

California Citizens Redistricting Commission
Written Testimony to PA State Senate Government Committee
April 24, 2018

The California Citizens Redistricting Commission is pleased to respond to the Committee's specific questions about California's independent redistricting process. In addition, we have provided as an attachment the narrative portion of our Final Report, mandated by the California Constitution, which explains the rationale for each of the electoral districts we created. The full report including all appendices is available to the public on our website at:

<http://wedrawthelines.ca.gov/maps-final-drafts.html>.

Responses to the Committee's Questions:

Would you walk us through the process of how the California Citizens Redistricting Commissioners were selected?

It was a complex and comprehensive application process conducted by the nonpartisan California State Auditor's (CSA) office:

- 1. Over 36,000 Californians completed a short online form that checked for conflicts of interest and basic requirements (e.g. must have voted in 2 of the last 3 statewide general elections, must not have switched parties in the past 5 years).*
- 2. Almost 30,000 applicants passing the initial screen were then asked to complete the Supplemental Application, which included essay questions, 3 letters of recommendation, education and career history, and disclosure of personal/family conflicts of interest and finances.*
- 3. Almost 5,000 complete applications were screened by the Applicant Review Panel (ARP), consisting of 3 auditors: a Democrat, Republican and one from neither of the two largest parties. The ARP was selected randomly from a pool of auditors with at least 10 years of experience. In open meetings, the ARP reduced the candidates to 120 applicants who reflected the diversity of California in 3 partisan pools: 40 Democrats, 40 Republicans, and 40 of neither of the major parties.*
- 4. The 120 remaining candidates were invited to interview in person with the ARP for 90 minutes. These interviews were open to the public, livestreamed, and recorded.*
- 5. The ARP submitted 60 qualified semi-finalists to the California Legislature for consideration: 20 Democrats, 20 Republicans, and 20 of neither of the major parties. The majority and minority leaders of the Senate and Assembly each exercised their rights to strike 2 from each of the partisan pools, reducing the applicants to 36 finalists: 12 Democrats, 12 Republicans, and 12 of neither of the major parties.*
- 6. The CSA selected the first 8 Commissioners randomly out of this qualified pool: 3 Democrats, 3 Republicans, and 2 of neither of the major parties.*
- 7. The CSA brought the first 8 Commissioners to Sacramento and conducted some initial training. After reviewing the applications, interviews and public comments on the remaining 28 finalists, the first 8, by supermajority vote, selected the final 6*



Commissioners (2 Democrats, 2 Republicans, and 2 from neither of the major parties) in a public meeting to balance out the CRC in 4 respects:

- *Gender*
- *Race and ethnicity*
- *Geography*
- *Socioeconomic status*

The full CRC was seated in mid-January, 2011.

How many essays were submitted, who reviewed them, and what criteria was used to rank them? Each applicant submitted 5 essays, with an optional 6th. Close to 5,000 applicants completed the Supplemental Application. The ARP (and its staff) reviewed all essays and conducted background checks to ensure candidates did not have conflicts of interest. The 3 mandated criteria for selection were:

- 1. Analytical skills*
- 2. Ability to be impartial*
- 3. Appreciation for California's diverse demographics and geography*

For applicants who were not selected and unhappy, what recourse did they have? The ARP had the responsibility to select the 60 semi-finalists, and their rationale for selection for each applicant was documented publicly in open meetings. There was no appeal process.

What would have happened if someone like a white supremacist or a neo-Nazi had been randomly chosen to serve? It is highly unlikely that such a person would get through the vetting process, livestreamed in-person interviews, and Legislative strikes to be part of the finalist group of 36, from which 8 were randomly chosen. However, if such a person were selected AND the rest of the Commission were unable to work with this individual, there are procedures to remove and replace a Commissioner.

Once selected, how did the Commission proceed? Who hired professionals to assist the Commission and how were these professionals hired (bidding, RFP, other)? The CRC became a state agency and proceeded to hire staff immediately under the usual state rules. Commissioners were directly involved in interviewing candidates for Executive Director, General Counsel, and Communications Director, after which the ED proceeded to hire remaining agency staff. The staff prepared RFPs for Voting Rights Act Counsel and Line Drawing Consultants, and the CRC reviewed and evaluated these bids in open meetings following standard state regulations. The winners of the bids received contracts.

What were the backgrounds of the Commissioners? Did you receive any orientation and/or training? If yes, who did the training and what did it involve? Full bios for Commissioners can be viewed at <http://wedrawthelines.ca.gov/bios.html>. While almost all Commissioners have advanced degrees, the first 8 Commissioners received training from the state on legal and personnel matters prior to hiring staff and selecting the remaining 6 Commissioners. In addition, the entire CRC received training on the Voting Rights Act (VRA), redistricting, and line drawing.



Trainers included the Director of the Statewide Database; Justin Levitt, Associate Dean of Loyola Law School; and our VRA Counsel.

Did the Commissioners also have full-time jobs while serving on the Commission? With the exception of 3 Commissioners who were retired and 1 stay-at-home mom, the remaining Commissioners had full-time employment or ran their own businesses.

How much time did an average Commissioner devote to the Commission's work? For those with other jobs, how did they balance their duties? During the 7 months after the CRC was fully seated and the final maps were due, the average hours likely ranged from 20 to well over 40+ hours per week, but the time commitment varied by week and role. The CRC chose shared leadership and rotated the roles of Chair and Vice Chair, spreading the burden. In addition, we formed 5 Advisory Committees and several ad-hoc committees of two Commissioners to address specific issues as they arose.

What was the total budget for the California Citizens Redistricting Commission? What were the main cost drivers? The initial budget was \$3MM, but with augmentation for actual expenses including post-map litigation, ended up at \$10.5MM. Initial recruitment and vetting of Commissioner candidates were a major cost, as was litigation. The retrospective cost analysis can be found here:

http://wedrawthelines.ca.gov/downloads/meeting_handouts_201206/handouts_20120605_crc_costreport.pdf

Why did you accept moneys from an outside foundation/group? Did anyone claim these contributions influenced the Commission's work in any way? If yes, how did you respond? The CRC did not accept any money from outside organizations at any time. As a state agency, the CRC is funded by the Legislature through the normal budgeting process. (A foundation did separately fund community organizations to support outreach.) However, the CRC recently was awarded a grant from Harvard Kennedy's Ash Center for Democratic Governance and Innovation to share the California model with other states. This does not constitute any contribution to the Commission's work. These funds are being used to educate other citizens regarding California's process and are not used for any Commission responsibilities.

Why were you appointed to a 10-year term? Do you receive compensation for your service, and, if yes, how much? This is a better question for the good government groups that put the Voters First Act on the ballot; however, we believe that the purpose of the 10-year term was to embargo Commissioners from running for office in the districts they drew. CRC members are not allowed to run for elected office during their terms. It also corresponds to the US Census cycle; each Commission will address new census data. Each Commissioner is paid \$300 for each day of actual work, which the Commission has defined as at least 6 hours. (This per diem is higher than for other state commissions, recognizing the greater time commitment to enable those of lesser means to apply.)



If you're paid and have a 10-year term, how are you different from an elected official who also has a term (and compensation)? *First of all, Commissioners underwent an exhaustive selection process detailed previously. Candidates for elected office do not have to comply with any of the special requirements Commissioners had to adhere to (and many current elected officials would not qualify to apply) e.g. conflict-of-interest clearance, requirements to have voted in previous elections or remain with the same partisan affiliation for minimum periods. Unlike elected officials, Commissioners cannot run in the districts they just drew and therefore have no conflicts of interest. Commissioners do not receive a salary and are only paid for actual days worked.*

What were the timelines for drawing maps? Did the Commission have problems meeting these timelines? If yes, what changes would you like to see in the future? *It was extremely challenging to meet the deadlines. The CRC had 7 months to form a new state agency, hire staff, organize public input hearings across the state, absorb Census data, and publish draft and final versions for 4 statewide maps. While we met the deadline, the CRC proposed and the Legislature accepted an amendment to seat the next CRC several months earlier.*

Who actually drew the maps and how did the Commissioners review and amend recommended maps? *Based on the ranked criteria, census data, and public input, the CRC directed Q2 Data and Research, our chosen mapping consultant, who actually operated the GIS software to create maps. After this direction by the Commission, Q2 would present new versions of the maps in our public meetings, accept and implement real-time feedback and new direction for further revision between Commission meetings.*

What would you say are the three strengths of the California Citizens Redistricting Commission, the three weaknesses, and the one thing you would change about it if you could? **The CRC's three strengths are:**

1. **Transparency/Public Input**—All CRC meetings and actions are open to the public to which it is accountable, and the CRC is required to incorporate input from the people on how they want their districts drawn.
2. **Ranked Criteria**—Ranked, standard redistricting criteria made it easier for the CRC (and the public) to evaluate tradeoffs and create fair maps. There is a prohibition against considering incumbent status or parties. The ranked criteria were:
 - 2.1. Population equality
 - 2.2. Voting Rights Act compliance
 - 2.3. Contiguity
 - 2.4. Geographic integrity (respecting the boundaries of cities, counties, neighborhoods and communities of interest)
 - 2.5. Compactness
 - 2.6. Nesting (2 Assembly Districts in every Senate District; 10 SDs in every Board of Equalization district)
3. **Diversity/Composition**—The CRC's size enables it to fairly represent the diversity of the citizens of California. Its balanced, multi-partisan composition (and supermajority voting requirement) ensures that majority view prevails but minority views are protected.



Three possible weaknesses:

1. **Limited Time to Draw Maps with a Public Process**—Because of its very nature, the CRC requires time to consider public input and debate among itself in open meetings to agree on final maps. Democracy is a time-consuming process. Because California is usually the last state to receive census data (usually April), the time period to actually create the maps before the 8/15/x1 constitutional deadline will always be challenging.
2. **Underfunding**—Like the Census Bureau, the CRC is subject to government funding. This CRC was underfunded and was only able to achieve its mandate due to the resourcefulness of its staff and Commissioners, many of whom volunteered time and connections to reduce costs. It took significant effort by staff and the Legislature to augment the budget during the process.
3. **Possibility of Deadlock**—Under the current supermajority voting rules, any 3 Democrats or Republicans and any 2 of neither of the major parties can block approval of the maps. The CRC worked hard to ensure this did not happen in 2011, and the California Constitution provides a failsafe in case it happens: it goes to panel of judges.

What we would change: The CRC considered a proposal to increase the number of Commissioners to 15, to make equal the pool of Commissioners from neither of the major parties. This would reduce the possibility of deadlock from only 2 Commissioners. The proposal was not submitted to the Legislature, but the Legislature did accept and pass amendments to increase the time for the CRC, seating the Commission a full year before the deadline and increasing the budget to \$12MM to reflect past expenditures and the longer period of operation—or about **3 cents per Californian per year**.

