

Electronically RECEIVED on 9/13/2021 at 9:20:15 AM  
1195 TARA STREET, SUITE 301  
Napa, CA 94559  
Main: (707) 253-4521  
Fax: (707) 259-8220



A Tradition of Stewardship  
A Commitment to Service

**NAPA COUNTY  
OFFICE OF COUNTY COUNSEL**

**County Counsel**  
Jeffrey M. Brax

**Chief Deputies**  
Sherri S. Kaiser  
Thomas C. Zeleny

Electronically FILED on 9/13/2021 by Tayuan Ma, Deputy Clerk

**Deputies**  
Silva Darbinian  
Laura J. Anderson  
Chris R. Y. Apallas  
Susan B. Altman  
Thomas S. Capriola  
Jason M. Dooley  
John L. Myers  
Rachel L. Ross  
Shana A. Bagley  
Corey S. Utsurogi  
Douglas V. Parker

September 13, 2021

*By Electronic Filing*  
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 John Tuteur, Napa County Registrar of Voters, this letter highlights key points in Mr. Tuteur’s opposition to the Emergency Motion of California Citizens Redistricting Commission (hereinafter CRC) to Clarify and/or Modify Writ of Mandate, as requested on August 23, 2021.

**I. Interest of Napa County Registrar of Voters John Tuteur**

John Tuteur is the elected Registrar of Voters for Napa County and has held the office since January 10, 1998. In addition, Mr. Tuteur currently serves as a member of the Board of Directors of the California Association of Clerks and Elections Officials (CACEO).

Napa County has a population of approximately 140,000 and 84,612 registered voters. Napa County is considered a medium size county. In this matter, the interest of all counties is substantially similar or identical to that of Napa County. All 58 California 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 CRC 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. Mr. Tuteur finds it imperative to highlight the effect the requested extension would have on the local election process.

In addition to the Congressional, State Senate, State Assembly and State Board of Equalization districts that the CRC will adopt, all 58 California Boards of Supervisors must adopt new boundaries for local supervisorial districts. Supervisor district boundaries must be adopted by December 15, 2021.

Entering new supervisor and state district boundaries into an election management system can take several weeks at a minimum if a county is wholly contained in single congressional, Assembly, Senate, and Board of Equalization boundaries. If a county is split among state districts, the process can take even longer.

New local and state district boundaries must be in place before the end of the nomination period for the primary election on June 7, 2022, so that candidates know in which district they reside and where to collect required nomination signatures. Filing closes on March 11, 2022 - 12 weeks from the current deadline of December 15, 2021 for final boundaries. Pushing the deadline out by 30 days, as the CRC requests, will seriously jeopardize local elections officials' ability to update election management systems to allow candidates to file nomination papers by March 11, 2022 for the June 2022 election.

### **III. Conclusion**

The requested extension will make it impossible for elections officials to update new district boundaries in time for use in the June 7, 2022 primary election. John Tuteur, Registrar of Voters for Napa County, therefore opposes CRC's request for the 18-day extension, as well as the request for an additional 12-day extension.

Very truly yours,

JEFFREY BRAX  
COUNTY COUNSEL

*Silva Darbinian*

---

Silva Darbinian,  
Deputy County Counsel

STATE OF CALIFORNIA  
Supreme Court of California**PROOF OF SERVICE**STATE OF CALIFORNIA  
Supreme Court of CaliforniaCase Name: **LEGISLATURE OF THE STATE OF CALIFORNIA v.  
PADILLA**Case Number: **S262530**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **Silva.darbinian@countyofnapa.org**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
LETTER	Letter in Opposition to Emergency Motion to Clarify and or Modify Writ

Service Recipients:

Person Served	Email Address	Type	Date / Time
Marguerite Leoni Nielsen Merksamer 101696	mleoni@nmgovlaw.com	e-Serve	9/13/2021 9:20:14 AM
Fredric Woocher Strumwasser & Woocher, LLP 96689	fwoocher@strumwooch.com	e-Serve	9/13/2021 9:20:14 AM
Silva Darbinian Napa County 172358	Silva.darbinian@countyofnapa.org	e-Serve	9/13/2021 9:20:14 AM
Joseph Ellinwood County of San Benito 114411	jellinwood@cosb.us	e-Serve	9/13/2021 9:20:14 AM
Robin Johansen Olson Remcho LLP 79084	rjohansen@olsonremcho.com	e-Serve	9/13/2021 9:20:14 AM
P Patty Li California Dept of Justice, Office of the Attorney General 266937	patty.li@doj.ca.gov	e-Serve	9/13/2021 9:20:14 AM
Thomas Willis Olson Remcho, LLP 160989	twillis@rjp.com	e-Serve	9/13/2021 9:20:14 AM
Marian Johnston Attorney at Law	marianjohnston@comcast.net	e-Serve	9/13/2021 9:20:14 AM
R. Lauridsen Keker, Van Nest & Peters LLP 243780	alauridsen@keker.com	e-Serve	9/13/2021 9:20:14 AM
Marian Johnston Attorney at Law	marianmjohnston@comcast.net	e-Serve	9/13/2021 9:20:14 AM

61643			
Robin Johansen Remcho, Johansen & Purcell, LLP 79084	rjohansen@rjp.com	e- Serve	9/13/2021 9:20:14 AM
Blake Sequeira 331936	bsequeira@co.sutter.ca.us	e- Serve	9/13/2021 9:20:14 AM
Steven Reyes California Secretary of State	steve.reyes@sos.ca.gov	e- Serve	9/13/2021 9:20:14 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9/13/2021

Date

/s/Erin Cossen

Signature

Darbinian, Silva (172358)

Last Name, First Name (PNum)

Napa County

Law Firm