

Case No.

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA**

LISA MORENO, JYNAIA BADIE, NANXUN ZHOU CONROY, BRUCE  
L. BIALOSKY, and SYLVESTOR BLAND,  
*Petitioners,*

v.

CITIZENS REDISTRICTING COMMISSION,  
*Respondent.*

**EMERGENCY PETITION FOR WRITS OF PROHIBITION AND  
MANDATE OR OTHER EXTRAORDINARY OR IMMEDIATE  
RELIEF FOR A STAY ON SECRET MEETINGS OF THE  
CITIZENS REDISTRICTING COMMISSION, DISCLOSURE OF  
INFORMATION INFLUENCING REDISTRICTING, AND  
RETAINING NEW COUNSEL**

COMMUNICATING ABOUT REDISTRICTING MATTERS OUTSIDE  
OF A PUBLIC HEARING, TACTICAL CONCEALMENT OF  
STATISTICAL ANALYSES AS ATTORNEY WORK PRODUCT, AND  
SHARING COUNSEL WITH THE LEGISLATURE VIOLATE THE  
STATE CONSTITUTION AND REQUIREMENTS FOR AN OPEN AND  
TRANSPARENT REDISTRICTING PROCESS WITH FULL PUBLIC  
CONSIDERATION AND COMMENT, AND A COMMISSION FREE  
FROM THE INFLUENCE OF THE LEGISLATURE

**IMMEDIATE RELIEF REQUESTED BY DECEMBER 13, 2021**

---

HARMEET K. DHILLON (SBN: 207873)  
MARK P. MEUSER (SBN: 231335)  
MICHAEL A. COLUMBO (SBN: 271283)  
**DHILLON LAW GROUP INC.**  
177 Post Street, Suite 700  
San Francisco, California 94108  
Telephone: (415) 433-1700  
*Attorneys for Petitioners*

Document received by the CA Supreme Court.

IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA

**CERTIFICATE OF INTERESTED ENTITIES OR PERSONS**

**California Rules of Court, rules 8.208, 8.490(i), 8.494(c), 8.496(c), or  
8.498(d)**

Supreme Court Case Caption:

LISA MORENO, JYNAIA BADIE, NANXUN ZHOU, BRUCE L.  
BIALOSKY, and SYLVESTOR BLAND

*Petitioners,*

v.

CITIZENS REDISTRICTING COMMISSION,

*Respondent.*

Please check here if applicable:

- ☒ There are no interested entities or persons to list in this Certificate as defined in the California Rules of Court.

Date: November 30, 2021



HARMEET K. DHILLON (SBN: 207873)  
DHILLON LAW GROUP INC.  
177 Post Street, Suite 700  
San Francisco, California 94108  
*Attorneys for Petitioners Lisa Moreno,  
Jynaia Badie, Nanxun Zhou, Bruce L.  
Bialosky, and Sylvestor Bland*

Document received by the CA Supreme Court.

## TABLE OF CONTENTS

|  |    |
|--|----|
| EMERGENCY PETITION FOR WRIT OF MANDATE OR OTHER<br>EXTRAORDINARY OR IMMEDIATE RELIEF .....   | 7  |
| I.    INTRODUCTION.....  | 7  |
| II.   QUESTION PRESENTED .....   | 10 |
| III.  PARTIES.....   | 10 |
| IV.   JURISDICTION.....  | 12 |
| V.    FACTS AND LAW .....  | 13 |
| VI.   TIMELINESS OF PETITION AND REQUESTED RELIEF<br>.....   | 18 |
| VII.  IRREPARABLE INJURY/NECESSITY FOR RELIEF .....  | 20 |
| VIII. PRAYER FOR RELIEF .....  | 21 |
| MEMORANDUM OF POINTS AND AUTHORITES IN SUPPORT OF<br>EMERGENCY PETITION FOR WRITS OF PROHIBITION AND<br>MANDATE OR OTHER EXTRAORDINARY OR IMMEDIATE RELIEF<br>.....  | 23 |
| I.    INTRODUCTION.....  | 23 |
| A.    The CRC’s Commissioners Have Repeatedly<br>Communicated With Interested Parties About<br>Redistricting Matters Outside of CRC Public Meetings<br>.....   | 24 |
| B.    The CRC Is Drawing District Maps In Reliance On<br>Secret Voting Analyses .....  | 36 |
| C.    The Commission Has Compounded the Threat To Its<br>Independence Posed By Its Illegal Secret<br>Communications By Retaining Counsel Whose Clients<br>Include The Legislature, Legislators, And Partisan<br>Political Committees Of One Party..... | 38 |
| D.    Writ Relief is Appropriate Now .....   | 42 |

|     |  |    |
|-----|--|----|
| E.  | Irreparable Injury Will Harm All Californians if Relief<br>is Not Granted Promptly ..... | 42 |
| F.  | Petitioners Have Standing to Sue and the Respondents<br>are the Proper Respondents ..... | 42 |
| II. | CONCLUSION .....   | 43 |

## TABLE OF AUTHORITIES

| <b>Cases</b>   | <b>Page(s)</b> |
|--|----------------|
| <i>Clean Air Constituency v. California State Air Res. Bd.,</i>  |                |
| (1974) 11 Cal.3d 801 .....   | 13, 23         |
| <i>Howard Jarvis Taxpayers Association v. Padilla,</i>   |                |
| (2016) 62 Cal.4th 486, 363 P.3d 628 .....  | 40             |
| <i>Legislature v. Padilla,</i>   |                |
| (2020) 9 Cal. 5th 867 .....  | 25             |
| <i>Save the Plastic Bag Coalition v. City of Manhattan Beach,</i>  |                |
| (2011) 52 Cal.4th 155 .....  | 9, 43          |
| <i>Thornburg v. Gingles,</i>   |                |
| (1986) 478 U.S. 30 .....   | 37             |
| <b>Statutes</b>  |                |
| Code Civ. Proc. § 1085 .....   | 13, 23         |
| Code Civ. Proc. § 1086 .....   | 13, 23         |
| Cal. Government Code § 8253 .....  | 14, 24         |
| Cal. Gov. Code § 8253(a)(3) .....  | 8, 10, 29      |
| Cal. Gov. Code section 8253(a)(1)-(3), (7) .....   | 15             |
| <b>Rules</b>   |                |
| California Rules of Court, Rule 8.486 .....  | 13, 23         |
| <b>Other Authorities</b>   |                |
| Bagley-Keene Open Meeting Act (Article 9 (commencing with <a href="#">Section 11120</a> ) of Chapter 1 of Part 1 of Division 3), ..... | 15, 32         |
| Citizens Redistricting Commission .....  | passim         |
| Congressional Voters FIRST Act (Proposition 11 (2010)) .....   | 12             |

|  |            |
|--|------------|
| CRC Commissioner Code of Conduct .....   | 25, 30     |
| VOTERS FIRST Act (Proposition 20 (2008)) .....   | 12, 24     |
| Voting Rights Act of 1965, Section 2 .....   | 31, 34, 37 |
| Cynthia Dai and Jodie P. Filkins, <i>California Redistricting Board Must Stop Meeting Privately to Prove Democracy Still Works</i> , Sacramento Bee, July 24, 2021 .....   | 16, 29     |
| <i>Proposition 11</i> , UC Berkeley Institute of Government Studies,<br><a href="https://igs.berkeley.edu/library/elections/proposition-11">https://igs.berkeley.edu/library/elections/proposition-11</a> .....  | 14, 24     |
| Sameea Kamal, <i>How Local Independent Commissions Are Changing California Redistricting</i> , Cal Matters (Oct. 27, 2021),<br><a href="https://calmatters.org/politics/2021/10/california-redistricting-local-commissions/">https://calmatters.org/politics/2021/10/california-redistricting-local-commissions/</a> ..... | 27         |
| <i>What is the Commission?</i> , California Citizens Redistricting Commission,<br><a href="https://www.wedrawthelinesca.org/about_us">https://www.wedrawthelinesca.org/about_us</a> .....  | 14, 24     |
| 04.05.2021 Valley Industry and Commerce Association (VICA),<br><a href="https://youtu.be/Jh2WZHV199c">https://youtu.be/Jh2WZHV199c</a> at 1:20 to 5:30 .....   | 28         |
| October 20, 2021 CRC Meeting Video at 3:17:14,<br><a href="https://download.videossc.com/CRC/102021/CRC_102021.mp4">https://download.videossc.com/CRC/102021/CRC_102021.mp4</a> .....  | 31         |
| <b>Constitutional Provisions</b>   |            |
| Cal. Const. Art. V, § 1 .....  | 12, 43     |
| Cal. Const. Art. VI, § 10 .....  | 13, 23     |
| Cal. Const. Art. XVI, § 3 .....  | 10         |
| Cal. Const. Art. XXI, § 1 .....  | 12, 43     |
| Cal. Const. Art. XXI, § 2 .....  | 10         |
| Cal. Const. Art. XXI, § 2(a) .....   | 7          |
| Cal. Const. Art. XXI, § 2(a)-(c)(1) .....  | 14         |

**EMERGENCY PETITION FOR WRIT OF MANDATE OR OTHER  
EXTRAORDINARY OR IMMEDIATE RELIEF**

**To the Honorable Tani Cantil-Sakauye, Chief Justice of the  
Supreme Court of California and to the Honorable Associate Justices  
of the Supreme Court of California:**

**I. INTRODUCTION**

California’s voters amended the state Constitution through ballot propositions to create the Citizens Redistricting Commission (“CRC”), wresting the power to draw voting district maps from the California Legislature and legislators, specifically designing the CRC’s composition and procedures to create an agency “that is independent from legislative influence.” *Id.*, Sec. 2(c)(1). To support this fundamental objective, our State Constitution requires the Citizens Redistricting Commission to: “(1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.” Cal. Const. Art. XXI, Sec. 2(a); *see also* Argument in Favor of Proposition 20 (“Proposition 20 puts an end to backroom deals by ensuring redistricting is completely open to the public and transparent. Proposition 20 means no secret meetings or payments are allowed and politicians can’t divide communities just to get the political outcome they want.”); Rebuttal to Argument Against

Proposition 20 (“[T]he voter-approved Citizens Redistricting Commission will draw fair congressional districts in a completely transparent manner, giving voters power to hold politicians accountable.”). Implementing this constitutional command, the Government Code flatly prohibits Commission members and staff from communicating with or receiving “communications about redistricting matters from anyone outside of a public hearing.” Cal. Gov. Code § 8253(a)(3).

The current Citizens Redistricting Commission (“CRC”) is betraying its founding charter—to take control of redistricting away from the California Legislature and other interested persons, and to conduct its sensitive work through a fully open and public process. The CRC regularly communicates about redistricting matters with interested parties outside of noticed public CRC meetings, conceals from the public a voting analysis influencing map-drafting, and is counseled by the law firm of Strumwasser and Woocher, LLP—a law firm whose revenues derive from representing the California Legislature, as well as candidates and political action committees (“PACs”) affiliated with the Democrat party, all of whom have a vested interest in the voting district boundaries that the CRC is creating under the law firm’s guidance.

Petitioners seek a writ of prohibition to stop the CRC from holding any further meetings outside of noticed public meetings. They also seek a writ of mandate to restore the constitutionally required transparency and



openness of the CRC’s redistricting activities by: (a) publicly disclosing all meetings and communications outside of a public meeting in which the Commission received information about redistricting matters; and (b) disclosure of its analyses of voting districts’ racial composition and voting patterns, which it must use to shape the maps it is creating. Further, to maintain the constitutionally-mandated independence from the influence of the Legislature, this writ seeks a mandate compelling the CRC to terminate Strumwasser & Woocher, LLP’s representation, and to seek fresh, unbiased legal advice from new counsel. The CRC is not only violating its constitutionally mandated independence by sharing an incurably conflicted counsel with the Legislature—it is also using its relationship with that firm—on the advice of that firm—to conceal the influential voting district analyses from public oversight, in violation of the law creating the CRC.

This Writ seeks the enforcement of a public duty of the CRC. Since a matter of public right is at stake, Petitioners need not show any legal or special interest, as Petitioners are “interested as [] citizen[s] in having the laws executed and the duty in question enforced.” (*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166.)

By this petition for extraordinary relief, Petitioners ask this Court to intervene immediately and uphold the clear and direct requirements of our California Constitution.

**PETITIONER RESPECTFULLY REQUESTS IMMEDIATE  
RELIEF, NOT LATER THAN DECEMBER 13, 2021**

**II. QUESTIONS PRESENTED**

The limited questions presented here are whether the Citizens Redistricting Commission violates California Constitution Article XXI, § 2 and Cal. Gov. Code § 8253(a)(3) by secretly meeting with interested parties to discuss the CRC’s redistricting activities, concealing from the public an influential statistical analysis to try to avoid criticism, and sharing counsel with the Legislature and other self-interested parties, from whose very influence the CRC was created to be independent?

**III. PARTIES**

1. Petitioners Lisa Moreno, Jynaia Badie, Nanxun Zhou, Bruce L. Bialosky, and Sylvester Bland (“Petitioners”) seek this Court’s extraordinary relief to prohibit Respondent Citizens Redistricting Commission and its commissioners from meeting with any person to discuss redistricting matters outside of a public CRC meeting, and to mandate that the Citizen’s Redistricting Commission disclose all voting, voter, and district analyses it has commissioned or received from third parties that may influence how it draws district maps, and that it retain new counsel to provide unbiased advice.

2. Petitioner **LISA MORENO** is an individual California resident. She is native to the Central Valley, was born and raised in rural farm labor

communities, worked in the fields of Firebaugh-Mendota, and was the first to go to college from her family, graduating from Fresno State University. She is dedicated to serving the community, working multiple jobs simultaneously, including over 10 years as a physician's assistant. She also serves the community as a mentor to teenage mothers and future students in healthcare, as well as volunteering to assist senior citizens in Southeast Fresno.

3. Petitioner **JYNAIA BADIE** is an individual California resident. She is a registered nurse who lives in Chico, California. She overcame the challenges of being raised in an underserved community of Sacramento rife with drugs, homelessness, and violence to live the American dream. She now has three degrees and is a mother of five children, including one whom she has been compelled to home school.

4. Petitioner **NANXUN ZHOU CONROY** is an individual California resident. She emigrated to America in 2009 and became a U.S. citizen. She majored in economics in college and her career has included work as a journalist, marketing manager, and full-time mother. She lives in Mission Viejo with her husband and two young children, and works for the government of Orange County.

5. Petitioner **BRUCE L. BIALOSKY**, is a CPA who is a small businessman in Studio City. He is a graduate of San Diego State University. He is married for 35 years to Teri Bialosky and the father of

two grown children. He previously wrote a 4,000-word column about the redistricting commission when it was first established in 2011. Mr. Bialosky is actively involved in the Jewish community.

6. Petitioner **SYLVESTOR BLAND** is a pastor born at downtown Los Angeles's General Hospital. He was raised in Compton, California, where he lived for over 35 years. He is a proud father of 5 children and 14 grandchildren, and counting. He has been in ministry for almost 40 years. He believes strongly that the country is slipping from its moral roots and that we must get back to fairness and transparency.

7. Respondent **CITIZENS REDISTRICTING COMMISSION** ("CRC"), is an independent state agency deriving its power from the state constitution. (Cal. Const. Art. XXI.) Through the approval of the VOTERS FIRST Act (Proposition 20 (2008)) and the Congressional Voters FIRST Act (Proposition 11 (2010)), California's voters gave the CRC sole responsibility for drawing California's Congressional, State Senate, State Assembly and State Board of Equalization districts, so that the districts correctly reflect the state's population. The 14-member CRC is reconstituted every ten years to adjust California's voting district maps in response to U.S. Census data.

#### **IV. JURISDICTION**

8. This Court has original jurisdiction over this matter pursuant to Article VI, § 10 of the California Constitution, Code of Civil Procedure §§

1085 and 1086 and Rule 8.486 of the California Rules of Court, to decide a dispute where, as here, the case presents issues of great public importance that must be resolved promptly. This is such a case because it involves the unconstitutional and unlawful activities of the ephemeral Citizens Redistricting Commission, which is nearly done drafting maps that will significantly influence California elections for the next decade. This case is the last opportunity in a closing window of time to restore Constitutionally-mandated transparency and independence to the Commission. As the Court held in *Clean Air Constituency v. California State Air Res. Bd.* (1974) 11 Cal.3d 801, 808:

The Supreme Court has original jurisdiction in mandamus pursuant to article VI, section 10, of the California Constitution, and will exercise that jurisdiction in appropriate cases when ‘the issues presented are of great public importance and must be resolved promptly.’ [Citations.] If these criteria are satisfied, the existence of an alternative appellate remedy will not preclude this court's original jurisdiction."

## **V. FACTS AND LAW**

9. In 2008, through Proposition 11, California’s voters enacted the Voters First Act, which created the CRC and transferred the power to draw State Senate, State Assembly and State Board of Equalization districts from the Legislature to the independent citizens’ CRC. In 2010, voters approved Proposition 20, which gave the CRC the power to also draw the state’s congressional districts. *What is the Commission?*, California Citizens

Redistricting Commission, [https://www.wedrawthelinesca.org/about\\_us](https://www.wedrawthelinesca.org/about_us) (accessed Oct. 29, 2021); *Proposition 11*, UC Berkeley Institute of Government Studies, <https://igs.berkeley.edu/library/elections/proposition-11> (accessed Oct. 29, 2021).

10. Consistent with the purpose of wresting control of redistricting from the Legislature and legislators that stood to benefit most from redistricting, Proposition 11 included transparency requirements so that citizens could monitor the CRC's actions, including the requirement in Government Code section 8253 that the CRC only communicate with interested parties about redistricting matters at public CRC meetings. The CRC also issued a policy purporting to prohibit themselves from any such contacts, consistent with the law. *See* Commissioner Code of Conduct, Nov. 4, 2020 (Attachment 1).

11. California Constitution, Article XXI, § 2(a)-(c)(1) states:

(a) The Citizens Redistricting Commission shall be created no later than December 31 in 2010, and in each year ending in the number zero thereafter.

(b) The commission shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.

(c) (1) The selection process is designed to produce a commission that is independent from legislative influence and reasonably representative of this State's diversity.

8. The California Government Code section 8253(a)(1)-(3), (7) states:

(a) The activities of the Citizens Redistricting Commission are subject to all of the following:

(1) The commission shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with [Section 11120](#)) of Chapter 1 of Part 1 of Division 3), or its successor. The commission shall provide not less than 14 days' public notice for each meeting held for the purpose of receiving public input testimony, except that meetings held in August in the year ending in the number one may be held with three days' notice.

(2) The records of the commission pertaining to redistricting and all data considered by the commission are public records that will be posted in a manner that ensures immediate and widespread public access.

(3) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, staff, legal counsel, and consultants retained by the commission that is otherwise permitted by the Bagley-Keene Open Meeting Act or its successor outside of a public hearing.

\* \* \* \*

(7) The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the redistricting public review process.

12. The first 2020 CRC meeting identified on the CRC website was on July 21, 2020. The CRC met frequently through the second half of 2020 and posted each meetings' materials on its website.

13. Starting in March 2021, the CRC began disclosing meetings of CRC subcommittees, starting with meetings of the "Public Interest Design Committee on March 18, 2021, and the Legal Affairs Committee meeting on March 22, 2021.

14. On May 7, 2021, Charles T. Munger, Jr., wrote a letter to the Commission identifying instances when the Commission appeared to be violating its transparency requirements. *See* Attachment 2. Mr. Munger was a financial supporter of Proposition 20 and the co-author, proponent, principal financial backer, and campaign chair of Proposition 11. *Id.*
15. From June through September 2021, the CRC held many public meetings to identify “communities of interest,” which are sets of people viewed through numerous lenses that may factor into how voting districts may be drawn.
16. In the middle of this period, on July 14, 2021, two of the commissioners from the first Citizens Redistricting Commission published an opinion column urging the CRC’s current commissioners to “[S]top the closed-door discussions and recommit yourselves to true transparency in this process.” Cynthia Dai and Jodie P. Filkins, *California Redistricting Board Must Stop Meeting Privately to Prove Democracy Still Works*, *Sacramento Bee*, July 14, 2021.
17. On September 24, 2021, a journalist filed a Public Records Act request with the CRC, seeking evidence of any meetings or communications between the CRC’s commissioners and interested outside parties, as alleged by Munger, Dai, and Filkins.
18. Between October 22 and November 22, the CRC produced documents in response to the PRA request—mainly comprising what



appear to be CRC commissioner notes—that corroborated the earlier allegations and raised further legal concerns. These slow-rolling productions are not yet complete (they include few emails) and are ongoing, but the CRC will not state how much longer it will retain the requested records before divulging them. By that point, it will almost certainly be done with its sensitive work and will have successfully blocked effective public oversight and full participation in its work.

19. The disclosed notes show that CRC commissioners were meeting with interested parties to discuss redistricting matters outside the CRC meetings and without making a public record of the meetings. There was thus no public notice and opportunity to participate, comment upon, or know what was discussed, or even that a discussion took place. The notes include meetings and communications with interest groups, and meetings to discuss how the CRC’s maps must be guided by secret statistical analyses of voting patterns and demographics, and decisions to keep these analyses from the public to avoid criticism under the guise of a claim of attorney work product.

20. Among other examples described more fully in the Memorandum of Points and Authorities below, the notes show the CRC boasting that it could keep a key statistical analysis “confidential as long as we want it to be” to impermissibly “deprive opposition of targets to criticize.” These notes betray that the CRC’s plan was to unconstitutionally and unlawfully

“keep private” the important “analysis for specific districts” while allowing the publication of similar but less valuable information “that others can easily replicate.”

21. The CRC’s published schedule of its remaining work shows that there is little time left to try to compel it to greater transparency so that the public may provide the constitutionally-mandated degree of public oversight and participation.

22. The CRC’s district line-drawing meetings start today, November 30, 2021, and the Commission will be holding public meetings nearly every day through December 18, 2021. Starting on December 21, the CRC will hold two days of public meetings about its final report.

## **VI. TIMELINESS OF PETITION AND REQUESTED RELIEF**

23. This Petition is filed the week after the CRC disclosed extensive documents confirming the worst suspicions that it was concealing commissioner meetings with interested parties and holding secret meetings at which it decided to hide from the public voting analyses impacting the district maps it was creating. This Court’s expeditious resolution of this matter is critical, as the Commission will be holding its district line-drawing meetings starting tomorrow and, in just over three weeks, will begin meetings to discuss its Final Report.

24. This Court may grant the interim relief requested pending review of the writ, irrespective of whether it requests oral argument. This case is best suited for resolution by this Court rather than a Superior Court or the Court of Appeal because this matter presents issues of broad public importance and Constitutional interpretation that require speedy and final resolution. If Petitioners were first to file a writ in the Superior Court or the Court of Appeals, the non-prevailing parties could then seek review in this Court, with new opportunities for delay at each stage. Such a prolonged process would effectively deny the requested relief because the CRC is entering the final stages of drafting its maps, when the incentive for secret influence-peddling is at its apex, and the opportunity for the public to comment upon and participate in the process preceding the finalization of maps—including oversight of the CRC’s currently secret analyses—will have been permanently lost. Further, as issues capable of repetition that may otherwise evade review, the Court’s decision, while there is a functioning CRC able to participate in the proceedings, will insure the next CRC is on notice from the outset of its existence that there are enforceable constitutional limitations on how it may conduct its redistricting activities. Otherwise, the public will once again be forced to glean indications of illegal activities from between the lines of a future Commission’s records.

## VII. IRREPARABLE INJURY/NECESSITY FOR RELIEF

25. Petitioners have no plain, speedy, and adequate remedy at law, other than the relief sought in this request.

26. Petitioners' irreparable injury is founded on the fundamental principle enshrined in California's constitution that the public is entitled by law to participate in a transparent and open redistricting process of open public meetings, including the ability to see all CRC communications about its redistricting activities. The CRC has nearly completed its initial district map drafting after having selectively circumvented the constitution's transparency and public participation requirements, with secret meetings and nonpublic analyses impacting its work, while also operating under the influence of the Legislature's attorneys. Shortly, the window of opportunity for public participation and oversight before the CRC's work is largely done will have been forever lost.

27. Should this Court find that the CRC is operating in violation of the California Constitution and the Government Code, this Court's order compelling the CRC to comply with the law and take remedial measures such as disclosing a record of its secret meetings, disclosing its secret analyses, and terminating the influence of the Legislature's attorneys, may be the *only* opportunity to salvage the legitimacy of the 2020 CRC process

and allow the public at least a short period of the full enjoyment of the constitutional rights they voted to include in the Constitution.

### **VIII. PRAYER FOR RELIEF**

**WHEREFORE**, Petitioners pray that this Court:

- (a) Issue an order to show cause why the Court should not grant (1) Petitioners' Petition for Writ of Prohibition, which would prohibit the Citizens Redistricting Commission from meeting or communicating with outside parties to discuss redistricting matters outside of a public meeting; (2) Petitioners' Petition for Writ of Mandate, which would compel the CRC to disclose all secret meetings, including dates, attendees, and summaries, as well as any analyses commissioned or received by the CRC about voting patterns, including racially polarized voting, and to terminate its relationship with Strumwasser and Woocher, LLP, and hold a hearing and decide the matter not later than December 13, 2020; or,
- (b) Grant the Petitioners' Petition for Peremptory Writ of Prohibition and Writ of Mandate without a hearing, prohibiting the CRC from meeting or communicating with outside parties to discuss redistricting matters outside of a public meeting, and compel the CRC to disclose all secret meetings, including dates, attendees, and summaries, as well as any analyses commissioned or received by the

CRC about voting patterns, including racially polarized voting, and to terminate its relationship with Strumwasser and Woocher, LLP, to comply with Article XXI, § 2 of the California Constitution.

Dated: November 30, 2021

Respectfully submitted,  
Dhillon Law Group

By: 

Harmeet K. Dhillon  
Mark P. Meuser  
Michael A. Columbo  
Gregory R. Michael  
*Attorneys for Petitioners*

Document received by the CA Supreme Court.

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF EMERGENCY PETITION FOR WRITS OF PROHIBITION  
AND MANDATE OR OTHER EXTRAORDINARY OR  
IMMEDIATE RELIEF**

Petitioners respectfully bring this Emergency Petition for Writs of Prohibition and Mandate or Other Extraordinary or Immediate Relief under Article VI, § 10 of the California Constitution, Code of Civil Procedure §§ 1085 and 1086, Rule 8.486 of the California Rules of Court, and *Clean Air Constituency v. California State Air Res. Bd.* (1974) 11 Cal.3d 801, 808.

**I. INTRODUCTION**

The immediate petition is brought pursuant to Article VI, § 10 of the California Constitution, Code of Civil Procedures §§ 1085 and 1086, and Rule 8.486 of the California Rules of Court, contending that the Citizens Redistricting Commission has been secretly meeting with interested parties regarding redistricting matters, concealing from the public relevant analyses and information, and has jeopardized its constitutional independence from the Legislature by operating under the influence of counsel for the Legislature, legislators, candidates, and PACs, all of which have an interest in the work of the CRC. These issues are intertwined: The same counsel that has advised CRC to eschew its transparency requirements has also advised the CRC that it may shield voter analyses from public scrutiny under the guise of attorney work product to blunt the opportunity for opposition voices to opine, and this duplicity, while delegitimizing the

CRC's work, furthers the interests of the outside counsel's other clients. This is exactly the sort of back-room, self-dealing the CRC was created to eliminate, not perpetuate.

**A. The CRC's Commissioners Have Repeatedly Communicated With Interested Parties About Redistricting Matters Outside of CRC Public Meetings**

In 2008, through Proposition 11, California's voters enacted the Voters First Act, which created the CRC and transferred the power to draw State Senate, State Assembly and State Board of Equalization districts from the Legislature to the independent citizens' CRC. In 2010, voters approved Proposition 20, which gave the CRC the power to also draw the state's congressional districts. *What is the Commission?*, California Citizens Redistricting Commission, [https://www.wedrawthelinesca.org/about\\_us](https://www.wedrawthelinesca.org/about_us) (accessed Oct. 29, 2021); *Proposition 11*, UC Berkeley Institute of Government Studies, <https://igs.berkeley.edu/library/elections/proposition-11> (accessed Oct. 29, 2021).

Consistent with the purpose of wresting control of redistricting from the legislature and legislators that stood to benefit most from redistricting, Proposition 11 included transparency requirements so that citizens could monitor the CRC's actions, including the requirement in Government Code section 8253 that the CRC only communicate with interested parties about redistricting matters at public CRC meetings. The CRC also issued a policy



purporting to prohibit themselves from any such contacts, consistent with the law. *See* Commissioner Code of Conduct, Nov. 4, 2020 (Attachment 1).

The CRC’s transparency framework “reflects a policy judgment that the public should have the opportunity to be involved throughout the redistricting process.” *Legislature v. Padilla*, (2020) 9 Cal. 5th 867, 877. The public has historically embraced this opportunity for engagement with its Citizens Redistricting Commission: “In the 2010 redistricting cycle, the Commission held 34 public hearings in 32 cities, reviewed more than 2,000 written submissions, and received input from more than 20,000 entities and individuals.” *Id.* at 877–78.

Despite the law and the asserted policy of the Commission unambiguously prohibiting communications about redistricting outside of a public CRC meeting, current commissioners—illegally and repeatedly—communicated with stakeholders to discuss redistricting outside of the CRC’s public meetings. Concerns and suspicions swirling for months have now been confirmed.

On May 7, 2021, Charles T. Munger, Jr., wrote a letter to the Commission identifying nearly all of the Commission’s violations described herein. *See* Attachment 4. Mr. Munger was a financial supporter of Proposition 20 and the co-author, proponent, principal financial backer, and campaign chair of Proposition 11. *Id.* Mr. Munger excoriated the CRC

for thoroughly violating the laws governing the Commission's operation and betraying the intended CRC's required transparency.

Mr. Munger's letter identifying the following concerns, among others:

**First**, at a properly noticed and conducted CRC meeting on February 8, 2021, Commissioner Sinay acknowledged that the week before, "we" met with Facebook and Google about the Commission's redistricting efforts. *See Columbo Decl.*, Ex. 2 at 4. There was no publicly-noticed Commission meeting the week before February 8.

**Second**, at a properly noticed and conducted CRC meeting on March 9, 2021, Commissioner Sinay again acknowledged that she and other commissioners were having "1 on 1 conversations" outside of public meetings that were not listed on the CRC website. *See id.*, Ex. 2 at 4. Recently produced records confirm a commissioner met with interested parties outside of a CRC public meeting on March 3, 2021. *See id.*, Ex. 5 at 8.

**Third**, on April 12, Commissioner Sadhwani acknowledged non-public conversations with Common Cause representative Lori Shellenburger. The conversation included Common Cause informing Commissioner Sadhwani about the date when Common Cause anticipated the U.S. Census Bureau would release data upon which the CRC's

redistricting work would be based, and the timing of the CRC's redistricting activities. Ms. Shellenburger further communicated that certain constituencies were displeased with the resulting timing. *See id.*, Ex. 2 at 3. Documents recently produced by the CRC corroborate that it was indeed meeting with Common Cause. *See Columbo Decl.*, Ex. 5 at 20-21, 27.

California Common Cause is a group actively lobbying to influence California's redistricting process to favor challengers over incumbents. Sameea Kamal, *How Local Independent Commissions Are Changing California Redistricting*, Cal Matters (Oct. 27, 2021), <https://calmatters.org/politics/2021/10/california-redistricting-local-commissions/>. Common Cause therefore has a substantive interest in the outcome of redistricting and a developed position on how it should be done to favor certain interests over others.

***Fourth***, according to an April 24, 2021 memorandum from Commissioners Sadhwani and Toledo, CRC commissioners met on March 23 and April 21 with several interested parties, including representatives of the Legislature and Common Cause, to discuss the timeline of the census data and the resulting timeline of the CRC's redistricting activities, outside of a Commission meeting. These secret conversations about redistricting

matters were belatedly disclosed nearly one month after they began. *See* Columbo Decl., Ex. 2 at 4.

Another example of communications outside of a Commission meeting can be found on the Commission’s website. On April 5, 2021, Commissioner Taylor met with the Valley Industry and Commerce Association. The meeting was hosted by Stuart Waldman, a former senior aide and chief of staff to the current California Senate Majority leader, Robert Herzberg (D – 18<sup>th</sup> Senate District), and Mr. Waldman stated he also worked on California’s 2001 and 2011 redistricting. For over four minutes, Mr. Waldman discussed redistricting in the central valley region, using a polished Power Point presentation to advocate certain views, before allowing Commissioner Taylor to speak. *See 04.05.2021 Valley Industry and Commerce Association (VICA)*, <https://youtu.be/Jh2WZHV99c> at 1:20 to 5:30. Mr. Waldman noted that VICA was established to “right past wrongs” with regard to the division of the valley into multiple districts and then stated goals for districting within the valley, described the valley’s geography, identified what should be the most powerful voting bloc in districts that include the valley, advised how valley districts should be numbered, identified communities that should be kept together in a district, requested that assembly districts be located within senate districts, and advocated for relating district boundaries to census tract boundaries. *Id.*

After an introduction following Mr. Waldman’s advocacy, Commissioner Taylor’s PowerPoint presentation began with a rote disclaimer, consistent with the prohibition in California Government Code Section 8253(a)(3) and the CRC Commissioner Code of Conduct, that Commission members and staff were prohibited from communicating with or receiving “communications about redistricting matters from anyone outside of a public hearing” and stating “the Commission will not be taking any public input during these educational presentations.” Commissioner Taylor read this warning aloud, *see id.* at 9:02 to 9:30, without disavowing the four-minute presentation that Mr. Waldman had just concluded.

The Commission clearly “took” this input because it not only occurred in an official but non-public communication between Waldman’s group and a commissioner, but also because it is recorded in a *Commission* video of the meeting that was eventually posted to YouTube—but not until May 7, 2021—thirty-two days after Mr. Waldman made his presentation.

On July 14, 2021, two of the commissioners from California’s first Citizens Redistricting Commission added their voices to Mr. Munger’s, imploring the CRC’s current commissioners to “stop the closed-door discussions and recommit yourselves to true transparency in this process.” Cynthia Dai and Jodie P. Filkins, *California Redistricting Board Must Stop Meeting Privately to Prove Democracy Still Works*, Sacramento Bee, July

24, 2021 (Columbo Decl., Ex. 3). They accused the Commission of holding “an unprecedented number of closed session meetings to untangle complex issues under the guise of personnel and legal deliberation,” noting the California “Constitution allows few exceptions to the requirements that the Commission hold its meetings in the light of day, no matter how difficult or uncomfortable discussions may get.” *Id.* By meeting with privileged stakeholders behind closed doors, outside of a properly noticed and recorded CRC public meeting, the CRC was “elevating certain stakeholders to advise on everything from timelines that will influence the final map deadlines and elections to the minutiae of planning educational briefings.” *Id.* They too identified the interested stakeholders meeting “behind closed doors” with commissioners to include representatives of the Legislature and Common Cause. *Id.* They warned these meetings were reminiscent of “smoke-filled back rooms of the past” and would foment distrust of the Commission’s work. *Id.*

Additional allusions at communications outside of the Commission’s public meetings slip into recordings of its meetings. At its October 20, 2021, meeting, Lori Shellenberger, the same representative of Common Cause noted in the April 12, 2021 example in the Munger letter, stated that she had emailed the CRC’s Executive Director directly to express concerns about the CRC’s arrangements for public comments. This *ex parte* communication with Commission staff about the Commission’s

redistricting activities was not made at a public meeting and has not been published. *See* October 20, 2021 CRC Meeting Video at 3:17:14, [https://download.videossc.com/CRC/102021/CRC\\_102021.mp4](https://download.videossc.com/CRC/102021/CRC_102021.mp4).

***Newly Disclosed Secret Meetings of the CRC’s Voting Rights Act Compliance Subcommittee***

In response to a Public Records Act request, the CRC has in recent weeks begun producing numerous pages of commissioner notes regarding meetings and communications with outside parties regarding redistricting matters that were not during the noticed public CRC meetings documented on the CRC’s website. The records include extensive notes of the CRC’s Voting Rights Act Compliance Subcommittee. This committee’s notes also include references secret analyses and information that Petitioners seek (see part I.B, below) and the deliberate strategy of keeping that information from the public. For example:

- Undated notes, seemingly from 2020, refer to a meeting with “NALEO,” that is, the National Association of Latino Elected and Appointed Officials. Columbo Decl., Ex. 5 at 1.
- Undated notes indicate “G/D” (Gibson Dunn, a law firm that served as counsel to the 2010 CRC) “recommended Matt (Barretto),” a consultant to the 2010 CRC, perform the RPV analysis for the 2020 CRC, along with a notation to “treat confidential” the RPV analysis. *Id.*, Ex. 5 at 2.

- Notes dated November 10, 2020, *id.*, Ex. 5 at 3, reflect the following points of discussion with Justin Levitt, a Loyola law school professor who became a White House Senior Policy Advisor on Voting rights in April 2021:
  - “Present VA as example – leg drew distr with 50% afr am w/o checking RPV Was a way to covertly pack afr ams under cover of VRA”
  - “Matt B[arretto] 2010 RPV analysis kept confidential to deprive opposition of targets to criticize. It remains confidential as long as we want it to be. Work product vs. Bagley-Keene FOIA.”
- Notes from a November 12, 2020 meeting (“RPV Session”) record determinations that some regional level data should be published to suggest that the “CRC considered such facts.” It then candidly admits that the CRC should “keep private” the “scenario analysis for specific districts (hot spots)” and “Keep public things that others can easily replicate.” *Id.*, Ex. 5 at 4.
- Notes reflect a secret December 4, 2020, meeting discussing the costs of an RPV analysis and how it would be performed. *Id.*, Ex. 5 at 5.
- An undated memorandum from the VRA subcommittee summarized its work, including meeting and conversing with



“VRA experts to help inform our process.” The memorandum included recommendations on contracting for outside counsel, hiring an RPV statistician and VRA analyst, noting that local RPV analysis from the 2010 CRC remains confidential, and developing a larger Legal Subcommittee that would meet publicly. *Id.*, Ex. 5 at 6.

- Notes of a January 21, 2021 meeting with the Black Census and Redistricting Hub, a project of a self-described progressive organization called California Calls, in which commissioner notes record: “probably not any areas to have dense enough pop to build a majority black district”; “look for small isolated black community”; “Dist 37 – on tract . . . try not to isolate in a dissimilar district”; “Happy to present any of BH findings to CRC”; “Data at hand getting analyzed by early April.” *Id.*, Ex. 5 at 7.
- A March 3, 2021, meeting with two representatives of the Public Policy Institute of California for which the notes refer to “maps” and changes in the overall population as compared to the voting age population, a reference to “decline” and specific geographic areas, a reference to Asian Americans, and that “non-hispanic” is “declining overall.” *Id.*, Ex. 5 at 8.

- An April 29, 2021, email between several commissioners and Karin MacDonald, the Director of Statewide Database, an organization that maintains information for redistricting within the University of California’s Institute of Government studies advises how line drawing may work, suggesting a voting age population analysis to identify where minority voters may constitute a majority and then suggests the CRC direct a racially polarized voting (RPV) analysis at those areas. Although the CRC produced Ms. MacDonald’s email, it redacted the email from Commissioner Sadhwani to which Ms. McDonald’s email was responding. The documents included another email from Ms. Macdonald to Commissioner Yee on the same date that discussed the use of voter age data for redistricting, but Commissioner Yee’s questions, to which this email responds, are not included. *Id.*, Ex. 5 at 9.
- Notes of a July 8, 2021, CRC VRA Committee meeting discusses Voting Rights Act compliance and a racially polarized voting analysis. For example, it notes that racially polarized voting increases “downballot” with the exception of an election in 1984. It states: “can use crossover vote to shave down and not pack a dist[ri]ct.” *Id.*, Ex. 5 at 11.

- Notes of a CRC VRA Committee “pre-meeting” on August 30, 2021, reflect another discussion of conducting a forthcoming racially polarized voting (RPV) analysis, and that “SW” (Strumwasser and Woocher, the 2020 CRC outside counsel) “advice is to keep RPV confidential.” *Id.*, Ex. 5 at 12.
- Notes of an October 17 meeting refer to an RPV analysis and Matt Baretto, a political scientist who provided the RPV analysis to the 2010 CRC, suggesting that the law firm retained by the 2010 CRC had treated him as an expert witness and, therefore, claimed privilege over his work. *Id.*, Ex. 5 at 13.

Additional notes of other commissioners produced by the CRC reveal a similar pattern of nonpublic meetings, including:

- Notes of a nonpublic January 29, 2021, meeting with Google that included discussion of “geotargeting”; asking “what do you want and when”; and “Misinformation.” *Id.*, Ex. 5 at 14.
- Notes dated January 29, 2021, regarding a nonpublic communication with the PPIC Water Policy Center. *Id.*, Ex. 5 at 15.

- February 2, 2021, notes regarding a nonpublic discussion with representatives of Facebook about Facebook promoting the CRC’s online community of interest tool. *Id.*, Ex. 5 at 19.

Another document produced by the CRC appears to be a nine-page list of numerous meetings commissioners had with stakeholders outside of public meetings, characterized as “outreach.” *Id.*, Ex. 5 at 26-34. There was no meaningful way for the public to know, participate in, or comment upon whatever communications took place at any of those meetings.

These records establish that the CRC’s commissioners have been holding secret meetings with keenly interested parties in violation of the California Constitution and the California Government Code, depriving the public of an opportunity to participate in and comment upon redistricting matters, and to simply know and observe who is attempting to influence the CRC and what the CRC is doing.

#### **B. The CRC Is Drawing District Maps In Reliance On Secret Voting Analyses**

The CRC is in the process of determining the boundary lines of voting districts throughout the state. This work will have a profound effect on state elections and the democratic representation of the state’s citizens. For example, voters may suddenly find themselves in a new district, unable to be represented by their current elected officials, and combined

with others with whom they have more or less common interests than before. Partisan or self-serving manipulation of voting district boundaries behind closed doors has a long and controversial history, which is exactly why California’s voters created the CRC to be independent from the California Legislature and incorporated categorical transparency requirements.

One source of data that significantly informs the CRC’s line-drawing is an analysis of racially polarized voting (RPV). This is because Section 2 of the Voting Rights Act of 1965 prohibits any voting standard, practice, or procedure that results in the denial or dilution of minority voting strength, which includes redistricting. For parties asserting a vote dilution claim in court, any evidence of racially polarized voting can be essential. *See Thornburg v. Gingles*, (1986) 478 U.S. 30. These sophisticated statistical analyses are required for those engaged in redistricting to determine if minorities vote as a group or if whites vote to defeat minority minority-preferred candidates, and in modern redistricting practice they are routine.

As shown in the summaries above of the CRC VRA Compliance Subcommittee’s non-public meetings, establish its decision to treat its RPV analysis as “confidential,” Columbo Decl., Ex. 5 at 2, and that this was done “to deprive opposition of targets to criticize” the CRC and that the CRC would keep it “confidential as long as [they] want it to be.” *Id.*,

Ex. 5 at 3. The CRC further planned to publish information others could replicate while keeping “private” the important “scenario analysis for specific districts (hot spots).” *Id.*, Ex. 5 at 4. This approach was not only recommended by its current counsel, *id.*, Ex. 5 at 12, it continued a practice from the first CRC’s counsel, who claimed the person who prepared the RPV was its expert witness. *Id.*, Ex. 5 at 13. It appears that the CRC’s theory is that it assumes it will be sued, eventually, so it can selectively conceal information from the public that might assist its critics.

Keeping secret statistical analyses that shape the district maps because it could lead to public concern with the CRC’s work patently thwarts the open, transparent, and public redistricting process required by the California Constitution and the Government Code.

**C. The Commission Has Compounded the Threat To Its Independence Posed By Its Illegal Secret Communications By Retaining Counsel Whose Clients Include The Legislature, Legislators, And Partisan Political Committees Of One Party**

The CRC’s disregard of the transparency laws that require it to communicate about redistricting only at public meetings to ensure its integrity and independence from the Legislature is more concerning because it retained legal counsel who is also the Legislature’s counsel and who actively represents numerous Democrat legislators and candidates. Both of these circumstances thwart Proposition 20’s intent to create a *citizens’* redistricting commission that is independent from the Legislature

and its special interests. Moreover, this counsel has apparently advised the CRC that it should keep its RPV analysis a secret under the faux justification that it is attorney work product created in anticipation of litigation rather than a routine compliance analysis that every redistricting commission *must* perform when developing its maps.

The scope of work in the CRC's contract with Strumwasser and Woocher, LLP, establishes that they were to "[a]dvice the Commission, Commission staff, consultants as to procedures, legality of documents, policy concerns, and legal implications concerning the Redistricting Activities, and specifically work with Commission, Commission staff, and consultants with respect to legal issues in connection with drawing new district boundaries" and "the requirements of State and Federal laws relevant to Redistricting Activities." *See* Columbo Decl., Ex. 6 at 3 (Strumwasser & Woocher CRC Contract). Their work also requires them to "[p]ropose and make available to the Commission any advice relevant to community groups and members of the public as to how they can most effectively provide input to the Commission on redistricting matters." *Id.* at 4. Accordingly, the violations described here not only call into question the Commission's independence from the Legislature and legislators, they are also precisely the subject of legal compliance advice that Strumwasser and Woocher was retained to provide to the Commission.

In its proposal to serve as counsel to the CRC, Strumwasser & Woocher, LLP, stated that it “served as counsel to the California Legislature,” including listing the Legislature among representative clients for “[e]lection and political law” matters, and that it had represented the Legislature before the California Supreme Court—most recently in the high profile matter of *Howard Jarvis Taxpayers Association v. Padilla* (2016) 62 Cal.4th 486, 363 P.3d 628. Columbo Decl., Ex. 7 at 4 (Strumwasser & Woocher Proposal); *see also id.* at 13 (“Mr. Woocher has represented the California Legislature, through the Legislative Counsel’s office, and the California State Senate on select matters within the past 10 years[.]”). Though the proposal’s description of its relationship to the Legislature suggests the Legislature was a *past* client, the resume of Mr. Woocher appended to the firm’s proposal stated that he *currently* “Represents California Legislature.” *Id.* at 17.

The firm also “regularly serves as treasurer and legal counsel to various federal, state, and local political committees and candidates for office,” including “several that have been supported by the California Democratic Party,” but downplayed the further fact that Mr. Woocher is the assistant treasurer for such committee clients as “entirely pro forma.” *Id.* at 12. The named partners of the firm also disclosed that they (including spouses) have contributed more than \$2000 each to Democratic candidates,



only. *Id.* Mr. Woocher disclosed that his other clients included “Congressmembers Katie Porter, Tony Cardenas, Lou Correa, and Nanette Barragan, as well as a number of state and local candidates.” *Id.* at 13. All of those congressmembers are members of the Democrat party, individually and collectively having a profound interest in the CRC’s drawing of district lines in a way that increases or preserves their power at the expense of their competitors. This is the equivalent of the fox designing the henhouse.

Strumwasser and Woocher’s contract with the CRC contains, at Exhibit D, a boilerplate prohibition against Strumwasser and Woocher communicating about the CRC’s work *with an attorney in the firm working on redistricting or the firm’s political action committee*, but imposes no similar limits on the firm’s work for, or communications with, the Legislature, legislators, candidates, and PACs that it represents. Columbo Dec., Ex. 6 at 20.

The CRC does not appear to have any policies, procedures, manuals, guides, training, plans, guidance, or directions to ensure that the Commission’s independence is not compromised by it sharing counsel with the Legislature, the body of government from which Proposition 20 transferred redistricting responsibility to the CRC specifically to insulate the CRC from undue influence by the Legislature.

#### **D. Writ Relief is Appropriate Now**

Petitioners have filed this Petition the week after the CRC, on the eve of a holiday, grudgingly produced documents showing that it had a subcommittee secretly meeting with outside parties to discuss redistricting matters and that it had decided to conceal certain information to avoid public criticism under the cover of a claim of attorney work product. The Court's expeditious resolution of these issues is necessary as today, November 30, 2021, the CRC begins meeting to discuss district line drawing and in just over three weeks it will have two days of meetings to discuss a final report.

#### **E. All Californians Will Be Irreparably Harmed if Relief is Not Granted Promptly**

The CRC has actively concealed its secret meetings and statistical analyses, depriving California citizens of their Constitutional and statutory rights to observe, participate in, and comment upon the CRC's work. The time for writ relief to issue is now, before the CRC completes its public line-drawing meetings and issues its final report. After that point, there will be no effective opportunity to cure the transparency violations described here.

#### **F. Petitioners Have Standing to Sue and the Respondents are the Proper Respondents**

Petitioners Moreno, Badie, Zhou Conroy, Bialosky, and Bland are proper parties to bring this action because they are California residents.

[W]here the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the petitioner need not show that he has any legal or special interest in the result, since it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced. This public right/public duty exception to the requirement of beneficial interest for a writ of mandate promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or defeats the purpose of legislation establishing a public right.

*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011)

52 Cal.4th 155 [internal citations omitted].

Respondent Citizens Redistricting Commission is the proper respondent. The California Constitution empowers the Citizens Redistricting Commission “to adjust the boundary lines of the congressional, State Senatorial, Assembly, and Board of Equalization districts.” (Cal. Const. Art. XXI, § 1.)

## II. CONCLUSION

For the reasons stated above, the relief sought herein should be granted, together with such other and further relief this Court deems just and proper.

Respectfully submitted,

Dated: November 30, 2021

Dhillon Law Group Inc.

By: 

Harmeet K. Dhillon  
Mark P. Meuser  
Michael A. Columbo  
*Attorneys for Petitioners*

Document received by the CA Supreme Court.

## CERTIFICATE OF COMPLIANCE

In accordance with the California Rules of Court, Rule 8.204, I, Harmeet K. Dhillon, hereby certify that the foregoing was produced on a computer using 13-point Times New Roman font, and according to the word count function of the word processing program used, this brief contains 7,687 words.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this certificate is dated November 30, 2021.

/s/ Harmeet K. Dhillon  
Harmeet K. Dhillon, Esq.

Document received by the CA Supreme Court.

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2021, a true and accurate copy of the foregoing Petition and supporting documents were filed via TruFiling and served on counsel for the Respondent via electronic mail at the following address:

Anthony Pane  
Chief Counsel  
California Citizens Redistricting Commission  
721 Capitol Mall, Suite 260  
Sacramento, CA 95814  
anthony.pane@crc.ca.gov

Date: November 30, 2021

/s/ Harmeet K. Dhillon  
Harmeet K. Dhillon, Esq.

Document received by the CA Supreme Court.