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<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> STREET ADDRESS: 700 Civic Center Dr. West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center	
PLAINTIFF/PETITIONER: The People of the State of California, et al. DEFENDANT/RESPONDENT: City of Huntington Beach, et al.	
<input checked="" type="checkbox"/> <b>NOTICE OF APPEAL</b> <input type="checkbox"/> <b>CROSS-APPEAL</b> <b>(UNLIMITED CIVIL CASE)</b>	CASE NUMBER: 30-2024-01393606-CU-WM-CJC

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.**

1. NOTICE IS HEREBY GIVEN that:

- a. (Name): Plaintiffs/Petitioners appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):  
May 28, 2025
- c. The appeal is from the following order or judgment (check all that apply):
- ☐ Judgment after jury trial
- ☐ Judgment after court trial
- ☐ Default judgment
- ☐ Judgment after an order granting a summary judgment motion
- ☐ Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
- ☒ Judgment of dismissal after an order sustaining a demurrer
- ☐ An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
- ☐ An order or judgment under Code of Civil Procedure, § 904.1(a)(3)–(13)
- ☐ Other (describe and specify the code section or other authority that authorizes this appeal):
- d. ☐ The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): appeals.

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

3. ☒ The judgment or order being appealed is attached (optional).

Date: May 28, 2025

Michael S. Cohen

(TYPE OR PRINT NAME)



*Michael S. Cohen*

(SIGNATURE OF PARTY OR ATTORNEY)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

Central Justice Center  
700 W. Civic Center Drive  
Santa Ana, CA 92702

**SHORT TITLE:** The People of the State of California vs. City of Huntington Beach**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC  
SERVICE****CASE NUMBER:**  
**30-2024-01393606-CU-WM-CJC**

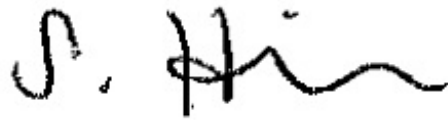
I certify that I am not a party to this cause. I certify that a true copy of the above Judgment dated 05/28/25 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 5/28/25. Following standard court practice the mailing will occur at Sacramento, California on 5/29/25.

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Clerk of the Court, by:



, Deputy

I certify that I am not a party to this cause. I certify that that the following document(s), Judgment dated 05/28/25, was transmitted electronically by an Orange County Superior Court email server on May 28, 2025, at 9:32:05 AM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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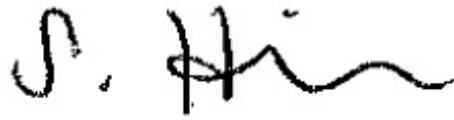
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**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

Clerk of the Court, by:



, Deputy

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14 Attorneys for Respondents CITY OF  
HUNTINGTON BEACH and ROBIN  
15 ESTANISLAU, IN HER OFFICIAL  
CAPACITY AS THE CITY OF HUNTINGTON  
16 BEACH CITY CLERK

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**  
19

20 THE PEOPLE OF THE STATE OF  
CALIFORNIA, ex rel. ROB BONTA,  
21 ATTORNEY GENERAL OF THE STATE OF  
CALIFORNIA, et al

22 Petitioners

23 v.

24 CITY OF HUNTINGTON BEACH; ROBIN  
25 ESTANISLAU, in her official capacity as the  
City of Huntington Beach City Clerk; DOES 1  
26 through 50, inclusive

27 Respondents  
28

Case No. 30-2024-01393606-CU-WM-NJC

ASSIGNED FOR ALL PURPOSES TO:  
HON. NICO DOUREBTAS / DEPT C25]

**[PROPOSED] JUDGMENT IN FAVOR OF  
RESPONDENTS ROBIN ESTANISLAU  
AND CITY OF HUNTINGTON BEACH**

Action Filed: 04/15/24  
Trial Date: 04/03/25

1 RECITALS

2 **WHEREAS**, on April 15, 2024, Petitioners, the People of the State of California, appearing  
3 through California Attorney General Rob Bonta and California Secretary of State Dr. Shirley N.  
4 Weber (collectively, "Petitioners") filed a petition for writ of mandate challenging a voter approved  
5 charter amendment of Respondent City of Huntington Beach (the "City") that permitted the City to  
6 require that voters provide identification before voting at municipal elections starting in 2026.  
7 Petitioners named both the City and City Clerk Robin Estanislau, in her official capacity only, as  
8 Respondents in the action (collectively, "Respondents").

9 **WHEREAS**, after the matter was fully briefed, on April 3, 2025, the Court held the hearing  
10 on the merits in this case. Petitioners were represented by Deputy Attorney General Michael S.  
11 Cohen and Respondents were represented by Anthony R. Taylor of Aleshire & Wynder LLP and by  
12 Deputy City Attorney Peggy Huang.

13 **WHEREAS**, after the Court took the matter under submission on April 3, 2025,  
14 subsequently on April 7, 2025, the Clerk of the Court served on counsel for the parties the Court's  
15 minute order denying the petition, which is attached hereto as **Exhibit A**.

16 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**  
17 that Judgment is entered in favor of the Respondents and against Petitioners. Any claims by  
18 Respondents for their costs as the prevailing parties shall be made through a memorandum of costs  
19 and any claims for attorneys' fees by Respondents shall be made through a noticed motion.

20  
21 **IT IS SO ORDERED.**

22  
23 Dated: 5.28.25

24   
25 The Honorable Nico Dourbetas  
26 Judge of the Superior Court  
27  
28

EXHIBIT A

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 04/07/2025

TIME: 07:45:23 AM

DEPT: C25

JUDICIAL OFFICER PRESIDING: Nico Dourbetas

CLERK: S. Hill

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: F. Camandang

CASE NO: **30-2024-01393606-CU-WM-CJC** CASE INIT.DATE: 04/15/2024

CASE TITLE: **The People of the State of California vs. City of Huntington Beach**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

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EVENT ID/DOCUMENT ID: 74528925

EVENT TYPE: Under Submission Ruling

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**APPEARANCES**

There are no appearances by any party.

**The Court, having taken the above-entitled matter under submission on 04/03/2025 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:**

The State of California's Petition for Writ of Mandate is DENIED.

Petitioner seeks to invalidate Section 705 of the City Charter of the City of Huntington Beach, which provides:

**"Section 705. SPECIAL PROVISIONS RELATING TO MUNICIPAL ELECTIONS**

As in Section 300, the City Charter shall determine the term of the City's elective officers, the length of term, and the election cycle in which the election for those offices occur for the City's elective officers.

(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.

(3) The City may provide at least 20 Americans with Disabilities Act compliant voting locations for in-person voting dispersed evenly throughout the City, in addition to any City facility voting locations.

(4) The City may monitor ballot drop boxes located within the City for compliance with all applicable laws."

California Constitution, art. XI, §5, reserves for charter cities authority to "make and enforce all ordinances and regulations in respect to municipal affairs..." Subd. (b) provides that the "conduct of city elections" and "to provide ... the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed..."

"The provision represents an affirmative constitutional grant to charter cities of all powers appropriate for a municipality to possess ... and [includes] the important corollary that so far as municipal affairs are

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DATE: 04/07/2025

MINUTE ORDER

DEPT: C25

Page 1  
Calendar No.

concerned, charter cities are supreme and beyond the reach of legislative enactment.” (State Building & Construction Trades Council of California v. City of Vista (2012) 54 Cal.4th 547, 556 [internal quotes omitted].)

“Under the state Constitution, the ordinances of charter cities supersede state law with respect to ‘municipal affairs’ (Cal. Const. art. CI, §5), but state law is supreme with respect to matters of ‘statewide concern’” (Id. at 552.)

In assessing an invocation of the so-called home rule doctrine, courts are to apply the four-step analysis. (Id. [citing California Fed. Savings & Loan Assn. v. City of Los Angeles (1991) 54 Cal.3d 1 (“CalFed”)].)

“First, a court must determine whether the city ordinance at issue regulates an activity that can be characterized as a “municipal affair.” [citation] Second, the court “must satisfy itself that the case presents an actual conflict between [local and state law].” [citation] Third, the court must decide whether the state law addresses a matter of “statewide concern.” [citation] Finally, the court must determine whether the law is “reasonably related to ... resolution” of that concern [citation] and “narrowly tailored” to avoid unnecessary interference in local governance [citation]. “If ... the court is persuaded that the subject of the state statute is one of statewide concern and that the statute is reasonably related to its resolution [and not unduly broad in its sweep], then the conflicting charter city measure ceases to be a ‘municipal affair’ pro tanto and the Legislature is not prohibited by article XI, section 5(a), from addressing the statewide dimension by its own tailored enactments.” (Id.)

Petitioners contend that Charter Section 705 conflicts with Elections Code Section 10005, which provides:

“A local government shall not enact or enforce any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot at any polling place, vote center, or other location where ballots are cast or submitted, unless required by state or federal law. For the purpose of this section, “local government” means any charter or general law city, charter or general law county, or any city and county.”

#### A. Municipal Affair

There is no reasonable dispute that the charter provision concerns a municipal affair, as it is addressed toward the conduct of city elections.

#### B. Conflict

For there to be an “actual conflict” there must be a finding of a genuine conflict, meaning that the conflict must be “unresolvable short of choosing between one enactment and the other.” (CalFed, Supra. 54 Cal.3d at 16-17.)

Petitioner argues that there is a clear conflict between a charter provision that requires voter identification and a state statute that prohibits charter cities from requiring voter identification. Respondent argues that there is no conflict because Section 10005 does not explicitly expand its scope to municipal elections in charter cities that are not consolidated with statewide elections. Respondent argues that the Court should not “infer an intent to contravene that authority [to conduct city elections] without more explicit guidance from the Legislature” (City of Redondo Beach v. Padilla (2020) 46 Cal.App.5th 902, 918.)

#### C. Matter of Statewide Concern

In Jauregui v. City of Palmdale (2014) 226 Cal.App.4th 781 it was held that the California Voting Rights Act implicated a matter of statewide concern and was thus effective to preclude a charter city from holding an at large election of city council members where there was evidence that this format of election



led to the dilution of votes of minority members of the municipality. The Jauregui court reasoned that vote dilution implicated both the California Constitutional right to vote and also compromised the integrity of the electoral process.

Respondents argue that Jauregui is inapposite because that case turned upon the finding that there was actual vote dilution that resulted from the manner in which the respondent municipality actually administered elections.

Unlike Jauregui, the challenged charter provision does not violate the right to vote and does not implicate the integrity of the electoral process.

Jauregui recognizes that "the Fourteenth Amendment and article I, section 2" of the California Constitution provide "comparable protections in voting rights cases." (Jauregui, 226 Cal.App.4th at 800 [citing *Canaan v. Abdelnour* (1985) 40 Cal.3d 703, 715, overruled on other grounds in *Edelstein v. City and County of San Francisco* (2002) 29 Cal.4th 164, 183].)

In *Crawford v. Marion County Election Board* (2008) 553 U.S. 181, the Supreme Court of the United States held that voter identification requirements do not violate the Fourteenth Amendment. Since the Fourteenth Amendment provides "comparable" protection of the right to vote, Crawford demonstrates that a voter identification requirement does not violate the right to vote.

There is no showing that a voter identification requirement compromises the integrity of a municipal election. Municipal election results do not lack integrity because only residents of a municipality who are eligible to vote participated in the election.

Since the procedures Respondent seeks to implement in conjunction with its municipal elections do not implicate matters of statewide concern, there is no need to assess whether Elec. Code §10005 is reasonably related to the achievement of any statewide concern.

Clerk is ordered to give notice.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

Central Justice Center  
700 W. Civic Center Drive  
Santa Ana, CA 92702

**SHORT TITLE:** The People of the State of California vs. City of Huntington Beach

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC  
SERVICE**

**CASE NUMBER:**

**30-2024-01393606-CU-WM-CJC**

I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order dated 04/07/25 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 4/7/25. Following standard court practice the mailing will occur at Sacramento, California on 4/8/25.

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ROB BONTA  
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Clerk of the Court, by:



, Deputy

I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 04/07/25, was transmitted electronically by an Orange County Superior Court email server on April 7, 2025, at 7:46:51 AM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

Clerk of the Court, by:



Deputy

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**STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

On April 15, 2025, I served true copies of the following document(s) described as **[[PROPOSED] JUDGMENT IN FAVOR OF RESPONDENTS ROBIN ESTANISLAU AND CITY OF HUNTINGTON BEACH** on the interested parties in this action as follows:

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address pvasquez@awattorneys.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on April 15, 2025 at Riverside, California.

  
Patricia A. Vasquez

**SERVICE LIST**

*The People of the State of California v. City of Huntington Beach/ Robin Estanislau*  
*Case No. 30-2024-01393606-WM-NJC*

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City Of Huntington Beach And Robin  
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Capacity As The City Of Huntington Beach  
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Courtesy Copy to Dept. C25

## **PROOF OF ELECTRONIC SERVICE**

**Case Name:** The People of the State of California, et al. v.  
City of Huntington Beach, et al.  
**Case Number:** 30-2024-01393606-CU-WM-CJC  
**Party Represented:** The People of the State of California; California Secretary of State

### **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 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, Los Angeles County.
3. My electronic service address is [Linda.Zamora@doj.ca.gov](mailto:Linda.Zamora@doj.ca.gov).
4. On May 28, 2025, I electronically served the following document[s]:

#### **a. APP-002-NOTICE OF APPEAL**

5. I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

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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 May 28, 2025.

\_\_\_\_\_  
L. Zamora  
Declarant

\_\_\_\_\_  
*L. Zamora*  
Signature

SA2025300608