

1 Thomas W. Hiltachk (SBN 131215)  
*tomh@bmhlaw.com*

2 Brian T. Hildreth (SBN 214131)  
*bhildreth@bmhlaw.com*

3 **BELL, McANDREWS & HILTACHK, LLP**

4 455 Capitol Mall, Suite 600  
Sacramento, California 95814

5 Telephone: (916) 442-7757

6 Facsimile: (916) 442-7759

7 Attorneys for Petitioner,  
*Julian Canete*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SACRAMENTO**

10 JULIAN CANETE,

11 *Petitioner,*

12 v.

13 ALEX PADILLA, as the Secretary of State of  
14 California,

23 *Respondent.*

16 \_\_\_\_\_  
17 TONY THURMOND; JACQUELINE  
18 MARTINEZ; SASHA CUTTLER; E. TOBY  
19 BOYD; CAROL MOON GOLDBERG; TARA  
LYNN GRAY; and JERRY HILL, in his official  
capacity as State Printer,

20 *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 15]**

21  
22 Petitioner JULIAN CANETE seeks a writ of mandate directed at Respondent, Secretary of  
23 State ALEX PADILLA, to correct false and misleading statements included in the ballot arguments  
24 authored by Real Parties in Interest THURMOND, MARTINEZ, BOYD, GOLDBERG, and  
25 GRAY (“the Authors”), supporting Proposition 15.

26 Petitioner alleges as follows:  
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**ISSUE PRESENTED**

1. Proposition 15 proposes to amend the Constitution and its provisions regarding the taxation of property, particularly those enacted by Proposition 13 in 1978, by changing the manner in which some property is taxed. Proposition 15 does this by imposing a new system requiring annual reassessment of certain taxable property, primarily commercial and industrial property. According to the independent Legislative Analyst, Proposition 15 will, if enacted, result in a \$8-12.5 billion annual property tax increase. Proposition 15, and its new system of property taxation, is sometimes referred to as a “split-roll tax” proposal, meaning the property tax roll is “split” between residential property and non-residential property.

2. The ballot arguments submitted by the Authors regarding Proposition 15 will appear in the State Voter Information Guide (i.e. the ballot pamphlet) for the November 3, 2020 statewide General Election.

3. Petitioner seeks an order of this Court deleting or amending The Authors’ ballot arguments regarding Proposition 15 to eliminate the false and misleading statements made therein, pursuant to the authority provided in Elections Code section 9092 and section 13314.

4. Unless directed by this Court, Respondent and Real Party Hill will cause to be printed the erroneous ballot arguments in the State Voter Information Guide.

5. The ballot materials for Proposition 15 contain several documents (provided separately in Petitioner’s Request for Judicial Notice):

EXHIBIT A TEXT OF PROPOSED LAW – PROPOSITION 15

EXHIBIT B ANALYSIS BY THE LEGISLATIVE ANALYST

**EXHIBIT C ARGUMENT IN FAVOR OF PROP 15**

EXHIBIT D ARGUMENT AGAINST PROP 15

EXHIBIT E REBUTTAL TO ARGUMENT IN FAVOR

**EXHIBIT F REBUTTAL TO ARGUMENT AGAINST**

**Only the bolded exhibits (C and F) are challenged in this action.** For ease of reference, copies of those documents are attached to this Petition.

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**PARTIES**

6. Petitioner JULIAN CANETE (“Petitioner”) is the President and CEO of the California Hispanic Chamber of Commerce. Petitioner CANETE is a resident of and is a registered voter in the State of California.

7. Respondent ALEX PADILLA (“Respondent”) is the Secretary of State of California and is the State’s chief elections officer. He is charged with the duty of preparing the State Voter Information Guide with respect to statewide initiative measures. Elections Code sections 9092 and 13314 require that the Secretary of State be named as a Respondent in this proceeding. He is named in his official capacity only.

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

9. Real Parties in Interest TONY THURMOND, JACQUELINE MARTINEZ, and SASHA CUTTLER, are authors of the Argument in Favor of Proposition 15. They are named as Real Parties in Interest pursuant to Elections Code section 9092.

10. Real Parties in Interest E. TOBY BOYD, CAROL MOON GOLDBERG, and TARA LYNN GRAY are authors of the Rebuttal to the Argument Against Proposition 15. They are named as Real Parties in Interest pursuant to Elections Code section 9092.

**JURISDICTION AND VENUE**

11. Elections Code section 9092 provides a 20-day period in which voters are entitled to review the ballot materials and file any legal challenges. Petitioner is informed and believes that any legal challenges to ballot materials must be completed by August 10, 2020 for the November 3, 2020 statewide General Election.

12. This Court has jurisdiction over this matter under Elections sections 9092 and 13314. Pursuant to Elections Code section 13314(a)(3), this action “shall have priority over all other civil matters” pending before the court.

1 13. The Elections Code mandates that the exclusive venue for this action is Sacramento  
2 County. (Elec. Code, §§ 9092, 13314(b).)

3  
4 **FIRST CAUSE OF ACTION**  
**(Writ of Mandate - Ballot Argument/Rebuttal Argument)**

5 14. Petitioner incorporates by reference each and every allegation made in Paragraphs  
6 1 through 13 of this Petition as though fully set forth herein.

7 15. The following statements in the Argument in Favor of Proposition 15 (EXHIBIT C)  
8 are false and/or misleading, and on that basis should be amended and/or deleted:

9 A. “Does not Impact homeowners and renters: Prop 15 exempts all residential  
10 properties, maintaining FULL PROP 13 PROTECTIONS for homeowners  
and renters.”

11 Proposition 15 does not exempt “all” residential properties from its reach. It specifically provides  
12 that the Legislature can determine whether residential property shall be classified and taxed as  
13 “residential” property or “mixed-use” property. Proposition 15 specifically authorizes this by  
14 instructing the Legislature to determine that the commercial use of residential property is not  
23 “limited.” (Exhibit A, proposed § 2.5(c)(4)(B).) Thus, owners of residential property who presently  
16 operate a home-based business are no longer fully protected by Proposition 13, since Proposition  
17 13 treats residential, commercial, and mixed-use property exactly the same. The use of the term  
18 “all” in the sentence is clearly false and the second reference to “homeowners” suffers the same  
19 error.

20 B. “Cuts taxes for small businesses: Prop 15 protects small businesses and cuts  
21 their taxes by: Exempting businesses operated out of a home and businesses  
owning \$3,000,000 or less of nonresidential commercial property.”

22 First, as indicated above, Proposition 15 does not exempt all home-based businesses, but more  
23 importantly, it does NOT “cut their taxes” because of that exemption. Moreover, Proposition 15  
24 does not “cut” the taxes of businesses owning \$3,000,000 or less of nonresidential commercial  
25 property. At best, Proposition 15 can be said to “not raise the taxes” of some residential home-  
26 based businesses and the businesses owning \$3,000,000 or less of nonresidential commercial  
27 property.

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C. "Prop 15 gives local communities desperately needed resources"

D. "Prop 15...gives local communities critically needed resources..."

Both of these claims are false and misleading by implying that all local communities will receive increased revenue resulting from Proposition 15. That is not true. Some local governments will end up with less revenue if Proposition 15 is approved. This fact is confirmed by the independent Legislative Analyst who said: "Not all governments would be guaranteed new money. Some in rural areas may end up losing money because of lower taxes on business equipment."

16. The following statements in the Rebuttal to the Argument Against Proposition 15 (EXHIBIT F) are false and/or misleading, and on that basis should be amended and/or deleted.

A. "Maintains FULL PROP 13 PROTECTIONS for homeowners and renters.

B. "CUTS small business taxes AND specifically exempts all home-based businesses AND exempts all small businesses owning \$3,000,000 or less in business property."

As stated above, Proposition 15 does not "exempt[] all home-based businesses" and the so-called small business exemption is limited and cannot be said to apply to "all" such businesses.

17. Petitioner has no speedy or adequate remedy at law other than the writ of mandate as provided in Elections Code section 9092 and 13314 and related provisions.

18. Issuance of a writ will not substantially interfere with the printing and distribution of the Ballot Pamphlet because this action is filed within the time frame specified pursuant to Elections Code sections 9092. Also, deletion or amendment of the foregoing statements does not affect the remaining text of ballot pamphlet, so long as this matter is resolved prior to August 10, 2020.

19. Unless this Court orders amendments and/or deletions as set forth above, Petitioner will suffer irreparable injury and damage in that statements that are biased, not impartial, false or misleading and contrary to law will be distributed at taxpayer expense to voters concerning Proposition 15.

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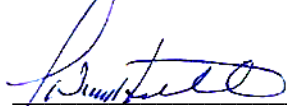
**RELIEF REQUESTED**

WHEREFORE, Petitioner prays:

1. For an alternative writ of mandate ordering Respondent and his officers, agents, and all persons acting by, through or in concert with him/her to amend *and/or* delete the above-described and challenged statements prior to causing them to be printed in the statewide ballot pamphlet or ballot label for the November 3, 2020 election, or in the alternative, to show cause why he should not be ordered to do so;
2. For a peremptory writ of mandate ordering Respondent and his officers, agents, and all persons acting by, through or in concert with him to amend and/or delete the above-described and challenged statements prior to causing them to be printed in the ballot pamphlet or ballot label for the November 3, 2020 election;
3. For an award of attorneys' fees and costs of this proceeding; and
4. For such other and further relief as the Court may deem necessary.

Dated: July 27, 2020

Respectfully Submitted,  
BELL, McANDREWS, & HILTACHK, LLP

By:   
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THOMAS W. HILTACHK  
Attorney for Petitioner Julian Canete

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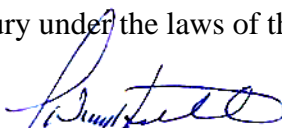
**VERIFICATION**

I, Thomas W. Hiltachk., declare that I am the attorney for Petitioner JULIAN CANETE; that Petitioner CANENTE is currently out of the county in which my office is located and in which this action is filed or is currently unavailable to sign this verification; that I make this declaration on his/her behalf.

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 27th day of July at Sacramento, California.



\_\_\_\_\_  
THOMAS W. HILTACHK  
Attorney for Petitioner Julian Canete

1 **PROOF OF SERVICE**

2 1. I am over the age of 18 and not a party to this cause. I am employed in the county  
3 where the mailing occurred. The following facts are within my first-hand and personal knowledge  
4 and if called as a witness, I could and would testify thereto.

5 2. My electronic business address is kmerina@bmhlaw.com

6 On July 27, 2020, I served the foregoing document entitled:

7 **VERIFIED PETITION FOR WRIT OF MANDATE**

8 on each person named below by attaching a true copy as a PDF addressed as shown in Item 3 and  
9 by transmitting by email to the offices of the addressees following ordinary business practices  
10 during ordinary business hours, pursuant to an agreement among the parties to accept electronic  
11 service.

12 3. Name and address of each person served:

13 Robbie Anderson (aanderso@sos.ca.gov)

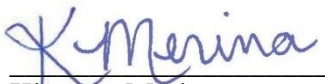
14 Steve Reyes (sreyes@sos.ca.gov) *attorneys for Respondent Alex Padilla*

15 Deborah Caplan (dcaplan@olsonremcho.com )

16 Lance Olson (lolson@olsonremcho.com) *attorneys for Real Parties in Interest*

17 I declare under penalty of perjury under the laws of the State of California that the foregoing  
18 is true and correct. Executed on July 27, 2020, at Sacramento, California.

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Kiersten Merina