No. S232642

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

GOVERNOR EDMUND G. BROWN JR., MARGARET R. PRINZING, and HARRY BEREZIN,

Petitioners,

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO,

Respondent.

CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION, ANNE MARIE SCHUBERT, an individual and in her personal capacity, and KAMALA HARRIS, in her official capacity as Attorney General of the State of California,

Real Parties in Interest.

Writ Regarding Order by the Sacramento County Superior Court,
Case No. 34-2016-80002293-CU-WM-GDS, Department 24,
Phone No.: (916) 874-6687, The Honorable Shelleyanne Chang, Presiding

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REPLY TO RETURN OF REAL PARTIES IN INTEREST CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION AND ANNE MARIE SCHUBERT

CRITICAL DATE: FEBRUARY 26, 2016

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INTRODUCTION

This case presents a straight-forward question: whether the Attorney General erred in determining that the amendments filed by the proponents of the Public Safety and Rehabilitation Act were reasonably germane to the theme, purpose, or subject of the original version of the measure. As demonstrated at length in petitioners' earlier briefs and in the preliminary response of the Attorney General, the Attorney General correctly concluded that the amendments are not only reasonably germane to the theme, purpose, or subject of the original measure, but they directly advance its goals of promoting rehabilitation and enhancing public safety.

Rather than focus on this question, real parties in interest California District Attorneys Association and Anne Marie Schubert (collectively, "CDAA") invite the Court to join them in speculating whether petitioners will gather enough signatures to qualify the measure in time for the November election and about how future initiative proponents will behave. CDAA's claim that petitioners had not certified to the Secretary of State that they had collected 25 percent of the required signatures as of March 21st is untrue. Petitioners made the certification on March 18th, and they are confident that they will gather sufficient signatures to qualify in time for November.

CDAA's policy argument that granting the writ will encourage proponents to file a "placeholder" that they will then "gut and amend" is equally untrue, but also irrelevant to the legal question before the Court. In crafting Elections Code section 9002, the Legislature chose to prohibit amendments for a measure that does not make a substantive change to the law and to require that amendments be reasonably germane to

the theme, purpose, or subject of the original measure. These twin requirements prevent proponents from filing initiatives that are nothing more than empty vessels and then filling them during the amendment process. They do not, however, prohibit proponents who may be working on related proposals from combining their efforts in order to present a single, integrated measure for the ballot, which is precisely what happened here. If CDAA is unhappy that the text of section 9002 does not restrict amendments further, it should seek redress from the Legislature, not the courts.

When CDAA finally reaches the question before the Court, it refashions its argument that the original and amended versions do not address the same subject, but it continues to ignore the plain text of the two versions of the measure. Both versions clearly address the transfer of juveniles to the adult system and both provide parole eligibility to adult inmates in state prison. While the amended version also includes a provision relating to credits, this provision is directly tied to the goal of promoting rehabilitation, which is clearly set forth in both versions of the measure.

CDAA's final argument – that the amended version of the measure itself violates the single subject rule and cannot be submitted to the voters under Article II, Section 8 of the California Constitution – is a new issue that is not properly before the Court. Even if it were, however, the amended version would clearly satisfy the single subject rule as articulated by this Court, which has upheld ballot measures that were significantly broader in scope than the current measure.

ARGUMENT

I.

THE COURT SHOULD RETAIN EMERGENCY JURISDICTION OVER THIS CASE

With absolutely no basis in fact, CDAA argues that petitioners' measure will fail to qualify for the November 2016 ballot, thereby mooting this case and eliminating the need for the Court to retain jurisdiction. The only "evidence" on which CDAA relies is demonstrably false. Contrary to CDAA's allegations,[1] as of the date CDAA filed its return, petitioners had submitted a certificate notifying the Secretary of State that they had gathered 25 percent of the number of signatures needed to qualify their measure for the November ballot.[2]

Petitioners continue to gather signatures in order to qualify their measure on or before June 30, 2016, which is the statutory deadline.[3]

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[1] Return of CDAA to Order to Show Cause ["CDAA Return"] at 5. Although petitioners note that CDAA's return does not meet the requirements of Rule 8.487(b) of the California Rules of Court because it does not contain either a demurrer or an answer to the petition, petitioners urge the Court not to let this defect delay resolution of the case.

[2] Declaration of Margaret Prinzing, ¶ 2, attesting that petitioners filed their certificate on March 18, 2016.

[3] CDAA once again suggests that April 26, 2016 is the "deadline" by which proponents must submit their signed petitions in order to qualify in time for the November ballot. (CDAA Return at 4, fn. 2.) In fact, April 26 is a "suggested" date because it: (1) includes time that is not provided for in the Elections Code for the Secretary of State to process the counties' raw counts and random sample results and (2) assumes that the counties will take the maximum amount of time allocated by law to perform their duties. For example, the proponents of Proposition 30 submitted their petitions to the counties in May 2012, but the measure still qualified in time for the November 2012 ballot.

Ever since this Court stayed the Superior Court's order on February 26, 2016, petitioners have been steadily gathering signatures, using a signature-gathering firm that has been in business for more than 30 years and has qualified more than 200 ballot measures for state and local ballots. (Attachment to Petitioners' Supplemental Letter Brief, ¶ 1.) CDAA's claim that the measure will fail to qualify is based on pure speculation, nothing more.

Moreover, this case involves an important question of law concerning the right of petitioners to circulate and the voters to sign an initiative petition, which are rights guaranteed by the California Constitution whether or not a petition ultimately qualifies for the ballot. If CDAA had not sued, the Attorney General would have issued her title and summary, and petitioners would have proceeded to exercise their constitutional right to seek to qualify a measure for the November ballot. The Court's stay of the Superior Court's decision preserves that status quo and ensures that voters will have an opportunity to decide whether or not they wish to help place an important criminal justice measure on the upcoming ballot. Many have already done so.

If the Court were to dismiss the petition and lift the stay now, as CDAA suggests, then there truly would be no way that the measure could qualify, and the voters who have already signed the petition would have done so in vain. In that case, CDAA's speculation about mootness would become real, through no fault of petitioners or the voters who support them. The signatures that petitioners have already gathered could become worthless; even if petitioners prevailed on appeal and could use those signatures, it is highly unlikely that they could qualify for the November 2018 ballot, which is the next statewide election at which the

measure could appear. (Elec. Code, § 9016(a).) That is because the median time for decision on an appeal in the Third District Court of Appeal is 686 days.[4]

Thus, an appeal of the trial court's decision is not an adequate remedy, contrary to CDAA's claim. If this Court were to lift its stay and dismiss the case, petitioners' only alternative would be to start all over for the November 2018 ballot. The consequences of that course go far beyond absorbing the cost of litigation and the signature-gathering done to date. If petitioners must start over, it will mean an additional two years during which inmates will remain ineligible for parole, prosecutors will decide whether to try juveniles as adults, our prisons will become more crowded, and the State will have great difficulty complying with the federal court's order to reduce the prison population in a way that is durable.

Nothing in CDAA's return demonstrates that the people of California should be deprived of an opportunity to decide whether these consequences should occur. The only thing that has changed since this Court issued its order to show cause on March 9, 2016 is the filing of petitioners' certificate pursuant to Elections Code section 9034(a). That certificate and the Prinzing declaration demonstrate that petitioners are doing everything they can to obtain the necessary signatures to qualify their measure for the ballot. The case is far from moot, and the need for emergency relief is strong, because without it the voters will have no opportunity to consider in a timely fashion some of the most pressing criminal justice issues facing California today.

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[4] Jud. Council of Cal., Statewide Caseload Trends (2015), p. 28 <www.courts.ca.gov/13421.htm> (as of March 24, 2016).

II.

ISSUANCE OF A WRIT IS NECESSARY IN ORDER TO EFFECTUATE THE LEGISLATURE'S INTENT

Not content with speculating about whether petitioners' measure will qualify, CDAA falsely suggests that petitioners waited until the end of the public review period "to keep the public, the Legislative Analyst, and the Attorney General in the dark for as long as possible." (CDAA Return at 8.) They did this, CDAA argues, in order to prevent opponents from (1) proposing their own counter-measure to appear on the November 2016 ballot, (2) preparing a campaign to warn the public not to sign the petition, and (3) negotiating "a more sensible reform proposal and legislative solution." (*Id.*) These claims are flatly untrue and lack evidentiary support.

CDAA cannot deny that members of its organization were not only aware of the proposed changes to the original initiative, but were actively engaged in the discussions concerning them. (II Appendix ["App."] at 200-201, ¶ 6; *id.* at 194-195, ¶ 5.) Scott Budnick is a member of the coalition that is sponsoring the measure at issue here. As Mr. Budnick's declaration makes clear, in the 35-day period following the filing of the original measure, Mr. Budnick and members of the Governor's Office discussed amendments with Mark Zahner, the Executive Director of respondent California District Attorneys Association, as well as with district attorneys from Los Angeles and San Diego and law enforcement officials from across the state. (*Id.*) Those discussions specifically addressed the amendments at issue here, as Mr. Budnick attests: "[A]fter it became clear that certain law enforcement groups, including district attorneys, would oppose parole eligibility for violent offenders, we

modified the draft parole provision to provide that inmates who have served the full term for their primary offense are eligible for parole only if the inmate is a non-violent offender." (*Id.*, ¶ 7.)

The process that petitioners engaged in is precisely what the Legislature intended when it enacted section 9002(b) of the Elections Code. Far from constituting a "gut and amend" process, as CDAA claims,[5] the amendment negotiations at issue here combined two proposals for dealing with the same subject – criminal justice and rehabilitation – that might otherwise have been on the same ballot. The sponsors of each measure got together to iron out differences between their two approaches so as to be able to present a single, integrated proposal to the voters.

Respondents appear to think that section 9002(b) confers a right to notice so that members of the public can negotiate with proponents over every change they make to an initiative. There is no right to negotiate with a proponent over what he or she includes in the text of an initiative. The review period provided by section 9002(b) is merely a mechanism that allows proponents to obtain comments from the public *if the proponents want them.* Nothing in the new law obligates a proponent even to read the comments, much less act upon them.

Respondents also seem to believe that section 9002(b) limits the number or type of changes a proponent can make, not only in order to facilitate public comment but to help the Legislative Analyst and the Attorney General prepare the fiscal analysis and title and summary for the measure. (CDAA Return at 8-11.) That argument ignores the fact that

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[5] CDAA Return at 11.

section 9002(b) places only two restrictions on the substance or scope of permissible amendments: (1) the amendments must be "reasonably germane to the theme, purpose, or subject of the initiative measure as originally proposed," and (2) no amendments can be made "if the initiative measure as originally proposed would not effect a substantive change in law." (Elec. Code, § 9002(b).) As discussed in Part III, *infra*, the amendments at issue here clearly meet the "reasonably germane" test, and even CDAA has not suggested that the original measure would not effect a substantive change in law.

CDAA's argument also ignores the undisputed fact that neither the Legislative Analyst nor the Attorney General objected to the amendments or suggested in any way that the amendments impeded their ability to analyze the measure. Indeed, the Attorney General vigorously defended CDAA's lawsuit in the trial court and has supported petitioners in seeking emergency relief from this Court.[6]

Lacking support from either the Attorney General or the Legislative Analyst, CDAA takes issue with the Attorney General's title and summary, arguing that if CDAA had had notice of the proposed amendments, it would have suggested that the title and summary read differently. First, as noted above, CDAA did have notice of the amendments. Even if CDAA claimed not to have been notified of all the amendments before filing, they had a full 30 days after filing in which to discuss them with the Attorney General and make suggestions regarding the chief points and purposes of the measure.

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[6] *See generally* Preliminary Response of Real Party in Interest Attorney General Kamala D. Harris.

Second, although the Attorney General will discuss a proposed initiative with interested parties before issuing a title and summary, she does *not* share a draft of the summary with any member of the public, including the proponent, prior to issuing it. Thus, CDAA would not have been in a position to suggest a change prior to the time the title and summary was issued.

Third, it is important to remember that the title and summary about which CDAA complains is the circulating title and summary, not the one that will appear on the ballot. (Elec. Code, § 9050 et seq.) CDAA will have ample opportunity to suggest as many changes as it wishes once the measure qualifies.

Finally, it is well-established in California that the Attorney General has broad discretion to decide what to include as the "chief purposes and points" of a proposed measure in the title and summary.[7] The Attorney General chose to say that the measure "[a]llows parole consideration for persons convicted of nonviolent felonies upon completion of full prison term for primary offense, as defined." (CDAA Return at 10.) Respondents would prefer to substitute "excluding any sentence enhancement imposed by law" for "as defined." (*Id.*) That formulation, however, singles out only one of three elements to which "as defined"

[7] Elec. Code, § 9004, subd. (a). *See Yes on 25, Citizens for an On-Time Budget v. Super. Ct.* (2010) 189 Cal.App.4th 1445, 1453 ("If reasonable minds differ as to its sufficiency, the title and summary prepared by the Attorney General must be upheld . . . [and] [o]nly in a clear case should a title [and summary] so prepared be held insufficient."), internal citations omitted.

refers. Proposed California Constitution, article I, section 32(a)(1)(A) provides:

> For purposes of this section only, the full term for the primary offense means the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.

(I App. at 46.)

Given the 100-word limit for a title and summary, the Attorney General properly exercised her discretion to determine whether or not to include the full definition of the words "full term for the primary offense" as one of the chief purposes and points of the initiative. She would certainly have been well within her authority to reject CDAA's suggestion had CDAA made it.

CDAA's real complaint appears to be that the Legislature did not provide for two or more rounds of public comment during the amendment process. The plain language of the statute imposes no such requirement, however, nor should it. Negotiations take time, and where parties who may have been working separately on related measures wish to combine their efforts, they will need the 35 days allotted by statute in order to do that. So long as the amendments are reasonably germane to the theme, purpose, or subject of the original measure, it makes no difference whether they come at the beginning, middle, or end of the statutory period.

Finally, CDAA is simply wrong when it argues that if the Court grants petitioners relief, it will send "a clear message that there is no risk to a proponent from submitting a 'placeholder' initiative covering the

general subject of the intended initiative."[8] (CDAA Return at 11.) The Legislature chose to define a placeholder initiative narrowly: one that "would not effect a substantive change in law." (Elec. Code, § 9002, subd. (b).) CDAA may quarrel with that definition, but it cannot change the plain language of the statute, or add requirements that the Legislature chose not to include. If the Legislature concludes that the statutory scheme needs changing, it may do so, but CDAA has no basis for asking this Court to do that on its own.

III.

THE AMENDMENTS ARE REASONABLY GERMANE TO THE THEME, PURPOSE, OR SUBJECT OF THE ORIGINAL VERSION

CDAA argues that case law interpreting the single subject rule does not apply to the "reasonably germane" requirement under Elections Code section 9002, because the single subject rule has "nothing to do with amendments." (CDAA Return at 12.) CDAA confuses the single subject rule under Section 8 of Article II of the California Constitution with the incorporation of that standard by the Legislature into Elections Code section 9002. Section 9002 does not require the Attorney General to determine whether or not an amended measure may be presented to the voters consistent with Article II, Section 8. Instead, it mandates that the Attorney General rely upon the well-established standard set by the Court's single subject jurisprudence to determine whether to accept the filing of an

[8] CDAA refers to the "gut and amend" process as "despised" but ignores the fact that it is despised because it is frequently used to force a vote on a bill before it has been fully vetted. In this case, the voters will have had nine months to consider the measure before voting on it, nine months in which CDAA will have the opportunity to campaign against it.

amended version of a ballot measure rather than treating the amended version as a newly-filed measure. The Attorney General's decision to accept amendments under this standard would not prevent CDAA or a voter from challenging the amended measure under Article II, Section 8 of the California Constitution.

Next, CDAA claims that the January 26th amendments filed by the proponents of the original version of the measure are not "amendments." (*Id.*) Although CDAA concedes that the term "amend" means "[t]o change, correct, revise" and "[t]o improve," it concludes without analysis that the proposed constitutional amendment cannot be considered "an 'amendment' to the December 22 submission."[9] (*Id.*) As discussed at length in petitioners' petition and reply brief, however, the proposed constitutional amendment was designed to replace the parole provision in the original version by expanding parole eligibility to all state inmates, not just those who committed their crime before attaining the age of 23, while simultaneously limiting eligibility to non-violent offenders. In this way, the proposed constitutional amendment "improved" the original submission by responding to concerns regarding its application to violent offenders (II App. at 195, ¶ 7) and by "'reach[ing] situations which were not covered by the original statute'"[10] – namely, providing parole eligibility for nonviolent offenders who were older than 22 at the time they committed

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[9] CDAA does not explain how the Attorney General would determine whether an amendment "improved" the original version, nor could it, because such a standard would be unworkable.

[10] CDAA Return at 12, quoting *Franchise Tax Bd. v. Cory* (1978) 80 Cal.App.3d 772, 777.

their offense. Thus, even using CDAA's own definition, the January 26th submission clearly qualifies as an "amendment."

CDAA also argues that the amendments are not reasonably germane to the theme, purpose or subject of the original measure, because "[t]he January 26 submission neither is the same subject as the original submission nor is the January 26 submission a single subject itself." (CDAA Return at 13.) CDAA's position rests on two faulty premises. First, the test is not whether amendments address the "same" subject as the original version; instead, section 9002(b) requires that amendments to a measure be "reasonably germane" to the theme, purpose or subject of the original version of the measure. And even if section 9002 required that the fit be more precise, the amendments at issue here would satisfy that test. Like the original version, the amendments addressed the transfer of juveniles and parole eligibility for state prisoners; they also included a provision regarding the award of credits, which is directly tied to the measure's goal of promoting rehabilitation.

Second, CDAA's insistence that the original version exclusively addressed the subject of juvenile justice while the amended version is "primarily focused on incarcerated adults" ignores the actual text of the measure and misapprehends the nature of our criminal justice system. (*Id.*) As discussed in detail in petitioners' earlier briefs, the original version of the measure was not focused solely on juvenile justice; indeed, it directly affected the adult system by addressing when juveniles may be tried in adult court and when an inmate who committed his or her crime before attaining the age of 23 is eligible for parole. These individuals would be in their 30s and 40s before being eligible for the proposed changes in parole law in the original version of the measure. (*See* Petitioners' Emergency

Petition at 20; Petitioners' Reply in Support of Petition at 11.) Furthermore, CDAA's binary view of the criminal justice system as either involving the juvenile system or the adult system obscures the reality that some juveniles are tried as adults and that the lack of opportunities for rehabilitation in the adult system affects these people as much as, or even more than, inmates who committed their crimes when they were over the age of 17. Additionally, CDAA ignores the fact that criminal sentences faced by juveniles and the lack of rehabilitative resources available in that system primarily affect these individuals as adults while they serve their sentences in the adult system.

Finally, the original version, like the amended version, sought to ensure that our criminal justice resources "are used wisely to rehabilitate and protect public safety." (I App. at 97.) Thus, the amendments are reasonably germane to the theme, purpose, or subject of the original measure.

CDAA also argues that this Court has already determined that the subject of the original version of the measure is juvenile justice because it would roll back some of the provisions of Proposition 21, which the Court considered in *Manduley v. Superior Court* (2002) 27 Cal.4th 537. The Court in *Manduley* was dealing with a different initiative, the purpose of which the Court described as "to address the problem of violent crime committed by juveniles and gangs . . . ." (*Id.* at 575-576.) Proposition 21 was in fact framed primarily as a juvenile justice measure. It limited the circumstances in which a minor could be committed to the Youth Authority, limited the confidentiality of juvenile records, restricted pre-hearing release of juveniles, broadened the circumstances in which juveniles who are 14 or older could be prosecuted in the adult system, and

revised procedural and evidentiary rules in juvenile wardship proceedings. (*Id.* at 545, 574-575.) In addition, it included numerous provisions relating to criminal gang activity, which as this Court recognized, is often undertaken by juveniles. (*Id.* at 576.) And, as the Court noted, the title of the measure – the Gang Violence and Juvenile Crime Prevention Act of 1998 – reflected its purpose of addressing the problem of violent crime committed by juveniles and gangs. (*Id.* at 575-576.)

The Justice and Rehabilitation Act, as the original version was titled, included a broader goal than that set forth in Proposition 21: to "[e]nsure that California's juvenile and criminal justice system resources are used wisely to rehabilitate and protect public safety," including by "[a]uthoriz[ing] parole consideration for individuals who were under 23 at the time of their conviction [and who] have been rehabilitated, to incentivize rehabilitation and reduce prison waste." (I App. at 16.) The original version of the measure specifically addressed both the adult system and the juvenile system. It included provisions relating to the transfer of juveniles to the adult system, the parole of adult inmates, and a provision that expanded the right of an adult to petition the court to seal his or her juvenile records.

Even if the subject of the original version could be characterized as juvenile justice, the amendments would still satisfy the reasonably germane standard of section 9002. As with Proposition 21, the Public Safety and Rehabilitation Act includes provisions that apply to juvenile as well as adult offenders. Proposition 21 included provisions relating to gang crime, which were applicable to both juveniles and adults, and added a number of crimes to the Three Strikes law, some of which were more likely to be committed by adults. Nevertheless, the Court found that

there was a reasonable relationship between these various provisions. (*Manduley v. Super. Ct.*, *supra*, 27 Cal.4th at 578.) "[D]espite the collateral effects of these provisions upon adults who are not gang members . . . the provisions remain relevant to the common purpose of Proposition 21." (*Id.* at 578-579.)

The same is true of the amendments to the original measure. Contrary to CDAA's assertion that the amendments apply "solely to adults" (CDAA Return at 18), the amended version retains the core elements relating to the transfer of juveniles by requiring a judge, rather than a prosecutor, to decide whether a juvenile should be tried in adult court, while addressing concerns expressed by various stakeholders. (Petition at 24-26; Petitioners' Reply Br. at 10-11.) In addition, juveniles who are tried as adults under the amended version of the measure will have the opportunity to earn credits for rehabilitation and to demonstrate that they have been rehabilitated at a parole hearing after serving the full term of their primary offense. Although these provisions will also affect adult offenders, they remain reasonably germane to the goal of promoting rehabilitation and public safety.

Although CDAA concedes that the deletion of nine of the eleven statutory changes in the original version constituted "a reasonably germane amendment" (CDAA Return at 12, fn. 5), it devotes three pages of its brief to a table detailing those changes. (CDAA Return at 15-18.) CDAA is correct that the amended version streamlined the juvenile transfer provisions and deleted the provisions regarding juvenile records and parole consideration for individuals who committed their crime before turning 23, but it retained the core transfer provisions and revised the parole provision to cover non-violent offenders who committed their crime after the age of 22.

CDAA's real concern, of course, is the proposed constitutional amendment, which would authorize the Department of Corrections and Rehabilitation to adopt regulations establishing credits for rehabilitative and educational accomplishments and good behavior, and which would provide parole eligibility for non-violent offenders who have served the full term for their primary offense. The measure does not, as CDAA argues, repeal "40 statutory sentencing provisions and as many as six previously enacted initiative measures . . ." (CDAA Return at 15; Petitioners' Reply Br. at 10.) Instead, it authorizes parole *consideration*, which is discretionary, not mandatory. Thus, the Parole Board may well decide that a non-violent offender who has an enhancement must remain in prison after completing the full term for his primary offense because he has not been rehabilitated. And even if CDAA's exaggerated claim were true, the amended version would be no more sweeping than the original version, which authorized parole consideration even for certain violent offenders, prior to any sentencing enhancements, consecutive terms, or Three Strikes punishments they would otherwise be required to serve.

The original measure's goals of rehabilitation and wise use of juvenile and criminal justice resources lie at the heart of the constitutional amendment to which CDAA objects. The principle that juveniles should be treated differently from adults has always included the premise that rehabilitation is more likely to occur if a young person is not made part of the adult criminal justice system. The decision to allow corrections officials to award credits for good behavior "and approved rehabilitative or educational achievements" provides an incentive to inmates to engage in those activities, as does allowing offenders to become eligible for parole once they have served the full term for their primary offense. The three

provisions promote the wise use of juvenile and criminal justice resources by allowing judges to decide whether or not to send juveniles into the adult system and allowing the parole board to decide whether adult inmates are sufficiently rehabilitated that they can safely be released into the general population.

These reasons apply not just to whether the measure's amendments are reasonably germane to the original measure, but also to CDAA's claim that the amended measure violates the single subject rule. (CDAA Return at 18.) CDAA ignores the fact that it did not challenge the measure under Article II, Section 8, and that this issue is not before the Court. Even if the issue were before the Court, CDAA cannot dispute that the amended version focuses on rehabilitation, a theme that ties all of measure's provisions together. Under this Court's single subject jurisprudence, the measure plainly satisfies the single subject test. (*See Brosnahan v. Brown* (1982) 32 Cal.3d 236, 247-248 [upholding a measure that strengthened procedural and substantive safeguards for victims in the criminal justice system, including provisions relating to bail and safe schools]; *Raven v. Deukmejian* (1990) 52 Cal.3d 336, 347 [upholding measure that promoted the rights of actual and potential victims of crime, including provisions addressing post-indictment preliminary hearings, discovery, voir dire, and appointment of counsel]; *Fair Political Practices Com. v. Superior Court* (1979) 25 Cal.3d 33, 41 [upholding broad political reform measure and noting that the voters "may deal comprehensively and in details with an area of law."].)

CONCLUSION

For all of these reasons, the writ should be granted.

Dated: March 25, 2016

Respectfully submitted,

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RULE 8.204 OF THE CALIFORNIA RULES OF COURT

I certify that this brief is proportionately spaced, has a typeface of 13 points or more and contains 5,088 words as counted by the Microsoft Word 2010 word processing program used to generate the brief.

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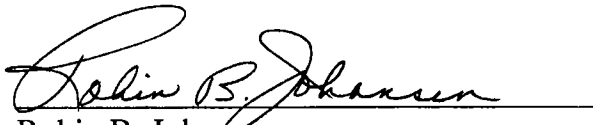

Robin B. Johansen

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause of action. My business address is 201 Dolores Avenue, San Leandro, CA 94577.

On March 28, 2016, I served a true copy of the following document(s):

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☒ **BY EMAIL TRANSMISSION**: By emailing the document(s) to the persons at the email addresses listed based on a court order or an agreement of the parties to accept service by email. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on March 28, 2016, in San Leandro, California.

Nina Leathley

(00271289-9)

No. S232642

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

GOVERNOR EDMUND G. BROWN JR., MARGARET R. PRINZING, and HARRY BEREZIN,

Petitioners,

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO,

Respondent.

CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION, ANNE MARIE SCHUBERT, an individual and in her personal capacity, and KAMALA HARRIS, in her official capacity as Attorney General of the State of California,

Real Parties in Interest.

Writ Regarding Order by the Sacramento County Superior Court, Case No. 34-2016-80002293-CU-WM-GDS, Department 24, Phone No.: (916) 874-6687, The Honorable Shelleyanne Chang, Presiding

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DECLARATION OF MARGARET R. PRINZING IN SUPPORT OF REPLY TO RETURN OF REAL PARTIES IN INTEREST CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION AND ANNE MARIE SCHUBERT

CRITICAL DATE: FEBRUARY 26, 2016

Robin B. Johansen, State Bar No. 79084
James C. Harrison, State Bar No. 161958
REMCHO, JOHANSEN & PURCELL, LLP
201 Dolores Avenue
San Leandro, CA 94577
Phone: (510) 346-6200
Fax: (510) 346-6201
Email: rjohansen@rjp.com

Attorneys for Petitioners
Governor Edmund G. Brown Jr.
Margaret R. Prinzing, and Harry Berezin

DECLARATION OF MARGARET R. PRINZING

I, Margaret R. Prinzing, declare under penalty of perjury as follows:

1. I am one of the official proponents of "The Public Safety and Rehabilitation Act of 2016," No. 15-0121, and a petitioner in this matter. I submit this declaration in support of Petitioners' Reply to Return of Real Parties In Interest California District Attorneys Association and Anne Marie Schubert.

2. On March 18, 2016, I submitted a letter to the California Secretary of State certifying under penalty of perjury that at least 25 percent of the required number of signatures to qualify the Public Safety and Rehabilitation Act of 2016 have been collected. Harry A. Berezin, the other official proponent of the Act, submitted an identical certification to the Secretary of State on the same date. True and correct copies of both certifications are attached to this declaration as **Exhibit A**.

I declare under penalty of perjury that the foregoing is true and correct, and if called upon to do so I could and would so testify. Executed this 25th day of March, 2016, at San Leandro, California.

MARGARET R. PRINZING

EXHIBIT A

REMCHO, JOHANSEN & PURCELL, LLP
ATTORNEYS AT LAW

201 DOLORES AVENUE
SAN LEANDRO, CA 94577
PHONE: (510) 346-6200
FAX: (510) 346-6201
EMAIL: mprinzing@rjp.com
WEBSITE: www.rjp.com

SACRAMENTO PHONE: (916) 264-1818

Robin B. Johansen
James C. Harrison
Thomas A. Willis
Karen Getman
Margaret R. Prinzing
Andrew Harris Werbrock
Harry A. Berezin
Juan Carlos Ibarra

Joseph Remcho (1944-2003)
Kathleen J. Purcell (Ret.)

March 18, 2016

Via Federal Express

California Secretary of State
1500 - 11th Street
Sacramento, CA 95814

Attn.: Katherine Montgomery, Initiative Program Manager

Re: *The Public Safety and Rehabilitation Act of 2016*
Initiative No. 1781 (Attorney Gen. Initiative No. 15-0121A1)

Dear Secretary Padilla:

In accordance with California Elections Code section 9034, I, Margaret R. Prinzing, one of the proponents of "The Public Safety and Rehabilitation Act of 2016," Secretary of State # 1781 (15-0121A1), hereby certify that at least 25 percent of the required number of signatures to qualify the initiative measure for the ballot has been obtained.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct. Executed on this 18th day of March, 2016, at San Leandro, California.

Sincerely,

Margaret R. Prinzing

MRP:
(00270823)

REMCHO, JOHANSEN & PURCELL, LLP
ATTORNEYS AT LAW

201 DOLORES AVENUE
SAN LEANDRO, CA 94577
PHONE: (510) 346-6200
FAX: (510) 346-6201
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WEBSITE: www.rjp.com

SACRAMENTO PHONE: (916) 264-1818

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Margaret R. Prinzing
Andrew Harris Werbrock
Harry A. Berezin
Juan Carlos Ibarra

Joseph Remcho (1944-2003)
Kathleen J. Purcell (Ret.)

March 18, 2016

Via Federal Express

California Secretary of State
1500 - 11th Street
Sacramento, CA 95814

Attn.: Katherine Montgomery, Initiative Program Manager

Re: *The Public Safety and Rehabilitation Act of 2016*
Initiative No. 1781 (Attorney Gen. Initiative No. 15-0121A1)

Dear Secretary Padilla:

In accordance with California Elections Code section 9034, I, Harry Berezin, one of the proponents of "The Public Safety and Rehabilitation Act of 2016," Secretary of State # 1781 (15-0121A1), hereby certify that at least 25 percent of the required number of signatures to qualify the initiative measure for the ballot has been obtained.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct. Executed on this 18th day of March, 2016, at San Leandro, California.

Sincerely,

Harry Berezin

HB:
(00270830)

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause of action. My business address is 201 Dolores Avenue, San Leandro, CA 94577.

On March 25, 2016, I served a true copy of the following document(s):

Declaration of Margaret R. Prinzing in Support of Reply to Return of Real Parties In Interest California District Attorneys Association and Anne Marie Schubert

on the following party(ies) in said action:

Constance Lynn Lelouis
Supervising Deputy Attorney General
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244
Phone: (916) 322-9357
Email: connie.lelouis@doj.ca.gov
(By Overnight Delivery and Email)

Non-Title Respondent

Thomas W. Hiltachk
Brian T. Hildreth
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(By Overnight Delivery and Email)

Attorneys for Real Parties in Interest California District Attorneys Association and Anne Marie Schubert

Paul E. Stein
Deputy Attorney General
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Attorneys for Real Party in Interest Attorney General of the State of California and Kamala Harris

Clerk to the
Honorable Shelleyanne Chang
Sacramento County Superior Court
720 Ninth Street, Department 24
Sacramento, CA 95814
(By Overnight Delivery)

☐ **BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and

☐ depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.

☐ placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in San Leandro, California, in a sealed envelope with postage fully prepaid.

☒ **BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ **BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.

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I declare, under penalty of perjury, that the foregoing is true and correct. Executed on March 25, 2016, in San Leandro, California.

Nina Leathley

Nina Leathley

(00271127)