

08/05/2026

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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. 26-WM-000193

**PETITIONERS REPLY IN SUPPORT
OF PETITION FOR PEREMPTORY
WRIT OF MANDATE**

[Cal. Elec. Code §§ 9051, 9092, 13314;
Cal. Code Civ. Proc. §§ 1085, 1088.5;
Local Rule 2.26]

PRIORITY ELECTION MATTER
(Cal. Elec. Code § 13314)

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

ACTION REQUIRED BY:
August 10, 2026

Judge: Jennifer K. Rockwell
Department: 3A
Hearing: August 6, 2026 at 2:30 p.m.

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INTRODUCTION

The question is whether the description the Attorney General certified is biased, false or misleading. The Attorney General's Opposition Memorandum asks the Court to resolve this case on deference. But while the presumption of correctness protects the Attorney General's impartial choice among accurate descriptions of a measure, it is not a license for partial language that is inaccurate, misleading, withholds vital information, or is likely to create prejudice. (*Becerra v. Superior Court* (2017) 19 Cal.App.5th 967, 979-980; *Costa v. Superior Court* (2006) 37 Cal.4th 986, 1016; *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 243; Elec. Code, § 9051, subd. (e).)

In an 11th hour switch just three weeks before the deadline, the Attorney General revealed he was abandoning the impartial and accurate title and summary ("ESTABLISHES ADDITIONAL VOTER IDENTIFICATION AND CITIZENSHIP VERIFICATION REQUIREMENTS") he drafted and allowed for Proposition 39's proponents to gather signatures. Instead, he abruptly adopted a title, summary, and label that lead with "PROHIBITS CITIZENS FROM VOTING" and which emphatically states that citizens cannot vote unless they "PRESENT GOVERNMENT-ISSUED IDENTIFICATION." (Opp. at p. 12.) While "PROHIBITS CITIZENS FROM VOTING" is the most odious aspect of the change, the full title ("PROHIBITS CITIZENS FROM VOTING UNLESS THEY PRESENT GOVERNMENT-ISSUED IDENTIFICATION") is also false, biased and misleading as a description of "the measure's chief purpose and points," especially as to the approximately 80% of California voters who vote by mail.

Proposition 39 conditions the counting of a ballot on an identity-verification step that every eligible voter can satisfy. For the overwhelming majority of voters who vote by mail, the measure does not require them to "present identification" to anyone in order to vote. The measure's requirement that such voters record four digits of their choice on their ballot envelope is neither "presenting" government-issued identification nor, if writing digits on an envelope is considered "presenting," do four such digits constitute "government-issued identification." If a TSA agent or a pharmacy counter clerk asks someone for their government-issued ID, that person reciting four digits will not suffice. The Attorney General's Summary confirms the point by describing the

1 Measure as a rule that refers to the digits as “the last four digits of designated government-issued
2 identification.” *The last four digits of* a government-issued identification is not that identification,
3 an failing to record those digits on an envelope is not failing to produce the identification.

4 The State submits that the lead must be read together with the rest of the materials. (Opp.
5 at p. 12). This does not save the ballot label because the title and summary lead with the same false
6 characterization of the Measure as a prohibition on voting and describe, for the vote-by-mail
7 majority, an ID presentment requirement the measure does not impose on them. Where a ballot
8 label is false or misleading, as here, no decision of this state holds that even accurate text elsewhere
9 in the guide cures it.

10 While the Attorney General indeed must exercise judgment and discretion, his duty is still
11 to produce an impartial and non-misleading description of what the Measure does. Petitioners
12 credit the Attorney General for having done an acceptable job of discerning and describing the
13 Measure’s “chief purpose and points” when it drafted the circulating title and summary. Petitioners
14 challenge the 11th hour decision to suddenly jettison his own good work for an alternative that does
15 not in fact “‘fairly represent[]’ the proposed measure.” (Opp. at p. 18 [quoting *Zaremborg v.*
16 *Superior Court* (2004) 115 Cal.App.4th 111, 118]). It is true that Petitioners are not entitled to a
17 mere preference among a choice of impartial descriptions, but the Attorney General is also not
18 entitled to a preference for an inaccurate, misleading, or prejudicial description. The challenged
19 descriptions should be deleted or changed because they are “false, misleading, or likely to create
20 prejudice.”

21 Finally, to remove any question about the Court's remedial role, Petitioners narrow their
22 request. They do not ask the Court to compose new copy. They ask the Court to delete the false
23 characterization, to direct the Attorney General to cure it consistent with the Court’s findings, and,
24 if he does not do so within the time the Court sets, to restore by operation of the order the neutral
25 lead he himself certified under section 9004 for most of the past year while soliciting voters’
26 signatures on petitions. Petitioners therefore withdraw the phrase “conform the remainder . . .
27 accordingly” from paragraph 1 of the Prayer.
28

ARGUMENT

I. Deference Does Not Protect the Attorney General's Inaccuracy

The parties largely agree on the standard, so the only question is where this dispute falls within it. Deference is at its height when the objection is to the Attorney General's choice among fair descriptions, and at its lowest when the objection is to accuracy. *Becerra* is explicit that the latitude it protects is the latitude to choose "which effect of the proposed initiative's two effects to list first," and that a title is not misleading "simply because it first states" one accurate effect "and then states" another. (*Becerra, supra*, 19 Cal.App.5th at pp. 978-980.) That is deference to ordering and word choice among accurate descriptions. It presupposes accuracy. The same court fixed the outer boundary by quoting *Costa*: courts have been "most concerned with departures from the statutory requirements that mislead or withhold vital information." (*Id.* at p. 977, quoting *Costa, supra*, 37 Cal.4th at p. 1016.) And the Supreme Court has explained that the main purpose of these requirements "is to avoid misleading the public with inaccurate information." (*Amador Valley, supra*, 22 Cal.3d at p. 243.)

"[C]ontext may show that a statement that, in one sense, can be said to be literally true can still be materially misleading; hence, the Legislature did not indulge in redundancy when it used both words." (*Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th 1417, 1432; accord *San Bernardino County Fire Protection Dist. v. Page* (2024) 99 Cal.App.5th 791, 811.) The operative test asks "whether the challenged statement is subject to verifiability, as distinct from 'typical hyperbole and opinionated comments common to political debate'; an "outright falsehood" or a statement that is "objectively untrue" may be stricken, and so may one that is literally true but materially misleading in context. (*Page, supra*, 99 Cal.App.5th at p. 811; *San Francisco Forty-Niners v. Nishioka* (1999) 75 Cal.App.4th 637, 646.) While *Lungren* held that the AG is entitled to deference and discretion, no amount of deference and discretion negates the statute's prohibition against descriptions that are false, misleading, and inaccurate.

The label's lead ("PROHIBITS CITIZENS FROM VOTING . . .") is a factual proposition about what the measure does, not hyperbole, so it is subject to verification against the measure's text, and no proof of intent is required. (*Page, supra*, at p. 812 [initiative may be found misleading

1 “even in the absence of evidence of intent”].) *Yes on 25* is not to the contrary. It holds that “a
2 difference of opinion does not rise to the level of clear and convincing proof that the challenged
3 language in the ballot title and summary and the ballot label is misleading.” (*Yes on 25, Citizens*
4 *for an On-Time Budget v. Superior Court* (2010) 189 Cal.App.4th 1445, 1454.)

5 Here, a statement that is (nearly) literally true only as to a minority of voters (in-person
6 voters who must indeed present government-issued identification—or cast a provisional ballot) is
7 not a defense for false, misleading and partial statements about the majority of voters (vote-by-
8 mail voters, who need not “present government-issued identification” to anyone).

9 The Petition therefore does not rely on a difference of opinion or a mere frustrated
10 preference (Opp. at p. 12) between competing but accurate descriptions. It is grounded on the
11 Attorney General falsely or misleadingly describing a vote verification-and-counting rule as an
12 outright prohibition on voting and misleading voters by falsely claiming an ID presentment
13 requirement applies to the overwhelming majority of them who vote by mail. (*See* Opp. at p. 21
14 [“Taken together, Proposition 39’s plain language prohibits people from casting votes . . . without
15 providing the required government-issued identification.”].)

16 In sum, if the Attorney General’s leading description comes closest to being accurate only
17 with respect to a minority of voters (in person voters), then deference cannot protect the Attorney
18 General’s false, misleading, and partial lead.

19 **II. The Lead Misdescribes the Measure, Most Acutely for the Vote-by-Mail Majority.**

20 **A. For most Californians, the measure requires no presentation of government-** 21 **issued identification.**

22 The label tells every voter, in bold capitals, that the measure “PROHIBITS CITIZENS
23 FROM VOTING UNLESS THEY PRESENT GOVERNMENT-ISSUED IDENTIFICATION.”
24 For the overwhelming majority of Californians, that is not what Proposition 39 requires. Of
25 approximately sixteen million ballots cast in the November 2024 general election, more than
26 thirteen million, over eighty percent, were cast by mail. (Petitioners’ Req. for Judicial Notice, Exs.
27 G-H; the State does not dispute the authenticity of Exhibits G and H. (Answer ¶ 14.))
28

1 For those voters the measure requires only that they “provide the last four digits of a unique
2 identifying number” that they themselves designated in their own registration record, matched
3 against information already on file. (Pet. Ex. B [proposed Cal. Const., art. II, § 3.1, subd. (b)].) A
4 mail voter presents no government-issued identification. The Attorney General’s own copy says
5 as much: the label states that the measure “[i]nvalidates mail ballots” lacking the last four digits,
6 and the title and summary state that a mismatched ballot “would not count.” Recording four digits
7 on one’s ballot envelope, a number that is already on file, is not “present[ing] government-issued
8 identification,” and describing it that way, for most voters, is misleading.

9 The State answers that supplying a number is “simply one method of presenting”
10 government-issued identification, and that the summary makes “the precise mechanics clear.”
11 (Opp. at p. 23.) The second point defeats the first. If the reader must consult the summary to clarify
12 the mechanics, that is, to learn that people voting by mail do not in fact have to present
13 identification, then the bolded lead is inaccurate or misleading. And a description accurate only
14 for the in-person minority does not “reasonably inform the voter of the character and real purpose
15 of the proposed measure” when most ballots are not cast that way. (*Tinsley v. Superior Court*
16 (1983) 150 Cal.App.3d 90, 108.)

17 **B. The Attorney General’s own materials contradict the lead.**

18 The dispositive point does not require the Court to resolve any contested question of
19 political characterization. It requires only a comparison of the Attorney General’s headline to his
20 own operative text. The lead speaks the vocabulary of disqualification: “prohibits citizens from
21 voting.” The operative sentences in the Summary, however, speak the vocabulary of counting and
22 validity: the measure “[i]nvalidates mail ballots” that lack the digits, and a mismatched ballot
23 “would not count.” Those are not descriptions of a prohibition on the franchise; they are
24 descriptions of a rule governing whether a cast ballot is counted. A set of materials that describes
25 a verification-and-counting rule in its operative sentences cannot accurately headline that rule as a
26 prohibition on voting. The contradiction is on the face of the Attorney General’s own copy. It is
27 the kind of objective and misleading inaccuracy, not a matter subject to reasonable disagreement,
28 that establishes clear and convincing proof.

1 **C. A verification-and-counting requirement is not a prohibition on voting.**

2 California law distinguishes rules that disqualify a person from the franchise from rules
3 that govern how a cast ballot is verified and counted. Voter qualifications appear in the
4 Constitution: a United States citizen, eighteen years of age, and resident “may vote,” and only a
5 person serving a prison term is disqualified. (Cal. Const., art. II, §§ 2, 4.) Verification-and-counting
6 procedures are a different category. The Legislature “has the power to enact reasonable provisions
7 . . . requiring persons who are electors, and who desire to vote, to show that they have the necessary
8 qualifications . . . as a condition precedent to the right of such electors to exercise the privilege of
9 voting. Such provisions do not add to the qualifications required of electors, nor abridge the right
10 of voting, but are only reasonable regulations.” (*Kagan v. Kearney* (1978) 85 Cal.App.3d 1010,
11 1019, quoting *Bergevin v. Curtz* (1899) 127 Cal. 86, 88.)

12 Proposition 39 works the same way. It preserves the casting of a “regular or provisional
13 ballot,” directs that officials “shall only count” a ballot “after verifying the identity of the person
14 voting,” and guarantees a free voter identification card to any eligible voter on request. (Pet. Ex.
15 B [§ 3.1, subd. (b)].) It invokes the identity-verification-then-count structure that California
16 already uses, (*see Election Integrity Project Cal., Inc. v. Weber* (9th Cir. 2024) 113 F.4th 1072
17 [describing system of verification, cure, and provisional fallback]), which could hardly be called
18 a system of voting prohibitions. To describe that structure with the vocabulary of disqualification
19 conveys a prejudicial message with inaccurate information about the measure’s character and real
20 purpose.

21 The premise that an uncounted ballot is functionally a prohibition on voting proves too
22 much. Under the current regime, a vote-by-mail ballot whose signature does not match is also not
23 counted (Elec. Code, § 3019), yet no one describes signature verification as prohibiting citizens
24 from voting. If conditioning the counting of a ballot on a verification step were a prohibition on
25 voting, every counting rule California already uses would be one. The vocabulary of prohibition
26 fits a disqualification, not a verification-and-count rule that every eligible voter can satisfy.

27 The State’s contrary authorities do not bear the weight placed on them. *Field v. Bowen* and
28 *Boydston v. Weber* are confined to their facts. A statutory ban on counting votes for write-in

1 candidates combined with a law limiting the names on a ballot to only the top two candidates were
2 deemed to work together to implicitly ban the casting of write in ballots in *Field* and *Boydston*
3 involved a claimed right to cast expressive, non-counting ballots. (*Field v. Bowen* (2011) 199
4 Cal.App.4th 346, 366-367; *Boydston v. Weber* (2023) 90 Cal.App.5th 606, 611-612.). Neither
5 holds that conditioning the counting of a ballot on a verification step is a prohibition on voting.
6 Section 15702's inclusion of "any other act prerequisite to voting" within the definition of a "vote"
7 confirms only that ordinary preconditions, such as registration, are part of the voting process, not
8 that a measure imposing one "prohibits" voting. *Gould, Reynolds*, and *Mosley* protect the counted
9 vote against dilution and official suppression; they say nothing that would license describing a
10 verification rule as a prohibition, and Proposition 39 preserves the very thing they protect. (*Gould*
11 *v. Grubb* (1975) 14 Cal.3d 661, 668-670; *Reynolds v. Sims* (1964) 377 U.S. 533, 554-555; *United*
12 *States v. Mosley* (1915) 238 U.S. 383, 386.)

13 **III. The Materials Fail Whether Read Together or Separately.**

14 The State's principal defense is that the title cannot be read in isolation. Petitioners agree
15 that the ballot title and summary are read together. (*Becerra, supra*, 19 Cal.App.5th at p. 976.)
16 That rule does not help the State, for two reasons.

17 First, the title and summary fail even when read together. The Title states "Prohibits
18 Citizens From Voting Unless they Present Government-Issued Identification" whereas the
19 Summary states "Prohibits voting by mail unless voter designates a government-issued
20 identification number" and describes, in its own operative clause, a rule that "[i]nvalidates mail
21 ballots if envelope does not include last four digits of a government-issued identification number
22 . . ." and under which a ballot "would not count." The fuller text does not cure the lead; it repeats
23 the lead and then contradicts it. This is unlike *Bonta v. Superior Court* (2024) 104 Cal.App.5th
24 147, 155, where an accurate label merely omitted background that the fuller title and summary
25 supplied. Here the defect is not the omission of context or further details; it is an affirmative
26 misdescription arising to a contradiction that pervades both the label and the title and summary.

27 Second, the ballot label independently must be true on its own terms. The label is a distinct
28 statutory document: a condensed statement of no more than seventy-five words that appears on the

1 ballot itself, immediately before the “Yes” and “No” targets, where the voter does not have the
2 summary, the analysis, and the full text before her. (Elec. Code, §§ 303, 9051, subd. (c), 13119.)
3 When the *Huntington Beach* court found a single title word misleading it ordered the word
4 corrected without asking whether the pamphlet might clarify it. (*Huntington Beach*, *supra*, 94
5 Cal.App.4th at p. 1433.) *Bonta* is not to the contrary. There, the court read a ballot label together
6 with the title and summary, but did so only because the fuller materials supplied accurate
7 information the label had omitted, information whose presence in the title and summary
8 “substantially diminishes” any danger that voters would be misled. (*Bonta*, *supra*, 104 Cal.App.5th
9 at p. 155.) That reasoning rescues an accurate but incomplete label; it does nothing for a label
10 whose lead the operative text contradicts. Reading these materials together does not dispel the
11 inaccuracy; it confirms it.

12 The label fails for the further reason that it leads with a prejudicial premise. *McDonough*
13 holds that leading a ballot’s operative language with a charged, advocacy-laden framing is
14 impermissible even where the stated justification is accurate, because such content “properly
15 belong[s] in the ballot arguments in favor of the measure, not in the ballot question, which must
16 be cast in neutral, unbiased language.” (*McDonough v. Superior Court* (2012) 204 Cal.App.4th
17 1169, 1175-1176.) The court there examined the complete title and the full ballot question and still
18 issued a peremptory writ in the first instance changing the all-caps title, because the wording
19 “tak[es] a biased position in the very titling of the measure itself.” (*Id.* at p. 1175.) A label that
20 leads, in bold capitals, with “PROHIBITS CITIZENS FROM VOTING” tells the ordinary voter
21 that ineligibility is the measure’s dominant purpose and effect, when eligibility under an identity
22 verification condition is its purpose. That is the biased framing *McDonough* forbids, and it is
23 “advocacy in the description of the measure on the ballot itself.” (*Huntington Beach*, *supra*, 94
24 Cal.App.4th at p. 1434.)

25 **IV. The Comparator Evidence Does Not Rescue the Lead.**

26 The State devotes its prejudice argument to eight prior voter-identification initiatives
27 contending that because the Attorney General’s office used similar “prohibits . . . unless . . .
28

1 identification” language for six of them, the language is neutral here. (Opp. at pp. 27-28.) The
2 argument mistakes the inquiry.

3 Accuracy under section 9092 is judged against the specific text of the measure before the
4 Court, not against how the Attorney General described other measures in the past. (*Lungren v.*
5 *Superior Court* (1996) 48 Cal.App.4th 435, 442 (reliance on extraneous materials was error).)
6 Prior usage is not an adjudication of accuracy and binds no one. *Lungren*, the State’s own deference
7 authority, holds that “[t]he mandate to the Attorney General is to state the purpose and effect of
8 the measure, not to reiterate selectively fragments of public commentary,” and that a court “err[s]
9 in relying on . . . extraneous materials.” (*Id.* at p. 442.) If commentary about this very measure may
10 not be used to impeach a title, the Attorney General’s description of different, earlier measures is
11 extraneous material that cannot be used to validate one.

12 The comparison also fails on its own terms. Prior usage is evidence of convention, not
13 accuracy, and the very formulations the State invokes prove Petitioners’ point. When the Attorney
14 General’s office previously led with the vocabulary of prohibition, it tied that vocabulary to *in-*
15 *person voting that was subject to a photo identification*, while it used the vocabulary of counting
16 and validity for the mail component. In 2009, Attorney General Brown described a materially
17 similar measure as one that “[p]rohibits citizens from voting at the polls unless they present a
18 government-issued photo-identification card,” while provisional and mail ballots were “deemed
19 invalid unless” the envelope was marked with the last four digits of a designated identification
20 number. (McGraw Decl., Ex. 4; see Opp. at pp. 27-28.) In 2013, Attorney General Harris used the
21 vocabulary of counting even more explicitly, describing the measure as one that “[p]rohibits
22 citizen’s vote at the polls from being counted unless he or she presents government-issued photo-
23 identification.” (McGraw Decl., Ex. 7.) The challenged label here discards every one of those
24 limiting features. It drops “at the polls,” drops “photo,” drops the counting vocabulary the prior
25 labels used for the mail component, and applies a flat “PROHIBITS CITIZENS FROM VOTING”
26 to the entire electorate, including the vote-by-mail majority who is not obligated “to present
27 government-issued identification.” The prior labels the State relies on thus confirm, rather than
28 rebut, that an accurate description separates the in-person photo requirement from the mail

1 counting rule. It also means the recycled descriptions of different past measures are not accurately
2 applied to this measure.

3 To the extent other prior labels used a more categorical form, it does not appear that any
4 were adjudicated to be accurate, and none described a measure whose requirement would fall on
5 a large majority of voters casting vote-by-mail ballots verified by a self-designated number rather
6 than the presentation of identification. The question is not whether the Attorney General has used
7 similar words before, but whether these words are true of this measure. (*Becerra, supra*, 19
8 Cal.App.5th at pp. 976-980.)

9 It is probative of the Attorney General's treatment of this measure that for the ten months
10 this measure was circulated, qualified, and certified, the Attorney General's own section 9004 title
11 described it neutrally and named both of its purposes: "ESTABLISHES ADDITIONAL VOTER
12 IDENTIFICATION AND CITIZENSHIP VERIFICATION REQUIREMENTS." The same "true
13 and impartial" standard governs that title. (*Becerra, supra*, 19 Cal.App.5th at p. 975; Elec. Code,
14 § 9004, subd. (a).) There has been no representation by the Attorney General that this title was
15 false, misleading, or otherwise improper.

16 The challenged July 3 materials departed from that neutral baseline with no change in the
17 measure's text. Deference does not shield the departure, because deference protects the choice
18 among accurate descriptions, not a shift to an inaccurate one. This also answers the State's
19 contention that Measure subsection (a)'s citizenship-verification duty is not a chief purpose: the
20 Attorney General's own prior title named it one, and under the presumption of correctness the
21 State invokes, his prior judgment is entitled to respect.

22 The Attorney General's authority to revise his characterization after the measure qualifies
23 does not answer the point. Petitioners do not contend the section 9004 title binds the section 9051
24 materials, or that any revision is improper; they contend the revision moved from accurate to
25 inaccurate, partial, and prejudicial. The same "true and impartial" standard governs both. (*Becerra*,
26 *supra*, 19 Cal.App.5th at p. 975; Elec. Code, § 9004, subd. (a).) The officer's own prior, standard-
27 compliant characterization is therefore evidence that accurate and impartial language was
28

1 achievable, and indeed achieved, before the late-hour departure from it to an inaccurate and
2 misleading new version, not a claim that he was forbidden to change it.

3 Nor does the seventy-five-word limit excuse the label. The label uses sixty-one of the
4 seventy-five words allowed, and the Attorney General’s own neutral section 9004 formulation fits
5 comfortably within the cap. (Elec. Code, § 9051, subd. (b)(1).)

6 **V. The Requested Relief Is Narrow, Self-Executing, and Within the Court’s Power.**

7 Petitioners ask first for the narrowest remedy the statute provides. Section 9092 authorizes
8 the Court to order ballot copy “amended or deleted,” and deletion of affirmatively false or
9 misleading copy is the least intrusive exercise of that power. The Court should delete the
10 characterization “prohibits citizens from voting” wherever it appears, in the label (“Prohibits in-
11 person voting”) and in the title and summary (“Prohibits voting by mail” and “Prohibits voting in
12 person”). That deletion asks nothing of the Court but the removal of a falsehood.

13 Because a ballot title cannot be left without a lead, the Court should direct the Attorney
14 General to supply a conforming lead, and conforming descriptions of the in-person and mail
15 requirements, consistent with the Court’s findings and the true-and-impartial standard of section
16 9051. Directing the responsible officer to cure materials the Court has found deficient, rather than
17 composing replacement copy itself, respects the limit that the Elections Code makes courts
18 reviewers, not drafters. (*Becerra, supra*, 19 Cal.App.5th at p. 980.) Petitioners do not ask the Court
19 to compose ballot copy of its own devising, nor to revise the materials to add omitted matter merely
20 to make them more complete. (See *Horneff v. City & County of San Francisco* (2003) 110
21 Cal.App.4th 814, 821-822 [substantial compliance does not require a court to revise ballot
22 materials to supply omitted matter in the interest of completeness].) Petitioners accordingly
23 withdraw the portion of Prayer paragraph 1 directing the Attorney General to “conform the
24 remainder . . . accordingly.”

25 To make that direction effective within the printing calendar, the Court should set a short
26 deadline for the Attorney General to submit conforming copy, retain jurisdiction to review the
27 copy for conformity with its order, and provide that, if the Attorney General does not timely submit
28 conforming copy, the neutral lead he himself certified under section 9004, “ESTABLISHES

1 ADDITIONAL VOTER IDENTIFICATION AND CITIZENSHIP VERIFICATION
2 REQUIREMENTS,” is restored as the lead by operation of the order. That default is not judicial
3 composition. It supplies, only upon the officer’s own default, the officer’s own previously certified
4 words, prepared under the same true-and-impartial standard and used for the ten months this
5 measure circulated. (*Becerra, supra*, 19 Cal.App.5th at p. 975; Elec. Code, § 9004, subd. (a).) So
6 structured, the relief is self-effectuating: it protects the statutory deadline against the risk that a
7 directed revision is returned late, or not at all, with no time for the Court or Petitioners to react.

8 Specifying corrective text in this way is well within the remedial power courts exercise in
9 ballot cases. *Huntington Beach* directed that “exclusion” be substituted for “exemption,” and
10 *McDonough* directed that “pension reform” be changed to “pension modification,” both in
11 preelection writ proceedings. (*Huntington Beach, supra*, 94 Cal.App.4th at p. 1434; *McDonough,*
12 *supra*, 204 Cal.App.4th at pp. 1175-1178.)

13 Finally, the relief will not substantially interfere with printing and distribution. The State
14 agrees the matter can and must be resolved by August 10, and it does not contend that a narrow
15 correction to the lead cannot be implemented within the production calendar. (Opp. at pp. 28-29.)
16 A targeted deletion, a direction to the Attorney General to cure, and, failing that, restoration of his
17 own prior language, is precisely the kind of pre-printer correction section 9092 contemplates.

18 **VI. Petitioner DiCostanzo’s Elector Standing Sustains the Action.**

19 The Attorney General’s standing defense is directed only at the committee and does not
20 reach petitioner Donald DiCostanzo. Section 9092 confers standing on “any elector,” and
21 section 321 defines an elector as a United States citizen, eighteen or older, resident in an election
22 precinct. DiCostanzo is a registered voter of this state and therefore an elector. (Pet. ¶ 5.) One
23 qualifying elector-petitioner sustains the action regardless of a co-petitioner’s status. (*Legislature*
24 *of State of California v. Weber* (2024) 16 Cal.5th 237 [peremptory writ issued on a petition joined
25 by non-electoral parties and one named elector]; *McKeon v. Hastings College* (1986) 185
26 Cal.App.3d 877, 892.) The defense provides no basis to deny relief.

CONCLUSION

The Attorney General's materials lead with a characterization that the measure's own operative text and the Attorney General's Summary refute, and they do so most acutely for the majority of Californians who vote by mail. That is inaccuracy, not word choice, and deference does not protect it. Petitioners respectfully request that the Court issue a peremptory writ of mandate directing the Secretary of State to amend or delete the challenged ballot title, summary, and label; deleting the statement that the measure "prohibits citizens from voting" wherever it appears; and directing that the neutral characterization the Attorney General himself certified under section 9004 be restored as the lead, as recited in Petitioners' proposed order filed concurrently with this Reply.

Dated: August 5, 2026

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