STATE OF CALIFORNIA

CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

MONDAY, MARCH 10, 2021
9:30 a.m.

Transcription by:
eScribers, LLC
APPEARANCES

COMMISSIONERS
Russell Yee, Chair
Marian Johnston, Commissioner
Sara Sadhwani, Commissioner
Pedro Toledo, Commissioner

STAFF
Marian Johnston, CRC Staff Counsel

TECHNICAL CONTRACTORS
Kristian Manoff, AV Technical Director/Comment Moderator
Katy Manoff, Comment Moderator

Also Present:

PUBLIC COMMENT
Unidentified Speaker
Renee Westa-Lusk
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March 10, 2021

CHAIR YEE: Thank you, Christian. Good morning, and welcome to a Meeting of the California Citizens Redistricting Commission Legal Affairs Committee.

I'm Russell Yee. I am the Chair for March. And let's see, we can start off -- so let me just give you a preview. We'll have roll call, public comment, and then we have three items to discuss. These are items from agenda item number 10, in the full commissions March 8th agenda. We'll be discussing preparations for the March 22 to 24 interviews of our candidates for the RA counsel and litigation counsel.

The three items we'll discuss today are the evaluation worksheet that we'll use as we evaluate the written applications and the interviews, the questions for the candidates, and we want to settle on a final list of questions that we want to ask all the candidates the same questions, and then make provision for our counsel coverage for this process. And then we'll end with public comment as well, and I anticipate that we won't go past 11 a.m. This should be a fairly brief meeting.

So let's see. I guess I should ask Marian, perhaps, to -- our counsel to call the roll.

MS. JOHNSTON: Sure.
Commissioner Sadhwani?

COMMISSIONER SADHWANI: Here.

MS. JOHNSTON: Commissioner Toledo?

COMMISSIONER TOLEDO: Here.

MS. JOHNSTON: Commissioner Yee?

CHAIR YEE: Here.

MS. JOHNSTON: All are present.

CHAIR YEE: Thank you. And that is the complete Legal Affairs Committee.

Let's go to public comment. Katy, I'd ask you to read instructions and invite any callers.

PUBLIC COMMENT MODERATOR: Yes, Chair, good morning.

In order to maximize transparency and public participation in our process, the Commissioners will be taking public comment by phone. To call in, dial the telephone number provided on the livestream feed. It is 877-853-5247. When prompted, enter the meeting ID number provided on the livestream feed. It is 969 8065 6065 for this meeting. When prompted to enter a participant ID, simply press the pound key. Once you have dialed in, you will be placed in a queue. To indicate you wish to comment, please press star 9. This will raise your hand for the Moderator. When it's your turn to speak, you will hear a message that says, "The host would like you to talk," and to press star 6 to speak. If you would like
to give your name, please state and spell it for the record. You are not required to provide your name to give public comment. Please make sure to mute your computer or livestream audio to prevent any feedback or distortion during your call. Once you are waiting in the queue, be alert for when it is your turn to speak, and again, please turn down the livestream volume.

And the Legal Affairs Committee is taking general public comment at this time. And we do have a caller with their hand up, and I will open the line for them.

And the floor is yours.

UNIDENTIFIED SPEAKER: Good morning. I read the legal counsel interview questions that were posted yesterday afternoon, and I do have a few suggestions.

First, I would suggest asking the Voting Rights Act, VRA applicants, what steps they recommend before the release of census data to expedite the line drawing process. And in the same way that you're consulting with your line drawers on adapting to delays, you will want to ask the attorneys for advice about what you should do before getting the data that could help to speed up the process after receiving the data.

Second, on question number 2, it asks about litigation -- it asks litigation counsel how they would work with VRA counsel, but you failed to ask VRA counsel
how they would work with litigation counsel. How
applicants will work as a team, seems a critical question
for both.

And third, I recommend that you ask them how the
envision working with the line drawer and general
counsel, again, to ensure that you have the best overall
team.

Fourth, the VRA question number 2, based on the
language you use elsewhere, I think you mean coalition
districts, not collapsed districts.

And five, the VRA question number 13, you may want
to strike or amend the first sentence. The public is
likely to mix up the word "fairness" with the term
"partisan fairness", which I learned from your prior
legal trainings, and it is not a criteria in California.

And finally, you may want to lengthen the time of
each interview, expecting VRA applicants to answer
thirteen questions in fifty minutes doesn't leave much
time to demonstrate the depths of their knowledge on any
given question.

I want to thank you for serving on this Commission,
and I hope this feedback helps, and thank you from -- for
all the -- from all Californians that you're doing just
such a great job. Thank you.

CHAIR YEE: Thank you, caller, for your attention to
these job questions and these excellent suggestions.

Any other callers?

PUBLIC COMMENT MODERATOR: Yes, we do have one more caller. I'll open the line.

Okay, and the floor is yours.

MS. WESTA-LUSK: Hello, this is Rene Westa-Lusk, R-E-N-E-E, last name is W-E-S-T-A, and then there's a hyphen, and then it's Lusk, L-U-S-K.

I just have a few questions. I don't think they're on today's agenda. But one of them is on the timeline for the educational presentations. Do you expect those to go beyond May, like through the summer?

And I have questions regarding the public input meetings. They're supposed to start in June. Are you going to be going by some of the same allowances the former CRC 2010 Commission allowed, such as they were allowing communities if they were members who wanted to give public input at a public in-person hearing, they could attend another in-person hearing in another part of the state and still give public input at that meeting. I realize you're going to have all virtual meetings, but will you allow people from other regions to give public input if they miss the virtual or virtual several meetings for their region?

And I also wanted to know, are you going to be
giving directives of what community of interest public
input you want to hear from communities and also explain
what you don't want to hear, and cautioning the public,
but if they spend too much time on certain things that
are not relevant to their public input for why they
should be in a community of interest, that may be that
testimony will be negated or thrown out as part of the
community of interest they're trying to represent if it
gets too off the main points you are looking for.

Those are my questions, and thank you.

CHAIR YEE: Thank you so much, Ms. Westa-Lusk.

Indeed, we are only discussing Legal Affairs Committee
matters today, but those are all excellent questions, and
I hope you can save them for when the full Commission
meets and can respond in more detail.

I will say briefly, yes, we absolutely will be doing
the outreach probably throughout the summer and making
full use of the time -- the extra time that we have this
cycle.

Any other callers?

PUBLIC COMMENT MODERATOR: Nope, that was it, Chair.

CHAIR YEE: Okay. We'll go ahead and close public
comment then. Thank you so much, Katy.

I mean, neglected to say, I wanted to apologize for
the Legal Affairs Committee for those who have been
following this process, we did have these interviews
originally scheduled for February 18th. We had to
reschedule them because of further business that came up
for the Commission, and so this process got delayed a
month, and so I apologize for that as well as for
yesterday's -- there was a bit of confusion about whether
we would have this discussion yesterday that we're going
to have today, and ended up landing on today, so here we
are.

So let's go ahead and take a look at the -- why
don't we start with the -- let's go from easier to harder
maybe. Let's start with the evaluation worksheet.
There's a draft of that in the meeting handouts. It sets
out eight general areas to evaluate the candidates. The
same worksheet for the litigation candidates as well as
the VRA candidates. And the idea would be for the three
of us on the Legal Affairs Committee to use this, the
structure or evaluation individually as we look at the
candidates before we meet later this month together, and
as well as during the interviews and, you know,
subsequent discussions.

So the areas in each we would jot down our own, you
know, observations and comments and as well for each a --
rank each item as exceeds, meets, or lags with pluses and
minuses if needed. So it's not as strictly -- it's not a
numerical evaluation and it leaves room for looking at the evaluations in various ways. There's not just a single bottom line that we're going to compare. This is not a competitive bid or other, you know, type of a situation where we would, you know, just have a number that we would rank one, two, three, but in the end to use this -- these evaluations to rank the various candidates, the three VRA candidates, the three litigation candidates in order, and eventually come to a recommendation to forward to the full Commission.

So discussion on the evaluation worksheet?

COMMISSIONER SADHWANI: I'll just jump in and get us started, if it's okay.

CHAIR YEE: Yes.

COMMISSIONER SADHWANI: This is looking great. So I'm very excited about the direction that we're moving in. A couple of thoughts that just immediately jump out at me as for other factors, that's pretty broad overall fit to CRC identity values and goals, any other factors? I wanted to raise the one comment that the -- that the person who called in for the first public comment raised, and I recognize that she was raising that in terms of the questions that we ask. But I do think it's fair to think through where on this evaluation might be some assessment of our, you know, of seeing these two different legal
teams as being a part of the team working with the line
drawer, working with the Commission and everyone feeling
confident about that. I do think that that's an
important piece moving forward as -- especially as we're
ramping up with a number of experts from the line -- you
know, the line drawer also will have some -- a lot of
knowledge, of course, in redistricting in VRA, and I do
want to make sure that we're able to capture somewhere
this notion of being able to gel well with the team and
to work collaboratively. I think that could fall under
other factors, but perhaps we want to be more explicit
somewhere on that.

CHAIR YEE: Yeah, fine. So maybe something like
potential to work well with CRC staff and other counsel?

COMMISSIONER SADHWANI: Uh-huh.

CHAIR YEE: Of staff, line drawer, and other
counsel.

COMMISSIONER SADHWANI: That -- I like that.

CHAIR YEE: Okay. And then to other factors. Or
maybe just add that as an item on its own. It's pretty
major.

Any other thoughts?

If not, we can just make that change and go ahead
with this worksheet, and we'll be using that individually
as we get prepared for later this month as well as during
the actual interview and decision process.

COMMISSIONER SADHWANI: Sure. You know, I don't know if we want to discuss it now, but I think one of the pieces that we're going to have to start thinking about, and it could be a part of this conversation or later, whether or not individuals are bar certified here in California, as well as for conflicts of interest declared undeclared. If there are undeclared conflicts of interests, how do we want to handle that? I don't know if we want to have this conversation here as a part of the evaluative worksheet, or if we want to have that separately. But I do think that that's something that we'll need to address.

CHAIR YEE: I was just thinking that myself, and for number 2, maybe we can add needed credentials as a further item. That's easy.

COMMISSIONER SADHWANI: Needed credentials make sense, uh-huh.

CHAIR YEE: Conflicts of interest. Yeah. Okay, let's talk about that. If our research uncovers undeclared conflicts of interest, do we intend to inquire about that directly during the interviews? And I imagine there's a whole range of potential such conflicts, you know, very minor to, perhaps very worrisome, so.

COMMISSIONER SADHWANI: Yeah, that's right. And I
think what I'd like to just hear, you know, from both of
you and from counsel as well, if there's thoughts here of
what are we thinking that we would want to do, like, how
would we assess conflicts that have not been declared?

You know, I recall when I applied for the
Commission, I forgot about a small campaign donation that
I had made, and it was minor. It was under the, I think
it was the $2,000 threshold or something like that, and
it was brought to my attention, and I added it to my
application.

Is that the kind of approach that we want to take or
is -- if people have failed to disclose their potential
conflicts of interest, does that disqualify them from
serving as our counsel? I have some thoughts with that,
but I'd be curious to hear what others are thinking.

CHAIR YEE: Actually, I should mention that in our
qualifications, conflicts of interest are not
automatically disqualifying. It's a matter of discretion
for us.

So certainly, you know, we all need to have a
relationship of trust with whoever we hire. So no, any
serious undeclared conflicts of interest would put that
trust at risk.

Commissioner Toledo?

COMMISSIONER TOLEDO: In terms of conflict of
interest, I think we clearly ask for the applicants to
make known any conflicts of interest that they have, and
I think if for some reason some conflicts of interest
were left out because they were not perceived as being
substantial or for whatever reason, I think the
applicants would have an opportunity if we raise it
through the interview process to make those items public
and known to both us and for us to be able to weigh that
in our deliberations if there are any substantial
conflicts of interest that might cause us or the public
to perceive that there may be an impartiality issue.

CHAIR YEE: So shall we, you know, commit to
following up declared and undeclared conflicts of
interest and any undeclared conflicts of interest in the
in the interview?

COMMISSIONER TOLEDO: So I guess I have a question
for you and for staff and that's, have we identified any
conflict of interests that are substantially -- that were
not reported? I mean, we don't even know who the
applicant is, but are there any conflicts of interest
that are -- that have not been -- that have been
identified and not -- were not included in the
application process?

CHAIR YEE: We've only -- yeah. We are in process
of doing research on all the candidates. I'm a little
hesitant to --

COMMISSIONER TOLEDO: Sure.

CHAIR YEE: -- to report on any details. I would say the potential is definitely there and items will be discovered. It's not a remote possibility.

COMMISSIONER TOLEDO: Okay. So there's a possibility that there might be some undisclosed conflicts of interest at this point?

CHAIR YEE: Okay. I mean, there may be some points of interpretation, you know, what constitutes the conflict of interest then. Nevertheless, you know, I think there will be items to raise.

COMMISSIONER TOLEDO: I'm sorry, I'd like Marian to maybe weigh in on definition for conflict of interest as per our provisions of constitutional and statutory provisions as well as just our -- any relevant provisions that we should be taking into consideration in --

MS. JOHNSTON: Yes, 8253 of the Government Code, Subdivision A(5) says that the Commission shall consider -- shall apply the conflict of interest listed in paragraph 2 of Subdivision A of Section 8252 to the hiring of staff to the extent applicable.

So it's really to the extent applicable is the critical language it gives the Commission -- it's not an absolute disqualification like it was for the
Commissioners, but it is certainly something to be considered.

CHAIR YEE: Thank you.

COMMISSIONER SADHWANI: And thank you, Marian, for clarifying that. And to that end, they feel like, as we have said with some of the staff hires that we've made with also our line drawer, this did come up, right, there was a member of their team that was very much associated with the democratic party. I don't anticipate that we would be hiring counsel that's entirely partisan neutral in a very partisan process like redistricting or certainly it's a very partisan process in other states. So to the extent they're involved in other states, of course, that will be the case.

I think for me the real issue is disclosure, that we are aware of their partisan ties, of their personal ties with various political parties or interests that are associated with those parties. You know, certainly, I think it's perfectly fair if any of those applicants have additional pieces that they want to disclose, that they could contact the Commission between now and -- and the time of their interview and provide additional disclosures. I would feel very comfortable with that. And certainly, you know, we will continue in our research of all of the individuals involved, because I do think
it's a serious matter. I don't think having hidden
interests is something that we should take lightly.

CHAIR YEE: Indeed, for the 2010 Commission, such a
political interest for the primary point of contention in
deliberating between the different candidates. By the
way, this is a small meeting. Just jump right in. You
don't need to recognize --

COMMISSIONER TOLEDO: So for me, it's an issue of
impartiality and perception to the public. And so it's
really important. As Commissioner Sadhwani has pointed
out that we have public disclosure so that the -- because
of its transparency that ultimately is what the
Commission is -- which is paramount to the Commission and
what we would want to ensure that the public has the full
information and that we have full information before
moving forward with any candidate when it comes to
conflict of interest.

CHAIR YEE: That's right. So we're comfortable with
simply the intention to follow up on declared and any
undeclared conflicts of interest in the interview.

COMMISSIONER TOLEDO: Have we reached out to -- just
in terms of process, are we reaching out to -- I just
want to make sure that the process is standardized for
all the candidates, and I'm -- as I'm sure it is. But I
just want to make sure that if we are reaching out to one
applicant or reaching out to all of them and giving them an opportunity, if we haven't already done so, to provide additional information on conflict of interest, if for some reason they didn't do so in the application process.

CHAIR YEE: Yeah, that wasn't really our intention to, you know, to go back to individual applicants and say, oh, by the way, can you tell us more about this, you know.

COMMISSIONER TOLEDO: Sure.

CHAIR YEE: So in that sense, they're all being treated equally. At this point, I don't -- yeah.

COMMISSIONER TOLEDO: In terms of process, are we -- and I just want to make sure. At this point, I am aware that the staff is doing our due diligence in terms of just identifying any potential conflicts of interest that may not have been disclosed.

Has there -- is there any thought to contacting the applicants themselves, or is it just something that will lead to the interview process?

CHAIR YEE: At this point, it would just lead to the interview process. Now, there is still some time, I don't know. If our research under -- it just seems like it would really materially affect our interview process, you know, it may be the case that will have reason to follow up between now and then, but that's not the point
at this time.

COMMISSIONER TOLEDO: I would ask, maybe ask Marian
in terms of process and procedure if it -- what her
thoughts are in terms or any recommendations she might
have in terms of giving what -- in terms of the process
that we're currently undertaking, which is to do our due
diligence, is -- would it make sense to contact or would
you recommend that we contact or not contact the
candidates? They did have an opportunity to divulge
these issues in the application process, but would it
make sense from a standardized pro -- I'm just thinking
about treating every candidate fairly from that angle.
I'm making sure that they all have an opportunity to
share any conflicts of interest they might have if they
didn't do so already because of for whatever reason that
may be.

MS. JOHNSTON: First of all, I'm not the person
doing the conflict of interest checks at all. But I
think that you're correct that you ought to be treating
them all the same, and from Commissioner Sadhwani's point
of something might have been inadvertently overlooked
rather than play a gotcha game during the interview, if
you find something and want to ask about it further, I
think that should be a standard question that gives
everyone the chance to correct the application
beforehand.

CHAIR YEE: I mean, the way to do that, I suppose, would be to provide each applicant with the research product from our background checks before the interview, but that would commit us to doing so for all six -- all five here.

COMMISSIONER SADHWANI: Yeah, I agree with that. My only concern is making sure we give every applicant the same amount of time to respond.

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: I don't have a sense of when that -- I'm just trying to pull up a calendar. My apologies. I don't have a sense of when the full due diligence examination will be done. So I just want to make sure that we can complete the review of all five applicants and then enter into a phase of, you know, alerting them to anything that we found that they perhaps want to make a statement about just so that they all have the same amount of time.

CHAIR YEE: We have twelve days between now and the beginning of interviews. I don't think the checks will be done till at least a week, I'm guessing. It's quite a bit of work to do.

COMMISSIONER SADHWANI: Uh-huh. That's --

CHAIR YEE: So that would give maybe just a couple
of days and a weekend to applicants.

COMMISSIONER TOLEDO: I'm just thinking maybe even a standardized -- a note to -- maybe note is the wrong word, but just a communication to all of the -- a written communication to all of the applicants just informing them that we are doing our due diligence. And if they have -- and if they for some -- you know, I'm giving them the opportunity to elaborate on their conflict of interest or -- and I believe we are looking at conflict of interest for all the key app -- not just for the firms, but also for the key individuals that are participating in and in their proposal. So just giving them the opportunity to provide additional information. If we're doing it for one, I just think we should do it for all of them. And I note at this point, I don't think we've done it for anybody. But if we do decide to move forward, we just want to be consistent and have a standardized communication --

CHAIR YEE: Sure.

COMMISSIONER TOLEDO: -- the same language for every one of the same time frame. As to Commissioner Sadhwani said for response, just so that we have all of the infor -- given that this is such an important issue in terms of impartiality and the perception of impartiality, especially when it comes to the VRA counsel and
litigation counsel that'll be assisting us and our central role in our process. I would welcome the opp -- I think more information is better than less. And the more information we have and the public has, the more transparent the process and the more comfortable we can be in our decisions.

CHAIR YEE: Sure. More information is definitely better. At the same time, you know, the applications themselves ask for a very full and detailed set of, you know, conflicts of interest and so forth so, and qualifications, so I'm not sure what a general ask would accomplish beyond that.

MS. JOHNSTON: I tend to agree with you, Commissioner Chair Yee. You know, I think that we've asked for those disclosures. That was a part of the RFI. If it was an inadvertent thing, then that's, you know, that's fine. I don't necessarily see the need of sending a communication. I'm also not against it. That's fine. If we want to send a notice and say, you know, we are conducting our due diligence at this point in time. If you have any additional disclosures that you wish to make, please do so prior to your interview. And we can set a date for that, perhaps even if Sunday the 21st, so that we can have them ready to go Monday morning prior to the start of those interviews or even the Friday the
19th, perhaps.

My other thought here is that if we could ask Tina our paralegal, to try and complete the review of all our candidates by Wednesday, March 17th. That's one week from today. And if need be, perhaps, we can assist her with that as needed. Then, on Thursday, March 18th, anything that pops up, anything that we have found for any of the five candidates, any member of their teams, we would contact all of the candidates on Thursday, March 18th, and they would have a day, or the weekend, to respond.

Something along those lines that are -- you know -- how do you all think about that calendar as such? That way, it's equal, everyone's being treated the same. They do have a opportunity to know what we found so we're not entering into a gotcha moment. But something along those lines.

COMMISSIONER TOLEDO: For me the most important thing is the standardization and consistency, so the language should be the same language --

COMMISSIONER SADHWANI: Of course.

COMMISSIONER TOLEDO: -- language that is used, should be the same. And so whether it's after we've identified any potential conflicts of interest that have not been divulged, or expressed, or if we're doing more
general communication, whatever it may be. As long as it's standardized, I think I'd be comfortable with that process.

COMMISSIONER SADHWANI: Yeah. I think that's fine because the email communication can be standardized, and if there were no conflicts that we found, then the -- in that section, it can be no conflicts found. Right? I certainly support that.

CHAIR YEE: Okay. How about if I I'll work with Tina to send out an email to all the applicants immediately. Just a general request for any further information they'd like to add to their application. I'll check with her to see if the -- if one week to get the research done seems reasonable. And if does, we'll also include some language about our intention to provide them with the results of our research and invite them to, probably, respond, I don't know, in the interview. They don't have to respond in writing, in one or two days, to anything we found.

Does that sound good?

COMMISSIONER SADHWANI: Yeah. My sense is --

CHAIR YEE: So that --

COMMISSIONER SADHWANI: -- they're excellent law firms. If they want the job, they'll respond in a few days.
CHAIR YEE: They work weekends.

Okay. So we'll make that our intention and proceed with that. Very good.

COMMISSIONER TOLEDO: I would prefer the communications come in writing just so that --

COMMISSIONER SADHWANI: I agree.

COMMISSIONER TOLEDO: -- you know, just so there's documentation of it. Yes --

CHAIR YEE: Sure, sure.

COMMISSIONER TOLEDO: -- it'll be documented in the interview process, but in terms of transparency, if it comes in writing, then we can also post it to the public so that they can see it as well.

COMMISSIONER SADHWANI: That's right.

CHAIR YEE: Okay. So the -- but there would have to be a deadline for that. Then, maybe midnight Sunday, I guess.

COMMISSIONER SADHWANI: Freddy's going to love that, putting it at midnight.

Marian, I saw earlier that you had had your hand up. Does this process all sound reasonable and equitable?

MS. JOHNSTON: Yes. I was going to make the same point about how anything that is given out and discussed at the meeting would have to be made public.

COMMISSIONER SADHWANI: Would that included the
emails that we send out to the applicants, especially if we have -- are finding things on multiple applicants, should those emails all be made public?

MS. JOHNSTON: Yes.

COMMISSIONER SADHWANI: Or just their responses?

MS. JOHNSTON: I think the -- you're providing additional direction of how you want people to supplement their application. So that should be made public.

COMMISSIONER SADHWANI: Okay.

CHAIR YEE: How about the -- our work project research details, is that something that should be publicly posted?

MS. JOHNSTON: The question is whether Tina is working under the direction of an attorney for it to be attorney work product, and I'm not aware that she is.

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: So therefore, it will be made public. That's fine.

CHAIR YEE: Glad we asked that question. Very good. Shall we move on to the interview questions? Why don't we go ahead and start with the VRA interviews -- questions. We have thirteen in the draft. I'm thinking we should, maybe, make a goal of getting it down to about ten as a guesstimate of what we can actually cover.

The caller's suggestion this morning, I think those
were all actually excellent suggestions. I actually did
look up collapsed districts and there is actually such a
thing.

COMMISSIONER SADHWANI: Which question was it where
the collapsed --

CHAIR YEE: Number 2 in the third line. Majority-
minority districts, influence districts.

COMMISSIONER SADHWANI: Oh yeah.

CHAIR YEE: -- collapsed districts.

COMMISSIONER SADHWANI: I wrote this question. I
think it should be -- it is coalition districts.

CHAIR YEE: Yeah, apparently a collapsed district is
a district that used to be two districts. So you know.

COMMISSIONER SADHWANI: This is meant to be
coalition.

CHAIR YEE: Okay. Excellent.

Given that we're asking about coalition districts
there, I think we can strike question 8, which is
actually a question I submitted, because it says the same
thing, basically about coalition districts, where they
qualify --

COMMISSIONER SADHWANI: Which question?

CHAIR YEE: Question 8.

COMMISSIONER SADHWANI: Question 8, okay.

CHAIR YEE: You know, whether a coalition district
could qualify under the Gingles provision as a potential VRA district.

I'm going to go ahead and strike number 8.

COMMISSIONER SADHWANI: Okay.

COMMISSIONER TOLEDO: I wouldn't be opposed to asking about the Gingles preconditions but if it was broader -- if the question was broader, and how it might -- but I'm comfortable striking it, as well, Chair Yee.

CHAIR YEE: Okay, thanks.

Question number 5 in the second sentence, it's the part about preclearance. Do we want to ask about that since preclearance is off the table at the moment?

COMMISSIONER SADHWANI: Well, yeah, this -- at least the second half of it --

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: -- is a moot point for sure. What should be included in the reports, I don't know if we necessarily need to ask this. I think this was one of those questions that was left over from 2010. You know, I think we had a 2010 example to go on. It was quite succinct, shall we say, and it's -- and what was reported on the --

MS. JOHNSTON: Maybe just to clarify that the preclearance requirement no longer exists under current
law.

COMMISSIONER SADHWANI: Correct. Exactly.

CHAIR YEE: So should we just strike number 5 entirely?

COMMISSIONER SADHWANI: I would feel comfortable with that. Yeah.

CHAIR YEE: That's fine.

Let's see. The other one I was wondering about was number 11, about racially polarized voting and the CVRA.

COMMISSIONER SADHWANI: I'm in favor of keeping this question. I think California is such unique state because we are a very multi-racial state. The CVRA has been used extensively throughout the state, particularly in local jurisdictions such as city councils and school boards and counties. While we, as a Commission, are not held to the CVRA because it's -- those localities are simply not within our jurisdiction, I do think that there are very similar kinds of tests that are being used in the CVRS cases. That may be something that can inform our process. So to me, you know, I'm in favor of this question.

California is not -- you know, when the voting rights act was first developed, you know, we were thinking predominantly about southern states. We were thinking about -- in the 1960s, in particular -- about
communities. That is not California, right. We --

California is a much more diverse state than that and therefore, our VRA considerations are much more distinct.

And I think this CVRA could help in some regards, or knowledge of the CVRA, or understanding of how the CVRA works in those local governments could be helpful understanding vote dilution at the local level, could only be informative in general to our process.

CHAIR YEE: Okay --

COMMISSIONER SADHWANI: So I would be curious to hear what --

CHAIR YEE: Okay. All good. Thank you.

COMMISSIONER SADHWANI: -- counsel is going to say about that.

CHAIR YEE: Okay. All good. We can keep that then.

How about number 12, one -- the next one? Do you think that's worth asking?

COMMISSIONER SADHWANI: This is an interesting one because it -- to me, this is asking the -- you know, what kinds of attacks might California come under, or what kind of attacks to restricting generally might occur nationally and hat will be the position of California. So while this question doesn't necessarily inform our process of redistricting, I think it can help us hear for -- I mean, we're ultimately we're going to be hearing
from a lot of experts on this interview process. And
what I think it can do is, allow us to hear a little bit
more about our general positioning in a nationwide debate
over redistricting.

CHAIR YEE: Okay. That's fine. We can keep that
one.

Let me take a look at the callers' suggestions.

COMMISSIONER TOLEDO: Just on that question, I don't
like the wording. And I don't want to get stuck on
wording, but the equal standard protection was attacked
nationally -- I mean, maybe something like, challenging
nationally or --

CHAIR YEE: Questioned.

COMMISSIONER TOLEDO: -- might be less -- it almost
implies a -- I just would feel more comfortable with
something less -- maybe challenged nationally -- or
challenged -- the equal protection standard was
challenged --

COMMISSIONER SADHWANI: I think that makes sense.

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: Just to tone down that
language.

COMMISSIONER TOLEDO: Just to say what -- if they
even know what -- because I'd be concerned if they didn't
know what the case was and the implications of that case
on the equal protection standard. Right? And the rest
of it, I am fine with in terms of --

COMMISSIONER SADHWANI: So we can just -- yeah --

COMMISSIONER TOLEDO: -- anticipating issues that
might come before the Supreme Court and -- that seems
fine.

COMMISSIONER SADHWANI: Okay. So we'll -- we can
strike out -- I guess the --

COMMISSIONER TOLEDO: I don't want to wordsmith,
that one particularly --

COMMISSIONER SADHWANI: No, that's helpful. I
wasn't taking notes on this one. Do we have anyone
taking notes? I realize Alvaro's also not here. Okay.

CHAIR YEE: I'm taking notes.

COMMISSIONER SADHWANI: So yeah -- so then in 12,
yeah, striking, attacks nationally to was challenged. I
think that makes perfect sense.

CHAIR YEE: Okay. We can keep that with a word
change.

While we're at the bottom of the page, why don't we
take a look at 13? The caller suggested that we change
the wording there, as well, so that fairness is not
misconstrued as partisan competitive or partisan
fairness.

COMMISSIONER SADHWANI: I think this is a -- I'm
okay with partisan fairness if we want to go that route. But I don't actually think this question's asking about partisan fairness.

CHAIR YEE: Right. The caller was suggesting we want to make it clear that we're not asking about partisan fairness because that's what might come to mind.

COMMISSIONER SADHWANI: Okay.

CHAIR YEE: I mean, for instance, in Arizona, competitiveness is a redistricting criteria. For us, it's not. So.

COMMISSIONER SADHWANI: Yeah, I agree. I actually think we could remove that first sentence and -- as well as fairness from the second sentence and just start the question, how would you advise the Commission to negotiate across multiple criteria -- which we have --

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: -- for example, in the continuing -- and I think the rest of it sounds fine.

CHAIR YEE: Okay. That's easy.

COMMISSIONER SADHWANI: Yeah.

CHAIR YEE: So we'll strike that.

COMMISSIONER TOLEDO: It does -- how would you advise the Commission negotiate fairness? I -- that still -- the fairness is still in there --

COMMISSIONER SADHWANI: No, we removed that.
COMMISSIONER TOLEDO: Oh you're removing that.

Sorry, I think I missed that.

COMMISSIONER SADHWANI: Just --

COMMISSIONER TOLEDO: So can you just read out what the question is now, Commissioner Yee -- or Chair Yee?

CHAIR YEE: Sure. How would you advise the Commission to negotiate across multiple criteria? For example, how would you advise the Commission to negotiate the demands of racial equity, established within the VRA, while voting, making race the predominant criteria or motive?

COMMISSIONER SADHWANI: And that comes out of Supreme Court. I think it's Miller, in which the Supreme Court has said that race cannot be the predominant criteria nor motive but we still also have to be compliant to the VRA.

CHAIR YEE: Right.

COMMISSIONER SADHWANI: It creates this challenging dichotomy, so then the question is how do you meet the standards of the VRA without making race the predominant criteria of our redistricting process. Right? And of course, as California State law outlines, we have other criterion that we have to uphold. Equal population.

COMMISSIONER TOLEDO: We may want to make this a little bit clearer, I think, in terms of what criteria.
So maybe it's exactly what you just said, standard VRA criteria -- multiple standard VRA criteria or -- just to make it a little bit clearer, I --

CHAIR YEE:  Maybe just ask that specific example then.

COMMISSIONER TOLEDO: Or maybe ask the specific example.

CHAIR YEE: Yeah. So just -- how would you advise the Commission negotiate the -- basically -- the demands of racial equality and so forth? So -- instead of making that a for example, make that the question. How would you advise the Commission negotiate the demands of racial equality, established within the VRA, and so forth.

COMMISSIONER SADHWANI: I'm okay with that. Perhaps, just not an opening statement. And I'm sorry to be wordsmithing here. Just a simple opening statement. For me, I'd like to see counsels demonstrate their understanding of the multiple criteria that we are held to here in California, particularly recognizing that some will have experience outside of California where there are different criteria.

So perhaps an opening statement such as, you know, the Commission is held to multiple criteria when it comes to redistricting. And then as you both suggested, get rid of the for example. How would you advise the
Commission to negotiate the demands of racial equity, et cetera.

CHAIR YEE: That's good.

COMMISSIONER TOLEDO: Yeah, I like that.

CHAIR YEE: Okay. I'll make that change.

Okay. I'm thinking, with the callers' suggestions, adding a question. We're supposed to be striking questions. Adding a question about how a candidate envisions working with everyone else, including litigation counsel and the line drawer, and the staff and Commission. So just a catch-all question about that. And I'll figure out a way to word that.

The last item the caller suggested was an item about -- to the VRA council -- specifically about how to use the time before Census is released -- Census data is released -- are released. Let's see. Can we add that to any of the existing --

COMMISSIONER SADHWANI: I think question 1, actually.

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: It doesn't need to be question 1, but it's such a broad question. What would be the most significant and challenging issues arising from the Census data. Well, it's going to be months late. I think that's pretty obvious.
CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: So I appreciate the caller's suggestion there --

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: -- of how will they use that time.

CHAIR YEE: Okay. We can just add that in, a second sentence. How to use the delay.

COMMISSIONER TOLEDO: The other suggestion from the caller was to -- that I found helpful -- was also, in terms of number of questions, that 13 questions is a lot of questions for an hour interview. And maybe that's okay, given that we're going to be giving the -- given that the questions are public. But it doesn't really provide any applicant to go into depth on -- in too much depth on any of these issues.

CHAIR YEE: Sure.

Okay. So we have --

COMMISSIONER SADHWANI: I agree.

CHAIR YEE: Yeah. We struck two, number 5 and number 8. And then, we're adding one about how to work with others. So that -- we're at 12.

COMMISSIONER TOLEDO: And to me, it sounds like we're almost adding a -- or -- maybe we're constraining question number 1 -- but almost is like another question
that was added to number 1, as well. But I can see it
being a constraining, right, and limiting that question,
as well. So --

CHAIR YEE: Were there any other questions either of
you thought might be struck?

COMMISSIONER SADHWANI: I think number could be
struck. I don't think there's enough examples -- well, I
don't know, I guess it could work. Especially for VRA
counsel, I don't know that VRA needs to be asked this
question about boards and commissions.

COMMISSIONER TOLEDO: So --

CHAIR YEE: Yeah. It's kind of vague. I'm
comfortable striking it.

Okay. That will take us to 11. So we want to find
one more?

COMMISSIONER TOLEDO: And I think they're all
important. I'm fine with us keeping them, it just -- you
know, we just have to understand that the applicants will
have limited amount of time to respond.

COMMISSIONER SADHWANI: To actually respond, yeah.

CHAIR YEE: Well, lawyers talk fast, right?

COMMISSIONER SADHWANI: I could see also removing
question 7. It's highly speculative. I think it's an
important question in general, but I think that we'll
have to figure that out regardless.
CHAIR YEE: Yeah, it did get mentioned in the full commission yesterday, but I can see that it's speculative and we don't -- yeah. We have no idea if it'll pass or which parts will pass.

COMMISSIONER SADHWANI: Right. Exactly

CHAIR YEE: And what will apply to us if it does pass.

COMMISSIONER SADHWANI: That's right.

And -- yeah. And the response to this could go on and on quite frankly. There's the Arizona case before the Supreme Court. There's a John Lewis Voting Rights Act and Advancement Act, so yeah.

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: And it's all speculative. We don't know what will or will not pass.

CHAIR YEE: Yeah. I mean, it is interesting but --

COMMISSIONER SADHWANI: It is.

CHAIR YEE: -- I don't -- we are trying to whittle down. So okay, we'll strike number 7. And that takes us to ten.

COMMISSIONER SADHWANI: Did you want to get in there, Commissioner Toledo? I saw you raise your hand.

COMMISSIONER TOLEDO: Maybe we can go over the questions that we have left after our striking, just to make sure that we're covering all the substant --
substantive areas that we want to cover and make sure
that we're not neglecting any area.

CHAIR YEE: That's fine.

COMMISSIONER TOLEDO: (Indiscernible) --

CHAIR YEE: Yeah. My intention -- we can go over it
quickly and then I'll send out a draft --

COMMISSIONER TOLEDO: Okay.

CHAIR YEE: -- that you can look at before we post
it. So shall I go over it now?

COMMISSIONER TOLEDO: Yeah, that'd be great. Just
so we can --

CHAIR YEE: Okay. So keeping number 1, with an
addition to ask about how to use the delay in the Census
I released. Keeping number 2, changing collapse into
coalition. Striking number 3. Keeping number 4 as is.
Striking number 5. Keeping number 6 as is. Striking 7
and 8. Keeping number 9 as is. Keeping number 10 as is.
Keeping number 11 as is. 12, keeping, changing attacked
to challenged. And then, 13, keeping, with the various
changes we mentioned. And then adding a 14th, which will
be 10th, about just how do you intend to work with these
various other parts of our effort.

COMMISSIONER SADHWANI: Do we want to keep 9 in
there? I mean, is that a part of our decision-making
process, is whether or not they will keep the RPV
analysis confidential or made public? I mean, that kind of comes down to whether or not we anticipate it being a piece of potential litigation. I don't know if it -- I don't know if, for me, it's that issue -- it's an important issue, but I don't know if it determines who I would select for VRA counsel, necessarily.

CHAIR YEE: Yeah.

COMMISSIONER TOLEDO: I would agree with Commissioner Sadhwani on that. I don't think this adds anything.

CHAIR YEE: Okay. Yeah. I suggested that question because it keeps coming up. Right?

COMMISSIONER SADHWANI: Yeah.

CHAIR YEE: But you're right, it doesn't -- it wouldn't make a difference in deciding one or the other.

COMMISSIONER SADHWANI: Yeah.

CHAIR YEE: So that's fine.

COMMISSIONER SADHWANI: And it is an important one that we'll have to figure out.

COMMISSIONER TOLEDO: Yeah.

CHAIR YEE: Doesn't help us decide on whom to hire.

Okay, I'll strike number 9.

Okay. I will send out a draft of those.

Let's go ahead and take a look at the litigation counsel question.
COMMISSIONER SADHWANI: So then, in total, are we
down to -- how many questions -- nine?

CHAIR YEE: I think we're down to nine.

COMMISSIONER SADHWANI: In one hour?

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: Do we feel good about that,
or should be pare down more?

COMMISSIONER TOLEDO: I mean, ultimately, they'll
have these questions ahead of time and will be able to
answer those questions they feel that are strongest. So
by having the nine, it'll also give the opportunity to
really focus on the questions that they are strongest on,
and/or -- or to determine how they answer them within an
hour time frame.

COMMISSIONER SADHWANI: Yeah.

COMMISSIONER TOLEDO: I mean, I would be fine with
paring it down a little bit more if the questions that we
leave are such that they'll be substantive enough to help
us in our deliberation process. These are all important
questions.

COMMISSIONER SADHWANI: They are.

COMMISSIONER TOLEDO: But if we can -- so I'm
comfortable either way is all I'm saying.

CHAIR YEE: Yeah. When we were hiring for staff,
certainly, the response time varied very widely. So --
which was a --

COMMISSIONER TOLEDO: What --

COMMISSIONER SADHWANI: That's true.

COMMISSIONER TOLEDO: -- we can do is, for us, for our purposes, right. If the ordering is important, maybe putting the important questions, that we absolutely want answered, on the top, in case -- in case we can't get to questions on the bottom for some reason. So we could reorder so that -- these all seem import -- like important questions to me, so that may be a little bit tough. Maybe not equally important, but important, nonetheless.

CHAIR YEE: I'm pretty confident we can get through them. I mean, we're not asking for exhaustive answers. We're judging, you know, what can you say in four minutes about this topic. Right?

COMMISSIONER SADHWANI: Correct. And I think in my review of the VRA applicants that we have received, I'm not concerned that any of them don't have expertise in the VRA. Like, these are actually softball questions --

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: -- in some regards, to VRA experts. So yeah, I'm comfortable with that. And I think it will be interesting to see the different approaches the teams will take in their responsiveness.
CHAIR YEE: When I send off the draft, you can suggest any reordering. Maybe I'll even try to take a stab at reordering. But that would be fine.

COMMISSIONER SADHWANI: Yeah. The one that just sticks out to me is the question about the budget, as it's, kind of, like, smack dab in the middle of, like, VRA questions.

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: So I think maybe first or last on that one --

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: -- might make sense. And then similarly with the -- what is currently question 6, around being nonpartisan and objectivity. I think if there were any -- particularly for -- of course, we're doing our due diligence for all applicants -- if there are issues that arise for any of them, to me, that's where this kind of come up.

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: And so again, right now, that's kind of in the midst of all these VRA questions. So maybe first or last, or a section that is more specific to --

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: -- those criteria.
CHAIR YEE: Okay.

Let's take a look at the litigation counsel questions. There are nine in the draft. Number 3, the budget question, we can similarly move down, perhaps to last.

I don't think the caller referred to any of these so. And I thought they were all worth keeping.

COMMISSIONER TOLEDO: I mean, on question number 9, and particular the last portion of it, we may want to consider rewording. How might the experience of the VRA impact our ability to -- the CVRA impact our ability to defend racial consciousness? How would you defend the constitutionality of majority-minority influence or coalition districts that the commission may have to draw?

COMMISSIONER SADHWANI: Um-hum.

COMMISSIONER TOLEDO: How might the experience of --

COMMISSIONER SADHWANI: Well, there is currently a case before the California Supreme Court --

COMMISSIONER TOLEDO: Um-hum.

COMMISSIONER SADHWANI: -- that asks this kind of question around vote dilution under the CVRA. If it is found, right, that influence districts should not be protected under the CVRA, how do we then protect -- if we end up drawing influence districts in these other jurisdictions, how do we defend that? Is it a problem?
Right. Will there then be conflicts, right, between state law and the federal VRA? And if so, how might that play out for us?

MS. JOHNSTON: If I could add, your first criteria --

COMMISSIONER TOLEDO: Thank you.

MS. JOHNSTON: -- is to follow federal law, so if there were a conflict between the two, you would have to apply federal law.

COMMISSIONER TOLEDO: Federal law.

COMMISSIONER SADHWANI: Yeah. Would that leave us open to potential litigation, knowing that there is a standard in California for the CVRA, which again, I recognize we are not held to, but on a very similar issue around vote dilution. This would be the team that would have to --

MS. JOHNSTON: It depends on how the California Supreme Court words its decision. I could see that as a possibility --

COMMISSIONER SADHWANI: Right.

MS. JOHNSTON: -- but not necessarily.

COMMISSIONER SADHWANI: Sure. Right.

CHAIR YEE: I mean, it all suddenly seems more possible than it did not that long ago, for sure.

COMMISSIONER TOLEDO: I mean, maybe -- perhaps, I'm
just -- maybe if the question were focused more on vote
dilution, rather than -- and that might make it a little
bit -- as opposed to just the California Voting Rights
Act, but rather vote dilution in general from -- but
there are challenges to the Voting Rights Act --

COMMISSIONER SADHWANI: Um-hum.

CHAIR YEE: -- and the California Voting Rights Act.
And it all comes down to, essentially, vote dilution.

COMMISSIONER SADHWANI: Yeah.

COMMISSIONER TOLEDO: So.

CHAIR YEE: Okay. So how might we reword this,
then?

COMMISSIONER TOLEDO: What is defend racial
consciousness --

COMMISSIONER SADHWANI: Are you suggesting just
remove the sentence, "How might the experience of the
CVRA impact our ability to defend racial consciousness?"

CHAIR YEE: Yeah, that was my suggestion, but then
perhaps adding something about how would you defend the
constitutionality of majority-minority influence or
coalition for -- I think we changed that to "for
coalition districts that the commission may have to
draw" -- adding something about vote dilution in there.

How would you -- and I don't know the exact wording
right now. I haven't really come up with it. But
something specifically around protecting the rights of --
or I'm actually not sure what the word would be at this point. I see the spirit in this question. I understand what it is. I just haven't been able to --

COMMISSIONER SADHWANI: Um-hum.

COMMISSIONER TOLEDO: -- figure out how to reword it to get something that might be useful in determining the qualifications of the litigation firm in deliberation.

COMMISSIONER SADHWANI: I'm not great at thinking out loud, but --

COMMISSIONER TOLEDO: Me, either.

COMMISSIONER SADHWANI: -- I am happy to try to wordsmith this and send through staff to get to you all to see some alternative versions. I'd be happy to take a closer look at that.

COMMISSIONER TOLEDO: I'm in the same boat. I prefer to not think out loud.

COMMISSIONER SADHWANI: Yes, I don't do my best work that way, but happy to take a closer look at it.

Question 9.

CHAIR YEE: Okay. So we'll keep question 9, but our intention is to reword it --

COMMISSIONER SADHWANI: Okay.

CHAIR YEE: -- in some fashion.

COMMISSIONER TOLEDO: Or to at least consider
rewording it.

COMMISSIONER SADHWANI: Yeah.

COMMISSIONER TOLEDO: We might end up keeping it but at least look at different options for it.

CHAIR YEE: Should we still have a -- so striking that one, the next to the last sentence, at least we'll intend to do that but perhaps some further rewording as well.

Okay. Any other edits?

COMMISSIONER SADHWANI: I might just -- for question 5, it's asked as a yes-no question, and --

COMMISSIONER TOLEDO: Yeah.

COMMISSIONER SADHWANI: -- perhaps we want to reword that also just so that we're getting a little bit more of a response.

CHAIR YEE: Sure. Okay.

COMMISSIONER SADHWANI: I believe that it's still the case. No.

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: So.

CHAIR YEE: Yeah.

COMMISSIONER TOLEDO: In addition to that, maybe we can just change that to "with recent changes on the U.S. Supreme Court", as opposed to "recent conservative shift".
COMMISSIONER SADHWANI: Yeah.
CHAIR YEE: Yeah, yeah.
COMMISSIONER SADHWANI: That would be good.
COMMISSIONER TOLEDO: Just so it's -- because it sounds --
CHAIR YEE: Yeah.
COMMISSIONER TOLEDO: -- a little judgmental.
CHAIR YEE: Yeah, yeah. How do you believe recent changes in the U.S. Supreme Court may affect this --
COMMISSIONER SADHWANI: Perhaps, to what extent --
to what extent do you believe recent changes on the Supreme Court --
CHAIR YEE: Okay.
COMMISSIONER SADHWANI: -- would impact this --
could impact the existence --
COMMISSIONER TOLEDO: Could impact this case or could impact the precedence in this case?
COMMISSIONER SADHWANI: Yeah.
CHAIR YEE: Well, the case stands would impact --
COMMISSIONER SADHWANI: Future examinations of independent redistricting commissions, something like that.
CHAIR YEE: Yeah.
COMMISSIONER TOLEDO: That works.
COMMISSIONER SADHWANI: Certainly, you can envision
Michigan, for example, might get a challenge to the existence of the commission. I could envision that.

CHAIR YEE: Okay. Okay. I'll revise that.

Anything else?

I guess number 2 is actually a little bit too restrictive because I just asked about working with the VRA counsel. So maybe adding a whole additional question about working with line drawer and other staff.

COMMISSIONER TOLEDO: Other members of the --

COMMISSIONER SADHWANI: I could see that just being added to question 2, as opposed to a secondary question.

COMMISSIONER TOLEDO: Um-hum.

COMMISSIONER SADHWANI: And then people will --

CHAIR YEE: Okay.

COMMISSIONER SADHWANI: -- answer perhaps a different way.

CHAIR YEE: Okay. That's fine.

Okay. Anything else?

COMMISSIONER SADHWANI: This looks good.

CHAIR YEE: Okay. I will send out a draft of these, and we will have these -- the final set of questions will be posted before the interviews on the 22nd.

Last item we have to consider is provisions for counsel during this process. Our chief counsel position right now is open, and we are in the process of hiring
for that, but we don't anticipate that position will be filled before these interviews. We do have -- we're grateful to have Marian Johnson currently as our counsel. The question is whether to supplement Marian's presence with perhaps somebody from the AG's office to have both present during the interviews and deliberations, and since we won't have a chief counsel in place.

So thoughts about that?

COMMISSIONER TOLEDO: I mean, I would be supportive of having additional support. Additional support is always a welcome, especially in a process that's so important, such as this one, in terms of providing guidance on the procedural elements, although I'm very comfortable with Marian's advice in this process. But it's always good to have more advice rather than less.

COMMISSIONER SADHWANI: I would tend to agree. I could really go either way on this. I certainly appreciate Marian's willingness to step in and continue to provide procedural support to the commission and to this committee. I wouldn't also be opposed if we had additional support from the attorney general's office throughout this process so.

CHAIR YEE: Both the interview process, but also the deliberations, especially, in the actual ranking and
evaluation of candidates and eventual decision on whom to recommend, and so trying to ensure there is full counsel coverage for all those stages.

COMMISSIONER SADHWANI: Um-hum.

COMMISSIONER TOLEDO: Yes. I think it wouldn't -- I think it only can only help support us to have more advice and more guidance than less and.

COMMISSIONER SADHWANI: Yeah, I would tend to agree. I mean, we're talking about hiring some of the largest contracts in our budget, period, right. I mean, we had, what, like, four millions dollars --

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: -- line itemed for litigation counsel. That's no small amount of the taxpayer dollars. So to make sure that we have all of the legal support that we possibly need to make the very best decision possible, I'm not opposed to that, to provide that additional support.

CHAIR YEE: Get fully --

COMMISSIONER TOLEDO: I --

CHAIR YEE: -- lawyered up.

COMMISSIONER SADHWANI: Get lawyered up to hire some --

COMMISSIONER TOLEDO: Well --

COMMISSIONER SADHWANI: -- more lawyers.
COMMISSIONER TOLEDO: And I also want to ensure that our paralegal has sufficient guidance and advice, as well, so that all of our --

CHAIR YEE: Um-hum.

COMMISSIONER TOLEDO: -- documentation is covered under attorney-client privilege.

CHAIR YEE: Um-hum. Right. And there may be items that come up in this whole process that we're not anticipating yet but may surprise us so.

Okay. I can follow up with our executive director on that and hopefully have someone in place for the interviews.

COMMISSIONER SADHWANI: Very good.

CHAIR YEE: Okay. The only remaining item, that is to anticipate our future, any meetings for the Legal Affairs Committee? I believe there is nothing planned at this moment beyond the interviews. We intend to have a recommendation at full commission by the end of those interviews and deliberations, so by the end of the 24th.

COMMISSIONER SADHWANI: Um-hum.

CHAIR YEE: Do we want to try to plan anything after that or just wait till then?

Yeah, Marian.

MS. JOHNSTON: I would suggest that -- to finalize your question, since you've left a few up in the air,
that you bring that up under the commission meeting next week and do that in public session for the discussion of finalizing the questions.

CHAIR YEE: Very good.

COMMISSIONER SADHWANI: Okay.

CHAIR YEE: Good idea. We'll do that.

COMMISSIONER SADHWANI: And just to clarify, Marian, can we do that during the full commission meeting? And if we were to do so, other commissioners cannot weigh in during that time; is that correct?

COMMISSIONER TOLEDO: Oh --

COMMISSIONER SADHWANI: Or should we plan to have a time after the commission has recessed in which just the three of us meet again, just in terms of Bagley-Keene, since we are committee still.

MS. JOHNSTON: If you do it as an item during the full commission meeting, then all the commissioners can weigh in.

CHAIR YEE: Um-hum.

COMMISSIONER SADHWANI: Okay.

MS. JOHNSTON: But you can limit it to the questions that you still have remaining on the ones you need to reword.

COMMISSIONER TOLEDO: And that also would allow us to get feedback and guidance from the full commission, as
well, in this process --

CHAIR YEE: Right.

COMMISSIONER TOLEDO: -- even if it's just the three remaining questions we have left, or couple of questions we have left.

CHAIR YEE: Okay. I will make sure that happens.

Do we want to plan or anticipating any further meetings beyond that, beyond the interviews, basically? We'll have to -- there has to be a hiring process, which I guess we'll have to be involved with, right, so.

COMMISSIONER SADHWANI: Yeah. And we should start asking Raul about what the contracting process will look like and -- or Marian, if you have that information, of what that process would actually look like. I believe we had entered into an RFI with the understanding that it was an attorney-to-attorney relationship. So I think then, Marian, you would probably need to be a part of that contracting process if you feel comfortable doing so, in absence of chief counsel.

MS. JOHNSTON: Sure.

COMMISSIONER SADHWANI: So to your question, Russell, yes, I think we should just continue to agendize (sic). If we don't need the meetings, then we don't have to use them, but given the fact that there is a two-week notice time for our meetings, it makes sense just to have
them on the agenda and then cancel them so that if --

CHAIR YEE: Right.

COMMISSIONER SADHWANI: -- things come up, then it's something that we can discuss.

CHAIR YEE: Okay. Should we actually look at a date right now?

COMMISSIONER SADHWANI: Well, my sense is we could just add them onto the committee meetings, no? Excuse me, to the commission meetings, that whole list of days that we added.

CHAIR YEE: Right, including some days which are for committee meetings only, although I had a question about those, because you are not available Wednesday night, Sara, so.

COMMISSIONER SADHWANI: Well, that only lasts through April and the first week of May, but yeah, I mean, I think if we can just tag onto -- as Alvaro is working on the agendas and posting all of these dates, if we can add -- I think what tends to happen is unless there is something really long, we don't tend to go more than a couple of hours for the Legal Affairs Committee. If we can just tag it on as a standard meeting somehow.

CHAIR YEE: Okay. So let's think. Why don't I just take a look at the upcoming meetings, then, and pick one that makes sense and anticipate adding --
COMMISSIONER SADHWANI: Um-hum. Okay. Yeah, that makes sense.

COMMISSIONER TOLEDO: It may make sense to just add them to all -- maybe not the single-day meetings, but the meetings where we have multiple days, to just add a couple of days, or maybe even to the single days because they're just one day. And just add them in case we -- add meetings in case we need it, given that the contracting process will be happening, likely, in the month of April.

COMMISSIONER SADHWANI: Correct.

COMMISSIONER TOLEDO: And we may need to meet to go through that process.

COMMISSIONER SADHWANI: That's right, and especially because we're asking questions about what can we do on VRA to prepare ourselves for VRA prior to census data. You can imagine in May or June we might want to figure that out. I don't know if we want to continue to do that through the Legal Affairs Committee or through the VRA committee. And we can also determine those kinds of components as well.

CHAIR YEE: Yeah. You'll be sharing in April, Pedro.

COMMISSIONER SADHWANI: Good luck with that contract.
CHAIR YEE: Right now, we actually have a proposed agenda item for the March 29/April 1 meeting to hire. Would we need --

COMMISSIONER SADHWANI: Correct.

CHAIR YEE: -- a separate meeting LAC meeting to prepare for that, or is the full commission agenda item sufficient?

COMMISSIONER SADHWANI: I think we need to learn more about the contracting process in order to --

CHAIR YEE: Yeah.

COMMISSIONER SADHWANI: -- answer. I would need to learn more about the contracting process in order to answer that question.

COMMISSIONER TOLEDO: So perhaps we can ask Raul to provide, A, Marian, to help us do more of a calendaring. What are the -- what are the steps? More of a project management type of document or memo that just explains the next steps for the next month, month and a half --

COMMISSIONER SADHWANI: Um-hum.

COMMISSIONER TOLEDO: -- as we go through the contracting process.

CHAIR YEE: That sounds good. I'll request that.

Okay. With that, anything else?

COMMISSIONER TOLEDO: I think your question was, do we need a meeting prior to the next -- to the 29th to do
any prep work? I think, or maybe I misinterpreted.

CHAIR YEE: I'm just wondering, in general, after we make our decision, let's assume the full commission does approve this recommendation, and then we need to go forward with the hiring process. So the question is whether we to now agendize (sic) any meetings to do that. So since we don't since -- we're going to have to see this memo, a timeline memo, to really have a better sense of it, even taking action on the 29th/1st, we're not sure about that, yet. It may happen that quickly or we may need to do more work before we're ready for that.

COMMISSIONER TOLEDO: Okay. I know we're almost at 11 o'clock, and I don't know if this is the right place to ask this question, or maybe it's at a future meeting or maybe even next at the next commission meeting. But in terms of our recommendation, because whatever we decide should be standardized, are we planning to recommend one candidate from each of this pool for the VRA litigation? Could it be two candidates? I mean, I'm sure it could be two, but what is our intention as a committee? Do we plan to recommend one candidate, two candidates per each one of these RFIs, or is our intention to just elect -- to narrow it down to one? Or do we want to leave it a little bit more open? And I guess the question becomes, can we leave it open?
CHAIR YEE: Sure.

COMMISSIONER TOLEDO: And I'm not sure if this is the right question to have now. I know it's the right question to have in the open --

CHAIR YEE: Yeah.

COMMISSIONER TOLEDO: -- in an open meeting such as this. I just don't know if right now is the right time or if we want to --

MS. JOHNSTON: I would suggest you wait until after you see your candidates and think if -- if they are two that you want to recommend or only one, you'll know more after you do the interviews.

CHAIR YEE: Um-hum.

COMMISSIONER TOLEDO: Okay. So wait until after the interviews is the recommendation.

CHAIR YEE: I mean, I think it would make it easier on the full commission if we have one clear recommendation for each position, and we recommend that they go forward. If we are just stuck trying to decide between two, then maybe we end up bringing that before them. But I don't think anybody prefers that, so yeah.

But yeah, I think Marian is right. I think when we actually see and actually start ranking, we'll know where we stand with that. But a good question. I don't think -- so we have not decided that. And yeah.
COMMISSIONER TOLEDO: And I think that is an appropriate -- this may be the appropriate path forward, is to just wait until we see the candidates, and we do the interview process to determine how many or individuals will move forward in the recommendation process.

CHAIR YEE: Right. We have said we are -- we do intend to rank candidates, so the question is whether any of those will be a tie, I suppose.

Okay. Anything else?

We need to take public comment before we close, so let's go ahead and bring back Katy for our closing public comments.

PUBLIC COMMENT MODERATOR: Yes, Chair. Oops. My instructions were stuck. Okay.

In order to maximize transparency and public participation in our process, the commissioners will be taking public comment by phone. The Legal Affairs Committee will be taking public comment by phone.

To call in, dial the telephone number provided on the livestream feed. It is 877-853-5247. When prompted, enter the meeting ID number provided on the livestream feed. It is 969-8965-6065 for this meeting. When prompted to enter a participant ID, simply press the pound key.
Once you have dialed in, you will be placed in a queue. To indicate you wish to comment, please press star nine. This will raise your hand for the moderator. When it is your turn to speak, you will hear a message that says the host would like you to talk. Please press star six to speak.

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

Once you are waiting in the queue, be alert for when it is your turn to speak. And again, please turn down the livestream volume. And the Legal Affairs Committee is taking their closing public comment at this time, and there is no one in the queue.

CHAIR YEE: Thank you, Katy. We'll a minute.

I should mention, I am glad to see that we do have all five applicants, six applications, lined up for interviews, including -- yeah, including all of them.

COMMISSIONER SADHWANI: Um-hum.

CHAIR YEE: Glad to see that.

COMMISSIONER SADHWANI: Do we know, Chair, if that got posted to the website or not yet? Or it will --

CHAIR YEE: Yes.
COMMISSIONER SADHWANI: -- be posted?

CHAIR YEE: It's part of the agenda for that meeting. The full interview schedule is included.

COMMISSIONER SADHWANI: For the 22nd -- oh, I see. Okay.

CHAIR YEE: Yeah. So each of those days, we intend to have interviews. Those last till 2 p.m. each day, Monday and Tuesday. That'll give us a couple hours after the interviews for our preliminary discussions and perhaps even --

COMMISSIONER SADHWANI: Okay.

CHAIR YEE: -- preliminary rankings. Wednesday, the 24th, the entire day as needed will be for further and final discussions and rankings.

PUBLIC COMMENT MODERATOR: The instructions are complete. It's been two minutes.

CHAIR YEE: We'll just wait just a moment.

Okay. Well, seeing no callers, there is no other business. This meeting of the Legal Affairs Committee, as well as the March 8th full commission meeting, is now adjourned.

(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.

LORI RAHTES, CDLT-108

Date: June 29, 2022