

FILED
Superior Court Of California,
Sacramento
08/10/2022
ggalaylz
By _____, Deputy
Case Number:
34-2022-80003925

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10 Governor Gavin Newsom

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SACRAMENTO
13 (UNLIMITED JURISDICTION)

14 GOVERNOR GAVIN NEWSOM, in his official
15 capacity as Governor of the State of California,

16 Petitioner,

17 vs.

18 SHIRLEY N. WEBER, Ph.D., in her official
19 capacity as Secretary of State of the State of
20 California,

21 Respondent.

22 PAUL G. DIXON, in his official capacity as
23 State Printer of the State of California, and
24 THE HONORABLE PATRICIA GUERRERO,

25 Real Parties in Interest.

No.: _____

Action Filed: August 10, 2022

**VERIFIED PETITION FOR PEREMPTORY
WRIT OF MANDATE**

[Cal. Elec. Code § 9092; Cal. Gov't Code
§ 88006]

**IMMEDIATE ACTION REQUESTED –
PRIORITY ELECTION MATTER
(Cal. Elec. Code § 13314)**

CRITICAL DATE: AUG. 15, 2022

NO FILING FEE
(CAL. GOV'T CODE § 6103)

1 decision not to seek re-election for another term, and before Governor Newsom could make his
2 nomination. Additionally, Elections Code section 9092 and Government Code section 88006 provide
3 for a twenty-day public display and litigation period for all materials to be included in the voter
4 information guide for statewide elections. For the November 2022 general election, the display period
5 runs from July 26, 2022 through August 15, 2022, and thus commenced before Chief Justice Cantil-
6 Sakauye announced her decision not to seek re-election for another term, and before Governor
7 Newsom could make his nomination.

8 A court order is therefore necessary to add the qualifications information of
9 Justice Guerrero for the position of Chief Justice of California to the voter information guide. Prior to
10 her nomination, Justice Guerrero was to appear on the November ballot as a candidate for Associate
11 Justice and she submitted a judicial information questionnaire for that office. But her previously
12 submitted form states she is a candidate for Associate Justice, and the Secretary of State's office has
13 confirmed that it will remove Justice Guerrero's qualification statement for Associate Justice from the
14 voter information guide now that she is no longer a candidate for that office. Therefore, a new
15 qualification statement for Chief Justice must be added to the voter information guide in order to
16 provide the voters with accurate and complete information. Omitting this information would violate
17 the mandatory requirement in Elections Code section 9084(j) that the voter information guide include
18 information on the qualifications of the Supreme Court nominees subject to electoral confirmation.
19 Moreover, in the absence of the addition requested here, the voter guide would be false and misleading
20 in violation of Elections Code section 9092, since it would not include information about Justice
21 Guerrero as a candidate for the role of Chief Justice.

22 Governor Newsom and real party Justice Guerrero have acted expeditiously to fulfill
23 their responsibilities under an exceedingly compressed timeline. Governor Newsom made his
24 nomination only fourteen days after Chief Justice Cantil-Sakauye made her announcement and well in
25 advance of his September 15 deadline. Cal. Const. art. VI, § 16(d). Moreover, since Chief Justice
26 Cantil-Sakauye made her announcement on July 27, Justice Guerrero could not have been nominated
27 before the July 20 deadline had passed for submission of her Judicial Information Questionnaire for the
28 office of Chief Justice.

1 Accordingly, pursuant to Elections Code section 9092 and Government Code
2 section 88006, Governor Newsom petitions this Court for a writ of mandate directing respondent
3 Secretary of State Shirley N. Weber and real party in interest State Printer Paul G. Dixon to add the
4 judicial qualification information of Justice Guerrero as a candidate for Chief Justice of California to
5 the state voter information guide. This request for relief is consistent with the relief the Court granted
6 in 2010 in essentially the same circumstances, when then-Chief Justice Ronald George decided not to
7 seek a new term of office the day before the deadline for judicial questionnaires had passed. On
8 July 21, 2010, the day after the public display period for the voter information guide commenced,
9 Governor Schwarzenegger nominated Chief Justice Tani Cantil-Sakauye for that position and then
10 quickly sought judicial relief from this Court to have her judicial information added to the 2010 state
11 voter information guide. That writ petition was promptly granted. Thus, petitioner is simply seeking
12 the same relief that was granted to one of his predecessors under similar circumstances.

13 **PARTIES**

14 1. Petitioner Governor Newsom is the Governor of the State of California and is
15 also an elector. Under article VI, section 16(d) of the California Constitution, he is charged with the
16 responsibility of nominating justices to the California Supreme Court.

17 2. Respondent Shirley N. Weber, Ph.D., is the Secretary of State of the State of
18 California. In her capacity as the State's chief election officer, she is responsible for preparing the
19 state voter information guide. Elections Code section 9092 and Government Code section 88006
20 require that the Secretary of State be named as a respondent in any proceeding seeking amendments to
21 the voter information guide.

22 3. Real party in interest Paul G. Dixon is the State Printer of the State of
23 California. In his capacity as the State Printer, he is responsible for printing and distributing the state
24 voter information guide. Elections Code section 9092 and Government Code section 88006 require
25 that the State Printer be named as a real party in interest in any proceeding seeking a change in the
26 voter information guide.

- 1 1. Include the qualifications information of Justice Guerrero for the office of the
2 Chief Justice of California in the State Voter Information Guide for the
3 November 8, 2022, General Election.
- 4 2. Include the following information describing the process for confirming Justice
5 Guerrero's nomination for Chief Justice of California in the State Voter
6 Information Guide for the November 8, 2022 General Election:
 - 7 a. On August 10, 2022, the Honorable Patricia Guerrero, Associate Justice
8 of the Supreme Court, was nominated by Governor Gavin Newsom to be
9 the next Chief Justice of California. A nomination by the Governor is
10 effective when confirmed by the Commission on Judicial Appointments.
11 If confirmed by the Commission, then Justice Guerrero will appear on
12 the November 8, 2022, General Election ballot. For more information on
13 judicial elections, see page __ of this guide. For updated information
14 about California Supreme Court nominations, go to www.courts.ca.gov.
- 15 3. Make the revisions to the text of the State Voter Information Guide set forth
16 above available for public examination until August 15, 2022, the end of the
17 public display period. Thereafter, if no further Court-ordered changes are made,
18 the Secretary of State is directed to forward the revised text to real party in
19 interest State Printer Paul Dixon for inclusion in the State Voter Information
20 Guide for the November 8, 2022 General Election.
- 21 4. Each party is to bear his or her own costs.

22 Dated: August 10, 2022

23 Respectfully submitted,
24 OLSON REMCHO, LLP

25 By: 

26 Thomas A. Willis

27 Attorneys for Petitioner Governor Gavin Newsom

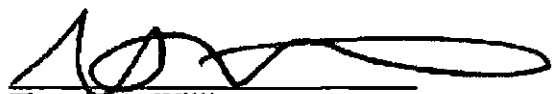
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VERIFICATION

I, Thomas A. Willis, hereby declare as follows:

I am one of the attorneys for petitioner Governor Gavin Newsom. I make this verification for the reason that petitioner is absent from the county where I have my office. I have read the foregoing Verified Petition for Peremptory Writ of Mandate and believe that the matters therein are true and on that ground allege that the matters stated therein are true.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of August, 2022, at San Francisco, California.



Thomas A. Willis

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