STATE OF CALIFORNIA

CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

LEGAL AFFAIRS COMMITTEE MEETING

WEDNESDAY, JUNE 30, 2021

1:00 p.m.

Transcription By:
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Andrea Sheridan Ordin, Counsel
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Fredric Woocher, Counsel
David Becker, Counsel
Dale Larson, Counsel

Also Present

Public Comment
Sandara Barreiro, California School Employees Association
Erin Reynoso, SEIU California
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June 30, 2021 1:00 p.m.

CHAIR YEE: Hello and welcome to a meeting of the Legal Affairs Committee of the 2020 California Citizens Redistricting Commission. I'm Commissioner Russell Yee. I am chairing this committee.

If we could have the roll call, Director Hernandez?

MR. HERNANDEZ: Yes. Good afternoon, everyone.

We'll begin with Commissioner Toledo. Commissioner Sadhwani.

COMMISSIONER SADHWANI: Here.

MR. HERNANDEZ: And Commissioner Yee.

CHAIR YEE: Here.

MR. HERNANDEZ: The roll call is complete.

CHAIR YEE: Thank you. So we'll start off today with introductions. I will pause briefly to take any public comment, and then we'll get into what's listed as Chair updates, which is the meat of our meeting. We'll have a fifteen-minute break somewhere in the middle.

We're currently scheduled for 1 to 4 p.m.

So let's start with introductions. We'll start with the Commission. And as we give our names, perhaps we can mention just what particular role we're playing in this VRA portion of our efforts.

So I'm Commissioner Russell Yee. I'm the June
rotating Chair for the Legal Affairs Committee. I'm also on the VRA Subcommittee for the Commission, and I'm here at my home in Oakland.

Commissioner Sadhwani?

COMMISSIONER SADHWANI: Yes. Thank you, Chair Yee. Welcome to all of our guests today. So excited to have you all here with us and to be advancing this work.

My name is Commissioner Sara Sadhwani. I am joining today from my office in Pasadena, California, in Southern California. In addition to the Legal Affairs Committee, I also serve on the VRA Subcommittee and Governmental Affairs/Census Timeline Subcommittee, as well as the Line Drawer Subcommittee, so I'm working on coordinating some of those efforts as well. Very excited for our conversation today and to move forward this important work.

And I see Commissioner Toledo has joined us as well.

CHAIR YEE: Hey.

VICE CHAIR TOLEDO: Good afternoon.

CHAIR YEE: Go ahead and introduce yourself, Commissioner Toledo.

VICE CHAIR TOLEDO: Commissioner Toledo from Petaluma, California.

CHAIR YEE: And our only lawyer on the Commission of all the Commissioners. But we do have a Chief Counsel,
and let's go to our CRC staff.

Counsel Pane? You're muted.

MR. PANET: Good afternoon, everyone. Anthony Pane, Chief Counsel here for the Redistricting Commission. It'll be great working with all of you.

CHAIR YEE: And then Marian Johnston (sic).

MS. JOHNSTON: Hi. I'm Marian Johnston. I'm an -- one of the attorneys for the Commission, and I was also the attorney for the 2010 Commission, so I was involved in the Padilla litigation.

CHAIR YEE: Director Hernandez?

MR. HERNANDEZ: Good afternoon. Again, this -- I am Alvaro Hernandez. I'm here in Sacramento. I'm the Executive Director, and I'll be available should you have any additional questions today.

CHAIR YEE: Okay. That's our CRC team. Why don't we go to our line drawers? Karin?

MS. MAC DONALD: Hello, everybody. My name is Karin Mac Donald. I am with Q2 Data and Research, and I am here with actually two hats on depending on how you need me, either with that hat or with the other hat, which is as director of the Statewide Database. And I am really happy to be in this meeting with everybody. Thank you.

CHAIR YEE: Then Andrew.

MR. DRECHSLER: Hi, everyone. Andrew Drechsler with
Haystaq DNA. Together with Karin and Q2, we are teaming up to be the line drawers, and excited to be here today.

CHAIR YEE: Thank you. Let's go to our SW team, and perhaps, Andrea, would you like to conduct the introductions?

MS. ORDIN: Yes. I'm Andrea Ordin from Strumwasser & Woocher and part of your legal team, and started my career in the State Attorney General's Office. And when I came back to the State AG's Office the second time, I was in the Chief Assistant Attorney General with responsibility over civil rights, among other things, and greatly enjoyed being back working with the State. And I was County Counsel during 2010 redistricting for the County.

Fred?

MR. WOOCHER: Okay. My name is Fred Woocher, and I am one of the founding partners of Strumwasser & Woocher. I've been, among other things, specializing in election law for the past 40-some-odd years, and so have some -- some background in many of these same issues that we're dealing with here, and really looking forward to getting started on this finally.

MR. LARSON: Hi. I'm Dale Larson. I've been with Strumwasser & Woocher since 2014 and have been working on election law matters since then. I was previously at the
Law Firm of Morrison and Foerster, although I did not work on the 2010 effort that Morrison and Foerster did. I -- before passing off to Sal, I just wanted to remind everyone that we have two other members of our team, Julia Michel and Caroline Chiappetti, who are both very talented lawyers who have election law experience as well, and surely you will meet them in the future. We didn't want to overwhelm you with too many lawyers in -- in one meeting here today.

Sal?

MR. PEREZ: Good afternoon, everyone. My name is Sal Perez. I am one of the junior members of the team. I graduated from Stanford Law School in 2014, and prior to joining Strumwasser & Woocher in January, I clerked for two federal judges and worked at O'Melveny & Myers and Manatt, Phelps & Phillips, and I reside in South Pasadena.

MR. BECKER: Guess I'm probably up next. I'm David Becker. My day job, I run a nonpartisan nonprofit in the election space called the Center for Election Innovation and Research, and I am a lawyer that has decades of experience in election law compliance, and I worked for several years as a voting rights counsel with -- litigation attorney with the United States Department of Justice. And I'll be joining with Strumwasser to advise
on compliance with the Voting Rights Act.

CHAIR YEE: Great, great. That's everyone, yeah?
My apologies. I forgot about the two additional personnel that had been added. It's been a while, and certainly I do look forward to working with them as well.

Let's go ahead and pause for public comment. Katy, if you're there, we'll go ahead and open the lines and take any public comment at this time.

PUBLIC COMMENT MODERATOR: Afternoon. 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 98748352081 for this meeting.

When prompted to enter a participant ID, simply press the pound key. Once you have dialed in, you'll 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 is 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 I'd like to remind those calling in that have called in previously to please press star 9 to raise your hand indicating you wish to comment. We do have a raised handed this time.

Caller 5961, if you will please follow the prompts to unmute yourself by pressing star 6. Caller 5691, you are unmute. Go ahead.

MS. BARREIRO: This is Sandra Barreiro on behalf of the California School Employees Association, S-A-N-D-R-A, B-A-R-R-E-I-R-O. I've called in previously regarding the adoption deadline and expressed concern about a false all-or-nothing narrative.

I urge the Commission to provide some relief from the holidays while still preserving the traditional primary date. Several county commissions are embracing this approach, and I again urge you to do the same. This will require consideration of practical election administration issues. County commissions need only to consult their registrars, whereas you need to consider the entire state.
As your new counsel, Fred Woocher, knows, the same policies can impact different sized counties in different ways. For example, ten years ago, small counties under fifty,000 people only had a twenty percent chance of being split in a plan. And if they were split, it was almost always only once. Quite frankly, your deadline may not make a difference to them.

Conversely, large counties with populations over one million accounted for seventy percent of all county fragments statewide. The large counties also have largest GIS departments and may be able to adapt quickly. Medium-sized counties between fifty,000 to one million may have the toughest challenge. Every medium-sized county is currently split in at least two of the plans, but their GIS departments are comparatively small, and they may need longer --

MR. MANOFF: Thirty seconds.

MS. BARREIRO: -- to implement your work. I know considering the effect of county size on electorate admin -- election administration adds another layer of complication, but I hope this helps and contributes to your ongoing deliberations. Thank you.

CHAIR YEE: Thank you.

PUBLIC COMMENT MODERATOR: Thank you so much. And again, I'd like to remind those who have called in to
please press star 9 indicating you wish to comment.

And it looks like that is all our public comment at this time, Chair. I will defer to you.

CHAIR YEE: Thank you, Katy. Okay. Let's move on to --

PUBLIC COMMENT MODERATOR: I apologize, Chair. 6296 did raise their hand. It just took them a second.

CHAIR YEE: Very good.

PUBLIC COMMENT MODERATOR: And 6296, if you will please follow the prompt to unmute. You are unmuted. Go ahead.

MS. REYNOSO: Thank you so much. This is Erin Reynoso. I'm with SEIU California. SEIU has previously encouraged the Commission to take full advantage of the extra time before census data is available, so we'd like to commend the counsel for outlining their potential plans for 2021. There are a few additional items we would like to suggest for your consideration.

Prior to August 16th, we would suggest counsel develop recommendations for any open legal questions relating to the criteria. This would include things like guidance on acceptable population deviations and the role of influence districts. Such decisions can and should be made in the next few months, allowing line drawers to move quickly once census data is available.
Prior to September 23rd, we suggest scheduling in-person meetings so the Commission can provide direction on prioritizing communities of interest. Such direction is dependent on the completion of public input hearings, not the availability of census data. Completing this step will, again, allow for visualizations of potential maps to be produced more quickly once the State Database reallocation process is completed.

The 2010 Commission was not prepared for the availability of census data, leaving only about two months for the actual line drawing. The potential plan for 2021 includes at least three and a half months for line drawing, but it's critical to first take full advantage of the time before census data is available for use. Thanks so much for listening.

CHAIR YEE: Thank you.

PUBLIC COMMENT MODERATOR: Thank you so much.

And with that, Chair, that is all our public comment at this time.

CHAIR YEE: Okay. Very good. Thank you, Katy.

Okay. Let's move on to agenda item number 3, the Chair updates, and that's the meat of our meeting today. We'll start with discussion and setting lines of direction in communication regarding VRA counsel.
We have several entities here: the Commission, the Commission's VRA Subcommittee, which will be working most closely with these matters. We have our Chief Counsel as well as legal staff, including Ms. Johnson (sic). Line drawers, and then our Counsel itself, Strumwasser Woocher.

If I could ask, perhaps, our Chief Counsel Anthony Pane, to speak to his particular role in all this and what he is thinking in terms of the best way to arrange our lines of communication going forward.

MR. PANE: Thank you, Chair. Just to outline things, the Chief Counsel -- and this is in line with a lot of the ongoing communication and established practice -- is that the Chief Counsel acts as one of the chief liaisons between Strumwasser Woocher and the committee, and also the Commission. And that's -- that to date, upon adoption of the contract, we pursued that main line of communication. We think that's the most efficient way to do it to help streamline communications among all the various -- all the various folks.

Andrea's been very helpful, so thank you, Andrea. You and I have been able to sort of establish the first line of communication to help disseminate things efficiently and would seek to continue that -- that efficient use. Certainly allow for additional folks to
chime in as needed, but as -- as just a matter of general practice, the Chief Counsel and Andrea tend to have a first line of communication for anything we need, and we make sure to include any and all folks that -- that need to be included as well. I hope that's helpful.

CHAIR YEE: It is helpful. Very good. I'm wondering what our line drawers are envisioning as their role and what would be most helpful in terms of communications in this effort.

Andrew or Karin?

MS. MAC DONALD: Yeah. Thank you very much, Commissioner Yee, or Chair Yee, for -- for asking. I think for us, it's important to be kept in the loop on expectations for us on any kind of work that we need to develop fully. You know, we'd like to just fully communicate with everybody that usually maps take a little while to develop, so if we're supposed to show anything or develop anything, we do need a little bit of lag time and work time.

I always say that a lot of the line drawing work is done -- you know, a lot of the work that we do is actually prep work before we go into meetings, and you know, I'd just like to re-emphasize that, that setting up a map, making sure a map looks good, doing screenshots, figuring things like that out, it really takes a
tremendous amount of time. So -- so that's -- that's important.

Also for -- with respect to VRA counsel, there are potentially various tasks that we can fulfill and help with, and we're available for that, and just let us know when to be where, and we will communicate fully with you and let you know what we can and cannot do. So thank you.

CHAIR YEE: Thank you, Karin. So I'm wondering, then, do requests need to come through -- from VRA counsel through Chief Counsel Pane and then back to our line drawers? How do we envision that happening?

MR. PANE: That would -- that will probably be a preference. Just to navigate sort of the email traffic, that would make -- that would make sense, yes.

CHAIR YEE: So we're envisioning, then, that Chief Counsel Pane would be in the loop for -- for everything, actually.

MR. PANE: Yeah.

CHAIR YEE: Yeah.

MR. PANE: Yeah.

CHAIR YEE: Okay. How does that sound to everyone? I'm sure we'll -- you know, as we actually start working, we'll find out --

MR. PANE: Yeah.
CHAIR YEE: -- what works well and what doesn't and --

MR. PANE: What doesn't.

CHAIR YEE: -- certainly adjust as we go on.

MS. JOHNSTON: I think -- I think there may actually be quite a bit of email traffic there once in a while, you know, in particular when we're initially working. So if the Chief Counsel is prepared for that, that's great. We're -- we're fine with that, obviously.

MR. PANE: Agreed.

MR. WOOCHER: Yeah. I -- just a point of clarify -- I mean, there may be times when we're working very closely with the line drawers on these variations, things like that, where I don't know whether the intent is that everything goes just to Anthony and then has to go from Anthony to the other party between the line drawers and the VRA counsel or whether we just want to include Anthony on the emails to make sure he's aware of all the issues in traffic.

It seems to me that having a middle person is going to be -- as much as I'm sure Anthony will be prompt and responsive, given the other responsibilities that he has, that may add an unnecessary delay factor, if nothing else. So I was wondering if -- if it's okay for us to be communicating directly but making sure that Anthony and
maybe even people from the subcommittee are included in
the loop.

MR. PANE: I think that's fine, Freddy (ph.). I
think that total -- that makes sense. We don't want to
add another bureaucratic block to it. I don't think
that's the -- that's the idea, so I think it's just more
about efficient use and it's mostly where -- and as you
well know, when it makes sense to sort of include the
group, you know, we -- we should all strive to do that as
well, yeah.

CHAIR YEE: Commissioner Sadhwani?

COMMISSIONER SADHWANI: Yeah, I just wanted to add
that I think that's absolutely right, Fred, that it's
about keeping Anthony in the loop. We, as the -- as the
subcommittee, have talked previously as well as the full
Commission, about really being good stewards of public
funds.

And to that end, that Anthony plays a really
important role in managing the amount to which we are
using outside counsel and keeping an eye on -- on that
usage. And so I think just a simple cc of Anthony and/or
VRA Subcommittee or other subcommittee members, depending
on the topic at hand, would make a lot of sense for that
purpose. Thank you.

CHAIR YEE: So I'm imagining, you know, Anthony
would initiate and direct the initial scope of a particular stage of the work. You know, let's do this particular region and take a look at population dah dah dah, and so on. But then when it comes to the execution of that, you know, wouldn't involve himself in the point-by-point matters but would just be copied on those. That makes sense. Any other thoughts?

And then from the Commission side, then, you know, the full fourteen-member Commission is ultimately responsible but has delegated the primary task of the VRA work to the VRA Subcommittee. The VRA Subcommittee will initiate things from the Commission standpoint through Chief Counsel, again, to Strumwasser and/or the line drawers. I'm thinking that's -- and it will look pretty much the same that way.

Commissioner Sadhwani, does that sound good to you?

COMMISSIONER SADHWANI: Yep. That sounds good to me. And I think just as a report back to everyone here, you know, we did have this discussion about what is the role between the VRA Subcommittee and the full Legal Affairs, and we confirmed with the full Commission some weeks ago that, yes, absolutely the intention of the full Commission is that the VRA Subcommittee continue to work towards VRA compliance, which would include working with the VRA litigation team.
CHAIR YEE: Okay. So I think that is the general picture of lines of direction and communication, and it sounds like we have a good initial plan to go forward with.

Let's go ahead and move on to discussion of our VRA compliance strategy, workflow, and work plan, including RPV matters. And I believe the Commissioner Sadhwani has asked Strumwasser Woocher to prepare some initial thoughts on that, so I'll let Commissioner Sadhwani take it from here.

COMMISSIONER SADHWANI: Sure. So I think we were, you know, specific to the agenda, we had requested that the team develop some type of strategy to share with us that we could discuss at this meeting. I know that there are -- there is a presentation that you all prepared and that is posted on our website under the meeting handouts for this -- for this meeting. So I invite the public to also take a look and review that along with us.

And with that, I am assuming, is this Mr. Becker or Mr. Woocher? I'm not sure who is going to present.

MR. BECKER: It's me. Yeah.

COMMISSIONER SADHWANI: Okay. Go ahead.

MR. BECKER: Is that right? Okay. We're on the same page?

COMMISSIONER SADHWANI: Go ahead.
MR. BECKER: Now let's see if we can -- this is always the tricky part where we get to -- do we try to share screens? Let me see if I can get this up. Give me one second. Try one more thing here. Hold on. I knew this wasn't going to work as well as I was -- as I was hoping. I feel like such an amateur.

CHAIR YEE: No worries.

MR. BECKER: Okay. There it is. See if that works. Hang on. Let me try this one. And okay. Can you see that?

CHAIR YEE: Yes.

MR. BECKER: Wow. That actually worked. Okay. Great. So this is our potential plan that we've discussed and want to present to you. And you'll see we've kind of divided it up in segments of time based upon when certain mileposts are happening. Some of those mileposts aren't set in stone yet as we're still waiting for -- there's still some play in some of them, so we'll -- there'll be plenty to discuss.

All right. So first, we're going to start with the segment of time from now until August 16th, 2021, when we expect the census legacy data to be delivered to the state. First -- and I might need to actually -- hold on. There. I can read it.

Well, we first will need some authorization under
the contract to hire a consultant on racially polarized voting. We'll need the contract specifically authorizes with consent from the Commission that Strumwasser Woocher would hire a racially polarized voting consultant.

As we've discussed in previous conversations, one of the elements of compliance with the Voting Rights Act is that a minority population is cohesive enough to elect candidates of their choice, and this racially polarized voting analysis is a key element of that. And that is actually something that, if we can get authorization to hire someone and hire an appropriate consultant soon, we might actually be able to get a head start on beginning to analyze some of that data even prior to August 16th.

Second, working with Commission staff and contractors and the newly hired consultant will begin, as I mentioned, to work to analyze election data and available demographic data. This is really to flag areas where there might be a sufficiently large and cohesive minority population that requires protections consistent with the Voting Rights Act. This is not -- this is not going to be definitive until the census data comes in and confirms the size of the populations, but it's a good way to flag areas that we'll want to take a very close look at once that data comes in.

And then the Commission, of course, will continue to
conduct outreach and receive input from members of the community even prior to the census legacy data coming in on August 16th. And I'm by the way, I'm happy to take questions in the middle or just continue through and we can go back and have questions, so feel free to interrupt if --

VICE CHAIR TOLEDO: Just a quick question. How would you define sufficiently large within the context of minority populations pertaining to VRA?

MR. BECKER: So in the context of the size -- so there's multiple factors. It's the size of the community and that their voting patterns are cohesive enough that they form, essentially, a majority of a potential district. And that then we would look at the way the district lines could be drawn so that if they're large enough or cohesive enough to form a majority of a district, that we could form a district where they could elect their candidates of choice, which might not require a majority. Does that make sense?

VICE CHAIR TOLEDO: To some extent. I'm just curious about -- let's just take an example. Asian Americans across the State of California, they may not make the majority in certain districts but large enough that they're sizable, especially in some of -- I mean, across the State of California.
How would we look at that type of scenario where you have a minority population that's not quite the majority in a district? Would they be entitled to some kind of, I mean, certainly VRA analysis, but VRA protection.

MR. BECKER: It's possible, particularly if they -- if a minority population is cohesive with another minority population or if there is sufficient white crossover vote that they could elect a candidate of their choice given the voting patterns.

I mean, I want to be very careful about speculating and talking about hypotheticals here because --

VICE CHAIR TOLEDO: Sure.

MR. BECKER: -- the Asian communities are also not monolithic. You know, the different Asian communities might vote in different ways; some cohesively, some not cohesively. We'll want to really get a handle on that data, and I think the appropriate thing to do would probably be to wait until we see what the data shows.

And then, you know, one of the things that's very important to note, and I think you all know this very, very well, it's not like this is a black and white line where you clearly cross over, yes, a district has to be drawn, no, a district doesn't have to be drawn. There is some gray area here where -- because you're taking past election results but current populations to assess what
would happen in the future. Does that make sense?

It is all -- there is some ability to look at this and assess, you know, the cohesiveness of a population, the population as it exists now, is it large enough. And I do want to stress also one of the -- one of the easier ways to think about this is there's both a liability and a remedy phase. And liability is probably the wrong word, but it's really a trigger.

Is a population large enough that, given voting patterns, it's large enough and cohesive enough that it tends to vote for a particular candidate and either with some white crossover or without needing any white crossover or with another minority, they do have the ability to elect candidates of their choice. That trigger is do you get over the fifty percent level?

But then the remedy might not require fifty percent because crossover voting might be sufficient to allow for minority communities to vote for -- to elect their candidate of choice without necessarily needing fifty percent. In fact, in some cases, populations as high as fifty percent might be, in some ways, perceived to be packing because you have so much -- you have a significant amount of white crossover voting.

And we know in California, at least historically, that that's not that unusual, actually, in some areas.
In other areas, it's more unusual. So we really -- this is such a fact-intensive inquiry, which is why it was so good that you asked for this plan because really having a head start on starting to assess some of the facts and data is really going to be key. Even though we do have, perhaps, three, give or take, months to ultimately draw the lines, having a good sense of the areas that we want to pay close attention to is going to be very, very important.

MR. WOOCHER: And if I could just jump in for a second to respond a little more about the specifics of this, because the RPV analysis is so important to the final determination, this first step phase where we're trying to just identify those areas to look at in order to perform the RPV analysis, we probably want to be over-inclusive and -- in terms of looking at the areas where there's heat, even if it doesn't rise to the level.

So you'd set a much lower threshold, essentially, in terms of percentage, population, and things like that in order to do the analysis, which would then give you the data when you finally get all the census data to know whether or not they do form that cohesive block and the extent to which there's crossover voting, so that then you can know what the final percentages sort of need to be in order to create one of those districts.
MR. BECKER: Yeah, Sara?

COMMISSIONER SADHWANI: Yeah. Thanks. I'm wondering if you could also talk about -- a little bit about -- of course, these are all of the fact-finding components of VRA compliance, but could you also speak a little bit to how we might weigh the community testimony that we're receiving?

So for example, Commissioner Toledo has mentioned the Asian American community. We've already begun to receive a significant amount of input from the Asian American community, both in the San Jose sort of area, Santa Clara, as well as the San Gabriel Valley and Los Angeles. I'm wondering if you could speak to that a little bit.

MR. BECKER: Yeah. I think one of the things we'll want to look at very closely is, you know, the Asian American community, historically in Voting Rights Act analysis, is a little bit different than, for instance, looking at the African American community where there is a lot of heterogeneity in the Asian American community, a lot of different cultures, a lot of different voting patterns that really need to be considered.

And one of the things we'll want to get as good a handle as we can on, both before and after the census data comes in, is what are the vote -- what are the
voting patterns look like? Are there communities that vote cohesively together even though they might not be from the same background, might not have the same national origin if they're in -- especially if they're in close proximity. And by the way, the Asian American community might also vote cohesively with Hispanic or African American communities in different areas, especially when they're in close proximity.

One of the things I've stressed prior, and I think you all know this very, very well, looking at primary election data is going to be as crucial as general election data because, oftentimes, what we'll see is the -- even with the top two primary, the primary election can be incredibly instructive in telling us whether communities are voting cohesively within each other or with neighboring communities. And if they are, whether they can elect a candidate of choice, given the size and concentration of their communities in a particular area that we'll get from the census data.

I don't know if that answered your question, Commissioner Sadhwani, enough. I mean, I -- it's hard -- so especially in particular areas of California, as we all know, there are areas where there are large concentrations of minority communities, different minority communities, that live in close proximity to
each other. That isn't always the case in many other states. And being very aware of that and trying to assess whether they're large enough and cohesive (sic) enough -- cohesive enough on their own, and if they aren't, if they are cohesive with a neighboring community to try to assess their voting -- their voting choices and power is going to be really important.

COMMISSIONER SADHWANI: Yeah. I mean, I definitely think that's helpful, and I'll offer that I think there is some recent research on Asian Americans that might bear some fruit on some of these topics. But I think my broader question, we don't have to answer this now, I think it's something that we will continue to work through in this iterative process.

But in addition to the analysis of data, in our community testimony, we're already receiving requests from communities to be kept together, or not, right? I mean, we've received quite a lot, actually, already from the San Gabriel Valley, for example, which I think is an interesting area as we're thinking about Asian Americans. But I do think that we'll continue to be thinking through this as we move forward, you know, balancing the data proponents of -- or data perspective of the VRA with that community testimony --

MR. BECKER: Yes.
COMMISSIONER SADHWANI: -- from that community, I think will be a really interesting process as we move forward.

MR. BECKER: Yeah. That's actually a very good point. I mean, community input is going to be a relevant factor. If it comes in -- if it's in direct conflict with what the actual census data and other data says, it might be less relevant, but it's -- you know, one of the things about the community input is it can often provide specific -- paint specific pictures about a community that the census data doesn't entirely paint.

So it might indicate a particular geographical point, whether it be a church or a school or something like that might be a center of a community, and things like that that we should really pay attention to. I mean, if you get community testimony that says the Hispanic and Asian community in this area vote cohesively all the time, but you look at racially polarized votes, and they don't, then it's somewhat less relevant.

But I also think community testimony and community input, particularly since it's going to occur before we get some of the data, might help us identify areas we want to take a closer look at and see if we can get confirmation from the data about that. So I do think it's important, and I know you've been incredibly
encouraging of community to provide -- you all, as a Commission, have been incredibly encouraging of the community to provide as much input on these issues as possible.

The worst-case scenario is the data doesn't bear it out, in which case that's still good to know that there are certain communities, but it might be that the data actually drives the factual analysis. But there are often places where, I think, that testimony and input is going to point us in the right direction to dig deeper on the data.

CHAIR YEE: On your first point on the hiring of the RPV analyst, I'm wondering if Director Hernandez can give us a brief overview of kind of how long that would take and what steps we would need to get there.

MR. HERNANDEZ: Given the previous contracts, I would say anywhere from four to six weeks, and it depends on the type of contract it is and the amount of the contract as well. And so, you know, and that all -- you know, for -- we're doing a request for an RFP. That may be a little bit longer. So something to think about. We could started it. The sooner the better, obviously.

CHAIR YEE: What would be the first step to get us started on this?

MR. HERNANDEZ: We do need to identify the scope of
work, what it is that we're going to want them to do, and then, you know, move that forward.

MR. LARSON: Can I jump in and make a point of clarification here in that the contract we have with you all authorizes us to sort of hire an RPV analyst within the scope of our contract sort of as a subcontractor for us. It does state we need the permission of the Commission to do that. So my understanding is this would not go through the regular state contracting process. It is simply a matter of receiving authority from the Commission to move forward.

MR. PANE: And if I could just jump in on that point, one option would be, as the committee is aware, there's contracting decision authority for the Commission. And one option certainly would be to -- when it comes time to approve a contract decision, one option is to allow and essentially take a vote for a contraction -- a contract decision to approve Strumwasser Woocher to find and locate the appropriate contracting authority for that as well as another option. And that would be in line with the contract language as well that Dale was just referring to.

CHAIR YEE: So that would be a motion just on the Commission that we could --

MR. PANE: It --
CHAIR YEE: -- could do today.

MR. PANE: Yeah. We would probably want to -- again, not -- so that would be a special -- a special vote. We would want to make sure that it's agendized raised and we have discussion and a motion and all of that. But it would require a higher threshold, but it's on for contracting decisions. It doesn't have to necessarily be the approval of this particular contract, although, you know, that seems in line with the contractual language, is what I'd just like to highlight.

VICE CHAIR TOLEDO: And just a question for Mr. Woocher as he was talking about having, you know, we've been talking about the scope of work because that's the first piece. And moving forward with the contract is figuring out that scope of work, and he's been -- he mentioned earlier developing an analysis that's over-inclusive and -- potentially so that we have the data should we -- to understand our VRA needs in the state and what that might look like.

So fleshing that out might be -- might take a little bit of time to figure out what over-inclusive means and for the purposes of the scope of work, right? Because the more work we're asking the consultant to do, potentially the more it's going to cost us. And so that -- that's just a -- and maybe -- and I'm -- and this
is, I guess, a question for Mr. Woocher is, in terms of scope of work, if you can speak to this over-inclusive analysis and what we would be wanting out of our contractor a little bit more.

MR. WOOCHER: Well, and I'll let David or maybe Karin talk about, in some respects, specifically what the RPV analysis would be. But what I was referring to is we're not just going to take, for example, the existing districts that have already been determined to be VRA districts and say those are the only ones where we've got to -- you know, to do an RPV analysis, or a little bit of bleeds over there.

There may have been districts that came very close to that in the last time. We know there are certainly areas where there's questions about whether you can make three districts or two districts and issues like that. And so you wouldn't want to be taking fifty percent, or even forty-five percent necessarily, as the threshold in doing the RPV analysis to begin with. You'd want to lower it down a little bit. So that's what I meant by being a little more over-inclusive in terms of looking at the hotspot areas that we want to target to do the more detailed analyses.

MR. BECKER: Right. I agree with that. I think that there is a -- over-inclusive and under-inclusive are
probably not the most descriptive terms. I mean, it --
what we want to make sure is we don't -- we don't want
to -- we don't want to miss anywhere where the census
data might have a population that really deserves
attention under the Voting Rights Act, but we also don't
want to -- we don't want to waste everyone's time looking
at areas where we know there aren't significant minority
populations that generate possible issues with the Voting
Rights Act.

So I think what we would do is we would -- and by
the way, this is all -- this would all be done in
consultation with the line drawers and with the RPV
consultant -- but try to identify areas based on existing
population concentrations, based on census estimates --
assuming we're before August 16th right now, by the way,
based on census estimates, existing concentrations, and
perhaps looking at existing districts just because that
tells us something.

We're looking at -- with the existing districts,
we're going to be looking at certain elections. So for
instance, if we're looking at Assembly districts and we
want to determine whether or not there was racially
polarized voting in those Assembly districts, the
composition of those Assembly districts is relevant.

Does that make sense, Commissioner Toledo?
VICE CHAIR TOLEDO: It does. Thank you.

MR. BECKER: Okay. So we would -- we would look at those kinds of things. The most important -- I think, you know, I want to -- one of the things where you're looking at racially polarized voting, the most relevant, the most salient data, the most salient information is from what's called endogenous elections, meaning if you're -- if you're drawing Assembly districts, Assembly elections are going to be the most relevant.

That doesn't mean Senate elections, congressional elections in that Assembly district, or even statewide elections aren't relevant. They can be relevant. They just might be somewhat less relevant because we all know the political dynamics within that particular district might differ based on what kind of election is happening in that district. So you know, certainly we know that in statewide elections there's a different dynamic than there is in district elections, so we'll want to take that into account when we're looking into it.

But I think it's also really important, and you raise a very smart point here, that we constantly balance out doing too much work or looking too -- looking in places we know there's not going to be an issue with also making sure nothing slips through the cracks.

VICE CHAIR TOLEDO: With that, I'm just wondering if
Karin and Andrew might have any additional guidance for
the scope of work in terms of the data portion of what
they'll need to help us in the line-drawing process, and
specifically for the scope of work for the consultant and
what we will be getting from the consultant.

MS. MAC DONALD: Yeah. Certainly, Commissioner
Toledo. Thank you for asking what our suggestion would
be, and we have discussed this with the RPV team, with
the Counsel, is that we might take a look at where there
are areas that might rise to that threshold where we may
be able to look at -- you know, to draw districts
essentially that are large enough to constitute a Section
2 district.

And as Mr. Woocher has said, we want to have that
threshold at a lower point than where we actually --
where we actually may be able to draw it just so that
we're inclusive. But we also want to look at it from the
perspective of basically excluding areas where we know
that this just can't happen, and then we don't have to
direct resources for the RPV analysis into those areas.

Like, we all know that there are some areas -- I
mean, our Assembly districts are fairly large, and those
are the smallest districts that we're going to be
drawing. Let me see. I actually just looked at how big
they're going to be. I think it's -- oh, yeah. They're
going to be 494,000 people that have to be in an Assembly
district this time, and 989,000 in a Senate district, and
761,000 in a congressional district.

So in order to actually draw a Section 2 district,
you need a pretty large citizen voting age population,
and then, you know, those are not everywhere in the State
of California, but we do know that they are in certain
areas. So we can help to guide that analysis by perhaps
excluding some of the counties or some of the regions or
some of the areas where you just wouldn't be able to draw
a majority minority district at all, no matter what you
do.

And that way, the RPV analyst can focus on the areas
where you might be able to do it. So that would be my
suggestion. And of course, we would do that, you know,
in consultation with Counsel and with the subcommittee.
Does that make sense?

VICE CHAIR TOLEDO: It certainly makes sense. I'm
just curious, and this, I think, goes back to Mr.
Becker's point, and this is probably I'm just not as
familiar. There was a discussion about looking at the
districts, but what if the areas are different than the
districts that --

MS. MAC DONALD: Right.

VICE CHAIR TOLEDO: -- are currently in place,
right? So and I think this speaks to Karin's point that she just made that you're looking at the areas rather than the district themselves, but I'm just curious if you could maybe educate me a little bit -- and the rest of the public a little bit more, about how that might work or how that -- right?

MS. MAC DONALD: Yeah.

VICE CHAIR TOLEDO: If we're looking at existing districts or if we're looking at areas and space where there might be VRA implications.

MS. MAC DONALD: Yeah. So when we're doing -- when we're doing this in, like, a very first, you know, kind of let's call it a kind of guiding analysis, we have to anchor some place. We have to have some sort of unit of analysis where we're saying, okay, this could be large enough because we have to start somewhere.

So we have, you know, fifty-eight counties and a lot of counties are really tiny and a lot of -- and a couple of counties are really, really big in California. So doing a county analysis doesn't really get you there completely. So what unit of analysis do you use?

Assembly districts, we have eighty of them. They're, you know -- and they all have the same -- or they at least started with the same population. So it's a good kind of starting point. That doesn't mean that
we're just going to analyze the existing Assembly
districts. It's a starting point to just start looking
at what's going on, and then we can look across the
borders from these Assembly districts -- from the
existing Assembly districts to see how the populations
have grown.

Because, first of all, everything's changed. I
mean, a lot of things have changed. Maybe not
everything, but a lot of things have changed in
California, and I think we all know that. But also we
want to be careful when we're putting something like that
out is that it's not perceived as us trying to draw
districts because that's not our job, right?

So starting with the existing Assembly districts,
because they're already there, kind of takes that
argument or that potential concern out of the
conversation because we're just looking at what's there
already because we understand, you understand, everybody
needs to understand that drawing the districts is your
job and not ours. And we're really just starting to do
an analysis.

So that's kind of why I think it's a good way to
start, because it's a good -- you know, it's just a good
general anchoring unit that is not going to, I hope,
confuse the conversation too much. That's all.
MR. BECKER: And I'll just add, I -- and I think this is a really -- this is a really good conversation because what we're talking about is really just looking at starting points, that the starting point is not the finishing point. We might be looking at certain districts because we're looking at elections within that district. An Assembly election, of course, the relevant geography will be an Assembly district, but we might also be looking at precinct geography. We might also be looking at census geography based on the estimates. This is at the time prior to receiving the new census data.

And all of this is going to -- we're going to view this all through the lens of the totality of the circumstances to try to figure out what a population looks like. We absolutely -- I don't think it's an intention to kind of lock into the existing districts as a starting point. Even that is, you get -- you all get to decide where you want to start and how the lines are drawn. But we do want to -- these are really planting flags in areas that you want to pay attention to.

Really want to identify during this early period of time before the census data gets in that so that we're ready once the census data comes in to overlay the census data and say, oh, you know, we -- this is an area where there was racially polarized voting. It also has a high
population of what looks to be a cohesive minority. Let's see what we can do. And that will inform your efforts as you direct the line drawers.

MR. WOOCHER: Yeah. And if I could just try to clarify a little bit, remember what we're doing in the RPV analysis, we're not using that to actually draw the district. We're using that to determine whether or not there's a segment of the population, the minority population, that votes together as a cohesive unit.

Now you could do this in an area where there's only a five percent minority population and determine, yes, they vote very cohesively, they're a real bloc there, but it's not going to make a district. So the data that we're getting out of this is just to determine whether you have those cohesive blocs of minorities and what their voting patterns are, not to determine what the district will actually be or what the percentage of people in that particular area could form a district and be a majority or not.

So it doesn't really matter what -- I mean, as Karin said, you need some unit in order to measure it and you need to determine where you're going to do it so you don't waste your resources, but the data and the result we're getting out of that is not going to be, oh, this is now a district that we're going to be using as a minority
district under the Voting Rights Act. It's just to give us whether or not we have that basic notion that the minority population in this area votes cohesively and can form a bloc.

MR. BECKER: Yeah. That's a great -- I'm going to paraphrase here. But remember, for every -- for Section 2 of the Voting Rights Act to kick in there need to be -- and I'm going to paraphrase -- basically three big conditions. One, that the minority population is large enough to form the majority in a district; two, that they are voting cohesively, preferring particular candidates; and that the white population is voting cohesively to oppose those candidates, basically, because they're voting differently.

And the racially polarized voting analysis really addresses only the second and third of those three points. The census data is going to be the definitive data on the first of the three points, but the census estimates might also help us before we get that kind of prep ourselves where we'll want to look once we get the definitive data on the census.

Karin, do you agree with how I just laid that out? Okay. Mostly?

MS. MAC DONALD: Yes, I do.

MR. BECKER: Okay. So I think, you know, again, and
I just want to -- by the way, there were, I think, three or four more slides here, which is -- which is good. This is just -- this is just the period of time over the next, what is it, forty-seven days. So I want to be clear, there's other stages where we're going to be getting into different areas of data analysis, and even as you see later on, how we can help advise your efforts as you direct the line drawers.

COMMISSIONER SADHWANI: And so David, if I may just jump in here. This is such a helpful conversation, and what I hear is actually two different components actually coming out of this, right? On the one hand, we have this analysis and assessment component almost, if you will, using my own terminology from the academic world, a research design, right, in which we have all of these components, the assessment of Assembly districts as well as RPV analysis.

But the second piece of this is also the scope of work and identifying this -- the RPV analyst and the approval and that process side of actually contracting someone to do that work. If I'm hearing this correctly, however, it sounds as though the line drawer team can start this assessment of the Assembly districts using the ACS data. Is that a fair assumption? And that we can begin that process as soon as possible.
In the meantime, the -- you know, the Strumwasser Woocher team will be seeking out that RPV analyst. On our side, we're going to be agendizing for the full Commission to take a vote on authorizing the hire of that individual or team so that they can take what the line drawer is working on now and drill down more specifically in those key areas that are identified so that we're maximizing our resources. Is that a fair assessment?

MR. BECKER: I think that's -- I think that's very fair. I just want to -- I want to point out that the ACS data and the analysis that Karin and her team can do really applies to the first of those factors primarily that I mentioned, the -- whether -- where the minority populations are and how large they are.

And then the second and third factors that I mentioned, the cohesiveness of the minority population in terms of voting for their preferred candidates and the cohesiveness of the white population in preferring different candidates, we really do need a racially polarized analyst to do that work for us. That's going to involve math that, Commissioner Sadhwani, you've probably done, but I certainly have not.

And I would -- and having someone who can run those regressions and other -- you know, and often, as you know, and many of the Commissioners might realize, this
often involves precinct-level data, looking at precincts that are heavily minority and heavily non-minority and comparing them. And that's work that specifically we'll need an RPV consultant to do.

VICE CHAIR TOLEDO: And just to follow up with that, it sounds like we -- the Commission will need a scope of work in order to authorize, and probably a scope of work that can be developed with the VRA committee with the other three -- the stakeholders on this call, the VRA committee, our legal firm, and the line drawers that would come back to the Commission for approval on the -- on the scope of work plus the contracting piece because the contracting depends on the scope of work, what we're asking the contractor to do, and what we're asking our law firm to contract for, right?

MR. BECKER: So Anthony and Counsel might have different views. The way I read the contract is that the contract already contemplates that Strumwasser has been authorized to a certain amount to hire an RPV consultant and that the contract -- I think the only provisions of the contract that restrict that is that it has to be authorized by the Commission.

Perhaps Anthony or Fred, you have a better understanding of that than I do rather than having to go through the complete scope of work and other approval
that might otherwise be necessary and might delay hiring of a consultant.

MR. PANÉ: So David, I think that's generally correct, but I do think there may be an interest -- and I don't know if this is true, but I just want to allow for this possibility. There may be an interest on the part of the Commission or the committee or Commissioners to, you know, be involved on some level of that. But I agree from just a pure legal analysis of the contract, I think that definitely allows Strumwasser to proceed on it. But I do think there's a couple of things to balance there. That's all.

Fred, I don't know if you have any thoughts.

MR. WOOCHER: Yeah. I mean, look, I do think speed is really important here because we -- you know, we can have people review it over and over and we're just never going to start to work.

As I understood the contract, there is a definitive dollar amount that we're allocated for that for the purpose of hiring the RPV. We obviously don't intend to do it on our own without further guidance. I think to make it specific, what we intend to do is to get out a draft request for consultants. I don't know if it's technically an RFP or just a document that invites people to apply, and hopefully, get a draft of that out, ready
to go by, say, next week, run it through Chief Counsel, run it through the members of the subcommittee to see if they're comfortable with the scope of work that's been, you know, put there, and then put it out there, then get bids back in and come up with a tentative decision as to whom we would like to hire, and then take that to the full Commission to approve it.

And hopefully we can get that done by sometime in mid-July or so and not too much later, so that we can actually do some of the work that we've said between now and August 16 when we have time to do it.

VICE CHAIR TOLEDO: And I'm comfortable with that, and I think that that helps with the clarification I'm trying to figure -- that sounds -- I'm just wondering from, and maybe Anthony can -- and/or Alvaro can give us a little bit of guidance. Are there any approvals that we have to secure from the State before we contract with this -- with the subcontractor?

Because I know this is -- I know our contract complement -- contemplates that the law firm would contract with the firm. But I if I remember correctly, I was -- if I remember correctly, there was an approval that was required from a State agency prior to the subcontracting -- subcontracting and becoming effective. If I remember correctly, from discussions around the
I might be -- there's so many contracts we've been working on, I may be confusing them, so I'm just wondering if you would -- if you could just speak to that if, yes, in fact, there's a State agency that has to give their blessing on the contract, or no, the law firm can contract with them directly without having to get approvals from another State agency.

MR. BECKER: I will have to do some additional research and get back to you on that.

VICE CHAIR TOLEDO: I'm just worried about time frame because this is a pretty -- as Mr. Woocher said, our time is not on our side and, like, there's a lot of work to get done. So if there is a State agency approval that needs to be had and they need certain documentation in a certain way, we would want to know as soon as possible so that -- so that we can make sure that that process is happening concurrently with the RFP process that the law firm may be doing, or at least that it's in the right format and such, if there, in fact, is a process.

CHAIR YEE: So at this point, I think, you know, Director Hernandez will investigate that. But meanwhile, I think SW is free to begin drawing up that scope of work and contracts and so forth. Looking at the calendar, I
think the soonest the Commission could vote on an approval would be the -- July 13th. However, we would not need a candidate in place by then.

Our discussions thus far have been around contracting decisions being a fairly broad grant of authority. It doesn't have to be a final contract we're voting on. We can vote on granting the authority to execute that contract to SW, and I believe that's the case.

MR. BECKER: Commissioner Yee, could ask a quick question?

CHAIR YEE: Sure.

MR. BECKER: And so am I right that Strumwasser could send out an invitation to apply to consultants that might be interested, making clear that it would be subject to whatever approval process is required by the Commission, and we could do that before July 13th since no final decision would be made?

CHAIR YEE: Yes.

MR. BECKER: Okay. And --

MS. ORDIN: And I would --

MR. BECKER: Yeah. Go ahead, Andrea.

MS. ORDIN: No. I think that that looks right to me in terms of the language. And the only thing we need to watch the dates for is to agendize appropriately on that
very first meeting with the hope that we would have
enough information to go forward.

CHAIR YEE: That's why --

VICE CHAIR TOLEDO: And Anthony, just to get some
clarification here, we would need to -- the Commission
would need to approve the contract or whoever is selected
prior to their start, or no?

MR. PANE: Well, I think it -- I think it probably
depends. I think we've got some logistics to just sort
of iron out on that level of detail, Commissioner.

VICE CHAIR TOLEDO: Okay.

MR. PANE: I couldn't say right now.

VICE CHAIR TOLEDO: Okay.

MR. BECKER: I think we've now --

CHAIR YEE: I think we've actually been discussing
that point, right? Yeah. Some of the outreach contracts
and so forth. So it's possible that the answer is no,
that we do not need further approval, but we'll look into
that a bit more.

MR. BECKER: Okay. And so if we, perhaps right
after the July 4th holiday, put out an invitation to
apply, again, subject to all the approvals that we just
discussed, that is -- that's consistent with this
conversation and it -- we'll agendize further discussion
of this for the July 13th meeting; is that right?
CHAIR YEE: That's right. And we can agendize, you know, a probable decision to be made, action to be taken at that point without having to entirely specify what the action will be.

COMMISSIONER SADHWANI: And if I may, I agree with everything that's been said. I think agendizing for July 13th for final approval makes perfect sense, but absolutely the team should go forward in identifying such a person and putting out such a request.

If I may just offer, I think, two components that would be really important for me to see in such a candidate is, of course, demonstration of quantitative skills and relevant experience, but also the ability to demonstrate an understanding of the unique demographics of the State of California. My sense is that implementation and compliance with the Voting Rights Act in California is different from other places, just given the demographic reality of our state. So the ability to speak to that in a candidate would be really important for me to see.

MR. BECKER: Thank you. That's actually a really good point.

CHAIR YEE: And so just a time check. I know, David, you're only on your first slide, the whole hour.

MR. BECKER: And you wanted me to go the allotted
three hours for this.

    CHAIR YEE: We will have a required break at 2:30.
    MR. BECKER: Do I have approval to go to the second slide?
    CHAIR YEE: Yes.
    MR. BECKER: Okay.
    CHAIR YEE: But just so a break at 2:30. At some point, we will probably, in fact, after all, go into closed session to discuss the final point about timeline. And so I believe you will all have received the invitation to a closed session, and so that will happen at some point after the break after Mr. Becker has completed his presentation.
    So please go ahead, Mr. Becker.
    MR. BECKER: Great. Okay. The next slide covers the period of time from August 16th, 2021, assuming we'll get the legacy data then, to September 23rd, 2021. During that time, the official redistricting database will be constructed. Karin and her team will be taking the lead on that. As we mentioned, that's the date the legacy data will be received from the U.S. Census, and it will be formatted for input into that database.
    And during that time also, inmate reallocation will be conducted and input into the statewide redistricting database. So this is all -- this is all the period of
time during which the official census data and inmate
reallocation data is formatted and put into a usable form
for you all during the process of line drawing.

    Yes, Commissioner Sadhwani. Oh. And should I
finish this last bullet? I couldn't remember my --

    And during this time also, we as counsel will work
with staff and Karin and the team to begin flagging areas
where both the census data is indicating that we need to
pay particular attention, and hopefully, we've done
enough racially polarized voting analysis and looked at
both of those and overlaid them, and said, here are areas
where we're going to want to pay particular attention
consistent with compliance with the Voting Rights Act so
that you can -- you'll have a head start to identifying
where you want to direct the line drawers to draw the
lines in what ways when you start that process, which
will be the next slide.

    COMMISSIONER SADHWANI: Thank you. I wanted to very
briefly -- and certainly I want you to continue -- but
very briefly just flag for you some of the conversations
we've had amongst the Commission regarding inmate
reallocation.

    Certainly, we have acted and taken action on the
issue of those individuals currently residing in state
facilities, as we do have, of course, their previous
known addresses to the extent possible and have a mechanism for -- and the Statewide Database has a mechanism for reallocating them.

There is a strong desire amongst the Commission to also reallocate those in federal facilities. However, we -- we're to some extent at a stalemate as to what -- where to reallocate them to. We don't have their prior addresses. In some instances, their prior addresses are not in California. There was an attempt to drop them from the redistricting rolls, if you will, so that they wouldn't no -- ultimately no longer be considered.

The total population is not very high, so I don't think it has a huge impact. However, there was most certainly a conversation and I was a part of -- I was a part of that contingent that felt uncomfortable with dropping folks in federal facilities that from a more principled perspective of representation, they are deserving of representation just as everyone else is.

And so I think I wanted to flag that if the team has any sort of unique ideas or ways of handling this population that doesn't include simply dropping them from the rolls for redistricting purposes. I think that, for me, causes broader questions about if we can drop federal inmates, could we then drop other communities, which we, of course, do not want to do and it's not our intention,
and do not want to set such a precedence.

Certainly it was discussed kind of at a, you know, brainstorming phase, if you will. You know, could we look at the proportion of the population per county and reallocate at random to various counties throughout the State? What are our other options ultimately for that population? So I just wanted to flag that for you. And you know, we --

MR. BECKER: Yeah. Thanks. I don't think we have any firm advice on that right now. I think there's an open question that we'll want to discuss with Counsel about what the law permits and requires with regard to the federal prison population -- inmate population, rather. And I think the State inmate population is settled. I think there's widespread agreement about how that's going to be dealt with, right?

So there's both a legal concern, and then there's also, as you very well pointed out, this simple data concern. Even if we had the intent to reallocate them, where do we reallocate them to? Because as I understand it, it's very unlikely we'll get solid data on reallocating them to actual places where they formerly resided. Many of them are non-Californians.

I appreciate that, you flagging that issue, and I don't know if Fred or anyone else has any thoughts on
that, but I think that's something we'll want to discuss
internally with Counsel, and fortunately, you're quite
right, as I understand -- as I understand it, the
population is relatively small, the federal population,
so that it's unlikely to be dispositive on the drawing of
a district. I don't want to say it's impossible. It
might be based upon where we see things. But it's
unlikely to be dispositive whereas the State population
is much more significant, the State inmate population.

COMMISSIONER SADHWANI: That's right. And I'll just
note that there -- we do actually have a Commission
subcommittee. I believe that that is headed up by
Commissioners Kennedy and Turner, if I remember
correctly, who are looking at this issue, but you know,
so they might be the appropriate people to kind of follow
up with.

CHAIR YEE: That's correct.

MR. BECKER: Any other questions about this slide
before I go to the next one? Great. Okay.

So the next slide is from September 23rd, when the
database should be final, to the deadline for public
display of the draft maps. And we don't have a specific
date on that yet, and I -- that's something for further
discussion. So first, the Commission will obviously hold
regular meetings with staff and Counsel because this is a
key period of time where the lines begun -- that we begin
drawing the lines, that you all begin drawing the lines.
You'll have all of the data necessary at that point to do
so.

One of the things we recommend is looking at this
period of time, given that it's going to be a lot of work
within a relatively short period of time, you might want
to schedule some meetings, get -- just to lock in some
dates. This is purely scheduling and logisticing
(sic) -- logistics to get them on the calendar so that
you know people are available to the degree you want to
do in-person meetings, if that's possible, or you want to
do virtual meetings. Meeting with staff, line drawers,
us, et cetera might be important to get some of those on
the calendar soon because things are going to hit us
pretty hard once we're -- once September 23rd comes down
the pike.

Our initial discussions -- we're not absolutely
locked into this, but our initial discussion is that the
Assembly maps are probably a good one to start with.
They're the smallest districts. They're the places where
it might be most likely that minority populations could
form a majority of a district. And that might be the
best place to start.

It's interesting because in California, of course,
even Assembly districts are about as large as congressional districts were in the last cycle. They're very, very large, and California, at least is, I think, one of the only states I know of, maybe the only state, where State Senate districts are actually larger than the congressional districts. So the Assembly maps, that's where we suggest starting. If you have a strong opinion otherwise, of course we'll be happy to work with you on that.

This is when, during this period of time, there will be iterative visualizations of potential maps that come as you've directed the line drawers to draw lines in places, and those visualizations will be important to receive comments and input from the public about during this time.

And then, of course, you'll officially publish the draft maps by the deadline. Under the Padilla decision -- Anthony, you'll probably be able to correct me if I'm wrong here. I believe that the deadline of the Padilla decision was November 1st originally. Is that right, Anthony? And that, of course, is subject to delay based on -- based on when the census delivers data --

MR. PANE: (Indiscernible).

MR. BECKER: -- to you. Right. Oh. And I had it. Wow. Look at that. It's currently November 1st, and
then it could be extended as the Padilla decision indicated.

Any comments or questions about this slide? Really, the only thing here, because a lot of this is going to have to -- we can't really speculate exactly what will happen, but one thing we know for sure is we're going to need some time where the line drawers and counsel and Commissioners in some combination all can interact and look at possibilities and start laying down lines for consideration. So starting to block off sometime during that period will be important.

MS. MAC DONALD: If I could just add, based on the Padilla decision, I think that it does clearly give the Commission the three and a half months after the -- or three months after the census data is released. So if it's not released until August 15th or 16th, that would be November 15th when the first draft maps would have to be. And then the question is whether we're going to go any different deadline than that.

CHAIR YEE: This, we'll discuss in closed session.

MR. BECKER: Okay. And I know it's -- I mean, it's just an unusual circumstance that we have this year because of everything that happened over the course of the past year, of course. So I know that'll be something we'll talk about. But regardless, there will be some
date that we can clearly identify as the deadline for
display of the public draft maps, and that will -- and
there will be roughly, you know, give or take eight, nine
weeks for that period of time, wherever, to do all of
this.

And it's a lot of work, obviously. So again, the
main thing is I -- we just wanted to get on your plate to
start thinking about planning for blocking time off
because a lot of this -- these are not -- these are not
going to be fifteen-minute or half hour meetings. These
are going to be times when we're actually, you know,
really standing -- working with all the -- working with
all the staff, the line drawers, counsel, Commissioners
to start laying down lines and seeing what the maps might
potentially look like as visualizations for comment.

Okay. Okay for the next slide? Okay. And then
this is the period of time for public display of the
draft maps to adoption of the final maps. Again, we'll
leave aside what those specific dates might be for
consideration. But after the public display, there's
fourteen days of required public review of the draft
maps, as I think you all are aware, during which time
we'll receive input from the public.

There's thirty additional days after that for final
refinement of the maps. And then, of course, submission
of the final certified maps to the Secretary of State currently by the deadline of December 15th, based on census data available on July 31st under the Padilla decision. That is almost certainly not going to be the case, so rather, later as extended by the California Supreme Court based on the date census data is available for use. And we can discuss that -- discuss that further as well.

But whatever that date is, these are the -- these are the things that will happen. The public review, input from the public, and then we might also want to schedule some time in here for work during that 30 days of final refinement of the maps based on comment and input that's received.

I'm going to hit next not knowing whether there's another slide. Forgive me. Yeah, there isn't. Okay. That was it. That was the end of -- end of the presentation. I am going to stop sharing this unless you have objections to that, and leave it there. And by the way, I want full credit. I did that four minutes before our break is supposed to happen.

CHAIR YEE: Indeed. Excellent. Any comments or discussion? Looks like a great plan.

MR. BECKER: And by the way, I should just say this, a ton of credit is due to the Strumwasser team and also
to Karin and her team for contributing to this because this was -- this was a team effort that we were able to put together fairly quickly.

CHAIR YEE: Excellent. What I'm thinking is that, when we come back from break, we can probably go straight into closed session. So before that, let me announce that, at that time, we will go into closed session under the pending litigation exception. We'll be discussing the Padilla decision and timeline issues. At this point, I'd like to take any public comment prior to closed session, and --

MR. MANOFF: I can help you with that, Chair.

CHAIR YEE: Kristian, please, you can give us the short form and invitation, and open the lines.

MR. MANOFF: And we're taking public comment on the item number 3?

CHAIR YEE: That's correct.

MR. MANOFF: Got it. The Commission will now take public comment on item number 3. To give comment, please call 877-853-5247 and enter the meeting ID number 98748352081. Once you've dialed in, please press star 9 to enter the comment queue. The full call-in instructions are read at the beginning of the meeting and are provided on the livestream landing page.

And we do not have any callers at this time, Chair.
CHAIR YEE: Okay. We'll wait just a minute.

MR. WOOCHER: I just want to make sure we're doing this right. I think we said it was on item 3, but on -- according to my agenda, the closed session is actually item 4. So are we clarifying that we're taking comment on the closed session as well?

MR. PANÉ: So what --

CHAIR YEE: Good catch.

MR. PANÉ: Yes.

CHAIR YEE: Yes?

MR. PANÉ: So we're taking it on 3 now, I believe. Is that right, Chair? And then prior to going into closed session, we are going to take public comment for item 4. So we'll be taking them on both now?

CHAIR YEE: Actually, yes. Let's do that.

MR. PANÉ: Okay.

CHAIR YEE: Yes. Good catch. Thank you, Mr. Woocher. So public comment on items 3 or 4.

MR. MANOFF: Thank you, Chair. And we do not have any callers at this time.

CHAIR YEE: We'll wait just a few more seconds.

Okay. If there are no callers, we'll go to break. We'll come back in closed session -- you should have an invitation in your inbox -- at 2:45. 2:45, okay?

(Whereupon, a recess was held)
CHAIR YEE: Welcome back to open session. I am Russell Yee, Commissioner and Chair of the Legal Affairs Committee in June. We're reporting back from closed session. We did discuss the Padilla ruling and related timeline issues and took no action.

At this time, we'll open the lines for closing comment involving this meeting of the Legal Affairs Committee of the 2020 California Citizens Redistricting Commission.

PUBLIC COMMENT MODERATOR: All right. 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 98748352081 for this meeting.

When prompted to enter a participant ID, simply press the pound key. Once you have dialed in, you'll 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 is your turn to speak, you will hear a message that says, the host would like you to talk, and to press star 9 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's your turn to speak. And again, please turn down the livestream volume.

And the Legal Affairs Committee is taking end-of-meeting public comment at this time. And Chair, we do not have anyone in the queue.

CHAIR YEE: We'll wait a minute.

PUBLIC COMMENT MODERATOR: And the instructions are complete, Chair.

CHAIR YEE: Very good. Is there any further business for the Legal Affairs Committee? If not, this meeting of the Legal Affairs Committee is adjourned.

(Whereupon, the Legal Affairs Committee 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.

[Signature]

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DATE