

To: California Citizens Redistricting
From: Helen Hutchison, League of Women Voters of California
Re: Bagley-Keene Act compliance

Thank you again for your commitment to serve the residents of California and ensure a fair, transparent, and inclusive redistricting process.

There are a number of questions being raised about the Commission's two-person subcommittee meetings. The Commission had a robust discussion about the Bagley-Keene Act and rules for their meetings and ongoing work. Based on this discussion, and following the Bagley-Keene Act requirements, you adopted a policy that two-person subcommittees would be allowed to explore issues and do information gathering in order to facilitate Commission work. In addition, your policy is that subcommittees will not make any decisions and will report back to the full Commission on all meetings and discussions. You have a clear internal understanding of what is meant by "redistricting matters".

Our observations are that Commissioners have carefully followed your policy on two-person subcommittees. Commission members have spoken to and disclosed conversations with a wide variety of subject matter experts over the past several months. You often invite these experts to speak with the full Commission. In some instances, you provide written reports of these meetings.

You have issued a statement about your policy, and, we trust, will be posting it on your website. Based on the public discussion of this, we have some recommendations to help ensure public confidence in your work:

1. Because your definition of "redistricting matters" differs from that of the 2010 Commission, we suggest adding a statement about your definition, including the logic for adopting that definition.
2. In Commission meetings, provide regular explanations of your policy.

Beyond the subcommittee policy, one other requirement that we would like to bring to your attention is the obligation that you must announce the nature of your closed session discussions. Even if you do not take action, you should announce the subject of your meeting. (Government Code section 11126.3(a): "Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda.")

These are a few examples of the required announcement:

"We're going into closed session for personnel matters."

"We're going into closed session to interview candidates for the Chief Counsel position."

"We're going into closed session to discuss matters involving the CRC's significant exposure to litigation."

One final request is that, when you have specific time scheduled for closed session meetings, you let the public know of this as soon as you know. Your practice has been to announce this at the beginning of each meeting. While this is helpful, knowing as much as possible about your schedule as possible as early as possible allows those who are watching your meetings to plan their schedules.

Thank you again for all the work you are doing to protect a fair, transparent, and independent redistricting process for California.