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By: M. Chapman Deputy

1 ROB BONTA
Attorney General of California
2 BENJAMIN M. GLICKMAN
Supervising Deputy Attorney General
3 ASHA ALBUQUERQUE
CARTER M. JANSEN
4 SABRINA T. MCGRAW
Deputy Attorneys General
5 State Bar No. 334120
455 Golden Gate Ave., Ste 11000
6 San Francisco, CA 94102-7020
Telephone: (415) 268-4326
7 E-mail: Sabrina.McGraw@doj.ca.gov
Attorneys for Respondent Secretary of State Shirley
8 *N. Weber and Real Parties in Interest Attorney*
General Rob Bonta and State Printer Lou Butera

**Exempt from filing fees per
Government Code § 6103.**

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 California; and LOUIS
BUTERA, in his official capacity as State
Printer (Office of State Publishing,
Department of General Services),**

Real Parties in Interest.

Case No. 26-WM-000193

**ANSWER TO VERIFIED PETITION
FOR PEREMPTORY WRIT OF
MANDATE; MEMORANDUM OF
POINTS AND AUTHORITIES**

**ELECTION MATTER:
PROPOSITION 39**

Date: August 6, 2026
Time: 2:30 p.m.
Dept: 3A
Judge: Hon. Jennifer K. Rockwell
Trial Date: Not Set
Action Filed: July 27, 2026

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1 **ANSWER TO VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE**

2 This is an emergency proceeding brought by petitioners under Elections Code sections 9092
3 and 13282, and Government Code section 88006.

4 Respondent Shirley N. Weber, California Secretary of State and Real Parties in Interest Rob
5 Bonta, California Attorney General, and Lou Butera, California State Printer, answer the petition
6 as follows:

7 1. The Secretary of State, the Attorney General, and the State Printer admit that the
8 allegations contained in paragraph 1 accurately state that this is an expedited proceeding
9 regarding Proposition 39. The Secretary of State, the Attorney General, and the State Printer
10 admit that the second sentence of paragraph 1 includes an accurate quotation of the first sentence
11 of the ballot title and summary and ballot label for Proposition 39. Except as expressly admitted,
12 the Secretary of State, the Attorney General, and the State Printer deny each and every remaining
13 allegation contained in paragraph 1.

14 2. The allegations contained in paragraph 2 constitute a legal argument to which no
15 answer is required. To the extent paragraph 2 contains any allegations of material fact, the
16 Secretary of State, the Attorney General, and the State Printer deny those allegations. In addition,
17 the Attorney General specifically denies that the ballot title and summary and ballot label are
18 inaccurate or materially incomplete. The Secretary of State, the Attorney General, and the State
19 Printer do not dispute the authenticity of Exhibit B.

20 3. The Secretary of State, the Attorney General, and the State Printer admit the
21 allegations contained in paragraph 3 state that Petitioners seek expedited relief. Except as
22 expressly admitted, the Secretary of State, the Attorney General, and the State Printer deny each
23 and every remaining allegation contained in paragraph 3.

24 4. The Secretary of State, the Attorney General, and the State Printer lack sufficient
25 information or belief to respond to the allegations contained in paragraph 4 and therefore deny
26 those allegations. The allegations contained in paragraph 4 also contain legal argument to which
27 no answer is required.

1 5. The Secretary of State, the Attorney General, and the State Printer lack sufficient
2 information or belief to respond to the allegations contained in paragraph 5 and therefore deny
3 those allegations. The allegations contained in paragraph 5 also contain legal argument to which
4 no answer is required.

5 6. The Secretary of State, the Attorney General, and the State Printer admit the
6 allegations contained in paragraph 6.

7 7. The Secretary of State, the Attorney General, and the State Printer admit the
8 allegations contained in paragraph 7.

9 8. The Secretary of State, the Attorney General, and the State Printer admit the
10 allegations contained in paragraph 8.

11 9. The Secretary of State, the Attorney General, and the State Printer admit the
12 allegations contained in paragraph 9.

13 10. The Secretary of State, the Attorney General, and the State Printer admit the
14 allegations contained in paragraph 10.

15 11. The Secretary of State, the Attorney General, and the State Printer admit the
16 allegations contained in paragraph 11.

17 12. The Secretary of State, the Attorney General, and the State Printer admit the
18 allegations contained in paragraph 12 accurately state the dates for when the online guide is
19 posted and when mailing to voters begins, and that Petitioners requested an expedited briefing
20 and hearing schedule. The Secretary of State, the Attorney General, and the State Printer lack
21 sufficient information or belief to respond to the allegation that Petitioners filed as early within
22 the public-examination period as practicable and therefore deny those allegations.

23 13. The allegations contained in paragraph 13 are Petitioners' summary and argument
24 regarding the contents of Proposition 39. Proposition 39 speaks for itself. To the extent paragraph
25 13 contains any allegations of material fact, the Secretary of State, the Attorney General, and the
26 State Printer deny those allegations.

27 14. The allegations contained in paragraph 14 are Petitioners' summary and argument
28 regarding the contents of Proposition 39. Proposition 39 speaks for itself. To the extent paragraph

1 14 contains any allegations of material fact, the Secretary of State, the Attorney General, and the
2 State Printer deny those allegations. The allegations contained in paragraph 14 also contain legal
3 argument to which no answer is required. The Secretary of State, the Attorney General, and the
4 State Printer do not dispute the authenticity of Exhibits G and H.

5 15. The Secretary of State, the Attorney General, and the State Printer admit the
6 allegations contained in paragraph 15.

7 16. The allegations contained in paragraph 16 are Petitioners' summary and argument
8 regarding the circulating title and summary of Proposition 39. The circulating ballot title and
9 summary of Proposition 39 speaks for itself. To the extent paragraph 16 contains any allegations
10 of material fact, the Secretary of State, the Attorney General, and the State Printer deny those
11 allegations.

12 17. The allegations contained in paragraph 17 are Petitioners' summary and argument
13 regarding the certified ballot materials for Proposition 39. The certified ballot materials for
14 Proposition 39 speak for themselves. To the extent paragraph 17 contains any allegations of
15 material fact, the Secretary of State, the Attorney General, and the State Printer deny those
16 allegations. The allegations contained in paragraph 17 also contain legal argument to which no
17 answer is required. The Secretary of State, the Attorney General, and the State Printer do not
18 dispute the authenticity of Exhibit A.

19 18. The allegations contained in paragraph 18 are Petitioners' summary and argument
20 regarding the certified ballot materials for Proposition 39. The certified ballot materials for
21 Proposition 39 speak for themselves. To the extent paragraph 18 contains any allegations of
22 material fact, the Secretary of State, the Attorney General, and the State Printer deny those
23 allegations.

24 19. The Secretary of State, the Attorney General, and the State Printer admit the
25 allegations contained in paragraph 19 that the Legislative Analyst's Office finalized its Yes/No
26 statement on July 14, 2026. The Legislative Analyst Office's Yes/No statement speaks for itself.
27 To the extent paragraph 19 contains any allegations of material fact, the Secretary of State, the
28 Attorney General, and the State Printer deny those allegations.

1 20. The allegations contained in paragraph 20 constitute a legal argument to which no
2 answer is required. To the extent paragraph 20 contains any allegations of material fact, the
3 Secretary of State, the Attorney General, and the State Printer deny those allegations. In addition,
4 the Attorney General specifically denies that the ballot title and summary and ballot label are
5 false, misleading, or inconsistent with the Elections Code, or that they present a neglect of the
6 Attorney General's duty.

7 21. The allegations contained in paragraph 21 constitute a legal argument to which no
8 answer is required. To the extent paragraph 21 contains any allegations of material fact, the
9 Secretary of State, the Attorney General, and the State Printer deny those allegations. In addition,
10 the Attorney General specifically denies that the ballot title and summary and ballot label are
11 inaccurate.

12 22. The allegations contained in paragraph 22 constitute a legal argument to which no
13 answer is required. To the extent paragraph 22 contains any allegations of material fact, the
14 Secretary of State, the Attorney General, and the State Printer deny those allegations. In addition,
15 the Attorney General specifically denies that the ballot title and summary and ballot label have a
16 material omission.

17 23. The allegations contained in paragraph 23 constitute a legal argument to which no
18 answer is required. To the extent paragraph 23 contains any allegations of material fact, the
19 Secretary of State, the Attorney General, and the State Printer deny those allegations. In addition,
20 the Attorney General specifically denies that the ballot title and summary and ballot label are
21 likely to create prejudice.

22 24. The allegations contained in paragraph 24 are Petitioners' summary and argument
23 regarding the Legislative Analyst Office's description of Proposition 39. The Legislative Analyst
24 Office's description of Proposition 39 speaks for itself. To the extent paragraph 24 contains any
25 allegations of material fact, the Secretary of State, the Attorney General, and the State Printer
26 deny those allegations.

27 25. The allegations contained in paragraph 25 constitute a legal argument to which no
28 answer is required. To the extent paragraph 25 contains any allegations of material fact, the

1 Secretary of State, the Attorney General, and the State Printer deny those allegations. In addition,
2 the Attorney General specifically denies that the ballot label is false or misleading.

3 26. The Secretary of State, the Attorney General, and the State Printer lack sufficient
4 information or belief to respond to the allegations contained in paragraph 26 and therefore deny
5 those allegations.

6 27. The Secretary of State, the Attorney General, and the State Printer do not dispute the
7 authenticity of Exhibits C–F.

8 28. The Secretary of State and the State Printer assert this matter must be concluded by
9 **5:00 p.m. on August 10, 2026**, in order to comply with the time requirements in Elections Code
10 section 9092 and Government Code section 88006 and ensure that this case does not interfere
11 with the preparation and distribution of the November 5, 2024 General Election state voter
12 information guide.

13 29. The Secretary of State and the State Printer take no position in the remaining litigation
14 and will follow the Court’s orders in this matter. The Secretary of State and the State Printer have
15 no information or belief as to the validity or veracity of the remaining allegations and therefore
16 deny each and every remaining allegation.

17 **AFFIRMATIVE DEFENSES**

18 The Secretary of State, the Attorney General, and the State Printer assert the following
19 affirmative defense. In asserting this defense, the Secretary of State, the Attorney General, and
20 the State Printer do not assume the burden of establishing any fact or proposition where that
21 burden is properly imposed on Petitioners. The Secretary of State, the Attorney General, and the
22 State Printer reserve the right to assert additional affirmative defenses that are revealed during the
23 pendency of this action.

24 **First Affirmative Defense**

25 (Lack of Standing)

26 Petitioner Californians for Voter ID, Yes On 39 is not an “elector,” and it therefore lacks
27 standing to seek a writ of mandate to compel changes to the state voter information guide
28

1 pursuant to Elections Code section 9092. (See Elec. Code, § 321, subd. (a) [“‘Elector’ means a
2 person who is a United States citizen 18 years of age or older....”].)

3 **Second Affirmative Defense**

4 (Failure to State a Cause of Action)

5 The petition, and each purported cause of action contained therein, fails to state facts
6 sufficient to state a cause of action against the Secretary of State, the Attorney General, or the
7 State Printer.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, the Attorney General prays that the petition for peremptory writ of mandate
10 be denied, and the Secretary of State, the Attorney General, and the State Printer jointly pray:

- 11 1. That the petition for peremptory writ of mandate be denied.
12 2. That any request for attorney fees and costs of suit be denied.
13 3. That they be awarded costs of suit.
14 4. That they be granted such further relief as the Court may deem proper.

15 Dated: August 3, 2026

16 Respectfully Submitted,

17 ROB BONTA
Attorney General of California
18 BENJAMIN M. GLICKMAN
Supervising Deputy Attorney General
19 ASHA ALBUQUERQUE
CARTER M. JANSEN
20 Deputy Attorneys General

21
22 /s/ Sabrina T. McGraw
23 SABRINA T. MCGRAW
Deputy Attorney General
24 *Attorneys for Respondent Secretary of*
25 *State Shirley N. Weber and Real Parties*
26 *in Interest Attorney General Rob Bonta*
27 *and State Printer Lou Butera*
28

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Proposition 39 will be voted on in the November 3, 2026 General Election. If approved by voters, Proposition 39 would prohibit citizens from voting unless they meet certain voter identification requirements. It would do this in both senses of the word “voting”: by prohibiting a voter from casting a ballot unless they provide identification, and by prohibiting a vote from being counted unless election officials have verified a voter’s identification.

Petitioners principally ask this Court to rewrite the Attorney General’s ballot title and summary and ballot label for Proposition 39 on the theory that the title’s first four words—“PROHIBITS CITIZENS FROM VOTING” are inaccurate or prejudicial. But the Attorney General’s description of Proposition 39 does not stop after four words, and Petitioners’ argument improperly ignores the title’s other six words—“UNLESS THEY PRESENT GOVERNMENT-ISSUED IDENTIFICATION”—and the entirety of the summary. Courts have repeatedly counseled that when reviewing the accuracy of ballot materials, words cannot be read in isolation. When viewed in full, as they must, the ballot title and summary and ballot label here accurately and fairly describe the measure’s chief purpose and points.

Petitioners also contend that the Attorney General should have included a description of the measure’s requirement that elections officials use “best efforts” to determine a voter’s citizenship. But the Attorney General—not Petitioners—is tasked with determining a measure’s chief purpose and point. He has no duty to catalogue every provision of a measure, or to elevate a secondary provision related to election officials carrying out duties they already have under current law.

At bottom, Petitioners’ argument boils down to what they would prefer. They would prefer a partial description of the initiative that states only the rule (“requires identification to vote”) and not its consequence (“or your vote will not count”). They would prefer a description that gives additional weight to duties that already exist in law (“maintain accurate voter registration lists”) or which Proposition 39 does not itself describe in any meaningful way (“use best efforts to verify citizenship attestations using government data”).

1 But the Elections Code does not entitle proponents to the framing they prefer. Nor does it
2 entitle them to a complete catalogue of the measure’s provisions using the terms they would
3 prefer. The standard is not whether the measure could have been described differently, or even if
4 it could have been described “better.” The question is whether the Attorney General described the
5 chief purpose and points of the measure in a manner that is not false, misleading, or likely to
6 create prejudice. The Attorney General has met this standard.

7 For these reasons, and as explained further below, the Attorney General properly exercised
8 his discretion in preparing the ballot title and summary and ballot label, and the petition should be
9 denied.¹

10 **II. LEGAL FRAMEWORK FOR STATE VOTER INFORMATION GUIDE WRITS**

11 **A. Initiative Measures**

12 California voters can propose statutes and constitutional amendments, known as “initiative
13 measures.” (See Cal. Const., art. II, § 8, subds. (a), (b); art. IV, § 1.) If the statutory requirements
14 are met, the initiative measure may be placed on the ballot and either approved or rejected by the
15 voters. (Cal. Const., art. II, §§ 8, subds. (b), (c), 10, subd. (a).) Proponents must submit the
16 proposed initiative measure to the Attorney General, who then prepares a circulating title and
17 summary. (Elec. Code, §§ 9001, 9002, 9004.) The proponent uses the circulating title and
18 summary to collect signatures as necessary to qualify for placement on the statewide ballot in the
19 next general election. (See Cal. Const., art. II, § 8, subd. (b); Elec. Code, §§ 9014, 9016.)

20 **B. Elements of the State Voter Information Guide**

21 **1. The Attorney General Prepares the Ballot Title and Summary and** 22 **Ballot Label**

23 If a measure qualifies for the ballot, the Attorney General is required to prepare a ballot title
24 and summary and ballot label for the measure. (Elec. Code, § 9050; Gov. Code, § 88002,
25 subd. (a)(1)(B).) The Attorney General alone holds the ministerial duty to issue the ballot title and

26
27 ¹ This matter must be concluded by **5:00 p.m. on August 10, 2026**, in order to comply
28 with the time requirements in Elections Code section 9092 and Government Code section 88006
and ensure that this case does not interfere with the preparation and distribution of the November
3, 2026 General Election state voter information guide.

1 summary and ballot label. In *Howard Jarvis Taxpayers Association v. Bowen* (2011) 192
2 Cal.App.4th 110, 121, the court determined that the Attorney General had the exclusive authority
3 to prepare the title and summary, and that no other governmental office could assume this duty
4 without first amending the Political Reform Act of 1974. (*Id.* at pp. 123–126.) The same is true
5 for the ballot label. (*Id.* at p. 125.)

6 The *ballot title and summary* describes the “chief purpose and points” of the proposed
7 measure. (Elec. Code, § 303.5, subd. (b)(1).) It cannot exceed 100 words and “shall give a true
8 and impartial statement of the purpose of the measure in such language that the ballot title and
9 summary shall neither be an argument, nor be likely to create prejudice, for or against the
10 proposed measure.” (Elec. Code, § 9051, subds. (a)(1), (e).) The ballot title and summary may
11 differ from the circulating title and summary used during the petition signature-gathering stage.
12 (Elec. Code, § 9051, subd. (a)(1).)

13 The *ballot label* is a condensed version of the ballot title and summary. It must include a
14 summary of the Legislative Analyst’s fiscal analysis (see Section II.B.2, *infra*) and may not
15 exceed 75 words. (Elec. Code, §§ 303, 9051, subd. (b)(2).) The ballot label must be identical to
16 the title for the ballot title and summary. (Elec. Code, §§ 303(b), 9051(c)(1).) The ballot label
17 appears on every ballot and is immediately followed by the words “Yes” and “No” if the measure
18 is not a statewide referendum, and the words “Keep the law” and “Overturn the law” if the
19 measure is a statewide referendum. (Elec. Code, §§ 9053, 13247.)

20 **2. The Analysis, Condensed Statement of Fiscal Impact, and Yes/No** 21 **Statements Are Prepared by the Legislative Analyst**

22 Separately, the Legislative Analyst is required to prepare an impartial *analysis* of each
23 measure “describing the measure and including a fiscal analysis of the measure showing the
24 amount of any increase or decrease in revenue or cost to state or local government.” (Elec. Code,
25 § 9087, subd. (a); Gov. Code, § 88003.) The analysis may be of any length, but the Legislative
26 Analyst must also prepare a *condensed statement* of fiscal impact on state and local government
27 for inclusion in the ballot title and summary and at the end of the ballot label. (Elec. Code,
28 §§ 9051, subds. (a)(1), (2), 9087, subd. (b).) Finally, the Legislative Analyst prepares *Yes/No*

1 *statements*, summarizing the effect of “yes” and “no” votes on each state measure, which appear
2 near the front of the state voter information guide. (Elec. Code, § 9085; Gov. Code, § 88002.5.)

3 **C. 20-Day Review Period to Seek Writ of Mandate**

4 Not less than 20 days before the state voter information guide goes to print, the Secretary of
5 State must make the proposed guide, including the ballot title and summary and other ballot
6 materials, and the ballot labels available for public inspection. (Elec. Code, § 9092.) During this
7 period, any elector may seek a writ of mandate requiring amendments or deletions. (*Ibid.*)
8 Sacramento County is the exclusive venue for such actions. (*Ibid.*) The Secretary of State (who
9 controls the composition of the state voter information guide) must be named as the respondent.
10 (*Ibid.*) The author of any challenged text must be named as a real party in interest. (Elec. Code,
11 §§ 9092, 13282; Gov. Code, § 88006.)

12 The 20-day review period for seeking changes to the November 3, 2026 General Election
13 state voter information guide began on July 21, 2026 and ends on August 10, 2026. (Decl. of Jana
14 M. Lean, Chief of Elections Division, California Secretary of State, ¶ 4.)

15 **III. FACTUAL BACKGROUND**

16 Under existing California law, voters must prove their identity and eligibility to vote during
17 the voter registration process, when they are required to provide a driver’s license number, a
18 California identification number, or the last four digits of their social security number. (See Elec.
19 Code, § 2150, subd. (a)(7)(A), (B), (C).) California law also imposes affirmative obligations on
20 elections officials to maintain accurate voter registration lists and verify that a voter does not cast
21 multiple ballots in an election. (See, e.g., Elec. Code, §§ 14294 [requiring precinct board
22 members to maintain voter lists for each polling place and mark each person who has voted],
23 2201, subd. (a)(8) [requiring election officials to remove individuals upon certain notification or
24 proof that they are no longer eligible to vote from voter rolls]; 3016.5 [requiring county elections
25 officials to verify, for each mail-in ballot cast without an identification envelope, that “the voter
26 has not returned a vote by mail ballot for that election”], 3016.3 [replacement ballots can only be
27 issued if it is verified “that a ballot for the same election has not been received from the voter”].)

1 Election officials are also required to verify that the voter’s signature on the vote-by-mail ballot
2 matches the signature provided in their voter registration before the ballot can be counted. (Elec.
3 Code, § 3019.)

4 Proposition 39 would add section 3.1 to article II of the California Constitution, imposing
5 several additional requirements on voters and elections officials. First, Proposition 39 would
6 require individuals to provide identification documents in order to vote. This requirement is two-
7 fold. It would require voters to provide identification when they cast a ballot, and it would require
8 election officials to verify the voter’s identification when a vote is counted. In relevant part,
9 Proposition 39 states:

10 Each time a voter casts a ballot in person in any election in the State, the voter
11 shall present government-issued identification, or if voting by mail, the voter
12 shall provide the last four digits of a unique identifying number from
13 government-issued identification that matches the one designated by the voter
14 for their voter registration ... Elections officials shall only count a regular or
15 provisional ballot after verifying the identity of the person voting pursuant to
16 the requirements of this section

17 (Pet. Ex. B [proposed Cal. Const., art. II, § 3.1, subd. (b)].)

18 In addition to these voter identification requirements, Proposition 39 would also: (i) require
19 election officials to maintain accurate voter registration lists (as already required by state and
20 federal law), “use best efforts to verify citizenship attestations using government data,” and
21 annually report the percentage of voters that have been citizenship-verified [*id.*, subd. (a.)];
22 (ii) require the State to provide free voter identification cards to eligible voters upon request. [*id.*,
23 subd. (b.)]; (iii) require the State Auditor to audit state and county compliance biannually [*id.*,
24 subd. (c.)]; and (iv) establish a private right of action that would allow citizens to enforce
25 compliance with the measure [*ibid.*].

26 Pursuant to Elections Code section 9050 and Government Code section 88002, the Attorney
27 General certified the ballot title and summary and ballot label for Proposition 39 on July 3, 2026.
28 (Pet. ¶ 1.) The ballot title and summary and ballot label were made available for public
examination on July 21, 2026. (*Ibid.*) Petitioners—the proponents of Proposition 39—filed this
writ petition on July 28, 2026, arguing that the ballot title and summary and ballot label violate

1 Elections Code section 9051 and are “false, misleading, or inconsistent with the requirements of”
2 the Elections Code. (Pet. ¶ 20.)

3 **IV. BURDEN OF PROOF**

4 A petitioner seeking a writ requiring changes to the ballot title and summary or ballot label
5 bears the burden of showing by “*clear and convincing proof*” that the copy in question is false,
6 misleading, or inconsistent with [statutory requirements], and that issuance of the writ will not
7 substantially interfere with the printing and distribution of the state voter information guide as
8 required by law.” (Elec. Code, § 9092, emphasis added; see also Gov. Code, § 88006.)

9 **V. ARGUMENT**

10 **A. Petitioners Have Not Carried Their Burden of Presenting Clear and** 11 **Convincing Proof that the Attorney General’s Ballot Title and Summary** 12 **and Ballot Label Are Misleading**

13 **1. The Attorney General’s Ballot Title and Summary, and Ballot Label** 14 **Are Entitled to Substantial Deference and Presumed Correct**

15 The Attorney General’s ballot title and summary and ballot label receive substantial
16 deference and are presumed correct:

17 [T]he title and summary need not contain a complete catalogue or index of all of
18 the measure’s provisions and if reasonable minds may differ as to the sufficiency
19 of the title, the title should be held sufficient. As a general rule, the title and
20 summary prepared by the Attorney General are presumed accurate, and
substantial compliance with the “chief purpose and points” provision is sufficient.
21 Stated otherwise, [t]he title need not contain a summary or index of all of the
22 measure’s provisions. Within certain limits what is and what is not an important
23 provision is a question of opinion. Within those limits the opinion of the attorney-
24 general should be accepted by this court.

25 (*Lungren v. Superior Court* (1996) 48 Cal.App.4th 435, 439–440, citations and quotation marks
26 omitted; see also *id.* at p. 440, fn. 1.) It is reversible error when a superior court fails to account
27 for this deference. (*Becerra v. Superior Court* (2017) 19 Cal.App.5th 967 [reversing the superior
28 court’s rewriting of the Attorney General’s title and summary].)

For nearly 90 years, California courts have recognized the Attorney General’s broad
discretion to draft the ballot title and summary. (See, e.g., *Epperson v. Jordan* (1938) 12 Cal.2d
61, 70; *Perry v. Jordan* (1949) 34 Cal.2d 87, 94; *Lungren v. Superior Court, supra*, (1996) 48

1 Cal.App.4th at pp. 439–440.) “The Attorney General must exercise ‘judgment and discretion in
2 discerning the chief purposes and points of an initiative measure’ and must present this
3 information in ‘clear and understandable language.’” (*Bonta v. Superior Court* (2024) 104
4 Cal.App.5th 147, 154, citation omitted.) “In preparing the ballot title and summary and the ballot
5 label, the Attorney General is afforded considerable latitude.” (*Yes on 25, Citizens for an On-
6 Time Budget v. Superior Court* (2010) 189 Cal.App.4th 1445, 1452.) “This deference stems in
7 part from the recognition that drafting a title and summary ‘can be a difficult task where multiple
8 reasonable interpretations of the referendum ... are possible.’” (*Ibid.*, citing *Zaremborg v.
9 Superior Court* (2004) 115 Cal.App.4th 111, 117.)

10 “In contrast to the latitude and discretion granted the Attorney General, courts do not have
11 a wide range of discretion in ruling on a preelection challenge to the sufficiency of a title and
12 summary prepared by the Attorney General.” (*Becerra v. Superior Court, supra*, 19 Cal.App.5th
13 at p. 976, citation omitted.) “A reviewing court must indulge all legitimate presumptions favoring
14 the propriety of the Attorney General’s actions when reviewing ballot materials he is tasked with
15 drafting.” (*Bonta v. Superior Court, supra*, 104 Cal.App.5th at p. 154.) “[O]nly in a clear case
16 should a title [and summary] so prepared be held insufficient.” (*Yes on 25, Citizens for an On-
17 Time Budget v. Superior Court, supra*, 189 Cal.App.4th at p. 1453.)

18 Given the discretion the Attorney General exercises in preparing a ballot title and
19 summary and the stringent requirements for challenging this discretion, a court will not second-
20 guess the Attorney General’s decision on wording except in a clear case of an abuse of discretion.
21 (See, e.g. *Lungren v. Superior Court, supra*, 48 Cal.App.4th at pp. 439–440.) Even a title and
22 summary that contains “technical imprecis[ion]” should not be disturbed by a reviewing court
23 provided the title and summary “fairly represents” the proposed measure. (*Zaremborg v. Superior
24 Court, supra*, 115 Cal.App.4th at p. 118.)

25 Many ballot measures address complex or controversial public issues. People routinely
26 differ on the purpose and effect of such measures, or how they may best be described. But the
27 Attorney General is the public official who, by law, has been given the responsibility and
28 discretion to determine the phrasing of the ballot title and summary and ballot label, and only in a

1 clear case may his opinion be overruled. (See *Lungren v. Superior Court*, *supra*, 48 Cal.App.4th
2 at p. 440.)

3 **2. The Attorney General's Ballot Title and Summary, and Ballot Label**
4 **Are Accurate and Impartial Descriptions of Proposition 39**

5 Proposition 39's ballot title and summary and ballot label accurately describe Proposition
6 39's chief purpose and points. In contending otherwise, Petitioners improperly isolate a handful
7 of words, ignoring the remainder, and misread or ignore the measure's plain language and legal
8 effect. The Attorney General's task is not to describe the measure in the terms Petitioners prefer.
9 Rather, the Attorney General's task is to describe the chief purpose and points of the measure in a
10 way that is clear and understandable, as written—and as explained above, he has broad discretion
11 to do so.

12 **a. The Attorney General's Title Cannot Be Read in Isolation**

13 Petitioners assert that the title is inaccurate and misleading because of the phrase "prohibit
14 citizens from voting." (Pet. MPA at 8.) This argument fails for two reasons. First, Petitioners
15 improperly focus on the first four words of the title, ignoring the remaining six words. And
16 second, Petitioners erroneously read the title in isolation, without reference to the summary.

17 Throughout their Petition and Memorandum of Points and Authorities ("MPA"),
18 Petitioners repeatedly quote the ballot title as "prohibits citizens from voting." (Pet. at 7; MPA at
19 8–9.) But that is not the title. Rather, the full title is "Prohibits Citizens from Voting *Unless They*
20 *Present Government-Issued Identification*." (emphasis added.) The conditional clause "Unless
21 They Present Government-Issued Identification" is critical to understanding the title. By focusing
22 on only the first four words, Petitioners ignore this necessary context.

23 A court does not measure accuracy of a ballot title and summary by reference solely to a
24 textual fragment excised by a challenger. Doing so would open nearly every ballot proposition to
25 challenge on the basis of partial clauses, stripped of vital context. Indeed, the cases that
26 Petitioners reference uniformly consider a ballot title in its entirety. (See *McDonough v. Superior*
27 *Court* (2012) 204 Cal.App.4th 1169, 1174 [examining complete title of "PENSION REFORM"];
28 *Yes on 25, Citizens for an On-Time Budget v. Superior Court*, *supra*, 189 Cal.App.4th at p. 1445

[examining complete title of “ALLOWS LOCAL BONDS FOR AFFORDABLE HOUSING AND PUBLIC INFRASTRUCTURE WITH 55% VOTER APPROVAL.”)] And it is longstanding practice for California courts “to construe language in the context of the statute and initiative as a whole.” (*People v. Superior Court* (2010) 48 Cal.4th 564, 571.)

Petitioners compound this error by evaluating the ballot title by itself without reference to the summary. Courts have repeatedly counseled that the ballot title cannot be read in isolation, but must be read in conjunction with the summary. (See e.g. *Becerra v. Superior Court*, *supra*, 19 Cal.App.5th at p. 976 [rejecting the petitioners’ contention that the court “evaluate the title separately from the summary” because the Elections Code refers to the title and summary “as a single document, using singular verbs to describe what it is and what it does”].) Ballot materials are evaluated as a whole, and voters are not presumed to read isolated phrases in a vacuum. (*Amador Valley Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 243–244 [voters were adequately informed where ballot materials, considered together, disclosed the measure’s effect]; *Citizens for an On-Time Budget v. Superior Court*, *supra*, 189 Cal.App.4th at pp. 1451–1452 [same].)

When Proposition 39’s title is viewed together with the summary (as it must be), it provides an accurate and impartial summary of the measure’s chief purpose and points. The title accurately describes the measure’s chief purpose, a condition on voting. The measure’s summary complements the ballot title by providing additional information to the voter:

Ballot Title & Summary	Proposition 39, art. II, § 3.1, subd. (b)
“Prohibits voting by mail unless voter designates a government-issued identification number for their voter registration.”	“[I]f voting by mail, the voter shall provide the last four digits of a unique identifying number from government-issued identification that matches the one designated by the voter for their voter registration”
“Invalidates mail ballots if envelope does not include last four digits of a government-issued identification number matching the number designated in the voter’s registration.”	“Election officials shall only count a regular or provisional ballot after verifying the identity of the person voting pursuant to the requirements of this section”

Ballot Title & Summary	Proposition 39, art. II, § 3.1, subd. (b)
“Prohibits voting in person without presenting government-issued identification.”	“Each time a voter casts a ballot in person in any election in the State, the voter shall present government-issued identification”

Critically, the title is never presented to voters in isolation. On the ballot, the title appears directly adjacent to the rest of the ballot label, which explains the measure’s functions. And in the voter information guide, the title is presented on the same page as the summary, which similarly describes the measure’s functions. On that same page of the guide, the Legislative Analyst’s fiscal estimate, the Legislative Analyst’s analysis, the arguments and rebuttals of both campaigns, and the complete text of the measure are also included. These materials accurately and fully inform voters of Proposition 39’s legal effects.

b. The Attorney General’s Title Accurately Describes Proposition 39’s Regulation of “Voting”

Petitioners’ argument—that the measure does not prohibit voting without identification because it “regulates which ballots are counted, not whether a citizen may cast one” (Pet. MPA at 9)—fails in two ways. First, it is textually wrong. Proposition 39 conditions both the casting and the counting of every ballot on the voter’s identification. Subdivision (b)’s first sentence requires identification for the casting of a vote, in mandatory language directed at the voter: “Each time a voter casts a ballot in person in any election in the State, the *voter shall present* government-issued identification, or if voting by mail, *the voter shall provide* the last four digits of a unique identifying number from government-issued identification.” (Pet. Ex. B.) And Subdivision (b)’s third sentence similarly requires identification for the counting of a vote, in mandatory language directed at the election official: “Election officials shall only count a regular or provisional ballot *after verifying the identity of the person voting pursuant to the requirements of this section.*” (*Ibid.*) The “requirements of this section” are that the voter present identification; if they do not, their vote cannot be counted. Taken together, Proposition 39’s plain language prohibits people from casting votes, and prohibits those votes from being counted, without providing the required

1 government-issued identification. The Attorney General has the discretion to choose words in the
2 title to explain this process and here the Attorney General has done so in a clear and
3 understandable way. (See *Lungren v. Superior Court*, *supra*, 48 Cal.App.4th at pp. 439–440 [if
4 reasonable minds can differ the Attorney Generals’ title should still be deemed sufficient].)

5 Second, Petitioner’s argument that casting and counting of ballots are distinct acts defies
6 common sense and longstanding precedent establishing that a ballot that is cast but may not
7 lawfully be counted is not a vote. The law has never indulged in the fiction that the right to vote is
8 limited to the physical act of depositing a ballot. To the contrary, “the right to have one’s vote
9 counted” stands on the same footing as “the right to put a ballot in a box.” (*United States v.*
10 *Mosley* (1915) 238 U.S. 383, 386; accord *Reynolds v. Sims* (1964) 377 U.S. 533, 554–555.)
11 California courts have long recognized that the term voting includes both the casting and the
12 counting of ballots. “It would make no sense to authorize the voters to cast votes that cannot be
13 counted.” (*Field v. Bowen* (2011) 199 Cal.App.4th 346, 367) [holding that a bill that will not
14 count ballots that have write-in candidate is “implicit” as a ban on write-in votes.] “‘There is
15 more to the right to vote than the right to mark a piece of paper and drop it in a box or a right to
16 pull a lever in a voting booth ... It also includes the right to have the vote counted at full value
17 without dilution or discount.’” (*Gould v. Grubb* (1975) 14 Cal.3d 661, 671 fn. 10 [quoting *South*
18 *v. Peters* (1949) 339 U.S. 276, 279 (dissenting opn.)]; see also *Boydston v. Weber* (2023) 90
19 Cal.App.5th 606, 612 *as modified on denial of reh’g* (Apr. 11, 2023) [“[W]hen plaintiffs discuss a
20 ‘right’ to cast an expressive ballot simply for the sake of doing so, rather than to affect the
21 outcome of an election, they have ceased talking about voting.”].) A measure providing that
22 election officials “shall only count” ballots after verifying a voter’s identity based on
23 identification required by the measure is one that “prohibits” “voting” without identification
24 under any ordinary understanding of each word.

25 Petitioners concede that California law has long distinguished “rules that disqualify a
26 person from franchise” as “prohibitions on voting,” in contrast to “rules that govern how a ballot
27 is cast and verified before it is counted (signature verification, provisional ballots, and vote-by-
28 mail envelope procedures)” which are not prohibitions on voting. (Pet. MPA at 9.) This

1 distinction confirms the accuracy of the Attorney General’s title and summary. Proposition 39’s
2 requirement that voters “present government-issued identification” when casting a ballot in
3 person or “the last four digits” when voting by mail is not merely advisory; it is a prerequisite to
4 voting. If voters do not comply with the identification requirement, they cannot vote. And if
5 voters submit a ballot anyway, their votes cannot be counted. In other words, the measure
6 “prohibits citizens from voting unless they present government-issued identification.”

7 **c. Petitioners’ Argument that the Requirement for the Last Four**
8 **Digits of Government-Issued Identification Is Not**
9 **“Identification” Lacks Merit**

10 Petitioners’ arguments that the title is inaccurate with respect to voting by mail similarly
11 lack merit. They contend that the measure “requires that voters supply the last four digits of their
12 identification number” already in their registration record which is a “confirmation step” and does
13 not require “the presenting of documentary identification.” (Pet. MPA at 10.) But providing an
14 identification number is simply one method of presenting government-issued identification.
15 Indeed, the ballot title’s use of “identification” does not specify identification card or number,
16 making it applicable to both the voting in-person and by mail requirements. Section 2 of the
17 initiative text similarly uses the umbrella term of “Voter Identification Reforms” to describe its
18 contents, which includes that same four-digit requirement. (Pet. Ex. B.) It was reasonable for the
19 Attorney General to summarize the “identification” requirements rather than to catalogue every
20 aspect of the initiative. (See *Lungren v. Superior Court*, *supra*, 48 Cal.App.4th at p. 440.) And in
21 any event, as explained above, the title must be read together with the summary, which makes the
22 precise mechanics clear. The summary states: “Invalidates mail ballots that do not have the last
23 four digits of designated government-issued identification” The summary simply describes
24 the measure, which stated that “if voting by mail, the voter shall provide the last four digits of a
25 unique identifying number from government-issued identification.” (Pet. Ex. B.)

26 Petitioners’ challenge to the Attorney General’s title fails at every step. When properly
27 viewed in its entirety, together with the summary and other material, and compared to Proposition
28 39’s actual text, the title accurately summarizes the measure’s chief legal effect: it prohibits
voting unless voters provide the required identification. Because the concerns raised by

Petitioners involve the types of word choices about which reasonable minds may differ, they cannot overcome the deference to which the Attorney General's choices are entitled. The ballot title and summary, and ballot label accurately reflect Proposition 39's chief purpose of prohibiting voters from voting unless they provide government-issued identification. Therefore, Petitioners fail to establish that the ballot title and summary and ballot label are misleading.

3. The Ballot Title and Summary and Ballot Label Do Not Have a Material Omission

Petitioners also complain that the ballot title and summary mention "only a fragment" of Proposition 39's purportedly "freestanding" subdivision (a) and that the ballot label "does not mention it at all." (Pet. MPA at 12.) Subdivision (a) of the initiative text states:

The Secretary of State, and county elections officials, shall each have the duty to maintain accurate voter registration lists, shall use best efforts to verify citizenship attestations using government data, and shall annually report what percentage of each county's voter rolls have been citizenship-verified.

(Pet.; Ex. B.) The Attorney General's ballot title and summary includes a summary of this subdivision's only new and actionable provision: the annual reporting requirement. The remainder of the subdivision either restates existing law (officials' voter list maintenance duties) or is undefined ("use best efforts"). Choosing which provisions rise to the level of a "chief purpose and points" is a quintessential exercise of the Attorney General's discretion.

The Attorney General has no obligation to provide "a complete catalogue or index of all of the measure's provisions." (See *Lungren, supra*, 48 Cal.App.4th at p. 439.) "[S]ubstantial compliance with" the "chief purpose and points" of the ballot initiative is sufficient. (*Becerra v. Superior Court, supra*, 19 Cal.App.5th at p. 975; see also *Perry v. Jordan, supra*, 34 Cal.2d at p. 94 ["[S]ubstantial compliance is sufficient and [a title and summary] need not contain a summary or index of the provisions of the measure or auxiliary and subsidiary matters."].)

Here, Proposition 39's "chief purpose" is plainly focused on requiring citizens to provide identification as a condition for voting. The measure's proponents' titled the measure "the California Voter ID Initiative" with no mention of any of its other provisions. (Petition Ex. B, p. 1.) Notably, the Attorney General's Summary gives subdivision (a) more attention than the

1 proponents' language. (Compare Pet. Ex. A [17 of 100 words, 17%] with Pet. Ex. B [64 of 474
2 words, 13.5%].) And proponents dedicated only 63 of its 498 words—just 12.7%—in the Ballot
3 Argument in Favor. (See McGraw Decl. Ex. 1.)² As the proponents' own statements make clear,
4 subdivision (a)'s requirements are at best, auxiliary or subsidiary, to the measure's chief purpose:
5 voter identification.

6 Moreover, Proposition 39's requirement that State and local officials maintain voter
7 registration lists and verify citizenship for voting is not a change in the law, and therefore is not a
8 chief purpose of the proposed initiative. As the Legislative Analyst's Office explained in its
9 Analysis of the Measure, current law already requires election officials to "keep the voter rolls up
10 to date by removing people who are no longer eligible to vote from the list" and to "verify
11 signatures for [vote by mail] ballots before counting them." (Pet. Ex. E at 1–2; see also Section
12 III, *supra*.) Including these obligations in the ballot title and summary could result in the
13 misleading impression that election officials do not currently have these obligations. In addition,
14 the phrase "best efforts" is ambiguous, especially when considered against the already existing
15 obligations for election officials. Thus, the Attorney General reasonably included the only new
16 requirement in the Ballot Summary: "Requires election officials to annually report percentage of
17 each county's voters whose citizenship status they have verified." (Pet. Ex. A.) Such decisions
18 fall well within the Attorney General's discretion. (See *Lungren*, *supra*, 48 Cal.App.4th at p. 442
19 [holding that omission of the word "affirmative action" was within the Attorney General's
20 discretion, especially where the word is defined in many different ways and its use could be
21 "overinclusive and hence 'false and misleading.'"].)

22 Petitioners argue that *Lungren* does not apply because it involved an omission of a "value-
23 laden term" of "affirmative action." However, the court's ruling was not so limited to omissions
24 of "value-laden" terms. The court made numerous references to the Attorney General's
25 discretion, how the proposition was accurately described, and that the court "fail[ed] to see why

26 _____
27 ² The Ballot Argument in Favor is judicially noticeable pursuant to Evidence Code
28 § 452(c). (*Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 22 n. 10 [taking judicial notice of
"Rebuttal to Argument Against Measure O" in ballot pamphlet as an "official government
document"].)

1 the term *must* be added to describe the ‘character and real purpose of the proposed measure.’” (*Id.*
2 at p. 442 [quoting *Tinsley v. Superior Court* (1983) 150 Cal.App.3d 90, 108].) Likewise, there is
3 no reason that all parts of the description of the “best efforts” provision *must* be added to
4 accurately portray the real purpose of the proposed measure to require voter identification.
5 Moreover, the term “best efforts” is just as “amorphous” as the term “affirmative action.” (*Id.* at
6 pp. 442–443 [“we cannot fault the Attorney General for refraining from the use of such an
7 amorphous, value-laden term in the ballot title and ballot label”].)³

8 **4. The Ballot Title and Summary and Ballot Label Do Not Risk** 9 **Prejudice**

10 To show prejudice, petitioners must demonstrate, with clear and convincing evidence, that
11 the ballot language signals to voters the Attorney General’s view of “how they should vote, or
12 casts a favorable light on one side of the [] issue.” (*Martinez v. Superior Court* (2006) 142
13 Cal.App.4th 1245, 1248.) Petitioners do not come close to meeting this heavy burden.

14 Petitioners contend that the Attorney General’s “neutral prior title” show that the ballot title
15 is a prejudicial choice. (Pet. MPA at 13.) But that argument is fundamentally flawed. The
16 Elections Code explicitly permits the ballot title and summary to differ from a circulating title and
17 summary (Elec. Code § 9015(a)(1)), so the fact of the change alone cannot be evidence of
18 prejudice. Indeed, as Petitioners recognize, the existence of alternative descriptions is not enough
19 to prove a violation because “[t]here will always be a multitude of ways in which any initiative ...
20 ‘could have’ been described,” and the court’s “task is not to compose but to review.” (Pet. MPA
21 at 14 [quoting *Becerra v. Superior Court, supra*, 19 Cal.App.5th at p. 979].) Even Petitioners
22 admit that “an evolving assessment may justify a choice among accurate descriptions,” and that is
23

24 ³ Petitioners’ reliance on *Clark v. Jordan* (1936) 7 Cal.2d 248 is inapposite because that
25 case involved interpretation of a former version of the law that evaluated the title separately from
26 the summary, which is no longer good law. (*Becerra v. Superior Court, supra*, 19 Cal.App.5th at
27 976–77 [recognizing that *Clark* is inapposite to challenge to a ballot title and summary because it
28 construed a former version of the law].) In any event, the omission of the “best efforts” portion is
nowhere close to a situation in which the “‘short title’ includes ‘all the sweet and excludes all the
bitter.’” (*Clark v. Jordan, supra*, 7 Cal. 2d at 251 [holding the statute as “clearly misleading”
when it states it abolishes sales tax while failing to acknowledge that the measure “is also a taxing
measure”].)

1 exactly what happened here. (Pet. MPA at 14.)⁴ For the same reasons, the Petitioners’ arguments
2 regarding the Legislative Analyst’s description fails. (Pet. MPA at 15.)

3 Petitioners characterize the ballot materials as “a charged, one-sided description that recasts
4 the measure as a prohibition on voting *by citizens*,” but there is no such “recast.” (Pet. MPA at
5 14.) As described in detail above, *supra* at pp. 21–26, the ballot title and summary and ballot label
6 are neutral and accurate descriptors of a proposition that would only allow citizens to vote if they
7 provide the requisite identification. The ballot title and summary accurately describes what the
8 law does. It does not use any “value-laden” terms that are a “suggestion of a wrong that needs to
9 be corrected” (*see Lundgren v. Superior Court, supra*, 48 Cal.App.4th at pp. 440–443), and it
10 does not indicate a preference for the outcome. Petitioners’ concern with the Attorney General’s
11 title pointing out that the measure limits voting by citizens is an objection to the measure itself—
12 which unquestionably will limit citizens from voting if they do not present identification—not the
13 Attorney General’s description of it. The Attorney General does not violate his title-and-summary
14 duty when he accurately describes a proposed measure.

15 Nor is the word “prohibits” inherently prejudicial. “Prohibits,” “eliminates,” and “restricts”
16 are ordinary descriptive verbs. When they accurately state a measure’s legal effect—as “prohibits
17 ... unless” does here, *supra* at pp. 21–23—their perceived negative connotation by a measure’s
18 proponents does not transform description into argument. (See *Becerra, supra*, 19 Cal.App.5th
19 967; *Lungren, supra*, 48 Cal.App.4th at pp. 440–442.)

20 Finally, to the extent the existence of alternative descriptions of voter identification
21 initiatives bears any weight, they weigh in favor of the Attorney General’s ballot materials. In the
22 past twenty years, eight prior Voter ID initiatives have been submitted to the Attorney General for
23 a title and summary. For six of the eight, the Attorney General’s office used substantially similar
24 language as Petitioners challenge here. (McGraw Decl. Exs. 2–9.)⁵ For example, in 2009,

25 ⁴ Of note, it is hardly unusual for the Attorney General to make changes between the
26 circulating title and summary and the ballot title and summary. Indeed, all nine voter-proposed
27 initiatives that qualified for the November 3, 2026 General Election were changed. (McGraw
28 Decl. ¶ 11.)

⁵ Ballot titles and summaries and circulating titles and summaries are judicially noticeable
pursuant to Evid. Code § 452(c) as official executive acts. (See *Howard Jarvis Taxpayers*
(continued...))

1 Attorney General Edmund G. Brown Jr. summarized a materially similar voter-identification
2 initiative as follows: “Prohibits citizens from voting at the polls unless they present a
3 government-issued photo-identification card,” with provisional and mail ballots “deemed invalid
4 unless” the envelope was marked with the last four digits of a designated identification number.
5 (McGraw Decl. Ex. 4.) In 2013, Attorney General Kamala D. Harris described another voter-
6 identification initiative through the very counting mechanism Petitioners now insist is something
7 categorically different from “voting”: “Prohibits citizen’s vote at the polls from being counted
8 unless he or she presents government-issued photo-identification.” (McGraw Decl. Ex. 7.)⁶
9 Simply put: a measure that conditions the counting of ballots on identification “prohibits” voting
10 without identification, and the Attorney General has said so, in materially identical words, since
11 long before this measure or this campaign existed.

12 **B. The Court’s Authority Is Limited by Printing and Distribution Deadlines**

13 Elections Code section 9092 provides in part that a peremptory writ of mandate requiring
14 state voter information guide revisions shall issue only if “*issuance of the writ will not*
15 *substantially interfere with the printing and distribution of the state voter information guide as*
16 *required by law.*” (emphasis added; *see also* Gov. Code, § 88006 [same].) Elections Code section
17 9094 requires that the bulk of the mailing of state voter information guides to approximately 13.5
18 million households be completed no later than 21 days or 10 days before the election, depending
19 on when a voter registers.⁷ For the November 3, 2026 General Election these deadlines are
20

21 _____
22 *Association v. Bowen, supra*, 192 Cal.App.4th at p. 119 fn. 3 [granting judicial notice of ballot
materials for proposition].)

23 ⁶ See McGraw Decl. Ex. 2 (“Prohibits citizens from voting at the polls unless they present
a government-issued photo-identification card.”); McGraw Decl. Ex. 3 (“Prohibits citizens from
voting at the polls unless they present a government-issued photo-identification card.”); McGraw
24 Decl. Ex. 5 (“Prohibits Voting By Those Who Fail to Provide Government-Issued
Identification”); McGraw Decl. Ex. 6 (“Prohibits Voting By Those Who Do Not Provide
25 Government-Issued Identification”).

26 ⁷ Elections Code section 9094, subdivision (a) requires that the mailing of voter
information guides to voters who registered on or before the 60th day prior to the election be
completed no later than 21 days before the election. For voters who register between 29 and 59
27 days before the election, the mailing must be completed no later than 10 days before the election.
(*Ibid.*) The Secretary of State is not obligated to mail a voter information guide to voters who
28 register fewer than 29 days before the election. (*Ibid.*)

1 October 13, 2026 and October 24, 2026, respectively. (See Declaration of Lou Butera, State
2 Printer ¶¶ 3, 7; Lean Decl., ¶¶ 3, 5.)

3 In light of the necessary preparation, and even with state printing presses operating on a 24-
4 hour-a-day basis, the text of the state voter information guide must be finalized no later than 5:00
5 p.m. on August 10, 2026, if the State is to meet the specified mailing and distribution deadlines.
6 (See Butera Decl., ¶¶ 4–7; Lean Decl., ¶ 5.) Any changes made in the text after that time will
7 affect the printing process and cause a delay in the delivery of the voter information guides to the
8 voters and county elections officials. (See Butera Decl., ¶ 7; Lean Decl., ¶ 5.)

9 **VI. CONCLUSION**

10 For the reasons set forth above, the Attorney General requests that the Court deny the
11 petition for writ of mandate challenging the ballot title and summary and the ballot label. The
12 Secretary of State and the State Printer take no position on the merits of the petition. All parties
13 request that the matter be decided before 5:00 p.m. on August 10, 2026.

14 Dated: August 3, 2026

Respectfully Submitted,

15 ROB BONTA
16 Attorney General of California
17 BENJAMIN M. GLICKMAN
18 Supervising Deputy Attorney General
19 ASHA ALBUQUERQUE
20 CARTER M. JANSEN
21 Deputy Attorneys General

22 /s/ Sabrina T. McGraw
23 SABRINA T. MCGRAW
24 Deputy Attorney General
25 *Attorneys for Respondent Secretary of*
26 *State Shirley N. Weber and Real Parties*
27 *in Interest Attorney General Rob Bonta*
28 *and State Printer Lou Butera*