

Michael A. Columbo (SBN 271283)
COLUMBO DEOL LLP
One Embarcadero Center, Suite 1200
San Francisco, CA 94111
Telephone: (628) 307-7037
Email: michael@columbodeol.com

Attorney for Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO**

CALIFORNIANS FOR VOTER ID, YES ON
39, a primarily formed ballot
measure committee; and DONALD
DICOSTANZO, a registered voter of the State
of California,

Petitioners,

v.

SHIRLEY N. WEBER, Ph.D., in her
official capacity as Secretary of State of
the State of California,

Respondent;

ROB BONTA, in his official capacity as
Attorney General of the State of
California; and LOUIS BUTERA, in his
official capacity as the California State
Printer (Office of State Publishing,
Department of General Services),
Real Parties in Interest.

Case No. _____

**VERIFIED PETITION FOR
PEREMPTORY WRIT OF
MANDATE**

[Cal. Elec. Code §§ 9051, 9092, 13314;
Cal. Code Civ. Proc. §§ 1085,
1088.5]

EXPEDITED RELIEF REQUESTED

(Statutory public-examination period
July 21 – August 10, 2026)

PRIORITY ELECTION MATTER

(Cal. Elec. Code § 13314)

ACTION REQUIRED BY: August 10,
2026

Petitioners Californians for Voter ID, Yes on 39 and Donald DiCostanzo allege as follows:

INTRODUCTION

1. This is an expedited proceeding under Elections Code section 9092 to correct the ballot title, summary, and label the Attorney General certified on July 3, 2026 for Proposition 39 (AG File No. 25-0007A1), the “Californians for Voter ID” initiative constitutional amendment on the November 3, 2026 statewide ballot. Each leads, in bold capital letters, with the statement that the measure “PROHIBITS CITIZENS FROM VOTING UNLESS THEY PRESENT GOVERNMENT-ISSUED IDENTIFICATION.”

2. That statement is not a true and impartial statement of the measure’s purpose. (Elec. Code, § 9051, subd. (e).) It is inaccurate: the measure does not prohibit any citizen from voting but regulates which ballots are counted, a verification rule, not a disqualification like the bars on noncitizens or persons in prison. It provides that election officials “shall only count a regular or provisional ballot after verifying the identity of the person voting.” (Ex. B [proposed Cal. Const., art. II, § 3.1(b)].) On its face, the measure does not abolish provisional voting. For most voters, those who vote by mail, it requires only a digit-matching step against information already in their own registration record; it does not require a vote-by-mail voter to present government-issued identification to anyone. The materials are also materially incomplete: the label omits entirely, and the title and summary reduces to a single reporting line, one of the measure’s two chief operative purposes, the affirmative duty subsection (a) places on state and county officials to maintain accurate voter rolls and verify citizenship. The grounds for relief are stated below and are supported by the accompanying Memorandum of Points and Authorities.

3. Because the statutory public-examination period runs only from July 21 through August 10, 2026, and copy is submitted to the State Printer immediately thereafter (Elec. Code, § 9092), Petitioners seek expedited relief. Petitioners will file this matter as a priority election writ under Elections Code section 13314, notify the assigned department of the August 10, 2026 deadline, and, on the showing of good cause in the concurrently filed declaration, request that the assigned department set an expedited hearing on the merits under Local Rule 2.27.

PARTIES AND STANDING

4. Petitioner Californians for Voter ID, Yes on 39 is the primarily formed ballot-measure committee supporting Proposition 39 (FPPC ID No. 1479607). It has a direct and beneficial interest in ensuring that the official ballot label states the measure truthfully and impartially, and it has public-interest standing to enforce the Attorney General's public duty under Elections Code section 9051 to give a true and impartial statement of the measure's purpose. (Code Civ. Proc., § 1085; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155.)

5. Petitioner Donald DiCostanzo is a natural person, a resident of and registered voter in Orange County, California, eligible to vote in the November 3, 2026 general election. As a registered voter who will receive the Voter Information Guide and rely on the official ballot materials, Mr. DiCostanzo is directly affected by the challenged label and is an "elector" entitled to seek relief under Elections Code section 9092, which authorizes "[a]ny elector" to petition for a writ requiring copy in the Voter Information Guide to be amended or deleted. Because at least one Petitioner is an elector who satisfies section 9092, the Court need not decide whether the committee independently qualifies; the presence of a single petitioner with standing suffices to adjudicate the Petition.

6. Respondent **Shirley N. Weber, Ph.D.**, is the Secretary of State of California, sued in her official capacity. The Secretary of State is responsible for the Voter Information Guide and is the proper respondent under Elections Code section 9092.

7. Real Party in Interest **Rob Bonta** is the Attorney General of California, sued in his official capacity. He authored the challenged ballot title, summary, and label, and is a real party in interest under Elections Code section 9092.

8. Real Party in Interest **Louis Butera** is the California State Printer, who heads the Office of State Publishing within the Department of General Services, sued in his official capacity. The State Printer prints and distributes the Voter Information Guide and is a real party in interest under Elections Code section 9092.

JURISDICTION AND VENUE

9. This Court has jurisdiction under Elections Code sections 9092 and 13314 and Code of Civil Procedure sections 1085 and 1088.5. Section 9092 authorizes any elector to seek a writ requiring that copy “be amended or deleted from the state voter information guide,” and provides that a peremptory writ “shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this code ... and that issuance of the writ will not substantially interfere with the printing and distribution” of the guide.

10. Venue is exclusive in this Court. Section 9092 provides that “[v]enue for a proceeding under this section shall be exclusively in Sacramento County.”

TIMELINESS AND NEED FOR EXPEDITED RELIEF

11. The Attorney General certified the challenged label on July 3, 2026, but the Secretary of State did not make the Voter Information Guide available for public examination until July 21, 2026. Under section 9092, that period runs “[n]ot less than 20 days before” the Secretary of State submits copy to the State Printer; the period closes August 10, 2026, after which the Secretary of State begins printing and distributing the guide.

12. Petitioners file within the public-examination period and as early within it as practicable so that relief may be granted and implemented before copy is committed to print. The online guide is posted September 4, 2026, and mailing to voters begins September 24, 2026. Petitioners request an expedited briefing and hearing schedule under the court’s procedures for writ proceedings.

STATEMENT OF FACTS

A. The Measure.

13. Proposition 39 is an initiative constitutional amendment on the November 3, 2026 statewide ballot. It contains three operative subsections. Subsection (a) requires the Secretary of State and county elections officials to maintain accurate voter registration lists, use best efforts to verify citizenship attestations using government data, and report annually the percentage of each county’s rolls that have been citizenship-verified. Subsection (b) establishes identity-verification requirements tied to the counting of a ballot: an in-person voter presents government-issued

1 identification; a vote-by-mail voter provides the last four digits of a unique identifying number,
2 from identification the voter designated in their own registration record, that matches the
3 designated number. The State must provide a voter-ID card free of charge on request. Subsection
4 (c) makes the section self-executing and provides for implementing legislation, judicial review,
5 and periodic audits.

6 14. A voter who complies with subsection (b) casts a ballot that is counted. The
7 measure does not prohibit any eligible citizen from casting a ballot; it conditions the counting of a
8 ballot on verification of the voter's identity, directing that election officials "shall only count a
9 regular or provisional ballot after verifying the identity of the person voting." A voter who does
10 not comply still casts a ballot (if in person, a provisional ballot) that is not counted absent
11 verification. On its face, the measure does not abolish provisional voting. For vote-by-mail voters,
12 the overwhelming majority of California voters, who cast over 80 percent of the ballots in the
13 November 2024 statewide general election, subsection (b) requires only a digit-matching step
14 against information already on file, not the presentation of documentary identification. Because
15 most Californians vote by mail, the materials' characterization is inaccurate as to the vast majority
16 of ballots cast. (Ex. B; *see* Petitioners' concurrently filed Request for Judicial Notice, Exs. G–H
(vote-by-mail share, subject to judicial notice).)

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18 **B. The Attorney General's prior § 9004 title, used for ten months.**

19 15. Amendment No. 1 was filed August 8, 2025; it is the only amendment in the
20 measure's history, and the operative text has not changed since. On September 19, 2025, the
21 Attorney General prepared and certified the circulating title and summary required by Elections
22 Code section 9004 (the title and summary the state approved to gather signatures on the petition),
23 which read: "ESTABLISHES ADDITIONAL VOTER IDENTIFICATION AND CITIZENSHIP
24 VERIFICATION REQUIREMENTS. INITIATIVE CONSTITUTIONAL AMENDMENT."

25 16. That formulation used neutral, non-prohibitive language and named both of the
26 measure's chief purposes, the identification requirement of subsection (b) and the citizenship-
27 verification requirement of subsection (a), without describing the measure as a prohibition on
28 voting. Because the measure's operative text has never changed, that neutral title and summary

1 remained the Attorney General's operative characterization of the measure when it became eligible
2 for the November 2026 ballot on April 24, 2026.

3
4 **C. The July 3, 2026 ballot title, summary, and label.**

5 17. On July 3, 2026, with no change to the measure's text, the Attorney General
6 certified the challenged ballot materials. The ballot label reads: "PROHIBITS CITIZENS FROM
7 VOTING UNLESS THEY PRESENT GOVERNMENT-ISSUED IDENTIFICATION.
8 INITIATIVE CONSTITUTIONAL AMENDMENT. Invalidates mail ballots that do not have last
9 four digits of designated government-issued identification number written on envelope. Prohibits
10 in-person voting without presenting government-issued identification. Fiscal Impact: Costs of
11 between tens of millions of dollars and low hundreds of millions of dollars each year to implement
12 new voting requirements." The ballot title and summary carries the identical bold lead and
13 describes the measure in the same prohibitive terms, "Prohibits voting by mail unless voter
14 designates a government-issued identification number for their voter registration"; "Invalidates
15 mail ballots if envelope does not include last four digits ... (e.g., ... their ballot would not count)";
16 and "Prohibits voting in person without presenting government-issued identification," while
17 referring to subsection (a) only in a single line requiring officials "to annually report percentage
18 of each county's voters whose citizenship status they have verified." (Ex. A.)

19 18. The label makes no mention of subsection (a) at all, and the title and summary
20 mentions it only in the single reporting line quoted above, omitting the substantive duty to maintain
21 accurate rolls and verify citizenship. Both lead with the measure characterized as a prohibition on
22 voting even though the title and summary's own example concedes that a mismatched ballot
23 "would not count." The label totals 61 words, against the 75-word maximum that Elections Code
24 section 9051, subdivision (b)(1) allows for the condensed ballot label of a statewide initiative
25 constitutional amendment.

26
27 **D. The Legislative Analyst's contemporaneous, neutral description.**

28 19. In the same Voter Information Guide, the Legislative Analyst's Office finalized its
Yes/No statement on July 14, 2026, describing the identical provision neutrally: "A YES vote on
this measure means: Voters would be required to present additional identifying information to

elections officials each time they vote. A NO vote on this measure means: A voter's identity would continue to be established with the voter's signature."

GROUND FOR RELIEF

20. The challenged ballot title, summary, and label violate Elections Code section 9051 and are "false, misleading, or inconsistent with the requirements of" the Elections Code within the meaning of section 9092. They also present a neglect of duty by the Attorney General under Elections Code section 13314: he failed to discharge his mandatory duty under section 9051 to give a true and impartial statement of the measure's purpose, a neglect for which section 13314 affords this proceeding priority over all other civil matters. Section 9092 supplies the operative standard for the relief sought. The legal authorities supporting each ground are set forth in the accompanying Memorandum of Points and Authorities.

21. First Ground (inaccuracy). The lead characterization in the title, summary, and label, that the measure "prohibits citizens from voting," is affirmatively inaccurate. By its terms the measure regulates which ballots are counted, not whether a citizen may cast one: election officials "shall only count a regular or provisional ballot after verifying the identity of the person voting." (Ex. B [proposed Cal. Const., art. II, § 3.1(b)].) That is a verification rule, not a disqualification; it preserves the voter's ability to cast a ballot, including an in-person provisional ballot counted once identity is verified. The characterization is especially inaccurate as applied to vote-by-mail voters, the overwhelming majority of Californians, for whom the measure requires only recording a few digits already designated in their registration, not presenting identification to anyone; because vote-by-mail is how the vast majority of Californians vote, an inaccuracy as to vote-by-mail is an inaccuracy as to the vast majority of ballots actually cast. The Attorney General's own operative text confirms the point: the label says the measure "invalidates mail ballots," and the title and summary says a mismatched ballot "would not count," the language of counting and validity, even as both headline the measure as prohibiting citizens from voting.

22. Second Ground (material omission). The ballot label omits, in its entirety, a distinct, independently operative purpose of the measure (the citizenship-verification and voter-list-maintenance duty of subsection (a)), and the ballot title and summary reduces that purpose to a

single line about annual reporting, omitting the substantive duty to maintain accurate rolls and verify citizenship. The materials thereby withhold vital information about what the measure does.

23. **Third Ground (prejudice; the Attorney General's own prior title).** The Attorney General's section 9004 circulating title, governed by the identical section 9051 standard, described this same, unchanged text neutrally for ten months through ballot qualification. The unexplained departure to a charged, one-sided framing is probative that the label is "likely to create prejudice ... against the proposed measure." (Elec. Code, § 9051, subd. (e).)

24. **Fourth Ground (availability of impartial language).** The Legislative Analyst's contemporaneous description of the same provision in the same guide, together with the Attorney General's own prior title, confirms that accurate and impartial language was available and that the label's framing was not compelled by the measure's text or by the 75-word limit, of which the label used only 61 words.

25. Taken together, the grounds establish by clear and convincing proof that the label is false or misleading. The requested relief is a narrow correction implemented before copy is committed to print. This relief would not substantially interfere with the printing and distribution of the Voter Information Guide. (Elec. Code, § 9092.)

NO ADEQUATE REMEDY AT LAW; IRREPARABLE HARM

26. Petitioners have no plain, speedy, or adequate remedy at law. Once the Voter Information Guide is submitted to the State Printer and distributed, the challenged label will reach millions of voters as the State's official description of Proposition 39, and the harm of a false or misleading label cannot be undone after the election. Only a peremptory writ, issued before copy is committed to print, can afford effective relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court:

1. Issue a peremptory writ of mandate directing Respondent Secretary of State to amend or delete from the state voter information guide the challenged ballot title, summary, and label for Proposition 39, and directing Real Party in Interest Attorney General, as author of the challenged copy, to prepare and certify corrected copy that restores, as the lead of the ballot title,

1 summary, and condensed label, the neutral characterization the Attorney General himself certified
2 under Elections Code section 9004 (“Establishes additional voter identification and citizenship
3 verification requirements”) and conforms the remainder of the title, summary, and label
4 accordingly, including a neutral, non-prohibitive description of the identity-verification
5 requirement and a description of the citizenship-verification and voter-list-maintenance duty,
6 consistent with Elections Code section 9051;

7 2. In the alternative, and at a minimum, direct that the false and misleading statement
8 that the measure “prohibits citizens from voting” be deleted from the ballot title, summary, and
9 label, and that the Attorney General prepare and certify corrected copy consistent with the Court’s
10 findings and Elections Code section 9051;

11 3. Direct the Secretary of State to include the corrected copy in the Voter Information
12 Guide;

13 4. Set an expedited briefing and hearing schedule so relief may be granted before copy
14 is committed to print;

15 5. Award Petitioners their costs and, as available, reasonable attorneys’ fees under
16 Code of Civil Procedure section 1021.5; and grant such other and further relief as the Court deems
17 just and proper.

18 Dated: July 27, 2026

19
20 Respectfully submitted,

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23 By: 
24 Michael A. Columbo
25 COLUMBO DEOL LLP
26 One Embarcadero Center, Suite 1200
27 San Francisco, CA 94111
28 Telephone: (628) 307-7037
Email: michael@columbodeol.com

Attorney for Petitioners

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VERIFICATION

I, Donald DiCostanzo, declare: I am a Petitioner in this action and a registered voter of the State of California. I have read the foregoing Verified Petition for Peremptory Writ of Mandate and know its contents. The matters stated therein are true of my own knowledge, except as to matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 27, 2026, at Irvine, California.



Donald DiCostanzo

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