

Administrative Order No. 2011-8-15

IN THE SUPREME COURT OF CALIFORNIA

SEP 02 2011
Frederick K. Ohlrich Clerk

IN RE POTENTIAL LITIGATION CONCERNING MAPS
CERTIFIED BY THE CITIZENS REDISTRICTING COMMISSION:
REQUIRING ELECTRONIC SUBMISSION OF PETITIONS
CHALLENGING MAPS, AND OF RELATED FILINGS

The order issued August 15, 2011, is revised to read as follows (the former second sentence of part two has been modified and divided into two sentences; the new sentence begins, “Any petition must be presented . . .”):

On Monday, August 15, 2011, the Citizens Redistricting Commission (Commission) certified to the Secretary of State electoral district boundaries for four statewide maps covering California’s 53 congressional, 40 State Senate, 80 State Assembly, and 4 State Board of Equalization districts.

Under California Constitution, article XXI, section 3, subdivision (b)(2), “[a]ny registered voter” may, within 45 days of certification (that is, by Thursday, September 29, 2011) challenge any or all of these maps by filing a petition for a writ of mandate or prohibition in the California Supreme Court, seeking to “bar the Secretary of State from implementing” the map or maps.

In light of the limited time the court will have to review any petition challenging any map or maps given the numerous procedural prerequisites that must occur prior to the June 5, 2012, Primary Election, the following procedures apply with respect to any writ petition challenging any map, and with respect to any related litigation documents.

1. *Electronic submission of litigation documents on the judicial branch Web site prior to hard copy filing, and hardship exception:* Any petition that will be offered for filing to challenge any map, and any corresponding preliminary opposition or reply, must first be submitted in electronic format in a single “text-based” document (containing “embedded images” as necessary) not exceeding 50 megabytes, by uploading the document to the following specially dedicated judicial branch Web page: <http://www.courts.ca.gov/redistricting.htm> . Any litigant may be excused from the requirement of prior electronic submission by demonstrating that compliance would pose a substantial hardship — for example, by filing a declaration under penalty of perjury that the litigant has no access to a computer or Internet services, etc.

2. *Timely filing of each hard copy litigation document within 24 hours after electronic submission:* Electronic submission alone is not sufficient. Within 24 hours after electronic submission, the hard copy of the petition or related preliminary opposition or reply must be presented and received by this court for timely filing. Any petition must be presented and received by September 29, 2011, in the court's San Francisco office. Upon confirmation by the clerk's office (a) that the document has been properly uploaded to the dedicated judicial branch Web page, and (b) of proof of service by hard copy on all parties, the petition or related preliminary opposition or reply will be filed. As soon as possible following electronic submission, the document will become available for downloading on the judicial branch Web site by any interested person or entity. All subsequent filing deadlines will run from the date of filing of the hard copy of the petition.

3. *Expedited deadlines for the service and filing of any preliminary opposition or reply:* The court will establish expedited deadlines for the service and filing of any preliminary opposition or reply, as appropriate. (See Cal. Rules of Court, rule 8.487 (a) & (d).)

T. Cantelano
Chief Justice

Justice Kennard would encourage but not require electronic submission of litigation documents.