



July 13, 2020

Commissioners-Select
California Citizens Redistricting Commission
c/o California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814
Sent via electronic transmission

Re: Selection of Remaining Commissioners

Dear Commissioners-Select:

Congratulations on your selection to the second California Citizens Redistricting Commission. You are now entrusted with important tasks that will shape California’s democracy for a decade. One of your earliest and most critical tasks is the selection of the six remaining commissioners. We write today regarding the significance of your legal obligation “to ensure the commission reflects this State’s diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity.” Cal. Gov. Code § 8252(g).

Our organizations include the chief proponents of the propositions that launched California’s independent redistricting process; civil rights organizations that ensure redistricting complies with state and federal law, including the federal Voting Rights Act; and statewide alliances of dozens of grassroots, community-based organizations that engage California’s diverse communities in our democracy. Together, our organizations have worked in collaboration with the California State Auditor to ensure a broad set of stakeholders applied for and engaged in the selection process for the next CRC. In addition, we consistently encouraged the Applicant Review Panel (ARP) to ensure the applicant pool reflected the state’s diversity, particularly because Latinos were consistently underrepresented at all stages of the application process, including among the 60 finalists sent to the Legislature for consideration.

As you are aware, the random drawing to select the first eight commissioners resulted in zero Latinos being selected. There were seven Latinos among the pool of 35 finalists. Despite the fact that the Legislature reduced the number of Latinos in the final pool, the odds were still 90.4 percent that at least one Latino would be selected during the random drawing. Unfortunately, not even one was selected.

In a state where Latinos comprise nearly 40 percent of the total population and nearly one third of its citizen voting age population, a lack of Latino representation on the Commission would be unacceptable. Fortunately, you have the power, and the legal obligation, to rectify the dramatic underrepresentation of Latinos when you make your determinations regarding the final six commissioners.

The statutory scheme that governs the selection process accounts for this very scenario. Article XXI, Sec. 2(c)(1) of the California Constitution requires that the final Commission be “reasonably representative of this State’s diversity.” But the Government Code goes further in prescribing the criteria for the selection of the final six commissioners, specifically requiring that they “be chosen to ensure the commission reflects this State’s diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity.” Cal. Gov. Code § 8252(g).

You are thus legally required to examine the racial and ethnic makeup of the Commission. In doing so, you must ensure that the remaining six commissioners not only include Latinos, but that they reflect the

geographic, gender, and political diversity of the Latino population. Indeed, other forms of diversity must be weighed when you determine who to select as the final six commissioners.

Gender diversity and balance are required. The Commission must also reflect the state's geographic diversity. Notably, during their deliberations, the ARP frequently grappled with the concept of geographic diversity, and the temptation to have as many counties and regions represented as possible. However, it is equally important to remember that the vast majority of Californians live in a handful of large urban counties, with 60 percent living in Southern California. We therefore ask that you be particularly mindful that the Commission reflect the geographic diversity and different experiences and perspectives of people living within those populous regions.

Finally, layered on top of the constitutional and statutory mandates for representative diversity is the requirement that commissioners demonstrate a deep appreciation and understanding of the State's "diverse demographics and geography." Cal. Gov. Code § 8252(d); see also 2 CCR § 60805. Selecting commissioners who bring this awareness and sensitivity to the redistricting process -- through their lived experiences, professional work, volunteerism, academic study, or some other means -- is another factor that must be weighed when evaluating the finalists.

We are confident that if you thoughtfully apply the required criteria to the remaining applicants in the pool, you can seat a Commission that better reflects the diversity of our great State. A representative Commission will ensure that more Californians feel confidence in your efforts and participate in the redistricting process.

Congratulations again on your selection to the Commission, and best of luck as you start the important work of leading a transparent, fair, and independent redistricting process. We look forward to working with you over the coming year. If you have any questions, please do not hesitate to contact Jonathan Mehta Stein, Executive Director, California Common Cause Redistricting Consultant, at 408-533-3643, or Helen Hutchison, Redistricting Program Director for League of Women Voters of California, at 510.654.2216.

Best regards,

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