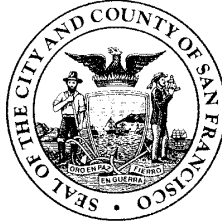


ELECTIONS COMMISSION
City and County of San Francisco



**FAIR, INDEPENDENT, & EFFECTIVE
REDISTRICTING FOR COMMUNITY
ENGAGEMENT (FIERCE)
COMMITTEE**

Cynthia Dai, Chair
Renita LiVolsi
Michelle Parker

John Arntz, Director of Elections
Marisa Davis, Commission Secretary

SPECIAL MEETING MINUTES

**Fair, Independent, & Effective Redistricting for Community Engagement (FIERCE)
Committee of the San Francisco Elections Commission
Monday, July 31, 2023 (Approved August 24, 2023)**

6:00 p.m.

**City Hall, Room 400
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102
& Remote via WebEx**

Order of Business

1. Call to Order & Roll Call

Chair Dai called the meeting to order at 6:03 p.m.

Present: Chair Cynthia Dai, Commissioner Renita LiVolsi, and Commissioner Michelle Parker.

The Chair has excused the Director of Elections from attending the meeting, which is permitted by Article VI of the Commission's Bylaws.

Commissioner LiVolsi stated the Commission's land acknowledgment.

2. General Public Comment

- Gabe Schreier commented on written materials put out by the League of Women Voters about their position on redistricting reform. He commented on the City Attorney's memo which is an analysis of AB 1248.
- Alan Burradell commented on the draft letter from SF Elections Commission in support of AB 1248.

3. Approval of Previous Meeting Minutes

Commissioners reviewed minutes from the May 31, 2023 and July 26, 2023. With no objections, both were approved by general consensus.

There was no public comment.

4. Redistricting Initiative

Chair Dai made some opening remarks on the purpose of the FIERCE Committee and recapped prior committee meetings on May 31, 2023 and June 26, 2023. Chair Dai informed the public that videos from those prior committee meetings were posted on the website, as was the project plan with links to past educational material. She then introduced invited speaker **Dr. Sara Sadhwani**, 2020 California Citizens Redistricting Commissioner and University Leadership Team, LA Governance Reform Project.

Dr. Sadhwani spoke of her current role as an assistant professor at Pomona College where she studies the voting behavior of Asian Americans and Latinos. Dr. Sadhwani is also a Senior Researcher for AAPI Data. Dr. Sadhwani highlighted the success of the 2022 California CRC despite COVID and the Census delay. The 2022 California CRC maps expanded representation of Latinos who are the fastest growing demographic group, while maintaining representational opportunities for Asian Americans and African Americans. They were also able to expand representation for the LGBTQ communities (which is not covered by the Voting Rights Act). The final map was adopted by a unanimous vote of 5 Republicans, 5 Democrats, and 4 Independents. There were no lawsuits brought against 2022 California CRC maps (one frivolous one was thrown out by the California Supreme Court).

Dr. Sadhwani shared elements that are crucial to the establishment of an independent redistricting commission (also discussed in her article posted in the agenda packet). Dr. Sadhwani highlighted her selection through a two-step process through the State Auditor. There were naysayers from the beginning who wanted the commission to fail so that a special master could draw the maps. Ultimately, she noted, redistricting is about power, and if you are going to have a commission, you must remove as much of

the politics as possible. There must be transparency—a ban on ex parte communication, adherence to ranked redistricting criteria as in the Fair Maps Act, and deep community engagement at every stage of the process. A truly independent commission has “do-gooders” whose motivation is to do the work.

Dr. Sadhwani discussed efforts to reform the Los Angeles Commission and the importance of having the conversation in public. The LA Commission, which is currently very large, and has political appointees like San Francisco, Ohio and Virginia. She noted that it’s an open question if state legislation passes whether charter cities will have to comply.

She is part of a group of scholars that came up with first-step recommendations to get the reform conversation started. They feel the time is now while it has momentum to get this on the ballot for 2024 and to give the agencies responsible for the selection process time to gear up. Some of the recommendations by the group of scholars differ from the state, including a non-partisan structure, with 17 members, larger than the state commission, to ensure diverse communities have a seat at the table; broader eligibility requirements to include residents (vs. registered voters); and the concept of alternates, much like a jury. They identify more options of various city and county departments and individuals to help run the selection process and to help the independent commission get started. They also recommended ethics reforms.

Chair Dai sought clarification from Dr. Sadhwani as to whether the San Francisco RDTF is a political commission, for which it has been criticized. Dr. Sadhwani confirmed that it is political, based on the fact that it includes political appointees. On the other hand, her experience on the Citizens Redistricting Commission has been that the selection process in California led to appointees who come to the table in good faith, willing to work through their differences to reach consensus. Chair Dai concurred that it was her experience as well.

Commissioner LiVolsi asked Dr Sadhwani about a concern that the application process may create barriers to intelligent and engaged individuals who are interested in serving on the commission but may not have a graduate degree. Dr. Sadhwani agreed that was a valid concern and important that the commission’s engagement and outreach speak to a wider and more diverse audience. The conversation then focused on the challenge for people in the low-income communities to participate when stipends are small versus the number of hours it takes to serve. Dr. Sadhwani suggested coming up with compensation programs, a stipend application process, or grants. Chair Dai added that

outreach was supported for the first CRC by the Irvine Foundation, which provided \$3.5 million to organizations for community outreach, a process by which about half of the 2010 commission was recruited. She noted that San Francisco does have a program that supports low-income people in getting additional financial support to serve on a jury, therefore ensuring more diverse participation in that system.

Commission Parker added that she also supports a more robust outreach to diverse communities and that perhaps there should be training on how to be more receptive and to hear what the experiences are from different communities. She followed up by asking about the debate and disagreement in the LA Governance Reform report on selecting the final 7 members by the first 10. Dr. Sadhwani responded that the debate stemmed from the concern that no Latinos were among the 8 randomly selected CRC members. Once the State Auditor's Office sends the finalists to the legislature, the parties confer behind closed doors to remove names. In this case, numerous Latinos were removed. Ultimately the first 8 commissioners pushed back and worked hard to ensure that Latinos as well as East Asians were on the CRC. Dr. Sadhwani believes that the first 10 selected commission members should be able to choose the final 7 and not have it pushed back to less transparent selection bodies that may be politically motivated. This way the debate is open to the public.

Commissioner Parker asked about the purpose of including subjective criteria which includes certain exclusions such as current or former elected office holders or candidates, registered lobbyists, etc. and seems different from CRC. Dr. Sadhwani explained that, although there are many similarities to CRC in regard to disclosures, the additional criteria in Los Angeles reflects that there is a political class and is to remove politics from the process. For example, people who draw district lines should not run for office or be connected to a candidate or issue in that district. She added that we want people who are engaged but we also want to insulate the process from politics. Commissioner Parker also asked who is the right appointing authority and whether there has been any response from the public about their report. Dr. Sadhwani responded that they left that open so as to not put any one agency on the hook. However, some possible recommendations to strengthen the Ethics Commission would be to have permanent staff members who are professional and predominantly lifelong public servants do it instead of the political appointees. This, of course, would be with the oversight of the Commission. Other options would be to have the City Clerk identify staffers to do the selection process or have the Los Angeles County Registrar, who does this type of work for the county, also do it for the city. The point is to come up with a process that removes politics. There has not been a lot of response to the

independent redistricting component of the report because of the consensus that LA needs an independent commission. A lot of people love that applications are open to all residents and not based on voter registration. Also, there has not been much push back on 17 members vs 14.

Chair Dai asked how the special supermajority requirement affected how commissioners worked with each other throughout the process. Dr. Sadhwani expressed that they had more time and the process of sorting out the Census delay brought them together. It took time to talk things over, which built bonds over time and where they learned to compromise. It created a desire to complete the work and to complete it on time. Chair Dai agreed about the commitment to working toward consensus from her CRC experience and raised the question of whether there was an incentive to collaborate with bodies with only a simple majority threshold once a bare majority was achieved. She thanked Dr. Sadhwani for her presentation.

Commissioner LiVolsi encouraged the public to go back and review the recording and her article. She also appreciated Dr. Sadhwani's thoughts about a selection agency and on creating more racial and economic diversity through outreach. She suggested more discussion on stipends and matching the jury process of providing financial support to low-income communities so they may also be on the Commission.

The committee continued to reflect on the selection process, including:

- Involving multiple agencies in the process with different expertise such as: outreach, recruitment and vetting.
- Making the process more equitable in building the pool.
- Chair Dai suggested that it currently is like applying for a graduate degree and perhaps the process should provide options that create fewer barriers, such as a video instead of essays—or perhaps a combination of short essays and videos.
- Commissioner Parker commented that people have more access to video than in the past and the idea is to show that they are good communicators.
- Commissioner LiVolsi added that the process should also show that they are good listeners.

Chair Dai provided updates on AB 1248 and AB 764, which are making their way through committees. She and the League of Women Voters met with President Peskin and Supervisor Melgar last week to answer questions they had about the committee's work. The Supervisors will also be working with the City Attorney on drafting legislation on which the public will be able to offer their input during community hearings.

Commissioner LiVolsi shared thoughts about the last meeting where she suggested that the FIERCE Committee wait to get more information from the community and to see what the State Legislature does. Upon reflection and in reaction to public statements made to Chair Dai during the last FIERCE Committee meeting, Commissioner LiVolsi expressed that it is time to move forward on the Commission's recommendations to the Board on independent redistricting, which is important to fairness in elections and representation.

She noted that it is in the Commission's purview to make recommendations to the Board of Supervisors to ensure that the city represents all communities. She stated that it is time to put the process in place to have a redistricting task force for the future and to work to encourage feedback from all communities.

The committee discussed other points covered in Chair Dai's meeting with President Peskin and Supervisor Melgar such as reviewing AB 1248, AB 764, and Long Beach's Measure DDD as potential model legislation, as well as the open question of what vetting and selection authority might be appropriate. A charter amendment could be introduced sometime in early 2024. The FIERCE Committee went on to discuss the timeline to make recommendations to the Board if and when requested and to continue to support the public to provide informed feedback in their community input process.

Public comment:

- Alan Burradell commented on Dr. Sadhwani's statement that "now is the time to capture political momentum" as well as redistricting rules and depoliticizing the process.
- Lauren Girardin from the League of Women Voters commented on possible reforms and that the process has to start now due to the lengthy budgeting process.

Chair Dai suggested that the committee utilize a what-why-who-how-when and why-now structure for talking points, and the committee concurred.

For What, Chair Dai noted that we are working on best practices for independent redistricting. Commissioner Parker commented that her understanding is that our job is to determine recommendations to improve the redistricting process which has some implied independence; to bring them to the full commission to be voted on then

presented to the Board of Supervisors. The committee agreed that the redistricting process should be independent.

For Why, Chair Dai noted Commissioner Parker's previous statement that it is part of our mandate to ensure free and fair elections. Commissioner LiVolsi concurred. Commissioner Parker added that it is within the Commission's mandate and not controversial to support the notion of "one person, one vote." She pointed out that the Redistricting Plan provides a lot of context that is not necessary to repeat. Talking points should focus on the Commission's role in improving the redistricting process, ensuring free and fair elections and clarifying what the Commissioner's job is to public inquiry.

Chair Dai, noted that for Who, that the Elections Commission has a forum to discuss and recommend appropriate reforms to our legislative body, the Board of Supervisors and will continue to inform the public so they can meaningfully participate in shaping any final reforms, and that the San Francisco Elections Commission is not a legislative body.

On How, Chair Dai noted that because the redistricting task force was created by charter amendment, any changes must be made by charter amendment. Therefore, the only way to change the charter is to amend it. A majority of the Board of Supervisors can refer the Charter Amendments to the ballot for approval by the voters. Commissioner Parker suggested adding that the Commission will continue to identify best practices from those most impacted by past redistricting processes and recommended that we state that members of the public can review past presentations by going to the hyperlinks in the Project Plan.

On When, Chair Dai noted that the Charter can be amended as early as 2024 and that if passed, AB 1248 would require elimination of San Francisco's political appointment process by January 1, 2030. Commissioner Parker commented that the timing for a ballot measure is up to the Board of Supervisors not the Commission and also that she believes that it would be helpful to wait until the state legislation passes before the Commission makes any recommendation.

Chair Dai commented that doing a walk-through of the process for the public will be helpful. The recommendations would be major reforms and what the intent is. In the next meeting, the committee can look at the recommendations that we all agree on and create a partial list. Commissioner LiVolsi commented that the Commission can move

forward with recommendations before knowing the final result of AB 1248 and AB 764. Chair Dai added that the Committee could spend more time looking at the pieces that are not clear and educating the public. Commissioner Parker said that we can begin to walk through and narrow the recommendations. The legislation will be the final piece to any recommendation. Commissioner LiVolsi responded that we are in the process of developing the talking points and we can spend part of the next meeting doing that. Commissioner Parker commented that it is important to acknowledge that whatever happens with the State legislation, there will be implications for San Francisco.

On Why Now, Chair Dai suggested that the most important part is that the current Board of Supervisors do not have a vested interest in the outcome. Commissioner Parker commented that it is not necessarily true and we can let other voices like the League of Women Voters make that point. Chair Dai commented that we can leverage the public's recent experience with redistricting to consider community input for reforms to allow adequate time. Commissioner LiVolsi added that it is important to say that the "why now" argument is so that we have plenty of time because that is what it takes to create free and fair elections. Chair Dai followed that the concern with waiting is that the people who went through the current process may not be around. Therefore, we should do it now, with the people that are currently engaged. Commissioner Parker commented that it will be important to emphasize the range of experiences with redistricting and Commissioner LiVolsi agreed, but added that at this time, it is hard to determine who will or will not be here. What is relevant is the experience. Commissioner Parker added that it will be important to use these talking points and that if some of the Commissioners speak outside of the talking points, that it is made clear that it is their personal opinion and they are not speaking for the Commission.

Chair Dai said that she would write up the draft.

5. Agenda Items for Future Meetings

The committee agreed that the next meeting would focus on a walk-through of each major reform and its rationale.

There was no public comment.

6. Adjournment

Meeting adjourned at 8:58pm.