

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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**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF  
PETITIONER'S VERIFIED PETITION FOR EXTRAORDINARY  
RELIEF IN THE FORM OF MANDAMUS OR PROHIBITION  
EMERGENCY STAY REQUESTED**

**VOLUME 1**

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Charles H. Bell, Jr., SBN 060553  
Thomas W. Hiltachk, SBN 131215  
Colleen C. McAndrews, SBN 128064  
Paul T. Gough, SBN 077502  
Brian T. Hildreth, SBN 214131  
Ashlee N. Titus, SBN 227144  
BELL, McANDREWS & HILTACHK, LLP  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814  
(916) 442-7757  
(916) 442-7759  
[cbell@bmhlaw.com](mailto:cbell@bmhlaw.com)

*Attorneys for Petitioner*

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Petitioner Julie Vandermost requests the Court to take judicial notice of the documents identified herein and submitted herewith:

1. Exhibit "A" - A true and correct copy of Petitioner's Request for Referendum Title and Summary as maintained by the California Attorney General and the California Attorney General's Title and Summary (Attorney General Ref. # 11-0028 and California Secretary of State Release regarding Referendum #11-0028/1499). Exhibit A is submitted herewith in RJN Exhibits Volume 1, Bates Pages Nos. 001-050.

2. Exhibit "B" - A true and correct copy of Excerpts from the California Secretary of State's Official Voter Information Guide for the November 4, 2008 General Election. Exhibit B is submitted herewith in RJN Exhibits Volume 1, Bates Pages Nos. 051-056.

3. Exhibit "C" - A true and correct copy of Excerpts from the California Secretary of State's Official Voter Information Guide for the November 2, 2010 General Election. Exhibit C is submitted herewith in RJN Exhibits Volume 1, Bates Pages Nos. 057-064.

4. Exhibit "D" - A true and correct copy of "Resolution of Certification for Senate Maps, Certified Map, Final Report & Appendices 1-6," dated August 15, 2011, as maintained by the California Citizens' Redistricting Commission. Exhibit D is submitted herewith in RJN Exhibits Volume 1, Bates Pages Nos. 065-238.

5. Exhibit "E" - A true and correct copy of submission of Professor Joaquin Avila to the Citizens' Redistricting Commission dated June 28, 2011. Exhibit E is submitted herewith in RJN Exhibits Volume 1, Bates Pages Nos. 239-274.

6. Exhibit "F" - A true and correct copy of submission of Dr. Arturo Vargas, National Association of Latino Elected Officials to the Citizens'

Redistricting Commission dated August 10, 2011, with referenced NALEO July 21, 2011 submission to Citizens' Redistricting Commission. Exhibit F is submitted herewith in RJN Exhibits Volume 2, Bates Pages Nos. 275-328.

7. Exhibit "G" - A true and correct copy of Mexican American Legal Defense Fund (MALDEF) Submission to Citizens' Redistricting Commission dated May 26, 2011. Exhibit G is submitted herewith in RJN Exhibits Volume 2, Bates Pages Nos. 329-362.

8. Exhibit "H" - A true and correct copy of California Republican Party Chairman Thomas Del Beccaro submission to Citizens' Redistricting Commission dated August 12, 2011. Exhibit H is submitted herewith in RJN Exhibits Volume 2, Bates Pages Nos. 363-368.

9. Exhibit "I" - A true and correct copy of State Senate 2001 District Maps, maintained by the Statewide Database, University of California Berkeley. Exhibit I is submitted herewith in RJN Exhibits Volume 2, Bates Pages Nos. 369-372.

10. Exhibit "J" - A true and correct copy of letter of Thomas G. Del Beccaro to Citizens' Redistricting Commission, dated July 21, 2011. Exhibit J is submitted herewith in RJN Exhibits Volume 2, Bates Pages Nos. 373-377.

#### **MEMORANDUM OF POINTS AND AUTHORITIES**

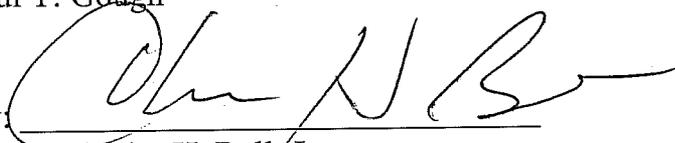
Evidence Code section 452(c) provides that judicial notice may be taken of "...Official acts of the legislative, executive, and judicial departments ... of any state of the United States." Section 452(c) also provides that judicial notice may be taken of any document published, recorded, or filed by any executive department. (See also *Serrano v. Priest* (1971) 5 Cal.3d 584, 591; *Moore v. Superior Court* (2004) 117 Cal.App.4th 401, 407 n.5; *Wolfe v. State Farm Casualty & Insurance Company* (1996) 46 Cal.App.4th 554, 567 n. 16; *Fowler v. Howell* (1996) 42 Cal.App.4th

1746, 1750, *Hogen v. Valley Hospital* (1983) 147 Cal.App.3d 119, 125.)  
“Official acts” include reports, records, files, and notices maintained by  
local governments, including counties. (*Cruz v. County of Los Angeles*  
(1985) 173 Cal.App.3d 1131, 1134.)

Exhibits A through J are each documents received, filed and/or  
maintained by public agencies and for which judicial notice may be taken.

Dated: September 15, 2011 Respectfully Submitted,

BELL, McANDREWS & HILTACHK, LLP  
Charles H. Bell, Jr.  
Thomas W. Hiltachk  
Colleen C. McAndrews  
Brian T. Hildreth  
Ashlee N. Titus  
Paul T. Gough

By: 

Charles H. Bell, Jr.  
Attorneys for Petitioner  
JULIE VANDERMOST

**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:

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF VERIFIED  
PETITION FOR EXTRAORDINARY RELIEF  
IN THE FORM OF MANDAMUS OR PROHIBITION  
EMERGENCY STAY REQUESTED – VOLUME 1**

on the following party(ies) in said action:

George H. Brown, Esq.  
Gibson, Dunn & Crutcher, LLP  
1881 Page Mill Rd  
Palo Alto, CA 94304  
Tel: (650) 849-5339  
Fax: (650) 849-5039  
EM: [gbrown@gibsondunn.com](mailto:gbrown@gibsondunn.com)

*Attorney for Real Party In Interest*  
CITIZENS' REDISTRICTING  
COMMISSION

James Brosnahan, Esq.  
Morrison & Foerster, LLP  
425 Market St  
San Francisco, CA 94105-2482  
EM: [jbrosnahan@mofo.com](mailto:jbrosnahan@mofo.com)  
Tel: (415) 268-7189  
Fax: (415) 268-7522

*Attorney for Real Party In Interest*  
CITIZENS' REDISTRICTING  
COMMISSION

George Waters  
Deputy Attorney General  
Department of Justice  
1300 "I" Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
EM: [George.Waters@doj.ca.gov](mailto:George.Waters@doj.ca.gov)  
Tel: 916-323-8050

*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

# REQUEST FOR JUDICIAL NOTICE, VOLUME 1

## TABLE OF CONTENTS

<u>Exhibit</u>	<u>Description</u>	<u>Pages</u>
A	Petitioner's Request for Referendum Title and Summary, Attorney General's Title and Summary. (Attorney General Ref. # 11-0028 and Secretary of State Release re Referendum #11-0028/1499.)	001-050
B	Excerpts from Official Voter Information Guide for the November 4, 2008 General Election.	051-056
C	Excerpts from Official Voter Information Guide for the November 2, 2010 General Election.	057-064
D	Resolution of Certification for Senate Maps, Certified Map, Final Report & Appendices 1-6," dated August 15, 2011.	065-238
E	Submission of Professor Joaquin Avila to the Citizens Redistricting Commission dated June 28, 2011.	239-274

**EXHIBIT A**



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

August 26, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11065

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Referendum: 1499, Related to Senate Redistricting Maps

Pursuant to Elections Code section 9006 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed referendum measure entitled:

**REDISTRICTING.  
STATE SENATE DISTRICTS. REFERENDUM.**

The proponent of the above-named measure is:

Julie Vandermost  
c/o Charles H. Bell, Jr.  
Bell, McAndrews & Hiltachk, LLP  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814

(916) 442-7757

#1499

**REDISTRICTING.  
STATE SENATE DISTRICTS. REFERENDUM.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 504,760  
Cal. Const., art. II, § 9(b)
  
2. Date of Certification: ..... Monday, 08/15/11
  
3. Official Summary Date: ..... Friday, 08/26/11  
(Elections Code § 336)
  
4. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 9014)..... Friday, 08/26/11
  
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time  
within each county within 90 days of the  
enactment date (Elections Code § 9014). ..... Sunday, 11/13/11
  
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elections Code § 9030(b))..... Wednesday, 11/23/11  

(If the Proponent files the petition with the county on a date prior to  
11/13/11, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elections Code § 9030(b).)
  
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrar of  
voters meets the minimum number of required signatures  
and notifies the counties (Elections Code § 9030(c))..... Friday, 12/02/11\*
  
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(Elections Code §§ 9030(d) & (e))..... Wednesday, 01/18/12

\* Date varies based on the date of county receipt.

**REFERENDUM #1499**  
**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 12/02/11, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d) & (e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f) & (g); 9031(a)).....Saturday, 01/28/12\*
  
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elections Code §§ 9031(b) & (c)).....Tuesday, 03/13/12

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 01/28/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code §§ 9031(b) & (c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elections Code §§ 9031(d), 9033)..... Sunday, 03/17/12\*

\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative, referendum or recall petitions for any purpose other than to qualify the measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9010, 9011, 9013, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Please refer to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative or referendum which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Telephone: (916) 324-5464  
Facsimile: (916) 324-8835  
E-Mail: [Dawn.McFarland@doj.ca.gov](mailto:Dawn.McFarland@doj.ca.gov)

August 26, 2011

The Honorable Debra Bowen  
Secretary of State  
Office of the Secretary of State  
1500 11th Street, 6th Floor  
Sacramento, CA 95814

Attention: Ms. Katherine Montgomery  
Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 11-0028, Referendum of State Senate Redistricting Plan

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Dawn L. McFarland".

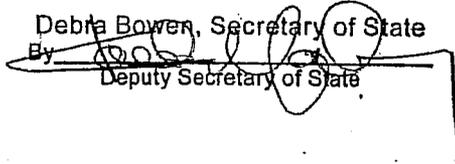
DAWN L. MCFARLAND  
Acting Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

DLM:

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 26 2011

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

**REDISTRICTING. STATE SENATE DISTRICTS. REFERENDUM.** State Senate districts are revised every ten years following the federal census. This year, the voter-approved California Citizens Redistricting Commission revised the boundaries of the 40 Senate districts. This referendum petition, if signed by the required number of registered voters and filed with the Secretary of State, will: (1) Place the revised State Senate boundaries on the ballot and prevent them from taking effect unless approved by the voters at the next statewide election; and (2) Require court-appointed officials to set interim boundaries for use in the next statewide election. (11-0028)

**RECEIVED**  
AUG 26 2011INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

August 24, 2011

BY HAND DELIVERYHonorable Kamela Harris  
Attorney General  
ATTN: Initiative Coordinator  
Department of Justice  
1300 J Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Referendum of State Senate Redistricting Plan

Dear Attorney General Harris:

Pursuant to your letter of August 24, 2011, on behalf of the undersigned proponent, this is to request that the Attorney General prepare a circulating Title and Summary for the proposed referendum of the Statewide Senate Map certified by the Citizens Redistricting Commission on August 15, 2011, pursuant to Section 9 of Article II and Section 2(i) of Article XXI of the California Constitution.

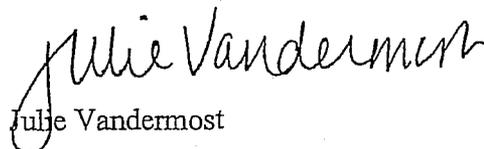
You have on file the statements pursuant to Elections Code sections 9001 and 9608, the name and residence address of the proponent, and our check for \$200.

The public contact information for counsel for the proponent is as follows:

Charles H. Bell, Jr.  
Bell, McAndrews & Hiltachk, LLP  
455 Capitol Mall, Suite 600  
Sacramento, CA 95814  
Phone (916) 442-7757  
Email: cbell@bmhlaw.com

Thank you for your attention to this matter.

Very truly yours,

  
Julie Vandermost

AUG 15 2011

**Resolution**  
**California Citizens Redistricting Commission**  
**Certification of Statewide Senate Map**

August 15, 2011

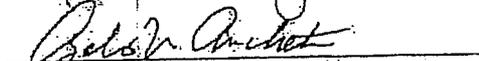
Whereas, on July 29, 2011 the California Citizens Redistricting Commission (Commission) voted to approve for posting and public comment the statewide Senate Map (Senate Map) referred to as the preliminary final Senate Map; and;

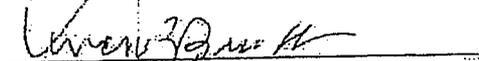
Whereas, on August 15, 2011, pursuant to Article XXI, Section 2(c)(5) of the California Constitution, the Commission voted to adopt as final the Senate Map, identified by crc\_20110815\_senate\_certified\_statewide.zip and secure hash algorithm (SHA-1) number 14cd4e126ddc5bdce946f67376574918f3082d6b.

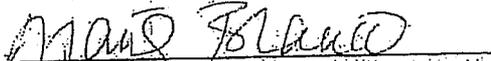
Now, therefore, be it resolved, that pursuant to Article XXI, Section 2 (g) of the California Constitution, the Senate Map, identified with the above referenced SHA -1 is hereby certified by the Commission and shall be delivered forthwith to the California Secretary of State; and;

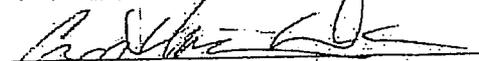
Resolved further, that the members of the Commission have affixed their signatures to this Resolution.

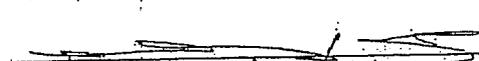
  
Gabino Aguirre, Commissioner (D)

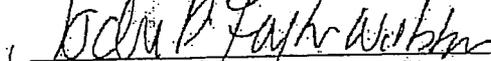
  
Angelo Anchetta, Commissioner (D)

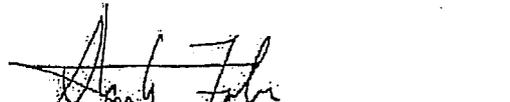
  
Vincent Barabba, Commissioner (R)

  
Maria Blanco, Commissioner (D)

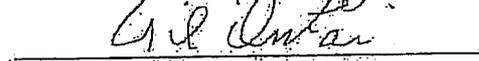
  
Cynthia Dai, Commissioner (D)

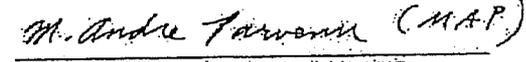
  
Michelle DiGulio, Commissioner (DTS)

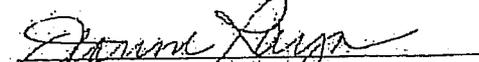
  
Jodie Filkins Webber, Commissioner (R)

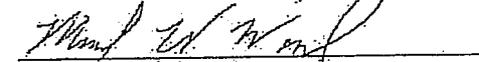
  
Stanley Forbes, Commissioner (DTS)

  
Connie Galambos-Malley, Commissioner (DTS)

  
Gilbert "Gil" Ontai, Commissioner (R)

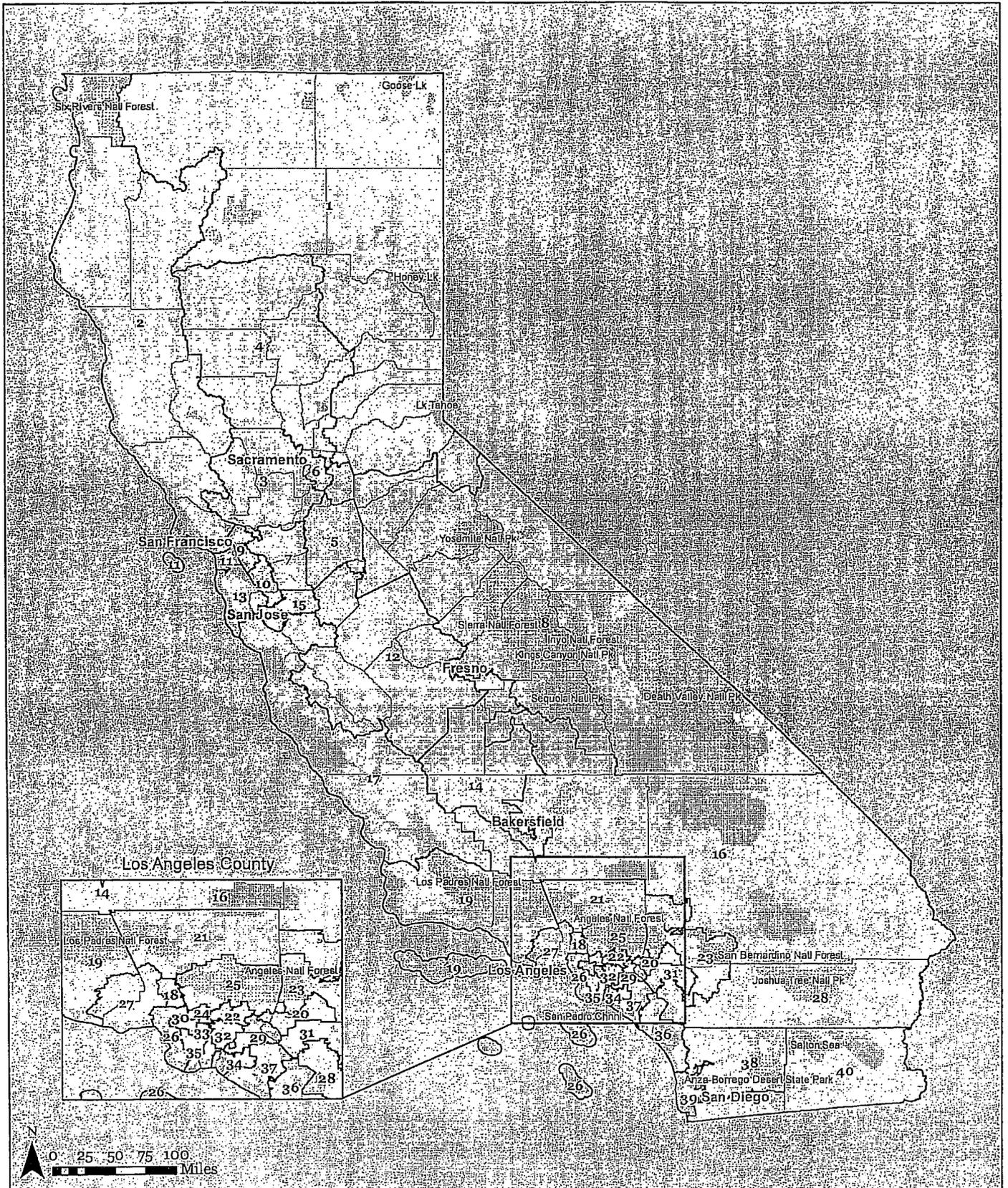
  
M. Andre Parvenu, Commissioner (DTS)

  
Jeannie Raya, Commissioner (D)

  
Michael Ward, Commissioner (R)

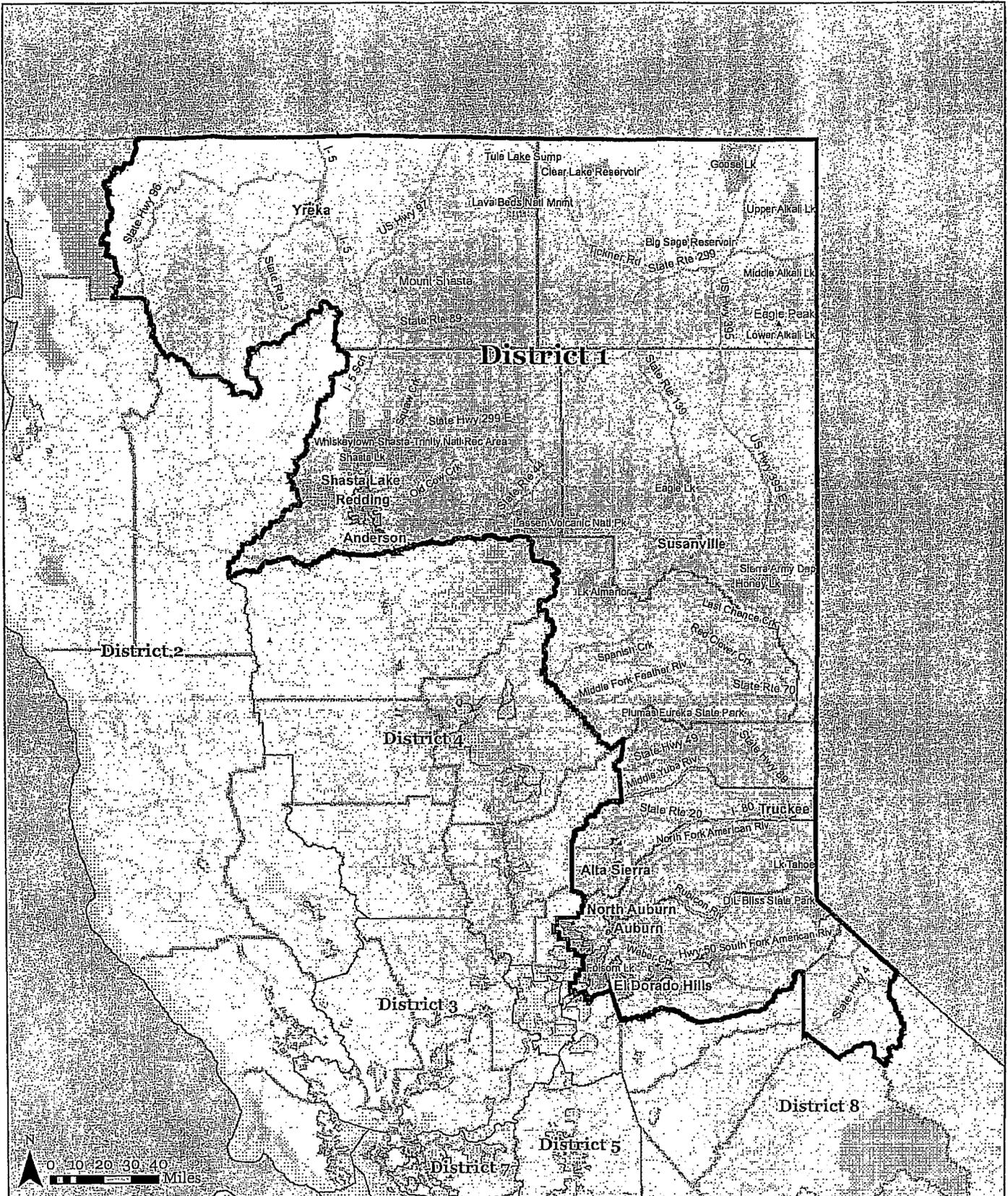
  
Peter Yao, Commissioner (R)

# California State Senate Districts



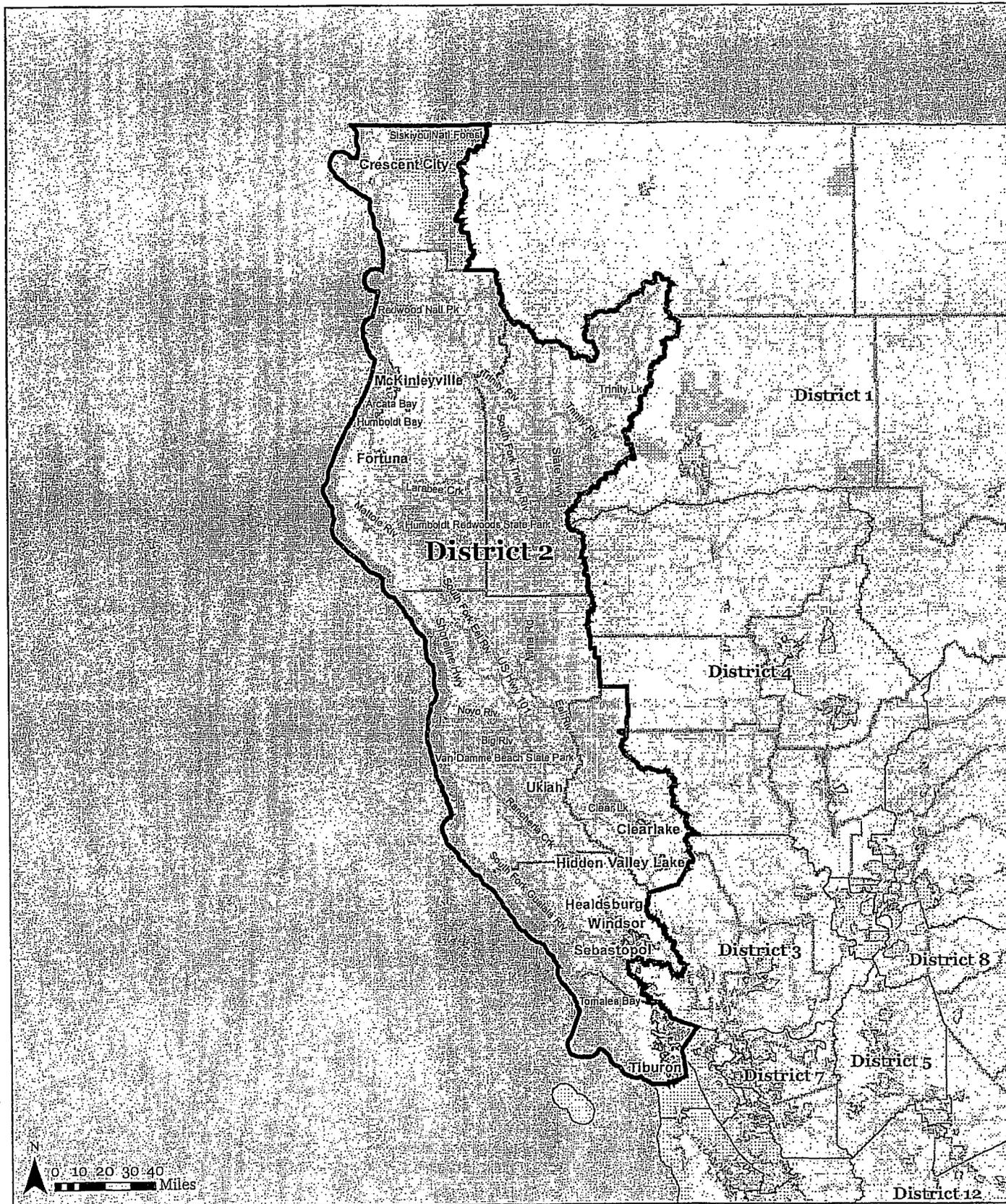
Created From CRC Certified Map: crc\_20110815\_senate\_certified\_statewide.zip  
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# California State Senate District 1



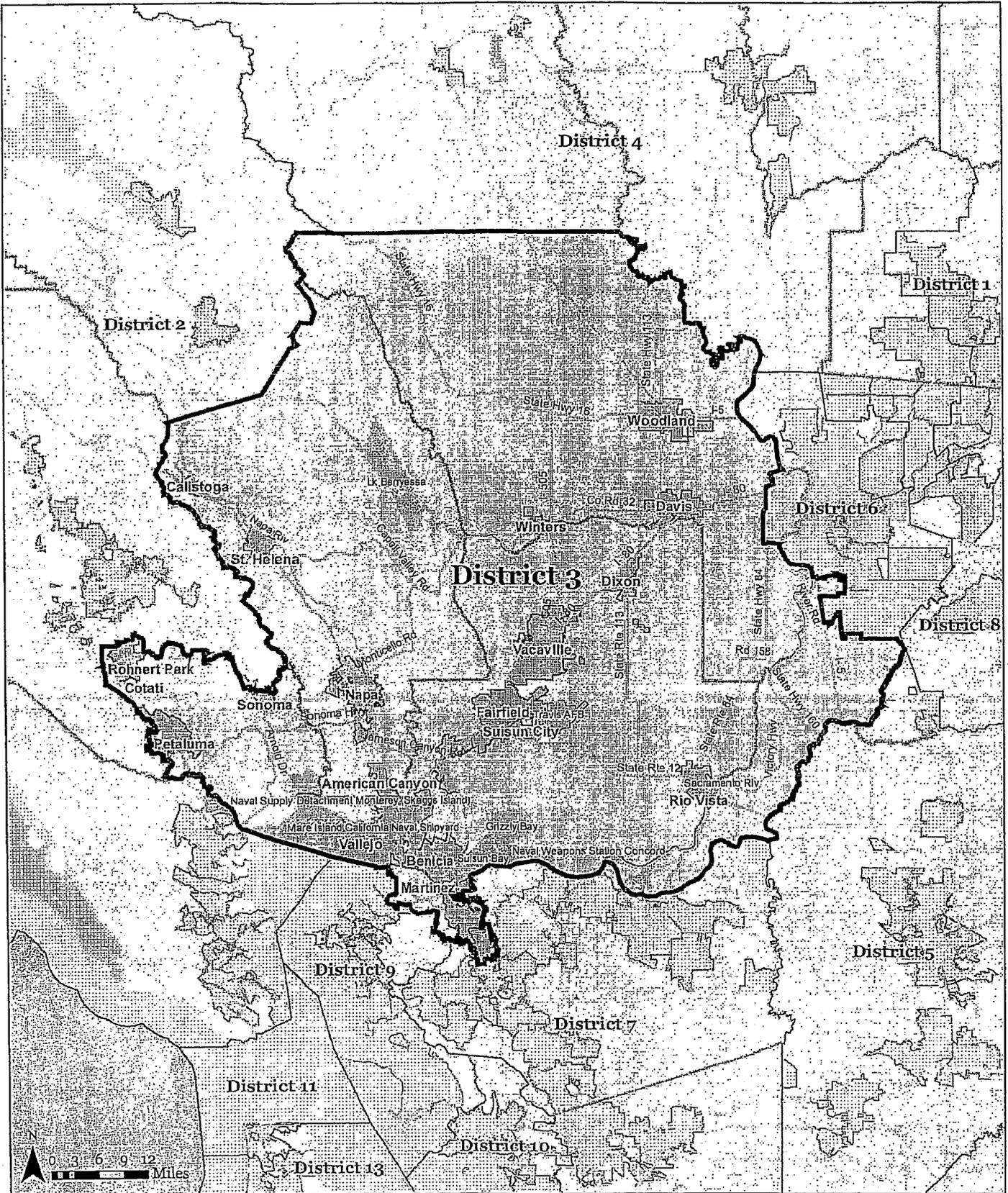
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# California State Senate District 2



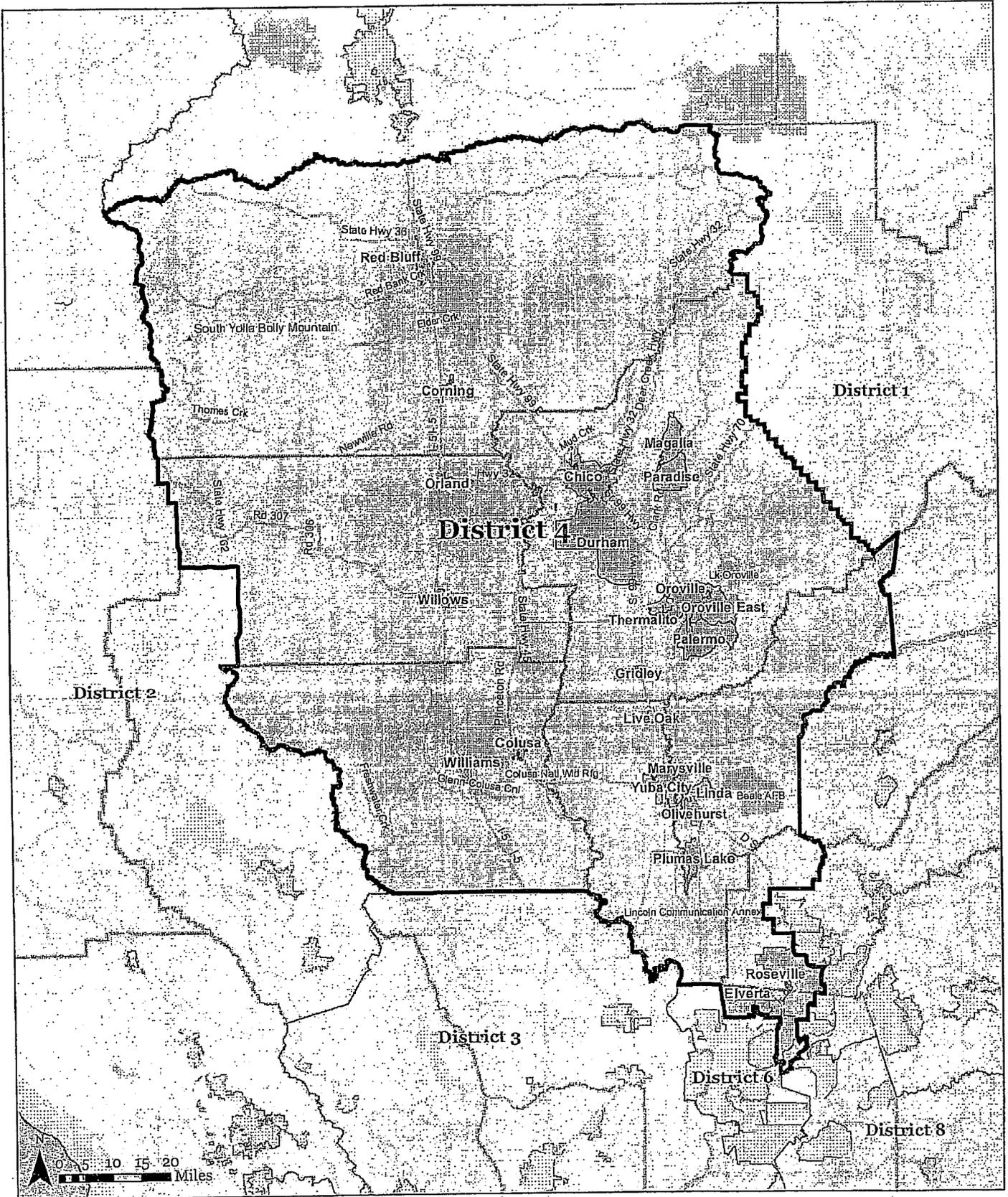
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# California State Senate District 3



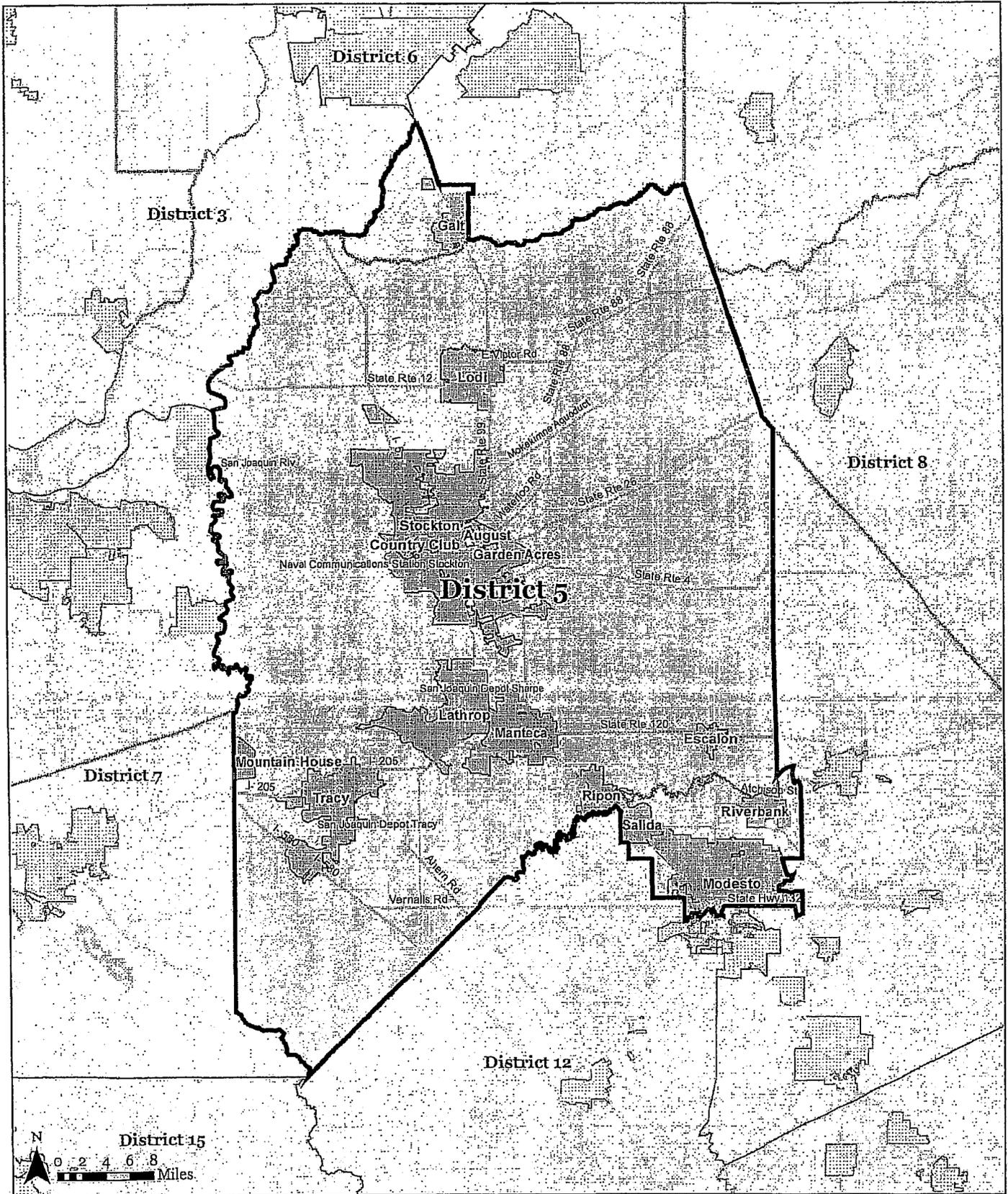
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# California State Senate District 4



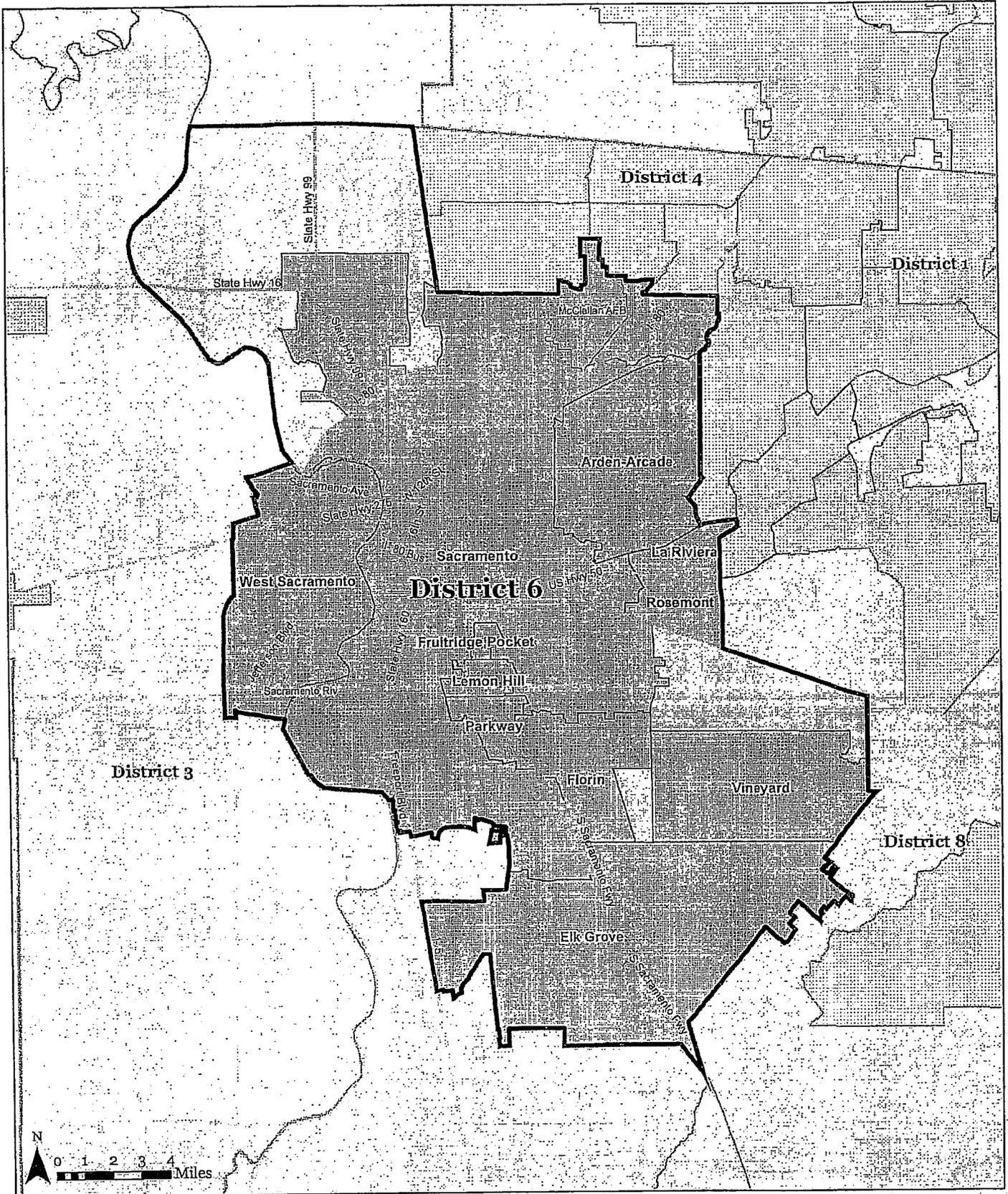
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# California State Senate District 5



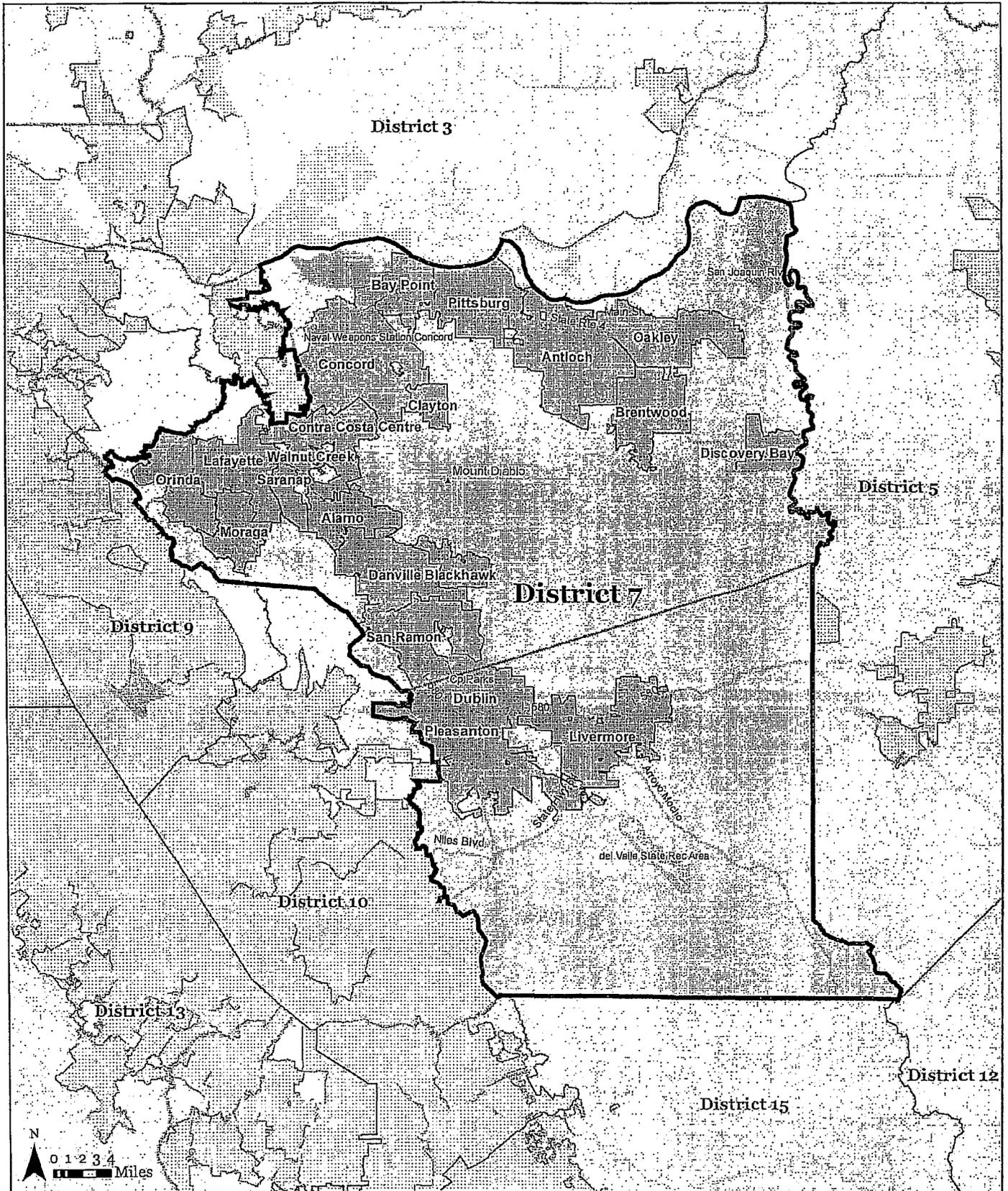
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# California State Senate District 6



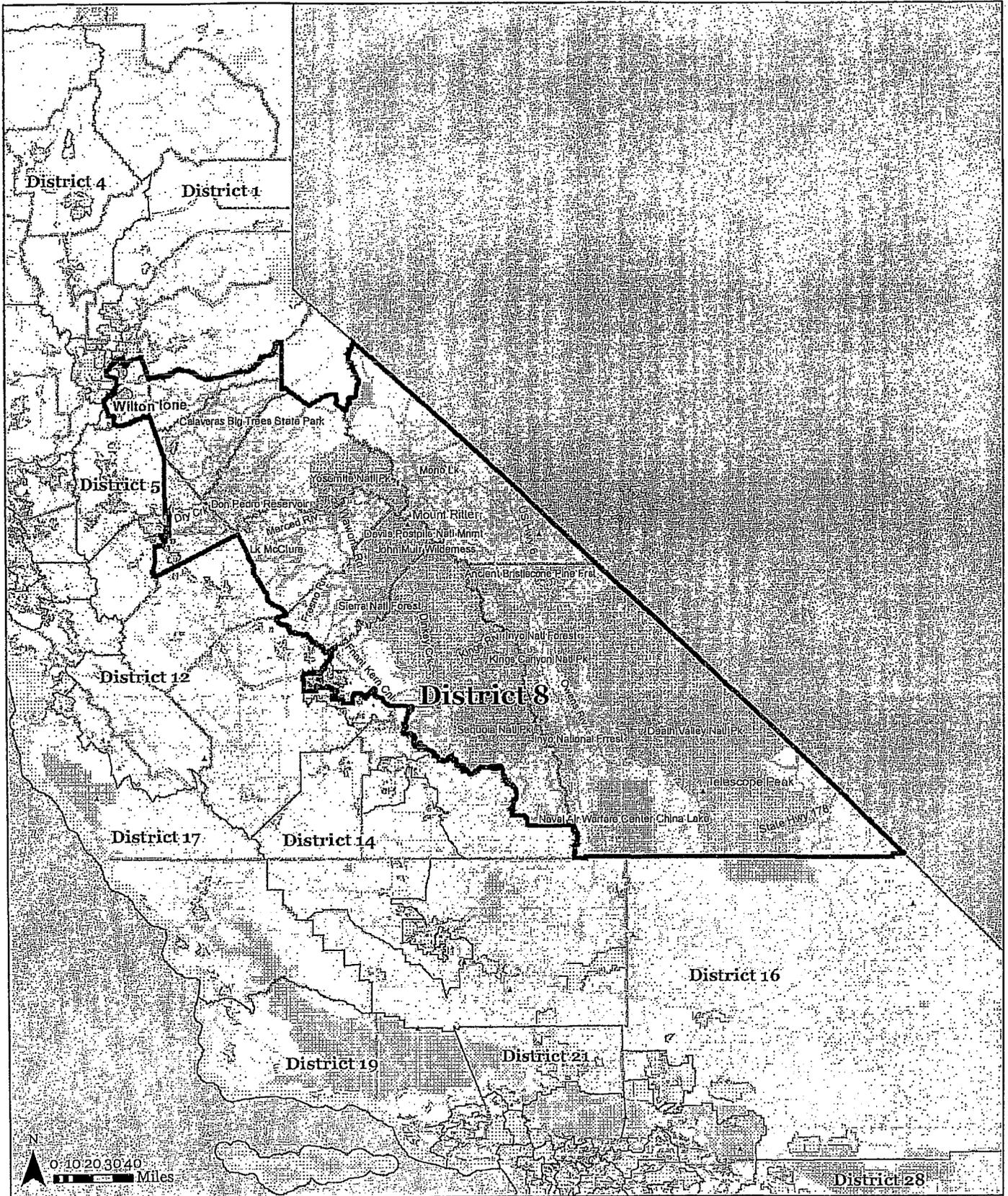
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# California State Senate District 7



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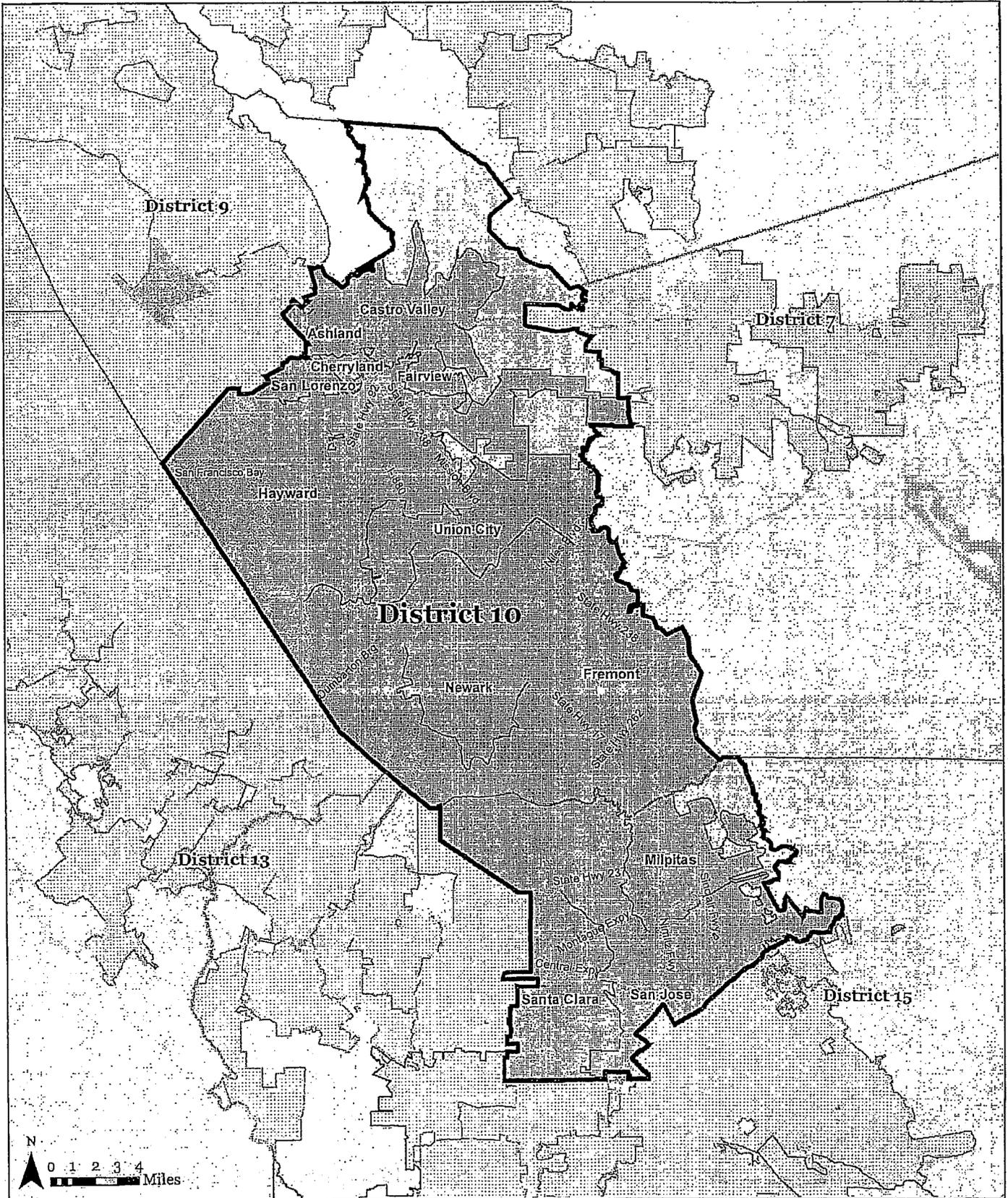
# California State Senate District 8



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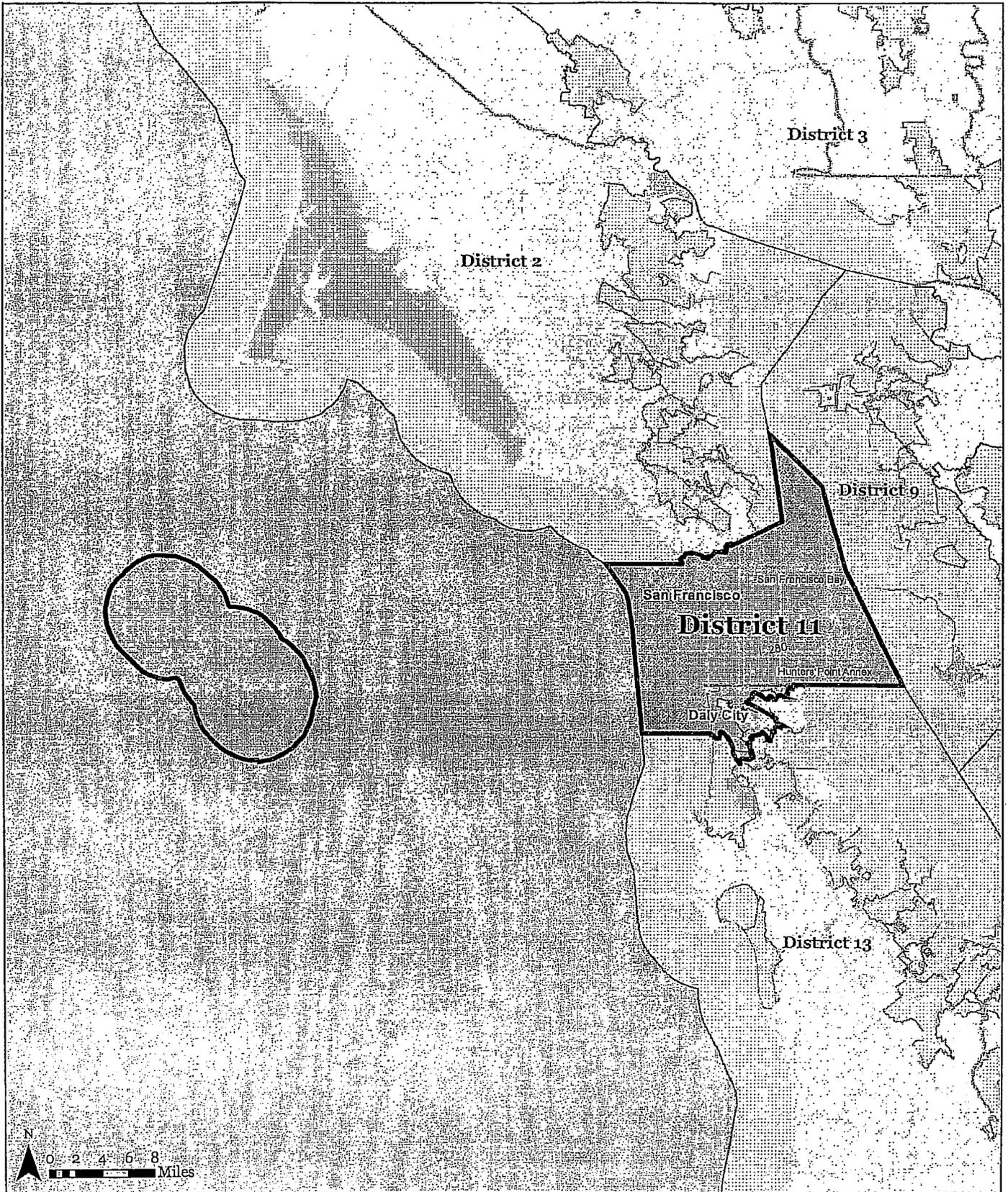


# California State Senate District 10



Created From CRC Certified Map: crc\_20110815\_senate\_certified\_statewide.zip  
SHA-1: 14cd4e126ddc5bdce946f67376574918f3082d6b

# California State Senate District 11



# California State Senate District 12

