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September 13, 2021

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

By Electronic Filing

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:

Please accept this Amicus Letter in Opposition to the Emergency Motion of the California Citizens Redistricting Commission to Clarify and/or Modify Writ of Mandate submitted on behalf of Joe Paul Gonzalez, the elected County Clerk-Auditor-Recorder and ex-officio Registrar of Voters for San Benito County, California.

I. Interest of San Benito County's Registrar of Voters, Joe Paul Gonzalez

Joe Paul Gonzalez was first elected as the County Clerk-Auditor-Recorder in 2006 and has served continuously in that capacity since that date. Pursuant to Government Code section 26802, and Elections Code section 320, the county clerk is the ex officio registrar of voters, and is the elections official with the duty of conducting elections within the County of San Benito. In that capacity he directed revision of district maps following the 2010 U.S. Census and the preparation of revised election materials for the 2012 primary and general election thereafter.

San Benito County has an area of approximately 1,396 square miles (893,440 acres) and a current estimated population of 65,490 and 36,935 registered voters. San Benito County is currently encompassed within single multi-county Congressional and State Assembly and Senate districts, it is anticipated that the numbering of those districts

Document received by the CA Supreme Court.

may change with new redistricting maps. District numbering is a critical component of nomination petition and the circulation of the in-lieu of filing fee petitions, which is the first event of the primary election cycle, that begins December 15, 2021.

In San Benito County, even as relatively small as it is, depending upon how redistricting maps are drawn, elections require the preparation of 58 or more separate ballot types to account for all the city council districts (for two cities), school districts and special districts located within the county. The process takes a minimum of two to three weeks after obtaining the revised electoral district maps from the Commission. Importantly, San Benito County has a majority Hispanic population, and all election materials, including ballots and voter information guides, are prepared and printed bilingually in English and Spanish. Preparation of accurate translations of all election materials is an additional task that must be accomplished within already tight timelines.

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

The California Citizens Redistricting Commission (“Commission”) 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. The Commission seeks clarification that those deadlines are further extended by 18 days, in light of an 18-day “additional federal delay” in obtaining federal census data, as provided in the Peremptory Writ of Mandate issued by the Court on July 17, 2021. The Commission also requests an additional 12-day extension – a total of 30 days to December 1, 2021 and January 14, 2022, respectively.

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 motion to modify the Writ of Mandate should be denied. Mr. Gonzalez also concurs with the amicus letter in opposition by Sutter County Clerk-Recorder-Registrar of Voters Donna Johnston submitted September 9, 2021, describing the effect the requested extension would have on the local election process.

In addition to the Commission’s duties, newly adopted maps by the county Boards of Supervisors delineating new boundaries for supervisorial districts, and by the cities and

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special districts within the county that conduct elections by district need to be added to the election management system.

The decennial redistricting process can take several weeks at a minimum even when a county is wholly contained within a single Congressional, Assembly, Senate, and Board of Equalization district boundary. Additional time will be needed for the many counties that fall within two or more Congressional, Assembly, Senate, and Board of Equalization boundaries.

New maps must be in place before the end of the nomination period for the primary election, which is March 11, 2022. That is 12 weeks from the current deadline for final maps—December 15, 2021, not counting the 18-day extension which may already be allowed by the court for the federal delay. Pushing this date out by an additional 12 days, as the Commission requests, will seriously jeopardize county elections officials' ability to enter the new maps and district designations in the County's election management system for the June 7, 2022 election.

In San Benito County, Mr. Gonzalez's office is managing the process for the adoption by the Board of Supervisors of new supervisorial districts to account for changes in population reported by the 2020 Census. San Benito County will meet the deadlines established by the Legislature to timely complete that process, including robust public participation opportunities notwithstanding the federal delay. The Court should hold the Commission to the same standard so that the June 7, 2022 Primary Election can be conducted on time and on budget.

The Commission cites as the basis for its request for extension the inconvenience of conducting the public participation process for final adoption of the maps during the Thanksgiving and Christmas holiday season, which it anticipates may lessen opportunities public participation that might otherwise occur during other times of the year. There are always circumstances competing for the public's attention – traditional summer vacations, or harvest times, or local or regional disasters (pandemic, wildland fires, floods, etc.). Broad and inclusive public participation in decisions affecting elections is a laudable goal and public policy objective. However, the Court should carefully weigh the exercise of the Court's limited discretion to extend constitutional and statutory deadlines when that will adversely impact local election officials from meeting the hard deadlines for conducting the June 7, 2022 Primary Election.

The interest in public participation in the redistricting process should be balanced against the public's interest in actually conducting the election in a timely, orderly and

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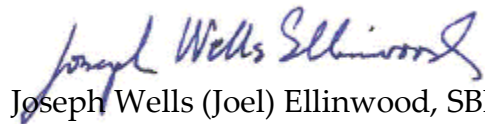
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efficient manner. Public skepticism about the integrity and accuracy of elections, whether with or without a factual basis, is already at a high level. Rushing or truncating the preparation for the election by further delaying the release of maps by the Commission will only exacerbate that problem.

III. Conclusion

For the reasons stated above, San Benito County Clerk-Auditor-Recorder-Registrar of Voters Joe Paul Gonzalez opposes the Commission's motion for an 18-day "federal delay" or an additional 12-day extension of the deadlines for the Commission to produce the preliminary and final redistricting maps in order to facilitate the necessary preparations for the June 7, 2022 Primary Election.

Respectfully submitted,



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cc: Joe Paul Gonzalez

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