

No. \_\_\_\_\_

IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA

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LEGISLATURE OF THE STATE OF CALIFORNIA,

*Petitioner,*

v.

ALEX PADILLA, in his official capacity as Secretary of State  
of the State of California,

*Respondent.*

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**DECLARATION OF KARIN MAC DONALD IN SUPPORT OF  
LEGISLATURE OF THE STATE OF CALIFORNIA'S  
EMERGENCY PETITION FOR WRIT OF MANDATE  
AND REQUEST FOR IMMEDIATE RELIEF**

**CRITICAL DATE: JULY 13, 2020**

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Attorneys for Petitioner  
Legislature of the State of California

## **DECLARATION OF KARIN MAC DONALD**

I, Karin Mac Donald, declare under penalty of perjury as follow:

1. I am the Director of the Statewide Database (SWDB or Database), the redistricting database for the State of California, located at the University of California, Berkeley, Law School. I have held the position since 1996. As a result, I have overseen the Statewide Database through two statewide redistricting cycles, in 2001 and 2011. I also serve as the State of California liaison to the Census Redistricting and Voting Rights Data office, and currently I also serve as Co-liaison to the Census Bureau's School District Boundary Review program. In that capacity, I help oversee the implementation of the Census Block Boundary Suggestion and Review Programs and the School District Boundary Review program for the entire State of California.

2. During the 2010 redistricting cycle, I oversaw the construction of the Statewide Database and also designed and implemented the California-wide public access project that provided technical assistance and mapping technology to Californians to participate in the line-drawing process.

3. During the 2010 redistricting cycle, I also served as the principal demographer and consultant to the California Citizens Redistricting Commission (2011), which constructed the legislative, congressional and Board of Equalization districts for the state. The Commission undertook redistricting through an open and transparent process that involved holding 34 public hearings in 32 cities throughout the state, receiving more than 2,000 written submissions including draft maps, receiving input and suggestions from more than 20,000 groups and individuals, and producing a comprehensive report explaining how the final maps were decided upon.

4. All of that was accomplished under a tight time period. Last cycle, the Census Bureau released the census data to the State on or about March 8, 2011; we completed the initial release of the Statewide Database to the Commission by April 13;

and the Commission issued draft maps on June 10, revised draft maps on July 29, and approved final maps on August 15, 2011.

5. The Legislature has the obligation to provide the Commission and the public with a dataset that can be used for redistricting, but the process of constructing that dataset cannot begin until the Census Bureau has released the census data, known as the P.L 94-171 data, to the State. Once that occurs, the Statewide Database must merge the census data with historical individual level voter registration and historical precinct level election results.

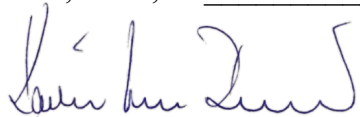
6. While the census provides the data necessary to ensure that each district meets equal population standards, as well as provides data on race and ethnicity, the voter registration data and election results (known as the “statement of vote”) are necessary to ensure compliance with the federal Voting Rights Act. For example, the statement of vote data are necessary to perform racially-polarized voting (RPV) analyses, which in turn is necessary to determine whether a particular district or area may raise concerns under section 2 of the federal Voting Rights Act.

7. Merging election returns to census data is a complicated process because the datasets are reported on different geographical units. Election returns are not reported by census geography, but census block geography is used to build electoral districts that comply with the Federal Voting Rights Act. Furthermore, the precinct geography in which election returns are reported changes frequently between elections. As a result, the election data must be allocated to census blocks, using various statistical processes. The process of constructing the dataset in 2011 took approximately five weeks. After the dataset is complete, the Statewide Database releases a public report setting forth the details about how the dataset was constructed. A true and correct copy of the report from the 2011 redistricting cycle is attached as Exhibit B to the accompanying Request for Judicial Notice.

8. In addition to the steps described above, this cycle, unlike in previous cycles, state law requires an adjustment to the census data: inmates incarcerated in state prisons (where they are counted for purposes of the census) must be reassigned to the smallest census geography unit containing their last known residential address, based on a database provided by the Department of Corrections and Rehabilitation. Cal. Elec. Code § 21003.

9. Based on my experience overseeing the construction of the Statewide Database in 2011, I believe the Legislature should be able to provide the Commission with the dataset within approximately 30 days from the date the State receives the census data from the Census Bureau.

I declare under penalty of perjury that the foregoing is true and correct. I have firsthand knowledge of the same, except as to those matters described on information and belief, and if called upon to do so, I could and would testify competently thereto. Executed this 2nd day of June, 2020, in Oakland, California.

  
\_\_\_\_\_  
KARIN MAC DONALD

## **PROOF OF SERVICE**

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause of action. My business address is 1901 Harrison Street, Suite 1550, Oakland, CA 94612.

On June \_\_\_, 2020, I served a true copy of the following document(s):

**Declaration of Karin Mac Donald in Support of  
Legislature of the State of California's  
Emergency Petition for Writ of Mandate  
and Request for Immediate Relief**

on the following party(ies) in said action:

Type List /OR double-click to add page

- ☐ **BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and
  - ☐ depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - ☐ placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in Oakland, California, in a sealed envelope with postage fully prepaid.
- ☐ **BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ **BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.

- ☐ **BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the fax numbers listed based on an agreement of the parties to accept service by fax transmission. No error was reported by the fax machine used. A copy of the fax transmission is maintained in our files.
- ☒ **BY EMAIL TRANSMISSION:** By emailing the document(s) to the persons at the email addresses listed based on a court order or an agreement of the parties to accept service by email. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on June \_\_\_, 2020, in Oakland, California.

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**[Name]**

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