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12 LEAGUE OF WOMEN VOTERS OF
13 SAN LUIS OBISPO COUNTY, INC.

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF SAN LUIS OBISPO**

16 SLO COUNTY CITIZENS FOR GOOD
17 GOVERNMENT, INC.; PATRICIA GOMEZ;
18 DON MARUSKA; ALLENE VILLA,

19 Petitioners,

20 v.

21 COUNTY OF SAN LUIS OBISPO; BOARD
22 OF SUPERVISORS OF SAN LUIS OBISPO
23 COUNTY AND DOES 1-15,

24 Respondents.

25 CLERK-RECORDER OF SAN LUIS OBISPO
26 COUNTY AND DOES 16-25,

27 Real Parties in Interest.

ELECTRONICALLY

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SAN LUIS OBISPO SUPERIOR COURT
BY Victoria J. Miller
Victoria J. Miller, Deputy Clerk

Case No. 22CVP-0007

**NOTICE OF MOTION AND MOTION
OF LEAGUE OF WOMEN VOTERS OF
SAN LUIS OBISPO COUNTY, INC.
FOR LEAVE TO INTERVENE;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF; [PROPOSED] VERIFIED
PETITION IN INTERVENTION FOR
WRIT OF MANDATE**

**[Filed Concurrently with: Declaration of
Ronald B. Turovsky]**

Date: June 2, 2022
Time: 9:00 a.m.
Dept.: 2
Judge: Hon. Rita Federman

Action Filed: January 12, 2022
Trial Date: None set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that at 9:00 a.m. on June 2, 2022, in Department 2 of the
3 Superior Court for the State of California, San Luis Obispo County, located at 1050 Monterey
4 Street, San Luis Obispo, California, the League of Women Voters of San Luis Obispo County,
5 Inc. (the “League”) will and hereby does move the Court, pursuant to Code of Civil Procedure
6 § 387, for leave to intervene in the above-captioned action. Through this motion, the League
7 seeks an order for mandatory or permissive intervention under Code of Civil Procedure
8 §§ 387(d)(1) and 387(d)(2) on the side of Petitioners. The League is informed that Petitioners
9 SLO County Citizens for Good Government, Inc., Patricia Gomez, Don Maruska, and Allene
10 Villa (“Petitioners”) do not oppose the motion and support intervention by the League. The
11 League is informed that Real Party in Interest the San Luis Obispo County Clerk-Recorder takes
12 no position on the League’s intervention and therefore does not oppose this motion. The League
13 is informed that Respondents oppose the League’s intervention.

14 This motion is and will be based on this Notice of Motion and Motion, the accompanying
15 Memorandum of Points and Authorities, the Proposed Petition that is attached as Attachment A,
16 the Declaration of Ronald B. Turovsky, all pleadings and records on file in this action, and such
17 oral argument as may be presented at the time the motion is heard.

18 Dated: May 10, 2022

MANATT, PHELPS, & PHILLIPS LLP
RONALD B. TUROVSKY
JOANNA S. MCCALLUM

19
20 By: 

21 Ronald B. Turovsky
22 *Attorneys for Proposed Intervenor*
23 LEAGUE OF WOMEN VOTERS OF SAN
24 LUIS OBISPO COUNTY, INC.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The League of Women Voters of San Luis Obispo County, Inc. (the “League”) seeks to
4 intervene as a petitioner in this action as a matter of right pursuant to Code of Civil Procedure
5 (“CCP”) § 387(d)(1), or, alternatively, to intervene permissively pursuant to CCP § 387(d)(2).
6 This case involves a subject that is of national focus and at the heart of the League’s purpose:
7 safeguarding the integrity and propriety of the boundaries of electoral districts and the effect
8 those boundaries will have on free and fair elections. The League is a nonpartisan, nonprofit
9 organization that takes action in circumstances such as these, in order to ensure that the right of
10 every citizen to vote is protected. Across the country, efforts are underway that are designed to
11 draw electoral maps that favor one party over another and to dilute the rights of certain voters.
12 The League and its local affiliates have brought or intervened in suits of this kind across the
13 country raising issues similar to those implicated here, irrespective of which political party is
14 favored or which communities of interest are disrupted. The League’s members are voters in San
15 Luis Obispo County (the “County”) who have an interest in full participation in a fair electoral
16 process. The League participated extensively in the administrative process leading up to the
17 adoption of the map of supervisorial districts in the County that is the subject of this case and
18 strongly opposed its adoption.

19 Despite a negligible change in population of the County as shown in the U.S. 2020
20 decennial census, the Board of Supervisors of San Luis Obispo County (the “Board”) voted in
21 December 2021 to adopt a map of supervisorial districts proposed by an individual, Richard
22 Patten (the “Patten Map”), which drastically altered the boundaries of the County’s existing five
23 supervisorial districts. The Patten Map was adopted for the purpose of favoring one political
24 party and to discriminate against another, a violation of the Fair and Inclusive Redistricting for
25 Municipalities and Political Subdivisions Act (the “Fair Maps Act”), Elec. Code § 21500 *et seq.*,
26 as well as a violation of the Free Elections Clause of the California Constitution (Art. II, Sec. 3).
27 The Patten Map creates districts designed to ensure that the Republican Party will continue to
28 hold a 3-2 advantage on the Board despite the fact that a plurality of County voters are now

1 registered members of the Democratic Party. Under the Patten Map, a disproportionate number
2 of registered-Republican residents of the newly drawn districts will have their votes accelerated—
3 meaning that they will be permitted to vote two years earlier than they would have under the prior
4 district map—while a disproportionate number of registered-Democrat residents of the newly
5 drawn districts will have their votes deferred—meaning that they will not be permitted to vote
6 until two years after they would have under the prior district map. A large number of registered-
7 Democrat residents will be without a representative they elected for the next two years. The
8 Patten Map divides longstanding communities of interest, which the Fair Maps Act requires the
9 Board to maintain. Elec. Code § 21500(c)(2).

10 On January 12, 2022, Petitioners SLO County Citizens for Good Government, Inc. (“SLO
11 Citizens”) and others (collectively, “Petitioners”) filed a petition for writ of mandate seeking to
12 set aside the Patten Map and the ordinance adopting it for violations of the State Constitution and
13 Fair Maps Act. The League seeks to intervene in support of Petitioners to challenge adoption of
14 the Patten Map. The League meets the criteria for mandatory intervention and alternatively for
15 permissive intervention under § 387. Petitioners support the League’s intervention. (*See*
16 Declaration of Ronald B. Turovsky (“Turovsky Decl.”) at ¶ 2.)

17 The League is entitled to mandatory intervention under § 387(d)(1). A non-party has a
18 right to intervene in an action where: (1) the application to intervene is timely, (2) the applicant
19 has “an interest relating to the property or transaction that is the subject of the action,” (3) the
20 applicant “is so situated that the disposition of the action may impair or impede that person’s
21 ability to protect that interest,” and (4) that interest is not “adequately represented by . . . the
22 existing parties.” CCP § 387(d)(1)(B). All of the elements necessary to establish the right to
23 intervene are present. The application is timely as the case is in its early stages. The League has
24 an interest in safeguarding voting rights by ensuring fair, nonpartisan redistricting, and the
25 League represents residents of the County whose right to vote will be affected if the Court
26 upholds the adoption of the Patten Map. Redistricting has been a central focus for the League of
27 Women Voters nationally; its local affiliates have spearheaded efforts across the country to
28 overturn discriminatory maps like the one at issue in this case. The League is well-suited to

1 defend the right of County voters to have fair representation. Courts regularly permit
2 organizations such as the League to intervene in cases central to the organization’s purpose and
3 that may impair or impede the rights of the organization’s members. The League’s breadth of
4 experience in litigating and advocating against gerrymandering makes the League uniquely suited
5 to litigate the issues in this case, which will likely be a bellwether case for redistricting in
6 California following the recent adoption of the Fair Maps Act.

7 Even if the Court finds that the elements for mandatory intervention are not present, the
8 facts here strongly favor permissive intervention under § 387(d)(2). Permissive intervention may
9 be granted where: “(1) the proper procedures have been followed; (2) the nonparty has a direct
10 and immediate interest in the action; (3) the intervention will not enlarge the issues in the
11 litigation; and (4) the reasons for the intervention outweigh any opposition by the parties
12 presently in the action.” *Reliance Ins. Co. v. Superior Court*, 84 Cal. App. 4th 383, 386 (2000).
13 These factors favor permissive intervention. The appropriate procedures have been followed.
14 Redistricting has been a central focus of the League and it has participated in these proceedings.
15 The League’s intervention will not enlarge the issues because the League seeks the same writ,
16 declaratory, and injunctive relief as Petitioners. Petitioners support the League’s intervention,
17 and any opposition by Respondents is outweighed by the reasons supporting intervention.

18 **II. FACTUAL BACKGROUND**

19 **A. The Parties.**

20 The Board is the duly elected decision-making body of the County. ([Proposed] Petition
21 for Writ of Mandate (“Pet.”) ¶ 20 (attached hereto as Attachment A).) The Board is entrusted
22 with conducting decennial redistricting and adopting boundaries for County supervisorial
23 districts. (*Id.*) Real Party-In-Interest San Luis Obispo County Clerk-Recorder is the elected
24 official “charged with overseeing, supervising, and ensuring the full and proper implementation
25 of applicable rules, regulations, provisions, and timeliness associated with the election process in
26 the County.” (Pet. ¶ 22.)

27 Petitioner SLO Citizens is a nonprofit, nonpartisan coalition of County residents who have
28 been active in the 2021 redistricting process. (Pet. ¶ 19.) SLO Citizens was specifically created

1 to overturn the Board of Supervisors’ adoption of the Patten Map. (*Id.*) Individual Petitioners
2 Patricia Gomez, Don Maruska, and Allene Villa are residents of the County. (*Id.*)

3 **B. The League.**

4 Proposed intervenor the League is a local affiliate of the League of Women Voters of the
5 United States, which has more than 700 local affiliates nationwide. The League is a nonpartisan,
6 nonprofit organization whose purpose is “to promote political responsibility through informed
7 and active participation in government” and “to take action on local, state and national
8 governmental measures and policies in the public interest in conformity with the principles of the
9 said League of Women Voters of the United States.” (Pet. ¶ 14.) The principles of the League of
10 Women Voters of the United States provide that “every citizen should be protected in the right to
11 vote.” (*Id.*) The League has approximately 290 members in the County, whose voting rights will
12 be affected by the Patten Map. (Pet. ¶ 17.) Many League members will be forced to wait another
13 two years to elect a representative. (*Id.*) Local affiliates of the League have regularly filed
14 lawsuits and sought to intervene in cases impacting voting rights, including challenging
15 discriminatory maps across the country. (Pet. ¶ 14.) The League of Women Voters of Florida
16 most recently filed a suit challenging the adoption of state congressional maps. *See Black Voters*
17 *Matter Capacity Building Inst. Inc. v. Lee*, No. 2022 CA 0666 (Fla. Cir. Ct. filed April 22, 2022).

18 **C. The Fair Maps Act.**

19 Every ten years, California counties must update their supervisorial voting districts to
20 account for population changes reported in the latest federal census. Elec. Code § 21500(a). In
21 redrawing the new supervisorial districts, the Board was required to comply with the Fair Maps
22 Act, adopted in 2019. Elec. Code § 21500 *et seq.* As the Senate Committee on Governance and
23 Finance noted in considering the Fair Maps Act, “[r]edistricting is of crucial importance to local
24 democracy” because it “can help determine, *for the next decade*, whether or not a community will
25 be represented at their closest levels of government.” (Pet. ¶ 31 (emphasis added).) The Fair
26 Maps Act provides that “[t]he board shall not adopt supervisorial district boundaries for the
27 purpose of favoring or discriminating against a political party” or otherwise fail to “comply with
28 the United States Constitution, the California Constitution, and the federal Voting Rights Act of

1 1965.” Elec. Code § 21500(b), (d). In redrawing the supervisorial districts, the Board must also
2 “to the extent practicable” take into account the following five ranked criteria, and must do so in
3 the following sequence: that the districts (i) be “geographically contiguous,” (ii) respect local
4 communities of interest, (iii) minimize division of cities, (iv) “be easily identifiable and
5 understandable by residents,” and (v) if possible, “encourage geographical compactness.” *Id.*
6 § 21500(c). “A ‘community of interest’ is a population that shares common social or economic
7 interests,” not including relationships with political parties, incumbents, or candidates, “that
8 should be included within a single supervisorial district for purposes of its effective and fair
9 representation.” *Id.* § 21500(c)(2).

10 **D. The 2021 Redistricting Proceedings.**

11 Following the 2020 census, the Board initiated the decennial redistricting process for the
12 County. Contrary to public comments advocating for an independent redistricting commission,
13 the Board elected to use a County Staff Advisory Committee (“the Committee”), comprised of
14 County staff, to draw the districts. (*See* Proposed Administrative Record (“AR”) at 0011, 14.)¹
15 The County also contracted with Redistricting Partners, a consulting firm. (AR 0098.) As shown
16 by the administrative record, the League participated extensively in the redistricting hearings.

17 At the October 26, 2021 redistricting hearing, the Board considered initial draft maps and
18 received public comments. (AR 0472.) The Board was presented with four maps prepared by the
19 Committee and several maps submitted by members of the public, including the Patten Map,
20 purportedly prepared by county resident Richard Patten. (AR 0314, 0474.) The Patten Map was
21 and is facially infirm in multiple respects. Historically, County district maps respected the same
22 boundaries of neighborhoods and communities of interest. (Pet. ¶ 74.) The Patten Map divides
23 communities of interest, as discussed below. Also, the Patten Map packs Democratic voters into
24 two districts (Districts 3 and 5) and redraws the remaining three districts (Districts 1, 2, and 4) so
25 that they will have a greater number of registered Republicans than registered Democrats. (Pet. ¶
26 67.) The inevitable result of the Patten Map is that, despite the fact that registered-Democrat

27 _____
28 ¹ Relevant pages from the proposed administrative record are attached to the Turovsky Decl. as Exhibit 1.

1 voters constitute a plurality in the County, three Republican supervisors and only two Democratic
2 supervisors will be elected. As a result of the significant changes created by the Patten Map,
3 roughly 98,000 registered voters will have their votes either accelerated or deferred—a
4 disproportionate number in a County of fewer than 285,000 residents. (Pet. ¶ 53.) Large
5 numbers of registered-Republican voters will have their votes accelerated, meaning that they
6 would vote in 2022 despite having recently voted in 2020. (Pet. ¶ 54.) Conversely, large
7 numbers of registered-Democrat voters who were scheduled to vote in 2022 will have their votes
8 deferred until 2024. (*Id.*) A large number of registered-Democrat voters will be without a
9 representative they elected until the 2024 election. (Pet. ¶ 61.)

10 The League’s president Cindy Marie Absey spoke at the hearing in opposition to the
11 Patten Map. (AR 0563.) She stated that “[t]he 2020 census data and population changes in the
12 county are not large enough to require significant changes to the district lines” and “now is not
13 the time to make wholesale changes to the district lines for county supervisors in this county.”
14 (AR 5878.) She cautioned against adopting a map that “would divide the coastal communities,
15 which have been joined together in one district for more than 50 years.” (AR 5879.)

16 On November 19, 2021, the Board held another redistricting hearing to select two maps
17 for consideration at the final hearing to be held on November 30, 2021. (AR 0939.) The League
18 was represented at the hearing by Voter Service Director Julie Rodewald. (AR 1130.) On behalf
19 of the League, Ms. Rodewald urged the Board to consider maps that would: (i) “not favor or
20 discriminate against any political party”; (ii) maintain “communities of interest,” which “is a
21 higher priority [under the Fair Maps Act] than keeping cities intact”; and (iii) “[m]inimize
22 disruption to the election cycle and the number of voters whose ability to vote in an election
23 would be deferred or accelerated.” (AR 6117-18.) Ms. Rodewald urged the Board to instruct the
24 Committee to select at least one map for final consideration that made “minimal changes” to the
25 existing districts, in recognition of the fact that the 2020 Census indicated only negligible changes
26 in population growth throughout the County in general and in any specific district. (AR 6118.)

27 At the end of the November 19 hearing, the Board voted to advance the Patten Map and a
28 map prepared by the San Luis Obispo County Chamber of Commerce (the “Chamber 2030 Map”)

1 for final consideration. (AR 1131.) The Chamber 2030 Map largely reflected the status quo by
2 maintaining communities of interest, which was achieved in part by keeping the City of San Luis
3 Obispo spread across multiple districts. (Pet. ¶ 48.) The Patten Map, on the other hand, packed
4 Democratic voters into two districts (Districts 3 and 5) to give Republicans an advantage in the
5 remaining three districts (Districts 1, 2, and 4). (Pet. ¶ 67.)

6 On November 30, 2021, the Board held its final redistricting hearing to receive public
7 comments on the two finalist redistricting maps and to select a final map. (AR 2700.) At the
8 outset, Supervisor Dawn Ortiz-Legg made a motion for the Board to direct Redistricting Partners
9 to “do a Partisan analysis of both maps” so the Board could be sure that it was not adopting a map
10 designed to favor one party over another. (AR 6644.) The motion was rejected 3-2 along party
11 lines, with the three Republican supervisors stating that they should not be considering such
12 information before making a decision. (AR 6343-45.) During the hearing, the League reiterated
13 its concerns over the partisan effect of the Patten Map. Ms. Rodewald stated that the acceleration
14 of voting “primarily in areas that have historically voted Republican” while deferring voting “in
15 more Democratic-leaning areas” could violate “Elections Code [Section 21500(d)] which says
16 you cannot adopt boundaries to favor or discriminate against a political party.” (AR 6501-02.)

17 At the conclusion of the November 30 hearing, the Board again voted 3-2 along party
18 lines in favor of adopting the Patten Map with minor revisions. (AR 2702.) On December 14,
19 2021, the Board issued Resolution No. 2021-311 and Ordinance No. 3467, adopting new
20 supervisorial district boundaries as delineated in the Patten Map. (AR 5343.)

21 **E. Procedural History.**

22 On January 12, 2022, Petitioners filed a petition for writ of mandate to set aside the
23 Board’s adoption of Resolution No. 2021-311 and Ordinance 3467. On January 26, 2022,
24 Petitioners filed a Motion for Preliminary Injunction requesting that the Court enjoin the Patten
25 Map from use in the upcoming June 2022 elections and order the County to proceed based on the
26 previous redistricting map from 2011 or a substantially similar map prepared by the Committee
27 during the 2021 redistricting hearings. On February 9, 2022, the Court held oral argument and
28 issued an order finding that Petitioners had shown a likelihood of success on the merits on the

1 issue that the Board did not consider the effect the Patten Map would have on political parties, but
2 denying Petitioner’s Motion for Preliminary Injunction.

3 **III. ARGUMENT**

4 **A. THE LEAGUE IS ENTITLED TO MANDATORY INTERVENTION.**

5 The League satisfies each of the elements necessary to establish a mandatory right to
6 intervene. As noted above, a party has a right to intervene in an action where: (1) the application
7 to intervene is timely, (2) the applicant has “an interest relating to the property or transaction that
8 is the subject of the action,” (3) the applicant “is so situated that the disposition of the action may
9 impair or impede that person’s ability to protect that interest,” and (4) that interest is not
10 “adequately represented by . . . the existing parties.” CCP § 387(d)(1)(B). In assessing the
11 requirements for mandatory intervention, courts “may take guidance from federal law”
12 interpreting the “virtually identical” Rule 24 of the Federal Rules of Civil Procedure. *Crestwood*
13 *Behav. Health, Inc. v. Lacy*, 70 Cal. App. 5th 560, 573 (2021). Courts have “liberally construed
14 [the requirements of Code of Civil Procedure section 387] in favor of intervention.” *City of*
15 *Malibu v. California Coastal Com.*, 128 Cal. App. 4th 897, 902 (2005) (quoting *Lincoln Nat’l*
16 *Life Ins. Co. v. State Bd. of Equalization*, 30 Cal. App. 4th 1411, 1423 (1994)).

17 In applying these factors to organizations such as the League, courts consider the
18 organization’s interests in fulfilling its role and furthering its policies, as well as its members’
19 interests that may be impaired by the litigation. *See, e.g., Simpson Redwood Co. v. State*, 196
20 Cal. App. 3d 1192, 1200-01 (1987) (interest of organization in upholding central purpose of
21 conservation and interests of members who used the subject park supported intervention);
22 *Inmates of The Rhode Island Training Sch. v. Martinez*, 465 F. Supp. 2d 131, 137 (D.R.I. 2006)
23 (ACLU’s “long and persistent effort to obtain a resolution” of fee-sharing issue in § 1983
24 litigations warranted limited intervention as of right); *Western Energy Alliance v. Zinke*, 877 F.3d
25 1157, 1165 (10th Cir. 2017) (conservation group’s interests in “minimizing the environmental
26 impact of oil and gas development on public lands” and “preserving the reforms they had worked
27 to implement” warranted intervention as of right); *State of Idaho v. Freeman*, 625 F.2d 886, 887
28 (9th Cir. 1980) (women’s rights organization’s interest in continued vitality of proposed Equal

1 Rights Amendment warranted intervention in suit challenging procedures for ratification); *see*
2 *also Johnson v. Mortham*, 915 F. Supp. 1529, 1538 (N.D. Fla. 1995) (finding “[t]he NAACP has
3 a protectable legal interest in [congressional redistricting] litigation, to the extent the NAACP
4 represents voters within the Third District”; denying intervention on other grounds).

5 **1. The League’s Motion Is Timely.**

6 The League’s motion to intervene is timely. Courts evaluate timeliness in the context of
7 the “totality of the circumstances facing would-be intervenors, with a focus on three primary
8 factors”: (1) “the stage of the proceeding,” (2) “the prejudice to other parties,” and (3) “the
9 reason for the delay.” *Crestwood*, 70 Cal. App. 5th at 574. However, “courts should be reluctant
10 to dismiss such a request for intervention as untimely” where “the would-be intervenor may be
11 seriously harmed if intervention is denied.” *Id.* (internal quotation marks omitted).

12 Here, the proceeding is at an early stage. The petition was filed on January 13, 2022. The
13 case is not set for trial and there is a trial setting conference on June 10, 2022. The League
14 understands that Petitioners indicated at the March 11, 2022 Status Conference that they may seek
15 to file an amended complaint. Intervention by the League will not alter the timeline for the case.
16 Intervention will not prejudice any party. Petitioners support the League’s intervention. The
17 League has acted expeditiously to intervene; the League diligently sought and retained outside
18 counsel, and counsel immediately began preparing its pleadings.

19 **2. The League and Its Members Have Direct Interests in the County’s**
20 **Redistricting.**

21 This lawsuit implicates the League’s direct interest in protecting and promoting fair
22 representation for all voters. Courts across the country have permitted local affiliates of the
23 League to intervene for the purpose of upholding voting rights. *See, e.g., Public Int. Legal*
24 *Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 799-800 (E.D. Mich. 2020) (granting League of
25 Women Voters of Michigan’s motion to intervene “for the purpose of . . . ensuring that no
26 unreasonable measures are adopted that could pose an elevated risk of removal of legitimate
27 registrations”); *Donald J. Trump for President, Inc. v. Murphy*, No. 20-10753 (MAS)(ZNQ),
28 2020 WL 6573382, at *2 (D.N.J. Sept. 23, 2020) (granting League of Women Voters of New

1 Jersey’s motion to intervene in suit regarding mail-in ballots because the League regularly
2 “engage[s] in voter advocacy and education to increase voting participation in elections”);
3 *Donald J. Trump for President, Inc. v. Boockvar*, 493 F. Supp. 3d 331, 343 (W.D. Pa. 2020)
4 (noting League of Women Voters of Pennsylvania allowed to intervene in similar suit).²

5 With respect to the subject of redistricting raised in this case, the League’s interest is
6 shown by the fact that California’s state contingent of the League of Women Voters was a co-
7 sponsor of the Fair Maps Act. (Pet. ¶ 31.) Other local League affiliates have similarly (and
8 successfully) challenged redistricting plans across the country to ensure equitable maps for all
9 voters, including challenges brought under the free and fair elections clauses of state
10 constitutions. *See, e.g., League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No.
11 2022-Ohio-65, 2022 WL 110261 (Ohio Jan. 12, 2022) (invalidating redistricting plan adopted by
12 Ohio Redistricting Commission that favored one political party and lacked representational
13 fairness); *League of Women Voters v. Pennsylvania*, 178 A.3d 737, 818 (Pa. 2018) (striking down
14 Pennsylvania redistricting plan because partisan advantage deprived voters of state constitutional
15 right to free and equal elections); *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363,
16 413 (Fla. 2015) (instructing Florida state legislature to redraw districts to remedy unconstitutional
17 partisan intent in state redistricting plan). *See also Black Voters Matter, supra* p. 4.

18 The League has a direct interest in challenging the Patten Map specifically. It expended
19 significant resources opposing the Patten Map. The League represents the interests of all County
20 voters and its hundreds of members would be substantially harmed if the Patten Map remains in
21 effect for the next decade. As the League’s representatives explained during the redistricting
22 proceedings, the Patten Map provides an unfair advantage to one political party. As the court has
23 preliminarily concluded, the Republican members of the Board improperly refused to consider
24 evidence showing this was so. (AR 2700, 6501-02.) Under the Patten Map, some of the
25 League’s members, particularly those residing in areas with greater Democratic voter registration,
26 will have their votes deferred and in certain areas they will be without a representative they

27 _____
28 ² While the cases permitting League affiliates to intervene were granted under permissive
intervention, they are instructive because this is a factor both forms of intervention.

1 elected for two years. (AR 6501-02.) The Patten Map also divides communities of interest that
2 have resided in the same district for over fifty years. (AR 5878-79.)

3 **3. Upholding the Patten Map Will Impair the League’s Ability to Protect**
4 **Its Interests.**

5 The League “is so situated that the disposition of th[is] action may impair or impede [its]
6 ability to protect [its] interest.” CCP § 387(d)(1)(B). To satisfy this element, an applicant is only
7 required to show that impairment of its ability to protect its interests is *possible* if intervention is
8 denied. *See Ziani Homeowners Assn. v. Brookfield Ziani LLC*, 243 Cal. App. 4th 274, 280 (2015)
9 (“The court finds that the disposition of the action *may* impair or impede the prospective
10 interveners’ interest—for example, if the HOA settles for too little . . .”) (emphasis in original).

11 The League faces the possibility of its interests in its voter rights efforts being seriously
12 impaired if the Patten Map is allowed to stand for the next ten years. The League’s mission is to
13 ensure fair voting rights for all eligible County residents and to encourage active participation in
14 local elections, and the League commits substantial time and resources fighting for fair
15 redistricting maps (as it did here) and encouraging voter participation. (Pet. ¶ 15.) The League’s
16 efforts would be impaired if the supervisorial districts in the County are unfairly skewed to favor
17 one political party for the next decade. Voters would be discouraged from participating if they
18 are placed in a district intentionally drawn to favor one party over another. The use of the Patten
19 Map has other very real consequences for the League’s members. By redrawing the districts to
20 ensure that Republicans continue to hold a 3-2 majority, the Patten Map divides communities of
21 interest that have been a part of the same district for the past fifty years. (Pet. ¶ 42.) And because
22 of the changes in the Patten Map, many League members will have their votes deferred for two
23 years and in certain areas will be without a representative they elected for that time. (Pet. ¶ 17.)

24 **4. The League’s Interests Will Not Be Adequately Represented.**

25 A proposed intervenor is not required to show that the parties’ representation will in fact
26 be inadequate to represent the intervenor’s interests in a qualitative sense, and the League has no
27 issue with the quality of Petitioners’ efforts to challenge the Patten Map. The applicant need only
28 show that the representation “*may* be inadequate,” a “‘minimal’ burden.” *Kalbers v. U.S. Dep’t*

1 of *Just.*, 22 F.4th 816, 828 (9th Cir. 2021) (emphasis in original); *Legal Aid Soc’y of Alameda*
2 *Cty. v. Dunlop*, 618 F.2d 48, 50 (9th Cir. 1980) (“[T]he burden of making that showing should be
3 treated as minimal.”).

4 Federal courts have applied certain presumptions regarding the adequacy of representation
5 factor. For instance, courts may presume that, where a petitioner seeks to intervene on the side of
6 a governmental party, the government will adequately represent those interests. *Arakaki v.*
7 *Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003). That presumption does not apply here, where the
8 League seeks to intervene to oppose the governmental position. Another presumption is that
9 intervenors will be adequately represented by existing parties pursuing the same general
10 objective. *Tech. Training Assocs., Inc. v. Buccaneers Ltd. P’ship*, 874 F.3d 692, 697 (11th Cir.
11 2017). But courts note this “presumption is weak; in effect, it merely imposes upon the proposed
12 interveners the burden of coming forward with some evidence to the contrary.” *Id.* (citation
13 omitted). Only an “adequate explanation” is required. *B. Fernandez & Hnos., Inc. v. Kellogg*
14 *USA, Inc.*, 440 F.3d 541, 546-47 (1st Cir. 2006) (internal citations omitted). While some federal
15 courts require more,³ even those courts have held that, where a proposed intervenor is “uniquely
16 well-positioned to explain” certain issues and “[l]acking this information, the existing parties *may*
17 not represent [the intervenor’s] interests adequately,” then “[n]othing more is required.” *Kalbers*,
18 22 F.4th at 828 (emphasis in original); *see also Simpson*, 196 Cal. App. 3d at 1203 (applicant
19 need only show that its “own substantial interests probably cannot be adequately served by the
20 [the existing party’s] sole participation in the suit”).

21 Here, given the League’s mission, experience, and national scope, including through its
22 affiliated chapters, it is “uniquely well-positioned to explain” the redistricting issues in a way that
23 Petitioner, which was recently formed solely to bring this lawsuit, may be unable to provide.
24 *Kalbers*, 22 F.4th at 828. The League can place this case in a broader national perspective, as the
25 issue of partisan redistricting has been the subject of national attention, with efforts to overturn
26 unfair redistricting maps happening across the country. The League of Women Voters has been
27 at the forefront of litigating and advocating for fairly drawn districts nationally, *supra* p. 4. Given

28 ³ *See Arakaki*, 324 F.3d at 1086 (requiring “compelling showing” to overcome presumption).

1 the League’s position as a local affiliate of a national voting-rights organization, it can bring
2 greater emphasis to the important role of the courts in safeguarding against partisan and racial
3 gerrymandering in reviewing redistricting maps, and can emphasize that the Patten Map violates
4 the Free Elections Clause of the California Constitution. *League of Women Voters v. Penn.*, 178
5 A.3d at 818. Also, the League has operated in the County for 60 years, is familiar with the
6 County’s communities of interest, and anticipates a greater emphasis on this subject. (Pet. ¶ 14.)

7 **B. ALTERNATIVELY, PERMISSIVE INTERVENTION IS WARRANTED.**

8 If the Court were to find that the League is not entitled to intervention as a matter of right,
9 the Court still should allow the League to intervene. Under § 387(d)(2), “[t]he court may, upon
10 timely application, permit a nonparty to intervene in the action or proceeding if the person has an
11 interest in the matter in litigation, or in the success of either of the parties, or an interest against
12 both.” Permissive intervention may be granted where: “(1) the proper procedures have been
13 followed; (2) the nonparty has a direct and immediate interest in the action; (3) the intervention
14 will not enlarge the issues in the litigation; and (4) the reasons for the intervention outweigh any
15 opposition by the parties presently in the action.” *Reliance Ins. Co.*, 84 Cal. App. 4th at 386.
16 Intervention under § 387(d)(2) is intended “to promote fairness by involving all parties potentially
17 affected by a judgment.” *Simpson*, 196 Cal. App. 3d at 1199. “The permissive intervention
18 statute balances the interests of others who will be affected by the judgment against the interests
19 of the original parties in pursuing their litigation unburdened by others.” *City & Cty. of San*
20 *Francisco v. State*, 128 Cal. App. 4th 1030, 1036 (2005). The criteria for intervention “should be
21 liberally construed in favor of intervention.” *Simpson*, 196 Cal. App. 3d at 1200.

22 **1. The League Has Followed the Proper Procedures for Intervention.**

23 The League has followed the proper procedures. The League has filed this “noticed
24 motion,” accompanied by “a copy of the proposed complaint in intervention,” which “set[s] forth
25 the grounds upon which intervention rests.” CCP § 387(c).

26 **2. The League Has a Direct Interest in Setting Aside the Patten Map.**

27 To establish a direct and immediate interest in the litigation, a party need not show
28 pecuniary harm or any “specific legal or equitable interest in the subject matter of the litigation.”

1 *People ex rel. Rominger v. Cty. of Trinity*, 147 Cal. App. 3d 655, 661 (1983). It need only show
2 that it “will either gain or lose by the direct legal operation and effect of the judgment.” *Id.* “A
3 person has a direct interest justifying intervention in litigation where the judgment in the action of
4 *itself* adds to or detracts from his legal rights without reference to rights and duties not involved in
5 the litigation.” *Id.* (emphasis in original; citation omitted). Courts recognize that “the proposed
6 intervener’s interest in the litigation must be direct rather than consequential, and it must be an
7 interest that is capable of determination in the action.” *San Francisco*, 128 Cal. App. 4th at 1036.

8 As previously explained, courts routinely permit nonprofit organizations, including the
9 League of Women Voters, to intervene in cases relating to the organizations’ key principles and
10 directly affecting their members. *Supra* pp. 9-10 (citing cases permitting League of Women
11 Voters to intervene in suits impacting voting rights); *see also Bustop v. Superior Ct.*, 69 Cal. App.
12 3d 66, 70 (1977) (nonprofit organization facially satisfied “direct interest” requirement because
13 “[i]ts members and the persons whom it purports to represent do have an interest in the
14 litigation”); *California Dump Truck Owners Ass’n v. Nichols*, 275 F.R.D. 303, 306, 308 (E.D.
15 Cal. 2011) (organization’s interests justified intervention because organization advocated
16 challenged regulations and its members resided near the areas covered by challenged regulation).

17 Also as previously explained, the League has an interest in this litigation as it has an
18 interest in furthering the League’s central purpose of protecting voting rights for all, which
19 includes challenging partisan redistricting maps such as the Patten Map. *Supra* pp. 9-10. The
20 League’s members include residents who, under the Patten Map, will: (i) be split up from
21 longstanding communities of interest, (ii) have their votes deferred, (iii) be without a
22 representative they elected for two years, and (iv) be part of a district that was designed to favor a
23 political party. *Supra* pp. 10-11. Pursuant to the Patten Map, the League’s members could “lose
24 by the direct legal operation and effect of the judgment.” *Rominger*, 147 Cal. App. 3d at 661.

25 **3. Intervention Will Not Enlarge the Issues in the Litigation.**

26 In evaluating the third factor—enlarging the issues in the litigation—courts have focused
27 on whether the proposed intervenor would broaden or alter the ultimate relief sought in the case.
28 *See San Diego v. Otoy Municipal Water Dist.*, 200 Cal. App. 2d 672, 681 (1962) (denying

1 permissive intervention because “it is evident that the contentions advanced by the intervenors
2 extend the scope of the remedy sought through the original complaint”). In considering this
3 factor, courts have been mindful of the risk of multiple lawsuits and preserving judicial economy
4 in concluding the element is satisfied. *See Simpson*, 196 Cal. App. 3d at 1203 (purposes of §387
5 would not be served by denying intervention and forcing the party to bring a separate action).

6 The League’s intervention will not enlarge the issues. The League does not seek any type
7 of relief that is not already being sought; as Petitioners seek in their writ petition, the League
8 would seek to set aside the Board’s adoption of the Patten Map and related ordinance for
9 violations of the State Constitution and the Fair Maps Act. There is “no danger” that the issues
10 raised by the League “will prolong, confuse, or disrupt the present lawsuit.” *Simpson*, 196 Cal.
11 App. 3d at 1203. Judicial economy would be served by hearing the League’s petition alongside
12 that of Petitioners. There would be no reason to force the League to bring its own case to
13 challenge the redistricting, as League affiliates have done in the past. *See supra* p. 10.

14 **4. The Strong Reasons Favoring the League’s Intervention Are Not**
15 **Outweighed by Any Opposition of the Original Parties.**


16 Finally, the reasons for intervention, explained above, outweigh any opposition.
17 Petitioners support the League’s motion. (Turovsky Decl. ¶ 2.) The Clerk has no position and
18 does not oppose the motion. (*Id.* ¶ 3.) Respondents have stated they will oppose the motion, but
19 it is difficult to conceive how they could show any prejudice or a substantive basis for its
20 opposition—as they likely only prefer to keep the voice and expertise of the League out of the
21 case. (*Id.* ¶ 4.) The League’s intervention actually benefits the Respondent government agencies
22 by permitting them to preserve public resources by not defending against an additional suit.

23 **IV. CONCLUSION**

24 The League respectfully requests that the Court grant this motion for the reasons stated.

25 Dated: May 10, 2022

MANATT, PHELPS, & PHILLIPS LLP

26 By: 
27 Ronald B. Turovsky
28 *Attorneys for Proposed Intervenor*

ATTACHMENT A

**[PROPOSED] VERIFIED PETITION
IN INTERVENTION FOR WRIT OF MANDATE**

ATTACHMENT A

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7 Attorneys for Proposed-Intervenor
LEAGUE OF WOMEN VOTERS OF
SAN LUIS OBISPO COUNTY, INC.
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN LUIS OBISPO**

11 SLO COUNTY CITIZENS FOR GOOD
GOVERNMENT, INC.; PATRICIA GOMEZ;
12 DON MARUSKA; ALLENE VILLA,

13 Petitioners,

14 v.

15 COUNTY OF SAN LUIS OBISPO; BOARD
OF SUPERVISORS OF SAN LUIS OBISPO
16 COUNTY AND DOES 1-15,

17 Respondents.
18

19 LEAGUE OF WOMEN VOTERS OF SAN
LUIS OBISPO COUNTY, INC.,
20

21 Petitioner-Intervenor.
22

23 CLERK-RECORDER OF SAN LUIS OBISPO
COUNTY AND DOES 16-25,
24

25 Real Parties in Interest.
26
27
28

Case No. 22CVP-0007

**[PROPOSED] VERIFIED PETITION IN
INTERVENTION FOR WRIT OF
MANDATE**

Date: June 2, 2022
Time: 9:00 a.m.
Dept.: 2
Judge: Hon. Rita Federman

Action Filed: January 12, 2022
Trial Date: None set

1 Petitioner-Intervenor League of Women Voters of San Luis Obispo County, Inc., for its
2 Petition in Intervention for Writ of Mandate, alleges as follows:

3 **PRELIMINARY STATEMENT**

4 1. Petitioner-Intervenor League of Women Voters of San Luis Obispo County, Inc.
5 (the “League”) is a nonpartisan, nonprofit organization that fights to protect the rights of eligible
6 voters and expand access for those who have been left out of the democratic process.

7 2. The San Luis Obispo County Board of Supervisors (the “Board”) has adopted a
8 new supervisorial district map that drastically alters the boundaries of the County of San Luis
9 Obispo’s (the “County”)¹ five supervisorial districts for the next ten years, despite there being
10 only a negligible change in population of the County as shown in the U.S. 2020 decennial census.

11 3. The supervisorial district boundaries adopted by the County following the 1990,
12 2000, and 2010 censuses have all reflected considerable consistency and stability in their
13 mapping of existing neighborhoods and communities of interest. During the 2021 redistricting
14 process, the League advocated for a map that adhered as closely as possible to the prior 2011
15 supervisorial district map (“2011 Map”).

16 4. The Board’s adoption of Supervisor District Map 74786, submitted by Richard
17 Patten and referred to as the “Patten Map,” violates the Fair and Inclusive Redistricting for
18 Municipalities and Political Subdivision Act (the “Fair Maps Act”), Elec. Code § 21500 *et seq.*,
19 and the State Constitution’s requirement for free elections, Art. II, Sec. 3.

20 5. The Patten Map creates districts designed to ensure that one political party, in this
21 instance the Republican Party, will continue to hold a 3-2 advantage on the Board despite the fact
22 that a plurality of County voters are now registered members of another party, the Democratic
23 Party.

24 6. Under the Patten Map, a disproportionate number of registered-Republican
25 residents of the newly drawn districts will have their votes accelerated—meaning that they will be
26 permitted to vote two years earlier than they would have under the prior district map—while a
27 disproportionate number of registered-Democratic residents of the newly drawn districts will have

28 ¹ The Board and the County are collectively referred to as “Respondents.”

1 their votes deferred—meaning that they will not be permitted to vote until two years after they
2 would have under the prior district map. A large number of those registered-Democratic residents
3 will be without a representative they elected for the next two years.

4 7. The Patten Map also divides longstanding communities of interest, which the Fair
5 Maps Act requires the Board to maintain “to the extent practicable,” subject only to drawing
6 “geographically contiguous” districts. Elec. Code § 21500(c)(2).

7 8. The Board’s actions in this instance are part of a nationwide pattern whereby
8 efforts are being undertaken to favor one political party over another and to divide communities
9 of interest in the drawing of voter district boundaries. This is occurring at the state-wide level
10 and at the local level, in congressional districts and in counties across the country.

11 9. Democracy depends on voters having the opportunity to fairly choose their
12 representatives. The decisions made by incumbents during the redistricting process determine
13 whether residents have fair representation in government and whether their representatives will
14 reflect their interests. When district boundaries are created so as to favor one party over another,
15 and when they are drawn so as to divide communities of interest, residents are deprived of their
16 fundamental rights to choose their representatives and to enjoy free and fair elections.

17 10. The League therefore seeks a writ of mandate from this Court invalidating
18 Ordinance 3467 and Resolution 2021-311 adopting the Patten Map as violating the Fair Maps
19 Act, Elec. Code § 21500 *et seq.*, and the Free Elections Clause of the California Constitution, Art.
20 II, Sec. 3, and mandating that Respondents adopt a redistricting plan for the County’s
21 supervisorial districts that comports with the Fair Maps Act, as well as with all other relevant
22 constitutional and statutory requirements.

23 11. Petitioners SLO County Citizens for Good Government, Inc. (“SLO Citizens”),
24 Patricia Gomez, Don Maruska, and Allene Villa (“Petitioners”) filed their Petition for writ of
25 mandate on January 12, 2022, challenging the Board’s adoption of the Patten Map. The League
26 fully supports Petitioners’ claims and joins in their allegations and their requests for relief.
27 Certain of the factual allegations in this Petition are based on verified allegations contained in
28 Petitioners’ Petition.

1 12. The League also has distinct interests that are implicated by the Board’s conduct.
2 The League intervenes in this case so as to protect those interests. The League, which through
3 affiliated entities across the country is litigating similar issues, also has a broader perspective and
4 believes that its presentation of its interests will assist the Court in its resolution of the issues
5 raised in this case, without creating undue burdens on management of this litigation. The League
6 satisfies the requirements to intervene as a matter of right and alternatively satisfies the elements
7 to be considered for permissive intervention.

8 **PARTIES**

9 13. The League is a nonpartisan, nonprofit political organization defending
10 democracy. Its principal place of business is in the County. As part of its mission, the League
11 assists voters in navigating the elections process, provides resources for voters to determine their
12 districts and their polling locations, and mobilizes voters to engage in political advocacy. The
13 League also provides voters with public education materials on the redistricting process and
14 advocates for fair and constitutional maps.

15 14. The League was founded more than 60 years ago as a local affiliate of the League
16 of Women Voters of the United States. The League’s purpose is “to promote political
17 responsibility through informed and active participation in government” and “to take action on
18 local, state and national governmental measures and policies in the public interest in conformity
19 with the principles of the said League of Women Voters of the United States.” (Restated Articles
20 of Incorporation filed 2/6/17; Amended Bylaws dated 1/8/21.) The principles of the League of
21 Women Voters of the United States provide that “the League of Women Voters believes that
22 every citizen should be protected in the right to vote.” Local affiliates of the League of Women
23 Voters have regularly filed lawsuits and intervened in cases impacting voting rights, including
24 cases raising similar issues about the rights of voters and discriminatory maps.

25 15. The League has a beneficial interest in this matter. Unfair and discriminatory
26 redistricting directly frustrates and impedes the League’s core mission of protecting the rights of
27 voters that the League works to engage, and it forces the League to divert resources toward
28 directly combatting the ill effects of unlawful redistricting.

1 16. The League participated extensively in the administrative process leading up to the
2 adoption of the map of supervisorial districts in the County that is the subject of this case, and
3 strongly opposed its adoption.

4 17. The League has more than 290 members. The League has members who are
5 registered voters residing in each of the five supervisorial districts, including members who,
6 under the Patten Map, will have their votes deferred, be without a representative they elected for
7 two years, or have their communities of interest divided into multiple districts. If the Patten Map
8 is not invalidated, these members will be harmed by living and voting in unconstitutionally
9 gerrymandered districts.

10 18. The League brings this action on its own behalf and on behalf of its members and
11 supporters who are residents of and registered voters in the County, each of whom has a right to
12 representation on the Board that complies with the Fair Maps Act and State Constitution.

13 19. According to the initial Petition filed in this case, Petitioner SLO Citizens is a
14 California 501(c)(4) nonprofit corporation with its principal place of business in the County.
15 SLO Citizens is a non-partisan coalition of County residents who have been active in the 2021
16 redistricting process. *See* SLO Citizens, *About Us*, <https://sloccgg.org/about-us/>. SLO Citizens
17 was specifically created to overturn the Board of Supervisors' adoption of the Patten Map.
18 According to the initial Petition, Petitioner Patricia Gomez is a long-time resident of the County
19 and a Director and Officer of SLO Citizens. According to the initial Petition, Petitioner Allene
20 Villa is a life-long resident of the County and at all times alleged in the Petition a resident of the
21 Census Designated Place/unincorporated area of Oceano. According to the initial Petition,
22 Petitioner Don Maruska is a long-time resident of the County and at all times alleged in the
23 Petition a resident of Los Osos, California.

24 20. Respondent and Defendant the County is a political subdivision of the State of
25 California. Respondent and Defendant the Board is, and at all times herein mentioned was, the
26 duly elected decision-making body of the County and was responsible for conducting decennial
27 redistricting and adopting boundaries for County supervisorial districts.

28

1 21. The true names and capacities, whether individual, corporate, or otherwise, of
2 respondents Does 1-15 are unknown to the League, which therefore sues said persons or entities
3 by such fictitious names and will seek leave to amend this Petition when their identities have been
4 ascertained.

5 22. Real Party-in-Interest San Luis Obispo County Clerk-Recorder is the duly
6 appointed and acting public official of the County charged with overseeing, supervising, and
7 ensuring the full and proper implementation of applicable rules, regulations, provisions, and
8 timelines associated with the election process in the County.

9 23. The true names and capacities, whether individual, corporate, or otherwise, of real
10 parties in interest Does 16-25 are unknown to the League, which therefore sues said persons or
11 entities by such fictitious names and will seek leave to amend this Petition when their identities
12 have been ascertained.

13 **JURISDICTION AND VENUE**

14 24. This Court has jurisdiction over this matter pursuant to Code of Civil Procedure
15 sections 1060-1062.5, 1085, 1094.5, 526(a), and 527(a) and Elections Code sections 21500-
16 21509.

17 25. Venue is proper in this County and in this Court because the causes of action arose
18 in the County and Respondents are all located in the County. This litigation concerns the
19 boundaries for the County’s five supervisorial districts for the next ten years.

20 26. The League has performed any and all conditions precedent to filing this action
21 and has exhausted any and all available administrative remedies to the extent possible and as
22 required by law.

23 27. Respondents have taken final agency actions with respect to adopting the Patten
24 Map. In amending the redistricting boundaries, Respondents had a duty to comply with
25 applicable state laws, including but not limited to Elections Code sections 21500-21509, prior to
26 amending the redistricting boundaries. The League has no effective remedy to challenge
27 Respondents’ actions other than by means of court action.
28

1 28. The issuance of a writ or an injunction is in the public interest and is otherwise
2 necessary and appropriate pursuant to Code of Civil Procedure sections 526, 1085, and 1094.5 to
3 preserve the status quo and to prevent the unwarranted deferral and suppression of fundamental,
4 constitutionally protected voting rights.

5 29. Unless and until Respondents and Real Parties are enjoined and restrained as
6 herein requested, the League, its members, and the County’s voting population will suffer
7 irreparable injury due to the loss, deferral, or suppression of voting rights, none of which can be
8 fully cured after the fact and none of which can be adequately compensated by money damages.

9 **FACTUAL BACKGROUND**

10 Redistricting Criteria

11 30. Pursuant to Article 1, Section 2 of the U.S. Constitution, the U.S. Census Bureau
12 (the “Census Bureau”) is required to conduct an accurate count of the population every ten years.
13 The census provides the basis for redistricting changes in the voting districts of county boards of
14 supervisors in California. Using the census as a basis, the board of supervisors for each county
15 must “adjust the boundaries of any or all of the supervisorial districts of the county so that the
16 supervisorial districts shall be substantially equal in population as required by the United States
17 Constitution.” Elec. Code § 21500(a).

18 31. In redrawing the 2021 supervisorial districts, county boards of supervisors were
19 required for the first time to comply with the Fair Maps Act, which was adopted by the California
20 Legislature in 2019. Elec. Code § 21500 *et seq.* The League of Women Voters of California was
21 a co-sponsor of the Fair Maps Act. The Fair Maps Act was enacted to create a fair, transparent,
22 and non-discriminatory redistricting process that was designed to eliminate gerrymandering in all
23 forms, including racial and partisan gerrymandering. As the Senate Committee on Governance
24 and Finance noted in considering the Fair Maps Act, “[r]edistricting is of crucial importance to
25 local democracy” because it “can help determine, for the next decade, whether or not a
26 community will be represented at their closest levels of government.” Senate Committee on
27 Governance and Finance, Elections: City and County Redistricting (July 3, 2019), available at
28 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB849#.

1 32. The Fair Maps Act requires that “to the extent practicable,” the Board shall take
2 into account the following five ranked criteria in redrawing the supervisorial districts, and must
3 do so in the following order of priority: that the districts (i) be “geographically contiguous,”
4 (ii) respect local communities of interest, (iii) minimize division of cities, (iv) “be easily
5 identifiable and understandable by residents,” and (v) if possible, “encourage geographical
6 compactness.” Elec. Code § 21500(c). “A ‘community of interest’ is a population that shares
7 common social or economic interests,” not including relationships with political parties,
8 incumbents, or candidates, “that should be included within a single supervisorial district for
9 purposes of its effective and fair representation.” Elec. Code § 21500(c)(2). The Fair Maps Act
10 also states that “the board shall not adopt supervisorial district boundaries for the purpose of
11 favoring or discriminating against a political party.” Elec. Code § 21500(d).

12 33. In addition to the Fair Maps Act, the Free Elections Clause of the California
13 Constitution provides that the Legislature shall “provide for . . . free elections” for all citizens.
14 Art. II, Sec. 3. Free and fair elections clauses in numerous state constitutions have been
15 recognized by courts as providing judicial protection against partisan manipulation.

16 34. In 2020, the Census Bureau conducted the decennial census, extending the
17 deadline for responses through October 15, 2020 in response to the COVID-19 pandemic.
18 Normally, the Census Bureau is required to report final data to the U.S. President on or before
19 December 31st of the Census year and to States and Counties on April 1st of the following year.
20 However, due to the extended timeline to complete the Census count, along with complications
21 arising from the Census Bureau’s use of predominantly electronic responses for the first time, the
22 County did not receive final, State-adjusted data until September 20, 2021. Counties are required
23 to use the State-adjusted data in drafting maps, and counties may not publish draft maps or hold
24 post-map hearings until at least 21 days after State-adjusted data are made available to the public.

25 35. Despite receiving the 2020 Census data later than anticipated, the Board was still
26 required to adopt an ordinance amending supervisorial districts no later than December 15, 2021.
27 The California Elections Code requires that county boards adopt new boundaries for supervisorial
28 districts no later than 174 days prior to the county’s next regular election after January 1, 2022.

1 Elec. Code § 21501. The County’s next regular election is the June 7, 2022 state primary
2 election, which is 174 days after the December 15, 2021 deadline.

3 The 2021 Redistricting Hearings

4 36. In January 2021, the Board initiated the decennial redistricting process for the
5 County. Public comments urged the Board to create and delegate its authority to an independent
6 redistricting commission. The Board, however, elected to use a County Staff Advisory
7 Committee (“the Committee”), comprised of County staff, to draw the districts.

8 37. The Board also retained Redistricting Partners, a consulting firm, to assist with
9 using mapping tools and to provide expert advice on data analyses.

10 38. On September 20, 2021, the County received the 2020 State-adjusted Census data,
11 which showed a minimal increase in the County’s population during the last census period
12 (approximately 10,000 additional residents, or a 3.5 % increase in population). The Census data
13 also reflected that the Democratic Party has an approximately 6,000-7,000 registration advantage
14 over the Republican Party. Approximately 38 % of voters in the County are registered as
15 Democrats; 34 % are registered as Republicans; and more than 20 % are “unaffiliated.”

16 39. Republicans held a majority of seats on the Board during the 2021 redistricting
17 proceedings. Republican supervisors include Supervisors John Peschong (District 1), Lynn
18 Compton (District 4), and Debbie Arnold (District 5). The other two Board seats are held by
19 Democratic Supervisors Bruce Gibson (District 2) and Dawn Ortiz-Legg (District 3).

20 40. The 2011 Map reflected numerous longstanding communities of interest. For
21 example, in the 2011 Map, the coastal communities were joined together in one district and had
22 been joined in that way for more than 50 years.

23 41. On October 26, 2021, the Board held its first hearing following receipt of the
24 Census data to consider initial draft maps and receive public comments.

25 42. At that hearing, the League’s President, Cindy Marie Absey, commented that
26 “[t]he 2020 census data and population changes in the county are not large enough to require
27 significant changes to the district lines” and “now is not the time to make wholesale changes to
28 the district lines for county supervisors in this county.” She also cautioned against adopting a

1 map that “would divide the coastal communities, which have been joined together in one district
2 for more than 50 years.”

3 43. Two maps presented by the County’s Staff Advisory Committee at the October 26,
4 2021 hearing (Map A and Map B) were very similar to the 2011 Map. Map A, in particular, was
5 drawn to be in conformance with existing district boundaries except for very minor changes
6 needed to align district boundaries with new census block boundaries.

7 44. The San Luis Obispo Chamber of Commerce also submitted a map that was
8 modeled after the 2011 district map. This map was later revised and became known as the
9 “Chamber 2030 Map.” *See infra* ¶ 48.

10 45. The Board was also presented with several maps submitted by members of the
11 public, including the Patten Map, a map allegedly prepared by an individual, Richard Patten. The
12 Patten Map as presented at the October 26 hearing was not presented in the proper format and
13 included several errors. Accordingly, the public did not have a meaningful opportunity to
14 comment on the Patten Map at that time.

15 46. On November 19, 2021, the Board conducted another official redistricting hearing
16 to select two final maps for consideration from among the above maps and 23 other publicly
17 submitted maps.

18 47. Richard Patten resubmitted the Patten Map at the November 19 hearing in the
19 recommended Redistricter-R format. The Patten Map “packs” Democratic voters into two
20 districts (Districts 3 and 5) and redraws the remaining three districts (Districts 1, 2, and 4) so that
21 they will have a greater number of registered Republicans than registered Democrats. “Packing”
22 is when a targeted group (in this case, Democrats) is over-concentrated into fewer districts to
23 reduce its voting power in other districts, so members of that group end up with fewer
24 representatives. Despite the fact that registered-Democratic voters have an advantage in the
25 County, the Patten Map provides a high probability that three Republican supervisors and two
26 Democratic supervisors will be elected.

27 48. The San Luis Obispo Chamber of Commerce also submitted a revised version of
28 its map (the “Chamber 2030 Map”). The Chamber 2030 Map shared a number of characteristics

1 with Map A, which largely reflected the status quo. Among other things, the Chamber 2030 Map:
2 (a) kept all of the North Coast communities together as had been the case historically; (b) kept
3 San Miguel, Templeton, and Paso Robles in District 1; (c) continued a multiple supervisor
4 presence in the City of San Luis Obispo; (d) moved the Cal Poly community into District 2;
5 (e) drew districts so that each included an “agricultural” element; and (f) and honored the historic
6 architecture of a District keeping Oceano, Nipomo, and Arroyo Grande together.

7 49. At the November 19 hearing, speaking on behalf of the League, the League’s
8 Voter Service Director (and former County Clerk-Recorder from 1994 to 2014) Julie Rodewald
9 urged the Board to consider maps that would: (i) “not favor or discriminate against any political
10 party”; (ii) maintain “communities of interest,” which “is a higher priority [under the Fair Maps
11 Act] than keeping cities intact”; and (iii) “[m]inimize disruption to the election cycle and the
12 number of voters whose ability to vote in an election would be deferred or accelerated.”
13 Consistent with other public comments, Ms. Rodewald further urged the Board to instruct the
14 Committee to select at least one map for final consideration that made “minimal changes” to the
15 existing districts, in recognition of the fact that the 2020 Census reflected negligible changes in
16 population growth throughout the County in general and in any specific district.

17 50. The Board voted 3-2 along partisan lines to reject two separate motions to advance
18 Map A and Map B for final consideration. The Board voted to advance only the Patten Map and
19 the Chamber 2030 Map for final consideration.

20 51. Before the November 19 meeting adjourned, Supervisor Gibson made a motion to
21 have Redistricting Partners, the Board’s consultant, perform an analysis of vote accelerations and
22 deferrals under the Patten Map and the Chamber 2030 Map, relative to Map A, representing the
23 status quo. Supervisor Compton asked County Counsel if the effect of the accelerations and
24 deferrals was something the Board needed to take into consideration, to which County Counsel
25 answered that the Board was not required to consider it but that it may become relevant “if there
26 was some—an allegation of some pretext otherwise.” Supervisor Arnold responded that she
27 thought the Board did not “need to send [the Staff] down the trail of another analysis” and the
28

1 Board “just need[s] to finish [its] work up here in this compressed time frame, and get it done.”
2 The Board voted to reject Supervisor Gibson’s motion 3-2 on strictly partisan lines.

3 52. On Tuesday, November 30, 2021, the Board conducted its final official
4 redistricting hearing to vote on whether to adopt the Patten Map or the Chamber 2030 Map.

5 53. Even though Supervisor Gibson’s motion had been denied at the previous hearing,
6 Redistricting Partners presented an analysis of accelerations and deferrals under the two finalist
7 maps at the November 30 hearing. Redistricting Partners found that the Patten Map would
8 accelerate 48,622 votes and defer 49,418 votes—disrupting a total of 98,040 votes, *more than*
9 *forty-five percent* of the citizen voting age population (approximately 217,000 people) in a
10 County of fewer than 285,000 people. By contrast, the Chamber 2030 Map would have
11 accelerated 9,499 votes and deferred 9,833 votes, for a total of 19,332—less than nine percent of
12 the citizen voting age population in the County.

13 54. The League presented its own analysis of accelerations and deferrals under the two
14 finalist maps using the Precinct View GIS application on the County Clerk-Recorder website. By
15 the League’s analysis, the Patten Map would result in 26,301 deferrals (33% of which were
16 Republican voters) and 29,540 accelerations (55% of which were Republican voters). In
17 comparison, the League estimated that the Chamber 2030 Map would have resulted in only 5,056
18 deferrals (41% of which were Republican voters) and 9,128 accelerations (49% of which were
19 Republican voters). Neither Map A nor B would have resulted in a significant acceleration or
20 deferral of votes, because neither made radical changes to the 2011 Map.

21 55. Supervisor Ortiz-Legg made a motion at the November 30 hearing for an analysis
22 of the partisan impacts of the Patten Map and of the Chamber 2030 Map. Supervisor Gibson
23 supported the motion, arguing that the Board could not know whether it would be adopting a map
24 favoring one political party over the other if it was “simply doing it blind.” Despite advice from
25 County Counsel that the data and analysis could be considered for Section 21500(d) compliance
26 purposes, and despite an offer from Redistricting Partners to prepare and deliver such an analysis,
27 the Board voted 3-2 against the motion, with the three Republican supervisors refusing to
28 consider such an analysis.

1 56. At the end of the November 30 hearing, the Board majority comprised of the
2 Republican supervisors voted 3-2 to adopt the Patten Map as the preferred map and directed staff
3 to make minor changes to that map to fully incorporate the San Miguel Community Services
4 District (CSD) into District 2.

5 57. On December 7, 2021, the Board considered the introduction of an ordinance to
6 amend Chapter 2.60 of the County Code changing supervisorial district boundaries to reflect the
7 boundaries of the Patten Map. By a 3-2 vote, the Board approved introduction of the ordinance.

8 58. At the December 7, 2021 hearing, Supervisor Ortiz-Legg identified the “flaws” in
9 the Patten Map, including: “[t]he dilution of the Latino voters in Oceano and San Miguel thereby
10 reducing their voting power for a Latino candidate in Districts Four and One in the future; the
11 consolidation of Democrats in District Three; the destruction of the north coast communities by
12 interest—the communities of interest by splitting Cambria and Cayucos in District Two, Morro
13 Bay in—in Future District Three, and Los Osos in District Five.”

14 59. Supervisor Ortiz-Legg again requested that the Board have a partisan analysis of
15 the Patten Map performed, stating that “if this map was not intentionally planned to manipulate
16 district lines to advantage one group or party over another . . . there should be nothing to hide,
17 right?” Supervisor Ortiz-Legg argued that a partisan analysis “is required ultimately because it is
18 the only way you can prove your map is not gerrymandering . . . under the Fair Maps Act.” The
19 motion was rejected by a 3-2 vote, again along partisan lines.

20 60. At the December 14, 2021 Board meeting, the Board considered Ordinance 3467
21 and Resolution 2021-311, which would revise the County’s supervisorial district map based on
22 the Patten Map.

23 61. At that final redistricting hearing, Petitioners and members of the public continued
24 to object to the adoption of the Patten Map. The League’s president Ms. Absey commented:

25 In our assessment, the Patten map creates too many problems. It [] disenfranchises
26 an estimated 48,000 voters who will have to wait an additional two years to vote
27 for a supervisor, and separates longstanding communities of interest. Most
28 troubling, it appears to benefit one political party over another by diluting the
influence of the majority party voters in specific districts.

1 The Patten map remedies create more problems than they solve, and that makes it
2 the wrong choice for San Luis Obispo County. The League’s concern that the
3 Patten map violates the Fair Maps Act by favoring one political party over another,
4 could be easily resolved by an analysis from the Board’s own consultant. The
5 Board’s justification for restricting that information doesn’t make sense, and has
6 sowed distrust with many voters about a process that was promoted as open and
7 transparent. By refusing to review this key information and share it with the
8 public, confidence in our elected officials will continue to erode.

6 We urge the Board to reconsider its decision to adopt the Patten map. In several
7 essential ways, the Patten map fails to provide the fair and equitable representation
8 that the public should expect from its government. We can, and must do better for
9 San Luis Obispo County.

9 62. On December 14, 2021, again by a 3-2 vote along the same partisan lines, the
10 Board adopted Ordinance 3467 and amended Resolution 2021-311 to establish new supervisorial
11 district boundaries for the next 10 years. Respondents made various findings in connection with
12 the adoption of the Ordinance, which are set forth in the final, amended form of the Resolution.

13 63. Respondents’ adoption of the Ordinance on December 14, 2021 was a final
14 legislative determination that became effective thirty days thereafter on January 13, 2022.

15 Partisan Gerrymandering

16 64. The Patten Map was adopted for and with the purpose of giving the Republican
17 Party an advantage on the San Luis Obispo County Board of Supervisors despite the Democratic
18 Party advantage in voter registration in the County. It was adopted for the purpose of favoring a
19 political party and discriminating against another political party.

20 65. As alleged in Petitioners’ Petition, Richard Patten is a registered Republican. His
21 map was widely endorsed by the Republican Party in San Luis Obispo County organization
22 (“Republican Party SLO”). Following the selection of the Patten Map for final consideration at
23 the November 19, 2021 meeting, the Republican Party SLO announced in its newsletter that “we
24 were successful on Friday November 19” because “Our Supervisors” voted to advance the Patten
25 Map. Another newsletter asked supporters to endorse the Patten Map, which the Republican
26 Party SLO called “most effective.”

1 66. As alleged in Petitioners’ Petition, the Republican Party SLO also distributed
2 flyers and newsletters providing information about “redistricting training” at workshops where
3 Mr. Patten would be present and guidance would be provided about the map and about messaging
4 (i.e., what to write and what to say and suggested content for emails) to support the Patten Map at
5 redistricting hearings. The Republican Party’s messaging mirrors messaging also used by the
6 Board majority, which ignores Section 21500(c)(2), focuses on “keeping cities whole” based on
7 the lower-ranked criterion in Section 21500(c)(3), and asserts—inaccurately—that the Patten Map
8 would keep the City of San Luis Obispo “whole.”

9 67. As a result of the drastic changes under the Patten Map, the Republican Party will
10 be able to maintain and actually solidify a clear majority in three of the districts, which is not
11 representative of voter registration in the County. More specifically:

- 12 • District 2 is flipped from Democratic to Republican. Under the 2011 Map, for District 2,
13 Democrats made up about 46 % of registered voters while Republicans made up 26 %.
14 Under the Patten Map, this will be reversed and a Republican advantage on the Board
15 perpetuated: Democrats will make up 34 % of voters and Republicans will make up 39 %
16 of voters.
- 17 • District 3 is “packed” with Democratic voters. Under the 2011 District 3 map, Democrats
18 made up 42 % of voters, while Republicans made up 29 %. Under the Patten Map,
19 Democrats will make up 49 % of voters and Republicans will make up 21 % of voters.
- 20 • District 4 results in a greater advantage for the Republican Party. Under the old District 4
21 boundaries, 38 % of voters were Republicans and 35 % were Democrats. Under the
22 Patten Map boundaries, 40 % of voters in the District are Republican and 33 % of voters
23 are Democrats.
- 24 • District 1 is reconfigured, but continues to favor the Republican Party.
- 25 • District 5 is “packed” with Democratic voters and flipped from Republican to Democrat.
26 Under the 2011 District 5 map, Republicans had a small lead with 37 %, while Democrats
27 made up 35 %. Under the Patten Map, Democrats will make up 43 % of voters and
28 Republicans will make up 28 % of voters.

1 Thus, a 3-2 Republican advantage has been perpetuated by the Patten Map, even though there are
2 more registered Democrats in the County.

3 68. As alleged in Petitioners' Petition, the partisan nature of the new boundaries is also
4 apparent from changes made to immediately benefit incumbent Republican supervisors and
5 disadvantage Democratic supervisors or challengers. Supervisor Lynn Compton (District 4) was
6 identified during the proceedings as a Republican. Her current term expires at the end of 2022
7 and she is currently running for re-election against the same Democratic opponent she defeated
8 by a mere 60 votes in 2018. The Republican Party SLO has endorsed Supervisor Compton's re-
9 election campaign and hosted a campaign fundraising event on her behalf on October 17, 2021.
10 Under the Patten Map, the district boundaries and partisan make-up of Supervisor Compton's
11 district will change significantly, to her political advantage, for the June 2022 election and
12 thereafter for ten years. Specifically, significant numbers of Republican-tending voters would be
13 moved into Supervisor Compton's district from Supervisor Arnold's current district (District 5)
14 and from the Edna and Country Club areas in current District 3. At the same time, significant
15 numbers of Democratic-tending voters in the Oceano area (where Supervisor Compton fared
16 poorly in 2018) would be moved out of Supervisor Compton's district and into a newly
17 configured District 5. These voters would be unable to vote until 2024. By contrast, Republican-
18 tending voters in the Country Club and Edna areas (which the Patten Map moves from District 3
19 to District 4) will get to vote in both the special election for Supervisor Ortiz-Legg in District 3
20 and the regular election in District 4. (Because Supervisor Ortiz-Legg was appointed to District 3
21 in 2020 as a replacement for the late Supervisor Adam Hill, Attorney General Rob Bonta's office
22 advised the County that the 2022 election for District 3 would constitute a special election, and
23 should be conducted using the old district boundaries.) Thus, many Republican-tending voters
24 who will vote on Supervisor Ortiz-Legg during the District 3 special election will not actually be
25 her constituents.

26 69. As alleged in Petitioners' Petition, Supervisor Peschong (District 1) was identified
27 during the proceedings as a Republican. His current term ends in 2024 and he has publicly
28 announced that he will not seek re-election. He will be able to serve out his current term in

1 District 1 even though parts of that district will be reassigned to a different district under the
2 Patten Map and voters in those areas will also have an accelerated ability to vote for a new
3 supervisor in their new district in 2022 after having just voted in 2020.

4 70. As alleged in Petitioners' Petition, Supervisor Arnold (District 5) was identified
5 during the proceedings as a Republican. She previously served as chief of staff for a Republican
6 supervisor and was a keynote speaker for the Republican Party SLO's Friendsgiving Fundraiser
7 event on November 21, 2021. Supervisor Arnold's current term ends in 2024. Although she has
8 not announced publicly whether she will run for re-election, under the Patten Map, Supervisor
9 Arnold no longer resides in District 5 (where the Patten Map packs Democratic voters).
10 Nonetheless, certain areas of the district Supervisor Arnold currently represents would be moved
11 into new districts such that none of the voters in her district would have their votes deferred but
12 many would have their votes accelerated in new districts where they could vote either for her
13 political allies or against her political adversaries in 2022.

14 71. As alleged in Petitioners' Petition, evidence of results from several past election
15 cycles was entered into the record establishing how poorly Supervisor Arnold had fared in the
16 City of San Luis Obispo precincts in the last election in District 5. Under the Patten Map, unlike
17 many of the areas in former District 5, these precincts would not be moved into the newly drawn
18 District 4, which will favor Supervisor Compton in her 2022 re-election bid. The Patten Map
19 would also result in sections of the current District 3 near Edna and the San Luis Obispo Country
20 Club being accelerated into a newly drawn District 4 where Republican voters could vote twice in
21 2022: for Republican Supervisor Compton in the new District 4 and against Democratic
22 Supervisor Ortiz-Legg in the old District 3.

23 72. As alleged in Petitioners' Petition, Supervisor Gibson (District 2) is a Democrat.
24 His current term expires at the end of 2022 and he is running for re-election. Under the Patten
25 Map, a significant number of Republican-tending voters from Supervisor Peschong's current
26 District 1 will be moved into Supervisor Gibson's new District 2, where voters who voted for
27 Supervisor Peschong in 2020 would be entitled to vote against Supervisor Gibson in 2022.
28 Moreover, significant numbers of Democrat-tending voters in Supervisor Gibson's current district

1 will be “cracked” out of the district, and they will not be able to vote for him in 2022 and will not
2 be able to vote for anyone until 2024. “Cracking” is when a targeted group is split up into
3 multiple districts to dilute its voting power, so members of that group cannot elect a
4 representative in any district. Under the Patten Map, Los Osos and Morro Bay, two of the
5 communities that historically have been included in the “North Coast” District 2, would be moved
6 into two new districts (3 and 5) where voters would not be able to vote until 2024, and in the
7 intervening two years would be “orphaned” and not have a supervisor directly accountable to
8 them—regardless of party.

9 Impact on Communities of Interest

10 73. Supporters of the Patten Map emphasized that it prioritized keeping cities together
11 in one district, specifically the City of San Luis Obispo. The League maintains that this is not
12 true because the Patten Map divides the City of San Luis Obispo into three districts. But even if
13 it were true, the Board was required to prioritize maintaining communities of interest ahead of
14 keeping cities together. The Patten Map disregards longstanding communities of interest in the
15 County.

16 74. As alleged in Petitioners’ Petition, the supervisorial district boundaries adopted by
17 the County after the 1990 census, the 2000 census, and 2010 census all reflect considerable
18 consistency and stability in their mapping of existing neighborhoods and communities of interest,
19 as well as cities and census designated places. While sizable population increases for the County
20 might have required adjustments to district boundaries in the past, the County had never
21 implemented wholesale changes to any districts prior to 2021. Instead, prior maps respected the
22 boundaries of neighborhoods and communities of interest that have existed and flourished as such
23 for decades.

24 75. Under the Patten Map, District 2 cracks apart the northern coastal communities of
25 interest, Morro Bay and Los Osos, from Cayucos and Cambria—which had been together in
26 District 2 since at least 1990—and inserts the inland, non-communities of interest, San Miguel
27 and Atascadero, which were not previously combined in the same district. San Miguel has
28 historically been a part of a community of interest with Paso Robles and Templeton in District 1,

1 where Paso Robles and Templeton remain under the Patten Map. San Miguel and Paso Robles
2 both have large Latino populations that identify as a single, unified community.

3 76. The Patten Map also separates Oceano from Nipomo and Arroyo Grande, which
4 had been together in District 4 since at least 1990. Oceano has one of the highest Latino
5 populations in the County, and the Patten Map dilutes their influence by moving those
6 residents/voters into a district with a significantly different demographic make-up.

7 77. As publicized by the Patten Map’s supporters, the Patten Map largely consolidates
8 certain neighborhoods and communities of interest within the City of San Luis Obispo into
9 District 3. Historically, the City of San Luis Obispo has been represented by three supervisors,
10 with the areas southwest of the City of San Luis Obispo near Edna and part of the Cal Poly
11 campus included in District 5. Other City of San Luis Obispo residents are now separated from
12 various communities of interest historically aligned with the City of San Luis Obispo, including
13 Avila Beach, Pismo Beach, Grover Beach, the SLO Airport, and the SLO County Club, among
14 others.

15 78. The justification that the City of San Luis Obispo should be consolidated into a
16 single district is irrelevant under the Fair Maps Act if it results in dividing or cracking long-
17 established communities of interest, as is the case with the Patten Map.

18 **FIRST CAUSE OF ACTION**
19 **PETITION FOR WRIT OF MANDATE AGAINST ALL PARTIES**
20 **(Violations of the California Elections Code and the California Constitution)**

21 79. The League refers to and incorporates by reference paragraphs 1 through 78 as
22 though fully set forth herein.

23 80. The Fair Maps Act sets forth mandatory criteria the Board is to follow when
24 creating or modifying Supervisorial District boundaries. Section 21500(a) states that districts
25 must be “substantially equal in population” based on the total population of residents of the
26 County. Pursuant to Elections Code section 21500(c), the Board shall adopt supervisorial district
27 boundaries that are easily identifiable and understandable by residents and, to the extent
28 practicable, meet the following criteria set forth in order of priority: a) are geographically
contiguous; b) respect the geographic integrity of any local neighborhood or local community of

1 interest; and c) respect the geographic integrity of a city or census designated place. Elections
2 Code section 21500 (d) prohibits the Board from adopting supervisorial district boundaries for the
3 purpose of favoring or discriminating against a political party.

4 81. Respondents were under a mandatory duty to fulfill their legal obligations
5 described above in a good faith, non-arbitrary, manner. Respondents failed to proceed in a
6 manner required by law and failed to carry out their mandatory obligations with respect to State
7 law. By certifying Ordinance Number 3467 and all associated approvals, including Resolution
8 2021-311 and its various official findings, Respondents violated the Fair Maps Act, abused their
9 discretion, failed to proceed in a manner required by law, acted without substantial evidence, and
10 acted in an arbitrary and capricious manner for the following non-exclusive list of reasons:

11 a) The supervisorial district boundaries result in the malapportionment of the County
12 population, jeopardizing and compromising fair, equal, and effective representation.

13 b) The boundaries do not respect and maintain the geographic integrity of existing, long-
14 established, and long-recognized local neighborhoods and local communities of interest in
15 the ranked, prioritized manner that would be consistent with the definition of communities
16 of interest in the Fair Maps Act (Elec. Code § 21500(c)(2)) and in Article XXI, Sec. 2 of
17 the State Constitution.

18 c) The boundaries are incorrectly based on an assumption that the highest ranked and
19 prioritized criteria for drawing district boundaries is the protection, preservation,
20 unification, and “wholeness” of cities—to the greatest degree possible—regardless of the
21 adverse consequences that may flow from that unlawful assumption to communities of
22 interest and neighborhoods with statutorily ranked priority.

23 d) Adoption of the Patten Map with its deferral and/or acceleration of nearly 100,000
24 county voters and the deliberate relocation of voters to favor the Republican Party violates
25 the prohibition in Elections Code section 21500(d) on favoring one political party and
26 discriminating against another.

27 e) Respondents purposely failed to allow the presentation of evidence showing that the
28 Patten Map would favor a political party and discriminate against another so as to better

1 enable them to do exactly that—to adopt a map with district boundaries that would favor
2 the Republican Party and to discriminate against the Democratic Party.

3 82. Respondents also violated Article II, Section 3 of the California Constitution, the
4 Free Elections Clause.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, the League prays for judgment as follows:

7 1. For a declaratory judgment that Respondents violated California’s Fair Maps Act
8 and the California Constitution and for the issuance of alternative and peremptory writs of
9 mandate directing the County to vacate and set aside its approval adoption of Ordinance Number
10 3467, which amended County Code of Regulations 2.60 (Resolution number 2021-311), and
11 created the new supervisorial district boundaries challenged in this litigation (e.g., Map Number
12 74786).

13 2. For a permanent injunction preventing Respondents and Real Parties and their
14 agents, officers, employees, and all those working in concert with them, from conducting future
15 elections for the San Luis Obispo County Board of Supervisors under the unlawful redistricting
16 plan adopting the Patten Map.

17 3. The League requests that this Court exercise its jurisdiction under Elections Code
18 section 21509 (a) and California law to adopt a map that complies with the requirements of state
19 and federal law.


20 4. For this Court to retain jurisdiction until the Writ of Mandate and other orders of
21 the Court have been complied with fully, and such compliance has been approved by the Court.

22 5. For an award of reasonable attorney’s fees and costs pursuant to Code of Civil
23 Procedure § 1021.5, Government Code § 800, and Elections Code § 21509.

24 6. For such other and further relief as the Court deems just and proper.

25 Dated: May 10, 2022

MANATT, PHELPS & PHILLIPS, LLC

26 By: 
27 RONALD B. TUROVSKY
28 *Attorneys for Intervenor-Petitioner*

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VERIFICATION

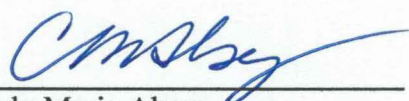
I, Cindy Marie Absey, declare under penalty of perjury and the laws of the State of California that the following is true and correct:

1. I am the President of the League of Women Voters of San Luis Obispo County, Inc. (the "League"), and I am authorized to make this verification for and on its behalf.

2. I have read the foregoing Verified Petition in Intervention for Writ of Mandate and know its contents.

3. Based on my review of documents and information known by the League and its members, I am informed and believe, and on that ground allege, that the matters stated therein are true and correct.

Executed on May 9, 2022, at SAN LUIS OBISPO, California.

By: 
Cindy Marie Absey
President of Intervenor-Petitioner
THE LEAGUE OF WOMEN VOTERS
OF SAN LUIS OBISPO COUNTY, INC.

1 **PROOF OF SERVICE**
2 ***SLO County Citizens for Good Government, Inc. et al. v. County of San Luis Obispo et al.***
3 **San Luis Obispo County Superior Court**
4 **Case No. 22CVP-0007**

5 I, Paulette E. Surjue, declare as follows:

6 I am employed in Los Angeles County, Los Angeles, California. I am over the age of
7 eighteen years and not a party to this action. My business address is MANATT, PHELPS &
8 PHILLIPS, LLP, 2049 Century Park East, Suite 1700, Los Angeles, California 90067.

9 On May 10, 2022, I served the within:

10 **NOTICE OF MOTION AND MOTION OF LEAGUE OF WOMEN VOTERS OF SAN
11 LUIS OBISPO COUNTY, INC. FOR LEAVE TO INTERVENE; MEMORANDUM OF
12 POINTS AND AUTHORITIES IN SUPPORT THEREOF; [PROPOSED] VERIFIED
13 PETITION IN INTERVENTION FOR WRIT OF MANDATE**

14 on the interested parties in this action addressed as follows:

15 ***Attorneys for Petitioners***

16 SLO COUNTY CITIZENS FOR GOOD
17 GOVERNMENT, INC.; PATRICIA GOMEZ;
18 DON MARUSKA; and ALLENE VILLA

19 Ellison Folk
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BOARD OF SUPERVISORS OF SAN
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BY ELECTRONIC MAIL: Based on an agreement of the parties to accept service by e-mail
or electronic transmission, I caused such document(s) to be transmitted electronically from my

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e-mail address, psurjue@manatt.com at Manatt, Phelps & Phillips, LLP, Los Angeles, California, to the person(s) at the electronic mail addresses listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **May 10, 2022**, at Los Angeles, California.



PAULETTE E. SURJUE

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