

Budget and Finance Subcommittee

Purpose

- Develop and recommend a budget for the Commission
- Administer the procurement process for all goods and services determined to be necessary for the Commission's work

Development of Budget for the Commission

- Determine the timeline for getting a budget finalized and approved by the Commission, so that the procurement process can begin
- Prioritize expenditure categories based on the Commission's needs and goals
 - Consultants
 - Advertising
 - Accessibility costs
 - Website maintenance
 - Public meetings and hearings
 - Administrative costs
- Determine allocation of funds for priority expenditures based on the Commission's needs and goals

Administration of Procurement Process

- Determine the timeline for procuring the goods and services needed by the Commission
- Determine the procurement process to be followed
 - Regular procurement process
 - VPPA exemptions
- Administer the procurement process

Citizen Engagement Subcommittee

Purpose

- Develop and recommend advertisement plan for meetings and public hearings
- Develop and recommend schedule for Commission public hearings
- Develop and recommend public input guidelines

Development of Advertisement Plan

- What are we advertising?
- Where are we advertising?
- How are we advertising?
 - Print media
 - Social media
 - Other media
- Advertisement alternatives
- "Meetings and hearings shall be advertised in multiple languages as practicable and appropriate."
- Cost considerations

Development of Schedule for Commission Public Hearings

- The purpose of the public hearings is to inform the public about the redistricting process, the purpose and responsibilities of the Commission, and, most significantly, solicit information and input from the public that will aid the Commission in its work.
- The Constitution and the Code of Virginia requires a certain number of public hearings:
 - At least three prior to drawing a map
 - At least three after a map has been drawn but before voting to submit to the General Assembly
- What will the Commission's role be?
- Will the public hearings be held virtually or in-person?
- Will the content or focus of each public hearing be specified?

Development of Public Input Guidelines

- These are the guidelines for the public to refer to and follow when providing input to the Commission.
- Two sets of guidelines:
 - Written public comment
 - Public comment at a Commission meeting or public hearing

Accessibility Considerations

- Alternative languages
- ASL

Comparison of Citizen-Led Redistricting Commissions

State	Commission Description	Budget	Counsel	Outside Staff	First Meeting	Deadline
Virginia!	Citizens and legislators (2 legislators from each party in each house and 2 political appointees from each party in each house) make maps for the legislature. Legislature can reject but cannot amend. # Supreme Court makes maps if there is no agreement after 2 maps are proposed.	\$2.1M*	?	?	1/21/2021	State: No more than 45 days from the receipt of Census data Congressional: No more than 60 days from the receipt of Census data.
Alaska	Citizens only. Five members (2 appointed by the governor, one appointed by the presiding officer of each house, and one appointed by the Chief Justice of the Supreme Court). 3/5 to approve maps.	\$2.5M*	Outside non-partisan legal counsel	Executive Director, Deputy Director, GIS Tech, Data Tech, Admin Assistant, VRA Consultant, Web Design Services, Court Reporting, Mapping Software Provider	8/25/2020	No more than 90 days after receipt of Census data.
Arizona	Citizens only. Four political appointees pick a fifth, voting, non-partisan chairperson. 3/5 to approve.	\$4.2M (2010 Cycle)	AG, <u>Partisan outside Counsel</u> (2 firms in 2001, 2011, and 2021)	Last cycle - Executive Director, Deputy Executive Director, Chief Technology Officer, Public Information Officer, Executive Administrative Officer, four Community Outreach Representatives, GIS Mapping Consulting Services, Mapping Software Provider. Current cycle - Executive Director, Administrative Assistant, Communications Director	1/14/2021	None
California	Citizens only. Fourteen members (5D, 5R, 4I) selected through a sortition process. 9/15 to approve maps (at least 3 from each of the two parties and 3 independents). Supreme court makes maps of the commission fails to do so.	\$17M	Non-partisan Legislative Counsel and non-partisan outside Chief Counsel, Assistant Chief Counsel, VRA Counsel, Litigation Counsel	Executive Director, Deputy Executive Director, Outreach Director, Outreach Manager, Communications Director, Communications Manager; 4 Regional Team Leads, Videography and Webcasting Services, Mapping Software Provider	7/21/2020	8/15/2021

Colorado!	Citizens only. Separate Legislative and Congressional Commissions. Twelve members each (4R, 4D, 4 unaffiliated). Sortition process. Supreme Court involved in selection and approves final plan.	\$2M (\$1M each) *	Legislative Counsel, non-partisan outside Counsel	Law requires legislative agency to staff the commission, Redistricting GIS and Technical Analyst, Administrative Specialist, Mapping Software Provider	State: 03/30/2021 Congressional: 03/15/2021	State: 9/15/2021 Congressional: 9/1/2021 for approval by Supreme Court
Hawaii	Citizens only. Nine members (4D, 4R, 1 member selected as chair by 3/4 of appointed members). Majority to approve maps.	\$1M	?	Law requires Chief Election Officer to furnish all necessary technical services	4/13/2021	No more than 150 Days after members are certified
Idaho	Citizens only. Six political appointees with Co-chairs from opposite parties. 4/6 to approve maps.	\$610K (2020 Cycle)	AG, outside Litigation Counsel	Mapping Software Provider, Mapping Assistants	TBA	90 days after the commission is organized
Michigan!	Citizens only. Thirteen registered voters selected from a pool of applicants (4D, 4R, 5 unaffiliated).	\$6.5M	non-partisan outside General Counsel, VRA Counsel, Litigation Counsel, other legal staff	Executive Director, Executive Assistant, Communications and Outreach Director, Line Drawing and Technical Services, Community of Interest Polarized Voting Analyst, Marketing and Advertising Services, Video Production Services	9/17/2020	11/1/2021
Montana	Citizens only. Five members (2R, 2D, 1 appointed by the partisan members or the supreme court).	\$100K	Legislative Counsel	Mapping Software Provider	5/3/2019	State: for review before the start of the 2023 legislative session and final maps within 30 days of receiving legislative recommendations. Congressional: 90 days from the receipts of Census data.

<p>New York</p>	<p>Citizens only. Ten members (two from each majority and minority leader in the two houses, and two appointed by the first 8 appointees). 7/10 to approve maps. Legislature can reject and amend maps after 2 rejections. # Amendments can only be 2% of the proposed map.</p>	<p>\$4M</p>	<p>?</p>	<p>?</p>	<p>9/30/2020</p>	<p>1/1/2022 for Legislative approval</p>
<p>Washington!</p>	<p>Citizens only. Four political appointees pick a fifth, non-voting, non-partisan chairperson. 3/4 to approve maps. Legislature may make limited amendments (no more than 2% of amended district). Supreme court makes maps if the commission fails to do so.</p>	<p>\$1.6M*</p>	<p>AG</p>	<p>Executive Director, Outreach Coordinator, Communications Director, Senior Consultant on GIS Strategy, Website Development</p>	<p>2/21/2021</p>	<p>10/15/2021</p>

! = Similar Demographics to Virginia

= Similar Commission Features to Virginia

* = Similar Budget to Virginia

Outreach Consulting Assistance and Expertise

**SCHEDULE A
STATEMENT OF WORK
CONTRACT ACTIVITIES**

BACKGROUND

Every 10 years following the U.S. Census, district lines for political offices must be redrawn in states across the country to accurately reflect their population. In Michigan, a randomly selected commission of citizens is responsible for drawing U.S. Congressional and Michigan State House and Senate district lines. Voters amended the state constitution in the November 2018 general election to make citizens — not legislators or special interests — responsible for drawing district lines (called “redistricting”). The commission is composed of 13 randomly selected Michigan registered voters: four who affiliate with the Democratic Party, four who affiliate with the Republican Party, and five who do not affiliate with either major political party. In September 2020, the randomly-selected Commission convened for the first time. The Outreach Consultants will assist the Commission in fulfilling their constitutional obligations as they embark on a new process involving new redistricting criteria and requiring transparency and public engagement throughout the map drawing process. Final maps must be completed and approved by November 1, 2021.

For additional information please visit: <http://www.redistrictingmichigan.org>

The Independent Citizens Redistricting Commission (ICRC) in conjunction with the ICRC Executive Director is responsible for administering the redistricting process of this historic effort. The constitutional requirements for the redistricting process require redistricting assistance to complete. To that end, the ICRC and the ICRC Executive Director are seeking outside help to perform redistricting for the State of Michigan. Redistricting includes United States Congressional Districts as well as the State of Michigan Senatorial and Representative Districts.

Though the Michigan model is a first-of-its-kind effort, other states are likely to follow in the years ahead as voters enact similar measures tout the power to draw district lines in the hands of citizens.

SCOPE

The ICRC Commission and the ICRC Executive Director are seeking independent outreach assistance and expertise in addressing these three constitutional requirements:

1. Perform redistricting of Michigan United States Congressional Districts.
2. Perform redistricting of Michigan State Senatorial Districts.
3. Perform redistricting of Michigan State Representative Districts.

We are looking for experienced Outreach Consulting Expertise, who are well respected, independent, and trusted within their field. We are seeking a contractor or firm (hereafter, “firm”) with integrity and nonpartisan reputation, as well as ample experience ensuring redistricting processes are fair and consistent with the necessary requirements. The firm entrusted with this responsibility will be expected to provide outreach expertise in conjunction with the ICRC Commission, the ICRC Executive Director and the ICRC Communications Director personnel complying with the constitutional requirements outlined above.

DRAFT

It is expected that Outreach Consulting will include, but not limited to, the following:

1. Collect public data consisting of mail, email, public sessions, input from outside organizations, and other forms of communications.
2. Participate in all public sessions.
3. Maintain the data in a database of outreach comments.
4. Compile all public input.
5. Summarize the data and periodically report analysis to the ICRC Commissioners.
6. Coordinate closely with the Communications Director and the ICRC Commissioners.
7. Organize public hearings.
8. Recommend and implement additional outreach techniques.

REQUIREMENTS

1. General Requirements

1.1 Key Deliverable One

For the first constitutional requirement outlined in the scope above (United States Congressional Redistricting):

- (a) Provide a work plan for outreach relative to Michigan's United States Congressional Districts.
- (b) Detail how to demonstrate to the ICRC Commission and the public that the outreach program complies with Michigan constitutional requirements and the Voting Rights Act of 1965.
- (c) Identify all processes that will be used in the outreach process. The ICRC Commission reserves the right to add additional electronic data resources as well as manual data to the outreach process.
- (d) It is expected that the bidder will provide database software for use in the outreach process. The database should be ICRC accessible for independent research. As an alternative to ICRC access the availability of a consultant to perform requested research within a reasonable period of time would be required. At critical times during the redistricting process immediate assistance may be required. Identify the software platform that is recommended to use, how it will be used among the bidders team and the ICRC in the work plan, and why this software is recommended above other alternatives.

1.2 Key Deliverable Two

For the second constitutional requirement outlined in the scope above (Michigan's State Senatorial Redistricting):

- (a) Provide a work plan for outreach relative to Michigan's State Senatorial Districts.
- (b) Detail how to demonstrate to the ICRC Commission and the public that the outreach program complies with Michigan constitutional requirements and the Voting Rights Act of 1965.
- (c) Identify all processes that will be used in the outreach process. The ICRC Commission reserves the right to add additional electronic data resources as well as manual data to the outreach process.
- (d) It is expected that the bidder will provide database software for use in the outreach process. The database should be ICRC accessible for independent research. As an alternative to ICRC access the availability of a consultant to perform requested research within a reasonable period of time would be required. At critical times during the redistricting process immediate assistance may be required. Identify the software platform that is recommended to use, how it will be used among the bidders team and the ICRC in the work plan, and why this software is recommended above other alternatives.

1.3 Key Deliverable Three

DRAFT

For the third constitutional requirement outlined in the scope above (Michigan's State Representative Redistricting):

- (a) Provide a work plan for outreach relative to Michigan's State Representative Districts.
- (b) Detail how to demonstrate to the ICRC Commission and the public that the outreach program complies with Michigan constitutional requirements and the Voting Rights Act of 1965.
- (c) Identify all processes that will be used in the outreach process. The ICRC Commission reserves the right to add additional electronic data resources as well as manual data to the outreach process.
- (d) It is expected that the bidder will provide database software for use in the outreach process. The database should be ICRC accessible for independent research. As an alternative to ICRC access the availability of a consultant to perform requested research within a reasonable period of time would be required. At critical times during the redistricting process immediate assistance may be required. Identify the software platform that is recommended to use, how it will be used among the bidders team and the ICRC in the work plan, and why this software is recommended above other alternatives.



A REPORT
TO THE
ARIZONA LEGISLATURE

Financial Audit Division

Special Audit

Arizona Independent Redistricting Commission

Fiscal Years 2011 and 2012

September • 2012



Debra K. Davenport
Auditor General

The **Auditor General** is appointed by the Joint Legislative Audit Committee, a bipartisan committee composed of five senators and five representatives. Her mission is to provide independent and impartial information and specific recommendations to improve the operations of state and local government entities. To this end, she provides financial audits and accounting services to the State and political subdivisions, investigates possible misuse of public monies, and conducts performance audits of school districts, state agencies, and the programs they administer.



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DEBRA K. DAVENPORT, CPA
AUDITOR GENERAL

STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

MELANIE M. CHESNEY
DEPUTY AUDITOR GENERAL

September 4, 2012

Members of the Arizona Legislature

The Honorable Janice K. Brewer, Governor
State of Arizona

Colleen Coyle Mathis, Chair
Arizona Independent Redistricting Commission

Transmitted herewith is a report of the Auditor General, a special audit of the Arizona Independent Redistricting Commission for the fiscal years ended 2011 and 2012. This special audit was conducted pursuant to Laws 2012, Chapter 108.

This audit focused on all paid and accrued expenditures incurred by the Commission, including a description of and the purpose for professional and outside services, travel, other operating expenses, capital equipment, and noncapital equipment.

My staff and I will be pleased to discuss or clarify items in the report.

After the report is distributed to the members of the Arizona State Legislature, the Governor, and members of the Commission, it becomes a public record.

Sincerely,

Debbie Davenport
Auditor General

Attachment

Arizona Independent Redistricting Commission

REPORT HIGHLIGHTS SPECIAL AUDIT

Our Conclusion

The Arizona Independent Redistricting Commission (Commission) is established by the State Constitution to create congressional and legislative districts every 10 years. This special audit focused on all paid and accrued expenditures the Commission incurred during fiscal years 2011 and 2012, including a description of and the purpose for professional and outside services, travel, other operating expenses, capital equipment, and noncapital equipment. The Office of the Auditor General does not make any recommendations in this report.

Commission responsible for establishing congressional and legislative districts

The Arizona Independent Redistricting Commission (Commission) is responsible for establishing congressional and legislative districts in accordance with state and federal laws, including the U.S. Voting Rights Act. The State Constitution requires the Commission to create a map with districts of equal population in a grid-like pattern. Adjustments to the grid map shall be made, to the extent practicable, to create districts that are geographically compact and contiguous, respect communities of interest, use visible geographic features, and favor competitive districts.

The Commission contracted with two attorneys to aid in the redistricting process, procured the services of a mapping consultant, and purchased mapping software. The Commission also hired an executive director and other staff to manage the Commission's administrative tasks, including organizing the public hearings to gather input on the redistricting process. The Commission's total expenditures for this process were \$4,259,224 during fiscal years 2011 and 2012, combined as categorized in the table below.

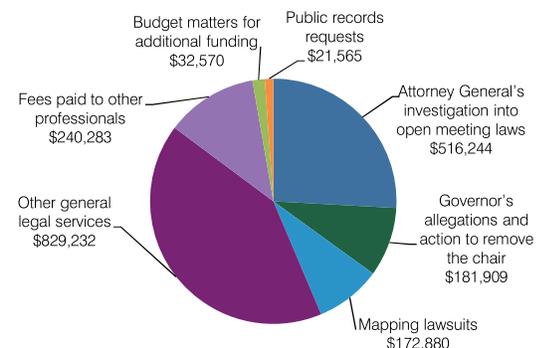
Summary of Commission's expenditures Fiscal years 2011 and 2012

Expenditures	Total	Percentage of Total
Legal fees	\$1,994,683	47%
Mapping consultant services and software	921,327	22
Public hearings and commission meetings	446,049	10
Other operating costs	897,165	21
Total expenditures	\$4,259,224	100%

Legal fees were the largest single component of Commission's expenditures

The Commission contracted with two law firms to provide general legal services that included meeting attendance, advisement on laws and the execution of contracts, and, as applicable, litigation of matters affecting the Commission. The Commission also contracted with additional law firms to (1) represent three of the commissioners in response to the Attorney General's investigation into potential open meeting law violations and (2) represent the commissioners in relation to the Governor's allegations against them and action to remove the chair.

Legal fees by category totaling \$1,994,683 Fiscal years 2011 and 2012



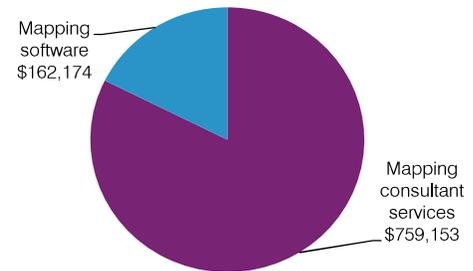
2012

Fiscal Years 2011 and 2012

Commission's use of mapping consultant and software helped create district maps

The Commission contracted with a mapping consultant and purchased specialized mapping software to assist with the creation of the congressional and legislative district maps. The consultant worked in collaboration with and at the direction of the Commission by assembling a redistricting database and training the Commission on its use, providing training with the mapping software, attending commission meetings and public hearings, and providing other services as required in the contract or as the Commission requested. The Commission also purchased Maptitude and Maptitude Online, specialized mapping software for use by the commissioners, mapping consultant, and the public.

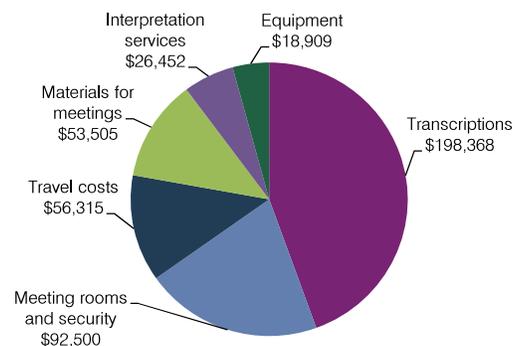
Mapping consultant services and software costs totaling \$921,327
Fiscal years 2011 and 2012



Public hearings and commission meetings allowed for public input on redistricting process

In July and August 2011, the Commission conducted an initial round of public hearings in 22 Arizona cities to gather input from members of the public about redistricting matters. In October and November 2011, a second round of public hearings was held in 27 Arizona cities to present the redistricting maps and obtain further public comment. The Commission also conducted commission meetings to address business matters such as hiring staff, discussing budget matters, contracting for services, calling for public comment, and considering all of the analyses and public input in order to adopt the congressional and legislative district maps.

Public hearings and commission meetings costs by category totaling \$446,049
Fiscal years 2011 and 2012



Other operating costs consisted primarily of payroll and employee-related expenditures

The Commission's payroll and employee-related expenditures accounted for the majority of the other operating costs. The Commission employed up to nine individuals and also used temporary service agencies to run the Commission's day-to-day business. Equipment was also purchased to support operations and included computers, monitors, printers, desks, chairs, and tables. Other miscellaneous costs were incurred for items such as office supplies, telephone and Internet services, building rent, and accounting services.

Other operating costs by category totaling \$897,165
Fiscal years 2011 and 2012

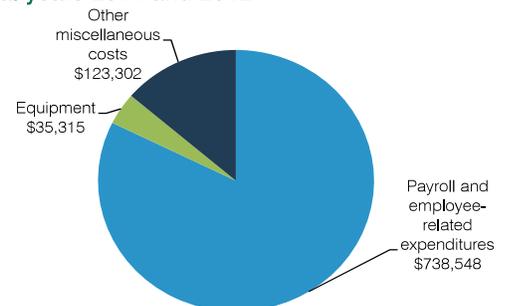


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• concluded

INTRODUCTION

Scope and Objectives

The Office of the Auditor General has conducted a special audit of the Arizona Independent Redistricting Commission (Commission) for fiscal years 2011 and 2012. This special audit is authorized under Arizona Revised Statutes (A.R.S.) §41-1279.03(A)(8) and was conducted pursuant to Laws 2012, Chapter 108.

This special audit focused on all paid and accrued expenditures the Commission incurred during fiscal years 2011 and 2012, including a description of and the purpose for professional and outside services, travel, other operating expenses, capital equipment, and noncapital equipment.

Arizona Independent Redistricting Commission

Commission responsible for establishing congressional and legislative districts

Under the Constitution of the State of Arizona (State Constitution), the Arizona Independent Redistricting Commission's (Commission) sole task is to establish congressional and legislative districts. In November 2000, Arizona voters passed Proposition 106, a citizen initiative that amended the State Constitution by moving the responsibility for drawing congressional and legislative districts from the Legislature to a newly created Arizona Independent Redistricting Commission. The Commission consists of five volunteer commissioners appointed in a manner designed to ensure diversity in political party affiliation and county of residence. As set forth in the State Constitution, the Commission on Appellate Court Appointments initially establishes 25 nominees.¹ Four of the five members are then chosen as follows: "the highest ranking officer elected by the Arizona house of representatives shall make one appointment to the independent redistricting commission from the pool of nominees, followed by one appointment from the pool made in turn by each of the following: the minority party leader of the Arizona house of representatives, the highest ranking officer elected by the Arizona senate, and the minority party leader of the Arizona senate."² Finally, "at a meeting called by the secretary of state, the four independent redistricting commission members shall select by majority vote from the nomination pool a fifth member who shall not be registered with any party already represented on the independent redistricting commission and who shall serve as chair."³ Each commissioner's duties expire upon the appointment of the first member of the next commission, which shall be established by February 28th of each year that ends in one.⁴

The current Commission is the second established since Proposition 106 passed and comprises the Chair—an Independent from Pima County; two Vice Chairs—a Republican and a Democrat from Maricopa County; and two commissioners—a Democrat and a Republican from Pima County. The commissioners do not receive compensation but are eligible for reimbursements of expenses related to their duties.⁵ These duties are detailed within the redistricting process described on page 2.

¹ A.R.S. Const. Art. 4, Pt.2, §1(5)

² A.R.S. Const. Art. 4, Pt.2, §1(6)

³ A.R.S. Const. Art. 4, Pt.2, §1(8)

⁴ A.R.S. Const. Art. 4, Pt.2, §1(3 and 23)

⁵ A.R.S. Const. Art. 4, Pt.2, §1(21)

Redistricting process set by State Constitution

The State Constitution requires the Commission to create a map that represents “districts of equal population in a grid-like pattern across the state.” Working from that map, the State Constitution also requires:

Adjustments to the grid shall then be made as necessary to accommodate the goals as set forth below:

Arizona is subject to preclearance

Under Section 5 of the U.S. Voting Rights Act of 1965, certain counties, townships, or states as a whole with a prior history of voting rights violations shall obtain preclearance from the U.S. Department of Justice or the U.S. District Court for the District of Columbia prior to enforcing any changes affecting voting, including the establishment of new district maps. Preclearance is the process of determining that changes do not deny or abridge the right to vote on account of race, color, or membership in a language minority group. Once preclearance is obtained, the final district maps can be used for the elections until the next census.

Arizona is one of nine states as a whole subject to Section 5 of the Act. The Commission submitted the congressional and legislative district maps to the U.S. Department of Justice for preclearance, which were approved on April 9, 2012, and April 26, 2012, respectively.

Source: 42 USC 1973 et seq.; 28 CFR §55.2(d); Auditor General staff analysis of the jurisdictions covered under Section 5 of U.S. Voting Rights Act available from the U.S. Department of Justice Web site, www.justice.gov/crt/about/vot/sec_5/covered.php, and the U.S. Department of Justice letters of preclearance approval available from the Commission's Web site, <http://azredistricting.org/News-Releases/default.asp>.

- A. Districts shall comply with the United States Constitution and United States Voting Rights Act (*Auditor note: this includes Section 5, which requires preclearance approval; see textbox for Arizona preclearance*);
- B. Congressional districts shall have equal population to the extent practicable, and state legislative districts shall have equal population to the extent practicable;
- C. Districts shall be geographically compact and contiguous to the extent practicable;
- D. District boundaries shall respect communities of interest to the extent practicable;
- E. To the extent practicable, district lines shall use visible geographic features, city, town and county boundaries, and undivided census tracts;
- F. To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals.¹

The Commission is also required to advertise, for at least 30 days, the drafts of the congressional and legislative districts' maps for public comment. Either or both bodies of the Legislature may make recommendations for the Commission's consideration within this period. After receiving and considering all comments and recommendations, the Commission establishes the final district boundaries and submits them for preclearance approval.

The Commission's goal was to obtain U.S. Department of Justice approval of both maps upon their first submission. The Commission contracted with two attorneys to aid in the process, procured the services of a mapping consultant, and purchased mapping software. The Commission also hired an executive director and other staff to manage the Commission's administrative tasks, including organizing the public

¹ A.R.S. Const. Art. 4, Pt.2, §1(14)

hearings to gather public input on the redistricting process. The Commission accomplished its goal, as the U.S. Department of Justice approved the State’s congressional and legislative district maps upon its first submission.

Commission’s appropriations and expenditures addressed in State Constitution

Appropriations—The State Constitution directs the Legislature to make the necessary appropriations, by a majority vote, for adequate redistricting expenses.¹ The Legislature appropriated a combined total of \$4.2 million to the Commission for fiscal years 2011 and 2012.

Expenditures—The State Constitution grants the Commission procurement and contracting authority to fulfill its responsibilities.² Further, as the Commission is established under the legislative branch of state government it is exempt from the Arizona Procurement Code.³ As shown in Table 1, auditors determined that the Commission spent \$106,171 in fiscal year 2011 and \$4,153,053 in fiscal year 2012, for a total of \$4,259,224. Expenditures were made for professional and outside services, travel, capital equipment, noncapital equipment, and other operating expenses such as personnel costs. Auditors reviewed invoices and other documents that supported the expenditures, grouping the expenditures by the types of activities the Commission engaged in to draw the congressional and legislative district maps. As illustrated in Table 1, these expenditures were classified into one of the following activities: (1) legal fees, (2) mapping consultant services and software, (3) public hearings and commission meetings, and (4) other operating costs, such as payroll and employee-related expenditures. These activities and related expenditures are described in further detail in Chapters 1 through 4.

**Table 1: Summary of Commission’s appropriations and expenditures
Fiscal years 2011 and 2012¹**

	Fiscal year 2011	Fiscal year 2012	Total
State appropriations	<u>\$500,000</u>	<u>\$3,700,000</u>	<u>\$4,200,000</u>
Expenditures			
Legal fees	10,087	1,984,596	1,994,683
Mapping consultant services and software		921,327	921,327
Public hearings and commission meetings	37,205	408,844	446,049
Other operating costs	<u>58,879</u>	<u>838,286</u>	<u>897,165</u>
Total expenditures	<u>\$106,171</u>	<u>\$4,153,053</u>	<u>\$4,259,224</u>

¹ Laws 2012, Ch. 294, §123 specifies that the fiscal year 2013 appropriations may be used for the payment of obligations incurred in fiscal year 2012. The Commission used \$59,224 of the \$1,445,300 fiscal year 2013 appropriations for expenditures incurred in fiscal year 2012.

Source: Auditor General staff analysis of the Joint Legislative Budget Committee’s *Fiscal Year 2013 Appropriations Report* and the Commission’s financial records for fiscal years 2011 and 2012.

¹ A.R.S. Const. Art. 4, Pt.2, §1(18)

² A.R.S. Const. Art. 4, Pt.2, §1(19)

³ A.R.S. §41-2501(D)

CHAPTER 1

The Commission, working with the State Procurement Office, contracted with two law firms (a Republican representative and a Democrat representative), to provide general legal services to the Commission. These services included attendance at meetings to assist with the redistricting process, advisement on laws and the execution of contracts, and, as applicable, litigation of matters affecting the Commission. The Commission also contracted with additional law firms to represent three of the commissioners in response to legal action taken against the individual commissioners as a result of the Attorney General's investigation into potential open meeting law violations and the Governor's allegations and action to remove the Commission's Chair. The Office of the Auditor General does not make any recommendations in this chapter.

Legal fees were the largest single component of Commission's expenditures

General legal counsel procured for commission operations

The State Constitution gives the Commission the authority to procure and contract for legal representation.¹ The Commission elected to work with Arizona's State Procurement Office (SPO), which issued a solicitation on April 14, 2011, for the Commission to obtain the services of qualified independent counsel to provide legal representation for redistricting purposes. The SPO received ten proposals, which the five commissioners evaluated. On May 13, 2011, the Commission, in a three-to-two vote, retained two firms to provide legal services. Ballard Spahr LLP was selected as a Republican representative and Osborn Maledon, PA as a Democratic representative.

Services provided by these firms included advising the commissioners about Arizona's laws regarding open meetings, public records, conflicts of interest, elections, the federal and state redistricting process, the U.S. Voting Rights Act of 1965, and in particular, the procedures for preclearance submission to the U.S. Department of Justice. The legal counsel also provided litigation services for any of these matters when necessary.

Additional legal counsel procured for litigation

During the redistricting process, the Commission identified a need for additional legal counsel when the State of Arizona, Office of the Attorney General (Attorney General) opened an investigation into the Commission's conduct relating to potential open meeting law violations. This investigation began on August 11, 2011, when the Attorney General issued written investigative demands to the five commissioners. While the Commission's general legal counsel tried to resolve this matter on behalf of the commissioners and the Commission as a whole, three of the commissioners requested individual legal representation to respond to the written investigative demands. This request was considered and voted on in commission meetings held on September 9 and 12, 2011. According to the Executive Director, the three commissioners requested contracts with three specific firms to represent them: Coppersmith Schermer & Brockelman PLC, Gallagher & Kennedy PA, and Tim Nelson PLLC.

¹ A.R.S. Const. Art. 4, Pt.2, §1(19)

Attorney General's contract for outside counsel services

The Attorney General advertises a request for proposal (RFP) once a year for outside counsel services in accordance with A.R.S. §41-2538. The purpose of the RFP is to establish additional contracts with legal counsel for state entities, with appropriate statutory authority to independently retain legal counsel on an "as needed, if needed" basis.

The contract identifies the firms approved to do work for authorized state entities, the types of services the firms can provide, and the acceptable hourly fees for those services.

Source: Auditor General staff analysis of the Attorney General's Web site and its RFP for outside counsel services.

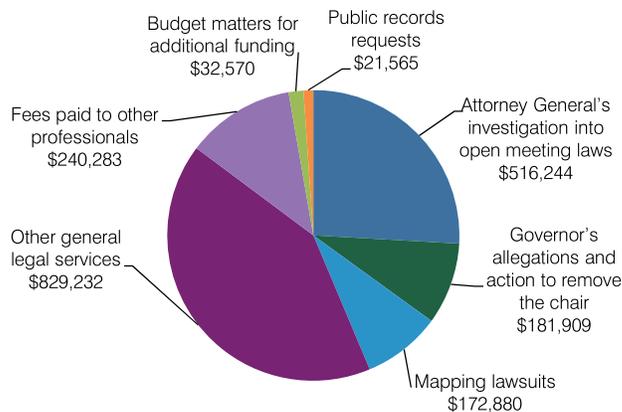
In addition to the Attorney General's investigation, the Governor sent written notice of allegations that the commissioners had "committed substantial neglect of duty and gross misconduct in office while serving on the Independent Redistricting Commission," which is cause to remove a member from the Commission. Due to the Governor's involvement, a fourth contract was executed when a lawyer from Gallagher & Kennedy recused himself because of a conflict of interest relating to the Governor's allegations. This prompted the Commission to procure legal services with Thomas Zlaket PLLC to represent one of the commissioners, while Coppersmith Schermer & Brockelman and Tim Nelson continued to represent their individual commissioner in matters relating to the Governor's allegations.

Under the Commission's procurement and contracting authority, the Executive Director negotiated contracts with these additional firms, using the Attorney General's contract for outside services (see textbox) and contracts previously entered into with general legal counsel for guidance in negotiating hourly rates for services. As a legislative agency, the Commission is exempt from the Arizona Procurement Code.

Legal fees paid for operations and litigation

Payments for legal fees totaled \$1,994,683 and accounted for approximately 47 percent of all commission monies spent in fiscal years 2011 and 2012. See Appendix A for procedures performed to evaluate these costs. Upon review of various invoices submitted by the legal firms, auditors classified these legal costs into seven categories, as shown in Figure 1 below. Each category is discussed in more detail on pages 7 through 9.

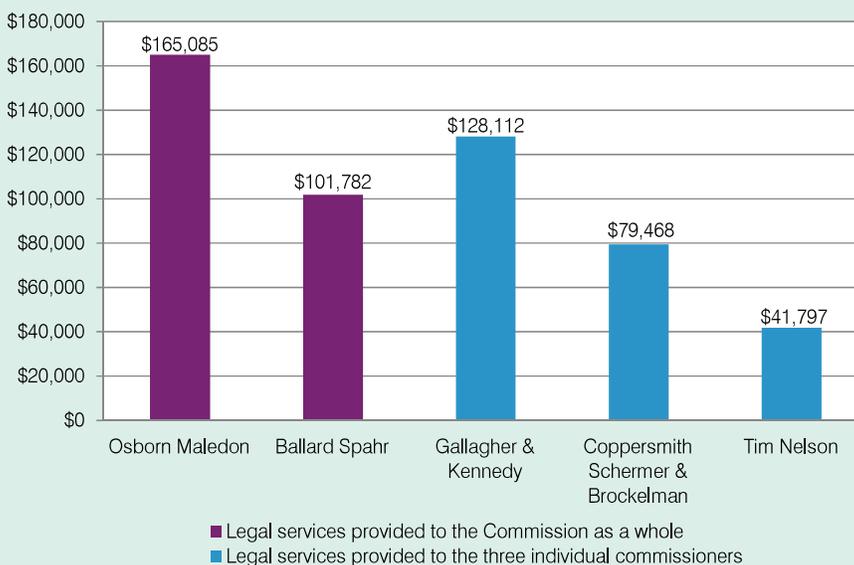
Figure 1: Legal fees by category totaling \$1,994,683 Fiscal years 2011 and 2012



Source: Auditor General staff analysis of the Commission's financial records for fiscal years 2011 and 2012.

- Attorney General’s investigation into open meeting laws totaled \$516,244—**
 The Attorney General’s investigation into the Commission’s conduct relating to potential open meeting law violations, as described on pages 5 and 6, was further pursued within the courts. In December 2011, the Superior Court ruled that the “Open Meeting Law, A.R.S. § 38-431 et seq., does not apply to the Commission, which is governed instead by the open meetings language of [the State Constitution] Article IV Pt. 2 § 1(12) (the Open Meetings Clause).”¹ An appeal of this matter has been filed, and litigation is ongoing as of the date of this report. As detailed in Figure 2 below, legal fees were paid to Osborn Maledon and Ballard Spahr, for services provided to the Commission as a whole and to Gallagher & Kennedy, Coppersmith Schermer & Brockelman, and Tim Nelson for representation of the three commissioners.

Figure 2: Legal fees by firm totaling \$516,244 to respond to the Attorney General’s investigation into open meeting laws Fiscal years 2011 and 2012



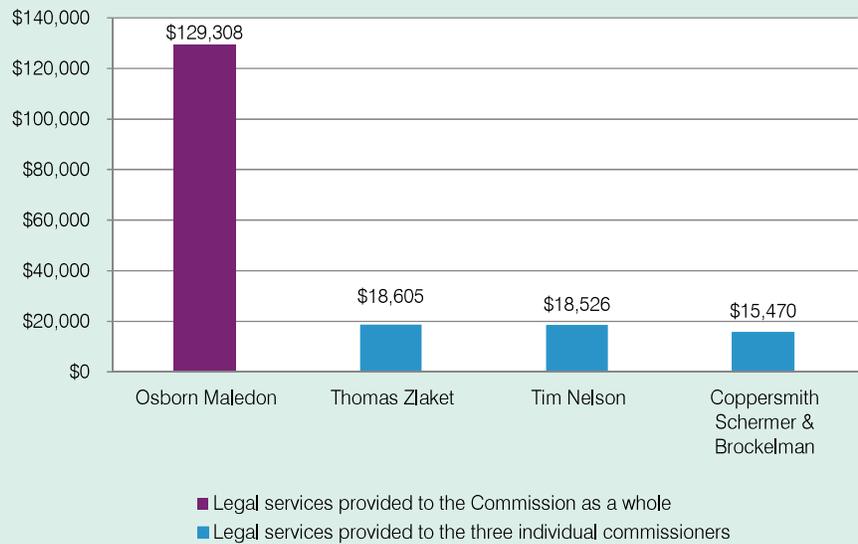
Source: Auditor General staff analysis of the Commission’s financial records for fiscal years 2011 and 2012.

- Governor’s allegations and action to remove the chair totaled \$181,909—**The Governor’s action to remove the chair commenced on October 26, 2011, when written notice of allegations was sent to all five commissioners as described on page 6. The notice requested “good-faith answers” to seven allegations, and responses were requested from each of the commissioners and due to the Governor no later than 8:00 a.m. on October 31, 2011. The Commission and each commissioner responded to the allegations. On November 1, 2011, Secretary of State Ken Bennett, Acting Governor on behalf of Governor Brewer, with the concurrence of two-thirds of the Arizona Senate, removed Colleen Mathis as the

¹ *State of Arizona, et al. v. Colleen Mathis, et al.*, No. CV-2011-016442 (Superior Court December 9, 2011).

fifth member of the Commission and as its chair. Ms. Mathis filed a lawsuit to overturn her removal in the Supreme Court of Arizona, and, on November 17, 2011, the Court issued an order that reinstated her as chair.¹ As detailed in Figure 3 below, legal fees were paid to Osborn Maledon for services provided to the Commission as a whole and to Thomas Zlaket, Tim Nelson, and Coppersmith Schermer & Brockelman for representation of the three commissioners.

Figure 3: Legal fees by firm totaling \$181,909 to respond to the Governor's allegations and action to remove the chair Fiscal years 2011 and 2012



Source: Auditor General staff analysis of the Commission's financial records for fiscal years 2011 and 2012.

- Mapping lawsuits totaled \$172,880**—The Commission has been named in three different lawsuits relating to the maps created during the redistricting process. The first two suits were filed by two different citizen groups. The first was filed on April 27, 2012, in the U.S. District Court challenging the legislative district map approved by the Commission. A second suit was filed the same day in the Superior Court of Arizona, and was amended on June 5, 2012, challenging the congressional district map approved by the Commission. The third suit was filed by the Arizona State Legislature on June 7, 2012, in the U.S. District Court. This matter requests the court to declare that Proposition 106 is unconstitutional in relation to the Commission's authority to establish the congressional district boundaries. Auditors determined that these lawsuits are in the early stages of litigation, and legal costs of \$76,771 and \$96,109 were paid to Ballard Spahr and Osborn Maledon, respectively, to defend these

¹ *Arizona Independent Redistricting Commission v. Janice K. Brewer, Governor, et al.*, No. CV-11-0313-SA (Supreme Court November 17, 2011).

matters. Additional research and litigation costs are expected to be incurred by the Commission.

- **Other general legal services totaled \$829,232**—In addition to those services identified in the general legal counsel section above (see page 5), counsel was also responsible for responding to legislative inquiries, providing assistance when the Commission entered into contracts, and attending commission meetings and public hearings. Legal fees were paid to Ballard Spahr and Osborn Maledon of \$357,557 and \$471,675, respectively, for these services.
- **Fees paid to other professionals totaled \$240,283**—The Commission's general legal counsel contracted with other professionals who have experience with the redistricting process. A former Senior Attorney for the U.S. Department of Justice provided assistance in matters relating to the preclearance process required by Section 5 of the U.S. Voting Rights Act. A professor at Harvard University prepared and presented the Commission with a statistical analysis of the voting population. Fees for these services were paid through general legal counsel and totaled \$171,698 and \$68,585, respectively.
- **Budget matters for additional funding totaled \$32,570**—The Commission received appropriations of \$500,000 for fiscal year 2011 and \$3 million for fiscal year 2012. However, in January 2012, the Commission submitted a request for a supplemental appropriation in order to "complete its responsibilities," including paying for costs relating to legal and mapping services. As an immediate appropriation was not made by the Arizona Legislature, this matter was further pursued with legal counsel to discuss possible action, including the filing of a Petition for Special Action, if necessary. However, no legal action was taken within the court as the Commission was able to meet with the Joint Legislative Budget Committee and ultimately received a supplemental appropriation of \$700,000 on March 27, 2012. Legal fees were paid to Ballard Spahr and Osborn Maledon of \$21,227 and \$11,343, respectively, for services relating to this matter.
- **Public records requests totaled \$21,565**—Arizona laws require all public bodies to maintain records "reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from this state or any political subdivision of this state."¹ Further, statute requires that those records be open to inspection by any person, except when they are deemed confidential and protected from public disclosure under state or federal laws. The Commission asked its general legal counsel to review all public records requests to ensure only appropriate information was shared. Based on commission records, the Commission received 29 requests during fiscal years 2011 and 2012, which were primarily handled by Ballard Spahr. Legal fees were paid to Ballard Spahr and Osborn Maledon of \$15,660 and \$5,905, respectively, for services relating to this matter.

¹ A.R.S. §39-121.01

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CHAPTER 2

Commission's use of mapping consultant and software helped create district maps

The Commission contracted with a mapping consultant (Strategic Telemetry) and purchased specialized mapping software to assist with the creation of the congressional and legislative district maps. Strategic Telemetry worked in collaboration with and at the direction of the Commission by assembling a redistricting database and training the Commission on its use, providing training with the mapping software, attending commission meetings and public hearings, and providing other services as required in the contract or as requested by the Commission. To assist with the mapping process, the Commission also purchased Maptitude and Maptitude Online, specialized mapping software for use by the commissioners, mapping consultant, and the public. The Office of the Auditor General does not make any recommendations in this chapter.

Mapping consultant used for specialized mapping services

The Commission issued a request for proposal (RFP) on May 11, 2011, to obtain the services of a consultant for redrawing district maps. Seven proposals were submitted; however, the Commission determined that three offers failed to fully meet the requirements outlined in the statement of work. The RFPs from the remaining four firms were reviewed by the commissioners, and interviews were held on June 24, 2011.

Firms were evaluated based on the following criteria, listed in order of relative importance:

1. **Methodology for performance of work**—how the work will be performed;
2. **Capacity of offeror**—ability to provide services based on experience;
3. **Cost**—the overall cost to complete the work;
4. **Conformance with instructions, terms, and conditions**—meeting the instructions and requirements set forth within the RFP.

The five commissioners scored each proposal's methodology for performance of work and capacity of offeror sections, which together encompass the statement of work. The State Procurement Office (SPO) scored the cost and conformance with instructions, terms, and conditions sections.

As shown in Table 2 (see page 12), Strategic Telemetry received the highest overall score. In a commission meeting on June 29, 2011, the Commission voted (three ayes and two nays) to award the contract to Strategic Telemetry.

**Table 2: Evaluation scores of proposals submitted by mapping consultant firms
June 2011**

	Methodology for performance of work ¹	Capacity of offeror ¹	Cost ²	Conformance with instructions, terms, and conditions ²	Total
Points possible	400	300	200	100	1000
Consultant firms:					
Strategic Telemetry (awarded contract)	368	245	102	100	815
Research Advisory Services	202	164	200	100	666
National Demographics	214	147	162	50	573
TerraSystems Southwest	120	90	160	80	450

¹ Average of commissioners' scores.

² Scored by SPO.

Source: Auditor General staff analysis of evaluation scores available from the Commission's Web site, <http://azredistricting.org/Mapping-Information/default.asp>

Although the SPO helped the Commission obtain mapping services during the early procurement stages, in a letter dated June 29, 2011, the SPO informed the Commission that it was withdrawing further assistance as “the Commission has frequently pursued direction other than that offered by the SPO” and as “the Commission has taken the position that it has independent procurement and contracting authority under Article 4, Part 2, Section 1 (19) of the Arizona Constitution and is therefore exempt from the Arizona Procurement Code.” According to the Commission’s Executive Director, the Commission discussed matters related to the solicitation and conducted interviews for mapping consultant services during public session meetings, which was in conflict with the SPO’s policy. The Commission discussed these matters in public session because they preferred a more transparent procurement process for this service.

After selecting Strategic Telemetry, the Commission negotiated some terms of the contract, including, but not limited to, reducing professional fees and costs, and ensuring that the maps were drawn in Arizona rather than the firm’s headquarters in Washington, D.C. The contract further stated that fees for consultations relating to litigation of the maps or added deliverables would be considered additional services and fees for these services would be billed to the Commission at an agreed-upon rate.

Licensed software purchased for use by Commission and public

To ensure that the Commission purchased appropriate software for drawing the district maps (see textbox), the Commission engaged Strategic Telemetry to research available options, including software functionality and costs, and present them to the Commission. During the July 8, 2011, commission meeting, Strategic Telemetry presented the Commission with two options for consideration: Maptitude for Redistricting (Maptitude) and AutoBound. Strategic Telemetry recommended the Maptitude software because the Commission could receive a discount based on prior use, and the commissioners were more familiar with the software. Using its procurement authority under the State Constitution, the Commission unanimously approved the purchase of 12 licenses of the Maptitude desktop software from the vendor Caliper. The software was used by the commissioners (5 licenses), the Commission's general legal counsel (2 licenses), and Strategic Telemetry consultants (3 licenses). The remaining licenses were purchased for use by commission staff at the office and at public meetings.

In addition, on August 17, 2011, the Commission approved, in a four-to-one vote, the purchase of the Maptitude Online software package to allow the public to draw and submit maps using software similar to that used by the Commission. This software allowed the commissioners to review citizens' maps in a format that was familiar and could easily be imported onto commissioners' laptop computers as needed.

Specialized mapping software

Specialized mapping software can provide tools to aid in the redistricting process. Some software products include geographical data, incorporate census data, allow users to identify communities of interest, and produce reports of various mapping options for the Commission's use.

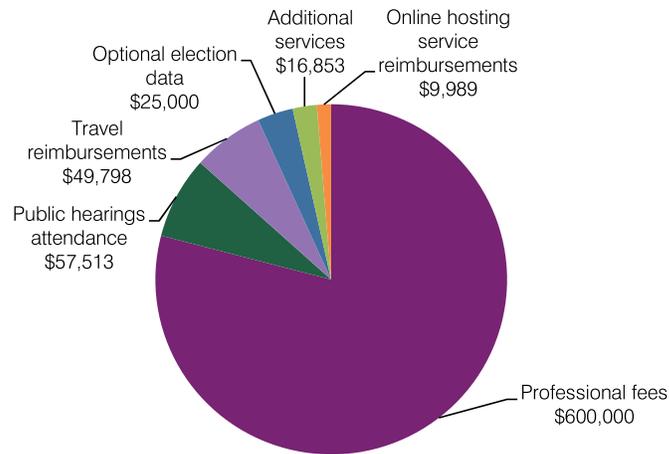
Source: Auditor General staff analysis of mapping software use.

Payments for mapping consulting services and software

Payments for mapping consulting services and software totaled \$921,327 and accounted for approximately 22 percent of total commission monies spent in fiscal years 2011 and 2012. See Appendix A for procedures performed to evaluate these costs.

Mapping consulting services—As shown in Figure 4 on page 14, auditors determined that payments made to Strategic Telemetry for consulting services totaled \$759,153 and could be classified into six categories. These costs are described in further detail on pages 14 and 15.

Figure 4: Payments to mapping consultant by category totaling \$759,153 Fiscal years 2011 and 2012



Source: Auditor General staff analysis of the Commission's financial records for fiscal years 2011 and 2012.

- Professional fees totaled \$600,000**—The total professional fees paid to Strategic Telemetry included, but were not limited to, assembling a redistricting database, training the Commission to use the database and mapping software, and assisting the Commission in establishing the congressional and legislative districts. Strategic Telemetry also provided presentations detailing (1) the redistricting process, (2) summaries of the public meeting comments, and (3) voter analysis for use by the commissioners and staff. Strategic Telemetry further provided a process to enable the public to comment on the mapping process, and maintained an ongoing log for each map documenting the basis on which decisions were made and how the Commission complied with the applicable requirements of the State Constitution and the U.S. Voting Rights Act.
- Public hearings attendance totaled \$57,513**—Strategic Telemetry worked in collaboration with and at the direction of the Commission during all public input hearings. In accordance with the final contract, the first 20 meetings were included within the cost of professional fees. For additional meetings, the Commission was billed at a minimum of \$750 for the first 4 hours and \$200 for every hour thereafter, but not to exceed \$1,500 per day. The Commission held 44 public hearings (see Chapter 3, page 17, for additional discussion of these hearings).
- Travel reimbursements totaled \$49,798**—As outlined in the contract, Strategic Telemetry was eligible for reimbursement of travel expenses in accordance with the current rates specified in the *State of Arizona Accounting Manual* travel policy. Travel costs included airfare, lodging, meals, vehicle rental, and parking.

- **Optional election data totaled \$25,000**—In September 2011, the Commission approved the purchase of 2004 and 2006 election data that was integrated into the redistricting database for analysis to accomplish the Commission’s objectives.
- **Additional services totaled \$16,853**—According to the Commission’s Deputy Executive Director, the Commission and the Office of the Secretary of State received several requests from the public for copies of the new congressional and legislative district maps, including details such as boundaries, cross streets, and townships included within each district. Due to these requests, the Commission sought additional services from Strategic Telemetry, which were not included in the original contract, to produce these maps. Upon review of the vendor invoice, auditors determined the total cost for this service was \$8,000 and was split evenly with the Office of the Secretary of State. These detailed individual maps were made available through the Commission’s Web site and allowed the public to print the maps or request them from the Commission. Furthermore, Strategic Telemetry provided technical support to the Commission and its general legal counsel in response to the mapping lawsuits filed against the Commission, as described in Chapter 1 on page 8. The Commission paid \$12,853 as of June 30, 2012, and expects additional fees to be incurred for technical support services as the lawsuits are further litigated.
- **Online hosting service reimbursements totaled \$9,989**—The Commission reimbursed Strategic Telemetry for the costs to host the Maptitude Online software on the Commission’s Web site.

Mapping software—Payments made to Caliper for two separate software packages totaled \$162,174 and are described in further detail below.

- **Maptitude for Redistricting (Maptitude) software totaled \$80,724**—The Commission paid less than the market price for the software, which included a prior-use discount for the first 2 licenses and a quantity discount for licenses 6 through 12. This resulted in a cost savings of \$16,000 compared to market price.
- **Maptitude Online software totaled \$81,450**—This additional software package was purchased from Caliper at the market price plus tax. Based on commission records, 115 congressional and 169 legislative district maps were submitted by the public. Of those total maps, 49 were submitted using the Maptitude Online software, and the others were submitted through e-mail or hard-copy format.

CHAPTER 3

The Commission held public hearings throughout the State to gather input from members of the public about redistricting matters such as geography, communities of interest, minority voting rights, and competitiveness. The Commission considered this input as adjustments were made to the grid maps. After the draft maps were completed, a second round of public hearings was held to obtain comments on the proposed maps. The Commission also conducted commission meetings to address business matters such as hiring staff, discussing budget matters, contracting services, calling for public comment, and considering all of the analysis and public input in order to adopt the congressional and legislative district maps. These meetings were open to the public, and notices of the meetings were posted on the Commission's Web site and the Commission's building at least 48 hours prior to the meeting. The Commission's Web site also included an option to subscribe to receive e-mail notifications of scheduled meetings. The Office of the Auditor General does not make any recommendations in this chapter.

Public hearings and commission meetings allowed for public input on redistricting process

First-round hearings provided initial public input

The Commission held a series of public hearings, referred to as "first-round hearings," to gather input from the public about issues relevant to redistricting, such as geography, communities of interest, minority voting rights, and competitiveness. These hearings were conducted in 22 cities around the State, including satellite locations, during July and August 2011 (see Figure 5, page 18, for the locations of these hearings). Use of the Internet allowed the hearings to be broadcast live to satellite locations where the public was able to interact directly with the commissioners.

Thereafter, the Commission was charged with the responsibility of using information gathered from the hearings, along with an analysis of census and election-related data, to adjust the grid maps to comply with federal law and account for the other criteria required by the State Constitution, as outlined on page 2 of this report.

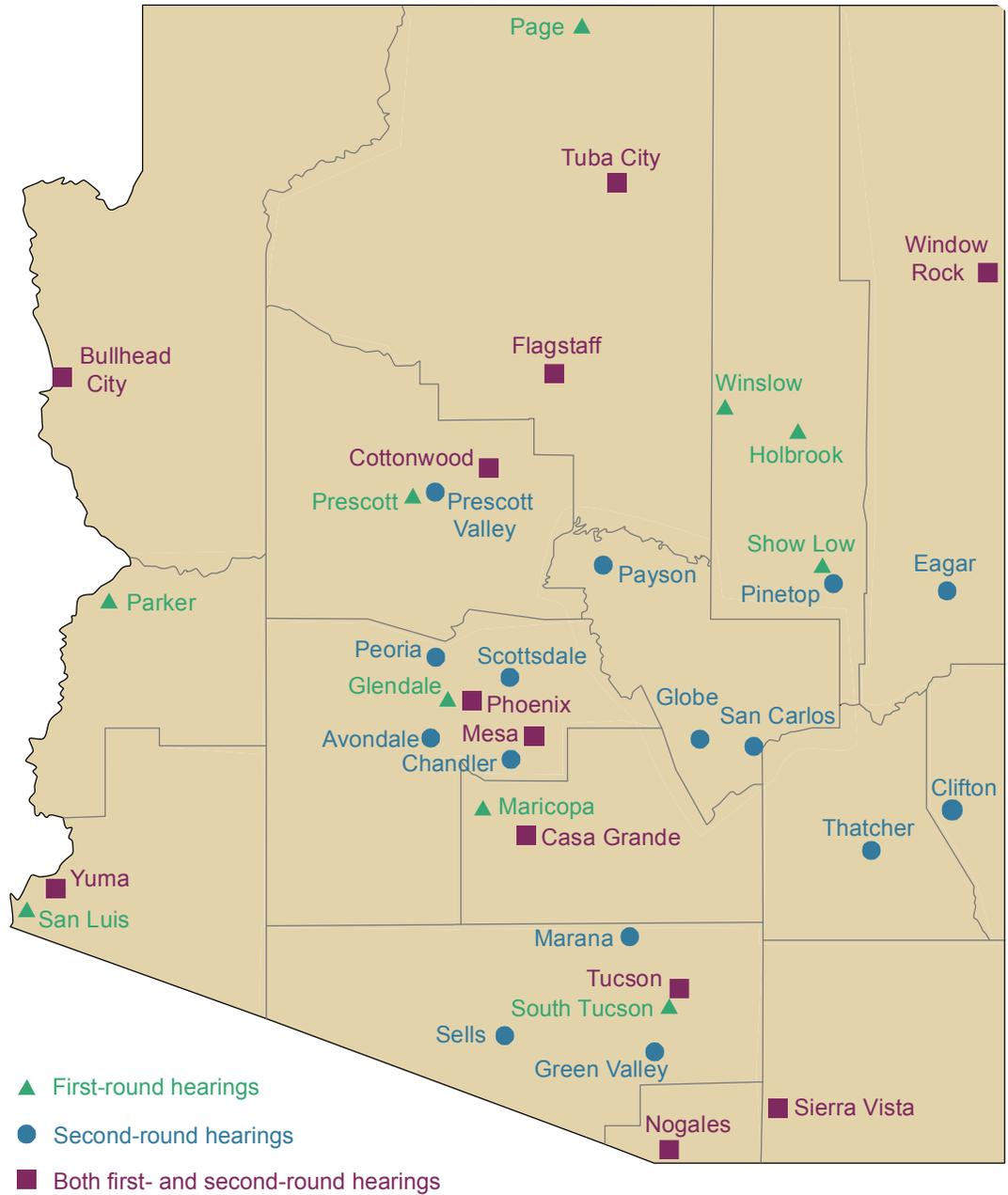
Second-round hearings provided public input about draft maps

After the draft maps were prepared, the Commission held "second-round hearings" to present the maps to the public and to obtain its input on the proposed maps. The Commission held these hearings in 27 cities around the State, including satellite locations, during October and November of 2011 (see Figure 5, page 18, for the locations of these hearings).

A laptop computer with access to the Maptitude software was included at the hearings for the public's use. Additionally, the public was informed of the availability of the Maptitude Online software to submit its maps for consideration.

After the second round of public hearings was completed, the Commission was responsible for considering all of the analysis and public input when adopting the congressional and legislative district maps for Arizona that it believed satisfied all constitutional criteria.

Figure 5: Locations of public hearings by city
Calendar year 2011



Source: Auditor General staff analysis of the Commission's public hearing records for calendar year 2011.

Commission meetings held to conduct business and open to public

In addition to public hearings held for input on redistricting, the Commission held meetings for the purpose of conducting commission business, including hiring staff, contracting with vendors, addressing budget matters, and discussion with and direction to the mapping consultant. All commission meetings were open to the public and allowed for public comment. Further, within these meetings, the Commission was responsible for considering all of the analysis and public input when adopting the congressional and legislative district maps for Arizona.

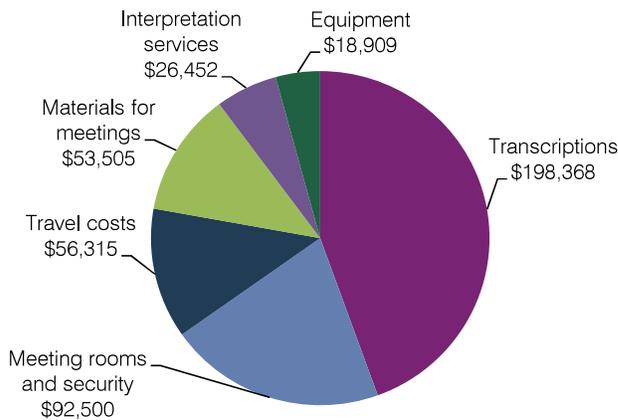
The State Constitution requires that “where a quorum is present, the independent redistricting commission shall conduct business in meetings open to the public, with 48 or more hours public notice provided.”¹ Upon review of various meeting minutes and transcripts, auditors determined that the Commission conducted 69 commission meetings in 22 locations during fiscal years 2011 and 2012. Auditors determined that notice of these meetings was posted to the Commission’s Web site at least 48 hours prior to the meetings. The Commission’s Web site also included an option to subscribe to receive e-mail notifications of scheduled meetings. According to the Commission’s Deputy Executive Director, notices of these meetings were also posted on the Commission’s building.

Costs of hearings and meetings

The public hearings and commission meetings costs totaled \$446,049 and accounted for approximately 10 percent of all commission monies spent in fiscal years 2011 and 2012. See Appendix A for procedures performed to evaluate these costs. Auditors noted that these costs could be classified into six categories, as shown in Figure 6 (see page 20). Each category is discussed in more detail on pages 20 and 21.

¹ A.R.S. Const. Art. 4, Pt.2, §1(12)

Figure 6: Public hearings and commission meetings costs by category totaling \$446,049 Fiscal years 2011 and 2012



Source: Auditor General staff analysis of the Commission's financial records for fiscal years 2011 and 2012.

State-wide contracts—Multi-agency, cooperative contracts that are typically mandatory for use by most state agencies. State-wide contracts are solicited and administered by the State Procurement Office (SPO).

Source: The SPO Web site at <http://www.spo.az.gov>.

- Transcriptions totaled \$198,368**—The Commission used certified court reporters to attend and produce transcripts of the public hearings and for 67 of the 69 commission meetings. The transcripts were posted to the Commission's Web site. These services were provided by vendors on a state-wide contract (see textbox), with the majority of work performed by one vendor. Based on information obtained from the Commission's Deputy Executive Director, this vendor was willing to travel throughout the State. The vendor adjusted the state-wide contract rates to reduce the overall costs to the Commission. Transcription costs made up the majority of the hearings and meetings costs.
- Meeting rooms and security totaled \$92,500**—As the Commission traveled throughout the State to conduct its public hearings and commission meetings, it needed to reserve locations that could accommodate the commissioners and interested members of the public. In addition, locations needed to be equipped with proper audio and video connections. Further, off-duty police officers were present at the public hearings and commission meetings to ensure the safety of the commissioners and the public. The Commission used its procurement authority granted under the State Constitution to procure the meeting rooms and security services. The procurement process used was not documented; however, as a legislative agency, the Commission is exempt from the Arizona Procurement Code.

- **Travel costs totaled \$56,315**—The State Constitution indicates that “members of the independent redistricting commission are eligible for reimbursement of expenses pursuant to law.”¹ Additionally, the *State of Arizona Accounting Manual* travel policy allows for use of state vehicles and reimbursement of travel costs incurred by employees. Both commissioners and commission employees utilized state or personal vehicles to travel to the meetings, and, when applicable, they were reimbursed for mileage, lodging, and meals.
- **Materials for meetings totaled \$53,505**—The Commission used printed materials to administer the meetings, inform the public, and comply with constitutional requirements for gathering and considering public input. At each meeting, members of the public were required to complete a public input form in order to address the Commission. In addition, attendees were provided informative materials on the redistricting process and progress, including draft maps. All public input received from these meetings or via e-mail, media, mail, and the online mapping tool were accumulated, reproduced, and provided to the commissioners for their reference and consideration throughout the process. Further, copies of these materials were included with the submission to the U.S. Department of Justice. The majority of these purchases were made using the Commission’s procurement authority granted under the State Constitution. The procurement process used was not documented; however, as a legislative agency, the Commission is exempt from the Arizona Procurement Code.
- **Interpretation services totaled \$26,452**—To ensure compliance with federal laws under the U.S. Voting Rights Act, the Commission ensured Spanish and, when applicable, Native American language interpreters were present at each public hearing to enable members of applicable language minority groups to participate effectively in the electoral process.² The majority of these services were provided by a vendor on state-wide contract.
- **Equipment totaled \$18,909**—The Commission purchased and rented various pieces of equipment to effectively conduct meetings, stream them live over the Internet, and post video recordings on its Web site. These items included video-streaming equipment, loudspeakers, stands, microphones, a tripod, and the necessary cords. The Commission purchased this equipment from a vendor on state-wide contract.

¹ A.R.S. Const. Art. 4, Pt.2, §1(21)

² 42 USC §1973b(f)(4) and 28 CFR §55.2(b)

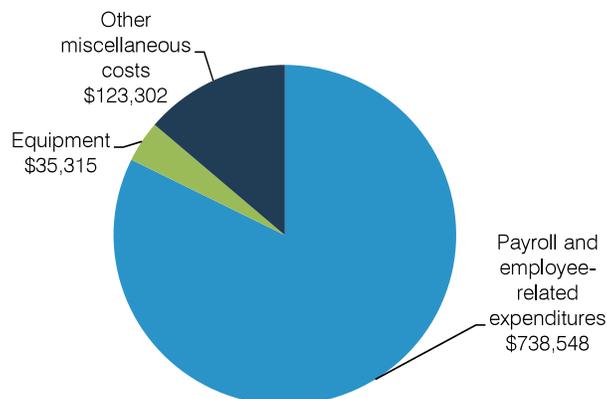
CHAPTER 4

Other operating costs consisted primarily of payroll and employee-related expenditures

The Commission's payroll and employee-related expenditures accounted for the majority of the other operating costs. The Commission employed up to nine individuals at any one time and also used temporary service agencies to run the Commission's day-to-day business. Equipment was also purchased to support operations and included computers, monitors, printers, desks, chairs, and tables. Other miscellaneous costs were incurred for items such as office supplies, a copier rental, telephone and Internet services, building rent, and fees paid to the Arizona Department of Administration's State Boards' Office for providing accounting services. The Office of the Auditor General does not make any recommendations in this chapter.

Other operating costs are those day-to-day expenditures the Commission incurs and include costs for payroll and employee-related expenditures (ERE), equipment, and other miscellaneous items, including office supplies, building rent, and other services and fees. During fiscal years 2011 and 2012, these costs totaled \$897,165 and accounted for approximately 21 percent of the total expenditures. See Appendix A for procedures performed to evaluate these costs. Upon review of documentation supporting these expenditures, auditors classified other operating costs into three categories, as shown in Figure 7. Each category is discussed in more detail below.

Figure 7: Other operating costs by category totaling \$897,165 Fiscal years 2011 and 2012



Source: Auditor General staff analysis of the Commission's financial records for fiscal years 2011 and 2012.

- **Payroll and employee-related expenditures totaled \$738,548**—The State Constitution grants the Commission the authority to hire staff to fulfill its responsibilities.¹ The Commission employed no more than nine staff members at any one time. These positions included an executive director, deputy executive director, chief technology officer, public information officer, executive administrative officer, and four community outreach representatives. In addition, the Commission used temporary service agencies to assist with administrative functions, which totaled \$8,877 and are included within the total payroll and ERE costs.

¹ A.R.S. Const. Art. 4, Pt.2, §1(19)

- **Equipment totaled \$35,315**—Purchases included electronics, such as computers and monitors, as well as furniture items, including desks, chairs, and tables. Auditors determined that 16 laptop computers and 1 desktop computer were purchased during fiscal years 2011 and 2012. The Commission distributed 1 laptop computer and the 1 desktop computer to its chief technology officer. The remaining 15 laptop computers were distributed to the other 8 commission staff members and the 5 commissioners, and 1 each to Ballard Spahr and Osborn Maledon, the Commission's general legal counsel. According to the Commission's Deputy Executive Director, the Commission's general legal counsel were provided with laptop computers equipped with the licensed Maptitude software. This equipment was used by the general legal counsel to assist them in advising the Commission on its compliance with the redistricting requirements. The remaining equipment purchases included monitors, docking stations, and cables, and a specialized plotter capable of printing large-scale maps. Some of these items were purchased from vendors on a state-wide contract, while others were purchased using the Commission's procurement authority granted under the State Constitution. As a legislative agency, the Commission is exempt from the Arizona Procurement Code.
- **Other miscellaneous costs totaled \$123,302**—These costs included office supplies, copier rental, telephone and Internet services, building rent, and fees paid to the Arizona Department of Administration's State Boards' Office for providing accounting services. These items and services were purchased from vendors on state-wide contract, provided by the Arizona Department of Administration, or purchased using the Commission's procurement authority granted under the State Constitution. As a legislative agency, the Commission is exempt from the Arizona Procurement Code.

APPENDIX A

Methodology

This appendix provides information on the methods auditors used to meet the objectives of Laws 2012, Chapter 108.

The Auditor General and staff express appreciation to the Arizona Independent Redistricting Commission's Executive Director and staff for their cooperation and assistance throughout the special audit.

In order to provide a description and purpose of expenditures classified as professional and outside services, travel, other operating expenses, capital equipment, and noncapital equipment, auditors met with commission staff to identify the type of activity for which costs were incurred and then grouped them into one of four categories: legal fees, mapping consultant services and software, public hearings and commission meetings, or other operating costs. Further, auditors reviewed the commission meeting agendas and examined those meeting minutes and transcripts that were determined to be related to the chapters included in the report, which allowed auditors to gain a better understanding of the Commission's operations. The Commission denied the Auditor General access to the executive session minutes and transcripts citing the Superior Court ruling of December 2011 that states "Open Meeting Law, A.R.S. §38-431 et seq., does not apply to the Commission, which is governed instead by the open meetings language of [the State Constitution] Article IV Pt. 2 §1(12) (the Open Meetings Clause)."¹ The Auditor General's access to executive session minutes is established in the open meeting law. Therefore, the Commission is not required to grant the Auditor General access to executive session minutes.

Auditors reviewed all commission expenditures recorded on the State's financial accounting system for fiscal years 2011 and 2012. Auditors agreed these expenditures to supporting documentation and determined they were approved by management and pertained to the Commission. All expenditures were determined to be properly classified and clerically accurate in all material respects. To evaluate the reasonableness of expenditures, auditors agreed fees charged and rates paid to those amounts included within the applicable contracts and also determined that the purposes of the expenditures were consistent with the Commission's objectives.

Auditors performed the tasks detailed below to further evaluate the commission expenditures.

- **Legal fees**—Auditors reviewed meeting transcripts and met with commission staff to gain an understanding of the types of legal services provided and the classification of the costs by legal matter. In order to describe the legal matters within the report, auditors reviewed transcripts of commission meetings, copies of legal pleadings filed with the courts, and various letters sent from and to the Commission.

¹ *State of Arizona, et al. v. Colleen Mathis, et al.*, No. CV-2011-016442 (Superior Court December 9, 2011).

To determine the reasonableness of the legal fees charged, auditors agreed the hourly rates billed on the invoices to the rates set forth in the contracts. Further, auditors determined the hourly rates, which ranged from \$280 to \$350 per hour, were comparable to similar services listed within the Attorney General's Contract for Outside Services. Auditors were able to determine total amounts billed by attorney for each type of legal matter, but were unable to review the specific service provided as the details on the invoices were redacted because of attorney-client privilege.

- **Mapping consultant services and software**—In order to determine if the procurement for mapping consultant services appeared proper, auditors reviewed the request for proposals submitted by the mapping firms and the commission meeting transcripts of the firm interviews held on June 24, 2011. Additionally, auditors examined the evaluations completed by the commissioners, recalculated the scores of the commissioners and the SPO, and noted that the evaluation comments appeared to correspond to the scores awarded.

In order to ensure the fees paid to the consultant were accurate, auditors compared the billed amounts to the contracted amounts or rates. Additionally, fees for public hearing attendance were agreed to the applicable public hearing dates, times, and contracted rates. Further, the travel reimbursement requests and supporting documentation were reviewed to ensure the reimbursements did not exceed the maximum amounts allowed within the *State of Arizona Accounting Manual* travel policy, as specified within the contract, and dates were agreed to the Commission's listing of hearings and meetings.

Auditors researched the Maptitude for Redistricting software and determined Caliper was the only vendor that sold the desktop and online software. Auditors obtained the order form from Caliper's Web site and determined that the market price for the desktop software was \$7,500 per license. Further, based on discussion with Caliper, auditors determined that the market price for the online software was \$75,000. The price paid by the Commission for both the desktop and online software did not exceed the market price plus applicable taxes.

- **Public hearing and commission meetings**
 - **Transcriptions**—In order to determine that the costs for transcriptions were proper, auditors agreed amounts billed on the vendor invoices to the agreed-upon rates or state-wide contracts, as applicable. Additionally, the billing dates and times for these services were agreed to the Commission's listing of hearings and meetings. Further, auditors selected a sample of 17 vendor invoices to determine if the number of transcript pages billed agreed to the number of pages produced. Auditors determined that 8 of the sample items agreed to the pages produced and for the remaining 9 items auditors were unable to determine if the number of pages billed were appropriate because the invoices contained pages billed for the executive session transcripts that the auditors did not have access to.

- **Meeting rooms and security**—Based on review of the various meeting room invoices, auditors determined that these costs varied by location due to accessibility, size, the option to include armed security services, and other accommodations. The costs for meeting rooms did not exceed \$1,315 per rental. Auditors selected a sample of six meeting room rental invoices and determined that the rental dates agreed to the Commission’s listing of hearings and meetings. For those rooms that did not include armed security, the Commission primarily used the services of a security company that employed off-duty police officers. This vendor was not on state-wide contract. Auditors determined that the hourly rates for the security services ranged from \$50 to \$75. Further, auditors agreed the dates the services were provided to the Commission’s listing of hearings and meetings.
- **Travel costs**—Auditors reviewed the travel reimbursement requests submitted by the commissioners and commission staff and determined that the dates agreed to the Commission’s listing of hearings and meetings. Further, the reimbursements did not exceed the maximum amount allowed within the *State of Arizona Accounting Manual* travel policy.
- **Materials for meetings**—Auditors determined that the Commission used a vendor for printing the meeting materials that was not on state-wide contract. According to the Commission’s Deputy Executive Director, this vendor was selected due to the specialized nature of the printing materials requested, the volume needed, and guaranteed turnaround of the materials.
- **Interpretation services**—Auditors agreed the billing dates for interpretation services to the Commission’s listing of hearings and meetings. However, further analysis of these costs was limited as the vendor invoices for the majority of these services were not sufficiently detailed to determine if the appropriate state-wide contracted rates for these services were properly billed. As such, auditors agreed the total amount billed on the invoice to the amount paid.
- **Equipment**—Auditors determined that the equipment was purchased from a state-wide contracted vendor at the quoted price.
- **Other operating costs**
 - **Payroll and employee-related expenditures**—Auditors determined that salaries paid to each employee agreed to the rates established within the personnel files.
 - **Equipment**—For the equipment purchases that exceeded \$5,000, auditors determined that the equipment was purchased from a state-wide contracted vendor at the quoted price or less.

- **Other miscellaneous costs**—Auditors further evaluated all costs that exceeded \$5,000 and determined they consisted of telecommunication services, building rent, and fees for accounting services provided by the State Boards' Office. Charges for these services are billed by the Department of Administration and amounts paid agreed to applicable invoices. Other miscellaneous costs that exceeded \$5,000 consisted of office supplies and copier rental fees. Auditors agreed the amounts paid for these supplies and services to the applicable invoices.



Request for Information for Legal Services for the Colorado Independent Congressional Redistricting Commission

Inquiries and submittals should be directed to:

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I. General Information

- A. **Background:** Sections 44 to 44.6 of Article V of the Colorado Constitution, require the establishment of the Colorado Independent Congressional Redistricting Commission ("Congressional Commission") and requires it to redraw Colorado's congressional districts following each federal decennial census. The first Congressional Commission under these sections was convened on March 15, 2021. The constitution specifically authorizes the Congressional Commission to retain legal counsel.
- B. **Congressional Commission:** The Congressional Commission is composed of twelve members: four members who are registered with the Republican party, four members who are registered with the Democratic party, and four members who are not registered with any political party. The Congressional Commission is assisted by nonpartisan staff who were employed by nonpartisan service agencies of the Colorado General Assembly.
- C. **Expectations:** Section 44 (1) of Article V of the Colorado Constitution specifically declared that political gerrymandering of congressional districts must end. To that end, the Colorado Constitution created the Congressional Commission to include members of both major political parties and members who are unaffiliated with any political party. Selected counsel must represent the Congressional Commission in a nonpartisan manner and be able to work with members from all political persuasions in a highly politically charged environment.

II. Legal Work

- A. **General legal advice.** Selected legal counsel with the assistance of attorneys on the nonpartisan staff would be expected to provide general legal advice to

the Congressional Commission related to the Colorado constitutional provisions and Colorado laws governing their service as Commissioners. The scope of this work may include:

a. Administrative Law As a newly created independent entity, the Commission may have basic questions on how it should conduct itself and interpret the constitutional provisions concerning its work. This may also include:

1. Assessing rules and procedures to determine whether they meet constitutional requirements;
2. Assisting in handling and responding to records requests under the Colorado Open Records Act, C.R.S., §24-72-201, et seq.;
3. Assisting in handling and responding to any open meetings issues that may arise, including those pertaining to privileged executive sessions, pursuant to the Open Meetings Act, C.R.S., §24-6-201, et seq.;
4. Preparing necessary legal memoranda for the Congressional Commission that may include issues arising under the Colorado Constitution or Colorado law;
5. Assisting the Congressional Commission in potential issues raised by the Colorado General Assembly or the Governor;
6. Giving general advice and guidance to the Congressional Commission; and
7. At request of the Congressional Commission, attending Commission meetings, hearings on public testimony, and executive sessions.

b. Redistricting Law

8. Assessing maps and plans to determine whether they meet state and federal constitutional requirements;
9. Reviewing expert reports and advising the Congressional Commission on any legal issues identified; and
10. Preparing necessary legal memoranda on redistricting that may include issues arising under the federal constitution, the Colorado Constitution and laws, and the Voting Rights Act, including assessing and advising on implications of racial bloc voting analysis of districts.

B. Representation before the Colorado Supreme Court. While the Nonpartisan Staff of the Independent Congressional Redistricting Commission includes attorneys, those attorneys do not have recent experience in litigating cases or handling appeals. Pursuant to the Colorado constitution, after the

Congressional Commission approves a plan of congressional redistricting, it submits the plan, including maps of the districts and statements describing the plan and its implementation, to the Colorado Supreme Court for its approval. Following the submission of the plan, the Congressional Commission is to file explanatory materials and any legal memoranda in support of the plan. Following receipt of any statements of opposition to the plan filed with the court, the Congressional Commission may file a reply to the statements in opposition. The Supreme Court may also require oral arguments on issues raised in the pleadings. While the attorneys on the Nonpartisan Staff will assist in this work, it is anticipated that selected counsel will file necessary pleadings and appear at any oral arguments. The scope of this work may include:

1. Analyzing relevant redistricting cases from both Colorado and federal courts;
2. Advising and guiding on potential objections to plans;
3. Submitting final plan, exhibits, and legal memoranda in support of the plans to the Colorado Supreme Court;
4. Submitting replies to objections to the plan;
5. Filing and arguing any appropriate motion;
6. Presenting oral argument before the Colorado Supreme Court; and
7. Consulting and working with the Congressional Commission during the process before the Supreme Court.

C. **Census Data Delay.** Due to the COVID-19 pandemic, the United States Census Bureau will be unable to meet its statutory deadlines for both the necessary data to reapportion the seats in Congress and the population and demographic data at the block level necessary to redraw congressional districts. This delay may cause the Congressional Commission to adjust some of its deadlines and to alter some of the steps in completing its work. Again, the attorneys on the Nonpartisan Staff will assist in this work, but it is anticipated that selected counsel may need to file necessary pleadings and appear at any court proceedings. The scope of this work may include:

1. Advising the Congressional Commission on the interpretation of certain constitutional provisions;
2. Recommending appropriate steps for the Congressional Commission to take due to the delays; and
3. Representing the Congressional Commission in any court proceedings commenced to deal with the delays and the actions of the Commission in response to the delays.

- D. **Congressional Commission meetings.** Selected legal counsel is not required to be at all Congressional Commission meetings, but is expected to complete its work within the Commission's deadlines and to be available on an as-needed basis and at times on short notice.
- III. **Required Information:** The following information must be included in any response:
- A. Names of the firm and principal attorney or attorneys who will be assigned to the work, together with their business addresses, telephone numbers, and email addresses;
 - B. A description of the firm, number of attorneys, and practice areas;
 - C. Educational background and political party affiliation of the principal attorney or attorneys who will be assigned to the work;
 - D. A description of any relevant experience in administrative law, including any dealing with the Colorado General Assembly and Governor;
 - E. A description of any relevant experience in redistricting and election law, including the identification of any political party represented in these areas;
 - F. A description of any experience of the assigned attorneys in representation before the Colorado Supreme Court;
 - G. Identification of any other attorneys, paralegals, and staff who may be involved in providing the legal services to the Congressional Commission;
 - H. Usual hourly rates for attorneys, paralegals, law clerks, and legal secretaries who are identified as likely to be involved in providing legal services to the Congressional Commission, and any discount below the usual hourly rates proposed for the Commission work;
 - I. Any fees associated with the firm following the Congressional Commission's work, including attendance at any meeting where attendance is not specifically requested;
 - J. Estimated fees and costs, including but not limited to research, travel, and copying; and
 - K. A cover letter signed by a partner authorized to execute contracts on behalf of the law firm.
- IV. **Due Date:** All proposals should be submitted by 5:00 pm on April 23, 2021.



California Citizens Redistricting Commission

SUMMARY REPORT AND COMPILATION OF 2010 COMMISSION ACTIONS AND SUGGESTIONS FOR FUTURE CITIZENS REDISTRICTING COMMISSIONS

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April 2016

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I. Introduction

In November 2008, the voters approved Proposition 11 and enacted the Voters First Act (the “Act”) to shift the responsibility for drawing Assembly, Senate, and Board of Equalization districts to an independent Commission. In November 2010, the voters approved Proposition 20 and amended the Act to include Congressional redistricting within the Commission’s mandates. The Act’s stated purpose called for an independent Citizens Redistricting Commission (CRC) to draw districts based on strict, nonpartisan rules designed to ensure fair representation. The Act also charged the commissioners with applying the law in a manner that was impartial and reinforced public confidence in the integrity of the redistricting process (Cal Const., art. XXI, § 2, sub. (c)(6)). Consequently, the Act provided that each commissioner was to be prohibited from holding elective public office at the federal, state, county, or city level for a period of ten years from the date of their appointment, and from holding appointive public office for a period of five years. In addition, commissioners would be ineligible for five years from holding any paid position with the Legislature or with any individual legislator, and could not be a registered federal, state, or local lobbyist during this period.

The Citizens Redistricting Commission for the State of California (the “Commission”) completed its task of creating statewide district maps for Assembly, Senate, Board of Equalization, and Congress in accordance with the provisions of Article XXI of the California Constitution. The maps received final approval by the Commission and were certified to the Secretary of State. The Commission was successful in defending its maps in the State Supreme Court, Federal Court, and in Superior Court.

This effort was a historic event in the history of California. The people of California demanded a fair and open process when they adopted Propositions 11 and 20, which amended the California Constitution and created the Commission. A group of 14 citizens, chosen from an applicant pool of more than 36,000, engaged in an extraordinary effort to conduct an open and transparent public process designed to receive input from the people of California about their communities and desires for fair and effective representation at each district level. The amount of public participation was unprecedented. The people participated in the deliberations and debate over where to draw the lines. Through the course of 34 public meetings and 32 locations around the state, more than 2,700 people participated in person, and over 20,000 written comments were submitted. In addition, extensive participation in the form of proposed alternative maps for the state, various regions, or selected districts were received from a variety of individuals and groups.

The result of this effort was a set of statewide district maps for Assembly, Senate, Board of Equalization, and Congress that fully and fairly reflects the input of the people of California. The process was open, transparent, and free of partisanship. There were long and difficult debates, and disagreements among competing communities and interested persons. No person or group

was excluded from full participation in the process. Commissioners did not always agree on all the issues or their resolution. However, commissioners were committed to the mission and valued and respected each other's opinions. Thousands of individuals and many groups provided input and suggestions, and these were considered fairly and impartially. Throughout this process, the Commission was diligent in carefully analyzing and evaluating all contributions and maintained its absolute independence as citizen representatives for all of California. In the end, the full Commission voted overwhelmingly to approve each set of maps.

Based on the 2011 experience, statutory changes have been made to allow the selection process of future citizens redistricting commissions to begin 4.5 months earlier. These statutory changes also provide them a full 12 months to carry out their duties before the August 15 deadline for submittal and approval of maps.

The Commission is proud to have served the people of this great state. It has developed this report detailing the challenges faced and lessons learned, and puts forth suggestions for future redistricting commissions. For the sake of simplicity, this report is organized into five consecutive sections of activity that detail the phased contexts within which the Commission carried out its tasks. These sections are as follows:

- II. Recruitment and Selection
- III. Setup and Operations
- IV. Community Input/Hearings
- V. Mapping
- VI. Post-Mapping/Litigation

As California's first Citizens Redistricting Commission, we literally had to set up, implement and carry out its mission on the fly, akin to "... designing, constructing, and flying the plane after takeoff!" In this regard, this Commission called on and tapped all the myriad talents and expertise of the fourteen individual commissioners in facing a great variety of challenges and for solving problems never before encountered by any other commission. It is noteworthy that all mandates were met within the required timeline. All maps were drawn fairly and transparently, the public was engaged as never before, and all newly drawn districts successfully withstood several legal challenges which sought to overturn them. At all times, the Commission functioned independently of other organizations, and this report reflects such autonomy. At the end of this report, relevant reports, court cases, public comments, and legislative amendments are hyperlinked for public access and reference.

This report is a compilation and summary of actions and strategies utilized in meeting difficult challenges that demanded imaginative and inventive solutions. It represents the experiences of this Commission and an expectation that the "lessons learned" may serve as a useful guide, while

acknowledging that the next Commission will certainly face a different set of circumstances and conditions. Given the diverse and nuanced perspectives on the many issues faced, it represents the collective responses from all fourteen individual commissioners, rather than actions taken by “the Commission.” It offers suggestions for consideration rather than recommendations for action, in the hope they will be helpful to future citizens redistricting commissions.

In the following sections, actions taken by the Commission on each issue are identified as “Commission Action” and other information and suggestions are given as “Commissioner Information/Suggestions.”

II. Recruitment and Selection

1. Recruitment and Selection of Commissioners

This task was assigned to the Bureau of State Audits (BSA) which, in collaboration with a group of nonprofit community-based organizations, carried out an extensive recruitment process which included press releases and public information sessions across the state. Approximately 36,000 California residents submitted applications for the Commission, resulting in a diverse applicant pool. This result was due primarily to the education and outreach activities of various partners from the nonprofit sector, mostly funded by the Irvine Foundation. This involvement by community-based organizations was critical. Concerns have been raised about the continued availability of such funding to continue participation by such partners. In addition, information provided to potential applicants referred to the overall goals of Proposition 11, and did not include any specifics about the process, timelines, individual commitment required, impacts on personal, professional or business interests, or other such factors. Given this dearth of information, the 14 selected commissioners were asked to take a leap of faith to simultaneously design, build, and maintain the organization after takeoff!

The BSA set up a two-part application process. First, it required all applicants to provide basic information to screen for minimum qualifications. Second, a “supplemental application” was put in place which required applicants to complete several essays and provide additional information.

Commission Action: There was no Commission action, since the Commission was in the formative stage and not yet operational.

Commissioner Information/Suggestion(s): This Commission is committed to assisting future redistricting commissions with outreach, to otherwise disseminate information about redistricting and the application process, and to plan and implement a robust and creative social media campaign. Commissioners will be available to speak to interested groups about the process and their experiences.

2. Application Process

This task also was conducted by the BSA. Again, the participation of nonprofit organizations was invaluable in encouraging applicants and providing assistance with the application itself, although the actual application was completed and submitted online. Numerous positive comments were provided regarding the overall process, including the web application form, its multi-stage process, sign-ups for interview slots, and the open deliberation of the Applicant Review Panel during public review of applications, interviews, and selection. The BSA did an excellent job handling the volume of applications and went above and beyond their standard work plan. Coordination of this process by the BSA was excellent.

Commission Action: There was no Commission action, since the Commission was in the formative stage and not yet operational.

Commissioner Information/Suggestion(s): If possible, the next Commission should reduce the number of interviews from five to four per day, to allow for fuller review of applicant materials and to guard against fatigue by the Applicant Review Panel. The application information should clarify the operational meaning and application of “impartiality” by drawing the distinction between advocacy of issues/groups/people/areas versus the ability to be impartial despite being an advocate. Also, divide the section on “appreciation for diversity in demographics and geography” into different sections to capture both an applicant’s experience with diversity in or with communities/people versus knowledge of and experience in the various geographic areas of California. In the “analytical skills” section, ask about applicants’ ability to apply and adjust multiple conflicting criteria over large geographic areas. Although mandated by law, the requirement for providing conflict of interest information for extended family members was considered to have discouraged some potential applicants. Further, the next Commission should consider additional inquiry regarding a candidate’s past involvement in the 2011 redistricting process such as level of involvement either as a commissioner, public participant, or with an organization. Finally, focus on each candidate’s present philosophy of redistricting for 2021 in light of substantial changes and corrections necessary in 2011 due to past gerrymandering.

3. Interactions with State Agencies

The Commission had to work with a variety of state agencies with which most commissioners had limited or no knowledge or experience.

Commission Action: Given the need to work with state agencies primarily based in Sacramento, Commission looked favorably on hiring of staff familiar with these agencies, their functions, and processes.

Commissioner Information/Suggestion(s): The Bureau of State Audits was tasked with recruitment and selection of commissioners, and then the Commission worked with the Secretary of State while it hired staff and dealt with logistics and planning.

Commissioners felt support staff from the BSA Applicant Review Panel and Secretary of State (SOS) were generally responsive and courteous in the initial selection and setup of the structure for the Commission. However, a few commissioners felt the transition from BSA to SOS did not go smoothly, and this led to internal confusion and disruption. This transition occurred when the Commission was just settling in, and it was difficult to ascertain where to go with questions. Commissioners were generally unaware of how state agencies were responsible for assisting the Commission functionally and bureaucratically. In the future, through the negotiated statutory amendments, the BSA will handle the whole transition, and the Secretary of State will no longer be involved. A crash course for Commission members on state hiring rules, contracting, and agency protocols is absolutely necessary.

4. Selection of First Eight Commissioners

The law required the BSA Applicant Review Panel to review all applications and select the first eight commissioners, who would then be responsible for selecting the remaining six.

Commission Action: This was the first task faced by the Commission. All discussions and actions continued to be fully transparent, all agendas were posted in accordance with the Bagley-Keene Open Meeting Act (Bagley-Keene), and deliberations were live-streamed on the Internet.

Commissioner Information/Suggestion(s): There was a full and public discussion of applicants under consideration, and the public selection was conducted by random draw using ping pong balls. However, some commissioners felt this random draw constrained the available choices for the additional six commissioners. Even though random draw was mandated by law, there were concerns that other alternatives should have been considered. Also, although commissioners were to represent the diversity of California interests in assuring and expanding the franchise, there was some concern about the need to clarify the nature of relationships with the various partners involved in the public redistricting process.

5. Selection of Final Six Commissioners

The initial eight commissioners were required to review the remaining applicant pool and carry out a public and transparent process to select the remaining six, to complete the Commission with a total of 14 members.

Commission Action: The selection of the first eight Commissioners was carried out through a lottery system, and the remaining six were vetted and selected through a full consideration of all remaining candidates and their qualifications under the three primary selection criteria. There was overall agreement that the overall process was handled well.

Commissioner Information/Suggestion(s): This selection was carried out with much discussion and debate regarding the various talents and backgrounds of the remaining applicants within the context of the Commission's need to reflect California's

demographics while being able to develop and function as a team to meet its legal mandates. There was some concern regarding the lack of representation from the lesser-populated areas of the state. Even though mandated by law, there was expressed concern regarding the “blind” vetoes by the Legislature and the lack of public disclosure of the reasons why certain applicants had been struck from consideration by each of the two major political parties. Under the statute, each of the two major political parties were able to eliminate candidates from the remaining list through a “blind veto” (i.e., blind to the public) without having to provide any justification or reason for striking them out.

6. Training of the First Eight, and the Final Six, Commissioners

The great majority of commissioners had limited experience and knowledge working within the state bureaucracy or about how the CRC could work successfully within its agency/departmental structure. To address this need, several trainings were scheduled and provided to the CRC.

Commission Action: The Commission received available training within a very tight timeline, even though commissioners had a limited understanding of the types of information and knowledge that would be required as the CRC moved forward in meeting its mandates.

Commissioner Information/Suggestion(s): Training was uneven for both sets of commissioners (sometimes jokingly referred to as the “lucky ones” and the “chosen ones”). The short timeline compressed opportunities for fullness and comprehensiveness; this time period has now been extended through statutory amendment. The lack of adequate training was especially true for the last six commissioners, who were relegated to watching videos of the training the first eight had received. Commissioners recommend advance planning of topics and schedule so all commissioners are appropriately trained; perhaps the first eight should only be trained on the selection process for the final six, with the full training component carried out once the full Commission is seated. This plan should include a strategy for training of any “replacement” commissioners during the ten-year term of the Commission. An additional concern was the constraint on commissioners from educating themselves about general redistricting via available national and regional conferences, workshops and trainings. It should be mentioned that this constraint was imposed on the advice of counsel.

III. Setup and Operations

1. Commission Setup and Operations

Commission Action: Given the short time available, staff did their best to secure adequate facilities, albeit temporary, and to organize operational protocols and processes.

Commissioner Information/Suggestion(s): The next Commission could use the extra time to be thoughtful about the setup phase, which includes hiring staff, identifying

needed resources, conducting public outreach, and map drawing. It should also expand IT and GIS support in-house instead of contracting these functions to outside vendors.

2. Commissioner Socialization/Team-Building

Commission Action: A disparate group of public citizens, now high-profile commissioners, were brought together and expected to function as a team in meeting a most challenging and politically provocative mandate.

Commissioner Information/Suggestion(s): Informal and after-hours gatherings by commissioners for dinner and socializing was critical for team cohesion and mission commitment. It created a culture of listening, collegiality, and respect, which enabled commissioners to deal with tough issues in the glare of the public eye. Future commissions could consider participating in sessions led by consultants and aimed at the development of high-performance teams. Overall, the Commission bonded as a team even though there were differences of opinion on a number of items.

3. Commission Election of the Chair/Vice Chairperson

Once the fourteen commissioners were in place, they needed to establish a leadership process for moving forward.

Commission Action: The first eight commissioners had initially elected a Chair to lead the process during the selection of the remaining six, as mandated by statute. Once the final six were selected, the full Commission decided on a shared governance model, with rotating Chairs and Vice Chairs. The commissioner who served as Vice Chair for the previous meeting became Chair for the next session of business meetings. To maintain fairness of leadership, the Chair and Vice Chair had different party affiliations. Most commissioners volunteered to be part of this process.

Commissioner Information/Suggestion(s): As required by law, commissioners agreed to the immediate election of a Chair, as uncomfortable as this was, given that they were literally strangers and unaware of each other's background and experience. Once commissioners became acquainted, it soon became apparent that as a group they possessed a broad variety of skills which could strengthen and focus the Commission. The notion of a rotating leadership model was actually suggested by a member of the public and was initially opposed by several commissioners and the staff. Nevertheless, a system of rotating leadership was accepted, and every commissioner was given a chance to serve. A few individuals excluded themselves at first, but they eventually inserted themselves into the rotation. The executive director drew up the rotation to ensure that at no time would the Chair and Vice Chair be from the same party. The Commission suggests this system of rotating chairs be considered as a way of sharing responsibility and to guard against one particular individual or faction usurping the process.

4. Hiring of the Executive Director

Once Commission leadership was established, next on the agenda was the hiring of an executive director (ED). The Secretary of State (SOS) was asked to provide the necessary support to publicize this position and recruit applicants.

Commission Action: The Commission collaborated with the SOS to hire an ED. An attorney from SOS assisted the Commission and provided legal advice on the process, and an human resources specialist presented on state hiring guidelines.

Commissioner Information/Suggestion(s): Once the pool of applicants was narrowed down, the full Commission interviewed candidates and selected an individual who was familiar with state government processes and had relationships with most of the state agencies which would be involved. Although a few commissioners felt outreach and recruitment of the executive director should have been more extensive, candidates' knowledge, background, and experience with state agencies were considered critical for the job. Actually, there were four jobs posted by the Secretary of State primarily through state recruitment channels, so one had to either be a state employee or someone familiar with state government to find these job postings. The job postings had stringent conflict-of-interest criteria and this eliminated many potential candidates. Regarding other staff hiring, the CRC timelines did not allow for a traditional recruitment process, so the Commission was forced to conduct short job searches and quick turnaround times. The Commission suggests allocating additional time for it to carry out its tasks, and this should allow for a more deliberate and adequate vetting of candidates.

5. Hiring of the Staff Attorney/General Counsel

The CRC began with an attorney on temporary loan from the SOS and, as mandated by law, it was required to hire its own independent legal counsel. While counsel from SOS was provided during the transition from BSA to becoming fully independent, new counsel was hired to defend the Commission and the final district maps.

Commission Action: The Commission tasked its recently hired executive director with advertising for this position, specifying items related to conflict-of-interest criteria. Given the absence of specifics within the language of Proposition 11, this conflict-of-interest criteria was discussed and debated at length. Once the position description was posted, conflict-of-interest criteria eliminated several potential applicants. The remaining prospects were interviewed by the full Commission, and a candidate from the Sacramento area with extensive state agency experience was selected.

Commissioner Information/Suggestion(s): Future Commissions should broaden the pool of these applicants, recognizing that the strict interpretation of political conflicts of interest might eliminate most if not all viable candidates. It should seek applicants that are proven problem-solvers, have broad experience advising boards and commissions,

and have extensive knowledge and experience with the Voting Rights Act (VRA) and its enforcement. Beginning the hiring process earlier should yield a larger pool.

6. Hiring of the Public Information Officer

A public information officer was necessary to handle all media logistics, advise the Commission on its message, and otherwise manage all public information aspects of its work.

Commission Action: The Commission tasked the executive director with recruitment of qualified applicants and to work with a committee to review applications and put forth recommendations for consideration by the full Commission. As with the general counsel, conflict-of-interest criteria limited the number of qualified candidates. The Commission chose not to hire the ED's first choice and instead hired a Sacramento-based applicant that was considered to be more well-rounded than the others.

Commissioner Information/Suggestion(s): Commissioners felt fortunate to have found someone with broad PR experience that included traditional and social media. However, links with ethnic media were not as strong and future commissions should place more emphasis on those communications channels to enhance participation and engagement from these typically underserved communities. Also, the Commission suggests finding someone who can meet the challenge of coaching 14 different personalities. It should be vigilant in identifying and eliminating candidates who could pursue the limelight for themselves. As part of the interview process, the Commission should ask candidates to develop and present a sample press release on a hypothetical hot redistricting issue.

7. Hiring of Other Staff

Commission Action: The executive director was tasked with recruitment and hiring of other support staff to assist the Commission. As with other positions, all hiring had to be approved by the full Commission. It is worth mentioning that the Commission directly supervises only one employee, the executive director, and he/she in turn supervises and manages the rest of the staff. To clarify, the rest of the staff works for the executive director and all supervision and management lies within his or her purview. There were times when issues of protocol arose when commissioners went directly to staff without notifying the ED, and this led to needless confusion.

Commissioner Information/Suggestion(s): Commissioners felt staff support was highly qualified and responsive to Commission needs. The Commission suggests the next CRC work to ensure key support staff has a working knowledge of state contracting, procurement, and reimbursement procedures, as well as resourcefulness, teamwork, and strong public interaction skills. The use of annuitants was crucial for staying within budget while hiring staff with strong backgrounds for the tasks at hand. The CRC suggests that commissioners should not be involved in the management of subordinate staff. The hierarchy should be clearly delineated and commissioners should know from

day one where to go with a concern, criticism, or suggestion. The governing structure should include a personnel committee, either as a separate committee or as a subgroup under the “Finance and Administration Committee” as was implemented by the 2010 CRC. This body will serve to advise the ED on job descriptions, to inform commissioners about personnel policies and procedures, to liaison between the ED and the Commission, and to conduct appropriate evaluations of higher-level staff in consultation with the ED. The evaluation of the ED is in the hands of the full Commission.

8. Hiring of Voting Rights Act (VRA) Attorneys

The constitution required the hiring of VRA attorneys to advise the Commission in compliance with this Act.

Commission Action: The Legal Advisory Committee took the lead, in concert with the ED, in recruiting and selecting a VRA-qualified attorney/firm to assist and advise the Commission. The Commission ultimately selected two firms with different strengths and skill sets to provide a balanced and tactical team approach to address any and all expected legal challenges.

Commissioner Information/Suggestion(s): Due to the tight timeline, the process for hiring VRA attorneys was severely constrained. The next Commission should begin the process much earlier to allow for a more extensive and thorough recruitment and selection. It should take care to evaluate VRA experience, recognizing that even if applicants have previous partisan representation, that should not be a primary criteria for disqualification. The reality is that most firms will have “political” conflicts of interest and these are very difficult to evaluate given the high profile of the Commission’s work. Ultimately, it should select someone who can be impartial in representing the Commission and that can provide sound legal counsel.

9. Hiring the Mapping/Technical Consultant

The ultimate product of the CRC was the drawing of maps that were VRA-compliant and met all the criteria mandated by Proposition 11. Consultants were hired to fulfill this task.

Commission Action: The Commission directed the ED to post a request for proposals (RFP) and search for qualified firms to carry out this mapping process. Ultimately, a consultant associated with the Statewide Database was selected.

Commissioner Information/Suggestion(s): Due to the application of strict conflict-of-interest criteria to an already small pool, the number of available candidates came down to only two, and both were alleged to have partisanship in their background. Of these two, a firm associated with the Statewide Database was hired, as the other candidate was eliminated for being “non-responsive” to the RFP by failing to disclose key information. The contracted firm performed admirably given the circumstances of rushed hearing and mapping tasks. The CRC suggests an earlier start time to allow the Commission to cast a wider net for applicants, with an eye on selecting firms with little or no connection to

political institutions. Also, the public needs to know up front that this contractor works for the Commission, and that the Commission draws the lines, not the contractor. In the interest of providing clarity and transparency, the Commission should have preliminary discussions with potential applicants regarding the application of conflicts criteria.

10. Hiring of the RPV Consultant

To meet the requirements of the Voting Rights Act, specifically Section 2 and Section 5, data on the actual or potential incidence of racially polarized voting (RPV) within the state had to be collected, analyzed, and interpreted. Therefore, consultants were contracted for these tasks and to render legal advice to assist with the drawing of VRA compliant district maps.

Commission Action: The Commission delegated to the Legal Advisory Committee the tasks of advertising for and recruitment of an RPV consultant and to present a recommendation. The timeline was extremely tight given the date of release of census figures and, as a result, the first set of draft maps were drawn without the benefit of this type of voting analysis.

Commissioner Information/Suggestion(s): Again, it would have been helpful to have started recruiting earlier in the process, perhaps even before the census data were released. As already indicated, the first draft maps were presented without the availability of any RPV data. The next cycle should strive to have at least three viable VRA consultants to select from. Also, if the intention is for these RPV experts to be supervised by the Commission's general counsel for privileged and confidential reasons, then this general counsel also should have broad experience with VRA in order to direct the consultant. Actually, the RPV consultant was a subcontractor of the VRA attorneys. If the RPV consultant's work product is to be disclosed, his work should be available to the Commission to discuss sources and conclusions.

11. Hiring of Additional Staff Analysts

Although a number of excellent staff were hired to manage and conduct the administration and legal compliance of the Commission's work, it was necessary to hire other specialized staff analysts to advise on other areas.

Commission Action: Given the tight timeline and budget, the ED suggested utilizing the state's annuitant pool, which could be tapped for a number of specialized tasks. Even though annuitants provided excellent service, there were areas of need that called for other types of specialized information and/or analysis. However, the Commission's work was moving so fast that recruiting and hiring these staff would not have provided timely benefits. As a result, the Commission was left to conduct individual research and/or to depend on information provided at hearings by the public.

Commissioner Information/Suggestion(s): The CRC relied on its mapping consultants to provide basic demographic information about each part of the state. However, this did not include other sources of data which would have been helpful with local and regional

analyses, especially of communities of interest. The Commission strongly suggests hiring additional staff/analysts to provide comprehensive data on geographic elements/barriers, tax base, employment, socioeconomics, ethnicity and protected classes profiles, income, industries, and other areas as needed and appropriate.

12. Hiring Process and Logistics of Staff Personnel

Given the procedures followed to empanel the Commission, there was limited time for posting positions and then interviewing and hiring staff. This time limitation forced the SOS to hire a few positions, acting on behalf of the CRC, to enable the Commission to transition quickly and to stand on its own. Since this hiring process was carried out through state government channels, it resulted in a state government-based staff which in turn resulted in locating CRC headquarters in Sacramento.

Commission Action: The Commission was supportive of the executive director's recommendations for staff hires. The retired annuitant pool was a great source of experienced part-time staff. A few protocol issues arose when individual commissioners were trying to do the work of the staff or bypassing the executive director and speaking to staff directly. Overall, commissioners felt the ED and support staff carried out their duties admirably given all the time, logistical, and budget challenges that were presented.

Commissioner Information/Suggestion(s): The ED was allowed to hire support staff, although commissioners felt they should be involved in the selection and hiring of general counsel and the communications director. Commissioners suggest setting up a process for regular, closed session feedback sessions for the ED to raise issues and concerns. The next Commission should have full budget oversight with regular reports on expenditures and available funding. There should be a personnel committee to establish and review personnel practices and ensure regulatory compliance.

13. Hiring of Staff and Logistics with State Contracting Procedures

Time limitations provided challenges in developing, posting, and acting on Requests for Proposal/Requests for Information (RFP/RFI) requests, bid proposals, and final contracts. In this regard, state regulations proved onerous and time-consuming.

Commission Action: The Finance and Administration Advisory Committee was involved in the development of RFPs even though other commissioners would have liked to have had more involvement. The Commission was supportive of the ED and his staff as they worked through all challenges related to state contracting procedures. The experience and connections of the ED and support staff with state agencies allowed for the use of various fast-track mechanisms available within the state's standard processes.

Commissioner Information/Suggestion(s): The next Commission will have additional time to more effectively deal with the lengthy and cumbersome RFP and RFI processes. The Commission should be more directly involved with the substance and structure of RFPs and associated timelines. This should be worked through the Finance and

Administration Advisory Committee with feedback and reports back to the full Commission. The Commission should be trained up front on how the state process works.

14. Rotating Chair/Vice Chair Responsibility

The Commission was immediately faced with the task of establishing a leadership structure to guide the fulfillment of its mandates. A system of rotating Chair/Vice Chair was established once the full Commission was empaneled.

Commission Action: This system served the Commission well throughout all the various phases to include data collection, public hearing and outreach, line drawing, litigation, and resolution of all legal challenges. Once its mandates had technically been fulfilled, the Commission began to dismantle its staffing structure, to reduce its facility footprint and to close out its budget. As a result, the Commission was decentralized geographically, and the rotation system was replaced with longer-term and geographically representative leadership. It was agreed to select a Chair and Vice Chair (one from Northern California and one from Southern California) to continue during the balance of the ten-year service commitment. Annual elections would be held to select and elect this leadership.

Commissioner Information/Suggestion(s): This rotation process worked well overall. The next Commission may want to revisit the term of service for Chair and Vice Chair and protocols for chair hand-offs among and between Commission leadership, and ensure this passage of responsibility is not handled exclusively by the ED. The next cycle should establish “job descriptions” and guidelines for these leadership functions.

15. Delegation of Authority

Delegated authority, primarily to the Chair and Vice Chair, was an effective way to move Commission processes forward while still maintaining the ability for the full Commission to make final decisions about redistricting. Keeping delegated authority to two commissioners of different party affiliations was also effective, and worked to keep it as impartial as possible.

Commission Action: The challenges associated with meeting Bagley-Keene requirements and tight timelines led to delegation of authority to two individuals empowered to speak for the Commission on certain time-sensitive tasks. Although this delegation was usually given to the Chair and/or Vice Chair, there were times when other commissioners were entrusted with this responsibility depending on the topic or issue.

Commissioner Information/Suggestion(s): The next Commission should consider implementing delegated authority, although it should clearly define its scope and the maintenance of its multi-partisan/non-partisan nature.

16. Establishing and Ensuring Transparency

Commission Action: The Commission quickly implemented public access to all meetings, as well as videotaped and streaming videos. Given the tight timeline, there were a few instances where agendas were posted late on the website. Due to compliance with Bagley-Keene requirements, standing agendas included broad topic areas and were, therefore, not always specific about items coming up for discussion.

Commissioner Information/Suggestion(s): The process could be improved in regards to timing and posting of meetings (and transcripts) to the website, as well as having increased access and interactive processes for the public. Commissioners suggest posting a five-minute video and/or a one-page executive summary of all actions taken at each meeting. Written transcripts should be posted as soon as practicable, with searchable indexing system capabilities.

17. Public Communications

Overall, the process for public input worked quite well.

Commission Action: The Commission provided opportunities for public comment at all meetings and invited input from the public on specific agenda items as they came up for discussion. It incorporated social media and other online vehicles for information dissemination.

Commissioner Information/Suggestion(s): Regarding upcoming business items, the Commission could post a question, or prompt, and solicit public input which would then be incorporated into their discussion. Training on social media should be provided to all commissioners early on. There needs to be a more intense and focused effort on outreach and engagement with ethnic media. Additional venues and/or extended times for public input at Commission hearings should be provided around the state. There were several hearings with large numbers of participants, and some speakers did not have a chance to present their information because of time constraints. Typically, the amount of time given to each speaker was three minutes, and sometimes it was necessary to whittle this down in order to accommodate the remaining speakers within the time available. This will perhaps be a greater challenge as independent citizen redistricting processes become more well known.

18. Advisory Committee Structure

Commission Action: Commissioners gave the committee structure mixed reviews. Some were concerned that Advisory Committee business ended up being repeated/rehashed at formal full meetings. However, it was generally recognized that, given the circumstances, Advisory Committees were a viable and effective solution for handling the immense workload and complex decisions that had to be made and acted on. One weakness was the scheduling of two or more committees at the same time, which precluded participation by those interested in both.

Commissioner Information/Suggestion(s): Although the committee structure worked well, the next Commission could delegate more administrative tasks to staff and consultants, which would allow commissioners to focus their energies on more substantive issues.

19. Agendas, Structure, and Process

Laying the necessary groundwork, rapid gearing up, ongoing foundational tasks, and a heavy workload did not always allow for clear and specific agendas.

Commission Action: Bagley-Keene posting requirements forced the Commission to work with “standing agendas” which listed general topics under each advisory committee heading. Every effort was made to anticipate and list specific items to be discussed but this was not always possible. Unfortunately, the fluid nature of Commission business called for the discussion of items not specifically identified in the standing agendas, although they were within the purview of the various committees. A great deal happens between two-week periods (the Bagley-Keene 14-day posting requirement), and there were issues that called for an immediate decision or vote in order to get something done in a timely manner. In keeping with its commitment to 14-day postings, meetings were scheduled as a contingency just in case issues arose that required quick action. Consequently, this confused the public regarding meeting days, times or locations, specific agenda items, or whether the Commission was actually going to meet at all! The Commission attempted to keep the public informed as soon as it was clear that a meeting was going to be held and a more specific agenda was posted. This sometimes did not occur until just a few days before the actual meeting.

Commissioner Information/Suggestion(s): Unless there is a waiver to Bagley-Keene, agendas for the next Commission will continue to be a moving target. One suggestion is to establish a clear process for posting and subcommittee reporting. Also, if the next Commission uses standing agendas, these should be as detailed as possible. Since there will be additional time for planning, items of business should be scheduled systematically for consideration.

20. Structure and Process of CRC-Administration-Attorney-Consultant Communication and Coordination

Commission Action: The Commission established a two-commissioner rule on internal communications which limited Commission effectiveness. This rule specified that discussion on Commission business was limited to only two commissioners. Beyond this restriction, any and all communication between the Commission and attorneys and consultants had to go through the executive director, and this curtailed and constrained adequate discussion and thus hampered decision-making.

Commissioner Information/Suggestion(s): The ED should facilitate more direct communication between the entire Commission and attorneys and consultants, and

distribute and post information for review prior to meetings. With the exception of the Chair and Vice Chair, commissioners sometimes received agenda information for first time during Commission meetings or the day before. This required quick processing of complex information by commissioners, and a quick decision or vote was often necessary. The next Commission could focus on more clearly centralizing the flow of information through the Chair or Vice Chair or an Advisory Committee with timely dissemination to all commissioners and the public.

21. Use of Personal versus Public Equipment

Commission Action: The lack of available equipment and the low quality of such equipment forced commissioners to utilize their own computers, smart phones, and Internet resources. This was problematic since this potentially made all commissioner files “discoverable” given the specter of impending lawsuits, and the potential disclosure of personal information and files was unsettling at the very least. Eventually, smartphones and Wi-Fi Internet access units were made available, but most commissioners continued to use their own computers.

Commissioner Information/Suggestion(s): Commissioners should be provided with all equipment necessary to carry out its mandates.

22. Per Diem and TEC Reimbursements

Commission Action: Completed per diem and travel expense claims (TEC) forms were required for reimbursement of personal expenditures by commissioners when conducting Commission business. In an effort to comply with fiduciary responsibilities, the Commission decided to set guidelines for what constituted an official meeting for reimbursement purposes and defined a “day” as a total of six hours of involvement with official Commission business.

Commissioner Information/Suggestion(s): Guidelines regarding allowable and non-allowable items should be established early. To prevent confusion, commissioners should receive training at the beginning of their service. Also, online forms completion should be available, and processing should be centralized with one staff member. Staff should establish firm timelines for form submission so as to monitor budget expenditures. Future commissions should establish guidelines that define what represents an official “meeting” and a “work day” for reimbursement and/or compensation purposes.

23. Business Meetings

By law, all Commission meetings were accessible to the public. These included public hearings, committee meetings, and business meetings.

Commission Action: Business meeting agendas were always packed, with some items requiring immediate deliberation for a vote or decision. It was impossible to predict how much time each agenda item would take, so some items were crunched at the end. On a personal level, attendance at the numerous meetings presented many challenges to

individuals who had their own businesses and employment responsibilities. Admittedly, meetings could have been run more effectively

Commissioner Information/Suggestion(s): Advisory committees should meet the evening before business meetings to maximize effectiveness. Reference materials for agenda items should be provided to commissioners at least 72 hours prior if at all possible. Teleconferences would also reduce transportation, lodging, and related costs and allow greater public participation. Business meetings can also be alternated between the Sacramento/Bay Area in the north and the Los Angeles-metro in the south.

24. Business Locations

The Commission was required to provide public access to all meetings regardless of location, and live-streaming and audio-video requirements called for equipment that was not readily available at some of the preferred venues.

Commission Action: Searching for and securing venues that had the necessary Internet and communications infrastructure was a challenge. The State Capitol and the Sacramento area became the most practical and cost-effective option.

Commissioner Information/Suggestion(s): To provide maximum public access and participation, business meetings also should be scheduled in Southern California, where the bulk of the population resides. For safety reasons, all locations should be Americans with Disability Act (ADA) compliant and have rear exits and restrooms and eating areas reserved exclusively for the Commission. When business meetings were combined with public hearings, the venues were not always appropriate, but this issue can be addressed with more advance planning. Adequate funds should be set aside to ensure adequate facilities are available.

25. Commissioner Seating

The CRC staff generally took responsibility for seating of commissioners at the various meeting locations, with the Chair and Vice Chair having the central seats typically in a straight or curved configuration facing the public. Some venues were lecture hall-type facilities, so some commissioners had their backs to the audience. Also, in an effort to present information to the public, video presentations were sometimes projected on screens located behind commissioners, and this was awkward and ineffective. Commissioners then would have to turn around or access the information online, and this presented its own set of problems.

Commission Action: Regarding seating arrangements, commissioners asked staff to mix up seating order for the sake of fairness and effectiveness.

Commissioner Information/Suggestion(s): Commissioners should be assigned seats randomly. Visual mediums should be in front of Commission seating and not behind or

over the shoulder. Commissioners should have adequate workspace to accommodate computers, notebooks, and other working materials.

26. Commissioner Voting (alphabetical versus random, etc.)

Voting was done either by roll call vote or by consensus. Initially, the order for voting was left up to staff, and going alphabetically was the easiest. Commissioners with last names early in the alphabet were sometimes at a disadvantage if the wishes of the total Commission were not readily discernible.

Commission Action: At times, commissioners asked staff to mix up the voting order, but when agenda discussions became hectic, the alphabetical system was the default.

Commissioner Information/Suggestion(s): Develop a scheme/system for truly random voting.

27. Logistics (e-mails, phone calls, business cards, etc.)

There were many challenges in setting up the Commission; one of these was finding suitable and stable facilities. The Commission was housed temporarily in a state facility so commissioners' business cards did not have a permanent address. Since commissioners are appointed for a ten-year period, this becomes problematic.

Commission Action: Since commissioners were prohibited from private communication with the public on redistricting matters, e-mail services were primarily for internal use. Similarly, direct phone conversations with the public regarding redistricting were prohibited.

Commissioner Information/Suggestion(s): The Commission suggests establishing a permanent location or post office box address that will be stable for the ten-year duration if at all possible. Also, explore the possibility of setting up virtual phone numbers through the Internet.

28. Redistricting Software Training

Commission Action: The training provided to the two separate membership groups of commissioners was different. The first group of eight received training that was wide-ranging and enlightening regarding state demographics, while the second group was provided video links and handouts, and they were expected to catch up on their own. Even then far too much material was left to each commissioner to learn on the fly. As a result, there was a disparity of understanding of some redistricting issues, which at times slowed the process and/or led to needless dissension and debate. Commissioners were advised by counsel against accessing or utilizing any mapping-related software on their own, since this constituted potentially "drawing maps outside of a public meeting." As a result, commissioners had to learn about mapping processes once mapping was actually initiated. This unnecessarily slowed the process, and contributed to a poor first set of draft maps and not being able to put forth a second draft set. Voting Rights Act training

was quite basic, although handbooks were provided to commissioners. Of the areas covered, VRA and application of mandated criteria were two that could have used more attention.

Commissioner Information/Suggestion(s): One suggestion is to provide potential applicants with links to reliable information sources, so they come in with a basic level of understanding. Also, this Commission can serve as a resource for the next cycle. Some form of mapping software training should be provided ahead of the actual mapping process. Tools could be identified ahead of time, and the Commission could get clear direction from counsel on their use and practice. Guidelines could be established for commissioners to attend trainings at conferences on redistricting. Future commissions should perhaps include having experience with GIS as a desirable skill.

29. Voting Rights Act (VRA) Training

Commission Action: Voting Rights Act training was quite basic. It was supplemented by several handbooks which provided more in-depth information, and commissioners had to review those on their own.

Commissioner Information/Suggestion(s): Provision of more extensive training in this area is recommended, perhaps by a law professor partnering with a practicing attorney. This training should be high priority, along with other redistricting and line-drawing training.

30. Audio/Video Assistance (options, cost, alternatives)

Commission Action: The CRC hired audio/video consultants to record and live-stream all business meetings.

Commissioner Information/Suggestion(s): The next Commission should hire at least one tech-savvy staff member who can explore all options for providing full transparency and public access of meetings and materials. The CRC must publish searchable transcripts and index-capable videos within 48 hours of every business meeting. The Commission should explore how technology can make these processes more cost-effective. The consultants hired were terrific!

31. Posting of Business and Input Meetings

Bagley-Keene was a challenge, but commissioners and staff were able to work within its mandates.

Commission Action: In order to meet posting requirements, CRC used standing agendas for all potential meeting days to avoid the problem of missing adequate notice. Once the actual days were determined, the other days were cancelled. This was confusing to the public (and to commissioners) but necessary to ensure that Bagley-Keene requirements were met.

Commissioner Information/Suggestion(s): Fully explore technological options to make posting more efficient and less confusing. Consider limitations within underserved communities who may have limited access to new media. Publish public service announcements and blurbs in Community Events sections of local newspapers, especially regarding public input meetings.

IV. Community Input/Hearings

1. CRC-Public Communication via Website

The Commission conducted a total of 34 public hearings during a ten-week time period. The tight timeline and the combination and intersection of hearings with the mapping phase compressed the time for line drawing, and this proved to be a huge challenge.

Commission Action: The Commission established public comment e-mail accounts that allowed commissioners to check public comments on the go. Coding by geographical region was helpful, especially for those teams working those areas. The volume of public comments that came to the Commission, especially after the first draft maps were posted, quickly became difficult for individual commissioners to effectively monitor.

Commissioner Information/Suggestion(s): The next Commission should endeavor to carefully plan and establish a balance between the input and mapping phases. It should also be aware of potential e-mail spoofing schemes designed to advance a particular point of view benefitting one or more groups. It should be prepared for an anticipated deluge of electronically submitted public comments and materials. It should develop a method for indexing, analyzing, and summarizing public comments. Consider hiring an agency to monitor and organize all public input, provide summary reports to CRC, and also look for ways to increase web interactivity with the public.

2. Public Education Process

Commission Action: Due to short timelines and budget issues, the Commission did not do much in this area and relied on its nonprofit partners to fill the void. Efforts to provide basic information on mission and process at input hearings was attempted, but time limitations rendered it largely ineffective.

Commissioner Information/Suggestion(s): A few areas for education are assistance with explaining applicable criteria, how to provide effective and relevant input, and establishing realistic expectations of what redistricting can and cannot do. The notions of “neighborhood” and communities of interest need to be carefully defined and clearly articulated to the public. There was much ambiguity in testimony that arose because of the vagueness in the communities of interest (COI) definitions used by the CRC and the public. Public education should begin well ahead of the selection of the next Commission. A potential partnership with Census 2020 could be established as a vehicle for accomplishing this. Anticipating a diminished level of support by the nonprofit sector,

the next Commission should allocate funds for public education. There should be a defined focus and outreach targeting unserved and underserved populations.

3. Solicitation of Public Comment

Compliance with Bagley-Keene is a must.

Commission Action: Within budget and time constraints the CRC provided targeted outreach for public comment primarily through traditional media, but with a heavy reliance on nonprofit partners.

Commissioner Information/Suggestion(s): This issue goes hand-in-hand with public education. Use any and all traditional and nontraditional media, social media, community organizations, and business associations to inform the public regarding opportunities to provide input. Provide simple and workable formats for submission of public input/comments. Effective use of low-cost channels such as ethnic and social media will be critical elements moving forward.

4. Working with Community-Based Organizations

Commission Action: Once it became clear that funds were not available for outreach and public education, the CRC had to depend on nonprofit-sector community partners to carry out these functions. Of particular value was the collaboration among community partners in their map presentations, which allowed for more focused and effective suggestions to the Commission on how to address COI, especially in urban areas. The Commission was threatened with litigation by individuals and groups if their suggestions were not implemented. There were some concerns about undue influence of some partners. However, the great majority of commissioners felt these partners provided a needed and indispensable service to the process.

Commissioner Information/Suggestion(s): The next Commission should continue to cultivate relationships with community-based organizations who often speak for members of underserved communities who would not otherwise participate in the input process. However, it is important to treat stakeholders equitably. While organized groups often represent the views of many people, their opinions are not more or less important than those of other individual citizens—each of whom may offer important insights.

5. Formats for Receiving Information

Commission Action: The CRC did not provide adequate education or instructions to the public on formats for providing information. As a result, there was a great variety of documents from hand-drawn maps and written comments to fully documented, graphically organized presentations.

Commissioner Information/Suggestion(s): The next Commission needs to establish guidelines and processes for receiving input for all media formats and for all major spoken languages. A workable indexing system should be established for both

commissioners and the general public. A system of automatic translation would also be terrific. To avoid repetition of the same information by multiple speakers, consider developing a process for “ceding” time by one input speaker to another and establish guidelines that allow this and prevent hijacking of meetings by particular groups. Consider providing standardized electronic templates for comments and for maps that can be easily integrated by mappers. The Commission should decide whether this is the duty of the legislature through its responsibility for the Statewide Database, or whether it will be up to the Commission to work this out.

6. Organizing/Formatting Received Input

Commission Action: This Commission was unable to establish a system for map information, so almost all maps were provided in written form. Given limited time at public hearings, many members of the public were not able to provide their testimony, even though they had waited for hours.

Commissioner Information/Suggestion(s): The next Commission should closely consider population density in determining where to hold hearings across the state. Given Southern California’s larger proportion of residents, coupled with the Commission’s experience of overcrowded Southern California hearings in 2011, it is suggested that a larger number of hearings be held in the southern half of the state in future redistricting cycles. There were a number of requests for hearings in the northernmost areas of the state, as well as in the mountain and desert regions. If resources allow, these locations could be built into the outreach plan.

7. Public Display and Posting of Information

Commission Action: The public was not always clear on how to access the central database.

Commissioner Information/Suggestion(s): The next cycle should set public access as a priority, with consideration of translation into all the major spoken/written languages.

8. Input Meeting Locations

Commission Action: Commission business was primarily located and conducted in Sacramento, except for input hearings around the state. Business meetings and input hearings were held mostly in areas of high population density or strategically and centrally located to ensure the most access. Even then, the public from northern counties and southern desert areas had to drive long distances to participate.

Commissioner Information/Suggestion(s): The next Commission must be aware of time restrictions provided by various venues available for input hearings. It should consider issues of parking, safety and security. Venues should have separate eating areas, separate restroom facilities, and rear exits for commissioner safety.

9. Input Meeting Structure

Commission Action: The Commission was totally open to hearing from any and all individuals and groups at hearings and business meetings.

Commissioner Information/Suggestion(s): The next cycle can consider subdividing areas for discussion into sections so presentations can be more focused. Having a means for technical projections of maps being presented would be beneficial to both commissioners and the public. At the beginning of each meeting, the public should be reminded of acceptable and non-acceptable comments and behaviors. Protocols should be in place to handle any emergencies and/or disruptions that may arise. Breaks and time for lunch or dinner should be scheduled.

10. Times and Length of Meetings

Commission Action: The Commission allowed for comments from as many participants within the allowed meeting times as possible. The CRC provided a diversity of meeting times and days of the week in an attempt to accommodate as large an audience as possible. The three hours allocated for each hearing quickly became inadequate, given the large number of speakers. The Commission decided that input hearings required the attendance of all commissioners, even though there were suggestions for subsets who could represent the full commission, thereby increasing the number of hearings and covering more territory.

Commissioner Information/Suggestion(s): There is a practical limit to how much information a commissioner can take and process, as well as how long she or he can sit and listen. The next Commission should schedule periodic breaks and time for lunch and dinner. It should set a maximum time for each hearing or break it up into two separate days. Meeting times can be varied to accommodate the typical work schedules for key industries in the region. It should consider establishing systems for virtual submission of comments.

11. Locations

Commission Action: The primary location for business meetings and mapping was in Sacramento. Due to tight timelines and budget, staff sought out suitable facilities for meetings/hearings that were provided at little or no cost.

Commissioner Information/Suggestion(s): There were a number of requests for hearings in parts of the state that were under-represented; namely, the northernmost areas of the state and the mountain and desert regions. The next Commission should consider an equal number of meetings between the Sacramento/San Francisco and the Los Angeles metro areas, although the larger population of Southern California argues for a larger share of sessions in the southern part of the state.

12. Eligibility of Speakers

Commission Action: The Commission debated eligibility criteria to identify and determine what constituted an “eligible community organization” for the sake of participation at specific groups-only input sessions; this proved to be largely unnecessary. Although there were seemingly impromptu groups who presented, they were fairly obvious and did not crowd out those that were or seemed bona fide.

Commissioner Information/Suggestion(s): The next Commission may want to discuss and make decisions about the potential manipulation of the input process. This suggestion is not meant to discourage commentary or the mobilization of speakers but simply to point out that it is possible to “stack” testimony or mislead the Commission.

13. Other Comments regarding the Community Input Process

Commission Action: N/A

Commissioner Information/Suggestion(s): The next Commission should plan and implement a comprehensive outreach and public education campaign. For the public hearing phase, the Commission should announce the rules for providing input in advance and explain the rationale for the hearings and process. It ought to provide signage with information on CRC and input formats and find ways to solicit participation from areas that have been traditionally unserved or underserved. It should not defer to groups that threaten, or have the means, to file a lawsuit.

V. Mapping

1. Mapping Process/Format

Commission Action: The Commission was required to conduct all line drawing at sessions fully open and accessible to the public. It hired consultants who were tasked with taking recommendations from the public under the direction of the Commission and bringing changes to the next meeting for review and consideration by the Commission.

Commissioner Information/Suggestion(s): The next Commission needs to understand the complexity of overlapping communities of interest. It should provide mappers enough time to incorporate suggestions from commissioners and the public. Also, it should schedule more regional breakout sessions and more days for actual line drawing work with consultants.

2. Visualizations

Commission Action: As previously mentioned, the public did not fully understand the process and content for provision of their input and how this input was incorporated into map configurations. The Commission directed mappers to incorporate mapping input into sets of visualizations. Members of the public cried foul since this “mapping” would occur off-line and not be accessible to the public. The Commission responded that these were

not actual maps but a simple way to visualize “what if” situations. These visualizations helped both commissioners and the public to see how public input and comments translated onto a map configuration. One drawback was their development in isolation from the surrounding areas and COI. It was one way for the Commission to capture the fast-moving action in regards to line drawing.

Commissioner Information/Suggestion(s): The next Commission should clarify for the public the implementation of ranked criteria, with VRA and equal and numerically similar populations being the highest level for consideration. It also should thoroughly explain the use of visualizations and their purpose as “what if” schemes for evaluating possibilities.

3. Approaches to Mapping (VRA, regional, by district-type, etc.)

Commission Action: The Commission debated several options regarding where to start with line drawing: north to south? metro areas first, then outward into less populated areas? existing districts then modify using mandated criteria? Once the Section 5 districts in the middle of the state were drawn, it became obvious these would be the drivers both going north and south. Starting from the north and going south worked well. In the absence of definitive VRA information, the first set of draft maps was drawn without the benefit of racially polarized voting (RPV) analysis data. As a result, the CRC was immediately criticized for some very obvious errors.

Commissioner Information/Suggestion(s): The VRA district options must be drawn first; these are the first puzzle pieces! This is vitally important, especially in the Section 5 districts and to a lesser degree with Section 2 districts. Perhaps the first “draft map” should include only the VRA districts. (Note: There is a real possibility that the Voting Rights Act, specifically Section 5, may be modified so as to create a different set of circumstances and priorities for redistricting.) Next, it should consider working with the Assembly and Senate districts, since they are so intertwined with an eye on blending as required by the criteria. Also, the Board of Equalization (BOE) map drawing should be given adequate time.

4. Draft Maps (number, timing display options, etc.)

Commission Action: Due to lack of time and the absence of RPV data, the Commission provided only one set of draft maps, even though its intention had been to provide a second set of drafts.

Commissioner Information/Suggestion(s): Given the additional time available, the next Commission could consider providing more than one statewide draft map and set a timeline accordingly. The first map should at a minimum include VRA districts informed by RPV analysis data. These draft maps must be widely published by the media to allow for public consideration and meaningful feedback.

5. Setting Public Expectations

Commission Action: The Commission was eager and excited to hear from the public but quickly realized there was a confusion regarding the application of constitutional criteria.

Commissioner Information/Suggestion(s): The next Commission ought to include information about constitutional criteria in their public education campaign. It should clarify how the CRC must balance competing testimony within constitutional guidelines and mandates.

6. “Live” Sessions

Commission Action: The live sessions were streamed on the Internet in front of live audiences and reflected the final stages of draft maps and “clean up” of areas such as neighborhoods, streets, and small-scale COI that could be done in one sitting. Instructions were provided to mappers for completion while the Commission and the public were in session.

Commissioner Information/Suggestion(s): The next cycle may consider providing periodic summaries for the public, for monitoring and feedback purposes.

7. Time to Review Recommendations

Commission Action: Given the tight timeline to produce appropriate and legally defensible maps, commissioners worked feverishly during the line-drawing phase, and this was very challenging. Map configurations were moving targets, and adequate time for reflection was not always available.

Commissioner Information/Suggestion(s): The next Commission ought to provide a timeline that allows adequate time for review of map drawing, and especially of any sets of draft maps published for the public.

8. Benefits/Disadvantages of a Single Location for Mapping

Commission Action: Given the challenge of finding adequate facilities, the McGeorge School of Law was a saving grace. Being in Sacramento, it was very convenient for the CRC’s Sacramento-based staff. Since this space was dedicated for our purposes, our technical consultants did not have to break down their equipment and set it up again the next day. However, although McGeorge was a good facility, its lecture hall seating arrangement did not allow for face-to-face interaction among commissioners.

Commissioner Information/Suggestion(s): The next cycle could consider finding a Southern California location for some of the mapping activities. Especially at the latter stages of drawing, it should establish one location that is dedicated to mapping and allows equipment to remain set up from day to day.

9. Physical Needs, Length of Sessions, Technological Interactions with Public, etc.

Commission Action: Although consultants did an excellent job with their tasks, the equipment was not always the best. Sometimes, due to the particular facilities layout, and in deference to the public, the screen projections were behind the Commission.

Commissioner Information/Suggestion(s): The next cycle should secure large and colorful screens, as well as powerful projection equipment, for mapping purposes. Mapping software should be accessible by commissioners through their computers so they can follow the action and connect virtually with each other. It should plan for and facilitate acceptance of commentary and input from remote sites. For commissioners, ensure there is sufficient drinking water, healthy snacks, and adequate furniture so they can sit comfortably for long periods of time.

10. Other Comments Regarding the Mapping Process

Commission Action: N/A

Commissioner Information/Suggestion(s): The next Commission ought to balance the CRC's need to move quickly with the public's need to understand the process in order to engage. The VRA counsel should provide timely legal guidance in this area to commissioners so they can better plan an approach to drawing VRA-based districts. It should maintain the system where a particular mapper was in charge of a particular region of the state. Also, there is a need to plan and schedule sufficient time to prevent compression of the process at the end.

VI. Post-Mapping/Litigation

1. Communication Surrounding Litigation

Commission Action: Commissioners were advised to not have any communication or discussion about redistricting matters with the public, the media, community partners, or each other outside of public meetings. Even though each of the two firms hired had their special areas of expertise, communications challenges still arose. The CRC established a system where only two commissioners (with legal experience/background) communicated with these firms.

Commissioner Information/Suggestion(s): The next Commission should have special topic trainings about legal issues, such as communications during litigation. Such training should clarify and establish guidelines on the legalities around communication among more than two commissioners.

2. Representation (multiple versus one legal firm, type of firms, etc.)

Commission Action: Ideally, the Attorney General will defend the CRC and the state against litigation, as this would be the most cost-effective. When the AG declined to

represent the CRC, it was decided to hire two specialty firms as the best way to go, given the legal challenges that confronted the Commission.

Commissioner Information/Suggestion(s): The next Commission should hire specialty firms if necessary to best represent it for the range of expected litigation. Consider mitigating the expense of multiple firms by soliciting pro bono services and/or negotiating terms that minimize billable hours for inter-firm meetings, and clearly specify which firm is the lead for specific issues. The Commission should be involved in directing the activities of all its legal counsel, leaving staff to manage interaction between outside counsel and the Commission.

3. Legal Advisory Committee

Commission Action: The Commission gave delegated authority to two commissioners with legal backgrounds to interface with and provide oversight of legal counsel. This was invaluable as they were able to break down and explain the various legal approaches and arguments both for and against certain positions. They did most of the heavy lifting, and the Commission put its trust in their good judgment.

Commissioner Information/Suggestion(s): Consider cross-training and educating non-lawyers so they can understand the legal considerations and obligations of the Commission.

4. General Counsel–VRA Attorneys Collaboration

Commission Action: Some commissioners felt there was a disconnect between our general counsel and the two legal firms hired to represent us.

Commissioner Information/Suggestion(s): The next Commission must be involved (through a legal Advisory Committee or another mechanism) in directing the actions and legal research being undertaken by legal consultants instead of allowing this to become a staff responsibility. The VRA attorneys must provide timely and accurate legal advice. The role of general counsel regarding his or her responsibility for oversight of special counsel should be clarified. The general counsel should have a background with VRA if at all possible, especially in the enforcement aspects of the law.

5. Public Records Act Requests Within Confidentiality

Commission Action: Commissioners did not always clearly understand the process for compliance with PRA (Public Records Act) requests, especially as related to the disclosure and submittal of personal confidential information unrelated to Commission business that was on computers, smart phones, and personal individual accounts.

Commissioner Information/Suggestion(s): The next Commission should provide training about PRA requests and compliance. It should establish guidelines that set aside immediate compliance of requests until after periods of hectic input hearings and line-drawing/mapping are over.

6. Working with Legislative Staffers

Commission Action: The Commission appointed a two-person ad-hoc committee to work with legislative staffers on the statutory amendment process and to advocate for and represent its interests. A list of relevant issues was identified and discussion of back-and-forth negotiations was held in open session.

Commissioner Information/Suggestion(s): The next Commission should consider establishing earlier contact with legislative staffers and identify potential allies with the legislative leadership. There is also a need for additional training to fully understand the legislative bill processes.

7. Negotiations Process with Legislative Staffers and Advocacy

Commission Action: The two-person Statutory Amendment Ad-hoc Committee took the lead with negotiations of statutory amendments. Even though the Commission had final endorsement authority over all amendments, the legislature still held the power of the purse, and this power was used to whittle away at various CRC recommendations. Information on issues and positions was brought back to the full Commission. There was vigorous debate and consensus items were moved forward. Community partners were also helpful with input and advocacy in support of the Commission.

Commissioner Information/Suggestion(s): Even though the Commission was able to include several key items, the next Commission should rally increased support from community partners and legislative allies to put forth stronger positions. This could be accomplished with a carefully planned and articulated lobbying campaign.

8. Timeline for Process

Commission Action: Even though this Commission was able to get the timeline extended for the next cycle, it will still be a hectic and intense process in accomplishing all its tasks.

Commissioner Information/Suggestion(s): The next Commission should plan for pending litigation and statutory amendment recommendations as the process is unfolding, so as to be prepared for these inevitable challenges. There is an urgent need for an adequate litigation budget, as lack of an adequate funding scheme almost left the Commission without legal representation when it was challenged in the State Supreme Court. All post-map activities should be charted out on a timeline and systematically dealt with ahead of time. Perhaps it should conduct a commissioner survey before developing recommendations for statutory amendments. As the Commission is appointed for a ten-year period, funding is allocated only through the mapping and the post-litigation phase. There is much that can be accomplished during the interim eight to nine years to keep the public informed, conduct evaluations and research on the process, work and collaborate with other government agencies to coordinate activities, and disseminate information on redistricting.

VII. Hyperlinked Appendices

California Citizens Redistricting Commission

<http://wedrawthelines.ca.gov>

Application Process

http://wedrawthelines.ca.gov/application_regulations.html

Bagley-Keene Open Meeting Act 2004

http://ag.ca.gov/publications/bagleykeene2004_ada.pdf

Budgets, Initial and Final

January 21, 2011 Budget

http://wedrawthelines.ca.gov/downloads/crc_public_meeting_20110121_budget.pdf

Report on Actual and Estimated Costs (June 5, 2012)

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

California Constitution, Article XXI, S 2, sub. (c)(6)

http://www.leginfo.ca.gov/const/article_21

**This is a duplicate of information provided below under “- Article XXI of CA Constitution”*

Article XXI of California Constitution

http://www.leginfo.ca.gov/const/article_21

**This is a duplicate of information provided above under “- Cal Const., art. XXI, S 2, sub. (c)(6)”*

Court Cases

Arizona Legislature v. Arizona Independent Redistricting Commission (2015) 576 U.S. ____;

<http://www.scotusblog.com/case-files/cases/arizona-state-legislature-v-arizona-independent-redistricting-commission/>

Vandermost v. Bowen (2012) 53 Cal. 4th 421; <http://caselaw.findlaw.com/summary/opinion/ca-supreme-court/2012/01/27/257443.html>

Eligibility Criteria

http://wedrawthelines.ca.gov/downloads/eligibility_requirements.pdf

Final Maps

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

California Assembly Districts: <http://wedrawthelines.ca.gov/maps-final-draft-assembly-districts.html>

California Senate Districts: <http://wedrawthelines.ca.gov/maps-final-draft-senate-districts.html>

California Congressional Districts: <http://wedrawthelines.ca.gov/maps-final-draft-congressional-districts.html>

California Board of Equalization Districts: <http://wedrawthelines.ca.gov/maps-final-draft-board-of-equalization-districts.html>

Guidelines on the Submission of Statewide and Multiple District Plans

http://wedrawthelines.ca.gov/downloads/meeting_handouts_may2011/handouts_20110521_groupinputguide.pdf

Hearings (including dates and locations)

<http://wedrawthelines.ca.gov/hearings.html>

Legislative Amendment Process and Recommendations Approved

Ch. 271, Cal. Stats 2012;

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB1096&search_keywords=redistricting (amending the Voters FIRST Act and Voters FIRST Act for Congress to shift duties from Secretary of State to State Auditor; to require the California Citizens Redistricting Commission to display the first preliminary maps no later than July 1 of years ending in "1;" subsequent preliminary maps for at least 7 days, and final maps for at least 3 days; and other minor changes)

Ch. 318, Cal. Stats 2012;

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120AB1986&search_keywords=redistricting (allowing the California Citizens Redistricting Commission to use the last known address of incarcerated persons in carrying out its redistricting activities)

Process for Hiring Contractors

State Administrative Manual

<http://sam.dgs.ca.gov/TOC.aspx>

Citizens Redistricting Commission (CRC) Conflict of Interest Code from March 2011:

http://wedrawthelines.ca.gov/downloads/meeting_handouts_mar2011/CRC_conflict_code_20110323.pdf

The CRC Conflict of Interest Code is regularly updated. The most recent version can be requested from these sources:

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Citizens Redistricting Commission
1017 L Street, PMB 563
Sacramento, CA 95814

Archives
Secretary of State
1020 O Street
Sacramento, CA 95814

Recruitment and Selection Process

<http://wedrawthelines.ca.gov/selection.html>

Statewide and Multiple District Map Presentations: Input Hearing Policies and Procedures

http://wedrawthelines.ca.gov/downloads/meeting_handouts_may2011/handouts_20110521_groupinputpolicy.pdf

Voters FIRST Act (Propositions 11 and 20)

http://wedrawthelines.ca.gov/downloads/voters_first_act.pdf

Voting Rights Act Reports and Information

http://wedrawthelines.ca.gov/downloads/meeting_handouts_072011/handouts_20110714_gdc_memo.pdf

http://wedrawthelines.ca.gov/downloads/meeting_handouts_072011/handouts_20110714_gdc_memo_attachment.pdf