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BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE

THE STATE OF CALIFORNIA, on behalf of Kings, Merced, Monterey and Yuba Counties.	))))

SUBMISSION UNDER SECTION 5
OF THE VOTING RIGHTS ACT
(Assembly and Board of Equalization)

ATTORNEY GENERAL OF THE STATE OF CALIFORNIA'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ADMINISTRATIVE PRECLEARANCE UNDER 42 U.S.C. § 1973c FOR THE COUNTIES OF KINGS, MERCED, MONTEREY AND YUBA

EXPEDITED CONSIDERATION REQUESTED
(Critical Date: October 29, 2001)

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INTRODUCTION

The State of California, on behalf of the counties of Kings, Merced, Monterey and Yuba[1], submits Chapter 349 of the Statutes of 2001 to the United States Department of Justice for preclearance of Assembly Districts (AD) 3, 17, 27, 28 and 30, and Board of Equalization Districts (BOE) 1 and 2. Each of these districts includes all or part of a covered jurisdiction under Section 5 of the Voting Rights Act of 1965.

Chapter 349 was enacted by the California Legislature on September 13, 2001, and was signed into law by the Governor on September 26, 2001.

EXPEDITED CONSIDERATION REQUESTED
BEFORE OCTOBER 29, 2001
28 C.F.R. § 51.34(a)

The new boundaries will be used for California's primary election on March 5, 2002. In preparation for that March election, county elections officials must take a number of steps to enable candidates to campaign in the districts that will actually be used for the election. Most notably, California law provides that a candidate who wishes to run in the March primary must file a Declaration of Intention to seek legislative office between October 29 and November 7, 2001. *See* Cal. Elec. Code §§ 8020(b), 8022(a), 8105 and 8350. Pursuant to 28 C.F.R. § 51.34(a), the State of California, therefore, requests that this submission be given expedited consideration, and that a decision whether to interpose an objection be made as soon as possible, but in any event before October 29, 2001.

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[1] Kings and Merced counties were designated covered jurisdictions subject to preclearance requirements on September 23, 1975. 40 Fed. Reg. 43746. Monterey and Yuba were designated covered jurisdictions on March 27, 1971. 36 Fed. Reg. 5809. Yuba County was also designated a covered jurisdiction on January 5, 1976. 41 Fed. Reg. 784. The State of California makes this submission on behalf of these covered counties pursuant to authority set forth in 28 C.F.R. § 51.23(a) (2001).

I.

LEGAL STANDARD

Under Section 5 of the Voting Rights Act of 1965, covered jurisdictions are required to show that new boundary lines "[do] not have the *purpose* and will not have the *effect* of denying or abridging the right to vote on account of race or color, or [membership in a language minority group]" before these lines can be enforced or administered. 42 U.S.C. § 1973c (emphasis added). A discriminatory *effect* is found where "voting-procedure changes [are] made that would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." *Beer v. United States*, 425 U.S. 130, 141 (1976). In other words, the new lines for AD 3, 17, 27, 28 and 30 and BOE 1 and 2 cannot have the effect of making minorities in the covered jurisdictions "worse off than they had been before the change . . ." 28 C.F.R. § 51.54(a) (2001).

Section 5 also requires covered jurisdictions to show that redistricting plans were not enacted with the *purpose* of retrogressing minority voting power. The United States Supreme Court recently considered the nature of the Section 5 *purpose* prong:

> When considered in light of our longstanding interpretation of the "effect" prong of § 5 in its application to vote dilution claims, the language of § 5 leads to the conclusion that the "purpose" prong of § 5 covers only retrogressive dilution.
>
> *Reno v. Bossier Parish Sch. Bd.*, 528 U.S. 320, 328 (2000).

The court concluded, "[preclearance] does not represent approval of the voting change; it is nothing more than a determination that the voting change is no more

dilutive than what it replaces . . ." *Id.* at 325. California's 2001 redistricting plan has neither the purpose nor the effect of diluting Latino voting power in any of the covered counties.

II.

ASSEMBLY DISTRICTS 3, 17, 27, 28, AND 30
28 C.F.R. §§ 51.27(a)-(c), (m), (n), and 51.28(a)(1) and (b)(1)

The voting power of the protected class[2] in each of California's covered counties is preserved or improved in the 2001 redistricting plan. A copy of Chapter 349 that sets forth the new boundaries of each affected district is provided in Appendix A. A copy of

[2] Like submissions in past decades, this submission focuses on Latino voting power. Latinos are the only minority group of sufficient size to determine or influence election outcomes in any of California's covered counties. Latinos comprise 43.6% of Kings County, 45.3% of Merced County, 46.8% of Monterey County, and 17.4% of Yuba County. Other minority populations (i.e., African Americans, Asians, American Indian, Alaskan Native, and Native Hawaiian and Other Pacific Islander) are in almost all instances less than 5% of total population. Even the exceptions are well under 10%, with African Americans in Kings county at 8.3%; and Asians at 6.8% in Merced county, 6% in Monterey county, and 7.5% in Yuba. *See* The Profile of General Demographic Characteristics: 2000 from the U.S. Census Bureau for each covered county, set forth in Appendix B.

the order setting forth the 1991 lines was submitted to the Department of Justice on January 28, 1992. Your file identification for this submission was as follows:[3]

JRD:SHR:GLH:tlb
DJ 166-012-3
92-0822
92-0823
92-0825

[3] These 1991 lines are incorporated by reference pursuant to the authority set forth in 28 C.F.R. § 51.26(e) (2001).

Detailed demographic statistics[4] for each affected district under the 1991 district lines are set forth in Appendix C. Statistics in the same categories for each district under the new lines are set forth in Appendix D. Both prior and new maps of the affected districts are provided in Appendix E. Here, we briefly review the most pertinent statistics, provide a description of the composition of each district that contains a covered county, and review the overall impact of changes in these districts.

[4] These statistics were generated by the Maptitude redistricting program using 2000 census data, voter registration and election returns from the California Statewide Database.

A. Kings County – Assembly District 30

Statistics	1991	2001	Difference
Hispanic Population	57.64%	61.26%	+3.62%
Hispanic VAP[5]	52.43%	55.72%	+3.29%
Latino Registration[6]	37.01%	39.96%	+2.95%
Latino Dem Registration[7]	49.85%	52.73%	+2.88%

Kings County has a population of 129,461. The ideal size for an Assembly district in California under the one person one vote standard is 423,396. According to the 2000 census, AD 30 with the 1991 district boundaries was 59,820 people over the ideal population. To meet the equal population requirement and address population shifts, Kings has been joined with portions of Fresno, Kern and Tulare counties in AD 30. The district remains majority-minority, with the Latino community in the majority in population and

[5] Voting Age Population.

[6] As noted in Section IV, *infra*, Latino registration is calculated by merging the Spanish Surname Dictionary published by the United States Census Bureau with California's official voter registration data. In California, individuals do not identify by race or ethnicity when they register to vote. The terms Latino Registration and Latino Democratic Registration reflect the general preference in California of using "Latino" instead of "Hispanic" (e.g., Latino Caucus of the California Legislature). Hispanic is used in the population statistics above because that term is used by the U.S. Census Bureau. Both terms, however, refer to the same racial/language minority group in California.

[7] Latino share of the Democratic Registration.

VAP as well as in their share of the Democratic registration. This means that in the Democratic primary a cohesive Latino voting block can determine the Democratic candidate.

In shaping the district, the Legislature joined valley communities that asked to be joined. The character of the district as a largely agricultural, valley region has been preserved.

B. Merced County – Assembly District 17

Statistics[8]	1991 (AD 26)	2001 (AD 17)	Difference
Hispanic Population	42.17%	43.32%	+1.15%
Hispanic VAP	37.25%	39.35%	+2.10%
Latino Registration	24.02%	27.11%	+3.09%
Latino Dem Registration	31.29%	33.88%	+2.59%

In the 1991 plan, Merced County was in AD 26 with portions of Stanislaus and San Joaquin counties*; **in the 2001 plan, Merced is in AD 17***. According to the 2000 census, AD 26 was 36,089 people over the ideal district population. Assembly District 26 has been represented by Democrat Dennis Cardoza for the past five years. Under California's term-limit laws, Assemblyman Cardoza is "termed out" in 2002. In order to meet equal population requirements, achieve a bipartisan plan, continue the Democratic character of the district and avoid numerical retrogression, AD 17 includes all of Merced County, a smaller portion of Stanislaus County and a larger portion of San Joaquin County.

[8] Because the 1991 plan placed Merced in Assembly District 26 and the 2001 plan places it in Assembly District 17, these statistics compare the 1991 AD-26 figures with the 2001 AD-17 figures.

The character of the district as a combination of rural agricultural areas with commuter and suburban areas has been preserved, with a portion of the City of Stockton, rather than part of the City of Modesto, as the most significant urban/suburban center. Hispanic population, Hispanic VAP, Latino Registration and Latino Democratic Registration are all higher by approximately one to three percentage points.

C. Monterey County – Assembly District 27

Statistics	1991	2001	Difference
Hispanic Population	17.99%	18.38%	+0.39%
Hispanic VAP	15.24%	15.61%	+0.37%
Latino Registration	7.79%	8.39%	+0.60%
Latino Dem Registration	9.98%	11.00%	+1.02%

Under the 1991 plan, AD 27 included part of Monterey County and part of Santa Cruz County. According to the 2000 census figures, AD 27 was 45,483 people under the ideal district size. Population necessary to comply with the one-person-one-vote requirement was gained by adding part of Santa Clara County to the district. This addition follows the transportation corridor along which commuters travel from the coast to the Silicon Valley area of Santa Clara County and is consistent with the suburban and commuter character of many of the cities in AD 27. Hispanic population and VAP increased slightly, as did Latino registration figures.

D. Monterey County – Assembly District 28

Statistics	1991	2001	Difference
Hispanic Population	53.83%	59.04%	+5.21%
Hispanic VAP	48.85%	54.08%	+5.23%
Latino Registration	32.76%	37.70%	+4.94%
Latino Dem Registration	45.19%	49.96%	+4.77%

Under the 1991 plan, AD 28 included portions of Monterey County, San Benito County, Santa Cruz County and Santa Clara County. According to the 2000 census figures, AD 28 was 66,321 people over the ideal district size. In order to bring the population down to comply with the one-person-one-vote requirement, while preserving the character of the district as largely rural and agricultural, portions of Santa Clara County were removed from the district. Additionally, the previous split of the City of Watsonville was healed by placing this city entirely into Assembly District 28. These changes result in increases in Hispanic population, Hispanic VAP and Latino registration figures.

E. Yuba County – Assembly District 3

Statistics	1991	2001	Difference
Hispanic Population	9.88%	9.99%	+0.11%
Hispanic VAP	8.28%	8.38%	+0.10%
Latino Registration	4.53%	4.65%	+0.12%
Latino Dem Registration	6.32%	6.56%	+0.24%

Neither the district lines nor the statistics for Assembly District 3, which includes Yuba county, changed in any significant way. The character and demographics of the district remain essentially identical to the 1991 district.

F. Summary of Assembly Districts

By any measure, the new Assembly districts that include Section 5 counties maintain or increase the voting power of Latinos. There are no decreases in the population, Voting Age Population (VAP) or Latino registration figures. Two districts – Assembly District 28 (Monterey) and Assembly District 30 (Kings) – are currently held by Latino incumbents. These districts will continue to be districts in which Latinos are able to heavily

influence or determine the election outcomes, and in which it is clear that under the new lines a cohesive Latino population could elect the candidate of its choice.

Two other Assembly districts that include Section 5 counties – Assembly District 3 (Yuba) and Assembly District 27 (coastal Monterey) – do not have a Latino population sufficient in size to substantially influence election outcomes. That has not changed under the new lines, nor could it, given the demographics and population trends in these areas. The population, VAP, and Latino registration figures in these districts do not decrease and, in fact, increase slightly under the new lines.

The final district that contains a covered county – Assembly District 17 (Merced) – likewise shows no retrogression. Assembly District 17 is currently represented by Dennis Cardoza, who is facing term limits in 2002. Party registration favors Democrats in the district (52.54% Democrat versus 34.71% Republican). Under the new boundaries, Latino Democratic Registration is up 2.59 points to 33.88%, resulting in a greater opportunity for a cohesive Latino electorate to influence the Democratic primary. Under the new lines, Latinos now comprise more than one-third of Democratic voters in the district.

Overall, the new lines not only preserve but increase the voting power of Latinos in the covered jurisdictions. As is discussed below, they do so in a manner and by a process that was open, fair, and guided by traditional districting criteria and governing legal standards.[9] These new districts do not have the purpose, nor will they have the effect of retrogressing.

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[9] The Mexican American Legal Defense and Educational Fund (MALDEF) and the Coalition of Asian Pacific Americans for Fair Redistricting (CAPAFR) each submitted a proposed statewide Assembly plan. The architecture of each submitted plan was

III.

BOARD OF EQUALIZATION DISTRICTS 1 AND 2
28 C.F.R. §§ 51.27(a)-(c), (m), (n), and 51.28(a)(1) and (b)(1)

The voting power of Latinos in the covered counties is also preserved or improved in the 2001 Board of Equalization redistricting plan. A copy of Chapter 349 that sets forth these new boundaries is provided in Appendix A.

California's four Board of Equalization districts are enormous, with approximately 8 million people in each. Consequently, for purposes of Section 5 evaluation, what is most useful is simply to review the statistics pertinent to each district with a covered county. Detailed demographic statistics for each affected district are set forth in Appendix F (1991 districts) and Appendix G (new districts). Both prior and new maps of Districts 1 and 2 are set forth in Appendix H. We here set forth the statistics most pertinent to Section 5 preclearance:

---

substantially different from that of the enacted plan and from each other. Due to the interrelated nature of districts in any given plan, it was not possible to pick and choose some districts and not others from different plans. More importantly, both MALDEF's and CAPAFR's proposals would have decreased the Latino population, VAP and registration figures for Assembly District 27 compared to the 1991 district. Finally, both proposals had significant population deviations for districts with covered counties compared to the Assembly's plan (*i.e.*, deviations that ranged from -636 to +526 for MALDEF and -923 to +1160 for CAPAFR versus -6 to +4 in the enacted plan).

A. Kings, Merced, and Yuba Counties – Board of Equalization District 2

Statistics	1991	2001	Difference
Hispanic Population	31.32%	31.63%	+0.31%
Hispanic VAP	27.09%	27.44%	+0.35%
Latino Registration	16.23%	16.40%	+0.17%
Latino Dem Registration	23.68%	23.90%	+0.22%

B. Monterey County – Board of Equalization District 1

Statistics	1991	2001	Difference
Hispanic Population	20.65%	21.50%	+0.85%
Hispanic VAP	17.87%	18.59%	+0.72%
Latino Registration	10.69%	11.06%	+0.37%
Latino Dem Registration	13.71%	14.18%	+0.47%

These statistics and the record submitted herewith demonstrate that the enacted Board of Equalization districts do not have the purpose, nor do they have the effect, of retrogressing.[10]

IV.

USE OF ESTIMATES
28 C.F.R. §§ 51.26(b) AND 51.28(a)(3)

[10] No alternative Board of Equalization plan was submitted by any organization or individual.

The State's redistricting database maintained by the Institute of Governmental Studies at the University of California, Berkeley includes data on Latino registration and Asian registration that is compiled by merging surname lists with California voter registration data. The Spanish-surname dictionary is published by the United States Census Bureau. The Asian-surname dictionary is the product of research conducted and published by Diane S. Lauderdale, a researcher from the Department of Health Studies at the University of Chicago, and Bert Kestenbaum, a researcher with the United States Social Security Administration. The Asian-surname list is based upon Social Security Administration records that include country of birth, and was verified using an independent file of census records.[11] Unlike Southern states, where voter registrants self-identify by race, California voter registration does not include racial or ethnic identification.

The redistricting database also contains block-level registration data that was calculated by merging California's precinct-level registration data with U.S. Census Bureau block-level data. To accomplish this merge, Dr. Kenneth F. McCue developed an algorithm which made it possible to attribute the registration data at the block level. Dr. McCue is a research scientist at the California Institute of Technology and President of PacTech Data

[11] An article explaining the research that developed the Asian Surname list was published in Population Policy and Review in June 2000. *See* Diane S. Lauderdale & Bert Kestenbaum, *Asian American ethnic identification by surname*, 19 (3) POPULATION RES. & POL'Y REV. 283 (2000).

and Research. He holds a Ph.D from the California Institute of Technology, a Master's degree in Mathematics with an emphasis in Statistics from the University of Kansas, and has published articles in statistical journals on aggregate voting analysis.[12]

The State's redistricting database is maintained by the Institute of Governmental Studies at the University of California, Berkeley. The Institute has a bipartisan oversight Board, with members appointed by the majority and minority party in each house of the Legislature and by the Governor. Professor Bruce Cain, the Director of the Institute of Governmental Studies, is the Robson Professor of Political Science at the University of California at Berkeley. Professor Cain graduated from Bowdoin College, he studied as a Rhodes Scholar at Trinity College, Oxford, and he received his Ph.D. in political science from Harvard University.

V.

RESPONSIBILITY FOR REDISTRICTING
28 C.F.R. § 51.27(g)-(l)

Article XXI of the California Constitution requires the state Legislature to adjust the boundaries of Senatorial, Assembly, Congressional and Board of Equalization districts every ten years. This constitutional provision also sets forth standards by which the Legislature must adjust the boundary lines of state legislative districts. The full text of Article XXI provides:

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[12] *See, e.g.,* Kenneth F. McCue, *The Statistical Foundations of the EI Method*, 55 (2) THE AMERICAN STATISTICIAN 106 (2001).

> SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional and Board of Equalization districts in conformance with the following standards:
>
> (a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district.
>
> (b) The population of all districts of a particular type shall be reasonably equal.
>
> (c) Every district shall be contiguous.
>
> (d) Districts of each type shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.
>
> (e) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section.

The Legislature embarked upon a lengthy process of redrawing boundaries beginning with the release of the 2000 Census data on April 1, 2001. In the State Assembly, the process of developing redistricting plans was overseen by the Assembly Committee on Elections, Reapportionment and Constitutional Amendments (the "Committee"). The interests of minority voters are well-represented on the Committee. There are fifteen members of the Committee – ten Democrats and five Republicans. Among the Democrats, four members belong to the Latino Caucus, one belongs to the Black Caucus, and one is Asian-American. Together, these minority lawmakers comprise a majority of the Democrats on the Committee. Overall, in the California legislative houses that adopted the plans, there are numerous minority representatives. In the State Assembly, there are nineteen Latinos,

four African Americans, and four Asian Americans. In the State Senate, there are seven Latinos and two African Americans.

As part of the process of developing plans, the Assembly Committee on Elections, Reapportionment and Constitutional Amendments published several documents that set forth substantive guidelines to govern the line drawing as well as procedures designed to encourage public input. The documents appear in Appendix I hereto. In the document entitled "The Redistricting Process," the Committee described the redistricting process and reviewed legal precedents under the United States and California constitutions and the Voting Rights Act. The document titled "Committee Procedures and Guidelines Relating to Redistricting" outlined the Committee processes to provide information and notice to the public and enable public comment and response. The document entitled "Redistricting Plans Submitted by Members of the Public" explained the channels and mechanisms for the public to provide testimony, propose individual district lines and submit statewide plans for consideration. These documents were published on the Committee website and were distributed at each of the eight Committee hearings detailed below. The State Senate had comparable procedures and documents.

The Legislature enacted the new boundaries for the Assembly and Board of Equalization districts by passage of Senate Bill No. 802[13] on September 13, 2001. The Governor signed Senate Bill No. 802 into law on September 26, 2001, and the new law was Chaptered on September 27, 2001 as Chapter 349 of the Statutes of 2001. The law was

[13] SB 802 was amended in the Assembly to include the Assembly and Board of Equalization plans that had been developed and proposed by the Assembly, under the auspices of the Assembly Committee on Elections, Reapportionment and Constitutional Amendments.

passed as an urgency statute by well over two-thirds vote of each house of the Legislature (71-8 in the Assembly; 40-0 in the Senate). Pursuant to Article IV, section 8(c)(3) of the California Constitution, the law took effect immediately upon signature by the Governor.

The new boundaries have not yet been enforced or administered. The new boundaries will first be used in the March 5, 2002 statewide primary election. As noted in the request for expedited consideration above, the filing period for a Declaration of Intention commences October 29, 2001.

VI.

STATEMENT OF PAST OR PENDING LITIGATION
28 C.F.R. § 51.27(o)

There is no past or pending litigation concerning or related to the 2001 redistricting plans for the Assembly or the Board of Equalization.

VII.

PRECLEARANCE OF PRIOR PRACTICE
28 C.F.R. § 51.27(p)

The redistricting plans for the California Assembly and Board of Equalization that are currently in effect were precleared by the Department of Justice on February 28, 1992. A copy of the letter interposing no objection is attached as Appendix J. There has been no change in the procedure for adoption of redistricting plans under Article XXI of the California Constitution; thus, the procedure is not subject to the preclearance requirement.

VIII.

ELECTION RETURNS
28 C.F.R. § 51.28(d)

To the extent California's covered counties have prepared Statements of the Vote or similar statements that set forth the information requested in section 51.28(d) of the regulations, that information is included in Appendix K.

IX.

PUBLICITY AND PARTICIPATION
28 C.F.R. § 51.28(f)

The level of publicity and participation surrounding the Committee's work was unprecedented. First, the 2000 census data and data from California's voter registration and elections returns were merged into a Statewide Database and made available to the public free of charge at http://swdb.berkeley.edu/info/info.html. The Statewide Database is housed at the Institute of Governmental Studies at the University of California at Berkeley. Staff at the Institute provided nonpartisan support to all persons interested in using the Statewide Database; they made their offices and equipment available for public use; and they provided training for use of the data.

The Assembly Committee on Elections, Reapportionment and Constitutional Amendments kept the public informed of its work by maintaining a comprehensive website at www.assembly.ca.gov/erca. The website included the names and contact information of Committee members, press releases, notices of public hearings, directions to hearing sites, explanatory material regarding the redistricting process, and policies and guidelines to assist the public in submitting plans for consideration by the Committee.

To gather information relating to California's communities of interest, the Committee held eight hearings throughout the state:

May 4th – San Diego May 11th – Fresno

May 18th – San Francisco	June 1 – Seaside (Monterey County)
June 8th – Los Angeles	June 22nd – Sacramento
July 6th – San Bernardino	July 13th – Santa Ana

The Committee mailed notices to thousands of individuals and organizations, inviting them to participate in the public hearings. Press releases to announce the hearings were also sent to a comprehensive statewide media list. All persons who attended the hearings were given the opportunity to provide testimony to the Committee. Sign-in sheets were maintained at all hearings, and the names and addresses of all attendees were added to mailing lists that were used to send notices of subsequent hearings. Court reporters transcribed all testimony at the hearings, and all transcripts were posted on the Committee's website. Each hearing was also recorded by audio tape, and audio files were also available on the Committee website.

At each hearing, the Committee informed the public that it could make submissions in writing. The deadline to provide such written submissions was August 15, 2001, but subsequent submissions were accepted and considered. Over the course of the redistricting process, the Committee received nearly 600 submissions. An index of these submissions is provided in Appendix L. The Committee considered both the testimony provided at the hearings and the written submissions when drawing new boundaries.[14]

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[14] The Senate Elections and Reapportionment Committee also held numerous hearings throughout the state:

May 22 – Fresno	July 17 – Los Angeles
July 23 – San Diego	July 24 – San Jose
July 31 – Sacramento	

The Committee released its proposed plan for California's Assembly Districts on the morning of August 29, 2001. The proposed plan for Board of Equalization districts was released by the Assembly Committee on September 3, 2001. These proposed plans were posted on the Committee's website and included pertinent demographic information regarding each district. On September 4th and 5th, the Assembly and Senate redistricting committees jointly held two days of statewide interactive hearings to receive feedback from the public on the proposed plans. Those hearings were publicized by using the combined mailing lists and media contacts from all of the previous hearings. In addition, a list of public libraries, by county, that provide free internet access was compiled and included with all mailings and press releases for the two day hearing.

The first day of hearings was focused on Northern California. The committees met at the State Capitol in Sacramento, and remote sites were established in San Jose, San Francisco, Monterey and Fresno. All persons attending at all sites were able to listen to and provide testimony regarding the proposed plans through interactive telecommunications technology. The second day of hearings was focused on Southern California. Remote sites were established in Santa Ana, San Diego, San Bernardino, Los Angeles North and Los Angeles South.

California Channel, an independent, nonprofit public affairs cable network modeled after the national C-SPAN network, preempted its coverage of other events at the State Capitol to broadcast the joint hearings from 9:00 a.m. until 3:30 p.m. each day. California Channel can be seen on cable channels in 44 of California's 58 counties.[15]

[15] This information is available from California Channel's website at www.calchannel.com.

California Channel also provided a simultaneous webcast that could be seen at www.calchannel.com/real.htm.

At each of the remote sites, members of the public were provided color maps of Assembly and Board of Equalization districts in their regions, as well as lists of public libraries that offer free internet access to facilitate the review of maps, transcripts, press releases, and all other material posted on the Committee website. In Sacramento, color maps of all proposed districts were available to all interested persons.

Court reporters were present throughout the two-day hearing, and transcripts of the proceedings were posted on the Committee website.

The materials reflecting the Committee's public outreach and public participation in the redistricting process are voluminous. They consist of thousands of pages of press releases, public notices, mailing lists, agendas, sign-in sheets, requests to testify, written submissions, transcripts, and newspaper articles. These materials demonstrate the Committee's extraordinary efforts to engage in a process that allowed members of the public to be included and to influence the Committee's work every step of the way. Due to their volume, these materials have been separately bound and are submitted herewith in 16 general volumes and 10 volumes of hearing transcripts.[16]

Following the two-day hearings, the Assembly redistricting plan was amended on September 8th, 9th, 10th and 12th. Each of these amendments was posted on the Committee's website for public review and comment.

[16] For your convenience, the hearing transcripts are also being provided on computer disk.

The Internet and other technology was effectively used by California's redistricting committees to make this decade's process the most fair and open process in California history. Any member of the public with internet access (including access to a public library where the internet is available) was able to obtain data, provide comments, make submissions, and keep abreast of redistricting activities. In addition, several thousand notices were mailed to individuals and organizations to invite them to participate in the process either in person or in writing, and public testimony and written submissions were received from throughout the state.

X.

AVAILABILITY OF THE SUBMISSION
28 C.F.R. § 51.28(g)

A duplicate copy of this submission (including all appendices and the electronic data) is being made available in each covered jurisdiction at the following offices of the respective counties' elections departments:

Kings
Office of the County Clerk/Recorder
1400 W. Lacey Boulevard
Hanford, California 93230

Merced
Office of the Clerk/Registrar of Voters
2222 M Street, Room 14
Merced, California 95340

Monterey
Monterey County Elections Department
1370 B South Main Street
Salinas, California 93902

Yuba
Yuba County Clerk/Recorder
935 14th Street
Marysville, California 95901

The public notice announcing the submission of the redistricting plan to the United States Attorney General, informing the public that a duplicate copy is being made available for inspection at the county election offices listed above, providing that electronic data may be copied, and inviting comment to the United States Attorney General is included

as Appendix M. This notice is being mailed for posting in public libraries, post offices and city halls throughout each of the covered counties. The public notice and this memorandum are also being posted on the Committee's website.

XI.

MINORITY GROUP CONTACTS
28 C.F.R. § 51.28(h)

Various minority groups testified at the pubic hearings and provided written submissions to the Committee. The separately bound volumes with materials relating to publicity and public participation include copies of business cards from many of these individuals and organizations. The following provides contact information for individuals from those minority group organizations in or near the covered counties who testified at the public hearings in Fresno and Seaside. It also provides contact information for groups that offered statewide testimony regarding minority group concerns.

FRESNO (KINGS COUNTY)

El Concilio de Fresno, Inc./Concerned Citizens for Representative Government:
Venancio Gaona
5209 E. Hamilton Ave.
Fresno, CA 93727
(559) 251-2486

Japanese American Citizens League, Central California District Council:
Deborah Ikeda
1713 Tulare Street, #133
Fresno, CA 93721
(209) 486-6815

Willie C. Velasquez Institute:
Vincent Salinas
1247 E. Sunnyview Ave.

Visalia, CA 93292
(559) 625-0833

The Hmong American Community, Inc.:
Chukou Thao
1044 Fulton Mall, #207
Fresno, CA 93721
(559) 237-4919

SEASIDE (MONTEREY AND MERCED COUNTIES)

League of United Latin American Citizens (LULAC):
Reverend Sal Alvarez
3821 Aborn Road
San Jose, CA 95135
(408) 274-0929

National Association for the Advancement of Colored Persons (NAACP) of Salinas:
Tony Anderson
1115 Jackson
Marina, CA 93933
(Phone number not provided.)

Santa Cruz LULAC:
Shirley Castillo
7 Winding Way
Watsonville, CA 95076
(831) 722-1120

LULAC Council #3509 of Watsonville:
Alejandro Chavez, Aide to District 1
County of Monterey/Board of Supervisors
60 W. Market Street, Suite 110
Salinas, CA 93901
(831) 755-5011

California Latino Redistricting Coalition:
Alan Clayton, Research Chair
P.O. Box 86786
Los Angeles, CA 90012
(626) 458-2314 and (626) 285-5905

La Raza Lawyers of Monterey County:
Ana Ventura Phares, Councilmember

City of Watsonville
Main Street
Watsonville, CA
(831) 763-5604

Latino Caucus of the League of Cities:
Oscar Rios
406 Main Street, Suite 414
Watsonville, CA 95076
(831) 724-9005

Monterey Peninsula NAACP:
Helen Rucker
(Address not provided.)
(831) 394-3931

Monterey County LULAC:
Juan Sanchez, Assistant to Vice President
California State University/Monterey Bay
100 Campus Center
Seaside, CA 93955
(831) 582-5036

LULAC:
Sergio Sanchez
P.O. Box 1396
Salinas, CA 93902
(831) 757-2061

OTHERS:

San Bernardino NAACP:
Hardy L. Brown
1505 W. Highland Ave., Suite 11
San Bernardino, CA 92411
(909) 887-7411

Mexican American Political Association (MAPA) San Diego:
Mateo R. Camarillo
P.O. Box 620116
San Diego, CA 92102
(619) 236-1228

African American Community Advisory Committee on Redistricting:

Rev. William Monroe Campbell
3910 W. Martin Luther King Jr. Blvd., Suite 201
Los Angeles, CA 90008
(213) 246-0124 or (323) 296-2360

African American Community Advisory Committee on Redistricting:
Adrian Dove
6230 Wilshire Boulevard
Suite 500-A
Los Angeles, CA 90048
(323) 934-3683

Coalition of Asian Pacific Americans for Fair Redistricting (CAPAFR):
Kathay Feng, Esq.
Asian Pacific American Legal Center
1010 S. Flower Street, Suite 302
Los Angeles, CA 90015
(213) 748-2022

Orange County Asian and Pacific Islander Community Alliance:
Mary Anne Foo
1145 Wilshire Boulevard, 2nd Floor
Los Angeles, CA 90017
(Phone number not provided.)

Asian Pacific Americans for Fair Redistricting (CAPAFR-Sacramento):
Judy Heary
5330 Power Inn Road, Suite A
Sacramento, CA 95820
(916) 383-6784, Ext. 102

Santa Ana LULAC Council #147:
Zeke Hernandez
P.O. Box 1810
Santa Ana, CA 92702
(714) 835-9585

NAACP:
Alice Huffman
720 14th Street
Sacramento, CA 95814
(916) 733-0430

Santa Ana LULAC Council #147:
Art Montes
P.O. Box 1810
Santa Ana, CA 92702
(714) 835-9585

Mexican American Political Association (MAPA) San Bernardino:
Gil Navaro, V.I.L.L.A. President
1440 W. 6th Street
San Bernardino, CA 92411
(909) 787-6027

Sacramento 2001 Redistricting Project:
James Reede, Jr., Co Chair
1516 9th Street
Sacramento, CA 95814
(916) 653-1245

Chinese American CEO's of Silicon Valley:
Joel Szabat
7673 Bridgeview Drive
Sacramento, CA 95831
(916) 421-9980

Mexican American Legal Defense and Educational Fund (MALDEF):
Amadís Velez
634 S. Spring Street
Los Angeles, CA 90014
(213) 629-2512, Ext. 152

XII.

NAME OF SUBMITTING AUTHORITY AND CONTACT
28 C.F.R. § 51.27(d) and (e)

This submission is made by the California Attorney General, the chief legal officer of the State. Inquiries may be directed to Robert E. Leidigh, Deputy Attorney General, State of California Department of Justice, P.O. Box 944255, Sacramento, California 94244-2550, telephone: (916) 322-3360, facsimile: (916) 324-8835.

CONCLUSION

The Assembly and Board of Equalization districts enacted in SB 802 and chaptered as Chapter 349 of the Statutes of 2001 comport with all of the requirements of Section 5 of the Voting Rights Act. There is no retrogression in either of these plans. Preclearance therefore, should be granted as soon as possible, and in any event before October 29, 2001.

Dated: September 27, 2001

Respectfully submitted,

BILL LOCKYER
Attorney General of the State of California
MANUEL M. MEDEIROS
Senior Assistant Attorney General

_____/s/_____
ROBERT E. LEIDIGH
Deputy Attorney General