

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SHASTA**

HON. BENJAMIN L. HANNA

Dept. 63/js

26CV-0211092

**THE PEOPLE OF THE
STATE OF CALIFORNIA, ET AL.,
Plaintiffs,**

vs.

**THE COUNTY OF SHASTA, ET AL.,
Defendants.**

NATURE OF PROCEEDINGS:

RULING ON PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION

I. Introduction

At issue in these proceedings is the legality of the recently passed Measure B. Measure B, approved by Shasta County voters in the June 2, 2026 primary election is an amendment to the county's charter that purports to make certain changes to the voting processes in this county.

The nominal Petitioner in this case is the People of the State of California, acting through and represented by their duly elected representatives, the Attorney General and the Secretary of State of the State of California.

Respondents are the County of Shasta itself, as well as the appointed County Clerk and Registrar of Voters.

Real parties in interest are five voters and residents of Shasta County who were the original proponents of Measure B.

Through these proceedings, Petitioners are seeking a writ of mandate from this court invalidating Measure B as violative of and preempted by state law. Petitioners further request that the Court bar Respondents from taking any steps to implement or enforce Measure B.

Respondents have informed the Court that they are taking no legal position on the writ or this motion. Respondents have not filed any briefing either in support of or opposed to the requested relief. Real parties in interest are opposed to the petition and the pending motion.

In this pending motion, Petitioners have asked this Court to issue a preliminary injunction barring Respondents from taking any action to implement or enforce Measure B.

At a hearing on July 14, 2026, all parties appeared, and the Court set a briefing schedule and hearing on Petitioners' motion for a preliminary injunction. The Court, having received the briefing and heard the arguments of counsel, hereby issues the following ruling on Petitioners' motion.

II. Request for Judicial Notice

Petitioners and real parties in interest have each requested that the court take judicial notice of various items. No party has objected to any of the requests for judicial notice.

The Court grants the requests for judicial notice pursuant to California Evidence Code sections 452 and 453

III. Legal Standard for Issuance of a Preliminary Injunction

In considering whether to issue a preliminary injunction, a court evaluates two interrelated factors: the likelihood plaintiff will prevail on the merits at trial and the interim harm to plaintiff or defendant if the court denies or grants the preliminary injunction. (*Continental Baking Co. v. Katz* (1968) 68 Cal. 2d 512, 528.)

These two factors operate on a sliding scale: "[T]he more likely it is that [the party seeking the injunction] will ultimately prevail, the less severe must be the harm that they allege will occur if the injunction does not issue." *Integrated Dynamic Solutions, Inc. v. VitaVet Labs, Inc.*, (2016) 6 Cal.App.5th 1178, 1183.

Plaintiff carries the burden of proof and persuasion on these issues. *O'Connell v. Superior Court* (2006) 141 Cal. App. 4th 1452, 1481.

IV. Merits of Petitioners' Motion

In their motion, Petitioners argue that they are entitled to injunctive relief based on both of the factors set forth above: their showing that they are likely to prevail on the merits as well as their showing that the balance of harms weighs in favor of the relief requested.

In opposing the motion, real parties in interest argue that, at best, Petitioners are entitled to limited injunctive relief, based upon the fact that portions of Measure B do not conflict with existing state law.

For the reasons set forth below, the Court has determined that Petitioners have shown a high likelihood of success on the merits. This high likelihood of success, when considered against the harm that would ensue should the Court allow Measure B to be implemented, weighs in favor of the Court's granting of the requested preliminary injunction.

A. Likelihood of Success on the Merits

At its core, Petitioners' overarching argument is that Measure B is both procedurally and substantively defective. Procedurally, they argue that the legislation is beyond the authority of a

charter county. Substantively, they argue that the specific legislative provisions in Measure B are directly in conflict with existing state law and are therefore illegal.

The Court agrees with Petitioners' argument in both respects and therefore finds that Petitioners are likely to succeed on the merits of the case.

1. Authority of the County Based on Charter Status

Under the California Constitution, a county may adopt a charter "for its own government." (Cal. Const. art. XI, §3, subd.(a).) Charter status conveys with it a certain level of self-government or "home rule," defined as "the right of the populace of a local area to create... their own local governments, define its powers, describe the boundaries within which it is to exist, and prevent interference by the state government with what they have created." (*Younger v. Bd. of Supervisors* (1979) 93 Cal.App.3d 864, 869.) Shasta County is a charter county.

A charter county's power to legislate is not without limit, however. While an additional level of local control is afforded by virtue of charter status, that status comes "with the limitation that anything in the charters, so authorized, shall be consistent with the Constitution and shall relate only to matters authorized by that fundamental law." (*Id.* at 869-870.)

Each of this state's 58 counties is a political subdivision of the state. (Cal. Const. art. XI, §1, subd. (a).) As such, they only possess the legislative authority expressly given them by the Constitution and state law. (*Id.*). It is therefore axiomatic that, to the extent a charter county seeks to legislate beyond its authority, any such legislation is invalid.

Charter status is available to both cities and counties under California law. The powers and authority of each are separately set forth in sections 4 (county charter) and 5 (city charter) of Article XI of the Constitution. While cities may provide for "the conduct of city elections", no such parallel permission is given to charter counties in section 4.

This distinction was pointed out in *County of Sacramento v. Fair Political Practices Com* (1990) 222 Cal.App.3d 687, in which Sacramento County (a charter county) sought to amend its charter to allow for partial public financing of county election contests. In holding that such an action was beyond the authority of a charter county, the court of appeal explained: "[c]harter counties have only such legislative authority as has been expressly conferred by the Constitution and laws of the state. If these sources are silent as to the delegation of authority, the authority remains with the Legislature. Matters expressly placed within the scope of a charter county's authority by article XI, section 4, include, inter alia, the composition of the governing body and the compensation, terms and removal of its members and other county officers. Article XI, section 4, does not expressly authorize a county charter to provide for the conduct of elections." (*Id.* at 690, internal citations omitted.)

Measure B seeks to add an amendment to the Shasta County Charter that changes how elections are conducted in this county. The law is clear that such an amendment is beyond Respondents' authority as a charter county under the state constitution.

2. General Principles of State Law Preemption in Elections

As explained above, charter cities and charter counties have differing levels of authority under the Constitution. Whereas certain limited powers are given to charter cities for conduct of city

elections, the Constitution provides for no such authority to charter counties. Whether city or county, a charter jurisdiction's authority to enact legislation is not unlimited. (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781, 795; *County of Sacramento, supra.*)

In the context of a charter city's legislative action, our Supreme Court has set forth a four-step analysis to determine whether contradiction of a state statute is permitted as part of a charter jurisdiction's right to home rule.

“First, a court must determine whether the city ordinance at issue regulates an activity that can be characterized as a ‘municipal affair.’ Second, the court ‘must satisfy itself that the case presents an actual conflict between [local and state law].’ Third, the court must decide whether the state law addresses a matter of ‘statewide concern.’ Finally, the court must determine whether the law is ‘reasonably related to ... resolution’ of that concern and ‘narrowly tailored’ to avoid unnecessary interference in local governance. “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.”

State Bldg. & Construction Trades Council of Cal. v. City of Vista (2012) 54 Cal.4th 547, 556; quoting *California Fed. Savings & Loan Assn. v. City of Los Angeles* (1991) 54 Cal.3d 1, 12.)

Since the authority of a charter city is broader than that afforded to a charter county, it necessarily follows that the same analysis should apply when charter county legislation is being challenged. (*San Bernardino County Bd. of Supervisors v. Monell* (2023), 91 Cal.App.5th 1248, 1275, fn 6.)

Our supreme court has made it clear that “the integrity of the electoral process, at both the state and local level, is undoubtedly a statewide concern.” (*Johnson v. Bradley* (1992) 4 Cal.4th 389, 409.) Such matters of statewide concern are better delegated to the Legislature in order to ensure uniformity of the laws throughout the state and the laws’ equal application to all Californians.

The challenged provisions of Measure B clearly address matters of statewide concern in that they seek to make fundamental changes to the way elections are conducted in Shasta County. To the extent that these proposed changes are in conflict with state law, they are therefore preempted.

3. Areas of State Law Preemption

In their motion, Petitioners specify several provisions of Measure B as being in direct conflict with state election law. Each will be addressed in turn.

a. Measure B’s Photo ID Provisions

Measure B mandates that individuals use “a government-issued photo ID” when registering to vote and also when voting.¹

¹ All quoted references to the text of Measure B are taken from page 36 of Exhibit 1 of Petitioners’ Request for Judicial Notice, filed July 2, 2026.

State law sets forth a detailed scheme for Californians to establish their eligibility to vote, register to vote, and exercise their right to vote. This system provides for various checks on a person's eligibility to vote. These checks are designed to ensure that only those persons who are eligible to vote can vote, while simultaneously preserving the right to vote to all eligible persons.

Notably, there exists nowhere in the Elections Code a requirement similar to the voter identification requirement in Measure B. In fact, state law, expressly prohibits the type of voter identification requirement mandated by Measure B. Section 10005 of the Elections Code provides that "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..."

Recently, the Court of Appeal for the Fourth Appellate District had occasion to interpret section 10005 in light of a charter city ordinance mandating voter identification. In their ruling, that court found the ordinance illegal, ruling that "[p]ermitting the City to make its own rules, in violation of the state Elections Code, would upset the state's delicate balance and could impugn the integrity of the City's elections." (*People ex rel. Bonta v. City of Huntington Beach* (2025) 115 Cal.App.5th 962, 971.)

What was true for the City of Huntington Beach is true for Shasta County. The voter identification provisions of Measure B improperly infringe on the state's interest in ensuring access to voting for all qualified individuals. As was pointed out in *Huntington Beach*, "each additional barrier to voting, even if facially neutral, has the well-documented effect of discouraging certain voters- voters who are fully qualified and authorized to vote- from participating in the political process." (*Id.*) In enacting section 10005 and other related provisions of the Elections Code, the Legislature addressed a matter of statewide concern which requires statewide uniform application.

The voter identification provisions of Measure B are in clear conflict with state law in an area that addresses a matter of statewide concern. These provisions are therefore preempted by state law.

b. Measure B's Provisions for In-Person, Election Day Voting

Petitioners also challenge those portions of Measure B that seek to limit voting in elections to one-day with significant limitations on absentee voting.²

Each of these provisions is in direct contradiction to existing state law. State law provides that all registered voters are eligible to vote by mail (Elec. Code § 3003). State law provides that ballots are to be mailed to all eligible voters and that all eligible voters may return their ballot by mail. (Elec. Code §§ 3000.5, 3016.7.) The law also specifically requires an early voting location prior to election day. (Elec. Code § 3016.3.)

Because the Legislature has already spoken on this issue of statewide concern, Shasta County is preempted from enacting legislation contrary to the existing law. These provisions of Measure B are clearly preempted by state law.

² On this topic, Measure B provides that "...elections shall be held on one day with limited absentee ballots (defined as limited exceptions to in-person voting for the infirm, military, and US citizens living overseas.)"

c. Measure B's Hand Counting Provisions

Measure B also seeks to mandate that the ballots be “hand-counted at the precincts” and that these hand-counted results “will be used for the official canvass of Shasta County.”

Once again, these provisions are in direct conflict with existing state law.

Specifically, section 19207.5(a)(2) of the Elections Code requires that elections officials use a certified “voting machine” or “voting system” to tabulate votes.

Section 19207.5 was enacted at the same time as section 15270.1, which specified that “an elections official shall not conduct a manual vote count in any election unless than manual count is conducted pursuant to a plan adopted by the Secretary of State.” (Elec. Code § 15270.1(a).)³

In enacting these provisions, the Legislature was addressing the integrity of election results, which is clearly a matter of statewide concern. Because Measure B's hand counting provisions conflict with existing state law, they are therefore preempted and invalid.

d. Measure B's Provisions for Independent County Voter Registration System and Voter Rolls

Measure B also seeks to cut ties with the state's voter registration system by creating a new voter roll “maintained on a computer not connected to the State of California nor any third party.” This voter roll is also to be kept “clean” by periodically cancelling registrations for certain voters at the discretion of the elections official. The measure also prohibits “third party and DMV voter registrations” from being added to Shasta County's rolls unless they are “verified for eligibility.”

These provisions are directly in conflict with existing state law.

Section 2168 of the Elections Code mandates the secretary of state to “establish and maintain a statewide system to facilitate the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration.” This provision is in place to ensure compliance with the federal requirements of the Help America Vote Act (52 U.S.C. § 20901, *et seq.*)

State law also already addresses eligibility to vote, cancellation of voter registration, and the processing of voter registration applications.⁴

These are matters of statewide concern that are appropriately addressed through a uniform statewide system of statutes and regulations. Measure B's provisions for an independent county voter registration system and voter roll are preempted and invalid.

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³ Sections 19207.5 and 15270.1 were enacted in 2023 as urgency legislation in Assembly Bill 969. This bill was a direct legislative response to the Shasta County Board of Supervisors cancelling the county's existing contract with Dominion Voting Systems without putting in place in a plan for how future elections would be conducted. (See Exhibit 3 of Petitioners' Request for Judicial Notice, filed July 2, 2026.)

⁴ As cited by Petitioners in their brief, the relevant statutory provisions that already occupy the subject matter addressed by Measure B in this area include Elections code sections 2157, 2196, 2201, 2205, 2208-2212, 2220-2227, and 2260-2277.

4. Severance

In their briefing, real parties in interest argue that, even if certain provisions of Measure B are preempted by existing state law, this Court should issue a limited order and sever the preempted provisions from those portions of the measure not challenged by Petitioners.

Petitioners argue that severance is not possible or appropriate, and that the motion should be granted in its entirety.

“When part of a local ordinance is preempted or otherwise invalid, local officials may enforce the remainder of the ordinance if the preempted or invalid part can be severed.” (*People v. Nguyen* (2014) 222 Cal.App.4th 1168, 1191.) Severability can be grammatical, functional, or volitional. (*Id.*)

Functional severability exists when the invalid portion of a measure is not necessary to the measure’s operation and purpose. (*Jevne v. Superior Court* (2005) 35 Cal.4th 935, 961.)

A measure is volitionally severable if the invalid part “was not of critical importance to the measure’s enactment.” (*Id.*) In the case of a voter-approved initiative such as the one at issue here, “the volitional requirement concerns whether the voters would have adopted the initiative without the invalid provisions.” (*Alameda County Taxpayers’ Assn. v. City of Oakland* (2026) 118 Cal.App.5th 1264, 1277.)

While the text of Measure B does address issues other than the four main areas preempted by state law, these areas are inextricably linked to the portions which the Court has determined are invalid. For example, the portions of Measure B that deal with the makeup, identification, and compensation of counting teams are connected directly to the invalid provisions for hand counting. Similarly, the provisions for paper pollbooks are directly related to the invalid process for creating a voter registration system not connected to the State of California. It is simply not possible to functionally sever the provisions of Measure B without the Court turning Measure B into a statute wholly divorced from what the voters approved.

Nor is Measure B volitionally severable. As Petitioners point out in their reply brief, the invalid portions were prominently featured in the ballot arguments. Indeed, the four bullet points presented by the proponents as the official “Argument in Favor of Measure B” directly correspond to the four areas the Court has found are preempted by state law. It strains credulity to believe that Measure B would have passed on the strength of its paper pollbook and bipartisan counting team provisions alone, absent voter ID, one-day elections, and offline voter rolls.

The Court therefore finds, for purposes of this motion, that the unchallenged portions of Measure B are not severable from the provisions which are preempted by state law.

V. Conclusion and Orders

Measure B seeks to address the integrity of the electoral process by enacting provisions that are wholly contrary to existing state law. The regulation and administration of the electoral process is a matter of statewide concern, and Shasta County’s status as a charter county does not entitle it to enact invalid legislation simply because some in this community do not agree with the existing law.

For the reasons set forth in this ruling, the Court finds that Petitioners have shown that they are likely to prevail on the merits of the underlying petition.

The Court further finds that the balance of harms weighs in favor of the relief requested. Until a final determination on the merits can be made, the status quo should be preserved. That status quo is that elections should be run according to statewide laws.

If the Court were to rule otherwise and permit implementation of Measure B until a final determination of the merits of this case, there is a serious risk of confusion and error by both voters and election officials. Measure B seeks to create a whole new electoral system that would require creation of new voter rolls and re-registration of existing voters. Such a feat would be difficult under normal time frames, let alone three months before the November general election.

Perhaps most importantly, allowing Measure B to go into effect now would likely result in the disenfranchisement of many Shasta County voters who would be clearly eligible to vote under state law, but would not meet the improperly narrow criteria to vote under Measure B.

This Court cannot countenance such a risk, particularly in light of the high likelihood of Petitioners' success on the merits.

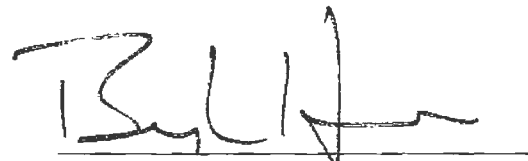
The balancing of factors supports the issuance of the preliminary injunctive relief requested by Petitioners.

Petitioners' motion for a preliminary injunction is GRANTED. Respondents are hereby enjoined from taking any action to implement or enforce Measure B.

This preliminary injunction will remain in effect until further order of this Court or any other court of competent jurisdiction.

IT IS SO ORDERED.

Dated: August 7, 2026



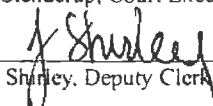
BENJAMIN L. HANNA
Judge of the Superior Court

CLERK'S CERTIFICATE OF SERVICE BY MAIL [CCP §1013a(4)]

I certify that I am a Deputy Clerk of the Shasta County Superior Court, that I am not a party to this cause, and that the document entitled RULING ON PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION was served upon the person(s) whose name(s) and address(es) are set forth below, on this date in Shasta County, California, by placing the document for collection and mailing so as to cause it to be mailed with the United States Postal Service by first class mail in a sealed addressed envelope with postage fully prepaid, following standard court practices. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: August 7, 2026

Cody Stenderup, Court Executive Officer/Clerk

BY: 
J. Shirley, Deputy Clerk

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