

Hi Sara -

Thanks for arranging that call with Rosalind--very helpful not only for our VRA work but also in gaining a fuller sense of her, so to better frame her thoughts when she calls in Public Comments!

For our report tmr, here are the points I think we have to share. If you like, you're welcome to go first and cover whichever you wish, then I can pick up the rest.

- ✓ 1. Had conversations with Angelo (Rose Inst., 2010 CRC) and Rosalind (NALEO)
- ✓ 2. Contingency planning around H.R. 4 (Voting Rights Advancement Act of 2019) possibly reintroducing preclearance in some form *John Lewis* *Passed House* *New formula*
- ✓ 3. Issue we will face: Coalition Districts / Unity Mapping (courts to-date seem to allow but not require)
4. Advised to have VRA counsel in place by early 2021
5. Look for counsel who can provide clear, relevant examples & explanations; no need to be CA-based
6. Controversy over 2011 picks of Gibson Dunn and of Nielsen Merksamer [is it worth bringing this up?]
7. What training do Commissioners want/need now/later? (What more would help us make a good VRA counsel pick?)
8. Shd VRA subcommittee start drafting RFPs for VRA counsel? RPV consultant?

Sec 8253.5: "The commission shall require that at least one of the legal counsel hired by the commission have demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965"

Anything else?

9. Tracy - Justin Leutt

Analysis

③ VRA Consultant (Twin lent?)

Statistikum + Poly Sci

How to defend a VRA consultant

Sente Play 2022?

④ RAV Consultant (Matt Barrett)

brought on by G/O  
w/ V/A - w/ work Sec

2020 No solution

G/O recommended Matt

RAV →

RAV not in  
kept confidential

□ 2020 RAV not - release?

V/A in  
agreement  
w/ list  
not  
in denied

11/10/20

John Lentz + Sam

VRA Counsel  
Attorney General  
RPV Counsel  
VRA Analyst

Whoever is doing analysis from the states needs to be in sync w/ VRA Counsel

Find a live document to explain how to actually use examples of using VRA Counsel to draw lines

Present VA as example

- Leg drew districts w/ 50% ATAm, w/o checking RPV

Was a way to covertly pack ATAm under the cover of VRA

2010

Matt B RPV analysis kept confidential to deprive opposition of targets to challenge

It remains confidential as long as we want it to be

Work product vs. Bay Keene a FOIA

~~202 crossover~~ 25% crossover

How to show RPV  
enough to justify VRA district

Challenges

1. Shd have drawn a VRA dist but didn't
2. Drew a VRA dist but didn't have to

# RPU Session

Sara By  
Don Morin  
Matt R

11/12/20

No shareable! For a research

1/A Agreement?

Keep private

Hired by AN ATTORNEY

Some data is public -- by region, larger patterns  
(shows are considered such factor)

Keep private: scenario analysis for specific districts  
(hot spots)

Keep public things that others can easily replicate

2010 G.D. Mr. Brown

~~RPA~~ RPA Analysis + VRA } go together

Matt doesn't care how he comes on  
if he did RPA vs 1/A

Vote  
choice

~~Other~~ work of Commission's work

Contract high level work 1st  
Get more

2020  
Complex 1 needs census data

CA legislature asks for adjustments to  
census data

Matt + Sara: RRV - Stage 1 12/4/20  
- stage 2

via Live Drawing? } stage 2  
via VRT Counsel? }

Matt - Live Drawing?

Ty Rusk

One jurisdiction = \$100k's for full RRV

Full CAT ~ \$6 mill!

CATS cd be important lettings

Loss  
one  
long  
seat

Statewide candidates a ballot need

2011 George Brown (GIS Penn) hired  
Matt for 10 th yrs. Pub only  
3 v. detailed districts only

Maped on  
CVAP  
Salary

Stage 1: statewide county level analysis

of best  
ASCA + Latin Sumner - Lee  
Block - Block level census

Center  
work  
8 hrs  
Matt \$6

BISG + CVAP  
run on census Peter  
Surname LIST

Stage 1: - First step (Stage 2 show many  
1

Grapher 1 historically used CVAP  
But now use performance analysis

**MEMORANDUM**

*Summary and Recommendation from the Voting Rights Act (VRA) Compliance Subcommittee for the 2020 California Citizens' Redistricting Commission (CRC)*

Over the last several weeks, the VRA subcommittee has met several times and had conversations both with staff and VRA experts to help inform our process. This memo reports our recommendations to the Commission:

- 1. Write and distribute two Requests for Information (RFIs) to hire VRA counsel and Outside Litigation counsel.**
  - a. The purpose of VRA counsel is to provide a legal advice on the creation of districts that are VRA compliant. The purpose of outside litigation is to provide counsel if/when our maps are challenged in court. The commission will be best served by identifying and recruiting litigation counsel and having them on retainer as soon as possible so that they are available to us for any matters as they arise. The VRA counsel and the outside litigation team *could* be the same entity, however they need not be. In our conversations we discovered there was a general consensus that the 2010 Commission was not best served by having a single entity, as they lacked relevant experience. We therefore recommend the release of separate RFIs to draw the best possible pool of applicants.
  - b. The use of the RFI (rather than a more formal Request for Proposals (RFP)) is preferable for hiring counsel. The Commission will select counsel based on factors other than simply cost – we should consider the quality of the experience and the kind of relationship we will establish between our general counsel, VRA counsel, outside litigation, line drawers and statistical analyst. The RFI is a noncompetitive, attorney to attorney contract and thus allows the commission to consider these factors in a more meaningful way.
- 2. Combine the task of RPV Statistician and VRA Analyst**
  - a. It was previously suggested that we would need to establish Requests for Proposals for both a RPV statistician and for VRA analyst, we recommend finding someone who can do both stages of this analysis for continuity.
  - b. Identify an analyst who can begin work early to develop a report on the broad picture of racially polarized voting in California and some of the key considerations we will need to consider for VRA compliance. This document should be made public.
- 3. Discuss and develop a plan for contracting RPV+VRA analysis, possibly in closed session, as it relates to potential future litigation.**
  - a. Beyond a public assessment of racially polarized voting in California, we will likely need more specific analysis at localized levels
  - b. This is the level of analysis that was and remains confidential for the 2010 CRC
- 4. Develop a larger legal subcommittee that meets publicly to review VRA and Litigation applications and to coordinate VRA compliance and any legal strategies.**
  - a. Ideally a subcommittee of at least 3 and no more than 5 members.

BCRH

Sam  
Jan Woodson Policy Dir BH  
Arthur Gailer UCB attorney last <sup>date</sup> analyst  
Samir Gambhir Equity Metrics officer  
AMA Nyametye BH Co. Mgr

1/21/21

Jan becoming dir of BH as it spins off from CA calls

~~Jan~~  
Prob not any areas to have dense enough pop to build a majority black district

Have seen coalition voting supporting Black interests

~~Arthur~~ where have black folks never in/out?  
out of Bay Area SF/Oakland  
Napa Sonoma Stockton  
Compton, LA  
Hollywood Park, other north L.A.

\* Look for small, isolated black communities  
Dist 37 - one tract (w. of Westwood)  
Try not to isolate in a dissimilar district

Happy to present any of BH findings  
to CRC

Data (ACS) at hand getting analyzed by early April

BCRA NAMED MARSH DIST Unity Mapping <sup>Table</sup> effort

D Zone Map 2/13/21

Eric McChes + Jen Paluch <sup>ay</sup> 55

Maps

Pop change vs.

change in share of pop

Deviation from attitude any

Total pop vs CVAP (for outreach vs. VAP)

May have had a 2019-20 actual decline

Sac, Bay Area, Inland Emp = growth  
LA counties

26T  
PUMAP

Declines: Fuller many rural -> urban

Not much inflow

Focus on outreach right now, not district

Eastern Riverside

SE San Ber

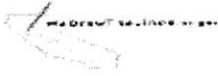
As Am -

Non Hispanic @ - declining overall

~~March 25-26~~ March 29/30

~~April 1~~





Yee, Russell &lt;russell.yee@crc.ca.gov&gt;

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**CVAP**

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**Karin Mac Donald** <karinmacdonald.q2@gmail.com>

Thu, Apr 29, 2021 at 6:12 PM

To: "Sadhvani, Sara" &lt;sara.sadhvani@crc.ca.gov&gt;

Cc: "Yee, Russell" &lt;russell.yee@crc.ca.gov&gt;, Andrew Drechsler &lt;andrew@haystaqdna.com&gt;

Commissioners:

Your line drawing team will be delighted to work with you on this project!  
Some preliminary quick ideas of how this might work:

1. use the CVAP special tab to identify areas where protected minority groups might constitute a majority (don't know accurate tot pop but can use acs tot pop estimate)
2. direct RPV analyses toward those areas (perhaps outreach to figure out totality of circumstances \*\*\*not a legal opinion\*\*\*\*!!)
3. 2020 census data comes out - geography is adjusted - tot pop is established... take another look
4. go back, test assumptions and start with some actual potential district boundaries

Happy to collaborate and figure this out.  
Best wishes

Karin

On Thu, Apr 29, 2021 at 5:44 PM Sadhwani, Sara &lt;sara.sadhvani@crc.ca.gov&gt; wrote:

[Quoted text hidden]



Yee, Russell &lt;russell.yee@crc.ca.gov&gt;

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**CVAP**


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Karin Mac Donald &lt;karin@statewidedatabase.org&gt;

Thu, Apr 29, 2021 at 5:34 PM

To: "Yee, Russell" &lt;russell.yee@crc.ca.gov&gt;

Cc: Sara Sadhwani &lt;sara.sadhwani@crc.ca.gov&gt;

Hello Commissioner Yee,

it is nice to hear from you! I am going to reply with my SWDB hat on regarding the data question. I reviewed the presentation from last August that I think you referred to. It has a few slides on CVAP (including some preliminary maps) and one that talks about 2 types of CVAP.

### ACS CVAP versus Post 2020 CVAP

- Post 2020 CVAP is "expecting" to use and evaluating data from federal administrative record sources including

- Social Security Administration
- Internal Revenue Service
- Centers for Medicare and Medicaid Services
- Department of Housing and Urban Development
- Department of Homeland Security
- Department of State
- Indian Health Services
- Department of Justice, and Bureau of Justice Statistics

In addition to state and local records when available including

- Temporary Assistance for Needy Families
  - Low-Income Home Energy Assistance Program
  - State Driver's Licenses
- 

37

The "post 2020 CVAP" block level dataset mentioned above was mandated by an Executive Order from the last president. It raised significant concerns about accuracy and the general consensus was that the ACS special tab was more accurate, tested, and completely sufficient for FVRA compliance. The census bureau had begun to work on "post 2020 CVAP" dataset and then cancelled it once the Biden administration came in.

See excerpt from a letter to the Biden Administration from various scholars and advocacy groups:

"...President-elect Biden to rescind Executive Order 13380 (July 11, 2019) as soon as possible after he assumes office on January 20. We also urge the Biden Administration concomitantly to direct the Census Bureau to immediately cease all activities to create the block-level database of United States citizenship mandated by that Executive Order."

What we have now is the (2015-2019) ACS CVAP data on the 2010 geography. We will not have a newer ACS release available for this redistricting cycle because the special tabs are released around February 1 each year. SWDB allocated these data to the 2010 census block level (they are released by block group), and once the legacy data are available, we will begin the work to move them over to the 2020 block geography.

Can you start working with these data now? yes! While the geography will change, on the aggregate level you will not see differences that are so large that you couldn't get started: the data are the same, just the underlying units of analysis are changing.

I will leave it to your line drawing team to elaborate on how to front load these analyses. I hope this makes sense.

Best wishes

Karin

[Quoted text hidden]

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Karin Mac Donald  
 Director  
 Statewide Database  
 University of California  
 M126 Berkeley Law  
 Berkeley, CA 94720-7200

SS David B  
my Anthony

7/8/21

VRA

There is no set plan that ensures §2 compliance. Will get sued. No set plans to follow.

Bronich did not change std for redistricting

Focus on Gingles preconditions. Can get much of it ~~via~~ before Census data. (Much of the rest of "totality of circumstances" is for historic Conference) - was mostly B/W

Small meeting  
July 21  
Karin

Hect map + RPV analysis - general election

RPV ~~map~~ ↑ doubtless (except <sup>Burdick v.</sup> ~~Perkins~~ '84)

Liability  
↓  
Remedy

Gingles 1+2 = <sup>established</sup> liability for §2 compliance  
→ Does NOT require a majority district!  
(which all be party)

2 ↓

Gingles 1 can be > 1 minority but NOT crossover

Influence in District

Redistricting: Can use crossover & vote to "share down" and not pack a dist.

Not in VRA

Sara: Don't need to disaggregate ADP 1: they're large but not cohesive (?)

VRA - Roe next

8/30/21

Danl Sara Sal Andrea  
Fred Anthony Ry

@ VRA/RPV on 8/31

Intro Megan (has not run any RPV analyses)

Discuss process

Heat maps LL Karin

Start 10 Georgia #1 regions (→ actual analysis in Sept.)

Sara: Also need to educate one how this all works, what it means, and what we do w/ it. And when it happens

Danl: Army far end of Sept. after <sup>redaction</sup> 12 month SW advice is to keep RPV confidential

Sara: Need to prep CAC for RPV recommendations

Danl: The typical challenge is a paucity of felony elections

@ VA Supreme Court update

Megan  
started  
Fri 8/27

Megan  
↓  
9/23

Gwinnett  
County  
GA

# VRA Strategy

Sara  
Amy  
Angelo A.

10/19/20

Training  
VRA Counsel  
POV Analyst  
Claypool

Be careful of 2-person virtual subcommittee  
BUT eventually may need study committee  
of open mtg - critique by good govt public

Database report: Incl an intermediate stage  
Sort out input by COI/regions/maps  
"Fatigue Factor" & overlaid  
Report back COI to public?

Coalition analysis ... ?

~18 months minority districts  
Predecessor restoration of Nov 3  
Non retrogression if United Dem govt  
H.R. 4

VRA training before vs. counsel on actual maps

Anna Henderson <sup>upset about having to bring</sup> Gibson Dunn ← Sec. bipartisan leader  
(Out of state people didn't have votes)  
Nelson Markson for favored  
Ideally: DOJ background + other govt  
Now can easily do remote work

Think about positions w/ inside, outside politically

Gibson Dunn treated Matt Barretto as expert witness  
→ his info became privileged

# Learn a Google

1/29

Election team → your pollsters  
what they did ↓ places

- When you do your search - the card
- they did Geotargeting for State of CA
- what do you want the priority to be
- what do you want + when

## Doodle - Country Driven

Google

- ↳ Ads
- ↳ YouTube
- ↳ Google MAP

Google's Information  
Civic App  
Link in FB  
news

Misinformation → How will this be an issue

Civic Info + Civic Engagement

1/29

## Caitlin Phillips - PPK, Water

Water → Resources  
+ legislative

- Bonds
- Laws or Fees
- \$ driver of change
- Water management
- 

Water Agencies - Water  
Irrigation  
Storm water

What are

Feb. 8-9 < ~~all open~~  
open

Wednesday →

Sand restructuring

7/1/21

## Call of Need

- line drawing ~~input~~ community  
input session  
↳ design

COI as it relates to political  
power

↳ I'm still not sure  
how to explain

OW smallest unit is 500K  
so how are we giving

New schedule - Dec 15

- let's step back
- make it less crazy
- what is ~~whose~~ role  
↳ clear role staff  
+ Comm

Our role now as outreach committee  
now that there is staff



Do we have staff focus  
on this phase

↳ Dan has the idea  
that we would  
~~have~~ have

lets think how to do it

- ↳ Prison
- ↳ Rural
- ↳

Panel → 2 O'clock Wednesday

- water
- 
- 

How are we going to give  
up five public conversations

Meghan Afshar

2/2

L Afghan

Muslim community

Civil Right + Immigration Community

BASE IN LA MESA

would like to host an event  
w/ Islamic Centers + Kurdish  
Community

worked w/ Mid-City CAN

2 Staff members

L Border kids for

Arabic, Farsi, ~~Arabic~~ Kurdish

students input - very engaged

Next month - March

L Connect her w/ Mary

L no longer than hour

L translation

SD Immigration Consortium →  
going through elections

make some on grants outreach

Face Book

2/2/21

Christina Flores  
Mona Rogers

Mona Rogers - CA Public Policy  
Christina Flores - Govt

Face book ; Instagram ; Whats App

↳ We can't promise anything  
↳ Strategy

COI Tool → Can Face book  
promote our tool  
so FB users can

\* Best Practice Training for  
Com

\* Next step Big FB

\* \$ Verify ~~of~~ our Accounts

Ad Authorization process