

No. G065492

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION THREE

THE PEOPLE OF THE STATE OF CALIFORNIA *et al.*,

Petitioners,

v.

SUPERIOR COURT OF ORANGE COUNTY,

Respondent.

CITY OF HUNTINGTON BEACH *et al.*

Real Parties in Interest.

From the Orange County Superior Court, Case No. 30-2024-01393606
The Honorable Nico Dourbetas, Judge

**APPLICATION OF CIVIL RIGHTS NONPROFITS TO FILE
AMICUS BRIEF IN SUPPORT OF PETITIONERS;
[PROPOSED] AMICUS BRIEF**

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APPLICATION FOR LEAVE TO FILE AMICUS BRIEF
SUPPORTING PETITIONERS

Pursuant to California Rules of Court, Rule 8.487, subdivision (e), amici curiae ACLU of Southern California, ACLU of Northern California, ACLU of San Diego & Imperial Counties, Asian Americans Advancing Justice Southern California, Asian Law Caucus, California Black Power Network, and Disability Rights California (collectively, “amici”), respectfully seek leave to file the proposed amicus brief below in support of the petition for a writ of mandate (the “Petition”) filed by the State of California, ex rel. Rob Bonta, Attorney General of the State of California; and Shirley N. Weber, in her official capacity as California Secretary of State (“Petitioners”).

Amici are California-based civil rights nonprofits that work to protect the fundamental right to vote for all eligible Californians—including voters from historically marginalized communities residing in Huntington Beach—and have a distinct community-driven interest in opposing laws like Measure A that impose unlawful and discriminatory barriers to voting.¹

ACLU of Southern California, ACLU of Northern California, and ACLU of San Diego & Imperial Counties are California affiliates of the ACLU—a nationwide, nonprofit, nonpartisan membership organization with two million members dedicated to the defense and promotion of the

¹ Counsel for amici authored this Brief in full. No person or entity, including counsel or amici, contributed money intended to fund the preparation or submission of the Brief.

guarantees of individual rights and liberties in the state and federal constitutions. All three affiliates have litigated voting rights and election law cases across California in support of these constitutional principles. (See, e.g., *Inland Empire United v. Riverside County*, No. CVRI2202423 (Super. Ct., Riverside County) & No. 5:22-cv-01366 (C.D. Cal); *AAAJ-LA v. Padilla*, No. CPF-18-516155 (Super Ct., S.F. County) & No. A155392 (Ct. App.); *La Follette v. Padilla*, No. CPF-17-515931 (Super Ct., S.F. County); *Soltysik v. Padilla*, No. 2:15-cv-07916 (C.D. Cal.) & No. 16-55758 (9th Cir.); *Paik v. City of Fullerton*, No. 30-2015-00777673 (Super. Ct., Orange County); *Scott v. Bowen*, No. RG14-712570 (Super. Ct., Alameda County).)

Asian Americans Advancing Justice Southern California (“AJSOCAL”) is the nation’s largest legal and civil rights nonprofit for Asian Americans and Pacific Islanders (“AAPIs”). AJSOCAL advocates for improved accessibility at the ballot box, monitors polling sites for compliance with language assistance laws, and litigates to remove obstacles to voting that prevent historically disenfranchised groups, such as AAPIs, from having an equal say in our democracy. (See, e.g., *AAAJ-LA v. Padilla*, No. CPF-18-516155 (Super. Ct., S.F. County) & No. A155392 (Ct. App.); *Paik v. City of Fullerton*, No. 30-2015-00777673 (Super. Ct., Orange County); *Higginson v. Becerra* (S.D. Cal. 2019) 363 F.Supp.3d 1118; *Pico Neighborhood Assn. v. City of Santa Monica* (2023) 15 Cal.5th 292.)

Asian Law Caucus (“ALC”) is the nation’s first legal and civil rights organization serving low-income, immigrant, and

underserved AAPI communities. ALC brings together legal services, community empowerment, and policy advocacy to fight for immigrant justice, economic security, and a stronger, multiracial democracy. In the voting rights context, ALC advocates to advance voting for AAPI voters and other historically disenfranchised groups, and litigates voting rights cases. (See, e.g., *AAAJ-LA v. Padilla*, No. CPF-18-516155 (Super Ct., S.F. County) & No. A155392 (Ct. App.); *Pico Neighborhood Assn. v. City of Santa Monica* (2023) 15 Cal.5th 292.) Before major elections, ALC conducts Know Your Voting Rights workshops for community partners and their members and creates translated voting related factsheets. ALC also has one of the largest nonpartisan poll observation projects in California to ensure eligible voters are not turned away from the polls. During the November 2024 election, ALC observed polls in 26 counties across northern and central California. ALC also co-sponsors election-related bills. (See, e.g., AB 453 (2024); AB 884 (2024).)

California Black Power Network (“Black Power Network”), formerly the Black Census and Redistricting Hub (“Black Hub”), is a statewide nonprofit coalition of Black-led and Black-serving community organizations. The Black Power Network annually conducts voter engagement programs and engages in policy advocacy on behalf of underserved, impacted and historically disadvantaged Black communities. The Black Power Network has extensive experience engaging and advocating statewide on behalf of voters facing the most

significant barriers to voting including unhoused, low-income, formerly incarcerated and immigrant voters. As the Black Hub, the coalition partnered with the state on census outreach to the most impacted Black communities and engaged in the redistricting process throughout community outreach to identify communities of interests and public education campaigns on opportunities for resident participation. The Black Power Network also conducts democracy related research and cosponsors election-related bills.

Disability Rights California (“DRC”) is California’s federally mandated protection and advocacy system for people with disabilities, and the largest disability rights advocacy group in the nation. DRC works to ensure that voters with disabilities can vote on equal terms through laws and litigation that remove barriers to voting. (See, e.g., *Senior and Disability Action v. Padilla*, No. CPF-18-516265 (Super. Ct., S.F. County).) DRC has extensive experience advocating locally for voters with disabilities, including as a voice for the disability community on the Orange County Voting Accessibility Advisory Committee and Community Election Working Group. Particularly, in this case, the ACLU of Southern California and DRC previously submitted a joint letter to the City of Huntington Beach (the “City”)² warning that Measure A, if enacted, would violate

² The underlying case names several City officials in their official capacities, and so the Brief’s references to the City refer to all defendants in the underlying action.

California law and disenfranchise countless voters, including voters with disabilities.

According to the California Supreme Court, California has a “judicial policy . . . of welcoming amici curiae” because “[t]he availability of such diverse views through amicus curiae participation enriches the judicial decisionmaking process.” (*Connerly v. State Personnel Bd.* (2006) 37 Cal. 4th 1169, 1177, 1182.) [“‘Amicus curiae presentations assist the court by broadening its perspective on the issues raised by the parties. Among other services, they facilitate informed judicial consideration of a wide variety of information and points of view that may bear on important legal questions.’”] (*Id.* at p. 1177, citation omitted.)

Given amici’s longstanding experience with combatting voter suppression laws, uplifting vulnerable communities, and advancing equal voting rights for all, this Brief illuminates (1) the key historical and present-day context undergirding the Legislature’s finding that voter ID laws like Measure A burden the fundamental right to vote in vulnerable communities; and (2) the Legislature’s unambiguous intent through the Elections Code, including section 10005, to address matters of statewide concern and preempt laws like Measure A. Amici’s Application and Brief are timely filed under Rule 8.487(e).

For the foregoing reasons, amici respectfully request that this Court grant leave to file this Brief in support of Petitioners.

Dated: May 13, 2025

Respectfully submitted,

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[PROPOSED] AMICUS BRIEF

INTRODUCTION

Article II of the California Constitution guarantees the right to vote for all eligible Californians and expressly empowers the Legislature to “provide for registration and free elections” and to “prohibit improper practices that affect elections.” (Cal. Const., art. II, §§ 2, 2.5, 3, 4.) To effectuate this constitutional mandate, the Legislature crafted numerous Elections Code provisions to address two interwoven matters of statewide concern: Guaranteeing free and secure elections and proscribing improper practices that burden the fundamental right to vote. (*Johnson v. Bradley* (1992) 4 Cal.4th 389, 409 (hereafter *Johnson*) [“[I]ntegrity of the electoral process, at both the state and local level, is undoubtedly a statewide concern.”]; *City of Huntington Beach v. Becerra* (2020) 44 Cal.App.5th 243, 275 (hereafter *Huntington Beach*) [“Guaranteeing rights and protections afforded by the state Constitution is a matter of statewide concern.”].)

One key provision in California’s constellation of election laws is section 10005,³ which bars localities from forcing already-registered voters to show ID again as a precondition to vote. The Legislature adopted section 10005 in direct response to the City of Huntington Beach’s (the “City”) passage of Measure A. The City authored and enacted Measure A, in its then-Mayor’s and then-Mayor Pro Tem’s own words, to “**require** voters to provide” ID at

³ All undesignated statutory references are to the Elections Code.

the polls “[b]eginning in 2026, for all municipal elections.”⁴ Measure A also purported to allow the City Charter to “control and prevail” over the Elections Code whenever the two “conflict.” *Id.*

Given this, there is no question that Measure A conflicts with and upends the Legislature’s carefully-calibrated regime for registering voters, confirming their eligibility, protecting their right to vote, and running elections statewide.⁵ As this Court held earlier this year, “[c]onsolidation with statewide elections takes the City’s municipal elections outside the home rule doctrine, as does use of state personnel, voting infrastructure, funds, polling places, etc.” (*California v. Super. Ct. of Orange County*, G065209 (Ct. App. Feb. 18, 2025) Order, at p. 3 (hereafter *Palma Notice*).) Despite unambiguous guidance from this Court, Respondent Court dispatched with this Court’s interpretation in a single conclusory statement. (*California v. City of Huntington Beach*, 30-2024-01393606-CU-WM-CJC (Super. Ct., Orange County Apr. 7, 2025) Minute Order, at p. 2 (hereafter Minute Order) [“the procedures

⁴ (Assigned Measure Letter, City of Huntington Beach, Charter Amendment Measure No. 1, pp. 2, 3 (Mar. 4, 2024) <<https://ocvote.gov/sites/default/files/elections/2024%20Primary/HBEA%201%20-%20LAYOUT.pdf>> [as of Mar. 20, 2025] (italics added).) This Brief addresses both Ballot Measure A as presented to voters and Huntington Beach City Charter, article VII, section 705(a)(2) as enacted. For clarity, amici refer to both as “Measure A.”

⁵ The City normally consolidates its elections with county, state, and federal elections, including the March 2024 election featuring Measure A. (Resolution 2023-42, City of Huntington Beach (Oct. 17, 2023).)

Respondent seeks to implement in conjunction with its municipal elections do not implicate matters of statewide concern”].)

Tellingly, the City does not dispute that the Legislature adopted section 10005 to preempt Measure A. Nor could it. The bill’s primary author, then-State Senator Dave Min, represented the City in the Legislature, staunchly opposed Measure A as the product of “fringe conspiracy theories,” and publicly stated that section 10005 would override the ordinance.⁶ In a *Palma* Notice dated February 18, 2025, this Court tentatively reached the same conclusion—i.e., that section 10005 and Measure A “appear to facially conflict, in that the City’s charter purports to grant the City power to do something the state forbids,” and because Measure A supplanted “a pre-existing provision requiring the City’s municipal elections to comply with the state’s Elections Code.” (*Palma* Notice, pp. 2, 3.) Indeed, counsel for the City has stated that section 10005 and Measure A represent a “clash of laws.”⁷ Below, however, Respondent Court failed to provide any

⁶ (Szabo, *Bill, Which Could Shut Down Huntington Beach’s Voter ID Requirements, Passes California Assembly* (Aug. 30, 2024), L.A. Times <<https://www.latimes.com/socal/daily-pilot/news/story/2024-08-30/bill-which-could-shut-down-huntington-beachs-voter-id-requirements-passes-california-assembly>> [as of Mar. 20, 2025].)

⁷ (FOX 11 Los Angeles, *City Attorney Explains Huntington Beach’s Voter ID Law* (Nov. 19, 2024), YouTube, 3:43–49 <https://youtu.be/TmYjv_vQW3s> (hereafter FOX 11 L.A.) [as of Mar. 20, 2025] [statement by then-City Attorney Michael Gates that “what we have here is a clash of laws, really the state law versus our local voter ID law.”]; see *id.*, 2:49–53 [statement by Gates “representing that voters would be “required to show an ID” to vote pursuant to Measure A].)

reasoning as to whether Measure A conflicts with Section 10005 or other parts of the Elections Code. (Minute Order, at p. 2.)

As civil rights nonprofits working to safeguard the voting rights of all, including vulnerable communities in Huntington Beach and Orange County, and across California, amici submit this Brief to furnish valuable context for the legislative findings, which the Respondent Court’s ruling completely failed to address, that render Measure A preempted and unconstitutional. **First**, amici detail the historical and present-day context that prompted the Legislature to find that laws like Measure A “have historically been used to disenfranchise low-income voters, voters of color, voters with disabilities, and senior voters.” (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(4) (SB-1174).) **Second**, amici reinforce the Legislature’s factual finding that laws like Measure A “conflict[] with California’s established, well-balanced methods of ensuring election integrity across the state.” (*Id.*, § 1(a)(8).) These two findings, strengthened by the context supplied by amici below, confirm that the Elections Code, including section 10005, resides squarely in the Legislature’s constitutional prerogative to “prohibit improper practices that affect elections” as a matter of statewide concern and that the Legislature evinced clear intent to preempt Measure A. (Cal. Const., art. II, § 4.)

Accordingly, amici respectfully request that this Court grant the relief requested by Petitioners directing Respondent Court to vacate its Minute Order and to enter a new and different order granting the State’s petition in its entirety.

ARGUMENT

I. The California Constitution Empowers the Legislature to Protect Voting Rights and Bar Improper Election Practices.

In California, “[t]he right of suffrage” is “a fundamental right ‘preservative of other basic civil and political rights.’” (*Stanton v. Panish* (1980) 28 Cal.3d 107, 115, quoting *Reynolds v. Sims* (1964) 377 U.S. 533, 562; see also *Bd. of Supervisors v. Local Agency Formation Com.* (1992) 3 Cal.4th 903, 913 [“[T]he right to vote may be the most fundamental of all.” (citing Cal. Const., art. II, § 2)].) To vindicate this fundamental right, the California Constitution directs the Legislature to “provide for registration and free elections” and to “prohibit improper practices that affect elections.” (Cal. Const., art. II, §§ 3, 4; see *id.*, §§ 2 & 2.5.)

“Guaranteeing rights and protections afforded by the state Constitution is a matter of statewide concern.” (*Huntington Beach, supra*, 44 Cal.App.5th at p. 275; see *Johnson, supra*, 4 Cal.4th at p. 409.) And under “the Constitution of California,” “every reasonable presumption and interpretation is to be indulged in favor of the right of the people to exercise the elective process.” (*Hedlund v. Davis* (1956) 47 Cal.2d 75, 81.) To this end, the California Constitution authorizes the Legislature to provide for free elections, to make legislative findings about “improper practices that affect elections,” and to enact laws that “prohibit” such practices as a matter of statewide concern—as it did here.

As amici explain below, the Legislature adopted section 10005 pursuant to this constitutional directive in order to protect the integrity of California’s elections and vindicate the voting

rights of low-income voters, voters of color, voters with disabilities, and senior voters against improper practices like Measure A. But here, Respondent Court failed to even mention, much less consider, these key factual findings that motivated the Legislature to adopt section 10005 and preempt Measure A.

A. The Legislature Expressly Recognized Our Nation's Long History of Improper Voter Suppression Laws.

In construing statutes, this Court's "fundamental task is to ascertain the Legislature's intent so as to effectuate the purpose of the statute." (*Smith v. Super. Ct.* (2006) 39 Cal.4th 77, 83.) The Legislature, in its legislative findings for section 10005, stressed its intent to prohibit "[v]oter identification laws [because they] have historically been used to disenfranchise low-income voters, voters of color, voters with disabilities, and senior voters." (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(4) (SB-1174).) That historical backdrop—which includes California's firsthand experience with voter suppression—offers crucial context for the Legislature's present-day understanding that such laws burden marginalized groups and that section 10005 falls squarely in its authority to "prohibit improper practices that affect elections." (Cal. Const., art. II, § 4.)

Even as the Fourteenth and Fifteenth Amendments articulated the promise of citizenship and equal voting rights for formerly enslaved persons and other persons of color, the history of our nation and state reveals more than a century of further disenfranchisement through facially-neutral laws that have

suppressed the right to vote in those communities. U.S. Const., amends. XIV, XV.

In the 1800s, for example, California adopted so-called anti-fraud measures that, in reality, suppressed the right to vote in disfavored communities.⁸ For one, California enacted various voting barriers, including recurrent re-registration obligations, that made it needlessly difficult for “poor, immigrant, and minority vote[r]s” to exercise their fundamental right to vote.⁹ By 1899, California forced its voters to re-register to vote every two years—a facially-neutral policy that limited the franchise to those “willing and *able* to travel to the county clerk’s office every two years to sign and swear to facts establishing [their] eligibility.¹⁰ When enacted in Louisiana, such re-registration requirements led to a 90 percent drop in registration by Black voters.¹¹ For another, California imposed literacy tests to prevent “immigrants pouring in from foreign countries” who naturalized from voting on equal terms as U.S.-born citizens.¹² For example, California required voters to prove they could read the Constitution and write their names in English as a prerequisite to registering to vote. (*Castro*

⁸ (Belinkoff Katz et al., *Reckoning with Our Rights: The Evolution of Voter Access in California, Part I* (Spring/Summer 2024) California Supreme Court Historical Society, p. 7 <<https://www.cschs.org/wp-content/uploads/2024/05/2024-CHSHS-Review-Spring-Voter-Access.pdf>> [as of Mar. 20, 2025].)

⁹ (*Id.* at p. 7.)

¹⁰ (*Id.* at p. 8, italics added.)

¹¹ (*Id.*; Brief Amici Curiae of Historians and Other Scholars in Support of Petitioners, *Crawford v. Marion County Election Bd.* (2008) 553 U.S. 181, p. 9.)

¹² (*Supra* fn. 8, Belinkoff Katz et al., p. 6.)

v. California (1970) 2 Cal.3d 223, 225.)¹³ And California also implemented a hefty poll tax from 1850 to 1914¹⁴ to disenfranchise Black and low-income voters.¹⁵ These harmful laws during the Jim Crow era, along with many others, contributed to California voter participation plummeting from 80 percent in the 1890s to 49 percent by 1924.¹⁶

So, it should come as no surprise that, when Congress enacted the Voting Rights Act of 1965 (52 U.S.C. § 10301 et seq.), it expressly banned literacy tests (*id.*, § 10303(e)) and poll taxes (*id.*, § 10306) because it found that such laws have “the purpose or effect of denying persons the right to vote because of race or color” (*id.*, §10306(a)). Along similar lines, in 1966 the U.S. high court struck down poll taxes as racially discriminatory in violation of the

¹³ (See also *Breaking Barriers to the Ballot Box: Expanding Language Access for California Voters* (2023) California Language Access Group, p. 11 <<https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Breaking-Barriers-to-the-Ballot-Box-2023-with-Appendix.pdf>> (hereafter *Breaking Barriers*) [as of Mar. 20, 2025].)

¹⁴ (Cal. Const. of 1879, art. XIII, § 12; see *supra* fn. 8, Belinkoff Katz et al., pp. 5–6.)

¹⁵ (Ogden, *The Poll Tax in the South* (1959), p. 7 “[The poll tax] will not do away with the negro as a voter altogether, but it will have the effect of keeping numbers of the most unworthy and trifling of that race from the polls. I do not know of anything better in view of the fifteenth amendment.”].) In early 1900s Texas, for instance, the decline in Black turnout from 36 percent to 15 percent was attributed to the Terrell Election Law of 1903, which imposed (among other restrictions) poll taxes much like the ones operative in California at the time. (Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (1974), p. 208.)

¹⁶ (*Supra* fn. 8, Belinkoff Katz et al., p. 8.)

Equal Protection Clause, overriding protestations that such laws were facially neutral notwithstanding their disparate impact. (*Harper v. Va. Bd. of Elections* (1966) 383 U.S. 663, 666.)

Today, there is no question that a modern wave of voter suppression laws has swept the nation.¹⁷ These more recent manifestations of Jim Crow have included draconian changes to voter registration,¹⁸ voter roll purges,¹⁹ reduction or elimination of early and/or absentee voting days and mail-in voting,²⁰ limitations on voter assistance and accessibility²¹—and most relevant here, voter ID laws.²² Now, as then, many of these facially-neutral laws were passed ostensibly for election security.²³ And yet, sponsors of

¹⁷ (Singh & Carter, *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago* (June 23, 2023) Brennan Center for Justice <<https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights>> [as of Mar. 20, 2025].)

¹⁸ (Mendelson & Lopez, *“The Restrictions Are Unbelievable”: States Target Voter Registration Drives* (May 16, 2024) Center for Public Integrity <<https://publicintegrity.org/politics/elections/who-counts/the-restrictions-are-unbelievable-states-target-voter-registration-drives/>> [as of Mar. 20, 2025].)

¹⁹ (Berzon & Corasanti, *Trump’s Allies Ramp Up Campaign Targeting Voter Rolls* (Mar. 6, 2024) New York Times <<https://www.nytimes.com/2024/03/03/us/politics/trump-voter-rolls.html>> [as of Mar. 20, 2025].)

²⁰ (*Supra* fn. 17, Singh & Carter.)

²¹ (Verhovek & Singh, *The Right to Voter Assistance Is Under Attack* (Feb. 13, 2024) Brennan Center for Justice <<https://www.brennancenter.org/our-work/analysis-opinion/right-voter-assistance-under-attack>> [as of Mar. 20, 2025].)

²² (*Supra* fn. 17, Singh & Carter.)

²³ (*When Politicians Tell the Truth on Voting Restrictions* (Aug. 10, 2016) Brennan Center for Justice

such measures frequently admit that the real intent behind such laws is to suppress voter turnout, especially among communities of color.²⁴ Indeed, several out-of-state courts have already stricken voter ID laws in whole or in part because they are racially discriminatory or otherwise unlawful.²⁵

Thus, cognizant of our state and nation's history of voter suppression and of the new wave of voter suppression measures nationwide, the Legislature knows all too well that voter ID laws like Measure A "have historically been used to disenfranchise" and threaten a substantial chilling effect on voters from vulnerable communities, including "low-income voters, voters of color, voters with disabilities, and senior voters." (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(4) (SB-1174).) The Legislature passed Elections Code section 10005 to prevent such disenfranchisement.

<<https://www.brennancenter.org/our-work/research-reports/when-politicians-tell-truth-voting-restrictions>> (hereafter *When Politicians Tell the Truth*) [as of Mar. 20, 2025].)

²⁴ (See, e.g., Kam, *Former Florida GOP Leader Say Voter Suppression Was Reason They Pushed New Election Law* (Nov. 27, 2012 8:19 AM) The Palm Beach Post <<https://www.palmbeachpost.com/story/news/state/2012/11/25/for-mer-florida-gop-leaders-say/7260589007>> [as of Mar. 20, 2025]; *supra* fn. 23, *When Politicians Tell the Truth* [compiling statements].)

²⁵ (See, e.g., *Applewhite v. Commonwealth*. (Pa. Commw. Ct. Jan. 17, 2014, No. 330 M.D. 2012), 2014 WL 184988, at *24 ["Thus, this Court holds that the photo ID provisions in the Voter ID Law violate the fundamental right to vote and unnecessarily burden the hundreds of thousands of electors who lack compliant photo ID."]; *Wash. Assn. of Churches v. Reed* (W.D. Wash. 2006) 492 F.Supp.2d 1264, 1266, 1269–70 [preliminarily enjoining statute requiring the State to match a voter's name to government agency records prior to registration].)

B. Voter ID Laws like Measure A Burden Voting Rights in Marginalized Communities.

As local civil rights nonprofits, amici know from firsthand experience and scholarly findings that Measure A threatens to impose additional and unnecessary hurdles on all the City’s residents and will uniquely burden voting rights among “low-income voters, voters of color, voters with disabilities, and senior voters,” all of whom are eligible to vote—just as the Legislature warned of when it passed section 10005. (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(4) (SB-1174).)

Studies have shown that eligible voters from minority communities are five times as likely to arrive to vote without ID.²⁶ Voters from marginalized groups—i.e., “low-income voters, voters of color, voters with disabilities, and senior voters”—disproportionately lack IDs or have expired IDs. Studies reveal significant racial gaps in eligible voters with access to the most common forms of ID. For instance, voters of color are more likely to not have a driver’s license, with 18 percent of Black citizens, 15 percent of Hispanic citizens, and 13 percent of AAPI citizens lacking a driver’s license compared to just 5 percent of white citizens.²⁷ In fact, Black and Latino voters are more likely to lack

²⁶ (Henninger et al., *Who Votes Without Identification? Using Individual-Level Administrative Data to Measure the Burden of Strict Voter Identification Laws* (2021), 18 *Journal of Empirical Legal Studies* 256, p. 264.)

²⁷ (Rothschild et al., *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge* (June 2024), Center for Democracy & Civic Engagement, p. 3 <<https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID>

any current government-issued photo ID—over 6 percent of these groups lacked photo ID, compared to 2.3 percent of white voting-age citizens.²⁸ Even among those with driver’s licenses, voters of color are also more likely to have IDs that are expired, which increases the likelihood that they will be turned away at the polls pursuant to Measure A.²⁹

Unsurprisingly, voter identification laws translate racial disparities in ID access into racial gaps in voter turnout. Voter turnout analyses have established that the gap in voter turnout between more and less racially diverse counties in the same state grew more in states that imposed strict ID restrictions than those

[%20survey%20Key%20Results%20June%202024.pdf](#)> [as of Mar. 20, 2025].)

²⁸ (Hanmer & Novey, *Who Lacked Photo ID in 2020?: An Exploration of the American National Election Studies* (Mar. 13, 2023) Center for Democracy & Civic Engagement, p. 4 <https://www.voteriders.org/wp-content/uploads/2023/04/CDCE_VoteRiders_ANES2020Report_Spring2023.pdf> [as of Mar. 20, 2025].)

²⁹ (*Supra* fn. 27, Rothschild et al., pp. 2–3.) Indeed, an older study showed that, even among those who already vote in California elections, voters of color are less likely to have five out of six common types of voter identification (including driver’s licenses, bank statements, passports, utility bills, and property tax statements). (Barreto et al., *Voter ID Requirements and the Disenfranchisements of Latino, Black and Asian Voters* (Sep. 1, 2007) Paper presented at the 2007 Annual Meeting of the American Political Science Association, p. 17 <[https://www.brennancenter.org/sites/default/files/legal-work/63836ccea55aa81e4f_hlm6bhkse\(1\).pdf](https://www.brennancenter.org/sites/default/files/legal-work/63836ccea55aa81e4f_hlm6bhkse(1).pdf)> [as of Mar. 20, 2025].)

without.³⁰ This empirical finding is consistent with survey data revealing that laws mandating proof of ID at the polls negatively impact turnout among voters of color.³¹ Laws like Measure A also exacerbate other barriers that communities of color already face in voting. Even as Asian and Latino voters are the fastest growing electorate nationally³² and in California,³³ Asian and Latino voters

³⁰ (Kuk et al., *A Disproportionate Burden: Strict Voter Identification Laws and Minority Turnout*, (2020) 1 Politics, Groups & Identities 126, p. 130.)

³¹ (*Elections: Issues Related to State Voter Identification Laws* 3 (2015) U.S. Gov’t Accountability Off., GAO-14-634, pp. 48, 52 <<https://www.gao.gov/assets/gao-14-634.pdf>> [as of Mar. 20, 2025] [voter ID requirements reduced turnout for Black voters in Kansas and Tennessee]; Darrah-Okike et al., *The Suppressive Impacts of Voter Identification Requirements* (Dec. 2020) 64 Sociological Perspectives 536, p. 550 [finding depressed turnout for all racial groups with disproportionate effects on Latino citizens]; Hajnal et al., *Voter Identification Laws and the Suppression of Minority Votes* (Jan. 2017) 79 Journal of Politics 363, p. 368.)

³² (Krogstad et al., *Key Facts About Hispanic Eligible Voters in 2024* (Jan. 10, 2024) Pew Research Center <<https://www.pewresearch.org/short-reads/2024/01/10/key-facts-about-hispanic-eligible-voters-in-2024>> [as of Mar. 20, 2025] [“Latinos have grown at the second-fastest rate of any major racial and ethnic group in the U.S. electorate since the last presidential election.”]; Budiman et al., *Key Facts About Asian American Eligible Voters in 2024* (Jan. 10, 2024) Pew Research Center <<https://www.pewresearch.org/short-reads/2024/01/10/key-facts-about-asian-american-eligible-voters-in-2024/>> [as of Mar. 20, 2025] [“Asian Americans have been the fastest-growing group of eligible voters in the United States over roughly the past two decades and since 2020.”].)

³³ (*California’s Fastest-Growing Latino Electorate: An Election 2024 Portrait* (2024) National Association of Latino Elected and Appointed Officials, p. 8 <https://naleo.org/COMMS/PRA/2024/CA_Latino_Eligible_Electorate_Portrait_-_Final.pdf> [as of Mar. 20, 2025].)

consistently have lower registration and voting rates, due in part to language access barriers at the polls.³⁴ In California, 26 percent of Latinos and 31 percent of Asians have limited English proficiency.³⁵ As such, Latino and Asian citizens are more likely to not register and vote due to “difficulty with English.”³⁶ Voter ID laws compound these issues and contribute to perceived intimidation whenever those voters face demands for ID in a language which they may not speak fluently or otherwise feel comfortable using to advocate for themselves.

Voter ID laws like Measure A also worsen disparities in mail-in voting. Studies of other jurisdictions indicate that voter ID restrictions on mail-in ballots substantially increase the rate that jurisdictions reject mail-in ballots submitted by all voters, particularly young voters and voters of color.³⁷ Heightened mail-

³⁴ (Wang, *Why There’s a Long-Standing Voter Registration Gap for Latinos and Asian Americans* (Apr. 2, 2024, 5:00 AM ET) NPR <<https://www.npr.org/2024/04/02/1238751749/voter-registration-gap-racial>> [as of Mar. 20, 2025].)

³⁵ (*Supra* fn. 13, *Breaking Barriers*, p. 3; see also Claiming Our Democracy Program, *California’s Voting Age Population: English Proficiency & Barriers Faced* (Mar. 2014) Greenline Institute, p. 1 <https://greenlining.org/wp-content/uploads/2014/03/FACTSHEET_Californias-Voting-Age-Population-English-Proficiency-Barriers-Faced.pdf> [as of Mar. 20, 2025].)

³⁶ (*Supra* fn. 13, *Breaking Barriers*, p. 3.)

³⁷ (*Voting Methods in California: Disparate Use and Rejection rates 2022 General Election* (May 2024) Center for Inclusive Democracy, pp. 18, 20, 22 <<https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/6667fcd1844a870f1a68c4af/1718090962738/USC%2BCID%2BVoting%2BMethods%2Bin%2BCalifornia-%2BDisparate%2BUse%2Band%2BRejection%2BRates%2BRepor>

in ballot rejection rates as a result of voter ID may especially impact Asian American voters, who have a higher rate of by-mail voting than average.³⁸ Barriers to mail-in ballots like Measure A are especially troubling since local jurisdictions in California already disproportionately reject Asian American and Latino mail-in ballots.³⁹ And studies from other states indicate that Black, Latino, young, and disabled voters have their mail-in ballots rejected at higher rates than white voters.⁴⁰ Thus, regardless of

[t.pdf](#)> (hereafter *Voting Methods in Cal.*) [as of Mar. 20, 2025]; Morris & Grange, *Records Show Massive Disenfranchisement and Racial Disparities in 2022 Texas Primary* (Oct. 20, 2022) Brennan Center for Justice <<https://www.brennancenter.org/our-work/research-reports/records-show-massive-disenfranchisement-and-racial-disparities-2022-texas>> [as of Mar. 20, 2025]; cf. Morris, *Digging into the Georgia Primary* (Sept. 10, 2020) Brennan Center for Justice <<https://www.brennancenter.org/our-work/research-reports/digging-georgia-primary>> [as of Mar. 20, 2025].)

³⁸ (de Guzman, *Mail-In Voting Is Critical to Young Asian Americans' Voter Participation* (Sept. 21, 2022) Tufts Univ. Center for Information & Research on Civic Learning & Engagement <<https://circle.tufts.edu/latest-research/mail-voting-critical-young-asian-americans-voter-participation>> [as of Mar. 20, 2025]; Lee et al, *Asian Americans Face Higher Than Average Vote-by-mail Rejection Rates in California* (Aug. 2017) Asian Americans Advancing Justice, p. 2 <<https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/wp-content/uploads/2017/08/issuebrief-vbm-FINAL.pdf>> [as of Mar. 20, 2025].)

³⁹ (*Supra* fn. 38, Lee et al., pp. 3–5; *supra* fn. 37, *Voting Methods in Cal.* pp. 18, 20, 22.)

⁴⁰ (Timm, *A White Person and a Black Person Vote by Mail in the Same State. Whose Ballot Is More Likely to Be Rejected?* (Aug. 9, 2020, 11:34 AM EDT) NBC News <<https://www.nbcnews.com/politics/2020-election/white-person-black-person-vote-mail-same-state-whose-ballot-n1234126>> [as of Mar. 20, 2025]; Baringer et al., *Voting by Mail and Ballot*

how a voter chooses to vote, whether in-person or by mail, voter ID laws like Measure A make exercising the right to vote more cumbersome and increase the risk that voters will lose their opportunity to participate in our democracy.

The same disparities affecting low-income voters and voters of color also apply with compelling force to voters with disabilities. Voters with disabilities disproportionately lack ID.⁴¹ As with voters of color, disabled voters also face pre-existing barriers to exercising their rights, and voter ID restrictions pile onto those barriers. Voters with disabilities must already deal with faulty accessibility features on voting machines, poll workers untrained in accessibility, and with print materials that force them to seek help from others, compromising their right to vote privately.⁴² Vision, dexterity, and cognitive disabilities may also make it difficult to produce a consistent signature that passes signature

Rejection: Lessons from Florida for Elections in the Age of the Coronavirus (2020) 19 Election L.J. 289, p. 314.)

⁴¹ (*Supra* fn. 27, Rothschild et al., p. 3.) Twenty percent of U.S. adult citizens with a disability do not have a driver's license compared to six percent of U.S. adult citizens without a disability. (*Ibid.*)

⁴² (Yu & Kamal, *California Made It Easier to Vote, But Some with Disabilities Still Face Barriers* (June 5, 2024) Cal Matters <<https://calmatters.org/politics/2024/06/california-voters-access-visually-impaired/>> [as of Mar. 20, 2025]; Buchanan et al., *Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities* (Mar. 2022) National Institute of Standards & Technology, pp. 9–15 <<https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1273.pdf>> [as of Mar. 20, 2025].)

verification processes.⁴³ Adding another form of verification, and another opportunity to reject a disabled voter's signature, is both unnecessary and burdensome. Crucially, 11.8 percent of the City's residents have a disability,⁴⁴ and so Measure A will make it more difficult for many of those City voters to participate fully in federal, state, county, and local elections.

Finally, voter ID laws like Measure A also disenfranchise low-income voters, and especially low-income voters of color.⁴⁵ Among U.S. adult citizens with incomes under \$30,000, 23 percent do not have a driver's license.⁴⁶ That percentage rises to 39 percent of low-income voters who lack an ID with their current name and address,⁴⁷ as low-income voters tend to have housing instability and move homes more frequently (or have no home at all).⁴⁸ In addition, acquiring an ID can be cost prohibitive for low-income voters, since the ID process involves various direct and indirect costs that such voters dedicate towards housing and food

⁴³ (*Supra* fn. 42, Buchanan et al., at 12–14.)

⁴⁴ (2023 5-year ACS Table S1810 <https://data.census.gov/table?q=S1810&g=040XX00US06_160XX00US0636000> [as of Mar. 20, 2025].) California's disabled population is similar at 11.7 percent. (*Ibid.*)

⁴⁵ Low-income voters are more likely to be racial minorities who, as noted, face race-based barriers to voting. (Mitchell et al., *The Consequences of Political Inequality and Voter Suppression for U.S. Economic Inequality and Growth* (Feb. 2021) Washington Center For Equitable Growth, p. 11 <<https://equitablegrowth.org/wp-content/uploads/2021/02/010320-voter-suppression-report.pdf>> [as of Mar. 20, 2025].)

⁴⁶ (*Supra* fn. 27, Rothschild et al., p. 3.)

⁴⁷ (*Ibid.*)

⁴⁸ (*Supra* fn. 45, Mitchell et al., p. 8.)

security.⁴⁹ Under Measure A, low-income voters will be forced to navigate greater time and transportation costs, work disruptions, and unstable childcare both to secure an ID as well as to vote.⁵⁰

The number of impacted voters is only growing, especially in the City itself. Measure A comes as the state's and City's demographics have become increasingly diverse.⁵¹ Since 2010, the share of the City's population of Asian and Latino voters has increased by about two percent each, and the share of Black voters has nearly doubled.⁵² It is no coincidence that the City, whose

⁴⁹ (Sobel, *The High Cost of 'Free' Photo Voter Identification Cards* (June 2014) Harvard Law School Institute For Race & Justice, p. 2 <<https://charleshamiltonhouston.org/wp-content/uploads/2015/01/FullReportVoterIDJune2014.pdf>> [as of Mar. 20, 2025] [calculating the cost of acquiring ID as \$75 to \$175 on average once accounting for factors such as acquiring required documentation, travel, and waiting time].)

⁵⁰ (*Ibid.*; Smith & Pattabhiraman, *How Inequality Keeps People from Voting* (Oct. 29, 2020) U.C. Berkeley Greater Good Magazine <https://greatergood.berkeley.edu/article/item/how_inequality_keeps_people_from_voting> [as of Mar. 20, 2025].)

⁵¹ In 2010, California was 41.2% non-Hispanic White, 5.9% non-Hispanic Black, 12.8% non-Hispanic Asian, and 36.7% Latino. (2010 5-year ACS Table DP05 <<https://data.census.gov/table/ACSDP5Y2010.DP05?g=040XX00US06>> [as of Mar. 20, 2025].) In 2023, California was 33.3% non-Hispanic White, 5.4% Black, 15.8% Asian, and 40.4% Latino. (2023 5-year ACS Table S0501 <<https://data.census.gov/table/ACSST5Y2023.S0501?q=race&g=040XX00US06>> [as of Mar. 20, 2025].)

⁵² In 2010, the City of Huntington Beach was 68.6% non-Hispanic White, 0.7% Black, 10.8% Asian, and 17.2% Latino. (2010 5-year ACS Table S0501 <<https://data.census.gov/table/ACSST5Y2010.S0501?q=race&g=160XX00US0636000>> [as of Mar. 20, 2025].) In 2023, the City of Huntington Beach was 59.2% non-Hispanic White, 1.3% Black,

elected officials have taken several racially-charged and discriminatory actions described below, have pushed for Measure A's adoption in the wake of the City's recent demographic changes.

If there were any lingering question as to the discriminatory and disenfranchising intent (and disparate impact) behind Measure A, remarks and actions by City elected officials who authored Measure A dispel all such doubt. Those same elected officials dissolved a City committee working to combat hate crimes by white supremacists.⁵³ They rewrote the City's declaration on human dignity to remove references to hate crimes.⁵⁴ They enacted restrictive library measures against books with positive portrayals of the LGBTQ+ community.⁵⁵ And they barred the City from celebrating the contributions of diverse communities.⁵⁶

This discriminatory backdrop is especially pronounced for then-Mayor Gracey Van Der Mark, a top proponent of Measure A.⁵⁷ She was ejected from two local school district committees for showcasing her playlist of Holocaust denial videos.⁵⁸ She referred

12.6 % Asian, and 19.4% Latino. (2023 5-year ACS Table S0501 <<https://data.census.gov/table/ACSST5Y2023.S0501?q=race&g=160XX00US0636000>> [as of Mar. 20, 2025].)

⁵³ (Fry, *Huntington Beach Is Sticking It to 'Woke' California. Some Residents Ask at What Cost* (Dec. 13, 2023) L.A. Times <<https://www.aol.com/news/huntington-beach-sticking-woke-california-185329262.html>> [as of Mar. 20, 2025].)

⁵⁴ (*Ibid.*)

⁵⁵ (*Ibid.*)

⁵⁶ (*Ibid.*)

⁵⁷ As Mayor Pro Tem, Van Der Mark urged voters to vote yes on Measure A. (*Supra* fn. 4, Assigned Measure Letter, p. 3.)

⁵⁸ (Arellano, *Column: 'I'm Going to Keep Succeeding': Huntington Beach's Latina MAGA Mayor Speaks* (June 12, 2024, 3:00 AM) L.A.

to Black citizens attending a racial justice workshop as “colored people” and “muscle” for “elderly Jewish people.”⁵⁹ And she even crashed that workshop hand-in-hand with two Proud Boys who participated in the white supremacist Unite the Right rally in Charlottesville, Virginia, and the January 6 insurrection.⁶⁰ Yet, Respondent Court’s ruling completely overlooked the racially-charged undertones of Measure A and its City proponents, even though the law is clear that “‘statements by members of the decisionmaking body’” may offer evidence of “disparate impact.” (*Dept. of Homeland Security v. Regents of the Univ. of Cal.* (2020) 591 U.S. 1, 34, citation omitted.)

In sum, just as the Legislature found when it adopted section 10005, voter ID laws like Measure A echo a long line of suppressive voter ID laws and needlessly burden the fundamental right to vote among all voters, and especially “low-income voters, voters of color, voters with disabilities, and senior voters.”⁶¹ Allowing Measure A

Times, <<https://www.latimes.com/california/story/2024-06-12/gracey-van-der-mark-huntington-beach-mayor>> [as of Mar. 20, 2025].)

⁵⁹ (Staff, Orange County’s Scariest People of 2018 (Oct. 25, 2018) O.C. Weekly, <<https://www.ocweekly.com/orange-countys-scariest-people-of-2018>> [as of Mar. 20, 2025].)

⁶⁰ (*Ibid.*; *supra* fn. 58, Arellano.)

⁶¹ The City tries to dispatch this reality by pointing to *Crawford v. Marion County Elec. Bd.* (2008) 553 U.S. 181, 199, where the U.S. high court declined to find a **federal** constitutional violation and stressed that eligible voters could still cast provisional ballots. (Verified Answer, Dkt. No. 99, p. 17.) However, as discussed below, *Crawford* is inapposite here where the legal issue is one of **California** law. Beyond this, Measure A, by its plain terms, does not allow voters who arrive at the polls without ID to vote provisionally. (See Measure A.)

to stand threatens to disrupt fast-approaching election deadlines and impose unnecessary hurdles on the fundamental right to vote, particularly in vulnerable communities.⁶² If this Court does not order Respondent Court to issue an order invalidating Measure A, the City is set to impose voter restrictions not seen since the era of Jim Crow that will no doubt contribute to suppressed voter turnout from all voters, especially those from marginalized groups.

* * *

Taken together, the historical and present context of voter suppression laws generally and Measure A specifically reinforce the Legislature’s finding that voter ID laws can be, and have been, “used to disenfranchise low-income voters, voters of color, voters with disabilities, and senior voters.” (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(4) (SB-1174).) In other words, the Legislature has ***already found*** that Measure A threatens the fundamental right to vote by voters from vulnerable communities and constitutes an improper practice contrary to the California Constitution—the

⁶² Even “[e]arly delays in one function” can “impact all other functions” in these “complex and sequential” elections procedures. (*Vandermost v. Bowen* (2012) 53 Cal.4th 421, 455, quotations and citations omitted.) For example, the deadline for the Orange County Registrar of Voters to mail the County’s voter information guides for that election is May 4, 2026. (*Id.*, § 13300.). However, because Measure A purportedly authorizes the City to implement voter ID at any time, the City could do so even after the voter guide is released. (See, e.g., YouTube, Huntington Beach City Council Meeting – December 3, 2024 at 1:54:30 (Dec. 3, 2024), <<https://www.youtube.com/watch?v=eN-9bI7GXTI>> [as of May 7, 2025] [statement from then-City Attorney Michael Gates implying that the City has the authority to impose voter identification at any time].)

exact concern animating section 10005.⁶³ The Legislature’s factual finding that laws like Measure A contribute to voter suppression and burden the right to vote is entitled to “great weight.” (*Huntington Beach, supra*, 44 Cal.App.5th at 272, citing *State Bldg. & Construction Trades Council of Cal. v. City of Vista* (2012) 54 Cal.4th 547, 558 (hereafter *City of Vista*).) Now that Respondent Court has entirely disregarded the Legislature’s factual findings and intent, the only way for this Court to effectuate the “intent of the lawmakers, with a view to promoting rather than defeating [section 10005]” (*Lee v. Hanley* (2015) 61 Cal.4th 1225, 1233) is to hold that Measure A is preempted.

II. Measure A Fatally Conflicts with the Elections Code, including Section 10005.

As the previous Section illustrates, Measure A intrudes on a policy area that the California Constitution expressly confers on the Legislature. The Legislature has already exercised its authority through several provisions of the Elections Code to ensure election integrity free from local overreach, including the elimination of improper practices like Measure A. (See 2024 Cal.

⁶³ The historical repression laid out above, in tandem with these legislative findings, demonstrate that Measure A needlessly burdens the right to vote in violation of the California Constitution. (Cal. Const., art. II, § 2, subd. (a).) Suppressive laws, like Measure A, that “significantly impair access to the ballot” (*Rubin v. City of Santa Monica* (9th Cir. 2002) 308 F.3d 1008, 1015) “must be ‘narrowly drawn to advance a state interest of compelling importance.’” (*Edelstein v. City and County of San Francisco* (2002) 29 Cal.4th 164, 174.) But the City has advanced no compelling reason for Measure A, let alone one that outweighs the constitutional injury suffered by voters.

Legis. Serv. Ch. 990, § 1 (SB-1174) [“The implementation of voter identification laws in municipal elections conflicts with California’s established, well-balanced methods of ensuring election integrity across the state.”].)

Respondent Court insists that the City’s home rule authority as a charter city reigns supreme over generally-applicable provisions of the Elections Code (including section 10005). (See, e.g., Verified Answer, Dkt. No. 99, at pp. 10, 25.) And Measure A expressly purports to override California law “[i]n the event of such conflict.” (Huntington Beach City Charter, art. VII, § 702 (hereafter City Charter).) These assertions are contrary, however, to settled precedent firmly establishing that local laws like Measure A that burden the constitutional right to vote conflict with state laws **on election law matters of statewide concern**, such that Measure A must be voided. (*Johnson, supra*, 4 Cal.4th at p. 409 [“[T]he integrity of the electoral process, at both the state and local level, is undoubtedly a statewide concern.”]; see also *Huntington Beach, supra*, 44 Cal.App.5th at p. 275 [“Guaranteeing rights and protections afforded by the state Constitution is a matter of statewide concern.”].)

Respondent Court veered firmly off-course when it relied on *Crawford v. Marion County Elec. Bd.* (2008) 553 U.S. 181 for the proposition that voter ID laws are not per se invalid under the **federal** Constitution. (See Minute Order, at p. 3; Verified Answer, Dkt. No. 99, p. 17.) *Crawford* is doctrinally irrelevant here. The operative question is whether Measure A violates the **California** Constitution and **California** law preempting conflicting local

enactments—which it does. (*Fashion Valley Mall, LLC v. Nat. Lab. Relations Bd.* (2007) 42 Cal.4th 840, 862–63 “[T]he California Constitution is now, and has always been, a ‘document of independent force and effect particularly in the area of individual liberties.’ [Citations.]”); *Am. Academy of Pediatrics v. Lungren* (1997) 16 Cal.4th 307, 325 [[I]t is well established . . . rights embodied in and protected by the state Constitution are not invariably identical to the rights contained in the federal Constitution.”].)

Under bedrock California law, the City’s “charter authority . . . is subject to general laws of statewide concern.” (*Huntington Beach, supra*, 44 Cal.App.5th at p. 264.) “If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void.” (*Chevron U.S.A. Inc. v. County of Monterey* (2023) 15 Cal.5th 135, 142 (hereafter *Chevron*), quoting *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897 (hereafter *Sherwin-Williams*).)⁶⁴ Although charter cities maintain some authority to govern themselves “as to those matters deemed municipal affairs” exclusively (*City of Vista, supra*, 54 Cal.4th at p. 555), the protection of the constitutional right to vote and the “[p]urity of all elections is a matter of statewide concern, not just

⁶⁴ These principles apply equally to charter and non-charter cities. (See *O’Connell v. City of Stockton* (2007) 41 Cal.4th 1061, 1076 (hereafter *O’Connell*) [charter city law preempted by state law]; *City of Fresno v. Pinedale County Water Dist.* (1986) 184 Cal.App.3d 840, 845 [“home rule charter cities remain subject to and controlled by applicable general state laws regardless of the provisions of their charters,” quoting *Bishop v. City of San Jose* (1969) 54 Cal.2d 61, 65].)

a municipal affair.” (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781, 801 (hereafter *Jauregui*), quoting *Johnson, supra*, 4 Cal.4th at p. 409; *ibid.* [“Based on the analysis in *Johnson* and commonsense, we conclude integrity in city council elections is a matter of statewide concern.”].)

In short, contrary to Respondent Court’s ruling, binding precedent by the California Supreme Court and Court of Appeal establish that protecting the electoral franchise for all eligible voters is a matter of statewide concern and that “charter cities may not enforce laws [like Measure A] that are inconsistent with or impede statewide regulation of the integrity of the political or electoral process.” (*Johnson, supra*, 4 Cal.4th at p. 403 fn.14; see also *Jauregui, supra*, 226 Cal.App.4th at p. 802 [“Article XI, section 5 does not bar the enforcement of” the California Voting Rights Act by the state in a charter city].) Given the binding authority above, Respondent Court’s contrary ruling must be set aside.

A. As this Court’s *Palma* Notice Found, Measure A Extends Beyond Municipal Affairs and Intrudes on Matters of Statewide Concern.

Even assuming the law establishing the state’s efforts to protect voting rights as a matter of statewide concern were not already settled (it surely is), a straightforward application of the California Supreme Court’s four-part test for determining whether a state law unconstitutionally infringes a charter city’s authority to Measure A once again confirms that it far exceeds the City’s “home rule authority,” implicates matters of statewide concern, and must be invalidated. (*City of Vista, supra*, 54 Cal.4th at p. 556.) That four-part test asks whether: (1) the ordinance

regulates solely a “municipal affair”; (2) there is “an actual conflict” between state and local law; (3) the state law “addresses a matter of ‘statewide concern’”; and (4) the state “law is ‘reasonably related to . . . resolution’ of that concern [citation] and ‘narrowly tailored’ to avoid unnecessary interference in local governance [citation].” (*Id.*, quoting *Cal. Fed. Savings & Loan Ass’n v. City of Los Angeles* (1991) 54 Cal.3d 1, 16, 17, 24.) As shown below, Respondent Court gave short shrift to authorities that overwhelmingly demonstrate that Measure A is preempted.

First, Respondent Court found that Measure A implicates a purely “municipal affair” within the City’s home rule authority. (Minute Order, at p. 2; Verified Answer, Dkt. No. 99, p. 21.) That claim is myopic and factually flawed. This Court made abundantly clear that “[m]unicipal elections, including those in the City, are typically held in conjunction with statewide elections, and involve the same ballot, personnel, infrastructure, polling places, and voter registration scheme.” (*Palma* Notice, p. 3.)

The City’s elections rely heavily on and are generally coextensive with county, state, and federal elections. (Compare §§ 1001, 1200 [statewide elections occur “on the first Tuesday after the first Monday in November in each even-numbered year”], with City Charter, art. VII, § 700 [same for municipal elections].) The then-Mayor has admitted that the City has “no intention for the City to hold their own elections.” (Special Meeting Minutes, City Council/Public Financing Authority, City of Huntington Beach (Sept. 21, 2023).) For all consolidated elections, section 10418 provides that City elections “shall be held and conducted . . . [and]

voter challenges determined . . . in accordance with the provisions of law regulating the statewide or special election.” (§ 10418, subd. (a); see also § 10403, subd. (a)(3) [localities acknowledge consolidated election will be held in accordance with § 10418].)

In any event, regardless of a charter city’s ability to regulate certain aspects of municipal elections, Respondent Court failed to grapple with the reality that ***all elections*** across the state, municipal elections included, remain matters of statewide concern whenever a locality like the City adopts a practice that threatens to deprive California voters of their fundamental right to vote. (Cal. Const., art. II, § 4.) Just as this Court’s tentative reasoning found that “[c]onsolidation with statewide elections takes the City’s municipal elections outside the home rule doctrine, as does use of state personnel, voting infrastructure, funds, polling places, etc.” (*Palma* Notice, p. 3), the statewide concern is at its peak where, as here, the charter city has imposed additional and unnecessary burdens on the constitutional right to vote.

Given this reality, Respondent Court’s conclusion that “[t]here is no reasonable dispute that [Measure A] concerns a municipal affair” flies in the face of this Court’s *Palma* Notice. Similarly, Respondent Court’s conclusion—i.e., that Measure A regulates ***solely*** “municipal elections,” and not federal, state, and local elections too—overlooks the overarching election landscape in which those elections, and fundamental voting rights, are inextricably intertwined. (Minute Order, at p. 3; see *Johnson*, *supra*, 4 Cal.4th at p. 409.) Measure A forcibly inserts the City into the polls to demand IDs from voters at a critical juncture—

right before they cast their ballots in federal, state, county, and city elections. If not vacated, Respondent Court’s holding threatens to insulate all manner of charter city laws that impede state election laws from the State’s general laws, risking both piecemeal election laws and electoral chaos statewide.

“If every city and county were able to opt out of the statutory regime simply by passing a local ordinance, the statewide goal[s] of [election integrity and guaranteeing the fundamental right to vote] would surely be frustrated.” (*Huntington Beach, supra*, 44 Cal.App.5th at 275, quoting *Fiscal v. City and County of San Francisco* (2008) 158 Cal.App.4th 895, 919, second alteration added.⁶⁵) Respondent Court’s erroneous ruling contravenes settled law and must be vacated.

B. Measure A Conflicts with Several Elections Code Provisions, Including Section 10005.

Even assuming Measure A can pass the first step of the four-part test (it does not), it still must be invalidated as it “presents an actual conflict” with the Elections Code under settled conflict preemption principles. (*City of Vista, supra*, 54 Cal.4th at p. 556; see *O’Connell, supra*, 41 Cal.4th at p. 1067 [“A conflict exists if the

⁶⁵ The City incorrectly asserts that *Huntington Beach* “has no relevance” to this case because that case involved an improper law other than voter ID laws. (Verified Answer, Dkt. No. 99, p. 11.) That assertion is highly misleading when the analysis in *Huntington Beach* centered how a charter city’s home rule authority must succumb to state law—the operative issue here. (See *Huntington Beach, supra*, 44 Cal.App.5th at 254 [“Home rule authority under article XI, section 5 of the California Constitution does not mean charter cities can never be subject to state laws that concern or regulate municipal affairs.”].)

local legislation ‘*duplicates, contradicts, or enters an area fully occupied* by general law, either expressly or by legislative implication,’” quoting *Sherwin-Williams, supra*, 4 Cal.4th at p. 897], italics in original.) A “local ordinance contradicts state law when it is inimical to or cannot be reconciled with state law.” (*O’Connell, supra*, 41 Cal.4th at p. 1068.) Conflict preemption is “genuine” where it is “unresolvable short of choosing between one enactment and the other.” (*Chevron, supra*, 15 Cal.5th at p. 145, quoting *Cal. Fed. Savings and Loan, supra*, 54 Cal.3d at p. 17.) Here, there is a “genuine” and “unresolvable” conflict between Measure A and several Elections Code provisions, including section 10005, section 14216(a), and the Voter Bill of Rights.

First, as explained above, section 10005 prohibits localities from adopting or enforcing Measure A or any similar voter suppression law. Any enforcement of Measure A or the enactment of copycat ordinances⁶⁶ will accomplish the ***exact opposite*** of the Legislature’s intent in passing section 10005. Like section 10005, the Elections Code is rife with statements that make clear that the Legislature sees election integrity as “a paramount state concern” that the state bears responsibility for safeguarding.⁶⁷ These

⁶⁶ A current City councilmember and former City mayor has encouraged other localities to adopt similarly unconstitutional laws that conflict with section 10005 and the State’s existing framework for ensuring election integrity. (YouTube, Mayor Gracey Van Der Mark Press Conference, 14:24–14:42 (Apr. 18, 2024) <<https://www.youtube.com/live/oXVWqOBmnSM>> [as of Mar. 20, 2025].)

⁶⁷ (See § 10005 [authority to enact or enforce voter identification laws exclusively with the state or federal government]; § 2168 [Secretary of State “shall” administer election administration];

concerns are particularly salient when the history of voter ID laws in Section I *supra*, reveals that Measure A’s imposition of extra hurdles on exercising the elective franchise falls squarely in the realm of “improper practices” that the California Constitution empowers the Legislature to “prohibit.” (Cal. Const., art. II, § 4.) As the Legislature found when it passed SB 1174, voter ID laws like Measure A “conflict[] with” and undermine the state’s well-calibrated efforts to ensure election integrity and protect the right to vote for all. (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(8) (SB-1174).)

Tellingly, Respondent Court does not seriously dispute the collision between the Elections Code, including section 10005, and Measure A. Instead, it skipped the analysis altogether. Perhaps it did so because the City has already conceded that Measure A embodies a “clash of laws”⁶⁸ that it contends will “control and

§ 2157, subd. (a) [voter registration affidavits must conform to Secretary of State regulations]; § 2196, subd. (a)(7) [Secretary of State shall “require” registering voters to provide: “(A) The number from the person’s California driver’s license or state identification card. (B) The person’s date of birth. (C) The last four digits of the person’s social security number. (D) Any other information the Secretary of State deems necessary to establish the identity of the affiant.”]; § 2124 [Secretary of State “shall . . . adopt uniform standards for proof of residency” for voters]; §§ 2111–12 [signing registration affidavit sufficient for proving U.S. citizenship]; § 2300, subd. (a)(2) [preserving voter’s right to cast a provisional ballot if voter cannot be verified by election officials]; § 14314 [Secretary of State shall promulgate regulations for processing provisional ballots]; § 18000 [criminal penalties for Code violations “appl[y] to all elections”]; 2024 Cal. Legis. Serv. Ch. 990, § 1(a)(5) (SB-1174) [“Existing law gives the Secretary of State jurisdiction over voter-eligibility functions.”].)

⁶⁸ (*Supra* fn. 7, FOX 11 L.A., 3:43–49.)

prevail over” state law. (City Charter, art. VII, § 702.) Respondent Court and the City then strain to exempt “municipal elections that are not consolidated with a statewide election” from section 10005. (Verified Answer, Dkt. No. 99, p. 25.) But section 10005 plainly bars all localities from enforcing voter ID laws “at **any** polling place, vote center, or other location where ballots are cast or submitted” to address the Legislature’s statewide concerns of voter suppression. (§ 10005 [italics added].) Hence, section 10005 governs all elections in the state regardless of whether the City consolidates them with the state or not.⁶⁹

In a misguided effort to assert local supremacy over the state’s constitutional authority, the City argues that section 10005 is prospective and that the timing of Measure A’s passage renders it immune to section 10005. (Verified Answer, Dkt. No. 99, pp. 18–19.) But that contention is nonsensical and in tension with the plain language of both laws. Under section 10005, localities “shall not **enact** or **enforce** any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot” (§ 10005 [italics added].) Measure A, in turn, purports to confer on the City ongoing authority to do just that—at any time, “enact . . . regulation[s] requiring a person to present identification for the purpose of

⁶⁹ For a similar reason, the City’s reliance on *City of Redondo Beach v. Padilla* (2020) 46 Cal.App.5th 902 is misplaced. (Verified Answer, Dkt. No. 99, p. 24.) There, the statute at issue did not cover “charter cities.” (*City of Redondo Beach, supra*, 46 Cal.App.5th at p. 906.) As the City concedes (Verified Answer, Dkt. No. 99, p. 25), section 10005 covers all cities. (§ 10005.)

voting or submitting a ballot” in direct violation of state law. (*Ibid.*) What’s more, Measure A purports to empower the City to “enforce” ID restrictions in all elections “[b]eginning in 2026” and to “control and prevail over” state law. (City Charter, art. VII, § 702). Consequently, this Court need not decide section 10005’s retroactivity to vacate Respondent Court’s erroneous ruling and strike down Measure A, because Measure A’s ***continuous grant of authority*** to “enact or enforce” ID restrictions collides headlong into state law every day it remains in effect.⁷⁰

Here, the Legislature adopted section 10005 based on its concerns that enforcement of laws like Measure A would impede the State’s existing framework for regulating elections. (See 2024 Cal. Legis. Serv. Ch. 990, § 1(a)(8) (SB-1174) [“The implementation of voter identification laws in municipal elections conflicts with California’s established, well-balanced methods of ensuring election integrity across the state.”].) Neither Respondent Court

⁷⁰ The City’s claim that section 10005 is inapplicable because it has yet to spell out exactly how or if it will enforce Measure A similarly lacks merit. (See Notice of Demurrer, Dkt. No. 20, pp. 4–5; Verified Answer, Dkt. No. 99, p. 2 (*italics in original*) [the City goes so far as to claim that they should succeed “if there is ***any possible way*** the Voter ID Charter Amendment ***could be applied lawfully*** by the City”].) Revisions to the City Charter, passed simultaneously with Measure A, purport to allow the City to bypass state law whenever it wishes. (See City Charter, art. VII, § 702.) When a legislative body “amends a statute,” courts “will not presume lightly that it ‘engaged in an idle act.’” (*Elsner v. Uveges* (2004) 34 Cal.4th 915, 935, citation omitted.) Thus, the Court should “reject the assertion that despite having substantially reworked the language of [the City Charter that] the [City Council] intended no change to the law.” (*Ibid.*)

nor the City seriously disputes that Measure A interferes with section 10005. As such, Measure A is conflict preempted.

Second, Measure A directly conflicts with section 14216(a), which states that a “person desiring to vote shall state or provide his or her name and address and, upon the precinct officers finding the name in the roster, the voter shall then sign his or her name in the space provided.” (§ 14216, subd. (a).) Nothing more is required under state law. In other words, once a voter is duly registered to vote, section 14216(a) bars the City from imposing any additional burden beyond providing the voter’s “name,” “address,” and “signature” to election officials. (See *ibid.*)

Yet, Measure A unlawfully demands more. The elected officials that authored Measure A represented that the ordinance would “**require** voters to provide any government issued photo identification” at the ballot box “[b]eginning in 2026, for all municipal elections.”⁷¹ Simply put, Measure A conflicts with section 14216(a) because it imposes additional and “more restrictive” proof requirements than authorized by the Code. (*O’Connell, supra*, 41 Cal.4th at p. 1075; *Tosi v. County of Fresno* (2008) 161 Cal.App.4th 799, 806 [“Because the ordinances regulate in a more restrictive manner the very conduct regulated in state

⁷¹ (*Supra* fn. 4, Assigned Measure Letter, p. 3 [italics added]; City Charter, art. VII, § 705; see also Petitioner’s Appendix Vol. 1, Tab 8, Ex. A at p. 3 [“If approved . . . Measure [A] will amend the charter as follows . . . add new Section 705 to verify the eligibility of electors using voter identification.”]; *supra* fn. 7, FOX 11 L.A., 2:49–53 [statement by then-City Attorney Michael Gates, counsel for the City, representing that voters would be “required to show an ID” to vote following section Measure A’s enactment].)

law, the ordinances impermissibly conflict with state law.”]; *Tri County Apartment Assn. v. City of Mountain View* (1987) 196 Cal.App.3d 1283, 1295.)

The City attempts to justify this duplicative and burdensome requirement by suggesting that, taken together, sections 10005 and 14216(a) do not allow poll workers to verify the identity of voters who “cannot state or provide their name and address.” (Verified Answer, Dkt. No. 99, pp. 26, 29.) In doing so, the City strangely overlooks the detailed process the Legislature already established for challenging voters suspected of voting improperly (§ 14240 et seq.), City law requiring its elections to abide by state election procedures (City Charter, art. VII, § 702), and the fact that Measure A burdens the rights of ***all voters***, not just those challenged in accordance with state law.

Third, Measure A conflicts with both section 2300 (the Voter’s Bill of Rights), which guarantees all validly registered voters the “right to cast a ballot” (§ 2300, subd. (a)(1)(A)), and section 14240, which establishes who and on what grounds a voter’s validity may be challenged (§ 14240). Those Code provisions work in tandem to protect voting rights from improper practices that affect elections. Measure A is set to upend that relationship by allowing City personnel to challenge lawful voters indiscriminately (or selectively) and subject voters to additional grounds of invalidity beyond what California law allows. Such conduct, particularly on the scale the City intends to implement Measure A, at minimum, contravenes section 18543’s prohibition on challenging a person’s right to vote without “probable cause,”

and, at the extreme, may even constitute a “mass, indiscriminate, and groundless challeng[e] of voters solely for the purpose of preventing voters from voting or to delay the process of voting.” (§ 18543, subd. (a).) Either characterization qualifies as a felony under state law. (§ 18543, subd. (b).)

In sum, the fact that Measure A “is inimical to or cannot be reconciled” with numerous Elections Code provisions—including section 10005, section 14216(a), and the Voter’s Bill of Rights—leaves no doubt that Measure A is conflict preempted and that Respondent Court grossly erred in holding otherwise. (*O’Connell*, *supra*, 41 Cal.4th at p. 1068.)

C. Barring Improper Election Practices and Protecting the Right to Vote Are Matters of Statewide Concern.

Measure A unquestionably intrudes on several matters of statewide concern, as evidenced by the Legislature’s constitutional directives to ensure free and secure elections, and to protect the right to vote for all by eliminating improper practices that affect elections. As explained in Section I.A *supra*, when it passed section 10005, the Legislature made factual findings that laws like Measure A “have historically been used to disenfranchise low-income voters, voters of color, voters with disabilities, and senior voters,” and “conflict[] with California’s established, well-balanced methods of ensuring election integrity across the state.” (2024 Cal. Legis. Serv. Ch. 990, §§ 1(a)(4), (8) (SB-1174).) Binding precedent required Respondent Court to “accord ‘great weight’ to the factual record compiled by the Legislature.” (*Huntington Beach*, *supra*, 44 Cal.App.5th at p. 272, quoting *City of Vista*, *supra*, 54 Cal.4th at p.

558.) But Respondent Court overlooked these findings altogether when it concluded that Measure A “do[es] not implicate matters of statewide concern.” (Minute Order, at p. 3.)

Contrary to Respondent Court’s ruling, and consistent with this Court’s earlier *Palma* Notice, “great weight” should be afforded to the Legislature’s finding that section 10005 “addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.” (2024 Cal. Legis. Serv. Ch. 990, § 1(b) (SB-1174); *Yumori-Kaku v. City of Santa Clara* (2020) 59 Cal.App.5th 385, 430 [“great weight” is also given to “legislative declarations of statewide concern” by courts when deciding if “the general law supersedes conflicting charter enactments,” citing *Anderson v. City of San Jose* (2019) 42 Cal.App.5th 683, 703.) “The basis for deferring to the legislative evaluation of a problem is that “‘the factors which influenced the Legislature to adopt the general laws may likewise lead the courts to the conclusion that the matter is of statewide rather than merely local concern.’” (*Huntington Beach, supra*, 44 Cal.App.5th at p. 272, quoting *Anderson v. City of San Jose, supra*, 42 Cal.App.5th at p. 707.) Moreover, if there is any “doubt [over] whether a matter which is of concern to both municipalities and the state is of sufficient statewide concern to justify a new legislative intrusion,” such doubt “‘must be resolved in favor of the legislative authority of the state.’” (*Baggett v. Gates* (1982), 32 Cal.3d 128, 140, citation omitted (hereafter *Baggett*).)

Here, Respondent Court’s conclusory finding that “the challenged charter provision does not violate the right to vote and

does not implicate the integrity of the electoral process” (Minute Order, at p. 3) is woefully unsupported and ignores both the history detailed in Section I *supra*, and the Legislature’s overt factual findings and declaration accompanying section 10005. The concerns at issue go far beyond Respondent Court’s flawed view that Measure A only affects “local elections.” Rather, the “integrity of the electoral process, at both the state and local level, is undoubtedly a statewide concern” (*Johnson, supra*, 4 Cal.4th at p. 409), and the City “may not enforce laws that are inconsistent with or impede statewide regulation” of these processes. (*Id.* at p. 403, fn. 14.)

The City’s reliance on *Lacy v. County of San Francisco* (2023) 94 Cal.App.5th 238 (hereafter, *Lacy*) does not diminish this point. For one, the court noted that the Education Code carves out an exception for charter cities to **expand** voting rights for school board elections. (*Id.* at pp. 253–54 citing Ed. Code § 5301; see also *id.* at p. 260 “[T]he Education code expressly exempts from [Election Code § 2101’s citizenship requirement] school board elections where the city charter provides otherwise.”).) By contrast, here, the City has chosen without lawful authority to **restrict** the electorate in municipal elections through laws known to reduce voter turnout in vulnerable communities. (Section I, *supra*.) *Lacy* simply stood for the proposition that a charter city may “expand the electorate for school board elections,” but not “narrow it” like Measure A. (*Id.* at p. 260.) Moreover, *Lacy* stressed that its holding “leaves intact the application of other constitutional ‘guarantees and requirements,’ ” (*id.*), such as the

right to vote free from improper practices like Measure A, (see § 2300, subd. (a)(1)(A)); *Huntington Beach*, *supra*, 44 Cal.App.5th at p. 275 [“Guaranteeing rights and protections afforded by the state Constitution is a matter of statewide concern.”].)

In short, Respondent Court and the City are simply incorrect when they insist that Measure A reflects a category of municipal affairs designated in Article XI, section 5(b) that falls entirely outside the state’s preemption framework. (See, e.g., *Huntington Beach*, *supra*, 44 Cal.App.5th at p. 256; *Jauregui*, *supra*, 226 Cal.App.4th at pp. 796–802.)⁷² Instead, Measure A embodies a perfect example where, “*under the historical circumstances presented*, the state has a more substantial interest in the subject than the charter city.” (*City of Vista*, *supra*, 54 Cal.4th at p. 558, alternation in original, citation omitted.)

D. The Elections Code and Section 10005 Avoid Unnecessary Interference in Municipal Affairs.

The final analytical step, in which the Court asks if the Elections Code, including section 10005, is “reasonably related to the issue at hand and limit the incursion into a city’s municipal interest,” also favors a finding that the City’s home rule authority

⁷² The City is similarly mistaken when it argues that *Jauregui* is irrelevant. (See Verified Answer, Dkt. No. 99, pp. 11, 21–24.) For one, *Jauregui* made clear that election integrity is a matter of statewide concern. (*Jauregui*, *supra*, 226 Cal.App.4th at 798.) Second, *Jauregui* demonstrates that the Elections Code, specifically the California Voting Rights Act of 2001 (§§ 14025–32), easily satisfies the four-part test. (*Id.* at p. 802). Third, *Jauregui* refutes the City’s argument in its Demurrer Motion that Measure A is categorically exempt from that analytical framework. (Notice of Demurrer, Dkt. No. 20, p. 7.)

on this subject is superseded by state law. (See *Anderson, supra*, 42 Cal.App.5th at p. 717–18, quoting *Lippman v. City of Oakland* (2017) 19 Cal.App.5th 750, 765.) “All that is required is a ‘direct, substantial connection between the rights provided by the [law] and the Legislature’s asserted purpose.’” (*Huntington Beach, supra*, 44 Cal.App.5th at 277, quoting *Baggett, supra*, 32 Cal.3d at p. 140.) Because Respondent Court erroneously found that section 10005 did not address matters of statewide concern, it did not analyze this step at all.

As detailed above, the Legislature’s adoption of the Elections Code, and especially section 10005, is expressly authorized by the California Constitution and is reasonably related to the statewide concerns of ensuring election integrity, protecting the right to vote, and banning improper practices that affect elections. In *Jauregui*, the Court of Appeal has already answered the issue presented here by finding that the California Voting Rights Act of 2001 (§§ 14025–32) is “reasonably related to the right to vote” and “integrity of elections,” and “not unduly broad in sweep” with respect to municipal affairs (*Jauregui, supra*, 226 Cal.App.4th at p. 802).

Here, the exact same conclusion flows naturally from *Jauregui*. Section 10005 bars City officials from requiring “a person to present identification for the purpose of voting or submitting a ballot at any polling place,” because laws like Measure A “disenfranchise low-income voters, voters of color, voters with disabilities, and senior voters.” (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(4) (SB-1174).) Section 10005 and other Elections Code provisions have an obvious nexus to state constitutional

“right to vote” and the “integrity of elections” (*Jauregui, supra*, 226 Cal.App.4th at p. 802), and the sweeping reach of each is appropriately-tailored to restrict local intrusion into fundamental voting rights and “California’s established, well-balanced methods of ensuring election integrity across the state.” (2024 Cal. Legis. Serv. Ch. 990, § 1(a)(8) (SB-1174).)⁷³

In a last-ditch effort to defend Measure A, the City invents a novel “independent right of a charter county to contract with a charter city” to violate state law and speculates that the County of Orange could hypothetically contract with the City to implement Measure A in City elections. (Verified Answer, Dkt. No. 99, p. 28.) The City’s contention—that a charter county can bypass state law on election law issues of statewide concern, even if a charter city could not do so on its own—falls to circular reasoning. Like charter cities, charter counties have no right to violate general state laws that relate to matters of statewide concern. (*San Bernardino County Bd. of Supervisors v. Monell* (2023) 91 Cal.App.5th 1248, 1275; *County of Sacramento v. Fair Political Pracs. Com.* (1990) 222 Cal.App.3d 687, 691 “[T]he general law prevails over local enactments of a charter county . . . where the subject matter of the general law is one of statewide concern.”].) Thus, the City’s

⁷³ Rather than take *Jauregui*’s preemption holding seriously, Respondent Court cited the inapposite proposition that the Fourteenth Amendment and Article I, section 2 of the California Constitution are “comparable.” (Minute Order, at p. 3.) This makes no sense. Petitioners never raised a due process or equal protection claim, but rather a preemption challenge based on section 10005 and other Elections Code provisions.

circular reasoning does little else beyond reinforcing the City’s lack of authority and Measure A’s constitutional deficit.⁷⁴

* * *

In sum, each and every step in the four-part test points conclusively towards Measure A’s preemption by section 10005 and other Elections Code provisions that address matters of statewide concern, reign supreme over the “home rule authority of charter cities” (*City of Vista, supra*, 54 Cal.4th at p. 556), and avoid unnecessary interference in municipal governance. Accordingly, one inescapable conclusion emerges: Measure A must yield.

CONCLUSION

For the foregoing reasons, amici respectfully submit that the Court should vacate the erroneous ruling of Respondent Court and issue a writ directing Respondent Court to hold that Measure A is preempted by California law.

⁷⁴ The City’s contention that other charter cities’ ability to hold unconsolidated municipal elections somehow shows that the City could also do so to implement Measure A overlooks the critical issue in this case. (Verified Answer, Dkt. No. 99, p. 28 fn. 7.) It is Measure A’s clash with the California Constitution and Elections Code that creates the preemptive issue here, not the City’s mere ability to hold municipal elections. To that point, the City offers no evidence that those other cities have adopted laws like Measure A. So whether those charter cities hold unconsolidated elections or not bears no relevance to the City’s unlawful conduct here.

Date: May 13, 2025

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

I certify that the attached Application and [Proposed] Amicus Brief use a 13-point Century Schoolbook font and contain 12,027 words.

Dated: May 13, 2025

/s/ Matt K. Nguyen

Matt K. Nguyen

DECLARATION OF ELECTRONIC SERVICE

*The People of the State of California, et al. v. City of
Huntington Beach, et al.*

**Fourth Appellate District, Division Three Case
No. G065492**

I, Donny Kong, declare as follows: I am employed in the office of a member of the California State Bar, at which member's direction this service is made. I am over the age of 18 and not a party to the within action. My business address is COOLEY LLP, 3175 Hanover Street, Palo Alto, CA 94304-1130. My email address is: donny.kong@cooley.com. I served the document(s) described as **APPLICATION OF AMICI TO FILE AMICI CURIAE BRIEF IN SUPPORT OF PETITIONER** by enclosing it in envelopes and placing the envelopes for collection and mailing with the United States Postal Service with postage fully prepaid on the date and at the place shown below following our ordinary business practices:

Hon. Judge Nico Dourbetas
Superior Court of California, Orange Count
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