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By \_\_\_\_\_, Deputy  
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9 Jon Coupal and Howard Jarvis Taxpayers Association

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

12 JON COUPAL, an individual; HOWARD  
13 JARVIS TAXPAYERS ASSOCIATION, a  
California non-profit Corporation;

14 *Petitioners,*

15 v.

16 SHIRLEY N. WEBER, as the Secretary of State  
17 of California,

18 *Respondent,*

19 \_\_\_\_\_  
20 PAUL DIXON, in his official capacity as State  
Printer, ROB BONTA, in his official capacity as  
21 ATTORNEY GENERAL OF THE STATE OF  
CALIFORNIA,

22 *Real Parties In Interest.*

Case No.

**VERIFIED PETITION FOR WRIT OF  
MANDATE**

**STATEWIDE ELECTION MATTER**  
**IMMEDIATE ACTION REQUIRED**  
[Elections Code §§ 9092, and 13314; and  
Code of Civil Procedure § 35]

[Proposition 5]

23  
24 Petitioners Jon Coupal and Howard Jarvis Taxpayers Association seek a writ of mandate  
25 directed at Real Party in Interest Attorney General Rob Bonta to correct the false and misleading  
26 ballot label authored by him in connection with Proposition 5.

27 Petitioners allege as follows:  
28

**ISSUE PRESENTED**

1  
2           1.       This action concerns the ballot label for Proposition 5. The ballot label is the  
3 description of the proposed measure that appears on the actual ballot voters will see when casting  
4 their vote. Proposition 5 proposes to amend the California Constitution to reduce the existing two-  
5 thirds voter approval requirement necessary to approve local government general obligation bonds  
6 to 55% voter approval for general obligation bonds.  
7

8           2.       Real Party in Interest the Attorney General of the State of California is required by  
9 law to prepare an accurate, fair and impartial “ballot label” for any measure presented to the voters  
10 by initiative. (Elec. Code §§ 9050, 9051, 9086, 13247, Gov. Code § 88002.) Our Courts have  
11 stated that our Elections law requires that the ballot label (and other ballot materials) “must  
12 reasonably inform the voters of the character and purpose of the proposed measure.” Indeed, our  
13 Courts have been most concerned with departures from the statutory requirements that mislead or  
14 withhold vital information from the voters.  
15

16           3.       As indicated more fully below, the ballot label and title and summary authored by  
17 the Attorney General for Proposition 5, does not comply with the Elections Code because it is  
18 misleading. It is misleading because it withholds vital information from the voters, namely that it  
19 would reduce the current two-thirds vote approval requirement to 55% voter approval. Without  
20 this necessary information, a voter would likely be misled or confused as to whether Proposition  
21 **5 increases** the voter approval requirement from a simple majority vote to a 55% vote, rather than  
22 **decreasing** the voter approval requirement from two-thirds to 55%.  
23

24           4.       Unless directed by this Court, Respondent Secretary of State Weber and Real Party  
25 Dixon will print the errant ballot label in the State Voter Information Guide and the same “ballot  
26 label” will be printed on every ballot presented to voters, meaning the error will infect every vote  
27 cast regarding Proposition 5.  
28

**PARTIES**

1  
2           5.       Petitioner Jon Coupal (“Petitioner”) is a resident of Sacramento County and is a  
3 registered voter in the State of California. Mr. Coupal is also president of petitioner Howard  
4 Jarvis Taxpayers Association.

5           6.       Petitioner Howard Jarvis Taxpayers Association (“HJTA”) is a California non-  
6 profit Corporation representing the interests of its thousands of California homeowners and  
7 taxpayers, having sponsored many statewide ballot measures and defended Proposition 13 against  
8 attack by the Legislature and special interests.

9           7.       Respondent Shirley Weber, Secretary of State of California (“Secretary of State”)  
10 is the State’s chief elections officer. She is charged with the duty of preparing the State Voter  
11 Information Guide (i.e. the “ballot pamphlet”) with respect to statewide initiative measures as  
12 well as directing the printing of ballots by the 58 County Registrar of Voters. (Elec. Code, §§  
13 9081-9086.) Elections Code sections 9092 and 13314 require that the Secretary of State be  
14 named as a respondent in this proceeding. She is named in her official capacity only.

15           8.       Real Party in Interest Paul Dixon (“Dixon”) is the State Printer of the State of  
16 California. Dixon is charged with printing the ballot pamphlet prepared by the Secretary of State.  
17 Elections Code section 9092 requires that the State Printer be named as a Real Party in Interest in  
18 this proceeding. Dixon is named in his official capacity only.

19           9.       Real Party in Interest Attorney General Rob Bonta (“Attorney General”) is  
20 charged with the statutory duty to prepare an accurate, fair and impartial ballot label for initiative  
21 measures that have qualified for the ballot. Elections Code section 9092 requires the Attorney  
22 General be named as a Real Party in Interest in this proceeding.

23           //

24           //



1           17. A true and correct copy of the Legislative Analyst’s proposed analysis of  
2 Proposition 5 is attached hereto and incorporated herein as **Exhibit D**.

3           18. A true and correct copy of the Legislative Analyst’s proposed “Yes/No Statement”  
4 is attached hereto and incorporated herein as **Exhibit E**.

5           19. Elections Code section 9051 requires the title and summary prepared by the  
6 Attorney General to be a “true and impartial statement of the purpose of the measure in such  
7 language that...shall neither by an argument, nor be likely to create prejudice for or against the  
8 proposed measure.” (Elec. Code §§ 303, 9051(e).) The shorter ballot label is to be “condensed”  
9 versions of the title and summary. The ballot label may not exceed 75 words (Elec. Code,  
10 §303(b); 9051(b), 13247.)

11           20. Elections Code section 9092 provides that this Court may issue a writ of mandate  
12 to prevent the publication of material in the ballot pamphlet that is “false, misleading or  
13 inconsistent with the requirements of [the Elections Code] or Chapter 8 (commencing with Section  
14 88000) of Title 9 of the Government Code” and Elections Code section 13314, which authorizes  
15 the Court to issue a peremptory writ of mandate “upon proof...that an error, omission, or neglect”  
16 of duty violates the Elections Code or the California Constitution and “that issuance of the writ  
17 will not substantially interfere with the conduct of the election.” (Elec. Code § 13314 (a)(2).)

18           21. Petitioners have no other adequate remedy at law and will suffer immediate and  
19 irreparable injury unless this Court issues a writ of mandate deleting or amending the biased, false  
20 and misleading statements as described herein.

21           22. Petitioners are informed and believe and on that basis allege, that issuance of a  
22 writ requiring the amendments and deletions set forth below will not interfere with the printing  
23 and distribution of the ballot pamphlet or the printing of ballots. According to the Secretary of  
24 State’s November 5, 2024 California Statewide General Election Calendar, the period for public  
25  
26  
27  
28

1 review and legal challenges to any ballot label contained in the Statewide General Election for the  
2 provisions of Proposition 5 began July 23, 2024, and ends August 12, 2024.

3  
4 **FIRST CAUSE OF ACTION**  
**[MISLEADING AND PREJUDICIAL BALLOT LABEL FOR PROPOSITION 5]**

5 23. Petitioners incorporate paragraphs 1 through 22 of this Petition.

6 24. The ballot label authored by the Attorney General for Proposition 5, reads as  
7 follows:

8 **ALLOWS LOCAL BONDS FOR AFFORDABLE HOUSING AND PUBLIC**  
9 **INFRASTRUCTURE WITH 55% VOTER APPROVAL. LEGISLATIVE**  
10 **CONSTITUTIONAL AMENDMENT.** Allows approval of local infrastructure  
11 and housing bonds for low- and middle-income Californians with 55% vote.  
12 Accountability requirements. Fiscal Impact: Increased local borrowing to fund  
13 affordable housing, supportive housing, and public infrastructure. The amount  
14 would depend on decisions by local governments and voters. Borrowing would be  
15 repaid with higher property taxes.

16 25. The ballot label for Proposition 5 is false and misleading within the meaning of  
17 Elections Code sections 303(b) and 9092. The ballot label is misleading, argumentative and  
18 prejudicial because it fails to explain that the purpose and effect of the amendment is to **reduce** the  
19 voter approval required under existing law.

20 26. Under existing constitutional requirements, local government general obligation  
21 bonds require approval by two-thirds of voters (Cal. Const. Art. XIII A; Art. XVI). Proposition 5  
22 proposes to create an exception to this requirement for certain bonds by reducing the voter  
23 approval requirement to 55% (**Exhibit A**).

24 27. This critical point is correctly described in the Title and Summary for Proposition  
25 5 which provides:

26 **ALLOWS LOCAL BONDS FOR AFFORDABLE HOUSING AND PUBLIC**  
27 **INFRASTRUCTURE WITH 55% VOTER APPROVAL. LEGISLATIVE**  
28 **CONSTITUTIONAL AMENDMENT.**

• Allows local bonds for affordable housing for low- and middle-income Californians, or for public infrastructure including roads, water, and fire protection to be approved by 55% of voters, **rather than current two-thirds approval requirement.**



- 1 • Bonds must include specified accountability requirements, including citizens
- 2 oversight committee and annual independent financial and performance audits.
- 3 • Allows local governments to assess property taxes above 1% to repay affordable
- 4 housing and infrastructure bonds if approved by 55% of voters instead of current
- 5 two-thirds approval requirement. Summary of Legislative Analyst's Estimate of
- 6 Net State and Local Government Fiscal Impact:
- 7 • Increased local borrowing to fund affordable housing, supportive housing, and
- 8 public infrastructure. The amount of increased borrowing would depend on
- 9 decisions by local governments and voters. Borrowed funds would be repaid with
- 10 higher property taxes. (Emphasis added.)

11 28. Similarly, this point is clearly stated in the “Analysis by the Legislative Analyst”  
12 for Proposition 5, wherein the LAO states: “Proposition 5 lowers the voting requirement needed to  
13 approve local general obligation bonds if they would fund housing assistance or public  
14 infrastructure. Specifically, Proposition 5 lowers the voter approval requirement from two-thirds  
15 to 55 percent.” (Exhibit D).

16 29. Even the “Yes/No Statement” authored by the LAO makes the same point clearly:  
17 “A YES vote on this measure means: Certain local bonds and related property taxes could be  
18 approved with a 55 percent vote of the local electorate, rather than the current two-thirds approval  
19 requirement.” (Exhibit E).

20 30. In short, in every description of Proposition 5 **except for the actual ballot label**  
21 **presented to every voter at the time they cast their vote** in the Voter Information Guide  
22 describes Proposition 5’s purpose as reducing the voter approval requirement for certain local  
23 bonds and taxes from the current two-thirds to 55 percent.

24 31. The Elections Code provides that the ballot label shall be a “condensed” version  
25 of the title and summary and is limited to 75 total words (Elec. Code §§ 303(b), 9051(b)(2)). The  
26 ballot label for Proposition 5 is only 65 words long. Thus, despite having room to add as many as  
27 ten words, the Attorney General chose to exclude any reference to the existing two-thirds voter  
28 approval requirement in the ballot label. In fact, the title and summary explains this critical  
feature in just 6 words – “**rather than current two-thirds approval requirement.**” There is no

1 valid reason that explains or justifies the exclusion of a complete explanation of Proposition 5's  
2 primary purpose in the ballot label.

3 32. The exclusion of this description in the ballot label renders the ballot label non-  
4 compliant with the Elections Code.

5  
6 **RELIEF REQUESTED**

7 WHEREFORE, Petitioners pray that this Court:

- 8 1. Issue an alternative writ of mandate compelling Respondent to amend the ballot label for  
9 Proposition 5 or, in the alternative, to show cause before this Court at a specified time  
10 why Respondent has not done so;
- 11 2. Issue a peremptory writ of mandate commanding Respondent to amend the ballot label for  
12 Proposition 5 as directed by this Court and to conform any translations of these materials  
13 to the changes ordered by this Court;
- 14 3. Award Petitioners attorneys' fees and costs incurred in connection with this matter; and  
15 4. Grant other such and further relief as the Court may deem necessary.

16  
17 Dated: August 1, 2024

Respectfully Submitted,  
BELL, McANDREWS, & HILTACHK, LLP

18  
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20 By: 

Thomas W. Hiltachk  
Attorney for Petitioners



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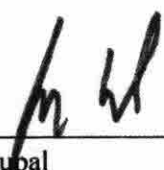
**VERIFICATION**

I, Jon Coupal, declare that I am the Petitioner in the above-captioned action.

I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE.

The foregoing is true and correct and of my personal knowledge. If called as a witness, I could and would testify competently thereto.

Executed under penalty of perjury under the laws of the State of California this 31<sup>st</sup> day of July at Sacramento, California.



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Jon Coupal  
Petitioner and President of HJTA