

STATE OF CALIFORNIA
2020 CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

PUBLIC MEETING

721 Capitol Mall, 2nd Floor
Sacramento, California 95814

WEDNESDAY, MARCH 17, 2021

9:30 A.M.

Reported by:
Peter Petty

APPEARANCES

Commissioners Present:

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

Staff Present:

Alvaro E. Hernandez, Executive Director
Marian Johnston, Counsel
Freda Ceja, Communications Director

Also present:

Kristian Manoff, AV Tech

Public Comment:

Deborah Howard, California Senior Advocates League

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P R O C E E D I N G S

Wednesday, March 17, 2021 9:31 o'clock a.m.

CHAIR ANDERSEN: Good morning. Welcome to the March 17 meeting of our -- of the 2020 California Citizens Redistricting Commission. Our meetings are from the 16th through the 18th this week. I am Jane Andersen, your Chair. Our Vice Chair is Ray Kennedy.

At this time, please call the roll.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Fernandez?

Commissioner Fornaciari?

Commissioner Kennedy?

VICE CHAIR KENNEDY: Here.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Le Mons?

Commissioner Sadhwani?

COMMISSIONER SADHWANI: Here.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Sinay?

COMMISSIONER SINAY: Here.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Taylor?

COMMISSIONER TAYLOR: Thank you. Present.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Toledo?

1 COMMISSIONER TOLEDO: Here.

2 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner

3 Turner?

4 Commissioner Vasquez?

5 COMMISSIONER VASQUEZ: Here.

6 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Yee?

7 COMMISSIONER YEE: Here.

8 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner

9 Ahmad?

10 COMMISSIONER AHMAD: Here.

11 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner

12 Akutagawa?

13 COMMISSIONER AKUTAGAWA: Here.

14 EXECUTIVE DIRECTOR HERNANDEZ: And Commissioner

15 Andersen?

16 CHAIR ANDERSEN: Here. Good morning all and

17 Happy St. Patrick's Day to everybody.

18 At this point I will report back. We did have --

19 we ended in closed session yesterday. The Commission took

20 no action.

21 And we will move on to our next item, which is

22 every morning when we start a meeting, we have ask the

23 public to call in with any comments.

24 So, Katy, at this time could you please read the

25 instructions for public comment?

1 PUBLIC COMMENT MODERATOR: Yes, Chair. Good
2 morning.

3 In order to maximize transparency and public
4 participation in our process, the Commissioners will be
5 taking public comment by phone. To call in, dial the
6 telephone number provided on the livestream feed. It is
7 (877) 853-5247. When prompted, enter the meeting I.D.
8 number provided on the livestream feed. It is 91834691695
9 for this meeting. When prompted to enter a participant
10 I.D., simply press the pound key.

11 Once you have dialed in you will be placed in a
12 queue. To indicate you wish to comment, please press star
13 nine. This will raise your hand for the moderator. When
14 it is your turn to speak you will hear a message that says,
15 "The host would like you to talk and to press star six to
16 speak." If you'd like to give your name, please state and
17 spell it for the record. You are not required to provide
18 your name to give public comment. Please make sure to mute
19 your computer or livestream audio to prevent any feedback
20 or distortion during your call.

21 Once you are waiting in the queue, be alert for
22 when it is your turn to speak and, again, please turn down
23 the livestream volume.

24 And at this time we do not have anyone in the
25 queue.

1 CHAIR ANDERSEN: Okay. Thank you very much. We
2 will wait just a few minutes and let the live feed catch up
3 with us.

4 At this time, while we're waiting, are there any
5 comments from the other Commissioners?

6 I understand Commissioner Sadhwani's article is
7 out in The Post this morning, The Washington Post.
8 Congratulations.

9 Commissioner Fernandez?

10 COMMISSIONER FERNANDEZ: I just wanted to let
11 Director Hernandez know that I am present, a minute late
12 but present.

13 EXECUTIVE DIRECTOR HERNANDEZ: Thank you.

14 COMMISSIONER TURNER: Oh, and I hope you see me.
15 Oh.

16 PUBLIC COMMENT MODERATOR: The instructions are
17 complete on the stream, Chair.

18 CHAIR ANDERSEN: Thank you.

19 Sorry, Commissioner Turner, what was that?

20 COMMISSIONER TURNER: I was just ensuring that he
21 saw me as well.

22 CHAIR ANDERSEN: Perfect. Thank you.

23 EXECUTIVE DIRECTOR HERNANDEZ: (Indiscernible.)

24 CHAIR ANDERSEN: Well, I believe we're going to
25 get any comments in this morning.

1 So at this point we will continue on with the
2 agenda.

3 PUBLIC COMMENT MODERATOR: Chair, we do have a
4 caller --

5 CHAIR ANDERSEN: Oh.

6 PUBLIC COMMENT MODERATOR: -- right as you said
7 it.

8 CHAIR ANDERSEN: Thank you.

9 PUBLIC COMMENT MODERATOR: If the person that
10 just called in, if you would like to make a comment, could
11 you press star nine to raise your hand, indicating you wish
12 to talk? Thank you. And the floor is yours.

13 MS. HOWARD: Hi. This is Deborah Howard calling
14 in from the California Senior Advocates League. I am
15 calling in related to the conversation yesterday regarding
16 transcripts.

17 And I'd like to go on the record vociferously in
18 favor of the Commission deciding to do that. I think the
19 Commission, as a whole and individually, is working
20 extraordinarily hard and diligently on (indiscernible),
21 just on outreach and education, the Legal Affairs
22 Committee, language access, all of those sleds (phonetic)
23 that you've put so much time on. Those -- that process
24 that you put in place will be lost without transcripts.
25 It's sort of like you've put all of the weight into the

1 process but the content that you're going to be capturing
2 through those activities is going to be lost, save for
3 anybody who, you know, has the capacity to watch hours and
4 hours of video without knowing -- really, it's just a
5 search for a needle in a haystack.

6 So -- and I truly think it would serve the
7 Commission better, as well, in just knowing what decisions
8 you made when. By not keeping regular, you know, kind of
9 standard minutes, like small boards and commissions do, you
10 lose the historical perspective of how the conversation
11 evolved.

12 So I can go on. I just think it's a really
13 important component. I think it's a convenience of the
14 public. You are 100 percent focused on public inclusion
15 and, yet this seems like an odd line to draw.

16 So that's my comment. I appreciate your
17 consideration of that. And, as always, the work and the
18 diligence that you put into it, I know that that is an
19 overwhelming task.

20 Thank you.

21 CHAIR ANDERSEN: Thank you.

22 Commissioner Sinay?

23 COMMISSIONER SINAY: I think that the caller
24 brought up several great points. And I'm really curious if
25 this wouldn't be a good student project? I know I spent

1 hours doing similar things right out of college and I
2 learned so much when I was -- when -- in my first job at
3 Human Rights Watch. And as much as it's tedious, they'll
4 also learn a lot and learn about the process.

5 So I'm just curious of getting a few students to
6 work on that piece wouldn't be a great way to get it done
7 and to also educate the future generation on what we did?

8 CHAIR ANDERSEN: Thank you. That's an
9 interesting idea. There are several more technological
10 solutions which we were just presented with a little bit --
11 a while ago. And that's all going to be given to our -- I
12 believe it's the Administration and Finance Comment, is
13 that who's looking into this? Yes. I'm seeing a nod from
14 Commissioner Fernandez. And there are a few more very,
15 very pertinent ideas that have just come across this
16 morning that will end up in their lap that might make this
17 much, much easier and, of course, cost effective, which is
18 one of the reasons why we don't just automatically do it.
19 But it turns out we might be able to do it better and
20 cheaper.

21 So thank you for the comment to the -- from you -
22 - Ms. Howard. It's very pertinent and very important to
23 the Commission. We appreciate that and we, basically,
24 we're on it. Thank you very much.

25 Are there any other callers?

1 PUBLIC COMMENT MODERATOR: No, Chair, that was
2 it.

3 CHAIR ANDERSEN: Thank you.

4 At that point I'd like to move on to the number -
5 - item number ten on our agenda, which is the Legal Affairs
6 Committee Update, that's Commissioners Yee, Toledo and
7 Sadhwani.

8 COMMISSIONER YEE: Thank you, Chair.

9 So as you know, we are planning to hold
10 interviews for our VRA Counsel and Litigation Counsel, six
11 candidates. And those are scheduled for next week, Monday
12 and Tuesday. Wednesday we have reserved for deliberations.
13 And we hope to have a recommendation to you for our meeting
14 on the 29th.

15 In the meeting handouts for today you have our
16 proposed questions for VRA Counsel and Litigation Counsel
17 candidates, as well as an evaluation worksheet. And today
18 we wanted to finalize those.

19 I also want to let you know that we have -- our
20 paralegal has prepared background verification of the
21 campaign contributions, Bar memberships, lobbying activity
22 of the candidates, and prepared reports which were sent out
23 to those candidates this morning. We invite them to
24 respond to those verification reports by the end of this
25 week -- or Sunday night, actually. And any response they

1 give will be posted as a public comment. And the
2 verification reports themselves will be posted as public
3 comment, as well, along with these interview questions.

4 So today, we mostly wanted to verify the -- or
5 finalize the interview questions and the evaluation
6 worksheet. Also, per earlier discussion, I believe we will
7 indeed have a Deputy Attorney General present during the
8 interviews and we'll be providing legal support for that.
9 Because that would be redundant with our current counsel, I
10 think the recommendation will be to have just the Deputy
11 Attorney General at the interviews.

12 So let's see, Commissioner Sadhwani or Toledo,
13 anything to add before we look at the questions?

14 COMMISSIONER SADHWANI: Sure. Thank you so much,
15 Commissioner Yee. And thank you for chairing for this
16 month. It's really exciting to see you in this role.

17 You know, before we begin reviewing the
18 questions, I think it's exciting, it's very exciting for us
19 to have the opportunity to get the feedback from the full
20 Commission. We, of course, are simply an advisory
21 committee and we'll be providing a recommendation to the
22 full Commission after the interviews.

23 I did want to actually ask Marian, while we have
24 her here, about our procedure in moving forward -- oh, I
25 see she's gone off camera, actually, so she's not available

1 right now -- through the analysis and due diligence kind
2 of -- oh, there she is -- collected on all of the
3 applicants. So if you recall, we had received a letter
4 suggesting that, perhaps, the applicants had additional
5 items that had not been recorded.

6 We took that very seriously and have had Tina
7 Keller, our paralegal for the Commission, looking at, as
8 Commissioner Yee had mentioned, a number of items for each
9 and every individual listed on those applications.

10 In particular, one of the things that we found is
11 that for two of the VRA Counsels, the Lead Counsel, the
12 lead individual, actually, is not admitted to the Bar here
13 in the state of California. We had discussed this to some
14 extent previously in the preparation of the RFI, saying
15 that they don't need to be based in California because the
16 VRA, the Voting Rights Act, itself is a federal law. And
17 so experience and expertise in the VRA is what we're
18 looking for.

19 However, my question for Marian is if she can
20 provide a little bit of guidance on how we can proceed with
21 applicants who are actually not admitted to the Bar in
22 California? They are, of course, a part of larger teams
23 that are admitted to the Bar. So I just wanted to get her
24 advice on whether or not that's problematic or how we
25 should proceed?

1 MS. JOHNSTON: Well, the problem is that, unless
2 you're admitted to the Bar in California, you cannot
3 provide legal advice in California. So if those Lead
4 Counsel --

5 COMMISSIONER SADHWANI: I think I -- I'm not
6 hearing you, Marian. I apologize because you cut out a
7 little bit.

8 CHAIR ANDERSEN: Yeah, Marian, we've lost you.

9 COMMISSIONER YEE: But we can see you.

10 CHAIR ANDERSEN: Ms. Johnston had a car
11 emergency, so that's why she's not (indiscernible).

12 COMMISSIONER YEE: Oh, dear.

13 COMMISSIONER AHMAD: Marian, you may want to try
14 turning off your video so that we can hear you better.
15 There we -- yeah. And I think we lost you at, "So the
16 problem is."

17 COMMISSIONER YEE: Cliffhanger.

18 COMMISSIONER AHMAD: Oh, and now we've --

19 EXECUTIVE DIRECTOR HERNANDEZ: I think we just
20 lost her.

21 COMMISSIONER AHMAD: Yeah.

22 COMMISSIONER YEE: Oh, dear. Yeah.

23 COMMISSIONER SADHWANI: Well, perhaps, I think
24 it's okay if we want to move on. And then, perhaps, when
25 Marian gets back we can return to this question. I would

1 be comfortable doing that.

2 CHAIR ANDERSEN: You know, though, as a
3 professional engineer, that is true, the same thing, no,
4 you cannot do that in the state of California if you're not
5 a registered engineer in the state of California.

6 COMMISSIONER SADHWANI: That's right.

7 CHAIR ANDERSEN: You can work under someone else
8 but your -- you cannot directly, so they could not be the
9 lead. Because I'm pretty sure that's what she'll end up
10 coming back to say.

11 COMMISSIONER SADHWANI: I saw Commissioner Toledo
12 also had a --

13 CHAIR ANDERSEN: Right.

14 COMMISSIONER SADHWANI: -- thought on this.

15 COMMISSIONER TOLEDO: Just, while we wait for
16 Marian, maybe we can touch bases on the public comment we
17 received from Angelo Ancheta from 2010? I don't know if
18 there's any discussion that we might want to have about
19 that? He just brings up the point of provisions in the
20 Voters FIRST Act about favoring or discriminating against
21 political parties, incumbents and candidates which, of
22 course, has to do with the impartiality aspects of our
23 requirements. And they're suggesting some line of
24 questioning around some of the VRA and redistricting
25 criteria and, potentially, some of the cases that might

1 have led or are leading to minority vote dilution.

2 And, of course, the comment is on our -- is
3 posted on our website. I didn't know if (indiscernible).

4 COMMISSIONER YEE: Yes. Yes. Yeah. I will
5 pursue that.

6 But I think we have Marian back.

7 If you're connected, Marian, you can pick up
8 with -- you left off at, "The problem is."

9 (Pause)

10 (Background Zoom conversation.)

11 COMMISSIONER TURNER: We hear you now, Marian.

12 COMMISSIONER YEE: And your assistant.

13 COMMISSIONER SADHWANI: Why don't we move on and
14 wait for Marian to get back.

15 COMMISSIONER YEE: Yes. Okay. So the memo from
16 our predecessor, Angelo Ancheta from the 2010 Commission,
17 suggests that we add a bit more language and the questions
18 to inquire about the use of partisan election data. And
19 you know, as you know, we will be employing racially-
20 polarized voting analysis at some point in helping us
21 comply with VRA requirements, so that's racially-polarized
22 voting. The polarized there is political polarization. So
23 on one hand, we're not allowed to use partisan, you know,
24 favoritism in designing our districts. On the hand, with
25 RPV analysis, it comes into the picture. So the question

1 is: How to balance that?

2 And we actually have a national expert in the
3 subject in the form of Commissioner Sadhwani, so --

4 MS. JOHNSTON: I apologize. I'm having car
5 problems, so now I'm back on --

6 COMMISSIONER YEE: Yeah.

7 MS. JOHNSTON: -- my cell phone. Did my answer
8 come through before, about how you have to be licensed in
9 California to give advice?

10 COMMISSIONER YEE: Yes. And then you started
11 with, "The problem is," and that's where we lost you.

12 MS. JOHNSTON: Started with what?

13 COMMISSIONER YEE: "The problem is."

14 MS. JOHNSTON: Oh. The problem is that if it's
15 the Chief Attorney who's not able to give legal advice,
16 that, I think, is a real problem.

17 COMMISSIONER YEE: So assuming, presumably, their
18 intention is to, you know, channel their Chief -- the Lead
19 Attorneys advice through someone who is Bar certified, is
20 that workable, do you think, or is that really a
21 showstopper?

22 MS. JOHNSTON: Well, that's up to the Commission.
23 I would think that if you're not able to get advice from
24 the primary attorney, that's a problem.

25 COMMISSIONER YEE: Okay. Any further thoughts on

1 that question?

2 CHAIR ANDERSEN: Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: I'm just wondering if
4 that's like -- that would be a question that you would ask,
5 maybe, during the interview, just to see how they would
6 work around that?

7 COMMISSIONER SADHWANI: I --

8 CHAIR ANDERSEN: Go ahead, Commissioner Sadhwani.

9 COMMISSIONER SADHWANI: Yeah. I completely agree
10 with you, Commissioner Fernandez. I mean, it's one of
11 those tricky pieces because I think it needs to be a
12 follow-up question because it doesn't apply to all three
13 candidates evenly. We can certainly ask the question of
14 all three candidates. But in particular, you know, for the
15 two where this is like the issue, they wouldn't be able to
16 be the Lead Counsel, and so I certainly question.

17 And then I think we did have a question about,
18 and I'll look more closely at it, how you'll work with the
19 Commission? And, perhaps, it can come up in that regard as
20 a follow-up question for them.

21 CHAIR ANDERSEN: Oh, I didn't -- I don't have to
22 call on myself. Calling on myself.

23 And one thing we have to watch out for is,
24 because certain engineering, they try and do the same
25 thing, is another person who really is not the lead but

1 they have the license, so they say, oh, well, they're --
2 this is all come from them. And I don't think that's, you
3 know, the -- there's a term for that, I don't recall what
4 it is, but I've heard it mentioned in the law before as
5 completely unacceptable in the law. It has to be -- the
6 actually lead attorney has to be licensed.

7 So you know, if you're getting all -- or, you
8 know, the person who's actually recommending and doing all
9 the work with us is not licensed, you know, not able to
10 practice law in California, they can't use someone else's
11 title. So that is more of the actual -- the specifics of
12 that question. And, actually, that's something we could
13 everybody because do we know, do they actually have their
14 Bar numbers up there, or that sort of thing, just it could
15 be a generic question for all three. It doesn't have to be
16 specific, so --

17 COMMISSIONER YEE: That's right. We could
18 inquire about the verification report we produced for each
19 candidate. Okay.

20 Any other discussion on that route?

21 COMMISSIONER SADHWANI: I guess, if I may, the
22 key issue here is we will continue to interview them, even
23 though we've flagged the fact that, for two of these
24 candidates, they have individuals on their teams who are
25 not admitted to the Bar in the state, as opposed to

1 removing them from the applicant pool. And I think I just
2 want to ensure that everyone is comfortable with that, with
3 us proceeding in that way?

4 CHAIR ANDERSEN: Commissioner Turner?

5 COMMISSIONER TURNER: Thank you, Chair.

6 I saw a lot of nods of affirmation but I just
7 wanted to voice that I would not be comfortable moving in
8 that way. If it's something that will cause an issue or
9 that there is a workaround that we've having to do, knowing
10 going in, I would prefer not interviewing them and not
11 moving in that path.

12 CHAIR ANDERSEN: Yeah. For me, I would prefer
13 knowing, you know, are they well aware of -- now is this a
14 person on their team or is this, you know, one of their
15 leads? I mean, is this like, you know, number two, number
16 three, or is this number one, number two? I don't know how
17 they're proposing to put the team together.

18 COMMISSIONER SADHWANI: If I may, I think that we
19 would learn more about how they would actually work
20 together from an interview. But at the same time, I also
21 hear Commissioner Turner in that concern.

22 I mean, if I can go into the details? I mean,
23 all of their applications are public. And we've searched
24 their Bar status publicly.

25 And those, I believe, Commissioner Yee, the

1 reports that the paralegal put forward will be released; is
2 that correct?

3 COMMISSIONER YEE: Right. They've been provided
4 to the applicants as of this morning, and then we'll post
5 them publicly tomorrow.

6 COMMISSIONER SADHWANI: And we will posting them,
7 so I'm not sharing anything that's, you know, of a personal
8 matter by any means.

9 For example, Chad Dunn from UCLA's Voting Rights
10 Project, who has presented for the Commission previously,
11 is not admitted to the Bar in California. He was based in
12 Texas. He's now affiliated with UCLA. But the other
13 attorneys are admitted to the Bar here in California.

14 So you know, I think it's a reasonable question
15 to ask them how they would then work. But you know, I'm
16 raising this because I think it is a key issue that we, as
17 a Commission, need to make sure that we're all comfortable
18 with it, certainly before we come back with a
19 recommendation.

20 And then I guess just to add the other one, not
21 to single out, one of the applicants, there is another
22 applicant confirmed, Kareem Crayton, who previously -- I
23 surprised to learn that he wasn't admitted to the Bar in
24 California. He previously was a professor of political
25 science and law at USC. He's no longer living in the state

1 of California, is my understanding, and is no longer
2 admitted, or I assume that he was but -- I think he was, at
3 one point, he was admitted to the Bar in California.

4 CHAIR ANDERSEN: Commissioner Kennedy, and then
5 Commissioner Fernandez.

6 VICE CHAIR KENNEDY: Just as a theoretical
7 possibility, I mean, it may be that some of these
8 individuals have allowed Bar -- California Bar memberships
9 to lapse and could easily reinstate or, you know, may be
10 able to obtain admission through reciprocity with the state
11 where they are admitted.

12 So I'm okay with interviewing them, as long as
13 we're all aware of this issue, and as long as we ask them,
14 you know, what -- if they're not currently admitted, what
15 their proposal would be for, you know, gaining that status
16 so that they could advise us?

17 Thank you.

18 CHAIR ANDERSEN: Commissioner Fernandez.

19 COMMISSIONER FERNANDEZ: And you also had
20 Commissioner Akutagawa, but I'll just go quickly. So --

21 CHAIR ANDERSEN: Oh.

22 COMMISSIONER FERNANDEZ: -- I support moving
23 forward with the interviews, as long as it's not like just
24 one person that's admitted to the California -- to the Bar
25 in California. And I would really be interested to see how

1 they respond to that. I mean, if it's just one person that
2 is not, and then they've got maybe five or six that are,
3 then I'm -- that's doable because they can also do research
4 and provide whatever other support they need.

5 But I think we should still move forward with the
6 interviews.

7 CHAIR ANDERSEN: Commissioner Ahmad.

8 COMMISSIONER AHMAD: Thank you, Chair.

9 I agree. I think we should move forward with the
10 interviews. And this whole situation about being licensed
11 in California versus not, that's something we can ask them.

12 I do think that there should be a standardized
13 protocol if you -- for example, I'm not saying this is what
14 it is, for example, if our primary contact has to be Bar
15 licensed, or something like that, or whoever, however they
16 structure their organization in working with us, there
17 should be some way that we can ensure that we are getting
18 advice from a legally sound method moving forward.

19 But I don't see, you know, holding off the
20 interviews at this point as something that needs to be
21 done, considering it's an interview to see if they are
22 eligible; right? So that's just my thought.

23 CHAIR ANDERSEN: Commissioner Sinay.

24 COMMISSIONER SINAY: I'm going to ask a Legal 101
25 question, and you might have answered it, but just

1 sometimes, as Commissioner Taylor has said in the past, I
2 need repetition, so if you don't mind repeating it?

3 If -- so when the -- this is about -- I mean, the
4 VRA, they're going to help us figure all this out. But
5 then when -- the main question is if we get -- when the
6 maps get sent to court, they will need to represent us in
7 court. The court -- it would go first to the California
8 Supreme Court, and then it would go, if it continued to
9 move up the ranks, it would eventually go the Federal
10 Supreme Court?

11 MS. JOHNSTON: If there were a federal issue it
12 would go to the federal -- it would go to the Supreme
13 Court. But if it were just a California issue, if they
14 complied with, not the -- not an issue of Voting Rights Act
15 but something else. There also is a possibility for -- in
16 litigation to get admitted for the purpose of a single
17 case.

18 COMMISSIONER SINAY: Okay. So the -- because in
19 the past we've been told we need -- we're looking at big
20 law firms, national law firms, because they need to have
21 the Supreme Court experience, you know? And so we've been
22 constantly balancing, we need that Supreme Court experience
23 with we need the California Bar.

24 And so I would tend to agree with the colleagues
25 that are saying, you know, the reality is we need a diverse

1 team. And some people may have that California Bar and
2 some people may have the Supreme Court but we need both on
3 our team to be successful in the long run.

4 COMMISSIONER SADHWANI: If I may just respond to
5 that a little bit?

6 CHAIR ANDERSEN: Yes. Please.

7 COMMISSIONER SADHWANI: Okay. I think that's a
8 really helpful kind of insight, and also a reminder.

9 And just as a reminder, we're looking for two
10 separate teams. So one will advise on the VRA component
11 which, again, is federal law. But to advise in California,
12 we need people that are Bar certified regardless; right?
13 We need that for -- to get the attorney advice.

14 At the same time, we're also interviewing
15 separate teams just for litigation purposes. And, ideally,
16 such a team would be able to very successfully defend the
17 Commission and the maps either in the California State
18 courts or in the federal courts, potentially, if something
19 were to arise, you know, and going all the way up to the
20 Supreme Court. I'm hoping that doesn't happen. But it's
21 always best to have the strongest legal team possible and
22 be prepared for it.

23 COMMISSIONER YEE: And the two firms mentioned
24 earlier are our VRA applicants, not litigation applicants.

25 CHAIR ANDERSEN: I do have a question here.

1 The actual issue isn't so much -- it's federal
2 experience, it's actual Voting Rights experience, it's not
3 Supreme Court experience because hardly anyone has Supreme
4 Court experience. It's actual -- because the Voting Rights
5 Act is a federal issue, so it doesn't have to be strictly
6 California because California is the California Voting
7 Rights Act.

8 The actual issue is if they are not certified to
9 give legal advice here in California and our maps are based
10 on -- our Voting Rights Act map are based on that advice,
11 that's an issue that they could be challenged on, and
12 that's the issue as I see it.

13 And I think that's what Marian was kind of trying
14 to say. But you know, like I know, in terms of
15 engineering, I know things have been thrown out because,
16 that's nice, wonderful, you're not qualified to say that,
17 so everything you said doesn't matter. Next. You know?
18 And in our case, that would be -- it could be our maps.
19 Sorry, they're not -- that's -- they're not based on sound
20 (indiscernible).

21 (Background Zoom conversation.)

22 CHAIR ANDERSEN: So sorry.

23 That said, I still think at this point we should
24 ask, how are they putting themselves together? Because if
25 they have not considered this issue then, yes, that's a

1 reason, like thanks very much for applying, we just can't
2 use you. If they have already thought about this in great
3 detail, that would be another matter entirely, and that's
4 what I would be expecting to hear.

5 So I'm sort of in the idea of going ahead as
6 well.

7 Commissioner Turner.

8 COMMISSIONER TURNER: Thank you. I want to
9 appreciate Commissioner Ahmad's suggestion to ensure we
10 have protocols or guidelines in place, et cetera. Because
11 what typically happens or what can happen is we'll get
12 vested into this conversation and into the time and
13 everything's a timing issue always, of course, with our
14 Commission. And we do have already -- we've heard from
15 Marian, we do know what the -- I just don't want to get too
16 far down this path and then the time has passed on and then
17 we're making decisions based on the time that we have
18 available.

19 And so I will -- I can support the interviews. I
20 want to be real clear that we're clear in what counsel
21 they're able to provide and who's going to provide it. And
22 I don't want us later to make allowances or move forward
23 based on a lack of timing and not, you know, maybe going --
24 the names that were mentioned, the names, wonderful, all of
25 that's great. I don't want us to later be in a time crunch

1 and make decisions based on time.

2 MS. JOHNSTON: Would you like me to respond to
3 that?

4 CHAIR ANDERSEN: Yes, please.

5 MS. JOHNSTON: The problem is, as Commissioner
6 Andersen was saying, is the giving legal advice pre-
7 litigation. And unless you're licensed in California, you
8 cannot provide legal advice in California, so you could not
9 rely on them for advice, for example, on how to draw your
10 maps to satisfy the Voting Rights Act or to satisfy the
11 California requirements. Now it could be that, well, you
12 could exclude that process. But in my mind that would be
13 difficult if it were the lead attorney.

14 COMMISSIONER TURNER: And Marian's response is
15 exactly the point that I'm making, so that is the point.
16 That is why I want to make sure. And I guess I can rest on
17 protocols. I just want to make sure that -- well, I guess
18 I'm repeating myself at this point. But, yes, based on
19 what Marian has said, what she's offered up before, and the
20 discussion that we're currently having, I think the
21 questions will have to be very detail-specific. We'll have
22 to be real clear on who's going to provide what.

23 And at some point, regardless of the other
24 strengths and value and merit that they bring, if the
25 answers are not suitable for or fall within the guidelines

1 that Marian has stated, then I think we should pass and
2 move on, and then we'll be back to trying to have someone
3 else apply.

4 CHAIR ANDERSEN: One way to look at this is if
5 the person does not have a California license, essentially
6 they're a paralegal, they're not attorneys. And that's
7 sort of an easier way to kind of think about that. You
8 know, they might -- and while that's nice advice and
9 things, it's just, you know, it's like me giving legal
10 advice, it doesn't have any weight. It might be set -- it
11 might be really, wow, it sounds like a great idea, and
12 that's how we should think about it.

13 But again, I would like these people to say how
14 they're -- what their plan is. And if they have a very
15 good plan of -- and that we like that plan and we are
16 comfortable with that plan, as Commissioner Turner is
17 saying, then I think we should go ahead with them. At this
18 point, I think it's very clear, the Committee is getting
19 this message, is those questions better be really good
20 because we're really going to be looking at that.

21 So Commissioner Sinay?

22 COMMISSIONER SINAY: I'm just trying to still
23 wrap my arm -- my arm? -- my head around this.

24 For the VRA piece, which is what we're discussing
25 right now, a lot of it is the racial voting -- you know,

1 RPV, it's research versus legal advice. I mean, the team
2 has to be able to do the research piece, and then part of
3 the team has to do the legal advice, or is all considered
4 legal advice? Because as you -- when you started all of
5 this, Commissioner Yee had said, well, Commissioner
6 Sadhwani does a lot of this in her day job but, you know,
7 she has a PhD, not a legal degree, a legal.

8 So I just -- you know, my -- I just want to
9 understand that in this case they may -- a team may have
10 someone who doesn't have a legal background but has a PhD,
11 or am I totally off right now? I'm just trying to think
12 through how people could put together teams.

13 CHAIR ANDERSEN: Commissioner Sadhwani?

14 COMMISSIONER SADHWANI: Sure. So, theoretically,
15 yes, a team certainly could. And one of the things that we
16 haven't finalized yet in this process is who would actually
17 do RPV analysis, the racially-polarized voting analysis.
18 And I do want to talk more about that, and then the letter
19 from Angelo Ancheta, as well, which we began to talk a
20 little bit about.

21 But, in general, you're going to want an attorney
22 with experience in the Voting Rights Act to understand more
23 about what the courts have said previously about what's
24 allowable and what's not. That's not something that I feel
25 like I -- I crunched the numbers, you know? Someone else

1 had more experience actually in the courts or with the, you
2 know, within the system of Voting Rights compliance will be
3 able to bring more to bear on what we anticipate being
4 allowable, right, under the courts if we were to be
5 challenged from a VRA perspective? What is it that the
6 courts have said about districts that were drawn,
7 compliantly or not, and how do we defend ourselves against
8 such lawsuits?

9 So it's that combination of both technical and
10 legal advice when they're actually drawn, as I see it.

11 CHAIR ANDERSEN: Commissioner Sinay?

12 COMMISSIONER SINAY: Sorry. One last question.
13 I'm just trying to really -- when I worked with military
14 families, one of the biggest challenges was that military
15 spouses were licensed in one place, and then their active
16 military got moved around a lot. And this became a huge
17 issue. And so a lot of the -- around those who were
18 licensed or whatever. Yeah.

19 So federally, this became a big issue. And they
20 were looking at legal teachers and others, not just for
21 military spouses because they couldn't just make an
22 exception for one group, but they were looking broader.
23 And I don't know where that had gone, that whole movement,
24 but I just wanted to put that out there, as well, because
25 things are changing in regard to some of these very strict

1 guidelines that the states have set up because they have
2 been -- they have kept, yeah, they've kept people out like,
3 they're supposed to, but they've also made life very
4 difficult for people.

5 CHAIR ANDERSEN: Commissioner Ahmad?

6 COMMISSIONER AHMAD: Thank you, Chair. And I
7 guess this question is directly for the Legal Affairs
8 Committee.

9 Is the question that is being asked of us, if we
10 are comfortable moving forward with the interviews, knowing
11 that not everyone holds the California Bar license, is that
12 the question?

13 COMMISSIONER SADHWANI: That was the idea.

14 COMMISSIONER YEE: I think so, yes. Yeah.

15 CHAIR ANDERSEN: Okay.

16 COMMISSIONER SINAY: It sounds like we're all
17 comfortable with that, with moving forward, so long as
18 we're asking the appropriate questions about how the teams
19 would work together.

20 COMMISSIONER AHMAD: Okay. Got it. And then
21 just a follow-up on that. And I don't know enough about
22 the legal world to have an opinion one way or another, but
23 I wonder what the process is to get that license in the
24 case the Commission would require that? And that's just
25 something for you all to consider during your interviews.

1 COMMISSIONER YEE: So what I'm hearing then is,
2 you know, we do -- we consider this a major impediment to
3 have a lead attorney who is not a part of -- a member of
4 the Bar, the California Bar. And so we'll inquire about
5 this. And since it's a major impediment, you know, we're
6 looking for a very -- if the candidate is going to be move
7 forward or be considered, thoroughly satisfying response to
8 how that major impediment will be dealt with.

9 CHAIR ANDERSEN: Commissioner Toledo?

10 COMMISSIONER TOLEDO: Yes. So I saw it a little
11 bit different than asking about comfort. I saw it more to
12 just alert the Commission that we do have a couple of
13 candidates, to warn and to make sure that you are aware of,
14 and especially because we have been doing due diligence and
15 we -- this is just something that came through in our due
16 diligence process.

17 The interviews have been scheduled, so they had
18 them scheduled previously. And, of course, we wanted
19 feedback from the Commission in terms of questioning,
20 questions to ask, especially in light of some of these
21 conflict of issues-type questions and other-type questions
22 that we have uncovered in our due diligence process.

23 So whether -- I mean, it's not just whether
24 they're licensed or whether some of these other conflicts
25 in terms of impartiality that might have arisen and you

1 have the questions that we have developed, so impartiality
2 conflicts with regards to political donations or cases that
3 they've been involved in, that sort of thing, is really
4 what we're seeking feedback on, is my understanding.

5 And correct me if I'm wrong, Commissioner Yee and
6 Sadhwani, it's just we want to make sure that we have a
7 thorough vetting of the conflicts of interest, the
8 impartiality aspect, and of course, also, the licensure
9 component of that. And that's all part of the due
10 diligence work that we're doing and our -- and that our
11 Paralegal and Legal Support Team have been conducting --

12 COMMISSIONER YEE: That's correct.

13 COMMISSIONER TOLEDO: -- as we launch into
14 interview process next week.

15 CHAIR ANDERSEN: Commissioner Ahmad?

16 COMMISSIONER AHMAD: Well, thank you for alerting
17 me on this. I appreciate all your work. And good luck on
18 the interviews.

19 CHAIR ANDERSEN: I just want to go ahead and say,
20 just because I also see this as you're also educating us in
21 terms of the importance of each decision. And when you
22 don't know the particular rules, it seems like, oh, a good
23 teacher, why can't they do the same, you can just learn
24 from them, but there are particular rules about why.

25 And I just want to say, because I do follow how

1 licensures work in different groups and states, and with
2 the law, basically getting a California license and a New
3 York license, those two states are, essentially, dominant.
4 And they have very, very different rules. And so while if
5 you have a California license, it's pretty easy to get
6 licenses then in Arizona or states kind of around us, which
7 is sort of similar to New York, part of the same. It's
8 very hard the other way around because you haven't had that
9 experience.

10 So, basically, my understanding is, except for a
11 Supreme Court Judge or something like that, is the only way
12 to get the California license is to take the California
13 Bar, which is a whole other, you know, sets of exams. And
14 the same for New York. So it is a big deal.

15 Now, as Commissioner Kennedy said, if you had the
16 license, let it lapse, that's another issue, so that's --
17 and not all professors have the licenses, and that's true
18 in all of the different fields. That's also -- that's true
19 in medicine. That's true in engineering. That's true in
20 many of the different fields, so -- in terms of licensure
21 fields, so -- and it is a real problem.

22 Thank you, Commissioner Sinay, for bringing that
23 up about the military. That is an issue.

24 So just for -- that's for just kind of
25 everybody's understanding of, you know, well, it's easier

1 just to do that, that's not an easy step to do.

2 And thank you, Committee, and please continue.

3 COMMISSIONER YEE: Okay. So shall we return back
4 to the questions? So let me get the public comment from
5 Angelo Ancheta. And let's see, okay, there's Commissioner
6 Sadhwani. So I would like to propose adding part of a
7 question to satisfy the concern he raises, and I have it
8 worded here. "So how would you advise the Commission to
9 use or not use partisan election data in pursuing VRA
10 compliance and defending its work?" So once more, "How
11 would you advise the Commission to use or not use partisan
12 election data in pursuing VRA compliance and defending its
13 work?"

14 And adding that to one of the questions on the
15 VRA, perhaps question number six on the VRA interview
16 questions, and adding it to question number seven on the
17 litigation questions.

18 But I think Commissioner Sadhwani can probably
19 give us more detail on the concerns being raised here.

20 COMMISSIONER SADHWANI: I mean, my understanding
21 from what I read of the -- of Mr. Ancheta's comment had
22 more so to do with the perspective that the 2010 Commission
23 took around not touching anything that's potentially
24 partisan. We haven't gone to that length. I mean, we've
25 had a conversation, even from our outreach standpoint, that

1 we think it's appropriate to talk to local parties and such
2 things as well.

3 I wanted to go back. I think some -- I forget
4 who had mentioned racially-polarized voting, meaning
5 polarized --

6 COMMISSIONER YEE: I did.

7 COMMISSIONER SADHWANI: -- politically. That's
8 actually not the case. Racially-polarized voting suggests
9 that a community votes together, that they, themselves, are
10 supporting a particular candidate, that they're polarized
11 in that way, not necessarily from a partisan standpoint.

12 Yeah, I mean, conducting RPV analysis requires
13 using vote returns. We will know the registration of the
14 voters. But what we would be looking for is their -- our
15 expectation of their race; right? Are they Latino voters?
16 Are they Black voters? Are they Asian American voters?
17 Less so, do we take into consideration in conducting RPV
18 their partisan affiliation? Though it would mean that we
19 have that data. And we would be looking at candidates who
20 are Democrats and Republicans; right?

21 So I think in that regard, yes, we would be
22 dealing with partisan data, but we're looking instead at
23 how do communities, particularly communities of color, who
24 are their preferred candidates and are they able to elect
25 them?

1 I'm fine with it, if we want to include the
2 question on there. I don't have any strong reservations to
3 it. But as I read his comment, it had more so to do with
4 the fact that they ran into this issue because they had
5 this kind of strong barrier up. And the 2010 Commission
6 operated quite differently than we are operating. And so,
7 therefore, I understand where he's coming from. I'm not
8 certain how necessary it is but I don't have a problem
9 including it.

10 COMMISSIONER YEE: So it was the thought that,
11 you know, the analysis would be does this block vote,
12 consistently vote differently than the surrounding block.
13 And it really doesn't matter which way the difference
14 points. I mean, it doesn't even matter which parties are
15 in play, just that they're different.

16 COMMISSIONER SADHWANI: AS I see it. As I see
17 it. And again, you know, I haven't conducted RPV for
18 redistricting purposes previously. But, yes, I mean,
19 that's how I see it. When I conduct analysis in Orange
20 County, you'll see communities sometimes supporting
21 Democrats and sometimes supporting Republicans. But the
22 question is: Are they voting together the majority of the
23 time, even though sometimes they might flip-flop in terms
24 of their candidate of choice?

25 So I don't have a problem including the question.

1 I think, as you've worded it, it sounds appropriate.

2 COMMISSIONER YEE: Okay.

3 CHAIR ANDERSEN: Commissioner Toledo?

4 He had his --

5 COMMISSIONER YEE: Yeah.

6 COMMISSIONER TOLEDO: It seems to me that
7 question seven on the Litigation Counsel is very -- tries
8 to get at the same type of issue, the question about -- and
9 that's the question that is talking about whether -- I
10 mean, I think it even referenced -- at some point, the
11 beginning of that previous, I think even references the
12 Santa Monica case. I think we took that out. But
13 essentially, how would you defend the constitutionality of
14 majority-minority influence or coalition districts that the
15 Commission may draw? It's trying to get -- I think it's
16 trying to get at the same type of issue that Angelo raised.
17 I'm just wondering if we need both.

18 COMMISSIONER YEE: Right. I was thinking of
19 adding --

20 COMMISSIONER TOLEDO: What they're -- or how
21 different they are.

22 COMMISSIONER YEE: Yeah. I was thinking of
23 adding the more specific question at the end of that
24 question, actually.

25 COMMISSIONER SADHWANI: I'm sorry. What question

1 number is it --?

2 COMMISSIONER TOLEDO: All right.

3 COMMISSIONER SADHWANI: -- that you were
4 referring to?

5 COMMISSIONER TOLEDO: Number seven on litigation.

6 COMMISSIONER SADHWANI: Oh, on litigation.

7 Sorry. I'm looking at VRA.

8 CHAIR ANDERSEN: Commissioner Sinay.

9 COMMISSIONER SINAY: Just out of curiosity, in
10 looking at the teams, are the -- the applicants, it feels
11 like, to date, when people talk about all of this to us,
12 they've been predominantly White males. Are the applicants
13 reflecting the diversity of California and some of the
14 issues that we're trying -- you know, some of the
15 communities that are affected by VRA?

16 COMMISSIONER YEE: They're all different in our
17 evaluation worksheet, we do speak of overall fit to CRC
18 identity, values and goals. I think that would cover part
19 of those concerns. But the different teams are all
20 different.

21 CHAIR ANDERSEN: I actually did see Mr. Ancheta's
22 comment a little bit more like -- both like Commissioner
23 Sadhwani, but I really liked that Commissioner Yee wanted
24 to put that initial question in there. I support that
25 because I actually read it as though he was flagging, as

1 Commissioner Sadhwani, that 2010 completed divorced from
2 any looking at political party and you do as you're looking
3 at the Voting Rights analysis but it shouldn't be
4 emphasized.

5 And I believe, looking at, particularly, people
6 who come in from not California, they do tend to say, well,
7 the Republicans did this and the Democrats did that, and
8 they tend to view -- the polarized analysis often comes
9 quickly into talking about the Democrats or Republicans.
10 We'll see, they all want to vote for a Republican, they all
11 want to vote for a Democrat.

12 And that's, I think, that's an issue in terms of,
13 in California, we really are looking at as do they vote as
14 a group, as Commissioner Sadhwani was saying? And I kind
15 of caught that as in making sure that they're -- how
16 they're framing -- that we ask questions to see how they
17 would frame the information given to us? Because then that
18 is, indeed, how trying to separate the party part of it and
19 use the party part of it, but you're actually talking about
20 voting rights analysis, not -- and he also says a little
21 bit like -- because watch out, a lot of people just use
22 this as a ruse for political -- advancing political
23 parties.

24 And so that's how I saw it, which I really like.
25 And while I love the question that they are written, I

1 prefer Commissioner Yee's addition to it, let's, you know,
2 qualify that a little bit more. So that's how I read his
3 public comment, which I thought was a very valid point.

4 We do have to -- we do, actually, have to
5 specifically talk about the parties. Because, again, in
6 California, we're not -- we don't necessarily push
7 political parties. We're talking about how the voting
8 changes. And it can, as Commissioner Sadhwani, it can
9 change from one candidate to another candidate. If there
10 are the different race groups, are they voting together in
11 blocks or not and that combination?

12 COMMISSIONER YEE: So shall we say we will add
13 that further bit of language to an appropriate question in
14 each of the sets of questions?

15 CHAIR ANDERSEN: That's my choice.

16 But Commissioner Turner also had a question.

17 COMMISSIONER TURNER: Yes. Yes, I think we
18 should add it. I just wanted to have, how would you advise
19 the Commission to use or not use partisan data, and have
20 you repeat the ending one more time.

21 COMMISSIONER YEE: "How would you advise the
22 Commission to use or not use partisan election data in
23 pursuing VRA compliance and defending its work?"

24 COMMISSIONER TURNER: Yeah, I think it definitely
25 should be added. I appreciate the specificity of it, the

1 additional conversation that it can bring. And I do see
2 how it's already in that seven on the one area, et cetera,
3 but I just think a little more detailed conversation would
4 be beneficial.

5 COMMISSIONER TOLEDO: Are we adding it to both
6 the litigation and to the VRA question sets, or just to
7 litigation? Because this is more a VRA question, that's
8 why I'm asking. And question seven is in the litigation
9 question sets.

10 COMMISSIONER YEE: Angelo sees it as both, but we
11 can discuss that.

12 CHAIR ANDERSEN: My preference would be both
13 because it does -- it starts with VRA, and then it would
14 also end up in litigation. I would like to hear how both
15 of their groups would plan to address it.

16 COMMISSIONER TOLEDO: If that's the case --

17 CHAIR ANDERSEN: Any other --

18 COMMISSIONER TOLEDO: -- we may want to put
19 question seven and this additional question into both the
20 litigation and the -- because Litigation Counsel, of
21 course, would be supporting the VRA Counsel if we have
22 litigation. And then VRA Counsel, obviously, would be able
23 to (indiscernible).

24 COMMISSIONER YEE: I was thinking of adding --
25 for the VRA Counsel, I was thinking of adding it to

1 question six which is a similar question, a little more
2 brief.

3 COMMISSIONER TOLEDO: Oh, it looks good.

4 COMMISSIONER YEE: Yeah.

5 COMMISSIONER SADHWANI: Question seven of the
6 litigation, counsel interviews is actually also incorporate
7 in question three for VRA in terms of creation of majority-
8 minority influence and coalition districts.

9 COMMISSIONER TOLEDO: Yeah, that works too.

10 COMMISSIONER YEE: Yeah, that's even better.

11 Yeah.

12 COMMISSIONER TOLEDO: Yeah. That works.

13 COMMISSIONER YEE: We can add it to three then.

14 Okay, so adding that, and then adding the question about
15 Bar memberships and how to deal with any issues those
16 raise. Anything else?

17 For Litigation Counsel --

18 COMMISSIONER TOLEDO: Well --

19 COMMISSIONER YEE: Yeah. Go ahead.

20 COMMISSIONER TOLEDO: -- would we be adding
21 another question or would that be follow-up? Because that
22 doesn't apply to all candidates. It would be -- that
23 almost seems like a due diligence conflict-of-interest
24 follow-up questions because it doesn't apply to all
25 candidates? Or are we thinking about standardizing the

1 questions for all candidates?

2 COMMISSIONER YEE: I guess I'm a little unclear
3 about that because, you know, what I keep hearing is you
4 need to ask everyone the same questions. So if we phrase
5 it that --

6 COMMISSIONER TOLEDO: So we do have standardized
7 questions.

8 COMMISSIONER YEE: Yeah. So you can --

9 COMMISSIONER TOLEDO: But then you can have
10 follow-up on the conflict of interest and background
11 checks.

12 CHAIR ANDERSEN: Could I? Do we know that
13 everyone on one of the groups -- unless we know for a fact
14 that every single person on the group has a California Bar,
15 then I would ask all three. Don't assume someone has it.
16 So which -- that's why I was thinking that the question
17 would be asked to everybody.

18 Also --

19 COMMISSIONER SADHWANI: We've checked everyone.

20 COMMISSIONER TOLEDO: Yeah, we checked. We had
21 our Litigation Support Team check, so they verified, so we
22 know who has them and who doesn't at this point.

23 CHAIR ANDERSEN: Was this -- will this be a
24 process issue, then, if you don't ask the same questions?

25 COMMISSIONER YEE: Right. So I was thinking, you

1 know, to ask, you know, in the interview to confirm our
2 findings on Bar memberships. And then that would lead to
3 further questions for some of the firms.

4 COMMISSIONER TOLEDO: To me, it seems like it's
5 follow-up. Maybe we can ask Marian. But, to me, it seems
6 like it's follow-up on conflict of interest and background
7 check rather than a standardized question because it's a
8 requirement, okay? So it's a requirement of the RFI. And
9 we did our conflict-of-interest checks and did our
10 background checks and we're at that point. Just for those
11 candidates that might have an issue, we're trying to
12 resolve that.

13 COMMISSIONER YEE: That's fine. I mean --

14 COMMISSIONER TOLEDO: But we could ask Marian if
15 that would align, if our questioning should be the same for
16 everybody, even if it doesn't apply to everybody.

17 COMMISSIONER YEE: Right.

18 COMMISSIONER SADHWANI: I agree with that.

19 COMMISSIONER YEE: Ms. Johnston, are you there?

20 No.

21 MS. JOHNSTON: I am.

22 COMMISSIONER YEE: Oh, okay. So the question is
23 raising these Bar memberships conservation, should we have
24 standard question that we ask all candidates, you know,
25 asking them to confirm our findings on their memberships,

1 and then following up with those that raise issues, you
2 know, how they would deal with those issues, or do we not
3 ask it as a standard question but simply follow up with
4 each candidate as appropriate?

5 MS. JOHNSTON: I think you should ask a standard
6 question of all to verify that the information that we have
7 is correct.

8 COMMISSIONER YEE: Okay. Okay. Very good. That
9 made sense. And you know, I think it's about the same, you
10 know, either way, it's just whether it's on the printed set
11 of questions or not. So we'll follow it up the same either
12 way. Okay.

13 Anything else on these questions?

14 On the Litigation Counsel questions, I'm thinking
15 of striking number six which is a question about
16 independent redistricting commissions. As you all know, in
17 2015, the Arizona case seemed to confirm that independent
18 commissions are constitutional. And so the question was,
19 "How firm do the candidates believe that decision is? I
20 think we can strike that because H.R. 1 raises that
21 question in a whole new way. And I'm not sure we're able
22 to add much to this process to hear a response to that at
23 this time.

24 CHAIR ANDERSEN: Commissioner Kennedy.

25 VICE CHAIR KENNEDY: So rather than striking it

1 entirely, you know, maybe another approach would be to
2 reorient the question to focus instead on H.R. 1 revisions
3 and what we might face in the future as a result of H.R. 1?

4 CHAIR ANDERSEN: Yes. I might add, I was hoping
5 that that question would be added to both the VRA and the
6 Litigation. Because, as we know, we're already talking
7 about how could it impact the VRA? So I would definitely
8 like to see question about that on both the VRA and the
9 litigation.

10 Commissioner Turner.

11 COMMISSIONER TURNER: Just a quick process
12 question.

13 Your interviews, how long are they scheduled for?

14 COMMISSIONER YEE: I think it's about one hour.
15 Yeah.

16 COMMISSIONER TURNER: So we're going to have to
17 prioritize.

18 COMMISSIONER YEE: We're counting on lawyers
19 talking fast.

20 COMMISSIONER TOLEDO: And we did start off -- we
21 did start off, I think, with like, 12, 13 questions on each
22 and we've brought it down to the ones that were the -- we
23 found to be the most important. But we did have many more
24 to bring these down.

25 CHAIR ANDERSEN: You know, one thing I might say

1 on that is if you -- if they know they have an hour and
2 these are the questions -- are these getting -- they're
3 getting the questions beforehand?

4 COMMISSIONER YEE: That's right.

5 CHAIR ANDERSEN: Yes. So attorneys need --
6 they're -- you know, the judge is only going to give them
7 so much time, so they need to be able to answer these. And
8 that's sort of another -- as I see it, that's a bit of a
9 check on can they address the issues in a timely manner?

10 Commissioner Fernandez.

11 COMMISSIONER FERNANDEZ: Does the one hour
12 include any follow-up questions you may have or is
13 everything supposed to be done in an hour --

14 COMMISSIONER YEE: Everything in an hour.

15 COMMISSIONER FERNANDEZ: -- including the follow-
16 up?

17 COMMISSIONER YEE: That's right.

18 COMMISSIONER TOLEDO: They have an hour.

19 COMMISSIONER FERNANDEZ: Including follow-up?

20 COMMISSIONER YEE: Yes.

21 COMMISSIONER SADHWANI: I don't know. I'll just
22 jump in. So I don't know.

23 I wanted to come back to this question in
24 question six, the Arizona v. Arizona and Commissioner
25 Kennedy's point around bringing up H.R. 1. So H.R. 1 isn't

1 law. It's passed in the house. But I understand the
2 point; right? I think what this question is asking is it's
3 very possible that someone could try to bring challenges,
4 specifically to challenge the notion of independent
5 redistricting commissions. That's what Arizona was doing
6 in that case.

7 So I think, perhaps, if we can reword it in such
8 a way that it could cover either the Arizona case or the
9 possibility of H.R. 1 moving forward and what world we
10 might live in, in which there could be potential litigation
11 challenges that could bring down the existence of
12 independent redistricting. I think if we can come up with
13 a different way of rewording it, that might be sufficient
14 and kind of hit both sides of this question. And I'm happy
15 to take a closer look at what that might be or look like.

16 COMMISSIONER TOLEDO: I do worry about asking the
17 two questions because it ends up being two questions if we
18 reword it, I think. Because when we're asking about
19 Arizona v. Arizona, and then we're asking about H.R. 1, and
20 they're two different -- related but different sets of
21 issues as well.

22 COMMISSIONER SADHWANI: But what if it's a
23 question about what do you see as potential litigation
24 challenges to independent redistricting nationwide?
25 Something along those lines; right? And the response could

1 be talking about Arizona, it could be talking about H.R. 1,
2 it could be --

3 COMMISSIONER TOLEDO: I would support that.

4 CHAIR ANDERSEN: Commissioner Kennedy

5 VICE CHAIR KENNEDY: And I would prioritize
6 asking about H.R. 1 over asking about recent changes on the
7 Supreme Court. I mean, the Supreme Court is the Supreme
8 Court. And I wouldn't cast it in terms of -- or I wouldn't
9 cast it around the recent changes in the Supreme Court.

10 I think I would get more from an answer that
11 said, okay, we've generally considered independent
12 redistricting commissions to be on constitutionally-safe
13 ground since Arizona versus Arizona. How might H.R. 1, if
14 passed into law, change that?

15 CHAIR ANDERSEN: Yeah. I would be more concerned
16 with what's going to affect us right now? The idea of the
17 future of independent redistricting, I think, is a very
18 valid issue. But the Supreme Court's effect on that I
19 really don't think is going to happen between now and our
20 getting our maps out. It might happen that we might be
21 dissolved later. But I don't think that's going to hit the
22 first couple of years of our job. So that's where I'd
23 prefer going to H.R. 1.

24 COMMISSIONER SADHWANI: I can support that. And
25 I think the piece that Commissioner Kennedy raised, that

1 suggestion of language is excellent.

2 But I mean, to that point, we're hiring a
3 litigation firm who is going to have to take on these kinds
4 of future challenges for us; right? This is one way to
5 bring down our maps is to say that we shouldn't have the
6 authority to engage.

7 COMMISSIONER TOLEDO: I believe Marian has her
8 hand up.

9 CHAIR ANDERSEN: Yeah, Marian.

10 MS. JOHNSTON: Apologies for being in and out but
11 I think I'm here now.

12 I don't know if you've all had a chance to look
13 at the H.R. 1 analysis. I sent it. It was pretty late
14 last night. But one of the questions, if you're going to
15 be asking about H.R. 1, is what it's affect will be on this
16 Commission's activities if it passes. And I pointed out
17 three particular issues that the Commission would have to
18 face. So that is a nuance that you might want to look
19 into.

20 COMMISSIONER YEE: And I believe one of those
21 included redistricting criteria; is that correct?

22 MS. JOHNSTON: Well, the redistricting criteria,
23 I think that, probably, you'll be okay with. It was -- if
24 you are allowed to follow your criteria in addition to
25 those listed in H.R. 1 for independent commissions that

1 already exist, that is one of the issues.

2 The other two issues are what happens if you
3 don't draw a map, who it goes to. And it would change it
4 from being the California Supreme Court to the U.S. Supreme
5 Court.

6 And right now I can't think of what the third
7 point was but I will. It's in the memo.

8 VICE CHAIR KENNEDY: if I can, it was on how
9 many --

10 MS. JOHNSTON: Oh, the voting.

11 VICE CHAIR KENNEDY: -- members each of the pools
12 would be required to pass the maps.

13 MS. JOHNSTON: Correct. And it would be a much
14 lower standard than what the California Commission now
15 operates under.

16 Thank you, Commissioner Kennedy.

17 COMMISSIONER YEE: Okay. So I think I'm hearing
18 that we do want to repeat the question, rewording it per
19 Commissioner Sadhwani and Commissioner Kennedy's language
20 and adding it, as well, to the VRA Counsel questions.

21 COMMISSIONER TOLEDO: Can we hear the question
22 again? Can you -- because I'm in support of it, I'm just
23 trying to remember what the language was.

24 COMMISSIONER YEE: What I heard was, after
25 Arizona v. Arizona, we've generally considered independent

1 redistricting commissions to be on constitutionally-safe
2 ground. How would you advise the Commission" -- oh, I'm
3 sorry. "What do you see as possible challenges to
4 independent redistricting commissions nationally?"

5 COMMISSIONER TOLEDO: I thought we were going --

6 COMMISSIONER YEE: But then Marian --

7 COMMISSIONER TOLEDO: I thought we were going to
8 refocus it on H.R. 1. That was my understanding. I may
9 have misunderstood though.

10 COMMISSIONER YEE: I think, actually, that's
11 correct, and I don't think I wrote down that version.

12 Commissioner Kennedy, do you want to repeat what
13 you have?

14 VICE CHAIR KENNEDY: I don't think I can come up
15 with it verbatim but it was, basically, you know, if H.R. 1
16 were to become law, how might this affect the -- how might
17 this affect the Commission in the future?

18 COMMISSIONER YEE: Although it could be the
19 present, as well; right?

20 CHAIR ANDERSEN: Yeah. I would so both now and
21 in the future.

22 VICE CHAIR KENNEDY: I consider future to be
23 anything from ten minutes from now onward, basically.

24 COMMISSIONER YEE: Or maybe we don't even need to
25 specify time. So if H.R. 1 becomes law, then how might

1 this affect the Commission?

2 VICE CHAIR KENNEDY: Right.

3 CHAIR ANDERSEN: Go ahead, Commissioner Sadhwani.

4 COMMISSIONER SADHWANI: I like that. And I
5 actually don't feel like we need to add this to the VRA
6 questions. It's an important question but it's not
7 specific to the VRA. The VRA -- you know, I think if we
8 want to ask about the John Lewis Voting Rights Act, which
9 hasn't even been introduced yet, or the current case before
10 Arizona, if that undid section two, for example, that might
11 make sense. But given the vast number of questions we
12 already have for the VRA, I feel like having this for
13 litigation is sufficient because it's not exactly VRA
14 related. We wouldn't be asking our VRA Counsel to
15 represent us if H.R. 1 -- if there are any H.R. 1 claims in
16 the future.

17 CHAIR ANDERSEN: You know, seeing the number of
18 questions and the quality of the questions, I certainly see
19 that point. It would be interesting, though, to make sure
20 that they are up with H.R., expecting them to say, well, it
21 doesn't really contain the VRA, or it only partially
22 mentions it and the VRA would be in H.R. 4, I would kind of
23 like them to see how up on the whole issue they are, but
24 that's a preference. I do see that we have a lot of
25 questions here that are very, very good. If there's a lag,

1 I would certainly put it in. Not anticipating that though.

2 Any other questions from the Commission? All
3 right.

4 Please continue.

5 Oh, I'm sorry, Commissioner Fornaciari.

6 COMMISSIONER FORNACIARI: Sorry. I thought you
7 were asking for different questions. I have a different
8 question but --

9 CHAIR ANDERSEN: Wait. Are you entertaining
10 different questions at this time?

11 VICE CHAIR KENNEDY: Sorry. And I apologize.
12 Can you hear me okay? Okay. I apologize. I was late and
13 you may have already discussed this but I just, I have one
14 thing.

15 In reading the applications for the VRA
16 applicants, it seemed to me that some of the applicants
17 were always on one side of the issue and some of the
18 applicants were always on the other side of the issue or
19 the cases that they brought forward.

20 And so, you know, you're kind of getting at that
21 in question one. But I, to me, I'd like to see the word
22 balanced in there; right? So how can they balance kind of
23 both perspective if they've only been mitigating one side
24 or the other of these cases? And maybe I'm wrong, but that
25 was kind of my reading of it.

1 I think we can certainly add the word balance.
2 "The public must have a high level of trust and confidence
3 in Counsel's ability to provide objective, balanced,
4 nonpartisan advice to the Commission." This was, actually,
5 the main concern in 2010 that generated the most
6 controversy between the various applicants, the selection
7 between them, one, you know, one perceived as being
8 Republican-leading and another perceived as being Democrat-
9 leading.

10 COMMISSIONER FORNACIARI: And I'm not --
11 certainly, it can be partisan. But I think both parties
12 have violated the Voting Rights Act, right, in some way or
13 other; right? So it's -- I kind of see it -- there's
14 partisanship in it, too, but it's also kind of a balance
15 perspective on the Voting Rights Act.

16 COMMISSIONER YEE: Definitely. And you know, if
17 you look at the verification reports, you'll see political
18 contributions which definitely lean, you know, this way and
19 that.

20 COMMISSIONER SADHWANI: Thank you, Commissioner
21 Fornaciari. I really like that suggestion. And I think
22 that makes perfect sense to add the word balanced to that
23 first question, as Commissioner Yee identified.

24 COMMISSIONER YEE: Okay. Shall we move on? I
25 think we have ten minutes to break and, perhaps, we can

1 finish this in that time.

2 So the last bit is the evaluation worksheet. So
3 this was our move away from numerical scoring, instead
4 identifying nine areas to rate. And we did add some, you
5 know, kind of scoring through rating each area as exceeds
6 requirements, meets requirements, or lacks requirements.
7 And the idea would be for each of the three Legal Affairs
8 Committee members to individually review the candidates and
9 rank the pool. And then next Wednesday, a week from today
10 when we actually discuss and try to come to the
11 recommendation to use those rankings and further input from
12 the interviews, of course, to jointly develop our
13 recommendation, which would need to be unanimously agreed
14 upon.

15 The DAG advised us that the only -- it's a fairly
16 low standard. We need to simply not appear capricious and
17 arbitrary in our decision, which I think will be easy to
18 achieve.

19 So any feedback on the evaluation worksheet?
20 It's pretty open-ended, as intended.

21 CHAIR ANDERSEN: Commissioner Ahmad?

22 COMMISSIONER AHMAD: Just a quick question on
23 that evaluation worksheet. Would those be made public
24 after the interviews or is this personnel related, so
25 therefore it's confidential?

1 COMMISSIONER YEE: Good question.

2 Marian?

3 MS. JOHNSTON: Everything related to your
4 selection of contractors, which is, in effect, what this
5 is, is public. There's no personnel exception.

6 COMMISSIONER YEE: Does that -- so following up,
7 does that require that we later post our individual --

8 MS. JOHNSTON: If you don't -- if you discuss
9 them during public meeting, then they have to be posted.

10 COMMISSIONER YEE: So with our comments, with our
11 individual ratings --

12 MS. JOHNSTON: Right.

13 COMMISSIONER YEE: -- our rankings? Yeah. Oh.

14 CHAIR ANDERSEN: Commissioner Ahmad?

15 COMMISSIONER AHMAD: Sorry. I just need to
16 clarify.

17 They are public but they would only need to be
18 posted if discussed in open public meeting?

19 MS. JOHNSTON: Correct.

20 COMMISSIONER YEE: And they absolutely will be
21 discussed. I mean, that's the whole point. So I think,
22 yeah.

23 COMMISSIONER AHMAD: Okay.

24 COMMISSIONER YEE: So that mean we would need to
25 post them for the 24th, yeah, so --

1 MS. JOHNSTON: Well, I don't know. You could
2 fill them out privately and then come together to discuss
3 them, or what's your plan?

4 COMMISSIONER TOLEDO: So my understanding was
5 that we were going to do the scoring together in public,
6 and that it wasn't going to be done individually, was my
7 understanding as we were thinking through that. But I know
8 that we're still kind of figuring that out as we discussed
9 a little bit more, but that --

10 MS. JOHNSTON: Well, it's the discussion in
11 public session that makes them become public, so it's how
12 you operate. If you each have your individual ones but
13 what is discussed in joint session is your joint one, then
14 it's only your joint one that becomes public.

15 COMMISSIONER TOLEDO: So -- and that's what I was
16 thinking that we would be discussing our joint -- our
17 scoring; right? So we'd be discussing, essentially, the
18 joint scoring of the applicants.

19 COMMISSIONER YEE: So as long as we -- so of
20 course, we're going to make private notes to ourselves as
21 we review the applicant's; right? Anything we bring up in
22 public discussion, we can then put into the public
23 worksheet that we discussed and have posted.

24 MS. JOHNSTON: That sounds right.

25 CHAIR ANDERSEN: Commissioner Fernandez?

1 COMMISSIONER FERNANDEZ: No, I was just going to
2 clarify that, like your individual notes would not
3 necessarily be public, it's what you discuss on the one
4 sheet. So I just wanted to clarify that.

5 CHAIR ANDERSEN: So actually, I do have a
6 clarification question as well.

7 If each of them, you know, have -- fill out this
8 sheet and then together create one, it's only the one that
9 they create together that gets discussed and published, I
10 guess, and posted; is that correct?

11 MS. JOHNSTON: That's correct.

12 COMMISSIONER SADHWANI: It sounds like a good
13 plan to me.

14 COMMISSIONER YEE: Okay. So --

15 COMMISSIONER SADHWANI: And I would be happy to
16 take notes, if need be, during our public discussion of
17 these criteria so that it can be posted if we need it.

18 Any other questions?

19 I like it, by the way. My opinion on all of
20 these questions and the form is it's very thorough, very
21 well thought through. And I think the Committee has done a
22 very good job for the Commission. Thank you very much.

23 COMMISSIONER YEE: Thank you, chair.

24 CHAIR ANDERSEN: Any other --

25 COMMISSIONER YEE: So that's all I -- that's all

1 we have, I believe.

2 CHAIR ANDERSEN: Any other questions or comments
3 from any other Commissioner?

4 Seeing none, thank you very much to the
5 Committee. And best of luck on Monday, Tuesday and
6 Wednesday. Those are -- would you please run through the
7 timing of that for us?

8 COMMISSIONER YEE: So Monday, we have the VRA
9 Counsel applicants, Crimcard, UCLA, and Strumwasser &
10 Woocher. And then Tuesday, we have the litigation
11 candidates, Gibson Dunn, who was the 2010 Commission's
12 counsel, Renne Public Law Group, and Strumwasser & Woocher
13 again. They were the only one who applied to both.

14 CHAIR ANDERSEN: So it's 9:30 on Monday the 22nd,
15 and then again 9:30 on Tuesday the 23rd, also 9:30 on the
16 24th?

17 COMMISSIONER YEE: Right, so Monday-Tuesday
18 interviews from morning through about 2:00 p.m. And then a
19 couple hours of discussion following, probably. Tuesday
20 same thing. And then Wednesday is discussion and decision.

21 CHAIR ANDERSEN: Thank you.

22 Commissioner Sinay.

23 COMMISSIONER SINAY: Just a friendly reminder
24 that new -- just a friendly reminder, just not to be too --
25 I guess I'm saying I'm feeling a little uncomfortable that

1 we just announced that 2010, yeah, that was the legal
2 counsel for 2010. And just a friendly reminder that that
3 good and bad and indifferent, just to look at all of them
4 equally.

5 COMMISSIONER YEE: Absolutely. Absolutely. I
6 certainly didn't mean to favor or disfavor Gibson Dunn on
7 that basis.

8 CHAIR ANDERSEN: Well, thank you very much.
9 That basically wraps up most of our agenda. If
10 we'd like to go over our last items of business, which now
11 I have to bring the agenda up again. Basically, I believe
12 that is just the future meeting dates and agenda items.
13 We've just heard about the Legal Affairs meeting dates.

14 Tomorrow from 4:00 to 8:00 in the afternoon or
15 early evening will be the Public Input Meeting Design
16 Subcommittee. And we, of course, invite the -- all the
17 public, as usual, to watch any and all of our meetings.

18 We could go over the -- and those are the next
19 meetings to come about.

20 Then, in terms of our currently-scheduled future
21 meeting dates, the next one will be March 29 and April 1st.
22 We then do have more posted and they are listed, but that
23 is to bring your attention. Actually, the entire list of
24 upcoming meeting dates and times is on our website. And
25 please note that we are starting several of the meetings,

1 rather than at 9:30 in the morning, some of them start at
2 1:00 in the afternoon. And often on Wednesdays are the
3 Public Input Design -- Meeting Design Committee tends to be
4 from 4:00 to 8:00 on Wednesdays. And so, please, have a
5 look for your calendar. We actually have our calendars
6 out. The dates are up on the website from March through
7 most of May.

8 And with that, any other comments or items from
9 the Commission?

10 Commissioner Ahmad.

11 COMMISSIONER AHMAD: Thank you, Chair.

12 Just circling back to an update from you about
13 line drawers and the process of that, if you have an update
14 to share with us? You're on mute.

15 CHAIR ANDERSEN: Thank you. Unfortunately, no.
16 The only information that we have is that the Office of
17 Legal Services asked a little bit more questions about
18 budget items and they -- that's all we have. So we,
19 unfortunately, no, we don't -- I don't have them onboard
20 yet. So as soon as we get that information, that will
21 certainly be posted to the website, as well as go out to
22 all of our -- all the full Commission.

23 So with that, I would like, before we end the
24 meeting, we always end with public comment.

25 So, Katy, could you please read the instructions

1 for public comment?

2 PUBLIC COMMENT MODERATOR: Yes, Chair.

3 In order to maximize transparency and public
4 participation in our process, the Commissioners will be
5 taking public comment by phone. To call in, dial the
6 telephone number provided on the livestream feed. It is
7 (877) 853-5247. When prompted, enter the meeting I.D.
8 number provided on the livestream feed. It is 91834691695
9 for this meeting. When prompted to enter a participant
10 I.D., simply press the pound key.

11 Once you have dialed in you will be placed in a
12 queue. To indicate you wish to comment, please press star
13 nine. This will raise your hand indicating you wish to
14 comment for the moderator. When it is your turn to speak
15 you will hear a message that says, "The host would like you
16 to talk. Please press star six to speak." If you would
17 like to give your name, please state and spell it for the
18 record. You are not required to provide your name to give
19 public record. Please make sure -- oops -- please make
20 sure to mute your computer or livestream audio to prevent
21 any feedback or distortion during your call.

22 Once you are waiting in the queue, be alert for
23 when it is your turn to speak and, again, please turn down
24 the livestream volume.

25 And the Commission is taking their end-of-the-day

1 public comment at this time. And we do not have anybody in
2 the queue.

3 CHAIR ANDERSEN: Thank you, Katy.

4 Commissioner Kennedy, I saw you had your hand
5 raised, also Commissioner Sinay.

6 VICE CHAIR KENNEDY: I just have a quick
7 question. I know that it was mentioned yesterday of
8 contacts with CACEO for a panel. If you need any help with
9 contacts with them, just let me know.

10 CHAIR ANDERSEN: And Commissioner Sinay.

11 COMMISSIONER SINAY: Yesterday we talked about
12 different partnerships to try to help with outreach. And
13 in following up with Staff, some of them require -- some of
14 them, during the census, did happen. Some of the
15 partnerships with like CPUC and Starbucks and others. But
16 it was done through the Governor's Office or the Secretary
17 of State's Office.

18 And so a question we have is does the Government
19 Affairs Committee want to take that on or do you want the
20 Outreach Subcommittee to continue moving on those
21 partnerships where we may need to talk with the Secretary
22 of State or Governor's Office?

23 COMMISSIONER SADHWANI: I think either way. Oh,
24 if I can jump in, Chair?

25 CHAIR ANDERSEN: Yes.

1 COMMISSIONER SADHWANI: Either way, we've
2 definitely been in touch, both with the Governor's Office
3 and the Secretary of State's Office, so happy to put you in
4 touch with them if you want to be in touch directly.
5 Either way is fine with us. I mean, I'm speaking for you
6 (indiscernible) but I think either way is fine.

7 CHAIR ANDERSEN: I would suggest possibly an
8 intro, and then hand it off to the outreach Committee since
9 that way you don't -- sort of separating the tasks. But
10 the, obviously, the introduction would be essential.

11 PUBLIC COMMENT MODERATOR: Chair, the
12 instructions are complete and there is, also, no one in the
13 queue at this time.

14 CHAIR ANDERSEN: All right. Thank you very much.
15 And it is a little past the break time. I did
16 notice that but I realized, as we're almost wrapping up the
17 day, I thought we could push a little bit. Normally when I
18 say that, we get a caller in. I don't see --

19 PUBLIC COMMENT MODERATOR: Not this time.

20 CHAIR ANDERSEN: Not this time. All right.
21 Well, then I believe it's, barring no other hands
22 raised, it's time to adjourn the meeting. Any other
23 questions before we go? No?

24 Thank you very much and I adjourn this meeting.

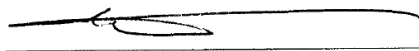
25 (The Commission convened at 11:04 a.m.)

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 1st day of July, 2021.



PETER PETTY
CER**D-493
Notary Public

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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, CERT**367

July 1, 2021