

Fair Maps in the State of California

The 2020 California Citizens Redistricting Commission's Successes and Challenges

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Executive Summary

California is a leader in how it conducts state and congressional redistricting. For the second time in its history, the state redrew its state legislative and congressional district lines using an independent redistricting commission that was fundamentally fair, open, and focused on the right priorities for California's communities. This report looks back at the processes and outcomes of California's 2020 statewide redistricting process, highlighting what worked well and what can be improved in future redistricting cycles.

The report draws contrasts between the 2020-22 commission process in California and both the legislative-drawn map process in 2000-02 and the first commission's 2010-12 process. It analyzes several redistricting outcomes, including commission unanimity on final map approval and the anticipated impact of the maps on communities of color currently underrepresented in the legislature. The report highlights the 2020 commission's recruitment and selection (and controversies contained within); staffing, onboarding, and training; and public education and outreach. The report then highlights how the 2020 commission handled voting rights and communities of interest (COIs), including recommendations for ways to improve transparency around voting rights in the future. The report ends with a focus on mapmaking and live line-drawing; and on public comment, participation, and transparency.

One key finding of this report is that institutional design matters. The California Citizens Redistricting Commission (hereafter "commission") process, by design, is massively more participatory, inclusive, and

transparent than redistricting conducted by state legislatures. This leads to outcomes that empower communities of interest and that reduce the direct influence of political actors. Further, when the 2020 commission faced hurdles, the constitutional, statutory, and regulatory framework for California's independent redistricting process helped the commission successfully navigate those hurdles.

Despite early challenges around commissioner recruitment, commissioner selection, training, and staffing, the 2020 commission found its footing and held almost 200 fully public, live streamed meetings. The 2020 commission heard from tens of thousands of Californians and hundreds of organized constituency groups on topics such as the early design of the commission's processes to key mapping decisions at the commission's deadline. Public comments from organized advocates on the ground were essential to the iterative mapmaking process. Feedback from the public was robustly incorporated in the final months of the line-drawing process, leading to significant changes to draft maps. The commission ultimately built consensus across party lines to unanimously pass maps for the House of Representatives, State Senate, State Assembly, and Board of Equalization. To date, the maps have not been challenged in court, in contrast to the ongoing legal battles in many of the states where legislatures drew maps. This report offers a number of recommendations – several of which the 2020 commission is already exploring – that should be considered to improve the process for future redistricting cycles.

Topline Recommendations Looking Ahead to 2030

Recommendations regarding mapmaking

1. To ensure appropriate time is spent on the most populous and most diverse areas, and to ensure appropriate attention is paid to complex issues of Voting Rights Act (VRA) and communities of interest compliance, future commissions should start with the Los Angeles region and Southern California. After prioritizing Southern California, the next commission should use data to determine other geographically important regions – those with the largest populations, most VRA compliance issues, the most COIs, and the most severe inequities impacted by questions of representation.

2. The 2030 commission and all other redistricting bodies should continue to use live line-drawing, stream public meetings, and facilitate remote participation when feasible to enhance transparency.

Recommendations regarding voting rights, communities of interest, and race

3. To continue to protect the rights of voters of color, the legislature should codify protections against minority vote dilution into state law. Such a law could consider the state's multi-ethnic and multi-racial electorate.
4. In order to provide transparency to the public, the commission should release summaries of ability-to-elect and racially polarized voting analyses, including which elections were used to conduct those analyses.



Recommendations regarding public comments, public inputs, and commission transparency

5. Future commissions should explore new techniques of quantitative text analysis to make it easier for commissioners and staff to intake and process large volumes of public comment. They should allocate more staff time to reviewing, summarizing, and reporting out COI submissions and responses to draft maps, especially at the end of the process when public submissions increase but staff and commissioners are simultaneously busy finalizing maps and the final report.
6. Future commissions should adopt a policy that treats public input received through social media communications the same as other types of public input submissions, including the formal tracking and posting of comments made via social media to the commission and individual commissioners.
7. To fulfill the goal of transparency, and to increase ease of participation for Californians who do not follow the commission's work every day, future commissions should maintain a specific and easily searchable place on their websites for the policies they adopt and other important documents related to their work.

Recommendations regarding commissioner recruitment and selection

8. To maximize resources and recruit a more diverse applicant pool, the California State Auditor's Office and other statewide officials should work with the current commission to incorporate redistricting education and recruitment into the state's census outreach infrastructure, which includes subgrants. Greater outreach by trusted messengers to California's hardest-to-reach communities allows for the casting of a wider and more diverse net of applicants to the commission, which was a challenge identified early in the 2020 process.
9. Commissioner per diem/pay should be increased in order to yield a more diverse applicant pool.
10. Philanthropy should deepen early investments in community-based organizations to ensure intensive applicant recruitment and support is being done in the most marginalized communities, and in particular in the Latino community that was significantly underrepresented in the 2010 and 2020 initial applicant pools.
11. To ensure full transparency in the selection process, the state's legislative leaders, who are permitted by law to strike names from the final applicant pool, should be required to release the names and rationales for their respective strikes. The finalist strikes provided to legislative leadership represent the only stage in the full commission process in which transparency is actively deprioritized.



Recommendation for staffing, training, and onboarding:

12. Commission onboarding and training should be strengthened to make the best use of early weeks and months. The State Auditor's Office, with input from the 2010 and 2020 commissions, should build a comprehensive training plan for the 2030 commission and provide the opportunity for public input before the plan is finalized. Future commissions should engage in a simulated mapping experience using out-of-state geographies to give the new commissioners a fuller understanding of the complexity of integrating COI submissions (that may conflict), ensuring VRA compliance, and working with census data, all while applying rank-ordered constitutional line-drawing criteria.

Recommendations for outreach

13. The state legislature should act to ensure that future commissions have the discretion to direct outreach funds to a philanthropic organization or a nonpartisan grantmaking agency, so that public outreach and education is carried out by trusted nonpartisan, nonprofit community messengers.
14. Future commissions should ensure that redistricting materials are translated into numerous languages, and are widely accessible to Californians who speak languages other than English.
15. The 2020 commission, or a nonpartisan outside group, should conduct an evaluation and analysis of past outreach efforts to assess what did and did not generate public engagement, what did and did not spur participation from hard-to-reach communities, and what was and was not cost-effective. Such evaluation of what was done in 2020 will inform strategic outreach efforts that will have an impact in 2030.

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I

The Big Picture

The Big Picture: The California Citizens Redistricting Commission is the Gold Standard

California is a leader in the United States when it comes to redistricting reforms. In 2008 and then again in 2010 – via Propositions 11 and 20 – California voters took the power to redraw lines away from state legislators by creating what is arguably the nation’s first truly independent statewide redistricting process, led by the California Citizens Redistricting Commission.¹ These reforms were championed by then-Governor Arnold Schwarzenegger and a host of nonpartisan, good government, and civil rights advocates, including the League of Women Voters, California Common Cause, the NAACP, AARP, Asian Pacific Islander Legal Outreach, and more.²

What is redistricting?

Redistricting is the redrawing of district lines that are used to elect legislative candidates. Every 10 years, after the census, congressional and state legislative districts in California must be redrawn so they are equal in population and meet other constitutional and legal criteria.

While it is not without its challenges, California’s independent redistricting process has been called the gold standard nationwide

for fair and participatory redistricting.³ By design, the selection of the commission is a transparent process with the opportunity for the public to comment on applicants and watch interviews of finalists. Once selected, the commission’s onboarding and much of its hiring is conducted via public meetings and with public input. Before line drawing even begins, the commission invests time and energy to hear directly from community organizations and the state’s residents. The line-drawing process is conducted live for the public and offers multiple opportunities for Californians to respond to and suggest changes to draft maps.

In other words, Californians watch, comment on, praise, complain about, and monitor the commission’s work at every stage of the process. The transparency and iterative participation, mandated by the constitutional amendments and their statutory implementing provisions, lead to a lengthy and public-facing redistricting process that is dramatically different from the behind-closed-doors mapmaking that occurs when legislators draw their own districts.⁴ The 2020-22 statewide redistricting process in California was, by raw number of public inputs, the most participatory in the state’s history and possibly the most participatory redistricting process

1 Although the Arizona independent redistricting commission preceded California’s commission, California’s was the first where the legislature plays no affirmative role in choosing commissioners. As described herein, California’s legislative leaders strike applicants in the later stages of the selection process, but they do not affirmatively choose commissioners. In contrast, state legislative party leaders affirmatively select four out of five Arizona commissioners.

2 Gerry Shih, 2010. “Tackling Redistricting with Money and Zeal.” New York Times. 7 October.

3 For instance, see Emily Rong Zhang. 2021. “Bolstering Faith with Facts: Supporting Independent Redistricting Commissions with Redistricting Algorithms.” California Law Review. See also “The Fight for Democracy Continues During the Pandemic,” where Common Cause President Karen Hobert Flynn noted that “California is a model for the nation, and...California continues to be a model that people want to emulate.” Also, for summaries of the process leading up to Propositions 11 and 20, and the 2010 redistricting process in California, see Karin MacDonald. 2012. “Adventures in Redistricting: A Look at the California Redistricting commission.” Election Law Journal 11:4; Angelo N. Ancheta. 2014. “Redistricting Reform and the California Citizens Redistricting Commission.” Harvard Law and Policy Review 109; and Raphael J. Sonenshein, 2012, When the People Draw the Lines, Report for the League of Women Voters.

4 See Don Thompson, 2021. “California Redistricting Commission Defends New State Maps.” Associated Press/KCRA.

ever in the history of the United States.⁵

Just as important as the transparency, participation, and independence elements of the process are the line-drawing rules. California's constitutional redistricting provisions mandate compliance with the U.S. Constitution and the federal Voting Rights Act, and provide precise, rank-ordered criteria that guide the drawing of districts and protect against bias. These criteria have been praised by redistricting experts, especially in contrast to other states' ambiguous criteria.⁶ Both the 2010 and 2020 commissions extensively discussed these criteria prior to mapping and during their mapping deliberations.⁷ As discussed later in this report, the criteria provided the commissioners with the guidance and guardrails needed to produce fair maps.

The 2010 commission – California's first commission – produced maps that were feted as exemplars of how the process should be conducted, especially in contrast to the way the California state legislature had previously drawn maps.⁸ The 2020 redistricting cycle was the second time a citizen redistricting commission would redraw California's maps. The 2020 commission started its work no longer a novel institution and it faced great pressure given the success of the 2010 commission. It also faced several challenges the 2010 commission did not, including the

COVID-19 pandemic; navigating remote meeting platforms; the loss of a congressional seat for the first time in the state's history, necessitating a major re-draw of the state's congressional map;⁹ and significant delays in the release of the U.S. Census Bureau data required to begin redistricting. Ultimately, the 2020 commission stepped up and delivered maps before its deadline. The maps, to date, have not been challenged in court.¹⁰

California's independent redistricting process has shaped the country. How California's district lines are drawn will have a major impact on the state and the country for the next decade and beyond. California's 52 U.S. House districts comprise 12% of the country's 435 congressional districts. This means more than 1 in 10 U.S. House members hail from districts drawn by California's independent redistricting commission.

In total across the entire country, about 20% of congressional districts used in the 2022 elections were drawn by independent commissions. Even further, about 50% of congressional districts across the entire country used in the 2022 elections were drawn by someone other than state legislatures.¹¹ California's model has been deployed and copied around the country as

5 As detailed later in this report, the number of public comments and public meetings for the 2020 commission far exceeded the very large numbers in 2010; and exceeded what was observed in other states.

6 Michael Li. 2022. "What Went Wrong with New York's Redistricting." Brennan Center Explainer, June 7.

7 For instance, the 2020 commission discussed these criteria in detail at their September 29, 2021 meeting when discussing a mapping "playbook" that they would follow in drawing lines. This September 29 meeting occurred right before the commission began its map visualizations, which preceded the commission's draft maps.

8 "California's Ambitious Experiment on Redistricting Reform Gets Nod from Harvard." Harvard Ash Center for Democratic Governance and Innovation News. July 13, 2017.

9 Ben Christopher. 2021. "California loses congressional seat for the first time." Cal Matters 6 May.

10 The legal deadline was extended by the California Supreme Court due to the delay in the U.S. Census Bureau's redistricting data. See "New California Redistricting Deadline + The Enviro Voters." Sacramento Bee, September 23.

11 This number is based on counting the number of congressional districts redrawn in states with independent commissions, in states with hybrid or politician commissions, and states where the courts redrew maps instead of legislatures or other entities. Counting only California, Colorado, Michigan, and Arizona as independent commissions, 20% of U.S. House districts were drawn by these four states in 2021. Another 20% of U.S. House seats used in the 2022 elections were ultimately drawn by courts. Other states like Iowa and Virginia use other forms of redistricting that are not independent commissions, but that do not rely solely on the legislature.

fewer state legislatures and more independent commissions draw the lines.

This report analyzes the 2020 California citizens redistricting commission's process, focusing on successes and areas for constructive improvements that can inform

future redistricting commissions, both in California and across the country. While the outcomes and processes of the commission were praised by many, and are rightly praised here, there were also significant challenges and areas for improvement that this report addresses.

Bipartisan and nonpartisan praise for the California citizens redistricting commission

“The first implementation of a new reform is always something to be celebrated. However, making a new system work for a second time is the real test. California has shown that having residents, not politicians, draw the lines creates districts that are more representative, and that this method of drawing districts is here to stay.”

Carol Moon Goldberg, President, League of Women Voters of California

“In California, ... the Citizen's Redistricting commission took input from tens of thousands of residents and delivered more competitive congressional maps this year reflecting the state's diversity.”

Kathay Feng, National Redistricting Director, Common Cause

“For California, I think the best thing we can do to ensure a fair redistricting has [already] been done. By a vote of the people, the redistricting process has been taken out of the hands of the legislature and placed into an independent commission.”

Senator Alex Padilla (D-CA)

“Fourteen California citizens showed they are democracy action heroes. The California citizens redistricting commission worked together across party lines to unanimously support California's new redistricting maps....I am proud of the California citizens redistricting commission for serving as a model for how this should be done in every state.”

38th California Governor Arnold Schwarzenegger (R-CA)

A note on the report's methods and analysis

This report's analysis is based on quantitative data, reviews of 100s of hours of public meetings, and about 50 hours of direct conversations with approximately 40 observers, advocates, civic engagement reformers, current commissioners, former commissioners, academics, journalists, and other stakeholders. This report analytically summarizes what happened with the 2020 commission, and incorporates many new ideas for potential policy reforms and best practices that emerged from these conversations. Of course, not all accounts and not all good ideas from these interviews are able to land in the report given inconsistencies and disagreements across stakeholder views as well as due to space constraints. It is, thus, not a "report out" of interviews but is instead a high-level analysis, summary, and set of recommendations for the future informed by these interviews as well as other data. Please see the appendix for the list of stakeholders, advocates, and others who were interviewed, consulted, or relied upon in other ways to produce this report.

II

Constitutional Criteria Followed by the 2010 and 2020 Redistricting Commissions

Constitutional Criteria Followed by the 2010 and 2020 Redistricting Commissions

What makes the California redistricting process unique? In addition to the commission drawing the lines instead of a state legislature, the California constitutional provisions passed by the voters spell out very specific criteria for drawing districts. Commissioners are to follow six criteria, all rank ordered and detailed in Article XXI, Section 2(d) of the California Constitution.¹² When drawing lines for Congress, the State Legislature, and the Board of Equalization, the commission must follow the following criteria in this ranked order:

1. **Population equality.** Congressional districts must be equal in population. State legislative districts should have “reasonably equal” population equality, with some deviation in population across districts permitted for voting rights compliance and other purposes.
2. **Voting rights compliance.** The second highest ranked criterion states that “Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).”
3. **Districts shall be geographically contiguous.** Contiguity means a district must be whole and the boundary must connect around the entire district.

4. **Geographic integrity of cities, counties, local neighborhoods, and local communities of interest.**

The fourth ordered criterion says districts must respect city, county, local neighborhood, and community of interest boundaries when possible. Communities of interest are those that share “common social and economic interests that should be included within a single district for purposes of its effective and fair representation.”¹³

5. **Compactness.** The fifth ordered criterion encourages that districts be geographically compact. It is not absolutely required that districts be compact, because voting rights compliance, contiguity, and communities of interest are higher rank-ordered criteria and complying with those criteria will not always enable districts to be tightly and compactly drawn.¹⁴ Further, California’s natural geography includes coast lines and other features that can yield less compact districts; and its cities and communities of interest are also not always geographically compact. However, after achieving the first four criteria, compactness is a goal of drawing districts in California.

¹² For more on the ranked-ordered criteria and their impact on the 2010 process, see Vladimir Kogan and Eric McGhee, 2013. “Redistricting: Did Radical Reform Produce Different Results?” In Ethan Rarick, ed., *Governing California*, 3d edition; and Nicholas O. Stephanopoulos, 2012. “Communities and the California Commission.” *Stanford Law and Policy Review* 23:281.

¹³ Article XXI, Section 2(d)4 of the California constitution.

¹⁴ For more on the challenges of measuring compactness, see Bernard Grofman and Jonathan Cervas, 2021. “Recent Approaches to the Definition and Measurement of Compactness.” SSRN.

6. **Nesting.** The last criterion suggests that Senate districts could include two nested Assembly districts. There are 40 Senate districts and 80 Assembly districts. While this is numerically feasible, it is not always likely because the other five criteria will make it very challenging for a commission to nest Assembly districts in Senate districts. This sixth and last criterion also says that 10 Senate districts can be placed in one of the four Board of Equalization districts. There are only four Board of Equalization districts, and 40 Senate districts.

Key institutional design provisions in the California Constitution for state redistricting

Transparency in its process: “The commission shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.” Art. XXI, Sec. 2(b).

Independence and diversity in the selection process: “The selection process is designed to produce a commission that is independent from legislative influence and reasonably representative of this State’s diversity...The commission shall consist of 14 members, as follows: five who are registered with the largest political party in California based on registration, five who are registered with the second largest political party in California based on registration, and four who are not registered with either of the two largest political parties in California based on registration.” Art. XXI, Sec. 2(c).

Supermajority voting requirements: “Nine or more affirmative votes [of commissioners] shall be required for any official action. The four final redistricting maps must be approved by at least nine affirmative votes which must include at least three votes of members registered from each of the two largest political parties in California based on registration and three votes from members who are not registered with either of these two political parties.” Art. XXI, Sec. 2(c)(5).

Protection against self-interested line-drawers: “Each commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible for a period of 10 years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this State. A member of the commission shall be ineligible for a period of five years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or to register as a federal, state or local lobbyist in this State.” Art. XXI, Sec. 2(c)(6).



Rank-ordered criteria must be used in drawing districts: The commission must apply the following criteria, in order of importance: population equality and compliance with the US Constitution; the protection of voting rights and compliance with the Voting Rights Act; geographic contiguity; the protection of cities, counties, municipalities, or other communities of interest; geographic compactness; and nesting. If these criteria conflict with one another, the higher rank-ordered criteria are to be used in drawing maps. Art. XXI, Sec. 2(d).

Regulations for state litigation over completed maps: “The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the Legislature if it determines that funds or other resources provided for the operation of the commission are not adequate. The Legislature shall provide adequate funding to defend any action regarding a certified map.” Art. XXI, Sec. 3(a).

III

Outcomes of the 2020 California Redistricting Process

Outcomes of the 2020 California Redistricting Process: A Diverse Commission, Unanimous Map Approval, and Greater Diversity in Who Is Elected

Before examining the 2020 commission process in more detail, it is important to highlight some of the key outcomes of the 2020 commission and its redistricting. Once all commissioners were seated, the 2020 commission was incredibly diverse because well-constructed features of institutional design corrected an initial draw of commissioners that significantly underrepresented the Latino community and perspective. This correction ensured a diverse commission with balanced perspectives. The 2020 commission was unanimous in its final votes on all of its maps, illustrating how the structure and design of the commission encouraged cross-partisan collaboration. Further, the 2020 maps continue a trend seen with the 2010 maps, in which independent redistricting contributes to more candidates of color and women winning office than maps drawn by self-interested and mostly male incumbent politicians. Finally, the maps drawn by the 2020 California commission show greater change, mathematically, than districts drawn around the country by sitting incumbents, suggesting the commission was willing to shake up the maps in response to public testimony and did not carry a pro-incumbent bias toward minimizing change.

Diversity by design: Gender, racial, and ethnic diversity on the 2020 California commission

The state law establishing California's redistricting commission embeds within the selection process mandates and mechanisms to select a diverse group of commissioners, a critically important facet of the process given the extent of California's tremendous diversity. The California Constitution says that the selection process should lead to a commission that is "reasonably representative of the state's diversity."¹⁵ At many steps in the process to select commissioners, those making selections to advance candidates are charged with considering the broad diversity of the candidate pool. This includes race, ethnicity, gender, geography, and more. While there are no explicit targets or requirements for specific groups or geographies, and the use of quotas is prohibited, the Auditor and Applicant Review Panel successfully factored geographic, gender, and racial/ethnic diversity in the 2020 commission finalist selection process; as did the first eight commissioners chosen who selected the final six commissioners.¹⁶

Racial/ethnic diversity of the final 14 commissioners on the 2020 commission.

The commission selection process outlined in state law provides for eight commissioners to be randomly selected out of the pool of finalists, to prevent any actor in the selection process from having improper influence, and then for those eight to select six additional commissioners from the pool of finalists,

¹⁵ California Constitution, Article XXI, Section 2(c)1.

¹⁶ For example, the State Auditor and the Applicant Review Panel considered diversity across a wide variety of dimensions in selecting its semi-finalists and finalists. See Jason Casellas, Michael Minta, and Christian R. Grose. 2021. "The California Citizens Redistricting Commission: Fair Maps, Voting Rights, and Diversity." USC Schwarzenegger Institute Report.

with the goal of balancing out any lack of diversity (racial/ethnic, gender, geography, etc.) on the commission following the random draw. As discussed in great depth later in this report, the first eight commissioners selected included no Latino members, which was hugely problematic in a state that has a nearly 40% Latino population and a 30.5% Latino citizen voting-age population (CVAP).¹⁷ The commission’s institutional design worked successfully to remedy this problem, with the eight commissioners randomly selected understanding that they needed to complete the commission in a way that added significant

Latino representation, and facing enormous public pressure and advocacy to do so.

Of the 14 commissioners who were ultimately seated on the 2020 commission, 29% identify as Latino (four commissioners), 29% identify as Asian American (four commissioners), 21% identify as Black (three commissioners), and 21% identify as non-Hispanic white (three commissioners). This makes California’s redistricting commission one of the most racially and ethnically diverse groups of people ever to redraw district lines in U.S. history. Further, the 2020 California commission was more racially and ethnically diverse than the State Legislature (as shown in Table 1).

17 This Latino CVAP percentage for California is based on the 2020 5-year American Community Survey data.

Table 1
The racial and ethnic diversity of the 2020 commission, the 2021 State Legislature, and the State of California

Race/Ethnicity	2020 Commission	California State Legislature in 2021	2020 California population	2020 California citizen voting-age population (CVAP)
Asian American	29%	12%	18%	15%
Black	21%	8%	7%	7%
Latino/a	29%	25%	39%	31%
Non-Hisp. white	21%	54%	35%	46%

Note: Race/ethnicity data for the 2020 commission taken from how the commissioners identified on their applications. Race/ethnicity data on the 2021 legislature is from PPIC.¹⁸

18 Jennifer Paluch, 2020. “Diversity in the California State Legislature.” Public Policy Institute of California, December 17.

Table 1 shows that Latino descriptive representation on both the California commission and the California State Legislature lags that of the overall Latino population in the state, though representation on the commission was closer to California's statewide Latino CVAP (see Table 3). Descriptive representation is defined as the presence of racial and ethnic groups in public commissions and legislatures.¹⁹ Asian American and Black descriptive representation on the commission outpaced representation in the state legislature.

Gender diversity of the final 14 commissioners on the 2020 commission, and additional forms of diversity. Redistricting commissions are much more likely to be descriptively inclusive of both men and women than are U.S. state legislatures. California's 2020 independent redistricting commission was the first majority-women decision-making institution ever to redistrict in California and one of the first in the history of the

19 Hanna Pitkin, 1967. *The Concept of Representation*. Los Angeles: University of California Press; Christian R. Grose, 2011. *Congress in Black and White: Race and Representation in Washington and at Home*, Cambridge University Press.

United States.²⁰ In 2020, 57% of California's commissioners were women and 43% were men. All other redistricting bodies prior to the 2020-22 redistricting cycle in the United States have been majority-male or in rare instances were gender balanced (like the 2010 California citizens redistricting commission, which had 50% men and 50% women at the time of commissioner selection).²¹

In contrast, every state legislature but one in the United States who redrew the lines in the 2020-22 redistricting cycle was majority-

20 While California's 2020 commission is the first majority-women entity to engage in redistricting in California, this descriptive achievement was accomplished alongside several other redistricting commissions during the 2020-22 redistricting cycle as well. California, Colorado, and Michigan all made history in 2020-22 as the first majority-women decision-making groups to conduct redistricting in the United States. Given the League of Women Voters' founding as a nonpartisan organization arose out of the women's suffrage movement in 1920, it is meaningful that the League's advocacy for independent redistricting commissions has led to greater empowerment and participation for women in the redistricting process more than 100 years after its founding.

21 The inaugural commission in California in 2010 had 8 men and 6 women in its final 14 commissioners who voted on the final maps. In the 2010 commission process, the initial selection included 7 men and 7 women, though this changed when a commissioner chose to withdraw soon after being selected. For more details on the 2010 commission, please see Raphael J. Sonenshein, 2012, *When the People Draw the Lines*, Report for the League of Women Voters. In 2010 and 2020, no commissioners identified as a gender other than man or woman.



male.²² Scholars have argued that there are institutional and structural biases against women – especially women of color – running for and winning in state legislatures.²³ When state legislatures redraw the lines, the lines are frequently redrawn by men to protect male incumbents. The gender diversity on the California commission could lead to representational outcomes encouraging more public participation by both men and women in the redistricting and electoral process.²⁴

Table 2 shows the gender diversity differences between the 2020 California citizens redistricting commission and the California state legislature circa 2021. In the absence of the voters having passed Prop 11 and Prop 20, the California state legislature would still be drawing the lines. When asked about the diversity on the commission, University of California, Los Angeles Professor Natalie Masuoka noted “Representation on the commission matters. Who is there to draw the lines makes a difference both symbolically and substantively in redistricting outcomes.”

22 The only state legislature that is majority-women was the Nevada state legislature, which also made history in 2021 by being one of only 4 redistricting bodies that was majority-women.

23 Christian Dyogi Phillips. 2022. *Nowhere to Run: Race, Gender, and Immigration in American Elections*. New York: Oxford University Press.

24 Some stakeholders interviewed, including commissioners and staff, noted that redistricting was traditionally a field dominated by men, especially among those who could be hired as consultants. The presence of so many women commissioners engaged in the 2021 redistricting process in California provides role models to encourage greater gender diversity in the future. Others also noted the gendered dynamics of the 2020 commission process, with targeted public criticism toward women commissioners, and with many of the critics being men. Some stakeholders of the process also pointed out that the harshest public comments were directed toward the female commissioners.

Table 2
Gender representation on the 2020 California Redistricting Commission vs. Legislature

	2020 Commission	California State Legislature in 2021 prior to redistricting
% Men	43%	67%
% Women	57%	33%

Note: Gender data for the 2020 commission taken from how the commissioners identified on their applications. Gender data on the 2021 legislature is from Cal Matters.

The 2020 commission also had diversity across a number of other critically important dimensions. Multiple commissioners identified as LGBTQ, the commission had disability representation, and there was significant geographic diversity, especially with more commissioners from Southern California than were found on the 2010 commission. However, the 2020 commission did not have extensive income diversity, as most of the commissioners had college or professional degrees and had high incomes.²⁵

Working across party lines: The 2020 commission was unanimous in its votes for all four maps

The final 14 California redistricting commissioners in 2020 reflected greater gender, racial, and ethnic diversity than the California state legislature and other redistricting bodies around the United States.

Political polarization in many U.S. state legislatures is higher than it has been in decades.²⁶ The increase in polarization between legislative parties means that redistricting done by legislators has a very good chance of cutting the minority party entirely out of the process and/or minimizing their electoral chances.²⁷ In contrast, California's 2020 commission worked across party lines to produce maps.

25 These data on income and other evidence of diversity are from the commissioners' applications or were referenced by stakeholders during interviews.

26 Political polarization within state legislatures has been increasing. For evidence of increasing polarization in state legislatures, see, e.g., Raymond J. La Raja and Brian F. Schaffner. 2015. Campaign Finance and Political Polarization: When Purists Prevail. Ann Arbor: University of Michigan Press; Cassandra Handan-Nader, Andrew C.W. Myers, and Andrew B. Hall. 2022. "Polarization and State Legislative Elections." Stanford Institute for Economic Policy Research.

27 In Ohio, for instance, redistricting in 2021 was conducted by seven elected officials, including four state legislators. This panel of elected officials almost always voted 5 Republican to 2 Democrat in its redistricting votes in 2021. Its votes on maps were highly partisan, and those same maps were rebuked regularly by the state supreme court. A similar gridlocked and/or partisan process played out in a number of states across the country where legislators drew the lines, as legislators sought to maximize gains for their political parties.

The law establishing the California commission builds in institutional guardrails that require work to be done across party lines if the maps are to pass successfully. There are at least three institutional design features embedded in California's independent redistricting commission that encourage individuals to work together and reach agreement. First, in the selection process, all applicants are reviewed by an Applicant Review Panel appointed by California's Auditor. One of the criteria in selecting semi-finalists and finalists for the commission is evidence of the ability to work together and problem-solve with other people. This is taken seriously: Application essays and interview questions require applicants to provide detailed examples of their experience with group problem-solving. Second, the law requires that the commission be composed of five registered Democrats, five registered Republicans, and four commissioners who are not registered with either of the two major political parties. Third, the commission has a supermajority vote rule where at least three commissioners from each of the three party groups must vote on major decisions, including the decision to approve maps. No map can be passed if the commission cannot reach agreement across party lines.²⁸

The 2020 commission's final votes on the maps were remarkably different than party-line votes in other states where legislators redraw the lines. The commissioners voted for maps with supermajority support across party lines – indeed, the 2020 commission passed its congressional, state legislative, and Board of Equalization maps unanimously. This was the first time California's commission passed maps unanimously. In 2010, there was

28 Similar supermajority vote requirements are also at play in the Colorado and Michigan independent redistricting commissions, used for the first time to redistrict in 2021 in those states. Both states' commissions were modeled after California's commission.

near consensus, though ultimately a lack of unanimity. 12 commissioners voted yes for the 2010 commission’s congressional maps and two voted no; and 13 commissioners voted yes for the 2010 commission’s state legislative maps and one voted no.

University of California, San Diego Professor of Political Science Thad Kousser said the 2020 commission’s unanimity was an important signal because it demonstrated that “the commission was able to deliver plans, deliver consensus, and get to some sort of a balance... and show it was effective.” Opponents of the independent redistricting commission back in 2008 and 2010 suggested the supermajority requirement of nine votes would result in gridlock and an inability to pass maps. However, the 2010 and the 2020 independent redistricting commissions showed that this supermajority institution instead forced commissioners to work with each other across party lines. Perhaps not surprisingly, the unanimously supported maps have not faced legal challenge since passage, saving California

taxpayers from footing the bill for costly legal defenses of maps.

Who ran and who won in the 2022 elections? The 2020 Commission’s map produced a more diverse State Legislature

In addition to the commission itself being gender, racially, and ethnically diverse, the commission’s maps also set the table for a State Legislature that more fully reflects the diversity of California. Examined over a longer time horizon, we can see how California’s move toward independent redistricting and away from a system dominated by (largely male) incumbents has resulted in greater gender representation.²⁹ Table 3 shows the number of women elected to the California State Legislature in 2022 as compared to the number of women elected in the Legislature under the old maps.

²⁹ Eric McGhee and Jennifer Paluch, “Redistricting and the Changing Demographics of the California Legislature,” Blog Post, PPIC, Feb. 1, 2023.

Table 3
Percent of state legislators elected in redistricting years, by gender³⁰

	2002 (first legislature after the last legislative-drawn maps)	2012 (first legislature after 1st commission-drawn maps)	2022 (first legislature after 2nd commission-drawn maps)
Women state legislators	19%	23%	42%
Men state legislators	81%	77%	58%

³⁰ The source for the 2021 and 2012 data is the Center for American Women and Politics (CAWP) at Rutgers University. The 2022 data are from Cal Matters. CAWP data are here: <https://cawp.rutgers.edu/election-watch/women-state-legislative-elections-historical-state-state-summary#ca>. The

Table 4 examines the change in racial and ethnic diversity in the legislature, showing how the maps produced by the 2020 commission resulted in more candidates of color advancing past the top-two primary and into the general election, and also resulted in more candidates of color winning office. The table charts the total number of Asian, Black, Latino, and non-Hispanic white state legislators in California elected in the 2002 elections, which were legislative-drawn maps; elected in the 2012 elections, the first under the 2010

commission's maps; and elected in 2022 under the 2020 commission's maps. More people of color were elected in commission-drawn maps than in the last legislative-drawn map. Drawing new district maps that focused on communities of interest and voting rights compliance may have helped contribute to these increases in racial and ethnic diversity after the 2022 elections.³¹

31 Of course, there are many factors that lead to increasing gender, racial, and ethnic diversity in the legislature. In particular the growth of the Latino and Asian American population in California has been a significant factor in increased ethnic diversity in the legislature.

Table 4
Percent of state legislators elected in redistricting years, by race/ethnicity³²

	Serving after 2002 elections (first legislature after the last legislative-drawn maps)	Serving after 2012 elections (first legislature after 1st commission-drawn maps)	Serving after 2022 elections (first legislature after 2nd commission-drawn maps)
Asian state legislators	4%	9%	12%
Black state legislators	5%	7%	9%
Latino state legislators	20%	21%	28%
Non-Hispanic white state legislators	71%	63%	47%

32 The sources for these data for 2002 are from the CLLC, AAPILC, and CLBC websites describing historical caucus service. The sources for the 2012 data are from these legislative caucus websites and from Jason Casellas, Michael Minta, and Christian R. Grose. 2021. "The California Citizens Redistricting Commission: Fair Maps, Voting Rights, and Diversity." USC Schwarzenegger Institute Report.

Previous research examining the impact of the 2012 commission map found that gains in Latino and Asian American descriptive representation in the State Legislature and the U.S. House were larger after the passage of the 2010 commission map, though many of these gains came later in the decade.³³ If the same occurs in the coming decade after passage of the 2020 maps, we will see an increasingly diverse Legislature in the years ahead.

California’s 2022 U.S. House maps: California shook up the geography of the districts

When incumbent legislators run redistricting processes, districts are less likely to be dramatically altered. Running in districts similar to the ones they have run in before increases familiarity and likelihood of reelection, and encourages legislators to

protect their previous districts’ lines. In contrast, independent commissions are more likely to significantly change district lines as they have “less incentive to protect incumbents.”³⁴ The quantitative evidence suggests the 2020 commission was willing to significantly shake up the previous map and it created very different districts geographically. Table 5 shows that new 2022 U.S. House districts drawn in California were less likely to geographically overlap the old U.S. House districts than districts drawn by incumbents and state legislatures. It shows that new congressional districts in California had only a 64.5% overlap with predecessor districts; and all independent commission states (California, Colorado, Michigan, and Arizona) had only a 63.6% population overlap with the predecessor districts – much lower again than those states without an independent redistricting commission.

33 Jason Casellas, Michael Minta, and Christian R. Grose. 2021. “The California Citizens Redistricting Commission: Fair Maps, Voting Rights, and Diversity.” USC Schwarzenegger Institute Report.

34 Barry Edwards, Michael Crespín, Ryan D. Williamson, and Maxwell Palmer. 2017. “Institutional Control of Redistricting and the Geography of Representation.” *Journal of Politics* 79:2.

Table 5
The California Commission changed the boundaries much more than legislative-drawn maps, 2020 redistricting cycle

State or states	What % of population from a new 2022 district overlapped with an old district?
California’s maps	64.5% overlap
All independent commissions’ maps (California, Colorado, Arizona, Michigan)	63.6% overlap
States with no independent commission process	75.4% overlap

Observers may wonder if this lack of overlap in California's districts compared to other states' districts is due to the fact that California lost one seat (going from 53 congressional districts to 52 congressional districts). This does not

explain why there is so much less overlap in California districts compared to other states. Mathematically, a loss of only one district in a state with 52 districts will not alter all districts – on average – to the level shown in Table 5.

The outcomes were good, but what about the process?

While the redistricting outcomes noted above successfully served the state and its people, the process itself was at times extremely trying. The commission's 14 members, staff, community advocates, and other stakeholders were put through the wringer during a challenging process conducted during the pandemic. Near the end of the process, commissioners were meeting almost daily for eight or more hours at a time. Residents of California who wanted to participate in submitting maps or providing community input faced new online meeting and submission formats due to COVID-19 restrictions, and timing challenges because of the U.S. Census Bureau's data delay. But after a very hectic 2020-22 redistricting cycle filled with stress and long meetings, the commission successfully landed the proverbial plane, drawing maps in a transparent and inclusive way, and unanimously approving final maps that avoided litigation and were praised by many civic engagement and civil rights advocates.

While noting the successful outcomes in the previous section, this report also brings a constructively critical lens to the commission's work during 2020 and 2021. The remainder of this report summarizes some of the key highlights and challenges of the 2020 commission's process and deliberations and considers ways the process and practices could be improved, both for the next commission and to inform other jurisdictions that choose to adopt commissions in the future. The recommendations, best practices, and policy prescriptions offered in this report derive directly from interviews with stakeholders in the redistricting process and from observation of commission videos of public meetings.

Voters think California's method of selecting redistricting commissioners is fair

In a scientific and representative survey of California voters conducted in 2020 during the selection of redistricting commissioners, respondents heard about how the selection process works and the requirement of equal numbers of Democrats and Republicans. They were asked the following question: How fair is California's method of redrawing district lines?

- 65% of California voters rated California's redistricting process as fair
- More than 70% of Democrats and more than 50% of Republicans rated it as fair

Source: California Issues Poll, 2020. <https://priceschool.usc.edu/california-issues-poll/>



IV

Commissioner Recruitment and Selection

Commissioner Recruitment and Selection

One of the most controversial and consequential parts of the 2020 commission process was the recruitment and selection of the commissioners. The entire selection process is overseen by the California State Auditor, which is viewed as one of the most independent, nonpartisan, and neutral departments in state government. It is largely removed from most political processes in Sacramento. Selection of commissioners is extensive and has multiple stages, and each stage serves different purposes.

The Applicant Review Panel and evaluation of applications. The State Auditor picks a three-auditor panel called the Applicant Review Panel (ARP). One of these auditors is a Democrat, one is a Republican, and one is no party preference; these auditors are trained in many of the same components of the redistricting process in which commissioners are later trained. Stakeholders who observed the process praised the Applicant Review Panel for carefully considering a large number of factors in reviewing applications. Others, though, expressed hope that the 2030 Applicant Review Panel of three auditors would have greater racial and ethnic diversity than it did in 2020.

The number of initial commissioner applications was 20,724, though this number was reduced to 17,081 once those not eligible to serve were excluded because they were disqualified by conflict of interest criteria or

did not meet all eligibility criteria.³⁵ Following this whittling down, initial applicants are required to submit complete applications, which include submitting an essay and letters of reference. The total number of complete applications was 2,003.

The Applicant Review Panel is then charged with closely reading these applications and selecting 120 semi-finalists. These 120 semi-finalists (40 Democrats, 40 Republicans, and 40 no party preference) are then interviewed by the Applicant Review Panel, from which 60 are selected by the Applicant Review Panel as finalists. By state law, these 60 finalists include 20 Democrats, 20 Republicans, and 20 individuals registered as no party preference or with a third party.

Throughout the Applicant Review Panel's process of winnowing 2,003 complete and eligible applicants to the 60 finalists, the panel considered and relied upon a number of criteria. Consistent with the constitutional criteria that the commission be "reasonably representative of the state's diversity," the Applicant Review Panel considered geographic, ethnic, racial, gender, occupational, and other diversity of the pool.³⁶ The Applicant Review Panel also looks for applicants that demonstrate (1) impartiality, (2) an appreciation for California's demographics, geography, and diversity, and (3) analytical skills. One commissioner has pointed to the criteria of impartiality and appreciation for the state's diversity and demographics as a

35 See Appendix I in Sonja Diaz, Nick Gonzalez, and Diana Garcia. 2020. Shaping California's Future: An Analysis of Latino Underrepresentation in the 2020 California Citizens Redistricting Commission Applicant Review Pool. UCLA LPPI report, May 11.

36 This "reasonably representative of the state's diversity" constitutional requirement was upheld as constitutional in court during the 2010 redistricting commission process. For more details see Raphael Sonenshein, 2012. *When the People Draw the Lines*.

positive reason that the 2020 commissioners were “do gooders” who were willing to work together to build consensus on their final maps.³⁷ The analytical skills are important because the commissioners must be able to think about maps, census data, and complex legal requirements; and they must process a lot of information quickly. Throughout its many stages, the ARP conducted all of its deliberations in public, took public comment on its progress overall and on individual applicants, and appeared responsive to perspectives and recommendations provided by observers.

Some advocates and stakeholders suggested that the next Applicant Review Panel in 2030 should consider whether applicants have management experience, and that at least one or more commissioners should have some management skills, as this will help the commission supervise staff and complete tasks. Others suggested that skill sets in data analysis and mapping are critical. Others suggested it would be valuable to have at least one commissioner with legal expertise, one commissioner with statistical expertise, and another commissioner with skill sets around voting rights criteria.³⁸

Some stakeholders praised the ARP’s consideration of diversity as the process unfolded. The ARP, faced with an applicant pool that did not reflect the diversity of California, increased the diversity of the pool as it moved through successive stages

and reduced the applicant pool to just the top candidates, as seen in the table below. Nevertheless, and as discussed elsewhere, advocates emphasized that the State Auditor in 2030, perhaps working with a wider range of state actors and even nonprofit stakeholders, needs to be more proactive in encouraging a greater racial and ethnic diversity of applicants, especially from Latinos, in the initial pool. Stronger recruitment efforts can yield more applicants, which can increase diversity.

The state legislature strikes names off the list of 60 finalists. Once 60 finalists have been named, the next step involves the State Legislature. The four party leaders – the Democratic leaders and the Republican leaders in the California Assembly and Senate – have a right to each strike and remove up to six names from this list of 60.³⁹ The strikes are published as a group, with no transparency as to which legislative leader struck which applicant. If 24 names are struck by the legislature, then 36 applicants from the finalist pool are sent back to the State Auditor. In 2020, one applicant removed their name from the process at this stage, which resulted in 35 finalists being sent to the State Auditor for the final stages of the selection process.

Some observers of the process noted that the strikes serve as a legislative check against potentially bad applicants, since legislative leaders are doing their own monitoring of the application process and doing deep research on the applicants. However, there is no excuse for the fact that legislative leaders failed to

37 Sara Sadhwani, 2023. “Independent Redistricting: An Insider’s View. The Forum: A Journal of Applied Research in Contemporary Politics. <https://www.degruyter.com/document/doi/10.1515/for-2022-2063/html>

38 The 2010 commission had more lawyers than the 2020 commission. One stakeholder joked during an interview that the 2020 commission’s ability to reach unanimity on the final maps was due to the presence of fewer lawyers. Both the 2010 and 2020 commissions had commissioners who were experts in voting rights, demography, or civil rights.

39 See California Government Code § 8252 and Article XXI of the California constitution. Also, for more details on these selection procedures in the 2020 process, see Jason Casellas, Michael Minta, and Christian R. Grose. 2021. “The California Citizens Redistricting Commission: Fair Maps, Voting Rights, and Diversity.” USC Schwarzenegger Institute Report.

disclose which applicants they struck or the fact that no reasons must be given for the strikes. As noted elsewhere in this report, a key recommendation to improve transparency is to make who struck whom and why public information.

Auditor conducts a random draw to seat the first eight commissioners. Once legislative strikes are completed, the Auditor holds a public meeting and uses a randomization procedure to select the first eight commissioners. Randomization is used at the final stage to ensure that no stakeholder's biases or preferences influence one of the most critical parts of the selection process, as randomization mathematically gives every remaining finalist an equal probability of being selected.⁴⁰ Randomization is regularly used in the world of auditing to enforce fairness and equity, and randomization procedures are also used by expert witnesses as a baseline measure of fairness in selection processes. This randomization occurs within blocks by party: three Democrats, three Republicans, and two no party preference or third party members are randomly drawn.

The first eight commissioners select the final six commissioners. Once the first eight commissioners are randomly drawn, the commissioners meet and choose the final six from the remaining finalist pool. This choice of the final six commissioners allows for the first eight commissioners to consider any

⁴⁰ Randomization is frequently used as a baseline to measure fairness in contrast to unfair employment and labor selection practices. For instance, random audit studies that examine if white applicants are more likely to be hired for jobs than Black and Latino applicants randomize the racial and ethnic backgrounds of job applicants. Discrimination is shown when the outcomes are different than what would occur randomly. Thus, randomization has a long history of being used as the metric to measure fairness and lack of discrimination. For instance, see S. Michael Gaddis, "An Introduction to Audit Studies in the Social Sciences." UCLA Department of Sociology.

lack of diversity that may have emerged in the selection of the first eight; or to consider other criteria, skills, or qualifications that may be missing among the first eight. The final six are required by the constitution to be two Democrats, two Republicans, and two no party preference/third party members. Once the 14 commissioners have been selected, their work begins.

Shocking results: The first eight commissioners selected in 2020 included no Latinos

One of the most shocking aspects of California's 2020 redistricting emerged after the random selection stage: The total absence of a Latino commissioner among the first eight. Advocates and civic engagement groups had spent months raising alarm bells regarding the low levels of Latino applicants in the initial pool and advocated strongly to the ARP to increase diversity at each successive stage.

Table 6 below compares the percentage of racial and ethnic groups in the citizen voting-age population (CVAP) in the state,⁴¹ among the completed applications at the initial stage of the process, among the 60 finalists, among the 35 remaining finalists who survived after strikes by the Legislature, and among the final 14 commissioners selected. The percentages of completed applications from Latinos and from Asian Americans were lower than their percentages in the citizen voting-age population and in the overall total population of the state; this problem was most severe among Latinos.

⁴¹ CVAP is used, instead of total population, because only citizens of voting age are eligible to serve on the California Citizens Redistricting Commission.

After multiple rounds of review by the Applicant Review Panel, the percentages of Latinos and Asian Americans in the finalist pool increased. Latinos went from 13.4% of the completed application pool to 23.3% of the 60 finalists. While this was a meaningful increase, this number was still significantly

lower than the overall Latino population of California. Similarly, Asian Americans and Pacific Islanders went from 9.1% of the completed application pool to 23.3% of the pool of 60 finalists.

Table 6
Racial and ethnic diversity of applicants and commissioners across selection stages

Racial/ethnic group	2020 CVAP in California	Completed applications	60 finalists	35 remaining finalists after strikes by legislature ¹	14 commissioners selected
Asian American & Pac. Islander	14.6%	9.1%	23.3%	25.7%	28.6%
Latino/a	30.9%	13.4%	23.3%	20%	28.6%
Black	7.2%	13.85	15%	17.1%	21.4%
Other & Indigenous	1.8%	6.5%	5%	5.7%	0%
White	45.4%	57.2%	33.3%	31.4%	21.4%

¹ After the legislative strikes there were 36 remaining finalists, and one of those finalists removed themselves at that time due to inability to serve on the commission, which left a pool of 35 from which the 14 commissioners would be selected.

At the legislative strike stage, the pool of Latinos eligible for selection declined. Of the 60 finalists, 14 were Latino and the Legislature struck seven of those applicants. No other racial or ethnic group had 50% cut from the finalist pool by the Legislature.

On July 20, 2020, the Auditor used bingo balls to randomly draw the first eight commissioners in a live-streamed public meeting. Three of these first eight commissioners identified as Black, two as Asian American, and three as white. None of the first eight commissioners identified as Latino.

Civic engagement and advocacy organizations like National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund leaped into action, mobilizing attention to this lack of Latino descriptive representation among the first eight on the commission. UCLA's Latino Politics and Policy Institute issued a report highlighting the dearth of Latinos at all stages of the application and selection process. Op-eds decrying the lack of Latino commissioners in the first eight selected of the 14 total were published, including by Karen Bass, now mayor of Los Angeles.

Stakeholders interviewed identified several barriers to Latinos applying and serving. Those included the lack of adequate pay for the role and the heavy time commitment making service harder; the lack of outreach to encourage applicants among younger voters, who are more ethnically diverse than older voters; and a lack of early funding for community-based organizations that would have been necessary to identify, recruit, and support applicants from Latino communities long before redistricting actually started. All those interviewed strongly advocated that

the 2030 process place a greater emphasis on recruiting Latino applicants into the initial pool.

Four Latino commissioners picked to serve in the final six, leading to a reasonably representative commission

The lack of Latino representation was alarming, and threatened to place a cloud of illegitimacy over the commission. However, the institutional design of the commission and its multi-stage selection process worked to create diversity by design at the end of the selection process. Because there are 14 total commissioners and only eight are chosen in the first of two final rounds, the first eight have an opportunity, and in fact a legal responsibility, to consider and address diversity deficits in choosing the last six commissioners. The first eight commissioners were under enormous pressure from advocates and stakeholders to remedy the lack of Latino representation, and it was clear from their public deliberations that they heard that advocacy loud and clear.

The next six and final commissioners chosen included four Latino commissioners and two Asian American commissioners. The total percentage of Latino commissioners (four of 14) lagged the total population in the state but was nearly proportionate to California's Latino citizen voting-age population and was greater than the Latino percentage of the State Legislature. While the commission could have been more fully representative of California's population, the on-the-ground advocacy combined with the institutional design led to a reasonably diverse and broadly representative final 14 commissioners.

The 14 commissioners are displayed in Table 7. The commissioners hailed from all over the state. A controversy with the 2010 commission was that there was too little representation of the Los Angeles area and southern California generally. This 2020 commission had greater representation in Southern California than the 2010 commission. Four commissioners in 2020 were from Los Angeles County (meaning 29% of the commission was from the county that has approximately 25% of

the state's population) and three more were from other highly populous parts of Southern California. Four commissioners were from the Bay Area. One commissioner was from north of Sacramento and two hailed from the San Joaquin Valley. These citizens selected to serve the state were in for the most unusual year of their professional lives as they drew the maps for the state while the public watched their streaming meetings.

Table 7
California's 14 commissioners in 2020

Commissioner	Method of selection	County
Isra Ahmad	First 8 - random draw	Santa Clara
Linda Akutagawa	Final 14 - chosen by first 8	Orange
Jane Andersen	First 8 - random draw	Alameda
Alicia Fernández	Final 14 - chosen by first 8	Yolo
Neal Fornaciari	First 8 - random draw	San Joaquin
Ray Kennedy	First 8 - random draw	San Bernardino
Antonio Le Mons	First 8 - random draw	Los Angeles
Sara Sadhwani	First 8 - random draw	Los Angeles
Patricia Sinay	Final 14 - chosen by first 8	San Diego
Derric Taylor	First 8 - random draw	Los Angeles
Pedro Toledo	Final 14 - chosen by first 8	Sonoma
Trena Turner	First 8 - random draw	San Joaquin
Angela Vázquez	Final 14 - chosen by first 8	Los Angeles
Russell Yee	Final 14 - chosen by first 8	Alameda

Source: California citizens redistricting commission, <https://wedrawthelines.ca.gov/transition/index/>



The shortcomings in recruitment and controversy around selection in 2020 led to many of those interviewed to suggest a number of reforms that could be implemented prior to the 2030 process. Some of the ideas suggested come from other states who use independent commissions (for example, Michigan’s procedures for recruitment of applicants and transparency around legislative strikes differ from California’s procedures). Many observers who worked to encourage leaders in communities of color to apply found informational sessions, trainings, and webinars to be relatively low-yield, and emphasized that high-touch recruitment of talented individuals and high-touch coaching of prospective applicants was necessary and effective. These

are labor- and cost-intensive activities that philanthropy must be prepared to fund.⁴²

Recommendation: The state of California and the California State Auditor’s Office should do a better job casting a wide net and reaching the most diverse group of commission applicants possible. The state should build upon census outreach to encourage applicants more intentionally, and put recruitment and outreach in the hands of trusted messengers.

⁴² There is extensive research showing that the best way to mobilize someone to do civic work is via face-to-face or personal invitations to participate. For instance, see Kevin Arceneaux and David W. Nickerson. 2008. “Who is Mobilized to Vote? A Re-analysis of 11 Field Experiments.” *American Journal of Political Science* 53:1:1-16.

Recommendation: Long before recruitment of applicants to the 2030 commission, philanthropy should be mobilized to partner with community and nonprofit organizations with deep ties to communities of color, immigrant communities, and marginalized communities to encourage a wide and diverse group of applicants. In particular, philanthropy should emphasize recruitment of Latino applicants to the commission; and this needs to be done earlier and with greater resources than was done in 2010 and 2020.

Recommendation: Increase transparency in legislative strikes. The strikes provided to legislative leadership represent the only stage in the full commission process in which transparency is not prioritized. The State Legislature should release its rationale for striking applicants, and each legislative leader should indicate which commissioner finalists they individually struck.

Recommendation: California should examine how other states with redistricting commissions have nudged or encouraged voters to apply to their commissions. The State Auditor may want to study how other states with redistricting commissions have encouraged voters to apply, and if their approaches have achieved greater successes in increasing applicant diversity than found in California. For instance, in 2020, Michigan was particularly assertive in utilizing a number of outreach tools and randomized nudges to its populace to increase applications. California can examine if these other states were successful in encouraging applications from a diverse pool, and California could bring an equity-based approach that modifies effective strategies used elsewhere.

Recommendation: Increase pay of commissioners. Several advocates indicated that there may be a lack of socioeconomic diversity on the commission due to the significant time demands and the relatively small per diem. Every commissioner receives a per diem for time worked, but the amount is low relative to the number of hours worked, meaning some potential applicants cannot trade a full-time job to serve as commissioner. Yet advocates and commissioners explained the role was effectively a full-time job in the months leading up to the mapping deadline. Many advocates stated that a larger, and potentially more diverse pool, could be recruited if the commissioners received higher per diems or pay. On the other hand, all commissioners interviewed said that no pay or low per diems are appropriate because the commission needs volunteers motivated by civic duty and not pay.

V

The Process of Getting Started

The process of getting started: staffing, onboarding, and training

In order to complete a difficult job in a tight timeframe, it helps when the California redistricting commission gets off to a strong start. There are a number of critical decisions and tasks that happen immediately after the commission is seated, one of the earliest and most important being the onboarding and training of the new commissioners and the hiring of staff.⁴³

The drawing of the unanimously-supported maps would not have happened without the expertise and efforts of the 14 commissioners. Similarly, staff and contractors including mappers, lawyers, data analysts, racially polarized voting analysts, communications experts, and others were critical to the functioning of the 2020 commission and to the development of the final maps. Even though the final maps were a success, the commission could have benefited from more and better training earlier in the process. They did well with on-the-job training, learning as they went, but earlier and more effective training that was more clearly structured may have made the process more efficient. Other observers and advocates noted that the 2020 commissioners received many presentations from experts, though these presentations could have been more effective if accompanied by hands-on experiential training.

⁴³ While at first blush fairly innocuous, the hiring of staff can become one of the most contentious parts of the process. See, for instance, Colleen Mathis, Daniel Moskowitz, and Benjamin Schneer. 2019. "The Arizona independent redistricting commission: One state's model for gerrymandering reform." Harvard Kennedy School.

The transition from one independent commission to the next is tricky. In addition to autonomy from the Legislature and the executive branch, it is important that a newly seated commission have autonomy from the previous commission. This involves, as one stakeholder put it, effectively "creating a new state agency from scratch" every decade.

Staffing and consultants

Given this, what are some of the ways a new commission could transition efficiently and start their redistricting process on the right foot while maintaining independence? One possibility raised by several stakeholders was that staff could continue across commissions. This would allow commissioners to focus on training, onboarding, and setting high-level vision, while staff handle other tasks like outreach and budgeting. However, maintaining any continuity could be extremely challenging; as of now, the commission retains almost no staff once the mapmaking is complete at the beginning of the decade.⁴⁴ Further, the inter-decade budget prior to the seating of the next commission is minimal. Therefore, many observers noted that staffing continuity is likely infeasible.

The 2020 commission started the staff hiring process anew, though did choose to re-hire some staff and experts who had also worked for the 2010 commission. This included data and mapping expert Karin MacDonald, who had worked for both the 2010 commission and won the bid for the 2020 commission as well. There were staffing losses early in the process in 2020 that slowed down the work of the

⁴⁴ For instance, by the end of 2022, there is only 0.5 staff available to the commission.

commission. The 2020 commission ultimately chose not to retain its first executive director, Dan Claypool, who had also served as executive director for the 2010 commission. The commission also lost its initial choice for voting rights counsel, Justin Levitt, when Levitt was selected for a White House policy advisor role on democracy and voting rights.

Several advocates and observers stated during interviews that the 2020 commission would have benefited from hiring staff members earlier, especially administrative staff who could handle logistics, reimbursement, procurement, and contracting. Some advocates stated in interviews that they would have preferred that the 2020 commission asked for references from the 2010 commission when evaluating job applicants who had previously served under the 2010 commission. Others explained in interviews that the 2020 commission was leery of seeking too much advice from the 2010 commission regarding staffing so as to maintain the independence of the new commission.

These staffing issues made the initial phases of the 2020 commission hard to assess to public observers and challenging for new commissioners. In particular, time that could have been spent on training, setting up systems, hiring other key staff, or conducting greater outreach activities in the early part of the process was frittered away as the commission was required to focus on replacing the executive director. Advocates watching this part of the process noted that these early staffing concerns generated a choppy user experience when they attempted to interface with the commission during this time. Also, and perhaps because much of this was personnel-related, some advocates said there

was less transparency than they would have preferred in these early stages.

While it is critical that the commission move quickly, it is also critical that it be the driver of the process. The commission should discuss and draft their own RFPs for important consultants and for the Executive Director staff position; as part of the 2020 process, the Auditor posted the RFP for the line-drawer role before the commission was seated. The commission subsequently withdrew that RFP and reposted a RFP for the commission to select.

Recommendation: The budget for the 2030 commission will need to increase so the commission can offer competitive pay that will enable it to attract and retain top staff.

Finding high-quality, nonpartisan staff and legal teams require resources to hire the best people. The Legislature in the leadup to 2030 should be ready to allocate greater funding for the commission with these future staffing needs in mind, especially given the commission's history of avoiding litigation and thus saving the state money.

Recommendation: To ease the commission's ability to oversee staff and hiring, the evaluation of commission applicants should consider the ability to manage staff, in addition to tasks related to map drawing.

The State Auditor and the Applicant Review Panel can use management experience as an additional selection consideration when evaluating applicants. This recommendation is in addition to existing selection criteria, which must continue to be utilized. Such a consideration could yield at least one commissioner with management experience in a nonprofit organization or in a small business,

which would help with the commission's hiring and oversight of staff.

Recommendation: The commission should create a management and staffing plan early, and direct staff to begin work once hired. A management plan for staff is essential early on so as not to delay the process and to give staff clarity on job functions and division of labor. Also, given the potential for staff turnover, the commission should have a plan in place if there are staffing vacancies. The Commission must balance its independence while also engaging in wide consultation, including with past commissions, especially seeking references regarding applicants who have prior commission service.

Recommendation: The 2030 commission should hire a diverse and high-quality staff. Intentional efforts to hire women and people of color as contractors and staff in 2030 may create equity in the onboarding and staffing processes.

Onboarding and training

The new commissioners also have to learn to work with one another and learn how the redistricting process works. One of the advantages of the California independent commission is that commissioners are not embedded in the existing state political infrastructure and consulting class. One of the disadvantages is the mirror image of this,



though – the new commissioners have a lot to learn, and need to develop skill sets to handle the incoming fire from observers, and many inside the political class, who may criticize their choices. The 2030 commission should be trained in the importance of resolve and handling constructive criticism; and realize that some criticism is likely evidence that they are making independent decisions.

While the census data delays complicated the tasks before the 2020 commission, ironically it meant the commission actually had more time in the early stages of the process to learn about the state and its people. The commission spent a lot of its early time in meetings listening to experts explaining demography, mapping, voting rights, and more. They organized “commissioner education panels” to hear presentations from groups across the state to learn more about the state’s demographics and how to reach the state’s most underrepresented communities. This included presentations from a diverse group of individuals and organizations such as the Advancement Project CA (now Catalyst CA), California Common Cause, the California Farm Bureau, the California Chamber of Commerce, Dolores Huerta and the Dolores Huerta Foundation, the Mexican American Legal Defense and Education Fund (MALDEF), the National Association of Latino Elected Officials (NALEO) Educational Fund, the Service Employees International Union (SEIU), the Southern California Tribal Chairs, the UCLA Voting Rights Project, and many more.⁴⁵ These presentations were seen as a success by nearly all stakeholders.

⁴⁵ For a complete list of “commissioner education panels,” please see the 2020 commission’s archive of those who gave presentations here: <https://we-drawthelines.ca.gov/commissioner-education-panels/>.

Some stakeholders interviewed felt the commission had early hiccups around lack of planning during this early stage of the process and had hoped for a clearer training and onboarding plan. Some suggested that the State Auditor may need to develop a training plan with input from the prior commission and the public, and then the 2030 commission, once seated, could review, modify, or create its own training plan.

Advocates and stakeholders made recommendations not just for the organization of commission training, but also the content. While every future commission should embrace the thoughtful presentations from groups similar to what the 2020 commission did, more hands-on training is needed for future commissioners around how to function as a group and how to make decisions in a complicated, multi-stakeholder environment. These trainings and team-building exercises could involve simulations in which commissioners work with staff to learn how to draw maps using data from the past or other out-of-sample mapping data (as they wait for the census data to arrive). The commissioners had a lot of education from constituency organizations, but they may have benefited from more devoted attention to early hands-on exercises working directly with staff and with each other. Additional training is also needed on how to navigate state hiring and procurement issues. This was a constructive criticism raised early in the commission process, and one that the 2030 commission may want to think about.

One learning curve for the 2020 commission was management, supervision, and delegation to staff. Staff and other stakeholders reported that there was a lack of clarity – at least early

on – over who was supervising the staff’s work. The commission would sometimes not delegate enough work to staff as the commissioners were learning the process. Some of the work that commissioners decided they wanted to work on in subcommittees could have been handled by staff, to keep commissioners focused on higher-level goals.⁴⁶ Having commissioners with management experience could help in this regard.

Recommendation: Commission onboarding and training should be strengthened to make the best use of valuable early weeks and months. The 2030 commission, aided by the State Auditor’s Office, the public, and perhaps former commissioners and commission staff, should build a comprehensive and intentional training plan/rubric. That plan ought to include training on team-building, decision-making, and business processes, including management of staff and contractors.

46 Greater delegation to staff could reduce commissioners’ reliance on subcommittees. Some observers and advocates expressed concerns over whether subcommittees would even be helpful, and in particular raised concerns regarding lack of transparency in subcommittees. Subcommittees that did not deal with redistricting matters had meetings that were not open, which is technically allowed under the law; though some stakeholders interviewed would have preferred those meetings be public. In contrast, other stakeholders thought the subcommittees allowed work to be conducted more efficiently, and noted that there was reporting out about subcommittee work in full commission meetings. Had more work been delegated to staff, fewer subcommittee meetings may have been needed, and this delegation to staff versus subcommittees is something the 2030 commission will need to grapple with in how it operates. Such decisions for the commission to delegate to its staff come with accountability and efficiency trade offs. As shown by many principal-agent models of bureaucratic decision-making, greater delegation to staff may lead to implementation by staff that is not precisely what the principal (in this case the principal would be the commission) had hoped for; but delegation to staff increases efficiency in decision-making in order to allow for the process to be completed in a timely manner. For instance, see Sean Gailmard, 2012. “Accountability and Principal-Agent Models.” University of California, Berkeley research paper; and Joshua Clinton, Anthony Bertelli, Christian R. Grose, David E. Lewis, and David Nixon. 2011. “Separated Powers in the United States.” *American Journal of Political Science* 56:2:341-54.

Recommendation: Simulate a mapping experience for commissioners in 2030 to get training before diving into the actual mapping: Commissioners and observers both expressed interest in expanding commission training around mapping by using old data from past maps or even using data from a different or fictional state to simulate mapping. A simulation early in the process before the census data are made available would allow for commissioners to learn what goes into redistricting and the actual act of drawing the lines, and allow for team-building working with staff and fellow commissioners. This simulation could involve commissioners taking in feedback, directing live line-drawing, and considering COI submissions, VRA compliance, and the full set of rank-ordered criteria.

Recommendation: The State Auditor, working with former commissioners or Commission staff, should provide the new commissioners clear guidance on onboarding and process, including information on legal requirements regarding transparency, hiring, and communications. The onboarding process can rely more on past commissioners and staff in teaching the new commissioners. As soon as commissioners are seated, they should be provided very rapid training in state hiring processes and detailed examples of how good staffing will help them achieve their goals. They need strong and clear onboarding on public meeting rules, public outreach, data management, the Voting Rights Act, mapping, and other topics. However, the commission must post RFPs for staff and consultants and hire those staff and consultants, not the State Auditor. Hiring staff and selecting consultants like voting rights counsel are critically important and values-based decisions that should be left to the commissioners alone.

A major decision by California on prison gerrymandering

One of the early major decisions regarding 2020 redistricting concerned how California would count incarcerated people for the purpose of redrawing lines. The 2020 commission effectively eliminated prison gerrymandering in state-level redistricting in California with a unanimous vote in January 2021. This was preceded by the State Legislature's vote to recommend such a move to the commission. The Legislature's vote and the commission's move were both backed by significant support and urging by advocacy groups.

Prison gerrymandering is a term used to describe counting people who are incarcerated as residents of the community in which the incarceration facility is located instead of being counted as residents of their home communities in which they resided prior to imprisonment. Advocates opposed to prison gerrymandering point out that most incarcerated people return to their home communities upon release from prison and that the counting of incarcerated people at the location of incarceration skews representation within a state when conducting redistricting, artificially locating population in what are often smaller, more rural, and less diverse communities.

After significant deliberation, the 2020 commission decided to change the practice used by the 2010 commission and most other redistricting bodies in how incarcerated people are counted for the purposes of redrawing the lines. Almost universally, advocates, stakeholders, and observers praised the commission for its leadership when discussing, considering, and solving the issue of prison gerrymandering in California. The 2020 commission grappled with how, and if, they could reallocate individuals incarcerated in federal prisons. Ultimately, the federal government did not provide the data needed for federal prisoner reallocation to the 2020 commission, nor to other jurisdictions. The 2030 commission will need to grapple with state and federal data issues in order to conduct full prisoner reallocation to reduce prison gerrymandering.

VI

Outreach Strategies by the Commission to Publicize Its Work and Encourage Public Participation

Outreach Strategies by the Commission to Publicize Its Work and Encourage Public Participation

Part of the 2020 commission's early process involved engaging in broad advertising and outreach to Californians to encourage them to submit public comments as the commission redrew the lines. The task of reaching all corners of a state of almost 40 million people, with diverse communities and speaking a wide range of languages, is a daunting one. The 2010 commission had no outreach budget and California's philanthropic sector stepped in to fund community organizations to engage people in the process. The 2020 commission, by contrast, was the first to have an outreach budget but, from the perspective of some advocates interviewed, had no blueprint for the outreach. The commission spent many meetings hosting panels of community experts to inform how it would do their outreach; ultimately the commission's hope was to regrant to community partners who had experience doing civic engagement work and outreach to members of the public. A variety of legal and process limitations meant the 2020 commission could not do that, so it managed outreach itself.

The 2020 commission publicized its work in a variety of ways. Commissioners themselves did considerable outreach. They conducted nearly 200 early presentations of "California redistricting basics" for community members and community organizations. The commission also publicized its work through radio advertising, billboards, bus shelter ads, social media, and more. It advertised in 46 daily

newspapers and 142 weekly community newspapers. In one innovative example of how the commission tried to bring people into the process, paper toolkits that members of the public could use to submit COI testimony to the commission were shipped to jails and prisons around the state. Additionally, the commission produced a video about redistricting that was played in prisons statewide. Nearly 1,300 incarcerated people returned those toolkits, providing a unique source of COI input for the commissioners. Ultimately, the effectiveness of all of these efforts has not been assessed, especially which specific commission outreach was responsible for any particular piece of public testimony or community engagement. Follow-up evaluations of 2020 outreach would be quite fruitful; and the 2030 commission may want to evaluate its outreach efforts.

Some advocates felt that the commission's multilingual outreach efforts were less than ideal, stating that the commission's translated outreach materials came out later than English-language ones. Advocates hope to see future commissions ensure there are staff to provide in-language outreach materials that are high-quality, created with community input, and published in a timely fashion. The 2020 commission provided language minority communities the opportunity to submit public comments in multiple languages and conducted advertising across the state in multiple languages encouraging public comment. Civic engagement groups that work with minority language voters praised the commission for interpreting, upon request, non-English public comments for the commission. But those civic engagement groups emphasized that a huge barrier to true engagement remains if a person



cannot understand what is happening in the commission meeting, especially when following along in the often long call-in queue for making public comments. The 2030 commission must be highly cognizant of access issues for language minorities who want to participate in the redistricting process, building off of the success of the 2020 commission, but also addressing where it could have improved.

Many stakeholders and advocates in the 2020-22 process embrace the approach the 2020 commission explored but did not ultimately execute: relying upon community organizations for education and outreach, via contracts or grants. Some of those interviewed believe this would lead to more effective outreach, given that public education and engaging communities in democratic processes are areas of core strength for many civic engagement groups and community organizations. Some observers expressed concern that such outreach contracting to nonprofit organizations could create conflict-of-interest issues if those same nonprofit organizations also planned to submit public

comments to the commission during the mapmaking process. However, that concern may be addressed by having a trusted third-party grant-maker manage the funds. The 2020 commission seems ready to work over this decade to ensure the next commission can get funding resources into the hands of trusted messengers for outreach prior to the 2030 process.

Regardless of whether the next commission contracts outreach to other organizations, philanthropy in California plays a critical role in helping conduct outreach about redistricting broadly. Philanthropic efforts can support community organizations in recruiting commission applicants, mobilizing constituents, drawing maps for submissions, and engaging in public comment to the next commission. Foundations across California provided extremely robust funding for community-based organizations for Census 2020 get-out-the-count work. However, some of those same foundations did not connect redistricting to census and many who did had to distribute substantial funds

to rapid response funds during the pandemic. Whatever the reason, the robust philanthropic funding levels for census did not continue for the redistricting process, losing a civic engagement and equity building opportunity. In 2030, philanthropic partners may serve the community best by seeing census and redistricting as one multi-faceted civic engagement and equity building project.

Recommendation: Contract public engagement and outreach to trusted nonpartisan, nonprofit community messengers. The 2020 commission investigated the possibility of contracting public engagement, outreach, and other communications efforts to trusted nonpartisan, nonprofit community messengers, but ultimately was unable to figure out how to do this. The 2020 commission is already looking into how to use its remaining time to ensure this can happen for the 2030 commission, if it is determined that such outreach contracting to nonpartisan and nonprofit groups is legally permitted. Ideally, a philanthropic or nonpartisan funder should be identified to steward such funds to mitigate conflict-of-interest concerns.

Recommendation: Outreach efforts must consider language minorities and people with disabilities. Language minority advocates strongly suggested that the 2030 commission must consider two-way language access issues at each stage of the redistricting process. This would include the hiring of staff to handle language access; early translation of outreach materials; training for interpreters on redistricting language; and translation into more languages. The commission in 2020 held specific public input days with interpreters for language minority voters; this is positive

and can be expanded upon. Additionally, the commission in 2020 engaged with advocates for people with disabilities on maximizing access to the commission's processes; the commission in 2030 should do the same and determine if those advocates see opportunities for improvement.

Recommendation: The 2020 commission, or a nonpartisan outside group, should conduct an evaluation and analysis of past redistricting outreach efforts to assess what did and did not generate public engagement, what did and did not spur participation from hard-to-reach communities, and what was and was not cost-effective. Such evaluation of what was done in 2020 will inform strategic outreach efforts that will have an impact in 2030.

Recommendation: Philanthropy must be engaged long before the 2030 redistricting cycle to maximize the next round of redistricting recruitment, engagement, and outreach. As already suggested by some philanthropic leaders, the philanthropic sector should connect census funding and redistricting funding as part of one civic engagement and empowerment project. This would entail transitioning out of census and immediately into redistricting, hopefully maintaining funding levels and potentially many of the same grantees.

VII

Voting Rights and Race in California Redistricting

Voting Rights and Race in California Redistricting

Voting rights of communities of color are critically important in California. Even though California is one of the most racially and ethnically diverse states, it has not always been at the forefront of the protection of the voting rights of racial and ethnic minority groups, especially when the California State Legislature drew its own lines. The 2020 process took voting rights seriously in drawing maps.

On balance, as this section of the report elaborates, advocates praised the 2020 commission for keeping voting rights compliance central to their deliberations and creation of their maps. Several of the early trainings for the 2020 commission emphasized and educated the commissioners about voting rights compliance issues as well as the statistical measurement of concepts such as racially polarized voting (RPV). Expert consultants were hired to guide the commission on these topics as well. Ultimately, the commission devoted significant deliberation and time to consideration of voting rights for communities of color and sought to draw minority-opportunity-to-elect districts where required given the presence of racially polarized voting.

Separate from the requirement that districts comply with the federal Voting Rights Act (VRA), the commission was required to draw districts that protected culturally, geographically, and historically important communities of interest that in some cases overlapped with communities of color throughout the state of California. The

commission's protection of communities of interest occurred due to the legal requirement to prioritize COIs, commissioners' goals and interests in listening to COI testimonies, and robust inputs and advocacy from the public.

Redistricting & Voting Rights Mini-Glossary:

The Voting Rights Act

A federal law that prohibits redistricting that results in the dilution of the voting power of minority voters. The law governing California's redistricting commission explicitly incorporates this law as the 2nd-most important criterion in redistricting in the state constitution.

Racially Polarized Voting

When a majority racial group (e.g., non-Hispanic whites) favors one candidate of choice and a second racial/ethnic group (e.g., Latino voters) prefers a different candidate. Measured using statistical analysis.

Opportunity-to-elect districts

Legislative districts that provide the opportunity for a politically cohesive minority group to elect a candidate of choice. Statistical techniques can empirically test whether newly-drawn districts provide the opportunity to elect, if required for voting rights legal compliance. These districts are also sometimes called ability-to-elect districts.

Shapefiles

Geographic datasets that serve as sources of demographic and geographic information.

The VRA and the law establishing California's state redistricting commission both require that districts be drawn to create opportunities to elect candidates of choice for racial minority groups in specific circumstances.⁴⁷ These foundational voting rights protections mandate opportunity-to-elect districts in areas where racial minority groups (1) are sufficiently compact and (2) cohesively vote for candidates who lose to candidates preferred by the majority group of voters. This form of electoral discrimination via redistricting has historically been observed when districts are drawn to benefit candidates that a majority of white voters favor, but that are not favored by a majority of voters of color.

Two primary instruments in this sort of abuse of the redistricting process are known as 'packing' and 'cracking.' Packing is placing a very large percentage of voters of color in one district so as to dilute minority voting strength in surrounding districts, while cracking is diluting minority voting strength by splitting voters of color across numerous legislative districts to ensure they have little strength in any of the districts. Some observers interviewed claimed that in the 2000 redistricting cycle, the California Legislature diluted and divided the voting power of Latino voters and Asian voters.

As confirmed by those interviewed for this report, the 2020 commission reversed these past practices, thereby increasing equity in the redistricting process. The 2020 commission appeared to carefully consider geographic areas where racially polarized voting existed

and created districts where there were opportunities to elect candidates of choice for communities of color that historically had been unable to achieve representation. As discussed further below, due to voting rights being frequently discussed in legally permitted closed sessions related to threats of litigation, the public does not know for certain precisely how voting rights compliance ultimately shaped the maps.

California's constitution requires voting rights compliance

Not only is the protection of voting rights for voters of color required under federal law, but it is also required under California state law. The first criterion the commission must consider, as enumerated by the state Constitution, is population equality. The second of the ordered criteria that the commission must consider is compliance with the Voting Rights Act.⁴⁸

One interesting interpretation of the law establishing the California redistricting commission, and one worthy of further discussion, is that because the state Constitution explicitly says that the federal Voting Rights Act is part of what must be considered when drawing district lines, the VRA would remain in effect in California even if it is undermined by the Supreme Court at some point down the road. In 2023, in *Allen v. Milligan*, the U.S. Supreme Court upheld Section 2 of the VRA in a 5-4 decision cheered by advocates of voting rights. However, Brett Kavanaugh issued a concurrence implying there could be federal VRA limits in the future.

47 Kareem U. Crayton, 2011, "Sword, Shield, and Compass: The Uses and Misuses of Racially Polarized Voting Studies in Voting Rights Enforcement." *Rutgers Law Review* 64:4; Franita Tolson, 2012. "Reinventing Sovereignty: Federalism as a Constraint on the Voting Rights Act." 973-1018 *Vanderbilt Law Review* 65:1195; Bernard Grofman, Lisa Handley, and Richard G. Niemi. 1992. *Minority Vote Dilution*. New York: Cambridge University Press.

48 Article XXI of the California constitution, Sec. 2, (d) 2.

The interpretation of state law relies on the theory that California codified the VRA as it was understood at the time Californians passed Propositions 11 and 20, establishing the commission, and if Section 2 of the federal Voting Rights Act were ever shrunk by the U.S. Supreme Court in ways that would grant states discretion to enforce their own voting rights laws, the state's second-ordered redistricting criteria requirement would require California to redistrict for state voting rights compliance even in the absence of federal regulation.⁴⁹ Legal scholars have noted that recent legal interpretations of voting rights compliance and redistricting have granted substantial deference to states.⁵⁰

Regardless, the state legislature, or voters themselves, may want to consider codifying the protections of the federal VRA more explicitly in state law, to remove any ambiguity and to extend and create a regime of voting rights protection that is more suited to California and its multi-racial diversity. Such action by the state legislature would provide stronger and more stable protections for California voters of color.

Recommendation: Voting rights protections for single-member redistricting should be codified into state law. To protect against future threats to voting rights, the legislature – or the voters via ballot initiative – should codify protections against minority vote dilution into state law, and potentially build a regime of voting rights protections that is more tailored to California's multiethnic

49 California already has the California Voting Rights Act (CVRA), but as currently written the CVRA's provisions apply only to at-large elections in local jurisdictions and not to single-member redistricting at the state or local level.

50 Franita Tolson, 2012. "Reinventing Sovereignty: Federalism as a Constraint on the Voting Rights Act." 973-1018 *Vanderbilt Law Review* 65:1195.

population. Such state laws should incorporate a clear statistical test for racially polarized voting and a reasonable measure of minority groups' opportunities to elect candidates of choice, especially in multi-racial and multi-ethnic communities in which there may be coalitions of voters of color.

Community of interest testimony from the public led to legislative districts that empower communities with shared interests, including but not limited to communities of color

Redistricting is fundamentally about drawing districts that allow those with shared interests to group together for the purposes of political representation, and thus speak with one voice about their needs and priorities. Sometimes communities are grouped together by race or ethnicity, as discussed above, but sometimes communities are also defined by shared characteristics such as socioeconomic interests and conditions, immigration history, language needs, rural/urban divides, health needs, transit needs, cultural and community centers, and more. These communities of interest (COIs) are enshrined in and required as part of California's redistricting process.

Article XXI, Section 2 of the California Constitution makes keeping COIs whole one of the top-ranked state-law map-drawing criteria. According to the Constitution, a COI is "a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation." Examples are provided ("people [who] share similar living standards, use the same transportation

facilities, have similar work opportunities...”) and certain factors are explicitly excluded (“communities of interest shall not include relationships with political parties, incumbents, or political candidates”).

The 2020 commission received thousands of COI inputs from the public and worked hard to honor them. For example, community of interest inputs were the basis to create state legislative districts in Ventura County and Santa Barbara that united inland agricultural communities in the region that had previously been joined with more affluent coastal communities in previous state maps.⁵¹ Public testimony indicated that the inland communities had shared economic and cultural interests that differed from the coastal communities.

COIs interact with communities of color in myriad ways. Many communities of color share, internally and across groups, socioeconomic characteristics, educational attainment levels, job opportunities, needs for services, language needs, and more interests and conditions. This makes them COIs in addition to strictly communities of color deserving of voting rights protection under the VRA. In other cases, COIs that are not tied necessarily to communities of color exist within or overlap ability-to-elect districts required under the VRA. The 2020 commission worked hard to understand these subtleties and to balance the various legal requirements around them when drawing lines. Advocates and stakeholders stated that the net result was greater empowerment for groups that had historically been divided and kept from power.

51 Gail Arnold, 2022. “CAUSE Action Fund Hosts Leadership Awards Reception.” Santa Barbara Independent. <https://www.independent.com/2022/08/18/cause-action-fund-hosts-leadership-awards-reception-2/>.

The 2020 commission ultimately created a number of new districts that have Latino majorities or have significant enough numbers of Black, Asian, and/or Latino voters to potentially influence election outcomes. The commission created these districts in direct response to public comments and public map submissions that articulated communities of interest that overlapped with historically neglected communities of color.

For example, Asian Americans Advancing Justice – Asian Law Caucus advocated that the Berryessa community – with a large Asian American population – stay whole in all of the 2020 maps. In both the 2000 legislative maps and the 2010 commission state legislative maps, this community was split across multiple districts. Community input explained that the Berryessa neighborhood shares a community center, has worked to restore a mural that unites the neighborhood, sponsors weekend Mandarin classes for the community, and sponsors an annual arts festival. This advocacy articulating a well-defined community of interest resulted in the mapping of a district that finally keeps this community whole while at the same time giving Asian Americans greater electoral influence than they had in the previous decades’ maps.

In another example, the commission redrew its maps in direct response to community of interest testimony from residents of Bakersfield and Kern County that resulted in a congressional district with the potential to empower Latino voters. Public comments noted the high levels of inequality and socio-economic needs in parts of the southern Central Valley, as well as the importance of unifying voters who are children and grandchildren of undocumented farmworkers



in one legislative district. These public inputs noted that communities of interest in this region were defined through socio-economic and cultural factors beyond the location of roads or highways. Drawing a Kern County-based Central Valley congressional district based on this community of interest testimony also happened to lead to a Latino-majority district in the region.

In 2020, the commission drew districts that considered communities of color in the context of communities of interest. In one of the last meetings in 2021, when commissioners had the opportunity to make summary statements about their work, several commissioners expressed pride in drawing maps that drew districts around communities of interest in the racially and ethnically diverse state of California. The 2030 commission can emulate and expand on this work, dependent on what public comments reveal about communities of interest.

Staffing and voting rights on the 2020 commission

The 2020 California Citizens Redistricting Commission took voting rights and communities of interest very seriously.⁵² Voting rights compliance requires staffing, including lawyers and experts who are able to understand both the legal principles behind federal and state legal compliance on voting rights and the empirical and statistical evidence required to assess legal compliance. The California approach to state-level redistricting gives the commission the legal responsibilities to ensure VRA compliance and to keep COIs whole, and gives the commission the funding it needs to hire those lawyers and quantitative experts that are needed to achieve those goals. This approach seems to be the right recipe for a redistricting process in which empowering communities is a central goal, and stands in stark contrast to many

⁵² For example, see an extended discussion around both VRA and communities of interest in regards to Los Angeles in the October 4, 2021 meeting of the commission.

state legislatures who often do not conduct as extensive due diligence, do not conduct racially polarized voting analyses, and/or do not conduct opportunity-to-elect analyses.

The 2020 commission made significant investments in staff, consultants, attorneys, and experts on these topics. As noted earlier, Loyola University Law Professor Justin Levitt was initially tapped to be the election lawyer to work with the commission on voting rights and other election law matters, working alongside the legal team at law firm Strumwasser Woocher. When Levitt was appointed to lead the democracy portfolio at the White House early in the commission's process, well-known election lawyer David Becker was hired to replace him. Gibson Dunn was hired as counsel to handle potential litigation.⁵³ The voting rights expert consultant was Megan Gall, a political science Ph.D. who was responsible for conducting statistical analyses of racially polarized voting that informed the commission and legal team's compliance with voting rights law. Dr. Gall analyzed over 700 elections at the congressional, Assembly, and Senate level.⁵⁴

Several observers interviewed for the report stated that both the 2010 and 2020 commissions benefited from having staff and commissioners who came to the task already familiar with voting rights and civil rights law. The presence of statistical and/or legal experts as commissioners, including but not limited to Commissioner Angelo Ancheta in 2010 and Commissioner Sara Sadhwani in 2020, to name just two, meant that the commission had

the potential to better manage and collaborate with its legal and data staff in the production of legally compliant maps. By having expert commissioners and expert staff/contractors, the commission was less susceptible to a situation in which a single staff member, contractor, or commissioner played too large of a role in interpreting the legal and statistical contours of voting rights compliance in the design of the maps.

While legally mandated criteria for selecting future commissioners will include respect for and understanding of the vast racial and ethnic diversity of the state, some observers interviewed for the report felt it will be important to also select at least some commissioners who bring an understanding of the law that underlies federal and state voting rights compliance and of the statistical expertise involved in racially polarized voting analyses; and other quantitative analyses needed for voting rights or COI compliance.

What is the right level of transparency around the commission's deliberations on voting rights?

Unlike the 2020 commission's typical full session deliberations, the discussions and decisions regarding voting rights compliance were often held outside of the public's eye. Commission meetings must be public, but there is a legal exception for any meeting that discusses topics that are under the threat of litigation. Because the voting rights components of the maps were subject to this threat of litigation rule, the commission's lawyers recommended closed session

⁵³ Tiffany Stecker, "Gibson Dunn Lawyers Hired by California commission," Bloomberg, 30 June 2021.

⁵⁴ Legal counsel David Becker stated the number of analyses at the October 27, 2020 commission meeting: https://download.videosscc.com/CRC/102721/CRC_102721.mp4.

meetings to discuss voting rights compliance.⁵⁵ Some public commenters raised this as a transparency issue during the process. For instance, a public commenter who identified as being with the Black Redistricting Hub at the September 29, 2021 meeting stated that some public release, even if limited, of racially polarized voting analyses or summary legal analyses would help members of the community in submitting their own maps for consideration by the commission.⁵⁶

A number of advocates interviewed recognized why some of the 2020 commission's discussions around voting rights were done in closed-door sessions due to the threat of litigation, yet many also indicated they would have preferred more transparency around voting rights matters than occurred in 2020. Some wanted fewer closed sessions for voting rights and litigation discussions, while others said they would have liked a report out after the sessions with a short summary of what was discussed. Other advocates suggested that the commission should strive for greater transparency where it is legally feasible around voting rights compliance. For instance, Kathay Feng, then the Common Cause National Redistricting Director, suggested that topline details about racially polarized voting estimates and statistical analyses could be released to the public even if the voting rights compliance meetings were held out of the public eye.

Multiple stakeholders interviewed said that the 2030 commission should release (1) the list of elections analyzed to determine whether racially polarized voting exists; (2) the statistical methods utilized to conduct the analyses; (3) the units of analysis for the racially polarized voting analyses (i.e., previous districts, newly drawn districts, counties, or other jurisdictions); and (4) a brief topline summary and rationale for the racially polarized voting analyses. In particular, it would be in the public interest to release whether both primary and general elections are analyzed when measuring the presence of racially polarized voting. Further, other advocates suggested that the 2010 commission release its racially polarized voting analyses and ability-to-elect analyses now that the map is moot and also encouraged the 2020 commission to make their voting rights statistical analyses publicly available as part of the historical record at the end of the decade.

There was less demand from advocates that the complete statistical analyses and legal analyses of the racially polarized voting analyses be released, as that seems to fall under the purview of legally protected commission work product for the purpose of complying with the Voting Rights Act and other relevant state laws. The 2020 commission did release a "heat map" of geographic regions where some or all of the following criteria (Gingles prongs) were met: (1) Where could a district be drawn with 50% or greater of one racial/ethnic group? (2) Was racially polarized voting present? (3) If so, had this racially polarized voting led to the majority racial group defeating the minority

⁵⁵ These closed-session voting rights meetings would sometimes go long, and observers of the streamed 2021 meetings would be forced to wait for the public, non-voting rights parts of the meetings to restart. The public's ability to follow along was sometimes hampered by the inability to guess or gauge when the closed-session meetings would end.

⁵⁶ September 29, 2021 California citizens redistricting commission meeting: https://download.videoss.com/CRC/092921/CRC_092921.mp4

racial group's preferred candidate(s)?⁵⁷ This heat map was utilized by commissioners in drawing maps that complied with the Voting Rights Act and applicable state law. Advocates and the public also utilized this heat map to advocate for districts that would provide the opportunity to elect candidates of choice for voters of color in those regions in California, though some advocates said that the heat map was too general to assist with highly detailed advocacy. Legal counsel presented the heat map to the public in the October 27, 2021 public meeting.⁵⁸

Some advocates praised the heat map as informative to the public. Other advocates, though, raised questions as to whether the “heat map” of voting rights geography was exhaustive, and there were concerns that some geographic areas were not initially part of voting rights compliance analysis and were included only later in the process once analyses were submitted by external public commenters and/or internal analyses that the public were not able to see were prepared.

The “heat maps” of voting rights geographic areas, while perhaps imperfect, were improvements over the 2010 commission release of information on voting rights. In the 2010 process, the commission only released some topline summaries regarding voting rights. The 2030 commission should continue to use heat maps, but add more detail and, hopefully using advanced technology, make

them easier to use and manipulate by members of the public. It should also publish the statistical and methodological information underlying the voting rights analyses described above.

There is an equity implication around data availability. Smaller community groups are less likely to have legal, mapping, and/or statistical capacity, meaning that the lack of data from public sources leaves them at a disadvantage. One advocate explained that there are “deep inequities” embedded in the redistricting process because some advocates have access to racially polarized voting analyses while other advocates and members of the public did not. More detailed resources from the 2030 commission could help with this. One additional solution floated by a good government group would be to create a clearinghouse of data at a California university that would maintain and update racially polarized voting data and/or analyses and make it accessible to all Californians. Doing this prior to the next redistricting cycle would also allow for organizations and individuals with fewer resources to access these important data useful for voting rights compliance well in advance of the next commission. A similar clearinghouse of communities of interest using equity-based analyses at a California university may be helpful too. Finally, stakeholders praised the California Statewide Database as a critical component of the data available to the public, though did hope to see even more data in the Database in the future.⁵⁹

57 While the commission's heat map was limited to displaying where one racial/ethnic group greater than 50% could be drawn, the federal courts have been inconsistent in whether multiple minority groups can be a cohesive group to be protected under Section 2. The U.S. Supreme Court has been silent on this matter, but there is a split at the federal circuit level with the 11th circuit ruling that 50%+ coalition districts can be used to establish evidence of Gingles prong 1, while the 6th circuit has ruled in the opposite direction. See Kevin Sette, 2021. “Are Two Minorities Equal to One? Minority Coalition Groups and Section 2 of the Voting Rights Act.” *Fordham Law Review*. The 2020 commission did not release heat maps where a coalition minority group was 50% or more.

58 See approximately at 16:30 at the video of the October 27 meeting: https://download.videosscc.com/CRC/102721/CRC_102721.mp4.

59 Some stakeholders noted that the Statewide Database only identifies Hispanic surname voters; and Asian surname voters in six groups (Chinese, Filipino, Indian, Japanese, Korean, Vietnamese). These same stakeholders suggested that new methods be used for the Statewide Database so data on Black voters can be incorporated; and geocoded surname matching could be employed. These types of data using geocoded surname matching are often available to racially polarized voting and expert consultants, though if they are not part of the Statewide Database, then the public lacks access to these types of data.

With all of these suggestions for greater transparency for the commission, it is important to remember that state legislatures that draw district lines usually provide little-to-no transparency around voting rights compliance; and the 2010 and 2020 commissions exceeded transparency levels relative to most state legislatures. Almost no legislatures that drew maps as part of the 2020 redistricting process publicly released detailed voting rights analyses. One unknown with respect to the 2020 commission is whether and how opportunity-to-elect analyses were conducted by the commission or its staff. These opportunity-

to-elect analyses are typically conducted on newly proposed maps or final maps to ensure that the racially polarized voting that keeps communities of color out of power can be overcome in the newly drawn districts in order to elect minority candidates of choice. There was no transparency and no release of such opportunity-to-elect or ability-to-elect analyses by the 2020 commission nor by the 2010 commission. Again, many advocates and observers understood that the lack of transparency regarding quantitative ability-to-elect analyses was because of the threat-of-litigation rule.

Table 8
Commission 2020 v. Commission 2010 v.
Legislature 2000-02 on Voting Rights Transparency

	2020 commission	2010 commission	2001 legislature
Released RPV results subject to legal counsel guidance?	RPV analysis conducted, but full analysis not released. Released heat maps of voting rights geographic areas.	RPV analysis conducted with short summary released. Full analysis not released.	None released, and possibly no RPV conducted.
Conducted RPV & voting rights analysis prior to drawing lines?	Yes.	Yes.	Unknown. ¹
Released ability to elect analysis after maps drawn?	Not released.	Not released.	Not released.

1 No one interviewed was able to say if the state legislature prior to 2002 had conducted a RPV report.

Recommendation: In order to provide greater information to the public, the commission should release summaries of ability-to-elect analyses and racially polarized voting analyses, and identify which elections were used to conduct those analyses. The 2030 commission should provide heat maps with greater detail, which would allow for more specific advocacy by community organizations that do not have mapping or statistical capacities. Other parts of the VRA process and more detailed analyses may need to continue in closed sessions for legal reasons.

Recommendation: Maintain funding and capacity for the Statewide Database. The Statewide Database was critical in supplying nonpartisan and unbiased data and analysis to the commission and, indirectly, to the public. The state cannot lose this resource and must ensure capacity and funding for the California Statewide Database at UC Berkeley through the next redistricting cycle and beyond.

Recommendation: Data on Black voters that can be utilized for voting rights compliance are not available at the precinct level in the Statewide Database. The Statewide Database at UC Berkeley should be updated to include data on Black voters. The Statewide Database provides data for analysis of elections and redistricting and also performs surname matching for voter race and ethnicity for voters with Hispanic surnames and for voters with Asian surnames in six Asian groups (Chinese, Filipino, Indian, Japanese, Korean, Vietnamese). However, the Statewide Database does not provide data on other racial ethnic groups at the precinct level, including Black voters. Such data are required for conducting racially polarized voting analyses for voting rights compliance. In order to expand the scope so that data on more racial/

ethnic groups are included, the Statewide Database should incorporate more cutting-edge surname matching methods for its data. A newer method called Bayesian geocoded surname matching is frequently used in expert witness work measuring discrimination against voters of color.⁶⁰ This newer method allows for the measurement of whether a voter is Black as well as a more refined measure for other racial and ethnic groups. Using Bayesian geocoded surname matching for all groups would also improve data quality and improve ease of access for the public to conduct RPV analyses.

Recommendation: The California State Legislature or another entity should fund nonpartisan expert statistical analyses and research about racially polarized voting during the next decade in advance of the 2030 redistricting cycle. A nonpartisan clearinghouse could be created at a university in California. Several advocates noted that the analysis of racially polarized voting and ability-to-elect analyses is an expensive and time-intensive task requiring statistical and legal expertise. Publishing this publicly through a trusted entity would also allow for organizations and individuals with fewer resources to access these important data useful for voting rights compliance and redistricting advocacy, thereby creating greater equity. Such a clearinghouse could provide important information for the commission in 2030, but of course the commission would still need to hire its own racially polarized voting consultant who would need to evaluate past elections as well as the new maps produced by the commission. Similar efforts focused on a number of states [have already been launched at the Election Law Clinic at Harvard University.](#)

⁶⁰ Barreto, Matthew, Michael Cohen, Loren Collingwood, Chad W. Dunn, and Sonni Waknin. 2022. "A Novel Method for Showing Racially Polarized Voting: Bayesian Improved Surname Geocoding." *NYU Review of Law and Social Change* 46:1.

VIII

Mapmaking by California's 2020 Commission

Mapmaking by California's 2020 Commission: Visualizations, Draft Maps, and the Need for a Sustained and Early Emphasis on Los Angeles County

Mapmaking and line drawing by the 2020 commission began in earnest in early October 2021 and continued through December 2021. The mapmaking process was an iterative one, where commissioners guided staff to draw lines, new public inputs came into the commission, and the maps were changed. Some of the longest and most grueling meetings of the 2020 commission were from October through December 2021, as early visualized districts eventually became the final maps.

The census data arrived and mapmaking commenced soon after. The U.S. Census Bureau, after significant delays driven by COVID, released data for redistricting to the state on August 12, 2021, and then released easier-to-use data in late September 2021.⁶¹ Because the commission voted to reallocate individuals incarcerated in state prisons from their place of incarceration to their home communities, avoiding a practice known as prison gerrymandering, commission staff needed time to adjust the census-provided data. These prison-reallocated data were ready and available to the 2020 commission and to

the public on September 20, 2021. The census delay, followed by the data work required to do the reallocation of incarcerated individuals, meant the commission had about three months to complete their final maps. While a short window of time, the 2020 commission had a similar amount of time to complete their mapmaking as the 2010 commission and other redistricting bodies during the 2020-22 redistricting cycle.

From map visualizations to draft maps. The process for mapmaking that the commission laid out was to first give guidance to the mapmakers prior to their October meetings. Then the commission released “visualizations” at its October 4, 2021 meeting and several subsequent meetings. These visualizations could be conceived of as first drafts – they were not officially districts but were approximately the same populations as districts and were based on preliminary line-drawing guidance from commissioners, from voting rights counsel, and from the racially polarized voting analysis consultant. Following these visualizations, the commission took in extensive public comment and, after the visualizations were changed after several public meetings, the commission released its draft maps on November 10. These draft maps for the congressional, Assembly, and Senate districts were again changed iteratively across many long and arduous meetings, based on the inputs of the public, between November and December 20, 2021 (when the commission passed its final maps).

Start with Los Angeles County. In California, mapping Los Angeles County and its environs is one of the most critical parts of the redistricting process. Observers interviewed for this report thought the 2010 commission

⁶¹ The commission's full timeline is listed here on their web site: <https://wedrawthelines.ca.gov/about-us/timeline/>. The U.S. Census Bureau also has details on its data delay at “Redistricting Data: What to Expect and When.” July 28, 2021. <https://www.census.gov/newsroom/blogs/director/2021/07/redistricting-data.html>.

did not emphasize Los Angeles as early as it could have. The 2020 commission tried to learn from the past by starting its public mapping process in Los Angeles County. The commission was wise to schedule Los Angeles County as the meeting in October 2021 where preliminary map visualizations were first shown to the public and discussed by commissioners. An October 4 meeting was focused on Los Angeles County, but commissioners quickly derailed a sustained and deep dive into the Los Angeles County visualizations and maps with a number of questions about voting rights requirements, communities of interest, and legal questions.

Advocates observing the process were concerned that the initial map visualizations split Asian American communities in the San Gabriel Valley in eastern Los Angeles County, created only one district with a significant percentage of Black voters in south Los Angeles County, and did not sufficiently create Latino opportunity-to-elect districts in Los Angeles County. Public commenters raised these issues, and the commission responded to some of these concerns through iterative changes in the maps.⁶²

The 2020 commission's meetings then moved to regions in the rest of the state, leaving Los Angeles and its visualizations behind. The October 5, 2021 meeting was devoted to parts of the Bay Area, the Central Valley, and other inland parts of California. The October 6 meeting was devoted to parts of southern California not in Los Angeles County and inland regions across the state. The 2020 commission then came back to Los Angeles

62 Sameea Kamal, 2021. "Where are the flashpoints in California redistricting?" Cal Matters, November 10. https://calmatters.org/politics/2021/11/california-congressional-districts-flashpoints-maps/?mc_cid=ff2b0994c7&mc_eid=5485ea8320

County with new visualizations in an October 13 meeting.

After this October 13 meeting, though, attention on L.A. County maps soon slipped. In most of the commission's meetings in October and early November, the commission redrew visualization maps again and again in a very public process. Notably, almost every one of the commission's October 2021 and many of the November 2021 meetings started mapping in northern California and moved southward as the day progressed.⁶³ Thus, attention to thorny issues and competing public comments in Los Angeles County were often only addressed by the commission later in the day when Zoom fatigue had set in; or were punted to later days.⁶⁴

The slippage of attention to Los Angeles County was a problem in both the 2010 and 2020 commission process. Advocates interviewed for this report indicated that Los Angeles County needed to have more attention first because it is arguably the most complex area to map in the entire state of California. It has multiple minority groups, and multiple regional areas where Section 2 of the Voting Rights Act may have needed to be enforced. The complexity of mapping in Los Angeles County is also great due to the large number of communities of interest and the large number of public commenters in the area. By mapping less legally and geographically complex areas of the state before Los Angeles County, the commission

63 In October, the commission divided its time between revising its map visualizations, and allowing a number of public commenters and organizations to present their own maps that had been drawn since the release of the ready-to-use census data.

64 John Myers, 2021. "California Politics: A dramatic do-over of maps for Congress." Los Angeles Times, November 12. <https://www.latimes.com/california/newsletter/2021-11-12/california-politics-newsletter-redistricting-maps-ca-politics>.

then has less flexibility in how it can comply with and incorporate legal guidance on voting rights and public input on communities of interest in the highly diverse and highly populous county.

From draft maps to final maps. By mid-October, commissioners started to notice the clock ticking. At its October 20 meeting, polite fissures were revealed as some commissioners stated that too much “brainstorming” had been done regarding map visualizations and that the commission needed to focus on redrawing lines based on public inputs in order to produce draft maps. Finally, after much deliberation and redrawing of the visualization lines – sometimes quite substantially – the commission produced its draft maps for the public on November 10, though it did leave many of the issues in Los Angeles County unresolved at this point.

In December, the commission met almost daily to redraw lines based on public inputs and guidance from their legal and mapping teams. The maps were frequently redrawn live on camera during the meetings throughout the entire month of December. Geographic areas including San Jose, Monterey, the Salinas Valley, Los Angeles County, Orange County, and the Central Valley were key hotspots and flashpoints during the December mapping process as the commissioners continued iterating and finalizing. The final maps were completed and passed unanimously on December 20 to much celebration and relief from the commission. The commission then delivered its maps to the Secretary of State by the December 27 deadline.⁶⁵

The process was arduous, lengthy, and at times fraught, but it was also public, participatory, and rank-order-criteria-driven. Commissioners’ passion and care for the people of California was on display as they worked long days and nights completing the maps; and the final maps were generally regarded by most stakeholders as a success. Nevertheless, there are some lessons learned that may lead to a smoother experience in 2030.

Mapping best practice #1: Start mapping with Los Angeles County and southern California

The next California commission could improve its process by starting in southern California and Los Angeles County and sustaining its work to get the maps in near-final shape in Los Angeles County and southern California and then move north. By starting in Los Angeles County and attempting to first complete the work there, the commission may streamline its workflow so that the difficult redistricting choices inherent in the state’s most populous county are not left until near the end of the mapmaking process.

The 2022 estimate for Los Angeles County’s population is almost 10 million people. The next four most-populated counties in the state are San Diego County (3.28 million), Orange County (3.16 million), Riverside County (2.45 million), and San Bernardino County (2.19 million). About one-quarter of the state’s residents live in Los Angeles County, and about one-half of the state’s residents live in one of these five counties in southern California. Los Angeles County is the most-populated county in the United States and has more people

⁶⁵ Elizabeth Larson, 2021. “California citizens redistricting commission delivers maps to California Secretary of State.” Lake County News, December 28.

than 40 U.S. states.⁶⁶ San Diego County is the fifth most-populated, Orange County is the sixth-most populated, and Riverside County is the tenth most-populated of all counties in the United States. These counties are not just huge, but they also have significant racial and ethnic diversity, they have voting rights compliance issues, and they have large numbers of communities of interest. They inevitably take more time than any other part of the state to get right.

The 2020 commission did a commendable job under a severe time crunch, though ultimately they spent less time than they could have and should have on the Los Angeles metro area. The 2030 commission should learn a lesson from the 2020 and the 2010 commissions: Start with Los Angeles County and southern California, due to its enormous size and diversity, the need to assess voting rights compliance, the possible need to draw minority-opportunity-to-elect districts, and the vast number of communities of interest.⁶⁷ As a rough rule of thumb, redistricting commissioners in 2030 should probably devote at least one-quarter of their time to Los Angeles County and at least one-half of their time to the five-county region of L.A., Orange, San Diego, Riverside, and San Bernardino counties. The Inland Empire, Orange County, and San Diego County are all diversifying rapidly with demographic growth and change in their counties, and as a result these areas are likely to be key flashpoints in the 2030 redistricting.

⁶⁶ Justin Ray, 2022. "L.A. County has more people than 40 states, but its political power doesn't reflect that." Los Angeles Times. 12 May.

⁶⁷ The state constitutional provisions and the federal Voting Rights Act require the drawing of minority opportunity-to-elect districts in areas with sufficiently high minority populations, where there is racially polarized voting, and where minority voters' preferred candidates are regularly defeated. Given the multiple minority groups in Los Angeles County, this area will require greater time and attention.

Mapping best practice #2: Do not neglect other important geographic areas, such as the Central Valley and densely populated areas of northern California

In addition to focusing on L.A. County earlier, the 2030 commission should think early and often about regions in the state that have the greatest inequality. The 2020 commission spent a lot of time – especially near the end of the process – on the Central Valley. Given the region's history of discrimination against Latino voters, the presence of racially polarized voting, and the growth of diverse communities, all factors that make redistricting in the region more complicated, the 2030 commission should begin mapping in this region early in the process as well. There are additional reasons why this may be wise. The public comments were not always consistent in this region, requiring more time for the commissioners to process. This region has seen increasing levels of civic engagement, especially among young people, but the ability for marginalized and immigrant farmworker communities in the Central Valley to advocate before the commission is less easy than for higher-socioeconomic status coastal communities in the state.⁶⁸ Truly hearing from these communities takes extra effort.

With its remaining time, the 2030 commission should carve out the most time for those regions that are high in population, like the Bay Area and Sacramento, that have competing public comments, and that have significant inequities. Areas around San Jose

⁶⁸ Veronica Terriquez and Hyeyoung Kwon. 2015. "Intergenerational Family Relations: Civic Organizations and the Political Socialization of Second-generation Immigrant Youth." *Journal of Ethnic and Migration Studies* 41:3.

and Monterey were contentious hotspots in the 2020 process, so the 2030 commission should be prepared to devote time to these areas and the broader areas of northern California. Advanced data techniques may be a tool to determine where the state's greatest inequities lie on a variety of metrics, and how those inequities interact with communities of interest.

Mapping best practice #3: Live line drawing is good for transparent redistricting

Several people who observed the redistricting process closely complained about the inefficiencies in map-drawing that occurred live and at the direction of one commissioner or several commissioners. However, good government groups and other observers noted that while live line-drawing was slow – and required significant agility and gumption from the commissioners and their mapping staff and significant patience from the public viewing the line drawing – it was good for transparency.

Live line drawing

Live line drawing is when a commission directs its mapping staff to draw and adjust district lines in real time during public meetings.

One of the biggest advantages of the California redistricting commission process is the fact that any member of the public can watch the commission shape the new districts right before their eyes, often in direct response to feedback from the public. While several repeat redistricting observers found it tedious to continue to watch the same districts being

redrawn live with different tweaks over and over in live sessions, this practice validated for regular Californians the transparent and above-board nature of the commission's work. The public could see which commissioner requested line changes, and observe how the commission resolved conflicts over different visions about where the lines should be drawn.

The comparison to the 2000 redistricting process (the last one by the California state legislature) and the drawing of legislative maps in the 2020 cycle is stark. Few if any state legislatures ever engage in transparent line-drawing live in the view of the public, but instead typically adopt maps that are created behind closed doors. The California commission process allowed for much more transparency in line-drawing than ever existed with the legislature. And the 2020 commission's reliance on live streamed meetings due to the pandemic was an unexpected bonus for the public, which could watch the live line-drawing and meetings without having to travel to an in-person public meeting in Sacramento or elsewhere.

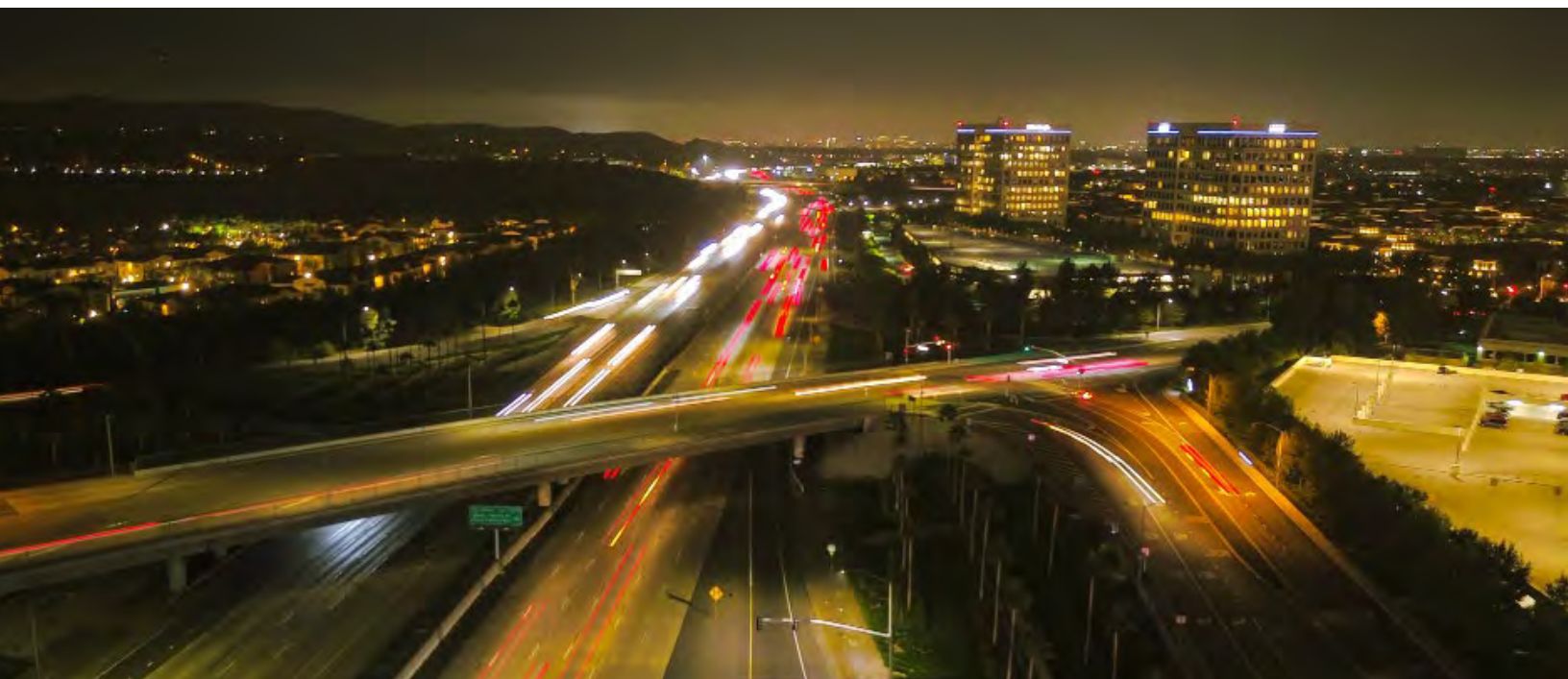
Recommendation: When mapping, start with and give sustained attention to Los Angeles County and Southern California, then focus on other geographic hotspots with large populations or regions with severe inequities.

To ensure appropriate time is spent on the most populous and most diverse areas, and to ensure appropriate attention is paid to complex issues of Voting Rights Act and communities of interest compliance, future commissions should start with the Los Angeles region and southern California. In addition to prioritizing L.A. County, the next commission should also start early on geographically important regions with severe inequities and large populations.

Recommendation: The 2030 commission should use data to be strategic about key areas that deserve greater focus when drawing lines. The 2030 commission can analyze data on racial and socioeconomic inequities, and prioritize those areas where data show that inequities are the most substantial as well as those areas that are the most populous. A data-based approach to measuring racial, socioeconomic, and other inequities (such as proximity to pollution) and how those inequities overlay on communities of interest would help the next commission figure out which geographies to focus on when drawing lines. Such data analysis done affirmatively by the commission would also pair well with community-provided public inputs.

Recommendation: Future commissions should maximize transparency by continuing the practice of live line-drawing streamed via public meetings. The ability for the public to watch the 2020 commission's proceedings via streaming video was praised by all advocates and observers. While "Zoom fatigue" around the 2020 commission happened with commissioners and members of the public, the live line-drawing and live-streamed meetings were a model of transparent redistricting.

Recommendation: Develop ways to incorporate submitted maps and public comment shapefiles directly into a visualization of communities of interest, where multiple communities of interest shapefiles from different public commenters can be overlaid into one map for commissioners to view. By 2030, the redistricting technology should exist to be able to take multiple public comments of proposed maps and overlay them on top of other proposed public comment maps, and to code text submissions of communities of interest and overlay those onto map visualizations. Such a publicly accessible database of overlaid maps could help inform both the public and the commission as it attempts to map publicly submitted communities of interest into legislative districts. These maps could then be displayed in live meetings or on the commission's website to view.



IX

Public Comments and Processing Public Inputs

Public Comments and Processing Public Inputs

The California public is to be commended for its degree of participation in the 2020 state redistricting process, and the commission is to be commended for creating multiple avenues for participation. There were 3,870 verbal comments and 32,410 written comments submitted to the 2020 commission. Public comments and inputs came to the commission in many forms.⁶⁹ The commission received comment via a community of interest app, a mapping tool that allowed for the uploading of shapefiles with full maps drawn by community members, live meeting public comment call-ins, advocacy group map presentations, comments that could be submitted via portal, and public social media comments. The options were vast, and for that the commission should be commended. There were so many options, in fact, that advocates found it hard to determine if the comments and inputs were more quickly or more thoroughly reviewed using one input method instead of another. For example, one advocate interviewed was curious if a submitted map was looked at when the map was uploaded via the portal, but felt greater confidence that the commission heard and understood the group's testimony during public presentations of maps.

Not only was there an incredible amount of public input, but it was also clear the commissioners grappled with these public comments in crafting their maps. The commissioners gave direction to mapping staff based on early public comments and

69 "Report of Final Maps," 2020 California Citizens Redistricting Commission, 2021, p. 9. <https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2023/01/Final-Maps-Report-with-Appendices-12.26.21-230-PM-1.pdf?emrc=63dc56ef117af>

also tweaked and changed a number of districts in between the draft maps and the final maps based on a large amount of public inputs. Commissioners also explained that they took every public comment seriously and did their best to incorporate as much public comment as possible. Perhaps inevitably, some observers noted that early comments helped shape how commissioners thought about communities of interest; and these early comments were influential in helping shape future conversations during the public meetings. Public comments and presentations in direct response to the early visualizations the commission presented in October 2021 were also heavily weighed and led to substantial revisions of the maps.

All of that said, while the public comment received was enormous, that does not mean that Californians across different socioeconomic strata were providing comments proportionate to their populations in the state. Several social justice advocates expressed concerns that vulnerable communities had more difficulties in communicating via public comment.⁷⁰ Giving verbal public comment required waiting in call-in queues, sometimes for hours, and higher-income Californians more frequently have flexible work schedules that would allow for such ability to wait to communicate. Other social justice advocates expressed concern that the public comment process was harder for those facing language or accessibility barriers. The 2030 commission should

70 These impressions from community advocates that more highly-resourced individuals have time and other resources to engage in the public-commenting process are also borne out in the literature on public participation in governmental and administrative decision-making. While greater citizen participation increases effective governance and may improve legitimacy, "efforts to increase social justice through citizen participation face the greatest obstacles." See Archon Fung, 2015. "Putting the Public Back into Governance: The Challenges of Citizen Participation and Its Future." *Public Administration Review* 75:4:513-22.

consider how to make the public comment process accessible to those who may be deterred from participation due to these and other potential barriers.

Not only were a lot of public comments received, but the commission held an inordinately large number of public meetings and public hearings. The table below compares the 2010 commission and the 2020

commission. In 2010, the public meetings required uprooting the entire commission, including all commissioners and substantial staff, and moving it around the state for in-person meetings in large venues. The 2020 commission held more public meetings than 2010, likely due to the simpler logistics involved in virtual convenings and because they had more lead time prior to map-drawing because of Census Bureau delays.

Table 9
Comparing the 2010 and 2020
California redistricting commission

	# public comments	# public meetings
2020 CA commission	36,280	196
2010 CA commission	22,000	104

To measure how participatory and how open to public input the 2020 commission was, it is useful to contrast California’s number of hours of public meetings with other states where independent commissions do not draw the lines. The table below shows the number of public hearings/meetings held across four states: Wisconsin, Louisiana, New Jersey, and California. While these states are not directly comparable to California, these states are used as exemplar comparisons because data on their public meetings were publicly available online. It is possible that other states with legislative-drawn maps not displayed in the figure below had even less frequent

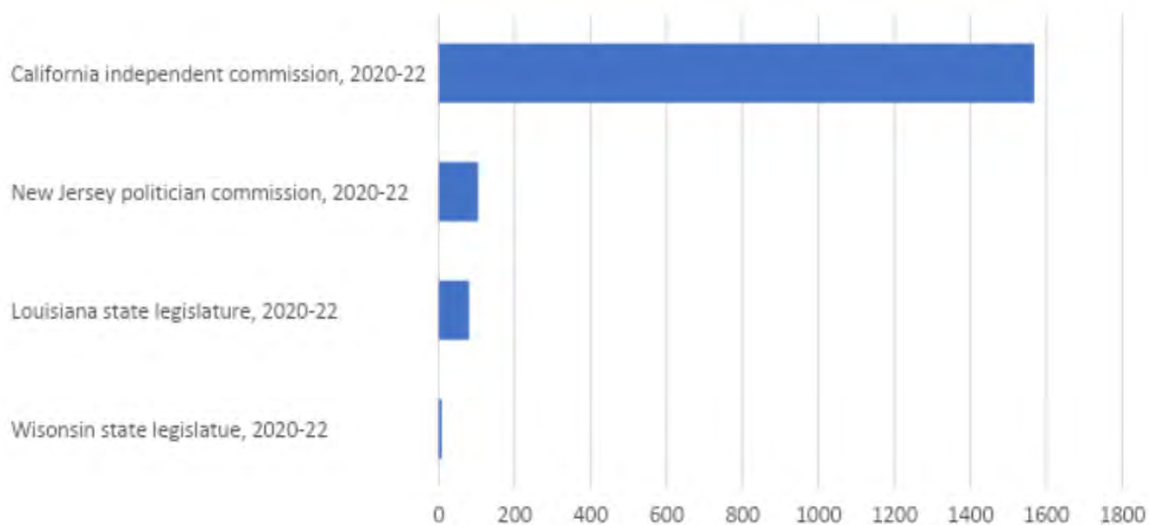
public meetings given that such data for other states was not found. These three states were also selected as one leans Democratic (New Jersey), one leans Republican (Louisiana), and the other is a “purple” state (Wisconsin). These states were also chosen to contrast with California as they are examples of states that have historically been subject to litigation or public concerns about the mapping process.

Wisconsin – famous for its state legislative-drawn redistricting map from the previous decade that ended up before the U.S. Supreme Court in *Rucho v. Common Cause* – held only one public hearing of approximately eight

hours in length for the entirety of its 2020-22 redistricting process. The Louisiana legislature also draws its state’s redistricting maps, and it held 10 public hearings totaling an estimated 80 hours. New Jersey relies upon a politician commission where elected officials appoint members and also serve on the line-drawing commission. It held 13 public hearings totaling an estimated 104 hours. The California Citizens Redistricting Commission showed

a much greater commitment to an open and public process, as the commission held 196 public meetings that in total were estimated to last over 1,500 hours. Even if one were to adjust for size – one might expect larger states to hold more hearings – California’s volume of transparent deliberation and opportunity for public participation was in stark contrast to other states.

Figure
Comparing the California commission’s and other states’ legislative public hearings



Seeking a better process: How to take in all the public comments, public maps, and public inputs

This high volume of public comment, while impressive, produces information overload for redistricting commissioners. Commissioners did their best to take and internalize inputs from all public commenters but various constituencies raised concerns – especially mid-way through the process – that their community maps or public comments were not always getting through to the commission. Similar issues were raised during the 2010 commission process.⁷¹

Commissioners – like all government officials working within organizations – face capacity issues when processing thousands of public

comments in a very short period of time.⁷² There simply are not enough hours in the day for commissioners to read, cognitively process, and closely evaluate every single comment that comes in from the public. Information overload can “drain productivity” for individuals.⁷³ Given the information overload, officials within organizations often rely on heuristics, must delegate to others, or engage in other information-processing strategies. Particularly when individuals are working in governmental institutions like the commission, high volumes of information content require behavioral strategies to manage the intake of such extensive levels of information.⁷⁴

72 Herbert A. Simon. 2000. “Bounded rationality in social science: Today and tomorrow.” *Mind & Society* 1:25-39.

73 Nathaniel Davis. 2011. “Information Overload, Reloaded.” *Bulletin of the American Society for Information Science and Technology* 37:5:45-49.

74 Anthony Bertelli, Norma Riccucci, Paola Canterelli, Maria Cucciniello, Christian Grose, Peter John, Elizabeth Linos, Anjali Thomas, and Martin Williams. 2022. “The (Missing?) Role of Institutions in Behavioral Public Administration: A Roundtable Discourse.” *Journal of Behavioral Public Administration* 5:1

71 See, e.g., pp. 41-42 of Raphael J. Sonenshein, 2012, *When the People Draw the Lines*, Report for the League of Women Voters.



The 2020 commission seemed to rely upon commissioners from each geographic region to manage the public comments for that region and report back on those. The commission also relied on staff to sort comments into particular geographies and categories. Another strategy the commission utilized was iterative mapping – making changes to maps based on new and additional public comments in real time.

Commissioners in 2020 knew the challenge they faced. They reported that they wished there was a better way to get high-quality public comments in an efficient manner, and civic engagement advocates also said they wanted a way for “high relevance” comments to break through to the commission. The 2020 commission contracted with U.S. Digital Response to help manage, store, and digitize their public comment data, but figuring out new ways to summarize and process the public comment data are needed. Prior to 2030, the state of California and/or outside philanthropic organizations should fund social science research that will find new techniques of quantitative text analysis to better help commissioners process and intake large volumes of public comments, but also do so in a way that does not rely on poor or biased algorithms. It is important to separate the signals from Californians about meaningful communities of interest in the public comments from the noise of less relevant commenting campaigns.⁷⁵ The California commission and other commissions would

75 Commissioners interviewed said they struggled with trying to distinguish public comment from genuine community members versus public comments that were orchestrated as part of a campaign to help a particular potential candidate. One commissioner has written an article detailing her experience with the public comment process, and the importance for future commissioners of distinguishing meaningful comments from the public from “astro turf” campaigns orchestrated by political consultants working on behalf of a candidate. See Sara Sadhwani, 2023. “Independent Redistricting: An Insider’s View. The Forum: A Journal of Applied Research in Contemporary Politics. <https://www.degruyter.com/document/doi/10.1515/for-2022-2063/html>.

benefit from a way to quantitatively assess, process, and summarize public comments, and such technology should receive investment. In addition, Californians in the general public would also benefit if such technology helps reduce fatigue from the queuing process to submit verbal public comments.⁷⁶

Ultimately, advocates who had been through multiple redistricting processes in California also said the commission process was superior to the closed process of legislative drawn maps, despite the challenges articulated above. Veteran civic engagement advocates and observers of the redistricting process in California pointed out that the 2001 maps were purposely passed on September 12, 2001 – less than 24 hours after the 9/11 terrorist attacks – in order to allow for as little public comment and attention to the 2001 maps as possible. Voting rights and civic engagements advocates suggested that these 2001 maps were drawn in ways that cracked and split communities of color in some regions of the state in order to protect incumbents. For instance, the 2000 legislative maps purposely split apart Latino communities in the San Fernando Valley of L.A. County and purposely split Asian American communities in the San Gabriel Valley in order to draw safer seats for white incumbent legislators.

In historical context, most observers who wish to see redistricting with a focus on community input prefer the inefficient work of the 2010 and 2020 commissions over the highly efficient – but closed to the public

76 Many observers and public commenters expressed dismay at the challenges of waiting in the queue, sometimes for hours, to call in to provide verbal public comments during meetings of the California citizens redistricting commission. This was particularly difficult for Californians who had jobs and could not monitor hearing livestreams for hours until their turn came up; and may have been particularly challenging for people whose primary language is not English and for people with disabilities.

– work of the 2001 state legislature’s map drawing. Most advocates interviewed for this report expressed satisfaction that the final maps turned out reasonably well and that their voices were heard, even if the maps were not drawn exactly as they would have preferred. And still, advocates, stakeholders, and commissioners all expressed a desire to find new ways to make the public commenting and iterative mapmaking process more efficient and more accessible while maintaining transparency.

In order to increase efficiency and commissioners’ abilities to cognitively process a large number of public comments, California leaders, including the 2020 commission, philanthropy, and the California State Legislature, should consider the following recommendations and ideas prior to the next round of redistricting:

Recommendation: Harness new techniques of quantitative text analysis to better help commissioners process and intake large volumes of public comments. The state of California and/or outside philanthropic organizations should fund social science research that will seek solutions to quantify and summarize the large numbers of public comments that are likely to come in during the 2030 process. Advances in quantitative text analysis and machine learning may help create digestible and easy-to-process summaries of large volumes of public comment information for future commissioners. This must be done with an awareness, however, that big data can never replace the power and importance of individual human stories, and that communities are their own best spokespeople.

Recommendation: Continue to improve the “redistricting app” for public comments about communities of interest. The commissioners, the public, and the civic engagement advocates would benefit from an even better “redistricting app,” one that would allow for shapefiles and maps to be submitted, overlaid, and examined by commissioners and the public. Additionally, the next commission will need to grapple with what will likely be even greater levels of technological sophistication in submission of community maps. Philanthropy and civic engagement groups will have to think in advance of the next redistricting how to enhance digital literacy regarding mapping or collaborate with Californians interested in redistricting and COIs but who possess less digital mapping literacy.

The 2030 commission should consider:

Recommendation: Allocate more staff time to reviewing, summarizing, and reporting out community of interest (COI) submissions and responses to draft maps. The 2030 commission should consider increasing staff support at the end of the process when public submissions rise but staff and commissioners are busy finalizing maps and the final report.

X

Transparency, Social Media, and Information Accessibility

Transparency, Social Media, and Information Accessibility

The commission embraced new technologies to make it easier for the public to comment, and as suggested above, future commissions will have to do the same as technology continues to advance. But there were several areas where the commission's work could have been improved, strengthened, or made more transparent.

Public comment via social media. Due to the deluge of public comments submitted to the commission, several civic engagement organizations and members of the public took to social media to publicly @ ("at") commissioners in posts about their communities of interest and concerns about draft maps. These "public" comments on social media appeared to help community maps and inputs break through to the commission. However, it is not clear if the commission had identified social media as an avenue for public input.

Some perceived that the social media strategies may have been effective at reaching some commissioners, but civic engagement advocates had concerns that social media posts were visible only to those who followed commissioners' and advocates' social media accounts. It was not always clear to observers of the process if the inputs provided via social media posts had equivalents that were simultaneously or previously submitted through the commission's formal public comments portals and thus had a place in the commission's formal record.

Website functionality and searchability.

Other transparency concerns were also raised by several advocates about the commission's website. Some advocates interviewed claimed that the commission website did not clearly gather all critical documents and policies in a single searchable location. Documents and policies were often posted chronologically by meeting instead of thematically, as is common with government agencies, though this made it hard for some advocates and members of the public to find materials. In some cases, advocates and members of the public had to know the specific meeting at which a document was discussed and download it from the meeting's materials in order to access it. In short, some advocates interviewed for this report criticized the searchability of the commission's website. At least one advocate noted that this has equity implications, as a challenging user experience may deter participation from harder-to-mobilize communities.

Recommendation: Establish more specific policies and rules for social media communications coming from the public that seek to submit COI input, make comments on maps, and influence commissioners. At a minimum, track and post comments made via social media as the commission would for other types of public input.

Recommendation: Improve access and searchability of the commission's website.

The 2030 commission should make it easier to find its policies and most important documents, should make data and maps released as easily and electronically accessible as possible, and to make the website highly and easily searchable by the public. The 2030 commission should post detailed agendas for public meetings and comments.

XI

Conclusion: The Future of Redistricting in California

The Future of Redistricting in California

The 2020 California Citizens Redistricting Commission voted for four final maps unanimously and across party lines. Despite initial concerns regarding the lack of Latino representation among the first commissioners chosen to serve, the full commission is one of the most diverse ever to redraw electoral lines in the history of the United States. The 2020 commission was praised for its extensive number of public meetings, its volume of public participation, its transparent live line-drawing, its attention to detail and communities of interest, and much more. The commission conducted much of its voting rights discussions in closed sessions due to the potential threat of litigation, but released heat maps that summarized its work around voting rights protections and avoided any allegations or litigation claiming voting rights violations. Throughout, the commission actively sought out public engagement and was rewarded with historic levels of public input. The commission sought to incorporate communities of interest testimony iteratively as it drew and redrew its maps. The process was not perfect, and even the 2020 commissioners themselves acknowledge and have identified areas for improvement. I highlight several of those areas in this report. But overall, the commissioners should be proud of their work on behalf of the people of California, and Californians should thank them for their service.

Much credit also needs to be given to groups that organized voters and residents around the esoteric topic of redistricting, and to the thousands of Californians who submitted comments about redistricting and how they

view their communities. Because California uses an independent commission process, this community organizing has an outlet and these Californians have a platform upon which they can use their voice. They did so, and should be applauded. While members of the public and community groups did not always get the maps exactly as they had hoped, the commission process as it exists in California allows for far greater public influence over the final district maps than what is possible in states where legislatures draw lines.

In states where incumbent legislators draw their own lines, such as was the case in California during the 2000 redistricting and earlier, meetings happen behind closed doors with no accountability to the public and to community advocates. The primary redress for the public and for civic engagement and civil rights organizations where redistricting is done non-transparently via legislatures is litigation, which can be costly and go on for years. In legislative-drawn states, most community organizations have little opportunity to actually be heard. In California, the process carries no promise that any individual or community group will get the map they want, but they are guaranteed the chance to advocate on behalf of their communities of interest. As one civic engagement advocate said “This [independent redistricting] process has given Californians... the opportunity to engage the commission and have their voices heard. We would not trade this process for another.”⁷⁷

The ability to have fair and transparent redistricting requires resources. In advance of the 2030 redistricting cycle, it is critical that the California State Legislature provide the full resources needed to allow for the 2030

77 Sameea Kamal, 2021 “Why Is California’s Redistricting Commission Under Increasing Scrutiny?” Cal Matters. 9 December.



commission to do its job and do it well.⁷⁸ In addition, this report has offered guidance to the state to increase budgetary resources to improve commission staffing, outreach, data, and voting rights compliance, and to engage technological advances to help the next commission and the public succeed. With greater state resources for the commission provided by the Legislature and with greater philanthropic resources for the civic engagement community, the 2030 commission will be as successful as the 2010 and 2020 commissions were and perhaps more. If the state fails to provide the resources needed, philanthropy must step in to support the redistricting process via community-based organizations and advocacy organizations, particularly with an early emphasis in the areas of commissioner recruitment, public education, and outreach.

Reflecting upon the 2020 redistricting, a number of stakeholders talked about how exhausted they were by the redistricting process and their attempts to have community voices heard. However, as the process unfolded, members of the public and advocacy communities – as well as the commissioners – went from feelings of exhaustion to feelings of exhilaration as the maps were completed. Redistricting in a state as large and diverse as California is arduous, but the commissioners,

the staff, the stakeholders, and the advocacy groups were all part of the process that brought the public to the table to draw the maps. This report has offered a number of best practices and recommendations that are informed by that experience and can be used in the future. Further, other states should look to the California Citizens Redistricting Commission, and the recommendations here, as a model for how redistricting can be done, and also learn ways to iteratively improve and tweak the process to make it better. The process in California is not perfect, but many stakeholders view it as the best in the nation. The future of redistricting is already here, in California.

As the process drew to a close, many observers, advocates, and members of the public felt like they knew the 14 commissioners from spending time watching hours and hours of their live-streamed meetings. In the December meeting where the commissioners unanimously voted to pass the final maps, some commissioners made touching and proud statements about their views and experiences with the process. Commissioner Alicia Fernández, who was chair of the meeting when the maps were passed, held back tears of joy while speaking. She gave a statement in Spanish summarizing the 2020 commission's work that began, "We have done what the people of California have asked us to do."⁷⁹

⁷⁸ It is also critical that philanthropists plan and strategize for ways to best mobilize community-based groups in advance of the 2030 redistricting process.

⁷⁹ The video of this meeting is publicly posted at this link on the commission's web site: https://download.videoss.com/CRC/122021/CRC_122021_FULL.mp4

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Dr. Christian Grose lives in Los Angeles. He is Professor of Political Science and Public Policy at the University of Southern California. He is the Academic Director of the USC Schwarzenegger Institute for State and Global Policy. He received his Ph.D. from the University of Rochester and his B.A. from Duke University. He is the author of more than 50 articles, reports, and chapters about American politics; legislative politics; race and ethnicity; Latino politics; Black politics; voting rights; redistricting; and statistical methodology. These articles have been published in peer-reviewed journals such as the *American Political Science Review*, the *American Journal of Political Science*, and the *Journal of Politics*. His award-winning book *Congress in Black and White*, analyzes the role of race and ethnicity in the redistricting process. His research has been funded by the Russell Sage Foundation, the Leonardo DiCaprio Foundation, the MIT Election Data Science Center, and others. Grose directs the Democracy Lab, which produces nonpartisan research about redistricting, electoral systems, political institutions, and independent commissions. He has worked as an expert witness and consultant on numerous voting rights cases, and has extensive experience analyzing racially polarized voting and minority ability-to-elect districts.

Appendix: Methods and Data Employed for Report

Thank you to those stakeholders, advocates, and observers who sat for interviews; and thank you to advocates and good government groups who participated in offering comments in advance of this report via Zoom meetings and group discussions. The report's author also consulted public meetings of the commission, publicly available information and data on the redistricting process, and publicly available data on the redistricting maps. The report's author watched and re-watched many of the mapping meetings held by the commission between October and December 2021, as well as some of the earlier meetings prior to the mapmaking. Quantitative and qualitative analysis of the redistricting process was incorporated to produce the report, and was based on interviews and feedback with key stakeholders and observers of the process.

Those individuals interviewed, who facilitated or participated in the working groups, who offered feedback via Zoom meetings, and/or who provided other assistance, support, or content for the report include the following:

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