
**In the
Supreme Court of the United States**

—◆—
DAVID TANGIPA, *et al.*,

Applicants,

v.

GAVIN NEWSOM, *et al.*,

Respondents.

—◆—
ON APPLICATION FOR WRIT OF INJUNCTION FROM THE U.S. DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
—◆—

**To the Honorable Elena Kagan
Associate Justice of the Supreme Court of the United States and Circuit Justice
for the Ninth Circuit**

—◆—
**APPENDIX TO EMERGENCY APPLICATION FOR WRIT OF INJUNCTION
PART 1**
—◆—

SHAWN COWLES
MARK P. MEUSER
DHILLON LAW GROUP INC.
4675 MacArthur Court, Suite 1410
Newport Beach, CA 92660
mmeuser@dhillonlaw.com

DOMENIC P. AULISI
AMBER R. HULSE
DHILLON LAW GROUP INC.
2121 Eisenhower Ave, Suite 608
Alexandria, VA 22314
daulisi@dhillonlaw.com

MICHAEL COLUMBO
Counsel of Record
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, CA 94108
(415) 433-1700
mcolumbo@dhillonlaw.com

Counsel for Applicants

INDEX

PART 1

Order Denying Plaintiffs’ Motion For Preliminary Injunction (Doc. 15) and Denying Plaintiff-Intervenor’s Motion for Preliminary Injunction (Doc. 29)	App. 1
Plaintiffs’ Notice Of Appeal	App. 118
Plaintiffs’ Ex Parte Application for an Injunction Pending Appeal. Frap 8(A)(1)(C)	App. 120
Order Denying Plaintiffs’ Application for Injunction Pending Appeal.....	App. 131
Plaintiffs’ Motion For Preliminary Injunction	App. 132
Hearing Transcript, Monday, December 15, 2025, AM Session	App. 168
Hearing Transcript, Monday, December 15, 2025, PM Session.....	App. 183
Hearing Transcript, Tuesday, December 16, 2025, AM Session.....	App. 196
Hearing Transcript, Tuesday, December 16, 2025, PM Session.....	App. 201
Exhibit 4 Transcript of the California Senate floor hearing held on August 18, 2025	App. 212
Exhibit 5 Transcript of the California Assembly Committee on Elections hearing held on August 19, 2025	App. 216
Exhibit 8 Transcript of the California Senate floor proceedings on August 21, 2025	App. 218
Exhibit 9 Transcript of the California Assembly floor proceedings on August 21, 2025	App. 223

Exhibit 10 Transcript of a podcast entitled
“Capitol Weekly Podcast” featuring Paul Mitchell App. 230

Exhibit 11 Transcript of a Zoom presentation given by
Hispanas Organized for Political Equality (HOPE)
on October 17, 2025 App. 233

Exhibit 12 HOPE Letter referred to by Paul Mitchell
in HOPE Presentation App. 252

Exhibit 14 October 23, 2025, X (formerly Twitter) post
authored by Paul Mitchell which publicly summarized
academic analyses of the Proposition 50 map press release
titled “Legislative Democrats Announce Plan Empowering
Voters to Protect California,” published August 19, 2025 App. 261

Exhibit 21 Office of the Senate President pro
Tempore Mike McGuire App. 262

Exhibit 30 Expert Report of Sean Trende, Ph.D App. 266

Exhibit 189 Statewide Direct Primary Election Calendar App. 296

PART 2

Exhibit 190 Prop 50 Districts Atlas – final version
of map (AB 604), <https://tinyurl.com/bdfafdpz> App. 320

Exhibit 207 Excerpts of declaration by Dr. Jonathan Rodden,
Professor of Political Science at Stanford University App. 379

Exhibit 434 Transcript of the December 10, 2025
deposition of Paul Mitchell App. 385

PART 3

Exhibit 501 From DCCC RFP Response – DCCC
cover letter and proposed mapsApp. 466

Exhibit 511 Trende Rebuttal ReportApp. 526

Exhibit 528 Executive Committee PresentationApp. 563

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID TANGIPA, et al.,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

GAVIN NEWSOM, in his official capacity
as the Governor of California, et al.,

Defendants,

and

DCCC,

Defendant-Intervenor,

and

LEAGUE UNITED LATIN AM.
CITIZENS,

Defendant-Intervenor.

CASE NO. 2:25-cv-10616-JLS-WLH-KKL

**ORDER DENYING PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION (Doc. 15) AND
DENYING PLAINTIFF-
INTERVENOR'S MOTION FOR
PRELIMINARY INJUNCTION (Doc.
29)**

Before:

Hon. Josephine L. Staton

Hon. Wesley L. Hsu

Hon. Kenneth K. Lee

Opinion by Judge Staton

Dissent by Judge Lee

STATON, District Judge:

I. INTRODUCTION

On November 4, 2025, California voters overwhelmingly passed Proposition 50, amending the California Constitution and adopting a new map with new congressional district lines that everyone agrees are likely to flip five congressional seats from Republicans to Democrats. Challengers¹ now seek to enjoin California’s use of the Proposition 50 Map, arguing that the predominant reason for its adoption was not politics but rather unconstitutional and unlawful racial gerrymandering.

We have reviewed briefing from all parties, held a 3-day evidentiary hearing with 9 witnesses (including 6 experts), and reviewed a record that includes over 500 exhibits totaling thousands of pages (along with video and audio evidence). We find that Challengers have failed to show that racial gerrymandering occurred, and we conclude that there is no basis for issuing a preliminary injunction.

Our conclusion probably seems obvious to anyone who followed the news in the summer and fall of 2025. In the summer of 2025, the Trump administration began pressuring Texas to redistrict for the purpose of picking up five more Republican seats in Congress. The Texas Legislature obliged. In August 2025, Governor Gavin Newsom announced that California would “fight back” with its own Election Rigging Response Act (“ERRA”). The stated goal of the ERRA was to counter the actions of Texas and pick up an additional five Democratic seats. The new map drawn by a private consultant, paid for by the Democratic Congressional Campaign Committee, and incorporated into Proposition 50, met that goal exactly.

In the roughly two and a half months between the California Legislature’s initial consideration of the ERRA and the special election on November 4, 2025, Proposition 50

¹ We refer to Plaintiffs—comprising individuals and the California Republican Party—and Plaintiff-Intervenor the United States collectively as “Challengers.”

and its new map were heavily debated. No one on either side of that debate characterized the map as a racial gerrymander. The California Democratic Party told voters that “Proposition 50 proposes new lines for many of California’s 52 congressional districts, which would negate the five Republican seats drawn by Texas. Under the proposed lines, Democrats could gain up to 5 seats in the U.S. House of Representatives.” Plaintiff California Republican Party urged a “no” vote on Proposition 50, telling voters it was a “political power grab to help Democrats retake Congress and impeach Trump.” Attorney General Pamela J. Bondi called it a “redistricting power grab” for political gain. And Plaintiff California Assembly member David Tangipa publicly described Proposition 50 as “partisan gerrymandering” and a “power grab” that “eliminate[d] five Republican districts & strengthen[ed] Democrat held seats.”

Proposition 50 was the single issue on the ballot for the November 4 special election: the Official Voter Information Guide provided maps to the voters showing both the existing district lines and the proposed new district lines. And the pros and cons of Proposition 50 were outlined in purely political, partisan terms, with each side claiming the other was engaging in a “power grab.” No one told the voters that the Proposition 50 Map involved racial gerrymandering. Over 7 million Californians voted “yes” on Proposition 50, it passed by nearly a 2 to 1 margin, and the next day Plaintiffs filed their complaint in this Court.

But the Supreme Court ruled in *Rucho v. Common Cause* that “partisan gerrymandering claims present political questions beyond the reach of the federal courts.”² So, Challengers have abandoned the argument they made to the voters. Proposition 50, apparently, is no longer a partisan power grab. Now, it is a “racial gerrymander.” And Challengers also tell us that, even if the voters intended to adopt the Proposition 50 Map as

² 588 U.S. 684, 718 (2019).

a partisan counterweight to Texas’s redistricting, their intent does not matter, as they were simply dupes of a racially-motivated legislature.

However, we reject the notion that voters’ intent does not matter. Instead, we employ well-understood tools to determine the voters’ intent in adopting the Proposition 50 Map, and after reviewing the evidence, we conclude that it was exactly as one would think: it was partisan. Indeed, the record contains a mountain of statements reflecting the partisan goals of Proposition 50, from which Challengers have culled a molehill of statements showing race consciousness on the part of the mapmaker and certain legislators. But that is not enough to make the necessary showing that the relevant decisionmakers—here, the electorate—enacted the new map for racial reasons.

Nor have Challengers offered alternative maps that would prove otherwise. Significantly, they provide no alternative map for any congressional district except one: District 13.³ And as to that district, the alternative maps they do offer are either materially indistinguishable from the Proposition 50 Map or do not meet other redistricting goals.

We explain our findings of fact and conclusions of law below.

II. BACKGROUND

A. Texas’s Redistricting and the California Legislature’s Response

On July 9, 2025, following pressure from the White House and the United States Department of Justice (“DOJ”) to effectuate congressional redistricting in Texas, Texas Governor Greg Abbott added mid-decade redistricting to the Texas Legislature’s agenda. *See League of United Latin Am. Citizens v. Abbott*, 2025 WL 3215715, at *1 (W.D. Tex. Nov. 18, 2025). Reportedly, President Donald Trump commented approvingly on the redistricting effort, stating, “We are entitled to five more seats.” (Pres. Trump on Texas,

³ The alternative maps presented for District 13 do show the impact of the proposed changes to District 13 on two neighboring districts, District 5 and District 9.

Ex. 213 at 65, Doc. 189-1.)⁴ In August of 2025, the Texas Legislature passed, and Governor Abbott signed into law, House Bill 4, establishing a new congressional district map for Texas which will be effective starting from the 2026 midterm election.

California politicians swiftly responded. On August 8, 2025, California Governor Gavin Newsom posted a video of a conference between California and Texas Democrats, at which he announced, “We will nullify what happens in Texas. We will pick up five seats with the consent of the people.” (Ex. 229 at 370, Doc. 189-1.) California Assembly Speaker Robert Rivas issued an August 9 press release stating that he and other California Democrats were prepared to “fight back against Trump’s redistricting power grab.” (Ex. 18 at 1481, Doc. 188-9.) On August 11, 2025, Governor Newsom sent a letter to President Trump, writing, “If you will not stand down, I will be forced to lead an effort to redraw the maps in California to offset the rigging of maps in red states.” (Ex. 93 at 3, Doc. 190-1.)

As promised, in an August 14, 2025 press release, Governor Newsom announced a legislative package entitled the Election Rigging Response Act (“ERRA”). (Ex. 102 at 12–19, Doc. 190-1.) Although California voters had, in 2010, created an independent Citizens Redistricting Commission (the “Commission”) to redraw California’s congressional maps every 10 years, the ERRA would give California voters the option to replace the congressional map drawn by the Commission in 2021 (the “2021 Map”) with a new one. Specifically, the ERRA contained three bills. First, Assembly Constitutional Amendment 8 (“ACA 8”) would refer to California voters a proposed constitutional amendment which, if approved, would replace the 2021 Map with an updated congressional district map for the 2026, 2028, and 2030 elections. Assembly Bill 604 (“AB 604”) set forth the proposed updated map (the “Proposition 50 Map”), which was prepared by third-party consultant Paul Mitchell. (Mitchell Depo., Ex. 513 at 32, Doc. 210-2.) Finally, Senate Bill 280 (“SB 280”) would authorize a statewide special election

⁴ Unless otherwise noted, page numbers refer to those printed by the Court after e-filing, located in a blue line at the top of each page.

on November 4, 2025, in which California voters would vote on ACA 8 as Proposition 50. Governor Newsom declared that the ERRA would “enable California voters the opportunity to fight back against Trump’s attempted power grab in Texas.” (Ex. 102 at 12, Doc. 190-1.)

The California Legislature’s debate surrounding the ERRA included passionate defenses and criticism of its partisan goals. Assembly member Marc Berman introduced ACA 8 by stating, “ACA 8 is before you today because President Trump and Republicans in Texas and other states across the country are attempting to redraw congressional districts mid-decade in an effort to rig the upcoming election.” (CA Assembly Elections Comm. Tr., Ex. 5 at 197, Doc. 188-9.) Assembly member Robert Garcia similarly characterized ACA 8 as necessary “only because Republicans force partisan maps on voters in other states.” (CA Assembly Floor Tr., Ex. 9 at 1180, Doc. 188-9.) And Senator Sasha Renée Pérez emphasized that ACA 8 would “allow us to neutralize what is happening in Texas so that we can create an additional five Democratic seats to stop this mess and stop this chaos.” (CA Senate Tr., Ex. 8 at 925, Doc. 188-9.) Opponents of the ERRA, however, vilified its naked partisan purpose, with Assembly member Alexandra Macedo criticizing it as “a blatant attempt to gerrymander congressional districts for partisan gain.” (CA Assembly Elections Comm. Tr. at 321.) Plaintiff Assembly member David Tangipa’s floor statement against the ERRA similarly characterized it as a partisan gerrymander:

Californians can look at their districts today, and they know that they were not manipulated for partisan advantage. And now, in just four days, with two rushed committee hearings and almost no opportunity for real public comment, we are on the verge of throwing all of that away. Let me remind this body. During committee hearings, one of our colleagues brazenly admitted that this entire thing was about partisan gerrymandering. Admitted partisan politics. . . . So how can we stand in this chamber and criticize Texas, Florida or other states for gerrymandering when we’ve joined them in the same practice?

(CA Assembly Floor Tr. at 1119–20.) On August 21, 2025, the California Legislature passed the ERRA, and Governor Newsom signed it into law.

On August 25, four Republican California legislators and four voters, including Plaintiff in this action Eric Ching, filed a Petition with the California Supreme Court, arguing that the ERRA violated the California Constitution and seeking a writ of mandate that ACA 8 not be presented to voters in the special election. (*Sanchez v. Weber* Petition, Ex. 234 at 810, Doc. 189-1.) Like Governor Newsom and the legislators who debated the ERRA, the plaintiffs highlighted the legislation’s unabashedly partisan goals, providing a declaration by Dr. Sean Trende, who is also Challengers’ expert in this case, which stated that “it seems obvious that the purpose of this map is to favor one party or the other, as leaders in the state have not been particularly shy that the purpose of the map is to ‘neutralize’ a Republican gerrymander in Texas.” (Trende Decl. in *Sanchez* ¶ 15, Ex. 129 at 136, Doc. 190-1.) The California Supreme Court denied the Petition on August 27. (Ex. 342 at 156, Doc. 190-12.) California voters would therefore vote on Proposition 50 in a November 4, 2025 special election.

B. The Proposition 50 Campaign

A fierce campaign ensued. Proposition 50’s proponents called on voters to “fight back” against Republican redistricting efforts in other states. The California Democratic Party’s “YES on Prop 50” webpage, for example, informed voters,

Proposition 50 proposes new lines for many of California’s 52 congressional districts, which would negate the five Republican seats drawn by Texas. Under the proposed lines, Democrats could gain up to 5 seats in the U.S. House of Representatives. With a majority in the House, Democrats can fight back against Trump and Republicans’ MAGA Agenda.

(Ex. 89 at 15, Doc. 188-12.) Democratic politicians from across the country participated in the campaign. On September 16, Governor Newsom livestreamed a virtual “Yes on Prop 50” rally, during which Senator Elizabeth Warren called on voters to “please

understand how important these midterms are. Any accountability for Donald Trump—any accountability—is going to come because of the midterms.” (Ex. 122 at 76, Doc. 190-1.) Senator Warren continued: “Let me tell you the way to do that: that is, vote ‘Yes’ on 50.” (*Id.*) Former Vice President Kamala Harris posted to social media on October 30 that she was voting “yes” on Proposition 50 “because Donald Trump and the Republicans are trying to rig the system . . . around congressional maps, so we as Californians are standing up to level the playing field, and we’re doing that by voting ‘Yes’ on Prop. 50.” (Ex. 121 at 75, Doc. 190-1.)

Proposition 50’s opponents decried its repudiation of the independently drawn 2021 Map and characterized it as entrenching political power. The California Republican Party ran video advertisements stating, “They aren’t hiding it. Prop. 50 eliminates five congressional seats,” and describing Proposition 50 as an attempt to “paint California blue.” (Ex. 212 at 62, Doc. 189-1; Ex. 220 at 96, Doc. 189-1.) Voters also received text messages from the California Republican Party, warning them that “Gavin Newsom’s Prop 50 political power grab is a scheme to gerrymander more congressional seats for Democrats so they can take control of Congress[.]” (Ex. 332 at 1–48, Doc. 190-12.)

California legislators who originally opposed the ERRA also urged voters to reject Proposition 50. Assembly member Carl DeMaio and the organization Reform California created a “No on Prop 50” website to warn voters that “Prop 50 takes the redistricting power away from citizens and gives that power to the politicians so they can manipulate the lines of election districts for their own personal political benefit.” (Ex. 134 at 1–3, Doc. 190-2.) Plaintiff Assembly member Tangipa also launched a website entitled “Defeat Prop 50,” characterizing Proposition 50 as a “unilateral decision to redraw Congressional maps, eliminate five Republican districts, & strengthen Democrat held seats.” (Ex. 244 at 1302, Doc. 189-1.) The website warned that Proposition 50 would prevent Republicans from retaking District 13 or District 21, “two of the best pickup options for Republicans in the country.” (*Id.*) And on social media, Assembly member Tangipa urged voters to “step

up” to vote “NO on Prop 50” because “one of the map’s OWN authors admitted: ‘this is partisan gerrymandering.’ They don’t care about communities of interest—only power.” (Ex. 242 at 1297, Doc. 189-1.)

C. The Special Election

The November 4, 2025 special election contained only one ballot measure: Proposition 50. The Special Election’s Official Voter Information Guide informed voters that Proposition 50’s passage would mean that California “would use new, legislatively drawn congressional district maps starting in 2026.” (Voter Information Guide, Ex. 187 at 560, Doc. 190-3.) The Voter Guide then included six pages of images of California’s “Current” and “Proposed” congressional districts, providing voters with the entire 2021 Map, the entire Proposition 50 Map, and larger images of the northern and southern congressional districts for both maps. (*Id.* at 565–70.) The Voter Guide also included arguments in favor of and against Proposition 50:

ARGUMENT IN FAVOR OF PROPOSITION 50
STOP TRUMP FROM RIGGING THE 2026 ELECTION
Donald Trump and Texas Republicans are making an unprecedented power grab to steal congressional seats and rig the 2026 election before voting even begins.
Other Republican states are following suit. They want to steal enough seats to control Congress even if voters overwhelmingly reject their agenda.
This isn’t politics as usual. It’s an emergency for our democracy.

REBUTTAL TO ARGUMENT IN FAVOR OF
PROPOSITION 50
Districts do not belong to either party; they belong to the People.
But, party bosses want to call the shots—again. . . .
Vote NO on partisan gerrymandering. Vote NO on Prop. 50.

ARGUMENT AGAINST PROPOSITION 50
PROPOSITION 50: A POWER GRAB BY POLITICIANS
Prop. 50 is not democratic; it gives voters a take-it-or-leave-it decision on the most partisan maps in California’s history—a product of politicians’ secretive backroom deals with ZERO meaningful public engagement. . . .

Instead of protecting important programs, they're spending it on a political power grab.
Vote NO on Prop. 50.

(*Id.* at 571–72.) 64.4% of voters voted “yes” on Proposition 50. (Ex. 201 at 145, Doc. 190-9.) As a result, the Proposition 50 Map is set to dictate California’s 52 congressional districts for the 2026, 2028, and 2030 elections. As Proposition 50’s supporters repeatedly promised, the Proposition 50 Map is expected to make “five of the nine Republican-held seats more likely to elect a Democrat[.]” (Grofman Report ¶ 7, Ex. 184, Doc. 190-3.)

D. The Instant Lawsuit

The day after the special election, Plaintiffs Assembly member David Tangipa, the California Republican Party, and several California voters filed the Complaint in this action against Defendants Governor Gavin Newsom and California Secretary of State Shirley Weber (“State Defendants”), requesting that this Court enjoin the use of the Proposition 50 Map. (Pl. Compl., Doc. 1.) Following several months of campaigning that construed Proposition 50 as a political and partisan power grab, Plaintiffs now claim that State Defendants violated the Fourteenth and Fifteenth Amendments “by using race as a predominant factor in drawing the boundaries of sixteen congressional districts” because those districts were drawn to favor Latino voters. (*Id.* ¶¶ 95–98.)

On November 7, 2025, Plaintiffs filed a Motion for Preliminary Injunction, requesting that this Court enjoin the use of the Proposition 50 Map, and order the use the 2021 Map during the pendency of this litigation. (Pl. Mot., Doc. 15; Pl. Mem., Doc. 16-1.) Plaintiff-Intervenor the United States filed a Motion for Preliminary Injunction, requesting the same relief, on November 13, 2025. (U.S. Mot., Doc. 29; U.S. Mem., Doc. 29-1.)

This three-judge panel held a preliminary injunction hearing from December 15, 2025, to December 17, 2025. At the hearing, Challengers presented evidence of racial motivations in connection with Proposition 50. In turn, State Defendants, Defendant-Intervenor Democratic Congressional Campaign Committee (“DCCC”), and Defendant-

Intervenor League of United Latin American Citizens (“LULAC”) (together, “Defendants”) presented evidence of partisan motivations. Because we find that the evidence of any racial motivation driving redistricting is exceptionally weak, while the evidence of partisan motivations is overwhelming, Challengers are not entitled to preliminary relief on any of their claims.

III. LEGAL STANDARD

“A preliminary injunction is an extraordinary and drastic remedy never awarded as a matter of right.” *Benisek v. Lamone*, 585 U.S. 155, 158 (2018) (quotation omitted). A district court should issue a preliminary injunction only “upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). “[T]he party seeking the injunction . . . bear[s] the burden of demonstrating the various factors justifying preliminary injunctive relief” *Granny Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 441 (1974). “The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981).

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter*, 555 U.S. at 20. The Ninth Circuit uses a sliding scale to weigh these factors, “such that where there are only ‘serious questions got to the merits’” a preliminary injunction may issue “so long as ‘the balance of hardships tips *sharply* in plaintiff’s favor’ and the other two factors are satisfied.” *Short v. Brown*, 893 F.3d 671, 676 (9th Cir. 2018) (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)). The third and fourth *Winter* factors merge where, like here, the nonmovant is the government. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Further, we must “tread carefully where preliminary relief would disrupt a state voting system on the eve of an election.” *Short*, 893 F.3d at 675. That is because “in

addition to the harms attendant upon issuance or nonissuance of an injunction . . . [c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls.” *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006). And, “[a]s an election draws closer, that risk will increase.” *Id.* at 5.

IV. ANALYSIS

Challengers claim that in enacting the Proposition 50 Map, State Defendants engaged in (1) racial gerrymandering in 16 congressional districts—Districts 13, 18, 21, 22, 25, 29, 31, 33, 34, 35, 38, 39, 41, 44, 46, and 52—in violation of the Fourteenth Amendment, (2) racial gerrymandering in the same 16 districts in violation of the Fifteenth Amendment, and (3) intentional racial discrimination in violation of Section 2 of the Voting Rights Act.⁵ (Pl. Compl.; U.S. Compl., Doc. 42.) We first evaluate Challengers’ racial gerrymandering claims under the Fourteenth and Fifteenth Amendments before turning to their Voting Rights Act claim.

A. Racial Gerrymandering

Challengers assert that 16 congressional districts in the Proposition 50 Map—in particular, the 16 districts where “the Hispanic population makes up more than 50% of the voters”—were racially gerrymandered.⁶ (Pl. Mem. at 18.) Defendants, in turn, disagree that racial motivations drove the enactment of the challenged districts.

⁵ More specifically, Plaintiffs challenge only racial gerrymandering in the aforementioned 16 congressional districts under the Fourteenth and Fifteenth Amendments. (Pl. Compl.) The United States alone challenges the Proposition 50 Map under the Voting Rights Act (*see* U.S. Compl. at 17, Doc. 42), and additionally challenges racial gerrymandering in only District 13 under the Fourteenth Amendment (*see* Hearing Tr. at 525).

⁶ Plaintiffs’ Motion incorrectly lists District 42, a district which they do not challenge, as one of these majority-Latino districts, but Plaintiffs’ expert report authored by Dr. Tom Brunell states that District 41, rather than District 42, is majority-Latino in the Proposition 50 Map. (Brunell Report at 4, Table 2, Ex. 196, Doc. 190-9.) Accordingly, Plaintiffs challenge all 16 districts with majority-Latino voting populations in the Proposition 50 Map.

A State may not, “without sufficient justification,” “separat[e] its citizens into different voting districts on the basis of race.” *Bethune-Hill v. Virginia State Bd. of Elections*, 580 U.S. 178, 187 (2017) (quotation omitted). Typically, for racial gerrymandering claims, “the plaintiff must prove that ‘race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.’” *Cooper v. Harris*, 581 U.S. 285, 291 (2017) (quoting *Miller v. Johnson*, 515 U.S. 900, 916 (1995)). Race is the predominant factor in redistricting when a legislature subordinates “race-neutral districting criteria such as compactness, contiguity, and core preservation to ‘racial considerations.’” *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 7 (2024) (quoting *Miller*, 515 U.S. at 916). Importantly, the plaintiff must make the distinction between the legislature “being aware of racial considerations and being motivated by them.” *Miller*, 515 U.S. at 916. The plaintiff must show that other considerations were subordinate, meaning that race was “the criterion that, in the State’s view, could not be compromised.” *Shaw v. Hunt (Shaw II)*, 517 U.S. 899, 907 (1996). Because of the “sensitive nature of redistricting and the presumption of good faith that must be accorded legislative enactments,” courts must “exercise extraordinary caution in adjudicating claims that a State has drawn district lines on the basis of race.” *Miller*, 515 U.S. at 916.

Typically, a plaintiff may make a showing of racial predominance through “‘direct evidence’ of legislative intent, ‘circumstantial evidence of a district’s shape and demographics,’ or a mix of both.” *Cooper*, 581 U.S. at 291 (quoting *Miller*, 515 U.S. at 916). Direct evidence “often comes in the form of a relevant state actor’s express acknowledgment that race played a role in the drawing of district lines,” or may be “smoked out over the course of litigation.” *Alexander*, 602 U.S. at 8. Circumstantial evidence involves examining a district’s design to argue that it “rationally cannot be understood as anything other than an effort to separate voters into different districts on the basis of race.” *Shaw v. Reno (Shaw I)*, 509 U.S. 630, 649 (1993).

Here, because the circumstances under which the challenged districts have been enacted are unique, we begin with a threshold inquiry into whose motivations are relevant, before turning to the evidence. First, because the voters enacted the Proposition 50 Map, we hold that the relevant inquiry is whether race predominated in the minds of the voters. Next, looking to the record, we find virtually no evidence that race predominated in the voters' enactment of the Proposition 50 Map.

1. The Voters' Intent Is the Relevant Inquiry

The Proposition 50 Map and its new congressional district lines went into effect only because California voters enacted it. In a press conference announcing the package of bills that would eventually become Proposition 50, Governor Newsom emphasized this fact when he said to the press: "We will pick up five seats with the consent of the people. And that is the difference between the approach we're taking and the approach they're taking. . . . [W]e're doing it by asking the people of the state of California for their consent and support." (Newsom Press Conference Tr., Ex. 90 at 48, Doc. 188-12.) This voter-driven process is unique. Generally, "[r]edistricting constitutes a traditional domain of state legislative authority." *Alexander*, 602 U.S. at 7. And in all of the case law cited by the parties, the legislature holds the final decision-making authority as to whether a challenged map goes into effect. *See id.* at 8 (looking for direct evidence of intent from "a relevant state actor[]"). Where the legislature is the relevant state actor, redistricting case law directs us to analyze whether there is direct evidence that the legislature subordinated non-racial criteria in the drawing of a new map. *Miller*, 515 U.S. at 916. But the centrality of voters here distinguishes this case from nearly all precedent on racial gerrymandering. In fact, it appears to the Court that the question of how to consider discriminatory intent in the context of a redistricting ballot measure is an issue of first impression. (*Accord* Hasen Amicus at 5, Doc. 122-1.)

Challengers urge us to ignore entirely the intent of the voters who overwhelmingly supported Proposition 50, arguing that the intent of the map drawer, Paul Mitchell, and by

extension the California Legislature, is dispositive. (*See* U.S. Reply to Defs. at 11–15, Doc. 140.) The Court disagrees. Instead, for at least three reasons, in deciding whether “the State has used race as a basis for separating voters into districts,” we conclude that the voters are the most relevant state actors and their intent is paramount. First, California law subordinates the legislature to the electorate when amending the constitution. Second, this particular constitutional amendment did not simply authorize the legislature to engage in partisan gerrymandering as the legislature saw fit; it was an amendment in which the voters enacted a particularly-drawn map that everyone had the opportunity to review, debate, and critique. And third, the very nature of the injury, “that the State has used race as a basis for separating voters into districts,” *Miller*, 515 U.S. at 911, demands that we focus not on preliminary or peripheral comments, but on why the relevant decisionmaker chose to enact these congressional district maps.

By way of background, California’s Constitution provides that the Citizens Redistricting Commission will conduct redistricting in the year following the national census. Cal. Const. art. XXI, §§ 1–2. Accordingly, mid-cycle, partisan redistricting required a constitutional amendment. The California Constitution requires that a proposed amendment be “submitted to the electors” and “approved by a majority of votes cast thereon.” Cal. Const. art. XVIII, § 4. The Legislature’s power to amend the state constitution is limited to “proposals,” which it may submit to the voters after a two-thirds vote of each house. *Id.* § 1.

Here, three bills formed the legislative package that later became Proposition 50. ACA 8 provided for a constitutional amendment putting in place new congressional districts to be used in elections through 2030. (ACA 8, Ex. 1, Doc. 188.) AB 604 proposed the exact boundaries of the districts put in place in ACA 8. (Ex. 3, Docs. 188-1–188-8.) SB 280 called for a special election in November 2025 to vote on the proposed amendment. (Ex. 2, Doc. 188.) Through these bills, the constitutional amendment

provided in ACA 8, and by extension the map drawn by AB 604, was submitted to voters as Proposition 50.

The first Constitution of California, enacted in 1849, reserved the final power of constitutional amendment to the people. *See* Cal. Const. 1849 art. X § 1 (“if the people shall approve and ratify such amendment . . . by a majority of the electors . . . [the amendment] shall become part of the Constitution.”). This provision has changed strikingly little since the state Constitution’s earliest days, affirming the persistent constitutional underpinning that that “[a]ll political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.” Cal. Const. art. II § 1; *accord* Cal. Const. 1849 art. I § 2 (same). From its earliest days until now, California’s Constitution has facially subordinated the power of government officials to the electorate. *See also Californians for an Open Primary v. McPherson*, 134 P.3d 299, 317 (Cal. 2006) (holding that certain 1879 amendments limited the power of the legislature to design the manner in which proposed amendments were submitted to the electorate).

And further changes to the state’s Constitution have since confirmed that California’s constitutional design places the ultimate political decision-making responsibility with the electorate. For example, in 1911, the California voters approved Proposition 7, which empowered voters to directly propose statutory initiatives and constitutional amendments. *See Perry v. Brown*, 265 P.3d 1002, 1016 (Cal. 2011) (summarizing the history of the 1911 changes). This power grew out of the Progressive movement and was designed to be a check on the legislature. *Id.* (quoting the original ballot materials, which described the proposition as allowing the people to initiate measures “*which the legislature either viciously or negligently fails or refuses to enact*” (emphasis in original)). Dissatisfaction with the then-government motivated the voters to retake “lost control of the political process,” reclaiming their place in California’s constitutional structure as the ultimate source of political authority. *Id.* The initiative

process shows that under California’s constitutional system, where there is a clash between the legislature and the people, it is the will of the electorate that takes precedence.

And, as the ultimate source of political authority, the electorate is also subject to constitutional limitations. The California Supreme Court has confirmed that, in the context of redistricting through statutory initiative, the voters’ power is “coextensive with the power of the Legislature.” *Legislature v. Deukmejian*, 669 P.2d 17, 26 (Cal. 1983). In that case, the California Supreme Court prevented voters from calling a referendum to redistrict by statutory initiative after the congressional lines had already taken effect because it would have violated the once-a-decade redistricting limitation contained in the state Constitution. 669 P.2d at 30. In other words, the voters and the legislature are not subject to different constitutional standards: under California law, the two possess the same legislative capacity, which is equally limited.

But again, this is because “all power of government ultimately resides in the people” so the power of Californians to propose statutory initiatives and constitutional amendments is not “a right granted the people, but . . . a power reserved by them.” *Associated Home Builders etc., Inc. v. City of Livermore*, 557 P.2d 473, 477 (Cal. 1976). Thus, while the voters’ power to propose and adopt initiatives is subject to limitation, they are “precious few.” *Cal. Cannabis Coal. v. City of Upland*, 401 P.3d 49, 56 (Cal. 2017). Accordingly, the voters’ legislative power through statutory initiative remains “at least as broad as the legislative power wielded by the Legislature and local governments.” *Id.* (emphasis added). When the voters speak, we should consider it to be with the utmost legislative authority.

In the case of Proposition 50, this means that the requirement that the legislature submit the map to the voters was not merely symbolic or a procedural formality. The need for the voters to enact the map through constitutional amendment stems from California’s constitutional design, which intentionally subordinates the power of the legislature to the

electorate. Accordingly, when we search for racial gerrymandering in a map enacted by the electorate, we must look to the intent of the voters, rather than the legislature.

This conclusion does not mean that legislative statements are irrelevant to our intent analysis. Statements made while debating proposals to be submitted to the electorate often speak directly to voters. Therefore, we may look to statements made during a bill’s passage to determine the voters’ intent. In doing so, however, we must be careful to avoid the “cat’s paw” theory⁷ of intent which the Supreme Court has directed us to reject. *See Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647, 689 (2021). In *Brnovich*, the Democratic National Committee challenged Arizona’s limitations on ballot collection in part on the grounds that the enactment of the law was racially motivated. The Ninth Circuit had determined that evidence of the racial motivation of the bill’s sponsor, along with a widely distributed “racially-tinged” video, demonstrated that “well meaning legislators were used as ‘cat’s paws.’ Convinced by the false and race-based allegations of fraud, they were used to serve the discriminatory purposes of” others. *Democratic Nat’l Comm. v. Hobbs*, 948 F.3d 989, 1041 (9th Cir. 2020), *rev’d and remanded sub nom. Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647 (2021). The Supreme Court rejected this “cat’s paw” theory, writing that “legislators who vote to adopt a bill are not the agents of the bill’s sponsor or proponents. Under our form of government, legislators have a duty to exercise their judgment and to represent their constituents. It is insulting to suggest that they are mere dupes or tools.” *Brnovich*, 594 U.S. at 689–90.

Challengers essentially urge us to apply the “cat’s paw” theory to the voters here. (*See, e.g.*, Pl. Reply at 11, Doc. 143; U.S. Reply to Defs. at 12 (arguing that the legislature “laundered” its equal protection violations through the voters).) Echoing the rejected

⁷ According to the Ninth Circuit opinion, “the doctrine is based on the fable, often attributed to Aesop, in which a clever monkey induces a cat to use its paws to take chestnuts off of hot coals for the benefit of the monkey.” *Democratic Nat’l Comm. v. Hobbs*, 948 F.3d 989, 1040 (9th Cir. 2020).

argument in *Brnovich*, Challengers argue that even if the voters passed the measure intending to put in place a partisan gerrymander, if the legislature surreptitiously drew those lines to separate voters based on race, then the referendum may not “cleanse” this intent. (U.S. Reply to Defs. at 12.) This argument, however, is completely antithetical to the position of voters in California’s constitutional system. As described, it is the legislature’s power that is *subordinated* to the power of the voters. And therefore this is simply a reiteration of the cat’s paw: that although the voters have the real power, they are mere dupes of the legislature’s impermissible will.

Not only does that argument run afoul of *Brnovich*, it ignores a litany of case law treating voters as discerning, which is a core precept of our electoral system. For example, in the First Amendment context, political candidates are given broad latitude to make their views known “so that the electorate may intelligently evaluate” them. *Buckley v. Valeo*, 424 U.S. 1, 52–53 (1976). That is because “where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential.” *Id.* at 14–15. To that end, courts are directed to reject limits on political speech out of a concern that voters would be persuaded by distorting campaign messages. *See, e.g., Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 351–56 (2010) (rejecting the “antidistortion rationale” for limitations on corporate campaign expenditures because “[t]he First Amendment confirms the freedom to think for ourselves”); *Brown v. Hartlage*, 456 U.S. 45, 61 (1982) (protecting the ability of candidates to make false statements because “a candidate’s factual blunder is unlikely to escape the notice of, and correction by, the erring candidate’s political opponent”). This precedent bolsters our conclusion that the potential for falsities and subterfuge by the legislature should not impact our reliance on voter intent. Rather, we trust that voters are discerning and that the campaign and electoral process will out the truth.

Nor do we find Challengers’ remaining arguments against consideration of voter intent convincing. For the first time in their replies, Challengers suggest that the narrow

bill they challenge is not ACA 8, the constitutional amendment putting the new congressional districts into effect, but AB 604, which outlined the district boundaries. (U.S. Reply to Defs. at 11–12; Pl. Reply at 12.) This is a distinction without a difference. The voters did, in fact, choose “the actual Proposition 50 map.” (U.S. Reply to Defs. at 11–12.) The text of the amended state constitution now provides that the state will temporarily use “the single-member districts for Congress reflected in Assembly Bill 604 of the 2025-26 Regular Session.” Cal. Const. art. XXI § 4. Furthermore, the voter guide includes the exact boundaries of the proposed districts, as it must, given that the voters were not merely lifting a procedural bar but doing so *for a specific map*. (Voter Information Guide at 565–70.) The voters were free to reject the constitutional amendment based either on disagreement with the partisan premise for redrawing put forth by ACA 8, or on disagreement with the specific lines created by AB 604, which were meaningless without enactment of the constitutional amendment. As Challengers acknowledge, “the Official Voter Information Guide . . . could not have been created until after AB 604 passed.” (U.S. Reply to LULAC at 8, Doc. 141.) Nothing about the legislature’s passage of AB 604 diminishes the fact that the map was presented to the voters to accept or reject after an extensive campaign presenting arguments both in favor and against.

Challengers next argue that reliance on voter intent will allow Equal Protection violations to flourish unchecked. (Pl. Reply at 11; U.S. Reply to Defs. at 12.) But the cases they cite, *Romer v. Evans*, 517 U.S. 620 (1996) and *Perry v. Brown*, 671 F.3d 1052 (9th Cir. 2012), both of which invalidated discriminatory voter-approved referendums or ballot propositions, stand for the opposite proposition: when voters’ discriminatory intent is clear, the courts will strike down laws as violative of the Equal Protection Clause. *See Romer*, 517 U.S. at 623–24 (concluding that state constitutional amendment following statewide referendum “classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else”); *Perry*, 671 F.3d at 1090 (rejecting one proffered

legitimate state interest after looking to the voter information guide because it was not “the reason the voters adopted the measure”). If anything, *Romer* and *Perry* underscore our conclusion that the voters’ will is not passive, but a very real power that requires a constitutional check.

We therefore reject the suggestion that looking for evidence of voter intent has any “disturbing implication.” (Pl. Reply at 11.) Plaintiffs argue that “the majority of voters in a state could lawfully vote to enact a racial gerrymander that obliterates the voting power of a vulnerable minority so long as the measure’s authors were clever enough to conceal their design.” (*Id.*) But this ignores a few obvious problems. The measure’s authors would need first to conceal their design from the measure’s opponents, lest they point to the discriminatory intent in “vote no” advertisements. They would also need to obfuscate their intent on the face of the map, lest it spark opposition or reveal circumstantial evidence. And then they must police any public presentations to voters on the campaign trail, lest some uninitiated proponents reveal the true design. Such subterfuge is highly implausible, and there is no evidence it is present in the case before us. For these reasons, we reject Challengers’ contentions, and center voters’ intent as the dispositive inquiry.

Accordingly, like in cases where a legislature has enacted a challenged map, Challengers here must prove that race was the predominant factor motivating the relevant state actors: the voters. Like a legislature, the populace will consider a “complex interplay of forces” in making redistricting decisions. *Miller*, 515 U.S. at 915–16; *see Cal. Cannabis Coal.*, 401 P.3d at 56 (legislative power of voters acting through statutory initiative is at least as broad as the legislature’s). As we discuss below, voters look to a litany of materials to determine whether to vote for or against an initiative. And because voters considering redistricting may certainly be “aware of racial considerations” without “being motivated by them,” the “extraordinary caution” a court must exercise is no lower here than in legislative redistricting cases. *Miller*, 515 U.S. at 916. Finally, voters, like the legislature, are entitled to a presumption of good faith. *See Alexander*, 602 U.S. at 10–11.

If courts “should not be quick to hurl such accusations” at the legislature, they should certainly exercise at least as much restraint toward the electorate. *Id.* at 11. Just as in other racial gerrymandering cases, a presumption of good faith is justified because “we must be wary of plaintiffs who seek to transform federal courts into ‘weapons of political warfare’ that will deliver victories that eluded them ‘in the political arena.’” *Id.* (quoting *Cooper*, 581 U.S. at 335 (Alito, J., concurring in judgment in part and dissenting in part)). As such, “the plaintiff’s evidentiary burden” in cases accusing the voters of racial gerrymandering must be, like in cases accusing the legislature of a racial gerrymandering, “especially stringent.” *Id.*

2. Evidence of the Voters’ Purpose in Enacting Proposition 50

Challengers must put forth evidence that the voters predominantly intended the challenged districts to be racial, rather than partisan, gerrymanders. Unlike referendums in *Romer* or *Perry*, where the effect of the law (to discriminate against a particular population) revealed the intent behind it (to discriminate against a particular population), here Challengers must show that the effect of Proposition 50, gaining five additional Democratic seats, obfuscates the intent behind it—to sort voters based on race. One way of doing that is with evidence that the voters subordinated “race-neutral considerations” in the redistricting process. *Miller*, 515 U.S. at 916. These race-neutral considerations include partisanship. *See Cooper*, 581 U.S. at 308 (holding that the district court must make a “sensitive inquiry” into the direct evidence of intent to prove that race rather than politics drove the creation of district lines) (quotation omitted). Therefore, after sorting through all the evidence presented by Challengers and Defendants, and assuming the electorate’s good faith, the Court must be satisfied that the evidence unambiguously indicates that race predominated over partisanship in the minds of the voters.

We conclude that determining intent in the context of redistricting is not fundamentally different from determining such intent in other related contexts. Thus, to determine the voters’ predominant motivation in enacting the challenged districts within

the Proposition 50 Map, we are armed with California and federal case law assessing voters' intent for the purposes of, for example: showing racial discrimination, showing discrimination against out-of-state businesses in the context of the dormant commerce clause, and interpreting ambiguous language in statutes passed by initiative. Those sources suggest that in assessing the voters' intent we may look to evidence like (1) the amendment or statutory text; (2) statements of a Proposition's proponents and sponsors; (3) statements by opponents; (4) the ballot materials, especially the Voter Information Guide; and (5) the historical circumstances of enactment.⁸ *See Washington v. Seattle Sch. Dist. No. 1*, 458 U.S. 457, 471 (1982) (finding discriminatory intent in a ballot measure because proponents "candidly" represented that the measure only impacted busing for desegregation, and "assured" the electorate that there would be no impacts outside that context); *N. Am. Meat Institute v. Becerra*, 420 F.Supp.3d 1014, 1025 (C.D. Cal. 2019) ("[C]ampaign statements made to friendly in-state audiences are among some of the most fruitful sources of protectionist purpose evidence."); *City of Los Angeles v. County of Kern*, 462 F.Supp.2d 1105, 1114 (C.D. Cal. 2006) (In the case of a ballot measure, "the Court may look to the nature of the initiative campaign to determine the intent of the drafters and voters in enacting it."); *People v. Rizo*, 996 P.2d 27, 30 (Cal. 2000) (determining that "analyses and arguments contained in the official ballot pamphlet" are particularly important evidence of voter intent (quotation omitted)); *Horwich v. Superior Court*, 21 Cal. 4th 272, 277 & n.4 (Cal. 1999) (looking to the "legislative history" of a

⁸ For the legislature, we look for "direct evidence" of legislative intent, generally meaning statements of legislators going to legislative purpose. *See, e.g., Cooper*, 581 U.S. at 291, 299–300. By contrast, the sources we identify here constitute relevant, but not direct, evidence of voter intent. This is not to say that one could never adduce direct evidence of voter intent, for example by pointing to promotional statements of voter organizations, but this kind of evidence is not present here. *See, e.g., Perry v. Schwarzenegger*, 704 F. Supp. 2d 921, 937 (N.D. Cal. 2010) (considering the testimony of a proponent of Proposition 8, which defined marriage as between one man and one woman, in which he stated that he conducted voter outreach in support of the proposition because he believed homosexual people were more likely to commit various sex crimes).

ballot proposition, but writing that legislative materials “not directly presented to the voters” were irrelevant to interpreting ambiguous language).⁹

Challengers particularly emphasize a few, small portions of District 13, where they argue the lines were drawn exclusively with race in mind. (*See, e.g.*, Pl. Reply at 13–14.) This raises a question, then, of whether the tools we outline above are sufficient to reveal evidence that race predominated in enacting a map for a particular district. *See Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 262 (2015) (reasoning that the analysis of racial predominance in the redistricting context is “district-by-district”). We conclude that the tools are sufficient to reveal evidence of voter intent.

First, as discussed below, a plaintiff may introduce evidence of the district’s shape and demographics, as Challengers did here, to adduce the voters’ intent as to that district. Second, even when looking at legislative intent, a plaintiff will often “rel[y] heavily upon statewide evidence to prove that race predominated in the drawing of individual district lines.” *Id.* at 266. Thus, messaging to voters about statewide redistricting goals remains probative of voter intent as to any particular district. The corollary is that local leaders will typically opine on a statewide measure with arguments that resonate particularly with their community, as many did here. (*See e.g.*, Tangipa Press Release, Ex. 333 at 49–50, Doc. 190-12 (inviting voters to a joint rally for Voter ID laws and Proposition 50 because “Central California is leading the fight for fairness and transparency”).)

Thus, the voters’ intent as to a specific district may be particularly apparent in the campaign messaging to voters within that particular district. Voters are subjected to local advertising, attend community debates, and hear tailored messaging from their own

⁹ While we are not necessarily searching for discriminatory intent, as such, but only the intent to sort voters based on race, these evidentiary sources are consistent with the kinds of sources we look to in evaluating a legislature’s “invidious” discriminatory intent in the context of facially race-neutral laws. *Cf. Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266–68 (1977) (looking to the historical background of a redistricting measure, the sequence of events leading to the challenged map, departures from normal procedure, public statements by members of the legislature, and whether there is a disparate impact on a minority group).

representatives, which may focus on how a map will affect their district, racially or otherwise. Accordingly, if race had predominated in the minds of the voters of a specific district, one would expect Challengers to adduce some evidence of voter intent by pointing to messaging within that district.

Importantly, however, any evidence that California voters racially gerrymandered a particular district would not be limited to evidence of the motivations of voters within that one district. The dissent contends that the voters who are not in a racially gerrymandered district will not have any knowledge or intent about that district's boundaries. But we see no basis for the assumption that the electorate will care about a statewide redistricting effort only insofar as it impacts their home districts; indeed, state legislators are not subjected to the same assumption. Challengers point to nothing to support the notion that voters, unlike legislators, would be fixated only on their own neighborhoods; rather, voters have agency and agendas they wish to see implemented state- and nationwide. It is therefore possible for ample evidence to exist to support a finding that racial considerations predominated as to certain districts in the minds of voters.

But this is not such a case. Challengers' evidence is insufficient to show that race predominated in passage of Proposition 50 for voters as to *any* district, District 13 or otherwise. (*See* Hearing Tr. at 492, 494, 497.) The closest Challengers come to offering such evidence are the legislative debates and press releases by legislators, which were publicly available for voters to see. (*Id.*)

But Challengers' cited legislative statements provide little support for the idea that the legislature presented the Proposition 50 Map to voters in racial, rather than partisan, terms. Nearly all of Challengers' quotes from legislators discuss the implications of the partisan redistricting wars on various racial minorities. For example, Assembly member Isaac Bryan accused Republican-led states like Indiana and Florida of redrawing congressional districts "with the explicit aim of diluting Black and Brown representation and power." (CA Assembly Appropriations Comm. Tr., Ex. 7 at 681, Doc. 188-9.)

Assembly member Mark González presented the bill as “[a] shield against racist maps,” referring to the maps created by Republican-led state legislatures. (CA Assembly Floor Tr. at 1062.)¹⁰ Statements like these did not sell voters on the idea that they should vote for district boundaries that were drawn to enhance Latino voting power, or the voting power of any racial minority, specifically. Instead, they present the argument that a Democratic *partisan* gerrymander will broadly counteract the racially discriminatory efforts of Republican-led states.

Challengers also lean on various statements from legislators that allude to the Voting Rights Act (“VRA”).¹¹ For example, Challengers reference Assembly member Marc Berman, who stated that: “A big distinction between these maps that were drawn in California and the maps that are currently being passed by the State of Texas, for example, are California’s maps strictly abide by the federal Voting Rights Act, which the Texas maps don’t. And so we’ve actually put ourselves in a very good position to defend the maps that have been drawn because the Voting Rights Act and the principles of the Voting

¹⁰ Challengers also cite the following similar statements: Assembly member Mark González: “And as our Texas Democratic colleagues said yesterday, they [Trump and his allies] shield their racism with their party line.” (CA Assembly Floor Tr. at 1060); Assembly member González: “This is about whether a Latino child in Texas, a black family in Florida, or an immigrant community in California has a voice in their own democracy members [sic].” (*Id.* at 1062); Assembly member González: “If Florida wants to silence voters of color, we will not sit quietly.” (*Id.* at 1061); Assembly member Isaac Bryan: “A Latino voice in Texas is worth one third of the representation as a white voice. A black voter in Texas is worth one fifth of the representation of a white voter in Texas.” (*Id.* at 1071.); Assembly member Mike Gibson: “It’s about the next generation that we may not even have any black people serving in office to have representation. It’s about 10 African American members of Congress that could be wiped away in Congress if we don’t stand up and be counted.” (*Id.* at 1075); State Senator Sabrina Cervantes: “They want to silence the voices of Latino voters, Black voters, API voters, and LGBTQ voters.” (CA Assembly Elections Comm. Tr., Ex. 5 at 341, Doc. 188-9); State Senator Lola Smallwood-Cuevas: “In Texas, what this looks like is that black Texans will lose much of their power, being reduced to about a fifth of what their power was before this gross attack.” (CA Senate Tr. at 909); Senator Smallwood-Cuevas: “Texas once saw black political power rise during reconstruction, as it had across much of the country, only to be stripped away by the black codes, and Jim Crow, and racial terror, poll taxes, white-only primaries that cut black voter rolls in Texas from over 100,000 to just a few thousand.” (*Id.* at 910–11.)

¹¹ See 52 U.S.C. § 10301 (VRA § 2).

Rights Act were taken into very high consideration when those maps were drawn.” (CA Assembly Elections Comm. Tr. at 303.) But this statement, along with other references to maintaining the VRA protections from the 2021 Map, appear to communicate merely that the Proposition 50 Map complies with the law. In fact, Assembly member Berman’s statement came in response to a question from Assembly member Tangipa about the potential fiscal liability of defending the Proposition 50 Map against lawsuits. (*Id.* at 302–03.)

Furthermore, the various press releases Challengers put forward confirm that legislators represented the Proposition 50 Map to voters as one that remained compliant with the law and with other redistricting principles while enacting a partisan gerrymander. Challengers cite language from a press release disseminated by Senate President pro tempore Mike McGuire, stating that lawmakers “pushed for key provisions in the legislation to ensure fidelity to independent commissions, protections for the Voting Rights Act, and preservation of California cities and communities,” and that “[t]he new map makes no changes to historic Black districts in Oakland and the Los Angeles area, and retains and expands Voting Rights Act districts that empower Latino voters to elect their candidates of choice.” (McGuire Press Release from August 19, 2025, Ex. 21 at 1491–92, Doc. 188-9.)

While press releases can be probative of how the legislature sought to frame a particular measure for voters, these quotations are again removed from key context presenting the Proposition 50 Map to voters as having limited negative impacts beyond its obvious, partisan results. For example, Challengers’ cited passage from the McGuire Press Release informs voters that “Republican redistricting efforts in Texas and other states are dividing communities, undermining voter freedom.” But by contrast, “[i]n California, lawmakers in the Assembly and Senate pushed for [the] key provisions” to which Challengers cite. (*Id.* at 1491–92.) Thus, the press release goes on to reassure voters that the *partisan* gerrymander will do things like “keep the Independent Citizens Redistricting

Commission,” “[p]rotect[] communities of color and historically marginalized voters,” and “[k]eep[] cities and communities together.” (*Id.*)

Similarly, press releases from the Office of the Speaker of the Assembly, Robert Rivas, included statements like: “The new map retains the voting rights protections enacted by the independent commission” (Rivas Press Release from August 15, 2025, Ex. 19 at 1485, Doc. 188-9), and that “[t]he new map . . . retains both historic Black districts and Latino-majority districts” (Rivas Press Release from August 19, 2025, Ex. 20 at 1488, Doc. 188-9).¹² Challengers isolate these bullet points from a list of reasons the Democrat-designed districts, unlike their Republican counterparts in other states, will “ensure fidelity to independent commissions, protections for the Voting Rights Act and preservation of California cities and communities.” (Rivas Press Release from August 15, 2025 at 1485; Rivas Press Release from August 19, 2025 at 1488.) In doing so, Challengers seek to repurpose these statements as evidence of racially-motivated goals. But like the language in Senator McGuire’s press release, the proffered quotes amount only to a reassurance to voters that a gerrymander based on politics will not have negative impacts on racial minorities or other undesirable consequences. Beyond these tangentially-related statements in press releases and publicly-accessible legislative debates, Challengers adduce no evidence that the voting public considered race when casting votes in favor of Proposition 50. Accordingly, we find that the evidence adduced indicates that legislators sought to market Proposition 50 to voters as a partisan gerrymander.

¹² Challengers also cite the following quote from Assembly member Avelino Valencia in a press release from Assembly Speaker Rivas’s office: “Redistricting should be about making sure every voice counts. President Trump and Texas Republicans are using it to drown out the voices they do not want to hear, especially communities of color and working families. Their manipulation of our democracy is wrong and we will not sit on the sidelines. We will call out the injustice, protect representation, and make sure our democracy reflects communities like mine.” (Rivas Press Release from August 9, 2025, Ex. 18 at 1482, Doc. 188-9.) For the same reasons as the legislative statements cited above, this quotation does little more than advocate for the ameliorative effects of a Democratic partisan gerrymander.

Challengers’ argument that Paul Mitchell, the mapmaker, drew the Proposition 50 Map with the goal of enhancing Latino voting power is even further attenuated. (*See, e.g.*, U.S. Mem. at 15–16; Pl. Mem. at 17–20.) In the case before us, whether race predominated in Mitchell’s mind is relevant only to the extent that it points to the intent of the voters. As we discuss later, in some cases the mapmaker’s intent provides relevant evidence going to the *legislature’s* intent when legislators have given the mapmaker instructions. *See Cooper*, 581 U.S. at 299–300 (legislators directed mapmaker to draw districts with at least 50% African-American voters); *Alexander*, 602 U.S. at 22–23. Here, these cases provide little guidance because the voters did not engage or direct Mitchell, a private consultant. Furthermore, Challengers make no showing that the voters knew why Mitchell decided to draw the lines of individual districts in the way that he did. Significantly, at the hearing, Challengers acknowledged that if race predominated in a mapmaker’s drawing, but the legislature knew nothing of that intent, the mapmaker’s private intentions could not be imputed to the legislature. (*See* Hearing Tr. at 520.) The same is true of the voters here: Challengers have not linked Mitchell’s statements to the electorate. Without a connection between the mapmaker’s statements and the voters’ intent, Challengers cannot rely on Mitchell to show that race predominated in the enactment of Proposition 50.

Challengers’ limited evidentiary showing stands in stark contrast to the mountain of evidence produced by Defendants that the voters intended to enact a partisan gerrymander. And this evidence spans all five of the categories we previously identified. First, the enacted text of ACA 8, which was also presented to voters in the Voter Information Guide, provides: “President Trump and Republicans are attempting to gain enough seats through redistricting to rig the outcome of the 2026 United States midterm elections,” and that “it is the intent of the people that California’s temporary maps be designed to neutralize the partisan gerrymandering being threatened by Republican-led states.” (ACA 8 at 2; Voter Information Guide at 573.) Accordingly, Proposition 50 added amended language to the

state Constitution that expressly stated the mid-cycle redistricting was “[i]n response to the congressional redistricting in Texas in 2025.” Cal. Const. art. XXI § 4. Thus, the text of the initiative is clear and unambiguous as to the voters’ intent: to respond to *partisan* redistricting in Texas.

Second, Proposition 50’s proponents vocally campaigned to the electorate on the idea that the initiative was a partisan measure. For example, a press release from the Governor’s office announcing the legislation described the effort as one that “will enable Californians to fight back against President Trump’s attempts to rig Texas’ elections next year.” (Ex. 102 at 12–13, Doc. 190-1.) Governor Newsom also made a letter he sent to President Trump publicly available to voters, asking him to stop redistricting efforts by “the governor of Texas and other red states.” (Ex. 93, Doc. 190-1.) In fact, there are dozens of social media posts by Governor Newsom and other members of the California Legislature supporting the measure, all of which present the map to voters as a partisan gerrymander. (*See, e.g.*, Newsom Tik Tok Video, Ex. 96, Doc. 190-1 (“We’ve had enough of red states and Trump changing the rules”); Newsom Facebook Post, Ex. 101, Doc. 190-1 (“Buckle up, Donald Trump. California is about to get a whole lot bluer, thanks to you.”); Post on X by Senator Sabrina Cervantes, Exs. 104–05, Doc. 190-1 (describing Proposition 50 as a response to “an effort to silence Democrats in Texas and in Republican-led states across our country”); Exs. 106–08, 121, Doc. 190-1 (similar posts from Senate President pro tempore Mike McGuire, Senator Lena M. Gonzalez, Assembly member Cecilia Aguiar-Curry, and former Vice President Kamala Harris).) This is only a subset of the available evidence in the record, which overwhelmingly demonstrates that proponents of Proposition 50 emphasized to voters that it was a partisan gerrymander.

Third, there is abundant evidence in the record that Proposition 50’s opponents, including the United States and many of the Plaintiffs in this case, vocally criticized the measure as a partisan gerrymander. For example, the California Republican Party inundated its voter lists with messaging to that effect. In the record alone there are

approximately 374 pages of mass emails sent by the California Republican Party urging voters to “vote no” on Proposition 50 as a Democratic Party measure by writing, for example, that: “this special election is about one thing and one thing only: Democrats want to GUARANTEE a Democrat House majority” and “Gavin Newsom HAS OFFICIALLY called for a special election to RIG our Congressional districts for Democrats.” (CAGOP “Vote No” Emails, Ex. 331, Docs. 190-10, 190-11; *see also* 48 pages of CAGOP “Vote No” Text messages, Ex. 332, Doc. 190-12 (same); Four CAGOP Video Advertisements, Exs. 212, 220–22, Doc. 189-1.) None of these mass communications mention that Proposition 50 impermissibly classifies based on race.

Plaintiff Assembly member David Tangipa sent the same kinds of messages to his voters via press releases, interviews, and social media. (*See, e.g.*, Tangipa Press Release (describing Proposition 50 as a “misleading measure that threatens accountability and transparency in California elections”); Tangipa Social Media Posts, Exs. 237–42, Doc. 189-1 (“One of the map’s OWN authors admitted: ‘this is partisan gerrymandering.’ They don’t care about communities of interest—only power.”).)¹³ And while their voter communications are not in the record, Republican Congressional Representatives Ken Calvert, Darrell Issa, and Kevin Kiley, whose districts were redrawn in the process, publicly spoke of Proposition 50 in the same terms. (*See* Calvert X Posts, Exs. 149–50, Doc. 192-2 (“Prop 50 isn’t about saving democracy. It’s about pure political power”); Issa X Post, Ex. 151, Doc. 192-2 (“It was difficult to watch as Gavin Newsom and Sacramento’s special interests . . . deliver[ed] what they know is an undeserved advantage to democrats”); Kiley Interview on Fox Business, Ex. 152, Doc. 190-2 (stating that Gavin Newsom’s goal with Proposition 50 was to make an “explicitly political gerrymander” and

¹³ When testifying, Assembly member Tangipa stated that his definition of “partisan” is “prejudice with a cause,” and that his repeated references to “partisan gerrymandering” leading up to and throughout the Proposition 50 campaign should be interpreted as a reference to all sorts of gerrymandering, including racial. (Hearing Tr. at 193.) We found his testimony on this point entirely lacking in credibility.

“make California a whole lot bluer and to pick up five seats.”.) And even upon joining this lawsuit, Attorney General Bondi posted that Governor Newsom “should be more concerned about keeping Californians safe and shutting down Antifa violence, not rigging his state *for political gain.*” (Bondi X Post, Ex. 131, Doc. 190-1 (emphasis added).) Again, this is but a small snapshot of evidence to this effect that has been entered into the record. (*See also* “No on Prop 50” and “Vote No on Prop 50” Websites, Exs. 143–146, Doc. 190-2.) Accordingly, the evidence of opponents’ statements in this case shows a concerted effort to present Proposition 50 as a partisan, political gerrymander.

Significant to the issue of voter intent on a district-by-district basis, the record indicates that opponents of Proposition 50 like state Assembly member Tangipa contested the boundaries of individual districts, including District 13—the only district for which alternative maps were proffered—but did so on a purely partisan basis. (*See* “Help Assemblyman David Tangipa Defeat Prop 50” Webpage, Ex. 244, Doc. 189-1 (shown below, printing an image of District 13 before and after Proposition 50, and showing the shift from “purple” to “blue”).)

CD-22:

CD-22	OLD	NEW
REGISTRATION	D+11	D+16
TRUMP/HARRIS	TRUMP+6	TRUMP+1
DAHLE/NEWSOM	DAHLE+4	NEWSOM+1
RECALL	PASS+1	FAIL+5
TRUMP/BIDEN:	BIDEN+13	BIDEN+18

CD-21:

CD-21	OLD	NEW
REGISTRATION	D+13	D+14
TRUMP/HARRIS	HARRIS +3	HARRIS+6
DAHLE/NEWSOM	NEWSOM+1	NEWSOM+3
RECALL	FAIL+9	FAIL+11
TRUMP/BIDEN:	BIDEN+20	BIDEN+21

CD-13:

CD-13	OLD	NEW
REGISTRATION	D+10	D+16
TRUMP/HARRIS	TRUMP+5	HARRIS+1
DAHLE/NEWSOM	DAHLE+8	EVEN
RECALL	PASS+2	FAIL+5
TRUMP/BIDEN:	BIDEN+11	BIDEN+18

IT WON'T END HERE

HISTORY'S OLDEST LESSON IS WHEN POWER IS TAKEN BY THE GOVERNMENT, IT IS **NEVER RETURNED. POWER CORRUPTS. AND ABSOLUTE POWER CORRUPTS ABSOLUTELY.**

MARK MY WORDS. IF PROP 50 PASSES AND CONTROL OF REDISTRICTING IS HELD BY THE LEGISLATURE, DEMOCRATS WILL COME BACK FOR THE REMAINING REPUBLICANS IN CONGRESS AND WILL THEN SET THEIR SIGHTS ON ELIMINATING THE COMMISSION'S AUTHORITY OVER LEGISLATIVE MAPS.

GOVERNOR NEWSOM AND THE LEGISLATURE WANT ABSOLUTE CONTROL AND A PERMANENT SUPER-MAJORITY.

Fourth, the ballot materials presented to voters present the measure as a partisan gerrymander. The Ballot Label described the measure as “AUTHORIZ[ING] TEMPORARY CHANGES TO CONGRESSIONAL DISTRICT MAPS IN RESPONSE TO TEXAS’ PARTISAN REDISTRICTING.” (Ballot Label, Ex. 186, Doc. 190-3.) The information guide shows the current and proposed congressional districts not only statewide but magnified to show northern and southern California in detail (pictured below).

Figure 2

Proposed Congressional Districts



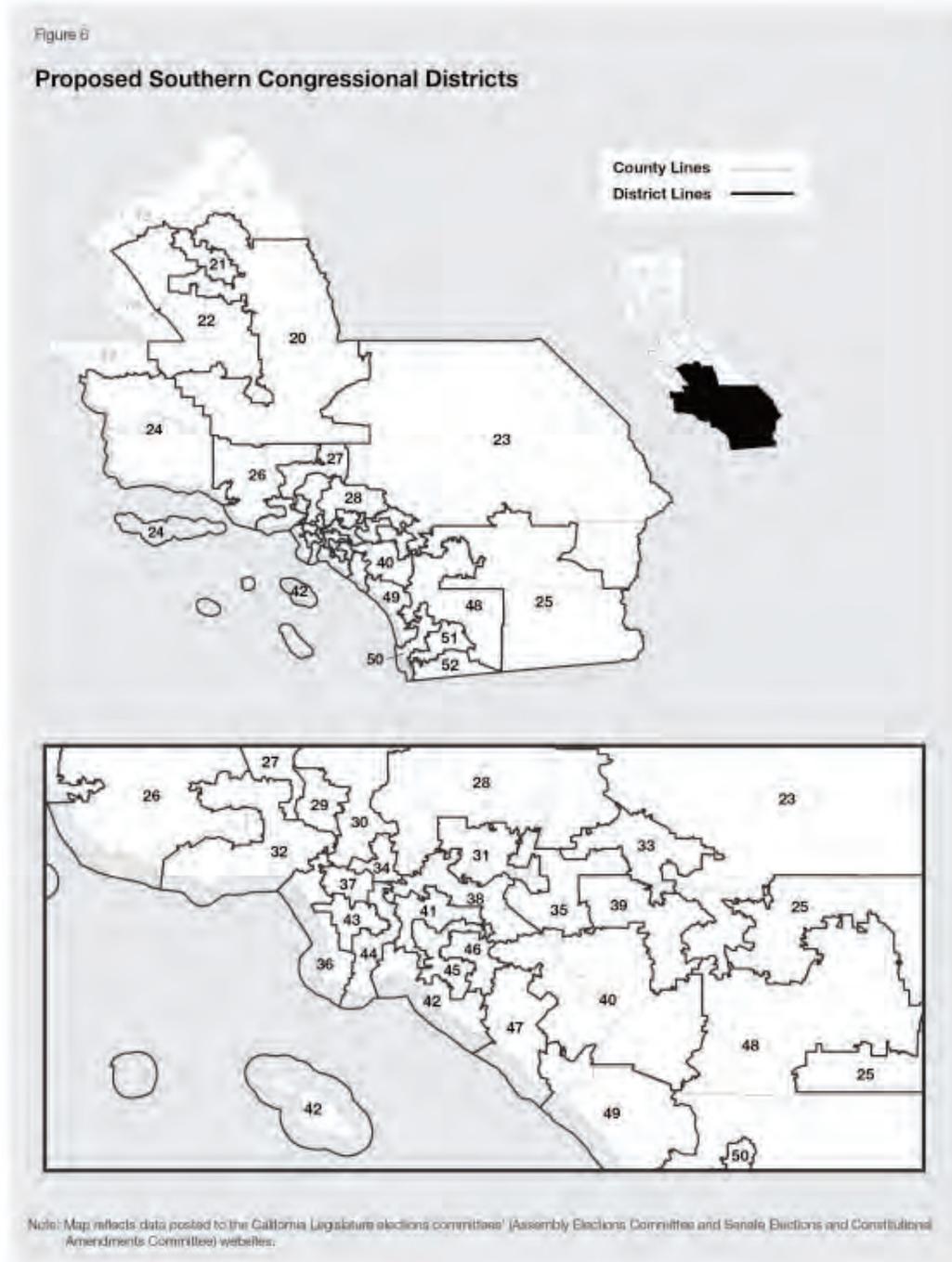
Note: See northern and southern congressional district maps for district numbers for the Bay Area and Los Angeles regions. Map reflects data posted to the California Legislature website's "Assembly Elections Committee and Senate Elections and Constitutional Amendments Committee" websites.

Figure 4

Proposed Northern Congressional Districts



Note: Map reflects data posted to the California Legislature elections committees' (Assembly Elections Committee and Senate Elections and Constitutional Amendments Committee) websites.



(Voter Information Guide at 565–70.) The “Argument in Favor of Proposition 50” makes no mention of race, but it argues that “if Californians don’t act now, Donald Trump will seize total power for two more years.” (*Id.* at 571.) The “Argument Against Proposition 50” begins by stating “Prop. 50 was written by politicians, for politicians” and goes on to state that “[Proposition 50] gives voters a take-it-or-leave-it decision on the most partisan maps in California’s history.” (*Id.* at 572.) The only passing references to

race in the Voter Information Guide come in *opposition* to Proposition 50. The “Argument Against” includes the quote: “When politicians gerrymander, they divide our neighborhoods and weaken the voice of communities of color . . . —Reverend Mac Shorty, Civil Rights Leader.” (*Id.*) And the “Rebuttal to the Argument in Favor of Proposition 50” (i.e., Proposition 50 opponents) argues that after the Commission began drawing maps, “Women in the Legislature doubled, Asian representation tripled, Black representation nearly doubled, and Latino seats grew by 8%.” (*Id.* at 571.) Again, the ballot materials provide strong evidence that voters cast their votes in favor Proposition 50 as a purely partisan gerrymander.

And lastly, we briefly acknowledge the historical circumstances of this enactment, which require little review here. Governor Newsom announced the ERRA following President Trump’s call for midcycle redistricting in Texas. (*See, e.g.*, Pres. Trump on Texas; Newsom Press Conference Tr.) The resulting five-seat pickup was purportedly designed, and presented to voters as, a deliberate counterbalance to Texas’s redistricting. (Newsom Press Conference Tr. at 47–48; Voter Information Guide at 563.) Without belaboring the partisan redistricting war that has led to the passage of Proposition 50, it suffices to say that the circumstances of the measure’s enactment evidence the voters’ intent to engage in a partisan gerrymander.

In sum, there is voluminous and overwhelming evidence in the record indicating that the voters intended the Proposition 50 Map to be a partisan gerrymander. Challengers, who bear the burden of showing that race predominated in the minds of voters, have put forth almost no evidence of racial predominance for any of the five factors, either as to the Map as a whole or as to any particular district.

3. The Intent of Paul Mitchell and the Legislature

Our dissenting colleague gives no weight to the role of the voters in this case, and instead searches for evidence of the intent of the mapmaker, Paul Mitchell, and the intent of the legislature. To be clear, we center the voters’ intent in this case because they are the

relevant decisionmakers. But even when Challengers’ claims are evaluated using the traditional approach—focusing on legislative intent—Challengers’ evidence remains insufficient to warrant a preliminary injunction.

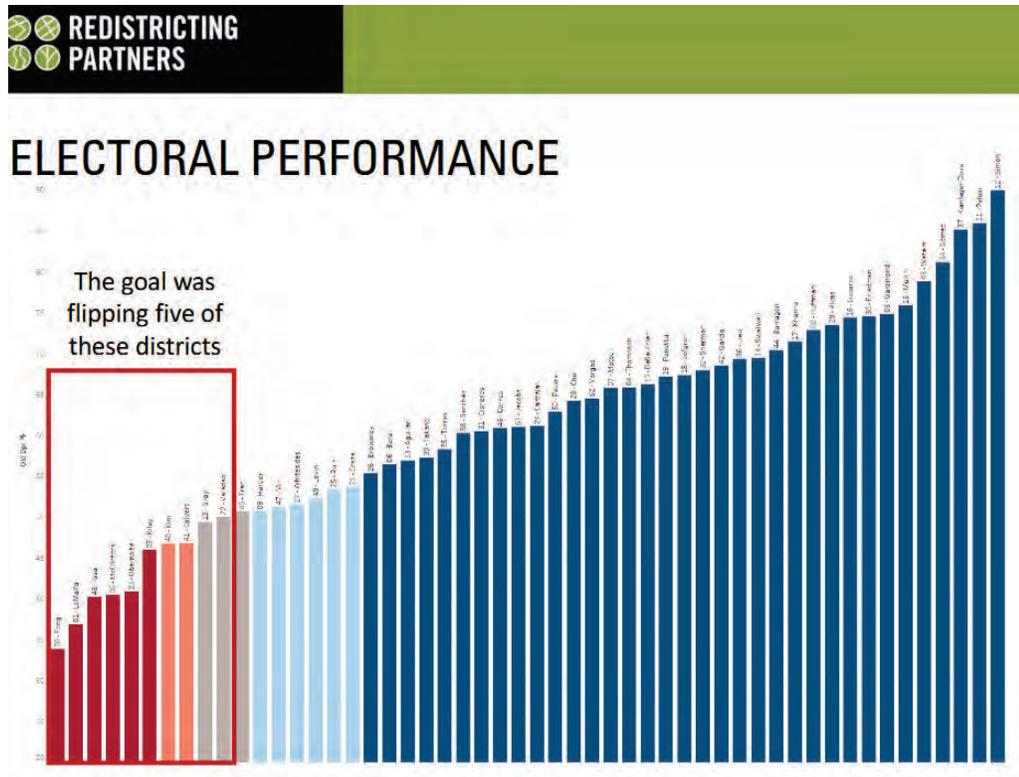
The dissent focuses on the mapmaker’s intent as the most relevant, if not the sole, inquiry, pondering, “[w]ho else but the author of the map is the best source of the motivation behind the map?” But we are not directed to look at the motivation behind a *map*, we are directed to look at the motivation of the enacting *legislature*. *Miller*, 515 U.S. at 916; *see also Abbott v. Perez*, 585 U.S. 579, 603–05 (2018) (holding that an enacting legislature’s discriminatory intent could not infect a map with racial gerrymandering in the manner of “original sin” (quotation omitted)). Therefore, while a mapmaker’s approach can often be indicative of the messaging the mapmaker received about a map’s objectives, not even Challengers in this case have argued that a mapmaker’s private intentions are relevant. (Hearing Tr. at 520.)

To the extent Mitchell’s intent is relevant, the evidence supports a finding that politics predominated in his map drawing, including for District 13. While Mitchell did not testify at the hearing, there is substantial evidence in the record reflecting Mitchell’s process in drawing the Proposition 50 Map, including his deposition testimony¹⁴ and the

¹⁴ The dissent emphasizes that Mitchell repeatedly invoked legislative privilege at his deposition, concludes that such behavior “borders on bad faith,” and appears to draw an adverse inference against Defendants as a result. We respectfully disagree with drawing such a game-changing, adverse inference from Mitchell’s counsel’s invocation of privilege. First, it is premature to draw an adverse inference against Defendants when the Court has not ruled on the merits of the legislative privilege; once the contours of any privilege can be established by the Court, more discovery may be obtained. Second, legislative privilege is frequently invoked in redistricting cases. *See, e.g., League of United Latin Am. Citizens v. Abbott*, 708 F. Supp. 3d 870, 876, 879–80 (W.D. Tex. 2023). We have yet to decide the availability or scope of any privilege in this case, but we note that it was not frivolous for Mitchell—or the California Legislature (who also seek application of the privilege)—to invoke legislative privilege under these circumstances. *See Vota v. Noble*, 2024 WL 4371943, at *3 (D. Ariz. Oct. 2, 2024) (allowing legislators to invoke legislative privilege as to documents shared between the legislators and third parties, even where the third parties were being subpoenaed); *La Union del Pueblo Entero v. Abbott*, 93 F.4th 310, 323 (5th Cir. 2024) (holding that a third party’s “documents shared, and communications made” with (footnote continued)

documents he produced. (See Mitchell Depo.; Redistricting Partners Presentation, Ex. 523, Doc. 188-20.)

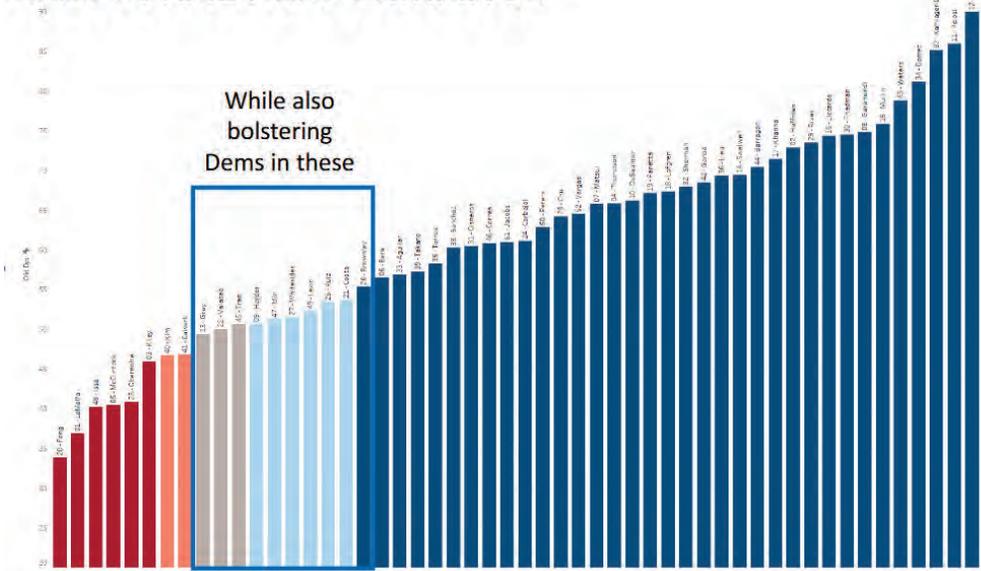
In his deposition, Mitchell stated that he drew the Proposition 50 Map as a “partisan redistricting” effort, asserting, “I agreed to do it only because of what Texas did.” (Mitchell Depo. at 310.) Mitchell confirmed that for certain districts, he “sought to increase the partisanship of a district so that we could get a Democrat elected in order to combat what Trump is doing.” (*Id.* at 317; ABC10 Article, Ex. 123 at 78, Doc. 190-1.) Presentation charts created by Redistricting Partners, Mitchell’s firm, affirms that “[t]he goal was flipping five of these districts,” circling 10 districts including District 13, and continues, “[w]hile also bolstering Dems in these,” again circling 10 districts including District 13:



legislators are protected when the third party has been “brought into the legislative process”). We do not infer nefarious motives based on invocation of the privilege.



ELECTORAL PERFORMANCE



(Redistricting Partners Presentation at 9–10; Mitchell Depo. at 25.)

Mitchell’s materials also explain that “[n]o changes were made to the map that were not consistent with the goals set forward by the delegation – pushing back on the mid-decade redistricting plans from Texas and other states.” (Redistricting Partners Presentation at 5.)

Perhaps the best evidence of Mitchell’s intent comes from an unlikely source: Challengers’ own expert witness, Dr. Sean Trende. In a separate case challenging Proposition 50 in the California Supreme Court, Dr. Trende analyzed the Proposition 50 Map. (Trende Decl. in *Sanchez*.) He had before him the entirety of the Map and its district boundaries, just as he has before him in this case. His conclusion? The Proposition 50 Map “*was drawn with partisan objectives in mind; in particular it was drawn to improve Democratic prospects in congressional elections in the state, and to increase the share of seats that they would expect to win in an election.*” (*Id.* ¶ 27 (emphasis added); Hearing Tr. at 95.) This is not a generalized statement as to voter intent or political messaging; this is an expert who reviewed the Proposition 50 Map and

determined, without caveat,¹⁵ that the person who drew it did so with partisan intent. We agree.

The dissent accords great weight to a statement made by Mitchell in a presentation given to HOPE weeks before the special election. In the HOPE Presentation, Mitchell stated that “[t]he Prop. 50 maps I think will be great for the Latino community” as “they ensure that the Latino districts” are “bolstered in order to make them most effective, particularly in the Central Valley.”¹⁶ (HOPE Presentation, Ex. 11 at 1383, Doc. 188-9.) But this statement, especially when read in the context of other statements made by Mitchell, is not, as characterized by the dissent, “smoking gun” evidence of racial predominance; if anything, it shows Mitchell’s truly partisan endeavor.

At most, the statement communicates that certain Central Valley districts which are majority-Latino, like District 13, have been “bolstered” to be “most effective” in some unspecified way. Significantly, at the time Mitchell made that statement he had already broadcast to the public exactly how the Central Valley districts had been bolstered and for what specific purpose. In an interview given to ABC10 in August 2025, Mitchell said:

“We have these five Democratic pickups, but we also have about five seats where we have Democrats who, you know, maybe won by a couple-hundred votes in the last election, and we can’t afford for a Republican to pick that seat up and eat into these potential gains So we did a lot to *bolster Democratic candidates* up and down the state that are potentially in tough races *like Adam Gray in the Central Valley.*”

(ABC10 Article at 78 (emphasis added); *see* Mitchell Depo. at 318.) Given the context of this previous, public statement and the undisputed fact that Proposition 50 Map increased Democratic performance in District 13 by about three percentage points (*see*

¹⁵ To be sure, in the context of this case, Dr. Trende now offers qualifications and caveats to his prior unqualified declaration, namely, that he now sees racial gerrymandering in one part of one district. We address that below.

¹⁶ The dissent references this same statement six times.

Grofman Report ¶ 12, Ex. 184), it is apparent that, when speaking to HOPE, Mitchell was referring to bolstering the *political* effectiveness of District 13, where Adam Gray is the incumbent Democrat. That Mitchell did not explicitly spell out to HOPE that Latino districts would be bolstered “politically” is immaterial; indeed, he was instructed by the moderator, immediately before giving the statement in question, to identify “what . . . Latino voters [should] pay the most attention to” about the Proposition 50 Map, “*trying as much as we can to keep it nonpartisan[.]*” (HOPE Presentation at 1381 (emphasis added).)

The dissent also relies on a 2021 letter from HOPE to the Commission, which asserts, “[i]f these districts were between 52% and 54% Latino CVAP, for instance, they would still be very likely to elect Latino candidates of choice” (HOPE 2021 Letter, Ex. 12 at 1452, Doc. 188-9). But while there is evidence that Mitchell had read the letter, Mitchell did not write it, nor was he the recipient, nor has he stated that he relied on it in creating the Proposition 50 Map. (*See* HOPE Presentation at 1377.) Indeed, when asked about the letter in his deposition, Mitchell responded, “I don’t know why the analysis reads like this or what he was trying to say,” and later stated, “you’d be best served talking to the author of this document.” (Mitchell Depo. at 154, 157.) And more specifically, when asked about the “sweet spot of 52 to 55 percent that’s expressed in this letter,” Mitchell stated that it was “the first time I have ever heard anybody say sweet spot with regards to a CVAP target.” (*Id.* at 162–63.) Mitchell then expressly disclaimed the use of any racial target. (*See id.* at 163 (“Q: So there’s no target? A: No.”).)¹⁷ The evidence that Mitchell

¹⁷ The dissent also places improper weight on Mitchell’s statement to HOPE that the “number one thing” that he “started thinking about” was creating a “[replacement] Latino majority” district in Los Angeles. (HOPE Presentation at 1376–77.) This statement does not speak to the redistricting of District 13; it concerns the creation of a wholly unchallenged district. The Supreme Court explained that a racial gerrymander claim “applies to the boundaries of individual districts” at a “district-by-district” level. *Ala. Legis. Black Caucus*, 575 U.S. at 262. As Mitchell explained at his deposition, his statement acknowledged to HOPE that he was aware of the existence of a previous map drafted in 2021 that had been advocated by various groups, including HOPE, and using it would be an “easy” way to “pick up a democratic seat.” (Mitchell Depo. at 122-23.) Mitchell’s assurance to HOPE members that the goals they previously expressed would (footnote continued)

was predominantly motivated by race is therefore exceptionally weak. Rather, substantial evidence indicates that Mitchell prioritized partisan considerations in drawing district lines for the Proposition 50 Map, including and especially District 13.

Where Mitchell did consider non-partisan redistricting principles, it appears these other principles were also race-neutral. For example, Challengers (as well as the dissent) ignore the fact that the Proposition 50 Map was drawn as a temporary measure to respond to Texas and also fail to consider “core district retention,” i.e., “the proportion of districts that remain when a State transitions from one districting plan to another,” as a relevant factor to explain map design. *Alexander*, 602 U.S. at 27. In creating these districts, Mitchell consistently emphasized his fidelity to the Commission’s 2021 Map (a process to which California will revert in 2031) and stated that:

[We] took the Commission map. We kept about 80 percent of it the same, but in certain areas we made small, modest changes to create a push back to what Texas was doing, an opportunity for Democrats to pick up five seats, and to counterbalance the five republican seats in Texas. And in doing so, we were able to keep a large number of communities of interest together. We were able to reduce the numbers of cities that were split. We were able to protect the Voting Rights Act.

(Capitol Weekly Podcast, Ex. 10 at 1379, Doc. 188-9.) As the Supreme Court explained in *Alexander*, “[l]awmakers do not typically start with a blank slate; rather, they usually begin with the existing map and make alterations to fit various districting goals. Core retention recognizes this reality.” 602 U.S. at 27. Bearing in mind the temporary nature of Proposition 50 and the principle of core district retention, we conclude that Mitchell’s statements demonstrate that the temporary changes to the 2021 Map were

be achieved in a map that adds a Democratic seat hardly amounts to evidence of racial predominance. Indeed, pointing to this statement does nothing to “disentangle race and politics.” See *Alexander*, 602 U.S. at 6.

(1) motivated predominately by politics and (2) designed to minimize disruption to the 2021 Map consistent with partisan goals and traditional redistricting principles.

The legislative statements cited by the dissent are no more persuasive. For the same reasons that the legislative statements invoking race are weak evidence of racial predominance in the minds of voters, they are also weak evidence of racial predominance in the minds of legislators. First, as discussed above, there is ample evidence that legislators discussed Proposition 50 as a purely partisan effort. (*See, e.g.*, CA Assembly Floor Tr. at 1119 (“During committee hearings, one of our colleagues brazenly admitted that this entire thing was about partisan gerrymandering. Admitted partisan politics.”).) Moreover, the dissent’s cited statements characterizing Proposition 50 as beneficial to racial groups are intertwined with discussion of Proposition 50’s partisan goals. (*See, e.g.*, CA Assembly Elections Comm. Tr. at 341 (“They want to silence the voices of Latino voters, Black voters, API voters, and LGBTQ voters. Trump wants to change the rules of the game in the fifth inning so that Republicans get four strikes while Democrats get three. . . . But if Trump decides to move forward with his plan to steal Democratic seats, then California will be the firewall.”); CA Assembly Floor Tr. at 1062 (“[Proposition 50] is about whether . . . an immigrant community in California has a voice in their own democracy members. . . . Democrats fight to survive. Republicans fight to dominate. And when you fight to dominate, you stop at nothing. You cheat, you rig. You kill democracy in the process.”).) So again, rather than reveal any desire for the Proposition 50 Map to enhance Latino voting power, the statements highlight legislators’ assumptions that the Proposition 50 Map’s Democratic gains would lead to fair representation for certain racial groups. And to the extent legislators reference the VRA, such statements appear to communicate, at best, that they are “aware of” racial considerations, as legislatures “almost always” are, in ensuring that Proposition 50 would be legally compliant. *Miller*, 515 U.S. at 916. But statements confirming that the Proposition 50 Map “respect[s] the Voting Rights Act” (Senate Elections Comm. Tr., Ex. 6 at 628, Doc. 188-9), for example, do not

show any racial motivation, let alone a predominant one, for the legislature’s decision “to place a significant number of voters within or without a particular district.” *Miller*, 515 U.S. at 916. Thus, the proffered evidence is insufficient to show that the legislature predominantly considered race, rather than partisanship, in proposing to the voters the map of any district.

Again, we maintain that the voters’ intent is the relevant inquiry. However, we do not shy away from examining the intent of Paul Mitchell and the legislature, because taking either path leads to the same destination: a partisan gerrymander.

We now turn to a final consideration, which is relevant both to the inquiry into voter intent, and to the inquiry into legislative intent: the districts’ shape and demographics.

4. The Shape and Demographics of the Proposition 50 Map

Challengers argue that evidence of the “shape and demographics” of districts within the Proposition 50 Map supports their racial gerrymandering claim. *Bethune-Hill*, 580 U.S. at 187 (quoting *Miller*, 515 U.S. at 916). We agree that, just as a district’s “shape and demographics” can provide evidence of legislative intent, they can also provide evidence of voter intent. Such evidence alone may, “at least in theory,” support a finding of racial predominance, if redistricting has produced a district that is “so bizarre on its face that it discloses a racial design’ absent any alternative explanation.” *Alexander*, 602 U.S. at 8 (quoting *Miller*, 515 U.S. at 914). But such cases will be “rare.” *Id.* Accordingly, with little other accompanying evidence of racial predominance, Challengers face an uphill battle. Moreover, a case based solely on the shape and demographics of a district is “especially difficult when the State raises a partisan-gerrymandering defense,” because “[w]hen partisanship and race correlate, it naturally follows that a map that has been gerrymandered to achieve a partisan end can look very similar to a racially gerrymandered map.” *Id.* at 9. In such cases, “a plaintiff must ‘disentangle race from politics’ by proving ‘that the former *drove* a district’s lines.’” *Id.* (quoting *Cooper*, 581 U.S. at 308) (emphasis in original). “That means, among other things, ruling out the competing explanation that

political considerations dominated the [State’s] redistricting efforts. If either politics or race could explain a district’s contours, the plaintiff has not cleared its bar.” *Id.* at 9–10.

Here, Challengers submit an expert report from Dr. Tom Brunell, asserting that the Proposition 50 Map contains 16 majority-Latino districts, and an expert report from Dr. Sean Trende, analyzing the boundaries of District 13 and concluding that race predominated. (Brunell Report, Ex. 196, Doc. 190-9; Trende Report, Ex. 194, Doc. 190-9.) Four experts—Dr. Bernard Grofman, Dr. Jonathan Rodden, Dr. Maxwell Palmer, and Anthony Fairfax—submit reports to counter Challengers’ shape and demographics evidence. (Grofman Report, Ex. 184; Rodden Report, Ex. 207, Doc. 189-1; Palmer Report, Ex. 208, Doc. 189-1; Fairfax Report, Ex. 250.) We find Defendants’ experts convincing and therefore conclude that Challengers have failed to show serious questions going to whether “race for its own sake, and not other districting principles,” explains the districts’ shapes and demographics. *Miller*, 515 U.S. at 913.

(1) Districts 18, 21, 22, 25, 29, 31, 33, 34, 35, 38, 39, 41, 44, 46, and 52

Because Dr. Trende analyzes primarily District 13, Challengers’ map-focused evidence of racial predominance for the other 15 challenged congressional districts is particularly weak. Challengers’ expert Dr. Brunell shows that in the Proposition 50 Map, these 15 districts have a Hispanic Citizen Voting Age Population (“HCVAP”) percentage of over 50%. (Brunell Report at 4, Table 2, Ex. 196.)¹⁸ But these HCVAP percentages are, on the whole, not new: in the 2021 Map, 14 of those districts also had HCVAP percentages of over 50%. (Grofman Report, Table 2A, Ex. 184.) Only one challenged district, District 41, became a majority-Latino district under the Proposition 50 Map, while

¹⁸ All citations to page numbers within Dr. Brunell’s report refer to the numbers at the bottom of the pages of the report.

another district that is not challenged, District 42, is no longer a majority-Latino district under the Proposition 50 Map. (*Id.*)

Challengers do not dispute that most of the majority-Latino districts within the Proposition 50 Map were also majority-Latino within the 2021 Map. Rather, they posit that the fact that the Proposition 50 Map “somehow [has] the exact same number of majority-Latino districts as the Commission’s 2021 map” is “unlikely in the absence of a racial motive.” (Pl. Reply at 8.) And more specifically, Challengers point out that within 13 of these 15 districts, the HCVAP percentage stayed within a “tight band” of “51 to 55 percent.”¹⁹ (Hearing Tr. at 106.) Challengers contend that this evidence reveals the existence of a “racial target” as to those districts. (*Id.* at 484.)

However, the mere fact that a district was previously majority-minority and is still majority-minority carries little-to-no weight, especially because any other evidence of racial predominance is scant. *See Alexander*, 602 U.S. at 20 (concluding that “the mere fact that District 1’s BVAP stayed more or less constant proves very little,” even where the challengers presented four expert reports analyzing District 1). Despite retaining Dr. Trende as an expert, Challengers present no expert report analyzing these 15 districts, nor any alternative race-neutral but equally partisan map for these districts. *See Abbott v. League of United Latin Am. Citizens*, 607 U.S. ____ (2025) (slip op. at 3) (Alito, J., concurring) (“Although respondents’ experts could have easily produced such a map if that were possible, they did not, giving rise to a strong inference that the State’s map was indeed based on partisanship, not race.”).

Furthermore, Defendants counter with substantial map-focused evidence of partisan intent. Dr. Palmer posits in his report that for two out of these 15 districts—Districts 22 and 41—Democratic candidates would experience greater success under the Proposition 50

¹⁹ We are skeptical that this argument is properly before us because it was raised for the first time in reply. Nevertheless, we will assume *arguendo* Challengers can properly bring this argument.

Map, and for the remaining 13 districts, Democratic success would remain constant. (*See* Palmer Report ¶ 10, Table 2, Ex. 208.) Dr. Grofman similarly determined that the Proposition 50 Map turned formerly Republican Districts 22 and 41 into districts where Democrats would at least have a “reasonable chance of success,” and additionally concluded that another two of the challenged districts—Districts 21 and 25—were competitive Democratic seats that “registered an improvement in their chances of success in electing a Democrat in 2026.” (Grofman Report ¶¶ 1, 4, Ex. 184.) And importantly, the Proposition 50 Map as a whole achieved a successful partisan result, including making “five of the nine Republican-held seats more likely to elect a Democrat.” (*Id.* ¶ 7); *see Bethune-Hill*, 580 U.S. at 192 (reasoning that “a common redistricting policy toward multiple districts” can be evidence of district-specific motivations).

In sum, we find that the absence of any alternative maps is reflective of the dearth of evidence that these 15 districts were enacted for any reason other than a partisan gerrymander. Accordingly, Challengers far short of establishing “serious questions going to the merits” that race predominated in the minds of the voters for these 15 districts. *Shell Offshore*, 709 F.3d at 1291 (quoting *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)). We therefore turn to the congressional district at the core of the parties’ dispute: District 13.

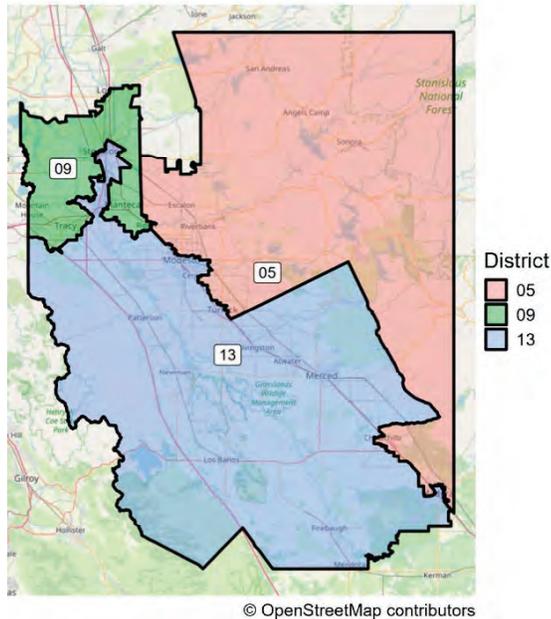
(2) District 13

Dr. Trende’s expert report focuses on District 13 and argues broadly that it was enacted to favor Latino voters. (Trende Report, Ex. 194.) District 13 is a “competitive district in the Central Valley” which borders, among other districts, Districts 5 and 9. (*Id.* at 5.)²⁰ Districts 9 and 13 have Democratic incumbents as congressional representatives. (Grofman Report ¶¶ 15, 17, Ex. 184; Trende Report at 6, Ex. 194.) The parties characterize District 5 as a safe Republican district. (*See* Grofman Report ¶¶ 16, 18, Ex.

²⁰ All citations to page numbers within Dr. Trende’s report refer to the numbers in the top right corners of the pages of the report.

184; *see* Hearing Tr. at 98.) The borders of Districts 5, 9, and 13 in the Proposition 50 Map are below:

Figure 1: California District 13



(Trende Report at 5, Figure 1, Ex. 194.) Dr. Trende’s report notes that District 13 “has relatively unremarkable boundaries, with three exceptions: [1] Madera in the southeast, [2] the area near Ceres and Modest[o] in the northern part of the district, and [3] the large protrusion near Stockton off the far northern tip.” (*Id.*) Dr. Trende states that although the Madera boundary “does not appear to be motivated by race,” the Modesto/Ceres boundary and the Stockton boundary appear crafted to enhance the number of Latino voters in District 13, in ways that “cannot be explained by traditional redistricting principles, nor can they be explained by politics.” (*Id.* at 6, 11, 16, 27.) Dr. Trende also provides three alternative maps to prove that “it is possible to achieve the political goals of the map with a more regular configuration that does not target race.”²¹ (*Id.* at 22–26.)

²¹ As discussed more fully below, Dr. Trende offered conflicting testimony on the question of whether he believed there was racial targeting in District 13.

As a threshold issue, Defendants critique Dr. Trende’s “piecemeal” focus on only “very small subparts of District 13”: the Modesto/Ceres boundary and the Stockton boundary. (Def. Opp. at 38–39, Doc. 113.) Although Defendants are correct that courts “should not divorce any portion of the lines . . . from the rest of the district,” this does not mean that specific portions of a district’s boundaries are not relevant. *Bethune-Hill*, 580 U.S. at 191–92. Rather, the Supreme Court has stated,

[R]ace-based decisionmaking may be evident in a notable way in a particular part of a district. It follows that a court may consider evidence regarding certain portions of a district’s lines, including portions that conflict with traditional redistricting principles.

Id. at 192. The Supreme Court further cautioned,

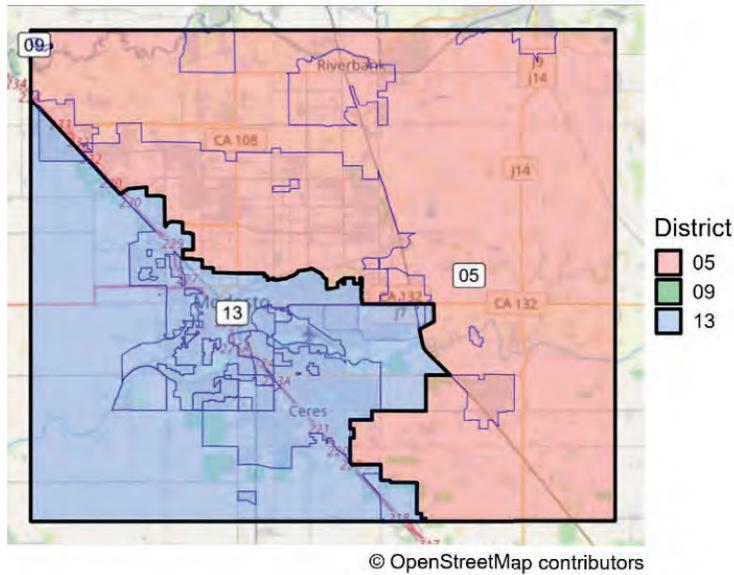
The ultimate object of the inquiry, however, is the [State’s] predominant motive for the design of the district as a whole. A court faced with a racial gerrymandering claim therefore must consider all of the lines of the district at issue; any explanation for a particular portion of the lines, moreover, must take account of the districtwide context. Concentrating on particular portions in isolation may obscure the significance of relevant districtwide evidence, such as stark splits in the racial composition of populations moved into and out of disparate parts of the district, or the use of an express racial target. A holistic analysis is necessary to give that kind of evidence its proper weight.

Id. Accordingly, we first evaluate the two challenged subparts of District 13’s boundary for “conflict with [race-neutral] redistricting principles.” *Id.* Next, we “take account of the districtwide context” and perform a “holistic analysis” of District 13. *Id.*

(a) The Modesto/Ceres Boundary

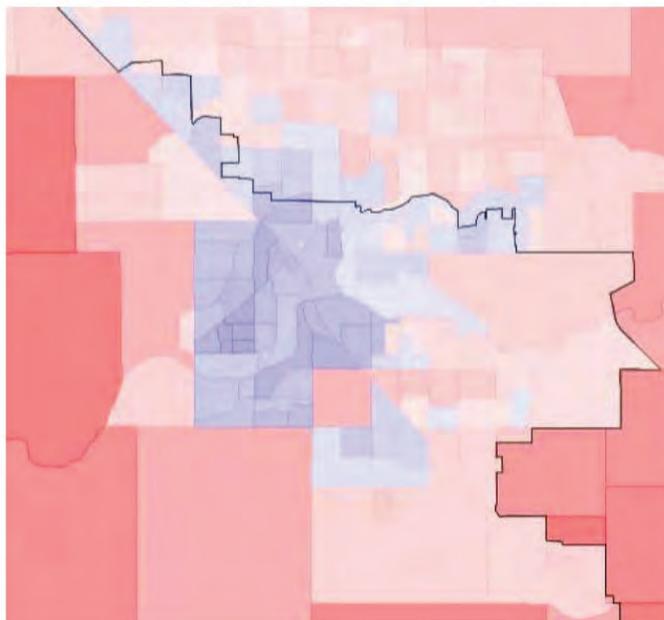
Dr. Trende provides visualizations of the eastern Modesto/Ceres boundary between Districts 13 and 5 to show that race predominated in the drawing of the boundary:

Figure 7: California District 13, Modesto/Ceres Area



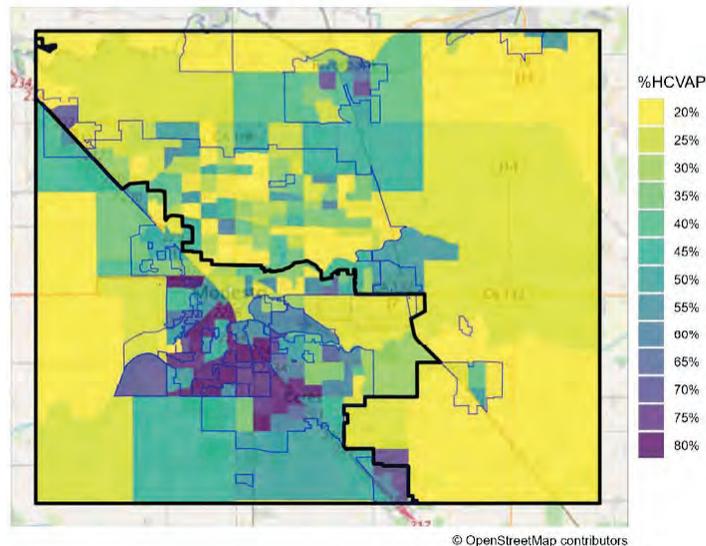
(Trende Report at 11, Figure 7, Ex. 194.) Dr. Trende first provides a visualization of the partisan leanings of the Modesto/Ceres area. Dr. Trende argues that the boundary leaves Democrats, shaded in blue, to the north of the boundary in Modesto, “on the table”; *i.e.*, placing them out of District 13 and into District 5. (*Id.* at 11.)

Figure 9: Modesto/Ceres Area, By Politics and Precinct



(*Id.* at 13.) He further provides a visualization of the racial makeup of the Modesto/Ceres area. Dr. Trende argues that the district lines capture areas with higher HCVAP percentages around Ceres—the easternmost portion of District 13 shown below—and leave areas with lower HCVAP percentages to the north of Modesto outside of the district (*id.* at 11, 13):

Figure 10: Modesto/Ceres Area, By HCVAP and Block Group



(*Id.* at 14, Figure 10.) Dr. Trende therefore argues that District 13 (1) leaves out Democratic areas with lower HCVAP percentages in Modesto, and (2) in turn, captures Republican territory around Ceres with higher HCVAP percentages. (*Id.* at 13.) Thus, Dr. Trende concludes that “[i]f partisanship were really the motivating factor for this division, the district would drop some of the Republican areas in Ceres and pick up Democratic areas in Modesto.” (*Id.*)

Dr. Trende’s analysis, however, is far from sufficient to prove that “race-neutral districting principles,” including partisanship, were “subordinated to race.” *Miller*, 515 U.S. at 916. Dr. Rodden persuasively contests Dr. Trende’s conclusions with regard to the

Modesto boundary as driven by “measurement error.” (Rodden Report at 13, Ex. 207.)²² Specifically, Dr. Rodden explains that Dr. Trende’s use of choropleth maps, with colors assigned to precincts, does not show political data on either side of the Modesto boundary with the requisite specificity. (*Id.* at 12–13.) Dr. Rodden demonstrates that District 13’s Modesto boundary splits precincts, meaning that the choropleth map assigning colors to precincts will *always* show the same color on either side of the boundary. (*Id.* at 12–14.) Thus, Dr. Trende’s conclusion that “Democrats are left on the table” because blue appears both above and below the Modesto boundary is an inevitable result of his precinct-level map, rather than an indication that partisan considerations were subordinated. Indeed, Dr. Rodden calculates that the Proposition 50 Map’s changes to the boundary between Districts 5 and 13, which includes the Modesto/Ceres boundary, moved 51.8% Democratic vote share census blocks into District 13, while they moved 39.1% Democratic vote share census blocks out of District 13. (*Id.* at 18.) Democratic votes therefore appear to have been swept into District 13, rather than “left on the table.”

Dr. Trende has also not shown that racial considerations predominated over partisan ones in Ceres. First, Dr. Trende categorizes Ceres as “heavily Hispanic,” and therefore connects its inclusion in District 13 to racial motivations. (Trende Report at 13, Ex. 194.) But Dr. Trende’s own map shows that this area has an HCVAP percentage of at most 35% (*id.* at 14, Figure 10), and as Dr. Rodden testified, “the Hispanic voting age population is relatively similar on both sides of the boundary.” (Hearing Tr. at 371.) Furthermore, even if the Ceres area had a higher HCVAP percentage, it is sparsely populated and therefore has relatively few Latino voters, meaning that there would be little racial incentive to include Ceres in District 13. (*See* Rodden Report at 15, Ex. 207.)

Second, Dr. Trende categorizes Ceres as “Republican territory,” implying that its inclusion shows that partisan considerations were subordinated. (Trende Report at 13, Ex.

²² All citations to page numbers within Dr. Rodden’s report refer to the numbers in the bottom right corners of the pages of the report.

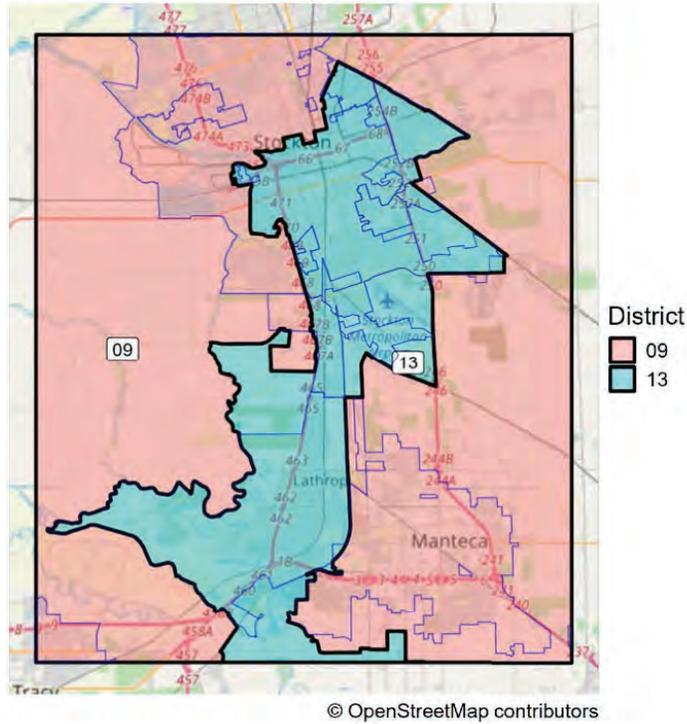
194.) But both Dr. Grofman and Dr. Rodden take issue with this characterization. Dr. Grofman notes that although Ceres voted for Donald Trump in 2024, it has “consistently voted for [Democratic Congressman] Adam Gray in all seven general elections.” (Grofman Report ¶ 15, Ex. 184.) Meanwhile, Dr. Rodden states that “using the full set of statewide races from 2016 to 2024, I calculate that Ceres had a Democratic vote share of 54.6 percent[.]” (Rodden Report at 15, Ex. 207.)

During his testimony, even Dr. Trende recognized that the Modesto/Ceres boundary is a weaker example of racial predominance and acknowledged that this Court may “disagree with [him] about the Modesto/Ceres area.” (Hearing Tr. at 28, 43.) At best, then, Dr. Trende’s analysis could “plausibly support multiple conclusions,” and Challengers have not met their burden to overcome the presumption of good faith. *Alexander*, 602 U.S. at 10. We therefore conclude that Challengers have failed to show that race subordinated partisanship, along with other redistricting principles, in the Modesto/Ceres portion of the District 13 boundary.

(b) The Stockton Boundary

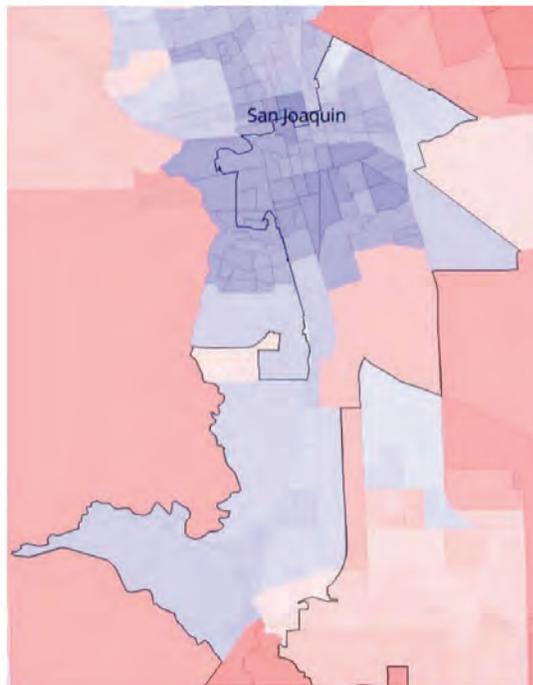
Dr. Trende then turns to the northern Stockton boundary between Districts 13 and 9. While acknowledging that any Democratic partisan gerrymander would require an appendage that reaches into heavily Democratic, urban Stockton, he nonetheless argues that the Stockton area provides “one of the more egregious examples” of racial gerrymandering. (Trende Report at 16, Ex. 194.)

Figure 13: District 9/13 Boundary, Stockton Area



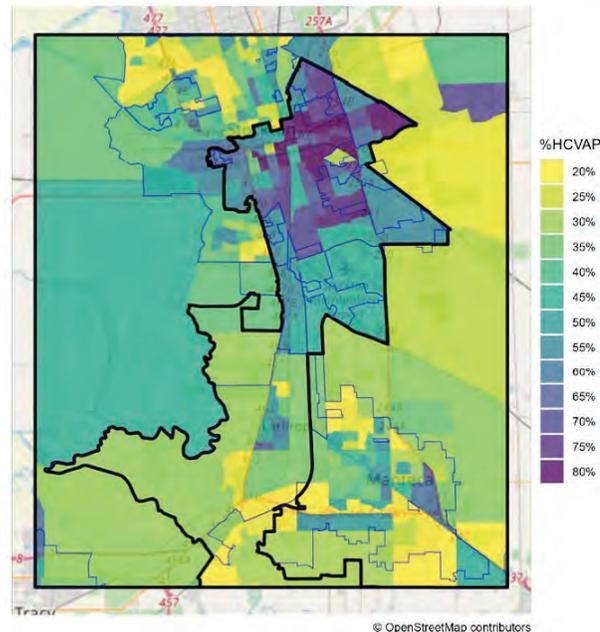
(*Id.* at 17, Figure 13.) Dr. Trende first provides a visualization of the partisan leanings of the Stockton area; he argues that “areas to the west of the District are heavily Democratic” but left out of District 13. (*Id.* at 16.)

Figure 15: District 9/13 Boundary, Stockton Area, By Politics and Precinct



(*Id.* at 19, Figure 15.) Dr. Trende additionally provides a visualization of the racial makeup of the Stockton area. Dr. Trende argues that the district lines capture areas with higher HCVAP percentages to the north (*see id.* at 19):

Figure 16: District 9/13 Boundary, Stockton Area, By HCVAP and Block Group



(*Id.* at 20, Figure 16.) In sum, Dr. Trende asserts that the Stockton boundary “bypass[es] heavily Democratic areas” to the west, which have lower HCVAP

percentages, “to get into some politically marginal territory” to the north, which has a higher HCVAP percentage, in pursuit of a racial goal.²³ (Hearing Tr. at 49.)

But Defendants provide several alternate race-neutral explanations for the Stockton area’s boundaries. First, by excluding certain heavily Democratic areas from District 13, they remain in District 9, another “competitive seat.” (Grofman Report ¶¶ 16–17, Ex. 184; Rodden Report at 23, Ex. 207.) Accordingly, the intent to “shore up” Democratic votes in District 9 could explain why District 13 bypasses those same votes.²⁴ (Grofman Report ¶ 16, Ex. 184.)

Dr. Trende disagrees that such a justification can explain the boundary. He points out that the Proposition 50 Map transformed District 9 from “leaning Democrat” to being “solid Democrat,” while District 13 stayed a “toss up,” meaning that District 9 has Democratic “votes to spare” for District 13. (Hearing Tr. at 50–52; Trende Rebuttal Report at 16, Ex. 511 at 344, Doc. 188-19.) However, while in Dr. Trende’s opinion, Democrats are ultimately harmed by the exclusion of heavily Democratic areas from District 13 and their inclusion in District 9, Dr. Trende’s opinion is by no means the only reasonable one. As Dr. Grofman explained, there is no “optimal” partisan gerrymander, because “it entirely depends on your preference for risk.” (Hearing Tr. at 301.) That is not to say that a court may never question a gerrymander that appears inconsistent with partisan goals. But here, because District 9 voted Republican in the 2024 presidential election (*see* Grofman Report ¶ 17, Ex. 184), the increased Democratic vote share in

²³ Dr. Rodden contests Dr. Trende’s characterization of the northern areas of District 13 as “politically marginal.” (Hearing Tr. at 368–69.) In particular, he testified that the two subdivisions to which District 13 extends, Garden Acres and August, are around 58.5% and 61% Democratic, and we credit that testimony. (*Id.* at 369.) However, he concedes that the area left out of District 13 to the west, Weston Ranch, leans more Democratic than the areas included in the north. (*Id.*)

²⁴ Indeed, Dr. Trende’s premise that District 13 of the Proposition 50 Map should have, but failed to, maximize Democratic performance is itself a strawman; there is no evidence that maximizing Democratic performance *in District 13* was a reason for the Proposition 50 Map. Protecting Democratic Congressman Adam Gray, yes; *maximizing* Democratic performance, no.

District 9, even at the expense of District 13, could reflect a strategic partisan decision. We therefore cannot “rul[e] out the competing explanation that political considerations” drove the inclusion of Democratic voters in District 9. *Alexander*, 602 U.S. at 9.

This competing partisan explanation alone could end this inquiry. However, Defendants further provide an alternate explanation for the Stockton area’s boundaries: respect for communities with shared interests. *See Miller*, 515 U.S. at 916 (reasoning that a plaintiff must prove that “traditional race-neutral districting principles,” including “communities defined by actual shared interests,” were subordinated “to racial considerations”). Dr. Ines Ruiz-Houston testified as a very credible fact witness with an in-depth knowledge of the community, that the western areas excluded from District 13—including the neighborhoods of Brookside and Weston Ranch—are separated from the areas of south Stockton within District 13 by Interstate-5. (Hearing Tr. at 420–21.) She explained that Brookside and Weston Ranch are more suburban, more educated, and wealthier than south Stockton. (*Id.*) By contrast, Dr. Ruiz-Houston testified that the northern areas included within District 13—including the neighborhoods of Garden Acres and August²⁵—are similar to south Stockton, as they contain working-class families who share resources with and are otherwise connected to south Stockton. (*Id.* at 416–19.)

Dr. Rodden corroborated Dr. Ruiz-Houston’s testimony. He emphasized that August and Garden Acres are similar in population density and income level to neighboring areas of District 13, while Weston Ranch, which has been excluded from the district, has a higher income level. (Hearing Tr. at 362, 366; Ex. 604, Doc. 189-5.) Keeping August and Garden Acres within District 13, and out of neighboring District 9, is also reasonable, Dr. Rodden explained, as they are much more densely populated than the neighboring areas of District 9, and are separated from these areas by a canal. (Hearing Tr.

²⁵ The dissent characterizes the Proposition 50 Map as splitting August and Garden Acres. But Dr. Trende confirmed that “the vast majority of both those cities are included in CD13” and that District 13’s border “largely tracks the border of those two cities.” (Hearing Tr. at 75.)

at 363–65.) This “communities-of-interest” testimony went un rebutted, as Dr. Trende acknowledged that he performed no analysis of any communities-of-interest factors in the Stockton area.²⁶ (Hearing Tr. at 81–82.)

Thus, while we find that partisan considerations sufficiently explain the Stockton area’s boundaries, a desire to keep communities of interest together does as well. Because multiple considerations could explain the contours of the Stockton boundary, Challengers have fallen far short of their burden to “disclose[] a racial design’ absent any alternative explanation.” *Alexander*, 602 U.S. at 8 (quoting *Miller*, 515 U.S. at 914).

(c) Dr. Trende’s Alternative Maps

Finally, Dr. Trende provides three alternative maps of District 13 to show that it would be possible for District 13 to have better or equal Democratic outcomes while including fewer Latino voters. (See Trende Report at 22–27, Ex. 194.) The maps make changes only to the district’s Modesto/Ceres and Stockton boundaries:

²⁶ The dissent is skeptical that respect for communities of interest may justify the Stockton boundary. But to the extent Mitchell’s intent is relevant, there is evidence that he considered communities of interest: Mitchell discussed in his deposition how he takes into account communities of interest, like neighborhoods, in redistricting, and the Redistricting Partners presentation lists communities of interest as a consideration. (Mitchell Depo. at 82–84; Redistricting Partners Presentation at 2.)

Figure 14: Boundary of District 13 in AB 604 and 3 Demonstration Maps, Modesto Area

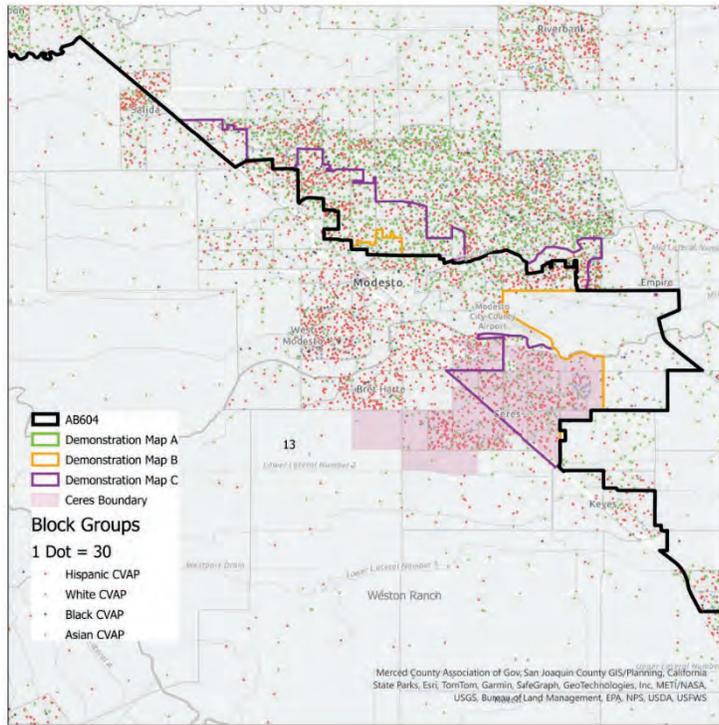
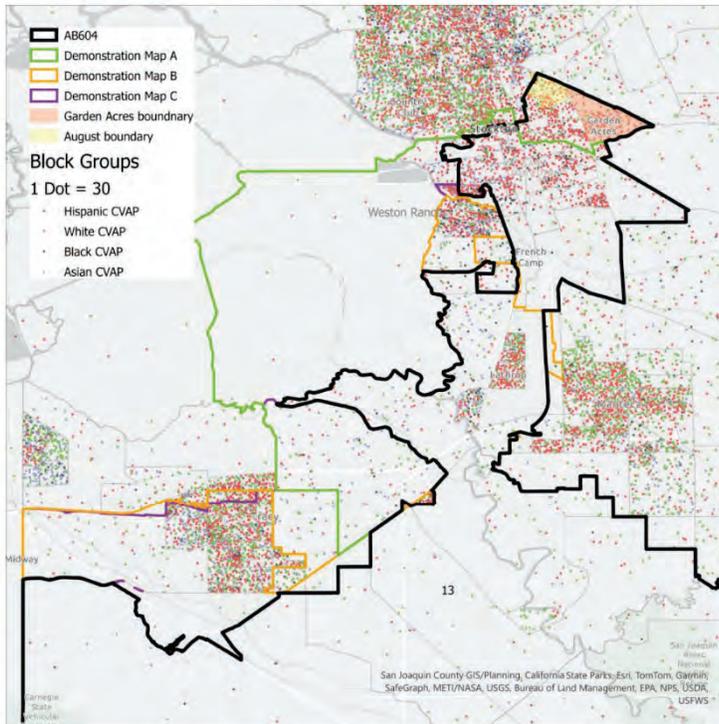


Figure 13: Boundary of District 13 in AB 604 and 3 Demonstration Maps, Stockton Area



(Rodden Report at 27, Figure 13, 29, Figure 14, Ex. 207.) Alternative maps are important to show “that a rational [decisionmaker] sincerely driven by its professed partisan goals would have drawn a different map with greater racial balance.”²⁷ *Alexander*, 602 U.S. at 10. The failure to provide a viable alternative map should result in a “dispositive or near-dispositive adverse inference” against Challengers. *Abbott v. League of United Latin Am. Citizens*, 607 U.S. ____ (2025) (slip op. at 1).

While the alternative maps achieve roughly the same partisan outcomes for District 13 as the Proposition 50 Map, Defendants’ experts convincingly explain problems with each of Dr. Trende’s alternative maps.²⁸

Alternative Map A, for instance, keeps the Proposition 50 Map’s Modesto/Ceres boundary intact, removes the neighborhoods of Garden Acres and August out of District 13 and into District 9, and includes Weston Ranch in District 13. (Rodden Report at 26, Ex. 207.) For the reasons described above, removing Garden Acres and August from District 13, while including Weston Ranch, splits communities of interest. Moreover, in Alternative Map A, the HCVAP percentage of District 13 is 51.3%—only a marginal decrease from around 53% in the Proposition 50 Map. (Trende Report at 23, Ex. 194.) Because Challengers assert that the challenged districts, including District 13, were

²⁷ Where decisionmakers are the voters, an alternative map may be less capable “of distinguishing between racial and political motivations.” *Alexander*, 602 U.S. at 34. Voters will usually be presented with one map to approve or reject. Unlike some legislators, voters will not have had the opportunity to consider, yet reject for racial reasons, any alternatives. Thus, while the existence of an alternative map that was not enacted may indicate that legislators made a race-based decision, it is less indicative that the voters approved any one map with racial intent.

²⁸ First, we hesitate to give any weight to these alternative maps because we lack confidence that they avoid a population deviation that would create “one person – one vote” problems. Specifically, Mr. Fairfax’s report shows that the Alternative Maps have an overall population deviation of 923 persons. (Fairfax Report at 31.) A map with that population deviation is not a viable alternative. While Dr. Trende’s rebuttal report offers a competing analysis, no one really engaged with this discrepancy at the hearing. Challengers did acknowledge, however, that substituting one of Dr. Trende’s Alternative Maps for Districts 13, 5, and 9 would have a “domino effect.” (Hearing Tr. at 529.) Such an effect seems akin to an admission that Dr. Trende’s Alternative Maps may have unknown, broader consequences. Because we find other issues with the alternative maps, we do not resolve the population deviation issue at this time.

enacted to meet a “racial target” of between 51 to 55 percent HCVAP²⁹ (*see* Hearing Tr. at 484–85), it is unclear why Alternative Map A, which also falls within that same range, is a materially different alternative. Rather, that Dr. Trende created Alternative Map A without race in mind casts doubt on Challengers’ claim that racial motivation is the only explanation as to why the HCVAP percentage of District 13 would fall within this “tight band.”

Alternative Maps B and C, on the other hand, both suffer from a significant flaw:³⁰ they split the city of Tracy, which is in District 9 under the Proposition 50 Map, by taking areas of Tracy out of District 9 and placing them in District 13. (Rodden Report at 28, Ex. 207.) Such a split could be undesirable as a partisan gerrymander: District 9’s current incumbent, Democratic Representative Josh Harder, lives in Tracy. (*Id.*) As such, Democrats may rely on Representative Harder’s local constituency for re-election in District 9, which voted Republican in the 2024 Presidential election.³¹ While the dissent asserts that “preserving Tracy in its entirety weakens the primary express goal of a partisan gerrymander” because District 9 is a “safer Democratic seat” under the Proposition 50 Map than District 13, we are not so quick to assume expertise over which redistricting decisions will maximize Democratic success in various future elections. A court may not

²⁹ The dissent references a 52 to 54 percent HCVAP range, but Challengers consistently maintain that the “tight band of HCVAP” to which districts were tailored was “51 to 55 percent.” (*See, e.g.*, Hearing Tr. at 106; 484–85.)

³⁰ Alternative Maps B and C also suffer from the same flaw as Alternative Map A: they remove the neighborhoods of Garden Acres and August from District 13 and place them in District 9.

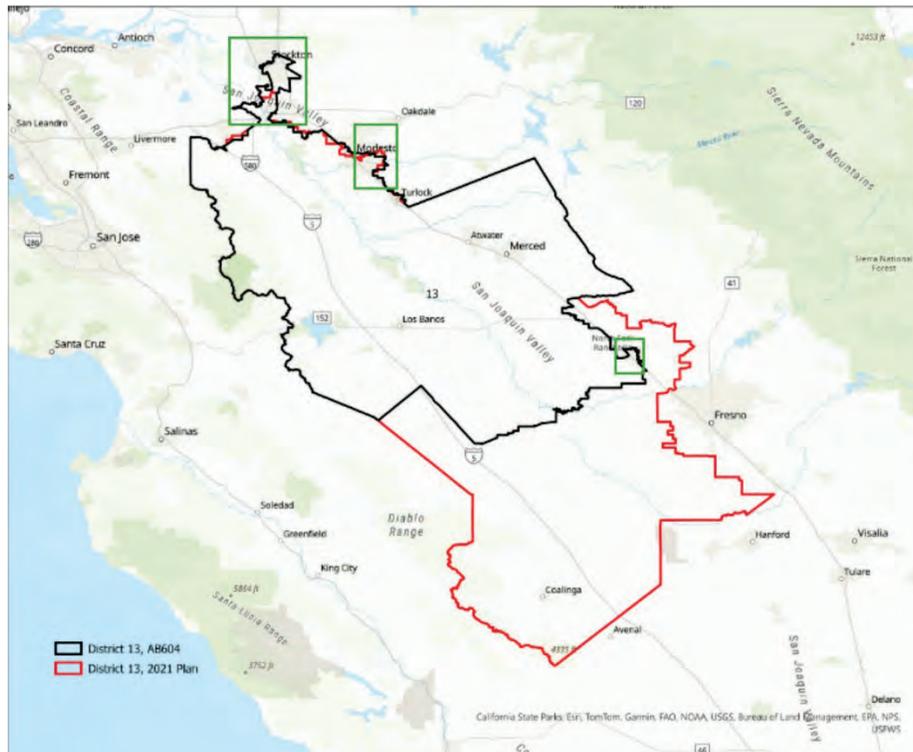
³¹ Challengers claim that Mitchell would not hesitate to split Tracy because Mitchell stated that he did not create an “incumbent preference” gerrymander. (Hearing Tr. at 485–86; Ex. 528 at 102, Doc. 188-20.) But even if a partisan gerrymander does not prioritize protecting incumbents in general, protecting Democratic Representative Harder specifically, who won the 2024 election in a district that also voted for President Trump and therefore has a track record of success in a competitive district, would be consistent with Mitchell’s stated goal of bolstering Democratic performance in District 9. (Redistricting Partners Presentation at 10.) Further, it is the voters’ intent, not Mitchell’s, that is relevant here.

merely dispose of a map when the court feels it is not the best possible partisan gerrymander. *See Miller*, 515 U.S. at 915 (“Federal-court review of districting legislation represents a serious intrusion on the most vital of local functions.”). Rather, we find that because both Districts 9 and 13 were vulnerable Democratic districts under the 2021 Map, sweeping areas of Tracy, home to District 9’s Representative Harder, into District 13 could quite possibly undermine Democrats’ overall success in future elections.

In sum, Dr. Trende’s alternative maps, like his analyses of the Modesto/Ceres boundary and the Stockton boundary, fail to show that “race for its own sake, and not other districting principles,” dominated in the two challenged sub-parts of District 13. *Alexander*, 602 U.S. at 10 (internal quotation marks omitted) (quoting *Miller*, 515 U.S. at 913). We find his testimony and the evidence he offers significantly less persuasive than the contrary testimony of the other experts, particularly that of Dr. Grofman, who stated that “the evidence for racial preponderance is weak to nonexistent.” (Hearing Tr. at 293.)

(a) District 13 as a Whole

Not only do Challengers fail to show that race predominated in the Modesto/Ceres and Stockton areas, but a “holistic analysis” of District 13 also shows that partisanship, rather than race, was the “predominant motive for the design of the district as a whole.” *Bethune-Hill*, 580 U.S. at 192. District 13’s overall demographic and partisan changes are not contested. The parties agree that the Proposition 50 Map did not meaningfully change District 13’s HCVAP percentage; in fact, District 13’s HCVAP percentage marginally decreased from 54% under the 2021 Map, to 53.8% under the Proposition 50 Map. (Grofman Report ¶ 12, Table 1B, Ex. 184; Hearing Tr. at 35.) The parties further agree that under the 2021 Map, District 13 was a politically competitive district, and that the Proposition 50 Map improved District 13’s expected Democratic performance. (*See* Trende Report at 6, Ex. 194; Hearing Tr. at 58.) Dr. Rodden’s report shows that the Proposition 50 Map made significant changes to District 13’s boundaries to produce this partisan result:



(Rodden Report at 1, Figure 1, Ex. 207.) As Dr. Rodden shows, the large southern portion of District 13 in the 2021 Map, which the Proposition 50 Map removed, is largely rural and largely Republican. (*Id.* at 5–6.) Meanwhile, the small northern “plume” added near Stockton is a largely Democratic area. (*Id.* at 6.) As a result, the Proposition 50 Map increased Democratic vote share in District 13 by at least 3 percentage points. (Grofman Report ¶ 12, Ex. 184; *see also* Rodden Report at 10, Ex. 207 (same); Fairfax Report at 11, Ex. 250 (“Democratic performance increases by almost four percentage points.”).)³²

That District 13’s percentage of Latino voters remained constant while its percentage of Democratic voters increased does not deter Challengers from asserting that racial considerations still predominated. Challengers, pointing to the district’s unchanged HCVAP percentage, contend that District 13 was enacted to meet a “racial target” as a district with between 51% and 55% Latino voters. (Pl. Reply at 9–10; *see* Hearing Tr. at 37–38.) Challengers argue that “having a racial target in drawing congressional lines

³² All citations to page numbers within Mr. Fairfax’s report refer to the numbers at the bottom of the pages of the report.

would establish” or at least be “strong evidence” of racial predominance. (Hearing Tr. at 481–82.)

This argument fails on multiple counts. First, there is far too little evidence to support the existence of any racial target. Challengers rely heavily on Dr. Trende’s stated conclusion at the hearing that District 13 “was plainly drawn with a racial target in mind.” (Hearing Tr. at 55.) But Dr. Trende’s conclusion relies on his analyses about racial predominance as to the Modesto/Ceres and Stockton boundaries, which, for the reasons discussed above, are unpersuasive. Additionally, even Dr. Trende fails to definitively conclude that any racial target existed. At that same hearing, Dr. Trende later testified as follows:

Q. You are not offering an opinion that CD13 was drawn with a racial target in mind, right?

A. Right.

Q. You are not offering an opinion that any district in Prop 50 was drawn with a racial target in mind, right?

A. Correct.

(Hearing Tr. at 92.) And nowhere in Dr. Trende’s Report does he identify any racial target. Rather, his report offers reasons as to why he thinks certain portions of the boundaries of District 13 were “crafted to enhance the Hispanic Voting Age Population and Hispanic Citizen Voting Age Population.” (Trende Decl. ¶ 9, Ex. 194, Doc. 190-9.) Further, as discussed above, Dr. Trende acknowledges that one of his own alternative maps, which was assertedly drawn with no racial targets and solely as an exercise in political gerrymandering, still results in an HCVAP percentage that is within the same 51% to 55% range as the Proposition 50 Map’s District 13.

Second, a holistic analysis of District 13 includes the three-percentage point increase in its Democratic vote share, which indicates a countervailing predominant motivation: partisanship. *See Allen v. Milligan*, 599 U.S. 1, 32 (2023) (plurality opinion)

("[T]he use of an express racial target' [is] just one factor among others that the court would have to consider as part of '[a] holistic analysis.'" (quoting *Bethune-Hill*, 580 U.S. at 192). Partisan predominance seems especially likely when examining the magnitude of changes made to District 13: if the predominant consideration were to maintain District 13's racial makeup, one might expect its borders to remain the same or very similar. But the removal of District 13's large southern portion, and the addition of its northern portion, directly correspond to its improved Democratic performance. As Dr. Grofman testified, given the political makeup of the areas within and surrounding District 13, the changes made by the Proposition 50 Map were some of the most natural changes available to improve District 13's Democratic performance. (See Hearing Tr. at 321–23.) Indeed, an "appendage" or "plume" into the Stockton area in the north is replicated in each of Dr. Trende's partisan, alternative maps (see Trende Report at 23–27, Ex. 194), and Challengers acknowledged at the hearing that one would expect to see an "appendage" or "tentacle" reaching into Stockton in any partisan gerrymander. (Hearing Tr. at 516.) Finally, the partisan changes within District 13 are consistent with partisan changes across the rest of the Proposition 50 Map, which made "five of the nine Republican-held seats more likely to elect a Democrat" and improved Democrats' projected performance in all eight competitive districts with Democratic incumbents, including District 13. (Grofman Report ¶¶ 4, 7, Ex. 184); see *Ala. Legis. Black Caucus*, 575 U.S. at 263 (reasoning that statewide evidence can be relevant to a district-specific racial gerrymandering claim). Accordingly, the district's boundaries suggest that partisanship, not race, was the "predominant motive for the design of the district as a whole." *Bethune-Hill*, 580 U.S. at 192.

(b) Conclusion as to District 13

Because Challengers present little-to-no other evidence of voters' racial motivations, their evidence of the shape and demographics of District 13 must meet a high bar to show racial gerrymandering. Cf. *Alexander*, 602 U.S. at 8 ("[W]e have never

invalidated an electoral map in a case in which the plaintiff failed to adduce any direct evidence[.]”). Challengers fall far short. Challengers therefore fail to establish “serious questions going to the merits” of racial predominance as to District 13.³³ *Shell Offshore*, 709 F.3d at 1291 (quoting *All. for the Wild Rockies*, 632 F.3d at 1135).

5. Conclusion as to Racial Gerrymandering

Having carefully reviewed and weighed the relevant evidence, we find that the evidence presented reflects that Proposition 50 was exactly what it was billed as: a political gerrymander designed to flip five Republican-held seats to the Democrats. In other words, the “impetus for the adoption” of the Proposition 50 Map was “partisan advantage pure and simple.” *Abbott v. League of United Latin Am. Citizens*, 607 U.S. ____ (2025) (slip op. at 2–3) (Alito, J., concurring). For all the challenged districts, and for the reasons stated above, we concluded that Challengers fail to establish serious questions going to the merits of racial gerrymandering in violation of the Fourteenth and Fifteenth Amendments.

B. Section 2 of the Voting Rights Act

The United States additionally brings a claim for “Intentional Racial Discrimination” under § 2 of the Voting Rights Act (“VRA”), 52 U.S.C. § 10301. (U.S. Compl. at 17.) Its Complaint states “Proposition 50 was adopted with the purpose of denying or abridging the right to vote on account of race or color in violation of Section 2 of the VRA, 52 U.S.C. § 10301.” (*Id.* ¶ 70.) Its Motion for Preliminary Injunction is equally succinct; the only argument the United States makes as to a § 2 violation is that “the same showing of intentional racial discrimination that is sufficient to constitute a

³³ The dissent theorizes that District 13 was racially gerrymandered to curry favor with Latino voters who are drifting away from the Democratic party, as part of a racially-based spoils system. There is nothing in the record that reflects this theory. Moreover, it is unclear to us what racial spoils Latino voters ultimately received with regard to District 13, which saw a marginal decrease in its HCVAP percentage, and how such a decrease would enable Democrats to curry favor with Latino voters.

violation of the fourteenth amendment is sufficient to constitute a violation of section 2.” (U.S. Mem. at 14 (internal quotation marks and citation omitted).)³⁴

“To the extent that a redistricting plan deliberately minimizes minority political power, it may violate both the Voting Rights Act and the Equal Protection Clause of the fourteenth amendment.” *Garza v. County of Los Angeles*, 918 F.2d 763, 766 (9th Cir. 1990). To prevail on a § 2 claim, Challengers must show both a *purpose* and an *effect*. See *Alexander*, 602 U.S. at 38–39 (citing *Shaw I*, 509 U.S. at 649). First, they must show that the State acted with a “‘racially discriminatory motivation’ or an ‘invidious purpose’ to discriminate.” *Allen*, 599 U.S. at 11 (quoting *City of Mobile, Ala. v. Bolden*, 446 U.S. 55, 61–65 (1980)). Further, they must show an effect that is cognizable under the VRA, namely, that members of the protected class “have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” 52 U.S.C. § 10301(b); see also *Garza*, 918 F.2d at 771.

The United States fails to show that the voters acted with discriminatory intent. In examining discriminatory intent, “*Arlington Heights* provided a non-exhaustive list of factors that a court should consider.” *Hobbs*, 948 F.3d at 1038 (citing *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977)). Here, neither the “historical background” of Proposition 50 nor “[t]he specific sequence of events leading up to” Proposition 50 shows that the decisionmakers acted with a racially-motivated purpose, see

³⁴ In general, a claim under “§ 2 turns on the presence of discriminatory effects, not discriminatory intent.” *Allen*, 599 U.S. at 25. That is because the 1982 Amendments to the VRA were a “hard-fought compromise” reflecting a Congressional desire to overturn the prior rule that a § 2 challenger must show discriminatory intent. *Id.* at 10–14, 25 (recounting the history in depth). Accordingly, most § 2 claims now center on the effects-based test outlined in *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986). However, while a challenger is not required prove discriminatory intent for a § 2 claim, the revised language did not foreclose claims on that basis. See *Chisom v. Roemer*, 501 U.S. 380, 394 n.21 (1991). Here, the United States argues that Proposition 50 violates § 2 only because it was passed with a discriminatory intent. (U.S. Compl. ¶ 70; U.S. Mem. at 14.)

Arlington Heights, 429 U.S. at 267; indeed, we have already examined the substantial partisan-oriented messaging preceding Proposition 50’s passage. Although the mid-decade redistricting effort represented a “[d]eparture[] from the normal procedural sequence,” as well as a “[s]ubstantive departure” from Commission-drawn congressional maps, *see id.*, the evidence indicates that such departures were a result of overwhelming political, rather than racial, motivations. (*See, e.g.*, Voter Information Guide at 571 (“This isn’t politics as usual. It’s an emergency for our democracy.”).) The United States has presented no evidence of “contemporary statements by members of the decisionmaking body”—here, the voters—which are probative of any racially discriminatory intent. *Arlington Heights*, 429 U.S. at 268. And finally, we have already discussed in-depth why Challengers’ analysis of the “[t]he impact of the official action” on the configuration of District 13, which, in rare cases, could show “a clear pattern, unexplainable on grounds other than race,” is insufficient to establish any racial motivation here. *Id.* at 266. In sum, for fundamentally the same reasons that Challengers’ racial gerrymandering claims fall short, the United States fails to show that the voters acted with racially discriminatory intent.³⁵ The United States has therefore failed to establish serious questions going to the merits of its VRA § 2 claim.³⁶

³⁵ Furthermore, the United States fails to show that Proposition 50 has had any adverse effect. It claims that “[t]he racial classification itself is the relevant harm.” (U.S. Reply to LULAC at 7 (quoting *Alexander*, 602 U.S. at 38); *see also* Hearing Tr. at 513–14.) But the Supreme Court has clarified that the classification-based harm referenced by the United States is specific to the context of racial gerrymandering claims under the Equal Protection Clause. *See Alexander*, 602 U.S. at 38. By contrast, in the context of § 2 of the VRA, the United States must show that there are “members of a [protected] class” who are unable to equally access the political process. *Garza*, 918 F.2d at 771; 52 U.S.C. § 10301(b). It makes no attempt to do so here.

³⁶ This Court therefore need not analyze the remaining *Winter* factors. *See All. for the Wild Rockies*, 632 F.3d at 1135 (holding that the *Winter* test “requires the plaintiff to make a showing on all four prongs”).

V. CONCLUSION

For the foregoing reasons, the Court DENIES Challengers' Motions for Preliminary Injunction.

LEE, Circuit Judge, dissenting:

“It is a sordid business, this divvying us up by race.” *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part). But California sullied its hands with this sordid business when it engaged in racial gerrymandering as part of its mid-decade congressional redistricting plan to add five more Democratic House seats. We know race likely played a predominant role in drawing at least one district because the smoking gun is in the hands of Paul Mitchell, the mapmaker who drew the congressional redistricting map adopted by the California state legislature.

Mitchell refused to appear before our court to explain how he drew the map and invoked legislative privilege for staying silent. But before this lawsuit was filed, he publicly boasted to his political allies that he drew the map to “ensure that the Latino districts . . . are bolstered in order to make them most effective, particularly in the Central Valley.” Ex. 11 at 30. He also bragged on X/Twitter that the “proposed Proposition 50 map will further increase Latino voting power” and “adds one more Latino influence district.” Ex. 14. True to his word, Congressional District 13 (CD 13) in the Central Valley has the hallmarks of a racially gerrymandered district: It is a majority Latino district that oddly juts out in the north to capture Latino areas—to the exclusion of more Democratic but more White areas nearby. This was no accident. Dr. Sean Trende has offered multiple alternative maps for this district that are more Democratic but less Latino—which presumably would be more favorable if this were just a case of political gerrymandering.

Why did California create this Latino-majority district? It is not because Latinos lack political power and must be given special protection. California today is not like the Deep South of yesteryears. Far from it. Latinos are the largest racial/ethnic group in the state, have won statewide races, and hold dozens of seats in federal and state districts in California. In fact, their political potency is likely the reason California’s Democratic state

legislature created a racially gerrymandered district—as part of a racial spoils system to award a key constituency that may be drifting away from the Democratic party.

But the Fourteenth Amendment to the U.S. Constitution generally bars the government from separating the people by race. Our government must be neutral on race—or else we risk balkanizing our country into competing racial factions and breeding resentment. To be sure, California’s main goal was to add more Democratic congressional seats. But that larger political gerrymandering plan does not allow California to smuggle in racially gerrymandered seats. In other words, a state can create a map with the larger goal of political gerrymandering but still run afoul of the Fourteenth Amendment if it relies on race as a predominant factor in drawing certain districts.

The majority largely waves off Mitchell’s damning admissions and says that we should only look at the voters’ intent—not the state legislature’s—because the voters approved Proposition 50. That proposition amended the state constitution to jettison the independent redistricting commission’s map and implemented the new districts approved by the state legislature under AB604. But we cannot categorically look only at the so-called “voters’ intent”—to the exclusion of other more probative evidence—in assessing racial gerrymandering claims. The reason is obvious: We cannot discern the intent of 11 million Californians for redrawing a single congressional district when they voted on a statewide referendum that changed all 52 congressional districts.

In trying to determine what the state had in mind in drawing the districts, the most relevant evidence is the intent of the mapmaker, as the Supreme Court has repeatedly emphasized. The majority’s position that a state referendum can cleanse the sins of the state creates perverse incentives for the governor and the state legislature to shroud their unlawful racial designs and package their actions in more popular terms for the public. And that is exactly what they did—they spoke little of racially gerrymandering CD 13

(which implicates only two percent of the state population) and instead sold Proposition 50 as an anti-President Trump initiative (which has wide appeal in a blue state like California).

I would preliminarily enjoin California's new congressional redistricting map because it is infected with racial gerrymandering. I respectfully dissent.

Background

California has long been a melting pot of people of all races and ethnicities. At UCLA, scores of students—three-quarters of whom are racial minorities—study and mingle together. Fifteen miles east at Chavez Ravine, Latino Dodgers fans sport Shohei Ohtani or Mookie Betts jerseys, much like white fans donned Fernando Valenzuela jerseys decades earlier. In 2022, Californians elected a Latino U.S. Senator and an Asian-American as the State Attorney General. Indeed, the Latino Senate candidate (Alex Padilla) earned more votes than the white governor (Gavin Newsom) that year. And in other recent elections, Californians have elected a Black U.S. Senator (in 2016), a Latino State Attorney General (in 2018), a Black State Attorney General (in 2010 and 2014), a Latino Secretary of State (in 2014 and 2018), a Black Secretary of State (in 2022), an Asian State Treasurer (in 2014, 2018 and 2022), an Asian State Controller (in 2010, 2014, and 2018), a Black State Controller (2022), a Latino Insurance Commissioner (in 2018 and 2022), and an Afro-Latino Superintendent of Public Instruction (in 2018 and 2022).

Yet in embarking on a mid-decade redistricting plan to create more Democrat-friendly districts, California relied on race to create at least one Latino-majority congressional district. To be clear, as the majority explains, California began its mid-cycle redistricting attempt after Texas initiated its own redistricting in favor of Republicans. Ex. 19. But that larger partisan goal does not negate that California's Democratic state legislature sought to maintain and expand a racial spoils system.

I. Latinos, the largest racial group in California, wield political power.

It is no surprise why the California state legislature engaged in a racial spoils system if we look at population and political power in the Golden State. In the 2020 census, Latinos¹ were 39.4% of California's population, the largest ethnic or racial group. Doc. 16-7 at 28; Ex. 14 at 3. Other racial groups consisted of Non-Hispanic White at 34.7%, Asian at about 15.1%, and Non-Hispanic Black at 5.4%. *Id.* Latinos are also the second largest voting population and the fastest growing demographic in the state. Ex. 14 at 3–4.

Naturally, Latinos have substantial political clout. Latino candidates have won and continue to win state and federal races. Today, Latino officials hold the statewide elected offices of U.S. Senator, California Insurance Commissioner, and California Superintendent of Public Instruction. In 2023, California sent fifteen Latino members to the U.S. House of Representatives.² Thirteen California state senators and twenty-two State Assembly members are members of the California Latino Legislative Caucus.³ In short, Latinos often run for and win elections in California.

II. California's Democratic state legislature engages in a racial spoils system of establishing Latino districts.

Importantly though, Latinos are not politically monolithic. Traditionally, Latinos voted for Democratic candidates. From 2008 to 2020, about 70 percent of Latinos voted

¹ The words Hispanic and Latino appear throughout this opinion to describe essentially the same individuals or groups. While the U.S. Census Bureau uses Hispanic, modern parlance has shifted to prefer the term Latino to describe those in the United States with racial or ethnic origins in Latin America. U.S. Census Bureau, *Hispanic Origin*, <https://www.census.gov/topics/population/hispanic-origin.html> (last visited Jan. 2, 2026).

² *Hispanas Organized for Pol. Equal.*, *Latina Representation in California Government* (2023).

³ Cal. Latino Legis. Caucus, *Member Directory*, <https://latinocaucus.legislature.ca.gov/member-directory> (last visited Jan. 2, 2026).

for the Democratic presidential candidate.⁴ While the majority still votes reliably for Democratic Party candidates, an ongoing political realignment shows a change in voting behavior, as widely reported in the press.⁵ In the 2024 presidential election, as few as 51% of Latinos nationwide may have voted for Vice President Harris and up to 46% for President Trump.⁶ While numbers specific to California voters are limited, data suggest a surge in Latino support for Republicans and a corresponding decrease in support for Democrats.⁷

This change would likely be a major concern for the California state legislature, which is controlled by a Democratic supermajority. Latinos do not just make up the largest racial/ethnic group in the state, their associated community organizations engage in outreach and get-out-the-vote efforts. And many of the leading Latino groups have significant sway among California's Democratic elected officials and leaders.⁸ We need to look no further than this case. Paul Mitchell—whose Proposition 50 map work was funded in part by the Democratic Congressional Campaign Committee (DCCC)—met

⁴ See Alan I. Abramowitz, *Are Latinos Deserting the Democratic Party? Evidence from the Exit Polls*, Ctr. for Pol. Sabato's Crystal Ball, March 24, 2022, <https://centerforpolitics.org/crystalball/are-latinos-deserting-the-democratic-party-evidence-from-the-exit-polls/>.

⁵ See Bruno Vega Hubner & F. Javier Pueyo Mena, *The Hispanic Vote in the 2024 U.S. Presidential Elections* (2025).

⁶ *Id.* at 11.

⁷ Eric McGhee & Jennifer Paluch, *Who is Switching Political Parties in California*, Public Policy Institute of California, Oct. 9, 2014, <https://www.ppic.org/blog/who-is-switching-political-parties-in-california/>.

California's political dynamic is starkly different from, say, that of South Carolina, where it is much more difficult to disentangle race from politics because of the extreme political polarization. In South Carolina, about 90% of the Black voters support Democrats at the ballot box, while a supermajority of Whites vote Republican. See *Alexander v. S.C. State Conference of the NAACP*, 602 U.S. 1, 9 (2024). In contrast, all ethnic/racial groups vote Democratic in California, albeit to somewhat varying degrees. See Brunell Report, Ex. 196 at 16–19.

⁸ See generally Gene M. Grossman & Elhanan Helpman, *Special Interest Politics* (2002).

repeatedly with Latino groups (such as Hispanas Organized for Political Equality (HOPE)) about expanding their political power. Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 23–24, 33–34. And the League of United Latin American Citizens (LULAC) intervened here on the side of California and the DCCC.

As Latinos continue to grow in population and exert more influence in state politics (Ex. 14 at 3–4), it would surprise no one that the Democratic supermajority in the California state legislature does not want Latinos to stray from the party. One strategy is to deliver policy results to community organizations and Latino communities. Another is to ensure that Latino officials are elected to represent Latino areas and can lock in districts to the party and its incumbents.⁹

III. Paul Mitchell creates racially gerrymandered districts while creating a Democratic-friendly redistricting map.

We saw this racial politics in play during California’s mid-cycle redistricting plan. Redistricting requires a mapmaker. Enter Paul Mitchell, a California redistricting expert paid hundreds of thousands of dollars by Congressman Hakeem Jeffries, House Majority PAC, and the DCCC to draw a redistricting map for California. Doc. 159-1 at 228–29. As he publicly acknowledged, he did not just politically gerrymander, though that was the larger goal in mind. Race-based interest groups wanted certain racial outcomes out of the process. *See* Ex. 11 at 23–29. He happily delivered. *See* Ex. 11 at 30–35. As explained in detail later, Mitchell, in a meeting with a Latino interest group, said that the “number one thing that I started thinking about” when drafting the Proposition 50 map was creating a “Latino majority/minority district” in Los Angeles. Ex. 11 at 23–24. He also bragged that “[t]he Prop. 50 maps I think will be great for the Latino community” as “they ensure

⁹ *See* Daryl Levinson & Benjamin I. Sachs, *Political Entrenchment and Public Law*, 125 Yale L.J. 400, 415 (2015) (discussing gerrymandering as a means of political entrenchment).

that the Latino districts” are “bolstered in order to make them most effective, particularly in the Central Valley.” *Id.* at 30.

California’s state legislature adopted Mitchell’s map in the legislative vehicles that would become Prop. 50. The resulting map advanced Democratic Party interests by creating five additional safe Democratic seats after Texas redistricted to try to gain five more Republican seats. Statement of Senator Gonzalez, Ex. 5 at 275. The California state legislature adopted the legislative package containing the map mere days after it was submitted for their consideration. The package proposed a state constitutional amendment requiring voter approval for adoption. That amendment was necessary because the California state constitution mandates that an independent commission create non-partisan congressional districts.

Around 11 million Californians voted in the November 2025 special election and approved the map and associated state constitutional amendment.

Discussion

We address this case at the preliminary injunction phase. A plaintiff merits a preliminary injunction if he can show “[1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). When, as here, “the nonmovant is the government, the last two *Winter* factors ‘merge.’” *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023) (quoting *Nken v. Holder*, 556 U.S. 418, 435 (2009)). All factors must be satisfied, but the Ninth Circuit applies a “sliding-scale approach” by which “a stronger showing of one element may offset a weaker showing of another.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Yet, “[l]ikelihood of success on the merits is a threshold inquiry and is the most important factor.” *Env’t Prot. Info. Ctr. v. Carlson*, 968 F.3d 985, 989 (9th Cir. 2020). I address each factor in turn.

I. Plaintiffs are likely to succeed on the merits because California’s mapmaker admitted that he created racially gerrymandered districts.

The Fourteenth Amendment generally bars racial gerrymandering. *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 7 (2024) (“The Fourteenth Amendment introduces one constraint by prohibiting a State from engaging in a racial gerrymander unless it can satisfy strict scrutiny.”). As the Supreme Court explained, “Racial classifications with respect to voting carry particular dangers” because it “threatens to carry us further from the goal of a political system in which race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody, and to which the Nation continues to aspire.” *Shaw v. Reno*, 509 U.S. 630, 657 (1993). And in analyzing redistricting challenges, we do so on a district-by-district basis—not a state map as a whole. *Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 191 (2017) (“[T]he basic unit of analysis for racial gerrymandering claims . . . is the district”).

David Tangipa and other plaintiffs allege that California drew several racially gerrymandered districts in favor of Latinos. But proving a state engaged in racial gerrymandering requires a strong showing. At this stage, I believe that Plaintiffs have met this burden for at least one congressional district—CD 13 in the Central Valley—by showing that race was a predominant factor in its drawing. They, however, have not provided sufficient evidence for other districts at the preliminary injunction stage. Plaintiffs’ Reply ISO PI, Doc. 143 at 9–10; U.S. Reply ISO PI, Doc. 140 at 11–12. But for CD 13, direct and indirect evidence show that it was racially gerrymandered.

A. We should presume legislative good faith, though the lack of any direct evidence of the state’s intent raises questions.

My colleagues correctly assert that courts must tread carefully when wading into redistricting, a “traditional domain of state legislative authority.” *Alexander*, 602 U.S. at 7. Accordingly, “courts must exercise extraordinary caution in adjudicating claims that a State has drawn district lines on the basis of race” as “federal-court review of districting

legislation represents a serious intrusion on the most vital of local functions.” *Id.* (quoting *Miller v. Johnson*, 515 U.S. 900, 915–16 (1995)) (cleaned up).

We thus begin by presuming that the redistricting “legislature acted in good faith.” *Id.* at 6. This presumption is based in “due respect” for state legislatures and avoiding unfounded accusations of “‘offensive and demeaning’ conduct.” *Id.* at 11 (quoting *Miller*, 515 U.S. at 912). We also “must be wary of plaintiffs who seek to transform federal courts into weapons of political warfare that will deliver victories that eluded them in the political arena.” *Id.* (internal quotation marks omitted).

But this presumption is not insurmountable. *See id.* It can be rebutted by both direct and indirect evidence of racial gerrymandering. The evidence here is plentiful. As explained more later, Mitchell and many legislators spoke publicly and to Latino interest groups declaring that race was a priority in developing several congressional districts for the Proposition 50 map.

I take Mitchell’s statements at face value and conclude they reflect his true motivations behind the Proposition 50 map. We have nothing else to go on. Mitchell refused to appear before our court to testify at the preliminary injunction hearing in Los Angeles, even though he acknowledged that he had no other pressing plans and lives in California. Doc. 178-5 at 184–85 (Mitchell Depo Designations pgs. 184–85). According to his lawyer, he would not appear before us because “the burden on him has been enough.” *Id.*

Because Mitchell’s own words show that he relied on race in drawing certain districts, Plaintiffs have rebutted the presumption of legislative good faith that we give to California. But I highlight Mitchell’s behavior because the contours of the presumption of good faith may require further explanation by the Supreme Court. The Court has typically presumed good faith when the mapmaker testifies about his (non-racial) intent in drawing the map but other evidence suggests racial motives. *See, e.g., Alexander*, 600 U.S. at 10

(The “presumption of legislative good faith directs district courts to draw the inference that cuts in the legislature’s favor *when confronted with evidence that could possibly support multiple conclusions.*”) (emphasis added); *Abbott v. Perez*, 585 U.S. 579, 610–12 (2018); *Miller v. Johnson*, 515 U.S. 900, 915 (1995) (“*until a claimant makes a showing sufficient to support the allegation the good faith of a state legislature must be presumed*”) (emphasis added). In the face of such conflicting evidence, the Court held that we must presume the state acted in good faith. *See Alexander*, 600 U.S. at 10. But here, there is *no* direct evidence that the mapmaker or any state official had non-racial motives in drawing CD 13. On the contrary, the only direct evidence—from the mouth of Mitchell in public statements—shows that race was a predominant factor in drawing that district.

Mitchell went to great lengths to avoid testifying under oath about how he drew the California map—even though he publicly talked about it to the press and interest groups before this lawsuit. He first delayed his deposition until just a few short days before the preliminary injunction hearing. Doc. 147-1 at 3. On the morning of his deposition, his counsel—for the first time—claimed that he would be invoking legislative privilege in response to questions related to how he drew the redistricting map. Doc. 178-5 at 26–27 (Mitchell Depo Designations pgs. 26–27). Notably, he cited legislative privilege, even though California and DCCC had recently submitted briefs claiming that Mitchell was merely a private person, and not a state actor. Then at his deposition, he invoked legislative privilege over one hundred times. *See generally* Doc. 178-5. He declined to answer how he drew the map, whether race played any role, and even the most basic questions. For example, he even refused to answer whether he drew the Proposition 50 Map. *Id.* at 26 (“Q: So is it fair to say that you drew the Prop 50 maps? Mr. Manolius: Objection, calls for information that’s privileged under legislative privilege. I instruct you not to answer.”). Mitchell also did not produce any documents until explicitly ordered to do so by the court and then only started to produce a small fraction of the relevant documents by the time of

the hearing. Doc. 147-1 at 3; Doc. 167. And any potential challenge to these privilege claims faced veiled threats of interlocutory appeal under the collateral order doctrine, which would have delayed our proceedings by potentially months. Doc. 157 at 9.

When the mapmaker's behavior borders on bad faith and the state has failed to produce any direct evidence that race was not a predominant factor in drawing a particular district, I question whether the presumption of good faith even applies. We, however, need not resolve it and can proceed with presumption of good faith but recognize that it has been rebutted here.¹⁰

B. Direct evidence—Mr. Mitchell's own words—shows that race was a predominant factor in drawing CD 13.

To prove a Fourteenth Amendment racial redistricting claim, the plaintiff can offer both direct and circumstantial evidence. *Alexander*, 602 U.S. at 8 (citing *Cooper v. Harris*, 581 U.S. 285, 291 (2017)). Direct evidence is often “a relevant state actor’s express acknowledgement that race played a role in the drawing of district lines.” *Id.* Such concessions may be guised in the language of Voting Rights Act compliance. *Id.* Other direct evidence might include admissions like “e-mails from state officials instructing their mapmaker” to racially gerrymander. *Id.* Absent a compelling state interest to racially gerrymander, “direct evidence of this sort amounts to a confession of error.” *Id.* A state can justify the racially gerrymandered district only by showing a compelling interest under strict scrutiny. *Id.* at 7 (“The Fourteenth Amendment introduces one constraint by

¹⁰ The majority suggests that I am drawing an adverse inference due to Mitchell's invocation of legislative privilege. I am not. Nor am I advocating that the court apply one. I merely raise an unresolved question about the contours of the presumption of legislative good faith that would benefit from Supreme Court review.

prohibiting a State from engaging in a racial gerrymander unless it can satisfy strict scrutiny.”).¹¹

California does not argue that the Proposition 50 map satisfies strict scrutiny. Defendants’ Opp. to PI, Doc. 113 at 40. Rather, California insists that strict scrutiny does not apply because it did not rely on race as a predominant factor in drawing the districts. *Id.* So the only question is whether race was a predominant factor in drawing the lines of CD 13. If it were not, then strict scrutiny does not apply, and Plaintiffs’ claim will likely fail. But if it were, then strict scrutiny does apply, and Plaintiffs are likely to succeed on the merits.

We turn first to the statements of the person who drew California’s redistricting map, Paul Mitchell. The Supreme Court has repeatedly relied on statements from the mapmaker in assessing whether the state improperly relied on race in drawing district lines. *See, e.g., Alexander*, 602 U.S. at 13–15, 19, 22–23; *Cooper v. Harris*, 581 U.S. 285, 288–89 (2017); *Rucho v. Common Cause*, 588 U.S. 684, 725–26 (2019); *Bethune-Hill*, 580 U.S. at 194–95. We have smoking-gun evidence that CD 13 is a racial gerrymander. In a video-call presentation for Hispanas Organized for Political Equality (HOPE), he openly said he wanted more Latino districts when he began drawing the Proposition 50 map. Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 23–24. For example, he admitted that the “number one thing” that he “started thinking about” in creating the Proposition 50 map was creating a “Latino majority” district in Los Angeles. *Id.* Creating Latino majority districts was a longtime goal of his: Dating back over a decade, he had worked with Latino

¹¹ Often, states that create racially gerrymandered districts justify them by invoking the Voting Rights Act (VRA). But Supreme Court precedent indicates that merely mentioning the VRA is not an elixir that wards off constitutional concerns. Rather, it often reveals an unconstitutional “racial target.” *Cooper*, 581 U.S. at 299–300. California does not try to justify CD 13 as a VRA district. And for good reason: Latinos wield substantial political power in California and likely have the power to elect their preferred representatives without the VRA.

groups like HOPE that sought to maximize Latino congressional representation in Latino areas. *Id.* at 23–24, 33–34. In the 2021 Commission redistricting process, Mitchell helped HOPE advocate for more “majority/minority Latino districts.” *Id.* at 24. In discussing his current work on the Proposition 50 map, Mr. Mitchell cited that earlier work as front-of-mind in his redistricting process and quoted a 2021 letter addressing that effort’s goals. *Id.*

That 2021 letter expressly encouraged the use of race in drawing congressional districts. Ex. 12. It states that “the protection of voters of color is a higher priority than preserving county boundaries or other lower-order criteria.” *Id.* at 4. It also instructs that “it is also acceptable for [redistricters] to value providing influence to voters of color in [their] districting plans, so long as it is not the sole criterion used.” *Id.* It then warns of “overpacked” districts in which the Latino population has been too highly concentrated for maximum electoral effect, providing a target percentage for Latino-majority districts “between 52% and 54% Latino CVAP [Citizen Voting Age Population].” *Id.* Such districts, it claims, “would still be very likely to elect Latino candidates of choice.” *Id.* Mitchell cited this 2021 letter years after its publication as a roadmap for his 2025 redistricting goals. Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 24. It is little surprise that he followed its instructions.

He then made a damning confession about CD 13: He said that “[t]he Prop. 50 maps I think will be great for the Latino community” as “they ensure that the *Latino districts*” are “*bolstered in order to make them most effective, particularly in the Central Valley.*” *Id.* at 30 (emphasis added). Congressional District 13 is in the Central Valley. The message was not lost at HOPE, the Latino advocacy group. The presentation’s host summarized Mitchell’s remarks as answering “what this map means for long-term political – Latino political power in the state.” *Id.* at 33. In parting, the HOPE host referred to Paul Mitchell as “St. Paul”—as if he were an evangelist of racial gerrymandering. *Id.* at 35–36. This praise is well deserved. Mitchell bragged on social media that the “proposed

Proposition 50 map will further increase Latino voting power” and “adds one more Latino influence district.” Ex. 14.¹²

Mitchell was fully aware of the racial makeup of congressional districts when he spoke publicly. Again, in the HOPE presentation, Mitchell cited several districts as “Latino-influenced.” Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 25, 26, 29. In one instance, he cited a specific district’s demographics “at 35 percent Latino by voting age population.” *Id.* at 25. In another instance, he highlighted the importance of “support[ing] and do[ing] turnout there for Latinos to protect a Latino member of Congress in a district that is still a Latino-influenced district, but is no longer a majority/minority district.” *Id.* at 29. When asked at his deposition to identify which district this was (or what a Latino-influenced district means to him), Mitchell declined to explain, relying in part on, you guessed it, legislative privilege. Mitchell Deposition, Ex. 434 at 282–86.

None of Mitchell’s admissions should be surprising. His constant advocacy of Latino districts aligns perfectly with the California state legislature’s long-term political goal of attracting and retaining Latino voters. The Democratic supermajority in the California state legislature, through its mapmaker, wanted to reward Latino groups and voters with several Latino majority and Latino-influenced seats—in effect, a racial spoils system. The need to court Latinos through racially gerrymandering is especially

¹² The majority downplays Mitchell’s admission to HOPE that he tried to “bolster” “Latino districts” in the Central Valley by referring to a different interview in which he says, “We did a lot to bolster Democratic candidates up and down the state that are potentially in tough races like Adam Gray in the Central Valley.” Ex. 123 at 2. The majority contends that this later interview shows that Mitchell was likely referring to “political effectiveness” when he spoke to HOPE. But we do not know that because he did not show up to court to give his side of the story. So I take at face value his multiple admissions in which he explicitly referred to strengthening “Latino districts.” And as noted before, it is possible for a state to pursue the larger goal of a more partisan map but still violate the 14th Amendment if it relies on race as a predominant factor in drawing a particular district. *Bethune-Hill*, 580 U.S. at 191–92.

compelling because Latinos have started drifting away from the Democratic Party in recent years.¹³

Perhaps some may dismiss all this as mere politics. After all, politicians and parties appeal to different interest groups and routinely dispense favors to them. The Democratic party relies on, for example, public labor unions and environmental groups, while the Republican party receives support from business groups and the oil-and-gas industry. Democratic and Republican administrations also often enact policies favoring their interest groups and appoint people in those fields to positions in federal agencies and commissions. So why not allow a spoils system based on race if political parties do so based on other factors?

Race is different because “racial classifications are simply too pernicious.” *Gratz v. Bollinger*, 539 U.S. 244, 270 (2003). Our country did not shed the blood of a half-million Americans over corporate tax loopholes or public pensions. We must tread very carefully when it comes to race: When our government divides the people into competing racial camps, it inevitably invites resentment. Electoral performance is “zero-sum,” “[a] benefit provided to some [racial groups] but not to others necessarily advantages the former group at the expense of the latter.” *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 218–19 (2023). Racial gerrymandering favoring the plurality Latino population disadvantages other citizens based on their race. And racial gerrymandering also “engages in the offensive and demeaning assumption that voters of a particular race, because of their race, ‘think alike, share the same political interests, and will prefer the same candidates at the polls.’” *Miller*, 515 U.S. at 911–12 (quoting *Reno*, 509 U.S. at 647). As the Supreme Court warned, “Racial classifications with respect to voting carry particular dangers” because “[r]acial gerrymandering, even for remedial

¹³ See Hubner & Mena, *supra*.

purposes, may balkanize us into competing racial factions.” *Reno*, 509 U.S. at 657. Simply put, we play with fire when we treat people differently based on race—and racial politics can be a tinder that engulfs our nation.

Yet Mitchell relied on race in creating CD 13 because he said so himself. My colleagues, however, contend we cannot rely on Mitchell’s own words. They claim that (1) Mitchell’s intent does not reflect that of the California voters who adopted Proposition 50; (2) in any event, Mitchell is not a state actor; and (3) his statements are not enough to overcome the presumption of legislative good faith. I address each argument in turn.

1. We need to consider Mitchell’s views in discerning state intent.

Despite Mitchell’s fatal admissions that he considered race in drawing certain congressional districts, the majority says that we should ignore Mitchell’s own words. Rather, because the voters themselves ratified Proposition 50, the majority argues that we need to figure out what 11 million voters thought about CD 13 when they voted on Proposition 50’s statewide redistricting map. The majority adopts a categorical rule that the state legislature’s intent in enacting a redistricting map—even if the map is infected with unlawful racial considerations—must be cast aside if there was a statewide voter referendum that ultimately approved it. I respectfully disagree.

The inherent difficulty of assessing a state’s intent arises from the fact that the state legislature “is a they, not an it.” *See generally* Kenneth A. Shepsle, *Congress Is A “They,” Not an “It”: Legislative Intent As Oxymoron*, 12 Int’l Rev. L. & Econ. 239 (1992). “[D]ozens if not hundreds of legislators have their own subjective views on the minutiae of bills they are voting on—or perhaps no views at all because they are wholly unaware of their minutiae. . . . Each member voting for the bill has a slightly different reason for doing so. There is no single set of intentions shared by all. The state of the assembly’s collective psychology is a hopeless stew of intentions.” Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts*, 391–96 (2012). That statement is even more true

when applied to millions of California voters whose understandings of and motivations for adopting a state-wide redistricting package are legion.

Given these difficulties of assessing legislative or voter intent, the Supreme Court has often looked at the mapmaker as the most natural and perhaps only viable way to discern the state’s intent in drafting a congressional redistricting map. *See, e.g., Alexander*, 602 U.S. at 19 (citing mapmaker’s testimony as “direct evidence”). After all, the mapmaker is the person who drew the map for the state. Who else but the author of the map is the best source of the motivation behind drafting the map? Much of the Supreme Court’s *Alexander* opinion is dedicated to addressing the mapmaker’s knowledge and intent. 602 U.S. at 13–15, 19, 22–23. The Court there held that the testimony of the person “who drew the Enacted Map” was “direct evidence” of the state legislature’s intent.¹⁴ *Id.* at 19. And so it should be here.

The majority deems irrelevant the intent of the mapmaker who drew the map as well as of the state legislators who drafted and voted for the bill enacting the map. What we need to look at are the 11 million Californians who voted on Proposition 50, according to my colleagues. To do otherwise would be to commit the “cat’s paw” fallacy in which we attribute a single state legislator’s view to the entire state legislature. *See Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647, 689–90 (2021) (“A ‘cat’s paw’ is a dupe who is used by another to accomplish his purposes. A plaintiff in a ‘cat’s paw’ case typically seeks to hold the plaintiff’s employer liable for ‘the animus of a supervisor who was not charged with making the ultimate adverse employment decision.’” (cleaned up)). In this case, the majority reasons that we would be incorrectly attributing the state legislature’s views to

¹⁴ Defendants argue *Alexander* does not apply because there the mapmaker was a non-partisan legislative employee rather than an outside contractor paid by a third party. While that distinction is true, it makes little difference. To accept otherwise would lead to absurd results. States could export their redistricting drafting to disreputable third-party groups and shield themselves from any judicial review.

the voters if we consider the mapmaker’s intent. But the majority’s reliance on 11 million “voters’ intent” suffers from the same “cat’s paw” fallacy—except that we would now face 11 million cat paws scratching in myriad directions in trying to figure out an abstract “voters’ intent.”

How do we discern the intent of 11 million voters for a specific congressional district when they voted on a statewide package of redistricting all 52 congressional districts? Perhaps it may be theoretically possible to figure out the voters’ intent in a simple but hot-button initiative. *Cf. Romer v. Evans*, 517 U.S. 620, 624 (1996) (statewide referendum denying “claim of discrimination” based on “homosexual, lesbian, or bisexual orientation”). But Proposition 50 was no simple ballot initiative. And in addressing whether districts are racially gerrymandered, we must examine each district individually—we cannot look at a statewide map as a whole. *Bethune-Hill*, 580 U.S. at 191 (“[T]he basic unit of analysis for racial gerrymandering claims . . . is the district”). That means we will have to figure out what 11 million Californians who voted on a package involving all 52 congressional districts thought about a particular single district (CD 13 in this case). But 98% of the voters who are *not* in that racially gerrymandered district will not know about, care about, or have any intent about a single congressional district in the Central Valley.

The majority says that we can look at public statements or social media posts made by proponents or opponents of Proposition 50. As a practical matter, there will be very few public statements from politicians about a single district in a statewide ballot addressing all 52 districts. (More on that later—there are statements from legislators about racial gerrymandering here). One does not succeed in a statewide ballot initiative by focusing on 2 percent of the population residing in that single district. Naturally, most statements focused on the overall map, not a particular district.

Even if we looked at Proposition 50 more generally (and not CD 13 specifically), the “cat’s paw” fallacy becomes magnified because we will be attributing a particular

statement from an individual to all 11 million Californians who voted on Proposition 50. Should we look at statements from politicians about Proposition 50 as reflecting the “voters’ intent”? (But many voters may view politicians dimly, so elected officials’ public statements may not reflect the voters’ intent). Or should we examine social media posts about Proposition 50? (But which ones? How do we know if that person voted or is even eligible to vote? Should we also look at “likes” or “views” to give weight to each post?) What about articles in the Los Angeles Times or the San Francisco Chronicle? (But how many people read newspapers these days, anyway?) It is a hopeless task to divine the intent of millions of Californians if we have to resort to reading Reddit posts or watching cringey TikTok videos about Proposition 50 (some of which did make their way into the record). Exs. 96–100.

Nor does looking at indirect evidence of oddly shaped districts solve the problem here, as suggested by the majority. As the Supreme Court noted in *Miller v. Johnson*, “parties may rely on evidence other than bizarreness to establish race-based redistricting.” 515 U.S. at 913. Yet the majority is effectively saying the only way to show racial gerrymandering is by the bizarreness of the district shape.

Finally, the majority’s position will create perverse incentives for California politicians to bury their unlawful conduct by packaging them in politically palatable terms—in other words, lie to the public. So long as politicians can hoodwink the voters, they can cleanse themselves of their sins and avoid judicial review of their conduct. That cannot be the way.

2. Mitchell is a state actor.

Contrary to California’s and DCCC’s assertions, Mitchell must be treated as a state actor. He drafted the Proposition 50 maps. Ex. 527. Mitchell asserted legislative privilege over one hundred times in his deposition, underscoring he was acting on behalf of the state. Ex. 434. His privilege claim was so prolific it covered his feelings on the Prop. 50 map,

Id. at 259–60, what he knew during the redistricting process, *Id.* at 263–67, explanations of his past public statements, *see, e.g., Id.* at 276–77, 285–86, 288–89, and potential conversations with persons who are not members of the California Legislature, like Governor Gavin Newsom’s office, *Id.* at 266, U.S. Congressional staff or members, *Id.*, and outside advocacy groups, Ex. 434 at 51–52. The California Legislature came prepared to defend that privilege assertion when Plaintiffs challenged it. California Legislature’s Opp. to Mtn. to Compel Testimony of Paul Mitchell, Doc. 158.

We do know, however, that Mitchell began speaking with the California legislature staff on July 2, 2025 at the latest and was contracted by the DCCC on July 15, 2025 to draw the map. Ex. 434 at 232–234. At his deposition, Mitchell testified that he spoke to several legislators and their staff about the map. *Id.* at 50. We can safely conclude that Mitchell conveyed to the state legislature similar thoughts about the Proposition 50 map that he told advocacy groups, the press, and others.

Yet now California and the DCCC contend that Mitchell’s actions are not attributable to the state legislature. They cannot have it both ways. They cannot shield Mitchell from revealing his internal deliberations on the basis that he is working for the state legislature but then at the same time say that he is not a state actor. The Supreme Court has repeatedly looked at mapmakers to divine state intent, and we should do so here. *Alexander*, 602 U.S. at 13–15, 19, 22–23; *see Rucho*, 588 U.S. at 728–29, 736.

3. Other direct evidence from the legislators themselves rebuts the presumption of good faith.

My colleagues claim Mitchell’s statements alone cannot overcome the presumption of legislative good faith. I disagree. But Mitchell’s statements are not the only evidence, as damning as they are. We also can look at statements made by the legislators themselves. While each statement alone would not prove racial intent and must be viewed cautiously, they confirm Mitchell’s admissions that race was a predominant factor in drawing CD 13

and potentially other districts, especially given that Mitchell spoke with many legislators and their staff.

California legislators emphasized their racial priority in their public statements. The office of the Speaker of the California Assembly issued a press release heralding that the Prop. 50 map “retains both historic Black districts and Latino-majority districts.” Ex. 20 at 1. Legislative leadership lauded that the Prop. 50 map “retains the voting rights protections enacted by the independent commission”—a clear reference to the Voting Rights Act’s racial protections. Ex. 19 at 1.

Often in legislative debates, discussion of countering Texas’s redistricting slid into the language of race. For example, Senator Sabrina Cervantes, an author of Senate Bill 280, said that “Republican politicians . . . want to silence the voices of Latino voters, Black voters, API voters, and LGBTQ voters.” Assembly Elections Comm. Meeting Tr., Au 19, 2025, Ex. 5 at 158. Senator Cervantes repeated those sentiments to the Senate Committee on Elections that same day. Ex. 6 at 75.

In the floor debate, California Senate Majority Leader Lena Gonzalez veiled her gerrymandering language in metaphor when she asked her opposition colleagues about redistricting, “Why have you remained silent during this egregious overreach when Latino communities across California have been kidnapped?” Senate Floor Debate, Aug. 21, 2025, Ex. 8 at 99. Similarly, Assembly Majority Whip Mark Gonzalez said that this redistricting debate is “about whether . . . an immigrant community in California has a voice in their own democracy members.” Assembly Floor Debate, Aug. 21, 2025, Ex. 9 at 40. And Assemblymember Isaac Bryan said in floor debate that, a “Latino voice in Texas is worth one third of the representation as a white voice. A black voter in Texas is worth one fifth of the representation of a white voter in Texas. I didn’t say three fifths. There was no compromise. I said one fifth. That is the kind of gerrymandering, that is the kind

of theft that they are perpetuating. And we can't just sit by and let it happen." Assembly Floor Debate, Aug. 21, 2025, Ex. 9 at 49.

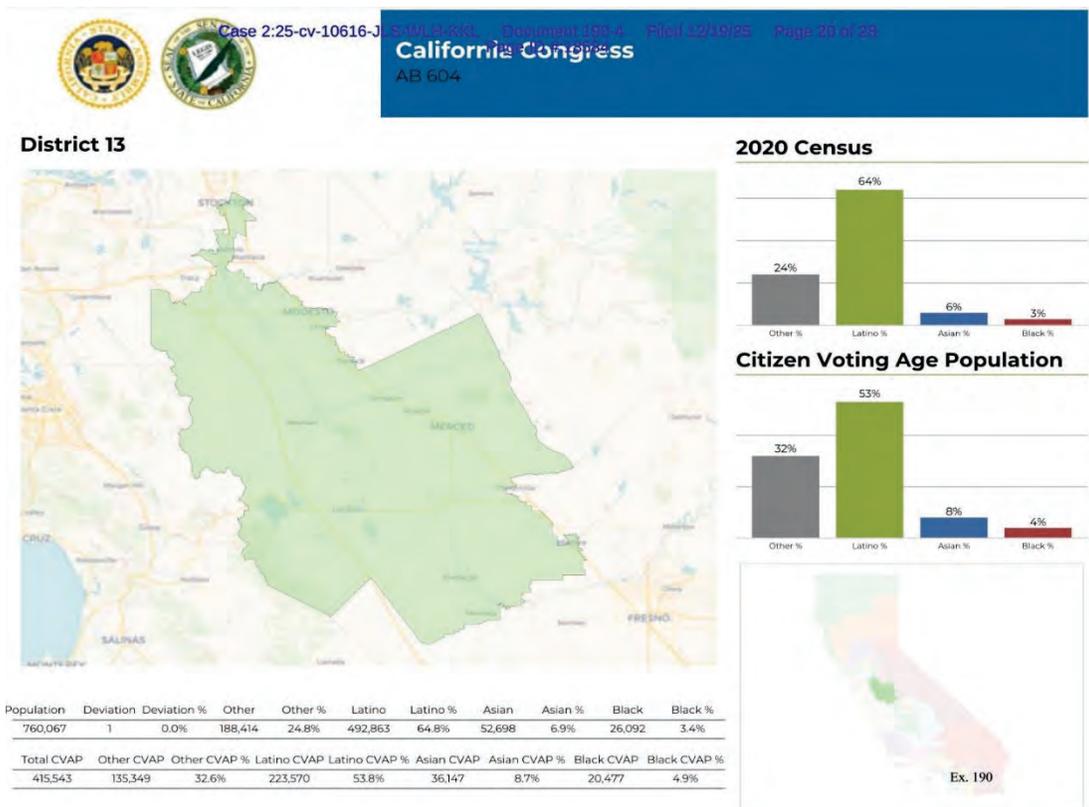
Legislators too guised their racial priorities as VRA compliance. Senator Mike McGuire, then President pro tempore of the California State Senate, said that "the Voting Rights Act in all districts in every corner of California is upheld. Full stop." Senate Floor Debate, Aug. 18, 2025, Ex. 4 at 112. Senator Gonzalez said, "what we do here in California is we respect the Voting Rights Act." Senate Comm. on Elections Meeting Tr., Aug. 19, 2025, Ex. 6 at 110. That was unlike in Texas, he alleged, which "has, every single year since 1965, violated the Voting Rights Act, every single time." Senate Floor Debate, Aug. 21, 2025, Ex. 8 at 32–33. Speaking again of Texas legislators, he said, "[t]hey don't have the purview to violate the Voting Rights Act and disenfranchise their voters, but that is what they're doing." *Id.* at 80. He went on decrying "the egregious actions by Texas legislators to disenfranchise voters, to additionally split counties and cities, to continue to violate the Voting Rights Act, to just completely ignore communities of interest." *Id.* at 98.

Senator Lola Smallwood-Cuevas said legislators "must honor the Voting Rights Act, not just with memory but with action. And we must protect the right to vote and ensure that we are strengthening all communities of interest." *Id.* at 149. She explained this was especially important to respond to Texas's allegedly racially harmful redistricting. *Id.* at 150–51. She said that "today's gerrymandering in Texas, the voter suppression, shows that Texas is now sliding back" to the era of "black codes, and Jim Crow, and racial terror, poll taxes, [and] white-only primaries." *Id.*

Senator Aisha Wahab summarized the VRA as "mandating that voters of color be placed in districts with more opportunity to select their preferred candidates." Senate Floor Debate, Aug. 21, 2025, Ex. 8 at 172. Assemblymember Marc Berman told the Assembly Elections Committee, "California's maps strictly abide by the Federal Voting Rights Act,

which the Texas maps don't. . . . [T]he Voting Rights Act and the principles of the Voting Rights Act were taken into very high consideration when those maps were drawn." Assembly Elections Comm. Meeting, Aug. 19, 2025, Ex. 5 at 120. As Senator Jerry McNerney put it, Democratic legislators felt it was their "duty to fight fire with fire and approve new congressional districts that [they thought] satisfy the Voting Rights Act." Senate Floor Debate, Aug. 21, 2025, Ex. 8 at 187.

Even the materials relied on by the legislators to learn about the Prop. 50 maps showed that race was a predominant consideration. *See Alexander*, 602 U.S. at 6. Mitchell's group, Redistricting Partners, provided an atlas of district maps to introduce the proposed Proposition 50 map to California legislators. Ex. 190 at 1. The first five pages after the cover page provide tables of the census population and the Citizen Voting Age Population (CVAP) of each new district, both broken down by race. *Id.* at 2–7. Not stopping there, the next 52 pages give a closer look at each individual district's map alongside two bar graphs of that district's racial composition and a table outlining the same racial information. *Id.* at 8–60. Political party affiliation of voters in a district is nowhere to be seen on this atlas:



E.g., Ex. 190 at 20.

This is a different universe than *Alexander* where “several legislative staffers, including [the mapmaker], viewed racial data at some point during the redistricting process.” 602 U.S. at 22. It is even beyond *Miller*’s assertion that “[r]edistricting legislatures will . . . almost always be aware of racial demographics.” *Miller*, 515 U.S. at 916. Here, the official atlas from the mapmaker to the legislators provides no numerical data besides race. It is a strong indication that rather than merely considering racial data “only after” drawing the enacted map, *Alexander*, 602 U.S. at 22, Mitchell was conscious of race all along and considered it among the most important factors in the new map.

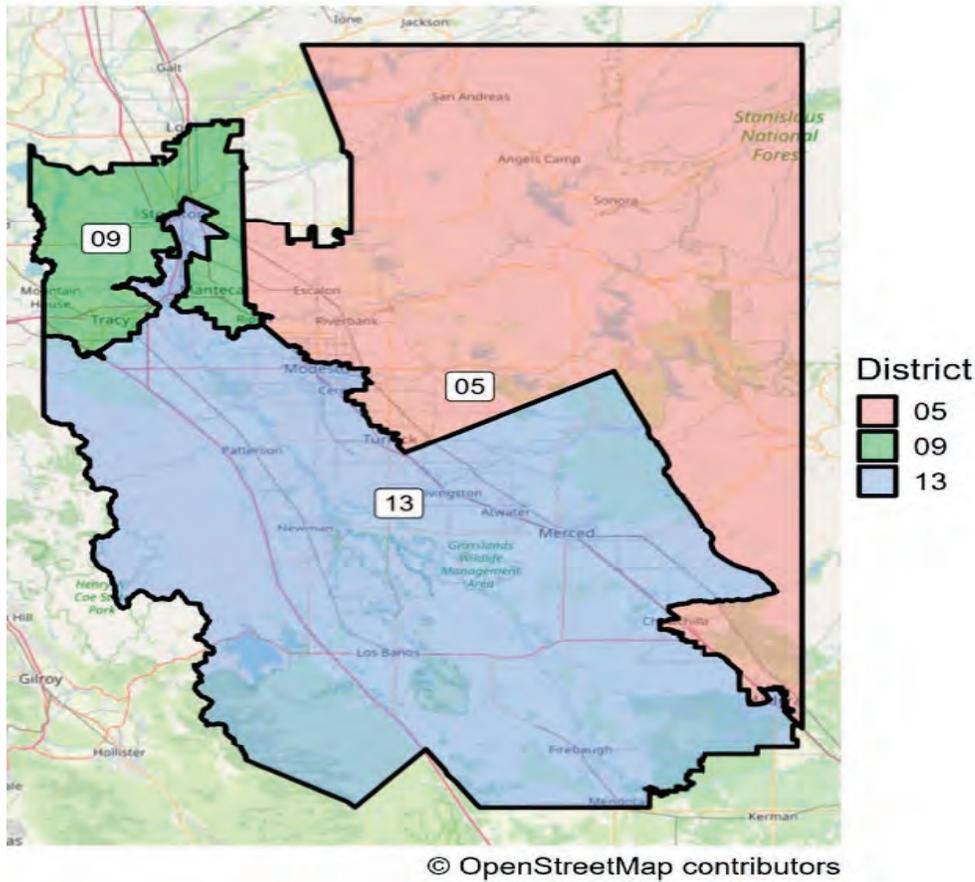
It also shows what information was available to the legislature before it voted. The legislators would not know the political party breakdown of any district based on the official atlas. Ex. 190. But on every page but the cover of the official atlas of the proposed maps included racial data. *Id.*

**C. Indirect Evidence—Dr. Trende’s analysis and alternative maps—
confirms that race was a predominant factor for CD 13.**

Indirect evidence also supports Plaintiffs’ claim. Indirect evidence of racial motivation may come from the “impact of the official action[—]whether it ‘bears more heavily on one race than another.’” *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977) (quoting *Washington v. Davis*, 426 U.S. 229, 242 (1976)). Expert analysis highlights the impact the redistricting had on Latino voters.

Expert testimony by Dr. Sean Trende confirms the legislators’ and Mitchell’s admissions. In analyzing the boundaries of Congressional Districts 5, 9, and 13, he determined their “twisted shapes cannot be explained by traditional redistricting principles, nor can they be explained by politics.” Trende Report, Ex. 30 at 1. He concluded that “race predominated in drawing these lines.” *Id.*

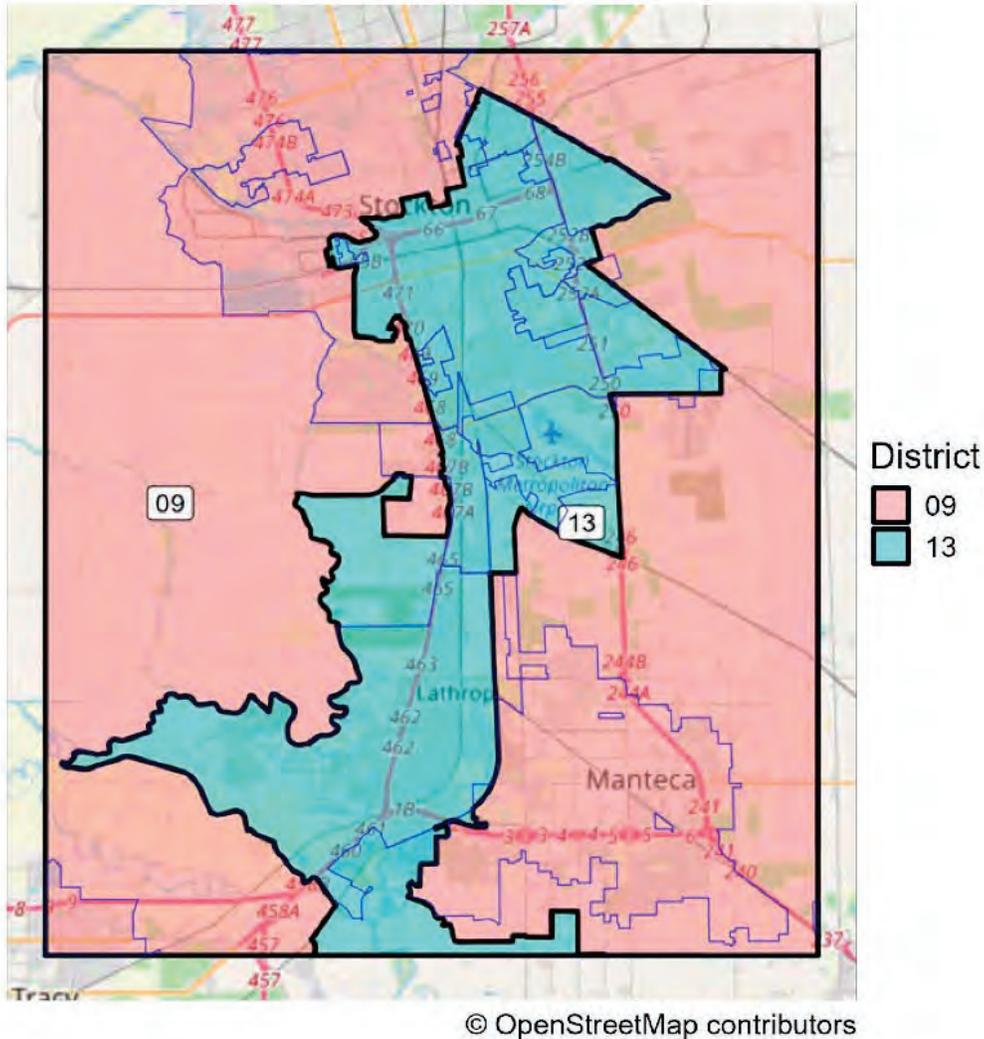
Figure 1: California District 13



His analysis focuses specifically on the large northern protrusion of CD 13 into CD 9 and to a lesser extent a smaller protrusion of CD 13 into CD 5 around the cities of Modesto and Ceres. *Id.* at 5. In both instances, it appears Mitchell used racial rather than political indicators to determine the district boundaries.

First, the racial predominance in CD 13's boundaries becomes most apparent when we examine the Stockton-area northern protrusion into CD 9. The protrusion resembles an oddly shaped head with a forehead, nose, and chin. The protruding 'forehead-hat' area culminating in a straight line moving from the Northwest to the Southeast encompasses two census designated places called August and Garden Acres. The 'nose' protrusion

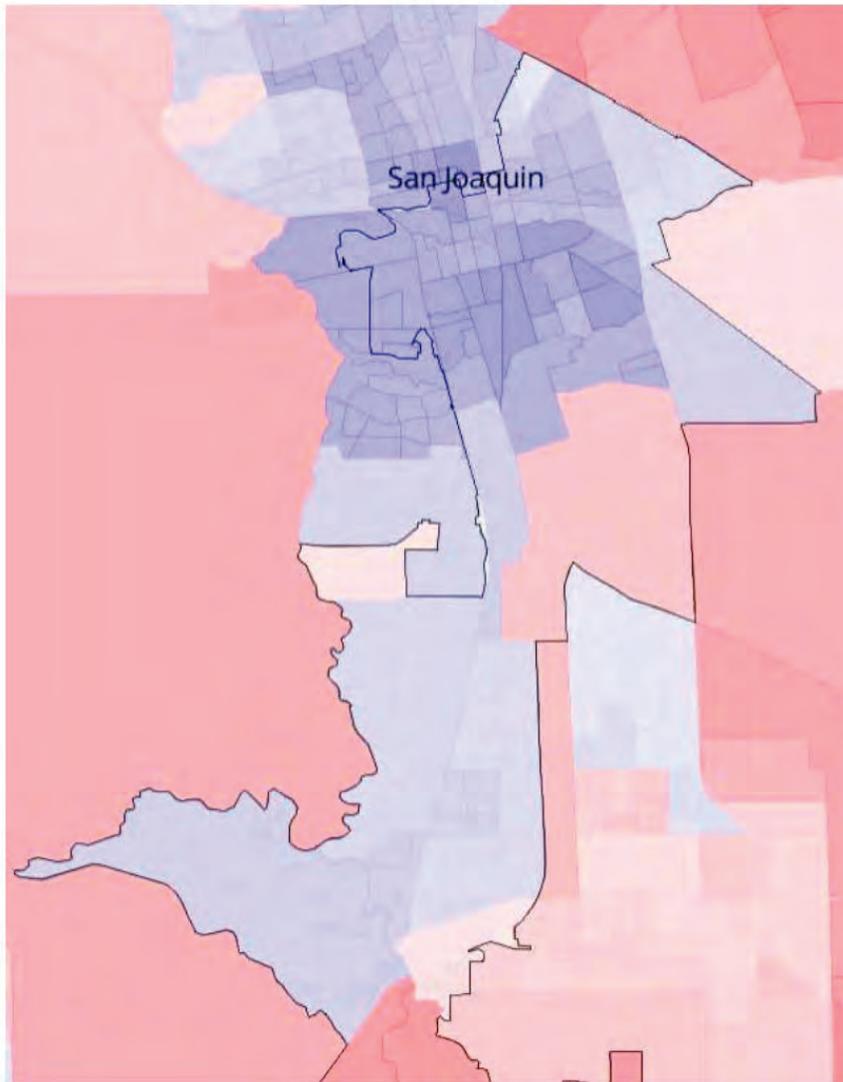
loosely follows some of the Stockton city limits to the East. The ‘chin’ extends to the Southwest to encompass Stockton Metropolitan Airport.



The primary focus of Dr. Trende’s analysis of this protrusion is around the included ‘forehead-hat’ areas of August and Garden Acres contrasted against the area on the West side of the protrusion containing the neighborhood of Weston Ranch that represents the nape of the figure’s neck. Trende Testimony, Hearing Tr. at 19–22.

As the below map shows, the areas in August and Garden Acres that compose the ‘forehead-hat’ as well as the Stockton area that makes the ‘nose’ are either marginally Democratic or toss-up areas (as reflected by the light blue coloring in the

eastern/northeastern areas within the CD 13 border). Trende Report, Ex. 30 at 19; Trende Testimony, Hearing Tr. at 21. On the other hand, the western areas excluded from CD 13 around the back of the ‘head’ and ‘nape of the neck’ are much more strongly Democratic areas (as shown by the darker blue areas outside the CD 13 district). Trende Report, Ex. 30 at 19; Trende Testimony, Hearing Tr. at 21.

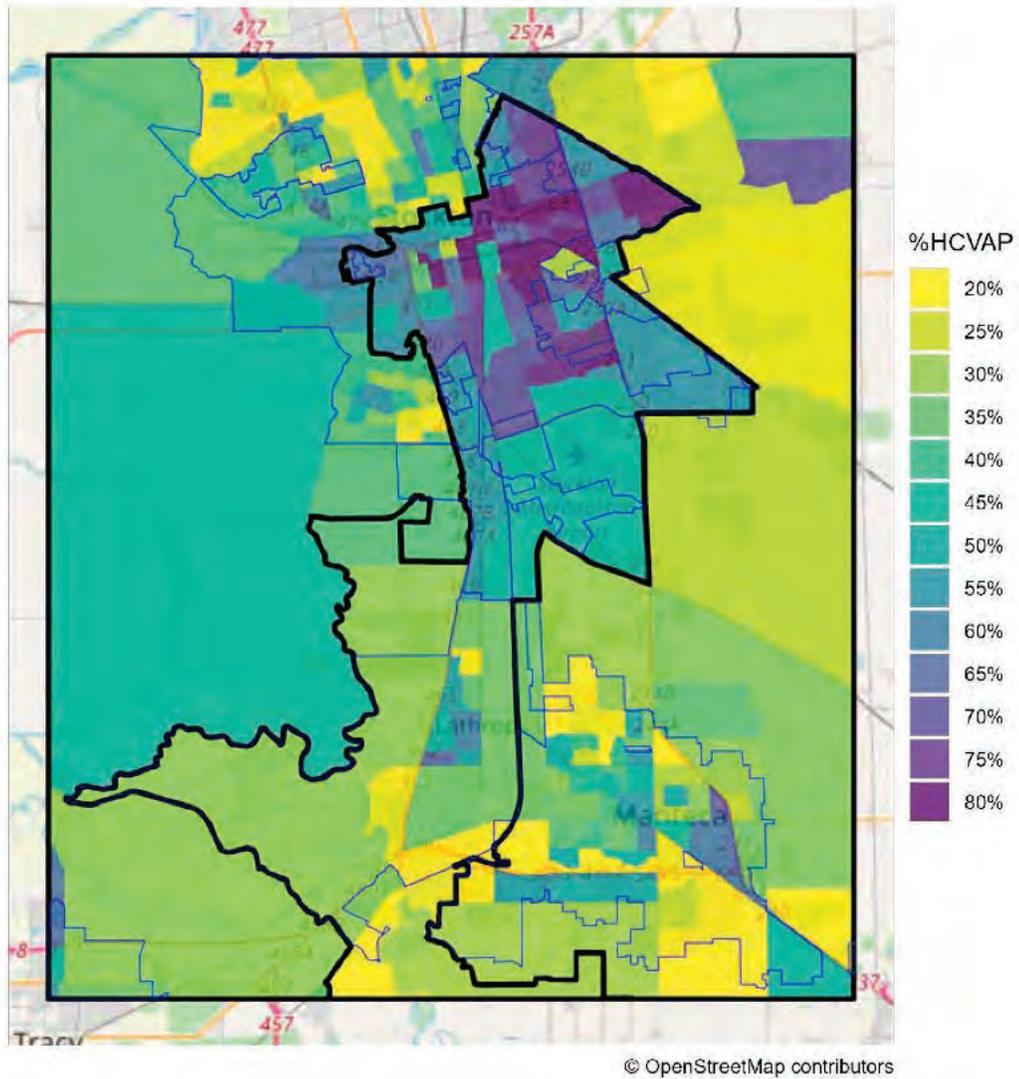


This seems to be an unusual choice for a politically gerrymandered district as CD 13 and 9 could both be more compact and the lines simpler if the protrusion were cut shorter to include the *more Democratic* areas on the southern side of Stockton in CD 13 rather than

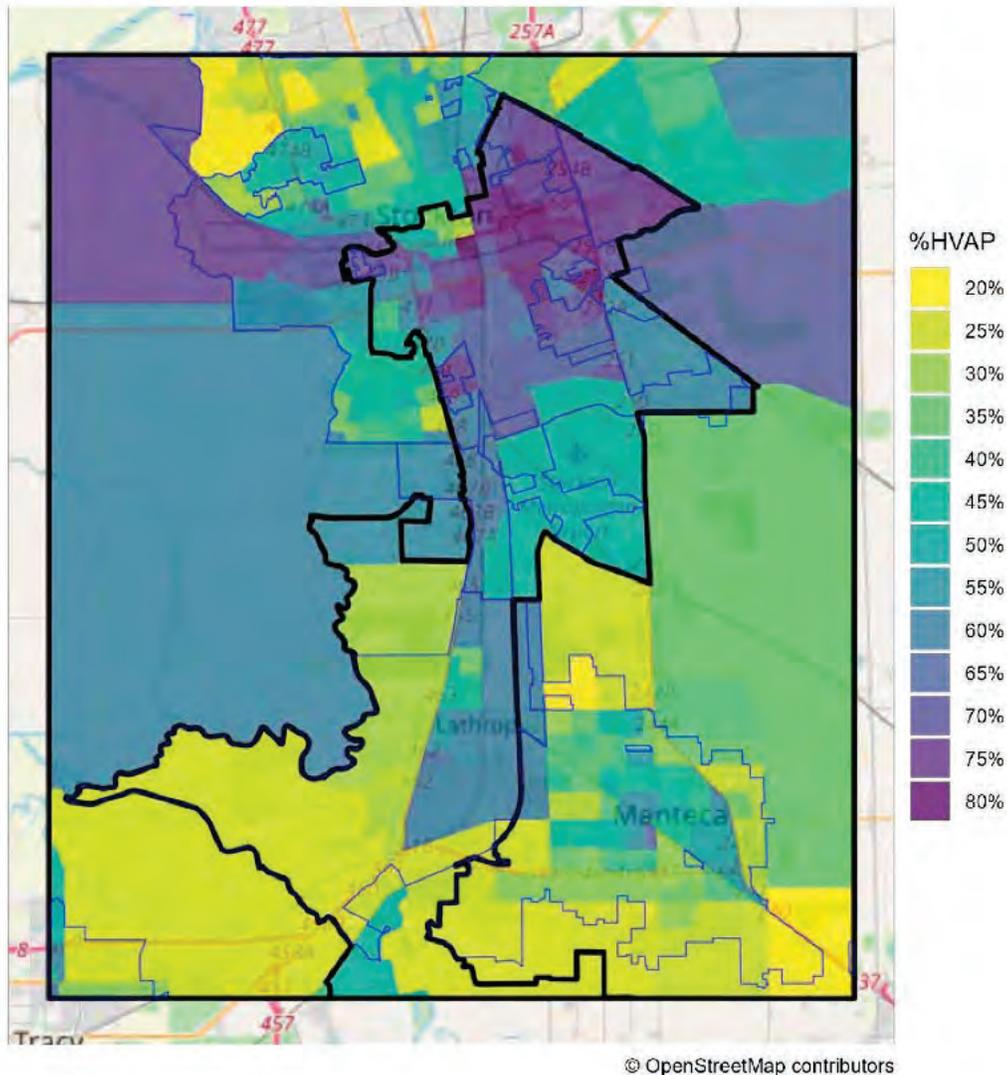
branching the district out to the North and East. Dr. Trende said of this choice, “if you are trying to draw an efficient [political] gerrymander, this is just not a natural choice to make.” Trende Testimony, Hearing Tr. at 22. In other words, Mitchell oddly included the less Democratic areas in the eastern/northeastern area but excluded the more Democratic areas in the western area in drawing CD 13.

This apparent oddity becomes clear when race is considered. Trende Report, Ex. 30 at 19; Trende Testimony, Hearing Tr. at 21–22. The map below shows the relevant Hispanic Citizen Voting Age Population (HCVAP), a common redistricting metric.¹⁵ Trende Report, Ex. 30 at 20. It shows that there are heavily Hispanic areas included in the marginally Democratic ‘forehead-hat’ while the heavily Democratic area to the West of the ‘head-neck’ is one of the least Hispanic areas of Stockton. Trende Testimony, Hearing Tr. at 21–22. Put another way, CD 13 includes the less Democratic but more Latino areas in the east/northeast but excludes the less Latino but more Democratic area in the west. These district lines would not be ideal if political gerrymandering were the goal, but they neatly reflect racial gerrymandering to create a Latino district in the 52 to 54 percent HCVAP range to ensure a Latino-preferred congressional representative as advocated for in the HOPE letter which Mitchell cited. Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 24; Letter, Ex 12 at 4.

¹⁵ In the Ninth Circuit, the relevant metric for determining minority population in redistricting cases is citizen voting age population (CVAP) rather than mere voting age population (VAP). *Romero v. City of Pomona*, 883 F.2d 1418, 1425–26 (9th Cir. 1989), *abrogated on other grounds by Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1363 (9th Cir. 1990) (en banc).



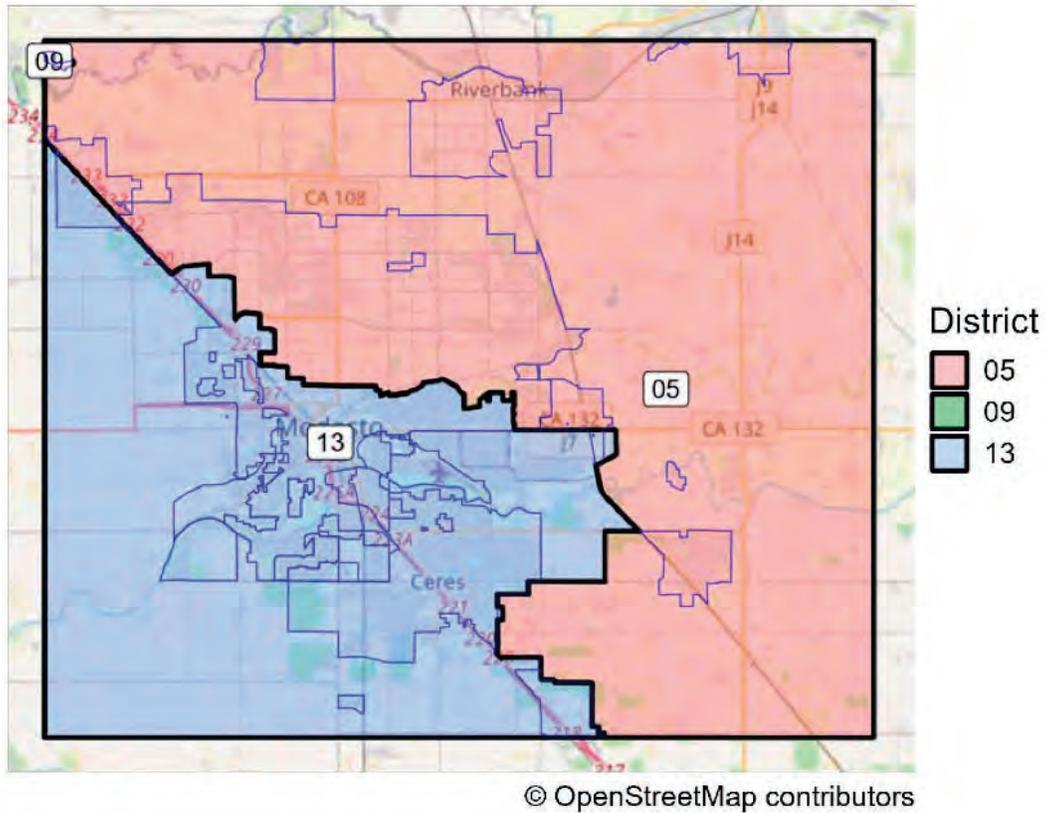
The same result can be seen when considering Hispanic Voting Age Population (HVAP) rather than HCVAP as the below map shows. Trende Report, Ex. 30 at 21.



Rather than drawing lines to capture the most Democratic areas nearest to CD 13, the Prop. 50 map veers deep into and past the City of Stockton to capture the most Hispanic areas, even though those areas are politically marginal. *Id.* Describing this odd decision, Dr. Trende told the Court, “the low areas of Hispanic Citizen voting age population here get bypassed, the overwhelmingly Hispanic areas . . . get included.” Trende Testimony, Hearing Tr. at 23. He said that this odd configuration “looks like an X-Acto knife job to me.” *Id.* at 24.

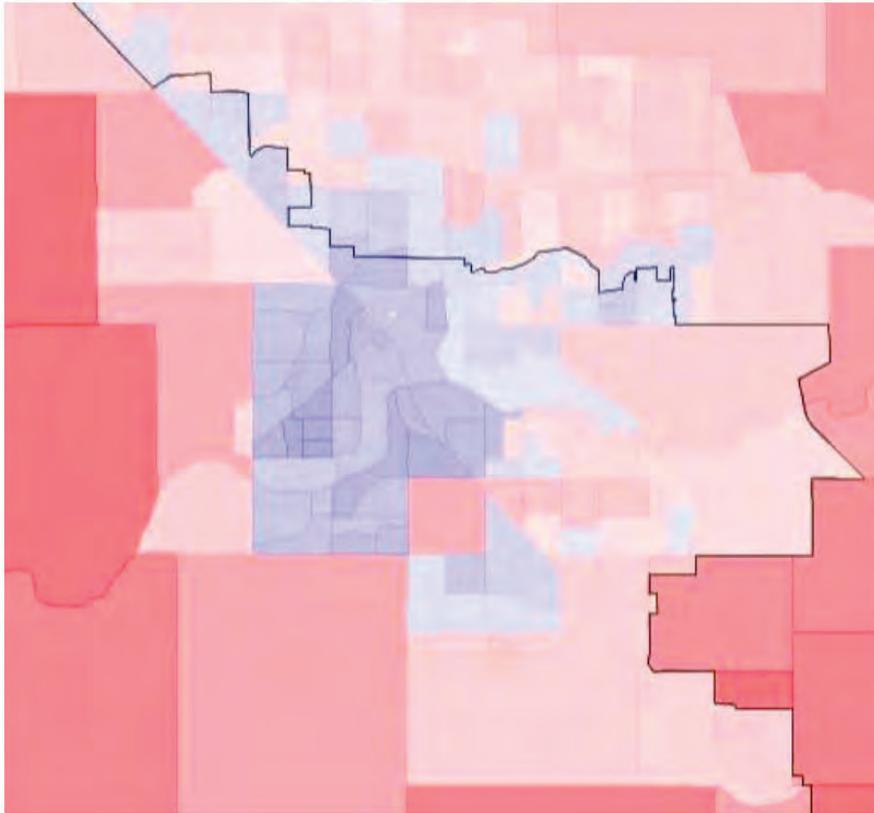
We see a similar (though less pronounced) emphasis on race over partisan considerations when we look at the Modesto and Ceres areas where CD 13 protrudes into

CD 5 in a shape that again resembles a face with a forehead, nose, and chin. Trende Report, Ex. 30 at 11.

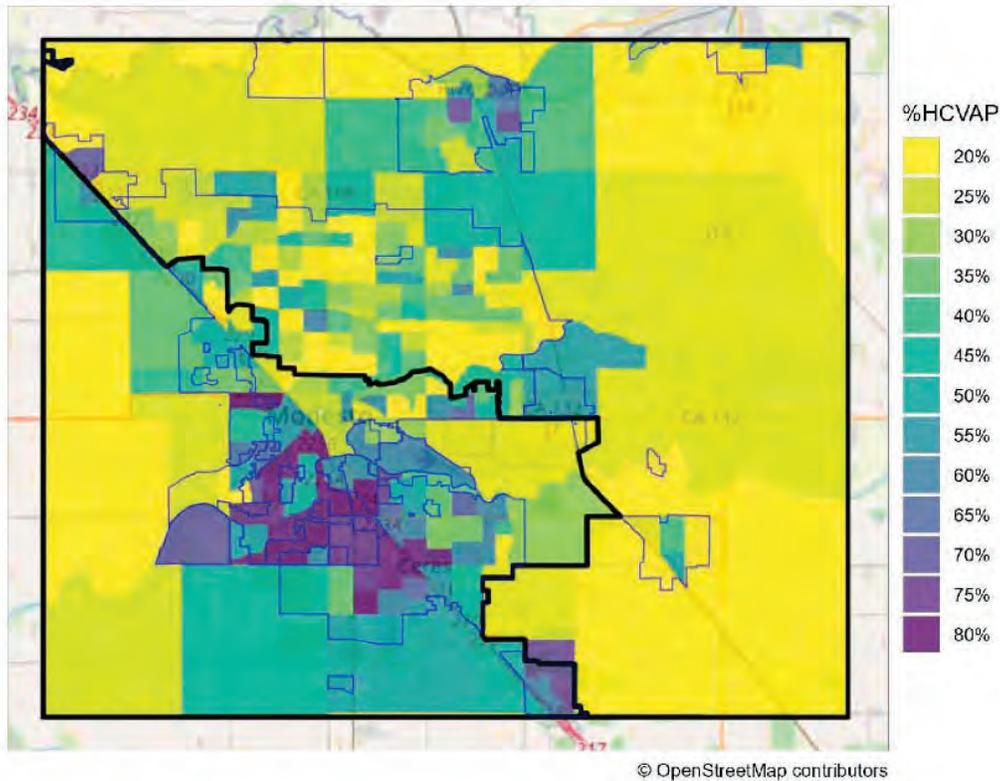


This protrusion is unusual if the goal were to make a more Democratic CD 13 because the face-shaped protrusion captures Republican-leaning areas in Ceres while the map forgoes Democratic-majority areas in Modesto. This is best seen again in maps. In the below figure, the political leaning of areas is shown with blue-purple areas indicating Democratic Party support and red-pink areas reflecting Republican Party support. *Id.* at 13.

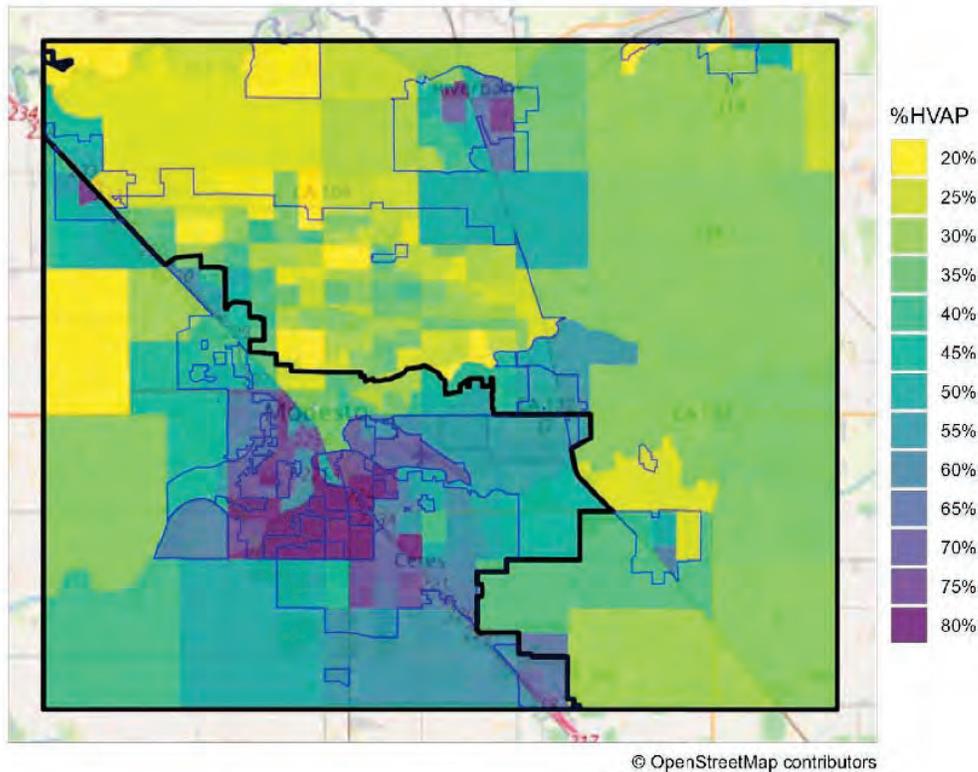
Figure 9: Modesto/Ceres Area, By Politics and Precinct



The odd protrusion appears to better align with racial than political factors. We look first to these areas as distinguished by HCVAP.



This map shows, particularly in the nose and chin areas of the protrusion, an effort to capture Latino residents while avoiding the Democratic but non-Latino areas on the north side of Modesto. *Id.* at 14. This intention becomes even more stark when we examine the areas' Hispanic voting age population (HVAP) rather than the HCVAP. *Id.* at 15.



In sum, race appears to predominate in the choice of these boundaries.

To underscore that race predominated in the drawing of CD 13, Dr. Trende offered three alternative maps that increase Democratic performance in CD 13 but decrease the district's HCVAP. Trende Report, Ex. 30 at 22–27. Prop. 50's CD 13 HCVAP is estimated at 53.8%. *Id.* at 23. The HCVAP in Demonstration Maps A, B, and C is 51.3%, 48.9%, and 48.1%, respectively. *Id.* at 23, 25, 27. While these reductions may seem relatively small, they are crucial because they move CD 13 below the ideal range of 52–54% HCVAP identified in the 2021 HOPE letter that Mitchell cited in his 2025 presentation. Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 24; Letter, Ex. 12 at 4. Put differently, the reduction in HCVAP below the 52–54% range means it lowers the likelihood that the district would elect a Latino-preferred candidate.

Each alternative map also scores higher on the Polsby-Popper metric of compactness. Trende Report, Ex. 30 at 23, 25, 27. These maps show that Mitchell and the legislature could have “drawn a different map with greater racial balance” if they were “sincerely driven by [their] professed partisan goals.” *Alexander*, 602 U.S. at 10.

Defendants’ experts dismiss these findings and alternative maps. The majority agrees, arguing first that we must consider each district as a whole and “not divorce any portion of the lines . . . from the rest of the district.” *Bethune-Hill*, 580 U.S. at 191–92. The majority correctly notes that racial gerrymandering “may be evident in a notable way in a particular part of a district. It follows that a court may consider evidence regarding certain portions of a district’s lines.” *Id.* at 192. The majority then cites caselaw that supports rather than counters a finding of racial gerrymandering here. “The ultimate object of the inquiry, however, is the [State’s] predominant motive for the design of the district as a whole. . . . [R]elevant districtwide evidence [may include] the use of an express racial target. A holistic analysis is necessary to give that kind of evidence its proper weight.” *Id.*

The HOPE Letter specifies a racial target of 52–54% HCVAP to ensure that the district would elect a Latino-preferred candidate. Ex. 12 at 4. Prop. 50’s CD 13 meets that target perfectly. Trende Report, Ex. 30 at 23, 25, 27. Dr. Trende’s more compact and more Democratic demonstration districts do not meet that target range. *Id.* Mitchell chose to draw the map as if with an “X-Acto knife” to satisfy the ideal 52–54% range that would likely result in a Latino representative. Trende Testimony, Hearing Tr. at 24.

1. Keeping more Democratic voters in nearby CD 9 and CD 5 at the expense of CD 13 would not appreciably help the Democratic candidates there.

Defendants’ experts concede that more Democratic voters could have been included in CD 13 but respond that Mitchell could have decided to shore up CD 9 as a Democratic seat without harming CD 13. Grofman Report, Ex. 184 at 14; Rodden Report, Ex. 207 at 23. They dispute Trende’s conclusion that CD 9 is safely Democratic and argue that taking

away Democratic voters from CD 9 or CD 5 to benefit CD 13 would endanger those two districts. Grofman Report, Ex. 184 at 14; Rodden Report, Ex. 207 at 23.

In his rebuttal report, Dr. Trende persuasively counters these concerns. Doc. 143-8 at 16. He acknowledges that “redistricting is an exercise in robbing Peter to pay Paul.” *Id.* But in the Prop. 50 maps, “District 9 is made substantially more Democratic.” *Id.* So much so that “Cook Political now rates it as ‘Solid Democrat’” (from Lean Democrat in the 2021 map). *Id.* As Dr. Trende explains, “District 9 doesn’t need the heavily Democratic White areas in Stockton to perform well. But they would help District 13. In all three Demonstration maps, District 9 remains more Democratic than it was in the Commission Map, it remains more Democratic than District 13 was in the Commission Map, and it remains more Democratic than District 13 in the Assembly Map.” *Id.*

CD 5, on the other hand, is one of the ‘packed’ Republican districts that becomes even more Republican in this redistricting. Trende Testimony, Hearing Tr. at 98–99. A mapmaker would thus have no political incentive to leave Democratic votes in CD 5 when they could be used to shore up CD 13. *See id.*

Defendants’ experts also fall short of persuasively disputing Dr. Trende’s alternative maps. He continues to show that Prop. 50 could have conducted a more efficient partisan gerrymander if it discarded racial priorities in drawing its lines. Trende Report, Ex. 30 at 22–27. Citing the Defendants’ experts, the majority speculates that moving voters from one district affects the neighboring districts and may reflect a “strategic partisan decision.” Majority at 49. But none of the experts spoke to Mitchell and thus have no clue what motivated him in drawing the district lines. Perhaps Mitchell could have explained that strategy to us. But without his testimony, there is little evidence these specific lines were based on anything but race.

2. The Prop 50 map did not consider Communities of Interest in Stockton, contrary to Defendants’ experts’ assertions.

Defendants’ experts also critique Dr. Trende’s Alternative Map A because it splits a supposed community of interest in Stockton. Rodden Testimony, Hearing Tr. at 362, 366; Ruiz-Houston Testimony, Hearing Tr. at 420–21. In doing so, they try to justify the Proposition 50 lines dividing Stockton. Rodden Testimony, Hearing Tr. at 362, 366; Ruiz-Houston Testimony, Hearing Tr. at 420–21. They cite socio-economic, educational, and density differences. Ruiz-Houston Testimony, Hearing Tr. at 420–21.

But there is no evidence that Mitchell considered these communities of interest, and the Proposition 50 lines do not follow cleanly along those community boundaries. *See* Trende Rebuttal, Doc. 143-8 at 21. Dr. Trende found it:

obvious that the Assembly Map does not, in fact, adhere to the socioeconomic boundaries [Defendants] describe[]. Second, there’s no real evidence that the mapmaker would be particularly motivated by the difference between a tract with say 71% high school education and 74% high school education. . . . Third, and most importantly, if these were, in fact, important communities of interest, rather than an attempted post-hoc rationalization, one assumes that they would be included in the map drawn by an independent body laboring under a demand that communities of interest be kept together, and not knitted together via legislation that suspended that requirement.

Id.

This speculative and post-hoc justification of communities of interest seems implausible. What’s more, Defendants’ own case cuts against their communities of interest argument. They claim this was a partisan gerrymander motivated by partisan goals over other redistricting criteria. State Defendants’ Opp. to PI, Doc. 113 at 2; DCCC’s Opp. to PI, Doc. 112 at 13. But the other considerations the legislators and Mitchell cited often point to race, not vague socio-economic or educational communities of interest. *See* Rivas Press Release, Aug. 15, 2025, Ex. 20 at 1 (“The new map retains . . . both historic Black districts and Latino-majority districts.”); Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 30 (“[The Prop. 50 maps] ensure that the Latino districts that are the VRA seats

are bolstered in order to make them most effective, particularly in the Central Valley.”); Atlas of Prop. 50 Maps, Ex. 190. Where the legislature and Mitchell do tend to agree is in not splitting cities. Mitchell Capitol Weekly Podcast Tr., Aug. 15, 2025, Ex. 10 at 23–24 (“We were focused a lot on reducing the city splits.”); Senator McGuire Floor Remarks Cal. State Senate, Aug. 18, 2025, Ex. 4 at 112 (“There are fewer city splits in the maps that will be in front of us on Thursday than there are in the [Commission map].”); Rivas Press Release, Aug. 15, 2025, Ex. 20 at 1 (“The proposed Congressional map keeps more cities whole within a single district than the most recent map enacted by the commission.”). But the Prop. 50 map splits not only Stockton, but also August and Garden Acres. Trende Testimony, Hearing Tr. at 75. Defendants claim that in favor of actual cities, the map protects vague communities of interest that happen to align perfectly with race. This contradicts their own criterion and common sense.

3. The split of the city of Tracy in Alternative Maps B and C is immaterial, according to Mitchell’s own redistricting principles.

Dr. Rodden highlights that Dr. Trende’s Alternative Maps B and C split the city of Tracy.¹⁶ Rodden Report, Ex. 207 at 28. Defendants and the majority say that this presents complications to a partisan gerrymander as the District 9 incumbent, Democrat Josh Harder, lives in Tracy. *Id.* He merits particular protection, they claim, because Harder outperformed Vice President Harris in the 2024 election. Courage Campaign Presentation, Ex. 523 at 10.

The problem is that Mitchell explicitly disclaimed incumbent protection. Mitchell Executive Committee Presentation, Ex. 528 at 102 (“this is not an incumbent preference gerrymander”). This also conforms to Mitchell’s usual practice. He told the Capitol Weekly Podcast, “I would say to [clients] beforehand, do not tell me where your

¹⁶ This argument also does not address Trende’s Alternative Map A which does not split Tracy.

incumbents live. I will not meet with your incumbents to . . . draw whatever they want in their district.” Ex. 10 at 7–8. Despite Mitchell’s double express disclaimer, Defendants oddly insist that this explanation alone undermines Dr. Trende’s maps B and C.

In any event, preserving Tracy in its entirety weakens the primary express goal of a partisan gerrymander. Even if Tracy were split, CD 9 under the new map would be a safer Democratic seat than CD 13 in the new map and safer than its previous composition under the Commission map. Trende Rebuttal Report, Doc. 143-8 at 16. It stretches credulity to assume that Mitchell would embrace a priority he disclaims while rejecting a priority he explicitly acknowledged. Mitchell Statement on Hope Zoom Meeting, Ex. 11 at 30 (“[These maps] ensure that the Latino districts that are the VRA seats are bolstered in order to make them most effective, particularly in the Central Valley.”).

4. Mr. Fairfax’s error and concession that Dr. Trende’s alternative maps are superior to the Prop. 50 map.

The majority relegates to a footnote Mr. Fairfax’s allegations that Dr. Trende’s alternative maps “exceed the generally accepted overall population deviation” and “are noncontiguous.” Majority at 53 n.21; Fairfax Report, Ex. 250 at 31. The majority does not substantively address these allegations, but I will briefly as it is apparent they result from a computer error or an honest mistake.

Dr. Trende resolved these concerns both in his rebuttal report and in his hearing testimony. Trende Rebuttal Report, Doc. 143-8 at 22–25; Trende Testimony, Hearing Tr. at 52–55. When Dr. Trende examined the areas and data Mr. Fairfax questioned, he found no contiguity failures that would affect the map and no meaningful population deviations. Doc. 143-8 at 22–25; Trende Testimony, Hearing Tr. at 52–55. In short, Mr. Fairfax’s allegations appear to be the result of a mistake or an error.

Mr. Fairfax also claimed in his report that Dr. Trende’s alternative maps were inferior to the Prop. 50 map based on traditional redistricting criteria. Fairfax Report, Ex. 250. But when pressed on cross-examination, Fairfax acknowledged that Trende’s

Alternative Map A would improve Democratic party performance over the Prop. 50 map, is more compact, and splits fewer communities of interest. Fairfax Testimony, Hearing Tr. at 458–63. In sum, based on traditional redistricting principles, Dr. Trende’s Alternative Maps outperform the Prop. 50 map while also delivering a better partisan advantage to the Democrats.

5. Dr. Rodden’s preference for “dot density” maps misses the point.

Dr. Rodden tried to poke holes by critiquing Dr. Trende’s use of choropleth rather than dot density maps as lacking specificity or driven by “measurement error.” Rodden Report, Ex. 207 at 2. Trende responds to these concerns in his rebuttal report. Doc. 143-8. As he explains, dot density maps are not without their own “substantial shortcomings” like misrepresenting the actual location of voters using “‘empty’ space” and can “distort the ratio between groups.” *Id.* at 30. These limits are why he is “unaware of anyone drawing maps primarily with dot density maps in front of them” and “[m]ost mapping programs provide choropleth maps.” *Id.* Ultimately, Dr. Trende persuasively concludes that the maps are best viewed “as a map drawer might encounter” them to “probe intent.” *Id.* Dr. Rodden does not directly counter Dr. Trende’s findings outside of Modesto/Ceres, nor does he refute Dr. Trende’s finding that politically marginal Latino areas were favored in Prop. 50’s CD 13 over more strongly Democratic areas that were not as Latino.

6. Dr. Grofman’s assertions about a 54% HCVAP target suggest a racial targeting of districts.

Finally, the majority addresses the overall change in CD 13’s HCVAP from the Commission map to the Prop. 50 map. The parties acknowledge that the change is small. Grofman Report, Ex. 184 at 12; Trende Testimony, Hearing Tr. at 35. CD 13’s HCVAP under the Commission map was 54%, and under the Prop. 50 map, it is estimated at 53.8%. Ex. 184 at 12; Hearing Tr. at 35. The parties also agree that substantial changes were made to CD 13 to make it about 3% more politically advantageous to Democrats. *See* Trende

Report, Ex. 194 at 6; Hearing Tr. at 58. The experts show that major changes were made to CD 13's boundaries to lead to that result. Rodden Report, Ex. 207 at 1.

That the district could change so drastically politically and geographically yet by such a small HCVAP is surprising. Dr. Trende said that this may reveal "a racial target" before walking that back. Trende Testimony, Hearing Tr. at 37–38, 92.

But these allegations of a racial target are particularly salient when considering that the ultimate result of a 53.8% HCVAP aligns exactly with the recommended HCVAP range in the 2021 HOPE letter from which Mitchell read on the HOPE broadcast discussing Prop. 50's map and its advantages for Latinos. Ex. 12 at 4 ("If these districts were between 52% and 54% Latino CVAP, for instance, they would still be very likely to elect Latino candidates of choice."); Paul Mitchell statement on HOPE Zoom meeting, Ex. 11 at 24. After such profound change to CD 13, it is remarkable that the HCVAP would only change by two-tenths of a percentage point. That this small change perfectly aligns with a suggested HCVAP target cited by Mitchell is a bridge too far and suggests an unlawful racial target. *See Bethune-Hill*, 580 U.S. at 183–85.

In sum, the direct and indirect evidence at this juncture is overwhelming. Plaintiffs are likely to prevail on the merits of their racial gerrymandering claim at least for CD 13.

II. The remaining preliminary injunction factors also favor Plaintiffs.

Not only are Plaintiffs likely to prevail on the merits, the remaining factors of irreparable harm, balance of equities, and public interest favor them. *Winter*, 555 U.S. at 20; *Nken*, 556 U.S. at 435.

When a plaintiff alleges a constitutional violation and "shows he is likely to prevail on the merits, that showing usually demonstrates he is suffering irreparable harm no matter how brief the violation." *Baird*, 81 F.4th at 1040; *see Planned Parenthood Ariz., Inc. v. Humble*, 753 F.3d 905, 911 (9th Cir. 2014), *abrogated on other grounds by Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022). Here, the Fourteenth Amendment

claim at issue is fundamental to our republic and what it means to be a citizen on equal footing with one’s neighbor. Plaintiffs have proven they will be irreparably harmed by the continuation of California’s racially gerrymandered district.

And when a plaintiff in a constitutional case proves he is likely to succeed on the merits, it “also tips the public interest sharply in his favor because it is ‘always in the public interest to prevent the violation of a party’s constitutional rights.’” *Baird*, 81 F.4th at 1040 (quoting *Riley’s Am. Heritage Farms v. Elsasser*, 32 F.4th 707, 731 (9th Cir. 2022)). Further, when “a movant makes a sufficient demonstration of all” the “*Winter* factors . . . a court must not shrink from its obligation to enforce his constitutional rights.” *Baird*, 81 F.4th at 1041 (quoting *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021) (cleaned up)).

Finally, if we consider the *Purcell* principle under the balance of equities prong, I believe that *Purcell* does not foreclose judicial relief. *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006).

The only election-related deadline that has passed is the December 19 date when individuals could begin collecting 1,714 signatures to qualify to appear on primary ballots without having to pay a filing fee of \$1,740.¹⁷ That deadline does not shut the door to judicial review. First, candidates can pay the fairly modest filing fee rather than collect signatures. Second, candidates still have until February 4, 2026, to collect and submit 1,714 signatures—not an insurmountable task. Third, Defendants essentially conceded that the December 19 date does not preclude judicial review as they sought a preliminary injunction hearing on January 20, 2026. Doc. 75. Finally, any judicial decision about

¹⁷ California Secretary of State, Qualifications for Running for Office in 2026, June 2, 2026 Primary Election, United States Representative in Congress, <https://www.sos.ca.gov/elections/upcoming-elections/primary-election-june-2-2026/qualifications> (last visited Jan. 5, 2026).

Proposition 50 after December 19 is unlikely to confuse voters or cause any “incentive to remain away from the polls.” *Purcell*, 549 U.S. at 5.

The more significant *Purcell* deadline is February 4, 2026, which starts a month-long period when the candidates can begin filing their paperwork declaring their candidacy in the appropriate district. Our decision today allows sufficient time for candidates to select their district and submit their paperwork as well as to seek expedited review from the Supreme Court. In contrast, the Fifth Circuit’s opinion in the Texas redistricting case was issued when the candidacy period had begun and was about to close. *See Abbott v. League of United Latin Am. Citizens*, 607 U.S. ____ (2025) (slip op. at 2).

Another factor favoring Plaintiffs is that they are not to blame for the delay. They sued the day after the Proposition 50 election. Plaintiff’s Complaint, Doc. 1. Throughout this process, they have sought to expedite where Defendants have wanted delay. Defendants’ Application for Relief From P.I. Schedule, Doc. 71; Plaintiff’s Opp. to Relief, Doc. 75. Plaintiffs should not be punished when they acted as quickly as possible. *Cf. Benisek v. Lamone*, 585 U.S. 155, 159 (2018) (“In considering the balance of equities . . . , we think that plaintiffs’ unnecessary, years-long delay in asking for preliminary injunctive relief weighed against their request.”).

III. The Supreme Court’s order in *Abbott v. LULAC* is distinguishable.

I also want to address the elephant in the room: The Supreme Court stayed the district court panel’s decision preliminarily enjoining Texas’ redistricting map that potentially added five more Republican seats. Why does that Supreme Court order not control here?

The Court offered two reasons why the Texas district court panel erred—and those two reasons confirm that California should lose here.

First, the Court held that the district court “failed to honor the presumption of legislative good faith by construing ambiguous direct and circumstantial evidence against

the legislature.” *Abbott v. LULAC*, 807 U.S. ____ (2025) (slip op. at 1). In Texas, the mapmaker testified that he did *not* consider race in drawing the congressional redistricting map and that he only wanted to create more Republican seats. *LULAC v. Abbott*, 2025 U.S. Dist. LEXIS 227737, at *96–*99 (W.D. Tex. Nov. 18, 2025). But the district court panel majority discounted the mapmaker’s testimony and instead credited the statements by the U.S. Department of Justice asserting that Texas’ racial “coalition” districts were unlawful. Given this conflicting evidence, the district court erred by taking sides and not honoring the presumption of good faith by Texas.

In contrast here, we do not face “ambiguous” evidence about the intent of the state in devising CD 13. California’s mapmaker publicly declared that he wanted to “ensure that the Latino districts . . . are bolstered in order to make them most effective, particularly in the Central Valley.” Mitchell Statement on Hope Zoom Meeting, Ex. 11 at 30. California did not offer any witness—whether it be Mitchell or any state legislator—who could say that race was not a predominant factor in crafting CD 13. Given this one-sided record, this court should have held that Plaintiffs rebutted the presumption of good faith and that California had engaged in racial gerrymandering.

Second, the Supreme Court noted that the plaintiffs in Texas had not “produce[d] a viable alternative map that met the State’s avowedly partisan goals.” *Abbott v. LULAC*, 807 U.S. ____ (slip op. at 1–2). In our case, however, Dr. Trende provided three alternative maps that strengthened the Democratic tilt of CD 13, despite lowering the HCVAP range below the 52–54% band that Mitchell set as a benchmark.

We are defying the rationale of the Supreme Court’s order in *Abbott v. LULAC* by refusing to enjoin California’s racially gerrymandered map.

IV. The proper remedy is to enjoin California’s 2025 map.

This court has two potential remedies. It can either adjust the Proposition 50 lines to resolve Plaintiffs’ racial gerrymandering complaints, or it can enjoin the entire

Proposition 50 and revert to the 2021 Commission map unless or until the California legislature can enact a constitutionally legitimate map.

I believe the first option is beyond the judicial power of this court. Courts have a limited role in redistricting because it “is an inescapably political enterprise.” *Alexander*, 602 U.S. at 6. As discussed above, we would have to consider factors such as political party affiliation, incumbent protection, city limits, compactness, communities of interest, and other inherently political factors in drawing district lines. Courts simply cannot make such highly political decisions.

The jurisprudentially minimalist and more traditional approach is enjoining the Proposition 50 map entirely. True, Plaintiffs at this stage have only shown that only CD 13 is likely constitutionally suspect. And enjoining the map might seem like a blunt remedy. But as Defendants’ expert, Mr. Fairfax, explained, one cannot change one district’s lines without causing a domino effect requiring changes in almost every other district. Fairfax Testimony, Hearing Tr. at 444. The state of California thus must go back to the drawing board and draw its districts consistent with the Constitution. In the meantime, we should return to the status quo before the Proposition 50 map—the 2021 Commission map.

Conclusion

The Democratic supermajority in the California state legislature wanted to curry favor with Latino groups and voters—and to prevent Latino voters from drifting away from the party. One way to do that was to accede to Latino organizations’ request for Latino-majority congressional districts. Paul Mitchell’s public statements confirm that race was a predominant factor in devising Congressional District No. 13. We should accept the state’s mapmaker’s own words at face value when he said that he wanted to bolster a majority Latino district in the Central Valley.

But our Constitution does not allow the government to engage in such a racial spoils system. Race-based policies ““embody stereotypes that treat individuals as the product of their race, evaluating their thoughts and efforts—their very worth as citizens—according to a criterion barred to the Government by history and the Constitution.”” *Miller*, 515 U.S. at 912 (quoting *Metro Broad. v. FCC*, 497 U.S. 547, 604 (1990) (O’Connor, J., dissenting)). And if “our society is to continue to progress as a multiracial democracy, it must recognize that the automatic invocation of race stereotypes retards that progress and causes continued hurt and injury.” *Id.* at 927 (quoting *Edmonson v. Leesville Concrete Co.*, 500 U.S.614, 630–31 (1991)).

This court should have acted to prevent California from following an unlawful path that will inevitably sow racial divisions and upset the melting pot that makes California great. I respectfully dissent.

1 MICHAEL A. COLUMBO (SBN: 271283)
mcolumbo@dhillonlaw.com

2 SHAWN COWLES (SBN: 163826)
3 scowles@dhillonlaw.com

4 MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com

5 DOMENIC P. AULISI (Admitted PHV)
6 daulisi@dhillonlaw.com

7 AMBER R. HULSE (Admitted PHV)
ahulse@dhillonlaw.com

8 **DHILLON LAW GROUP INC.**
4675 MacArthur Court, Suite 1410
9 Newport Beach, CA 92660
10 Telephone: (415) 433-1700
11 Fax: (415) 520-6593

12 *Attorneys for Plaintiffs*

13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 **DAVID TANGIPA, et al.,**

17 Plaintiffs,

18 vs.

19 **GAVIN NEWSOM**, in his official
20 capacity as the Governor of California, *et*
21 *al.*,

22 Defendants.

CASE NO. 2:25-cv-10616-JLS-WLH-
KKL

**PLAINTIFFS' NOTICE OF
APPEAL**

Hon. Josephine L. Staton
Hon. Kenneth K. Lee
Hon. Wesley L. Hsu

Trial Date: None
Action Filed: November 5, 2025

1 **NOTICE OF APPEAL**

2 Notice is hereby given that Plaintiffs, David Tangipa, Eric Ching, Saul Ayon, Peter
3 Hernandez, Roxanne Hoge, Joel Guterrez Campos, Solomon Verduzco; Paul Ramirez,
4 Jayne Ortiz-Wilson, Vernon Costa, Rachel Gunther, Doug Buchanan, Sayrs Morris,
5 Mike Netter, Christina Raughton, Kristi Hays, James Reid, Michael Tardif, Alex Galicia,
6 and California Republican Party, hereby appeal this Courts January 14, 2026 order
7 denying the motion for preliminary injunction, ECF #216, to the United States Supreme
8 Court. This appeal is taken pursuant to 28 U.S.C. § 1253.

9 A copy of said order is attached hereto.

10 Date: January 15, 2026

11 By: /s/ Michael A. Columbo
12 MICHAEL A. COLUMBO (SBN: 271283)
13 mcolumbo@dhillonlaw.com
14 **DHILLON LAW GROUP INC.**
15 177 Post Street, Suite 700
16 San Francisco, California 94108
17 Telephone: (415) 944-4996

18 SHAWN COWLES (SBN: 163826)
19 scowles@dhillonlaw.com
20 MARK P. MEUSER (SBN: 231335)
21 mmeuser@dhillonlaw.com
22 **DHILLON LAW GROUP INC.**
23 4675 MacArthur Court, Suite 1410
24 Newport Beach, CA 92660

25 DOMENIC P. AULISI (Admitted PHV)
26 daulisi@dhillonlaw.com
27 AMBER R. HULSE (Admitted PHV)
28 ahulse@dhillonlaw.com
DHILLON LAW GROUP INC.
2121 Eisenhower Avenue, Suite 608
Alexandria, VA 22314

Attorneys for Plaintiffs

1 MICHAEL A. COLUMBO (SBN: 271283)
mcolumbo@dhillonlaw.com

2 SHAWN COWLES (SBN: 163826)
scowles@dhillonlaw.com

3 MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com

4 DOMENIC P. AULISI (Admitted PHV)
daulisi@dhillonlaw.com

5 AMBER R. HULSE (Admitted PHV)
ahulse@dhillonlaw.com

6 **DHILLON LAW GROUP INC.**
4675 MacArthur Court, Suite 1410
7 Newport Beach, CA 92660
8 Telephone: (415) 433-1700
9 Fax: (415) 520-6593

10 *Attorneys for Plaintiffs*

11
12
13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 **DAVID TANGIPA, et al.,**

17 Plaintiffs,

18 vs.

19 **GAVIN NEWSOM, in his official**
20 **capacity as the Governor of California, et**
21 **al.,**

22 Defendants.

CASE NO. 2:25-cv-10616-JLS-WLH-
KKL

PLAINTIFFS' EX PARTE
APPLICATION FOR AN
INJUNCTION PENDING
APPEAL. FRAP 8(a)(1)(C)

Hon. Josephine L. Staton
Hon. Kenneth K. Lee
Hon. Wesley L. Hsu

Trial Date: None
Action Filed: November 5, 2025

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiffs, through counsel, will and hereby do
3 apply to this Court pursuant to Fed. R. App. P. 8(a)(1)(C) for an injunction pending
4 appeal of the Court's Order Denying Plaintiffs' Motion for Preliminary Injunction (ECF
5 No. 216).

6 Plaintiffs have filed their Notice of Appeal and are filing this application the day
7 after this Court issued its Order denying Plaintiffs' Motion for Preliminary Injunction.
8 Ex parte relief is necessary because absent an injunction pending appeal, Plaintiffs will
9 suffer irreparable harm by the time this matter is likely to be fully resolved by the U.S.
10 Supreme Court due to the impending deadline for candidates to file the necessary
11 paperwork with the state to run for Congress. As such, Plaintiffs request that this court
12 issue an injunction pending appeal so that Plaintiffs' constitutional rights will not be
13 violated while the Supreme Court considers Plaintiffs' appeal. Plaintiff-Intervenor the
14 United States agrees that this Court should issue an injunction pending appeal.

15
16 **NOTICE**

17 Plaintiffs notified counsel for all parties via email. Attorneys for Plaintiff-
18 intervenor, the United States of America, supports the application. Attorneys for State
19 Defendants and attorneys for Defendant-intervenor DCCC opposed the application.
20 Attorneys for Defendant-intervenor LULAC, opposed the application.

21
22 **INTRODUCTION**

23 After a three-day preliminary injunction hearing, this Court found in favor of the
24 Defendant and Defendant-intervenors. This fact notwithstanding, the Court should grant
25 an injunction pending appeal of that ruling because Plaintiffs have presented this Court
26 with evidence that race was unlawfully used in drawing Congressional District lines by
27 a state actor and, absent an injunction, plaintiffs' constitutional rights will be violated.

1 **BACKGROUND**

2 California’s Constitution prohibits partisan gerrymandering and establishes a
3 system for drawing congressional districts once-a-decade through an independent
4 Citizens Redistricting Commission (CRC), which. *See* Cal. Const. art. XXI.

5 In August 2025, California’s Governor and state legislative leadership announced
6 a package of bills (hereinafter referred to as “Proposition 50”) to replace the
7 congressional map adopted by the Citizens Redistricting Commission (“CRC”) with a
8 new congressional map for use in 2026, 2028, and 2030, subject to voter approval at a
9 special election on November 4, 2025. The package consisted of:

- 10 (a) ACA 8 (Rivas & McGuire), a legislatively-referred constitutional amendment
11 authorizing temporary use of a legislature-enacted congressional map through
12 2030 (*see* Assemb. Const. Amend. 8, 2025–26 Reg. Sess. (Cal. 2025));
13 (b) AB 604 (Aguiar-Curry & Gonzalez), the statute specifying the new
14 congressional district boundaries (*see* Assemb. B. 604, 2025–26 Reg. Sess.
15 (Cal. 2025)); and
16 (c) SB 280 (Cervantes & Pellerin), the bill calling the special election,
17 appropriating funds, and making conforming calendar changes (*see* Sen. B.
18 280, 2025–26 Reg. Sess. (Cal. 2025)).

19 (Compl. ¶ 39, ECF No. 1).

20 From the beginning, there were signs that Proposition 50 would racially
21 gerrymander California’s districts by making race the predominant factor when drawing
22 the maps under the cover of rhetoric about President Trump and events outside
23 California. Sen McGuire said in a press release on August 19, 2025, that the “new map .
24 . . retains and expands Voting Rights Act districts that empower Latino voters to elect
25 their candidates of choice.” Ex. 21.

26 Consistent with race being the predominant consideration for drawing the districts,
27 the Redistricting Atlas, a document the map maker provided to the legislators to help
28

1 them understand the Proposition 50 map he drew, did not show the political breakdown
2 of the districts but instead only showed the racial breakdown of the districts. Ex. 190.

3 Furthermore, Paul Mitchell, the individual who drew the Proposition 50 maps,
4 explained in a presentation to Hispanics Organized for Political Equality (“HOPE”) that
5 the first thing he did was to add a “Latino district,” specifically reversing the
6 Commission’s decision to eliminate that district. Ex. 11 at 23–24. He also stated that “the
7 Prop 50 maps I think will be great for the Latino community” as “they ensure that the
8 Latino districts [] are bolstered in order to make them most effective, particularly in the
9 Central Valley.” *Id.* at 30. Mitchell bragged on social media that the “proposed
10 Proposition 50 map will further increase Latino voting power” and “adds one more
11 Latino influence district.” Ex. 14.

12 Paul Mitchell’s confidence that Proposition 50 would augment Latino voting
13 power is unsurprising. Just four years earlier, during the CRC’s redistricting efforts in
14 2021, HOPE submitted a letter to the CRC proposing two district configurations: (1) “a
15 new GATEWAY CITIES District centered around Downey . . . allowing for the creation
16 of FIVE Latino Majority minority districts where there are currently four”; and (2)
17 “tak[ing] the current LBNorth seat to the south, through Seal Beach into Huntington
18 Beach, making that a Latino influence seat at 35-40% Latino by voting age population.”
19 (Ex. 12 at 2. (capitals in original).) That proposal was based on a report created by Dr.
20 Christian Grose and Raquel Centeno with assistance from Paul Mitchell (See Ex. 12 at
21 3; Ex. 434 at 52–53 (Paul Mitchell confirming that he “consulted with Christian Grose”
22 in drafting the report).) In concluding that these two changes would enhance Latino
23 voting power, that report determined that districts most optimally achieve that result
24 when they are drawn to contain “between 52% and 54% Latino CVAP.” (Ex. 12 at 5.)

25 Ultimately, the CRC disregarded HOPE’s suggestions and, as discussed *supra*,
26 eliminated a Latino-majority district in Los Angeles. But when the California Legislature
27 placed Paul Mitchell in a position to reverse that change, that is precisely what he did.
28 Moreover, Mr. Mitchell created the district configurations HOPE proposed to the CRC—

1 as Proposition 50 Districts 41 and 42—and ensured that the overwhelming majority of
2 Proposition 50’s Latino-majority districts stayed within a narrow HCVAP band of 51–
3 55%. (*See* Exs. 190 at 2–7 (showing racialized CVAP statistics for Proposition 50
4 districts), 434 at 53 (Paul Mitchell discussing the realization of HOPE’s proposal in his
5 map).) At bottom, Mr. Mitchell made deliberate decisions to deliver HOPE’s earlier
6 wishes in an explicit effort to protect, if not enhance, Latino voting power.

7 On November 4, 2025, voters in California approved Proposition 50. (ECF No. 1,
8 ¶ 76). The next day, on November 5, 2025, Plaintiffs filed a Complaint in this matter.
9 (ECF No. 1.) On November 7, 2025, Plaintiffs filed their Motion for Preliminary
10 Injunction. (ECF Nos. 15, 16.) On November 10, 2025, DCCC moved to intervene as a
11 defendant in this case. (ECF No. 20.) On November 13, 2025, the United States of
12 America filed its motion to intervene (ECF No. 28) and concurrently filed its motion for
13 preliminary injunction (ECF No. 29). On November 15, 2025, LULAC also moved to
14 intervene as a defendant in this case. (ECF No. 39). The three-day hearing on Plaintiffs
15 and Plaintiff-Intervenor’s Motion for Preliminary Injunction was held on December 15-
16 17. (ECF Nos. 179, 180, and 183.)

17 The filing period for candidates that are seeking public office to declare their
18 candidacy is February 9, 2026, through March 6, 2026. (Ex 189.) The deadline for
19 candidates to file their signatures in lieu of a filing fee is February 4, 2026. *Id.*

20 LEGAL STANDARD

21 In evaluating whether to issue, modify, or otherwise affect an injunction under
22 Fed. R. App. P. 8(a)(1)(C), courts in this district look to the stay factors articulated by
23 the U.S. Supreme Court in *Nken v. Holder*, 556 U.S. 418 (2009). *See FTC v. QYK Brands,*
24 *LLC*, No. SACV 20-1431 PSG (KESx), 2022 WL 2784416, at *2 (C.D. Cal. June 21,
25 2022). These factors are as follows: “(1) whether the movant makes a strong showing
26 that he or she is likely to succeed on the merits; (2) whether irreparably injury is probable
27 without a stay; (3) whether issuing a stay will “substantially injure” other parties
28

1 interested in the litigation; and (4) whether the stay advances the public interest.” *Nken*,
2 556 U.S. at 434.

3 Accordingly, when a movant seeks an injunction pending appeal of an order
4 denying a preliminary injunction, the movant must show (1) a strong showing of success
5 on the merits, (2) a probability that the movant will be irreparably injured absent an
6 injunction, (3) that an injunction would not “substantially injure” other parties interested
7 in the litigation, and (4) that an injunction would advance the public interest. “The first
8 two factors ‘are the most critical,’ and the last two factors merge when the Government
9 is the opposing party.” *QYK Brands, LLC*, 2022 WL 2784416 at *2 (quoting *Nken*, 556
10 U.S. at 434).

11 ARGUMENT

12 I. Plaintiffs Are to Likely Succeed on the Merits of Their Appeal

13 An equal-protection claim that a redistricting map unlawfully uses “race-based
14 lines ... call[s] for a two-step analysis.” *Cooper v. Harris*, 581 U.S. 285, 291 (2017).
15 “First, the plaintiff must prove that ‘race was the predominant factor motivating the
16 legislature’s decision to place a significant number of voters within or without a
17 particular district.” *Id.* (quoting *Miller v. Johnson*, 515 U.S. 900, 916 (1995)). “Second,
18 if racial considerations predominated over others,” then the burden shifts to the State to
19 satisfy “strict scrutiny.” *Id.* at 292.

20 A plaintiff proves racial predominance by showing that race, rather than traditional
21 redistricting principles or other legitimate objectives, was the legislature’s “dominant and
22 controlling rationale” in drawing district lines. *Miller*, 515 U.S. at 913; accord *Shaw v.*
23 *Hunt*, 517 U.S. 899, 905 (1996). As the Supreme Court has determined, race
24 predominates in the drawing of districts where a redistricting plan’s “architects” indicate
25 a focus on the racial makeup of congressional districts and testimony illustrates a
26 drafter’s “resolve to hit a majority-[minority] target.” *Cooper*, 581 U.S. at 316. Plaintiffs
27 can show racial predominance with “some combination of direct and circumstantial
28 evidence.” *Alexander v. S. Carolina State Conf. of the NAACP*, 602 U.S. 1, 8 (2024)

1 (quoting *Cooper v. Harris*, 581 U.S. at 291). “Direct evidence often comes in the form
2 of a relevant state actor’s express acknowledgment that race played a role in the drawing
3 of district lines.” *Alexander*, 602 U.S. at 8.

4 In redistricting cases, the intent at issue is the intent behind how the district lines
5 were drawn, not the motives of the last person to approve the lines. In *Alexander*, the
6 Supreme Court held that statements of the “career employee who drew the Enacted Map”
7 was “direct evidence” of whether race predominated in the drawing of district lines.
8 *Alexander*, 602 U.S. at 19. As Judge Lee stated in his dissent, the “Supreme Court has
9 repeatedly relied on statements from the mapmaker in assessing whether the state
10 improperly relied on race in drawing district lines.” (ECF No. 216, at 82 (citing
11 *Alexander*, *Cooper*, *Rucho*, and *Bethune-Hill*)). Because Mitchell refused to testify, his
12 earlier statements that race was used in drawing Congressional districts constituted on-
13 point and unmitigated direct evidence of his intentions in drawing the district lines.

14 As Judge Lee concluded: “Because Mitchell’s own words show that he relied on
15 race in drawing certain districts, Plaintiffs have rebutted the presumption of legislative
16 good faith that we give to California.” (ECF No. 216, at 79.)

17 In reaching its decision denying Plaintiffs’ Motion for Preliminary Injunction, the
18 Court deemed irrelevant the intent of the mapmaker who drew the map as well as the
19 state legislators who initiated legislation to put Proposition 50 on the ballot. The Court
20 determined that it was Plaintiffs’ responsibility to “put forth evidence that the *voters*
21 predominately intended the challenged districts to be racial, rather than partisan,
22 gerrymanders.” ECF No. 216, at 22 (emphasis added). The Court determined that “the
23 voters are the most relevant state actors and their intent is paramount.” ECF No. 216, at
24 15.

25 The Court focused on the case of *Brnovich v. Democratic Nat’l Comm.*, 594 U.S.
26 647 (2021). In *Brnovich*, the Supreme Court determined that the “‘cat’s paw’ theory has
27 no application to legislative bodies.” *Brnovich*, 594 U.S. at 690. That is, that the
28 legislature cannot be deemed to have the improper intent of one of its members.

1 The Court acknowledged that it was a case of first impression as to whether this
2 doctrine could be extended to insulate the intent of the voters who approved a
3 redistricting plan despite an alleged racial gerrymander by the person who drew the map
4 or the legislature. ECF No. 216, at 14. Nevertheless, the Court reasoned that since the
5 voters were the final decision makers, any impermissible racial intent of the mapmaker
6 or the legislature cannot be imputed to the voters. The Court stated that Plaintiffs were
7 essentially urging the Court “to apply the ‘cat’s paw’ theory to the voters here.” ECF No.
8 216, at 18.

9 Plaintiffs respectfully disagree with the Court’s extension of *Brnovich* to inoculate
10 a racial gerrymander just because it was approved by the voters following a campaign
11 that did not focus on the mapmaker’s racial gerrymander. Majoritarian approval, whether
12 by a legislature or by the electorate, cannot insulate unconstitutional election structures
13 from judicial review. *See, e.g., Moore v. Harper*, 600 U.S. 1, 23–26 (2023) (cases
14 reviewing constitutionality of redistricting schemes).

15 The Plaintiffs also introduced circumstantial evidence of an unconstitutional racial
16 gerrymander. As Judge Lee recognized, indirect evidence of racial motivation may come
17 from many sources. Plaintiffs’ expert Sean Trende confirmed that race predominated in
18 drawing Congressional District 13 lines. ECF No. 216, at 95.

19 Because Plaintiffs offered direct and circumstantial evidence that at least one
20 district in Proposition 50 was drawn with race as the predominant consideration, and
21 because the State has failed to articulate any justification for doing so, Plaintiffs are likely
22 to succeed on the merits of their appeal.

23 Once Plaintiffs show direct evidence that the mapmaker used race in drawing of
24 district lines, the burden shifts to the State to “satisfy strict scrutiny.” *Alexander*, 602
25 U.S. at 8. To satisfy strict scrutiny, the State must show that the use of race in drawing
26 the district lines was “narrowly tailored to serve a compelling state interest.” *Alabama*
27 *Legis. Black Caucus v. Alabama*, 575 U.S. 254, 272 (2015). Neither the State Defendants
28 nor Defendant-Intervenors introduced any evidence indicating that Proposition 50 meets

1 this stringent standard. Accordingly, for purposes of Plaintiffs’ motion for preliminary
2 injunction, Defendants conceded this point. *See Shorter v. L.A. Unified Sch. Dist.*, No.
3 CV 13–3198 ABC AJW, 2013 WL 6331204, at *5 (C.D. Cal. Dec. 4, 2013).

4 **II. Irreparable Injury Is Likely Absent an Injunction**

5 Plaintiffs here will suffer irreparable injury in the absence of an injunction pending
6 appeal for the simple reason that the current election calendar assures it.

7 Plaintiffs are voters, a candidate, and a state party. They will suffer irreparable
8 harm if the Defendants implement unconstitutionally racially gerrymandered
9 congressional district maps. Plaintiffs have already filed their Notice of Appeal.
10 However, by the time this matter is likely to be fully resolved by the U.S. Supreme Court,
11 the deadline for candidates to file the necessary paperwork with the state to run for
12 Congress will have already passed, thus causing irreparable harm.

13 As identified by Judge Lee in his dissent, February 4, 2026, “starts a month-long
14 period when the candidates can begin filing their paperwork declaring their candidacy in
15 the appropriate district.” The deadline for candidates to file their signatures in lieu of a
16 filing fee is February 4, 2026. Ex 189. The filing period for candidates who are seeking
17 public office to declare their candidacy is February 9, 2026, through March 6, 2026. *Id.*

18 As such, Plaintiffs request that this court issue an injunction pending appeal so that
19 Plaintiffs’ constitutional rights will not be violated while this case is addressed by the
20 Supreme Court. An injunction is necessary to preserve the status quo. And the 2021
21 commission congressional map provides a ready alternative for the State and would
22 preserve the status quo.

23 Moreover, where a plaintiff in a constitutional case “shows he is likely to prevail
24 on the merits, that showing usually demonstrates he is suffering irreparable harm no
25 matter how brief the violation.” *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023).
26 Therefore, because Plaintiffs here have demonstrated the underlying merits of their
27 claim, they are likely to suffer irreparable harm absent injunctive relief during the
28 pendency of their appeal.

1 **III. An Injunction Would Not “Substantially Injure” Defendants and Would**
2 **Advance the Public Interest**

3 As discussed *supra*, the final two factors courts evaluate when weighing whether
4 to issue the relief requested here “merge when the Government is the opposing party.”
5 *QYK Brands, LLC*, 2022 WL 2784416 at *2. Accordingly, Plaintiffs address them
6 together here. For two essential reasons, these factors cut sharply in Plaintiffs’ favor.

7 *First*, the public has a paramount interest in ensuring that its congressional district
8 maps comply with the Constitution. Because Plaintiffs have shown a strong likelihood
9 that the state has racially gerrymandered congressional districts in contravention of
10 federal law, the public interest lies in preliminarily preventing those suspect districts from
11 governing future federal elections. *See Arizona Dream Act Coal. v. Brewer*, 757 F.3d
12 1053, 1069 (9th Cir. 2014).

13 *Second*, granting an injunction preserves, rather than upends, the electoral status
14 quo. The unconstitutional districts authorized by Proposition 50 are brand new. They
15 were drawn by a partisan consultant, rushed through the Legislature in a matter of days,
16 and only recently approved at a special election on November 4, 2025. (ECF #16, 20–
17 22.) By contrast, the CRC’s 2021 congressional map has already governed two federal
18 cycles and been implemented by state and local election officials.

19 In denying Plaintiffs’ motions for preliminary injunction, the Court’s assessment
20 was limited only to the question of whether Plaintiffs met their burden of showing
21 “serious questions going to the merits” of their racial gerrymandering claims. (See ECF
22 No. 216, at 69 n.36.) Indeed, only Judge Lee, in dissent, considered the extent to which
23 denying preliminary relief would injure Plaintiffs or affect the public interest. As Judge
24 Lee articulated: “[W]hen a plaintiff in a constitutional case proves he is likely to succeed
25 on the merits, it ‘also tips the public interest sharply in his favor because it is “always in
26 the public interest to prevent the violation of a party’s constitutional rights.”’” (*Id.* at 113
27 (quoting *Baird*, 81 F.4th at 1040).) Because Plaintiffs have shown that they are likely to
28 succeed in their appeal, these factors favor awarding the relief requested herein.

1 **CONCLUSION**

2 For these reasons, the Court should grant Plaintiffs' request for an injunction
3 pending appeal in this matter. The Court should enjoin Defendants, as well as their
4 agents, employees, and successors in office, from implementation of Proposition 50's
5 congressional districts map during the pendency of this litigation.

6 Unless the Court enters this Injunction, Plaintiffs and other Californians will suffer
7 irreparable harm. Proposition 50's map violates Plaintiffs' Fourteenth Amendment
8 constitutional rights. Plaintiff-Intervenor United States agrees that this Court should enter
9 an injunction pending appeal.

10
11 Date: January 15, 2026

By: /s/ Mark P. Meuser
MICHAEL A. COLUMBO (SBN: 271283)
mcolumbo@dhillonlaw.com
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, California 94108
Telephone: (415) 944-4996

SHAWN COWLES (SBN: 163826)
scowles@dhillonlaw.com
MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
DHILLON LAW GROUP INC.
4675 MacArthur Court, Suite 1410
Newport Beach, CA 92660

DOMENIC P. AULISI (Admitted PHV)
daulisi@dhillonlaw.com
AMBER R. HULSE (Admitted PHV)
ahulse@dhillonlaw.com
DHILLON LAW GROUP INC.
2121 Eisenhower Avenue, Suite 608
Alexandria, VA 22314

28 *Attorneys for Plaintiffs*

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4 DAVID TANGIPA, et al.,

5
6 Plaintiffs,

7
8 v.

9
10 GAVIN NEWSOM, in his official capacity
11 as the Governor of California, et al.,

12
13 Defendants,
14

Case No.: 2:25-cv-10616-JLS-WLH-KKL

**ORDER DENYING
PLAINTIFFS' APPLICATION
FOR INJUNCTION PENDING
APPEAL**

15
16 A majority of the Court having so voted, Plaintiffs' application for an
17 injunction pending appeal, Doc. 218, is DENIED.

18 DATED: January 16, 2026

19
20 HON. JOSEPHINE L. STATON
21 UNITED STATES DISTRICT JUDGE

22
23 HON. KENNETH K. LEE
24 UNITED STATES CIRCUIT JUDGE

25
26 HON. WESLEY L. HSU
27 UNITED STATES DISTRICT JUDGE
28

1 MICHAEL A. COLUMBO (SBN: 271283)
2 SHAWN COWLES (SBN: 163826)
3 MARK P. MEUSER (SBN: 231335)
4 **DHILLON LAW GROUP INC.**
5 4675 MacArthur Court, Suite 1410
6 Newport Beach, CA 92660
7 mmeuser@dhillonlaw.com
8 Telephone: (415) 433-1700
9 Fax: (415) 520-6593

10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **DAVID TANGIPA; et al.,**

14 Plaintiffs,

15 vs.

16 **GAVIN NEWSOM**, in his official
17 capacity as the Governor of California; *et al.*;

18 Defendants.

CASE NO. 2:25-cv-10616 JLS (KESx)

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

**REQUEST FOR CONVENING OF
THREE-JUDGE COURT
(28 U.S.C. § 2284)**

**ACTION SEEKING STATEWIDE
RELIEF**

Assigned to Hon. Josephine L. Staton

Action Filed: November 5, 2025

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

MEMORANDUM OF POINTS AND AUTHORITIES 1

INTRODUCTION 1

BACKGROUND 5

LEGAL STANDARD..... 6

ARGUMENT: PLAINTIFFS ARE ENTITLED TO PRELIMINARY
INJUNCTIVE RELIEF..... 7

 I. Plaintiffs Not Only Raised Serious Questions Going to the Merits, But
 Also There Is a Strong Likelihood They Will Succeed in Proving Their
 Claim..... 7

 A. The U.S. Constitution’s Equal Protection Clause Limits Race-Based
 Redistricting 7

 B. If Race Was the Predominant Factor in Redistricting, the State Must
 Satisfy Strict Scrutiny..... 9

 C. Racial Considerations Predominated in Drawing Districts in
 Proposition 50’s Map and Therefore Strict Scrutiny Applies 9

 1. California Legislators and their Consultant Announced that Race Was
 the Predominant Factor Motivating the Drawing of at Least Sixteen
 Challenged Districts 10

 2. Proposition 50’s Congressional District 13 Was Racially
 Gerrymandered 13

 D. Compliance with the Voting Rights Act Can be a Compelling Interest 15

 E. Proposition 50’s Race Based Sorting of Voters is Not “Narrowly
 Tailored” to its asserted Compelling Interest. 15

 1. The Prior Congressional District Map Complied with the VRA 17

 2. No Majority Race Has Prevented Hispanic Voters from Electing
 Their Preferred Candidates..... 17

 3. The Legislature Lacked a Strong Basis in Evidence of a VRA
 Violation that Required Race-Based Districting 19

 F. Proposition 50’s Congressional Map Violates the 15th Amendment 23



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II. There is a Likelihood of Irreparable Injury to Plaintiffs if Preliminary Relief is Not Granted 24

III. The Balance of Hardships Tips Sharply in Plaintiffs’ Favor 26

IV. An Injunction Advances the Public Interest 27

CONCLUSION..... 28



TABLE OF AUTHORITIES

Cases

Alabama Legislative Black Caucus v. Alabama, 575 U.S. 254 (2015)..... 15
All. for Wild Rockies v. Cottrell, 632 F.3d 1127 (9th Cir. 2011) 7
Am. Bev. Ass'n v. City & Cnty. of San Francisco, 916 F.3d 749 (9th Cir. 2019) 27
Am. Encore v. Fontes, 152 F.4th 1097 (9th Cir. 2025) 25
Bethune-Hill v. Virginia State Bd. of Elections, 580 U.S. 178 (2017)..... 7, 9
Bush v. Vera, 517 U.S. 952 (1996)..... 16
Charles H. Wesley Educ. Found., Inc. v. Cox, 408 F.3d 1349 (11th Cir. 2005) 27
Cooper v. Harris, 581 U.S. at 291 (2017)..... 7, 9, 11, 13, 15, 16, 17, 19
Davis v. Guam, 932 F.3d 822 (9th Cir. 2019) 23
Earth Island Inst. v. United States Forest Serv., 351 F.3d 1291 (9th Cir. 2003) 6
Gomillion v. Lightfoot, 364 U.S. 339 (1960)..... 24
Grove v. Emison, 507 U.S. 25 (1993)..... 16
Johnson v. De Grandy, 512 U.S. 997 (1994)..... 22
Lackey v. Stinnie, 604 U.S. 192 (2025)..... 6
League of United Latin Am. Citizens v. Perry, 548 U.S. 399 (2006)..... 22



1 *League of Women Voters of N. Carolina v. North Carolina,*
769 F.3d 224 (4th Cir. 2014) 25

2

3 *McLaughlin v. Florida,*
379 U.S. 184 (1964)..... 16

4 *Metro Broadcasting,*
497 U.S. 547 (1990)..... 8

5

6 *Miller v. Johnson,*
515 U.S. 900 (1995)..... 3, 7, 8, 9, 15, 19, 22, 26

7

8 *Obama for Am. v. Husted,*
697 F.3d 423 (6th Cir.2012) 25

9

10 *Palmore v. Sidoti,*
466 U.S. 429 (1984)..... 3, 8

11 *Prejean v. Foster,*
227 F.3d 504 (5th Cir. 2000) 23

12

13 *Regents of Univ. of Cal. v. Bakke,*
438 U.S. 265 (1978)..... 7

14

15 *Rice v. Cayetano,*
528 U.S. 495 (2000)..... 3, 23, 24

16

17 *Richmond v. J.A. Croson Co.,*
488 U.S. 469 (1989)..... 7, 16, 19

18 *Shaw v. Hunt,*
517 U.S. 899 (1996)..... 15, 19, 20

19

20 *Shaw v. Reno,*
509 U.S. 630 (1993)..... 3, 4, 8, 9, 22, 23

21

22 *Terry v. Adams,*
345 U.S. 461 (1953)..... 3, 23

23

24 *Thornburg v. Gingles,*
478 U.S. 30 (1986)..... 15, 16

25 *United States v. City of Cambridge,*
799 F.2d 137 (4th Cir.1986) 25

26

27 *University of Tex. v. Camenisch,*
451 U.S. 390 (1981)..... 6

28

1 *Wesberry v. Sanders*,
 376 U.S. 1 (1964)..... 27

2

3 *Williams v. Salerno*,
 792 F.2d 323 (2d Cir.1986)..... 25

4 *Winter v. Natural Res. Def. Council, Inc.*,
 555 U.S. 7 (2008)..... 6, 24, 26, 27

5

6 *Wright v. Rockefeller*,
 376 U.S. 52 (1964)..... 4, 9

7

8 *Zepeda v. U.S.I.N.S.*,
 753 F.2d 719 (9th Cir. 1983) 26

9

10 **Constitutional Provisions**

11 Cal. Const. art. II, § 8(c) 5

12 Cal. Const. art. XVIII, § 4..... 5

13 Cal. Const. art. XXI 5

14 U.S. Const. amend. XV, § 1..... 23

15 U.S. Const., amend. 14, § 1 7

16 **Statutes**

17 52 U.S.C. § 10301..... 15

18 52 U.S.C. § 10301(a) 15

19 52 U.S.C.A. § 10301 18

20 79 Stat. 437 15

21

22 **Other Authorities**

23 *About the Hispanic Population and its Origin*, available at
[https://www.census.gov/topics/population/hispanic-](https://www.census.gov/topics/population/hispanic-origin/about.html?utm_source=chatgpt.com)
 24 [origin/about.html?utm_source=chatgpt.com](https://www.census.gov/topics/population/hispanic-origin/about.html?utm_source=chatgpt.com) (last visited on Nov. 6, 2025) 1

25 Assemb. B. 604, 2025–26 Reg. Sess. (Cal. 2025) 6

26 Assemb. Const. Amend. 8, 2025–26 Reg. Sess. (Cal. 2025)..... 6

27 Cal Poly Pomona & CalTech, *Proposition 50: Projected Impacts on Latino*
 28 *Voting Power* (Oct. 2025)..... 12

1 Capitol Weekly Podcast, *Interview with Paul Mitchell* 12

2 *Hispanic Americans in Congress*: [https://history.house.gov/Education/Fact-](https://history.house.gov/Education/Fact-Sheets/HAIC_fact_sheet/?utm_source=chatgpt.com)

3 [Sheets/HAIC_fact_sheet/?utm_source=chatgpt.com](https://history.house.gov/Education/Fact-Sheets/HAIC_fact_sheet/?utm_source=chatgpt.com) (Last visited on Nov. 6,

4 2025) 10

5 *Louisiana v. Callais*, Miscellaneous Order (Aug. 1, 2025), Order List: 606 U.S.,

6 No. 24-109 15

7 Sen. B. 280, 2025–26 Reg. Sess. (Cal. 2025) 6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

The California Legislature violated the Fourteenth and Fifteenth Amendments to the Constitution when it drew new congressional district lines adopted through Proposition 50 based on race, specifically to favor Hispanic voters, the state’s *most numerous* racial demographic, without cause or evidence to justify it. Specifically, the map of fifty-two California congressional districts approved by Proposition 50 represent an official state policy to favor Hispanic voters in approximately sixteen of those districts (nearly 31%) even though they have been successful electing candidates of their choice to Congress under the prior map and the state’s analysis of the prior map (as well as the analysis of an independent group) concluded that there was no Voting Rights Act (“VRA”) violation that required a remedy.

The consultant who drew the congressional district lines in Proposition 50 has explained that the first thing that he did was to add a “Latino district” that the Citizens Redistricting Commission had previously eliminated and that he altered the lines of another district to make it a “Latino-influenced district” by ensuring its voting age population was “35 percent Latino.” The California Legislature also issued a press release announcing that Proposition 50 creates two new districts to “empower Latino voters to elect their candidates of choice,” adding them to the pre-existing fourteen such districts. The Legislature characterized these sixteen districts as “Voting Rights Act districts,” meaning districts that are specifically designed to favor one race or ethnicity of voters over others.¹

The state legislature achieved the stated racial gerrymandering objective by creating a

¹ Per the U.S. Census, “OMB defines ‘Hispanic or Latino’ as a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. People who identify with the terms ‘Hispanic’ or ‘Latino’ are those who classify themselves in one of the specific Hispanic or Latino categories listed on the decennial census questionnaire and various Census Bureau survey questionnaires – ‘Mexican, Mexican Am., Chicano’ or ‘Puerto Rican’ or ‘Cuban’ – as well as those who indicate that they are ‘another Hispanic, Latino, or Spanish origin.’” See *About the Hispanic Population and its Origin*, available at https://www.census.gov/topics/population/hispanic-origin/about.html?utm_source=chatgpt.com (last visited on Nov. 6, 2025). Though subtly different, the terms are functionally interchangeable.



1 map in which the favored race comprised 51.8 to 65.4 percent of the voting age citizen
2 population of each of those districts. The Legislature’s policy choice was, therefore, that the
3 votes of the other 34.6 to 48.2 percent of the voting age citizens in those districts falling outside
4 the government’s favored racial classification should not interfere with the election of the
5 candidate preferred by the government’s favored race. Considering there are approximately
6 760,000 citizens in each district, the Legislature effectively decided that millions of
7 Californians’ votes should not matter in elections to determine who will represent them in
8 Congress.

9 The Fourteenth Amendment to the Constitution guarantees American citizens the equal
10 protection of the law. The Supreme Court has for decades determined that the Fourteenth
11 Amendment can only tolerate racial gerrymandering if a state meets specific and stringent
12 requirements to satisfy strict scrutiny. While compliance with the federal Voting Rights Act
13 (“VRA”) may justify race-based districting under current law notwithstanding the Equal
14 Protection Clause, *Cooper v. Harris*, 581 U.S. 285, 285, 292, 301, the Supreme Court requires
15 states to prove that, among other things, they in fact adopted the new district lines based on
16 evidence that a minority race usually could not elect its preferred candidates due to the
17 concerted opposition of voters of a majority race. *Cooper*, 581 U.S. at 292, 302. Without proof
18 of this condition, states have no lawful basis to enact race-based congressional districts.

19 The Defendants will not be able to satisfy these requirements because, among other
20 things, there was no prior VRA violation to remedy, no evidence was presented to legislators
21 of any such VRA mandate to justify the proposed racially-gerrymandered map, Hispanic voters
22 have successfully elected candidates of their choice, including fifteen members of the state’s
23 fifty-two-member congressional delegation, Hispanic citizens of voting age are the plurality or
24 majority eleven out of eighteen of the voters in the counties in which the gerrymandered
25 districts are located, and California’s voters overwhelmingly vote strictly along party lines.
26 Accordingly, Proposition 50’s congressional district map fails the strict scrutiny test and,
27 therefore, violates the Fourteenth Amendment’s Equal Protection Clause. That is, California
28 state law embodied in Proposition 50 does not lawfully treat citizens of different races equally.

1 The Fifteenth Amendment to the Constitution guarantees that a citizen’s vote cannot
2 be “abridged” (lessened, deprived, etc.) based on their race. The Supreme Court has held that
3 the Fifteenth Amendment “establishes a national policy ... not to be discriminated against as
4 voters in elections to determine public governmental policies or to select public officials,
5 national, state, or local.” *Terry v. Adams*, 345 U.S. 461, 467 (1953). Therefore, a racial
6 gerrymander, “the deliberate and arbitrary distortion of district boundaries ... for [racial]
7 purposes,” is a form of circumvention of the Fifteenth Amendment. *Shaw v. Reno*, 509 U.S.
8 630, 640 (1993). “[S]tate authority over the boundaries of political subdivisions, extensive
9 though it is, is met and overcome by the Fifteenth Amendment to the Constitution.” *Rice v.*
10 *Cayetano*, 528 U.S. 495, 522 (2000).

11 The California legislature through Proposition 50 “abridged” Plaintiffs’ right to vote,
12 that is curtailed, reduced in extent, or restricted their right to vote, based on race. Specifically,
13 the California legislature violated the 15th Amendment because it drew Proposition 50’s
14 congressional district boundaries based on race, and did so to ensure that the votes of millions
15 of California’s voters across those districts could not decide the election if their preferred
16 candidate was different from the candidate preferred by the Legislature’s favored race.

17 In decisions over the decades, the Supreme Court has consistently understood how
18 racial gerrymandering can illegally poison American democracy and politics. The Court has
19 held that by allocating whole districts and the officials who represent them to a favored race,
20 it embodies assumptions that are likely racist, risks having representatives understand their role
21 as only representing one race among of their constituency, and it divides and pits citizens
22 against each other based their race.

23 Race-based districting embodies “the offensive and demeaning assumption that voters
24 of a particular race, because of their race, think alike, share the same political interests, and
25 will prefer the same candidates at the polls,” *Miller v. Johnson*, 515 U.S. 900, 912 (1995),
26 which “is more likely to reflect racial prejudice than legitimate public concerns.” *Palmore v.*
27 *Sidoti*, 466 U.S. 429, 432 (1984). This, the Court found, “may balkanize us into competing
28 racial factions” and “threatens to carry us further from the goal of a political system in which

1 race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody, and to
2 which the Nation continues to aspire.” *Shaw*, 509 U.S. at 657. The Court also feared that race-
3 based districting encourages elected representatives “to believe that their primary obligation is
4 to represent only the members of that group, rather than their constituency as a whole,” which
5 is “altogether antithetical to our system of representative democracy.” *Id.* at 648. And “[w]hen
6 racial or religious lines are drawn by the State, the multiracial, multireligious communities that
7 our Constitution seeks to weld together as one become separatist; antagonisms that relate to
8 race or to religion rather than to political issues are generated; communities seek not the best
9 representative but the best racial or religious partisan.” *Wright v. Rockefeller*, 376 U.S. 52, 67
10 (1964) (Douglas, J. dissent).

11 The allowance for any racial gerrymandering must therefore be carefully considered.
12 America is marvelously diverse and California is the most diverse state in the nation. Because
13 of its fantastic diversity, California therefore has the most to lose if the government taints its
14 elections through unlawful official racial discrimination. The California legislature’s ham-
15 fist and brazen, if not exuberant, embrace of racial gerrymandering is therefore not consistent
16 with the Constitution or American and Californian democratic norms.

17 On November 5, 2025, Plaintiffs filed this lawsuit against the California Governor and
18 Secretary of State in their official capacities under 42 U.S.C. § 1983, the morning after the
19 election in which Proposition 50 was approved by California’s voters. Plaintiffs now request a
20 Preliminary Injunction. Because the Plaintiffs are likely to succeed on the merits, the balance
21 of harms strongly favor preservation of the status quo to prevent a grave and irreparable
22 violation of our clients’ core Fourteenth and Fifteenth Amendment rights, and 2026
23 congressional election candidates must know the district lines by December 19, 2025, Plaintiffs
24 respectfully request that this court grant an order enjoining the implementation of Proposition
25 50’s congressional district map while this matter proceeds, request a three-judge panel pursuant
26 to 28 U.S.C. § 2284.

27
28

BACKGROUND

California’s Constitution establishes a once-a-decade system for drawing congressional districts through an independent Citizens Redistricting Commission (CRC), which prohibits partisan gerrymandering. *See* Cal. Const. art. XXI.

In July 2025, several California Congressional Democrats devised a plan by which they would threaten to have the California legislature draw a new set of maps to discourage the redistricting that the state of Texas was considering. (Compl. ¶ 38, ECF No. 1). To implement the congressional map in Proposition 50, state officials had to amend the Constitution with the approval of the voters in a special statewide election. *See* Cal. Const. art. XVIII, § 4; *see also* Cal. Const. art. II, § 8(c).

After these members of Congress heard Governor Newsom say that California would redistrict, the Congressional Democrats retained an expert who drafted the maps. (Meuser Decl. Ex. 24). The Congressional Democrats’ map was presented to the public on Friday, August 15, 2025, just days before the legislature came back from their summer recess. (Meuser Decl. Ex. 25). Due to the date on which Governor Newsom desired the special election to occur, they published, debated, and approved the Legislative Package that became Proposition 50 within 4 days. (Compl. ¶ 38, ECF No. 1).

In August 2025, California’s Governor and state legislative leadership announced a coordinated package to replace the congressional map adopted by the Citizens Redistricting Commission (“CRC”) with a new congressional map for use in 2026, 2028, and 2030, subject to voter approval at a special election on November 4, 2025. The package consisted of:

- (a) ACA 8 (Rivas & McGuire), a legislatively-referred constitutional amendment authorizing temporary use of a legislature-enacted congressional map through 2030;
- (b) AB 604 (Aguiar-Curry & Gonzalez), the statute specifying the new congressional district boundaries; and
- (c) SB 280 (Cervantes & Pellerin), the bill calling the special election, appropriating funds, and making conforming calendar changes. *See* Assemb. B. 604, 2025–26



1 Reg. Sess. (Cal. 2025); Sen. B. 280, 2025–26 Reg. Sess. (Cal. 2025); Assemb.
2 Const. Amend. 8, 2025–26 Reg. Sess. (Cal. 2025).
3 (Compl. ¶ 39, ECF No. 1). From the very beginning, there were signs and portents that
4 the redistricting through Proposition 50 would be used to racially gerrymander California’s
5 districts under the cover of rhetoric about President Trump and events outside California. On
6 August 9, 2025, the Office of the Speaker of the Assembly published a press release titled
7 *Speaker Rivas Joins California, Texas Democrats to Fight Back Against Trump’s Redistricting*
8 *Power Grab*, quoting Assemblymember Avelino Valencia, a member of the California Latino
9 Legislative Caucus, accusing President Trump and Texas Republicans of using redistricting to
10 “drown out the voices they do not want to hear, especially communities of color” and therefore
11 promising to “make sure our democracy reflects communities like mine.” (Meuser Decl., Ex.
12 9) (underscoring added).

13 LEGAL STANDARD

14 The Supreme Court has ruled that the “purpose of a preliminary injunction is to
15 preserve the status quo until a trial can occur.” *Lackey v. Stinnie*, 604 U.S. 192, 193 (2025)
16 citing *University of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981). The *Camenisch* Court stated
17 that the “preliminary injunction is merely to preserve the relative positions of the parties until
18 a trial on the merits can be held. The Ninth Circuit has established two sets of criteria for
19 evaluating a request for injunctive relief. *Earth Island Inst. v. United States Forest Serv.*, 351
20 F.3d 1291, 1297-1298 (9th Cir. 2003). Under the “traditional” criteria, a plaintiff must show
21 (1) a strong likelihood of success on the merits, (2) a likelihood of irreparable injury to plaintiff
22 if preliminary relief is not granted, (3) a balance of hardships favoring the plaintiff, and (4)
23 advancement of the public interest. *See, e.g., Winter v. Natural Res. Def. Council, Inc.*, 555
24 U.S. 7, 20 (2008).

25 Alternatively, a preliminary injunction may be appropriate when a movant raises
26 “serious questions going to the merits” and the “balance of hardships tips sharply in the
27 plaintiff’s favor,” provided that the plaintiff is able to show there is a likelihood of irreparable
28 injury and that the injunction is in the public interest. *All. for Wild Rockies v. Cottrell*, 632 F.3d

1 1127, 1131 (9th Cir. 2011).

2 **ARGUMENT: PLAINTIFFS ARE ENTITLED TO PRELIMINARY INJUNCTIVE**
3 **RELIEF.**

4 In this case, the Plaintiffs are challenging the constitutionality of the new congressional
5 district map for California approved by Proposition 50.

6 **I. Plaintiffs Not Only Raised Serious Questions Going to the Merits, But Also There**
7 **Is a Strong Likelihood They Will Succeed in Proving Their Claim.**

8 **A. The U.S. Constitution’s Equal Protection Clause Limits Race-Based**
9 **Redistricting**

10 “The Equal Protection Clause of the Fourteenth Amendment provides that no State
11 shall ‘deny to any person within its jurisdiction the equal protection of the laws.’” *Miller*, 515
12 U.S. at 904; U.S. Const., amend. 14, § 1. “Its central mandate is racial neutrality in
13 governmental decisionmaking.” *Miller*, 515 U.S. at 904.

14 “Racial and ethnic distinctions of any sort are inherently suspect and thus call for the
15 most exacting judicial examination.... This perception of racial and ethnic distinctions is rooted
16 in our Nation’s constitutional and demographic history.” *Id.* (quoting *Regents of Univ. of Cal.*
17 *v. Bakke*, 438 U.S. 265, 291 (1978) (opinion of Powell, J.)). “This rule obtains with equal force
18 regardless of ‘the race of those burdened or benefited by a particular classification.’” *Id.*
19 (quoting *Richmond v. J.A. Croson Co.*, 488 U.S. 469, 494 (1989) (plurality opinion) (citations
20 omitted)).

21 “The Constitution entrusts States with the job of designing congressional districts. But
22 it also imposes an important constraint: A State may not use race as the predominant factor in
23 drawing district lines unless it has a compelling reason.” *Cooper v. Harris*, 581 U.S. at 291
24 (2017). Specifically, “[t]he Equal Protection Clause . . . prevents a State, in the absence of
25 ‘sufficient justification,’ from ‘separating its citizens into different voting districts on the basis
26 of race.’” *Id.* (quoting *Bethune–Hill v. Virginia State Bd. of Elections*, 580 U.S. 178, 187
27 (2017)).
28

1 In *Shaw v. Reno*, the Supreme Court recognized that a state violates the Equal
2 Protection clause when it uses race as a basis for separating voters into districts which, like
3 segregating citizens on the basis of race in its public parks, buses, golf course, beaches, and
4 schools, requires extraordinary justification. *Miller*, 515 U.S. at 911 (citations omitted); *Shaw*,
5 509 U.S. at 652. “The idea is a simple one: At the heart of the Constitution’s guarantee of equal
6 protection lies the simple command that the Government must treat citizens as individuals, not
7 as simply components of a racial, religious, sexual or national class.” *Miller*, 515 U.S. at 911
8 (citations and quotations omitted).

9 Race-based districting embodies “the offensive and demeaning assumption that voters
10 of a particular race, because of their race, ‘think alike, share the same political interests, and
11 will prefer the same candidates at the polls.’” *Miller*, 515 U.S. at 912 (quoting *Shaw* at 647);
12 *Palmore*, 466 U.S. at 432 (“Classifying persons according to their race is more likely to reflect
13 racial prejudice than legitimate public concerns; the race, not the person, dictates the
14 category”).

15 Racial classifications with respect to voting carry particular dangers. Racial
16 gerrymandering, even for remedial purposes, may balkanize us into competing
17 racial factions; it threatens to carry us further from the goal of a political system
18 in which race no longer matters—a goal that the Fourteenth and Fifteenth
19 Amendments embody, and to which the Nation continues to aspire. It is for
these reasons that race-based districting by our state legislatures demands close
judicial scrutiny.

20 *Shaw* at 657. While redistricting may involve a political calculus that recognizes competing
21 interests, “it does not follow from this that individuals of the same race share a single political
22 interest” and “[t]he view that they do is ‘based on the demeaning notion that members of the
23 defined racial groups ascribe to certain ‘minority views’ that must be different from those of
24 other citizens,’ the precise use of race as a proxy the Constitution prohibits.” *Miller*, 515 U.S.
25 at 914 (quoting *Metro Broadcasting*, 497 U.S. 547, 636 (1990) (KENNEDY, J., dissenting)).

26 The message that such districting sends to elected representatives is equally
27 pernicious. When a district obviously is created solely to effectuate the
28 perceived common interests of one racial group, elected officials are more
likely to believe that their primary obligation is to represent only the members

1 of that group, rather than their constituency as a whole. This is altogether
2 antithetical to our system of representative democracy.
3 *Shaw*, 509 U.S. at 648; *see also Wright v. Rockefeller*, 376 U.S., at 66–67 (Douglas, J.
4 dissent) (“When racial or religious lines are drawn by the State, the multiracial,
5 multireligious communities that our Constitution seeks to weld together as one become
6 separatist; antagonisms that relate to race or to religion rather than to political issues are
7 generated; communities seek not the best representative but the best racial or religious
8 partisan. Since that system is at war with the democratic ideal, it should find no footing
9 here.”).

10 **B. If Race Was the Predominant Factor in Redistricting, the State Must Satisfy
11 Strict Scrutiny**

12 When a plaintiff alleges that congressional districts violate the Equal Protection Clause,
13 there are two steps to the analysis: “First, the plaintiff must prove that ‘race was the
14 predominant factor motivating the legislature’s decision to place a significant number of voters
15 within or without a particular district.’” *Cooper*, 581 U.S. at 291 (quoting *Miller*, 515 U.S. at
16 916). That is, “the legislature ‘subordinated’ other factors—compactness, respect for political
17 subdivisions, partisan advantage, what have you—to ‘racial considerations.’” *Id.* This can be
18 shown “through ‘direct evidence’ of legislative intent, ‘circumstantial evidence of a district’s
19 shape and demographics,’ or a mix of both.” *Id.*

20 “Second, if racial considerations predominated over others,” the burden shifts to the
21 state to prove “the design of the district” satisfies “strict scrutiny” by showing “that its race-
22 based sorting of voters serves a ‘compelling interest’ and is ‘narrowly tailored’ to that end.”
23 *Cooper*, 581 U.S. at 292 (quoting *Bethune–Hill*, 580 U.S. at 192); *Miller*, 515 U.S. at 920.

24 **C. Racial Considerations Predominated in Drawing Districts in Proposition 50’s
25 Map and Therefore Strict Scrutiny Applies**

26 Evidence that race predominated when the legislature drew Proposition 50’s
27 congressional district map includes direct evidence in the form of statements by the consultant
28 who drew the map and in the Legislator’s statements made while debating the legislation and
press releases.

1 **1. California Legislators and their Consultant Announced that Race Was**
2 **the Predominant Factor Motivating the Drawing of at Least Sixteen**
3 **Challenged Districts**

4 Statements by California legislators and their districting consultant confirm that the
5 Proposition 50’s map was drawn to add more congressional districts based on race than the
6 prior map prepared by the Independent Citizens Redistricting Commission just four years
7 earlier.

8 The Independent Citizens’ Redistricting Commission recently created California’s
9 congressional district map based on the most recent (2020) census data. The Commission set
10 aside fourteen districts to specifically favor Hispanic voters. (Brunell Decl., Ex. 2 at 2). Paul
11 Mitchell, the consultant who drew the Proposition 50’s map, explained in a presentation that
12 the first thing he did was to add a “Latino district,” specifically reversing the Commission’s
13 decision to eliminate that district. Mitchell explained that the Commission had eliminated a
14 district considered “the most Latino district in the country,” which was “the first Latino
15 majority/minority district in the country” and one that elected “the first Latino member of
16 Congress in the country.”² Declaration of Mark Meuser (“Meuser Decl.”) Ex. 2 (Hope
17 Presentation) at 25. Mitchell explained that Hispanas Organized for Political Equality
18 (“HOPE”) lobbied the Commission “for the creation of five Latino majority/minority districts
19 in an area where there are currently four” and that “the first thing we did in drawing the new
20 [Proposition 50] map” was that “[w]e essentially reversed the Redistricting Commission’s
21 decision to eliminate [that] Latino district from LA . . . We put that district back.” *Id.*
22 (underscoring added). Mitchell further acknowledged that he implemented a second HOPE
23 objective, to “take the district that was called LB North, which is now the Robert Garcia
24 district, take that district to the south through Seal Beach into Huntington Beach, making a

25 _____
26 ² Contrary to Paul Mitchell’s statement, the first Hispanic Representative elected to Congress
27 was Romualdo Pacheco from Santa Barbara, not Los Angeles. Pacheco was first elected to
28 Congress in 1877. *See, Hispanic Americans in Congress:*
https://history.house.gov/Education/Fact-Sheets/HAIC_fact_sheet/?utm_source=chatgpt.com
(Last visited on Nov. 6, 2025).



1 Latino-influenced district at 35 percent Latino by voting age population.” *Id.* (underscoring
2 added).

3 Upon introducing the Proposition 50’s map, California Senate Democrats also issued a
4 press release in which they claimed that “The new map ... expands Voting Rights Act districts
5 that empower Latino voters to elect their candidates of choice.” Meuser Decl. Ex. 8, at 2 (press
6 release of Senate President pro Tempore Mike McGuire, “Legislative Democrats Announce
7 Plan Empowering Voters to Protect California”).

8 The language used in these statements are unambiguous in terms of race being the
9 predominant purpose for drawing the Proposition 50’s map. VRA districts mean districts that
10 are specifically designed to favor one race or ethnicity of voters living within those districts.

11 Consistent with these explicit statements of intent to use the redistricting process to
12 increase the electoral power of one race or ethnicity, that is, to racially gerrymander, we note
13 the Commission had indeed previously created fourteen districts favoring Hispanic voters and
14 the Legislature’s Proposition 50’s map creates sixteen Congressional districts where the
15 Hispanic population makes up more than 50% of the voters in the Congressional district. (CD
16 13, 18, 21, 22, 25, 29, 31, 33, 34, 35, 38, 39, 42, 44, 46, and 52). (Brunell Decl., Ex. 2 at 4).

17 The statements of Mitchell and the California Legislature boasting of increasing the
18 number of Hispanic-dominated congressional districts above the fourteen previously created
19 by the Independent Commission to “empower Latino voters to elect their candidates of
20 choice,” are similar statements by the North Carolina legislature that triggered strict scrutiny
21 review in *Cooper v. Harris*. In that case, the record evidence “show[ed] that the State’s
22 mapmakers . . . purposefully established a racial target,” that “African–Americans should make
23 up no less than a majority of the voting-age population” in the district map at issue. *Cooper*,
24 581 U.S. at 299.

25 In the case at hand, race was consciously and predominantly used to draw Proposition
26 50’s district lines, rather than them being the product of race-neutral redistricting criteria. On
27 the *Capitol Weekly Podcast*, Paul Mitchell confirmed that internal discussions explicitly
28 referenced the VRA and Latino communities and districts. He described advocates who wanted

1 to “throw away the VRA” and pursue a “52/0 map,” (a map that would result in Democrats
2 being elected in all 52 of California’s congressional districts) contrasted with crafting “a five-
3 district pick-up map,” a map that would change five districts currently won by Republicans to
4 districts that would be won by Democrats, which would comply with the VRA. He noted that
5 California “gained the Latino population,” referenced preserving the historic heavily Latino
6 Roybal-Allard district, and remarked that some states were “oftentimes violating the Voting
7 Rights Act.” *See* Meuser Decl. Ex 1, Capitol Weekly Podcast, *Interview with Paul Mitchell*, at
8 10:9–20, 15:23–25, 27:17–23.

9 On October 23, 2025, Mitchell posted on X (formerly Twitter), that the “proposed
10 Proposition 50 map will further increase Latino voting power over the current Commission
11 map,” citing a joint report from Cal Poly Pomona and CalTech. *See* Paul Mitchell
12 (@paulmitche11), *If you’re keeping track at home....* (Oct. 23, 2025, 10:00 AM PT), (Meuser
13 Decl. Ex. 3); *see also* Cal Poly Pomona & CalTech, *Proposition 50: Projected Impacts on*
14 *Latino Voting Power* (Oct. 2025). (Meuser Decl. Ex. 22).

15 Indeed, as here, legislators in *Cooper* “were not coy in expressing that goal” and
16 “repeatedly told their colleagues that District 1 had to be majority-minority, so as to comply
17 with the VRA,” “that District 1 ‘must include a sufficient number of African–Americans’ to
18 make it ‘a majority black district,’” and it must have ‘a majority black voting age population.’”
19 *Id.* At 299-301.

20 On August 15, 2025, the Office of the Speaker of the Assembly published a press
21 release, stating: “The new map retains the voting rights protections enacted by the independent
22 commission.” *See* Meuser Decl. Ex.6. On August 19, 2025, the Office of the Speaker of the
23 Assembly published a press release, stating: “The new map . . . retains both historic Black
24 districts and Latino-majority districts.” *See* Meuser Decl. Ex. 7.

25 But despite these benign coatings, in the Assembly Appropriations Committee, Speaker
26 Isaac Bryan suggested that the racial considerations in ACA 8 were designed to counterbalance
27 efforts in other states that they believed diminished minority voting strength: “ACA 8 exists
28 because Trump and the Republican-controlled Texas Legislature and other states, like Indiana

1 and Florida, are attempting to redraw congressional districts in the middle of a decade, pre-
2 census, with the explicit aim of diluting Black and Brown representation and power.” This
3 statement indicates that the Proposition 50’s map was deliberately designed to increase Latino
4 voting power in California to counteract what legislators believed was occurring in other states
5 rather than being compelled by conditions in California and the need to comply with the VRA
6 here. *See* Meuser Decl. Ex. 5.

7 As in *Cooper*, this Court is “[f]aced with [a] body of evidence—showing an announced
8 racial target that subordinated other districting criteria and produced boundaries amplifying
9 divisions between” people of different races, the Court can hardly conclude “anything but” that
10 “race predominated in drawing” the challenged map. 581 U.S. at 300-01 (also noting the
11 district court concluded the map was a “‘textbook example’ of race-based districting”).

12 **2. Proposition 50’s Congressional District 13 Was Racially Gerrymandered**

13 According to expert analysis, the boundary between districts 5, 9 and 13 of Proposition
14 50’s map appears to have been crafted specifically to enhance the Hispanic Voting Age
15 Population and Hispanic Citizen Voting Age Population in district 13. The boundary’s twisted
16 shape cannot be explained by traditional redistricting principles, nor can it be explained by a
17 motive to simply increase Democratic Party voting power politics.

18 Congressional District 13 is in California’s Central Valley and includes western
19 Madera County, a portion of Fresno County, all of Merced County, southwestern Stanislaus
20 County, and then a portion of San Joaquin County. (Trende Decl., Ex 2 at 5.) As Trende
21 explains, two aspects of District 13’s lines appear to have been drawn predominantly to
22 improve Hispanic performance in the district, and not to improve the prospects of Democratic
23 Party candidates.

24 In the South, the new lines keep Republican areas outside and Democrat areas inside
25 District 13. (Trende Decl., Ex 2 at 6.) Although the Defendants may contend that this was as a
26 gambit to increase the influence of Democratic voters, the District’s boundary near Ceres and
27 Modesto bulges out to split Modesto while keeping Ceres intact and capturing some areas
28

1 outside of Ceres. (Trende Decl., Ex 2 at 11.) The map omits a significant Democratic
2 population in Modesto while capturing a large Republican population in and around Ceres. *Id.*
3 However, “the motivation for the split appears more obvious” when the race of the populations
4 included and excluded are considered. (Trende Decl., Ex 2 at 13.)

5 Most of the Democrat territory left in Modesto outside of District 13 is White and the
6 Republican brought into the district around Ceres is heavily Hispanic. *Id.* Accordingly, if the
7 motivating factor of the district shape was partisanship, the district would have dropped some
8 of the Republican areas in Ceres and added Democratic areas in Modesto. *Id.* Changes to the
9 northern side of the District are even more obviously based on race. There is a large “plume”
10 that incorporates Democrats, but more democrats were available to the West. Again:

11 What differentiates them is that the portion at the northern end of the district
12 are heavily Hispanic, while the areas left out to the west of the district are more
13 heavily White. In other words, this appendage bypasses white Democrats,
14 making the district less compact, to gain Hispanic areas that are less heavily
15 compact. From a [political] gerrymandering perspective, this makes little sense.
(Trende Decl., Ex 2 at 19.)

16 Trende further prepared three hypothetical maps that could have been drafted
17 demonstrating that it would have been possible to draw the map to achieve a partisan political
18 goal (favoring Democratic Party voters) with a more regular configuration that does not target
19 race. (Trende Decl., Ex 2 at 23-26.) Trende concluded that the Proposition 50’s map
20 “boundaries between districts 9 and 13 appear to have been crafted to enhance the Hispanic
21 Voting Age Population and Hispanic Citizen Voting Age Population in the district. The twisted
22 shapes cannot be explained by traditional redistricting principles, nor can they be explained by
23 politics.” (Trende Decl., Ex 2 at 27.)

24 Accordingly, the Court should conclude that race predominated over other factors in
25 the Proposition 50’s map and shift the burden to the state to prove that the map was narrowly
26 tailored to serve a compelling state interest.
27
28

1 **D. Compliance with the Voting Rights Act Can be a Compelling Interest**

2 Because racial considerations predominated over others in nearly one third of the 52
3 congressional districts, which also impacted numerous neighboring districts, the burden shifts
4 to the state to satisfy strict scrutiny by showing “that its race-based sorting of voters serves a
5 compelling interest and is narrowly tailored to that end.” *Cooper*, 581 U.S. at 292 (internal
6 quotation omitted); *Miller*, 515 U.S. at 920.

7 The Supreme Court “has long assumed that one compelling interest” justifying race-
8 based districting “is compliance with the Voting Rights Act of 1965 (VRA or Act),” 79 Stat.
9 437, as amended, 52 U.S.C. § 10301 *et seq.* *Cooper*, 581 U.S. at 285, 292, 301; *Shaw v. Hunt*,
10 517 U.S. 899, 915-916 (1996) (*Shaw II*). “Section 2 [of the VRA] prohibits any ‘standard,
11 practice, or procedure’ that ‘results in a denial or abridgement of the right ... to vote on account
12 of race.’” *Cooper*, 581 U.S. at 292 (2017) (quoting 52 U.S.C. § 10301(a)). The Supreme Court
13 has “construed that ban to extend to ‘vote dilution’—brought about, most relevantly here, by
14 the ‘dispersal of [a group's members] into districts in which they constitute an ineffective
15 minority of voters.’” *Cooper*, 581 U.S. at 292 (2017) (quoting *Thornburg v. Gingles*, 478 U.S.
16 30, 46, n. 11 (1986)).

17 In a case currently pending before the Supreme Court, *Louisiana v. Callais*, the Court
18 is considering “Whether the State’s intentional creation of [] majority-minority congressional
19 district violates the Fourteenth or Fifteenth Amendments to the U.S. Constitution.” *Callais*,
20 Miscellaneous Order (Aug. 1, 2025), Order List: 606 U.S., No. 24-109 (Meuser Decl. Ex. 23).

21 **E. Proposition 50’s Race Based Sorting of Voters is Not “Narrowly Tailored” to**
22 **its asserted Compelling Interest.**

23 “When a State invokes the VRA to justify race-based districting, it must show (to meet
24 the ‘narrow tailoring’ requirement) that it had ‘a strong basis in evidence’ for concluding that
25 the statute required its action.” *Cooper*, 581 U.S. at 292–93 (quoting *Alabama Legislative*
26 *Black Caucus v. Alabama*, 575 U.S. 254, 278 (2015)). That is, “that it had ‘good reasons’ to
27 think that it would transgress the Act if it did *not* draw race-based district lines.” *Id.*
28

1 California’s Democrat legislators stated that the new map “expands Voting Rights Act
2 districts that empower Latino voters to elect their candidates of choice.” (Meuser Decl., Ex. 8)
3 But, by itself, the “mere recitation of a ‘benign’ or legitimate purpose for a racial classification
4 is entitled to little or no weight.” *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 500
5 (1989). “[W]hen a legislative body chooses to employ a suspect classification, it cannot rest
6 upon a generalized assertion as to the classification’s relevance to its goals.” *Id.* at 500 (citing
7 *McLaughlin v. Florida*, 379 U.S. 184, 190-192 (1964)).

8 To evade the Equal Protection Clause with a claim that race-based redistricting was
9 compelled by the VRA, the Supreme Court identified in *Thornburg v. Gingles* “three threshold
10 conditions for proving vote dilution under § 2 of the VRA” that would justify creation of a
11 VRA district. *Cooper*, 581 U.S. at 301 (citing *Gingles*, 478 U.S., at 50–51).

12 First, a “minority group” must be “sufficiently large and geographically
13 compact to constitute a majority” in some reasonably configured legislative
14 district. *Id.*, at 50, 106 S.Ct. 2752. Second, the minority group must be
15 “politically cohesive.” *Id.*, at 51, 106 S.Ct. 2752. And third, a district’s white
majority must “vote [] sufficiently as a bloc” to usually “defeat the minority’s
16 preferred candidate.” *Ibid.*

17 *Cooper*, 581 U.S. at 301-02. “Those three showings . . . are needed to establish that ‘the
18 minority [group] has the potential to elect a representative of its own choice’ in a possible
19 district, but that racially polarized voting prevents it from doing so in the district as actually
20 drawn because it is ‘submerg[ed] in a larger white voting population.’” *Cooper*, 581 U.S. at
302 (quoting *Grove v. Emison*, 507 U.S. 25, 40 (1993)).

21 “If a State has good reason to think that all the ‘*Gingles* preconditions’ are met, then so
22 too it has good reason to believe that § 2 requires drawing a majority-minority district. But if
23 not, then not.” *Cooper*, 581 U.S. at 302 (internal citation omitted); *Bush v. Vera*, 517 U.S. 952,
24 978 (1996) (plurality opinion). “[U]nless *each* of the three *Gingles* prerequisites is established,
25 ‘there neither has been a wrong nor can be a remedy.’” *Cooper*, 581 U.S. at 306 (quoting
26 *Grove*, 507 U.S., at 41).

1 The State of California cannot satisfy all three *Gingles* factors to demonstrate that the
2 VRA required the racial gerrymandering in Proposition 50 because, among other things, the
3 Commission’s map comply with the Act, there is no “majority” race voting together to thwart
4 Hispanic voters’ preferred candidate choices, Hispanic Voters regularly elect candidates of
5 their choice, and the Legislature did not consider any evidence to the contrary.

6 **1. The Prior Congressional District Map Complied with the VRA**

7 The consulting expert who drew the Legislature’s map unequivocally stated that the
8 map created by the Independent Citizens Redistricting Commission was analyzed twice for
9 compliance with the VRA. The VRA analysis he received determined the Commission map
10 was “compliant with Section 2” of the VRA and another group’s analysis determined that vis-
11 a-vis the Commission map, the Proposition 50’s map “maintained the status quo”:

12 **The Voting Rights Act analysis that we got back said -- and, again, I'll read**
13 **-- while both the Commission map and the draft map are compliant with**
14 **Section 2, the empirical evidence shows that the public submission map, which**
15 **is the Proposition 50 map, improves the opportunity for Latino voters to elect**
16 **candidates of choice in two more districts than the existing plan. . . . And then**
17 **PPIC just put out an analysis last week that said that our plan maintained the**
status quo in terms of the Voting Rights Act and added one more Latino-
influenced district.

18 (Meuser Decl. Ex. 2 (Hope Presentation) (emphasis added)). Accordingly, the VRA did not
19 compel drawing a new map to favor Hispanic voters to avoid a pre-existing VRA violation.

20 **2. No Majority Race Has Prevented Hispanic Voters from Electing Their**
21 **Preferred Candidates**

22 For three reasons, the state cannot prove the third *Gingles* factor, *i.e.*, that Hispanic
23 voters are prevented from electing representatives of their choice due to “a district’s [non-
24 Hispanic] white majority” defeating the Hispanic’s “preferred candidate” by “voting
25 sufficiently as a bloc.” *Cooper*, 581 U.S. at 287.

26 *First*, White voters are not a majority in California or even the majority in most of its
27 counties where Proposition 50’s map created VRA districts. (Brunell Decl., Ex. 2 at 2). Whites
28 are merely a plurality statewide, with 43.5 percent of voting age citizens, compared to 31.9 for

1 Hispanics. (Brunell Decl., Ex. 2 at 4). Moreover, looking specifically at the Counties where
2 Proposition 50 racially gerrymandered congressional districts to favor Hispanic voters,
3 Hispanics are a majority or a plurality of voting age adults in 11 of the 18 affected counties
4 (Fresno, Imperial, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Benito, San
5 Bernardino, and Tulare counties). (Brunell Decl., Ex. 2 at 5). In one further county (Monterey),
6 voting age Whites outnumber Hispanics by only .7%. *Id.* In two other counties, Orange and
7 San Joaquin, voting age Whites outnumber Hispanic voters, but are still not a majority. *Id.* In
8 fact, in only two counties (San Diego and Santa Cruz) do voting age Whites comprise the
9 majority. *Id.*

10 *Second*, according to the VRA, “[t]he extent to which members of a protected class
11 have been elected to office in the State or political subdivision is one circumstance which may
12 be considered: *Provided*, That nothing in this section establishes a right to have members of a
13 protected class elected in numbers equal to their proportion in the population.” 52 U.S.C.A. §
14 10301. In California, Hispanic voters have been able to elect their preferred candidates. The
15 diverse California delegation to the U.S. House of Representatives already reflects the diversity
16 of the state’s citizens. California has fifty-two members of the House. Based on the three major
17 caucuses in Congress (Black, Hispanic, and Asian Pacific American), there are twenty-six total
18 members of California’s congressional delegation who are associated with these caucuses,
19 including fifteen Hispanic members of Congress, three Black members of Congress, and nine
20 Asian Pacific Islander members of Congress. (Brunell Decl., Ex. 2 at 19). California voters are
21 willing and able to vote for Representatives from all the major racial and ethnic groups in the
22 state. Hispanics in particular are 31.9% of California’s citizens of voting age and its fifteen
23 members of Congress already represented 28.85% of the fifty-two member Congressional
24 delegation.

25 In addition, minorities are regularly elected to California state office. At least twenty
26 of California’s forty state senators are an ethnic minority and at least 15 are Hispanic. *See*
27 Meuser Decl. Exhibits 10-21. At least forty-five of California’s eighty state assemblymen are
28 an ethnic minority. Of those, at least 27 are Hispanic. *See* Meuser Decl. Exhibits 10-21.

1 This is no anomaly: Brunell examined recent statewide elections that “pitted a Hispanic
2 Democrat against a White Republican and the Hispanic candidate prevailed in each contest.”
3 (Brunell Decl., Ex. 2 at 5). Brunell found that in 2018, Alex Padilla, Xavier Becerra, and
4 Ricardo Lara, all Hispanics, won statewide election. *Id.* In 2022, Alex Padilla and Ricardo Lara
5 again won statewide election. *Id.* Brunell also compared the statewide results of several races
6 and examined the data at a county-by-county level. Brunell stated that there “appears to be a
7 great deal of stability across statewide elections in terms of the votes that candidates from each
8 party receive at aggregate levels.” (Brunell Decl., Ex. 2 at 9). Brunell discovered that “there
9 are very strong correlation between the percent of the vote that any Democrat receives in any
10 election in these 18 counties. This suggests that party may be the primary driver of vote choice,
11 rather than campaigns or candidates.” (Brunell Decl., Ex. 2 at 10). Brunell concluded the
12 majority of California voters, regardless of race of the voter or the candidate, vote democrat
13 and thus in California there is “high levels of partisan straight ticket voting.” (Brunell Decl.,
14 Ex. 2 at 20).

15 **3. The Legislature Lacked a Strong Basis in Evidence of a VRA Violation**
16 **that Required Race-Based Districting**

17 As noted above, a State may only resort to race in redistricting if it has a “strong basis
18 in evidence” that § 2 liability would otherwise arise (i.e., that the *Gingles* preconditions are
19 satisfied) for a reasonably configured district before the State adopts race-based lines for each
20 district. *Miller*, 515 U.S. at 922; *Cooper*, 581 U.S. at 292, 304 & n.5 (North Carolina legislators
21 violated the Equal Protection Clause when they drew two Black-majority districts because the
22 state legislature lacked a strong basis in evidence that it needed to make the changes to avoid
23 potential Section 2 liability); *see also Richmond*, 488 U.S. at 500 (requiring a “strong basis in
24 evidence for its conclusion that remedial action was necessary”).

25 The Supreme Court has held that “the institution that makes the racial distinction must
26 have had a strong basis in evidence to conclude the remedial action was necessary *before* it
27 embarks on an affirmative-action program.” *Shaw II*, 517 U.S. at 910 (underscoring added).
28

1 Therefore, post-hoc rationalization is not enough; the compelling interest must be the
2 Legislature’s “actual purpose,” supported by contemporaneous evidence. *Shaw II* at 908 & n.4.

3 The legislative text and public legislative record did not contain findings (or adopted
4 findings) demonstrating that the *Gingles* factors required the drawing of at least fourteen VRA
5 districts, much less district-specific findings justifying racial line-drawing and the addition of
6 two more VRA districts. Moreover, state legislators have provided sworn declarations that they
7 were not given any kind of evidence or analysis indicating that VRA districts were required
8 from any source and it did not appear that their colleagues had seen any such analyses, either.
9 Assemblymember David Tangipa avers that he is a member of the Assembly Elections
10 Committee and in the days before the Legislature enacted the legislation that proposed the
11 Proposition 50’s map, he sought any analyses that would establish that the state would violate
12 the VRA if it did not use race to redistrict. (Tangipa Decl. ¶ 4, 13, 14, 19, 21, 29, 32). Between
13 the preliminary map and press release regarding Proposition 50 published on Friday August
14 15, 2025, and his committee considering the Proposition 50 legislation on Tuesday, August 19,
15 he had received “[n]o official communication, analysis, or other documents” other than what
16 was released to the public. (Tangipa Decl. ¶ 8). During his committee’s hearing, he still “was
17 unable to ascertain any basic information regarding who drew the maps, as the bill language
18 falsely stated that members of the Assembly Elections Committee drew the lines, let alone
19 information required by the VRA to determine if VRA districts were necessary.” (Tangipa
20 Decl. ¶ 13).

21 As of a hearing on the morning of August 19, he again still “had not been provided any
22 of the district-by-district technical materials [he] would expect to see if the Legislature were
23 relying on the VRA to justify race-conscious line-drawing of the original maps[.]” (Tangipa
24 Decl. ¶ 14). In fact, just as the hearing was about to begin, he was informed that “the map
25 lines had been changed late the night before.” (Tangipa Decl. ¶ 15). During the hearing, he was
26 not given substantive answers to basic questions, such as “who changed the lines, when those
27 changes occurred, the nature and extent of the changes, and the reasons for them.” (Tangipa
28

1 Decl. ¶ 18). As to the new map, he also “did not receive any analysis or explanation of the lines
2 or how the racial drawn VRA districts were determined.” (Tangipa Decl. ¶ 20).

3 “The lack of knowledge of the late-night changes to the maps was apparent for both
4 Republican and Democratic members of the committee during the hearing.” (Tangipa Decl. ¶
5 22). “To [his] knowledge, no district-by-district VRA analysis or written justification of the
6 new map lines was presented to members of any party at or before that hearing and voting on
7 the map lines.” (Tangipa Decl. ¶ 25). Even as the Assembly considered the Measure on the
8 floor on August 21, 2025, the Assembly, he had not been “provided any district-specific VRA
9 materials, expert reports, RPV studies, election-performance simulations, CVAP tables, or
10 analysis of alternatives,” and no materials “identif[ied] a particular district as legally required
11 by Section 2” or explained “how such a conclusion had been reached.” (Tangipa Decl. ¶ 29).
12 Asm. Tangipa, upon information and belief, believes “no such materials exist in the legislative
13 process” and even “[a]fter reasonable diligence,” he has “not seen district-specific RPV
14 findings, expert submissions, or race-neutral alternatives that were available to members before
15 their votes on the Measures.” (Tangipa Decl. ¶ 30).

16 A California state Senator provided a similar account of Senate proceedings. Senator
17 Rosilicie Ochoa Bogh averred that the only information she received “through official
18 committee channels contained basic information about what the Measures did: placed a
19 Constitutional Amendment on the ballot for a November 2025 special election to do a mid-
20 cycle redistricting effort.” (Ochoa Bogh Decl., ¶ 9). “In this information and in all of the official
21 proceedings” she participated in, “no one ever told us who drew the maps” and “[t]he materials
22 [she] saw did not identify any map author, consultant, or mapping source, and [she] received
23 no district-by-district technical work explaining or justifying the lines.” (Ochoa Bogh Decl. ¶
24 10). Even as of the considering of the measures on the Senate Floor on August 21, 2025, she
25 “had no say in the map-drawing process, no background about the maps, and [she] was forced
26 to vote on the Measures with very little information. (Ochoa Bogh Decl. ¶ 11). To date, she
27 has “not been provided any of the district-by-district technical materials I would expect to see
28 if the Legislature were relying on the VRA to justify race-conscious line-drawing.” (Ochoa

1 Bogh Decl. ¶ 14). To her knowledge, “even after the Measures passed through the legislative
2 process, no such materials exist elsewhere in the legislative process.” “If such materials
3 existed, they were not provided to [her].” (Ochoa Bogh Decl. ¶ 16).

4 Reportedly, Paul Mitchell conducted his own VRA analysis while drawing the
5 Proposition 50’s map. (Meuser Decl., Ex. 2 – “Hope Presentation”) at 23:14–17. However,
6 Paul Mitchell was not paid by the state to draw the lines, he was paid by the DCCC. (Meuser
7 Decl., Ex. 24). There is no evidence that anyone other than his own team ever saw that analysis
8 and no indication that any legislator who voted on the maps cast their vote for these particular
9 lines based upon evidence of a need to resolve past racial voting.

10 As a factual matter, the record shows that defendants set out to increase Latino voting
11 power as an objective, there is an acknowledgment by the consultant who drew the map that
12 his analysis showed that the prior map did not violate the VRA, and the data and expert
13 testimony establishes that Hispanic voters have been able to elect candidates of their choice. If
14 the Defendants were to assert that the VRA nonetheless broadly authorizes them to racially
15 gerrymander under these circumstances, their interpretation would call the constitutionality of
16 Section 2 of the VRA into question.

17 Any new map must be “reasonably necessary under a constitutional reading and
18 application of those laws.” *Miller*, 515 U.S. at 921 (citing *Shaw*, 509 U.S. at 653-655)
19 (underscoring added). An improper interpretation of Section 2 which “unnecessarily infuse
20 race into virtually every redistricting,” would “rais[e] serious constitutional questions.” *League*
21 *of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 446 (2006). Rather than relying on the
22 law to remedy a lack of political success, the VRA should not be improperly exploited to
23 achieve “more success in place of some.” *Johnson v. De Grandy*, 512 U.S. 997, 1012-13
24 (1994).

25 Absent conditions in existence at the time of redistricting that demand and justify a
26 race-based remedy (which are absent here), the VRA cannot and does not authorize a state to
27 engage in race-based districting. Congress would not have the power to use the VRA to nullify
28

1 the Fourteenth and Fifteenth Amendments rather than enforce them in such a circumstance. It
2 would be the statutory exception that swallowed the constitutional rule.

3 On this record, the State cannot prove that the *Gingles* third factor has been met, that
4 is, that it had a strong basis in evidence that a White majority votes sufficiently as a bloc to
5 usually defeat Hispanics’ preferred candidate, submerging Hispanics in a larger White voting
6 population. Accordingly, race predominated in the drawing of these lines which, as explained
7 above, triggers a strict scrutiny analysis which shifts the burden to the Defendant to prove that
8 the VRA compelled the use of race to draw lines to avoid a VRA violation.

9 **F. Proposition 50’s Congressional Map Violates the 15th Amendment**

10 The Fifteenth Amendment provides that “[t]he right of citizens of the United States to
11 vote shall not be denied or abridged by the United States or by any State on account of race,
12 color, or previous condition of servitude.” U.S. Const. amend. XV, § 1. “Consistent with the
13 design of the Constitution, the [Fifteenth] Amendment is cast in fundamental terms, terms
14 transcending the particular controversy which was the immediate impetus for its enactment.”
15 *Rice*, 528 U.S. at 512. The Fifteenth Amendment “establishes a national policy ... not to be
16 discriminated against as voters in elections to determine public governmental policies or to
17 select public officials, national, state, or local.” *Terry v. Adams*, 345 U.S. 461, 467 (1953).
18 Under the Fifteenth Amendment voters are treated not as members of a distinct race but as
19 members of the whole citizenry. *Rice*, 528 U.S. at 523. “The Fifteenth Amendment’s
20 prohibition on race-based voting restrictions is both fundamental and absolute.” *Davis v.*
21 *Guam*, 932 F.3d 822, 832 (9th Cir. 2019) (citing *Shaw*, 509 U.S. at 639; see also *Prejean v.*
22 *Foster*, 227 F.3d 504, 519 (5th Cir. 2000) (“Unlike the Fourteenth Amendment claim, there is
23 no room for a compelling state interest defense, as the Fifteenth Amendment’s prohibition is
24 absolute.”). “Moreover, the Fifteenth Amendment applies with equal force regardless of the
25 particular racial group targeted by the challenged law.” *Davis*, 932 F.3d at 832.

26 A racial gerrymander is a form of circumvention of the Fifteenth Amendment. *Shaw*,
27 509 U.S. at 640 (“Another of the weapons in the States’ arsenal [against the 15th Amendment]
28

1 was the racial gerrymander—“the deliberate and arbitrary distortion of district boundaries ...
2 for [racial] purposes.””).

3 The question before us is not the one-person, one-vote requirement of the
4 Fourteenth Amendment, but the race neutrality command of the Fifteenth
5 Amendment. . . . We held four decades ago that state authority over the
6 boundaries of political subdivisions, “extensive though it is, is met and
7 overcome by the Fifteenth Amendment to the Constitution.

8 *Rice*, 528 U.S. at 522 (quoting *Gomillion v. Lightfoot*, 364 U.S. 339, 345 (1960)).

9 For the same reasons explained above with respect to the Fourteenth Amendment (i.e.,
10 the race-based districting in Proposition 50, including the creation of sixteen congressional
11 districts to favor one race, increasing the number of Hispanic-dominated districts from fourteen
12 to sixteen, the creation of a “Latino district” and a “Latino-influenced district,” and the
13 apparent drawing the district boundaries of district 13 based on race), Defendants abridged the
14 right to vote of the Plaintiffs and millions of California voters in the affected districts who were
15 not part of the state’s favored class.

16 According to Webster’s 1828 Dictionary, the dictionary in common usage at the time
17 the Fifteenth Amendment was drafted, the word “abridge” means “to lessen” or “to deprive.”
18 That is, they lessen or deprived Plaintiffs’ right to vote, based on race. Specifically, the
19 California legislature violated the Fifteenth Amendment because it drew Proposition 50’s
20 congressional district boundaries based on race and specifically did so to ensure that the votes
21 of millions of California’s voters across those districts could not decide the election if their
22 preferred candidate was different from the candidate preferred by the legislature’s favored race.

23 **II. There is a Likelihood of Irreparable Injury to Plaintiffs if Preliminary Relief is
24 Not Granted**

25 Plaintiffs readily satisfy the second element for issuance of a preliminary injunction as
26 they will suffer irreparable injury unless the requested preliminary relief is granted. A moving
27 party must show, among other things, that irreparable harm will likely result if the relief is not
28 granted. *Winter*, 555 U.S. at 20, 22.

1 Courts recognize that infringement of the fundamental right to vote constitutes
2 irreparable injury. *League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224,
3 247 (4th Cir. 2014); *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir.2012); *Williams v.*
4 *Salerno*, 792 F.2d 323, 326 (2d Cir.1986). Additionally, “discriminatory voting procedures in
5 particular are ‘the kind of serious violation of the Constitution and the VRA for which courts
6 have granted immediate relief.’” *League of Women Voters*, 769 F.3d at 247 citing *United States*
7 *v. City of Cambridge*, 799 F.2d 137, 140 (4th Cir.1986).

8 “The loss of First Amendment freedoms, for even minimal periods of time,
9 unquestionably constitutes irreparable injury.” *Am. Encore v. Fontes*, 152 F.4th 1097, 1120
10 (9th Cir. 2025) (enjoining election rule allegedly violating plaintiffs’ First Amendment rights).
11 Once an election is conducted under a legally deficient map, the lost opportunity to elect a
12 preferred candidate cannot be undone and thus qualifies as irreparable harm. *League of Women*
13 *Voters*, 769 F.3d at 247. The temporal urgency of elections means delay compounds harm
14 because remedies post-election cannot recreate lost voice. *Obama for Am.*, 697 F.3d at 436.

15 Here, Plaintiffs face harms that cannot be fully remedied by money damages. Plaintiffs
16 will suffer disenfranchisement, dilution of rights, or other harms to protected voting interests
17 that cannot be quantified or remedied later. Such injuries are not adequately compensable by
18 legal remedies and hence are irreparable. Candidates must know where the congressional
19 districts are located in order to run for office starting on December 19, 2025 (Meuser Decl. Ex.
20 26).

21 If the Proposition 50’s congressional district lines are implemented and candidates,
22 voters, and political parties organize their speech, association, and fundraising around them
23 only for the map to subsequently found to be unconstitutional as described here, it will throw
24 California’s congressional election campaigns into chaos. Not just the sixteen districts at the
25 center of this case, but all of the surrounding districts whose voters were unlawfully poached
26 or placed (“cracked” or “packed” in the parlance of redistricting) into the surrounding districts.
27 If candidates, voters, and political parties, including Plaintiffs, do not know who will be
28 running for office or where, or if the lines are in doubt, it will substantially and immediately

1 chill their political speech, activity, and association. That harm is not reparable.

2 In short, absent immediate relief, Proposition 50’s congressional map will permanently
3 and irreparably harm Plaintiffs’ constitutional rights. That risk firmly supports issuance of
4 preliminary relief.

5 **III. The Balance of Hardships Tips Sharply in Plaintiffs’ Favor**

6 The third factor, the balance of hardships (or equities), also overwhelmingly favors
7 Plaintiffs. Under the four-factor test articulated in *Winter*, the court must consider “the extent
8 to which the balance of equities tip in favor of the moving party.” 555 U.S. at 20 (2008).

9 Proposition 50’s racial gerrymander violates the Fourteenth and Fifteenth Amendment
10 constitutional rights of California voters of any race who have been districted based on their
11 race and presumed racial voting characteristics. Proposition 50 intentionally places non-
12 Hispanic voters in districts where it is the state’s policy to reduce or eliminate their ability to
13 elect a candidate of their choice because the government has officially determined that
14 district’s representative should reflect the preferences of Hispanic voters, and the government
15 has drawn the district lines to help achieve that goal. The result is that non-Hispanic voters do
16 not have equal power to elect their representatives. The harms to all voters go even deeper;
17 when the State engages in race-based redistricting, it stereotypes all voters “as the product of
18 their race, evaluating their thoughts and efforts—their very worth as citizens—according to a
19 criterion barred to Government by history and the Constitution.” *Miller*, 515 US at 912 (1995).

20 Compare to this, the State’s interests are minimal. The State “cannot reasonably assert
21 that it is harmed in any legally cognizable sense by being enjoined from constitutional
22 violations.” *Zepeda v. U.S.I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983). That is especially true in
23 the election context, given that:

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

1 *Wesberry v. Sanders*, 376 U.S. 1, 17-18 (1964). Indeed, if preliminary relief is denied and
2 Proposition 50's map is implemented only to later be found unconstitutional, the state
3 government (and county governments) will have wasted extensive public resources beginning
4 to implement a map that must be jettisoned and quickly replaced, sowing confusion among
5 voters, candidates, and political parties in the middle of an election.

6 Moreover, Plaintiffs requested remedy simply keeps the status quo and allows the State
7 to continue to use the Congressional districts that were approved by the Citizen Redistricting
8 Commission that, but for the passage of the unconstitutional racially gerrymandered map,
9 would have been in effect through the 2030 elections. The voters are familiar with these
10 districts and keeping the Commission maps during this litigation does not create great
11 confusion about what district voters live in and who represents them in Congress.

12 Without relief Plaintiffs will be deprived of their fundamental rights, statutory
13 protections, or meaningful access to the democratic process under Proposition 50.

14 **IV. An Injunction Advances the Public Interest**

15 Finally, the fourth factor, the public interest, likewise supports granting preliminary
16 relief. In *Winter*, the Court confirmed that courts must ask whether the requested injunctive
17 relief "is in the public interest." 555 U.S. at 20 (2008).

18 Granting preliminary relief advances the public interest in protecting the fundamental
19 right to vote and ensuring fair access to the electoral process. "[I]t is always in the public
20 interest to prevent the violation of a party's constitutional rights." *Am. Bev. Ass'n v. City &*
21 *Cnty. of San Francisco*, 916 F.3d 749, 758 (9th Cir. 2019) (en banc) (citation omitted). The
22 "protection of the Plaintiffs' franchise-related rights is without question in the public interest."
23 *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005).

24 Here, the public interest is served by enforcing the rights and protections afforded under
25 the VRA and Equal Protection Clause of the U.S. Constitution, ensuring fair access to the
26 electoral process, and preserving the integrity of the franchise. Denying relief, in contrast, risks
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SHAWN COWLES (SBN: 163826)
scowles@dhillonlaw.com
MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
DHILLON LAW GROUP INC.
4675 MacArthur Court, Suite 1410
Newport Beach, CA 92660

Attorneys for Plaintiffs

109:06:08

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

HONORABLE JOSEPHINE L. STATON, U.S. DISTRICT JUDGE

HONORABLE WESLEY L. HSU, U.S. DISTRICT JUDGE

HONORABLE KENNETH KIYUL LEE, U.S. CIRCUIT JUDGE

DAVID TANGIPA, et al.,)

Plaintiffs,)

vs.)

GAVIN NEWSOM, et al.,)

Defendants.)

2:25-CV-10616-JLS-WLH-KKL

REPORTER'S TRANSCRIPT OF HEARING

AM Session

Los Angeles, California

Monday, December 15, 2025

AMY DIAZ, RPR, CRR, FCRR
Federal Official Reporter
350 West 1st Street, #4455
Los Angeles, CA 90012

Please order court transcripts here: www.amydiazfedreporter.com

109:33:04 And what are you depicting in this image?

209:33:06 A. So this just once again, I think really shows how nicely
309:33:12 this map conforms to the Hispanic citizen voting age
409:33:16 population contours of the City.

509:33:18 When you fill in the District as it's drawn, almost
609:33:22 all the heavily Hispanic block groups disappear. There is
709:33:26 one right here that gets missed, but overall, it is grabbing
809:33:32 all the Hispanic citizen voting age population in the City of
909:33:36 Stockton in these two adjacent Census designated places that
1009:33:40 it can.

1109:33:41 Q. What about that section that is immediately to the east
1209:33:44 of this appendage?

1309:33:46 A. This area right here is outside the City boundaries.

1409:33:50 Q. If we can now turn to your -- Exhibit 30, your report,
1509:33:55 and we are going to look at Figure 13 through 18.

1609:34:29 Okay, we have Figure 13 up in front of you.

1709:34:36 Can you please explain to the Court what you do with
1809:34:39 Figure 13 here?

1909:34:40 A. So Figure 13 is just going back to the basic district
2009:34:43 boundary, and zooming in. It's similar to the map that shows
2109:34:48 the congressional districts in the area, but this is zoomed
2209:34:51 in on the Stockton area.

2309:34:53 And so you can see, again, how this forms this
2409:34:56 odd-shaped appendage that extends into San Joaquin County.

2509:34:59 Q. And when you were looking to see if race was a

109:35:05 predominant factor in Congressional District 13, this
209:35:09 appendage is one of the areas that you started looking at
309:35:13 because of the appendage?

409:35:14 A. Correct. It's an oddly-shaped boundary. It's the type
509:35:19 of thing that draws your attention when you are looking for
609:35:21 evidence of a gerrymander.

709:35:22 Q. Let's go ahead and move to your next figure, which would
809:35:25 be Figure 14. And can you tell us what we are looking at
909:35:30 here on Exhibit 14?

1009:35:31 A. So, again, this is a little more zoomed out than we had
1109:35:34 in the initial images, showing the -- the District 9/13
1209:35:41 boundary in the Stockton area by politics.

1309:35:44 And so again, you can see that you have this area of
1409:35:47 heavily Democratic voting right here that the district as
1509:35:52 it's coming up just bypasses, and then it goes into this area
1609:35:57 here that is much more politically marginal.

1709:36:00 Q. Okay. If we can now move to 15.

1809:36:06 Can you tell me what we are looking at in
1909:36:08 Exhibit 15 -- or Figure 15?

2009:36:11 A. So this is another take on the data. This -- the
2109:36:15 previous image is one that I generated in the computer using
2209:36:19 the statistical programming software R. It's just the letter
2309:36:24 R. But it's the software package that I think most political
2409:36:28 scientists use nowadays.

2509:36:30 This is coming out of Dave's Redistricting App,

109:36:35 which is the online app that I used to draw not only these
209:36:40 maps but, for example, the maps in Virginia. The actual
309:36:43 congressional State Senate and State House maps were drawn
409:36:46 using Dave's Redistricting.

509:36:48 And so this shows the political contours of the
609:36:52 district boundary. It shades them in. And it's the same as
709:36:57 what happened when I drew the maps, or generated them in R.
809:37:00 You can see, again, the heavily Democratic area down here
909:37:04 that gets included, the heavily --

1009:37:07 Q. Can you mark that on the map what you are referring to?

1109:37:09 A. Yes. This area gets excluded (indicating), this area
1209:37:13 gets included (indicating). And again, if you are trying to
1309:37:16 draw an efficient gerrymander, that is just not a natural
1409:37:20 choice to make.

1509:37:20 Q. Okay. Let's go ahead and turn to Exhibit 16.

1609:37:34 And can you please explain to the Court what you are
1709:37:36 trying to depict with Figure 16?

1809:37:38 A. So this is the -- again, zoomed out, the block group
1909:37:43 shaded by Hispanic citizen voting age population. And it
2009:37:47 shows, again, what we saw in the last image, that this
2109:37:50 district boundary conforms neatly to the Hispanic citizen
2209:37:54 voting age population figures in the area.

2309:37:57 So this area that was skipped over that is heavily
2409:38:00 Democratic is actually a mixed race area where the HCVAP is
2509:38:05 quite low. On the other hand, this area up here that the

109:38:09 district extends into is overwhelmingly Hispanic, even though
209:38:13 it's politically marginal.

309:38:14 Q. And let's turn to Figure 17.

409:38:24 And can you please explain to the Court what
509:38:26 Figure 17 shows?

609:38:27 A. So this was generated kind of in the interest of
709:38:32 completeness. It's the Hispanic voting age population. As I
809:38:36 understand it, we are in the Ninth Circuit and the emphasis
909:38:38 is more on the Hispanic citizen voting age population.

1009:38:41 But just for completeness, you can see the same
1109:38:44 effect, the low areas of Hispanic citizen voting age
1209:38:48 population here get bypassed, the overwhelmingly Hispanic
1309:38:53 areas up here and here (indicating) get included.

1409:38:55 Q. Okay. And I think we have one more figure here, Figure
1509:39:00 18. What are we looking at in Figure 18?

1609:39:06 A. So this is -- the image is generated by Dave's
1709:39:10 Redistricting. Again, a kind of neutral third-party take on
1809:39:14 it, something that I didn't generate myself, and we see the
1909:39:18 same thing. This area is not as overwhelmingly Hispanic as
2009:39:24 this area, which gets included.

2109:39:26 Q. Okay. Thank you very much.

2209:39:27 You've talked -- you've talked a little bit about
2309:39:38 why you believe the mapmaker in this case was targeting
2409:39:45 Hispanic voters to include into Congressional District 13.
2509:39:50 Are you aware of who the mapmaker is?

109:50:33 A. That's right.

209:50:34 Q. Why have you only looked at one district?

309:50:36 A. So I was asked to look at various districts and find the
409:50:42 best example of racial gerrymandering, if there was one,
509:50:46 maybe there wasn't one.

609:50:47 But the best example to my view was this district
709:50:50 here that we are talking about, District 13. There were
809:50:55 other districts I looked at that had some suggestions, but
909:50:58 this was the best case, which is what I was asked for.

1009:51:00 Q. And do you have an opinion about whether a map as a whole
1109:51:08 can be political, but districts can be racial?

1209:51:10 A. Of course. You can draw districts for various reasons,
1309:51:14 especially in areas where race isn't impacted. That --
1409:51:18 again, that District 2 I keep coming back to, has political
1509:51:22 motives, I think. And District 1, even that goes from
1609:51:25 Lassen, I think down to Mendocino, I think that is drawn with
1709:51:29 political motives.

1809:51:30 But this district, when given a choice to do another
1909:51:35 map entirely with political motives, takes a pass, and goes
2009:51:40 into heavily Hispanic areas, bypassing -- literally bypassing
2109:51:45 when the district is being drawn these Democratic areas that
2209:51:49 can improve performance there. And that is where you get the
2309:51:52 racial predominance in this district line.

2409:51:54 Q. So you said that a map as a whole could have both
2509:51:57 political and racial connotations. How about a district, an

109:52:02 individual district, can it have both political and racial?

209:52:05 A. Of course it can have some -- especially in a universe
309:52:09 where race and politics correlate, drawing a racial
409:52:13 gerrymander will have some political connotation. Sometimes
509:52:17 drawing a political gerrymander will have racial
609:52:19 connotations.

709:52:20 That is why you have to do this kind of careful
809:52:22 analysis of the district boundary to say, okay, what is it
909:52:26 that the mapmaker was really focusing on, is he or she going
1009:52:31 out of their way to grab the Democrats, or when the choice
1109:52:35 presents itself, is it going for a racial minority group that
1209:52:39 sacrifices political performance?

1309:52:41 Q. Now, you said that in preparing your testimony today that
1409:52:44 you reviewed some other experts' reports. Correct?

1509:52:48 A. That's correct.

1609:52:48 Q. Did you review a report by a Dr. Rodden?

1709:52:51 A. I did.

1809:52:52 Q. Okay. And I believe in his report he critiqued your
1909:52:55 report that you did not use dot density maps. What is a dot
2009:53:01 density map?

2109:53:02 A. So a dot density map -- the maps that you have seen so
2209:53:05 far in this are called choropleth. It's --

2309:53:05 Q. Explain what that is.

2409:53:09 A. Yeah. And for the court reporter, it's
2509:53:11 C-H-O-R-O-P-L-E-T-H. The less fancy term, I suppose, is a

109:56:20 why that district, when it's going up through Stockton,
209:56:24 passes by this nice area of highly Democratic voters that
309:56:28 have low Hispanic citizens voting age population, to grab
409:56:34 this area of voters, and different Census designated places
509:56:38 that doesn't perform as well. It's to balance out that
609:56:41 racial target to keep the district's HCVAP from falling. And
709:56:47 we see this in the illustrative maps, as well.

809:56:47 Q. So just to ask a couple questions. The former
909:56:49 Congressional District 13 that was drawn by the Commission,
1009:56:54 what was the Hispanic percentage of population in that
1109:57:02 district?

1209:57:02 A. I believe it was -- the HCVAP was 54 percent. The
1309:57:07 particular number is in the report.

1409:57:08 Q. Okay. And after Paul Mitchell drew the Prop 50 map for
1509:57:14 Congressional District 13, what was the percentage?

1609:57:18 A. 53.8.

1709:57:19 Q. So it had a slight change?

1809:57:22 A. HC -- the map has a pretty significant change, it's a
1909:57:26 hundred thousand people, but the HCVAP barely budes.

2009:57:31 Q. So the HCVAP personal changed only slightly?

2109:57:34 A. That's right.

2209:57:35 Q. And what significance does that have in your analysis
2309:57:39 that the mapmaker Paul Mitchell was using race in drawing
2409:57:44 Congressional District 13?

2509:57:45 A. Well again, I think it gives important context to what we

109:57:51 have been talking about earlier in the report, about the way
209:57:52 that the map is drawn when it extends into the Stockton area.
309:57:57 That this is why it bypasses those low HCVAP, heavily
409:58:03 Democratic areas, to get less Democratic, heavily Hispanic
509:58:07 areas. It's the racial -- it's the racial motivation with a
609:58:11 motive now.

709:58:12 Q. So you believe that there was a target that Paul Mitchell
809:58:15 was shooting for?

909:58:16 A. I think that is the upshot of what Dr. Rodden identifies
1009:58:20 with the voters who are actually taken out of the district at
1109:58:24 the southern end.

1209:58:26 Q. As a result of Dr. Rodden's critique on examining the
1309:58:32 voters removed and put back in, what did you do next?

1409:58:36 A. Well, I had recalled a document that -- from HOPE
1509:58:42 suggesting that districts should be drawn in a range from 52
1609:58:46 to 54 percent. I recall that doctor -- that Mr. Mitchell had
1709:58:52 presented to HOPE and talked about the performance in the
1809:58:54 district.

1909:58:55 So I wanted to see, okay, that is interesting. Now
2009:58:57 we have a district that stays within that 52 to 54 percent
2109:59:02 range, and kind of an odd way to get that to happen, are
2209:59:07 there other districts where this happens.

2309:59:09 MR. MEUSER: And for the Court, the HOPE letter that
2409:59:11 the plaintiff -- or the witness just testified to, that is
2509:59:15 Exhibit 12 in your binders.

109:59:15 BY MR. MEUSER:

209:59:18 Q. So in this HOPE letter, there is a communication to the
309:59:24 Commission asking them to draw certain districts with a
409:59:30 certain percentage of HCVAP. Is that correct?

509:59:36 A. That's correct.

609:59:36 Q. And do you recall what that percentage was that was
709:59:39 requested by the Commission -- requested of the Commission
809:59:43 that they draw their HCVAP districts?

909:59:45 A. It was 52 to 54 percent, is kind of the maximal efficient
1009:59:49 distribution of Hispanic citizens.

1109:59:52 Q. And the Congressional District 13 that you are looking
1209:59:56 at, what is that percentage that the HCVAP came in at?

1310:00:02 A. 53.8 percent.

1410:00:03 Q. Okay. As a result of seeing this number in Congressional
1510:00:09 District 13, did you then look at the other congressional
1610:00:13 districts that had a majority/minority of Hispanics?

1710:00:17 A. I did.

1810:00:18 Q. How many majority/minority districts are in the Paul
1910:00:23 Mitchell Prop 50 maps that have a Hispanic majority/minority?

2010:00:29 A. 14 -- or 16, I believe.

2110:00:31 Q. Okay. And how many of those 16 districts have a HCVAP
2210:00:41 number between 50 percent and 55 percent?

2310:00:44 A. So I actually determined 51 to 55, which when you
2410:00:50 consider the error margin, is right in the range that HOPE
2510:00:53 was talking about. And 14 of those 16 fall in that range of

110:00:57 like 51 to 55 percent.

210:00:59 Q. And what was the significance of the HOPE letter to you?

310:01:10 Why do you think that Paul Mitchell even was aware of that

410:01:13 HOPE letter?

510:01:14 A. Well, because he was speaking to HOPE and saying that he

610:01:16 had, you know, made sure that these districts in the --

710:01:21 particularly the Central Valley area, that he had bolstered

810:01:23 the performance in them.

910:01:24 And so again, it's just -- you start to see all

1010:01:26 these threads come together, that HOPE had requested a

1110:01:30 particular range, when Mr. Mitchell speaks to HOPE, he

1210:01:34 reassures them that these districts, particularly in this

1310:01:37 area are going to perform, that they are going to do well.

1410:01:40 And then you see it's 14 districts that all fall within this

1510:01:44 51 to 55 percent range.

1610:01:46 And just, you know, the story really starts to come

1710:01:50 together, at least as I see it.

1810:01:52 Q. Okay. I think it's time that we turn to your

1910:01:54 demonstration maps, which would be found in your report,

2010:02:00 Exhibit 30. And these are -- we are going to look at

2110:02:02 starting at Figure 19.

2210:02:13 And while they are pulling up these figures, can you

2310:02:19 please explain to the Court what a demonstration map is?

2410:02:23 A. So part of the exercise that recently the Court --

2510:02:31 Supreme Court has, to my understanding has really started to

110:04:04 A. I mean, ideally, you have carefully laid out criteria
210:04:08 that the mapmaker was attending to. We don't have that here.

310:04:13 And so you -- in this case, I thought the best way
410:04:19 to proceed was just to use some common criteria that the
510:04:22 mapmaker might have cared about. Having seen District 2 and
610:04:28 then District 49, which sort of looks like a misshapen
710:04:31 saguaro cactus, I'm not sure the mapmaker really cared that
810:04:34 much when push came to shove about compactness. But I tried
910:04:37 to keep the map about as compact as Mr. Mitchell had drawn.

1010:04:40 And looking at some of the splits of municipalities,
1110:04:44 when push comes to shove, I don't know that that is really
1210:04:47 that important, but I tried to keep the splits of
1310:04:51 municipalities about the same.

1410:04:53 Q. Okay. And when you were drawing your demonstration maps,
1510:05:00 what filters were you able to look at when drawing the maps?

1610:05:04 A. So I used the political filters.

1710:05:07 Q. Did you have the ability to look at the racial filters?

1810:05:11 A. I did.

1910:05:11 Q. Did you look at the racial filters while drawing your
2010:05:15 demonstration maps?

2110:05:16 A. I didn't.

2210:05:16 Q. Is there a reason why you didn't look at the racial
2310:05:25 filters?

2410:05:26 A. Well, you don't want to draw kind of a reverse racial
2510:05:30 gerrymander. And what you are really interested in, again,

110:05:33 is, okay, if the mapmaker really is zeroed in on politics,
210:05:38 maybe as an idea of where different racial groups live in
310:05:42 awareness, but isn't doing the X-Acto knife approach, what
410:05:47 are these maps possibly going to look like? Were there
510:05:49 alternatives available that were passed on.

610:05:51 Q. Now, after you drew these three demonstration maps, you
710:05:57 then did an analysis on what you called the Democratic
810:06:02 advantage. Can you please tell the Court what you meant by
910:06:05 "Democratic advantage"?

1010:06:06 A. Well, I wanted to see if the districts that I ended up
1110:06:09 drawing were at least as Democratic as the districts that
1210:06:11 Mr. Mitchell had drawn himself, were they even more
1310:06:16 Democratic?

1410:06:19 Q. And what method did you use to try to determine the
1510:06:22 Democratic advantage of the new demonstration maps that you
1610:06:27 drew without regards to race?

1710:06:31 A. So I looked at the performance in some recent elections.
1810:06:34 This is what I would do if I were evaluating a map as an
1910:06:37 elections analyst in my everyday job. So I took the two
2010:06:42 top-of-the-ticket elections from 2024, the presidential and
2110:06:46 Senate races, and I looked at the gubernatorial race from
2210:06:55 2022.

2310:06:55 Q. And some experts have criticized you for not looking at
2410:07:00 races that went back ten years. Is there a reason why you
2510:07:02 kept your examination just as to the two election years?

111:58:20 Q. Dr. Trende.

211:58:34 A. Hello.

311:58:35 Q. Just a few minutes ago you were talking about the plume
411:58:37 and you were talking about the additional language "not
511:58:40 otherwise justified." Do you remember saying that?

611:58:42 A. Correct.

711:58:43 Q. Do you have any other justified reason why the mapmaker,
811:58:52 Paul Mitchell, drew the lines the way he did?

911:58:54 A. I can't see any reason to do that, other than to keep the
1011:58:58 HCVAP the same. I've heard all kinds of hypotheses and none
1111:59:04 of them really hold together.

1211:59:05 Q. If we wanted to know how Paul Mitchell, the map drawer of
1311:59:11 Proposition 50, would have drawn the map, what would be the
1411:59:15 best way to find out?

1511:59:16 A. To hear from Mr. Mitchell.

1611:59:18 Q. And are you aware that Mr. Mitchell's deposition was
1711:59:21 taken this week?

1811:59:22 A. Yes.

1911:59:22 Q. And what is your understanding of what he told us were
2011:59:27 the criteria he used in drawing the maps?

2111:59:31 A. I understand that didn't come out.

2211:59:40 Q. I believe a few minutes ago you were talking with counsel
2311:59:45 and you said that it is possible to create a majority
2411:59:49 minority district without using race, is that correct?

2511:59:51 A. Correct.

111:59:52 Q. And is it possible to get 14 Congressional Districts
211:59:58 within a tight band of HCVAP, of 51 to 55 percent without
312:00:06 looking at race?

412:00:07 A. I suppose it is possible, but it doesn't seem likely.

512:00:12 Q. If we were to look at your Demonstration Maps B or C,
612:00:18 could the legislature -- or strike that.

712:00:22 In Demonstration Map B and C, what is the Hispanic
812:00:28 CVAP number for those two districts?

912:00:30 A. For District 13, it's around 48 percent, I believe.

1012:00:34 Q. Okay. If we could pull up Exhibit 21. And if we could
1112:00:45 turn to page 2 of this exhibit.

1212:00:48 I'm going to represent to you that what we are
1312:00:50 looking at right here is a press release statement by Senate
1412:00:55 Pro Tem Mike McGuire. And I am looking at the second bullet
1512:01:01 point. Do you see that?

1612:01:03 A. Yes.

1712:01:04 Q. Okay. I'm going to just read this press statement made
1812:01:07 by Senate Pro Tem Leader Mike McGuire.

1912:01:12 "Protecting communities of color and historically
2012:01:14 marginalized voters, the new map makes no changes to historic
2112:01:18 Black districts in Oakland and the Los Angeles area, and
2212:01:20 retains and expands Voting Rights Act districts that empower
2312:01:27 Latino voters to elect their candidates of choice."

2412:01:32 Did I read that correctly?

2512:01:32 A. Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE JOSEPHINE L. STATON, U.S. DISTRICT JUDGE
HONORABLE WESLEY L. HSU, U.S. DISTRICT JUDGE
HONORABLE KENNETH KIYUL LEE, U.S. CIRCUIT JUDGE

DAVID TANGIPA, et al.,)
)
 PLAINTIFFS,) CASE NO.
)
 vs.) 2:25-CV-10616-JLS-WLH-KKL
)
 GAVIN NEWSOM, et al.,)
)
 DEFENDANTS.) PAGES 111 TO 276
)
 _____)

REPORTER'S TRANSCRIPT OF
PRELIMINARY INJUNCTION HEARING
MONDAY, DECEMBER 15, 2025
P.M. SESSION
LOS ANGELES, CALIFORNIA

MIRANDA ALGORRI, CSR 12743, RPR, CRR
FEDERAL OFFICIAL COURT REPORTER
350 WEST 1ST STREET, SUITE 4455
LOS ANGELES, CALIFORNIA 90012
MIRANDAALGORRI@GMAIL.COM

1 Citizen Voting Age Population.

2 Q And what did you do next?

3 A Next I examined -- I wanted to see which
4 candidates -- which party Hispanics generally prefer. So using
5 some survey data, I ran some relatively simple analyses to
6 determine that Hispanics prefer democratic candidates. And in
7 the same analyses, I was able to determine that for these
8 particular elections that I looked at, that white --
9 non-Hispanic white voters also preferred democrats.

10 Q And in preparing your report were there any other
11 documents that you looked at that were relevant for your
12 report?

13 A Yeah. Before I did my -- before I started my
14 report, I was given the transcript from the presentation that
15 Mr. Mitchell made before HOPE, which Dr. Trende also spoke
16 about, where he talked about what he did in drawing the
17 district lines. And it was clear that race played a role in
18 the drawing of the lines.

19 Q At any time did you look at how the commission --
20 the 2021 commission drew the maps?

21 A Yes.

22 Q And what is your understanding as to how many
23 districts the Hispanic is the majority-minority in?

24 A In the commission map, there were 16 districts.

25 Q And are you aware of how many of those districts

1 have been designated as a Voting Rights Act district by the
2 commission?

3 A Yes. On the commission's final report they
4 listed 14 specific districts.

5 Q And how did you obtain -- how did you view the
6 commission's report?

7 A It's on their web page.

8 Q Have you looked -- have you analyzed the
9 Proposition 50 map to determine how many districts are Hispanic
10 majority-minority?

11 A Yes.

12 Q And were you able to determine of -- okay.
13 And how many were there?

14 A There's 16.

15 Q Okay. And were you able to determine how many of
16 those 16 districts were Voting Rights Act districts?

17 A No.

18 Q Why not?

19 A There has been no such designation by anybody.

20 Q You're saying that Paul Mitchell has not made a
21 statement as to which districts were VRA districts?

22 MS. KHANNA: Objection, Your Honor.

23 Mischaracterizing the testimony.

24 THE WITNESS: I have no -- I have not --

25 THE HONORABLE JUDGE LEE: Hold on.

1 THE WITNESS: Oh, I'm sorry. I apologize.

2 THE HONORABLE JUDGE LEE: Overruled.

3 Q BY MR. MEUSER: You may answer.

4 A I haven't seen any statements from Mr. Mitchell
5 saying which, if any, districts were Voting Rights Act
6 districts.

7 Q Okay. You said a few minutes ago that you looked
8 at the HOPE transcript; correct?

9 A That's right.

10 Q Was there anything in the public statements of
11 Paul Mitchell designating any districts as a Voting Rights Act
12 district?

13 A Specific districts?

14 Q Yes.

15 A No. He -- but he talked about voting rights,
16 complying with the Voting Rights Act.

17 Q Okay. And in that transcript it references a
18 letter. Are you aware of that letter?

19 A Yes.

20 Q And that's referred to as the HOPE letter, which
21 is Exhibit 12. If you could turn in your binder to Exhibit 12
22 real quick. You haven't been given the binders?

23 A I don't have any binders.

24 MR. MEUSER: Can we go ahead and put Exhibit 12
25 on the screen? I'm sorry. I thought they were in front of

1 50 percent; is that correct?

2 A Yes. The lower bound of the confidence interval
3 is greater than 50 percent for all of them.

4 Q Now, regarding non-Hispanic whites, in all four
5 of these tables, I see that you're -- the point is above
6 50 percent for the democrats, but there does appear that, you
7 know, 95 percent interval, it drops below 50 percent.

8 What does that mean?

9 A Yes. So our -- our best estimate is the point
10 estimate. And then the 95 percent confidence interval, again,
11 is a -- this is a feature of statistics where we can kind of
12 show you, right, that there is uncertainty in these estimates.
13 And so what that means is that it is possible that less than a
14 majority of the non-Hispanic whites supported the democrat
15 because the lower bound is less than 50.

16 Q Okay. Based upon these tables, do you -- are you
17 able to render an opinion as to whether there is racial voting
18 among whites to prevent democrats from being elected?

19 A I think I'd say that it's hard to imagine that
20 this prong is satisfied. Right. So I'll hedge a little bit,
21 because the 95 percent confidence interval goes below 50. But
22 it seems fairly clear that whites do not vote as a bloc to
23 generally defeat candidates of choice of Hispanics.

24 Hispanics have no problem -- democrats have no
25 problem getting elected in California, right. So that's kind

1 of the first part of it. But it also seems relatively clear
2 that white voters -- a majority or nearly a majority of white
3 voters also prefer democrats.

4 Q And did you do any work to determine what the
5 congressional representation was of the state of California?

6 A Yes.

7 Q And what were your conclusions?

8 A California looked like California itself, the
9 congressional delegation is fairly diverse ethnically and
10 racially.

11 Q Okay. So is there any evidence that you have
12 been able to see that shows that democrats have any trouble
13 winning elections in the state of California?

14 A No.

15 Q Is there any evidence that you were able to see
16 that Hispanics have trouble winning congressional elections in
17 California?

18 A It doesn't appear to be.

19 Q Now, I believe you also talked about the
20 stability of the elections; is that correct?

21 A That's right.

22 Q Why is it important to understand the stability
23 of the elections?

24 A So here I was trying to determine --

25 Q And what page of your report do we need to look

1 What's important is the color of their politics?

2 A Right. Whether they're a D or an R.

3 Q So it doesn't matter if the D is white, Hispanic,
4 black, Asian, it doesn't matter. What's important, based upon
5 what you have seen here, what's the most important thing is the
6 color of the politics; is that correct?

7 A Right. The party, yes.

8 Q And when you're looking at the race of the
9 republican, does it matter if the republican is white?
10 Hispanic? Asian?

11 A No.

12 Q So in conclusion, Dr. Brunell, what are the
13 opinions that you have made in this case here today?

14 A That *Gingles* prongs -- *Gingles* prong 3 in
15 particular doesn't appear to be satisfied. And that would
16 indicate that the state wouldn't be compelled to draw majority
17 Hispanic districts. They could, right. They could voluntarily
18 draw Hispanic districts. There's nothing wrong with that. But
19 that might make a difference in the way we think about whether
20 race played a predominant role in the map or whether it didn't.
21 It's one thing if you're compelled to draw these 16 Hispanic
22 districts; it's another if you're not.

23 Q So you're saying that if the mapmaker used race
24 in drawing the lines, it is your opinion that they would not
25 have been able to satisfy *Gingles* 3 in order to -- in order to

1 prove that there is a compelling interest for why the lines
2 were drawn the way they were?

3 A I don't think that prong 3 is satisfied. And I
4 didn't see any evidence that Mr. Mitchell had counterevidence
5 to that effect, which means that he wasn't -- he didn't have to
6 draw any majority Hispanic districts. He was free to, right,
7 but he wasn't compelled to.

8 And so then if he does it voluntarily and if race
9 is kind of the first thing that you start with, then that may
10 be a good indicator that race was the predominant factor in
11 drawing this map.

12 MR. MEUSER: Nothing further.

13 MR. OSETE: For the record, Jesus Osete for the
14 United States. The United States has no questions for this
15 witness.

16 **CROSS-EXAMINATION**

17 **BY MS. KHANNA:**

18 Q Good morning, Dr. Brunell.

19 A Good afternoon, yes.

20 Q Good afternoon, Dr. Burnell.

21 My name is Abha Khanna and I'm counsel for the
22 defendant intervenor, DCCC. We met recently at your
23 deposition?

24 A We did, indeed. Nice to see you in person.

25 Q Same here.

1 Q Any other statements?

2 A Multiple colleagues that day stated that this was
3 about protecting communities of interests, minority
4 communities, and minority voices.

5 Q Okay. A minute ago you were talking about the
6 elections committee and how you were asking for data as to how
7 the lines were drawn. Did you ever receive that information as
8 a legislature?

9 A I did not.

10 Q What information was given to you that --
11 regarding the package of bills that became Proposition 50?

12 A I received AB 604, SB 209, I believe, and ACA 8.

13 Q And what was in these materials?

14 A It was about how the election was going to be
15 conducted. It was the maps themselves in AB 604 and the
16 constitutional amendment.

17 Q Did you ever receive any analysis as to why the
18 lines were drawn the way that they were?

19 A The only analysis that I received were the map
20 atlas. And in that atlas, the only information --

21 Q Hold on a second.

22 Can you pull up Exhibit 190.

23 MR. MEUSER: I'm sorry. Evidently the witness
24 doesn't have it and we don't have it to put on the screen. Do
25 you by any chance have 190? Can you put it on the screen?

1 THE HONORABLE JUDGE STATON: He can have ours.

2 MR. MEUSER: Okay. Sorry about this. We've got
3 it up on the screen for him now, so -- it's on the screen.
4 He's good. Sorry.

5 Q BY MR. MEUSER: Are you looking at Exhibit 190?

6 A Yes.

7 Q Is this the document you just referred to a
8 minute ago as the atlas?

9 A Yes.

10 Q And this is a document that you received during
11 the week that you were voting on the package of bills that
12 became Proposition 50; correct?

13 A Yes. I received this less than 24 hours before
14 voting on them.

15 Q Okay. What is your understanding of what is
16 contained in this particular document?

17 A These were the districts proposed in Prop 50.

18 Q Okay. What congressional district do you live in
19 now?

20 A The -- under Proposition 50 or --

21 Q Under Proposition 50.

22 A Under Proposition 50, I currently live in
23 congressional district 21.

24 MR. MEUSER: Could you pull up congressional
25 district 21. I believe it's going to be on page 32 or 29. I

1 can't remember.

2 There we go. Thank you.

3 Q BY MR. MEUSER: This is a part of Exhibit 190.
4 This happens to be the tab or the page on district 21; correct?

5 A Yes.

6 Q And this atlas has a particular -- a page like
7 this for every single congressional district; correct?

8 A Yes.

9 Q And this is something that was given to you as an
10 assemblymember; correct?

11 A Yes.

12 Q And congressional -- congressional district 21,
13 this is where you now reside; is that correct?

14 A Yes.

15 Q And when you look at this data given to you by
16 the assembly, does it tell you what the partisan breakdown is
17 of the new congressional district 21?

18 A It tells -- it does not tell me the political
19 partisanship on district 21 but it does tell me the racial
20 information.

21 Q Okay. So on the -- underneath the image, the
22 first line gives the population, the Latino percentage, the
23 Asian percentage, the black percentage, and the other
24 percentage; correct?

25 A Yes.

1 Q And then the second line gives what's -- what
2 we've already heard, the CVAP, the Citizen Voting Age
3 Population numbers; correct?

4 A Yes.

5 Q And it gives all that percentage and that was
6 information that was given to you as the legislature; correct?

7 A It was the only information.

8 Q Okay. You were not given whether the seat was a
9 D plus 5 seat? Or a -- what the voting registration was for
10 these districts; correct?

11 A That is correct.

12 Q So the only data that was given to you as a
13 legislature as to the breakdown of these districts was racial
14 in nature; correct?

15 A Yes, sir.

16 MR. MEUSER: Thank you. I don't think we need
17 this exhibit anymore. But thank you.

18 Q BY MR. MEUSER: After the passage of
19 Proposition 50, did you run a candidate committee regarding
20 Proposition 50?

21 A Yes, I did.

22 Q And what was the purpose of that committee?

23 A It was to defeat Prop 50.

24 Q Okay. And as a result of that campaign, what did
25 you do regarding the passage of -- promoting the passage or

1 defeat of Prop 50?

2 A I worked very hard and traveled across the state
3 to expose the lies that were pushed under Proposition 50.

4 Q What lies do you think were being pushed by
5 Proposition 50?

6 A Well, again, while in the elections,
7 appropriations, and on the floor, I had told my colleagues
8 about how they forced this whole thing upon us in four days.
9 They had put maps in front of us that we couldn't vote on, that
10 they didn't give us the proper data, that if they were going to
11 use the Voter Rights Act, they had to follow the channels. I
12 gave them as many opportunities to correct this entire debacle.
13 And I was shut down.

14 And so I worked on Prop 50 to expose what
15 happened in Sacramento for this sham, as I will refer to, for
16 Proposition 50.

17 Q Now, at any time prior to the passage of Prop 50,
18 did you receive a racial polarized analysis as a legislator?

19 A Nothing outside of the atlas.

20 Q Okay. After the passage of Prop 50 up till
21 today's date, have you ever seen a racial polarized analysis of
22 the new Prop 50 maps?

23 A No.

24 Q Now, as a part of your campaign, did you have the
25 opportunity to write e-mails, to put up websites and put up

109:02:48

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

HONORABLE JOSEPHINE L. STATON, U.S. DISTRICT JUDGE

HONORABLE WESLEY L. HSU, U.S. DISTRICT JUDGE

HONORABLE KENNETH KIYUL LEE, U.S. CIRCUIT JUDGE

DAVID TANGIPA, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 GAVIN NEWSOM, et al.,) 2:25-CV-10616-JLS-WLH-KKL
)
)
 Defendants.)
 _____)
)
)
)

REPORTER'S TRANSCRIPT OF HEARING

AM Session

Los Angeles, California

Tuesday, December 16, 2025

AMY DIAZ, RPR, CRR, FCRR
 Federal Official Reporter
 350 West 1st Street, #4455
 Los Angeles, CA 90012

Please order court transcripts here: www.amydiazfedreporter.com

110:29:58 disproportionately White, and the fact that the Democrats are
210:30:04 predominant in the state, and that Whites also are Democrats,
310:30:10 I believe that translates as Whites are marginally more
410:30:14 likely to be Democrat than Republican, even though
510:30:17 Republicans are almost overwhelmingly White.

610:30:22 Q. You have no evidence that Whites vote as a block to
710:30:26 prevent Hispanics from electing the candidates of their
810:30:28 choice, correct?

910:30:29 A. No evidence that Whites as a class, clear evidence that
1010:30:36 White Republicans and Republicans in general, vote as a block
1110:30:41 to prevent Hispanics who are supporters of the Democratic
1210:30:47 party from electing their candidate of choice in the general
1310:30:51 election.

1410:30:52 Which is to say a Democrat in a Republican
1510:30:55 controlled district, in a district with a Republican
1610:30:58 incumbent, it follows as a matter of, if you will,
1710:31:01 mathematics, combined with the information that Hispanics
1810:31:06 support the Democratic party, that the Hispanic candidate of
1910:31:09 choice in the general election has not been elected.

2010:31:14 MR. MEUSER: I'll take that as a yes, and I'll pass
2110:31:16 the witness back.

2210:31:24 MS. HAMILL: Good afternoon. Julie Hamill on behalf
2310:31:30 of the United States.

2410:31:30 CROSS-EXAMINATION

2510:31:30 BY MS. HAMILL:

111:53:21 of incumbents. It's something that when drawing a -- when
211:53:25 drawing a gerrymander in favor of a particular party, this is
311:53:29 something that is very commonly done.

411:53:31 But whether he made attestations that this is not
511:53:35 something he was doing, this is the first that I have heard
611:53:37 of that.

711:53:37 BY MR. MEUSER:

811:53:39 Q. You have no knowledge of the mapmaker's intent in drawing
911:53:43 Congressional District 13?

1011:53:44 A. That's correct.

1111:53:44 Q. You have no understanding of what the legislature told
1211:53:49 Paul Mitchell to do in drawing Congressional District 13?

1311:53:51 A. That's correct.

1411:53:53 Q. I didn't hear your testimony about this today, but I
1511:53:59 believe it's in your report, and we talked about it last week
1611:54:01 when we were doing your deposition. The old Congressional
1711:54:05 District 13 got rid of a lot of voters out of Fresno County,
1811:54:11 is that correct?

1911:54:12 A. Yes.

2011:54:13 Q. And I believe that number is 76,772 voters out of Fresno
2111:54:20 County?

2211:54:20 A. That sounds familiar.

2311:54:21 Q. Okay. And those 76,772 voters have a Hispanic CVAP of
2411:54:33 60 percent, correct?

2511:54:34 A. Would you direct me to the correct page in my report? I

111:54:38 just don't want to -- I did a couple of different kinds of
211:54:41 analysis in the same vicinity of my report, and I believe we
311:54:45 got a little crossways during the deposition about which was
411:54:49 which. So I want to make sure I'm on the right page here.

511:54:52 Q. It's early in your report. I can go to your deposition
611:54:55 testimony, but if you want to look at your report for these
711:54:57 numbers, you've got your report in front of you.

811:54:59 A. Yes.

911:55:00 Q. Am I correct that 60 percent Hispanic CVAP for the County
1011:55:09 of Fresno that was removed?

1111:55:11 A. For the part of Fresno County that was removed, yes, it
1211:55:21 looks like that was HCVAP of 60 percent.

1311:55:26 Q. Okay. And you did not do any review of the section of
1411:55:37 Madera County that was removed, you just looked at Fresno
1511:55:40 County, correct?

1611:55:41 A. In this section of the report, as we discussed, I also
1711:55:44 discussed Madera elsewhere, and I also have analysis that
1811:55:48 includes all areas of the report.

1911:55:49 Q. But you did not break down Madera County, the HCVAP of
2011:55:56 the voters that were removed from Madera County?

2111:56:00 A. I didn't take Madera County separately and present that
2211:56:04 to the reader. I initially presented something about Fresno
2311:56:07 County, and then for purposes of completeness, discussed the
2411:56:12 entire district.

2511:56:15 There is a separate part of the report where I do

111:56:17 discuss the boundary along near Madera City, but a separate
211:56:23 analysis of Madera County I don't recall doing.

311:56:26 Q. The appendage into San Joaquin County, there was 100,133
411:56:40 voters in San Joaquin County in that appendage, correct?

511:56:44 A. I believe that's correct.

611:56:45 Q. And that was 100,133 voters having a Hispanic HCVAP of
711:56:54 62 percent, is that correct?

811:56:55 A. Yes, I believe that's correct.

911:57:01 Q. Now, a part of your analysis of the voters that were
1011:57:09 removed versus the voters that were put in, at any time did
1111:57:14 you review whether Congressional District 13 was a VRA
1211:57:21 district designated that way by the Commission?

1311:57:26 A. No, I have no knowledge of that. And I would need to
1411:57:30 know what -- in any case what one meant by a "VRA district".

1511:57:34 So, for instance, my hometown of St. Louis might be
1611:57:38 referred to some folks as a VRA district because it has a
1711:57:42 large Black population, but it's never been subject to any
1811:57:45 lawsuits or anything like that. So I don't really know what
1911:57:47 people mean when they talk about VRA districts.

2011:57:51 MR. MEUSER: Can you please pull up Exhibit 34. And
2111:57:55 if memory is correct, we need to go to page 45. Yes. And
2211:58:02 can we blow up that last paragraph right before it says
2311:58:05 section -- right before the 2. Yes. Blow up that one.
2411:58:09 Thank you.

2511:58:09 BY MR. MEUSER:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE JOSEPHINE L. STATON, U.S. DISTRICT JUDGE
HONORABLE WESLEY L. HSU, U.S. DISTRICT JUDGE
HONORABLE KENNETH KIYUL LEE, U.S. CIRCUIT JUDGE

DAVID TANGIPA, et al.,)
)
 PLAINTIFFS,) CASE NO.
)
 vs.) 2:25-CV-10616-JLS-WLH-KKL
)
 GAVIN NEWSOM, et al.,)
)
 DEFENDANTS.) PAGES 401 TO 472
)
 _____)

REPORTER'S TRANSCRIPT OF
PRELIMINARY INJUNCTION HEARING
TUESDAY, DECEMBER 16, 2025
P.M. SESSION
LOS ANGELES, CALIFORNIA

MIRANDA ALGORRI, CSR 12743, RPR, CRR
FEDERAL OFFICIAL COURT REPORTER
350 WEST 1ST STREET, SUITE 4455
LOS ANGELES, CALIFORNIA 90012
MIRANDAALGORRI@GMAIL.COM

1 A Yes.

2 Q And would you agree the percentage associated
3 with CD-13 in this table is 54.05 percent?

4 A Yes, it is.

5 Q Thank you. We can turn back to page 35 of your
6 report.

7 MR. AULISI: If we can zoom back in on table 3.

8 Q BY MR. AULISI: Just to make sure I'm
9 interpreting this correctly, this table does understate
10 democratic performance under the commission map -- I mean the
11 DRA composite election; correct?

12 A Yes. There is definitely a typo there, if I'm
13 reading the report correctly.

14 Q Thank you. I just -- I wanted to make sure I was
15 clear on that.

16 A Yes. Yes.

17 Q And you also assessed the alternative maps
18 presented by Dr. Trende. You've discussed them here today.

19 Am I understanding that correctly?

20 A Yes.

21 Q Thank you.

22 MR. AULISI: Could we turn to the page before
23 this.

24 Q BY MR. AULISI: So I'm going to focus in on
25 Dr. Trende's alternative map for CD-13, which you have entitled

1 here as Trende A, CD-13. What is the democratic performance in
2 a DRA composite election under that alternative map?

3 A 58.29.

4 Q So, in other words, under Dr. Trende's
5 alternative map A, a democratic candidate in CD-13 would
6 perform better in a DRA composite election than she would under
7 the Proposition 50 map.

8 Do I have that correct?

9 A Yes, slightly. And that's what I meant before
10 where I said insignificantly.

11 Q Thank you.

12 And did you perform any sort of statistical
13 significance analysis on that?

14 A No. No.

15 Q Okay. So your use of "insignificant" here was
16 colloquial?

17 A Yes.

18 Q Thank you.

19 I was saying -- I was confirming, so did not
20 perform any form of formal statistical significance analysis?

21 A No.

22 Q So when you just used the word "insignificant,"
23 that was just you speaking colloquially?

24 A Yes. And also using experience.

25 Q I'd now like to focus in on the demographics of

1 CD-13 under the plans that we just discussed. So if you could
2 turn to -- I guess we're on page 34 of your report, but look at
3 table 2.

4 Is it correct to say that under the commission
5 map, the Hispanic Citizen Voting Age Population, there are 16
6 districts with a Hispanic Citizen Age Voting Population of
7 greater than 50 percent?

8 A Yes.

9 Q And the Proposition 50 map has the same number of
10 Hispanic majority districts; correct?

11 A Yes.

12 Q And the plan entitled Trende A on this chart
13 contains the same number of Hispanic majority districts as
14 well?

15 A That is correct.

16 Q So the commission map, the Proposition 50 map,
17 and Trende A all contain the same number of Hispanic majority
18 districts; correct?

19 A Yes.

20 Q And in each of those plans -- strike that.

21 The HCVAP percentage of CD-13 in the commission
22 map is 53.66.

23 Do I have that correct?

24 A Yes.

25 Q And the HCVAP percentage of CD-13 in the

1 Proposition 50 map is 53.75 percent -- or sorry --
2 53.73 percent?

3 A That is correct.

4 Q So the HCVAP percentage of CD-13 increases under
5 the Proposition 50 map compared to the commission map; correct?

6 A It's that slight amount that I mentioned earlier,
7 about .07.

8 Q And, again, to be clear, your report doesn't
9 quantify any uncertainty with using -- or with treating that
10 .07 percentage points as statistically meaningful; right? You
11 don't go into that in your report?

12 A No. No. I don't go into that.

13 Q Thank you.

14 And is it fair to say that the HCVAP percentage
15 under Dr. Trende's alternative map A is 51.81 percent?

16 A Yes.

17 Q And that's lower than the HCVAP percentage under
18 both the commission map and the Proposition 50 map; correct?

19 A That is correct.

20 Q So just to make sure I'm summarizing your
21 testimony correctly, the Proposition 50 map increases the HCVAP
22 percentage of CD-13 while Dr. Trende's alternative map A lowers
23 it?

24 Sorry.

25 So to make sure I understand your testimony

1 correctly, the Proposition 50 map increases the HCVAP
2 percentage of CD-13 while Dr. Trende's alternative map A lowers
3 it; correct?

4 A That is correct. But you also have to include
5 that it's a worse plan.

6 Q But a democrat running in CD-13 would perform
7 better in a DRA composite election under Dr. Trende's
8 alternative map A than would that same candidate in that same
9 election under the Proposition 50 map; correct?

10 A Right. But what I'm saying is his plan had
11 noncontiguous areas, had unequal population --

12 Q We'll get to that.

13 A Right, right.

14 Q I want to start discussing what you've referred
15 to as traditional redistricting criteria. And I'd like to
16 begin first with compactness. So if we could look at page 28
17 of your report.

18 So under sub D, when you're referring to
19 compactness, your report concludes that the commission map has
20 a Polsby-Popper score of .23, while the Proposition 50 map has
21 a Polsby-Popper score of .21; correct?

22 A That is correct.

23 Q So that means that, according to the
24 Polsby-Popper score, the commission map is more compact than
25 the Proposition 50 map; correct?

1 A As I state here, they're similarly compact.

2 Q But it is true that the .23 score is higher than
3 a .21 score; correct?

4 A Numerically you're correct, but they're similarly
5 compact.

6 Q And your report concludes that Dr. Trende's
7 alternative map A has a Polsby-Popper score of .22; correct?

8 MR. AULISI: I think we could go to page 32.

9 Q BY MR. AULISI: Did I read that correctly? Or
10 did I summarize it correctly?

11 A Yes. Plan A has a mean compact -- yes.
12 Polsby-Popper .22, that is correct.

13 Q So using these figures that we've just discussed,
14 Dr. Trende's A configuration of CD-13 is more compact than
15 Proposition 50 -- or than the Proposition 50 configuration of
16 that district; correct?

17 A Once again, I would classify it as similarly
18 compact.

19 Q But it is more compact.

20 A Numerically, yes.

21 MR. AULISI: We can put the blow-up down. If we
22 could go back to page 28.

23 THE WITNESS: It's important to note here that
24 just changing --

25 Q BY MR. AULISI: If you could just let me perform

1 my examination and then just answer the question as I ask it.

2 A I want to put it in context, because I --

3 Q I'm sure my colleague on the other side will have
4 an opportunity to contextualize it on redirect, but I'd just
5 like to get through my questions.

6 A Okay.

7 Q Thank you.

8 So when we then focus on subsection E, which is
9 minimizing political subdivision splits, your report concludes
10 that in both the commission map and the Proposition 50 map
11 CD-13 splits four counties; correct?

12 A Yes.

13 Q And it doesn't appear here, but just from your
14 own memory and from your review of the report, your report says
15 nothing about how many counties CD-13 has drawn in any of
16 Dr. Trende's alternative map splits; correct?

17 A Could you repeat that?

18 Q Your report says nothing about the number of
19 counties CD-13 splits under Dr. Trende's alternative
20 configurations?

21 A I include the data in the appendixes. There's a
22 report for Dr. Trende's --

23 Q That specifically discusses how many counties
24 CD-13 splits?

25 A Yes. You can derive from that.

1 Q Thank you.

2 A Yes.

3 Q Is there a reason why you didn't include that in
4 your report?

5 A No. No.

6 Q Okay. And on --

7 MR. AULISI: We can put that down. We can go to
8 page 29, the next one.

9 Q BY MR. AULISI: On respect for communities of
10 interest, first, in your deposition, you placed a great deal of
11 emphasis on census-designated places as your metric for
12 measuring communities of interest.

13 Do I have that correct?

14 A Yes. It's an unbiased method of looking at
15 communities of interest.

16 Q So on communities of interest, your report notes
17 that the commission map -- or commission configuration of CD-13
18 splits one community of interest.

19 Do I have that correct?

20 A Yes.

21 Q And in the Proposition 50 map, that's six?

22 A Yes.

23 Q Thank you.

24 And on a statewide level, if you look at the
25 second paragraph, the Proposition 50 map splits -- or sorry.

1 The commission map splits 31 of these communities of interest;
2 correct?

3 A I believe so.

4 Q And the Proposition 50 map splits 48; correct?

5 A Yes, I believe so.

6 Q And you acknowledged in your deposition that this
7 amounts to a roughly 50 percent increase in split communities
8 of interest; correct?

9 A Mathematically, it's less than 50 percent, I
10 believe, 16. Maybe a little more, doing the math in my head.

11 Q Do you recall in your deposition acknowledging
12 that it was 50 percent?

13 A I will relinquish and say yes. Can I explain why
14 I think it occurs?

15 Q If my colleague wants to discuss it on redirect,
16 yes.

17 So based on your report if we look at page 33,
18 and zoom in on F, Dr. Trende's alternative A configuration
19 splits only four communities of interest; correct?

20 A Yes.

21 Q Thank you.

22 And on a statewide level, alternative A -- or
23 Dr. Trende's alternative A plan splits 46 communities of
24 interest; correct?

25 A Plan A?

1 Q Yes.

2 A Yes.

3 Q That's fewer than the numbers split under the
4 Proposition 50 map; correct?

5 A Yes.

6 Q I want to go back to something that you started
7 speaking about a few minutes ago. So in your testimony here
8 today in your report you assert that Dr. Trende's alternative
9 plans do not comply with traditional redistricting criteria
10 such as equal population and contiguity.

11 Am I understanding your testimony correct?

12 A When I loaded the plans in, what he provided,
13 analyzed it, that's what I received, yes.

14 MR. AULISI: Can we turn to page 8 of his report.
15 And we can look at the first non-indented sentence there
16 starting with "Dr. Trende."

17 Q BY MR. AULISI: "Dr. Trende's three demonstrative
18 plans do not comply with traditional redistricting criteria
19 such as equal population and contiguity"; correct?

20 A Yes.

21 Q Okay. Have you heard testimony today from each
22 of the defendants and defendant intervenors' experts?

23 A Yes.

24 Q And in all the time that you were listening to
25 the testimony, did any of them suggest that Dr. Trende's plans



IN RE CALIFORNIA STATE SENATE

TRANSCRIPTION OF VIDEO RECORDING

August 18, 2025

CERTIFIED COPY

EXHIBIT

4 App. 212

1 floor.

2 And so with that, it's really difficult for me
3 to call this a transparent process when it's more of a
4 ministerial process that they're hoping we do. And I
5 think that's -- that's not -- that's not something that
6 as legislators is very responsible. It's not a
7 responsible way to address an issue, to rush it through
8 like this. And these amendments do exactly that. 330
9 and some odd pages, folks. I know I didn't have a
10 chance to read them today. I was in appropriations
11 until 5:00, and then over to here and been here since.
12 So, when in the heck am I supposed to read those?

13 So, with that, I would ask that we don't
14 approve these amendments tonight. I know that's kind of
15 a moot point for all of you as we've already been told
16 what we're supposed to vote like. So, with that, thank
17 you, Mr. Chair, for the opportunity to comment.

18 MR. PRESIDENT: Thank you, Senator.

19 Senator Pro Tem McGuire, you are recognized.

20 SENATOR MCGUIRE: Thank you so much.

21 Through the presiding office, I would like to
22 discuss two specific items on the amendments that were
23 raised here tonight.

24 First and foremost was the issue of
25 constitutionality. Under the constitution of the State
26 of California, the Legislature has the right to place
27 constitutional questions onto the ballot. And people
28 have a right to vote on those constitutional challenges.

1 And Legislature does this all the time. So, we believe
2 that we are, per the amendments, in good standing with
3 California's constitution. And, ultimately, the people
4 of this state decide.

5 On the issue of splits and maps, et cetera.
6 No. 1, the Voting Rights Act in all districts in every
7 corner of California is upheld. Full stop.

8 No. 2. There are fewer city splits in the
9 maps that will be in front of us on Thursday than there
10 are in the approved maps by the Independent
11 Redistricting Commission. About three, three and-a-half
12 years ago, fewer city splits than what the Independent
13 Redistricting Commission had advanced.

14 I think the final item on the issue of the
15 maps per the amendments as these were advanced all those
16 minority seats are maintained throughout the state.

17 So, I would respectively ask for an aye vote.
18 I just wanted to advance those here on the floor.

19 MR. PRESIDENT: Thank you, Senator McGuire.

20 Senator Strickland.

21 SENATOR STRICKLAND: Was that a close or no? Okay.
22 Anyway, I would like to say that I believe this body is
23 doing actually opposite of what they should. Because
24 under current law in our constitution, no Member on this
25 body is allowed to even look at a map or affect a map.
26 So, if you were anywhere involved in the process of
27 these maps, you violated the state constitution.

28 State constitution is clear that it says no

1 Member of the Legislature are allowed to involve
2 themselves in the maps. So, the way you should have
3 gone forward is by adopting, again, the authority from
4 the people of California and then adopt the maps.

5 But if any of you on this body had anywhere --
6 you looked at the map and influenced in any way, you've
7 violated the state constitution.

8 And even if you vote on this today, you're
9 violating the state constitution.

10 MR. PRESIDENT: Seeing no further --

11 Senator Chiu. Choi. My sincerest apologies.
12 Senator Choi, you are recognized.

13 SENATOR CHOI: Listening to the debate so far,
14 amendments 338 pages, I would like to see it. This is a
15 moment right now we are debating very, very important
16 future of California. And with this, so many amendments
17 in there even before Bill in Chief has not been
18 considered. We haven't had the consideration in the
19 Committee. It's talking about the amendments and the --
20 all the maps that you have drawn, I don't know who have
21 drawn those, and then I hear some points are
22 unconstitutional. I think this is really a -- raises
23 many, many questions. We need to table this issue and
24 do some studying in there --

25 MR. PRESIDENT: We have a point of order Senator --

26 SENATOR CHOI: -- before we continue --

27 MR. PRESIDENT: -- Choi, we have a point of order.

28 Senator Gonzalez, you are recognized.

STATE OF CALIFORNIA ASSEMBLY

ELECTIONS COMMITTEE MEETING

AUGUST 19, 2025

TRANSCRIBED BY: MARY ANN SCANLAN, CSR



Certified Shorthand Reporters

P.O. Box 330366, San Francisco, CA 94133

o / 415.834.1114 f / 415.399.9266

e / info@scanlanstone.com w / scanlanstone.com

EXHIBIT

5

App. 216

1 So when the lawsuits happen at the local
2 county level as well, because they're split up,
3 who's going to pay for that?

4 ASSEMBLY MEMBER BERMAN: Well, actually,
5 a big distinction between these maps that were
6 drawn in California and the maps that are
7 currently being passed by the State of Texas, for
8 example, are California's maps strictly abide by
9 the Federal Voting Rights Act, which the Texas
10 maps don't.

11 And so we've actually put ourselves in a
12 very good position to defend the maps that have
13 been drawn because the Voting Rights Act and the
14 principles of the Voting Rights Act were taken
15 into very high consideration when those maps were
16 drawn.

17 ASSEMBLY MEMBER TANGIPA: Well, that's
18 interesting. The statement that you made is that
19 Texas did not follow that.

20 ASSEMBLY MEMBER BERMAN: Correct.

21 ASSEMBLY MEMBER TANGIPA: Okay.

22 ASSEMBLY MEMBER BERMAN: It's bad.

23 ASSEMBLY MEMBER TANGIPA: So does that
24 mean that Texas has to redraw?



IN RE CALIFORNIA STATE SENATE CONGRESSIONAL REDISTRICTING

TRANSCRIPTION OF VIDEO RECORDING

August 21, 2025

CERTIFIED COPY

EXHIBIT

8

App. 218

1 certainly go back to that after 2030. Nonetheless,
2 again, referring back to my little history dissertation
3 earlier today and the involvement, reported involvement
4 of the DCCC in this action that is going on that has been
5 developed behind the scenes. One has to be awfully
6 suspicious of significant changes to this process and
7 whether, indeed, the intent or the power to continue on
8 our previous track after 2030 is of great concern to me,
9 and I think should be of great concern to everybody who
10 votes in favor of this ACA and the other two bills that
11 we have, and of great concern to the voters of California
12 once this goes on the ballot.

13 SENATOR WEBER PIERSON: Thank you.

14 Senator Wahab, you are recognized.

15 SENATOR WAHAB: Thank you.

16 I first just want to state that I try
17 really hard to represent my entire district, both
18 Republicans, Democrats, as well as independents, non-
19 voters, new immigrants, and anybody that lives in my
20 district. And I believe that is the role of when we
21 create policy, it is for the entire State of California
22 representing all people, just as when we do a census.
23 It's about all people.

24 And it was referenced about lawsuits. In
25 2023, the Supreme Court ruled in Abbott versus Perez,

1 that Texas's redistricting plan violated the voting
2 writers -- the Voting Rights Act, mandating that voters
3 of color be placed in districts with more opportunity to
4 select their preferred candidates. And continuously we
5 have seen that Texas has been violating the Voting Rights
6 Act since 1965, and even this most recent action in
7 August of this month, of 2025, we are seeing violations
8 being made.

9 And I heard multiple times today a number
10 of things - that you know it's wrong, what's being done;
11 and there's zero transparency; and it's a power grab.
12 And I call that into question. So when President Trump
13 calls for Texas to do a partisan mid-decade redraw, which
14 handed themselves plus five GOP seats behind closed
15 doors, is that okay? Shutting down Democrats in these
16 rushed maps? Is that okay? The fact that California is
17 different. We're giving voters the final say and
18 opportunity to use their voice by voting on this effort.
19 The highest form of transparency for all voters.

20 We hear that it's unconstitutional or
21 overturning the will of the voters. And the US
22 Constitution does not forbid mid-decade redistricting.
23 In fact, California's constitution requires voter
24 approval, which is exactly what we are doing. We are
25 following the rules and going to the voters. The

1 Commission remains in place even after this. This is a
2 temporary safeguard until 2030. And again, it's up to
3 the voters, not politicians deciding whether to authorize
4 this action; that's respecting the will of the people.
5 We are going to the voters.

6 So I've heard Democrats are hypocrites,
7 but the real hypocrisy, I will say, is claiming to
8 support housing, childcare, and healthcare, but voting no
9 consistently on funding those items. Calling themselves
10 the party of law and order but excusing President Trump's
11 attempt to overturn the 2020 election and pardoning the
12 January 6th rioters. Claiming to care about women and
13 children, but blocking the release of the Epstein files
14 of sexual abuse of children and women.

15 Call for the release of the Epstein files.
16 I want to see the Epstein files. I'm sure many of my
17 colleagues, as much as we talk about it, as much as we
18 talk about human trafficking, children, women, women of
19 color, and the abuse of power, call for the release of
20 the Epstein files. And he died under President Trump's
21 administration with a failure of cameras, dereliction of
22 duty of guards, and much more, and the other party is
23 silent.

24 And then people want to say, especially in
25 California, especially at the national level, that

1 Governor Newsom is just raising his profile. Well, guess
2 what? America is getting engaged, and this nation is
3 just now seeing what Californians already know. When
4 others are scared to act, Governor Gavin Newsom shows the
5 courage to lead. As a woman, a daughter of immigrants, a
6 former foster youth, the actions at the federal level
7 have been a direct attack on each of us. For every
8 identity and ideal we hold dear, I'm proud to heed
9 Governor Newsom's call to defend our democracy. Finally,
10 a leader willing to boldly take on what is happening in
11 this country.

12 And so with this vote is giving the choice
13 back to the voters of California. I trust the voters and
14 for the greater good, I respectfully ask for an aye vote.
15 Thank you.

16 SENATOR WEBER PIERSON: Thank you.

17 Seeing no further discussion or debate,
18 Senator Cabaldon, would you like to close?

19 SENATOR CABALDON: Yes. Thank you, Madam
20 President.

21 Let me first remind us of what is in ACA
22 8. The first and critical provision is a call to the
23 Congress of the United States to put an end to this
24 madness that has consumed the country, thanks to Donald
25 Trump and Texas, and submit a constitutional amendment to



IN RE CA ASSEMBLY FLOOR SESSION

TAPE TRANSCRIPTION OF AUDIO RECORDING

August 21, 2025

CERTIFIED COPY

EXHIBIT

9

App. 223

1 weakness that we have right now in our republic
2 is that legislators are not standing up to
3 executives of their own party. Thank you, Leader
4 Gallagher. And that's what we need to do. Thank
5 you, Leader Gallagher. Assemblymember Carrillo,
6 you are recognized.

7 MEMBER CARRILLO: Thank you, Mr. Speaker and
8 members. I rise in support of ACA 8. This is a
9 rough position that our country and our democracy
10 is in these days. Leaders in D.C. and across
11 the country have time and time again proven that
12 they are willing to bend, stretch, and outright
13 break the law if it means they are gaining more
14 power. They are unashamedly trying to change the
15 rules in the middle of the game, undermine our
16 institutions. And chess flat cheat because they
17 know that is what it will take for them to have a
18 chance to win. I urge you to support this
19 measure to give our constituents and our state a
20 chance to fight with even odds. If at halftime
21 one team decides they're going to play the second
22 half with 15 players instead of 11, we can
23 disagree and cry foul all we want, but we will
24 Play the second half by the same old rules. With
25 11 players, we put our team and the people we're
playing for at a huge disadvantage. And for

1 what? Pride? Principle? No members. There is
2 far too much at stake. They have made that
3 painfully clear. Obviously, all of us on this
4 floor would rather not be spending our time on
5 this issue. There is certainly no shortage of
6 pressing issues our constituents need us to
7 address. But the unfortunate reality is that
8 this president has manufactured this issue. And
9 I would argue that there is no issue more
10 pressing than ensuring Californians get the
11 opportunity to play by the same rules as the rest
12 of the country, even if we don't like what those
13 rules are. Members, I urge you. I vote on AC8A.
14 Thank you. Thank you, Assembly member Carrillo.
15 Assembly member Mark Gonzalez, you are
16 recognized.

17 MEMBER GONZALEZ: Thank you. Mr. Speaker
18 and members, I rise today in strong support of
19 ACA 8, the map that leads to you. Because this
20 is not just about redistricting. It is about the
21 survival of our democracy. I was born in
22 McAllen, Texas, where voter suppression wasn't
23 theory, it was reality. I saw neighbors turned
24 away at the polls. I saw families silenced. I
25 saw entire communities erased from the map. As a
Latino, I know exactly what it looks like when

1 politicians draw racist maps to hold power. When
2 they decide some voices count and others do not.
3 That memory never leaves you. And now I see
4 Trump and his allies running the same playbook
5 across Texas, across Florida, across this
6 country. They cannot win on ideas. They cannot
7 win on compassion. They cannot win on the
8 merits. So what do they do? They change the
9 rules. They rig the lines. And as our Texas
10 Democratic colleagues said yesterday, they shield
11 their racism with their party line. That is not
12 patriotism. That is oppression with a ballot in
13 its hand. This is an emergency. Trump has
14 already shown us the length he will go. He sent
15 ICE agents to the schools where our children
16 learn, the churches we pray, the fields where we
17 work to intimidate, to divide, and to silence
18 dissent. He weaponized fear against immigrant
19 families because he knows cruelty is cheaper than
20 compassion. He tore families apart not to keep
21 our country safe, but to score political points.
22 California protects families. We do not divide
23 them. And look at health care. Trump's big,
24 ugly bill ripped \$900 billion out of Medicaid
25 just to line the pockets of the wealthy few.
That is not reform. That is robbery. It

1 threatens coverage for 3 million Californians,
2 puts our seniors at risk, and sends rural
3 hospitals to to their graves. Seniors, children,
4 working families left with nothing. That's not
5 policy. That is punishment. This is life and
6 death. And yet, while they strip our people of
7 health care while they weaponize immigration
8 raids, while they tilt the scales of democracy.
9 What they fear most is not us. What they fear
10 most is the people. This is why ACA matters.
11 This measure does not force maps on anyone. It
12 gives California a choice. It lets the people
13 hold the pen and draw their future. So I ask,
14 why are Republicans so afraid of the people? Why
15 are they so afraid of democracy itself? Every
16 state in America should have independent
17 redistricting. Every voter should have a choice.
18 But until they do, California cannot and will not
19 play the by rigged rules. If Texas wants to
20 carve up districts to keep their wannabe dictator
21 in power, we will not bow. If Florida wants to
22 silence voters of color, we will not sit quietly.
23 Because when democracy is attacked, silence is
24 surrender. And California has never been and
25 will never be a state that surrenders.
California will fight back. Because this is not

1 just about the maps. This is about dignity.
2 This is about whether a Latino child in Texas, a
3 black family in Florida, or an immigrant
4 community in California has a voice in their own
5 democracy members. History is watching. Our
6 communities are watching. And they will remember
7 not just what we said in this chamber, but
8 whether we had the courage to act. ACA 8 is that
9 act. It's not just a bill, it's shield. A
10 shield against racist maps, a shield against
11 voter suppression, A shield for democracy itself.
12 It's not just a policy. It's a promise. A
13 promise that democracy in California will not be
14 dictated by the hand of tyranny, but written by
15 the will of the people. I did not come to this
16 floor, like many of you, with the polite request.
17 I came with a call. A call to conscience, a call
18 to courage and a call to history. Democrats
19 fight to survive. Republicans fight to dominate.
20 And when you fight to dominate, you stop at
21 nothing. You cheat, you rig. You kill democracy
22 in the process. Because democracy may bend, but
23 here in California, it will not break. Not on
24 our watch. Not on this floor, not in this state.
25 Sisas Pueda, I respectfully ask for your. I
vote. Thank you, Assemblymember Mark Gonzalez.

1 Assemblymember Banta, you are recognized.

2 MEMBER BANTA: Thank you. Mr. Speaker and
3 members, I rise today on behalf of the
4 Beautiful people of 8018 of Oakland, Alameda
5 and Emeryville, and as a proud co author of
6 AC88, which would allow each and every
7 Californian the opportunity to weigh in on our
8 very future. The President and the
9 Congressional majority have been so focused on
10 implementing the deeply unpopular policies of
11 Project 2025 that they forgot about the will
12 and needs of the people that they serve. Since
13 the policies of the federal administration and
14 that majority are so incredibly unpopular, they
15 decided they needed to rewrite the rules to
16 win. From Texas to Florida to Indiana, this
17 administration is pressuring governors to
18 create new red districts to silence Americans
19 nationwide. ACA 8 is a direct response to the
20 life threatening policies that Trump and this
21 majority Congress have taken. And this AC8 is
22 our opportunity, the people's opportunity to
23 empower Californians to neutralize that threat.
24 Californians are witnessing for the firsthand
25 the very devastating effects of this
presidency. That's why we must treat this like

CAPITOL WEEKLY PODCAST

AUGUST 15, 2025

TRANSCRIBED BY: MARY ANN SCANLAN, CSR



Certified Shorthand Reporters

P.O. Box 330366, San Francisco, CA 94133

o / 415.834.1114 f / 415.399.9266

e / info@scanlanstone.com w / scanlanstone.com

EXHIBIT

10
App. 230

1 worked in my career, and one of the most
2 important and maybe potentially impactful things
3 I've ever done in my career.

4 MR. EHISEN: Well, before we came on the
5 air you noted it's taken a little bit of a
6 physical toll on you, right?

7 MR. MITCHELL: I think you can tell from
8 looking at me I've lost seven pounds. I've, you
9 know, lived off of chicken nuggets and Diet Cokes
10 and I'm all out of chicken nuggets. So it's
11 been -- yeah, it hasn't been the best for your
12 health. I wouldn't suggest this to anyone.

13 But, you know, the focus really was on
14 trying to put together a work product that we
15 could be proud of given the fact that
16 Redistricting Partners has only done nonpartisan
17 redistricting.

18 We did the New York Independent
19 Redistricting Commission twice. We did LA, you
20 know, San Jose, like 15 counties, 38 cities in
21 California, always doing redistricting with a
22 focus on the Fair Maps Act.

23 And, you know, I've done Zooms with
24 clients that wanted to hire us. And I would say
25 to them beforehand, do not tell me where your

1 incumbents live. I will not meet with your
2 incumbents to like, you know, draw whatever they
3 want in their district. We're going to do a
4 fully transparent process. Everything that we're
5 talking about redistricting has to be done in
6 public meetings. No closed sessions.

7 There's been this whole culture of our
8 company and we wanted to try to bring the same,
9 you know, values to this process, even though
10 we're in a position, because of Texas, where we
11 have to insert partisanship into this process.

12 Not our choice. Not our choice to do any
13 of this. But if we were going to do it, we
14 wanted to do it with the same kind of California
15 values and the values that our company has. And
16 unlike Texas, you know, we wanted to, you know,
17 do this right.

18 And I feel like there's metrics that we
19 have in these plans that will kind of shock a lot
20 of people in terms of just how consistent they
21 are with the Commission work product and how
22 different they are than the crazy maps that you
23 would see on Twitter.

24 MR. EHISEN: Well, you know what, that is
25 a really good point to follow up on here.

HISPANAS ORGANIZED FOR POLITICAL EQUALITY

(HOPE)

PRESENTATION ON ZOOM

OCTOBER 17, 2025

TRANSCRIBED BY: MARY ANN SCANLAN, CSR



Certified Shorthand Reporters

P.O. Box 330366, San Francisco, CA 94133

o / 415.834.1114 f / 415.399.9266

e / info@scanlanstone.com w / scanlanstone.com

EXHIBIT

11

App. 233

1 submit questions to Sonja directly. That way
2 she'll be, you know, monitoring and can reply to
3 them since we didn't have time in the open Q&A
4 portion.

5 But thank you so much, Sonja.

6 And with that, I'm going to welcome Helen
7 back onto the stage.

8 MS. TORRES: I agree with you, Maria, that
9 is a fantastic way to kick off.

10 Thank you again to Sonja.

11 Sonja, I think that you do have two
12 questions in the Q&A box, if you have a moment to
13 review those. I think one in particular is for
14 clarification.

15 So I'm excited to continue this
16 conversation with someone that we have known at
17 HOPE for almost 20 years. He has been a key
18 presenter at all our HOPE Leadership Institute
19 sessions, or the majority of them, and that's our
20 next speaker, Paul Mitchell.

21 He is one of California's leading experts
22 on redistricting and political data. He's been
23 directly involved in drafting the map that
24 California voters will be deciding on this
25 November.

1 Paul has worked closely with the State's
2 Independent Redistricting Commission in the past,
3 so he brings a unique perspective on both the
4 process and the specifics of Prop. 50, the
5 Prop. 50 maps.

6 Paul, thank you so much for joining us
7 today.

8 MR. MITCHELL: Thanks for having me.

9 MS. TORRES: So, Paul, I thought we'd
10 start with one key question. You have been
11 directly involved in drawing the Prop. 50 maps.
12 Can you walk us through how you approached
13 developing these maps?

14 Specifically what factors, you know, that
15 you used, especially what you're required by law
16 as your guidelines? And where do you see -- and
17 where do you have more flexibility?

18 MR. MITCHELL: Sure. And thanks for
19 having me. It's always fun to come and speak
20 with you.

21 For folks who know me, a lot of people
22 know me through my work at Political Data. So if
23 they're tracking the election right now, then
24 they might be looking at early vote data that I'm
25 putting out. And if they've run for office, they

1 might use PDI.

2 But my other hat is that I'm the owner of
3 Redistricting Partners. We're a redistricting
4 firm that's done over a hundred local
5 redistrictings, all nonpartisan. We've done
6 nonpartisan redistricting with a number of
7 commissions, from Los Angeles to New York City to
8 New York state's redistricting, where we've
9 worked twice in New York state.

10 We've even helped stand up independent
11 redistricting commissions, like where we advised
12 the Ethics Commission in New Mexico on the
13 creation of their first Independent Redistricting
14 Commission. So I've been very tied to
15 nonpartisan and commission-based redistricting, a
16 real fan of it for a long time.

17 And when this first -- when I was first
18 approached about this, it wasn't even at first
19 like, well, how would I draw the maps? My first
20 reaction was like, there's no way that we can do
21 this. Voters love the Commission. And I support
22 the Commission's work. And why would voters give
23 the Legislature the authority to redraw lines?

24 And so a lot changed after Texas did what
25 they did to, you know, redo their maps responding

1 to President Trump. And the idea of this as
2 being a counterbalance to what Texas was doing
3 became a core kind of idea of this project. And
4 then a commitment that it goes back to the
5 Commission afterwards. That all of this is
6 temporary. So even before I started looking at
7 potential maps, that was what I was thinking
8 about.

9 Now, when I was first talked to by folks,
10 I won't call out any names of elected officials,
11 but I did have some elected officials call me and
12 say, well, if Texas is going to throw away the
13 VRA, we should just throw away the VRA. You
14 should just draw anything you can. Don't worry
15 about the VRA.

16 And I would be like, okay, thanks for
17 calling. But there was no way that I was going
18 to do that. Folks who work with me understand
19 that. And also, I just felt like that was going
20 to be the wrong strategy.

21 So the first real thing I took at -- to
22 answer your question, how did we start
23 approaching drawing maps, it was by utilizing the
24 State Fair Maps Act criteria and the
25 Redistricting Commission's criteria and the

1 Redistricting Commission's actual maps.

2 So one of my first rules of the process
3 was that we would follow the Commission process
4 and have a lot of respect for the Commission work
5 product.

6 We would also preserve communities of
7 interest. And I have worked, like I said, in so
8 many parts of this state, and my staff, that all
9 kind of came back on a volunteer basis to work on
10 this, had all worked in so many places that we
11 knew where those communities of interest were.
12 We've been active in the state redistricting
13 process.

14 And following the Voting Rights Act was
15 very important. Even though, as of today,
16 there's a Supreme Court hearing to potentially
17 dismantle it, we still were holding to it.

18 Now, when we really knew that this was
19 real, I sent a text to my little chat of all my
20 Redistricting Partners staff. And I said, guys,
21 this might happen. Who can get on -- we call it
22 the box. Who can get on the box and start
23 drawing? And this is what I want to draw.

24 And I started listing out this concept of
25 drawing a replacement Latino majority/minority

1 district in the middle of Los Angeles. That was
2 the number one thing that I first started
3 thinking about because it was something that I
4 worked with HOPE on in the last redistricting
5 process.

6 I'm going to read for a second -- I hate
7 doing this on a presentation, but I'm going to
8 read from a HOPE letter from November 24th, 2021,
9 where it said, HOPE is concerned about the
10 elimination of a majority/minority Latino
11 district within the area of Los Angeles gateway
12 cities.

13 The seat, which is called by the LA Times
14 the most Latino district in the country,
15 disappeared off the map despite the growing
16 Latino population throughout the state.

17 And that letter on page 2 illustrated what
18 HOPE wanted to see done in a coalition with a lot
19 of other partners in Los Angeles. And it said,
20 number one, create a gateway cities district
21 centered around Downey, as described in the
22 analysis, allowing for the creation of five
23 Latino majority/minority districts in an area
24 where there are currently four.

25 Secondly, take the district that was

1 called LB North, which is now the Robert Garcia
2 district, take that district to the south through
3 Seal Beach into Huntington Beach, making a
4 Latino-influenced district at 35 percent Latino
5 by voting age population.

6 That two bullet points was the first thing
7 we did in drawing the new map. We essentially
8 reversed the Redistricting Commission's decision
9 to eliminate a Latino district from LA, the old
10 Ed Roybal district, Lucille Roybal-Allard
11 district, the first Latino majority/minority
12 district in the country, the first Latino member
13 of Congress in the country.

14 We put that district back. Eliminated
15 the -- basically moving the 41st over there and
16 eliminating the Ken Calvert district in
17 Riverside, and then moving the districts around
18 in order to fill in.

19 Now, did that just come up in our head
20 like, hey, it's 2025, let's draw this? No. We
21 went back to maps the Commission was considering.
22 We went back to proposals from HOPE, Equality
23 California, a number of groups that were trying
24 to advocate for these changes in the end of the
25 last redistricting process.

1 So what we did, which you could only do in
2 California, was we took the Commission map. We
3 kept about 80 percent of it the same, but in
4 certain areas we made small, modest changes in
5 order to create a push back to what Texas was
6 doing, an opportunity for Democrats to pick up
7 five seats, and to counterbalance the five
8 Republican seats in Texas.

9 And in doing so, we were able to keep a
10 large number of communities of interest together.
11 We were able to reduce the numbers of cities that
12 were split. We were able to protect the Voting
13 Rights Act.

14 The Voting Rights Act analysis that we got
15 back said -- and, again, I'll read -- while both
16 the Commission map and the draft map are
17 compliant with Section 2, the empirical evidence
18 shows that the public submission map, which is
19 the Prop. 50 map, improves the opportunity for
20 Latino voters to elect candidates of choice in
21 two more districts than the existing plan.

22 And then PPIC just put out an analysis
23 last week that said that our plan maintained the
24 status quo in terms of the Voting Rights Act and
25 added one more Latino-influenced district.

1 So there's a good story to tell about what
2 these maps have done, and that how we did it
3 really was building off of the Commission work
4 product, keeping the same values that the
5 Commission and Californians have, doing modest
6 changes, and, you know, doing the minimum we had
7 to in order to achieve the political goal while
8 protecting communities of interest.

9 MS. TORRES: Thank you, Paul.

10 It's always good to hear my words being
11 read back to me --

12 MR. MITCHELL: Sorry.

13 MS. TORRES: -- from the flood of ideas
14 that --

15 MR. MITCHELL: I didn't warn you I was
16 doing that, so anybody knows that was not
17 planned.

18 MS. TORRES: That's okay.

19 MR. MITCHELL: She did not know I was
20 going to do that.

21 MS. TORRES: But I think you made your
22 point that the crafting of these maps, Prop. 50
23 maps, it wasn't just, you know, you and a couple
24 bad scientists coming together. It's really
25 truly individuals that are -- and building on the

1 current maps that are out there.

2 And, you know, there is no denying it.
3 You mentioned that two great sources, especially
4 PPIC, that, you know, is calling out that this
5 will potentially create a Latino -- an additional
6 Latino seat, or replace -- or bring back the
7 Latino seat that we lost in the past.

8 With that, and trying as much as we can to
9 keep it nonpartisan, from your perspective, what
10 should Latino voters pay the most attention to
11 when it comes to this -- to these Prop. 50 maps?

12 MR. MITCHELL: Well, I think that when we
13 get into 2026 election cycle, and presuming these
14 maps pass, I think it's about organizing. There
15 will be different districts in LA in particular.
16 So every district -- because there's this
17 replacement of the Roybal-Allard district in the
18 middle of the gateway cities portion of LA, that
19 essentially moved a bunch of districts going
20 through San Gabriel Valley, through the Inland
21 Empire, where those members of Congress had to
22 look at a map and say, wait, that's not my
23 district. My district got changed significantly.

24 So you're going to have a lot of members
25 of Congress that are going to be running in new

1 areas. And then in particularly the Robert
2 Garcia district that's going to now be Long
3 Beach, goes down into Huntington Beach, which has
4 been pretty antagonistic towards Democrats,
5 somewhat antagonistic towards minority groups,
6 and vehemently antagonistic against the LGBTQ
7 community.

8 And so you've got some places where he
9 needs to get support and get engaged folks to
10 support and do turnout there for Latinos to
11 protect a Latino member of Congress in a district
12 that is still a Latino-influenced district, but
13 is no longer a majority/minority district because
14 his district, most Latino portions go into the
15 replacement Roybal-Allard district. So that's
16 one big thing.

17 The other big things are the big things we
18 always talk about, which is trying to get Latinos
19 to vote earlier so that they're not scrambling to
20 try to get them out to the polls on election day.

21 Looking right now just at the Prop. 21
22 [sic] vote, Latinos are 28 percent of the
23 registered voters, but only about 13 percent of
24 the votes that have come in so far. So getting
25 Latinos to vote earlier.

1 Getting Latinos to, you know, make best
2 use of all the methods of voting, whether it's by
3 mail, drop box, or in person at a vote center,
4 and just really kind of focusing on that
5 engagement.

6 The Prop. 50 maps I think will be great
7 for the Latino community in two critical ways.
8 One is that they ensure that the Latino districts
9 that are the VRA seats are bolstered in order to
10 make them most effective, particularly in the
11 Central Valley.

12 And then, secondly, have to hazard a
13 guess, and I don't want to be too political or
14 partisan here, but I have to hazard a guess that
15 whoever gets elected in that gateway cities
16 district in Los Angeles, it's a majority/minority
17 district, is going to be a better representative
18 for the community than the representative being
19 elected from the Ken Calvert seat.

20 So I think there are opportunities
21 throughout the map where you might get somebody
22 better representing San Diego/Palm Springs area
23 in a new seat that is drawn under Prop. 50 than
24 you would under the existing Darrell Issa
25 district.

1 So I think there are opportunities there
2 in the substance of the maps and the outcomes of
3 the maps, and I think there's a lot of
4 opportunities in terms of kind of those VRA
5 concerns as well.

6 MS. TORRES: So, Paul, you know, I know I
7 only have a couple more minutes with you, but I
8 wanted to come back to just clarify.

9 You mentioned Prop. 21, but I think you
10 were mentioning -- did you mean to mention
11 Prop. 50 and what the voting count looks like
12 now? Because you're tracking that, right, how
13 much voters --

14 MR. MITCHELL: Oh, I'm sorry. Yeah. I
15 don't know.

16 MS. TORRES: Yeah.

17 MR. MITCHELL: Maybe I misspoke. Yeah.
18 So the Prop. 50 tracker, we have it up now, so
19 we're processing ballots that are -- the counties
20 are processing the ballots that are coming in.
21 And right now Latinos are 28 percent of the votes
22 that have been cast for Prop. 50. And, you know,
23 they're 28 percent of registered voters, and only
24 about 13 percent of the votes that have been cast
25 so far.

1 So, yeah, if I said 21, it might just be
2 because I was thinking about the --

3 MS. TORRES: So just so I'm clear.

4 MR. MITCHELL: Yeah. Yeah.

5 MS. TORRES: Latinos make up 28 percent of
6 the voting population in California, and about --
7 we're tracking at 13, 16 percent of ballots --

8 MR. MITCHELL: Of the ballots that have
9 been returned.

10 MS. TORRES: And is that usually what you
11 see? Because Latinos seem to vote later; is that
12 correct?

13 MR. MITCHELL: So Latinos have
14 traditionally voted later. Also, when we talk
15 about Latinos on the voter file, we're talking
16 about younger voters. Because your average
17 Latino on the voter file is a lot younger than
18 the average White voter, as an example.

19 So in addition to Latinos voting more on
20 election day, you also have younger people less
21 responsive to their mail. They're not checking
22 their mail every day and mailing their ballot
23 back right away.

24 So those are things that can be worked on
25 in order to bring a fuller turnout from all these

1 communities, whether it's Latinos or young people
2 or renters, or different groups that kind of
3 socioeconomically are traditionally lower turnout
4 or later voters in the process.

5 MS. TORRES: And I'll just -- you know, I
6 think you already answered the question what this
7 map means for long-term political -- Latino
8 political power in the state, especially leading
9 to 2032, but if you wanted to add anything else
10 to that.

11 And then, Paul, you know, there's always
12 this conversation of the lack of investment made
13 by everyone that has to do with either political
14 parties or, you know, when it comes to
15 propositions in the Latino vote. Really, you
16 know, investing in getting the vote out.

17 Any thoughts around that, and as well as
18 any ending words around the Latino -- long-term
19 Latino power, political power?

20 MR. MITCHELL: Well, yeah, this is
21 definitely something we've talked about a lot.
22 And a lot of what HOPE does has been instrumental
23 in helping turn the tide on that, you know.

24 I'm sitting and talking with members of
25 Congress that were part of a HOPE class that I

1 spoke to ten years ago. It's literally happened.

2 I've met with people who are new elected
3 officials and they were people who saw me present
4 on voter data, you know, 15 years ago.

5 So a lot of what you're doing to create
6 that culture is incredibly important.

7 Also, pushing the political parties and
8 pushing consultants to recognize the importance
9 of the Latino vote. And not just to only target
10 the most very, very, very likely voters.

11 You know, even at PDI we've created voter
12 universes that are targeted to get those likely
13 voters, but also bring in some of the less likely
14 voters among the Latino, Asian and Black
15 communities in order to make what we call equity
16 universes. And those universes, we've encouraged
17 consultants to target those voters.

18 Because part of the challenge of these
19 campaigns is you have a campaign consultant who
20 says, well, I want to spend this, you know,
21 \$50,000 as efficiently as possible.

22 But then you also have the bigger need in
23 the long term that if that consultant is only
24 mailing to the most likely voters, all they're
25 doing is reinforcing the most likely voters to

1 vote.

2 They need to also be mailing to the less
3 likely voters, and texting and phoning and doing
4 digital and pushing to the less likely voters to
5 get them to turn out as well. Because if
6 somebody gets five mailers and somebody else gets
7 one mailer, the group that gets one mailer is
8 going to be lower turnout.

9 So we want to make sure that when we're
10 pushing candidates, to make sure they're talking
11 more inclusively to all voters. When we're
12 talking to consultants, when we're, you know,
13 talking about how money is spent in campaigns,
14 that it's being done in a more equitable way to
15 ensure that we're not creating a permanent lower
16 voting class in our total electorate.

17 So that's one thing that we've had
18 conversations about, and I've had conversations
19 with a lot of consultants about. Or, you know,
20 Mindy Romero, as an example, has done a lot of
21 work on trying to push this kind of argument
22 about turnout. So I think there's a lot of work
23 that still needs to be done, obviously.

24 MS. TORRES: Thank you, Paul. And always
25 a pleasure to hear from you. And may St. Paul

1 continue to be prosperous in his map making.

2 Thank you so much for your time.

3 MR. MITCHELL: Thank you very much and
4 take care.

5 MS. TORRES: Appreciate it.

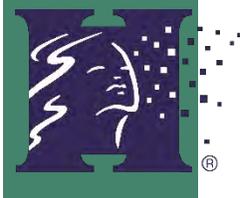
6 MR. MITCHELL: Good-bye.

7 MS. TORRES: Now we're going to turn to
8 our third guest. Gosh, I just feel we have
9 incredible speakers lined up for you, and I hope
10 it's bringing a full -- we'll be bringing a full
11 picture of all that's at stake with the upcoming
12 special election.

13 So, once again, thank you, Paul, for
14 breaking down the Prop. 50 map for us.

15 To provide some balance, we now turn to a
16 different perspective. Joining us is Fabian
17 Valdez, Jr., who leads Redistricting Insights,
18 data-driven approach to redistricting as their
19 chief demographer, with expertise in predicting
20 models at GIF Mapping and Database Systems.

21 Fabian has led projects from supporting
22 mission-driven organizations and government
23 agencies to guiding nonprofits through
24 redistricting initiatives. His insights here
25 will help us understand the critiques and



HOPE

Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814
votersfirstact@crc.ca.gov

November 24, 2021

Dear Commissioners,

I am writing you with urgent concern, on behalf of Hispanas Organized for Political Equality (HOPE), regarding the congressional drafts you released on November 10th and will begin adjusting on this coming Monday, November 29th.

In particular, HOPE is concerned about the elimination of a majority-minority Latino district within the area of Los Angeles' Gateway cities. The seat, which was called by the Los Angeles Times the most Latino district in the country, disappeared off the map, despite the growth in Latino population throughout the state. This seat was absorbed by neighboring districts, with most of it going into a district "LBNORTH" which is only 40% Latino when looking at eligible voters.

Throughout HOPE's 32 years of community leadership, we have remained committed to our mission, ensuring political and economic parity for Latinas through leadership, advocacy, and education to the benefit of all communities and the status of women.

The work of HOPE and the influential base of HOPE graduates, local activists and local leaders has led a reformation of governance at every level – making our elected officials look more like the people they represent. Most recently this past fall, HOPE trained over 400 Latinas across California on importance of redistricting to all of our communities and the need for diverse representation. This movement and commitment has yielded important successes: Today there are more Latinas in elected government than ever before.

This revolution has been due to organizing and changes in how California conducts elections. The California Voting Rights Act has created more districted elections, benefiting Latinas who are seeking local office. And fair districts drawn with the Voting Rights Act in mind have expanded the number of legislative and congressional districts that can express the values and political choices of the state's growing Latino population.

HOPE has always been a supporter of independent redistricting and we are all grateful for your work on this daunting task. We also appreciate public statements by commissioners regarding the coming final weeks of the commission work and changes that need to be made to the map, particularly around the VRA issues in Los Angeles.

EXHIBIT
12

In order to help with your work I am attaching an analysis from two respected Southern California researchers, Christian Grose and Natalie Masuoka, who have looked closely at the draft lines and need under the Voting Rights Act to return a Latino Majority Minority district to the congressional plan in Los Angeles.

Based on this analysis, we believe the commission could achieve something that would be consistent with the Voting Right Act and also empower more communities of interest. The three steps would be:

- 1) Create a new GATEWAYCITIES District centered around Downey, as described in this analysis, allowing for the creation of FIVE Latino Majority minority districts where there currently are four.**

- 2) Take the current LBNorth seat to the south, through Seal Beach into Huntington Beach, making that a Latino influence seat at 35-40% Latino by voting age population.**

This would return to Los Angeles the now missing Latino Majority Minority district and ensure that the consequences of population losses statewide are not borne by the fastest growing population – the state’s increasing Latino population.

Thank you for your attention to this matter.

With HOPE toward the future,



Helen Iris Torres
Executive Director & CEO
Hispanas Organized for Political Equality (HOPE)

A voting rights analysis of high-Latino-CVAP proposed districts in south and east L.A. County: Are proposed districts in L.A. County and the southern California area Latino-ability-to-elect districts?

Dr. Christian Grose and Raquel Centeno, Ph.D. student

November 23, 2021

The California Citizens Redistricting Commission has released its proposed congressional district maps. In this report, we look at congressional districts in southern California/L.A. County in the Commission’s proposed draft maps with a specific emphasis on voting rights, Latino ability to elect districts, and Latino influence districts in the area of south and east Los Angeles County.

Given racial polarization in Southern California, including parts of L.A. County, it is necessary to assess whether these proposed districts will provide sufficient opportunities to elect Latino candidates of choice. We also seek to analyze whether an additional Latino ability-to-elect or Latino influence district could be added to L.A. County. We conclude that with some reconfiguration of proposed districts, such a district could be added to L.A. County without diluting the influence of Latino voters in other districts.

In this report, Latino candidates of choice are defined as Latino candidates who are preferred by a majority of Latino voters.¹ While not presented here, we find evidence of racially polarized voting between Latino voters and non-Hispanic white voters in parts of Los Angeles County, Orange County, and other areas of southern California.²

We analyzed five proposed congressional districts with large Latino CVAPs in the south and east L.A. County area: LBNORTH, STH60, CDCOV, SP710, and CDNELA. These districts are listed in Table 1 below. The names of these districts are those given by the California Citizens Redistricting Commission upon the recent release of their draft congressional district maps.

Table 1: Racial and Ethnic Demographics of south and east L.A. County-area districts

Proposed District Name	Latino CVAP	Asian CVAP	Black CVAP	Non-Hispanic white CVAP
CDCOV	53%	32%	3%	12%
CDNELA	57%	18%	7%	16%
STH60	56%	21%	2%	20%
LBNORTH	40%	13%	12%	33%
SP710	63%	10%	11%	14%

¹ We identified Latino candidates of choice in exogenous elections. In the interest of space, this full analysis is not presented here. To identify Latino candidates of choice in exogenous elections, we conducted analyses of racially polarized voting of Latino voters and non-Hispanic white voters in L.A. County and southern California.

² Non-Hispanic whites and Latinos sometimes choose different candidates in southern California, according to RPV analyses conducted. We also find that Latino voters and Black voters; and Asian American and Latino voters in L.A. County sometimes vote in coalition with one another in general elections; though this depends on the specific region/area/districts of southern California.

As Table 1 shows, four of these five districts are Latino CVAP majority districts (CDCOV, CDNELA, STH60, and SP710) and one has Latino CVAP as the plurality group (LBNORTH). LBNORTH is a district with a 40% Latino CVAP, though we will later assess if it has the potential to be a Latino ability-to-elect coalition district as Latino voters are 40% CVAP, Black voters are 12% CVAP, and Asian voters are 13% CVAP. None of these five proposed congressional districts are white majority CVAP. The four Latino-majority districts range from CDCOV with a 53% Latino CVAP to SP710 with a very high 63% Latino CVAP.

Are these five districts able to elect Latino candidates of choice?

Simply looking at the Latino CVAP in a district is not sufficient for determining if a district is likely to elect a Latino candidate of choice. A key metric is whether the district demonstrates an ability to elect a Latino candidate of choice (a Latino candidate of choice is defined as a candidate preferred by a majority of Latino voters). In fact, recent Supreme Court jurisprudence has suggested that arbitrary racial thresholds could trigger racial gerrymandering claims (i.e., *Cooper v. Harris*), and therefore close attention to a district’s ability to elect Latino candidates of choice is one critically important metric for determining if a district is likely to elect a Latino candidate of choice.

Table 2: Can These L.A.-area U.S. House Districts Elect Latino Candidates of Choice?

Proposed District	How often do Latino candidates of choice win elections in the proposed district?	What is the average vote % of Latino candidates of choice in exogenous elections (across all voters in proposed district)?
LBNORTH	67% win rate	58.3%
STH60	83% win rate	57.5%
CDNELA	83% win rate	69.4%
CDCOV	83% win rate	61.7%
SP710	83% win rate	64.4%

In Table 2 above, we examine these five south and east L.A. area districts to assess how likely they are to elect Latino candidates of choice. The first column displays the name of the proposed congressional district in the Commission’s draft maps. The second column shows the percentage frequency that Latino candidates of choice in exogenous elections win in the district. The third column displays the mean vote percentage that Latino candidates of choice receive in general elections in these

five districts.³ These latter two metrics provide information on how likely the districts are to elect Latino candidates of choice.

As Table 2 reveals, the Latino CVAP majority districts have a very high propensity of electing Latino candidates of choice. In STH60, CDNELA, CDCOV, and SP710, there is a very high probability that a Latino candidate of choice will be elected in these districts. Of the five districts, these four districts have the highest Latino CVAP. Further, in three of these districts, the average vote share received by Latino candidates of choice in exogenous elections ranges from 61.7% to 69.4%. These are very high margins of victory and Latino candidates of choice will be elected in these districts.

In fact, these districts are so high performing for Latino candidates of choice that these districts could be attacked on voting rights grounds for overpacking Latino voters into four Latino CVAP-majority districts when five districts could have instead been drawn in this region to elect Latino candidates of choice. If geographically feasible, the Commission may want to slightly unpack some of these districts to provide greater Latino voting strength to surrounding district(s). It could be possible to marginally unpack these districts to simultaneously protect the ability to elect Latino candidates and preserve Latino CVAP majorities in those districts; and in doing so also create one more L.A. County-based Latino ability-to-elect district. This seems potentially feasible particularly in these three districts with very high Latino CVAPs and ability to elect rates (CDNELA, CDCOV, and SP710).

It is important to remember that voting rights and the protection of voters of color is a higher priority than preserving county boundaries or other lower-order criteria. Further, it is also acceptable for Commissioners to value providing influence to voters of color in its districting plans, so long as it is not the sole criterion used, even beyond the minimal requirements for voting rights guidance provided to the Commission by its voting rights staff. Thus, it may be important that some of these very high Latino districts in L.A. County expand somewhat into neighboring counties such as Orange County or Riverside County. Crossing into Orange County will make some of these districts less overpacked but also will still allow for very high levels of Latino ability to elect and Latino CVAP majorities. For instance, district SP710 is 63% Latino CVAP. Such a district is likely overpacked beyond what is required to definitively allow for the election of a Latino candidate of choice given the data shown in the third column of Table 2. Similarly, STH60 and CDNELA are 56% and 57% Latino CVAP respectively. If these districts were between 52% and 54% Latino CVAP, for instance, they would still be very likely to elect Latino candidates of choice. The Commission may want to consider the optimal allocation of Latino CVAP in L.A. County so as to create one additional very-high Latino CVAP-majority or plurality districts in this area while retaining these four Latino-CVAP-majority districts.

The LBNORTH district is distinct from the other districts in that it has a lower propensity to elect Latino candidates of choice (as shown in Table 2 above). As a result, we will focus more specifically on this LBNORTH district below.

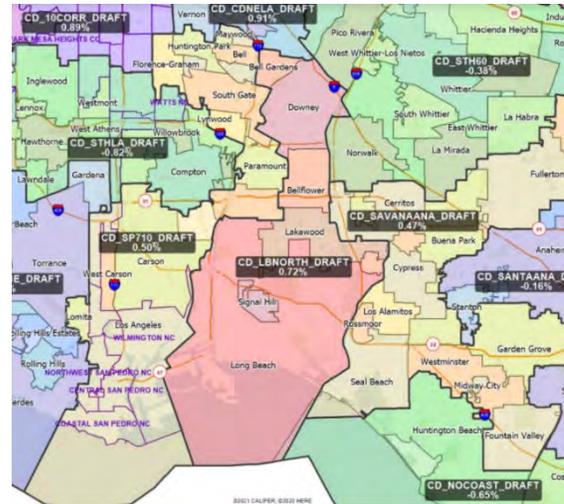
³ Given California has a top two primary, the analyses of the ability for Latino candidates of choice to win includes election with same-party candidates running against each other when Latino candidates compete against non-Latino candidates as well as different-party candidates competing against each other. Peer-reviewed academic research has shown that the salience of racial and ethnic identity can be very high to voters in top-two elections when candidates of the same party compete; see Sara Sadhwani et al., 2018, "Candidate Ethnicity and Latino Voting in Co-Partisan Elections," *California Journal of Politics and Policy*.

Is the LBNORTH proposed district a

Latino-ability-to-elect district or a Latino influence district? The Commission’s LBNORTH proposed district is 40% Latino, 12% Black, 13% Asian, and 33% non-Hispanic white. This district was displayed on the Commission’s website and is reproduced and displayed on the right.

This potential congressional district includes parts or all of Long Beach, Hawaiian Gardens, Lakewood, Bellflower, Downey, and Bell Gardens.

Is this district a Latino-ability-to-elect district? In other words, can this district provide a regular opportunity for Latino candidates of choice to win in U.S. House elections? Given the district is currently 40% Latino CVAP and only 33% non-Hispanic white, it may have some positive probability of electing Latino candidates of choice but it deserves stricter scrutiny given its relatively low Latino CVAP.



As Table 2 above revealed, *LBNORTH* has the lowest propensity of electing Latino candidates of choice of all districts in the table. LBNORTH elects Latino candidates of choice sometimes, in only 67% of exogenous elections analyzed. On average, Latino candidates of choice win in this district more often than they do not, but the district could possibly be redrawn to improve the likelihood that Latino candidates of choice will win in the district. The Commission may want to consider ways in which this district could increase its probability of electing Latino candidates of choice.

How could the Commission enhance LBNORTH’s ability to elect Latino candidates of choice?

Based on our close analysis of the data, the Commission has at least two options to increase the ability to elect Latino candidates of choice in the LBNORTH area:

- 1. The Commission can increase the Latino CVAP in LBNORTH in order to make it go above its current 40% Latino CVAP.**

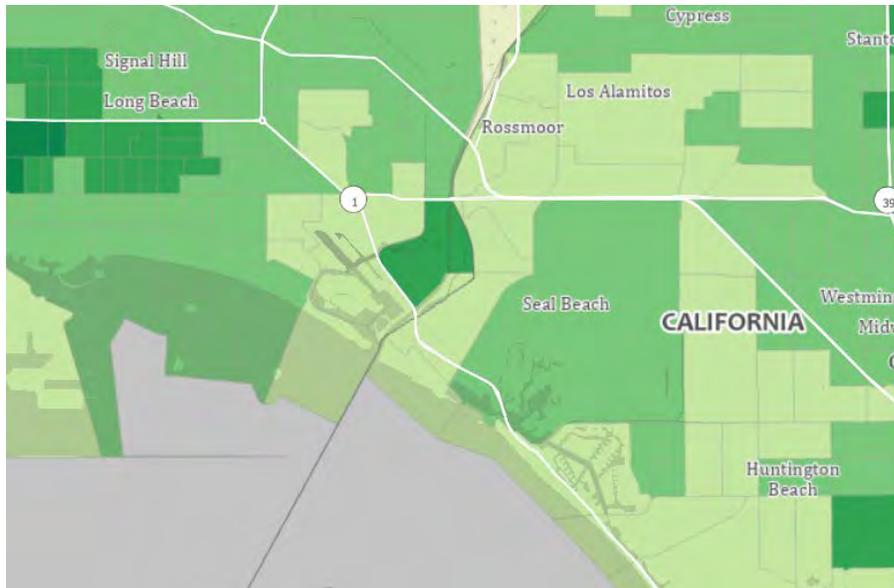
The district may not need to be Latino CVAP majority, but an increase in its Latino CVAP will give it a much higher likelihood of electing a Latino candidate of choice. There are several ways such a district could be drawn. This could involve including more of the neighboring Latino areas to the north of LBNORTH into the LBNORTH district, or including other neighboring areas that have significant Latino VAPs currently not in LBNORTH. The Gateway cities, a heavily Latino ward of Long Beach not currently in LBNORTH, and other nearby geographies, including some nearby census tracts in Orange County, have sizable Latino populations. By revising the LBNORTH district in such a way, it would likely increase its probability of electing Latino candidates of choice beyond the 67% level identified earlier.

- 2. A bold move to increase Latino voting power would be for the Commission to create a new GATEWAYCITIES district in L.A. County by removing Downey from LBNORTH and combining Downey with several other highly Latino cities in the Gateway region of Los Angeles County and possibly extending into Orange County. With this option, the Commission would then extend the LBNORTH district somewhat southeast to maintain LBNORTH as a Latino influence district. This addition of a GATEWAYCITIES district would provide one more additional Latino ability-to-elect district that does not currently exist in L.A. County in the proposed map, and would still allow for a reconfigured LBNORTH district that is based in the Long Beach area and that would provide Latino influence, but that would now extend outward in its southern portion of the district instead of north into the Gateway cities.**

The Commission could create a new GATEWAYCITIES district centered around Downey, Bell Gardens, and include high-Latino Gateway city areas in neighboring districts without significantly altering the ability of neighboring districts to elect Latino candidates of choice. In creating a GATEWAYCITIES district in this area of L.A. County, the Commission could seek to add this additional Latino-ability-to-elect district while slightly reducing the Latino CVAP in the neighboring four Latino-CVAP-majority districts. However, it is critically important for voting rights to maintain these surrounding districts as Latino ability-to-elect districts with Latino CVAP majorities. By creating a new GATEWAYCITIES Latino-ability-to-elect district centered on Downey and other Gateway cities – instead of placing Downey in LBNORTH – it may be possible to have five – instead of four – Latino CVAP-majority ability-to-elect districts in L.A. County (or possibly five very high Latino majority/plurality CVAP ability-to-elect districts in L.A. County).

The LBNORTH district could be reconfigured so that it is a Latino influence district. Such a revised LBNORTH district would include Long Beach and extend into Seal Beach, Rossmoor, and possibly other northeastern Orange County communities to be a Latino influence district. This revised LBNORTH district would still likely be a Latino influence district as it would have a very high percentage of Latino CVAP, Black CVAP, and Asian CVAP. Based on RPV analyses not displayed, this area of Long Beach and neighboring Orange County has previously shown a willingness of Latino and Black voters, in particular, to vote in coalition with one another for Latino congressional candidates of choice.

Extend LBNORTH into Seal Beach and northern Orange County. To build in an additional Latino influence district that would include parts of Long Beach, we would recommend that the LBNORTH district be extended southward to include Seal Beach and possibly down to areas of Huntington Beach with sizable Latino populations. The map below is a visualization of census tracts based on the 2020 census. The darker green indicates higher Latino populations and the lighter green indicates fewer Latino residents. As shown in the map, Seal Beach includes several census tracts with sizable Latino populations. For instance, census tract 995.02 in Seal Beach is 34.2% Latino. In addition, census tract 994.02 in Orange County is 68.5% Latino. These concentrations of Latino voters in the Seal Beach/Orange County coastal area are important as they have often faced racial polarization in voting. Placing them in a Long Beach-based district would enhance their voting power in the face of racially polarized voting.



In order to retain the Latino influence district that has already been created by the Commission with LBNORTH, but also to add a new GATEWAYCITIES district in L.A. County to enhance Latino voting rights to the north of LBNORTH, the Commission could extend LBNORTH into these areas with higher Latino populations in Seal Beach and other areas of Orange County in order to offset for population declines cause by removing some or part of Downey at proposed district LBNORTH's north to create a new GATEWAYCITIES district.

To create a new GATEWAYCITIES district to enhance Latino voting influence, the Commission would need to meld together two white-majority districts elsewhere so as to cause an aggregate increase in the number of districts providing voting power for voters of color across the region and the state. This second option of creating a new GATEWAYCITIES district would require the Commission to meld an existing proposed district into another district in another part of the state so that there are 52 congressional districts. Such a melding of districts should not merge together other minority-ability-to-elect or minority influence districts. Instead, the addition of a GATEWAYCITIES district should instead lead the Commission to find a geographic area where two proposed districts likely to elect white candidates of choice would be merged together. Such a move would enhance voting rights in the aggregate in the state for Latino voters and voters of color. The melding together of two proposed districts that are likely to elect white candidates of choice in another part of the state to accommodate the addition of a new Latino-ability-to-elect GATEWAYCITIES district and a revised LBNORTH district would enhance Latino voting power in California's new map by adding one additional Latino district.

About the Authors

Dr. Christian Grose is Professor of Political Science and Public Policy at the University of Southern California. He is the Academic Director of the USC Schwarzenegger Institute for State and Global

Policy. He received his Ph.D. from the University of Rochester and his B.A. from Duke University. He is the author of more than 40 articles and chapters about American politics; legislative politics; race and ethnicity; Latino politics; Black politics; voting rights; and statistical methodology. These articles have been published in peer-reviewed journals such as the *American Political Science Review*, the *American Journal of Political Science*, and the *Journal of Politics*. His award-winning book *Congress in Black and White*, analyzes the role of race and ethnicity in the redistricting process. His research has been funded by the Russell Sage Foundation, the Leonardo DiCaprio Foundation, the MIT Election Data Science Center, and others. Grose directs USC's Fair Maps and Political Reform Lab, which produces nonpartisan research about redistricting, the top-two primary, and independent commissions. He has worked as an expert witness and consultant on numerous voting rights cases, and has extensive experience analyzing racially polarized voting and minority ability-to-elect districts. He has experience working with bipartisan and nonpartisan groups such as commissions.

Raquel Centeno is a Ph.D. student at the University of Southern California in the Political Science and International Relations Ph.D. program.



Paul Mitchell
@paulmitche11

If you're keeping track at home....

☀️ "proposed Proposition 50 map will further increase Latino voting power over the current Commission map" Cal Poly Pomona / CalTech cpp.edu/class/politica...

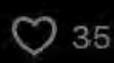
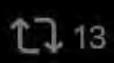
☀️ "proposed map likely will increase Asian American voting power" UCLA AAPI Policy Initiative aasc.ucla.edu/resources/poli...

☀️ "the proposed plan matches the current one almost exactly: it adds one more Latino influence district but otherwise replicates the status quo." PPIC ppic.org/blog/how-would...



|| GIF ALT

12:45 PM · Oct 23, 2025 · 3,062 Views





Empowering Voters To Protect California

AUGUST 19, 2025

SACRAMENTO—Today, Democrats in the California State Legislature announced new legislation to call a special election in November, empowering voters to protect our state’s economy and democracy, and fighting back against reckless attacks by Trump and Republicans.

The legislation includes a state constitutional amendment to set a special election on November 4. It also makes public, for all voters to see and review, new proposed Congressional maps for California.

Voters will have the final say on the maps when they cast their ballots.

The proposed maps are now publicly available on the [Senate and Assembly Elections Committee websites](#).

Californians also can provide input on the map [via a public portal](#) on the same website, which already has received more than 3,000 public comments since its launch on Wednesday.

Our Democratic Approach Empowers Voters, Protects People and Communities, and Promotes Transparency

Republican redistricting efforts in Texas and other states are dividing communities, undermining voter freedom — and their maps are drawn in secret without letting the people decide.

In California, lawmakers in the Assembly and Senate pushed for key provisions in the legislation to ensure fidelity to independent commissions, protections for the Voting Rights Act, and preservation of California cities and communities:

- **California will keep the Independent Citizens Redistricting Commission.** The Legislature’s plan makes sure the Commission maintains its full scope of work and authority after the 2030 Census and beyond, redrawing California’s Congressional, state legislative and Board of Equalization lines every 10 years.

**EXHIBIT
21**



Mike McGuire

CALIFORNIA STATE SENATOR | DISTRICT 66

controlled states, most notably Texas, are considering gerrymanders aimed to benefit their party. Unlike California, none are submitting those plans for voter approval.

- **Every state in the country should have independent redistricting.** The bills include provisions to express California's policy to support nonpartisan, independent redistricting nationwide and would call on Congress to initiate a federal constitutional amendment to require nonpartisan, independent redistricting nationwide.
- **Protecting communities of color and historically marginalized voters.** The new map makes no changes to historic Black districts in Oakland and the Los Angeles area, and retains and expands Voting Rights Act districts that empower Latino voters to elect their candidates of choices.
- **Keeping cities and communities together.** The proposed Congressional map keeps more cities whole within a single district than the most recent map enacted by the commission.

What Senate President Pro Tem Mike McGuire Says

"This is about more than drawing lines on a map, it's about drawing a line in the sand to stop Texas and Trump from rigging the election. This is about protecting the people of the Golden State, our Democracy, and making sure voters have a say. Access to health care matters. Reproductive rights and Planned Parenthood matters. Making life more affordable matters. So does keeping tariffs from killing California jobs. These are the stakes, this is what we will be voting on this week in the Legislature, and what the people of California will vote on in November."

What Assembly Speaker Robert Rivas Says

"Trump sparked this national crisis when he called Texas to rig the election. California is fighting back. Democrats are empowering voters to protect working families and our democracy — with the most transparent process in the nation. Voters will see the maps and have the final say. The stakes couldn't be higher, but I'm confident we'll defeat this assault on our democracy and end Trump's attacks on California."



- A constitutional amendment which authorizes the replacement of the existing Congressional map
- A statute which contains the new proposed Congressional map for voter approval
- A statute to call the special election, appropriate funding for election administration, and make conforming changes to election calendars.

How Trump and Republicans Continue to Harm California's Families, Workers and Businesses

- Trump's tariffs are making family essentials and basic household items more expensive.
- Trump's budget slashes billions of dollars in funding for social services, threatening access to health care and food for millions of Californians.
- Trump's immigration raids are damaging California's economy as they terrorize our communities.
- Trump is arbitrarily and capriciously cutting off grant funding for California's research universities, along with K-12 funds, punishing California students and stalling resources for afterschool programs and teacher training.
- Trump and the federal government are playing politics with California's requests for relief following the devastating January fires in Los Angeles.

Timeline of Anticipated Legislative Action

Monday, August 18: Legislation into print in Assembly and Senate

Tuesday, August 19: Assembly and Senate Elections Committees hear legislation

Wednesday, August 20: Assembly Appropriations Committees hears legislation

Thursday, August 21: Anticipated floor votes in both Assembly and Senate



Mike McGuire is President pro Tempore of the California Senate. He represents the North Coast of California, which stretches from the Golden Gate Bridge to the Oregon border, including Del Norte, Trinity, Humboldt, Lake, Mendocino, Sonoma, and Marin Counties. Website of Senate Leader McGuire: <https://sd02.senate.ca.gov/>

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

DAVID TANGIPA, *et al.*,

Plaintiffs,

v.

GAVIN NEWSOM, in his official capacity as the Governor of California; SHIRLEY WEBER, in her official capacity as California Secretary of State;

Defendants.

Case No. _____

EXPERT REPORT OF SEAN P. TRENDE, Ph.D

Table of Contents

1	Introduction and Executive Summary	1
2	Qualifications	1
2.1	Career	1
2.2	Publications and Speaking Engagements	2
2.3	Education	3
2.4	Prior Engagements as an Expert	4
3	California District 13 shows signs of racial predominance in line drawing.	4
4	Demonstration Maps	22
5	Conclusion	27

List of Figures

Figure 1: California District 13 5

Figure 2: Madera Area, By HCVAP and Block Group 7

Figure 3: Madera Area, By HVAP and Block Group 8

Figure 4: Madera Area, By Politics and Block Group 9

Figure 5: Madera Area, By HVAP and Precinct 10

Figure 6: Madera Area, By Politics and Precinct 10

Figure 7: California District 13, Modesto/Ceres Area 11

Figure 8: Modesto/Ceres Area, By Politics and Block Group 12

Figure 9: Modesto/Ceres Area, By Politics and Precinct 13

Figure 10: Modesto/Ceres Area, By HCVAP and Block Group 14

Figure 11: Modesto/Ceres Area, By HVAP and Block Group 15

Figure 12: Modesto/Ceres Area, By HVAP and Precinct 16

Figure 13: District 9/13 Boundary, Stockton Area 17

Figure 14: District 9/13 Boundary, Stockton Area, By Politics and Block Group 18

Figure 15: District 9/13 Boundary, Stockton Area, By Politics and Precinct . 19

Figure 16: District 9/13 Boundary, Stockton Area, By HCVAP and Block Group 20

Figure 17: District 9/13 Boundary, Stockton Area, By HVAP and Block Group 21

Figure 18: District 9/13 Boundary, Stockton Area, By HVAP and Precinct . 22

Figure 19: Demonstration Map A 23

Figure 20: Demonstration Map B 25

Figure 21: Demonstration Map C 26

1 Introduction and Executive Summary

My name is Sean P. Trende. I am over 18 years of age and I hold a Ph.D. in Political Science. I have been retained by Dhillon Law Group on behalf of plaintiffs in the above-captioned matter. In this part of my report, I am asked to evaluate whether the revised California Districts were drawn, in whole or in part, with race as a predominant motive. The Enacted Map's boundaries between districts 9 and 13 appear to have been crafted to enhance the Hispanic Voting Age Population and Hispanic Citizen Voting Age Population in the district. The twisted shapes cannot be explained by traditional redistricting principles, nor can they be explained by politics. I conclude race predominated in drawing these lines. I am being compensated at a rate of \$500/hr for authoring this report. My compensation is in no way dependent upon the conclusions that I reach.

2 Qualifications

2.1 Career

I serve as Senior Elections Analyst for Real Clear Politics. I joined Real Clear Politics in January of 2009 and assumed a fulltime position in March of 2010. Real Clear Politics is a company of approximately 50 employees, with its main offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. Real Clear Politics produces original content, including both data analysis and traditional reporting.

My main responsibilities with Real Clear Politics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior. In particular, understanding the way that districts are drawn and how

geography and demographics interact is crucial to predicting United States House of Representatives races, so much of my time is dedicated to that task.

I am currently a Visiting Scholar at the American Enterprise Institute, where my publications focus on the demographic and coalitional aspects of American Politics.

I am also a Lecturer at The Ohio State University. My courseload is detailed below.

2.2 Publications and Speaking Engagements

I am the author of the 2012 book *The Lost Majority: Why the Future of Government is up For Grabs and Who Will Take It*. In this book, I explore realignment theory. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning in the 1920s and continuing through modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

I also co-authored the 2014 *Almanac of American Politics*. The *Almanac* is considered the foundational text for understanding congressional districts and the representatives of those districts, as well as the dynamics in play behind the elections. My focus was researching the history of and writing descriptions for many of the 2012 districts, including tracing the history of how and why they were drawn the way that they were drawn. Because the 2014 *Almanac* covers the 2012 elections, analyzing how redistricting was done was crucial to my work. I have also authored a chapter in Dr. Larry Sabato's post-election compendium after every election dating back to 2012.

I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections to a series of audiences there and

was selected by the United States Embassy in Spain to fulfill a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

2.3 Education

I received my Ph.D. in political science at The Ohio State University in 2023. I passed comprehensive examinations in both Methodology and American Politics. The first chapter of my dissertation involves voting patterns on the Supreme Court from 1900 to 1945; the second chapter involves the application of integrated nested LaPlace approximations to enable the incorporation of spatial statistical analysis in the study of United States elections. The third chapter of the dissertation involves the use of communities of interest in redistricting simulations. In pursuit of this degree, I also earned a Master's Degree in Applied Statistics. My coursework for my Ph.D. and M.A.S. included, among other things, classes on G.I.S. systems, spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I also earned a B.A. from Yale University in history and political science in 1995, a Juris Doctor from Duke University in 2001, and a Master's Degree in political science from Duke University in 2001.

In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019, and again in Fall of 2021. In the Spring semesters of 2020, 2021, 2022 and 2023, I taught Political Participation and Voting Behavior at The Ohio State University. This course spent several weeks covering all facets of redistricting: how maps are drawn, debates over what constitutes a fair map, measures of redistricting quality, and similar topics. It also covers the Voting Rights Act and racial gerrymandering claims. I also taught survey methodology in Fall of 2022 and Spring of 2024. In Spring of 2025 I taught Introduction to the Policy Process.

2.4 Prior Engagements as an Expert

A full copy of all cases in which I have testified or been deposed is included on my C.V., attached as Exhibit 1. In 2021, I served as one of two special masters appointed by the Supreme Court of Virginia to redraw the districts that will elect the Commonwealth's representatives to the House of Delegates, state Senate, and U.S. Congress in the following decade. The Supreme Court of Virginia accepted those maps, which were praised by observers from across the political spectrum. See, e.g., *New Voting Maps, and a New Day, for Virginia*, *The Washington Post* (Jan. 2, 2022), *available at* <https://www.washingtonpost.com/opinions/2022/01/02/virginia-redistricting-voting-maps-gerrymander>; Henry Olsen, *Maryland Shows How to do Redistricting Wrong. Virginia Shows How to Do it Right*, *The Washington Post* (Dec. 9, 2021), *available at* <https://www.washingtonpost.com/opinions/2021/12/09/maryland-virginia-redistricting>; Richard Pildes, *Has VA Created a New Model for a Reasonably Non-Partisan Redistricting Process*, *Election Law Blog* (Dec. 9, 2021), *available at* <https://electionlawblog.org/?p=126216>.

In 2019, I was appointed as the court's expert by the Supreme Court of Belize. In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize's electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

I served as a Voting Rights Act expert to counsel for the Arizona Independent Redistricting Commission in 2021 and 2022.

3 California District 13 shows signs of racial predominance in line drawing.

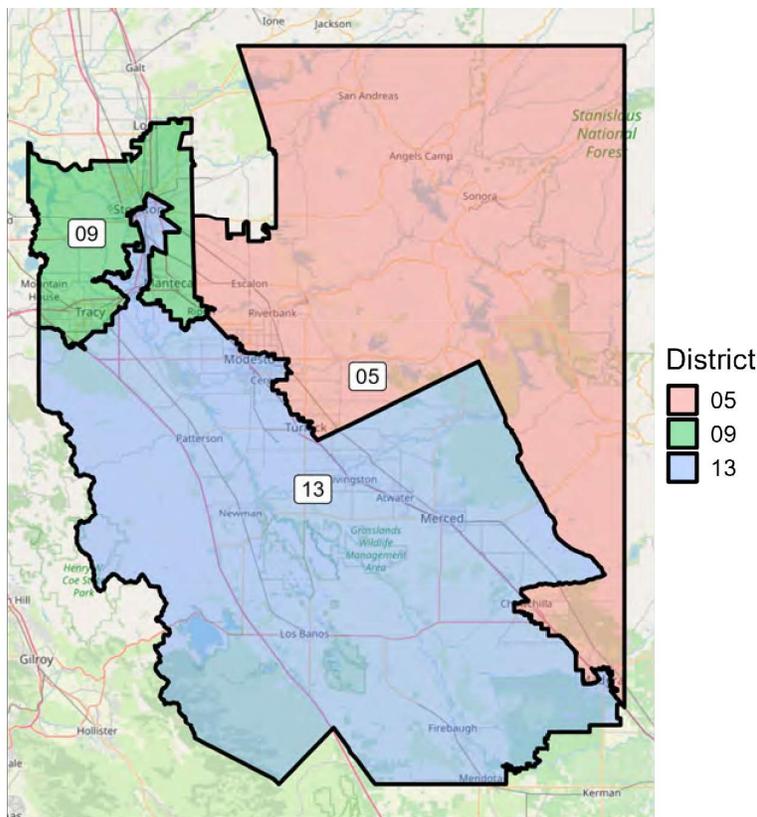
In a presentation, map drawer Paul Mitchell stated "The Prop. 50 maps I think will be great for the Latino community in two critical ways. One is that they ensure that

California District 13 shows signs of racial predominance in line drawing. — 5

the Latino districts that are the VRA seats are bolstered in order to make them most effective, particularly in the Central Valley.” Hispanas Organized for Political Equality (HOPE) Presentation, 10/7/25, 30:6-11. It is apparent in the lines for District 13 in the Central Valley.

California District 13 as drawn is a competitive district in the Central Valley. It is comprised of western Madera County, a portion of Fresno County, all of Merced County, southwestern Stanislaus County, and a portion of San Joaquin County. The district has relatively unremarkable boundaries, with three exceptions: Madera in the southeast, the area near Ceres and Modest in the northern portion of the district, and the large protrusion near Stockton off the far northern tip.

Figure 1: California District 13



© OpenStreetMap contributors

California District 13 shows signs of racial predominance in line drawing. — 6

Overall, the district performs better politically for Democratic Representative Adam Gray than did the previous iteration of the district. However, two of the three odd shapes appear to exist not to enhance Gray's fortunes, but rather to improve Hispanic performance in the district.

To better understand this, it is useful to first explore the shape that does not appear to be motivated by race: The one in the south. The following image shows the shape of the district overlaid upon block groups shaded by Hispanic Citizen Voting Age Population; the next one uses Hispanic Voting Age Population.¹ As you can see, the entire area is heavily Hispanic, but there is Hispanic population that is left out of the district. To be sure, the most heavily Hispanic areas tend to be in the center of the district, but it is not neatly sliced by race. The same is true whether you use HCVAP or HVAP.

¹I am aware of caselaw from the 9th Circuit suggesting that CVAP is the proper measure. However, CVAP has large error margins, particularly at the block group level. Because of this, I use both measures.

California District 13 shows signs of racial predominance in line drawing. — 7

Figure 2: Madera Area, By HCVAP and Block Group

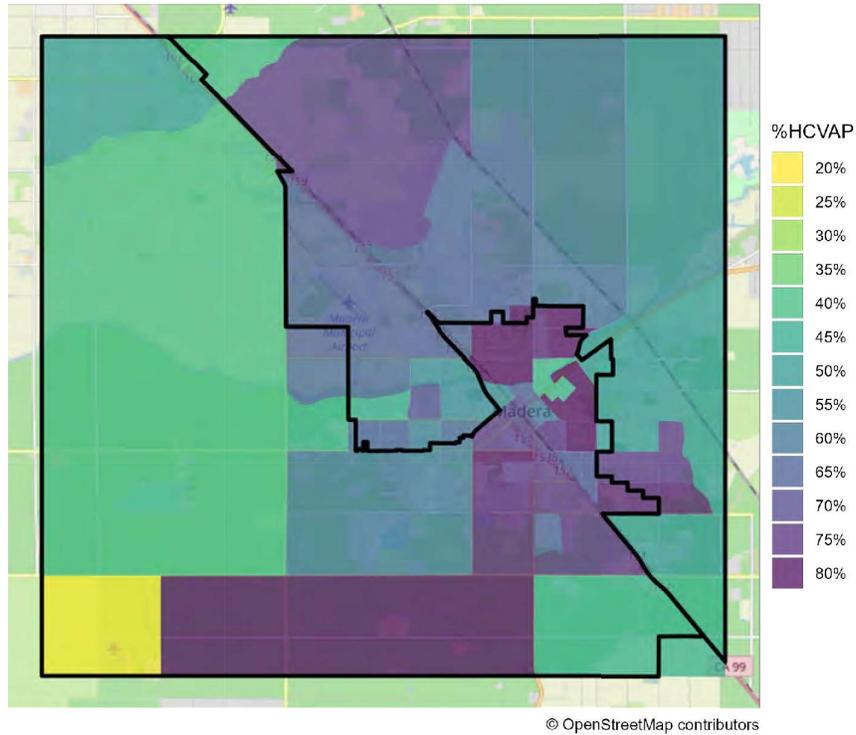
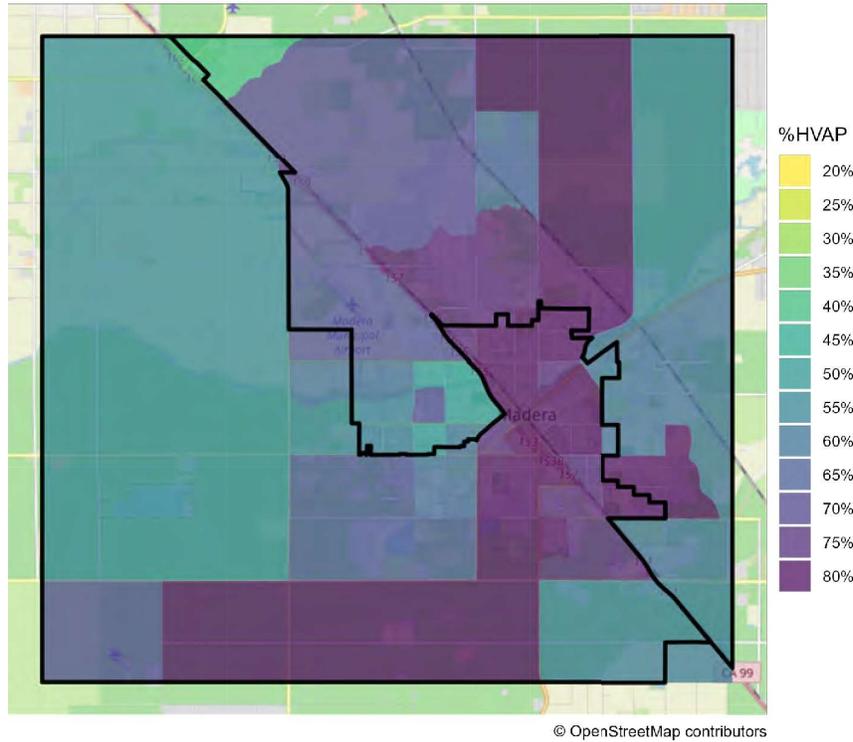


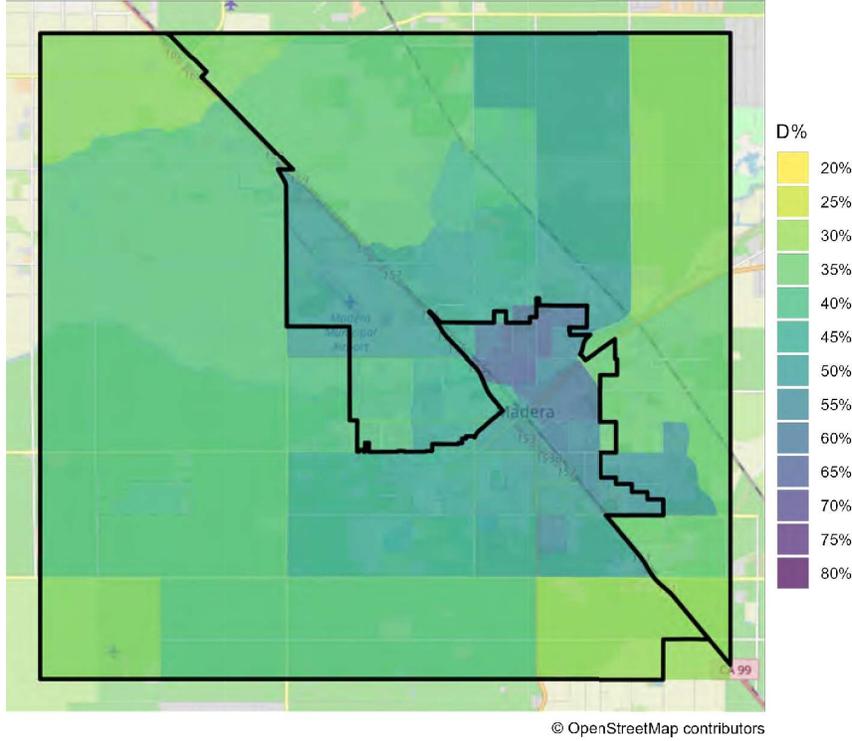
Figure 3: Madera Area, By HVAP and Block Group



Contrast this with the political map of the district. Here, we can see the district boundaries much more neatly capturing the Democratic areas, although the area is overall politically marginal.

California District 13 shows signs of racial predominance in line drawing. — 9

Figure 4: Madera Area, By Politics and Block Group



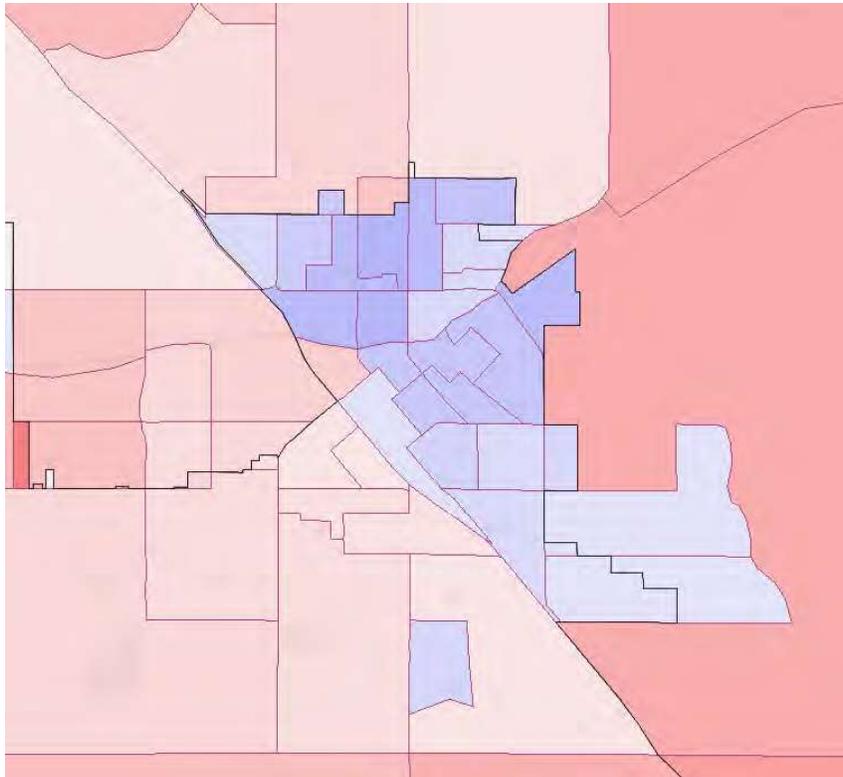
We can see the same thing using precinct boundaries, as calculated by Dave's Redistricting App (a popular online map drawing tool, which was used to draw the boundaries in Virginia).

California District 13 shows signs of racial predominance in line drawing. — 10

Figure 5: Madera Area, By HVAP and Precinct

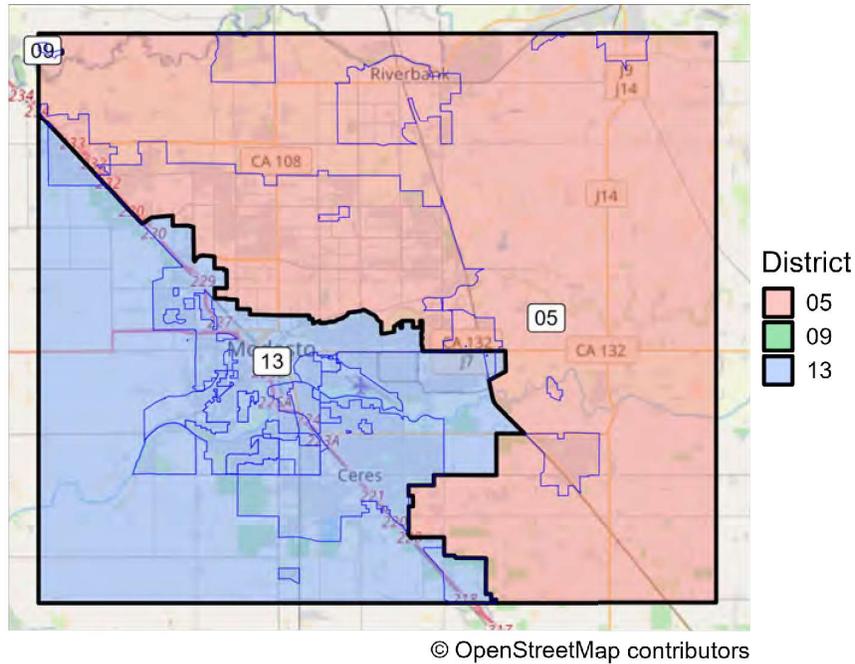


Figure 6: Madera Area, By Politics and Precinct



California District 13 shows signs of racial predominance in line drawing. — 11

Figure 7: California District 13, Modesto/Ceres Area



Here, we can see that the district does conform nicely to the political outlines of the district, with Republicans kept outside and Democratic areas inside. This an example of something where race and politics appear to be at least mixed.

Next, consider the area near Ceres and Modesto. The district bulges out here as well. It splits Modesto but keeps Ceres intact. It also captures some areas outside of Ceres.

If we examine the political split, we see that the map in fact leaves a significant Democratic population on the table in Modesto, to the north of the district boundary. In addition, it captures a large Republican population in and around Ceres.

California District 13 shows signs of racial predominance in line drawing. — 12

Figure 8: Modesto/Ceres Area, By Politics and Block Group

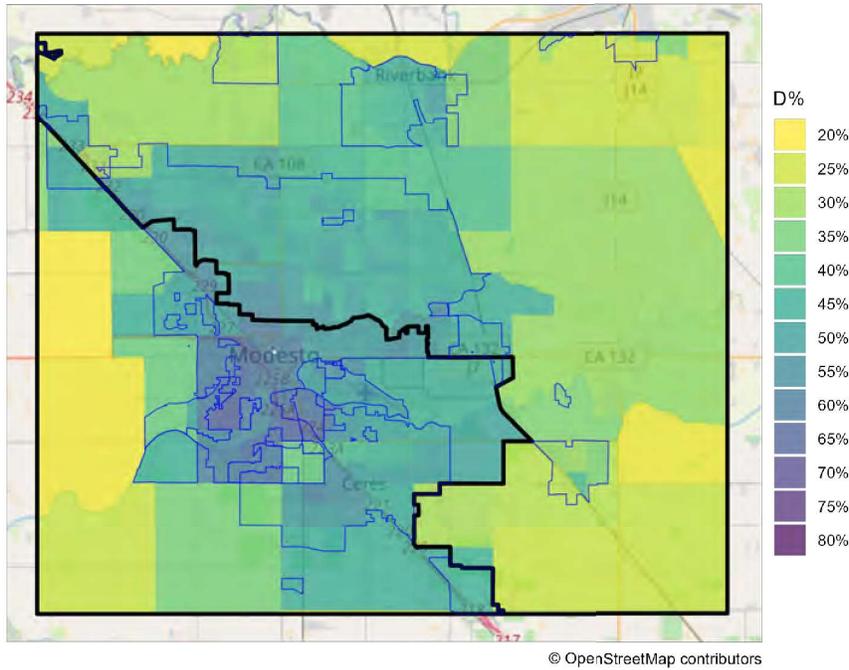
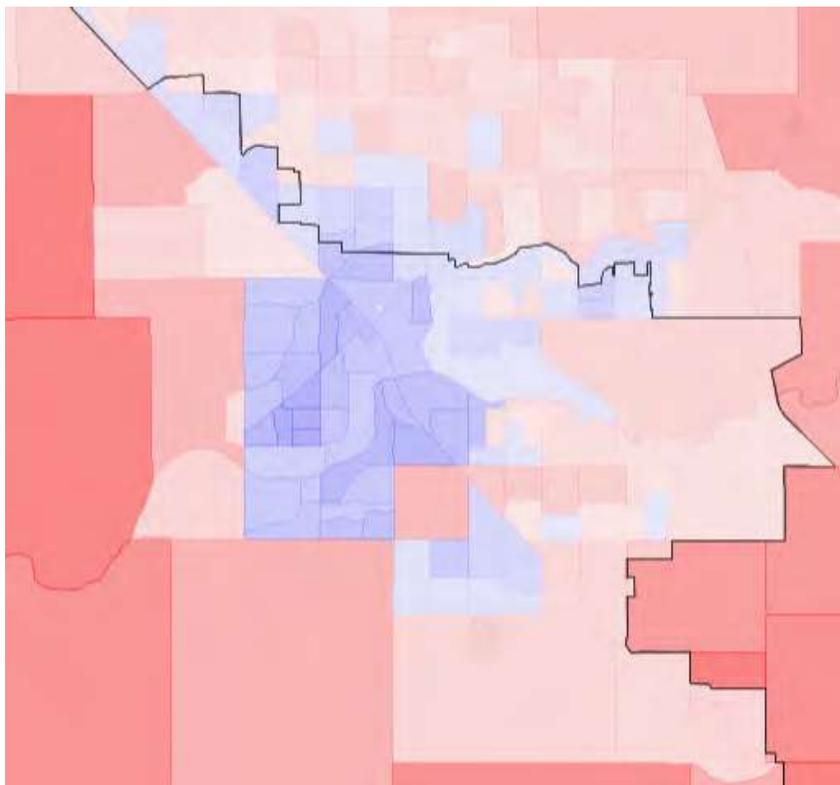


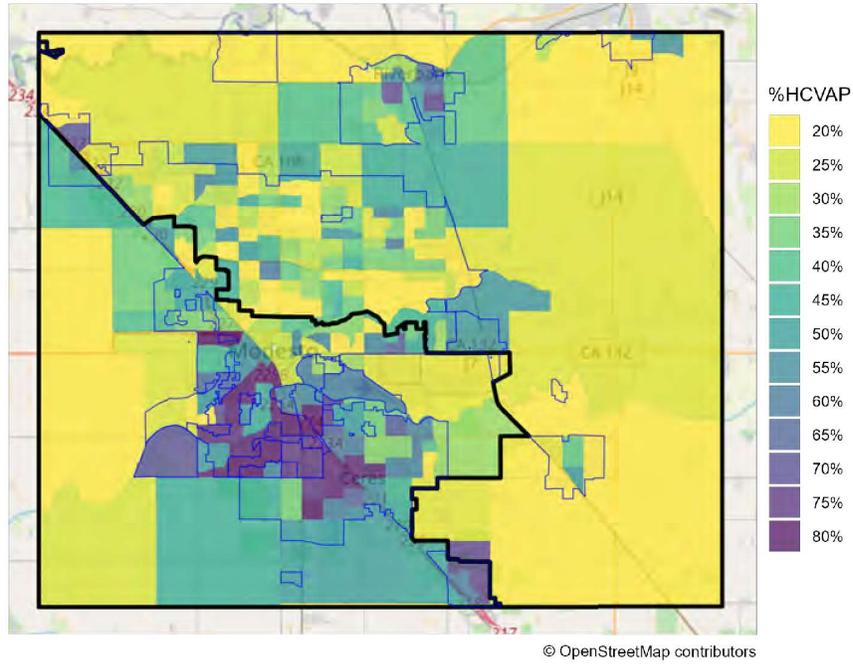
Figure 9: Modesto/Ceres Area, By Politics and Precinct



When we examine this from a racial angle, the motivation for the split appears more obvious. Most of the Democratic territory left in Modesto is White. More importantly, the Republican territory captured around Ceres is heavily Hispanic. If partisanship were really the motivating factor for this division, the district would drop some of the Republican areas in Ceres and pick up Democratic areas in Modesto.

California District 13 shows signs of racial predominance in line drawing. — 14

Figure 10: Modesto/Ceres Area, By HCVAP and Block Group



California District 13 shows signs of racial predominance in line drawing. — 15

Figure 11: Modesto/Ceres Area, By HVAP and Block Group

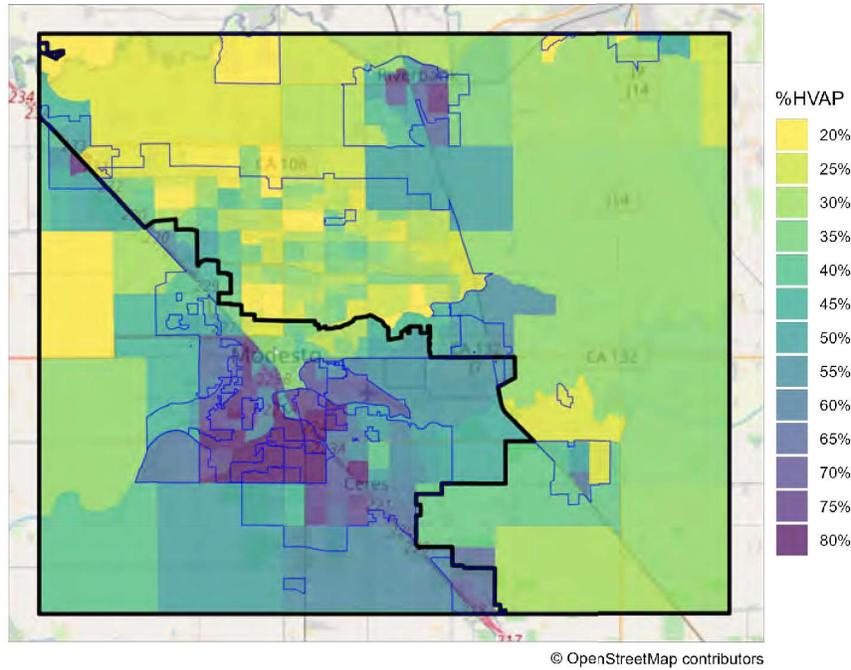
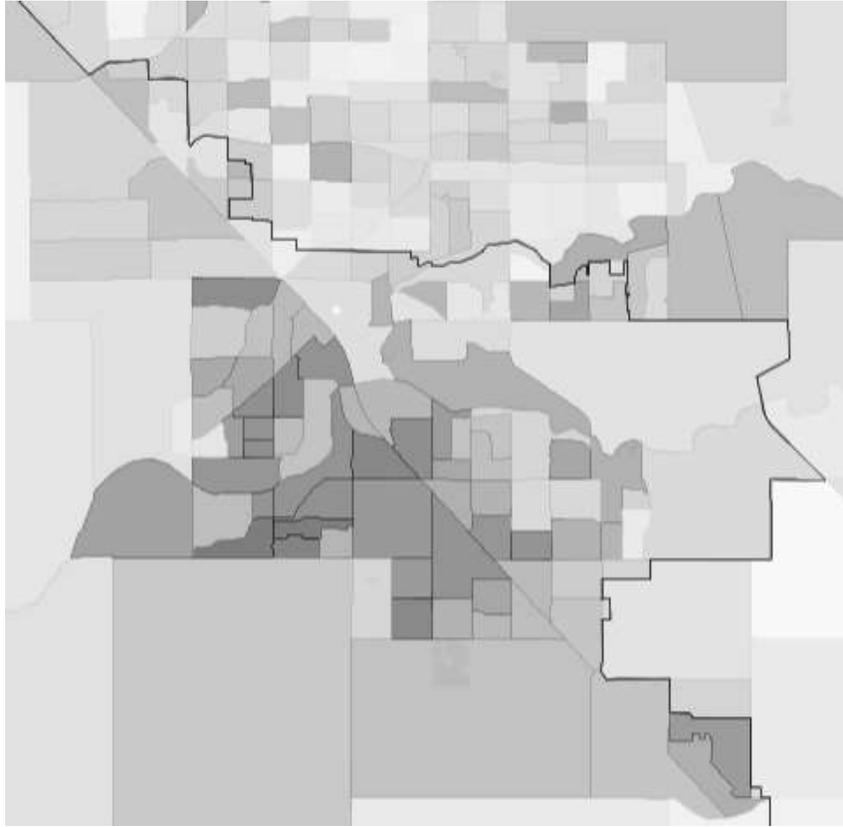


Figure 12: Modesto/Ceres Area, By HVAP and Precinct

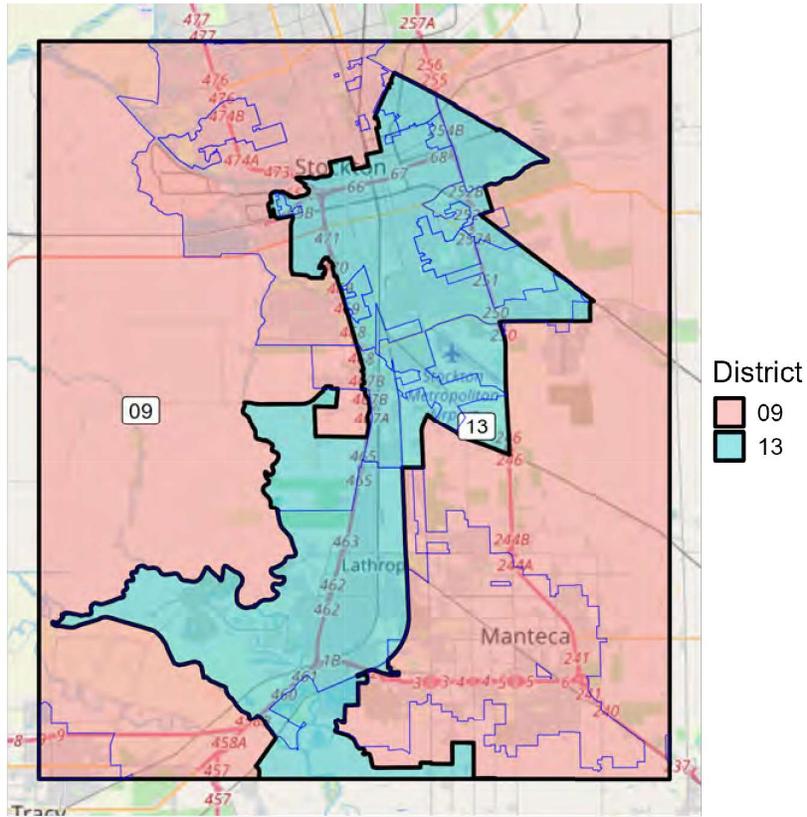


But the northern split, near Stockton, is one of the more egregious examples. The large plume off the top of the district might make sense as a Democratic gerrymander at first blush.

The problem is once again that this leaves a lot of Democrats on the table. In particular, areas to the west of the District are heavily Democratic, more so than some of the precincts at the District's northern boundary.

California District 13 shows signs of racial predominance in line drawing. — 17

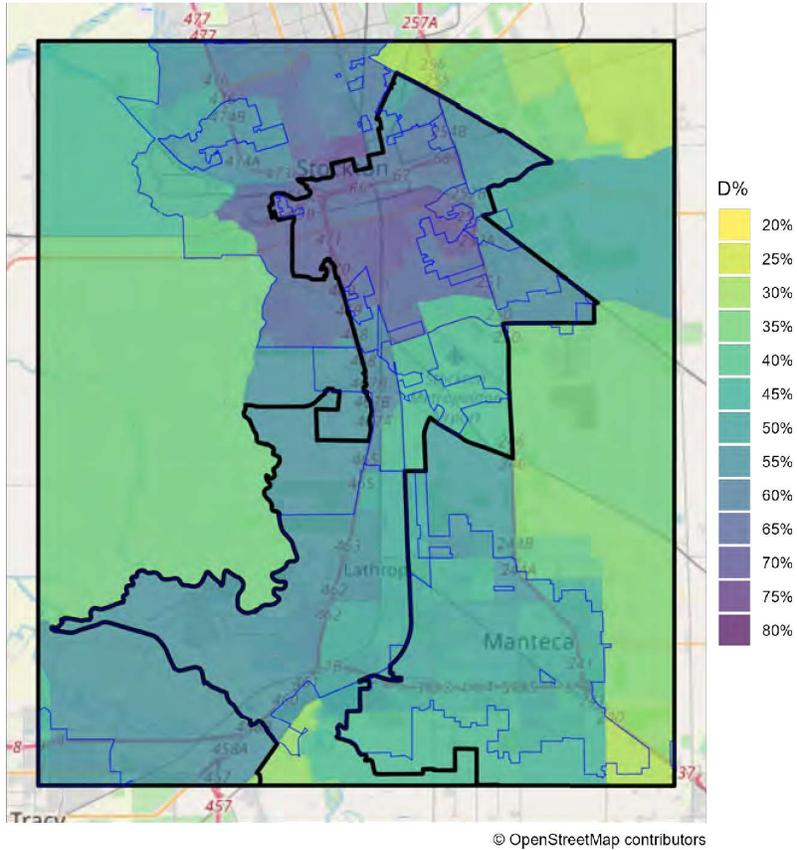
Figure 13: District 9/13 Boundary, Stockton Area



© OpenStreetMap contributors

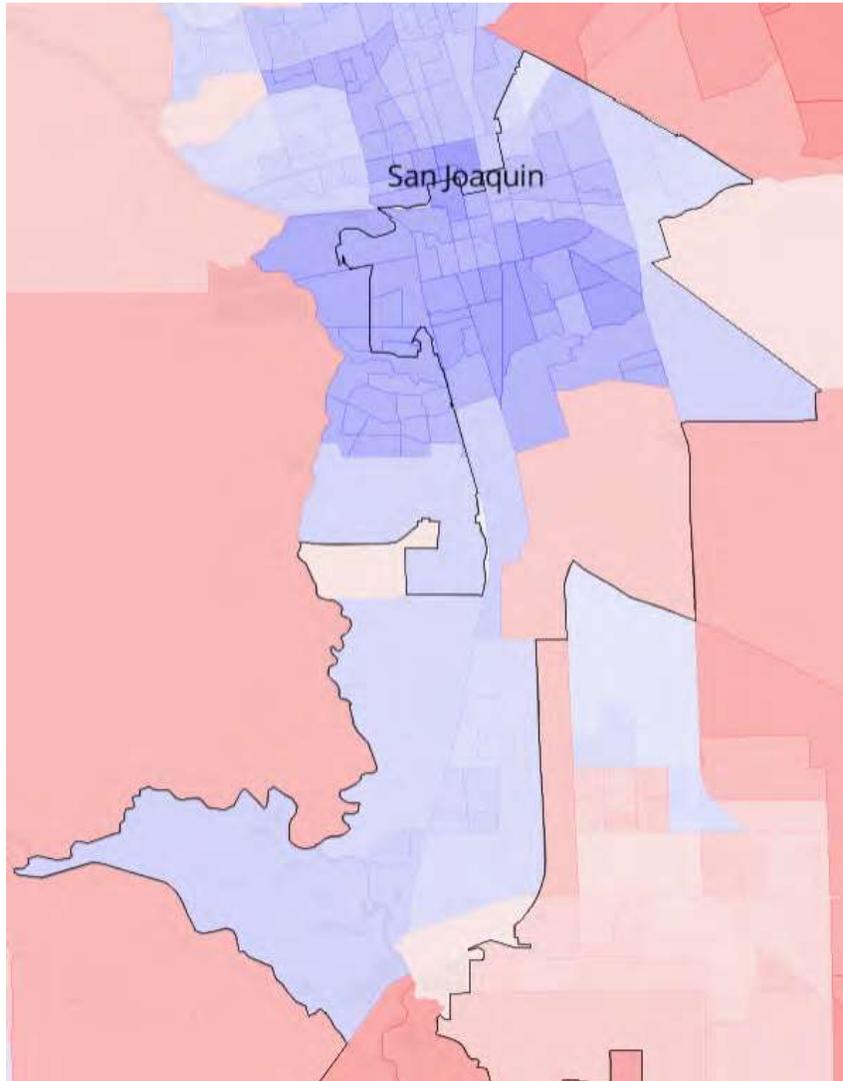
California District 13 shows signs of racial predominance in line drawing. — 18

Figure 14: District 9/13 Boundary, Stockton Area, By Politics and Block Group



California District 13 shows signs of racial predominance in line drawing. — 19

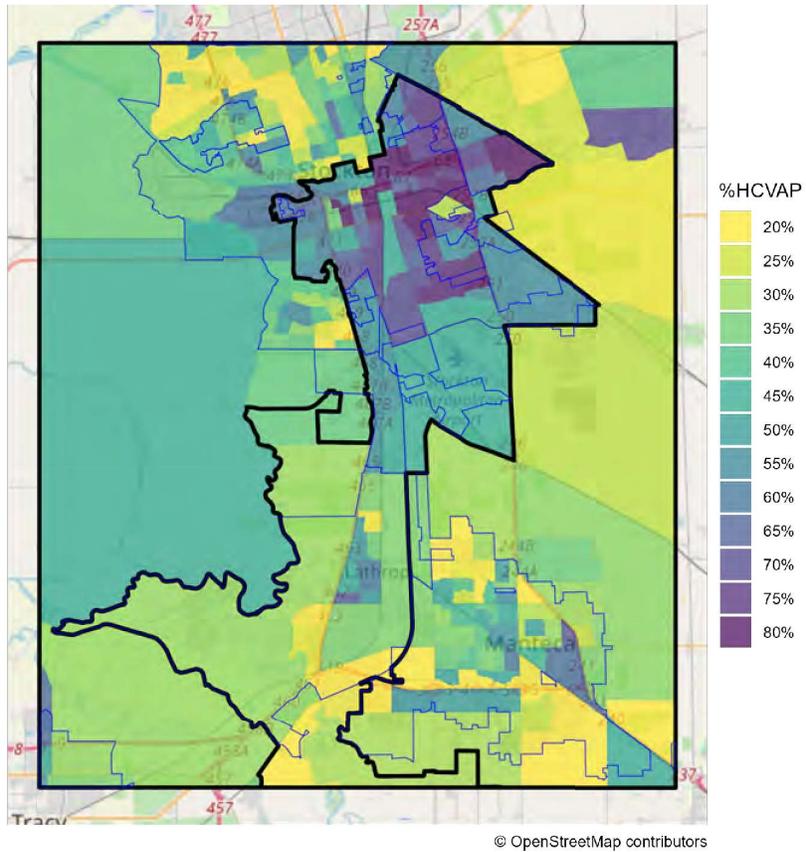
Figure 15: District 9/13 Boundary, Stockton Area, By Politics and Precinct



What differentiates them is that the portion at the northern end of the district are heavily Hispanic, while the areas left out to the west of the district are more heavily White. In other words, this appendage bypasses white Democrats, making the district less compact, to gain Hispanic areas that are less heavily compact. From a gerrymandering perspective, this makes little sense.

California District 13 shows signs of racial predominance in line drawing. — 20

Figure 16: District 9/13 Boundary, Stockton Area, By HCVAP and Block Group



California District 13 shows signs of racial predominance in line drawing. — 21

Figure 17: District 9/13 Boundary, Stockton Area, By HVAP and Block Group

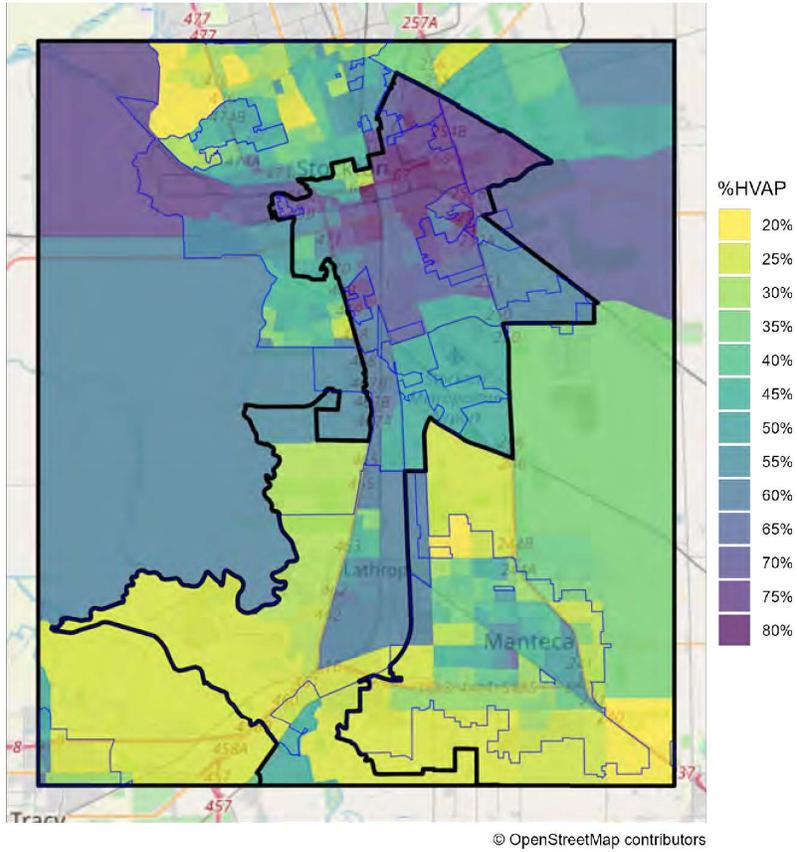
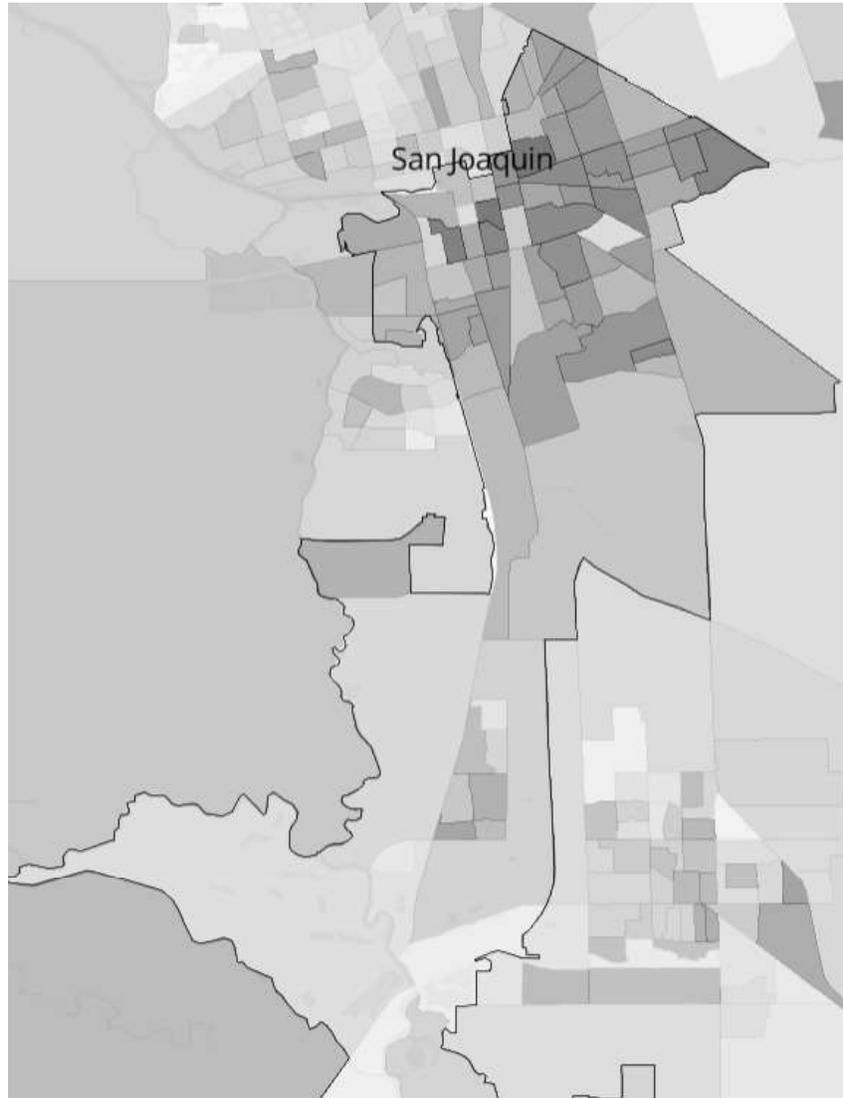


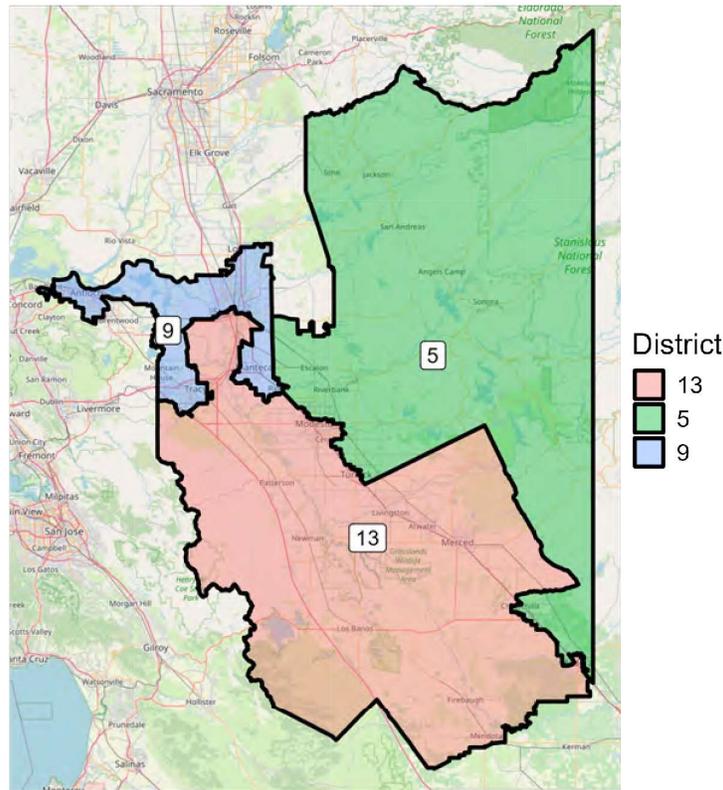
Figure 18: District 9/13 Boundary, Stockton Area, By HVAP and Precinct



4 Demonstration Maps

I have also drawn three maps to demonstrate that it is possible to achieve the political goals of the map with a more regular configuration that does not target race. Geojsons for the districts are available as an attachment to this report. The first map, Map A, simply reconfigures Stockton to capture the more heavily Democratic areas to the west of the city.

Figure 19: Demonstration Map A



© OpenStreetMap contributors

District 13 and 9 are equipopulous. The Hispanic Voting Age Population of District 13 in the Enacted Map District 13 is 60.5%; the Hispanic Voting Age Population of District 13 in this version is 58.9%. The estimated Hispanic Citizen Voting Age Population (HCVAP) of District 13 in the Enacted Map is 53.2%; the estimated HCVAP of District 13 in Demonstration District A is 51.3%. The Enacted Map’s District 13 has a Reock compactness score of 0.417 and a Polsby-Popper compactness score of 0.205. Demonstration District A has scores of 0.412 and 0.223, respectively. From a political perspective, the map improves Democratic performance. The following table shows Democratic and Republican vote shares for District 13 in the Enacted Map, and in Demonstration District A.

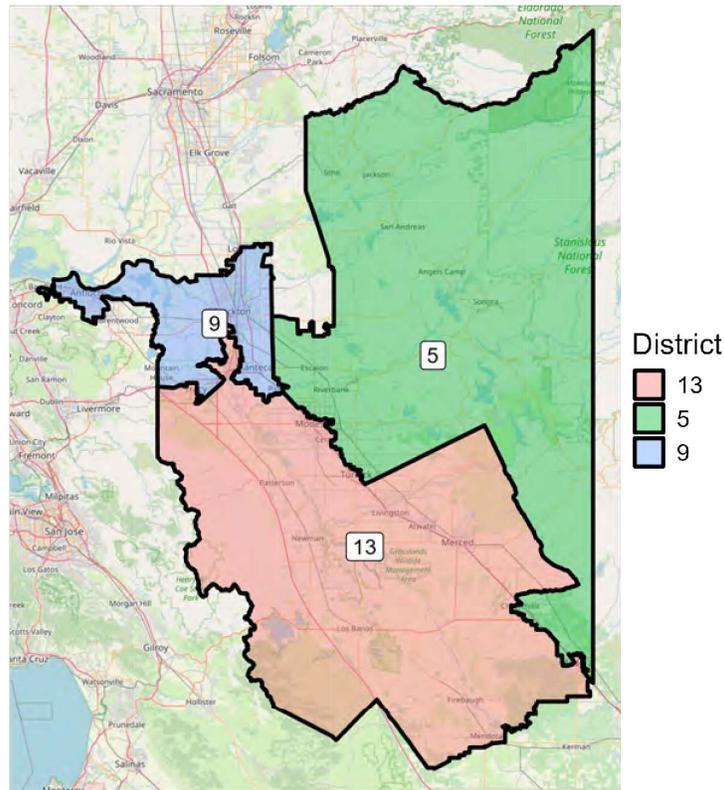
Table 1: Political Performance, Enacted Map vs. Map A

Race	Enacted R%	Enacted D%	D Edge	Map A, R%	Map A, D%	D Edge
Gov '22	50.40%	49.60%	-0.80%	50%	50%	0%
Pres '24	48.20%	48.90%	0.70%	48%	49.20%	1.20%
Sen '24	48.70%	51.30%	2.60%	48.30%	51.70%	3.40%

Map B pulls the district further out of Stockton, and captures Democratic voters in the city of Tracy, closer to the district core. While Tracy is split, the map fixes the split in French Cap.

The map also addresses the split in Modesto/Ceres. It does so by making the boundary conform with the Ceres city limits while picking up some Democratic precincts in Modesto.

Figure 20: Demonstration Map B



© OpenStreetMap contributors

District 13 and 9 are equipopulous here. The Hispanic Voting Age Population of District 13 in the Enacted Map District 13 is 60.5%; the Hispanic Voting Age Population of District 13 in this version is 56.0%, The Hispanic Citizen Voting Age Population (HCVAP) of District 13 in the Enacted Map is 53.2%; the HCVAP of District 13 in Demonstration District B is 48.9%. The Enacted Map’s District 13 has a Reock compactness score of 0.417 and a Polsby-Popper compactness score of 0.205. Demonstration District B has scores of 0.4082 and 0.2297, respectively.

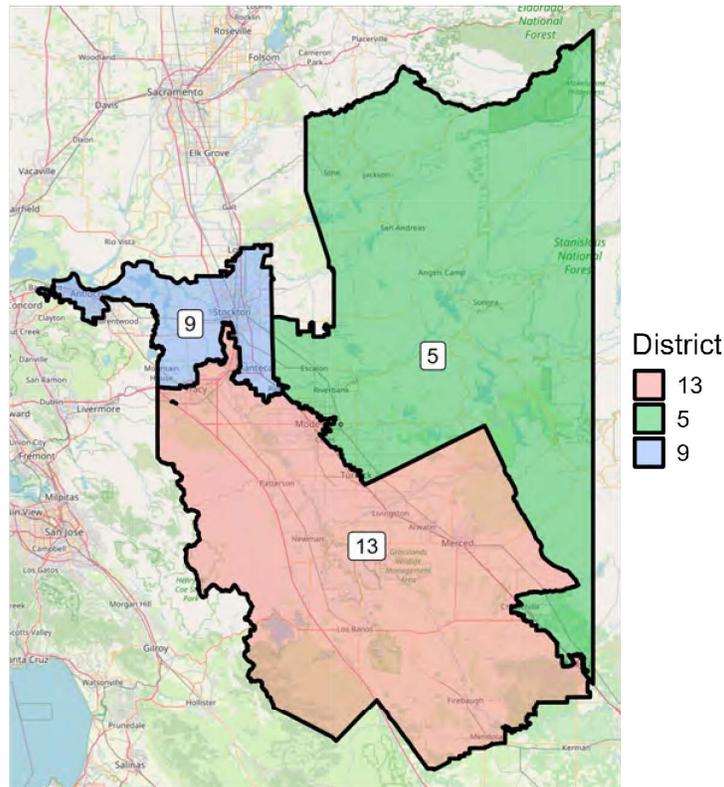
From a political perspective, the map improves Democratic performance. The following table shows Democratic and Republican vote shares for District 13 in the Enacted Map, and in Demonstration District B.

Table 2: Political Performance, Enacted Map vs. Map B

Race	Enacted R%	Enacted D%	D Edge	Map B, R%	Map B, D%	D Edge
Gov '22	50.40%	49.60%	-0.80%	50.2%	49.8%	-0.4%
Pres '24	48.20%	48.90%	0.70%	48.2%	49%	0.8%
Sen '24	48.70%	51.30%	2.60%	48.7%	51.3%	2.6%

Finally, Map C goes further than Map B. In the Modesto area, it splits Ceres to exclude the Republican areas, otherwise following SR-99. It picks up more Democratic areas in Modesto.

Figure 21: Demonstration Map C



© OpenStreetMap contributors

In the north, it pulls further out of Stockton, regularizing the boundary overall.

District 13 and 9 are equipopulous here. The Hispanic Voting Age Population of District 13 in the Enacted Map District 13 is 60.5%; the Hispanic Voting Age Population of District 13 in this version is 55.1%, The Hispanic Citizen Voting Age Population (HCVAP) of District 13 in the Enacted Map is 53.2%; the HCVAP of District 13 in Demonstration District C is 48.1%. The Enacted Map’s District 13 has a Reock compactness score of 0.417 and a Polsby-Popper compactness score of 0.205. Demonstration District B has scores of 0.4106 and 0.2421, respectively.

From a political perspective, the map improves Democratic performance. The following table shows Democratic and Republican vote shares for District 13 in the Enacted Map, and in Demonstration District C.

Table 3: Political Performance, Enacted Map vs. Map C

Race	Enacted R%	Enacted D%	D Edge	Map C, R%	Map C, D%	D Edge
Gov '22	50.40%	49.60%	-0.80%	50.3%	49.7%	-0.6%
Pres '24	48.20%	48.90%	0.70%	48%	49.1%	1.1%
Sen '24	48.70%	51.30%	2.60%	48.6%	51.4%	2.8%

5 Conclusion

The Enacted Map’s boundaries between districts 9 and 13 appear to have been crafted to enhance the Hispanic Voting Age Population and Hispanic Citizen Voting Age Population in the district. The twisted shapes cannot be explained by traditional redistricting principles, nor can they be explained by politics. Race predominated in these lines. I reserve the right to supplement this report as additional information becomes available, or according to any scheduling order this Court might set.

June 2, 2026, Statewide Direct Primary Election Calendar

12/19/25 (E-165)	1. VERIFICATION OF INDEPENDENT EXPENDITURES The Verification of Independent Expenditures (Form 462) is used to identify an individual responsible for ensuring that the campaign committee’s independent expenditures were not coordinated with the listed candidate or the opponent or measure committee and that the committee will report all contributions and reimbursements as required by law. An independent expenditure is not subject to state or local contribution limits. This form must be emailed to the Fair Political Practices Commission within 10 days of an independent expenditure of \$1,000 or more. ² NOTE: For purposes of this calendar, the dates related to expenditures shall begin at E-165.	Gov. Code § 84213; Cal. Code Regs., tit. 2, § 18465.1
12/19/25 to 2/4/26 (E-165 to E-118)	2. SIGNATURES IN LIEU OF FILING FEES Period in which candidates for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly may obtain forms from county elections officials for circulating petitions to secure signatures in lieu of all or part of the filing fee. Signatures may also be applied to the nomination signature requirements for the office.	§§ 8020(b), 8061, 8105, 8106(b)(3), 8162(a) ⁴
12/19/25 to 3/3/26 (E-165 to E-91)	3. \$5,000 REPORT (ELECTRONIC FILERS ONLY) Period in which candidates for state office and their controlled committees, and committees primarily formed to support or oppose state measures, must file a Contribution Report (Form 497) within 10 business days if \$5,000 or more is received from a single source outside the 90-day election cycle. ² NOTES: The filing period for this report begins the day following the last general election; however, for purposes of this calendar entry, the E-date shall begin at E-165. On an ongoing basis, recipient committees must file a disclosure report within 10 business days of making a contribution of \$5,000 or more or an independent expenditure of \$5,000 or more to support or oppose the qualification or passage of a single state ballot measure, a single local initiative, or a referendum ballot measure. ²	Gov. Code §§ 85204, 85309(c), (d)
12/19/25 to 6/16/26 (E-165 to E+14)	4. CANDIDATE INTENTION STATEMENT Period in which, and prior to, the solicitation or receipt of any contribution or loan for a specific office, the individual must file a Candidate Intention Statement (Form 501), signed under penalty of perjury, of intention to be a candidate for the specific office. The Form 501 is also used by candidates to accept or reject voluntary spending limits specified by the Fair Political Practices Commission. Candidates are not required to file a Form 501 for the same office in the connected general election after filing a Form 501 for the primary election. Between the date of filing an initial Form 501 for an election and the deadline for filing nomination papers for that election, March 6, 2026 (E-88), the statement of acceptance or rejection of the voluntary expenditure limits may be amended no more than two times, provided the limit has not been exceeded. If the voluntary expenditure limits are rejected in the primary, but not exceeded during that election, the Form 501 may be amended to accept the expenditure limits for the general. The amended Form 501 must be filed within 14 days following the primary election.	Gov. Code § 84204.5 Cal. Code Regs., tit. 2, § 18520; Gov. Code §§ 85200, 85400, 85401 Gov. Code §§ 85200, 85400, 85401

June 2, 2026, Statewide Direct Primary Election Calendar

12/19/25 to 2/11/26 (E-165 to E-111)	Period in which state constitutional office candidates, who wish to purchase space for a 250-word candidate statement in the state Voter Information Guide, must accept the voluntary expenditure limits by February 11, 2026 (E-111).	Gov. Code §§ 85400, 85401, 85600, 85601
12/19/25 to 3/6/26 (E-165 to E-88)	Period in which State Senator and Member of the State Assembly candidates, who wish to purchase space for a 250-word candidate statement in the county voter information guide(s) of the county or counties in their jurisdiction, must accept the voluntary expenditure limits by March 6, 2026 (E-88).	Gov. Code §§ 85200, 85400, 85401, 85600, 85601
NOTE: For purposes of this calendar entry the E-date shall begin at E-165.		
12/26/25 (E-158)	5. NOTICE OF OFFICES IN THE PRIMARY ELECTION On or before this date, the Secretary of State shall prepare and send to each county elections official a notice designating all the offices, except for county officers and judges, for which candidates are to be nominated at the primary election.	§ 12103
12/30/25 (E-154)	6. LAST DAY TO COUNT REGISTRATIONS TOWARD THE QUALIFICATION OF A NEW POLITICAL PARTY Last day any person may register or re-register to vote to declare a preference for a political body in order for that body to qualify to participate in the primary election.	§§ 2187(c)(1), 5100(b)
12/30/25 to 1/18/26** (E-154 to E-135)	7. REPORT OF REGISTRATION — 154-DAY COUNTY READINESS Period in which county elections officials shall notify the Secretary of State that voter registration information is available in the California Statewide Voter Registration System (VoteCal) by indicating Report of Registration readiness in their Election Management System (EMS) with respect to voters registered as of December 30, 2025 (E-154).	§ 2187(a), (b), (c)(1)
1/1/26* (E-152)	8. VOTING SYSTEM PROCEDURES On or before this date, the Secretary of State shall review, and if necessary amend, administrative procedures for use with each of the voting systems pursuant to Division 19 of the Elections Code.	§ 15002 ¹
1/1/26* (E-152)	9. APPROVED BALLOT CARD VENDORS On or before this date, the Secretary of State shall publish the list of approved manufacturers, finishers, and ballot on demand systems for use in California elections.	Cal. Code Regs. tit. 2, § 20229
1/2/26 to 3/4/26 (E-151 to E-90)	10. PRE-ELECTION RESIDENCY CONFIRMATION PROCEDURE Suggested day county elections officials should begin the period in which they conduct a pre-election residency confirmation procedure, to be completed by the 90th day immediately prior to the election as provided in Elections Code section 2220. County elections officials shall not be required to mail a residency confirmation postcard to any voter who has voted at an election held within the last six months preceding the start of the confirmation procedure or to any person registered to vote who will not be 18 years of age on or before the primary election.	§ 2220 § 2220(b)

June 2, 2026, Statewide Direct Primary Election Calendar

1/5/26 (E-148)	11. GOVERNOR'S PROCLAMATION — ISSUANCE On or before this date, the Governor shall issue a proclamation calling the primary election and shall state the time of the election and the offices to be filled and transmit a copy of the proclamation to the board of supervisors of each county. The Secretary of State will send an informational copy of the proclamation to each county elections official.	§ 12000
1/18/26* (E-135)	12. POLITICAL BODIES ATTEMPTING TO QUALIFY Last day for county elections officials to deliver petitions from political bodies to the Secretary of State in order for the political body to qualify as a political party for the primary election. The Secretary of State will determine, based on the 154-Day Report of Registration, whether a new political party has qualified for the primary election by registration.	§ 5100(b), (c)
1/18/26** (E-135)	13. REPORT OF REGISTRATION — 154-DAY COUNTY READINESS DEADLINE Last day for county elections officials to indicate Report of Registration readiness in their Election Management System (EMS) of all voters registered as of December 30, 2025 (E-154).	§ 2187(a), (b), (c)(1)
1/22/26 (E-131)	14. LEGISLATIVE MEASURE QUALIFICATION DEADLINE Last day for the Legislature to adopt a constitutional amendment, bond measure, or other legislative measure in order for the proposed measure to appear on the primary election ballot.	§ 9040
1/22/26 to 2/11/26 (E-131 to E-111) [Date designated by Secretary of State]	15. CANDIDATE STATEMENTS IN THE STATE VOTER INFORMATION GUIDE — STATE CONSTITUTIONAL OFFICES Period in which state constitutional office candidates may purchase space for a 250-word statement in the state Voter Information Guide. A candidate for state constitutional office may purchase space for a statement only if a Candidate Intention Statement (Form 501) has been filed and the candidate has agreed to accept the voluntary expenditure limits.	Gov. Code § 85601(a); § 9084(i)
1/23/26 (E-130) [Date designated by Secretary of State]	16. NUMBERING OF PROPOSITIONS On or about this date, proposition numbers will be assigned by Secretary of State to statewide ballot measures.	§ 13117
1/28/26 (E-125)	17. NOTICE OF PARTIES QUALIFIED TO PARTICIPATE IN PRIMARY ELECTION On or before this date, the Secretary of State shall prepare and send to each county elections official a notice designating the names of the political parties qualified to participate in the primary election.	§§ 5100, 12103
1/30/26 (E-123) [Date designated by Secretary of State]	18. STATEWIDE BALLOT MEASURES — BALLOT TITLE AND SUMMARY AND CONDENSED BALLOT TITLE AND SUMMARY DEADLINE By this date, the Attorney General is asked to provide to the Secretary of State all official ballot titles and summaries and condensed ballot titles and summaries for the statewide ballot measures that have qualified for the primary election to ensure there is sufficient time to have them translated into all required languages prior to the public examination period for the state Voter Information Guide.	§§ 303, 9050, 9051, 9054, 13282

June 2, 2026, Statewide Direct Primary Election Calendar

<p>1/31/26* (E-122) [Date fixed by law]</p>	<p>19. CAMPAIGN STATEMENT — SEMIANNUAL Last day to file semiannual campaign statements, if required, by all candidates, organizations, committees, and slate mailers.²</p>	<p>Gov. Code §§ 84200, 84218</p>
<p>2/2/26 (E-120)</p>	<p>20. STATEWIDE BALLOT MEASURES — NEWS RELEASE INVITING ARGUMENTS On or before this date, the Secretary of State will issue a general news release requesting voters to submit an argument in each case where either the argument for or against any statewide ballot measure has not been prepared and filed.</p>	<p>§§ 9060-9063</p>
<p>2/3/26 (E-119) [Date designated by Secretary of State]</p>	<p>21. STATEWIDE BALLOT MEASURES — ARGUMENT SUBMISSION DEADLINE Last day for submittal of arguments for or against each qualified statewide ballot measure to the Secretary of State. Arguments shall not exceed 500 words, and, once submitted, no argument may be amended or deleted without a writ of mandate.</p>	<p>§§ 9041-9044, 9064, 9065, 9068</p>
<p>2/4/26 (E-118)</p>	<p>22. SIGNATURES IN LIEU OF FILING FEES DEADLINE Last day for candidates for state constitutional offices, United States Representative in Congress, State Senator, and Member of the State Assembly to submit their petitions to the county elections official of the county in which the petition signers reside and are registered to vote. Upon receipt of the required number of in-lieu signatures, or of a sufficient combination of such signatures and the prorated filing fee, the county elections official shall issue the nomination papers provisionally. Within 10 days after receipt of a petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, at the time of obtaining nomination documents, pay a pro rata portion of the filing fee to cover the deficiency. Any candidate who submits a number of valid in-lieu signatures that meets the nomination signatures requirement and equals or exceeds the minimum number required by Section 8062 for their nomination papers, they must still file a Declaration of Candidacy during the nomination period.</p>	<p>§§ 8020, 8061, 8105, 8106(b)(3)</p>
<p>2/8/26* (E-114) [Date designated by Secretary of State]</p>	<p>23. STATEWIDE BALLOT MEASURES — SELECTION AND EXCHANGE OF ARGUMENTS FOR OR AGAINST MEASURES On or before this date, the Secretary of State will select arguments for inclusion in the state Voter Information Guide where more than one argument has been submitted in favor of or against the same measure. Following the selection, the Secretary of State will exchange arguments with opposing authors and request rebuttal arguments and summary information be submitted no later than February 12, 2026 (E-110).</p>	<p>§§ 9067, 9069</p>
<p>2/9/26 to 3/6/26 (E-113 to E-88)</p>	<p>24. STATEMENT OF ECONOMIC INTERESTS Period in which specified candidates for state office shall file a Statement of Economic Interests (Form 700) disclosing their investments, interests in real property, and any income received during the immediately preceding 12 months. This statement is not required if the candidate has filed such statements within the past 60 days for the same jurisdiction.²</p> <p>NOTE: The deadlines for filing a Form 700 by certain officeholders may be earlier. Call the Fair Political Practices Commission (FPPC) for deadline information at (866) 275-3772.</p>	<p>Gov. Code §§ 87200-87203, 87500</p>

June 2, 2026, Statewide Direct Primary Election Calendar

2/9/26 to 3/6/26 (E-113 to E-88)	25. DECLARATION OF CANDIDACY AND NOMINATION PAPERS	Period in which all candidates for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly must file a declaration of candidacy for office and ballot designation worksheet, and circulate nomination papers and deliver them to the county elections official for filing. All candidates must pay the nonrefundable filing fees or present petitions in lieu of signatures at the time nomination papers are issued by the county elections official. The number of valid signatures in lieu of the filing fee any candidate obtains may be subtracted from the number required for their nomination papers. A candidate shall not be required to execute a nomination paper if the number of signatures in lieu of the filing fee meets the requisite number of valid signatures under Section 8062. All nomination documents for the above-listed candidates must be left with the county elections official for filing with the Secretary of State.	§§ 333, 8020, 8040, 8041, 8061-8064, 8100, 8105, 8106, 13107.3
2/9/26 to 3/6/26 (E-113 to E-88)	26. CANDIDATE WITHDRAWAL	A candidate for United States Representative in Congress, Member Board of Equalization, State Senator, or Member of the State Assembly may withdraw previously filed nomination documents by delivering a statement of withdrawal to the county elections official by March 6, 2026, at 5:00 p.m. (E-88).	§ 8020.5
2/9/26 to 3/6/26 (E-113 to E-88)	27. CANDIDATE STATEMENTS IN THE COUNTY VOTER INFORMATION GUIDE	Period in which candidates for United States Representative in Congress, State Senator, and Member of the State Assembly may purchase space for a 250-word candidate statement in the county voter information guide(s) of the county or counties in their jurisdiction. Candidates for State Senator and Member of the State Assembly may purchase space for a candidate statement only if they have agreed to accept the voluntary expenditure limits on their Candidate Intention Statement (Form 501).	Gov. Code § 85601(c); §§ 13307.5, 13307.7
2/9/26 to 3/11/26 (E-113 to E-83)	28. NOMINATION DOCUMENTS FORWARDED TO THE SECRETARY OF STATE	Period in which, and within five days of receipt of nomination documents, county elections officials shall deliver to the Secretary of State candidates' nomination documents for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly, together with a statement showing the number of valid signatures on the nomination documents for all candidates.	§§ 8070, 8082
2/10/26 (E-112) [Date designated by Secretary of State]	29. SUBMISSION DATE FOR SUPPORTERS AND OPPONENTS LIST FOR STATEWIDE BALLOT MEASURES	On this day only, the selected author(s) of the argument in favor of a statewide ballot measure and the selected author(s) of the argument against a statewide ballot measure shall provide to the Secretary of State a listing of nonprofit organizations, businesses, or individuals in support or opposition of the statewide ballot measure, as specified in Elections Code section 9051. Each list is limited to 125 characters in length.	§ 9051(c)
2/11/26 (E-111)	30. CANDIDATE INTENTION STATEMENT — STATE CONSTITUTIONAL OFFICE — DEADLINE	Last day for state constitutional office candidates to file the Candidate Intention Statement (Form 501) agreeing to accept the voluntary expenditure limits in order to purchase space for a 250-word statement in the state Voter Information Guide.	Gov. Code §§ 85400, 85401, 85600, 85601

June 2, 2026, Statewide Direct Primary Election Calendar

- | | | | |
|---|---|---|---------------------------------------|
| 2/11/26
(E-111)
[5:00 p.m.]
[Date designated by
Secretary of State] | 31. CANDIDATE STATEMENTS IN THE STATE VOTER INFORMATION GUIDE — STATE CONSTITUTIONAL OFFICE — DEADLINE | Last day state constitutional office candidates may purchase space for a 250-word candidate statement in the state Voter Information Guide. Candidates for state constitutional office may purchase space for a statement only if they have agreed to accept the voluntary expenditure limits on their Candidate Intention Statement (Form 501). | Gov. Code
§ 85601(a);
§ 9084(i) |
| 2/12/26
(E-110)
[Date designated by
Secretary of State] | 32. STATEWIDE BALLOT MEASURES — ANALYSIS, "YES" AND "NO" STATEMENTS, BOND STATEMENT, AND TEXT DEADLINE | By this date, the Legislative Analyst and Legislative Counsel must provide all official analyses, “Yes” and “No” statements, and texts of the statewide ballot measures that have qualified for the primary election ballot, and a statement of bond debt, if necessary, so that the Secretary of State has sufficient time to prepare a copy for public examination and to translate the state Voter Information Guide into all required languages. | §§ 9085, 9087,
9088, 9091 |
| 2/12/26
(E-110)
[Date designated by
Secretary of State] | 33. STATEWIDE BALLOT MEASURES — REBUTTAL ARGUMENT AND SUMMARY INFORMATION DEADLINE | Last day for selected argument authors to submit rebuttal arguments and summary information for or against ballot measures qualified for the primary election ballot. Rebuttal arguments shall not exceed 250 words, and summary information shall not exceed 50 words. | §§ 9069,
9084(c), (e) |
| 2/12/26
(E-110)
[Date designated by
Secretary of State] | 34. POLITICAL PARTY STATEMENT OF PURPOSE — DEADLINE | Last day for political parties to submit statements of purpose, not to exceed 200 words, for inclusion in the state Voter Information Guide, if space allows. | § 9084(e) |
| 2/14/26**
(E-108) | 35. SIGNATURES IN LIEU OF FILING FEES — DETERMINE SUFFICIENCY | Last day for the county elections official to determine the sufficiency of the in-lieu signatures submitted by candidates for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly. Within 10 days after receipt of a petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, at the time of obtaining nomination documents, pay a pro rata portion of the filing fee to cover the deficiency. | §§ 8061, 8106(b)(3) |
| 2/17/26
(E-105) | 36. NEWLY QUALIFIED POLITICAL PARTY ACTIVITIES | Last day temporary officers of a newly qualified political party shall notify the Secretary of State of their operating procedures. If the newly qualified political party has not adopted its own detailed statutory operating procedures, it shall adopt the statutory provisions of any other qualified political party that has statutory provisions for its party operations. | § 5005 |
| 2/17/26
(E-105) | 37. REPORT OF REGISTRATION — 154-DAY STATEWIDE REPORT PUBLISHED | On or before this date, the Secretary of State will release a statewide report showing the total number of voters in the county, the number registered as preferring each qualified political party, the number registered as preferring nonqualified parties, and the number registered without choosing a political party preference, and the number of registered voters, by political party preference, in the state, in each county, and in each city and unincorporated area. This report is based on the number of persons registered as of December 30, 2025 (E-154). | § 2187(a), (b),
(c)(1) |

June 2, 2026, Statewide Direct Primary Election Calendar

- | | | | |
|--|---|--|---|
| 2/17/26
to
3/9/26
(E-105 to E-85) | 38. STATE VOTER INFORMATION GUIDE AVAILABLE FOR PUBLIC EXAMINATION | Period in which the state Voter Information Guide for the primary election will be available for public examination and in which any elector may seek a writ of mandate to amend or delete any portion thereof prior to its printing. The lists of Supporters and Opponents included in the ballot labels will be available for public examination in English on February 17, 2026 (E-105); the translated versions of those lists will be made available for public examination on February 23, 2026 (E-99). | Gov. Code § 88006;
§§ 9051, 9054, 9082
9092, 13282 |
| 3/2/26
(E-92) | 39. RANDOMIZED ALPHABET DRAWING — NOTICE | Last day for the Secretary of State to notify the news media and other interested parties of the place and of the randomized alphabet drawing to be held at 11:00 a.m. on March 12, 2026 (E-82). | § 13112(b)(1)(B), (c) |
| 3/3/26
(E-91) | 40. \$5,000 REPORT (ELECTRONIC FILERS ONLY) — DEADLINE | Last day candidates for state office and their controlled committees, and committees primarily formed to support or oppose state measures, to file a Contribution Report (Form 497) within 10 business days if \$5,000 or more was received from a single source outside the 90-day election cycle. ² | Gov. Code
§§ 85204,
85309(c), (d) |
| 3/4/26
(E-90) | 41. PRE-ELECTION RESIDENCY CONFIRMATION PROCEDURE — DEADLINE | On or before this date, county elections officials must complete the pre-election residency confirmation procedure as provided in Section 2220. | § 2220 |
| 3/4/26
to
6/2/26
(E-90 to E) | 42. ELECTION CYCLE REPORTS — 24-HOUR PAYMENT REPORT (SLATE MAILER ORGANIZATIONS) | During the 90 days immediately preceding an election, each slate mailer organization that receives a payment of \$2,500 or more for the purpose of supporting or opposing any candidate or ballot measure in a slate mailer must report the payment within 24 hours to the Secretary of State's office online or by electronic transmission only. (Deadlines are extended to the next business day when they fall on a Saturday, Sunday, or an official state holiday, except for the weekend before an election.) Such payments may be reported on a Slate Mailer Late Payment Report (Form 498). ² | Gov. Code § 84220 |
| 3/4/26
to
6/2/26
(E-90 to E) | 43. ELECTION CYCLE REPORTS — 24-HOUR CONTRIBUTION REPORT | During the 90 days immediately preceding an election, or on the date of the election, the following contributions that total in the aggregate of \$1,000 or more must be reported within 24 hours to the Secretary of State's office online or by electronic transmission only: contributions made to or received by a candidate or candidate controlled committee on the June 2, 2026, ballot; contributions made to or received by a primarily formed candidate or ballot measure committee on the June 2, 2026, ballot; or, contributions made to or received by a political party committee. For purposes of the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board, the date of the election is the deadline to return ballots. (Deadlines are extended to the next business day when the deadline falls on a Saturday, Sunday, or an official state holiday, except for the weekend before the election.) Recipients of non-monetary or in-kind contributions must file within 48 hours of the date the non-monetary or in-kind contribution was received. These contributions are reported on the Contribution Report (Form 497). ² | Gov. Code
§§ 82036, 84203,
84203.3, 85204,
85309 |

June 2, 2026, Statewide Direct Primary Election Calendar

3/4/26 to 6/2/26 (E-90 to E)	44. ELECTION CYCLE REPORTS — 24-HOUR INDEPENDENT EXPENDITURE REPORT	During the 90 days immediately preceding an election or on the date of the election, an independent expenditure of \$1,000 or more made to a specific candidate or measure involved in a state election must be reported on the Independent Expenditure Report (Form 496) within 24 hours to the Secretary of State's office online or by electronic transmission only. For purposes of the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board, the date of the election is the deadline to return ballots and a copy of the Form 496 must be filed with the relevant board office. ²	Gov. Code §§ 82036.5, 84204, 84215(e), 85204
3/6/26 (E-88)	45. VOTER'S CHOICE ACT COUNTIES: CALCULATE NUMBER OF VOTE CENTERS	On this date, the county elections officials of counties implementing the Voter's Choice Act must calculate the location and number of vote centers based on specific ratios of the number of voters registered as of this date.	§ 4005(a)(3)(A), (a)(4)(A)
3/6/26 (E-88)	46. ALL COUNTIES TO CALCULATE NUMBER OF BALLOT DROP-OFF LOCATIONS	On this date, the county elections officials must calculate the number of drop-off locations based on specific ratios of the number of voters registered as of this date.	§§ 3025.5, 4005(a)
3/6/26 (E-88)	47. CANDIDATE INTENTION STATEMENT — STATE SENATOR AND MEMBER OF THE STATE ASSEMBLY — DEADLINE	Last day for State Senator and Member of the State Assembly candidates to file the Candidate Intention Statement (Form 501) agreeing to accept the voluntary expenditure limits in order to purchase space for a 250-word candidate statement in the county voter information guide(s) of the county or counties in their jurisdiction. ²	Gov. Code §§ 85200, 85400, 85401, 85600, 85601
3/6/26 (E-88)	48. CANDIDATE STATEMENTS IN THE COUNTY VOTER INFORMATION GUIDE — U.S. REPRESENTATIVE IN CONGRESS, STATE SENATOR, AND MEMBER OF THE STATE ASSEMBLY — DEADLINE	Last day candidates for United States Representative in Congress, State Senator, and Member of the State Assembly may purchase space for a 250-word candidate statement in the county voter information guide(s) of the county or counties in their jurisdiction. Candidates for State Senator and Member of the State Assembly may purchase space only if they have agreed to accept the voluntary expenditure limits on their Candidate Intention Statement (Form 501).	Gov. Code § 85601(c); §§ 13307.5, 13307.7
3/6/26 (E-88)	49. STATEMENT OF ECONOMIC INTERESTS	Last day for specified candidates in an election to file a Statement of Economic Interest (Form 700) disclosing their investments, interests in real property, and any income received during the immediately preceding 12 months. This statement is not required if the candidate has filed such statements within the past 60 days for the same jurisdiction. ²	Gov. Code §§ 87200-87203, 87500
3/6/26 (E-88) [5:00 p.m.]	50. DECLARATION OF CANDIDACY AND NOMINATION PAPERS — FILING DEADLINE	No later than 5:00 p.m. on this day, candidates for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly must deliver to the county elections official for filing their declarations of candidacy, nomination papers, and ballot designation worksheets.	§§ 333, 8020, 8040, 8041, 8061-8064, 8100, 8105, 8106, 13107.3

June 2, 2026, Statewide Direct Primary Election Calendar

- 3/6/26 (E-88) [5:00 p.m.] 51. **GOVERNOR CANDIDATES — TAX RETURNS — DEADLINE**
 On or before this date, a candidate for the office of Governor, in order to appear §§ 8901, 8902, 8903 on the direct primary ballot, must file with the Secretary of State's office, two hardcopies (one redacted and one unredacted) of every income tax return the candidate filed with the Internal Revenue Service (IRS) in the five most recent taxable years. The candidate shall redact information pursuant to Elections Code section 8903. If the Secretary of State determines that the candidate has failed to properly redact information, the candidate shall submit corrected hard copies no later than 5:00 p.m. on March 16, 2026 (E-78).
 The candidate must also sign the Income Tax Return Disclosure Consent and Acknowledgement Form granting the Secretary of State permission to publicly release the redacted version of the candidate's tax return. § 8903(a)
- 3/6/26 (E-88) [5:00 p.m.] 52. **CANDIDATE WITHDRAWAL — DEADLINE**
 No later than 5:00 p.m. on this day, candidates for United States Representative in Congress, Member Board of Equalization, State Senator, and Member of the State Assembly may withdraw previously filed nomination documents by delivering a statement of withdrawal to the county elections official. § 8020.5
- 3/7/26 to 3/11/26 (E-87 to E-83) [5:00 p.m.] 53. **NOMINATION PERIOD EXTENSION — INCUMBENT FAILS TO FILE**
 If an eligible incumbent for state constitutional office, United States Representative in Congress, State Senator, or Member of the State Assembly fails to file nomination documents by 5:00 p.m. on March 6, 2026 (E-88), a five-day extension is allowed for any person, other than the incumbent, to file for the elective office during the extended period. §§ 8022, 8100, 8105
- 3/7/26 to 3/11/26 (E-87 to E-83) [5:00 p.m.] 54. **CANDIDATE WITHDRAWAL EXTENSION**
 If the period to obtain and file nomination documents is extended for the offices of United States Representative in Congress, Member Board of Equalization, State Senator, and Member of the State Assembly, an eligible candidate may withdraw previously filed nomination documents by delivering a statement of withdrawal to the county elections official, by 5:00 p.m. March 11, 2026 (E-83). § 8020.5
- 3/7/26 to 3/20/26 (E-87 to E-74) [5:00 p.m.] 55. **NOMINATION PERIOD EXTENSION — DEATH OF A VOTER-NOMINATED CANDIDATE**
 If a candidate has filed nomination documents for a voter-nominated office at the primary election and that candidate dies after March 6, 2026 (E-88), but on or before March 11, 2026 (E-83), any qualified person may circulate and deliver nomination documents for the office to the county elections official not later than 5:00 p.m. on March 20, 2026 (E-74). § 8025
- 3/7/26 to 3/26/26 (E-87 to E-68) [5:00 p.m.] 56. **REOPENING OF NOMINATION PERIOD — DEATH OF A CANDIDATE FOR NONPARTISAN OFFICE**
 Period in which filing nomination papers for a nonpartisan office, except for a judicial office, shall be reopened in an election where an incumbent who is a candidate for a nonpartisan statewide office where only one other candidate, excluding any write-in candidates, has qualified to have their name placed on the ballot for that office and either the challenger or the incumbent dies after March 6, 2026 (E-88), but before March 26, 2026 (E-68). Any qualified person may circulate and deliver nomination documents for office to the county elections official not later than 5:00 p.m. on March 26, 2026 (E-68). § 8027

June 2, 2026, Statewide Direct Primary Election Calendar

3/9/26 (E-85)	57. LAST DAY STATE VOTER INFORMATION GUIDE AVAILABLE FOR PUBLIC EXAMINATION AND COPY DELIVERED TO THE STATE PRINTER	Last day the state Voter Information Guide for the primary election will be available for public examination and for the Secretary of State to deliver copy for preparation of the state Voter Information Guide to the Office of State Publishing.	Gov. Code § 88006; §§ 9054, 9082, 9092, 13282
3/11/26 (E-83)	58. NOMINATION DOCUMENTS FORWARDED TO THE SECRETARY OF STATE — DEADLINE	Last day for county elections officials to forward to the Secretary of State nomination documents for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly, together with a statement showing the number of valid nomination signatures.	§§ 8070, 8082
3/11/26 (E-83)	59. POLITICAL PARTY ENDORSEMENTS FOR VOTER-NOMINATED OFFICES — DEADLINE	Last day for the party chairperson of any qualified political party to submit to the county elections official a list of all candidates for voter-nominated office who will appear on any ballot in the county in question and who have been endorsed by the party. The county elections official shall print any such list that is received timely in the county voter information guide.	§ 13302(b)
3/11/26 (E-83) [5:00 p.m.]	60. NOMINATION PERIOD EXTENSION — INCUMBENT FAILS TO FILE — DEADLINE	By 5:00 p.m. on this day, any person, other than an eligible incumbent who did not qualify for nomination by March 6, 2026 (E-88), can file nomination documents for that office.	§§ 8022, 8100, 8105
3/11/26 (E-83) [5:00 p.m.]	61. CANDIDATE WITHDRAWAL EXTENSION — DEADLINE	By 5:00 p.m. this day, if the period to obtain and file nomination documents was extended for the offices of United States Representative in Congress, Member Board of Equalization, State Senator, and Member of the State Assembly, an eligible candidate may withdraw previously filed nomination documents by delivering a statement of withdrawal to the county elections official.	§ 8020.5
3/12/26 (E-82) [11:00 a.m.]	62. RANDOMIZED ALPHABET DRAWING	The Secretary of State shall conduct the randomized alphabet drawing at 11:00 a.m. and mail the results immediately to county elections officials so that they may determine the order in which the candidates shall appear on the primary election ballot.	§§ 13111, 13112(b)(1)(B)
3/12/26 (E-82) [Date designated by Secretary of State]	63. BALLOT TINT AND WATERMARK ASSIGNMENT	On or before this date, the Secretary of State shall issue the tint and watermark assignment to be printed upon the primary election ballots.	Cal. Code Regs., tit. 2, §§ 20215, 20218; § 13002
3/16/26 (E-78) [5:00 p.m.]	64. GOVERNOR CANDIDATES — SUBMITTING PROPERLY REDACTED TAX RETURNS — DEADLINE	Last day for a candidate for the office of Governor to submit corrected hard copies of their tax returns if the Secretary of State had determined that the candidate failed to properly redact information. If the corrected hard copies are not timely submitted, the candidate shall not be qualified to have their name placed on the ballot of the direct primary election.	§ 8903

June 2, 2026, Statewide Direct Primary Election Calendar

3/20/26 (E-74) [5:00 p.m.]	65. NOMINATION PERIOD EXTENSION — DEATH OF A VOTER-NOMINATED CANDIDATE DEADLINE	By 5:00 p.m. on this day, any qualified person can deliver to the county elections official their nomination documents for any voter-nominated office for which a candidate had filed but who died after March 6, 2026 (E-88), but on or before March 11, 2026 (E-83).	§ 8025
3/21/26* (E-73)	66. NOTICE TO CANDIDATES	On or before this date, but not fewer than five days before sending the certified list of candidates to the county elections officials, the Secretary of State shall notify each candidate for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly of the names, addresses, offices, ballot designations, and party preferences, if applicable, of all other persons who have filed for the same office.	§ 8121(a)
3/21/26* (E-73)	67. PARTY PREFERENCE HISTORY POSTING ON WEBSITE — ALL VOTER-NOMINATED CANDIDATES	On or before this day, the Secretary of State will post on its website, the party preference history of each candidate for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly for the preceding 10 years.	§ 8121(b)
3/26/26 (E-68) [5:00 p.m.]	68. REOPENED NOMINATION PERIOD — DEATH OF A CANDIDATE FOR NONPARTISAN OFFICE — DEADLINE	Last day for any qualified person to file nomination documents for a nonpartisan office where only an incumbent and one other candidate, excluding write-in candidates, have qualified and either one of the candidates has died after March 6, 2026 (E-88), but before March 26, 2026 (E-68).	§ 8027
3/26/26 (E-68) [12:02 a.m.]	69. DEATH OF A CANDIDATE FOR NONPARTISAN OFFICE	If an incumbent is a candidate for a nonpartisan statewide office and only one other candidate, excluding write-in candidates, has qualified to have their name placed on the ballot for that office, and either the challenger or the incumbent dies after the hour of 12:01 a.m. on March 26, 2026 (E-68), an election shall not be conducted, no votes cast for that office shall be counted, and, if counted, the votes shall be null and void.	§ 8026
3/26/26 (E-68)	70. DEATH OF A CANDIDATE — NAME ON BALLOT	Last day for the county elections official to remove a deceased candidate's name from the primary election ballot.	§ 8809
3/26/26 (E-68) [5:00 p.m.]	71. CERTIFIED LIST OF CANDIDATES AND ROTATION LIST	Last day for the Secretary of State to certify and send to each county elections official a list of candidates to be voted on throughout the state showing the name of every person eligible to receive votes within the county at the primary election, their addresses, and the office for which they seek nomination, and if applicable, their party preference and ballot designation.	§§ 8120-8125
		The Secretary of State shall also provide to county elections officials a list of candidates to be voted on throughout the state for each county arranged according to the randomized alphabet drawn on March 12, 2026 (E-82).	§ 13111
4/3/26 (E-60)	72. MILITARY OR OVERSEAS VOTER APPLICATIONS	First day county elections officials may process applications for military or overseas voter ballots. Any applications received by the county elections official prior to this day shall be kept and processed on or after this date. If the applicant is not a resident of the county to which they have applied, the elections official receiving the application shall forward it immediately to the proper county.	§§ 300(b), 321, 3102, 3105

June 2, 2026, Statewide Direct Primary Election Calendar

<p>4/3/26 to 4/13/26 (E-60 to E-50)</p>	<p>73. VOTER REGISTRATION DATA TO THE SECRETARY OF STATE FOR STATE VOTER INFORMATION GUIDE MAILING</p>	<p>Period in which county elections officials shall notify the Secretary of State that voter registration information is available in the California Statewide Voter Registration System (VoteCal) by indicating readiness in their Election Management System (EMS) by April 13, 2026 (E-50) with respect to voters registered as of April 3, 2026 (E-60). This information should reflect the results of the pre-election residency confirmation procedure.</p>	<p>§§ 2220, 9094(a)</p>
<p>4/3/26 to 4/13/26 (E-60 to E-50)</p>	<p>74. REPORT OF REGISTRATION — 60-DAY COUNTY READINESS</p>	<p>Period in which county elections officials shall notify the Secretary of State that voter registration information is available in the California Statewide Voter Registration System (VoteCal) by indicating Report of Registration readiness in their Election Management System (EMS) with respect to voters registered as of April 3, 2026 (E-60).</p>	<p>§ 2187(a), (b), (c)(2)</p>
<p>4/6/26 to 5/19/26 (E-57 to E-14)</p>	<p>75. STATEMENT OF WRITE-IN CANDIDACY AND NOMINATION PAPERS</p>	<p>Period in which all write-in candidates for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly must leave a statement of write-in candidacy and nomination papers with the county elections official for filing with the Secretary of State.</p>	<p>§ 8601</p>
<p>4/13/26 (E-50)</p>	<p>76. VOTER REGISTRATION DATA TO THE SECRETARY OF STATE FOR STATE VOTER INFORMATION GUIDE MAILING — DEADLINE</p>	<p>Last day to indicate voter information guide mailing readiness in the county's Election Management System (EMS) of all voters registered as of April 3, 2026 (E-60); this information should reflect the results of the pre-election residency confirmation procedure.</p>	<p>§§ 2220, 9094(a)</p>
<p>4/13/26 (E-50)</p>	<p>77. REPORT OF REGISTRATION — 60-DAY COUNTY READINESS DEADLINE</p>	<p>Last day for county elections officials to indicate Report of Registration readiness in their Election Management System (EMS) of all voters registered as of April 3, 2026 (E-60).</p>	<p>§ 2187(a), (b), (c)(2)</p>
<p>4/18/26*³ [Saturday] (E-45) [Date fixed by law]</p>	<p>78. MILITARY OR OVERSEAS VOTER BALLOTS</p>	<p>Last day for county elections officials to transmit ballots and balloting materials to absent military or overseas voters who have requested them by this date. If a military or overseas voter ballot application is received after this date, the county elections official shall transmit a ballot and balloting materials as soon as practicable.</p>	<p>52 U.S.C. § 20302 (MOVE Act); § 3114</p>
<p>4/18/26* (E-45) [Date designated by Secretary of State]</p>	<p>79. STATE VOTER INFORMATION GUIDES TO STATE AND LOCAL OFFICIALS AND PUBLIC INSTITUTIONS</p>	<p>On or before this date, the Secretary of State shall send a specified number of copies of the state Voter Information Guide to city and county elections officials, members of the Legislature, proponents of statewide ballot measures, public libraries, and specified educational institutions.</p>	<p>§ 9096</p>
<p>4/18/26 to 6/1/26 (E-45 to E-1)</p>	<p>80. ISSUE ADVOCACY REPORT (ELECTRONIC FILERS ONLY)</p>	<p>A disclosure report (Form E-530) must be filed within 48 hours by anyone spending or promising to pay \$50,000 or more for a communication disseminated, broadcast, or otherwise published within 45 days of an election, if the communication clearly identifies a candidate for state elective office but does not expressly advocate the election or defeat of that candidate.²</p>	<p>Cal. Code Regs. tit. 2, § 18539.2; Gov. Code § 85310</p>

June 2, 2026, Statewide Direct Primary Election Calendar

4/23/26 (E-40)	81. FIRST PRE-ELECTION STATEMENT	Last day to file campaign statements for candidates and committees for the period ending April 18, 2026 (E-45). Candidate controlled committees and primarily formed candidate and measure committees appearing on the ballot must file this statement. State general purpose committees making contributions or independent expenditures of \$500 or more in connection with the election must also file this statement. Candidate controlled committees by elected state officers and candidates for elective state office who are not appearing on the ballot at the next statewide election making contributions or independent expenditures of \$500 or more in connection with the election must file this statement. Political parties must file this statement if they receive contributions totaling \$1,000 or more or if contributions or independent expenditures totaling \$500 or more were made in connection with the election. State slate mailer organizations must file this statement if payments of \$500 or more are received or made to produce a slate mailer in connection with the election. ²	Gov. Code §§ 84200.5, 84200.8, 84218
4/23/26 to 5/12/26 (E-40 to E-21)	82. STATE VOTER INFORMATION GUIDE MAILING	Period in which the Secretary of State shall mail state Voter Information Guides to all households in which voters were registered by April 3, 2026 (E-60). This mailing is based on the information provided by county elections officials to the Secretary of State by April 13, 2026 (E-50).	§ 9094(a)
4/23/26 to 5/12/26 (E-40 to E-21)	83. COUNTY VOTER INFORMATION GUIDE AND POLLING PLACE	Suggested first day for the county elections official to begin mailing a county voter information guide and a polling place notice, which includes any vote centers, to each registered voter who registered at least 29 days before the election, unless the voter has opted to receive them electronically. The polling place notice may state whether the polling place is accessible to the physically handicapped.	§§ 13300(b), 13300.7, 13303, 13304, 13305, 14282
		The county elections official shall also give county voter information guides to the chairperson of the county central committee of each political party, shall mail a copy to each candidate, and shall post a copy of the county voter information guide in a conspicuous place in their office.	§ 13302(a)
4/30/26** (E-33) [Date fixed by law]	84. QUARTERLY STATEMENTS BY BALLOT MEASURE COMMITTEES	Last day for committees that have qualified as a recipient committee and are primarily formed to support or oppose the qualification, passage, or defeat of any measure to file a quarterly campaign statement for the period January 1, 2026 (E-152), through March 31, 2026 (E-63), unless the committee will file pre-election statements for an upcoming election. ²	Gov. Code § 84202.3
		This statement is not required if the committee is required to file pre-election statements or if the measure was already voted on and the committee has not made contributions or expenditures to support or oppose the qualification or passage of another ballot measure. ²	Gov. Code § 84202.3
5/3/26* (E-30)	85. NOTICE OF EARLY TABULATION	On or before this date, the county governing body shall notify the county elections official that certain offices or measures to be voted on are of more than ordinary public interest and will require an early tabulation and announcement.	§ 14440

June 2, 2026, Statewide Direct Primary Election Calendar

- | | | | |
|---------------------------------------|---|---|-------------------------------------|
| 5/4/26
(E-29) | 86. ALL COUNTIES MAIL EVERY ACTIVE REGISTERED VOTER A VOTE-BY-MAIL BALLOT AND PACKET | Every active registered voter will be mailed a vote-by-mail ballot and packet. | §§ 3000.5, 3010 |
| | | No later than this date, county elections officials shall begin mailing each registered voter a vote-by-mail ballot, a vote-by-mail packet that includes an envelope with instructions on the use and return of the vote-by-mail ballot, and other information including the locations and hours of each vote center in the county or polling place. | §§ 3000.5, 3010, 4005(a)(8)(A), (B) |
| | | County elections officials shall have five days to mail a ballot to each person who is registered to vote by this date and five days to mail a ballot to each person who is subsequently registered to vote. | §§ 3000.5, 3001 |
| 5/4/26
(E-29) | 87. COMPUTER PROCESSING OF VOTE-BY-MAIL BALLOTS | All county elections officials may begin to process vote-by-mail ballot return envelopes. | § 15101(a) |
| | | Counties having the necessary computer capability to process vote-by-mail ballots may begin to process their vote-by-mail ballots on this date. This process may be completed to the point of placing the ballot information on a computer medium, but under NO circumstances may a vote count be accessed or released until 8:00 p.m. on June 2, 2026 (E). | § 15101(b), (c) |
| | | All other county elections officials shall start to process vote-by-mail ballots at 5:00 p.m. on the day before the election, the results of which shall not be released before 8:00 p.m. on June 2, 2026 (E). | § 15101(b) |
| 5/4/26
(E-29) | 88. NON-VOTER'S CHOICE ACT COUNTIES: PRECINCT BOARD MEMBERS AND POLLING PLACES | On or before this date, the county elections official shall appoint members of the precinct boards and designate the polling places. | § 12286 |
| 5/4/26
(E-29) | 89. ADDITIONAL VOTER REGISTRATION DATA RETRIEVAL FOR STATE VOTER INFORMATION GUIDE MAILING | The Secretary of State shall notify the county elections officials via email communication that a VoteCal data retrieval will occur of all voters whom registered after the 60th day before the election and before the 29th day prior to the election. No additional readiness is required in their Election Management System (EMS). | § 9094(a) |
| 5/4/26
to
6/2/26
(E-29 to E) | 90. VOTE-BY-MAIL BALLOT REQUEST BY OUT-OF-STATE EMERGENCY WORKERS | Period in which, upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker to cast a ballot outside of their home precinct, an out-of-state emergency worker may request and vote a vote-by-mail ballot, which must be returned in the same manner as all other voted vote-by-mail ballots. | §§ 336.7, 3021.5 |
| 5/5/26
to
6/2/26
(E-28 to E) | 91. ALL COUNTIES: DROP-OFF LOCATIONS OPEN | By this date, all counties shall open ballot drop-off locations. These locations shall be open at least during regular business hours beginning not less than 28 days before the election through election day. At least one ballot drop-off location shall be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day. | §§ 3025.5, 4005(a)(1) |
| 5/12/26
(E-21) | 92. STATE VOTER INFORMATION GUIDE MAILING — DEADLINE | On or before this date, the Secretary of State shall mail state Voter Information Guides to all households in which voters were registered by April 3, 2026 (E-60). | § 9094(a) |

June 2, 2026, Statewide Direct Primary Election Calendar

- | | | | |
|--|--|--|--|
| 5/12/26
(E-21) | 93. COUNTY VOTER INFORMATION GUIDE AND POLLING PLACE NOTICE MAILING — DEADLINE | Last day for the county elections official to begin mailing a county voter information guide and a polling place notice, which includes any vote centers, to each registered voter who registered at least 29 days before the election, unless the voter has opted to receive them electronically. The polling place notice may state whether the polling place is accessible to the physically handicapped. | §§ 13300(b),
13300.7, 13303,
13304, 13305,
14282 |
| | The county elections official shall also give county voter information guides to the chairperson of the county central committee of each political party, shall mail a copy to each candidate, and shall post a copy of the county voter information guide in a conspicuous place in their office. | § 13302(a) | |
| 5/13/26
(E-20) | 94. REPORT OF REGISTRATION — 60-DAY STATEWIDE REPORT PUBLISHED | On or before this date, the Secretary of State will release a statewide report showing the number of registered voters, by political party preference, in the state, in each county, and in each political subdivision thereof. This report is based on the number of persons registered as of April 3, 2026 (E-60). | § 2187(b), (c)(2) |
| 5/17/26
to
6/1/26
(E-16 to E-1) | 95. 24-HOUR STATEMENT OF ORGANIZATION FILING REQUIREMENT — RECIPIENT COMMITTEES AND SLATE MAILER ORGANIZATIONS | A recipient committee or slate mailer organization that qualifies during the 16 days prior to an election in which it must file pre-election statements must file a Statement of Organization Recipient Committee (Form 410) or Statement of Organization (Slate Mailer Organization) (Form 400) within 24 hours of qualification with the filing officer who will receive the committee’s original disclosure statements by personal delivery, facsimile transmission, online transmission, or guaranteed overnight delivery. ² | Gov. Code
§§ 84101, 84108 |
| 5/18/26
(E-15) | 96. 15-DAY CLOSE OF REGISTRATION FOR THE PRIMARY ELECTION | Last day to register to vote in the primary election. The voter registration application shall be mailed (postmarked by this date), submitted online using the Secretary of State’s online voter registration application (COVR), or delivered to the county elections official by this date and is effective upon receipt. The voter registration application may also be submitted by this date to the Secretary of State, Department of Motor Vehicles, or any National Voter Registration Act designated agency. | 52 U.S.C.
§§ 20301, 20501;
§§ 300(b), 321,
2102, 2170, 3102 |
| | A request for a vote-by-mail ballot from a military or overseas voter, if postmarked on or before this date, will be deemed an affidavit of registration. When a county elections official receives and approves a registration application from a military or overseas voter, the official must provide that voter with a vote-by-mail ballot for each subsequent election. | § 3102(b), (e) | |
| | See Item #101 for exception to the deadline. | | |
| 5/18/26
(E-15) | 97. NOTICE OF CHANGE OF ADDRESS WITHIN STATE | Last day before the primary election for any voter to send a notice or letter advising the county elections official of a change of address within the state. The notice or letter shall be mailed (postmarked by this date) or delivered to the county elections official by this date and is effective upon receipt. The notice or letter may also be submitted to the Department of Motor Vehicles or any National Voter Registration Act designated agency prior to the election. The county elections official shall correct the registration records accordingly. The notice or letter is in lieu of re-registering. | §§ 2116, 2119 |

June 2, 2026, Statewide Direct Primary Election Calendar

- | | | |
|---|---|---|
| 5/18/26
to
5/26/26
(E-15 to E-7) | 98. REPORT OF REGISTRATION — 15-DAY COUNTY READINESS
Period in which county elections officials shall notify the Secretary of State that voter registration information is available in the California Statewide Voter Registration System (VoteCal) by indicating Report of Registration readiness in their Election Management System (EMS) with respect to voters registered as of May 18, 2026 (E-15). | § 2187(a), (b),
(c)(3) |
| 5/19/26
(E-14) | 99. STATEMENT OF WRITE-IN CANDIDACY AND NOMINATION PAPERS — DEADLINE
Last day for a write-in candidate for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly to leave a statement of write-in candidacy and nomination papers with the county elections official for filing with the Secretary of State. | § 8601 |
| 5/19/26
(E-14) | 100. BILINGUAL PRECINCT BOARD MEMBERS
Last day for county elections officials to prepare a list of precincts to which bilingual officers were appointed. A copy of this list shall be made available to the public, including on the county elections official’s internet website, and the language or languages other than English in which they will provide assistance. | § 12303(d) |
| 5/19/26
to
6/2/26
(E-14 to E) | 101. CONDITIONAL VOTER REGISTRATION PERIOD
Period in which an elector can “conditionally” register and vote provisionally at the county elections office, a satellite office, a polling place, or a vote center after the 15-day voter registration deadline. | § 2170 |
| 5/19/26
to
6/2/26
(E-14 to E) | 102. CHANGE OF ADDRESS WITHIN SAME COUNTY AND/OR CHANGE OF POLITICAL PARTY PREFERENCE
Period in which an elector can, in lieu of executing a new affidavit of registration for a change of address within the same county and/or a change of political party preference, submit a written request that discloses specific information. The written request shall be delivered to the county elections official’s office or to any location that offers conditional voter registration and at which a ballot can be issued. | §§ 2119.5, 2152 |
| 5/21/26
(E-12) | 103. SECOND PRE-ELECTION STATEMENT
Last day to file campaign statements for candidates and committees for the period ending May 16, 2026 (E-17). Candidate controlled committees, and primarily formed candidate and measure committees appearing on the ballot must file this statement by guaranteed overnight mail or personal delivery. State general purpose committees making contributions or independent expenditures of \$500 or more in connection with the election must also file this statement. Candidate controlled committees by elected state officers and candidates for elective state office who are not appearing on the ballot at the next statewide election making contributions or independent expenditures of \$500 or more in connection with the election must file this statement. Political parties must file this statement if they receive contributions totaling \$1,000 or more or if contributions or independent expenditures totaling \$500 or more were made in connection with the election. State slate mailer organizations must file this statement if payments of \$500 or more are received or made to produce a slate mailer in connection with the election. ² | Gov. Code
§§ 84200.5,
84200.8(b), 84218 |

June 2, 2026, Statewide Direct Primary Election Calendar

5/22/26 (E-11) [Date designated by Secretary of State]	104. CERTIFIED LIST OF WRITE-IN CANDIDATES	The Secretary of State will prepare and send to affected county elections officials a certified list of write-in candidates showing the names of every write-in candidate eligible to receive votes within the county at the primary election, their addresses, and the offices to which they seek election. This list will also be mailed to each candidate running for the affected offices.	
5/23/26* (E-10)	105. PUBLICATION OF CENTRAL TALLY LOCATION	Last day that a notice shall be published by the county elections official, at least once, in a newspaper of general circulation within the district, specifying the public place to be used as the central tally center for counting the ballots, if ballots not tallied at precincts.	§ 12109
5/23/26* (E-10)	106. STATE VOTER INFORMATION GUIDE SUPPLEMENTAL MAILING BY SECRETARY OF STATE — DEADLINE	On or before this date, the Secretary of State to mail state Voter Information Guides to voters who registered between Saturday, April 4, 2026 (E-59), and May 4, 2026 (E-29), inclusive.	§ 9094
5/23/26 to 5/29/26 (E-10 to E-4)	107. VOTER'S CHOICE ACT COUNTIES: OPEN ONE VOTE CENTER FOR EVERY 50,000 REGISTERED VOTERS	Period in which counties that are implementing the Voter's Choice Act will open one vote center for every 50,000 registered voters. The locations and hours of operation of these vote centers will be available in vote-by-mail materials and on the county website. Any voter registered in the county may visit any vote center in order to receive voter services or vote. The first day a vote center opens, the elections official shall deliver to the precinct board a list of military or overseas voters who registered under Section 3108.	§§ 3108(b), 4005(a)(2)(A), (4)(A)
5/26/26 (E-7)	108. REPORT OF REGISTRATION — 15-DAY COUNTY READINESS DEADLINE	Last day for county elections officials to indicate Report of Registration readiness in their Election Management System (EMS) of all voters registered as of May 18, 2026 (E-15).	§ 2187(a), (b), (c)(3)
5/26/26 (E-7) [5:00 p.m.]	109. COMPUTER PROGRAM TO SECRETARY OF STATE	Last day for counties to verify their election night vote count computer programs and deposit copies thereof with the Secretary of State.	§ 15001(a)
5/27/26 to 6/1/26 (E-6 to E-1)	110. MILITARY OR OVERSEAS VOTER RECALLED TO SERVICE	Period in which a registered military or overseas voter recalled to service after May 26, 2026 (E-7), but before 5:00 p.m. on June 1, 2026 (E-1), may appear before the county elections official where they are registered, or, if within the state, in the county in which they have been recalled to service, and obtain a vote-by-mail ballot which may be voted in, or outside, the county elections official's office on or before the close of the polls and returned as are other voted vote-by-mail ballots.	§ 3111
5/30/26 to 6/2/26 (E-3 to E)	111. VOTER'S CHOICE ACT COUNTIES: OPEN ONE VOTE CENTER FOR EVERY 10,000 REGISTERED VOTERS	Period in which counties that are implementing the Voter's Choice Act will open one vote center for every 10,000 registered voters. The locations and hours of operation of these vote centers will be available in vote-by-mail materials and on the county website. Any voter registered in the county may visit any vote center in order to receive voter services or vote. The first day a vote center opens, the elections official shall deliver to the precinct board a list of military or overseas voters who registered under Section 3108.	§§ 3108, 4005(a)(3)(A)

June 2, 2026, Statewide Direct Primary Election Calendar

5/31/26* (E-2)	112. EARLY BALLOT PICKUP NOTIFICATION DEADLINE	If a county elections official will pick up ballots prior to the closing of the polls, at least 48 hours in advance of an election the elections official must notify the public of the dates, times, and places at which ballot containers will be delivered.	Cal. Code Regs. tit. 2, § 20142; § 14422(a)(3)
6/1/26 (E-1) [5:00 p.m.]	113. MANUAL PROCESSING OF VOTE-BY-MAIL BALLOTS	Counties not having the necessary computer capability to process vote-by-mail ballots shall begin to manually process vote-by-mail ballots at 5:00 p.m. on this date, but under NO circumstance may a vote count be accessed or released until 8:00 p.m. on June 2, 2026 (E).	§ 15101(b), (c)
6/1/26 (E-1) [5:00 p.m.]	114. MILITARY OR OVERSEAS VOTER RECALLED TO SERVICE — DEADLINE	Last day a registered military or overseas voter recalled to service after May 26, 2026 (E-7), but before 5:00 p.m. on June 1, 2026 (E-1), may appear before the county elections official where they are registered, or, if within the state, in the county in which they have been recalled to service, and obtain a vote-by-mail ballot which may be voted in, or outside, the county elections official’s office on or before the close of the polls and returned as are other voted vote-by-mail ballots.	§ 3111
6/1/26 (E-1)	115. ISSUE ADVOCACY REPORT (ELECTRONIC FILERS ONLY) — PERIOD ENDS	A disclosure report (Form E-530) must be filed within 48 hours by anyone spending or promising to pay \$50,000 or more for a communication disseminated, broadcast, or otherwise published within 45 days of an election, if the communication clearly identifies a candidate for state elective office but does not expressly advocate the election or defeat of that candidate. ²	Cal. Code Regs. tit. 2, § 18539.2; Gov. Code § 85310
6/1/26 (E-1)	116. 24-HOUR STATEMENT OF ORGANIZATION FILING REQUIREMENT — RECIPIENT COMMITTEES AND SLATE MAILER ORGANIZATIONS — PERIOD ENDS	A recipient committee or slate mailer organization that qualifies during the 16 days prior to an election in which it must file pre-election statements must file a Statement of Organization Recipient Committee (Form 410) or Statement of Organization (Slate Mailer Organization) (Form 400) within 24 hours of qualification with the filing officer who will receive the committee’s original disclosure statements by personal delivery, facsimile transmission, online transmission, or guaranteed overnight delivery. ²	Gov. Code §§ 84101, 84108
6/2/26 (E)	117. PRIMARY ELECTION DAY	The polls shall be open throughout the state from 7:00 a.m. to 8:00 p.m. on this date. An elector can “conditionally” register and vote provisionally at the county elections office, a satellite office, a polling place, or a vote center.	§§ 1000(c), 14212 § 2170

June 2, 2026, Statewide Direct Primary Election Calendar

- 6/2/26 (E) 118. **HAND DELIVERED OR FAXED VOTE-BY-MAIL BALLOTS RETURNED IN ORDER TO BE COUNTED — DEADLINE**
Voted vote-by-mail ballots hand delivered to the office of the elections official who issued the ballot or at any polling place, vote center, vote-by-mail drop-off location, or drop box in the state must be received by county elections officials by the close of the polls on Election Day. §§ 3017, 14212
Last day a military or overseas voter who is living outside of the United States (or is called for service within the United States on or after May 26, 2026 (E-7)), may return their ballot by facsimile transmission. To be counted, the ballot returned by facsimile transmission shall be received by the voter's elections official by 8:00 p.m. on Election Day and shall be accompanied by an identification envelope and a signed oath of declaration. § 3106
- 6/2/26 (E) 119. **ELECTION CYCLE REPORTS — 24-HOUR PAYMENT REPORT (SLATE MAILER ORGANIZATIONS) — PERIOD ENDS**
During the 90 days immediately preceding an election, each slate mailer organization that receives a payment of \$2,500 or more for the purpose of supporting or opposing any candidate or ballot measure in a slate mailer must report the payment within 24 hours to the Secretary of State's office online or by electronic transmission only. (Deadlines are extended to the next business day when they fall on a Saturday, Sunday, or an official state holiday, except for the weekend before an election.) Such payments may be reported on a Slate Mailer Late Payment Report (Form 498).² Gov. Code § 84220
- 6/2/26 (E) 120. **ELECTION CYCLE REPORTS — 24-HOUR CONTRIBUTION REPORT — PERIOD ENDS**
During the 90 days immediately preceding an election or on the date of the election, the following contributions that total in the aggregate of \$1,000 or more must be reported within 24 hours to the Secretary of State's office by online or electronic transmission only: contributions made to or received by a candidate or candidate controlled committee being voted upon on the June 2, 2026 ballot; contributions made to or received by a primarily formed candidate or ballot measure committee being voted upon on the June 2, 2026 ballot; or contributions made to or received by a political party committee. For purposes of the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board, the date of the election is the deadline to return ballots. (Deadlines are extended to the next business day when they fall on a Saturday, Sunday, or an official state holiday, except for the weekend before an election.) Recipients of non-monetary or in-kind contributions must file within 48 hours of the date the non-monetary or in-kind contribution was received. These contributions are reported on the Contribution Report (Form 497).² Gov. Code §§ 82036, 84203, 84203.3, 85204, 85309
- 6/2/26 (E) 121. **ELECTION CYCLE REPORTS — 24-HOUR INDEPENDENT EXPENDITURE REPORT — PERIOD ENDS**
During the 90 days immediately preceding the date of the election, an independent expenditure of \$1,000 or more made to a specific candidate or measure involved in a state election must be reported on the Independent Expenditure Report (Form 496) within 24 hours to the Secretary of State's office by online or electronic transmission only. For purposes of the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board, the date of the election is the deadline to return ballots, and a copy of the Form 496 must be filed with the relevant board office.² Gov. Code §§ 82036.5, 84204, 84215(e), 85204

June 2, 2026, Statewide Direct Primary Election Calendar

- 6/2/26 (E) 122. **MILITARY OR OVERSEAS VOTERS — LATE CONDITIONS** §§ 300(b), 321, 3014, 3109
Any registered military or overseas voter or any individual born outside of the United States or District of Columbia whose parent or legal guardian was a resident of California when the parent was last living in the United States who has returned to their county of registration on or before this day, and to whom a vote-by-mail ballot has been mailed but not voted, may apply for a second vote-by-mail ballot pursuant to Section 3014.
- An unregistered military or overseas voter who was 1) released from service after the close of registration and who has returned to their county of residence or 2) required to move under official active duty military orders after the close of registration, may apply in person to register with the county elections official and vote in the election. Documentary proof of release from service or official military orders are required. On or before the day of the election, or the first day a vote center opens, the county elections official shall deliver to the precinct board a list of military or overseas voters registered under Elections Code section 3108. § 3108
- A military or overseas voter or any individual born outside of the United States or District of Columbia whose parent or legal guardian was a resident of California when the parent was last living in the United States who returns to the county after May 26, 2026 (E-7), may appear before the county elections official and apply for registration. The county elections official shall register the voter, if not registered, and shall deliver a vote-by-mail ballot which may be voted in, or outside, the county elections official's office on or before the close of the polls on the day of the election and returned as are other voted vote-by-mail ballots. § 3110
- 6/2/26 (E) 123. **VOTE-BY-MAIL BALLOT REQUEST FOR OUT-OF-STATE EMERGENCY WORKERS — DEADLINE** §§ 336.7, 3021.5
Last day, upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker to cast a ballot outside of their home precinct, that an out-of-state emergency worker may request and vote a vote-by-mail ballot, which must be delivered to the elections official by mail or by hand on or before the close of polls, and returned in the same manner as other voted vote-by-mail ballots.
- 6/2/26 (E) 124. **CONDITIONAL VOTER REGISTRATION — DEADLINE** § 2170
[8:00 p.m.] Last day for an elector to "conditionally" register and vote provisionally at the county elections office, a satellite office, a polling place, or a vote center.
- 6/2/26 (E) 125. **CHANGE OF ADDRESS WITHIN SAME COUNTY AND/OR CHANGE OF POLITICAL PARTY PREFERENCE — DEADLINE** §§ 2119.5, 2152
[8:00 p.m.] Last day for an elector, in lieu of executing a new affidavit of registration for a change of address within the same county and/or a change of political party preference, to submit a written request that discloses specific information. The written request shall be delivered to the county elections official's office or to any location that offers conditional voter registration and at which a ballot can be issued.
- 6/2/26 (E) 126. **SEMIFINAL OFFICIAL CANVASS** §§ 15150, 15151
[8:00 p.m.] Beginning at 8:00 p.m. and continuously until completed, the county elections official shall conduct the semifinal official canvass of votes and report totals to the Secretary of State at least every two hours.

June 2, 2026, Statewide Direct Primary Election Calendar

- 6/10/26
(E+8) 133. **VOTE-BY-MAIL BALLOTS RETURNED TO DIFFERENT COUNTY** § 3017(a)(3)
Last day for a county elections official to forward a ballot, which was delivered to a precinct board at a polling place or vote center or to a vote-by-mail drop-off location or drop box in their county, to the county that issued the ballot.
- 6/12/26
(E+10) 134. **PROVISIONAL BALLOTS OF EMERGENCY WORKERS** § 14313
If the Governor declares a state of emergency and issues an executive order authorizing an emergency worker to cast a ballot outside of their precinct, the provisional ballot cast by the emergency worker by the close of polls on Election Day must be received by the county elections official where the voter is registered no later than this day. The county elections official in a county included in the executive order declaring the emergency shall transmit for processing any ballot cast by the close of polls on Election Day by an emergency worker in a declared state of emergency, including any materials necessary to process the ballot, to the elections official in the county where the voter is registered to vote.
- 6/16/26
(E+14) 135. **AMENDED CANDIDATE INTENTION STATEMENT — DEADLINE** Cal. Code Regs., tit. 2, § 18520; Gov. Code §§ 85200, 85400, 85401
If the voluntary expenditure limits are rejected in the primary, but not exceeded during that election, the Candidate Intention Statement (Form 501) may be amended to accept the expenditure limits for the general election. The amended Form 501 must be filed within 14 days following the primary election.
- 6/24/26
(E+22)
[5:00 p.m.] 136. **VOTE-BY-MAIL BALLOTS — NOTICE TO CURE NONCOMPARABLE SIGNATURE ON IDENTIFICATION ENVELOPE OR UNSIGNED IDENTIFICATION ENVELOPE** § 3019(d)(1), (f)
By this date, the elections official shall provide to all voters identified as having a signature on the vote-by-mail ballot identification envelope that did not compare with their signature on their voter record a notice of the opportunity to verify their signatures no later than 5:00 p.m. on June 30, 2026 (E+28). A "signature verification statement" or combined statement can be submitted in person, or by mail, email, or fax.
§ 3019(e)(1), (f)
By this date, the elections official shall provide to all voters identified as having failed to sign the vote-by-mail ballot identification envelope a notice of the opportunity to provide a signature no later than 5:00 p.m. on June 30, 2026 (E+28). An "unsigned identification envelope statement" or combined statement can be submitted in person, or by mail, email, or fax.
- 6/25/26
(E+23) 137. **REPORT OF REGISTRATION — 15-DAY STATEWIDE REPORT PUBLISHED** § 2187(b), (c)(3)
On or before this date, the Secretary of State will release a statewide report showing the number of registered voters, by political party preference, in the state, in each county, and in each political subdivision thereof. This report is based on the number of persons registered as of May 18, 2026 (E-15).

June 2, 2026, Statewide Direct Primary Election Calendar

- 6/30/26
(E+28)
[5:00 p.m.]
138. **VOTE-BY-MAIL BALLOTS — DEADLINE TO CURE
NONCOMPARABLE SIGNATURE ON IDENTIFICATION ENVELOPE
OR UNSIGNED IDENTIFICATION ENVELOPE**
- Last possible day for an elections official to receive from a voter, whose signature on their vote-by-mail ballot identification envelope did not compare with their signature on their voter record, a "signature verification statement" or combined statement. This statement can be submitted in person, or by mail, email, or fax. § 3019(d)(4), (f)
- Last possible day for a voter who did not sign the vote-by-mail ballot identification envelope to either sign the identification envelope at the office of the elections official or complete and submit an "unsigned identification envelope statement" or combined statement. This statement can be submitted in person, or by mail, email, or fax. § 3019(e)(1), (f)
- 7/2/26
(E+30)
139. **OFFICIAL CANVASS DEADLINE**
- No later than this date, the county elections official must complete the canvass, certify its results, and submit it to the board of supervisors. §§ 15301, 15372
- Suggested deadline for the board of supervisors to declare the winners for each office and the results of each measure under its jurisdiction. The county elections official shall make and deliver to each person elected or nominated under its jurisdiction a certificate of election or nomination. §§ 15400, 15401
- 7/2/26
(E+30)
140. **ESTIMATED NUMBER OF UNPROCESSED BALLOTS — FINAL REPORT**
- No later than this date, the last report on the estimated number of outstanding unprocessed ballots shall be delivered to the Secretary of State. § 15305(c)
- 7/2/26
(E+30)
141. **OFFICIAL CANVASS — REPORTING**
- Beginning no later than the Thursday following the election, county elections officials must post updated information regarding the election on their Internet website at least once per week. The update shall include at least the following information: (1) Updated results for the measure appearing on the ballot; (2) The number of ballots processed and an estimated number of outstanding ballots remaining unprocessed for each of the following categories: ballots voted at a polling place, vote by mail ballots received on or before election day, vote by mail ballots received after election day, provisional ballots, and conditional registration ballots; (3) The date and time when it is expected that the next results will be posted. § 15306(a)
- The elections official may stop posting the results described above when either of the following occurs: (1) A certified statement of results is published pursuant to Section 15372; (2) The only ballots left to count are vote by mail ballots for which a voter has the opportunity either to verify their signature pursuant to Section 3019(d) or to provide their signature pursuant to Section 3019(e). If the elections official stops posting results for this reason, they shall post a notice stating this reason on their Internet website. § 15306(b)
- 7/3/26
(E+31)
142. **STATEMENT OF RESULTS TO SECRETARY OF STATE**
- By this date, the county elections official shall send to the Secretary of State, in an electronic format, one complete copy of the primary election returns for all candidates for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly, and for all statewide ballot measures. §§ 15374, 15375

June 2, 2026, Statewide Direct Primary Election Calendar

7/3/26 (E+31)	143. BALLOT REJECTION REPORT TO SECRETARY OF STATE By this date, the county elections official shall identify and provide to the Secretary of State the number of vote-by-mail ballots rejected, categorized according to the reason for the rejection. The Secretary of State shall publish a report containing the above information on the Secretary of State's internet website.	§ 15377(a) § 15377(b)
7/10/26 (E+38)	144. STATEMENT OF THE VOTE Last day for the Secretary of State to prepare, certify, and file a statement of the vote from the compiled election returns and post to the Secretary of State's website. The Secretary of State shall make official declaration of the vote upon each question submitted to the electors of the State by either initiative or referendum petition filed in the Secretary of State's office.	§ 15501 Gov. Code §12165
7/10/26 (E+38) [Suggested Date]	145. CERTIFICATES OF NOMINATION Secretary of State shall issue certificates of nomination to candidates nominated for state constitutional office, United States Representative in Congress, State Senator, and Member of the State Assembly.	§§ 8147, 15503, 15504
7/31/26 (E+59) [Date fixed by law]	146. CAMPAIGN STATEMENT — SEMIANNUAL Last day to file semiannual campaign statements, if required, by all candidates, organizations, committees, and slate mailer organizations. ²	Gov. Code §§ 84200, 84218
10/31/26** (E+151) [Date fixed by law]	147. QUARTERLY STATEMENTS BY BALLOT MEASURE COMMITTEES Last day for committees that have qualified as a recipient committee and are primarily formed to support or oppose the qualification, passage, defeat of any measure to file a quarterly campaign statement for the period of July 1, 2026 (E+29), through September 30, 2026 (E+120), unless the committee will file pre-election statements for an upcoming election. ² This statement is not required if the committee is required to file pre-election statements or if the measure was already voted on and the committee has not made contributions or expenditures to support or oppose the qualification or passage of another ballot measure. ²	Gov. Code § 84202.3 Gov. Code § 84202.3
11/7/26* (E+158)	148. SUPPLEMENT TO THE STATEMENT OF THE VOTE Last day for the Secretary of State to compile a supplement to the statement of the vote showing the number of votes cast in each county, city, state assembly district, state senatorial district, congressional district, and supervisorial district for each candidate for the office of Governor and on each statewide ballot measure.	§ 15502

*Deadline falls on a weekend or state holiday; it does not move forward to the next business day.

**Deadline falls on a weekend or state holiday; the action may be conducted on the next business day. (Elections Code § 15; Government Code §81005)

¹ All code references are to the California Elections Code unless otherwise stated.

² Paper and electronic or online filings may be required. This does not cover ALL campaign disclosure requirements. Please contact the Fair Political Practices Commission at 1-866-275-3772 for all filing obligations.

³ Elections Code section 3114 and the federal MOVE Act require that ballots be sent to military and overseas voters no later than 45 days prior to an election. This E-45 deadline must be adhered to and does not move forward even though the date falls on a Saturday.

⁴ Senate Bill (SB) 280 (Cervantes) Chapter 97, Statutes of 2025, added Section 8162 to the Elections Code effective August 21, 2025.