STATE OF CALIFORNIA
CALIFORNIA STATE AUDITOR’S OFFICE (CSA)

2020 CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:
FIRST EIGHT COMMISSIONERS PUBLIC MEETING

621 Capitol Mall, 10th Floor
Sacramento, California 95814

TUESDAY, JULY 22, 2020
9:33 A.M.

Reported by:
Peter Petty
APPEARANCES

COMMISSIONERS:

Jane Andersen, Temporary Chair
Trena Turner, Temporary Vice Chair (Remote attendance)
Isra Ahmad, (Remote attendance)
Neal Fornaciari, (Remote attendance)
J. Ray Kennedy
Antonio Le Mons, (Remote attendance)
Sara Sadhwani, (Remote attendance)
Derric H. Taylor, (Remote attendance)

STAFF:

Amanda Saxton, Counsel
Shauna Pellman, Secretary, (Remote attendance)

ALSO PRESENT

Justin Levitt, Loyola Law School, (Remote attendance)
AT&T Operator

PUBLIC COMMENT:

Angelo Ancheta, Commissioner, 2010 Citizens Redistricting Commission

Andre Parvenu, Commissioner, 2010 Citizens Redistricting Commission
INDEX

PAGE

Call to Order and Roll Call 4

8. Recorded training sessions:

(c) Training Video: “Redistricting 101,” Justin Levitt (Loyola Law School) provides an overview of the redistricting process, with a focus on the applicable legal concepts including the Voters FIRST Act, U.S. Constitution and the Voters Rights Act of 1965. 6

(d) Training video: “Impartiality and Working with Others,” Andre Parvenu (2010 Citizens Redistricting Commissioner) discusses working with others as a member of the Commission. 59

Adjournment 82
CHAIR ANDERSEN: I’d like to get the meeting started with the -- I believe we have quorum, so I’d like to open the meeting.

And, initially, I would like to do just a couple of administrative things. Specifically, for the clarification in transcription and pronunciations, I believe when we try to get my attention so the Chair recognizes you, if you could please say Madam Chair. Because the Madam part is very different from Commissioner and so I can distinguish it.

And then, I would like to make sure I’m actually pronouncing everyone’s name properly. I think that’s very important. And so, what I’d like to do is go through, you know, alphabetically everyone, and if you could please tell me exactly how you want your name to be pronounced?

So, Commissioner Ahmad, is it -- could you --

COMMISSIONER AHMAD: Hi, good morning.

CHAIR ANDERSEN: Good morning.

COMMISSIONER AHMAD: It’s Ahmad.

CHAIR ANDERSEN: Ahmad. Ahmad?

COMMISSIONER AHMAD: Yes.

CHAIR ANDERSEN: Ahmad, thank you. Commissioner Ahmad.
I’m Andersen. It’s very easy to pronounce, but it is s-e-n.

So, now, Commissioner Fornaciari?

COMMISSIONER FORNACIARI: I pronounce it Fornaciari. The c-i is the h sound.

CHAIR ANDERSEN: So, could you please pronounce that, please?

COMMISSIONER FORNACIARI: Fornaciari.

CHAIR ANDERSEN: Oh, Fornaciari, great. So, Commissioner Fornaciari.

Then, Commissioner Kennedy, that’s also --

COMMISSIONER KENNEDY: Kennedy.

CHAIR ANDERSEN: Kennedy, okay. It has two n’s. And then, we have Commissioner Sadhwani or could you please pronounce it.

COMMISSIONER SADHWANI: Yeah, you got it, Sadhwani.


COMMISSIONER FORNACIARI: It’s s-h, shari.


And Commissioner Taylor. That’s Taylor is correct?

COMMISSIONER TAYLOR: Yeah, that’s it.
CHAIR ANDERSEN: Thank you very much.
And Commissioner Turner.

VICE CHAIR TURNER: Uh-hum, yes.

CHAIR ANDERSEN: Great. Okay.

COMMISSIONER LE MONS: And Commissioner Le Mons.

CHAIR ANDERSEN: Oh, sorry. Now, Commissioner Le Mons, is that Le Mons, or with the s or not?

COMMISSIONER LE MONS: With the s.

CHAIR ANDERSEN: With the s, so Le Mons.

COMMISSIONER LE MONS: Correct.

CHAIR ANDERSEN: Great, thank you very much.

COMMISSIONER LE MONS: Uh-hum.

CHAIR ANDERSEN: Okay. Well, with that I believe we have a full quorum and we shall proceed with Item Number (c), the training video, “Redistricting 101” with Justin Levitt.

(Video titled: “Redistricting 101” played.”)

(Video paused)

CHAIR ANDERSEN: We will also break at this time.

Oh, and one thing I did mention, a couple of the Commissioners have a few things they must do today, so they will be in and out of their presence on the Zoom call. That’s been worked out ahead of time and we will always have a quorum. So, thank you.
(Off the record at 10:44 a.m.)

(On the record at 10:52 a.m.)

CHAIR ANDERSEN: We’ll bring the meeting back to order. And I would like at this time to recognize Ms. Saxton, who has a couple of administrative items for us regarding Justin Levitt.

MS. SAXTON: Thank you, Madam Chair. You may notice that we are going to skip over a portion of the prerecorded training. We are going to have the privilege, after the training is over, of having Professor Levitt join us by phone, live, and he will address those portions at that time and be able to take Commissioner questions. So, if you do notice that, that’s the reason. Thank you.

CHAIR ANDERSEN: All right, we can continue. Thank you.

(Video resumed)

CHAIR ANDERSEN: We might stop there, please, for a few minutes. We need to take a 15-minute break for our interpreters and sign language people. So, it is now 11:15 and we’ll meet back at 11:30. Sorry, my watch is a little off. We’ll meet back, say 11:35.

(Off the record at 11:17 a.m.)

(On the record at 11:35 a.m.)

CHAIR ANDERSEN: I’d like to recognize Commissioner Le Mons, who has a comment for us.
COMMISSIONER LE MONS: Hi. I came back a few minutes before the break was up and I noticed there was a full-fledged conversation happening. And I’d like to just request that those kinds of conversations are done where the whole Commission gets to hear it and be a part of it.

And, so, I want to understand what the parameters and rules are around that because I think that’s happened a couple times, and this one was the most concerning for me.

CHAIR ANDERSEN: Oh, I will address that right away. I don’t -- this was the only conversation that did actually happen without everyone being on. Anything else you might have heard or something was just, you know, a technical about when we’re starting or something like that.

What did just happen is Professor Levitt is going to be in person because a section of the video conference that was presented earlier this year to the ARP is cut out in a section. And so, he’s going to come on later and fill in what happened there, and then answer questions.

He actually just got on and said, look, I’m here. I could just start taking over from now and go on. But that would not be proper from what we’ve already posted, in terms of the agenda. That’s what we were discussing. I said, you know, thank you very much, it’s a great offer.

And I believe he will be coming back when the full Commission is in place and presenting to us at that
time. So, that was what you did miss and I’m sorry that was -- we could have -- we probably should have waiting until the full Commission, until the full eight were here to have that conversation. But that was a -- I thought was administrative and I did not intend to have any kind of conversation or material that was not presented to the full eight of us. I do apologize for that.

And we are on standard now, it’s just that what is going to now happen is we will now continue with the training, and at the end we’re asking Mr. Levitt to come join us again, and he will discuss -- when we took that earlier break, there’s a section of slides that we missed, we skipped over because the video was out. And he will tell us, inform us about what that is and answer any questions. And he was just mentioning that there are some updates which he will go into. Because if you look at the material, it’s at the end of our slide package.

COMMISSIONER LE MONS: Madam Chair?

CHAIR ANDERSEN: Yes.

COMMISSIONER LE MONS: First, I’d say I appreciate the explanation. But more germane to my point is I’d like for, if we can agree that we’re on break, we’re on break.

CHAIR ANDERSEN: Yeah.

COMMISSIONER LE MONS: And we’re not handling
business outside of that, so that we then have to get a recap. We’re here and we can have the opportunity to hear it firsthand from whoever is a part of that discussion. So, that’s what I’m asking is that we respect breaks.

If a person’s not back from the break and we have a quorum, that’s different. But this seemed like -- and I know it’s innocuous at this point, but I want us to set a standard moving forward so we don’t have this problem in the future.

CHAIR ANDERSEN: Yes, I appreciate that, Commissioner, and that is the way we should be moving forward. I misspoke. You know, it should have been just an administrative, which I should have not done, I should have asked him to wait for a minute until we all got back. And that is the correct thing to do and I did overstep.

So, you’re correct Commissioner Le Mons, we shall wait until I say we’re back form break before we have any other discussion. Because we do want to be open and inclusive, so thank you very much.

COMMISSIONER LE MONS: Thank you, Chair.

CHAIR ANDERSEN: That is the standard.

COMMISSIONER FORNACIARI: Madam Chair?

CHAIR ANDERSEN: Yes, Commissioner --

COMMISSIONER FORNACIARI: So, I don’t know if this is what Commissioner Le Mons is referring to, but
someone in the background was having a discussion about the
Voting Rights Act and racially polarized voting. It was
picked up on the microphones. I thought it was you and I
was looking at you, but if you weren’t talking, you were
looking at yourself. So, I don’t know what conversation
that was going on in the background, but probably, you
know, I don’t know who was having that conversation but, I
mean, that sounded to me more like business we should be
talking about, you know, not on break.

You may not have heard it because it was picked
up on the microphones.

CHAIR ANDERSEN: Okay, thank you. Yes, well, I
think we must be careful if we’re having a discussion just
among ourselves, or something. I’m not aware of that one,
so if there was a --

MS. SAXTON: Madam Chair?

CHAIR ANDERSEN: Yes.

MS. SAXTON: Commissioner Fornaciari, you said
that you heard discussion about what seemed to be the
Voters Rights Act during the break time, or was that during
-- I’d like to get to the bottom of that so we’re not --

COMMISSIONER FORNACIARI: Yeah, it was during the
break. You know, I heard -- I don’t know if it was a
recording playing or something or what was going on, but I
was picking up audio, somebody talking about the Voters
Rights Act.

MS. SAXTON: I know that there were, and I’m not saying that this is what you are speaking about particularly, but there were points in the video where whomever was attending in the audience during that videotaped presentation was talking about things that got picked up by the microphone. But you’re actually talking about not during the presentation.

COMMISSIONER FORNACIARI: During the break.

MS. SAXTON: Okay. I’m not certain what that could have been or what that was, but --

COMMISSIONER FORNACIARI: Okay.

MS. SAXTON: -- but, again, Commissioner Le Mons’ point is well taken.

CHAIR ANDERSEN: Yes. And again, I apologize. I was not aware of that. But I think we must be careful -- we have to be careful that if we’re having any -- you know, obviously if we’re talking about, I don’t know who, but it can’t be on the microphone because it cannot be among anyone else. And so, I do apologize for that.

Here in the room there’s only myself and Commissioner Kennedy, and our counsel. And we were not having a conversation, so that was not -- I’m not sure what you did overhear, but I do appreciate you bringing that to our attention. And I do apologize if there’s any -- anyone
felt there was any impropriety or anything like that, because we certainly do not want that to happen, have anyone feel that way.

So, with that said, I believe we can -- any other things should we address before we continue with the training? Any other Commissioner wish to say anything? Not at this time, okay.

Then, I would like us to proceed with the training. Thank you.

(Video resumed)

CHAIR ANDERSEN: I believe we’re going to stop the video now. And if we can get Mr. Levitt online, we’ll ask him -- ah, I see Mr. Levitt’s with us now. Welcome, sir. We’ve just completed the video and we’d like it if you could run us through the section that we missed, which I think has been pointed out to you, and then sort of give us a bit of an update, and then please answer, if we can ask you questions.

MR. LEVITT: Happily. And I will try and go slightly more quickly through the video so that I can leave enough time for your questions because that’s really the most important.

Can you all hear me all right, I’ll start there. Okay, good, excellent.

I want to actually start, if I can, right where I
left off with the video which is in thanking you all so
tremendously for your service. I really think this is a
tremendously important endeavor for the state and for all
of the people who live within the state. And the fact that
you all have stepped up and agreed to be part of this
Commission is an enormous service to all of us.

And so, as someone who’s not on the Commission,
but benefits directly from your work, thank you.

And I’ll also say beyond today, if there are
opportunities for me to be helpful you or a resource to
you, I’m more than happy to, there’s a lot of complicated
stuff that you’re dealing with.

I also want to make sure that you know that
although I’ve been retained to give you legal training, or
training on the law that you apply as Commissioners, I am
very aware that I am not your legal counsel. You’ll have
counsel guiding you, as the first eight Commissioners,
through selection of the remaining six, and then the
Commission will have the change to employ counsel of its
own. And you should listen to them, whoever they are. But
I hope I can at least provide some context for the
decisions you are going to make.

And I will focus this, as I focused the training
for the Applicant Review Panel, on that law to provide --
that helps you with the decisions you have in front of you,
and particularly the decisions on who the remaining six
Commissioners should be. I think that is my mandate.

So, I’ll start. As I understand it, the portion
that you weren’t able to hear or the audio cutout was on
race and ethnicity. I’ve got a section of that
presentation queued up, so I’m happy to start with that.
If that’s not correct, please let me know. I want to be
responsive to what it was that you missed.

CHAIR ANDERSEN: That is exactly what we did
miss. Thank you very much.

MR. LEVITT: Okay. And vitally important, so I’m
happy to walk through. With your permission, I’ll share my
screen. I actually have the exact same slide show that you
just saw still living on my computer. And I think the
easiest way to go about this, maybe, is just to walk you
through the slides sharing the screen, so if that’s all
right.

CHAIR ANDERSEN: Perfect.

MR. LEVITT: Hopefully, what I’ve done is
actually that, that you now see the presentation to race
and ethnicity is actually taking over your screen.

So, and then I’ll come back at the very end of
the presentation I gave. I think the only substantive
information that has changed since 2019 is your timeline
that has changed. California law has changed in that
respect. I’m happy to address that later. That was the last thing I left with in the video you just saw, but I’ll skip quickly to that after I’m done with this.

So, very quickly, more quickly than it really deserves, but this is not the first you’ll hear this information and not the last time you’ll hear this information.

The California law asks you to consider race and ethnicity in the redistricting process in a few ways. And federal law asks that you consider race and ethnicity in the redistricting process is a few ways.

I’ll actually leave specific elements of the diversity of the Commissioner selection to the end. I know that you’ve heard public comment on this before and you will certainly hear public comment on this later. What I’m talking about here are the ways in which race and ethnicity may be used to draw the lines that will count for your selection of the remaining six applicants, in addition to their own demographic details.

I’ve tried to distill the rules, and they are tremendously complex, to three basic points. Rule one, and these all follow legal requirement -- rule one, don’t set out to hurt voters based on their race or ethnicity.

Historically, there have been two primary ways in which this has been done. It’s this is a highly stylized
jurisdiction and the minority voters in the jurisdiction are the ones labeled in gray. Tracking those voters, drawing districts to divide a minority community so as to minimize or diminish their electoral power that hurts voters on the base of their race or ethnicity. So, setting out to crack minority populations into multiple districts, thereby diminishing their power is one means by which this has historically been done.

The converse can be just as bad. Setting out to concentrate minority voters or over-concentrate minority voters in a particular district so as to deprive other districts of minority representation. That is putting a lot of minority voters into one district so that they are left -- have less representation elsewhere may also hurt voters based on their race or ethnicity.

So, don’t set out to divide minority communities artificially or to --

CHAIR ANDERSEN: Excuse me. Excuse me, Mr. Levitt.

MR. LEVITT: Yes.

CHAIR ANDERSEN: I apologize here, but I think we did hear your cracking/packing, whole summary of the race and ethnicity. I believe the part that we actually missed was before this, when you were sort of finishing up about the Voting Rights Act.
MR. LEVITT: Ah.

CHAIR ANDERSEN: Is that --

MR. LEVITT: Thank you for the clarification. I don’t want to repeat. Time is precious and I don’t want to repeat what you’ve already heard.

CHAIR ANDERSEN: Yeah, I mean that’s -- I have the --

MR. LEVITT: That’s actually -- it’s slightly after that I would have been talking about the Voting Rights Act.

CHAIR ANDERSEN: Yeah, so this is -- I think, I believe, and now if there’s another Commissioner thinks, but it was to hire experts. Slightly before because when you were finishing up with the Voting Rights Act about Rule 3, you had several rules in the Voting Rights Act, and it was as you were finishing that that we essentially lost it and then came back in at the beginning of considering race. And considering race and ethnicity traits in terms of hiring. And then, yeah, then you got back in. Then we picked up. So, it was literally I think we didn’t miss that much. It was at the end of the --

MR. LEVITT: Okay.

CHAIR ANDERSEN: Yeah.

MR. LEVITT: Great. Even better, I don’t want to repeat what you’ve already said -- what you’ve already
heard. You can test it on consistency, but you don’t need
to take up your time to do that.

So, as I understand it, the audio came back in
around here, so you heard my recommendations about what it
is the Commission will need to consider when dealing with
race and ethnicity. And you left, perhaps around here, am
I understanding you correctly?

CHAIR ANDERSEN: Rule 3.

MR. LEVITT: We can start wherever it is you
wish.

CHAIR ANDERSEN: I think that’s pretty good.

Probably the Voting Rights Act. I believe we went to Rule 2.

COMMISSIONER FORNACIARI: Okay, this slide we
saw.

CHAIR ANDERSEN: Yes, exactly. We saw that one.
And then, I believe it’s right after -- we did -- we were
right in here. We had that one and then I think did we
miss it? Yes, basically right in here is where we ended up
stopping because we didn’t get into --

MR. LEVITT: Okay.

CHAIR ANDERSEN: Yeah, essentially, you’re just
post the different rules in -- like Rule 3, and then you’d
just kind of gone through that and you were summarizing at
the end.
MR. LEVITT: Good. Okay, great, that actually saves me time and it saves you time, so I can get to your questions much better. Thank you.

So, essentially, this was a bit of a warning. The 2010 Commission struggled a bit in living up to its expectations under the various rules, and particularly under the Voting Rights Act. That’s not to say they violated the Voting Right Act. I want to be abundantly clear about this. There were cases that were brought in court. They didn’t test all of the possible ways in which there might or might not have been a violation, but the court challenges were rejected.

What I want to draw attention to is the process they set themselves up for potential failure. In part due to some of the advice they received from their counsel, which is unfortunate. So, I do not claim that the past Commission violating the Voting Rights Act, but I can give you some warnings about where their process that may have gone awry that will help you consider that your process should be and what sort of traits you should look for.

So, first, the Commission in 2010 delayed training on the Voting Rights Act. They recognized that they needed training quite early in the year ending in 1, and maybe some of them even before that. But it took a few
months before the Commission as a whole received specific training on the Voting Rights Act. And the Voting Rights Act is complicated. And so, hearing about it when you’re working all as a Commission, as a whole, and when you start to have a sense of various geographies, this is the sort of training that can really help to receive multiple times. Not that I’m going to go back and redo the training you already heard an hour ago. But it is useful for you very quickly, when you’re sitting as a Commission of the whole to receive specific training so that you know what you’re looking for.

The Commission delayed acquiring data, in particular acquiring data on racially-polarized voting. The Commissioners recognized that it would need data on racially-polarized voting, but took a long time to hire a consultant to provide that data. And then, took a long time to ask for the data back.

The data, racially-polarized voting analyses can take some time. As you heard in the training because they depend on very reliable methods, but they depend on the accumulation of statistics of local election results in lots of different precincts. And the California Statewide Database, run out of University of California at Berkeley, does a remarkable job in collecting that data. That’s a great service to you. But it takes some while to process
in order to determine the extent to which voting is
polarized based on race. And it’s more difficult when you
have, as California does, multiple ethnicities in various
jurisdictions that make the calculations harder.

And so, it’s not just as simple as pushing a
button and getting a yes or no response. The 2010
Commission delayed the outreach to consultants and as a
result got data back quite late in the process.

The 2010 Commission flirted for a while with
blinding itself to local voting results, saying we
shouldn’t see the results of local elections. It didn’t
actually take this path. I’m very glad it didn’t. Had it
taken that path, it would have made it impossible for them
to comply with the Voting Rights Act.

But there were lots of discussions over a long
period of time about whether, consistent with California
law, the Commission should retrieve local election results.

I can tell you, unambiguously, the answer is for
purposes of complying with the Voting Rights Act, yes, that
data is necessary.

And at the conclusion, the Commission came
through in 2010, but it took a while to get there.

I think the 2010 Commission, because of all of
those three aspects actually set up a process where it was
engaging with the Voting Rights Act only late in the
process. That is it drew districts for other purposes and then intended to incorporate the Voting Rights Act. In part because the data were late arriving, the training was late in coming.

And what that means is I don’t know that the Commission paid attention to path dependence. Paid attention to the ways in which the decisions they’d already made on criteria that were under California and federal law less important to help to drive the final outcome. They’d already started walking down a street before they realized they might have to change the direction they were traveling.

I think the Commission in 2010 ended up doing a fair job with individual groups of minorities. So, individual districts responsive to Latino population, Asian population, African American population. In walking through all of the transcripts of all of the meetings, there wasn’t much time to evaluate and so there wasn’t much evaluation of the ways in which different minority groups in an area might vote as a block.

And as you know from the training, that’s something that the Voting Rights Act provides. So, it may well be it depends on the data. It may well be that African Americans and Latinos in a particular part of the state have very distinct political preferences. And where
that’s true, the Voting Rights Act says respond to each in turn, but not necessarily both in combination.

But in other parts of the state it may be that Latinos and African Americans have very similar political preferences. And in those circumstances the Voting Rights Act says there may be responsibility to respond not only to each group separately, but to the group as a whole.

The Commission, in 2010, didn’t leave itself enough time for that analysis.

As I discussed when talking about population, I think the Commission hemmed itself in too tightly with population requirements of equal population that were not required by law. And that constrained choices under the Voting Rights Act that it only realized it had to relax at the very last minute. That set the Commission up for trouble. When it bound its own hand too tightly up front that caused a lot of panic when it realized it had to undo the constraint late in the process.

And to some degree, and this I think was vetted by counsel, this is something that the Supreme Court later corrected in other states. California didn’t get there, but other states did. There was some advice that conflated the opportunity to elect candidates of choice of voters, which is a combined demographic and political calculation based on data and actual electoral performance with
demographics.

That is, counsel suggested the districts had to be drawn at 50 percent or more minority. That’s something that got Virginia in trouble. It got Alabama in trouble. It got North Carolina in trouble and had districts struck down in those states later in the cycle.

It sure looked like California did a very similar thing in its process. And again, I don’t know that that ended up violating the Voting Rights Act in the way that the districts were finally drawn, but it was not a process that was reliably designed for compliance.

And all of this resulted, I’ve said it a few times but I wanted to emphasize, it created unnecessary risk in all of this by drawing the maps with only a vague notion of the Voting Rights Act, and leaving Voting Rights Act compliance for last, to sort of tweak the edges, rather than building Voting Rights Act compliance in from the get go.

Part of that was the timing. And so, part of that was working on constraints that the Commission had set in place early and that it was difficult to recover from. So, I don’t mean it’s to a time fault. But I do want to note that leaving Vote Rights Act compliance to late is certainly not the optimal strategy to making sure that you end up complying at the end of the day.
And then, I don’t know whether you saw this slide or not, so I’m happy to review it quickly. I don’t know whether the audio was on. The third rule of the road -- one is don’t discriminate against minorities intentionally. Two is comply with the Voting Rights Act. And three is a constitutional, a national constitutional constraint that suggests caution about looking only at minority demographics and not at other factors.

So, the Federal Constitution says, in a number of cases from the 90’s through to quite recently, that race can only predominate, race or ethnicity can only predominate in the decision to put people inside or outside of the district if there’s a really good reason.

Compliance with the Voting Rights Act has consistently been held up as a really good reason. But that review is quite strict and that review is quite unpleasant when courts apply it. And so, I think best practice is you -- it’s very rare that you will be called on to make a choice where race really is the predominant reason for putting people inside or outside the district in the way that the courts will strictly scrutinize.

The analogy I draw is to driving. It is very important to stay within the speed limit. But if you are only focused on the speedometer when you’re driving, you’re going to crash. If that’s the only thing you’re looking
at, if you are not looking at the road, if you’re not looking at the traffic, if you’re not looking at your destination or the way you get there, you’re probably going to steer into a tree if you just have your head down and focused on the speedometer.

Most of us, all the time when we’re driving, pay attention to a lot of different things. We pay attention to the climate in the car. We pay attention to where we’re going. We pay attention to what the driver in the -- the passenger in the seat next to us is saying. We pay attention to the signal, and we pay attention to traffic. We pay attention to weather conditions. We pay attention to the fuel gauge. We might pay attention to the music selection in the car. And, also, the speedometer. And we check in from time to time to make sure that we are in fact going the right speed.

That doesn’t mean that we are ignoring the speedometer. It doesn’t mean we’re paying less attention that we should to the speedometer. It means that while we are making sure that we’re paying attention to the speedometer to go the right speed, we’re also paying attention to a lot of other factors.

And that’s what the Federal Constitution demands or at least requires a really good reason for deviating from in the area of race and ethnicity.
Again, complying with the Voting Rights Act has been held up as one of these really good reasons for race too predominantly. But you needn’t get there, you needn’t have your districts come under constitutional challenge if complying with the Voting Rights Act isn’t the only reason you’re drawing a district, but merely one very important reason to draw a district among many.

And most of the time, the districts that you draw will incorporate those other factors as well. You’ll be taking compactness into consideration. You’ll be taking the population count into consideration. You’ll be taking communities of interest into consideration as California law asks you to.

And also, the Voting Rights Act. This does not make the Voting Rights Act less important. It is vitally important. But as long as you consider Voting Rights Act responsibilities as well as these other matters, just like considering all of the various environmental factors as well as the speedometer, the Federal Constitution won’t get in the way of the districts that you draw. That is, it won’t be this heightened review for causing race to predominate, when you’re really staring only at one factor alone.

I mentioned the California Voting Rights Act in my presentation because it’s a thing, because it’s under
scrutiny and some challenge because you may hear cases about the California Voting Rights Act in particular. The good news is after everything we’ve just discussed, and all the training you got, you don’t need to worry about it. You don’t need to worry about it, at least not in your capacity as Commissioners. Because it only applies to jurisdictions with at large elections.

It applies for municipal districts, and counties, and school boards that have all elected officials, that elect all legislators from the jurisdiction as a whole, and not those that have district lines. And all of the districts you’re drawing are single-member districts.

So, the fact that you’re drawing the State Board of Equalization lines, and State Assembly lines, and State Senate lines, and Congressional lines means that the California Voting Rights Act is one thing that you all, in this capacity, don’t have to worry about at all. And that, given all the rest of what you have to worry about is probably pretty nice.

I think this is the point at which you said the audio came back on. So, I really want to start there. And maybe I’ll move to timing or maybe I’ll take whatever other questions you have.

CHAIR ANDERSEN: Is that correct, everyone? I think we might -- just it’s in between here. I think we
might have come in just at the end of that next slide. Am I correct, am I -- did we stop right here? I’m asking other Commissioners, is this the --

VICE CHAIR TURNER: Madam Chair, I don’t recall this line.

CHAIR ANDERSEN: You don’t recall it. Yes, I don’t think we did finish this slide. I think we didn’t get these next two slides. And we certainly started with the Chicago.

MR. LEVITT: Okay.

CHAIR ANDERSEN: So, I think it was somewhere in the middle of the next slide, actually, was when it sort of jumped in. So, if you wouldn’t mind just giving us a kind of a -- I guess this is the beginning of the summary of --

MR. LEVITT: Yeah, this one’s easy.

CHAIR ANDERSEN: Thank you.

MR. LEVITT: In part because you’ve already sort of heard the before and the after, so the middle part will be straight forward.

Most of the work that I described with respect to analyzing polarized voting you’ll want to hire experts to do. That’s something that the PhDs do and that redistricting analysts do. And so, you want to hire experts to do them.

You won’t have to actually do this difficult
calculation. You may wish to, if some of you have that expertise, but you won’t have to.

Mostly, you’ll need to ask -- Commissioners as yourselves, and ask the other six, to be able to evaluate the experts that you hire. So, that’s a trait or a skill that you’ll want to select for, right, making good assessments about experts who will serve you in this capacity.

And you’ll need to not turn over the process to the experts alone. That is you’ll need the ability to ask hard questions, and your fellow six Commissioners will need the ability to ask hard questions of the experts you hired to make sure that they’re giving you the advice that you want and that the law requires.

Hard questions about what the baseline for drawing the Voting Rights Act districts are, for example, the minority proportion of the citizen voting age population for that first -- the first category I mentioned as Voting Rights thresholds considerations.

You’ll want to be able to ask some hard questions about voting patterns by race or ethnicity in a particular region, including multiple combinations of racial or ethnic groups.

You’ll want to ask some hard questions about the districts that they’re recommending. Not only do they work
in theory, but do they work in practice? How do they know? What’s their methodology for assessing electoral performance?

And I’ll emphasize again, as I did in the video, electoral performance is really the touchstone of the Voting Rights Act. How do these districts work in practice, not just in theory?

And you’ll also want to be assess expert determinations about the historical context. I mentioned in the video all of the Voting Rights Act is very contextual. You can’t just make assumptions. There are plenty of experts available to inform you on those qualitative and historical traits that you’ll have to consider, but you’ll want to ask some hard questions about them. And so, you’ll want Commissioners who feel comfortable, who have the capacity of doing that.

That does mean the Commissioners themselves have to be experts, but it means they have to be not easily cowed by people presenting themselves as experts. You can trust them to give their opinions, but you should also be able to question them about why they say what they say.

You’ll want Commissioners who will be able to assess geographically visual information. This is important throughout. I’ve mentioned it a bunch. But a lot of this information about where populations are, and
which populations are where is visual, and so you’ll want Commissioners who have ready facility with assessing that sort of information.

You’ll want, I mentioned this abundantly in other parts of the presentation, Commissioners who understand the limits of what the data show. What they do show and what they don’t show.

And this last one you heard me say at the end of literally ever section, because it’s the most important thing I come back to the fact that it’s the most important thing. The natural human instinct to search for clean answers, answers that seem simple, are not always the answers that are legally compliant. Sometimes they are, sometimes they’re not.

And so, in the Voting Rights Act, as elsewhere, you need people who are comfortable not just defaulting to the answer that seems the easiest.

CHAIR ANDERSEN: Great.

MR. LEVITT: And then, I talk about Chicago.

CHAIR ANDERSEN: Yes. I think and we definitely -- that’s where we sort of picked up. So, thank you. I think we’ve finished the slide.

If you would go possibly to the end, you’re talking about the timeline and then open for questions.

MR. LEVITT: Yes, happily. And I will in about
15 minutes move to the phone, but that will be seamless. I’m actually speaking to you on the phone now, so all you’ll do is lose the tape that wasn’t worth that much to you anyway. But I’m more than happy to continue answering questions on the phone.

So, this -- there’s been a bunch of noise and a bunch of developments in the redistricting arena since I presented this to the Applicant Review Panel. But the vast majority of it doesn’t yet affect California. That is, the vast majority of what I presented is exactly the same. Other states will have changed in different ways. Other states’ practices have changed. But the vast majority of what I presented doesn’t really affect California.

The rules now are very much the same as the rules that they were last year, with one significant difference and that is the timeline has shifted. Or, I should say the timeline has probably shifted.

So, the Census Bureau, because of the pandemic, the reason that I’m speaking to you know through Zoom and not in person, because of the pandemic the Census Bureau’s ability to conduct the Census has been affected, as all of our abilities to do a lot of things have been affected. And they were not able to do the in-person canvassing. An awful lot of what the Census does it by mail response, or phone response, and this year by internet
response. But it has always involved the substantial
cOMPONENT OF GOING AROUND TO PEOPLE’S HOUSES AND FOLLOWING
up on people. That normally starts in May. May of 2020
was a very different time than May of 2010. And that meant
that the Census Bureau was not able to send Census takers
around house to house in May.

They’ve asked for a four-month delay,
essentially, across the board. So, they’ve asked to start
this individual in-person engagement four months later,
starting now in August. They’ve asked to deliver data to
the Congress, rather than December 31st, they’ve asked to
deliver that by April 1st. And they’ve asked to get you
the state data, rather than April 1st, July 31st.

They have not yet been given permission to do
this. So, Congress has to change the statute. There are
two statutes, federal statutes that drives the Census
Bureau’s delivery of data. And right now, today, the rule
is that the data have to be in by December 31st. But the
Census Bureau has said we’re not going to be able to get
you an accurate count by then, please give us more time.

That request is pending with Congress. I believe
it’s past the House. I believe it’s still sitting in the
Senate, momentarily. I think there has been bipartisan
support for extending the deadline because everybody
recognizes how important the Census is and there’s broad
agreement that they should have the additional time to conduct it, as they’ve requested.

So, the request came from nonpartisan career staff, very focused on getting the count accurate.

But you can predict as well as I can whether that legislation will actually pass. That’s a prediction and not a guarantee.

And so, though I hope that it passes Congress, right now the timeline is what it is. I anticipate that that timeline will shift. And so, I anticipate that they will actually deliver data four months past where they want to be.

The Legislature of California anticipated that they would deliver data four months after. And so, they asked the California Supreme Court for permission to modify the deadlines that are sitting in front of you. Because if the Census Bureau delivered you data by July 31st, you wouldn’t have it before you were responsible for delivering a first draft of maps under the State Constitution. That is, they’ve be asking you to do something that was impossible.

And so, the Legislature asked for permission to delay the timeline. The prior Commission agreed. Lots of people agreed across the political spectrum. And the California Supreme Court very, very recently granted that
extension. The time is compressed. I confess, I cannot remember whether it was last week or the week before, or it might have been yesterday. But the California Supreme Court released (indiscernible) that says that maps are now due, the first draft is due November 1st. The final maps are due December 15th. So, they have extended your deadlines.

This deadline here, of July 1st, is now November 1st. This deadline here, of August 15th, is not December 15th. They said if the Census Bureau is even later in getting you the data, as the pandemic is unpredictable, so nobody can be sure, that you have a commensurate additional number of days. However late the Census Bureau data comes in, you have that extra time. And they’ve requested, encouraged that if the Census Data comes to you before July 31st that you expedite your work as much as possible, because the timeline after you approve maps is still tight. But that’s the change to the timeline.

I don’t candidly know whether there will be further litigation if the Census Bureau does not get an extension, to seek to have your work returned to the earlier timeline. That is, if the Census Bureau has to deliver data that it’s knowingly incomplete by July 31st -- sorry, by April 1st, the current deadline. I don’t know whether there will be data that tries to put you back on an
earlier track.

And so, I would encourage you to do all of the work that you can do, and you can do quite a bit of work on this original timeline in order to get ready for the data. There’s lots that you can do before the data arrives. I’d encourage you to do a bunch of that work on the original timeline, with the knowledge that you may have a few extra months to actually draw the maps if the data are in fact late, or if in fact there’s a delay. That is, the timeline is compressed enough that I think it would behoove you to start based on the aggressive timeline, if you can, with the knowledge that you may have a little bit more time to draw the maps based on the Census data provided you late.

So, the hiring process, the internal review process, the process of seeking public feedback, all of that can start before the data arrives.

And with that, I will stop sharing my screen and I’m happy to answer any other questions that you have.

CHAIR ANDERSEN: Great. At this time would any of the Commissioners care to ask a question?

COMMISSIONER FORNACIARI: Madam Commissioner -- or, Madam Chair, I have a question.

CHAIR ANDERSEN: Yes, Commissioner Fornaciari.

COMMISSIONER FORNACIARI: Thank you. Let’s see, the last Commission put together a document of lessons
learned. One of the lessons learned, one of the
suggestions for us, from them, is to start with the Voting
Rights Act districts. These are the first puzzle pieces,
they say. And especially in the Section 5 districts.
Maybe I missed that, what is Section 5?

MR. LEVITT: So, this is the one piece -- so,
when the Commission was ready, this was a provision that
applied to California and it is a provision that applies no
longer. In 2013, the Supreme Court invalidated a portion
of the Voting Rights Act.

It does not affect, I want to emphasize it
doesn’t not affect anything that I mentioned today. It
does not affect anything in the video. As of 2019 that was
designed to lay out exactly what you need going forward.

It was a separate portion of the Voting Rights
Act that was Section 5. And the Supreme Court invalidated
the formula that applied that section to California.

So, the 2010 Commission had essentially another
set of requirements that you don’t have. But I think their
counsel, in the lessons learned, was exceedingly wise, I
alluded to it in my own presentation, I think it is still
very important to begin the redistricting process focused
on the remaining portions of the Voting Rights Act that do
apply, and that will save you -- they learned the lessons
that I had mentioned. That they ran into trouble sort of
leaving the Voting Rights Act process until the end. And their suggestion to you to bake it in from the beginning is still a suggestion, independent of Section 5, that I heartily agree with.

COMMISSIONER FORNACIARI: Okay. So, you know, just so I make sure, you know, we all understand what you’re suggesting here is, you know, move out as quickly as we can I guess to begin to hire consultants that will help us understand issues related to racially polarized voting. That will help guide us on where we have to focus our efforts on Voting Right Act districts, I guess.

And then, you know, once we begin to draw the lines and think about doing that, put Voting Rights Act -- or, put that in the forefront of what we’re thinking about.

MR. LEVITT: Correct, yes. I think that’s exactly right.

And I’ll also say that you can get, in addition to racially-polarized voting analysis, you can begin to get a feel for where you might have particular responsibilities around the state. Not only through your own personal experience. I mean this is part of why having the Commission that represents the diversity of the state itself is so important.

But also, the Census Bureau puts out estimates that are not particularly appropriate for you to use in
drawing the districts, but may well help you focus your
time before the official data come in. So, there’s a
survey that’s a reliable survey, that comes out. It’s
taken every month. It’s allotted in five-year chunks.
It’s called the American Community Survey. And some of the
other presenters I think mentioned it. I think I might
have mentioned it as well.

That data exists for 2017, and ’18, and ’19, and
’20, and can help guide you in rough form even before the
official Census data come out for 2021 that you use to
actually draw the district. So, it’s a little bit like
paining with broad brush and the refining the brush work as
the Census data come in. You can start using that ACS data
even before the official Census data are delivered.

COMMISSIONER FORNACIARI: Okay, very good. Thank
you.

CHAIR ANDERSEN: Commissioner Sadhwani?

COMMISSIONER SADHWANI: Yes, thank you Madam
Chair. Thank you so much actually for this presentation.
It’s been extraordinarily helpful.

Since -- and I guess I should say I am one of
those PhDs who drives (indiscernible) estimates. And so,
though, only on an academic setting. I’ve never done that,
you know, as a Commissioner.

I’m curious because Section 5 was brought up, why
all Section 5 is, you know, no longer on the books after Shelby? I’m curious about your legal opinion, however, right, given that the -- and I’m not a legal scholar or attorney by any means. I’m curious of your interpretation of the law on this matter. But given that the requirements of Section 5 are no longer there in terms of retrogression is it still the case, though, because Section 2 is still so much a component, right, it’s still on the books. And, certainly, whatever lines that we draw could come under lawsuits under Section 2, is it your legal opinion then that when engaging in the redistricting process a Commissioner such as our, or in other states, would be wise perhaps to maintain some of the expectations of Section 5, even though that is no longer, you know, a law.

MR. LEVITT: I think that what you’ll find is that many of the districts that were drawn for Section 5 purposes are also required under Section 2. And so, in individual circumstances I think you’ll find that the obligation may come from a different part of a statute, but nevertheless still exists in the same area of the population.

I think you’ll also separately find that many racial or ethnic groups also co-reside or are co-located with communities of interest. And that you may also, under that portion of California statute, find that the districts
that exist are also important to maintain for that community even if it’s not specifically defined as a racial or ethnic community. That is, people have common interests in legislation that often correlate with racial or ethnic backgrounds. They may have common cultural factors and they have common employment, and they may in a particular area of the state have things in common that make them a community of interest. They happen to be of the same race or ethnicity, but for reasons apart from their race or ethnicity. And then in other circumstances paying attention to the communities of interest will also be important.

And setting out to break up a district drawn for minority voting rights because they are drawn for minority voting rights can get you in trouble with discriminating on the basis of race or minority, as I mentioned in the first place. So, actively targeting a district that used to be established for Section 5, and breaking it up because of its racial or ethnic composition that’s also unlawful.

So, I don’t think that you should preserve the existing districts that are drawn for Section 5 or that were drawn for Section 5 because they were drawn for Section 5. That shouldn’t be the reason. But I think many parts of the state you will find that there are other reasons why those districts were drawn that still reflect
legal requirements. And so I think it likely that starting with not the existing district configurations, but starting with the existing communities for which districts were drawn is likely to be good guidance for you in complying with the law going forward.

COMMISSIONER TAYLOR: Madam Chair, this is Commissioner Taylor. I have a question.

CHAIR ANDERSEN: Yes, Commissioner Taylor.

COMMISSIONER TAYLOR: Mr. Levitt and I know you expressed some concern with the 2010 Commission. The threshold that they set for the population variation or the deviation, did they come up with that threshold themselves, and then did they have to subsequently put that out to the public, or was that discovered through the meetings, or through the defending of the maps, or through quantitative analysis?

MR. LEVITT: Yeah, that’s an excellent question. The answer was different, I think, at different times in the Commission’s existence, so it changed a little bit from month to month. Some of those population deviations were recommended by counsel, I think improperly. Some were decisions of the Commission.

All of the decisions of the Commission were undertaken -- I have no reason to believe that the Commission took decisions that were not properly public on
the record. And so, I think that all of those decisions that were made by the Commission were public.

I don’t know the extent to which they were debated as such at every stage. So, at some point the Commission seemed to actively discuss we’re going to tie our own ends by adopting a particular state population deviation. This is what we want to achieve.

And in some cases it seemed more like it flipped in as a sort of default instruction to the line drawers without much actual discussion.

And I think as the presentation I made indicates, the actual number changed from time to time. The target that the Commission was seeking.

So, I think I’m heading back to the beginning part of my presentation and you’ll see it in the first couple of slides where I talk about population deviations.

But the Commission decided on a plus or minus 2 percent standard, then a plus or minus 5 percent standard with an explanation over 2 percent. Then, we want you to get as little as possible, but we’ll allow you to go up to 5 percent total, then 1 percent total, then 2 percent total but we’ll add more to the Voting Rights Act.

Some of those decisions were vigorously discussed and thought through. I think even if they arrived at an improper place. Some of them were counseled by legal
counsel.

COMMISSIONER TAYLOR: Uh-hum.

MR. LEVITT: Some of them just appeared to be instructions and it wasn’t clear to me how thoroughly the Commission was thinking those through before giving that instruction to the line drawers. That is some of them were expressed in instructions to the technical components, show me the next set of lines that does the following, and it appeared that a new standard cropped up without fulsome discussion among the Commission. So, I think the answer is a little bit of everything.

COMMISSIONER TAYLOR: So, the restrictions that they placed on themselves based on a deviation began to control the decisions based on the maps?

MR. LEVITT: They did. And I will say the Commission recognized that it was putting itself in a box. And late in the process began to step back. So, one of the later decisions they said is we’ve got this population deviation, but go farther if you need to for Voting Rights Act compliance.

But I think so many other decisions had already been set by that point informally, if not formally, that I think it’s the sort of path dependence I was talking about, the Commission seemed to be -- there are lots of choices that you’re going to have to make. And once you’ve made a
set of decisions it’s easy to say, okay, we made this set of decisions. I’m not going to go back and revisit the particular path that brought us down the left fork or the right fork.

I believe that the Commission took the left fork with a certain set of population deviations. And then that, as a practical matter, if not a legal matter, meant that they weren’t considering the paths down the right fork when it came to opening things back up later in the process. That’s a very human trait, but it did not serve them well.

COMMISSIONER TAYLOR: Thank you.

CHAIR ANDERSEN: Any additional questions at this time? I know that’s a lot of information, very detailed. Oh, we have -- I’m sorry, Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yes, thank you. This was earlier in the presentation, though perhaps it was already answered. On one of the slides discussing compliance with VRA you had multiple points. One of them was -- does an underrepresented minority face -- do underrepresented minorities face discrimination? What kind of discrimination are we talking about there? Electoral discrimination or other forms?

MR. LEVITT: No. So, in the contextual and historical -- that’s an outstanding question. The courts
considered both electoral discrimination, but also
historical discrimination that might either manifest in
electoral discrimination, aside from electoral
discrimination. So discrimination in housing, or
education, or employment, or health that might manifest
itself in various electoral preferences.

Or, ways in which the electoral district, even if
they don’t presently discriminate, might perpetuate the
past effects of discrimination outside in those areas.

So, the Voting Rights Act is intentionally
contextual and essentially says where a racial or ethnic
minority group has faced discrimination either official or
societal, that that must be taken into account in
determining whether there is an obligation to draw
districts such that the minority population in that area
has meaningful electoral power.

And so, the Voting Rights Act very specifically
contemplates electoral districts that attempt to give
electoral power to a minority because it has faced
discrimination in other areas, in order to help ensure that
that discrimination is not perpetuated when they’re able to
elect representatives of their own choice who may be more
responsive to them.

It also contemplates responding directly to
electoral discrimination, but it’s certainly not limited to
that.

CHAIR ANDERSEN: So, actually, the follow --

MR. LEVITT: And that --

CHAIR ANDERSEN: Sorry.

MR. LEVITT: I should add just a real quick follow up. That’s been part of the Supreme Court’s case law on the Voting Rights Act and part of the legislative history of the Voting Rights Act from the beginning. That is since 1982, when this broader contextual set of factors was brought into the Voting Rights Act that was abundantly clear.

Those factors that I mentioned on that list are known -- I can’t remember whether I said this in the presentation or not, are known as the Senate Factors, colloquially, because they are the very factors that the Senate, in its report on passing the 1982 Amendment to the Voting Rights Act relied on as a way of establishing whether, in the totality of circumstances, minority votes had been diluted or not. So, they have been backed in from the get go. And they, themselves, responded to Supreme Court precedence before that.

CHAIR ANDERSEN: So, actually, a follow up sort of on that same thing. So, what is there not enough precedent in the actual voting data, you can’t really tell, well, they vote one way or another. But it’s an
historically discriminated area. Do you have to have both, hand in hand, or does one indicate a preference that it needs to be addressed?

MR. LEVITT: You need both. It’s an excellent question. You need both. But I do want to emphasize that the presence or absence of racially polarized voting is most often proven with statistical data, but does not have to be proven with statistical data.

CHAIR ANDERSEN: Okay.

MR. LEVITT: So, one of the predicate factors, and this is important, is that voting in the district is racially polarized. And if there has been historical discrimination, but voting is not racially polarized, there is no liability under the Voting Rights Act.

Important to consider, racial polarization is not just a partisan thing, decidedly not just a partisan thing. So, many elections are evaluated in local elections where there is not a partisan preference on the ballot. And the elections may be evaluated in the primaries, where the choice is among candidates of the same political party.

So, I don’t mean to suggest that if there’s -- if the public all prefers a particular political party, but there’s no racial polarization, that’s not how it’s defined.

But if there’s no distinction in how different
groups of voters vote based on race or ethnicity, the Voting Rights Act does not impose (indiscernible). Most often, the way that you show that is through statistical data. But as you’ve indicated, there are some circumstances where the statistics aren’t powerful enough to reveal a pattern than people know to be there. This happens most often in very small towns or very small counties, where you have fewer people and less statistical power.

And so, cases coming out of those small towns and small counties have shown racial polarization through community testimony, through the testimony of elected leadership, and through the testimony of community leaders. It’s rarer, but it certainly exists.

And so, yes you need both, to your question, and it’s an excellent one. But if the data, if the statistical data aren’t powerful enough to show a real pattern that exists in the community, other nonstatistical data will suffice, as long as it’s a real pattern in the community.

CHAIR ANDERSEN: And so, similar on that, you did mention the communities of interest. That could also, as I’m thinking of sometimes, you know, as you say, we’re approaching this from many different directions, looking at communities of interest might also be able to take care of some of these areas in that they overlap. We don’t
actually have the statistics, you know, the racially polarized, but it’s a community of interest regardless.

MR. LEVITT: That’s true, yes. The communities of interest -- so, you are free under California law to figure out how you will determine communities of interest. That’s a choice available to you. You can use statistics from things like the American Community Survey, socioeconomic characteristics, occupations, rental or owning patterns, things like that to bolster your assessment. You can use testimony from the public to bolster your assessment.

Again, many of you -- there’s diversity on the Commission reflecting not only race and ethnicity, very important, and something I know you’ve received a lot of attention on, but also geography and socioeconomics is important because you understand the communities in your areas.

Often, those communities will embrace, maybe not perfectly, but there will be a substantial overlap with racial and ethnic communities where the data may be harder to come by. That is not surprising. That’s common and not just in California.

MS. SAXTON: Madam Chair, I’m sorry to interrupt. Two items. One item, we were informed that Professor Levitt might need to switch to telephone, now, and get off
of the Zoom, so I wanted to give him an opportunity to do that.

MR. LEVITT: And I appreciate that. I will take that offer.

MS. SAXTON: And secondly, perhaps it’s time to queue up additional -- or to queue up public comment.

CHAIR ANDERSEN: Oh, thank you.

MS. SAXTON: And also, if we can find out if there’s more questions for Professor Levitt.

CHAIR ANDERSEN: Yes, I was just going to --

MS. SAXTON: Okay.

CHAIR ANDERSEN: Thank you very much.

MS. SAXTON: Of course.

CHAIR ANDERSEN: Yes, at this time --

MR. LEVITT: And just to prove to you that this works, I will stop my video and leave you from the Zoom conference. But I am still very much with you, if you have questions. Before I lose you facially, I again really appreciate your time, and effort and energy. This is vitally important and I thank you. It’s a lot of work and I know you know that already.

CHAIR ANDERSEN: Well, I think the -- we all thank you very much for all your -- taking some time to be with us here today and answering these questions, and for your whole presentation. Wonderful.
At this point I’m going to ask if we could read the requirements for the public to comment, call in. And then, once that’s done, then I would ask if there are any more questions from the Commission.

MS. SAXTON: At this time the first eight Commissioners will now take public comment. If you’d like to make a public comment regarding the redistricting training session, please call 888-235-2367. That’s 888-235-2367. And provide the operator with either the access code for the meeting, which is 8121803, that’s 8121803, or the name of the meeting with is the training meeting for the first eight Commissioners.

You’ll have two minutes for your comment. The operator will take your name. It doesn’t need to be your real name. You can use anonymous, for instance. And be prepared to state and spell your name.

Again, that’s 888-235-2367, with an access code 8121803.

CHAIR ANDERSEN: Thank you. Do we have any additional questions from the other Commissioners? Not at this time.

Do we happen to have -- Ms. AT&T Operator, do we happen to have anyone on the phone, any public questions on the phone?

AT&T OPERATOR: Yes, we do have a public question
and we’ll just -- or a comment. We’ll remind everyone to
get into the question queue or public comment queue you
would press 1, then 0 on the telephone keypad. We will
take public comment from Angelo Ancheta. The line is open.

       MR. ANCHETA: Oh, good afternoon Commissioners.
Congratulations. I wish I was able to obviously join you,
but circumstances prevent that. And, hopefully, the video
that you saw yesterday was helpful.

       I do want to comment on Professor Levitt’s
presentation, particularly around the Voting Rights Act.
But I did want to alert you to the fact that I have sent in
a fairly lengthy email and set of attachments that was sent
in yesterday. And I had not seen that on the website, yet.
But I do plan to speak at the general comment session
tomorrow.

       And because I was the Chair of the Commission at
the end of its term, I wanted to alert you to some
transition items. So, I’ll cover that tomorrow.

       With respect to Professor Levitt’s presentation,
he’s absolutely right on and particularly in terms of the
importance of the Voting Rights Act. And in his criticisms
of the Commission were in fact very diplomatic. And I
think it’s a very correct analysis to say that the
Commission was off in terms of its timing, and the priority
setting in terms of making the Voting Rights really close
to the top of the list of items to cover.

I think we got it right in the end. But I think because of the enthusiasm of the Commission to have a lot of hearings, to have excessive public comment, a lot of the Voting Rights Act attention was diverted until later in our process.

So, I think it’s important for you to, one, prioritize that procedure in terms of looking at how the Voting Rights Act is enforced, and how you hire your counsel, and your ecological regression, polarized voting analysis.

I think for purposes of your selection of the six remaining Commissioners, I don’t see anybody in particular who has VRA experience among the supplemental applications. Some of them have been redacted, so I’m not sure if there is something there.

But you do have some expertise already on the Commission. Commissioner Sadhwani has done ecological regression analyses in her own dissertation, for example. I would certainly draw on her expertise. And several of you have a lot of quantitative experience. Look at those kinds of qualities because I think the VRA has to be a much stronger priority as you move forward.

CHAIR ANDERSEN: I think we seem to have lost Mr. Ancheta.
MR. ANCHETA: Oh, I’m still here.

CHAIR ANDERSEN: Oh, okay.

MR. ANCHETA: I’ll end with that.

CHAIR ANDERSEN: Okay.

MR. ANCHETA: If there’s any questions, again I’m happy to talk to you further tomorrow on some more general matters. And I, as well as many of the former Commissioners are happy to assist as you move forward.

CHAIR ANDERSEN: Great. Well, thank you very much. We do look forward to hearing from you again tomorrow. Thank you.

MR. ANCHETA: Great, thank you.

CHAIR ANDERSEN: Sorry, I need to pause one minute in the public. Are there any additional questions for Mr. Levitt from the Commission? Seeing that there are none, Mr. Levitt we’ll say thank you very much for all your help. And we’d love to hear from you at any other time, but I know you have other things to do, so we’ll let you go. And thank you for being here.

MR. LEVITT: That’s quite all right. My profound pleasure and best of luck to all of you.

CHAIR ANDERSEN: Thank you.

Okay, now, is there -- are there any more public comments on the matter of the “Redistricting 101”? Ms. AT&T Operator, do we have anyone in the
queue?

AT&T OPERATOR: We have no one in queue on the phone.

CHAIR ANDERSEN: All right. I might just wait one more minute because we need to take -- we need to take a break for lunch, and for all our interpreters and the sign language.

That’s coming up on a minute. Our AT&T Operator, do we have anyone in the queue?

AT&T OPERATOR: We have no one in the phone queue at this time.

CHAIR ANDERSEN: Okay, thank you. Well, with that I’m going to go ahead and recess the meeting for right now and for lunch. Is -- well, we’re quite behind. So, do we want the 40 minutes and be back at -- that would put as at 2:00. Is that enough time for everyone?

COMMISSIONER SADHWANI: Madam Chair?

CHAIR ANDERSEN: Yes.

COMMISSIONER SADHWANI: May I ask, do we have a sense -- I don’t see on the agenda anywhere these are all video-recorded trainings. Do we have a sense of how long the training video this afternoon is?

MS. SAXTON: This afternoon’s training video is about 50 minutes.

CHAIR ANDERSEN: Five zero?
MS. SAXTON: Five zero minutes.

CHAIR ANDERSEN: Five zero, yeah.

COMMISSIONER SADHWANI: That’s helpful.

CHAIR ANDERSEN: Or, we can just have half an hour. Do we want to make it, you know, everyone come back at ten to 2:00, 1:50?

COMMISSIONER FORNACIARI: I would say two o’clock. It’s 1:23 at this point.

CHAIR ANDERSEN: Okay, so we’ll resume the meeting at two o’clock. Thank you.

(Off the record at 1:22 p.m.)

(On the record at 2:02 p.m.)

CHAIR ANDERSEN: We’re going to start up again and we will continue with Item (d), which is the training video “Impartiality and Working With Others” from Andre Parvenu, who was one of the 2010 Citizens Redistricting Commission Commissioner.

(Off-mic comment)

CHAIR ANDERSEN: Oh, I’m sorry. Yes, one minute to give Steve a chance to get there. Thank you. Great.

(Video titled: “Impartiality and Working with Others” played.)

(Video stopped)

CHAIR ANDERSEN: Have we lost the video. I’m not sure, I think the audio cut out on the tape and I don’t
know if we’re going to get that back. We’ll give it a minute to see if we’re getting that back.

MS. SAXTON: Madam Chair, would it be a good time to open up for public comment while we’re waiting to see if it comes back online?

CHAIR ANDERSEN: Yes. At this point we will ask for public comment. In case we -- if we’re going to get this back up, we’re looking into it. But at this time we’d like to open for public comment. If you could please read the --

MS. SAXTON: The first eight Commissioners will now take public comment. If you’d like to make public comment regarding the training session, you may now dial 888-235-2367. Again, that’s 888-235-2367. And provide the operator with either the access code for the meeting, which is 8121803, that’s 8121803, or the name of the meeting which is the training meeting for the first eight Commissioners.

You will have two minutes for your comment. Please provide your name. It doesn’t have to be your real name. It can be any name you choose. And be prepared to state your name and spell the name when requested.

Again, that’s 888-0235-2367, with an access code 8121803. That’s 8121803.

CHAIR ANDERSEN: Thank you, Ms. Saxton.
While we’re waiting for the public comments and to see if we have this coming back online, I’d like to look at our agenda for tomorrow. We’ll have our last training video and then we’ll go into the public comment on general matters.

I would like us to -- each of us consider tonight, so we can do this tomorrow. After the last training video, I would like each of the Commissioners to basically do a reflection on what they’ve learned from the video, what they’ve learned from the training. How this might affect your consideration of the applicants that -- the remaining applicants. And what sort of skills that you feel you -- skills or talents you have. What skills or talents you might be looking for in those other Commissioners. And what methods, or paths, or things you should -- we should probably consider doing to be prepared for our next set of meetings beginning August 4th.

So, I would like you to all consider that tonight. And then, as we complete our training, just do basically a reflection for everyone and that way we can get ready to proceed with the meeting, the upcoming meetings, and then we’ll take public comment.

Okay, can we check on the video now?

(Video resumed)

(Video stopped)
CHAIR ANDERSEN: This is exactly where we were before.

MR. PARVENU: Hello? Hello?

CHAIR ANDERSEN: Oh, is that one of our Commissioners?

(Video resumed)

(Video stopped)

CHAIR ANDERSEN: We’re having a little technical difficulty on our end.

MR. PARVENU: Hello, yes. Can you hear me? Am I being heard?

CHAIR ANDERSEN: Yes. Yes, you are. May I ask who is speaking?

MR. PARVENU: This is the broadcast speaking with you --

CHAIR ANDERSEN: Are you calling in, sir?

MR. PARVENU: Andre -- yes, this is Andre Parvenu. Good afternoon everyone. I’m Commissioner Parvenu.

I want to first of all congratulate each and every one of our new Commissioners on board. I also want to apologize for that presentation. I was under an impression at that time that I was giving my general thoughts and views about my experiences as a Commissioner. And I didn’t speak specifically on the topic of how to work
with one another.

    I want to say, too, that the Applicant Review Panel is doing an excellent job and I appreciate all of your work.

    I did speak again on working with others, but I want to do so, now, quickly, in my two minutes.

    I want to say there was like 14 strangers on an airplane, on your mark, get set, ready, go. We had to figure out who was going to copilot and pilot the plane. We knew that we had a destination of August the 15th. And we had to get along and that failure was no option.

    So, the question is how do you start getting to know each other and how do we bring that togetherness about. We started quite simply with lunches. Adhering to Bagley-Keene, of course, but we had to become comfortable with each other.

    So, we got to know the intricate details about each other. We, for example, knew when to pause on a session. We needed to know when we had potty breaks. Commissioner Dai, DiGuilio, and Barraba were on point with that. We knew also when the discussion got heated. The chair and co-chair knew when it was time to recess and sort of calm down or simmer down, so we never really reached a boiling point.

    Some of our decisions took hours, for example.
The executive director (indiscernible) -- other decisions, where we were going to actually hold out next meetings and so on. We had to get to know each other’s thought processes very well.

We established subcommittees. That’s the second thing we did to get to know each other better. We, in our case, had a legal and a public outreach subcommittee, and an administrative subcommittee. For example, with the legal subcommittee we had Commissioners Forbes, and Filkins Webber, and Blanco, and Ancheta. They talked the legal talk. I knew nothing about their language.

And also, the administrative subcommittee, Cynthia Dai, and DiGuilio, and Yao, they took on that responsibility. So, they got to know each other intricately well.

Another thing that worked real well for us outside of the actual business meetings was just traveling together. We formed carpools and vanpools to go from place to place. There were instances where Democrats and Republicans were in the same car and we drove for miles without argument. We had road trips from Sacramento to San Francisco. Those were frequent. And from Bakersfield to Oakland. It saved money. We were very cognizant of that. We knew we could not run out of money, we budgeted and that. So, we actually saved money by being together in our
varied trips, be it the hotels, or various hearings that we attended. We spent evening time together as well. The afterhours events were very important. The bars and lounges at the Sheraton I can remember. The Sacramento Airport, we’d sort of debrief on our way home. We had to make this fun to the extent that we could.

And I would say to the Commission, or some of you that see this as being drudgery or a burden, it’s a great experience. Make fun out this. You know, have fun together, get to know each other.

Another thing that we did was that we did not really focus or discuss presidential politics. When we began, Bush was the President, Bush was in office, and then it was Obama and Trump. There was the Arab Spring, there was the Tea Party movement, there was the occupying movement. We didn’t discuss our thoughts and feelings intricately about any of these activities. We just kept our conversation elevated above those type of potentially inciteful discussions. So, we didn’t talk politics and we certainly didn’t talk religion.

To this day I don’t know what religious backgrounds that most of the Commissioners have. I can assume because we have an Italian or some Latinos it might be Catholic. But, you know, that doesn’t matter. I couldn’t care, we could care less.
We also knew each other so well that we sustained each other through life celebrations. We knew when our birthdays were and congratulations, and we celebrated with each other through weddings and vacations. Life happens.

So, when one Commissioner, for example Commissioner Malloy was in Columbia, we were in Columbia, and Hawaii.

CHAIR ANDERSEN: Excuse me.

MR. PARVENU: And we also had tragedies that still hurt. We collectively worked as a body. So, thank you for allowing me to speak. And again, I apologize for the earlier presentation.

CHAIR ANDERSEN: Thank you very much Commissioner Parvenu, or former Commissioner Parvenu. We didn’t realize there was a misunderstanding of you coming on. Thank you for giving us that because basically that did complete your -- the training video. We understand we had a bit of issue with the audio. But now, I feel you actually have finished it, particularly the working with others. And I appreciate you calling in. Thank you very much.

MR. PARVENU: Thank you.

CHAIR ANDERSEN: AT&T Operator, do we happen to have any other in queue, any other people in queue?

AT&T OPERATOR: We have no one in the queue. But as a reminder, if you’d like to get into the queue from the
phone you would press 1, then 0 on the telephone keypad.

Again, we have no one on the phone, in queue at this time.

CHAIR ANDERSEN: Thank you. Are there any other comments at this point, while we’re waiting for another minute to allow public call in? Are there any other comments or any of the Commissioners have anything they’d like to kind of add to finish up today’s business?

So, Commissioner Kennedy?

COMMISSIONER KENNEDY: This basically takes some points made by the last two videos. I’m wondering from counsel, we face a different context than the 2010 Commission faced in that the California Voting Rights Act didn’t exist back then or we weren’t in the midst of the litigation that we’re in now with cities being pressured to set up their own redistricting commissions and so forth.

So, Professor Levitt’s comment that we’re not bound by it, of course we’re not bound by it. But is there any utility and are we able to attend local redistricting commission meetings in order to hear what public comment those local redistricting commissions are receiving? Would that be -- would that be allowable and would it be useful to us?

MS. SAXTON: That’s a question as far as whether it would be useful that I will leave to the Commission. As whether that would be permissible, as I sit here I can’t
think of any reason why it wouldn’t be permissible, as long
as whatever you learned, or heard at those meetings was
applied or used by the Commission appropriately.

CHAIR ANDERSEN: Would you like to take that
under consideration? That’s a very -- it could be of great
concern. We’re very interested, it might be a possible
source of data, but we should really look into that to make
sure that we figure out the legality of that issue.

MS. SAXTON: Additionally, I want to mention that
that’s potentially a Bagley-Keene Open Meeting Law issue.

CHAIR ANDERSEN: Yes.

MS. SAXTON: You wouldn’t all be able to go
together or in any number that creates a quorum because you
would then have a meeting at the local meeting. Does that
make sense? Okay, so, yeah I’ll take a look at that but --

CHAIR ANDERSEN: Yeah, if you could.

MS. SAXTON: -- to see if I would change what I’m
telling you now, which is I think that’s a fine thing to
gather information on as long as you don’t have a quorum,
and as long as whatever you learn you apply appropriately
under the applicable Voters FIRST Act.

COMMISSIONER KENNEDY: Thank you.

CHAIR ANDERSEN: Thank you.

COMMISSIONER SADHWANI: Madam Chair, can I add on
to that question?
CHAIR ANDERSEN: Commissioner Sadhwari [sic].

COMMISSIONER SADHWANI: Thank you. Sadhwani.

CHAIR ANDERSEN: Sadhwani.

COMMISSIONER SADHWANI: Can I just add on to that. I know that I’ve seen posted that there are a number of public meetings regarding various communities. For example, I’m looking at one, the California Black Census and Redistricting Hub. I saw one from the Schwarzenegger Institute at USC. It would be helpful to get legal guidance on whether or not we could go and listen to those. I think there’s probably a lot of helpful information.

But yeah, you know, certainly I wouldn’t want to be in violation of Bagley-Keene or anything else. You know, I don’t know if it’s -- as we attend various kinds of meetings, you know, we report back to the Commission or something of that nature. Because I would imagine that there’s going to be many of such meetings that would potentially be helpful in informing us, and kind of learning more. So, I would put that out there as well, just to add to Commissioner Kennedy’s question.

CHAIR ANDERSEN: Thank you.

COMMISSIONER LE MONS: Madam Chair?

MS. SAXTON: Madam Chair?

CHAIR ANDERSEN: Thank you. Thank you, Commissioner Sadhwani.
Would you like to add to that, Commissioner Le Mons?

COMMISSIONER LE MONS: No, I don’t want to add to that. I just want to make a different comment.

CHAIR ANDERSEN: Okay.

COMMISSIONER LE MONS: I’d like for us --

CHAIR ANDERSEN: Could I put you on hold for one minute?

COMMISSIONER LE MONS: Yeah.

CHAIR ANDERSEN: Because I just want to finish on that one topic. Commissioner Sadhwani --

COMMISSIONER LE MONS: It is about the topic.

CHAIR ANDERSEN: Yes. I just want to say that any -- again, to keep the information that would be valuable to the Commission, we’d need then to come back and report it in public. So, I believe that’s what you were referring to, to bring that back to the group. That would just have to be done in public.

MS. SAXTON: Madam Chair, I --

COMMISSIONER LE MONS: That’s what I’d like --

I’m sorry.

MS. SAXTON: I just wanted to make one comment to just remind, that might help frame. The first eight are only allowed to consider and do the work of selecting the next six.
CHAIR ANDERSEN: Oh, that’s correct.

MS. SAXTON: And so, these discussions seem as though they are best suited for when the full 14 forms. Which is not to say you can’t discuss what you learned in your training. I just submit that that is in your future in terms of what you’re allowed to consider and do.

CHAIR ANDERSEN: Right.

MS. SAXTON: And excuse me, Commissioner Le Mons, I’m sorry I interrupted you.

CHAIR ANDERSEN: Yes, I did, too. So, thank you. Yes, so we’d have to bring that back not to our group, but to the full Commission.

And could I have Commissioner Le Mons, please?

COMMISSIONER LE MONS: Actually, Amanda addressed exactly what I was going to say. I think that we need to keep the scope of our discussions and work narrow, very narrow for a lot of reasons. It’s not in our purview, number one. And I think that we want to be careful not to -- maybe even over bound as a group before our full Commission.

I think I’d just like us to focus on getting the information that we need and the support that we need for doing the one task that we have to do as eight people. And that is to select the other six.

CHAIR ANDERSEN: Thank you, Commissioner Le Mons.
That’s exactly our task and, you know, I think we -- or, certainly, I’m getting a little anxious because I start thinking about where we need to go. But number one, we have to pick to make the full Commission then we can proceed. So, thank you for that.

COMMISSIONER LE MONS: You’re welcome.

CHAIR ANDERSEN: Any additional questions or comments?

MS. SAXTON: Madam Chair, also one thing I just wanted to remind is that at the time that you are the full 14, you will have a different legal counsel, who will be your legal counsel as to some of the issues that were just raised and brought up. And so, that’s something to remember.

And just in general, as we all know, whatever we do here and in the future is going to be governed by the restriction on having communications on redistricting matters with any person. So, that’s also something to just keep in mind for now and for the rest of your time as Commissioners. Thank you.

CHAIR ANDERSEN: Thank you. At this time, do we have any -- AT&T Moderator, do we happen to have any public in the queue?

AT&T OPERATOR: We have no one queuing up at this time for public comment.
CHAIR ANDERSEN: Thank you. Well, since we did
open that up and we’ve been waiting, I believe we’ve had
plenty of time for the public to comment in.

So, if there are any other final comments for
today’s business, from any of the other Commissioners?
Upon seeing none, I will call this meeting --

COMMISSIONER AHMAD: Actually, Madam Chair?

CHAIR ANDERSEN: Oh, I’m sorry. Commissioner
Ahmad.

COMMISSIONER AHMAD: I just wanted to clarify
what the expectation is for what each Commissioner will be
presenting tomorrow after the training. Can you please go
over that one more time just so we have it and can clearly
understand it?

CHAIR ANDERSEN: Yes. What I’m suggesting is
actually a reflection of having gone through the training.
What did you learn from the training? You know, did you
get anything out of it? Has it affected -- well,
obviously, we got something out of it. But has that
affected your ideas of what’s needed that you might not
have known before? Or, how is that causing you to
reconsider your -- say, you know, boy, I have these skills.
Now, I think we need to add these other stills and talents
to our group. Just, you know, what did you learn, how you
think we should go, and what should be the next steps that
in your opinion we should be doing to, you know, hit the
ground running on August 4th, in our -- you know, even
like, you know, well, I appreciate how the training said,
well, don’t bring any slates in or I think we should bring
slates in, something like that.

It’s not -- it’s really sort of how you feel and
what you’d like to do about it. So, it’s basically, you
know, what did you get out of the training? How do you
feel that applies to -- in consideration of our next six?
Are there any particular skills you feel you have? You
feel that are missing in our group? And, you know, what
you believe we should be doing for tomorrow.

Is that specific enough or -- and again, this is
also -- this is an idea. If you think, yeah, that’s really
not what I got out of it, that’s certainly up to you. I
just would like each of us to do a sort of reflection.

COMMISSIONER LE MONS: Madam Chair?

CHAIR ANDERSEN: Yes, Commissioner Le Mons.

COMMISSIONER LE MONS: Yeah, I’d like to piggy-
back on what you’re saying. I’d like to invite a
discussion about that. I think it would be more
appropriate that that’s something that you’d want to put
forward is that the group have a discussion about that, as
opposed to charging us with a particular task. That’s my
personal point of view about that.
CHAIR ANDERSEN: Well, thank you. I do appreciate that. This is not new business because we are not adding anything to the agenda. So, it’s just a reflection on our existing training.

Now, we can discuss our existing training but --

COMMISSIONER LE MONS: I’m not assuming it to be new business, Madam Chair. What I’m hearing is that we’re being given, by the Chair, a directive that we’re supposed to do between this meeting and the next meeting. And I think if you have ideas about things that we might do that I think you open that up for a discussion with the group and we can decide whether that’s something that we want to do, or should do. I’m not taking a position either way. But I just don’t think it’s appropriate for you to just give us a mandate of something to do.

I mean, we’ve been trained as to what we’re supposed to be considering for this one and only task that we have to accomplish. So, I’m just sharing my point of view on this.

CHAIR ANDERSEN: Thank you, Commissioner Le Mons. I’m walking a fine line here of not adding new business. We’re certainly always open to discuss our reflections. I think if that answers your -- your reflection could be I think we should. Or, your reflection could be, you know, I don’t think that’s necessary and that’s it.
If we want to discuss it at that point, other reflections, I believe we’re certainly open to that, if that addresses your --

VICE CHAIR TURNER: Madam Chair?

CHAIR ANDERSEN: Yes, Commissioner Turner?

VICE CHAIR TURNER: Yes, thank you. I’d like to just have us consider having the discussion at the conclusion of our training and perhaps as precursor to our actually taking our first steps in selecting the next six Commission members, as opposed to reflections at this point on the training.

CHAIR ANDERSEN: All right, that’s -- would everyone like to discuss the -- we sort of have a -- I guess we’ll actually put this to a motion. Would we like to have --

MS. SAXTON: Madam Chair? I’m sorry, we can’t take a motion on this at this time, it’s not agendized.

CHAIR ANDERSEN: Yes, because it’s not an agenda item. All right, thank you. I’d suggest a reflection if you would like to. At this point that’s all right. If not, you certainly -- we can possibly add it to the agenda for the August 4th meeting.

So, with that in mind was there any other -- any other items to conclude this -- to finish today’s business and before we go into recession?
Seeing no other, I call this meeting --

COMMISSIONER SADHWANI: Oh, I’m sorry, Madam Chair.

CHAIR ANDERSEN: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Thank you. I think, I’m just trying to understand the full picture of the conversation that we’ve just had. I think I understand Commissioner Le Mons’ perspective that if we’re going to have a reflection that is something that we should all agree to as opposed to, you know, kind of being given the mandate of having a reflection. So, I agree with you on that, Commissioner Le Mons.

To that end, however, I think I would agree that it would be helpful to have a reflection. And I would be curious, you know, this is just my perspective because I would be curious to have that reflection time so that I can learn a little bit more about where the other Commissioners -- you know, where everyone’s at, at this point in time. I like the idea of sharing a little bit of what we’ve learned from the -- reflecting on what we’ve learned from the trainings and what we are thinking about prioritizing as we move to that next stage for the August 4th meetings that begin at that point.

So, I actually just want to say I hear both sides of it and I don’t think they’re necessarily in conflict
with one another. I think that there’s a — yeah, I’m open to reflections.

CHAIR ANDERSEN: Thank you for making the comment.

COMMISSIONER FORNACIARI: Madam Commissioner?

CHAIR ANDERSEN: And as we enter business -- or finish our training tomorrow, anyone is free to make any kind of comment that they would like.

COMMISSIONER FORNACIARI: May I make a comment?

CHAIR ANDERSEN: Commissioner --

COMMISSIONER FORNACIARI: Fornaciari.

CHAIR ANDERSEN: -- Fornaciari.

COMMISSIONER FORNACIARI: Yeah. I agree with Commissioner Sadhwani. I think it would be really valuable to hear a summary of the skill sets that we all think we have, so we can figure out where the gaps are to try to help us when we’re putting together, you know, a slate or whatever we want to do.

I also think it would be a good idea to spend a little bit of time, you know, philosophically talking about the approach we want to take because there are a few different approaches.

But, basically, I agree that it would be a good idea to give us all a few minutes to just share some details about ourselves, and what we’re thinking, and what
we’ve learned.

   CHAIR ANDERSEN: Well, thank you for that. So, we’ll -- we may or may not be reflecting tomorrow after our training video.

   So, Commissioner --

   COMMISSIONER LE MONS: Madam Chair?

   CHAIR ANDERSEN: -- Ahmad.

   COMMISSIONER AHMAD: Yeah, I just wanted to add that I think we should be very careful about how we share our process moving forward regarding the selection of the next six candidates, just to (indiscernible) --

   COMMISSIONER LE MONS: I agree.

   COMMISSIONER AHMAD: -- and in defining our perspective going into reviewing all the applications, of highly qualified remaining.

   CHAIR ANDERSEN: Oh, absolutely, yes.

   MS. SAXTON: Madam Chair?

   CHAIR ANDERSEN: I’m sorry, who was --

   COMMISSIONER FORNACIARI: Commissioner Le Mons.

   CHAIR ANDERSEN: So, who was that? It was

Commissioner --

   COMMISSIONER LE MONS: Oh, that -- oh, I did. Yeah, that wasn’t me, but I had raised my hand a moment ago. I wanted to just make a clarifying point. I don’t know how necessary it is, but I feel like it is.
My position was neither whether we should or shouldn’t do reflection, it was very narrow to us discussing how we should approach this, being that we’re entertaining as opposed to being given a directive by the Chair.

CHAIR ANDERSEN: Oh.

COMMISSIONER LE MONS: So, I wanted to be very clear as to what I was saying.

CHAIR ANDERSEN: Okay.

COMMISSIONER LE MONS: So, I’ve not taken a position. I didn’t even share my position on whether we should or shouldn’t because I don’t think I could get to that point yet. Okay, so I’ll stop there.

CHAIR ANDERSEN: Thank you for the comment. And I thought did someone else have a comment to say?

MS. SAXTON: Madam Chair, that might have been me.

CHAIR ANDERSEN: Oh, yes.

MS. SAXTON: I just want to remind that tomorrow at the end, if the Chair wishes to invite other Commissioners to talk about or make comments on their training experience that we do need to be very careful that we stay on the subject of what was learned in the training, what the takeaway was from the training. And as one of the
other Commissioners mentioned, not get too far ahead into what I think of legally as the distinction between the training meeting --

CHAIR ANDERSEN: Right.

MS. SAXTON: -- and then selection.

CHAIR ANDERSEN: Yes.

MS. SAXTON: Speaking about what you’re going to take away from training for the future is going to be something that fits with our agenda. Going too far, you might hear me at the microphone saying that is perhaps not within what you’re going to be able to speak about under the agenda. Does that make sense?

CHAIR ANDERSEN: Thank you very much. That was the point I was trying to make. I was not trying to give a mandate, a chair mandate. I was just trying to -- rather than spring it on everyone I was trying to say why don’t you think about it tonight, so we could have a reflection at your discretion. I apologize if my wording was not exact and it came off as a mandate.

I think the idea that we all eventually came around to is it would be beneficial to have, to share about what we think about the training and what we learned from that.

So, and I think that’s where we will go from now on. And let’s pick up tomorrow, so at 9:30.
Do we have any additional comments? No. Then I call today’s meeting in recess and we will start tomorrow morning at 9:30.

(Thereupon, the First Eight Commissioners meeting recessed at 3:17 p.m.)
REPORTER’S CERTIFICATE

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of August, 2020.

PETER PETTY
CER**D-493
Notary Public
CERTIFICATE OF TRANSCRIBER

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

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

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

__________________________
MARTHA L. NELSON

August 11, 2020