August 30, 2011

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RE: Referendum of State Senate Redistricting Plan, No. 11-0028

Gentlemen:

Thank you for your August 29, 2011 letter regarding the circulating title and summary of the State Senate Redistricting Plan referendum (No. 11-0028).

As you know, upon receipt of a proposed referendum, the Attorney General must, within 10 days, prepare a circulating title and summary of the chief purpose and points of the proposed measure and provide a copy of the circulating title and summary to the Secretary of State. *See* Cal. Elec. Code § 9006. The title and summary "must be true and impartial, and not argumentative or likely to create prejudice for or against the measure." *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal. 3d 208, 243 (citations omitted). However, it "need not contain a complete catalogue or index of all of the measure's provisions and 'if reasonable minds may differ as to the sufficiency of the title, the title should be held sufficient.'" *Id*. (citations omitted).

We have carefully reviewed your letter, and, while we appreciate that reasonable minds can differ as to what should go into the referenced title and summary, we believe that it is true and impartial and is unlikely to create prejudice for or against the referendum. We therefore respectfully deny your request that we withdraw the circulating title and summary and issue a new and different one. Thank you.

Sincerely,

/s/ George Waters
GEORGE WATERS
Deputy Attorney General

For   KAMALA D. HARRIS
Attorney General

GW:jt
cc: Debra Bowen, California Secretary of State
        Charles H. Bell, Jr., Esq.
        Kirk Miller

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