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Supreme Court Requires Electronic Submission of Petitions and Related Documents Challenging Electoral Maps Certified by the Citizens Redistricting Commission

Court creates dedicated 'uploading' and 'downloading' pages on the California Courts Web site

San Francisco—The California Supreme Court today announced in Administrative Order No. 2011-8-15 (attached) that any petition that might be filed challenging any map recently certified by the Citizens Redistricting Commission (Commission), or any related litigation document, must be submitted, as soon as possible, in electronic format, prior to presentation for timely filing in hard copy.

On Monday, August 15, the Commission certified to the Secretary of State electoral district boundaries for four statewide maps covering California's 53 congressional, 40 State Senate, 80 State Assembly, and 4 State Board of Equalization districts. Under California Constitution article XXI, section 3, subdivision (b)(2), registered voters may challenge these maps by filing a petition for a writ of mandate or prohibition in the California Supreme Court within 45 days of certification—that is, by Thursday, September 29, 2011.

Frederick Ohlrich, Clerk/Administrator of the court, explained that "electronic submission" of any petition or petitions challenging any certified map "would allow the court to address the claims presented in an expeditious manner and help the court ensure that future statewide elections, including the June 5, 2012, statewide Primary Election, can proceed as scheduled."

With regard to electronic submission, the court's order states: "In light of the limited time the court will have to review any petition challenging any map or maps given the numerous procedural prerequisites that must occur prior to the June 5, 2012, Primary Election . . . [a]ny petition that will be offered for filing to challenge any map, and any corresponding preliminary opposition or reply, must first be submitted in electronic

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format in a single “text-based” document (containing “embedded images” as necessary) not exceeding 50 megabytes, by uploading the document to the following specially dedicated judicial branch Web page: <http://www.courts.ca.gov/redistricting.htm> . The Web site provides instructions about how to upload and download documents and various technical matters. Any litigant may be excused from the requirement of prior electronic submission by demonstrating that compliance would pose a substantial hardship—for example, by filing a declaration under penalty of perjury that the litigant has no access to a computer or Internet services, etc.”

The order continues: “Electronic submission alone is not sufficient. Within 24 hours after electronic submission, the hard copy of the petition or related preliminary opposition or reply must be presented and received by this court for timely filing by September 29, 2011, in the court’s San Francisco office. Upon confirmation by the clerk’s office (a) that the document has been properly uploaded to the dedicated judicial branch Web page, and (b) of proof of service by hard copy on all parties, the petition or related preliminary opposition or reply will be filed. As soon as possible following electronic submission, the document will become available for downloading on the judicial branch Web site by any interested person or entity. All subsequent filing deadlines will run from the date of filing of the hard copy of the petition.”

The order also states that the court will establish expedited deadlines for the service and filing of any preliminary opposition or reply.

Attached: Administrative Order No. 2011-8-15.

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