



MEDIA ADVISORY

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JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
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Supreme Court to Hear Redistricting Case on Expedited Basis

San Francisco—The California Supreme Court this morning issued an “order to show cause” concerning the petition in *Vandermost v. Bowen*, (S198387), which addresses the district lines that will be used for the California state Senate elections in 2012.

The petition, filed last Friday, December 2, 2011, seeks relief under article XXI, section 3 of the California Constitution, on the ground that a referendum measure seeking to invalidate the Citizens Redistricting Commission’s certified state Senate district map is likely to qualify for the November 2012 ballot and hence stay implementation of the map.

In light of the short time frame imposed by the impending 2012 electoral cycle, the court sought and obtained by Wednesday, December 7, expedited preliminary opposition and reply briefing from the parties. Also on December 7, the Citizens Redistricting Commission filed a motion to intervene. The court sought and obtained expedited opposition to that motion.

The petition in *Vandermost v. Bowen* asks the court, first, to grant two forms of immediate “interim relief”: (a) an order directing the Secretary of State to suspend the statutory requirements of filing fees and the corresponding filing period for “in lieu” petitions for state Senate candidates seeking election in June 2012; and (b) appointment of an expert or special master to “advise and assist the court in preparing to provide interim boundary adjustments” for state Senate districts should the referendum qualify for the ballot and stay the certified map.

The petition also asks the court to issue an order to show cause to address which Senate district boundaries will apply for the 2012 elections in the event the referendum challenging the certified Senate district map qualifies for placement before the voters on the November 2012 ballot.

Acting on an “ASAP” basis today, rather than waiting until its normal Wednesday conference, the court unanimously *denied* the petition with respect to the two requests for immediate “interim relief,” and unanimously *issued an order to show cause* with respect to the request to address what Senate district boundaries will apply for the 2012 elections in the event the referendum qualifies for placement on the November 2012 ballot.

In addition, the court unanimously granted the Citizens Redistricting Commission’s motion to intervene, and set out an additional procedural issue for the parties to brief, concerning the court’s jurisdiction to entertain this writ petition.

The court established an extremely expedited briefing schedule, requiring briefing by the parties within the next 10 days, and briefing by any amicus curiae two days after that. The court explained that this schedule is necessary in order to facilitate oral argument “as early as the first two weeks in January 2012, and the filing of an opinion in this matter as early as the end of January 2012,” so as to avoid disrupting the June 2012 Primary Election.

The Supreme Court’s original order to show cause is attached. The court’s revised order—which clarifies the dates of two of the briefing deadlines—appears after that.

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DEC - 9 2011

Frederick K. Ohlrich Clerk

S198387

IN THE SUPREME COURT OF CALIFORNIA
En Banc

Deputy

JULIE VANDERMOST, Petitioner,

v.

DEBRA BOWEN, as Secretary of State, etc., Respondent.

In light of the short time frame imposed by the impending 2012 electoral cycle, and the need to clarify the districts that are to be used in conducting the primary and general elections for the California Senate in 2012 should the referendum petitions that have been filed with the Secretary of State prove sufficient to qualify the referendum for placement on the November 2012 ballot and to stay the Senate redistricting map drawn and certified by the Citizens Redistricting Commission, the court has determined that it is appropriate to issue an order to show cause in this matter at this juncture, while reserving the question of this court's jurisdiction for resolution in our eventual decision in this proceeding.

In addition to addressing issues relating to what relief, if any, this court should order in the event the referendum regarding the Senate redistricting map qualifies for the November 2012 ballot, the parties are directed to address the following jurisdictional issues: (1) What standard or test should this court apply in determining whether a referendum is "likely to qualify" within the meaning of article XXI, section 3, subdivision (b)(2) of the California Constitution, for purposes of deciding when a petition for writ of mandate may be filed in this court under that constitutional provision? (2) Is this court's authority to entertain a petition for writ of mandate prior to the formal qualification of a referendum petition limited to the circumstances set forth in article XXI, section 3, subdivision (b)(2), or does this court have other authority (including inherent authority) to entertain such a petition even if it cannot yet be determined whether such a referendum is "likely to qualify" for placement on the ballot?

The motion of the Citizens Redistricting Commission to intervene in this proceeding and for leave to file preliminary opposition is granted.

To the extent the petition filed in this matter seeks any interim relief pending this court's eventual decision in this matter, the request for any such interim relief is denied.

Petitioner's request for judicial notice filed on December 2, 2011, is granted.

To facilitate this court's conducting of oral argument in this matter as early as the first two weeks in January 2012, and the filing of an opinion in this matter as early as the end of January 2012, the court orders an extremely expedited briefing schedule, as follows:

Respondent and intervener Citizens Redistricting Commission are each directed to serve and file a return or opposition to the order to show cause on or before Wednesday, December 14, 2011.

Petitioner may serve and file a reply to the return or opposition on or before Monday, December 19, 2011.

Any application to file an amicus curiae brief and any amicus curiae brief may be served and filed on or before Wednesday, December 21, 2012.

Any reply or consolidated reply to any amicus curiae brief or briefs may be served and filed on or before Thursday, December 22, 2012.

All service and filings may be made by facsimile with the original and hard copies to follow by mail. The court's fax number is (415) 865-7183.

No extension of time will be granted.

Cantil-Sakauye

Chief Justice

Kennard

Associate Justice

Baxter

Associate Justice

Werdegar

Associate Justice

Chin

Associate Justice

Corrigan

Associate Justice

Liu

Associate Justice

S198387
IN THE SUPREME COURT OF CALIFORNIA
En Banc

**SUPREME COURT
FILED**

JULIE VANDERMOST, Petitioner,

v.

DEBRA BOWEN, as Secretary of State, etc., Respondent.

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Frederick K. Ohlrich Clerk

Deputy

The order filed on December 9, 2011 is hereby corrected to read in its entirety (correcting erroneous year):

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Chief Justice