

CASE #: G065492

No. _____

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION THREE

THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL. ROB
BONTA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA;
DR. SHIRLEY N. WEBER, IN HER OFFICIAL CAPACITY AS CALIFORNIA
SECRETARY OF STATE,

Petitioners,

v.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
COUNTY OF ORANGE,

Respondents.

CITY OF HUNTINGTON BEACH; LISA LANE BARNES, IN HER
OFFICIAL CAPACITY AS THE CITY OF HUNTINGTON BEACH CITY CLERK;
DOES 1 THROUGH 50, INCLUSIVE,

Real Parties in Interest.

Orange County Superior Court, Case No. 30-2024-01393606
The Honorable Nico Dourbetas, Judge

**PETITION FOR WRIT OF MANDATE OR OTHER
APPROPRIATE RELIEF; MEMORANDUM OF POINTS AND
AUTHORITIES**

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May 7, 2025

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION THREE**

Case Name: *THE PEOPLE OF THE STATE OF CALIFORNIA, ex rel. ROB BONTA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA; DR. SHIRLEY N. WEBER, in her official capacity as California Secretary of State v. THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF ORANGE*

Court of Appeal No.:

CERTIFICATE OF INTERESTED PARTIES OR ENTITIES OR PERSONS
(Cal. Rules of Court, Rule 8.208)

(Check One)

INITIAL CERTIFICATE

SUPPLEMENTAL CERTIFICATE

Please check the applicable box:

There are no interested entities or persons to list in this Certificate per California Rules of Court, rule 8.208(d).

Interested entities or persons are listed below:

Full Name of Interested Entity or Party	Party <i>Check One</i>	Non-Party	Nature of Interest <i>(Explain)</i>
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_____	[]	[]	_____
_____	[]	[]	_____
_____	[]	[]	_____

The undersigned certifies that the above listed persons or entities (corporations, partnerships, firms or any other association, but not including government entities or their agencies), have either (i) an ownership interest of 10 percent or more in the party if an entity; or (ii) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

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/s/ Michael S. Cohen

Michael S. Cohen

May 7, 2025

Date

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INTRODUCTION

Contrary to this Court's recent *Palma* notice in this matter (see No. G065209), numerous state laws, and the Legislature's proclamations, the lower court concluded that the City of Huntington Beach may impose voter identification laws in its elections beyond what state and federal law already require. With scant analysis, the lower court based its conclusion on the startling ground that state election law has nothing to do with election integrity, voting rights, or regulating the use of the State's own resources. The court's order also failed to provide critical guidance on the administration of upcoming elections.

This Court's urgent intervention is necessary for the second time in this case. The Court should take the extraordinary step of issuing a writ for the same four reasons as before. First, Petitioners the People of California and the California Secretary of State ("State") lack an adequate, speedy remedy at law. Real Parties in Interest the City of Huntington Beach and City Clerk Lisa Lane Barnes ("City") apparently intend to adopt and enforce voter identification laws after elections officials begin planning for the 2026 elections and mere months before they are held, meaning any relief that an appeal may afford will come too late for elections officials and the City's voters. Second, the issue presented here is one of great statewide, public importance, with significant implications for the successful administration of upcoming elections, the protection of the right to vote, and the constitutional separation of powers between charter cities and the State. Third, this case presents a matter of first impression under the California Constitution and a new state law

prohibiting local voter identification laws. Fourth and finally, resolving this case now serves judicial economy by avoiding a multiplicity of appeals raising the same issue.

As one appellate court recently put it, “writ review is appropriate” where a petition “presents a novel issue of law that is of widespread interest and requires prompt resolution.” *California Privacy Protection Agency v. Super. Ct.* (2024) 99 Cal.App.5th 705, 720.) This petition presents such circumstances. Accordingly, the State seeks a writ of mandate or other appropriate order vacating the lower court’s order and requiring the entry of a new order granting the State’s petition.

PETITION FOR WRIT OF MANDATE

I. JURISDICTION

1. This Court has jurisdiction. (Cal. Const., art. VI, § 10; Code Civ. Proc., § 1085; Cal. Rules of Court, rule 8.485 et seq.)

II. TIMELINESS OF THE PETITION

2. The superior court held a hearing on the State’s Petition and Complaint (“Complaint”) on April 3, 2025, and issued a minute order denying the Complaint on April 7, 2025. The court has not yet entered judgment, despite the filing of a proposed judgment on April 15, 2025. (See, e.g., *Volkswagen of America, Inc. v. Super. Ct.* (2001) 94 Cal.App.4th 695, 701.)

III. AUTHENTICITY OF EXHIBITS

3. The exhibits are incorporated herein by reference as though fully set forth in this petition. The exhibits, constituting the record that was before the superior court,

are paginated consecutively and concurrently filed under separate cover in the two-volume Petitioners' Appendix. The exhibits are referenced by volume, tab, and, where applicable, by exhibit and page number (e.g., "Vol.[], Tab [], Ex. [] at p. []").

4. All exhibits in Volume One of Petitioners' Appendix are true and correct copies of original documents on file with the superior court in *The People of the State of California, et al. v. City of Huntington Beach, et al.*, Orange County Superior Court Case No. 30-2024-01393606 and related case *Bixby v. Estanislau, et al.*, Orange County Superior Court Case No. 30-2023-01366664. All exhibits in Volume Two of Petitioners' Appendix are true and correct copies of the court reporter's transcript from the hearings in this matter, which took place on November 12 and 14 and December 16, 2024, and February 25 and April 3, 2025.

IV. IDENTIFICATION OF PARTIES

5. Petitioners are the People of the State of California, by and through Rob Bonta, Attorney General of the State of California, and Dr. Shirley N. Weber, in her official capacity as Secretary of State of the State of California. Petitioners are petitioners in the underlying matter, *The People of the State of California, et al. v. City of Huntington Beach, et al.*, Orange County Superior Court Case No. 30-2024-01393606. The Attorney General is the chief law officer of the State and has the duty to see that the State's laws are uniformly and adequately enforced for the protection of public rights and interests. (Cal. Const. art. V, § 13.) The Secretary of

State is the chief elections officer of the State and has the duty to see that the State's elections are conducted in accordance with the State's laws. (Elec. Code, § 10; Gov. Code, § 12172.5.)

6. Respondent is the Superior Court of Orange County, the Honorable Nico Dourbetas, Department C25.

7. Real Parties in Interest are the City of Huntington Beach and Lisa Lane Barnes (formerly Robin Estanislau), in her official capacity as the Huntington Beach City Clerk, and Does 1 through 50, respondents in the underlying action. Huntington Beach is a charter city incorporated and existing under the laws of the State of California. The City Clerk is Huntington Beach's chief elections official and has the duty of conducting all municipal elections.

V. BACKGROUND

A. California's Uniform and Robust Election Laws

8. California maintains a uniform and robust legal scheme for safeguarding the integrity of the electoral process and protecting the rights of eligible voters. The California Constitution establishes that the Legislature is the guardian of election integrity, including voter eligibility and registration. It requires that the Legislature "shall . . . provide for . . . free elections." (Cal. Const. art. II, § 3.) Elsewhere, it states that the Legislature "shall prohibit improper practices that affect elections" by, for example, disqualifying certain electors. (Cal. Const. art. II, § 4.)

9. The California Constitution also grants the Legislature a central role in establishing voter eligibility

requirements. It provides that voters must be (1) “A United States citizen 18 years of age” and (2) “a resident in this State.” (Cal. Const. art. II, § 2.) The second requirement is for the Legislature to define. (Cal. Const. art. II, § 3 [“The Legislature shall define residence . . .”].) With limited exceptions, those who meet both requirements “may vote.” (Cal. Const. art. II, § 2.)¹ The Legislature “shall . . . provide for registration” of individuals who meet these requirements. (Cal. Const. art. II, § 3.)

10. The Legislature has satisfied these constitutional mandates by developing a comprehensive statutory scheme that carefully balances the right to vote with protections against illegal voting. It has provided that “[e]very person who qualifies under Section 2 of Article II of the California Constitution and who complies with this code governing the registration of electors may vote at any election held within the territory within which he or she resides and the election is held.” (Elec. Code, § 2000, subd. (a); see also *id.*, § 10000 [locally registered voters “entitled to vote” in local elections].) Voter registration is within the sole purview of the Legislature, except as mandated by court judgment or otherwise provided by statute. (*Id.*, § 2100.)²

¹ The Constitution requires that “[t]he Legislature . . . shall provide for the disqualification of electors while mentally incompetent or serving a state or federal prison term for the conviction of a felony.” (Cal. Const. art. II, §§ 2, 4.)

² The Legislature has delegated certain aspects of the voter registration process to the Secretary of State, including

(continued...)

11. The voter registration process is designed to guard against illegal voting. Voter identity and qualifications are confirmed with documentation and under penalty of perjury during the registration process. (Elec. Code, §§ 2150, 2112, 2188, 2196; Cal. Code Regs. tit. 2, §§ 19073, 20107; see also Elec. Code, §§ 18100, 18500 [criminal liability for fraud in voter registration].)³ Having already established their eligibility to vote, registered voters voting in person must provide their name, address, and signature to confirm their identity and registered status. (Elec. Code, § 14216; see also Cal. Code Regs. tit. 2, § 19075.) The Legislature’s “Voter Bill of Rights” guarantees that registered voters—having established eligibility for the constitutional right to vote—“have the right to cast a ballot,” and voters “have the right to cast a secret ballot free from intimidation.” (Elec. Code, § 2300, subds. (a)(1), (4).)

12. Recognizing that contests could arise as to a voter’s eligibility, the Legislature has also set forth a detailed scheme for challenging voter qualifications that avoids unduly burdening the right to vote. (Elec. Code, §§ 14240 *et seq.*) Challenges are limited in numerous ways. Only members of a precinct board may “challenge or question any

developing registration forms and maintaining the exclusive online forum for voter registration. (*Id.*, §§ 2157, 2196.)

³ Applicants who fail to include identifying documentation in their registration application must still provide the documentation before voting in any election with a federal office on the ballot, including all regularly scheduled statewide elections. (Cal. Code Regs. tit. 2, § 19075.)

voter concerning the voter’s qualifications to vote,” and then only on limited grounds related to identity, residency, citizenship, or whether the voter previously voted in that election. (*Id.*, §§ 14240, subds. (a), (b).) That challenge must be based on evidence constituting probable cause. (*Id.*, §§ 14240, 18543.) Any person who “knowingly challenges a person’s right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting” is criminally liable. (*Id.*, § 18543.)

Certain types of evidence and certain types of challenges are expressly prohibited. (See, e.g., *id.*, § 14242 [no challenges of voters registered in state but new to the voting precinct].)

13. Challenge procedures are designed to favor casting a ballot. A challenged voter need only take a sworn oath of affirmation to remedy the challenge. (Elec. Code, §§ 14243–14246.) Doubts as to a voter’s eligibility at the polls are resolved in favor of the challenged voter. (*Id.*, §§ 14246, 14251.) And if “persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting,” the challenges “shall discontinue.” (*Id.*, § 14253.)

14. Because California already maintains thorough voter identification laws, and because additional voter identification laws would harm voters and disrupt this well-balanced scheme, the Legislature has expressly forbidden localities, including charter cities, from “enact[ing] or enforc[ing] any charter provision, ordinance, or regulation

requiring a person to present identification for the purpose of voting or submitting a ballot . . . unless required by state or federal law.” (Elec. Code, § 10005; see also Sen. Bill No. 1174 (2023–2024 Reg. Sess.) § 1 [legislative declarations].)

15. By their own terms, these obligations, guarantees, and prohibitions apply statewide without exception. (See, e.g., Elec. Code, §§ 2000, subd. (a) [“Every person”], 2300 [“valid registered voter”], 14216 [“any person”], 14240, subd. (a) [“A person offering to vote”], 18543, subd. (a) [“Every person”].) The Legislature has also expressly extended them to local elections. (*Id.*, §§ 10000 [locally registered voters are “entitled to vote at a local, special, or consolidated election . . . in accordance with this code.”], 10005 [prohibition on local voter identification laws applies to “any charter or general law city, charter or general law county, or any city and county”].)

16. By constitutional and statutory mandate, California’s elections are administered jointly by the Secretary of State and local elections officials. The Secretary of State is charged with seeing “that elections are efficiently conducted and that state election laws are enforced.” (Gov. Code, § 12172.5, subd. (a).) For example, as provided by the Legislature, the Secretary of State oversees certain aspects of the voter registration process. (See, e.g., Elec. Code, §§ 2157, 2196.) Local elections officials—the county or city official responsible for overseeing elections—are responsible for, among other duties, providing supplies for polling places

and conducting the canvass of votes in accordance with state law. (See, e.g., *id.*, §§ 14105, 14110, 15150.)

17. Cities typically do not conduct elections themselves. State law establishes processes under which the local county may—and sometimes must—conduct municipal elections. (See Elec. Code, §§ 10002, 10400 et seq., 14050 et seq.) For example, Orange County is conducting the City’s June 10, 2025 special election. (Vol. 1, Tab 29, Ex. C.) County-conducted municipal elections are regulated and conducted as if they are county or statewide elections, including use of the same election infrastructure—from voter registration information to ballots. (Elec. Code, §§ 10411, 10413, 10418.) Local elections held on designated statewide election dates *must* be consolidated, absent county objection based on feasibility. (*Id.*, § 10402.5.)

B. The City’s Efforts to Undermine Local Election Integrity

18. For several months in 2023, the City’s Charter Review Ballot Measure Ad Hoc Committee (“Committee”) developed recommendations for proposed City Charter amendments that could be placed before the City’s voters in the March 2024 Presidential Primary Election. (Vol. 1, Tab 1, ¶¶ 8–9.) Then-Mayor Tony Strickland led the Committee, which met behind closed doors. (Vol. 1, Tab 8, Ex. A at pp. 2–3; see also *id.*, Ex. B.)⁴ Strickland had long sought to

⁴ The Committee was an ad hoc committee exempt from the public meeting requirements of the Ralph M. Brown Act (Gov. Code, §§ 54950 et seq.).

establish voter identification requirements in California while serving in the California Legislature. (See, e.g., Assem. Bill No. 247 (2003–2004 Reg. Sess.); Vol. 1, Tab 8, Ex. S.) Consistent with Strickland’s previous legislative efforts, the Committee ultimately proposed a City Charter amendment concerning “voter ID provisions for resident verification.” (Vol. 1, Tab 8, Ex. D.)⁵

19. Numerous parties advised against the proposal. State Senator Dave Min wrote to the City Council on August 1, 2023, to express his concerns. (Vol. 1, Tab 1, ¶ 9.) On September 28, 2023, the California Attorney General and Secretary of State sent a letter to the City explaining that the proposal “conflicts with state law and would only serve to suppress voter participation without providing any discernible local benefit.” (Vol. 1, Tab 8, Ex. J at p. 2.) The letter “respectfully urge[d] [the City] to reject this proposed charter amendment” and warned that “[i]f the City moves forward and places it on the ballot, we stand ready to take appropriate action to ensure that voters’ rights are protected, and state election laws are enforced.” (*Ibid.*) The American Civil Liberties Union of Southern California and

⁵ Councilmember Strickland highlighted this history himself while the City Council deliberated Measure A. (See, e.g., City of Huntington Beach website, August 1, 2023, Huntington Beach City Council meeting webcast at 6:07:20, available at: https://huntingtonbeach.granicus.com/player/clip/1972?view_id=10&redirect=true [as of May 7, 2025] [“I authored a bill every year when I was in Sacramento on voter ID. I wanted to see if it was feasible to do voter ID in our municipal elections.”].)

Disability Rights California sent a similar letter on October 5, 2023. (*Id.*, Ex. K.)

20. Despite those written warnings, the Huntington Beach City Council voted in favor of holding an election on the proposed City Charter amendment that would be consolidated with the March 5, 2024 Presidential Primary Election conducted by Orange County. (Vol. 1, Tab 8, Exs. L, N.) Measure A was ultimately approved by 53.4% of the City’s voters in that election, incorporating Measure A into the City’s Charter. (*Id.*, Ex. P.) As amended by Measure A, section 705, subdivision (a) of the Huntington Beach City Charter (“voter identification provision”) reads as follows:

(a) Beginning in 2026, for all municipal elections:

(1) “Elector” means a person who is a United States citizen 18 years of age or older, and a resident of the City on or before the day of an election.

(2) The City may verify the eligibility of Electors by voter identification.

(*Id.*, Ex. M at p. 2.)

21. Notably, the City’s Charter requires local general elections to be held on the statewide general election date. (City of Huntington Beach Charter, art. VII, § 700; Elec. Code, §§ 1001, 1200.) Under state law, the City’s general elections must therefore be consolidated with the statewide election and conducted by Orange County in accordance with generally applicable elections procedures. (See Elec. Code, § 10402.5.) The City’s Charter further commits the

City to complying with the Elections Code where it does not conflict with the Charter. (City of Huntington Beach Charter, art. VII, § 702.) The voter identification provision therefore purportedly grants the City authority to impose additional voter identification requirements in elections consolidated with the statewide election, or at least in local elections held on the same day as—but wholly separate from—statewide elections.

C. The Underlying Litigation

22. The State filed its Complaint on April 15, 2024, alleging that the City’s voter identification provision is preempted by state election law. (Vol. 1, Tab 1.) The Complaint outlines the legislative history of Measure A and explains why state law preempts this purported grant of authority according to analysis set forth in controlling California Supreme Court precedent.

23. The City filed a Demurrer on May 9, 2024, which the State opposed on September 23, 2024. (Vol. 1, Tabs 2, 5.) The court heard the matter over two days on November 12 and November 14, 2024, in hearings consolidated with hearings in related case *Bixby v. Estanislau* (Orange County Super. Ct., Case No. 30-2023-01366664).⁶ On November 15,

⁶ *Bixby v. Estanislau* is a challenge to the voter identification provision brought by a private citizen against the City and City Clerk. Petitioner in *Bixby* brings a claim based on California’s constitutional right to vote, a State law preemption claim, and a procedural claim alleging the improper adoption of the provision. An appeal in that case is pending before the Court (No. G065461).

2024, the court issued a minute order sustaining the City’s Demurrer on ripeness grounds. (Vol. 2, Tab 15 at p. 2.) Nevertheless, the court subsequently refused to enter judgment, opting instead to dismiss the case without prejudice. (Vol. 1, Tab 18 at p. 2.)

24. The State appealed on January 14, 2025. (Vol. 1, Tab 19.) For the same reasons underlying this petition, the State filed a Petition for Writ of Mandate or Other Appropriate Relief on February 13, 2025. (Vol. 1, Tab 20.) That petition requested that this Court direct the superior court to vacate its November 15 and December 16, 2024 orders and enter a new and different order granting the relief sought in the State’s Complaint.

25. This Court issued a *Palma* notice on February 18, 2025, tentatively concluding that this matter is ripe and that the State should prevail on the merits of its Complaint. This Court acknowledged that state law and the voter identification provision “appear to facially conflict, in that the City’s charter purports to grant the City power to do something the state forbids.” (Vol. 1, Tab 21 at p. 2.) This Court also deemed it “problematic” that the City has argued “that it ha[s] a constitutional right” to impose voter identification laws “free from state interference.” (*Id.* at p. 3.) The Court reasoned that local elections consolidated with statewide elections, or that otherwise rely on “state personnel, voting infrastructure, funds, polling places, etc.,” fall “outside the home rule doctrine.” (*Ibid.*) Finally, this Court advised that it was “considering issuing a peremptory

writ in the first instance,” but would first give the lower court an opportunity to vacate its earlier orders, enter a new order overruling the City’s Demurrer, and set the matter for a “prompt hearing.” (*Id.* at pp. 4–5.)

26. The lower court initially followed the *Palma* notice. It set a hearing on February 19, 2025, after which it issued a new order overruling the City’s Demurrer on the ground that there was a justiciable conflict between the voter identification provision and state law. (Vol. 1, Tab 23.) The court ordered the City to file an answer to the Complaint, and afforded the State a reply. It also set another hearing for April 3, 2025. Accordingly, this Court dismissed the State’s pending appeal and petition. (Vol. 1, Tabs 24, 25.)

27. The City filed its Answer on March 13, 2025, raising several arguments: that state law prohibiting the voter identification provision does not conflict with the provision when the City conducts its own elections, unconsolidated with a statewide election (Vol. 1, Tab 26 at ¶¶ 85–88); that state law must—but cannot—operate retroactively to preempt the provision (*id.* at ¶¶ 4, 26–27, 51, 64–71); that the State is not legitimately concerned with voter identification (*id.* at ¶¶ 90–92); that prohibitions on local voter identification laws are unrelated to any of the State’s legitimate concerns about elections and voting rights (*id.* at ¶¶ 94–95); that the applicable state law frustrates certain aspects of local election administration (*id.* at ¶¶ 102–103); and that federal law permits voter identification laws and supersedes contrary state law (*see, e.g., id.* at ¶ 47).

28. The State filed a Reply and supporting Request for Judicial Notice addressing these arguments on March 24, 2025. (See Vol. 1, Tabs 28, 29.) The City filed supplemental requests for judicial notice on March 28 and April 2, 2025, the former seeking notice for a bill pending in Congress and the latter for a presidential Executive Order. (Vol. 1, Tabs 31, 32.) Several voting rights nonprofits, including chapters of the American Civil Liberties Union, also filed an amicus brief in favor of the State. (Vol. 1, Tabs 27, 30.)

29. The court held consolidated arguments on the State’s Complaint and the *Bixby* matter on April 3, 2025.

Reiterating the State’s position in its March 24 Reply, counsel for the State argued that “the Court of Appeal’s reasoning . . . resolves this case no matter how the City conducts their elections,” whether consolidated with Orange County or held separately. (Vol. 2, Tab 5 at p. 16.) Counsel also reminded the court of the “strength of the State’s position under the four-part test that is applicable to this case.” (*Id.* at p. 19.) Throughout the hearing, the court and City’s counsel barely acknowledged this Court’s *Palma* notice or addressed the applicable doctrinal framework. What dominated the hearing was instead “continued reference[s] to federal law,” which the State’s counsel emphasized is “inapposite” and “has nothing to do with this case.” (*Id.* at pp. 30, 42.)

30. On April 7, 2025, the lower court issued a short order denying the State’s Complaint. (Vol. 1, Tab 21.) The court seemed to primarily focus on whether the State is

legitimately concerned with local voter identification. The court recognized that the State may have legitimate concerns about protecting the right to vote and the integrity of the electoral process. (*Id.* at p. 3.) But the court never reached the statewide concern that seemed to undergird the *Palma* notice, nor did it consider the numerous cases and legislative history cited in the State’s papers regarding the statewide concerns at issue in this action. Instead, the court referenced a federal case to distinguish only one case that the State had cited and found that voter identification “does not violate the right to vote and does not implicate the integrity of the electoral process,” and therefore “do[es] not implicate matters of statewide concern.” (*Id.* at p. 3.) The court’s analysis ended there. (*Ibid.*) The City filed a proposed judgment on April 15, 2025, but the court has yet to adopt it. (Vol. 1, Tabs 34, 35.)

VI. ISSUE PRESENTED

31. Whether the State’s uniform and comprehensive laws prohibiting local voter identification laws, specifying what registered voters must show at the time of registration and at the polls to verify their identity, and strictly limiting challenges to voter identity preempt a charter city from authorizing local voter identification laws.

VII. WRIT REVIEW IS APPROPRIATE IN THIS CASE

32. Writ review is appropriate in this case for four reasons, boiling down to this: this petition raises an urgent and novel issue of great public importance that this Court

should resolve now to avoid chaos in the administration of the 2026 elections. (See generally *Omaha Indemnity Co. v. Super. Court* (1989) 209 Cal.App.3d 1266, 1273–74 [providing non-exhaustive list of criteria supporting writ review].)

33. First, the State lacks an adequate, speedy remedy at law. The issues presented in this matter are fundamental to basic questions of election administration: whether the City can implement voter identification laws in upcoming elections and, relatedly, consolidate its elections with Orange County with those laws in place. With the deadlines applicable to the June 2, 2026 Primary Election approaching, these questions must be resolved now. For example, the deadline to request consolidation with Orange County for the 2026 Primary Election is March 6, 2026. (Elec. Code, § 10403.) The deadline for the Orange County Registrar of Voters to mail the County’s voter information guides for that election is May 4, 2026. (*Id.*, § 13300.) Elections officials will need the issues presented in this matter resolved well in advance of these filing and publication deadlines. And because “preparing for elections is a complex and sequential process, requiring various tasks be performed before others may begin,” “[e]arly delays in one function”—such as decisions about consolidation or the development of voter information guides— “can impact all other functions.” (*Vandermost v. Bowen* (2012) 53 Cal.4th 421, 455, quotations omitted.)

34. The City could throw upcoming elections into chaos by establishing voter identification requirements after the City and Orange County have begun planning their administration, possibly necessitating emergency judicial relief. By its own terms, the voter identification provision authorizes the City to implement voter identification without further enactment, and the City Clerk could do so without warning. (See generally *Domar Electric, Inc. v. City of Los Angeles* (1994) 9 Cal.4th 161, 171 [limitations on exercise of power conferred by charter must be express]; *Krug v. Maschmeier* (2009) 172 Cal.App.4th 796, 802 [word “may” grants permissive authority].) City officials have repeatedly reaffirmed the imminence of this threat.⁷

35. An appeal could therefore come far too late for elections officials and the City’s voters. The lower court has yet to enter judgment, slowing matters further.⁸ Additional

⁷ For example, City Councilmembers have “said it’s their intention to get the voter ID requirements in place for next year,” and Real Party in Interest Lisa Lane Barnes made voter identification a key part of her platform. (See Michael Slaten, *California appeals Huntington Beach voter ID lawsuit*, Orange County Register (Jan. 30, 2025) <<https://www.ocregister.com/2025/01/14/california-appeals-huntington-beach-voter-id-lawsuit/?share=hlahpsw2tlht12woiatc>> [as of May 7, 2025]; Jill Replogle, *The Huntington Beach City Clerk’s race is hot — because of voter ID*, LAist (Oct. 29, 2024) <<https://laist.com/news/politics/huntington-beach-city-clerks-race-voter-id>> [as of May 7, 2025].)

⁸ The State nevertheless reserves the right to appeal the order. (See, e.g., *Griset v. Fair Political Practices Comm’n* (2001) 25 Cal.4th 688, 700.)

delay in this matter could force elections officials to navigate new decisions while preparing for an election, and the City's voters would have to scramble to comply with any new voter identification requirements or forego voting altogether. Even an emergency motion to enjoin those rules would hardly provide the necessary relief at that late stage. (See, e.g., *Los Angeles City Ethics Com. v. Super. Ct.* (1992) 8 Cal.App.4th 1287, 1299 ["writ may be issued" where "prompt resolution is necessary to protect the public interest"]; *People ex rel. Becerra v. Super. Ct.* (2018) 29 Cal.App.5th 486, 494 [same where "time is of the essence"]; see also *Jolicoeur v. Mihaly* (1971) 5 Cal.3d 565, 570, fn. 1 ["the necessity of adjudicating the controversy before the election renders it moot usually warrants our bypassing normal procedures of trial and appeal."].)

36. Second, the issue presented here is one of great statewide, public importance. Whether the City can authorize local voter identification laws has significant implications for the successful administration of upcoming elections, the protection of the right to vote, and the constitutional separation of powers between charter cities and the State.

37. As explained above, the superior court's order casts doubt on the rules applicable to upcoming elections, threatening to substantially disrupt fast-approaching election administration deadlines. This uncertainty also jeopardizes voting rights in the City. The City's voters are persistently exposed to potentially confusing news coverage

and public statements related to whether they will need identification to vote in upcoming elections.⁹ The longer this case remains pending, the greater the chilling effect on this “precious” constitutional right. (*Canaan v. Abdelnour* (1985) 40 Cal.3d 703, 714.) And should the City act on the authority purportedly granted by the voter identification provision, some voters would be forced to scramble to secure qualifying identification—despite their registered status—just to cast their ballot. Some otherwise lawful voters will inevitably fail.¹⁰ The Court should settle this case now, so voters know what to expect in the 2026 elections and beyond. (See *Castro v. State of California* (1970) 2 Cal.3d 223, 234 [cautioning against “unnecessarily abridg[ing]” the right to vote].) All the while, the voter identification provision usurps the Legislature’s constitutional authority to protect election integrity, including by setting rules for validating voter identity at the polls.

38. All three matters are of significant public importance and weigh in favor of writ review. (See, e.g., *Jolicoeur*,

⁹ See, e.g., YouTube, Huntington Beach City Council Meeting – December 3, 2024 at 1:54:30 (Dec. 3, 2024) <<https://www.youtube.com/watch?v=eN-9bI7GXTI>> [as of May 7, 2025] (statement from then-City Attorney Michael Gates implying that voter identification rules exist, “although not fully implemented in the City yet”).

¹⁰ See, e.g., *The Impacts of Voter Suppression on Communities of Color*, Brennan Center for Justice (Jan. 10, 2022) <<https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color>> [as of May 7, 2025].

supra, 5 Cal.3d 565 at p. 570, fn. 1 [“Cases affecting the right to vote and the method of conducting elections are obviously of great public importance”]; *Weber v. Superior Court* (2024) 101 Cal.App.5th 342, 350 [“Questions involving ballot access and whether votes for a particular candidate will be counted, go to the heart of our democracy and are of substantial and continuing public interest.”]; *Henry M. Lee Law Corp. v. Super. Ct.* (2012) 204 Cal.App.4th 1375, 1383 [“Writ review is appropriate” where “the issues presented are of great public importance and require prompt resolution”]; *County of San Diego v. State of California* (2008) 164 Cal.App.4th 580, 593 [granting writ review where lower court’s order “violate[d] the separation of powers doctrine”]; see also *Powers v. City of Richmond* (1995) 10 Cal.4th 85, 114 (Cal.1995) [same where “one has a substantial right to protect or enforce”].)

39. Third, this case presents a matter of first impression under the California Constitution and a recently enacted statute, Senate Bill (“SB”) 1174, which prohibits local voter identification laws statewide, including in charter cities. The Court has never definitively addressed the scope of state and local authority under the Constitution as it pertains to voter identification. Nor has it conclusively decided the preemptive force of either SB 1174 or the comprehensive legislative scheme that pre-dated SB 1174. (See, e.g., *California Privacy Protection Agency, supra*, 99 Cal.App.5th at p. 720 [writ review appropriate to resolve an issue of first impression]; *Edamerica, Inc. v. Super. Ct.*

(2003) 114 Cal.App.4th 819, 823 [issuing writ to rule on “newly enacted statute that has not yet been interpreted or applied by any appellate court”].)

40. Fourth, resolving this case now serves judicial economy. There is no need to wait for the lower court to enter judgment, only to have the State appeal and subsequently move for an expedited briefing schedule. *Bixby*, which raises similar issues, is already pending on appeal. Moreover, other local jurisdictions may soon follow the City in authorizing or adopting local voter identification laws, necessitating additional litigation. City Mayor Gracey Van Der Mark has issued a “call to action” for other local governments in the State to adopt local voter identification laws.¹¹ Such an effort is underway in at least one other jurisdiction.¹² This, too, may need to be litigated. The Court could avoid this resource expenditure by resolving this matter now. (See, e.g., *Anderson v. Super. Ct.* (1989) 213 Cal.App.3d 1321, 1328 [“The issuance of a writ of mandate is appropriate to prevent a multiplicity of appeals

¹¹ YouTube, Mayor Gracey Van Der Mark Press Conference - April 18, 2024 at 14:24 (Apr. 18, 2024) <<https://www.youtube.com/live/oXVWqOBmnSM>> [as of May 7, 2025].)

¹² David Benda, *What to know about push in Shasta County to override voter ID, election laws in California*, Record Searchlight (May 1, 2025) <<https://www.redding.com/story/news/politics/elections/2025/05/01/shasta-group-wants-voter-id-election-law-changes-in-defiance-of-california/83353838007/>> [as of May 7, 2025].

raising [an] identical issue.”]; *People v. Super. Court* (1970) 13 Cal.App.3d 672, 676 [same].)

41. As one appellate court recently put it, “writ review is appropriate” where a petition “presents a novel issue of law that is of widespread interest and requires prompt resolution.” (*California Privacy Protection Agency, supra*, 99 Cal.App.5th at p. 720.) Absent immediate intervention by this Court, the City’s actions will throw upcoming elections into chaos and undermine the right to vote, contrary to state law. Writ review is necessary and appropriate under these circumstances.

PRAYER FOR RELIEF

WHEREFORE, the State respectfully prays that this Court:

1. Issue a peremptory writ in the first instance directing Respondent Court to vacate its April 7 order and enter a new and different order granting the State's petition for writ of mandate in its entirety.
2. Award such other relief as may be just and proper.

Respectfully submitted,

ROB BONTA

Attorney General of California

THOMAS S. PATTERSON

Senior Assistant Attorney General

R. MATTHEW WISE

Supervising Deputy Attorney General



MICHAEL S. COHEN

Deputy Attorney General

*Attorneys for Petitioners the People of
California and California Secretary of
State*

VERIFICATION

I, Michael S. Cohen, declare:

I am a Deputy Attorney General in the California Attorney General's Office and the counsel of record for Petitioners in this matter. I have personal knowledge of the facts alleged in the foregoing Petition based on personal participation or on examination of copies of original documents I believe to be true and correct, and the facts alleged in the Petition are true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this verification was executed in California on May 7, 2025.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael S. Cohen". The signature is written in a cursive, flowing style.

MICHAEL S. COHEN

MEMORANDUM OF POINTS AND AUTHORITIES

This case presents a straightforward conflict between state and local law. The City’s voter identification provision authorizes local voter identification laws. State law expressly forbids them. Instead, state law requires voter identification at the time of registration, mandates that voters provide other information at the polls to verify their identity, and sets forth a narrowly circumscribed process for contesting voter identity.

As this Court has already tentatively concluded, the voter identification provision is preempted under the applicable analytical framework. The statutes at issue here comprise a uniform, statewide scheme that promotes the State’s important and well-established interests in safeguarding the integrity of the electoral process and the right to vote and regulating the use of its own resources—matters of state, not local, concern. The lower court erroneously concluded, however, that the state law at issue does not implicate these statewide concerns because new voter identification requirements do not violate the right to vote or compromise the integrity of local elections. That conclusion defied the applicable analysis and ignored this Court’s *Palma* notice. The Court should grant this petition and direct the superior court to vacate its earlier order and enter a new order granting the State’s petition for writ of mandate.

I. APPLICABLE LEGAL STANDARDS

Whether state law preempts a city charter provision “is a question of law that is subject to de novo review.” (*Chevron U.S.A. Inc. v. County of Monterey* (2023) 15 Cal.5th 135, 143, citations and quotations omitted.) To establish the facial

invalidity of a law, challengers must demonstrate that it conflicts with constitutional principles “in at least the generality or vast majority of cases.” (*Today’s Fresh Start, Inc. v. Los Angeles County Office of Education* (2013) 57 Cal.4th 197, 218, citations and quotations omitted.)

II. THIS COURT CORRECTLY DETERMINED THAT STATE LAW PREEMPTS THE VOTER IDENTIFICATION PROVISION

This Court correctly deemed it “problematic” that the City has argued “that it ha[s] a constitutional right” to impose voter identification laws “free from state interference.” (Vol. 1, Tab 21 at p. 3.) The Court reasoned that local elections consolidated with statewide elections, or that otherwise rely on “state personnel, voting infrastructure, funds, polling places, etc.,” fall “outside the home rule doctrine.” (*Ibid.*) This tentative conclusion should resolve this case, since no local election can avoid relying in one way or another on “extramunicipal” infrastructure. (*Cal. Fed. Savings & Loan Assn. v. City of L.A.* (1991) 54 Cal.3d 1, 17.) That is undeniably true where Orange County conducts the City’s municipal elections. And even if the City conducts its own elections, it will still inevitably rely on outside infrastructure like the State’s voter registration database and the State’s certification or approval of voting systems and ballot printing. Besides, as explained below, the voter identification provision is preempted even if the City manages to entirely insulate its municipal elections from outside infrastructure.

Under Article XI, section 5, subdivision (a) of the California Constitution, the laws of charter cities supersede state law with

respect to “municipal affairs,” but state law is supreme with respect to matters of “statewide concern.” (*State Bldg. & Construction Trades Council of Cal. v. City of Vista* (2012) 54 Cal.4th 547, 552; *Cal. Fed. Savings, supra*, 54 Cal.3d at p. 7.) Subdivision (b) helps define the scope of “municipal affairs,” listing four subjects that are “presumptively” municipal affairs under subdivision (a). (*City of Huntington Beach v. Becerra* (2020) 44 Cal.App.5th 243, 256.)

The California Supreme Court has developed a four-part “analytical framework” to determine whether state law preempts charter city law. (*City of Vista, supra*, 54 Cal.4th at p. 556; *Cal. Fed. Savings, supra*, 54 Cal.3d at pp. 16–17.) First, the court decides whether the local law at issue regulates an activity that can be characterized as a municipal affair. (*Ibid.*) Second, the court determines whether there is an actual conflict between state law and the local law. (*Ibid.*) Third, the court decides whether the state law addresses a matter of “statewide concern.” (*Ibid.*) Fourth and finally, the court determines whether the state law is “reasonably related to . . . resolution” of the identified statewide concern(s) and “narrowly tailored to avoid unnecessary interference in local governance.” (*Ibid.*)

While the “conduct of municipal elections” is included in Article XI, section 5, subdivision (b) as a “presumptive[]” municipal affair under the first prong of this analysis, State law preempts the voter identification provision under the remaining prongs of this framework. (*City of Huntington Beach, supra*, 44 Cal.App.5th at p. 256.) Appellate courts throughout the state have repeatedly found that, notwithstanding the authority

granted in subdivision (b), state law can preempt local law under this framework where the remaining prongs weigh in the State’s favor—including “in the municipal election context.” (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781, 803 [California Voting Rights Act supersedes charter city law despite subdivision (b) authority]; *Yumori-Kaku v. City of Santa Clara* (2020) 59 Cal.App.5th 385, 431 [same]; *City of Huntington Beach, supra*, 44 Cal.App.5th at pp. 259–262 [collecting California Supreme Court and Court of Appeal authority concluding that state law preempts local law governing topics listed in subdivision (b)].) After all, the “bedrock inquiry” in cases like this one is whether the state law at issue serves statewide concerns. (*Cal. Fed. Savings, supra*, 54 Cal.3d 1 at p. 17.) It is well-established that the State is substantially concerned with safeguarding the integrity of the electoral process, protecting the constitutional right to vote, and regulating the use of the State’s own resources. The Legislature’s scrupulous efforts to balance these interests preempts the voter identification provision in every way that preemption jurisprudence recognizes, no matter how the City conducts its future elections.

A. Local Voter Identification Conflicts with State Law

This Court already tentatively agreed that the voter identification provision conflicts with Elections Code section 10005, since it “specifically grants the City power to go beyond those checks required by state or federal law,” in violation of the statute. (Vol. 1, Tab 21 at pp. 2–3.) The Court also noted that the voter identification provision was adopted in an amendment

to the City Charter that replaced a requirement that the City’s municipal elections comply with the Elections Code, and that courts “ordinarily presume . . . [that] legislative bodies do not engage in idle acts.” (*Id.* at p. 3.) The same is true of the remaining state law at issue here.

Courts generally analyze conflict with state law under traditional preemption principles. (*Jauregui, supra*, 226 Cal.App.4th at p. 797; *Sherwin–Williams Co. v. City of L.A.* (1993) 4 Cal.4th 893, 897.) Under those principles, a conflict exists “if the local legislation duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication.” (*Chevron U.S.A. Inc., supra*, 15 Cal.5th at p. 142, quotations omitted.) State law preempts the voter identification provision for all three reasons, no matter how the City implements it.

1. Duplication

The provision duplicates state law concerning the validation of voter eligibility and the integrity of state and local elections. “[L]ocal legislation is ‘duplicative’ of general law when it is coextensive therewith.” (*Chevron U.S.A. Inc., supra*, 15 Cal.5th at p. 142, quotations omitted.) State law already requires voters to validate their identity before casting a ballot, both at the time of registration and at the polls. (See *supra* at pp. 18–20.)

2. Contradiction

The provision also contradicts state law. Local legislation is “contradictory” to state law when it is “inimical” to or “cannot be reconciled with [it].” (*Chevron U.S.A. Inc., supra*, 15 Cal.5th at

p. 145.) The provision directly contradicts state law in at least three ways.

First, the provision authorizes what state law squarely prohibits. Elections Code section 10005 bans charter cities from “enact[ing] or enforc[ing] any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot . . . unless required by state or federal law.” The voter identification provision, however, expressly grants expansive authority to enact voter identification requirements unmoored from state or federal requirements. (Vol. 1, Tab X, Ex. M at p. 2.) A charter city may not confer upon itself authority that state law withholds. (See, e.g., *City of Huntington Beach, supra*, 44 Cal.App.5th at p. 271 [local law granting broad authority over law enforcement activities conflicted with state law restricting those activities]; *Tosi v. County of Fresno* (2008) 161 Cal.App.4th 799, 806–807 [local law conflicted with state law by authorizing suspension or revocation of recycling license for reasons “not required by state law,” including for failing to provide identifying information additional to the information required by statute].)

Second, whereas state law specifies that a registered voter only needs to provide their name, address, and signature to cast a ballot in local elections, the voter identification provision authorizes the City to demand supplemental documentation from registered voters before they can do so. (See Elec. Code, §§ 14216, 10000; see also Cal. Code Regs. tit. 2, § 19075.) Contrary to the Elections Code, a citizen of the State who is constitutionally entitled to vote and has had their eligibility

verified according to state law might be denied the right to vote in the City. A conflict with state law exists where local law authorizes this sort of “regulat[ion] in a more restrictive manner [of] the very conduct regulated in state law.” (*Tosi, supra*, 161 Cal.App.4th at pp. 806; c.f. *AIDS Healthcare Foundation v. Bonta* (2024) 101 Cal.App.5th 73, 88 [identifying “fundamental conflict between a local legislative body having *some* discretion to supersede [housing] caps (as it does under Senate Bill 10) and having *no* discretion to supersede (as it does under the local law)"]; see also *Chevron U.S.A. Inc., supra*, 15 Cal.5th at p. 145–146 [identifying conflict between local law prohibiting certain oil production methods and statute directing state supervisor to make decisions about the use of all such methods].)

Third, the provision authorizes an expansion on the narrowly circumscribed voter challenge process set forth in the Elections Code. Under state law, only precinct board members may contest a voter’s identity or other specifically enumerated qualifications, and then only with sufficient evidence. (Elec. Code, § 14240.) In contrast, the provision authorizes the City to challenge *all* voters’ identity without any supporting evidence of illegal voting. In doing so, it threatens to shift the existing presumption in favor of registered voters’ eligibility to cast a ballot against the voter. (See *id.*, §§ 14246, 14251.) It also endangers the guarantees of the Voter Bill of Rights, which provides, among other things, that registered voters “have the right to cast a ballot.” (*Id.*, § 2300, subd. (a)(1)(A).) Finally, it purports to legitimize a “mass, indiscriminate, and groundless challenging of voters” solely for the purpose of “preventing voters

from voting or to delay the process of voting”—an offense warranting criminal liability under state law. (*Id.*, § 18543.) Courts have routinely found that such departures from state-mandated standards and procedures represent a conflict. (See, e.g., *Action Apartment Assn., Inc. v. City of Santa Monica* (2007) 41 Cal.4th 1232, 1243 [ordinance authorizing tenant lawsuits based on unmeritorious eviction actions conflicted with the unrestricted access to the courts that the state litigation privilege was meant to secure]; *O’Connell v. City of Stockton* (2007) 41 Cal.4th 1061, 1071 [local law conflicted with state law by imposing different burden of proof necessary to trigger vehicle forfeiture]; *Temple of 1001 Buddhas v. City of Fremont* (2024) 100 Cal.App.5th 456, 472–475 [local law conflicted with state law by departing from state-mandated process for appeals of building standard citations].)

The voter identification provision therefore directly contradicts state law, disrupting the balance the Legislature has struck—by constitutional mandate—between voting rights and election integrity.

3. Intrusion on an Occupied Field

Finally, the provision enters an area that the Legislature has fully occupied. “[L]ocal legislation enters an area that is ‘fully occupied’ by general law when the Legislature has expressly manifested its intent to ‘fully occupy’ the area . . . or when it has impliedly done so in light of one of the following indicia of intent”:

- (1) the subject matter has been so fully and completely covered by general law as to clearly indicate that it has become exclusively a matter of state concern;
- (2) the subject

matter has been partially covered by general law couched in such terms as to indicate clearly that a paramount state concern will not tolerate further or additional local action; or (3) the subject matter has been partially covered by general law, and the subject is of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to the locality.

(*Chevron U.S.A. Inc.*, *supra*, 15 Cal.5th at p. 142, quotations omitted.) Here, the Legislature has expressly *and* impliedly manifested its intent to occupy the field of validating voter eligibility. Any ambiguity on this score must be resolved “in favor of the public’s right to vote” and against the City. (*Robson v. Upper San Gabriel Valley Mun. Water Dist.* (2006) 142 Cal.App.4th 877, 885, citing *Stanton v. Panish* (1980) 28 Cal.3d 107, 115 [“Every reasonable presumption and interpretation is to be indulged in favor of the right of the people to exercise the elective process,” citations and quotations omitted].)

The Legislature has expressly fully occupied the field of validating voter eligibility by adopting a statutory scheme that unambiguously applies statewide and disallows municipal intervention. (See *supra* at p. 20.) Elections Code section 10005 flatly prohibits voter identification requirements beyond what state and federal law require. In passing that prohibition, the Legislature emphasized that it was meant to apply to “all cities, including charter cities.” (Sen. Bill No. 1174 (2023–2024 Reg. Sess.) § 1, subd. (b); see also *Yumori-Kaku*, *supra*, 59 Cal.App.5th at p. 430 [legislative declarations “entitled to ‘great weight’ . . . by the court in deciding whether the general law supersedes conflicting charter enactments.”].)

The Legislature has also explicitly stated that all registered voters, *including voters in local elections*, can cast a ballot and what they must show to do so. (See Elec. Code, §§ 2000, subd. (a) [registered voters have the right to vote], 2300, subd. (a) [same], 10000 [locally registered voters “entitled to vote at a local, special, or consolidated election . . . in accordance with this code”], 14216 [polling place identification requirements].) The role of local elections officials in verifying voter eligibility is specifically enumerated and strictly limited. (See *id.*, §§ 14240 et seq.) These directives, coupled with the legislative declarations accompanying SB 1174, unmistakably occupy this area to the exclusion of municipalities.

The Legislature has also impliedly fully occupied this area. In fact, while only one of the above indicia suffices to show implied field preemption, all three are present here.

First, state law covers validation of voter eligibility by (1) prohibiting local voter identification laws, (2) maintaining a robust system for voters to demonstrate their identity during registration and at the polls, and (3) setting forth a detailed scheme for contesting eligibility, which goes so far as to specify which local officials can initiate contests, for what reasons, with what evidence, and to what end. (See *supra* at pp. 16–20.) These statutes are “so extensive in their scope that they clearly show an intention by the Legislature to adopt a general scheme for the regulation of” voter eligibility. (*American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1254–55; see also *O’Connell, supra*, 41 Cal.4th at p. 1071 [state law regarding drug crimes and penalties “so thorough and detailed as to

manifest the Legislature’s intent to preclude local regulation”]; *Let Them Choose v. San Diego Unified School Dist.* (2022) 85 Cal.App.5th 693, 703–707 [state procedure to determine the compulsory vaccinations for school attendance so comprehensive as to preempt local vaccination requirements]; *People v. Nguyen* (2014) 222 Cal.App.4th 1168, 1188–91 [statutory scheme providing for sex offender registration and regulation so comprehensive as to preempt local registration requirement].) That California’s statutory scheme “specifie[s] the limited circumstances under which local authorities” may contest voter eligibility is only further evidence “[t]hat the Legislature intended to preempt this field generally.” (*Lippman v. City of Oakland* (2017) 19 Cal.App.5th 750, 764.)

Second, the relevant state law clearly indicates that the validation of voter eligibility is a paramount state concern and that inconsistent local legislation is not permitted. The California Constitution and Elections Code are replete with statements that make clear that the *State*—including those to whom the State delegates authority—is responsible for verification of voter eligibility. (See, e.g., Cal. Const. art. II, §§ 2, 3; Elec. Code, §§ 2100 et seq., 10005, 14216.) The statutory scheme applicable to this area is comprehensive, framed in mandatory terms, and repeatedly references the constitutional rights of voters. (See, e.g., Elec. Code, §§ 2100, 2300, 10005.) These preclusive terms leave no room for additional local action. (See, e.g., *Suter v. City of Lafayette* (1997) 57 Cal.App.4th 1109, 1126 [state law comprehensively detailing firearms storage requirements and granting limited authority to municipalities

would not tolerate additional local action].) Elections Code section 10005 underscores the point: in prohibiting local voter identification laws, the Legislature also made clear that California law on this subject allows no room for local intervention, and that the bill “addresses a matter of statewide concern” as the term is used in the California Constitution. (Sen. Bill No. 1174 (2023–2024 Reg. Sess.) § 1, subds. (a), (b); see also *Yumori-Kaku, supra*, 59 Cal.App.5th at p. 430 [legislative intent to preempt given “great weight”].)

Third, casting a ballot is “of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to the locality.” (*Chevron U.S.A. Inc., supra*, 15 Cal.5th at p. 142, quotations omitted.) “No right is more precious” than voting. (*Canaan, supra*, 40 Cal.3d at p. 714.) “Certain areas of human behavior command statewide uniformity,” including the protection of this fundamental right. (*Northern Cal. Psychiatric Society v. City of Berkeley* (1986) 178 Cal.App.3d 90, 101.) Without uniformity in the process of casting a ballot, “the specific and particularized whims of a local county or municipality” could confuse and disenfranchise voters, who “would in effect be hampered in [the] ability to” exercise their right. (*County of Santa Cruz v. Waterhouse* (2005) 127 Cal.App.4th 1483, 1490.) For instance, the voter identification provision threatens to undermine the statutory scheme that allows voters to move from one city or county to another with confidence that they do not need to supply additional documentation at the polls before casting a ballot. The Legislature articulated these very concerns in prohibiting local

voter identification laws, noting that they can be used to disenfranchise voters and frustrate California’s existing statutory scheme for verifying voter eligibility. (Sen. Bill No. 1174 (2023–2024 Reg. Sess.) § 1, subd. (a); see also *Yumori-Kaku, supra*, 59 Cal.App.5th at p. 430.)

Meanwhile, the voter identification provision brings no benefit to the City. As the Legislature has declared, California already “ensures the integrity of its elections.” (Sen. Bill No. 1174 (2023–2024 Reg. Sess.) § 1, subd. (a)(2).) Nowhere has the City cited evidence that fraudulent voting occurs in the City or has ever compromised the outcome of a municipal election.

All three indicia that the Legislature has impliedly occupied this area of law are therefore present here, bolstered by the presumption in favor of the right to vote to which the State is entitled. (See *Robson, supra*, 142 Cal.App.4th at p. 885.)

B. State Law Concerning Voter Eligibility Addresses Matters of Statewide Concern

State law regarding voter eligibility in municipal, state, and federal elections addresses well-established matters of statewide concern: safeguarding the integrity of the electoral process and the right to vote and regulating the use of the State’s own resources. The Legislature itself declared that Elections Code section 10005 “addresses a matter of statewide concern” and therefore “applies to all cities, including charter cities.” (Sen. Bill No. 1174 (2023–2024 Reg. Sess.) § 1, subd. (b).) That determination is “entitled to ‘great weight’ by the court.” (*Yumori-Kaku, supra*, 59 Cal.App.5th at p. 430.) This Court’s

Palma notice also seemed to recognize that the relevant state law addresses a matter of statewide concern. (Vol. 1, Tab 21 at p. 3.)

Nevertheless, the lower court erroneously found, with barely any analysis, that the applicable state law does not “address[] a matter of ‘statewide concern.’” (*City of Vista, supra*, 54 Cal.4th at p. 556; *Cal. Fed. Savings, supra*, 54 Cal.3d 1 at p. 17.) The thrust of the court’s reasoning was that the State’s rules for validating voter eligibility have nothing to do with the integrity of the electoral process or the right to vote. (See Vol. 1, Tab 2 at p. 3.) The court’s order failed to evaluate the numerous cases, legislative history, and full range of statewide concerns cited in the State’s briefs. (See, e.g., Vol. 1, Tab 28 at pp. 12–13.) The order is also impossible to square with the applicable law, which unmistakably addresses firmly settled matters of statewide concern.

First, courts have recognized as “commonsense” that protecting the integrity of the electoral process, at both the state and local level, is a matter of statewide concern. (*Jauregui, supra*, 226 Cal.App.4th at p. 801; see also *Johnson v. Bradley* (1992) 4 Cal.4th 389, 409 [“the integrity of the electoral process, at both the state and local level, is undoubtedly a statewide concern”].) This means ensuring the ability of eligible voters to cast their ballot and safeguarding against election misconduct. (See *Jauregui, supra*, 226 Cal.App.4th at p. 801 [“Electoral results lack integrity where a protected class is denied equal participation in the electoral process because of vote dilution.”]; *Johnson, supra*, 4 Cal.4th at p. 409 [discussing election integrity and statewide campaign financial disclosure provisions].) Indeed,

the California Supreme Court has pronounced that “charter cities may not enforce laws that are inconsistent with or impede statewide regulation of the integrity of the political or electoral process.” (*Johnson, supra*, 4 Cal.4th at p. 403, fn. 14.)

The lower court dismissed this statewide concern because there had been “no showing that a voter identification requirement compromises the integrity of a municipal election.” (Vol. 1, Tab 2 at p. 3.)¹³ But the relevant question is whether the entirety of the State’s statutory scheme for validating voter eligibility—including the express prohibition on additional local voter identification laws— “addresses” the integrity of the electoral process. (*City of Vista, supra*, 54 Cal.4th at p. 556; *Cal. Fed. Savings, supra*, 54 Cal.3d 1 at p. 17.) That is self-evident; voter eligibility rules and election integrity go hand in hand, as the former ensures the ability of eligible voters to cast their ballot and safeguards against election misconduct.

Second, “the protection of the constitutional rights of California residents” is also “a matter of paramount statewide concern.” (*City of Huntington Beach, supra*, 44 Cal.App.5th at p. 275.) “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.” (*Canaan, supra*, 40 Cal.3d at p. 714, citations and quotations omitted.) Protecting the right to vote is therefore a matter of statewide concern. (See *Jauregui*,

¹³ At the same time, the court did not require a showing that voter identification requirements ensure that only eligible voters can cast a ballot. (See Vol. 1, Tab 2 at p. 3.)

supra, 226 Cal.App.4th at p. 800; *Yumori-Kaku, supra*, 59 Cal.App.5th at p. 431.)

The lower court dismissed this statewide concern, too, on the ground that “a voter identification requirement does not violate the right to vote.” (See, e.g., Vol. 1, Tab 2 at p. 3.) Again, however, the relevant question is whether the entirety of the State’s statutory scheme for validating voter eligibility “addresses” the protection of the right to vote in California. (*City of Vista, supra*, 54 Cal.4th at p. 556; *Cal. Fed. Savings, supra*, 54 Cal.3d 1 at p. 17.) That proposition is uncontestable. These rules set out a uniform and robust scheme for exercising the franchise, ensuring that eligible voters can cast a ballot and that ineligible Californians cannot.

Indeed, the California Supreme Court has recognized that “[i]t is one of the high prerogatives of the state to provide for and insure honest elections,” for “[w]ithout this safeguard the liberties of the people and the stability of the government would be at an end.” (*Pierce v. Super. Ct.* (1934) 1 Cal.2d 759, 761.) The State therefore has a strong interest in the uniformity of laws protecting election integrity and the right to vote. (See, e.g., *Fiscal v. City and County of San Francisco* (2008) 158 Cal.App.4th 895, 919 [“Clearly, the creation of a *uniform* regulatory scheme is a matter of statewide concern, which should not be disrupted by permitting this type of contradictory local action.”]; see also *City of Huntington Beach, supra*, 44 Cal.App.5th at p. 275 [“Uniform application of the [California Values Act] throughout the state is necessary to ensure it adequately addresses [] statewide concerns”]; *Marquez v. City of*

Long Beach (2019) 32 Cal.App.5th 552, 572 [“a state law of broad general application is more likely to address a statewide concern than one that is narrow and particularized in its application”], quoting *City of Vista, supra*, 54 Cal.4th at p. 564.)

Third, as this Court already suggested, the State has an inherent interest in the conduct of local elections consolidated under Elections Code section 10400 et seq. or that otherwise rely on extramunicipal infrastructure or funding. (Vol. 1, Tab 21, p. 3; see also *Cal. Fed. Savings & Loan Assn., supra*, 54 Cal.3d at p. 17 [statewide concerns are those that are “extramunicipal” or “demonstrably transcend[] identifiable municipal interests”]; see, e.g., *Johnson, supra*, 4 Cal.4th at p. 407 [“We do not doubt that conservation of the *state’s* limited funds is a statewide concern.”].) It is difficult to imagine how a municipal election could avoid those aspects of California’s modern elections landscape, from the State’s voter registration database to the State’s certification or approval of voting systems, ballot printing, and more. That is especially true of the City’s local general elections, which are required to be consolidated with statewide elections. (See *supra* at pp. 23–24.) The lower court failed to address this statewide concern at all, even though the State raised it repeatedly. (See, e.g., Vol. 1, Tab 28 at pp. 12–13; Vol. 2, Tab 5 at p. 19.)

C. State Law Precisely Targets Election Integrity and the Right to Vote

State law on voter eligibility is “reasonably related to . . . resolution of [the statewide] concern[s]” and “narrowly tailored to avoid unnecessary interference in local governance.” (*City of Vista, supra*, 54 Cal.4th at p. 556, quotations omitted.) To satisfy

the first inquiry, “[a]ll that is required is a direct, substantial connection between the rights provided by the [Constitution and Elections Code] and the Legislature’s asserted purpose.” (*City of Huntington Beach, supra*, 44 Cal.App.5th at p. 277, quotations omitted.) To satisfy the second, the laws must “only prohibit[] . . . activity to the extent necessary to resolve the statewide concerns identified by the Legislature.” (*Id.* at p. 279.)

The Legislature has designed a statutory scheme that carefully balances safeguarding the integrity of the electoral process with protecting the rights of eligible voters. Voters must confirm their identity when they register to vote and face criminal liability for supplying fraudulent information, safeguarding California’s elections from fraudulent voters. (Elec. Code, §§ 2150, 2188, 2196, 18100, 18500; Cal. Code Regs. tit. 2, §§ 19073, 20107.) Once registered, however, voters are entitled to a more streamlined process at the polls. While they need to verify their identity, they do not need to supply additional documentation to cast a ballot. (Elec. Code, §§ 2300, 14216; see also Cal. Code Regs. tit. 2, § 19075.) Only well-founded questions about voter eligibility may interrupt the voting process, and then only to a limited extent. (Elec. Code, §§ 14240 et seq., 18543). This statewide, uniform process reduces potential voter confusion and inadvertent disenfranchisement. It also conforms with California’s implementation of two federal election integrity and voting rights laws: the National Voter Registration Act (52 U.S.C. §§ 20501–20511), which sets forth certain voter registration requirements for federal elections, and the Help America Vote Act (52 U.S.C. §§ 20901–21145), which contains

standards for verifying voter identity in federal elections. There is a “substantial connection” between the above statewide concerns and the statutory scheme at issue here. (*City of Huntington Beach, supra*, 44 Cal.App.5th at p. 277, quotations omitted.)

This statutory scheme also “avoid[s] unnecessary interference in local governance.” (*City of Vista, supra*, 54 Cal.4th at p. 556, quotations omitted.) State law setting forth “generally applicable *procedural* standards . . . impinge[] less on local autonomy” than those imposing “substantive obligations.” (*City of Vista, supra*, 54 Cal.3d at p. 564; see also *Anderson v. City of San Jose* (2019) 42 Cal.App.5th 683, 715.) At issue here is state law designating the *procedures* by which voter eligibility is validated and contested. This law is “tailored in subject,” “no broader in sweep” than necessary to set forth that uniform process. (*Anderson, supra*, 42 Cal.App.5th at p. 717, citations and quotations omitted; see, e.g., *People ex rel. Devine v. Elkus* (1922) 59 Cal.App. 396, 408 [preemption of voting system would not disturb city’s affairs].) In fact, rather than burden the City, this law assumes significant election-related burdens on its behalf. For example, it obviates the need for the City to validate voter identity during registration, maintain its own voter registration database, or confirm voter eligibility with additional documentation at the polls.

Meanwhile, the voter identification provision is targeted at a problem that the City has never even alleged to exist in its jurisdiction—i.e., fraudulent voting. Measure A contained no findings or evidence that the State’s uniform scheme for

validating and contesting voter eligibility interferes with local governance, or that fraudulent voting occurs in the City or has ever compromised the outcome of a municipal election. Casting the possibility of locating such evidence into doubt, the Orange County Registrar of Voters recently cleared a rigorous evaluation and audit process ensuring the accuracy of their work. (Vol. 1, Tab 8, Ex. R at pp. 2–3.) Meanwhile, City Councilmembers campaigning for Measure A made only vague and conclusory statements about elections security and voter trust. (See, e.g., Vol. 1, Tab 1, Ex. M at pp. 3, 4.) These statements are nothing more than unsupported policy disagreements with state law echoing Councilmember Strickland’s unsuccessful efforts to establish voter identification statewide while he served in the Legislature. (See, e.g., Assembly Bill No. 247 (2003–2004 Reg. Sess); Vol. 1, Tab 8, Ex. S; see also *supra* at p. 22.) The voter identification provision is simply an attempt to relocate these efforts to the City; it has no relationship whatsoever to a genuine local government issue.

CONCLUSION

Writ relief is necessary and appropriate here. This Court should direct the superior court to vacate its April 7 order and enter a new and different order granting the State’s petition for writ of mandate.

Respectfully submitted,

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A handwritten signature in cursive script that reads "Michael S. Cohen".

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May 7, 2025

CERTIFICATE OF COMPLIANCE

I certify that the attached Petition for Extraordinary Writ of Mandate or Other Appropriate Relief; Memorandum of Points and Authorities uses a 13-point Century Schoolbook font and contains 12,528 words.

ROB BONTA

Attorney General of California



MICHAEL S. COHEN

Deputy Attorney General

*Attorneys for Petitioners the People of
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May 7, 2025

DECLARATION OF ELECTRONIC SERVICE

Case Name: **The People of the State of California, et al. v.
City of Huntington Beach, et al.**

COA No.: _____

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member’s direction this service is made. I am 18 years of age or older and not a party to this matter. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically.

On May 7, 2025, I electronically served the attached **PETITION FOR WRIT OF MANDATE OR OTHER APPROPRIATE RELIEF; MEMORANDUM OF POINTS AND AUTHORITIES** by transmitting a true copy via this Court’s TrueFiling system, addressed as follows:

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Orange County Superior Court
Hon. Nico Dourbetas / Dept. C25
700 Civic Center Drive West
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Courtesy Copy to Department C25

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on May 7, 2025, at Los Angeles, California.

Linda Zamora
Declarant



Signature