In the Supreme Court of the State of California

JULIE VANDERMOST, **Petitioner,** **v.** **DEBRA BOWEN, Secretary of State of California,** **Respondent.**	Case No. S198387

DECLARATION OF JANA M. LEAN IN SUPPORT OF PRELIMINARY OPPOSITION OF SECRETARY OF STATE DEBRA BOWEN

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DECLARATION OF JANA M. LEAN

I, Jana M. Lean, declare as follows:

1. I am the Chief of the Elections Division, employed in the office of the California Secretary of State. I have served in that capacity since May 2010. Prior to assuming my current position, I served in various roles in the Elections Division for more than 12 years, and am familiar with all aspects of the Division's work.

2. Attached hereto, marked as "Exhibit A," is a true and correct copy of the June 5, 2012, Presidential Primary Election Calendar prepared by the Elections Division. This calendar has been distributed to all 58 California county elections officials, and may be accessed on the Secretary of State's website at www.sos.ca.gov/elections/2012-elections/june-primary/pdf/2012-primaryelection- calendar.pdf.

3. On November 23, 2011, the Secretary announced that Julie Vandermost, the proponent of "REDISTRICTING. STATE SENATE DISTRICTS. REFERENDUM." had submitted a sufficient number of raw signatures to trigger a random sample of the validity of those signatures. Attached hereto, as "Exhibit B," is a true and correct copy of CCROV #11123, which may be accessed on the Secretary of State's website at www.sos.ca.gov/elections/ccrov/pdf/2011/november/11123km.pdf.

4. On August 26, 2011, the Secretary of State announced that the California Attorney General issued a Circulating Title and Summary for a referendum measure relating to the new Senate maps certified by the Citizens Redistricting Commission. On that date, the Secretary of State issued County Clerk/Registrar of Voters (CC/ROV) Memorandum #11065, which contains the circulating and filing schedule for the referendum measure relating to the newly drawn Senate maps. Attached hereto, as "Exhibit C," is a true and correct copy of CCROV #11065, which may be accessed on the Secretary of State's website at www.sos.ca.gov/elections/ccrov/pdf/2011/august/11065km.pdf.

5. Following the November 23, 2011, CCROV # 11123, directing counties to conduct a random sampling of signatures, the Secretary of State's Office began providing on its website an updated spreadsheet with the most currently reported numbers of signatures verified by the random sample. Attached hereto as "Exhibit D;" is a true and correct copy of "Random Sample Update – 12/6/11."

6. The Secretary of State has created a State Initiative Guide, which applies equally to referenda. The State Initiative Guide includes information on the time periods the Elections Code permits for county elections officials and the Secretary of State to determine whether sufficient valid signatures have been submitted to qualify a referendum measure for the ballot, either by the random selection method or the full count method. Attached hereto, as "Exhibit E," is a true and correct copy of the State Initiative Guide. The State Initiative Guide may be accessed on the Secretary of State's website at www.sos.ca.gov/elections/ballotmeasures/pdf/initiative-guide.pdf.

7. During the past five years, two initiative measures for which proponents submitted signatures for official verification were disqualified at the raw count stage. Attached hereto, as "Exhibit F," are true and correct copies of the signature verification reports for Initiative numbers 1156 and 1383.

8. During the past 5 years, 45 initiative petitions went to random or full count. The average validity rate was 74.82%.

9. During the past 5 years, 4 referendum petitions went to a random or full count. The average validity rate was 72.1%. True and correct copies of the four statewide referendum petition reports are attached hereto as "Exhibit G," Exhibit H," "Exhibit I," and "Exhibit J."

10. The Secretary of State is charged with the duty, following the decennial redistricting process, to create a database for implementing new Congressional, Senate, Assembly, and Board of Equalization (BOE) district lines. On August 15, 2011, the Secretary received maps containing those new district lines, certified by the Citizens Redistricting Commission. The process of creating the database is described in the following paragraphs.

11. The system used to implement the new district lines is known as CalVoter II (CVII). CVII consists of an Oracle database, which uses a JAVA application to make changes to the database, enter candidate information, and create rotation lists.

12. CVII is used to create and set up an election. Throughout the election cycle, which begins more than five months before the election is held, CVII is used to certify statewide candidates, prepare the certified list of candidates, provide for election night reporting, and to produce the official Statement of the Vote which must by law be issued after the

election. If CVII were programmed incorrectly, it would be detrimental to the conduct of the election.

13. For the purposes of our office, the redistricting process began on August 15, 2011, the day the Citizens Redistricting Commission certified its final maps to the Secretary of State. The first step was creation of base district relationships for each county. In addition, a list of districts within each of a county's Assembly districts is created for candidate rotation purposes. This is done by using the newly drawn maps to generate an "overlap list" showing the Assembly districts within each county, and then showing the Congressional, Senate and BOE districts within each county's Assembly districts. (A true and correct working copy of the Overlap List, using the maps certified on August 15, 2011, by the Citizens Redistricting Commission, is attached hereto as "Exhibit K.") Generating this base county/Assembly jurisdiction and overlap list required two weeks of fulltime work by two employees.

14. Following creation of the base county/Assembly jurisdiction and overlap list, the next step is to program the CVII database to place each newly drawn Congressional, Senate, and BOE district within the appropriate Assembly district in each county. Approximately 30 minutes per assembly district/county combination was required to implement and validate this data. There are 150 Assembly district/county combinations, for a total of 75 work hours or 1.9 work weeks using 3 full time employees.

15. After all 150 district combinations are programmed, a four-week process of testing and building the database for a new election began. This testing began in the week of October 31 and was completed on November 30, 2011.

16. When testing was completed, one day was needed for generation of a new database table and another day for information technology (IT) implementation.

17. If the Supreme Court orders changes to the Senate district lines, the Secretary of State can continue to use the new base Assembly district jurisdictions that have already been built. However, it would be necessary to create a new overlap list (see paragraph 13, above), a two-week process, and to reprogram and validate the CVII database (see paragraph 15, above), requiring another two weeks.

18. After updating all modified districts, two additional weeks of testing would be necessary.

19. Following the testing, one day would again be required for generation of a new database table, and another day for IT implementation.

20. Accordingly, approximately six weeks would be required to implement any changes to the Senate maps.

21. Upon receiving the certified copies of the maps from the Secretary of State on August 15, 2011, each of California's 58 county elections officials immediately began preparing for the June 5, 2012, Presidential Primary Election. At the time of my original declaration to the court on October 11, 2011, it was anticipated that the counties would be completed with all necessary changes to their district lines by early December 2011. However, the new estimate for the counties to complete all of the necessary changes to their district lines is the later part of December 2011. This will allow each county's district database to be tested with the state CVII system.

22. If the Supreme Court orders changes to Senate district lines, it would be necessary for elections officials in affected counties to perform a series of actions to implement the changes.

a. Receive the new district lines, which must be in a usable format. Any changes to the lines ordered by the Supreme Court would need to be provided in the same format as the original lines used by the particular county, (e.g., shape files).

b. Review each set of changed maps, using the shape files, and compare the new lines with the old lines to determine what precinct changes are necessary. This must be done countywide.

c. Make changes to precinct lines – changing lines for a single precinct takes roughly one hour.

d. Create a new precinct set while retaining the old precinct set, so the county can be prepared to conduct an election using either set of precincts, as directed.

e. Proof the changes. In each district, each precinct is reviewed to ensure the old lines have been removed and replaced with the new lines.

f. Update the voter file and transfer all data over to the new lines.

23. I have personal knowledge of these facts and would competently testify to them if called as a witness to these proceedings.

Executed under penalty of perjury under the laws of the State of California this 6th day of December, 2011.

JANA M. LEAN
Chief of the Elections Division
California Secretary of State

DECLARATION OF SERVICE BY FACSIMILE AND MAIL

Case Name: **Vandermost v. Bowen (Version 2)**

No.: **S198387**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. My facsimile machine telephone number is (916) 324-5567.

On December 6, 2011 at 5:00 PM., I served the **DECLARATION OF JANA M. LEAN IN SUPPORT OF PRELIMINARY OPPOSITION OF SECRETARY OF STATE DEBRA BOWEN** by transmitting a true copy by facsimile machine, pursuant to California Rules of Court, rule 2.306. The facsimile machine I used complied with Rule 2.306, and no error was reported by the machine. Pursuant to rule 2.306(h)(4), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration. In addition, I placed a true copy thereof enclosed in a sealed envelope in the internal mail system of the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Charles H. Bell, Jr.
Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 600
Sacramento, California 95814
Fax #: (916) 442-7759
Attorney for Petitioner

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 6, 2011, at Sacramento, California.

Heidi M. Webb
Declarant

Heidi M. Webb
Signature

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