

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

Gordon D. Schaber Superior Court 720 Ninth Street , Sacramento, CA 95814

Earnest Rey Calhoon et al Plaintiff/Petitioner(s) vs. Dr. Shirely WEBER. in her capacity as Secretary of State et al Defendant/Respondent(s)	<i>FOR COURT USE ONLY</i>
	Dept: 21 Judge: Shelleyanne W.L. Chang
ORDER re: Ruling on Submitted Matter	CASE NUMBER: 26WM000063

The Court, having taken the matter under submission on 03/25/2026, now rules as follows:

This matter came on for a hearing on the Petition for Writ of Mandate on March 25, 2026. After hearing oral argument, the Court took the matter under submission. The Court now issues its Ruling on Submitted Matter.

I. Factual Background

In light of the short time-frames imposed by this priority election matter, the Court will not endeavor to provide a detailed recitation of the facts in this matter. In essence, Petitioner argues that the San Diego Registrar of Voters improperly rejected several of the signatures he obtained to establish candidacy for the 79th State Assembly District on the basis that the signers did not personally affix their address on Petitioner’s nominating papers. As explained herein, the petition is **DENIED**, as the Elections Code and implementing regulations do not exempt State Assembly candidates from the requirements that signers personally affix their place of residence, including the street and number of the place of residence on the nominating papers.

II. Standard

Elections Code section 13314, subdivision (a) provides, in part:

(a)(1) An elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, county voter information guide, state voter information guide, or other official matter, or that any neglect of duty has occurred, or is about to occur.

(2) A peremptory writ of mandate shall issue only upon proof of both of the

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following:

(A) That the error, omission, or neglect is in violation of this code or the Constitution.

(B) That issuance of the writ will not substantially interfere with the conduct of the election.

Code of Civil Procedure section 1085 permits the issuance of a writ of mandate “to compel the performance of an act which the law specially enjoins.” The writ will lie where the petitioner has no plain, speedy and adequate alternative remedy, the respondent has a clear, present and usually ministerial duty to perform, and the petitioner has a clear, present and beneficial right to performance.” (*Sacramento County Alliance of Law Enforcement v. County of Sacramento* (2007) 151 Cal.App.4th 1012, 1020.) “Two basic requirements are essential to the issuance of the writ. (1) A clear, present and usually ministerial duty upon the part of the respondent; and (2) a clear, present and beneficial right in the petitioner to the performance of that duty.” (*Shamsian v. Dept. of Conservation* (2006) 136 Cal.App.4th 621, 640 [citations omitted].)

III. Discussion

Elections Code section 100 appears in Division 0.5, “Preliminary Provisions” and is titled “Requirements for signers and signatures.” The full text of the section states:

(a) Notwithstanding any other provision of law, whenever an initiative, referendum, recall, nominating petition or paper, or any other petition or paper is required to be signed by voters of a county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign the petition or paper. A person who submits their affidavit of registration pursuant to subdivision (d) of Section 2102 is not eligible to sign a petition or paper unless at the time of the signing of the petition or paper that person is 18 years of age.

(b) A signer shall at the time of signing the petition or paper personally affix their signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer’s residence address shall not invalidate their signature pursuant to Section 105. A space at least one

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inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper.

(c) The part of a petition for the signatures, printed names, and residence addresses of the voters and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section.

The petition format shall be substantially in the following form:

Official Use Only

(Print Name)	(Residence Address ONLY)
<u>1.</u> (Signature)	(City)
(Print Name)	(Residence Address ONLY)
<u>2.</u> (Signature)	(City)

(d) A county elections official who verifies signatures on an initiative, referendum, recall, nominating petition or paper, or any other petition or paper that is required to be signed by voters of a county, city, school district, or special district subject to petitioning may establish and require the use of a standardized petition form for distribution within and submission to the county

Petitioner argues that Elections Code section 100 does not apply to candidates for State Assembly, because subdivision (a) only applies to papers required to be signed by voters “of a county, city, school district, or special district subject to petitioning.” As the plain language of subdivision (a) does not apply to State Assembly candidates, Petitioner argues, neither does subdivision (b) apply to such candidates. Petitioner argues that the sole provisions applicable to such candidates are located in Elections Code sections 8000, et seq.

Elections Code sections 8000-8150 are located in Division 8 “Nominations,” Part 1 “Primary Election Nominations” and Chapter 1, “Direct Primary.” Section 8041 provides the specific form of nomination paper for these elections:

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I, the undersigned signer for _____ for nomination to the office of _____, to be voted for at the primary election to be held on _____ the _____ day of _____, 20 ____, hereby assert as follows:

I am a resident of _____ County and registered to vote at the address shown on this paper. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name _____

Residence _____

Division 8 contains many of its own requirements, including signature number requirements (§ 8062), nomination paper delivery requirements (§ 8063) and signature verification requirements (§ 8081). It is not clear that these sections are intended to override the general election provisions established in Sections 100, et seq., as, for example, Section 8066 provides that “[c]irculators shall meet the requirements of Section 102.” Further, section 5 states that “division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of this code.” Section 8000 states that “this chapter does not apply to:

- (a) Recall elections.
- (b) Presidential primary.
- (c) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for those offices.
- (d) Nomination of officers for any district not formed for municipal purposes.
- (e) Nomination of officers for general law cities.
- (f) Nomination of school district officers.

A similar provision does not appear in section 100, thus suggesting that section 100 and the following provisions are intended to apply to all elections, unless otherwise specified.

“A court must, where reasonably possible, harmonize statutes, reconcile seeming inconsistencies in them, and construe them to give force and effect to all of their provisions...[Citation.]” (*Even Zohar Construction & Remodeling, Inc. v. Bellaire Townhouses, LLC* (2015) 61 Cal.4th 830, 838.) While subdivision (a) of section 100 does limit that subdivision’s application to certain election contests, subdivision (b) does not contain such limiting language. In the absence of such language, or language in section 8041 stating that

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signers *do not* have to personally write their addresses, the Court must harmonize the code sections to give full effect and meaning to all of the language.

This interpretation is supported by the Secretary of State's regulatory provisions concerning "petition processing, signature verification, ballot processing, and ballot counting. (2 C.C.R. § 20910, et seq.) Section 20910 provides that the chapter's purpose is to, "ensure uniform application and practices for elections officials related to the examination of initiative, referendum, recall, nominating petition or paper, signature in-lieu of filing fee, and any other petition or paper, as well as for signature verification on local and statewide election-related petitions, vote-by-mail identification envelopes, and provisional ballot envelopes." With respect to the verification of signers on such nomination documents, section 20931, subdivision (b)(3) provides that a signature shall *not be subject to verification* if "[t]he signer does not use their own handwriting to write their name, residence address or signature, or that information is preprinted prior to circulation. However, if the signer is disabled and cannot print or sign their name or write their residence address, or if the voter has a signature stamp that is the same as on the voter's registration record, the signature is subject to signature verification. In either case, a witness must also sign for the signature to be valid."

These regulatory provisions support the application of Elections Code section 100 to Petitioner's nomination papers for State Assembly. Further, to the extent Petitioner claims he was unaware of the section 100 requirement, the nomination form Petitioner used to gather signatures specifically references Elections Code section 100 in red letters at the top of the form. (Brom Decl., ¶ 7, Exhibit 4.) Petitioner argues that the regulation is not relevant, and the Court should look only to the cited statutory provisions, however our Supreme Court has held that "regulations...bind this and other courts as firmly as statutes themselves." (*Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 7.)^[1] The plain language of 2 C.C.R. section 20931 applies to all nominating petitions or papers, not only those which require the signatory to live in a particular county, city, or special district. This regulation was adopted pursuant to the rigorous process imposed by the Administrative Procedures Act, and has been in effect for several years, without challenge. The Court finds no basis upon which it would invalidate this regulation.

Case law also supports this Court's interpretation that the provisions of section 100 that signers personally affix their residence address to all petitions, and simply not those limited in subdivision (a), as Petitioner suggests. (*Ni v. Slocum* (2011) 196 Cal.App.4th 1636.) Contrary to Petitioner's assertion that section 100 was only intended to apply to limited categories of petitions, *Ni v. Slocum* applied section 100 to signatures gathered in connection with a statewide initiative. The Court finds that the statutory and regulatory provisions taken as a whole indicate a legislative intent that section 100 is not limited in its application in the manner Petitioner suggests. And the case law similarly supports this conclusion. Petitioner surmises that assembly members certainly understand how hard it can be to get signers to legibly print their addresses, and thus intended to exempt themselves from the section 100 requirement. The Court finds no such legislative intent.

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As to the Petitioner’s constitutional arguments, the Court is not persuaded by Petitioner that Elections Code section 100, and title 2, section 20931 of the California Code of Regulations are unconstitutional. The Court rejects Petitioner’s suggestion that the appropriate constitutional standard of review is strict scrutiny. Rather, the Court agrees with Respondents that the appropriate standard for evaluating state laws that regulate elections is under the more flexible *Anderson-Burdick* test. (See *California Apartment Assn. v. City of Pasadena* (2025) 117 Cal.App.5th 187, 223-224.) The Court finds that the requirement at issue here is a de minimis burden upon a signatory (notably, Petitioner improperly focuses on the consequences to him of section 100’s requirement, rather than the burden on the signatory, or the burden on the circulator to ensure that the signatory personally affixes his or her address to the subject documentation). Weighed against the State’s interests in preventing forgery and ensuring the integrity of the nominating process, this Court agrees with the courts that have previously considered the handwritten address requirement and found that it properly furthered a government interest, thereby passing constitutional muster. (See *Mapstead v. Anchundo* (1998) 63 Cal.App.4th 246; *Ni v. Slocum* (2011) 196 Cal.App.4th 1636; *Gooch v. Hendrix* (1993) 5 Cal.4th 266; *Capo for Better Representation v. Kelley* (2008) 158 Cal.App.4th 1455.) Petitioner asserts that the Respondents have failed to articulate a significant state interest in Section 100. Respondents, however, have reiterated the State’s interest as articulated by the First District Court of Appeal in *Ni v. Slocum*:

The requirement in Elections Code section 100 that the voter include his or her printed name and address is critical to the verification process. As noted above, only an “*eligible* registered voter” may be counted for purposes of ballot qualification. (Elec. Code, § 100, italics added.) An eligible registered voter is a person who has not only registered to vote but also continues to reside at the address listed on his or her voter registration affidavit. (*Assembly v. Deukmejian* (1982) 30 Cal.3d 638, 647 [180 Cal. Rptr. 297, 639 P.2d 939]; see Elec. Code, §§ 2116, 2119 [a registered voter who moves is no longer eligible to vote unless he or she reregisters or notifies county officials of the change of address].) Pursuant to Elections Code section 105, when verifying the signatures on an initiative petition election officials must “determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration.” If the addresses are different, or if the petition omits any of the address information, the signature is invalid. (*Ibid.*; see, e.g., *Friends of Bay Meadows v. City of San Mateo, supra*, 157 Cal.App.4th at pp. 1188–1189.)

There is additional value in the requirement that the signer *personally* affix his or her name and address. “[T]he requirement that signers ‘personally affix’ printed names and addresses . . . is neither redundant nor insignificant. Both the additional attention of the signer (who must ‘personally affix’ the information)

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and the result (the additional ability to verify that the signer was actually involved in the process) aid in preventing forgery and other potential abuse. [Citations.] In addition, the requirement that the signer ‘personally affix’ the information ensures that the signer, at the time of signing, has actually affirmed the residence address placed on the petition. This affirmation goes to the very heart of the process—the Registrar’s ability to verify whether those who signed the petition were entitled to do so.” (*Mapstead v. Anchundo, supra*, 63 Cal.App.4th at p. 270.) Accordingly, signatures must also be declared invalid if the election official concludes that some person other than the signer inscribed the signer’s address information on the petition—even if the address is the same as the one on the voter registration affidavit. (*Gooch v. Hendrix, supra*, 5 Cal.4th at p. 281 [construing similar requirement in Elec. Code, former § 1006]; *Capo for Better Representation v. Kelley, supra*, 158 Cal.App.4th at pp. 1462–1463; *Mapstead v. Anchundo*, at pp. 270–271.)

(*Id.* at pp. 1645-1646.)

Lastly, at the hearing on this matter, Petitioner argued that he does not concede that the addresses on his nomination papers were *not* personally affixed by each individual signatory. Petitioner did not challenge the Registrar of Voters determination that the 22 signatures were not personally affixed and therefore invalid, nor did Petitioner present the Court with any admissible evidence to demonstrate that the Registrar of Voters determination with respect to the handwriting for these addresses is incorrect. This is not an issue raised by the petition in this matter, and is not an issue that is before the Court.

IV. Conclusion

The petition for writ of mandate is **DENIED**.

In accordance with Local Rule 1.06, Respondent’s counsel is directed to prepare an order denying the petition, incorporating this ruling as an exhibit to the order and a judgment; submit them to opposing counsel for approval as to form in accordance with CRC 3.1312(a); and thereafter submit them to the Court for signature and entry in accordance with CRC 3.1312(b).

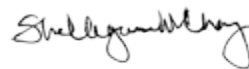
^[1] Government Code section 12172.6 provides for the Secretary of State’s duties with respect to elections, and subdivision (d) states that the Secretary of State “may adopt regulations to ensure the uniform application and administration of state election laws.”

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Certificate of Mailing is attached.

Δατεδ: 03/25/2026



Shelleyanne W.L. Chang, Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Gordon D. Schaber Superior Court 720 Ninth Street, Sacramento, CA 95814	
PLAINTIFF/PETITIONER: Earnest Rey Calhoun et al	
DEFENDANT/RESPONDENT: Dr. Shirely WEBER. in her capacity as Secretary of State et al	
CERTIFICATE OF MAILING	CASE NUMBER: 26WM000063

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Order re: Ruling on Submitted Matter upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Sacramento, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

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Dated: 03/25/2026

By: */s/ M. Garcia*
M. Garcia, Deputy Clerk

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