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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 LEAGUE OF WOMEN VOTERS OF SAN  
26 LUIS OBISPO COUNTY, INC.,

27 Petitioner-Intervenor.

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

Real Parties in Interest.

ELECTRONICALLY  
FILED  
7/1/2022 12:00 PM  
SAN LUIS OBISPO SUPERIOR COURT  
BY   
Victoria J. Miller, Deputy Clerk

Case No. 22CVP-0007

**VERIFIED PETITION IN  
INTERVENTION FOR WRIT OF  
MANDATE**

Assigned for All Purposes to:  
Hon. Rita Federman, Dept. 2

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

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

3 **PRELIMINARY STATEMENT**

4 1. Petitioner-Intervenor the League is a nonpartisan, nonprofit organization that  
5 fights to protect the rights of eligible voters and expand access for those who have been left out of  
6 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”)<sup>1</sup> 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 Subdivisions 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 that were designed to help one political party, in  
21 this instance the Republican Party, keep a 3-2 advantage on the Board despite the fact that a  
22 plurality of County voters are now registered members of another party, the Democratic Party.

23 6. Under the Patten Map, a disproportionate number of registered-Republican  
24 residents of the newly drawn districts will have their votes accelerated—meaning that they will be  
25 permitted to vote two years earlier than they would have under the prior district map—while a  
26 disproportionate number of registered-Democratic residents of the newly drawn districts will have  
27 their votes deferred—meaning that they will not be permitted to vote until two years after they

28 <sup>1</sup> As used herein, “Respondents” refers collectively to the Board and the County.

1 would have voted under the prior district map. A large number of those registered-Democratic  
2 residents will for the next two years be without a representative they elected.

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

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

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

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

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



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 330 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, and/or have their communities of interest divided into multiple districts. If the Patten  
8 Map is not invalidated, these members will be harmed by 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’s adoption of the Patten Map. According to the  
18 initial Petition, Petitioner Patricia Gomez is a long-time resident of the County and a Director and  
19 Officer of SLO Citizens. According to the initial Petition, Petitioner Allene Villa is a life-long  
20 resident of the County and at all times alleged in the Petition a resident of the Census Designated  
21 Place/unincorporated area of Oceano. According to the initial Petition, Petitioner Don Maruska is  
22 a long-time resident of the County and at all times alleged in the Petition a resident of Los Osos,  
23 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, responsible for conducting decennial  
27 redistricting and adopting boundaries for County supervisorial districts.

28



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

4 **FACTUAL BACKGROUND**

5 Redistricting Criteria

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

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

24 31. The Fair Maps Act requires that “to the extent practicable,” the Board shall take  
25 into account the following five ranked criteria in redrawing the supervisorial districts, and must  
26 do so in the following order of priority: that the districts (i) be “geographically contiguous,”  
27 (ii) respect local communities of interest, (iii) minimize division of cities, (iv) “be easily  
28 identifiable and understandable by residents,” and (v) if possible, “encourage geographical

1 compactness.” Elec. Code § 21500(c). “A ‘community of interest’ is a population that shares  
2 common social or economic interests,” not including relationships with political parties,  
3 incumbents, or candidates, “that should be included within a single supervisorial district for  
4 purposes of its effective and fair representation.” Elec. Code § 21500(c)(2). The Fair Maps Act  
5 also states that “the board shall not adopt supervisorial district boundaries for the purpose of  
6 favoring or discriminating against a political party.” Elec. Code § 21500(d).

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

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

20 34. Despite receiving the 2020 Census data later than anticipated, the Board was still  
21 required to adopt an ordinance amending supervisorial districts no later than December 15, 2021.  
22 The California Elections Code requires that county boards adopt new boundaries for supervisorial  
23 districts no later than 174 days prior to the county’s next regular election after January 1, 2022.  
24 Elec. Code § 21501. The County’s next regular election is the June 7, 2022 state primary  
25 election, which is 174 days after the December 15, 2021 deadline.

26 The 2021 Redistricting Hearings

27 35. In January 2021, the Board initiated the decennial redistricting process for the  
28 County. Public comments urged the Board to create and delegate its authority to an independent



1 redistricting commission. The Board, however, elected to use a County Staff Advisory  
2 Committee, comprised of County staff, to draw the districts.

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

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

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

15 39. The 2011 Map reflected numerous longstanding communities of interest. For  
16 example, in the 2011 Map, the coastal communities were joined together in one district, as they  
17 had been joined for more than 50 years.

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

20 41. At that hearing, the League’s President, Cindy Marie Absey, commented that  
21 “[t]he 2020 census data and population changes in the county are not large enough to require  
22 significant changes to the district lines” and “now is not the time to make wholesale changes to  
23 the district lines for county supervisors in this county.” She also cautioned against adopting a  
24 map that “would divide the coastal communities, which have been joined together in one district  
25 for more than 50 years.”

26 42. Two maps presented by the County’s Staff Advisory Committee at the October 26,  
27 2021 hearing (Map A and Map B) were very similar to the 2011 Map. Map A, in particular, was  
28

1 drawn to be in conformance with existing district boundaries except for very minor changes  
2 needed to align district boundaries with new census block boundaries.

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

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

11 45. On November 19, 2021, the Board conducted another official redistricting hearing  
12 to select two final maps for consideration from among the above maps and 23 other publicly  
13 submitted maps.

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

23 47. The San Luis Obispo Chamber of Commerce also submitted a revised version of  
24 its Chamber 2030 Map. The Chamber 2030 Map shared a number of characteristics with Map A,  
25 which largely reflected the status quo. Among other things, the Chamber 2030 Map: (a) kept all  
26 of the North Coast communities together as had been the case historically; (b) kept San Miguel,  
27 Templeton, and Paso Robles in District 1; (c) continued a multiple supervisor presence in the City  
28 of San Luis Obispo; (d) moved the Cal Poly community into District 2; (e) drew districts so that

1 each included an “agricultural” element; and (f) and honored the historic architecture of District 4  
2 by keeping Oceano, Nipomo, and Arroyo Grande together.

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

14 49. The Board voted 3-2 along partisan lines to reject two separate motions to advance  
15 Map A and Map B for final consideration. The Board voted to advance only the Patten Map and  
16 the Chamber 2030 Map for final consideration.

17 50. Before the November 19 meeting adjourned, Supervisor Gibson made a motion to  
18 have Redistricting Partners, the Board’s consultant, perform an analysis of vote accelerations and  
19 deferrals under the Patten Map and the Chamber 2030 Map, relative to Map A, representing the  
20 status quo. Supervisor Compton asked County Counsel if the effect of the accelerations and  
21 deferrals was something the Board needed to take into consideration, to which County Counsel  
22 answered that the Board was not required to consider it but that it may become relevant “if there  
23 was some—an allegation of some pretext otherwise.” Supervisor Arnold responded that she  
24 thought the Board did not “need to send [the Staff] down the trail of another analysis” and the  
25 Board “just need[s] to finish [its] work up here in this compressed time frame, and get it done.”  
26 The Board voted to reject Supervisor Gibson’s motion 3-2 on strictly partisan lines.

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

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

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

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

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

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

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

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

16          59.     At the December 14, 2021 Board meeting, the Board considered Ordinance 3467  
17 and Resolution 2021-311, which would revise the County’s supervisorial district map based on  
18 the Patten Map.

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

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

26                 The Patten map remedies create more problems than they solve, and that makes it  
27 the wrong choice for San Luis Obispo County. The League’s concern that the  
28 Patten map violates the Fair Maps Act by favoring one political party over another,  
could be easily resolved by an analysis from the Board’s own consultant. The  
Board’s justification for restricting that information doesn’t make sense, and has  
sowed distrust with many voters about a process that was promoted as open and

1 transparent. By refusing to review this key information and share it with the  
2 public, confidence in our elected officials will continue to erode.

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

61. On December 14, 2021, again by a 3-2 vote along the same partisan lines, the  
7 Board adopted Ordinance 3467 and amended Resolution 2021-311 to establish new supervisorial  
8 district boundaries for the next 10 years. Respondents made various findings in connection with  
9 the adoption of the Ordinance, which are set forth in the final, amended form of the Resolution.  
10 At a minimum, the Board failed to consider evidence of discrimination against a political party.

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

13 Partisan Gerrymandering

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

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

25 65. As alleged in Petitioners' Petition, the Republican Party SLO also distributed  
26 flyers and newsletters providing information about "redistricting training" at workshops where  
27 Mr. Patten would be present and guidance would be provided about the map and about messaging  
28 (i.e., what to write and what to say and suggested content for emails) to support the Patten Map at

1 redistricting hearings. The Republican Party’s messaging mirrors messaging also used by the  
2 Board majority, which ignores Section 21500(c)(2), focuses on “keeping cities whole” based on  
3 the lower-ranked criterion in Section 21500(c)(3), and asserts—inaccurately—that the Patten Map  
4 would keep the City of San Luis Obispo “whole.”

5 66. As a result of the drastic changes under the Patten Map, the Republican Party was  
6 given an advantage toward being able to maintain a majority in three of the districts, which is not  
7 representative of voter registration in the County. More specifically:

- 8 • District 2 is flipped from a Democratic plurality to a Republican plurality. Under the  
9 2011 Map, for District 2, Democrats made up about 46 % of registered voters while  
10 Republicans made up 26 %. Under the Patten Map, this will be reversed: Democrats will  
11 make up 34 % of voters and Republicans will make up 39 % of voters.
- 12 • District 3 is “packed” with Democratic voters. Under the 2011 District 3 map, Democrats  
13 made up 42 % of voters, while Republicans made up 29 %. Under the Patten Map,  
14 Democrats will make up 49 % of voters and Republicans will make up 21 % of voters.
- 15 • District 4 results in a greater advantage for the Republican Party. Under the old District 4  
16 boundaries, 38 % of voters were Republicans and 35 % were Democrats. Under the  
17 Patten Map boundaries, 40 % of voters in the District are Republican and 33 % of voters  
18 are Democrats.
- 19 • District 1 is reconfigured, but continues to favor the Republican Party.
- 20 • District 5 is “packed” with Democratic voters and flipped from Republican to Democrat.  
21 Under the 2011 District 5 map, Republicans had a small lead with 37 %, while Democrats  
22 made up 35 %. Under the Patten Map, Democrats will make up 43 % of voters and  
23 Republicans will make up 28 % of voters.

24 Thus, the Republican Party has been given an advantage of keeping a 3-2 majority by the Patten  
25 Map, even though there are more registered Democrats in the County.

26 67. As alleged in Petitioners’ Petition, the partisan nature of the new boundaries is also  
27 apparent from changes made to immediately benefit incumbent Republican supervisors and  
28 disadvantage Democratic supervisors or challengers. Supervisor Lynn Compton (District 4) was

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

20 68. As alleged in Petitioners' Petition, Supervisor Peschong (District 1) was identified  
21 during the proceedings as a Republican. His current term ends in 2024 and he has publicly  
22 announced that he will not seek re-election. He will be able to serve out his current term in  
23 District 1 even though parts of that district will be reassigned to a different district under the  
24 Patten Map and voters in those areas will also have an accelerated ability to vote for a new  
25 supervisor in their new district (District 2) in 2022 after having just voted in 2020.

26 69. As alleged in Petitioners' Petition, Supervisor Arnold (District 5) was identified  
27 during the proceedings as a Republican. She previously served as chief of staff for a Republican  
28 supervisor and was a keynote speaker for the Republican Party SLO's Friendsgiving Fundraiser



1 event on November 21, 2021. Supervisor Arnold’s current term ends in 2024. Although she has  
2 not announced publicly whether she will run for re-election, under the Patten Map, Supervisor  
3 Arnold no longer resides in District 5 (where the Patten Map packs Democratic voters).  
4 Nonetheless, certain areas of the district Supervisor Arnold currently represents would be moved  
5 into new districts such that none of the voters in her district would have their votes deferred but  
6 many would have their votes accelerated in new districts where they could vote either for her  
7 political allies or against her political adversaries in 2022.

8 70. Evidence of results from several past election cycles was entered into the record  
9 establishing how poorly Supervisor Arnold had fared in the City of San Luis Obispo precincts  
10 located in District 5. Under the Patten Map, unlike many of the areas in former District 5 which  
11 are moved into District 4, these precincts would be “packed” with other Democratic-tending  
12 voters into the newly drawn District 3. The Patten Map would also result in sections of the  
13 current District 3 near Edna and the San Luis Obispo Country Club being accelerated into a  
14 newly drawn District 4, where Republican-tending voters would be able to vote twice in 2022: for  
15 or against Republican Supervisor Compton in the new District 4 and for or against Democratic  
16 Supervisor Ortiz-Legg in the old District 3.

17 71. As alleged in Petitioners’ Petition, Supervisor Gibson (District 2) is a Democrat.  
18 His current term was set to expire at the end of 2022 and he was running for re-election. Under  
19 the Patten Map, a significant number of Republican-tending voters from Supervisor Peschong’s  
20 current District 1 and from Supervisor Arnold’s current District 5 were moved into Supervisor  
21 Gibson’s new District 2, where voters who voted for Supervisors Peschong and Arnold in 2020  
22 would be entitled to vote for or against Supervisor Gibson in 2022. Moreover, significant  
23 numbers of Democrat-tending voters in Supervisor Gibson’s current district are “cracked” out of  
24 the district, and they would not be able to vote for him in 2022 and would not be able to vote for  
25 anyone until 2024. “Cracking” is when a targeted group is split up into multiple districts to dilute  
26 its voting power, so members of that group cannot elect a representative in any district. Under the  
27 Patten Map, Los Osos and Morro Bay, two of the communities that historically have been  
28 included in the “North Coast” District 2, would be moved into two new districts (3 and 5) where

1 voters would not be able to vote until 2024, and in the intervening two years would be  
2 “orphaned” and not have a supervisor directly accountable to them—regardless of party.

3 Impact on Communities of Interest

4 72. Supporters of the Patten Map emphasized that it prioritized keeping cities together  
5 in one district, specifically the City of San Luis Obispo. The League maintains that this is not  
6 true because the Patten Map divides the City of San Luis Obispo into two districts. But even if it  
7 were true, the Board was required to prioritize maintaining communities of interest ahead of  
8 keeping cities together. The Patten Map disregards longstanding communities of interest in the  
9 County.

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

18 74. Under the Patten Map, District 2 cracks apart the northern coastal communities of  
19 interest, Morro Bay and Los Osos, from Cayucos and Cambria—which had been together in  
20 District 2 since at least 1990—and inserts the inland, non-communities of interest, San Miguel  
21 and Atascadero, which were not previously combined in the same district. San Miguel has  
22 historically been a part of a community of interest with Paso Robles and Templeton in District 1,  
23 where Paso Robles and Templeton remain under the Patten Map. San Miguel and Paso Robles  
24 both have large Latino populations that identify as a single, unified community.

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

3 76. As publicized by the Patten Map’s supporters, the Patten Map largely consolidates  
4 certain neighborhoods and communities of interest within the City of San Luis Obispo into  
5 Districts 3 and 5. Historically, the City of San Luis Obispo has been represented by three  
6 supervisors (Districts 2, 3 and 5), with the areas southwest of the City of San Luis Obispo near  
7 Edna included in District 4. City of San Luis Obispo residents historically have been grouped  
8 with various communities of interest aligned with the City of San Luis Obispo, including Avila  
9 Beach, Pismo Beach, Grover Beach, the SLO Airport, and the SLO County Club, among others.  
10 Under the Patten Map, those historical communities of interest are disregarded in an effort to  
11 pack Democratic voters into two districts and thereby reduce their influence in County elections.

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

15 **FIRST CAUSE OF ACTION**  
16 **PETITION FOR WRIT OF MANDATE AGAINST ALL PARTIES**  
17 **(Violations of the California Elections Code and the California Constitution)**

18 78. The League refers to and incorporates by reference paragraphs 1 through 77 as  
19 though fully set forth herein.

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

1 Code section 21500 (d) prohibits the Board from adopting supervisorial district boundaries for the  
2 purpose of favoring or discriminating against a political party.

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

- 10 a) The supervisorial district boundaries result in the malapportionment of the County  
11 population, jeopardizing and compromising fair, equal, and effective representation.
- 12 b) The boundaries do not respect and maintain the geographic integrity of existing, long-  
13 established, and long-recognized local neighborhoods and local communities of interest in  
14 the ranked, prioritized manner that would be consistent with the definition of communities  
15 of interest in the Fair Maps Act (Elec. Code § 21500(c)(2)) and in Article II, Sec. 3 of the  
16 State Constitution.
- 17 c) The boundaries are incorrectly based on an assumption that the highest ranked and  
18 prioritized criteria for drawing district boundaries are the protection, preservation,  
19 unification, and “wholeness” of cities—to the greatest degree possible—regardless of the  
20 adverse consequences that may flow to communities of interest and neighborhoods with  
21 statutorily ranked priority.
- 22 d) Adoption of the Patten Map with its deferral and/or acceleration of nearly 100,000  
23 county voters and the deliberate relocation of voters to favor the Republican Party violates  
24 the prohibition in Elections Code section 21500(d) against favoring one political party and  
25 discriminating against another.
- 26 e) Respondents purposely failed to allow the presentation of and did not consider evidence  
27 showing that the Patten Map would favor a political party and discriminate against another  
28

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

3 81. 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 preemptory 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. For this Court to exercise its jurisdiction under Elections Code section 21509 (a)  
18 and California law to adopt a map that complies with the requirements of state and federal law.

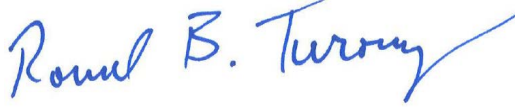
19 4. For this Court to retain jurisdiction until the Writ of Mandate and other orders of  
20 the Court have been complied with fully, and such compliance has been approved by the Court.

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

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

24 Dated: July 1, 2022

MANATT, PHELPS & PHILLIPS, LLC

25  
26 By:   
27 RONALD B. TUROVSKY  
28 *Attorneys for Intervenor-Petitioner*

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**VERIFICATION**

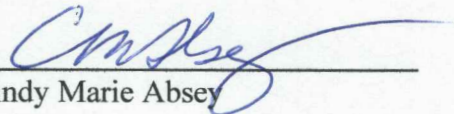
I, Cindy Marie Absey, declare:

I am the President of the League of Women Voters of San Luis Obispo County, Inc. (the "League"), a California public benefit corporation organized and existing under the laws of the State of California. The League is Intervenor-Petitioner in the above-entitled action, and I am authorized to make this verification on its behalf.

I have read the foregoing Verified Petition in Intervention for Writ of Mandate and know the contents thereof. The facts stated in the foregoing Petition are true of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 1, 2022, in San Luis Obispo, California.

  
Cindy Marie Absey

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

I, Paulette E. Surjue, declare as follows:

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

On July 1, 2022, I served the within:

**VERIFIED PETITION IN INTERVENTION FOR WRIT OF MANDATE**

on the interested parties in this action addressed as follows:

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

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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](mailto: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 **July 1, 2022**, at Los Angeles, California.



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PAULETTE E. SURJUE

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