

California Code of Regulations
Title 2. Administration
Division 10. California State Auditor's Office
Chapter 1. Redistricting

Subchapter 1. Definitions

§ 60802. Application Materials.

"Application materials" means the electronic and other documents collected by the State Auditor's Office and the panel from applicants and from members of the public commenting on applicants during the application process. Application materials shall include, but need not be limited to, the following:

- (a) Applications and supplemental applications.
- (b) Supporting materials for an application or a supplemental application, including, but not limited to, letters of recommendation.
- (c) Written public comments and responses to such comments submitted in accordance with section 60846.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60803. Application Year.

"Application year" means the calendar year 2019 or any year ending in "9" thereafter, through the date ending in 2020 or any year ending in "0" thereafter, that the State Auditor conducts the random drawing of the first eight members of the commission pursuant to section 60853.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60807. State Auditor's Office.

"State Auditor's Office" means either the California State Auditor's Office or the head of that office, the State Auditor, depending on the context of the reference. Any reference in this chapter to the Bureau of State Audits or the bureau shall be construed to refer to the State Auditor's Office.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60808. State Auditor's Office's Website.

"State Auditor's Office's website" means the official state government website for the State Auditor's Office or any other website that the State Auditor designates for use during the application process for selecting members of the commission.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60824. Qualified Independent Auditor.

(a) “Qualified independent auditor” means an independent auditor currently employed by the State who satisfies all of the following requirements:

(1) Currently employed by the State Auditor’s Office.

(2) By the time of selection to serve on the panel will have acquired at least ten years of experience practicing the skills of an independent auditor.

(3) Does not have a conflict of interest as set forth in subdivision (a) of section 8252 of the Government Code.

(b) As used in this section:

(1) “Independent auditor currently employed by the State” means an auditor who is currently employed as a permanent employee of the State Auditor’s Office, which, as provided in section 8543 of the Government Code, is independent of the executive branch and legislative control.

(2) “Experience practicing the skills of an independent auditor” means experience acquired while working as an auditor or investigative auditor for the State Auditor’s Office, or its predecessors, the Bureau of State Audits and the California Auditor General, or for some other agency of state government, provided that such other agency conducted audits of private entities, local governmental entities, or state departments that were external to itself although under its oversight or investigative authority.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60825. Randomly Draw.

“Randomly draw” means to select by the following process for random drawing.

(a) At least ten days prior to any random drawing, the State Auditor’s Office shall provide notice to the public regarding the time and place of the drawing by posting a notice on the State Auditor’s Office’s website and by any other means deemed appropriate by the State Auditor.

(b) Prior to the drawing, the members of the pool from which the drawing will be made shall be divided into three subpools according to the party affiliation of the members of the pool. One subpool shall consist of members registered with the largest political party in California based on registration, another subpool shall consist of members registered with the second largest political party in California based on registration, and a third subpool shall consist of members not registered with either of the two largest political parties in California based on registration. The names of the members of each subpool shall be recorded on a list, with the names sequentially numbered so that each member is assigned a unique identifying number that is also recorded on the list.

(c) On the day of the drawing, the following procedures shall be followed:

(1) The drawing shall be open to the public.

(2) The drawing shall begin with the preparation of the balls that will be used for the drawing. The balls used for the drawing shall consist of 75 newly purchased prenumbered bingo balls of uniform composition, weight, size, shape, and texture that are delivered to the location of the drawing in the manufacturer's original packaging. Each of the sets shall be designated for use in selecting members from a corresponding subpool. The balls shall be prepared by extracting from each set of balls those balls that bear the number assigned to a member of the corresponding subpool, with all remaining balls set aside. The balls for each subpool shall be kept together and segregated for use in three separate subpool drawings.

(3) The balls for each subpool drawing shall be placed in a bingo cage. The cage shall be rotated vigorously to ensure that the balls are thoroughly mixed. The cage will drop a number of balls equal to the number of persons who must be drawn from the subpool, including any persons who are to serve as alternates. The number and name of the persons drawn during each subpool drawing shall be announced and duly recorded.

(4) After each subpool drawing, the bingo cage shall be emptied to allow the bingo cage to be used for the next subpool drawing until all of the subpool drawings are completed.

(d) At the conclusion of the drawing, the names of all those selected during each subpool drawing shall be posted on the State Auditor's Office's website and otherwise announced to the public as deemed appropriate by the State Auditor.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60827. Relevant Analytical Skills.

(a) "Relevant analytical skills" means the learned abilities that a commissioner may need to successfully complete the work of the commission.

(b) Abilities related to performing the following tasks shall be considered relevant analytical skills: gathering and comprehending information that bears upon redistricting; evaluating the validity and significance of the information gathered by the commission in order to make sound decisions about the proper placement of communities in districts; applying the appropriate legal standards, including, but not limited to, the United States Constitution and the Voting Rights Act of 1965 (commencing with section 1971 of title 42 of the United States Code), to drawing district boundaries; and working effectively as a member of a group to promote redistricting decisions that are factually and legally defensible and that the commission can agree upon.

(c) The following are examples of relevant analytical skills grouped according to the tasks listed in subdivision (b):

(1) Gathering and comprehending information that bears upon redistricting:

(A) An ability to read and understand dense and technical written materials, including, but not limited to, maps and statistical information.

(B) An ability to participate effectively in public hearings regarding redistricting by listening carefully and critically to the testimony of witnesses and formulating concise questions that will elicit relevant information.

(2) Evaluating the validity and significance of the information gathered by the commission in order to make sound decisions about the proper placement of communities in districts:

(A) Basic mathematical skills.

(B) Familiarity with using computers and working with software programs such as spreadsheet programs, mapping websites or programs, or word processing programs.

(C) An ability to assess the credibility of information provided by staff, consultants, and members of the public, distinguish facts from opinions, distinguish relevant facts from irrelevant facts, and assess the relative strength of competing arguments.

(D) An ability to resolve complex problems, particularly those involving factual ambiguities as may arise when all of the relevant facts are not apparent or when there are conflicting claims about the facts.

(3) Applying the appropriate legal standards to drawing district boundaries:

(A) An ability to understand the legal principles that govern redistricting as communicated through written materials and advice provided by the commission's legal counsel.

(B) An appreciation for the importance of applying proper legal standards to redistricting decisions.

(4) Working effectively as a member of a group to promote redistricting decisions that are factually and legally defensible and that the commission can agree upon:

(A) Effective communication skills, including, but not limited to, basic writing skills.

(B) An ability to interact effectively with other commissioners to build consensus on proposed decisions through reasoned discussion and negotiation.

(d) An applicant may demonstrate his or her possession of relevant analytical skills through a description of those skills and through occupational, academic, volunteer, or life experiences such as:

(1) Compiling information from a variety of sources, including, but not limited to, statistical reports, expert opinions, and members of the public to develop an understanding of an issue or problem.

(2) Assessing the value of information received from various sources to determine how much weight should be given to certain information versus other information when making a decision concerning an issue.

(3) Receiving expert advice, particularly of a legal nature, and applying that advice to decisions.

(4) Participating in group decision-making as a member of a commission, board, grand jury, task force, or other collection of individuals whose mission was to produce a report, plan, or other work product addressing some issue or problem.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

Subchapter 2. Applicant Review Panel

§ 60831. Information About Prospective and Selected Panel Members.

The State Auditor's Office shall post on its website the following information about prospective and selected members of the panel:

(a) At least 10 days prior to any random drawing of members of the panel, the State Auditor's Office shall post the names, party affiliations, and relevant qualifications of the qualified independent auditors who will constitute the pool from which the members will be drawn. This information shall remain posted until the random drawing is concluded.

(b) As soon as practicable following any random drawing of members of the panel, the State Auditor's Office shall post the names, party affiliations, and relevant qualifications of the qualified independent auditors who were selected to serve as members and alternate members of the panel. This information shall remain posted until the first eight members of the commission have been randomly drawn by the State Auditor.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60832. Training of Panel Members.

Prior to any member of the panel performing the duties of a panel member, the State Auditor's Office shall provide the panel member with training in preparation for the performance of those duties. The training shall include, but not necessarily be limited to, all of the following subjects:

(a) The requirements for conducting a public meeting, including, but not limited to, the requirements imposed by the Bagley-Keene Opening Meeting Act (commencing with section 11120 of the Government Code).

(b) The duties of the panel as described in the Voters FIRST Act and the regulations implementing its provisions.

(c) California's diverse demographics and geography.

(d) The responsibilities of the Commission as set forth in the Voters FIRST Act, the United States Constitution and the Voting Rights Act of 1965 (commencing with section 1971 of title 42 of the United States Code).

(e) The process for performing redistricting, including, but not limited to, the use of computer software to draw district lines.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60833. Duties of Panel Members.

While serving on the panel, the members of the panel, in addition to complying with section 8252, subdivision (d) of the Government Code, shall comply with all of the following requirements:

- (a) Perform the work of the panel in a manner that is consistent with the statutes and regulations governing the panel's work.
- (b) Refrain from engaging in any conduct described in section 19572 of the Government Code that would be cause for employee discipline.
- (c) Refrain from communicating with any applicant for the Commission except as authorized by the application process set forth in sections 60841 through 60851.
- (d) Limit any discussion of specific applicants or application materials to discussions with other panel members during public meetings and to discussions with State Auditor's Office staff assigned to assist the panel.
- (e) Conduct the work of the panel in a manner that is impartial and that reinforces public confidence in the integrity of the panel's work.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60835. Panel Administration.

- (a) The State Auditor's Office shall provide the panel with administrative, technical, and clerical support as needed by the panel to carry out its responsibilities under the Act. This support shall include, but not be limited to, the provision of office equipment, facilities, and staff sufficient to perform the following tasks:
 - (1) Process applications.
 - (2) Collect information concerning applicants.
 - (3) Schedule meetings.
 - (4) Maintain files.
 - (5) Make travel arrangements.
 - (6) Communicate with the public regarding panel decisions.

(b) The State Auditor's Office shall provide the panel with legal counsel. To the extent permitted by law, all work performed by the State Auditor's Office's legal counsel and all communications between the State Auditor's Office's legal counsel and the panel shall be confidential and protected from disclosure by any applicable privileges.

(c) The State Auditor's Office shall retain the records concerning the application process, including, but not limited to, correspondence, applicant lists, applications and supporting materials, public comments and responses, and video recordings for a period of at least 12 years.

(d) If a position on the panel becomes vacant, the State Auditor's Office shall provide the person filling the vacancy with all of the documents that were provided to the outgoing panel member.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

Subchapter 3. Citizens Redistricting Commission
Article 1. Application Process

§ 60840. Outreach Program.

(a) In conjunction with initiating an application process for selecting the members of the commission, the State Auditor's Office shall conduct an outreach program to alert the public to the application process and to encourage the submission of applications by a diverse pool of qualified applicants. The State Auditor's Office's outreach program shall, at a minimum, include all of the following:

(1) Posting a calendar on the State Auditor's Office's website indicating the key dates and deadlines for the application process, including, but not limited to, when established, the period during which the State Auditor's Office will accept applications.

(2) Producing outreach materials regarding the role of the commission, the eligibility and qualifications requirements for serving as a commissioner, and the process for selecting commissioners.

(3) Identifying community partners and requesting that they assist in recruiting qualified applicants.

(4) Creating and distributing public service announcements and print advertisements regarding the application process for placement in local, regional, and ethnic media.

(5) Upon posting an electronic application form on the State Auditor's Office's website, widely publicizing both the availability of the application and the deadline for its submission.

(b) The breadth and scope of the State Auditor's Office's outreach program is dependent on the funding that is available for the program.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60842. General Requirements Applicable to Every Phase of the Application Process.

All of the following requirements apply to each phase of the application process:

(a) Except for individuals qualifying for a reasonable accommodation under the Americans with Disabilities Act of 1990 (commencing with section 12101 of title 42 of the United States Code), applicants shall fill out and submit all applications electronically using the State Auditor's Office's website. The State Auditor's Office shall neither make available nor accept paper applications, and all application materials, except letters of recommendation, shall be submitted to the State Auditor's Office electronically.

(b) All deadlines established by the State Auditor's Office and the panel, including, but not limited to, deadlines for the submission of application materials are final. Application materials not timely received or deemed incomplete by the State Auditor's Office or the panel shall not be considered.

(c) The State Auditor's Office or the panel may inquire about or seek additional information from an applicant during any phase of the application process.

(d) The State Auditor's Office or the panel may exclude or remove from an applicant pool any applicant who does any of the following:

(1) Submits more than one Phase I or Phase II application.

(2) Submits an incomplete application.

(3) Fails to timely submit supporting materials, including, but not limited to, letters of recommendation.

(4) Fails to comply with deadlines established by the State Auditor's Office or the panel.

(5) Fails to timely respond to inquiries, or to provide additional information as requested by the State Auditor's Office or the panel.

(e) All applications shall include a certification by the applicant that he or she has provided true and correct information.

(f) All application materials collected and maintained by the State Auditor's Office are public records and therefore subject to disclosure as provided by the California Public Records Act (commencing with section 6250 of the Government Code), unless exempted from disclosure by a specific provision of the California Public Records Act or disclosure is prohibited by some other state or federal law.

(g) To enhance the transparency of the application process, the State Auditor's Office shall, as soon as practicable, post application materials on the State Auditor's Office's website, except that it may decline to post any material, or specific information in any material, that State Auditor's Office staff determines to be either of the following:

(1) Personal in nature, such as residence addresses, telephone numbers, or so private that it would be inappropriate for public disclosure.

(2) Offensive or harassing in nature due to sexual, profane, racist, or otherwise bigoted content.

(3) Exempt from disclosure under the California Public Records Act or disclosure is prohibited by some other state or federal law.

(h) In a manner consistent with state and federal law, as well as State Auditor's Office policy, the State Auditor's Office shall protect and keep confidential any materials or information that is prohibited from public release.

(i) All information provided by or about an applicant through an application, public comment, or by any other means may be subject to investigation and verification by the State Auditor's Office or the panel.

(j) Except as provided in section 60851, an applicant may not seek reconsideration of any decision by the State Auditor's Office or the panel.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60843. Phase I Initial Application.

(a) On or before August 15 of the application year, the State Auditor's Office shall initiate Phase I of the application process by posting an initial application form on the State Auditor's Office's website. Except for individuals qualifying for a reasonable accommodation under the Americans with Disabilities Act of 1990 (commencing with section 12101 of the United States Code), applicants shall complete the application electronically and submit it using the State Auditor's Office's website.

(b) The Phase I initial application period shall extend a minimum of 60 days.

(c) The initial application form shall solicit information from the applicant to determine his or her eligibility to become a member of the initial applicant pool. The information the State Auditor's Office shall seek via the initial application includes all of the following:

(1) The full name and contact information for the applicant, including, electronic mail address, physical residential address, mailing address, and telephone numbers.

(2) The applicant's race, ethnicity, gender, age, date of birth, and household income.

(3) The applicant's voter registration status and party affiliation.

(4) Whether the applicant will be able to satisfy the eligibility requirements for commission membership set forth in subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(5) Whether the applicant has a conflict of interest.

(d) The applicant shall certify that the information he or she provides on the initial application is true and correct.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60844. Phase I Initial Application Review.

(a) The State Auditor's Office shall review each application that is submitted during the Phase I application period and exclude from the initial applicant pool any applicant who has not complied with the application process or is not eligible to serve on the commission due to any of the following:

(1) Submitting more than one application.

(2) Submitting an incomplete or untimely application.

(3) Not satisfying the eligibility requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(4) Having a conflict of interest.

(b) Applicants not excluded as provided in subdivision (a) shall be placed in the initial applicant pool and invited by the State Auditor's Office to participate in Phase II of the application process.

(c) Applicants excluded from the initial applicant pool shall be notified by the State Auditor's Office and advised of the grounds.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60845. Publication of Names of Applicants in Initial Applicant Pool.

Having excluded from the initial applicant pool those applicants who, based on their initial application, were not eligible to serve as members of the commission because of an inability to satisfy the requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution, or due to a conflict of interest, by no later than March 15 of each year ending in the number zero, the State Auditor's Office shall post on its website a list of the names of the applicants who have been placed in the initial applicant pool.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60846. Written Public Comments and Responses.

(a) Beginning on the date that the names of the successful Phase I applicants are posted on the State Auditor's Office's website, and continuing throughout the remainder of the application process until the 14 members of the commission are selected, the State Auditor's Office shall provide opportunities for the public to submit written comments regarding the applicants being considered. The State Auditor's Office shall post a form for submitting written comments on its website. The public may submit comments electronically or by facsimile, United States mail, or other common carrier.

(b) The panel may only consider written comments that it receives regarding applicants who have been placed in a pool of applicants for the panel's evaluation and have not been removed. To be considered by the panel, a written comment must satisfy all of the following requirements:

(1) The State Auditor's Office received the written comment prior to the deadline established by the State Auditor's Office for receiving written comments concerning the applicants being considered during the current phase of the application process.

(2) The comment contains specific facts related to an applicant's eligibility and qualifications to serve as a member of the commission or is related to the accuracy of any statement made by the applicant as part of the application process.

(3) The information that is contained in the comment appears sufficiently credible to warrant consideration.

(4) The name and contact information for the person providing the comment is included in the comment.

(5) The comment contains a certification by the person providing the comment that the information included in the comment is true and correct and based on the author's personal knowledge.

(c) Subject to the provisions of California Code of Regulations, title 2, section 60842, subdivision (f), the State Auditor's Office shall, as soon as practicable, post on its website all written comments that may be considered by the panel pursuant to subdivision (b), including, the name of the person providing the comment.

(d) The State Auditor's Office shall send a copy of any written comments received about an applicant to the applicant, with a notice stating how the applicant may submit a written response and the deadline for submitting the response.

(e) Written comments and responses about an applicant submitted during any phase of the application process shall be included in the applicant's application materials and may be considered in the evaluation of the applicant during all subsequent phases of the application process during which the applicant remains in a pool of applicants being evaluated for selection to the commission. Comments and responses received after the deadline for receiving comments during a particular phase of the application process may be considered in the evaluation of the applicant during a subsequent phase provided the applicant remains in a pool of applicants being considered for selection to the commission.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60847. Phase II Supplemental Application.

(a) In Phase II of the application process, the State Auditor's Office shall direct the members of the initial applicant pool to submit a supplemental application with supporting materials. The State Auditor's Office shall post supplemental application forms on its website for use by the members of the applicant pool. Except for individuals qualifying for a reasonable accommodation under the Americans with Disabilities

Act of 1990 (commencing with section 12101 of title 42 of the United States Code), applicants shall complete the supplemental application forms and supporting materials electronically and submit them using the State Auditor's Office's website. Notwithstanding this requirement, applicants may submit letters of recommendation by facsimile, United States mail, or other common carrier as an alternative to submitting the letters through the State Auditor's Office's website.

(b) The Phase II supplemental application period shall extend a minimum of 30 days.

(c) The supplemental application, with supporting materials, shall consist of all of the following:

(1) Questions designed to elicit information from the applicant describing his or her qualifications to serve on the commission, including essay questions to be answered in 3200 characters (approximately 500 words) or less.

(2) Questions designed to elicit information about the applicant, including, but not limited to:

(i) Former names, former residences, and felony convictions, if any.

(ii) Educational and employment history.

(iii) Involvements with, and financial contributions to, professional, social, political, volunteer, and community organizations and causes.

(3) Questions about an applicant's immediate family members.

(4) A requirement that the applicant submit three letters of recommendation from individuals or organizations.

(5) Notice that the applicant will be required to submit a Statement of Economic Interests (FPPC Form 700) if the applicant is later identified by the panel as an applicant that may be directed to participate in an interview by the panel.

(d) The State Auditor's Office shall remove from the initial applicant pool any applicants who fail to submit a completed supplemental application with supporting materials by the deadline established by the State Auditor's Office.

(e) The State Auditor's Office shall transmit a copy of every complete and timely received supplemental application with supporting materials to the panel. Subject to the provisions of section 60842, subdivision (f), the State Auditor's Office shall also post the supplemental application with supporting materials on its website.

(f) After posting the supplemental applications with supporting materials on its website, the State Auditor's Office shall establish a deadline for the receipt of written public comments during Phase II of the application process.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60848. Phase II Supplemental Application Review.

(a) During Phase II, each member of the panel shall review the application materials submitted regarding each applicant remaining in the applicant pool, for the purpose of determining which applicants shall be removed from the pool to leave no more than 120 of the most qualified applicants who will be invited to participate in Phase III of the application process.

(b) The maximum of 120 most qualified applicants who will be invited to participate in Phase III of the application process shall consist of the following three subpools:

(1) 40 applicants who are registered with the largest political party in California.

(2) 40 applicants who are registered with the second largest political party in California.

(3) 40 applicants who are not registered with either of the two largest political parties in California.

(c) At the panel's request, the State Auditor may assign staff to assist the members of the panel with their review of the application materials. This assistance may include, but need not be limited to, preparing summaries of applicants' qualifications and making recommendations to the panel members regarding the relative qualifications of the applicants.

(d) The panel shall remove from the applicant pool any applicant who the panel determines has a conflict of interest or does not meet the requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(e) In reducing the applicant pool to not more than 120 of the most qualified applicants, the panel shall evaluate the applicants based on their relevant analytical skills, ability to be impartial, and appreciation for California's diverse demographics and geography.

(f) As the application process is designed to produce a commission that is reasonably representative of the State's diversity, as specified in subdivision (c)(1) of section 2 of Article XXI of the California Constitution, the panel shall also consider whether the composition of the pool of applicants to participate in Phase III of the application process is reflective of the State's diversity. The panel shall not use formulas or specific ratios in identifying which applicants will participate in Phase III of the application process.

(g) During the panel's review of the application materials and reduction of the applicant pool, the panel shall identify those applicants it considers likely to be among the 120 of the most qualified applicants, and direct those applicants to submit a Statement of Economic Interests (Form 700) within a period of 30 days, so that the panel may consider the applicants' statements prior to identifying the pool of 120 most qualified applicants.

(h) The State Auditor's Office shall post on its website a list of the applicants remaining in the applicant pool who will therefore be invited to participate in Phase III of the application process. The State Auditor's Office shall also notify the applicants removed from the applicant pool that they have been removed from the pool.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60849. Phase III Interviews.

(a) In Phase III of the application process, the panel shall direct the applicants remaining in the applicant pool to participate in public interviews conducted by the panel in Sacramento.

(b) The State Auditor's Office shall schedule the interviews at the convenience of the panel, providing at least 7 calendar days notice to the applicants of the date, time, and location of the interviews.

(c) The State Auditor's Office shall pay the reasonable and actual expenses for an applicant to attend an interview as described in this subdivision. The State Auditor's Office shall also reimburse applicants for the reasonable and necessary travel expenses that they incur to attend an interview, including, the following:

(1) If the State Auditor's Office determines that an applicant requires air travel to attend an interview, the State Auditor's Office shall directly purchase airline tickets for that applicant.

(2) Non-air transportation expenses shall be reimbursed and computed in accordance with the applicable regulations of the Department of Human Resources in effect on the date that the expenses are incurred. Reimbursement shall not exceed the maximum reimbursement rates established for nonrepresented state employees.

(3) Living expenses shall be reimbursed in an amount not to exceed the maximum reimbursement rates for nonrepresented state employees claimed and computed in accordance with the Department of Human Resources regulations in effect on the date the expenses are incurred. This includes overnight accommodations if the State Auditor's Office determines such accommodations are necessary.

(4) An applicant may request a reasonable advance from the State Auditor's Office if incurring the expenses described in paragraph (2) would create an undue financial hardship. All requests are subject to approval by the State Auditor or the State Auditor's designee.

(d) During the interviews, questions may only be posed by members of the panel, panel staff, and legal counsel for the panel. The questioning may concern anything that is relevant to an applicant's eligibility and qualifications to serve on the commission.

(e) The panel shall record all of the interviews that it conducts and post the recordings on the State Auditor's Office's website as soon as practicable after each interview is completed.

(f) The State Auditor's Office shall establish a deadline for the receipt of written public comments during Phase III of the application process. The deadline shall be set for a date following the conclusion of all of the interviews.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60850. Phase III Applicant Review.

(a) During Phase III, the panel shall review the applicants who participated in interviews by the panel, along with all of the application materials submitted regarding those applicants, for the purpose of determining which applicants shall be removed from the applicant pool to leave 60 of the most qualified applicants who will participate in Phase IV of the application process.

(b) The 60 applicants who will participate in Phase IV of the application process shall consist of the following three subpools:

(1) 20 applicants who are registered with the largest political party in California.

(2) 20 applicants who are registered with the second largest political party in California.

(3) 20 applicants who are not registered with either of the two largest political parties in California.

(c) The panel shall remove from the applicant pool any applicant who the panel determines has a conflict of interest or does not meet the requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(d) In reducing the applicant pool to 60 of the most qualified applicants, the panel shall evaluate the applicants based on their relevant analytical skills, ability to be impartial, and appreciation for California's diverse demographics and geography.

(e) As the application process is designed to produce a commission that is reasonably representative of the State's diversity, as specified in subdivision (c)(1) of section 2 of Article XXI of the California Constitution, the panel shall also consider whether the composition of the pool of applicants to participate in Phase IV of the application process is reflective of the State's diversity. The panel shall not use formulas or specific ratios in identifying which applicants will participate in Phase IV of the application process.

(f) The State Auditor's Office shall post on its website a list of the applicants remaining in the applicant pool who will therefore be invited to participate in Phase IV of the application process. The State Auditor's Office shall also notify the applicants removed from the applicant pool that they have been removed from the pool.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60851. Reconsideration.

(a) An applicant who is excluded or removed from an applicant pool, by either the State Auditor's Office or the panel, based on any of the following grounds, may seek timely reconsideration of the decision by the entity making the decision:

(1) Conflict of interest.

(2) Failing to satisfy the eligibility requirements for serving as a member of the commission, as set forth in subdivision (a)(3) of section 2 of Article XXI of the California Constitution.

(3) Failing to comply with a procedural requirement of the application process.

(b) All other decisions by the State Auditor's Office and the panel, including, but not limited to, decisions to exclude or remove applicants from an applicant pool, except for the decisions described in subdivision (a), are final at the time the decisions are made, and an applicant has no right to seek reconsideration of those decisions by either the State Auditor's Office or the panel.

(c) An applicant seeking reconsideration of a decision described in subdivision (a) shall submit to the State Auditor's Office a written request for reconsideration that complies with all of the following requirements:

(1) Is received by the State Auditor's Office within 10 days after the date that the State Auditor's Office issued a notice to the applicant that he or she was being excluded or removed from an applicant pool for any of the reasons stated in subdivision (a).

(2) Includes a statement of facts, with supporting evidence, establishing by a preponderance of evidence that the applicant was excluded or removed from an applicant pool erroneously.

(3) Contains a certification that the facts alleged in the request for reconsideration are true and correct.

(d) All requests for reconsideration that do not satisfy the requirements of subdivision (c) shall be summarily denied by the State Auditor's Office or the panel. Upon the State Auditor's Office or the panel denying a request for reconsideration of a decision described in subdivision (a), or upon the period for filing such a request expiring without a request being received, whichever occurs first, the decision shall become final and the applicant will have no further right to seek reconsideration of the decision.

(e) If the State Auditor's Office or the panel determines that an applicant has, in a written request for reconsideration, established by a preponderance of evidence that he or she was erroneously excluded or removed from an applicant pool for one of the reasons stated in subdivision (a), the State Auditor's Office or the panel shall place the applicant in that applicant pool and the applicant shall participate in the application process in the same manner as if the applicant had not been excluded or removed.

(f) Notwithstanding subdivisions (b) and (d), at any time during the application process, the panel may, solely at its own discretion, reconsider and correct a past decision of the panel or the State Auditor's Office during the application process due to gross error or other compelling circumstances.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60852. Phase IV: Applicant Name Striking Process.

(a) During Phase IV of the application process, the panel shall present to the Legislature a list containing the names of 60 of the most qualified applicants identified by the panel during Phase III of the application process for legislative leaders to exercise their right to strike up to 24 names from the list.

(b) On or before May 15 of each year ending in zero, the panel shall present to the Secretary of the Senate and the Chief Clerk of the Assembly, by hand-carried letter, the list containing the names of 60 of the most qualified applicants divided into three subpools of twenty each, based on their party affiliation and nonaffiliation. The State Auditor's Office shall also make available to the legislative leaders the application materials and recorded interviews of each of the applicants on the list, and any factual materials gathered by the State Auditor's Office or the panel concerning those applicants.

(c) On or before June 30 of each year ending in zero, the State Auditor shall accept from the Secretary of the Senate and the Chief Clerk of the Assembly a joint presentation of the list of names described in subdivision (a) with no more than a total of eight names stricken by the legislative leaders from each of the subpools. Time permitting prior to the expiration of the June 30 deadline, if the Secretary of the Senate and the Chief Clerk of the Assembly jointly present a list of names to the State Auditor that does not retain at least twelve names in each subpool, the State Auditor shall return the list to the Secretary of the Senate and the Chief Clerk of the Assembly for correction.

(d) An applicant whose name has been stricken from a subpool by a legislative leader shall be removed from the selection process and may not serve as a member of the commission. An applicant removed from the selection process because his or her name was stricken from a subpool by a legislative leader may not appeal or seek reconsideration of the removal from the State Auditor's Office or the panel.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60853. Phase V: Random Drawing of First Eight Members of Commission.

(a) During Phase V of the application process, the State Auditor, as provided in section 8252, subdivision (f) of the Government Code, shall randomly draw the names of eight applicants from those remaining after the legislative leaders have exercised their right to strike the names of up to 24 applicants from the pool of 60 of the most qualified applicants identified by the panel. The State Auditor shall conduct the random drawing on or before July 5 of each year ending in zero in the manner prescribed by section 60825.

(b) Notwithstanding subdivision (a), the State Auditor shall randomly draw the names of 8 applicants from the names of all the applicants in the pool of 60 most qualified applicants identified by the panel, rather than from a reduced collection of names, if the Secretary of the Senate and the Chief Clerk of the Assembly do not jointly present, by June 30 of each year ending in zero, a list containing the names of no fewer than 12 applicants in each of the three subpools that comprise the list.

(c) The eight applicants whose names are drawn by the State Auditor shall become members of the commission.

(d) As soon as practicable following the random drawing of the first eight members of the commission, the State Auditor's Office shall notify the applicants of their selection and post on its website the names, party affiliations, and relevant qualifications of those first eight members.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60854. Transmission of Remaining Application Materials to Commission.

After the State Auditor randomly draws the names of the first eight commissioners, the State Auditor's Office shall provide the eight commissioners with the application materials and recorded interviews of each of the applicants remaining in the applicant pool.

Note: Authority cited: Section 8546, Government Code. Reference: Section 8252, Government Code.

§ 60855. Training of First Eight Members of Commission.

Prior to any of the first eight members of the commission performing the duties necessary to select the final six members of the commission, the State Auditor's Office shall provide the first eight members of the commission with training in preparation for the performance of those duties. The training shall include the following subjects:

(a) The requirements for conducting a public meeting, including the requirements imposed by the Bagley-Keene Open Meeting Act (commencing with section 11120 of the Government Code).

(b) The duties of the first eight members of the commission in selecting the final six members of the commission as described in the Voters FIRST Act and the regulations implementing its provisions.

(c) California's diverse demographics and geography.

(d) The responsibilities of the Commission as set forth in the Voters FIRST Act, the United States Constitution, and the Voting Rights Act of 1965 (commencing with section 1971 of title 42 of the United States Code).

(e) The process for performing redistricting, including the use of computer software to draw district lines.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Sections 8252 and 8253, Government Code.

§ 60856. Administrative Support for First Eight Members of Commission.

(a) The State Auditor's Office shall provide administrative, technical, and clerical support to the first eight members of the commission as necessary for them to carry out their responsibility under the Voters FIRST Act to select the final six members of the commission. This support shall include the provision of office equipment, facilities, and staff sufficient to perform the following tasks:

- (1) Collect and manage the application materials and recorded interviews provided to the first eight members of the commission pursuant to California Code of Regulations, title 2, section 60854.
 - (2) Gather additional information as provided in California Code of Regulations, title 2, section 60860, subdivision (a).
 - (3) Schedule public meetings, prepare meeting agendas, and post on the State Auditor's Office's website the notices and agendas for meetings.
 - (4) Make travel arrangements.
 - (5) Process claims for reimbursement and compensation.
 - (6) Provide technical and administrative support for public meetings.
 - (7) Communicate with the public regarding decisions made by the first eight members of the commission.
- (b) The State Auditor's Office shall provide the first eight members of the commission with legal counsel. To the extent permitted by law, all work performed by legal counsel and all communications between legal counsel and the first eight members of the commission shall be confidential and protected from disclosure by any applicable privileges.
- (c) The State Auditor's Office shall retain the records concerning the work of the first eight members of the commission in selecting the final six members of the commission for a period of at least 12 years.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Sections 8252, 8253, 8253.5 and 8253.6, Government Code.

§ 60858. Phase VI Meetings of First Eight Members of Commission.

- (a) The authority of the first eight members of the commission is limited to selecting the final six members of the commission. The first eight members of the commission therefore may only take those actions that are necessary for the selection of the final six members of the commission, and all other actions must be deferred until the full 14-member commission is established.
- (b) The first eight members of the commission shall meet in Sacramento for the purpose of selecting the final six members of the commission. The first eight members shall schedule and hold one or more meetings for the purpose of selecting the final six members of the commission by no later than August 15 in each year ending in the number zero.
- (c) Five of the first eight members of the commission shall constitute a quorum for a meeting of the first eight members of the commission.
- (d) The first eight members of the commission are subject to the provisions of the Bagley-Keene Open Meeting Act (commencing with section 11120 of the Government Code). Consistent with that act, the first eight members of the commission:

(1) May, prior to any meeting, independently review the application materials relating to the remaining applicants.

(2) Shall comply with the notice requirements for meetings that are contained in the Bagley-Keene Open Meeting Act, but are not subject to the notice requirements specified in subdivision (a)(1) of section 8253 of the Government Code, as those requirements only apply to the full 14-member commission.

(3) Shall conduct all deliberations in public and not meet in closed session except as permitted by the Bagley-Keene Open Meeting Act.

(e) During their first meeting, the first eight members of the commission shall, in open session, elect one of the members to serve as a temporary chair and another member to serve as a temporary vice chair. The temporary chair shall preside over the meetings held by the first eight members of the commission for the purpose of selecting the final six members. The temporary vice chair shall preside over meetings in the temporary chair's absence. The temporary chair and the temporary vice chair shall not be registered with the same political party. The temporary chair and temporary vice chair shall be elected by the affirmative vote of at least five of the first eight members, including no less than two affirmative votes from the members who are registered with the political party having the greatest number of registered voters, two affirmative votes from the members who are registered with the political party having the second greatest number of registered voters, and no less than one affirmative vote from a member who is not registered with either of those two parties. The first eight members of the commission may replace the temporary chair or the temporary vice chair through the same voting process. In the absence of both the temporary chair and the temporary vice chair, an acting chair may be elected to preside over a meeting on the affirmative vote of a majority of the members present and voting.

(f) Except in instances where it conflicts with state law, the first eight members of the commission shall conduct their meetings in accordance with the most recent edition of Robert's Rules of Order.

(g) The State Auditor's Office shall record, through the use of audio and visual equipment, the meetings of the first eight members of the commission in which they deliberate about or select the final six members of the commission. Such meetings will be made available for viewing on the State Auditor's Office's website either live or as soon as practicable after completion.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Sections 8252 and 8253, Government Code.

§ 60860. Phase VI Selection of Final Six Members of Commission.

(a) Prior to the first meeting at which the first eight members of the commission begin deliberating about the selection of the final six members of the commission, the members shall review the application materials provided by the State Auditor's Office for each of the applicants remaining in the applicant pool. Any of the first eight members of the commission, at any time during the selection process, also may ask the State Auditor's Office to seek additional information from or about the applicants remaining in the applicant pool. This may include asking an applicant to submit written responses to questions or to participate in an interview conducted by the first eight members of the commission at a public meeting. However, the State Auditor's Office shall retain discretion to decline any request that the State Auditor finds to be unduly burdensome for the State Auditor's Office, unduly burdensome for the applicant(s)

subject to the request, or otherwise would be detrimental to the timely completion of the application process. The State Auditor's Office shall pay the reasonable and actual expenses for an applicant to attend any interview, as provided in California Code of Regulations, title 2, section 60849, subdivision (c).

(b) As the final six members of the commission shall be chosen to ensure the commission reflects California's diversity, as well as on the basis of relevant analytical skills and ability to be impartial, the first eight members of the commission shall vote to select the final six members of the commission as a slate of six applicants.

(c) Any of the first eight members of the commission may propose a slate of six applicants for selection to the commission. While a member may propose more than one slate of six applicants during the course of the selection process, no member may have more than one slate of six applicants up for consideration by the other members at a particular time.

(d) Each slate of six applicants shall consist of two applicants registered with the political party having the greatest number of registered voters, two applicants registered with the political party having the second greatest number of registered voters, and two applicants not registered with either of those two parties. Each slate shall also be designed to ensure that the commission reflects California's diversity while being composed of persons having the relevant analytical skills and ability to be impartial needed by the commission. However, in designing a slate, neither formulas nor specific ratios may be applied to ensure the diversity of the commission.

(e) A slate may be modified by the member proposing it at any time prior to the slate being voted upon by the eight members. However, whenever a slate is modified, neither formulas nor specific ratios may be applied to ensure the diversity of the commission.

(f) The first eight members of the commission shall vote to approve a slate based on whether they believe it will ensure that the commission reflects California's diversity while being composed of persons having the relevant analytical skills and ability to be impartial needed by the commission.

(g) The applicants listed on the first slate of six applicants that is approved by at least five affirmative votes as provided in subdivision (g) of section 8252 of the Government Code, shall become the final six members of the commission.

(h) As soon as practicable following the selection of the final six members of the commission, the State Auditor's Office shall notify the applicants of their selection and post on its website the names, party affiliations, and relevant qualifications of those commissioners.

Note: Authority cited: Section 8546, Government Code. Reference: Section 2, Article XXI, California Constitution; and Section 8252, Government Code.

§ 60861. Assisting Commission to Become Functional.

After the 14 members of the commission have been selected, the State Auditor's Office will provide support functions for the commission until its staff and office are fully functional.

Note: Authority cited: Section 8546, Government Code. Reference: Sections 8252 and 8253.6, Government Code.

§ 60863. Commission Vacancies.

(a) If a vacancy occurs on the commission before it completes its redistricting function, and the commission is unable to fill the vacancy with an applicant from the same subpool of applicants that the vacating commissioner was drawn or selected from, as it existed on July 5 of the application year, the commission shall provide written notification to the State Auditor. Upon receiving the written notice, the State Auditor shall, as soon as practicable, reconvene a panel to create a new subpool consisting of twenty of the most qualified applicants having the same party affiliation or nonaffiliation as the vacating commissioner. In creating the new subpool, the panel shall attempt to fill the subpool with applicants who participated in the most recent application process, according to the following order:

(1) Applicants who participated in interviews during Phase III of the application process.

(2) Applicants who submitted supplemental applications with supporting materials during Phase II of the application process.

(b) If a vacancy occurs on the commission after it completes its redistricting function, and the commission determines that it needs to fill the vacancy but is unable to fill it with an applicant from the same subpool of applicants that the vacating commissioner was drawn or selected from, as it existed on July 5 of the application year, the commission shall provide written notification to the State Auditor. Upon receiving the written notice, the State Auditor shall, as soon as practicable, reconvene a panel to create a new subpool consisting of twenty of the most qualified applicants having the same party affiliation or nonaffiliation as the vacating commissioner. In creating the new subpool, the panel shall attempt to fill the subpool with applicants who participated in the most recent application process in the manner specified by paragraphs (1) and (2) of subdivision (a).

(c) “Completes its redistricting function,” for the purposes of this section, means approving four final maps that separately set forth the district boundary lines for the Congressional, Senate, Assembly, and State Board of Equalization districts and certifying the four final maps to the Secretary of State.

(d) In creating a new subpool of applicants, the panel shall comply with the requirements of subdivisions (d) and (e) of section 8252 of the Government Code, with the State Auditor’s Office establishing a date for receiving from the Secretary of the Senate and the Chief Clerk of the Assembly a joint list of the applicants remaining after the Legislative Leaders have exercised their right to exercise strikes. Upon creating a new subpool, the panel shall submit the names of the applicants in the subpool to the commission with the application materials and recorded interviews of each of the applicants.

Note: Authority cited: Section 8546, Government Code. Reference: Sections 8252 and 8252.5, Government Code.