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January 6, 2012

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Supreme Court of California
350 McAllister Street
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Attn: Frederick K. Ohlrich, Court Administrator
and Janell Hunter, Deputy Clerk

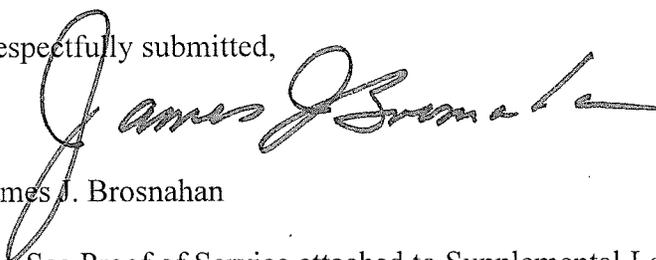
Re: *Julie Vandermost v. Debra Bowen*, No. S198387

Dear Clerk of the Court:

Pursuant to the Court's Order dated December 29, 2011 in the above-captioned action, I have enclosed for filing the Citizens Redistricting Commission's Supplemental Letter Reply Brief. Hard copies will follow by mail.

Thank you for your assistance with this fax filing.

Respectfully submitted,



James J. Brosnahan

cc: See Proof of Service attached to Supplemental Letter Reply Brief

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To the Honorable Tani Gorre Cantil-Sakauye, Chief Justice, and the Honorable Associate Justices of the Supreme Court of the State of California:

Pursuant to the Court's Order dated December 29, 2011, we write to reply to petitioner Vandermost's supplemental letter brief filed on January 4, 2012.

Vandermost's supplemental brief does not address the fundamental shortcomings of her Petition, including that she submitted to the Secretary of State far fewer than the 780,000 "raw" signatures that she expected to gather in support of her proposed referendum, and that in the Secretary of State's considered opinion—which, as California's chief election officer, should be given considerable weight—Vandermost has not met her burden to show that it is more probable than not that the proposed referendum will qualify for the ballot. These facts alone justify denying the Petition for lack of standing to file it.

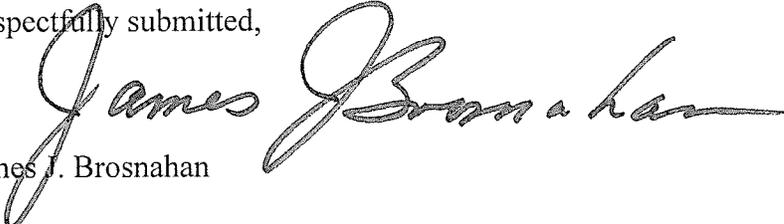
The Commission agrees with Vandermost's general statement that, with respect to a *completed* random sample, a referendum petition that attains "more than 100%" but less than 110% of the valid signatures needed to qualify for the ballot is "likely to qualify" even though it will still be subject to a hand count before actually qualifying. (V'most Supp. Br. at p. 1.) But Vandermost has not made that showing and may never make that showing. As the prior briefs explain, the low "raw" count of unverified signatures, coupled with the incomplete return data and the anticipated return from Los Angeles County's random sample (which historically yields a signature validity rate several percentage points lower than the statewide average), supports the conclusion that Vandermost has not met her burden to show

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the proposed referendum is “likely to qualify” based on the as yet incomplete random sampling.

The Commission will not respond at length to Vandermost’s arguments that go beyond the question raised by the Court (see V’most Supp. Br. at pp. 1-2). The reasons for using the Commission’s certified maps for the 2012 election cycle even *if* Vandermost’s proposed referendum were to qualify are discussed in the Commission’s Return to the Order to Show Cause at pages 22-34 and its Preliminary Opposition at pages 17-25. Vandermost’s current reliance on *Wilson v. Eu* (1991) 54 Cal.3d 471 and *Legislature v. Reinecke* (1972) 6 Cal.3d 595 is misplaced. In those cases, masters were needed to draw district lines because the former line-drawing body (the Legislature) had been unable to deliver districts for the next election cycle. And, of course, *Wilson* and *Reinecke* did not consider current Article XXI as amended by Propositions 11 and 20, which entitles voters to the benefits of the “open and transparent process enabling full public consideration of and comment on” district lines, which the Commission honored faithfully, and set the jurisdictional standard for review in this Court. (Cal. Const., art. XXI, § 2, subd. (b).)

Respectfully submitted,



James J. Brosnahan

cc: See Attached Proof of Service

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market St., 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 January 6, 2012, I served a copy of:

SUPPLEMENTAL LETTER REPLY BRIEF

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 crussavage@mofo.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.

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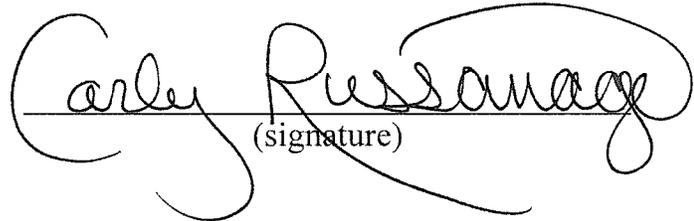
Amicus Curiae

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 6th day of January, 2012.

Carly Russavage

(typed)



(signature)