SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

26WM000195: RIVAS, et al. vs SHIRLEY N WEBER, IN HER OFFICAL CAPACITY AS SECRETARY OF STATE OF THE STATE OF CALIFORNIA, et al.
08/06/2026 Hearing on Petition for Writ of Mandate ELECTION MATTER in Department 16B

Tentative Ruling

The following shall constitute the Court's tentative ruling on the petition for writ of mandate, which is scheduled to be heard by the Court on Thursday, August 6, 2026, at 3:30 p.m. in Department 16B. The tentative ruling shall become the final ruling of the Court unless a party wishing to be heard so advises the clerk of this Department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear.

In the event that a hearing is requested, oral argument shall be limited to no more than 20 minutes per side.

Parties requesting services of a court reporter will need to arrange for private court reporter services at their own expense, pursuant to Government Code §68086 and California Rules of Court, Rule 2.956. Requirements for requesting a court reporter are listed in the Policy for Official Reporter Pro Tempore available on the Sacramento Superior Court website at https://www.saccourt.ca.gov/court-reporters/docs/crtrp-6a.pdf. Parties may contact Court-Approved Official Reporters Pro Tempore by utilizing the list of Court Approved Official Reporters Pro Tempore available at https://www.saccourt.ca.gov/court-reporters/docs/crtrp-13.Pdf

A Stipulation and Appointment of Official Reporter Pro Tempore (CV/E-206) is required to be signed by each party, the private court reporter, and the Judge prior to the hearing, if not using a reporter from the Court's Approved Official Reporter Pro Tempore list, Once the form is signed it must be filed with the clerk.

If a litigant has been granted a fee waiver and requests a court reporter, the party must submit a Request for Court Reporter by a Party with a Fee Waiver (CV/E-211) and it must be filed with the clerk at least 10 days prior to the hearing or at the time the proceeding is scheduled if less than 10 days away. Once approved, the clerk will forward the form to the Court Reporter's Office and an official reporter will be provided.

DISCUSSION

In light of the extremely expedited nature of these proceedings, the Court will not detail the factual circumstances involved in this challenge. In summary, Petitioners challenge several statements in the ballot arguments and summary supporting Proposition 39, which are currently slated to appear in the ballot materials for the November 2026 General Election. The Court finds

the challenged language is false and misleading, and the Petition is therefore **GRANTED** for the reasons detailed herein.

Petitioners' request for judicial notice is GRANTED.

Petitioners argue that the following statements in the arguments are false and/or misleading:

Ballot Argument Summary

1. "Keeps voting EASY and private while making it more secure."

Argument in Favor of Proposition 39

1. "VOTER ID MAKES IT EASIER TO VOTE"
2. "Prop. 39 keeps voting EASY – while also making it more secure."
3. "Most importantly, Prop. 39 requires no burdens be placed on voters. No additional documents (birth certificate, marriage license, etc.) are required."
4. "VOTER ID MAKES SURE EVERY VOTE COUNTS"
5. "Prop. 39's approach to Voter ID simplifies identity verification and makes sure every valid vote counts."

Prop 39 Rebuttal Ballot Argument

1. "PROP 39 SAVES MONEY"
2. "Prop. 39 saves millions of dollars each election by improving voter list accuracy and requiring independent audits to strengthen election management."
3. "VOTER ID MAKES IT EASIER TO VOTE"
4. "Prop. 39 keeps voting easy while making it more secure. It includes privacy protections and prohibits burdens on voters."

Elections Code section 9092 provides,

> Any elector may seek a writ of mandate requiring a copy to be amended or deleted from the state voter information guide. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this code or Chapter 8 (commencing with Section 88000) of Title 9 of the Government Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the state voter information guide as required by law.

In determining whether statements are false or misleading, courts look to whether the

challenged statement is subject to verifiability, as distinct from "typical hyperbole and opinionated comments common to political debate." (See *San Francisco Forty-Niners v. Nishioka* (1999) 75 Cal.App.4th 637, 649.) An "outright falsehood" or a statement that is 'objectively untrue' may be stricken. (*Ibid*.) We need only add that context 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. On the other hand, the standard, as defined by the Legislature, is necessarily a high one: Courts may intervene only if clear and convincing evidence shows the statement to be false or misleading. (*Huntington Beach City Council v. Superior Court* (2002) 94 Cal. App. 4th 1417, 1432.)

The Court finds that the statements that Proposition 39 would make voting easier are false and misleading. Contrary to RPI's assertions these are not statements of opinion or a prediction of what the measure would do. Instead, as Petitioners point out, voters who vote in person do not currently have to show any form of identification; voters who vote by mail need only sign the return envelope under penalty of perjury and a residence address, along with other information required by Elections Code section 3011. If Proposition 39 is enacted, in person voters would have to bring government- issued identification in order to vote, and vote by mail voters would have to enter 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." It is hard to conceive how it would be "easy" or "easier" to vote if a voter has to take the extra step of either bringing government- issued identification when voting in person or search for their government-issued identification and supply the last four digits if they vote by mail. Merriam-Webster Dictionary defines "easy" as "requiring little effort, thought or reflection". ("Easy." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/easy.)

Further, the Court finds that the statements regarding privacy, such as "…while making it more secure. It includes privacy protections…" are false and misleading. Proposition 39 does not contain any provision for additional privacy or security of voter information. In fact, it requires voters using a mail-in ballot to include "the last four digits of a unique identifying number from government-issued identification" on the outside of the ballot envelope. This makes voter's "government-issued identification" numbers *less* private, and *less* secure. The proposed language regarding additional privacy protections and making voting "more secure" are false statements of fact, and must be stricken from the ballot arguments and summary.

Lastly, with respect to statements that Proposition 39 will "save millions of dollars each election," these statements are directly contradicted by the impartial analysis provided by the Legislative Analyst's Office. This analysis provides, "Proposition 39 would increase state and

local government costs each year by **tens of millions of dollars to low hundreds of millions of dollars**." (Emphasis in original.) The LAO considers the potential for savings from fewer registered voters, but concludes that these "savings likely would not exceed the costs of the measure." Thus, any statements that Proposition 39 will have an overall fiscal effect of saving *any* money, let alone the claimed "millions of dollars each election" are objectively untrue and are not simply statements of opinion or hyperbole.

The Court finds that each of the challenged statements is false and/or misleading, in violation of the Elections Code. The Petition is **GRANTED** in its entirety.

The parties are encouraged to meet and confer in order to present the Court with acceptable alternate language at the hearing, in light of the Court's tentative ruling.

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In the event that this tentative ruling becomes the final ruling of the Court, in accordance with Local Rule 1.06, counsel for Petitioners is directed to prepare an order granting the petition, incorporating this ruling as an exhibit to the order, a writ of mandate, and a judgment; submit them to opposing counsel for approval as to form in accordance with Rule of Court 3.1312(a); and thereafter submit it to the Court for signature and entry in accordance with Rule of Court 3.1312(b). **Judgment must be entered, and the writ of mandate issued no later than close of business, Monday, August 10, 2026.**