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January 6, 2012

Honorable Chief Justice Tani Cantil-Sakayue
And Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: **Case No. S 198387, *Vandermost v. Bowen* – Petitioner’s Reply to Secretary of State’s and Citizens’ Redistricting Commission’s Responses to Court’s Request for Supplemental Letter Brief**

Dear Chief Justice Cantil-Sakayue and Associate Justices:

This is to inform the Court of two developments in the random sample verification process for the Petitioner’s referendum petitions since the Petitioner, the Respondent Secretary of State and the Intervener Citizens’ Redistricting Commission filed their Supplemental Letter Briefs on January 4, 2012.

First, major returns from counties that had not reported their random sample verification results to the Secretary of State as of January 4, 2012 make it clear that the referendum petition will have sufficient verified signatures to require a full count by those counties that have not already fully counted the petition signatures, with 490,357 signatures verified. This number exceeds the 95% signature validity rate number of 479,522.

Eleven counties that received petitions and reported their raw count totals have yet to report their random sample totals. These counties reported the receipt of 27,544 raw signatures.¹

¹ Yolo County, which was delivered approximately 2,099 signatures, has yet to report either its raw count or its random sample count totals to the Secretary of State. We expect Yolo’s total to increase the raw count from 709,013 to about 711, 112. Marin County, which had refused to open its offices on November 13, 2011 (as did virtually all other

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The petition's random sample verification total would only have to obtain a 52.2% signature validity rate from these 27,544 signatures for the petition's signature validity rate to reach 100%, or 504,760 valid signatures. Adding the approximate numbers for Yolo County to the uncounted raw signature total, the petition's random sample verification total would only have to obtain a 48.9% signature validity rate from the signatures from the remaining twelve counties including Yolo County to reach 100% or 504,760 valid signatures.

If the current 72.14% validity rate were to obtain, the petition would add 19,870 signatures (of the 27,544 outstanding) for a total of 510,227 valid signatures. Adding the approximate Yolo County raw count and applying the current 72.14% validity rate would add 21,384 for a total of 511,741 valid signatures. These totals would represent between a range of between 101.08% and 101.38% of the total signatures required to formally qualify, as of the completed random sample.

Second, last night upon review of the updated signature verification data (copy attached as Attachment "A" to this letter), the Proponent sent a letter to the Secretary of State requesting her to immediately order counties to begin conducting a full count of signatures, since the projected valid signature total based on the random sample (490,357) represented more than 95% of the total required to warrant a full count, and with the few remaining counties left to report, the petition clearly would not qualify by random sample at the 110% level. (Copy of letter attached as Attachment "B.")

Elections Code, § 9031, subdiv. (a), provides that:

"[i]f the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters need to declare the petition sufficient, the Secretary of State shall order the examination and verification of each signature filed, and shall so notify the election officials."

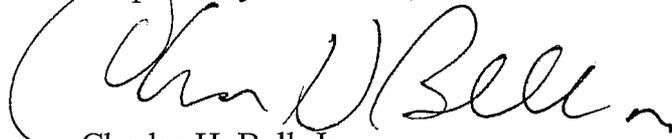
2011, was sent signatures by guaranteed overnight delivery on November 9, 2011. That delivery apparently was not received by Marin County on November 10, 2011, its last business day before the November 13, 2011 referendum submission deadline, and that county has declined to treat the signatures as timely received. No Marin County totals have been reported or are included in the Petitioner's estimates set forth herein.

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Based upon the current data, and the foregoing, the Petitioner's petition has obtained or will obtain at the "completed random sample" more than 100% of the "number of signatures required to declare the petition sufficient" although under current law this will require a full count of signatures to verify its formal sufficiency.

Based upon the facts that (A) the Petitioner submitted raw signatures well in excess of 100% of the total number of valid signatures required to qualify her referendum; (B) the current and reasonably foreseeable evidence that the signature validity rate from the "completed" random sampling process will indicate a signature validity rate above 100%; (C) the unrebutted, recent historical evidence submitted by the Petitioner (Declaration of Charles H. Bell, Jr. re Likelihood of Qualification of Petition and Petitioner's RJN, Exhibits "C" and "D"); and (D) the evidence submitted by the Secretary of State in her Supplemental Letter Brief of January 4, 2012, it highly "probable" or "likely" that the Petitioner's petition will qualify for the ballot. These data are sufficient for the Court to exercise jurisdiction to undertake preliminary efforts to draw maps contingent upon the measure's actual qualification for the ballot, as petitioned for.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles H. Bell, Jr.", written in a cursive style. The signature is enclosed within a large, loopy circular flourish.

Charles H. Bell, Jr.

Attorney for Petitioner, Julie Vandermost

Attachments "A" and "B"

CERTIFICATE OF SERVICE

I, Shannon Diaz, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within-entitled action; my business address is 455 Capitol Mall, Suite 600, Sacramento, California 95814. On January 6, 2012, I served the following document(s) described as:

- **Petitioner's Reply to Secretary of State's and Citizens' Redistricting Commission's Responses to Court's Request for Supplemental Letter Brief**

on the following party(ies) in said action:

George Waters Deputy Attorney General Department of Justice 1300 "I" Street, 17 th Floor Sacramento, CA 95814 EM: George.Waters@doj.ca.gov Tel: 916-323-8050	Attorney General's office
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Lowell Finley Chief Counsel Office of the Secretary of State 1500 11th St Sacramento, CA 95814 EM: Lowell.Finley@sos.ca.gov Telephone: (916) 653-7244	<i>Attorney for Respondent</i> SECRETARY OF STATE
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James Brosnahan, Esq. Morrison & Foerster, LLP 425 Market St San Francisco, CA 94105-2482 EM: jbrosnahan@mof.com Tel: (415) 268-7189 Fax: (415) 268-7522	<i>Attorney for Intervenor</i> Citizens' Redistricting Commission
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Charles T. Munger

X **BY ELECTRONIC MAIL:** By causing true copy(ies) of PDF versions of said document(s) to be sent to the e-mail address of each party listed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 6, 2012, at Sacramento, California.


SHANNON DIAZ

1499. Redistricting. State Senate Districts. Referendum.

COUNTY	PETITION FILED W/COUNTY	SOS REC'D RAW	SOS REC'D RANDOM	RAW COUNT	RANDOM SAMPLE/ FULL CHECK	VALID SIGNS.	INVALID	DUP.	VALID OR PROJ. VALID	%
1. ALAMEDA	11/13/11	11/23/11	01/04/12	35,473	1,064	805	259	2	24,682	69.6%
2. ALPINE									0	0.0%
3. AMADOR	11/13/11	11/16/11	11/21/11	269	269	227	42	2	227	84.4%
4. BUTTE	11/13/11	11/17/11	12/01/11	10,220	500	410	90	4	6,791	66.4%
5. CALAVERAS	11/13/11	11/21/11	11/21/11	281	281	226	55	5	226	80.4%
6. COLUSA	11/13/11	11/14/11	11/17/11	54	54	38	16	0	38	70.4%
7. CONTRA COSTA	11/13/11	11/18/11	12/15/11	19,779	593	466	127	1	14,464	73.1%
8. DEL NORTE	11/10/11	11/21/11		207					0	0.0%
9. EL DORADO	11/13/11	11/21/11	12/06/11	2,327	500	414	86	2	1,893	81.3%
10. FRESNO	11/13/11	11/15/11	12/13/11	26,357	791	603	188	1	19,016	72.1%
11. GLENN	11/13/11	11/15/11	12/01/11	192	192	139	53	9	139	72.4%
12. HUMBOLDT	11/10/11	11/17/11	12/27/11	172	172	145	27	2	145	84.3%
13. IMPERIAL	11/13/11	11/13/11	12/09/11	710	500	335	165	2	475	66.8%
14. INYO									0	0.0%
15. KERN	11/13/11	11/16/11	11/29/11	18,131	544	363	181	0	12,098	66.7%
16. KINGS	11/13/11	11/17/11	12/05/11	2,353	500	348	152	2	1,603	68.1%
17. LAKE	11/13/11	11/21/11	12/20/11	3,449	500	375	125	3	2,465	71.5%
18. LASSEN	11/10/11	11/21/11	11/30/11	185	185	145	40	1	145	78.4%
19. LOS ANGELES	11/13/11	11/23/11	01/04/12	209,163	6,275	4,599	1,676	9	143,598	68.7%
20. MADERA	11/13/11	11/14/11	11/30/11	3,783	500	394	106	0	2,981	78.8%
21. MARIN									0	0.0%
22. MARIPOSA	11/13/11	11/16/11		164					0	0.0%
23. MENDOCINO	11/13/11	11/14/11		591					0	0.0%
24. MERCED	11/13/11	11/18/11	11/23/11	3,153	500	372	128	2	2,279	72.3%
25. MODOC	11/10/11	11/17/11	11/17/11	19	19	12	7	0	12	63.2%
26. MONO	11/10/11	11/17/11	11/17/11	1	1	1	0	0	1	100.0%
27. MONTEREY	11/13/11	11/16/11	12/30/11	5,613	500	359	141	1	3,915	69.8%
28. NAPA	11/13/11	11/16/11	11/30/11	2,147	500	396	104	3	1,658	77.2%
29. NEVADA	11/13/11	11/14/11		854					0	0.0%
30. ORANGE	11/13/11	11/22/11	12/21/11	38,014	1,140	916	224	0	30,545	80.4%
31. PLACER	11/13/11	11/15/11		2,972					0	0.0%
32. PLUMAS	11/13/11	11/15/11	11/16/11	41	41	30	11	0	30	73.2%
33. RIVERSIDE	11/13/11	11/22/11	01/04/12	31,502	945	753	192	1	24,024	76.3%
34. SACRAMENTO	11/13/11	11/23/11	12/2/11	23,140	694	497	197	1	15,493	67.0%
35. SAN BENITO	11/13/11	11/14/11	12/12/11	868	500	397	103	6	682	78.5%
36. SAN BERNARDINO	11/13/11	11/21/11	01/04/12	48,020	1,441	1,144	297	3	34,891	72.7%
37. SAN DIEGO	11/13/11	11/17/11	12/12/11	58,632	1,759	1,491	268	1	48,621	82.9%
38. SAN FRANCISCO	11/13/11	11/21/11	12/08/11	11,210	500	355	145	0	7,959	71.0%
39. SAN JOAQUIN	11/13/11	11/23/11	12/16/11	12,556	500	357	143	0	8,965	71.4%
40. SAN LUIS OBISPO	11/13/11	11/17/11	01/05/12	8,325	500	380	120	3	5,545	66.6%
41. SAN MATEO	11/13/11	11/16/11		4,514					0	0.0%
42. SANTA BARBARA	11/13/11	11/16/11	12/07/11	4,189	500	387	113	0	3,242	77.4%
43. SANTA CLARA	11/13/11	11/23/11	12/22/11	49,402	1,482	1,168	314	2	36,779	74.4%
44. SANTA CRUZ	11/13/11	11/23/11	11/30/11	3,849	500	381	119	2	2,830	73.5%
45. SHASTA	11/13/11	11/22/11		4,320					0	0.0%
46. SIERRA	11/13/11	12/08/11	12/08/11	25	25	23	2	0	23	92.0%
47. SISKIYOU	11/10/11	11/10/11	12/01/11	1,305	500	437	63	5	1,120	85.8%
48. SOLANO	11/13/11	11/29/11	11/29/11	7,732	500	376	124	4	4,920	63.6%
49. SONOMA	11/13/11	11/15/11	11/23/11	7,618	500	377	123	2	5,310	69.7%
50. STANISLAUS	11/13/11	11/18/11		13,380					0	0.0%
51. SUTTER	11/13/11	11/16/11		1,170					0	0.0%
52. TEHAMA	11/13/11	11/17/11	12/02/11	1,466	500	422	78	5	1,209	82.5%
53. TRINITY	11/11/11	11/22/11		226					0	0.0%
54. TULARE	11/13/11	11/18/11	12/19/11	9,685	500	359	141	1	6,598	68.1%
55. TUOLUMNE	11/13/11	11/15/11		838					0	0.0%
56. VENTURA	11/13/11	11/21/11	12/13/11	17,768	533	402	131	1	12,323	69.4%
57. YOLO									0	0.0%
58. YUBA	11/13/11	11/14/11	12/05/11	599	500	335	165	7	400	66.7%
TOTAL				709,013	29,000	22,159	6,841	95	490,357	72.14%

For questions regarding this spreadsheet please contact:
 Secretary of State| Elections Division (916) 657-2166
 01/05/2012 5:18 PM

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January 5, 2012

BY ELECTRONIC MAIL

Honorable Debra Bowen
Secretary of State
c/o Lowell Finley, Chief Counsel
1500 – 11th Street, Sixth Floor
Sacramento, CA 95814

Re: Secretary of State #1499 – Senate Redistricting Referendum

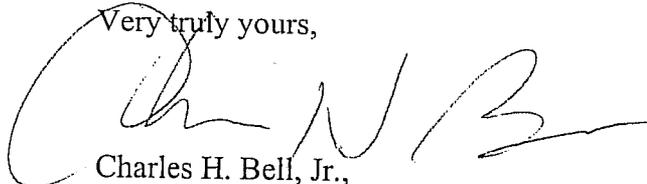
Dear Secretary Bowen:

According to the data reported on the random sample qualification for the above-referenced measure, the measure has attained more than the 479,522 valid signatures to indicate that it exceeds the 95% signature validity rate for which a full count order is appropriate under Elections Code § 9031, subdiv.(a).

On behalf of the proponent Julie Vandermost, we respectfully request that you direct county election officials forthwith to commence a full count of signatures.

Thank you for your continued assistance in this matter.

Very truly yours,



Charles H. Bell, Jr.,
Counsel for the Proponent Julie Vandermost

cc: George Waters, Esq.
Deputy Attorney General