

S198387

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

JULIE VANDERMOST,

Petitioner,

v.

**DEBRA BOWEN, SECRETARY OF STATE OF
CALIFORNIA,**

Respondent.

Submitted Pursuant to Cal. Const., art. XXI, § 3, subd. (a)

SUPPLEMENTAL APPENDIX OF EXIBITS

VOL. 1 OF 1

**[Filed With Return to Court's Order to Show Cause
Dated December 9, 2011]**

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TAB 1

Official Voter Information Guide

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* Election Results * *

**PROP
20**

**REDISTRICTING OF CONGRESSIONAL DISTRICTS.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

SUMMARY

Put on the Ballot by Petition Signatures

Removes elected representatives from process of establishing congressional districts and transfers that authority to recently-authorized 14-member redistricting commission comprised of Democrats, Republicans, and representatives of neither party. Fiscal Impact: No significant net change in state redistricting costs.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: The responsibility to determine the boundaries of California's districts in the U.S. House of Representatives would be moved to the Citizens Redistricting Commission, a commission established by Proposition 11 in 2008. (Proposition 27 on this ballot also concerns redistricting issues. If both Proposition 20 and Proposition 27 are approved by voters, the proposition receiving the greater number of "yes" votes would be the only one to go into effect.)

NO A NO vote on this measure means: The responsibility to determine the boundaries of California's districts in the U.S. House of Representatives would remain with the Legislature.

ARGUMENTS

PRO TAXPAYER, GOOD GOVERNMENT GROUPS SUPPORT 20 so the voter-approved Citizens Redistricting Commission will draw fair districts for the Legislature AND Congress. POLITICIANS oppose 20 so they can keep power to draw "safe" Congressional districts. YES on 20 helps us vote politicians out of office for not doing their jobs.

CON Vote No on 20. Accountability to the people is the fundamental principle of our form of government. But 20 gives a non-accountable fourteen-person bureaucracy even more power. And this bureaucracy will cost you money! Our state is in crisis! Unemployment, crime, massive debt. Stop the nonsense. No on 20.

FOR ADDITIONAL INFORMATION

FOR

Yes on 20, No on 27—Hold Politicians
Accountable, a coalition of taxpayers,
seniors,
good government groups, small business
and community organizations.
925 University Ave.
Sacramento, CA 95825
(866) 395-6121
email@yes20no27.org
www.yesprop20.org

AGAINST

No on 20
6380 Wilshire Boulevard, Suite 1612
Los Angeles, CA 90048
(323) 655-4065
www.noprop20.org

TAB 2

Official Voter Information Guide

★ **Election Results** ★ ★

**PROPOSITION
20**

**REDISTRICTING OF CONGRESSIONAL DISTRICTS.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

Official Title and Summary
Prepared by the Attorney General

**REDISTRICTING OF CONGRESSIONAL DISTRICTS.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Removes elected representatives from the process of establishing congressional districts and transfers that authority to the recently–authorized 14–member redistricting commission.
- Redistricting commission is comprised of five Democrats, five Republicans, and four voters registered with neither party.
- Requires that any newly–proposed district lines be approved by nine commissioners including three Democrats, three Republicans, and three from neither party.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- No significant net change in state redistricting costs.

TAB 3

Official Voter Information Guide

*

* Election Results * *

**PROP
20**

**REDISTRICTING OF CONGRESSIONAL DISTRICTS.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

ANALYSIS BY THE LEGISLATIVE ANALYST

This measure takes the responsibility to determine boundaries for California's congressional districts away from the State Legislature. Instead, the commission recently established by voters to draw district boundaries of state offices would determine the boundaries of congressional districts.

BACKGROUND

In a process known as "redistricting," the State Constitution requires that the state adjust the boundary lines of districts once every ten years following the federal census for the State Assembly, State Senate, State Board of Equalization (BOE), and California's congressional districts for the U.S. House of Representatives. To comply with federal law, redistricting must establish districts which are roughly equal in population.

Recent Changes to State Legislature and BOE Redistricting. In the past, district boundaries for all of the offices listed above were determined in bills that became law after they were approved by the Legislature and signed by the Governor. On some occasions, when the Legislature and the Governor were unable to agree on redistricting plans, the California Supreme Court performed the redistricting.

In November 2008, voters passed Proposition 11, which created the Citizens Redistricting Commission to establish new district boundaries for the State Assembly, State Senate, and BOE beginning after the 2010 census. To be established once every ten years, the commission will consist of 14 registered voters—5 Democrats, 5 Republicans, and 4 others—who apply for the position and are chosen according to specified rules.

When the commission sets district boundaries, it must meet the requirements of federal law and other requirements, such as not favoring or discriminating against political parties, incumbents, or political candidates. In addition, the commission is required, to the extent possible, to adopt district boundaries that:

- Maintain the geographic integrity of any city, county, neighborhood, and "community of interest" in a single district. (The commission is responsible for defining "communities of interest" for its redistricting activities.)
- Develop geographically compact districts.
- Place two Assembly districts together within one Senate district and place ten Senate districts together within one BOE district.

Current Congressional Redistricting Process. Currently, California is entitled to 53 of the 435 seats in the U.S. House of Representatives. Proposition 11 did not change the redistricting process for these 53 congressional seats. Currently, therefore, redistricting plans for congressional seats are included in bills that are approved by the Legislature.

Proposition 11, however, did make some changes to the requirements that the Legislature must meet in drawing congressional districts. The Legislature—like the commission—now must attempt to draw geographically compact districts and maintain geographic integrity of localities, neighborhoods, and communities of interest, as defined by the Legislature. Proposition 11, however, does not prohibit the Legislature from favoring or discriminating against political parties, incumbents, or political candidates when drawing congressional districts.

PROPOSAL

Proposed New Method for Congressional Redistricting. This measure amends the Constitution to change the redistricting process for California's districts in the U.S. House of Representatives. Specifically, the measure removes the authority for congressional redistricting from the Legislature and instead gives this authority to the Citizens Redistricting Commission. The commission would draw congressional districts essentially as it draws other district lines under Proposition 11. The commission, for example, could not draw congressional districts in order to favor incumbents, political candidates, or political parties. The commission also is to consider the geographic integrity of cities, counties, neighborhoods, and communities of interest. As under Proposition 11, compliance with federal law would be required.

"Community of Interest" Defined. In addition to adding similar criteria for congressional redistricting as those established in Proposition 11, the measure defines a "community of interest" for both congressional redistricting and redistricting of State Assembly, State Senate, and BOE seats. A community of interest is defined as "a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation."

Two Redistricting–Related Measures on This Ballot. In addition to this measure, another measure on the November 2010 ballot—Proposition 27—concerns redistricting issues. Key provisions of these two propositions, as well as current law, are summarized in Figure 1. If both of these measures are approved by voters, the proposition receiving the greater number of "yes" votes would be the only one to go into effect.

Figure 1			
Comparing Key Provisions of Current Law and November 2010 Propositions on the Drawing of Political Districts			
	Current Law	Proposition 20	Proposition 27
Entity that draws State Assembly, State Senate, and Board of	Citizens Redistricting Commission ^a	Citizens Redistricting Commission	Legislature

Figure 1
Comparing Key Provisions of Current Law and November 2010 Propositions on the Drawing of Political Districts

	Current Law	Proposition 20	Proposition 27
Equalization (BOE) districts			
Entity that draws California's congressional districts	Legislature	Citizens Redistricting Commission	Legislature
Definition of a "community of interest" ^b	Defined by Citizens Redistricting Commission/Legislature	"A contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation"	Determined by the Legislature
^a The commission was established by Proposition 11 of 2008.			
^b Under current law and both Proposition 20 and Proposition 27, redistricting entities generally are charged with attempting to hold together a "community of interest" within a district.			

FISCAL EFFECTS

Redistricting Costs Prior to Proposition 11 and Under Current Law. The Legislature spent about \$3 million in 2001 from its own budget specifically for redistricting activities, such as the purchase of specialized redistricting software and equipment. In addition to these costs, some regular legislative staff members, facilities, and equipment (which are used to support other day-to-day activities of the Legislature) were used temporarily for redistricting efforts.

In 2009, under the Proposition 11 process, the Legislature approved \$3 million from the state's General Fund for redistricting activities related to the 2010 census. In addition, about \$3 million has been spent from another state fund to support the application and selection process for commission members. For future redistricting efforts, Proposition 11 requires the commission process to be funded at least at the prior decade's level grown for inflation. The Legislature currently funds congressional redistricting activities within its budget.

Redistricting Costs Under This Proposal. This measure would consolidate all redistricting activity under the Citizens Redistricting Commission process established by Proposition 11 in 2008. The commission would experience increased costs from handling congressional redistricting activities. These costs, however, would be offset by a reduction in the Legislature's redistricting costs. Any net change in future redistricting costs under this measure probably would not be significant.

TAB 4

Official Voter Information Guide

* Election Results * *

**PROP
20**

**REDISTRICTING OF CONGRESSIONAL DISTRICTS.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

**ARGUMENT IN FAVOR OF
PROPOSITION 20**

Proposition 20 will put an end to legislators drawing election districts for their friends in Congress—districts that virtually guarantee Members of Congress get reelected even when they don't listen to voters.

Proposition 20 will create fair congressional districts that make our congressional representatives more accountable to voters and make it easier to vote them out of office when they don't do their jobs.

Proposition 20 simply extends the redistricting reforms voters passed in 2008 (Prop. 11) so the voter-approved independent Citizens Redistricting Commission, instead of politicians, draws California congressional districts in addition to drawing state legislative districts.

The Commission is already being organized to draw fair districts. Visit the official state site to see preparations for the Citizens Redistricting Commission's redistricting in 2011 (www.wedrawthelines.ca.gov).

Proposition 20 will:

- Create fair congressional districts.
- Help make our congressional representatives more accountable and responsive to voters.
- Make it easier to vote Members of Congress out of office if they're not doing their jobs.

**ARGUMENT AGAINST PROPOSITION
20**

NO ON 20—it wastes taxpayer dollars and it turns back the clock on redistricting law. Proposition 20 is a disaster ... it must be defeated.

*NO ON PROPOSITION 20—IT WASTES
TAXPAYER DOLLARS:*

20 is the brainchild of Charles Munger, Jr. —son of multi-billionaire Wall Street tycoon Charles Munger. MUNGER JUNIOR IS THE SOLE BANK-ROLLER OF 20. (Well, four other contributors have given all of \$700.) But just for its qualification, MUNGER GAVE \$3.3 MILLION, a figure that will probably multiply many times by Election Day.

But if Proposition 20 passes, the taxpayers will start paying the bills instead of Munger Junior. Prop. 20 will cost us millions of dollars. Compare Prop. 20 with its rival, Prop. 27.

First, non-partisan experts have concluded that YES ON PROP. 27 saves taxpayer dollars:

“Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **LIKELY DECREASE IN STATE REDISTRICTING COSTS TOTALING SEVERAL MILLION DOLLARS EVERY TEN YEARS.**”

Second, Prop. 20 adds to the cascade of waste that Prop. 27 would avoid. Governor

YES ON PROPOSITION 20: STOP THE BACKROOM DEALS

Right now, legislators and their paid consultants draw districts behind closed doors to guarantee their friends in Congress are reelected. Sacramento politicians pick the voters for their friends in Congress, rather than voters choosing who will represent them.

The Los Angeles Times and Orange County Register revealed that in the last redistricting, 32 Members of Congress and other politicians paid one political consultant over ONE MILLION dollars to draw district boundaries to guarantee their reelection!

Proposition 20 puts an end to backroom deals by ensuring redistricting is completely open to the public and transparent. Proposition 20 means no secret meetings or payments are allowed and politicians can't divide communities just to get the political outcome they want.

YES ON PROPOSITION 20: HOLD POLITICIANS ACCOUNTABLE

When politicians are guaranteed reelection, they have little incentive to work together to solve the serious problems we all face.

Proposition 20 will create fair districts so politicians will actually have to work for our votes and respond to voter needs.

"When voters can finally hold politicians accountable, politicians will have to quit playing games and work to address the serious challenges Californians face."—*Ruben Guerra, Latin Business Association*

The choice is simple:

GOOD GOVERNMENT GROUPS ASK YOU TO VOTE "YES" ON PROPOSITION 20 to force politicians to compete in fair districts so we can hold them accountable.

Schwarzenegger has already proposed going back to the well to *double* the redistricting budget, spending MILLIONS MORE DOLLARS to draw lines for politicians while the state is facing a \$19 billion deficit.

AND NOW WITH PROP. 20, MUNGER JUNIOR WANTS TO MAKE THIS WASTEFUL BUREAUCRACY SPRAWL EVEN FURTHER AT THE EXTRA EXPENSE OF YOU, THE TAXPAYER.

NO ON PROPOSITION 20—IT MANDATES JIM CROW ECONOMIC DISTRICTS:

Proposition 20 turns back the clock on redistricting law. Inexplicably, Proposition 20 mandates that all districts (including Assembly, Senate, and Congress) must be segregated by income level. This pernicious Prop. 20 mandates that all districts be segregated according to "similar living standards" and that districts include only people "with similar work opportunities."

"Prop. 20 is insulting to all Californians. Jim Crow districts are a thing of the past. 20 sets back the clock on redistricting law. No on 20."—Julian Bond, Chairman Emeritus, NAACP

Jim Crow districts are a throwback to an awful bygone era. Districting by race, by class, by lifestyle or by wealth is unacceptable. Munger Junior may not want to live in the same district as his chauffeur, but Californians understand these code words. The days of "country club members only" districts or of "poor people only" districts are over. **NO ON PROP. 20—all Californians MUST be treated equally.**

OUR DEMOCRATIC REPUBLIC IS NOT A TOY TO BE PLAYED WITH FOR THE SELF-AGGRANDIZEMENT OF THE IDLE SECOND-GENERATION RICH.

NO ON 20, YES ON 27.

POLITICIANS WANT YOU TO VOTE "NO" ON PROPOSITION 20 so they can stifle voters' voices so we can't hold them accountable.

It's time we stand up to the politicians and special interests and extend voter-approved redistricting reforms to include Congress.

Voters already created the Commission—it's common sense to have the Commission draw congressional as well as legislative districts.

"People from every walk of life support Proposition 20 to send a message to politicians that it's time to put voters in charge and get California back on track."—Joni Low, Asian Business Association of San Diego

JOIN US IN VOTING YES ON PROPOSITION 20.

YesProp20.org

DAVID PACHECO, California President
AARP

KATHAY FENG, Executive Director
California Common Cause

JOHN KABATECK, Executive Director
National Federation of
Independent Business/California

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 20

DON'T BE FOOLED—NO ON PROPOSITION 20—IT WASTES TAXPAYER DOLLARS

Perhaps Charles Munger, Junior, the sole bankroller of Prop. 20, has fooled well—meaning David Pacheco, Kathay Feng, and John Kabateck. But don't let him fool you.

Prop. 20 guarantees no level of fairness, guarantees no competitive districts,

DANIEL H. LOWENSTEIN, Founding
Chairman
California Fair Political Practices
Commission

AUBRY L. STONE, President
California Black Chamber of Commerce

CARL POPE, Chairman
Sierra Club

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 20

The argument against Proposition 20 is one of the most angry and over-the-top you'll ever see in the Voter Guide.

THE POLITICIANS BEHIND IT SHOULD BE ASHAMED.

They're desperate because voters can pass Proposition 20 and stop Sacramento politicians from drawing election districts to ensure their friends in Congress are reelected, even when they don't listen to voters.

That's a threat to them. Politicians will say anything to protect their "safe" seats in Congress so they're not accountable to voters.

DON'T BE MISLED BY THE POLITICIANS' BOGUS "COST" ARGUMENT.

FACT: The non-partisan state Legislative Analyst found Prop. 20 will result in "probably no significant change in redistricting costs." Cal-Tax and other taxpayer groups support 20.

HERE'S WHY PASSING PROPOSITION 20 IS SO IMPORTANT:

FACT: In the last redistricting, Latino leaders sued after a California Congressman had 170,000 Latinos carved out of his district just to ensure he'd get reelected. Now he's leading the charge against 20!

guarantees nothing—except that voters cannot hold those who draw congressional district lines accountable for what they do **AND THAT YOU, THE TAXPAYER, WILL FOOT THE BILL FOR MUNGER'S SCHEME.**

Accountability to the people is the fundamental principle of our form of government. But Prop. 20 gives a non-accountable 14-person bureaucracy even more power over the people. And, of course, this bureaucracy will cost you money.

Proponents have stated (unknowingly) the most obvious reason to vote No on 20: **BELIEVE IT OR NOT**, these people want to extend the travesty of the existing redistricting commission even further! Who, other than a handful of lobbyists, lawyers, and politicians has been able to figure out the incredibly complicated labyrinth for choosing the commission?

And the bureaucrats who emerge from this wasteful inscrutable process will have absolute power over our legislative districts. **VOTERS WILL NEVER HAVE A CHANCE TO HOLD THEM RESPONSIBLE FOR WHAT THEY DO.**

Our state is in crisis! Unemployment, crime, massive debt. It is time to stop nonsense political games of reapportionment.

Save taxpayer dollars, hold the power brokers accountable to the people. Vote No on Proposition 20. Vote Yes on its rival, Proposition 27.

MARK MURRAY, Executive Director
Californians Against Waste
HANK LACAYO, President
Congress of California Seniors
DANIEL H. LOWENSTEIN, Founding
Chairman
California Fair Political Practices
Commission

FACT: Politicians want to defeat 20 so they can keep drawing districts that divide communities, cities and counties and dilute voters' voices—just to get safe seats.

FACT: 20 will finally put an end to the politicians' self-serving, backroom deals.

FACT: With 20, the voter-approved Citizens Redistricting Commission will draw fair congressional districts in a completely transparent manner, giving voters power to hold politicians accountable.

The California Black Chamber of Commerce, Latin Business Association, Asian Pacific Islander American Public Affairs Association all say **YES** on 20!

Check it out for yourself:
www.YesProp20.org

ALICE HUFFMAN, President
California NAACP
JULIAN CANETE, Executive Director
California Hispanic Chambers of
Commerce
RICHARD RIDER, Chairman
San Diego Tax Fighters

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

TAB 5

TEXT OF PROPOSED LAWS

PROPOSITION 20

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure expressly amends the California Constitution by amending sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

THE VOTERS FIRST ACT FOR CONGRESS

SECTION 1. Title.

This act shall be known and may be cited as the "Voters FIRST Act for Congress."

SEC. 2. Findings and Purpose.

The People of the State of California hereby make the following findings and declare their purpose in enacting this act is as follows:

(a) Under current law, California legislators draw the districts for Congress. Allowing politicians to draw these districts, to make them safe for incumbents, or to tailor the districts for the election of themselves or their friends, or to bar the districts to the election of their adversaries, is a serious abuse that harms voters.

(b) Politicians draw districts that serve their interests, not those of our communities. Cities, counties, and communities are currently split between bizarrely jagged congressional districts designed to make those districts safe for particular parties and particular incumbents. We need reform to keep our communities together so everyone has representation.

(c) This reform will make the redistricting process for Congress open so it cannot be controlled by whichever party is in power. It will give the redistricting for Congress to the independent Citizens Redistricting Commission, which already has the authority to draw the districts for the Legislature and the Board of Equalization. The membership of the commission will have three groups of members: five Democrats; five Republicans; and four members registered with neither of those parties, who will carry the voices of independent and minor-party voters who are completely shut out of the current process. The new districts will be fair because support from all three groups is required for approval of any new redistricting plan.

(d) The independent Citizens Redistricting Commission will draw districts based on strict, nonpartisan rules designed to ensure fair representation. This reform takes redistricting of Congress out of the partisan battles of the Legislature and guarantees redistricting for Congress will be debated in the open in public meetings. All minutes will be posted publicly on the Internet. Every aspect of this process will be open to scrutiny by the public and the press.

(e) In the current process, politicians are choosing the voters instead of voters having a real choice. This reform will put the voters back in charge.

SEC. 3. Amendment of Article XXI of the California Constitution.

SEC. 3.1. Section 1 of Article XXI of the California Constitution is amended to read:

SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the ~~Legislature~~ *Citizens Redistricting Commission described in Section 2* shall adjust the boundary lines of ~~congressional districts the congressional, State Senatorial, Assembly, and Board of Equalization districts (also known as "redistricting")~~ in conformance with the following standards and process *set forth in Section 2*:

~~(a) Each member of Congress shall be elected from a single member district.~~

~~(b) The population of all congressional districts shall be reasonably equal. After following this criterion, the Legislature shall adjust the boundary lines according to the criteria set forth and prioritized in paragraphs (2), (3), (4), and (5) of subdivision (d) of Section 2. The Legislature shall issue, with its final map, a report that explains the basis on which it made its decisions in achieving compliance with these criteria and shall include definitions of the terms and standards used in drawing its final map.~~

~~(c) Congressional districts shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.~~

~~(d) The Legislature shall coordinate with the Citizens Redistricting Commission established pursuant to Section 2 to hold concurrent hearings, provide access to redistricting data and software, and otherwise ensure full public participation in the redistricting process. The Legislature shall comply with the open hearing requirements of paragraphs (1), (2), (3), and (7) of subdivision (a) of, and subdivision (b) of, Section 8253 of the Government Code, or its successor provisions of statute.~~

SEC. 3.2. Section 2 of Article XXI of the California Constitution is amended to read:

SEC. 2. (a) The Citizens Redistricting Commission ~~shall draw new district lines (also known as "redistricting") for State Senate, Assembly, and Board of Equalization districts. This commission shall be created no later than December 31 in 2010, and in each year ending in the number zero thereafter.~~

~~(b) The Citizens Redistricting Commission (hereinafter the "commission") commission shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.~~

~~(c) (1) The selection process is designed to produce a Citizens Redistricting Commission commission that is independent from legislative influence and reasonably representative of this State's diversity.~~

~~(2) The Citizens Redistricting Commission commission shall consist of 14 members, as follows: five who are registered with the largest political party in California based on registration, five who are registered with the second largest political party in California based on registration, and four who are not registered with either of the two largest political parties in California based on registration.~~

~~(3) Each commission member shall be a voter who has been continuously registered in California with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in two of the last three statewide general elections immediately preceding his or her application.~~

(4) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(5) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action. The ~~three~~ *four* final *redistricting* maps must be approved by at least nine affirmative votes which must include at least three votes of members registered from each of the two largest political parties in California based on registration and three votes from members who are not registered with either of these two political parties.

(6) Each commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible for a period of 10 years beginning from the date of appointment to hold elective public office at the federal, state, county or city level in this State. A member of the commission shall be ineligible for a period of five years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a *paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or to register as a federal, state or local lobbyist in this State.*

(d) The commission shall establish single-member districts for the Senate, Assembly, *Congress*, and State Board of Equalization pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. *Senate Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.*

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected *in a manner that minimizes their division* to the extent possible without violating the requirements of any of the preceding subdivisions. *A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process.* Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts.

(e) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(f) Districts for the *Congress*, Senate, Assembly, and State Board of Equalization shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

(g) By ~~September~~ *August* 15 in 2011, and in each year ending in the number one thereafter, the commission shall approve ~~four~~ *three* final maps that separately set forth the district boundary lines for the ~~Senate congressional, Senatorial, Assembly, and State Board of Equalization~~ districts. Upon approval, the commission shall certify the ~~four~~ *three* final maps to the Secretary of State.

(h) The commission shall issue, with each of the ~~four~~ *three* final maps, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed in subdivision (d) and shall include definitions of the terms and standards used in drawing each final map.

(i) Each certified final map shall be subject to referendum in the same manner that a statute is subject to referendum pursuant to Section 9 of Article II. The date of certification of a final map to the Secretary of State shall be deemed the enactment date for purposes of Section 9 of Article II.

(j) If the commission does not approve a final map by at least the requisite votes or if voters disapprove a certified final map in a referendum, the Secretary of State shall immediately petition the *California* Supreme Court for an order directing the appointment of special masters to adjust the boundary lines of that map in accordance with the redistricting criteria and requirements set forth in subdivisions (d), (e), and (f). Upon its approval of the masters' map, the court shall certify the resulting map to the Secretary of State, which map shall constitute the certified final map for the subject type of district.

SEC. 3.3. Section 3 of Article XXI of the California Constitution is amended to read:

SEC. 3. (a) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the Legislature if it determines that funds or other resources provided for the operation of the commission are not adequate. The Legislature shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the Attorney General or other legal counsel retained by the commission shall assist in the defense of a certified final map.

(b) (1) The *California* Supreme Court has original and exclusive jurisdiction in all proceedings in which a certified final map is challenged or is claimed not to have taken timely effect.

(2) Any registered voter in this state may file a petition for a writ of mandate or writ of prohibition, within 45 days after the commission has certified a final map to the Secretary of State, to bar the Secretary of State from implementing the plan on the grounds that the filed plan violates this Constitution, the United States Constitution, or any federal or state statute. *Any registered voter in this state may also file a petition for a writ of mandate or writ of prohibition to seek relief where a certified final map is subject to a referendum measure that is likely to qualify and stay the timely implementation of the map.*

(3) The *California* Supreme Court shall give priority to ruling on a petition for a writ of mandate or a writ of prohibition filed pursuant to paragraph (2). If the court determines that a final

certified map violates this Constitution, the United States Constitution, or any federal or state statute, the court shall fashion the relief that it deems appropriate, *including, but not limited to, the relief set forth in subdivision (j) of Section 2.*

SEC. 4. Conflicting Ballot Propositions.

(a) In the event this measure and another measure or measures relating to the redistricting of Senatorial, Assembly, congressional, or Board of Equalization districts are approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety and the other measure or measures shall be rendered void and without any legal effect. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than the other measure or measures, this measure shall take effect to the extent permitted by law.

(b) If this measure is approved by voters but is superseded in whole or in part by the provisions of any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure or any superseding provisions thereof are subsequently held to be invalid, the formerly superseded provisions of this measure shall be self-executing and given full force of law.

SEC. 5. Severability.

The provisions of this act are severable. If any provision of this act or its application is held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect in the absence of the invalid provision or application.

PROPOSITION 21

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds sections to the Public Resources Code and the Revenue and Taxation Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

State Parks and Wildlife Conservation Trust Fund Act

The people of the State of California find and declare all of the following:

(1) California's natural resources and wildlife must be preserved and protected for future generations.

(2) The California state park system is essential to protecting these resources for the people of California. Along with the wildlife protection and conservation agencies of the state, the state park system is responsible for preserving the state's unique wildlife, natural lands, and ocean resources.

(3) Persistent underfunding of the state park system and wildlife conservation has resulted in a backlog of more than a billion dollars in needed repairs and improvements, and threatens the closure of parks throughout the state and the loss of protection for many of the state's most important natural and cultural resources, recreational opportunities, and wildlife habitat.

(4) California's state park system benefits all Californians by providing opportunities for recreation, nature education, and preservation of cultural and historic landmarks, and by protecting

natural resources that improve the state's air and water quality.

(5) Californians deserve a world-class state park system that will preserve and protect the unique natural and cultural resources of the state for future generations.

(6) Rebuilding the state park system and protecting the state's wildlife resources will grow California's economy and create jobs by drawing millions of tourists each year to contribute to the state's multibillion-dollar tourism economy.

(7) It is the intent of the people in enacting this measure to protect the state's resources and wildlife by establishing a stable, reliable, and adequate funding source for the state park system and for wildlife conservation, and to provide increased and equitable access to those resources for all Californians.

(8) It is further the intent of the people that the state park system be operated and maintained at a level of excellence, allow increased access to state parks for all Californians while continuing to charge out-of-state visitors for the use of state parks, and protect the state's natural and cultural resources, recreational opportunities, and wildlife for future generations.

SECTION 1. Chapter 1.21 (commencing with Section 5081) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.21. STATE PARKS AND WILDLIFE CONSERVATION TRUST FUND ACT

Article 1. Trust Fund

5081. There is hereby established the State Parks and Wildlife Conservation Trust Fund in the State Treasury. All money deposited in the fund shall be held in trust for the people of the State of California and used solely for the purposes of this chapter. The moneys in the fund shall be available for appropriation only for the following purposes:

(a) Operation, maintenance, and repair of facilities, including visitor centers, restrooms, campsites, and ranger stations, in the state park system.

(b) Wildlife conservation and protection of natural resources, including forests, other natural lands, and lands that provide clean water, clean air, and protect the health of people and nature.

(c) Expanding public access to the state park system and natural areas through outreach, public education, improved transportation access and providing for the safety and security of park visitors.

(d) Development, management, and expansion of state park units and facilities as needed to provide and enhance public access and recreational opportunities.

(e) Protecting rivers, lakes, streams, coastal waters, and marine resources.

(f) Grants to local agencies that operate units of the state park system to offset the loss of day use revenues as provided in this chapter, and to state and local agencies that manage river parkways.

(g) Protecting and restoring state park cultural and historical resources.

(h) Auditing and oversight of the implementation of this chapter to ensure that funds are only spent in accordance with the provisions of this chapter and are not diverted or misspent.

(i) Other costs related to the operation and management of the state park system.

(j) Collection costs for the State Parks Access Pass.

5082. The Department of Parks and Recreation shall prepare a strategic plan to improve access to the state park system that addresses the needs of each region of the state and identifies

TAB 6



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Redistricting: Legal Challenges And A Referendum



By Tony Quinn
Political Commentator and Former Legislative Staffer
Tue, August 23rd, 2011

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The Redistricting Commission has now completed its work and certified its final maps. A referendum has been filed against the Senate plan. As of now, the legal action appears aimed at the Senate plan.

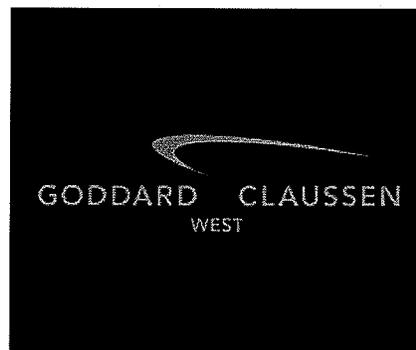
Latino groups have threatened a lawsuit, likely in federal court, against the Senate plan for regressing Latino opportunities. Republicans may file suit in state court against the map plan for violating state constitutional criteria.

Propositions 11 and 20 vest original jurisdiction over legal challenges to the redistricting plans in the State Supreme Court, and the court has issued guidelines for anyone wishing to file an action. A plaintiff has 45 days to file a suit, meaning any lawsuit must be filed before the end of September. The Secretary of State in the past has said she will need final maps by February 1, so October 1 to February 1 is the window for the court to make any changes to the maps.

This four month time period is unprecedented; historically redistricting suits have taken years not months. The only time redistricting plans themselves were seriously challenged in state court was 1981, and that was involved with a referendum. The Supreme Court has never had a specific time frame in which to consider redistricting challenges.

What would the Supreme Court do with a constitutional challenge to the Senate map? No one knows, probably not even the court. One possibility may be for the court to appoint a special master to advise it on the constitutional issues, which are likely to involve how cities, counties and regions were divided up.

The second legal issue is the referendum. Here we do have some idea what the court would do. The law says that a final map is subject to a referendum just like any statute. But Proposition 20 added a special provision not found elsewhere in referendum law. Upon submission (not qualification) of sufficient signatures to trigger a referendum, anyone may petition the court to provide relief on the grounds that "the referendum measure is likely to qualify and stay the timely implementation of the map."



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This is important language because it states the commission map is "stayed" (cannot be used for 2012) and requires the court to act immediately.

The court essentially has three alternatives. It could return to the precedent of 1971 when Gov. Reagan vetoed the legislature's redistrict plan. It could simply leave the current senate districts in place for 2012 as the court did in 1971. This alternative is thought unlikely because the current districts are now unconstitutional.

The court could apply its 1981 precedent and impose the commission plan as a temporary plan despite the referendum against it. In 1981, the court imposed the legislature's referred plan for the 1982 election. This is also thought unlikely because the court at that time said it was imposing the referred plan because it had no time to develop its own plan. That is not the case here where Proposition 20 has given the court sufficient time to draw its own plan.

So the third alternative, a court drawn plan, is the most likely alternative. The law specifies that the court should appoint a special master (probably a retired judge) if for some reason a district plan is unconstitutional, and also specifies that this alternative is available in the case of a referendum. The Supreme Court has already informally indicated that it would likely follow this process should a referendum succeed in staying the Senate map.

The next question then is what would the court imposed maps look like. Here again there are two alternatives. The court could simply direct its master to nest the already approved 80 Assembly districts into 40 Senate districts. This would be a quick and easy way to create a temporary Senate plan for the 2012 election.

The second would be to direct its master to draw a new Senate map from scratch. As the final date for a referendum to qualify is November 15, there are two and half months for this process, which is plenty of time.

So the next question is, what would that maps look like? Most likely the court would revert to its precedent of the 1991 court masters plan, explained in great detail in the now controlling Supreme Court case on this whole process, Wilson v. Eu. In September 1991, Gov. Wilson vetoed the legislature's redistricting plans. The Supreme Court took over the process and drew its own maps. Those maps and court reasoning are available; it is possible to extrapolate what a masters map for 2012 might look like given the 1991 model modified for population changes and Voting Rights Act considerations.

If you compare the 2011 commission Senate map with the 1991 masters map two things stand out. First, the Democrats are almost certainly guaranteed a two thirds majority in 2013 under the commission map. How that occurred is controversial, but the effect is pretty clear; Republicans face a near impossibility in keeping their numbers in the Senate above one third. This is not only my view; it is the consensus view of every unbiased expert who has looked at the Senate map.

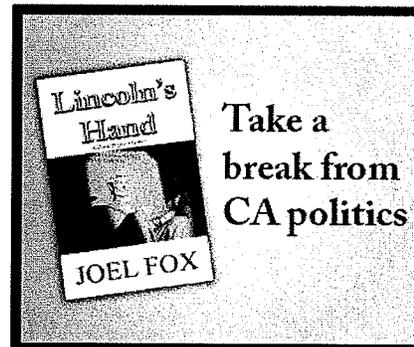
Second, a map drawn on the model of the 1991 masters map does not automatically deliver two thirds of the Senate to the Democrats. They may win two thirds under a court map – they did in 1974 with that era's court map. But it is not guaranteed. A 2012 masters map is likely to have more marginal and competitive districts than the commission map, as was the case with the masters map in the 1990s.



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So that is the process and those are the stakes that will play out over the next few months.

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TAB 7

TO: Citizens Redistricting Commission

FROM: Karin Mac Donald

DATE: July 21, 2011

RE: Deferral and Numbering System for Senate Districts – Implementation of Methodology and Results

Below is a brief description of the steps used to assess deferral, followed by the results and the analysis of the outcome of numbering for each of the three processes described in my memo from July 12, 2011, in which I explained the various options theoretically.

I. Assigning Districts to Odd/Even Pool

Step 1- The percentage of the total population for each Senate district visualization that is currently in an even or odd district was calculated.

Step 2- Current visualizations that had a majority (>50%) of the total population in an even district were assigned to the 'even pool'. Visualizations that had a majority of the total population in an odd district were assigned to the 'odd pool'.

Result: Because the population was more evenly distributed within the 'even pool,' this process created 21 even districts and 19 odd districts. To be able to designate the same number of odd and even districts, one district had to be shifted from the even to the odd pool. This adjustment was made by moving the even district with the next highest percentage of total population from an odd district (SF-48.5%) to the odd pool.

Table I

ODD		#	EVEN	
2011.07.19 Senate	% origin odd 2001 Senate #		2011.07.19 Senate	% origin odd 2001 Senate #
IRVTST	100.0%	1	LAPVB	44.3%
RIVMV	100.0%	2	CCHTM	41.2%
SBWVE	100.0%	3	SANOC	39.2%
SJOSE	100.0%	4	LAPRW	38.2%
WMONT	99.1%	5	WSTSA	37.9%
LAADV	96.6%	6	NORCO	32.8%
RAMON	92.2%	7	SAC	28.5%
RCHMD	91.8%	8	LASFE	25.4%
LASGF	90.3%	9	LACVN	19.8%
SBBAN	84.5%	10	YUBA	19.5%
EVENT	79.8%	11	FREOAK	19.5%
CHFUL	73.4%	12	ISAND	16.1%
CSAND	70.9%	13	FTHLL	14.3%
WINE	65.9%	14	LAVSQ	13.8%
LAWBC	61.0%	15	POMSB	11.7%
LALBS	59.0%	16	LAELA	11.4%
SNMAT	58.6%	17	NESAN	9.7%
SNJOA	57.5%	18	TULKE	3.1%
MITCAP	54.0%	19	MRCED	0.2%
SF	48.5%	20	KINGS	0.0%

II. Assigning individual numbers (Geographic Method)

Step 1- The odd districts were numbered from north to south starting at the Oregon border and continuing with the most northern point of each district until all odd numbers (1, 3, 5...) had been assigned.

Step 2- The even districts were numbered from north to south starting at the Oregon border and continuing with the most northern point of each district until all even numbers (2, 4, 6...) had been assigned.

Table II

MTCAP	1
NORCO	2
WINE	3
YUBA	4
SNJOA	5
SAC	6
RAMON	7
FTHLL	8
RCHMD	9
FREOAK	10

SF	11
MRCED	12
SNMAT	13
KINGS	14
SJOSE	15
TULKE	16
WMONT	17
LASFE	18
SBWVE	19
POMSB	20

LAHV	21
LACVN	22
SBBAN	23
LAELA	24
LASGF	25
LAPVB	26
EVENT	27
CCHTM	28
CHFUL	29
LAVSQ	30

RIVMV	31
LAPRW	32
LALBS	33
WSTSA	34
LAWBC	35
SANOC	36
IRVTST	37
NESAN	38
CSAND	39
ISAND	40

III. Assigning Individual numbers (Consistency/Overlap with current districts Method)

Step 1- The odd districts were assigned the number of the odd district with the biggest overlap.

Step 2 – the even districts were assigned the number of the even district with the biggest overlap.

Step 3- A check was performed to ensure no districts or numbers had been double counted.

- 19 has the biggest overlap with EVENT. However SBWVE has an even bigger overlap with 19 (523,727 vs. 360,647). Thus EVENT was assigned the number of its next biggest overlap (23)

19	SBWVE	523727	EVENT	360647
----	-------	--------	-------	--------

- CCHTM is an anomaly in that every number that CCHTM overlaps with is already assigned to another district, because the other district has a bigger overlap with it than CCHTM does.
- Thus CCHTM was assigned the only available, unassigned, even number (08) from the even pool.

31	SBBAN	458444	CCHTM	9074
36	NESAN	458448	CCHTM	302327
37	RIVMV	537741	CCHTM	374441
40	ISAND	744964	CCHTM	244230

- WINE is another anomaly in that every number that WINE overlaps with is already assigned to another district with a bigger overlap.
- Thus WINE was assigned the only available, unassigned, odd number (33) from the odd pool.

01	MTCAP	504829	WINE	2566
02	NORCO	581031	WINE	316402
03	NORCO	304650	WINE	124196
05	SNJOA	511705	WINE	405292
06	SAC	668996	WINE	70
07	RAMON	722671	WINE	79605

Table III

MTCAP	1
NORCO	2
SF	3
YUBA	4
SNJOA	5
SAC	6
RAMON	7
CCHTM	8
RCHMD	9
FREOAK	10

SNMAT	11
MRCED	12
SJOSE	13
FTHLL	14
WMONT	15
KINGS	16
LAADV	17
TULKE	18
SBWVE	19
LASFE	20

LASGF	21
LAELA	22
EVENT	23
LACVN	24
LAWBC	25
LAVSQ	26
LALBS	27
LAPVB	28
CHFUL	29
LAPRW	30

SBBAN	31
POMSB	32
WINE	33
WSTSA	34
IRVTST	35
NESAN	36
RIVMV	37
SANOC	38
CSAND	39
ISAND	40

IV. Assigning individual numbers (Hybrid Method)

Step 1- The odd districts were assigned the number of an existing odd district only if there was at least a 50% overlap. (note that in the Consistency method, a district only needed to have the largest share of overlap to be assigned the respective number). Using the Consistency method, in the example below, EVENT would be assigned the number 19 even though the overlap is less than 50%.

EVENT	17	75,701	6.89%
EVENT	19	360,647	39.56%
EVENT	20	188,335	21.24%
EVENT	21	19,909	2.33%
EVENT	23	288,423	32.08%

Step 2- The remaining odd districts that did not have at least a 50% overlap were numbered from north to south, using the district numbers that had not been assigned from the odd pool, starting at the Oregon border and continuing with the most northern point of each district until all remaining odd numbers had been assigned.

Step 3- The even districts were assigned the number of an existing even district only if there was at least a 50% overlap.

Step 4- The remaining even districts that did not have at least a 50% overlap were numbered from north to south, using the district numbers that had not been assigned from the even pool, starting at the Oregon border and continuing with the most northern point of each district until all remaining even numbers had been assigned.

Table IV

MTCAP	1
NORCO	2
WINE	3
YUBA	4
SNJOA	5
SAC	6
RAMON	7
LAELA	8
RCHMD	9
FREOAK	10

SF	11
MRCED	12
SNMAT	13
FTHLL	14
WMONT	15
KINGS	16
LAADV	17
TULKE	18
SBWVE	19
LASFE	20

LASGF	21
LAPVB	22
SJOSE	23
LACVN	24
LAWBC	25
LAVSQ	26
SBBAN	27
CCHTM	28
EVENT	29
LAPRW	30

CHFUL	31
POMSB	32
LALBS	33
WSTSA	34
IRVTST	35
NESAN	36
RIVMV	37
SANOC	38
CSAND	39
ISAND	40

V. Comparison

All three methods defer the same number of people. The continuity and hybrid methods result in district numbers that more closely relate to the current district numbers. However these methods also create anomalies such as a district in Napa being assigned 33 and a district in Riverside being assigned 8.

Table V

2011.07.19 Senate	Odd/Even	Continuity	Geographic	Hybrid
CCHTM	Even	8	28	28
CHFUL	Odd	29	29	31
CSAND	Odd	39	39	39
EVENT	Odd	23	27	29
FREOAK	Even	10	10	10
FTHLL	Even	14	8	14
IRVTST	Odd	35	37	35
ISAND	Even	40	40	40
KINGS	Even	16	14	16
LAADV	Odd	17	21	17
LACVN	Even	24	22	24
LAELA	Even	22	24	8
LALBS	Odd	27	33	33
LAPRW	Even	30	32	30
LAPVB	Even	28	26	22
LASFЕ	Even	20	18	20
LASGF	Odd	21	25	21
LAVSQ	Even	26	30	26
LAWBC	Odd	25	35	25
MRCED	Even	12	12	12

2011.07.19 Senate	Odd/Even	Continuity	Geographic	Hybrid
MTCAP	Odd	1	1	1
NESAN	Even	36	38	36
NORCO	Even	2	2	2
POMSB	Even	32	20	32
RAMON	Odd	7	7	7
RCHMD	Odd	9	9	9
RIVMV	Odd	37	31	37
SAC	Even	6	6	6
SANOC	Even	38	36	38
SBBAN	Odd	31	23	27
SBWVE	Odd	19	19	19
SF	Odd	3	11	11
SJOSE	Odd	13	15	23
SNJOA	Odd	5	5	5
SNMAT	Odd	11	13	13
TULKE	Even	18	16	18
WINE	Odd	33	3	3
WMONT	Odd	15	17	15
WSTSA	Even	34	34	34
YUBA	Even	4	4	4

TAB 8

TO: Citizens Redistricting Commission

FROM: Karin Mac Donald

DATE: July 28, 2011

RE: Deferral and Numbering System for Senate Districts – Implementation of Methodology and Results

Below is a brief description of the steps used to assess deferral, followed by the results and the analysis of the outcome of numbering for the process the CRC decided to follow.

I. Assigning Districts to Odd/Even Pool

Step 1- The percentage of the total population for each Senate district visualization that is currently in an even or odd district was calculated.

Step 2- The 20 districts with the highest percentage of deferred total population from an odd district were assigned to the 'odd pool.' The remaining districts were assigned to the 'even pool.'

Table 1:

2011.07.27 Senate final draft district #	2011.07.27 Senate final draft district	% origin odd 2001 Senate #	% origin even 2001 Senate #	2011.07.27 Senate final draft district #	2011.07.27 Senate final draft district	% origin odd 2001 Senate #	% origin even 2001 Senate #
37	IRVST	100.00%	0.00%	26	LAPVB	44.37%	55.63%
31	RIVMV	100.00%	0.00%	34	WSTSA	43.99%	56.01%
19	SBWVE	100.00%	0.00%	28	CCHTM	41.23%	58.77%
15	SJOSE	100.00%	0.00%	36	SANOC	39.17%	60.83%
17	WMONT	99.12%	0.88%	32	LAPRW	36.98%	63.02%
21	LAADV	96.57%	3.43%	02	NORCO	32.83%	67.17%
07	RAMON	92.17%	7.83%	06	SAC	28.55%	71.45%
09	RCHMD	91.77%	8.23%	18	LASFE	24.49%	75.51%
25	LASGF	91.61%	8.39%	22	LACVN	19.86%	80.14%
23	SBBAN	84.52%	15.48%	04	YUBA	19.52%	80.48%
27	EVENT	80.74%	19.26%	10	FREOAK	19.45%	80.55%
39	CSAND	75.25%	24.75%	40	ISAND	16.57%	83.43%
29	CHFUL	67.03%	32.97%	30	LAVSQ	14.91%	85.09%
03	WINE	65.90%	34.10%	08	FTHLL	14.38%	85.62%
33	LALBS	60.23%	39.77%	20	POMSB	11.68%	88.32%
13	SNMAT	58.60%	41.40%	24	LAELA	11.41%	88.59%
35	LAWBC	58.40%	41.60%	38	NESAN	4.14%	95.86%
05	SNJOA	57.29%	42.71%	16	TULKE	3.06%	96.94%
01	MTCAP	54.01%	45.99%	12	MRCED	0.16%	99.84%
11	SF	48.51%	51.49%	14	KINGS	0.00%	100.00%

II. Assigning individual numbers (Geographic Method)

Step 1- The odd districts were numbered from north to south starting at the Oregon border and continuing with the most northern point of each district until all odd numbers (1, 3, 5...) had been assigned.

Step 2- The even districts were numbered from north to south starting at the Oregon border and continuing with the most northern point of each district until all even numbers (2, 4, 6...) had been assigned.

Table II

MTCAP	01	SF	11	LAADV	21	RIVMV	31
NORCO	02	MRCED	12	LACVN	22	LAPRW	32
WINE	03	SNMAT	13	SBBAN	23	LALBS	33
YUBA	04	KINGS	14	LAELA	24	WSTSA	34
SNJOA	05	SJOSE	15	LASGF	25	LAWBC	35
SAC	06	TULKE	16	LAPVB	26	SANOC	36
RAMON	07	WMONT	17	EVENT	27	IRVTST	37
FTHLL	08	LASFE	18	CCHTM	28	NESAN	38
RCHMD	09	SBWVE	19	CHFUL	29	CSAND	39
FREOAK	10	POMSB	20	LAVSQ	30	ISAND	40

Numbering of Assembly, Congressional and Board of Equalization Districts

The numbering of the districts was started at the Oregon border, moving north to south, finding the northernmost point of each district. Along the Oregon border, in an effort to provide some consistency, numbering started in the east in all four plans because that is how the senate had to be numbered due to the deferral of population in odd districts.

Table III

AD	Number						
MTCAP	01	MRCED	21	LASGF	41	MTRMV	61
DMNDO	02	NSNMT	22	BBCOH	42	LAIHG	62
YUBA	03	FRSNO	23	LAGBP	43	LASGL	63
NAPA	04	SSNMT	24	EVENT	44	LAWBC	64
FTHLL	05	MLPTS	25	LAVSF	45	ANAFL	65
NSAC	06	TLRE	26	LASFW	46	LAPVB	66
WSAC	07	SANJO	27	RLTFO	47	MGOBN	67
ESAC	08	SILIV	28	LACVN	48	TUSTO	68
SACEG	09	WMONT	29	LAWSG	49	SNANA	69
MARIN	10	MONT	30	LAMWS	50	LALBS	70
ECC	11	FSEC2	31	LAELA	51	ISAND	71
STNSJ	12	KINGS	32	POMVL	52	WESTC	72
STKTN	13	MISBK	33	LADNT	53	STHOC	73
PTANT	14	BKRFD	34	LAWSC	54	CSTOC	74
WCC	15	SLOSB	35	DBRYL	55	MURTM	75
EALAM	16	LAADV	36	COACH	56	NCSAN	76
ESF	17	SBWVE	37	LAPRW	57	RCHMM	77
OKLND	18	LASCV	38	LADNN	58	CNSAN	78
WSFDC	19	LASFE	39	LAVSQ	59	LMSAND	79
HYWRD	20	SBCUC	40	RIVJU	60	SSAND	80

Table IV

CD	Number		
MTCAP	01	SGMFH	28
NOCST	02	SFVET	29
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BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE

**PRECLEARANCE SUBMISSION OF THE 2011 REDISTRICTING PLAN FOR THE
COUNTIES OF KINGS, MERCED, MONTEREY AND YUBA
BY THE STATE OF CALIFORNIA UNDER 42 U.S.C. § 1973c**

Expedited Consideration Requested

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INTRODUCTION

The State of California¹ submits its 2011 maps reflecting reapportioned boundaries for California's Assembly, Senate, Board of Equalization, and Congressional Districts (collectively, the "Maps") to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act.² Specifically, California seeks preclearance of Assembly Districts (AD) 3, 21, 29, 30, and 32; Senate Districts (SD) 4, 12, 14, and 17; Congressional Districts (CD) 3, 16, 20, and 21; and Board of Equalization Districts (BOE) 1 and 2. Kings, Merced, Monterey and Yuba Counties are covered jurisdictions under Section 5 of the Voting Rights Act of 1965,³ and each of these districts includes all or part of one of these counties.

The California Citizens Redistricting Commission ("Commission") drew each one of these districts to comply with Section 5 of the Voting Rights Act. As demonstrated herein, the Commission maintained or increased the Latino Voting Age Population in each district, so as not to dilute minority populations' ability to elect their preferred candidates of choice. Because the Commission complied with the requirements of Section 5 and drew the new districts without any discriminatory purpose, preclearance should be granted.

¹ This submission was prepared by counsel for the California Citizens Redistricting Commission and is being joined by the California Attorney General.

² The Maps became law under Article XXI of the California Constitution on August 15, 2011 when the California Citizen's Redistricting Commission delivered its final certified maps to the California Secretary of State. Cal. Const., art. XXI § 2(i).

³ Section 5 applies only to changes made in certain counties; specifically, those which imposed a test or device as a prerequisite to voting and in which fewer than half of the residents of voting age were registered to vote, or voted in the presidential elections of 1964, 1968, or 1972. See 42 U.S.C. § 1973b(b). Kings and Merced counties were designated covered jurisdictions subject to preclearance requirements on September 23, 1975. 40 Fed. Reg. 43746. Monterey and Yuba Counties were designated covered jurisdictions on March 27, 1971. 36 Fed. Reg. 5809. Yuba County was re-designated a covered jurisdiction on January 5, 1976. 41 Fed. Reg. 784. The State of California makes this submission on behalf of these covered counties pursuant to authority set forth in 28 C.F.R. § 51.23(a) (2001).

I.
LEGAL STANDARD

Section 5 of the Voting Rights Act requires covered jurisdictions to show that new boundary lines do not have the “purpose” or “effect” of “diminishing the ability of any citizens of the United States on account of race or color or [membership in a language minority] to elect their preferred candidates of choice” 42 U.S.C. § 1973c(b). Redistricting plans drawn with “any discriminatory purpose” are prohibited. 42 U.S.C. § 1973c(c). Further, under Section 5, redistricting plans have the “effect” of “denying or abridging the right to vote” if they “lead to a retrogression in the position of racial [or language] minorities with respect to their effective exercise of the electoral franchise.” *Beer v. United States*, 425 U.S. 130 (1976); *Georgia v. Ashcroft*, 539 U.S. 461, 477 (2003) (prohibiting changes to voting procedures “that would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise”); *Riley v. Kennedy*, 553 U.S. 406, 412 (2008) (quoting *Beer*). “In other words, . . . covered jurisdictions may not ‘leave minority voters with less chance to be effective in electing preferred candidates than they were’ under the prior districting plan.” *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 478 (2006) (citing *Georgia v. Ashcroft*, 539 U.S. at 494).

Newly drawn districts that improve the voting rights and voting power of minority groups satisfy Section 5. As the Supreme Court explained in *Beer v. United States*, a “reapportionment that enhances the position of racial minorities with respect to their effective exercise of the electoral franchise can hardly have the ‘effect’ of diluting or abridging the right to vote on account of race within the meaning of [Section] 5.” 425 U.S. 130, 141 (1976). Plainly stated, “a

plan that is not retrogressive should be precleared under § 5.” *Georgia v. Ashcroft*, 539 U.S. 461, 477 (2003).

California’s 2011 redistricting plans do not violate Section 5 because no newly drawn district was drawn with a discriminatory purpose, nor does any newly drawn district in a covered jurisdiction diminish the ability of any minority group to elect their candidate of choice. In fact, each district maintains or improves the position of racial minorities. As such, preclearance should be granted because the redistricting plans do not lead to the retrogression of any racial or language minorities’ ability to effectively exercise their right to vote. *Beer*, 425 U.S. at 141.

II.
EXPLANATION OF DISTRICT CHANGES
28 C.F.R. §§ 51.27(a)-(c), (m), (n), and 51.28(a) and (b)

The voting power of minorities⁴ in each of California’s covered counties is preserved or improved in the 2011 redistricting plan. A copy of the certified maps of the California State

⁴ Because the Latino population is the largest minority population in California and the population with the strongest voting power, this submission focuses primarily on changes to the Latino population’s voting power. Latinos are the only minority group of sufficient size to determine or influence election outcomes in any of California’s covered counties. According to the 2010 U.S. Census, Latinos comprise 50.90% of Kings County (77,866 of 152,982), 54.92% of Merced County (140,485 of 255,793), 55.41% of Monterey County (230,003 of 415,057), and 25.02% of Yuba County (18,051 of 72,155).

The African American and Asian populations are the second and third largest minority populations in California. *See, generally*, county stats w 10 data.xls [App. K]. In each of the covered counties, these populations account for less than 10% of the total population of these counties:

- YUBA COUNTY: AFRICAN AMERICAN POPULATION IS 3.65% (2,634 OF 72,155) AND ASIAN POPULATION IS 7.38% (5,326 OF 72,155).
- KINGS COUNTY: AFRICAN AMERICAN POPULATION IS 7.23% (11,061 OF 152,982) AND ASIAN POPULATION IS 4.23% (6,471 OF 152,982).
- MERCED COUNTY: AFRICAN AMERICAN POPULATION IS 3.78% (9,669 OF 255,793) AND ASIAN POPULATION IS 7.57% (19,353 OF 255,793).
- MONTEREY COUNTY: AFRICAN AMERICAN POPULATION IS 3.02% (12,554 OF 415,057) AND ASIAN POPULATION IS 6.64% (27,556 OF 415,057).

See county stats w 10 data.xls [App. K].

Assembly Districts, State Senate Districts, Congressional Districts, and Board of Equalization Districts, which set forth the new boundaries of each affected district, are provided in Appendices C - F. Prior maps of the affected districts are provided in Appendices G - J. Detailed demographic statistics for each affected district under both the 2001 and newly-drawn district lines are set forth in Appendices K and L.⁵

A. State Assembly Districts 3, 21, 29, 30, and 32

1. Summary of Assembly Districts

The new Assembly Districts in Yuba, Kings, Merced, and Monterey Counties maintain or increase the voting power of Latinos. No county will experience any decrease in the Latino Voting Age Population (VAP). Consequently, the new Assembly Districts do not diminish the ability of the minority groups to elect candidates of their choice and are not retrogressive. *See Beer*, 425 U.S. at 141.

Assembly District 30 (formerly Assembly District 28) is currently held by Latino incumbent Luis Alejo. Under the new lines, this district will experience an increase in Latino VAP. Therefore, AD 30 will continue to be one in which Latinos are able to heavily influence or determine the election outcomes, and a cohesive Latino population could elect the candidate of their choice.

The new boundaries of Assembly District 21 (formerly Assembly District 17) and Assembly District 32 also increase Latino VAP in those districts. Under the new lines, Latinos are nearly one-half of the voting age population in AD 21 (48.47%), and more than one-half in AD

⁵ Demographic data is provided pursuant to 28 C.F.R. § 51.28(a)(4)-(5). The data was generated by the Maptitude for Redistricting program using 2010 census data and voter registration from the California Statewide Database.

32 (63.64%). These increases in VAP result in a greater opportunity for a cohesive Latino electorate to influence elections in these districts.

Under the new lines in the remaining Assembly Districts that include Section 5 counties – Assembly District 3 (Yuba) and Assembly District 29 (coastal Monterey, formerly Assembly District 27) – the Latino population, Latino VAP, and registration numbers increase. The demographics and population trends in these areas suggest the population has not increased to the level that Latino voters will influence election outcomes. Even with increases in the VAP, the population's voting influence remains under 20%.

Overall, the new lines not only preserve but increase the voting power of Latinos in the covered jurisdictions. As is discussed below, they do so in a manner and by a process that was open, fair, and guided by traditional districting criteria and governing legal standards.⁶ The adoption of these new districts does not have the purpose, nor will it have the effect of diminishing the ability of Latinos to elect candidates of their choice and is not retrogressive.

Below, we briefly review the most pertinent statistics and provide a description of the composition of each district that contains a covered county.

⁶ Several community organizations and groups submitted proposed statewide maps and/or regional maps concerning districts in the Section 5 counties. Their maps are included in Appendix Q, submitted herewith. The Commission took into account all of the various submissions in drawing the final lines.

2. Yuba County – Assembly District 3

	2001 ⁷	2011	Difference
Total Latino Population	14.09% ⁸	22.20% ⁹	+8.11%
Latino VAP	11.72% ¹⁰	18.30% ¹¹	+6.58%
Latino Registration	6.26% ¹²	9.96% ¹³	+3.70%

Assembly District 3 consists of the whole counties of Tehama, Glenn, Yuba, and Sutter, as well as northern Colusa and western Butte Counties. This district is characterized by inland agricultural crops, such as rice and almonds, and includes a large Sikh community, as well as Hmong farming communities. Colusa and Butte counties were split to achieve population equality and to group similar agricultural interests. The Yuba City-Marysville area, which sits on the Yuba-Sutter border, is kept whole.

The new boundaries for AD 3 resulted in increases in the Latino VAP. The adoption of AD 3 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

⁷ Data in this column is based on 2010 population within the districts established in 2001.

⁸ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁹ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, "Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation." [App. B].

¹⁰ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹¹ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, "Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation." [App. B].

¹² Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹³ Source: 2011_district_g10reg_latinosurname.xls [App. K].

3. Merced County – Assembly District 21

	2001 (17th Dist.) ¹⁴	2011	Difference
Total Latino Population	51.95% ¹⁵	54.25% ¹⁶	+2.30%
Latino VAP	47.03% ¹⁷	48.47% ¹⁸	+1.44%
Latino Registration	33.72% ¹⁹	33.92% ²⁰	+0.20%

Assembly District 21 (formerly Assembly District 17) includes all of Merced County and the western portion of Stanislaus County, west of Highway 99. Cities included within Stanislaus County are Patterson and Ceres, which include similar farmworker communities, and part of Modesto, which was divided to meet the requirements for Merced County under Section 5.

The new boundaries for AD 21 resulted in increases in the Latino VAP. The adoption of AD 21 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

¹⁴ Data in this column is based on 2010 population within the districts established in 2001.

¹⁵ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹⁶ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].

¹⁷ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹⁸ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, “Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation.” [App. B].

¹⁹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

²⁰ Source: 2011_district_g10reg_latinosurname.xls [App. K].

4. Monterey County – Assembly District 29

	2001 (Dist. 27) ²¹	2011	Difference
Total Latino Population	23.53% ²²	23.48% ²³	-0.5%
Latino VAP	19.86% ²⁴	19.88% ²⁵	+0.02%
Latino Registration	10.86% ²⁶	11.26% ²⁷	+0.40%

Assembly District 29 (formerly Assembly District 27) is one of two districts including Monterey County. AD 29 contains major portions of Monterey and Santa Cruz Counties. Cities included in the district are Santa Cruz, Seaside, Monterey, Marina, Pacific Grove, Scotts Valley, Capitola, and Carmel-by-the-Sea. A small portion of San Jose was also included in the district to achieve population equality. The district contains a range of smaller cities and unincorporated areas, as well as several state and county parks. The Monterey Bay coastline (part of the Monterey Bay National Marine Sanctuary) is fully contained within the district.

The new boundaries for AD 29 resulted in increases in the Latino VAP. The adoption of AD 29 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

²¹ Data in this column is based on 2010 population within the districts established in 2001.

²² Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

²³ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].

²⁴ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

²⁵ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, “Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation.” [App. B].

²⁶ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

²⁷ Source: 2011_district_g10reg_latinosurname.xls [App. K].

5. Monterey County – Assembly District 30

	2001 (Dist. 28) ²⁸	2011	Difference
Total Latino Population	65.77% ²⁹	66.30% ³⁰	+0.3%
Latino VAP	60.93% ³¹	61.20% ³²	+0.27%
Latino Registration	44.93% ³³	43.43% ³⁴	-1.5%

Assembly District 30 (formerly Assembly District 28) is the second district that includes Monterey County. AD 30 contains San Benito County, as well as portions of Monterey, Santa Clara, and Santa Cruz Counties. Cities included in the district are Salinas, Watsonville, Gilroy, Morgan Hill, Hollister, Soledad, Greenfield, King City, Gonzales, and San Juan Bautista. The district contains several smaller cities that share common social and economic interests, including core agricultural interests.

The new boundaries for AD 30 resulted in increases in the Latino voting age population. The adoption of AD 30 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

²⁸ Data in this column is based on 2010 population within the districts established in 2001.

²⁹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

³⁰ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].
Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

³² Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, “Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation.” [App. B].

³³ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

³⁴ Source: 2011_district_g10reg_latinosurname.xls [App. K].

6. Kings County – Assembly District 32

	2001 (30th Dist.) ³⁵	2011	Difference
Total Latino Population	68.79% ³⁶	68.89% ³⁷	+0.10%
Latino VAP	63.39% ³⁸	63.64% ³⁹	+0.25%
Latino Registration	48.15% ⁴⁰	49.66% ⁴¹	+1.51%

Assembly District 32 (formerly Assembly District 30) includes all of Kings County and a portion of Kern County. The district’s boundaries are similar to those of the prior benchmark district, but a slight change was made to the portion of Kern County around the City of Bakersfield by circling a portion of Bakersfield to the south and west to reach the city of Arvin. The City of Bakersfield was split to comply with Section 5. The Kern County communities included in AD 32 are those in the western portion of the county along the I-5 corridor (Lost Hills and Buttonwillow), northern Kern County along the Highway 99 corridor (Shafter and McFarland), and south of Bakersfield, including Arvin, Weedpatch, and Lamont. All of these areas have common agricultural interests.

The new boundaries for AD 32 resulted in increases in the Latino voting age population.

³⁵ Data in this column is based on 2010 population within the districts established in 2001.

³⁶ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

³⁷ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].

³⁸ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

³⁹ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, “Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation.” [App. B].

⁴⁰ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁴¹ Source: 2011_district_g10reg_latinosurname.xls [App. K].

The adoption of AD 32 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

B. State Senate Districts 4, 12, 14, and 17

1. Summary of State Senate Districts

As with the new Assembly Districts, the new State Senate Districts in Yuba, Kings, Merced, and Monterey Counties maintain or increase the voting power of Latinos. No county will experience any decrease in the Latino VAP.

Senate District 14 (formerly Senate District 16) is currently held by Latino incumbent Michael J. Rubio. Under the new lines, this district will experience an increase in Latino VAP. Therefore, the district will continue to be one in which Latinos are able to heavily influence or determine the election outcomes, and in which it is clear that under the new lines a cohesive Latino population could elect the candidate of their choice.

The new boundaries of Senate District 12, which includes Merced and Monterey Counties, also increase Latino VAP in that district. Under the new lines, Latinos comprise more than half of the voting age population in the district (59.14%), resulting in a greater opportunity for a cohesive Latino electorate to influence elections.

Senate District 4 in Yuba County and Senate District 17 in Monterey County do not have Latino populations sufficient in size to substantially influence election outcomes. Under the new lines, the Latino populations, VAP, and registration numbers increase. The demographics and population trends in these areas suggest the population has not increased to the level that Latino voters will influence election outcomes. Even with increases in the SD's VAP, the population's voting influence remains under 30%.

Overall, the new lines not only preserve but increase the voting power of Latinos in the covered jurisdictions. As is discussed below, they do so in a manner and by a process that was open, fair, and guided by traditional districting criteria and governing legal standards. The adoption of these new districts does not have the purpose, nor will it have the effect of diminishing the ability of Latinos to elect candidates of their choice and is not retrogressive.

Below, we briefly review the most pertinent statistics and provide a description of the composition of each district that contains a covered county.

2. Yuba County – Senate District 4

	2001 ⁴²	2011	Difference
Total Latino Population	16.37% ⁴³	19.73% ⁴⁴	+3.36%
Latino VAP	13.41% ⁴⁵	16.37% ⁴⁶	+2.96%
Latino Registration	7.31% ⁴⁷	9.31% ⁴⁸	+2.0%

The new boundaries of Senate District 4 resulted from nesting Assembly Districts 3 and 8. SD 4 includes Tehama, Butte, Glenn, Colusa, Yuba, and Sutter. Counties in their entireties, as

⁴² Data in this column is based on 2010 population within the districts established in 2001.

⁴³ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁴⁴ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation [App. B].

⁴⁵ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁴⁶ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, “Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation.” [App. B].

⁴⁷ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁴⁸ Source: 2011_district_g10reg_latinosurname.xls [App. K].

well as a portion of northeast Sacramento County, including Roseville, which was added to achieve population equality. The blending of AD 3 and AD 8 allows the mostly agricultural and northern Central Valley communities to be reunited in a district without crossing into the mountains to the east. The newly drawn SD 4 also reflects interests in a Central Valley district that are primarily agricultural and rural.

The new boundaries for SD 4 resulted in increases in the Latino voting age population. The adoption of SD 4 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

3. Merced and Monterey Counties – Senate District 12

	2001 (Dist. 12) ⁴⁹	2011	Difference
Total Latino Population	59.14% ⁵⁰	64.48% ⁵¹	+5.34%
Latino VAP	53.48% ⁵²	59.14% ⁵³	+5.66%
Latino Registration	37.80% ⁵⁴	42.73% ⁵⁵	+4.93%

⁴⁹ Data in this column is based on 2010 population within the districts established in 2001.

⁵⁰ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁵¹ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].

⁵² Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁵³ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, “Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation.” [App. B].

⁵⁴ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁵⁵ Source: 2011_district_g10reg_latinosurname.xls [App. K].

The new boundaries of Senate District 12 resulted from nesting Assembly Districts 21 and 30. Senate District 12 contains Merced and San Benito Counties in their entireties, as well as parts of Fresno, Madera, Monterey, and Stanislaus Counties, including a portion of the city of Modesto, which was added to comply with Section 5. Although this district crosses a coastal mountain range between the San Joaquin Valley and the west, this district is able to maintain a predominantly agricultural base on both sides of the mountains, thus linking the two areas together in a common interest. In addition, many of the cities in this district run along the main transportation routes of I-5 and Highway 99.

The new boundaries for SD 12 resulted in increases in the Latino voting age population. The adoption of SD 12 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

4. Kings County – Senate District 14

	2001 (16th Dist.) ⁵⁶	2011	Difference
Total Latino Population	70.88% ⁵⁷	71.16% ⁵⁸	+0.28%
Latino VAP	66.19% ⁵⁹	66.27% ⁶⁰	+0.08%
Latino Registration	51.51% ⁶¹	50.63% ⁶²	-0.88%

⁵⁶ Data in this column is based on 2010 population within the districts established in 2001.

⁵⁷ Source: "vra mm stats 01 districts w 10 data.xls [App. L]."

⁵⁸ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, "Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation." [App. B].

⁵⁹ Source: "vra mm stats 01 districts w 10 data.xls [App. L]."

⁶⁰ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, "Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation." [App. B].

The new boundaries of Senate District 14 (formerly Senate District 16) resulted from nesting Assembly Districts 31 and 32. SD 14 contains all of Kings County, as well as parts of Fresno, Kern, and Tulare Counties. SD 14 contains the cities of Porterville, Hanford, Delano, Wasco, Corcoran, Lemoore, Sanger, Reedley, Selma, and Dinuba, all of which are located along the I-5 and Highway 99 transportation corridor. In addition, portions of the cities of Bakersfield and Fresno are included in order to satisfy Section 5.

The new boundaries for SD 14 resulted in increases in the Latino voting age population. The adoption of SD 14 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

5. Monterey County – Senate District 17

	2001 (Dist. 15) ⁶³	2011	Difference
Total Latino Population	30.85% ⁶⁴	30.95% ⁶⁵	+0.01%
Latino VAP	26.22% ⁶⁶	26.28% ⁶⁷	+0.06%
Latino Registration	13.79% ⁶⁸	14.69% ⁶⁹	+0.9%

⁶¹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁶² Source: 2011_district_g10reg_latinosurname.xls [App. K].

⁶³ Data in this column is based on 2010 population within the districts established in 2001.

⁶⁴ Source: "vra mm stats 01 districts w 10 data.xls [App. L].

⁶⁵ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, "Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation." [App. B].

⁶⁶ Source: "vra mm stats 01 districts w 10 data.xls [App. L].

⁶⁷ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, "Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation." [App. B].

⁶⁸ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

Senate District 17 (formerly Senate District 15) is the second of two districts containing portions of Monterey County. SD 17 contains Santa Cruz and San Luis Obispo Counties in their entirety, as well as portions of Monterey and Santa Clara Counties. The cities in SD 17 include Santa Cruz, Watsonville, Gilroy, San Luis Obispo, Morgan Hill, Seaside, Paso Robles, Atascadero, Monterey, and several other smaller cities. A small portion of San Jose was also included to achieve population equality. The district links the western portion of Monterey County with areas to the south in a primarily coastal district. Strongly shared interests within the district include regional agricultural economies, coastal and open space preservation, and environmental protection. The Monterey Bay coastline is fully contained within the district. Additionally, the southern portion of the district includes a major portion of the Monterey Bay National Marine Sanctuary, which extends to Cambria in San Luis Obispo County.

The new boundaries for SD 17 resulted in increases in the Latino voting age population. The adoption of SD 17 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

C. Congressional Districts 3, 16, 20, and 21

1. Summary of Congressional Districts

Under the Commission's redistricting plan, the Congressional Districts in Yuba, Kings, Merced, and Monterey Counties maintain or increase the voting power of Latinos. No county will experience any decrease in the Latino VAP.

⁶⁹ Source: 2011_district_g10reg_latinosurname.xls [App. K].

The new boundaries of Congressional District 16 (formerly Congressional District 18) increase Latino VAP from 47% to almost 53%. Therefore, Latinos will be able to heavily influence or determine election outcomes in this district.

The new boundaries of Congressional District 21 (formerly Congressional District 20) also increase Latino VAP in that district. Under the new lines, Latinos now comprise almost two-thirds of the voting age population in the district (65.85%), resulting in an even greater opportunity for a cohesive Latino electorate to influence elections than under the previous boundaries.

Under the new lines, the Latino population, Latino VAP, and Latino registration numbers also increase in the remaining Congressional Districts that include Section 5 counties: Congressional District 20 (Monterey coastline) and District 3 (Yuba County).

Overall, the new lines not only preserve but increase the voting power of Latinos in the covered jurisdictions. As is discussed below, they do so in a manner and by a process that was open, fair, and guided by traditional districting criteria and governing legal standards. The adoption of these new districts does not have the purpose, nor will it have the effect of diminishing the ability of Latinos to elect candidates of their choice and is not retrogressive.

Below, we briefly review the most pertinent statistics and provide a description of the composition of each district that contains a covered county.

2. Yuba County – Congressional District 3

	2001 (Dist. 2) ⁷⁰	2011	Difference
Total Latino Population	18.96% ⁷¹	27.78% ⁷²	+8.82%
Latino VAP	15.48% ⁷³	23.61% ⁷⁴	+8.13%
Latino Registration	8.36% ⁷⁵	14.59% ⁷⁶	+6.23%

Congressional District 3 (formerly Congressional District 2) includes Sutter, Yuba, and Colusa Counties in their entireties, as well as large portions of Yolo, Solano, and Lake Counties. CD 3’s primary economic community of interest is agriculture. Economically, it is also united by development along the I-80 corridor to the southwest and the transportation corridor along I-5 to the north. Significant communities of interest concerning the provision of public services exist between a number of cities within the district.

The new boundaries for CD 3 resulted in increases in the Latino voting age population. The adoption of CD 3 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

⁷⁰ Data in this column is based on 2010 population within the districts established in 2001.

⁷¹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁷² Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].

⁷³ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁷⁴ Source: 2011_district_g10reg_latinosurname.xls [App. K].

⁷⁵ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁷⁶ Source: 2011_district_g10reg_latinosurname.xls [App. K].

3. Merced County – Congressional District 16

	2001 (18th Dist.) ⁷⁷	2011	Difference
Total Latino Population	52.66% ⁷⁸	58.10% ⁷⁹	+5.44%
Latino VAP	47.23% ⁸⁰	52.85% ⁸¹	+5.62%
Latino Registration	33.86% ⁸²	38.41% ⁸³	+4.55%

Congressional District 16 (formerly Congressional District 18) includes Merced County and portions of Madera and Fresno Counties. The western valley portion of Madera County is included in this district, as well as many of the Highway 99 communities from Merced County into the city of Fresno, such as Livingston, Atwater, Chowchilla, and the city of Madera. Communities in this district share the common links of agriculture, water, and air issues, along with serving as the main transportation routes connecting northern and southern California. The city of Fresno was split to achieve population equality and in consideration of Section 5.

The new boundaries for CD 16 resulted in increases in the Latino voting age population. The adoption of CD 16 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

⁷⁷ Data in this column is based on 2010 population within the districts established in 2001.

⁷⁸ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁷⁹ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, "Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation." [App. B].

⁸⁰ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁸¹ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, "Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation." [App. B].

⁸² Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁸³ Source: 2011_district_g10reg_latinosurname.xls [App. K].

4. Monterey County – Congressional District 20

	2001 (17th Dist.) ⁸⁴	2011	Difference
Total Latino Population	50.43% ⁸⁵	50.65% ⁸⁶	+0.22%
Latino VAP	44.16% ⁸⁷	44.38% ⁸⁸	+0.22%
Latino Registration	27.52% ⁸⁹	27.53% ⁹⁰	+0.01%

Congressional District 20 (formerly Congressional District 17) contains Monterey County and San Benito County, as well as portions of Santa Cruz and Santa Clara Counties. The cities in CD 20 include Salinas, Santa Cruz, Watsonville, Hollister, Seaside, Monterey, Soledad, and several smaller cities. A small portion of the city of Gilroy was also included to achieve population equality and fulfill the requirements of Section 5. The city of Santa Cruz is maintained whole, except for an unpopulated area that is contained in CD 18. The district is marked by several shared interests, including reliance on agriculture-based economies, interests in open space and coastal preservation, and regional environmental concerns. The Monterey Bay coastline (including part of the Monterey Bay National Marine Sanctuary) is fully contained in CD 20.

⁸⁴ Data in this column is based on 2010 population within the districts established in 2001.

⁸⁵ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁸⁶ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].

⁸⁷ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁸⁸ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 3, “Total Voting Age Population – U.S. Census Bureau 2010 PL94, Table 4. DOJ Tabulation.” [App. B].

⁸⁹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁹⁰ Source: 2011_district_g10reg_latinosurname.xls [App. K].

The new boundaries for CD 20 resulted in increases in the Latino voting age population. The adoption of CD 20 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

5. Kings County – Congressional District 21

	2001 (20th Dist.) ⁹¹	2011	Difference
Total Latino Population	70.36% ⁹²	70.96% ⁹³	+0.60%
Latino VAP	65.72% ⁹⁴	65.85% ⁹⁵	+0.13%
Latino Registration	51.90% ⁹⁶	50.68% ⁹⁷	-1.22%

Congressional District 21 (formerly Congressional District 20) includes all of Kings County and portions of Kern, Tulare, and Fresno Counties. The city of Bakersfield is split to achieve population equality and to meet Section 5 requirements. Cities along I-5 from Fresno County through Kern County are maintained along with many communities east of Highway 99. Communities in CD 21 share the common links of agriculture, water and air issues, along with containing a large portion of the main transportation routes connecting northern and southern California.

⁹¹ Data in this column is based on 2010 population within the districts established in 2001.

⁹² Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁹³ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, Table 2, “Total Population – U.S. Census Bureau 2010 PL94, Table 2. DOJ Tabulation.” [App. B].

⁹⁴ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁹⁵ Source: 2011_district_g10reg_latinosurname.xls [App. K].

⁹⁶ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

⁹⁷ Source: Q2 document, 20110727_q2_congressional_final_draft_stats_final.xls. [App. K].

The new boundaries for CD 21 resulted in increases in the Latino voting age population. The adoption of CD 21 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

D. Board of Equalization Districts 1 and 2

1. Summary of Board of Equalization Districts

Under the Commission’s redistricting plan, the Board of Equalization Districts that contain Yuba, Kings, Merced, and Monterey Counties maintain or increase the minority voting power.

Set forth below are the statistics most pertinent to Section 5 preclearance:

2. Kings, Merced, and Yuba Counties – District 1

	2001 ⁹⁸ (District 2)	2011	Difference
Total Latino Population	39.22% ⁹⁹	39.16% ¹⁰⁰	-0.06%
Latino VAP	34.34% ¹⁰¹	34.37% ¹⁰²	+0.03%
Latino Registration	21.70% ¹⁰³	21.82% ¹⁰⁴	+0.12%

⁹⁸ Data in this column is based on 2010 population within the districts established in 2001.

⁹⁹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹⁰⁰ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, “Board of Equalization Districts” [App. B].

¹⁰¹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹⁰² Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, “Board of Equalization Districts” [App. B].

¹⁰³ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹⁰⁴ Source: 2011_district_g10reg_latinosurname.xls [App. K].

Board of Equalization District 1 (formerly BOE District 2) is based on nesting SD 1, SD 4, SD 5, SD 6, SD 8, SD 12, SD 14, SD 16, SD 18, and SD 21 and consists of 28 whole inland counties from the Oregon border south, including Yuba, Merced, and Kings Counties. It also includes portions of Los Angeles County, including the Antelope, Santa Clarita, and East San Fernando Valleys, and most of San Bernardino County, including Victor and Pomona Valleys, Big Bear Mountain, and other sparsely populated areas that are included to achieve population equality.

The new boundaries for BOE District 1 resulted in increases in the Latino voting age population. BOE District 1 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice and is not retrogressive.

3. Monterey County – District 2

	2001 (District 1)	2011	Difference
Total Latino Population	26.05% ¹⁰⁵	26.16% ¹⁰⁶	+0.11%
Latino VAP	22.60% ¹⁰⁷	22.68% ¹⁰⁸	+0.08%
Latino Registration	13.69% ¹⁰⁹	13.69% ¹¹⁰	+/- 0.0%

¹⁰⁵ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹⁰⁶ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, “Board of Equalization Districts” [App. B].

¹⁰⁷ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹⁰⁸ Source: CITIZENS REDISTRICTING COMMISSION FINAL REPORT ON 2011 REDISTRICTING (Aug. 15, 2011), Appendix 3, “Board of Equalization Districts” [App. B].

¹⁰⁹ Source: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls [App. L].

¹¹⁰ Source: 2011_district_g10reg_latinosurname.xls [App. K].

Board of Equalization District 2 (formerly BOE District 1) is based on nesting SD 2, SD 3, SD 7, SD 9, SD 10, SD 11, SD 13, SD 15, SD 17, and SD 19, and is a coastal district composed of 23 whole counties from Del Norte to Santa Barbara, including Monterey County.

The new boundaries for BOE District 2 resulted in increases in the Latino voting age population. BOE District 2 does not have the purpose, or the effect, of diminishing the ability of any racial or language minority to elect candidates of their choice.

III.
USE OF ESTIMATES
28 C.F.R. § 51.26(b)

Estimates for voter registration data were obtained from the Statewide Database, the redistricting database for the State of California, which is housed at Berkeley Law at the University of California, Berkeley.¹¹¹ The Statewide Database was established in 1993 when the California Legislature voted to permanently locate it in a nonpartisan environment.¹¹²

The redistricting database includes data on Latino registration and Asian registration that are compiled by surname matching California's voter registration data.¹¹³ The Spanish-surname dictionary is published by the United States Census Bureau.¹¹⁴ The Asian-surname dictionary is

¹¹¹ See Information about the Statewide Database, available at <http://swdb.berkeley.edu/about.html> (last visited Aug. 18, 2011).

¹¹² See *id.* The California Legislature selected the Institute of Governmental Studies for various reasons. "One reason is that Professor Bruce Cain, Director of the Institute and an expert on redistricting in California, was willing to handle the project as Principal Investigator. Secondly, the Institute's library is well known for its extensive collection of research materials on California policy and politics, and additionally is a repository for old redistricting maps and resources. Thirdly, the location at the University of California assures open access to the public, and places the database in an environment that welcomes academic input, which in turn is a benefit to the project." *Id.*

¹¹³ See Kenneth F. McCue, Creating California's Official Redistricting Database (August 2011), available at <http://swdb.berkeley.edu/d10/Creating%20CA%20Official%20Redistricting%20Database.pdf> (last visited Sept. 14, 2011).

¹¹⁴ See Passel-Word (PW) Spanish surname list (documented at <http://www.census.gov/population/www/documentation/twps0004.html>).

the product of research conducted and published by Diane S. Lauderdale, a researcher at the Department of Health Studies at the University of Chicago, and Bert Kestenbaum, a researcher with the United States Social Security Administration.¹¹⁵ The Asian-surname list is based upon Social Security Administration records that include country of birth, and was verified using an independent file of census records.¹¹⁶ Unlike Southern states, where voter registrants self-identify by race, California voter registration does not include racial or ethnic identification. The redistricting database also contains block-level registration data that were created by geo-coding California's individual level registration file to Census blocks.¹¹⁷

IV.
RESPONSIBILITY FOR REDISTRICTING
28 C.F.R. § 51.27(g)-(l)

In November 2008, California voters approved Proposition 11 and enacted the Voters First Act (the "Act") to shift the responsibility for drawing Assembly, Senate, and Board of Equalization districts to an independent Commission. In November 2010, the voters approved Proposition 20 and amended the Act to include Congressional redistricting within the Commission's mandates. The Act amended article XXI of the California Constitution to set out the Commission's duties and the criteria it is required to use in drawing electoral districts.

¹¹⁵ See Diane S. Lauderdale & Bert Kestenbaum, "Asian American ethnic identification by surname," 19 Population Research and Policy Review 283 (2000).

¹¹⁶ *Id.*

¹¹⁷ See, generally, Kenneth F. McCue, Creating California's Official Redistricting Database (*available at* <http://swdb.berkeley.edu/d10/Creating%20CA%20Official%20Redistricting%20Database.pdf>). Dr. McCue is a research scientist at the California Institute of Technology and President of PacTech Data and Research. He holds a Ph.D from the California Institute of Technology, a Master's degree in Mathematics with an emphasis in Statistics from the University of Kansas, and has published articles in statistical journals on aggregate voting analysis. See, e.g., Kenneth F. McCue, The Statistical Foundations of the EI Method, 55 (2) THE AMERICAN STATISTICIAN 106 (2001).

Article XXI, section 1, provides that in the year following the year in which the national Census is taken, the Commission “shall adjust the boundary lines of the congressional, State Senatorial, Assembly and Board of Equalization districts (also known as ‘redistricting’) in conformance with the standards and process set forth in Section 2.” Cal. Const., art. XXI, § 1.¹¹⁸

Section 2 of Article XXI, in turn, provides that the Commission shall “(1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.” Cal. Const., art. XXI, § 2(b).

Section 2 of Article XXI also establishes six specific criteria that the Commission must consider in drawing the new district maps. Specifically, subdivision (d) provides as follows:

The commission shall establish single-member districts for the Senate, Assembly, Congress, and State Board of Equalization pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution.

Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act

(3) Districts shall be geographically contiguous.

¹¹⁸ A copy of relevant portions of the California Constitution is provided in Appendix A to this Submission.

(4) The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts.

Cal. Const., art. XXI, § 2(d).

Article XXI further states that the "place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the

purpose of favoring or discriminating against an incumbent, political candidate, or political party.” Cal. Const., art. XXI, § 2(e).

Finally, Article XXI provides that “[d]istricts for the Congress, Senate, Assembly, and State Board of Equalization shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.” Cal. Const., art. XXI, § 2(f).

The Act amended article XXI section 2(b) of the California Constitution to provide that the Commission “conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines.” In addition, the Act required the Commission to “establish and implement an open hearing process for public input and deliberation” and to conduct an “outreach program to solicit broad public participation in the redistricting public review process.” Cal. Gov. Code § 8253(a)(7).

To fulfill these requirements, the Commission did the following:

- The Commission solicited testimony through significant public outreach that included mainstream and ethnic media, the Commission’s website, social media, and through organizations such as the California Chamber of Commerce, Common Cause, the League of Women Voters, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected and Appointed Officials, the Asian Pacific American Legal Center, California Forward, the Greenlining Institute and the National Association for the Advancement of Colored People. The Commission also distributed its educational materials in English and six other languages (Spanish, Chinese, Japanese, Korean, Tagalog, and Vietnamese), and accepted testimony in any form or language in which the information was submitted. This included information over the telephone, by e-mail, fax, petitions, hand-drawn maps, and in-person public testimony.
- During the course of the redistricting process, which began after the full Commission was sworn in during the month of January 2011, the Commission held more than 70 business

meetings and 34 public input hearings that were scheduled throughout California. The Commission held meetings in 32 cities, in 23 counties. Meetings were carefully designed to be at times and locations that were convenient for average citizens to participate.

- At each business meeting, the Commission regularly allowed an opportunity for public input and comment.
- More than 2,700 speakers appeared at the public input hearings and presented testimony about their communities and regions.
- Ultimately, the Commission received more than 2,000 written submissions containing testimony and maps reflecting proposed statewide, regional, or other districts. Some private individuals and organized groups submitted detailed electronic data files along with their proposed maps at input hearings and business meetings.
- The Commission's staff also received written comments from more than 20,000 individuals and groups containing information about their communities, shared interests, backgrounds, histories, and suggested guidelines for district boundaries, as well as recommendations to the Commission on the overall process of redistricting.
- The Commission held 23 public input hearings around the state before it issued a set of draft maps on June 10, 2011. Following a five-day public review period, the Commission held 11 more public input hearings around the state to collect reactions and comments about the initial draft maps.
- Beginning in June 2011, the Commission's meetings were held at the University of the Pacific McGeorge School of Law in Sacramento. The Commission held six meetings in June and 16 meetings during July at this location, and continued to receive extensive public input via written submissions, e-mail, and live public comment. At each of its meetings the Commission allowed for public participation and comment. During the

June and July meetings more than 276 people appeared and offered public comments to the Commission, various groups regularly attended and monitored the deliberations, and individuals and groups continued to offer written comments, maps, and suggestions.

- All of the Commission's public meetings were live-streamed over the Internet, captured on video, and placed on the Commission's website for public viewing at any time. Stenographers were present at the Commission business meetings and meetings where instructions were provided to Q2 Data & Research, LLC, the company retained to implement the Commission's directions and to draw the draft districts and final maps. Transcripts of the meetings were also placed on the Commission's website. Finally, all of the completed documents prepared by the Commission and its staff, along with all documents presented to the Commission by the public and suitable for posting were posted to the Commission's website for public review.

On August 15, 2011, the final Maps were approved and certified to the California Secretary of State. *See* Appendix B [State of California Citizens Redistricting Commission Final Report on 2011 Redistricting]. The new boundaries have not yet been enforced or administered. The new boundaries will first be used in the June 5, 2012 statewide primary election.

V.
STATEMENT OF PAST OR PENDING LITIGATION
28 C.F.R. § 51.27(o)

On September 15, 2011, a petition captioned *Vandermost v. Bowen* (case no. S196493) was filed in the California Supreme Court. Petitioner Julie Vandermost challenged the 2011 redistricting plans for the California State Senate.

On September 29, 2011, a petition captioned *Radanovich, et al. v. Bowen* (case no. S196852) was filed in the California Supreme Court. Petitioners Radanovich, Patrick, Navarro, and Phan challenged the 2011 redistricting plans for Congressional districts.

On October 26, 2011, the California Supreme Court summarily denied both the *Vandermost* and *Radanovich* petitions, and both cases have been closed. Other than *Vandermost v. Bowen* and *Radanovich, et al. v. Bowen*, as of the date of this submission, there is no other past or pending litigation concerning the 2011 redistricting plans for the California Assembly, State Senate, United States Congress, or the Board of Equalization.

VI.
PRECLEARANCE OF PRIOR PRACTICE
28 C.F.R. § 51.27(p)

On November 30, 2001, the Department of Justice announced that it had no objection to California's 2001 redistricting plans for the California Senate, Assembly, Board of Equalization and United States Congress, which are currently in effect.

Since 2001, the voters in California have changed the procedure for establishing redistricting plans, as explained in Sections I and IV of this submission.

VII.
PUBLICITY AND PARTICIPATION
28 C.F.R. § 51.28(f)

In November 2008, California voters approved Proposition 11, the Voters First Act, which amends article XXI section 2(b) of the California Constitution and authorizes the creation of the new 14-member Citizens Redistricting Commission. The Voters First Act, which amended article XXI section 2(b) of the California Constitution to authorize the creation of the Commission, requires that the Commission "conduct an open and transparent process enabling

full public consideration of and comment on the drawing of the district lines.” Cal. Const., art. XXI, § 2(b). In addition, the Act required the Commission to “establish and implement an open hearing process for public input and deliberation” and to conduct an “outreach program to solicit broad public participation in the redistricting public review process.” Cal. Gov. Code § 8253, subd. (a)(7). The Commission took this obligation seriously, and made considerable efforts to ensure compliance by creating an open and extensive public hearing and input process.

The Commission solicited testimony through significant public outreach that included mainstream and ethnic media, the Commission’s website, social media, and through various organizations. Materials were distributed in English, Spanish, Chinese, Japanese, Korean, Tagalog and Vietnamese. Testimony was accepted in any form or language, including information provided over the telephone, by e-mail, through petitions, and in-person public testimony.

From January of 2011, the Commission held more than 70 business meetings and 34 public input hearings that were scheduled throughout the state of California. The Commission held meetings in 32 cities in 23 counties in the state. Meetings were carefully designed to be at times and locations that were convenient for average citizens to participate: most meetings were held during the early evening hours, usually at a government or school location in the center of a community. The Commission frequently extended the hours of its input hearings, allowing many meetings to go several hours beyond the scheduled adjournment where venues permitted. Furthermore, at each business meeting, the Commission regularly allowed for an opportunity for public input and comment.

More than 2,700 different individuals spoke at the public input hearings and presented testimony about their communities and regions. For example, during an April 28, 2011 meeting in Los Angeles, over 180 individuals attended and offered input. At a meeting in Culver City, more than 250 people attended. That meeting was held open until 11:15 p.m. to allow as many speakers as possible to participate.

The Commission received more than 2,000 written submissions containing testimony and maps reflecting proposed statewide, regional or other district lines. Some private individuals and organized groups submitted detailed electronic data files along with their proposed maps. Representative groups that submitted testimony and/or proposed maps are listed in Section XI of this submission. The Commission's staff received over 20,000 written comments from individuals and groups, input and suggestions about their communities, shared interests, backgrounds, histories and suggested guidelines for district boundaries.

The Commission held 23 public input hearings around the state before it issued a set of draft maps on June 10, 2011. Following a five-day public review period, the Commission held an additional 11 public input hearings around the state to collect reactions and comments about the initial draft maps. A calendar indicating the dates and locations of each of these meetings is attached as Appendix O.

Beginning in June of 2011, the Commission's meetings were held at the University of the Pacific McGeorge School of Law in Sacramento. The Commission held six meetings in June and 16 meetings in July at this location, and continued to receive extensive public input via written submissions, e-mail and live public comment. At each meeting, the Commission allowed

for public participation and comment. More than 276 individuals appeared and offered public comments to the Commission. Various groups regularly attended and monitored the deliberations, and individuals and groups continued to offer written comments, maps and suggestions.

Finally, for those who were unable to attend meetings in person, the Commission broadcast every public meeting over the Internet, and then posted recordings of the meetings on the Commission's website. Stenographers were present at the Commission's business meetings and any meetings where instructions were provided to Q2 Data & Research, LLC, the company retained to implement the Commission's directions and to draw the draft districts and final maps. Transcripts of these meetings were placed on the Commission's website. Every completed document prepared by the Commission and its staff, along with every document presented to the Commission by the public and suitable for posting were posted to the Commission's website for public review.

VIII.
AVAILABILITY OF THE SUBMISSION
28 C.F.R. § 51.28(g)

A duplicate copy of this submission (including all appendices and the electronic data) is being made available in each covered jurisdiction at the following offices of the respective county's elections department:

Kings
Office of the County Clerk/Recorder
1400 W. Lacey Boulevard
Hanford, California 93230

Merced
Office of the Clerk/Registrar of Voters
2222 M Street, Room 14
Merced, California 95340

Monterey

Monterey County Elections Department
1370 B South Main Street
Salinas, California 93902

Yuba

Yuba County Clerk/Recorder
915 8th Street, Suite 107
Marysville, California 95901

The public notice announcing the submission of the redistricting plan to the United States Attorney General, informing the public that a duplicate copy is being made available for inspection at the county election offices listed above, providing that electronic data may be copied, and inviting comment to the United States Attorney General is included as Appendix S. This notice is being mailed for posting in public libraries, post offices and city halls throughout each of the covered counties. The public notice and this submission are also being posted on the Commission's website.

IX.
MINORITY GROUP CONTACTS
28 C.F.R. § 51.28(h)

Various minority groups testified at the public hearings and provided written submissions to the Committee. The separately bound volumes with materials relating to publicity and public participation include copies of business cards from many of these individuals and organizations. The following provides contact information for individuals from those minority group organizations in or near the covered counties who testified at the public hearings. It also provides contact information for groups that offered statewide testimony regarding minority group concerns.

African American Redistricting Coalition

Contact: Erica Teasley
8101 South Vermont Ave.
Los Angeles, CA 90044
323-629-3505
aarc@cocosouthla.org
<http://www.cocosouthla.org>

Armenian National Committee of America: Western Region

Contact: Garen Yegparian
104 N Belmont, Suite 200
Glendale, CA 91206
818-500-1918
admin@ancawr.org
<http://www.anca.org>

Asian Pacific Americal Legal Center

Contact: Eugene Lee
Elee@apalc.org
1145 Wilshire Blvd, 2nd Floor
Los Angeles, CA 90017

Black Farmers and Agriculturalist Association

Contact: William Boyer, Boyer and Associates
5400 San Francisco Boulevard
Sacramento, CA 95820
916-454-6061

Contact: Helen Hewitt, Project Manager
916-798-3646

P.O. Box 61
Tillery, NC 27887
252-826-2800
252-826-3244 (Fax)
info@bfaa-us.org
<http://www.bfaa-us.org>

California Conservative Action Group

Contact: David Salaverry
P.O. Box 9404
Albany, CA 94706
david@fairthelines.org
<http://www.fairthelines.org>

California League of Conservation Voters

Contact: H. Eric Shockman, Ph.D
6310 San Vincent Blvd, Suite 425
Los Angeles, CA 90048
323-939-6790
323-939-6791 (Fax)
310-403-2775 (Cell)

350 Frank H. Ogawa Plaza, Suite 1100
Oakland, CA 94612
510-271-0900
510-271-0901 (Fax)

<http://www.ecovote.org>

Central Coastal Alliance United for a Sustainable Economy

Contact: Maricela Morales, Deputy Executive Director
2021 Sperry Ave. #18
Ventura, CA 93003
805-658-0810
805-658-0820 (Fax)
maricela@coastalalliance.com
<http://www.coastalalliance.com>

Chinese American Citizens Alliance

Contact: John Y. Wong, Grand Vice President
1044 Stockton Street
San Francisco, CA 94108
323-222-2200
info@cacanational.org
<http://www.cacanational.org>

Coalition of Asian Pacific Americans for Fair Redistricting

Contact: Eugene Lee
1145 Wilshire Boulevard
Los Angeles, CA 90017
213-977-7500
Elee@apalc.org
<http://www.capafrr.org>

Coalition of Suburban Communities for Fair Representation

Contact: Scott Thomas Wilk
Anchoring Consulting, LLC
5101 Cherokee Avenue
Alexandria, VA 22312
661-964-7905 (cell)
661-263-8943 (direct)
703-333-6013 (office)
swilk@anchor-consult.com
information@suburbancommunities.org
<http://www.suburbancommunities.org>

Council of Black Political Organizations

Contact: Dr. Valerie H. Little
vhlittle@gmail.com
213-819-1808
DrHorne@COBPO.ORG
<http://www.cobpo.org>

East San Fernando Valley Redistricting Coalition

Contact: Ruben Rodriquez
1024 N. MaClay Ave., M-13
San Fernando, CA 91340

5121 Van Nuys Blvd, Suite 203
Sherman Oaks, CA 91403
818-817-0545
<http://redistrictingpartners.com/wearesfv>

Equality California

Contact: Mario Guerrero, Government Affairs Director
Capitol Office
1127 11th St., Suite 208
Sacramento, CA 95814
916-554-7681 (office)
916-471-8100 (cell)

2370 Market Street, 2nd Floor
San Francisco, CA 94114
415-581-0005
415-581-0805 (Fax)
<http://www.eqca.org>

Latino Policy Forum

Contact: Antonio Amador
2062 Henderson Way
Lodi, CA 95242
209-662-3800

Contact: Tim Snipes
timjsnipes@gmail.com

180 North Michigan Avenue, Suite 1250
Chicago, IL 60601
312-376-1766
312-376-1760 (Fax)
info@latinopolicyforum.org
<http://www.latinopolicyforum.org>

League of Women Voters

Contact: Trudy Schafer, Senior Director for Program
1107 Ninth Street, suite 300
Sacramento, CA 95814
916-442-7215
916-442-7362 (Fax)
916-705-1090 (cell)
tschafer@lwvc.org
lwvc@lwvc.org
<http://ca.lwv.org>

Mexican American Legal Defense and Educational Fund

Contact: Steven A. Ochoa, National Redistricting Coordinator
634 S. Spring Street
Los Angeles, CA 90014
213-629-2512 ext. 130
<http://www.maldef.org>

National Association for the Advancement of Colored People

Contact: Samuel Walton
916-201-1383
Notlaw2999@aol.com

4805 Mt. Hope Drive
Baltimore, MD 21215
410-580-5777
<http://www.naacp.org>

Sacramento Branch:
P.O. Box 188231
Sacramento, CA 95818
916-447-8629
<http://www.sacnaacp.org>

People's Advocate

Contact: Tim Snipes
3407 Arden Way
Sacramento, CA 95825
916-482-6175
916-482-2045 (Fax)
timjsnipes@gmail.com
<http://www.peoplesadvocate.org>

Sierra Club

Contact: Linda Zablony Hurst, Deputy Director
801 K Street, Suite 2700
Sacramento, CA 95814
916-557-1100, ext. 120
916-557-9669 (Fax)
Linda.Zablony-Hurst@SierraClub.org
<http://sierraclubcalifornia.org>

Silicon Valley Leadership Group

Contact: Brian Brennan, Senior Director-Member Services
408-453-4752
BBrennan@svlg.org
2001 Gateway Place, Suite 101E
San Jose, CA 95110
408-501-7864
408-501-7861 (Fax)
<http://svlg.org>

United Latinos Vote

Contact: Robert J. Apodaca
1111 Broadway, Floor 24
Oakland, CA 94607
510-708-4400
Robert.apodaca@gmail.com

Valley Industry and Commerce Association

Contact: Stuart Waldman, Esq., President
5121 Van Nuys Blvd, Suite 203
Sherman Oaks, CA 91403
818-817-0545
818-907-7934 (Fax)
stuart@vica.com
<http://www.vica.com>

WARD Economic Development Corp.

Contact: Jacquelyn Dupont-Walker, President
P.O. Box 7391
Los Angeles, CA 90007
213-747-1188
213-747-1975 (Fax)
jdupontw@aol.com
<http://www.ward-edc.org>

X.
NAME OF SUBMITTING AUTHORITY AND CONTACT
28 C.F.R. § 51.27(d) and (e)

This submission is made by the California Attorney General, the chief legal officer of the State and Kirk E. Miller, Chief Counsel for the Citizens Redistricting Commission. The submission was prepared by Gibson, Dunn & Crutcher LLP, counsel to the Citizens Redistricting Commission. Inquiries may be directed to the following:

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Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304
(650) 849-5300 (telephone)
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gbrown@gibsondunn.com
shadjimarkos@gibsondunn.com

Kirk E. Miller
 Chief Counsel California Citizens' Redistricting Commission
 901 P Street, Suite 154-A
 Sacramento, CA 95814
 fax: (916) 651-5711
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XI.
SUPPLEMENTAL MATERIALS

Pursuant to 28 C.F.R. § 51.27 and § 51.28, the following Appendices of supplemental materials have been included as part of this submission:

APPENDIX	MATERIALS	APPLICABLE REGULATION
A	Statutory Authority for Redistricting Process [Calif. Const. art. XXI, §§ 1-2 (amended 2008).]	28 C.F.R. § 51.27(a)
B	Citizens Redistricting Report on 2011 Redistricting	28 C.F.R. § 51.28(b)
C	2011 Certified Maps of California Assembly Districts	28 C.F.R. § 51.28(b)
D	2011 Certified Maps of California State Senate Districts	28 C.F.R. § 51.28(b)
E	2011 Certified Maps of California Congressional Districts	28 C.F.R. § 51.28(b)
F	2011 Certified Maps of California Board of Equalization Districts	28 C.F.R. § 51.28(b)
G	2001 Maps of California Assembly Districts	28 C.F.R. § 51.28(b)
H	2001 Maps of California State Senate Districts	28 C.F.R. § 51.28(b)
I	2001 Maps of California Congressional Districts	28 C.F.R. § 51.28(b)
J	2001 Maps of California Board of Equalization Districts	28 C.F.R. § 51.28(b)
K	Demographic Information for 2011 Certified Maps of California Assembly Districts, California State Senate Districts, California Congressional Districts, and California Board of Equalization Districts Includes: county stats w 10 data.xls 20110727_q2_assembly_final_draft_stats_final.xls 20110727_q2_senate_final_draft_stats_final.xls 20110727_q2_congressional_final_draft_stats_final.xls 20110727_q2_boe_final_draft_stats_final.xls <i>All data in these files derived from 2010 PL94 data.</i>	28 C.F.R. § 51.28(a)

L	<p>Demographic Information for 2001 Maps of California Assembly Districts, California State Senate Districts, California Congressional Districts, and California Board of Equalization Districts</p> <p>Includes: 2001_districts_2010pl94_cvap_g10reg_latinosurname.xls</p> <p><i>All data in these files derived from 2010 PL94 data.</i></p>	28 C.F.R. § 51.28(a)
M	Copies of newspaper articles discussing the proposed change	28 C.F.R. § 51.28(f)(1)
N	Copies of public notices describing proposals and inviting public comment	28 C.F.R. § 51.28(f)(2)
O	Calendar of dates and locations of each Commission meeting	28 C.F.R. § 51.28(f)(2)
P	Minutes and transcripts of public hearings	28 C.F.R. § 51.28(f)(3)
Q	<p>Statements, speeches and other public communications concerning the proposed changes, including submissions by individuals and groups.</p> <p>The documents are organized chronologically by month. In some instances, the months are subdivided by Region. The Commission divided the state into 9 regions, the most relevant of which are Region 6 (Kings County and Merced County), Region 7 (Monterey County), and Region 9 (Yuba County).</p> <p>To the extent public speeches were recorded only by video, those speeches are available on the Commission's website at http://wedrawthelines.ca.gov/viewer.html.</p>	28 C.F.R. § 51.28(f)(4),(5)
R	Public notice of availability of Preclearance Submission	28 C.F.R. § 51.28(g)

CONCLUSION

The Assembly, Senate, Congressional and Board of Equalization Districts enacted as set out in the Commission's Report comport with all of the requirements of Section 5 of the Voting Rights Act. Preclearance should therefore be granted as soon as possible.

Dated: 11/15/11

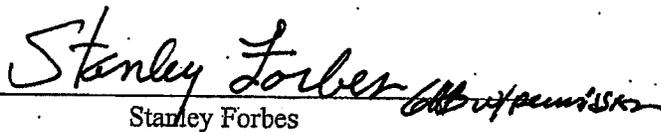
Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL
CALIFORNIA DEPARTMENT OF JUSTICE
Kamala D. Harris, Attorney General
Rochelle East, Chief Deputy Attorney General
Brian Nelson, Special Assistant Attorney General



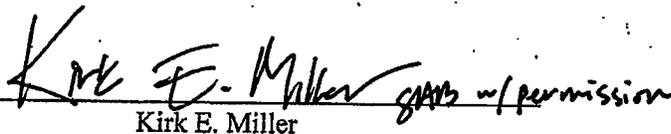
Brian Nelson

CITIZENS REDISTRICTING COMMISSION
Stanley Forbes, Chairperson



Stanley Forbes

CITIZENS REDISTRICTING COMMISSION
Kirk E. Miller, Chief Counsel



Kirk E. Miller

PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on December 14, 2011, I served a copy of:

SUPPLEMENTAL APPENDIX OF EXHIBITS

VOL. 1 OF 1

X **BY ELECTRONIC SERVICE** [Code Civ. Proc sec. 1010.6; CRC 2.251] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system from bkeaton@mofa.com to the email addresses stated on the attached service list per instructions of the Court and in accordance with Code of Civil Procedure section 1010.6.

X **BY FACSIMILE** [Code Civ. Proc sec. 1013(e)] by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone number 415.268.7522 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with Morrison & Foerster LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Morrison & Foerster LLP for transmission.

X **BY U.S. MAIL** [Code Civ. Proc sec. 1013(a)] by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.

Please see attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California, this 14th day of December, 2011.

A handwritten signature in black ink, appearing to read "B. Keaton", written over a horizontal line.

B. Keaton

(signature)

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