

# EXHIBIT A

*Case No.: 2:17-cv-00973-KJM-CMK  
Citizens for Fair Representation, et al v.  
Secretary of State Alex Padilla*

GARY L. ZERMAN, CA BAR#: 112825  
23935 PHILBROOK AVE. VALENCIA, CA 91354  
TEL: (661) 259-2570

SCOTT STAFNE, WA BAR#: 6964  
239 NORTH OLYMPIC AVE ARLINGTON, WA 98223  
TEL: (360) 403-8700

ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

CITIZENS FOR FAIR REPRESENTATION;  
CITY OF FORT JONES; CITY OF  
COLUSA; CITY OF WILLIAMS; THE  
CALIFORNIA LIBERTARIAN PARTY;  
THE CALIFORNIA AMERICAN  
INDEPENDENT PARTY; MARK BAIRD;  
STEVEN BAIRD; CINDY BROWN; WIN  
CARPENTER; KYLE CARPENTER;  
DAVID CURTIS; MARY CORDRAY;  
BRITTNEY KRISTINE COURNYER;  
JOHN D'AGOSTINI; DAVID GARCIA;  
ROY HALL JR; SARA HEMPHILL;  
LESLIE LIM; MANUEL MARTIN; KEVIN  
McGARY; TANYA NEMCIK; CHARLES  
NOTT; MIKE POINDEXTER; CLAYTON  
TERRY RAPOZA; TERRY RAPOZA;  
HOWARD THOMAS; MICHAEL  
THOMAS; ANDY VASQUEZ; LARRY  
WAHL; RAYMOND WONG; OTHERS  
SIMILARLY SITUATED; AND DOES 1-30,

Plaintiff,

vs.

SECRETARY OF STATE ALEX PADILLA,

Case No.: 2:17-cv-00973-KJM-CMK

**FIRST AMENDED COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE  
RELIEF FOR MISAPPORTIONMENT  
AND UNCONSTITUTIONAL VOTE  
DILUTION & ABRIDGMENT IN THE  
CALIFORNIA ASSEMBLY & STATE  
SENATE**

**REQUEST FOR A THREE JUDGE PANEL  
UNDER 28 U.S.C. 2284(a)**

**DEMAND FOR A JURY TRIAL ON ALL  
FACTUAL MATTERS**

Defendant.

## INTRODUCTION

The great experiment and promise of Independence - “We The People” – launched the American Revolution that led to The United States of America, which was based on the fundamental founding principles of “No taxation, without Representation” & “Give me Liberty, or give me death.” Sadly, the paramount principle of representative government - that the people themselves provide the basis for governmental sovereignty and legitimacy - has been abridged by California.

This neglect of “We the People” as the organic basis for this nation’s self-governance stems from the cap California placed on the number of Senators (at 40 in 1862) and Assembly Members (at 80 in 1854) - when the population of the State was less than 420,000 people. This arbitrary cap has created an oligarchy contrary to representative self-governance because the same number of legislators (120 total) now purports to represent California’s present population of almost 40,000,000 people. By any metric - this is impossible; 120 legislators cannot possibly represent forty million people in any effective or meaningful way.<sup>1</sup>

Since the end of the Civil War, the United States has consistently strengthened its

---

<sup>1</sup> 155 years and over 35,500,000 residents added to California’s population - yet the California government did not see fit to add - a single representative. Almost 30 years ago former Speaker of the Assembly (1969-71) Robert T. Monagan warned and put on notice his colleagues of this grave problem with his book *The Disappearance of Representative Government: A California Solution* (1990) - <https://www.amazon.com/Robert-T.-Monagan/e/B001KCGFY2>. See also Proposition 140 (1990), California Constitution , Article IV, Section 1.5 - Limits on Terms of Office - ¶ 10.70 - *infra*.

1 commitment to a representative form of self-governance at both the Federal and State levels.  
2 California's refusal to increase its levels of legislative representation to reflect its exponential  
3 population growth is both arbitrary and unconstitutional.

4 As a consequence, the premise of the People's right to participate in meaningful  
5 self-governance under the federal structure of the compound republic known as the United States  
6 has been abandoned. California elections are effectively "purchased" by candidates who are in  
7 the service of the two major parties and no longer represent the people.  
8

9 For the purpose of this complaint "self-governance" is defined to mean the privilege  
10 and/or the right: a) to take part in the conduct of public affairs in California, directly or through  
11 freely chosen representatives in the California legislature; b) to a meaningful and equal  
12 opportunity, without regard to wealth, to be elected or to elect others to represent them in the  
13 California legislature through genuine periodic elections, which are by universal and equal  
14 suffrage that guarantee the free expression of the will of the voters; c) to reasonably equal voting  
15 rights among United States citizens in the various States, which are not arbitrarily determined,  
16 diluted or abridged; and d) to a meaningful opportunity, under general conditions of equality, to  
17 access one's actual legislative representatives, rather than just his or her staff members, to  
18 engage in such political speech and the right to Petition for redress of grievances (without  
19 retaliation) as was/is contemplated and protected by the First Amendment to the United States  
20 Constitution.  
21  
22

## 23 I. PARTIES

24 1.1. This case is brought by multiple California plaintiffs all of whom are members of  
25 Citizens for Fair Representation ("CFR"), a nonprofit corporation. CFR provides education and  
26



1 help to those seeking to understand, obtain, and restore the value of each citizen's vote and the  
 2 right of the people to meaningful self governance. Each of the plaintiffs of CFR will be more  
 3 fully described in the last part of the Fact section of this First Amended Complaint (hereinafter  
 4 referred to as FAC). Plaintiffs are not as they have been portrayed in the national media as  
 5 simply Northern California rural farmers and ranchers who have an axe to grind against LA<sup>2</sup>.  
 6 Plaintiffs are a diverse group of people, municipalities, political parties, and organizations, which  
 7 exist throughout all areas of the State, who understand that California has intentionally abridged  
 8 the voting rights of all citizens of the United States, and the rights of all people of California, to  
 9 self governance so that an oligarchy can control California.  
 10

11 1.2. Alex Padilla, the defendant, is the elected Secretary of the State of California and in  
 12 that capacity has duties to oversee the election laws of California. These duties include without  
 13 limitation, the responsibility to conduct fair elections which ensure compliance with plaintiffs'  
 14 rights under the United States Constitution (including amendments thereto), applicable statutes  
 15 and treaties, and those norms of international law to which civilized nations in 2017 subscribe.  
 16

17 1.3. Plaintiffs allege Defendant Padilla has violated the duties of his office as set forth in  
 18 the preceding paragraph and accordingly bring this action against Secretary of State Padilla in  
 19

---

21 <sup>2</sup> See e.g. Fuller, Thomas, New York Times, "[California's Far North Deplores 'Tyranny' of the](#)  
 22 [Urban Majority](#)", (July 2, 2017); Pollak, Joel B., Breitbart, "[NYT: 'State of Jefferson' Still Mulls](#)  
 23 [Independence from California](#)" (July 4, 2017); Greenhut, Steven, The American Spectator,  
 24 "[California Watch: Hard-Pressed Rural Californians Try Civil Rights Approach](#)" (July 6, 2017).  
 25 This case is not as the NYT and Breitbart suggest brought by a group of white North California  
 26 secessionists to achieve their own selfish interests. Indeed in this regard, it is being amended add  
 27 more plaintiffs to make clear Greenhut's point that this is a "civil rights case" which affects all  
 28 California and citizens of the United States generally. It is about all people being able to  
 participate in their own self governance in a constitutionally and legally adequate manner. See  
 infra.

both his individual and official capacities pursuant to 42 U.S.C. 1983 and other applicable law.

## II. JURISDICTION, VENUE, & THREE (3) JUDGE PANEL

2.1. This action arises under the U.S. Constitution, statutes enacted thereto, treaties enacted thereto, and customary international law.

2.2. Jurisdiction in this Court exists under 28 U.S.C. 1331 and 1343 (§§ 3 and 4).

2.3. Supplemental jurisdiction over State matters exists pursuant to 28 U.S.C. §1367(a).

2.4. Venue is proper under 28 U.S.C. §1391(b) because the majority of Plaintiffs exist in the Eastern District of California and the office of Defendant is located in Sacramento.

2.5. Plaintiffs request a district court of three-judges be convened because this action challenges the constitutionality of the apportionment of the statewide legislative bodies in California, specifically the California Assembly and Senate. *See* 28 U.S.C. §2284(a) *See also* [\*Shapiro v. McManus\*](#), 136 S. Ct. 450, 454-455, 193 L. Ed. 2d 279, 284-285 (2015) ([The requirement of a three judge panel is bolstered by 28 U.S.C.] §2284(b)(3)'s explicit command that [a] single judge shall not . . . enter judgment on the merits." *Id.*

2.6. As the Court knows, defendant Padilla has filed a motion to dismiss plaintiff's original complaint pursuant to Fed. R. Civ. Pro. 12(b)(6). Pursuant to this Court's order, Dkt. 3, ¶ 5(d) and Dkt 3-1 ¶ 4(A), plaintiffs are amending their complaint to better clarify the legal issues raised by defendant's motion, to add additional causes of action, and to add additional plaintiffs.

2.7. Defendants motion to dismiss pursuant to Fed. R. Civ. Pro. 12(b)(6) is ill advised. The Supreme Court has expressly rejected the notion that, "where the pleadings do not state a claim, then by definition they are insubstantial and so properly are subject to dismissal by the district court without convening a three-judge court." *Shapiro v. McManus*, 136 S. Ct. 450, 455

(2015). Indeed, the Court described the failure-to-state-a-claim standard as "both too demanding and inconsistent with our precedents," and it reiterated that "constitutional claims will not lightly be found insubstantial for purposes of the three-judge-court statute." *Id.* Accordingly, so much of defendant Padilla's motion to dismiss as is premised on the 12(b)(6) legal standard, as opposed to a lack of subject matter jurisdiction, should be promptly withdrawn so plaintiffs do not have to respond to it.

2.8. Plaintiffs first amended complaint demonstrates this Court must convene a 3-judge panel unless plaintiffs claims are legally speaking "non-existent" or "essentially fictitious." When deciding whether a three-judge court must be convened, "all the district court must 'determin[e]' is whether the 'request for three judges' is made in a case covered by § [2284\(a\)](#) -- no more, no less." *Id.*, at 455 (quoting 28 U.S.C. § [2284\(b\)\(1\)](#). (alteration in original)

2.9. Once convened plaintiffs request the Court, via a three judge panel, grant plaintiffs equitable and/or declaratory apportionment relief decreasing the size of California's Assembly districts to a point where each Assembly member in the California legislature will represent the same number of people within a range of 5,000 to 50,000 based on, without limitation, those benchmarks which will presented to the Court by way of evidence.

2.10. Further plaintiffs request the Court, via a three judge panel, grant plaintiffs equitable and/or declaratory apportionment relief decreasing the size of California's Senate districts to a point where each Senator in the California legislature will represent the same number of people within a range of 10,000 to 100,000 based on, without limitation, those benchmarks which will presented to the Court by way of evidence.

2.11. Alternatively, if the Court, via a three judge panel, finds the relief requested in ¶¶

2.9 & 2.10 is not available, the plaintiffs request this Court penalize the State of California pursuant to Section 2 of the Fourteenth Amendment by requiring the number of California's U.S. House members be reduced in proportion to the State's abridgement of the people's right to vote and participate in self governance in the California State legislature (*See* [2 U.S.C. § 6](#) a statutory provision legislatively enacted to enforce this remedy).

### III. JURY REQUEST

3.1. Plaintiffs request a jury decide all issues of material fact and/or which they are entitled to have resolved by a jury pursuant to law.

### IV. FACTUAL ALLEGATIONS

#### A. FACTS REGARDING THE PEOPLE WHO RESIDE IN CALIFORNIA

4.1. The California Department of Finance reports California's population for January 1, 2017 is approximately 39,455,000.

4.2. The U.S. Census Bureau reports that as of 2010 the total number of people residing in California was a little over 37,000,000 people. According to the Census Bureau data 50% (18,517,830) of the people were males and 50% (18,736,126) were females.

4.3. Approximately 38% of California's population are Caucasian.

4.4. Approximately 37% of California's population is Hispanic.

4.5. Approximately 13% of California's population is of Asian descent.

4.6. Approximately 10.6% of California's population is over 65 years of age.

4.7. Approximately 12.6 % of California's population is disabled.

4.8. Approximately 6% of California's population is African-American.

4.9. Less than 2% of California's population is indigenous and includes Native American

Indians.

**B. FACTS REGARDING CALIFORNIA'S CURRENT STATE LEGISLATORS**

5.1. Since 1862 the people of California have been represented by 40 Senators.

5.2. As of today 78% (31) of the Senators are men, and 22% (9) are women. 78% (31) of the Senators are Caucasian, 12.5% (5) are Hispanic; 5% (2) are Asian/Pacific Islander, and 5% (2) are African American. On information and belief no Senators are disabled. On information and belief no Native American Indians have ever been elected to the California Senate notwithstanding they once comprised the largest group of people living in California.

5.3. Since 1854 the people of California have been represented by 80 Assembly members. As of today 79% (63) of the Assembly members are men and 21% (17) are women. 46% (37) of the Assembly members are Caucasian, 28% (22) are Hispanic; 14% (11) are Asian/Pacific Islander, and 10% (8) are African American. On information and belief no Senators are disabled and none are identified as Native American Indians. On information and belief no Native American Indians have ever been elected to the California Assembly notwithstanding they once comprised the largest group of people living in California.

**C. FACTS RELATED TO CALIFORNIA'S APPORTIONMENT**

6.1. Since 1854 and 1862, California's practice has been to not increase the number of legislators, to facilitate population growth *i.e.* it capped the Assembly at 80 and Senate at 40. This practice was incorporated as part of California's 1878 Constitution. *See* Historical Facts, *infra*.

6.2. Exhibit A illustrates the impact this practice has had over time with regard to the number of constituents each legislator represents. Each Assembly member now represents

approximately 500,000 constituents. Each Senator is currently tasked with representing almost 1,000,000 people.

6.3. Exhibit B illustrates the population of each of the fifty States; the number of elected representatives in each State's lower house, and the number of constituents each elected house member was tasked with representing in 2015.

6.4. Exhibit B shows that New Hampshire has 400 representatives, each represents about 3,327 people. California has 80 Assembly members, each represents almost 500,000 people.

6.5. Exhibit B shows California's lower chamber representation is almost three times worse than the second least representative state, *i.e.* Texas (Each Texas House member is tasked with representing approximately 183,310 people).

6.6. California state Senate districts are more populous than U.S. House districts.

6.7. California has worse representation of its people than do most nations. *See* Exhibit C.

#### **D. FACTS RELATED TO VOTER TURNOUT BY DISTRICT POPULATION**

7.1. The smaller the State legislative district population, the higher the voter turnout for both State and Federal elections.

7.2. For example, in New Hampshire where the average district population is less than 4,000 the turnout of Voting Age Population (VAP) was:

<b>Year</b>	<b>Percentage of VAP Turnout</b>
2016	72.5% *
2014	48.8%
2012	68.6% *
2010	44.2%
2008	69.9% *

2006	39.9%
2004	68.4% *
2002	46%

\* Presidential Year

Thus, the average VAP turnout has been 57.25% every election since 2002.

7.3. Vermont with an average district population of approximately 4,163 in 2016 and 150

House members saw a VAP turnout of :

<b>Year</b>	<b>Percentage of VAP Turnout</b>
2016	64.8%
2014	43.7%
2012	57.2%
2010	48.5%
2008	66%
2006	53.8%
2004	65%
2002	48.1%

An average VAP turnout of 56%

7.4. Maine with an average district population of approximately 8,791 in 2016 and 151

House members saw a VAP turnout of:

<b>Year</b>	<b>Percentage of VAP Turnout</b>
2016	72.8%
2014	58.5%
2012	70.8%

2010	54.3%
2008	69.6%
2006	53.3%
2004	72.6%
2002	46%

An average VAP turnout of 62.2%.

7.5. Meanwhile California, with an average House district population of approximately 498,123 people and only 80 House members, the Voting Age Population turnout percentage was:

<b>Year</b>	<b>Percentage of VAP Turnout</b>
2016	58%
2014	42%
2012	55%
2010	35.8%
2008	49.5%
2006	32.2%
2004	47.1%
2002	29%

An average VAP turnout of only 43%.

7.6. An average VAP turnout of less than 50% in the most populous State in the nation affects self governance in both Federal and State elections.

7.7. The cost to win an election in a house district with a bloated population is much greater than the cost to win a house seat in a district where the actual representation of the people



1 by the legislator is more reasonable and proportionate.

2 7.8. For example, the average cost to win one of the 400 lower house representative  
3 positions in New Hampshire during the 2016 election cycle was \$406. Conversely, in California  
4 the average cost to win one of it's 80 Assembly seats was \$762,774.00.  
5

6  
7 **E. CALIFORNIA'S 120 ELECTED LEGISLATORS HAVE DELEGATED**  
8 **LEGISLATIVE RESPONSIBILITIES TO NON ELECTED ASSISTANTS**

9 8.1. Traditionally the duties of the elected members of State legislative bodies include  
10 without limitation: consideration, preparation, and voting with regard to legislation, meeting with  
11 and responding to constituents needs and petitions, committee assignments to perform legislative  
12 oversight of State agencies, employees, other branches of government, municipal governments,  
13 including public works such as the Oroville Dam and the hundreds of other facilities that if not  
14 properly kept up can threaten the livelihood, health and safety of thousands, perhaps millions of  
15 people in municipalities and communities around the State.  
16

17 8.2. The current (and long standing) small number of representatives in the California  
18 Senate (40) and Assembly (80) prevents each elected officials, and the legislature as a whole,  
19 from fulfilling their responsibilities to the people.  
20

21 8.3. The practice of not increasing the number of legislative representatives beyond 120  
22 elected members no matter how large the population of California grows has been accompanied  
23 by the practice of hiring non elected assistants - who do not answer to the people.  
24

25 8.4. On information and belief, there are presently over 2,100 such staff and assistants  
26 who perform legislative duties, but who do not answer to nor can be held accountable by the  
27

people. Plaintiffs' rights to self governance in a representative republic mandate when legislators cannot adequately perform their essential duties, including their ability to engage with those who have elected them, then the population size of the districts should be reduced.

8.5. The long standing practice of hiring assistants to perform legislative activities instead of adding more elected representatives violates the civil rights of the people to self governance under the federal structure established by the United States Constitution, and should not be permitted. That which can be done directly should be done directly.

#### **F. OPPORTUNITY OF THIRD PARTIES TO COMPETE IN CALIFORNIA'S OLIGARCHY**

9.1. Before California's population ballooned to the point where each of the Senators and Assembly members had to compete in districts comprised hundreds of thousands of people to be elected, multiple third party candidates had been elected to the California Legislature. Parties from which third party candidates were elected included: the American Party, People's Party, Workingmen Party, Socialist Party, Independence League Party, Progressive Party, Prohibition Party, and the Green Party.

9.2. Third party registration in California as of October 2016 is:

<b>Party Name</b>	<b>Number of Members</b>
American Independent Party	507,733
Libertarian Party	139,805
Green Party	94,647
Peace & Freedom Party	75,640

9.3. The primary factor preventing these political parties participation in self governance

1 is the cost of winning office in California's high population districts.

2 **G. HISTORICAL FACTS RELATED TO "SELF GOVERNANCE"**

3 10.1. On July 4, 1776 the Continental Congress adopted the Declaration of Independence.

4 The second paragraph of the Declaration of Independence states:

5 We hold these truths to be self-evident, that all men are created equal, that  
6 they are endowed by their Creator with certain unalienable rights, that  
7 among these are life, liberty and the pursuit of happiness. That to secure  
8 these rights, governments are instituted among men, deriving their just  
9 powers from the consent of the governed. That whenever any form of  
10 government becomes destructive to these ends, it is the right of the people to  
11 alter or to abolish it, and to institute new government, laying its foundation  
on such principles and organizing its powers in such form, as to them shall  
seem most likely to effect their safety and happiness<sup>3</sup>.

12 10.2. Following the adoption of the Declaration of Independence in July 1776 the Second  
13 Constitutional Convention of the colonies (which became the United States) adopted the Articles  
14 of Confederation in August 1776. These Articles of Confederation were replaced by the United  
15 States Constitution which was ratified in 1789.

16 10.3. Our founders intended to create a democratic republic. Our founders did not intend  
17 to create an oligarchy form of government. James Madison observed that "[a] Republic may be  
18 converted into an aristocracy or oligarchy as well by limiting the number capable of being  
19 elected, ..." *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 790–91 (1995). Alexander  
20 Hamilton wrote: "If the legislature can disfranchise any number of citizens at pleasure by general  
21 descriptions, it may soon confine all the votes to a small number of partisans, and establish an  
22

23  
24  
25 <sup>3</sup> While several changes were made to the draft of the Declaration of Independence, one of the  
26 most significant was Congress' deletion of language proposed by Thomas Jefferson condemning  
27 slavery. See BlackPast.org, "The Deleted Passage of the Declaration of Independence (1776):  
28 [THE DECLARATION OF INDEPENDENCE AND THE DEBATE OVER SLAVERY](#)"

aristocracy or an oligarchy; ...” United States v. Brown, 381 U.S. 437, 444 (1965)

10.4. A “republic<sup>4</sup>” is defined as:

1 a (1) : a government having a chief of state who is not a monarch and who in modern times is usually a president (2) : a political unit (such as a nation) having such a form of government

b (1) : a government in which supreme power resides in a body of citizens entitled to vote and is exercised by elected officers and representatives responsible to them and governing according to law (2) : a political unit (such as a nation) having such a form of government

10.5. An “aristocracy<sup>5</sup>” is defined as:

1: government by the best individuals or by a small privileged class

2a : a government in which power is vested 1a) in a minority consisting of those believed to be best qualified b : a state with such a government

3: a governing body or upper class usually made up of a hereditary nobility a member of the British *aristocracy*

4: a class or group of people believed to be superior (as in rank, wealth, or intellect) an intellectual *aristocracy*

10.6. An “oligarchy<sup>6</sup>” is defined as:

1: government by the few \* The corporation is ruled by *oligarchy*.

2: a government in which a small group exercises control especially for corrupt and selfish purposes \* a military *oligarchy* was established in the county; *also* a group exercising such control \* an *oligarchy*<sup>7</sup>.

<sup>4</sup> See Merriam-Webster dictionary last accessed on July 13, 2017 at <https://www.merriam-webster.com/dictionary/republic>

<sup>5</sup> See Merriam Webster Dictionary last accessed on July 13, 2017 at <https://www.merriam-webster.com/dictionary/aristocracy>

<sup>6</sup> See Merriam Webster Dictionary last accessed on July 13, 2017 at <https://www.merriam-webster.com/dictionary/oligarchy>

<sup>7</sup> Among others, this case poses the question as to whether an oligarchy, as opposed to a representative body, can exercise the people’s sovereignty pursuant to the United States Constitution, its statutes, its treaties, and international customary law as it has developed into the 21st Century. For a good discussion of this issue from a practical perspective, see Jeffrey Winters, “Oligarchy and Democracy” *The American Interest*, Vol. 7, Number 2 (September 28, 2011); Martin Gilens and Benjamin I. Page, *Perspectives on Politics*, Testing Theories of American Politics: Elites, Interests Groups, and Average Citizens, Vol. 12, Issue 3 (September 8,

10.7. As is demonstrated *infra.*, the Constitution has been amended on numerous occasions throughout our history to preserve and greatly expand the representative nature of the United State’s republican form of government.

10.8. As originally ratified the United States Constitution was not particularly egalitarian because our founders feared tyranny whether visited upon them by a King or a “democratic” mob. Accordingly, for the most part only white men who owned property were allowed to vote in most states at the time the Constitution was written.

10.9. Although an elector’s ability to vote for persons to represent the people in the United States House of Representatives was much debated, *see e.g.* Federalist Papers Nos. [10](#), [49](#), [55](#), [56](#) & [57](#), most of the governmental institutions created by the original text of the Constitution were not democratic. For example, the President, Senators, and Judges were not elected directly by the people, but were representative of the people only in the sense that their selection was through the people indirectly and not a king, as sovereign. Nonetheless, “[t]he difference most relied upon, between American and other republics, consists in the principle of representation.” ([Federalist Paper No. 63](#))

10.10. The only place where voting by electors is discussed directly in the original Constitution is for choosing members of the House of Representatives<sup>8</sup>. [Article I](#), Section 2, Cl. 1

---

2014); The Washington Post, Martin Gilens and Benjamin I. Page, [Critics argued with our analysis of U.S. political inequality. Here are 5 ways they’re wrong.](#)” (May 23, 2016).

<sup>8</sup> Evidence has emerged that this nation’s founders, who touted one of the Constitution’s greatest achievements as creating a representative republic, ratified as its First Amendment (which was actually Article the First) in 1792. This provision required the number of house members be increased for every increase of population by 50,000 people. *See* LaVergne, Eugene, First Amendment Free Press, Inc., [How “Less” is “More”: the Story of the Real First Amendment to the United States Constitution](#) (2016).

1 provides: "The House of Representatives shall be composed of Members chosen every second  
2 Year by the People of the several States, and the Electors in each State shall have the  
3 *qualifications requisite for Electors of the most numerous Branch of the State Legislature.*" Two  
4 Senators from each State were originally chosen by each State's legislature, Art. I, Sec. 3, Cl. 1,  
5 until the Seventeenth Amendment was ratified providing that Senators be elected by the people.  
6

7 10.11. Article I, Sec. 2 demonstrates that all States ratifying the Constitution allowed  
8 voting for at least one branch of the State legislatures at the time the Constitution was ratified;  
9 further, this requirement contemplated that any future States admitted to the Union would require  
10 voting to elect the members of at least one branch of each State legislature.  
11

12 10.12. Our initial founders (as opposed to those who rewrote much of the Constitution  
13 following the Civil War) contemplated: "... The members of the executive and judiciary  
14 departments are few in number, and can be personally known to a small part only of the people.  
15 ... *The members of the legislative department, on the other hand, are numerous. They are*  
16 *distributed and dwell among the people at large.*" (Federalist No. 49.) (Emphasis added)  
17

18 10.13. The Constitution was written to accommodate the interests of slave-owners with  
19 regard to many concerns including, among other things, apportionment of representatives in the  
20 United States House of Representatives. Five slaves were counted as three persons for  
21 apportionment of the each State's representatives in the United States House of Representatives.  
22

23 10.14. Proof of the pro-slavery nature of the United States Constitution, Bill of Rights,  
24 and specific constitutional provisions, is demonstrated by Finkelman, Paul (1999) "[\*Affirmative\*](#)  
25 [\*Action for the Master Class: The Creation of the Proslavery Constitution\*](#)," Akron Law Review:  
26  
27  
28

Vol. 32 : Iss. 3 , Article 1<sup>9</sup>. The particular provisions of the United States Constitution and facts substantiating them as favoring slavery are hereby incorporated by reference to and incorporation of Finkelman’s article. The founders acceptance of slavery as reflected in the United States Constitution demonstrates how much this nation has grown over time in its commitment to principles of self government from the Declaration of Independence.

10.15. The language of the text of the original Constitution referred to “citizens of States”. These references were in [Article III, § 2](#) (referring to the authority of Article III courts to hear disputes between “citizens of different states” and “foreign citizens”) and [Article IV](#) (dealing with “States Relations”), §2, which states: “1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” The Constitution required members of the House of Representatives, Senators, the Vice President and President be citizens of the United States for a number of years before assuming office. Article 1, § 1 and [Article II](#), § 1.

10.16. On February 2, 1848 while the national debate over slavery was continuing the Treaty of Guadalupe Hidalgo was signed. This treaty established the boundaries between the United States and Mexico. At the time the treaty was signed a significant number of the people living in California were Native Americans. Native Americans, along with people of African American descent, were treated as property, and slaves.

10.17. On June 3, 1849, General Bennett C. Riley formed 10 California electoral districts by using the 5 established Mexican districts and then drawing the boundaries for 5 more, as well

---

<sup>9</sup> This law review article reprinted in 2015 is available here:  
<http://ideaexchange.uakron.edu/cgi/viewcontent.cgi?article=1420&context=akronlawreview>

1 as California's state boundaries. These County districts were used for the elections of local  
2 officials and the members of the California Constitutional Convention held in Monterey, in 1849.

3 10.18. On August 1, 1849, Counties (referenced above) with varying populations held  
4 elections for local governing officials and members of the Convention.

5 10.19. On Sept. 1, 1849, California held its first Constitutional Convention. During that  
6 Convention those assembled voted to eliminate the Indians' right to vote because they feared the  
7 control Indians might exercise. [\*A History of American Indians in California\*](#), pp. 7. The  
8 Convention concluded on Oct. 13, 1849. The proposed Constitution was presented to the people  
9 for ratification on Nov. 13, 1849. The Constitution was passed by a simple majority.  
10

11 10.20. Four delegates were then sent to Washington D.C. to petition for Statehood and  
12 the petition was granted. California became a State of the United States on September 9, 1850.  
13

14 10.21. The first Constitution formed a bicameral Legislature, with a Senate and  
15 Assembly.

16 10.22. Each County was represented at that time by at least one member of the  
17 legislature.  
18

19 10.23. The Assembly was required to have between 24 and 36 members, and the  
20 California Constitution anticipated the members of the Assembly include 80 members after the  
21 population of the State reached or exceeded 100,000 people.

22 10.24. California's population exceeded 100,000 in 1851.

23 10.25. California's 1849 Constitution provided the number of Senators was to be not  
24 more than one half and not less than one third the number of Assembly members.  
25

26 10.26. The Assembly initially had 36 members in 1850. In 1852, the Assembly was  
27



1 increased to 63 members and finally to 80 members in 1854. These increases maintained an  
2 approximate representation ratio of one Assembly representative per 2,500 people until 1854.

3 10.27. In 1850, the Senate was initially apportioned with 16 members to the Counties.

4 10.28. In 1850, each Senator represented an average of 5,787 people. In 1858, the Senate  
5 was increased to 35 members and then each Senator represented about 9,215 people. In 1862, the  
6 Senate was increased to 40 members and each Senator represented about 10,000 persons.  
7

8 10.29. By 1855 the number of Native American Indians living in California (estimated to  
9 be more than than 300,000 before 1769) had been greatly reduced as a result of various reasons,  
10 including repeated genocide. *History of American Indians in California*, pp. 2-9. ("The savages  
11 were in the way; the miners and settlers were arrogant and impatient; there were no missionaries  
12 or others present with even the poor pretense of soul saying or civilizing. *It was one of the last*  
13 *human hunts of civilization, and the basest and most brutal of them all.*" citing Bancroft,  
14 1963a:474 (Emphasis Supplied))  
15

16 10.30. Indians were authorized to be treated as slaves and non-persons by California  
17 statutes, starting with it's statehood in 1850. *Id.*, pp. 6-8.  
18

19 10.31. About a month before California ratified its second constitution the U.S. Supreme  
20 Court decided [\*Dred Scott v Sanford\*](#), 60 US 393 (1857) which held that human beings of African  
21 American ancestry - slaves, *as well as those African Americans who were free* - were not persons  
22 or citizens under the Constitution and therefore could not access federal courts.  
23

24 10.32. The Supreme Court's rationale for holding that all persons of African American  
25 descent were property and nothing more in the United States of America is illuminated by that  
26 Court's discussion of the Declaration of Independence, which opines in pertinent part:  
27

28 In the opinion of the court, the legislation and histories of the times, and the

1 language used in the Declaration of Independence, show, that neither the class of  
2 persons who had been imported as slaves, nor their descendants, whether they had  
3 become free or not, were then acknowledged as a part of the people, nor intended  
to be included in the general words used in that memorable instrument.

4 It is difficult at this day to realize the state of public opinion in relation to that  
5 unfortunate race, which prevailed in the civilized and enlightened portions of the  
6 world at the time of the Declaration of Independence, and when the Constitution  
of the United States was framed and adopted. But the public history of every  
European nation displays it in a manner too plain to be mistaken.

7 They had for more than a century before been regarded as beings of an inferior  
8 order, and altogether unfit to associate with the white race, either in social or  
9 political relations; and so far inferior, that they had no rights which the white man  
10 was bound to respect; and that the negro might justly and lawfully be reduced to  
11 slavery for his benefit. He was bought and sold, and treated as an ordinary article  
of merchandise and traffic, whenever a profit could be made by it. This opinion  
12 was at that time fixed and universal in the civilized portion of the white race. It  
was regarded as an axiom in morals as well as in politics, which no one thought of  
13 disputing, or supposed to be open to dispute; and men in every grade and position  
in society daily and habitually acted upon it in their private pursuits, as well as in  
14 matters of public concern, without doubting for a moment the correctness of this  
opinion.

15 And in no nation was this opinion more firmly fixed or more uniformly acted  
16 upon than by the English Government and English people. They not only seized  
them on the coast of Africa, and sold them or held them in slavery for their own  
17 use; but they took them as ordinary articles of merchandise to every country  
where they could make a profit on them, and were far more extensively engaged  
18 in this commerce than any other nation in the world.

19 The opinion thus entertained and acted upon in England was naturally impressed  
20 upon the colonies they founded on this side of the Atlantic. And, accordingly, a  
negro of the African race was regarded by them as an article of property, and  
21 held, and bought and sold as such, in every one of the thirteen colonies which  
united in the Declaration of Independence, and afterwards formed the  
22 Constitution of the United States. The slaves were more or less numerous in the  
different colonies, as slave labor was found more or less profitable. But no one  
23 seems to have doubted the correctness of the prevailing opinion of the time.

24 The legislation of the different colonies furnishes positive and indisputable proof  
25 of this fact.

26 *Scott v. Sandford*, 60 U.S. at 407-408.

10.33. This view of the Declaration of Independence was confronted and overturned by the Civil War and the ratification of several amendments to the United States Constitution over the next century. These amendments and statutes enacted pursuant to them and other enumerated powers greatly expanded the rights of self governance established by the Declaration of Independence to virtually all citizens of the United States over 18 years of age.

10.34. On March 4, 1861, President Lincoln's first inaugural address sought to avert a civil war between the States. In that address Lincoln observed the problematic nature of the Supreme Court's assertion of authority, vis a vis, the other federal departments of government (*i.e.* the legislative and executive branches) to declare what the law is for the sovereign authority which is possessed by the people, not their government or any branch thereof. See [\*Lincoln's First Inaugural Address\*](#)<sup>10</sup>.

10.35. In that same Inaugural Address President Lincoln also observed:

This country, with its institutions, belongs to the people who inhabit it. *Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember, or overthrow it. I can not be ignorant of the fact that many worthy, and patriotic citizens are desirous of having the national constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor, rather than oppose, a fair opportunity being afforded the people to act upon it. Id.* (emphasis supplied)

10.36. Most historians agree the Supreme Court's decision in *Dred Scott v Sanford* was a primary cause of the Civil War, which the [\*New York Times\*](#) has estimated caused the deaths of over 750,000 Americans. This is far more than the number of Americans killed in any other war

---

<sup>10</sup> A copy of Lincoln's First Inaugural Address can be accessed at this link: <http://www.ushistory.org/documents/lincoln1.htm>

1 and estimated by some to be more than the number of Americans killed in all other wars.

2 10.37. Following the Civil War, the Constitution was amended to repudiate the Dred  
3 Scott decision, including its interpretation of the meaning of the Declaration of Independence  
4 following the Civil War. *See e.g.* Tsesis, Alexander, [Self-Government and the Declaration of](#)  
5 [Independence](#), 97 Cornell L. Rev. 693 (2011-2012)<sup>11</sup>  
6

7 10.38. The [Thirteenth Amendment of the Constitution](#) was ratified in 1865. “Neither  
8 slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have  
9 been duly convicted, shall exist within the United States, or any place subject to their  
10 jurisdiction.”.

11 10.39. The [Fourteenth Amendment of the Constitution](#) was ratified in 1868. It states in  
12 part:  
13

14 1: *All persons born or naturalized in the United States, and subject to the*  
15 *jurisdiction thereof, are citizens of the United States and of the State wherein they*  
16 *reside.* No State shall make or enforce any law which shall abridge the privileges  
17 or immunities of *citizens of the United States*; nor shall any State deprive *any*  
18 *person* of life, liberty, or property, without due process of law; nor deny to *any*  
19 *person* within its jurisdiction the equal protection of the laws. (Emphasis  
20 Supplied)

21 10.40. The Fourteenth Amendment memorialized two classes of citizenship: *citizens of*  
22 *the United States* and citizens of the State where each person resided. The Fourteenth  
23 Amendment mandated that no State “shall make or enforce any law which shall abridge the  
24 privileges or immunities of *citizens of the United States*” or “deprive *any person* of life, liberty or  
25 property, without due process of law.” (Emphasis Provided) This amendment also provided no  
26 State shall “deny to *any person* within its jurisdiction the equal protection of the laws.”

27 <sup>11</sup> A copy of article can be accessed at this link:

28 <https://pdfs.semanticscholar.org/bdc9/705605e0072f388a18244491c0a3ad611634.pdf>

(Emphasis provided)

10.41. The [Fifteenth Amendment](#) of the U.S. Constitution was ratified in 1870. It states in part: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

10.42. California held a second Constitutional Convention in 1878, almost a decade after the passage of the Thirteenth, Fourteenth, and Fifteenth amendments to the U.S. Constitution. During that convention the delegates opined that humans of Chinese descent were not people who would be represented in the California legislature because they were more akin to “chattel or stock.”<sup>12</sup>

10.43. Several proposals were made to change the size of the Senate and Assembly during the 1878 California Constitutional convention, which was ratified in May 1878. However, the members of the Convention maintained the current size of the Legislature at 40 Senators and

---

<sup>12</sup> During the debates on the 1878 -1879 Constitution where representation in the State legislature was set at 40 Senators and 80 Assembly members the following dialog took place:

MR. HEISKELL: “Do you want the Chinese to be represented—enumerated in the apportionment?”

MR. O’DONNELL: “Well, we do not represent them. . . I want to be represented according to the Census of the United States. We don’t mean the Chinese. We count them as chattel or stock.”

Debates and Proceedings of the California Constitutional Convention of 1878, Pg. 755.

Notwithstanding the language of the Thirteenth, Fourteenth, and Fifteenth Amendments [Article XIX](#) to the 1879 California Constitution triggered the all-out ethnic cleansing of Chinese communities in obvious violation of the Fourteenth Amendment and treaties made by the President and ratified by the Senate. See Greg Seto, “[‘The Chinese Must Go’: The Workingmen’s Party and the California Constitution of 1879](#)” California Supreme Court Historical Society 2013 Student Writing Competition Second Place Prize winning Entry, pp. 15-31 (2013).

1 80 Assemblymen.

2 10.44. Native Americans Indians were not granted United States citizenship status by the  
3 Fourteenth Amendment. [Elk v. Wilkins](#), 112 U.S. 94, 107 (1884).

4 10.45. In October 1889 through April 1890 a conference of American States was held in  
5 Washington D.C. The attendees approved the establishment of the International Union of  
6 American Republics which later became known as the Inter-American System, the oldest  
7 international institutional system in the world. This system ultimately became the basis for the  
8 Organization of American States following the end of World War II.

9 10.46. The [Seventeenth Amendment to the U.S. Constitution](#) was ratified 1913. It  
10 provided in part: “[t]he Senate of the United States shall be composed of two Senators elected by  
11 the people thereof...” This Amendment transferred the entire electoral franchise for Senators  
12 from the state legislature’s to the people of the State.

13 10.47. The Seventeenth Amendment states: “The electors in each state shall have the  
14 qualifications requisite for electors of the most numerous branch of the state legislatures.”

15 10.48. The [Nineteenth Amendment of the United States Constitution](#) was ratified in  
16 1920. It provides in pertinent part: “[t]he right of citizens of the United States to vote shall not be  
17 denied or abridged by the United States or by any State on account of sex.”<sup>13</sup>

18 10.49. By 1940 California’s 80 Assembly members each represented approximately  
19 86,875 people. California’s 40 state senators each represented approximately 173,750 people.

20 10.50. In October 1941, the mayor of Port Orford, Oregon Gilbert Gable proposed that  
21

---

22 <sup>13</sup> There is little case law discussing the history of the Nineteenth Amendment. One commentator  
23 has suggested this is unfortunate because the failure to understand the roots of the amendment,  
24 detracts from its significance. Siegel, Reva B., "[She the People: The Nineteenth Amendment,  
25 Sex Equality, Federalism, and the Family](#)" (2002). Faculty Scholarship Series. Paper 1106.

1 the southern Oregon counties of Curry, Josephine, Jackson, and Klamath should join with the  
2 northern California counties of Del Norte, Siskiyou, and Modoc to form the new state of  
3 Jefferson because these rural areas were underrepresented by their respective State governments.

4 10.51. The movement to split California and Oregon into three States in order to achieve  
5 self governance for the the people of the California's northern counties lost momentum  
6 following Japan's December 7, 1941 attack on Pearl Harbor.

7 10.52. World War II lasted from 1939 to 1945.

8 10.53. The war in Europe concluded with the unconditional surrender of Germany on  
9 May 8, 1945. The United States and its allies issued the Potsdam Declaration July 26, 1945  
10 setting forth the terms of surrender for Japan.  
11

12 10.54. In April and June 1945 representatives of 50 nations met in San Francisco to  
13 complete the Charter of the United Nations. The U.S. Senate approved the [UN Charter](#) on July  
14 28, 1945, by a vote of 89 to 2.  
15

16 10.55. Japan refused to surrender under the terms of the Potsdam Declaration. The  
17 United States dropped atomic bombs on the Japanese cities of Hiroshima and Nagasaki. Japan  
18 surrendered thereafter on August 15, 1945.  
19

20 10.56. The United Nations came into existence on October 24, 1945 after 29 nations  
21 ratified its its Charter.

22 10.57. Following Japan's surrender, the United States and its allies appointed United  
23 States General Douglas MacArthur as the Supreme Commander for the Allied Powers to oversee  
24 the occupation of Japan. MacArthur suspended Japanese laws restricting political, civil and  
25 religious liberties. MacArthur announced a general election to be held in April 1946 and also  
26



1 required the Japanese Diet (legislature) to pass a new election law to provide for free democratic  
2 elections including for the first time in the history of Japan the right of women to vote.

3 10.58. On December 10, 1948, the General Assembly of the United Nations adopted and  
4 proclaimed the [Universal Declaration of Human Rights](#) ("UDHR") G.A. Res. 217 A (III), U.N.  
5 Doc. A/810 was passed in (1948). Section 21 of this Declaration provides:  
6

7 Article 21. (1) Everyone has the right to take part in the government of his  
8 country, directly or through freely chosen representatives. (2) Everyone has the  
9 right of equal access to public service in his country. (3) The will of the people  
10 shall be the basis of the authority of government; this will shall be expressed in  
periodic and genuine elections which shall be by universal and equal suffrage and  
shall be held by secret vote or by equivalent free voting procedures.

11 10.59. The [Basic Law \(Grundgesetz\) for the Federal Republic of Germany](#) was  
12 promulgated by the Parliamentary Council (including the United States and its allies) for the  
13 Federal Republic of Germany on May 23, 1949. Article 21 of The Basic Law states in part:  
14

15 (1) The Federal Republic of Germany is a democratic and social federal state.  
16 (2) All state authority is derived from the people. It shall be exercised by the people  
17 through elections and other votes and through specific legislative, executive and judicial  
18 bodies.  
19 (3) The legislature shall be bound by the constitutional order, the executive and the  
20 judiciary by law and justice.  
21 (4) All Germans shall have the right to resist any person seeking to abolish this  
22 constitutional order, if no other remedy is available.

23 10.60. [The American Declaration of the Rights and Duties of Man](#) ("American  
24 Declaration"), was passed by the OAS during this same period of time following World War II.  
25 Section XX of this Declaration provides:  
26

27 Every person having legal capacity is entitled to participate in the government of  
28 his country, directly or through his representatives, and to take part in popular  
elections, which shall be by secret ballot, and shall be honest, periodic and free.

10.61. The [Twenty-Third Amendment to the United States Constitution](#) was ratified in



1 1961. This amendment treats the District of Columbia as if it were a State for purposes of  
 2 appointing electors to the Electoral College for electing the President. The Twenty-Third  
 3 Amendment is consistent with the republican form of government our original founders  
 4 contemplated and not inconsistent with America's renewed commitment to self governance  
 5 following the Civil War and World War II<sup>14</sup>.  
 6

7 10.62. The [Twenty-Fourth Amendment to the United States Constitution](#) was ratified on  
 8 January 24, 1964. This amendment provides in pertinent part: "[t]he right of citizens of the  
 9 United States to vote in any primary or other election [for national office] shall not be denied or  
 10 abridged by the United States or any State by reason of failure to pay poll tax or any other tax."  
 11

12 10.63. On June 15, 1964 the United States Supreme Court decided [Reynold v Sims](#), 377  
 13 U.S. 533 (1964). The Supreme Court ruled that the voting districts of state legislatures must have  
 14 roughly equal populations. *Reynolds* was based on the Equal Protection Clause of the U.S.  
 15 Constitution and it together with [Wesberry v. Sanders](#), 376 U.S. 1, 7 (1964) established the "one  
 16 person, one vote" rule, which remains the law today. Consistent with this legal theory the  
 17 Supreme Court has observed: "unconstitutional discriminations occur only when the electoral  
 18 system is arranged in a manner that will consistently degrade a voter's or a group of voter'  
 19 influence on the political process as a whole." [Davis v. Bandemer](#), 478 U.S. 109, 111(1986).  
 20

21 10.64. The [Voting Rights Act](#) was enacted into law on August 1965. This statute  
 22 outlawed discriminatory voting practices adopted by States to prevent citizens of the United  
 23 States from exercising their rights to vote. The statute makes clear that it applies to the rights of  
 24

---

25  
 26 <sup>14</sup> The [Twelfth Amendment to the United States Constitution](#) was ratified in 1804. It clarifies the  
 27 republican, as opposed to democratic, nature of our government because the President is not  
 28 directly elected by the people.

self governance, not just voting. In this regard the law states:

A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that *the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.* (Emphasis Supplied)

10.65. [The International Covenant on Civil and Political Rights](#) (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly with resolution 2200A (XXI) on December 16, 1966, which has been in force from March 23, 1976 in accordance with Article 49 of the covenant. The United States is a signatory to this treaty, which provides in part:

#### Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

\*

\*

\*

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

\*

\*

\*

#### Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

10.66. The [Twenty-Sixth Amendment to the United States Constitution](#) was ratified in 1971. This amendment states in part: “[t]he right of citizens of the United States, who are

1 | eighteen years of age or older, to vote shall not be abridged by the United States or by any State  
2 | on account of age.

3 | 10.67. In 1984 Congress passed the [Voting Accessibility for the Elderly and](#)  
4 | [Handicapped Act](#) to promote the fundamental right for handicapped and elderly (over 65 years of  
5 | age) people to have accessible registration and polling places to vote in Federal elections.

6 | 10.68. The [Americans with Disabilities Act](#) (ADA) was signed into law on July 26, 1990  
7 | by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of  
8 | civil rights legislation. The ADA prohibits discrimination and guarantees people with disabilities  
9 | have the same opportunities as everyone else to participate in the mainstream activities of  
10 | American life, which include the right to participate in self governance.

11 | 10.69. People with disabilities include disproportionate amounts of disempowered  
12 | communities including the elderly, the poor, people of color, women, and veterans. Congress  
13 | enacted the ADA to insure disabled rights of self governance. [ARTICLE: Contemporary Voting](#)  
14 | [Rights Controversies Through the Lens of Disability, 68 Stan. L. Rev. 1491 \(2016\)](#)

15 | 10.70. In 1990 the people of California passed an initiative (Prop 140) imposing term  
16 | limits on their legislature. The findings of the people supporting this amendment state:

17 | The people find and declare that the Founding Fathers established a system of  
18 | representative government based upon free, fair, and competitive elections. The  
19 | increased concentration of political power in the hands of incumbent  
20 | representatives has made our electoral system less free, less competitive, and less  
21 | representative.

22 | The ability of legislators to serve unlimited number of terms, to establish their  
23 | own retirement system, and to pay for staff and support services at state expense  
24 | contribute heavily to the extremely high number of incumbents who are  
25 | re-elected. These unfair incumbent advantages discourage qualified candidates  
26 | from seeking public office and create a class of career politicians, instead of the  
27 | citizen representatives envisioned by the Founding Fathers. These career  
28 | politicians become representatives of the bureaucracy, rather than of the people

1 whom they are elected to represent.

2 To restore a free and democratic system of fair elections, and to encourage  
3 qualified candidates to seek public office, the people find and declare that the  
4 powers of incumbency must be limited. Retirement benefits must be restricted,  
5 state-financed incumbent staff and support services limited, and limitations placed  
6 upon the number of terms which may be served.

7 [California Constitution , Article IV, Section 1.5](#)

8 10.71. In 1992 the Jefferson movement to achieve meaningful representation in  
9 California resurfaced. State Assemblyman Stan Statham proposed advisory votes in 31 counties  
10 asking if California should be split into two. Of the 31 counties which voted on the measure 27  
11 approved it. Based on these results, Statham introduced legislation in California Assembly to  
12 consider the self governance of Northern California, *but the bill died in committee*.

13 10.72. The [National Voter Registration Act of 1993](#) was enacted to enhance voting  
14 opportunities for every citizen of the United States by making it easier for all Americans to  
15 register to vote and maintain their registration. This statute also requires certain accommodations  
16 for persons with disabilities with regard to their participation in self governance.

17 10.73. On July 26, 1996 the United Nations Human Rights Committee issued an  
18 interpretative comment on Article 25: “[The Right to Participate in Public Affairs, Voting Rights](#)  
19 [and the Right to Equal Access to Public Service.](#)”

20 10.74 In 2001 OAS adopted the [Inter-American Democratic Charter](#) (IADC). The IADC  
21 was a binding resolution of the General Assembly of the OAS and was based on the principles  
22 put forth in the American Declaration for the Rights and Duties of Man, *see supra.*, a precursor  
23 to the UN Universal Declaration of Human Rights, which was among those measures passed  
24 following World War II.  
25  
26  
27  
28

1           10.75. On October 29, 2002 President Bush signed the "[Help America Vote Act of](#)  
2 [2002](#)," into law. HAVA created a new federal agency to, among other things, provide funds to  
3 states to improve election administration, replace outdated voting systems, and create minimum  
4 standards for states to follow in several key areas of election administration.  
5

6           10.76. The [Convention on the Rights of People with Disabilities](#) was adopted in 2006  
7 and entered into force in 2008. Article 29 of that Convention states in pertinent part:

8                     Article 29: Participation in political and public life States Parties shall  
9                     guarantee to persons with disabilities political rights and the opportunity to  
10                    enjoy them on an equal basis with others, ...

11           These rights include and incorporate those related to self governance.

12           10.77. The Jefferson movement continued to express their concern about lack of  
13 representation in the California legislature. This concern caused several northern counties to  
14 petition to separate from the State in 2013 and 2014.

15           10.78. Notwithstanding broad popular support in Northern California to split the State in  
16 order to afford its citizens meaningful representation, not one of California's 120 legislators even  
17 proposed a bill to have that issue (or any other related to self governance) considered. Instead  
18 they took steps to retaliate against the Jefferson movement, signalling to all people in California  
19 that the 120 member legislative oligarchy would not tolerate any challenges to its power.  
20

21           10.79. Because of their support of measures to promote self governance members of the  
22 Jefferson movement for fair representation were threatened with retaliation and were retaliated  
23 against. For example, their own Assembly Member told supporters of the Jefferson movement in  
24 Siskiyou County that because of that County's support for better representation he was not going  
25 to support their interests in the California legislature. That legislator kept his promise.  
26  
27  
28

1           10.80. California has also retaliated against the Jefferson movement's exercise of  
2 political free speech. Such retaliation has come through the implementation of special  
3 regulations on people and property owners in those Counties. Further the legislature and  
4 government of California has retaliated against those persons by allocating less resources and  
5 oversight to the County's' infrastructure and resources.  
6

7           10.81. U.S. Const. Art. IV, § 3, cl. 1 provides in pertinent part: "[N]o new State shall be  
8 formed or erected within the Jurisdiction of any other State ... without the consent of the  
9 Legislatures of the States concerned as well as of the Congress."  
10

11           10.82. The entire Jefferson movement could not persuade a single legislator (even those  
12 who represented them as constituents) to introduce a bill providing for consideration of a State  
13 split. Once again the oligarchy is ignoring the will of the people.

14           10.83. Accordingly, the Committee for Fair Representation was formed to, among other  
15 things, educate all Californians about their rights to self governance.

16           10.84. Plaintiffs complaint is being amended to show 1 Senator/1,000,000 people and 1  
17 Assembly member/500,000 people is woefully inadequate to represent 40,000,000 Californians  
18 regardless of their demographics; north or south, urban or rural, rich or poor. The problem of  
19 oligarchy permeates throughout the entire state.  
20

21           10.85. On [information and belief](#) in June, 2017 (after plaintiffs' original complaint was  
22 filed) California Governor Jerry Brown signed "collaboration agreements" between California  
23 and China (or political subdivisions thereof) committing each other to work together to further  
24 the goals of the Climate Change Treaty which President Trump has recently rejected. "Brown  
25 told The Associated Press during his visit to a clean energy conference in Beijing that China,  
26  
27  
28

1 European countries and U.S. state governors will for now fill the gap left by the federal  
2 government's move to abdicate leadership on the issue.”

3 10.86. [Chief Justice Roberts May Day proclamation](#) encourages federal judges to  
4 carefully analyze cases arising under the Fourteenth Amendment (and presumably its progeny) in  
5 2017.  
6

7 “In celebration of Law Day, May 1, 2017, I encourage federal judges throughout  
8 the country to recognize the day and this year’s theme, “The Fourteenth  
9 Amendment: Transforming American Democracy,” as we work together to  
advance public education about the constitutional values that define and shape our  
great nation.”

#### 10 **H. HARMS CAUSED BY CALIFORNIA’S LEGISLATIVE OLIGARCHY**

11 11.1. California’s intentional failure to increase the number of State legislators from 120  
12 since 1862 constitutes an invidious abridgment and dilution of the voting rights of citizens of the  
13 United States. This interferes with the people’s rights to self governance. It promotes the  
14 interests of the wealthy and elite above those of the people. This interference adversely impacts  
15 voter turnout in Federal and State elections. These practices harm each plaintiff’s liberty and  
16 property interests secured by the Federalism structure of our government.  
17

18 11.2. California, through agents and representatives, has threatened to and retaliated  
19 against several Plaintiffs and/or their municipalities for expressing their First Amendment rights  
20 about the need for better representation through a State split. Such threats are designed to chill  
21 all Plaintiffs’ First Amendment rights to participate in self governance.  
22

23 11.3. California’s arbitrary practices create a legislature where Assembly members and  
24 Senators have little in common with the constituents they represent. These legislators are  
25 incentivized by this oligarchy to meet, confer, and represent the interests of those persons and  
26

1 entities who are wealthy enough to finance legislative campaigns. These contributors often have  
2 self serving and differing interests than the majority of the legislator's constituents. This system  
3 interferes with the people's right to self governance in California and the United States.

4 11.4. California's arbitrary practices create legislative districts so large that the  
5 representative relationship between constituent and representative has broken down. Votes have  
6 become so diluted as to be meaningless. This discourages voter turnout in California. California  
7 has between 10-20% less voter turnout than States where district sizes are smaller.

8 11.5. Where voting districts are reasonably sized, elections remain competitive and thus  
9 representatives have incentives to actually meet with and keep their constituents informed; voters  
10 thus can meaningfully access their representatives; more United States citizens can run for office  
11 in these smaller districts and be elected without having to spend exorbitant amounts of money;  
12 third parties can run successful campaigns; there is likely to be more diversity with elected  
13 representatives to better reflect the communities they represent; citizens are able to petition their  
14 legislators with grievances and have their petitions meaningfully responded to; and  
15 municipalities tasked with the care and oversight of people and other natural resources within  
16 their boundaries can have meaningful access to the state legislature to promote and support  
17 municipal responsibilities.

18 11.6. The 40 members of the California Senate and and 80 members of the California  
19 Assembly cannot possibly perform the traditional legislative duties and provide the necessary  
20 oversight for state government (including that necessary for overseeing the other two branches of  
21 California's government) in addition to attending committee meetings, hearings and enacting  
22 legislation. *See* Exhibit D, which is indicative of the magnitude of the legislature's oversight  
23  
24  
25  
26  
27  
28



1 responsibilities, but does not reflect its Constitutional duties to oversee the state judicial  
2 department when necessary.

### 3 I. FURTHER IDENTIFICATION OF PLAINTIFFS

4 12.1. As previously noted this case is brought on behalf of plaintiffs by CFR, a nonprofit  
5 corporation. *See supra*, ¶ 1.1. This section of Plaintiffs' FAC is intended to identify those CFR  
6 members who are bringing this lawsuit as plaintiffs. This section adds some plaintiffs who were  
7 not identified in the original complaint. This section also drops persons, municipalities,  
8 government officials, and organizations which were identified in the original complaint because  
9 either such plaintiffs have made clear they do not want to participate in this lawsuit or they have  
10 not provided evidence of intention to do so such that CFR feels comfortable naming them as  
11 plaintiffs. CFR reserves the right to name these or other persons and entities, including classes of  
12 plaintiffs pursuant to Fed. R. Civ. Pro. 23, if later circumstances warrant such joinder. Each  
13 individual natural plaintiff is a citizen of the United States who is entitled to vote in California.  
14

15 12.2. Most of the plaintiffs identified in this FAC petitioned California to stop the  
16 dilution of their votes and/or their rights to self governance. Copies of several of these petitions  
17 are attached hereto as Exhibit E. Not a single plaintiff has received a response to their petitions  
18 or requests for more representative government, indicating that California is unwilling to  
19 consider repealing its practice of intentional dilution of plaintiffs' votes and self governance  
20 rights. California's failure to respond to plaintiffs' and others' requests for meaningful  
21 representation creates an inference California will continue its practices abridging and diluting  
22 the value of each plaintiff's right to vote, their actual vote, and their right to participate in  
23 elections, so as to interfere with their rights to self governance. This inference includes  
24  
25  
26  
27  
28

1 California's practices of intentional invidious discrimination against suspect classes with regard  
2 to abridging and diminishing their fundamental right to vote.

3 12.3. The individual plaintiffs named in the FAC constitute a diverse group, each of  
4 whom has been harmed in individual ways by one or more of those California practices  
5 identified herein. These practices include without limitation: abridgement of voting privileges  
6 guaranteed to citizens of the United States by the Constitution; violation to those self governance  
7 rights based on substantive due process; violation of those self governance rights based on  
8 suspect class and fundamental rights in violation of the Equal Protection Clause of the  
9 Fourteenth Amendment and the Voting Rights Act; violations of liberty and property interests  
10 protected by the federal structure of the United States Constitution; violations of treaties and  
11 customary laws establishing the rights to self governance in individuals; violations of  
12 enumerated and unenumerated rights guaranteed by the Ninth Amendment, including those  
13 rights now guaranteed to individuals under customary international law; and retaliation against  
14 certain plaintiffs for their exercise of their political and civil rights and the continuing threats of  
15 retaliation by California against all plaintiffs and others which seeks to end California's  
16 oligarchy.  
17  
18

19 12.4. In alphabetical by last name order, the plaintiffs other than CFR, include:  
20

21 A. **Mark Baird** is a resident of Fort Jones, California. Mark Baird is aggrieved by all the  
22 unconstitutional practices set forth above. Baird has been subject to retaliation for exercising  
23 political and civil rights related to free speech speech because he has been a proponent of the  
24 Jefferson movement and decreasing the population of legislative districts in order to promote self  
25 governance throughout California.  
26  
27

1        **B. Cindy L. Brown** is a resident of Orange County, California. Brown is a disabled  
2 African American woman, who also brings this action on behalf of herself and other disabled  
3 persons. Brown educates the public about disabilities and advocates for the disabled in California  
4 courts. Brown is aggrieved by all the unconstitutional practices related to self governance set  
5 forth above, including those set forth in the Voting Rights Act because she is an African  
6 American. Brown further claims her rights and those on behalf of whom she advocates are being  
7 violated by the legislature's failure to provide meaningful oversight of California's Court system  
8 in violation of her ADA rights and her rights of self governance.  
9

10        **C. Win Carpenter and Kyle Carpenter** are residents of Redding, California. Both are  
11 Native American Indians. The Carpenters are aggrieved by all the unconstitutional practices  
12 related to self governance set forth above, including those set forth in the Voting Rights Act  
13 because both are Native American Indians. The Carpenters are part of a class of persons  
14 California committed genocide upon, forced to work as slaves, and on information and belief,  
15 there has never been a Native American Indian elected to the State legislature in California  
16 because the of the practices challenged herein.  
17

18        **D. Mary Cordray** is a 70 year old woman who lives in Sutter County, California. She  
19 and approximately 180,000 other people who live in Butte, Yuba, and Sutter Counties were  
20 forced to evacuate their homes in February of 2017 as a result of widespread rainfall over the  
21 area that flowed into the Oroville Lake that taxed the Oroville Dam and its main spillway. When  
22 damage was noticed to the main spillway of the Dam, an emergency spillway was used and it  
23 was then noticed it too had started to erode, which if the rains had continued could cause a 30  
24 foot wall of water to come over the dam and flood the low lying areas below the dam. On  
25  
26  
27  
28

1 information and belief, California officials were aware of the infrastructure problems with the  
2 spillways for years but did nothing about it. Cordray alleges that the legislature failed to oversee  
3 and maintain the dam infrastructure in retaliation for the Northern Counties challenge to obtain  
4 better representation.

5  
6 E. **Brittney Kristine Cournyer** lives in Red Bluff, California. She turned 18 years old in  
7 2007. The last time she voted was in 2012. Cournyer does not vote in State or Federal elections  
8 because California practices have abridged the value of her vote to the point where it is  
9 meaningless. She has tried to contact her State legislative representatives by email, by going to  
10 their offices, and calling her representatives on the phone, but has not ever been able to contact  
11 either and none has ever responded back to her. Cournyer would participate in California and  
12 Federal elections if there was some realistic possibility that she could have access to a California  
13 legislator who attempted to meaningfully consider those policies and laws which affect the  
14 communities and the county in which she lives.

15  
16 F. **John D'Agostini** is a resident El Dorado County, California. D'Agostini and/or others  
17 in El Dorado County have been aggrieved by all the unconstitutional practices set forth above.  
18 D'Agostini is the current Sheriff of El Dorado County but appears as a plaintiff in this action in  
19 his personal capacity and not as sheriff. The current population of El Dorado County is over  
20 180,000. In any other state in the federal union, a county of this size would have one or more  
21 dedicated legislative representatives looking after the health, safety, and welfare of its  
22 inhabitants. California's practice of promoting oligarchy at the expense of a republic harms  
23 D'Agostini and other county residents..

24  
25 G. **David Garcia** is a Hispanic man who resides in Valley Springs, California. Garcia  
26  
27

1 asserts he is aggrieved by all the unconstitutional practices set forth above, including those set  
2 forth in the Voting Rights Act because he is Hispanic.

3 H. **Roy Hall, Jr.**, is a Native American and head of the unrecognized Shasta Nation Tribe  
4 of American Indians (Shasta Tribe) and brings this action on his own behalf and on behalf of the  
5 Shasta Tribe. Hall and the Shasta Nation Tribe are aggrieved by all the unconstitutional practices  
6 related to self governance set forth above, including those set forth in the Voting Rights Act  
7 because all are Native American Indians. Hall is part of a class of persons California committed  
8 genocide upon, forced to work as slaves, and on information and belief, there has never been a  
9 Native American Indian elected to the State legislature in California because the of the practices  
10 challenged herein.  
11

12 I. **Sara Hemphill** is a Caucasian woman and a lobbyist who is a citizen of the United  
13 States who is moving to San Francisco, California on August 1, 2017. Hemphill alleges she is  
14 aggrieved by all the unconstitutional practices set forth above, including without limitation the  
15 abridgement and dilution of her vote and right to participate in self governance which she  
16 enjoyed in other States and will now lose as a result of moving to California, which constitutes  
17 an oligarchy, not a republic.  
18

19 J. **Leslie Lim** is a 42 year old Asian Woman who lives in Valencia, California. Lim is  
20 aggrieved by all the unconstitutional practices set forth above, including those set forth in the  
21 Voting Rights Act because she is Asian.  
22

23 K. **Kevin McGarry** is a 55 year old man living in Alameda, California. McGarry is  
24 aggrieved by all the unconstitutional practices related to self governance set forth above,  
25 including those set forth in the Voting Rights Act because he is an African American.  
26

1 L. **Tanya Nemcik** is a 42 year old woman, who resides in Contra Costa County. Nemcik  
2 is aggrieved by all the unconstitutional practices set forth above, and further because she is a  
3 disabled woman who has repeatedly petitioned her representatives for redress without response  
4 and has let them know she has disabilities which are covered by the ADA. Additionally, Nemick,  
5 who has been involved in a lawsuit filed in the Family Law Courts, alleges that she is aggrieved  
6 because the California legislature has not conducted any meaningful oversight of these family  
7 law courts. This lack of oversight has caused her and thousands of others harm.  
8

9 M. **Charles Nott** lives in Marysville, California which is located in Yuba County. He and  
10 approximately 180,000 other people who live in Butte, Yuba, and Sutter Counties were forced to  
11 evacuate their homes in February of 2017 as a result of widespread rainfall over the area that  
12 flowed into the Oroville Lake that taxed the Oroville Dam and its main spillway. Nott alleges  
13 that the legislature failed to oversee and maintain the dam infrastructure in retaliation for the  
14 Northern Counties challenge to obtain better representation.  
15

16 N. **Mike Poindexter** is is a resident of Modoc County. Poindexter and the people of  
17 Modoc County have been aggrieved by all the unconstitutional practices set forth above, and  
18 Modoc County has been retaliated against by California for exercise of their political speech.  
19 Poindexter is the current Sheriff of Modoc County, but appears as a plaintiff in this action in his  
20 personal capacity and not as sheriff. California's practice of promoting oligarchy at the expense  
21 of a republic harms Poindexter and other county residents to those liberty and property interests  
22 intended to be protected by the federal structure of our government. The people of Modoc  
23 County have an interest in having a representative in the legislature advancing their interests.  
24

25 M. **Clayton Terry Rapoza** lives in Red Bluff, California. He turned 18 years old in  
26

1 2004. The last time he voted was in 2012. Rapoza does not vote in State or Federal elections  
2 because California practices have diluted the value of his vote to the point where it is  
3 meaningless. He has tried to contact his State legislative representatives by email, by going to  
4 their offices, and calling on the phone, but has not ever been able to contact either and none has  
5 ever responded back to him. Rapoza would participate in California and Federal elections if there  
6 was some realistic possibility that he could access a State legislator who attempted to  
7 meaningfully consider those policies which affect the communities and county in which he lives.  
8

9 N. **Terry Rapoza** is a Caucasian man who is a resident of Shasta County. Rapoza is  
10 aggrieved by all the unconstitutional practices related to self governance set forth above,  
11 including those based on retaliation by California for the exercise of political speech.  
12

13 O. **Howard Thomas** is a 73 year old Caucasian man who resides in Portola, California.  
14 Thomas is aggrieved by all the unconstitutional practices related to self governance set forth  
15 above, including those which are age related.  
16

17 P. **Michael Thomas** is a Caucasian man who resides in Placerville, California. Thomas is  
18 aggrieved by all the unconstitutional practices related to self governance set forth above.  
19

20 Q. **Andy Vasquez** is an elected supervisor and resident of Yuba County, but appears as a  
21 plaintiff herein in his personal capacity. Vasquez and the people of Yuba County are aggrieved  
22 by all the unconstitutional practices set forth above, and further have been subjected to retaliation  
23 based upon their exercise of political speech related to self governance.  
24

25 R. **Larry Wahl** is a resident and an elected supervisor of Butte County. He and the  
26 people of Butte County are aggrieved by all the unconstitutional practices set forth above, and  
27 further have been subjected to retaliation based upon their exercise of political speech related to  
28

1 self governance. Butte has over 200,000 and in the median representation of the United States  
 2 (Approximately 40,000), Butte would have 5 Assembly members and they would have been  
 3 incentivized to do something about known problems with the Oroville Dam.

4 S. **Raymond Wong** is a Chinese American and resident of Los Angeles County. Wong is  
 5 aggrieved by all the unconstitutional practices set forth above, including those set forth in the  
 6 Voting Rights Act because he is Chinese.  
 7

#### 8 *CANDIDATES*

9 12.5. In addition to having the value of their votes abridged, the following plaintiffs have  
 10 also been injured by being unable to meaningfully campaign as candidates for the California  
 11 legislature due to the extraordinary amount of money it takes to win a legislative election in  
 12 California, as opposed to other States. The raw size of districts of almost 500,000 and 1 Million  
 13 people serve as a massive barrier to all but the wealthy to run a meaningful campaign for office.  
 14

15 12.6. **Steven Baird** is a resident of Colfax, California and recently ran for the California  
 16 Senate first district in 2016. This district is larger than the State of West Virginia and had 11  
 17 Counties and about 1 million people in it. Steven Baird is aggrieved by all the unconstitutional  
 18 practices related to self governance set forth above. Baird's ability to run for office is harmed by  
 19 the low voter turnout caused by California's practices. It is Baird's intention to run for the  
 20 California legislature again and accordingly will be injured by these practices in the future.  
 21

22 12.7. **David Curtis** is a resident of Marin County, California. In 2014 Curtis ran for  
 23 Secretary of State (a non legislative seat) as a member of the Green Party. Curtis is aggrieved by  
 24 all the unconstitutional practices related to self governance set forth above, including his inability  
 25 to mount an effective campaign to run for office in California. If he had been elected as Secretary  
 26



1 of State he would likely have sought an opinion from the attorney-general as to whether  
2 California's restriction of legislative representation to only 120 legislators for 40,000,000 people  
3 was lawful under the United States Constitution. Curtis intends to run for elective office again at  
4 either the State or Federal level and will be injured by California's voting and self governance  
5 practices described in this complaint because, among other things, they deter voter participation  
6 by California voters in both State and Federal elections.  
7

8 12.8. **Manuel Martin** is a Caucasian man living in Stockton, California. Martin is  
9 aggrieved by all the unconstitutional practices set forth above. Martin ran for the state Assembly  
10 and was prevented from running a competitive campaign because of California's legislative  
11 oligarchy system of government. Further, on information and belief he was retaliated against for  
12 running for the Assembly. He ran as a Republican in a district that was traditionally won by  
13 Democrats. He was then promptly audited by the IRS soon after filing to run for office. Other  
14 Republicans who signed up to run for traditionally Democratic seats were also audited. This  
15 retaliation has made Martin fearful of running for office in the future unless the people's rights to  
16 self governance are restored in California and California's oligarchy will not continue to retaliate  
17 against those who attempt to represent the people.  
18  
19

#### 20 *CITIES*

21 12.9. Cities and counties have since the inception of the United States provided local  
22 government relating to, among other things, the health and safety of the people at the local level,  
23 *i.e.* the communities where the people walk the streets and actually reside. It was the King's  
24 interference with the people's liberties at the local level, including taxation without  
25 representation, that was a primary cause of the Revolution which led to the severance of this  
26  
27  
28

1 nation from England.

2 12.10. Plaintiffs include the California cities of Colusa and Williams. Colusa and  
3 Williams are the only cities in Colusa County.

4 12.11. The city of Fort Jones is also a plaintiff in this lawsuit. Fort Jones is a municipality  
5 within the boundaries of Siskiyou County.

6 12.12. Plaintiff cities allege that they and their residents are harmed by California's  
7 practice of not increasing the number of State legislative districts to accommodate a dramatically  
8 growing population because this frustrates the representation of local communities in ways  
9 inconsistent with the federal structure of our government; a purpose of which was to, among  
10 other things, insure representation of the people and their local communities.

11 12.13. California's oligarchy of 120 legislators, who now purport to represent the  
12 40,000,000 people who live in California's diverse communities, is no more representative of  
13 their local needs than was the King of England.

14 12.14. California's practice of refusing to increase the number of legislative districts to  
15 accommodate dramatic population prevents communities of people who live in different places  
16 and/or who have diverse interests and purposes from ever achieving meaningful representation of  
17 their interests. As the districts grow larger and larger the ability of California's diverse  
18 communities to achieve representation in the legislature becomes impossible because there are  
19 too many people (and too many interests) to for each legislator to represent.

20 12.15. The failure to afford local communities with meaningful and actual representation  
21 distorts the nature of representation and self governance in California. For example, when the  
22 County of Colusa was asked to participate in this lawsuit officials explained that the County  
23

1 could not do so because California's 120 member legislative oligarchy would likely retaliate by  
2 withholding money for the Sikes reservoir.

3 *COUNTIES*

4 12.16. Plaintiffs want to clarify that no counties are plaintiffs to this action. Originally  
5 several counties, including Siskiyou County, indicated an intention or interest in joining as  
6 plaintiffs to this lawsuit challenging the size of districts and the representation ratio between  
7 legislators and the people. Ultimately, these counties chose to not participate in this lawsuit,  
8 although two (2) county supervisors and two (2) county sheriff's decided to be plaintiffs - in their  
9 individual capacities.  
10

11 12.17. On information and belief several of the counties decided not to participate in this  
12 lawsuit and/or otherwise challenge California's system of legislative oligarchy because they  
13 feared retaliation by California against the counties, their officials, and constituents. Plaintiff  
14 residents of such counties are aggrieved by all the unconstitutional practices related to self  
15 governance set forth above, as well as that retaliation and threats of retaliation which the  
16 oligarchy utilizes to prevent the restoration of a Republic, where people can obtain meaningful  
17 representation of their communities and county municipalities.  
18

19 *POLITICAL PARTIES*

20 12.18. The Libertarian Party and American Independent Parties of California are  
21 political parties and join this case as plaintiffs. The Libertarian Party runs candidates for State,  
22 Federal and Local elections. The California American Independent Party has an interest in self  
23 governance and may choose to run candidates for state legislative office.  
24

25 12.19. All political parties have an interest in the people being afforded the right to self  
26

1 governance in a federal system where neither the State nor Federal government constitute an  
 2 oligarchy or aristocracy.

3 12.20. The parties and their members have an interest in generating votes through  
 4 political speech and in not having their access to participate in the rights to self governance  
 5 abridged by those California practices described herein.  
 6

7 12.21. The enormous size of the Assembly and Senate districts as well as the cost to run  
 8 an effective election in these large districts has the adverse effect of deterring: membership to  
 9 these parties; party members from voting; and party members coming forth to run as candidates  
 10 for State legislative offices.  
 11

12 12.22. When people, including parties, voice their interest in greater representation, they  
 13 are retaliated against by California's existing oligarchy by keeping the legislature capped at 120  
 14 members (80 Assembly and 40 Senate) and by the implementation of voting restrictions, which  
 15 have a chilling effect on their First Amendment rights. Plaintiff political parties are also  
 16 aggrieved by all the unconstitutional practices related to self governance set forth above.  
 17

## 18 **V. CAUSES OF ACTION**

### 19 ***1st CAUSES OF ACTION - 14th AMEND. PRIVILEGES & IMMUNITIES***

20 13.1. Plaintiffs incorporate all of their previous allegations herein.

21 13.2. The first section of the Fourteenth Amendment states in pertinent part: "No State  
 22 shall make or enforce any law which shall abridge the privileges or immunities *of citizens of the*  
 23 *United States*" (Emphasis Supplied)  
 24

25 13.3. In [\*Yick Wo v. Hopkins\*](#) the Court referred to "the political franchise of voting" as a  
 26 "privilege merely conceded by society according to its will" which was a "fundamental political  
 27  
 28

1 right, because ["it is the"] preservative of all rights." *Id.*, 118 U.S. 356, 370, (1886).

2 13.4. The individual Plaintiffs by virtue of being citizens of the United States are entitled  
3 to the privilege of self-governance through their elective franchise, as modified by the  
4 Thirteenth, Fourteenth, Fifteenth, Seventeenth, Nineteenth, and Twenty-Sixth Amendments  
5 guaranteeing all citizens of the United States the right to vote (and that their votes not be  
6 abridged by any State government). The purpose of this privilege is so that all citizens of the  
7 United States can meaningfully participate in self governance.  
8

9 13.5. By refusing to increase representation when the population dramatically increases,  
10 the value of each constituent's vote is abridged, diminished, and diluted. In a democratic republic  
11 votes are intended to be, and in fact are, the only currency by which elections can and should  
12 be won. When money trumps votes, a democratic republic ceases to exist because the  
13 representative relationship, between representative and constituents has broken down.  
14

15 13.6. California has violated the "privileges and immunities" of plaintiffs by creating an  
16 oligarchy/aristocracy, which is contrary to the voting rights and rights to self governance  
17 guaranteed citizens of the United States by Constitution, as amended.  
18

19 13.7. The privilege of voting and self governance has evolved over time to the point  
20 where California's creation of an oligarchy/aristocracy, where elections are won based solely on  
21 wealth, and thereby violates the privileges and immunities clause of the Fourteenth Amendment.  
22

23 ***2nd CAUSE OF ACTION - 14th AMENDMENT VIOLATION OF DUE PROCESS***

24 13.8. Plaintiffs incorporate all of their previous allegations herein.

25 13.9. The Fourteenth Amendment Sec. 1 states in pertinent part: "No State ... shall  
26 deprive ***any person*** of life, liberty, or property, without due process of law;" (emphasis supplied)  
27

13.10. The Due Process Clause protects rights that are “so rooted in the traditions and conscience of our people as to be ranked as fundamental.” They include rights which are “the very essence of a scheme of ordered liberty” as well as “such principles of equity as are recognized by all temperate and civilized governments, from a deep and universal sense of its justice.” McDonald v City of Chicago, Ill., 561 US 742, 760-61 (2010).

13.11. The privileges identified in the preceding cause of action, the electoral franchise and right to self governance, are also rights which are protected substantive due process.

13.12. The right to vote is a fundamental right, which our Constitution guarantees to all citizens. See, e.g., Bush v. Gore, 531 U.S. 98, 104 (2000); Burson v. Freeman, 504 U.S. 191, 198, (1992); Tashjian v. Republican Party, 479 U.S. 208 (1986); Buckley v. Valeo, 424 U.S. 1, 49 n.55, 46 L. Ed. 2d 659, 96 S. Ct. 612 (1976); Lubin v. Panish, 415 U.S. 709, 721 (1974); Bullock v. Carter, 405 U.S. 134 (1972); Phoenix v. Kolodziejki, 399 U.S. 204 (1970); Harper v. Virginia State Bd. of Elections, 383 U.S. 663, 667 (1966); Reynolds v. Sims, 377 U.S. 533, 561-562 (1964); Wesberry v. Sanders, 376 U.S. 1, 7 (1964).

No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right.

Wesberry, 376 U.S. at 17-18. "History has seen a continuing expansion of the scope of the right of suffrage in this country. The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." Reynolds v. Sims, 377 U.S. at 555.

13.13. Plaintiffs' substantive due process rights to participate in self governance in

California pursuant to the provisions of the U.S. Constitution, U.S. statutes, U.S. treaties, and such principles of equity as are recognised by all temperate and civilized governments have been violated by California's practice of not increasing the number of elected representatives to accommodate a dramatically growing population.

13.14. Plaintiffs assert that California's intentional cap on the number of representatives at 120 legislators in 1862, when its population was just above 400,000 people, which has exploded to almost 40,000,000 people today, has deprived plaintiffs' rights to due process and will continue to do so into the future.

***3rd CAUSE OF ACTION - 14th AMENDMENT EQUAL PROTECTION  
and VOTING RIGHTS ACT, 52 U.S.C. Ch. 103***

***A. CONSTITUTIONAL ALLEGATIONS***

13.15. Plaintiffs incorporate all of their previous allegations herein.

13.16. The first section of the Fourteenth Amendment states in pertinent part: "No State shall ... deny to any person within its jurisdiction the equal protection of the laws."

13.17. Plaintiffs allege California's intentional and invidious practice of refusing to increase legislative representatives to accommodate population growth has created an oligarchy/aristocracy of legislative power, which favors the wealthy connected and elite and thereby violates the equal protection clause of the Fourteenth Amendment.

13.18. Fair and effective representation is the basic goal of legislative apportionment. The Equal Protection Clause guarantees the opportunity for equal participation by all voters in the elections. "Diluting the weight of votes because of place of residence impairs basic

1 constitutional rights under the Fourteenth Amendment just as much as invidious discriminations  
 2 based upon factors such as race....” *Reynolds v. Sims*, 377 U.S. 533, 565-566 (1964).

3 13.19. California’s practice of not increasing its number of legislative representatives to  
 4 accommodate its expansive population growth also violates the Equal Protection Clause because  
 5 it intentionally and invidiously discriminates against persons based upon suspect classification.  
 6

7 13.20. *Discrimination On Rights To Self Government Based On Wealth*: California’s  
 8 invidious and intentional practice of limiting legislators to 120 elected members creates an  
 9 oligarchy which unconstitutionally intentionally discriminates against people’s right to  
 10 participate in self governance based on wealth. See e.g. [Lubin v. Panish](#), 415 US 709 (1974);  
 11 [Phoenix v. Kolodziejewski](#), 399 US 204 (1970); [Harper v. Virginia State Bd. of Elections](#), 383 U.S.  
 12 663, 666-668 (1966)  
 13

14 13.21. *Discrimination On Rights To Self Government Based On Race And Ethnicity*:  
 15 California’s invidious and intentional practice of limiting legislators to 120 elected members  
 16 creates an oligarchy which unconstitutionally and intentionally discriminates against people’s  
 17 right to participate in self governance based on race and national origin.  
 18

19 13.22. *Discrimination On Rights To self Government Based On Sex*: California’s  
 20 invidious and intentional practice of limiting legislators to 120 elected members creates an  
 21 oligarchy which unconstitutionally and intentionally discriminates against people’s right to  
 22 participate in self governance based on sex.  
 23

24 13.23. *Discrimination On Rights To Self Governance Based On Disability*: California’s  
 25 invidious and intentional practice of limiting legislators to 120 elected members creates an  
 26 oligarchy which unconstitutionally and intentionally discriminates against people who are  
 27



1 disabled. A higher percentage of Women, Blacks, Hispanics, Native Americans, and poor are  
2 disabled. than are whites and those who possess significant wealth.

3 13.24 *Discrimination Based On Political Speech:* California's invidious and intentional  
4 practice of DISCRIMINATING AGAINST plaintiffs based on the exercise of political speech  
5 seeking fair representation.  
6

7 *B. VOTING RIGHTS ACT - 52 USC 10301*

8 13.25. Subsection 2(a) of the Voting Rights Act prohibits all States and political  
9 subdivisions from imposing practices or procedures which result in the denial or abridgement of  
10 self governance to racial and language minorities.

11 13.26. Subsection 2(b) establishes that § 2 has been violated where the "totality of  
12 circumstances" reveal that "the political processes leading to nomination or election . . . are not  
13 equally open to participation by members of a [protected class] . . . in that its members have less  
14 opportunity than other members of the electorate to participate in the political process and to  
15 elect representatives of their choice."  
16

17 13.27. The extent to which members of a protected class have been elected to office in  
18 the State or political subdivision in the past is one circumstance which may be considered.  
19

20 13.28. On information and belief no native American Indian has ever been elected to the  
21 California Assembly or Senate. African American and Hispanic citizens of the United States are  
22 not elected to the legislature in any percentage that approximates their proportion of the  
23 population.  
24

25 13.29. California has used the practice of intentionally and invidiously promoting large  
26 population districts to discriminate against plaintiffs based on race and national origin with  
27

regard to voting and self governance.

13.30. The totality of the circumstances establish "the political processes leading to nomination or election . . . are not equally open to participation based on race and national origin.

***4th CAUSE OF ACTION - 2 USC 6 - ABRIDGMENT - 14th AMENDMENT, SEC. 2***

13.31. Plaintiffs incorporate by reference the preceding allegations.

13.32. A static level of representation and the growing population invidiously and intentionally abridges each plaintiff's' vote and their right of self governance of each individual plaintiff in this action. If the Court and the Judicial Department of the United States do not have Article III judicial power to enjoin and/or declare that the number of districts be increased to accommodate the representation ratios sought by the Plaintiffs, then Plaintiffs request this Court decrease the number of representatives for the State of California in the U.S. House of Representatives as a penalty, pursuant to the Fourteenth Amendment, § 2 and pursuant to [2 U.S.C. 6](#).

***5th CAUSE OF ACTION - FEDERALISM VIOLATION***

13.33. Plaintiffs incorporate all of their previous allegations herein.

13.34. Federalism, central to this nation's constitutional design, adopts the principle that both the Federal government and each State government has elements of sovereignty the other is bound to respect.

13.35. A central purpose for the federal structure of the United States is to protect the liberty interests of the people. [Bond v. United States](#), 564 U.S. 211, 222-224 (2011).

13.36. James Madison contended "[i]n the compound republic of America a double

1 security arises to the rights of the people. ... The different governments will controul each other, at  
 2 the same time that each will be controuled by itself.” [The Federalist No. 51](#). Alexander Hamilton  
 3 in [The Federalist No. 28](#) observed: “Power being almost always the rival of power, the general  
 4 government will at all times stand ready to check the usurpations of the state governments, and  
 5 these ... will have the same disposition towards the general government.”  
 6

7 13.37. Thomas Jefferson agreed the way “to have a good government is not to trust it all  
 8 to one, but to divide it among the many...” According to Jefferson “[t]he elementary republics of  
 9 the wards, the county republics, the State republics, and the Republic of the Union, would form a  
 10 gradation of authorities ... holding every one its delegated share of powers...” [Letter from](#)  
 11 [Thomas Jefferson to Joseph C. Cabell \(Feb. 2, 1816\)](#).  
 12

13 13.38. California’s substitution of an oligarchy/aristocracy, which fails to represent all  
 14 the people as sovereign violates plaintiffs federalism rights as they exist in the 21st century.

15 13.39. California’s oligarchy intentionally discourages millions of eligible voters from  
 16 voting and violates the people’s right to self governance at both the State and Federal levels.

17 13.40. In order to preserve their power, the Oligarchs violate Plaintiffs’ rights to  
 18 participate in the operation of a compound republic, which is supposed to safeguard self  
 19 governance.  
 20

21 ***6th CAUSE OF ACTION - Treaties and Customary International Law.***

22 13.41. Plaintiffs incorporate by reference the preceding allegations.

23 13.42. Treaties have a force equal to that of Congressional statute under [Article 6](#),  
 24 section 2 (the Supremacy Clause of the United States Constitution), which states:  
 25

26 This Constitution, and the Laws of the United States which shall be made in Pursuance  
 27 thereof; and all Treaties made, or which shall be made under the Authority of the United  
 28 States, shall be the supreme Law of the Land; and the Judges in every State shall be

1 bound thereby, any Thing in the Constitution or Laws of any State to the Contrary  
2 notwithstanding.

3 13.43. A ratified treaty creates obligations for both Federal and State authorities.

4 13.44. As is established in the “Historical Facts” section of this FAC in the years  
5 following World War II, the global community came together to recognize that all people  
6 everywhere are entitled to the rights associated with self governance.

7 13.45. The United States is a party to a number of treaties and other agreements that  
8 clearly and definitively establish an international obligation on the part of their signatories to  
9 uphold the principles of self-governance and full representation. Those documents include, but  
10 are not limited to: the UN Universal Declaration of Human Rights, the International Covenant on  
11 Civil and Political Rights (ICCPR), the Inter-American Democratic Charter and the American  
12 Declaration of the Rights and Duties of Man.  
13

14 13.46. The Declaration and the ICCPR both rely upon the principle, enunciated in the  
15 U.S. Declaration of Independence, that the will of the people shall be the basis of the authority of  
16 government; *i.e.* that “[governments derive] their just powers from the consent of the governed”  
17 and that people are endowed by reason of birth with certain unalienable rights, among those the  
18 right to participate in self governance.  
19

20 13.47. The UN Universal Declaration of Human Rights is not a legally binding treaty—it  
21 was seen as merely the first step in the process of creating the International Bill of Human  
22 Rights. However, the ICCPR, which was created in 1966 to give juridical force to the political  
23 aspirations of the Declaration, is a binding treaty to which the United States is a signatory.  
24

25 13.48. Article 1 and Article 25 of the ICCPR both further affirm the political rights laid  
26 out in the Declaration. Art. 1 unequivocally states: “All peoples have the right to self  
27

determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.” Article 1 emphasizes the responsibility of individual national governments in enforcing the treaty provisions towards their citizens.

13.49. The Senate declared the ICCPR to be a non-self-executing treaty, but the question of whether it had the unicameral authority to do so is an unresolved question of law. *See Igartúa v. Obama*, 842 F.3d 149, 158-9 (1st Cir. 2016); *Igartúa v. United States*, 626 F.3d 592, 621-8, 638-639 (1st Cir. 2010)(Torruella dissenting); *Igartua-de la Rosa v. United States*, 417 F.3d 145, 169-192 (1st Cir. 2005)(Torruella Dissenting); 185-192 (Howard dissenting).

13.50. The United States is also a party to several regional instruments imposing upon it an obligation to to comply with the norms of self governance for all its people. The Inter American Democratic Charter (IADC), adopted in 2001, contains language on political rights similar to that of the Declaration and the ICCPR. The IADC was a binding resolution of the General Assembly of the Organization of American States (OAS), and was based on the principles in the American Declaration for the Rights and Duties of Man, a precursor to the UN Universal Declaration of Human Rights. *See Historical Facts*.

13.51. California’s current arbitrary apportionment of only 80 Assembly district and 40 Senate Districts for almost 40,000,000 violates both the United States Constitution and customary international law, which recognizes the same rights of self governance.

13.52. Customary international law has legal force equal to that of treaties or Congressional statutes on California.

13.53. Restatement of the Law, Foreign Relations Law 3rd, §102 provides in part:

\* \* \*

(2) Customary international law results from a general and consistent practice of states followed by them from a sense of legal obligation.

(3) International agreements create law for the states parties thereto and may lead to the creation of customary international law when such agreements are intended for adherence by states generally and are in fact widely accepted.

(4) General principles common to the major legal systems, even if not incorporated or reflected in customary law or international agreement, may be invoked as supplementary rules of international law where appropriate.

13.54. The United States has consistently since July 4, 1776 emphasized that this nation was founded on the notion of “We the People” and self governance. Although the Constitution originally limited electors for members of the House of Representatives to those established by the States, after the Civil War and World War II the Constitution was amended on numerous occasions to broaden voting rights to enfranchise more and more citizens of the United States both with regard to State and Federal elections. *See Historical Facts, supra.*

13.55. Following World War II the United States imposed systems of self governance on its former enemies, *i.e.* Germany and Japan. Further, the United States entered into international organizations in order to promote those same self governance principles by other nation-states as are reflected in the United States Declaration of Independence and Constitution (including those amendments passed after the Civil War. *See Historical Facts, supra.*)

13.56. International Agreements reflect that the principles of self governance, including the principle of “one person/one vote” are now widely accepted and practiced.

13.57. Although California is only one State of 50 States which make up the United States, its representation ratio is worse than exists in most countries and violates the rights of citizens of the United States to self governance under customary International Law, the United

1 States Constitution, federal statutes, and treaties, which Plaintiffs contend are binding on  
2 California.

3 ***7th CAUSE OF ACTION - 9th AMENDMENT VIOLATIONS***

4 13.58. Plaintiffs incorporate by reference the preceding allegations.

5  
6 13.59. The [Ninth Amendment](#) protects some rights of people against State governmental  
7 action. The Ninth Amendment provides: “The enumeration in the Constitution, of certain rights,  
8 shall not be construed to deny or disparage others retained by the people.” Prior to the Civil War,  
9 the Ninth Amendment protected the people only from the Federal government.

10 13.60. Since the end of the Civil War, the Constitution has been amended on numerous  
11 occasions to provide voting and self governance rights to citizens of the United States in the  
12 States. Also numerous statutes and treaties have been enacted since the Civil War and World  
13 War II which are designed to expand plaintiffs self governance rights. These are enumerated and  
14 unenumerated privileges and/or rights which the Constitution specifically bestows with regard to  
15 self governance in favor of the citizens of the United States against the States and the Federal  
16 government.  
17

18 13.61. Plaintiffs can enforce their rights to self governance against California directly  
19 through the Ninth Amendment.  
20

21 13.62. Plaintiffs allege their Ninth Amendment rights to self governance have been  
22 intentionally violated by California refusing to increase members of the legislature.

23 ***8th CAUSES OF ACTION - 1ST & 14TH AMENDMENT VIOLATIONS***

24 13.63. Plaintiffs incorporate all of their previous allegations herein.

25 13.64. The [First Amendment](#) operates to limit the conduct of state actors. See [Murdock v.](#)  
26  
27  
28

1 Pennsylvania, 319 U.S. 105, 108, (1943) (recognizing that the Fourteenth Amendment makes the  
2 First Amendment "applicable to the states").

3 13.65. Political belief and association constitute the core of those activities protected by  
4 the First Amendment. The First Amendment works in tandem with other constitutional  
5 guarantees to protect representational rights. Indeed, "[t]he right of qualified voters, regardless of  
6 their political persuasion, to cast their votes effectively . . . rank[s] among our most precious  
7 freedoms." Anderson v. Celebrezze, 460 U.S. 780, 787 (1983) (quoting Williams v. Rhodes, 393  
8 U.S. 23, 30-31 (1968)).

9 13.66. "[R]epresentative government is in essence self-government through the medium  
10 of elected representatives of the people, and each and every citizen has an inalienable right to full  
11 and effective participation in th[is] political process[] . . . . Most citizens can achieve this  
12 participation only as qualified voters through the election of legislators to represent them. Full  
13 and effective participation by all citizens . . . requires, therefore, that each citizen have an equally  
14 effective voice in the election of [a representative]. Reynolds, 377 U.S. at 565

15 13.67. Thus, at the most basic level, when a State engages in practices which dilute the  
16 votes of certain citizens, the practice imposes a burden on those citizens' right to "have an  
17 equally effective voice in the election" of a legislator to represent them.

18 13.68. In this case it is undisputed that California's practice of repeatedly refusing to  
19 increase the number of its elected legislators from its cap of 40 Senators and 80 Assembly  
20 members regardless of the growth of its population dilutes the value of a U.S. citizen's vote by  
21 placing them in an overpopulated district.

22 13.69. For years plaintiffs and others have been engaged in political speech to further



their interests in representative self governance. California has retaliated against some plaintiffs expression of political speech by purposely subjecting them to discriminatory regulations and performing less legislative oversight and overlooking problems with regard to state infrastructure located in their municipalities. State officials have also threatened plaintiffs and others that if they support increasing the current number of 120 legislators the State may take retaliatory actions against them.

13.70. Plaintiffs allege that California has in fact retaliated against plaintiffs and others who have through political speech demanded that California practices be changed and that State actors have caused them harm.

## VI. PRAYER

WHEREFORE, Plaintiffs respectfully pray the Court as follows:

1. The assigned trial Judge as soon as practicably possible alert the Chief Judge of the Ninth Circuit to convene a district court of three judges as required by 28 U.S.C. 2284(1).
2. Declare the existing apportionment and representative ratio of California's legislative districts impair plaintiffs' right to participate in self-governance and abridge the value of individual plaintiffs' votes as well as impairs their first Amendment rights.
3. Enter a permanent injunction and, if necessary, a preliminary injunction establishing statewide legislative districts in California as follows:
  - A. California's Assembly districts be reduced to a point where each Assembly member in the California legislature will represent the same number of people within a range of 5,000 to 50,000 people; and
  - B. California's Senate districts be reduced to a point where each Senator in the

California legislature will represent the same number of people within a range of 10,000 to 100,000 people; and

C. Enjoin any further growth of the population size of either Assembly or Senate Districts.

4. Alternatively, to penalize California pursuant to 2 U.S.C. § 6 by reducing its number of U.S. House of Representative members by an amount the fact finder determines is appropriate.

5. Appoint a Special Master for determinations of population data for the court to use.

6. Enter a permanent injunction and, if necessary, a preliminary injunction establishing a moratorium on the hiring of legislative assistants, who perform legislative functions.

7. Award plaintiffs' attorney fees and reasonable costs incurred in this action pursuant to 42 U.S.C. § 1988; and other similar purposed statutes relevant to this action.

8. Order such other and further relief as the Court may deem just and proper.

Dated this 28th day of July, 2017.

Respectfully Submitted,

BY: /s/ Scott E. Stafne  
Scott E. Stafne, Attorney *Pro hac vice*  
WSBA # 6964  
STAFNE LAW  
*Advocacy & Consulting*  
239 N. Olympic Avenue  
Arlington, WA 98223  
(360) 403-8700

1 BY: /s/ Gary L. Zerman

2 Gary L. Zerman, Attorney

3 CA BAR # 112825

4 23935 Philbrook Avenue

5 Valencia, CA 91354

6 Telephone: (661) 259-2570

*Attorneys for Plaintiffs*

7 **CERTIFICATE OF ELECTRONIC SERVICE**

8  
9 I hereby certify that on this date I electronically filed the foregoing document  
10 with the Clerk of the Court using the CM/ECF system which will send notification of such  
11 filing to those attorneys of record registered on the CM/ECF system. All other parties (if  
12 any) shall be served in accordance with the Federal Rules of Civil Procedure.  
13

14 DATED this 28th day of July, 2017 at Arlington, Washington.

15  
16 BY: /s/ Pam Miller

17 Pam Miller, Paralegal  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

# EXHIBIT A

*Citizens for Fair Representation et al v Secretary of State Alex Padilla*

## HISTORICAL APPORTIONMENT OF LEGISLATIVE REPRESENTATION IN CALIFORNIA

### REPRESENTATION FROM 1850 to 2016

	Total*	Assembly	Persons**	Senate	Persons**	US House	Persons***
Year	Population	Members	Per District	Members	Per District	Members	Per District
1850	92,597	36	2,572	16	5,787	2	46,299
1852	150,076	63	2,382	27	5,558	2	75,038
1854	207,556	80	2,594	34	6,105	2	103,778
1858	322,515	80	4,031	35	9,215	2	161,258
1862	416,045	80	5,201	40	10,401	3	138,682
1870	560,247	80	7,003	40	14,006	4	140,062
1880	864,694	80	10,809	40	21,617	6	144,116
1890	1,213,400	80	15,168	40	30,335	7	173,343
1900	1,490,000	80	18,625	40	37,250	8	186,250
1910	2,406,000	80	30,075	40	60,150	11	218,727
1920	3,554,000	80	44,425	40	88,850	11	323,091
1930	5,711,000	80	71,388	40	142,775	20	285,550
1940	6,950,000	80	86,875	40	173,750	23	302,174
1950	10,677,000	80	133,463	40	266,925	30	355,900
1960	15,870,000	80	198,375	40	396,750	38	417,632
1970	19,971,000	80	249,638	40	499,275	43	464,442
1980	23,668,000	80	295,850	40	591,700	45	525,956
1990	29,950,000	80	374,375	40	748,750	52	575,962
2000	33,920,000	80	424,000	40	848,000	53	640,000
2010	38,671,000	80	483,388	40	966,775	53	729,642
2016	39,200,000	80	490,000	40	980,000	53	739,623

### ESTIMATED FUTURE PROJECTED APPORTIONMENT OF

### REPRESENTATION IN CALIFORNIA 2020 to 2050 \*\*\*\*

	Total	Assembly	Persons**	Senate	Persons**	US House	Persons***
Year	Population	Members	Per District	Members	Per District	Members	Per District
2020	43,851,741	80	548,147	40	1,096,294	N/A	N/A
2030	48,110,671	80	601,383	40	1,202,767	N/A	N/A
2040	51,538,596	80	644,232	40	1,288,465	N/A	N/A
2050	54,777,700	80	684,721	40	1,369,443	N/A	N/A

\* Population figures are of the year indicated. Source: Coulson, David P.; Joyce, Linda. 2003. US

	Fort Collins, CO: U.S. Dept. of Ag, Forest Service, Rocky Mountain Research Station. 55 p.					
	Year 2020 to 2050 population estimates were provided as estimates by the California Department					
	of Finance (Unrevised) in 1998.					
**	Apportionment until 1963 is an assumed average. Most representative districts were apportioned					
	by counties until 1964. After 1964, the district populations were generally equitable.					
***	District figures are based on the theory of full and perfect dilution for comparisson purposes.					
****	Though not really relevant, these were estimates at times by the California Dept. of Finance.					

# EXHIBIT B

*Citizens for Fair Representation et al v Secretary of State Alex Padilla*

# U.S. State House Representation

	States	State Population Year 2015	Representatives In Lower Chamber	Persons Per District
1	New Hampshire	1,330,608	400	3,327
2	Vermont	626,042	150	4,174
3	North Dakota	756,927	94	8,052
4	Maine	1,329,328	151	8,803
5	Wyoming	586,107	60	9,768
6	Montana	1,032,949	100	10,329
7	South Dakota	858,469	70	12,264
8	Rhode Island	1,056,298	75	14,084
9	West Virginia	1,844,128	100	18,441
10	Alaska	738,432	40	18,461
11	Delaware	945,934	41	23,072
12	Kansas	2,911,641	125	23,293
13	Idaho	1,654,930	70	23,642
14	Connecticut	3,590,886	151	23,781
15	Mississippi	2,992,333	122	24,527
16	Hawaii	1,431,603	51	28,071
17	Arkansas	2,978,204	100	29,782
18	New Mexico	2,085,109	70	29,787
19	Iowa	3,123,899	100	31,239
20	Missouri	6,083,672	163	37,323
21	Nebraska	1,896,190	49	38,698
22	Oklahoma	3,911,338	101	38,726
23	South Carolina	4,896,146	124	39,485
24	Utah	2,995,919	75	39,946
25	Minnesota	5,489,594	134	40,967
26	Massachusetts	6,794,422	160	42,465
27	Maryland	6,006,401	141	42,599
28	Kentucky	4,425,092	100	44,251
29	Louisiana	4,670,724	105	44,483
30	Alabama	4,858,979	105	46,276
31	Georgia	10,214,860	180	56,749
32	Wisconsin	5,771,337	99	58,296
33	Pennsylvania	12,802,503	203	63,067
34	Indiana	6,619,680	100	66,197
35	Tennessee	6,600,299	99	66,670
36	Oregon	4,028,977	60	67,150
37	Nevada	2,890,845	42	68,830
38	Washington	7,170,351	98	73,167
39	North Carolina	10,042,802	120	83,690
40	Virginia	8,382,993	100	83,830
41	Colorado	5,456,574	65	83,947
42	Michigan	9,922,576	110	90,205



43	<b>Illinois</b>		12,859,995		118		108,983	
44	<b>New Jersey</b>		8,958,013		80		111,975	
45	<b>Arizona</b>		6,828,065		60		113,801	
46	<b>Ohio</b>		11,613,423		99		117,307	
47	<b>New York</b>		19,795,791		150		131,972	
48	<b>Florida</b>		20,271,272		120		168,927	
49	<b>Texas</b>		27,469,114		150		183,127	
50	<b>California</b>		39,144,818		80		489,310	

# U.S. State Senate Representation

States	State Population Year 2015	Representatives In Senate Chamber	Persons Per District
North Dakota	756,927	47	16,105
Wyoming	586,107	30	19,537
Montana	1,032,949	50	20,659
Vermont	626,042	30	20,868
South Dakota	858,469	35	24,528
Rhode Island	1,056,298	38	27,797
Alaska	738,432	20	36,922
Maine	1,329,328	35	37,981
Nebraska	1,896,190	49	38,698
Delaware	945,934	21	45,044
Idaho	1,654,930	35	47,284
New Mexico	2,085,109	42	49,645
West Virginia	1,844,128	34	54,239
New Hampshire	1,330,608	24	55,442
Hawaii	1,431,603	25	57,264
Mississippi	2,992,333	52	57,545
Iowa	3,123,899	50	62,478
Kansas	2,911,641	40	72,791
Oklahoma	3,911,338	48	81,486
Minnesota	5,489,594	67	81,934
Arkansas	2,978,204	35	85,092
Connecticut	3,590,886	36	99,747
Utah	2,995,919	29	103,308
South Carolina	4,896,146	46	106,438
Kentucky	4,425,092	38	116,450
Louisiana	4,670,724	39	119,762
Maryland	6,006,401	47	127,796
Indiana	6,619,680	50	132,394
Oregon	4,028,977	30	134,299
Nevada	2,890,845	21	137,659
Alabama	4,858,979	35	138,828
Washington	7,170,351	49	146,334
Colorado	5,456,574	35	155,902
Massachusetts	6,794,422	40	169,861
Wisconsin	5,771,337	33	174,889
Missouri	6,083,672	34	178,932
Georgia	10,214,860	56	182,408
Tennessee	6,600,299	33	200,009
North Carolina	10,042,802	50	200,856
Virginia	8,382,993	40	209,575
Illinois	12,859,995	59	217,966
New Jersey	8,958,013	40	223,950

<b>Arizona</b>	6,828,065	30	227,602
<b>Pennsylvania</b>	12,802,503	50	256,050
<b>Michigan</b>	9,922,576	38	261,120
<b>New York</b>	19,795,791	62	319,287
<b>Ohio</b>	11,613,423	33	351,922
<b>Florida</b>	20,271,272	40	506,782
<b>Texas</b>	27,469,114	31	886,100
<b>California</b>	39,144,818	40	978,620

# EXHIBIT C

*Case No.: 2:17-cv-00973-KJM-CMK  
Citizens for Fair Representation, et al v.  
Secretary of State Alex Padilla*

# World Country Representation 2016

	Country	Geographic Location	Population	Lower Chamber		Upper Chamber	
				Seats	Dilution	Seats	Dilution
1	Afghanistan	Asia	33,369,945	249	134,016	102	327,156
2	Micronesia	Oceania	104,966	14	7,498	0	0
3	Grenada	Caribbean	107,327	15	7,155	13	8,256
4	Saint Kitts and Nevis	Caribbean	56,183	15	3,746	0	0
5	Tuvalu	Oceania	9,943	15	663	0	0
6	Palau	Oceania	21,501	16	1,344	13	1,654
7	Nauru	Oceania	10,263	18	570	0	0
8	Saint Lucia	Caribbean	186,383	18	10,355	11	16,944
9	Antigua and Barbuda	Caribbean	92,738	19	4,881	17	5,455
10	Monaco	W. Europe	37,863	21	1,803	0	0
11	St.Vincent & Grenadine	Caribbean	109,644	23	4,767	0	0
12	Liechtenstein	S. Europe	37,776	25	1,511	0	0
13	Andorra	S. Europe	69,165	28	2,470	0	0
14	Tonga	Oceania	106,915	28	3,818	0	0
15	Barbados	Caribbean	285,006	30	9,500	21	13,572
16	Belize	C. America	366,942	32	11,467	13	28,226
17	Dominica	Caribbean	73,016	32	2,282	0	0
18	Seychelles	Africa	97,026	32	3,032	0	0
19	Comoros	E. Africa	807,118	33	24,458	0	0
20	Marshall Islands	Oceania	53,069	33	1,608	0	0
21	Qatar	W. Asia	2,291,368	35	65,468	0	0
22	Bahamas	Caribbean	392,718	38	10,335	16	24,545
23	Bahrain	W. Asia	1,396,829	40	34,921	40	34,921
24	United Arab Emirates	W. Asia	9,266,971	40	231,674	0	0
25	Bosnia and Herzegovina	S. Europe	3,802,134	42	90,527	15	253,476
26	Trinidad and Tobago	Caribbean	1,364,973	42	32,499	31	44,031
27	Kiribati	Oceania	114,405	46	2,487	0	0
28	Bhutan	S. Asia	784,103	47	16,683	25	31,364
29	Samoa	Oceania	194,523	49	3,970	0	0
30	Solomon Islands	Oceania	594,934	49	12,142	0	0
31	Suriname	S. America	547,610	51	10,737	0	0
32	Vanuatu	Oceania	270,470	52	5,201	0	0
33	Gambia	W. Africa	2,054,986	53	38,773	0	0
34	Sao Tome and Principe	Africa	194,390	55	3,534	0	0
35	Cyprus	S.E. Europe	1,176,598	56	21,011	0	0
36	Costa Rica	Caribbean	4,857,218	57	85,214	0	0
37	Luxembourg	W. Europe	576,243	60	9,604	0	0
38	San Marino	S. Europe	31,950	60	533	0	0
39	Botswana	S. Africa	2,303,820	63	36,569	0	0
40	Iceland	N. Europe	331,778	63	5,266	0	0
41	Jamaica	Caribbean	2,803,362	63	44,498	21	133,493
42	Kuwait	W. Asia	4,007,146	63	63,605	0	0
43	Tajikistan	C. Asia	8,669,464	63	137,611	34	254,984

44	Djibouti	E. Africa	899,598	65	13,840	0	0
45	Timor-Leste	S.E. Asia	1,211,245	65	18,635	0	0
46	Swaziland	S. Africa	1,304,063	66	19,759	30	43,469
47	Guyana	S. America	770,610	67	11,502	0	0
48	Malta	S. Europe	419,615	69	6,081	0	0
49	Mauritius	Africa	1,277,459	69	18,514	0	0
50	Mongolia	E. Asia	3,006,444	71	42,344	0	0
51	Panama	C. America	3,990,406	71	56,203	0	0
52	Cape Verde	N. Africa	491,875	72	6,832	0	0
53	Liberia	N. Africa	4,615,222	73	63,222	30	153,841
54	Maldives	S. Asia	369,812	77	4,803	0	0
55	Namibia	S. Africa	2,513,981	78	32,231	26	96,692
56	Paraguay	S. America	6,725,430	80	84,068	45	149,454
57	Rwanda	E. Africa	11,882,766	80	148,535	26	457,029
58	Montenegro	S. Europe	626,101	81	7,730	0	0
59	Togo	W. Africa	7,496,833	81	92,553	0	0
60	Benin	W. Africa	11,166,658	83	134,538	0	0
61	El Salvador	S. America	6,146,419	84	73,172	0	0
62	Oman	Asia	4,654,471	84	55,410	83	56,078
63	Slovenia	S. Europe	2,069,362	90	22,993	40	51,734
64	Nicaragua	C. America	6,150,035	92	66,848	0	0
65	Haiti	Caribbean	10,848,175	95	114,191	30	361,606
66	Mauritania	Africa	4,166,463	95	43,858	56	74,401
67	Singapore	S.E. Asia	5,696,506	98	58,128	0	0
68	Uruguay	S. America	3,444,071	99	34,789	31	111,099
69	Equatorial Guinea	M. Africa	869,587	100	8,696	0	0
70	Guinea-Bissau	W. Africa	1,888,429	100	18,884	0	0
71	Latvia	N. Europe	1,955,742	100	19,557	0	0
72	Estonia	E. Europe	1,309,104	101	12,961	0	0
73	Moldova	E. Europe	4,062,862	101	40,226	0	0
74	Central African Republic	C. Africa	4,998,493	104	48,062	0	0
75	Burundi	E. Africa	11,552,561	105	110,024	41	281,770
76	Kazakhstan	C. Asia	17,855,384	107	166,873	47	379,902
77	Belarus	E. Europe	9,481,521	109	86,986	56	169,313
78	Burkina Faso	W. Africa	18,633,725	111	167,871	0	0
79	Papua New Guinea	Oceania	7,776,115	111	70,055	0	0
80	Niger	W. Africa	20,715,285	113	183,321	0	0
81	Gabon	M. Africa	1,763,142	114	15,466	102	17,286
82	Chile	S. America	18,131,850	120	151,099	38	477,154
83	Israel	W. Asia	8,192,463	120	68,271	0	0
84	Jordan	W. Asia	7,747,800	120	64,565	60	129,130
85	Kyrgyzstan	C. Asia	6,033,769	120	50,281	0	0
86	Lesotho	S. Africa	2,160,309	120	18,003	33	65,464
87	New Zealand	Oceania	4,565,185	121	37,729	0	0
88	Cambodia	S.E. Asia	15,827,241	123	128,677	59	268,258
89	Macedonia	S. Europe	2,081,012	123	16,919	0	0
90	Ecuador	S. America	16,385,450	124	132,141	0	0

91	Sierra Leone	N. Africa	6,592,102	124	53,162	0	0
92	Azerbaijan	W. Asia	9,868,447	125	78,948	0	0
93	Turkmenistan	C. Asia	5,438,670	125	43,509	0	0
94	Honduras	N. America	8,189,501	128	63,980	0	0
95	Lebanon	W. Asia	5,988,153	128	46,782	0	0
96	Bolivia	S. America	10,888,402	130	83,757	36	302,456
97	Peru	S. America	31,774,225	130	244,417	0	0
98	Armenia	W. Asia	3,026,048	131	23,100	0	0
99	Laos	S.E. Asia	6,918,367	132	52,412	0	0
100	Congo Republic of	M. Africa	4,740,992	136	34,860	72	65,847
101	Georgia	W. Asia	3,979,781	137	29,049	0	0
102	Albania	S. Asia	2,903,700	140	20,741	0	0
103	Lithuania	N. Europe	2,850,030	141	20,213	0	0
104	Mali	W. Africa	18,134,835	147	123,366	0	0
105	Australia	Oceania	24,309,330	150	162,062	76	319,860
106	Belgium	W. Europe	11,371,928	150	75,813	71	160,168
107	Eritrea	E. Africa	5,351,680	150	35,678	0	0
108	Netherlands	Europe	16,979,729	150	113,198	75	226,396
109	Saudi Arabia	W. Asia	32,157,974	150	214,386	0	0
110	Senegal	W. Africa	15,589,485	150	103,930	100	155,895
111	Slovakia	S. Europe	5,429,418	150	36,196	0	0
112	Uzbekistan	C. Asia	30,300,446	150	202,003	100	303,004
113	Croatia	S. Europe	4,225,001	151	27,980	0	0
114	Zambia	E. Africa	16,717,332	157	106,480	0	0
115	Guatemala	C. America	16,672,956	158	105,525	0	0
116	Colombia	S. America	48,654,392	165	294,875	100	486,544
117	Venezuela	S. America	31,518,855	165	191,023	0	0
118	Ireland	N. Europe	4,713,993	166	28,398	60	78,567
119	Norway	N. Europe	5,271,958	169	31,195	0	0
120	Denmark	N. Europe	5,690,750	179	31,792	0	0
121	Cameroon	M. Africa	23,924,407	180	132,913	0	0
122	Austria	W. Europe	8,569,633	183	46,829	61	140,486
123	Dominican Republic	Caribbean	10,648,613	183	58,189	32	332,769
124	Chad	N. Africa	14,496,739	188	77,110	0	0
125	Malawi	E. Africa	17,749,826	193	91,968	0	0
126	Czech Republic	E. Europe	10,548,058	200	52,740	81	130,223
127	Finland	N. Europe	5,523,904	200	27,620	0	0
128	Libya	N. Africa	6,330,159	200	31,651	0	0
129	Switzerland	E. Europe	8,379,477	200	41,897	46	182,163
130	Zimbabwe	E. Africa	15,966,810	214	74,611	99	161,281
131	Tunisia	N. Africa	11,375,220	217	52,420	0	0
132	Angola	M. Africa	25,830,958	220	117,413	0	0
133	Malaysia	S.E. Asia	30,751,602	221	139,148	66	465,933
134	Kenya	E. Africa	47,251,449	224	210,944	0	0
135	Sri Lanka	S. Asia	20,810,816	225	92,493	0	0
136	Ghana	W. Africa	28,033,375	230	121,884	0	0
137	Portugal	S. Europe	10,304,434	230	44,802	0	0

138	Bulgaria	E. Europe	7,097,796	240	29,574	0	0
139	Mozambique	E. Africa	28,751,362	250	115,005	0	0
140	Serbia	S. Europe	8,812,705	250	35,251	0	0
141	Syrian Arab Republic	W. Asia	18,563,595	250	74,254	0	0
142	Ivory Coast	N. Africa	23,254,184	254	91,552	0	0
143	Argentina	S. America	43,847,277	257	170,612	72	608,990
144	Somalia	E. Africa	11,079,013	275	40,287	0	0
145	Philippines	S.E. Asia	102,250,133	284	360,036	23	4,445,658
146	Iran (Islamic Republic)	W. Asia	80,043,146	290	276,011	0	0
147	Greece	S. Europe	10,919,459	300	36,398	0	0
148	Korea (South/Republic)	S.E. Asia	50,503,933	300	168,346	0	0
149	Yemen	W. Asia	27,477,600	301	91,288	111	247,546
150	Canada	N. America	36,286,378	308	117,813	103	352,295
151	Iraq	W. Asia	37,547,686	325	115,531	0	0
152	Romania	E. Europe	19,372,734	330	58,705	136	142,447
153	South Sudan	E. Africa	12,733,427	332	38,354	50	254,669
154	Pakistan	S.E. Asia	192,826,502	342	563,820	104	1,854,101
155	Sweden	N. Europe	9,851,852	349	28,229	0	0
156	Bangladesh	S. Asia	162,910,864	350	465,460	0	0
157	Spain	S. Europe	46,064,604	350	131,613	263	175,151
158	Tanzania	E. Africa	55,155,473	350	157,587	0	0
159	Nigeria	W. Africa	186,987,563	352	531,215	109	1,715,482
160	Sudan	E. Africa	41,175,541	354	116,315	28	1,470,555
161	Madagascar	S. Africa	24,915,822	365	68,263	164	151,926
162	Hungary	E. Europe	9,957,731	386	25,797	0	0
163	Uganda	E. Africa	40,322,768	386	104,463	0	0
164	Morocco	N. Africa	34,817,065	395	88,144	270	128,952
165	South Africa	S. Africa	54,978,907	400	137,447	53	1,037,338
166	Myanmar	S.E. Asia	54,363,426	431	126,133	224	242,694
167	USA	N. America	324,118,787	435	745,101	100	3,241,188
168	Russian Federation	E. Europe	143,439,832	450	318,755	169	848,756
169	Ukraine	E. Europe	44,624,373	450	99,165	0	0
170	Poland	E. Europe	38,593,161	460	83,898	100	385,932
171	Algeria	N. Africa	40,375,954	462	87,394	136	296,882
172	Japan	E. Asia	126,323,715	480	263,174	242	521,999
173	Demo Repub of Congo	C. Africa	79,722,624	492	162,038	108	738,172
174	Mexico	N. America	128,632,004	500	257,264	128	1,004,938
175	Thailand	S.E. Asia	68,146,609	500	136,293	149	457,360
176	Viet Nam	S.E. Asia	94,444,200	500	188,888	0	0
177	Egypt	N. Africa	93,383,574	508	183,826	180	518,798
178	Brazil	S. America	209,567,920	513	408,514	81	2,587,258
179	India	S. Asia	1,326,801,576	545	2,434,498	245	5,415,517
180	Ethiopia	N. Africa	101,853,268	547	186,203	135	754,469
181	Turkey	W. Asia	79,622,062	550	144,767	0	0
182	Indonesia	S.E. Asia	260,581,100	560	465,323	0	0
183	France	W. Europe	64,668,129	577	112,076	347	186,363
184	Cuba	Caribbean	11,392,889	586	19,442	0	0



185	Nepal	S.E. Asia	28,850,717	594	48,570	0	0
186	Germany	W. Europe	80,682,351	620	130,133	69	1,169,309
187	Italy	S. Europe	59,801,004	630	94,922	315	189,844
188	United Kingdom	N. Europe	65,111,143	650	100,171	827	78,732
189	Korea (North)	S.E. Asia	25,281,327	687	36,800	0	0
190	China	E. Asia	1,382,323,332	2,978	464,178	0	0
191	Anguilla	Caribbean	14,763				
192	Aruba	Caribbean	104,263				
193	Bermuda	N. America	61,662				
194	Caribbean Netherlands	Caribbean	25,328				
195	Cayman Islands	Caribbean	60,764				
196	Cook Islands	Oceania	20,948				
197	Curaçao	Caribbean	158,635				
198	Falkland Islands	S. America	2,912				
199	Faroe Islands	N. Europe	48,239				
200	Fiji	Oceania	897,537				
201	French-Guiana	S. America	275,688				
202	French Polynesia	Oceania	285,735				
203	Gibraltar	S. Europe	32,373				
204	Greenland	N. Europe	56,196				
205	Guadalupe	Caribbean	470,547				
206	Guam	Oceania	172,094				
207	Guernsey & Jersey	N. Europe	164,466				
208	Guinea	W. Africa	12,947,122				
209	Hong Kong	S.E. Asia	7,346,248				
210	Isle of Man	N. Europe	88,421				
211	Macau	E. Asia	597,126				
212	Martinique	Americas	396,364				
213	Mayotte	E. Africa	246,496				
214	Montserrat	Caribbean	5,154				
215	New Caledonia	Oceania	266,431				
216	Niue	Oceania	1,612				
217	North. Mariana Islands	Oceania	55,389				
218	Palestine	W. Asia	4,797,239				
219	Puerto Rico	Caribbean	3,680,772				
220	Reunion	E. Africa	867,214				
221	Saint Helena, Tristan	E. Africa	3,956				
222	Saint Pierre & Miquelon	N. America	6,301				
223	Saint Maarten	Caribbean	39,538				
224	Taiwan	E. Asia	23,395,600				
225	Turks & Caicos	Caribbean	34,904				

\* Population figures are as close to 2016 as possible.

\*\* Not all legislatures are bicameral.

Population data collected in part from:

[https://en.wikipedia.org/wiki/List\\_of\\_countries\\_by\\_population\\_\(United\\_Nations\)](https://en.wikipedia.org/wiki/List_of_countries_by_population_(United_Nations))

**Please visit us at [restorerepresentation.com](http://restorerepresentation.com)**

# EXHIBIT D

*Case No.: 2:17-cv-00973-KJM-CMK  
Citizens for Fair Representation, et al v.  
Secretary of State Alex Padilla*

## ACTIVE STATE EMPLOYEES BY COUNTY

Data as of: June 2017

COUNTY	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
ALAMEDA	6552	149	534	2	7237
ALPINE	30	0	36	1	67
AMADOR	1902	10	86	0	1998
BUTTE	818	6	252	0	1076
CALAVERAS	255	1	47	0	303
CHICAGO, ILLINOIS	146	2	1	0	149
COLUSA	64	0	11	0	75
CONTRA COSTA	1279	30	143	0	1452
DEL NORTE	1322	3	69	0	1394
EL DORADO	444	8	307	0	759
FRESNO	8314	65	467	2	8848
GLENN	73	0	11	0	84
HUMBOLDT	1210	19	346	1	1576
IMPERIAL	2637	8	67	1	2713
INYO	288	2	69	0	359
KERN	8130	33	359	1	8523
KINGS	5217	20	241	2	5480
LAKE	196	1	33	0	230
LASSEN	2463	7	102	0	2572
LOS ANGELES	17947	162	1582	5	19696
MADERA	2416	18	167	1	2602
MARIN	1886	15	85	0	1986
MARIPOSA	217	0	15	0	232
MENDOCINO	540	1	183	0	724
MERCED	489	1	93	1	584
MODOC	66	0	12	1	79
MONO	78	1	50	0	129
MONTEREY	4062	11	379	2	4454
NAPA	3208	107	324	122	3761
NEVADA	258	2	183	0	443
NEW YORK, NEW YORK	165	3	0	0	168
ORANGE	4932	80	1019	0	6031
OUT OF STATE	81	1	16	0	98
PLACER	705	15	259	0	979
PLUMAS	76	2	22	0	100
RIVERSIDE	7417	33	563	2	8015
SACRAMENTO	67173	959	6938	8	75078
SAN BENITO	161	0	29	0	190
SAN BERNARDINO	9084	130	894	25	10133
SAN DIEGO	8073	110	956	22	9161
SAN FRANCISCO	3585	65	248	0	3898
SAN JOAQUIN	6444	25	298	0	6767
SAN LUIS OBISPO	5110	129	633	0	5872
SAN MATEO	528	8	81	0	617
SANTA BARBARA	469	1	162	1	633
SANTA CLARA	1629	35	128	1	1793
SANTA CRUZ	510	5	191	0	706
SHASTA	1779	21	227	1	2028
SIERRA	24	0	30	0	54
SISKIYOU	412	1	106	3	522

## ACTIVE STATE EMPLOYEES BY COUNTY

Data as of: June 2017

COUNTY	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
SOLANO	4618	19	179	2	4818
SONOMA	1962	78	291	1	2332
STANISLAUS	291	2	45	1	339
SUTTER	94	0	5	0	99
TEHAMA	367	3	26	0	396
TRINITY	77	1	26	0	104
TULARE	1677	3	175	3	1858
TUOLUMNE	1160	5	91	0	1256
VENTURA	1261	12	375	0	1648
YOLO	3143	24	132	5	3304
YUBA	734	10	30	0	774
Undetermined	4	0	19	0	23

**Total: 229379**

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
AFRO-AMERICAN MUSEUM		15	0	28	0	43
AGRICULTURAL LABOR REL BOARD		44	0	5	0	49
AIR RESOURCES BOARD		1334	25	167	1	1527
ALCOHOLIC BEVERAGE CNTR AP BD		6	0	3	0	9
ALCOHOLIC BEVERAGE CONTROL		413	6	29	0	448
ARTS COUNCIL		16	0	16	0	32
BALDWIN HILLS CONSERVANCY		5	0	7	0	12
BOARD OF EQUALIZATION		4126	51	66	0	4243
BOARD OF GOVERNORS CMTY COLLG		138	2	24	0	164
BOARD OF OSTEOPATHIC EXAMINER	OSTEPATHIC MED BRD OF CA	13	1	17	0	31
BOARD STATE & COMMUNITY CORR		78	5	6	0	89
BRD PILOT COMM	BAYS SF S. PABLO & SUISUN	5	0	0	0	5
BUS, CONSUMER SVS & HOUSING		15	0	1	0	16
CA DEPT OF HUMAN RESOURCES		281	8	31	0	320
CA HEALTH BENEFIT EXCHANGE		1012	3	93	0	1108
CA HIGH SPEED RAIL AUTHORITY		197	1	24	0	222
CA. ALTERNTVE ERGY SR FN AUTH		16	0	1	0	17
CA. CHILDREN/FAMILIES 1ST COM		43	0	13	0	56
CA. CITIZENS COMP COMMISSION		0	0	4	0	4
CA. COASTAL COMMISSION		147	5	41	0	193
CA. COMM ON DISABILITY ACCESS		1	0	16	0	17
CA. DEBT ADVISORY COMMISSION		16	0	3	0	19
CA. DEBT LIMIT ALLOCATION COM		10	0	1	0	11
CA. EARTHQUAKE AUTHORITY		46	0	0	0	46
CA. EDUC FACILITIES AUTHORITY		4	1	0	0	5
CA. EXPOSITION AND STATE FAIR		68	0	521	0	589
CA. GAMBLING CONTROL COMM		31	2	1	0	34
CA. HEALTH FACILITIES AUTH		16	0	1	0	17
CA. INST FOR REGENERATIVE MED		43	2	26	0	71
CA. JUDICIAL CENTER LIBRARY		5	1	0	0	6
CA. LAW REVISION COMMISSION		3	3	7	0	13
CA. MORTGAGE BOND,TAX CREDIT		43	0	1	0	44
CA. POLLUTN CONTRL FIN AUTH		29	0	2	0	31
CA. SCHOOL FINANCE AUTHORITY	TREASURER	11	0	1	0	12
CA. STATE AUDITOR'S OFFICE		167	3	7	0	177
CA. TAHOE CONSERVANCY		32	3	6	0	41
CA. TRANSPORTATION COMMISSION		20	0	14	0	34
CALIFORNIA CONSERVATION CORPS		498	4	1260	0	1762
CALIFORNIA DEPT OF AGING		109	3	18	0	130

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
CALIFORNIA HIGHWAY PATROL		10675	38	85	0	10798
CALIFORNIA HORSE RACING BOARD		44	2	6	7	59
CALIFORNIA SENIOR LEGISLATURE		1	0	1	0	2
CALIFORNIA STATE LIBRARY		123	2	1	0	126
CALIFORNIA STATE LOTTERY COMM		721	1	55	0	777
CDCR	AVENAL STATE PRISON	1213	4	73	0	1290
CDCR	AVENAL STATE PRISON - PIA	44	0	2	0	46
CDCR	CA CITY CORR FACILITY (IWF)	4	0	0	0	4
CDCR	CA CITY CORRECTIONAL FACILITY	617	2	15	0	634
CDCR	CA. CITY CORR FACILITY - PIA	4	0	1	0	5
CDCR	CA. CORRECTIONAL CENTER	1031	3	30	0	1064
CDCR	CA. CORRECTIONAL CENTER - PIA	6	0	1	0	7
CDCR	CA. CORRECTIONAL INSTITUTION	1561	5	31	0	1597
CDCR	CA. HEALTH CARE FACILITY	1187	2	32	0	1221
CDCR	CA. INSTITUTION FOR MEN	1631	13	81	0	1725
CDCR	CA. INSTITUTION FOR MEN - PIA	30	0	2	0	32
CDCR	CA. INSTITUTION FOR WOMEN	1056	4	50	0	1110
CDCR	CA. INSTITUTION FOR WOMEN- PIA	13	0	1	0	14
CDCR	CA. MEDICAL FACILITY	1491	8	50	0	1549
CDCR	CA. MEDICAL FACILITY - PIA	13	0	0	0	13
CDCR	CA. MEN'S COLONY	1705	7	45	0	1757
CDCR	CA. MEN'S COLONY - PIA	48	0	1	0	49
CDCR	CA. REHABILITATION CENTER- PIA	3	0	0	0	3
CDCR	CA. STATE PRISON - CORCORAN	1846	7	69	0	1922
CDCR	CA. STATE PRISON - SACRAMENTO	1660	9	77	0	1746
CDCR	CA. STATE PRISON - SOLANO	1255	7	42	0	1304
CDCR	CA. STATE PRISON - WASCO	1429	12	65	0	1506
CDCR	CA. STATE PRISON - WASCO - PIA	10	0	0	0	10
CDCR	CA. STATE PRISON-CORCORAN -PIA	59	0	2	0	61
CDCR	CALIPATRIA STATE PRISON	1161	4	24	0	1189
CDCR	CALIPATRIA STATE PRISON - PIA	5	0	2	0	7
CDCR	CCHCS-CENTRAL REGION	103	0	0	0	103
CDCR	CCHCS-HEADQUARTERS	1030	8	98	0	1136
CDCR	CCHCS-NORTHERN REGION	110	0	3	0	113
CDCR	CCHCS-SOUTHERN REGION	149	0	0	0	149
CDCR	CDCR/CCHCS CA HEALTH CARE FACI	1247	0	12	0	1259
CDCR	CENTINELA STATE PRISON	1182	4	23	0	1209
CDCR	CENTINELA STATE PRISON - PIA	11	0	2	0	13
CDCR	CENTRAL CA. WOMENS FACILITY	1120	10	81	0	1211

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
CDCR	CENTRAL CA. WOMENS FACILITY-PI	20	0	2	0	22
CDCR	CHADERJIAN SCHOOL	289	0	32	0	321
CDCR	CHUCKAWALLA VALLEY STATE PRISO	780	3	16	0	799
CDCR	CHUCKAWALLA VALY ST PRISON-PIA	7	0	3	0	10
CDCR	CORR TRAINING FACILITY - PIA	24	0	3	0	27
CDCR	CORR/IND REVOLVING FUND	251	2	25	0	278
CDCR	CORR/INMATE WELFARE FUND	18	0	0	0	18
CDCR	CORRECTIONAL TRAINING FACILITY	1333	5	45	0	1383
CDCR	CORRECTIONS/ADMINISTRATION	3729	17	182	0	3928
CDCR	CSP - LOS ANGELES COUNTY	1473	6	65	0	1544
CDCR	DELANO II STATE PRISON	1586	3	98	0	1687
CDCR	DEUEL VOCATIONAL INST - PIA	17	0	0	0	17
CDCR	DEUEL VOCATIONAL INSTITUTION	996	6	23	0	1025
CDCR	FOLSOM STATE PRISON	1045	4	39	0	1088
CDCR	FOLSOM STATE PRISON - PIA	39	0	5	0	44
CDCR	HIGH DESERT STATE PRISON	1237	4	43	0	1284
CDCR	HIGH DESERT STATE PRISON - PIA	7	0	1	0	8
CDCR	IRONWOOD STATE PRISON	1034	2	14	0	1050
CDCR	IRONWOOD STATE PRISON - PIA	4	0	2	0	6
CDCR	KERN VALLEY STATE PRISON - PIA	9	0	1	0	10
CDCR	MULE CREEK STATE PRISON	1622	10	44	0	1676
CDCR	MULE CREEK STATE PRISON - PIA	37	0	4	0	41
CDCR	NORTH KERN STATE PRISON	1343	8	33	0	1384
CDCR	NORTH KERN STATE PRISON - PIA	5	0	0	0	5
CDCR	NORTHERN CA. YOUTH CENTER	194	2	11	0	207
CDCR	O. H. CLOSE SCHOOL	172	0	34	0	206
CDCR	PAROLE & COMMUNITY SVS DIV	1966	7	7	1	1981
CDCR	PELICAN BAY STATE PRISON	1216	3	33	0	1252
CDCR	PELICAN BAY STATE PRISON - PIA	7	0	1	0	8
CDCR	PINE GROVE YTH CONS CAMP	25	0	6	0	31
CDCR	PLEASANT VALLEY ST PRISON-PIA	5	0	3	0	8
CDCR	PLEASANT VALLEY STATE PRISON	1267	4	43	0	1314
CDCR	R J DONOVAN CORR FACILITY	1806	6	76	0	1888
CDCR	R J DONOVAN CORR FACILITY-PIA	24	0	1	0	25
CDCR	REHABILITATION CENTER	1160	7	34	0	1201
CDCR	RICHARD A MCGEE CORR TR CENTER	433	3	370	0	806
CDCR	SALINAS VALLEY ST. PRISON- PIA	5	0	2	0	7
CDCR	SALINAS VALLEY STATE PRISON	1500	5	83	0	1588
CDCR	SAN QUENTIN STATE PRISON	1661	15	33	0	1709

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
CDCR	SAN QUENTIN STATE PRISON - PIA	17	0	1	0	18
CDCR	SIERRA CONSERVATION CENTER	1088	4	41	0	1133
CDCR	SIERRA CONSERVATION CENTER-PIA	7	0	1	0	8
CDCR	SUBSTANCE ABUSE TREAT FACILITY	17	0	1	0	18
CDCR	SUBSTANCE ABUSE TREAT-CORCORAN	1790	7	81	0	1878
CDCR	VALLEY STATE PRISON	1047	7	69	0	1123
CDCR	VENTURA SCHOOL FOR GIRLS	348	0	38	0	386
CDCR	YOUTH AUTHORITY/ADMINISTRATION	68	1	6	0	75
CITIZENS REDISTRICTING COMM		0	1	16	0	17
COACHELLA VALLEY MOUNT CONSER		4	0	1	0	5
COLORADO RIVER BOARD		8	0	8	0	16
COMM ON STATE GOVT ORG & ECON		5	0	0	0	5
COMM ON TEACHER CREDENTIALING		145	3	9	0	157
COMM ON THE STATUS OF WOMEN	COMM ON STATUS OF WOMEN/GIRLS	4	0	12	0	16
COMM ON UNIFORM STATE LAWS		0	0	7	0	7
COMMISSION ON AGING		3	0	0	0	3
COMMISSION ON JUDICIAL PERFORM		20	1	2	0	23
COMMISSION ON STATE MANDATES		11	1	3	0	15
COMMUNITY SERVICES/DEVELOPMEN		102	0	12	0	114
CONSERVATION		506	6	29	0	541
CONSUMER AFFAIRS	ACUPUNCTURE BOARD	9	1	10	0	20
CONSUMER AFFAIRS	ADMIN & INFO SVS	445	5	296	0	746
CONSUMER AFFAIRS	ARBITRATION CERT PROG	6	0	0	0	6
CONSUMER AFFAIRS	ATHLETIC COMMISSION	6	1	74	0	81
CONSUMER AFFAIRS	BARBER & COSMETOLOGY	77	1	35	0	113
CONSUMER AFFAIRS	BOARD OF ACCOUNTANCY	81	2	59	0	142
CONSUMER AFFAIRS	BOARD OF ARCHITECTURAL EXMRS	26	1	15	0	42
CONSUMER AFFAIRS	BOARD OF BEHAVIORAL SCIENCES	52	3	13	0	68
CONSUMER AFFAIRS	BOARD OF CHIROPRACTIC EXAMRS	19	0	8	0	27
CONSUMER AFFAIRS	BOARD OF DENTAL EXAMINERS	70	2	34	0	106
CONSUMER AFFAIRS	BOARD OF GUIDE DOGS FOR/BLIND	1	0	7	0	8
CONSUMER AFFAIRS	BOARD OF MEDICAL QUALITY ASSUR	4	1	13	0	18
CONSUMER AFFAIRS	BOARD OF OCCUPATIONAL THERAPY	13	0	8	0	21
CONSUMER AFFAIRS	BOARD OF OPTOMETRY	7	2	13	0	22
CONSUMER AFFAIRS	BOARD OF PHARMACY	95	3	20	0	118
CONSUMER AFFAIRS	BOARD OF REG FOR PROF ENGINRS	40	2	38	0	80
CONSUMER AFFAIRS	BOARD OF REGISTERED NURSING	158	2	84	0	244
CONSUMER AFFAIRS	BOARD OF RESPIRTY CARE E	17	0	11	0	28
CONSUMER AFFAIRS	BUREAU ELECT & APPLNC REPAIR	37	0	0	0	37



## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
CONSUMER AFFAIRS	BUREAU MEDICAL MARIJUANA REG	11	0	2	0	13
CONSUMER AFFAIRS	BUREAU OF AUTOMOTIVE REPAIR	572	2	8	0	582
CONSUMER AFFAIRS	BUREAU OF REAL ESTATE	322	1	10	0	333
CONSUMER AFFAIRS	BUREAU OF REAL ESTATE APPRAISR	30	0	1	0	31
CONSUMER AFFAIRS	CEMETERY BUREAU	21	0	1	0	22
CONSUMER AFFAIRS	COMMUNICATION & EDUC	70	2	5	0	77
CONSUMER AFFAIRS	CONSUMER RELATIONS	10	0	0	0	10
CONSUMER AFFAIRS	CONTRACTORS LICENSE BOARD	368	5	37	0	410
CONSUMER AFFAIRS	COURT REPORTERS BOARD	4	2	7	0	13
CONSUMER AFFAIRS	DENTAL HYGIENE COMMITTEE OF CA	8	0	10	0	18
CONSUMER AFFAIRS	DIV INVESTIGATION	168	0	54	0	222
CONSUMER AFFAIRS	MEDICAL BOARD OF CALIFORNIA	155	3	29	0	187
CONSUMER AFFAIRS	PHYSICAL THERAPY BOARD	16	5	10	0	31
CONSUMER AFFAIRS	PODIATRY EXAMINING COMMITTEE	5	0	10	0	15
CONSUMER AFFAIRS	PRIVATE POSTSECONDARY & VOC	81	0	14	0	95
CONSUMER AFFAIRS	PROFESSIONAL FIDUCIARIES BUREA	4	0	8	0	12
CONSUMER AFFAIRS	PSYCHOLOGY EXAMINING COMMITTEE	22	2	9	0	33
CONSUMER AFFAIRS	SECURITY & INVESTIGATION	53	2	20	0	75
CONSUMER AFFAIRS	SPEECH PATHOLOGY	8	0	10	0	18
CONSUMER AFFAIRS	STRUCTURAL PEST CONTROL BOARD	28	3	8	0	39
CONSUMER AFFAIRS	VETERINARY MEDICAL BD	17	2	22	0	41
CONSUMER AFFAIRS	VOCATIONAL NURSE PROG	57	1	16	0	74
COURT OF APPEAL	FIFTH APPELLATE DISTRICT	66	0	1	0	67
COURT OF APPEAL	FIRST APPELLATE DISTRICT	94	0	0	0	94
COURT OF APPEAL	FOURTH APPELLATE DISTRICT	165	1	0	0	166
COURT OF APPEAL	SECOND APPELLATE DISTRICT	216	9	5	0	230
COURT OF APPEAL	SIXTH APPELLATE DISTRICT	45	1	0	0	46
COURT OF APPEAL	THIRD APPELLATE DISTRICT	80	0	0	0	80
DELTA PROTECTION COMMISSION		6	0	1	0	7
DELTA STEWARDSHIP COUNCIL		61	5	0	0	66
DEPARTMENT OF MANAGED CARE		391	9	28	0	428
DEPARTMENT OF PUBLIC HEALTH		3394	89	120	0	3603
DEPT OF BUSINESS OVERSIGHT		558	8	10	0	576
DEPT OF CHILD SUPPORT SERVICE		548	3	7	0	558
DEPT OF STATE HOSPITALS		480	3	33	0	516
DEPT OF STATE HOSPITALS	ATASCADERO STATE HOSPITAL	1757	102	150	0	2009
DEPT OF STATE HOSPITALS	COALINGA SECURE TREATMENT FAC	1906	10	43	0	1959
DEPT OF STATE HOSPITALS	DEPT OF ST HOSPITALS-STOCKTON	750	2	12	0	764
DEPT OF STATE HOSPITALS	METROPOLITAN STATE HOSPITAL	1320	11	145	0	1476

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
DEPT OF STATE HOSPITALS	NAPA STATE HOSPITAL	2047	79	207	0	2333
DEPT OF STATE HOSPITALS	PATTON STATE HOSPITAL	2080	91	296	0	2467
DEPT OF STATE HOSPITALS	SALINAS VALLEY PSYCHIATRIC PRO	319	0	11	0	330
DEPT OF STATE HOSPITALS	VACAVILLE PSYCHIATRIC FACILITY	512	4	20	0	536
DEPT OF TECHNOLOGY		854	10	17	0	881
DEPT RESOURCES RECYCLE/RECVRY		648	25	44	0	717
DEVELOPMENTAL SERVICES	CANYON SPRINGS	134	1	3	0	138
DEVELOPMENTAL SERVICES	DEVELOPMENTAL SERVICES/ADMIN	360	11	36	0	407
DEVELOPMENTAL SERVICES	FAIRVIEW STATE HOSPITAL	854	27	15	0	896
DEVELOPMENTAL SERVICES	PORTERVILLE STATE HOSPITAL	1262	3	138	0	1403
DEVELOPMENTAL SERVICES	SONOMA STATE HOSPITAL	968	60	146	0	1174
EDUCATION		1305	26	78	0	1409
EDUCATION	DIAGNOSTIC CENTER/CENTRAL CA.	34	0	1	0	35
EDUCATION	DIAGNOSTIC CENTER/NORTH CA.	29	1	2	0	32
EDUCATION	DIAGNOSTIC CENTER/SOUTH CA.	29	1	1	0	31
EDUCATION	SCHOOL FOR THE BLIND	93	25	41	0	159
EDUCATION	SCHOOL FOR THE DEAF/FREMONT	303	19	155	0	477
EDUCATION	SCHOOL FOR THE DEAF/RIVERSIDE	297	4	97	0	398
EDUCATION	SUMMER SCHOOL FOR THE ARTS	4	0	0	0	4
EDUCATION AUDIT APPEALS PANEL		3	0	1	0	4
EMERGENCY MED SERVS AUTHORITY		67	0	15	0	82
EMPLOYMENT DEVELOPMENT DEPT		6835	164	520	0	7519
EMPLOYMENT DEVELOPMENT DEPT	CA. WORKFORCE INVESTMENT BOARD	24	0	40	0	64
EMPLOYMENT DEVELOPMENT DEPT	EMPLOYMENT TRAINING PANEL	88	0	13	0	101
EMPLOYMENT DEVELOPMENT DEPT	UNEMPLOYMENT INSURANCE APPEAL	341	26	42	0	409
ENVIRNMTL HLTH HAZRD ASSESS		120	7	42	0	169
FAIR EMPLOYMENT AND HOUSING		180	5	27	0	212
FAIR POLITICAL PRACTICES COMM		64	2	10	0	76
FINANCE		396	3	21	0	420
FINANCIAL INFO SYS FOR CA OFF		217	0	11	0	228
FISH AND WILDLIFE		2042	39	886	0	2967
FOOD AND AGRICULTURE		1303	19	614	30	1966
FOOD AND AGRICULTURE	22ND DIST AGRICULTURAL ASSOC	156	1	43	0	200
FOOD AND AGRICULTURE	32ND DIST AGRICULTURAL ASSOC	83	0	11	0	94
FORESTRY AND FIRE PROTECTION		71	0	24	0	95
FORESTRY AND FIRE PROTECTION	FORESTRY	7523	16	252	0	7791
FRANCHISE TAX BOARD		5220	78	1068	0	6366
GENERAL SERVICES		1060	10	23	0	1093
GENERAL SERVICES	BLDG AND PROPERTY MGMT BR	1491	4	6	0	1501

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
GENERAL SERVICES	OFFICE OF STATE ARCHITECT	604	3	32	0	639
GENERAL SERVICES	OFFICE OF STATE PUBLISHING	236	0	24	0	260
GOV OFF BUS & ECONOMIC DEVL		94	1	8	0	103
GOVERNMENT OPERATIONS AGENCY		16	0	1	0	17
GOVERNOR'S OFFICE		137	3	4	0	144
HABEAS CORPUS RESOURCE CENTER		75	0	5	0	80
HEALTH AND HUMAN SERVICES AGY		44	1	16	0	61
HEALTH SERVICES		3433	36	69	0	3538
HOUSING AND COMMUNITY DEVELOP		507	7	23	0	537
HOUSING FINANCE AGENCY		217	0	18	0	235
INDUSTRIAL RELATIONS		2680	21	114	0	2815
INSURANCE		1190	8	33	0	1231
JUDICIAL COUNCIL		679	13	5	0	697
JUSTICE		4165	71	294	0	4530
LABOR AND WORKFORCE DEV AGENC		12	0	3	0	15
LEGISLATIVE COUNSEL BUREAU		491	16	41	0	548
LEGISLATURE- ASSEMBLY		80	0	0	0	80
LEGISLATURE- SENATE		40	0	0	0	40
MENTAL HTH SVS OVERS/ACCT COM		27	0	2	0	29
MILITARY DEPARTMENT		839	0	7	0	846
MOTOR VEHICLES		7550	83	874	0	8507
MUSEUM OF SCIENCE & INDUSTRY		115	0	3	0	118
NATIVE AMERICAN HERITAGE COMM		10	0	2	0	12
OFC OF SECTY ENVIRMTL PROTECT		70	0	2	0	72
OFFICE OF ADMINISTRATIVE LAW		21	0	0	0	21
OFFICE OF EMERGENCY SERVICES		895	4	77	0	976
OFFICE OF INSPECTOR GENERAL		113	1	6	0	120
OFFICE OF STW HLTH PLNG & DEV		422	11	78	0	511
OFFICE OF SYSTEMS INTEGRATION		250	3	27	0	280
PARKS AND RECREATION		1959	19	3642	0	5620
PEACE OFF STANDARDS & TRAING		107	3	11	0	121
PESTICIDE REGULATION		349	6	45	0	400
PUBLIC EMPL'S RETIREMENT SYS		2619	40	154	0	2813
PUBLIC EMPLMT RELATIONS BOARD		50	1	8	0	59
PUBLIC UTILITIES COMMISSION		1002	10	73	0	1085
REHABILITATION		1671	19	247	0	1937
RESOURCES AGENCY		40	0	15	0	55
SACTO-SAN JOAQUIN DELTA CONSV		9	1	1	0	11
SAN DIEGO RIVER CONSERVANCY		3	0	1	0	4

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
SAN FRANCISCO BAY CON&DEV CM		43	1	8	0	52
SAN GABRIEL LOW LA RIV/MTN CO		4	0	10	0	14
SAN JOAQUIN RIVER CONSERVANCY		3	0	0	0	3
SANTA MONICA MTS CONSERVANCY		3	3	7	0	13
SCHOLARSHARE INVESTMENT BOARD		9	1	0	0	10
SECRETARY OF STATE'S OFFICE		502	3	11	0	516
SEISMIC SAFETY COMMISSION		6	0	13	0	19
SIERRA NEVADA CONSERVANCY		28	0	32	0	60
SOCIAL SERVICES		3863	171	179	0	4213
STATE COASTAL CONSERVANCY		56	4	6	0	66
STATE COMP INSURANCE FUND		4253	6	73	0	4332
STATE CONTROLLER'S OFFICE		1344	22	53	0	1419
STATE COUNCIL ON DEVL DISABL		62	1	28	0	91
STATE ENERGY RES CONS&DEV COM		593	16	47	0	656
STATE INDEPENDENT LIVING COUN		3	0	15	0	18
STATE LANDS COMMISSION		200	5	23	0	228
STATE PERSONNEL BOARD		57	1	11	0	69
STATE PUBLIC DEFENDER		62	2	3	0	67
STATE TEACHERS RETIREMENT SYS		1105	5	17	5	1132
STATE TREASURER'S OFFICE		218	3	15	0	236
STATE TREASURER'S OFFICE	CA ABLE ACT BOARD	3	0	0	0	3
STATE TREASURER'S OFFICE	CSCRSIB	3	0	0	0	3
STATUTORY OFFICERS	JUDGE'S RETIRE SYSTEM MEMBER	1151	0	0	0	1151
STATUTORY OFFICERS	LEGISLATURE RETIRE SYS MEMBER	7	0	0	0	7
STATUTORY OFFICERS	PUBLIC EMP RETIRE SYSTEM MEMBER	17	0	0	0	17
STUDENT AID COMMISSION		107	2	21	0	130
SUPREME COURT		125	3	6	0	134
TOXIC SUBSTANCES CONTROL		909	17	25	0	951
TRANSPORTATION	DISTRICT 1	514	14	45	0	573
TRANSPORTATION	DISTRICT 2	603	2	134	0	739
TRANSPORTATION	DISTRICT 3	1148	13	310	0	1471
TRANSPORTATION	DISTRICT 4	2614	18	194	0	2826
TRANSPORTATION	DISTRICT 5	638	10	3	0	651
TRANSPORTATION	DISTRICT 6	1111	4	41	0	1156
TRANSPORTATION	DISTRICT 7	2235	6	237	0	2478
TRANSPORTATION	DISTRICT 8	1294	6	158	0	1458
TRANSPORTATION	DISTRICT 9	230	1	34	0	265
TRANSPORTATION	DISTRICT 10	667	1	100	0	768
TRANSPORTATION	DISTRICT 11	1136	6	11	0	1153

## ACTIVE STATE EMPLOYEES BY DEPARTMENT/FACILITY

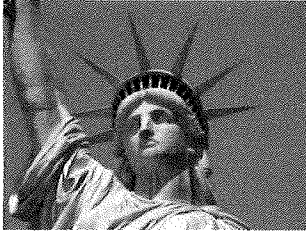
Data as of: June 2017

DEPARTMENT	FACILITY/BOARD/BUREAU	FULL TIME	PART TIME	INTERMITTENT	INDETERMINATE	TOTAL
TRANSPORTATION	DISTRICT 12	741	2	0	0	743
TRANSPORTATION	EQUIPMENT HEADQUARTERS SHOP	631	0	25	0	656
TRANSPORTATION	HEADQUARTERS OPERATIONS	1163	19	47	0	1229
TRANSPORTATION	SECRETARY FOR TRANSPORTATION	54	0	2	0	56
TRANSPORTATION	TRANSPORTATION/ADMINISTRATION	3294	39	49	0	3382
VETERANS AFFAIRS	BARSTOW VETERANS HOME	184	2	18	24	228
VETERANS AFFAIRS	CHULA VISTA VETERANS HOME	337	12	20	22	391
VETERANS AFFAIRS	GLAVC	519	15	14	0	548
VETERANS AFFAIRS	VETERANS AFFAIRS/ADMINISTRATN	383	9	8	5	405
VETERANS AFFAIRS	VETERANS HOME	724	27	48	122	921
VETERANS AFFAIRS	VETERANS HOME OF CA, FRESNO	402	8	0	0	410
VETERANS AFFAIRS	VETERANS HOME OF CA, REDDING	226	11	14	0	251
VICTIM COMP & GOV CLAIMS BRD		218	4	3	0	225
WATER RESOURCES		3028	29	298	0	3355
WATER RESOURCES CONTROL BOARD		1939	53	225	0	2217
WILDLIFE CONSERVATION BOARD		26	0	3	0	29

**Total of Department/Facility Active Employees: 229379**

# EXHIBIT E

*Citizens for Fair Representation et al v Secretary of State Alex Padilla*



770 L Street, Suite 950  
Sacramento, CA 95814  
(916) 446-1776  
ca.lp.org

August 29, 2016

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street  
Sacramento, CA 95814

Dear Mr. Padilla:

The State Executive Committee of the Libertarian Party of California hereby notifies you of the following:

California has nearly 40 million people and at the same time has a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000.

We are informed and have information to show that the initial representation for California was 16 Senators and 36 Assembly members for about 92,000 people. The number of representatives in the Senate and the Assembly increased as the population increased until 1862 when the size of the Senate and Assembly reached its current size and the state population was about 400,000 people. This means that the Assembly seats began with about 2,500 people per representative on average and the Senate began with just less than 6,000 people on average. It is also notable that each county had a representative. When the legislature stopped increasing in size, the Senators had an average of 10,000 people and the Assembly had an average of 5,000 people. So, the fact that the population keeps growing and the number of representatives does not has resulted in a massive material effect on the voters and us as Libertarians.

As the leaders of the Libertarian Party of California, we represent the 120,000 or so registered Libertarians in California. We have a material interest in our constituents, particularly those who have registered as Libertarians in maintaining the value of their vote. The static level of representation with 40 Senators and 80 Assembly Members and the continuously growing population devalues the vote of each Libertarian.

We as Libertarians also have an interest in competitive elections and for the districts to have reasonably-sized constituencies. Finally, the Libertarian Party has a material interest in smaller districts with smaller constituencies that would give candidates who run as Libertarians a better chance of being elected to office. The larger the district, the more expensive it is for those running for office. This has a decisive advantage for the incumbent who holds office and has votes in the legislature, but the challengers do not.

Case 2:17-cv-00973-KJA-GMK Document 1-1 Filed 07/28/17 Page 92 of 118  
On behalf of the membership of the Libertarian Party, I hereby demand that the number of Assembly members and State Senators in the California Legislature be increased.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ted Brown', with a stylized flourish at the end.

Ted Brown  
Chair, Libertarian Party of California  
tbrown@ca.lp.org



Markham Robinson  
American Independent Party of California  
476 Deodara Street  
Vacaville, CA 95688-2637

May 6, 2017

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

To the Honorable Secretary of State:

I am the Chairman of the American Independent Party of These United States (AIPOTUS), the national party with which the American Independent Party of California (AIPCA) is affiliated. The American Independent Party is the third largest party with 510,486 registered voters in the Report of Registration of February 10, 2017, published by you, the California Secretary of State. I am the Chairman of the Executive Committee of the AIPCA. I am also a past party Chairman of the AIPCA (2008-2010).

California currently has approximately 40 million residents, and we have a State Senate formed of just 40 members and an Assembly of a mere 80 members—making vast districts for members of both houses of the State Legislature. The ratio of size of Federal to State districts started out with the Federal many times greater than the State, but now State districts are comparable in size to those of our national legislature's most numerous branch.

I, and the registered members of my party, have a material interest in maintaining the value of our votes. The static level of representation and our growing population has diminished the value of our votes as citizens of the State. So not only is our vote worth very little, but it continues to decline in value as our population grows.

As a ballot-qualified political party since 1968, we have a collective interest in a fair chance at electing representatives of our party to the State Legislature. It is quite apparent that if the districts were smaller, members of my party could more competitively run for these seats. Even at the outset, with a very well-known national candidate for President and a well-funded and vigorous registration effort which qualified our party for ballot status in record time, and even at the pinnacle of public interest in our party, we failed to elect a single member to either state-wide office or to the State Legislature. This was due to two factors: 1. Even then the size of districts made it a formidable and expensive task to acquaint registered voters in these districts with the virtues of our candidates. 2. The "lesser of two evils" argument was very persuasive and logical against the election of any minor party candidates, ours included.

Two factors offer our party a substantial chance to elect some of our number to the State Legislature, if district size were to be reduced to a size fitted to adequate representation of their inhabitants: 1. The increasing disaffection with the state of representation and governance in the population of the State, as evinced by the choice of No Party Preference or American Independent Party, which together bulk larger in registration than the second largest party in the

State, the Republican Party. 2. The elimination of partisan primaries for virtually all elections in the State, save for the quadrennial Presidential Primaries.

Article IV, Section 4 of the United States Constitution states: “The United States shall guarantee to every State in this Union a republican form of government.”

The State of California has failed to provide an effective mechanism of self-government, which I believe is identical to a *republican form of government*. As is usual, the United States Constitution does not define its terms, however I do not believe it will be controversial to declare that the following elements are central to an effective “republican form of government” suitable for a free people’s self-governance, namely the following:

- The rule of law,
- The equal protection of the said laws for the inhabitants,
- The use of due processes for the application of said law.
- An effective representative mechanism for the origination of said laws.

But whose responsibility is this guarantee of a “republican form of government?” Section 4 says “The United States,” but this duty is not allocated to any branch, department or officer thereof! Whose then is this impressive and vital obligation? Fortunately the genius of the Framers of our Constitution has an answer to this question in Article I, Section 8, last *clause* in what I call the “git ‘er done” *clause*, commonly called the “necessary and proper” *clause*, an unfortunate denomination, for it shifts focus from the central purpose of this vital provision from its purpose of enabling Congress to make its own powers and those of any other part, or officer or the whole (United States in this case) effective by providing how they may be carried into execution.

Article I, Section 8 “The Congress shall have power ... To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.”

This demand is going to the Secretary of State of California. However, where then does the Secretary of State of California or any other part of California’s government or the Court to whom a pleading is made to make this demand effective come in? I do not pretend to understand how the Secretary of State or the State Legislature can or will heed the plaintive cries of the People of the State or its organized political parties, since they are manifestly deaf to our concerns, interests & opinions, since we have as People *so long* lacked effective representation. Will the Congress heed these pleas? How will it even *hear* them? The answer to that last question finally actually does lie within the power of the Court to whom we address our plea.

If the Court makes a finding that the People of California are denied a fundamental perquisite of effective representation, a sufficiently small district size, and hence certainly denied thereby a “republican form of government,” it may order a change in district size, directed to the State as a whole, even as the United States as a whole has a *duty to guarantee* such a form of

government to the State, leaving to the State's own Constitutional processes the effectuation of a provision of a reasonable district size for its legislature.

If the State continues to fail in its duty to its People to provide what the United States is obliged to guarantee, I expect that the Congress *may* rouse itself from its long somnolence to either legislate a remedy or propose an Amendment to the States with the same end.

I am hereby demanding that the State of California, with your able assistance, to remedy this matter by increasing the number of representatives in the California Legislature to a reasonable level. How it does so, I leave to the State of California and to a Court (should it concur in our pleadings). I will not attempt to reproduce here all the arguments for the determination of the size of these districts, but I think that the size of 50,000 per district as in the proposed first article in the original 12 Articles proposed to the States, 10 of which were immediately recognized as ratified to become our famous "Bill of Rights," would be a reasonable choice given the advance of communication technology. If adopted at the State level this would entail about 800 Assembly Districts, and 400 State Senate Districts, which would, in my opinion, be manageable.

Respectfully Submitted,

A handwritten signature in black ink, reading "Markham G. Robinson". The signature is written in a cursive, flowing style.

Markham G. Robinson  
Chairman, American Independent Party of these United States

Date: May 6, 2017

ATTEST:  
COLLEEN SETZER  
County Clerk  
of the State of California  
in and for the County of Siskiyou.  
By [Signature] Deputy

**DECLARATION**  
**TO THE CALIFORNIA STATE LEGISLATURE**  
**SUPPORTING THE WITHDRAWAL OF SISKIYOU COUNTY**  
**FROM THE STATE OF CALIFORNIA**

**WHEREAS**, there are times in our history when it is apparent that the political separation of one people from another becomes necessary, both for the survival of the one, as well as the continued well being of the other; and

**WHEREAS**, the Siskiyou County Board of Supervisors recognizes the lack of representation for rural and frontier counties in the California Legislature and the Board is aware of an increasing tendency by the State of California to exercise legislative and fiscal malfeasance in the form of an illegal fire tax, property rights violations, and assaults upon Second Amendment rights, as well as disregard for other unalienable rights of the Citizens of Siskiyou County; and

**WHEREAS**, agencies of the Executive Branch of the State of California are engaged in an attempt to remove four, fully-functional, well-maintained hydroelectric dams on the Klamath River over the objections of the Board of Supervisors and those of a vast majority of the Citizens of Siskiyou County; and

**WHEREAS**, State and Federal Agencies through aggressive regulation and reinterpretation of long-established laws have denied the County of Siskiyou, its businesses, and its citizens access to our most abundant natural resources, causing untold harm to our economy, as well as to our health and public safety; and

**WHEREAS**, State and Federal Agencies have, through a process commonly known as "sue and settle," compromised longstanding principles and priorities of beneficial use and stewardship of our natural resources while sacrificing public processes and open government; and

**WHEREAS**, the Board of Supervisors of the County of Siskiyou has come to the realization that the State of California is ungovernable in its present form and the People of Siskiyou County have asked the board to support this resolution for the Health, Welfare, and Public Safety of the people; and

**WHEREAS**, the Board of Supervisors recognizes that soon after statehood, credible efforts were made to split the state, with 45 proposals by 1998, including the strong Jefferson State movement of 1941 and the election results of June 2, 1992, when the citizens of 27 counties by county advisory votes voted in favor of splitting the State of California.

**NOW, THEREFORE, IT IS HEREBY DECLARED** that the Siskiyou County Board of Supervisors desires, with the involvement of our citizens and, hopefully, with

the involvement of other Counties within rural California, to withdraw Siskiyou County from the State of California and start over by helping to form a new state which represents the needs, provides opportunity, and protects the rights, liberties, public health, and safety of the people of a new State of Jefferson; and

**BE IT FURTHER DECLARED** that, pursuant to the requirements of Section 3 of Article IV of the United States Constitution, the Siskiyou County Board of Supervisors requests that the California Legislature approve the withdrawal from the State of California of the lands described below; to be incorporated in a new state along with the lands of other Counties, within or without the current boundaries of the State of California, which Counties declare similar intentions:

Commencing on the northern line of the State of California at the northeast corner of Del Norte, being on the summit of a spur of the Siskiyou Range of mountains; thence southerly along the eastern line of Del Norte to the northern line of Humboldt; thence easterly and southerly along the northern and eastern line of Humboldt to the northwest corner of Trinity; thence along the northern boundary of Trinity to the northwest corner of Shasta at Castle Rock; thence due east to the range line between R. 4 and 5 E., M. D. B. & M.; thence north along said range line to the northern boundary of the State of California; thence due west along said state boundary line to the place of beginning.

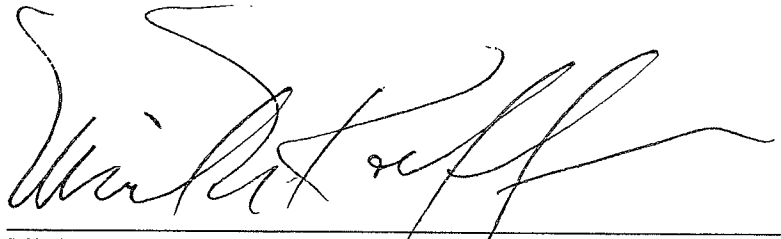
PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board held on the 3rd day of September, 2013, by the following vote:

AYES: Supervisors Kobseff, Armstrong, Criss and Pennett

NOES: Supervisor Valenzuela

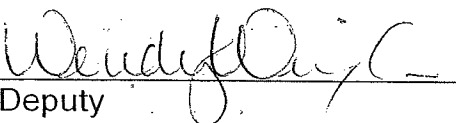
ABSENT: NONE

ABSTAIN: NONE



Michael N. Kobseff, Vice-Chairman  
Siskiyou County Board of Supervisors

ATTEST:  
COLLEEN SETZER,  
COUNTY CLERK

By   
Deputy

Print Name: Terry Rapoza  
Title \_\_\_\_\_  
Address 2825 BALATON AVE  
City/Ca/ZIP: REDDING CA. 96001  
Phone: 530 240 9706  
Email: terryrapoza@hotmail.com

Date 8/30/16

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are three times larger than the next worst represented states! How can one person represent a million or half a million people? Representation should increase with the population, it should be organic and the common citizen should have access to them.

New Hampshire and Vermont have the best representation at about 3,000 and 4,000 representatives when compared to ours. Even when we consider the States with the next worse representation after our own, which includes Texas and Florida with representation in their lower chamber at about 160,000 we are three times worse! That is absolutely unacceptable.

So, as the population of California has grown, the legislative districts have grown and in this process my vote has been devalued. This should not be allowed and I believe diluting my vote is unconstitutional. Further, as the district gets larger, donations become more important than my vote does. Another effect of this current system is that I am not able to effectively meet with or petition my representative and the trend of creating more and more assistants instead of adding more representatives is simply improper.

I hereby demand you rectify this problem by increasing the number of representatives in the legislature so that we can all have access, not just the lobbyists.

Respectfully Submitted, Terry Rapoza

Signature [Signature] Date 8/30/16



Steven L. Baird  
21890 One Fine Place  
Colfax, CA 95713.

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000, far too large to be considered democratic.

I was a recent republican primary candidate for the State Senate District 1. The district is simply immense, comprised of about 1 million people and spread across 11 Counties. As a candidate, I had the option to pay a fee in each county to be listed in their voting guide; a price easily borne by the incumbent, a tremendous burden to me. As the district gets larger, donations will become more and more important.

The district is so large I could not physically meet with enough people to get elected. 1 million people is simply out of bounds and not justifiable. The current senate districts are arbitrary and make no sense, simply being twice the size of the Assembly districts when they should be based on the size of the counties. The districts size of 40 was established at Colton Hall in 1849 when California's Population was 92,000 people. This is absurd that we are using 17<sup>th</sup> century representation in the 21<sup>st</sup> century. Those in power who can more easily amend the Constitution to expand representation will not do so because it protects their incumbency.

Another adverse effect of the current system is to force each county to hire lobbyists if they want to advance their interests in the State legislature. The counties have no choice, since they don't have their own representatives and instead have to share them with several other counties. After Reynolds v. Sims, California simply divided the population by senate districts; a better remedy would have been to increase the number of Senators by 18 so that every County had a Senator. The largest counties should probably be divided.

I hereby demand you rectify this problem by increasing the number of representatives in the legislature so that we can all have access, not just the lobbyists.

Respectfully Submitted,

Signature



Date

9/1/2016

**DECLARATION**  
**TO THE CALIFORNIA STATE LEGISLATURE**  
**SUPPORTING THE WITHDRAWAL OF MODOC COUNTY**  
**FROM THE STATE OF CALIFORNIA**

**WHEREAS**, there are times in our history when it is apparent that the political separation of one people from another becomes necessary, both for the survival of the one, as well as, the continued well being of the other; and

**WHEREAS**, the Modoc County Board of Supervisors recognizes the lack of representation for rural and frontier counties in the California Legislature and the Board is aware of an increasing tendency by the State of California to exercise legislative and fiscal malfeasance in the form of an illegal fire tax, property rights violations, and assaults upon Second Amendment rights, as well as, disregard for other inalienable rights of the Citizens of Modoc County; and

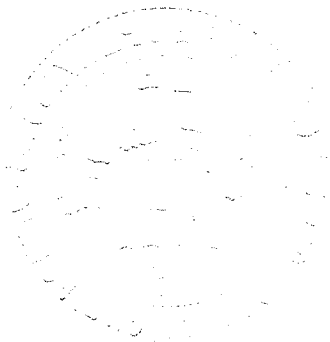
**WHEREAS**, State and Federal Agencies have, through aggressive regulation and reinterpretation of long-established laws have denied the County of Modoc, its businesses, and its citizens access to our most abundant natural resources, causing untold harm to our economy, as well as to our health and public safety; and

**WHEREAS**, State and Federal Agencies have, through a process commonly known as "sue and settle", compromised longstanding principles and priorities of beneficial use and stewardship of our natural resources while sacrificing public processes and open government; and

**WHEREAS**, the Board of Supervisors of the County of Modoc, has come to the realization that the State of California is ungovernable in its present form and the People of Modoc have asked the Board to support this resolution for the Health, Welfare, and Public Safety of the people; and

**WHEREAS**, the Board of Supervisors recognizes that soon after statehood, credible efforts were made to split the state, with 45 proposals by 1998, including the strong Jefferson State movement of 1941 and the election results of June 2, 1992, when citizens of 27 counties by county advisory votes, voted in favor of splitting the State of California.

**NOW, THEREFORE, IT IS HEREBY DECLARED** that the Modoc County Board of Supervisors desires, with the involvement of our citizens, and hopefully with the involvement of other California Counties within rural California, to withdraw Modoc County from the State of California and start over by helping to form a new state which represents the needs, provides opportunity, and protects the rights, liberties, public health, and safety of the people of a new State of Jefferson; and





**BE IT FURTHER DECLARED** that, pursuant to the requirements of Section 3 of Article IV of the United States Constitution, the Modoc County Board of Supervisors requests that the California Legislature approve the withdrawal from the State of California of the lands described below, to be incorporated in a new state along with the lands of other Counties, within or without the current boundaries of the State of California, which Counties declare similar intentions:

The boundaries of Modoc County are as follows:

Commencing at the northeast corner of the State of California; thence west, along the northern boundary line of said State, to the range line between R. 4 and 5 E., M.D.B & M.; hence due south, on said range line, to the southern boundary line of Siskiyou; thence east along an extension of said southern boundary line; to the state line; and thence north to the place the beginning.

(Added by Stats. 1947, Ch.424.)

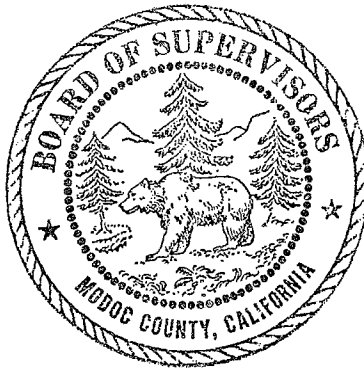
PASSED AND ADOPTED by the Modoc County Board of Supervisors at a regular meeting of said Board held on the 24<sup>th</sup> day of September 2013, by the following vote.

AYES: Supervisors Allan, Pedersen, Alves, & Byrne.

NOES: None.

ABSTAIN: Supervisor Wills.

ABSENT: None.



Geri Byrne, Chairman

Modoc County Board of Supervisors

ATTEST:

Stephanie Wellemeyer

Modoc County Clerk of the Board

I, CLERK OF THE BOARD OF SUPERVISORS  
DO HEREBY CERTIFY THAT THIS IS A FULL  
TRUE AND CORRECT COPY OF THE ORIGINAL  
DOCUMENT ON FILE IN MY OFFICE. WITNESS  
MY HAND AND OFFICIAL SEAL THIS  
DATE April 28, 2014  
  
CLERK

David Garcia  
7611 Kirby Street  
Valley Springs, CA 95252

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are three times larger than the next worst represented states! How can one person represent a million or half a million people? Representation should increase with the population, it should be organic and the common citizen should have access to them.

New Hampshire and Vermont have the best representation at about 3,000 and 4,000 respectively and it is breathtaking to consider the access that those citizens have to their representatives when compared to ours. Even when we consider the States with the next worse representation after our own, which includes Texas and Florida with representation in their lower chamber at about 160,000 we are three times worse!

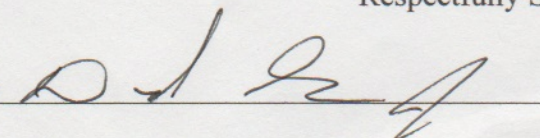
So, as the population of California has grown, the legislative districts have grown and in this process my vote has been devalued. This should not be allowed and I believe diluting my vote is unconstitutional. Further, as the district gets larger, donations become more important than my vote does. Another effect of this current system is that I am not able to effectively meet with or petition my representative and the trend of creating more and more assistants instead of adding more representatives is simply improper.

I believe that the current level of representation harms all minorities and in particular, the individual who doesn't have the money to contribute to an official to have access. A person should be able to stand on his own vote and that should be enough to grant access.

I hereby demand you rectify this problem by increasing the number of representatives in the legislature so that we can all have access, not just the lobbyists.

Respectfully Submitted,

Signature



Date

9-6-16



Howard Thomas  
1065 Sierra Plum Circle  
Portolla, CA 96122

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are three times larger than the next worst represented states! How can one person represent a million or half a million people? Representation should increase with the population, it should be organic and the common citizen should have access to them.

New Hampshire and Vermont have the best representation at about 3,000 and 4,000 respectively and it is breathtaking to consider the access that those citizens have to their representatives when compared to ours. Even when we consider the States with the next worse representation after our own, which includes Texas and Florida with representation in their lower chamber at about 160,000 we are three times worse! That is absolutely unacceptable.

So, as the population of California has grown, the legislative districts have grown and in this process my vote has been devalued. This should not be allowed and I believe diluting my vote is unconstitutional. Further, as the district gets larger, donations become more important than my vote does. Another effect of this current system is that I am not able to effectively meet with or petition my representative and the trend of creating more and more assistants instead of adding more representatives is simply improper.

I hereby demand you rectify this problem by increasing the number of representatives in the legislature so that we can all have access, not just the lobbyists.

Respectfully Submitted,

Signature Howard Thomas

Date 10/30/16



Michael Thomas  
2171 Holland Drive  
Placerville, CA 95667

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are three times larger than the next worst represented states! How can one person represent a million or half a million people? Representation should increase with the population, it should be organic and the common citizen should have access to them.

New Hampshire and Vermont have the best representation at about 3,000 and 4,000 respectively and it is breathtaking to consider the access that those citizens have to their representatives when compared to ours. Even when we consider the States with the next worse representation after our own, which includes Texas and Florida with representation in their lower chamber at about 160,000 we are three times worse! That is absolutely unacceptable.

So, as the population of California has grown, the legislative districts have grown and in this process my vote has been devalued. This should not be allowed and I believe diluting my vote is unconstitutional. Further, as the district gets larger, donations become more important than my vote does. Another effect of this current system is that I am not able to effectively meet with or petition my representative and the trend of creating more and more assistants instead of adding more representatives is simply improper.

I hereby demand you rectify this problem by increasing the number of representatives in the legislature so that we can all have access, not just the lobbyists.

Respectfully Submitted,

Signature Michael Thomas

Date 10-30-16



Mark Baird  
P.O. Box 842  
Fort Jones, Ca 96032

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are four hundred percent larger than the next worst represented states! How can one person represent a million or half a million people? Representation should increase with the population, it should be organic and the common citizen should have access to them. Article Eleven, Section One, of the California Constitution should be your guide. My county is taxed as a legal subdivision of the state, and yet we do not have a State Senator nor do we have an assembly member. We share what little representation we do have with ten other counties who do not share our concerns or interests. Often time counties have competing interests. Our Assemblyman and Senator must fail to represent us in order to represent another county. This is not a representative form of government. We need a Senator for each county and we demand assembly representation for each county in order to have influence over how our tax monies are spent.

New Hampshire and Vermont have the best representation at about 3,000 and 4,000 respectively and it is breathtaking to consider the access that those citizens have to their representatives when compared to ours. Even when we consider the States with the next worse representation after our own, which includes Texas and Florida with representation in their lower chamber at about 160,000 we are almost four times worse! That is absolutely unacceptable.

The framers of the California Constitution set assembly Districts at one representative for each 2500 citizens. As Population increased so did representation. At some point in the 19<sup>th</sup> century, the Government arbitrarily capped representation at 80 Assemblymen and 40 Senators. As the population of California has grown, the legislative districts have grown and in this process my vote has been devalued. This should not be allowed and I believe diluting my vote is unconstitutional. Further, as the district gets larger, campaign donations have become more important to our representatives than my vote. Another effect of this current system is that I am not able to effectively meet with or petition my representative and the trend of creating more and more assistants instead of adding more representatives is simply improper.

The California government passes laws from the Urban Senators and Assemblymen which detrimentally impact my family, my business and my community. The State of California has violated the Constitution by making compacts with Oregon to remove dams in my community which would allow unchecked flooding. This was done in spite of the fact that 79.9 percent of the people in Siskiyou County voted to stop dam removal. The United States Constitution bars States from making agreements with one another unless Congress passes legislation. Los Angeles State Senators and their Union contributors have more of the majority than all of the Northern California Representatives combined. The State attacks Second Amendment rights although my community does not have full time law enforcement. Law makers from the city pass regulations which negatively impact my community and yet will not answer an email from those they subjugate. The government sends swarms of appointed officials to harass farmers and ranchers. They hold meeting regarding environmental actions and either hold the meetings far from our homes in order to prevent our attendance or in some cases have held public meetings in secret. These actions among many others are intolerable to me and I demand they be investigated and rectified.

I hereby demand that the California Legislature hold hearings into the injustice of lack of representation and immediately rectify this problem by increasing the number of representatives in the legislature so that we can all have access, not just the lobbyists. I demand that each County have equal representation in the California Senate, and population ratios in the assembly should be reduced until there is one Assembly member for each 2500 citizens so that each and every county has at least one assembly member.

Respectfully Submitted,

Signature



Date

2/15/2017

Mark A Baird  
P.O. Box 842  
Fort Jones, CA 96032



**BOARD OF SUPERVISORS, GLENN COUNTY CALIFORNIA**

**DECLARATION AND PETITION  
TO THE CALIFORNIA STATE LEGISLATURE  
FOR THE WITHDRAWAL OF GLENN COUNTY  
FROM THE STATE OF CALIFORNIA AND TO FORM  
THE STATE OF JEFFERSON**

**WHEREAS**, there are times in our history when it is apparent that the political separation of one people from another has become necessary, both for the survival of the one, as well as the continued wellbeing of the other; and

**WHEREAS**, the Glenn County Board of Supervisors recognizes the lack of representation for rural and frontier counties in the California Legislature, and the Board recognizes an increasing tendency by the State of California to exercise legislative and fiscal malfeasance in the form of an illegal fire tax, the State of California's disregard of payment in lieu of taxes owed to many rural counties, in the excesses of the California EPA with CARB regulations more suited for Urban standards, in property rights violations, and in assaults upon Second Amendment rights, as well as disregard for other inalienable rights of the Citizens of Glenn; and

**WHEREAS**, State and Federal Agencies, through aggressive regulation and by reinterpretation of long-established laws, have denied the County of Glenn, its businesses, and its citizens, access to our most abundant natural resources, and fishing grounds, causing untold harm to our economy, as well as to our health and public safety; and

**WHEREAS**, State and Federal Agencies have, through a process commonly known as "sue and settle", compromised longstanding principles and priorities of beneficial use and stewardship of our natural resources while sacrificing public processes and open government; and

**WHEREAS**, Counties played an integral part of California history as we note that each original county had a representative in the original Constitutional Convention in 1849; that each county had a representative in 1878/1879 Convention; that each County originally had a representative in both Chambers of the legislature; and that Property Taxes for State Bonds as well as other taxes are assessed in each County; and

**WHEREAS**, this current State Legislature's system of leaving the number of representatives in both chambers static at 40 Senators and 80 Assembly members and most rural counties without representation, is arbitrary, and has the undesirable result that, as the population grows, it dilutes the share of each County in its governing role, whereby forcing Counties to share its Senators and Assembly members with more Counties as the decades go by, diluting and abridging the votes of the citizens and of the Counties themselves in this process; and

**WHEREAS**, dilution of the individual voter's representation in California, to a ratio of almost 450,000 citizens to one representative in the Assembly and almost 950,000 to one in the Senate, has denied voters of Glenn County adequate representation; and

**WHEREAS**, the Board of Supervisors of the County of Glenn has come to the realization that the State of California is ungovernable in its present form, and the People of Glenn have asked the Board to support this resolution for the Health, Welfare, and Public Safety of the people; and

**WHEREAS**, the Board of Supervisors recognizes that soon after California statehood, credible efforts were made to split the state, with 45 proposals by 1998, including the strong Jefferson State movement of 1941 and the election results of June 2, 1992, when citizens of 27 Counties by county advisory votes, voted in favor of splitting the State of California.

**NOW, THEREFORE, IT IS HEREBY DECLARED** that the Glenn County Board of Supervisors desire, with the involvement of our citizens, and hopefully with the involvement of other California Counties within rural California, to withdraw Glenn County from the State of California and start over by forming a new state which represents the needs, provides opportunity, and protects the rights, liberties, public health, and safety of the people of a new State of Jefferson; and

**BE IT FURTHER DECLARED** that, pursuant to the requirements of Section 3 of Article IV of the United States Constitution, the Glenn County Board of Supervisors requests that the California Legislature redress the above grievances and or approve the withdrawal from the State of California of the lands described below, to be incorporated in a new state along with the lands of other Counties, within or without the current boundaries of the State of California, which Counties declare similar intentions:

The boundaries of Glenn County are as follows:

Beginning at a point on the eastern boundary line of Lake, at the northwest corner of the SW.  $\frac{1}{4}$  of Sec. 26, T. 18 N., R. 8 W., M. D. B. & M.; running thence east along the half section line, and one and one-half miles north of the line dividing T. 17 and 18 N., M. D. B. & M., to the range line separating T. 18 N., R. 2 W., from T. 18 N., R. 3 W.; thence running north two miles to the northeast corner of the SE.  $\frac{1}{4}$  of Sec. 13, T. 18 N., R. 3 W.; running thence east along the half section line to the center of the Sacramento River; thence down the center of the said Sacramento River, in a southeasterly course, to the point of intersection with the half section line, one and one-half miles north of the line dividing T. 17 and 18 N., M. D. B. & M.; thence east on said half section line to its



intersection with Butte Creek, said point of intersection lying on the western boundary of Butte and being the southeastern corner of Glenn and the northeastern corner of Colusa; thence northerly along the middle of the channel of said Butte Creek to the point of intersection with the line between Secs. 3 and 4 of the Aguas Frias Rancho as surveyed by La Croze; thence north along the said line between the said Secs. 3 and 4 to its point of intersection with the line between T. 19 N., R. 1 E., and T. 20 N., R. 1 E.; thence west along said line to its intersection with the southern boundary of the Llano Seco grant, on the north line of Sec. 2 in T. 19 N., R. 1 W.; thence southwest along said grant line to the southwest corner of said grant in the center of the Sacramento River; thence northerly, and following the meanderings thereof, along the center of said Sacramento River, to a point where the north line of T. 22 intersects the center of the Sacramento River, being the initial point of Tehama; thence west along the north line of T. 22 N., to the southwest corner of Tehama; thence southerly on the established line between Mendocino and Lake to the place of beginning. (*Added by Stats. 1947, Ch. 424.*)


PASSED AND ADOPTED by the Glenn County Board of Supervisors at a regular meeting of said Board held on the 21<sup>st</sup> day of January, 2014, by the following vote.

AYES: Supervisors Foltz, McDaniel, Soeth, Viegas and Murray (Chairman)

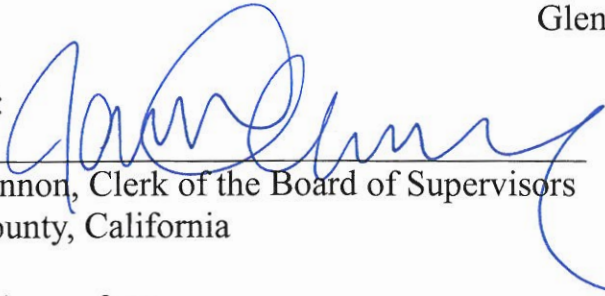
NOES: None

ABSENT: None

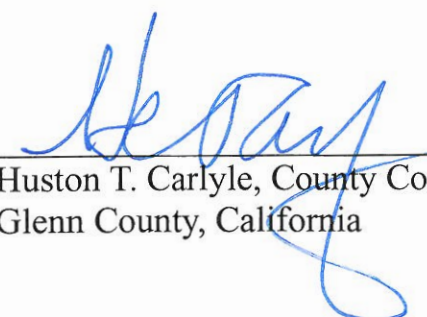
ABSTAIN: None

  
\_\_\_\_\_  
MIKE MURRAY, Chairman  
Board of Supervisors  
Glenn County, California

ATTEST:

  
\_\_\_\_\_  
Jamie Cannon, Clerk of the Board of Supervisors  
Glenn County, California

Approved as to form:

  
\_\_\_\_\_  
Huston T. Carlyle, County Counsel  
Glenn County, California

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary Padilla,

I have come to learn that California has the worst representation of the all the United States with about 1 million people per Senator and about 500,000 people per Assembly district, which is simply enormous. It has been made aware to me that California began with 16 Senators and 36 Assembly members and the number of representatives increased with the population until 1862. The matter of the number of representatives for California was taken up in the California Constitutional Convention of 1878 to 1879. It appears that part of the reason that representation was not increased was due to the animosity by those in the convention towards Chinese immigrants. In the convention one discussion on the topic went as follows:

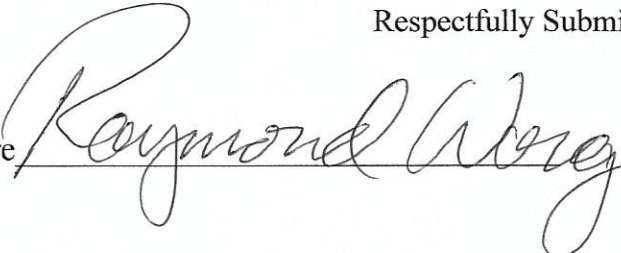
*"Mr. Heiskell: 'Do you want the Chinese to be represented—enumerated in the apportionment?' Mr. O'Donnell: 'Well, we do not represent them. We have got only twenty (20) representatives and have three hundred thousand (300,000) inhabitants. Here are some of your counties with only a thousand (1,000) or fifteen hundred (1,500). I want to be represented according to the Census of the United States. We don't mean the Chinese. We count them as chattel or stock.' (See Debates and Proceedings of the California Constitutional Convention of 1878 Pg. 755)."*

It appears that part of the reason that representation was not increased from the 40 Senators and 80 Assembly Members at the time because an increase in Representation might have allowed the Chinese to have representation. It appears that this tactic worked, March Fong Eu was the first Chinese American elected to the legislature in 1967. It appears that this tactic by the members of the 1879 convention had much success as it prevent an Asian American from having a seat in the legislature for almost 90 year. This requires a remedy.

Also, I am a supporter of Bernie Sanders and I believe the size of the legislative districts contributes to his loss of the votes here in California. I also believe that many people who are members of the Democratic Party push out supporters of Bernie Sanders and can do so because the districts are large and can be used to push those of us out. If we had more districts, we would be more important and have more weight in the political process.

I am an Asian American of Chinese decent living in Los Angeles California. I believe both the fact that the districts are so large to be outrageous and the fact that representation was held to be so poor and that racial animus might have been behind this. I demand this matter be cured and that representation in the California legislature be increased to a reasonable level.

Respectfully Submitted,

Signature  Date May 23, 2017



7/19/2017

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

To the Honorable Secretary of State,

I am obstructed by the size of our Assembly and state Senate districts. There is simply no way that 40 Senators and 80 Assembly members can represent 40,000,000 people. The act of adding assistants instead of adding more representatives is repugnant.

I am a registered Green. I believe that we (the Greens) should have at least one member of the Assembly and Senate just for our own County. The idea that it would be any less than that means we have no representation.

The fact that the California legislative districts used to be much smaller is concerning to me. What this means is that Representation should be increased as the population grows.

I hereby demand you to increase representation in the California legislature.

Respectfully Submitted,

  
David Curtis  
Marin County

Tanya Nemcik  
3216 View Drive  
Antioch CA 94509

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are three times larger than the next worst represented states! How can one person represent a million or half a million people? Representation should increase with the population, it should be organic and the common citizen should have access to them. My vote is directly affected by this unconstitutional process.

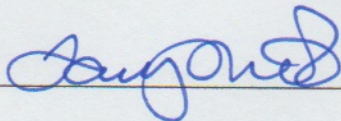
Now then, I am a person with disabilities which include PTSD and Dyslexia. I have had numerous problems with my disabilities and have had problems which have required me to have access to my representatives in the legislature. I have contacted them via mail about meeting and have even made it clear that I have disabilities and they did not respond to me.

I believe that the size of the districts coupled with my disabilities have had the effect of limiting my access to my representatives in the California Assembly and Senate.

I hereby demand you rectify this problem by increasing the number of representatives in the legislature so that we can all have access. This means both ordinary people and persons with disabilities.

Respectfully Submitted,

Signature



Date

7/7/2017



Sara S. Hemphill  
8625 Fauntleroy Way. S.W.  
Seattle, Washington 98136

July 6, 2017

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Re: **DEMAND FOR INCREASED REPRESENTATION IN CALIFORNIA**

Secretary Padilla:

I am currently a citizen of both the United States and the State of Washington. I will move to San Francisco in August 2017 where, as a citizen of both the United States and the State of California, I intend to exercise my rights to self-governance in California by voting for and directly working with California legislators in the Assembly and the Senate. In my professional capacities over the past 35 years as a business owner, lawyer, and lobbyist I have always worked directly with my elected representatives, particularly at the state level.

In Alaska I represented the commercial fishing industry to ensure that the Saltonstall-Kennedy funding was available to the private industry and was not skimmed off to fund 'paperclips' for National Marine Fisheries Service (NMFS). The industry sought to develop new fisheries and take back control of the Alaskan waters from the foreign fleets. Similarly, in Washington I represented the King Conservation District (KCD). The assignment was to correct the twenty-two year misuse of regional property taxes by the local county and cities and make that funding available to support landowners efforts to protect their property from environmental degradation.

I am a United States citizen by virtue of the Fourteenth Amendment because I was born in New Haven, Connecticut. I also have been a citizen of each of the several States in which I've been domiciled and therefore have been entitled to participate fully and directly in self-governance in each of these states.

I am proud to be a United States citizen and have done my best to serve my country well. I will continue to do so until the day I die. Today I note that there are increasingly more women and minorities who are committed to taking a pro-active role in their elected bodies. These are women and men who like me expect to be afforded legislative representation that reflects our numbers and diversity. One of the reasons I am moving to California is to support increased opportunities for women and minorities to participate directly in their own self-governance. This will be especially challenging because women and minorities

are grossly under-represented in California's legislature both in terms of their numbers and diversity - and state officials know this. *See e.g.*

THE CALIFORNIA REPORT, "Number of Women in Calif. Legislature Dips to Nearly 20-Year Low - Now What?" (January 23, 2017)<sup>1</sup>.

Governor Brown's failure to appreciate this problem or address California's legislative underrepresentation of all California's people is problematic. There is simply no way one person (of any sex, nationality, economic status) can adequately represent the rights of over 500,000 or 1 million people consistent with the principles established by the United States Constitution, the amendments thereto, and those judicial decisions and treaties which now define the scope of the right to self-governance promised to California's citizens.

It has come to my attention that California has the worst legislative representation ratio of all the states in the Nation. And the problem is getting worse. Since 1862, when California had a population of approximately 400,000, until today when California has a population of approximately 40,000,000 people, it has never increased the number of legislators who are charged with meaningful representation of California's people.

To put this in context, in 1862 each assembly member represented approximately 2,500 people and each Senator represented about between 5,000 and 6,000 people. If that type of representation existed today in California the people could actually access their assembly person or Senator for purposes of meaningful participation in their own self-governance. Such a ratio of legislators would be able to appropriately represent the people of California in a manner consistent with the diversity and will of the people and their communities.

The fact that today each Assembly member represents almost 500,000 constituents and each Senator represents almost 1 million demonstrates a gross breach of responsibility, on the part of the State, to the people who live here. Clearly, there is a much diminished substantive connection between elected representatives and those they claim to represent. As the population has grown and the districts become larger, the vote of each citizen becomes more abridged. Moreover, with this gross disparity the ability of voters to communicate with their representatives or to petition them for redress - becomes ineffective and meaningless.

As a United States citizen who is moving to California I fear I will not be afforded those rights to self-governance that I have enjoyed as a result of being a citizen of the United States.

I respectfully request that there be an increase in the number of representatives in the California legislature (Senate and Assembly) so that the districts become much smaller, thereby giving the constituents meaningful access to their representatives.

---

<sup>1</sup> This article can be accessed at <https://ww2.kqed.org/news/2016/12/30/number-of-women-in-california-legislature-dips-to-nearly-20-year-low-now-what/>

Specifically, I request an increase in California representatives so my vote is not diluted as it clearly will be if the ratio does not improve.

Concerned,

A handwritten signature in black ink, appearing to read "Sara S. Hemphill", written over a horizontal line.

Sara S. Hemphill

Dated: July 6, 2017

Sara S. Hemphill



**Cynthia L. Brown**  
**17841 E. Lincoln Street,**  
**Villa Park, CA 92861**

July 07, 2017

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are three times larger than the next worst represented states! How can one person represent a million or half a million people?


Representation should increase with the population in order for it to be compatible with the principles of self-governance established by the United State Constitution and the amendments thereto, particularly those amendments related to United State citizens following the Civil War. By limiting 40,000,000 people to only 120 representatives, California insures elections will be purchased, not won by obtaining the votes in communities where the legislator has an agency relationship with voters he or she is familiar with.

The way the system is set up now as the population continues to grow, the value my vote is abridged so that wealthy can maintain control over the people in violation of those democratic principles which prevail in most civilized countries today.

For the record, I am black woman. I was an internationally known Gold Medalist in Basketball for the United States of America in the 1988 Olympics.

I hereby request you take steps to rectify California's lack of meaningful representation in its Senate and Assembly by increasing the number of representatives in both houses so that we can all have access to our respective legislators; not just meet with their legislative assistants.

Respectfully Submitted,

  
Cynthia L. Brown



7016 1970 0000 2804 6162

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
SACRAMENTO, CA 95814	
Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postmark Here	
0300 09	
07/07/2017	
Hon. Alex Padilla California Secretary of State 1500 11th Street, Sacramento, CA 95814	

PS Form 3800, April 2015 PSN 7530-02-000-9047

Please give us the following information:

Print Name: Leslie Lim  
Title: Citizen  
Address: 23941 Philbrook Ave  
City/Ca/ZIP: Valencia CA 91354  
Phone: (661) 255-1004  
Email: ~~leslie@lim.com~~

Hon. Alex Padilla  
California Secretary of State  
1500 11<sup>th</sup> Street,  
Sacramento, CA 95814

Secretary of State Padilla,

It has come to my attention that California has close to (or perhaps more than) 40 million people and at the same time we have a mere 40 Senators and 80 Assembly members to represent us. This means that each Senator has approximately 1 million constituents and every Assembly member has 500,000. It appears that California's Assembly Districts are so large that they are three times larger than the next worst represented states! How can one person represent a million or half a million people? Representation should increase with the population, it should be organic and the common citizen should have access to them.

New Hampshire and Vermont have the best representation at about 3,000 and 4,000 respectively and it is breathtaking to consider the access that those citizens have to their representatives when compared to ours. Even when we consider the States with the next worse representation after our own, which includes Texas and Florida with representation in their lower chamber at about 160,000 we are three times worse! That is absolutely unacceptable.

So, as the population of California has grown, the legislative districts have grown and in this process my vote has been devalued. This should not be allowed and I believe diluting my vote is unconstitutional. Further, as the district gets larger, donations become more important than my vote does. Another effect of this current system is that I am not able to effectively meet with or petition my representative and the trend of creating more and more assistants instead of adding more representatives is simply improper.

I hereby demand you rectify this problem by increasing the number of representatives in the legislature so that we can all have access, not just the lobbyists.

Respectfully Submitted,

Signature

Date

Jan 28, 2017

# EXHIBIT A

---

*Citizens for Fair Representation et. al. v. Secretary of State Alex Padilla*

*2:17-cv-00973-KJM-CMK*

**LAW OFFICE OF GARY L. ZERMAN**  
**23935 Philbrook Avenue**  
**Valencia CA 91354**

August 25, 2017

Citizens Redistricting Commission  
1130 K Street, Suite 101  
Sacramento, CA 95814  
[votersfirstact@crc.ca.gov](mailto:votersfirstact@crc.ca.gov)

re: ***Your September 1, 2017 Public/Business meeting***

***Our complaint CFR v. Secretary Alex Padilla***  
***USDC Case No. 2:17-cv-00973-KJM-CMK***

Dear Commissioners:

Thank you for your service.

Scott Stafne and I are the attorneys representing Plaintiffs Citizens for Fair Representation (CFR), et. al., who have filed a lawsuit against the California Secretary of State, Alex Padilla - challenging the current arrangement of the California legislature. As you are most particularly aware, the size of the California legislature is “capped” at 40 Senators and 80 Assembly members under Article IV, Sec. 2(a) of the California Constitution in 1879. That number of representatives has been in place effectively since 1862 as prior to that, the number of members increased as the population increased.

The effect of setting the number of representatives at the fixed number of 40 Senators and 80 Assembly members is that the districts have grown as the population grows which in turn abridges and dilutes the vote of each plaintiff and also affects all residents and their access to their representatives. Moreover, capping the number of legislators is contrary to Article II, Sec. 1, of the California Constitution, which states:

All political power is inherent in the People. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.to their representatives.

This is significant as the average size of the California Assembly districts began in 1850 with an average of just about 2,500 persons per representative and the Senate seats that averaged at just under 6,000 persons.

Several of the members of CFR, their attorneys, and others with similar concerns about the apportionment of the California legislature, its ever growing districts and their diminished vote value plan on attending your meeting on September 1, 2017 at 915 L Street, Cedar Room Sacramento, CA 95814 at 10:00 a.m. and wish to speak/testify there.

We have reviewed the Final Report of the Citizens Redistricting Commission issues on August 15, 2011. We note the following passages from pages 10 and 11 that state:

No court has interpreted the population-equality language in Propositions 11 or 20. Accordingly, no court has decided whether, or how, the addition of the phrase “except where deviation is required to comply with the federal Voting Rights Act or allowable by law” to “reasonably equal population,” may alter the total deviation allowed under the California Constitution.

In light of the greater flexibility for population deviation in state legislative districts, but mindful of the uncertainty with respect to California’s own constitutional standard, the Commission decided that its maps should strive for a total population deviation of zero; the [11] Commission would allow no more than a 2.0% total deviation except where further deviation would be required to comply with the federal Voting Rights Act or allowable by law.”

The ideal size of an Assembly district is 465,674 persons. Fifty-nine of the 80 Assembly districts achieved a deviation within 0.75% of the ideal, and the remaining 21 Assembly districts deviate less than 1.0% from the ideal. The Commission’s Assembly districts achieved an overall average deviation of within 0.506% of the ideal.

The ideal size of a Senate district in California is 931,349. Twenty-nine of the 40 Senate districts have a deviation from the ideal of less than 0.50%, and the remaining 11 Senate districts deviate less than 1.0% from the ideal. Senate districts achieved an overall average deviation from the ideal of 0.449%.

We applaud your efforts as it appears that as a commission, you have been successful at making each legislative district extremely equal in size. However the Senate districts at almost 1 million people and the Assembly districts at almost 500,000 people, **and still growing** the large size of the districts are facially and functionally absurd. This is not the representation the Founding Fathers of America envisioned, declared and wrote of. Even a former Speaker of the California Assembly (1969-71), Mr. Robert T. Monagan wrote a book called *The Disappearance of Representative Government: A California Solution* (1990), where he states at page 124 (bold added):

Our state representative districts contain two many voters at the present time [1990]. California’s population grows rapidly every year, but the number of districts has remained constant since 1861. **After nearly 130 years, the inevitable result is that each district contains more people than can be effectively served by its representatives.** In 1861 the state



had 4,749 constituents per assemblyman, and about 9,499 for each state senator. Today each member of the Assembly represents more than 350,000 people, and senators have twice that many constituents.

So, since the population of California keeps expanding and the legislative districts keep getting more enormous, and each person's vote keeps getting abridged and diluted and fewer and fewer people can have access to their representative, what the Commission in fact does not address the real problems of lack of representation and voter abridgement and dilution, but effectively simply is rearranging the deck chairs on the Titanic. As the population grows, with a fixed/capped legislature, voters have less and less representation and the effect of their vote is abridged and diluted. Also, the practice of constantly adding more assistants in lieu of adding more representatives is undemocratic. We should be adding more representatives as the population increases. What can be done directly should be done directly.

We wish to formally ask the Commission:

- 1) What is the Commission doing to address this problem of growing districts, with a fixed/capped legislature?
- 2) Does the Commission in fact possess any authority:
  - a) to actually increase the number of legislative members?
  - b) to recommend that the number of legislative members be increase?
    1. If so, what is that authority?
    2. If not, why does the Commission not possess that authority?
    3. If not, who in California does possess that authority?
    4. Has the Commission ever made a request for such authority?
    5. If so, when? to whom? how? Could you provide a copy of such request?

To illustrate this issue, we would have the Commission look at our lead individual plaintiff, Mark Baird. As a Californian at birth in 1952, Mr. Baird turned 18 in 1970. At that time, the Assembly districts were about 250,000 people and the Senate districts were almost 500,000. This means that as of today - his vote has been abridged and diluted by 100%! This would not have occurred had representation ratios been properly maintained and that legislative member were increased – instead of fixed/capped - as the population grew. We further ask, Does the Commission plan on ever addressing this issue? And still further: When is there a point where the Commission thinks the legislative districts have become – or will become -- too large? When the Assembly districts are at 1 million people? 2 million? 5 million? 1 billion?

In *Reynolds v. Sims*, 377 US 533, 562, (1964), the U.S. Supreme Court referred to an earlier decision it made: Almost a century ago, in *Yick Wo v. Hopkins*, 118 US 356, (1886), the Court referred to "the political franchise of voting" as "a fundamental political right, because [it is the] preservative of all rights." 118 U.S. at 370. The lawsuit we have filed asserts that Plaintiffs rights to vote and representation have been abridged and diluted. The lawsuit challenges this long standing and current practice of a fixed/capped

legislature as unconstitutional and in violation of the founding fundamental principle – that all political power is inherent in the people and that government’s derive just powers from the consent of the people.

“[U]nconstitutional discrimination occurs only when the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole.” *Davis v. Bandemer*, 478 U.S. 109, 110 (1986).

This has clearly happened to all Californian’s and plaintiffs want to remedy their continuing loss of self-governance rights. We hereby demand this commission address this issue and remedy it.

Attached to this letter is a copy of the proposed first Amended complaint (CFR v. Padilla 2:17-cv-00973-KJM-CMK). We request that the Commission members please take the time to read it and familiarize yourself with it. It is the *Baker v. Carr* of the 21<sup>st</sup> century.

Thank for the Commission’s anticipated attention and time

Cordially and Sincerely yours,

Gary L. Zerman  
Attorney for Citizens for Fair Representation

GLZ/ms