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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF SACRAMENTO**

20 PROTECT KIDS CALIFORNIA and
21 JONATHAN ZACHRESON,
22 Individually and on behalf of PROTECT
23 KIDS CALIFORNIA

24 Petitioners,

25 v.

26 ROB BONTA, in his official capacity as
27 Attorney General of the State of
28 California and DOES 1–50, inclusive,

Respondents.

Case No. 24WM000034
Dept.: 36
Judge: Honorable Stephen Acquisto

**PETITIONERS' OPENING BRIEF ON
VERIFIED PETITION FOR WRIT OF
MANDATE, DECLARATORY RELIEF,
VIOLATION OF FREE SPEECH (CAL.
CONST., ART. 1, SEC. 2), VIOLATION
OF FREE SPEECH (U.S. CONST.,
AMEND. I)**

*[Request for Judicial Notice; Declaration of
C. Erin Friday; [Proposed] Order filed
concurrently herewith]*

**Action filed: February 13, 2024
Hearing Date: April 12, or April 19, 2024
Time: 2:30 p.m. or 1:30 p.m.
Dept.: 36**

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11 *Citizens for Responsible Gov't*, 56 Cal.App.4th at 1227-28 9

12 *City of Montebello v. Vasquez* (2016) 1 Cal.5th 409, 421 n.11 9

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24 *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.* (2006) 547 U.S. 47, 63 10

25 *Schad v. Mount Ephraim* (1981) 452 U.S. 61, 65; *see Wilson v. Superior Court* (1975) 13 Cal.3d

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1 **I. INTRODUCTION**

2 Petitioners PROTECT KIDS CALIFORNIA and JONATHAN ZACHRESON (hereinafter
3 collectively “Petitioners”) seek to qualify for the 2026 ballot a measure that would (a) require
4 parents to be notified when their minor student is experiencing gender dysphoria; (b) repeal
5 Education Code 221.5(f) that permits students to participate in sex-segregated school activities,
6 changing rooms, and bathrooms based on their gender identity; limit female sports teams for
7 grades 7 and above to biological females; and define the terms “female” and “male” in biological
8 terms; and (c) safeguard minors’ natural bodies, their fertility and sexual function by prohibiting
9 any sex-altering medical interventions.
10

11 In preparing a circulating title and summary for the measure, Respondent, Attorney
12 General ROB BONTA (“Respondent”) failed in his duties under the Elections Code and violated
13 Petitioners’ freedom of speech under both the California Constitution, Article 1, section 2 and the
14 First Amendment of the U.S. Constitution, by providing a misleading, false, and prejudicial title
15 and summary that contains inaccurate, blatantly argumentative, and confusing language that does
16 not accurately state the “chief purposes and points of the proposed measure,” as required under
17 Elections Code section 9004(a). The measure’s current title and summary is “likely to create
18 prejudice ... against the proposed measure,” in contravention of Elections Code section 9051(d).
19

20 Respondent purposely provided a negative title, using language that tips the scales in his
21 favor. Respondent (1) omitted one of the chief purposes - to define the terms “male” and “female”;
22 (2) replaced Petitioners’ name for the initiative, “PROTECT KIDS OF CALIFORNIA ACT OF
23 2024,” with “RESTRICTS RIGHTS OF TRANSGENDER YOUTH” in an obvious ploy to
24 negatively influence voters; (3) misled voters by stating that youth have rights that they do not; (4)
25 used the confusing term “transgender female” when referencing female sports; (5) untruthfully
26 stated there are no exceptions for student safety relating to parental notification; and (6) falsely
27
28

1 stated that **all** gender affirming health care would be banned, without exception, when the measure
2 in fact would only restrict sterilizing medical procedures and treatments for children seeking so-
3 called sex changes. (“Initiative”). Government cannot take sides on a ballot initiative, or bestow an
4 unfair advantage on one of several competing factions, but that is precisely what the Respondent
5 has done with the title and summary. (*See Citizens for Responsible Gov’t v. City of Albany* (1997)
6 56 Cal.App.4th 1199, 1227-28.)

8 Respondent did not overcome his conflict of interest as a plaintiff in a lawsuit involving
9 parental notification policies, his numerous amicus brief filings and press releases that clearly
10 demonstrate his bias and distain for every aspect of Petitioners’ Initiative. Polling shows that,
11 based on its actual substance, Californians would vote in favor of the measure regardless of party
12 affiliation. (*See Erin Friday Declaration (“Friday Decl.”)*, at ¶ 3.) Therefore, Respondent wrote a
13 biased and untruthful title and summary to rip from Petitioners the opportunity to exercise their
14 critical constitutional right to propose and enact statutes representing important interests that the
15 majority of voters support under Article II, section 8 of the California Constitution because their
16 “elected representatives” will not do so.

18 **II. FACTUAL BACKGROUND**

19
20 On September 25, 2023, Petitioners submitted the ballot initiative entitled “Protect Kids of
21 California Act of 2024” to Respondent and requested a circulating title and summary of the chief
22 purpose and points of the initiative. (Petition, Ex. A.) On November 29, 2023, Respondent’s office
23 prepared the title and summary. (Petition, Ex D.) Under normal circumstances, the signatures for
24 the measure must be filed with the county elections official not later than 180 days from the date of
25 the official summary, or May 28, 2024. (*See Elec. Code § 9014.*)

26 Respondent’s prepared title and summary is as follows:

27 **RESTRICTS RIGHTS OF TRANSGENDER YOUTH. INITIATIVE STATUTE. •**
28 Requires public and private schools and colleges to: restrict gender-segregated facilities
like bathrooms to persons assigned that gender at birth; **prohibit transgender female**

1 **students (grades 7+) from participating in female sports.** Repeals law allowing
2 students to participate in activities and use facilities consistent with their gender identity. •
3 Requires schools to notify parents whenever a student under 18 asks to be treated as a
4 gender differing from school records **without exception for student safety.** • **Prohibits**
5 **gender-affirming health care** for transgender patients under 18, even if parents consent
6 or treatment is medically recommended. Summary of estimate by Legislative Analyst and
7 Director of Finance of fiscal impact on state and local governments: Potentially minor
8 savings in state and local health care costs of up to millions of dollars annually from no
9 longer paying for prohibited services for individuals under the age of 18. These savings
10 could be affected by many other impacts, such as individuals seeking treatment later in
11 life. Minor administrative and workload costs to schools, colleges, and universities, up to
12 several millions of dollars initially. Potential, but unknown, cost pressures to state and
13 local governments related to federal fiscal penalties if the measure results in federally
14 funded schools, colleges, universities, or health care providers being deemed out of
15 compliance with federal law. (23-0027A2, emphasis added.) (Petition, Ex. D.)

16 Respondent’s prepared title and summary violates Elections Code sections 9004(a) and 9051(d), as
17 it is branded with a misleading, false, and prejudicial title and summary designed to prejudice the
18 measure. For several years, Respondent has repeatedly revealed his personal bias against the issues
19 in the Initiative, culminating in the misleading title and summary.

20 **A. Respondent’s Explicit Bias Against Notifying Parents and Guardians of Their**
21 **Children’s Mental Health Issues**

22 Respondent has filed a civil rights action against a California school district that approved a
23 policy notifying parents when their children are suffering from gender confusion in *The People of*
24 *the State of California, et al. v. Chino Valley Unified School District*, Case No. CIV SB 2317301
25 (“CVUSD lawsuit”). (Petition, Ex. E.) He has intervened as an amicus in the California case that
26 challenged a board policy requiring parents to be notified when their student is requesting to be
27 treated as a gender that is not aligned with his or her biological sex. (*Mae M. et al v. Komrosky et*
28 *al.*, Case No. CVSW2306224 (“*Mae*”).) He publicly rebuked its policy as well as four other school
district’s notification policies, and intervened in a California case. (See Petition, Exs. K-R.) He
also issued a letter to all superintendents and school board members that schools are **not** to inform
parents about their child’s gender dysphoria. (*Id.*, Ex. I.) Any success of the Initiative in qualifying
for the ballot would adversely affect Respondent’s lawsuit against CVUSD, his positions as
amicus in related matters, his status and interests as a named defendant in a California lawsuit, as
well as his publicly announced positions and reputation. (See Petition, Ex. G.)

1 **B. Sex-Based Bathrooms, Changing/Shower Rooms and Sports**

2 Respondent’s disdain for private changing rooms, bathrooms and sports that are solely
3 accessible to females (humans whose bodies are developed to produce large gametes) is equally
4 apparent, making it predictable for him to provide a purposely confusing summary on this aspect
5 of the Initiative. Respondent joined in an amicus brief in a Florida case to advocate for a trans-
6 identified female to use the male bathroom at school and joined in an amicus brief in Idaho in
7 support of bathroom use by gender identity as opposed to sex. (Petition, Exs. S-T.) Respondent
8 joined amicus briefs in Arizona, West Virginia, Indiana and Connecticut in support of placing
9 males on female sports team, dispensing with biological reality. (Petition, Exs. U, X-Z.) He also
10 restricted state-funded travel to 13 states with sex-segregated sports laws. (*Id.*, Exs. V-W.)

11 **C. Protections Against Sex-Change Interventions on Children**

12 Respondent has publicly denounced any constraints on minor children engaging in
13 irreversible medical interventions to change their body to resemble a body that does not align with
14 their biological sex. Respondent did not overcome his implicit and explicit bias so as give a
15 neutral, accurate, and complete title and summary. Respondent has led or joined amicus briefs in
16 Arkansas, Florida, Oklahoma, Indiana, and Alabama opposing these states’ law that prevent
17 changes to children’s secondary sex characteristics through irreversible puberty blockers,
18 hormones and surgeries. (Petition, Exs. AA-EE.)

19 **D. Respondent’s Unlawful Title and Summary Are Actually Deterring Potential**
20 **Supporters of the Initiative**

21 On January 14, 2024, Korey Wells emailed Protect Kids California asking “How do you
22 expect this to have any chance to win with a title that says ‘restrict rights’? Where is your lawsuit
23 challenging this title? . . . nobody will support something that’s framed as a negative.” (Friday
24 Decl., at ¶4.) Mr. Wells was alarmed when he read the title and summary. Mr. Wells supports the
25 Initiative and embarked on gathering signatures from his contacts; however, many refused to sign
26 and/or donate because they did not believe that the substance of the Initiative could be so different
27 from the title and summary. (Declaration of Korey Wells to Petition (“Wells Decl.”), at ¶ 7.)
28 Robert Lee contacted Scott Davison, a member of the Protect Kids California Executive Team,

1 about the title and summary of the Initiative. (Friday Decl., at ¶ 5.) Many people with whom Lee
2 spoke changed their minds about signing the Initiative because of the title and summary, and it was
3 clear that very few people approve of the idea of “restricting rights” of anyone, despite favorable
4 polling for the Initiative. (Declaration of Robert Lee to Petition (“Lee Decl.”), at ¶¶ 8-9.) In
5 February of 2024, Erin Friday had several meetings with high value potential donors who informed
6 her that—because of the unfavorable title and summary—they did not want to donate to the
7 endeavor, regardless of the fact that they agreed with the Initiative. (Friday Decl., at ¶ 6.)

8 **III. LEGAL ARGUMENT**

9 **A. The People’s Right to Utilize the Initiative Power Must Be Jealously Guarded.**

10 The California Supreme Court held in *Associated Home Builders etc., Inc. v. City of*
11 *Livermore* (1976)18 Cal.3d 582, 591 that the initiative process was “[d]rafted in light of the theory
12 that all power of government ultimately resides in the people,” and that “the duty of the courts [is]
13 to jealously guard this right of the people.” To promote the democratic process, the power should
14 be liberally construed, as the people’s initiative power has long been recognized as one of the most
15 precious rights of our democracy: “The ballot box is the sword of democracy.” (*Forty-Niners v.*
16 *Nishioka* (1999) 75 Cal. App.4th 637, 643 (cert. denied); *Amador Valley Jt. Un. High Sch. v. State*
17 *Bd. of Equal* (1978) 22 Cal.3d 208, 219-220, 248.) “[O]bjectively inaccurate and false information
18 and calculated untruths that substantially mislead and misinform a reasonable voter is unlawful
19 under the Elections Code.” (*Id.* at 643.) “[C]ourts are charged to construe the Elections Code to
20 favor the people’s awesome initiative power, ‘the statutes [are] designed to protect the elector from
21 confusing or misleading information . . . so as to guarantee the integrity of the process.’” (*Id.* at
22 644. (internal citations omitted).)

23 **B. Respondent Had a Duty to Provide a True, Impartial, Neutral Title and Summary** 24 **That Was Not Likely to Cause Prejudice and Explained the Points and Purposes of** 25 **the Initiative.**

26 Prior to the circulation of an initiative for signatures, the Attorney General is obligated to
27 prepare a title and summary of the proposed measure that is true, impartial, neutral, unlikely to
28 create prejudice, and explains the chief purposes and points of the measure. (Elec. Code §§ 9002,

1 9004(a) [“the Attorney General shall prepare a circulating title and summary of the **chief purposes**
2 **and points** of the proposed measure” (emphasis added)], 9051(d) [“the Attorney General shall
3 provide a **true and impartial statement of the purpose of the measure in such language that**
4 **the ballot title and summary shall neither be an argument, nor be likely to create prejudice,**
5 **for or against the proposed measure**” (emphasis added)]; *see also* Cal. Const., art. II, § 10(d);
6 *see Costa v. Superior Court* (2006) 37 Cal.4th 986, 1023.)

7 Potential signatories must be provided the title and summary that is an accurate and
8 objective description of the general subject matter of the initiative and its main points. The term
9 “impartial” as it relates to initiatives is defined as language that is written in a manner that would
10 not greatly prejudice voters in favor or against a measure. (*McDonough v. Superior Court* (2012)
11 204 Cal.App.4th 1169, 1173.)

12 Courts favor titles and summaries that are “essentially verbatim recitation[s] of the
13 operative terms” of the initiative. (*Lungren v. Superior Court* (1996) 48 Cal.4th 435, 440-441.) In
14 *Lungren*, the court approved an Attorney General title and summary because it “added nothing,
15 omitted nothing and the words used are all subject to common understanding. The electorate
16 [could] hardly be deceived by this essentially verbatim recital of the straightforward text of the
17 measure itself.” (*Id.*) That is certainly not what the Respondent did in the case at bar.

18 The title and summary are of utmost importance and can tip the scale. According to the
19 National Conference of State Legislatures, “[t]he ballot title and summary are arguably the most
20 important part of an initiative in terms of voter education. Most voters never read more than the
21 title and summary of the text of initiative proposals. Therefore, it is of critical importance that titles
22 and summaries be concise, accurate and impartial.”¹

23 ///

24 ///

26 _____
27 ¹ Ballot Title,” Ballotpedia, https://ballotpedia.org/Ballot_title#cite_note-1 (citing National Conference of State
28 Legislatures, <https://web.archive.org/web/2/http://www.ncsl.org/programs/legismgt/elect/PrepTtlSumm.htm>).

1 i. Respondent Failed to Provide a Summary of the Chief Purposes and
2 Points of the Initiative.

3 Respondent completely ignored a chief purpose of the Initiative, which is to define the
4 terms “female” and “male.” The importance and effect of Respondent’s decision to exclude this
5 purpose from the circulating title and summary of the Initiative cannot be overstated, since neither
6 term is defined in any California code or regulation, as admitted by the California Legislative
7 Analyst’s Office. (*See* Petition, Ex. C, p. 3.)

8 A title and summary should fairly represent the initiative and not mislead the public, but as
9 long as only auxiliary or subsidiary matters are omitted, they are considered to be in substantial
10 compliance. (*Brennan v. Board of Supervisors* (1981) 125 Cal. App. 3d 87, 96.) Respondent
11 cannot omit essential features of the measure. (*Id.*) In *Boyd v. Jordon* (1934) 1 Cal.2d 468, 469, the
12 Court held that an essential feature of the initiative, namely that the initiative relates to a tax, was
13 not indicated in the title – “Initiative Measure to be Submitted Directly to the Electors.” (*See*
14 *also Clark v. Jordan*, (1936) 7 Cal.2d 248 (misleading title because it failed to indicate that
15 initiative was also a taxing measure).)

16 The Initiative’s establishment of definitions of “male” and “female” is of supreme
17 importance and essential—but Respondent’s title and summary make no reference to them.
18 Historically the definitions of female and male were commonly understood, but the advent of new
19 gender ideology theories requires clear definitions in the law. Respondent is burying the lede—
20 statutorily defining “male” and “female” would have a profound effect on California jurisprudence
21 and sex-based rights. Indeed, **four** states (Oklahoma, Tennessee, Kansas and Montana) have
22 passed legislation since 2023 to define “female” and “male,” illustrating the urgency and
23 importance of this issue. (Petition, at Exs FF-II.)

24 ii. Respondent Failed to Provide a False, Biased, Inflammatory Statement of
25 the Purpose of the Measure that Has Caused Petitioners Prejudice.

26 Respondent failed to provide “a true and impartial statement of the purpose of the measure
27 in such language that the ballot title and summary shall neither be an argument, **nor be likely to**
28 **create prejudice**, for or against the proposed measure.” (Elec. Code § 9051(d) (emphasis added).)

1 The title is neither true nor impartial. Instead, it is an argument intended to, and which does,
2 prejudice the voters of California against supporting the petition.

3 In *McDonough, supra*, 204 Cal.App.1169, the San Jose City Council issued a proposed
4 measure entitled “PENSION REFORM” that would modify city employees’ retirement benefits.
5 The court held that this title was “impermissibly partisan” since the word “reform” connoted a
6 “removal of defects or wrongs” that would influence voters to believe the extant pension system
7 was defective, and changed the title to “PENSION MODIFICATION.” (*Id.* at 1175.)

8 Likewise, in *Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th
9 1417, 1433, the court found that the title “Amendment of Utility Tax by Removing Electric Power
10 Plant Exemption” was “insufficiently neutral to appear in the *title* of the measure” because
11 “exemption” has a “whiff of privilege about it” and was “advocacy by other means.” The court
12 mandated the city to replace it with “exclusion.” (*Id.* at 1435.)

13 In the instant matter, as in the above cases, Respondent chose a title designed to influence
14 voters against the initiative. The title presented by Petitioners is “PROTECT KIDS OF
15 CALIFORNIA ACT OF 2024.” The title prepared by Respondent is “RESTRICTS RIGHTS OF
16 TRANSGENDER YOUTH. INITIATIVE STATUTE.” The contrast is immediately apparent:
17 Petitioners’ title **affirmatively** denotes that the Initiative will protect kids, while Respondent’s title
18 **negatively** paints the Initiative as restricting kids’ rights. The diametrically opposed
19 characterizations of the Initiative reveal Respondent’s desire to create prejudice against the
20 Initiative, contravening state and federal law. Additionally, Respondent’s framing of the Initiative
21 itself as a “restriction” instead of a “protection” is a striking anomaly in the context of legislation
22 and initiatives, which are customarily written with affirmative or unbiased language. The
23 following examples illustrate the standard legislative practice of preparing a bill title that either
24 engenders public support by utilizing positive language about its intended impacts or a bill title
25 that uses neutral language to avoid framing restrictions or limitations in a negative way, especially
26 for acts which affect children:

27 (a) California’s “restrictions on the rights” of youth smoking was titled the “Stop
28 Tobacco Access to Kids Enforcement Act.” (*See* Bus. & Prof Code, §22950.)

1 (b) The 2022 referendum to “restrict the right of minors” to buy flavored tobacco was
2 named by Respondent the “Referendum Challenging a 2020 Law Prohibiting Retail Sale
3 of Certain Flavored Tobacco Products.”²

4 (c) Assembly Bill 734 (2023) that would “restrict the rights of children” under 12 from
5 playing tackle football has a nondescript title of “Youth Tackle Football.”

6 (d) Respondent publicly supports Assembly Bill 1949 (2024), the “**Protecting Kids** from
7 Social Media Addiction Act” (emphasis added) to prohibit social media and online
8 platforms from sending minors addictive social media feeds and notifications during
9 overnight or school hours without the consent of a parent or guardian. (See Petition, Ex.
10 JJ.) Not only is AB1949’s title positive and **nearly identical** in form and structure to
11 Petitioners’ proposed Initiative language, but Respondent’s support of AB1949 shows
12 undeniable bias against Petitioners’ Initiative.

13 (e) To date, 23 states have passed legislation that safeguards children’s natural bodies,
14 sexual function, and ability to procreate. The titles of the acts or laws are all framed in a
15 neutral or positive manner – highlighting that the bills are protecting children. (Friday
16 Decl., ¶7.)

17 Respondent knows the importance of language in persuading the public. He believes that
18 social media is harmful to children, so he is supporting a bill called “Protecting Kids from Social
19 Media Addiction Act”—a title strikingly similar to the name of Petitioners’ “Protect Kids of
20 California Act.” But when it comes to any safeguards for biological females; the rights for children
21 to grow up with their natural unaltered bodies; and the well-settled, fundamental, constitutionally
22 protected rights and duties of parents and guardians to care for their children without state
23 interference, Respondent chose “Restrict” instead of “Protect.”

24 Framing an issue as a “restriction” or a “protection” is a widely known strategy to bias
25 public opinion against or for a particular issue. The Public Policy Institute of California (“PPIC”)

26
27 ²[https://ballotpedia.org/California_Proposition_31,_Flavored_Tobacco_Products_Ban_Referendum_\(2022\)#cite_n
28 ote-sos-7](https://ballotpedia.org/California_Proposition_31,_Flavored_Tobacco_Products_Ban_Referendum_(2022)#cite_note-sos-7)

1 conducted a survey of 1,539 California adult residents from January 13-20, 2023. The results,
2 published by PPIC, indicated that 74% of adults surveyed supported laws to “*protect* transgender
3 individuals from *discrimination*,” even though a subsequent national Gallup poll in May 2023
4 found that 69% of voters agreed that transgender athletes should only be allowed to play on sports
5 teams that match their birth gender.³ The most likely explanation for broad majority support of
6 these contrasting ideas is the influence of the affirmative language used in the PPIC poll. Thus,
7 replacing Petitioners’ title with language describing that the Initiative “restricts rights” is a
8 deliberate attempt by Respondent to create prejudice based on well-known strategies to manipulate
9 public opinion.

10 In 2021, the Public Broadcasting Service (“PBS”) commissioned a poll asking respondents
11 if they “support or oppose legislation that would **prohibit** gender transition-related medical care
12 for minors” – 66% opposed it.⁴ However, in a separate poll in 2022, when asked if “minors should
13 be required to wait until they are adults to use puberty blockers and undergo permanent sex change
14 procedures” – 78.7% agreed.⁵ This demonstrates that language that uses a negative framework
15 such as “prohibit” creates prejudice against the issue, just as Respondent’s title to “restrict rights”
16 creates prejudice against the Initiative.

17 Research conducted on the overall issue of language used to frame a ballot initiative also
18 confirms the results of the sample polls. Multiple studies have confirmed that framing of the title
19 and summary in a ballot initiative to restrict rights “drastically reduced” support for one measure,
20

21 _____
22 ³ PPIC Statewide Survey: Californians and Their Government, February 2023; available at
23 <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-their-government-february-2023/>
24 (accessed January 29, 2024 [emphasis added]); Jeffrey Jones, *More Say Birth Gender Should Dictate Sports*
Participation, available at <https://news.gallup.com/poll/507023/say-birth-gender-dictate-sports-participation.aspx>
(accessed February 8, 2024).

25 ⁴ See “New poll shows American overwhelmingly oppose anti-transgender laws,” PBS News Hour, April
26 16, 2021; available at <https://www.pbs.org/newshour/politics/new-poll-shows-americans-overwhelmingly-oppose-anti-transgender-laws>
(accessed January 29, 2024 [emphasis added]).

27 ⁵ See The Trafalgar Group & Convention of States Action, *Nationwide Issues Survey*, October 2022;
28 available at <https://www.thetrafalgargroup.org/wp-content/uploads/2022/10/COSA-Minors-Full-Report-1014.pdf>
(accessed January 29, 2024).

1 and that even experienced voters are susceptible to framing effects.⁶ Social science research has
2 shown that framing a ballot title as taking away rights compared to protecting rights causes a
3 significant decrease in support for the initiative.⁷ The same is true for ballot text. (See Craig M.
4 Burnett & Vladimir Kogan, *When Does Ballot Language Influence Voter Choices? Evidence from*
5 *a Survey Experiment*, 32 *Political Communication* 109 (2015) (finding that “the language used to
6 describe a ballot measure does indeed have the potential to affect election outcomes, including
7 measures dealing with contentious social issues affecting individual rights”); Ted D. Rossier, *Voter*
8 *Experience and Ballot Language Framing Effects: Evidence from a Survey Experiment*, 201 *Social*
9 *Science Quarterly* 2955 (2021).)

10 California’s Attorney Generals also have a history of preparing misleading and prejudicial
11 initiative titles and are no doubt aware of the research and effects of biased language to improperly
12 influence the initiative process in California. This pattern of bias is notorious and even widely
13 acknowledged in the press, including in editorials from the Los Angeles Times⁸, San Diego Union
14 Tribune⁹, CalMatters¹⁰, and San Francisco Chronicle. In fact, it is so concerning, just a few months
15 ago in October 2023 **the San Francisco Chronicle Editorial Board suggested to “transfer the**

17 ⁶ Rossier, *Voter experience and ballot language framing effects: Evidence from a survey experiment*, 102
18 *Social Science Quarterly* 2955, Sept. 15, 2021, <https://doi.org/10.1111/ssqu.13068>; Craig M. Burnett & Vladimir
19 Kogan, *When Does Ballot Language Influence Voter Choices? Evidence from a Survey Experiment*, 32 *Political*
20 *Communication* 109 (2010, last revised 2014), available at <https://ssrn.com/abstract=1643448> (accessed on Feb. 8,
2024) (finding that “the language used to describe a ballot measure does indeed have the potential to affect election
outcomes, including measures dealing with contentious social issues affecting individual rights”).

21 ⁷ See Jeff Hastings & Damon Cann, *Ballot Titles and Voter Decision Making on Ballot Questions*, 46 *State*
22 *& Local Gov’t Rev.* 118, (2014), available at <https://doi.org/10.1177/0160323X14535410> (accessed on Feb. 8,
2024).

23 ⁸ LA Times Editorial Board: Editorial: California voters need unbiased ballot information. Instead Becerra
is playing favorites. Date 8/4/2020 available at [https://www.latimes.com/opinion/story/2020-08-04/editorial-ballot-](https://www.latimes.com/opinion/story/2020-08-04/editorial-ballot-measure-titles-becerra)
24 [measure-titles-becerra](https://www.latimes.com/opinion/story/2020-08-04/editorial-ballot-measure-titles-becerra) (accessed March 19, 2024).

25 ⁹ San Diego Union-Tribune, Editorial Board: California needs to take this job away from Attorney
General Xavier Becerra ASAP Date 7/30/2020, available at
26 [https://www.sandiegouniontribune.com/opinion/editorials/story/2020-07-30/becerra-slanted-ballot-language-prop-](https://www.sandiegouniontribune.com/opinion/editorials/story/2020-07-30/becerra-slanted-ballot-language-prop-15-property-tax-hike-12-billion)
27 [15-property-tax-hike-12-billion](https://www.sandiegouniontribune.com/opinion/editorials/story/2020-07-30/becerra-slanted-ballot-language-prop-15-property-tax-hike-12-billion) (accessed March 19, 2024).

28 ¹⁰ CalMatters, Ben Christopher, Critics demand fairer prop ballot labels and summaries, but lawsuits tend
to flame out. Date 8/6/2020 [https://calmatters.org/politics/2020/08/california-proposition-descriptions-lawsuits-](https://calmatters.org/politics/2020/08/california-proposition-descriptions-lawsuits-attorney-general/)
[attorney-general/](https://calmatters.org/politics/2020/08/california-proposition-descriptions-lawsuits-attorney-general/) (accessed March 19, 2024.)

1 **power to write ballot measure titles and summaries – which play a critical role in influencing**
2 **voters** – from the elected, partisan attorney general...” because “[h]aving a partisan official – who
3 since 1999 has been a Democrat – control perhaps the most consequential language on the ballot is
4 a clear conflict of interest.”¹¹

5 Respondent’s circulating title is also misleading in that it claims the Initiative restricts
6 rights that do not exist. There is no law that provides a right to privacy for a minor’s gender
7 identity with respect to their parents. In fact, the inverse is true, as “[a] parent’s right to make
8 decisions concerning the care, custody, control, and medical care of their children is one of the
9 oldest of the fundamental liberty interests that Americans enjoy.” (*See*, Petition at Ex. KK.) Three
10 rulings now exist in which courts have found that children do not have a privacy right to keep
11 secrets from parents when they are experiencing gender dysphoria, and one that states that a
12 parental notification policy similar to that which is proposed in this Initiative, does not violate the
13 equal protection clause. (*See Id.*; CVUSD lawsuit, and *Mae*.)¹²

14 Thus, by replacing Petitioners’ title with language asserting that the Initiative “restricts
15 rights,” Respondent is deliberately attempting to create prejudice based on well-known strategies
16 to manipulate public opinion and mislead the voters. Respondent’s drafting of a misleading and
17 prejudicial circulating title is a wholesale violation of Elections Code section 9051(d).

18 iii. Respondent’s Summary Is Inaccurate and Misleading.

19 Respondent is required to provide an accurate and true summary. (Elec. Code § 9051(d).)
20 Upon clear and convincing proof that the ballot information is false and misleading, the Court
21 must mandate revisions. “No elector can intelligently exercise his rights under the initiative law
22 without knowledge of the petition which he is asked to sign[.]” (*Boyd*, 1 Cal.2d at 475.) The main
23 purpose of the title and summary is to provide the citizens with accurate information that is not
24

25 ¹¹ San Francisco Chronicle Editorial Staff, *California Desperately needs ballot measure reform. Will*
26 *Democrats ever find the courage to do it?*” date October 14, 2023 available at
27 <https://www.sfchronicle.com/opinion/editorials/article/california-ballot-measure-reform-democrats-18360315.php>
28 [emphasis added] (accessed on February 5, 2024).

¹² A true and correct copy of the tentative ruling that was adopted in the preliminary injunction ruling in
Mae is attached as Exhibit 1 to Friday Decl. at ¶8.

1 misleading. (*Becerra v. Superior Court of Sac. Cnty* (2017) 19 Cal.App.5th 967.).

2 The court in *Forty-Niners, supra*, 75 Cal.App.4th 637, found that even though the
3 misleading and false information was contained in the notice of intention, and not in the title and
4 summary, the petition could not qualify for the ballot, recognizing that false language will unduly
5 influence the voters. “An initiative petition which contains objectively inaccurate information and
6 calculated untruths that substantially mislead and misinform a reasonable voter is unlawful under
7 the Elections Code.” (*Id.* at 643.)

8 The summary is inaccurate, confusing and obtuse. Respondent’s summary is unclear and
9 confusing in its use of the term “transgender female.” The circulating summary states that the
10 Initiative would “prohibit transgender female students (grade 7+) from participating in female
11 sports.” That could, and has been interpreted to, mean that biological females – that is, individuals
12 born with bodies developed to produce large gametes – who identify as transgender cannot play on
13 sports teams with other biological females. This is the antithesis of what the Initiative does. The
14 confusion with the use of the term “female” is more glaring given that the measure defines
15 “female” as “a person whose body is developed for production of large gametes whether or not
16 eggs are produced. Female humans typically have a vagina at birth and XX chromosomes.” (*See*
17 *Petition Ex. B-1.*) Therefore, the summary and the Initiative use differing and inconsistent
18 definitions of “female.”

19 The California legislature is well aware of the confusion with the ever-changing lexicon. It
20 clarified the terms “transgender female” when passing regulations related to transgender
21 individuals. *California Code of Regulations*, title 4, section 831 states: “(a) transgender female
22 **(male to female)** athletes who are not undergoing hormone therapy and without gonadectomy are
23 eligible for licensure and participation in men's events.” (Emphasis added.) The clarification
24 recognizes that the term “transgender female” needs an explanation. Respondent chose an opaque
25 term to mislead the voters.

26 Further, evidence of Respondent’s word games is the fact that California has 185
27 regulations that use the term “female,” and they all appear to use the term to relate to those persons
28 or animals whose bodies are developed for production of large gametes. (*See* Friday Decl., ¶ 9.)

1 There are 153 California statutes that use the term “female” to refer to humans whose bodies are
2 developed to produce large gametes. (See Friday Decl., ¶ 10.) The most common understanding of
3 the term “female” relates to biological sex rather than gender identity. Some citizens reviewing the
4 summary of the Initiative have already expressed confusion as to Respondent’s use of the term
5 “transgender female.” (See Friday Decl., at ¶ 11.)

6 Respondent’s circulating summary inaccurately states that schools must notify the parents
7 when a student under the age of 18 asks to be treated as a gender that differs from his or her school
8 records “**without exception for student safety.**” Respondent’s assertion that there is no exception
9 for student safety is false and misleading. The plain language of the Initiative, directly states that it
10 does not obviate the confidentiality provisions set forth in the Education Code section 49602,
11 Family Code section 6924, and Health and Safety Code section 124260, and that all these codes
12 remain in effect. These codes provide for confidentiality between a child aged 12 and above and a
13 mental health counselor if such counselor believes that there is a reason to exclude the parents
14 from the child-counselor conversation. Education Code section 49602 states in relevant part, “a
15 school counselor shall not disclose information deemed to be confidential pursuant to this section
16 to the parents of the student when the school counselor has reasonable cause to believe that the
17 disclosure would result in a clear and present danger to the health, safety, or welfare of the
18 student.”

19 The Initiative does not revise or repeal California’s mandated reporting codes for abuse and
20 neglect. These provisions of California law require that, when there is an indication of abuse of the
21 child, the school’s mandated reporters are obligated to report such abuse or neglect. (See Pen.
22 Code § 11165, et seq.) Therefore, there **are** exceptions for student safety.

23 Respondent’s summary states that the measure “[p]rohibits gender-affirmative care for
24 transgender patients under 18[.]” This statement is also patently false. Additionally, Respondent
25 ignores that there are exceptions that permit some children to undergo medical gender
26 interventions, even though with gender dysphoria.

27 “Gender-affirmative care” includes both mental health care and medical interventions. Cal.
28 Fam. Code § 3453.5 states:

1 (a) A law of another state that authorizes a state agency to remove a child from
2 their parent or guardian based on the parent or guardian allowing their child to
3 receive **gender-affirming health care** or **gender-affirming mental health care**
4 is against the public policy of this state and shall not be enforced or applied in a
5 case pending in a court in this state. . . .

6 (b) For the purpose of this subdivision, “**gender-affirming health care**” and
7 “**gender-affirming mental health care**” shall have the same meaning as
8 provided in Section 16010.2 of the Welfare and Institutions Code.” (Emphasis
9 added.)

10 Welfare and Institutions Code section 16010.2 also distinguishes “gender affirming health care”
11 from “gender affirming mental health care.”

12 **C. Respondent Violated Petitioners’ Freedom of Speech.**

13 California Constitution Article I, section 2 provides that “[e]very person may speak freely,
14 write, and publish his or her sentiments on all subjects. . . A law may not restrain or abridge liberty
15 of speech or press.” (Cal. Const. art. I § 2.) California’s free speech protections are broader than
16 those provided by the First Amendment of the U.S. Constitution. (*City of Montebello v. Vasquez*
17 (2016) 1 Cal.5th 409, 421 n.11.)

18 Government action, including that which may influence the outcome of an election, falls
19 within Petitioners’ free speech rights, and the government may not “take sides” in the electoral
20 process, including with ballot initiatives. (*See Citizens, supra*, 56 Cal.App.4th at 1227-28.) “The
21 use of the ballot or the ballot form to favor a particular side in the election directly conflicts with
22 the legislative intent to submit the measure to the voters in a concise and neutral manner.” (*Id.*)
23 Initiative petition circulation “is core political speech for which First Amendment protection is at
24 its **zenith**, political speech in the election arena is still subject to regulation to promote fair and
25 honest elections.” (*Forty-Niners, supra*, 75 Cal.App.4th 637, 647 (internal citation omitted)
26 [emphasis added].)

27 While the state has a legitimate and compelling interest in preserving the integrity of the
28 ballot measure process, this compelling interest does not permit the government to trample upon a
proponent’s right to engage in a constitutionally and statutorily-protected and the most sacrosanct
democratic process. Respondent has no compelling government interest for providing a biased and

1 misleading title and summary language. Respondent wielded his power to place impediments in
2 the path of Petitioners’ Initiative because the measure is directly against Respondent’s agenda and
3 his interests as a plaintiff, defendant, and amicus in numerous recent and pending lawsuits.

4 Forcing Petitioners to utilize false, misleading, confusing, incomplete, and biased language
5 of Respondent for a petition that they proffered to the electorate is unconstitutional compelled
6 speech. The government cannot force an individual to “speak the government’s message.” (*See*
7 *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.* (2006) 547 U.S. 47, 63.) By
8 infringing the soliciting of signatures and compelling ideological speech, Respondent’s actions
9 doubly trigger strict scrutiny and his actions cannot survive that lofty bar.

10 “California could inform [voters] about [the state’s viewpoint on the initiatives] without
11 burdening a speaker with unwanted speech.” (*Nat’l. Inst. of Family & Life Advocates v. Becerra*
12 (2018) 138 S.Ct. 2361, 2376.) “Most obviously, it could inform the [voters themselves] with a
13 public-information campaign.” (*Ibid.* [internal citations omitted].) However, “**California cannot**
14 **co-opt the [ballot summary and title] to deliver its message for it.**” (*Ibid.* (emphasis added).)

15 Respondent cannot argue that persons soliciting signatures can use their own speech to
16 counter his speech. Petitioners are losing potential supporters before they even know they exist,
17 and even if they do reach them, it is virtually impossible for a lay person to comprehend – let alone
18 believe – that *the* government official charged with upholding the State’s constitutions and laws
19 would so brazenly violate them. Even the voices of one thousand well-intentioned, informed and
20 trained signature gatherers cannot overcome the impact of Respondent’s official title and
21 summary. (*See, e.g., Meyer v. Grant* (1988) 486 U.S. 424.)

22 Similarly, Respondent has infringed on Petitioners’ First Amendment rights under the U.S.
23 Constitution. (*See* U.S. Const., amend. I.) That amendment is incorporated against the states
24 through the United States Constitution’s Fourteenth Amendment. (*See Prete v. Bradbury* (9th Cir.
25 2006) 438 F.3d 949, 961.) Political speech and ideological speech are protected by the First
26 Amendment. (*Schad v. Mount Ephraim* (1981) 452 U.S. 61, 65; *see Wilson v. Superior Court*
27 (1975) 13 Cal.3d 651, 658.)

28 ///

1 In *Meyer, supra*, 486 U.S. at 422 n.5, the Supreme Court recognized that “the solicitation
2 of signatures for a petition involves protected speech.” The mere fact that Petitioners “remain free
3 to employ other means to disseminate their ideas “does not take their [preferred means of] speech
4 through [the initiative process] outside the bounds of First Amendment protection.” (*Id.* at 424.)
5 “[E]ven though the initiative and referendum process is not guaranteed by the United States
6 Constitution, [California]’s choice to reserve it does not leave the state free to condition its use by
7 impermissible restraints on First Amendment activity.” (*Am. Const. L. Found., Inc. v. Meyer* (10th
8 Cir. 1997) 120 F.3d 1092, 1100 (*aff’d sub nom. Buckley v. Am. Const. L. Found., Inc.* (1999) 525
9 U.S. 182); *see also Taxpayers United for Assessment Cuts* (6th Cir. 1993) 994 F.2d 291, 295
10 (states with initiative processes cannot impose restrictions that violate the federal Constitution).)

11 California courts have already held that where “the inclusion of language, overtly favoring
12 a partisan position, which implicated interests protected by the constitutional guarantee of ...
13 freedom of expression,” was unlawful. (*Citizens*, 56 Cal.App.4th 1199, 1227-28.) The state may
14 not compel a person “to be an instrument for fostering public adherence to an ideological point of
15 view he finds unacceptable.” (*Wooley v. Maynard* (1997) 430 U.S. 705, 715.) “In doing so, the
16 State ‘invades the sphere of intellect and spirit which it is the purpose of the First Amendment to
17 our Constitution to reserve from all official control.’” (*Id.* [quoting *W. Va. State Bd. of Educ. v.*
18 *Barnette* (1943) 319 U.S. 624, 642].) “[D]irect regulation of the petition process” triggers strict
19 scrutiny. (*Wirzburger v. Galvin* (1st Cir. 2005) 412 F.3d 271, 277.). For the same reasons, stated
20 above, Respondents cannot meet that burden.

21 **IV. RECOMMENDED REVISIONS TO CIRCULATING TITLE AND SUMMARY**

22 Petitioners request that Respondent be ordered to revise the title and summary as follows:

23 **PROTECT KIDS CALIFORNIA ACT. INTIATIVE STATUTE.** Requires
24 schools to notify parents when their minor student asks to be treated as a gender
25 differing from school records, with limited exceptions. Permits only students
26 observed female at birth to use female sex-segregated spaces, bathrooms and
27 changing rooms, and to participate in sports designed for females (grades 7+
28 through university). Defines “female” and “male”. Repeals law allowing students
to participate in activities and use facilities consistent with their gender identity.
Prohibits use of puberty blockers, hormones, and surgeries on minors under 18 if
for the purpose of treating gender dysphoria, with limited exceptions.

1 **V. CONCLUSION**

2 Respondent’s partisanship and his explicit bias are abundantly clear from his actions related
3 to treatment of gender confused students, children, males and their families. He has joined more
4 than 14 lawsuits as Attorney General with positions that directly contradict the purpose and effect
5 of this Initiative, and is a party-in-interest due to his status as a plaintiff and amicus in California
6 lawsuits related to schools’ parental notification policies. His conflict of interest is undeniable and
7 his circulating title and summary were crafted to cause confusion, distort the true purpose and
8 impact of the Initiative, and create prejudice against the Initiative. His calculated and unlawful use
9 of negative and deceptive language have been and are impeding Petitioners from obtaining support
10 for the Initiative. To wit:

11 a. Respondent’s title is not an “impartial statement,” but rather an attempt to
12 unfairly paint the Initiative in a negative light and create prejudice against the measure as one
13 which “restricts rights,” the opposite of Petitioners’ submitted title to “protect kids.” Additionally,
14 Respondent’s circulating title is misleading, as it claims that the Initiative “restricts rights” when
15 several of those purported rights do not exist.

16 b. Respondent is deceptive in his summary related to school notification,
17 falsely stating in the summary that there is no exception for student safety. The Initiative clearly
18 does not affect three codes that permit counselors to withhold information from the parents about
19 gender identity issues where the child is in a clear and present danger. Nor does the Initiative
20 obviate the mandated reporting obligations of schools for suspected abuse.

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1 Petitioners request a writ issue directing Respondent to (1) rescind his November 29, 2023
2 circulating title and summary; (2) take no further action on said title and summary except as stated
3 herein; (3) approve the proffered title and summary herein; and (4) request the Secretary of State to
4 extend the 180-day deadline from the date of this court’s order or for the amount of time which
5 Petitioner has been restricted with the use of the Respondent’s biased title and summary.

6
7 Dated: March 20, 2024

LAW FIRM OF NICOLE PEARSON

Erin Friday

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Attorneys for Petitioners PROTECT KIDS
CALIFORNIA, JONATHAN
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PROOF OF SERVICE

I am over the age of 18 and not a party to the within action. My business address is 3421 Via Oporto, Suite 201, Newport Beach, Calif. 92263. On Wednesday, March 20, 2024, I served the following document(s) on the interested parties in the following manner(s) as follows:

PETITIONERS’ OPENING BRIEF ON PETITION FOR WRIT OF MANDATE, DECLARATORY RELIEF, VIOLATION OF FREE SPEECH (CAL. CONST., ART. 1, SEC. 2), VIOLATION OF FREE SPEECH (U.S. Const., amend. I)


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/ X / Via Electronic Transmission. Pursuant to written agreement between the parties, by personally e-mailing the document(s) to the persons at the e-mail address(es). No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. A physical copy will be provided upon request only.

/ X / State. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 20, 2024 Newport Beach, California.

Nicole Pearson


(Signature)