

STATE OF CALIFORNIA
CALIFORNIA STATE AUDITOR'S OFFICE (CSA)

In the matter of:

2020 CITIZENS REDISTRICTING COMMISSION (CRC)
Applicant Review Panel (ARP) Public Meeting

621 Capitol Mall, 10th Floor
Sacramento, California 95814

WEDNESDAY MARCH 11, 2020

8:59 A.M.

Reported by:
Peter Petty

APPEARANCESMembers Present

Angela Dickison, Chair

Ben Belnap, Vice Chair

Ryan Coe, Panel Member

Staff Present

Christopher Dawson, Panel Counsel

Lisa Molino, Office Technologist

Shauna Pellman, Auditor Specialist II

Applicants

Cynthia Kroll

Deborah Ann Seller

Michael Rancer

Larry Lee

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P R O C E E D I N G S

9:59 a.m.

CHAIR DICKISON: It is 8:59. We are calling the Applicant Review Panel meeting back to order.

First, just a couple of housekeeping items. If you have a cell phone please set it on silent. If you need to take call, do so in the hallway or out by the elevators. Also, in case of an emergency just follow the instructions of the CSA staff.

So, today we are -- I'd like to welcome Dr. Cynthia Kroll. Did I say that correctly?

MS. KROLL: Yes, you did, perfectly.

CHAIR DICKISON: Okay. For her interview. And I will turn it over to Mr. Chris Dawson to read you the five standard questions.

MR. DAWSON: Good morning, Dr. Kroll. I'm going to ask you a series of five standard questions that we've asked each of the interviewees to respond to. Are you ready?

MS. KROLL: Yes.

MR. DAWSON: The first question. What skills and attributes should all Commissioners possess?

What skills or competencies should the Commission possess collectively?

Of the skills, attributes and competencies that

1 each Commissioner should possess, which do you possess?

2 In summary, how will you contribute to the
3 success of the Commission?

4 MS. KROLL: Okay. So, to start with, which
5 should each Commissioner have, which skills should each
6 Commissioner have? I think each Commissioner should be
7 very committed to the purpose of this committee, to the
8 purpose of creating a districting plan that really allows
9 all of the different interest groups and populations in
10 California to be heard. So, I think that's number one.

11 Everyone on the committee needs to have a good
12 understanding of what analytic work means and the ability
13 to interpret the analytic information that we will receive
14 or produce ourselves.

15 I think we all need to be, or everyone on the
16 Commission needs to be a good communicator. And that means
17 being able to clearly and articulately express their own
18 opinions and explain reasoning.

19 It also means being a good listener and listening
20 respectfully to what people say. And also, having some --
21 being able to have good conversation over other people's
22 opinions.

23 And then, I think they need to be open to
24 learning from lots of different sources. So, coming not
25 just with their own opinions, but recognizing the validity

1 and the learning potential of other people's opinions. So,
2 that's -- I think every Commissioner should have those
3 qualities.

4 I think the Commission as a whole would benefit
5 if it has some people who are very strong quantitatively,
6 if it has some people who are able to explain quantitative
7 information in a clear way to people who don't have the
8 technical background.

9 The committee has a whole needs to reflect
10 California's diversity. So, I'm really excited to see the
11 range of people that have been selected for the 120 that
12 are being interviewed.

13 So, those are the main things that come to my
14 mind right now. I'm sure there are others as well.

15 Which of these do I have? I clearly, from my
16 resume, have the quantitative background. I think of
17 myself as a good communicator. I have had conversations
18 with many different types of stakeholders and groups, in
19 many different kinds of settings, from children to elected
20 officials, to community representatives.

21 I appreciate the diversity in California, as
22 you'll hear more about today. But I guess I think the
23 unique blend I bring is this technical understanding that I
24 can communicate clearly to the general public. And I'm
25 also very interested and enthusiastic about this work.

1 MR. DAWSON: Thank you.

2 MS. KROLL: It's exactly the kind of work that I
3 enjoy doing.

4 MR. DAWSON: Question two. Work on the
5 Commission requires members of different political
6 backgrounds to work together. Since the 2010 Commission
7 was selected and formed the American political conversation
8 has become increasingly polarized, whether in the press, on
9 social media, and even in our own families.

10 What characteristics do you possess and what
11 characteristics should your fellow Commissioners possess
12 that will protect against hyperpartisanship?

13 What will you do to ensure that the work of the
14 Commission is not seen as polarized or hyperpartisan and
15 avoid perceptions of political bias and conflict?

16 MS. KROLL: So, I think my work and the work of
17 every Commissioner on this Commission, should I be on the
18 Commission, will really be helped by the process that the
19 Panel is going through right now. Because I've been very
20 impressed with the quality of the people you're
21 interviewing so far, and overall on that list, and with
22 their experience working in settings where collaboration is
23 important.

24 And I will bring those qualities myself to this
25 Commission. I have, over the many years of my career I've

1 had the opportunity to work with and interact with people
2 from a broad range of points of view which often are very
3 different from my own point of view. And I've learned that
4 listening respectfully to what they have to say, making it
5 clear that they've been heard by having conversation about
6 it, and being open to learning from other points of views
7 and to understanding where people come from really can
8 diffuse what could be a very controversial situation.

9 MR. DAWSON: Question three. What is the
10 greatest problem the Commission could encounter, and what
11 actions would you take to avoid or respond to this problem?

12 MS. KROLL: So, I think the hyperpartisanship
13 that you've mentioned is clearly a problem, but we've
14 addressed that in the previous question.

15 When I think about the work that has to be done
16 another concern that I have, an issue that I'm sure we'll
17 encounter is that this is not an endeavor that has a right
18 answer. This is an endeavor that has lots of different
19 pieces to it. And even in looking in a particular area
20 there may be overlapping communities of concern. There may
21 be some characteristics that tie one part of an area
22 together and other characteristics that suggest part of
23 that area should be somewhere else. So, there will be a
24 lot of decisions of that type we have to make.

25 In the kind of work I've done it can be really

1 interesting to look into those characteristics and learn
2 more about it, and also very time consuming. So, part of
3 the challenge is just to make those decisions and part of
4 the challenge is to engineer your work or orchestrate your
5 work so that you're making those decisions in a timely way,
6 but also a fair way.

7 MR. DAWSON: Question four. If you are selected,
8 you will be one of 14 members of the Commission which is
9 charged with working together to create maps of the new
10 districts. Please describe a situation where you had to
11 work collaboratively with others on a project to achieve a
12 common goal.

13 Tell us the goal of the project, what your role
14 in the group was, and how the group worked through any
15 conflicts that arose.

16 What lessons would you take from this group
17 experience to the Commission if selected?

18 MS. KROLL: So, until I retired in November, for
19 the previous six years I was working for the Regional
20 Agencies in the San Francisco Bay Area on Plan Bay Area,
21 which was -- which is the Bay Area's sustainable community
22 strategy, an activity that's required by state law since
23 2008.

24 That has required the land use planning
25 organization, which is the Association of Bay Area

1 Governments, to work closely with the Transportation
2 Agency, the Metropolitan Transportation Commission in
3 producing a plan that through the application of land use
4 and transportation measures will reduce greenhouse gas
5 production.

6 The first of those came out in 2013, which was
7 the year I went to ABAG and they're now -- the agencies are
8 now working on the third one.

9 I was hired at ABAG to work on the research team
10 and to head the forecasting work, which is an integral part
11 of this process. Our work required identifying what the
12 future growth of the Bay Area might be over the next 30
13 years in terms of employment, population, and households.
14 And to then work cooperatively, collaboratively with MTC,
15 the transportation planners, to distribute that forecast
16 throughout the region at a fairly small level, traffic
17 analysis zones.

18 ABAG had previously done their forecasts just
19 within house, and then handed them over to MTC. And they
20 had worked collaboratively with cities to make sure that
21 they were not producing forecasts out of their model that
22 conflicted totally with cities' plans and expectations.
23 And there was a lot of adjustment process that went on
24 through negotiation and conversations before that forecast
25 came out.

1 So, once the -- this work had to be done with the
2 transportation agency as well, this raised a whole new
3 level of areas of disagreement, controversy. And I when I
4 got there in 2013 there were a lot of people angry at both
5 agencies. There were elected officials who were -- local
6 elected officials who were very concerned that their areas
7 were being forced to take on residential growth of a type
8 that they simply felt would conflict with their community
9 character.

10 There were community-based organizations who felt
11 that the plan was ignoring all of the equity considerations
12 that came up in growth and in the allocation of
13 transportation facilities. Because this is a much higher
14 profile when you're planning for land use if it also has to
15 do with transportation money.

16 And there were businesses that the business
17 leaders in the region felt that the plan had totally
18 ignored the economic consequences.

19 So, the first thing I did when I came in was I
20 had a lot of conversations with these different
21 organizations and individuals to try and understand what
22 their concerns were and to try and explain at least my
23 understanding of how the agencies had come to their plan
24 the previous time.

25 I then presented -- we were very transparent

1 about our methodology and people had a chance to comment on
2 that methodology. And as we wrote up our findings we tried
3 to be sensitive to their methodology concerns as well, and
4 we invited groups in to look at what we had done and make
5 suggestions.

6 We actually -- then, I'd say the biggest conflict
7 that we hit, which I don't think we fully resolved at that
8 time, but we just more resolved this time was how to do the
9 distribution of that growth throughout the region and to
10 what degree to use local input on that and how to take
11 local input into account when we used that.

12 And we made a lot of progress, but the decision
13 at the end of that, in 2017, was this is going to work
14 better if the two staffs are one, and the staff of ABAG and
15 the staff of the MTC got consolidated under MTC.

16 So, I think I'll stop there, but that will give
17 you a sense of how I approached that.

18 MR. DAWSON: Thank you.

19 Question five. A considerable amount of the
20 Commission's work will involve meeting with people from all
21 over California who come from very different backgrounds
22 and a wide variety of perspectives.

23 If you are selected as Commissioner, what skills
24 and attributes will make you effective at interacting with
25 people from different backgrounds and who have a variety of

1 perspectives?

2 What experiences have you had that will help you
3 be effective at understanding and appreciating people and
4 communities of different backgrounds and who have a variety
5 of perspectives?

6 MS. KROLL: Well, I've had a lot of experience
7 talking with people from different perspectives. And I
8 grew up first in New York City and then moved to
9 California. And I have -- I feel really fortunate to have
10 spent my entire life in very diverse communities, where
11 I've had the opportunity to interact with people.

12 I've had -- I've done work that has involved
13 talking with people on Indian reservations, talking with
14 people on -- in community-based organizations. We've had
15 one study where we were looking at affordable housing
16 residents and at their transportation, their use of
17 transportation in various communities throughout the Bay
18 Area. And we just sat there and talked with people, talked
19 with the kids from very different backgrounds. Each
20 property that we were looking at had a very different
21 population.

22 And then, of course, I've had the kinds of
23 interactions that I've already described as a staff member,
24 as the economist at ABAG, both going out and doing public
25 speaking and talking at public meetings and interacting

1 with many different types of stakeholders.

2 MR. DAWSON: Okay. So, at this point we'll move
3 on to questions from the Panel. Each Panel Member will
4 have 20 minutes to ask his or her questions. And we'll
5 begin with the Chair, Ms. Dickison.

6 CHAIR DICKISON: Good morning.

7 MS. KROLL: Good morning.

8 CHAIR DICKISON: Thank you for coming today,
9 coming to speak with us today.

10 So, I just wanted to look at the education. So,
11 I noted something you wrote that you didn't finish high
12 school and you went straight on to college before finishing
13 high school. Is that correct?

14 MS. KROLL: That's correct?

15 CHAIR DICKISON: What prompted that? That was --
16 I found that very interesting.

17 MS. KROLL: So, I had -- in tenth grade my dad
18 was on sabbatical. I was at school in Geneva. In the 11th
19 grade I had come back to our local high school I was -- at
20 that point I was taking French class at UC San Diego. And
21 at that time if they allowed a high school student to come
22 early and register in classes as a regular student, it was
23 because they ascertained that by the end of that year they
24 would be eligible to be admitted. So, I was already going
25 to UCSD for one class.

1 And my dad decided to go to Princeton the next
2 year. And my parents were not happy about putting me in a
3 third school. And it turned out that I could just continue
4 registering at UCSD, so that's what I did. So, it was very
5 happenstance that I was able to do that.

6 CHAIR DICKISON: Thank you. In looking, you did
7 a double major in art and a social science field major.
8 And then, you went on to city and regional planning.

9 MS. KROLL: Right.

10 CHAIR DICKISON: What prompted the interest in
11 city and regional planning?

12 MS. KROLL: I had always been interested in urban
13 settings. And as I said, I lived in New York for the first
14 ten years of my life. And I had a very independent life by
15 the time I was ten years old there, and really knew the
16 city well. And then, I moved to San Diego where -- a part
17 of San Diego where you had to take a car to go almost
18 anywhere, almost eventually I got a bike and learned to do
19 that. But it was much less urban.

20 And then, I went up to the Bay Area which again
21 felt -- had much more of the opportunities that an urban
22 area had. And I want to add that San Diego is totally
23 different now than it was when I moved there.

24 So, I was really interested in how all these
25 different characteristics shape where you live. And I was

1 -- so, I finished my social science field major. I'd done
2 my senior thesis on ideal communities. And I had done an
3 art major because I was interested in the practice of art.
4 And I really had no idea what I wanted to do next.

5 And I went to see my advisor, who said, well,
6 maybe you should live in an alternative community for a
7 year. And I knew what my mother was going to say to that.
8 But his wife happened to be there and she said, "Well, have
9 you ever thought about environmental design because your
10 social science interest and your art interest seem a
11 natural for that."

12 So, I went back and looked in the college
13 catalogues and found this major, city and regional planning
14 that just seemed tailor made for me. So, that's how I
15 ended up in that field.

16 I started out interested in urban design, and
17 then environmental planning. But in my last year in that
18 program I started doing more of the regional economic work
19 and found that that was very satisfying to be able to look
20 at some data, look at other resources, and really put it
21 all together, that that gave me a better understanding of
22 how places worked.

23 CHAIR DICKISON: Okay, thank you. So, I wanted
24 to go to your impartiality essay. You stated that your
25 career helped you hone your ability to be impartial and to

1 differentiate between advocacy and impartiality.

2 MS. KROLL: Uh-hum.

3 CHAIR DICKISON: Can you kind of expand on what
4 you mean by that?

5 MS. KROLL: Yes. So, first of all my career
6 really brought me into contact with people from many
7 different points of view. And I would say, as someone who
8 started out doing environmental planning, and really
9 interested in the advocacy side it was good for me to work
10 with, have more interaction with the business community,
11 more interaction with builders to learn what -- that their
12 goals were really very similar to mine, but they came from
13 a different point of view.

14 So, those kinds -- so, I would say in general I
15 found that if there were something that I thought was
16 really important, where I might want to be an advocate for
17 it, the best way to see something actually change was to
18 work collaboratively with people, coming at it from all
19 sides to try and see if we can find a -- first of all,
20 because we often had very similar aims in what we wanted to
21 see, but were coming from different directions. So, to
22 find a way to work together, rather than to simply press
23 one point of view.

24 CHAIR DICKISON: So, when you were thinking about
25 advocacy and adjudication, how do you differentiate what

1 side of the line you would be on? Is there ever times when
2 that gets fuzzy on whether you should be advocating or
3 adjudicating in the work that you've done?

4 MS. KROLL: Oh, that's a really good question.
5 And that certainly came up a lot in the work I did with the
6 regional agencies. So, let me give a hypothetical example,
7 a community -- well, I can give a more specific example.

8 So, in the most recent round we had advocacy
9 groups coming out very strongly from some of the smaller
10 cities who wanted to influence our forecast of the rate of
11 growth because they felt that if we forecast too much
12 growth, then too much would come into their community in
13 terms of the plan.

14 It's easy on the one hand to be sympathetic to
15 the concerns of those particular communities. But I felt
16 we had to separate it out and say, all right, first of all
17 the forecast itself is something that's very different from
18 the policies that would affect those communities. And that
19 there was a different place to bring in their concerns
20 where they would be much more effective on the plan, rather
21 than simply trying to change the overall regional forecast.

22 And then, when it would get to the individual
23 community, where I felt a community had a good point I
24 would try and present it in a more generic way to explain
25 why their concerns were valid and needed to be addressed.

1 So, I guess one of the differences is between
2 picking an individual, or an individual place, or an
3 individual group and saying I want to see them have this
4 result versus, well, that raises a question more generally.
5 How do we deal with this type of issue?

6 CHAIR DICKISON: Thank you. Can you expand on
7 impartiality for me a little bit? And just what I'd like
8 to -- if you could, provide me an example of when you've
9 had to put your own personal views or interests aside when
10 you were making a decision.

11 MS. KROLL: I feel like I've done that so much.
12 So, I guess the example that I've -- I mean, that I've had
13 to do that so often in my career and how do I pick the
14 right one, and it's often kind of fuzzy.

15 But I live in a kind of contained urban area
16 that's a single-family area. It's exactly the kind of
17 target of some of the planned Bay Area policies. This is
18 an area where housing is not very dense. If we put denser
19 housing here, it would be an opportunity option. It would
20 allow more opportunity for lower income people to move in
21 and it would perhaps give better -- make transportation
22 work more efficiently because there would be more people
23 there.

24 And yet, living in a community like that I know
25 the community character could be totally changed by that.

1 So, I really had to step back and on the one hand say,
2 point out again this more general what do you do about
3 these built out communities? Are you telling them that
4 they have to completely change their character? Or, is
5 there a middle ground? Raising that as a dilemma to be
6 discussed among the planners and ultimately among the
7 boards of ABAG and MTC.

8 CHAIR DICKISON: Thank you. So, I have a
9 paragraph from your diversity essay. You talk about living
10 in the Bay Area and how diverse it is. You said your work
11 has served as a -- in your work you've served -- your work
12 has served a wide variety of people, farmers struggling to
13 make ends meet in rural areas of the Bay Area, the historic
14 African American population in Oakland that's being
15 displaced by growth, would-be residents who commute to the
16 Bay Area from neighboring communities, community-based
17 organizations that lead efforts on affordable housing,
18 owners of small businesses seeking relief.

19 And then, in an earlier work you did an analysis
20 on Native American tribe assess natural resource economies
21 and traveled to other nations with close ties to
22 California's economy.

23 So, just thinking about all of those experiences,
24 what did you learn from those experiences that would
25 benefit you in the work as a Commission?

1 MS. KROLL: I've learned so much from those
2 experiences. I think first I've learned how important it
3 is to listen to other people and to try and understand how
4 my perception of their situation may be very different from
5 their perception of their situation.

6 I've learned that -- I've learned the importance
7 of culture as part of the, I'd say urban fabric, but the
8 urban and rural fabric that shapes overall community
9 experience.

10 I've learned different languages and how
11 communicating with someone in their own language can change
12 the conversation and the level of energy at which you have
13 communication.

14 And I've just learned to appreciate all the
15 enrichment that comes from having many different types of
16 people in this state.

17 CHAIR DICKISON: So, one of the things you just
18 talked about was the importance of listening and
19 understanding that perspectives can be different. Can you
20 talk about ways that maybe you've been able to get
21 different communities or individuals to share their
22 perspectives with you? And maybe, specifically, are there
23 any groups that come to mind that maybe don't normally
24 speak out?

25 MS. KROLL: Well, I was going to give you an

1 example from Marin County, but that is a group that speaks
2 out.

3 CHAIR DICKISON: You can feel free to use that
4 one, if you want.

5 MS. KROLL: Let me briefly give you that and then
6 talk about groups that don't normally speak out.

7 CHAIR DICKISON: Okay.

8 MS. KROLL: Okay. So, in that case, this was
9 early in my work at ABAG I was invited to come talk to a
10 group of elected officials there about what we were going
11 to do with the forecast. And they were very -- and I
12 encountered one gentleman who was very concerned about the
13 amount of traffic growth that they'd had in their
14 community.

15 MS. MOLINO: Five minutes.

16 MS. KROLL: And we started talking about why they
17 were having that traffic growth. And he said, well, all
18 these people from -- these tech people have moved in and
19 bought houses and they have teenage kids and they all have
20 cars. And I said, so that is really unrelated to any
21 possible building denser housing or anything like that.
22 It's happening already in your community.

23 So, I think that was educational both for me and
24 for him, and that it really -- I was able to bring home the
25 point to him that this isn't all because Plan Bay Area

1 forecasts something higher. This is just growth that's
2 happening and it's a demographic change that's happening.
3 And at the same time I realized how sensitive and observant
4 he was about the details of what was happening in his
5 community and that he put together something that we might
6 not have put together without having that conversation,
7 just from the data. So, that's one example.

8 In terms of getting groups to speak out or to
9 give you input that they wouldn't otherwise do, I think
10 that MTC has come up with some really good methods for
11 doing that. They've done what they call these pop-ups,
12 where they go out into the communities, often in areas
13 where normally people don't attend their public meetings,
14 and they set up a stand and they have information about
15 what is Plan Bay Area. And they have ways that people can
16 give their input on what their goals are. So, that's one
17 way.

18 The work that we did, at one point this -- I
19 think I mentioned it already, this survey of people in
20 affordable housing residences. And again, this is not a
21 group that normally would tell you much about their lives.
22 By being there present, it wasn't so much of the survey
23 itself, as the conversations that we had when we were
24 there, both with the parents and with the children. That
25 was very informative about how opportunities -- how these

1 facilities or how these properties, the kinds of
2 opportunities they gave to the residents, the degree to
3 which they were accessible or not accessible.

4 One residence had lots of Chinese residents and
5 it was in Alameda, and it turned out, well, there was a
6 shuttle bus that went right into Chinatown. And so, this
7 was because that's where BART was. So, this was a very
8 attractive residence to them because it brought them close
9 to the cultural facilities that they really cared about.

10 CHAIR DICKISON: Thank you. So, I think you've
11 touched on this a little bit, but your work has really
12 involved research on local communities.

13 MS. KROLL: Uh-hum.

14 CHAIR DICKISON: What do you believe influences
15 one's preference when they're looking at representation,
16 governmental representation and how may that differ
17 throughout various regions of the state.

18 MS. MOLINO: One minute.

19 MS. KROLL: So, I think there are some people who
20 are just very party-oriented and will just vote for their
21 party. But I think for many people they want to find
22 someone who they feel understands their perspectives and
23 will listen to their perspective, and someone who actually
24 can effectively get something done. And I'm not sure
25 that's so different from place to place. I think it's more

1 from individual to individual.

2 CHAIR DICKISON: Thank you.

3 All right, Mr. Coe -- or, Mr. Belnap.

4 VICE CHAIR BELNAP: Hi. Thank you for being
5 here. Ms. Dickison already asked a few questions about
6 this statement, and it's the statement where you said:
7 There are times in life to advocate and there are times in
8 life to adjudicate.

9 What I want to go into is you said that on the
10 Commission that's the time to adjudicate. Why do you feel
11 that way?

12 MS. KROLL: So, I think the Commission is going
13 to need to identify -- that our job is not to in any ensure
14 that particular parties stay in power, that our job is to
15 ensure that particular communities, that the many different
16 communities that we have in California have their say. So,
17 I suppose in a way that's advocating, but it's advocating
18 for everybody, not for any individual community within
19 that, necessarily. Although, there may be some that have
20 been less represented in the past, where there might be a
21 focus on making sure that those groups have representation.
22 But I don't see that as advocacy so much as I guess I used
23 adjudication in terms of trying to balance out the work
24 that we would be doing so that we really create a set of
25 districts that represent each of the different groups in

1 California.

2 VICE CHAIR BELNAP: Okay.

3 MS. KROLL: So, I see that much more of a
4 balancing role, rather than an advocacy role.

5 VICE CHAIR BELNAP: Okay. So, in your answer you
6 started to touch on that, well, there might be some role
7 for advocacy on the Commission. But let's go back over it,
8 advocacy for what? What can a Commissioner be an advocate
9 for?

10 MS. KROLL: Well, I think the Commission as a
11 whole may want to advocate where a group is under
12 represented because of the way the district lines have been
13 drawn.

14 VICE CHAIR BELNAP: Okay.

15 MS. KROLL: I see that more as something that the
16 Commission as a whole should be looking at than any
17 individual Commissioner saying my group is under
18 represented let's draw these lines that way.

19 VICE CHAIR BELNAP: Okay, thank you. So, you
20 have been the chief economist for both the Metropolitan
21 Transportation Commission and the Association of Bay Area
22 Governments. What does a chief economist do?

23 MS. KROLL: Well, my role at ABAG was perhaps
24 more clear than when -- MTC inherited me. I was in charge
25 of the forecast work. I was in charge of research. And my

1 team studied the California economy, studied the Bay Area
2 economy, kept track of how information that came out would
3 affect not just the economy, but demographic information,
4 and communicated that information to our members and, more
5 generally, to the public. I did a lot of public speaking
6 to different groups.

7 And actually, another role that I had was I led
8 the economic development effort for the regional agencies.

9 VICE CHAIR BELNAP: How about for MTC, though,
10 what was your role?

11 MS. KROLL: So, for MTC I continued in those
12 roles. I still led the forecasting, which had come out of
13 ABAG, but now comes out of MTC. I continued to do public
14 speaking. And we led the economic development effort. I
15 said it was a little fuzzier just because it's a bigger
16 agency. It has -- so, for example, they do their revenue
17 forecasting from a completely different group and I was not
18 responsible for that.

19 And I had -- and I would say at ABAG I felt like
20 the chief economist in that people from throughout the
21 agency would come and talk to me about economic questions.
22 And there was probably -- MTC is a bigger agency, so I felt
23 more like the chief economist for the planning division or
24 the planning section, I guess they call it, rather than the
25 agency as a whole although, occasionally, I would be

1 invited in to talk to other groups.

2 VICE CHAIR BELNAP: So, the only one piece that
3 I'm unclear on is you led the economic development efforts.
4 What does ABAG do in terms of economic development?

5 MS. KROLL: So, about a year or two into my work
6 at ABAG we were asked by the U.S. Economic Development
7 Agency to work with some of our more sub-regionally based,
8 economic development organizations to put together an
9 application to be designated as a regional economic
10 development district, for the region as a whole.

11 And that involved identifying a vision for the
12 region, goals, objectives. We had a committee representing
13 elected officials, community-based organizations, and labor
14 that was part of that effort. And we had to go -- we had
15 to get at least half of the counties to endorse the effort,
16 which we did. And it involved a lot of conversation with
17 lots of different people.

18 It was one case where we really had to pull
19 opposing sides together because at one end there was the
20 development community that didn't want the economic
21 development effort to off -- to in any way slow down the
22 gains that they had made in terms of housing development.

23 On the other side there were some of the smaller
24 communities and one county that were very suspicious of any
25 growth because they were afraid it would bring them more

1 housing. So, the economic development efforts on that got
2 tied into the housing effort. And it was certainly
3 appropriate to talk about housing since that's such a
4 critical part of making the Bay Area's economy work or not
5 work so well.

6 So, we sat down with each of those groups and
7 hammered out language that they were all comfortable with.
8 And when ABAG finally instructed us to turn in our
9 application to USEDA, we had a unanimous vote in favor of
10 that, which is really unusual in that particular body over
11 a topic like that.

12 VICE CHAIR BELNAP: And how relevant do you see
13 these duties, where you were the chief economists in these
14 two organizations, to your work as a Commissioner?

15 MS. KROLL: Well, first of all I directed a lot
16 of the technical work. And I helped make decisions where
17 there were questions between the technical and the
18 nontechnical.

19 Second, I really am -- as I've done that work
20 I've become very cognizant of the importance of looking at
21 more than numbers. And so, actually a colleague and I
22 wrote a paper, I think I mentioned it in my application,
23 talking about how there are different kinds of knowledge.
24 And you have what you learn from the numbers and what you
25 learn from the observations of people who actually live out

1 the situation and make up those -- they make up those
2 numbers, but one learns much more -- so, anyway, I have
3 that kind of experience to combine both the qualitative and
4 the quantitative work.

5 And then, I have a lot of experience, trying to
6 explain the work that we do that's quite technical and to
7 an audience that's not technical at all. And I put a
8 little humor into it, which I think both helps people
9 understand it a little better and -- you know, we've had
10 people at late night meetings on these topics stay awake,
11 and I felt like that was a real win. So, I've had a lot of
12 that experience as well.

13 And I've had the experience of working on
14 bringing people to consensus and how to converse with
15 people in a way that lets them know that they've been
16 heard.

17 VICE CHAIR BELNAP: I want to follow up to an
18 answer you gave on question four. You were talking about
19 the Plan Bay Area and one of the things that you indicated
20 you accomplished is you figured out how to take local input
21 into account, into the methodology, into the plan. So,
22 give me more detail on how did you do that? How did you
23 take local input, verbal and written things that you heard
24 from the community and take that into account in the
25 methodology or in the plan itself?

1 MS. KROLL: Okay. So, this was in this middle
2 round, the one where we had results in 2017. It was not me
3 alone. It was we were working closely with the MTC
4 modelers on this. But we were responsible for going to the
5 communities and getting their input.

6 So, we would regularly give them information on
7 what the numbers looked like. They would have the
8 opportunity to respond and say this doesn't match our plans
9 or, in some cases you've given us less housing over 30
10 years than we've already built in the last year, so really
11 correcting mistakes.

12 And then, we would talk with the modelers about
13 how they could recognize those comments in their models.
14 Sometimes it was adjusting the zoning that was represented
15 in the model. Sometimes it was actually adjusting the
16 baseline of what had been constructed.

17 So, it was a very different process than what
18 used to happen with ABAG, where it was less technical and
19 the model results were the model results, but then you just
20 went ahead and made those adjustments and tried to make
21 everything add up.

22 The model we were working with this latest round
23 was challenging because every time -- it was a stochastic
24 model, which meant that every time you ran it you could get
25 a different result. And sometimes the results were real

1 outliers for communities. And I have to say in that round
2 we didn't reach a full agreement on how to resolve that.
3 But we were getting close when I retired, this next round.

4 VICE CHAIR BELNAP: So, my next question I
5 recognize is a tangent. It was an example you raised and
6 which sparked a question in my mind, and I'm going to ask
7 it because I'm curious. So, how is a low density area that
8 is essentially full of single-family homes transformed into
9 a higher density area? How does that even happen?

10 MS. KROLL: So, it depends on the kind of area
11 you're thinking about. If you're thinking about a low
12 density area surrounded by a more dense area, the -- well,
13 for example, one of the versions of SB 50 required that
14 areas with certain levels of transportation allow up zone
15 to higher density. So, then, if someone came in and bought
16 a property and said, okay, I'm going to build an apartment
17 building here, they would be allowed to do that. And if
18 that happened along a whole corridor that would really
19 change the character of the community. So, that's how it
20 could happen.

21 On a more -- in a more suburban area, there's a
22 lot of encouragement of higher density housing around BART
23 stations, for example, in the Bay Area and I think around
24 the transit stations in the L.A. Area, as well. And some
25 communities have been -- have really moved ahead to do

1 that. And it does -- it changes the character in some
2 ways, but not always in a bad way. In that it also allows
3 for them to have more of the urban services that they might
4 enjoy and doesn't necessarily impinge on the single-family
5 part of the neighborhood.

6 VICE CHAIR BELNAP: All right, I have no further
7 questions.

8 CHAIR DICKISON: Thank you. Mr. Coe.

9 PANEL MEMBER COE: Thank you. Good morning, Dr.
10 Kroll.

11 MS. KROLL: Good morning. I want to talk about
12 something that you indicated in your application that you
13 have been your neighborhood's coordinator for disaster
14 preparedness for 30 years?

15 MS. KROLL: Uh-hum.

16 PANEL MEMBER COE: Did you originate that
17 program?

18 MS. KROLL: Well, I originated that effort in my
19 neighborhood.

20 PANEL MEMBER COE: In your neighborhood. I had -
21 - one of my first jobs as a professional planner was with
22 Stanford Research Institute at the time, SRI International
23 now, on a project on earthquake prediction. And my task
24 was to study what happens with predictions or, essentially,
25 the sociology of disaster prediction.

1 And one of the things I learned was people are
2 much better off after a disaster if they've done some
3 planning and thinking about it beforehand, if they're
4 informed about it. Then, we had Loma Prieta. And, you
5 know, we'd done some of our own work on -- just in our own
6 household. But I felt like our -- but when Loma Prieta
7 happened, our neighborhood lost power. A number of
8 households got together and just barbecued food, and we
9 really worked together to get through the couple of days
10 before we were closer to being back to normal because
11 luckily, our neighborhood was not all that badly affected.

12 And I realized I had something to contribute to
13 our neighborhood on this. And so, I had a neighborhood
14 meeting. I guess during that time Oakland was doing
15 neighborhood -- was actually in an organized way setting
16 this up. And they offered Piedmont the chance to have
17 people involved in one of these trainings. And so, I went
18 to that with people from other neighborhoods and then I
19 basically took what I learned and started this activity in
20 my neighborhood.

21 I've been trying to pass it on to somebody else,
22 but without success.

23 PANEL MEMBER COE: How do you think that that
24 particular experience could be beneficial to the work of
25 the Commission?

1 MS. KROLL: I guess I don't see that as my most
2 relevant experience in the work of the Commission mainly
3 because it was for such a small group. I mean I did -- we
4 did eventually -- and we coordinated what we did with the
5 city itself. The City of Piedmont now is much better
6 prepared for disasters overall and much better about
7 educating local neighborhoods than it was. But I guess I
8 don't see that work in particular, except perhaps our
9 trying to work with the City of Oakland as being that
10 relevant to the work here or as relevant as a lot of the
11 other experiences I've had.

12 PANEL MEMBER COE: Okay.

13 MS. KROLL: Although, if there's an earthquake
14 when the Commission happens, I'll know what to do and I'll
15 have my water with me.

16 (Laughter)

17 PANEL MEMBER COE: In your impartiality essay and
18 I think through some of the discussions that have already
19 occurred, you talked about your role as part of the
20 Association of Bay Area Governments and Metropolitan
21 Transportation Commission. You also discussed your work on
22 the Sustainable Community strategy, in which you were
23 having to take into account how multiple factors could
24 affect a geographic region. And I'm wondering if you could
25 give us some insight into the process you went through when

1 making decisions with those responsibilities?

2 MS. KROLL: It's pretty complex. I will try to
3 just pull out some highlights. In terms of the forecast
4 itself, we had a Technical Advisory Committee -- well,
5 actually, one thing I do want to mention is that, so I get
6 there in 2013. Relations aren't so great between ABAG and
7 MTC, as well as I already mentioned with elected officials.

8 So, in addition to those meetings I had with the
9 elected officials, very early on I started meeting with the
10 MTC equivalents who did the analytic work and were going to
11 use our information. And fairly early on, once we had some
12 idea of what our methods would be, what we were thinking of
13 I organized a meeting of my team and their team. And at
14 the end of that meeting one of my team members, his face
15 just lit up and he said, you know, last time we didn't talk
16 about this until we had our final numbers. We didn't talk
17 as a group. This is so much better.

18 So, that's one example of what we did that I
19 think is really important for eventually making people
20 comfortable with the information.

21 On the -- in a way, the more challenging
22 distribution of it, it wasn't just me. It was a really big
23 team and under consideration were things -- this time
24 around are things like resilience factors, seismic risk,
25 sea level rise, as well as the demographics that are

1 affecting the region.

2 I think one of the biggest challenges that come
3 up now in that planning and that are also going to come up
4 in this work is how rapidly the state is changing
5 demographically and particularly for some populations in
6 the Bay Area. So, for example, the huge displacement of
7 the African American population out of San Francisco, out
8 of Oakland to the more -- to the other areas. Then, how do
9 you determine what the community of interest is when you're
10 getting such rapid change? So, I don't have the answer for
11 that, but I think that will be an important area of
12 discussion on this Commission.

13 PANEL MEMBER COE: So, your discussion of those
14 experiences was included in your essay on impartiality.
15 How did those experiences demonstrate your ability to be
16 impartial?

17 MS. KROLL: That I had the experience of
18 listening to lots of different groups, trying to take their
19 concerns into account. Trying to make sure that my team,
20 the broader population that we're communicating with
21 understands that there are these different needs and
22 concerns.

23 PANEL MEMBER COE: So, we talked a little bit
24 about your experience as a city and regional planner.

25 MS. KROLL: Uh-hum.

1 PANEL MEMBER COE: If you had to pick one thing,
2 one attribute or experience from your experience there that
3 could be beneficial to this work, what would that be?

4 MS. KROLL: Do I have to pick just one?

5 PANEL MEMBER COE: No, feel free.

6 MS. KROLL: So, I think my -- the quantitative
7 work we've done on trying to analyze how growth spreads to
8 different areas uses many of the tools that are important
9 for this work. I think equally important is my ability to
10 then take all of that and explain it to people, and have
11 conversations about it, and then to take in the information
12 they've given me and perhaps make adjustments.

13 PANEL MEMBER COE: I want to go back to something
14 you said a few minutes ago about rapidly changing
15 demographics and the difficulty that could pose to
16 identifying communities of interest. And I know you said
17 you didn't have off the top of your head an answer for how
18 to approach that.

19 But what would be, do you think, collectively the
20 Commission's first step for trying to figure out how to
21 approach that? Where do you start?

22 MS. KROLL: So, first of all I think we need to
23 understand where are the places where that's happened. So,
24 I think to start I think we need to look at how each of the
25 districts in the state has changed or each of the Census

1 areas in the state has changed over time, and perhaps
2 identify those were the changes that have been most rapid.

3 We might want to select particular types of
4 change that we think we really need to focus on. I mean
5 every place we're probably going to see people older on
6 average than they were ten years ago.

7 But in terms of the ethnic mix, we're probably
8 going to see changes that were not just because of natural
9 increase, but because of immigration, and because of
10 migration in and out of specific counties. So, we probably
11 want to identify where that has really changed.

12 And these, what are they, Section 5 areas that
13 were so important ten years ago may have a different
14 importance today and there may be different areas that
15 really need to be considered under those same
16 characteristics. I mean all of these things change.

17 PANEL MEMBER COE: I want to stick with the theme
18 of communities of interest for a second. Aside from that
19 example, where it's difficult to potentially find
20 communities because things are rapidly changing, there are
21 other communities that may be less obvious and harder to
22 find. Not necessarily for that reason, they may be
23 entrenched in the same area or not rapidly changing. But
24 how would the Commission go about finding those types of
25 communities and not overlooking those harder to find

1 communities?

2 I know you touched on briefly communities that
3 maybe don't voice their opinion that much, but that was
4 more directed towards once you've found them, how do you
5 elicit input from them. The first step though is finding
6 those communities and how would you think the Commission
7 should go about finding those?

8 MS. KROLL: So, I think this is a place where
9 both data and other kinds of information are really
10 important. The Census data can certainly -- there are many
11 different ways to slice and dice the data and that should
12 give us an idea of a wide range of differences among the
13 populations.

14 But I think we also -- the early fact finding,
15 and going and talking with representatives from different
16 areas would, hopefully, help to uncover that.

17 The internet is probably going to be an excellent
18 resource for this as well, where one can do searches on
19 different types of topics for different areas to get a
20 sense of if there are hidden groups. Often, cultural or
21 religious organizations can give you more of a sense of the
22 types of communities that are out there because a lot of
23 communities are centered around those organizations.

24 So, I think there are a lot of different
25 resources we can use. And here, we come up against that

1 question on what could be one of the biggest challenges and
2 that's how to know where to focus those efforts in a way
3 that you can do it -- you can get the answers you want
4 without ending up spending all of your time doing that and
5 suddenly not having your districts drawn. But I think
6 there's -- it's really important to do some of that.

7 PANEL MEMBER COE: How much time do I have left?

8 MR. DAWSON: Seven minutes, 30 seconds.

9 PANEL MEMBER COE: Okay. You've talked about
10 your work and your interest in urban settings and urban
11 planning. Can you talk a little bit about your experiences
12 with more rural areas?

13 MS. KROLL: So, my dissertation work was on rural
14 areas outside of California, Montana, North Dakota and
15 Wyoming that were experiencing energy development. So, I
16 spent quite a bit of time learning about the economies of
17 those areas.

18 In the Bay Area, I was on the advisory committee
19 of a group that's put together a couple of different
20 studies, and plans, and really an economic action plan for
21 agriculture in the Bay Area, and focusing on concerns
22 ranging from vegetable farmers along the San Mateo Coast to
23 the wineries, to dairy farmers throughout the North Bay.

24 And then, I did several studies while I was a UC
25 on the Central Valley and their economy, and their role of

1 agriculture on that economy.

2 PANEL MEMBER COE: Okay, thank you. If you were
3 appointed to the Commission which aspects of that role do
4 you think that you might enjoy the most and, conversely,
5 which aspects of it do you think you might perhaps have
6 trouble with a little bit?

7 MS. KROLL: Well, I love puzzles and so I think I
8 would enjoy the technical aspects of it. And I also really
9 liked -- one of the real pleasures of my job the last six
10 years was being able to talk to people who really care
11 about their communities. So, I liked those interactions as
12 well. And I never minded that people who had strong points
13 of view came and talked to us over and over again about
14 their points of view. I felt like my job was to take the
15 information they were giving me and also impart information
16 to them, so that they felt more comfortable with what was
17 happening. So, those are two things I think I would really
18 enjoy and what attracted me to the Commission.

19 Also, just generally, I've really enjoyed having
20 the opportunity to go to different parts of the state. We
21 haven't talked much about the job I had for two years with
22 the Office of Economic Policy, Planning and Research at the
23 state, but I did a lot of that then, as well.

24 So, what would I find most difficult? I'm not
25 sure. Certainly, it will be a really intense effort the

1 first year. And as I said, making sure we're organizing it
2 in a way that we're keeping an eye on what we have to
3 actually accomplish, as well as what we want to accomplish
4 will be a challenge.

5 I think you were asking, really, what would I not
6 like so much. I guess if we end up with a Commission that
7 has --

8 MS. MOLINO: Four minutes.

9 MS. KROLL: -- has some difficulty with
10 personalities, I don't enjoy that. I mean I do my best to
11 try and diffuse it and really work collaboratively with
12 everybody. And if that proves very difficult, then I won't
13 enjoy that as much.

14 PANEL MEMBER COE: Okay, thank you, Dr. Kroll.
15 No further questions.

16 CHAIR DICKISON: Thank you. Mr. Dawson?

17 MR. DAWSON: Yes. Dr. Kroll, thank you. And I
18 apologize for having to step out for an administrative
19 issue.

20 I wanted to follow up with one of the -- I think
21 it was one of your responses to Mr. Coe about your work at
22 Cal. You were researching the economy and real estate, the
23 real estate market. Was that mostly in the Bay Area or was
24 that across the state?

25 MS. KROLL: It was across the state and

1 occasionally throughout the world, but mostly it was in
2 California.

3 MR. DAWSON: What was the work output of that?
4 Were they studies? What did you produce?

5 MS. KROLL: I produced a variety of things. For
6 a while we produced something called a quarterly report,
7 which then became a research report as it became less
8 quarterly. And often it -- every year we produced a
9 summary of what was happening in the commercial office
10 market, for example.

11 But we also did studies that were more broadly on
12 the California economy. So, we did a whole set of studies
13 after the defense industry downturn on what defense
14 downsizing meant for California.

15 We did a whole set of studies on what might make
16 California grow again, including the role of foreign trade.
17 We ended up doing something on export of services out of
18 California. So, really, a wide range of things.

19 And then, after the financial crisis we did a
20 paper for the Bipartisan Commission in -- I think they were
21 in Maryland, or maybe in D.C. on housing policy that came
22 out of that.

23 And we also did an edited book on what the crisis
24 had meant for different countries.

25 MR. DAWSON: And what was the clientele for this

1 -- these products? Was it government agencies? You
2 mentioned a government commission, state government
3 commission.

4 MS. KROLL: So, I was working for the Fisher
5 Center for Real Estate and Urban Economics, which has an
6 advisory board that very broadly represented the real
7 estate industry. So, it had developers, financial
8 institutions, and regulators on it, as well as some state
9 organizations like CalPERS.

10 So, they were one -- in some ways they were our
11 clientele of our general reports, including the broad ones
12 on what was happening with the economy. So, the defense
13 downsizing we did -- we did initial work on that. But
14 often, if we did an initial piece for that group then we
15 would get funding.

16 So, there is an organization called the
17 California Policy Seminar that funded -- that was funded by
18 the State Legislature and they funded our more detailed
19 defense work, and our more detailed, a lot of our
20 international trade work.

21 And then, there was the Center for International
22 Trade which was, again, a kind of a quasi-public
23 organization at one of the community colleges that funded
24 our work on services exports.

25 And the Bipartisan Commission Fund I guess funded

1 our work on housing.

2 MR. DAWSON: Okay. So, in your work at the
3 commission and ABAG are you working -- I know that you're
4 working with local governments, but are you also working
5 with academics, are you working with technical folks?

6 MS. KROLL: So, I want to make it clear I'm
7 retired, but yes.

8 MR. DAWSON: Yes.

9 MS. KROLL: So, we did -- we worked with all of
10 those people. We had consultant work with academics. So,
11 for example we had a faculty member from UC Berkeley who
12 did underlying research on industrial land in the Bay Area
13 that then became very useful in some of the economic
14 development policies that we came up with.

15 I think I mentioned we had a technical advisory
16 committee for our economic -- for our forecasting work that
17 included economists from other public organizations, like
18 the City of San Francisco and the State of California, but
19 also economists from private organizations, Zillow, a
20 consultant firm, and so forth.

21 MR. DAWSON: So, one of your responses to the
22 standard questions, question two was about
23 hyperpartisanship and you identified that as a threat, a
24 potential problem that the Commission would face.

25 In your recent work with local governments have

1 you seen that? Has there been an increase in folks?

2 MS. KROLL: You know, it felt like it peaked with
3 the -- in the Bay Area, with the 2013 plan, at least for
4 Plan Bay Area. In that there were really strong Tea Party
5 coalitions that would come to every meeting that we had, it
6 was often the same people, and make the same statements.

7 And so, that -- so, the next round, MTC and ABAG
8 began moving towards different formats so that the public
9 interaction was not all people standing up and having their
10 say for three minutes, but that allowed for more
11 interaction, and more sharing of the information that we
12 were bringing with the public who came.

13 MS. MOLINO: Four minutes.

14 MR. DAWSON: Okay.

15 MS. KROLL: And I would say these have been --
16 there are still groups that come and that have one point of
17 view and that's what they want to talk about to these
18 meetings, but much more dialogue is happening than did in
19 the past.

20 MR. DAWSON: Well, and that sort of leads into my
21 next question. You identified that a possible defense or
22 protection against that is the process itself.

23 MS. KROLL: Uh-hum.

24 MR. DAWSON: And the personnel involved. Could
25 you expand on that, especially with how that would relate

1 to the work of the Commission, if you were selected?

2 MS. KROLL: Well, first of all I just want to say
3 that I think the process of selecting the Commission I hope
4 will make hyperpartisanship not that likely on the
5 Commission itself. But that won't keep it -- even if
6 that's true, that may not keep this from coming up as the
7 Commission goes from place to place to get information.

8 I think if the Commission can set up a process
9 that allows for conversation and people to feel that
10 they've been heard, not just for standing up and having
11 their three minutes of say, I think that that might -- may
12 help to diffuse some of that.

13 There are some groups that will, may, always want
14 to just present in a very polemic way what their interest
15 is. But I think many of what seem to be hyperpartisan
16 people are people who are really scared of change to their
17 community, or of losing what they have, or being forced to
18 take on something they don't want. And I think in those
19 circumstances conversation and exchanging ideas can really
20 help to make it productive conversation instead of one that
21 just closes the doors.

22 MR. DAWSON: Thank you. I don't have any more
23 follow-up questions.

24 We have 16 minutes left, if any of the Panel
25 Members have any follow ups.

1 CHAIR DICKISON: I do not. Mr. Belnap?

2 VICE CHAIR BELNAP: I do. So, I wanted to come
3 back to something that the Panel and you have discussed
4 today. In regards to drawing the district lines why do
5 population change and demographic trends matter? Why not
6 just use the 2020 Census as the single relevant snapshot of
7 data?

8 MS. KROLL: We may need to do that. I went and
9 read the report from last time and they actually looked at
10 a lot of things besides just the Census data. I was really
11 interested in the amount to which they brought in the
12 geography of California. That won't change.

13 I mean I think we have to look -- well, so in
14 looking at the rate of change that will identify to us
15 which areas the districts might or clearly have to change,
16 and which geographic areas are clearly going to need some
17 adjustment.

18 I guess I don't know, yet, and this will be
19 something I'll want to think about a lot more if I get
20 picked for the Commission, to what extent one should try to
21 keep what's already there versus -- and change around the
22 edges, where change has happened versus trying to take it
23 as if it's a tabula rasa. You know, it's a clean slate and
24 go from there.

25 I think changes will have to happen along the

1 edges for every district, even if they don't change that
2 much. But I think that's a good point you bring up that
3 because we're not in the -- the Commission would not be in
4 the business of forecasting the future, it's main area of
5 -- it's main evidence is going to be what's there today.

6 VICE CHAIR BELNAP: But I liked your point that
7 it would identify where the adjustments need to occur.
8 Where you would expect adjustments from the previous
9 district lines.

10 The next question, something that's come up not
11 necessarily in this discussion, but something I've been
12 thinking about and I want to get your opinion. If there
13 are concerns about the 2020 Census data, undercounting of
14 particular populations in particular, should the Commission
15 take these concerns into account and, if so, how?

16 MS. KROLL: Well, I certainly think the
17 Commission needs to find out about it. I think the
18 Commission needs to look pretty carefully at what the
19 evidence is of under counting. I think last time they did
20 not take that into account, but I think that should be
21 discussed.

22 And I think it depends on what kind of under
23 counting are we talking about here? Are we talking about
24 the homeless population? Are we talking about specific
25 groups that have concerns that -- for their safety because

1 they include a large number of immigrants? You know, what
2 exactly are we talking about in this? I think we just have
3 to learn more about it.

4 VICE CHAIR BELNAP: All right, thank you. I have
5 no further questions.

6 CHAIR DICKISON: Mr. Coe?

7 PANEL MEMBER COE: I don't have any further
8 questions.

9 MR. DAWSON: Dr. Kroll, we have roughly 12
10 minutes left in the 90-minute period. Would you like to
11 take this opportunity to make a closing statement to the
12 Panel?

13 MS. KROLL: Yes, thank you. So, first I want to
14 thank all of you for your careful reading of my material
15 and the very interesting questions that you've brought up,
16 and for the opportunity to be here in front of you today.
17 I really appreciate that. I want to thank you for the huge
18 amount of time you're putting into this effort to make sure
19 that you have a strong Commission going forward.

20 And I think I would be great on the Commission.
21 I think I would do a good job. But I also recognize that
22 you have lots of really strong candidates. So, I guess I
23 just want to close with thanking you for the opportunity to
24 be part of this process.

25 CHAIR DICKISON: Thank you, Dr. Kroll, appreciate

1 you being here today.

2 MS. KROLL: Thank you.

3 CHAIR DICKISON: So, our next interview starts at
4 10:45. So, we're going to go into recess until 10:44.

5 (Off the record at 10:19 a.m.)

6 (On the record at 10:44 a.m.)

7 CHAIR DICKISON: The time being 10:44, we'll call
8 the meeting back to order.

9 I'd like to welcome Ms. Deborah Seller.

10 MS. SELLER: Seller.

11 CHAIR DICKISON: Seller, okay. Deborah Seller to
12 the Applicant Review Panel for your interview. Welcome.

13 MS. SELLER: Thank you.

14 CHAIR DICKISON: And at this time I'm going to
15 turn it over to Mr. Chris Dawson. He's going to read you
16 the five standard questions.

17 MR. DAWSON: Good morning, Ms. Seller.

18 MS. SELLER: Good morning.

19 MR. DAWSON: I'm going to read you five standard
20 questions that the Panel has asked each applicant to
21 respond to. Are you ready?

22 MS. SELLER: Yes, I am.

23 MR. DAWSON: The first question. What skills and
24 attributes should all Commissioners possess?

25 What skills or competencies should the Commission

1 possess collectively?

2 Of the skills, attributes and competencies that
3 each Commissioner should possess, which do you possess?

4 In summary, how will you contribute to the
5 success of the Commission?

6 MS. SELLER: Good morning Madam Chair, Members of
7 the Panel, Mr. Dawson, staff. Thank you for having me here
8 today.

9 All Commissioners need to meet the statutorily
10 required elements of the Proposition 11 and Proposition 20,
11 those being impartiality, valuing diversity and the ability
12 to have good analytical skills.

13 In addition, I think that it's really important
14 for a Commission of this nature, particularly of this
15 nature to be -- to have excellent consensus building
16 skills, and pay particular attention not only to one
17 another and being courteous to one another, but very much
18 being courteous and attentive to the presenters in this
19 process.

20 I also think it's important for the Commissioners
21 to have an understanding of the legal principles
22 surrounding redistricting and to show transparency in the
23 process, and documentation of the matters.

24 I also think that it's probably really important
25 for the Commissioners to have some degree of public

1 relation skills because they will be in front of the public
2 substantially.

3 In my case, taking first the impartiality. As
4 you know, my career has been the administration of
5 elections primarily. And in that I had to balance
6 Democrats versus Republicans in terms of voters,
7 candidates, in terms of assessing the merits of various
8 ballot measure arguments in terms of deciding on ballot
9 designation issues. These are the occupational
10 designations for candidates.

11 And so, I've always had to be -- and, of course,
12 I served on the Fair Political Practices Commission where I
13 had parties from both sides constantly before us and had to
14 adjudicate issues. had to decide on potential fines for
15 people.

16 So, in all of that I attempted to be extremely
17 impartial. And indeed, I have bipartisan letters of
18 recommendation from that time.

19 In terms of valuing diversity, early in my career
20 I was confronted with the need to implement the Voting
21 Rights Act, and particularly the minority language
22 provisions of the Voting Rights Act. This was when I was
23 in the Secretary of State. And the minority language
24 provisions were still relatively new at that point and
25 there was a good deal of resistance to that on the part of

1 county clerks, in some cases, county clerks and registrars.
2 this was relatively new. And there was resistance from
3 members of the public. And I remember getting basically
4 hate mail regarding these minority language provisions.

5 I was guided in large part by an experience that
6 I had had that I didn't have time to put in my application.
7 But I was living in, working in Germany and it came about
8 that I needed to drive and I didn't have a car or a
9 driver's license there. And so, I was sent to German
10 driving school. And trust me, you don't want to have that
11 experience if you can avoid it.

12 But I completed the course work and took the
13 driving test. And when I approached them for the written
14 exam unsolicited by me they offered me to take -- offered
15 me to have an English version of the exam. And I was very
16 grateful for this because I really did not -- I was
17 competent in German. I could work there and get along, and
18 participate in society but I didn't know the language of
19 driving. I hadn't done it. And I didn't know the legal
20 terms. And it was a vocabulary that I didn't possess at
21 that time. And so, I took it in English and I passed.

22 But I tell you this story because I was very
23 empathetic when I was in the Secretary of State's Office
24 and people were resisting because I knew what it was like
25 to come to a different country and have to participate in

1 that society.

2 And we all understand that our ballots in
3 California, particularly, are very long. We have complex
4 measures. There's very dense legal and technical
5 information in all of this and people have to sort through
6 it.

7 In Germany's case, they had a public interest in
8 having an educated driver. It wasn't a language test. In
9 our case I think we have a public interest in making sure
10 that our voters are knowledgeable, that they can
11 participate in these areas where it's very difficult, even
12 with native speakers who say I struggle with the state
13 ballot pamphlet. I have to slog through these measures.

14 So, I was very committed to -- because I had this
15 personal empathy to promoting this diversity.

16 Later, when I went down to San Diego towards the
17 end of my career, I had three language coordinators at that
18 point in Spanish, Filipino, and Vietnamese, and later
19 required a fourth in Chinese.

20 At the time, there was some staff resistance to
21 all of this, in large part because of the salary structure
22 which was giving the language coordinators a higher salary
23 than some people in the office who were doing some really
24 heavy lifting. And so, I set about to get that pay
25 schedule sorted out.

1 But I also made a special point of participating
2 in their celebrations in the office, in going to their
3 community events, in speaking to their radio and TV
4 stations. In other words, I tried to be the voice of
5 support for my language coordinators.

6 And, in addition, I used the language
7 coordinators to help me when I had activists who were
8 concerned about possible -- that we were hacking machines
9 or something out at the polling place, and they wanted to
10 come in with their cameras. And I said, fine, you can come
11 in, you can photograph everything you want on these
12 machines. We mostly used paper ballots, but we also had
13 touch screens for the disabled people, primarily, but
14 anybody could use them.

15 So, I said you can photograph in the polls as
16 long as nobody's there. Because in talking with my
17 language coordinators I realized that people from Vietnam,
18 in an authoritarian regime were intimidated at the polls.
19 People from Central, South America might have experienced
20 the same. I had to been to the Philippines at this point
21 and I knew what their elections were like. So, I was very
22 adamant that they weren't to take photographs at the polls
23 and -- while people were there, excuse me, while people
24 were there voting because I didn't want my voters
25 intimidated.

1 I was sued on this. I won. And they appealed
2 and I'm very proud to say I have a published decision in my
3 favor prohibiting photography at the polls so -- under
4 certain circumstances, which the court laid out.

5 So, this is just I think an example of how I have
6 actually given some teeth to my value of diversity.

7 In terms of my analytical ability, I started off
8 my career in state government actually as a program
9 analyst. I received training in that. And I was
10 responsible for actually reviewing, and understanding, and
11 trying to sort out complex government -- well, this was for
12 the Department of Motor Vehicles. And I was looking at the
13 whole vehicle registration process, which is a pretty
14 massive process. We were also charged with analyzing
15 budgets and budget change proposals in the department.

16 When I went to the Secretary of State I was
17 analyzing legislation. And so, I spent my entire first
18 year really, at the Secretary of State's Office analyzing
19 election legislation, which was all new to me. But I
20 enjoyed that process. It was challenging, interesting, and
21 I felt it was good work.

22 I continued to do the legislative analysis
23 throughout my time at the Secretary of State, even when I
24 was overseeing -- I wasn't writing the analyses,
25 necessarily, but I was overseeing that and editing those

1 analyses.

2 Later, when I went to the State Legislature as
3 the Chief Consultant to the Elections and Reapportionment
4 Committee I was analyzing not only election law, but also
5 political reform act law. And at that time the committee
6 was responsible for Constitutional amendments. So, I had
7 to analyze and, you know, prepare committee analyses for
8 all of those different -- those different legal areas.

9 In my time as -- in the private sector I had to
10 get in to more technical things. Looking at, perhaps,
11 bids, and more -- on the more technical side, the machine
12 and equipment side.

13 And during my time in Solano and San Diego
14 Counties of course I was looking at precinct maps, and
15 polling place locations, and again on a more technical
16 side.

17 In terms of consensus building, I had the
18 opportunity to chair or co-chair many committees in the
19 election world, primarily. And I was dealing with 58
20 different counties, sometimes cities involved with that as
21 well. And I was able to just hear everybody's point of
22 view, collect their thoughts, and through just patient
23 working together we were able -- we were able to achieve
24 consensus on our products.

25 So, I think that my contribution overall to the

1 success of the Commission is my general knowledge of state
2 and local government, my experience in the private sector.
3 I have been to 56 of the 58 different counties in
4 California, so I have a good appreciation of the geography,
5 the diversity, and this is -- I mean it's a huge state.
6 It's a beautiful state. And I have just a general
7 appreciation for the state in terms of its, you know,
8 ethnic and geography makeup.

9 So, I think that I just -- I bring a lot, I
10 think, to the Commission.

11 MR. DAWSON: Thank you. Question two. Work on
12 the Commission requires members of different political
13 backgrounds to work together. Since the 2010 Commission
14 was selected and formed, the American political
15 conversation has become increasingly polarized, whether in
16 the press, on social media, and even in our own families.

17 What characteristics do you possess, and what
18 characteristics should your fellow Commissioners possess,
19 that will protect against hyperpartisanship?

20 What will you do to ensure that the work of the
21 Commission is not seen as polarized or hyperpartisan and
22 avoid perceptions of political bias and conflict?

23 MS. SELLER: I think given the nature of my
24 career, just the very nature of my career having to keep a
25 balance between political parties and people of all

1 ethnicities, gender certainly, I think that I have really
2 demonstrated throughout my entire career that being fair
3 and impartial is just really quite second nature to me in
4 every aspect.

5 I have been fair in adjudicating disputes and I
6 think that this is something that the Commission is going
7 to have to be prepared to do as well.

8 I'll give you a little example. This isn't
9 political, but I was working in the private sector and we
10 had a -- I was working in Exeter, California, which is an
11 election printing company and we were based in Exeter. And
12 then, there was another arm of the -- another division of
13 the company that was based out in Jamestown, New York, and
14 they were responsible for electronic voting.

15 And the two sides were -- I can't tell you how
16 bitterly divided they were. They didn't like each other.
17 They didn't speak to each other. They didn't want to be in
18 the same room to each other and they just fought because
19 one was pro electronic voting and one was pro paper ballot
20 voting.

21 And I went to my boss, and I became friends with
22 the guys out in Jamestown because I thought this is really
23 interesting what they have. And I went to my boss and I
24 said I think we can all benefit from marrying these two
25 together, because they complement one another. The

1 electronic is going to be good for people with
2 disabilities, you know, the blind, the elderly who have
3 difficulty filling in a little bubble or pushing a poker
4 thing down through the machine.

5 And he listened to me and he brought the two
6 together and the company was very successful and sold
7 millions of dollars of these combined voting systems.

8 So, I think that's just, you know, kind of an
9 example of how the Commission could work as well.

10 In addition, internationally I was in many
11 countries throughout the world where I was working with
12 people of different ethnicities, certainly. We would
13 always go out and meet with the different political parties
14 and oftentimes there were many, many different political
15 parties, unlike this country. And people of ethnic
16 minorities, too, who were coming in, who had concerns with
17 the upcoming voting process.

18 So, we were always trying to say, okay, are they
19 being treated fairly? And I think this is something that
20 the Commission, too, has always got to ask itself, is
21 everyone being treated fairly.

22 I would often be paired with somebody from either
23 a different party, or a different country. I think in all
24 cases it was male. And so, I had to work cooperatively
25 with my partner, too, to make sure that, you know, we were

1 all on the same page.

2 MS. PELLMAN: Fourteen and a half minutes.

3 MS. SELLER: Let's see, did I get.

4 MR. DAWSON: I think you did.

5 MS. SELLER: Okay, to ensure that the work of the
6 Commission is not seen as politically biased, overly
7 partisan, one word R-E-S-P-E-C-T. You know, I think that
8 when people come to government some people are very, very
9 sophisticated. They know how to address a body, they know
10 what words to say, they know how to frame their arguments.
11 They're very sophisticated.

12 Other people, in my experience, will come to a
13 governmental body without that level of sophistication or
14 experience, but that doesn't mean that they don't have a
15 voice, that they don't have a message. And I think it's
16 really important always, when one is in government, to make
17 sure that those people who are perhaps a little less
18 sophisticated in their method, but still have an important
19 message, who still have very important needs in all of this
20 are heard, and are felt to be heard. I think that's a
21 critical point.

22 MR. DAWSON: Question three.

23 MS. SELLER: Uh-hum.

24 MR. DAWSON: What is the greatest problem the
25 Commission could encounter and what actions would you take

1 to avoid or respond to this problem?

2 MS. SELLER: I think that the greatest problems
3 that the Commission could likely encounter would be
4 possibly a lack of consensus, but that leading to perhaps
5 even a lawsuit. And that, of course, leading to negative
6 publicity. So, that's kind of the combined problem that I
7 would see.

8 I would try to intervene as a nonpartisan
9 Commissioner to be a good referee, which is really what I
10 have done my entire career. I would want to be a good
11 referee.

12 And I think that the nonpartisan Commissioners in
13 general would be very good tiebreakers and, hopefully, that
14 the Commission would be united enough and fair enough, and
15 listen carefully as I said before. Very important to
16 observe all the legal requirements, too. So, if they
17 observe those legal requirements, if they're transparent in
18 their actions, if they document the actions particularly if
19 there's some area of contention documenting the decision
20 making I think is going to be a very helpful thing.

21 MR. DAWSON: If you are selected, you will be one
22 of -- I'm sorry, question four.

23 If you are selected, you will be on of 14 members
24 of the Commission which is charged with working together to
25 create maps of the new districts. Please describe a

1 situation where you had to work collaboratively with others
2 on a project to achieve a common goal.

3 Tell us the goal of the project, what your role
4 in the group was, and how the group worked through any
5 conflicts that arose.

6 What lessons would you take from this group
7 experience to the Commission if selected?

8 MS. SELLER: I think that one of the biggest
9 projects that I took on, aside from just my daily work, was
10 I was Chair of the Code Revision Committee for the
11 California Association of Clerks and Elections Officials.
12 I had -- this was about 10 years, 10 or 12 years into my
13 elections career and I -- as I said, I was analyzing a lot
14 of legislation. I was very familiar with the statute. I
15 knew the code really pretty well.

16 But in working with my colleagues, we would
17 grouse about how poorly organized the whole Elections Code
18 was and how difficult it was to find things. And sometimes
19 when you're an elections official and you're confronted
20 with the situation, you need to identify the location of
21 that statute right away so you can verify what it is you
22 need to do.

23 So, I proposed to kind of a core group of people
24 that we sit down and try to reorganize the Elections Code.
25 And we did. I sat down and proposed just a new table of

1 contents and how we would reorganize it.

2 It involved going to the Legislature because of
3 course it was a massive overhaul. I mean, the Elections
4 Code is that thick. And so, went to the Legislature and
5 said, look, we're not going to change anything, we just
6 want to reorganize it and make it a more workable body of
7 law.

8 And, fortunately, I had been in the Legislature,
9 I had good relationships with people. I was able to gain
10 the trust of the members and, importantly, the committee
11 staff who had to work with legislative counsel because, of
12 course, they had to know what we were doing. It was really
13 a massive project.

14 And people had different ideas. In working with
15 this committee, our core committee got a little bit bigger.
16 We let anybody come in and participate, who wanted to, so
17 sometimes there were people who would come in for a while,
18 and then they would drop out. But we were always kind of
19 just trying to move forward with this project.

20 And we had different voting systems, so that sort
21 of entered into it. We had different election management
22 systems. People had different interpretations of the law.

23 So, later, after we successfully reorganized the
24 code, that's the Statutes of 1994, I remember, we moved on
25 to completely rewrite three divisions of the Elections

1 Code. And this is where, you know, those conflicts, and
2 they weren't major, bitter conflicts, they were just
3 differences, but real stark differences in the way maybe
4 people had, as I say, interpreted the law or what systems
5 they had to do.

6 So, I think that it's this kind of -- for the
7 lesson for the Commission, it's this kind of just patient,
8 listening to people. This took years. I mean, this was
9 over probably a ten-year period. And again, documenting
10 it. Because when it came time to go before the Houses of
11 the Legislature, to go before the Governor's Office and
12 explain what it was we had done we had documented what we
13 were doing. And, frankly, I actually wrote the better part
14 of the committee analysis so that the committee consultants
15 could understand this.

16 But it was establishing trust, being careful in
17 the documentation, working patiently through all different
18 points of view.

19 MR. DAWSON: Thank you. Madam Secretary, could I
20 have a time check, please?

21 MS. PELLMAN: Seven minutes and 30 seconds.

22 MR. DAWSON: Thank you.

23 Question five. A considerable amount of the
24 Commission's work will involve meeting with people from all
25 over California who come from very different backgrounds

1 and a wide variety of perspectives.

2 If you're selected as a Commissioner, what skills
3 and attributes will make you effective at interacting with
4 people from different backgrounds and who have a variety of
5 perspectives?

6 What experiences have you had that will help you
7 be effective at understanding and appreciating people and
8 communities of different backgrounds and who have a variety
9 of perspectives?

10 MS. SELLER: I think that my entire life has been
11 working with people from different backgrounds. As I
12 mentioned in my application, I grew up in Chico where I
13 picked Almonds. And, yes, they call them Almonds up in
14 Chico. And I didn't have, you know, very much exposure to
15 the outside world.

16 But when I went to college, after my first two
17 years I went off to Vienna, Austria, which is just pretty
18 much the opposite of Chico, California. And my fellow
19 students were Lebanese -- or my friends there were
20 Lebanese, Yugoslav, Italian, and a woman from Burma. So, I
21 started expanding my horizons right away and then moved on
22 to Berkeley.

23 And then, I traveled to Germany and worked for a
24 freight forwarding company. I even worked in the Columbian
25 Consulate. I knew enough Spanish that I could get by and

1 worked in the Columbian Consulate.

2 So, really, this is even before I started my
3 career. In the course of my career, of course I was
4 dealing in the Secretary of State's Office. I was dealing
5 with all 58 counties, with 400 cities from all over the
6 state, and they would call me if they needed help.

7 I always tried to understand their unique
8 situations, whether they were a wealthy community, a large
9 community, a struggling community, whether it was
10 politically conservative or not it really didn't matter to
11 me. I think everybody that I encountered I tried to help
12 and deal fairly with.

13 In my family, I have family from Humboldt County
14 in the north, to Chico, to Sacramento, to Fresno, formerly
15 in Bakersfield, now in Whittier and down in Orange County.
16 Of course, I still have friends in San Diego County. So, I
17 sort of -- my horizons have broadened pretty much the
18 length of the state.

19 As I say, I've traveled to 56 of the 58 counties.
20 And I value that. I value that perspective.

21 MS. PELLMAN: You have about four minutes, 39
22 seconds.

23 MS. SELLER: Okay. Just I continue to meet new
24 people. I'm currently a member of the Renaissance Society
25 and I'm in three book clubs. So, I still enjoy meeting new

1 people. It's just been a thrill, honestly, in my life, and
2 I would value it as a member of this Commission.

3 MR. DAWSON: Thank you. At this point we will go
4 to questions from the Panel. Each Panel Member will have
5 20 minutes to ask his or her questions. And we'll begin
6 with the Chair, Ms. Dickison.

7 CHAIR DICKISON: Thank you. So, I just want to
8 expand on what you were just talking about and that you've
9 kind of had experiences all over California, you've dealt
10 with 58 of the different counties, and whatnot. What have
11 you learned from those experiences that would help you in
12 identifying the needs of the different communities and
13 regions throughout California?

14 MS. SELLER: Well, as I say, I always tried to
15 understand their unique situations. And I think that I
16 have an appreciation for -- for example, when I was in the
17 private sector and we were doing voting systems sales, you
18 know, we understood that some jurisdictions were wealthy,
19 some not so wealthy. Some had higher percentages of people
20 with disabilities. Some had more ethnic minorities and the
21 language needs were different.

22 I think that's relevant to the work of the
23 Commission because I think on the Commission we need an
24 appreciation for the entire state, really. I mean because
25 every voice needs to be heard, everyone needs to be treated

1 fairly and equitably. And I think this is what I tried to
2 do and accomplish in the course of my career.

3 CHAIR DICKISON: So, you also -- you talked about
4 in the essay, you know, the needs of those living in the
5 different areas differ, such as the coastal areas differ
6 from those in the valley. Those living in urban versus
7 rural. And then, economic equality. When you're thinking
8 about that, how -- what factors do you think go into what
9 would influence an individual's or a group's preference of
10 what they're looking for in a representative?

11 MS. SELLER: Well, I think that people naturally
12 want to have a representative who reflects who they feel
13 they are. And if they are a coastal community, obviously
14 -- well, our coastal communities tend to, at least
15 particularly the central and south tend to be wealthier.
16 But they really want someone who can hear their message.

17 So, for example if you're in Fresno, you want
18 somebody who understands, probably, agriculture and
19 agribusiness. If you're in Humboldt, at least in talking
20 to my cousins up there, you probably want somebody who
21 understands the marijuana industry.

22 So, in selecting a representative, I think people
23 are looking for -- it's not only -- it's not only gender
24 and ethnicity, but I think that factors heavily into it.
25 But it's really an understanding of their local communities

1 and their local community needs.

2 I know in talking to people like in Tehama
3 County, they're very concerned about water issues. So,
4 they want a representative who's going to be good in
5 preserving their water, and they tend to be jealous of the
6 water that comes down south. So, they want somebody who's
7 going to be strong on those issues. And they want somebody
8 who reflects, I think, their social views and understands
9 the economic aspect of their lives.

10 I don't know if that's enough detail but --

11 CHAIR DICKISON: So, with that understanding what
12 are some of the methods that you think the Commission can
13 employ to kind of try and identify the different
14 communities of interest, what their needs are and what
15 they're looking for, and kind of identify those communities
16 that are maybe not so easy to identify?

17 MS. SELLER: Well, I think that the Census data
18 is helpful. Data is always helpful. Economic data, social
19 -- demographic data is what I'm trying to say. The data is
20 interesting, but I honestly think that it's really the
21 presenters who come forward. You know, people can tell you
22 what is -- what matters to them, what they think their
23 community of interest is.

24 A community of interest is really -- you know,
25 it's supposed to be a contiguous area that share a social

1 or economic interest. That's kind of a little bit vague,
2 really. And, yes, it has to do with rural, and urban, and
3 coastal, or inland, or desert, or forest. It has to do
4 with all those things.

5 But it may also have to do with just where people
6 are sending their schools? What sports teams are they
7 following? What transportation routes do they have? Who
8 are the major employers in their area? I those are the
9 factors that people -- they know within themselves what
10 their community of interest is. They may not be able to
11 necessarily articulate it very well and so, that's where I
12 think you have to kind of fill in the gaps with data.

13 CHAIR DICKISON: You mentioned that the
14 presenters that come forward can tell you who -- you know,
15 who their communities are. So, something that has come out
16 from the last Commission that there were concerns that
17 maybe some of the presenters were actually associated with
18 groups and looking in the interest of other groups, and
19 maybe not necessarily the local community.

20 MS. SELLER: Uh-hum.

21 CHAIR DICKISON: What can the Commission do to
22 kind of look for that type of thing and when they see it
23 what can they do with that information?

24 MS. SELLER: Well, I think that what they can do
25 with it is they can -- first of all, I think it's always

1 good to have a little bit of a healthy skepticism when
2 people are coming forward. I mean we all know that the
3 redistricting process, at least in the past has been
4 political. And so, we have to have a little bit of
5 understanding that, you know, like I say healthy
6 skepticism.

7 But I think that's where you have to tease out
8 from your presenters, really, and ask them, without being
9 argumentative, without being condescending to really try to
10 get additional information from people. And help them
11 frame their own message and let them know that you've heard
12 that message, maybe even by echoing it back to them.

13 CHAIR DICKISON: So, when I was looking at the
14 employment history, there's quite a number of employers
15 listed under consultant. Where those clients or employers?

16 MS. SELLER: Oh, it -- many of them were just
17 very short term things. So, for example, and I still help
18 a company called NetFile and they have an online campaign
19 finance reporting system. And all I do is I go twice a
20 year to sit in a booth at the conference, you know, the
21 annual New Law Conference for election officials, and then
22 the annual -- just their annual conference in the
23 summertime. So, that's an example of my consulting there.

24 In two counties I was actually called in. They
25 had problems with their elections and they called me in to

1 really kind of do a sort of a top to bottom analysis of the
2 department and figure out what was the cause of the problem
3 and what solutions did I recommend to fix these problems.
4 And that gets in -- that can be a real can of worms. And
5 so, those were two instances.

6 I'm trying to think. In one case it was a voting
7 company that was really looking to reach out to disabled
8 people. I had a lot of experience working with disabled
9 voters when I was working in the private sector. That was
10 kind of my specialty. And so, I helped this company
11 connect with people from the disability rights community,
12 primarily in the Bay Area.

13 CHAIR DICKISON: So, as I looked at this I see
14 that, you know, you've done a lot of research, and
15 evaluations, and whatnot with -- in elections. What can
16 you take from those consulting roles that you think will be
17 beneficial to the Commission?

18 MS. SELLER: I think here, again, it's the
19 knowledge of different areas. I mean one of my consulting
20 areas was Amador County. I now have a much better feel for
21 the social and economic situation in Amador County.

22 Another was in San Mateo County, you know, where
23 the heart of tech industry is. So, it's really just, I
24 think, given me some depth and helped me expand my
25 knowledge of certain areas of the state.

1 In the instance with the company and the
2 disability rights people, it was kind of a renewal because
3 it had been quite a while since I had dealt with disabled
4 groups. And so, that was just helping me, you know, renew
5 my appreciation for the needs of people with disabilities,
6 for example.

7 I'm trying to think of some of the others. I
8 think those are the ones that come to mind.

9 CHAIR DICKISON: Thank you.

10 MS. SELLER: Yeah.

11 CHAIR DICKISON: You mentioned in your
12 impartiality essay working in other countries in election
13 observation for former Soviet Republics and Nicaragua --
14 or, Nigeria, and the Philippines. What did you learn from
15 those experiences and did it make you appreciate
16 California's process a little more, or less, or --

17 MS. SELLER: I guess I learned that there may not
18 be any one absolute perfect system. There are different
19 ways of going about things. I think I learned to be more
20 tolerant, more open-minded about things, really. And yes,
21 I mean I certainly have an appreciation for California's
22 election system. I very much appreciate the quality of
23 election administrators in this state.

24 But I don't necessarily feel like everything has
25 to be run the way California runs it. For example, in the

1 former Soviet Republics, they actually put the voter
2 registration lists together. I mean they compiled this.
3 People didn't have to register to vote. It was the burden
4 was on the government.

5 And in fact, other areas where I worked, I also
6 spent some time in the UK and many other countries in the
7 world where the burden of registering to vote is on the
8 jurisdiction. So, I thought that that was interesting. I
9 thought that that was something that, you know, we could
10 emulate and that maybe our voter registration laws -- they
11 have been liberalized considerably over the last several
12 years in terms of election day registration and that sort
13 of thing. But that was -- you know, that was a major
14 difference.

15 And also there's a big debate, and it never
16 really gets fixed, about whether people should show
17 identification at the poles. And in other countries, in
18 these other countries that I was going to, they actually
19 had a national identification card, so it was easy. So, if
20 somebody came in, they stamped their card, and then they
21 couldn't vote twice, and it all worked out.

22 We do not have a national identification card.
23 We don't have anything that says, one single document that
24 says I'm a citizen, this is where I live, and I have, you
25 know, the right to vote, and that I'm 18. So, we just

1 don't have something like that. Maybe we have a
2 combination of things, but your driver's license doesn't
3 necessarily mean that you're a citizen. It doesn't
4 necessarily mean that you still even live there, at the
5 address on your driver's license.

6 So, this is an example of a problem that they
7 just eliminated by having a national identification card.

8 CHAIR DICKISON: Thank you.

9 MS. SELLER: You're welcome.

10 MS. PELLMAN: We have about five and a half
11 minutes.

12 CHAIR DICKISON: Thank you.

13 So, the first eight Commissioners are randomly
14 selected and then they're going to select the next six to
15 round out the Commission. So, if you are one of the first
16 eight what would you be looking for in those other six
17 Commissioners?

18 MS. SELLER: Well, I will say that I've had a lot
19 of experience hiring people and have made some very
20 excellent hires, and if I can say that. In this situation
21 my understanding is that when the initial eight
22 Commissioners go about this process of selecting the
23 remaining six that they are allowed to come up with a slate
24 of six candidates, two from the Democratic Party, two from
25 Republican, and two from Nonpartisan.

1 And so, I would -- but I would be very heavily
2 guided by your Panel's work in this because you've really
3 done the heavy lifting here, you really have. And so, I
4 would be looking for -- first of all, I would be looking in
5 those three categories. I would be looking for people who
6 got three favorable votes from your Panel.

7 And then, I would also think that because that
8 might not be -- might not give the Commission the gender,
9 ethnic, geographical diversity that is really necessary, I
10 mean it's a huge state and there are only 14 people, so you
11 really do want to try to touch on as many areas as
12 possible. But it's not possible to touch everyone. So, I
13 would then be looking for, again, gender, ethnicity, and
14 geographical location.

15 Also, I think it would be really important for
16 the eight Commissioners selected to take a very, very hard
17 assessment of their own skills. And what skills, what
18 attributes do they possess, and where they're weak. I mean
19 it's kind of hard for people maybe to say, well, you know,
20 where are you weak. But and to identify any areas of under
21 representation in terms of the various abilities that I've
22 talked about.

23 CHAIR DICKISON: Thank you.

24 MS. SELLER: You're welcome.

25 CHAIR DICKISON: I have no further questions.

1 VICE CHAIR BELNAP: So, thank you for being here.
2 You referred to a time at -- when you were Elections Chief
3 at a Secretary of State's Office. And I know you know your
4 application, but for those who don't I want to read just a
5 few sentences and then ask you some questions about it.

6 You said: I was privy to the backlash from some
7 voters when our office sent a postcard with the state
8 ballot pamphlets, asking voters if they wished to receive a
9 version in one of their covered languages. I answered many
10 letters complaining about this and tried to explain the
11 background and history of discrimination against voters
12 because of race, ethnicity and language barriers. I tried
13 to be open-minded to voters' concerns while expressing
14 support for the voting rights of all citizens.

15 So, to whom -- in these letters to whom were you
16 responding? Where were you getting this input?

17 MS. SELLER: Well, the letters were coming from
18 all over the state. So, what we were doing was we were
19 sending out a state ballot pamphlet and there was a
20 postcard in it to offer people the opportunity to sign up
21 to permanently receive a Spanish language version or a
22 Chinese language version. I think those were the two
23 choices. This was back a long time ago.

24 And so, the letters came in. I don't think I
25 honestly really tracked the source of the letters in terms

1 of, you know, what part of the state. I didn't do that at
2 the time. But I just responded to them. And I tried not
3 to be too legalistic by saying, well, it's the law. You
4 know, it's the law and we're complying with it.

5 I mean I really wanted to try to explain to
6 people, and they weren't going to probably be very
7 receptive to this, to be honest with you, but I wanted to
8 give them just a little bit more than saying it's a federal
9 law. And, I mean I sometimes did that because, you know,
10 if they really want to complain to somebody it is a federal
11 law, and the person they should complain to is their
12 Congressman. So, that would be the appropriate
13 governmental body to go to.

14 But I was kind of always trying to bring people
15 along. As I say, I was sympathetic, empathetic to the
16 plight of people living in this country who come here maybe
17 as adults, and don't have all the language skills.

18 VICE CHAIR BELNAP: Okay. And what strikes me is
19 that you're responding by letter, you were responding at
20 all.

21 MS. SELLER: Well, my feeling is a government
22 needs to be responsive to the electorate. I don't know
23 that -- you know, I can't honestly say that I responded to
24 every single letter. I don't know. Well, I think we did.
25 It's good governmental service. I believe in being

1 responsive to the voters, to hearing them, making sure they
2 know they've been heard. This is what I was talking about
3 earlier.

4 VICE CHAIR BELNAP: Okay. And choosing what
5 language to receive information in and vote in seems fairly
6 common now. What were the concerns then?

7 MS. SELLER: They're in this country, they should
8 learn English. Pretty much. And many of them -- like my
9 situation that I described earlier, they probably do. But
10 you read the state ballot pamphlet. And at the time the
11 state ballot pamphlet was more -- in some respects more
12 complex. They've taken a lot of steps to have like an easy
13 reader guide, or a yes vote means this, and a no vote means
14 this. I mean I think that the state has over the decades
15 done a better job of putting it together. But when I was
16 there it was extremely dense and difficult.

17 VICE CHAIR BELNAP: Okay. So, I want to shift
18 gears. You received your bachelor's, your bachelor degree
19 in German literature. But in your career you gravitated
20 towards ensuring fair elections. Why -- as I imagine where
21 you started and where you ended up, how did you gravitate
22 towards fair elections?

23 MS. SELLER: Well, it was kind of crazy. I
24 started working -- well, I think what I had -- and I did go
25 to graduate school. I didn't finish the thesis. That's

1 kind of a long story because I was thinking of going into
2 international relations. And I actually ended up enjoying,
3 that was kind of the fun part because later I got to go on
4 all these international missions.

5 But I needed money and I just took a job with the
6 state, to be honest with you. And that's when I started my
7 program analysis, where I was trained as a program analyst
8 and then moved on to Secretary of State. It was total
9 coincidence.

10 VICE CHAIR BELNAP: Okay. And you've already
11 answered one of my --

12 MS. SELLER: And, excuse me, I will say --

13 VICE CHAIR BELNAP: Okay.

14 MS. SELLER: -- I will say we always joke,
15 registrars of voters, we always joke and we say nobody
16 wakes up in the morning and says I want to be a registrar
17 of voters.

18 VICE CHAIR BELNAP: There's that same joke
19 regarding auditors, as well.

20 (Laughter)

21 MS. SELLER: Oh, okay.

22 VICE CHAIR BELNAP: How did you get involved in
23 the international elections efforts that you were involved
24 in?

25 MS. SELLER: Well, at the time, you know, in the

1 late 80s the Soviet empire had collapsed. And a good deal
2 of the reason for that collapse was remember Chernobyl and
3 the radiation was spewing down through Eastern Europe, and
4 the cows were dying in the field. Babies were drinking the
5 milk and ending up in the hospital. I mean it was -- there
6 was a whole social movement.

7 At any rate, the Soviet Union collapsed and I had
8 -- I had close relationships with the Federal Election
9 Commission. I was on their advisory panel at the time.
10 This was before they established the Election Assistance
11 Commission. And so, I was on their advisory panel and I,
12 as a favor to the FEC organized and hosted a conference,
13 which should have been organized and hosted by the Fair
14 Political Practices Commission. The FPPC didn't want to do
15 it. And so, I just took it on and I worked really, really
16 hard, I was busy at the time, and to try to pull this
17 conference together for the Federal Election Commission.

18 So, one day I get a call from one of the
19 Commissioners, who was very grateful for this particular
20 conference, they'd needed to do it, and he was extremely
21 grateful. And he had been called out on some of these
22 election observation missions to the former Soviet
23 Republic, and he called me and he said, "Debbie, you want
24 to go to Bulgaria?" And so, I was -- by this time I was
25 working in the Legislature and I had a little more

1 flexibility. I really could not have done it at the
2 Secretary of State's Office because I was just always way
3 too busy.

4 But I was able to carve out some time and go to
5 Bulgaria. And then, they kept asking me back. They just
6 kept asking me.

7 VICE CHAIR BELNAP: Okay.

8 MS. SELLER: Asking me to come back.

9 VICE CHAIR BELNAP: So, looking over your work
10 history, most of it's in public service, public entities.
11 The private companies that you worked for kind of stand
12 out. And you've worked for I think a few companies that
13 sell voting systems, or ballot printing systems. Why did
14 you work for these companies and what did you learn from
15 your experiences there?

16 MS. SELLER: When the term limits were enacted,
17 they offered the employees a golden handshake. And it was
18 just on the eve of the redistricting process. And I was
19 the chief of that particular committee and they brought
20 somebody in, a brilliant guy from the Speaker's Office, and
21 he was really going to be in charge of the process. My
22 role was really more to go out to community groups and
23 explain the redistricting provisions.

24 And I just didn't feel -- I had very young
25 children at the time and I just didn't feel that I could do

1 a particularly good job. As I said in my application, I
2 really wasn't capable of being partisan on the taxpayer's
3 dime. And so, I thought here' a golden handshake and I
4 kind of at that point sort of rethought my trajectory. And
5 I left, took the golden handshake, and I started a
6 newsletter. And it was -- I did that newsletter. It was a
7 monthly newsletter on California administration, election
8 administration. And I did that for 11 years. But,
9 obviously, that wasn't going to, you know, pay the bills.

10 But I reached out -- I had a lot of respect for
11 people in the private sector. And I reached out to a
12 particular company, actually he was the chief counsel,
13 elderly gentleman, and I said do you have a position for
14 me? And he said, yeah, I do, it's my job. And I'm not an
15 attorney, but he wanted to retire and so I -- and I was
16 knowledgeable in election law. And a lot of his job, much
17 of his job was really to just be like a consultant to the
18 cities and counties, their customers, and help them answer
19 election laws. Help the company, make sure the company was
20 in compliance with all the laws and all the regulations,
21 and to kind of be a liaison to the Secretary of State's
22 Office.

23 So, that's how I just ended up transitioning into
24 the private sector. I enjoyed it.

25 VICE CHAIR BELNAP: Yeah. I want to back up a

1 little bit into the information you just shared. So, you
2 were working in the Legislature, you had come from
3 Secretary of State, and there was a redistricting process
4 going on. What year are we talking about?

5 MS. SELLER: Oh, we're talking about 1990. It
6 was just coming up, so they would have been doing the
7 redistricting. They were going through the Census process.
8 And then, the next year they would be doing the
9 redistricting.

10 VICE CHAIR BELNAP: And then you said something
11 interesting, you said I wasn't -- I'm not capable of being
12 partisan on the taxpayer's dime. So, something about the
13 redistricting process that was coming up would have been
14 partisan, is that correct?

15 MS. SELLER: Oh, absolutely, it was a partisan
16 process in the Legislature, sure.

17 VICE CHAIR BELNAP: And you felt like you
18 couldn't be a part of that?

19 MS. SELLER: Well, I -- when I was at the
20 Legislature, I helped the Democrats and the Republicans
21 with their bills. People would come to me and say,
22 Deborah, you need to be more partisan, and I just wasn't
23 good at that. I wasn't good at being partisan. I just --
24 I had spent so much of my career being nonpartisan, you
25 know, being fair to people on both sides, and I had friends

1 on both sides. Political attorneys, and other committee
2 consultants, and so forth. It wasn't a good fit for me.

3 VICE CHAIR BELNAP: All right. Thank you, no
4 further questions.

5 CHAIR DICKISON: Mr. Coe?

6 PANEL MEMBER COE: Thank you. Ms. Seller,
7 welcome, thank you for being here.

8 So, as I read your application materials and as
9 has been discussed here today, you devoted your entire
10 career to really improving core processes. And I'm curious
11 what kept you dedicated to this type of work for some many
12 decades?

13 MS. SELLER: I love the State of California and I
14 love elections. I remember -- my mother died when I was
15 very, very young, and so my aunt lived down the street.
16 And she would come down every single morning. She lived a
17 block away, this is my dad's sister. And she would come
18 down every single morning and make us our oatmeal, and our
19 hot chocolate, and get us off to school, and comb my hair.
20 Except for two days a year, every other year. And those
21 were election days.

22 My aunt always worked at the polls. My aunt and
23 my father would discuss their ballots. I think there was
24 just some latent thing in my brain, honestly, and I
25 treasured my aunt, I looked up to her as just a community

1 giant, even though she was, you know, from very modest
2 circumstances.

3 You wake up in the morning and you feel like
4 you've done something good. I like tangible outcomes. I
5 like getting something done. I could never work in, I
6 don't think, a think tank. I like getting, you know, a
7 better structured Elections Code, or having new petition
8 guidelines that the county clerks can use to more reliably
9 verify the signatures on their petitions.

10 I like, you know, seeing a successful election.
11 I like, you know, getting the newsletter out. Whatever I
12 was doing there was some tangible outcome. But I've just
13 always liked elections. And I think it's important.

14 And, too, my travels. When you see other
15 countries where there's been corruption, authoritarianism,
16 mismanagement, you really value, and you see what people's
17 like are like, you really value government, and good
18 government, and well-run government.

19 PANEL MEMBER COE: You said something a couple of
20 times there, tangible outcomes. What tangible outcomes
21 would you like to see the Commission accomplish?

22 MS. SELLER: Well, a well-respected, fair
23 redistricting, so that people -- with no lawsuits. I think
24 maybe lawsuits may be inevitable, I don't know. But I
25 mean, but just where people, ordinary people feel like

1 we've done the right thing. I think that -- and maybe the
2 answer to your question really is confidence in government.
3 I think having confidence in government is so important for
4 people, and handling sensitive things like redistricting,
5 or an election, or something like that can contribute to it
6 or it can undermine it. And I just want to contribute to
7 it.

8 PANEL MEMBER COE: Okay, thank you. Could you
9 tell us a little bit more about your role at the Fair
10 Political Practices Commission and how those experiences
11 would be beneficial to this Commission?

12 MS. SELLER: I was appointed to the commission by
13 Secretary of State, then Secretary of State March Fong Eu.
14 She left office and Secretary of State Bill Jones took
15 over, and he asked me to stay on. Or, basically, didn't
16 force me off or something. I guess that's a more accurate
17 way of putting it.

18 That was an interesting experience. I was not
19 accustomed at that point to sitting in, you know, this
20 large room, people on either side. We had to observe the
21 Bagley-Keene Act. And as I would imagine this Commission
22 would as well. And at first I was uncomfortable with that.
23 I mean I was like, well, can't we just kind of sit in a
24 room and figure this all out, and talk it through? Because
25 that was the way I was used to working.

1 But on the commission, we had to sit in public
2 session, recorded, and conduct our deliberations. And so,
3 I think that was kind of a -- it was a difficult thing for
4 me at first, but I learned to become comfortable with it,
5 and now I'm very committed to the idea of transparency and
6 doing everything in public.

7 PANEL MEMBER COE: I'm curious about the
8 newsletter that you started, that you referred to earlier.
9 What drove you to start that newsletter?

10 MS. SELLER: I went to a conference and they had
11 a speaker who was talking about new ways of communicating,
12 new ways of working, new ways of thinking. And I thought,
13 and it was at this point, you know, I was sort of teetering
14 with staying with the Legislature. And I thought this is
15 the new model. It's information. And people need and want
16 information.

17 Of course, by today's standards it's hopelessly
18 antiquated. I mean it was paper. My kids would help me
19 fold it, and put stamps on it, and send it out, you know.

20 But it was information and I was sharing
21 information. I think it was a really valuable role because
22 I was analyzing -- I was filling in colleagues about their
23 election officials, and political attorneys, and anybody
24 who wanted about legislation. I analyzed court, judicial
25 decisions and wrote those up so people -- because people

1 weren't going to see them otherwise. I mean they weren't
2 probably going to pick up a court decision and read through
3 it, they just weren't. So, my service to them was to
4 analyze that.

5 And I also felt it was good to just share
6 information. This was pretty much pre-internet. And so, I
7 would get information about maybe some new method that some
8 election official had perfected, or tried, or some problem
9 maybe that they had had. And this was -- boy, we talk
10 about being impartial, you know, trying to write it up in
11 such a way that I wasn't like slamming somebody. This was
12 a challenge. I guess every journalist faces this.

13 But it was a useful tool and it was kind of
14 useful for me, too, because just every -- once a month I
15 would just kind of try to put my arms around, well, what
16 happened? What happened in our profession this month? And
17 what's -- looking down the road what's happening?

18 So, it put me in touch -- again, it put me in
19 touch with people from all over the state because I would
20 call them, feature them, and it was an interesting
21 endeavor.

22 PANEL MEMBER COE: So, who was the target
23 audience? Was it just voters in general?

24 MS. SELLER: No, no, it was not voters.

25 PANEL MEMBER COE: It was people that were

1 involved in the election process?

2 MS. SELLER: Yes. It was city clerks, county
3 clerks, political attorneys. I was so flattered because UC
4 Berkeley's Institute for Governmental Studies subscribed.
5 People with just a general interest. Sometimes -- I had
6 subscribers from -- and by the way, I did not make any
7 money off of this. I was working for a company and they
8 published it and any revenue went to them. I didn't
9 receive the revenue for the newsletter.

10 But we had subscribers from other states as well,
11 people who were interested. Because California at that
12 point was still kind of considered a leader in election
13 administration. I don't know that that's really the case
14 anymore. But anyway, whatever California does is of
15 interest to the rest of the country. So, I did have
16 subscribers from other states.

17 But, yes, it was not -- it was not meant for the
18 lay public.

19 PANEL MEMBER COE: So, you mentioned getting
20 subscribers from all across the state. These subscribers
21 were, I would assume, from all ends of the political
22 spectrum?

23 MS. SELLER: Oh, yes. Oh, yes. And my political
24 attorneys as well. I mean, I knew who the Republican side
25 political attorneys were and the Democratic side political

1 attorneys and they all, you know, subscribed.

2 PANEL MEMBER COE: So, you mentioned one of the
3 difficulties of putting that together was not having the
4 appearance of slamming somebody or appearing biased in some
5 way. So, it appears that you strove to have an unbiased
6 and legitimate source of information out there. And that
7 in order for people from all across the political spectrum
8 to subscribe to it, they must also have confidence in the
9 source of information as being unbiased and legitimate.

10 As you look towards the work of the Commission, I
11 think the Commission early on is going to have to probably
12 send that message to the people of the state. How do you
13 think you could potentially use your experience in -- or,
14 how did you develop a reputation for legitimacy and a non-
15 biased source of information within the newsletter, and how
16 could that help the Commission develop that same type of
17 reputation?

18 MS. SELLER: I don't know that the Commission
19 would want to do a newsletter. But as I said, I do think
20 that public relations is important. That the Commissioners
21 should have good public relations.

22 I think that the -- and I'm not totally sure, to
23 be honest with you, whether it's, you know, probably
24 frequent updates, public updates, but it's really
25 comportment. I mean it's sort of the way your Panel has

1 operated. You know, you have respect for one another, you
2 don't interrupt one another, there's no grandstanding.
3 There's just, you know, solid work and treating the
4 presenters well, and some of the things that I've already
5 mentioned. I think that establishes a good -- a good
6 rapport with the public.

7 And I would anticipate that the Commissioners
8 would be traveling about the various parts of the state,
9 and just how they -- to not change your demeanor depending
10 on whether you're in a poor area, a rich area, a Republican
11 area, a Democratic area. That everything just be so
12 totally even keel.

13 PANEL MEMBER COE: Okay, thank you. I wanted to
14 piggyback off of something Mr. Belnap was asking you, or
15 through his questions, one of your responses. I think you
16 said something about not being good at being partisan. And
17 just if you're internally reflecting on yourself, why do
18 you think that is?

19 MS. SELLER: I have political views, certainly.
20 But, you know, people work hard, they pay their taxes, they
21 send their kids to school, they do all these things, they
22 all deserve a fair and equal voice. And I didn't feel that
23 -- I mean I don't feel that helping people or not helping
24 people because they're one party or another is appropriate.
25 Again, it's going back to the taxpayer dime.

1 PANEL MEMBER COE: Okay, thank you. If you were
2 to be appointed to the Commission, which aspects of that
3 role do you think that you would be at the best at or enjoy
4 the most, and which aspects of that maybe do you think you
5 would perhaps struggle with a little bit?

6 MS. SELLER: What I would most enjoy about it, I
7 like working collaboratively. I worked -- on the
8 newsletter, I did that on my own. But pretty much all my
9 other work has been working with other people and I do
10 enjoy that. All the committees that I've been on, and just
11 role of being on various panels, and the FPPC and so forth,
12 I enjoy that. I enjoy -- as I said earlier, I do enjoy
13 tangible outcomes. I mean I just, you know, there's an end
14 in sight here and I like that part of it.

15 I like reaching out to people. I still like to
16 learn from people. I mean I've been through many parts of
17 the state and have experience with many parts of the state
18 but, oh, I would look forward to hearing from people and
19 knowing more about their communities. To me, it's just
20 interesting, I like that. I like to travel.

21 And what I would struggle with, probably, is I
22 have been -- I have overseen GIS systems, the operation of
23 GIS systems. I have, you know, worked with precinct maps
24 and districts maps, and so forth. What I would want
25 hopefully from my colleagues or staff would be a little

1 more help, because I've never sat down with a GIS system
2 and drawn a map. So, I mean just to be honest. So, that's
3 something that I would need to come up, probably need to
4 come up to speed a little bit more on. Like I say,
5 understanding conceptually what it is, having worked with
6 it, having dealt with it, understanding a precinct map for
7 example, but the actual line drawing.

8 PANEL MEMBER COE: Okay, thank you, Ms. Seller.
9 No additional questions.

10 CHAIR DICKISON: Thank you. Mr. Dawson?

11 MR. DAWSON: Yes, thanks. Thank you, Ms. Seller,
12 I have a few follow up. Oh, and to answer your question,
13 yes, the Panelists have to adhere to the Bagley-Keene Act,
14 as will the Commission. So, I appreciate the shout out for
15 that.

16 I want to go back to your experience in the
17 Secretary of State's Office. You started there in 1978 and
18 that was as a Civil Service position, is that correct?

19 MS. SELLER: Yes, it was.

20 MR. DAWSON: And then, you eventually became the
21 assistant to the secretary but that was an appointed
22 position?

23 MS. SELLER: That wasn't appointed. It was a
24 career executive appointed and you served at the pleasure,
25 but you didn't really -- if she had wanted to fire me, I

1 still would have retained my Civil Service rights.

2 MR. DAWSON: Right. So, then you went to the
3 Assembly?

4 MS. SELLER: Yes.

5 MR. DAWSON: You were chief consultant to the
6 Elections Committee. Who was the chair at the time, I
7 don't remember?

8 MS. SELLER: It was Peter Chacon, from San Diego.

9 MR. DAWSON: And Mr. Chacon was a Democrat?

10 MS. SELLER: Yes, he was.

11 MR. DAWSON: I noticed that -- and forgive me if
12 I'm bouncing around, but I wanted to fill in a few gaps.
13 Your application, your resume shows quite a bit of short
14 term consultancy work.

15 MS. SELLER: Uh-hum.

16 MR. DAWSON: Was any of that consulting work on
17 behalf of either of the -- either of the large, any of the
18 parties?

19 MS. SELLER: Not the parties, no. Where I was
20 called in by a law firm -- well, two different law firms.
21 One was a Democrat law firm and one was a Republican law
22 firm. The Republican law firm that called me in asked me
23 to do a cumulative voting procedure for a city in
24 California. It didn't really have anything to do with
25 partisan politics, particularly. They were just looking

1 for my expertise on voting and so, I came up with a
2 proposed -- which they did not adopt. They did something
3 else. But this proposed cumulative voting.

4 On another issue and this was for a Democratic
5 law firm, I was asked -- it was a ballot measure. I'm
6 trying to remember. And I don't remember the ballot
7 measure, to be honest with you. It was a ballot measure
8 and they were asking me to look at whether or not there
9 would be costs associated with this ballot measure and to
10 determine what they should be -- how they should be
11 informing the Legislative Analyst. Because ultimately it's
12 the Legislative Analyst who says, you know, is this ballot
13 measure going to cost a little, a lot, nothing, billions
14 and so forth. And so, I was called in to work on that.

15 MR. DAWSON: Okay. So, currently you're
16 registered as no party preference. And you've spoken a
17 great deal about your nonpartisan bent, your, as I took it
18 that you were describing that sort of your natural
19 inclination is to be nonpartisan. But it's clear from your
20 application, your resume you've spent a lot of time in
21 government positions and working for government affiliated
22 private interests.

23 The Voters FIRST Act was intended to take away
24 redistricting from political insiders, if I can use that
25 term.

1 MS. SELLER: Uh-hum.

2 MR. DAWSON: Could it be perceived that someone
3 with your experience be perceived as a political insider?

4 MS. SELLER: I would hope not because except for
5 my time in the Legislature where, yes, I worked for a
6 Democratic chair, I mean except for that time I wasn't in
7 -- I think it's fair to say that I was not in a political
8 position. And I mean I do have two of my letters of
9 recommendation are, you know, signed by a Democrat and a
10 Republican. So, I think the answer is probably not. But
11 then people -- you never know what people might think.

12 MR. DAWSON: Sort of along the same line of
13 thinking, you had talked about your role as an NPP, and as
14 you know the Commission will be composed for five
15 Democrats, five Republicans, and four members not
16 affiliated. Do you see the role of the non-affiliated
17 members to be a special role in this structure?

18 MS. SELLER: I do. I do. Perhaps actively
19 trying to build consensus between the two different
20 parties, yes, very much so. And I think that, you know,
21 just by being members of it of course they could be
22 tiebreakers, in effect. So, yes, I see that the NPP
23 Commissioners would have a special role. Like I say, yes,
24 consensus building and possibly, you know, if it comes down
25 to a decision.

1 MR. DAWSON: Thank you. As you may know, the
2 2010 Commission lacked representation of a member any
3 farther north than Esparto. And you being from Sacramento,
4 but you talked about growing up in Butte County.

5 MS. SELLER: Uh-hum.

6 MR. DAWSON: Is there a certain North State
7 perspective that is important to be represented on the
8 committee -- on the Commission?

9 MS. SELLER: I think so, definitely, yes. As I
10 think I mentioned this in my essay, I mean I don't share
11 it, but many people in the North State are -- you see the
12 signs up there for the State of Jefferson. I mean, there
13 are concerns in the North that they do not have adequate
14 representation. They don't have the numbers. But they
15 feel that they don't have adequate representation. They
16 feel that their water is being taken. I don't know what
17 the feeling is on the marijuana situation is anymore, now
18 that it's been legalized. I'm not really sure what it is.

19 But, yes, I definitely think that they have a
20 very different outlook.

21 MR. DAWSON: Thank you. I have no further
22 questions. We have roughly 14 and a half minutes remaining
23 in the 90-minute period. Do any of the Panel Members have
24 any follow-up questions?

25 CHAIR DICKISON: I do not have any follow-up

1 questions.

2 Mr. Belnap?

3 VICE CHAIR BELNAP: I do not, either.

4 CHAIR DICKISON: Mr. Coe?

5 PANEL MEMBER COE: I have no follow-up questions.

6 MR. DAWSON: Okay. So, at this point Ms. Seller,
7 I would like to offer you the opportunity to make a closing
8 statement to the Panel, if you wish.

9 MS. SELLER: Okay, thank you very much. Well,
10 thank you very much, it's an honor to even be here today.
11 I would like to say that I was very impressed with the
12 courtesy, the professionalism of your Panel, but also the
13 staff when I had questions. Whenever I called, I always
14 got an answer on the phone. It was just an example of good
15 government working. And I felt really very much at ease.
16 When I started off I was a little uncomfortable. You know,
17 it seemed like a daunting -- it did seem like a pretty
18 daunting task to go through this process. But whenever I
19 had a question it was answered. It was easy to get
20 through, once I got the hang of it. It was easy to get
21 through to the application. So, I would just like to say
22 thank you, it was a good experience in that respect.

23 I would also say that I've been very fortunate to
24 have such a -- well, it's a varied and interesting career.
25 And I have seen firsthand, having been in other countries,

1 what it's like, what people's lives are like when
2 government doesn't work well. And I've seen firsthand what
3 it's like, particularly my situation in Germany, you know,
4 where government was very well run. Whatever you might
5 think I mean it was very well run.

6 And I especially enjoyed my time in San Diego
7 County because San Diego County at that point, and still is
8 an exceptionally well administered county. So, I think I
9 truly value the role of government in helping people and
10 making their lives better.

11 And so, I just feel that that's the future of our
12 country is if we can get government right, and people have
13 to perceive government as being a positive thing and
14 understand it's value, I think that contributes to civic
15 mindedness, and probably voter participation.

16 And, you know, I have children, I have
17 grandchildren, nieces and nephews. I want to see the good
18 government aspects perpetuated because I do know how
19 important it is for their lives. And I just -- I guess my
20 motto is the San Diego motto. I have it emblazoned on a
21 little thing on my bureau, the noblest motive is the public
22 good. Thank you.-

23 MR. DAWSON: Thank you.

24 CHAIR DICKISON: Thank you. Thank you for
25 speaking with us today.

1 MS. SELLER: You're welcome.

2 CHAIR DICKISON: Our next interview today is at
3 1:15, so we will recess until 1:14.

4 (Off the record at 12:03 p.m.)

5 (On the record at 1:14 p.m.)

6 CHAIR DICKISON: It being 1:14, call the
7 Application Review Panel meeting back to order.

8 We are here for our next interview with Mr.
9 Michael Rancer. Did I say that correctly?

10 MR. RANCER: Yes.

11 CHAIR DICKISON: Thank you. I'd like to welcome
12 you to the --

13 MR. RANCER: Thank you.

14 CHAIR DICKISON: -- podium there. Thank you.
15 So, what we're going to do is just turn it right over to
16 Mr. Chris Dawson and he will read you the five standard
17 questions to start.

18 MR. DAWSON: Thank you, Madam Chair.

19 Mr. Rancer, I will ask you five standard
20 questions that the Panel has asked each applicant to
21 address. Are you ready, sir?

22 MR. RANCER: Yes.

23 MR. DAWSON: The first question. What skills and
24 attributes should all Commissioners possess?

25 What skills or competencies should the Commission

1 possess collectively?

2 Of the skills, attributes and competencies that
3 each Commissioner should possess, which do you possess?

4 In summary, how will you contribute to the
5 success of the Commission?

6 MR. RANCER: Do you want me to answer all three
7 consecutively without further interruption or --

8 MR. DAWSON: Yes. Consider it three parts of the
9 same question.

10 MR. RANCER: Okay. Okay. So, as far as skills
11 that every Commissioner should possess or that the
12 Commission should possess collectively, I think there are
13 several that come to mind that I think are very important.
14 It's important to be able to work cooperatively and be open
15 to compromise. Because with 14 people from different
16 perspectives that's going to be essential.

17 The ability to listen carefully, have good
18 attention to detail without getting bored, because there's
19 going to be a lot of statistical work involved in this
20 exercise.

21 And every Commissioner should have, I think,
22 strong analytical and quantitative skills. Now, those are
23 the skills necessary to do the work of redistricting. But
24 beyond that, I think it's also important that the
25 Commissioners have public skills, skills related to dealing

1 with the public who will be very interested in the process,
2 I think.

3 And that means that although there will be a lot
4 of technical work, people should -- the members of the
5 Commission should have a sort of non-technocratic openness
6 and sensitivity to community input. And while listening to
7 the community maintain the ability to use critical
8 thinking.

9 And I think certainly very important and it's
10 clearly a priority of all that's gone before this is
11 familiarity with and appreciation of the enormous diversity
12 of the State of California.

13 Of the skills and competencies that each
14 Commissioner possess and which ones do I possess, I'm going
15 to be very bold and tell you I think I possess all of them.
16 And I think that's a function of the experience that I've
17 had, the long experience I had in my career working mostly
18 in the field of public policy and public administration.

19 I've had a long experience in making public
20 presentations, giving testimony, and even chairing public
21 hearings and meetings. My entire career involved a great
22 deal of group decision making, which always meant listening
23 and compromise.

24 And I've even had -- excuse me, I have a little
25 bit of throat clearing and coughing today. I am not sick,

1 it's seasonal allergies and I can't wait for it to be done
2 with.

3 And I've also had experience in adversarial
4 situations with labor negotiations, for example. So, that
5 if meetings become heating, I feel like I'm someone who has
6 the ability to contribute to a calming down of the
7 situation.

8 So, the third part is how will I contribute to
9 the success of the Commission? I would bring to the
10 Commission a calm, open minded, knowledgeable and
11 sensitive, but objective point of view to all the
12 proceedings and all the deliberations.

13 I have a lot of technical and analytical skills,
14 but combined with an unshakable commitment to the mission
15 of producing what should be a fair and balanced set of maps
16 for the Congressional seats, and the Legislative seats, and
17 the Board of Equalization. And to me, this is not,
18 although there's a great deal of technical work, this is
19 not a technocratic exercise and it requires a great deal of
20 sensitivity to the state's unparalleled diversity, which I
21 would hope I would be capable of providing.

22 MR. DAWSON: Thank you. Question two. Work on
23 the Commission requires members of different political
24 backgrounds to work together. Since the 2010 Commission
25 was selected and formed, the American political

1 conversation has become increasingly polarized, whether in
2 the press, on social media, and even in our own families.

3 What characteristics do you possess, and what
4 characteristics should your fellow Commissioners possess,
5 that will protect against hyperpartisanship?

6 What will you do to ensure that the work of the
7 Commission is not seen as polarized or hyperpartisan and
8 avoid perceptions of political bias and conflict?

9 MR. RANCER: I think the issue of
10 hyperpartisanship, especially today is probably the biggest
11 challenge that we all face today in this kind of work.
12 Possibly unique among the candidates you're interviewing, I
13 have done this before. I have done redistricting before,
14 as you've seen in my application. It's not that I'm proud
15 of what I did when we did the redistricting after the 1980
16 Census, but it is something that I did with professional
17 skill.

18 And I learned from that experience. I was
19 working for a member of Congress at the time. I was his
20 delegate to a group that had been asked to redraw the
21 Congressional districts for the State of California and
22 specifically for the Bay Area. And I was fairly young and
23 took on the job of trying to improve, improve in political
24 terms his district boundaries. And in the process we
25 created a highly partisan, gerrymandered map for the

1 Congressional districts of the Bay Area. And I didn't stay
2 in politics for very much longer after that. And I went
3 into public administration, public policy, and it was very
4 much a nonpartisan career.

5 And as the years went on it became very clear to
6 me that what we had done in 1980 and what was later done in
7 1990, and what's been done elsewhere in the country,
8 because this is something that both parties do wherever
9 they are, what we did poisoned the political atmosphere.
10 It created a basis for hyperpartisanship because what it
11 did was it made it very safe for people of either party to
12 hold onto their districts, and be able to hold to the most
13 extreme views and not compromise. And it created total
14 gridlock in a lot of our political processes.

15 That's what I learned from that experience. And
16 so, because of that when I decided to apply for this
17 Commission I took it as a personal commitment to do
18 everything I could to make sure that nothing like that ever
19 happens again.

20 Now, in California, where this will be the second
21 time that we've had a Commission doing boundaries, so we
22 have experience in that, and I think that the job here will
23 be to continue to turn what happened ten years ago with the
24 Commission, as a first time exercise, now into a tradition
25 of creating nonpartisan, as much as possible nonpartisan,

1 nonpartisan districts.

2 If you don't mind, let me just check a couple of
3 notes here to make sure I've covered what I wanted to talk
4 about.

5 So, the characteristics that I think all the
6 Commissioners should possess. To make it possible to have
7 fair districts, it means that all of the Commissioners need
8 to come in, need to sort of leave their politics at the
9 door as much as possible. And I certainly would intend to
10 do that. And I would bring in a calm, deliberative style
11 that I think would encourage the effort to find common
12 ground.

13 The second part was what would I do to ensure the
14 work of the Commission is not seen as polarized. There's a
15 couple of steps here. The last Commission set up some
16 criteria relating to Constitutional issues, Federal Voting
17 Rights Act, and emphasizing the need for districts that had
18 geographic contiguity, integrity, and compactness, while
19 still respecting the state's diversity and the diversity of
20 its communities.

21 I think the next Commission should commit to
22 following those principles, to setting those principles as
23 part of their work plan for the next round. And in fact I
24 would recommend that the next Commission, as its first
25 order of business create a set of principles that will

1 guide its work. And further that those principles, once
2 adopted, would be posted and publicly visible during every
3 meeting that the Commission takes as a way of reminding the
4 Commission, as well as anyone watching the Commission that
5 this is what the exercise is all about.

6 And finally, speaking just personally again,
7 because the issue here is how would -- how would I act in a
8 way so as to be seen as not polarizing or being
9 hyperpartisan. From the beginning of the process, from the
10 beginning of the application process that I've been part of
11 here, now for several months, I am making absolutely no
12 political contributions to any candidate for any office,
13 partisan or nonpartisan, state, local, national. And I
14 would expect to continue that commitment throughout the
15 course of the Commission's life as a way of ensuring that
16 people don't think that somehow I've got an agenda, a
17 political agenda.

18 MR. DAWSON: Thank you. Question three. What is
19 the greatest problem the Commission could encounter and
20 what actions would you take to avoid or respond to this
21 problem?

22 MR. RANCER: Let me just take a sip of water, if
23 you don't mind. I think once the work begins it could be
24 possible that there would be a sudden realization on the
25 Commission's part, on the part of members that there's

1 going to be disappointment and possibly conflict when it
2 becomes clear that this next round of district redrawing is
3 not going to just be a tweaking of the last set of maps.

4 California has grown by about two and a half
5 million people since the last Census. That's the current
6 estimate. But the growth has not been even across the
7 state. And some areas have grown a great deal, some areas
8 have not grown very much which means that district
9 boundaries are going to end up getting changed. And areas,
10 people who live in certain areas that are accustomed to
11 being part of one district will find themselves eventually
12 in another district. And that has the -- could have the
13 effect of making people feel like they've somehow been
14 cheated, or the change has been made against their own
15 interests. And the Commission will bear the brunt of that
16 kind of conflict.

17 I think it's especially likely that this will be
18 difficult in Southern California where there are very small
19 geographic districts with large -- all with equal
20 populations, but tightly packed and very dense. And
21 redrawing boundaries in an area where you've got many
22 districts bumping up against each other in close proximity
23 could create a lot of conflict.

24 So, I think the Commission is going to have to
25 spend a lot of time at the front end listening to what the

1 voters of the state are looking for and should only begin
2 considering the redistricting alternatives after doing a
3 lot of information gathering, and thinking through what the
4 impacts are going to be.

5 And the impact could be especially profound on
6 the Congressional districts because it appears likely that
7 California is going to lose at least one Congressional
8 seat. And the result will be that there again there will
9 be fighting, potentially fighting over turf, political
10 turf. And the likelihood, not just because of the loss of
11 a seat, but because of the change in boundaries the
12 likelihood that you'll end up with incumbents facing each
13 other in one district.

14 Now, the Commission should not be concerned about
15 incumbents facing each other if we draw fair boundaries.
16 But nonetheless, again there will be the opportunity for
17 conflict.

18 So, I think this kind of a problem could really
19 -- really has to be dealt with in a very open and
20 methodical way.

21 MS. PELLMAN: We have 15 minutes, 40 seconds.

22 MR. DAWSON: Question four. If you are selected,
23 you will be one of 14 members of the Commission which is
24 charged with working together to create maps of the new
25 districts. Please describe a situation where you had to

1 work collaboratively with others on a project to achieve a
2 common goal.

3 Tell us the goal of the project, what your role
4 in the group was, and how the group worked through any
5 conflicts that arose.

6 What lessons would you take from this group
7 experience to the Commission if selected?

8 MR. RANCER: One of the jobs I had during my
9 career was as budget director of a large transit district
10 in the Bay Area. And during the time I was there, there
11 was a major recession and the district lost a great deal
12 of its revenue and was unable to maintain full service.
13 And so, we would be looking at cuts in service. And this
14 was going to affect two groups of people, two very
15 important grounds of people. One were the customers who
16 rode the transit system, who would find their mobility
17 impaired. And the other were the employees, the drivers
18 and mechanics especially, who kept the system going.
19 Because if we had to cut service, we'd also be laying
20 people off.

21 So, we embarked -- myself, and the general
22 manager, and a few other people, we embarked on two courses
23 of action. First, we held a great many public hearings
24 throughout the county to share with people the financial
25 and budgetary issues we were dealing with, and to take

1 questions, and to listen to alternatives that they might
2 propose. And just use this as an opportunity both to
3 educate people, but to educate ourselves as well as to what
4 their concerns were.

5 The bigger challenge was working with the labor
6 union that represented the drivers and mechanics, many of
7 whom would undoubtedly lose their jobs. So, with our
8 general manager, I committed to meetings with union
9 leadership where we would, if necessary, go over every line
10 in the budget so that they felt we were not hiding
11 anything, and understood the nature of the problem and
12 would be in a position to help us with possible solutions
13 to the problem.

14 So, we met first to get an idea of what
15 information they were looking for. And then, after we had
16 that information we started preparing materials for the
17 meetings. My staff and I filled a very large binder. This
18 was before PowerPoint. We filled a very large binder with
19 a full presentation, which I then took to meetings with the
20 unions.

21 And we had several meetings. We went back and
22 forth. They asked questions, they wanted more information.
23 They gave us alternatives. We priced those out. We went
24 back and forth and we finally came to a set of actions that
25 we felt we could all agree to that would meet our budgetary

1 limitations, while continuing to maintain as much service
2 and as many jobs as possible.

3 And out of this came, again, a two-part
4 agreement, a commitment from the union not to strike over
5 the job losses which, unfortunately, had to be expanded
6 into a second year. And a commitment by management that we
7 would lay off the absolute minimum number of employees, and
8 restore service and rehiring service as soon as possible,
9 which we were able to do in the third year.

10 I would say this was probably one of the most
11 difficult challenges I faced in my career because of the
12 potential for real conflict. And I've kept that binder all
13 the way to very recently as a way of reminding myself of
14 what can be possible.

15 So, what I learned was that it's really important
16 to freely share all the relevant information that you have
17 pertaining to the question you're dealing with. You have
18 to work as closely as possible with people, even if they're
19 in an adversarial position to you. You have to make sure
20 that people have every opportunity to ask questions, offer
21 options or objections. And then, as I've said several
22 times already, find common ground somewhere so that you can
23 come up with an agreement that works for everybody.

24 MR. DAWSON: Thank you. Question five. A
25 considerable amount of the Commission's work will involve

1 meeting with people from all over California who come from
2 very different backgrounds and a wide variety of
3 perspectives.

4 If you are selected as a Commission, what skills
5 and attributes will make you effective at interacting with
6 people from different backgrounds and who have a variety of
7 perspectives?

8 What experiences have you had that will you be
9 effective at understanding and appreciating people and
10 communities of different backgrounds and who have a variety
11 of perspectives?

12 MR. RANCER: Because this is California, I've
13 spent my entire career working in coordination with and for
14 people from different backgrounds. Diversity is what
15 living in California is all about. And I think people who
16 lived in California appreciate that. I know I certainly
17 do.

18 Over the years the bosses I've had, the staff
19 I've worked with, the customers I've served, family,
20 friends, neighbors have represented every conceivable
21 definition of diversity, regardless of how that word is
22 defined. Whether by social status, religion, ethnicity,
23 age, physical, intellectual ability, or whatever.

24 And I think the first thing that anyone working
25 in this environment has to keep in mind is that regardless

1 of the differences between two people, the most important
2 thing that anyone can do in a communication with someone,
3 especially someone from a different background is to listen
4 before you talk. Never lecture. And recognize that every
5 person deserves respect and has a right to be heard because
6 every person has a unique story to tell.

7 On the issue of what experiences have I had, I
8 spent my -- the first part of my youth, I was born in the
9 segregated south as a member of a mostly white, but often
10 persecuted religious minority. And I carry with me a lot
11 of memories from that experience.

12 When I was an adolescent my family moved to Los
13 Angeles, partly because of the environment in what was then
14 the segregated south. And I attended public school with
15 people from ethnicities that I had never even heard of at
16 that age. But with my parents' guidance, I learned both
17 from my experience in the south, as well as from the
18 diverse population that I went to school with.

19 I moved to the Bay Area for college and I've
20 lived in the Bay Area almost continuously since then. And
21 every year the Bay Area becomes, and California as a whole
22 becomes more and more diverse. And this is in fact one of
23 the greatest strengths of California that I think may not
24 be recognized everywhere in the country because California
25 also has the most powerful state economy. And those two

1 things, diversity and economic strength go together.

2 Now, I recognize that economic strength doesn't
3 necessarily mean that everyone has equal opportunity and
4 that's something that we continue to struggle with in
5 California. And it's something that -- I live in the
6 Oakland area and it's something that we see every day.

7 So, my wife and I are very aware of this and
8 we've made donations, and volunteered at the local food
9 bank, a local soup kitchen, a mentoring program for youth
10 who've grown up in foster care.

11 And just to add a little family information, my
12 wife is a music therapist. She works with developmentally
13 disabled children in a home-based business. And because
14 I'm retired, I'm at home much of the day. And so, we see
15 there are people coming through our door all day long from
16 different backgrounds, different economic situations,
17 different ethnicities, all with developmentally disabled
18 children. And this is something that is just part of my
19 life.

20 As I think you read probably in my application,
21 we had a child ourselves who was intellectually and
22 physically disabled, who died at the age of 11. So, I'm
23 very sensitive to these kinds of issues.

24 My daughter, again this is all in the application
25 and you've probably already seen it. My daughter is gay.

1 She and her wife have two biracial children, whose
2 biological father is part of our extended community.

3 We then formally added to our family a young
4 African American man who came to UC, to the university
5 where I worked, from foster care and his future we are
6 emotionally invested in.

7 My daughter-in-law and I both speak passable
8 Spanish. I would never call it fluent. That would be an
9 exaggeration. But we are -- both of us are functionally
10 capable in Spanish and have occasion to use it sometimes.
11 And are making it a point that my grandchildren will also
12 grow up learning to speak Spanish.

13 So, diversity is central to what this state is
14 and it's certainly central to what my life has been.

15 MR. DAWSON: Thank you. We'll now go to Panel
16 questions. Each of the Panel Members will have 20 minutes
17 to ask his or her questions. And we'll begin with the
18 Chair, Ms. Dickison.

19 CHAIR DICKISON: So, you already addressed part
20 of the first thing I wanted to talk to you about and that
21 was the redistricting events in the 80s. What I wanted to
22 know is what did you learn about how that process worked
23 that can assist the Commission in its current process?

24 MR. RANCER: The technologies have changed, of
25 course, since the 1980s, but the fundamentals remain the

1 same. Whether you're gerrymandering or trying to create
2 fair districts, the fundamentals remain the same which
3 means understanding community boundaries. And by that I
4 mean groups of people, which may or may not be cities or
5 counties, but communities of interest. Understanding where
6 the communities of interest lie. Understanding the
7 demographics of the area. Being able to use the data.
8 Being able to work well with maps.

9 One thing I didn't mention, I meant to mention
10 earlier, I have -- for some odd reason, I have a semi-
11 photographic memory for maps. And so, I can visualize --
12 as I'm working, I can visualize how they change.

13 So, it requires a sophisticated use of data. And
14 of course, we have more tools today than we had in the
15 1980s and those tools can be used very well.
16 Unfortunately, they can also be used very badly, as we've
17 seen in some other states.

18 But I think we can -- with those tools we have
19 the ability to present to the public different options. We
20 didn't have the ability -- when we were hand drawing maps,
21 using data that we were writing down on notepads, we could
22 only do so many options. But today we can make multiple
23 options and move things around until we find what works.

24 CHAIR DICKISON: So, from that experience, would
25 that influence your perception on how the data itself

1 should be shown, when you're looking at being fair to all
2 the communities?

3 MR. RANCER: Well, I think, again as I said
4 earlier everything that we have should be public. And so,
5 to the extent that the Census data is available or there is
6 data available from the state through the Department of
7 Finance, or other sources it should be possible to present
8 information showing the demographics of the districts, for
9 example. If people are interested in the ethnic variations
10 within the districts, or if they're interested in maps that
11 show where one group is dominant or another group is
12 dominant all of that should be -- it should be possible to
13 present both in the form of tables, but also in the form of
14 maps. We can color maps and present them. So that if we
15 were in a particular area, let's say we're out in -- let's
16 say we're in Sacramento, or Merced, or wherever we can
17 present maps that provide useful information that people
18 can see in a visual way. Not everybody sees things
19 visually. Some people prefer tables. We can provide
20 tables as well. There are many different ways to do it.

21 CHAIR DICKISON: Okay. So, in your diversity
22 essay you kind of talked about your focus of your career is
23 professional and even technical, but that input always
24 began with feet on the ground in diverse communities in
25 almost every corner of the state, and integrating their

1 views into plans and programs as you proceeded.

2 Can you give me an example of feet on the ground,
3 or what that activity is, including how you gained the view
4 of those communities, and then how you integrated that into
5 a plan or a program?

6 MR. RANCER: Well, I think I can go back to the
7 service reductions we did when I was budget manager of a
8 transit district. We held multiple public hearings and we
9 laid out for everybody what the financial issue was, where
10 our money came from, how it was spent. We provided maps of
11 the routes. And then, once we had sort of provided all
12 that as context, we opened it up for discussion because it
13 was important to know -- although we knew where our
14 ridership was, we knew which routes carried how many riders
15 and how many came from -- how people were going into the
16 central part of San Jose and how many were coming from the
17 rural areas, we knew all that.

18 But sometimes when riders or customers have
19 personal experiences, they provide a different
20 understanding of what the data means. The data isn't the
21 ending, it's only the beginning. And so, if we found for
22 example that there was a particular senior center in a
23 given neighborhood that was at risk of losing bus service
24 because people came to us in the hearings and said, "We go
25 to the senior center all the time. What happens if we lose

1 our bus service?" That gave us insight that we didn't
2 otherwise, necessarily have.

3 And I think, again, it goes back to spending time
4 to listen to what other people have to say. And I think
5 the same would be true in the Commission setting. Because
6 people are going to be very interested in whose
7 Congressional district, or which Legislative district
8 they're going to be part of. They're going to want to know
9 who -- how their neighborhood or how their community is
10 kept intact or divided. Those are issues that people are
11 going to be -- going to want to be interested in.

12 And I assume that this Commission is going to be
13 holding meetings all over the state, you know, probably
14 from Dunsmuir to El Centro. And it's going to be necessary
15 to be able to speak that. To listen to people and then
16 speak to their concerns.

17 CHAIR DICKISON: So, going along with that idea
18 of people being concerned about, you know, their community
19 and what's holding it in place and intact, so thinking
20 about just all the different communities throughout
21 California what do you see as some of the things that
22 actually holds those communities intact in different places
23 and different regions throughout the state?

24 MR. RANCER: Yeah, I think it varies by area.
25 Because some of the rural areas, especially in the far

1 north of the state, the identity that people have may be
2 with a larger geographic area, a county or a region. There
3 are some particular issues that are of concern to people
4 who live up by the Oregon border. Those are going to be
5 different from the concerns that people might have in the
6 Los Angeles area where, as I said before, the districts are
7 very geographically very small.

8 And so, where a district for the northern part of
9 the state might be relatively easy to draw because it
10 covers such a wide area, a district in Los Angeles could
11 turn out to be very challenging because you've got 88
12 cities in the County of Los Angeles. Are you going to be
13 able to -- you're not going to be able to necessarily avoid
14 dividing cities. I mean, leaving aside the City of Los
15 Angeles, itself, you're not going to be able to necessarily
16 avoid dividing cities. You're not going to be able to
17 necessarily avoid dividing neighborhoods. Perhaps ethnic
18 groups in East L.A. are going to want to maintain a certain
19 integrity. Those are issues that are all going to have to
20 be faced.

21 CHAIR DICKISON: You mentioned the districts up
22 on the northern border, the Oregon border and how those are
23 going to be larger and may be easier to determine what
24 those boundaries are.

25 How would you find those little, hard to find

1 communities of interest in those areas to ensure that
2 you're not splitting them up?

3 MR. RANCER: I think it depends on how many --
4 how many meetings, public meetings the Commission wants to
5 have. Because there are some very small communities up
6 there. I go up there quite a bit for white water rafting.
7 And, you know, I know Weaverville, Weaverville's a very
8 defined place, but there are places smaller than
9 Weaverville. And I think it becomes a question of how much
10 time we have. Because this work has to be done in time for
11 the 22 Congressional and Legislative elections.

12 But to the extent possible we can try to reach as
13 many communities as possible. Maybe not every crossroads
14 hamlet, but certainly any place that has a fire station or
15 has a high school could be a place where people have an
16 identity that makes them say this is part of my community
17 and I want to hear what the story is here.

18 CHAIR DICKISON: So, you've mentioned cities and
19 communities of interest, and neighborhoods and, of course,
20 there's counties. In the regulations, there is no set
21 prioritization between those four things. So, how do you
22 think the Commission should deal with those items when
23 there's conflict between, you know, where those boundaries
24 should be?

25 MR. RANCER: I think it becomes most difficult

1 when people's sense of what their community is bleeds over
2 across city boundaries, or county boundaries. Because
3 people may identify more with -- the previous Commission
4 attempted to -- I know from reading their report, attempted
5 to maintain the integrity of legal boundaries as much as
6 possible. And I think probably that has to maintain some
7 priority. But there will be cases where communities of
8 interest go beyond those boundaries. And I can't give you
9 an answer today as to which should take priority. I think
10 it's going to be case specific. It's going to depend on
11 what people tell the Commission in public meetings. It's
12 going to depend on what we hear, what the Commission hears
13 from the people who are most concerned.

14 And I would hesitate today, not even being a
15 member of the Commission, to say, oh, yes, we should
16 prioritize city boundaries over community of interest
17 boundaries. I think it's going to be very case specific.

18 CHAIR DICKISON: Thank you. So, you mentioned in
19 your application that you knew that you would be making
20 this application in 2011. What occurred at that time that
21 made you know you wanted to participate?

22 MR. RANCER: The report of the prior Commission
23 and the realization that, gee, I've done this work. I
24 could do this the next time around. And I had retired at
25 that point and I've remained as active as I can in

1 retirement. But here we are today, nine years later, and I
2 have time, I have interest, I have skill and I have health.
3 And this is something, as I said in the closing part of one
4 my essays, to me this is a legacy issue. I have a daughter
5 and grandchildren whose futures I'm very concerned with.
6 And this is a contribution I can make to the state.

7 CHAIR DICKISON: So, you served as the chair of
8 the Piedmont Municipal Tax Review Committee?

9 MR. RANCER: Right.

10 CHAIR DICKISON: (Coughing)

11 MR. RANCER: I sympathize with you.

12 CHAIR DICKISON: A nine member committee, right?

13 MR. RANCER: Yes.

14 CHAIR DICKISON: So, according to one of the
15 letters, the members of the committee possessed strong and
16 varied skills, and also strong opinions. What did you
17 learn from the experiences of chairing that committee that
18 will assist you in working with members of the Commission?

19 MR. RANCER: In that case I think it came down to
20 finding a way to ensure that everyone's assumptions
21 received equal attention. This was during the last
22 financial crash, and the city's finances had diminished.
23 And again, as I had experienced in previous work, there
24 were risks of a budget cut. The committee's job was to
25 make a recommendation for a chance to the city's parcel

1 tax, municipal parcel tax. And because nobody can predict
2 the future really well, people came in with different
3 assumptions about what was going to happen to the city's
4 finances in the future.

5 One person felt that there would be a quick
6 recovery. Local governments depend on real estate taxes to
7 a large extent for their revenues. And felt that -- this
8 person felt that there was going to be a quick turnaround
9 and the city's revenues were going to rapidly increase, and
10 we didn't need to take certain other actions that we talked
11 about.

12 Other people felt that the recession was going to
13 continue on for a long time and that as a result of that it
14 was going to be necessary to make fundamental changes to
15 how the city did its work.

16 And so, what we had to do was take time to
17 explore the assumptions, try to develop as much data as we
18 could to determine which assumptions might be more likely
19 or less likely. Not everyone could agree at the end, of
20 course. You don't get that when you get nine people
21 together like that.

22 But we were able to produce a final report that
23 found, as I've said, I've used the word several times, now,
24 that found common ground. It wasn't the kind of rapid
25 growth that maybe a person at this end believed, but we

1 didn't anticipate the kind of doom and gloom that this
2 person believed because we found plenty of other
3 information that said things will move along. Not great,
4 but they'll be okay. And the people at the ends said,
5 okay, we can live with that.

6 And I think that's how you have to deal with
7 things when people are making judgments.

8 MS. PELLMAN: We have three and a half minutes.

9 CHAIR DICKISON: Thank you. So, the first eight
10 Commissioners are selected randomly, by lottery, and then
11 they'll select the next six to round out the Commission.
12 What qualities or what will you be looking for -- maybe
13 it's not qualities, but what will you be looking for in
14 those six, if you were part of the first eight?

15 MR. RANCER: I think -- I think I would be
16 looking for the kinds of qualities that I talked about
17 early in the standard questions. I think it's important
18 that the Commission be made up of people who are
19 comfortable with data, and technical analysis, and maps.
20 But at the same time, it's important that Commissioners not
21 be just technocrats. They have to be people who have the
22 ability to understand what it means to live in a diverse
23 state like California, with multiple interests.

24 I mean the interests, talking now about the
25 economics, which is how people make their living through

1 their jobs, the interests of people in the Bay Area are
2 going to be really different from the people in the
3 Imperial Valley. There's just no way around that.

4 And so, the members of the Commission I think
5 have to be not only representative geographically of the
6 state, but interested in hearing the stories from people in
7 other parts of the state beyond where they, themselves
8 might live.

9 CHAIR DICKISON: How much time do I have?

10 MR. DAWSON: One minute, 42 seconds.

11 CHAIR DICKISON: What would you ultimately like
12 to see the Commission accomplish?

13 MR. RANCER: I would like to see it accomplish a
14 set of maps that I think would be at least as good as the
15 maps that the 2010 Commission drew. I've looked at them
16 with as much knowledge as I could bring to bear, because I
17 don't know every part of the state as well as I know some
18 other parts of the state. But they seemed to me to be
19 fair. They seemed to me to be contiguous, compact,
20 respectful at least of legal communities, cities, and
21 counties and so forth.

22 How the affected individual communities of
23 interest, that may be more difficult to assess and I think
24 that would be the challenge for the next Commission as
25 well. But certainly in the Bay Area we've -- I think

1 people feel generally that the legislators we have are
2 representative of who we are.

3 CHAIR DICKISON: Thank you.

4 Mr. Belnap?

5 VICE CHAIR BELNAP: Thank you for being here.

6 MR. RANCER: Yeah.

7 VICE CHAIR BELNAP: You've already mentioned that
8 in the early 1980s you helped draw Congressional district
9 lines. In your application you said the focus at the time
10 was to draw lines that maximize the number of seats held by
11 Democrats.

12 I know it's been nearly 40 years, but can you
13 describe how you and your colleagues drew lines that
14 favored that particular party?

15 MR. RANCER: Like I said, I have a semi-
16 photographic memory for maps and I can tell you right now
17 what we did.

18 The member of Congress that I worked for actually
19 had what today would be considered a competitive district.
20 Which is to say a district that ought to be continued.
21 But, of course, it didn't match his career interests. So,
22 the intent was to put more Democrats into his district and
23 remove Republicans.

24 It so happened that the next adjacent district to
25 the north, on the Peninsula, was held by a member of

1 Congress named Pete McCloskey, who was a Republican. And
2 Mr. McCloskey's district had more Democrats than he wanted.
3 And so, we made changes. We moved Mr. McCloskey's district
4 to cover more of the rural areas of Santa Clara County and
5 we actually wrapped it around part of our district.
6 Again, a gerrymander. We wrapped it around our district
7 and so that part of his district was north of us, part of
8 it was west of us, and part of it was south of us. Whereas
9 we ended up with a very compact, though very partisan
10 Democrat district.

11 So, we moved boundaries like that all around the
12 Bay Area in order to meet the interests mostly of
13 incumbents. And which, of course, is not the concern of
14 the Redistricting Commission nor should it be. But that's
15 what we did after the 1980 Census.

16 VICE CHAIR BELNAP: So, having once employed
17 these strategies, you've already talked a little bit about
18 your change of heart, but I want you to reiterate why the
19 citizens of California, Republicans in particular, should
20 trust you, that trust you wouldn't do that again?

21 MR. RANCER: I don't think I would have made the
22 effort to apply for this Commission if that was my goal,
23 because there are plenty of partisans out there who can do
24 that. I think my career speaks for itself and the work
25 that I did in my career. It wasn't just a change of heart

1 that made me leave political life, but it was a -- it was
2 really a statement of who I am as a person.

3 I mentioned in my application that going from --
4 I went from being a staff person to a local Democratic
5 member of Congress, to being the chief of staff to a
6 Republican county supervisor. Again, my interest was in
7 getting things done that needed to be done in government.

8 And after that I went into -- I realized that
9 political life just didn't match who I was as a person.
10 And I had come out of the 60s with a lot of real, almost --
11 I wouldn't call them utopian ideas, but ideas as to how the
12 world better through politics, and I realized that that
13 wasn't the case. And the way to make better, at least
14 given the skills that I had and the interests that I had
15 was to go into nonpartisan public work.

16 VICE CHAIR BELNAP: Okay, thank you. I want to
17 read a portion of your application, and not from your
18 benefit, for the benefit of people who might not have this
19 in front of them, and I want to ask you a question about
20 it.

21 You say: The Redistricting Commission must
22 always make a strong effort to draw every district as
23 coherently, but competitively as possible. In the past
24 decade we have seem competitive districts help move
25 candidates away from the extremes, making it more likely

1 that politicians can find impartial or at least bipartisan
2 solutions to urgent public policy challenges.

3 So, my question to you is how would the
4 Commission go about drawing competitive districts?

5 MR. RANCER: Well, again, let me go back to one
6 of the things I said earlier, where I believe that the
7 Commission would start with a set of principles that it
8 intended to follow in the course of its work. And we've
9 talked about the work that the previous Commission did in
10 terms of creating districts that respected boundaries, that
11 were compact and contiguous and, where possible, were also
12 competitive.

13 And competitiveness comes mostly from looking at,
14 to be frank, the voter registration figures. And I think
15 we've seen -- there's some parts of the state where that's
16 just not going to be possible. I mean you're never going
17 to draw a Republican friendly district for the City and
18 County of San Francisco. You're never, at least not this
19 time around. And the same would be true for avoiding, if
20 you wanted to try to somehow avoid Republican districts,
21 Republican leaning districts in the north state or in the
22 Sierras.

23 But within the other principles that we're
24 following, we can certainly try to make things as
25 competitive as possible. And where that's certainly

1 happened is in the Central Valley where we have seen
2 significant movement back and forth over the years in who
3 represents which district.

4 VICE CHAIR BELNAP: Okay. So, do you feel like
5 there is a basis in the voting laws or regulations for the
6 Commission to take something like voter registration data
7 into account as they're drawing district lines?

8 MR. RANCER: I couldn't tell you. I honestly
9 don't know what the law says about that. If the law does
10 not prohibit it, then I would think it would be maybe not a
11 first order principle, but a principle that would be
12 considered along with, or you maybe create a set of
13 priorities among principles. First we do this, then we
14 make sure we've done that, then we make sure we've done
15 that. And maybe down on the list is that issue. Again, if
16 it's legal. And I'm not a lawyer and I have not read the
17 legislation in detail to answer your question.

18 VICE CHAIR BELNAP: Okay. So, we've talked about
19 communities of interest and we've also been talking about
20 competitive districts. How do you think the Commission
21 would reconcile the desire to keep communities of interest
22 together, but also have competitive districts? Do you ever
23 see that those things would be in conflict and, if so, how
24 would that be resolved?

25 MR. RANCER: Yeah, I think they certainly could

1 be, could be in conflict. And I think this is -- the
2 answer I would give to you is similar to what I said to Ms.
3 Dickison, in a similar kind of question. There's not
4 always going to be an absolute identity between a community
5 of interest and a city boundary, or between where an ethnic
6 group is concentrated and a city boundary, or where people
7 share a particular economic region, but maybe they don't
8 share other things.

9 This is where I go back to one of the things I
10 said early on which is that we need to be able -- the
11 Commission needs to spend a lot of time listening, a lot of
12 time visiting every part of the state, and a lot of time
13 studying how the state is put together in order to
14 understand where these conflicts are.

15 And if there is a conflict, let's say a
16 particular community of interest, that we hear -- that the
17 Commission hears a lot of testimony from a community of
18 interest saying we want to be together, and that bleeds
19 across city boundaries, then that has to be a tradeoff that
20 the Commission works with. And again, 14 members on the
21 Commission. It's not just going to be one person. And the
22 members of the Commission are going to have to sort of work
23 tradeoffs in a very cooperative way to find the answers to
24 these questions.

25 VICE CHAIR BELNAP: Okay. You mentioned the

1 first order, second order, in terms of organizing
2 principles behind creating districts. When reconciling
3 between community of interest and competitive districts, is
4 one or both of them in different orders in your mind?

5 MR. RANCER: That's a really good question. I
6 haven't thought it through. I could give you an off-the-
7 cuff answer here. Given that the State of California is
8 made up of people and not boundaries, I would expect that
9 community of interest would come first.

10 VICE CHAIR BELNAP: Would be first order?

11 MR. RANCER: Yeah, that would be -- that would be
12 just an off-the-top-of-my-head kind of answer. But as I
13 said, California's made up of people, not boundaries, and I
14 think that has to be taken into account.

15 VICE CHAIR BELNAP: Okay. So, a couple things
16 from the standard five questions I want to follow up on.
17 You talked about a difficult challenge you had with Santa
18 Clara Valley Transit Authority. I'm interested in hearing
19 about that same subject, a difficult challenge, from your
20 time as UC budget director between 2008 and 2011. What was
21 one of the most difficult challenges you faced during that
22 time?

23 MR. RANCER: Building a budget. I was hired
24 after a scandal in the president's office. There had been
25 a lot of financial irregularities and then it became known

1 that the President's Office didn't have a budget at all.
2 The President's Office in the University of California was
3 spending a half a billion dollars a year with no budget.

4 And so, my challenge was to build a budget from
5 the ground up, which was not easy. And there was quite a
6 bit of conflict among the senior leadership in the Office
7 of the President as to who should get which money, who
8 should be held responsible for previous deficits. It was a
9 really difficult situation.

10 But my job in that particular setting was more
11 technical. It was up to the president, the executive vice
12 president, whom I reported to, the provost and other vice
13 presidents to work it out. I presented what the issues
14 were and then it was up to them to work it out. I wasn't
15 the person who made the decision in that case.

16 VICE CHAIR BELNAP: I think I know the answer to
17 this, but I'm going to ask it anyway. What did you find
18 was your greatest success from those three years?

19 MR. RANCER: I'm sorry, say that again?

20 VICE CHAIR BELNAP: What was your greatest
21 success from those three years?

22 MR. RANCER: Oh, in those three years? Creating
23 a budget and leaving behind a fully trained budget staff.
24 There was no budget office when I got there. Leaving
25 behind a fully trained budget staff and a budget director

1 who could then carry the work forward so that the
2 President's Office would be as accountable to the Board of
3 Regents, and the students, and the facility of the
4 university as any other campus would be.

5 VICE CHAIR BELNAP: Okay.

6 MR. RANCER: Because up to that point the Office
7 of the President had held itself above and beyond.

8 VICE CHAIR BELNAP: Okay, thank you. So, one
9 last question. I heard you talk about volunteering to help
10 foster children. And I probably could look through your
11 application and maybe find what that was, but I don't
12 remember it. I didn't have it in my notes.

13 MR. RANCER: Yeah.

14 VICE CHAIR BELNAP: So, can you tell me what --
15 is there an organization that you did that through or how
16 did you do that?

17 MR. RANCER: Yeah. It wasn't foster children, it
18 was students coming to the university, to the Berkeley
19 campus from foster care. Which, if you can imagine, it is
20 an enormous leap, an enormous leap educationally,
21 culturally, personally, emotionally. And the university
22 had set up a program to provide mentors to foster youth,
23 who were coming to the university.

24 And, actually, it was on a recommendation of one
25 of the other people on the Piedmont Commission, the

1 committee that I served on, it was on his recommendation
2 that I volunteered. And have done that for most of the
3 last nine years, working with students who've come to the
4 university from foster care. And one of whom, as I said in
5 earlier comments, has really sort of become part of the
6 family now.

7 VICE CHAIR BELNAP: Okay, thank you. I have no
8 further questions.

9 CHAIR DICKISON: Mr. Coe?

10 PANEL MEMBER COE: Thank you. Good afternoon,
11 Mr. Rancer.

12 MR. RANCER: Uh-hum.

13 PANEL MEMBER COE: My colleagues have touched on
14 a lot of my questions, but I do want to circle back to, I'm
15 sure it's probably not surprising, your participation in
16 the 1981 effort.

17 One of the issues that the first Commission was
18 facing was in some of their public meetings around the
19 state having groups that were partisan groups, but weren't
20 necessarily advertising themselves --

21 MR. RANCER: Right.

22 PANEL MEMBER COE: -- as partisan groups, trying
23 to influence the effort.

24 MR. RANCER: I've read about that, yes.

25 PANEL MEMBER COE: Do you think that your

1 experience in 1981 gives you a keener sense of being able
2 to identify such efforts?

3 MR. RANCER: Yeah, I think, although it's been
4 many years since I worked in a political office, I gained
5 some instincts and some observational abilities that I
6 still use today. And I'm not sure that I would be able to
7 sniff out every bogus community group, but I think if you
8 listen to people carefully, you can usually tell if they're
9 pushing a partisan agenda, or if they're really speaking as
10 a member of a community.

11 PANEL MEMBER COE: Can you give an example of
12 what might be something that would, you know, tip the alarm
13 bells a little bit?

14 MR. RANCER: Well, let me think about that for
15 just a minute. I would think if you had a number of people
16 coming up to a meeting to testify, who all followed sort of
17 the same talking points that would be something that would
18 make me want to look more closely at who these people were
19 and where they were coming from.

20 And that's one of the things that I drew from my
21 work in working in a Congressional office. We used to get
22 a lot of phone calls from constituents who had opinions on
23 certain issues that might be in the news that day. And
24 those who would engage in conversation seemed to be people
25 with legitimate concerns, whether I agreed with them or

1 not.

2 Those who came one after the other on phone
3 calls, with sort of the same point of view, the same issue,
4 the same evidence or whatever, once you've heard more than
5 about three of those you start to say, wait, what's
6 happening here. So, I would look for something like that.

7 PANEL MEMBER COE: Okay, thank you. Your
8 application, and your career, and I think what you've
9 talked about so far kind of demonstrates that you've had a
10 steady commitment to bipartisan efforts throughout your
11 career. And you mentioned earlier that kind of the
12 partisan lifestyle or working in politics didn't fit you as
13 a person. If you're looking to get really self-reflective,
14 what is it about who you are that makes that not jive for
15 you?

16 MR. RANCER: What I found, unfortunately, and
17 which isn't covered in the 12th grade civics books that we
18 had when I was in high school, is that the model picture
19 that we get of the Constitution, and what Legislatures are
20 supposed to do, and so forth doesn't fit what the reality
21 is. And, in fact, this is where gerrymandering comes from
22 because what I observed more often than not, not so much
23 among -- not so much with the member of Congress I worked
24 for, but I got to meet plenty of his colleagues. And what
25 I found in so many cases were people who simply had a

1 career with a lot of perks and their first interest was in
2 protecting that.

3 Now, this was back in the days before -- back in
4 the days when Republicans and Democrats could still talk to
5 each other. Today that doesn't even happen at all. And
6 they used to go out drinking together. They don't do that
7 anymore. And I'm talking now about office holders, not
8 necessarily citizens.

9 And I lost confidence in the ability of -- I
10 wouldn't say I lost confidence, but I saw the difficulties
11 that the system had in producing good outcomes. And I felt
12 that I couldn't -- not being an elected person myself, I
13 couldn't be the one who made good outcomes happen in that
14 environment and that I was better off working in an
15 administrative environment where things tended to be more
16 fact driving, than security driven, personal security
17 driven, personal interest driven.

18 PANEL MEMBER COE: Was your participation in the
19 1981 effort the turning point there or was it just one of
20 many things?

21 MR. RANCER: No, it was a progression. I left
22 that member of Congress's office in '83. And we're still
23 in touch. I think very highly of him, Congressman Norman
24 Mineta. And I went from him, as I said earlier, to be
25 chief of staff to a Republican, a member of the county

1 board of supervisors. And he was a new supervisor and I
2 hired his staff, and got him up to speed and so forth.

3 But I think what happened was even there, even in
4 a nonpartisan, low key kind of office so much of it was
5 interest driven. And by that I mean outside interests.
6 Having to do with donors was something I was always very
7 uncomfortable with because donors asked for things in
8 exchange for their donations. And I just could not ever
9 become comfortable with that.

10 PANEL MEMBER COE: Okay, thank you. In your
11 essays, you described your professional work as straddling
12 the boundary between analysis and service to the public.
13 That sounds to me like a pretty accurate description of
14 what this Commission's going to have to do. What do you
15 think is the greatest strength you can bring, then? If
16 you've been practicing that your entire year, what do you
17 think's the biggest strength you can bring to the
18 Commission?

19 MR. RANCER: The Commission is -- this particular
20 Commission that the state has created is an unusual
21 creation. The process that your office is going through to
22 select candidates is just about the most impartial,
23 nonpartisan objective recruitment process I've ever seen.
24 I mean it goes beyond anything I've ever seen. Which makes
25 it very administratively oriented, makes it very

1 technocratically oriented in some ways. And yet, this very
2 impartial objective, supposedly nonpolitical Commission has
3 to draw political boundaries for almost 200 districts
4 around the state and, you know, the Senate, Assembly,
5 Congress, and Board of Equalization.

6 And I think that presents some terrific
7 challenges for the Commission. And that's why I said early
8 on the Commission should not be made up of technocrats,
9 just technocrats. And I'm sure out of 20,000 applicants
10 there were plenty of technocrats. It needs to be people
11 who they may not be involved in politics themselves, but
12 who understand politics at a human level in terms of who's
13 going to be coming to the Commission from the communities
14 and saying we want this, we want that. This is important
15 to us, that's important to us. And the Commission will
16 have to balance those two things.

17 And that, as a challenge that appeals to me a
18 lot.

19 PANEL MEMBER COE: Is that what you'd say is a
20 particular strength of yours?

21 MR. RANCER: I think so. I think it's what I did
22 for a lot of my career. And more than that, it's who I am.
23 It's who -- and it's what I want to leave behind. As I
24 said in my application and I mentioned earlier today, also,
25 I think I have -- I have a daughter and two grandchildren

1 and I do this sort of thing for them because they will be
2 living in this state far longer than I will.

3 PANEL MEMBER COE: This is actually a decent
4 segue into my last question which is, if you are appointed,
5 which aspect of the role do you think that you would enjoy
6 the most? And conversely, which aspect do you think you
7 might perhaps struggle with a little bit?

8 MR. RANCER: I think what I might have the most
9 trouble with is angry voters who feel like they're being
10 cheated and who cannot be pacified, except by making
11 changes to what the Commission thinks is a good plan. I
12 think that would be the hardest.

13 The part that would be in some ways the easiest
14 or certainly that works best with my skills is simply the
15 process of massaging data into maps. As I've said a couple
16 of times, I have a semi-photographic memory for maps and
17 working with maps is something I enjoy.

18 And doing that kind of work in collaboration with
19 other people, with 13 other people I think would be a
20 really interesting thing to do, a very challenging thing to
21 do, a very difficult thing to do. But in the end, when
22 we've done it, a very rewarding thing to do.

23 PANEL MEMBER COE: Okay, thank you. No further
24 questions.

25 CHAIR DICKISON: Mr. Dawson?

1 MR. DAWSON: Thank you. Mr. Rancer, I have a
2 couple of follow-up questions. One of the phrases that you
3 used in response to the standard questions, which caught my
4 ear, was you said that the Commission and the Commission
5 members should have a sense of non-technocratic openness.
6 And I assume that you're not just talking about complying
7 with Bagley-Keene and the Public Records Act.

8 MR. RANCER: Yeah.

9 MR. DAWSON: Can you expand on that a bit?

10 MR. RANCER: Yeah. This is something I learned
11 when I was the budget director of the transit district and
12 had to go to a lot of public hearings. There's always a
13 tendency if you're the budget director, or someone doing
14 anything technical, to go out to a public meeting and to
15 start just spinning off the facts, spinning off the
16 phrases, spinning off the acronyms. And this Commission
17 can't be successful if that's all it does. It has to be
18 able to translate technical work into information that
19 becomes useful to people who aren't living with this day to
20 day, which is what we're going to be doing.

21 MR. DAWSON: I thought that your use of the word
22 technocrat was interesting because it struck me that a
23 person with a master's in city planning, and a master's in
24 public administration --

25 MR. RANCER: Yeah.

1 MR. DAWSON: -- who's been a budget director to
2 large organizations might well be described as a
3 technocrat.

4 MR. RANCER: You bet.

5 MR. DAWSON: So --

6 MR. RANCER: You bet. That was my career. But
7 the career, the purpose of the work that I did was to turn
8 the technocratic work into programs and policies that were
9 meaningful to the people I was supposed to be serving.

10 MR. DAWSON: I see. One of the end goals of the
11 composition of the Commission is that it be representative
12 of California's diverse demographics and geography. And
13 it's fair to say that Alameda County, the Bay Area in
14 general, and Alameda County in particular is fairly over-
15 represented in this applicant pool.

16 Do you think that you can still represent
17 interests or aspects of California beyond the Bay Area?

18 MR. RANCER: Absolutely. I have lived in
19 Southern California. I know that area very, very well.
20 I've probably -- I would guess I have probably been to
21 every county in the state. We do a lot of activities and
22 traveling in other parts of the state, in the mountains,
23 and in the deserts. I have friends who live in the Central
24 Valley. I have friends, I have relatives. And so, I --
25 and I've lived in this state for almost my entire life, my

1 adult -- certainly, my entire adult life. And it's a state
2 that I know really well and that I love really deeply, in
3 every aspect. So, I don't think I would have -- I don't
4 think I would find it difficult to understand and represent
5 the point of view of someone from Bakersfield, or San
6 Ysidro, or Yreka, or whatever. I mean, these are all
7 places that I know at some level.

8 MR. DAWSON: I see, thank you.

9 I don't have any follow-up, any further
10 questions. Does any member of the Panel have any further
11 follow ups?

12 CHAIR DICKISON: I do not.

13 VICE CHAIR BELNAP: I do not, either.

14 PANEL MEMBER COE: I have no follow-up questions.

15 MR. DAWSON: Okay. So, Mr. Rancer, at this time
16 we have roughly 16 minutes left in the 90-minute period and
17 I'd like to offer you the opportunity to make a closing
18 statement, if you wish.

19 MR. RANCER: Okay. I didn't know a closing
20 statement was going to be possible and I didn't prepare
21 one. And I'm certainly not going to take 16 minutes to do
22 it.

23 But I think what I want to -- what I do want to
24 share with the committee here, and I've alluded to it at
25 other -- in bits and pieces in our conversation, given

1 where I am in life, and my interests, and my abilities, and
2 my skills this appointment is something that I'm really,
3 really interested in. I'm really eager to have the
4 opportunity to participate in something that will affect
5 and, hopefully positively affect the future of the State of
6 California in all its diversity. Because as I said
7 earlier, that is what California is about and that's an
8 important part of what I think this Commission is going to
9 have to address.

10 And as is certainly very clear to you, well, you
11 mentioned that the Bay Area and Alameda County are over-
12 represented in the applicant pool, which I certainly
13 understand. And I am, like the last three candidates in
14 the presidential race, an older white male. But as I also
15 said, diversity isn't just something that I see out there,
16 diversity is part of my life in almost every way that you
17 can measure it. And representing this diverse state in
18 this kind of work, at this stage of my life would be a real
19 honor, and privilege, and pleasure. And it's something, as
20 I said a minute ago, that I'm really interested in doing.
21 Something I'm eager to undertake as a challenge if the
22 opportunity comes my way.

23 CHAIR DICKISON: Thank you.

24 MR. RANCER: Okay.

25 CHAIR DICKISON: So, our next interview starts at

1 3:00, so we will recess until 2:59.

2 (Off the record at 2:30 p.m.)

3 (On the record at 2:59 p.m.)

4 CHAIR DICKISON: It being 2:59, I'm going to call
5 this meeting back to order.

6 And I want to welcome Mr. Larry Lee to the -- to
7 his interview here with the Applicant Review Panel.

8 MR. LEE: Thank you.

9 CHAIR DICKISON: I will turn it over to Mr. Chris
10 Dawson to read you the five standard questions.

11 MR. DAWSON: Thank you, Madam Chair.

12 Mr. Lee, I'm going to read you five questions
13 that the Panel has asked each applicant to respond to. Are
14 you ready, sir?

15 MR. LEE: Yeah, sure.

16 MR. DAWSON: The first question. What skills and
17 attributes should all Commissioners possess?

18 What skills or competencies should the Commission
19 possess collectively?

20 Of the skills, attributes and competencies that
21 each Commissioner should possess, which do you possess?

22 In summary, how will you contribute to the
23 success of the Commission?

24 MR. LEE: Okay. So, the first part, skills and
25 attributes that all Commissioners should possess, the first

1 one I think should be intelligence. But I'm assuming
2 you're not going to be choosing anybody that doesn't have
3 the mental horsepower to handle this job. But I think it's
4 important that someone have the intelligence because I
5 gather there's going to be a lot of material to get
6 through, to process, and it's important that people are
7 smart enough to do that.

8 Diligence. I think this is going to be a hard
9 job. It's going to be a somewhat time-pressured job and
10 people have to be able to work hard and be willing to work
11 hard.

12 I think all Commissioners should have a high
13 degree of focus. I mean, we have to keep our eyes on the
14 prize of the overall job we're trying to do, but I'm sure
15 there's going to be, you know, smaller jobs that need to
16 get done, and everyday tasks that need to be completed.
17 And we have to work our way through all of that, while
18 keeping our eye on the final product.

19 Fairness. This is very important, I think. This
20 is a big state, it's a very diverse state, there are a lot
21 of interests at play here. And I think we need to have an
22 open process so that everybody can see how fair we're
23 being.

24 Patience and listening skills is another thing
25 that I think all Commissioners should have. Again, there's

1 lots of kinds of people in this state. We need to listen
2 to their concerns. We can't be so arrogant to think that,
3 oh, I grew up here so, you know, I know what it's like in
4 North San Diego County, or in Fontana, or in Alpine County.
5 We need to listen to the local people, listen to people who
6 have been living in those places and what their concerns
7 are, and we have to be open to their views.

8 We have to have respect for these different
9 views. Not everybody is going to get what they want, but I
10 think everybody should have their say and that we should
11 have respect for all those different views. And when we're
12 not accepting those views, for whatever reason, we have to
13 have a reasoned, coherent reason why we're not going with
14 that option. So, I think -- but we have to express our
15 respect for these different views.

16 And finally, for a Commissioner of course they
17 have to be impartial. There has to be a lack of bias.
18 They have to be open minded. That's a hard thing and we'll
19 talk about this later, but I know there's a question all
20 about hyperpartisanship, and we'll get there in a minute.
21 But a lot of people belong to a political party. Some
22 people don't. But it's important that we move forward in
23 an impartial manner. I'll talk about that more when we
24 talk about partisanship.

25 What skills or competencies should the Commission

1 possess collectively? So, 14 people, that's a slightly
2 unwieldy group. And I think they need to figure out a way
3 to work together and to trust each other. And that's not
4 going to be easy I imagine, initially, because none of us
5 are going to know each other, so there's going to be a
6 feeling out period. But I think we have to figure out a
7 way to work together. And I've done that with groups
8 before, where you come together with people you don't
9 really know and really don't even agree with a lot of
10 times. And you have to figure out a way to work your way
11 through that to get to a common goal.

12 We have to, Commissioners as a whole have to have
13 an ability to decide. You have to have decisiveness
14 because there's a lot of small tasks that need to be got
15 through to reach the larger goal. I've worked with people
16 who get overwhelmed with the details and they can't decide.
17 And at some point you do need to decide. And I think the
18 Commission as a whole needs to be able to decide and then
19 move forward.

20 The Commission needs to delegate. I'm not sure
21 all 14 can make all decisions every day, so I think there
22 needs to be some delegation. You have to be able to
23 delegate and then accept the delegation, and accept the
24 decisions made by the delegated person. We have to trust
25 that.

1 There needs to be communication and honesty among
2 the Commissioners. If we don't have that communication and
3 honesty, it's going to be very hard to work in a 14-person
4 Commission. I know when I worked at the Supreme Court I
5 had an open door policy. People could just come in and ask
6 me anything at any time, and I would just stop what I was
7 doing and we would talk about something. I think that's
8 really important.

9 And also, the ability to meet deadlines. And
10 this can be a real problem. You establish a timeline, you
11 establish a deadline and you do that because you have to
12 move on to the next thing, and go on to the next decision.
13 So, I've worked with people who can't meet their deadlines
14 and everything gets pushed back, and back, and back and
15 pretty soon you're in a big mess. So, I think the
16 Commission has a whole needs to be able to set reasonable
17 deadlines and then meet them.

18 Which do I possess? Well, of course, I possess,
19 I think the ones that I've mentioned before. But I think
20 my particular skill set, having worked at the California
21 Supreme Court as a research attorney, included working
22 through a mass of information often on a very new subject
23 that I didn't know that much about. And discerning the
24 relevant and critical information, organizing it, producing
25 a coherent, cogent summary and analysis, and a conclusion

1 and explaining that conclusion in a persuasive way.

2 So, that was basically my job for more than 30
3 years. I would sometimes be assigned a case I knew very
4 little about. A statute from the Education Code that no
5 one knows anything about, really. Or, I did have a
6 specialty in the criminal law and the death penalty. Maybe
7 that was two-thirds of my work, but I also did civil cases,
8 and sometimes I'd get a Worker's Comp case, or a tort case
9 or something, and I would have to start from scratch. We
10 were generalists at the court, generally speaking. And so,
11 I would have to work through the information to get up to
12 speed, and then read the record and, you know, analyze the
13 issues and come to a conclusion.

14 So, I think I'm very good at that. I've proven
15 that in my career at the court. So, I think that's
16 something I think I can bring to the Commission that would
17 be very valuable.

18 I'm also experienced in working in groups, in
19 delegating and accepting delegation, meeting deadlines, and
20 negotiating with people and parties that have differing
21 views, who maybe disagree with me, maybe quite strongly
22 disagree with me, and maintaining a collegial attitude so
23 we can disagree on something, but in an agreeable way.

24 I found at the Supreme Court that, you know, we
25 would sometimes get people from a more litigious part of

1 the legal profession, from the AG's Office, or whatever,
2 and they would come in and have a very aggressive attitude,
3 strongly disagree with me. And my view was always, we may
4 disagree on this capital case today, but in six months we
5 may need each other's vote in some completely different
6 civil thing. So, there's no reason to get personal about
7 this. We just disagree, we'll write our opinions, we'll
8 move on. So, I think I'm very good at that.

9 I think my experience teaching in law school and
10 serving on academic committees also prepared me to serve on
11 the Commission. It required me to interact with lots of
12 new people, think on my feet, ask probing, relevant
13 questions all the while remaining attentive to what was
14 being said and being respectful of differences of opinion.

15 So, how will I contribute to the success of the
16 Commission? I think, again, my skill set meshes perfectly
17 with the needs of the Commission. My intelligence, my
18 ability to rise above partisanship -- I didn't really touch
19 on that too much, but we'll get to that in a minute --
20 analyzing complex material, meeting deadlines, that kind of
21 thing.

22 I will say I'm a little light on community
23 outreach due to the nature of working at the Supreme Court.
24 People will sometimes ask me do you know a good, you know,
25 family lawyer or a construction law lawyer, and the answer

1 is, no, I don't go talk to attorneys. Because I'm in this
2 ivory tower and I can't every talk about what I'm doing
3 anyway. So, I didn't have a lot of contact with the public
4 through my work.

5 But I think, and I listened to a few interviews
6 online, and I know some people have a lot of work in
7 community outreach and such, and that's great. But I think
8 the Commission needs all kinds of people. And I'm more of
9 an analytical, and research, and writing kind of person,
10 and I think I would bring those skills to the Commission.

11 I think that's the end of that question.

12 MR. DAWSON: Thank you. Question two. Work on
13 the Commission requires members of different political
14 backgrounds to work together. Since the 2010 Commission
15 was selected and formed, the American political
16 conversation has become increasingly polarized, whether in
17 the press, on social media, and even in our own families.

18 What characteristics do you possess, and what
19 characteristics should your fellow Commissioners possess,
20 that will protect against hyperpartisanship?

21 What will you do to ensure that the work of the
22 Commission is not seen as polarized or hyperpartisan and
23 avoid perceptions of political bias and conflict?

24 MR. LEE: So, I mean I know what you're talking
25 about, the hyperpartisanship thing. I think the first

1 thing to think about is what do we mean by
2 hyperpartisanship. Because the Commission is set up with
3 political parties in mind, right? There's going to be five
4 Democrats, and five Republicans, and four Independents, as
5 I understand it. So, already, partisanship is baked into
6 this Commission. So, obviously, that's not the
7 hyperpartisanship we're talking about.

8 I think the Commission needs to treat all
9 political parties, as well as independents with equal
10 respect, keeping in mind that people are not all red, are
11 not all blue. They're differing shades. And in my
12 experience, it's not even all Republicans are on the far
13 right, all Democrats are on the far left. Most people are
14 in the middle on most issues. I find that really it
15 depends on the issue. It's not really about partisan. It
16 used to be Republicans were all about shrinking the
17 deficit. We're finding that to not be true anymore.

18 I've worked on 4th Amendment cases, search and
19 seizure cases, and some people said, oh, you'll never get
20 that vote from that conservative judge. And I would say,
21 you know, conservatives like their privacy just as much as
22 liberals do. So, it kind of just depends on the context.

23 So, I think the partisanship, I think if we act
24 with transparency and fairness the partisanship thing won't
25 be that much of a problem. I think we need to focus on the

1 fact that the Commission is there to serve all
2 Californians. It's not to advantage or disadvantage any
3 particular political party.

4 We need to show the rest of the country that this
5 can work, right? That this is a solution that's not
6 legislative so much. That it's not partisan. And to
7 redistrict the state in this way is both feasible and
8 preferable because it's a fairer process. And I think if
9 people see it as an open and fair process, people will be
10 more likely to accept the results.

11 I worked for a succession of three Republican
12 justices, even though I'm a Democrat. And again, I found
13 that not everything is partisan. People say, well, you're
14 a liberal Democrat, you must not believe in law and order.
15 I totally believe in law and order. If someone breaks
16 into my house they need to be punished, but maybe not with
17 a life sentence, or the death penalty.

18 So, not everything is partisan. And I think if
19 we let -- we don't act on assumptions or emotions, but we
20 work with proven facts, and we have reasonable
21 interpretations of those facts to guide our decision
22 making, then I think the concern about partisanship will
23 fade away. Perhaps that's naïve, but that's kind of what I
24 think.

25 What will I do to ensure the work of the

1 Commission is not polarized or hyperpartisan? You know,
2 part of the problem with hyperpartisanship, I think, is a
3 tendency to view all things like it's a sporting context,
4 like there's a game, where there's one winner and one
5 loser. And if you win, that win is carved out of the body
6 of the loser. And that's just not how I see it. As I
7 said, the Commission will be working for all Californians
8 and to provide a fair situation for everybody.

9 And there, I think we have to think about the
10 difference between means and ends. I mean the end will be,
11 you know, there's this district, and that district, and
12 that one has more Republicans and this one has more
13 Democrats. But the means is the thing that's important to
14 me. That if it's a transparent and open process, and if
15 it's a fair process I'm okay with letting the chips fall
16 where they may.

17 There are areas of California that are heavily
18 Democratic, but there are areas that are heavily
19 Republican. So, I'm okay letting the chips fall where they
20 may and not like putting my thumb on the scale to try and
21 get a certain end. I think if the means are fair, we can
22 all live with the results.

23 I think it's important that the Commission keep
24 an eye on the fact that the process needs to be actually
25 fair, but it should also be perceived as fair. I think

1 those are two different things and both are important.

2 As an attorney, we have our code of ethics and
3 there are certain things where, or course, you cannot do or
4 are unethical. But you also don't want things that can
5 perceived as unethical, even if perhaps they strictly are.

6 I remember when I was a young attorney, Justice
7 Frank Richardson, an old judge said to me, he just said,
8 "You know, the rules of professional conduct are fine, but
9 all you need to do is use your common sense. If it just
10 kind of feels like this is wrong just don't do it. Just
11 don't do it and just move on to the next case."

12 So, I think that's really important. You don't
13 even want to be perceived as unfair.

14 MS. PELLMAN: We have about 14 minutes.

15 MR. LEE: Oh, all right, so we've got to get
16 going here.

17 I think ensuring the work of the Commission is
18 not seen as hyperpartisan, I think we also have to remember
19 that no political party, no member of a party, no incumbent
20 has a right to a safe seat. They're just entitled to a
21 fairly drawn district. And I think that's important to
22 remember.

23 To avoid the perception of the bias and
24 partisanship, I think we should strive for transparency in
25 all things. I mean to the extent feasible I think

1 Commissioners should not take ex parte meetings with
2 Legislators or members of political party officials. We
3 need to strive to have Commissioners of both parties and
4 independents agree to all decisions, if possible, to act
5 unanimously where possible. Because if the Commission is
6 unanimous that takes the partisan sting out of a lot of
7 things.

8 You know, and as an analogy, a famous thing is
9 Chief Justice Earl Warren really bent over backwards to
10 ensure that Brown v. Board of Education was a unanimous
11 decision. And without revealing details of the work on the
12 California Supreme Court, we did the same thing in
13 important cases. We really tried to make things unanimous
14 if possible. And I think that would be a great thing for
15 the Commission to do, as well, if possible.

16 I think we have to strive for inclusiveness in
17 the process, allowing all constituencies a fair chance, a
18 reasonable chance to have their views heard and fairly
19 considered. If everybody gets their say, again, it's less
20 likely the end result will be seen as hyperpartisan. This
21 will require community outreach, and notice of hearings and
22 such, perhaps in nontraditional forums, in multiple
23 languages. Those things are yet to be determined, but I
24 think the inclusiveness in the process is an important
25 factor.

1 MR. DAWSON: So, Madam Secretary, we have about
2 -- how much time do we have?

3 MS. PELLMAN: Sorry. We have about 11 minutes.

4 MR. DAWSON: Okay.

5 MS. PELLMAN: Almost 12 minutes.

6 MR. DAWSON: Thank you.

7 Question three. What is the greatest problem the
8 Commission could encounter and what actions would you take
9 to avoid or respond to this problem?

10 MR. LEE: If I understand it, California is going
11 to lose a Congressional district. So, the only response is
12 to draw the new district as fairly as possible, the new
13 districts, but someone's going to be very unhappy with
14 that. I know the Census hasn't been done yet, but we don't
15 know for sure, but I read some projections that Texas will
16 gain one and California will lose one.

17 So, I think that's going to be a real problem.
18 Some people are going to feel like we're a loser in that
19 process. So, we need to deal with that.

20 But again, the Constitution demands that
21 everybody's vote counts generally equally. It doesn't give
22 anybody the right to a safe district or a seat. So, we
23 need to just proceed again with transparency, and openness,
24 and fairness, and let the chips fall where they may.

25 We'll need to listen to the local voices, I

1 think, in the communities where their interests lie. And I
2 think those are going to be the concerns. None of us in
3 this great giant state can know all the local concerns.
4 So, we'll have to go around and listen to those concerns.
5 So, those are going to be some of the big problems, but I
6 think they're not -- I mean they can be overcome, for sure.

7 MR. DAWSON: Okay. Question four. If you are
8 selected, you will be one of 14 members of the Commission
9 which is charged with working together to create maps of
10 the new districts. Please describe a situation where you
11 had to work collaboratively with others on a project to
12 achieve a common goal.

13 Tell us the goal of the project, what your role
14 in the group was, and how the group worked through any
15 conflicts that arose.

16 What lessons would you take from this group
17 experience to the Commission, if selected?

18 MR. LEE: So, my work on the California Supreme
19 Court, for many years I worked for a justice, and I wrote
20 draft opinions, and I analyzed draft opinions that were
21 written by the other six chambers. And I also evaluated
22 the thousands of petitions for review that would come in,
23 asking for review.

24 So, there are seven justices, there's five
25 research attorneys per chambers. The chief justice has

1 eight attorneys. And there were about 50 central staff
2 attorneys that worked for the whole court, plus their
3 clerks, secretaries, and the reporter's office which
4 scrutinized our draft opinions for style, and grammar, and
5 that kind of thing. So, I had to work -- this is a big
6 team. It's like a mid-sized law firm, basically. And so,
7 we had to work with that.

8 We had often very difficult issues. California
9 has the largest judicial system in the world. The
10 California Supreme Court and the seven justices sit atop
11 that, so you can see that as the top of the pyramid, if you
12 would. I actually told people, when you work there, it
13 sometimes feels like the bottom of a funnel because
14 everything just trickles down to us. And we have to work
15 our way through all of that to find those hundred or so
16 cases a year that are important enough to take and comment
17 on.

18 And so, my job, I would be assigned a case. I
19 would write a draft opinion, work with the justice I was
20 working with, she would edit it, we would get something
21 out. And then, it would go to the other six chambers and
22 then the negotiations would begin.

23 The idea being you try and get the unanimous
24 opinion, but at the very least you try and get three more
25 votes so you have four of seven, and you have a majority.

1 So, often the answer was not clear. Often there
2 was more than one issue and some people would agree with
3 one and not the other, so it got very complicated.

4 So, we didn't work -- as a research attorney, we
5 didn't work directly with the other justices so much as
6 their attorneys, who were reviewing the case. And so,
7 there was a lot of negotiating back and forth.

8 There were some voting blocks, sometimes. I mean
9 I was there for almost 35 years, so things waxed and waned.
10 But that was the work that I did. And I would often have
11 to change something, alter a sentence, delete a whole
12 paragraph to get the vote of a justice.

13 So, there was a lot of horse trading sometimes,
14 rewording things, and sometimes you'd grit your teeth,
15 saying, you're making me change a word? It means the same
16 thing. But, you know, you would do it.

17 So, this was basically the job I had for many
18 years. So, I think that's what I would bring to the
19 Commission. I'm used to working in a group like that.
20 This group would be 14. I was more used to working with,
21 you know, seven chambers, but this is the kind of thing I
22 did.

23 What lessons would I take from this group
24 experience? I think it's important to be prepared with
25 your facts and your argument. It's very important to be

1 prepared. It's no good when someone asks you a question
2 and you go I don't know, I have to go back and read the
3 record.

4 It's important to state one's position clearly
5 and concisely, and be very clear about what you're saying.
6 I remember there was one attorney and he'd say what do you
7 think? And I'll tell him, okay, this is what I hear you
8 saying, you said blah, blah, blah. And I said, no, that is
9 not exactly what I said, let me tell you again. So, I
10 think it's important to be really clear and concise about
11 what your position is.

12 It's important to listen to the concerns of the
13 other side and not demonize them for whatever reasons, you
14 know, you're Republican, or whatever. Just listen to them.

15 It's important to compromise when you can to try
16 and get to a common goal. I mean, as long as you can keep
17 your ultimate goal in mind, compromise is not necessarily a
18 bad thing.

19 And you need to, again I touched on this before,
20 set realistic time tables and deadlines, and then stick to
21 them if you can.

22 I know we're running out of time, so I'll end it
23 there.

24 MR. DAWSON: Okay. Question five. And we have
25 roughly five minutes, 50 seconds left.

1 MR. LEE: Uh-hum.

2 MR. DAWSON: A considerable amount of the
3 Commission's work will involve meeting with people from all
4 over California who come from every different backgrounds
5 and a wide variety of perspectives.

6 If you are selected as a Commissioner, what
7 skills and attributes will make you effective at
8 interacting with people from different backgrounds and who
9 have a variety of perspectives?

10 What experiences have you had that will help you
11 be effective at understanding and appreciating people and
12 communities of different backgrounds and who have a variety
13 of perspectives?

14 MR. LEE: So, I move fairly easily in all
15 different types of groups. I grew up in a multi-racial
16 area of Richmond, California. I grew up in a Chinese
17 American family that was fairly clannish at the time. But
18 I've kind of moved beyond that. You know, when I first got
19 married I had two best men and one of them was African
20 American, a good friend from college. I did student
21 teaching in Watts, in South Central Los Angeles when I was
22 an undergraduate at UCLA. At that time I also worked with
23 differently abled people. I worked for the Foundation for
24 the Junior Blind.

25 My first wife had had polio and lost the use of

1 her leg. I have African American friends, Latinix friends,
2 gay and lesbian friends.

3 I should also say I have some experience. It
4 doesn't even seem like the same thing that people are
5 talking about today, but I was going to say I have
6 experience with undocumented aliens. My grandfather was an
7 undocumented alien. And actually, my father's parents may
8 have been, too, since they came in, I don't know, in the
9 20s or 30s, at the time under the Chinese Exclusion Act,
10 when that was probably illegal. So, they came in possibly
11 under false papers. But I haven't been able to have
12 relatives tell me that.

13 But I know my mother's father came in under false
14 papers, and he was an undocumented alien. And he lived for
15 many years in fear that he would be found out and sent back
16 to China. He came, I don't know, in the late 20s, or early
17 30s under false papers. To help pay for his passage, his
18 an indentured servant in Coalinga, California for almost
19 three years, in violation of the 13th Amendment.

20 So, I have this in my family history of
21 undocumented aliens. And I was once poor. I mean, I don't
22 want to put too fine a point on this because I grew up
23 lower middle class. My father died when I was 11, so we
24 didn't have a ton of money. But I left, I graduated high
25 school at 17 and I went to UCLA. And after my first year,

1 I decided to take no more money from my mother and I just
2 worked my way through college, which I understand is not
3 really possible anymore. But in those days, in the 70s it
4 was. And I worked and I paid my way through college. And
5 I washed dishes, and mopped floors, and made sandwiches,
6 and that kind of thing.

7 So, I know what it's like to work in those kind
8 of jobs. So, I treat people fairly and with respect,
9 without prejudice. I think I'm pretty good at that.
10 Even in my career, I'd pick up a brief, I tried not to look
11 at who wrote it because I didn't want to know whether this
12 was like a struggling sole practitioner, or a Yale Law
13 School graduate from a big firm, who's had this thing
14 edited by many experts. I just want to read what they
15 wrote and see if it convinces me.

16 So, I try not to prejudge. We all do that
17 sometimes, I know, but I'm aware of that and I try not to
18 do that. So, I think -- I don't think I'd have a problem
19 meeting and listening to people from different backgrounds
20 in the state.

21 MR. DAWSON: Okay. So, at this point we'd like
22 to go to questions from the Panel. Each Panel Member will
23 have 20 minutes to pose his or her questions. And we will
24 begin with the Chair, Ms. Dickison.

25 CHAIR DICKISON: Hello, Mr. Lee.

1 MR. LEE: Hi.

2 CHAIR DICKISON: So, looking, I see you're, you
3 know, a research attorney and have been for years and
4 years. Did you ever do any litigation or has it always
5 been research?

6 MR. LEE: It's always been research. You know, I
7 was one of the rare people at the California Supreme Court
8 who never practiced law. And it was pretty good, I have to
9 say, because I never had to bill any hours and I didn't
10 have to really even put on a suit like this most days. So,
11 it was pretty good.

12 CHAIR DICKISON: And so, the majority of the time
13 you were a generalist, you said?

14 MR. LEE: Yeah. I mean I started off in the
15 criminal central staff and did only criminal work for about
16 three years. And then, I went to work for Justice John
17 Arguellas and became a generalist. Although, I would say
18 two-thirds of the work was criminal and capital work, and
19 one-third civil.

20 CHAIR DICKISON: Okay. And so, most of your time
21 was spent drafting opinions for the justices.

22 MR. LEE: Drafting opinions, research, and
23 evaluating things from other chambers.

24 CHAIR DICKISON: Can you describe a case or a
25 time when you had an opinion that was just difficult for

1 you to accept the decision for at all?

2 MR. LEE: Okay, so I can't comment on anything I
3 worked on because of confidentiality rules. But while I
4 was there, back in the 80s the court overruled an opinion
5 that had previously allowed third parties to sue for bad
6 faith in insurance matters. And, instead, they said your
7 remedy is to go to the Insurance Commissioner and complain,
8 and I thought that was a terrible decision. But I didn't
9 work on that case. But that was decided when I was there
10 and I thought it was a terrible decision.

11 CHAIR DICKISON: Okay.

12 MR. LEE: I mean, I know, I'm sorry, the
13 confidentiality rules prohibit me from talking about
14 anything I actually worked on so --

15 CHAIR DICKISON: Okay. All right. So, in your
16 impartiality essay, then, I'll move onto this, you said
17 everyone has some degree of partiality, but most people
18 either have no interest or ability in setting aside those
19 personal biases. What are your personal biases?

20 MR. LEE: My personal biases, I would say, is I'm
21 generally for the underdog. I'm generally for the natural
22 person over the corporate entity. I'm generally for people
23 who have had a hard time in their life. For example, it
24 always seemed to me that it was completely backward that
25 when a poor person steals money they're punished at a

1 certain level, but when a rich person steals they don't get
2 as much time. I feel like if you're rich, you shouldn't be
3 stealing. But I realize that's not the law. The law is
4 the law. You know, there's set penalties for theft and
5 largely in that kind of thing, so I would follow the law.
6 But I would say those were my -- those are my biases.

7 CHAIR DICKISON: Okay. Can you provide an
8 example of -- so, I guess you can't do it for work, but
9 maybe a personal or another situation, volunteer, or
10 whatever, where you've had to set your own preferences or
11 views aside in decision making or in anything?

12 MR. LEE: Well, it's certainly true, without
13 getting into specifics, I worked for a succession of three
14 Republican justices. First, John Arguellas for two years.
15 He was appointed by Deukmejian, I think. And then, Malcolm
16 Lucas, he was the chief justice. And then, I worked for
17 Kathryn Werdegar for 21 years.

18 And we did not always see eye to eye. I would --
19 you know, I wouldn't write my opinion, shape it in a way
20 that I thought they'll agree to this. I would just write
21 it the way I thought it should go. And they would tell me
22 I disagree with that, you need to go in a different
23 direction, and then I would rewrite it. But I would at
24 least take my shot and say in my opinion, in neutrally
25 reading the law and the record in this case, I think this

1 is the result. And if the justice disagreed and said, no,
2 do this, then that's what I would do. And that's the job,
3 though, isn't it, as a lawyer you sometimes have to do
4 things you don't personally agree with.

5 CHAIR DICKISON: So, having those experiences,
6 what can you take from those experiences that will help you
7 in the work of the Commission?

8 MR. LEE: Well, again, I think it's important to
9 be prepared. I mean to come armed with your good
10 arguments, to be cogent and concise with them and try and
11 be as persuasive as you can. And you also have to realize
12 who gets to make the decision. Now, as a Commissioner,
13 maybe you get to make the decision. I don't know. I
14 worked for a justice, it was their call. And I was okay
15 with that, that's the job.

16 As a Commissioner, maybe it's your call. If you
17 have a majority of the people on the Commission supporting
18 you, then it's your call. But if you lose that one, then
19 you just -- that's the decision and you move on to the next
20 one. I have no problem with that.

21 CHAIR DICKISON: Okay. So, you mentioned being
22 prepared and coming with facts and argument, being clear
23 about your position and whatnot. So, when you're meeting
24 with the public and you have public comment that maybe that
25 person isn't as prepared or have their argument together as

1 well, how do you handle that and how do you make that
2 person feel heard, and really show that you're hearing
3 them?

4 MR. LEE: Okay, so this would sometimes happen in
5 law school, right, so I would call on somebody and they
6 weren't really prepared. Sometimes they would just pass
7 because they really hadn't read anything, or sometimes they
8 didn't really understand the case. And I think it's
9 important not to embarrass that person. That's like the
10 old school law school, where they would get embarrassed.
11 But I didn't do that. I would try and help them. And I
12 would say like, okay, this is what happened in this case
13 and I would just briefly explain. What do you think of
14 that? Or, I would ask another student, can you tell us
15 what happened, and then what do you think of that.

16 So, I would help them along so that they could at
17 least participate as well as they could. And I think
18 that's what I would do as a Commissioner. You know, if
19 someone wasn't making sense I'd say, let's just stop right
20 there and slow down. Let's hear this again. What are you
21 saying? Are you saying this? And why do you think that?
22 I think I would be fine with that.

23 CHAIR DICKISON: Okay. So, you talked about not
24 really having community contact and working in the
25 community?

1 MR. LEE: Well, not a lot. I mean I did -- I
2 taught law school for 13 years.

3 CHAIR DICKISON: Oh, okay. Okay.

4 MR. LEE: Or, actually more, counting a second
5 stint at Berkeley, but yeah.

6 CHAIR DICKISON: So, just thinking about the area
7 -- you're in the Bay Area, correct?

8 MR. LEE: Yeah.

9 CHAIR DICKISON: In thinking about that area,
10 what do you know about the communities of interest in that
11 area and how do they identify themselves, and what holds
12 them together, what binds them?

13 MR. LEE: In the Bay Area?

14 CHAIR DICKISON: Yeah. If you know of certain
15 communities of interest, what do you see that binds those
16 different communities?

17 MR. LEE: Well, I mean things are really changing
18 in the Bay Area. You know, the tech people have moved into
19 San Francisco, and all the building that's gone on, and
20 people now are moving into Oakland and the rents are really
21 -- and the housing prices are going up and all that. But
22 things are really changing.

23 When I grew up, I was born in Berkeley. And when
24 my -- the third son came along, my parents moved to
25 Richmond, out near Contra Costa Junior College, which was

1 in those days kind of the outer suburbs. But there were
2 areas that they were not allowed to move to because we're
3 Asian and there were communities that did not sell to
4 Asians in 1960, which is kind of amazing.

5 And I witnesses in my neighborhood white flights,
6 so white families would move to Walnut Creek, and Concord.
7 So, I'm aware of a lot of these movements of people over
8 the years and things that are happening now in the Bay
9 Area, as well. I know there's a large community of
10 Vietnamese in San Jose. There's a large community of
11 Afghan people around Fremont. So, it's an incredibly
12 diverse place and I think that's -- it's interesting. I
13 don't have any comment about it, other than that. But I'm
14 aware of all these things going on. I'm aware of the
15 history a little bit of, you know, what happened in the
16 Fillmore when they put in Japantown and disrupted the
17 African American community there, and how African Americans
18 are leaving San Francisco because of the high prices. And
19 it's interesting to see.

20 CHAIR DICKISON: So, thinking about the
21 communities of interest and what you know about the history
22 there in the Bay Area, how would you use that information
23 to inform your ability to identify and reach out to groups
24 or communities of interest in other regions of the state?

25 MR. LEE: Well, that's kind of a vague question,

1 I think. But it seems like the preeminent issue in the Bay
2 Area right now is housing. But I know in other parts of
3 the state, while things are expensive because it's
4 California, there are issues about water, issues about -- I
5 think in Central Valley they're concerned about
6 undocumented aliens, certainly down near the southern
7 border there's concern about undocumented aliens.

8 I understand that in a state as large and diverse
9 as California different communities have different
10 concerns. And I'm certainly willing to listen to those
11 things. You know, I read the paper every day. I'm aware
12 generally of a lot of these issues, but I'm certainly
13 willing to learn more about them as it is relevant to the
14 work of the Commission.

15 CHAIR DICKISON: So, the Commission's made up of
16 14 individuals. What do you see is your role on the
17 Commission in that group?

18 MR. LEE: My role? Well, I'm hoping that the
19 Commissioners are all of kind of different backgrounds and
20 different skill sets. I've talked a little bit about what
21 I might bring to the Commission. I think some people might
22 need to be more skilled in community outreach and working
23 with the public, and that kind of thing.

24 I think I would be very good at, you know,
25 keeping the Commissioners kind of on track with their goals

1 in mind, moving things along, analyzing information, asking
2 probing questions. And, hopefully, as in any large group
3 sometimes we get off on tangents and people start talking
4 about something that's not really relevant, saying, listen,
5 that's not really relevant here, let's get back to our main
6 thing here. I think there's going to be a million
7 opportunities to go off track in a group that big, and with
8 all the issues that need to be decided, so I think it's
9 important to, you know, stick to the agenda, stick to the
10 decision making kind of timeline.

11 CHAIR DICKISON: Okay. So, you talked about the
12 various places you visited throughout California and
13 whatnot.

14 MR. LEE: Yeah.

15 CHAIR DICKISON: Can you tell us, in visiting
16 those places and interacting with people what you learned
17 about the individuals in those places, or the places
18 themselves?

19 MR. LEE: The individuals. Well, my wife and I
20 travel a lot. My wife is German. She's American, now, but
21 she was born in Germany. And we travel a lot to Europe.
22 And we love it. But how much can you really learn about a
23 place when you travel there for a couple of weeks. So, we
24 travel more than just a couple of weeks, we go places for
25 four weeks. I was just in Slovakia. I mean how much did I

1 really learn about it? I learned a little bit about it
2 but, you know.

3 So, I just spent a week in Palm Springs. How
4 much did I really learn about Coachella Valley? I don't
5 know. But I met -- I went to the Film Festival in Palm
6 Springs and we met a lot of locals in line and we'd talk,
7 and learn about what their lives were like. Whether they
8 live there full time or they come -- they're snowbirds or
9 something like that.

10 I don't know how much you can really learn just
11 by traveling, but you can learn a little bit. I was just
12 up in the Sea Ranch and people up there have -- their
13 concerns are different than in San Diego, you know.
14 They're concerned about the environment. They're concerned
15 about marijuana cultivation, you know. The wine country,
16 those people that live there, they certainly have their
17 agricultural concerns related to the wine industry.

18 So, I understand, people in these various parts
19 of the state, certain issues rise to the top for them. And
20 that's the way it should be. You know, they should be
21 looking out for their interests. But not everybody gets
22 everything that they want, I understand. You drive down
23 Interstate 5 and you see farmers putting up big signs
24 saying, you know, we need more water. Don't give it all to
25 the salmon. I understand their point of view. But, you

1 know, if you talk to the salmon fisheries, they have a
2 different point of view.

3 MS. PELLMAN: You have about --

4 MR. LEE: So, I think -- I think we need to
5 compromise, and share, and listen, I think, so --

6 MS. PELLMAN: You have about four minutes and 30
7 seconds.

8 CHAIR DICKISON: Thank you. So, the first eight
9 Commissioners are selected randomly and then they will be
10 tasked with selecting the remaining six that will round out
11 the Commission. So, if you were one of the first eight
12 Commissioners that were selected, what would you be looking
13 for in the final six?

14 MR. LEE: Well, it would depend on who those
15 first eight were and what their skill sets were, I think.
16 I'm not quite sure of the process of the eight, or is that
17 going to be three Democrats, three Republicans, and two
18 Independents? Because, obviously, that would --

19 CHAIR DICKISON: It's two, two, and two that have
20 to be selected so, yeah.

21 MR. LEE: Okay. So, obviously, you have to
22 follow those guidelines. But I think you need to look at
23 the initial eight and see, okay, well, what are we missing
24 here? Do we need somebody who has this skill or is from
25 this part of the state. I think, without setting rigid

1 quotas, we need to look at, okay, are people -- do we have,
2 you know, women on the panel? Do we have minorities on the
3 panel? Do we have people from Southern California, and the
4 Valley, and the Bay Area, and the far North.

5 I the legitimacy of any decision making that the
6 Commission ultimate will make will demand on whether people
7 feel like the Commission has been drawn broadly for
8 California as a whole. So, I think those are things that
9 we'd have to look at.

10 CHAIR DICKISON: Okay. One final question. What
11 would you ultimately like to see the Commission accomplish?

12 MR. LEE: If they could redraw these district
13 lines and have no ensuing litigation, that would be great.
14 Even as a lawyer, and litigation's good for lawyers, but I
15 think that would be great. I mean if people could all
16 agree that, listen, we didn't get everything we wanted, but
17 we got most of it, and it was fair, and there really
18 couldn't be a better job done, I think that would be
19 fantastic.

20 CHAIR DICKISON: Thank you.

21 MR. LEE: Sure.

22 CHAIR DICKISON: Mr. Belnap?

23 VICE CHAIR BELNAP: Hi. Thank you for being
24 here.

25 MR. LEE: Yeah, sure.

1 VICE CHAIR BELNAP: In your analytical skills
2 essay you indicate that some of the cases you've worked on
3 as a research attorney required working with statistical
4 evidence.

5 MR. LEE: Uh-hum.

6 VICE CHAIR BELNAP: I know you can't get into the
7 specifics of a case, but can you describe it in general, an
8 instance where you had to work with a large dataset to
9 arrive at a conclusion?

10 MR. LEE: A large dataset? Well, I didn't work
11 at it with any like large number sets. But I guess,
12 without giving away the store, a lot of capital cases
13 involved jury selection issues and, you know, whether
14 certain racial minorities or women were improperly kicked
15 off, and that would be a statistical issue. So, we worked
16 with some statistics in that regard.

17 I'm not sure I can say much more than that. I'm
18 not saying I'm a statistical expert or anything like that
19 for sure.

20 VICE CHAIR BELNAP: But in this case you worked
21 with demographics --

22 MR. LEE: Yeah.

23 VICE CHAIR BELNAP: -- statistics for California
24 --

25 MR. LEE: Yeah.

1 VICE CHAIR BELNAP: -- comparing it to the jury
2 pool.

3 MR. LEE: Right.

4 VICE CHAIR BELNAP: Okay.

5 MR. LEE: That's right.

6 VICE CHAIR BELNAP: In your time as a research
7 attorney how often did you work on voter rights issues?

8 MR. LEE: I don't think I really did.

9 VICE CHAIR BELNAP: Okay.

10 MR. LEE: Those tend to go to a federal court, I
11 think.

12 VICE CHAIR BELNAP: Okay. So, if the
13 Commission's process results were to be challenged in court
14 and if the legal challenge were to proceed to the
15 California Supreme Court, will your experience as a
16 research attorney for the Supreme Court be an advantage to
17 the Commission? And if so, how?

18 MR. LEE: Oh, I don't -- an advantage how? You
19 mean like could I advise them how to proceed? I don't -- I
20 think once the Commission has drawn those lines it's kind
21 of out of our hands, isn't it. I mean if, then, third
22 parties want to challenge it in court I mean, hopefully, I
23 would not be subpoenaed. I don't know how that would work.
24 It's never a joy to be subpoenaed, I imagine.

25 But as far as the effect on how the litigation

1 would proceed in the Supreme Court, I don't see how my
2 being a Commissioner would affect much. I mean I've met a
3 few of the current court, but some have already retired
4 that I worked with. And the research attorney pool, many
5 have moved on. I don't think it would really have much of
6 an effect one way or another.

7 VICE CHAIR BELNAP: Okay.

8 MR. LEE: And I don't think I would -- if I were
9 a Commissioner and I would say, you know, we should draw
10 the line here to avoid the litigation, that's not part of
11 my skill. I wouldn't know that. I mean we don't really
12 know. If someone's going to sue to challenge something, we
13 don't know what they're going to do.

14 VICE CHAIR BELNAP: Yeah. You indicated that
15 you've done some volunteer work with a foundation that you
16 said for the blind, but then I didn't quite catch the rest
17 of it.

18 MR. LEE: Okay, because I don't want to oversell
19 it. I was an undergraduate, so it's a long time ago.

20 VICE CHAIR BELNAP: Oh, okay.

21 MR. LEE: You know, I did -- I volunteered a
22 semester for the Foundation for the Junior Blind in Los
23 Angeles, and I worked with intellectually disabled blind
24 children, which I can tell you is a very eye opening thing
25 to have someone who is intellectually challenged and blind

1 from birth. You know, the most, you know, we're trying to
2 get them to just learn out to fix a -- you know, like close
3 a button and stuff like that. So, that was very
4 interesting. So, that's one thing I did.

5 I've done volunteer work before. Again, it was a
6 long time ago, but I won a Chancellor Marshall Award, well,
7 one of several that won it as an undergraduate for
8 community service as an undergraduate. So, I did that.

9 And then, as a law student I worked at a Westside
10 Tenant Action Center, helping people who were being evicted
11 and harassed by their landlords and stuff.

12 VICE CHAIR BELNAP: Have you done more recent
13 community service that you can talk about?

14 MR. LEE: No, not community service. Again, I
15 had a second job teaching for 11 years. The first two
16 years as a research and writing instructor, and then 11
17 years teaching constitutional law that was at John F.
18 Kennedy School of Law in Walnut Creek. I also taught for a
19 few years at University of California at Berkeley, co-
20 teaching the externship seminar.

21 VICE CHAIR BELNAP: All right, thank you. No
22 further questions.

23 CHAIR DICKISON: Mr. Coe?

24 PANEL MEMBER COE: Thank you. Good afternoon,
25 Mr. Lee.

1 MR. LEE: Hi.

2 PANEL MEMBER COE: Thank you for being here.

3 Your application states that you're part of several
4 cultural organizations that touch on a variety of the arts.

5 MR. LEE: Oh, I don't remember what I said.

6 Yeah.

7 PANEL MEMBER COE: Visual art, film, music, those
8 types of things.

9 MR. LEE: Yeah.

10 PANEL MEMBER COE: So, you have an interest and
11 appreciation for the arts. And do you think that that
12 appreciation for the arts could be beneficial to the work
13 of the Commission in some way?

14 MR. LEE: Oh. I don't know. So, I have interest
15 in visual arts. I go to museums all the time with my wife.
16 I'm interested in jazz music. I used to go to a lot more
17 plays. I don't do that anymore.

18 I'm not sure how that would really affect my
19 attitude as a Commissioner, really. I think the openness
20 you need to appreciate art maybe is relevant to the
21 openness you would need to have as a Commissioner. To be
22 open to different cultures, to new ways of thinking, I
23 think.

24 I mean, we've all probably been to an art museum
25 where we saw a painting and we thought, oh, my third grader

1 could have painted that. But as you learn more about it
2 and you get deeper into it, you think, oh, no, there's
3 actually something there. I shouldn't have prejudged that.

4 So, I think that -- those experiences have kind
5 of affected me and helping me to remember let's not
6 prejudge things. Let's not prejudge people. And let's
7 just, you know, get into it and see what's behind it, and
8 maybe you'll understand it better. Maybe it's just
9 ignorance on my part that I'm not getting this. So.

10 PANEL MEMBER COE: So, you're talking about
11 people. I'd like to stick with that idea. In your essays
12 and in some of your conversations today you spoke about
13 having worked with and met various diverse groups of
14 people.

15 MR. LEE: Uh-hum.

16 PANEL MEMBER COE: What have you learned from
17 these experiences and from these diverse groups of people
18 that you have encountered?

19 MR. LEE: You know, there's no one way to look at
20 things. People come up, they're shaped by their upbringing
21 and that's just who they are, and that's the way they see
22 the world. And it's important not to prejudge that. So, I
23 think I've met some people who are incredibly forgiving,
24 just themselves personally, but I've met their family, too,
25 and their culture and everything. And, you know, my wife

1 says it's kind of like sometimes I'm just too judgmental.
2 You should have tried to become a judge, you're so
3 judgmental. But I think you learn that, you know, people
4 can have a different way of looking at the world. They can
5 be much more forgiving. Or, certain things which you think
6 are not so important are very important to them.

7 You know, some people who have like, you know,
8 six or seven children, I would never think about doing
9 that. But for them, that seems quite normal and they don't
10 think anything of it.

11 So, there's different ways to look at the world,
12 different ways of being, and I think we need to be
13 accommodating for all those kinds of things.

14 PANEL MEMBER COE: And how do you think that
15 those different ideas or thoughts could affect someone's
16 preference for political representation?

17 MR. LEE: Well, political representation? People
18 may feel that they're entitled to certain -- I mean this is
19 the whole thing about quotas, you know, people may feel
20 like, well, if there are a certain number of Democrats or
21 Republicans in an area that they're entitled to a
22 representative in Congress, or in the Assembly, and the
23 State Senate. And I understand that. But I think it's
24 more important that the district is drawn fairly because
25 then who gets elected, whether the person's black, or

1 white, or a Republican, or Democrat, it may entirely depend
2 on the campaign they ran, or the positions they took, and
3 not really these other communities that they wanted us to
4 take cognizance of.

5 So, I understand and appreciate that people can
6 look at the same set of facts and come to different
7 conclusions, but I think we need to have a dialogue about
8 that and they need to be able to justify those things. A
9 lot of times our opinions are shaped by how we were raised.
10 I understand that. I was raised a certain way as well.

11 I'm shaped by the fact that, you know, my father
12 died, and I'm aware of like the racial discrimination that
13 existed when I was growing up. You know, I can't escape
14 that. And other people have different views and they
15 maybe can't escape those, but we can try. You know, we can
16 talk about it and we can try to overcome them in a
17 reasonable and rational way.

18 PANEL MEMBER COE: I want to get back to
19 something I heard you say during your answer to the
20 standard question two that was asked by Mr. Dawson earlier,
21 about hyperpartisanship. You mentioned that the Commission
22 will need to work with proven facts and not things that are
23 based on opinion or emotions.

24 MR. LEE: Uh-hum.

25 PANEL MEMBER COE: That, I would agree, is one

1 part of what the Commission would have to do. But part of
2 the work is going to be taking into consideration things
3 that are less proven fact and are more opinion based, and
4 emotion based, mostly in this case in the -- in the
5 opinions, and thoughts, and beliefs, and concerns of the
6 various citizens of the state as the Commission's traveling
7 about and talking to people.

8 MR. LEE: Uh-hum.

9 PANEL MEMBER COE: How would you use that
10 information, this kind of softer information, along with
11 that more hard data of the proven facts in your decision
12 making as a Commissioner?

13 MR. LEE: Well, I think we need -- as a
14 Commission, we need to determine these soft facts, whether
15 this is just someone's opinion, one person's opinion, or
16 whether this is actually a prevailing view in this
17 community, whether it's a small community or a large
18 community, and whether it's a proven fact or not. Whether
19 it's something that is entitled to weight, entitled that
20 the Commission should take cognizance of that.

21 And again, we'll hear from the public on that.
22 We'll hear from experts I assume. We'll hear, really, how
23 prevalent these views are and how these culturally held
24 views, how important they are, and we'll just have to move
25 forward from there. I mean it's kind of an unknowable for

1 me at this point, but I'm certainly open to those things
2 and willing to listen.

3 PANEL MEMBER COE: Okay, thank you. If you were
4 to be appointed as a Commissioner, which aspects of that
5 role do you think that you would enjoy the most and which
6 aspects, conversely, do you think that you might perhaps
7 struggle with a little bit?

8 MR. LEE: I think I would enjoy hearing from the
9 public and hearing all these different views. I think that
10 would be very interesting. As my application showed, I
11 have traveled a lot in this state, all around. And I love
12 California. I'm a fourth generation Californian. So, I
13 would really look forward to that.

14 The part that I probably wouldn't look forward to
15 is fighting with the other Commissioners. You know, that's
16 never pleasant. But in my career, in my life I think I'm a
17 peacemaker and I think we can always come to something that
18 everybody can live with.

19 PANEL MEMBER COE: Okay, thank you. No
20 additional questions.

21 CHAIR DICKISON: Thank you. Mr. Dawson?

22 MR. DAWSON: Thank you. Mr. Lee, I have a couple
23 of follow-up questions.

24 MR. LEE: Sure.

25 MR. DAWSON: Your work on -- with the Supreme

1 Court is -- I mean that's a pretty opaque process, right?
2 I mean a lot of those decisions are taking place behind
3 closed doors, there's nothing public until publication.

4 MR. LEE: Opaque to the public, yeah.

5 MR. DAWSON: Yes.

6 MR. LEE: Uh-hum.

7 MR. DAWSON: But the work of the Commission will
8 need to be -- need to take place in public meetings --

9 MR. LEE: Yes.

10 MR. DAWSON: -- such as the Bagley-Keene. Do you
11 feel comfortable doing this kind of deliberation in public?

12 MR. LEE: Oh, yeah, I have no problem with that.
13 And I mean there are reasons why, of course, the work at
14 the Supreme Court has to be confidential.

15 MR. DAWSON: Uh-hum.

16 MR. LEE: And, but I have no problem with being
17 completely out in the public. I mean my views are my
18 views. I'm happy to state my views and defend them as I
19 can in front of people, that's fine. I have no problem
20 with that. And I think it's also important. I think the
21 work of the Commission needs to be open and transparent so
22 that people see what's happening. And the legitimacy of
23 any decision making, then, is enhanced by that.

24 MR. DAWSON: Do you think that the process itself
25 can help improve the confidence in not just the

1 Commission's work, but government in general?

2 MR. LEE: Yeah, I think -- I'm not sure I
3 understand the question. But I think, yeah, transparency
4 in government is very important. I think, you know, for
5 too long stuff has happened behind closed doors and people
6 don't know how the sausage is made. And I think it's super
7 important that we know what our government is doing.

8 MR. DAWSON: Thank you. You mentioned earlier
9 that undocumented immigration is part of your family story.
10 And there have been news stories about the controversy
11 surrounding the Census and whether or not all persons who
12 are in the state will be counted.

13 MR. LEE: Yes.

14 MR. DAWSON: Does that perspective -- does that
15 bring perspective that you could find useful with your work
16 on the Commission?

17 MR. LEE: Yeah. I have actually two -- a few
18 comments on that. Number one, I don't want to oversell the
19 fact that I have the family history of undocumented aliens.
20 I mean, of course it's forefront in the news nowadays, but
21 in the old days people didn't talk about it. I mean in
22 fact there weren't even restrictions. If you just came to
23 the United States a hundred years ago, you could be here.

24 So, it was harder for Chinese because of the
25 Chinese Exclusion Act in the late 19th Century. So, and we

1 never talked about in my family, but we knew that my
2 grandfather was what they call a paper son. He came in
3 with false papers. And in fact, my whole family, we have
4 -- we're all -- our names are not really our names of our
5 family in Europe because they all came in with papers that
6 were false. So, I didn't want to oversell that, but that
7 is part of my family history.

8 And I should say that being chosen as a
9 Commissioner being such a long shot, I'm also scheduled to
10 work for the United States Census Bureau as an enumerator,
11 and I'm going to hopefully go for training later this
12 month, and get out in April and start knocking on doors.
13 So, I'm interested in that process as well.

14 So, yeah, that's something I'm interested in.
15 And I think it is important that everybody be counted and
16 I'm very dismayed when I see politicians take actions or
17 make statements that are counterproductive to that goal.
18 So, I think it's very important and I'm kind of putting my
19 money where my mouth is by going out there -- I mean, I am
20 getting \$25 an hour, or something, but I don't really need
21 the money. I just think it's really important.

22 And I should say, also, that I feel both the
23 Commission and working for the Census it's important
24 because it's serving the public, and I think that's super
25 important. I think I said in my application, you know, my

1 father worked for the state, and I think it's really
2 important that I worked for the state. I find that very
3 important.

4 MR. DAWSON: When does the Census work start?

5 MR. LEE: I was told -- I just called them today
6 because I haven't heard back, but I was told I go for a
7 three-day training in late March.

8 MR. DAWSON: Uh-hum.

9 MR. LEE: And I haven't heard when that is. And
10 then, it starts like April 8th or something. This is all
11 very complicated because I have this going as well. In
12 mid-April, I'm also due to become a grandfather for the
13 first time. So, I don't know what's really happening, but
14 I'm moving ahead with all these things until I can't.

15 MR. DAWSON: Well, congratulations.

16 MR. LEE: Thanks.

17 MR. DAWSON: We've talked a bit -- well, we've
18 talked quite a bit about your legal career. It has been
19 noticed that there are quite a few folks with JDs in the
20 applicant pool.

21 MR. LEE: Uh-hum.

22 MR. DAWSON: Do you think there could be too many
23 lawyers on the Commission?

24 MR. LEE: Yeah, I do. I do. I think the
25 Commission needs to be made up of a broad range of

1 expertise, and professional experience, and life
2 experience.

3 You know, I would analogize it to like at the
4 California Supreme Court. You know, the Supreme Courts
5 we're always like -- we appoint like an Appellate Court
6 justice and then elevate them. And then, once in a while
7 there would be a law professor. And then, sometimes,
8 people would have very different backgrounds. So, we have
9 a few law professors now on the California Supreme Court,
10 and someone that worked in the Solicitor General's Office.
11 So, that's all good.

12 But at some point someone started noticing we
13 have very few people on the Supreme Court, now, that were
14 actually trial judges. And, you know, there is some value
15 to sitting in seats and working your way up. And I think,
16 so, we need that -- so, we need relevant experience, but
17 it's also good to have kind of outside experience, too. I
18 think a broad range of experiences and expertise would be
19 great.

20 And so, yes, there can be too many lawyers, just
21 like there can be too many community activists, non-
22 lawyers. I mean I think we need a broad range of people.

23 MR. DAWSON: A similar question, can there be too
24 many Bay Areas?

25 MR. LEE: Yeah, I think so. I think the

1 legitimacy of the Commission and whatever output comes from
2 the Commission, people need to feel invested in this. So,
3 I think it should be reasonably balanced. Again, I'm not
4 advocating a quota or anything, but it should reasonably be
5 balanced between Southern California and Northern
6 California, Central Valley, you know, racial minorities,
7 women, men, that kind of thing.

8 I think if people see that the Commission
9 reflects the broad diversity of California, then the
10 legitimacy can only be enhanced.

11 With that said, I'd like to be the Bay Area
12 representative.

13 MR. DAWSON: Noted. You talked about the
14 possibility that California might lose a seat in the United
15 States Congress.

16 MR. LEE: Uh-hum.

17 MR. DAWSON: And that however that happens, and
18 whoever it happens to, people -- some folks might feel like
19 there was a loss.

20 MR. LEE: Uh-hum.

21 MR. DAWSON: Can you talk about that a little bit
22 and what you would expect that conversation would be like
23 on the Commission?

24 MR. LEE: Yeah. I mean it is going to be a loss.
25 I mean I hope it doesn't happen. And, of course, the

1 Census hasn't been done yet, so we don't know. I hope it
2 doesn't happen.

3 But, yeah, those are going to be some hard
4 questions for sure. If I were to speculate and, again, I
5 haven't seen any data on this, it probably is going to come
6 from Los Angeles because they have so many Congress --
7 members of Congress down there. And if we've lost
8 population, we probably will re-carve those district, but I
9 don't know.

10 And then you look at the ones in Northern
11 California and they're huge and ranging. But down there,
12 there are lots of little ones just all packed in there.
13 So, those are going to be some hard questions.

14 And, certainly, I mean I think this happened ten
15 years ago where, I forget who it was, but one of the
16 Democratic Congressmen lost their district. And then is
17 faced with do I run against this incumbent or what do I do?
18 So, that's the hard thing.

19 But again, the Constitution doesn't guarantee you
20 a safe district, or a seat just because you're an
21 incumbent. It just requires the districts be fairly drawn.
22 So, I can't be too concerned about that.

23 MR. DAWSON: Thank you.

24 MR. LEE: Uh-hum.

25 MR. DAWSON: I have no further questions. Do any

1 of the Panel Members have any further follow ups?

2 CHAIR DICKISON: I don't have any. Mr. Belnap?

3 VICE CHAIR BELNAP: I don't, either.

4 CHAIR DICKISON: Mr. Coe?

5 PANEL MEMBER COE: I have no follow-up questions.

6 MR. DAWSON: All right, we have roughly 22
7 minutes left in the 90-minute period. And at this time I'd
8 like to offer you the opportunity to make a closing
9 statement, if you'd like?

10 MR. LEE: Oh, I don't really have a closing
11 statement. I like to thank everyone for the opportunity.
12 And thank you for your work. I know this is hard. I've
13 done something like this before, I know it can be a
14 grueling task. But thank you very much.

15 CHAIR DICKISON: Thank you.

16 MR. DAWSON: Thank you.

17 CHAIR DICKISON: So, our next interview starts
18 tomorrow morning at nine o'clock. So, we are going to go
19 into recess now until 8:59 tomorrow morning.

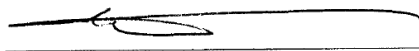
20 (Thereupon, the Applicant Review meeting
21 recessed at 4:07 p.m.)
22
23
24
25

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, 2020.



PETER PETTY
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Notary Public

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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



April 15, 2020

MARTHA L. NELSON, CERT**367