IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

HOWARD JARVIS TAXPAYERS ASSOCIATION, a California nonprofit public benefit corporation, and QUENTIN L. KOPP, a California Taxpayer, Plaintiffs and Respondents, **v.** **EDMUND G. BROWN JR., Governor of the State of California, and FAIR POLITICAL PRACTICES COMMISSION, an agency of the State of California,** Defendants and Appellants.	Case No. C086334

Sacramento County Superior Court, Case No. 34-2016-80002512-CU-WM-GDS
The Honorable Timothy M. Frawley, Judge

APPELLANTS' REPLY BRIEF

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INTRODUCTION

Respondents Howard Jarvis Taxpayers Association and Quentin L. Kopp argue that SB 1107 is invalid because it does not further the purposes of Proposition 73. But this is the wrong analysis—the question is whether SB 1107 furthers the purposes of the Political Reform Act as a whole. Respondents then argue that Proposition 73 made a ban on public financing a purpose of the Act. But this argument conflates that purposes of the Act with the methods used to achieve them.

The ban on public financing is just one provision among hundreds of provisions adopted via Proposition 9, which originally created the Act, or one of several legislative amendments and voter-enacted amendments, all aimed at achieving the Act's purposes. Proposition 73 was not promoted to the voters—or passed by the voters—as changing the overarching purposes of the Act. Ultimately, Respondents' contentions reduce to the notion that any "specific provision" enacted by the voters is untouchable by the Legislature. But this position is based on a misreading of the case law, would vitiate the voters' own grant of authority to the Legislature to amend the Act, and would set a dangerous precedent. Respondents' position would ultimately reduce the Act's effectiveness by precluding the Legislature from adapting it to changing circumstances.

Further, Respondents' claim that the Legislature had no authority at all to amend Government Code section 85300 flies in the face of the plain language of the Act, which authorizes the Legislature to amend any provision of "this title"—including the ban on public financing at issue here. The voters did not repeal that authority by passing Propositions 208 or 34, and this Court has already squarely held that section 85300 may be amended by the Legislature, provided the amendment furthers the Act's purposes.

The Act's purposes, properly construed, are reducing the advantages of incumbency, reducing the influence of large contributors on candidates for political office, reducing overall campaign spending, and ensuring that anyone has an opportunity to run for office, regardless of their wealth or financial connections. Senate Bill 1107 furthers those purposes. Respondents do not dispute that it does so, nor could they. Accordingly, the trial court's judgment granting declaratory and injunctive relief prohibiting the enforcement or implementation of SB 1107 should be reversed.

ARGUMENT

I. SB 1107 FURTHERS THE PURPOSES OF THE POLITICAL REFORM ACT AS A WHOLE

The question at issue in this case is whether SB 1107 furthers the purposes of the Political Reform Act, not whether it furthers the purposes of Proposition 73. Yet Respondents focus their argument on whether SB 1107 furthers the purposes of Proposition 73. (Opp., at pp. 15-18.) The proper analysis under Government Code section 81012, the Political Reform Act's amendment clause, is whether a legislative amendment furthers the purposes of the Act as a whole, not whether it further the purposes of a specific initiative that amended the larger statutory scheme, such as Proposition 73. Section 81012 provides that "[t]his title may be amended or repealed by the procedures set forth in this section" and that "[t]his title may be amended to further its purposes by statute." (Gov. Code, § 81012, subd. (a).) "This title" refers to the Act in its entirety and "its purposes" refers to the purposes of the entire title.

The original purposes of the Act are not in question. The language presented to and adopted by the voters when the Act was first enacted in 1974 stated that "[s]tate and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth"

and that "[t]he wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions." (CT 99.) As such, "[t]he amounts that may be expended in statewide elections should be limited in order that the importance of money in such elections may be reduced." (*Ibid*.) These purposes of the Act—limiting the overall importance of money in elections, reducing the influence of large contributors, and ensuring that elected officials serve all citizens equally—have remained consistent throughout a series of voter-approved amendments.

In fact, two voter-enacted initiatives, Propositions 208 and 34, reaffirmed these purposes by echoing them in the findings and purposes that were expressly stated in the text of those initiatives (Proposition 73 included no such statement of its purposes). Proposition 208 stated that its purposes were: to "ensure that individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes," to "reduce the influence of large contributors," and to "limit overall expenditures in campaigns." (CT 142.) Proposition 34 described its purposes in the exact same language. (CT 157.) As a result of these two Propositions, these purposes, which echo those of the original Act, are reiterated in several different parts of the Act. (Gov. Code, §§ 81001, 81002, 85101, 85102.)

The Supreme Court has made clear that "evidence of [an amendment's] purpose may be drawn from many sources, including the historical context of the amendment, and the ballot arguments favoring the measure." (*Amwest Surety Ins. Co. v. Wilson* (1995) 11 Cal.4th 1243, 1257.) Here, the historical context makes clear that the purposes of the Act as a whole have remained consistent despite numerous amendments. Both Propositions 208 and 34 reiterated the original purposes of the Act. Even

though both were enacted after Proposition 73, neither mentions banning public financing as one of those goals. Even the initiative proponents' argument in favor of Proposition 73, printed in the ballot materials, acknowledged these continuing purposes, stating that "too much money is being spent on political campaigns today" and that "[c]andidates and officeholders can be unduly influenced by special interest groups that donate large amounts of money." (CT 133.) The original overarching purposes of reducing overall campaign expenditures and the influence of large contributors in elections have persisted and have been strengthened by these voter-enacted amendments.

SB 1107 must be upheld if "by any reasonable construction, it can be said that the [amendment] furthers the purposes of" the Act. (*Amwest v. Wilson, supra,* 11 Cal.4th at p. 1256.) A reasonable construction of SB 1107 is that it provides for state and local entities to provide for partial public campaign financing, which furthers the purposes of the Act: reducing the influence of wealthy donors and special interests, mitigating the increasing costs of political campaigns, and making it possible for all citizens to participate in the election process by running for office.

II. PROPOSITION 73 DID NOT ALTER THE PURPOSES OF THE ACT

Respondents argue that Proposition 73 changed the Act's purposes, adding a ban on public financing of election campaigns as one of those purposes. (Opp., pp. 19-20.) Adopting this view, the trial court found that after Proposition 73 the public financing ban is now "a fundamental purpose" of the Act. (CT 499.) But this conclusion is not supported by the either the text of Proposition 73 or the voters' consistent reiteration of the broader, more fundamental goals of the Act.

A. Proposition 73's Package of Proposed Reforms Were Methods Intended to Further the Purposes of the Act

Proposition 73's ban on public campaign financing was one of several proposed mechanisms intended to reform campaign finance more broadly. Proposition 73 presented a package of inter-related reforms, which included limits on campaign contributions for all state and local elective offices on a per-year basis, a prohibition on state and local elected officials from spending public funds on newsletters and mass mailings, and a prohibition on transfers of funds between individual candidates or their campaign committees. (CT 131.) But not all of those reforms survived scrutiny: the contribution limits and limits on transfers between candidates were later held to be unconstitutional. (*Serv. Employees Int'l Union v. Fair Political Practices Com.* (E.D. Cal. 1992) 955 F.2d 1312; *Serv. Employees Int'l Union v. Fair Political Practices Com.* (E.D. Cal. 1989) 721 F.Supp. 1172.)

Even had those provisions survived, they would not properly be viewed as purposes of the Act. Instead, as is made clear by the proponent's argument in support of the Proposition, the contribution limits and prohibition on fund transfers were meant to achieve the Act's purposes of reducing the overall amount of money spent on campaigns and the influence of large contributors on elections. (CT 133.) If the contribution limits and prohibition of fund transfers between candidates were meant to further the broader purposes of the Act, the ban on public campaign financing was as well. Furthermore, the prohibition on candidates using public funds on campaign mailings did not become a purpose of the entire Act. The Supreme Court acknowledged that the campaign mailings provision was not a "dominant purpose" of Proposition 73. (*Gerken v. Fair Political Practices Commission* (1993) 6 Cal.4th 707, 719 (hereinafter *Gerken*).) As such, it does not follow that the provision became a purpose of the Act when Proposition 73 was enacted. None of the proposed

methods of campaign finance reform presented in Proposition 73—including the public finance ban—actually became purposes of the Act.

It is not clear whether voters would have enacted a complete ban on public campaign financing had it been presented on its own rather than part of a package that prominently included campaign contribution limits. (*See Gerken*, *supra*, 6 Cal.4th at pp. 722-727 (conc. opn. of Baxter J.; dis. opn. of Arabian, J.) It is even less clear that by voting for the package of reforms presented in Proposition 73, the voters intended to make the ban on public financing a purpose of the Act Proposition 73 amended. "It is well established that courts 'may not properly interpret the measure in a way that the electorate did not contemplate: the voters should get what they enacted, not more and not less.'" (*Knight v. Sup. Ct.* (2005) 128 Cal.App.4th 14, 26.) In a sense, the voters have already gotten less than they enacted due to the contribution limits being declared invalid. The voters could not have contemplated that, in voting for Proposition 73, they would end up with no contribution limits, no limits on fund transfers between candidates, but with a permanent ban on public financing that cannot be altered by the Legislature, despite the delegation of authority to do so included in the original Act. This Court should decline Respondent's invitation to interpret the Act in this way.

B. Separating Purposes from the Methods Used to Achieve Them is Necessary to the Analysis of Legislative Amendments

When analyzing whether a legislative amendment furthers the purpose of a statutory scheme, it is necessary to separate the purposes of a statutory scheme from the methods or mechanisms implemented to achieve them. In fact, this is precisely how courts analyze whether a Legislative amendment furthers the purpose of a statute or not. For example, in *Citizens to Save California v. California Fair Political Practices Com.* (2006) 145

Cal.App.4th 736, 748, this Court noted that "Proposition 34 contains an express declaration of its purpose and intent," before explaining that "[t]his legislative purpose *is implemented through*" contribution limits. And in *Howard Jarvis Taxpayers Assn. v. Bowen* (2011) 192 Cal.App.4th 110, 123, this Court stated that "the purposes of the Political Reform Act of 1974 are, among other things, to promote impartiality and to eliminate conflicts of interest in the performance of governmental duties" and, consistent with those purposes, the statute required that the Attorney General prepare a ballot label, title, and official summary. The separation between a statute's purposes and the means used to achieve those purposes is not novel—in fact, it is the only logical approach for analyzing whether a Legislative action furthers the purposes of a statutory scheme. This is the case particularly when dealing with a complex and multi-faceted statutory scheme like the Political Reform Act.

The trial court found that SB 1107 "violates a specific mandate of the Act," namely, the public finance ban added by Proposition 73. (CT 498.) But if every new statutory provision adopted by voters were to be deemed a "specific primary mandate" of the Act, the Legislature's ability to amend the Act at all would be severely limited. Likewise, if every provision added to a statute changed the purposes of the statute, the courts would have little guidance in analyzing whether a legislative amendment furthers the purposes of the Act. This could also severely impact the Legislature's ability to amend the Act, which would defeat the voters' delegation of authority to do so.

The cases on which the trial court relied in considering whether SB 1107 contradicts the Act are distinguishable from this case. In *Foundation for Taxpayer and Consumer Rights v. Garamendi* (2005) 132 Cal.App.4th 1354, 1370, the Court of Appeal for the Second District explained that that even a legislative amendment that furthers the purposes of an initiative

"cannot do violence to specific provisions" of that initiative. But the *Foundation* court was presented with a much simpler situation than the one at hand. Proposition 103, at issue in that case, was a voter-enacted measure that prohibited the use of certain factors in rating consumers' eligibility for and cost of insurance. (*Id.* at p. 1359.) Proposition 103 was self-contained—it did not amend an earlier statutory scheme, and the statutory provision authorizing the Legislature to amend it to further its purposes was in the proposition itself. The same is true of another case on which the trial court relied, *Gardner v. Schwarzenegger* (2009) 178 Cal.App.4th 1366. There, the First District Court of Appeal considered Proposition 36, a measure that provided that individuals convicted of drug possession offenses would receive probation with drug treatment rather than incarceration. (*Id.* at p. 1369.) Again, the measure adopted was a stand-alone initiative rather than an amendment to a complex statutory scheme already in place.

Here, Proposition 73 amended a complex statutory scheme, initially enacted in 1974 and repeatedly amended since that time. It included a package of reforms, half of which were declared unconstitutional. The question of what voters intended with regard to the ban on public financing is particularly difficult to answer in the absence of those provisions. This situation is more akin to that in *Santa Clarita Org. for Planning & the Environment v. Abercrombie* (2015) 240 Cal.App.4th 300, in which the Court of Appeal for the Second District upheld a legislative amendment to the same Act at issue here, even though it created an exception to rule adopted by voters. (*Id.* at pp. 320-21.)

Applying the standard used in the much simpler cases in this case would result in severe limitations to the Legislature's ability to amend the Act, pursuant to voters' authorization in Government Code section 81012. With regard to the public financing ban specifically, this Court has rejected

the suggestion that section 85300 is "an absolute, inflexible provision beyond the power of the Legislature to change." (*Cal. Common Cause v. Fair Political Practices Com.* (1990) 221 Cal.App.3d 647, 651 ["[S]ection 85300—like other provisions of the Act—may be amended by a bill concurred in by two-thirds of the membership of the Legislature and signed by the Governor."].) The interpretation posed by Respondents would have the opposite result, limiting the Legislature's ability to make any change to section 85300.

C. SB 1107 Furthers the Purposes of the Act as Amended

Respondents' argument that SB 1107 does not further the purposes of the Act hinges on whether Proposition 73 amended the purposes of the Act to include a ban on public financing. The answer to the question is no. Respondents do not argue that, absent a change from the original purposes of the Act, the exception to the ban created by SB 1107 would not further the purposes of the Act. Nor could they do so—courts have recognized that public financing can help mitigate the influence of large contributors in electoral campaigns: "It cannot be gainsaid that public financing as a means of eliminating improper influence of large private contributions furthers a significant governmental interest." (*Buckley v. Valeo* (1976) 424 U.S. 1, 96, superseded by statute, Bipartisan Campaign Reform Act of 2002, Pub. L. No. 107-155, Title I, § 101, 116 Stat. 81, as recognized by *McConnell v. Fed. Elec. Com.* (2010) 540 U.S. 93; *see also Johnson v. Bradley* (1992) 4 Cal.4th 389, 410 (hereinafter *Johnson*) ["Petitioners cite nothing to support the proposition that section 85300's ban on public funding of political campaigns advances in any way the goal of enhancing the integrity of the electoral process. In fact, the opposite appears to be true."].)

III. THE BAN ON PUBLIC CAMPAIGN FINANCING WAS NOT A PURPOSE OF PROPOSITION 73

As explained above, the question at issue here is whether SB 1107 furthers the purposes of the Act as a whole, not of Proposition 73. But even if the purposes of Proposition 73 were part of the analysis, the public financing ban was not one of them. The trial court erred in holding that the public financing ban was a significant purpose of Proposition 73. (CT 498.)

A. Proposition 73 Did Not Expressly State Its Purposes

Proposition 73 did not include an express statement of its purposes. The proponents' arguments in support of the Proposition, printed in the ballot pamphlet, suggested that Proposition 73 would "reform the way campaigns are financed." (CT 133.) The proponents also noted that "too much money is being spent on political campaigns today" and that "[c]andidates and officeholders can be unduly influenced by special interest groups that donate large amounts of money." (*Ibid*.) Proposition 73 sought to achieve these purposes and address these issues through a package of inter-related reforms, which included limits on campaign contributions for all state and local elective offices on a per-year basis, a prohibition on state and local elected officials from spending public funds on newsletters and mass mailings, and a prohibition on transfers of funds between individual candidates or their campaign committees. (CT 131.) But not all of those reforms survived scrutiny: the contribution limits and limits on transfers between candidates were later held to be unconstitutional. (*Serv. Employees Int'l Union v. Fair Political Practices Com., supra*, 955 F.2d 1312; *Serv. Employees Int'l Union v. Fair Political Practices Com., supra*, 721 F.Supp. 1172.)

The reforms proposed in Proposition 73 were a package deal—the public financing ban was not proposed as an end in itself. (*Johnson, supra*, 4 Cal.4th at p. 418 ["In no way was the prohibition against public funding

presented as an end in itself"] (conc. & dis. opn. of Mosk, J.).) It did not change the overall purposes of the Act but offered a comprehensive scheme of rules that would attempt to achieve the Act's purposes. (*See Taxpayers to Limit Campaign Spending v. Fair Political Practices Com.* (1990) 51 Cal.3d 744, 770 [Proposition 73 sought "to comprehensively regulate" campaign finance.].) As mentioned, Proposition 73 did not include express findings and purposes, unlike Propositions 208 and 34. The proponents of the initiative could have included an express statement of purpose but did not do so. Voters, in turn, did not vote on new or amended purposes for the Act. Thus, it should be assumed that Proposition 73 shared the purposes of the Act, which it was amending.

B. The Ballot Materials Show the Public Financing Ban Was Not a Purpose of Proposition 73

Respondents cite various statements from the argument in favor of Proposition 73 printed in the ballot pamphlet in an attempt to demonstrate that the public financing ban was a "significant purpose of Proposition 73." (Opp., at p. 21.) Specifically, they point to the statement that "*Proposition 73 will reform the way political campaigns are financed in California WITHOUT GIVING YOUR TAX MONEY TO POLITICIANS*!" (*Ibid.*, CT 133.) They also cite the last sentence of the proponents' rebuttal to the argument against the initiative, which says "Support true campaign finance reform WITHOUT RAIDING THE STATE TREASURY." (Opp., at p. 22; CT 134.) But neither of these statements indicates that the ban on public financing was a purpose of the initiative. In fact, the more logical reading of these statements is that they explained how the initiative's proposed package of reforms would take place—that is, without using public money.

This reading of the proponents' language is better that the one proposed by Respondents for two reasons. First, in analyzing the initiative, the legislative analyst explained that "California law does not generally

permit any public money to be spent for campaign activities" although "[a] few local government agencies . . . [had] authorized the payment of public matching funds to candidates for certain local elected officials." (CT 131.) Thus, the ban on public financing would have only had a direct effect on those local governments that had a matching program; otherwise it simply confirmed the status quo—that public financing was not available. It makes little sense to conclude that a provision with such a small impact on the status quo was a "purpose" of the initiative.

Second, the language in the ballot pamphlet is better viewed as differentiating Proposition 73 from its rival Proposition 68. The two propositions shared the common goal of limiting campaign contributions. (CT 120, 131.) But Proposition 73 proposed to do so without any use of public campaign financing, whereas Proposition 68 would have created a partial public finance system. (CT 120, 131.) The ban on public financing was a distinguishing feature of Proposition 73 as compared to Proposition 68. Proposition 73's proponents rebutted the argument against Proposition 73 by highlighting that Proposition 73 would "REFORM THE WAY POLITICAL CAMPAIGNS ARE FINANCED" while also prohibiting "politicians and special interests from using [taxpayer] money to run their campaigns." (CT 134.) This emphasis on the public financing ban was intended, at least in part, to differentiate Proposition 73 from Proposition 68.

The Attorney General's ballot title and summary also do not answer the question of whether the public financing ban was a purpose of the initiative in the context of analyzing whether a legislative amendment furthers that purpose (much less the purposes of the Act as a whole). The Attorney General is charged with preparing a ballot title and summary that gives "a true and impartial statement of the purpose of the measure." (Elec. Code, § 9051; compare Elec. Code, § 9004 [circulating title and summary identifies "chief purposes and points of the proposed measure"].) The title

and summary "must reasonably inform the voters of the character and purpose of the proposed measure." (*Yes on 25, Citizens for an On-Time Budget v. Sup. Ct.* (2010) 189 Cal.App.4th 1445, 1452.) But that does not to answer the question of what the purpose of an initiative is in the context of an analysis under Government Code section 81012. This is particularly the case where, as here, the proposed initiative amends a complex statutory scheme. The Attorney General's ballot title and summary informed voters of the purposes and features of Proposition 73, not of the Act generally.

C. The Supreme Court Has Not Addressed Whether the Public Financing Ban Was a Purpose of Proposition 73

Respondents rely heavily on the Supreme Court's opinion in *Gerken* as having established that the ban on public financing was a purpose of Proposition 73. (Opp., at pp. 17-18). But *Gerken* is not conclusive on that question. *Gerken* addressed whether, in light of a federal court decision holding that the contribution and fund transfer limits were unconstitutional, the entirety of Proposition 73 was invalid or if some part of the statute was severable and remained in effect. The Court posed the question whether "at least one substantial part of the measure remains effective." (*Gerken, supra*, 6 Cal.4th at p. 717.) The Court focused on the prohibition against using public funds for mass mailings, because it was the provision that "most clearly and easily" met that requirement. (*Ibid*.) But the court did not need to—and did not—decide whether the public financing ban remained effective, i.e., whether it was severable from the contribution limits and the prohibition on fund transfers. The court's majority opinion expressed no view regarding the purpose of Proposition 73.[1] It is well-settled that "cases

[1] The concurring and dissenting judges in *Gerken* disagreed on whether the public financing ban was severable from the contribution limits or not, Justice Baxter concurring to say that the ban was a purpose of the initiative and Justice Arabian dissenting to say that it was not severable, but (continued…)

are not authority for propositions not considered." (*Conejo v. Conejo* (1996) 13 Cal.4th 381, 387.) In fact, *Gerken* acknowledges that a provision can be a "substantial feature" of a ballot initiative without comprising its dominant purpose—reasoning that applies as well to the public finance ban.

The *Gerken* court also acknowledged that "the ban on public funding of mass mailings was not the 'heart' or 'dominant purpose' of the measure" even though it was "a substantial feature of the initiative." (*Gerken*, *supra,* 6 Cal.4th at p. 719.) It necessarily follows that the ban on public financing was not a "dominant" purpose of Proposition 73 either; both components were listed in the ballot title and summary after the contribution limits and limits on transfers of funds between candidates. (CT 131.)

IV. THE LEGISLATURE IS AUTHORIZED TO AMEND THE POLITICAL REFORM ACT UNDER SECTION 81012

Government Code section 81012 allows the Legislature to amend *any* provision of the Act without voter approval, if that amendment furthers the purposes of the Act.[2] This procedure for Legislative amendments to the Act governs all of the various sections and subdivisions of the Act, including those added by later voter initiatives. (*Cal. Common Cause v. Fair Political Practices Com.*, *supra*, 221 Cal.App.3d at p. 651 ["[S]ection 85300—like other provisions of the Act—may be amended by a bill concurred in by two-thirds of the membership of the Legislature and signed by the Governor"].) Therefore, it is not necessary that each new voter

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(…continued)
was intertwined with the provisions that had been declared unconstitutional. (*Id.* at pp. 720-27 (conc. opn. of Baxter, J; dis. opn. of Arabian, J.).)

[2] A Legislative amendment to the Act must also be passed by a two-thirds vote in both the Senate and Assembly and signed by the Governor. (Gov. Code, § 81012, subd. (a).) This must occur after the bill has been delivered to the FPPC and distributed to the media.

initiative that amends the Act include a specific authorization for the Legislature to amend the statute.

Proposition 73 initially included a provision expressly permitting amendment of the section added by that proposition. (CT 132; Gov. Code, § 85103.) That specific provision was later repealed by Proposition 208. (CT 142-42.) The provisions added by Proposition 208 were later repealed and replaced by Proposition 34, maintaining the repeal of section 85103. (CT 159.) But neither of these Propositions changed Government Code section 81012, which sets out the procedures and conditions for Legislative amendment of the entire Act. Respondents argue that the repeal of the express provision in Proposition 73 that confirmed the Legislature's ability to amend the provisions added by Proposition 73 means that voters have withdrawn their authorization for the Legislature to amend that section. (Opp., at pp. 27-28.) But as the trial court correctly explained, "Section 85103 merely confirmed the Legislature's authority to amend the provisions of Proposition 73 under section 81012," and the "subsequent repeal of section 85103 did not repeal the Legislature's authority to amend [the Act] under section 81012." (CT 493.) As the trial court also noted, Proposition 208 and Proposition 34 provided that the definitions and provisions of the Act shall govern unless specifically superseded. (CT 494.)

CONCLUSION

For the foregoing reasons and those stated in Appellants' Opening Brief, this Court should reverse the trial court's order granting the writ of mandate and direct the trial court to enter judgment for Appellants.

Dated: March 1, 2019

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that the attached Appellants' Reply Brief uses a 13 point Times New Roman font and contains 4634 words.

Dated: March 1, 2019

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DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: **Howard Jarvis Taxpayers Assn., et al. v. Edmund G. Brown, Jr., et al.**

Court of Appeal Case No.: **C086334**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service.

On March 1, 2019, I electronically served the attached **APPELLANT'S REPLY BRIEF** by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on March 1, 2019, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

[SEE ATTACHED SERVICE LIST]

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 1, 2019, at Los Angeles, California.

C. Apodaca	/s/
Declarant	Signature

SA2018100280

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: **Howard Jarvis Taxpayers Assn., et al. v. Edmund G. Brown, Jr., et al.**

Case No.: **C086334**

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