

**DRAFT LETTER TO ATTORNEY GENERAL REGARDING**  
**REFERENDUM PROCEDURE**

Dear Mr. Waters:

On behalf of the California Citizens Redistricting Commission (the “Commission”), I am writing in response to your request for the Commission’s views on the “text of the proposed measure,” as that phrase is used in Elections Code section 9001, subdivision (a), with respect to the Commission’s final maps that were certified and delivered to the Secretary of State on August 15, 2011. We believe voters will be disadvantaged if they are not provided with information about the exact locations and rationale for the challenged maps.

The California Constitution explains that a referendum is the power of the electors to approve or reject *statutes* or parts of *statutes*.” (Cal. Cons., art. II, § 9, italics added.)

The Constitution also provides explicit instructions for the timing and certification of the Commission’s final maps:

By August 15 in 2011, and in each year ending in the number one thereafter, the commission shall approve four final maps that separately set forth the district boundary lines for the congressional, Senatorial, Assembly, and State Board of Equalization districts. Upon approval, the commission shall certify the four final maps to the Secretary of State.

(Cal. Cons., art. XXI, § 2, subd. (g).)

With respect to the Commission’s final maps: “Each certified final map shall be subject to referendum in the same manner that a statute is subject to referendum pursuant to Section 9 of Article II. The date of certification of a final map to the Secretary of State shall be deemed the enactment date for purposes of Section 9 of Article II.” (Cal. Const., art. XXI, § 2, subd. (i).) In other words, the Constitution unambiguously states that each of the Commission’s “final certified map[s]” are the equivalent of “a statute” for purposes of California’s referendum procedure.

On August 15, 2011, in accordance with Cal. Const., art. XXI, the Commission certified final maps and delivered information to the Secretary of State constituting the details of those maps. This detail included electronic data necessary for precise interpretation of each boundary, high resolution maps created from the electronic data, and a comprehensive report that included a description of the process that created the maps, and a description of each district reflected in the maps. The report also contains appendices with more information necessary for understanding the location of each district. Thus, the information conveyed to the Secretary of State took the form of electronic data, high resolution maps, and traditional text and printed data necessary for understanding the maps. The report, maps and accompanying data provide California voters with the exact locations and rationales for each district.

Electronic data, while appropriate for conveying precision to the Secretary of State, obviously cannot be used as the “text of the proposed measure.” The Commission therefore submits that the “text of the proposed measure” for purposes of any referendum on the Commission’s maps should include the high resolution maps and narrative text necessary for understanding the exact location of each district. Specifically, for purposes of any referendum on the Commission’s final Senate District maps, the “text of the proposed measure” would include the high resolution Senate District maps (40 districts and a statewide illustration) created from the underlying data that the Commission certified on August 15, 2011, identified by `crc_20110815_senate_certified_statewide.zip` and secure hash algorithm (SHA-1) number `14cd4e126ddc5bdce946f67376574918f3082d6b`. The Commission’s 40 Senate District maps and statewide Senate map are attached at Tab A to this letter. These maps provide a reasonably high quality illustration of the district boundaries.

Further, for voters to have a meaningful opportunity to review and consider the “proposed measure,” the “text of the proposed measure” should include pages 1 through 5 (describing the Commission, its background, and its general map-drawing process) and pages 42 through 51 (containing the Commission’s individual descriptions of each Senate District) contained in the Commission’s final report that accompanied the proposed maps, which was prepared in accordance with the California Constitution. (See Cal. Const., art. XXI, § 2, subd. (h) [“The commission shall issue, with each of the four final maps, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed in subdivision (d) and shall include definitions of the terms and standards used in drawing each final map.”].) The relevant pages of the Commission’s final report are attached as Tab B to this letter.

Please do not hesitate to contact me with any questions or concerns. On behalf of the entire Commission, thank you for your consideration of this important matter.

Sincerely,

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