STATE OF CALIFORNIA

CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

FRIDAY, AUGUST 28, 2020

9:30 a.m.

Transcription by:
eScribers, LLC
APPEARANCES

COMMISSIONERS
Trena Turner, Chair
Isra Ahmad, Vice Chair
Linda Akutagawa, Commissioner
Jane Andersen, Commissioner
Alicia Fernandez, Commissioner
Neal Fornaciari, Commissioner
J. Ray Kennedy, Commissioner
Antonio Le Mons, Commissioner
Sara Sadhwani, Commissioner
Patricia Sinay, Commissioner
Derric Taylor, Commissioner
Pedro Toledo, Commissioner
Angela Vazquez, Commissioner
Russell Yee, Commissioner

STAFF
Marian Johnston, Interim Counsel
Raul Villanueva, Interim Administrator

TECHNICAL CONTRACTORS
Kristian Manoff, AV Technical Director/Comment Moderator

PRESENTERS
Angelo Ancheta, 2010 Citizens Redistricting Commission
Karin Mac Donald, Statewide Database
Eric McGhee, Public Policy Institute Of California

Also Present

Public Comment
Peter Cannon
Rosalind Gold, NALEO Educational Fund
Julia Marks, Asian Americans Advancing Justice-Asian Law Caucus
Lori Shellenberger, California Common Cause
Jacqueline Coto, NALEO Educational Fund
Helen Hutchison, League of Women Voters of California
<table>
<thead>
<tr>
<th>INDEX</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order</td>
<td>4</td>
</tr>
<tr>
<td>Public Comment Protocols</td>
<td>4</td>
</tr>
<tr>
<td>Presentation by Angelo Ancheta and Karin Mac Donald</td>
<td>26</td>
</tr>
<tr>
<td>Report on Commission Staffing</td>
<td>70</td>
</tr>
<tr>
<td>Training on California's Diverse Demographics and Geography</td>
<td>128</td>
</tr>
<tr>
<td>Report on Commission Staffing (Cont'g)</td>
<td>194</td>
</tr>
<tr>
<td>Public Comment</td>
<td>220</td>
</tr>
<tr>
<td>Report on Commission Staffing (Cont'g)</td>
<td>230</td>
</tr>
<tr>
<td>Creation of Staffing Subcommittees</td>
<td>235</td>
</tr>
</tbody>
</table>
CHAIR TURNER: Good morning. Happy Friday to everyone. We are ready to resume our meeting on today, Friday, August 28th. Good morning to everyone.

And today what we'll do is we're going to start with public comment. I have a question for counsel before we do that.

Are we able to, I want to have the discussion with the full Commission in regards to the guidelines for public comment.

MS. JOHNSTON: Yes.

CHAIR TURNER: Since -- okay, it's not agendized or anything; I just want to make sure.

MS. JOHNSTON: Well, public comment is agendized, so you can talk about that.

CHAIR TURNER: Beautiful, beautiful.

Okay, Commissioners, there are two thoughts that we had; we previously operated with public comments being allowed two minutes and at the end of -- at the discretion of the Chair, we end them at two minutes and then allow them to dial back in if they have continuing comments. It was also suggested yesterday that we allow three minutes, and then kind of fluctuate, based on if indeed we have lots of comments or not.
I wanted to just open it up for a brief discussion for Commissioners because I would like to set our ground rules for public comment before we go into public comment today. That will kind of dictate our path forward. Anyone with strong thoughts?

Okay, Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I think the two minutes is good. I would like to just be consistent. I think yesterday, but I'm not sure who recommended it, if there aren't a lot of comments, we can let them go more than two minutes, but I would caution against that. I would just caution whatever time limit you set, it should be the same, regardless of if there's a lot of people that are going to comment, or not as many people are going to comment.

But again, if it is something -- like, what we do on the school board, or what we used to do is it was two minutes, and a maximum of twenty minutes for the comment phase. So that's another -- you can also set maximums as to how long we will take public comments. But I'm thinking two minutes should be good enough. That's my opinion. Thank you.

CHAIR TURNER: Thank you.

Commissioner Sinay.

COMMISSIONER SINAY: I feel strongly against not
having a maximum on the public comments because what
happens is those that get there earlier get their name in
first or whatnot; it just doesn't quite work, and we
won't get to hear the full public comment. So I think
public comments should be left, but best way to limit it
is make them shorter, and really, two minutes seems long
sometimes, but other times, when you have a lot to say,
it is pretty short.

What I would say is that maybe we say you can heed
your time to others, but that doesn't work in public
comments virtually, because we don't know who's there,
and we don't have their slips. And so that would be a
conversation where we decide how to design public
meetings in the public -- I mean, out. But I -- yeah,
I'm strongly against putting a maximum.

CHAIR TURNER: Thank you.

Any other Commissioners have feelings, thoughts?

Commissioner Fornaciari.

COMMISSIONER FORNACIARI: Yeah, I think two minutes
worked pretty well last time. One of the challenges we
have virtually is, you know, we don't know how many
people are in the queue, right? And sometimes there were
a few, sometimes we went for an hour, you know, with
public comments. So I think just for now, a set time, I
thought two minutes worked pretty well, and just take all
the public comments we get. We want to make sure everybody has a chance.

CHAIR TURNER: Thank you.

Commissioner Andersen.

COMMISSIONER ANDERSEN: I just -- we did the two minutes last time; I thought that worked very well. The other thing that I liked is we said, you know, we have them a fifteen-minute -- a fifteen-second warning so they could kind of wrap up. And also, AT&T did not shut it off at two minutes. I thought that was very important, because a couple times that did happen, and we didn't -- we like to be able to control, let them say their last two words or something, and say your time is up, and then the Chair can shut them off.

I thought that worked rather well, because there were a couple times when, you know, they're right in the middle of something and then where -- have a couple more seconds to finish it. Not that we extended it, but I thought that flexibility gave us just a little bit more, but I really like the two-minute time frame because then everyone has an idea of what's coming, and they can plan for that. So I would recommend two minutes.

CHAIR TURNER: Thank you. Next we have Commissioner Yee, followed by Akutagawa, Sinay, and Ahmad.

COMMISSIONER YEE: Yeah, two minutes is fine, just
need to be sure to communicate that to callers, you know, kind of before, whenever we make the announcement, and right before they comment and so forth, so they know that that's -- what to anticipate.

CHAIR TURNER: Commissioner Akutagawa? You're on mute, Commissioner.

COMMISSIONER AKUTAGAWA: Sorry about that. I unmuted my phone.

I would actually, you know, just throw out for consideration three minutes, because something I heard before, it -- depending on the topic that we're going to be talking about, it could just take somebody a minute alone just to just talk about, like, what their kind of position, in terms of who they are, what they do, to give themselves some credibility in terms of the comment that they're going to make. That alone could take a minute, and then will leave them a minute for the substance of their comment.

And so I just want to just throw out for consideration. I know that it may seem like it's a long time, but three minutes might be, you know, that happy balance where you allow them to introduce themselves properly, so that there's some context for why they're making the comment.

CHAIR TURNER: Thank you.
Commissioner Sinay.

COMMISSIONER SINAY: Is there someone before me or not?

CHAIR TURNER: Excuse me?

COMMISSIONER SINAY: No, I thought someone might've been before me.

Just quickly, is it possible, instead of having the Chair having to control the time, for staff to take on that piece? I know that when I was on the school board, staff was doing two minutes, and same with our city council. The staff does it, and that allows the Chair to actually be able to participate and listen well to what the public comment is.

Again, I do like three minutes, and go to two if we have too many people. And I also would like some input from counsel on which public comments we are allowed to ask more questions or clarification; when we are allowed to engage with public comments, and when we're not allowed to engage in public comments, because we can even just say thank you.

A lot of people don't understand those rules about public comment, and what we found at the school board that it was really critical to explain every day when we can engage and when we can't so people don't feel like we didn't hear them, but they know that legally because it's
not agendized, we cannot engage.

So just some things -- that's broader than I think the issue that's here, and I apologize, but I do want to put that out there.

MS. JOHNSTON: If you'd like me to respond, Madam Chair?

CHAIR TURNER: Please.

MS. JOHNSTON: All right. If it is an item that's on the agenda, and they were making a comment about that, then you can engage with the caller, have feedback, have questions, whatever you'd like to do.

If it's a matter that's not on the agenda, and it's in the general comments section, then all you can do is say, thank you very much and we'll take that into consideration. If you wish, you can put it on the agenda for the next meeting to discuss, but you cannot actively discuss the content of it if it's not on the agenda.

One of the problems yesterday is that someone was talking about an item as a general comment during the comment on a particular item, and so at some point, you might want to caution people that we're addressing item such-and-such; we are only inviting comments on that item at this time.

CHAIR TURNER: Thank you.

Commissioner Ahmad?
VICE CHAIR AHMAD: I don't have a specific recommendation in terms of time limits, but I do think we can change those, depending on the meeting, and just set a minimum standard for the meeting, depending on what an agenda looks like.

Since our agenda this time around is primarily trainings, I suspect the types of public comments we'll get will be very different when compared to actual community meetings related to line drawing itself. So for comparison, we may just need to set something for this particular meeting, and then we can see what happens in the future.

CHAIR TURNER: Thank you.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yes. I just want to kind of piggyback on what Commissioner Sinay said.

On the school board, what we did is we actually, prior to agendized item, we put a blurb in there on public comment. We actually put in the specifics as to, there's a two-minute limit, and also we cannot -- we will not discuss items that aren't agendized, but they can bring comments. That way it does, like Commissioner Sinay said, the public's aware that they can bring their comments, but if it's not an agendized item, we can't comment on it.
And then it also alerts them to if they want to talk about a specific item on the agenda -- so I'm just, you know, thinking out loud, when we get to the last agenda item, in terms of our future agendas, we might want to think about having that type of blurb.

Anyways, so that was just a FYI. Thank you.

CHAIR TURNER: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yeah, I -- I don't have a strong preference in terms of two minutes or three minutes, but I appreciate Commissioner Fernandez's perspective of having a blurb, and just noticing on our website for public comments, under instructions, all it does is give the phone number and code.

If it's two minutes, if it's three minutes, we should let people know that there -- they are probably getting the phone number from the website is my guess, as well as, and I know I always bring up this issue, if we're going to hold general public comments first thing in the morning, or after lunch, or whatever makes sense for us, whatever everyone agrees to, I think we should just put it there, right, so that people know, hey, I can call in at 9:30-ish and plan to actually be heard and not have to wait around probably.

So I agree with just making that -- whatever we come up with should be more clear, and probably posted on our
CHAIR TURNER: Thank you.

Commissioners, I don't see any others waiting. Oh, I'm sorry. Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Madam Chair.

I had intended to address this under item 16, and I still can, when we're talking about interpretation services. I personally believe it's important for us to be able to take comment in other languages, particularly languages that are covered under VRA. To me, this is an integral part of the electoral process, and I believe that our people of California who are interested in redistricting should not be limited in their ability to input into this process, if they are of limited English proficiency.

So I can go into further detail now, or I can go into further detail when we take up the interpretation contract under item 16.

CHAIR TURNER: I'd like for you to continue, Commissioner.

COMMISSIONER KENNEDY: Thank you. And I have some notes, just so I don't miss anything. And I've been in contact with counsel, and counsel, I believe, is right that we may learn more about this during Voting Rights Act briefing, but I'll give my two cents to colleagues,
and then we can decide at some point how we deal with this.

VRA requires that political processes leading to nomination or election in the state or political subdivision be equally open to participation by members of the class of citizens protected by subsection A.

My belief is that our work constitutes such a process leading to nomination or election, and should thus be equally open to citizens protected by subsection A.

California is currently covered under VRA Section 203 -- used to be called 203, it's now codified at 52 USC 10503(b)(2), and the director of the census has published in the Federal Register in December of 2016 the determination that statewide, California is required to provide election-related information, including other materials or information relating to the electoral process statewide in Spanish, as well as English.

Further, various counties in the state are required to provide election-related information in Chinese, Filipino, Vietnamese, Cambodian, Korean, and various Native American languages.

When we look at CFR, the Code of Federal Regulations, 28 CFR Chapter 1, part 55, entitled "Implementation of the Provisions of the Voting Rights
Act Regarding Language Minority Groups", it says in part, "in the Attorney General's view, the objective of the Act's provision is to enable members of applicable language minority groups to participate effectively in the electoral process." And again, I believe that what we're doing is an integral part of the electoral process.

Further, "that materials and a system should be provided in a way designed to allow members of applicable language minority groups to be effectively informed of, and participate effectively in voting-connected activities", and that "affected jurisdictions should take all reasonable steps to achieve that goal".

It also states in part, "the quoted language should be broadly construed to apply to all stages of the electoral process". And again, you know, this is where I come down to, I believe what we are doing is a stage in the electoral process.

Once we go to California Government Code, beyond the federal provisions, California Government Code Section 7291 reads in part, "the legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government, and the right and ability of the government to communicate with them. The Legislature
further finds and declares that substantial numbers of persons who live, work, and pay taxes in this state are unable, either because they do not speak or write English at all, or because their primary language is other than English, effectively to communicate with their government."

7292(b) says, "for the purposes of this chapter, the furnishing of information or rendering of services includes, but is not limited to", among other things, holding public hearings. And 7296.2 says "a substantial number of non-English speaking people or members of a group who either do not speak English, or who are unable to effectively communicate in English because it's not their native language, and who comprise five percent or more of the people served by the statewide or any local office or facility of a state agency."

So my sense is that, you know, some may argue that we're not absolutely required to do this, but again, I would rather err on the side of empowering our citizens, our people, and if the government of California in the Government Code has said that, you know, it is the duty of public bodies to enable people of this state, including those who are of limited English proficiency, to participate in their government through public hearings, I think we need to make our question -- our
public comment periods equally accessible to those people.

So I'll leave it there. I think you get a sense of where I am on this, and hope that we can discuss further, as you see appropriate. Thank you.

CHAIR TURNER: Thank you, Commissioner. Well, I'm for sure in total agreement with that, and I would ask for support through staff and counsel to determine how can we bring that about on a Zoom call, particularly for, you know, the different groups that you mentioned, so that we can move towards that. I think that's -- I think your points are well-taken.

MS. JOHNSTON: One question, if I may, Madam Chair. Are you asking for an interpreter in Spanish, or that interpretations in all those languages be available?

CHAIR TURNER: What I'm asking -- I am asking that they -- yes, that we have access to them, perhaps might have to be -- if we're notified, because I'm imagining a couple of things. Number one, if someone calls in in Spanish, or any of the languages online, they typically will either call with an interpreter; they'll call and in some kind of way they need to ask for an interpreter. And I want us to at least have a plan of how we will be able to interpret, same thing for sign language.

MS. JOHNSTON: The sign language is something
different, in that the Bagley-Keene requires that you comply with the Americans with Disabilities Act, which is why you have the sign language and the captioning. So it doesn't apply to different language groups.

CHAIR TURNER: Captioning.

MS. JOHNSTON: We -- the last Commission did have a policy that if someone called in ahead of time and said they needed an interpreter in a particular language, there is a service that we can provide that for.

If you're asking to have one available just when someone calls in, that's a much more expensive proposition, and we can look into that for you, but it would be substantially more expensive.

CHAIR TURNER: Okay. Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Madam Chair. Two things: one, once we reach a conclusion on where we want to go with this, I think that conclusion needs to be reflected in the instructions for public call-in, both on the website, and eventually when the verbal instructions are given. And that can be done simply through a recording that is prerecorded and played; it doesn't mean that someone has to read the instructions for public comment live in Spanish and any other languages. We can have that prerecorded.

As far as interpretation on stand-by, I know that at
one point, AT&T used to have something called -- I think it was AT&T Language Services, and if you wanted to call somebody overseas and you needed an interpreter, you could actually just contact AT&T in the process of placing the call and say, I need an interpreter in order to have this conversation.

So I'm wondering if we can look into whether AT&T still has such a service, since we're already using them in the public comment period.

MS. JOHNSTON: We will certainly look into that.

COMMISSIONER KENNEDY: So that would not require us to be paying someone, you know, full-time to be on stand-by; it would be a service available for us, and if there's any charge on a per-use basis, then you know, that's something that we can consider.

CHAIR TURNER: Um-hum, um-hum. Thank you.

Commissioner Sinay.

COMMISSIONER SINAY: Mr. Kennedy -- sorry, not Mr., Commissioner Kennedy, I agree with everything that you've said, and I actually had it written down in different places that we need to be, you know, one of the agenda items for the future that I'd like to place is how do we create a sense of belonging for the people of California in all our practices. And there's a lot we're doing right now that's really a barrier to a lot of people.
So I agree with what you're saying. I was wondering, is -- who speaks what language among the Commissioners, and if counsel can advise us if someone were to call in today that may spoke Spanish, I could, you know, I can translate; is that legal or is that not -- you know, does it need to be a third party who translates for the Commission, because I have a feeling that we may have robust resources among ourselves, and that would also allow the community to know that side of us, but I think it makes more for that sense of belonging.

And the second thing is, I completely agree with what Commissioner Kennedy was saying, and for that reason, I would say that our agenda at least should be translated into Spanish, since that's the number one language, and we may want to talk about other languages, but we -- again, I have it as an agenda item for the future, this whole, how do we become more, and I don't like the word inclusive, so I am saying belonging.

CHAIR TURNER: Commissioner Taylor.

COMMISSIONER TAYLOR: Yeah, are we moving past our intention to have public comment prior to our training as this discussion continues?

CHAIR TURNER: It is going longer than intended, but I saw importance in it only from the standpoint of trying
to set ground rules, because we'll have to do that at some point moving forward. So we did creep a little bit from the time period that we wanted to allow today, but then again, because the topic was public comment and how we're going to allow, I didn't want to keep kicking the can down the road, as far as how we're allowing people that may not have the same access for public comment as well.

So it did go on a little bit longer, but that's kind of my thought process of why we're having the whole public comment conversation now to kind of complete it, put it to bed, and know the direction we're going in.

Commissioner Toledo.

COMMISSIONER TOLEDO: Just going back to the time limits. Given that the public -- the members of the public have the opportunity to provide written comments, I'd be comfortable with two or three-minute limit.

CHAIR TURNER: Okay. And there was a question, counsel, about public comment, as far as Commissioners being able to translate, and the legality of it.

MS. JOHNSTON: Well, I disagree with -- respectfully, with Commissioner Kennedy about the requirement under Voting Rights Act, which applies to the state and political subdivision, so jurisdiction over elections, which doesn't include you. But apart from any
legal requirement, you certainly can provide whatever you decide to provide, and since there's no legal requirement, if there were a Commissioner that were fluent in a language, there would be no problem, in my opinion, in having them do that interpretation.

MR. VILLANUEVA: Marian, this is Raul. Could it pose -- I know there's no legal or illegality to it, but could it pose a potential conflict, as someone's providing testimony to the individuals who are translating their testimony.

MS. JOHNSTON: Well, there is a duty as an interpreter to repeat exactly what the person says and not improvise in any way or change it in any way. So the Commissioner would have to be bound to those same restrictions that are on an official translator.

MR. VILLANUEVA: But then what if someone says they didn't translate it accurately; what position does that put the Commission in?

MS. JOHNSTON: That would be a problem; you'd have to go back then and review the video and get an official interpreter to decide whether or not it was adequately translated. So I -- personally, I think I would trust if a Commissioner says they're fluent in a language, that they would be able to do that, but that's again, up to the Commission.
CHAIR TURNER: Thank you.

Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Just a couple things. One, I looked on the website. There is translation of all of the documents, so I think that that is all of the meeting documents that are available in various languages.

Also, I think on the point about interpretation, one of the thoughts that I would have is, to the point of what counsel and Raul, you were just talking about, I think my experience is that when it comes to translation, there has to be an, I guess an official translator, because while I could say I could translate in Japanese, I wouldn't purport to say that I would want to do it in any kind of official capacity.

With that said, I also believe that, like the Chair, if you're trying to listen for translation versus listen for content, it may prevent a Commissioner from being able to fully participate. I think what would be appropriate though, is because they do have the language capability, after the interpreter translates, then they could provide their nuanced view on what they heard as a Commissioner, and then that may then enable them to then be able to both participate, but also provide, you know, a kind of perspective, you know, having been fluent in the language that is being spoken.
MS. JOHNSTON: Madam Chair, on the comment about the languages -- about the documents being available in other languages, that's through a Google automated translation system, which is not perfect, but it's available. So if you wanted something more than that, that would be something we'd have to explore and get the costs for.

CHAIR TURNER: Okay, thank you.

MR. VILLANUEVA: If I may?

CHAIR TURNER: Commissioner Le Mons, followed by Commissioner Kennedy.

MR. VILLANUEVA: Okay.

CHAIR TURNER: Yes, Raul, but then we'll go Commissioner Le Mons and Commissioner Kennedy.

MR. VILLANUEVA: I was just going to just remind the Commission that this is an item on -- this is part of item number 16. The reason it's listed there as language interpreter solicitation versus contract was to initiate this entire conversation. I understood from your prior meetings it was important; I'm hearing it's still important, and maybe we ought to go ahead and devote that time to it.

If I may also, it's 10 o'clock and you have a speaker waiting.

CHAIR TURNER: Thank you.

Commissioner Le Mons and Kennedy.
COMMISSIONER LE MONS: I'll reserve my comments for later.

CHAIR TURNER: Okay. Commissioner Kennedy.

COMMISSIONER KENNEDY: I'll wait until we're on 16.

CHAIR TURNER: Thank you, okay.

So to conclude this and then get to our speaker, Commissioners, are we comfortable with two minutes at this time going forward, or is there a strong preference for three? Two minutes, two, two, two, okay, okay. Two minutes is what I see.

Okay, so moving forward, our public comments will be for two minutes. Thank you.

MS. JOHNSTON: I know there's a speaker waiting, but since you announced public comment, do you want to request any public comment that's in line now?

CHAIR TURNER: I want to check. Yes, I'd like to check to see if there is public comment waiting. Justin?

PUBLIC COMMENT MODERATOR: There are no members of the public connected for comment at this time.

CHAIR TURNER: Okay, thank you.

And so our 10 o'clock speaker is here in regards to the ACS five-year estimate on CVAP. And so at this point, thank you for waiting. We appreciate you and welcome.

MS. MAC DONALD: Good morning, Commissioners. My
name's Karin Mac Donald, and I am thrilled to be here and really happy to meet all of you. And hello to staff. Also, hello Marian and Raul; nice to see you.

MS. JOHNSTON: How are you? You, too.

MR. VILLANUEVA: Hi, Karin.

MS. MAC DONALD: And hello, Kristian.

I am wondering if Mr. Ancheta is on already?

CHAIR TURNER: Yes, we see him.

MR. ANCHETA: I am, yes.

MS. MAC DONALD: Oh, there you are, hi. Okay, wonderful.

So I'm going to share the screen and hand it over to Mr. Ancheta, and then we'll go from there.

CHAIR TURNER: And Commissioners, real quick, this is our agenda item number 10.

MS. MAC DONALD: One second, please. Okay.

MR. ANCHETA: Okay, great, thank you. Well, good morning.

So there are two handouts you can consult. One is this PowerPoint presentation. That's under the training materials on the website. And then the second one is some correspondence between Ms. Mac Donald and myself and the Census Bureau, which is under your meeting handout, viewing special tabulations. And we'll discuss that as we go through the presentation.
So I'm going to give a little bit of a -- next slide, Karin, sorry.

So just as an overview, I'm going to be covering a couple of the legal requirements and why you actually need to pay attention to the Citizen Voting Age Population, or CVAP data. And we'll just talk a little bit about some of the different requirements that are in place under the Voters FIRST Act, as well as why you need to be attentive to when data sets are coming out because as you know, and you've had some discussion already about the timing of the census and the, you know, potential involvement and advocacy regarding the census. There are different data sets that are coming out and it's not entirely clear when they're coming out. We have a general sense of the timing, but the CVAP data in particular is important because it is key to doing VRA analysis.

So I'll talk about some of the requirements. Ms. Mac Donald will be covering the ACS, the American Community Survey, and different types of data and how that data set is put together. We'll talk about the letter we sent back in June, and then we'll make some suggestions about potential actions. I don't think you need to take any action today, but as you're developing your calendars and plans and time lines for the next
several months, you definitely want to try to fit in some of these time lines into that overall structure.

Okay, next slide.

Okay. So as you know, the Voters FIRST Act has a set of ranked criteria. The first two are federal requirements that are in place regardless of how the state sets up its additional criteria. So -- and again, this is review, and this is not a substitution for your training that you're going to be covering for the next couple days, but we did want to make sure you had some background. And I know your trainings are a little bit elliptical because of the availability of speakers, and the order you're taking it in. Ms. Mac Donald will be providing some additional specifics on data sets next week, and Professors Levitt and Barreto will be covering the VRA and some of the data analyses in greater depth.

So again, the first requirement under the Voters FIRST Act is the constitutional requirements. The major one you're dealing is the one person, one vote requirement. That requires population equality between the districts. The figures that you're going to be looking at are the ones that are coming out of the 2020 census. The P.L. 94-171, which is what Karin will talk about in more depth, in essence, you're looking at equal population between the districts, and there's, you know,
some variations which you'll cover in terms of congressional versus state-level districts.

Important things to note, you know, there was a controversy in terms of the citizenship question appearing on the census 2020. That was litigated. Ultimately, the census did not include a citizenship question. There are some ongoing problems in terms of, as you know, the acceleration of the collection of data this year, potential undercounts, the President's executive order that would adjust the data once it comes in to exclude undocumented immigrants. You had some discussion about the National Urban League lawsuit. There's some initial lawsuits challenging the executive order. Obviously, you need to pay attention to what's going on there. But ultimately, you'll be dealing with the data set that comes out at some point in the late spring or early summer of next year. Next slide.

Okay. So the second requirement under the Voters FIRST Act is the Federal Voting Rights Act. You're going to be primarily concerned with Section 2 compliance, and as I'm sure you're aware, Section 5, the preclearance requirement, that was bound -- or that bound the 2010 Commission is no longer operative because of the lack of a triggering mechanism in Section 4. That probably is not going to be an issue for you. If there is, you know,
depending on how the November election comes out, if you see, you know, perhaps Democratic control of Congress and the White House, that could change. But again, you should be attentive to developments, and if we don't see that much change in, say, the Senate, it's not likely you're going to be dealing with Section 5.

Section 2 is the permanent provision, permanent antidiscrimination provision of the VRA. That continues to be operative.

The major case that you have to be aware of -- and again, you'll cover this in more detail in additional trainings, is the Thornburg v. Gingles case, that you'll often refer to these as the Gingles factors. And these are stemming out of a 1986 case that the Supreme Court decided of giving a little bit more detail in terms of what's necessary to know if you have violations.

You're not litigating a case; what you're trying to do is to make sure you don't get litigated against. So you're essentially looking at an advanced posture where you're saying, well, if there could be a particular set of districts that fulfill these requirements, we should try to comply with it. The Gingles requirements therefore to try to create what are called majority-minority districts. There are again, three requirements: one is simply the size and compactness, the minority
group basically fifty percent plus. And I'll talk in a few minutes of what the actual data set and population are going to be (indiscernible). CVAP is the core data set, but that -- there is some variation depending on where you go. The graphic will be nice and California's (indiscernible) CVAP.

And then the second and third factors proposed look at the cohesiveness of the minority group, and then the cohesiveness of public (audio interference) voting or cohesiveness of essentially, anti-minority voter -- it's typically called white bloc voting but can include other minority groups that would be in the jurisdiction. Two and three are often collapsed together and simply referred to as polarized voting. And that's the kind of analysis that's you're going to have to have an expert go through.

But you're primarily concerned, at least these early analyses of VRA compliance, you want to look at the size of the populations and where do you think you need to at least look into polarized voting analyses. That's very labor-intensive, in terms of looking at electoral data and additional factors that might come into play in a Section 2 lawsuit.

So you want to sort of start with the population to give you a sense of where you need to really dig further,
and then your expert, presuming you'll hire an expert or
maybe a staff member, depending on your preference,
they'll have to do more detailed analysis and look at
various types of statistical regressions to kind of
figure out if there's polarized voting going on.

Okay, next slide.

Again, just as a quick review and a differentiation
between the total population, the one person, one vote
data sets, and then the VRA data sets, for total
population, there are what are called unadjusted numbers.
That's basically the P.L. 94-171. Again that, depending
on what happens with the President's executive order,
that could be adjusted to exclude undocumented
immigrants. I suspect that's unlikely, given current
law, but it's probably not going to be adjusted, at least
at that level. There are other adjustments that can
occur. I think Dr. Johnson yesterday said that it's not
necessarily a good idea, and I think most folks would
tend to agree with that.

There is one statutory adjustment which is in play,
which you're not obligated to follow, but the Statewide
Database is working with the Department of Corrections to
create a special data set where they are looking at the
last known address of prisoners to try to move the
numbers around so that those numbers are adjusted to
reflect not where they are in prison, but their last
known address. That's an optional adjustment, but the
data analysis is going forward in any case.

For VRA compliance, you have a number of different
data sets you could look at. You could look at the total
group population, so you look at, let's say the Latino
population in a potential district; you look at the
entire population, including minors. You could also look
at just the voting age population, so that's the adult
population, citizen or older. Then you can narrow that
further and have a citizen voting age population, the
CVAP.

And then another figure which is not -- really not
used at all, but it's something that can be looked at, is
the registered voter population. It's not considered
particularly useful for VRA compliance because it's a
very fluid number and doesn't necessarily reflect who's
actually going to vote on a particular election day. And
there are also some issues around this minority
registration levels and things like that.

So in other parts of the country, you may see voting
age population and not citizen voting age population, but
the U.S. Court of Appeals for the Ninth Circuit, which
covers California, among several states, has ruled that
CVAP is the appropriate number, and that's, you know, a
reflection of you know, the larger Latino, Asian American populations, where there are significant noncitizens. So that's a good measure of how you can measure potential voting strength of a particular minority group. Okay. And I think that's all I'm going to cover at this point. I'm going to come back at the end to talk about what your decision points might be in terms of how you're looking at the data. So I'll turn it over to Ms. Mac Donald right now.

MS. MAC DONALD: Thank you so much. I thought it might make sense to walk through a little history of CVAP or citizen voting age populations, since you'll be working with this data set, no doubt pretty extensively.

So in 2000, the decennial census still collected citizen voting age population on what was called the long form. And may of us are dating ourselves, because we'll still remember the long form, of course. I was one of the lucky recipients once of the long form. I'm very proud of it. And it was mailed to one in six households.

So in 2004, the Census Bureau was looking at some modifications and some operational changes that were partially prompted by, you know, cost-cutting measures, and they also had some pretty good statisticians on board as they usually do, and they came up with this idea of
taking the long form and moving it to an ongoing survey
called the American Community Survey. And that whole
process of launching the survey started in 2004, and it
replaced the long form.

So in 2010, we did not get -- nobody got a long form
anymore. That was the first short form only census in
the United States. And the short form, of course, is
still exactly the same short form that we all answered
this time around.

The ACS or American Community Survey samples
nationwide 250,000 households each month. So they're
trying to get to a three million sample size each year
and they're asking a lot of questions, just like the long
form did. And in 2008, they were able to release the
first multiyear estimates.

As you know, you have to have a specific sample size
to get some sort of a confidence into your results, so it
took them a while to get enough responses into their
sample to be able to have confidence levels that they
could actually release. And the first release was a
three-year estimate.

Now, please note that we're talking about estimates
when we're talking about the American Community Survey.
We're not talking about counts, which is what we do when
we talk about the -- the decennial census, the P.L. 94-
171 data set.

So these estimates, they are -- we call it a range data set. So when it says there is a three-year estimate available, those are all of the responses that were collected in those three years. And those are then collected essentially the year after that data set is cut off. So it's a rolling data set that keeps on collecting, and they keep on releasing essentially fresh data. And this is a pretty remarkable change from what we had back in the 2000s, when we received the results from the long form once. So it was released, and then we had it for the entire ten years, but there was nothing updated. Now, we get updated data pretty much every year with ACS releases.

So the first release was in 2008, as I said, and was a three-year estimate, and it was available for jurisdictions that had 20,000 people or more. And that, of course, is not particularly usable or useful for redistricting purposes, because you're usually working on a much smaller population base; however, with the three-year estimates, they could not go onto a smaller unit of analysis because there were just not enough data points available.

Then in 2010, however, they had five-year estimates available. Those were collected 2005 through 2009, and
then of course, you know, that year, as soon as they were
done with that, there's a lot of very extensive data
processing that happens, and then a year later, they
release it.

So they had a first five-year ACS estimate release
on the block group level. So the block group is of
course much smaller than what we had with these
jurisdictions of 20,000 and larger. Census block groups
contain roughly between 600 and 3,000 people. Of course,
that's a pretty big range still; that's still a pretty
large unit of analysis, but it's a lot better than
20,000. And they actually, back in the day, as we say,
they also had a one-year release, and that was for
populations of, I believe it was 70,000 and above, but
they don't release that anymore; that was discontinued.

So let's talk about the special tabulation by race
and ethnicity. So again, five-year versus three-year
tabulation, we need a small unit of analysis for
redistricting and voting rights assessment and
compliance. And the three-year tabulation is created
from the Census Bureau's internal microdata files.

Citizen age voting age population by race and
ethnicity, this special tabulation has been released
annually by the request of the Federal Department of
Justice since 2011 because, of course, they understood
that they needed these data for voting rights compliance
and enforcement.

So when they put this request in -- and this is
something that you can do it with the Census Bureau when
they're not tabulating data in a way that you need them.
So for example, they release a data set in a way that is
almost what you need, and you just cannot get to what you
really need, then you can ask them to recompute things
for you, for a specific purpose, and that is called a
special tabulation.

So with the DOJ, of course, going in and saying we
need this, I am pretty sure that that was a very short
request. You know, they said we need it, and then the
Census Bureau provided it, and they have been providing
it every year. Again, it is released every year, every
February traditionally, from each year's most recent
five-year American Community Survey data release.

So to put this in context one more time, when we
talk about CVAP of 2020, so citizen voting age population
for -- that was released in 2020, it actually comes from
the American Community Survey data that were collected
between the years of 2014 through 2018. And CVAP 2019,
so data release in 2019 comes from the American Community
Survey from 2013 through 2017, et cetera.

So essentially what we have now is a data set over
time. A longitudinal data set that has really been pretty widely used because, you know, we've had it since 2011. And it's been analyzed, and you know, we kind of know this data set. We -- there are, you know, a lot of people that have worked with it and they have pointed out some of the shortcomings, but it is kind of a known data set to us.

So flash forward to the last couple of years when things all of a sudden became very interesting at the Census Bureau, and we had multiple changes that are going to affect, or that are affecting right now, Census 2020 and the redistricting data set.

Some changes were announced and will of course not be implemented, as Mr. Ancheta just pointed out. For example, the collection of the citizenship data on the short form, that did not get implemented. Some changes were announced, and they will be implemented, and one of the most significant ones are the new disclosure avoidance methodologies, also known as differential privacy. And then there are other changes that were announced, and I put three dots there because we just don't know what's going to happen.

So one of the things that they did announce was that they would not be releasing this special tabulation of citizen voting age population anymore after this year,
and that they would replace this data set with what they
call the post-2020 citizen voting age population file.

So this is a completely different data set, and you
know, some of us were looking at this and thought, gosh,
there are a lot of changes that are happening right now;

it would be good to have something that is constant and
that we actually know, so this -- you know, it definitely
gave us some pause and we thought, huh, maybe we can do

something about this.

And then, of course, COVID-19 happened, and it
prompted significant changes in census operations. The
time line for the data collection was extended by four
months, and now it's shortened. And the data release
date for the P.L. 97-171, that's the redistricting data
set, was extended by four months also, but it's currently
not clear when that data set will actually be released;

we just know that at this point, they're trying to get
the reapportionment counts out by the end of December,

and it is just really not clear what's going to happen.

So let's talk about this post-2020 CVAP data set and
what we know about it. What we know is that the
scheduled release will be concurrent with the P.L. 94-171
data set. So they're not releasing it on the same file.

They will most likely just provide a download link at the
same time as the state data are released. And it will be
based on the Census 2020 and on administrative records
and perhaps other census data.

So please note that this is very different from the
American Community Survey, which is a survey that
actually asked people to respond to specific questions.
When we're talking about administrative data,
administrative records, there are many different data
sources that could be used. We're not sure which ones
are going to be used at this point. It was announced --
this data set was announced to replace the CVAP special
tabulation from the ACS 2020. And the final
specifications and the analysis for the post 2020 CVAP
data sources are still under development.

And they had planned a release of documentation for
March 31 of 2020. And they still have not released very
much, really. They have not released any of the final
specifications or analysis, which means that nobody has
been able to really look at this and figure out
whether -- what is in this data set, what are they doing.

And you know, for some of us who have worked with
census data or have looked at census data for long
periods of time, this is almost horrifying, I have to
say, because the census is so methodical and so
organized. They plan things ahead by many, many years,
census. And to have a data set that they are releasing or they're planning on releasing that is supposed to be used for voting rights assessments and enforcement that we still, you know, just a few months before it's released don't know anything about. I mean, a data set where we don't even know which administrative records they're going to use and they're going to look at. That is very troubling, to say the least.

The census says in its documentation, as thin as it is, that the statistical methods are still under development. And the current documentation available really just outlines what the census hopes to provide, but really no detail at all.

So with that said, we decided, well, maybe we could try to just ask the census to give us the CVAP special tabulation one more time. And we looked at the assessment of our redistricting time lines and the available data, and of course, the release date for the P.L. 94-171 data set at the time of our request was still July 31, 2021, and it's currently, though, not sure when the P.L. 94-171 data set will be released. We compared the CVAP special tabulation versus the post-2020 CVAP and asked ourselves, what do we know. And just kind of compared, you know, research that's available about the ACS CVAP and the fact that we really don't know much.
And we had additional concern that the CRC would just not have any current data available for planning purposes until July or August of 2021.

We thought that to get a release of a known data source so that the CRC could start preliminary Voting Rights Act analysis, if you so desire, prior to the release of the P.L. 94-171 data release might be a really good thing. It's always good to have options. And as Mr. Ancheta will tell you, it was definitely -- it was a bit of a sticking point last time because there was so little time to do these analyses. To be able to have any data set that can be used to do some preliminary work and just get started, seemed to us to be a really good thing to have available. And you know, it's good to have options, again.

And we also wanted to provide a plan B if the constitutional change of the redistricting time line was not approved by the Supreme Court. Because, again, at the time when we wrote the letter, that was not clear. So we just wanted to be sure that perhaps something was available. And to our surprise -- and I should actually say that we had some collaborators on this, including I asked the National Conference of State Legislatures if they would weigh in with us, and they very kindly provided a support letter to us also. That went a long
way.

And I also reached out to a couple of colleagues that I work with, a Republican and a Democratic colleague that I work with at the National Conference of State Legislatures Redistricting and Election Standing Committee. And they also provided support letters to the census.

So thank you to everybody.

And on July 16, the Census Bureau's Data Stewardship Executive Policy Committee voted to reauthorize the data sets production. So that is the long saga of this data set.

And I'm going to move things back over to Mr. Ancheta. Thank you so much.

MR. ANCHETA: Sorry, I had to unmute myself there.

So this table, which I hope you can all read, sort of summarizes some of the various sources and what the availability of the data will be next year. Again, it's not clear -- and this is why may be rather problematic in terms of the what's called the post-2020 census tabulation -- you definitely have the ACS 2014 to 2018 data set. That was released back in February of this year. So if you wanted to get started or have someone get started looking at some of the potential districts or at least the demographics in various parts of the State,
you could get started on that right now.

The letter and response that was sent out gave us a likely date of February in the same way that has been February for the last several years. That is probably the best data set you're going to be looking at, in our opinion, because it is predictable. The format and the various types of data are ones that are -- that Statewide Database has gotten used to, and other analysts have gotten used to.

Again, a 2021, it has a bit more precision, perhaps, because of census block versus census block groups, blocks are smaller units. You'd have more up-to-date geographies in terms of -- but that may not be that important. So that's why there's a question mark there. So the methodology still hasn't been articulated very clearly. The release date is not perfectly clear. And there are just a lot of different factors that might come into play.

Okay. And I apologize, I have a four-year-old who's wandered in right next to me. And this is the challenge of working at home. But I will leave it open for questions at this point. Or Ms. Mac Donald can pick it up if necessary.

CHAIR TURNER: Okay. Thank you. Yes, we do have questions.
Commissioner Sinay.

COMMISSIONER SINAY: The first one -- I have three questions. I think the first one is the easiest, which was, which data set did you say was the best one for us -- if -- the best data set? You had said that for the last slide and I kind of got lost.

MR. ANCHETA: So --

COMMISSIONER SINAY: It's okay. Don't worry about him. We're all in that same boat now.

MR. ANCHETA: I know. And I also have a -- we also have a seven-week-old baby so that another factor --

COMMISSIONER SINAY: Congratulations.

MR. ANCHETA: Thank you. That's my wife's responsibility right now. So yeah, again, the 2014 to 2018 is out. So if you wanted to get started right now, you could work with that.

The 2015 to 2019, which won't be available until February of next year, will be more up to date. It'll be the more recent set of data in terms of the survey.

The post-2021, just a lot of question marks at this point. It would probably be more precise in terms of the geography and will reflect the actual census. But again, as Mr. Mac Donald mentioned, the survey actually looks into things like specifically race and ethnicity and various other factors, which could also be used in your
electoral analysis.

So and again, the timing is not clear. So one thing I would definitely recommend to you -- and this, having been a commissioner last time around, is get an early start on this, don't wait.

We released draft maps without having done the empirical analysis in terms of polarized voting. That was a mistake. And we were so crunched for time in that four-month period that we just had to release it without a thorough analysis.

You have a lot more time to do that kind of analysis.

COMMISSIONER SINAY: And I apologize. I didn't start off by thanking you for your service, as well as all the breadcrumbs you left for us that are all very, very helpful. So thank you so much for thinking about us in the future. It's very evident that you're very committed to the work that you did and the work that we're doing. So thank you.

My next question is -- and this might not be as important because it sounds like the administrative data sets may not be as critical anymore, but as you were talking about the administrative data sets, you kind of buried the lead so -- that we were going back the other way. But I wanted to know, are there -- what data sets
should we be looking at in addition to the census? Are there other administrative data sets that we should be looking at? And if they end up using administrative data sets, are there some that are better than -- I guess I'm asking the same question in two different ways. So what are good administrative data sets or other data sets we should also be looking at?

MS. MAC DONALD: Yeah, thank you for this question. So the census is the organization that will be looking at the administrative records to build the citizen voting age population data set. I'm going to guess that you wouldn't be able to get your hands onto the level of detail that they would have access to to build a, you know, block-level data set. And I think it remains to be seen whether the census is going to be able to gain access to some of these data.

As you may know, the State of California, for example, is not sharing administrative data necessarily with the current administration. So that is probably going to factor into this data set also. There is a whole list of data sources that they are thinking about using, but they have not evaluated them. So they haven't evaluated them for completeness, for accuracy. There is just very -- there's just nothing there at this point.

And if you are interested in seeing some of these
data sets, I can bring a list on Tuesday and add it to my presentation so we can go through it really quickly and just see what they're thinking about doing.

With respect to what the Commission can do, I don't think there is much you can do yourself about citizen voting age population. But if Mr. Ancheta has a different opinion on that, I'll have --

MR. ANCHETA: Yeah, no, I think that's right. I think as you're getting -- going through your -- and again, Ms. Mac Donald will come through, you know, or Dr. McGhee, Eric McGhee coming in as well. I've raised those questions with him as well, (audio interference) with Dr. McGee in terms of (audio interference) thinking about the other data sets. And Dr. Barreto as well, in terms of -- in the context of the VRA focus (audio interference).

As you know, there's just a lot of uncertainty here. And unfortunately, the citizenship and undocumented status question has become quite politicized -- not that it hasn't been political in the past, but it's led to a lot of uncertainty to what (audio interference) might be (audio interference) around compared to previous.

CHAIR TURNER: Commissioner Sadhwani and then Commissioner Yee.

COMMISSIONER SADHWANI: First, thank you both so much for this presentation. This was so incredibly
helpful. And you know, I echo Commissioner Sinay's thanks to you both.

And for your service, Mr. Ancheta, in the past. And I used the Statewide Database for a few years now on some of my own research. So I really appreciate the work that you do there as well.

A couple clarifying questions, actually, only this was extraordinarily helpful just to kind of get this update and to learn about what seems to be extraordinarily troubling movements in terms of the collection of data.

First, Mr. Ancheta, you had mentioned the Ninth Circuit ruling using CVAP as the appropriate number. Do you know which case that was? Was that the City of Los Angeles case or another one that you were referring?

MR. ANCHETA: Yeah, I would refer to Romero v. City of Pomona --

COMMISSIONER SADHWANI: Okay.


COMMISSIONER SADHWANI: Okay.

MR. ANCHETA: R-O-M-E-R-O v. the -- for the court of reporter -- City of Pomona. That was overturned -- partially overturned on some additional procedural grounds. But the basic ruling around using CVAP has been used in lower court cases. But that's sort of where the
COMMISSIONER SADHWANI: Got it. Thank you. And then my other question for you regarding CVAP was that my understanding, and please correct me if I'm wrong, was that CVAP was actually not available through the ACS for Asian Americans based on national origin, that we'd get the Asian aggregated numbers but not based on national origin. So first, if you could clarify that.

And then secondly, you know, to the idea that we're going to start moving using that data potentially in advance of the census release, from reflections from 2010, is that problematic? What kinds of shortcomings might that have had and might you have faced -- might the 2010 Commission have faced because of it?

MR. ANCHETA: Yeah. Well, all I'll also defer to Ms. Mac Donald on the specifics of the ACS. But I think that's correct. The State of California does not collect racial or ethnic data. So in terms of more granular information, it's pretty much the census data. The Statewide Database does do, as you know from some of your work, they do surname matching for specifically for six groups, not every single Asian language group. So you can do some more granular analysis in terms of at least with Asian subgroups.

But if you're just relying on the ACS data itself,
you've got basically aggregated Asian and Pacific
Islander data as well as other racial groups and then
ethnicity data covering Latinos.

MS. MAC DONALD: Yeah, and if I could weigh in. And
thank you for this question. And I think that's where
your communities of interest sometimes come in, because
you have these aggregated data sets and you just don't
get the level of detail sometimes that you need.

So when you're out talking to communities, you will
find out exactly, you know, not only what the interests
are on the ground, but also who is actually there,
because the census most definitely has some limitations.
And as you well know, as soon as you're starting to go
into smaller groups, so you're going into citizenship,
for example, you know, the smaller the group, the lesser
the granularity of the data. So we do what we can with
what we have available.

MR. ANCHETA: And if I could add one other point.
Again, if you're looking at VRA compliance, as you
disaggregate, as you look at smaller groups, you're
simply not going to hit that first Gingles benchmark,
which is basically half of a district is of a group. And
there's a lot of stuff we didn't look at, which, again,
because of the shortness of time, we didn't look at
coalitions between various minority groups. We certainly
didn't disaggregate Asian groups. We looked at the aggregated data. And there are a couple of majority Asian districts that were put in place.

You probably have larger numbers this time around, but you also have to balance how much do you want to have your specialist look into a lot of the details, because once you start looking at that level of population size, it's a lot of extra work for them to do. Not that there aren't important patterns to get at it. I mean, I know you've done a lot of research on this topic in particular.

And thanks for citing my book in your dissertation, by the way.

COMMISSIONER SADHWANI: Yes, of course.

MR. ANCHETA: Yeah, and I think you in particular know a lot about this area. But you also know the complications of Asian American populations.

COMMISSIONER AKUTAGAWA: Just for clarification, when you're talking about the aggregation of the Asian American groups, are you also -- I just want to -- I heard it said "Pacific Islanders" -- are native Hawaiians and Pacific Islanders also included as this Asian group or are they a separate category? Because I know they're separate in the census, but for California, are they aggregating both?
MR. ANCHETA: Maybe Karin can address that. I think for the ACS data as well they're broken out separately. For purposes of getting specific electoral data, that's not going to be available simply because, again, as a matter of simply larger population size and just priorities, you don't get that kind of granularity language and registration data. So you can't get that deep in.

And again, our Commission, we just didn't do that kind of analysis or didn't ask our expert to do that. And we pretty much looked at aggregate numbers. Pacific Islanders, again, typically not -- as a separate group -- again, again, how you want to link Asians and Pacific Islanders together versus separately and then subgrouping within each major category is, you know, a lot to look at. You will certainly get communities of interest and neighborhoods information along those lines. And I think that's worth paying attention to. VRA, the numbers are considerably larger in terms of the legal requirements.

MS. MAC DONALD: And let me weigh in. I just pulled up the documentation for the ACS special tab. I'll just read off what they call the lines, which is basically the variable that they are providing. So the first one is total population. And then in the non-Hispanic or non-Latino category, we have American Indian or Alaska
Native. We have Asian. We have black or African-American. We have native Hawaiian or other Pacific Islander. We have white, American Indian, or Alaska Native and white, Asian and white, black or African-American and white. And then the remainder of two or more race responses. And then the final line number is Latinos, Hispanic or Latino.

CHAIR TURNER: Thank you.

Commissioners Yee and Fernandez.

COMMISSIONER YEE: Yes, thank you. Thank you so much for this super helpful presentation. Certainly look forward to hearing further from you as we continue our training.

Question about -- Ms. Mac Donald, the 716 favorable response. Could you say more about that and how far that gets us from a situation that's really super troubling to a better place? What was reauthorized and what exactly does that get us?

MS. MAC DONALD: Yeah, so thank you very much for that question. What was reauthorized was basically just the same release of the data set that we have received for the last, what is it, ten years now? And what we're getting is citizen voting age population for the groups that I just listed. What it gets us is one more data set in this range of data. So we're getting data that are
more current and probably more accurate. And I'm hoping that Eric McGhee, who I think comes next today in your lineup, has a slide on this.

And Eric, if you don't have it, maybe you can make one really quickly. There is a -- if you plot ACS data over time, what you're seeing is that certain population groups are definitely growing with each release. And when you are looking at a requirement where -- to have a majority-minority district or a Section 2 district, you are looking for fifty percent or larger citizen voting age population. This really matters. This really matters, even if it's just a little bit of a percent.

And Mr. Ancheta can probably weigh in on this because we were seriously struggling with a couple of districts where we -- the Commission last time was seriously struggling with some districts that were almost fifty percent citizen voting age population and what to do. So you know, having these fresher data and being able to look at it over time, looking at the trends, you know, which populations are increasing, where is this really going?

And then also looking at the research that we have about these data sets. For example, we know from a study that was done at Berkeley Law when this data set first came out that Latinos, for example, are undercounted
in -- or underrepresented in the ACS Latino tab. And why
is that? It's because Latinos are a younger population.
So imagine if you were, sixteen in 2015, well, I always
say in the ACS that's the only place where you don't age
because you're going to be sixteen for a really long
time. So it kind of under -- it understates or
underreports younger population groups.

I think it's very important to just look at the
research, at the data, at the trends, and then just
contextualize all of that when you're looking into
drawing your districts. So I think that, in a nutshell,
would be what I think you're going to get.

COMMISSIONER YEE: So we can be reassured of having
that special tabulation rather than trying to pin hopes
on this post-2020 animal that we don't even know quite
what it's going to be?

MS. MAC DONALD: Yeah. And we don't know if it's
going to be released. I --

COMMISSIONER YEE:: Yeah.

MS. MAC DONALD: -- I mean, I -- it worries me. The
post-2020 CVAP data set -- like seriously, I mean, that
makes me a data geek, I know, but I have actually woken
up one night worried about this data set because we just
don't know anything about it. And data people, they like
to know their data. So you know, it's just troubling.
COMMISSIONER YEE: We will wonder with you. Just -- yeah.

CHAIR TURNER: Commissioner Fernandez. Did we lose her? Commissioner Fernandez? Are you on, you were next. Okay.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Thank you very much, everybody. And I'm echoing everyone to say I can't wait to hear more. And I really appreciate all you've done. I just have a really quick question. The American Community Survey, is that census block groups or census blocks?

MS. MAC DONALD: It's released -- the smallest unit of analysis that the ACS is released on is on census block groups. Thank you for that question.

CHAIR TURNER: Commissioner Sinay.

COMMISSIONER SINAY: Two quick questions. One is, we keep talking about majority as majority in California being white. My understanding is that we no longer have any majority, that we are -- that as a state, we are really made up of a lot of minority. Yeah, I just don't like the word minority and majority. But how does -- does that change any of the Gingle, the items that we need to look at, because we don't have a majority? We do if you go in a smaller.
And then the second question, you had heard that we had discussed the census and that CRC would like to support the efforts to not cut the time line. But what can we do as a group, the CRC, what would you recommend how we can help create the best census possible for 2020?

Thank you.

MR. ANCHETA: I'll take the first one. So again, the -- what you're trying to do -- and you'll have Voting Rights Act counsel advise you more specifically -- is in essence, you're trying to say, well, let's be careful here, because the core inquiry is where might we get sued. Okay? That's literally how you're trying to think about that. Because the Gingles test is a litigation test. And as a policymaker, you're trying to say, well, we want to comply, we want to make sure that minority vote dilution, which is what happens when you have districts where minorities are either -- again, this will be covered in your training more -- but are they being divided, are they packed in too tightly, packing and cracking, all the other kinds of terms you're talking about. But it's specific to a particular area.

And in a lot of parts of the State it may be just one group that you say, well, is this fifty percent, are they going to make it to that level, or is it forty-nine percent, what's the threshold that needs to be met? In
other parts you're going to say, wow, this is a really
concentrated, let's say, Latino population. And okay,
should we do three districts here or is it four
districts? Are we packing too many in if we put the
number too high above fifty percent? Again, you can do
that. And that was that was a concern the last time
around, because in some areas of Los Angeles County you
have that pattern.

There are areas where there are Latino that have
been historically African-Americans and now they're
growing Latino. And I think that's been discussed in
previous trainings as well, how do you look at that.
Again, you're looking at representational interest of the
people who live in a district, not incumbency and who's
going to best represent them. But that's where it gets
tricky.

And that's why, again, you have to try to get some
of that analysis done quickly, or soon, sooner rather
than later, because the more you need to dig in and
actually say, well, is there polarized voting here,
because that's the next set of inquiries. That takes a
lot of analysis to look at prior elections, to look at
the appropriate level of election, that kind of stuff.
So it's a lot to do. It's a lot to do.

And I think maybe Karin might be in better position
to sort of suggest advocacy. I mean, I should disclose
that I and a couple of the other former Commissioners are
among the named plaintiffs in the Common Cause -- there's
this Trump lawsuit which is challenging the exclusion of
undocumented immigrants.

I think yesterday, and I think you're going to
continue this discussion you're talking about whether
should you get involved in litigation, should you just
send a letter. Be careful about getting involved in
litigation. You do want to maintain the (audio
interference) safer to say through a letter or through an
amicus brief you want to go to that level. It's just
outward position (audio interference) our interests
rather than sort of teaming up with other groups. I
would certainly advise that.

But you're not limited, you know, in terms of how --
if you want to really push for something and you say, we
really need this, or the People of California would be
best served by this kind of process in terms of gathering
data for the census. Go ahead and do that. That's what
we did when Karin drafted that letter I signed onto it.
Let's go for it, and we were able to get the change
pretty quickly.

MS. MAC DONALD: Yeah. And about what to do, and
I'm glad that you are all considering this, because I
think there needs to be advocacy on this issue. Yes, first and foremost, they just need to keep counting because we know that the count is not looking good. The quality of the count is being affected. There are reports that the enumerators at this point are only doing whole person counts. The proxies are going up dramatically. That is, you know, somebody's asking your neighbor. And so we're just very concerned, I think, with good cause about the general quality of the data that we're going to get and the completeness of the data. And considering that this data set will last for ten years, census usually tries to do the best job that they can. But even the census, it's not the super census. I mean, they need the time to do it right. They said they needed an extra month and hopefully they'll get it. So that's the best thing to do, I think.

CHAIR TURNER: Commissioner Anderson.

COMMISSIONER ANDERSEN: Thank you. Just a quick question on that. Do you have, like, ballpark numbers on the State of California percentage of people who are doing this, who have filled out the census, where we are as a state?

MS. MAC DONALD: I can provide the most accurate numbers on Tuesday, if that's okay. I actually just received a slide from Ditas Katague, who is heading up
Census CA in California. They have an interface that tracks this very closely. And of course, there are multiple other resources also out there, like CUNY New York has a really good website that shows all of this. But I'm happy to provide some slides, if you would like to on Tuesday.

COMMISSIONER ANDERSEN: I think that would be really helpful just for our perspective. Thank you.

MS. MAC DONALD: Okay.

CHAIR TURNER: Commissioner -- I see you, Commissioner Ahmad. I wasn't sure if Fernandez or someone else had their hand up. Okay. Commissioner Ahmad.

VICE CHAIR AHMAD: Oh, I just wanted to piggyback off of Commissioner Andersen's question. I actually work with census locally. The Census Bureau does release numbers of completed self-response rates. And you can look it up by state, by county, by city. And the site is publicly available 2020Census.gov. And right now I'm hovering over it and says for California, total self-response rate is 66.8 percent.

And I don't know, Karin, you can advise if that is the true most up-to-date numbers or if there is another source.

MS. MAC DONALD: I'm guessing it's true if that's
what they're saying. What we're, of course, worried about is that this is the self-response rate right now.
And as you probably know, because you're probably on those sites as much as I am, they go up very slowly. You know, at first, we had this big self-response rate and it was great and then it started to trickle, it just kind of started to get slower. And that's just what happens because people that are excited and that are okay with responding, they're going to respond very easily. And people that are more hesitant and that perhaps need to be prompted, that takes a little bit longer. So what we're really concerned about, I think, at this point is that the rest there, those thirty-something percent that haven't responded yet, and what happens.

And that is exactly what the Census Bureau is doing right now. It's called the NRFU, the nonresponse follow-ups, right, as you know. And door-knockers are out there. People aren't answering the door. And then what are they doing? And who are these door-knockers? There are some reports that, you know -- census just stopped hiring I just found out last week, of course, because they're trying to cut off. They are bringing in people from other communities to try to enumerate communities that they're not necessarily familiar with. This is difficult to do when you're already dealing with a
population that is perhaps hesitant to participate.

So --

MR. VILLANUEVA: Excuse me, I hate --

MS. MAC DONALD: -- I'm happy to take another look
and see if there's something else out there. But thank
you very much for sharing that resource. I appreciate
it.

MR. VILLANUEVA: No, I just hate to interrupt. We
have a mandatory break for the captioners scheduled, and
we're going a little bit over time.

CHAIR TURNER: Thank you.

Mr. Ancheta, Ms. Mac Donald, not certainly, if you
can hold on, but we do have to take a required fifteen-
minute break. And we'll come back with any further
questions before we go to public comment on this
particular agenda item. Thank you. We'll break now for
fifteen minutes.

(Whereupon, a recess was held)

CHAIR TURNER: Thank you and welcome back to our
speakers today. We thank you again for being on and the
very detailed information that you shared.

I'd like to find out if there are any other
public -- excuse me, if there are any other comments or
questions from our commissioners before we open for
public comment.
Justin, would you please check to see if we have any on for public comment?

PUBLIC COMMENT MODERATOR: Madam Chair, at this time, we have no lines connected for comment.

CHAIR TURNER: Okay.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Sorry, I just looked at my notes real quick. I think this might have been when -- I can't remember what part of the presentation, but there was something about new disclosure avoidance methodologies, and I wasn't completely sure what that was. So I just -- it might have been during Karin's presentation?

MS. MAC DONALD: Yes. Thank you so much for that question. I will address some of this in my presentation on Tuesday --

COMMISSIONER FERNANDEZ: Okay.

MS. MAC DONALD: -- in more depth. But essentially, the census is always concerned about maintaining people's privacy. And so over time they have used different ways to ensure that privacy. Of course, in the age of big data and people being able to harness multiple data sets to pull them together and then kind of reverse engineer to perhaps individuals, the census became very, very worried and they implemented a new privacy methodology
that is called disclosure avoidance.

But again, this is something that's new to us now. We haven't really seen it. Well, we have seen some test data sets, but they're still working on it. So it's, again, just introducing some more uncertainty in the data that we're going to get from the census. So I'll talk about it a little bit more, if you'd like, on Tuesday.

COMMISSIONER FERNANDEZ: Oh, that would be great.

Thank you so much. I appreciate that.

MS. MAC DONALD: Yes.

CHAIR TURNER: Thank you.

Commissioner Fornaciari.

COMMISSIONER FORNACIARI: Yeah, I believe Mr. Ancheta said that the adjusting for the last known address for prisoners is optional. And I'm just wondering -- I mean, I kind of felt like it was a really super strong suggestion that we do it. And so why would we not want to do it?

MR. ANCHETA: Oh, I just wanted to give you a clear statement of the law. So as you know, legislation was passed back in 2011 and more recently there's been some amendments that sort of fine tune that adjustment. Ms. Mac Donald is doing that right now. She's working with the Department (audio interference), so.

You don't have to do it. It's not -- there's no law
that you have to do it, but -- and you may want to
certainly talk to Ms. Mac Donald about the quality and
how -- whether it's really working, because there are
problems. She can detail this even more, you know. And
she talks to you about some of that address data is not
the cleanest data set. So something to talk about. But
I didn't want to give you the impression that you
couldn't -- it's something you don't have to do legally,
but my assumption is that you would go ahead and (audio
interference).

MS. MAC DONALD: Yeah, if I may weigh in on this.
Thank you for that question. We are adjusting. We are
preparing for that adjustment. And then you can decide
whether or not you want to use the adjusted data or the
unadjusted data. So we'll be ready for you no matter
what you decide.

And definitely, as Mr. Ancheta just pointed out, we
are working with an administrative data set. And this
kind of factored partially into our thinking about this
post-2020 CVAP data set. Anybody who has ever looked at
administrative data usually rolls their eyes a little bit
because these data sets are never as clean as you would
like them to be, you know. There's usually a lot of work
that has to go into cleaning them up, figuring out what
you're looking at.
And in particular, something that we got from the California Department of Corrections and Rehabilitation and it covers the populations that are in the facilities that are controlled by CDCR. And some people have been in there for quite some time. And some people have been in there multiple times. So there are records that have multiple addresses, and some addresses just don't exist anymore, you know. Some addresses are -- we have streets that are misspelled. We have house numbers that are perhaps inverted and things like that. So it becomes interesting very quickly, if that is your definition of interesting. So I'm again, I'm happy to tell you more about it.

COMMISSIONER FORNACIARI: Thank you. I appreciate that. And thanks for the presentation. Really, really well done.

CHAIR TURNER: Yeah. Okay. I think this will, then, conclude this section.

And we'll see you, Ms. Mac Donald, a little bit later on.

If there are no other questions or comments, I think we'll conclude with this particular agenda item. Thank you.

Thank you, Mr. Ancheta. Thank you.

MR. ANCHETA: Thank you.
CHAIR TURNER: Okay. When we recessed on yesterday
evening, we were also having conversation in regards to
agenda item number 14. Yeah, I believe that's where we
were.

Raul?

MR. VILLANUEVA: Thank you. So I thought where we
would start is kind of an introduction into the documents
that were actually put out, what they consist of, and not
so much from the respondent's perspective, but from the
organization's perspective about what it is they give to
you in terms of utility.

CHAIR TURNER: Raul, excuse us one moment.

Commissioner Fornaciari.

COMMISSIONER FORNACIARI: Yeah. If it's okay, I've
got a couple of questions that I'd like to start with
that will help me put this all in context, if that's
okay.

CHAIR TURNER: Certainly.

MR. VILLANUEVA: I'm --

COMMISSIONER FORNACIARI: Okay.

MR. VILLANUEVA: -- open to that, yes.

COMMISSIONER FORNACIARI: Okay.

MR. VILLANUEVA: Of course.

COMMISSIONER FORNACIARI: So I'd like to start by
looking at the organizational chart picture that you sent
out and just kind of get some clarity there. And so the org chart shows the fourteen Commissioners with a solid line to the executive director, and then solid line from the executive director to the communications director, budget director, business manager, and chief counsel. And then it looks like the business manager manages all the folks below in the picture.

And so just nominally, the way it works, it's my understanding is we as the Commissioners direct the executive director, who manages the four people on the next line, and it rolls down. And so that's the kind of structure. And so I guess my first question is, we have job postings out there for the chief counsel, the executive director, and the communications director. So does the Commission hire all three of those people? Or do we hire an executive director and then the executive director hires the people below based on our approval? Or how did that work in the past?

MR. VILLANUEVA: That's a really good question. So in the last go-around, it was the Secretary of State who issued those three recruitments prior to the Commission of having the final fourteen. So that again, when the final fourteen were in place during their first meetings, they could go ahead and do those selections. Now, the fourteen do pretty much the screening and the interviews
for those three positions.

Following that, the executive director's empowered
to go ahead and select their staff, given that all hires
are required to come before the Commission and the
Commission vote and either accept or reject, acceptance
being by --

MS. JOHNSTON: Commissioner vote.

MR. VILLANUEVA: -- vote. Yeah, by the special
vote.

Thank you, Marian.

COMMISSIONER FORNACIARI: Okay.

MR. VILLANUEVA: In other words, a supermajority.

COMMISSIONER FORNACIARI: Okay. You know what? I
got ahead of myself. So let me step back at a little bit
higher level. This org chart is the org chart that the
2010 Commission settled on, right? I mean, this isn't in
the legislation or anything of how the structure of this
organization is supposed to be, right? This is just what
they settled on?

MR. VILLANUEVA: Correct. And this is the org chart
as of July 2011.

COMMISSIONER FORNACIARI: Okay.

MR. VILLANUEVA: Right?

COMMISSIONER FORNACIARI: Okay. So I'm just -- I
down of agree with Commissioner Kennedy, I don't think we
need to reinvent the plane at this point. But we do have
options of tweaking this as we need to see -- as we see
fit. I mean, we're going to need those three positions
anyway. And then when we get an executive director in
place, we can kind of play --

MR. VILLANUEVA: Um-hum.

COMMISSIONER FORNACIARI: -- tweak this around if we
think that there is a better practice for how we want to
run the office.

MR. VILLANUEVA: Right.

COMMISSIONER FORNACIARI: But for now, it's those
three positions that we're looking at. And then the
executive director would take it from there to fill out
the rest of the org chart.

MR. VILLANUEVA: Correct. And I don't know --

COMMISSIONER FORNACIARI: Okay.

MR. VILLANUEVA: -- if it communicated well
yesterday, Commissioner, but when I was showing you these
positions and saying that these are the classes from
which the positions can come from, it was essentially to
say at what levels of the organization and relative
ranges of duties and responsibilities and then
commensurate pay are available to you in terms of
classes.

One of the things that we found, if I may, is here
with the senior operations analyst, really what you're going to need this time is an IT director. It just so happened that Christina (ph.) had excellent IT skills and so very naturally moved into an IT director type of position. As far as recruitment and the salary structure for that position, I've been working with the State Controller's Office to get that established for you so you have that option.

COMMISSIONER FORNACIARI: Okay.

MR. VILLANUEVA: But I'll -- go ahead.

COMMISSIONER FORNACIARI: Okay. And then let's see, so then these job postings that were put together, they were put together by the auditor's office. But help me understand, if you understand the context of that, did they just make them up or did they get feedback or input from anybody from the previous Commission? Or where -- I mean, where did it come from to cook these up in the way that they did?

MR. VILLANUEVA: Another excellent question. The large picture context is that the State Auditor's Office is required under Government Code to establish, basically, the operations for the Commission until it's "fully functional", okay? Last time in 2010, 2011, the Secretary of State did that. And this time under Government Code, it's the State Auditor.
So I was tasked with developing those. I took the materials we had last time, looked at the different things that had occurred, the different reviews that were available -- you've mentioned some of them in your proceedings -- as well as lessons learned, and as well as my background in HR. And basically I put those together for you.

COMMISSIONER FORNACIARI: Oh, okay.

MR. VILLANUEVA: So if --

COMMISSIONER FORNACIARI: All right. So --

MR. VILLANUEVA: -- so if there's any blame or praise, here's where it goes.

COMMISSIONER FORNACIARI: Okay. Okay. But I mean, that really helps a lot, I think, to know that because you were there, you're full of lessons learned and observations about what happened and what is needed. I kind of -- I had a mental model of somebody in a dark room in the auditor's office --

MR. VILLANUEVA: Right.

COMMISSIONER FORNACIARI: -- just making this stuff up without any context.

MR. VILLANUEVA: Right.

COMMISSIONER FORNACIARI: Although I thought the job postings were well done. And I didn't have anything to add to the job postings. I thought they were seen as
fine. I just wanted to understand where they came from.

MR. VILLANUEVA: No, these are excellent questions. And I have to say, from my perspective, thank you for asking them, because I think these are helping to fill some of those blank spaces that were creating questions amongst different organizations in the public.

COMMISSIONER FORNACIARI: Right.

MR. VILLANUEVA: So I appreciate it.

COMMISSIONER FORNACIARI: And amongst --

MR. VILLANUEVA: Thank you.

COMMISSIONER FORNACIARI: -- us, obviously, I mean, we had a lot of questions. There's just a lot of uncertainty about what was going on in the context of what --

MR. VILLANUEVA: Um-hum.

COMMISSIONER FORNACIARI: -- what we were doing here yesterday. And I mean, for me, there was a lot of uncertainty. And --

MR. VILLANUEVA: Right.

COMMISSIONER FORNACIARI: -- I hope it clears it up for -- my questions are clearing it up for some of the other Commissioners. And then finally, my third point or question, process. What's the process we're going through here? I mean, if we decide, hey, yeah, these job postings are great, we want to move forward with them as
they are, then where do we go from there?

MR. VILLANUEVA: Well, so for example -- and I'm not
going to try and speak for Marian, but one of the
conversations she and I have been having would be one of
the things that we might suggest to the Commission,
should the Commission decide to take the recruitments as-
is, would be for the Commission to identify a
subcommittee. Marian and I would then work with them in
terms of the preliminary screening, which is where I was
going to start today in terms of that process and how the
recruitments function to facilitate that. And then be
able to make recommendations to the full Commission on
the number and individuals to be interviewed, at which
case, then, we would have to set up, really, a closed
session to do those -- well, basically to schedule those
interviews.

You would then interview those individuals, score
them so there's an equitable comparison between
candidates, and come to a place where you'd see if you
could make a decision.

MS. JOHNSTON: And just to add to that --

COMMISSIONER FORNACIARI: So this interview --

MS. JOHNSTON: -- it would your option --

COMMISSIONER FORNACIARI: -- does the --

MS. JOHNSTON: -- to reject everyone. If you're not
satisfied with whoever is there, you could reject
everyone and then start the process again.

COMMISSIONER FORNACIARI: Okay. So the interviews
take place in closed session of the entire Commission,
then?

MS. JOHNSTON: Correct.

COMMISSIONER FORNACIARI: And then we -- yeah, we
have some set of objective criteria we use to score
folks. And then and then we decide, you know, who we're
going to hire. And then in some way, we kind of
summarize what we did in a closed session. Report that
out in an open session.

MR. VILLANUEVA: Right.

MS. JOHNSTON: Exactly.

COMMISSIONER FORNACIARI: Okay. I will stop there.

Thank you for your time.

CHAIR TURNER: Commissioners Kennedy and then
Fernandez.

COMMISSIONER KENNEDY: Thank you, Madam Chair. I
think one really important question for me at this point
before determining whether to move forward with these or
to repost, is to find out beyond the Commission's
website, how were these positions advertised? Did it go
out to recruiters? Did it go out to California
Association of Counties? Did it go to California
Association of Courts and Election Officials? You know, I remember this being one of the -- one of the questions in my interview was, you know, how would you get these out to get the biggest pool of candidates possible? Thank you.

MR. VILLANUEVA: Excellent question. So the jobs were posted on the internet at the Shape California and the Commission's website. At the same time, they were sent out to 800-plus individuals and organizations throughout the State who have registered with the Commission in terms of getting blasts and communications from the Commission.

That's a list that has been collected since 2011 and is still being collected. So I think it's around 880 different individuals and organizations throughout the State. So some of the -- some of the organizations that that chimed in and provided comment, they were part of the groups that were that received these.

COMMISSIONER KENNEDY: Right. But for example, there are at least a handful of recruiters based in California that specialize in public sector recruiting. Did these job postings go to those recruiters?

MR. VILLANUEVA: No.

CHAIR TURNER: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Just a couple questions.
First of all thank you for sending those -- at least
trying to be ahead of the cart, I guess I would probably
say, if I didn't (audio interference) when I just take a
wild guess. When you mentioned a closed session, does
that also require the fourteen-day advanced notice?

MS. JOHNSTON: Yes, it does.

COMMISSIONER FERNANDEZ: Okay. And then just for us
to think in the future, I mean, it would be good to have
a subcommittee that's going to screen the applications.
But also we need to think about not only the screening,
but what criteria we're going to use, and then also what
questions we want to ask.

So that's my, I guess, it's probably for the
counsel. But the questions that we want to use obviously
we don't want to discuss that in open forum, right.
Because if we're going to have candidates that come in,
so I'm just trying to figure out how that's going to
happen in terms of, do we have another closed session to
discuss that piece of it? So that's just thinking in the
future how that -- particularly what we do with that.

MS. JOHNSTON: Well, actually, the criteria that you
use to hire someone should be discussed in open session,
just like you're discussing these job announcements. And
if you are going to change the job announcements, that
would need to be discussed in open session.
MR. VILLANUEVA: Right. That's the criteria, but not the interview questions.

MS. JOHNSTON: The interview questions --

MR. VILLANUEVA: You're absolutely right about that. And that's why the suggestion about the subcommittee --

MS. JOHNSTON: Right.

MR. VILLANUEVA: -- the Commission could provide the subcommittee their ideas for questions, and then it would be up to the subcommittee working with Marian and I to put -- basically to put that together.

CHAIR TURNER: I guess I'd like to ask of the counsel too -- or of the Commission at this time, did everyone have an opportunity to review -- have an opportunity to review the descriptions that went out? Great. I think, personally, I thought they were very thorough and appreciated the wording and variance for each of them based on what the job request is.

I had -- I didn't have anything particularly that was different. I think the questions that I would have would come through questions, follow up, and in the actual interview process. I thought in general they were well written. And I appreciate you, Raul, and everyone else that had input into it.

I think Commissioner Vazquez and then Akutagawa. I'm not sure which order but I see your hands now.
COMMISSIONER VAZQUEZ: Great. Thank you, Madam Chair. I had several points of feedback for the communications director, especially after our conversation yesterday. And I also -- I had a couple amendments to the executive director that I'd like to discuss with the rest of the Commission. I think those are my two -- I had several points of feedback for the communications director posting. But I think in a broad sense, I had a couple for the executive director.

I think that for the executive director, one, there were two pieces that I would like to discuss. I didn't see experience working with or staffing at an executive leadership level, a public entity on the job description. I think you can -- I think you can insert that in a couple of explicit -- or implicit places. But I personally would have liked to see that particular experience level delineated in the executive director position.

And then the other piece, I think, you know, we as Commissioners were all screened in terms of our appreciation for California's diversity. And I did not see that in an executive director -- in the executive director, either implicitly or explicitly, posting. And I think there are several ways we can word that. But I also -- I think we as a Commission should be screening
for that in the executive leadership level of our business. And I don't think we can do that in the interview process if it's not explicitly put in the posting. So those are my two points.

MR. VILLANUEVA: If I may, before we get to too many questions, could I give my presentation? Because I'll address some of those, some of those questions and issues, Madam Chair?

CHAIR TURNER: Yes. Before you do, Commissioner Akutagawa, was your question or comment, you had one kind of in queue. So do you want to go ahead and make it now or afterwards?

COMMISSIONER AKUTAGAWA: Yeah. I'd like to make it now because I'm going to need to drop out (audio interference) the communications director role, on that -- that particular role, the communications director, I do have some specific comments around social media and in something much more explicit than just web campaigns. I think that's not reflecting what we talked about yesterday. I do appreciate what Commissioner Vazquez says. And I actually think that that appreciation for diversity should be either explicitly said or it should be part of the explicit screening criteria across all of the roles.

I have another comment -- question, which is, why
are we not hiring directly for the budget director since that is one of the direct reports to the executive director and therefore to us as part of the executive team?

And then lastly, I think I just want to make a comment on what Commissioner Fornaciari said about asking the question of do we have to follow this org chart. And while we don't have to follow the org chart, I would say that -- I would caution all of us to really think about how many people we want reporting into the Commission and from an organizational structure, especially if you look at in the form of, as a Commission, what makes most sense is to have one person, in other words, the executive director reporting to us and then the other positions reporting into the executive director. Although in this particular case, because of the leadership roles that the other directors will take, I understand that we will be, you know, having a hand in their hiring.

Normally it would be the executive director that would be able to hire, but I think it's appropriate that we would have a hand in the hiring. But I don't necessarily want to be trying to manage five different people, to be honest.

CHAIR TURNER: Thank you. Raul, you want to address and then go ahead with your presentation and then allow
those questions or comments to kind of direct part of what you share as well.

MR. VILLANUEVA: Thank you. So let's take --

COMMISSIONER KENNEDY: Pardon me. Commissioner Le Mons had also raised his hand.

CHAIR TURNER: Oh, okay. Thank you. I didn't see Commissioner Le Mons's -- I'm sorry.

COMMISSIONER LE MONS: I'll wait. I'll wait. I'm waiting with bated breath to hear from Raul, to be honest.

MR. VILLANUEVA: I would hate to have that be a point of discomfort, though. If you want to go ahead. If you want to go ahead and ask your question, Commissioner? Very good. Thank you.

So when you look at this org chart, this is the number of staff that the last Commission had, eight. It was eight staff that ran it all. A couple of retired annuitants and student interns. Otherwise that was it, it was eight people. I don't -- could you do it with less? Well, once the maps were drawn, we went down -- so that the staff services analyst and the Commission assistant left. The Commission liaison went part time. And so then it was basically budgets, business, our chief counsel, communications director, the IT.

MS. JOHNSTON: The chief counsel left, too.
MR. VILLANUEVA: Well, the chief counsel, we -- and the RA.

MS. JOHNSTON: I stayed.

MR. VILLANUEVA: Yes. And Marian stayed. And she's still with us. And we're thankful for that, very. So except for the RAs, that was it for the staff. Could you do it with less? Maybe. I don't -- I'm I don't think -- I think it'd be challenging, let me put it that way. If you did it with less than that eight staff. But you know -- okay, so as far as -- so this is the job posting. It's not a job description. The two are very different.

The job description contains the full amount of information about, the task duties. It contains the ADA requirements in terms of essential duties and physical characteristics of the job. So this is not a job description, and it shouldn't be confused with that. What we tell the folks up front is, is this this is the general thing that you're applying for, this Commission.

The next part talks about overall duties, then we get to the minimum qualifications, desirable qualifications. Let me stop right there. I wanted to bring this out a little bit better for you. Here's the minimum qualifications in nonparagraph form, in the bulleted forms, so you can see them better.

What the minimum qualifications do is they say if
the individual doesn't have at least this, they're rejected. And that's really the basis and the function of minimum qualifications.

When you start looking at desirable qualifications, a good layman's way of looking at that is small, medium and large. Do they have the desirable qualifications in a small amount, a medium amount, or a large amount? The reason for that is, then it allows you on an equitable basis to start ranking the folks beyond minimum qualifications. It's up to you, then, if you're only going to for further consideration, look at those just in the top tier, the large, or maybe some that are in the medium tier.

Part of the strategy there is, if the job has noncritical elements that someone could, quote unquote, grow into, you might consider someone who's got a lot of -- large amount of desirable, maybe a little bit of the medium, but he can grow into it, you know, it would have you consider, with these three positions, there's not a whole lot that they can grow into. You're really looking at a high level of experience and expertise for these three positions. But there is that possibility.

At this point in time now, you have an equitable basis across candidates to identify what groupings you might want to consider. And now you can start doing the
selection process. Your selection process can go into finding out more about these particular areas. Finding about why they wrote certain things in terms of the document they provided to you. And also some of those organizational types of issues.

So could you ask them questions that talk about appreciation for diversity? Absolutely. It's part of Government Code that defines what you do as a Commission. Okay.

If you look at State and federal law requiring hiring, one of the primary elements is that anything and everything that you ask has to be job related. Okay. That's pretty wide open gate. There are, of course, things you can't ask. But then one of the reasons you can't is, it's not job related. What's the size of their family, for example? Do they have young kids at home? And again, structurally -- so you have the statement of qualifications. That's a really good area to start looking at, not just what they do, but what they put forward, how -- their sense of what they do. Priority, some of those elements which I won't go too much beyond that.

Government Code says that you as a Commission have to make a determination for your executive director and your chief counsel, and you can also extend it to your
communications director, to what extent they have to be able to demonstrate that they don't have a conflict, same as you did as Commissioners. Especially with those three positions, it's a good idea to have them go ahead and provide you some information that they meet these qualifications and don't have those conflicts of interest.

So as far as structurally, that is what your job recruitment has done for you. And that's what creates the gate, then, for you to be able to do the initial screening on an equitable basis. And now from there, you can start designing a job related interview process to do your final selection or to prepare for selection. So for some of these things that you would want to do, that's organizational, that to me is where you put it, is in that part of the selection process.

And there's no requirement that your job recruitment reflect a hundred percent of your job description. And quite often, in fact, in my experience, I've never seen that. So take comfort that this does function as a proper job recruitment and does allow those open doors for you as a Commission. I didn't know if you want to go into each one of them in detail like this and look at -- or go on to your questions. Whatever -- whatever will work best for you as a Commission.
COMMISSIONER SINAY: Raul, this is Patricia -- I mean, this is Commissioner Sinay. On the executive
director, you said minimum qualifications and then
desirable qualifications.

MR. VILLANUEVA: Yes.

COMMISSIONER SINAY: I'm only seeing desirable
qualifications.

CHAIR TURNER: Right.

MR. VILLANUEVA: So I'm pointing out to you how that
part of the recruitment flier functions.

MS. JOHNSTON: I think what she's saying is we
didn't, at least I didn't either, get the minimum
qualification portion.

MR. VILLANUEVA: Correct.

CHAIR TURNER: Okay.

MR. VILLANUEVA: And so when you read it, it says
"applicants must demonstrate the ability for high level
administrative and policy influencing functions
effectively. Such overall ability requires possession of
most of the following". And so that functions then like
a minimum qualification. That's why the words must and
most -- well, not most, but the "requires" and "must
demonstrate".

CHAIR TURNER: Raul, are you reading -- are you
reading what you believe you sent us? We have a
MR. VILLANUEVA: No, what I -- okay. So what I’m displaying is just pulling it out so it's not in paragraph form, it's in bullet form. Let me show you where it is on the actual recruitment flier. So this is the recruitment flier right here. Yes?

COMMISSIONER FORNACIARI: It's under "Knowledge and Abilities" in the recruitment flier.

MR. VILLANUEVA: Yes. And so that's that portion that I just read for you. Knowledge and abilities, what they need to know and be able to do. And again, so those function like minimum qualifications. And they do come from the job description as minimum qualifications.

COMMISSIONER FERNANDEZ: I'm sorry, this is Commissioner Fernandez, I'm just going to go for it since I've been waiting, but -- just a couple of quick questions for you, Raul. You mentioned the eight positions on the org chart. I -- you know, there obviously seems to be more than eight positions on the org chart. Could you just walk through those once again? And then, also, I just wanted -- I think it would be helpful if you share with us the time line in terms of, if we do decide to readvertise what that means in terms of the advertisement? How long it needs to be out there? And how long we have to wait until you receive the
I think it's -- and I don't know, are we -- I'm
used to how to do it with the State where it has to be
posted for fourteen days and then it goes through the
public screening process. But it sounds like we're
exempt from that, which is great. So I think it would be
helpful, just, like, a time line -- what the recruitment
process looks like.

MR. VILLANUEVA: For these three positions or for
the staff?

COMMISSIONER SINAY: Well, I mean, for these three
positions, because if we get to the point where we decide
that we want to change this and readvertise, then I'm
interested in how long that's going to take. But then
also if you can tell me which eight positions you are
referring to on the --

MR. VILLANUEVA: Okay. Let's do the easy one --

COMMISSIONER SINAY: Thank you.

MR. VILLANUEVA: -- first. Let's count them. So
one, executive director. Two, communications director.
Three, budget director. Four, budget manager. Five,
chief counsel. Six, senior operation analyst. Seven,
Commission liaison. Eight, Commission assistant. Well,
nine, that's true, staff services analyst. So it was
nine.
The webmaster was a contractor, student intern, retired annuitant, and our staff counsels were also retired annuitants.

COMMISSIONER SINAY: All right, got it. Thank you.

MR. VILLANUEVA: Okay. As far as the time line, with the three recruitments, I think we had them out for four to six weeks. I mean, I'd have to look to make sure.

MS. JOHNSTON: But there's no required time.

MR. VILLANUEVA: No. No, but I think if -- from what I understood, the question is, is what would be good if you have to do it again? And so they went out -- okay, so August 17 -- yeah, I think we got them out in -- sometime in late June. Late June or early July. I'd have to look. I'm sorry; I'd have to look to make sure that's how long those were out. I think you'd want to put them out for at least three weeks. If you feel that -- okay, so let's say you put them out and you don't want to use any of the folks, any of the folks who applied, then you you'd want a longer period of time.

If you want to put them out and give the individuals who applied, either they can stay in the pool for a chance to reapply. You might not need to put those recruitments out as long. But I think you'd still be looking at minimum two, three weeks for this level of
position. You know, it's different with this level of position versus some of the staff functions where with the Commission liaisons, the staff services analysts, that probably within a week you can bring those on board. Your IT director, not as easy. You're web person -- in fact, I'm already starting to look for some of those for you because it's not been as easy.

CHAIR TURNER: Commissioners Le Mons and Vazquez and then Yee, please.

COMMISSIONER LE MONS: I feel like some of the hesitation may be motivated by some of the public comment that we've heard and some of the recommendations that we've been given. I have confidence in what's been done so far. I understand fully the feedback that's been given through public comment and in writing. I feel like if Commissioners have very specific concerns and if that's where it's coming from, if we could be kind of explicit about that part, because I feel like some of these questions are in service of some of that, but it's not explicit. One of the things that stands out for me is our need to get certain foundational stuff in place.

And what also stands out for me is that we have a considerable amount of power and latitude to do things, and I think in some ways we're getting kind of caught up in that. Like, because we can do everything and we don't
have to listen to anybody and okay, but do we really need
to do those things. And I'm not saying we do or don't
but I would just invite my fellow Commissioners to ask
themselves that question. Because with that kind of, you
know, free reign and all of that, sometimes we don't get
things done because we're trying to come up with the
perfect process or a model to get it done.

So I think that what we have as a framework as it
relates to the job notices, unless there's something
egregious about them, I think that all of our more
nuanced concerns can certainly be taken into
consideration by the subcommittee and implemented in the
interview questions. And we'll be able to get to all
those things that are very important to us.

But to scrap this whole process and start all over
for -- I'd need to hear a really compelling reason from
my fellow Commissioners if that's where we're leaning.
So I know I'm making an assumption that that's what this
is all about. And please correct that if I'm wrong. But
unless I'm hearing something just very substantive in
that direction, I think we should move forward.

CHAIR TURNER: Thank you, we'll continue in the
order. And it will be Vazquez, Yee, Sinay, Sadhwani, and
Taylor.

COMMISSIONER VAZQUEZ: Great. Thank you. So I
appreciate your comment, Commissioner Le Mons. I am pretty explicit about what I would have liked to see around, particularly -- you know, I'm sort of agnostic about the executive leadership of a public entity, but I, I feel pretty strongly about, that at least for our executive director, that I would have liked to seen something explicit around appreciation for California's diversity in some shape or form. Particularly because my concern is that we will, with the pool that we have now for the executive director, they have shaped their application materials to fit a particular posting. And my concern is that we will then screen out candidates who have a compelling case to make about their appreciation for California's diversity but did not sufficiently highlight that in their initial materials for them to be adequately considered as a strong candidate.

So that's my concern, is that we are -- there's potential for screening out candidates who fit that.

COMMISSIONER LE MONS: Can I respond or no? Do I -- how did that -- how does that work? I guess I'll get in the queue.

CHAIR TURNER: Commissioner Yee.

COMMISSIONER YEE: Yes. Well, I wanted to agree with Commissioner Le Mons about moving forward. I think it would actually reflect poorly on the reputation of the
Commission to scrape all the effort people may have put in to apply and then ask them to, you know, reconsider all new posting and apply again.

At the same time, I want to take seriously the feedback we did get cautioning us against, you know, was the auditor's office jumping the gun in releasing these postings as well as the RFP for the line drawing. And should the Commission take more time to take ownership of that process? I'm not quite sure at what point I feel entirely comfortable that we've remedied, you know, those concerns or addressed them. I haven't heard any -- I didn't see anything in the concerns that made me feel like, oh, we should really take care of that first. It was more just a procedural caution. But if any of the Commissioners know of or saw something more than that that we do need to address, I'd love to hear that.

Okay. So with them, then, two questions for Raul, I think. One is the salary ranges on these three postings. Where did those numbers come from? I couldn't match them up with the schedule that we actually approved yesterday. So just curious where those numbers came from.

And then just why these three positions and not others? I mean, they make sense that they're very strategic and we need timely action on them. But why these three and not others?
MR. VILLANUEVA: The salary ranges do come from that salary structure. Not all of your positions are exact to the exempt -- the civil service exempt positions. And so there is a modification there -- or really not a modification, an accommodation. There's also an accommodation for the fact that these positions only live for about a year and a half, maximum two years. And so that is there. The broadness of the range is to give you as a Commission, more opportunity and choice in terms of the actual hiring point within the range, especially with some of the lower positions -- "lower positions", relatively speaking, within the organizational structure. It then gives the -- your executive director the opportunity within that big range to look at people with varying amounts of skill, depending on what it is that he or she is going to want them to do, which may be more restrictive, that opportunity, with a narrower hiring range.

COMMISSIONER YEE: Sure. I'm wondering if you could develop maybe a short memo that explicitly references, you know, which lines, which considerations, you know, you adjusted for the fact that these are temporary positions, you know, how you actually came up with the numbers.

MR. VILLANUEVA: Well, actually, what I what I can
do for you, if you would like, is I actually did a comparison of comparable executive branch positions for executive director, communication director, and for the chief attorney. Took the average within those. And then had a discussion with different salary folks, compensation folks, CSA, CAL-HR, a few others -- because again, comparability within state -- state structure is important.

COMMISSIONER YEE: Absolutely.

MR. VILLANUEVA: For all the reasons, I think you said a very eloquently yesterday, for all those reasons.

COMMISSIONER YEE: I love that you did that work. It just seems like it would be worth having it, you know, documented so that we can all see it. Not in, you know, not in super detail but just something that, this is how these numbers were developed.

MR. VILLANUEVA: I'll get you a spreadsheet.

COMMISSIONER YEE: Yeah, excellent.

CHAIR TURNER: Commissioner Sinay.

COMMISSIONER YEE: I'm sorry. The question about why these three positions and not others?

MR. VILLANUEVA: Oh, sorry.

CHAIR TURNER: Um-hum.

MR. VILLANUEVA: Well, this is your queso grande right here. Your executive director. That that's that
is such a must, that the organizational fit between the individual who is in that position and the Commission be exact as much as possible. And there really is no if and or buts with that. That is just so imperative. So that's why that one.

With your communication director. Your discussion yesterday, I would just point to that, that how important that position is for so much of what it is that you're doing. Not just in terms of the design but the leadership and the ability to implement. Again, critical. It's a must.

With your chief counsel. All the above. All the above. You see the value that Marian brings to the table. And this is going to be your primary. You know, I think as a Commission, you're just starting to see the value that excellent counsel has for anything and everything that you're going to do. And again, the fit there, as well as the knowledge base is a must.

With your budget director, with the position, I had business director, business manager, those are skilled problem-solving positions where being able to do the job is critical. The amount of interaction that I personally had with the Commission or Deborah (ph.), who was the budget director, we showed up at meetings when we were called to be there. Otherwise we were behind the scenes
getting the work done. That was our job. That was the
must. That's what we had to do. We weren't
spokespersons for the Commission. I answered -- I did
answer. I was the primary person for answering the 800-
line, did that every day for hours. But again, I knew
what my parameters were. I didn't create them. The
communication director in communication with the
Commission is the one who created those parameters. I
only exercised them and put them into play.

That's why some of these other positions, even
though they're higher levels of responsibility, your
executive director can select those for you. What their
job then is to go through the entire selection process,
come to you and say, Commission here -- here's who is my
top candidate for budget director. Let me introduce
them. Let me tell you about their background. You can
talk to them. Then you can make a decision up or down,
supermajority, yay or nay.

And then as we get into some of these other
specialized positions, even more so that the fit there is
more in terms of the duties, the structure that your
executive director wants to run day by day and the fit
within that part of the organization. I hope that
that -- I could go on and on. And I'd rather, you know,
there's a lot of little pieces but I hope that that is
satisfactory.

COMMISSIONER YEE: So it sounds, you know, kind of like a leadership judgment call, just prioritizing, based on timing, and you know, the flow of effort that we're involved in right now.

MR. VILLANUEVA: Well, it's functionality.

COMMISSIONER YEE: Yeah.

MR. VILLANUEVA: You know. At what point is the interface between the Commission and this staff person, one of the primary determinants of being able to do their work. And I'd have to say, with your executive director, your communication director, your chief counsel, it's a must.

COMMISSIONER YEE: Sure. It all makes sense to me. I just want to --

MR. VILLANUEVA: Oh, I'm sorry.

COMMISSIONER YEE: -- understand why, you know, why these three and why -- if we're going forward with these three, then why not others as well?

MR. VILLANUEVA: Right. I mean, you could, you could go and select them all, but that's probably not the best use of your time.

COMMISSIONER YEE: Sure.

MR. VILLANUEVA: And that's probably not the best use of, or nonuse, of your executive director.
COMMISSIONER YEE: Sure.

MR. VILLANUEVA: My opinion.

COMMISSIONER YEE: Very good.

CHAIR TURNER: Okay. Thank you.

Commissioner Sinay.

COMMISSIONER SINAY: Just for clarification, I actually read these before reading any public comments. So anything I say is actually based upon my experience, having applied to be on the Commission, the questions that were asked of me and my vision of the Commission, and the work that the Commission does.

Having said that, public comment, we've said from the beginning, is critical to the work we do and is important and does serve as the fifteenth seat here. And I don't want us to discount something that the public has said just because it's quicker to move forward.

I thought these were pretty good, except -- I have no question on the chief counsel one. I thought that one was written well. And I keep going, trying to figure out why I'm having so many -- challenges I'm having with the communication director and the executive director. And I really think it goes back to a comment -- it goes back to they're very -- written very bureaucratic and very Sacramento-ish and very -- I mean, I'm shocked on the executive director that the last bullet on desirable
qualifications is knowledge of redistricting concepts.

To me, that should have been closer to the top. And so I feel like the executive director and the communication director is a forward-facing team, even though we are the face of the Commission, these are our forward-facing team. And this is the team that needs to be creative, needs to be -- understand the larger community. I will push back on what you said yesterday, Raul, that you can't have a team that is outside of Sacramento. I understand the executive director probably should be there. I don't think that the communications person needs to. I managed a team of fourteen individuals throughout the United States and then some ended up going to other places. And we had processes and procedures and it was there was a lot of benefit from being different parts of the country for the work that we were doing.

I didn't see -- I saw a lot in here about, do you understand Sacramento and how Sacramento works? I didn't see a lot about, do you understand the community and how the community works and diverse communities. And that was really where I was struck, was how bureaucratic this was written. And honestly, I think the executive director position would be a perfect -- because I would be a perfect person for the executive director position.
From everything everyone told me when I was applying, if I don't get on the Commission to apply for the executive director position, but I wouldn't never have gotten this. This description is -- I -- so there was nothing in -- I think the -- that was my main concern is that it's written -- I know that that's a public comment that was written too, that it's very Sacramento. That was not only a public comment, but that's also in the report that was written to us by former staff.

And so the other piece that I was shocked, and I mentioned yesterday on the executive director one is, if you read this, it looks like they are the ones that they run the show. And we're just their board members, versus we're the face of the Citizen Redistricting Commission. If the Legislature wants us at a hearing, one of us goes or two of us goes. Not necessarily the executive director. If there's media opportunity, I mean, the way it's written, it's written very -- they're on the top and we're supporting them.

And I like, somewhere I read, they're our safety net -- and these three positions are definitely our safety net. So I think that these are the critical ones we need. And maybe everything I'm saying will be addressed. But I was -- I just think that these are our forward-facing people. I didn't read much of anything
about community engagement and creativity. And I was
surprised the way that it was written. It sounded like
they were running the show versus we were running it.

And I was shocked, too, that it didn't say you need
experience working with commissions at any level. So
that's just -- I would move forward if we think that the
rest of the -- obviously, I'm going to move forward if
the rest of my colleagues think that this is good enough
to get what we want. But I still believe and I was
shocked, and I know -- I asked for this yesterday and the
day before -- I don't know what our vision is of success
for these positions. But the way these descriptions are
written, do not meet my vision of success for what we
need.

CHAIR TURNER: Thank you. Just so that everyone
knows, in the queue there is Commissioners Sadhwani,
Taylor, Le Mons, Turner, and then Vazquez.

Commissioner Sadhwani.

COMMISSIONER SADHWANI: Madam Chair, I have a number
of thoughts here. First of all, I wanted to say thank
you to Mr. Villanueva and I also -- for all of the work
that you have done. And I also just wanted to recognize
that we've kind of taken on the practice of calling you
by your first name while we all refer to one another as
Commissioners. So I wanted to just know how you feel
about that, how you would prefer to be addressed. I'm happy to address you however you would prefer. But I want to show you, your -- you know, due respect. So if you have thoughts on that, you can let us know.

A couple of pieces. So I hear all of these pieces. I hope I hear it all, right, like, I get it. I do think it would be helpful, broadly speaking, to have some conversations. And yet at the same time, I don't think it would be helpful to go launching into a full-on strategic planning process or anything like that of how we envision this Commission working.

I feel, actually, you know, to Commissioner Sinay, I really support and hear you, what you're saying. However, I also feel a little a little torn, right. Like, are we -- is the executive director someone who's forward-facing or someone who supports us and we're the forward face, right. I hear almost both happening there. And to some extent I feel like we're the Commission, we are not a board of directors for an organization in which an executive director is truly the face of that organization. We're the face. And so therefore, an executive director is someone who's more bureaucratic, is someone who's more in touch with how Sacramento works and how the State government is going to have to work so that we can ensure that we are, you know, abiding by the legal
provisions set out for us.

And to that end, I actually wanted to pick up on something Commissioner Kennedy had mentioned a while ago. I do have some concerns about the recruitment, specifically for the communications position. The executive director and the chief counsel, in my opinion, -- again, I think this is to Commissioner Sinay's perspective, this is where a conversation about our vision but this would be really helpful.

Those first two positions, executive director and counsel, those are people who are going to need to know the process. The 800 people on that list that, you know, have signed up and said they're interested in knowing more about the Commission, I'm assuming, are generally folks who are interested in the democracy and redistricting where gerrymandering is involved. And policy wonk kind of folks, right. Like, there's, I know, for example, there are a lot of professors, folks from community organizations, right. I don't necessarily have a problem with an executive director and counsel kind of coming based off of that list or the posting only on our website, I suppose. I could perhaps be swayed. But I think in general that feels about right to me because these are people that need to know this process. They need to know the law specifically as it pertains to the
Voters FIRST Act.

The communications director, however, I do feel like, based on our conversation yesterday, do we want that person coming from a list of 800 policy wonks? I don't know. You know, right. Like, when I think California, I think, wow, we have some cutting-edge industries around the State. And maybe we want someone who is a cutting-edge communications person who has handled amazing kind of work, maybe at a political campaign or maybe in a business perspective, too, right? Maybe there's someone who has that has experience working with multiple communities. Maybe there's someone, you know, who does specifically targeted media outreach to Spanish language media. I don't know, right. Also, what I noticed wasn't on there was any -- would we want someone who is bilingual perhaps, right. Or are we going to hire someone who is bilingual?

So I feel like the communications position in particular, I can certainly see the need, or at least the discussion, of perhaps a broader recruitment. I don't have a strong feeling that the -- the job notices need to be rewritten. I think that they're fine, generally speaking. Are they completely inclusive of every last component? Maybe not. But that's what we will do in an interview, as Mr. Villanueva has said, has pointed out.
So I would just put that out there. You know, I think that we're in a place to continue moving forward. But I agree that having some broader conversations about, well, what is this organization really going to look like and what are the broader functions of it? Not only based on 2010, but also based on what we see as our path forward, would be extraordinarily helpful. Thank you.

MR. VILLANUEVA: If I could just -- Commissioner Sadhwani asked a pertinent question. Who are these 800? Right. Well, it's not just, as you mentioned. So among them is Common Cause, NALEO, NAACP, MALDEF, Asian Pacific Islander Association. No, it's a lot, if not most of the major community groups here in California that have been interested in redistricting and what it means to California throughout these ten years. It's not just professors and citizens, although professors and citizens do belong on the list.

COMMISSIONER SADHWANI: Absolutely. And I certainly didn't mean to overwrite that. And I worked at many of those organizations back in the day, so that --

MR. VILLANUEVA: Yeah, they're there. They're all right there. And you know, that was one of the things, if I may, when we were looking at it that the recruitment, is traditionally the Redistricting Commission looked at these groups as partners. And so
how do you get the word out to partners in an equitable manner? And so it was like, well, the most equitable manner is to send it out as that blast, letting them know, here it is, here they are, here's how you access them. And wait to hear back.

And so that's why that's -- that's a what and why then. I'm sorry if I didn't explain that or give enough detail to create that. So thank you. Oh, you can just call me Raul. Mr. Villanueva gets a little long so yeah, Raul works great for me.

CHAIR TURNER: Commissioner Taylor.

COMMISSIONER TAYLOR: Yes. I also consider the timing of this whole issue. And when I look at the bulletin, I think, this so egregious that I want to give away the four-month advantage that we have. If we reject the posting, we almost cut that in half. And the previous Commission talked about how that they were at a disadvantage of time. We almost put ourselves in the same position that they were. They tried to leave a framework for us so that we don't deal with some of their pitfalls. So I would like to take as full advantage of that time that they tried to leave for us to better do the job that we set forth.

I think in listening to the public comment, ownership is taken either in the subcommittee or in the
interview process. We can suss out what we want and what we need and where we feel the qualities are in that process.

Again, as I was speaking to the framework, in looking to the 2030 Commission, I don't want them to think that everything that's left for them, they have to tear down. And that ownership means that they have to start flying this plane and building as it goes. I think there's a certain amount of framework that can be left for each commission, from commission to commission to commission, that they can use.

And lastly, in looking at the bulletin, I didn't interpret that the positions were in front. I wholly feel that we're the face of this and that they're at our discretion. Thank you.

CHAIR TURNER: Commissioner Le Mons.

COMMISSIONER LE MONS: Public comment is very important to me and I take it very seriously and I never compromise in the spirit of moving forward. I'm going to say that very explicitly, Commissioner Sinay.

What I also want to say is, we have a frame here, and I think Commissioner Taylor just summed it up, actually. And I think within the frame we can get to -- because not only do I listen to public comment, I listen to all of you. And I don't discount anyone's
contribution at all. So I think that everything that has
been mentioned from Commissioner Vazquez to Commissioner
Sinay to Commissioner Akutagawa, et cetera. It's all
achievable within the current frame that we have.

So it isn't the trade off in my mind that we're
giving up anything. That we're able to accomplish all of
that. And I just hope that we can spend a little less
time getting in the weeds. We are a Commission. And
maybe it's because I'm a chief operating officer and I
look at it at a very high level -- and not that the weeds
aren't important; that is important to me. But then, I'm
used to having staff provide me -- people I trust provide
information and data to me to assess. And I feel like
that is more where our role is going to have to be.
Because we have a lot of information we're going to have
to parse. Analysis was pushed through our interview
process repeatedly.

So to the degree that we feel that we're getting
competent input, I'd like to be able to trust the input
that I'm given until shown otherwise. I'm not saying
that we won't have situations where we get input and
information and we find we shouldn't have trusted or we
need to pivot. But I think that, again, with our broad
powers, we have the ability to pivot and make decisions.

So I'm not wanting to sacrifice quality or
commitment to organization. Personally, if I look at a job requisition or an announcement, that is a frame. And what I would be bringing to that experience if I wanted the position is everything I bring that they wouldn't even know to put it in a job requisition in the first place. And I think that's what makes you bring your unique proposition to the table. And I think Commissioner Sinay, if you were applying for that position, you bring that, whether they said explicitly, you have to bring this thing, you're going to bring that plus much more. Like all of us did with this process.

So I just feel very strongly that we have a sufficient enough frame to -- because we have a decision to make here. And depending upon the decision that we make, whether we throw this out or move forward, I'd just like us to be intentional about that information in service of that decision, so we know how we're going to move forward. That's the long and short of what I'm trying to encourage, in terms of forward movement.

CHAIR TURNER: Thank you.

I see -- I'll speak next. Then it'll be Vazquez, Sinay, and then Fornaciari.

And the piece that I wanted to add in -- and then I see Commissioner Kennedy. Thank you.

The piece that I wanted to add in was to say that I
am in agreement with so much that's been shared. I see these documents as a framework. I have been hiring and put out the similar paperwork for over thirty years. And I don't see anything that is exclusive or limiting or preventative in what has been put out. I think that I am sensitive to the diversity and for that, I'm looking at the actual jobs in context of what people are applying for.

I think that there could be some drawn inference there that says that if you're applying for this job, it should also give a nod to a desire to ensure diversity and what have you. And I think that can come out again in interview questions. And I think that can be screened for and asked concerning at that time.

Also, as we're looking at these, I think that I would be in agreement that communications could, perhaps, come from anywhere. And that would be the only particular area that I'm hoping -- hopeful that we're not limiting or missing out on the best candidates if, indeed, people did not feel that they should or could apply because of a geography. But with that being said, I do -- I trust the process. I am listening to the public comment.

Public comment made me want to read them carefully and pay attention to the process that was followed. But
it did not make me say that I want to throw it out because of the public. It was a caution for us to be, you know, aware. And I have been made aware and we've looked at them.

So that's what I -- the piece that I want to add into this and to be able to say that I am comfortable moving forward and I am open to, perhaps, ensuring that that communication piece is -- if we look through all of the particular candidates, whoever's going to do that on the subcommittee to ensure that we have the best candidates, people that are nimble enough to move through all of the different social media and all of the different platforms. And if not, then we should be comfortable in opening it up again to ensure that we get exactly what we need.

The other piece, counsel on -- and Raul on yesterday, we asked this question, and now, after so much conversation, I'm not certain where we landed. But it seemed to me that there was also a statement made that said that there are -- there is some latitude of things being added in without having to pull the particular postings. And so I wanted, at some point, to respond to that again, as well.

MR. VILLANUEVA: If I might suggest, because we're getting close to the required break, the answer's yes.
State and federal law require -- regarding hiring, really
the primary thing is that it be job-related.

CHAIR TURNER: Um-hum. Agree.

MR. VILLANUEVA: Those things that define the
organization, its structure, its mores, it values.

Depending on the level of the -- of the hire, absolutely,

CHAIR TURNER: Okay. I have we need to take a break
by 12:45.

MR. VILLANUEVA: 12:30.

CHAIR TURNER: Is that correct?

MR. VILLANUEVA: 12:30, Commissioner.

CHAIR TURNER: No --

VICE CHAIR AHMAD: We got back at 11:15.

MR. VILLANUEVA: Oh, 11:15. There you go then.

VICE CHAIR AHMAD: Um-hum.

CHAIR TURNER: Okay. Yeah.

VICE CHAIR AHMAD: So 12:45 is correct.

CHAIR TURNER: I appreciate all of those prompts
because I can get lost. So thank you.

We'll go Vazquez, Sinay, Fornaciari, and Kennedy.

COMMISSIONER FERNANDEZ: Just a quick -- I think we
have a presentation at 1:30.

MR. VILLANUEVA: Yes.

COMMISSIONER FERNANDEZ: Correct?

MR. VILLANUEVA: Correct.
COMMISSIONER FERNANDEZ: We have number 19. So I just wanted to make everybody aware of that.

CHAIR TURNER: Okay. Thank you.

Vazquez?

COMMISSIONER VAZQUEZ: Yes. I appreciate all that's being said. I am -- in reviewing the recruitment posting, I was not -- I was not so wedded to what I wanted to see that I would like to throw them out, especially at this point after this discussion. That said, I think this goes back to a point Commissioner Sinay was making earlier about what we're having right now very much is a discussion. It seems like maybe not as explicitly, but about, like, our values and what we would want to see in a candidate as we're screening.

And so again, for me, I feel like we need a thorough robust discussion about, like, what we as a Commission view as success and how we are viewing the organization that is doing redistricting. Because, again, for me, the way I'm viewing the executive director position, the way I am viewing the communications director position, they're leading -- they're helping us lead, really, a grassroots organization, a grassroots movement.

And I -- they are the implementers, the administrators, so I get there needs to be a balance between, like, really strong administrative bureaucratic
skills and knowledge. And at the same time, like, I'd like to see their experience and/or commitment to leading grassroots movements.

So again, I do think we have an advantage of having an applicant pool that we can then further cultivate through a discussion around interview questions, and you know, desirable qualifications versus minimal. But it sounds -- it seems to me like we really do need to have that thorough discussion whether or not it's anchored to the actual job descriptions. And we need to budget for a good amount of time to have that conversation.

CHAIR TURNER: Thank you.

COMMISSIONER SINAY: Thanks. Thanks, everyone for really bringing your A-game to this conversation because these are our votes. I didn't bring my A-game in that I used the wrong -- it -- face forward -- forward-facing is the wrong word, so I -- I thank you, Commissioner Sadhwani, for saying I was saying two things at once because I was. What -- in the military, I work a lot with military communities and they use a lot of peer navigators, and -- which are similar to promotoras in the health community -- and what I see our staff being is, kind of, our navigators. Either navigators of the State and bureaucracy of -- at the State -- and our
navigators within the community. And so I do appreciate what was said that executive
director needs to be both. Needs to understand how to
navigate the State bureaucracy, as well as the community. From everything I'm hearing, it seems that the one that
we have the most issues with is really the communications
director description. And if I -- Raul, you had said
yesterday, hey, you know what, we've got some positions,
you can look at and if nobody fits what you want, then we
can repost it.

My only concern with doing it that way is that I
don't think it -- it's going to take us a while to review
it and then we would be told -- then we would say, hey,
we didn't find the right person. And then we would
repost it. So maybe -- and this probably needs a motion
or something -- it's -- it -- we need to create a
committee that -- you know, to -- that, kind of, reviews
these -- a personnel committee that reviews these and if
something is missing from the communications, because
there's some really critical pieces, you know.

It's not just social media but it's also ethnic
press and ethnic, you know, outreach to underserving
communities of interest. Social media is not going to
get us the communities of interest. So I thank you all.
And I think communications is the only one that I'm
really, really hesitant on. I think we could -- the executive director does report directly to us and we can -- we had that conversation about how we work together. So that's -- I think that's all I really wanted to say.

CHAIR TURNER: Thank you.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Let's see. A lot of what I wanted to say has already been said. So I just concur and I won't repeat it.

Just a couple things. You know, I think to Commissioner Vazquez's point about appreciation for diversity, the thing that came up for me was impartiality was missing too. Right? That was a big thing for all of us. But I think -- I think all of these missing pieces can be managed effectively through the filtering process and the interview process. And I think, specifically, Commissioner Vazquez's concern about, you know, somebody not including their appreciation for diversity in their application. I mean, I think we can handle that by not filtering for that up front, and then filtering for it when we talk to people.

And in -- with Commissioner Sinay's specific comments, and other comments about the communications person, yes, I agree. I mean, we have to meet people
where they are. And wherever that is and however we're
going to find them, we have to reach out to them. We
have to have somebody who's going to be super effective
at doing that. And just, where I'm leaning is -- I would
lean to, let's take a look at what we got.

Let's put together a framework for a set of
expectations that we have around that role. Let's
look -- let's take a little time to look at what we got.
And then, you know, if we don't think we're going to --
the people in the pool are going to meet with what we
want, then we'll go back. That would be the way I would
propose handling it. But thank you all for your really
thoughtful and insightful comments.

CHAIR TURNER: Commissioner Kennedy and then
Fernandez.

COMMISSIONER KENNEDY: Thank you, Madam Chair.

You know, I started out fairly skeptical on this for
a number of reasons. I've come around. And I think like
most everyone, the chief counsel posting poses few if any
issues to the -- you know, any shortcomings in it can be
addressed through the screening and interview process.

Executive director, yeah, not how I would have
written it. I mean, I think one of the things in my
experience, you know, one thing is dealing with the
bureaucracy. It's an entirely different thing when
you're trying to make a bureaucracy move at the speed of light because you have an immutable deadline. You know, that's the kind of background I come from, trying to get a huge bureaucracy to move when it's not used to moving because I have an immutable deadline to hold an election where people are going to start dying.

So to me, there wasn't enough emphasis on the need for speed and the need for experience in dealing with what can be difficult roadblocks when you have an immutable deadline.

And the communications director, yeah, you know, I think we might be able to get what we need on the basis of what's here. I would have raised some of the requirements, but at this point, I'm happy to take a look at who we have. We might be lucky and we have exactly who we need who's already applied. And if we find that we don't, then yeah, we can reopen.

Thank you.

CHAIR TURNER: Thank you.

Commissioner Fernandez, Andersen, and Ahmad.

COMMISSIONER FERNANDEZ: Okay. Just quickly, very good conversation. I appreciate everyone's feedback. Just for Raul, I'd be curious to see how many applications we received for each of the classifications and then, maybe, make a recommendation if we do decide to
move forward with this. Maybe have a subcommittee for -- separately. Like, one for chief counsel. One for the communications director. And one for the executive director.

That way, there's more of us that are involved in that process and that -- like, if maybe you're more passionate about one of the positions, that way -- I just feel like we could participate more if we split that up. And if there's a hundred per position, then that would actually be overwhelming for a group of two to do all three. So it's just a couple things to think about.

CHAIR TURNER: Thank you. Commissioner Andersen?

COMMISSIONER ANDERSEN: Commissioner Ahmad actually had her hand up first, so I'll defer to her.

VICE CHAIR AHMAD: Thank you. I really like this practice, we're all watching out for each other.

I -- thank you for the discussion, very fruitful discussion. I'm comfortable with the job postings. They are not job descriptions. I also think that we're bringing our own perspectives of what ownership means. And sometimes, that means building something yourself. And sometimes that means exercising your power to what -- accept something or reject something.
And in this case, I see the job postings as broad enough to capture all of the points that have been brought up. With the communications director, which seems to be the, you know, the deciding point here, it closed on August 17th, 2020. Between August 17th, 2020 and the time we actually interview, there's probably going to be ten new social media apps out there that are not going to be covered on the application itself.

And to me, I think what I would be looking for in terms of, just, workforce, is the ability to actually jump on the changing climate and the changing landscape related to communications. And I think the job posting will do a good job of recruiting folks for that field. And then we would have to carry it the rest of the way.

And that goes along with what other folks have pointed out, that if we don't find the candidate that we are looking for, we can always go back and re-recruit. We can always go back and write up our posting, recruit in our own way. I hear Commissioner Kennedy's points and questions about, how was this recruited. I mean, I would have like to see the communications director posting on social media itself, or on LinkedIn, or any of these other avenues. But I don't know if I saw that. I don't know if they were posted there or not.

So there's always going to be hole in how we were
able to recruit for certain positions, versus did we not. How it's written. What points are missing. What points are included. But I think this is just one piece. The interview would be another piece. And then we have a whole bunch of people here who are very well qualified to parse out all of the details that we are looking for for these positions. So I just want to make sure that I was -- to Commissioner Le Mons's point -- being explicitly clear of where I stand on this. I'm comfortable moving forward with these positions and this discussion as stated.

CHAIR TURNER: Thank you.

Commissioners, now, we are pushing up against time. I'd like to find out if it's okay with everyone if we take a forty-five-minute lunch so that we can be back at 1:30? And if there's anyone that absolutely cannot do that -- okay, great. And so what we'll do is, we won't -- we will pause this discussion so that we're able to go and take our forty-five-minute lunch. When we return, we'll go straight into our agenda item for California diverse demographics. I believe that's item number -- topic number 19 on the agenda.

And after that discussion, we'll come back to complete discussion and then open public comment on this one.
Yes?

COMMISSIONER SADHWANI: I think Commissioner Andersen just had a point -- I don't know if she can make it one minute before we break, but just to acknowledge that she had one.

COMMISSIONER ANDERSEN: I just want to say I think I have solution that works for everybody because I -- right now, it's like, either we go with this or start all over. And I don't think that we have to do that. I think we can move ahead with this quick addendum. That's what I heard -- that's what I thought I heard Mr. Villanueva say, that we can make our modifications really quickly and put it out because we still have -- even if we go ahead -- we can't do anything until we have our fourteen-day notice anyway. So -- and anyone who's already looking, when you've got an addendum from a job posting you've already applied to, you reply right away. So I think that would cover everything. We can get into a little bit more of that later, but I think we can go ahead and put out three subcommittees together, have them write this, like, now and move on this. I think we can do both. And then, additionally post, we can cover all the -- because we all liked what we were with, we just want small tweaks.

CHAIR TURNER: Commissioner Andersen, let's start
with you. But we do have to go to break.

COMMISSIONER ANDERSEN: Just think about that.

CHAIR TURNER: Okay. All right, thank you all.

We'll recess for lunch.

(Whereupon, a recess was held)

CHAIR TURNER: Welcome back from break. Thank you so much. And at this time, we're going to move to our agenda item, I believe it's 19. We have a guest speaker on, Mr. McGhee. And Raul, unless you need to set it up, Mr. McGhee, we'll go into your training on California's diverse demographics and geography.

Yes. All right.

MR. MCGHEE: Thank you. One quick question, or clarification, about the technical setup. Is the -- is my -- are my slides going to start on your end or do I need to share my screen on my end?

MR. VILLANUEVA: You're welcome to share your screen, Mr. McGhee. Thank you.

MR. MCGHEE: Okay. I think that's probably the easiest way to do it.

So thank you to the Commission for having me here today. I just wanted to say, as a -- I mean, we're obviously in a crazy time here. And I appreciate your patience with whatever weirdness there is in giving this presentation and through this format. I gave this to the
129

auditors a year ago and it was much more traditional there with me there physically present. But hopefully, we'll figure this all out.

I will also say I want to just note I really appreciate that you have volunteered to take on this work. It's a big task and a real serious undertaking. And you know, democracy doesn't work if people don't step forward and volunteer to do that work that needs to be done. So I really appreciate all of you being willing to take on this challenge.

So let me see if I can setup my shared screen here. Can you all see that?

CHAIR TURNER: Yes, you're good.

MR. MCGHEE: Great. Okay. Terrific.

So the things that I want to talk about today are three broad topics. First is the sources of data that you, as Commissioners, are likely to be relying on as you go through your task of drawing the lines. Then I want to talk about some broad demographic trends and patterns throughout the history of California and kind of, where California is heading next in that respect. And then I want to give a little bit of the flavor of what came out of the last Commission. So I did some analysis the maps that the Commission drew at the time that they drew them. And then I've done some subsequent analysis since then.
And I wanted to give you a flavor of that so you had some sense of, kind of, how your predecessors did.

So first of all -- I want to also say, if anyone has any questions that they want to ask, please feel free. I'm okay with people interrupting and asking clarifying questions, what have you. So first, the sources of data. I want to talk about the decennial census, which is going on as we speak. Then I want to talk about the distinction between population estimates and population projections. Then get into some of the survey data that census makes available as distinct from decennial census.

Then talk about some of the administrative data that will available to you as Commissioners but also some of the administrative data that the census is using for its job this time around. And then discuss a little bit about the errors that we might find in some of these data sources, especially in census itself.

So every ten years we do a census. Why do we do that? Well, the primary, original purpose was to apportion the House of Representatives. That's what's hardwired into the Constitution. That's the process of reallocating the number of congressional districts that each state receives based on the population that it has in the census. However, and throughout history, especially since some really key U.S. Supreme Court
decisions in the 1960s, we used the census to draw our political districts, and it's the -- primarily the only significant source of information for that purpose because it is -- it has the level of detail necessary to draw the lines.

Now, in addition to those representational concerns, the census also is the basis for many spending decisions by the federal government and by other governments in many cases. So there's a lot of money at stake based on the census count. And more generally, I think for somebody like me, a researcher, it's really key as a portrait of our nation. So it is the go-to source for understanding who lives where and what they look like in some very basic way. And the census is the basis for a lot of analysis that's done. Anytime you have a public opinion survey, it is almost invariably weighted to the census, so they try to make their responses match the census to varying degrees. So it's really important for that kind of information purpose, as well.

The simple -- elusively simple goal of the census is to count everyone once and only once, and to count them in the right place. So that sounds very easy. It turns out that it can be extremely complicated. But that's the main goal. And it's counting them in the right place as of April 1st. So even if they move after April 1st, the
goal is to try to understand where they were when April 1st came around.

So the way that census is structured -- the way -- it's a survey and each household gets the survey. And some person in the household responds for everyone else in that household. The questionnaire itself is very short. It just a few -- includes a few questions. Name, age, race, ethnicity, gender, whether you're an owner or a renter, and some of the relationships of people within the household. Very basic information.

There was some controversy for a while about whether to add a citizenship question to this basic questionnaire. It had not typically been there. There was a controversy -- you may have been aware of that controversy and following it -- the ultimate decision was not to put a citizenship question on the census itself. Though the census, as I'll mention in a minute, is working to try to provide some citizenship information anyway, even without that citizenship question. So that's the basics of the decennial census.

What do we use that census to do? Well, two main things are estimates and projections. And in term of art, there's a distinction between those two things. Estimates are historical population figures. Estimates of the population as it existed some point in time in the
past. Projections, on the other hand, are predictions of
the future, what demographers are thinking, where they
think the population is going to be going next.

The Census Bureau produces both estimates and
projections. We are fortunate in California to also have
a very excellent demographic unit in the Department of
Finance. Not every state has that, but in California we
do. There are very -- some expert demographers there,
and they also produce their own estimates that are often
at a lower level of geographic detail than the census
will provide.

Those -- the estimates are based on the decennial
census counts themselves. And those counts are, then,
basically updated with recent administrative data. So
you will take that original population count and you will
say, okay, how many births, deaths have there been and
how much have people moved around. And then we try to
estimate from that what the new population in each place
in the country is.

Projections are, then, based on similar kinds of
assumptions and information. They're based on future
fertility, how many births there will likely be. Future
deaths, mortality. And how much people are going to move
around. It's kind of the three basic building blocks of
demographics.
The Census Bureau and the Department of Finance provide very similar kinds of information. The main significant difference between the two is that the Department of Finance provides some estimates of the number and type of housing units. But otherwise, they do provide some similar estimates, both of them kind of working off a -- off of very similar data sources. That does not mean that they are going to be exactly the same estimates, though. In fact, recently, the Department of Finance and the Census Bureau have diverged a little bit on where their estimate of California's population is right -- you know, as of 2019.

There wasn't always this divergence, but there is a divergence now. That divergence is almost entirely a function of different estimates about migration. So the really hard, the really tricky part of estimates is figuring out how many -- how much people have moved around. The births and deaths tend to be recorded with a greater degree of accuracy from administrative records. So the divergence that we're seeing here, the births and deaths, they -- the Department of Finance and the census is in broad agreement about the births and deaths, but they do disagree -- the Department of Finance thinks that fewer people have moved out of the state, relative to who have moved in. And the census thinks a few more have.
So we'll see who's right, or at least, who matches the decennial census shortly.

Projections, however, can diverge quite a bit. That makes sense. We're talking about the future. Projections are always difficult, especially about the future as some famous wag said. So these are just three different projections that I grabbed from the web. One is from USC in 2012. Another is from our Department of Finance made in 2020. And then University of Virginia has an estimate for -- projection, excuse me, for California for -- that they made in 2018.

So these are all projections at different points in time. And the USC one probably diverges -- well, I -- they all diverge quite a bit. But the USC one is the highest because it was made back at a time when California was growing faster. So we've actually -- our growth rate has slowed down in recent years, and so you can see that. And the one that has the lowest projection is the Department of Finance because it incorporates that recent slowdown in its projection.

But what this tells you is that as you get further out, the numbers become more and more uncertain. They necessarily involve some amount of error and some amount of guess work. Okay.

So in addition to the decennial census, and doing
these estimates and projections, the Census Bureau also runs some very large-scale surveys on an ongoing basis. The two primary surveys that they do are the Current Population Survey and the American Community Survey. The Current Population Survey is a monthly survey, and its primary focus is on the labor market. It's where the numbers about unemployment come from.

So there's also actually, for someone like me who's a political scientist, the Current Population Survey is also famous for having a post-election survey every two years. After the November election, they survey people and ask if they're registered and if they voted, which is a really useful thing to know.

The other survey is the American Community Survey. It's a much larger survey. And it's more focused on, just purely on demographics and demographic characteristics of the population. I think, generally speaking, though you may want to rely on, both, the Current Population Survey and the American Community Survey, the ACS is going to be much more your go-to than the CPS would be. And I'll describe why here.

So the ACS is a -- also a monthly survey but they only report the results of those monthly surveys annually. Over the course of an entire year, they sample about three million households. So that's a lot. The
items that they cover are similar to ones that used to be on what was called the long-form questionnaire of the 2000 Census.

So by -- in 2000, and several census before, the census had a -- that you would -- everybody got the short version of the census. And then a smaller share of the population got a longer form that had more questions. And that was where a lot of the basic information about the population beyond a -- beyond the really, really basic stuff that I mentioned before, came from in previous censuses. But starting in 2010, the Census Bureau started using this monthly survey so they could get more detailed information between censuses about how the population had changed.

It covers a lot of different topics, the ACS does. Demographics, income and employment, transportation, education, et cetera, et cetera. Lots of different stuff is in that ACS. So if you want to know the details about the population, a lot of the stuff that we describe as census data on our population actually comes from the ACS and does not come from the decennial census, which as I've said before, just includes those very basic pieces of information.

This is also the historic source of citizenship information. If you want to know how many --
instance, the citizen voting age population, you would
get it from the ACS, not from the decennial census, which
is -- historically, has not included that information.

So the advantage of the ACS, relative to the Current
Population Survey, first and foremost, it has a much
larger sample size. So three million people in the
typical data release for the ACS, or about 250,000 a
month, versus 60,000 a month in the Current Population
Survey. So 60,000 is still a lot of people, for that
amounts to -- usually the Current Population Survey has
about 8,000 people in the California sample. That's a
lot. That's a great number of people with a lot of
information about them and their current employment
status, and so forth, that you can use to analyze up-to-
date -- you get an up-to-date picture of what the
population looks like.

However, the CPS doesn't typically release any
information about geography below the state level. So
you would get that state file and you would know what the
whole California looked like. But you wouldn't get a
below-the-state file.

So the ACS is very timely also compared to the
decennial census. So it's got a lot more people in it
than the Current Population Survey. Obviously, it
doesn't have as many people as the decennial census but
it's more timely, right. It's been -- it's an ongoing thing that's released every year. And there's lots of
great topics in there that give you a good, nuanced portrait of the nation, and in this case, the state on a lot of different dimensions.

The downsides of the ACS, it's not a count of the population, it's a survey. So it has -- it has a margin of error. It is also -- as I just mentioned -- small, relative to the decennial census. So the long form of the census, which did the, kind of, same sorts of things as the ACS, went to one in six households, whereas the ACS goes to one in forty. So it's a much, kind of, coarser geographically -- a coarser picture of the country. It's also a moving average, rather than a point in time. So they do the monthly surveys but they don't release the monthly data.

So when you get an ACS estimate for a given year, it's an average for that whole year. Now, you can imagine, they do ask questions about employment. But you can imagine that's going to make questions about employment more problematic in something like the ACS as compared to something to, say, the CPS, which is a monthly survey released on a, basically, a monthly basis. Employment can change drastically over the course of a year. It has changed drastically during the course of
this calendar year. So it's a -- you -- more valuable to
have that kind of variation over time.

And we can't really use the ACS for redistricting
because it -- it -- because it is a sample, even though
it's a very large sample, it's not a large enough sample
to be able to go down to the level of detail that's
required for the -- that's required for redistricting,
which really needs to go down to the level of a single
census block, which approximates basically a normal city
block kind of thing.

So it can't be used for redistricting but it can be
used in a general sense, at some reasonably low levels of
geographic detail. What things look like. But when you
start getting to those lower and lower levels -- like
census tracks and block groups, really, really fine grain
detail -- those are going to be based on five-year
estimates. They take five years' worth of ACS and they
average them. So that's, again, going to be a cruder
picture. It's going to -- sort of, like, taking your
nice, sharp picture and just making it fuzzier.

And the estimates, it's worth noting -- the
estimates from the ACS are still pegged to the decennial
census. So this is -- again, points to the importance of
that decennial census. So the ACS -- in order to know,
hey, did our sample get pretty close to the truth, well,
we're going to base that, in part, on what the decennial
tells us where we should be at, at this point in time.

In addition to that survey data, we also have the
census -- and other sources have various administrative
data that you may want to rely on, just within
California, you -- I believe just heard from Karin Mac
Donald who runs the Statewide Database at Berkely, which
has a lot of really great data, voter registration,
election outcomes, maps, and mapping resources. It's
a -- it's a terrific resource and specifically designed
for the redistricting process.

The California Department of Education has
information on school demographics, school test scores.
If you wanted to bring that kind of information into
some -- an understanding of the community of interest,
for instance. The Employment Development Department of
California has unemployment rates, and occupations,
industries. So if you want some sort of mix of the area
in terms of its -- the kinds of jobs people have, it
would be a -- that would be a good source for that kind
of information.

And then there's a variety of private sources that
you may or may not want to try and rely on, private
sources of data that the census, itself, relies on in
order to try and do some of its adjustments and
estimates, because there's a lot of data vendors out
there now. And that -- you know, since we're in the era
of big data, and so there's a lot of private companies
that has that sort of big data available to purchase.

There also is, underway right now, an effort by the
Census to identify citizenship and put it into the
decennial census itself. So they were not able to put a
citizenship question on the census form. But instead,
they're going to try and match the records that they get
on -- from the census to things like the Social Security
database, immigration databases trying to and divine from
that who's a citizen and who is not, and to attach a
citizenship identifier to redistricting data that's
handed over to every state.

So could this -- the Commission use this
information? As I understand it, it's -- that effort is
still very much underway. It's never been entirely clear
whether they would be able to do it with a -- at a level
of accuracy they would feel comfortable with, that others
would feel comfortable with. But that effort is still
very much underway. And we'll see what comes of it.

Could it be used for redistricting? Well, here I
want to note that in my presentation that I gave last
year for the auditors, in which I gather was shown again
for the first eight commissioners, I think I misspoke a
little bit because -- I want to clarify some of the
points that I made, because at that time is that there is
ambiguity from the U.S. Supreme Court about whether you
could use citizenship data for redistricting. And that
is absolutely true, that ambiguity is there. But I want
to clarify that, first of all, there's no mandate from
the Supreme Court and nobody has discussed up to this
point, requiring that districts be drawn with citizenship
data instead of total population data. So that's where
the ambiguity is, whether there would be a mandate -- not
whether there would be a mandate, but whether each state
would be allowed to do it if they wanted to.

And in terms of being allowed to, and a state
deciding to do it, the California Constitution, I think,
is much less ambiguous on this point. In the text of the
Constitution, the portion that outlines the
responsibilities of the Commission, it refers to
population of quality and equal population. So that
seems to be less ambiguous. I'm not an attorney so I
certainly -- I think you would want to consult with your
counsel on that, but I just wanted to clarify that point.

However, that -- there will likely be such
citizenship data, as far as I'm hearing right now,
provided in the file. But that part is also not a
hundred percent clear.
So finally, there's the question of whether there
any -- likely to be any errors in the data that we get.
And the answer is, yes, the census does make mistakes.
And California tends to be a victim of those mistakes,
historically. So these are the up -- the net undercount
rates. So this is whether I -- your population result
from the census was low or high based on estimates that
the census comes up with that I'm going to talk about in
just a second.

But California, as you can see, compared to the
country as a whole, typically is undercounted. So these
are -- so 2.7 percent low in 1990, which was generally
regarded to be, kind of, a bad census. Just a little bit
low in 2000, it was only one only ten states to have an
actual undercount that year. And you can see in that
year, the United States was actually overcounted. Well,
how do you overcount somebody? Well, you count some
people twice or more than twice. So again, remember that
the goal of the census is to count everybody once and
only once. Well, sometimes they make a mistake and they
count somebody more than once. And so there are certain
communities, those communities tend to be wealthier and
whiter, and they tend to be overcounted. So this net --
this net undercount incorporates that, any groups that
are overcounted, as well.
And then in 2010, U.S. was over -- as a whole was pretty accurate on balance. But California, again, had the slight undercount. Those undercounts also vary by county. So this is the 2010 net undercount. And these are raw numbers. So you can see that the places -- it -- the places that are worst off, had the biggest undercounts, are the larger counties that have the kind of demographic profiles that would make undercounting more likely. They have a larger minority population, poorer, less educated, these kinds of things, lots of young children. These kinds of things tend to -- those are the communities that tend to be missed by the census.

And so a place like Riverside, San Bernadino, large numbers of people who live there and then a larger share of those populations are likely to be undercounted. So it doesn't vary geographically. And varying geographically, of course, matters for redistricting. So it means that a place like San Bernadino or Riverside is going to be -- relative to other parts of the state, is going to get less representation.

There are -- you know, there are also just general concerns that people have had about the 2020 census, in particular, the possibility of an undercount. And I'm going to -- I didn't have to do this last year but I have to break these concerns now into pre-pandemic and post-
pandemic, because there's a whole different set of concerns that have come up that are arguably even more serious than the ones that existed pre-pandemic.

Pre-pandemic, there were already some questions that people had. The census had faced a lot of funding challenges during the course of the last decade where a lot of people argued it was being underfunded. It did -- the funding caught up in the -- in recent years to get almost to where people, kind of, felt it should be. But you know, a lot of -- the Census does a lot of prep work in the course of a decade, and it was harder to do some of that prep work because they didn't have the funding at the time that the prep work needed to be done.

They also have switched, in part, to try and meet those funding challenges. They've done, for the first time, a census over the internet. So a huge portion of the people who are responding to the census this year are doing it over the internet. And there are a lot of potential questions and concerns that might arise from that because it's the -- you know, any time you're switching to a new technology, a technology implementation, your -- you may have glitches or problems. And some people might not respond as well to it as others.

There are also certain communities that are less
likely to have the internet access necessary to respond to an internet survey. The census tried to account for that by -- by identifying census tracts where the population that would have trouble with an internet response would be high, that share would be high. And so they sent those tracts a mail questionnaire, rather than asking them to respond first through the internet. But still, there are potential concerns there. The census also had as it's plan, partly to save money, to do more aggressive administrative matching. To take other data sets -- this is what I was mentioning earlier -- how they can buy data from private vendors. They can get -- they can get data sources from the federal government that are -- other people do not have access to. So that they can try to match their results to -- the various data that they have with some of those other sources to try to fill in missing information wherever necessary. And in particular, to try and identify housing units that are not likely to be occupied. So they could say, oh, well, based on this matching between our list of all these addresses and this other file that we matched to, we think that this house is not likely to be occupied anyway, so we don't need to bother to go and try and really get a response here. That saves
them money, right. But it also means that if you're
wrong about that, that prediction about that housing
unit, then I -- that's a person who might not be counted.
The census, itself, and a lot of other people, have
noted that there's a general distrust of government out
there among many different communities. And that
depresses response rates to the census compared to
previous decades. So that's something the census itself
was concerned about, and a lot of other people, also, had
that same concern.
And then just there -- specifically, within the
noncitizen community, there is, sort of, a heightened
concern and distrust about what might be done with the
data that's collected in the census and whether they can
trust that it's going to be used only for the census and
not for something else like immigration enforcement
actions. The -- it's worth noting that the current
federal law is very strict about the use of census data.
It can only be used for census.
It can't -- even if you think somewhere buried in
the census is a murderer, and you're the FBI and you want
to use the census data in order to find that person and
bring them into justice, that's -- the census will not
share that information. And they will not be required to
share that information. So the privacy protections for
the census are very, very strong. Just worth mentioning that. But it doesn't mean that the distrust isn't there.

So there's also then now, post-pandemic concerns about an undercount. And I think these are, rightly, even more serious than the original ones. This is just something that hit the census, blindsided them, that nobody saw coming, of course -- none of us did -- but has really affected their ability to collect the census data in a timely and effective way. It -- the census went into the field right at the time that when the pandemic was gearing up. So it was right in mid-March is when they started going, you know, sending out their postcards in the mail that invited people to respond over the internet. That was exactly when everything was shutting down. So all the news was about the pandemic.

So the first thing is census news, which would normally be in the background, is now pushed even further into the background. Very hard for them to get their message out when the new has been all about COVID all the time. And when it's not COVID, it's a variety of other things that are going on in the country right now.

So as part of the adjustment to COVID -- the census normally does a -- quite a wide range of in-person events and enumerations. They go around to people's houses to try and get the information out of them if they don't
respond over the internet or through the mail, or some other way. They go around to the house and they knock on the door. That's more problematic now. The -- they have in-person events, you now, sort of, a variety of festivals or informational sessions, that kind of thing. Those are all problematic now with COVID and have been since cancelled.

There's also the basic problem of displacement due to the pandemic. Do we know where -- so I said, you know, they have to be counted once, only once, and in the right place. What does the right place mean now? Some -- many people have moved to a different place for the duration of the pandemic. Generally, you want them to identify where they lived on April 1st. Do they think that they've permanently moved to that new place? Do they -- maybe they don't remember exactly where they were on April 1st, when they left, those kinds of things. So it's very hard to know. You go around to a household, is this household really empty or is this person just living with their parents for the time being. Those kinds of things have been very complicated in the midst of the pandemic.

It's been hard to hire people to go into the field and knock on those doors, to the extent that they're doing any door knocking. It's hard to do that because
people are worried about their exposure to COVID and the risks that would be involved in taking a job like that. So it's been hard for the census to hire enough people to do the non-response follow-up, as they call it, and get those extra numbers.

And just the basic -- I mentioned this a second ago, but just the basic problem of the distance that we have from official census day. That was April 1st. We're supposed to be counting people as they were on April 1st. Normally, all of the -- kind of -- the follow-up in field kind of operations would be done by now. And so we're asking people to recall where they were a lot longer ago than would normally be the case.

And this is -- the various delays that have occurred because of all of these complications have made the remaining time line very tight. So the census would normally do a variety of quality checks on the data they're getting in the field while they're still sort of out there. They can't do those the way that they normally would. They have -- just the time line for when they're done with all of their counting out in the field, they do a variety of fixes to the data after that to try to clean it up, to fill in information where they're really missing it, those kinds of things. They don't have the same amount of time for that that they normally
would, and a good portion of the people who would do that kind of work have been hived off to work on the citizenship flag that's going to be added -- they're trying to add to the data. So it's really compressed that time line and made everything more complicated.

So in terms of an undercount, I just thought I'd show you, this is -- that there's a wide range of -- in terms of the vulnerability to undercount in this particular census. So I showed you that the undercounts by county from the 2010 census, this is just showing you a similar kinds of information in real time, like, where we are now with the 2020 census. These are response rates for the self-response, for anybody who is -- not the people who are being visited by someone knocking on their door, but people who are sending in their responses on their own.

And you can see that even though -- so the blue areas are where the response rates are higher, and orange and red are where they're lower. The rural areas tend to have lower response rates right now. But it's not just rural areas. Even in a place like Los Angeles -- I've got a blow up of Los Angeles here -- there's a lot of blue areas, but then there's pockets in -- point here with my pointer -- in the center of the county, in the central city, that are still very red and orange. Where
the response rates -- self-response rates are very low. And Los Angeles is actually a real problem county this time around. It's lagging quite a bit behind the response rate that it got ten years ago, so L.A. is an ongoing area of concern for getting an accurate and complete census.

So is there anything that we can do about this problem? Well, there are a variety of quality metrics. So the Department of Finance produces it's estimates. To some extent, they can be used to try and compare to whatever the census produces. The census itself does what's called the Post-Enumeration Survey where they take a sample of census blocks and they go around to those census blocks and they just re-interview people there again. And then they have some ways of using that information to estimate what the undercount is likely to have been. So the Post-Enumeration Survey, then the demographic analysis is the thing that I was talking about before where you look at births, deaths, and migration and the adjustments. So they will offer that demographic analysis as well.

I think, of those two, the only one that would realistically be available on the time line -- or probably be available on the time line that the Commission -- what would be relevant for the Commission
would be the demographic analysis, which is probably
going to be released in December. The Post-Enumeration
Survey typically doesn't come out until next summer. So
that's probably going to be too late to be able to say
anything about the quality of this census in real time.

There are also a variety of metrics that the census
is conducting itself now regarding the type of count that
they're doing -- that they've gotten from each household.
Did they get just the total number of people there or did
they get all the additional information that they were
looking for? Did they use what's called a proxy where
they had to go to a neighbor, say, and say, hey, do you
know who lives in that house and how many children they
have and some of their ages and particulars? That's
called a proxy enumeration and they do a fair amount of
that in the late stages of the census to try to get the
information they can't get otherwise. So how many of
those were proxy enumerations, which are likely to be
less accurate? Right now, the census is not releasing
that information at a level of geographic detail that
would tell us that much about variation within
California, but they could potentially do that if they
wanted to.

But and with all of this stuff, the question is
going to be is it detailed enough to be able to say
anything about the redistricting process, which is what
you Commissioners care about, and is it going to be
timely enough? Is it going to come out at a time when
it's actionable and you can do something with that
information? And I don't think we know the answers to
those questions. We don't really have a sense of even
how bad the census is going to be or if it is even going
to be bad.

There are a lot of people who are very concerned
about it, but we just don't know. So I think right now,
there's not enough to say what the course of action would
be if there was a bad census, or even what the metrics
would be that you would want to rely on. The legalities
of using something other than the census to inform the
sort of basic decisions about drawing lines is ambiguous,
is my understanding. Again, I'm not an attorney. What I
would counsel is that you would talk to counsel. So when
you have your counsel, and it may be an issue that will
come up, and it just -- I wanted to flag it to your
attention as something that you might have to address or
think about down the line. So that's the sources of data
that you might be called on to look at or that you might
want to draw on yourselves.

So what is some of these that tell us about the
demographic trends and patterns over time in California?
So I want to look at that in three parts, the overall change that we've seen, then some of the racial and ethnic change, and then the change in the distribution of people around the state geographically. So California has a very large and growing population. It has long been a big growth states. You can see, compared to a hundred years ago, we, you know, we have roughly ten times as many people. So it's a -- we've been growing quite a bit over the last hundred years.

We continue to grow, even though we're not growing as fast as we used to, we are still growing and we're -- the only reason we don't seem like we're growing quite as much is because compared to other states, our population growth has slowed. Just to put this in context, this just shows you California historically has had a growth rate much closer to Mexico's than to the United States as a whole. So we've been a really fast-growing state relative to most.

The state is changing rapidly in terms of its race and ethnicity. So this just shows you the distribution of the population, what share fall into each racial and ethnic group over time. Back in 1970, almost eighty percent of California's population was non-Hispanic White. Now, it's thirty-seven percent. So there's been a really dramatic change, with the biggest growth in the
Latino and Asian American populations. So lots of change over time in the state's complexion.

The -- this is just a map showing in 2010, so now quite old, but in 2010, which census tracts had a majority of a particular ethnic group. And the blue ones are the non-Hispanic white, but you can see there's quite a few tracts where a majority of the population is some other group than white. And that just shows you that diversity that we see in California. Just the range of different types of populations that we see. And any census tract in these maps that's white is one where there was no majority group. So one that's even more diverse in that sense, so just a really incredible range. And if you looked at this map now, it would be even more diverse than ten years ago.

The foreign born population -- that is, immigrants of various kinds -- has also grown quite a bit. It actually, the share of the total California population that was foreign born actually peaked in the 19th century, but it has grown quite a bit since the 1970s, which is consistent with the stuff I was just showing you earlier. Although in recent years it has leveled off, so we're not really seeing nearly as much of a growth in the foreign born population. That has consequences for the complexion of our state.
The main source of immigrants in California is still Latina America, but Asia has rapidly caught up. So it used to be that Latina America was by far and away the largest source of immigration for California, but Asian Americans are a much larger share than has been true in the past. So that they're kind of closing -- that gap is closing over time.

And that was just to give you a flavor of how diverse our immigrants are. I think it's common in the popular perception to think of certain limited numbers of groups for immigration in California, but you can see that this is, I think, the threshold here was -- each of these countries had to have provided at least 10,000 immigrants to California. And you can just see this wide range or different countries that people come from. So it's a very -- it's just an incredible diversity that we see here within California, not typical of most other states.

As the earlier plot that I showed you suggested, the Latinos and Asian Americans are the large growth groups. These are projections from the California Department of Finance. So again, with all the caveats that come with projections, they -- you know, we don't know that this is what things are going to be like in, say, 2040, but we can see that if you project out the trends that we have
now, so the first few lines on this graph, the first
maybe quarter of this plot on the left is reality, is how
things actually have turned out. And there was a --
there was a crossing point where non-Hispanic whites
became a smaller group than Latinos in California; and
then the projection is for that to just kind of keep
going. And the green line there is Asian Americans, and
that's also growing. So we're going to have a very
different statin in 2040 even than we have today.

The state is also pretty young, so there are a lot
of people in their twenties and thirties, not as many
elderly people. So the weight of the state's population
is shifted low. And those younger Californians are much
more diverse, much, much more diverse than the seniors.
The seniors are still a majority white, but those under
five are below forty percent now.

And then just to understand that this does have
consequences, that diversity is not represented among the
voters currently. So our statewide survey at the public
policy in the State of California has compared voters and
nonvoters, nonvoters defined here as those who are not
even registered to vote, and voters as who are likely to
vote. So there is middle category here which is people
who are registered to vote but not likely to turn out.

But nonetheless, if you compare these extremes, that the
demographic profile of the not-registered is much more
heavily Latino, in particular. And a lot of people who
are not registered to vote are of these -- of the people
in this group are not citizens.

Now, the thing that is important to understand about
the -- if we combine all of these different pieces
together, the fact that younger people are more diverse,
that the state's diversity has been changing, but also
that immigration has leveled off, over time we have seen
the share of the more -- the sort of -- the diverse
elements of California -- the Latinos, Asian Americans
who are citizens -- has been growing; the share who are
eligible to ultimately be voters. And in fact, the
eligibility rate among both Latinos and Asian Americans
has been increasing faster in California than in others
states.

So we are both -- we are both an incredibly diverse
state that has a lot of diversity projected for its
future. A lot of the diversity has come from
immigration. And in the past, that also meant that
the -- a lot of that diversity was not reflected in the
eligible population -- those who could potentially vote.
Increasingly, over time, it is. So over the next decade,
for which you're planning these districts, that
population is going to kind of become -- the population
of those who can vote is going to become even more
diverse over the next decade.

There's also been some geographic change in terms of
how much the districts have gotten out of whack over
time. So one of your main responsibilities as
Commissioners is to try to correct for the differences in
population between districts that have developed over
time. The goal is to try and make the districts
reasonably equal in population. And you can see that
some of them have gotten a little out of whack.

So if you think about the process of representation,
if you are in a district with more people you might
think, hey, more is great, we're the place that has all
those people. Well, you still only get one
representative. So if you're in a district with more
people, you're actually underrepresented compared to
somebody who is in a district with fewer people.

So the red districts, these are congressional
districts. The red districts here are districts that
are -- compared to the statewide average now, are
actually too small. They have too few people. And the
green districts, which are mostly in the Bay Area and in
the Inland Empire area down south, those districts are a
little bit too big. They have too many people. So
you're going to have to adjust the districts to try to
account for that, which means, on average, you're going to end up drawing more districts in the Bay Area and down south in the Inland Empire than was true ten years ago.

This is the same thing for California's Senate districts. Broadly, the same pattern. The white districts are ones, again, that haven't really seen much change. But the Bay Area and the Inland Empire and down into San Diego are the areas that have seen the greatest growth over the last ten years, geographically.

And again, here's Assembly districts. Same basic pattern. There's a few spots in the Central Valley where we've seen more growth. But that's the basic pattern.

These all come from, by the way, five-year ACS estimates. So in order to construct these districts, the Census Bureau had to average results for five years. So these numbers are a little outdated even. My guess is when we get the census numbers, we'll see these basic patterns, but in even stark more relief.

This also just shows you, though, that -- so the ACS does release congressional district numbers for a single year of the ACS for the five-year average. And so we can actually compare the 2018 ACS, which is the most recent one that we have, to the 2008 ACS and see where things were at each point in the cycle. Kind of coming up at the end of the redistrict cycle. So this is the -- the
2008 numbers are the ones that the Commissioners were confronting the first time around, sort of, how much change there had been. And you can see there -- on average, there was actually a lot more change last time. People are moving around less than they used to; that's probably the main thing that's going on here.

All right. So that's the demographic trends and patterns. And then the final thing I wanted to do is to give you just a flavor of what came out of the Commission in 2011. What do those maps look like and how did they perform? And in that respect, I want to focus on both the mandated goals that are the law, and what I might call aspirations goals, things that were not mandated in the law but a lot of people were sort of hoping would happen.

So in terms of mandated goals, the districts had to meet several objectives. They had to have equal population. They had to be compliant with the Voting Rights Act. They had to be geographically contiguous, meaning that you couldn't have, you know, one part of the district be in one part of the state and another part be in another part. All the parts had to touch each other. They had to be compact, meaning we're getting it as close to sort of simple shapes as possible, nothing too convoluted. And respectful of communities with common
interests, so the communities of interest requirement.

There was also a nesting requirement, to the extent practicable, the two State Assembly districts had to be embedded within one of the State Senate district. And then they could not be skewed to favor a particular party or an incumbent.

It's worth noting that these are -- and I'm sure you've been over this now, and if not, you will be, I'm sure -- that these are all ranked, right? So equal population is the first goal. Then, you have to be compliant with the Voting Rights Act. Then, these geographic, contiguous, et cetera. And then nesting below that.

So I'll show you in a second some evidence that the first Commission responded to that ranking. Because it's sometimes hard to meet all these criteria at once. I think the Commission, as you'll see in a second as well, I think the Commission did a good job of trying to meet all at once, but there are some things that involve tradeoffs, and when you have to make a tradeoff, then the things that are higher up on the list take precedence.

So I'm going to skip over the equal population part because that actually is not necessarily a challenge; it's easy enough to make the districts be equal in population. The challenge is, once they're equal in
population, to satisfy all these other things as well. So the districts were definitely equal enough in population to satisfy that criterion.

But how did they do in the Voting Rights Act? Well, one way to look at it is just to say how many majority and minority districts there were in each plan. I'm not going to show you -- for the sake of economy, I'm not going to show you the Board of Equalization plan, but this has the -- actually, I don't break it down by this one -- for this one, either, but eventually I think I'll show you the individual, like, State Assembly, State Senate, and congressional district.

But here, the 2001 plan had fewer majority Latino districts than the 2011 plan. And in the -- so and I'm also going to break apart the 2011 draft plan and the final plan. Because they released a draft plan and then they got some real feedback on that plan, and then they revised it. And so you can see that in the -- the big change that happened in terms of minority districts between the 2011 draft and the 2011 final was a really big increase in that minority representation. So the first Asian American district in California history, and then a much larger number of Latino districts.

Let's see -- whoops. Okay. One of the other goals is to not split cities. There was a modest decline in
the number of cities that are split. So here -- we're
just looking here at cities that potentially could be
split. So some are so large that they have to be split.
Obviously, like, Los Angeles is too big to fit in a
single district, so it's going to have to be split. But
districts that are in cities that were small enough to
potentially be split, how many were split? And you know,
there was a modest improvement there. You know, nothing
huge, but again, the reality is that even in the 2001
plan, there really weren't that many cities that were
split in the first place.

Same thing for counties. In some cases, a modest
improvement. Especially in the State Senate, but also in
Congress. Between the draft and the final, for sure.
But again, not that many counties were split. And this
is actually just looking at all counties, not necessarily
just those that could be split. So it's -- clearly,
there's other things higher up that often can take
precedence.

This is a measure of compactness. So again,
compactness is where you try to make the districts -- the
basic idea of compactness is to make them as close to
simple shapes as possible. There's a more precise
definition in the constitution, but the basic idea is to
try and get them so they pass that smell test when you
look at them. This is just one way of getting at that; there's many different ways to measure it.

And this was one place where the Commission clearly made a big improvement over the 2001 plan. Again, not perfect on this measure and not perfect, probably, on any measure, but there were things that were higher up that they had to pay attention to. But clearly better than the compactness that we saw in the 2001 plan. The lower numbers -- sorry, I didn't mention -- the lower numbers are less compact, and higher numbers are more compact.

And then this is the one that's kind of interesting to me, and really telling, was the nesting. So nesting is, again, lower down in the list of priorities, but it's definitely there. The 2001 plan did a really rotten job of nesting. So this is the number of Assembly -- average number of Assembly districts for each Senate district, and it was over six. So lots of chopping up of -- you know, overlapping in crazy ways of State Senate and State Assembly districts, not much nesting at all. Ideally, if you had perfect nesting, you would get down to a level of two, right? Two Assembly districts per Senate district, on average.

What we saw in the 2022 draft plan was something very close to that, 2.95. That's really pretty good and it's hard to imagine -- with all the other criteria you
have to meet, it's hard to imagine that you would get much better than that. So really great number in the draft plan. But then they got a lot of push-back on other dimensions, especially on the minority representation in that draft plan. And so they changed gears.

And in the final plan, as we saw earlier, there was a lot more minority representation, but the cost of that was a much worse job at nesting. And so again, when there were those tradeoffs, there were costs to having more minority representation, but the minority representation is -- with the Voting Rights Act is placed higher in the list of criteria than is nesting. And so in my view, they did the right thing and went with the minority representation over the nesting.

In addition to these mandated goals, there were also what you might call aspirational goals. So things that people were really hoping that the Commission would produce, but that there was no actual explicit requirement for. And I think those two things are just fairness and competition. So fairness that each major party was treated roughly equally and didn't get a really raw deal. And by this, I mean, basically, no large gaps between the overall number of votes that a party receives and the seats that it gets with those votes.
And then the other is competitive races in most or maybe, and some people probably hope, for all districts. I think that's not realistic or maybe even desirable, but certainly I hope for more competition than was the case for the 2001 plan which did not have much competition at all. There wasn't very much turn over in the plans drawn in 2001 by the State Legislature. So this would be, like, competitive is roughly, you know, forty-five to fifty-five percent vote share for each major party candidate. So something where you're within spitting distance of winning that seat, even if you didn't claim it.

So in terms of fairness, this is a metric that I developed called the efficiency gap. It's just one of a few different possibilities for measuring fairness, but it has gotten some attention in recent years. And this is just plotting that efficiency gap over time. And efficiency gap amounts to, basically, a comparison between the votes that you receive and the seats that you get from those votes. So if there's a big discrepancy there, the efficiency gap is going to register that as an advantage for one party.

What we can see is that on balance, the dotted line -- this is for the Assembly -- the dotted line is where the redistricting occurred, and there's been a lot
of bouncing around in terms of the fairness's according
to this metric, but not much sign that things are much
different after the redistricting than before. And you
know, sort of similar kind of up and down for the U.S. as
a whole, so no sense that the U.S. is better -- that
California is better or worse than U.S. as a whole.

The Senate numbers are even more volatile because
those are really dependent on the small number of seats
that are up each year, but the bottom line is a similar
kind of story. There is actually some signs here of a
slight advantage, but it's so noisy that it's really hard
to say that anything significant occurred. And in fact,
there was more of an advantage -- this is so -- so as you
go up, you're getting to a more Democratic advantage,
down more Republican advantage. You can see that that
Democratic advantage just before the redistricting
actually went down right after the redistricting. So
it's kind of been up and down, noisy.

A little bit more evidence of something for
Congress, where the congressional seats might be tilted a
little bit more towards Democrats than the ones before.
So something to keep in mind. I think, again, it's noisy
enough that it's not a major source of concern, but
something that, in the work that I've done on this, I've
flagged as something to kind of watch out for and be
careful about.

Were the districts more competitive? On balance, yes. There was one year in 2008 where the races were really competitive for the Assembly. Not many flipped, but they were competitive. But on the whole, the competition in the previous plan was pretty low, and it's been higher since.

Same basic story for the Senate, though, again, a little bit noisier. And you can see that even in the Commission's districts, it's a little lower than the U.S. as a whole. So the U.S. as a whole has, you know, other states often have more competitive seats. I think a lot of that is a function of California's political geography, but perhaps not all.

And then for Congress, there was a huge improvement in the competitiveness of the plan. The congressional plan was particularly uncompetitive out of the three big ones from 2001. And then after the redistricting, it's been much more competitive. There's been a great deal of turnover in the California congressional delegation. A lot of it, if not most of it, directly tied to the new lines that were drawn.

So I think that's a -- in terms of planning out what you're going to do, I think it would be worth considering -- given what happened with the congressional
plan and the slight sort of tilt in a Democratic
direction, it might be worth considering identifying some
metrics of fairness that you might want to use. But
doing that in advance.

I think the really key point is if you wanted to use
any kind of fairness metrics to evaluate your plans, you
would want to do that upfront before you started any line
drawing. And that way you couldn't be accused of sort of
tilting the process after the fact. But that might help
sort of insulate the Commission from criticism about any
particular tilt of bias it might have in terms of the
kinds of plans it drew.

I will say there were some accusations against the
Commission the first time around and that's one of the
reasons that I bring this up as a potential point to
think about. There were some accusations that the
Commission drew plans that were biased and favored
Democrats. Again, I don't think that the evidence bears
that out very strongly, but it does maybe a little bit.
And so I think it's just -- just for the sake of
defending the plans, it might be worth considering using
some kind of metric along those lines.

The Commission the last time did not look at -- made
a clear decision to look at any partisan data whatsoever.
And so that's obviously another option that you could
take. But my read of the law is that it doesn't forbid
the use of some partisan data if it's used for the goal
of overall fairness between the parties and not for any
other purpose.

Anyway, so that brings me to the end of the overall
presentation. I'll open it up, I think, now to any
questions that you might have about anything that I
presented here in this talk.

CHAIR TURNER: Thank you very much, Mr. McGhee. We
appreciate your coming back, and I certainly was able to
grasp more this go around in the presentation having
heard it a little bit from your video and now.

I just ask all the Commissioners, if you have any
questions that you'd like to lift? I see Commissioner
Sinay, and Commissioner Yee, and then Taylor, please.

COMMISSIONER SINAY: Thank you. Thank you so much.
And I guess taking Madam Chair's recommendation, I'll
look at the presentation twice. But on the undercount,
the counties with an undercount, how do you recommend
that we take this under consideration as we're looking at
the maps?

MR. MCGHEE: Well, like I said, I think the only
thing that I feel comfortable recommending right now is
that you be aware of it as an issue. I don't -- the
questions of census quality is a moving target. There's
a lot that's changing, things are changing rapidly, and
we still don't know exactly -- we still don't know, I
would say a hundred percent for sure, when the census
data will be made available.

Right now, the census is shooting to finish it's
field operations by September 30th, and then to provide
all of the data, including the apportionment data, to the
president, and then the redistricting data to each of the
several states on the normal time line. Which means that
they would go to the president on December 31st, and it
would go to all the various states by March 31st, just
before the one year out from census day. I don't think
that's a hundred percent set in stone.

And so you know, we could still see things change on
that front depending on how things go over the next month
with the counting process. And if we don't even know
that information, like, when the census count is going to
finish -- because the census originally wanted to finish
on October 31st. And the Trump administration pushed
back and said, no, no, you should finish on the 30th.
The -- you know, I don't -- like, if we got that extra
month, we could very easily have a higher quality census
than if we didn't, so I think we have to be cautious
about predicting, even, that the census is for sure going
to be -- going to have problems, right?
If it does have problems and we have some clear metrics to show that it has problems, then of course, the question becomes, you know, how do you use that to adjust the redistricting? And I think that is also a -- the level of detail that the census is going to provide in terms of the quality metrics and the clarity of those quality metrics is going to be -- is currently enough in doubt that I don't think I could tell you what you should or should not do at this point. But just that it's something that you should be keeping in your mind, and that you may have to address and think about down the road.

COMMISSIONER SINAY: And then, we've heard that California may lose up to two congressional seats. And you may not be the right person to answer this, but it just occurred to me. When we -- we would just -- the president tells California this is how many districts you have -- congressional districts you have, we draw the map. How do we get rid of the two people? I mean, how do they know?

MR. MCGHEE: So that is -- I will say, the process of removing congressional districts is a lot more complicated than what the last Commission faced, which was no change at all. The best scenario is you get more districts, right, and then you have sort of an
embarrassment of riches. I don't think California is
going to be in that situation. I will say, however, just
as an aside, that right now our count is actually going
better than in the country as a whole.

So even when there -- the census is starting to
report results of the follow-up operations that they're
doing, and we were already just a smidge better than the
nation as a whole in terms of our self-response, people
responding on their own. And we have actually even been
a little bit on the high side in terms of that follow-up
operation as well.

So we're doing -- especially given the challenging
demographics we have for our census count, we're doing, I
think, a really good job so far. And especially relative
to other states. Some of the states that are going to be
probably picking up seats, like Texas and Florida, are
doing kind of a bad job, actually. But we're not done
yet, right? And that's not going to be the final count
that they're going to use for the apportionment, so I
don't think we should at all assume that that's how
things are going to turn out.

And currently, the administration wants to only
count documented residents and citizens for the sake of
apportionment, which would mean that we would almost
certainly lose an extra seat as a result of that. But
that's -- that's also, again, everything here is a moving target, and so we don't know that that's actually going to happen. There's a lot of legal challenges to it.

But how -- so I guess getting to your point of how do you get rid of that district, with difficulty. But again, you are tasked to not favor any particular incumbent. In that kind of situation, you will -- the incumbents who are currently in office are going to care deeply about how those districts get drawn in a way that they wouldn't even -- they always will, but they will even more when they know that one or two of them may have to go home at the end of the day. So that's just something to be cautious about because you have a mandate not to pay attention to that information to the extent that it's possible to ignore it. But it's going to be a much bigger part of the picture than was true ten years ago if we do lose seats.

CHAIR TURNER: Oh, okay. Commissioners Yee, Taylor, and then Toledo.

COMMISSIONER YEE: Thank you. Thank you so much, Mr. McGhee, that was a tremendous presentation. So much relevant information presented so clearly. So a question about the ongoing debate and questions about race versus ethnicity, U.S. census using Latino Hispanic as ethnicity, you either are or you aren't, and then -- but
you can be of any race. And that of course, is the second question, about race. So what advice can you give us as we start having to apply those categories? I noticed in, I think it was slide 41, you had non-Hispanic white versus Latino, and so forth, side by side. When do we -- you know, and in the popular mindset I think that's how people think of it. You know, white versus Latino versus black, so forth. What's your advice as we begin this work on how to structure our thoughts about that? How the census does it versus how we'll need to do it and so forth?

MR. MCGHEE: That's a good question. So the census actually has a much more -- so I was simplifying things for the sake of the presentation. The census actually has much more complicated questions about race and ethnicity, including the option to choose that you are more than one race. There's a lot of people, and growing number of people who choose that option.

I think that that raises probably the most questions for your communities of interest analysis and for your Voting Rights Act analysis. There's a lot of legalities there that, you know, I'm not an attorney and so I wouldn't want to get into what would be the -- and I'm not -- certainly, I'm not only not an attorney, I'm not your attorney, so I wouldn't want to get into what would
be the right or wrong approach there. I think my sense
over the year of Voting Rights Act litigation is that
there's always something a little bit new and different
every time around in terms of thinking about those
questions.

You are, actually, also in a different space than
the Commission ten years ago because one part of the
Voting Rights Act, Section 5, which required you to
 preclear the results of your redistricting with the
Justice Department is no longer operational. It was
struck down by the Supreme Court. So you're in kind
of -- again, every time around there's something a little
bit different. But I think it's definitely something to
be thinking about and to be asking counsel.

CHAIR TURNER: Thank you. Commissioner Taylor?

COMMISSIONER TAYLOR: Good afternoon. I hope this
is a simpler question. As it relates to the ACS, the
monthly tabulation is 250,000 data points or is it a
sample poll subject to the survey return results? Do
they just wait till they get 250 data points to come with
that information or do they just send out 250,000 surveys
and whatever the rate of return is, that's what they
generate the numbers on?

MR. MCGHEE: That's a very good question. And I
think that's the sample size they shoot for, but you know
what, I'd have to double check that. There definitely is
a response rate to the ACS; not everybody responds to it.
The census tends to get much better response rates than,
you know, a typically public opinion survey, but there
are definitely people who don't respond. And you know,
I'd have to -- the number -- I believe that the actual
number of cases in the ACS is three million -- the number
of households. So they must be shooting for that target.
But that'd be something that I'd have to follow up on.
I'm sorry.

CHAIR TURNER: Thank you. Commissioner Toledo?

COMMISSIONER TOLEDO: In your opinion, how does the
growing number of nonpartisan individual -- people who
are not affiliated with either party factor into
developing some kind of measure for fairness among the
two major parties, given that that number of individuals
has grown so tremendously over the last ten years?

MR. MCGHEE: Yeah, that's a good question. So the
metrics that I just showed you are based on votes, and
not based on party registration. So they -- the reality
of people who register or identify as independent is that
they tend to lean toward one party or the other. And so
in our political system, we -- you tend to -- are -- be
faced with that choice between the two major parties, a
lot of it driven by the intense pressure toward one or
the other party by the presidency, honestly. And the
presidency and the Electoral College and the way that
pushes the outcome much more toward one of two major
parties.

So people typically have that as their major choice.
They typically -- if you press them in surveys to choose
a party, they will say that they lean towards one party
or the other, most of those people who are identified as
independents. And when somebody says that they lean
toward a party they actually are just about as reliable
both across all the races that they tend to -- that they
have an option to vote for, and over time from one
election to the next, they're much more loyal to that
party, even than some people who identify expressly with
that party.

But that's just a political science thing. And
there's always, of course, the potential that you could
offer another party that would start to, you know, cleave
off some support to the two major parties. Again, the
reality is that parties like that have a tough time
emerging in part because of the pressures of the
presidency, but also just the fact that the --
independents themselves are so diverse it's hard to come
up with a package of proposals that brings them all
together, if that makes sense.
CHAIR TURNER: Commissioner Sadhwani and then Kennedy, please.

COMMISSIONER SADHWANI: (Audio interference), Professor McGhee, for your presentation. I'm surprised you didn't go on to talking about Duverger's law. No, but I wanted to ask you -- thank you, again, for your presentation, for coming today.

I wanted to ask you about how you ended the presentation on efficiency gap and these aspirational goals of having, you know, relatively -- having competitive districts. Certainly, I can understand that reason for that, right, and of course, there is this provision that we should not be favoriting -- you know, having any favoritism towards a party. And yet at the same time, I know you also work on, you know, you have worked on open primaries in the top two primary, which, I think in 2010, 2011 the Commission wouldn't have had a sense of exactly how that might play out.

Because over the last ten years we've seen that competition now means something different in California because unlike any other state, right, we operate in such a way that districts can be competitive within a party, right? That we can have two Democrats or two Republicans competing in a district. I'm wondering if that's a part of your measure of the -- or your application of this
efficiency gap measure for California, or the extent to which you, you know, in your view you think that we should be looking at that or considering that when we're thinking about competition levels. Obviously, there's no measure of strong versus weak Democrat, strong versus weak Republicans from a census perspective, but it -- I'm wondering to what extent it continues to be a high priority?

MR. MCGHEE: So I think your question was -- and I apologize, because my internet started to stutter a little bit there. But I think your question was how does the role of the same party races with the top two primary play into some of this question of competitiveness and partisan favoritism. Is that right?

So I think the answer is that these questions of partisan favoritism are about the comparison between the parties, and when you have a same party race you don't have that kind of comparison. So for those, the way that I have typically handled those races is to try to essentially project what the outcome in the election might have been if it had been a two-party race. Those districts tend to be very uncompetitive and so the outcome is likely to be a win for whatever party has the same party race in the first place.

But it does look, definitely, like, same party
races, but also just more generally, uncontested races, which is kind of, in a partisan sense, is a similar kind of idea. That presents complications for any kind of analysis of fairness between the parties. And so you have to sort of try and make some educated guesses about what those races would be like otherwise.

In terms of competition, whether you have a competitive district, again, I think when we speak of competition sort of aspirationally, people think of the competition between the parties, but that's not necessarily the case. There's certainly a lot of the advocates for the top two primary argued that it's a more competitive system because it allows for a competition -- for a choice, essentially, between two wings, perhaps, of the same party in the fall. And that's a form of competition of its own; it's not cross-party competition, but it's a form of competition.

So I think whether or not -- so in terms of what you have as your goals, I think competition is a lot less clear in the law as a goal. It's something that, again, was aspirational. But the only way it really creeps in at all is through saying don't favor incumbents. Otherwise, it's not really in there, that I can see. Whereas, the partisan favoritism is kind of more explicitly in there, don't favor a particular party.
And so my suggestion about using some kind of partisan fairness metric was really into the spirit of that part of the law that says, you know, you don't want to favor a party, and so maybe you might, if you could do it carefully, you could avoid favoring a party by having explicit metrics. Again, the last Commission, the way they approached this was to not look at partisan data at all. And that would certainly be a viable option, it just would raise the risk that you might accidentally favor one party or the other in plan that you drew. But it's certainly a defensible, I think, approach to just not look at the partisan data in the first place.

CHAIR TURNER: Commissioner --

MR. MCGHEE: Does that answer your question? I'm sorry, that was --

COMMISSIONER SADHWANI: Yeah, I think so. I mean, I think for me I'm just trying to think -- I mean, as an aspirational goals -- yeah. It answers, it answers my question. You know, I think it's an ongoing piece that we'll have to think about and consider, right, when we're thinking about, well, are we going to be judged on this measure of how many people voted for Democrats or Republicans ten years from now when that might not actually be the case given our electoral system.

CHAIR TURNER: Thank you. Commissioners, we have
next Commissioner Toledo and then Sinay, but we're also right at the time required, I believe, for our break. And so at this point, so that we don't cut off in the middle of you, Commission Toledo, I'm going to ask that you hold your comment. We'll take our break and return at 3:15.

Commissioner Ahmad, we'll have you take over at that point.

And we'll go Commissioner Toledo and Commissioner Sinay.

COMMISSIONER SINAY: Thank you.

CHAIR TURNER: And then Commissioner Kennedy.

COMMISSIONER KENNEDY: No, I thought you had said that I was next after Sadhwani.

CHAIR TURNER: Ah ha, I did say that. So Kennedy, you'll jump in before Toledo and then Sinay. Thank you.

(Whereupon, a recess was held.)

VICE CHAIR AHMAD: Welcome back. Thank you, Mr. McGhee, for sticking with us. We had a few more questions related to your presentation. I have in the queue Commissioner Kennedy, then Toledo, then Sinay.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Madam Chair. Mr. McGhee, thank you very much for the presentation, very helpful. When you talk about undercounts, the census
itself is an enumeration. So on the -- what's the
basis -- how do you calculate an undercount or an
overcount?

MR. MCGHEE: So there's two main ways of doing the
undercount or overcount. The first is there's this
survey that they do that -- post-enumeration survey, they
call it, where they do a sample of census blocks, and
they go around and they reinterview them, and they just
try and collect all the same information again. And then
they compare that to what they got the first time, and
that allows them to develop some estimates of what the
undercount might be.

The other way is demographic analysis where they --
they take the most recent estimates of the population
that they have, and then they add births, deaths,
migration to that, and then -- which, of course, the
births and deaths are pretty solid. Migration is itself
quite an estimate, and then they use that to try and
offer up what they think the number could have been.

Neither one of those methods is perfect. Neither
one of them is able to provide estimates at a highly
precise level of geography, especially because the
migration means that people move around all the time, and
so you don't know exactly where people are by the
demographic analysis, for instance. The post-enumeration
survey is only a sample of census blocks. It's not all the census blocks. So you can't provide a super-detailed level of geography for that.

So they can just give you a sense and at some level of geographic detail for the nation, give you a sense of what the quality of the count was.

COMMISSIONER KENNEDY: Thank you.

MR. MCGHEE: Also I was just going to -- I looked up during the break, the answer to the question that I think it was Commissioner Taylor had about the sample size for the ACS, and the answer is that the three million number is basically the number of households that they intend to -- that they sample and that they intend to interview.

Their final number of interviews, which is -- there's a lot that goes into that in terms of who responds but also in terms of how many -- how many of those households are actual occupied households. So in 2018 it was more like 2.5 million actual interviews that they conducted.

COMMISSIONER KENNEDY: Thank you.

VICE CHAIR AHMAD: Commissioner Toledo.

COMMISSIONER TOLEDO: Thank you. You spoke earlier about the shortened time line and how it's unclear whether the shortened time line will lead to a good
census, for lack of a better word, or an undercount.

Do you have any concern for any particular community or any geographic area, or is it just your -- just too soon to know whether the census will -- the quality of the census rather, or is there anything that you could -- any additional guidance you could provide, or clarification?

MR. MCGHEE: That's a good question. So the best that you can often do is talk about the kinds of groups that tend to be underrepresented and then look at where people from those groups tend to live. So the kinds of communities that are undercounted include noncitizens, include Latinos, African Americans, especially young African Americans. Very young children are undercounted, and they've actually been -- the undercount for very young children was actually a little worse in 2010 than it was in 2000 even though the overall -- the undercount number for the nation as a whole was better.

And young people also, just in general, tend to be undercounted, people who are in -- who are renters, who are in some kind of group quarters so they don't -- also who don't, you know, live in a single family home, for instance, they tend to be undercounted. So it's a wide range of different groups, and the actual rate of undercount tends to vary across those groups.
So we actually -- the PPIC did a -- we did a study where we used some of that information about undercounts within groups to provide some estimate of where the undercount was likely to be higher within California geographically. We have a map for that. Maybe I can find that link and put it in the chat for you guys. Would that work?

MS. JOHNSTON: Probably not in the chat because I don't think that's accessible to everybody who's not on Zoom, so it would have to be posted.

MR. MCGHEE: Oh, okay.

MS. JOHNSTON: If you could send it to -- send it to Raul, and he can see that it's posted.

MR. MCGHEE: Okay. Terrific.

VICE CHAIR AHMAD: Go ahead, Commissioner Sinay.

COMMISSIONER SINAY: Thank you, Madam Secretary -- Madam Chair. I guess I'm still kind of thinking along the same lines as Commissioner Sadhwani on the point around fairness. And I know that people, when they talk about the success of the 2010, they say that it -- that there was more political equity because the State Legislature and State Senate had looked -- resembled more the diversity of the state.

Is there -- have you looked into how to create a measurement of political equity versus fairness?
MR. MCGHEE: And by equity do you mean that the --

COMMISSIONER SINAY: Fair representation.

MR. MCGHEE: -- representatives are more

representative of other characteristics of the population

and not just partisanship, is your question?

COMMISSIONER SINAY: No partisan. Just leave out partisan.

MR. MCGHEE: Yeah. Yeah. So I have not looked at --

COMMISSIONER SINAY: So gender and race -- yeah.

MR. MCGHEE: Right. So I have not looked at that question myself, but there actually was a report that just came out of the Schwarzenegger Institute at USC by Christian Grose. He's a highly respected political scientist, and he looked at that question, and he basically found that it was -- the representation in California was more diverse after the redistricting than before it, but I would encourage you to go and look at that report if you’re interested in more detail on that.

COMMISSIONER SINAY: Thanks.

VICE CHAIR AHMAD: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Just to respond that the report -- in full disclosure, Christian Grose was my dissertation advisor, and the report produced is largely
based on some numbers that I had published in the Journal of PS, Politics and Political Science, which I looked at this specific question.

And yes, there is a larger number of people of color, female people of color -- female women of color, but generally speaking, women, white women, have reduced.

MR. MCGHEE: That's -- that explains why you brought up Duverger's law earlier.

COMMISSIONER SINAY: Just for the Commission, I think one of the things we might want to -- we may want to put on our agenda is kind of define -- you know, talking a little bit about aspirational goals, if that makes sense, and the different ways that we might be able to measure that because in the end, as much as they're not legal goals, those are the ones that people tend to remember.

VICE CHAIR AHMAD: Do we have any additional questions for our guest speaker?

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Just quickly. Commissioner Kennedy had asked about the undercount, and you had mentioned that -- how they determine that is count the census blocks. Is that the Census Administration that does that, or who does that?

MR. MCGHEE: Yes, the Census Bureau themselves.
They do both the post-enumeration survey -- which actually I think they changed -- they keep changing the name of it. I think they changed the name to something different, and they changed it back to post-enumeration survey for this cycle. So -- but they have that survey, and then they have the demographic analysis, and they do both of those.

But our own Department of Finance also does its own demographic analysis --

COMMISSIONER FERNANDEZ: Okay.

MR. MCGHEE: -- that is separate from the census, and as I mentioned earlier in the presentation, doesn't always come to exactly the same conclusion, so they tend to be in the same ballpark of each other.

COMMISSIONER FERNANDEZ: Okay. Then just one other quick -- I missed the specific where you talked about it was the ACS versus the CPS. Which one does the post-election survey?

MR. MCGHEE: So the one that does the survey of voter registration and turnout, you're saying?

COMMISSIONER FERNANDEZ: (Audio interference) election survey.

MR. MCGHEE: Sorry?

COMMISSIONER FERNANDEZ: Didn't you mention a post-election survey?
MR. MCGHEE: Yeah, so they do a post-election survey where they -- every two years where they ask about voter registration and turnout, and they don't ask any partisan questions, but they ask about turnout and voter registration, and that's -- that's the Current Population Survey. It's also a product of the Census Bureau, but it's different from the ACS.

COMMISSIONER FERNANDEZ: Okay. Thank you.

VICE CHAIR AHMAD: Do we have any additional questions?

Seeing none, counsel, Raul, are there any last points you all would like to add on this item?

MS. JOHNSTON: Public comment. AT&T.

VICE CHAIR AHMAD: Thank you for your presentation. It was very insightful.

MS. JOHNSTON: I'm sorry. You need to ask for public comment. He may need to respond to questions.

VICE CHAIR AHMAD: Okay. Sure. Justin, is there anyone in queue for public comment at this time?

PUBLIC COMMENT MODERATOR: We have no questions in queue over the phone lines, Madam Chair.

VICE CHAIR AHMAD: Thank you so much, Mr. McGhee.

MR. MCGHEE: Thank you.

MR. VILLANUEVA: Thank you.

VICE CHAIR AHMAD: All right. Moving right along,
before lunch we were on item number 14, and we left off
with Commissioner Andersen, and we can pick up right
there.

Commissioner Andersen, would you still like to have
the floor at this time?

COMMISSIONER ANDERSEN: Thank you. Yeah, I was just
trying to sort of wrap this up, and I would need a little
assistance from Mr. Villanueva in terms of if we can do
this. I believe the group is in agreement on we don't
want to just throw out these wonderful -- this work we've
done to this point. We'd like to proceed, but we -- a
few of us have very valid points that they'd like to
maybe tweak, you know, a slight modification, and I'm
wondering if we can do, like, a short addendum or in
terms of, you know, additional information.

I know you can do that on -- in the private sector
you can certainly do things like that. So I don't know
if we can do that as well or not. And if we can, I think
our time frame such that we have to have the two-week
window before we can actually come back as a group and
discuss all of this and make it (indiscernible), would --
could very possibly dovetail into -- we put out an
agenda -- an addendum right now.

There are -- we put three subcommittees together,
two people, to quickly write up -- everyone forwards
their information -- modifications to those subcommittees, they come back with a quick proposal, and it can then go out while the -- while we're continuing on. So is it possible to do that, dovetail at the same time? Is that at all possible?

MS. JOHNSTON: You have to ask other people -- ask the same people if they want to be a part of it.

MR. VILLANUEVA: Well, there's -- okay. So I'm going to kind of bottom line it here. So right now you're looking at three primary approaches. Across all three of them, you can -- you can -- the Commission can identify a subcommittee of two, go through the screening, design, the selection part of the process, and engage it.

The first option is you accept the current recruitment, in which case we move directly to the screening process, right. You get to look at the applications, go through that, and prepare for whatever the next step is, if you find candidates within there to interview or not, because you do have the option of rejecting all applicants.

The second one that has just been suggested is you modify what you have in the recruitment. In that case, you still have a new recruitment. It doesn't change -- it doesn't save you much time from having a completely new recruitment. You still have to go ahead through the
process of allowing adequate time for that recruitment to occur and especially in this regard with tweaking it, allowing those folks who have already applied to reapply should they choose to, given the change in the recruitment.

COMMISSIONER ANDERSEN: Sorry. Let me do a quick interruption here. Yes, but we could at that same time, having our subcommittees put together the questions for the interviews, and we could also put a date where we need these submitted by and coordinate that with our date of posting, when we can actually as a group do anything about them. So could those dovetail, is what I'm trying to say.

MR. VILLANUEVA: Okay. What I'm saying is the thing that's going to take the longest amount of time is the extension of the recruitment period, to actually put it out there long enough for people to be able to review it, respond, and get the applications back. On the front end of that is also the part of the process of reposting of them.

So that part you're not going to save time on, is what I'm saying, whether it's a new recruitment or a, quote unquote, tweaked recruitment, it's still functionally another recruitment.

COMMISSIONER ANDERSEN: Right.
MR. VILLANUEVA: Because you made changes to it.

MS. JOHNSTON: And people would have to reapply.

Those who applied this time would have to decide if they wish to reapply.

COMMISSIONER ANDERSEN: Okay. Okay. The way, like, in private bidding basically it would be an addendum, and they don't have to do a full application. It's, do you want to modify your application, or do you want to withdraw, or just add this in addition to. So it's a much shorter window. It's not a full application.

MS. JOHNSTON: Well, except for the new people it would be. You would also be soliciting --

COMMISSIONER ANDERSEN: Yes, yes.

MR. VILLANUEVA: Yes, because remember the basis -- if I may, the whole basis as I understand it from wanting to make adjustments to the original recruitment flyers, is that there's an idea that if you adjust the recruitment flyer it's going to enhance your candidate pool or get you different candidates. That's why,

functionally speaking --

COMMISSIONER ANDERSEN: Right, (indiscernible) recruiters.

MR. VILLANUEVA: That's why functionally speaking -- that's why functionally speaking it is a new recruitment and needs to be treated as such and won't accrue any
difference in time savings. That's all I'm pointing out.

COMMISSIONER ANDERSEN: Okay. All right.

MR. VILLANUEVA: Personally I don't have any
attachment except to one thing, and that is helping you
as a group to understand as you maneuver through these
choices, what are the implications of them so that you
understand as you make your choices. Because all of them
are viable, just each one of them has different pluses
and minuses in terms of time and what you can do. But
ultimately at the end of it you'll end up with a pool of
applicants, you'll still get your subcommittees, you'll
still go through that process of developing your
selection process and go through the selection process.

It's just how soon do you want to do it.

MS. JOHNSTON: If I could add, if the Chair wishes,
the subcommittees could be established now for each of
the jobs to be working on the questions, but that
wouldn't really save much time because they could do that
once you get the applications and decide to have a
meeting.

VICE CHAIR AHMAD: I have Commissioner Vazquez and
then Sinay.

COMMISSIONER VAZQUEZ: Yeah, I guess I'm -- I think
we've -- I'm sort of in agreement or almost certainly in
agreement with Commissioner Andersen. I think it may, in

terms of reopening a new recruitment, it would, in my
mind, be sufficient enough for our purposes to have the
new recruitment run parallel to a two-week notice, so
we're talking about an additional maybe five days to
tweak the posting, repost, disseminate the way they were
disseminated, right, like, I guess --

MS. JOHNSTON: You'd also need to receive the
applications by the due date and then have your
committees review those to decide who the -- who they
recommend the Commission to interview.

COMMISSIONER VAZQUEZ: Right. So I guess -- but all
these things would happen still in parallel, so maybe the
committees would need an extra week, an extra two weeks
to review the additional applications that come in or any
amendments to the first pile that come in.

I mean, maybe that's too -- maybe that's wildly
unrealistic for how much work the committee can do in a
week, but I also imagine if we're still on this, like,
fast track time line -- which I do agree, there is a
sense of urgency to get people hired soon. They're going
to have to do it quick -- they're going to have to go
through the pile -- the pile we have now in two weeks --
two or three weeks anyway, it sounds like.

MR. VILLANUEVA: And I guess what I'm pointing out
isn't that part of the process, it's the other part which
is developing the recruitment advertisement, taking the
time to do that, to put it out, get it posted and give
adequate time for people to understand that it's there
and respond to it. Two weeks is really -- is really not
a lot of time.

VICE CHAIR AHMAD: Commissioner Sinay, then Toledo,
then Fernandez.

COMMISSIONER SINAY: I feel like we're still having
a conversation without having all the facts in that -- so
we can't review any of the applications currently -- if
we say, yes, we like all these propose -- we like the
RPs, we're going to -- or sorry the job postings, tell us
how many applications we have, we create committees. We
can't do any of that until -- we can't start that process
for two weeks or we can't --

MS. JOHNSTON: You can't have your interviews for at
least two weeks.

MR. VILLANUEVA: Or review the applications.

COMMISSIONER SINAY: Do we need -- so do we need to
agendize all interviews --

MS. JOHNSTON: Yes.

COMMISSIONER SINAY: -- for the staffing?

MS. JOHNSTON: Yes.

COMMISSIONER SINAY: Okay. So that --

MS. JOHNSTON: Not necessarily the names of the
individuals, but that you are having interviews.

COMMISSIONER SINAY: Okay. So -- but in the -- okay. So that -- that's part of it. Second of all, do we still not -- is it -- why do we still not know how many applicants we received to kind of have a good feel for each of the three jobs if we have a good pool or not? Because I feel like we're having a conversation, and if we only have three applicants for all the -- yeah. We may get no better --

MR. VILLANUEVA: The reason is because we haven't gotten to that point in my presentation.

MS. JOHNSTON: So Raul does have that information.

MR. VILLANUEVA: Yeah, I do have that information.

COMMISSIONER SINAY: No, I realize you have it. So what you need from us at this point is just to be quiet so that you can continue your presentation? I think I'm just -- I'm just trying to figure out where we're stuck right now.

MR. VILLANUEVA: Where the conversation to me got -- got -- and I use this word respectfully -- sidetracked was in terms of the group wanting to make a decision about the process before finishing hearing about the process. That's okay because at a certain point in time you can just stop and go, this is the process I want; I don't need to hear about these other things. And so --
but again, respectfully, that's why.

So why don't I just tell you how many applicants you have. So for the chief counsel you currently have four applicants. For the executive director you currently have sixteen, and for the communications director you currently have twenty-two.

VICE CHAIR AHMAD: Commissioner Toledo, you had your hand up, and then Fernandez and then --

COMMISSIONER TOLEDO: I guess the only point I wanted to make was that people did go through the application process and have submitted their application, and for us to reopen would require -- my understanding, based on what I'm hearing, is that they would have to reapply and go through the whole process again, which may be a hardship for some individuals, and so -- and may -- and maybe -- may not look well on the Commission.

VICE CHAIR AHMAD: Fernandez.

COMMISSIONER FERNANDEZ: So --

MR. VILLANUEVA: May I make a suggestion, please?

COMMISSIONER FERNANDEZ: Okay. Go ahead.

MR. VILLANUEVA: If you do go ahead and accept the recruitment, you can identify the two -- the three different pools now to go ahead and do the review. That means that before the end of this meeting each subcommittee can have a recommendation back to the
Commission on whether that they have identified potential applicants to interview.

If you have, then we can agendize in two weeks interviews, and that gives us two weeks to invite people to interviews. If, on the other side of it, a subcommittee identifies that they have identified zero candidates, then you can move forward with the new recruitment knowing that you've taken advantage of what is there for you. Just a suggestion.

COMMISSIONER FERNANDEZ: You must have been reading my mind because that's where I was going because we still have a few more days with our meetings, and you're correct, we could actually go through those applications and decide whether or not we have a candidate pool that would suit our needs and then, like Raul said we could at that point set up interviews for -- you know, we're giving people two weeks' notice, which would be great.

And the second piece of it was I thought before when we were talking about it there seemed to be some consensus in terms of executive director and the chief counsel, we seemed to be leaning towards those were okay, and the one we had a bigger issue with was with the communications, and so -- I'm just trying to make sure, like, keeping things forward instead of trying to go back and redoing all three.
So I'm not sure how to address this, but I agree that we should probably assign the subcommittee, and I would agree that we should review those applications, because we don't know. What we have might be -- might suit our purposes right now. So just trying to move forward at this point, basically.

VICE CHAIR AHMAD: Commissioner Yee? You're on mute.

COMMISSIONER YEE: There's a little bit of water under the bridge. But there was a Commissioner who didn't want to hear the numbers, because it might influence the sense of the -- oh, that was you. Okay. Well, sorry. Nobody jumped in at any time. Anyway. That's water under the bridge.

I'm wondering if -- let's see. I'm echoing -- I want -- I want to echo Commissioner Toledo's comments. You know, these people have applied in good faith, and speaking as one who had a family member just go through a job search, you know, nothing's worse than applying and -- and hearing crickets, right? So I think it would behoove us to respond in a timely fashion to these folks.

I'm wondering if the concerns, especially about the communications director, can be picked up in the interviews and the job -- the actual job descriptions when we get to that stage. I'm thinking, you know,
anyone who applies to be communications director are pretty high-level today. You know, it's unlikely that they're still just thinking Facebook and not quite up to speed, you know, on other modalities. And I could be proven wrong, but I'm, you know, I -- I think I'd be willing to pretty optimistic about that.

So if we can pick up those concerns at a later stage and not get stuck in that now and after we start that whole search, I think that would be worth it. I think we can be pretty optimistic about that.

MR. VILLANUEVA: If I might reframe the concern about communication director. The concern is whether or not that recruitment was adequate to get you the types of people you want, not about the pool. It's about whether that recruitment will get you those people you want.

We've got twenty-two individuals. I say stop and see.

COMMISSIONER YEE: Yeah, I agree.

VICE CHAIR AHMAD: Thank you, Commissioner Yee.

I -- just a quick comment on the numbers piece. I had already voiced my standing on the job posting, so it's okay at this point to hear the numbers. So it is what it is.

Commissioner --

MR. VILLANUEVA: My apologies. I was going with the group.
VICE CHAIR AHMAD: No, no, you're good. You're good.

Commissioner Fornaciari, you had your hand up?

You're on mute.

COMMISSIONER YEE: Everyone's getting tired.

COMMISSIONER FORNACIARI: Well, that was the most profound thing I've said the whole time and you didn't hear it.

COMMISSIONER TOLEDO: That was great.

COMMISSIONER FORNACIARI: Okay. I feel like, you know, we've had a really robust conversation on this topic. I feel like before the break, we were kind of on the same page to go ahead and accept the postings as they were, set up three subcommittees to review and -- and go forward. And I -- I really like the idea to -- to do it more expeditiously so that by the time we get to the end of our agendized meeting, you know, I hope that we can be in a place where the subcommittees can recommend.

So I'm going to make a motion that we go ahead and vote on accepting the three job postings as they are and set up three subcommittees to review those postings.

COMMISSIONER YEE: I'll second the motion.

COMMISSIONER LE MONS: I want the pleasure of seconding that.

COMMISSIONER YEE: It's all yours.
MR. VILLANUEVA: I'm -- I'm sorry, who --
COMMISSIONER ANDERSEN: I have --
MR. VILLANUEVA: Who second it?
COMMISSIONER FORNACIARI: I've been waiting for you, Commissioner Le Mons.
MS. JOHNSTON: I have -- I have one -- one technical problem with that is that you have not scheduled a closed session. So you would have to be discussing the applications in open session, which is okay, if that's what you want to do.
MR. VILLANUEVA: No. No, they're just talking about -- about setting up the subcommittees to review.
MS. JOHNSTON: Right.
MR. VILLANUEVA: They could do a second -- couldn't they do a second motion to -- to have --
MS. JOHNSTON: You'd have -- you'd have --
MR. VILLANUEVA: -- to have it in the future.
MS. JOHNSTON: You'd have to set up the -- the closed session in the future with fourteen days' notice.
MR. VILLANUEVA: Correct. That's what I thought.
MS. JOHNSTON: Okay.
MR. VILLANUEVA: I thought that's what you're -- what they were doing.
MS. JOHNSTON: I thought you were going to have the subcommittees come back during this meeting.
COMMISSIONER FORNACIARI: Okay. So we -- so
we -- so -- okay.

MR. VILLANUEVA: They could --

COMMISSIONER FORNACIARI: Let me -- let me see if I understand though.

MR. VILLANUEVA: All right.

COMMISSIONER FORNACIARI: I mean, if we have a closed meeting to review the applications or to review the recommendations. Is that right? We have to have a closed meeting to review the recommendations from the subcommittees. That was my understanding.

MS. JOHNSTON: Unless you get the approval of the applicants to be discussed in open session, because it is a personal matter.

COMMISSIONER FORNACIARI: Okay. But that -- if we -- if we -- I mean, so the soonest we could do that step is two weeks.

MS. JOHNSTON: Right. If you schedule something today --

COMMISSIONER FORNACIARI: If we decided today to agendize that in a meeting two weeks from today.

MS. JOHNSTON: True.

COMMISSIONER FORNACIARI: Okay.

VICE CHAIR AHMAD: I saw Commissioner Sinay and then Fernandez.
COMMISSIONER SINAY: I just wanted to add a small amendment, if it's -- if you will accept it, just to say that because Madam Chair gets to select the subcommittee members, if we can try to make it one from each party, so that when candidates come forward, it's -- it's been looked at -- when, you know, from two different parties, I should say, because we have three different groups. But just to make sure that we -- we think about that since this is our -- our executive committee. I mean, our executives.

VICE CHAIR AHMAD: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Actually, my -- my question was, Counsel, I know you're saying we have to wait two weeks, but I believe if we come back -- if the subcommittees come back and they say, yes, we believe we have viable candidates and don't name the candidates, I think we can discuss in that general terms, correct?

MS. JOHNSTON: True.

COMMISSIONER FERNANDEZ: If -- we're not discussing the application and the details and specific names. We're just discussing, yes, we do believe we have enough individual applicants for each of the three positions that we advertised for.

MS. JOHNSTON: That would be appropriate -- proper.

MR. VILLANUEVA: Yes.
COMMISSIONER FERNANDEZ: Okay. So -- so we wouldn't have to wait two weeks. We could potentially, if -- as long as everyone agrees, and have the confidence in whoever's on the separate committees, that they feel they have enough applications, we can go -- we can move forward and in two weeks hold interviews, and in the interim the subcommittee in the -- maybe drafting up some questions and at least seeking feedback in that sense.

MS. JOHNSTON: As long as you give -- you need to give the applicants time to arrange to come to the meeting -- attend the meeting, not come.

VICE CHAIR AHMAD: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: I think, just so that I'm hearing -- I think I'm just going to repeat what I'm hearing. So I think given what Commissioner Fernandez said, I would still -- and I don't know if this is an amendment to the motion. I would still amend the motion to say that we should agendize closed interviews, so then we're not losing time where we're out another, let's just say a few days after the general conversation goes on. So if we decide today that we want to at least agendize it. I mean, if we decide next week there isn't a viable pool, then we could just say that, you know, agenda item closed and -- and just move on, and then we'd have to just restart everything anyway, so.
MS. JOHNSTON: I -- I don't know if we could get the notice out today, logistically, and we're your staff.

We're --

MR. VILLANUEVA: If I mean note, I -- I think that there's kind of a cross-communication occurring that the original idea, if I may, and correct me if I'm wrong, because, Commissioner Fornaciari, in terms of understanding what you're -- let me collect my thoughts here. Oh, my goodness. But that the original idea is to set up the three subcommittees, they do the initial review, they come back during this meeting next week, and they report one thing: either, yes, I believe we have a pool of applicants to interview; or B, no, I do not think we have a pool of applicants to interview. Done.

At that point in time, on Thursday or Friday when the Commission meet again, that would be the point to identify if we're going to put some -- or if you are going to put something on the agenda that then gives direction to staff to proceed forward with creating that agenda item, and under your direction, to start inviting those people that you've identified to come to an interview, which would be agendized for the next meeting as closed session. That's how I understood the process.

There was the intent behind the motion.

MS. JOHNSTON: Well, I guess that's the question.
When would you like the meeting to be scheduled, two weeks from today, or two weeks from Thursday or when?

COMMISSIONER FORNACIARI: Tomorrow. Just a joke.

Sorry. You know, as soon as we can. But, I mean, it's, you know, I think in -- realistic, right, it -- it's going to be two weeks from some time next week when, I think --

MR. VILLANUEVA: Yes.

COMMISSIONER FORNACIARI: -- what Raul is saying is, you know, Wednesday or Thursday, conceivably the subcommittees come back, yes or no. Then -- then if it's a yes, then we agendize meetings a couple of weeks out from then. That's -- that seems reasonable to me and kind of what I was hoping would be the outcome.

VICE CHAIR AHMAD: Commissioner Kennedy and then Toledo.

COMMISSIONER KENNEDY: Thank you, Madam Chair. Two things. One, could the subcommittees also come back with proposed questions that we could discuss? Those wouldn't have to be -- I mean, my understanding from the discussion earlier was that those could be discussed in open session. Second, I would propose that the first interviews be agendized for two weeks from Monday. If by next Friday we decide that we're not going to move forward, that could be canceled. But we can't move it up
if we do want to go ahead.

So if we -- if Monday notice goes out that those first interviews will be two weeks from Monday, we have through the end of the week to hear back from subcommittees with a yay or nay, and hopefully, with some general idea of, not questions, but you know, what we're going to be focused on during the interviews. Thank you.

MS. JOHNSTON: Yes, that would be possible. The problem is, and this -- this is a limitation you can live with, is that the only things you can discuss at that meeting are things that are on the agenda. So you couldn't decide next Thursday that you wanted -- the things that we've been saying you want to have it on the agenda for the future. You'd have to schedule another meeting for that, because they won't be on the agenda that goes out Monday.

VICE CHAIR AHMAD: Commissioner Toledo, and then Le Mons.

COMMISSIONER TOLEDO: Yeah, I have a quick question. In the unlikely event that we -- that we don't have -- the candidate pool isn't sufficient to meet the needs, so if we don't find any candidate that we are looking for, would we be able, at that point, to bring back edits to the post thing during this session?

MS. JOHNSTON: Yes. Yes, that's certainly within
the scope of the notice.

MR. VILLANUEVA: And I'm shaking my head yes. I think -- I think you have to think broadly in terms of the time you have and the opportunity you have. And if the time an opportunity is when those -- that's each subcommittee is doing its review. Plus, I'll be working with you. Marian will be working with you. So if that's something that the subcommittee is identifying, then we'll help you in terms of -- of delivering this -- the additional product. Does that makes sense?

VICE CHAIR AHMAD: Commissioner Le Mons?

COMMISSIONER LE MONS: Yeah. I just wanted to say that Commissioner Fornaciari's motion -- well, let me back up and say, we're just taking one step, and we don't have to solve everything in one motion. And to move this --

MR. VILLANUEVA: Right.

COMMISSIONER LE MONS: -- thing along, we have to go step by step. So if we could just do this part, and then later in the agenda, we have a whole agenda item about our future agendas. So anything that we need to get handled business-wise that we're accumulating over the course of these days, we can agendize it then, whether that's one meeting or two meetings or however much it's going to require.
But if we could start to try to organize our thoughts in a way that there's a place for certain pieces of this, not that when it comes up and out it's not important, but just where we place it is the part. So all we're talking about is what was already laid out and I think clarified already. So I'm not going to repeat it.

And there's a scope with the subcommittee that they're going to come back with information that will then inform our next step. But without that information, we -- we can't take that next step. So if we could have the motion repeated, and everybody can kind of think about, I guess, can we move to a vote on that motion without amending it and expanding it and keep it very narrow? That's my ask.

VICE CHAIR AHMAD: Commissioner Akutagawa, and then Anderson.

COMMISSIONER AKUTAGAWA: I think just for clarity, it's -- what I was speaking about is specifically the interview with the candidates. And my understanding is that whether it has to be agendized, whatever, that that's all that will be done at that meeting, because it would have to be a closed meeting --

MS. JOHNSTON: What --

COMMISSIONER AKUTAGAWA: -- and that I didn't expect
that there would be anything else discussed at that
meeting.

MS. JOHNSTON: That's the -- that would be fine if
that's all you want to do at that meeting. I was
expecting that you'd want to discuss some of the other
things that you've been bringing up. Because you can
easily combine an open meeting and a closed meeting.

COMMISSIONER AKUTAGAWA: Oh, okay. Okay. All
right.

VICE CHAIR AHMAD: Commissioner Anderson and then
Fernandez.

COMMISSIONER ANDERSEN: I just have a very quick
one. The motion, I am not sure if I heard this
correctly, but did you say we accept the -- not the
proposals. But I guess -- I guess the proposals.
If -- if we decide not to, I mean can we say we're
proceeding with them? And you know, I'm, you know, a
fine line here. If we accept them and then later say,
no, we didn't find anybody, are we in trouble?

MS. JOHNSTON: No.

MR. VILLANUEVA: No.

COMMISSIONER ANDERSEN: Okay.

MR. VILLANUEVA: No.

COMMISSIONER ANDERSEN: Then -- then I -- that's it.

MR. VILLANUEVA: Yeah. You've made a good faith
effort, and your reward is to be able to proceed with
knowledge, in terms of how to proceed and refine.

Commissioner Fornaciari, if you would repeat
your -- I'm going to put the challenge on you. If you
would -- if you would please repeat --

COMMISSIONER FORNACIARI: You're tell me?

MS. JOHNSTON: With your microphone on.

MR. VILLANUEVA: -- your motion?

COMMISSIONER FORNACIARI: Oh, my gosh.

MR. VILLANUEVA: Yes, with your --

COMMISSIONER FORNACIARI: Am I in -- okay.

MR. VILLANUEVA: -- with your microphone on too, please.

COMMISSIONER FORNACIARI: Oh. Oh, man. I was
hoping someone else wrote it down. Okay. So --

MR. VILLANUEVA: I got -- I only got part.

COMMISSIONER FORNACIARI: So my motion is to accept
the job postings as they are, review the applicants that
we have in place, and set up three subcommittees to
conduct reviews. I don't think we need to add -- I mean,
it's my feeling I don't think we need to add anything
else to that motion. The makeup of the subcommittee is
the purview of the chair. And -- but you know, I think
the guidance that was suggested is good guidance, but I
don't think it needs to be part of the motion.
COMMISSIONER LE MONS: And I second it.

MS. JOHNSTON: I have you down.

VICE CHAIR AHMAD: I believe in the motion, we actually don't even have to include the subcommittee part. We can just appoint that. We -- if -- if we want to make the motion even cleaner. But Commissioner Fernandez had her hand up too, so I want to make sure that we give her a chance to speak.

COMMISSIONER FORNACIARI: Well, do you want me to undo that part of the motion then?

VICE CHAIR AHMAD: I don't know if it matters too much, but --

MS. JOHNSTON: It doesn't matter. It can be done either way.

COMMISSIONER FORNACIARI: Let's leave it.

MR. VILLANUEVA: It's -- so it's a --

COMMISSIONER FORNACIARI: The third one, I can see Commissioner Le Mons. Let's leave it.

MR. VILLANUEVA: It's a pretty clean motion, if I may. It's got two major clauses in it, basically. But it's very logical. I've seen -- I've seen some crazy ones. This one's good.

COMMISSIONER FERNANDEZ: I'll save my comment till after we vote, because it doesn't really pertain to the motion I commented on.
MS. JOHNSTON: You do need to have public comment before you vote.

VICE CHAIR AHMAD: Yes. Yeah. So we need to open for public comment and then we can take a vote on.

Is there anyone in queue for public comment, Justin?

PUBLIC COMMENT MODERATOR: Yes, we first turn to the line of Peter Cannon. Please go ahead. Your line is open.

MR. CANNON: Hi. My apologies. My name is Peter Cannon, and I appreciate the opportunity to share my thoughts about your discussions regarding staffing. I want to thank all Commissioners and all staff for your service for this difficult undertaking. My chief suggestion is for you to consider separating criteria from recruitment. On criteria, the key thing is that during a public process, the job descriptions are yours. If you choose to adopt the ones prepared by staff, that is perfectly fine. But it should be your decision made in the public light.

However, on recruitment, I'd suggest the work has not been sufficient to date. The (indiscernible) voters report on the last process, Commissioners -- quote, "Commissioners should make hiring decisions from the widest array of qualified applicants". The report continues, "The job search should not prioritize
experience with adding citizen" commissioners -- excuse me, "commissions or elected boards, retired city managers, chief administrative officers, heads of government departments, or executive directors of boards and commissions at the state, county, or local level, would have constituted a rich pool of candidates who would have been familiar with how to guide a new commission with a short time line".

Let me add that there are other routes to look for qualified applicants. For example, there are literally thousands of individuals and nonprofit groups who have been working on the census, who have been focusing on communicating with diverse committees -- excuse me, communities and are about to be -- and are about to be looking for work. With an email sent to these -- for the job positions to those participating in the California Complete Count census, was one -- my question is was one sent? If not, that alone, I think, would be grounds for reopening the position.

I'd urge that even if you keep the current -- the posting, you at least reopen the application period, while specifically directing your temporary staff to work to ensure those postings are distributed as widely as possible to ensure that the Commission has the widest array of qualified applicants from which to select. And
I thank you for your attention and consideration of my thoughts today.

VICE CHAIR AHMAD: Thank you.

Next person in the queue?

PUBLIC COMMENT MODERATOR: And next, we turn to the line of Rosalette (sic) Gold. If you would please state your -- spell your name for the record, and then give your comment.

MS. GOLD: Great. This is Rosalind Gold, R-O-S-A-L-I-N-D, and the last name, Gold. And I'm chief public policy officer with the National Association of Latino Elected and Appointed Officials at the NALEO Educational Fund, and I ask the Commission's forbearance, because I want to talk about a topic that was raised earlier today. We would just like the Commission to know that there have been some issues with the phone system, and several of us have tried to make comments and get in the queue earlier, and we have had some difficulties in the fact that we're in the queue showing up.

The part that I wanted to comment on was Eric McGhee's presentation. I have enormous respect for Eric and the PPIC. We have worked with partners on them, and we very much respect their research and Eric's perspective. I would just like to offer a clarification with regard to the discussion of using competitiveness or
partisan fairness as any kind of criteria, even aspirationally, for judging the maps that the Commission produces.

The law is very clear on what criteria the Commission must use, and the only reference -- there is -- one, there is no reference to competitiveness. And the only reference to partisan issues is that it can't -- the map cannot discriminate against political parties or candidates. But there is no requirement that they be affirmatively fair. Our concern about this being turned into a criteria aspirationally is that it may create tension and conflict with criteria that are very, very important, such as compliance with the Constitution, compliance with the Federal Voting Rights Act, and respecting communities of interest, as well as the other criteria.

So we would urge the Commission to be very careful, even aspirationally, for looking at issues of competitiveness or fairness, because, again, they are not in the law and also the Commission is required to justify how it is adhering to every criteria that is in the law and to write a report doing that. And so that is done very transparently. And so again, you know, I just would like to mention that for emphasis and urge you to adhere extremely closely to those stated criteria in the State
Constitution. Thank you so much.

VICE CHAIR AHMAD: Thank you.

Next person in the queue?

PUBLIC COMMENT MODERATOR: And next, we turn to the line of Julia Marks. Please spell your name for the record and then give your comment.

MS. MARKS: Hi. Thank you. My name is Julia Marks, J-U-L-I-A, M-A-R-K-S, and I'm a voting rights attorney at Asian Americans Advancing Justice-Asian Law Caucus, similar, to --

Rosalind, thank you for that comment.

I wanted to quickly go back to an earlier conversation. I similarly have had difficulties getting through on the public comment line. So I did want to address the discussion of partisanship competitiveness from the earlier presentation. Party preference is not to be considered for your redistricting work, and the law is very clear that districts may not be drawn for the purpose of favoring or discriminating against an incumbent political candidate or a political party.

There are many other important criteria that are explicitly laid out for you to consider, which are mandatory and could be in conflict with partisanship concerns. Partisan preference can only be considered to the extent it is part of the analysis for Voting Rights
Act compliance.

And then I wanted to briefly comment on the more recent discussion regarding the application process for various job postings. I wanted to urge you to extend time for all applicants for at least two weeks, if not longer, before proceeding with interviews. We do want to be sure that the existing RFPs and job postings can be shared with a wide range of community groups. I'm glad to hear that there have been candidates so far, but we don't have a sense of who is in the pool for these positions. There really needs to be time for additional applicants to apply and for recruitment to diverse communities to continue.

In the last redistricting cycle, our organization and others shared out key communications items about redistricting, such as job postings, with our communities and network. We previously urged the RP to withdraw the existing posting, and we've also asked them to reconsider them. Since our requests have been pending, we have not been widely circulating these postings. I'm waiting for these issues to settle. So if you are going to be proceeding with the postings, at the least, we want to make sure there's adequate time to continue the recruitment process and get a more robust candidate pool before interviews begin. Thank you.
MS. JOHNSTON: Ms. Gold, before you leave, could you tell us what problems there have been with the telephone system?

MR. VILLANUEVA: I forwarded -- I forwarded the email to Kristian. I was aware of it.

COMMISSIONER AKUTAGAWA: Actually, it was Ms. Marks, I think.

MS. JOHNSTON: It looks like she is no longer on the line. Is there anyone else left in the queue?

PUBLIC COMMENT MODERATOR: Yes. Next we turn to the line of Lori Shellenberger. Please spell your name for the record and then give your comment.

MS. SHELLENBERGER: Good afternoon. This is Lori, L-O-R-I, last name Shellenberger, S-H-E-L-L-E-N-B-E-R-G-E-R. I'm a voting rights attorney and redistricting consultant with California Common Cause, and personally today I want to congratulate everyone. I spoke to the first eight that -- but to the rest of you, and it's been a pleasure to watch you all so thoughtfully engage in so many interesting discussions over the last few days.

Regarding the public comment. The issue seems to have been, and this happened several times today and once yesterday, that there are two separate issues; one, the operator wasn't providing instructions about how to get
into the queue. And I know I had tried to get into the queue earlier today and wasn't able to.

And the second was that sometimes when you move to public comment, you were doing -- you were pivoting to public comment a little bit quickly and unexpectedly, and there needs to be a little bit of time to call in for those of us who are watching. And there can be a little bit of a hold period with the AT&T operator before they come on. And so if you could do what, I think, the Commission the first day did, is allow a couple -- have a two-minute waiting period where folks have time to, you know, turn off the sound of the -- the sound on their computer and dial in by phone, that would be great.

I had one other quick -- I'm calling in, actually, about another procedural issue, and that is, if you are able to give us a little bit more notice about the agenda items and those that where you do have a time certain, the scheduled presentations, there's a lot of interest from the public. And those presentations are learning experiences for them too. And so to the extent you can give folks a heads up about the time for those presentations, it would be very helpful.

The second thing is regarding item 16 on your agenda. And you started an initial thoughtful discussion about language access this morning. And I know there are
lots of folks with great experience and expertise who would love to weigh in on that conversation. So to the extent you are able to have a time certain for that agenda item next week, I think there are a lot of groups that do a lot of community engagement with folks who don't speak English as a first language, who would be able to submit written and oral public comments that could inform your decision-making about that.

Lastly, and this is to echo the -- what others have already said, Common Cause was a coauthor of the -- of the initiative under which you're working. And one of the main goals of that was to remove partisanship from the process. So to the extent you have questions about that, I heard the discussion about competitiveness. I would urge you to -- to direct those questions to Justin Levitt, who will be training you on redistricting criteria next week, and Matt Barreto, who will talk about the Voting Rights Act and how those things intersect and what you are and are not allowed to consider.

And that's all I have. If there are no questions, thank you for your service.

VICE CHAIR AHMAD: Thank you for your comments. Is there anyone else in the queue?

PUBLIC COMMENT MODERATOR: Yes, there is.

And as a reminder, ladies and gentlemen, if you'd
like to enter the queue, please press 1, then 0 on your telephone keypad. Please also spell your name for the record prior to giving your comment.

Next, we turn to the line of Jackie (ph.) Coto. Please go ahead.

MS. COTO: Good afternoon, Commissioners. This is Jacqueline Coto, the director of civic engagement policy with NALEO Educational Fund. I think you guys are going to get used to my voice moving forward. But I would like to thank you for taking our comments into great consideration into your decision making. With that said, I'm calling on behalf of NALEO Educational Fund and some of our partners to have -- to highlight that, given the lack of public comment in the process for developing the job descriptions that were discussed earlier, we do hope that you will give for consideration to the public input to the candidates for the current positions. Many of us did not circulate the job openings or the RFPs when they were posted. And now that the full Commission is seated, we hope that you reconsider opening and reissuing the job descriptions with a new deadline, and that'll give us the opportunity to have some time to share it within our networks and have some of the great candidates apply. Thank you so much.

VICE CHAIR AHMAD: Thank you.
Next person in the queue.

PUBLIC COMMENT MODERATOR: And next return to the line of Helen Hutchison. Please go ahead.

MS. HUTCHISON: Hi. My name is Helen Hutchison, H-E-L-E-N, Hutchison, H-U-T-C-H-I-S-ON, and I'm with the League of Women Voters of California. I wanted to echo what has previously been said about competitiveness and partisan data. And I will just say that as one of the authors of this measure, we consciously left competitiveness out of the list of criteria you could consider and you should consider. And so you really should not be considering competitiveness in your mapping in any way, shape, or form. So thank you very much, and I look forward to listening some more. Bye-bye.

VICE CHAIR AHMAD: Thank you for your comment.

Next person in the queue.

PUBLIC COMMENT MODERATOR: We have no further questions or comments in queue. However, if you'd like to enter the queue, please press 1, then 0.

And Madam Chair, we have no one entering the queue at this time.

VICE CHAIR AHMAD: Great. Maybe we can continue the conversation amongst the Commissioners and keep an ear out for additional public comments that may come through.

Commissioner Yee?
COMMISSIONER YEE: Yes, thank you.

I'm wondering, Raul, if you could tell us how long
the job postings have been circulated widely.

And then while I have the floor, could I ask -- can
we instruct Raul to get back to those who have applied
just to tell them -- give them an update that the
Commission is, you know, formulating its review process,
and you'll hear from us shortly. Something -- just so
they hear something from us.

MR. VILLANUEVA: Okay. So as far as timewise -- I
mean, I can get you the exact dates. From my
recollection, it was at least six weeks to all those
groups, and actually the same thing with the RFP. One
thing that I did forget is -- is those postings for the
jobs were also made to the State website. And that was
of course, to let retired annuitants and current civil
staff and exempts be able to look at those too throughout
the state. I'd forgotten to mention that one, as far as
I said only -- they were only posted on two. It was
really three. Okay.

COMMISSIONER YEE: The folks who have applied, they
have not otherwise heard from us since?

MR. VILLANUEVA: No.

COMMISSIONER YEE: Okay.

MR. VILLANUEVA: It closed the 17th, which is what,
a week, eight -- eight working days ago. I mean, I -- I
don't -- I don't know who's applied. I haven't even
looked at the things. If the Commission wishes, I can
certainly do that and send out a notice that we're
proceeding and to please be patient.

COMMISSIONER YEE: If I were an applicant, I would
love to hear that. Any reason not to?

MR. VILLANUEVA: No, I just need to hear from the
group.

VICE CHAIR AHMAD: Before we move on to
Commissioner Fornaciari and Fernandez's hands raised, do
we have any comment about the current request from
anyone? Any feedback?

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I'm sorry. On what
preliminary questions, sending the letters out?

VICE CHAIR AHMAD: Yes, to send -- yeah. From my
understanding, Commissioner Yee is recommending that we
send out some type of communication to the applicants,
just letting them know that we are currently figuring out
our review process.

COMMISSIONER FERNANDEZ: Okay. Although that's a
great idea, the -- the filing date is barely finished, so
with -- if it had been, like, a month later, I would
definitely want something to be sent to them indicating
that we received it, were working through the process. But I would recommend that, you know, we vote on whenever the motion is and then depending on that and if we find -- if we deem it to be appropriate, and we're moving forward, then at that point it would be appropriate to send them something.

But normally I'm just used to finding applications in the State system, and you don't hear for months. And I don't want that to happen. But seeing that it just closed on the 17th, it really hasn't been that long. But I think that we do need -- definitely need to let them know at some point in time; we need to close that loop.

VICE CHAIR AHMAD: Commissioner Fornaciari and then Le Mons.

COMMISSIONER FORNACIARI: Oh, I thought Le Mons wanted to comment on Commissioner Yee -- Commissioner Yee's comment. Is that --

COMMISSIONER LE MONS: Yeah, I just -- I wanted to echo Commissioner Fernandez. I think because we're have a motion on the floor to put a process in place, there's going to be some results from that process that are probably worth communicating. So I think to direct staff to communicate now is a little premature. We will have something, I think, a little bit more substantive to communicate in the coming -- next week sometime. So
I -- I respect that communication as well. And I think it's important not to keep people hanging. I think it's also important to, especially if we're in the middle of a process is to -- I'd rather get some good clarity than, we are working on it, first point. But anyway, that's what I wanted to say about that.


Do we have any additional public comments in the queue?

PUBLIC COMMENT MODERATOR: If you would like to enter the queue for comment, please press 1, then 0. And allowing some time for folks to queue up, Madam Chair, we have no one entering the queue at this time.

VICE CHAIR AHMAD: All right. Given the time, it's 4:20, we do have a motion on the floor and a second. At this time, can we call roll for votes?

MS. JOHNSTON: Commissioner Ahmad?

VICE CHAIR AHMAD: Yes.

MS. JOHNSTON: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yes.

MS. JOHNSTON: Commissioner Andersen?

COMMISSIONER ANDERSEN: Yes.

MS. JOHNSTON: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes.
MS. JOHNSTON: Commissioner Fornaciari?
COMMISSIONER FORNACIARI: Yes.

MS. JOHNSTON: Commissioner Kennedy?
COMMISSIONER KENNEDY: Present.

MS. JOHNSTON: I'm sorry?
COMMISSIONER KENNEDY: Present.

MS. JOHNSTON: Commissioner Le Mons?
COMMISSIONER LE MONS: Yes.

MS. JOHNSTON: Commissioner Sadhwani?
COMMISSIONER SADHWANI: Yes.

MS. JOHNSTON: Commissioners Sinay?
COMMISSIONER SINAY: Yes.

MS. JOHNSTON: Commissioner Taylor.
COMMISSIONER TAYLOR: Yes.

MS. JOHNSTON: Commissioner Toledo?
COMMISSIONER TOLEDO: Yes.

MS. JOHNSTON: Commissioner Turner is not present yet.

Commissioner Vazquez?
COMMISSIONER VAZQUEZ: Yes.

MS. JOHNSTON: Commissioner Yee?
COMMISSIONER YEE: Yes.

MS. JOHNSTON: The motion passes.

VICE CHAIR AHMAD: So next step would be turning to subcommittees. So I have three groups, three
subcommittees; one for the executive director, one for
counsel, and one for the communications director. Do we
have any volunteers?

Commissioner Taylor, do you have a specific
preference for which group?

COMMISSIONER TAYLOR: I do not. I'll serve on any
group. If we have six people that want to do it, great.
If not, great. But I'm willing to serve any way.

VICE CHAIR AHMAD: Okay.

Do we have anyone who has a strong preference for a
specific group?

Commissioner Kennedy?

COMMISSIONER KENNEDY: Executive director.

VICE CHAIR AHMAD: So we have Commissioner Kennedy
for executive director. So someone who is not a Democrat
for executive director pool.

Commissioner Fernandez? For executive director?

COMMISSIONER FERNANDEZ: Yes, for executive director
as well.

VICE CHAIR AHMAD: All right. How about the two
commissioners for the subcommittee for counsel?

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yes, I would do that.

VICE CHAIR AHMAD: And then I saw your hand up,
Commissioner Toledo. Wow. That's three subcommittees.
All right. For the communications director?

Commissioner Vazquez?

COMMISSIONER TAYLOR: And I guess I'll tackle that with Commissioner Vazquez.

MS. JOHNSTON: Who is that?

VICE CHAIR AHMAD: Is that okay, Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: That is totally fine.

VICE CHAIR AHMAD: All right.

MS. JOHNSTON: I'm sorry. Who's the second -- who's the second one?

MR. VILLANUEVA: Commissioner Taylor.

VICE CHAIR AHMAD: So I can repeat the subcommittees again, just so everyone's clear. For the executive director subcommittee applicant review -- initial applicant review is Commissioner Kennedy and Commissioner Fernandez. For the counsel -- general counsel subcommittee applicant review is Commissioner Anderson and Commissioner Toledo. And for the communications director subcommittee applicant review is Commissioner Vazquez and Commissioner Taylor.

Are we are all in agreement? Okay.

Commissioner Sadhwani, I saw your hand up.

COMMISSIONER SADHWANI: Yeah, this is -- I am totally in agreement, support all of the -- the
subcommittees. I think you all did a great job. And I just had one thought, like, I don't know, at one of our breaks that I just wanted to throw it out there. You don't have to -- no one has to respond now. You can think about it later. Yeah. Commissioner Yee is ready to -- ready to grab it. For communications director, I know that we are thinking about this as one person, and potentially one or two staff members to support that person. Random thought, like, there are communication firms that could be hired, who actually know, like, all of the things that we've talked about, about reaching out to the community that could have capacities in various languages, who are totally at the cutting edge of social media and all of websites, et cetera.

So we don't need to discuss it now, but I'm just throwing that out there, that if we don't see in that pool, like, really top-notch folks, that that might be another option we could consider, is just kind of thinking outside of the box and --

VICE CHAIR AHMAD: Commissioner Sinay and then Vazquez. And then Fernandez.

COMMISSIONER SINAY: Thank you, Madam Chair.

I was kind of thinking about this as well. And one of the things that we need to point out -- we could put on our agenda for the future, is this idea that there was
over two million dollars last time for outreach, and that was private, you know, it was -- it was for profit dollars that went straight out to the nonprofit community. And we really need to understand what the nonprofit community did for outreach, because now that's all falling on us. And so you know, yeah, so that -- that's just an agenda item for later. But just to keep that in mind that we're -- the whole outreach piece is very different. And it's also very different because of COVID. And so it needs to be someone who thinks differently. Because, yes, I agree with Commissioner Turner that this is going to end at some point, but we don't know when it's going to end. And so we need to figure out creative ways of engagement. And also in-person engagement isn't viable for everybody.

VICE CHAIR AHMAD: Commissioner Vazquez and then Fernandez.

COMMISSIONER VAZQUEZ: Thank you for -- everyone for their input on the communications director. I do feel with comments today and our discussions prior, I feel like I have a good sense of what folks want to see, and with that lens will be evaluating the applications along with Commissioner Taylor. I did -- I'm not sure I heard -- I guess I want to make sure that other folks -- I know we're pushing up on time -- had their
wishes, or you know, priorities communicated to the other subcommittees, especially since I imagine the review will happen in the coming days over the weekend.

So I did just want to say for myself, I -- I would like the executive director applications in this initial review by the committee to look for community engagement, grassroots experience in executive director, multiethnic organization, because for me, I would really like someone with experience, some level of experience leading grassroots movements, ideally.

VICE CHAIR AHMAD: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Well, this is just a procedural so I don't forget later when we talk about the meeting. One of the Commissioners asked about the closed sessions. And I believe normally whenever you have a closed session, you should always have an open session also, so that you can publicly report what happened. Because in -- two weeks, let's say we do interview, and in two weeks we do --

VICE CHAIR AHMAD: Is she frozen? Is she frozen for everyone?

MS. JOHNSTON: Yeah.

COMMISSIONER YEE: She went to closed session.

MS. JOHNSTON: Technically --

COMMISSIONER YEE: Yeah, you're back.
VICE CHAIR AHMAD: You froze a little bit, but you're back.

MS. JOHNSTON: Technically you can report it at the next meeting. But I agree that in this case, it may be advisable to schedule it with an open meeting, so that you can report it at the same time.

COMMISSIONER FERNANDEZ: Right. So you can report it and then also then continue on and to actually kind of hire them and all that instead of having to stall for --

MR. VILLANUEVA: Right.

COMMISSIONER FERNANDEZ: So just for, like --

MR. VILLANUEVA: Part of the agenda.

COMMISSIONER FERNANDEZ: -- don't forget when we talk about meetings, (audio interference) closed and go ahead and do open. It's not going to hurt anything. Just --

MS. JOHNSTON: I -- I did not cover that in my section on Begley-Keane, but there are whole bunch of occasions when closed sessions are possible. But for this Commission, probably personnel matters and litigation will be the only ones you can expect to come up.

VICE CHAIR AHMAD: All right. We are at one minute away. So Counsel, I think it would be helpful if, in thirty seconds, you can review what the legal parameters
are in terms of communication with the subcommittees and
yourself and the rest of the Commission for all of the
subcommittees that we've created.

MS. JOHNSTON: The subcommittees can only discuss
between the two people involved. Staff can be involved
as you wish. There's no limitation on staff involvement,
but it cannot be more than two Commissioners.

VICE CHAIR AHMAD: Okay. Thanks.

MR. VILLANUEVA: Can the Commissioners provide input
into the group? For those who haven't had a chance to
give their wishes --

MS. JOHNSTON: Sure.

MR. VILLANUEVA: -- they can shoot them an email, as
long as there's no back and forth?

MS. JOHNSTON: No, because you could come up with a
consensus that way.

MR. VILLANUEVA: That's what I mean. As long as
there's no back and forth, they can still provide that
information.

MS. JOHNSTON: No, because if you have strong
wishes -- you should state them now.

MR. VILLANUEVA: Very good. They have twenty
seconds.

VICE CHAIR AHMAD: Commissioner Andersen has a
question.
COMMISSIONER ANDERSEN: No, I have a -- I have a statement to say, a strong wish, because some of the people in the public comments that called in are saying, look, no, you can't consider partisanship, I think that's very important. We don't want to be partisan. I would like to have in all of the positions, political savvy. I don't know how you would say that, all -- the executive director, the counsel, and communications director, need to be aware. Do not let us get pushed around. That's the easiest, you know, way to say that to -- when someone who is talking to us might not be genuous (sic) or by doing by something -- basically, we have to have the wherewithal to catch us who are just being well-intentioned but could stumble blindly into doing something really political. So that criteria, I think, needs to be considered in all three positions. And I really would like that. I don't know how --

MR. VILLANUEVA: That's where I think --

COMMISSIONER ANDERSEN: -- we put it, but --

MR. VILLANUEVA: Yes. Sorry. It is there. That's where I think I can be helpful to you in letting you know what those statements mean. But it's also there in terms of them -- of you having them meet the criteria, in terms of demonstrating no conflict of interest.

She froze.
COMMISSIONER ANDERSEN: Sorry. It wasn't just no
conflict of interest, but actually awareness --
MR. VILLANUEVA: Yes.
COMMISSIONER ANDERSEN: -- of what could be going on
around them to know that --
MR. VILLANUEVA: Yes. I was adding that as an
addition, yes.
VICE CHAIR AHMAD: Commissioner Akutagawa, you had
your hand up. And we'll close after you.
COMMISSIONER AKUTAGAWA: So just for clarification,
I -- did hear very clearly the folks that called in on
public comment and just also saying that they had
hesitated to share and distribute the job descriptions or
the job postings, the recruitment, much more widely. If
for whatever reason, there are possibilities that, you
know, there are more people that would like to apply, is
it too late at this point right now? Are we going to go
forward with the pool that we have? Are we going to take
into consideration, even with, let's say, some viable
candidates, given what was asked of us, do we want to
take into consideration what was said, in terms of
allowing more time for people to apply and for other, you
know, diverse groups to be able to submit or to encourage
more diverse candidates potentially?
I'm just assuming -- I making an assumption here,
but -- but diverse, meaning anybody who perhaps had
hesitated until we were all seated, and they were
certain would serve the jobs recruitment information as
it as it is going to stand.

MS. JOHNSTON: That would be contrary to the vote
that you took a few minutes ago. You could vote again if
you wish to extend the time limits, but then you wouldn't
be reviewing applicants in the meantime.

COMMISSIONER AKUTAGAWA: Yeah. And I think that's
what I wanted to ask. Even though we're going to review,
is the process completely closed to anybody who's going
to try to, let's say, submit anything in the next couple
of days?

MR. VILLANUEVA: Correct.

MS. JOHNSTON: Yes, unless you decide to reopen the
applications.

COMMISSIONER AKUTAGAWA: I would be okay.

MR. VILLANUEVA: In which -- in which case you stop
the subcommittee process and --

COMMISSIONER AKUTAGAWA: I see. Okay.

MR. VILLANUEVA: -- wait for that recruitment to
finish.

VICE CHAIR AHMAD: And I said she was the last one,
but I can't help it.

Commissioner Le Mons, you had your hand up and then
COMMISSIONER LE MONS: I'm going to pass.

VICE CHAIR AHMAD: Commissioner Sadhwani?

COMMISSIONER SADHWANI: Just on this point of diversity, I don't know what can or cannot be released about the candidates. But one thing -- one just data point that I would find very helpful about the pools of candidates and understanding to the extent in which we did actually get a diverse -- diverse pool is if the subcommittees could simply report back on, for example, the number of women versus men or nonbinary folks who might be in the pool, if we can -- I don't think we can identify race, though, can we? Right. Because on a job application, you can't do that.

MR. VILLANUEVA: There -- there are restrictions in --

MS. JOHNSTON: You can't do sex either.

COMMISSIONER SADHWANI: Yeah, right. Right. And the -- yeah.

MR. VILLANUEVA: Yeah. No, there's some issues with that.

COMMISSIONER SADHWANI: Yeah, so --

MR. VILLANUEVA: After -- maybe after the fact.

COMMISSIONER SADHWANI: Yeah, so (indiscernible).

MR. VILLANUEVA: Maybe after the fact. And there's
a hiring been made --

COMMISSIONER SADHWANI: Yeah.

MR. VILLANUEVA: -- maybe in a -- in a --

VICE CHAIR AHMAD: I think perhaps we should stick
with Raul's recommendation, which is, yes, there are
viable candidates and no, there are no viable candidates.

Yeah?

All right. It is 4:35 --

MS. JOHNSTON: Public comment?

VICE CHAIR AHMAD: It's Friday. We live in
California. We have access to the beach --

MS. JOHNSTON: Public comment.

MR. VILLANUEVA: They have to take a break if
they're going --

VICE CHAIR AHMAD: -- the snow, everything, please
enjoy your weekend. Stay safe. And we will be in recess
until September 1st, Tuesday at 9:30 a.m.

(Whereupon, the CRC Business Meeting adjourned)
CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, of the videoconference recording of the proceedings provided by the California Citizens Redistricting Commission.

_________________________       July 20, 2022

TRACI FINE, CDLT-169