explanation up front when Prop
3 50 is explaining, sort of, why we're doing what we're
4 doing. And I don't view that as having operative
5 language in the same way. And so I don't think that
6 portion creates a legal problem under the single subject
7 rule that California has, for whatever that's worth.

8 With respect to the primary question about how this
9 affects national redistricting conversations, it's
10 complicated, as everything in this moment is complicated,
11 and I don't think there's a single answer to that. I
12 think that what Texas is going through, what California
13 is going through, what other states like Missouri and
14 contemplated action elsewhere are going through, it's
15 pretty clear that voters hate across the board. It's
16 part of the reason that there was profound bipartisan
17 support for creating you and that there's been profound
18 bipartisan support for creating more independent bodies
19 across the country. I'd add to your list of other states
20 that have done work on this recently, Utah.

21 And most of that are people fighting against their
22 narrow partisan self-interest, because people aren't just
23 reduced to their narrow partisan self-interest. So in
24 California, there were an awful lot of Democrats that
25 decided that they didn't want Democratic Party officials

1 drawing the lines. And in Utah, there were an awful lot
2 of Republicans that decided they didn't want Republican
3 Party officials drawing the lines because the voters like
4 representation that makes sense for them. And they
5 recognize that insiders aren't always -- that's not
6 always the purpose.

7 So the broader mess, I think, that we're having
8 right now, has only fueled the drive for some better
9 system. And some are pointing to nonpartisan commissions
10 or multi-partisan commissions like California's with some
11 independence. Some are pointing to other rules like bans
12 on mid-decade redistricting that you mentioned. Some are
13 pointing to other election structures entirely that have
14 more proportional representation that are a little
15 resistant to gerrymandering or more resistant to
16 gerrymandering. I expect those conversations will
17 continue.

18 I don't think it's fair to say, just as every state
19 has a different political landscape, I don't think that
20 there's an impact of the current moment or even what
21 California is contemplating on efforts in other states.
22 I do know that the more mess that is created, the more
23 that voters in other states appreciate the need to help
24 stop their own messes locally. But I -- you need to dig
25 in a lot more in any particular local context in order to

1 know how the conversation in California is having a
2 specific impact there.

3 CHAIR FORNACIARI: Thank you.

4 Commissioner Yee.

5 COMMISSIONER YEE: Thank you, Chair.

6 Thank you, Professor Levitt. You're always so kind
7 and generous with your very valuable expertise. My
8 question is about the process that brought about Prop 50.
9 Of course, we have these constitutional provisions for
10 reform through citizen initiative, legislative
11 initiative, or constitutional convention. So this was
12 legislative initiative, and it happened awfully fast.
13 Can you just comment on how it happened? And I don't
14 know. Yeah, thank you.

15 MR. LEVITT: So you're right. It happened awfully
16 fast. I don't have much insight into the weeds of that
17 process. I was certainly not at the table for that
18 process. The -- as I understood it, there was a
19 perceived need to combat the action in Texas. I want to
20 say, I think that there are very real federal
21 constitutional problems that are, unfortunately,
22 unavailable to be litigated in court. But I think that
23 what Texas is doing is unconstitutional. I think what
24 California may be about to do may well be
25 unconstitutional.

1 I think there were -- and it's abundantly clear that
2 federal courts aren't available to hear these claims,
3 which is part of why there's the notion that some have
4 thought a turn to self-help is necessary. This is what
5 happens when there's a breakdown in the rule of law, and
6 it's not necessarily a good thing. The -- I think there
7 was a perceived need among, both, members of the
8 California congressional delegation and members of state
9 political leadership, and an awful lot of very quick
10 action to try and suss out what options were available.

11 It was clear that political leadership wanted the
12 voters to speak in some way in November of this year that
13 wasn't necessary. In fact, it wasn't particularly in
14 keeping with the existing election structure. There had
15 to be a separate statute to allow that rapid assessment.
16 The deadline for contemplation of state initiatives in
17 state law was longer, and they had to change that in
18 order to accommodate this initiative. And then from
19 that, I think there were a series of political
20 conversations about exactly what they wanted to put
21 before the voters.

22 And it turns out that when politicians are thinking
23 about their own districts, they are often, as several of
24 you have alluded to, motivated to act very quickly. So I
25 suspect that there were a few very strong voices in the

1 room that did the drafting and that other people were
2 told to get on board, but I don't know that for a fact.
3 I was not in the room. And so I anticipate that the
4 speed of the legislation had more to do with incumbents'
5 and party officials' understanding of the benefit to them
6 and less to do with, you know -- and a willingness to
7 hammer out the details later.

8 I do think that-- I think Commissioner Kennedy
9 mentioned this -- it's possible Commissioner Le Mons
10 mentioned this -- they got good legal advice. And so in
11 attempting to do what they were doing, they were quick,
12 but they were also pretty careful, for whatever that's
13 worth.

14 COMMISSIONER YEE: So this was a sound and normal
15 application of constitutional provisions?

16 MR. LEVITT: It's -- I don't think anything about
17 the current moment is normal. And I don't think anything
18 about the development of Prop 50 is normal. But I think
19 it was constructed as an initiative to go to the voters
20 to change the state constitution with accompanying
21 legislation. And that -- even if the process for holding
22 the election had to change, the process for developing a
23 statute and for developing a legislative initiative like
24 this, did what was legally required even if it wasn't
25 normal.

1 COMMISSIONER YEE: Thank you.

2 CHAIR FORNACIARI: So we have Professor Levitt for
3 four more minutes, and we have three commissioners who
4 are in the queue. Do you all have questions for
5 Professor Levitt? Yes? Okay.

6 Commissioner Toledo?

7 VICE CHAIR TOLEDO: So, curious, if proposition were
8 to pass and the voters decide to -- get closer. Yeah. So
9 if Proposition 50 were to pass and the voters choose to
10 replace our maps with those of the legislature, what, if
11 any, role would the Commission play in defending those
12 maps? Given that the provisions that they are changing,
13 given that we are charged with defending the
14 congressional districts that we drafted, I'm not so sure
15 if we would have a role in defending those maps?

16 MR. LEVITT: I think for better or worse, and this
17 may be for better, you don't -- the Prop 50, itself, has
18 a provision that says the Attorney General has the sole
19 legal standing to defend any action regarding the maps
20 that Prop 50 would facilitate. So that part, at least,
21 is abundantly clear that they've replaced your standing
22 to defend your own maps with the Attorney General's
23 standing to defend this congressional map.

24 You, of course, still have standing to defend any of
25 the maps that you've created that aren't touched by Prop

1 50, the state legislative maps, the Board of Equalization
2 maps, et cetera, but you're -- you are decidedly off the
3 hook for any challenges against the maps in Prop 50
4 itself.

5 CHAIR FORNACIARI: Commissioner Blando?

6 COMMISSIONER BLANDO: Yes, thank you.

7 Professor, I'm just looking at the situation and
8 thinking what the process was to do an end round of the
9 challenging --

10 MR. LEVITT: It's a little hard to hear you,
11 Commissioner Blando, and I'm gathering other
12 commissioners may be having the same difficulty. I
13 apologize.

14 COMMISSIONER BLANDO: Okay. So -- hello, can you
15 hear me now? Great. So just wondering on the -- the
16 process seems to be an end around to the lawsuit process.
17 Is there a way that we could recommend to adjust and
18 say -- is there any recommendation we should have to the
19 statute to say, we need to close this loophole, and you
20 need to challenge the maps if that's ever going to
21 happen, or is it always going to be available because I'm
22 just going to go straight to the voters? And my concern
23 here is that you keep doing this process, you begin to
24 disengage the voters, and they don't vote. But you win
25 because you have the remaining engaged voters who are

1 very active, and they continue to vote. And so yeah, we
2 want to bypass. And then essentially, you don't have any
3 valid institution to draw the maps independently.

4 MR. LEVITT: It's a great question. I'm not aware
5 of any provision that can, essentially, restrain the
6 voters' own ability to amend the Constitution, right.
7 The voters might not want to. They may well get tired of
8 it. They may tell you or others to stop. And that might
9 be abundantly clear that it's fighting a continuing
10 losing battle. But the voters have the primary political
11 authority in the state of California. And if they choose
12 to amend the Constitution every week, that's their
13 authority. Whether that's wise or not is another matter.
14 But I'm not aware of a way to restrain that authority.

15 CHAIR FORNACIARI: Okay.

16 Commissioner Akutagawa, quickly, please.

17 COMMISSIONER AKUTAGAWA: Sure.

18 Thank you, Professor Levitt. I wanted to just ask,
19 when we were drawing the maps, we were very conscious of
20 the six criteria that we needed to keep in mind in
21 drawing the maps. And one of the particular ones that we
22 wanted to be very careful around was the VRA. And given
23 how the speed at which maps -- the maps -- the proposed
24 maps in Prop 50 were drawn, I will -- I would assume that
25 that was kept in mind as well, too. But I am curious as

1 to your perspective on that, you know, in terms of, you
2 know, what has been drawn?

3 MR. LEVITT: So I will also hope that that has been
4 kept in mind, but I honestly don't know. As you all
5 know, the liability under the Voting Rights Act or
6 responsibilities under the Voting Rights Act is
7 complicated, and you all spent a tremendous amount of
8 time dealing with those complications. And I have not
9 analyzed the new proposed maps for whether they do or
10 don't. I fully expect that there will be an abundance of
11 individuals who are analyzing those maps very carefully.
12 And those maps may well be subject to challenge where
13 yours were not in court if there have been violations of
14 the Voting Rights Act.

15 But I honestly can't tell you today, either what the
16 process was for considering, or whether the end result
17 was compliant. I imagine that folks were pretty careful,
18 that doesn't mean they succeeded. But I can tell you
19 that nothing in Prop 50 insulates a further map from,
20 this is to Commissioner Toledo's point, I think,
21 insulates a further map from challenge under the Voting
22 Rights Act or any other provision of law.

23 CHAIR FORNACIARI: Well, with that, I want to thank
24 Professor Levitt for joining us again and answering our
25 questions. Again, we can't thank you enough for all

1 you've done for the Commission.

2 At this point -- so we have two folks who have been
3 on the line for a while to make a comment. And I'm
4 profoundly apologetic, but we have a legal duty to stop
5 right now and to give our staff a break for fifteen
6 minutes. And then we're coming back in closed session.
7 And after closed -- we will -- I have it scheduled for
8 ninety minutes. I don't know if it's going to take
9 ninety minutes or not but what -- we will come back.
10 We'll come back into closed session. Then when closed
11 session is done, we'll have an announcement on the web, I
12 guess, or somehow announce it on the video stream that
13 we're coming back. And then we will continue with this
14 topic. And once we finish this topic, we'll take public
15 comment.

16 I do want to say one thing, though, publicly. Yeah,
17 the Attorney General deferred -- cited conflict of
18 interest and deferred in giving us support on this topic.
19 But we have been getting support from Laura Randles-
20 Little on the -- our Public Records Act request. So they
21 did -- the Attorney General's office did come through to
22 help us out with that. And with that, we will -- we'll
23 take a break. Thank you.

24 (Whereupon, a recess was held from 11:01 a.m.
25 until 1:45 p.m.)

1 CHAIR FORNACIARI: Welcome back to this meeting of
2 the California Citizens Redistricting Commission, as I
3 guess that's what we are at this point. And thank you
4 for joining us again. We finished our closed session.
5 We discussed personnel related issues and litigation with
6 no action taken.

7 So when we last left, we were in the middle of
8 agenda item 4. Hello? Okay. Agenda item 4. We had a
9 lot of discussion on that topic. And so I just wanted to
10 check in -- but we ran out of time. So I just wanted to
11 check in with the commissioners to see if we had any
12 further discussion on that topic?

13 Okay. So with that, we'll close out agenda item 4.
14 And there is no reports for agenda item 2. So at this
15 point, we'll take public comment on agenda items 1 and 4.

16 PUBLIC COMMENT MODERATOR: Sounds good, Chair. Just
17 a moment while I read the instructions.

18 CHAIR FORNACIARI: Kristian, can you hold on for one
19 sec?

20 PUBLIC COMMENT MODERATOR: Yes, standing by.

21 CHAIR FORNACIARI: Break protocol here, because Tim
22 has an update on the PRA Act, and it's just going to take
23 less than a minute. And so I don't want to have to call
24 public comment again.

25 So, go ahead, Tim.

1 MR. TREICHEL: Thank you, Chair.

2 Commissioners, we are, as you know, received the
3 public -- the Records Act request August 20th. We're
4 making headway. We responded once within the ten-day
5 time period, and we are preparing a second response to a
6 request regarding invoices and financial records, which
7 should occur next week. And then we will continue with
8 the further responses to the request. Thank you.

9 CHAIR FORNACIARI: Thank you.

10 So, Kristian, with that, would you ask for public
11 comment, please?

12 PUBLIC COMMENT MODERATOR: Sounds good.

13 To give public comment by Zoom, please stop the
14 livestream and join the meeting using the link on the
15 livestream landing page. To give comment during the
16 meeting by phone, please call 689-278-1000 and enter code
17 871-7417-7871. Once you've dialed in, press 9 to queue.
18 Once you've dialed in, you'll be placed in a queue. To
19 indicate you wish to comment, press star 9. This will
20 raise your hand for the moderator.

21 When it's your turn to speak, you'll hear a message
22 that says, the host would like you to talk; press star 6
23 to speak. If you'd like to give your name, please state
24 and spell it for the record. You're not required to
25 provide your name to give public comment. Please make

1 sure to mute your computer livestream audio to prevent
2 any feedback or distortion during your call. Once you're
3 waiting in the queue, be alert for when it is your turn
4 to speak. And again, please turn down the livestream
5 volume.

6 And one more time, Chair, you wanted us to -- we're
7 doing a two-minutes?

8 CHAIR FORNACIARI: A minute and a half.

9 PUBLIC COMMENT MODERATOR: A minute and a half, got
10 it.

11 So we will have a minute and a half for public
12 comment, and I will give you a warning at fifteen
13 seconds.

14 All right. So we have some people that are joined
15 via Zoom with their hand up, and I have somebody who has
16 called in as well. And for the folks that have called in
17 if you want to raise your hand, press star 9 please, and
18 that will let us know that you want to give a comment.

19 So just a moment, and we'll get up -- our first
20 person queued up here.

21 All right, and I do see that that hand raised
22 caller, thank you so much.

23 First up we have Maria Skelton. Maria, you can now
24 unmute your phone -- or unmute your Zoom.

25 MS. SKELTON: Yes. Can you hear me now?

1 PUBLIC COMMENT MODERATOR: We can hear you. Go
2 ahead.

3 MS. SKLETON: Yes? Okay. Well, thank you so much.

4 Good afternoon, everyone. It took a little bit of a
5 while. I forgot what I wanted to say. But I do know
6 what I wanted to say was thank you to everyone for
7 working hard. I did try to take notes. It was Tim,
8 Gloria, Tammy, sorry if I missed anyone, that put in a
9 lot of work answering the calls and emails. Thank you
10 for the information about prop 50, as well as the
11 information that you gave that there are some things, I
12 guess, that the public thought that y'all could handle
13 and, you know -- uh oh, can you hear me good because I
14 see it's --

15 PUBLIC COMMENT MODERATOR: We can still hear you.

16 MS. SKELTON: Oh, you can? Okay. That the public
17 thought that y'all were able to handle when it comes down
18 to redistricting or something like that. Want to say
19 thank you to the professor for all the great information,
20 greatly appreciated. And just please keep up the good
21 work, name Maria Skelton, and I'm proud of you. Don't
22 give up. I know it's going to be a little difficult, but
23 keep pushing and have faith. Thanks again. Have a
24 blessed day.

25 CHAIR FORNACIARI: Well, thank you so much for the

1 encouragement and feedback. We really, really appreciate
2 it.

3 PUBLIC COMMENT MODERATOR: All right. Next in the
4 queue, we have caller 5600.

5 Caller, you can press star six to unmute. Go ahead.

6 MS. WILSON: Hi, my name is Betty Wilson and I just
7 wanted to compliment the Commission. I was actually very
8 diligent and stayed with you guys through the 2021
9 redistricting, and I testified at just about every
10 meeting for San Joaquin County. And we just wanted to
11 thank you for all the hard work and the way you listened
12 to our community and our constituents. And we drew maps
13 that were the best I think we've had in two redistricting
14 districting cycles that I am aware of.

15 So I encourage the Commission to stand firm on the
16 maps that have been so diligent with their community and
17 the people expressed their -- especially the communities
18 of interest and the disadvantaged communities expressed
19 what they had wanted to -- to have and to stay whole we
20 worked really hard at that and really listened to
21 everyone. So I just encourage you folks to stand firm
22 and reject Proposition 40 (sic). We need to continue to
23 let our disadvantaged communities, our black and brown
24 communities, have what they had wanted. Thank you so
25 very much again for what you've all done.

1 CHAIR FORNACIARI: Well, thank you for that, Betty.
2 We really appreciate it.

3 PUBLIC COMMENT MODERATOR: And is there anyone else
4 in the queue, or is there anyone else online who would
5 like to speak? If so, you can use the raise hand button
6 if you are logged in via Zoom, or you can press star 9 on
7 your telephone. Again, we are taking public comment on
8 the preceding agenda items, and if you would like to give
9 comment, please use the raise hand button or press star
10 9.

11 And Chair, there's nobody with a raised hand at this
12 time.

13 CHAIR FORNACIARI: Okay, very good. Well then, I --
14 what we have left on the agenda is committee updates. So
15 I'll just go through in order.

16 Government Affairs, do you have any updates?

17 VICE CHAIR TOLEDO: No update to report.

18 CHAIR FORNACIARI: Thank you. I'll speak for
19 finance and admin. I gave, I think, the update, you
20 know, at the beginning, talked about the budget and that
21 kind of thing. Other than that, we don't really have
22 anything to add.

23 Website.

24 COMMISSIONER BLANDO: So just a quick update. We
25 did get our certification for -- drawing a blank now.

1 COMMISSIONER TAYLOR: ADA certification.

2 COMMISSIONER BLANDO: Yes. ADSL certification. So
3 that was the only update -- we made some small updates as
4 well as people brought things up from the Commission.
5 And that is about it for that. I think we also had a
6 software update using Constant Contact for our
7 communications, so there was a transition there. I think
8 that's it unless Tammy, our webmaster, has anything else
9 to add?

10 MS. BACON: No, that's it. Thank you so much,
11 Commissioner.

12 COMMISSIONER BLANDO: And thank you, Tammy, for all
13 of her work on this.

14 MS. BACON: You're welcome. Thank you.

15 CHAIR FORNACIARI: Okay. Thank you.

16 Oh, Commissioner Sinay?

17 COMMISSIONER SINAY: Just a question for the
18 committee. As the chair has mentioned, a lot of things
19 didn't transfer from the original website to the new
20 website, and a lot of it was important information. And
21 one of the reasons we wanted -- we did the big transfer
22 was to make sure that the website would be there long
23 term. And so I don't expect an answer now, but just if
24 the Website Subcommittee and Tammy can think through how
25 do we ensure that we have all this, all the good

1 information from the old website on to the new one?

2 I get that the priority originally was to make sure
3 that we had all the content from the public input
4 comments. But we've lost a lot of other reports, like
5 all our conversation -- you know, all the education
6 sessions we've done and things like that. So if we
7 can -- if the -- sorry, if the subcommittee can just take
8 some time to figure out how -- what we can do to move --
9 to make sure that the two websites have all the
10 information.

11 COMMISSIONER TAYLOR: If I can briefly answer that.
12 It's Derric. Yes, the issue is some of the ADA
13 compliance from website to the other. Careful not to
14 differentiate the importance of one item to the other,
15 that verbiage can potentially be troublesome. But yes,
16 the idea is to transfer as much as possible from one to
17 the other while remaining compliant. That was one of the
18 issues. Thank you.

19 COMMISSIONER SINAY: Can I ask a question on that?
20 So is remaining compliant more important than all that
21 data being on there? I know it is because we have that
22 compliancy piece on there, but I'm really concerned that
23 some important information won't be accessible in the
24 future.

25 COMMISSIONER TAYLOR: It's all data and information.

1 So again, careful about what we're listing as important.
2 We don't want to set ourselves potentially up for
3 possible litigation by saying something that was
4 important as we missed. Yes, the compliance is required.
5 That's the requirement that we're trying to fulfill.

6 CHAIR FORNACIARI: Thank you.

7 I see that I didn't do what Commissioner Kennedy
8 asked me to do on the agenda. I thought I had done it.

9 Incarcerated populations. It should be Turner and
10 Kennedy, right? Yes, sorry. I'll fix it for next time.

11 Well, yeah. Any updates?

12 COMMISSIONER KENNEDY: No updates at this point from
13 that.

14 CHAIR FORNACIARI: Lessons Learned.

15 COMMISSIONER KENNEDY: On Lessons Learned, I think
16 one of the things that we have been learning over the
17 last number of months, and indeed the last couple of
18 years, is that the government code language relating to
19 the Commission was put together largely, not entirely,
20 but largely at a point in time when there wasn't
21 experience with a commission being in existence. And so
22 it was done kind of forward -- in a forward-looking way,
23 but without the benefit of hindsight and so forth.

24 One of the things that we have found that requires
25 attention is language in 8253A5. The first, second,

1 third, fourth sentence, I believe it is, says, the state
2 auditor shall provide support functions to the Commission
3 until its staff and office are fully functional. Well,
4 that was very relevant when we were just getting started,
5 but it doesn't address our situation now. And I would
6 argue that we are not fully functional now. We are, in
7 many ways, needing that kind of support as we were when
8 we first started out because we don't have a full-time
9 executive director, we don't have a full-time
10 communications person, etcetera, etcetera.

11 So I think the Lessons Learned Subcommittee would
12 like to have a discussion at some point on -- in
13 conjunction with the Legislative Subcommittee, on coming
14 up with some recommended language and coming up with a
15 way to ensure that the Commission has the support that it
16 requires to carry out its legal obligations, including
17 the work on our legislative package that remains
18 outstanding going forward.

19 Commissioner Yee, did you have anything else?

20 COMMISSIONER YEE: Just two quick update items. One
21 is that the Lessons Learned reports, a supply of those is
22 now at the California State Auditor's Office. So they
23 were all set for 2030 when the new selection process
24 starts. Also, this is not strictly Lessons Learned, but
25 when all this Proposition 50 stuff started heating up, I

1 took another hard look at the Commission's article -- the
2 article about the Commission on Wikipedia, which is
3 unofficial, of course, and it was just excruciatingly out
4 of date. So I took it upon myself to update it. It's
5 basically up to date now. But I did include the entire
6 key facts chart from the report, so that's now on the
7 Wikipedia page as well. And, of course, anyone can
8 update and revise the Wikipedia article. That's all.

9 CHAIR FORNACIARI: Well, thank you for that. Thank
10 you both.

11 Where are we? I'm kind of feeling the Bagley-Keene
12 committee has served its purpose.

13 Check with Commissioner Vázquez. Do we -- should we
14 sunset it? Okay. Since I'm the chair, and I'm going to
15 sunset it. So there we go.

16 Redistricting Engagement Subcommittee?

17 COMMISSIONER SINAY: I can never remember our name.
18 Nothing to report. I just -- I wanted to clarify that I
19 think no -- our role is for people -- when outsiders want
20 a commissioner to share our journey or whatever or talk
21 about redistricting, and then we share the opportunities
22 with others, and I think what's been happening is just
23 that the press and others have been going straight to
24 commissioners. So any articles or any quotes or anything
25 that's taking place that hasn't come through the

1 Commission.

2 CHAIR FORNACIARI: Okay. Thank you for that.

3 Then it's the Continuity Subcommittee update.

4 So you want me to go or you want to go? Okay. I'll
5 go.

6 So, you know, at this point, we're kind of on hold,
7 I guess, if you will. They -- the next step is going to
8 be to get with the state auditor, but they didn't want to
9 get together till 2026. So, you know, once that rolls
10 around, we'll get in contact with the auditor and begin
11 conversations with them. We were in contact with -- who
12 is that organization, Marcy's -- where Marcy works?
13 Okay. Our former communications director, Marcy, works
14 at a state agency now that may be the agency that is in
15 charge of -- the equivalent of the work that was done
16 last time on the census. And once they know if they're
17 going to get that job or not, they'll get a hold of us,
18 and we can begin having conversations. But they were
19 very open to further conversations about how the census
20 and the Redistricting Commission can work together.

21 Did you get it?

22 COMMISSIONER SINAY: No.

23 CHAIR FORNACIARI: Okay. If I was home I'd have it,
24 but sorry about that. Anyway, we're sort of on hold.

25 Then last but not least, the Legislative

1 Subcommittee.

2 COMMISSIONER FERNÁNDEZ: We'll go fast on this one.
3 So provided at the handout was Senate Bill 852, and that
4 is sitting at the Governor's desk at this point. And the
5 change on that has to do with filling the vacancy,
6 commissioner vacancy, where it changes it from shall fill
7 the vacancy to may fill the vacancy. So also provided as
8 a handout, was the June 23, 2025, letter of support that
9 we sent to the -- a couple of assembly individuals for
10 support so that it could keep moving forward. And right
11 now, we're in the process of drafting a letter of support
12 to the Governor for him to sign Senate Bill 852.

13 Anything else?

14 CHAIR FORNACIARI: Very good. Thank you.

15 Go ahead, Commissioner Kennedy.

16 COMMISSIONER KENNEDY: Yeah. I keep coming back to
17 this, I really feel like we have been shortchanged by the
18 Legislature as far as our funding, having the rug yanked
19 out from under us when we were in the midst of our
20 legislative package. We did, indeed, forward some, but
21 not all, of our legislative package to the Legislature
22 and have seen those items enacted and signed. But there
23 are still items on the list that we had tabled for
24 further discussion later. We only have 26, 27, and 28 to
25 do that. And so I really would like to have an

1 understanding of how we are going to complete our work on
2 our legislative recommendations before we run out of
3 time. Thank you.

4 COMMISSIONER FERNÁNDEZ: Is that on us? Okay.

5 In terms of the items that we have on our list that
6 have yet to be -- to move forward is the reallocation of
7 federal incarcerated people to their last known place of
8 residence, if provided, empowering the Commission to make
9 grants for prospective work, exempting the Commission
10 from state procurement and contracting regulations,
11 ability to hire outside counsel without the AG's
12 approval, prior approval.

13 And the last one is maintain the website for ten
14 years. So those are the items that we have that
15 currently we haven't received traction on those, and what
16 I mean from that is finding a legislator that will move
17 forward the language. So we're still working on that.
18 We still meet with our legislative partners, and we're
19 continuing to work on that.

20 CHAIR FORNACIARI: Thank you for that.

21 Any other questions or comments? Okay. We are at
22 the end of the agenda. Oh, I'm sorry, Derric -- I mean,
23 Commissioner Taylor.

24 COMMISSIONER TAYLOR: No, you guys got it right,
25 I've been Derric for some fifty-some odd years. So no,

1 just lend itself to what Ray said, you know, it's a
2 constant education. Economic paralysis is important.
3 That's also going to affect the Website Subcommittee. So
4 whatever we can do in those means, I think is highly
5 important. Thank you.

6 CHAIR FORNACIARI: Commissioner Sinay?

7 COMMISSIONER SINAY: Kind of on a separate note, but
8 it -- just to say, hey, we did a good job. Common Cause
9 nationally did a redistricting poll, and one of the
10 things that struck me fascinating by the poll was that a
11 large majority of Americans, especially in California,
12 know what redistricting is. And if you all remember when
13 we first started this, everyone kept saying, it's so
14 complicated, people don't know it, good luck on your
15 public education. So I just wanted to say, good job,
16 everybody, we got them knowing what it is.

17 CHAIR FORNACIARI: Just want to give everyone else a
18 chance to chime in if we have anything else. Otherwise,
19 we'll wrap it up. Yeah. Okay. Outstanding. We will go
20 to a final round of public comment.

21 PUBLIC COMMENT MODERATOR: Sounds good, Chair.

22 The Commission will now take general public comment.
23 To give comment, please call 689-278-1000 and enter
24 meeting number 871-7417-7871. Once you've dialed in,
25 please press star 9 to enter the comment queue. The full

1 call and instructions are read at the beginning of the
2 meeting and are provided on the live stream landing page.

3 For those of you who have joined by Zoom, if you'd
4 like to give comments, please use the raise hand button.

5 I'm going to give folks a minute there to locate
6 that raise hand button if they would like to give any
7 comment.

8 And there are no hands raised at this time, Chair.

9 CHAIR FORNACIARI: Well, I guess on that note, we
10 will adjourn. We have no further meetings planned at
11 this point in time. Just keep an eye on our website for
12 any further updates. We appreciate the public input. We
13 appreciate everyone who tuned in and participated. So
14 with that, we will be adjourned. Thank you.

15 (Whereupon, the CRC Business Meeting
16 adjourned.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of October, 2025.



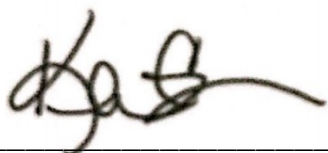
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CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

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



KLANCIE GARREL

October 8, 2025
DATE