

NO. S 196493

IN THE SUPREME COURT OF CALIFORNIA

JULIE VANDERMOST

Petitioner,

vs.

DEBRA BOWEN, SECRETARY OF STATE

OF CALIFORNIA

Respondent,

CITIZENS REDISTRICTING COMMISSION

Real Party in Interest.

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

Charles H. Bell, Jr., SBN 060553

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

1. This is a Supplemental Declaration in support of Petitioner JULIE VANDERMOST's Verified Petition for Writ of Mandate or Prohibition in the above-captioned matter.

2. In my original Declaration and Exhibits A and B filed therewith, and on file herein, I set forth the principles that guided the Supreme Court Masters' 1991 redistricting plans adopted by this Court, in particular: (a) the division of California into geographic regions (Quinn Dec., ¶¶ 13-16); (b) the definition of traditional redistricting criteria of compactness, contiguity and respect for local communities of interest (Quinn Dec., ¶¶ 4-12); and (c) compliance with the requirements of the federal Voting Rights Act (Quinn Dec., ¶¶ 10, 15, 41, 43, 47 and 73.) The Petition and my original declaration outline in great detail how the Citizens' Redistricting Commission's certified Senate maps failed to meet these criteria, as alleged in the First, Second and Third Causes of Action of the Petition.

3. In paragraphs 90-93 of my Declaration, I outlined how the Court's Special Masters could draw Senate maps that met the criteria of Article XXI, § 2(d) of the California Constitution, in full compliance with the template and principles detailed in the 1991 Special Masters' Report adopted by this Court in *Wilson v. Eu*, 1 Cal. 4th 707 (1992).

4. As demonstrative evidence of how such Senate maps could be drawn, I have prepared a "Model Constitutional Plan" for Senate districts that incorporates these principles. The Model Constitutional Plan submitted herewith consists of the description of districts set forth below at paragraphs 5-45, a set of maps (Exhibits "C" (Statewide Plan, "D" Bay Area Plan, "E" Los Angeles Plan, "F" San Diego Plan), and Exhibit "G" which identifies the population deviation, Latino/Hispanic, African

American and Asian-Pacific Islander population percentages for each district.

5. I prepared this Model Constitutional Plan using Maptitude mapping software which was used by the Commission's staff at Q2 Data and Research, Berkeley, California, using 2010 Census data available used by the Commission's staff as well as other persons and groups who submitted demonstrative maps to the Commission in 2011.

6. I have experience in drawing statewide district maps during the 1980s California redistricting by the Legislature and as an expert witness in the 2003 *Andal v. Davis*, *Kennedy v. Davis*, *Nadler v. Davis* cases, as outlined in my original Declaration in this matter. I prepared model plans for the California Secretary of State in 2001.

SENATE DISTRICTS, MODEL CONSTITUTIONAL PLAN

Senate District 1:

This district consists of all of El Dorado, Alpine, Calaveras, Amador and Mono Counties, 317,000 people from Placer County, and 337,000 people in the northern Sacramento suburbs. This is primarily a Sacramento suburban district.

Senate District 2:

This is the first of nine districts wholly within the Bay Area-north coastal counties. This district consists of Del Norte, Humboldt, Mendocino, Lake, Napa and Sonoma Counties. Sonoma County is not divided as it is in the Commission plan.

Senate District 3:

This district consists of western Contra Costa County and all of Solano and Yolo Counties. It follows the Interstate 80 corridor from Contra Costa County through Solano and Yolo Counties. It also includes Contra Costa delta communities that have similar interests with Solano County.

Senate District 4:

This district covers the entire north central Sacramento Valley from the Oregon and Nevada borders to Sutter County, and includes the full counties of Siskiyou, Shasta, Trinity, Modoc, Lassen, Tehama, Plumas, Butte, Glenn, Colusa, Sutter, Yuba, Sierra and Nevada. It also includes 31,000 people in rural Placer County. It does not include any of Sacramento County.

Senate District 5:

This district includes all of San Joaquin County, southern Sacramento County including Galt and part of Elk Grove, and rural portions of Stanislaus County bordering San Joaquin County.

Senate District 6:

The Commission divided Sacramento into six different districts with no district wholly within the county. The Model Constitutional Plan only divides Sacramento three times and this district, consisting of Sacramento city and urban communities, is wholly within Sacramento County.

Senate District 7:

This suburban Bay Area district includes the Livermore and Pleasanton areas of Alameda County and the suburban communities in Contra Costa County, including Martinez, Concord and Pleasant Hill.

Senate District 8:

The Commission places this district in the Central Valley and foothills, stretching from the suburbs of Sacramento County to nearly Las Vegas. The Model Constitutional Plan moves it back into the Bay Area. It consists of approximately 124,000 people in San Francisco County, all of San Mateo County, and the northern portion of Santa Clara County, including Palo Alto and Stanford.

Senate District 9:

This district is entirely within Alameda County and includes its northern communities, including Berkeley and Oakland. The district unites traditionally African American communities in Alameda County and is nearly 18 percent African American.

Senate District 10:

This district consists of approximately 560,000 people in southern Alameda County, including the cities of Fremont and Union City, and 370,000 people in northeastern Santa Clara County, including the communities of Milpitas and Berryessa. The Commission received extensive testimony about uniting the Asian American communities in southern Alameda and northern Santa Clara Counties. This district has an Asian American population of 44 percent. The Commission's District 10, on the other hand, has an Asian American population of only 34 percent.

Senate District 11:

This district includes all of Marin County and most (680,000 people) of San Francisco County. By crossing the Golden Gate Bridge, which the Commission refused to do, all the Bay Area districts can be drawn in a rational manner, and the opportunities for Asian American and Latino candidates can be enhanced.

Senate District 12:

The Commission's Senate District 12 straddles the Central Valley and the coast, uniting Central Valley counties with Salinas in Monterey County, which the Commission was repeatedly told not to do. The Model Constitutional Plan's District 12 is entirely in the Central Valley, consisting of part of Stanislaus County, all of Tuolumne, Mariposa, and Madera Counties, and non-Latino portions of Fresno County, including Clovis and northern Fresno City.

Senate District 13:

This district helps to create a Latino district in Monterey and Santa Clara Counties, as was encouraged upon the Commission by Dr. Joaquin Avila and others. This district is all of Santa Cruz County, except Latino Watsonville, the coastal, non-Latino portions of Monterey County, including the cities of Monterey, Pacific Grove and Carmel, and approximately 600,000 people in central Santa Clara County, including most of Silicon Valley.

Senate District 14:

This is the Voting Rights Act Section 5 district in the Central Valley. It consists of heavily Latino portions of the cities of Bakersfield and Fresno, and all of Kings and Merced Counties (the Section 5 counties in the Central Valley). It is 60.2 percent Latino by population and has long history of electing Latino candidates to the Senate, including the current incumbent, Sen. Michael Rubio (D-Bakersfield).

Senate District 15:

This is the new Latino district drawn in Monterey and Santa Clara Counties. It consists of all of San Benito County, the Watsonville portion of Santa Cruz County, the Latino portions of Monterey County including all of Salinas and its environs, and Gilroy and East San Jose in Santa Clara County. The district is 56.4 percent Latino by population and overlaps two Assembly districts with a long history electing Latinos to the State Assembly, Assembly Districts 23 and 28. The Commission's Senate District 15, also overlapping East San Jose, has a Latino population of only 30 percent, thus diluting the ability of Latinos in this historically Latino area to elect a person of their choice and violating the Voting Rights Act as Monterey County is a Section 5 county.

Senate District 16:

Unlike the Commission's Senate District 16, which wanders from Visalia to Needles, the Model Constitutional Plan's Senate District 16 is entirely within the Central Valley. It consists of all of Tulare and Inyo Counties and approximately 420,000 people in Fresno County and 255,000 people in Kern County. Because it is entirely within the Central Valley, this District 16 is 57 percent Latino by population, while the Commission's District 16 is only 36 percent.

Senate District 17:

The Commission divided San Bernardino County into six different districts, with none wholly within the county. The Model Constitutional Plan's District 17 is entirely within San Bernardino County. It consists of all of Upland and Rancho Cucamonga in western San Bernardino County. It then passes over the top of the Voting Rights Act, Section 2, Senate District 20 to absorb all of eastern San Bernardino County. Thus this district unites the High Desert Communities that are divided by the Commission's map.

Senate District 18:

This district is the Latino district in the eastern San Fernando Valley. The Commission paid little attention to the Latino communities in the San Fernando Valley, dividing them between two districts. This district unites the Latino communities. It is 61 percent Latino, contrasted to the Commission's San Fernando Valley District 18 that is only 56.5 percent Latino.

Senate District 19:

This district follows the constitutional criteria in building districts on the Central Coast. It consists of all of San Luis Obispo and Santa Barbara Counties, which share a close community of interest, and 240,000 people in

Ventura County including the city of Santa Buenaventura and most of Oxnard.

Senate District 20:

This is the Voting Rights Act Section 2 Latino district in eastern Los Angeles and San Bernardino Counties. It consists of Pomona, Montclair, Ontario, Fontana, Colton and portions of San Bernardino. It is 69.5 percent Latino. The Commission's District 20 is 68.4 percent Latino.

Senate District 21:

This is a second High Desert district. It consists of the Antelope Valley in Los Angeles County, and desert portions of Kern County. It also includes the non-Latino portions of the city of Bakersfield.

Senate Districts 22, 24, 32, 33:

These four Senate districts should be considered together because they cover the very large Latino community in Los Angeles County that runs from downtown and East Los Angeles south to the Long Beach harbors and eastward to Azusa and Rowland Heights. This is an area of approximately 3.7 million people.

The districts are formed in the same basic manner that the Commission formed them to meet the requirements of Section 2 of the Voting Rights Act. But the apportionment of the Latino population is better balanced in the Model Constitutional Plan than in the Commission plan, as shown below. By making sure that each district has at least 60 percent Latino population, the Model Constitutional Plan better assures that Latinos will win election and hold these districts over the decade.

<u>Latino Population, Model Plan Districts</u>	<u>Latino Population, Commission Districts</u>
SD 22: 60 percent	SD 22: 53.4 percent
SD 24: 60.7 percent	SD 24: 66.7 percent
SD 32: 62.4 percent	SD 32: 60.9 percent

SD 33: 66.3 percent

SD 33: 65.6 percent

Senate District 23:

The Commission's Senate District 23 wanders all over the map in Riverside and San Bernardino Counties. The Model Constitutional Plan's District 23 is compact, consisting of central Riverside County Communities, including Hemet and San Jacinto, and communities on the San Bernardino-Riverside border, including Redlands and Yucaipa. It is primarily a Riverside County district.

Senate District 25:

This Los Angeles County district is centered in Pasadena, Burbank and Glendale. It does not go outside Los Angeles County nor does it absorb distant communities in the East San Gabriel Valley.

Senate District 26:

This is a Los Angeles County coastal district running from the Palos Verdes Peninsula to the Santa Monica Mountains. It respects the lengthy testimony the Commission received to create a southern San Fernando Valley-Santa Monica Mountains district.

Senate District 27:

This district includes all the communities of eastern Ventura County, including Camarillo, Thousand Oaks and Simi Valley. It also includes approximately 350,000 people in Los Angeles County, but these are communities close to Ventura County including Westlake Village and Santa Clarita. The district reflects the extensive testimony the Commission received on how to form the Ventura County-San Fernando Valley districts.

Senate District 28:

This is a three-county district formed almost exactly as the 1991 Masters formed their district in this area. It includes all of eastern Riverside County, all of Imperial County, and eastern and northern parts of

San Diego County. The major San Diego County communities border Riverside County. It also unites all of the Coachella Valley into a single district.

Senate District 29:

This is a three county district uniting the “Four Corners” region that includes Chino and Chino Hills in San Bernardino County, the most northerly portions of Orange County, and foothills communities in Los Angeles County, including Glendora, Monrovia and Arcadia. The Los Angeles portions of the district are drawn as the 1991 Masters drew this area. Its shape was determined by the adjacent Section 2 districts, Senate Districts 20 and 22.

Senate District 30:

This district covers the historic African American communities in southwest Los Angeles, including Ladera Heights and Watts. The district is 26 percent African American by population.

Senate District 31:

This district is entirely in western Riverside County and includes the cities of Riverside Moreno Valley and Corona, and the Riverside city suburbs of Norco and Woodcrest. The district is considerably more compact than the Commission’s Senate District 31 and unites urban communities of interest around the city of Riverside.

Senate District 34:

This district is entirely within Orange County and includes the city of Santa Ana and communities immediately to the north and west, including Garden Grove and much of Anaheim. The district also includes the vast majority of the Orange County Asian community known as “Little Saigon,” including Westminster and Fountain Valley. The district is 25 percent Asian by population.

Senate District 35:

This district runs from the Los Angeles Harbor north to Inglewood and includes historically African American communities, including Compton and Carson. It is 23 percent African American in population.

Senate District 36:

This is a coastal district, consisting of approximately 60,000 in northern San Diego County, including Camp Pendleton, and then moving north along the Orange County coast to absorb all the coastal communities from San Juan Capistrano through Seal Beach. It also includes about 65,000 people in Long Beach, including the Belmont Shores area.

Senate District 37:

This district includes all of interior Orange County from Mission Viejo through Orange and Villa Park. It includes most of Anaheim. This district is entirely inland Orange County while Senate District 36 is entirely coastal.

Senate District 38:

An effort was made to keep all of the city of San Diego within two Senate districts, Senate Districts 39 and 40. Senate District 38 therefore is all the suburban communities in eastern and central San Diego outside the city. The district also includes the central San Diego coast from just north of the city through Carlsbad.

Senate District 39:

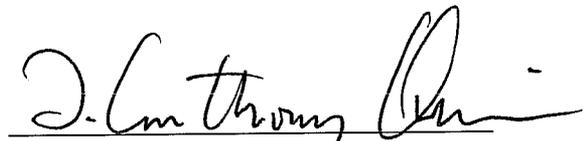
This district is almost entirely within the city of San Diego, and unites coastal San Diego with the inland urban areas north of Mission Valley. It contains non-Latino portions of the city of San Diego.

Senate District 40:

This district consists of all of southern San Diego County, including Chula Vista, National City, Imperial Beach and the Latino portions of the city of San Diego. It is 53 percent Latino by population.

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 28 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 29, 2011, I served the following document(s) described as:

**SUPPLEMENTAL 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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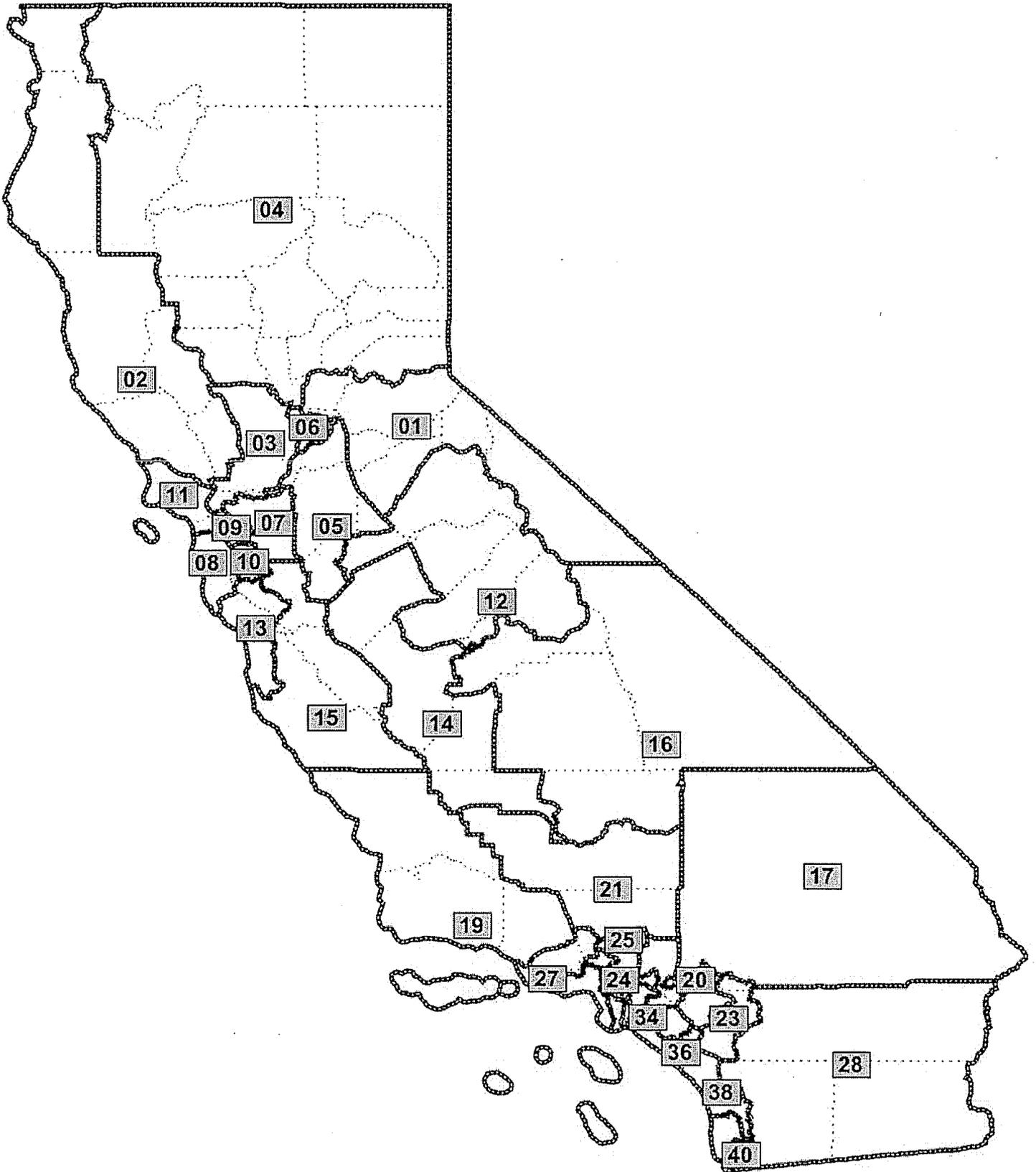
X **BY U.S. MAIL:** By placing said document(s) in a sealed envelope and depositing said envelope, with postage thereon fully prepaid, in the United States Postal Service mailbox in Sacramento, California, addressed to said party(ies), in the ordinary course of business. I am aware that on motion of 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.

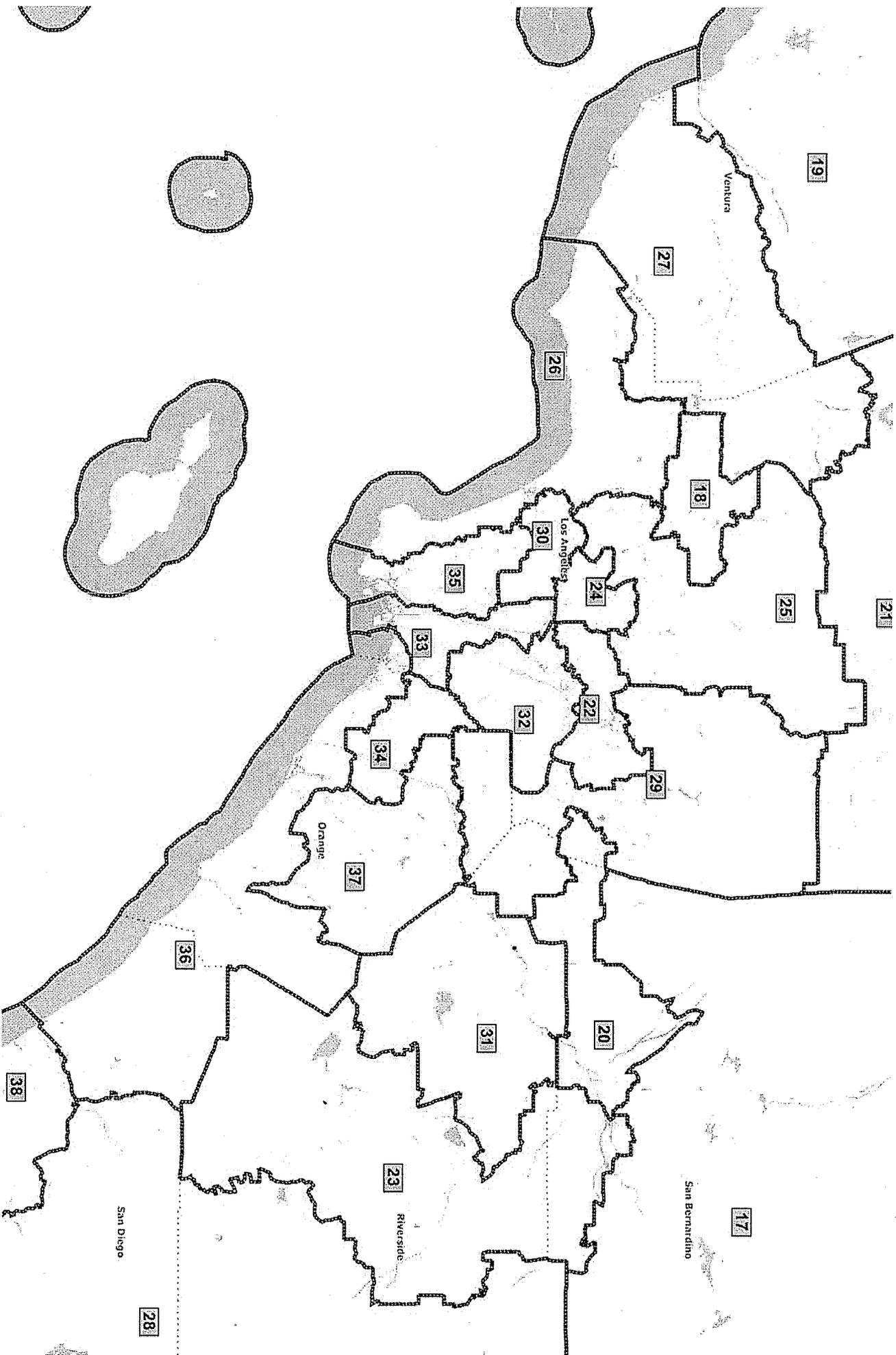
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 29, 2011 at Sacramento, California.


SHANNON DIAZ

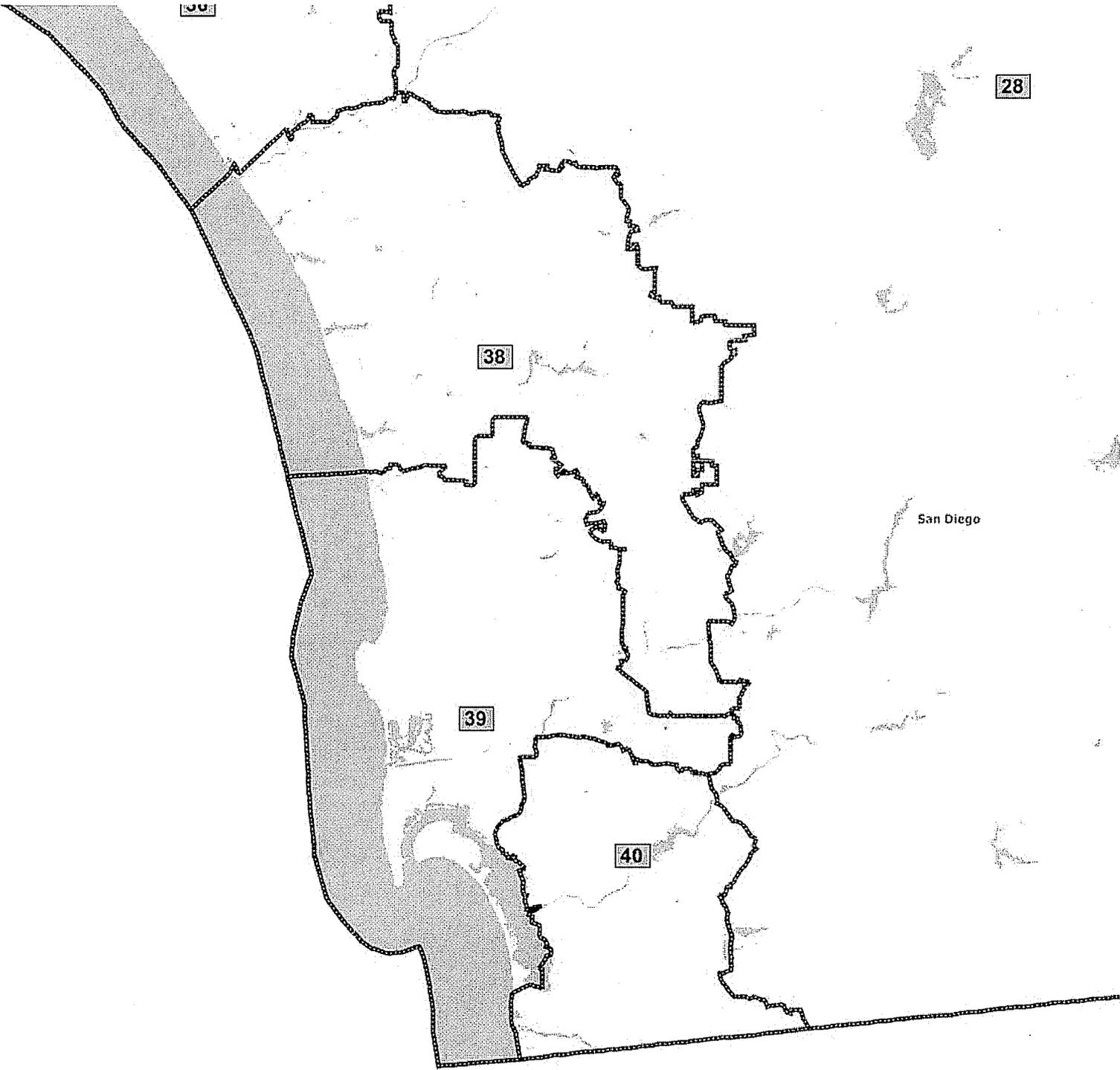
Model Constitutional Plan



Model Constitutional Plan: Los Angeles



Model Constitutional Plan: San Diego



District	Population	Deviation	Black	Hispanic	Asian
1	931,516	0.02%	2.68%	13.51%	5.48%
2	936,101	0.51%	1.56%	22.79%	3.59%
3	938,092	0.72%	13.47%	29.48%	15.53%
4	931,804	0.05%	1.54%	16.62%	3.90%
5	935,233	0.42%	7.04%	36.27%	14.02%
6	930,491	-0.09%	12.59%	23.79%	16.11%
7	937,602	0.67%	4.86%	18.40%	13.96%
8	929,153	-0.24%	3.39%	23.41%	28.34%
9	931,865	0.06%	17.67%	24.70%	20.18%
10	933,382	0.22%	3.31%	20.03%	43.89%
11	933,465	0.23%	5.00%	14.08%	23.55%
12	936,494	0.55%	3.70%	37.40%	5.70%
13	928,744	-0.28%	2.37%	19.72%	17.92%
14	933,285	0.21%	5.26%	60.19%	6.08%
15	931,631	0.03%	2.65%	56.39%	18.97%
16	922,612	-0.94%	3.04%	57.01%	6.25%
17	929,469	-0.20%	9.64%	37.33%	4.78%
18	932,550	0.13%	4.02%	60.94%	9.80%
19	933,259	0.21%	1.94%	37.64%	3.95%
20	925,048	-0.68%	9.33%	69.54%	5.44%
21	932,131	0.08%	10.38%	41.56%	4.60%
22	930,631	-0.08%	1.69%	60.04%	27.74%
23	931,141	-0.02%	5.48%	36.24%	6.37%
24	930,495	-0.09%	5.00%	60.68%	18.50%
25	933,428	0.22%	5.15%	18.17%	13.55%
26	933,627	0.24%	3.27%	16.12%	13.18%
27	931,451	0.01%	2.51%	31.35%	9.77%
28	931,289	-0.01%	2.87%	48.36%	2.48%
29	929,352	-0.21%	3.19%	33.45%	22.60%
30	936,066	0.51%	25.64%	54.12%	5.00%
31	928,811	-0.27%	8.81%	49.54%	7.81%
32	931,554	0.02%	3.43%	62.35%	15.96%
33	926,573	-0.51%	9.37%	66.33%	7.90%
34	925,553	-0.62%	1.94%	48.24%	25.14%
35	934,587	0.35%	23.12%	49.97%	11.55%
36	928,808	-0.27%	1.78%	19.17%	8.24%
37	929,417	-0.21%	1.87%	32.23%	18.87%
38	931,711	0.04%	2.76%	29.08%	6.96%
39	926,304	-0.54%	4.02%	15.66%	15.08%
40	928,853	-0.27%	9.34%	53.44%	13.24%