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NEWPORT BEACH STEWARDSHIP
ASSOCIATION and MARSHALL DUFFIELD

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

CITY OF NEWPORT BEACH and AARON HARP, an individual, in his official capacity as City Attorney for the City of Newport Beach,

Plaintiffs,

v.

NEWPORT BEACH STEWARDSHIP ASSOCIATION, an unincorporated association; MARSHALL "DUFFY" DUFFIELD, an individual; and DOES 1 through 50, inclusive,

Defendants.

NEWPORT BEACH STEWARDSHIP ASSOCIATION and MARSHALL DUFFIELD,

Cross-Petitioners,

v.

LENA SHUMWAY, in her official capacity as Newport Beach City Clerk, and AARON C. HARP, in his official capacity as City Attorney,

Cross-Respondents.

CITY OF NEWPORT BEACH and NEWPORT BEACH CITY COUNCIL,

Real Parties in Interest.

Case No.: 30-2026-01559183-CU-JR-NJC

Assigned for all Purposes to:
Hon. Julianne Bancroft, Department N14

DEFENDANTS' OPENING BRIEF

Date: June 23, 2026
Time: 9:00 a.m.
Dept: N14
Judge: Hon. Julianne Bancroft

Case Filed: March 26, 2026

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Defendants Newport Beach Stewardship Association and Mr. Marshall Duffield (together, NBSA) respectfully submit this opening brief pursuant to the Court's order of April 29, 2026. The hearing on the City's claimed "single-subject" objection is set for June 23, 2026.

INTRODUCTION

By way of an update, thousands of local residents have signed the petition to place the Sunshine and Governmental Transparency Initiative (Sunshine Initiative) on the November 2026 ballot, and that number is growing every day. To no one's surprise, laws that promote transparency in government are exceptionally popular.

The current leadership at the City has gone to great lengths to block local residents from even seeing the Sunshine Initiative. The Court rightly rejected that effort, and the City knew full well that its position lacked merit—which is why, when pushed, it readily agreed to provide the title and summary within 24 hours of this Court's ruling.

The City's remaining objection, based on the single-subject rule, is equally meritless. The law is clear, and the burden on the City is heavy. The City cannot possibly make the required showing. (See, e.g., *Fair Political Prac. Comm'n* (1979) 25 Cal.3d 33, 42 [upholding initiative with more than a hundred sections concerning the subject of "political practices"]; *Raven v. Deukmejian* (1990) 52 Cal.3d 336, 347 [rejecting single-subject challenge to initiative adding dozens of sections relating to "comprehensive criminal justice reform"].)

We ask that the Court turn away the City's final challenge so local voters can decide whether they prefer more or less government transparency. If it so chooses, the City will have ample opportunity to explain to voters why the Sunshine Initiative should not be adopted, including in the formal arguments "for" and "against" the initiative—as contemplated by the Election Code. (See Elec. Code §§ 9281-9282.)

This policy matter should be resolved at the ballot box, not in a courtroom.

BACKGROUND

A. The Sunshine Initiative.

On December 23, 2025, NBSA submitted the Sunshine Initiative to the City to obtain a ballot title and summary. (Compl. at ¶ 13; Dhillon Decl. (filed May 15, 2026) at ¶ 2.) The Sunshine

Initiative and accompanying "Notice of Intention to Circulate Petition" (Notice of Intention) explain why NBSA is sponsoring the Sunshine Initiative. (Dhillon Decl., Ex. A at pp. 3-4 [Notice of Intention], 7-43 [Sunshine Initiative].) For example, those documents state that the City "has failed to keep the public adequately informed on a wide range of topics" and "consequential decisions," and is "failing to conduct [the City's] activities and manage its operations in ways that promote sufficient public access to matters of public concerns." (*Id*. at p. 3; see also *id*. at p. 7 [noting that some officials appear "comfortable conducting the People's business away from the scrutiny of those who elect and employ them"].) These practices are antithetical to "[t]he right of the People to know what their government and those acting on behalf of their government are doing." (*Id*. at p. 7.)

The Sunshine Initiative seeks to address those issues by increasing the transparency and accountability of the City government. (Dhillon Decl., Ex. A at pp. 3 [Sunshine Initiative will "increase transparency and accountability of the [City] government"], 7 [Sunshine Initiative will "provide more transparency and accountability to [City] leadership and governance"].) NBSA believes that doing so will "assure that the People of the City remain in control of the government they have created" (*id*. at p. 8), and reinforce the principle that the "Government's duty is to serve the public, reaching its decisions in full view of the public." (*Id*. at p. 7).

The Sunshine Initiative promotes transparency and accountability in two ways: (i) by providing "standardized procedures for meetings and public access to information[,]" and (ii) "promot[ing] greater access to public records consistent with the California Constitution and California law[.]" (Dhillon Decl., Ex. A at p. 3.) Following standard provisions adopted by other jurisdictions, the Sunshine Initiative proposes thirty-eight (38) new City Charter sections that provide comprehensive procedures and requirements to streamline future implementation and avoid confusion. (See *id*. at pp. 8-43.) Those provisions can be categorized as follows:

- ***Definitions*** of key terms, including "Policy Bodies" (i.e., the City Council and other boards, commissions, or other bodies established by the City Charter or local ordinance) and "Passive Meeting Bodies" (non-Policy Bodies like advisory panels). (§ 409.1)
- ***Public meeting requirements***, including those relating to:

- Public participation and attendance. (§§ 409.2 [requirements for Passive Meeting Bodies], 409.3 [extending Brown Act to all Policy Body meetings], 409.13 [locations of Policy Body meetings and requests for interpreters], 409.14 [recordings of Policy Body meetings], 409.15 [public testimony at Policy Body meetings], 409.17 [comments by Policy Body members].)
- Closed sessions. (§§ 409.8 [recordings and agenda requirements for closed sessions regarding existing litigation], 409.10 [permitted topics for closed session], 409.11 [public disclosure of reasons for closed sessions], 409.12 [public disclosure of discussions and actions taken in closed session].)
- Agendas. (§§ 409.5 [agenda requirements for Policy Body meetings], 409.7 [agenda requirements for closed sessions], 409.9 [accessibility requirements for Policy Body meeting agendas].)
- Public notice. (§ 409.6 [notices for Policy Body meetings].)
- Minutes. (§ 409.16 [requirements for minutes of Policy Body meetings].)

- ***Public record requirements***, including those relating to:
  - Procedures for responding to public record requests. (§§ 409.50 [process for responding to requests and administrative appeal procedures], 409.51 [requiring designation of knowledgeable persons to facilitate prompt responses to certain records requests], 409.54 [deadlines to respond to requests], 409.56 [written explanations when withholding responsive records].)
  - Maintaining commonly requested documents in accessible locations. (§§ 409.52 [communications between the City Clerk and a quorum of a Policy Body concerning recently agendized items of public business], 409.59 [maintaining documents and information on public websites as much as possible], 409.61 [requiring high-level officials to maintain calendars], 409.63 [requiring high-level officials to maintain certain records].)
  - Lobbying work on behalf of the City. (§ 409.60 [requiring lobbyists hired by the City to submit quarterly reports on expenditures].)

- Expenditures or gifts received by City officials. (§ 409.62 [requiring disclosure of all gifts or expenditures in excess of $2,000].)
- Disclosure of basic financial information of private entities receiving certain City subsidies or benefits. (§ 409.72.)
- Policies favoring disclosure of records. (§§ 409.53 [policies for withholding certain categories of records], 409.55 [withholding kept to a minimum], 409.58 [records maintained despite departure of officials or staff turnover], 409.72 [City must work with state, federal, and private partners to promote open meetings], 409.76 [Sunshine Ordinance supersedes other local laws, and in the event of conflict with state law, the law that results in greater or more expedited access to public information applies].)
- Administration responsibilities and enforcement mechanisms. (§§ 409.71 [City Attorney primarily responsible for implementing Sunshine Ordinance], 409.73 [annual training for high-level officials], 409.74 ["willful failure" of City officials or employees to comply with open meetings and records laws constitutes official misconduct]; 409.75 [enforcement by members of the public].)

- ***Creation of a Sunshine Task Force*** to advise the City on implementation of the Sunshine Initiative. (§ 409.70.)

B. Procedural History.

On December 23, 2025, NBSA submitted the Sunshine Initiative to the City to obtain a ballot title and summary. (Compl. at ¶ 13; Dhillon Decl. at ¶ 2; see Elections Code § 9203, subd. (a).) Nearly two weeks after receiving the Sunshine Initiative, the City Attorney asked for an extension. (Dhillon Decl. at ¶ 3.) NBSA promptly granted the request. (*Id*.) The City then asked for several more extensions, claiming it might file a lawsuit. (*Id*. at ¶ 4.) After accounting for all extensions, the deadline for the City to provide a ballot title and summary was March 30, 2026. (*Ibid*.)

On March 26, 2026, the City filed its Complaint. In doing so, the City asked that its City Attorney "be relieved of any duty to prepare a ballot title and summary" for the Sunshine Initiative.

(Compl. at 10:4-5.) The City Attorney did not provide a ballot title and summary by the March 30, 2026, deadline.

On April 6, 2026, a week after the March 30 deadline, the City applied ex parte to temporarily stay the City Attorney's official duty to prepare the title and summary. In doing so, the City conceded that the City Attorney's duty to prepare a title and summary was ministerial. (Plaintiffs *Ex Parte* Application to Temporarily Stay Official Duties Pending Litigation [Ex Parte Application] at 2:8-10, 4:15-16, 8:12-13.) NBSA opposed the City's application and asked the Court to instead issue a writ of mandate directing the City Attorney to promptly prepare the requested title and summary. The Court denied the City's Ex Parte Application on April 8, 2026.

On April 7, 2026, NBSA filed its Verified Cross-Petition for Writ of Mandate (Petition). On April 13, 2025, the Court set a briefing schedule and hearing on the Petition.

On April 29, 2026, the Court held a hearing on NBSA's Petition. That same day, the Court rightly granted the Petition, issued a writ directing the City Attorney to prepare a ballot title and summary for the Sunshine Initiative, and entered a Minute Order reflecting the Court's decision.

NBSA is actively circulating the Sunshine Initiative for signatures. It has been positively received by the community, with more than 4,500 signatures already in hand. (Dhillon Decl. at ¶ 10.)

LEGAL STANDARD

As explained by the Supreme Court:

> The amendment of the California Constitution in 1911 to provide for the initiative and referendum signifies one of the outstanding achievements of the progressive movement of the early 1900's. Drafted in light of the theory that all power of government ultimately resides in the people, [Article IV, Section 1 of the California Constitution] speaks of the initiative and referendum not as a right granted the people, but as a power reserved by them. Declaring it 'the duty of the courts to jealously guard this right of the people[,]' the courts have described the initiative and referendum as articulating 'one of the most precious rights of our democratic process[.]'

(*Associated Home Builders etc., Inc.*, 18 Cal.3d at 591 [internal footnotes and citations omitted.) To ensure this "most precious right[]" is "jealously guarded" and "not improperly annulled," courts must "apply a liberal construction" to a challenged initiative. (*Ibid.*) "If doubts can reasonably be

resolved in favor of the use of this reserve power, courts will preserve it." (*Ibid*. [internal quotations and citations omitted].)

Despite its favored status, the right is not a "blank check[.]" (See *Brosnahan v. Brown* (1982) 32 Cal.3d 236, 253 (*Brosnahan II*).) Relevant here, the California Constitution provides that "[a]n initiative measure embracing more than one subject may not be submitted to the electors or have any effect." (Cal. Const., art. II, § 8, subd. (d).) The jurisprudence surrounding this single-subject rule is "well developed." (*Briggs v. Brown* (2017) 3 Cal.5th 808, 828; see also *Legislature v. Eu* (1991) 54 Cal.3d 492, 512 (*Legislature*) [the "principles" guiding a court's resolution of a single-subject challenge "are well settled].)

The "governing principle" is that an initiative does not violate the single-subject rule "if, despite its varied collateral effects, *all of its parts are reasonably* germane to each other, and to the general purpose or object of the initiative." (*Briggs*, 3 Cal.5th at 829 [italics in original; internal quotations and citations omitted].) Stated slightly differently, courts must uphold initiatives challenged under the single-subject rule "if they fairly disclose a reasonable and common-sense relationship among their several components in furtherance of a common purpose." (*Shea Homes L.P. v. County of Alameda* (2003) 110 Cal.App.4th 1246, 1255.) Moreover, this standard "does not require that each of the provisions of a measures effectively interlock in a functional relationship. It is enough that the various provisions are reasonably related to a common theme or purpose.'" (*Legislature*, 54 Cal.3d at 513 [internal citation omitted].) "A provision which conduces to the act, or which is auxiliary to and promotive of its main purpose, or has a necessary and natural connection with such purpose is *germane* within the rule[.]" (*Amador Valley Joint Union High School Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 230 (*Amador*) [italics in original; quoting *Evans v. Super. Ct.* (1932) 215 Cal. 58, 62].)

Furthermore, the single-subject rule is applied against the backdrop of the courts' duty to "jealously guard" the People's right to initiative and "resolve any reasonable doubts in favor of its exercise." (*Eu*, 54 Cal.3d at 501; see also *Brosnahan II*, 32 Cal.3d at 241 ["Consistent with prior precent, *we are required to resolve any reasonable doubts in favor of the exercise of this precious right*." (italics in original)].) The single-subject standard is therefore applied "in an accommodating

and lenient manner" (*Briggs*, 38 Cal.5th at 829 [citing *Californians for an Open Primary v. McPherson* (2006) 38 Cal.4th 735, 764]), and must not be "interpreted in an unduly narrow or restrictive fashion that would preclude the use of the initiative process to accomplish comprehensive, broad-based reform in a particular area of public concern." (*Id*. at 828.) Courts "'do not consider or weigh the economic or social wisdom or general propriety of the initiative. Rather, our sole function is to evaluate [it] legally in light of established constitutional standards.'" (*Briggs,* 3 Cal.5th at 828 [quoting *Calfarm Ins. Co. v. Deukmejian* (1989) 48 Cal.3d 805, 814].) "All presumptions and intendments favor the validity of a statute and mere doubt does not afford sufficient reason for a judicial declaration of invalidity." (*Id*. [quoting *Calfarm*, 48 Cal.3d at 814-815].) An initiative measure "must be upheld unless [its] unconstitutionality clearly, positively, and unmistakably appears.' [Citations.] If the validity of the measure is 'fairly debatable,' it must be sustained.'" (*Ibid*.)

DISCUSSION

The Sunshine Initiative easily passes constitutional muster. First, there is a "reasonable and common sense relationship" between the Sunshine Initiative's provisions and the initiative's core purpose: improving the transparency of local government. (*Briggs*, 3 Cal.5th at 828.) Second, decades of case law support upholding the Sunshine Initiative against the City's single-subject challenge. Finally, not only do the City's contrary arguments lack merit, but they fall well short of showing that pre-election review is appropriate here.

A. The Sunshine Initiative Will Improve the Transparency of Local Government.

The central question in this litigation is whether the Sunshine Initiative's public meeting and public records provisions are part of a "common purpose" or are "reasonably germane . . . to the general purpose or object of the initiative." (*Briggs*, 3 Cal.5th at 828-29 [quoting *Legislature*, 54 Cal.3d at 512].) The answer is yes. The Sunshine Initiative's provisions interrelate as a practical matter, and that close relationship is reinforced by the California Constitution.

It goes without saying that local citizens have the constitutional right to participate in local government processes and exercise oversight of their public officials. (See Cal. Const., art. II, § 1 ["All political power is inherent in the people."].) The two most obvious ways that local citizens

can do so is by (i) attending public meetings where decisions are deliberated, and (ii) reviewing the documents and correspondence informing such decisions. Take a city's decision to approve a new development project as just one example. To determine the wisdom of that approval, a citizen could review the application materials and project plans, correspondence between city staff and the applicant, and the city's prior decisions on similar projects, including efforts by lobbyists to persuade the local government. Access to such information, in turn, enables local residents to take a range of actions, e.g., engage other stakeholders, write a letter to the city, or contact planning staff. Local citizens are also free to attend public meetings on the project, where they can ask questions, request more information, voice support the project, or raise concerns. And it is common for citizens to first review public records and then attend public meetings so they can intelligently participate in them. The overarching point is that access to public records and public meetings fosters informed public participation and helps ensure that local governments are operating on behalf of, and for the benefit of, their citizens.

Looking beyond the practical, open meetings and records are a fundamental tenet of California's democratic system. Indeed, California voters already recognized this fact when, in 2004, they "approved Proposition 59—[also] known as the 'Sunshine Initiative'—and amended article I, section 3 [of the California Constitution] by adding subdivision (b)." (*Cal. Public Records Research, Inc. v. County of Stanislaus* (2016) 246 Cal.App.4th 1432, 1451.) The California Constitution now provides that "[t]he people have the right of access to information concerning the conduct of the people's business, and, therefore, *the meetings of public bodies* and *the writings of public officials and agencies* shall be open to public scrutiny." (Cal. Const., art. I, § 3, subd. (b)(1) [italics added].)[1]

The California Constitution is dispositive on the issue of whether the Sunshine Initiative's provisions share a common purpose. The California Constitution treats the core aims of the Sunshine Initiative (access to public meetings and public records) as inextricably linked to the

[1] In Proposition 59, the People also expressed a preference to liberally construe laws that promote access to public meetings and records: "A statute, court rule, or other authority . . . shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access." (Cal. Const., art. I, § 3, subd. (b)(2).)

People's "right of access to information concerning the conduct of the people's business[.]" (Cal. Const., art. I, § 3, subd. (b)(1).) If public meetings and public records were separate and discrete "subjects," then the statewide Sunshine Initiative in 2004 would have been struck down under the single-subject rule. It was not. Accordingly, the City's contention that the Sunshine Initiative's various provisions are not "reasonably germane" to the general purpose of the initiative (improving the transparency of local government) must be rejected.

B. The Sunshine Initiative Easily Satisfies the Single-Subject Rule.

To satisfy the single-subject rule, the various parts of a ballot initiative need only be "reasonably germane" to each other, and to the "general purpose or object" of the initiative. (*Brosnahan II*, 32 Cal.3d at 245 [citing *Amador*, 22 Cal.3d at 230].) There is no requirement that the provisions of an initiative have a "functional interrelationship" or be "interdependent." (*Id.* at 249.) "The 'reasonably germane' standard is applied 'in an accommodating and lenient manner so as not to unduly restrict … the people's right to package provisions in a single bill or initiative.'" (*Briggs*, 3 Cal.5th at 829 [quoting *Californians for an Open Primary v. McPherson* (2006) 38 Cal.4th 735, 764].) Against that backdrop, the Supreme Court has repeatedly rejected single-subject challenges to initiatives enacting comprehensive reforms, including where, as here, challengers allege the initiative adds too many statutory sections or implicates too many sub-issues.

Leading Supreme Court decisions show the Sunshine Initiative falls well within constitutional strictures. For example, in *Fair Political Practices Commission v. Superior Court*, the Supreme Court was faced with a single-subject challenge to a ballot initiative concerning "elections and different methods for preventing corruption and undue influence in political campaigns and governmental activities." ((1979) 25 Cal.3d 33, 37.) The Supreme Court described the initiative, which enacted the Political Reform Act of 1974, as containing no less than eleven (11) separate chapters of new legislation:

> Chapters 1 and 2 contain general provisions and definitions, including a severability provision. Chapter 3 establishes the commission. Chapter 4 establishes disclosure requirements for candidates' significant financial supporters. Chapter 5 places limitations on campaign spending. Chapter 6 regulates lobbyist activities. Chapter 7 establishes rules relating to conflict of interest. Chapter 8 establishes rules relating to voter pamphlet summaries of arguments on proposed ballot measures.

> Chapter 9 regulates ballot position of candidates. Chapter 10 establishes auditing procedures to aid enforcement of the law, and Chapter 11 imposes penalties for violations of the act.

(*Id*.)

Similar to the City here, the plaintiff in *Fair Political Practices Commission* argued that the initiative was "lengthy and confusing[,]" contained "more than 20,000 words and numerous interrelated provisions[,]" and involved four "wholly separate substantive subjects: (1) regulation of election to public office, (2) regulation of ballot measure petitions and elections, (3) regulation of public official conflicts of interest, and (4) regulation of lobbyists." (25 Cal.3d at 40.) The Supreme Court denied the challenge and upheld the initiative. (*Id*. at 41-42.) In doing so, the Supreme Court rejected the plaintiff's attempt to parse the initiative's "subjects," stating that it is proper for an initiative to "deal comprehensively and in detail with an area of the law." (*Ibid*.) The Court instead found the initiative's various provisions were "reasonably germane" to a single, overarching subject, namely "political practices." (*Id*. at 42-43.) So, too, are the Sunshine Initiative's provisions "reasonably germane" to the single, overarching subject of government transparency.

The Supreme Court's decision in *Brosnahan II* also supports the constitutionality of the Sunshine Initiative. There, the Supreme Court upheld Proposition 8, a comprehensive reform of the criminal justice system, that contained substantive measures concerning: (i) victim restitution, (ii) safe schools, (iii) truth-in-evidence, (iv) bail, (v) prior convictions, (vi) the diminished capacity defense and insanity defense, (vii) habitual criminals, (viii) victim's statements, (ix) plea bargaining, (x) sentencing to Youth Authority, and (xi) mentally disordered sex offenders. (*Brosnahan II*, 32 Cal.3d. at 242-45.) Among other challenges, the plaintiffs argued that certain portions of the initiative—namely, Proposition 8's "safe schools" provision—were "entirely unrelated" to the core subject of regulating criminal behavior. (*Id*. at 247.) The Supreme Court disagreed, finding it "readily apparent" that the challenged provisions were "reasonably germane" to "the single subject of safety from *criminal* behavior." (*Id.* at 247-48 [italics in original].) The Court thus upheld the initiative under the single-subject rule, reiterating its "liberal interpretative tradition . . . of

sustaining statutes and initiatives which fairly disclose a reasonable and common sense relationship among their various components in furtherance of a common purpose." (*Id*. at 253.)

Beyond *Fair Political Practices Commission* and *Brown*, the Supreme Court and Court of Appeal have consistently upheld initiatives under a liberal view of the single-subject rule. The leading cases show that challengers typically frame alleged single-subject violations in one of two ways: (i) the initiative advances more than one subject (i.e., the initiative's parts are not reasonably germane to each other), or (ii) the initiative sweeps too broadly to be characterized as involving a single subject (i.e., the initiative's parts are not reasonably germane to a common purpose or objective). The jurisprudence shows a challenger faces a heavy burden in either scenario.

As to the first type of challenge—i.e., that an initiative concerns multiple subjects—California courts have consistently taken a broad view of what constitutes a "subject" for purposes of the single-subject rule. For example, in *Evans* the Supreme Court noted that an initiative's various measures need only be "auxiliary to and promotive of [the initiative's] main purpose, or [have] a necessary and natural connection with such purpose[.]" (215 Cal. at 63.) Similarly, *Legislature* explains that provisions need only share a "common theme or purpose" (54 Cal.3d at 513), while *Brosnahan II* and *Briggs* speak of a "common concern, general object, or general subject[.]" (*Briggs*, 3 Cal.5th at 829 [citing *Brosnahan II*, 32 Cal.3d at 247; internal quotations omitted].) This is a difficult standard to meet, as demonstrated by cases such as *Amador* and *California Gillnetters Association v. Department of Fish and Game* (1995) 39 Cal.App.4th 1145. In *Amador*, plaintiffs challenged Proposition 13 on single-subject grounds because it contained (i) a real property tax rate limitation, (ii) a restriction on State taxes, and (iii) a restriction on local taxes. (22 Cal.3d at 231.) The Court nonetheless upheld the initiative and identified the "common underlying purpose" of its measures as "effective real property tax relief." (*Id.* at 230-31.)

Likewise, in *California Gillnetters*, the Court of Appeal upheld an initiative over arguments that its various components concerning (i) "bans [on] allegedly destructive forms of fishing gear[,]" (ii) "information gathering to further the scientific understanding of marine resource management," (iii) creation of "ecological reserves . . . to study the impact of fishing on marine resources," and (iv) assessment of fees "against the user groups to fund the various aspects of the program"

embraced different subjects, finding that all components were "reasonably germane to each other and to a common purpose: preservation of marine resources." (39 Cal.App.4th at 1162.) It is difficult to understand how the City believes that the Sunshine Initiative violates the single-subject rule when comprehensive reforms on broad subjects such as "property tax relief," "preservation of marine resources," "political practices" (*Fair Political Prac. Comm'n*, 25 Cal.3d at 42), and "budget balancing" (*League of Women Voters v. Eu* (1992) 7 Cal.App.4th 649, 664) have been upheld.

Turning to the second set of challenges—i.e., that an initiative sweeps too broadly—the Supreme Court has repeatedly upheld ballot initiatives that comprehensively addressed broad subject matters. (E.g., *Raven*, 52 Cal.3d at 347 ["As with Proposition 8, the various elements of Proposition 115 unite to form a comprehensive criminal justice reform package."]; *Manduley v. Super. Ct.* (2002) 27 Cal.4th 537, 581, as modified ["the various provisions of Proposition 21, including the provision authorizing prosecutors to file charges against certain minors directly in criminal court, are reasonably germane to the common purpose of reducing gang-related and juvenile crime"].) As the Supreme Court has explained, the case law:

> [E]mphasize[es] that the initiative process occupies an important and favored status in the California constitutional scheme and that the single-subject requirement should not be interpreted in an unduly narrow or restrictive fashion that would preclude the use of the initiative process to accomplish comprehensive, broad-based reform in a particular area of public concern.'

(*Senate of State of Cal. v. Jones* (1999) 21 Cal.4th 1142, 1157.) The City cannot overcome those authorities here, particularly since the Sunshine Initiative's provisions collectively advance governmental transparency and the People's right of "access to information concerning the conduct of the people's business[.]" (Cal Const., art. I, § 3, subd. (b)(1).)

C. The City's Contentions Lack Merit.

As of this writing, the City has already had three separate opportunities to explain why the Sunshine Initiative violates the single-subject rule. It falls far short of meeting its heavy burden to show the Sunshine Initiative "clearly, positively, and unmistakably" violates the single-subject rule

such that voters should not be allowed to consider it at the November 2026 election. (*Briggs*, 3 Cal.5th at 828.) NBSA nevertheless addresses the City's scattershot arguments in turn.

First, the City generally takes issue with the Sunshine Initiative on the theory that it does not operate as a "single, unified measure." (See, e.g., Compl. at ¶ 23; Opposition to Petition for Writ of Mandate [Writ Opp'n] at 9:3-4.) The argument misses the mark. Just like the petitioners in *Legislature*, the City "appear[s] to be confusing germaneness with functional relationship." (54 Cal.3d at 513.) The Supreme Court has expressly rejected that view, holding that an initiative's provisions need not "effectively interlock in a functional relationship[,]" but must only be "reasonably related to a common theme or purpose." (*Ibid*.)

The Sunshine Initiative satisfies the "common theme or purpose" standard. Section 2 of the initiative explains its general purpose is "to provide more transparency and accountability to City of Newport Beach ('City') leadership and governance[.]" (Dhillon Decl., Ex. A at p. 7.) And as explained *supra* in Background section A., the Sunshine Initiative includes interrelated parts that will: (i) improve access to public meetings, (ii) improve access to public records, and (iii) create a Sunshine Task Force to enforce the Initiative. Each is "reasonably germane" to improving transparency and accountability. Like the 1999 San Francisco Sunshine Ordinance from which it draws inspiration, the Sunshine Initiative increases public access to City meetings (*cf.* S.F. Admin. Code §§ 67.3-67.17), increases public access to City records (*cf. id.* at §§ 67.20-67.29-7), requires that lobbyists publicly disclose their activities (*cf. id.* at § 67.29-4), and creates a Sunshine Task Force to implement these requirements (*cf. id.* at § 67.30).[2] Simply put, the Sunshine Initiative does not tread novel constitutional ground and is well within the People's reserved power to enact.

Next, the City tries to parse the Sunshine Initiative to claim it actually relates to "no less than five distinct subjects[.]" (See, e.g., Writ Opp'n at 7:7-7:16 [citing Declaration of Aaron C. Harp (filed April 22, 2026) (Harp Decl.) at ¶¶ 4, 5].) The argument lacks merit. As just two

[2] San Francisco's sunshine ordinance was originally adopted by its Board of Supervisors in 1993. In 1999, San Francisco's voters adopted a comprehensive update to the sunshine ordinance known as Prop. G. (*SF Urban Forest Coalition v. City & County of S.F.* (2019) 43 Cal.App.5th 796, 800; Dhillon Decl., Ex. A [voter information pamphlet].) The San Francisco sunshine ordinance is now codified in the San Francisco Administrative Code, which is available online at: https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin.

examples, the City claims that one provision (§ 409.62) will "[a]ffect the City's financial operations, including disclosure and handling of funding sources." (Harp Decl. at 7:23-24.) Yet that section makes no substantive changes to the City's operations; it merely requires the City to *disclose* when it accepts or spends funds exceeding $2,000 when carrying out City business. The City also complains that two other provisions (§§ 409.70, 409.71) improperly "[i]mpose new duties on, and affect the functioning of, the City Attorney and City Attorney's Office." (Harp Decl. at 7:25-27.) But all those sections require is that the City's chief legal officer—i.e., the City Attorney—provide legal advice to a City body (the Sunshine Task Force; § 409.70) and enforce new local laws (the Sunshine Initiative; § 409.71). In essence, the City asserts that an initiative violates the single-subject rule if it includes an enforcement mechanism. There is no authority for that position, and if it were true the initiative power would be an empty exercise.

Setting aside the City's misleading characterizations, the Supreme Court has repeatedly rejected this type of argument, as discussed in the preceding section. In *Brosnahan II*, the Supreme Court explained that the key question is whether there is a "readily discernible common thread which unites all of the initiative's provisions in advancing its common purpose." (32 Cal.3d at 247 [evaluating whether each of an initiative's "several facets bears a common concern, 'general object' or 'general subject'"].) The Sunshine Initiative easily meets that standard. Each of its provisions promote the public's right to information "concerning the conduct of the people's business" (Cal. Const., art. I, § 3, subd. (b)(1)) through access to public records and public meetings. Or stated more simply, it promotes transparency in local government. That the Sunshine Initiative compels the City to disclose certain information (e.g., records of gifts, lobbying expenditures, and tax subsidies) does not change its obvious "common thread" or "general object."

The City doubles down on its tortured interpretation of the Sunshine Initiative by observing that, under State law, the initiative's purported "subjects" are "codified in separate chapters, divisions, and titles in the California Codes." (See Writ Opp'n at 7:17-8:24.) This is a red herring. First, as noted above, the City's entire argument is premised on its unpersuasive attempt to parse

the Sunshine Initiative's provisions into multiple "subjects."[3] The Supreme Court has repeatedly rejected those sorts of efforts. Second, the argument overlooks that the California Constitution itself treats public meetings and public records as inextricably linked since both relate to "the conduct of the people's business." (Cal. Const., art. I, § 3, subd. (b)(1).) Third, the Court of Appeal has already determined that whether an initiative's various components would be housed "in the same Government Code location" is irrelevant for purposes of a single-subject challenge. (*California Gillnetters*, 39 Cal.App.4th at 1162.) The irrelevancy of the argument advanced by the City is reflected in the Supreme Court's decisions, too. (See, e.g., *Ins. Industry Initiative Campaign Com. v. Eu.* (1988) 203 Cal.App.3d 961, 964-967 [rejecting single-subject challenge to initiative altering provisions of the Financial Code, Insurance Code, and Business & Professions Code]; *Briggs*, 3 Cal.5th at 823-27 [rejecting single-subject challenge to initiative with provisions chaptered in the Penal Code, Government Code, and Business & Professions Code].)

The City also suggests that the single-subject rule does not countenance an initiative that effectuates structural changes to government. (See Writ Opp'n at 18:1-12.) This is false. For instance, in *California Family Bioethics Council, LLC v. California Institute for Regenerative Medicine* (2007) 147 Cal.App.4th 1319, the court rejected a single-subject challenge to a statewide proposition establishing the California Institute for Regenerative Medicine and an Independent Citizen's Oversight Committee "vested with full power, authority, and jurisdiction" over that Institute. (*Id.* at 1332, 1344-46; see also *Fair Political Prac. Comm'n,* 25 Cal.3d at 41-44 [upholding initiative that created new State Commission]; *Manduley*, 27 Cal.4th at 581 [rejecting claim that "[i]ncrementally" expanding prosecutorial discretion violated the single-subject rule].)

Finally, unable to marshal any other meaningful argument tethered to the law, the City simply points to the number of sections the Sunshine Initiative will add to the City Charter (38) and its total world count (over 15,000) (Writ Opp'n 8:25-9:11), presumably to claim the initiative

[3] Ironically, the City concedes that four of the five "subjects" it identifies are all regulated under the Government Code at the state level. (Writ Opp'n at 7:21-8:21.) The only subject set forth in a different code is the purported "spending and revenue collection authority." (*Id*. at 7:28-8:8.) But the Sunshine Initiative does nothing to affect such authority. The City's contention that requiring *disclosure* of funding to the City and its officials somehow affects the City's "financial operations" (see Harp Decl. at ¶ 10 [citing § 409.62]) is preposterous.

cannot possibly concern a single subject. Again, the argument is meritless. The Supreme Court has repeatedly rejected arguments concerning the scope or length of a proposed initiative where the provisions are reasonably related to a common end.[4] Indeed, even "comprehensive" reform packages spanning numerous code sections do not violate the single-subject rule so long as their various parts are reasonably germane to each other and the broader purpose of the initiative. (See, e.g., *Legislature*, 54 Cal.3d at 512.) For example, the Supreme Court has upheld legislative reforms consisting of "*one thousand and seven hundred* sections covering a wide spectrum of topics within the general 'area' of 'probate law[.]'" (*Brosnahan II*, 32 Cal.3d at 280 [italics in original; describing *Evans v. Super. Ct.* (1932) 215 Cal. 58].) And in *Fair Political Practices Commission*, the initiative upheld by the Supreme Court covered over a hundred code sections. (*Fair Political Prac. Comm'n*, 25 Cal.3d 37-38.)[5] That the Sunshine Initiative arguably has a large number of provisions or words is legally irrelevant.[6]

The analysis above shows the Sunshine Initiative meets applicable legal standards and the City offers no facts or authority to displace that conclusion.

CONCLUSION

We ask that the Court reject the City's effort to keep the Sunshine Initiative off the November 2026 ballot.

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[4] See, e.g., *Raven*, 52 Cal.3d at 348 [upholding initiative whose provisions "reflect a consistent theme or purpose to nullify particular decisions of our court affecting various aspects of the criminal justice system."]; *Manduley*, 27 Cal.4th at 581 [upholding initiative with various provisions intended to reform the juvenile justice system].)

[5] A copy of the Ballot Pamphlet cited in *Fair Political Practices Commission* is available at: https://ballotpedia.org/California_Proposition_9,_Fair_Political_Practices_Commission_and_Election_and_Campaign_Policies_Initiative_(June_1974) (last visited May 15, 2026).

[6] Equally unavailing, the City has suggested that the Sunshine Initiative encompasses a subject of "excessive generality." (Ex Parte Application at 6:13-15.) While it is true that the single-subject rule can be violated by an excessively general subject, such as "government," "public welfare," "fiscal affairs" or "statutory adjustments" (*Harbor v. Deukmejian* (1987) 43 Cal.3d 1078, 1099-1100), that line of cases has no application here. As noted, in *Fair Political Practices Commission* the Supreme Court upheld the challenged initiative on the grounds that its various provisions all related to "political practices." (*Fair Political Prac. Comm'n*, 25 Cal.3d at 43.) Government transparency is considerably narrower—or at least less vague—than the "political practices" subject endorsed in *Fair Political Practices Commission*.

Respectfully submitted,

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