

NO. \_\_\_\_\_

**IN THE SUPREME COURT OF CALIFORNIA**

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JULIE VANDERMOST  
Petitioner,

vs.

DEBRA BOWEN, SECRETARY OF STATE  
OF CALIFORNIA  
Respondent,

CITIZENS REDISTRICTING COMMISSION  
Real Party in Interest.

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**DECLARATION OF DR. T. ANTHONY QUINN, PhD  
IN SUPPORT OF PETITION FOR WRIT OF MANDATE  
OR WRIT OF PROHIBITION**

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I, DR. T. ANTHONY QUINN, PhD, declare:

I am a resident of Sacramento County, and am currently retired.

I offer this testimony as an expert in California politics, California redistricting, and political demography. I was qualified as an expert in these subjects in the 2001 redistricting case, *Andal v. Davis, Kennedy v. Davis, Nadler v. Davis*, 2003.

My educational background includes: (a) Georgetown University, AB (Government) 1963; (b) University of Texas, MA (Communications), 1968; and (c) Claremont Graduate University, PhD (Political Science), 1979. My doctoral thesis was on the subject of California conflict of interest laws.

I am a military veteran, having served in the U.S. Army from 1967-1968, including service in Vietnam. I was honorably discharged.

I have published the following theses, reports, and articles:

- (1) California Public Administration (co-author) California Journal Press, 1978;
- (2) California's Political Geography, Rose Institute of State and Local Government, Claremont McKenna College, 1980;
- (3) Carving Up California: A History of California Reapportionment 1951-1984, Rose Institute of State and Local Government, Claremont McKenna College, 1984;
- (4) Redistricting in the 1980s: California, Rose Institute of State and Local Government, Claremont McKenna College, 1993;
- (5) Growth Issues in California, California Department of Commerce, 1989;
- (6) Analysis of the 1990 Census in California, Governor's Office of Planning and Research, 1991;
- (7) The Regions of California, Governor's Office of Planning and Research, 1992;

(8) Reforming the California Initiative Process, California Chamber of Commerce, 1997.

I have been a frequent contributor of articles in the Los Angeles Times, the Sacramento Bee, and Comstocks Magazine on the subjects of California demographics, political trends, redistricting, ballot measures and political reform.

I have served in the following public and private positions since 1969:

- (1) I served from 1976-1981 as a Commissioner of the California Fair Political Practices Commission and from 1999- 2001 on the Bi-Partisan Commission on the Political Reform Act of 1974;
- (2) I was Director, Office of Economic Research, California Department of Commerce, 1985-1989;
- (3) I served as Director of Public Affairs, Braun and Company, 1989-1991;
- (4) I was Vice President of Braun Ketchum Public Relations, 1991-1996;
- (5) I served as Vice President, Goddard Claussen Porter Novelli, 1997-2001;
- (6) Prior to that, I served as Caucus Director, Assembly Republican Caucus, 1983-1984, Chief Consultant for Elections and Reapportionment, Assembly Republican Caucus, 1981-1983; Special Assistant, Attorney General Evelle Younger, 1973-1976; Policy and Reapportionment Consultant, Assembly Republican Caucus, 1971-1973; Special Assistant, Speaker Bob Monagan, California State Assembly, 1969-1971.

I have consulted on the following projects with respect to California redistricting, political reform and politics:

- (1) I served as a technical and demographic consultant on the 1980s California redistricting in the following cases: *Assembly v. Deukmejian*, *Senate v. Eu*, *Burton v. Eu*, *Democratic Congressional Delegation v. Eu*, *Badham v. Eu* (1980s reapportionment cases, technical and demographic consultant).
- (2) I served as an expert witness for the California Secretary of State in the case *California Democratic Party v. Jones*, 1997 (open primary case). I prepared an expert report and testified as an expert witness in the U.S. District Court for the Eastern District of California.
- (3) I prepared demographics research used in the case of *Folsom City Council v. State Board of Education*, 1996 in the Sacramento Superior Court.
- (4) I prepared an expert declaration on the history of California redistricting ballot measures in *Senate v. Jones*, 1999, in the California Supreme Court.
- (5) I prepared an expert report and testified as an expert witness in *Andal v. Davis*, *Kennedy v. Davis*, *Nadler v. Davis*, 2003, a constitutional challenge to the 2001 legislative redistricting, in the Superior Court of California, County of Sacramento; on appeal to the District Court of Appeal, Third Appellate District.
- (6) I prepared an expert declaration in *Citizens for California and Arnold Schwarzenegger*, 2005, on the role of California governors in the initiative process in California, in the Superior Court of California, County of Sacramento, on

appeal to the District Court of Appeal, Third Appellate District.

- (7) Writing and research on surface mining and related issues, California Department of Conservation, 1993-1995.
- (8) Co-editor, the California Target Book: 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008 and 2010 election cycles (elections analysis subscription service).
- (9) Prepared model redistricting plans for the California Secretary of State, 2001.
- (10) Prepared model redistricting plans for the California Correctional Peace Officers Association, 2001.
- (11) Provided analysis on restoring California's open primary in 2002 and on legislative races in 2004 for the California Chamber of Commerce and the California Business Roundtable.
- (12) Co-author of the report, Primary Process Reform in California for California Forward, 2009.
- (13) Assisted in writing California's first redistricting commission ballot measure, Proposition 14, 1982; assisted with redistricting commission ballot measures on the 1990 ballot, Propositions 118 and 119; suggested language for the 2005 redistricting commission ballot measure, Proposition 77; and suggested language to the authors of Proposition 11, 2008.

I have thoroughly studied the product of the California Citizens Redistricting Commission's certified Senate maps, and set forth herein my analysis of what the Commission's Senate maps discussed herein purport to do, facts relevant to the 2011 Redistricting process derived from the Constitutional criteria set forth in Article XXI, section 2 (d) of the

California Constitution which governed the Commission's drawing of Senate boundaries, the derivation of such criteria from this Court's prior decisions in which the criteria were enunciated, what the Commission offers as justification of the Senate maps which are its "reasons" for drawing the districts it drew, what the 1991 Special Masters in *Wilson v. Eu*, 1 Cal.4<sup>th</sup> 707 (1991) did in interpreting these criteria, and what the Commission should have done to follow the criteria in a constitutional and consistent fashion. I offer the following statements as my expert opinion on California redistricting and on the basis of my thorough study of the Commission's Senate maps that are challenged in this Petition for Writ of Mandate or Prohibition.

### **Introduction and Background**

1. The establishment of criteria for redistricting purposes dates from the 1973 ruling of the Supreme Court, *Legislature v. Reinecke*, 10 Cal 3<sup>rd</sup> 396, in which the court laid out seven criteria to be followed by the Court Masters appointed that year because of the failure of the legislature and governor to agree on a redistricting plan. The relevant "state constitutional criteria" that have come down over the years include the following:
  - The territory included within a district should be contiguous and compact.
  - Insofar as practical counties and cities should be maintained intact.
  - Insofar as possible the integrity of the state's basic geographical regions should be preserved.
  - The community of interests of the population of an area should be considered in determining whether the area should be included within or excluded from a proposed district so that all of the

citizens of the district may be represented reasonably, fairly and effectively.

2. These criteria were used by the Masters in forming the 1973 districts. They were the basis for Article XXI of the constitution, adopted by the people in 1980. It read in part:
  - The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible, without violating the requirements of any other subdivision of this section.
3. In 1991, the Court was again tasked with drawing legislative and congressional district lines. The 1991 Special Masters interpreted Article XXI in light of the 1973 *Reinecke* ruling, and it further refined the *Reinecke* criteria.
4. The Masters discussed in detail four interrelated state constitutional criteria that evolved from *Reinecke* and Article XXI: contiguity, compactness, geographic integrity and community of interest.
  - The territory within a district should be contiguous and compact, taking into account the availability and facility of transportation and communication between the people in a proposed district, between the people and candidates in a proposed district, and between the people and their elected representatives.
  - Counties and cities within a proposed district should be maintained intact, insofar as possible.
  - The integrity of California's basic geographical regions (coastal, mountain, desert, central valley and intermediate valley regions) should be preserved insofar as possible.
  - The social and economic interests common to the population of an area which are probable subjects of legislative action, generally termed a "community of interest" should be considered

in determining whether an area should be included within or excluded from a proposed district in order that all of the citizens of the district might be represented reasonably, fairly and effectively. Examples of such interests, among others are those common to an urban area, a rural area, an industrial area or an agricultural area, and those common to areas in which 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.”

- These four criteria are all addressed to the same goal, the creation of legislative districts that are effective, both for the represented and the representative. *Wilson v. Eu*, 1 Cal. 4th 707, Report and Recommendations of Special Masters on Reapportionment.

5. In its opinion in *Wilson v. Eu*, the court specifically endorsed the Masters interpretation of the state constitutional standards. “The Masters carefully factored into their plans the additional criteria of contiguity and compactness of districts and respect for geographic integrity and community interests.... We endorse the Masters’ thesis that in designing districts ‘compactness does not refer to geometric shape but to the ability of citizens to relate to each other and their representatives, and to the ability of representatives to relate effectively to their constituency.’” (1 Cal.4<sup>th</sup> at p. 714.)

### **Propositions 11 and 20**

6. The authors of Propositions 11 and 20 were well aware of the 1991 Masters’ criteria; in fact, they adopted the 1991 language almost verbatim.
  - “(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.... 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 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.”

7. Because Propositions 11 and 20 incorporated the language used by the Masters in the drawing of the Masters districts, and specifically endorsed by the Supreme Court, the Commission was required to apply these criteria as the Masters applied them. This the Commission did not do.
8. Further, the people in enacting Propositions 11 and 20 added a further criterion defining geographic compactness.
  - (5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographic compactness such that nearby areas of population are not bypassed for more distant population.
9. This language is intended to prevent gerrymandering. Since Governor Gerry’s original ”salamander,” gerrymandering has taken many forms. The most common is the reach for political advantage by combing far distant areas of population that share similar political characteristics. But gerrymandering can be racial, either “cracking” ethnic neighborhoods or “packing” them, both of which have to impact of diluting the influence of the targeted groups. And

gerrymandering can consist of uniting a small distant area of population with a much larger area in order to reduce the political influence of the smaller area.

10. The anti-gerrymandering language means what it says. Districts must be built by combining nearby areas of population, and nearby areas must not be bypassed to pick up distant populations. The only reasons for not applying the anti-gerrymandering rule is the need for equally population districts or to conform with the federal Voting Rights Act. But that Act envisions creation of majority minority districts from “compact populations.” As the 1991 Masters noted, “We find no conflict between the Voting Rights Act and the above state criteria.” (*Id.*, at pp. 715-716.)
11. Proposition 20 added the concept of respecting “local neighborhoods” and “local communities of interest.” The Oxford American Dictionary defines “local” as “belonging to a particular place, or a small area; of the neighborhood and not long distance.” In forming districts this means combining close-by areas, not distant populations that by their nature cannot be “local communities of interest.” (Oxford American English Dictionary, 1980, p. 388.)
12. The constitutional requirements that “nearby areas of population are not bypassed for more distant population” and that districts must “respect local communities of interest” complement each other. They provide context for the term “compactness” in that districts must contain “local” and “nearby” populations. This rule, first defined by the Masters and expanded upon by both Propositions 11 and 20, is mandatory upon the Commission, and the thrust of this legal action is to challenge the constitutionality of those Senate districts where this rule was violated. We have identified eleven Senate districts where adjacent populations were clearly bypassed

for more distant population, thus rendering unfair and ineffective the districts that were so created.

**Failure to Properly Divide the State into its Geographic Regions**

13. The first step in meeting the state constitutional criteria is to divide the state into its natural geographic regions. That means recognizing the natural geographic divisions within the state.
14. The 1991 Masters interpreted the community of interest language (“social and economic interests common to the population of an area (e.g.) an urban area, a rural area, an industrial area or an agricultural area”) to mean that “districts should be contained, insofar as possible, wholly within one of the major geographic regions of the state.” The 1991 Masters applied this rule with vigor. Districts covering counties touching the San Francisco Bay were kept with the Bay Area. The coastal and intermediate mountain ranges were not breached. Districts did not wander across huge expanses of unpopulated areas to absorb far distant populations. The 1991 Masters also respected the natural corridors of transportation within California’s regions. Since World War II our state has developed along transportation corridors, basically the highway system. More Californians commute longer distances between work and home than anywhere else in the country. As the Reinecke court noted, “The territory included within a district should be contiguous and compact, taking into account the availability of transportation and communication.”
15. Based upon the 1991 Masters Report, the proper division of California into geographic regions is as follows:
  - North Coast and Bay Area. This includes the north coastal counties that are united with the counties touching the San Francisco Bay by Highway 101; the south Bay Area counties

such as Santa Cruz, Monterey and San Benito, the Interstate 80 corridor counties of Solano and Yolo. The natural boundaries of this region are the inter-coastal mountains, the Altamont Pass, the Pacheco Pass and Big Sur. This region has a combined population of 8.4 million people, the exact population necessary for nine Senate districts.

- North and Central Interior: This region contains all the agricultural and mountain counties from the Oregon border through Kern County. The 1991 Masters built the districts covering these counties sequentially, from north to south, and avoided bypassing population centers. This region has approximately seven million people, sufficient population for 7.5 Senate districts.
- High Desert: The next region is the High Desert, defined by the Masters as the “Mojave and other desert areas east of the Sierra Nevada and north of the San Gabriel Mountains.” This region consists of the Antelope Valley in Los Angeles County and the desert portions of Kern and San Bernardino Counties. The population is in excess of one million people.
- Central Coast: This region consists of three counties: San Luis Obispo, Santa Barbara and Ventura. The population is one and a half million people. The 1991 Masters used the Monterey County-San Luis Obispo County boundary as a hard border between the Bay Area and the Central Coast, recognizing the reality that people from Monterey County look to the north, people from San Luis Obispo County look to the south.
- Urban Los Angeles County: The population of Los Angeles County is 9.8 million people. Some parts of this county must be combined with other regions, such as the Antelope Valley and

those communities bordering on Ventura County and San Bernardino County. The majority of the Senate districts must be drawn to conform to the Voting Rights Act, as the 1991 Masters recognized. The urban portion of Los Angeles County is just over nine million people.

- Inland Empire: This is the urban and suburban portions of San Bernardino, Riverside, and Imperial Counties (minus the High Desert). This area is united by a series of freeways, and districts should be built around the natural transportation corridors. This is a region of approximately 3.5 million people.
- Orange County: The population of Orange County is three million people. Camp Pendleton and a series of mountain ranges effectively separate Orange County from Riverside and San Diego Counties. The county shares many characteristics with communities along its common border with Los Angeles County and with San Bernardino County.
- San Diego County: San Diego has a population of 3.1 million people. Because of its location, San Diego County must share districts with neighboring counties. The most sensible combinations are with Imperial and Riverside Counties.

16. The Commission failed in its task of drawing compact and constitutional districts because it chose to ignore the natural geographic divisions of California. Most of these regions are defined by counties because Californians tend to relate to county governments. Every inch of California is assigned to a particular county; people pay county taxes, and tend to look to counties for specific services.
17. The constitution required the Commission to respect these local political boundaries for very good reasons. As the 1973 Masters and

1991 Masters both recognized, “In many situations, city and county boundaries define political, economic and social boundaries of population groups.... Relationships ... are facilitated by shared interests and by membership in a political community, including a county or city.”

18. In numerous instances, the Commission’s Senate districts violate California’s cities, counties and regions without justification. This results in districts that combine widely separated areas of population in ways that clearly violate the state constitutional criteria. The Commission drew far too many Senate districts that are hardly different than those created by the legislature in 2001 in its rush to achieve partisan political ends.

**Unconstitutional Districts**

**Senate District 1 (MTCAP):**

19. This district runs from the Oregon border through lightly populated mountain areas to take in Placer County, except Roseville, and the northeastern suburbs of Sacramento County. The district bypasses hundreds of thousands of people to unite these far distant areas. The region from Sacramento to the Oregon border is an agricultural community of interest. It is separated from the north coast by the coastal mountain range. Its transportation corridors are two north-south highways, Interstate 5 and Highway 99. The Commission separates the northern most counties, Shasta and Siskiyou, from the rest of the region. It unites Redding with Sacramento suburban communities of Folsom, Fair Oaks and Orangevale, communities with nothing in common with agricultural Redding.
20. This is also one of six districts that divides Sacramento County. Sacramento County has a population of 1,418,788, about the population for a Senate district and a half. The 1991 Masters placed

two districts in the county; the Legislature divided the country among three districts in 2001. The commission has divided the county among six districts and no district is fully within the county.

21. The Constitution at Art. XXI, § 2 (d) (4) states clearly: “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.” This provision is clearly violated by the division of Sacramento County into six Senate districts, four of which combine Sacramento’s population with far distant populations.
22. Senate Districts, Sacramento County: (Percentage of Sacramento’s population within each district.)
  - SD 1: (10.2%)
  - SD 3 (.6%)
  - SD 4: (21.8%)
  - SD 5: (1.9%)
  - SD 6: (62.8%)
  - SD 8: (3%)
23. Article XXI provides that one measure of a “community of interest” is that voters have access to “the same media of communication relevant to the election process.” (Art. XXI, § 2 (d)(4).) Nielsen Media Research has divided California into 14 television media markets. (Exhibit “I,” attached hereto: Designated Market Areas, DMAs, Groups of Counties Assigned by Nielsen Media Research 2000, Polidata (R) Demographic and Political Guides. [www.polidata.us](http://www.polidata.us) Map: CARDMABA.) This district overlaps four different Nielsen market areas: Medford-Klamath Falls, Chico-Redding, Sacramento-Stockton-Modesto, and Reno.

24. **What Does the Commission Say:** The Commission report on this district (Report, p. 42-43) says it is connected by “Highway 395 north and south and Highway 50 and Interstate 80 east and west.” But the major transportation arteries for this region are Interstate 5 and Highway 99 that connect the northern interior counties. The district does not respect these corridors. The Commission contends that “its shared economic interests include timber and recreation.” In fact, most of the population is found in the Sacramento suburbs which have no timber or recreation. Shasta County is timber and Lake Tahoe is recreation and the Sacramento suburbs are neither.
25. Finally, as evidence of the cavalier attitude of the Commission toward this part of California, the Commission describes the district as consisting of “a portion of Sacramento County, including Roseville.” (*Id.*) Roseville is in Placer County.
26. **What did the Masters Do:** The predecessor Masters district contained the rural northeastern portion of the state with the heavily populated counties of Nevada, Placer and El Dorado.
27. **What should the Commission Have Done:** The Commission could have formed this district as the Masters did, with its population centered in Placer, Sacramento and El Dorado Counties. There is no justification for placing Redding into this suburban Sacramento and foothills district.

**Senate District 4 (YUBA):**

28. This district begins at Red Bluff in Tehama County, includes Roseville in Placer County, and then extends to numerous suburban areas within Sacramento County. Red Bluff belongs with Redding to its north; not since the advent of the “one person-one vote” Senate districts in 1966 have Redding and Red Bluff been in separate

districts. The Sacramento suburbs in this district should be with other communities in Sacramento County.

29. This district covers two separate Nielsen Designated Market areas, Chico-Redding and Sacramento-Stockton-Modesto. (Exhibit "A" attached hereto.)
30. **What Does the Commission Say:** The Commission (Report, p. 43) describes this district as containing parts of "northeast Sacramento County, including Roseville." As noted above, Roseville is not in Sacramento County. The commission also asserts that, "This district shares the I-5 transportation corridor and reflects the interests in a Central Valley district that is primarily agricultural and rural." This is not true. The "agricultural and rural" counties account for about 500,000 people while suburban Roseville and the Sacramento suburbs like Rancho Cordova account for 430,000 people. These two areas have nothing in common.
31. **What did the Masters Do:** The Masters maintained the unity of the northern interior counties and brought this district south into portions of Yolo and Solano Counties.
32. **What should the Commission Have Done:** This region has grown since 1990 so bringing this district into Yolo and Solano Counties is unnecessary. A perfectly formed agricultural district could have been drawn from the Oregon border as far south as Sutter County.
33. This district and Senate District 1 specifically violate the constitutional mandate not to bypass adjacent populations in forming districts. District 1 should be a Sacramento suburban district; District 4 should be a northern interior rural district. These two districts specifically violate the constitutional community of interest criterion.

### Senate District 3 (WINE)

34. The 1991 Masters admonition that compactness “does not refer to geometric shapes but to the ability of citizens to relate to each other and their representatives, and to the ability of representatives to relate effectively to their constituency” was completely ignored with Senate District 3. This district contains Rohnert Park, Sonoma and Petaluma in Sonoma County, Martinez and Pleasant Hill in Contra Costa County and the Sacramento River Delta. These are small appendages that don’t belong in the same district.
35. This district is forced to absorb these far distant areas by the rippling caused by the commission’s refusal to cross the Golden Gate Bridge. The population north of the bridge is greater than a single Senate district. So instead of the logical cross of the Golden Gate Bridge that would have united parts of Marin County and San Francisco, the commission is forced to detach part of Sonoma County, Rohnert Park, and to combine it with far distant populations. Instead of crossing the Golden Gate Bridge, the commission forces this district across both the Carquinez and the Benicia bridges. In so doing, it brings the working class communities in northern Contra Costa County into a district that extends all the way to Calistoga in Napa County and the Sonoma County wine country.
36. The district overlaps two Nielsen Designated Market Areas, Sacramento-Stockton-Modesto and San Francisco-Oakland-San Jose. (Exhibit “A”, attached hereto.)
37. **What Does the Commission Say:** The Commission explanation (Report, p. 43) notes that the district “includes a portion of Contra Costa County including the cities of Martinez and Pleasant Hill, to achieve population equality and are connected through the Benicia

Martinez Bridge. The district is united by the I-5 and I-80 transportation corridors.”

38. There are several problems with this justification. First, Martinez and Pleasant Hill are not connected by the Benicia Bridge; they are both in Contra Costa County. Secondly, it is not united by the I-5 corridor; the district contains two separate pieces of Interstate 5 that pass through largely unpopulated area.
39. **What did the Masters Do:** There is no Masters district that approximates this district. The Masters did properly cross the Golden Gate Bridge with then Senate District 3.
40. **What Should the Commission Have Done:** A logical district would have combined all of Solano, Yolo and Napa Counties. Additional population could have been obtained from the Contra Costa County towns along the I-80 corridor. The Sacramento River delta, Rohnert Park and Martinez-Pleasant Hill do not belong in this district.

**Senate District 8 (FTHLL):**

41. This is certainly one of the oddest districts ever drawn in California, and in every aspect violates the state constitutional criteria. The district begins in the Sacramento suburbs, moves south through the mountains to pick up parts of Stanislaus County, then much of Fresno County including large parts of the city of Fresno, and then wanders further south through Death Valley until it ends just a few miles from Las Vegas. It is based on a theory that the foothills are a community of interest, but in fact the Sacramento suburbs and urban Fresno County – well away from any foothills – have nothing in common with Death Valley.

42. In terms of the 14 Nielsen Designated Market Areas, this district crosses four of them: Sacramento-Stockton-Modesto, Reno, Fresno-Visalia, and Los Angeles. (Exhibit "A", attached hereto.)
43. **What Does the Commission Say:** The Commission (Report, p. 44) tries to justify this district by noting the need to build two Voting Rights Act Section 5 districts just to the west, but in fact the drawing of Section 5 districts including Merced and Kings County do not require the rest of the Central Valley to be stretched across the map. The Commission claims that "the district maintains the integrity of a southern foothills and mountain district to link the common issues interests of open space, water, the distinctions between the 'hills' and the 'flatlands' and the less densely populated areas that share a more rural and remote way of life."
44. In fact, the district does none of these things. Its population center is 440,000 people in the cities of Fresno and Clovis, hardly areas sharing a "remote way of life." The commission received testimony that the people living in the Sierra counties shop and relate to nearby "flatland" counties, Tuolumne to Fresno, Calaveras to Modesto. Death Valley and Inyo County do not relate to Amador County.
45. **What Did the Masters Do:** The Masters did not create any district remotely resembling this district. They combined "hill" populations with their nearby "flatland" populations.
46. **What Should the Commission Have Done:** The Sacramento County portion should have remained with Sacramento County, and this would have reduced the unjustified division of Sacramento County into six Senate districts. Oakdale and Turlock should have remained within a Stanislaus County district. Urban Fresno should have been combined with nearby communities and not run through the mountains to Death Valley.

### **Senate District 12 (MERCED):**

47. This district maintains the 2001 gerrymander that united Salinas in Monterey County with parts of Stanislaus County and all of Merced County. The legislature drew this district for the benefit of a favored politician. The Commission contends it was forced to retain this district because of Section 5 of the Voting Rights Act, Merced and Monterey being Section 5 counties. (Report, p. 45.) But this was not necessary. The Voting Rights Act lays out the standard that a Section 5 districts must not regress minority voting opportunities. It does not mean simply applying a mathematical formula; rather the voting history of the area must be considered. By leaving this district as it was drawn in 2001, the Commission did in fact regress Latino opportunities to elect a State Senator because the voting history of this area shows a Latino cannot win this district but could in fact be elected were the Section 5 counties in this district organized differently. (Exhibit “B”, attached hereto.)
48. The Commission received extensive testimony that the Central Valley should be combined with the Central Valley and the coast with the coast. It is impossible to provide effective representation in a district partially on the coast and partially inland because the concerns and issues are so different. This is why the Masters did not combine any Valley districts with coastal counties. This district specifically violates state constitutional criteria by combining far distant and totally dissimilar communities.
49. This district managed to cover three Nielsen Designated Market Areas: Monterey-Salinas, Fresno-Visalia, and Sacramento-Stockton-Modesto. (Exhibit “A”, attached hereto.)
50. **What Does the Commission Say:** The Commission admits that “although this is the one district that crosses the coastal mountain

range between the San Joaquin Valley and the west, this district is able to maintain a predominately agricultural base on both sides of the mountains, thus linking two areas together in a common interest.” (Report, p. 45.) This is fiction, the farming, ranching and water concerns are totally different, and often in conflict. Salinas is an area of cool weather crops and adequate local water; the Central Valley consists of cattle ranches, cotton and tree crops, and must import its water. They could not be more different, as the commission was told at its public hearings.

51. The Commission also justifies violation of state constitutional standards to meet Section 5. (Report, p. 45.) But in fact, Merced County could have been placed in the Central Valley Section 5 district (Senate District 14) and it could have been drawn to be more than 60 percent Latino (Merced County itself is 55 percent Latino). Additionally, had heavily Latino Salinas been united with Latino areas in neighboring Santa Clara County, a Latino Senate seat could have been drawn. Neither Monterey nor Merced Counties have ever elected Latinos to the Senate, and in fact a Latina candidate was defeated in the current Senate District 12 in 2010.
52. The California Target Book, a legislative analysis subscription service, notes that AD 23, Santa Clara County, has a history of electing Latinos to the legislature, former Assembly members Manny Diaz and Joe Coto, and current Assembly member Nora Campos. The Target Book also notes that AD 28 in Monterey County also has a long history of electing Latino legislators, starting with the election of Simon Salinas in the year 2000. These two districts should have been combined to form a Senate district, and had the commission done so, the likelihood is very great a Latino would win that Senate district. (Exhibit “B”, attached hereto.)

53. The Commission had an opportunity to meet Section 5 by drawing Latino Senate seat in Monterey County and failed to do so.
54. **What Did The Masters Do:** The Masters created a district entirely within the Central Valley, consisting of Tuolumne, Stanislaus, Mariposa and Merced Counties, and portions of Fresno, Madera and San Joaquin Counties. This met all the state constitutional criteria. The Masters coastal district included Monterey, Santa Cruz and portions of Santa Clara Counties.
55. **What Should the Commission Have Done:** The Commission should have created this seat entirely in the Central Valley. It should have attached Merced County to Kings County and Latino portions of Fresno and Kern Counties to meet Section 5 concerns (this district currently has a Latino Senator and there would be no Section 5 regression). The Commission could then have taken the Latino portions of Monterey County, also Section 5, and created a Latino Senate district in combination with Santa Clara County Latinos. (The two overlapping Assembly Districts that would form this Senate district have Latino incumbents.)

**Senate District 17(WMONT):**

56. This district replicates the 2001 gerrymander by uniting southern Santa Clara County, including Morgan Hill and Gilroy, with San Luis Obispo County hundreds of miles to the south. It bypasses hundreds of thousands of people in the Bay Area for San Luis Obispo County. The district combines Monterey County with San Luis Obispo County even though they are separated by an area of 100 miles of no population (Big Sur).
57. This district is the result of several Commission errors: not crossing the Golden Gate Bridge which required pulling this Central Coast district north into Santa Cruz County, dividing Monterey County to

send Salinas off to the Central Valley, and failure to recognize the Monterey-San Luis Obispo County line as the natural division between Bay Area districts and the Central Coast.

58. This district specifically violates state constitutional criteria of contiguity and compactness in that it bypasses huge areas of population to reach for far distant population. It dilutes the influence of small San Luis Obispo County by placing it in a district whose population centers are 100 miles away, and with which San Luis Obispo County residents have nothing in common.
59. It also manages to cover three Nielsen Designated Market Areas: San Francisco-Oakland-San Jose, Monterey-Salinas, and Santa Barbara-Santa Maria-San Luis Obispo. (Exhibit "A", attached hereto.)
60. **What Does the Commission Say:** The Commission justifies this district by contending that, "strongly shared interests within the district include regional agricultural economies, coastal and open space preservation and environmental protection." (Report, p. 46.) These characteristics are shared by all coastal counties from Del Norte to San Diego and are hardly unique to this area. San Luis Obispo's agricultural economy actually has little in common with Monterey County, and much more in common with agriculture to the south in Santa Barbara and Ventura Counties. Monterey County's agricultural base has far more in common with Santa Cruz County (similar cool weather crops) than it has with San Luis Obispo County farmland hundreds of miles to the south.
61. Most telling, San Luis Obispo County "looks south"; its newspapers and television stations cover Santa Barbara County, and the major population concentrations in San Luis Obispo County are along its common border with Santa Barbara County. San Luis Obispo

County shares five television stations with Santa Barbara County, including the major networks. Monterey County also shares five television stations, but with Santa Cruz County to its north. The Monterey and San Luis Obispo stations do not overlap at all.

(Exhibit "A", attached hereto.)

62. The Commission met the community of interest criteria for Assembly and Congress. Its Assembly district unites San Luis Obispo County with northern San Barbara County; its congressional map consists of all of San Luis Obispo and Santa Barbara Counties. It is somewhat of a mystery why the Commission recognized the "hard border" of Monterey and San Luis Obispo Counties for Assembly and Congress, but not for Senate.
63. **What Did the Masters Do:** The Masters northern Senate district consisted of all of Monterey and Santa Cruz Counties, and a portion of Santa Clara County. Its southern Senate district encompassed all of San Luis Obispo, Santa Barbara and western Ventura Counties. This is the constitutional way to divide the Central Coast.
64. **What Should the Commission Have Done:** The Commission should have taken the Latino portions of Monterey County and united them with Latino portions of Santa Clara County. Coastal Monterey County should have been united with Santa Cruz County and the Silicon Valley communities along Highway 17. The second district should have been formed exactly as the Masters formed the district (and the Commission formed the overlapping congressional district): all of San Luis Obispo County, all of Santa Barbara County and western Ventura County.

#### **Senate District 16 (TULKE)**

65. This jaw-like district begins in Visalia and Tulare in Tulare County, moves south to pick up the northern part of the city of Bakersfield,

and then moves east and south to absorb the San Bernardino desert from Yucca Valley to Needles. It is one of six districts partially within San Bernardino County and unites the desert area with Central Valley farming communities with which it has nothing in common.

66. The Constitution specifies that: “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.” San Bernardino County has a population of 2,035,210 people, slightly more than the population of two Senate districts. Yet the Commission has drawn six districts in the county, and no district is fully within the county. Three of these districts clearly violate the constitution.

67. Senate Districts, San Bernardino County: (Percentage of San Bernardino’s population within each district.)

SD 16 (7.3%)

SD 20 (38.6%)

SD 21 (16.3%)

SD 23 (30.2%)

SD 25 (3.8%)

SD 29 (3.7%)

68. The district also manages to cover three Nielsen Designated Market Areas, Los Angeles, Bakersfield and Fresno-Visalia. (Exhibit “A”, attached hereto.)

69. **What Does the Commission Say:** The Commission justification notes that, “Although this district covers a large geographic area, the vast majority of cities share a communality of having small populations in more remote areas.” (Report, pp. 45-46.) This justification is absurd on its face. Alturas in Modoc County and

Calexico in Imperial County could be so described, but that would not justify putting them in the same district. The cities of Visalia and Tulare are hardly small remote cities, being in the heart of the Central Valley. The commission justifies uniting “small populations” with nothing in common simply on the basis that they are small.

70. **What Did the Masters Do:** The Masters predecessor district treated the High Desert as a single geographic unit. The Masters created a single High Desert district, then Senate District 17.
71. **What Should The Commission Have Done:** Had the Commission properly acknowledged the state’s natural geographic regions, it would have placed the Kern and San Bernardino deserts within a single district, and not included distant Central Valley farming communities. It should have created at least one district fully within San Bernardino County.

#### **Senate District 23 (SBBAN)**

72. This is one of the six districts partially in San Bernardino County. It includes the city of Rancho Cucamonga along the Los Angeles County line, and then wraps around two other districts dipping deep into Riverside County to pick up the city of Menifee in Riverside County. Like other San Bernardino County districts, this district absorbs distant communities with nothing in common.
73. **What Does the Commission Say:** The Commission notes the irregular shape. “The shape of this district was largely determined by the adjacent district drawn in consideration of Section 2 of the Voting Rights Act.” (Report, p. 47.) That district is Senate District 20. We do not challenge that district; the Voting Rights Act indeed does require a district drawn as Senate District 20 is drawn. But this is weak excuse for decimating the representation on non-Section 2

districts. Rancho Cucamonga should have been united with neighboring Upland and those communities kept within a San Bernardino district.

74. **What Did the Masters Do:** The Masters kept the San Bernardino suburban communities together and took a portion of neighboring Riverside County. The Masters also created the Section 2 district, demonstrating that creation of a Latino district in urban San Bernardino County did not require elongated and irregular suburban districts.
75. **What Should the Commission Have Done:** The Commission should have followed the lead of the Masters in constructing a High Desert San Bernardino County district and a second district that while surrounding the Section 2 district, nevertheless would have included Upland, Rancho Cucamonga with cities like Twenty Nine Palms and Yucca Valley.

#### **Senate District 25 (LASGF)**

76. The major population centers for this district are Pasadena, Glendale and part of Burbank. In 1991, the Masters configured the predecessor to this district around those cities, and the legislature retained that scheme in 2001. However, the Commission has extended this district far to the east to absorb East San Gabriel Valley communities of Glendora, San Dimas, La Verne and Claremont into this district. The district then extends across the Los Angeles-San Bernardino County line to absorb Upland; becoming one of the six districts invading San Bernardino County.
77. The East San Gabriel Valley communities have never been combined with Pasadena, Glendale or Burbank, and in fact the Commission heard testimony at its public hearing that such an elongated district would undo fair representation for these smaller

cities. This is one of the classic examples of denying representation to a small population by combining it with a much larger far distant population. This is prohibited by the state constitutional criteria that adjacent population must be used in forming districts, not far distant population.

78. **What Does the Commission Say:** The Commission's rationale for this district is that it retains the I-210 corridor and "connects these cities for commerce and entertainment." (Report, p. 48.) But in fact, very few people in Upland look to Burbank for "commerce and entertainment." The I-210 corridor is divided in three by this district, so it certainly does not respect that transportation corridor.
79. **What Did the Masters Do:** The Masters formed one compact district in the Burbank-Pasadena-Glendale area. The East San Gabriel Valley communities were combined with like communities in eastern Los Angeles County.
80. **What Should the Commission Have Done:** The Commission was unable to draw the same sensible districts the Masters did because it divided Burbank and it failed to keep adjacent Los Angeles population within this district. All of Burbank should have been placed in this district, and if the Commission had kept Burbank whole and added adjacent Los Angeles territory, it would not have been necessary to reach as far as Upland for population for this district.

#### **Senate District 27 (EVENT)**

81. This district contains portion of Eastern Ventura County, primarily Thousand Oaks and Simi Valley, and then extends far into Los Angeles County to absorb western and central San Fernando Valley communities of Reseda and Encino. In doing so, the 27th Senate District dilutes the Latino percentage in the neighboring 18<sup>th</sup> Senate

District. The current Latino district in the San Fernando Valley has a Latino Citizen Voting Age Population of 47 percent. The Commission's district has a LCVAP of only 38 percent, according to the National Association of Latino Elected and Appointed Officials. The district also divides eastern Ventura County by removing Camarillo.

82. **What Does the Commission Say:** In trying to justify this district, the Commission tries to place the cities of Agoura Hills and Westlake Village into Ventura County. They are in Los Angeles County. It claims to "reunite the cities in eastern Ventura County above the Conejo Grade." (Report, p. 48.) Well, they are not divided at present and the Commission actually divides Camarillo off from its neighbors. Finally, the Commission notes that these communities are combined with communities in the "greater Santa Monica Mountain area." (*Id.*) In fact, the Commission received extensive testimony that the communities of the southern Santa Monica Mountains did not want to be with eastern Ventura County or the communities of the northern San Fernando Valley. Yet the Commission did exactly that.
83. **What Did the Masters Do:** The Masters created one compact district consisting of the southern Santa Monica Mountain, Malibu, Beverly Hills and Hollywood, and the western San Fernando Valley. The eastern Ventura County district consisted of the cities of Camarillo, Thousand Oaks, and Simi Valley, and this was joined to communities in the northern San Fernando Valley. That is the configuration was urged on the commission by numerous citizens and interest groups in this area.
84. **What Should the Commission have Done:** The Commission should have created the Central Coastal districts from the San Luis

Obispo-Monterey County line south. That would have left this district primarily within Ventura County. This would have allowed the creation of a district in the southern Santa Monica Mountains and western Los Angeles County as was encouraged upon the commission. It would also have prevented the dilution of Latinos from the San Fernando Valley Latino district.

85. The California Target Book notes that current Senate District 20, predecessor to new Senate District 18, first elected a Latino, former Sen. Richard Alarcon, in 1998. He was succeeded in 2006 by current Sen. Alex Padilla. Senate District 20 has a Latino voter registration of 46 percent, and Latino CVAP of 47 percent. By lowering the Latino CVAP to only 38 percent, the commission also lowered to Latino voter registration to 37 percent. This makes it far less likely that a Latino will succeed Sen. Padilla when he is termed out in 2014. (Exhibit “B”, attached hereto.)

#### **Senate District 28 (CCHTM)**

86. The Commission has drawn elongated and illogical districts throughout the Inland Empire, and this is the example in Riverside County. The district begins at the Arizona border and extends all the way to the Orange County line, while also absorbing suburban neighborhoods of the city of Riverside. Its shape is caused by the creation of Senate District 23 that wanders far into central Riverside County, requiring this district to curve around it.
87. **What Does the Commission Say:** The Commission notes that the district “includes the entire eastern portion of Riverside County and portions of west Riverside County along the southern border.” (Report, p. 48.) But it gives no justification for this awkward configuration.

88. **What Did the Masters Do:** The Masters included Imperial County along with eastern Riverside County, thus uniting the Coachella Valley. The commission did this for the Assembly, but not for the Senate. The Masters also included portions of eastern San Diego County, thereby creating a compact district in California's southeaster border.
89. **What Should the Commission Have Done:** Eastern Riverside County is a clear community of interest. This district should have included Beaumont and Banning, as well as Hemet and San Jacinto, which were always combined with eastern Riverside County districts in the past.

### **What Should the Court Do?**

In my opinion, the unconstitutional defects in the Commission's Senate maps may be corrected by drawing new boundaries according to the following guidelines:

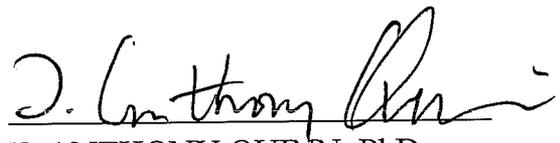
90. **Bay Area:** The Bay Area districts need to be redrawn to reunite Sonoma County and to return the Martinez-Pleasant Hill area to a district in Contra Costa County. Salinas, southern Santa Clara County and East San Jose should be united into a new Latino Senate district. The Bay Area region should be understood to include all the coastal counties from Del Norte to Monterey, and eastward to include Solano and Yolo Counties.
91. **Interior California:** The districts from Siskiyou County through Kern County need to be drawn sequentially down the state. The schematic of the 1991 Masters should be used. None of these districts should cross the coastal mountain range. Sacramento County should be divided no more than three times.
92. **Central Coast:** The districts need to be drawn sequentially from San Luis Obispo County through Ventura County. The Ventura

County district should be combined with population bordering Ventura County and north of the Santa Monica Mountains.

93. **Inland Empire:** The division of San Bernardino County must be reduced. A High Desert district should be drawn. The suburban populations in Riverside and San Bernardino Counties need to be better united.
94. **Los Angeles County:** I do not encourage changes to the two historically African American districts (Senate Districts 30 and 35). The Section 2 and heavily Latino districts should not be changed (Senate Districts 22, 24, 32 and 33). The Latino population in Senate District 18 should be increased.
95. **Southern California:** I do not allege unconstitutional districts elsewhere in Southern California.

The foregoing statements of fact are true and correct and the foregoing opinions are mine offered as expert testimony in this matter. If called as a witness I could testify truthfully to the foregoing.

Executed under penalty of perjury under the laws of the State of California this 13 day of September 2011 at Sacramento, California.

  
T. ANTHONY QUINN, PhD

**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 September 15, 2011, I served the following document(s) described as:

**DECLARATION OF DR. T. ANTHONY QUINN, PhD  
IN SUPPORT OF PETITION FOR WRIT OF MANDATE  
OR WRIT OF PROHIBITION**

on the following party(ies) in said action:

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*Attorney for Respondent*  
SECRETARY OF STATE

X **BY U.S. MAIL:** By placing said document(s) in a sealed envelope and depositing said envelope, with postage thereon fully prepaid, in the United States Postal Service mailbox in Sacramento, California, addressed to said party(ies), in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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.

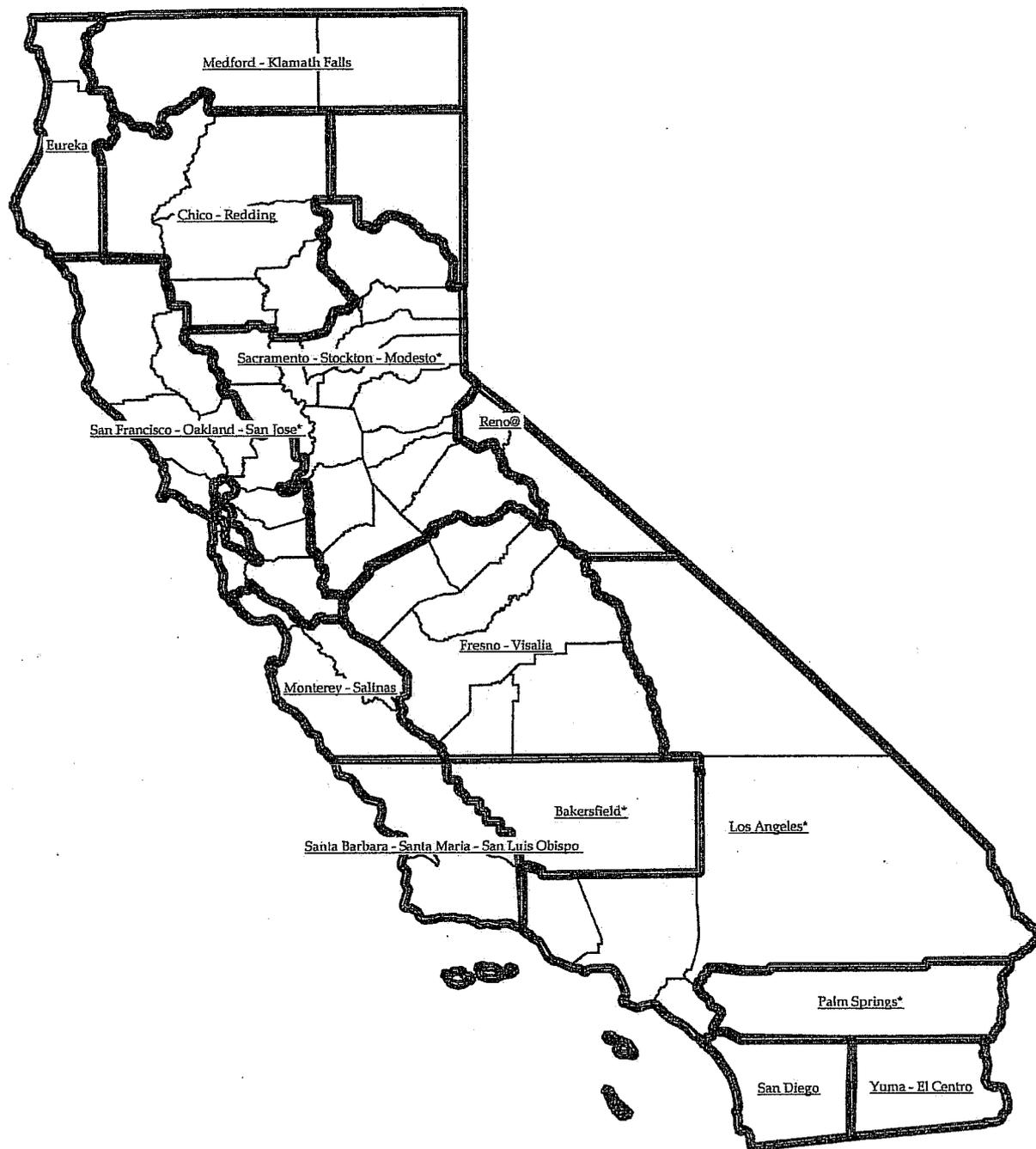
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 15, 2011 at Sacramento, California.

  
SHANNON DIAZ



# Designated Market Areas, DMAs

Groups of Counties assigned by Nielsen Media Research (2000)



DMAs reflect television media markets. Every county is assigned (very few are split). DMAs may be noncontiguous and cross state borders.





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# 23<sup>rd</sup> Assembly District

## Nora Campos (D)

Term Limit: 2016

<u>President 2004</u>		<u>U.S. Senate 2004</u>		<u>Governor – 2002</u>		<u>Assembly 2006</u>	
Kerry (D)	66%	Boxer (D-Inc)	71%	Davis (D-Inc)	61%	Coto (D-Inc)	74%
Bush (R-Inc)	33%	Jones (R)	24%	Simon (R)	26%	Patrosso (R)	26%
<u>Governor 2006</u>		<u>U.S. Senate 2006</u>		<u>Attorney General 2006</u>		<u>Assembly 2008</u>	
Angelides (D)	52%	Feinstein (D-Inc)	73%	Brown (D)	69%	Coto (D-Inc)	77%
Schwarzenegger (R-Inc)	43%	Mountjoy (R)	21%	Poochigian (R)	25%	Patrosso (R)	23%
<u>President 2008</u>		<u>Prop 8 2008 - Ban</u>		<u>Insurance Comm. 2006</u>		<u>Assembly 2010</u>	
Obama (D)	71%	<u>Gay Marriage:</u> Yes	51%	Bustamante (D)	50%	<b>Campos (D)</b>	<b>75%</b>
McCain (R)	27%	No	49%	Poizner (R)	39%	<b>Saini (R)</b>	<b>25%</b>

**LOCATION:** A *Santa Clara County* district (ninety-four percent of the district's population falling within the city limits of San Jose) encompassing the heavily Latino eastside, downtown civic center, San Jose State University, Evergreen, Mayfair, Plata Arroyo and Mt. Pleasant and a portion of Berryessa; also encompasses the lightly populated unincorporated suburban communities of Alum Rock, East Foothill, Seven Trees and Sunol-Midtown.

**VOTER REGISTRATION:** Dem 50%; Rep 20%; DTS 26% – **150,241 total voters** (Permanent vote-by-mail voters 63%)

**Ethnic voter registration:** Latino 31%; Asian 22% (V-18%, C-2%, K-1%, J-1%); Filipino 4%

**POLITICAL ANALYSIS:** In 2004, *Manny Diaz* decided not to seek reelection to this safe Democratic Assembly seat and instead ran for election in an overlapping senate district, losing in the March Democratic Primary to former Asm. *Elaine Alquist*.

Four candidates entered the 2004 Primary to succeed Diaz, the top vote getter (43%) being Latino *Joe Coto*, who, since 1988, had served as Superintendent of San Jose's East Side Union High School District. Coto was the first to enter the race, securing the endorsement of Diaz, along with both labor and business groups. Businesswoman *Kathy Chavez-Napoli* (31%), putting \$100,000 of her own money into the race, attempted to make a serious challenge, but may have been hurt by having another Latina businesswoman on the ballot, *Patricia Martinez-Roach* (13%), who ran twice before for the Assembly. The fourth candidate was college professor *Khanh Tran* (13%), whose support came mostly from the district's large Vietnamese-American population.

Coto was termed out this year and two Democrats ran in the June Primary, the top vote getter – with 72% of the vote – being **NORA CAMPOS**, a member of the San Jose City Council. She outpolled *Patricia Martinez-Roach* (28%) a schoolteacher and East Side Union High School board member making her fourth unsuccessful run for the assembly and spending little if any money.

**Endorsements** Campos received during the Primary included the CA Teachers Assoc., CA List, Sen. Elaine Alquist, Asms. Joe Coto, Jim Beall, Paul Fong, Alberto Torrico and Jerry Hill, along with four members of the Santa Clara County Board of Supervisors and five members of the San Jose City Council. Democratic consultant *Ed McGovern* is managing the race.

**June 30 campaign finance reports** show the *Nora Campos for Assembly 2010* committee spending \$333,140. The *Coalition for a Safer CA Sponsored by Public Safety Organizations*, an independent expenditure committee (IE) funded in part by the CA Correctional Peace Officers Association, San Jose Police Officers Association, San Francisco Police Officers Association and Foster Media, Inc., spent \$40,600 for broadcast media in support of Campos. An IE funded by the *Peace Officers Research Association of CA* (PORAC) spent \$10,000 for a slate mailer in support of Campos.

Carrying the Republican banner this year was *Atul Saini*, an Indian-American, San Jose insurance agent and director of precinct operations for the Santa Clara County Republican Party.

Campos was raised in East San Jose. As a young person she marched with Cesar Chavez in the company of her parents. She began her work in the public sector as a community relations coordinator, and then as chief of staff for a San Jose councilmember prior to running for office (elected to the city council in 2001). She earned her bachelor's from San Francisco State University and is an alumna of the Alum Rock and East Side Union school districts.

Her brother, *Xavier Campos*, was narrowly elected last November to succeed her on the Santa Clara City Council. Her husband, *Neil Struthers*, is head of the Santa Clara and San Benito Counties Building and Trades Council.

## 28<sup>th</sup> Assembly District

### Luis Alejo (D)

Term limit: 2016

<u>President 2004</u>		<u>U.S. Senate 2004</u>		<u>Governor - 2002</u>		<u>Assembly 2006</u>	
Kerry (D)	60%	Boxer (D-Inc)	64%	Davis (D-Inc)	56%	Caballero (D)	58%
Bush (R-Inc)	39%	Jones (R)	32%	Simon (R)	34%	Velazquez (R)	42%
<u>Governor 2006</u>		<u>U.S. Senate 2006</u>		<u>Attorney General 2006</u>		<u>Assembly 2008</u>	
Angelides (D)	45%	Feinstein (D-Inc)	66%	Brown (D)	64%	Caballero (D-Inc)	100%
Schwarzenegger (R-Inc)	49%	Mountjoy (R)	28%	Poochigian (R)	30%	<i>Unopposed</i>	
<u>President 2008</u>		<u>Prop 8 2008 - Ban</u>		<u>Insurance Comm. 2006</u>		<u>Assembly 2010</u>	
Obama (D)	68%	<u>Gay Marriage: Yes</u>	55%	Bustamante (D)	45%	<b>Alejo (D)</b>	<b>63%</b>
McCain (R)	30%	<u>Gay Marriage: No</u>	45%	Poizner (R)	45%	<b>Bernosky (R)</b>	<b>37%</b>

**LOCATION:** Largely agricultural area that includes all of *San Benito County*; a small portion (5%) of southern *Santa Clara County* encompassing Gilroy, and a small part (4%) of San Jose; inland portion (24%) of *Santa Cruz County* including Watsonville; over half (56%) of *Monterey County* encompassing Salinas, Gonzales, Greenfield, King City and Soledad.

**VOTER REGISTRATION:** Dem 56%; Rep 23%; DTS 17% - 161,619 total voters (Permanent vote-by-mail voters 52%)

**Ethnic voter registration (2009):** Latino 43%; Asian 5%; Filipino 3%

**POLITICAL ANALYSIS:** During most of the 1990s, this district had the highest percentage of Latino registered voters of any partisan district held by a Republican. The incumbent was GOP maverick *Peter Frusetta*, a local rancher who spoke fluent Spanish. When the seat became open in 2000 due to term limits, Latino *Simon Salinas* brought the district back into the Democratic column, defeating Republican agri-businessman *Jeff Denham*, 53% - 43%. (Denham made a comeback in 2002 by being elected to the state Senate in SD12 and this year was elected to Congress; see CD19).

Salinas was termed out in 2006, which set up a lively 2006 Democratic Primary between two Latina mayors, the winner being *Anna Caballero*, the mayor of the city of Salinas, who outpolled *Ana Ventura Phares*, the mayor of Watsonville, 61%-39%.

On the Republican side in the 2006 November General Election was *Ignacio Velazquez*, a wealthy local business owner. Looking for a major upset, he put more than \$260,000 of his own money into his race, most being spent on mailers and broadcast ads attacking Caballero's record as a defense attorney who defended murderers and rapists, etc. But this district remained solidly in the Democratic column.

Caballero gave up her assembly seat this year to run unsuccessfully for state senate (see SD12) and three Democrats entered the Democratic Primary. But it soon became a two-candidate race between Watsonville Councilmember **LUIS ALEJO**, strongly supported by Labor, and Salinas City Councilmember *Janet Barnes*, a self-described moderate who was strongly supported by business interests. The third candidate in the race, Gilroy school board member *Francisco Dominguez*, was not a serious contender. As is almost always the case in a safe Democratic district, the most liberal candidate won, and it wasn't even close, Alejo receiving 54% of the Primary vote; Barnes came in second with 34%, followed by Dominguez with 12%.

June 30 campaign finance reports show the *Alejo for Assembly 2010* committee spending \$298,028; the Barnes campaign spent \$158,181; with the Dominguez campaign lagging far behind, spending just over \$58,000, \$20,000 coming from his own pocket.

However, the big spenders in this race were independent expenditure committees (IEs), with eight separate IE committees spending a combined total of \$868,000 in support or opposition to the two major contenders. The biggest player in the race was an IE titled *Janet Barnes for Assembly 2010, Major Funding by EDVOICE EI Committee and CA Farm Bureau Fund to Protect the Family Farm, Safe Neighborhoods & Better Schools Coalition*, spending \$371,948 for polling and a multi-media campaign in support of Barnes and an additional \$48,798 in opposition to Alejo. As the titles implies, most funding came from EdVoice and the CA Farm Bureau. On the other side, the biggest player was *Opportunity PAC - a Coalition of Teachers, Health Care Givers, Faculty Members and other School and Public Employees*, spending \$144,582 in opposition to Barnes.

**Endorsements** received by Alejo during the Primary included CA Nurses Association, CA Teachers Association, CA Federation of Teachers, CA School Association, Consumer Federation of CA, United Food & Commercial Workers Local 5, Laborers' Union Local 297, Teamsters Joint Council 7, United Farm Workers, AFSCME, Sen. Gil Cedillo, Dean Florez, Asm. Bill Monning, former Asms. Fred Keeley, Sally Lieber and Simon Salinas, former CA Supreme Court Justice Cruz Reynoso, Dolores Huerta, along with a long list of local elected officials and community leaders. Democratic Consultant *Richie Ross* managed the campaign.

Two Republicans entered the June Primary, the top vote getter being community activist *Robert Bernosky*, defeating *Allen Barker*, a former fire fighter with the U.S. Forest Service 57%-43%. Bernosky is a former trustee of the North County Joint United School District and has been the CFO of seven different companies.

Alejo is an attorney and, at the time of his election to the Assembly, a member of the Watsonville City Council (elected 2008). Since 2005, he has served on the Santa Cruz County Democratic Central Committee.

The son of migrant farm workers, he received dual bachelor's degrees in Political Science and Chicano studies from UC Berkeley, his law degree from UC Davis and a master's in Education from Harvard University. He is a former high school teacher. Since 2007, he served as a staff attorney of the Monterey County Superior Court where he assisted those who cannot afford an attorney.

# 20<sup>th</sup> Senate District

## Alex Padilla (D)

Term limit: 2014

<u>President 2004</u>		<u>U.S. Senate 2004</u>		<u>Governor – 2002</u>		<u>State Senate 2002</u>	
Kerry (D)	65%	Boxer (D-Inc)	70%	Davis (D-Inc)	57%	Alarcon (D)	100%
Bush (R-Inc)	33%	Jones (R)	24%	Simon (R)	33%	<i>Unopposed</i>	
<u>Governor 2006</u>		<u>U.S. Senate 2006</u>		<u>Attorney General 2006</u>		<u>State Senate 2006</u>	
Angelides (D)	53%	Feinstein (D-Inc)	69%	Brown (D)	66%	Padilla (D)	75%
Schwarzenegger (R-Inc)	42%	Mountjoy (R)	25%	Poochigian (R)	27%	Brown (Lib)	25%
<u>President 2008</u>		<u>Prop 8 2008-Ban</u>		<u>Insurance Comm. 2006</u>		<u>State Senate 2010</u>	
Obama (D)	72%	Gay Marriage: Yes	54%	Bustamante (D)	52%	<b>Padilla (D-Inc)</b>	<b>68%</b>
McCain (R)	25%	No	46%	Poizner (R)	37%	<b>Evans (R)</b>	<b>27%</b>

**LOCATION:** Entirely within *Los Angeles County*, encompassing most of the eastern and central portions of the San Fernando Valley, encompassing the small incorporated city of San Fernando and the Valley (Los Angeles) neighborhoods of Sylmar, Pacoima, Sun Valley, North Hollywood, Arleta, Van Nuys, Mission Hills, Reseda, Northridge (CSU Northridge) and Canoga Park.

**VOTER REGISTRATION:** Dem 54%; Rep 19%; DTS 22% - **305,780 total voters** (Permanent vote-by-mail voters 12%)

**Ethnic voter registration:** Latino 46%; Asian 3%; Filipino 3%

**INCUMBENT RATINGS:** AFL-CIO 87; NOW NR; PP 100; LCV 94; EQCA 100; CRFI 7; CCC 29; GOC NR; CMTA 9

**POLITICAL ANALYSIS:** Democrat *Richard Alarcón* won this safe Democratic seat in 1998 after winning a bitter and nasty primary campaign against former Democratic Assemblymember *Richard Katz*, a once Democratic powerhouse who was termed out of an overlapping Assembly seat in 1996. Alarcón's margin of victory over Katz was 29 votes. Recounts and lawsuits followed, but the Alarcón victory was not overturned.

Alarcón ran unopposed for reelection in 2002 and was termed out in 2006. That year, he ran successfully for the state assembly seat of second-term Democratic Assemblymember *Cindy Montañez*, who gave it up to run for the state Senate seat Alarcón gave up due to term limits (see AD39).

By a significant margin (56%/44%), her attempt to move up to the Senate was trumped by Los Angeles City Councilmember **ALEX PADILLA**. Though Montañez put together a strong effort, with key endorsements that included L.A. Mayor Antonio Villaraigosa, public employees and teachers unions and the CA Democratic Party, early voter surveys showed the better-known L.A. Councilmember with a sizable lead over Montañez, which she never was able to overcome. She was also significantly outspent, \$1.3 million v. \$834,000 (Montañez was later appointed by the mayor as a member of the Los Angeles City Planning Commission).

Some of the pro-business independent expenditure committees (IEs) played moderately here in *support of Padilla*, which included *CA Alliance for a Prosperous Economy* (\$120,000), *EDVOICE* (\$100,000), *CA Credit Union League* (\$84,000) and the *Cooperative of American Physicians* (\$100,000). IEs *supporting Montañez* included *CA Alliance of Consumer Attorneys, Conservationists and Nurses* (\$65,000) and *UNITE HERE International Union* (\$146,845).

Endorsements for Padilla during the 2006 Primary included: U.S. Senators Barbara Boxer and Dianne Feinstein, L.A. Councilman Tony Cardenas, Police Chief Bill Bratton, L.A. Police Protective League, CA Teamsters Public Affairs Council, Laborers Local 300, Communication Worker of American, United Teachers Los Angeles, and Assn. of Deputy Dist. Attorneys. In November, Padilla faced token opposition from Libertarian *Pamela Brown*, an economics professor active with the Cato Institute and the Reason Foundation. There was no Republican on the ballot. *Rose Kapolczynski* (Progressive Strategy Partners) managed the Padilla campaign.

Carrying the Republican banner this year was *Kathleen "Suzy" Evans*, who ran for Los Angeles City Controller in 2009, coming in a distant second behind Wendy Gruel 65% - 19% in a three-candidate race.

Also on the ballot was Libertarian *Adrian Galysch*, a musician and music teacher who is currently employed with a small music accessories business; he received 5% of the vote.

Padilla was first elected to the Los Angeles City Council in a June 1999 special election (succeeding Alarcón), becoming the third-youngest person ever elected to City office. He was elected to a full term in 2001, re-elected in 2005 and was serving as President of the Council at the time of his election to the state Senate. Padilla was born and raised in the San Fernando Valley, attended local schools and is a graduate of the Massachusetts Institute of Technology (MIT) with a degree in mechanical engineering. Since college, he has worked in the office of U.S. Senator Barbara Boxer and has served as district director for then-Assemblymember Tony Cardenas, who is now a Los Angeles councilmember. Mayor Richard Riordan appointed Padilla to the City Building and Safety Commission (1997); Governor Gray Davis appointed him to the CA Film Commission (2002). He is a resident of the L.A. neighborhood of Pacoima.