

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO**

Gordon D. Schaber Superior Court, Department 32

JUDICIAL OFFICER: HONORABLE JAMES P. ARGUELLES

Courtroom Clerk: L. Sweezer Morris  
Bailiff: J. Gonzales

CSR: L. McKee #12810

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26WM000078

March 26, 2026  
3:00 PM

**HONIG**

**vs**

**SHIRLEY N. WEBER, IN HER OFFICIAL CAPACITY AS  
SECRETARY OF STATE FOR THE STATE OF  
CALIFORNIA, et al.**

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**MINUTES**

**APPEARANCES:**

Petitioner Kelly Honig represented by Steven Gregory Churchwell.

Respondent Shirley N. Weber, in her Official Capacity as Secretary of State for the State of California appearing represented by Christina McCall.

**NATURE OF PROCEEDINGS: Hearing on Petition for Writ of Mandate Election Matter**

Petitioner Kelly Honig's Petition for writ of Mandate is DENIED.

- **Relief Requested:** Petitioner seeks writ of mandate to compel Sec. of State to accept her as qualified as candidate for Member of Assembly District 42 for June 2, 2026 Election.
  - Sec. of State informed Petitioner on 3/19/26 that she did not qualify because Petitioner did not file declaration of candidacy in her county of residence (L.A. County), but instead filed it in Ventura County.
  
- **Petitioner cannot show entitlement to writ of mandate**
  - 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, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.' (Elec. Code, § 13314 (a)(1).)
    - ☞ A peremptory writ of mandate shall issue only upon proof of both of the following: '(A) That the error, omission, or neglect is in violation of this code or the Constitution' and '(B) That issuance of the writ will not substantially interfere with the conduct of the election' (Elec. Code, § 13314 (a)(2).)
  - To obtain writ relief, Petitioner must show there is no other plain, speedy, and adequate remedy; the respondent has a clear, present, and ministerial duty to act

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in a particular way; and the petitioner has a clear, present and beneficial right to performance of that duty. (*County of San Diego v. State of California* (2008) 164 Cal.App.4th 580, 593.)

☞ “The petitioner always bears the burden of proof in a mandate proceeding brought under Code of Civil Procedure section 1085.” (*California Corr. Peace Officers Assn v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1154.)

## ○ **Petitioner identifies no duty, and law requires Sec of State to find her unqualified**

### ☞ **Relevant Sections of Elections Code**

- “The declaration of candidacy **shall** be obtained from, and delivered to, the elections official of the **county in which the candidate resides and is a voter...**” (Elec. Code § 8064.)
- “The nomination paper shall be delivered to the **elections official of the county in which the signer resides and is a voter.**” (Elec. Code, § 8063.)
- “Shall” is mandatory; “may” is permissive. (Elec. Code, § 354.)

☞ **In addition to the fact that there is no duty, the Court cannot order a public official, like Sec. of State, to violate a valid statute.** A writ may only issue against a respondent with a clear duty to perform a ministerial act and with a legal authority to discharge that duty. (*Barnes v. Wong* (1995) 33 Cal. App. 4th 390, 395.)

## ○ **The doctrine of substantial compliance is inapplicable**

### ☞ **Doctrine inapplicable for candidate qualification statutes**

- Case cited by Petitioner, *Costa v. Sup. Ct* (2006) 37 Cal. 4th 986, is distinguishable, as it involved “relatively minor differences” in **initiative measure** submitted to AG prior to circulation and then circulated for signatures.
  - Judicial policy to liberally construe power of initiative and referendum; substantial compliance doctrine may apply in those cases. (*Daniels v. Tergeson* (1989) 211 Cal.App.3d 1204, 1210.)
- In contrast, **there is no similar policy for candidate qualification statutes. “Provisions relating to the time and place of holding elections, the qualifications of voters and candidates and other matters of that character are mandatory.”** (*Daniels v. Tergeson, supra*, 211 Cal.App.3d at pp.

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1208-1210.)

- **Thus, strict compliance with these laws, is required.**  
(*Barnes v. Wong, supra*, 33 Cal. App. 4th at p., 396 [noting that strict compliance with laws regarding statutory deadlines for election filings, is required].)

- **Petitioner is not entitled to rely on actions of Ventura Co. and L.A. Co. Registrars of Voters**

- ☞ **Not misadvised by Secretary of State**

- Spoke about ballot designation—different subject

- ☞ **Not misadvised by County Registrars of Voters.** At most, alleges negligence.

- **Additionally, reliance on county staff misplaced.**

- In *Assemb. of the State of Cal. v. Deukmejian* (1982) 30 Cal. 3d 638, the Cal. Sup. Ct found “Real parties' asserted reliance on the advice of a deputy attorney general in an informal letter to State Senator Kenneth Maddy is misplaced. The Attorney General is not the official charged with ensuring proper application of the state's elections laws. That is the role of the Secretary of State, California's chief elections officer.” (*Id.*, at p. 650.)

- Here, Sec of State, not County elections officials, is charged with ensuring application of state's elections laws.
- Petitioner is charged with knowing the law. (*Browne v. Russell* (1994) 27 Cal.App.4th 1116, 1127 [“The Clerk was under no obligation to save their petition from the effects of their failure to so comply” with the statutory requirements].)

- **Elec. Code section 105 did not require the Ventura County Registrar of Voters to check Petitioner's registration address (and thus, catch its mistake)**

- ☞ This statute does not apply to declaration of candidacy.

- Elections Code section 105 provides: “[T]he elections official shall determine that the residence address on the *petition or paper* is the same as the residence address on the affidavit of registration....” (Elec. Code, § 105(a)(1).)

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- ☞ And assuming statute did apply, Petitioner has cited no law that the remedy for any mistake would be to compel the Sec. of State to qualify her as a candidate.
- ☞ Finally, it is Petitioner's responsibility to comply with the law.

## Disposition

For all of the foregoing reasons, the Petition is **DENIED**.

*/s/ L. Sweezer Morris*

By:

L. Sweezer Morris, Deputy Clerk

Minutes of: 03/26/2026

Entered on: 03/26/2026