STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION

In the matter of:
CRC BUSINESS MEETING/LESSONS LEARNED

THURSDAY, MARCH 17, 2022
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Reported by:
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Isra Ahmad, Commissioner
Linda Akutagawa, Commissioner
Jane Andersen, Commissioner
Alicia Fernandez, Commissioner
J. Kennedy, Commissioner
Antonio Le Mons, Commissioner
Sara Sadhwani, Commissioner
Patricia Sinay, Commissioner
Derrick Taylor, Commissioner
Pedro Toledo, Commissioner
Trena Turner, Commissioner
Russell Yee, Commissioner

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Cynthia Orton, Commissioner, Michigan Commission
Dustin Witjes, Commissioner, Michigan Commission
Edward Woods, Director of Communications, Michigan Commission
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Lori Schell, Commissioner Colorado's Congressional Redistricting Commission
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Sharon Diggs-Jackson, Vice Chair, Long Beach Independent Redistricting Commission
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PUBLIC COMMENT
Renee Westa-Lusk
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CHAIR VAZQUEZ:  Good morning, California.  Welcome to our Lessons Learned -- continuation of our Lessons Learned conversation. If we could -- I think most of us are here.

So Director Hernandez, can you call the role?

MR. HERNANDEZ:  Yes, Chair. Commissioner Yee?

COMMISSIONER YEE:  Here.

MR. HERNANDEZ:  Commissioner Ahmad? Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA:  Here.

MR. HERNANDEZ:  Commissioner Andersen?

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

MR. HERNANDEZ:  Yes. Commissioner Fernandez?

COMMISSIONER FERNANDEZ:  Presente.

MR. HERNANDEZ:  Commissioner Fornaciari?

VICE CHAIR FORNACIARI:  Here.

MR. HERNANDEZ:  Commissioner Kennedy?

COMMISSIONER KENNEDY:  Here.

MR. HERNANDEZ:  Commissioner Le Mons?

COMMISSIONER LE MONS:  Here.

MR. HERNANDEZ:  Commissioner Sadhwani?

COMMISSIONER SADHWANI:  Here.
MR. HERNANDEZ: Commissioner Sinay?

COMMISSIONER SINAY: Here.

MR. HERNANDEZ: Commissioner Taylor?

COMMISSIONER TAYLOR: Estoy aquí.

MR. HERNANDEZ: Thank you. Commissioner Toledo?

COMMISSIONER TOLEDO: Here.

MR. HERNANDEZ: Commissioner Turner?

And Commissioner Vazquez?

CHAIR VAZQUEZ: Yep. Here.

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

CHAIR VAZQUEZ: Great. Thank you. All right. So I am going to walk us through the run of show for today.

So we are going to start off at 9:45 to 11 o'clock with our continuation of the Lessons Learned, talking about cross-cut -- continuing to talk about cross-cutting issues. We will have our scheduled break at 11 -- from 11 to 11:15. When we reconvene at 11:15, we'll, again, be continuing our cross-cutting issues conversation, our Lessons Learned conversation, through to lunch, which will be at 12:30. We'll take an hour for lunch, and we'll be scheduled to come back at 1:30.

And from 1:30 to 3 o'clock, we will have a panel to -- with some guests -- to talk about Lessons Learned from other states and local redistricting. We're going to zoom out a little bit and take a look at what else has
been happening across the country. Then at 3 o'clock, we'll, again, have our scheduled break to 3:15. At 3:15, we will have 45 more minutes to continue our Lessons Learned conversation, and we will take public comment at 4 o'clock. And we will go until 4:30 or when we conclude business.

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

Yes, Commissioner Fernandez?

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

CHAIR VAZQUEZ: Great. Thanks so much for that update. Anybody else? Any other announcements? Okay. All right. Then Commissioners Yee and Kennedy, I turn it over to you.
COMMISSIONER KENNEDY: Very good. Thank you, Chair.

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

So looking at the Lessons Learned prompts document that we had circulated before last week's meetings, we're looking at cross-cutting issues such as maintaining independence, transparency and nonpartisanship, record-keeping and archiving, the overall timeline and workload, language and disability access, the rate — sorry, the role and place of the CRC in the independent redistricting movement related to Commissioner Fernandez's comment just now. Responding to the unknown and the unexpected — the pandemic, senior staff turnover, census delay and other uncertainties, commissioner absences, litigation risks. Thankfully, we had no cyber-attacks, but part of what we're about during this Lessons Learned exercise is to leave behind recommendations for the 2030 Commission. And one of the things that we have to recognize is that we may have been lucky on some things, and things that we didn't
experience could easily happen to the 2030 Commission. So we're trying to exercise our imaginations and think in terms of what could happen and how we can lay the best possible groundwork for the 2030 Commission.

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

Commissioner Sinay?

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

But that was just something that hit me that I think for -- to be able to really represent the State of California, the majority should not be left to chance. I wanted -- we talked about what we've got paid, but we really haven't talked about the state per diem system in Lessons Learned. But I really do think that that's
something that needs to be discussed as well, especially with the changes in tax laws and everything else were you can't write off -- even as a self-employed person I can't -- whatever we pay above and beyond for meals and everything else is our expense. And so that really makes it prohibitive for some to join the redistricting Commission, as well as work for the government and so many other things. So I think that that per diem piece is something -- I don't think it's something we need to lead. I'm sure there's probably a union or something that's looking into that, but just something that we can support.

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

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

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

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

And Commissioner Vazquez and I had long conversations about what does fair and representation mean? And we started thinking through, well, who are the different communities; what are the different sectors? And that's how all those panels were brought. And I think by having that educational purpose -- it wasn't only just good for us, but it allowed us to build that foundation so that we all had that same experience of California to define fair and representation collectively.
And so I appreciate all those who said, no, we don't need to talk about what it is; we know we're here. And actually, we went through our process that got us to the place where we all had a collective vision of what fair and representation meant. And that didn't mean that we were all a hundred percent on the same page, but it did mean that we had a beacon we were all kind of going to -- I don't know if I'd use that word, but a light. But I thought that that part was really important. And those are my only ah-ha moments. Sorry.

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

COMMISSIONER SINAY: Yeah.

COMMISSIONER KENNEDY: -- goal there?

COMMISSIONER SINAY: So originally, the tax system -- the federal tax system was set up that whatever you paid for lunches while you were on a business trip fifty miles away from -- and let's be clear -- I am not a tax attorney -- but this is how I understand it from my accountant -- or an accountant -- but when I would sit down with him, I used to be able to say, okay, this is what was reimbursed, and this is what wasn't reimbursed.
And that part that wasn't reimbursed was treated as part of business expenses. It didn't mean a hundred percent was written off, but there are different rules depending for different things.

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

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

CHAIR VAZQUEZ: Thank you. Commissioner Sinay reminded me of one of the first observations I made about this whole process during the application period about sort of payment per diem, stipends, what have you -- and it always struck me as compensation structure that really favored self-employed and retired people, and really puts up many barriers to working-class folks with nonregular schedules and young people who maybe haven't had as much industry experience in order to be able to set their own
schedules. And so I think -- it may not be the solution, but I think one of the solutions to explore is -- at least through the mapping period -- to consider making commissioners exempt employees, whether part time or full time -- and have them -- have them be salaried. And it think this would open up opportunities to serve on the Commission to many more folks.

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

Chief Counsel Pane?

MR. PANE: Thank you, Commissioner. Just a quick note on that. I would underscore what Commissioner Vazquez had just raised as a way of addressing the policy discussion here, primarily because in the state, the per diems are normally around 100 dollars or there's no per diem at all. And then there are a few that are salaried part-time positions, and it really runs the gamut. So all of those options exist. The no per diem. The 100-dollar per diem. Higher per diems, which are less -- and this Commission actually has one of the higher ones if
you're going just by on the hundreds of dollars -- and then there are some boards that are actually -- to Commissioner Vazquez's point -- have salaries. So we would want to -- if that were the will of the Commission, we would want to be seeking a change commensurate with some of those other public bodies that have a salary. Thank you.

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

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

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

COMMISSIONER AHMAD: Yeah. Thank you, Chair. I just had a quick clarifying question -- and please interrupt if I'm getting ahead of the conversation -- but some of these changes or items that we're talking
about -- my understanding is that they're in the legislation that governs the Commission, so would that mean that if the Commission were to recommend changes, it would have to go back out to the people, or is that a legislative process that can happen within the legislature?

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

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

COMMISSIONER KENNEDY: And just one more footnote on that -- my understanding would be that if there are recommended changes to, for example, the electoral code which is where the language on reallocation of incarcerated individuals is -- that is something that the legislature does not require our concurrence for. The legislative concurrence is only required for those elements in the government code directly related to the Commission.
MR. PANE: That's correct.

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

MR. PANE: And to that point --

COMMISSIONER KENNEDY: Chief Counsel Pane?

MR. PANE: -- Commissioner -- yeah. So to that point, Commissioner Kennedy, at least in theory -- I mean, it would probably depend on the individual statute, but the theory is if it's outside of the Commission's statutes -- at least it is very likely to, but almost certainly affects other state bodies in the state government. And so you have a broader audience than -- obviously, the Commission's statutes only affect the Commission, so I think -- when we talk elections code --
and again, it depends on the particular circumstances --
but it may have an impact with other departments and
other state entities. And so they may have to weigh in
in some level when the legislature is looking at making
those changes.

COMMISSIONER KENNEDY: Thank you for that.

Commissioner Sinay, your hand was up.

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

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

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Actually, no to that part.

I had my little list of things -- I went back over all
our notes last week, so I wanted to make sure I circled
back now instead of later. A couple things -- I believe
it was Commissioner Yee last week brought up recommending some language regarding this whole piece of -- once we draw -- once we finalize our maps, there is a county piece to it, and I think his recommendation was going to be to have the line drawers pick that piece up next time around. I just wanted to state that I'm still against us being in the middle of it. It should be -- it really isn't our responsibility to -- not that we don't want to support the counties -- but it is, I believe, the secretary of state -- and I would like to have that sort of arrangement made and not us in the middle. Because it's a service that we're not going to be providing, so we don't actually know exactly what they need. So it's really difficult to monitor.

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

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

Thank you, Commissioner Sinay for bringing -- I did
have the travel reimbursement. Not only that -- there
has to be a better way of meals. I mean, why can't we
just -- why can't there be an account and you charge it
to whatever account that is. And I'm pretty sure there's
boards and commissions out there that don't have to order
their meals for every single individual. So there's got
to be a better way to do it -- a streamlined process.
And I'm trying to remember if your initial meeting of the
eight if the state auditor brought in food for you. So I
mean, if they were able to do it, why can't the
Commission do it where it really -- and I appreciate --
thank you, Commissioner Turner that brought that up --
man, when you chair -- having to stop and order your meal
is really distracting, because you've got a hundred other
things that you're trying to take care of. And even
during -- even if you're not the chair, you're really
try -- you really need to focus on drawing the lines, not
on your next meal. So let's do a better job next time of
trying to streamline just the entire process. And if
there's a way that we don't even have to submit travel
claims -- hallelujah, because I still haven't received my
reimbursement from September on. So it's been over six
months. I've got some claims out there that I haven't
received reimbursement, and that's not fair.

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

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

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

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

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

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen. So back to -- back to my question -- anything further on the topic of maintaining independence, transparency and nonpartisanship? We had some discussion last week, particularly around independence, and I had -- I had posed the question, independence from whom? Because to me it seems like there was perhaps too much emphasis on independence from the 2010 Commission where really the intent of the concept of independence is maintaining independence from those who would benefit or could benefit from our work. And the 2010 -- previous
commissions aren't going to benefit from our decisions on -- on the maps. So I just wanted to flag that again.

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

Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yeah. Thank you, Commissioner Kennedy. I think this is one of the most important questions, actually, is independence from whom. And I think it's something that we struggled with -- well, I don't think we struggled with it, but the circumstances arose in which we needed support from somewhere, someone, and I think we were often grasping for where that would come from. Of course, we had people taking cheap shots at us because we were trying to figure out the census time line and how that's going to impact
things. Independence should be from the legislature, of course, but as a state body, there are just certain pieces where we -- especially if we're going to be dumped out there into the world to figure out how to run this ship -- how to build the ship and run it at the same time. We do need to have at least -- and I said this last week -- at minimum liaisons with the secretary of state's office with the attorney general's office potentially with the governor's office.

And I think -- I don't think that there's any new rules or laws that need to be made, but certainly something that the 2030 Commission should be made aware of is that independence can also mean independence from community groups. And I know that's a little bit -- potentially of a controversial thing to say, but I certainly wrote about that in the memo that I wrote back when Charlie Munger was taking shots at us -- that I did really feel like Common Cause was an ally -- provided a lot of important support to the Commission and guidance to us throughout our process, which was very helpful -- but I also think they were wearing multiple hats. I mean, they were also convening groups that had a real interest in the process, and I think at times I felt like, well, we got to be independent from you all as well.
And again, I don't think that that's any new law or rule that needs to be codified, but I think it's something that minimally should be a part of our -- at least a mention in our recommendations for the 2030 Commission to remember that everybody has some sort of interest in this. Even Common Cause that, of course, played such an important role in the creation of these Commissions -- they were clearly wearing more than one hat at certain times in this process and I think that that was a challenge for us.

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

COMMISSIONER ANDERSEN: Yeah. I'm going to follow also with Commissioner Sadhwani. I would recommend that the 2030 Commission have official liaisons between any agency that -- or group -- that could be considered "nontransparent" if we're talking with them. At times we actually had to talk to the legislature. We actually had to talk to the attorney general. There are groups we actually had to talk with. And so if there was sort of an official liaison, then it wouldn't be, oh, that was behind closed doors, that sort of thing. Possibly even some of the -- because we do have to work with community groups. And we also are on a different level -- and that's the recommendation for any of those groups -- but
on a different level, the 2010 Commission really said, we're not going to have anything to do with politics, so we're not going to connect at all. Where, as I believe we -- again, this wasn't officially written down -- you need to know enough about the politics to make sure you're not being fooled by all the politics involved.

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

Then I do actually want to go back with that -- back to the ping-pong balls and setting the first thing up. The one thing we did hear about is everything by the state auditor was very, very transparent, out in the open completely until the list of 120 names went to the legislature. And then we had no clue how any of that stuff happened. The public had no clue whatsoever. And
six of the names were deleted. It's very interesting if you look -- the changes in who was deleted at that time by the legislature for those periods of both Commissions. That is an issue that was brought up many, many times. I don't know what we would do about that, but it's an item I just wanted to mention.

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

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

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

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

COMMISSIONER KENNEDY: Thank you for that.

Commissioner Fornaciari?

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

And I want to just publicly appreciate Commissioner Sadhwani's comment -- everyone has an agenda. And I think it took me a while to learn that and appreciate that, but everybody in this process has an agenda. And the next Commission should just be made aware of that ahead of time.
COMMISSIONER KENNEDY: Very good. Thank you, Commissioner Fornaciari.

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

COMMISSIONER ANDERSEN: Yeah. There are. I don't have my complete list, but the one thing that you brought
up is the three-day requirement. The ten to fourteen, which is totally -- again, it's not one of those things -- we're not trying to avoid -- it's the timeliness of it. And I would recommend that we change -- because the way -- the way it's written right now in the law is -- or in the regulations -- is the month of August has the three-day. And I would say, we would recommend that to the last two months of the process. Because that is when we really start whipping into high gear.

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

COMMISSIONER KENNEDY: Very good. Thank you,

Commissioner Andersen. Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. In terms of
onerous, I feel that we were limited so much by the ten-
day versus fourteen days. Things come up throughout the
process, especially in the beginning where we're not
meeting as often, so if something comes up you're kind of
stuck -- you can't really deal with it until two weeks
later. So I would really like to have that changed.

Even if it was seven days, that's at least better for
future Commissions. And yeah, in terms of the three
days, I agree with Commissioner Andersen, it needs to be
more -- the last two weeks, you're basically done, so
that three-day isn't really helpful at all in terms of
being able to change an agenda. So that would be great.

And then, well, we've already talked about the whole
virtual thing and not virtual and having the in-person
and all that. So that's also an impediment because -- I
mean, not only if you have -- very sensitive to health
needs, but if something else comes up and you have to
travel when -- I can't think of a good reason why you
have to be in person all the time, right? Things come up
and you've got to take care of whatever you need to take
care of so that you're in a good place, in a healthy
place, in a mentally good place, when you're drawing lines. So this whole having to meet in person -- I agree that it's great for team building and all of that, but in terms of one hundred percent, I'm not sold on the one hundred percent.

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

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

COMMISSIONER YEE: Thank you. On the subject of transparency, I'm thinking of the Charlie Munger complaint, the L.A. Times editorial and all that -- about our subcommittees meeting, votes, and things like that. So I want to have my Commissioner consciences completely clear about everything we did. And perceptions matter,
right? We are very dependent on public trust, so I can see an argument for maybe some additional transparency there, for instance requiring subcommittees to report all their outside contacts and things like that. I mean, that would be a little more work, but I can see how the public perception would be improved if that kind of policy were in place. I think it'd be completely unreasonable -- go all the way and say, oh, absolutely everything has to be in public. And Charlie Munger claiming that when he set on a Commission he never handled a piece of paper except in public, which should happen -- I don't know how he got anything done, then. But I could see an argument for more transparency around the subcommittee work especially, than we practiced. Thanks.

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

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

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

And I think we were all using the honor system and best judgment, and we were reporting back -- hey, I had meetings with this person, I had meetings with this person. In fact, when that frivolous lawsuit was brought about our transparency issues and the lawyers were looking at it, they actually went back and saw all of the meetings that were mentioned in the lawsuit were mentioned in public sessions in memos that were written -- everything was actually there, but it wasn't systematized. And I remember back then, even, Commissioner Sinay talking about, shouldn't we be capturing this, guys? Shouldn't we, like, put in who are
all of the meetings? It's a lot of work, but I think it
speaks also to that other recommendation around having
staffing that's actually helping commissioners. If we're
going to do a meeting and you have an RA, an assistant,
something like that, then they can help track more of
that.

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

COMMISSIONER KENNEDY: Thanks, Commissioner
Sadhwani. Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. This is along those
same lines. And they're -- I really want to make a big
distinction here between -- I understand, you know, that
frivolous lawsuit, but when Charles Monger was saying,
"Well, when I was on the commission, I waited and
everything just came to me." And that's lovely. But
that's not our mission. Our mission is, we have to reach
out to others. And that was the big difference. And I
understand a lot of people go, "Well, wait, wait, wait."
But commissions don't work like that. You just wait for people to come present information to you. But if we did that, then we would not have heard from all of California. And that's a huge difference. So I -- and I'm complete, yes, we want to be transparent, but, you know, when -- at times we -- so we write down every single county, person we spoke with as we were trying to find out who we talked to in each county. I mean, it's a little bit, like, okay, you know, you have to be careful in terms of what you're actually asking people to do because then, you know, if you write it very strictly, then you didn't write down if you talked to the secretary of the head of the commission -- the head of the county who relay was a firefighter but because they -- because they worked two jobs -- and you didn't put that down for, you know, Alpine County. You know, something like that. You know, you have to be really careful about, you know, we want to be transparent but in our job to reaching out to pretty much all Californians, you know, you can really, you know, you can hamstring the commission by making it, you have to write down absolutely everything.

You know, and that's not the -- we want to stick with the intent of transparency, yes. And, you now, we're trying to put down in what documents we used, to
connect everybody. But there's going to be some sort
of -- someone called, you know, returned the call to tell
you that, you know, to get to that tribal group you
actually have to talk to two other elders. And they
might not even leave their name. So how do you do the
transparency of things like that, you know?

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

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

COMMISSIONER KENNEDY: Thank you, Commissioner
Andersen.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: Yeah, I guess I would just
say substantive conversation is not just conversations
with everyone we have, right? Need to be captured. I think ultimately that we did a pretty good job, though, you know, getting that documented. And I think, you know, I think a fair criticism would be that it wasn't as publicly available as it could have been. But it was documented. And a lot of what Commissioner Sadhwani said I was going to say, so I won't repeat it.

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

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

COMMISSIONER KENNEDY: Very good. Thank you, Commissioner Fornaciari.
Commissioner Sinay?

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

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

But, you know, we were very dependent on -- okay, I had this conversation and sent it staff and I had hoped that it got into the database or not. And we just kept missing that opportunity to really create a process that we could share what we were learning. And then that we
could all go into, you know, that data base. Kind of like we got into looking at the COI input. We could have all, you know, spent some time just looking at each other's conversations and all had been kind of made aware if we had the time. Obviously, you know, people had all sort of different things.

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

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

And I agree with, you know, with what was said, that ours is unique and in this time, I think that's it's really, really important that, for this time of COVID it
was really important for us to figure out how to get a
feel and an understanding of the communities when we
wouldn't travel to them.

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

And that group stayed engaged and -- but just being
able to hear that. And I'm sure Commissioner -- you
know, we've heard Commissioner Andersen and Commissioner
Akutagawa. I know Commissioner Yee and I heard it when
we talked to someone who lived, I think she lived, like,
two blocks from Oregon border or something. And was,
like, how the heck did you find me. You know, and so it
really did make a difference to people when -- when we
had those one-on-one conversations with those folks. And
it really energized them to get other people involved.
And I do -- you know, staff did do a great job of capturing emails and such, but again, we had to make sure we were sending them to them. That's why if there was some way to actually have a good form or something that would allow us to have that all in one place.

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

Commissioner Andersen?

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

Not everyone has that ability or capacity, you know, they're not that adapt with all the different versions, you know, of, you know, software, et cetera, et cetera. Or even just certain of those abilities. And again, I don't want it to be a roadblock. So and that's
something, the reason why I'm bringing that up is, you
know, and we're saying, okay, we'll put that -- we go
back and forth with data base. This staff needs to be a
bit more to cover putting these things into a data base.
To making sure all these notes get taken. You know,
keeping track of all that stuff. Because as Commissioner
Sinay said, we have to do that right at the beginning.
All of that.

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

COMMISSIONER KENNEDY: Thank you, Commissioner
Andersen.

Commissioner Vazquez?

CHAIR VAZQUEZ: Thank you. Building off of that, we
might consider creating a board secretary staff position
or a commission secretary staff position so that we can
free up, in particular our executive director, to be,
again, much more high-level in the management and
execution of our policies and not have our ED so in the
weeds on administrative things both during meetings and
in between meetings.
I absolutely do not think that we necessarily need transcripts of what happened, especially if we have our videos. That being said, I do think a summary of actions taken and discussions had is so important if not for the public, at least for other commissioners. I mean, it is just impossible to have one hundred percent attendance at every meeting. But that's not realistic for any -- for any company or organization.

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

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

COMMISSIONER TURNER: It was me. And then I put it down, Commissioner Kennedy. And I just wanted to say, it felt to me like there may also be some wisdom when Commissioner Andersen was speaking about having a person, staff person, capture the notes. Just from a consistency
standpoint, not necessarily whether or not someone has the skill to do it. From a consistency standpoint, across commissioners, across subcommittees, and based on what actually gets captured.

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

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

Commissioner Fornaciari?

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

You know, I really did like that the staff got the
maps, had some kind of map reader deal set up for visually impaired. And I think that's important in that, I think that came up a couple times but I kind of felt it fell through the cracks. But then they sort of magically had it done for us. I don't even think, I mean, I don't recall hearing that they were doing to do it until after it was done.

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

COMMISSIONER KENNEDY: Thanks for that. Colleagues might remember that I had report out from speaking at the state-wide voting accessibility advisory committee that a member of the public, I believe, who is blind called in and said that she had considered applying to the -- on the commission but had decided not to because she was afraid that her blindness would be too limiting of a factor. And so yes, I fully agree that the audio captioning of the maps was a major contribution and that
we should also be looking at how to ensure that the
position of commissioner is very accessible to those who
may be living with any sort of disability.

Commissioner Turner?

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

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

COMMISSIONER KENNEDY: Thank you, Commissioner
Turner.

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

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

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

COMMISSIONER YEE: Sure, thanks.

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

Commissioner Andersen?

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

And because of some things I, you know, although I live in Berkley, which is an extremely accessible town.
It's, you know, sort of a -- but the couple things I
learned from the presentation is, like, font. You know,
things like, you know, things like that, which are, you
know, on all your documents. And that little things like
that, I don't care how up to date you think you are,
you're going to learn more.

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

COMMISSIONER KENNEDY: Thank you, Commissioner
Andersen.

Director Kaplan?

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

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

MS. KAPLAN: Yeah, I believe Fredy posted that also.
That went over the different briefings that they did.
Which languages those were done in. All the advertorial
placements that were done and which languages those were
done in as well, including the reach of that effort.

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

Commissioner Vazquez?

CHAIR VAZQUEZ: Thank you. I am not sure if this
idea has already been shared because, I apologize, I've
missed a lot of this conversation. But one thing that I
have been mulling over in my brain. And maybe
controversial or a nonstarter for some. But I really
have wondered if it makes sense to bring the entire --
bring the next cohort on a whole year earlier than
originally laid out. That would require our commission
to roll off a year earlier, which, you know, has I'm sure its trade-offs for some and positives for others.

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

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

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

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

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

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

Commissioner Andersen?

COMMISSIONER ANDERSEN: You know, on that note I do agree, they need to start earlier. When? I don't know.
And I would recommend that we actually -- remember we had a big thorough discussion about this if not in these two days, because I think we have -- it's a full discussion itself, but a little bit later in terms of our recommendations.

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

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

COMMISSIONER KENNEDY: Thank you for that, Commissioner Andersen.
Of course, one of the other things that I've been thinking about as far as the Gannt Chart and the timeline in general is, you know, we had some hiccups and with a timeline as tight as the redistricting timeline is to begin with, you know, ensuring that there is adequate time to allow to allow for hiccups is very important. So there's the kind of ideal without hiccups, but there's the ideal with allowances for hiccups.

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

Commissioner Andersen?

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

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

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

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

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

COMMISSIONER ANDERSEN: Right. Sorry, on more item.
And in terms of our staffing, we needed a larger, you know, a staff to do the contracting and administration of that because we had one person who understood the connection in the different state agencies. And that is entirely too much work for one person. One staff level person, you know, even with a couple of assistance, it's too much at the top for one person.

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

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

Director Hernandez?

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

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

So that's kind of what we're working on as we're
speaking. I'm taking notes and identifying other areas where we can do the same. To provide that level of information to the next commission.

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

Commission Fernandez?

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

COMMISSIONER KENNEDY: Thank you, Commissioner Fernandez.

Director Hernandez?

MR. HERNANDEZ: Yes. So yes. We are looking at that. And one of the things that we've realized and we've discussed it, Marcy's brought it up, I've brought it up, you know, as much as we had planned, these are their duties and rules and responsibilities, things just
came up that were not expected, anticipated, or planned for. And so we're looking at that. Some of these are anomalies, given the circumstances we found ourselves in in this commission. That being COVID.

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

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

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

COMMISSIONER KENNEDY: Thank you.

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

CHAIR VAZQUEZ: All right. Welcome back. We'll hand this back over to Commissioner Kennedy.

COMMISSIONER KENNEDY: Well, and I was prepared to hand it over to Commissioner Yee. But I guess I can
continue for now.

COMMISSIONER YEE:  Please do.

COMMISSIONER KENNEDY: Okay. Director Kaplan had her hand up and Commissioner Andersen had her hand up.

Director Kaplan?

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

COMMISSIONER KENNEDY: Thank you.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah, thank you. On the staff roles and duty statements, I would really suggest that we not only give, you know, what was the original statement but include all the tasks they end up doing. And I understand that, you know, try to say, well, try to write it so what you would assume would really be more perfect for the next time around, but the listing of everything that each positions actually ends up having to do would make sure that all those tasks get covered.
And the 2030 commission can then at that point go, oh, got it. Because some of those jobs, regardless, will need to be done, but not necessarily by that person but someone else. And by having the two to compare, I think will be very helpful. And it would also reduce the tasks of trying to, you know, weed out what -- well, let's create, you know, a variation of this is what we propose because we don't necessarily know, for each particular job. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen.

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

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

And I can pretty, I think, confidently forecast that it will be for the next commission. And it might even be more impact, if given the time frames. So and that'll be in my recommendations as well. But I just want you all to be aware of that.
COMMISSIONER KENNEDY: Thank you, Chief Counsel Pane.

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

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

Commission Sinay?

COMMISSIONER SINAY: Well, one thing that did happen to us and I don't know -- we really, you know, how to give advice or just even just to say. I thought one of the best things that, one of the best pieces of advice -- there's several great pieces of advice. One was do the VRA districts first. The second was, yes, start as soon as we can on everything. But the third that was, you're going to be going to sued and don't let that fear stop you from doing what's right.
And I, you know, repeated that to myself, to colleagues, to staff, you know, and so it was always about don't let that fear stop you from doing what's right. But how do we prepare for getting requests, you know, and I think we talked about it a little bit before. But how do we -- for requests for our notes and things like that.

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

COMMISSIONER KENNEDY: Thank you, Commissioner Sinay.

Commissioner Sinay?

COMMISSIONER SINAY: One of the things we kept saying we were going to do, and I remember Commissioner Fornaciari kind of helped us start on this but we never
quite finished it. But was thinking through how we want to work together. What is our agreements among each other and how we want to agree to disagree and all those things. And we got through it but those first few months were really, really tough.

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

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

Commissioner Sinay.

COMMISSIONER SINAY: I think sometimes it's difficult to share about all the work that goes into the
achievements because then, there's that fine line between being informed and then opening the door to be micromanaged. And so, I think that, you know, I understand why there was that hesitation.

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

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

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

Director Hernandez?

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

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

So there are some challenges and I do think, you know, moving forward, looking ahead, if we do have that high-level plan that doesn't change, you know, that's wishful thinking on my part, it would make things so much easier. But as we pivoted from having in-person to not having in-person. Extending our due deadline. All of these things where we had to pivot, it just made it very difficult to kind of plan out the entirety of the processes that we were trying to implement. And implementing those processes were very new.
The other thing, since I have the floor, I wanted to mention a couple of things that I think this commission should consider as you're looking at the Lessons Learned and the environment that we were in. Obviously, we've talked about COVID a number of times. But you also had, you know, January 6th, and just that whole implication of where government itself was going.

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

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

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

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. This is a different one than I just -- I'd forgotten about is, one thing I
think we should mention -- and what this came from is, you know, what if things had -- we didn't have to deal with what if.

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

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

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

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

And they're one of the world's biggest providers of
leadership training. And I'm just wondering if, you
know, something like that is something that, you know,
all fourteen commissioners could do. But it's also open
to other people from other industries and so forth and
it's not directly related to the work of the commission.
And so therefore, it doesn't violate Bagley-Keen. Is
something like that possible?

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

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

COMMISSIONER TAYLOR: Thank you.

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

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

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

Now, you need to make sure that you don't discuss commission business when you're all together, but nothing prevents the fourteen of you, for example, in going to that conference. So oftentimes, legal advice, and I'm going make this broader than the legal advice that the -- that I've given, is oftentimes it's easier to just tell somebody a straight number. Like, oh, no. Doesn't
matter what it is. If it's more than two, then it's all off limits. It's easier that way. Sometimes people like hearing easier rules because they have so man or other things to worry about. So it's just easier, okay. If there's more than two, that's a nice, clean way of dividing it, but the law is a little bit more numerous than that.

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

COMMISSIONER KENNEDY: Thank you, Commissioner Taylor.

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

Commissioner Sinay?
COMMISSIONER SINAY: Yeah. I guess those goes back to kind of you had brought up, you know, commissioners' absence, and I would turn it around and just what -- you know, if we looked at agreements and what's our agreements to each other and participation, you know, what does it mean to participate, I think having those agreements at the onset so we all kind of understand, and also I think being open and honest to each other when we need to step forward and when we need to step backwards -- back, sorry, and move forward and move back. I mean, we've all -- we all had different crises at different times and different family emergencies and different workloads, and the -- you know, I think part of sharing where we were on things was what kind of brought us closer and respectful, and that maybe part of a Lesson Learned is I -- you know, I liked -- you know, I -- when the -- the letter that we received from the public said it would be good to know when commissioners are on and when they're off camera. It was kind of an interesting -- you know, I can understand why they're saying that at the same time as, you know, we all had to take care of business at different times, but again, it -- being able to have an agreement with each other and maybe we move -- you know, as we move to the processes, we may need to change the agreements.
You know, at the beginning, it might have been more flexible, and then during line drawing, we get a little more, and then, you know, I don't know what our expectations are right now of each other for the next ten years, and I think what I would recommend for the commission is for them to set those expectations among each other versus having it written.

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

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

COMMISSIONER SINAY: Yeah, because I think what happens is -- is it changes and it evolves at different times. There were times when we were -- yes. I just think it evolves and we -- and you as a commission -- we
as a commission didn't know what we didn't know until we were in the middle of it. I do think that maybe one procedure -- one area where we may want to think through is if a commissioner has to step -- at what point is it too far into the process to -- for the governor to select a new person if a commissioner needs to step back, or what happens -- someone had asked what happens now post-maps if one of us, you know, says, you know, I can't do this anymore? You know, do we still need -- does the governor still need to put on -- put a new person, and so -- but I think on the whole, it's that, hey. You guys really do need to have these conversations and be honest with each other on what are the pressures outside of the commission and how can you step up? You know, again, move up or move back.

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

Commissioner Fornaciari?

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

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

COMMISSIONER KENNEDY: Great. Thank you for that.
Commissioner Fernandez?

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

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

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

COMMISSIONER KENNEDY: Great. Thank you for that.

Commissioner Taylor?

COMMISSIONER TAYLOR: Thank you. I mean, I guess
you have a variety of ways that you could think to
address that, possibly rolling with an alternative --
alternate or two that is present, that takes all the
training, that is ready to step in a shorter period of
time as opposed to fifteen -- thirty days, however long
it would take to fill that position.

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

If we had some sort of mechanism in place where if I
were to step away or someone were to step away, they
could immediately fill in, I think it's advantageous. If
not, there might be a point of demarcation where it just
doesn't benefit the commission to replace them, to have
that person to continue and make use of the tools that are available. So aside from having some sort of alternate in place, we just have to be mindful when we get to that point of no return, I think, if that jumble made sense. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Taylor.

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

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

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. I was thinking along those same lines in that, yes, I don't believe there was any indication whatsoever, if you didn't make it on the
commission, you know, in those -- in -- the people who
in the sub pool who did not make it on the commission, I
don't believe there was any other information went out to
those people to say, hey. By the way, you could get
called up at any time, and I would actually propose that
an alternate, at least one of all three of the different
groups, be on the commission or listed on the commission
as an alternate, not with a voice, but to be ready in the
event that they would be needed, and that -- they -- I
don't know how that would work, but I think it's
something we should seriously consider, particularly
because, you know, and someone could, you know, drop dead
and you'd have be replaced, you know, right in the -- you
know, ate too much Thanksgiving turkey, boom, down they
go, you know, something.

So not a bad way to go, but still -- and you'd have
to someone because you need people to vote, and if
someone was already up to speed, and I think maybe even
if it actually went -- you know, like would a couple of
those -- the people who did not make it on the
commission, would they consider, you know, being closely
involved because not everyone will. They'll say, no.
Huh-uh. I've moved on, thank you very much. But I think
it's something that we should again probably look into
with a little more depth as you could in terms of
something that didn't happen to us that seriously could. That's a biggie. That's a really big item. So I -- but I think about an alternate and how that would happen. I would pursue that.

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

Commissioner Toledo?

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

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

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

Commissioner Fornaciari?

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

So I would think that if we -- you know, if we're going to think about an alternate model, that maybe we should think about, you know, something like the grand jury and alternates, you know, be part of the commission, be paid, you know, obviously not get the vote, but go through the process with us so if they have to fill in,
they're really, really, really up to speed, not just
watch, but up to speed and you know, again, they've
gotten compensated, and they're part of the entire
process, except for the voting part of it.
And in reflecting, it made me really reflect back on
picking the first six, and if we could have had
alternates when we picked the first six, and think they
may -- might have made the process go a little bit
more -- a little bit more smoothly.
COMMISSIONER KENNEDY: Can you just elaborate a
little bit more on that?
VICE CHAIR FORNACIARI: Well, we got hung up on
whether, you know, frankly we were going to pick the
person from Eureka or Commissioner Akutagawa, right,
and that was -- I mean, that kind of hung us up when we
were picking the next six, and if we could have said,
okay. We'll put one of them on the commission and one as
an alternate, I think that would have been -- I think
that would have helped us along.
COMMISSIONER KENNEDY: Okay. Got it.
Commissioner Fernandez?
COMMISSIONER FERNANDEZ: Thank you. I was just
going to mention also what Commissioner Fornaciari said,
is if we have alternates, we can't expect them to listen
and be involved in the whole entire process if they're
not being paid. So that would definitely have to be --
that would have to be either they're an alternate and
there's no requirement for them to be involved until
they're needed, or you know, it's one or the other.

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

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

COMMISSIONER KENNEDY: Thank you, Commissioner
Fernandez.
Commissioner Turner?

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

And as far as the training, the leadership or the team building training, it would be great even if this commission could meet. We were blessed and fortunate enough to have Commissioner Yee and Sinay and others that love to do, you know, party games of sorts or team building and come up with different things, but what if the commission did not have them? I mean, if forced to, I've certainly done enough of them, I could have come up with something, but, you know, they had that extra passion and desire to create it. We all went with it, and it just was beneficial.
It seemed like something that was light-hearted for us to participate or not, but it made a difference, and it would be an easy list perhaps to just list or to bequeath maybe four or five exercises, so if nothing else, it's like, here's your go-to, pick from these. It will be beneficial in the long run, you do need to know your fellow commissioners, and they wouldn't have to start from scratch on that. Thanks. And they can use it or not, but at least they would have it there for them.

COMMISSIONER KENNEDY: Great. Thank you, Commissioner Turner.

Commissioner Fornaciari?

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

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

And so I definitely feel that anything that's going to leave us vulnerable to get to know each other has to be -- we have to be able to have some privacy so we can have those conversations, and that includes what I was saying earlier about when we need to step up and when we need to step back. I don't think that those conversations need to happen -- be in public. Maybe it's, you know, a closed session where, you know, we just say or it goes to the executive director or legal
counsel, and that gets shared. I would rather it be a conversation so that we can offer our support to the individual, but that -- as you all know, that's me.

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

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

COMMISSIONER KENNEDY: Thank you, Commissioner Sinay.
Commissioner Fernandez?

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

COMMISSIONER KENNEDY: Thank you, Commissioner Fernandez.

Commissioner Turner?

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

COMMISSIONER KENNEDY: Thank you. I put myself in the queue to say, you know, in general, I like the idea of having alternates on deck as it were, but I go back to a point that I made earlier, if -- you know, if the -- one of the objectives in selecting the final six is to ensure that the full commission broadly reflects the diversity of the state, how would you ensure that, you
know, one alternate per sub pool is going to be able to replace the one who leaves without really disturbing that reflection of the state's diversity? And I don't have an answer. I just -- I have that question.

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

Commissioner Le Mons?

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

COMMISSIONER SINAY: Yeah.

COMMISSIONER LE MONS: And I'm grateful that we didn't have to solve this issue. We had other issues to
solve that the fourteen of us figured out how to solve.
So some of these things, while we want to help future
commissions and share what our experience is, this really
wasn't our experience. We didn't have to -- we don't
have a Lesson Learned from having to replace a
commissioner because we didn't have to do it. So trying
to ward off things that could go wrong, I feel like is a
little bit of scope lead for this process. So that's why
I just wanted to say that about that. Yeah. It's kind
of hard to offer up a solution for a problem we didn't
live through. So anyway. I'll stop there with that.

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

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

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

COMMISSIONER KENNEDY: Thank you for that, Commissioner Fornaciari.

Commissioner Le Mons?

COMMISSIONER LE MONS: Yeah. I was just going to say, and the variations on, you know, would that would look like, not in terms of the process point of view, but the timing. So it sounds like the 2010 commission was really early on, but, you know, some of our discussion of course today has been about, you know, what if it happens
in September or right before the maps are being drawn or
in the middle, and you know, I mean, we could go on and
on kind of trying to figure out what that might look
like, but I think sometimes -- yeah, yep.

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

COMMISSIONER KENNEDY: Thank you, Commissioner Le
Mons.

Anyone else?

Okay. Commissioner Turner?

COMMISSIONER TURNER: Yeah. Just real quick, when
you read the verse a couple of times about replacing
commissioners and what have you, but it seemed that we
weren't clear at all. So depending on if any of us, we
had -- you know, I had COVID and was out, Commissioner --
you know, a couple of the other commissioners had
illnesses, a job change, et cetera. Even if we desired
to replace someone, it seemed like there was always a
question of how would be do it specifically, what were
the steps, do we have clarity on that, or do we need clarity based on, you know, what Commissioner Le Mons is saying now? If for whatever reason, if there a commissioner that wasn't serving appropriately or just was not -- you know, do we have details around what that actually looks like other than it's left to the commission?

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

COMMISSIONER TURNER:  Right.

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

There is a page in our handbooks entitled, "Commission Vacancies." It's Section 60863 of the CCR. So if a vacancy occurs on the commission before it completes its redistricting function and the commission
is unable to fill the vacancy with an applicant from the same sub pool, that goes into calling on the state auditor to reconvene a panel to create a new sub pool. Keeps its redistricting function, and the commission determines that it needs to fill the vacancy, but it unable to fill it with an applicant from same sub pool, again notify the auditor, reconvene a panel to create a new sub pool.

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

COMMISSIONER TURNER: Uh-huh.

MR. Pane: That's correct, Commissioner Kennedy. In fact, even if you probably -- because it doesn't discuss vacancy, if you wanted to clarify what is meant by a vacancy, that could be the place to do it. So yes. I mean, there's a lot of -- the points -- the point of regulations is to clarify existing statutes, and certainly I'm sure the state auditor will have its own
rationale and opinions as to what areas they are able to help promulgate regulations and which they are not. So certainly working with them on this, if the commission wants to pursue this further, you know, we certainly would have to work with the state auditors on it as it is their regulation.

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

Anything else from anyone?

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

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

CHAIR VAZQUEZ: So unless there are strong oppositions, I think we will break for lunch now since we have guests coming at 1:30. That means an extra-long
lunch break for everyone, and so we'll reconvene at 1:30.

COMMISSIONER KENNEDY: Thanks, everyone.

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

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

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

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

COMMISSIONER KENNEDY: Thank you, Chair.

Yes, I also want to join you in welcoming all of our guests. We have Commissioner Shereen Lerner from the Arizona Independent Redistricting Commission, Commissioner Aislinn Kottwitz from Colorado's Legislative Redistricting Commission, Commissioner Lori Schell Colorado's Congressional Redistricting Commission. We have Commissioner Susan -- Suann Hammersmith. Sorry about that.
Suann Hammersmith from the Michigan Commission,
Commissioner Cynthia Orton from the Michigan Commission,
Commissioner Dustin Witjes from the Michigan Commission.
We have Edward Woods, the director of communications for
the Michigan Commission, and we have Commissioner Sharon
Diggs-Jackson, the vice chair of the Long Beach
Independent Redistricting Commission with us.
I believe I'm missing Commissioner Horvath from the
Colorado Legislative Commission and Commissioner Szetela
from the Michigan Commission.
Oh, there's Commissioner Horvath.
Commissioner Horvath, thank you for joining us
from --
COMMISSIONER HORVATH: Thank you.
VICE CHAIR FORNACIARI: -- the Colorado Legislative
Redistricting Commission. And with that, I am going to
start off because this was also an opportunity to take a
look at some of the lessons from the 2010 California
Redistricting Commission, I did speak with one of the
commissioners a couple of weeks ago whose suggestion was
that they had put all of their recommendations into their
summary and recommendations report, and perhaps we should
just take items from that.
So what I've done is I've gone through the 2010
commissions report, and this is for benefit of the
public, for benefit of our colleagues from other redistricting commissions as well as a reminder to us of some of those Lessons Learns or recommendations from the 2010 California Citizens Redistricting Commission.

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

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

First of all is cumbrance with the U.S. Constitution, especially in relation to equality of population.

Second is compliance with the Voting Rights Act.

Third is contiguity.

Fourth is respect for counties, cities, neighborhoods, and communities of interest, and we always note that among those four, there is no ranking.
So it was left to the commission to determine whether they were to -- they would respect a county boundary or a city boundary or a neighborhood boundary or a county boundary, et cetera.

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

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

The 2010 commission, as is the case with the 2020 commission, operates under fairly comprehensive open meeting requirement with very limited exceptions. The 2010 commission being the first in California had an
initial applicant pool of 36,000. So that's out of a population of that point at 30-some-million. So 36,000 initial applicants were screened by the applicant review panel set up by the California State Auditor. They reviewed those and whittled that down to 120 candidates, 40 democrats, 40 republicans, and 40 others that they were going to interview.

After the interviews, they select sixty, so twenty democrats, twenty republicans, and twenty others to submit to the legislature for legislative strikes.

Leaders in both houses can strike up to two candidates from each sub pool. So three sub pools times two houses times two leaders each would come up with twenty-four total possible strikes, reducing the sixty-person pool to thirty-six.

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

The 2010 commission frequently said that they had to set up, implement, and carry out their mission on the fly, and that it was akin to designing, constructing, and
flying the airplane after takeoff. There were concerns
around the timing and the adequacy of training,
especially for the first -- sorry, for the final six
members. The first eight received training live, and
then the final six were required to basically watch the
videos of the training that the first eight received.

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

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

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

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

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

They said that state regulations in relation to procurement, contracting, personnel proved onerous and time consuming, but that the experience and connections of the executive director and support staff with state agencies allowed for the use of various fast-track
mechanisms available within the state's standard processes.

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

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

Obviously, the requirements, the time commitment presented many challenges to individuals who had their own businesses and employment responsibilities. Through the -- they said that through the course of thirty-four public meetings at thirty-two locations around the state,
more than 2,700 participated in person and over 20,000 written comments were submitted. Typically each speaker was given three minutes, although they occasionally had to reduce that in order to accommodate the remaining speakers within the time available.

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

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

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

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

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

Commissioner Lerner.

UNIDENTIFIED SPEAKER: It looked like she froze.

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

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

COMMISSIONER KENNEDY: Not a problem. Over to you.
COMMISSIONER LERNER: Oh, I'm sorry. I heard the end of yours, and then I was kicked off, so I didn't know what was next. I didn't hear.

COMMISSIONER KENNEDY: Okay. You're next.

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

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

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

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

I'll tell you just a little bit, as you had mentioned Commissioner Kennedy about Arizona in your overview. This is our third time going through the redistricting. And each time it's quite different. We have not changed anything. And I'll explain why in a little bit, why nothing has been changed, even though we have found some continuing issues. But I will just say
upfront, the concern is if we open up to changing, there's a concern about the whole thing being done away with. So there's a little bit of concern about how do we make adjustments that we know are needed because our guidelines are in our Constitution.

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

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

Probably the most important in some ways is who is on the commission, the composition and the commissioner qualifications. So I want to mention those first. We have only five members on the commission. We have two Democrats, two Republicans, and one Independent. No more than two commissioners of the four in a party can be in the same county. So that means Maricopa County, for
example, is our largest county. We can have no more than
two for Maricopa County, even though more than sixty
percent of the population of the state live in that one
county.

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

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

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

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

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

The other piece in terms of our constitutional change that I'll mention, that that's our selection
process, is the goals for redistricting, which are very similar to California's. Obviously, have to comply with the Constitution, the U.S. Constitution and the Voting Rights Act. Obviously, that changed with the Supreme Court decision in 2013, so slight modifications in terms of what we had to comply with.

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

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

So I'll come back to this a little more, but one of the big questions that came up quite a bit in this
iteration as well as the last one was the lack of definitions. We don't have a good strong definition for what a community of interest is. We use some of the common criteria for what compact means. We all know what contiguous means, but we also note -- I also can tell you we created districts that were not compact as they could have been. The communities of interest varied widely over the definition and then the issue of what does it mean to say, no significant detriment to other goals, was not ever resolved. There were very different perspectives on that. So that's some of the issues that we were confronted with.

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

I will say that our group did very well together. We were very collegial to the last three weeks when we had to make final decisions on lines, as I'm sure you can understand. So we had no troubles with selections of the
legal team consultants, or staff. All of that went very
smoothly. Even if we didn't all agree, we all moved
forward in a very positive way.

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

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

September to October, we had draft map development.
And then we did another listening tour from October to
November. We again went around the state. We also had
everything available online, so we really had amazing
involvement from the public. In December, we did our
final map development then adoption and then moved it to
the Secretary of State in January.

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

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

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

Our staff worked well together. We worked really
hard to get the involvement from the community. And I'll say that one of the best things that happened in terms of, I think, all the commissioners is how much we learned about our state. So in terms of, you know, kind of looking at some of the good things, these were all the good things. We learned a lot. We've got a lot of public involvement, a lot of support from the community, and did our due diligence in all of that.

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

So what are things that we've come up with? I'm just going to go through a couple of things, Commissioner Kennedy, that you mentioned about -- that you mentioned
of maintaining independence. It is difficult to keep
separation from members of the party and elected
officials. We know that some of our commissioners were
very close in contact with members of parties -- with
elected officials in terms of where the line should be
drawn. The issue for us that we have to address is
what's the ramifications of that. And we don't have any
right now unless somebody commits a loop and sues us and
says they were doing this. So we have not been sued,
which is a good thing. But it's apparent that there were
some commissioners who were factoring in locations of
elected officials; so that's a challenge.

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

You mentioned nonpartisanship. I feel it is still a
partisan process in Arizona because of the selection
process and the fact that you have each party looking to
try to do the best that they can, but it's a negotiation.
I don't know that the negotiations always went as well as they could have, but it is a process. There's still partisanship. The hope is that we can keep improving on how to make it less partisan.

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

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

Language and disability access, all of our meetings have sign language interpreter. Public hearings also had
Spanish language interpreters as well.

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

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

The irony was for the 2010, where the Republicans felt that the Democrat -- that the Independent was more Democratic leaning, the Republicans have held the Legislature in those ten years since. So if there was a bias, it didn't work very well with the Democrats. We'll see what happens now where the Democrats felt that there
was a bias for the Commission -- for the Independent on
the Republican side, we'll see what happens over the next
ten years.

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

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

So just to finish up a little bit of where we need
to make improvements. The selection process for the
commissioners needs to change because right now it's very
biased based on the party that is the governorship
because they can manipulate the group that does the --
that makes those decisions, which happened this time.

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

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

The other one that's a really big one for us is the interpretation of the requirements. The fact is, communities of interest went everything from people having to -- people saying, well, my community of interest is where I go shopping, to people saying, well, it's really where my county seat is, and the laws that are -- you know, that we're following in those areas. I
mean, it was a wide range, lots of disagreements on what that meant, disagreements over what we mean by geographic boundaries. In some cases, we'd say this mountain was a boundary. In other cases, they'd say that mountain was not a boundary. What do we mean by compactness? So even though there are measures to deal with that, that didn't really resolve some of that concern.

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

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

And then who was providing advice. There are some other things that went on who was giving input was another challenge. So those are some of the things. We have a lot of good. We're in our third time and I think it's now time for us to see how we can make some adjustments, but it's all a matter of what we can do without losing what we have, so overview. Hopefully, I
didn't go on too long.

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

COMMISSIONER SADHWANI: Okay.

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

COMMISSIONER SADHWANI: Will our guest speaker after the break?

COMMISSIONER KENNEDY: Yes. Yes.

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

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

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

Our process was quite different. We have, I think, are the only state that has two separate commissions. So the Congressional Commission is completely separate from
the Legislative Commission and each Commission has twelve members, four Democrats, four Republicans, and four Independents.

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

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

And we did not have the interview process that Commissioner Lerner described. We had a panel of three retired judges that took each pool of applicants in each of those three buckets down to a total of fifty, based on some of the requirements that the applicants reflect the demography of the state, race, gender, et cetera.
And then we had a two-step process. The first six commissioners on each commission were chosen through a bingo ball process. Literally, each of those 150 people that were identified in those three buckets of 50, there were two chosen from each bucket. And they had to -- those first six had to be chosen from six different Congressional districts. At the time, we had seven Congressional districts. So for instance, I was a bingo ball. I was the very first bingo ball on the Congressional. And that meant that the next person who was drawn, who happened to be also from my district was unable to be seated in the first round.

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

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

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

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

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

The legislative data and mapping committee was the
one that developed the partisan index that we used. We had eight political races from 2016 forward that were chosen to be our partisan index. We did have a specific competitiveness criteria, but it was the very last in the hierarchy of criteria. All of this is in the Colorado Constitution.

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

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

We, I think, like, probably all commissions and when I say, we, I'm speaking for both of our commissions, we guarded our independence vehemently. The only role that
the Legislature played in the redistricting process was
to allocate funding.

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

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

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

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

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

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

So we had pretty much five weeks from the time we had workable census data to go through three rounds of staff maps and approve a final map. The Legislative Commission had the two extra weeks because they were two
weeks behind the Congressional. So it was absolutely overwhelming.

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

Perhaps the most contentious issue that both of our commissions faced was the issue of prisoner reallocation. Our Legislature, after the amendments were passed that created these two commissions, our Legislature had passed a law saying that the prisoners had to be reallocated. At least, on the Congressional side, our legal counsel said since that was done after the constitutional amendments, that we didn't necessarily have to follow that. And this was a case where the two commissions parted ways.
The Congressional Commission was unable to achieve the supermajority required to require that prisoner reallocation back to their last home address. And the Legislative Commission did vote with a supermajority to do that prisoner reallocation. And the major points of debate there was whether it was appropriate to adjust the census data in any way versus different qualitative arguments.

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

We felt like both commissioners in terms of our education, both commissions tried too hard to find speakers who were politically neutral. We felt, in hindsight that we might have learned more by consciously choosing partisan speakers from both sides, might have
had a better discussion of the issues. We did find that
the NCSL Redistricting Conference in Salt Lake City was
incredibly well-timed and a great opportunity to meet
some of you, actually.

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

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

We were overall disappointed in the amount of public
participation in our hearings. And in the hearings that
were really well-attended, they were clearly being driven by partisan interests.

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

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

Last minute changes to maps are a problem. We also had the seventy-two hour, the three-day requirement. The Congressional Commission chose not to relax that, the Legislative Commission in the end did. The Congressional Commission, there were some arguments that people thought
it was not transparent to reduce that time frame. It's not an argument that made sense to me because we were all in public meetings. But again, the difference in how the two commissions -- how the two commissions went.

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

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

So one of the things that we felt in our selection process was a need to have a greater emphasis on the geographic diversity where the different commissioners were located. In several cases, we had commissioners in the same district. And our districts, again, tend to be fairly large where they were almost neighbors, so just by virtue of the way the process was done.
So I think I'll leave it up there. I may have more things we can add if people have comments. But those were our main maybe differences and -- but similarities, so much of what Commissioner Lerner said about Arizona that, you know, resonated with us in Colorado. The time crunch being seated in February and March and having a September 1st or September 15th deadline was just really onerous. Thank you.

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

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

So with that said, I'll get going. I'll nod my head here. All right. So I'm going to start off with our selection process. So we're selected out of -- we're comprised of thirteen randomly selected Michigan
residents. The way that it worked, we had about 10,000 people applied to be part of this commission, which was then truncated down to 200 individuals. And then finally, a random selection occurred -- well, the selection from 10,000 to 200 was random, and then the 200 to 13 was also random. And that included to have four affiliated with the Democratic Party and four with the Republican Party and five who associated with neither Democratic or Republican parties. And this was done through the Department of State. They handled everything. And then the final selections happened with a -- I believe, it was a accounting firm local to the area.

So here are the commissioners that served. We have in order, Doug Clark, who was a Republican or who is a Republican, Juanita Curry, who is a Democrat, Anthony Eid, who is an independent, Brittni Kellom, who is a Democrat, Rhonda Lange, who is a Republican, Steven Lett, who is an independent, Cynthia Orton, who is a Republican, and she is also joining me today and will be speaking later on. M.C. Rothhorn, who is a Democrat, and also our newly elected chairperson. We have Rebecca Szetela, our outgoing chairperson and also a independent. She is also here with me and will be speaking later on today. We have Janice Vallette, an independent, Erin
Wagner, a Republican, Richard Weiss, an independent. And then you have myself at the bottom, and I am affiliated with the Democratic Party.

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

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

And as far as our core values, our integrity was honesty. We were honest with each other. We worked together and we were honest with the community. And then as far as respect go, we had honesty -- honor and dignity, I should say, and that was not only between our fellow commissioners, but also with that of the public going through and listening and understanding where
people came from and what their values were and what they held dear really helped guide us and the commission as a whole, to draw maps the way that the citizens of Michigan wanted the maps to be drawn.

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

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

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

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

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

So what our Executive Director Hammersmith did was she chose to create some, what she called icebreakers, at the beginning of our Zoom meetings to sort of help us get to know each other. And those were very basic things. Like, what's your favorite type of pizza? What's your favorite book? What movies do you like? And it seems
simple and silly, but that really did help us sort of understand who each other were and get a familiarity with each other and build that rapport at a time when we weren't able to be in person.

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

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

And something that our commission used extensively was the concept of virtual meetings. We did local government presentations throughout the state to local/state municipal governments. We would present to their board of trustees or board of directors or whatever the case may be based on the municipality and try to drum
up interest in redistricting and try to drum up citizens being driven to our meetings.

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

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

The next issue that we faced, and the next challenge was really just the data. How are we going to process the data? How are we going to draw maps? Are we going to draw maps? Are we going to have our vendors draw map? What are we going to do? Are we going to look at maps
from the public? So we had to really decide all those
issues.

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

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

Another solution that we dealt with was how to
analyze racial voting patterns in our area. As most
people know, the metro Detroit area has a highly
concentrated black population, and we needed to analyze
what percentages we potentially needed to have in
different areas to make sure that we were complying with
the Voting Rights Act.
And in order to conduct that analysis, we needed an expert to do it. It just wasn't something that we could do on our own. So we did hire an analyst. Dr. Lisa Handley was her name, who conducted a racially polarized voting analysis for the entire State of Michigan. And she provided us with recommendations so that we could follow a data-driven process when it came time to draw the maps.

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

So one of the ways that we were able to absorb that information was we did hire another expert, Dr. Moon Duchin, who actually performed what we called heatmaps. So she conducted -- produced heatmaps for us of the different communities of interest that were being identified by area of the state. So maybe she took a portion of the upper peninsula, and she would show what were the groupings of communities of interest that were being identified in those areas. And that analysis enabled us to narrow down communities of interest that
were being identified and help incorporate them into our maps.

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

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

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

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

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

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

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

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

One of the recommendations that we feel would help significantly would be educating the media upfront, so they understand redistricting better, so then they in turn can inform the public better. I think no matter what you do, you're always going to have a feeling that you could have done more, or you could have engaged more people in the process. Michigan is a state about twenty-five percent the size of California, so that would help
put in perspective. We have about ten million residents in our state.

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

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

Secondly, the districts have to be geographically contiguous.

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

Fourth, no disproportionate advantage to any political party.

And fifth, not favor or disfavor an incumbent or an elected official or a candidate for office.
Six, then become the county, city, or township boundaries to be reflected.

And seventh, reasonably compact.

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

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

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

So the MICRC commissioned the Glengariff Group to conduct a presurvey to identify awareness, messaging, and
communication mediums to share the news about the
redistricting process. And the key findings from the
survey -- also a post survey that we also conducted. So
but you can see that by a margin of 78.4 percent, so just
4.7 percent, voters that were aware of redistricting
changes said that Michigan should stay with the
redistricting commission. So we found that interesting.

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

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

Commissioner Diggs-Jackson.

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

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

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

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

Our selection process was actually done by -- we received over 400 applicants from residents. Those applicants were reviewed -- applications were reviewed by
what we call our ethics commission, which is another independent residential body. They reviewed them. They got down to a pool of approximately 40. They then did a random selection, ensuring that there was at least one representative from each of our nine council districts. So we are a city that's governed by nine council districts and then we have a citywide mayor. So they have to ensure that there was one representative from each of the districts as well as then we had four alternates that were selected.

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

We -- the commission itself selected its chair and vicechair. We have -- this was initiated by a charter amendment that had been approved. And the charter is very specific. It outlined the selection process. It
outlined the meeting schedule. It outlined about the alternates. It was -- it's very specific. And so trying to fulfill all of those things that were part of the charter amendment was challenging at times.

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

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

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

Number six, not dividing neighborhoods that have a common history, culture, or language.
Seven, follow geographic and topographical city features.

Eight, districts should be understandable by voters. Nine, compactness -- nearby populations should be together when possible. And then the very last one, they should correspond to census blocks, not tracks, but census blocks.

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

We also sought to be educated. We wanted to know more about redistricting. We wanted to understand more about the Voting Rights Act. We wanted to better
understand our city. One of the challenges I think we found early on and the question that came to me was what makes for a good commissioner? What kind of individuals should be sitting in that seat to help draw district boundary lines? Do you want people who are very much engaged, people who have been active in the process?

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

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

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

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

So it was great to get that individual information up front. But at the end, it proved to be a little bit
of a liability for us because we had people yelling and
screaming at us about having, you know, 300 people came
out and said, we need this boundary line. And then when
that didn't happen, they felt disenfranchised. So one of
the big lessons that at least I learned and we learned as
a commission is to talk about the overall objective
throughout the entire process.

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

Let's see what else did we do? I'm just trying to
go through it kind of quickly. Because of COVID like
that was also mentioned doing the hybrid meetings at
times challenge challenging. I think I heard someone
else comment about receiving input from so many different avenues from whether it was a phone call, whether it was a text message, whether it was an email. Even in our small city of which we like to call small 500,000, the volume at times of trying to read all of the comments and really give them the attention that they needed was overwhelming at times. It really was.

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

Or had we asked and said we weren't -- and asked for the extension of time that's allowed for in our charter, then our June elections would have been thrown into sort of a turmoil. We basically would have almost been operating without any counsel alliance and we would have kept the ones that we already had. So we felt like our backs were against the wall and it wasn't an option for us not to come to an agreement and to come to a consensus. And luckily, as a governing body, we were
able to do that. It had to be a three-fourths majority. It couldn't be just a simple majority per hour charter. So there was a lot of team building.

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

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

We went back to our legal team and said you have not served us properly. These are some questions we have. We need you to give us some answers right away. Our chair took a more aggressive role just because we felt
like we needed to do that with our mapping consultant.  
At one time, our mapping consultant was actually there in  
the meetings, but by them being in the meetings, they  
were limited in some of the ability that they could do in  
terms of on-the-spot changing and making adjustments to  
the mapping.  So we said we don't need you at the  
meeting, we need you in your office so that you'll be  
able to give us answers when we say what does this do  
when you move this line?  And what do you do that?  

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

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

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

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

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

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

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

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

COMMISSIONER KENNEDY: Thank you, chair and
Commissioner Sadhwani, you had had your hand up earlier so I want to call on you.

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

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

Yeah, I'd love to hear more about your thoughts on -- to what extent the consultant may have played some role in this concern around thinking about incumbents address. That's a very specific question to you. But more generally, I do think, you know, one of my takeaways from this process has been that commissions rely very heavily on the consultants that we have to hire. And
there isn't necessarily a very large pool of consultants who are out there. What are what were some of the general concerns that came about through this process?

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

COMMISSIONER LERNER: I guess I'll just -- I'll thank you for that question. I'll start out with my answer and then hand it off to whoever is next on that. So we actually gave direction to our consultant. One of the complaints that had occurred in 2000 and 2010 was that there was a feeling that the consultant had been in control. And different consultants -- NDC was in 2000 and then different consultants in 2010. So the feedback had been that they were taking over too much of the drawing process. So this time we were very clear they weren't to draw anything without our direction. And we
would spend a lot of time during our meetings being very clear over exactly what we wanted done.

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

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

I feel that the commissioners really had control over the mapping and even though we were reliant on the consultant, we could still make very specific changes
even down to, you know, draw from 48th Street to 49
Street. So yeah, and NDC I know is a California-base.
They had done other work in Arizona and of course, they
had worked in the 2000 commission. And I know that they
also are a controversial group.

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

VICE CHAIR FORNACIARI: Thank you, Commissioner.

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

And I'll give you a real quick example of this one.
The line is one dividing line that they kind of established
on their interpretation, which really made no sense. It
kind of cut a community in half and we ended up having
four hours of testimony from all of those residents
yelling and screaming at us about why would you pick that
line? So and it was after that that then we decided that
we knew our city better than anyone so we needed to be really specific about no we mean this line because it's within the neighborhood and we gave them a little more specific instruction.

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

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

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

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

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

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

COMMISSIONER SZETELA: Thank you.

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

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

COMMISSIONER KENNEDY: Great. Thank you so much.

Commissioner Kottwitz.

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

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

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

COMMISSIONER KENNEDY: Very good. Thank you so
much.

Commissioner Fornaciari.

VICE CHAIR FORNACIARI: A really interesting
conversation. I think we did all of that to some extent,
right? I mean, so we got -- we started off with
visualizations and just sort of general --
generalizations, visualizations. And if you give your
mappers ambiguous or conflicting direction, you will come
back with maps that completely surprise you. But then,
you know, there were times when commissioners went off
and drew parts of their states on their own and presented it to the Commission. There were times when commissioners worked -- one or two commissioners would work -- with the line drawers on a particularly challenging part of the state to sort of work through a logjam that we had in part of the state.

You know, we had 52 Congressional districts, and 80 Senatorial districts, and 40 -- I mean, 80 Assembly districts, and 40 Senatorial districts in four other equalization districts, and there were a lot of districts and a lot of challenges in how to trade-off. And then, you know, we got to a point where when it got down to the real minute details of balancing it out, you know, we would allow the consultants to work on that and come back to us. So I just wanted to kind of share, I think, sort of a high-level approach that we took and it was really, really hybrid and evolved as we went along, but it definitely is a learning process, and learning the trade-offs with mapping, I think, is critically important.

That's one the Lessons Learned that we identified.

I just have a couple of questions. Well, I have a bunch of questions, but I'll only ask two. So first, I want to ask our colleague from Arizona, it sounds pretty partisan, did -- what was the final vote on the maps? Was it 3 to 2, or was it?
COMMISSIONER LERNER: It's a great question. So on our Congressional, we initially had a 5-0 vote that changed to 3 to 2 once we learned about some of the lines that had been drawn for partisan purposes and some other issues that arose. And the legislative was also 3-2 all the time. And it -- and as I said, I think, initially, we were really getting along until the last few weeks, and then some of the -- it became incredibly partisan and lines were being changed somewhat arbitrarily from some per -- from my perspective. Other people were like, oh, here's the reason, but it became different interpretations on the definitions in our Constitution. So yeah, 3 to 2 is basically how they both ended up.

VICE CHAIR FORNACIARI: Okay. Thanks.

So I have one question for our colleagues from Michigan. And maybe we can take this question off-line, but really interesting sort of concept about analytics on the public input you're getting to -- and I assume the idea was to kind of come up with sort of summaries of the information that you're getting in. You know, we got 19,000 pieces of input in a little over a month, and at the end it was just a tidal wave and just incredibly difficult to manage. And so you know, I would think if there were opportunities to come up with to summarize the data for the commissioners, would -- it would make it a
lot more effective. You know, I don't know. I'd be
interested to hear. I mean, I'd like to hear the
details, but just hear your impressions and your thoughts
on that.

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

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

COMMISSIONER KENNEDY: Commissioner Szetela.

COMMISSIONER SZETELA: Yeah. So I would say the one
thing that would have been really useful for us at the
end -- because again, it was the same thing: there was
this flood of once we had approved our proposed final
maps, this flood of voting that came in, and just having
an objective tally of the votes would have been very
important. Because we would have comments coming in
verbally either in person or via Zoom and phone, and then
we had comments coming in by email, and then we had
comments coming in via our comment portal, which was
online, and then we actually had maps themselves, where
people could drop a pin and put a vote in, and we didn't
really have a central place where we were tracking all of
those votes as to -- you know, I like this, or I like map
A or B or C, or I don't like any of them, and that would
have been very important, I think, for our final deliberations to actually have those objective numbers. And in the absence of that, what ended up happening is we had members of the public saying, you don't have a tally anywhere, but I wouldn't tally it for you, and here's the map that should win. And so we didn't even have a way to verify that. So to me, that was a really big kind of a gap in our analysis that would have been very helpful to us in the end to evaluate all those comments.

COMMISSIONER KENNEDY: Great. Thank you so much.

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

COMMISSIONER KENNEDY: Yes.

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

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

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

In the meantime, Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Thank you.

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

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

And I actually thought that Commissioner Fornaciari
was going to try to get tritrate -- titrate on there
somewhere or something like that at the -- that's the word we were going to try to work in, but we didn't work it in.

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

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

COMMISSIONER LERNER: We just had a forty-eight hour -- we just have to do something. At least I think
either forty-eight or seventy-two hours, but if not, it
was not that difficult for -- not as difficult as what
you're talking about.

COMMISSIONER KENNEDY: Commissioner Horvath.

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

COMMISSIONER KENNEDY: Okay.

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

Got a -- one comment and one question. The comment
relates to tallies in the information from the portal.

We did not get near as much information in Colorado as
you did in other areas. I thought the value of that
information on the portal was limited. I think the city
that produced the most number of comments was Steamboat
Springs; it's a town of 25,000. It did -- it got -- it
had the most activity on the portal because one of our
commissioners lives there and she generated activity,
which is a good sign of democracy, but if you -- it's
not -- it wasn't represented.

I live in a town called Broomfield. They didn't
want the -- a certain line moved. So there were probably
300 comments: keep Broomfield whole. So when you have that bias, it's great. We had one party who didn't like our maps, so they sent out a notice to, you know, everybody in the state to write in, and the comments were so-and-so were guilty of gerrymandering, which wasn't true. But the value of doing something like a tally would not have been useful.

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

COMMISSIONER KENNEDY: Commissioner Lerner.

COMMISSIONER LERNER: Well, in Arizona, we draw our grid map and it was -- we -- and then every -- it's mostly just to change the old map and throw out the old maps, and nobody thinks we're tweaking anything. And that's -- so we -- it was sort of random; it's like, do you want to -- we just picked a place to start the new grid map, and then we informed the public that this was not anything like the final map, and we tweaked it from
there. Well, "tweaked"; we completely changed it. If you looked at our grid map, which was the first iteration, it has nothing to do with our final map as part of it. And it was just -- the whole reason we do a grid map -- initial one -- is to wipe the slate clean so nobody thinks we're changing current lines. So that was the only thing we did. And then after that, we just used our constitutional criteria.

COMMISSIONER KENNEDY: Okay.

COMMISSIONER ORTON: In Michigan --

COMMISSIONER KENNEDY: Commissioner -- yep.

COMMISSIONER ORTON: Sorry. In Michigan --

COMMISSIONER KENNEDY: Go ahead.

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

COMMISSIONER KENNEDY: Thank you for that.

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

VICE CHAIR FORNACIARI: Do you want me to share what we did?
COMMISSIONER LERNER: I have a -- yes. Well, I was
going to ask about -- that's what I was going to be
asking about. So go ahead and do that, and then I have
another question --

VICE CHAIR FORNACIARI: Sure.

COMMISSIONER LERNER: -- for California.

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

And we didn't start with the VRA, because we didn't
have the data yet when we started mapping. But once we
got the VRA data, then as we went through our iterations,
we focused on our VRA districts to nail those down, and
most -- much of that was in southern and central -- or
all of it was in southern and central California. And so
we nailed those districts down and then built out from
there, you know? So that can make it kind of a
challenge, right? Because you've got borders on -- well,
borders on three sides and an ocean on one side, and
other geographic features that make it hard. But for us, it got to the point where it was most important for us to focus on the VRA, get those done, and then work out from there.

COMMISSIONER KENNEDY: Thank you, Commissioner Fornaciari.

Commissioner Lerner, back to you.

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

COMMISSIONER KENNEDY: Yeah, I'll lead it off and then see if colleagues have anything to add. I mean, I
think that is truly one of the greatest strengths of the process here in California. And this time around being the second Commission, and maybe because people got an idea of how big the time commitment was or it wasn't as novel, we had slightly over 20,000 initial applications. Those were screened for conflicts of interest, general eligibility, et cetera, and then some number of those were invited to submit what were called "supplemental applications", which had essay questions and asked for a lot more information. So there were a little over 2,000 supplemental applications. Those were reviewed by the Applicant Review Panel -- the three-person applicant review panel set up by the State Auditor's Office.

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

The legislative strikes ended up being controversial because they significantly reduced the proportion of Latino candidates remaining in the subgroups. And then
when the first eight of us were selected, we were under enormous pressure because there were no Latinos among the first eight in a state that is roughly forty percent Latino. So you know, that's the beauty of leaving some of the positions for the initial cohort to fill. And using our discretion and looking at the balance of geography, gender, you know, skills, et cetera, we were able to come up with a group that I think was just an amazing group of people, and you know, as the legal framework requires, broadly representative of the state of California. But I do think that all of those layers of insulation from politics, with the exception of the legislative strikes, really are perhaps the strongest element in our process.

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

COMMISSIONER KOTTWITZ: Ours is a -- in Colorado, ours is a hybrid; it's -- half of our commissioners are random, obviously meeting all the qualifications, and the other half are appointed. So Commissioner Schell spoke briefly about it, but essentially, the majority and the minority leader of our State House and State Senate are
able to put forth a list of ten people that they would
like to be on the Commission, and that's after the first
half have already been randomly selected.

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

But I think -- you know, we actually had this
discussion last night -- I'll speak for myself -- I think
the hybrid is the best model. I think that there were
some commissioners that were more frustrating, in my
opinion, and maybe didn't have the same, you know,
fairness intent that I did, but I don't know that
changing our process to all random or all selected would
change that either, right? I think -- so I think the
combination, you know, added some political persuasion,
perhaps, or political operative, but I don't know that
that was entirely a bad thing either, you know?
Because understanding the political process,
understanding -- like Commissioner Horvath was saying --
and it was me that was called out continuously by the
party -- you know, there were hundreds and hundreds of
comments coming directly at me as a commissioner. Having
been in the political realm before, it really wasn't
bothersome to me, necessarily, and it was easy to point
out, hey, this is just a political play, it means
nothing, let's read through all this junk to see the real
comments. So in a way that was actually really
beneficial that I'd been in the political atmosphere
prior. So I would say -- I'd hope -- I don't want to
speak for the other two commissioners, but I think the
hybrid was -- provides a good opportunity for both sides.

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

COMMISSIONER HORVATH: Yes, thank you.

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

COMMISSIONER KENNEDY: Thank you.

COMMISSIONER HORVATH: Thank you.

COMMISSIONER SCHELL: Can I just make one more comment?

COMMISSIONER KENNEDY: Yes.

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

COMMISSIONER KENNEDY: Interesting. Thank you for
that.

Commissioner Witjes.

COMMISSIONER WITJES: All right. So my question --

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

COMMISSIONER KOTTWITZ: Compromise, I mean, is the
simple question (sic); and we weren't always successful.
But essentially, how it started is there were portions of
maps -- not even a whole map -- you know, some bureaus
would submit a whole map, right? Farm Bureau -- you
know, for instance, we have a lot of agriculture here in
Colorado, much like California, right? But those areas
are in one specific part of the state, and so I think,
you know, we had a challenge. Commissioner Schell was
talking about that earlier, that, you know, the
concentration mark commissioners were actually right up and down I-25. So for those of you that don't know Colorado, it's a rectangle, it's right down the middle. So you have the western slope, the northwest slope, the eastern part of Colorado, which basically looks like Kansas, right? It looks nothing like what people picture in Colorado. We had very little representation.

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

There was an example -- we had a guy up here who wanted to keep these one, two communities together. When we changed it around to keep them, we realized we were foregoing two of our criteria for one criteria, right? And so we moved it back. And those were live. I think
that was the most successful part is we called it a "coalition". There was a group of, what was it, three Republicans, two one affiliates, two and a half one affiliates, and a Democrat that all worked together in live almost workshop sessions where we sat there and tried it. We'd live move that portion, you know, to make them work together. I don't know if I answered that question. But you know, we kind of did the broad footprints, and then we worked on the minutia and moving the smaller areas around.

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

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

COMMISSIONER WITJES: Perfect. Can't wait.

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

COMMISSIONER WITJES: Thank you. Appreciate it.

COMMISSIONER KOTTWITZ: Would you agree,

Commissioner Horvath?

COMMISSIONER HORVATH: Definitely.

COMMISSIONER KOTTWITZ: I will point out
Commissioner Horvath and I are not of the same political
party and he's probably my favorite commissioner, so just
to be clear.

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

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

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

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

COMMISSIONER KOTTWITZ: Thank you. I really do not intend to monopolize this. I'm clearly a redistricting nerd, but I assume we all are, right? So I had two questions for whomever. You know, we're the only state that called out competitiveness as a criteria. And yes,
it was fifth, but it was still a very clear criteria to be included. So I noticed in the presentations from the other states, you know, everybody said, well, competitiveness wasn't part of it, but I noticed -- I think multiple said something about, you know, you couldn't draw a map to favor a political party or not. And so when I read that, I think, well, that's competitiveness, right? Like, you should be drawing a map that's not favoring a Democrat or Republican. So if someone can just help me understand how you are -- how you interpret that, because clearly I don't have the same interpretation.

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

COMMISSIONER KENNEDY: Okay. So to respond to
Commissioner Kottwitz's questions, Commissioner Lerner and Commissioner Andersen.

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

COMMISSIONER KENNEDY: Commissioner Andersen will.

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

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

But the really big issue, which is why we could not seem to do some of the things you all are talking about with compromise, I think, is because when people were saying, we want to make an adjustment in Coconino County, they were clearly looking at how many Democrats or Republicans were in certain areas as they were making those adjustments. So it was very difficult to reach those compromises when you were on a borderline of if you do that, it's a 52-48 split. It was fine if you were
going to be at seventy percent of one party or another, but when it got -- and our biggest problems as a Commission is when we got to those, unfortunately, few districts -- eight out of thirty -- well, not even eight out of thirty, I would say -- where you were within a four, five, six, seven-point range. Then it became contentious because people didn't want to compromise on losing a point here or a point there. So that's -- the competitiveness and the party registration were definitely used as part of our line drawing, which made it a challenge to reach the compromises you all are talking about. So that's one thing which led to some of the challenges I think we have in Arizona.

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

COMMISSIONER KENNEDY: Great. Thank you.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. Thank you.

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

When you're talking about the Voting Rights Act, you do have to mention race, and often it's kind of brought up, you talked about race, it's the only criteria you're talking about. And no, it's in the totality. You know, you're talking about race, but you're also talking about the county lines, the city lines. And it -- when you actually -- you know, it comes down to the Gingles criteria. But basically, when you have numbers, that's the -- that's easy. You have -- and you can actually -- you talk about race because you have the numbers of people of that race, or one of the, you know, minority
races that are protected. And when you have that group
and you have those numbers, you have to look at it
through Gingles criteria. And if you have racially
polarized voting, you draw VRA. It's really that simple.
And everyone wants to make this horrible, oh my God,
you know, because it's political, but if you really look
at what are the criteria, what do you have and what you
don't have -- and we actually have in California some
issues that most states don't, because we have a large
mix of races and they vote politically in different
groupings. So we actually have -- like, in the -- I live
in the Berkeley/San Francisco Bay Area -- and in the Bay
Area, you actually have numbers of minorities that
would -- could produce the required VRA, except we don't
have racially polarized voting, which is -- ultimately,
the goal of the VRA Act is that you don't need to draw
particular areas, because if you have a candidate who's
of a particular race and they're a great candidate,
people vote for them. They cross racial lines.

And so it's really -- the thing that you do avoid is
if it's not a VRA district, and you say, oh, but we're
kind of drawing for racial criteria -- and but if you're
drawing, that's -- that is an issue where you're in a
problem. And we didn't have that because we're actually
talking about, you know, our -- if you have a cultural
connection, that's a community of interest; that has nothing to do with races. Because we have a lot of areas where -- you have historical areas, which, you know, might be called particular race areas, but it's really -- it's a historical cultural area that have shared different cultural aspects. And again, particularly in California, you have everybody appreciating those cultural aspects, so you actually have a lot of mixed races, mixed cultures all together. So you know, it's -- you don't have to make it quite as complicated as it really is, and you can still -- but you have to follow the Gingles criteria. So that's (indiscernible, simultaneous speech) --

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

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

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

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

COMMISSIONER WITJES: I don't think so.

COMMISSIONER ANDERSEN: I will jump in. Actually --

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

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

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

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

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

COMMISSIONER WITJES: I see your point.

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

COMMISSIONER WITJES: I see your point.

COMMISSIONER ANDERSEN: -- coming down to percentages.

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

11 COMMISSIONER SZETELE: I would say -- I just want to
12 chime in because I do have to go. You know, with the
13 Michigan Commission, we do have highly concentrated
14 minority populations around the city of Detroit and Grand
15 Rapids -- those are our two major areas -- to lesser
16 degrees up in Flint, which is a smaller city but still
17 highly concentrated. So we had the very concentrated
18 urban areas, and then those areas also tend to be what a
19 lot of people call "Democratic vote things". So we had
20 two issues we were trying to balance, which was, one, the
21 Voting Rights Act compliant, which we relied heavily on
22 our experts in terms of coming up with the ranges that we
23 thought were appropriate, and then we did unpack.
24
25 I mean, as Dustin indicated, we had districts that
were eighty, eighty-five percent, ninety percent African
American, and there was just no reason why those
districts needed to be as concentrated as they were
because you could draw them differently. And so we
accounted for that and stretched out districts to make
the percentages more reasonable while still providing
minority voters an opportunity to elect.

And then the other issue was also, you know,
breaking out those democratic concentrations to make sure
that the map overall had partisan fairness. And then
just to touch on the issue of partisan fairness versus
competitiveness, I'm not sure how it is in other states,
but what we were hearing from people in Michigan with
respect to competitiveness is they want their individual
districts to be competitive. So maybe they want their
district to be a fifty/fifty or a forty-two -- forty-
two/fifty -- fifty-eight, something like that. They want
them competitive; they want them within five percentage
points, whereas what Michigan required was actually
partisan fairness on a statewide level. So we weren't
looking at individual districts in terms of how
competitive they were, we were looking at the math
overall and the 13 Congressional, the 38 State Senate,
and then the 110 State House, and out of the entire map,
how balanced was it from a partisan fairness perspective?
And honestly, I think if we had had competitiveness as a criteria in Michigan, it would have been a much, much more difficult job because there are just areas in Michigan like the entire Upper Peninsula, which is highly concentrated Republican, and I just don't know that you could ever make a district -- depending on the size of the district -- that's going to be competitive up in that area unless you want to have it jump across Lake Michigan, go all the way down to the bottom of the state. It's just not going to happen. So I think partisan fairness in our state, given the geography, was the way to go. And although we did have maps with some competitive districts, it wasn't a goal for us and it wasn't a target for us to achieve. And I don't think we could have achieved it, honestly.

COMMISSIONER WITJES: And one thing --

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

COMMISSIONER WITJES: Thank you, Commissioner Szetela.

COMMISSIONER WITJES: One thing I did want to add to that is that, especially with the state of Michigan, is if we start to unpack, we start getting these weird shapes when it comes to the districts that we're drawing. So we automatically get called out for gerrymandering
particular districts, which is just not the case. We're trying to adhere to the criteria of equal population as well as the Voting Rights Act. And in the areas that we have been drawing, especially in southeast Michigan, we had to draw some weird shapes to get that effect. And we were also able to keep with all of our other state criteria that we had with communities of interest. Luckily, compactness was number seven.

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

COMMISSIONER KENNEDY: Great. Thank you.

Commissioner Schell.

COMMISSIONER SCHELL: Thank you. I'll try to be brief. I just wanted to -- since Commissioner Horvath and Commissioner Kottwitz are both on the legislative
commission, I just wanted to give the perspective on kind of compromise on the Congressional side. As mentioned, Colorado, you know, we have the Rocky Mountains that split the state basically, you know, one-third to the west of the Rockies and one-third -- two-thirds to the East.

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

And in the end, I know the legislative commission ended up with a 12-0 vote, but we had a nonbinding, nonsupermajority vote by the commissioners who preferred that southern district map that we keep eleven of our southern counties together, going across the mountains, which, again, it -- from my western slope perspective, would not have been my first preference. But we stuck with that -- or I accepted that as a compromise that we
would keep those eleven counties together, but that
required making some other changes in other parts of the
state that probably some of us wouldn't have otherwise
chosen to do.

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

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

COMMISSIONER KENNEDY: Thank you, Commissioner
Schell.

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

We have a group of folks -- the Latino Coalition came together statewide. They made proposals on districts that they sent to us right at the beginning, saying, this is how we think this works; these are racially polarized districts. They proposed eight; we ended up with seven. But they gave us a proposal, which our Commission voted 3 to 2 to not follow. They gave -- they ended up with four or five different proposals as part of it, and we kept changing and modifying what they felt was in the best interest of their community as part of that. And the districts themselves were modified not because was it in the best interest for the VRA, but was it in the best interest for how we want to move districts in the surrounding area in terms of red versus blue make
And so there were districts where you have incredibly high percentages of Latino voters in those areas that are probably -- that are on the edge of not being racially polarized, don't meet those exact criteria because of what was happening around it. And because you have only five commissioners in our state, it's a lot tougher, I think, to reach some of those compromises that so many of you were talking about. So that's a challenge in Arizona that we have. But we certainly did -- we worked very closely with partners in the community to try to not follow them exactly, but certainly take everything into account that we could. So just as a note on where Arizona stands with this VRA piece as part of it.

COMMISSIONER KENNEDY: Thank you, Commissioner Lerner.

Commissioner Horvath.

COMMISSIONER HORVATH: Yes, thank you.

I wanted to add one or two more comments on competitiveness in Colorado. Competitiveness, as it's listed in our provision, says that we have to maximize the number of states that have the potential of changing at least once during the next decade. Now, what that means is we're not trying to make every district competitive; we're trying to minimize the number of safe
districts. And a safe district is defined as either a Democrat -- just one that will always vote for the Democrats and one that will always go for the Republicans. We have sixty-four count -- what did we have, sixty-five districts?

COMMISSIONER KOTTWITZ: Sixty-five in the House --

COMMISSIONER HORVATH: And --

COMMISSIONER KOTTWITZ: -- yes.

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

COMMISSIONER KENNEDY: Thank you, Commissioner Horvath.

COMMISSIONER HORVATH: Thank you.

COMMISSIONER KENNEDY: Commissioner Fornaciari.

VICE CHAIR FORNACIARI: I want to just touch on this idea of competitiveness and thinking of political parties
and candidates; and that really wasn't even part of our
crit -- it's not part of -- I mean, the -- it says the
place of residence of any incumbent or political
candidate may not be considered in the creation of a map
and districts may not be drawn for the purpose of
favoring or discriminating against an incumbent political
candidate or political party. So our process did not
involve consideration of competitiveness, fairness,
political parties at all. And I think, you know, I think
that went a long way to make it a more congenial process
for us.

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

COMMISSIONER KENNEDY: Thank you, Commissioner
Fornaciari.

Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yeah. Thank you.

And I completely agree with Commissioner Fornaciari
on that, as I tend to do, right? I mean, Democrats and Republicans working in harmony. Competitiveness was not an issue for us; it's not a part of our criteria; and it was not something that we looked at at all.

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

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

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

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

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

COMMISSIONER KENNEDY: Thank you, Commissioner Sadhwani.

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

Commissioner Witjes.

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

COMMISSIONER KENNEDY: Thank you for that.

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

COMMISSIONER KENNEDY: And I --

COMMISSIONER WITJES: -- our Commission's future.

COMMISSIONER KENNEDY: Right. I mean, in part, I think through community of interest testimony, but I know that Commissioner Sinay has been particularly interested
in this and would like to respond.

So Commissioner Sinay.

COMMISSIONER SINAY: Thank you.

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

And then we also had a lot of maps that were submitted to us from Asian coalitions as well as, you know -- well, (indiscernible) coalition; so it was Middle Eastern and Asian Muslim coalitions, as well as Black hub -- you know, Black coalitions, and Latino coalitions; and all of that helped us to be able to map it as well. And then we really took that, and you know, we went really carefully when we were in different areas. We would look at those maps that these groups had sent us and say, okay, it looks like there's a population here. And sometimes we couldn't remember exactly where the population was, and they let us know; they would call in and say, yes, you're right, there is a Hmong community in Stockton -- I'm just throwing one out there -- and the
streets are this, this, and that. And so our process was a dialog. You know, there was constantly people watching us, and I don't know, I mean, we thought it was boring sometimes to watch ourselves, and we were, you know, in the fishbowl. It was interesting to me that so many people watched us all the time, but they -- but it was a very engaging process in that regard.

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

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

COMMISSIONER KENNEDY: Yeah.

COMMISSIONER LERNER: Just as a quick answer to that
COMMISSIONER KENNEDY: As I mentioned -- yeah. And as I mentioned in our case, communities of interest are on the same level; they're all part of criterion four, which is counties, cities, communities of interest, and neighborhoods. So it is entirely up to the Commission how we prioritize those in any given case. And there were probably cases where sometimes we prioritize the county lines; sometimes we prioritize the communities of interest; sometimes we prioritize the neighborhood or city. It was entirely up to us.

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

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

COMMISSIONER KENNEDY: All right.

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

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

And then the second thing -- Commissioner Yee had
brought this up earlier, but he and I had this idea right
after we finished the maps that we wanted to talk to all of you and get to know -- you know, there's a lot of issues that we're grappling with, and I thank you all for this conversation. Because I've been writing down some themes because we started getting -- we started a conversation with League of Women Voters and common cause about having a national conference at some time. It'll allow us all to take a deep breath after all the work that we've done, but try to figure out what it would look like, and you know, first of all, get funding to put it together.

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

COMMISSIONER KENNEDY: Thanks for that --

VICE CHAIR FORNACIARI: Are we set?

COMMISSIONER KENNEDY: -- Commissioner Sinay.

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

VICE CHAIR FORNACIARI: Sure.

COMMISSIONER KENNEDY: The last sentence of our
criterion four says, "Communities of interest shall not include relationships with political parties, incumbents, or political candidates". So as far -- I mean, the definition of the COIs is still a little flexible, but that is in the constitution explicitly, and that would certainly help it.

So back to the Chair. Thank you, Chair.

VICE CHAIR FORNACIARI: Thank you so much.

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

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

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

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

PUBLIC COMMENT MODERATOR: Sure thing, Chair.

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

VICE CHAIR FORNACIARI: Okay.

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

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

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

In order to maximize transparency and public participation in our process, the commissioners will be taking public comment by phone. To call in, dial the
telephone number provided on the live stream feed. It is 877-853-5247.

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

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

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

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

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

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

MS. WEST: Yes. Good afternoon, commissioners. This is Renee Westa-Lusk. I just have two questions.
Like, when did the CRC get the VRA data? Did you get it before you drew the visualizations or after the visualizations? I assume before the first draft map came out. Because you explained there was a delay in drawing the VRA districts first, and you couldn't do it because of the data -- you didn't have the data, so you couldn't do those first.

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

Those are my questions. Thank you.

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

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

COMMISSIONER SADHWANI: Sure. I mean, I think here
in California, we certainly did our best to have a robust VRA analysis. But redistricting, VRA typically lands at the remedy phase, meaning when a plaintiff brings a lawsuit against a map, and then it would be up to a judge to adjudicate that and to make a decision about whether or not another district should be drawn.

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

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

VICE CHAIR FORNACIARI: Thanks, Commissioner Sadhwani. The -- I called you "Sara" earlier.

COMMISSIONER SADHWANI: I am Sara.

VICE CHAIR FORNACIARI: I know. Neal. But you know, we try to be a little bit more formal.

I guess that's it. The -- I'm sure the directions
have been completed at this point. And so with that, I am going to put this meeting in recess until 9:30 tomorrow morning when we will continue our Lessons Learned exercise. So thank you very much.

And again, Commissioner Kennedy, Commissioner Yee, thank you both so much for putting this panel together. It was a great, great discussion. Really appreciate it.

COMMISSIONER KENNEDY: Thank you.

Thanks, everybody.

UNIDENTIFIED SPEAKER: Thanks, everybody. That was really helpful.

COMMISSIONER SADHWANI: Thank you.

COMMISSIONER KENNEDY: Have a good evening.

VICE CHAIR FORNACIARI: Yeah, you too.

COMMISSIONER KENNEDY: Thank you so much, everybody.

We are in recess.

(Whereupon, the CRC Business Meeting/Lessons Learned meeting adjourned at 4:43 p.m.)
CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of April, 2022.

JACQUELINE DENLINGER, CET-797
CERTIFICATE OF TRANSCRIBER

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

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.

LORI RAHTES, CDLT-108  April 7, 2022