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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 DAVID TANGIPA, ERIC CHING,
11 SAUL AYON, PETER HERNANDEZ,
12 ROXANNE HOGE, JOEL GUITERREZ
13 CAMPOS, SOLOMON VERDUZCO,
14 PAUL RAMIREZ, JAYNE ORTIZ-
15 WILSON, VERNON COSTA, RACHEL
16 GUNTHER, DOUG BUCHANAN,
17 SAYRS MORRIS, MIKE NETTER,
18 CHRISTINA RAUGHTON, KRISTI
19 HAYS, JAMES REID, MICHAEL
20 TARDIF, ALEX GALICIA, AND
21 CALIFORNIA REPUBLICAN PARTY

22 Plaintiffs,

23 and

24 MITCH NOYES, HOLDEN LOMELI,
25 and ANTHONY MCBROOM,

26 Plaintiffs,

27 and

28 UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

vs.

Case Nos. 2:25-cv-10616-JLS-WLH-
KKL (Lead); 2:25-cv-11480-JLS-
WLH-KKL

**CONSOLIDATED
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

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

Action Filed: November 5, 2025

1 GAVIN NEWSOM, in his official
2 capacity as the Governor of California;
3 SHIRLEY WEBER, in her official
4 capacity as California Secretary of State,

5 Defendants,

6 and

7 DEMOCRATIC CONGRESSIONAL
8 CAMPAIGN COMMITTEE,

9 Defendant-Intervenor,

10 and

11 LEAGUE OF UNITED LATIN
12 AMERICAN CITIZENS,

13 Defendant-Intervenor.
14

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1 INTRODUCTION

2 1. This consolidated action challenges the constitutionality and lawfulness of
3 a new California congressional district map implemented following the passage of
4 Proposition 50 (the “Proposition 50 map”). The California Legislature violated the
5 Fourteenth¹ and Fifteenth² Amendments to the United States Constitution, and Section 2
6 of the Voting Rights Act of 1965³ (“VRA”), 52 U.S.C. § 10301, when it drew new
7 congressional district lines using race as the predominant factor—specifically to protect
8 or enhance Hispanic or black voting power—without a compelling justification backed
9 by evidence that the VRA required such action.

10 2. The Equal Protection Clause of the Fourteenth Amendment guarantees
11 every citizen the equal protection of the laws, and the U.S. Supreme Court has held that
12 the Clause’s central mandate is racial neutrality in governmental decision-making. *Miller*
13 *v. Johnson*, 515 U.S. 900, 904 (1995). While the Constitution entrusts states with
14 designing congressional districts, states may not, absent a compelling, evidence-based
15 reason, separate citizens into different voting districts based on race. *Cooper v. Harris*,
16 581 U.S. 285, 291 (2017).

17 3. The Fifteenth Amendment provides an absolute prohibition against the
18 denial or abridgement of the right to vote on account of race or color. U.S. Const. amend.
19 XV, § 1. A racial gerrymander—the deliberate and arbitrary distortion of district
20 boundaries for racial purposes—circumvents the Fifteenth Amendment. *Shaw v. Reno*,
21 509 U.S. 630, 640 (1993) (“*Shaw I*”). Unlike the Fourteenth Amendment, the Fifteenth
22

23
24 ¹ Only the Tangipa Plaintiffs (defined *infra*) and the United States challenge the
25 constitutionality of the Proposition 50 Map under the Fourteenth Amendment.

26 ² Only the Noyes Plaintiffs (defined *infra*) challenge the constitutionality of the
27 Proposition 50 Map under the Fifteenth Amendment.

28 ³ Only the Noyes Plaintiffs and the United States challenge the lawfulness of the
Proposition 50 Map under Section 2 of the VRA.

1 Amendment’s prohibition is absolute and admits no compelling-interest defense. *Prejean*
2 *v. Foster*, 227 F.3d 504, 519 (5th Cir. 2000).

3 4. Section 2 of the VRA prohibits states from implementing any “practice[] or
4 procedure . . . which results in a denial or abridgement of the right of any citizen of the
5 United States to vote on account of race or color.” 52 U.S.C. § 10301(a). A violation of
6 this prohibition “is established if, based on the totality of the circumstances, it is shown
7 that the political processes leading to nomination or election in the State ... are not
8 equally open to participation by members of a class of citizens protected by [52 U.S.C.
9 § 10301(a)] in that its members have less opportunity than other members of the
10 electorate to participate in the political process and to elect representatives of their
11 choice.” *Id.* § 10301(b).

12 5. The Noyes Plaintiffs allege that by intentionally distorting district
13 boundaries along racial lines to preserve a specific number of Hispanic-majority districts
14 and two black-influence districts, California violated the Fifteenth Amendment and
15 Voting Rights Act. *See* U.S. Const., amend. XV, § 1; 52 U.S.C. § 10101(a); *see also*
16 *Shaw I*, 509 U.S. at 657 (“[r]acial gerrymandering ... may balkanize us into competing
17 racial factions; it threatens to carry us further from the goal of a political system in which
18 race no longer matters”).

19 6. Although frequently marketed to the public as a lawful partisan
20 gerrymander intended to counter redistricting efforts in Texas, the “first thing” that Paul
21 Mitchell, the architect of the Proposition 50 map “did in drawing the new map”—the
22 “number one thing that [he] first started thinking about”—was to create a new
23 “majority/minority Latino district.” And while legislators discussed the purported
24 dilution of Democratic representation elsewhere across the country, they also alleged that
25 the voting power of racial groups in other states was being diluted and California must
26 respond. They feared that a “Latino voice in Texas is worth one third of the representation
27 as a white voice.” That Texas would “slid[e] back” to the days of “black codes, and Jim
28 Crow.” And that Texas legislators would “silence the voices of Latino voters.” The

1 Proposition 50 map would therefore serve as a “shield” against “racist maps” elsewhere
2 so that minorities in California could “stand up and be counted.” The end result was a
3 new congressional district map that manipulates district lines in the name of bolstering
4 or safeguarding the voting power of certain Californians on the basis of their race.

5 7. Some of the newly enacted districts mirror or resemble race-based districts
6 previously adopted by the California Redistricting Commission, which it justified using
7 the VRA (but which the California Legislature did not identify or justify as so-called
8 “VRA districts”). “When a State invokes the VRA to justify race-based districting, it
9 must show (to meet the ‘narrow tailoring’ requirement) that it had a ‘strong basis in
10 evidence’ for concluding that the statute required its action.” *Cooper*, 581 U.S. at 292
11 (quoting *Alabama Legis. Black Caucus v. Alabama*, 575 U.S. 254, 278 (2015)). In other
12 words, “the State must establish that it had ‘good reasons’ to think that it would transgress
13 the [VRA] if it did *not* draw race-based district lines.” *Id.* at 293 (citation omitted). In
14 prior filings to date in this matter, Defendants have never sought to justify the Proposition
15 50 map as required by the VRA.⁴

16 8. As respectively alleged herein by the Tangipa Plaintiffs (defined *infra*), the
17 Noyes Plaintiffs (defined *infra*), and the United States, Proposition 50 created a
18 congressional map that is unconstitutional and unlawful because it violates the
19 Fourteenth Amendment’s guarantee of equal protection by sorting voters into districts on
20 the basis of their race, denies or abridges the right to vote in violation of the Fifteenth
21 Amendment, and denies or abridges the right to vote in violation of Section 2 of the VRA.

22 JURISDICTION AND VENUE

23 9. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1345
24 because Plaintiffs and Plaintiff-Intervenor assert claims under the federal constitution,
25 42 U.S.C. § 1983, and the VRA.

26 10. Declaratory relief is authorized by 28 U.S.C. §§ 2201–2202.

27 _____
28 ⁴ The United States does not join this paragraph. The United States also does not join
the use of the term “VRA districts” in this Complaint.

1 11. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of
2 the events or omissions giving rise to these claims occurred in this District, including the
3 administration and conduct of elections using the challenged congressional map in Los
4 Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara, and San Luis
5 Obispo Counties, where Plaintiffs reside and vote.

6 12. Plaintiffs and Plaintiff-Intervenor request a three-judge court under 28
7 U.S.C. § 2284 because this case challenges the constitutionality of the apportionment of
8 congressional districts in California.

9 **PARTIES**

10 **A. The Tangipa Plaintiffs**

11 13. Plaintiff David Tangipa is a registered voter and Assemblyman residing in
12 Congressional District 21 in Fresno County. He is the first Legislator in California's
13 history to be of Polynesian descent, the smallest and least-represented minority group in
14 the State, and was elected from a majority-white district. He sits on the Assembly
15 Elections Committee. He plans to vote in the 2026, 2028, and 2030 congressional
16 elections. Proposition 50 assigns him to a district drawn with race as the predominant
17 factor, causing stigmatic and representational injury.

18 14. Plaintiff Eric Ching is an Asian voter and Congressional candidate who
19 resides in Congressional District 31 in Los Angeles County, where he has resided for
20 about forty-two years. He was formerly a city councilman, and he plans to run for election
21 and vote in the 2026, 2028, and 2030 District 31 Congressional elections. Before
22 Proposition 50, Mr. Ching had intended to run for Congress in Congressional District 38,
23 his congressional district at that time and the district in which he had previously run for
24 Congress twice. But, because of the changes to his district, he now lives in Congressional
25 District 31. Proposition 50 assigns him to a district drawn with race as the predominant
26 factor, causing stigmatic and representational injury.

27 15. Plaintiff Saul Ayon is a Hispanic voter who resides in Congressional District
28 22 in Kern County, where he has resided for forty-nine years. He was formerly a city

1 councilman. He plans to vote in the 2026, 2028, and 2030 congressional elections.
2 Proposition 50 assigns him to a district drawn with race as the predominant factor,
3 causing stigmatic and representational injury.

4 16. Plaintiff Peter Hernandez is a Hispanic voter who resides in Congressional
5 District 18 in San Benito County, where he has resided for fifty-one years. He formerly
6 served as a school board member and as a member of the board of supervisors. He plans
7 to vote in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him
8 to a district drawn with race as the predominant factor, causing stigmatic and
9 representational injury.

10 17. Plaintiff Roxanne Hoge is an immigrant from Jamaica who is a registered
11 voter who resides in Congressional District 29 in Los Angeles County, where she has
12 resided since 1988. She plans to vote in the 2026, 2028, and 2030 congressional elections.
13 Proposition 50 assigns her to a district drawn with race as the predominant factor, causing
14 stigmatic and representational injury.

15 18. Plaintiff Joel Guterrez Campos is a Hispanic voter who resides in
16 Congressional District 13 in Stanislaus County, where he has resided for roughly thirty-
17 four years. He plans to vote in the 2026, 2028, and 2030 congressional elections.
18 Proposition 50 assigns him to a district drawn with race as the predominant factor,
19 causing stigmatic and representational injury.

20 19. Plaintiff Solomon Verduzco is a Hispanic voter who resides in
21 Congressional District 21 in Fresno County, where he has resided for his entire life. He
22 plans to vote in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns
23 him to a district drawn with race as the predominant factor, causing stigmatic and
24 representational injury.

25 20. Plaintiff Paul Ramirez is a Hispanic voter who resides in Congressional
26 District 41 in Los Angeles County, where he has resided since 1962. He plans to vote in
27 the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him to a district
28 drawn with race as the predominant factor, causing stigmatic and representational injury.

1 21. Plaintiff Jayne Ortiz-Wilson is a Hispanic voter who resides in
2 Congressional District 9 in San Joaquin County, where she has resided for fifteen years.
3 She plans to vote in the 2026, 2028, and 2030 congressional elections. Proposition 50
4 assigns her to a district drawn with race as the predominant factor, causing stigmatic and
5 representational injury.

6 22. Plaintiff Vernon Costa is a Portuguese voter who resides in Congressional
7 District 22 in Kings County, where he has resided for sixty-eight years. He plans to vote
8 in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him to a
9 district drawn with race as the predominant factor, causing stigmatic and representational
10 injury.

11 23. Plaintiff Rachel Gunther is a Filipino voter who resides in Congressional
12 District 41 in Los Angeles County, where she has lived since 1971. She plans to vote in
13 the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns her to a district
14 drawn with race as the predominant factor, causing stigmatic and representational injury.

15 24. Plaintiff Doug Buchanan is a white voter who resides in Congressional
16 District 13 in Stanislaus County, where he has lived for forty-six years. He plans to vote
17 in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him to a
18 district drawn with race as the predominant factor, causing stigmatic and representational
19 injury.

20 25. Plaintiff Sayrs Morris is a white voter who resides in Congressional District
21 25 in Imperial County, where she has resided for fourteen years. She plans to vote in the
22 2026, 2028, and 2030 congressional elections. Proposition 50 assigns her to a district
23 drawn with race as the predominant factor, causing stigmatic and representational injury.

24 26. Plaintiff Mike Netter is a white voter who resides in Congressional District
25 31 in Los Angeles County, where he has resided for six years. He plans to vote in the
26 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him to a district
27 drawn with race as the predominant factor, causing stigmatic and representational injury.
28

1 27. Plaintiff Christina Raughton is a white voter who resides in Congressional
2 District 33 in San Bernardino County, where she has been a resident since 2005. She
3 plans to vote in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns
4 her to a district drawn with race as the predominant factor, causing stigmatic and
5 representational injury.

6 28. Plaintiff Kristi Hays is a white voter who resides in Congressional District
7 35 in Riverside County, where she has been a resident for fourteen years. She plans to
8 vote in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns her to a
9 district drawn with race as the predominant factor, causing stigmatic and representational
10 injury.

11 29. Plaintiff James Reid is a white voter who resides in Congressional District
12 35 in San Bernardino County, where he has lived for roughly forty years. He plans to
13 vote in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him to
14 a district drawn with race as the predominant factor, causing stigmatic and
15 representational injury.

16 30. Plaintiff Michael Tardif is a white voter who resides in Congressional
17 District 46 in Orange County, where he has lived for over seventy years. He plans to vote
18 in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him to a
19 district drawn with race as the predominant factor, causing stigmatic and representational
20 injury.

21 31. Plaintiff Alex Galicia is a Hispanic voter who resides in Congressional
22 District 52 in San Diego County, where he has lived for over 19 years. He plans to vote
23 in the 2026, 2028, and 2030 congressional elections. Proposition 50 assigns him to a
24 district drawn with race as the predominant factor, causing stigmatic and representational
25 injury.

26 32. Plaintiff California Republican Party (“CAGOP”) is a political party in
27 California with its principal place of business in Sacramento. The CAGOP exercises its
28 “federal and state constitutional rights, as set forth in the First and Fourteenth

1 Amendments to the United States Constitution, and Article IV, Section 5 . . . to represent
2 and speak for its members [and] to endorse and to nominate candidates for all partisan
3 elective offices.” Section 1.04.01 of the CAGOP Bylaws. The CAGOP represents over
4 5.8 million registered Republican voters in California as of October 20, 2025. The
5 CAGOP has a vital interest in protecting the ability of Republican voters to vote in
6 elections in which the districts are not unconstitutional racial gerrymanders, and brings
7 this suit to vindicate its own rights and, in a representational capacity, the rights of its
8 member voters and candidates.

9 **B. The Noyes Plaintiffs**

10 33. Plaintiff Mitch Noyes is a California resident and is registered to vote in
11 California. Under the challenged map, he is assigned to a district drawn with racial intent.

12 34. Plaintiff Holden Lomeli is a California resident and is registered to vote in
13 California. Under the challenged map, he is assigned to a district drawn with racial intent.

14 35. Plaintiff Anthony McBroom is a California resident and is registered to vote
15 in California. Under the challenged map, he is assigned to a district drawn with racial
16 intent.

17 **C. Plaintiff-Intervenor**

18 36. Plaintiff-Intervenor is the United States of America.⁵ The United States is
19 authorized to intervene pursuant to 42 U.S.C. § 2000h-2 to enforce the Equal Protection
20 Clause of the Fourteenth Amendment, as the Attorney General of the United States has
21 certified that this case is one of general public importance. *See* Ex. A.

22 37. The United States is also authorized to institute an action for preventative
23 relief whenever “there are reasonable grounds to believe that any person is about to
24 engage in any act or practice prohibited by” Section 2 of the VRA. 52 U.S.C. § 10308(d).

25
26
27 ⁵ Given the unusual nature of a consolidated complaint, the United States reserves the
28 right to unjoin any portion of this Consolidated Complaint that is inconsistent with its
original Complaint in Intervention (Dkt. 42).

1 43. The Noyes Plaintiffs also have standing because they have suffered an
2 abridgment of their rights to vote. *Shaw v. Hunt*, 517 U.S. 899, 917 (1996) (“*Shaw II*”);
3 *Gomillion v. Lightfoot*, 364 U.S. 339 (1960).

4 44. These injuries are fairly traceable to Defendants’ conduct, which directly
5 and intentionally caused them, and are redressable by this Court. Plaintiffs are personally
6 subjected to the racial sorting embodied in the Proposition 50 map, suffer
7 representational harms, and face imminent electoral injuries absent relief.

8 45. Plaintiff CAGOP has standing to represent its members in each of the
9 challenged congressional districts who have been harmed. CAGOP works to elect
10 Republican candidates to Congress, and the passage of Proposition 50 will result in
11 CAGOP diverting resources and spending significant amounts of money to educate
12 voters about the new lines and their congressional representation.

13 46. The United States, as sovereign, suffers a legal injury when a State violates
14 federal law. *See Vermont Agency of Nat. Res. v. United States ex rel. Stevens*, 529 U.S.
15 765, 771–72 (2000); *Pasadena City Bd. of Educ. v. Spangler*, 427 U.S. 424, 430–31
16 (1976) (standing under 42 U.S.C. § 2000h-2 to enforce the Equal Protection Clause). The
17 United States may also sue as *parens patriae* to protect the federal rights of its citizens.
18 *Massachusetts v. Mellon*, 262 U.S. 447, 485–86 (1923); *see United States v. Raines*, 362
19 U.S. 17, 27 (1960) (standing to enforce voting rights).

20 **FACTUAL BACKGROUND**

21 **A. Background on California Elections and Demographics**

22 47. According to the most recent decennial census, performed in 2020,
23 California has a population of 39,538,223. California: 2020 Census Population and
24 Housing Map, U.S. Census Bureau, [https://www.census.gov/library/stories/state-by-](https://www.census.gov/library/stories/state-by-state/california.html#race-ethnicity)
25 [state/california.html#race-ethnicity](https://www.census.gov/library/stories/state-by-state/california.html#race-ethnicity) (last visited Mar. 20, 2026). Hispanic individuals
26 constitute a plurality, making up 39.4% of California’s population. Non-Hispanic white
27 individuals are 34.7% of that population. Non-Hispanic Asian individuals are about
28

1 15.1% of that population. And Non-Hispanic black individuals make up about 5.4% of
2 that population. In other words, there is no ethnic majority group in California.

3 48. “Latino^[6] communities are not a uniform constituency; they differ
4 significantly across urban, suburban, and rural regions in terms of socioeconomic status,
5 citizenship rates, linguistic backgrounds, and political participation.” Dr. Raquel Centeno
6 & Dr. Jarred Cuellar, *Latino Voters and the November 2025 Special Election:
7 Redistricting and Representation 2*, [https://www.politico.com/f/?id=0000019a-0e13-
8 dc69-abda-fed37ace0000](https://www.politico.com/f/?id=0000019a-0e13-dc69-abda-fed37ace0000) (last visited Mar. 20, 2026) (the “Centeno & Cuellar Report”).

9 49. Recent elections demonstrate that Hispanics have not struggled to elect
10 politicians of their choice in California. Results in California are largely driven by
11 partisan bloc voting rather than racial bloc voting. In 2022, Democrat Alex Padilla, a
12 Hispanic candidate, won 61.1% of the statewide vote for U.S. Senate against Republican
13 Mark Meuser, a white candidate, who won 38.9%. November 8, 2022, General Election:
14 Statement of Vote Summary Pages 6, Cal. Sec’y of State,
15 <https://elections.cdn.sos.ca.gov/sov/2022-general/sov/06-summary.pdf> (last visited Mar.
16 20, 2026). The result mirrored the Governor’s race between Gavin Newsom, a white
17 Democrat, and Brian Dahle, a white Republican. *Id.* Padilla, the Hispanic candidate,
18 received more votes and a larger margin of victory than Newsom—the opposite of what
19 one would expect if white voters voted as a bloc against Hispanic candidates. *Id.*

20 50. In the 2018 general election, Hispanic Democratic candidates also defeated
21 white Republican candidates by comfortable margins in statewide races. November 6,

22 ⁶ “The terms [Hispanic and Latino] are often used interchangeably, though the words
23 can convey slightly different connotations.” Britannica, *What’s the Difference Between
24 Hispanic and Latino?*, Britannica, [https://www.britannica.com/story/whats-the-
25 difference-between-hispanic-and-latino](https://www.britannica.com/story/whats-the-difference-between-hispanic-and-latino) (last visited Mar. 20, 2026). “Latino” “refers to
26 (almost) anyone born in or with ancestors from Latin America and living in the U.S.,
27 including Brazilians.” *Id.* “Hispanic” is generally accepted as a narrower term that
28 includes people only from Spanish-speaking Latin America, including those
countries/territories of the Caribbean or from Spain itself.” *Id.* Plaintiffs and Plaintiff-
Intervenor will use these terms interchangeably.

1 2018, General Election: Statement of Vote Summary Pages 7,
2 <https://elections.cdn.sos.ca.gov/sov/2018-general/sov/07-summary.pdf> (last visited Mar.
3 20, 2026). In the 2020 presidential election, Joseph R. Biden defeated Donald J. Trump
4 in California by a similar margin to other statewide races. November 3, 2020, General
5 Election: Statement of Vote Summary Pages 8,
6 <https://elections.cdn.sos.ca.gov/sov/2020-general/sov/08-sov-summary.pdf> (last visited
7 Mar. 20, 2026). Across elections, votes received by candidates of the same party in the
8 same year are stable, indicating high levels of partisan straight-ticket voting regardless
9 of race.

10 51. In other words, division amongst California voters is attributable primarily
11 to partisan differences, not race.

12 52. At least 27 of California's 52 Congressional representatives are of an ethnic
13 minority. Of those, at least 15 are Hispanic. At least 20 of California's 40 state senators
14 are of an ethnic minority, including at least 15 who are Hispanic. At least 45 of
15 California's 80 state assemblymen are of an ethnic minority, including at least 27 who
16 are Hispanic. California also has a racially diverse set of statewide elected officials.

17 **B. Historical Background of Redistricting in California**

18 53. The United States Constitution requires the states to periodically redistrict.
19 Article I, § 2, mandates that congressional representation be recalculated every ten years.
20 *Reynolds v. Sims*, 377 U.S. 533, 562 (1964); *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).

21 54. California's Constitution implements this principle through its once-per-
22 decade limitation on redistricting. Article XXI, § 1, provides that the Citizens
23 Redistricting Commission ("CRC" or the "Commission") shall adjust congressional
24 boundary lines in the year following the national census. Cal. Const. art. XXI, § 1. Prior
25 to Proposition 50, the California Constitution only permitted the redistricting of
26 congressional districts after the Commission has published its maps in two scenarios: (1)
27 when a new map is authorized through a voter referendum, or (2) when a new map must
28 be drawn to comply with a court order. *Id.* art. XXI, §§ 2(i), 3(b)(3).

1 55. The CRC last drew a congressional map for California in 2021 following
2 the 2020 Census (the “Commission map”).

3 **C. The Three-Bill Legislative Package and Enactment of Proposition 50**

4 56. On July 2, 2025, Paul Mitchell, from Sacramento-based Redistricting
5 Partners, met with Speaker of the California Assembly Robert Rivas’s Chief of Staff,
6 Steve Omara, and began conversations with the California Legislature about drawing the
7 new congressional districts that would become the Proposition 50 map. Defendant-
8 Intervenor Democratic Congressional Campaign Committee (“DCCC”) paid Mr.
9 Mitchell for the new congressional map and submitted it to the California Legislature on
10 August 15, 2025.

11 57. In August 2025, Governor Newsom and state legislative leadership
12 announced a coordinated package to replace the congressional map adopted by the
13 Commission with a new map for use in 2026, 2028, and 2030, subject to voter approval
14 at a special election. The package consisted of: (a) Assembly Constitutional Amendment
15 No. 8 (“ACA 8”) (Rivas & McGuire), a legislatively referred constitutional amendment
16 authorizing temporary use of legislature-enacted congressional map through 2030 that
17 would require voter approval to take effect; (b) Assembly Bill No. 604 (“AB 604”)
18 (Aguiar-Curry & Gonzalez), the statute specifying the new congressional district
19 boundaries; and (c) Senate Bill No. 280 (“SB 280”) (Cervantes & Pellerin), a bill calling
20 for the special election, appropriating funds, and making conforming calendar changes
21 (collectively, the “Legislative Package”). The Legislature stripped language from three
22 pre-existing unrelated bills and inserted entirely new language to bypass the California
23 Constitution’s 30-day waiting period for new legislation. Cal. Const. art. IV, § 8(a).

24 58. The map was published on Friday, August 15, 2025, just days before the
25 Legislature returned from summer recess. The Legislative Package moved from first
26 reading on August 18, 2025, to a vote in less than four days. On August 21, 2025, the
27 Assembly and Senate approved the Legislative Package. On that same day, to bypass
28 safeguards on the legislative process and facilitate rapid referral from committee, the

1 Senate suspended Joint Rule 10.5 and Senate Rule 19 by a recorded vote of Ayes 30,
2 Noes 9, and the Assembly suspended Assembly Rule 63 and Assembly Rule 69(b)(1).

3 59. Because of the Legislature’s skirting of the California Constitution’s
4 waiting period, rule suspensions, and the compressed timeline, the Legislative Package
5 proceeded with limited public transparency. Legislators and stakeholders had little, if
6 any, time to review changing versions of the bills.

7 60. During this accelerated process, no district-by-district analysis under
8 Section 2 of the VRA or memorandum illustrating a strong basis in evidence showing
9 the need for additional VRA districts was provided to legislators before their votes.
10 Public bill materials and committee analyses contained no district-specific assessment of
11 minority citizen voting-age population (“CVAP”), racial cohesion, crossover or white-
12 bloc voting, or functional performance for any proposed district. Multiple sitting
13 legislators, including Assemblyman Tangipa and Senator Ochoa-Bogh, were not
14 provided any evidence to determine if the State was required to draw VRA districts. Due
15 to the compressed timeline, Assemblyman Tangipa noted in his opposition to ACA 8’s
16 passage that he did not have the opportunity to read the bill. In response, the bill’s co-
17 author, Assemblymember Marc Berman, stated that he knew the general content and
18 trusted the people who drafted ACA 8.

19 61. On November 4, 2025, Proposition 50 was passed in a special election by
20 California voters, receiving 7,453,339 affirmative votes. November 4, 2025, Statewide
21 Special Election: Statement of Vote Summary Pages 6,
22 <https://elections.cdn.sos.ca.gov/sov/2025-special/sov/06-sov-summary.pdf> (last visited
23 Mar. 20, 2026). Proposition 50 asked voters to approve the constitutional amendment
24 proposed by the Legislature in ACA 8, to use the newly drawn congressional map
25 adopted by the Legislature in AB 604.

26 **D. The Use of Race in Drawing the Proposition 50 Map**

27 62. Paul Mitchell’s public statements confirm that he intentionally and directly
28 used race and Hispanic demographics as criteria in designing the map.

1 63. Mr. Mitchell acknowledged during a public presentation that his work on
2 the Legislature’s plan was guided by racial considerations and **that the “number one**
3 **thing that [he] first started thinking about” was “drawing a replacement Latino**
4 **majority/minority district in the middle of Los Angeles.”** Ex. B at 23–24 (emphasis
5 added). He stated that the “first thing” he and his team did in “drawing the new map”
6 was to “reverse[]” the CRC’s earlier elimination of a “Latino district from LA” and “put
7 that district back.” *Id.* at 25.

8 64. Mr. Mitchell further explained that he relied on a 2021 letter sent by
9 Hispanas Organized for Political Equality (“HOPE”) to the CRC, in which HOPE
10 expressed concern about “the elimination of a majority/minority Latino district within
11 the area of Los Angeles gateway cities.” *Id.* at 24. He stated that the letter “illustrated
12 what HOPE wanted to see done . . . allowing for the creation of five Latino
13 majority/minority districts in an area where there are currently four.” *Id.* The HOPE letter
14 argued that districts drawn with a Hispanic CVAP “between 52% and 54%” would “still
15 be very likely to elect Latino candidates of choice,” and stated that “the protection of
16 voters of color is a higher priority than preserving county boundaries or other lower-order
17 criteria.” Ex. C at 5.

18 65. Mr. Mitchell admitted that those racial goals dictated his line-drawing
19 decisions. *See* Ex. B at 24–25 (citing Ex. C at 2). He stated: “That [*sic*] two bullet points
20 was the first thing we did in drawing the new map. We essentially reversed the
21 Redistricting Commission’s decision to eliminate a Latino district from LA, the old Ed
22 Roybal district . . . We put that district back . . . eliminating the Ken Calvert district in
23 Riverside . . . in order to fill in.” *Id.* at 25.

24 66. Mr. Mitchell further confirmed that a formal “Voting Rights Act analysis”
25 was conducted to measure Latino electoral performance while simultaneously asserting
26 that the existing CRC map was “compliant with Section 2” of the VRA. *Id.* at 26.
27 Nevertheless, the Proposition 50 map he created “improves the opportunity for Latino
28 voters to elect candidates of choice in two more districts than the existing plan.” *Id.* He

1 also expressly admitted that he drew the map to satisfy HOPE’s request for a “Latino-
2 influenced district at 35 percent Latino by voting age population.” *Id.* at 25.

3 67. Mr. Mitchell stated that the Public Policy Institute of California conducted
4 an analysis confirming the Proposition 50 map “maintained the status quo in terms of the
5 Voting Rights Act,” and yet the Proposition 50 map “added one more Latino-influenced
6 district.” *Id.* at 26. **He stated the map** “will be great for the Latino community in . . . that
7 **they ensure that the Latino districts that are the VRA seats are bolstered in order**
8 **to make them most effective**, particularly in the Central Valley.” *Id.* at 30 (emphasis
9 added).

10 68. Mr. Mitchell identified “Latino-influenced” districts and highlighted the
11 importance of “support[ing] and do[ing] turnout there for Latinos to protect a Latino
12 member of Congress in a district that is still a Latino-influenced district but is no longer
13 a majority-minority district.” *Id.* at 29.

14 69. On October 23, 2025, Mr. Mitchell posted on X that **the “proposed**
15 **Proposition 50 map will further increase Latino voting power over the current**
16 **Commission map”** and that the “proposed plan matches the current one almost exactly:
17 it adds one more Latino influence district but otherwise replicates the status quo.” Paul
18 Mitchell (@paulmitche11), X (Oct. 23, 2025, 9:45 AM), <https://perma.cc/W73P-X7QU>
19 (emphasis added).

20 70. Mr. Mitchell also expressly confirmed that, when drawing the Proposition
21 50 map, he set out to retain the boundaries of the Commission map, “keep[ing] about 80
22 percent of it the same,” but “in certain areas,” “ma[king] small, modest changes in order
23 to create a push back to what Texas was doing.” Ex. B at 26.

24 71. In drawing the Commission map, the CRC explicitly acknowledged that the
25 boundaries of **fourteen congressional districts**—13, 18, 21, 22, 25, 31, 33, 35, 38, 39,
26 42, 44, 46, and 52—**were drawn “to address VRA obligations.”** *See* Report on Final
27 Maps 45, 2020 Cal. Citizens Redistricting Comm’n (Dec. 26, 2021),
28

1 [https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2023/01/Final-Maps-](https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2023/01/Final-Maps-Report-with-Appendices-12.26.21-230-PM-1.pdf)
2 [Report-with-Appendices-12.26.21-230-PM-1.pdf](https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2023/01/Final-Maps-Report-with-Appendices-12.26.21-230-PM-1.pdf) (emphasis added).

3 72. Mr. Mitchell’s decision to incorporate district boundaries that were
4 concededly race-based into the Proposition 50 map, without making any independent or
5 current determination that such boundaries were required to comply with the VRA,
6 means that the boundaries of at least some districts contained in the resulting Proposition
7 50 map were based predominantly on race.

8 73. Redistricting Partners provided a draft map to the Defendant-Intervenor
9 DCCC in a document that included census population tables and CVAP in each district,
10 broken down by race, as well as bar graphs of each district’s racial composition. This
11 document did not include any data showing the political affiliations of the citizens
12 assigned to each proposed district.

13 74. DCCC then sent this document to the California Legislature, noting that the
14 map was drawn expressly to “push back against the corrupt scheme in Texas,” where
15 legislators were “considering adopting a clearly racially gerrymandered, partisan map at
16 the expense of their voters.” Ex. D at 1.

17 75. Thirteen districts in this draft map had Hispanic CVAP rates within the
18 optimal 52–55% range identified by HOPE in its letter to the CRC and highlighted by
19 Mr. Mitchell in his presentation to HOPE. One district fell slightly short of that range,
20 containing a Hispanic CVAP percentage of 51.8%. Mr. Mitchell’s decision to draw these
21 districts with a Hispanic CVAP percentage close to or within that range was deliberately
22 designed to ensure that Hispanic voting power would not be negatively impacted by the
23 contours of the Proposition 50 districts.

24 76. These statements constitute direct evidence that race predominated in the
25 drawing of the Proposition 50 map. *See Alexander v. S. Carolina State Conf. of the*
26 *NAACP*, 602 U.S. 1, 8 (2024) (“Direct evidence often comes in the form of a relevant
27 state actor’s express acknowledgment that race played a role in the drawing of district
28 lines. Such concessions are not uncommon because States often admit to considering

1 race for the purpose of satisfying our precedent interpreting the Voting Rights Act of
2 1965.”).

3 77. When pressed during his deposition to explain whether these statements
4 accurately characterized his approach to designing the Proposition 50 map, Mr. Mitchell
5 invoked legislative privilege repeatedly and refused to provide any evidence suggesting
6 otherwise.

7 **E. Legislators’ Own Statements Framed the Effort in Racial Terms**

8 78. During the Legislature’s consideration of and debate over Proposition 50,
9 several legislators identified explicitly racial, as opposed to political, motivations behind
10 their support for the new map. They described other states’ redistricting efforts as efforts
11 intended to suppress minority voters and viewed Proposition 50 as a way to offset those
12 perceived efforts.

13 79. Assemblyman Isaac Bryan stated that Republican-led states were redrawing
14 their congressional districts “with the explicit aim of diluting Black and Brown
15 representation and power.” Ex. E at 6. He also said, “A Latino voice in Texas is worth
16 one third of the representation as a white voice. A black voter in Texas is worth one fifth
17 of the representation of a white voter in Texas. I didn’t say three fifths. There was no
18 compromise. I said one fifth. That is the kind of gerrymandering, that is the kind of theft
19 that they are perpetuating. And we can’t just sit by and let it happen.” Ex. F at 49.

20 80. Assemblyman Mark Gonzalez promoted Proposition 50 as a “shield against
21 racist maps” created by Republican states. *Id.* at 40. He stated: “This is about whether a
22 Latino child in Texas, a black family in Florida, or an immigrant community in California
23 has a voice in their own democracy.” *Id.*

24 81. Assemblyman Mike Gibson stated: “[I]t’s about the next generation that we
25 may not even have any black people serving in office to have representation. It’s about
26 10 African American members of Congress that could be wiped away in Congress if we
27 don’t stand up and be counted.” *Id.* at 53.

28

1 82. Senator Sabrina Cervantes, the author of Senate Bill 280, stated: “They want
2 to silence the voices of Latino voters, Black voters, API voters, LGBTQ voters[.]” Ex. G
3 at 75.

4 83. Senator Lola Smallwood-Cuevas stated: “In Texas, what this looks like is
5 that black Texans will lose much of their power, being reduced to about a fifth of what
6 their power was before this gross attack.” Ex. H at 149–50. She also said: “Texas once
7 saw black political power rise during reconstruction, as it had across much of the country,
8 only to be stripped away by the black codes, and Jim Crow, and racial terror, poll taxes,
9 white-only primaries that cut black voter rolls in Texas from over 100,000 to just a few
10 thousand.” *Id.* at 150.

11 84. In a press release, Senate President pro Tempore Mike McGuire said that
12 Proposition 50 “makes no changes to historic Black districts in Oakland and the Los
13 Angeles area, and **retains and expands Voting Rights Act districts that empower**
14 **Latino voters to elect their candidates of choice[.]**” Ex. I at 2 (emphasis added).

15 85. Speaker of the Assembly Robert Rivas issued a press release asserting that
16 **the Proposition 50 map “retains both historic Black districts and Latino-majority**
17 **districts.”** Ex. J at 1 (emphasis added).

18 86. Senator Aisha Wahab **described the Voting Rights Act as “mandating**
19 **that voters of color be placed in districts with more opportunity to select their**
20 **preferred candidates.”** Ex. H at 172 (emphasis added).

21 87. These statements demonstrate that Proposition 50’s map was understood by
22 members of the California Legislature as having been engineered to increase or, at a
23 minimum, safeguard Latino voting power in certain districts to counteract the perceived
24 effects of redistricting in other states on the political power of their minority ethnic
25 citizens or somehow compelled by federal law. When the Tangipa Plaintiffs attempted
26 to schedule the depositions of Speaker Rivas and President pro Tempore McGuire to
27 develop their understanding of these statements, counsel for the legislators stated their
28

1 intent to assert the legislative privilege with regard to their legislative acts, including with
2 respect to any communications with Paul Mitchell regarding those acts.

3 **F. Statistical Evidence of Racial Engineering**

4 88. Statistical analysis confirms that the Proposition 50 map's lines were
5 deliberately drawn to produce racially engineered outcomes.

6 89. In California's effort to produce a map with sixteen Hispanic-majority
7 districts, the State engaged in a deliberate practice of passing Hispanic-majority census
8 blocks from one adjacent district to another. This was achieved by reducing the Hispanic
9 population in many districts with precision, while carefully and deliberately maintaining
10 a floor of roughly 52% Hispanic CVAP. This resulted in fourteen Hispanic-majority
11 districts falling in an implausibly narrow band of roughly 52–55% Hispanic CVAP in the
12 Proposition 50 map. The demographics of the resulting districts indicate a deliberate,
13 racially motivated approach, and align with the HOPE Letter's recommendations to
14 unpack and redistribute Hispanic voters. *See* Ex. C at 5.

15 90. The Proposition 50 map's Hispanic VRA districts were drawn to replicate
16 the racial composition of the Commission map's districts. Of the sixteen majority-
17 Hispanic CVAP districts in the Proposition 50 map, nine have a Hispanic CVAP within
18 two percentage points of their Commission map counterpart, despite entirely redrawn
19 boundary lines. Two more change by less than four percentage points, two by less than
20 one, and one—District 44—increased to 62% Hispanic CVAP. Not a single one of these
21 districts saw its Hispanic CVAP drop below roughly 52%. That the fourteen VRA
22 districts of the Commission map were so faithfully reproduced—and expanded to
23 sixteen—through facially different district lines is the product of deliberate racial
24 engineering.

25 91. For example, majority-Hispanic District 18 lost 57.5% Hispanic CVAP
26 territory to District 16 and 57.5% Hispanic CVAP territory to District 17, but was able
27 to preserve its majority-Hispanic status (changing from 52.4% to 52.5% Hispanic CVAP)
28 through carefully selected population transfers from adjacent Districts 13 and 22. District

1 18 absorbed 51.4% Hispanic CVAP territory from District 13 and 70.8% Hispanic CVAP
2 territory from District 22, offsetting its receipt of lower-Hispanic territories. Otherwise,
3 District 18 might not have remained a majority-Hispanic district under Proposition 50.

4 92. Similarly, when District 42 transitioned from a Hispanic-majority district to
5 a non-Hispanic-majority district, District 41 was drawn deliberately to replace it and
6 preserve the racial outcome. The former District 42 discarded a heavily Hispanic area to
7 the north, and that population was split between District 38 and the new District 41,
8 allowing District 41's Hispanic CVAP to fall within the narrow 51–55% range.

9 93. While Proposition 50 will likely reduce California's Republican delegation
10 from nine to four members, these new district lines were drawn with racial goals and
11 using racial means. The map deliberately preserved California's sixteen Hispanic-
12 majority districts by narrowing the margin of Hispanic population in all but District 44.
13 *See* Ex. K at Ex. 1 at 3-4, ¶ 10.⁷

14 94. The Proposition 50 map also intentionally maintained two black-influence
15 districts. *See* Ex. K at Ex. 1 at 3-4, ¶ 10. This enabled racial groups to maintain a narrow
16 majority in these two districts. *See* Ex. K at Ex. 1 at 4, ¶ 11.

17 *I. Evidence of Racial Intent: Passing the Hispanic Population Between*
18 *Districts*

19 95. In California's effort to preserve sixteen Hispanic-majority Districts, the
20 State engaged in a deliberate practice of passing Hispanic-majority census blocks from
21 one adjacent district to another to preserve the number of Hispanic-majority
22 congressional districts. This was achieved by reducing Hispanic population with
23 precision in many districts, but at a level that very carefully and deliberately maintained
24 a floor of 52% Hispanic population. This "pass the population" tactic achieved the
25 racially motivated outcome of preserving 16 majority Hispanic citizen voting-age
26 population (CVAP) Districts but narrowing this majority to a tight range between 52-
27

28 ⁷ The Tangipa Plaintiffs do not join from ¶ 93 through ¶ 116.

1 55% Hispanic population in these districts. *See* Ex. K at Ex. 1 at 58-59, ¶ 147 and Table
 2 1 below. This is implausible without a deliberate racially motivated draw using explicit
 3 racial means.

4 Table 1 – Distribution of majority Hispanic CVAP districts:

5

2025 Newsom Plan			2024 Enacted Plan		
Hispanic CVAP	Number of Districts	Districts	Hispanic CVAP	Number of Districts	Districts
Over 61%	2	22, 44	Over 61%	1	22
58% to 61%	0	-	58% to 61%	1	35
55% to 58%	0	-	55% to 58%	7	42, 33, 31, 29, 38, 25, 21
52% to 55%	13	41, 34, 33, 39, 31, 13, 29, 35, 38, 18, 46, 25, 21	52% to 55%	7	44, 34, 39, 13, 18, 46, 52
Under 52%	1	52	Under 52%	0	-

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17 96. As Judge Lee noted, this racial breakdown can be explained by the 2021
 18 letter from HOPE to the redistricting commission warning against “overpacked” districts
 19 with too highly concentrated Latino populations. Dkt. 216 at 83 (Lee, J. dissenting)
 20 (citing HOPE Letter, Ex. C at 4). The letter advocated, for maximum electoral effect,
 21 drawing districts “between 52% and 54% Latino CVAP” which would “still be very
 22 likely to elect Latino candidates of choice.” Ex. C at 5. It also stated that “the protection
 23 of voters of color is a higher priority than preserving county boundaries or other lower-
 24 order criteria” and that “it is also acceptable for [map drawers] to value providing
 25 influence to voters of color in [their] districting plans, so long as it is not the sole criteria
 26 used.” *Id.*

27 97. As already discussed, majority-Hispanic District 18 lost 57.5% Hispanic
 28 CVAP territory to District 16 and 57.5% Hispanic CVAP territory to District 17. *See* Ex.

1 K at Ex. 1 at 10, ¶ 28. California was able to preserve District 18 as a majority-Hispanic
2 CVAP district (changing from 52.4% to 52.5%) through carefully selected population
3 transfers from the adjacent Districts 13 and 22 (also Majority-Hispanic districts in both
4 maps). *See* Ex. K at Ex. 1 at 8-9, ¶ 25.

5 98. District 18 was able to achieve this consistency by absorbing a 51.4%
6 Hispanic CVAP territory from District 13 and a 70.8% Hispanic CVAP from District 22.
7 *See* Ex. K at Ex. 1 at 8-9, ¶ 25. This contributed to offsetting District 18's receipt of
8 25.4% Hispanic CVAP territory from District 16 and 14.6% Hispanic CVAP territory
9 from District 17. *See* Ex. K at Ex. 1 at 9, ¶ 26.

10 99. These deliberate swaps of racial population enabled District 18 to remain
11 within the deliberately tight band of 52-55% Hispanic CVAP range. *See* Ex. K at Ex. 1
12 at 11, ¶ 30. Despite substantial changes in territory, District 18's Hispanic CVAP
13 population remained consistent between 2024 and 2025. California moved high
14 concentrations of Hispanic CVAP territory into District 18 to offset its losses of high
15 Hispanic CVAP territory. Otherwise, District 18 might not have remained majority
16 Hispanic in 2025. *See* Ex. K at Ex. 1 at 11, ¶ 31.

17 *II. Evidence of Racial Intent: Replacing District 42 with District 41*

18 100. Districts 42 and 41 demonstrate the intent of the map drawer to preserve
19 districts to maintain racial outcomes. Though District 42 transitioned from a Hispanic-
20 majority district to a non-Hispanic-majority district, District 41 was drawn deliberately
21 to preserve a racial outcome and replace this Hispanic-majority district. The new District
22 42 is effectively dismantled (rendering it no longer a majority Hispanic CVAP district)
23 and was replaced in the same geographic area by a new District 41, which is now within
24 the 52-55% Hispanic CVAP range. *See* Ex. K at Ex. 1 at 24-25, ¶ 68-69. District 42
25 changed its racial composition by discarding a heavily Hispanic area to the north. That
26 population was divided between District 38 and the new District 41. *See* Ex. K at Ex. 1
27 at 24-25, ¶ 69. This change enabled District 41 to effectively replace District 42.

28

1 101. Despite District 42 losing a substantial portion of its Hispanic population,
2 this Hispanic-majority area was left intact and formed the core of a new Hispanic-
3 majority District 41, preserving the number of majority Hispanic CVAP districts at
4 sixteen.

5 102. Under the Proposition 50 map, Districts 41 and 42 were completely
6 relocated. Despite being moved elsewhere in the State with a new constituent population,
7 those districts were drawn to deliberately maintain the same proportion of Hispanic
8 population. *See* Ex. K at Ex. 1 at 24-30.

9 103. Similarly, Republican District 48 lost territory to three Democrat districts.
10 District 52 (a Hispanic-majority district) only absorbed just enough territory from District
11 48 to have its Hispanic CVAP population change from 52.0% to 51.7%, preserving its
12 narrow Hispanic majority. *See* Ex. K at Ex. 1 at 18-19, ¶ 50.

13 104. When evaluating the Hispanic CVAP majority districts in Proposition 50's
14 new map, most of the districts not only retain their Hispanic-majority status but maintain
15 similar racial compositions as they had under the previous map.

16 105. The racial population in the new map demonstrates a carefully and
17 intentionally crafted racial outcome. Despite having altogether new lines, nine of the
18 sixteen majority Hispanic CVAP districts are precisely within 2% of their 2024
19 percentages, and all but one remained above 52% Hispanic CVAP despite substantial
20 changes to the congressional boundaries' location. *See* Ex. K at Ex. 1 at 20, ¶ 55. Two
21 districts' Hispanic CVAP changed within 4%, two changed within 6%, and one changed
22 by 9% (District 44 increased to 62% Hispanic CVAP), however, none of the districts that
23 changed by 4% or 6% had their Hispanic CVAP drop below 52%. *See* Ex. K at Ex. 1 at
24 20, ¶ 55. This is not a coincidence. It is a deliberately racially engineered outcome.

25 106. The new District 38 remained majority-Hispanic (52.5%) despite being
26 moved west because it absorbed part of the former Districts 42 and 31. If these
27 components had not been merged into District 38, it likely would not have remained
28 majority-Hispanic. *See* Ex. K at Ex. 1 at 42, ¶ 109.

1 107. Despite substantial geographic changes between the 2024 and 2025 maps,
2 two majority-Hispanic Districts (38 and 42) were effectively reconfigured into the new
3 Districts 38 and 41 to retain their majority Hispanic status. *See* Ex. K at Ex. 1 at 24-44.
4 Proposition 50 not only replaced District 42 with 41 but retained almost the exact same
5 Hispanic CVAP percentage in each district. *See* Ex. K at Ex. 1 at 31, ¶ 85.

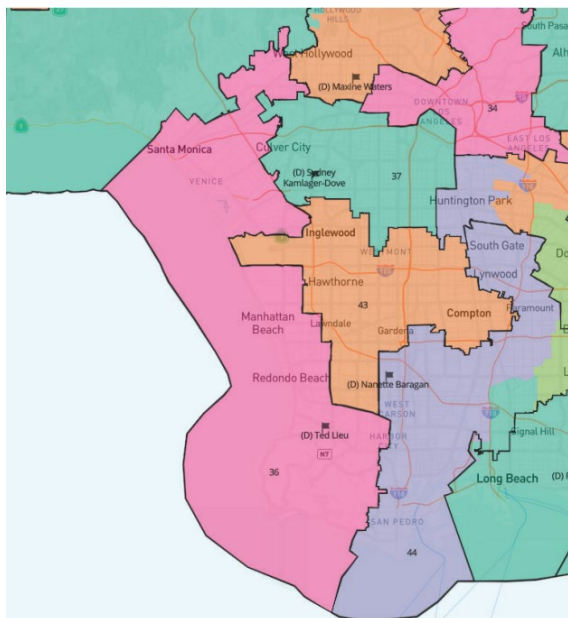
6 *III. Evidence of Racial Intent: Deliberately Preserving Two Black Influence*
7 *Districts*

8 108. In addition to the deliberate maintenance of sixteen Hispanic-majority
9 districts, Proposition 50 deliberately preserved two performing black-influence districts.
10 These two districts avoided absorbing too much Hispanic population to not jeopardize
11 their status as black-performing districts.

12 109. Districts 37 and 43 lie side-by-side, have the highest portion of black
13 population in any district in California, and are not majority-Hispanic. *See* Ex. K at Ex.
14 1 at 48-49, ¶ 129. Rather than making a new majority-black or majority-Hispanic district,
15 California deliberately preserved the black populations' proportion in both districts and
16 did not mix them with the surrounding Hispanic population. *See* Ex. K at Ex. 1 at 49-50,
17 ¶ 133. Districts 37 and 43 were deliberately drawn in such a way as to preserve the
18 proportion of the black population and its ability to elect candidates based on race. *See*
19 Ex. K at Ex. 1 at 50, ¶ 134-35. As Map 1 shows, District 44 was drawn to avoid taking
20 any Hispanic population from District 43 that would upset the ability to elect black-
21 preferred candidates.

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Map 1 – Black Influence Districts 37 and 43



110. No racial groups' CVAP populations in Districts 43 and 37 changed. Neighboring Hispanic-majority Districts 33, 38, 44 and white-majority District 40 all experienced demographic changes. *See* Ex. K at Ex. 1 at 59, ¶ 148. Maintaining Districts 43 and 37 is evidence of California's racial intent in drawing the map.

111. Maps 2 and 3 show that the black and Hispanic populations are divided in such a way that neither group is the majority of the citizen voting-age population in either district. However, the voter registration data in the census block groups show that the higher concentration of Hispanic population has lower registration as a percentage of voting-age population. *See* Ex. K at Ex. 1 at 57, ¶ 144. This demonstrates that the black population has an increased voting strength relative to the Hispanic population in both districts, providing the black population with an advantage. *See* Ex. K at Ex. 1 at 57, ¶ 144.

112. Maintaining black racial targets in Districts 43 and 37 enables the black population to maintain black influence districts. *See* Ex. K at Ex. 1 at 50, ¶ 135. As Map 2 demonstrates, the Hispanic population in this area has lower registration as a percentage of VAP. This supports the fact that the Hispanic population in California has a lower

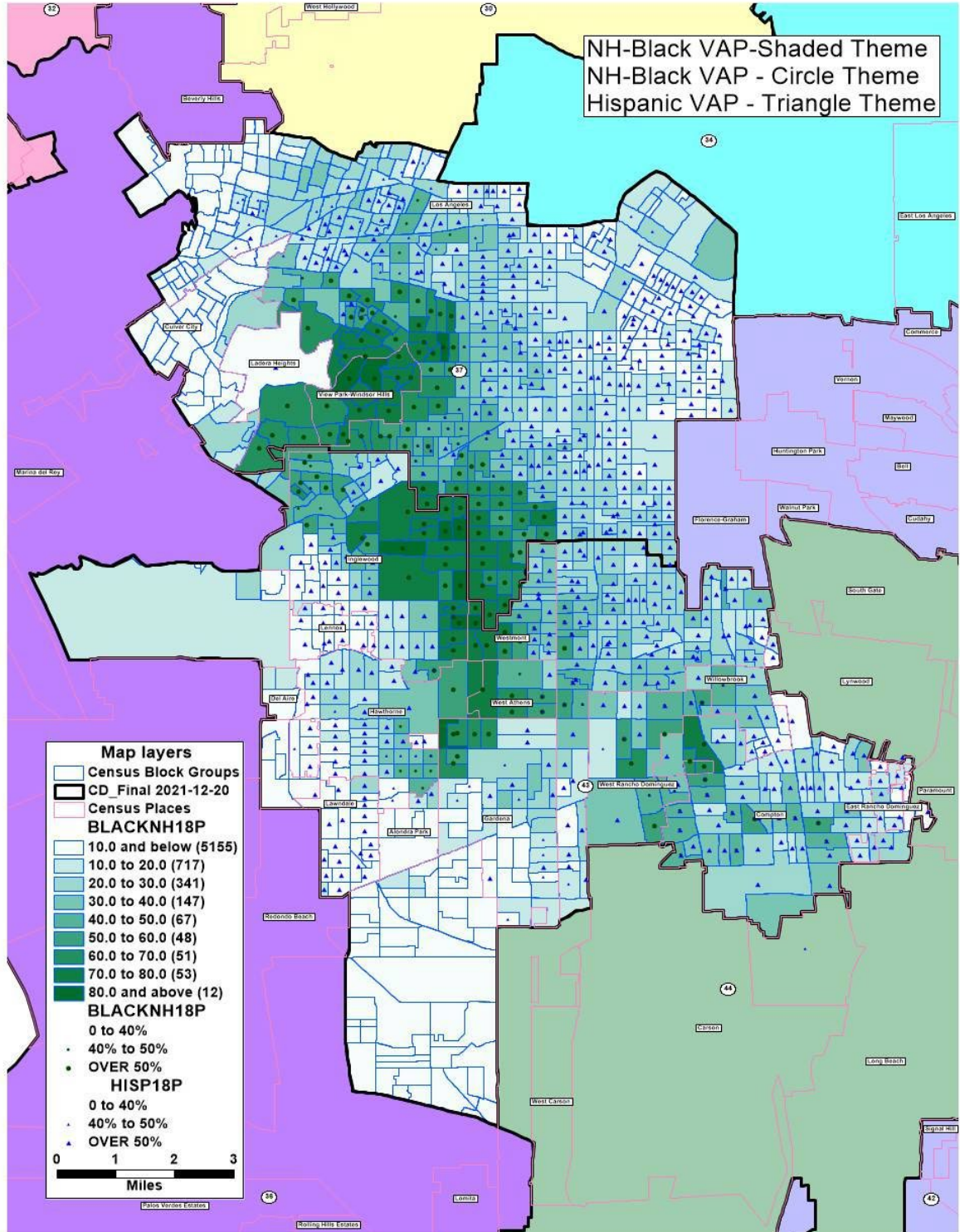
1 citizenship rate than the black population. This enables the black populations in Districts
2 43 and 37 to effectively politically control the districts despite lacking any majority or
3 plurality in the census data. *See* Ex. K at Ex. 1 at 57, ¶ 145. By intentionally walling off
4 surrounding Hispanic and white racial populations, California deliberately and illegally
5 created two black-influence districts. *See* Ex. K at Ex. 1 at 50, ¶ 135. The consequence
6 of blocking Hispanic populations from voting in these two districts was shown in the
7 increase of Hispanic population in neighboring District 44. *See* Ex. K at Ex. 1 at 61, ¶
8 155.

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Map 2 – Illustrative community map with Districts 37 and 43 (NH black and Hispanic VAP)

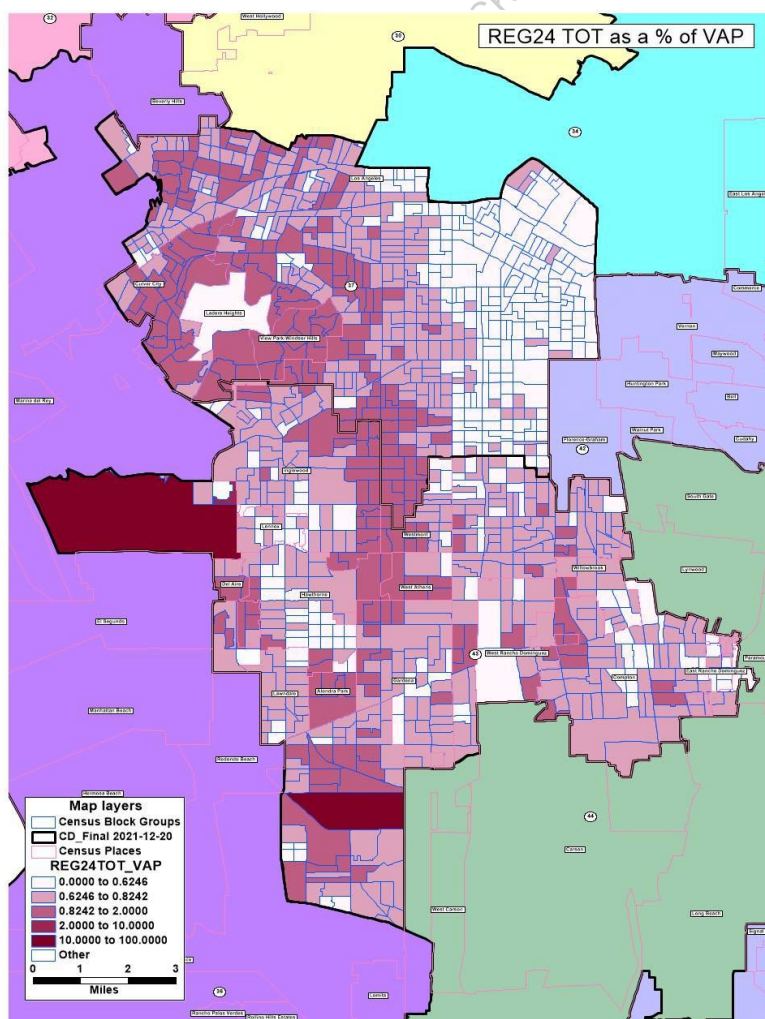


1 113. Map 2 shows the Hispanic and non-Hispanic black voting-age population
2 (VAP) and uses triangles to represent the Hispanic population and circles for the black
3 population.

4 114. The larger circles indicate 50% or more non-Hispanic black VAP, and the
5 smaller circles indicate between 40% and 50% black VAP. See Ex. K at Ex. 1 at 55, ¶
6 142.

7 115. The triangles show the strength of the Hispanic community with the larger
8 triangles indicating over 50% Hispanic VAP and the smaller triangles indicating between
9 40% and 50% Hispanic VAP. See Ex. K at Ex. 1 at 55, ¶ 143.

10 Map 3 – Illustrative community map with Districts 37 and 43 (Registration as %
11 of VAP)



1 116. By deliberately concentrating the black population in two districts with low
2 Hispanic registration percentages, while walling off the Hispanic and white populations
3 to the surrounding districts, California preserved two influence districts for the black
4 population. California intentionally drew district lines to advance political control of one
5 racial group over another to the detriment of the Fifteenth Amendment and the Voting
6 Rights Act.

7 **G. District 13 Is an Exemplar of Racial Gerrymandering⁸**

8 117. District 13 is made up of parts of five counties: part of San Joaquin County,
9 southwestern Stanislaus County, all of Merced County, western Madera County, and part
10 of Fresno County. As drawn, District 13 is 64.8% Hispanic by total population and has a
11 Hispanic CVAP that accounts for 53.8% of the district's total CVAP.

12 118. Under the Commission map, District 13 was already 65.9% Hispanic and
13 only 22.5% white.

14 119. The VRA did not compel the race-based redesign of this district.

15 120. The boundaries of District 13 under the Proposition 50 map were drawn
16 predominantly to improve Hispanic performance in the district, not to improve the
17 prospects of Democratic congressional candidates. Near Ceres and Modesto—two cities
18 in Stanislaus County—the district's boundary bulges out to split Modesto while keeping
19 Ceres intact and capturing areas outside of Ceres.

20 121. This configuration omits a significant white Democratic population in
21 Modesto while capturing a heavily Hispanic Republican population in and around Ceres.

22 122. If partisanship were the motivating factor, the district would drop some of
23 the Republican areas in Ceres and pick up Democratic areas in Modesto.

24 123. Similarly, the northern split of District 13, near Stockton, leaves heavily
25 Democratic areas to the west of the district but includes a northern appendage. What
26 differentiates these areas is that the northern appendage is heavily Hispanic, while the
27 omitted areas to the west are more heavily white. The appendage bypasses white

28 ⁸ The United States does not join this section.

1 Democrats, making the district less compact, to gain Hispanic areas. This decision makes
2 little sense from the perspective of a mapmaker intending to maximize partisan
3 performance.

4 **CLAIMS FOR RELIEF**

5 **COUNT I (Tangipa Plaintiffs)**

6 **Racial Gerrymandering in Violation of the Equal Protection Clause of the**
7 **Fourteenth Amendment**
8 **(42 U.S.C. § 1983)**

9 124. The Tangipa Plaintiffs reallege and incorporate by reference the foregoing
10 allegations, except as otherwise stated, as if fully set forth herein.

11 125. Defendants violated the Equal Protection Clause of the Fourteenth
12 Amendment by using race as a predominant factor in drawing the boundaries of sixteen
13 congressional districts: Districts 13, 18, 21, 22, 25, 29, 31, 33, 34, 35, 38, 39, 41, 44, 46,
14 and 52.

15 126. As alleged above, members of the California Legislature issued a press
16 release announcing that they had created districts to “empower Latino voters to elect their
17 candidates of choice,” expanding the number of such districts from fourteen to sixteen.
18 Paul Mitchell explained that the first thing he did when drawing the map was to add a
19 “Latino District” that the Commission had previously eliminated. The Hispanic CVAP
20 of the challenged districts predominantly falls within a narrow range to optimize
21 Hispanic voting power, that is, to meet a racial target. Race thus predominated over
22 traditional, race-neutral districting principles such as compactness, contiguity, respect for
23 political subdivisions, and communities of interest.

24 127. Because Plaintiffs have shown direct evidence indicating that race
25 predominated in the drawing of the Proposition 50 map, Defendants must show that they
26 had a strong basis in evidence to justify their race-based districting—*i.e.*, that it was
27 narrowly tailored to achieve a compelling state interest. *Cooper*, 581 U.S. at 292.

28

1 128. While compliance with the VRA may justify race-based districting under
2 current law, Paul Mitchell admitted that one VRA analysis concluded the prior
3 Commission-drawn map did not violate the VRA.

4 129. Thus, the inclusion of VRA districts in the Proposition 50 map was not
5 required by federal law.

6 130. Moreover, members of the California Legislature were not provided with a
7 VRA analysis showing the need for additional VRA districts. Indeed, upon information
8 and belief, there existed no data, findings, or analyses demonstrating the need for
9 additional VRA districts at the time the Proposition 50 map was drawn. Accordingly, the
10 California Legislature cannot claim that it had a sound basis in evidence from which to
11 conclude that race-based redistricting was necessary.

12 131. The Tangipa Plaintiffs will suffer irreparable injury if Defendants are
13 allowed to implement and run congressional elections under the Proposition 50 map.

14 132. No adequate remedy at law exists to compensate the Tangipa Plaintiffs for
15 this injury.

16 133. The balance of hardships and the public interest strongly favor the
17 implementation and use of a congressional district map that complies with the Equal
18 Protection Clause of the Fourteenth Amendment.

19 **COUNT II (Noyes Plaintiffs)**

20 **Racial Gerrymandering in Violation of the Fifteenth Amendment**

21 **(42 U.S.C. § 1983)**

22 134. The Noyes Plaintiffs reallege and incorporate by reference the foregoing
23 allegations as if fully set forth herein.

24 135. Noyes Plaintiffs bring this complaint against the California Governor and
25 Secretary of State in their official capacities and seek declaratory and injunctive relief.
26 Noyes Plaintiffs rely on John Morgan's Expert Report (Ex. K-1); John Morgan's
27 Supplemental Report (Ex. K-2); John Morgan's Illustrative Map (Ex. K-3); and John
28 Morgan's Supplemental Report Annex (Ex. K-4).

1 136. California’s racially motivated and racially drawn districts violate the
2 Fifteenth Amendment’s prohibition of state action for which **any** racially discriminatory
3 intent or racial means are used, even to gain political or partisan advantage. *See* U.S.
4 Const. amend. XV. The intent standard of the Fifteenth Amendment is violated by actions
5 taken with the intent of effectuating a racial outcome or using race as a tool to accomplish
6 a particular aim. *See e.g., Garza v. Cnty. of Los Angeles*, 918 F.2d 763, 778 (9th Cir.
7 1990) (Kozinski, J., concurring and dissenting in part). Under the Fifteenth Amendment,
8 “all citizens, regardless of race, have an interest in selecting officials who make policies
9 on their behalf.” *Rice v. Cayetano*, 528 U.S. 495, 523 (2000) (holding that, under the
10 Fifteenth Amendment, “voters are treated not as members of a distinct race but as
11 members of the whole citizenry”).

12 137. Defendants are constitutionally prohibited from intentionally racially
13 discriminating against “voters in elections to determine public governmental policies or
14 to select public officials, national, state, or local.” *Terry v. Adams*, 345 U.S. 461, 467
15 (1953); *see also Rice*, 528 U.S. 495 at 512 (the Fifteenth Amendment “grants protection
16 to all persons, not just members of a particular race”). This “prohibition on race-based
17 voting restrictions is both fundamental and absolute.” *Davis v. Guam*, 932 F.3d 822, 832
18 (9th Cir. 2019).

19 138. Even facially neutral election procedures violate the Fifteenth Amendment
20 if they are adopted with a racially discriminatory purpose. *See Reno v. Bossier Parish*
21 *Sch. Bd.*, 520 U.S. 471, 481 (1997). “Racial discrimination need only be one purpose,
22 and not even a primary purpose, of an official act” to violate the prohibition on election
23 procedures enacted with racially discriminatory intent. *Velasquez v. City of Abilene*, 725
24 F.2d 1017, 1022 (5th Cir. 1984) (citing *Village of Arlington Heights v. Metro. Dev. Hous.*
25 *Corp.*, 429 U.S. 252, 265 (1977)).

26 139. The Fifteenth Amendment’s race-neutrality requirement restrains
27 California’s authority to draw its congressional districts. *Rice*, 528 U.S. at 522; *see also*
28 *Gomillion*, 364 U.S. at 345 (declining to sanction “the achievement by a State of any

1 impairment of voting rights [] so long as it was cloaked in the garb of the realignment of
2 political subdivisions”). A claim under the Fifteenth Amendment is distinct from claims
3 brought under the Fourteenth Amendment. “Unlike the Fourteenth Amendment[], there
4 is no room for a compelling state interest defense, as the Fifteenth Amendment’s
5 prohibition is absolute.” *Prejean v. Foster*, 227 F.3d 504, 519 (5th Cir. 2000).

6 140. Racial gerrymandering—deliberately drawing district boundaries for racial
7 purposes and with racial means—circumvents the Fifteenth Amendment. *Shaw I*, 509
8 U.S. at 640.

9 141. California’s map violates the Fifteenth Amendment by packing Hispanic
10 and black voters into districts in order to preserve the number of Hispanic-majority
11 districts at a precise set number, as well as maintaining two black influence districts—
12 maximizing the voting strength of these racial minorities. *See* Ex. K at Ex. 1 at 59, ¶ 150.
13 This achieved the intended racially motivated outcome of preserving 16 majority
14 Hispanic citizen voting-age population (CVAP) Districts but narrowing this majority to
15 a tight range between 52-55% Hispanic population in these districts. *See* Ex. K at Ex. 1
16 at 58-59, ¶ 147 and Table 1 above. The map also violates the Fifteenth Amendment by
17 maintaining two black influence districts by deliberately steering Hispanic populations
18 away from these two districts and placing it in non-compact, adjacent, Hispanic-majority
19 districts. *See* Ex. K at Ex. 1 at 59, ¶ 148.

20 142. Defendants acted under color of state law to deprive the Noyes Plaintiffs of
21 rights secured by the Fifteenth Amendment, the Voting Rights Act, and 42 U.S.C. § 1983.

22 143. The Fifteenth Amendment prohibits drawing congressional maps with any
23 racial intent, goal, or purpose.

24 144. Map drawers in California intentionally used race to draw district lines in
25 contravention of the Fifteenth Amendment. This is evidenced, in part, by:

- 26 • The intentional preservation of Hispanic-majorities in precisely sixteen
27 districts (despite carefully lowering the percentage);

- 1 • The implausibly tight range (roughly 52–55%) of Hispanic population in
- 2 the resulting districts; and
- 3 • The deliberate allocation of black population in Districts 37 and 43 and
- 4 careful avoidance of adding white and Hispanic population to preserve
- 5 these two racial influence districts to guarantee electoral outcomes based
- 6 on race.

7 145. California’s intentional distortion of district boundaries for racial purposes
8 violates the Noyes Plaintiffs’ Fifteenth Amendment rights.

9 146. The use of race abridged and/or denied the Noyes Plaintiffs’ rights to vote
10 because Defendants intentionally sought to separate voters by race.

11 147. The effect of Defendants’ districting plan was to intentionally give greater
12 value to the votes of some racial groups, thereby discounting the value of the votes of
13 those groups not benefited.

14 **COUNT III (Noyes Plaintiffs)**

15 **Intentional Racial Discrimination in Violation of Section 2 of the Voting Rights**

16 **Act, 52 U.S.C. § 10301**

17 148. The Noyes Plaintiffs reallege and incorporate by reference the foregoing
18 allegations as if fully set forth herein.

19 149. Section 2(a) of the Voting Rights Act provides that “[n]o voting
20 qualification or prerequisite to voting or standard, practice, or procedure shall be imposed
21 or applied by any State or political subdivision in a manner which results in a denial or
22 abridgment of the right of any citizen of the United States to vote on account of race or
23 color.” 52 U.S.C. § 10301(a).

24 150. A violation of Section 2(a) of the Voting Rights Act may be based upon the
25 finding of a discriminatory purpose alone, which can be established by proof that race
26 was a motivating factor in the decision to draw California’s congressional map. *See*
27 *generally Rice* 528 U.S. 495. California cannot enforce any voting qualification or
28 prerequisite to voting or any standard, practice, or procedure that has any purpose of

1 denying or abridging the right to vote on account of race, color, or membership in a
2 language minority group. The Proposition 50 maps were drawn with this intent.

3 151. By deliberately ensuring that the Hispanic population maintains a slight
4 majority in all 16 previously Hispanic-majority districts and ensuring the two black
5 influence districts (Districts 37 and 43) were untouched, California’s boundaries disperse
6 the non-Hispanic population into districts in which they will remain an ineffective
7 minority. In doing this, California intentionally concentrated Hispanic and black
8 populations into districts where they either constitute a slight majority or enjoy an
9 influence district, violating Section 2(a) of the Voting Rights Act.

10 152. Defendants acted under color of California law to engage in discrimination
11 based on race, color, and/or national origin in violation of: (1) Section 2(a) of the Voting
12 Rights Act; and (2) the Fifteenth Amendment to the United States Constitution, which
13 can be enforced through 42 U.S.C. § 1983.

14 **COUNT IV (United States)**

15 **Racial Gerrymandering in Violation of the Equal Protection Clause of the**
16 **Fourteenth Amendment**

17 153. The United States realleges and incorporates by reference the allegations in
18 paragraphs 1-123, as if fully set forth herein.

19 154. The Proposition 50 map was racially gerrymandered, in violation of the
20 Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United
21 States.

22 155. The Supreme Court has reaffirmed that federal courts may remedy two
23 forms of anti-democratic gerrymandering. “In two areas—one-person, one-vote and
24 racial gerrymandering—our cases have held that there is a role for the courts with respect
25 to at least some issues that could arise from a State’s drawing of congressional districts.”
26 *Rucho v. Common Cause*, 588 U.S. 684, 699 (2019).

27 156. Racial gerrymandering is unconstitutional when traditional redistricting
28 principles have been subordinated to racial considerations in ways that do not satisfy a

1 narrowly tailored, compelling state interest. *E.g.*, *Ala. Legis. Black Caucus*, 575 U.S. at
2 272. “If district lines were drawn for the purpose of separating racial groups, then they
3 are subject to strict scrutiny because ‘race-based decisionmaking is inherently suspect.’”
4 *Rucho*, 588 U.S. at 711 (quoting *Miller*, 515 U.S. at 915).

5 157. Race was a predominant factor in drawing the boundaries of at least sixteen
6 congressional districts: Districts 13, 18, 21, 22, 25, 29, 31, 33, 34, 35, 38, 39, 41, 44, 46,
7 and 52.

8 158. California cannot satisfy strict scrutiny because it had no “‘strong basis in
9 evidence’ for concluding that the [VRA] required” as much. *Cooper*, 581 U.S. at 292
10 (quoting *Ala. Legis. Black Caucus*, 575 U.S. at 278). The Hispanic CVAP in California
11 does not satisfy the test set out in *Thornburgh v. Gingles*, 478 U.S. 30 (1986) for a
12 minority group that can be the subject of a VRA vote-dilution claim. *See Cooper*, 581
13 U.S. at 302 (“If a State has good reason to think that all the ‘*Gingles* preconditions’ are
14 met, then so too it has good reason to believe that § 2 requires drawing a majority-
15 minority district. But if not, then not.”) (citation omitted).

16 **COUNT V (United States)**

17 **Intentional Racial Discrimination in Violation of Section 2 of the Voting Rights**
18 **Act, 52 U.S.C. § 10301**

19 159. The United States realleges and incorporates by reference the allegations in
20 paragraphs 1-123 as if fully set forth herein.

21 160. Race was an impermissible motivating factor in enacting the Proposition 50
22 map. *See DNC v. Hobbs*, 948 F.3d 989, 1037-38 (9th Cir. 2020) (en banc), *rev’d on other*
23 *grounds sub nom. Brnovich v. DNC*, 594 U.S. 647 (2021); *Arlington Heights*, 429 U.S.
24 at 265–68 (explaining that a “motivating factor” need not be either “dominant” or
25 “primary,” and listing factors to determine whether discriminatory intent was a
26 motivating factor).

27 161. The statements of Mitchell and California legislators reveal a series of
28 racially motivated decisions undertaken with discriminatory intent.

1 162. “[R]eapportionment legislation that cannot be understood as anything other
2 than an effort to classify and separate voters by race injures voters” even if it does not
3 “dilute[] a racial group’s voting strength.” *Shaw I*, 509 U.S. at 650. “It reinforces racial
4 stereotypes and threatens to undermine our system of representative democracy by
5 signaling to elected officials that they represent a particular racial group rather than their
6 constituency as a whole.” *Id.*; see also *Garza*, 918 F.2d at 771 (“the showing of injury in
7 cases involving discriminatory intent need not be as rigorous as in effects cases”). Just
8 as a map drawn to favor white voters would necessarily harm all other racial groups, a
9 map drawn to favor Latino voters harms all other racial groups.

10 163. The enactment of the Proposition 50 map so greatly departed from normal
11 procedures that it required amending California’s constitution. Since 2010, California
12 voters have entrusted an independent commission, rather than the State Legislature, to
13 draw the State’s congressional district maps every ten years, in “the year following the
14 year in which the national census is taken.” Cal. Const. art. XXI, § 1. Yet here, the
15 legislature scrapped the 2021 map after just four years, bypassed the usual mapmakers,
16 and secretly enlisted Mitchell to draw a new map—a map that he has repeatedly and
17 unabashedly attributed to racial favoritism.

18 164. The Proposition 50 map achieved the legislators and Mitchell’s stated racial
19 goals, as evidenced by the preservation of Hispanic-majorities in precisely sixteen
20 districts (despite carefully lowering the percentage) and the implausibly coincidental
21 tight range (roughly 52–55%) of Hispanic population in the resulting districts.

22 165. The Proposition 50 map was therefore enacted with the purpose of denying
23 or abridging the right to vote on account of race or color in violation of Section 2 of the
24 VRA, 52 U.S.C. § 10301.

25 166. Unless enjoined by an order of this Court, Defendants will continue to
26 violate Section 2 by administering, implementing, and conducting elections using the
27 Proposition 50 map.

28

PRAYER FOR RELIEF

1
2 WHEREFORE, the Tangipa Plaintiffs respectfully request that this Court enter
3 judgment against Defendants as follows:

- 4 A. An order and judgment declaring that the Proposition 50 map constitutes
5 unlawful racial gerrymandering in violation of the Equal Protection Clause
6 of the Fourteenth Amendment to the United States Constitution;
7 B. A permanent injunction prohibiting Defendants from implementing or using
8 the Proposition 50 map in any future congressional elections;
9 C. For attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other
10 applicable law; and
11 D. Such other and further relief as the Court deems just and proper.

12 WHEREFORE, the Noyes Plaintiffs respectfully request that this Court enter
13 judgment against Defendants as follows:

- 14 A. An order and judgment declaring that the Proposition 50 map violates the
15 prohibitions on discriminatory purpose contained in the Fifteenth
16 Amendment to the United States Constitution and Section 2(a) of the Voting
17 Rights Act;
18 B. An order and judgment declaring that the Proposition 50 map was adopted
19 with an impermissible racial intent in violation of the guarantee of the
20 Fifteenth Amendment to the United States Constitution and Section 2(a) of
21 the Voting Rights Act;
22 C. An order enjoining Defendants from enacting or implementing the map
23 contained in Proposition 50;
24 D. For attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 52 U.S.C. §
25 10310(e), and any other applicable law; and
26 E. Such other and further relief as the Court deems just and proper.

27 WHEREFORE, the United States respectfully requests that this Court enter
28 judgment against Defendants as follows:

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- A. An order and judgment declaring that the Proposition 50 map constitutes unlawful racial gerrymandering in violation of the Equal Protection Clause of the Fourteenth Amendment;
- B. An order and judgment declaring that the Proposition 50 map was adopted with the purpose of denying or abridging the right to vote on account of race or color, in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301;
- C. A preliminary and permanent injunction prohibiting Defendants from implementing or using the Proposition 50 map in any future elections.

Date: March 27, 2026

Respectfully submitted,
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