

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

**IN THE SUPREME COURT OF CALIFORNIA**

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GEORGE RADANOVICH

Petitioner,

CHARLES PATRICK

Petitioner,

GWEN PATRICK

Petitioner,

OMAR NAVARRO

Petitioner

TRUNG PHAN

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 VERIFIED  
PETITION FOR EXTRAORDINARY RELIEF IN THE FORM OF  
MANDAMUS OR PROHIBITION EMERGENCY STAY  
REQUESTED; MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT THEREOF  
Volume 1**

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*Attorneys for Petitioner*

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Petitioners, George Radanovich, Charles Patrick, Gwen Patrick, Omar Navarro, and Trung Phan request the Court to take judicial notice of the documents identified herein and submitted herewith:

1. Exhibit "A" – A true and correct copy of California State Congressional District 27 2011 Map. Exhibit A is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00001-00003.

2. Exhibit "B" – A true and correct copy of California State Congressional District 28 2011 Map. Exhibit B is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 000004-000006.

3. Exhibit "C" – A true and correct copy of California State Congressional District 32 2011 Map. Exhibit C is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 000007-000009.

4. Exhibit "D" – A true and correct copy of California State Congressional District 33 2011 Map. Exhibit D is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00010-00012.

5. Exhibit "E" – A true and correct copy of California State Congressional District 37 2011 Map. Exhibit E is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00013-00015.

6. Exhibit "F" – A true and correct copy of California State Congressional District 38 2011 Map. Exhibit F is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00016-00018.

7. Exhibit "G" – A true and correct copy of California State Congressional District 40 2011 Map. Exhibit G is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00019-00021.

8. Exhibit "H" – A true and correct copy of California State Congressional District 43 2011 Map. Exhibit H is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00022-00024.

9. Exhibit "I" – A true and correct copy of California State Congressional District 44 2011 Map. Exhibit I is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00025-00027.

10. Exhibit "J" – A true and correct copy of California State Congressional District 47 2011 Map. Exhibit J is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00028-00030.

11. Exhibit "K" – A true and correct copy of Excerpts from Official Voter Information Guide for the November 4, 2008 General Election. Exhibit K is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00031-00037.

12. Exhibit "L" – A true and correct copy of Excerpts from Official Voter Information Guide for the November 4, 2008 General Election. Exhibit L is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00038-00046.

13. Exhibit "M" – A true and correct copy of Resolution of Certification of Statewide Congressional Map. Exhibit M is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00047-00048.

14. Exhibit "N" – A true and correct copy of State of California Citizens Redistricting Commission Final Report on 2011 Redistricting, August 15, 2011. Exhibit N is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00049-00223.

15. Exhibit "O" – A true and correct copy of NAACP California Citizens Redistricting Commission, June 1, 2011 Alice Huffman Letter. Exhibit O is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00224-00227.

16. Exhibit "P" – A true and correct copy of Citizens Redistricting Commission Transcript, May 28, 2011. Exhibit P is submitted herewith in RJN Exhibits Volume 1, Bates Page Nos. 00228-

00290 and in Volume 2, Bates Page Nos. 00291-00580 and in Volume 3 00581-00613.

17. Exhibit “Q” – A true and correct copy of Citizens Redistricting Commission Transcript, July 24, 2011. Exhibit Q is submitted herewith in RJN Exhibits Volume 3, Bates Page Nos. 00614-00870 and in Volume 4 00871-01094.

18. Exhibit “R” – A true and correct copy of Dr. Baretto Voting Polarization Study. Exhibit R is submitted herewith in RJN Exhibits Volume 4, Bates Page Nos. 01095-01147.

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

Evidence Code §452(c) provides that judicial notice may be taken of “...Official acts of the legislative, executive, and judicial department...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.4<sup>th</sup> 401, 407 n.5; *Wolfe v. State Farm Casualty Insurance Company* (1996) 46 Cal.App.4<sup>th</sup> 554 n.16; *Fowler v. Howell* (1996) 42 Cal.App.4<sup>th</sup> 1746, *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 R are each documents received, filed and/or maintained by public agencies and for which judicial notice may be taken.

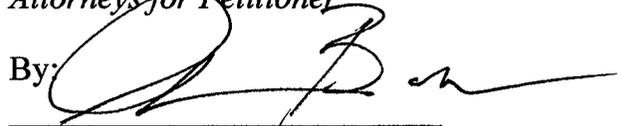
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*Attorneys for Petitioner*

By:

A handwritten signature in black ink, appearing to read "S. Baric", written over a horizontal line.

Steven D. Baric  
Attorney for Peititioners

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**CERTIFICATE OF SERVICE**

I, Elizabeth R. Toller, 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 2603 Main Street, Suite 1050, Irvine, California 92614. On September 27, 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; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF - Volume 1**  
on the following party(ies) in said action:

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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.

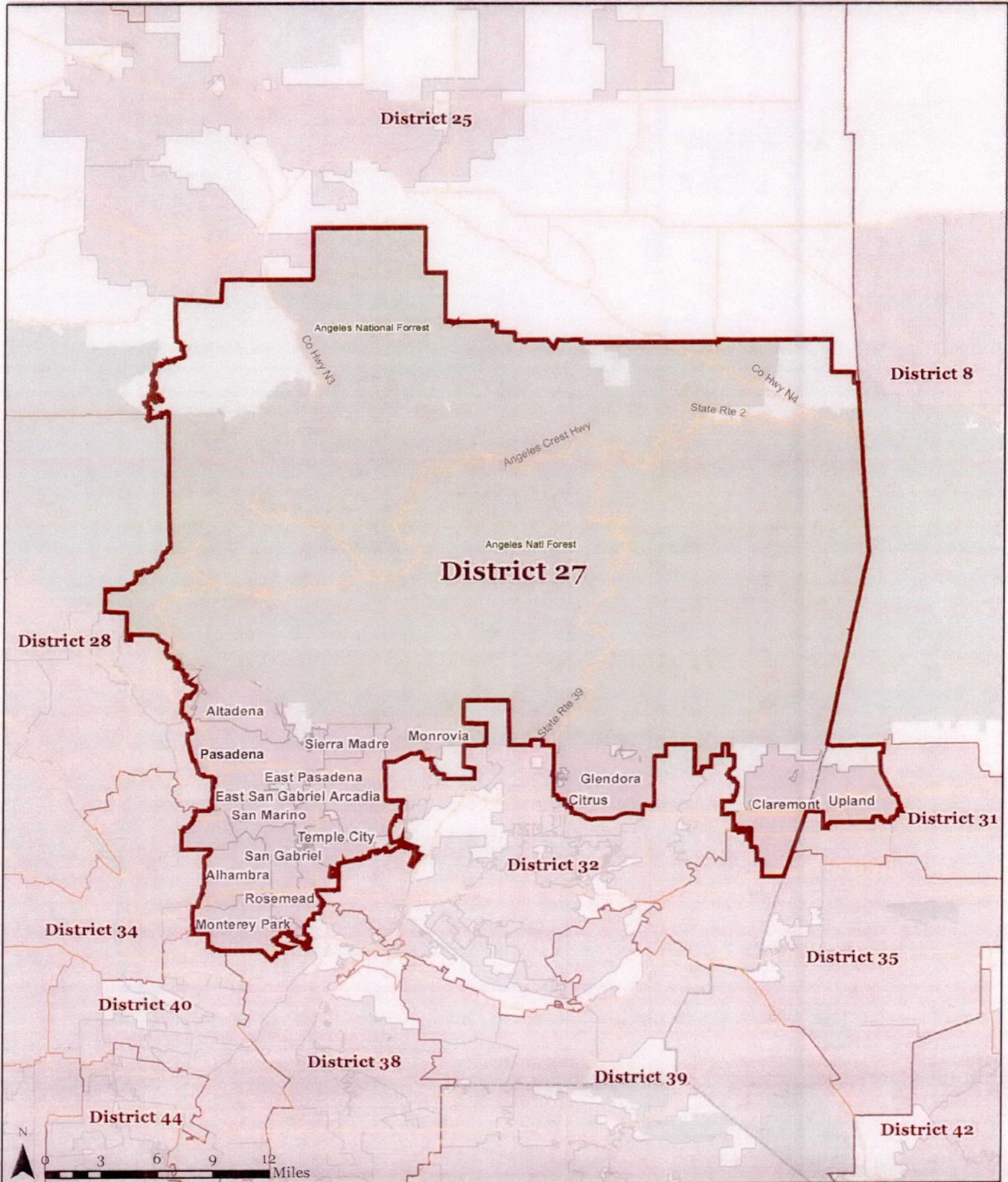
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 27, 2011 at Irvine, California.

  
Elizabeth R. Toller



**EXHIBIT A**

# California State Congressional District 27



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.

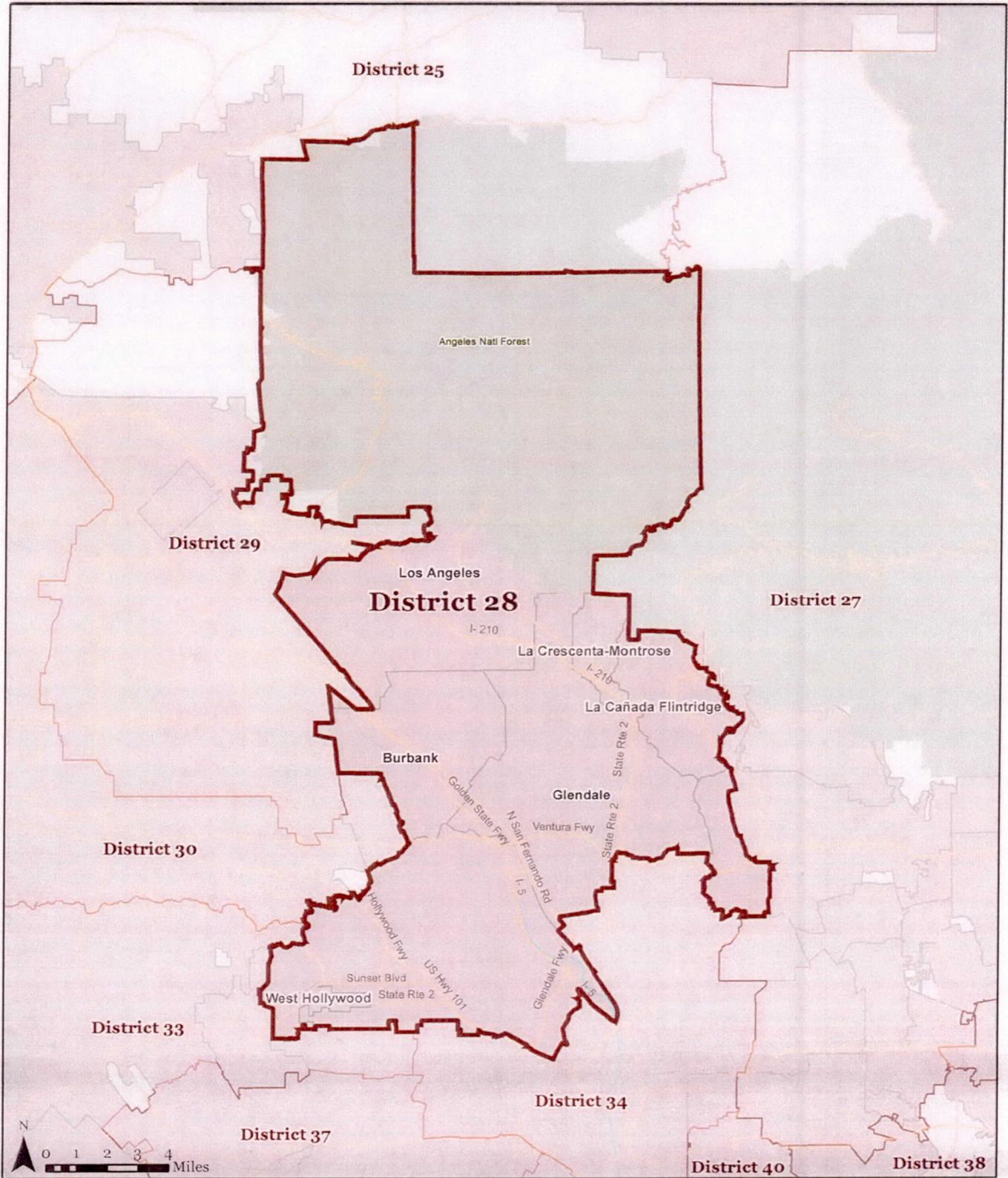


1. Congressional District 27 runs from the Angeles National Forest to the heavy urban areas of Monterey Park back to the foothill communities.

**B**

**EXHIBIT B**

# California State Congressional District 28



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.

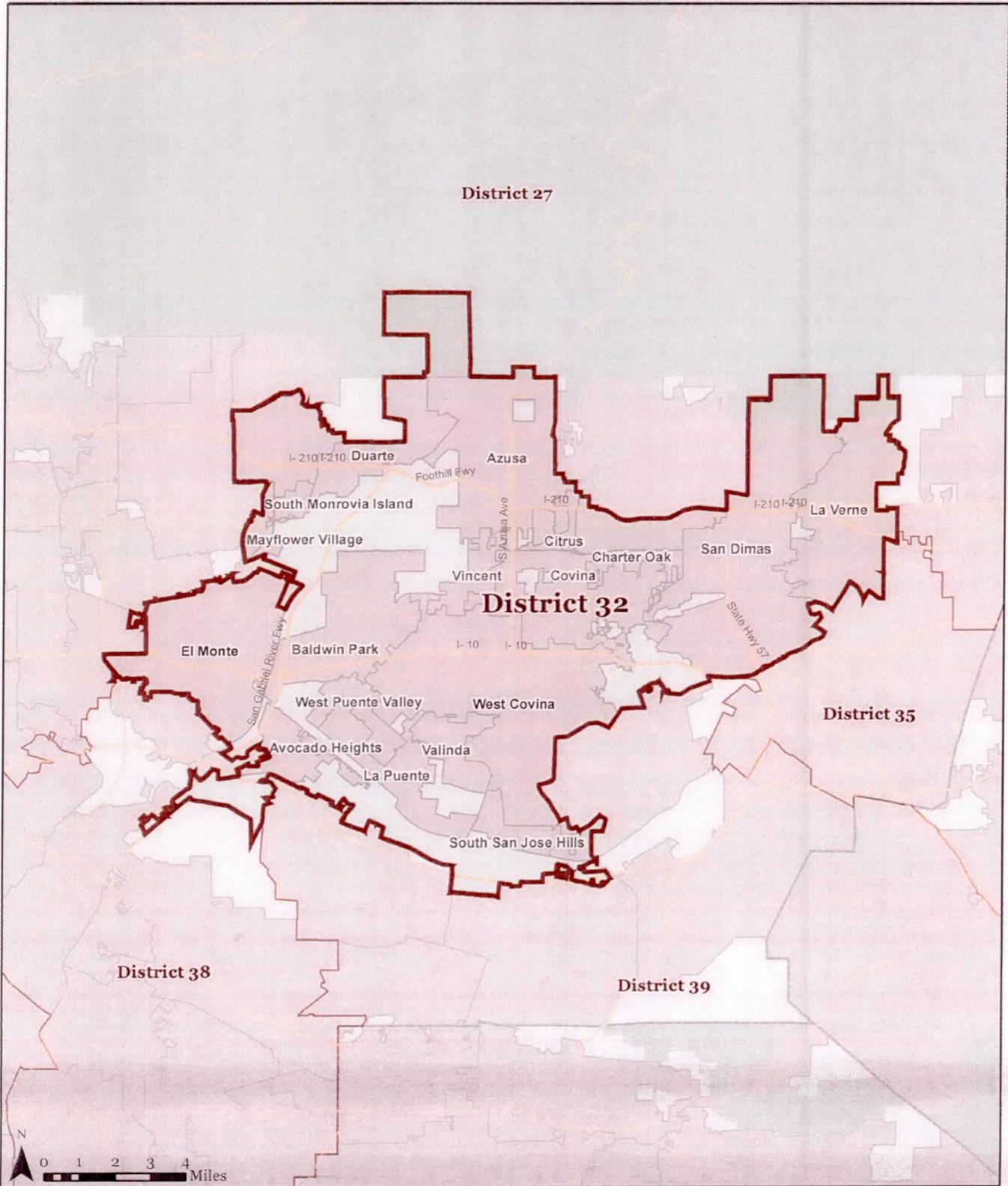


2. The cities of Glendora, Monrovia, Pasadena, and Upland are split in this district to achieve population equality and in light of the adjacent district that was drawn in consideration of the Fourteenth Amendment and the Voting Rights Act.



## **EXHIBIT C**

# California State Congressional District 32



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.



3. Congressional District 27 consists of San Gabriel Valley communities including Alhambra and Monterey Park, but then wanders through the San Gabriel Mountains dropping down to pick up parts of Glendora and Claremont, and then extends into San Bernardino County absorb a portion of the city of Upland. This district has the highest Asian Citizen Voting Age Population (36 percent) of any district in Los Angeles County, but its Asian influence is diluted by the inclusion of Glendora and Upland. Much adjacent population is bypassed to pick up these isolated portions. All this is caused by the required creation of neighboring Section 2 Latino districts. This district violates state constitutional criteria in the name of creating adjacent Section 2 districts but in fact that would not be necessary if population ripples did not cause unnecessarily awkward Section 2 districts throughout the county.



**EXHIBIT D**

# California State Congressional District 33



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.

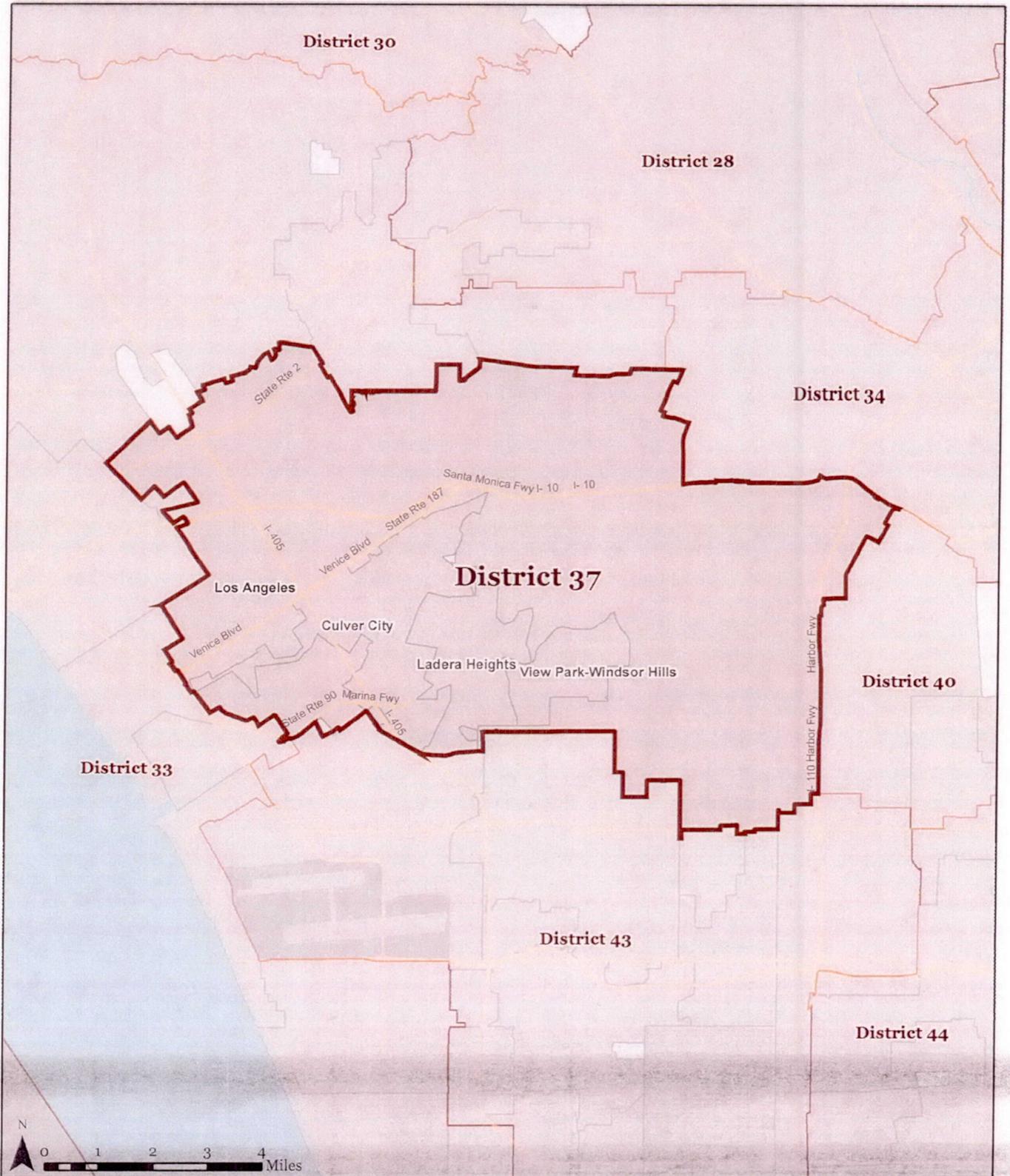


4. Congressional District 33 begin in the Palos Verdes Peninsula wanders passing through Dockweiler Beach on a tiny narrow finger then moves west to Malibu and east to Beverly Hills and Hancock Park. This district bypasses numerous areas of adjacent population to unite far distant population. All which is caused by the creation of the neighboring racially gerrymandered districts. Congressional District 37 and H3. The creation of these two districts caused this elongated Congressional District 33 that violates the State Constitutional criteria.



**EXHIBIT E**

# California State Congressional District 37



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.

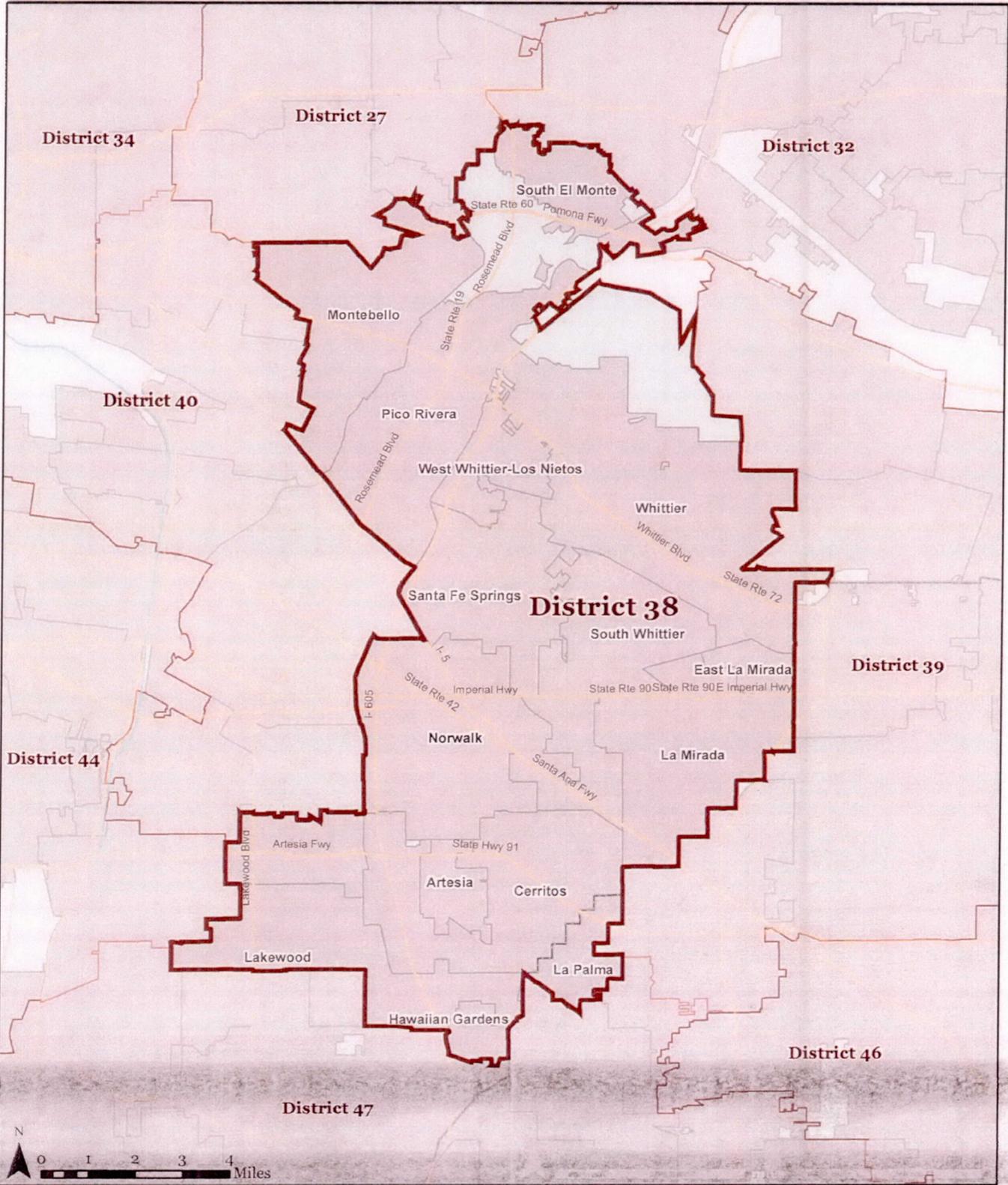


5. The cities of Torrance and Los Angeles were split to achieve population equality. As the court in *Wilson* noted, compactness is not just a geographical issue but refers to the “ability of citizens to relate to each other and then representatives and to the ability of representatives and to the ability of representatives to relate effectively to their constituency.”

F

**EXHIBIT F**

# California State Congressional District 38



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.

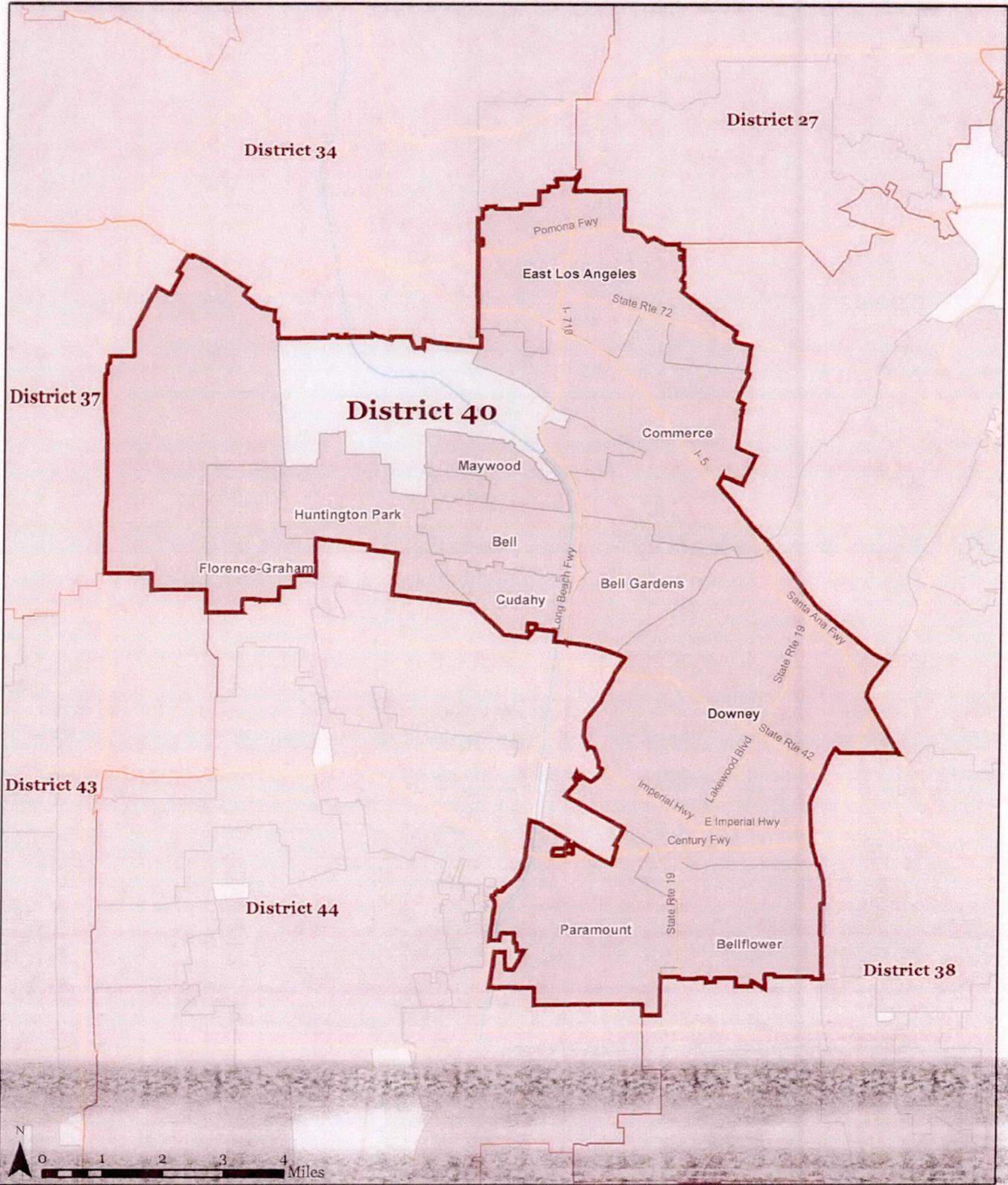


6. Congressional District 43: The cities of Inglewood, Los Angeles, and Torrance were to split to achieve population equality.



**EXHIBIT G**

# California State Congressional District 40



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.

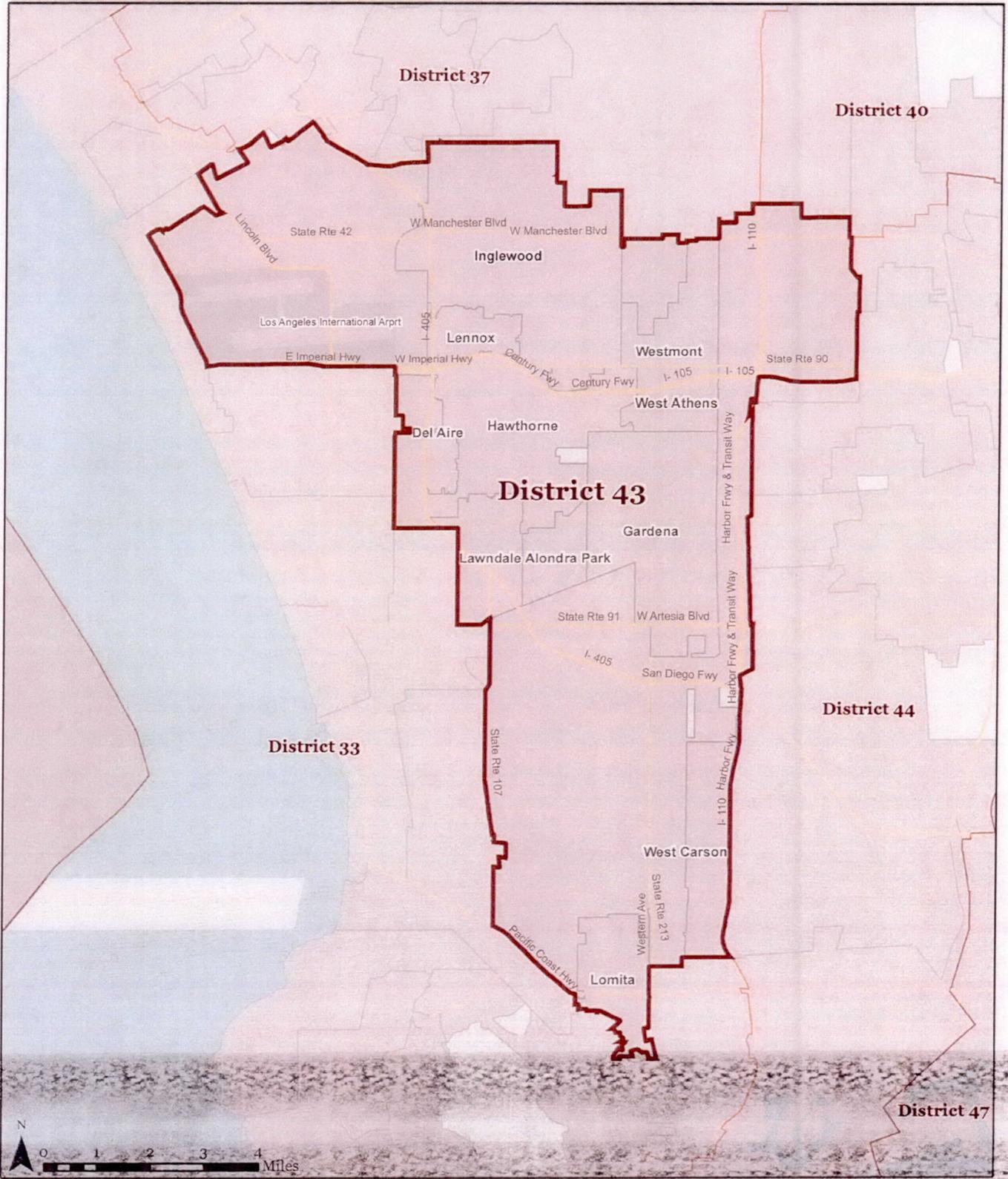


7. This district begins at the port of Long Beach and then wanders far into central Orange County to absorb portions of Garden Grove and Westminster. As pointed out above, this divides the Orange County Vietnamese community. This district's shape is caused by the racially gerrymandered Congressional District 44 to its west. The Commission received extensive testimony that "Little Saigon" is a community of interest as defined by the constitution. "A community of interest is 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." (California Constitution, Article XXI, §2 (d)(4)). Certainly the economically vibrant Vietnamese community in Orange County, formed largely following the fall of Saigon in 1975, meets every definition of a community of interest, but the Commission unconstitutionally and unnecessarily divided it nevertheless.

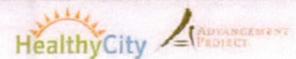
H

**EXHIBIT H**

# California State Congressional District 43



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.

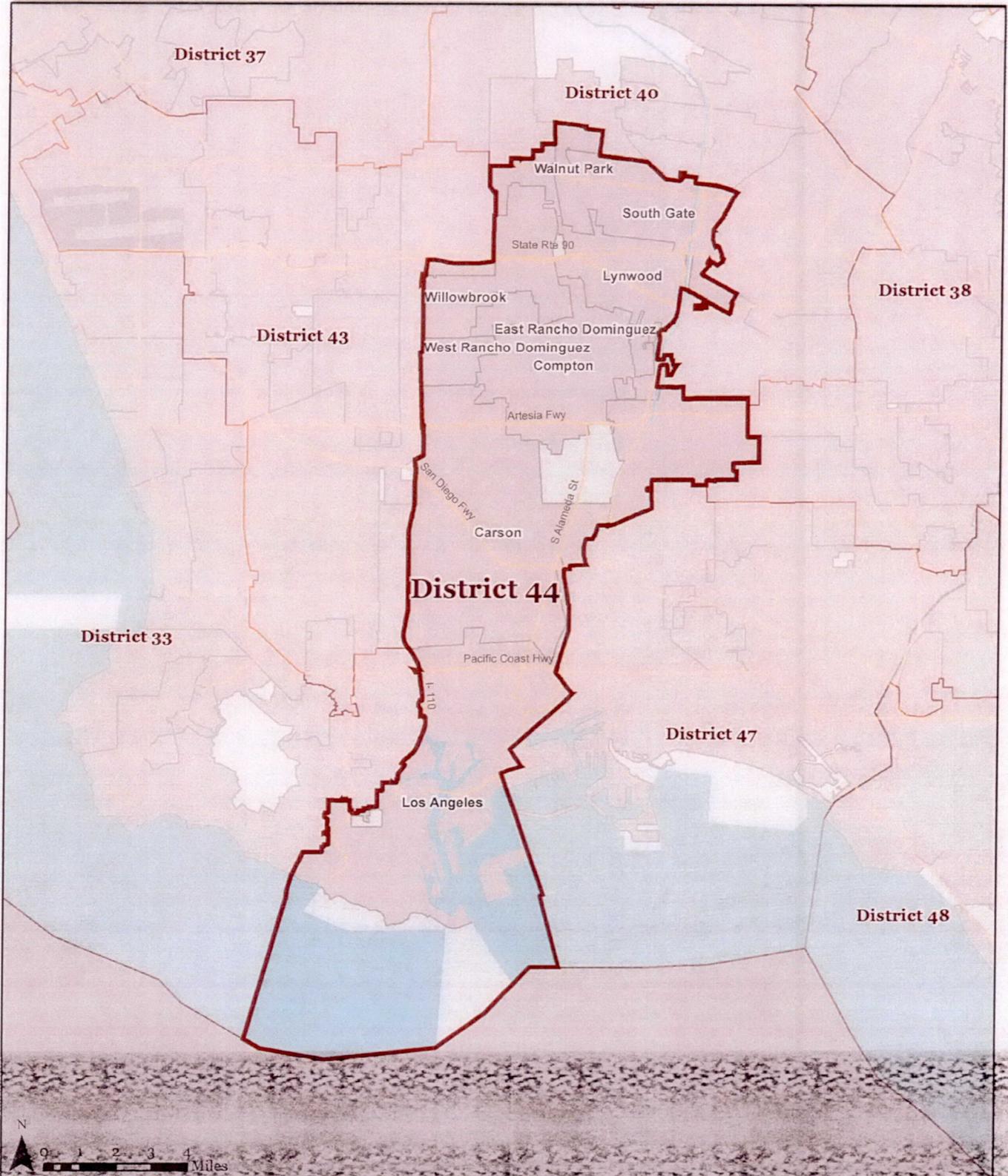


8. Due to the ripple effect caused by the illegal gerrymandering the City of Burbank is split in violation of California law.

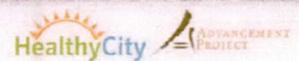


# **EXHIBIT I**

# California State Congressional District 44



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.



9. The cities of Glendora, Industry, and Monrovia in this district to achieve population equality and in consideration of §2 of the Voting Rights Act. Many of these cities splits were unnecessary and were caused by population ripples from the racial Gerrymander that retains African American Congressional districts

A. The cities of Inglewood and Los Angeles were split to achieve population equality. This district was created in violation of the 14<sup>th</sup> Amendment.

J

## **EXHIBIT J**

# California State Congressional District 47



Map created by Healthy City, a project of the Advancement Project, August 2011. Created from CRC Certified Map: crc\_20110815\_congress\_certified\_statewide.zip. SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9. Basemap from US Census Bureau TIGER/Line Shapefiles.



10. Divides the cities of Bellflower and Lakewood to comply with Section 2 of the Voting Rights Act and to achieve population equality.

K

## **EXHIBIT K**

**Short Term.** We conclude that the prospects for higher electricity rates are more likely in the short term, based on a comparison of current cost factors for key renewable resources with those for conventional resources. These cost factors include the cost of facility construction and technology, as well as day-to-day operational costs, which include the cost of inputs into the electricity generation process such as fuel. Over the short term at least, these cost factors are more likely to keep the cost of electricity generated from renewable resources, and hence the rates paid by electricity customers for that electricity, above the cost of electricity generated from conventional resources. However, the potential for higher electricity rates to the customer, including state and local governments, might be limited by the measure. This is because the measure caps the cost that privately owned electricity providers must pay for electricity from renewable resources. The cap will be set in relation to the market price of electricity, which will be determined by the Energy Commission. However, because the measure allows the commission substantial discretion in determining the market price of electricity, it is uncertain how the commission will set this cap. In turn, the effect of the cap on the price of electricity paid by customers is unknown.

**Long Term.** In the long run, there are factors that may be affected by the measure that have the potential either to increase or to decrease electricity rates from what they otherwise would be. For example, to the extent that the measure advances development of renewable energy resources in a manner that lowers their costs, electricity customers might experience longer-term savings. On the other hand, the same cost factors that could lead to short-term electricity rates that are higher might also lead to higher long-run electricity rates. To the extent that the measure requires electricity providers to acquire more costly electricity than they otherwise would, they will experience longer-term cost increases. It is unknown whether, on balance, factors that could increase electricity rates over

the long term will outweigh those that could decrease electricity rates over the long term. Therefore, the long-term effect of the measure on government costs is unknown.

#### Unknown Effect on State and Local Government Revenues

**Overview.** State and local *revenues* also would be affected by the measure's impact on electricity rates. This is for two reasons. First, some local governments charge a tax on the cost of electricity use within their boundaries. To the extent that the measure results in an increase or a decrease in electricity rates compared to what they would be otherwise, there would be a corresponding increase or decrease in these local tax revenues. Second, tax revenues received by governments are affected by business profits, personal income, and taxable sales—all of which in turn are affected by what individuals and businesses pay for electricity. Higher electricity costs will lower government revenues, while lower electricity costs will raise these revenues.

**Short Term.** On balance, as explained above, we believe that the prospects for electricity rates that are higher than they would otherwise be are more likely in the short term. However, as also is the case with state and local government costs, the measure's potential to lower state and local government revenues due to higher electricity rates might be limited by the measure's cost cap provision. Thus, for the short term, to the extent that the measure results in higher electricity rates from what they would otherwise be, local utility user tax revenues would increase and state and local sales and income tax revenues would decrease. The overall short-term net effect of the measure on state and local revenues is unknown.

**Long Term.** As for the long run, as explained above, the measure has the potential to either increase or decrease electricity rates. Because the measure's effect on long-term electricity rates is unknown, the measure's effect on long-term government revenues is also unknown.

**★ ARGUMENT IN FAVOR OF PROPOSITION 7 ★**

*Vote Yes on Proposition 7.*

- We can do better than dirty coal, nuclear power, and offshore drilling.

Proposition 7, The Solar and Clean Energy Act, requires all utilities to provide more solar, wind, geothermal, biomass, tidal, and small hydroelectric energy. Renewable energy standards are increased 2% per year, over seventeen years, so that half of our electricity will come from cleaner and cheaper sources by 2025.

Proposition 7 is a balanced solution that will reduce the rising costs of energy, and limit the dangers of global warming, including increased wildfires, water shortages, threats to endangered species, and illnesses from heat induced pollution.

Proposition 7 was carefully written and reviewed by legal, energy, and environmental experts.

Proposition 7 requires the California Energy Commission to designate solar and clean energy production zones, primarily in our vast deserts.

*Vote Yes on Proposition 7 to:*

- Make California the world leader in clean power technology.
- Help create over 370,000 new high wage jobs.

Proposition 7 meets all environmental protections, including:

- The California Environmental Quality Act.
- The Desert Protection Act.
- Local Government Reviews.

Vote Yes on Proposition 7 to help grow a strong market for large, and small, solar and renewable energy businesses. California firms have developed this proven technology that will meet our present and future electricity needs.

The independent, nonpartisan California Legislative Analyst found that administration of Proposition 7's renewable energy standards would only cost three and a half million dollars. Also, if the utilities fail to meet renewable energy standards, utilities are prohibited from passing on penalty costs to consumers.

Proposition 7's shift to solar and clean energy is guaranteed to never add more than 3% per year to our electricity bills.

*So, why are the utilities spending tens of millions of dollars on "greenwashing" propaganda; sponsoring political parties; and partnering with select environmental groups to mislead us?*

Because California's electric utilities have a dirty little secret:

*Most of California's electricity comes from burning coal and fossil fuels.*

Experts agree that 40% of global warming pollution comes from this type of electricity generation.

Electricity from dirty power plants, owned, operated, or transmitted by California utilities, releases 107 million metric tons of greenhouse gas pollution each year. That makes California the world's 16th largest global warming polluter. (Half of Los Angeles' electricity is generated with out-of-state coal.)

Remember, the utilities botched the 2001 energy crisis; then paid their top executives million dollar bonuses.

*Vote Yes on Proposition 7.*

- Energy from the sun, wind, tides, and heat from the earth will always be clean, free, safe, and unlimited.

- Expensive fossil fuels, oil and gas drilling, and dangerous nuclear power, will cost Californians more.

We need to do something major and environmentally smart, to stop global warming pollution.

Let's stop relying on foreign oil, and imported energy, so that future generations can live in peace.

California is especially blessed with renewable energy resources.

We can lead the world in clean energy!

*Vote Yes on Proposition 7.* [www.solarandcleanenergy.org](http://www.solarandcleanenergy.org)

**DR. DONALD W. AITKEN, Ph.D.**, Renewable Energy Scientist  
**JOHN L. BURTON**, California State Senate President Pro Tem (Ret.)  
**JIM GONZALEZ**, Chair  
Californians for Solar and Clean Energy

**★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 7 ★**

**WHO DO YOU BELIEVE?**

The statement above is signed by only a few individuals. But Prop. 7 is **OPPOSED** by dozens of organizations, representing millions of Californians, leading the fight for more renewable power and against global warming, including:

- California Solar Energy Industries Association
- California League of Conservation Voters
- Natural Resources Defense Council
- Center for Energy Efficiency and Renewable Technologies
- Environmental Defense Fund
- Union of Concerned Scientists

These organizations carefully reviewed Proposition 7 and concluded it's fatally flawed, riddled with loopholes, and will slam the brakes on renewable power development. To effectively fight global warming, we must get the solutions right. Prop. 7 gets it all wrong.

That's why 7 is also **OPPOSED** by:

- California Taxpayers' Association
- California Democratic Party
- California Republican Party
- Consumers Coalition of California
- Dozens of environmental, taxpayer, labor, senior, utilities, and business organizations.

**READ THE FINE PRINT**

It doesn't matter what proponents *claim* their measure will do. What matters is what's in the actual proposition.

- Prop. 7 forces small renewable energy companies out of California's market, eliminating competition and thousands of jobs.
  - There is **NO LANGUAGE** in the text of 7 that limits increases in our electricity bills.
  - Prop. 7 allows power providers to always charge 10% above market price of power, stifling competition for renewable energy.
  - Prop. 7 will cost us hundreds of millions of dollars in higher electricity and taxpayer costs, will not achieve its goals, and will stall efforts to substitute renewables for more expensive power.
- VOTE NO on 7!** [www.NoProp7.com](http://www.NoProp7.com)

**TOM ADAMS**, Board President  
California League of Conservation Voters  
**GARY T. GERBER**, President  
Sun Light & Power  
**BETTY JO TOCCOLI**, President  
California Small Business Association

**★ ARGUMENT AGAINST PROPOSITION 7 ★**

Wind, solar, and other renewable power providers; environmental, consumer, and taxpayer groups; business and labor; and global warming scientists all OPPOSE Proposition 7.

Prop. 7—paid for by an Arizona billionaire with no energy expertise—is a deeply flawed measure that will:

- NOT achieve its stated goals and will actually *disrupt* renewable power development.
- Shut small renewable energy companies out of California's market.
- Unnecessarily increase electric bills and taxpayer costs by hundreds of millions of dollars, without achieving its stated goals.
- Create market conditions that could lead to another energy crisis.

**PROP. 7 FORCES SMALL WIND AND SOLAR ENERGY COMPANIES OUT OF THE MARKET.**

Prop. 7 contains a competition elimination provision shutting smaller renewable energy companies out of California's market. Renewable power from plants under 30 megawatts won't count toward meeting the law. Today, nearly 60 percent of contracts under California's renewable requirements are with these small providers.

*"Proposition 7 would devastate California's small solar businesses by forcing us out of the market—eliminating a major source of clean power and thousands of jobs."* — Sue Kateley, Executive Director, California Solar Energy Industries Association

**PROP. 7 ALLOWS ENERGY PRICES TO BE CONTINUALLY LOCKED IN AT 10% ABOVE MARKET RATES AND LIMITS COMPETITION.**

Proposition 7 allows power providers to always charge 10% above the market price of power, stifling competition for renewable power.

And nothing in Prop. 7 limits increases in our electric bills.

**PROP. 7 DISRUPTS THE RENEWABLES MARKET AND COSTS CONSUMERS AND TAXPAYERS HUNDREDS OF MILLIONS OF DOLLARS.**

*"Prop. 7 has many troubling provisions that will significantly increase costs for electricity consumers and harm the California economy."* — Philip Romero, Ph.D., Former Chief Economist, California Office of Planning and Research

*"Prop. 7's flawed provisions will disrupt renewable power*

*development, unnecessarily drive up costs, and stall efforts to substitute clean power for more expensive energy sources."* — Sheryl Carter, Energy Program Co-Director, Natural Resources Defense Council

*"Proposition 7 would lead to more bureaucracy and red tape and cost taxpayers hundreds of millions of dollars."* — Teresa Casazza, President, California Taxpayers' Association

**WE'RE STILL PAYING FOR THE LAST ENERGY CRISIS.**

Prop. 7 will create market conditions ripe for manipulation, much like ENRON took advantage of consumers during the energy crisis.

*"California consumers are still paying almost \$1 billion each year—nearly \$100 for every electricity customer—for the last energy crisis. We don't need a poorly-written measure that will lead to another energy crisis and higher electric bills."* — Betty Jo Toccoli, President, California Small Business Association

**OPPOSED BY LEADING ENVIRONMENTAL ORGANIZATIONS AND RENEWABLE POWER PROVIDERS.**

California leads the nation with clean energy standards requiring utilities to significantly increase renewable power, and we're expanding those efforts. Prop. 7 jeopardizes this progress.

Organizations leading the fight against global warming all OPPOSE Prop. 7:

- California League of Conservation Voters
  - California Solar Energy Industries Association
  - Center for Energy Efficiency and Renewable Technologies
  - Environmental Defense Fund
  - Natural Resources Defense Council
  - Union of Concerned Scientists
- Vote NO on Prop. 7. [www.NoProp7.com](http://www.NoProp7.com)

**SUE KATELEY**, Executive Director  
California Solar Energy Industries Association

**TOM ADAMS**, Board President  
California League of Conservation Voters

**TERESA CASAZZA**, President  
California Taxpayers' Association

**★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 7 ★**

**THE FOR-PROFIT UTILITY COMPANIES OPPOSE PROPOSITION 7**

**BIG MONEY IS BEING USED AGAINST A PROPOSITION THAT GUARANTEES CALIFORNIANS CLEAN ELECTRICITY FOR DECADES TO COME.**

Three powerful utilities (Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric) are funding the campaign against Proposition 7.

Did you notice that nowhere in their argument against Proposition 7 did they say how they would help reduce global warming? Or create the 370,000 jobs?

Instead, they make inaccurate charges to scare small renewable companies and consumers. The independent Legislative Analyst's report doesn't back their false claims.

**JUDGE FOR YOURSELF:**

- Why are both state political parties opposing Proposition 7? Could it be that the utility companies gave \$1.5 million to the state Democratic Party and \$1.1 million to the state Republican Party in the last four years? And more is coming!

- Why are some renewable energy providers opposing Proposition 7? Could it be that under Proposition 7 they'll be required to pay their workers the prevailing wage?
- Why do hand-picked environmental organizations oppose Proposition 7? Could it be they sit on many of the same boards and committees as the utilities do?

California is the 16th largest global warming polluter.

We need to change how we make electricity.

California can help solve the moral challenge of our time: global warming and climate change.

We can do it with the renewable energy resources and technology we have now. That's the choice.

Vote YES on Proposition 7. [www.Yeson7.net](http://www.Yeson7.net)

**DOLORES HUERTA**, Co-Founder  
United Farmworkers Union

**CONGRESSMAN PAUL "PETE" McCLOSKEY JR.** (Ret.)

**JIM GONZALEZ**, Chair  
Californians for Solar and Clean Energy

**ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

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OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

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**ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Changes the California Constitution to eliminate the right of same-sex couples to marry in California.
- Provides that only marriage between a man and a woman is valid or recognized in California.

**Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- Over the next few years, potential revenue loss, mainly from sales taxes, totaling in the several tens of millions of dollars, to state and local governments.
  - In the long run, likely little fiscal impact on state and local governments.
-

**ANALYSIS BY THE LEGISLATIVE ANALYST**

**BACKGROUND**

In March 2000, California voters passed Proposition 22 to specify in state law that only marriage between a man and a woman is valid or recognized in California. In May 2008, the California Supreme Court ruled that the statute enacted by Proposition 22 and other statutes that limit marriage to a relationship between a man and a woman violated the equal protection clause of the California Constitution. It also held that individuals of the same sex have the right to marry under the California Constitution. As a result of the ruling, marriage between individuals of the same sex is currently valid or recognized in the state.

**PROPOSAL**

This measure amends the California Constitution to specify that only marriage between a man and a woman is valid or recognized in California. As a result, notwithstanding the California Supreme Court ruling of May 2008, marriage would be limited to individuals of the opposite sex, and individuals of the same sex would not have the right to marry in California.

**FISCAL EFFECTS**

Because marriage between individuals of the same sex is currently valid in California, there would likely be an increase in spending on weddings by same-sex couples in California over the next few years. This would result in increased revenue, primarily sales tax revenue, to state and local governments.

By specifying that marriage between individuals of the same sex is not valid or recognized, this measure could result in revenue loss, mainly from sales taxes, to state and local governments. Over the next few years, this loss could potentially total in the several tens of millions of dollars. Over the long run, this measure would likely have little fiscal impact on state and local governments.

**PROP 8** ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

★ ARGUMENT IN FAVOR OF PROPOSITION 8 ★

Proposition 8 is simple and straightforward. It contains the same 14 words that were previously approved in 2000 by over 61% of California voters: "Only marriage between a man and a woman is valid or recognized in California."

Because four activist judges in San Francisco wrongly overturned the people's vote, we need to pass this measure as a constitutional amendment to RESTORE THE DEFINITION OF MARRIAGE as a man and a woman.

Proposition 8 is about preserving marriage; *it's not an attack on the gay lifestyle*. Proposition 8 doesn't take away any rights or benefits of gay or lesbian domestic partnerships. Under California law, "domestic partners shall have the same rights, protections, and benefits" as married spouses. (Family Code § 297.5.) There are NO exceptions. Proposition 8 WILL NOT change this.

YES on Proposition 8 does three simple things:

*It restores the definition of marriage* to what the vast majority of California voters already approved and human history has understood marriage to be.

*It overturns the outrageous decision of four activist Supreme Court judges who ignored the will of the people.*

*It protects our children* from being taught in public schools that "same-sex marriage" is the same as traditional marriage.

Proposition 8 protects marriage as an essential institution of society. While death, divorce, or other circumstances may prevent the ideal, the best situation for a child is to be raised by a married mother and father.

The narrow decision of the California Supreme Court isn't just about "live and let live." State law may require teachers to instruct children as young as kindergarteners about marriage. (Education Code § 51890.) If the gay marriage ruling is not overturned, **TEACHERS COULD BE REQUIRED** to teach young children there is *no difference* between gay marriage and traditional marriage.

We should not accept a court decision that may result in public schools teaching our kids that gay marriage is okay. That is an issue for parents to discuss with their children according to their own values and beliefs. *It shouldn't be forced on us against our will.*

Some will try to tell you that Proposition 8 takes away legal rights of gay domestic partnerships. That is false. Proposition 8 DOES NOT take away any of those rights and does not interfere with gays living the lifestyle they choose.

However, while gays have the right to their private lives, *they do not have the right to redefine marriage* for everyone else.

**CALIFORNIANS HAVE NEVER VOTED FOR SAME-SEX MARRIAGE.** If gay activists want to legalize gay marriage, they should put it on the ballot. Instead, they have gone behind the backs of voters and convinced four activist judges in San Francisco to redefine marriage for the rest of society. That is the wrong approach.

Voting YES on Proposition 8 RESTORES the definition of marriage that was approved by over 61% of voters. Voting YES overturns the decision of four activist judges. Voting YES *protects our children.*

Please vote YES on Proposition 8 to RESTORE the meaning of marriage.

**RON PRENTICE**, President  
California Family Council

**ROSEMARIE "ROSIE" AVILA**, Governing Board Member  
Santa Ana Unified School District

**BISHOP GEORGE MCKINNEY**, Director  
Coalition of African American Pastors

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 8 ★

Don't be tricked by scare tactics.

- **PROP. 8 DOESN'T HAVE ANYTHING TO DO WITH SCHOOLS**

There's **NOT ONE WORD** IN 8 ABOUT EDUCATION.

In fact, local school districts and parents—not the state—develop health education programs for their schools.

**NO CHILD CAN BE FORCED, AGAINST THE WILL OF THEIR PARENTS, TO BE TAUGHT ANYTHING** about health and family issues. **CALIFORNIA LAW PROHIBITS IT.**

**AND NOTHING IN STATE LAW REQUIRES THE MENTION OF MARRIAGE IN KINDERGARTEN!**

It's a smokescreen.

- **DOMESTIC PARTNERSHIPS and MARRIAGE AREN'T THE SAME.**

**CALIFORNIA STATUTES CLEARLY IDENTIFY NINE REAL DIFFERENCES BETWEEN MARRIAGE AND DOMESTIC PARTNERSHIPS.** Only marriage provides the security that spouses provide one another—it's why people get married in the first place!

Think about it. Married couples depend on spouses when they're sick, hurt, or aging. They accompany them into ambulances or hospital rooms, and help make life-and-death decisions, with no questions asked. **ONLY MARRIAGE ENDS**

**THE CONFUSION AND GUARANTEES THE CERTAINTY COUPLES CAN COUNT ON IN TIMES OF GREATEST NEED.**

Regardless of how you feel about this issue, we should guarantee the same fundamental freedoms to every Californian.

- **PROP. 8 TAKES AWAY THE RIGHTS OF GAY AND LESBIAN COUPLES AND TREATS THEM DIFFERENTLY UNDER THE LAW.**

Equality under the law is one of the basic foundations of our society.

Prop. 8 means one class of citizens can enjoy the dignity and responsibility of marriage, and another cannot. That's unfair. **PROTECT FUNDAMENTAL FREEDOMS. SAY NO TO PROP. 8.**

[www.NoonProp8.com](http://www.NoonProp8.com)

**ELLYNE BELL**, School Board Member  
Sacramento City Schools

**RACHAEL SALCIDO**, Associate Professor of Law  
McGeorge School of Law

**DELAINE EASTIN**  
Former California State Superintendent of Public Instruction



**EXHIBIT L**

★ ARGUMENT AGAINST PROPOSITION 8 ★

OUR CALIFORNIA CONSTITUTION—the law of our land—SHOULD GUARANTEE THE SAME FREEDOMS AND RIGHTS TO EVERYONE—NO ONE group SHOULD be singled out to BE TREATED DIFFERENTLY.

In fact, our nation was founded on the principle that all people should be treated equally. EQUAL PROTECTION UNDER THE LAW IS THE FOUNDATION OF AMERICAN SOCIETY.

That's what this election is about—equality, freedom, and fairness, for all.

Marriage is the institution that conveys dignity and respect to the lifetime commitment of any couple. PROPOSITION 8 WOULD DENY LESBIAN AND GAY COUPLES that same DIGNITY AND RESPECT.

That's why Proposition 8 is wrong for California.

Regardless of how you feel about this issue, the freedom to marry is fundamental to our society, just like the freedoms of religion and speech.

PROPOSITION 8 MANDATES ONE SET OF RULES FOR GAY AND LESBIAN COUPLES AND ANOTHER SET FOR EVERYONE ELSE. That's just not fair. OUR LAWS SHOULD TREAT EVERYONE EQUALLY.

In fact, the government has no business telling people who can and cannot get married. Just like government has no business telling us what to read, watch on TV, or do in our private lives. We don't need Prop. 8; WE DON'T NEED MORE GOVERNMENT IN OUR LIVES.

REGARDLESS OF HOW ANYONE FEELS ABOUT MARRIAGE FOR GAY AND LESBIAN COUPLES, PEOPLE SHOULD NOT BE SINGLED OUT FOR UNFAIR TREATMENT UNDER THE LAWS OF OUR STATE.

Those committed and loving couples who want to accept the responsibility that comes with marriage should be treated like everyone else.

DOMESTIC PARTNERSHIPS ARE NOT MARRIAGE.

When you're married and your spouse is sick or hurt, there is no confusion: you get into the ambulance or hospital room with no questions asked. IN EVERYDAY LIFE, AND ESPECIALLY IN EMERGENCY SITUATIONS, DOMESTIC PARTNERSHIPS ARE SIMPLY NOT ENOUGH. Only marriage provides the certainty and the security that people know they can count on in their times of greatest need.

EQUALITY UNDER THE LAW IS A FUNDAMENTAL CONSTITUTIONAL GUARANTEE. Prop. 8 separates one group of Californians from another and excludes them from enjoying the same rights as other loving couples.

Forty-six years ago I married my college sweetheart, Julia. We raised three children—two boys and one girl. The boys are married, with children of their own. Our daughter, Liz, a lesbian, can now also be married—if she so chooses.

All we have ever wanted for our daughter is that she be treated with the same dignity and respect as her brothers—with the same freedoms and responsibilities as every other Californian.

My wife and I never treated our children differently, we never loved them any differently, and now the law doesn't treat them differently, either.

Each of our children now has the same rights as the others, to choose the person to love, commit to, and to marry.

Don't take away the equality, freedom, and fairness that everyone in California—straight, gay, or lesbian—deserves.

Please join us in voting NO on Prop. 8.

**SAMUEL THORON**, Former President  
Parents, Families and Friends of Lesbians and Gays  
**JULIA MILLER THORON**, Parent

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 8 ★

Proposition 8 is about traditional marriage; it is not an attack on gay relationships. Under California law gay and lesbian domestic partnerships are treated equally; they already have the same rights as married couples. Proposition 8 does not change that.

What Proposition 8 does is restore the meaning of marriage to what human history has understood it to be and over 61% of California voters approved just a few years ago.

Your YES vote ensures that the will of the people is respected. It overturns the flawed legal reasoning of four judges in San Francisco who wrongly disregarded the people's vote, and ensures that gay marriage can be legalized only through a vote of the people.

Your YES vote ensures that parents can teach their children about marriage according to their own values and beliefs without conflicting messages being forced on young children in public schools that gay marriage is okay.

Your YES vote on Proposition 8 means that only marriage between a man and a woman will be valid or recognized in California, regardless of when or where performed. But Prop. 8 will NOT take away any other rights or benefits of gay couples.

Gays and lesbians have the right to live the lifestyle they choose, but they do not have the right to redefine marriage for everyone else. Proposition 8 respects the rights of gays while still reaffirming traditional marriage.

Please vote YES on Proposition 8 to RESTORE the definition of marriage that the voters already approved.

**DR. JANE ANDERSON, M.D.**, Fellow  
American College of Pediatricians  
**ROBERT BOLINGBROKE**, Council Commissioner  
San Diego-Imperial Council, Boy Scouts of America  
**JERALEE SMITH**, Director of Education/California  
Parents and Friends of Ex-Gays and Gays (PFOX)

**CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE.  
INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.**

- Requires notification to victim and opportunity for input during phases of criminal justice process, including bail, pleas, sentencing and parole.
- Establishes victim safety as consideration in determining bail or release on parole.
- Increases the number of people permitted to attend and testify on behalf of victims at parole hearings.
- Reduces the number of parole hearings to which prisoners are entitled.
- Requires that victims receive written notification of their constitutional rights.
- Establishes timelines and procedures concerning parole revocation hearings.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Potential loss of future state savings on prison operations and potential increased county jail operating costs that could collectively amount to hundreds of millions of dollars annually, due to restricting the early release of inmates to reduce facility overcrowding.
- Net savings in the low tens of millions of dollars annually for the administration of parole hearings and revocations, unless the changes in parole revocation procedures were found to conflict with federal legal requirements.

**ANALYSIS BY THE LEGISLATIVE ANALYST****OVERVIEW OF PROPOSAL**

This measure amends the State Constitution and various state laws to (1) expand the legal rights of crime victims and the payment of restitution by criminal offenders, (2) restrict the early release of inmates, and (3) change the procedures for granting and revoking parole. These changes are discussed in more detail below.

**EXPANSION OF THE LEGAL RIGHTS OF CRIME  
VICTIMS AND RESTITUTION****Background**

In June 1982, California voters approved Proposition 8, known as the "Victims' Bill of Rights." Among other changes, the proposition amended the Constitution and various state laws to grant crime victims the right to be notified of, to attend, and to state their views at, sentencing and parole hearings. Other separately enacted laws have created other rights for crime victims, including the opportunity for a victim to obtain a judicial order of protection from harassment by a criminal defendant.

Proposition 8 established the right of crime victims to obtain restitution from any person who committed the crime that caused them to suffer a loss. Restitution

often involves replacement of stolen or damaged property or reimbursement of costs that the victim incurred as a result of the crime. A court is required under current state law to order full restitution unless it finds compelling and extraordinary reasons not to do so. Sometimes, however, judges do not order restitution. Proposition 8 also established a right to "safe, secure and peaceful" schools for students and staff of primary, elementary, junior high, and senior high schools.

**Changes Made by This Measure**

**Restitution.** This measure requires that, without exception, restitution be ordered from offenders who have been convicted, in every case in which a victim suffers a loss. The measure also requires that any funds collected by a court or law enforcement agencies from a person ordered to pay restitution would go to pay that restitution first, in effect prioritizing those payments over other fines and obligations an offender may legally owe.

**Notification and Participation of Victims in Criminal Justice Proceedings.** As noted above, Proposition 8 established a legal right for crime victims to be notified of, to attend, and to state their views at, sentencing and parole hearings. This measure expands these legal rights to include all public criminal

proceedings, including the release from custody of offenders after their arrest, but before trial. In addition, victims would be given the constitutional right to participate in other aspects of the criminal justice process, such as conferring with prosecutors on the charges filed. Also, law enforcement and criminal prosecution agencies would be required to provide victims with specified information, including details on victim's rights.

**Other Expansions of Victims' Legal Rights.** This measure expands the legal rights of crime victims in various other ways, including the following:

- Crime victims and their families would have a state constitutional right to (1) prevent the release of certain of their confidential information or records to criminal defendants, (2) refuse to be interviewed or provide pretrial testimony or other evidence requested in behalf of a criminal defendant, (3) protection from harm from individuals accused of committing crimes against them, (4) the return of property no longer needed as evidence in criminal proceedings, and (5) "finality" in criminal proceedings in which they are involved. Some of these rights now exist in statute.
- The Constitution would be changed to specify that the safety of a crime victim must be taken into consideration by judges in setting bail for persons arrested for crimes.
- The measure would state that the right to safe schools includes community colleges, colleges, and universities.

## RESTRICTIONS ON EARLY RELEASE OF INMATES

### Background

The state operates 33 state prisons and other facilities that had a combined adult inmate population of about 171,000 as of May 2008. The costs to operate the California Department of Corrections and Rehabilitation (CDCR) in 2008–09 are estimated to be approximately \$10 billion. The average annual cost to incarcerate an inmate is estimated to be about \$46,000. The state prison system is currently experiencing overcrowding because there are not enough permanent beds available for all inmates. As a result, gymnasiums and other rooms in state prisons have been converted to house some inmates.

Both the state Legislature and the courts have been considering various proposals that would reduce

overcrowding, including the early release of inmates from state prison. At the time this analysis was prepared, none of these proposals had been adopted. State prison populations are also affected by credits granted to prisoners. These credits, which can be awarded for good behavior or participation in specific programs, reduce the amount of time a prisoner must serve before release.

Collectively, the state's 58 counties spend over \$2.4 billion on county jails, which have a population in excess of 80,000. There are currently 20 counties where an inmate population cap has been imposed by the federal courts and an additional 12 counties with a self-imposed population cap. In counties with such population caps, inmates are sometimes released early to comply with the limit imposed by the cap. However, some sheriffs also use alternative methods of reducing jail populations, such as confining inmates to home detention with Global Positioning System (GPS) devices.

### Changes Made by This Measure

This measure amends the Constitution to require that criminal sentences imposed by the courts be carried out in compliance with the courts' sentencing orders and that such sentences shall not be "substantially diminished" by early release policies to alleviate overcrowding in prison or jail facilities. The measure directs that sufficient funding be provided by the Legislature or county boards of supervisors to house inmates for the full terms of their sentences, except for statutorily authorized credits which reduce those sentences.

## CHANGES AFFECTING THE GRANTING AND REVOCATION OF PAROLE

### Background

The Board of Parole Hearings conducts two different types of proceedings relating to parole. First, before CDCR releases an individual who has been sentenced to life in prison with the possibility of parole, the inmate must go before the board for a parole consideration hearing. Second, the board has authority to return to state prison for up to a year an individual who has been released on parole but who subsequently commits a parole violation. (Such a process is referred to as parole revocation.) A federal court order requires the state to provide legal counsel to parolees, including assistance at hearings related to parole revocation charges.

Changes Made by This Measure

Parole Consideration Procedures for Lifers. This measure changes the procedures to be followed by the board when it considers the release from prison of inmates with a life sentence. Specifically:

- Currently, individuals whom the board does not release following their parole consideration hearing must generally wait between one and five years for another parole consideration hearing. This measure would extend the time before the next hearing to between 3 and 15 years, as determined by the board. However, inmates would be able to periodically request that the board advance the hearing date.
• Crime victims would be eligible to receive earlier notification in advance of parole consideration hearings. They would receive 90 days advance notice, instead of the current 30 days.
• Currently, victims are able to attend and testify at parole consideration hearings with either their next of kin and up to two members of their immediate family, or two representatives. The measure would remove the limit on the number of family members who could attend and testify at the hearing, and would allow victim representatives to attend and testify at the hearing without regard to whether members of the victim's family were present.
• Those in attendance at parole consideration hearings would be eligible to receive a transcript of the proceedings.

General Parole Revocation Procedures. This measure changes the board's parole revocation procedures for offenders after they have been paroled from prison. Under a federal court order in a case known as Valdivia v. Schwarzenegger, parolees are entitled to a hearing within 10 business days after being charged with violation of their parole to determine if there is probable cause to detain them until their revocation charges are resolved. The measure extends the deadline for this hearing to 15 days. The same court order also requires that parolees arrested for parole violations have a hearing to resolve the revocation charges within 35 days. This measure extends this timeline to 45 days. The measure also provides for the appointment of legal counsel to parolees facing revocation charges only if the board determines, on a case-by-case basis, that the parolee

is indigent and that, because of the complexity of the matter or because of the parolee's mental or educational incapacity, the parolee appears incapable of speaking effectively in his or her defense. Because this measure does not provide for counsel at all parole revocation hearings, and because the measure does not provide counsel for parolees who are not indigent, it may conflict with the Valdivia court order, which requires that all parolees be provided legal counsel.

FISCAL EFFECTS

Our analysis indicates that the measure would result in: (1) state and county fiscal impacts due to restrictions on early release, (2) potential net state savings from changes in parole board procedures, and (3) changes in restitution funding and other fiscal impacts. The fiscal estimates discussed below could change due to pending federal court litigation or budget actions.

State and County Fiscal Impacts of Early Release Restrictions

As noted above, this measure requires that criminal sentences imposed by the courts be carried out without being substantially reduced by early releases in order to address overcrowding. This provision could have a significant fiscal impact on both the state and counties depending upon the circumstances related to early release and how this provision is interpreted by the courts.

State Prison. The state does not now generally release inmates early from prison. Thus, under current law, the measure would probably have no fiscal effect on the state prison system. However, the measure could have a significant fiscal effect in the future in the event that it prevented the Legislature or the voters from enacting a statutory early release program to address prison overcrowding problems. Under such circumstances, this provision of the measure could prevent early release of inmates, thereby resulting in the loss of state savings on prison operations that might otherwise amount to hundreds of millions of dollars annually.

County Jails. As mentioned above, early releases of jail inmates now occur in a number of counties, primarily in response to inmate population limits imposed on county jail facilities by federal courts. Given these actions by the federal courts, it is not clear how, and to what extent, the enactment of

such a state constitutional measure would affect jail operations and related expenditures in these counties. For example, it is possible that a county may comply with a population cap by expanding its use of GPS home monitoring or by decreasing the use of pretrial detention of suspects, rather than by releasing inmates early. In other counties not subject to federal court-ordered population caps, the measure's restrictions on early release of inmates could affect jail operations and related costs, depending upon the circumstances related to early release and how this provision was interpreted by the courts. Thus, the overall cost of this provision for counties is unknown.

### **Potential Net State Savings From Changes in Parole Board Procedures**

The provisions of this measure that reduce the number of parole hearings received by inmates serving life terms would likely result in state savings amounting to millions of dollars annually. Additional savings in the low tens of millions of dollars annually could result from the provisions changing parole revocation procedures, such as by limiting when counsel would be provided by the state. However, some of these changes may run counter to the federal *Valdivia* court order related to parole revocations and therefore could be subject to legal challenges, potentially eliminating these savings. In addition, both the provisions related to parole consideration and revocation could ultimately increase state costs to the extent that they result in additional offenders being held in state prison longer than they would otherwise. Thus, the overall fiscal effect from these changes in parole revocation procedures is likely to be net state savings in the low tens of millions of dollars annually unless the changes in the process were found to conflict with federal legal requirements contained in the *Valdivia* court order.

### **Changes in Restitution Funding and Other Fiscal Impacts**

**Restitution Funding.** The changes to the restitution process contained in this measure could affect state and local programs. Currently, a number of different state and local agencies receive funding from the fines and penalties collected from criminal offenders. For example, revenues collected from offenders go to counties' general funds, the state Fish and Game Preservation Fund for support of a variety of wildlife conservation programs, the Traumatic Brain Injury Fund to help adults recover from brain injuries, and the Restitution Fund for support of crime victim programs. Because this initiative requires that all monies collected from a defendant first be applied to pay restitution orders directly to the victim, it is possible that the payments of fine and penalty revenues to various funds, including the Restitution Fund, could decline.

However, any loss of Restitution Fund revenues may be offset to the extent that certain provisions of this initiative increase the amount of restitution received directly by victims, thereby reducing their reliance on assistance from the Restitution Fund. Similarly, this initiative may also generate some savings for state and local agencies to the extent that increases in payments of restitution to crime victims cause them to need less assistance from other state and local government programs, such as health and social services programs.

**Legal Rights of Criminal Victims.** Because the measure gives crime victims and their families and representatives a greater opportunity to participate in and receive notification of criminal justice proceedings, state and local agencies could incur additional administrative costs. Specifically, these costs could result from lengthier court and parole consideration proceedings and additional notification of victims by state and local agencies about these proceedings.

The net fiscal impact of these changes in restitution funding and legal rights of criminal victims on the state and local agencies is unknown.

★ ARGUMENT IN FAVOR OF PROPOSITION 9 ★

No pain is worse than losing a child or a loved one to murder . . . EXCEPT WHEN THE PAIN IS MAGNIFIED BY A SYSTEM THAT PUTS CRIMINALS' RIGHTS AHEAD OF THE RIGHTS OF INNOCENT VICTIMS.

The pain is real. It's also unnecessary to victims and costly to taxpayers.

Marsy Nicholas was a 21-year-old college student at UC Santa Barbara studying to become a teacher for disabled children. Her boyfriend ended her promising life with a shotgun blast at close range. Due to a broken system, the pain of losing Marsy was just the beginning.

Marsy's mother, Marcella, and family were grieving, experiencing pain unlike anything they'd ever felt. The only comfort was the fact Marsy's murderer was arrested.

Imagine Marcella's agony when she came face-to-face with Marsy's killer days later . . . at the grocery store!

How could he be free? He'd just killed Marcella's little girl. This can't be happening, she thought. Marsy's killer was free on bail but her family wasn't even notified. He could've easily killed again.

**CALIFORNIA'S CONSTITUTION GUARANTEES RIGHTS FOR RAPISTS, MURDERERS, CHILD MOLESTERS, AND DANGEROUS CRIMINALS.**

**PROPOSITION 9 LEVELS THE PLAYING FIELD, GUARANTEEING CRIME VICTIMS THE RIGHT TO JUSTICE AND DUE PROCESS,** ending further victimization of innocent people by a system that frequently neglects, ignores, and forever punishes them.

Proposition 9 creates California's Crime Victims' Bill of Rights to:

- REQUIRE THAT A VICTIM AND THEIR FAMILY'S SAFETY MUST BE CONSIDERED BY JUDGES MAKING BAIL DECISIONS FOR ACCUSED CRIMINALS.
- Mandate that crime victims be notified if their offender is released.
- REQUIRE VICTIMS BE NOTIFIED OF PAROLE HEARINGS IN ADVANCE TO ENSURE THEY CAN ATTEND AND HAVE A RIGHT TO BE HEARD.

- Require that victims be notified and allowed to participate in critical proceedings related to the crime, including bail, plea bargain, sentencing, and parole hearings.
- Give victims a constitutional right to prevent release of their personal confidential information or records to criminal defendants.

During these difficult budget times, **PROP. 9 PROTECTS TAXPAYERS.**

Currently, taxpayers spend millions on hearings for dangerous criminals that have virtually no chance of release. "Helter Skelter" inmates Bruce Davis and Leslie Van Houten, followers of Charles Manson, convicted of multiple brutal murders, have had 38 parole hearings in 30 years. That's 38 times the families involved have been forced to relive the painful crime and pay their own expenses to attend the hearing, plus 38 hearings that taxpayers have had to subsidize.

Prop. 9 allows parole judges to increase the number of years between parole hearings. **CALIFORNIA'S NONPARTISAN LEGISLATIVE ANALYST SAID IT ACHIEVES, "POTENTIAL NET SAVINGS IN THE LOW TENS OF MILLIONS OF DOLLARS . . ."**

**PROP. 9 ALSO PREVENTS POLITICIANS FROM RELEASING DANGEROUS INMATES TO ALLEVIATE PRISON OVERCROWDING.**

Prop. 9 respects victims, protects taxpayers, and makes California safer. It's endorsed by public safety leaders, victims' advocates, taxpayers, and working families.

**PROP. 9 IS ABOUT FAIRNESS FOR LAW ABIDING CITIZENS.** They deserve rights equal to those of criminals.

*ON BEHALF OF ALL CURRENT AND FUTURE CRIME VICTIMS, PLEASE VOTE YES ON 9!*

**MARCELLA M. LEACH**, Co-Founder  
Justice for Homicide Victims

**LAWANDA HAWKINS**, Founder  
Justice for Murdered Children

**DAN LEVEY**, National President  
The National Organization of Parents of Murdered Children

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 9 ★

Our hearts go out to the victims of violent crime and their families. Prop. 9 was put on the ballot by one such family whose family member was killed 25 years ago. But Prop. 9 is unnecessary and will cost taxpayers millions of dollars.

During the past 25 years many fundamental changes have been made to our criminal justice laws such as the "Three Strikes Law;" and the "Victims' Bill of Rights" which placed victims' rights into the Constitution.

*Under current law* victims have the right to be notified if their offender is released, to receive advance notice of criminal proceedings, and to participate in parole hearings and sentencing. There's already a state-funded Victims of Crime Resource Center to educate victims about their rights and help them through the process.

That's why Prop. 9 is a horrible drain on taxpayers during the height of a budget crisis. It's why the independent Legislative

Analyst said it could cost "hundreds of millions of dollars annually."

Instead of streamlining government, Prop. 9 creates serious duplication of existing laws. It places pages of complex law into our Constitution. And once in the Constitution, if the laws don't work, and need to be changed or modernized in any way, it could require a ¾ vote of the Legislature. That's a threshold even higher than required to pass the state budget!

Vote NO on Prop. 9.

**JEANNE WOODFORD**, Former Warden  
San Quentin State Prison

**REV. JOHN FREESEMAN**, Board President  
California Church IMPACT

★ ARGUMENT AGAINST PROPOSITION 9 ★

Aren't you getting tired of one individual paying millions to put some idea, however well-meaning, on the ballot that ends up costing taxpayers billions?

Prop. 9 is the poster child for this, bought and paid for by one man—Henry Nicholas III.

Prop. 9 is a misleading proposition that exploits Californians' concern for crime victims. It preys on our emotions in order to rewrite the State Constitution and change the way California manages its prisons and jails, threatening to worsen our overcrowding crises, at both the state and local level.

Prop. 9 is a costly, unnecessary initiative. In fact, many of the components in Prop. 9—including the requirements that victims be notified of critical points in an offender's legal process as well as the rights for victims to be heard throughout the legal process—were already approved by voters in Prop. 8 in 1982, the Victims' Bill of Rights.

That's why Prop. 9 is truly unnecessary and an expensive duplication of effort. According to the *Appeal Democrat* newspaper, "this initiative is about little more than political grandstanding," ("Our View: Tough talk on crime just hot air," 3/1/08).

Voters sometimes don't realize that there is no mechanism for initiatives to be legally reviewed for duplication of current law. So, sometimes if it seems like a way to get something passed, the writers include current law in their initiatives. That's clearly what has been done in Prop. 9.

Californians are understandably concerned about safety and sympathetic to crime victims. Some of the provisions seem reasonable. Yet they hardly require an initiative to accomplish

them. For instance, passage of Prop. 9 would require law enforcement to give victims a "Marsy's Law" card spelling out their rights. Does the state really need to put this in the State Constitution? And at what cost?

Prop. 9 promises to stop the early release of criminals. The nonpartisan Legislative Analyst's Office says this could potentially "amount to hundreds of millions of dollars annually." The Legislative Analyst also points out that "the state does not now generally release inmates early from prison."

California's parole system is already among the most strict in the United States. The actual annual parole rate for those convicted of second degree murder or manslaughter has been less than 1% of those eligible for 20 years! So, the need for these tremendously costly changes to existing parole policy is unjustified given the costs involved.

Further, anything approved in Prop. 9 regarding prisoners and parole is subject to federal legal challenges. So, the likelihood that Prop. 9 would have any impact at all is negligible at best.

Taking money out of an already cash-strapped state budget to pay for an unnecessary initiative could mean cuts to every other priority of Government, including education, healthcare, and services for the poor and elderly.

Vote No on Prop. 9. It's unnecessary. It's expensive. It's bad law.

SHEILA A. BEDI, Executive Director  
Justice Policy Institute

ALLAN BREED, Former Director  
California Department of Corrections

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 9 ★

It's sad when special interests resort to personal attacks against crime victims and their families.

**MAKE NO MISTAKE: TODAY, IN CALIFORNIA, INNOCENT VICTIMS ARE BEING PUNISHED BY A BROKEN SYSTEM.**

Here are two examples, among thousands:

Anna Del Rio, whose daughter was executed by a "shooter for gangs," was intimidated by gang members—in court—and NOT ALLOWED TO SPEAK or wear a picture of her daughter.

Marguerite Hemphill left her paralyzed husband's bedside to attend the parole hearing for her daughter's killer. After driving 300 miles, she learned the hearing was postponed. HEMPHILL WASN'T NOTIFIED AND HAS NO RECOURSE . . . she must repeat the trip again.

If victims already have rights, why does this happen?

**MURDERERS, RAPISTS, AND CHILD MOLESTERS HAVE RIGHTS GUARANTEED BY THE CALIFORNIA CONSTITUTION. CRIME VICTIMS AND THEIR FAMILIES HAVE NO SIMILAR CONSTITUTIONAL RIGHTS.**

**PROPOSITION 9 RESTORES JUSTICE, DUE PROCESS, HUMAN DIGNITY, AND FAIRNESS. It makes convicted**

criminals pay their debt to society by prohibiting politicians from releasing criminals just to reduce prison populations.

Crime Victims United of California, Justice for Homicide Victims, Justice for Murdered Children, Memory of Victims Everywhere, National Organization of Parents of Murdered Children, police chiefs, sheriffs, and district attorneys say **VOTE YES.**

**TRUST CALIFORNIANS: 1.2 MILLION PEOPLE, DEMOCRATS AND REPUBLICANS, PUT PROP. 9 ON THE BALLOT. IT CAN SAVE TAXPAYERS TENS OF MILLIONS** according to the nonpartisan Legislative Analyst. More importantly, Prop. 9 can save lives.

Remember the pain endured by victims Anna Del Rio and Marguerite Hemphill. Please vote YES.

MARCELLA LEACH, Co-Founder  
Justice for Homicide Victims

HARRIET SALARNO, President  
Crime Victims United of California

MARK LUNSFORD, Creator  
Jessica's Law: Sexual Predator Punishment and Control Act of 2006

**ALTERNATIVE FUEL VEHICLES AND RENEWABLE ENERGY.  
BONDS. INITIATIVE STATUTE.**

- Provides \$3.425 billion to help consumers and others purchase certain high fuel economy or alternative fuel vehicles, including natural gas vehicles, and to fund research into alternative fuel technology.
- Provides \$1.25 billion for research, development and production of renewable energy technology, primarily solar energy with additional funding for other forms of renewable energy; incentives for purchasing solar and renewable energy technology.
- Provides grants to cities for renewable energy projects and to colleges for training in renewable and energy efficiency technologies.
- Total funding provided is \$5 billion from general obligation bonds.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- State costs of about \$10 billion over 30 years to pay off both the principal (\$5 billion) and interest (\$5 billion) costs of the bonds. Payments of about \$335 million per year.
- Increase in state sales tax revenues of an unknown amount, potentially totaling in the tens of millions of dollars, over the period from 2009 to about 2019.
- Increase in local sales tax and vehicle license fee revenues of an unknown amount, potentially totaling in the tens of millions of dollars, over the period from 2009 to about 2019.
- Potential state costs of up to about \$10 million annually, through about 2019, for state agency administrative costs not funded by the measure.

**ANALYSIS BY THE LEGISLATIVE ANALYST****BACKGROUND**

*State Energy and Air Quality Programs.* The state administers a number of programs to promote renewable energy (such as solar and wind power), alternative clean fuels (such as natural gas), energy efficiency, and air quality improvements. Some programs provide financial incentives, such as grants, loans, loan guarantees, rebates, and tax credits. Funding for these programs has primarily come from fee revenues, although general obligation (GO) bonds more recently have been a funding source for air quality-related incentive programs.

*State and Local Taxes and Local Vehicle License Fee (VLF) Revenues.* State and local governments levy a number of taxes, including the sales and use tax (SUT). The SUT is levied on the final purchase price of tangible personal items, with a number of specified exemptions. The SUT has two rate components: one state and one local. The state SUT rate is currently 6.25 percent, of which 1 percent is distributed to local governments. The local SUT rate currently varies between 1 percent and 2.5 percent, depending on the local jurisdiction in which the tax is levied. Thus, the overall rate in California varies from 7.25 percent to 8.75 percent. In addition, the state collects an annual VLF on motor vehicles. Most of these VLF revenues are distributed to cities and counties. Currently, the VLF rate is equal to 0.65 percent of a motor vehicle's depreciated purchase price.



**EXHIBIT M**

**Resolution  
California Citizens Redistricting Commission  
Certification of Statewide Congressional 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 Congressional Map (Congressional Map) referred to as the preliminary final Congressional Map; and,

Whereas, on August 15, 2011, pursuant to Article XXI, Section 2(c)(5) of the California Constitution, the Commission adopts as final the Congressional Map, identified by crc\_20110815\_congress\_certified\_statewide.zip and secure hash algorithm (SHA-1) number 1893c0695a42454a202f5b1ef433abff6b491db9.

Now, therefore, be it resolved, that pursuant to Article XXI, Section 2 (g) of the California Constitution, the Congressional 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)

\_\_\_\_\_  
Stanley Forbes, Commissioner (DTS)

\_\_\_\_\_  
Angelo Ancheta, Commissioner (D)

\_\_\_\_\_  
Connie Galambos-Malloy, Commissioner (DTS)

\_\_\_\_\_  
Vincent Barabba, Commissioner (R)

\_\_\_\_\_  
Lilbert "Gil" Ontai, Commissioner (R)

\_\_\_\_\_  
Maria Blanco, Commissioner (D)

\_\_\_\_\_  
M. Andre Parvenu, Commissioner (DTS)

\_\_\_\_\_  
Cynthia Dai, Commissioner (D)

\_\_\_\_\_  
Jeanne Raya, Commissioner (D)

\_\_\_\_\_  
Michelle DiGuilio, Commissioner (DTS)

\_\_\_\_\_  
Michael Ward, Commissioner (R)

\_\_\_\_\_  
Jodie Filkins Webber, Commissioner (R)

\_\_\_\_\_  
Peter Yao, Commissioner (R)



**EXHIBIT N**



**STATE OF CALIFORNIA**  
**CITIZENS REDISTRICTING COMMISSION**  
**FINAL REPORT ON 2011 REDISTRICTING**

**AUGUST 15, 2011**



901 P Street, Suite 154A, Sacramento, CA 95814

August 15, 2011

The Hon. Deborah Bowen  
California Secretary of State  
1500 11<sup>th</sup> Street  
Sacramento, California 95814

Dear Secretary Bowen:

The California Citizens Redistricting Commission (Commission) was established pursuant to the procedures set forth by Proposition 11, the Voters First Act, and Proposition 20, the Voters First Act for Congress, the provisions of which are now found in Section 2 of Article XXI of the California Constitution and at Government Code Section 8252. These constitutional and statutory provisions set forth the Commission's responsibilities with respect to drawing the boundary lines for the California Assembly, Senate, Board of Equalization and Congressional districts (the Maps).

The Voters First Act for Congress requires the Commission to certify the Maps, and prepare a final report, and cause them to be provided to your office by August 15, 2011. Accordingly, this letter confirms that the Commission has timely completed these responsibilities and hereby provides the Secretary of State's Office with the following:

1. **State Assembly.** Resolution of August 15, 2011 certifying the statewide California Assembly maps were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Assembly map; copies of the 80 individual Assembly districts; and a "disc" labeled `crc_20110815_assembly_certified_statewide.zip` SHA-1: `323d2c56df6bf3ad6b3b4e58fd7c5d0338a476b8` containing the unique data files for the Assembly districts, from which the statewide and individual district maps are created.
2. **State Senate.** Resolution of August 15, 2011 certifying the statewide California Senate maps were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Senate map; copies of the 40 individual Senate districts; and a "disc" labeled `crc_20110815_senate_certified_statewide.zip` SHA-1:

14cd4e126ddc5bdce946f67376574918f3082d6b containing the unique data files for the Senate districts, from which the statewide and individual district maps are created.

3. **State Board of Equalization.** Resolution of August 15, 2011 certifying the statewide California Board of Equalization maps were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Board of Equalization map; copies of the four individual Board of Equalization districts; and a “disc” labeled `crc_20110815_boe_certified_statewide.zip`SHA-1: `3dd8d0f1325818b92429f987c03668ba036ece1d` containing the unique data files for the Board of Equalization districts from which the statewide and individual district maps are created.
4. **Congressional Districts.** Resolution of August 15, 2011 certifying the statewide California Congressional districts were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Congressional map; copies of the 53 individual Congressional districts; and a “disc” labeled `crc_20110815_congress_certified_statewide.zip` SHA-1: `1893c0695a42454a202f5b1ef433abff6b491db9` containing the unique data files for the Congressional districts from which the statewide and individual district maps are created.
5. **Final Report.** A copy of the final report prepared as required by Section 2(h) of Article XXI of the California Constitution.

It has been an honor for the Commission to serve the people of the State of California.

Sincerely,

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Vincent Barabba  
Acting Chair  
On Behalf of the California Citizens  
Redistricting Commission

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Gabino Aguirre  
Acting Vice Chair  
On Behalf of the California Citizens  
Redistricting Commission

**STATE OF CALIFORNIA**  
**CITIZENS REDISTRICTING COMMISSION**  
**FINAL REPORT ON 2011 REDISTRICTING**  
**AUGUST 15, 2011**

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**APPENDICES**

- Appendix 1:** District maps (Assembly, Senate, Board of Equalization, and Congressional).
- Appendix 2:** Population deviation report.
- Appendix 3:** Population statistics for each district (Assembly, Senate, Board of Equalization, and Congressional).
- Appendix 4:** County report and city report, per district (Assembly, Senate, Board of Equalization, and Congressional).
- Appendix 5:** Nesting report (Senate and Board of Equalization).
- Appendix 6:** Hash report.