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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SHASTA
13
14

15 **THE PEOPLE OF THE STATE OF**
CALIFORNIA, ex rel. ROB BONTA,
16 **ATTORNEY GENERAL OF THE STATE**
OF CALIFORNIA; SHIRLEY N. WEBER,
17 **PH.D., in her official capacity as California**
Secretary of State,

18 Petitioners,
19

20 **v.**

21 **COUNTY OF SHASTA; CLINT CURTIS,**
in his official capacity as Shasta County
22 **Clerk and Registrar of Voters,**

23 Respondents,
24

25 **LAURA HOBBS, DEIDRE HOLLIDAY,**
KARI CHILSON, JIM BURNETT, AND
26 **RICHARD GALLARDO,**

27 Real Parties in Interest.
28

Exempt from Payment of Filing Fee
Pursuant to Gov. Code, § 6103

Case No. 26CV-0211092

NOTICE OF MOTION AND MOTION
FOR PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS &
AUTHORITIES

Date: August 3, 2026

Time: 8:30 a.m.

Dept.: 63

Judge: Benjamin L. Hanna

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MEMORANDUM OF POINTS & AUTHORITIES

There can be no serious dispute that Measure B—a voter initiative to establish a county-specific elections system in Shasta County—is unlawful. All its provisions—requiring voters to present government-issued photo IDs to register to vote and to vote, prohibiting voting by mail and early voting in almost all circumstances, mandating that all ballots be counted by hand, and creating a separate county voter registration system disconnected from the State’s—are directly contrary to state law. Indeed, the measure’s defects are so extreme that the County previously filed a lawsuit seeking to be relieved of its obligation to prepare a title and summary for the initiative, and the initiative’s lead proponent has openly acknowledged that “there are sections that are illegal.”¹ Nevertheless, the measure passed in the recent primary election, and it now threatens to upend the entire elections system in a County with more than 116,000 registered voters, just months before the November general election.

Given the urgent need for relief, the Court should issue a preliminary injunction prohibiting the County from implementing and enforcing Measure B. First, although Shasta County is a charter county, the measure plainly exceeds its constitutional authority, because charter counties are not granted any degree of home rule authority over voter registrations or elections. Second, even if the measure could otherwise fall within the scope of the County’s constitutional authority, it is clearly preempted by state election laws that ban photo ID requirements, that guarantee the rights to vote-by-mail and to vote in person before Election Day, that prohibit full manual tallies, and that require the County to use the statewide voter registration system and procedures. In short, even if the County disagrees with state election laws, it may not enact or enforce its own laws “that are inconsistent with or impede statewide regulation of the integrity of the political or electoral process.” (*Johnson v. Bradley* (1992) 4 Cal.4th 389, 403, fn. 14 (*Johnson*).)

The deadlines to begin mailing voter information guides and ballots to all active registered voters are only three months away. Relief is needed well in advance of these deadlines to restore voters’ rights and the uniform application of the State’s election laws in the upcoming election.

¹ See Battaglia, *Judge allows Shasta County election reform measure on ballot* (Mar. 26, 2026) Jefferson Public Radio <<https://www.ijpr.org/politics-government/2026-03-26/shasta-county-election-measure-june-ballot-ruling>>.

BACKGROUND

At the June 2, 2026, primary election, Shasta County passed Measure B, an amendment to the County’s charter that purports to require (1) “government-issued photo ID” to register to vote and to vote; (2) “in-person voting” on Election Day (with limited exceptions for “the infirm, military, and US citizens living overseas”); (3) hand-counting of ballots; and (4) the creation and maintenance of a new voter registration system for Shasta County, pursuant to which “[v]oter rolls shall be maintained on a computer not connected to the State of California,” “[v]oter rolls shall be kept clean by permanently removing individuals who are deceased, moved out of county lines, or have addresses that are undeliverable,” and “[t]hird party and DMV voter registrations shall not be added to Shasta County voter rolls until verified for eligibility.” (Ex. 1 at p. 36.)²

As explained below, all these provisions conflict with State law. But, absent preliminary injunctive relief, the measure can be implemented as soon as it is filed with the Secretary of State. (Cal. Const., art. XI, § 3, subd. (a); Gov. Code, §§ 23723-23724.) Meanwhile, the deadlines for the next election are rapidly approaching, including a September 14 deadline for county elections officials to report active voter registrations to the Secretary of State (Elec. Code, § 2187, subd. (c)(5)), a September 24 deadline to begin mailing voter information guides (*id.*, § 9094, subd. (a)), and an October 5 deadline to begin mailing ballots to voters (*id.*, § 3000.5, subd. (a)).³

ARGUMENT

The determination whether to enter a preliminary injunction is based on “(1) the likelihood that the plaintiff will prevail on the merits, and (2) the relative balance of harms that is likely to result from the granting or denial of interim injunctive relief.” (*Tulare Lake Canal Co. v. Stratford Public Utility Dist.* (2023) 92 Cal.App.5th 380, 396 (*Tulare Lake*), citation omitted.) These two factors are “interrelated,” meaning “the greater the plaintiff’s showing on one, the less must be shown on the other.” (*Id.* at pp. 396-397, citation omitted.)

Here, both factors overwhelmingly support the entry of a preliminary injunction.

² Unless otherwise specified, all exhibit citations reference the exhibits to the Request for Judicial Notice.

³ *Key Dates and Deadlines*, Cal. Secretary of State [Lean Decl., Ex A]; *November 3, 2026, General Election Calendar*, Cal. Secretary of State [Lean Decl., Ex. B].

1 **I. PETITIONERS ARE LIKELY TO SUCCEED ON THE MERITS**

2 Measure B violates state law for two independent reasons. First, because charter counties
3 fundamentally lack any degree of home rule over the electoral process, Measure B exceeds Shasta
4 County’s authority under the California Constitution. Second, even assuming that Measure B
5 could otherwise fall within the County’s authority, it conflicts with and is preempted by state law.

6 **A. Measure B Exceeds the County’s Authority**

7 Under article XI of the California Constitution, a county may adopt a charter “[f]or its
8 own government.” (Cal. Const., art. XI, § 3, subd. (a).) This is known as “home rule” or “the
9 authority of the people to create and operate their own local government and define the powers of
10 that government, within the limits set out by the Constitution.” (*Dibb v. County of San Diego*
11 (1994) 8 Cal.4th 1200, 1206 (*Dibb*), citation omitted.) When a charter provision falls within “its
12 proper sphere,” it may “supersede[] state law.” (*San Bernardino County Bd. of Supervisors v.*
13 *Monell* (2023) 91 Cal.App.5th 1248, 1275 (*Monell*).) But “[s]ince counties constitute merely
14 political subdivisions of the state,” they only have the “authority that has been expressly
15 conferred by the Constitution and laws of the state.” (*Younger v. Bd. of Supervisors* (1979) 93
16 Cal.App.3d 864, 870 (*Younger*), citations omitted.) Accordingly, a charter provision “in excess
17 of a charter county’s authority” is unconstitutional. (*Id.* at p. 873, citation omitted.)

18 As is relevant here, “the version of home rule afforded to a *charter city*” by article XI,
19 section 5 “is substantially more expansive” than that afforded to a *charter county*” by section 4.
20 (*Dibb, supra*, 8 Cal.4th at p. 1207, quotation marks omitted.) Section 5, subdivision (a), grants
21 charter cities “broad authority to ‘make and enforce all ordinances and regulations in respect to
22 *municipal affairs*’” (*id.* at p. 1207, quoting Cal. Const., art. XI, § 5, subd. (a)), and then
23 subdivision (b) identifies “areas that are at least presumptively deemed to be municipal affairs”
24 (*City of Huntington Beach v. Becerra* (2020) 44 Cal.App.5th 243, 256 (*Becerra*)). Notably, those
25 areas include the “conduct of city elections.” (Cal. Const., art. XI, § 5, subd. (b).)

26 By contrast, Article XI, section 4 includes “no corresponding grant of authority and
27 autonomy over the ‘county affairs’ of charter counties.” (*Dibb, supra*, 8 Cal.4th at p. 1207.)
28 Instead, it merely grants a charter county the ability to provide for its governing body, officers,

1 and employees (Cal. Const., art. XI, § 4, subds. (a)-(c), (f)), and to provide for their powers and
2 duties (*id.*, subd. (e)). Thus, “charter county ‘home rule’ authority is limited to matters
3 concerning the structure and operation of local government.” (*Dibb, supra*, 8 Cal.4th at p. 1207.)
4 And, even within that scope, charter counties must still “provide for ‘[t]he performance of
5 functions required by statute.’” (*Ibid.*, quoting Cal. Const., art. XI, § 4, subd. (d).)

6 Under this framework, Measure B plainly exceeds the scope of the County’s authority.
7 Rather than regulating “matters concerning the structure and operation of local government”
8 (*Dibb, supra*, 8 Cal.4th at p. 1207), it purports to overhaul the electoral process.⁴ But the
9 Constitution vests the Legislature—not counties—with control over voter registrations and
10 elections. (Cal. Const., art. II, §§ 3-4.) And while article XI, section 5 grants charter cities some
11 authority over municipal elections, section 4—in “significant contrast” to section 5—“does not
12 expressly authorize a county charter to provide for the conduct of elections.” (*County of*
13 *Sacramento v. Fair Political Practices Com.* (1990) 222 Cal.App.3d 687, 690 (*Sacramento*).)
14 Accordingly, charter counties do not possess *any* degree of home rule over the electoral process;
15 instead, they must follow state election laws. (See Cal. Const., art. XI, § 4, subd. (g); Gov. Code,
16 §§ 25201 [board of supervisors’ authority is “[s]ubject to the provisions of the Elections Code”],
17 26802 [clerk “shall perform any other duties required of him or her by the Elections Code”];
18 *Sacramento, supra*, 222 Cal.App.3d at p. 690 [expressing “serious doubt that authority over
19 financing of election campaigns for county officers is within the scope of the powers conferred
20 upon charter counties”].) Thus, Measure B is void as an unconstitutional “enactment in excess of
21 the [C]ounty’s authority.” (*Younger, supra*, 93 Cal.App.3d at p. 867.)

22 **B. Measure B Is Also Preempted by State Law**

23 Moreover, even if the County possessed the same degree of home rule over elections as
24 charter cities—which it does not—Measure B is preempted by state election laws.

25 _____
26 ⁴ Indeed, the measure is not even limited to apply to elections of county officers. And,
27 even if it could be interpreted in this manner, it would still interfere with all statewide elections
28 because elections of county officers generally must be consolidated with statewide elections.
(See Elec. Code, §§ 1300, subds. (a)-(b) [elections of county officers must be held with either the
presidential or the gubernatorial primary], 10402.5 [elections on these dates must be
“consolidated with the statewide election,” except in limited circumstances not relevant here].)

1 When considering whether a *city* charter provision is preempted by state law, courts apply
2 a four-step test: (1) whether the city charter provision “regulates an activity that can be
3 characterized as a ‘municipal affair’”; (2) whether there is “‘an actual conflict between [local and
4 state law]’”⁵; (3) “whether the state law addresses a matter of ‘statewide concern’”; and
5 (4) “whether the [state] law is ‘reasonably related to . . . resolution’ of that concern” and
6 “‘narrowly tailored’ to avoid unnecessary interference in local governance.”⁶ (*State Bldg. &*
7 *Construction Trades Council of Cal. v. City of Vista* (2012) 54 Cal.4th 547, 556, citations
8 omitted.) Even when a court concludes at the first step that the city charter provision regulates
9 activity that is otherwise a municipal affair—and, therefore, is otherwise within the scope of a
10 charter city’s authority under article XI, section 5—the provision is preempted by state law “pro
11 tanto” when “the court is persuaded” at the remaining three steps “that the subject of the state
12 statute is one of statewide concern and that the statute is reasonably related to its resolution and
13 not unduly broad in its sweep.” (*Ibid.*, brackets, citation, and quotation marks omitted.)

14 Just as state laws tailored to address statewide concerns preempt *city* charter provisions
15 that are otherwise within the scope of the cities’ authority, so too they preempt *county* charter
16 provisions that are otherwise within the scope of the counties’ authority. (See *Monell, supra*, 91
17 Cal.App.5th at 1275, fn.6 [“Subject to [the] caveat” that “the ‘version of “home rule” afforded to
18 a *charter city* is substantially more expansive’ than that granted to charter counties,” “case law
19 dealing with charter cities also applies to charter counties.”], citation omitted; see also *County of*
20 *Riverside v. Superior Court* (2003) 30 Cal.4th 278, 287; *Younger, supra*, 93 Cal.App.3d at
21 p. 870.) Accordingly, even assuming (1) that a county charter provision would otherwise fall

22
23 ⁵ “A conflict exists if the local legislation duplicates, contradicts, or enters an area fully
24 occupied by general law, either expressly or by legislative implication.” (*Sherwin-Williams Co.*
25 *v. City of L.A.* (1993) 4 Cal.4th 893, 897, citation and quotation marks omitted.) A local law is
26 “duplicative” of state law “when it is coextensive therewith”; a local law is “contradictory” to
state law when it is “inimical” to or “cannot be reconciled with [it]”; and a local law “enters an
area that is ‘fully occupied’ by [state] law when the Legislature has expressly manifested its intent
to ‘fully occupy’ the area or when it has impliedly done so.” (*Chevron U.S.A. Inc. v. County of*
Monterey (2023) 15 Cal.5th 135, 142, 145 (*Chevron*), citation and quotation marks omitted.)

27 ⁶ A state law is “reasonably related” to a statewide concern when there is “a direct,
28 substantial connection” between the two. (*Becerra, supra*, 44 Cal.App.5th at p. 260, citation
omitted.) A state law is “narrowly tailored” when it “only prohibits” local activity “to the extent
necessary to resolve the statewide concerns.” (*Id.* at p. 279.)

1 within the county’s authority under article XI, section 4, it is preempted by state law when (2) it
2 conflicts with a state law, (3) the state law addresses a matter of statewide concern, and (4) the
3 state law is reasonably related to and narrowly tailored to address that concern.⁷

4 Also, “the integrity of the electoral process, at both the state and local level, is
5 undoubtedly a statewide concern.” (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781,
6 801, quoting *Johnson, supra*, 4 Cal.4th at p. 409.) Thus, charter governments “may not enforce
7 laws that are inconsistent with or impede statewide regulation of the integrity of the political or
8 electoral process.” (*Johnson, supra*, 4 Cal.4th at p. 403, fn. 14.) Indeed, just last year, the Court
9 of Appeal struck down a charter amendment that purported to permit a city to require voters to
10 present photo IDs to vote in municipal elections, holding that Elections Code section 10005,
11 which prohibits local governments from requiring voters to present identification except as
12 “required by state or federal law,” is tailored to address the statewide concern of “electoral
13 integrity at the municipal level,” and, specifically, “regulating (and, where possible, eliminating)
14 barriers to voting.” (*People ex rel. Bonta v. Huntington Beach* (2025) 115 Cal.App.5th 962, 969-
15 971 (*Huntington Beach*), review den. Jan. 28, 2026, S294368.)

16 Under this precedent, Measure B is clearly preempted because all its provisions conflict
17 with state laws that are tailored to address statewide concerns: ensuring the integrity of
18 elections—including access to the ballot, the accuracy and timeliness of election results, and the
19 accuracy of voter registration records—as well as ensuring compliance with federal election laws.

20 **1. The Photo ID Provisions Are Preempted**

21 First, state law preempts the photo ID provisions, which mandate that individuals “us[e] a
22 government-issued photo ID” to “register to vote” and to vote “on election day.” (Ex. 1 at p. 36.)

23 The Legislature, exercising its authority to “define residence and provide for registration
24 and free elections” (Cal. Const., art. II, § 3) and to “prohibit improper practices that affect
25 elections” (*id.*, § 4), has carefully prescribed how Californians may establish their eligibility to

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27 ⁷ See *Sacramento, supra*, 222 Cal.App.3d at p. 690 [holding that, even assuming a county
28 charter amendment regulating campaign financing for county officers would otherwise fall within
the county’s authority, it was preempted by state law “because it is self-evident that campaign
financing of election contests, both state and local, is a matter of statewide concern”].

1 vote—namely, by requiring individuals to register by submitting affidavits attesting to their
2 qualifications (Elec. Code, §§ 2150, subds. (a)-(b), 2196; see also *id.*, § 2111), which are verified
3 against state records (*id.*, § 2196, subd. (a)(8); Cal. Code Regs, tit. 2, §§ 19073-19075), and then
4 by requiring voters to confirm their identity and registered status when voting (Elec. Code,
5 §§ 3019, 14216; see also Cal. Code Regs, tit. 2, § 20960). (See also Elec. Code, §§ 14240, et seq.
6 [limited procedures for challenges to voters’ qualifications].) The Legislature has also guaranteed
7 the right to vote to every Californian who establishes their eligibility to vote by complying with
8 state law governing voter registration. (See also Elec. Code, §§ 2000, subd. (a), 2300, 10000.)
9 And Elections Code section 10005 specifically prohibits any “local government” from “enact[ing]
10 or enforc[ing] any charter provision, ordinance, or regulation requiring a person to present
11 identification for the purpose of voting or submitting a ballot at any polling place, vote center, or
12 other location where ballots are cast or submitted, unless required by state or federal law.”

13 Measure B’s photo ID requirements plainly conflict with these state laws. Because the
14 state law scheme just discussed “‘fully occupie[s]’” the field of how voters may establish their
15 eligibility to vote, Measure B’s photo ID provisions conflict with state law by intruding upon that
16 field. (See *Chevron, supra*, 15 Cal.5th at p. 142, citation omitted.) Moreover, Measure B’s
17 provisions directly conflict with Elections Code section 2000, subdivision (a), which specifically
18 guarantees the right to vote to those who register in compliance with the Elections Code, and with
19 section 10005, which specifically prohibits local laws that add photo ID requirements.

20 Also, as *Huntington Beach* explains, these state laws are narrowly tailored to address the
21 statewide concern of “electoral integrity,” including “regulating (and, where possible,
22 eliminating) barriers to voting.” (115 Cal.App.5th at pp. 969-971.) When enacting Elections
23 Code section 10005, the Legislature “sought to prohibit voter identification requirements like
24 [Huntington Beach’s] because the Legislature found they ‘have historically been used to
25 disenfranchise low-income voters, voters of color, voters with disabilities, and senior voters.’”
26 (*Id.* at p. 970, quoting Sen. Bill No. 1174 (2023-2024 Reg. Sess.) § 1, subd. (a)(4).) It also found
27 that “California ensures the integrity of its elections by requiring a person to provide a driver’s
28 license number, a California identification number, or the last four digits of their social security

1 number to register to vote.” (Sen. Bill No. 1174 (2023-2024 Reg. Sess.) § 1, subd. (a)(2).) Thus,
2 here, as in *Huntington Beach*, “[p]ermitting” a local government “to make its own rules, in
3 violation of the state Elections Code, would upset the state’s delicate balance” between “on the
4 one hand, ensuring that only eligible voters are able to vote in elections while, on the other hand,
5 not discouraging or preventing disadvantaged voters and communities from participating in the
6 political process.” (115 Cal.App.5th at pp. 970- 971.)

7 **2. The In-Person Election Day Voting Provision Is Preempted**

8 Second, state law preempts the in-person Election Day voting provision, which requires
9 elections to “be held on one day with limited absentee ballots (defined as limited exceptions to in-
10 person voting for the infirm, military, and US citizens living overseas).” (Ex. 1 at p. 36.)

11 The Legislature—again, exercising its supreme authority over elections (Cal. Const., art.
12 II, §§ 3-4)—has guaranteed the right to vote by mail to *all* active registered voters. Specifically,
13 Elections Code section 3003 provides that “[t]he vote by mail ballot shall be available to any
14 registered voter”; section 3000.5, subdivision (a), requires elections officials to mail ballots “to
15 every registered voter” in advance of election day; section 3016.7 provides that “[t]he county
16 elections official shall permit any voter to cast a ballot using a certified remote accessible vote by
17 mail system, regardless of whether the voter is a voter with disabilities or a military or overseas
18 voter”; and section 3017, subdivisions (a) and (b), provides that vote-by-mail ballots may be
19 returned (including by a designated person for voters who are unable to return their ballots) “on
20 or before the day of the election” by mail, in person, or at designated drop-off locations.
21 Additionally, for statewide elections, section 3016.3, subdivision (b), requires that counties must
22 “provide at least one early voting location on the Saturday before the day of the election.”⁸

23 Measure B’s in-person voting provision flatly contradicts these laws. And, like the state
24 laws discussed above that prohibit local governments from adding photo ID requirements to
25 register to vote and to vote, these state laws are reasonably related and narrowly tailored to
26 address the statewide concern of “electoral integrity,” including “regulating (and, where possible,

27 ⁸ Section 3016.3, subdivision (b), applies to counties that do not conduct elections under
28 California’s Voter’s Choice Act (VCA). (See Elec. Code, § 4005.) VCA counties offer
additional early voting options. (Elec. Code, § 4005, subd. (a)(4)(A).)

1 eliminating) barriers to voting.” (*Huntington Beach, supra*, 115 Cal.App.5th at pp. 969-971.)

2 “Voting by mail has existed in California” for more than a century, and in 1978 was
3 “extended to every registered voter . . . , regardless of the reason for not traveling to the polling
4 place.” (*Peterson v. City of San Diego* (1983) 34 Cal.3d 225, 229 (*Peterson*), citing Stats. 1978,
5 ch. 77, § 2 [the statutory predecessor to Elections Code section 3003].) Since then, the
6 Legislature has continued to reduce barriers to voting through Elections Code sections 3000.5 and
7 3016.7, which ensure that all active registered voters automatically receive a vote-by-mail ballot
8 and can vote by mail. In doing so, the Legislature has found that “[v]ote by mail voting has
9 become the means by which most Californians exercise their right to vote” and “[b]roadening the
10 ability of California residents to engage in the democratic process will yield more representative
11 election results and will ensure that the voices of more California residents are heard.”⁹
12 Similarly, Elections Code section 3016.3, subdivision (b), which “ensur[es]” that all voters “have
13 access to at least one early voting location on the Saturday before statewide elections,” was
14 intended to “provide critical flexibility for those who may face challenges on Election Day due to
15 work, childcare, transportation, or other barriers” and to thereby “increase voter participation and
16 ensure that every Californian has equal access to voting.”¹⁰

17 Because these state laws are reasonably related and narrowly tailored to increase voter
18 participation by eliminating barriers to in-person voting on Election Day, Shasta County may not
19 “mak[e] its own rules” effectively banning mail-in voting and early in-person voting altogether,
20 which would resurrect the very barriers the Legislature sought to eliminate. (*Huntington Beach,*
21 *supra*, 115 Cal.App.5th at p. 971.)

22 3. The Hand-Counting Provisions Are Preempted

23 Third, state law preempts the hand-counting provisions, which mandate that ballots “be

24
25 ⁹ Assem. Bill No. 860 (2019-2020), § 1, subds. (b), (h) [adding sections 3000.5 and
26 3016.7 to require issuance of vote-by-mail ballots to all active registered voters for the November
27 2020 statewide general election]; see also Sen. Bill No. 29 (2021-2022), § 1 [amending section
3000.5 to extend issuance of vote-by-mail ballots to all active registered voters for all elections
prior to January 1, 2022]; Assem. Bill No. 37 (2021-2022), § 1 [amending sections 3000.5 and
3016.7 to extend issuance of vote-by-mail ballots to all active registered voters to all elections].)

28 ¹⁰ Assem. Elec. Com., Analysis of Assem. Bill No. 1249 (2025-2026 Reg. Sess.), as
amended July 16, 2025, p. 1 [Ex. 2 at p. 1].

1 hand-counted” and that hand-counts “be used for the official canvass.” (Ex. 1 at p. 36.)

2 Again, these provisions directly contravene state law. Election Code section 19207.5,
3 subdivision (a)(2), requires elections officials to tabulate votes using a voting system that has
4 been certified by the Secretary of State. (See also Elec. Code, § 19200, et seq. [governing
5 certification of voting systems]; Cal. Code Regs, tit. 2, §§ 20700, et seq. [same].) And Elections
6 Code section 15270.1 specifically prohibits officials from conducting manual vote counts, except
7 in extremely limited circumstances: with prior approval from the Secretary of State in elections
8 on established election dates with less than 1,000 registered voters or elections on other dates
9 with less than 5,000 registered voters.

10 Sections 19207.5 and 15270.1 are also reasonably related to and narrowly tailored to
11 address the statewide concern of election integrity. The Legislature enacted these provisions just
12 three years ago, after Shasta County’s Board of Supervisors cancelled the County’s contract with
13 Dominion Voting Systems against the advice of the County’s own Elections Department and
14 without a plan in place to replace its voting system.¹¹ In response, the author of the bill that
15 enacted sections 19207.5 and 15270.1 explained, “Manual tallies have been shown to be less
16 accurate, slower, and more costly than machine tabulation,” and, conversely, ballot tabulators
17 “allow for higher security, accuracy, and accountability than hand-counting and ensure the
18 secrecy of the ballot.”¹² Notably, this is consistent with the experience of the County’s own
19 Elections Department when it conducted mock hand-counts in 2023 and found that “human error
20 was a regular occurrence,” that “the steps necessary to conduct a reliable hand count make this
21 method significantly slower than automated tabulation,” that a presidential primary election
22 would likely require 375 extra staff, and that the Elections Department would “likely have
23 difficulty recruiting qualified individuals to conduct full manual tallies for large elections.”¹³
24 Thus, by ensuring that elections officials count votes accurately and timely, these state laws

25 ¹¹ Allen, *Analysis of Manual Tally Options for Shasta County*, Shasta County Elections
26 Department [Ex. 5]; Board Meeting Mins. (Jan. 24, 2023) Shasta County Bd. of Supervisors, pp.
15-17 [RJN, Ex. 6 at pp. 15-17].

27 ¹² See Assem. Com. on Elections, Rep. on Assem. Bill No. 969 (2023-2024 Reg. Sess.), as
amended Aug. 17, 2023, p. 3 [Ex. 3 at p. 3].

28 ¹³ Shasta County Clerk/ROV Cathy Darling Allen, letter to Shasta County Board of
Supervisors, Sept. 25, 2023 [Ex. 7]

1 safeguard the integrity of election results, which is “undoubtedly a statewide concern.” (*Johnson*,
2 *supra*, 4 Cal.4th at p. 409.)

3 **4. The New Voter Registration System Provisions Are Preempted**

4 Fourth, state law preempts Measure B’s provisions for a new county-specific voter
5 registration system in multiple ways.

6 To begin, the measure requires the “creat[ion]” of a “new voter roll” maintained on a
7 computer “not connected to the State of California” to determine eligibility to vote. (Ex. 1 at
8 p. 36.) But the federal Help America Vote Act (HAVA) requires that “each State, acting through
9 the chief State election official” implement “a single, uniform, official, centralized, interactive
10 computerized statewide voter registration list defined, maintained, and administered at the State
11 level.” (52 U.S.C. § 21083, subd. (a)(1)(A).) That list must “serve as the single system for
12 storing and managing the official list of registered voters throughout the State,” offer “[a]ny
13 election official” “immediate electronic access to the information contained in the computerized
14 list,” and enable “any local election official” to “electronically enter[]” “[a]ll voter registration
15 information” “on an expedited basis at the time the information is provided to the local official.”
16 (52 U.S.C. § 21083, subds. (a)(1)(A)(i), (v), (vi).) In turn, the Legislature has amended state law
17 to require the Secretary to “establish and maintain a statewide system” to comply with HAVA
18 (Elec. Code, § 2168),¹⁴ and the Secretary has promulgated regulations that require county
19 elections officials to electronically “synchronize voter registration records in the county election
20 management system with the statewide voter registration system” and to “use” the statewide
21 system “to determine eligibility to vote.” (Cal. Code Regs, tit. 2, § 19060, subd. (c).)¹⁵

22 These state laws, which plainly prohibit Measure B’s new disconnected voter roll, are
23 reasonably related to and narrowly tailored to address the statewide concern of ensuring
24 California’s compliance with federal law. Moreover, they further the statewide concern of

25 ¹⁴ Assem. Elec. and Redistricting Com., Analysis of Assem. Bill No. 1020 (2025-2026
26 Reg. Sess.), as amended Sept. 1, 2015, p. 2 [RJN, Ex 4 at p. 2; amending state law to “prepare[]
for the deployment of the federally mandated VoteCal statewide voter registration database”].)

27 ¹⁵ See also Cal. Code Regs, tit. 2, §§ 19063 [counties must communicate with the
28 statewide system “through electronic messages”], 19083, subd. (a) [counties must “conduct
regular synchronization checks” with the statewide system and “resolve any differences”], 19087
[counties must use the statewide system to generate official elections rosters].)

1 electoral integrity by ensuring that all elections officials statewide have access to the most
2 comprehensive, up-to-date voter registration records, so they can reliably identify and address any
3 voter registration issues, including by checking county records against other county and state
4 records (e.g., to identify individuals who have moved, have duplicate registrations, have
5 committed a disqualifying offense, or have died).¹⁶ They also ensure that county elections
6 officials use the most comprehensive, up-to-date records to determine eligibility to vote.

7 Measure B also imposes new restrictions on voter registrations to “ke[ep]” its new voter
8 roll “clean” and then denies the right to vote unless voters “verify they are on the voter roll on
9 election day.” (Ex. 1 at p. 36.) The new restrictions include cancelling or denying registrations
10 unless voters present “a government-issued photo ID,” cancelling registrations for voters “who
11 are deceased, moved out of county lines, or have addresses that are undeliverable,” and cancelling
12 or denying “[t]hird party and DMV voter registrations” until “verified.” (*Ibid.*)

13 But there is already a comprehensive state law regime that governs how voters may
14 establish their eligibility to vote (as discussed above (*ante* Part I(B)(1)), how registrations may be
15 cancelled based on a move, undeliverable mailings, a death, mental incapacitation, or
16 imprisonment (Elec. Code, §§ 2157, 2201, 2205, 2205, 2208-2212, 2220-2227; Cal. Code Regs.,
17 tit. 2, §§ 19079, 19081), and how online and motor voter registrations are processed (Elec. Code,
18 §§ 2196, 2260-2277; Cal. Code Regs., tit. 2, §§ 20060-20067). Thus, Measure B conflicts with
19 state law by intruding upon areas “fully occupied” by state law (or, at a minimum, “duplicat[ing]”
20 state law. (See *Chevron*, *supra*, 15 Cal.5th at p. 142, citation and quotation marks omitted.)
21 Additionally, the new registration restrictions—which would prevent currently registered voters
22 from being automatically transferred to the “new voter roll” upon “creat[ion]” (Ex. 1 at p. 36)—
23 directly conflict with (1) state laws that prohibit registrations from being cancelled on the basis of
24 a change in address unless elections officials follow specified procedures required by the National
25 Voter Registration Act (NVRA) that span two federal general election cycles (see Elec. Code,
26 § 2226; Cal. Code of Regs., tit. 2, § 19081, subd. (d); see also 52 U.S.C. § 20507, subd. (d)) and

27 ¹⁶ See *Vote Cal Project*, Cal. Secretary of State <[https://www.sos.ca.gov/elections/voter-](https://www.sos.ca.gov/elections/voter-registration/votecal-project)
28 [registration/votecal-project](https://www.sos.ca.gov/elections/voter-registration/votecal-project)> [describing the statewide voter registration system, VoteCal, and
how it interfaces with county management systems, as well other state systems of records].

1 (2) state laws that specify that online and DMV registrations are verified by the Secretary of
2 State, not county officials (Elec. Code, §§ 2196, subd. (a)(8), 2265, 2267, subd. (a)).

3 These state laws are also reasonably related to and narrowly tailored to address statewide
4 concerns. In addition to ensuring compliance with the NVRA, they further equal access to the
5 ballot by ensuring that registrations are not prematurely cancelled and that registrations are timely
6 and accurately processed pursuant to uniform standards statewide. The Constitution gives the
7 Legislature sole authority over voter registration, and for good reason. (See Cal. Const., art. II,
8 § 3.) To permit the County “to make its own rules” would mean that Californians’ access to the
9 ballot could vary statewide, “impugn[ing] the integrity” of the state and local elections.
10 (*Huntington Beach, supra*, 115 Cal.App.5th at p. 971.)

11 **5. No Part of Measure B Can Be Saved by Severance**

12 “A preempted or invalid part of an ordinance can be severed if, and only if, it is
13 grammatically, functionally and volitionally separable.” (*People v. Nguyen* (2014) 222
14 Cal.App.4th 1168, 1191 (*Nguyen*), citations and quotation marks omitted.) An invalid part “is
15 ‘grammatically’ separable if it is ‘distinct’ and ‘separate’ and, hence, ‘can be removed as a whole
16 without affecting the wording of any’ of the measure’s ‘other provisions.’ It is ‘functionally’
17 separable if it is not necessary to the measure’s operation and purpose. And it is ‘volitionally’
18 separable if it was not of critical importance to the measure’s enactment.” (*Jevne v. Superior*
19 *Court* (2005) 35 Cal.4th 935, 960-961, citations omitted.) Here, there is no part of Measure B
20 that is lawful, let alone any part that could be severed from the unconstitutional provisions.

21 The entire amendment—a package-deal “sweeping cleanup to [the] current system” (Ex. 1
22 at p. 35)—is one rambling paragraph with no severability clause, and all its provisions are
23 intertwined. The measure begins by tying together its in-person voting on Election Day provision
24 (“elections shall be held on one day with limited absentee ballots . . .”) and its hand-counting
25 provisions (“All ballots shall be hand-counted at the precincts,” “[c]ounting shall occur
26 concurrent with voting (after 11 or more ballots have been cast and shuffled),” and “[c]ounty-
27 wide election outcomes shall be provided on the night of the election, or shortly thereafter”).
28 That’s because—according to the Measure—ballots must be cast in person in precincts on

1 Election Day so they can be hand-counted right then and there. Then, the measure ties together
2 its voter registration provisions (“A new voter roll shall be created . . . ,” “not connected to the
3 State of California,” “kept clean,” and “used to check in voters on election day”) with its photo ID
4 and in-person voting on Election Day provisions (“Only US citizens shall register to vote, using a
5 government-issued photo ID,” and “[a]ll voters shall produce this ID to verify they are on the
6 voter roll on election day”). These provisions are all intertwined because the County needs to
7 create a new voter roll—one that applies its new registration restrictions—so *that* roll can be used
8 to verify each voter in person on Election Day, using the same photo ID the voter used to register.

9 Because there is no lawful part of Measure B that is grammatically, functionally, and
10 volitionally severable from the remainder, the entirety of Measure B is “a nullity.” (*Nguyen*,
11 *supra*, 222 Cal.App.4th at p. 1991, citations and quotation marks omitted.)

12 **II. THE BALANCE OF HARMS FAVOR A PRELIMINARY INJUNCTION**

13 As with the likelihood-of-success factor, the balance-of-harms factor weighs heavily in
14 Petitioners’ favor. Preliminary injunctions are intended “to preserve the status quo pending a
15 determination on the merits.” (*Tulare Lake, supra*, 92 Cal.App.5th at p. 396, citation omitted; see
16 *People v. Hill* (1977) 66 Cal.App.3d 320, 331 [the “‘status quo’” is “‘the last actual peaceable,
17 uncontested status’” that preceded the challenged conduct].) Here, Petitioners merely request
18 that, in the run-up to the next election, the Court maintain the longstanding status quo that county
19 officials conduct elections according to state law, not according to their own, made-up rules.¹⁷

20 Absent injunctive relief, Measure B would cause an array of imminent, irreparable harms.
21 First, it would permit the County to trample upon the State’s sovereign interest in the uniform
22 application of state election law. (See *Cal. Redevelopment Assn. v. Matosantos* (2011) 53 Cal.4th
23 231, 255 [“[S]tates are sovereign but cities and counties are not,” “they are mere creatures of
24 the state.”]; cf. *Coalition for Economic Equity v. Wilson*, 122 F.3d 718, 719 (9th Cir. 1997) [“a
25 state suffers irreparable injury” when a state law “is enjoined”].) Second, election procedures are
26 complex and highly coordinated, with increasing responsibilities for elections officials closer to

27 ¹⁷ Remarkably, proponents and their counsel have suggested that they can continue to
28 “tweak[]” Measure B after it was submitted to the voters. (Battaglia, *Measure B could reshape*
Shasta County elections, if courts allow it, ante note 1].)

1 Election Day; by requiring unprecedented, large-scale changes on the eve of an election, Measure
2 B risks widespread voter confusion and errors in administration. (Lean Decl. ¶ 5.) Third, the
3 measure would infringe upon voters’ rights and threatens to suppress voter participation by
4 requiring voters to re-register pursuant to the measure’s restrictive rules as well as by prohibiting
5 voting by mail (how nine-out-of-ten voters in the County regularly cast their ballots); by
6 prohibiting voting in person prior to Election Day; and even by prohibiting voting in-person on
7 Election Day if a voter does not present a satisfactory photo ID. (*Ante* Parts I(B)(1), (2), (4);
8 Lean Decl. ¶ 6; see *Peterson, supra*, 34 Cal.3d at pp. 229-230 “[r]educing or eliminating the
9 burdens and inconvenience of voting and thereby increasing voter participation is not only a
10 proper subject of legislation but also fundamental to the maintenance of our representative
11 government”]; *Huntington Beach, supra*, 115 Cal.App.5th at p. 970 [recognizing California’s
12 “unfortunate history” of “facially neutral voting restrictions that had disparate effects,” “typically
13 disfavoring low-income or minority voters”]; *Ketchens v. Reiner* (1987) 194 Cal.App.3d 470, 480
14 [“‘The loss of First Amendment freedoms, for even minimal periods of time, unquestionably
15 constitutes irreparable injury.’”]; accord *Hillman v. Britton* (1980) 111 Cal.App.3d 810, 826.)
16 Fourth, the measure jeopardizes the State’s compliance with federal laws and the accuracy of
17 voter registration records by creating a county-specific registration system and procedures. (*Ante*
18 Part I(B)(4); Lean Decl. ¶ 7.) Fifth, the measure endangers the accuracy and timeliness of
19 election results by requiring all ballots to be hand-counted. (*Ante* Part I(B)(3); Lean Decl. ¶ 8.)

20 Meanwhile, a preliminary injunction would cause no cognizable harm to the County,
21 which has no interest in enforcing a charter provision that violates state law. (*People v. Uber*
22 *Technologies, Inc.* (2020) 56 Cal.App.5th 266, 306 (“[A] party suffers no grave or irreparable
23 harm by being prohibited from violating the law.”]; *Vo v. City of Garden Grove* (2004) 115
24 Cal.App.4th 425, 433 [“failing to enjoin enforcement of an unconstitutional ordinance” is “an
25 abuse of discretion within the usual formulation of the standard”].) That is especially true where,
26 as here, there is simply no evidence of widespread electoral fraud within Shasta County.

27 CONCLUSION

28 For the foregoing reasons, the Court should grant the preliminary injunction.

1 Dated: July 2, 2026

Respectfully submitted,

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DECLARATION OF SERVICE BY E-MAIL

Case Name: *The People of the State of California v. County of Shasta, et al.*
Case Number: 26CV-0211092

Declaration of Electronic Service

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, County of San Francisco.
3. My electronic service address is Melissa.Mendiola@doj.ca.gov.
4. On July 2, 2026, I electronically served the following document[s]:
 - a. **NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS & AUTHORITIES**
 - b. **DECLARATION OF JANA M. LEAN IN SUPPORT OF PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION**
 - c. **[PROPOSED] ORDER GRANTING PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION**
 - d. **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**
 - e. **[PROPOSED] ORDER GRANTING PETITIONERS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION**
5. I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

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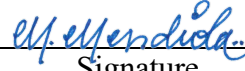
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I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on July 2, 2026.

M. Mendiola

Declarant



Signature

SA2025306463