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September 9, 2021

The Honorable Tani Cantil-Sakauye,
Chief Justice, and Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797

RE: Legislature of the State of California v. Shirley N. Weber
Docket No.: S262530
Amicus Letter Opposing the Emergency Motion of California Citizens Redistricting
Commission to Clarify and/or Modify Writ of Mandate

Honorable Justices:

On behalf of Donna Johnston, Sutter County Registrar of Voters, this letter highlights key points in Ms. Johnston's opposition to the Emergency Motion of California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate, as requested on August 23, 2021.

I. Interest of Sutter County's Registrar of Voters Donna Johnston

Donna Johnston is the elected Registrar of Voters for the County of Sutter, serving since 2008. In addition, Ms. Johnston currently serves as the President of the California Association of Clerks and Elections Officials (CACEO) as well as the CACEO Certification and Training co-Chair which trains elections officials across California.

Sutter County has a land mass of just over 600 square miles, a population of 96,971 and 52,567 registered voters. In comparison to other California counties, Sutter County is considered a small size county in land mass and population. However, in this matter, the interest of all

counties is substantially similar or identical to that of Sutter County. All counties will be affected directly by the decision of this Court.

II. Requested extension prevents election officials from implementing the redistricting maps in time for use in the June 7, 2022 primary election.

The California Citizens Redistricting Commission (“Commission”) has requested confirmation that its deadlines to produce preliminary and final maps using 2020 census data—deadlines that this Court previously extended to November 1, 2021 and December 15, 2021, respectively—are further extended by 18 days, in light of an 18-day “additional federal delay” in obtaining federal census data in addition to a request for an additional 12-day extension.

The Secretary of State’s Opposition to Emergency Motion to Clarify and/or Modify Writ of Mandate and the Declaration of Jana M. Lean in support of Respondent Secretary of State’s Opposition, both filed with this Court on September 7, 2021, accurately describes the decennial redistricting process and why the Writ of Mandate should be denied. However, Ms. Johnston finds it imperative to highlight the effect the requested extension would have on the local election process.

In addition to the Commission’s duties, newly adopted maps by the Board of Supervisors containing new boundaries for local supervisorial districts need to be added to the election management system.

The process to effectuate the decennial redistricting process can take several weeks at a minimum when a county is wholly contained in congressional, Assembly, Senate, and Board of Equalization boundaries. Additional time will be needed if a county falls within two or more congressional, Assembly, Senate, and Board of Equalization boundaries.

Jana Lean noted concerns related to staff unfamiliar with redistricting data processing. Sutter County is fortunate to have experienced redistricting staff and yet there remains a concern that implementation of new technology changes from 2011 will require an unknown amount of time to update new boundaries.

New maps must be in place before the end of the nomination period for that election, which is March 11, 2022. That is 12 weeks from the current deadline for final maps—December 15, 2021. Pushing this date out by 30 days, as the Commission requests, will seriously jeopardize elections officials’ ability to prepare the new maps for use in the June 2022 election.

III. Conclusion

The requested extension will also make it all but impossible for elections officials to implement the redistricted maps in time for use in the June 7, 2022 primary election. Donna

September 9, 2021

Page 3 of 3

Johnston, Registrar of Voters for Sutter County, must therefore oppose the request for the 18-day extension, as well as the request for an additional 12-day extension.

Very truly yours,

ROBYN DRIVON
INTERIM SUTTER COUNTY COUNSEL

**Deborah
Micheli**

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Document received by the CA Supreme Court.