

From: **Angelo Ancheta**

Date: Fri, May 14, 2021 at 1:12 PM

Subject: COMMENTS RE May 14, 2021 Statement on Commission Business

Commissioners:

I write to comment on the Commission's May 14, 2021 Statement on Commission Business, as well as remarks made by the Governmental Affairs subcommittee during the May 14 Commission meeting.

Although the statement and remarks make clear that the Commission is committed to transparency and compliance with the law, including the Bagley-Keene Open Meeting Act when applicable, they do not address a central question that has been raised in the May 7, 2021 letter of Dr. Charles T. Munger Jr., as well as by former commissioners and other members of the public.

This question revolves around the Commission's interpretation and application of Government Code section 8253(a)(3), which states:

"Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, staff, legal counsel, and consultants retained by the commission that is otherwise permitted by the Bagley-Keene Open Meeting Act or its successor outside of a public hearing."

Without receiving clarification on the Commission's position on this code section, members of the public will continue to infer that the Commission's commitment to transparency is hollow and that its members consider their work to be above the law.

The 2010 Commission, staff, and consultants had a considerably broader interpretation of "redistricting matters" under this section of the law, and that interpretation heavily restricted one-on-one and group communications outside of public hearings. Dr. Munger also has adopted a broad definition of "redistricting matters" that would make illegal the types of communications routinely engaged in by multiple subcommittees of the Commission.

If the Commission is indeed interpreting "redistricting matters" more narrowly, the public must be informed of this interpretation during Commission meetings and in writing, including in electronic communications and on its web site. Otherwise, there will continue to be serious accusations against the Commission that could tarnish the Commission's reputation and compromise its work. Even if the public might not agree with the Commission's interpretation, the Commission would at least have offered a legal justification for the content of its subcommittee work.

Thank you for your consideration.

Angelo Ancheta
Member, 2010 California Citizens Redistricting Commission
San Francisco