

SEP 22 2021

Jorge Navarrete Clerk

S262530

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

LEGISLATURE OF THE STATE OF CALIFORNIA, Petitioner,

v.

SHIRLEY N. WEBER, as Secretary of State, etc., Respondent.

The Citizens Redistricting Commission has filed an emergency motion to clarify and/or modify the peremptory writ of mandate that we issued in this matter on July 17, 2020. In that writ, we directed the Commission to release first preliminary statewide maps for the congressional, State Senatorial, Assembly, and State Board of Equalization districts for public display and comment no later than November 1, 2021, and approve and certify final statewide maps to the Secretary of State by no later than December 15, 2021. (See *Legislature of the State of California v. Padilla* (2020) 9 Cal.5th 867, 881-882 (*Padilla*)). We also held, “[i]f the federal government transmits the census data to the state later than July 31, 2021, the number of days of additional delay shall be considered to be the ‘additional federal delay.’ In the event additional federal delay occurs, the Commission is directed to release the first preliminary statewide maps by no later than the date following November 1, 2021, that extends the November 1 deadline by the additional federal delay, and to approve and certify the final maps by no later than the date following December 15, 2021, that extends the December 15 deadline by the additional federal delay.” (*Id.* at p. 882.)

The Commission requests that we extend the foregoing deadlines to release preliminary statewide maps and approve and certify final statewide maps to November 19, 2021 and January 14, 2022, respectively, because the federal government released census data in legacy format on August 12, 2021, the state was not able to process the data into a usable format until August 18, 2021, and an additional 11-day extension to approve and certify final maps will ensure full public participation by avoiding holding public meetings during the holiday season. The Commission also requests that we permit it to hold meetings in the fifteen days before approving and certifying final maps for the purpose of receiving public input testimony on three days’ notice, notwithstanding Government Code section 8253, subdivision (a)(1).

We consider it appropriate to resolve this matter via motion. Our decision in *Padilla* anticipated that even after issuance of a peremptory writ of mandate, interested parties could return to this court for further relief as circumstances might warrant, and we expressly authorized them to do so. (*Padilla, supra*, 9 Cal.5th at p. 881.) We have jurisdiction under the state Constitution “to consider and grant appropriate relief when necessary to the orderly functioning of our electoral system.” (*Id.* at p. 874; see Cal. Const., art. VI, § 10; *Vandermost v. Bowen* (2012) 53 Cal.4th 421, 451–453, 460.) Accordingly, and good cause appearing, the Commission’s motion is granted in part. The peremptory writ of mandate is clarified and modified as follows:

(i) The Commission is directed to release the first preliminary statewide maps for the congressional, State Senatorial, Assembly, and State Board of Equalization districts for public display and comment no later than November 13, 2021 (because this date falls on a Saturday, it is extended to November 15, 2021 by operation of law pursuant to Elec. Code, § 8251, subd. (b)(2)), notwithstanding Government Code section 8253, subdivision (a)(7).

(ii) The Commission is directed to approve and certify the final statewide maps to the Secretary of State by no later than December 27, 2021. If the maps are approved and certified by this date, the Secretary of State shall consider the maps approved and certified consistent with the requirements of article XXI, section 2, subdivision (g) of the California Constitution.

(iii) The Commission shall provide three days’ public notice for each meeting held in the fifteen days before final statewide maps are approved and certified, notwithstanding Government Code section 8253, subdivision (a)(1).

CANTIL-SAKAUYE

Chief Justice