



Follow-up to your call

Griffiths, Diane

To: "Pane, Anthony"

Cc: "Reardon, Stacey"

Wed, Aug 18, 2021 at 1:22 PM

Good afternoon Mr. Pane,

Thank you for reaching out to discuss the legislation affecting the federal incarcerated population. I am writing to follow up on a few items from our Monday conversation, including the Legislature's particular concern that continued deliberation on this issue could delay delivery of the official database that the Commission and many other government entities rely on to timely draw new district lines.

In consulting with Assembly colleagues and our policy staff, it was noted that the database is *required* to be used for local redistricting, and any change in the methodology for allocating inmates in federal custody in the redistricting database should conform to state law. This observation is important if the Commission is considering options other than excluding or including the federal incarcerated population.

Because federal census data has already been delivered, and the Statewide Database will soon begin preparing that database as required by Government Code Section 8253(b), there is not sufficient time for the Legislature to consider and approve changes to state law, and for those changes to be considered by the Governor, without delaying the delivery of the database. In addition, as we discussed, it does not appear that the limited data received through Senator Padilla's office includes the information that would be required to reallocate that population and pursuing additional information would likely mean more delay.

We share your assessment that in the short term the decision is whether or not to exclude those populations or count them at their place of incarceration. Ideally the database and the public access tools being prepared by Berkeley would reflect Commission feedback on that question, but time is of the essence. The Statewide Database (SWDB) has confirmed that if the Commission expresses a preference at its meeting this Thursday, there would be time to integrate their desire into the ongoing work.

Absent feedback, excluding these population is most consistent with the goal of mitigating prison gerrymandering, the statutory preference expressed for state redistricting, and local redistricting requirements. To do so would also allow for the timely delivery of the database while the Commission continues to deliberate the matter.

Either way, the Statewide Database intends to tag the blocks with federally incarcerated populations. As both the adjusted and unadjusted data will be on SWDB's website, this will allow various users (e.g., the Commission, local governments, the public) to adjust the database after its release to conform with their individual mandates and preferences.

Thus, if the Commission chooses to continue deliberating the matter, they have that option. If they decided to take a different course in the future, the necessary data will be publicly available. By then the SWDB would already have completed its charge to ensure that we are able to timely deliver the database required by Section 8253; the Commission would then implement its decision itself with the data provided.

And as always, after lines have been adopted, the Legislature looks forward to working with the Lessons Learned Subcommittee and the rest of the Commission to consider changes to further improve California's independent redistricting process.

Thank you again for your time.

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