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Case #26CV500944

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

QUENTIN L. KOPP, DAWN DAVIS,
BRIAN HOLTZ, THUNDER PARLEY,
CHRISTOPHER ROBELL, THOMAS
RUBIN, MARC JOFFE, SANDRA
KALLANDER, DAN STEGINK, and
GREGG DIEGUEZ, individuals and
electors in the Public Transit Revenue
Measure District,

Petitioners,

vs.

KIMBERLY WARD, in her official
capacity as Public Transit Revenue
Measure District Elections Official; MATT
MORELES, in his official capacity as
SANTA CLARA COUNTY REGISTRAR
OF VOTERS; CYNTHIA CORNEJO, in
her official capacity as interim ALAMEDA
COUNTY REGISTRAR OF VOTERS;
KRISTIN CONNELLY, in her official
capacity as CONTRA COSTA COUNTY
CLERK-RECORDER AND REGISTRAR
OF VOTERS; JOHN ARNTZ, in his
official capacity as DIRECTOR, CITY
AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF ELECTIONS; and
MARK CHURCH, in his official capacity
as SAN MATEO COUNTY ASSESSOR-
COUNTY CLERK-RECORDER AND

Case No.: 26CV500944

**VERIFIED PETITION FOR WRIT OF
MANDATE AND PRELIMINARY
INJUNCTION**

***[PRIORITY ELECTION MATTER PURSUANT
TO CALIFORNIA ELECTIONS CODE
§ 13314(a)(3)]***

**Respondent MORELES has asserted: “For any
petition for writ of mandate that is filed after
Friday, August 28, 2026 the County of Santa
Clara Registrar of Voters reserves the right to
oppose the petition on the grounds that it will
"substantially interfere with the conduct of the
election." Any petition filed before Friday,
August 28, 2026, including any appeals, should
be resolved by Friday, August 28, 2026, so the
Registrar of Voters can meet necessary election
deadlines.” (Local Civil Rule 10.)**

**(California Elections Code §§ 9051, 9380, 10403,
13119, 13314; California Code of Civil
Procedure §§ 1060, 1085)**

CHIEF ELECTIONS OFFICER;

Respondents.

PUBLIC TRANSIT REVENUE
MEASURE DISTRICT; PUBLIC
TRANSIT REVENUE MEASURE
DISTRICT BOARD; and KATHLEEN
KANE, in her official capacity as Public
Transit Revenue Measure District counsel;

Real Parties in Interest.

PETITION FOR WRIT OF MANDATE AND PRELIMINARY INJUNCTION

Petitioners QUENTIN L. KOPP, DAWN DAVIS, BRIAN HOLTZ, THUNDER PARLEY, CHRISTOPHER ROBELL, THOMAS RUBIN, MARC JOFFE, SANDRA KALLANDER, DAN STEGINK, and GREGG DIEGUEZ, individuals and electors in the Public Transit Revenue Measure District (“PTRMD” or “DISTRICT”) (“Petitioners”), hereby petition this Court for a peremptory writ of mandate and preliminary injunction pursuant to Elections Code sections 9380 and 13314, subdivision (a)(1), and Code of Civil Procedure section 1085.

This case concerns the Regional Transit Measure (“RTM”), a transactions and use tax (“sales” tax) measure, which Real Party in Interest PUBLIC TRANSIT REVENUE MEASURE DISTRICT BOARD (“DISTRICT BOARD” or “BOARD”) voted at its July 24, 2026 meeting to place on the November 3, 2026 ballot in five San Francisco Bay Area counties (Alameda, Contra Costa, San Mateo, San Francisco, and Santa Clara) (hereinafter “FIVE BAY AREA COUNTIES”). This action challenges biased, not neutral, untrue, partial, argumentative, and/or prejudicial wording in the RTM Ballot Question (also called “ballot label” or “statement of the measure”) in violation of the Elections Code sections 9051(e) and 13119(c) standards and false and/or misleading wording in the RTM Ballot Question under the Elections Code section 9380/*McDonough v. Superior Court* (2012) 204 Cal.App.4th 1169 (“*McDonough*”) standard. This lawsuit also challenges the Impartial Analysis authored by real party in interest DISTRICT Counsel KATHLEEN KANE as false, misleading, and/or not impartial in violation of Elections Code section 9380.

1 **EXPEDITED HEARING REQUIRED**

2 As an elections-related writ, this Petition is entitled to preferential, expedited hearing per
3 Elections Code section 13314, subdivision (a)(3). Petitioners will file an ex parte application for an
4 order shortening time for the Court to hold a trial setting conference in order to set an expedited briefing
5 and hearing schedule immediately after filing this Petition. Counsel for Petitioners will provide an
6 advance courtesy copy of this Petition via e-mail to counsel for Respondents and Real Parties in Interest
7 in addition to regular service.

8 Specifically, Petitioners allege as follows:

- 9 1. Petitioner the Honorable QUENTIN L. KOPP is a registered voter in the City and County of San
10 Francisco and is, therefore, beneficially interested in the upcoming RTM election on November 3, 2026
11 as an elector. Mr. KOPP is President of the San Francisco Taxpayers Association.
- 12 2. Petitioner DAWN DAVIS is a registered voter in the County of Santa Clara and is, therefore,
13 beneficially interested in the upcoming RTM election on November 3, 2026 as an elector.
- 14 3. Petitioner BRIAN HOLTZ (“HOLTZ”) is a registered voter in the County of Santa Clara and is,
15 therefore, beneficially interested in the upcoming RTM election on November 3, 2026 as an elector. Mr.
16 HOLTZ is President of the Purissima Hills Water District Board of Directors in Santa Clara County.
17 Mr. HOLTZ is the Secretary and Treasurer of the Libertarian Party of Santa Clara County.
- 18 4. Petitioner THUNDER PARLEY is a registered voter in the County of Santa Clara and is,
19 therefore, beneficially interested in the upcoming RTM election on November 3, 2026 as an elector.
- 20 5. Petitioner CHRISTOPHER ROBELL is a registered voter in the County of Santa Clara and is,
21 therefore, beneficially interested in the upcoming RTM election on November 3, 2026 as an elector.
- 22 6. Petitioner THOMAS RUBIN is a registered voter in the County of Alameda and is, therefore,
23 beneficially interested in the upcoming RTM election on November 3, 2026 as an elector. Mr. RUBIN
24 is Vice President of the Alameda County Taxpayers Association, Inc., a California nonprofit
25 corporation, comprised of Alameda County taxpayers, organized and existing under the laws of
26 California for the purpose, among others, of initiating in the advancement of movements to promote
27 efficiency and economy in government.
- 28 7. Petitioner MARC JOFFE is a registered voter in the County of Contra Costa and is, therefore,
beneficially interested in the upcoming RTM election on November 3, 2026 as an elector. Mr. JOFFE is

1 President of the Contra Costa Taxpayers Association. Mr. JOFFE published an op-ed opposing the
2 RTM in the *San Jose Mercury News* and *East Bay Times* newspapers on July 22, 2026.

3 8. Petitioner SANDRA KALLANDER is a registered voter in the County of Contra Costa and is,
4 therefore, beneficially interested in the upcoming RTM election on November 3, 2026 as an elector.

5 9. Petitioner DAN STEGINK is a registered voter in the County of San Mateo and is, therefore,
6 beneficially interested in the upcoming RTM election on November 3, 2026 as an elector.

7 10. Petitioner GREGG DIEGUEZ is a registered voter in the County of San Mateo and is, therefore,
8 beneficially interested in the upcoming RTM election on November 3, 2026 as an elector.

9 11. Respondent KIMBERLY WARD (“WARD”) is the District County Elections Official for the
10 RTM election.

11 12. Respondent MATT MORELES (“MORELES”) is the SANTA CLARA COUNTY
12 REGISTRAR OF VOTERS. Mr. MORELES is a County Elections Official for the RTM election. The
13 website of Mr. MORELES asserts the following statement:

14 NOTICE IS HEREBY GIVEN that the FINAL PRINTING DEADLINE
15 DATE is Friday, August 28, 2026, by which all ballot language and
16 County Voter Information Guides (CVIG) materials must be finalized,
including resolving any legal challenges in court.

17 ***NOTE REGARDING LEGAL CHALLENGES*** For any petition for
18 writ of mandate that is filed after Friday, August 28, 2026 the County of
19 Santa Clara Registrar of Voters reserves the right to oppose the petition on
20 the grounds that it will "substantially interfere with the conduct of the
21 election." Any petition filed before Friday, August 28, 2026, including any
22 appeals, should be resolved by Friday, August 28, 2026, so the Registrar
of Voters can meet necessary election deadlines.

(https://files.santaclaracounty.gov/exjcpb1296/2026-03/november-3-2026-general-election-calendar-mtc-v3_0.pdf)

23 Petitioners do not necessarily agree with the veracity of those assertions, which are not made under
24 penalty of perjury and should be subjected to cross examination.

25 13. Respondent CYNTHIA CORNEJO (“CORNEJO”) is the interim ALAMEDA COUNTY
26 REGISTRAR OF VOTERS. Ms. CORNEJO is a County Elections Official for the RTM election.

1 14. Respondent KRISTIN CONNELLY (“CONNELLY”) is CONTRA COSTA COUNTY CLERK-
2 RECORDER AND REGISTRAR OF VOTERS. Ms. CONNELLY is a County Elections Official for
3 the RTM election.

4 15. Respondent JOHN ARNTZ (“ARNTZ”) is DIRECTOR, CITY AND COUNTY OF SAN
5 FRANCISCO DEPARTMENT OF ELECTIONS. Mr. ARNTZ is a County Elections Official for the
6 RTM election.

7 16. Respondent MARK CHURCH (“CHURCH”) is SAN MATEO COUNTY ASSESSOR-
8 COUNTY CLERK-RECORDER AND CHIEF ELECTIONS OFFICER. Mr. CHURCH is a County
9 Elections Official for the RTM election.

10 17. Respondents MORELES, CORNEJO, CONNELLY, ARNTZ, and CHURCH collectively are the
11 “COUNTY ELECTIONS OFFICIALS” in the FIVE BAY AREA COUNTIES. The COUNTY
12 ELECTIONS OFFICIALS have a mandatory duty to comply with the following: “Each county included
13 in the district shall use the election materials provided by the district, including the exact ballot question,
14 impartial analysis, and the full text of the ballot measure, for inclusion in the county voter information
15 guide.” (Gov. Code, § 67740, subd. (d).)

16 18. Real Party in Interest PUBLIC TRANSIT REVENUE MEASURE DISTRICT (“PTRMD” or
17 “DISTRICT”) is a California public entity established by Government Code section 67710. The
18 DISTRICT “authored the material in question.” (§9380(b)(3).¹)

19 19. Real Party in Interest PUBLIC TRANSIT REVENUE MEASURE DISTRICT BOARD
20 (“PTRMD BOARD” or “DISTRICT BOARD”) is the governing body of the PUBLIC TRANSIT
21 REVENUE MEASURE DISTRICT. The DISTRICT BOARD voted at its July 24, 2026 meeting to
22 place RTM on the November 3, 2026 ballot. The DISTRICT BOARD approved DISTRICT Resolution
23 No. 2. That action included approval of the RTM Ballot Question. The DISTRICT BOARD “authored
24 the material in question.” (§9380(b)(3).)

25 20. Petitioners QUENTIN L. KOPP et al. seek a writ of mandate to compel amendment of the ballot
26 question (also known as “ballot label” or “statement of the measure”) and the impartial analysis that
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¹ All plain statutory references in this Petition are to the California Elections Code.

Respondents COUNTY ELECTIONS OFFICIALS and Ms. WARD are preparing for voter use in the Regional Transit Measure (“RTM”) election to be held on November 3, 2026.

21. On October 7, 2022, the Santa Clara County Civil Grand Jury issued a report titled, “If You Only Read the Ballot, You're Being Duped.”² The 2022 Grand Jury observed:

This Civil Grand Jury identified as a problem the choice of wording used in local ballot measure questions. Specifically, the Civil Grand Jury discovered that some local governing entities presenting measures for a public vote create ballot questions that are purposefully misleading so they may obtain their desired result. In particular, it was noted that the wording of a ballot question from the June 2022 election, although representing a relatively simple issue, created confusion among the public. When voters found out what the text of the measure actually meant, they felt deceived by the wording of the ballot question. Deception in ballot questions is worth the attention of the Civil Grand Jury. This problem must be remediated to reinstate good governance in the election process. (Emphasis added.)

22. The Grand Jury concluded in its 2022 report:

Poorly worded ballot questions may not be illegal, but if they withhold information to shield what is really at issue, they are unethical. There are insufficient workable checks and balances to prevent this ongoing issue from being curtailed. Not doing anything about this only adds to the distrust of government. The Civil Grand Jury recommends that elected officials be held accountable-ballot questions must be transparent and clear in order to enable today's voters to make informed decisions. The Civil Grand Jury wants governing entities to know that the public is paying attention and will not tolerate questions that are anything less than truthful, impartial, and fair. Further, ballot measure questions need to be straightforward, understandable, transparent, and honest. (Emphasis added.)

23. The 2022 Santa Clara County Civil Grand Jury issued a "finding" concerning deceptive ballot questions: “The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.” (Emphasis added.)

24. In 2024, the County of Santa Clara Civil Grand Jury filed a "Continuity Report"³ concerning the 2022 report titled, "If You Only Read the Ballot, You're Being Duped." That 2024 Grand Jury

² https://santaclara.courts.ca.gov/system/files/if-you-only-read-ballot-you-are-being-duped_0.pdf

Continuity Report summarized its 2022 report: “The phrasing of ballot measure questions can influence the outcome of an election. Voters almost always rely on the language of the ballot measure question instead of researching the issue. Many voters have difficulty understanding ballot measure questions which can include complicated language.”

25. The 2024 Grand Jury Continuity Report also issued a "Key Finding": “The wording of ballot measure questions is unregulated at the local level and authors can write ballot measure questions in a way that is confusing or misleading to voters.” (*Id.*)

26. On June 17, 2026, the Santa Clara County Civil Grand Jury issued a report titled, “VTA’s Management and Oversight of BART Silicon Valley Phase II.”⁴ It stated, in part, “This report identifies financial challenges, risks, and accountability issues that VTA must address to earn the public’s trust in delivering the Bay Area Rapid Transit (BART) extension to Silicon Valley and to secure support for future sales tax measures.” “Finding 1” was “[t]he BSVII project currently requires voter approval of additional sales tax measures to address gaps in construction and operations funding.”

27. The *Mercury News* editorial of June 26, 2020 titled "Cities, schools should stop deceiving voters on ballot tax measures"⁵ and the October 7, 2022 Santa Clara County Civil Grand Jury report about ballot questions titled "If You Only Read the Ballot, You're Being Duped" inspired Petitioners to file this lawsuit. Petitioners also drew inspiration from a column by Daniel Borenstein titled "Ballot Measures: Tricks local officials use to deceive voters" in the January 21, 2022 edition of the *Mercury News*.⁶

28. Petitioners assert that the DISTRICT and DISTRICT BOARD wrote the RTM Ballot Question for the November 3, 2026 ballot in a way that is intentionally confusing or misleading to voters, just as the Santa Clara County Civil Grand Jury warned in its 2022 and 2024 reports.

³ <https://santaclara.courts.ca.gov/system/files/civil/continuity-report.pdf>

⁴ <https://santaclara.courts.ca.gov/system/files/civil/vtas-management-and-oversight-bart-silicon-valley-phase-ii.pdf>

⁵ See: bayareane.ws/2A1lj06

⁶ See: <https://www.mercurynews.com/2022/01/21/borenstein-tricks-california-local-officials-use-to-deceive-voters/>

29. Issuance of a peremptory writ of mandate will not substantially interfere with the printing or distribution of election materials as required by law, because this writ is filed on August 17, 2026, well before the first ballots must be distributed.

30. Petitioners QUENTIN L. KOPP et al. have no adequate remedy at law because of the imminence of the election.

STANDING

31. Petitioners have individual standing as “Electors” pursuant to Elections Code section 321(a). Petitioners have a concrete, significant interest in the matters set forth. Petitioners are registered voters in the RTM election in each of the FIVE BAY AREA COUNTIES and therefore are directly affected by the wording of the RTM ballot question. The passage of the RTM would increase the sales tax rate in the FIVE BAY AREA COUNTIES, which affects the Petitioners, who would be among the millions of persons who would pay higher sales taxes on trillions of dollars of taxable transactions (collecting an estimated \$17 billion) during the 14-year period when the RTM tax would be imposed.

JURISDICTION

32. The Court has jurisdiction over this matter pursuant to Elections Code sections 9380 and 13314; and Code of Civil Procedure section 1085.

33. Code of Civil Procedure section 1060 authorizes declaratory judgments.

34. Elections Code section 9380 authorizes a writ of mandate and injunction to review election materials under certain circumstances.

35. Elections Code section 13314, subdivision (a)(1), authorizes an elector to seek a writ of mandate “alleging that an error or omission has occurred, or is about to occur ... in the print of, a ballot, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.”

36. Elections Code section 13314, subdivision (a)(3), provides priority for this action “over all other civil matters.”

37. Code of Civil Procedure section 1085 authorizes a writ of mandate “to compel the performance of an act which the law specifically enjoins, a duty resulting from an office, trust, or station ...”

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VENUE

38. Acts complained of herein as the subject of this action occurred in the County of Santa Clara, California. The DISTRICT's enabling act assigns certain PTRMD electoral activities to "the county that contains the largest population, as determined by the most recent federal decennial census." (Government Code section 67740.) The county in the PTRMD that contains the largest population, as determined by the most recent federal decennial census, is the County of Santa Clara. The County of Santa Clara also the "lead county" for the RTM, pursuant to Elections Code section 9611, because it is "the county with the most voters within the district bounds." Thus, venue is properly with the Superior Court of the State of California for the County of Santa Clara.

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LEGAL STANDARDS

39. Elections Code section 9051, subdivision (b), requires ballot labels to have no more than seventy-five (75) words. Section 9051(e) requires the ballot title and summary to be "a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure."

40. Elections Code section 13119, subdivision (c), says, "The statement of the measure shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure."⁷

41. Elections Code section 9380, subdivision (a), states in part, "The elections official shall make a copy of the materials referred to in Sections 9312, 9315, and 9317 available for public examination in his or her office for a period of 10 calendar days immediately following the filing deadline for submission of those documents."

42. Elections Code section 9380, subdivision (b)(1), states, "During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring

⁷ Section 13119, subdivision (c), is a relatively new statutory provision, first enacted in 2017, based upon Section 9051. No published case has yet been issued interpreting Section 13119(c).

any material to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.”

43. Elections Code section 9380, subdivision (b)(2), states, “A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.”

44. Elections Code section 13314, subdivision (a)(2), provides the analytical standard for a writ brought pursuant to Section 13314(a)(1): “A peremptory writ of mandate shall issue only upon proof of both of the following: ... That the error, omission, or neglect is in violation of this code or the Constitution ... That issuance of the writ will not substantially interfere with the conduct of the election.”

45. Elections Code section 13119, subdivision (b), requires the statement of the measure/ballot question/ballot label for any proposed tax or tax rate increase to “include in the statement of the ordinance to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied.”

46. Elections Code section 10403 states in part, “Whenever an election called by a district, city, or other political subdivision for the submission of a question, proposition, or office to be filled is to be consolidated with a statewide election ... The question or proposition to appear on the ballot shall conform to this code governing the wording of propositions submitted to the voters at a statewide election.” Section 10403 is the statute that applies Section 9051 to local measures.

47. PTRMD is a local “district” pursuant to Elections Code § 9300 et seq. for purposes of the RTM.

For the purpose of the placement of a tax ordinance on the ballot, the Public Transit Revenue Measure District is a “district,” as defined in Section 317 of the Elections Code. A measure proposed by the board that requires voter approval or a qualified initiative measure proposed for the district by the voters of the counties comprising the district shall be submitted to the voters of the counties that are contained in the district, in accordance with the provisions of the Elections Code applicable to districts, including Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code. (Gov. Code, § 67740, subd. (b).)

1 48. Petitioners have a beneficial interest in the outcome of this action. (*Green v. Obledo* (1981) 29
2 Cal.3d 126, 144; *Bd. Soc. Welfare v. County of Los Angeles* (1945) 27 Cal.2d 98, 100-101 (“where the
3 question is one of public right and the object of the mandamus is to procure the enforcement of a public
4 duty ... it is sufficient that [a petitioner] is interested as a citizen in having the laws executed and the
5 duty in question enforced.”))

6 49. Respondents and Real Parties in Interest have a ministerial duty to follow the law and have
7 violated that duty as described herein.

8 50. Petitioners have no adequate remedy at law. Publication of the RTM Ballot Question as
9 approved by the DISTRICT BOARD on July 24, 2026 will result in irreparable harm as Petitioners, and
10 all Electors of FIVE BAY AREA COUNTIES, will have to vote based on information that is erroneous,
11 inaccurate, not neutral, biased, not true, partial, argumentative, prejudicial in favor of the measure, false,
12 and/or misleading.

13 **FIRST CAUSE OF ACTION**

14
15 **Ballot Question Text Is an Untrue and/or a Partial Synopsis/Condensed Statement of the Regional**
16 **Transit Measure (RTM), and/or Argumentative, and/or Prejudicial in Favor of the RTM, and/or**
17 **Biased, and/or Not Neutral**

18 **(Petition for Writ of Mandate – Elections Code sections 9501(e), 13119(c) and 13314)**

19 **(Against Respondents COUNTY ELECTIONS OFFICIALS, WARD and Real Parties in Interest**
20 **PTRMD and PTRMD BOARD)**

21 51. Petitioners hereby allege and incorporate by reference Paragraphs 1-50, inclusive.

22 52. At a meeting on July 24, 2026, the PTRMD BOARD adopted DISTRICT Resolution No. 2,
23 which included the RTM Ballot Question.

24 53. As approved by the PTRMD BOARD at its July 24, 2026 meeting, the RTM Ballot Question
25 currently reads:

26 To prevent major service cuts to BART and other transit, avoid increased
27 traffic, and reduce pollution by: Preserving BART, Caltrain, VTA,
28 SamTrans, AC Transit, Muni, other transit for everyone, including
workers, students, seniors, persons with disabilities; Supporting transit
safety, cleanliness, affordability, reliability; Repairing targeted
roads/potholes; Requiring financial transparency, oversight,
accountability; shall the measure enacting a 0.5% (Alameda, Contra Costa,

San Mateo, Santa Clara counties), and 1% (San Francisco) sales tax for 14 years generating approximately \$980,000,000 annually, be adopted?

54. Based on the foregoing, PTRMD BOARD has violated the law by approving a ballot question that does not comply with Elections Code sections 9051 and 13119, and Respondents COUNTY ELECTION OFFICIALS and District Elections Official WARD have violated the law by accepting the Ballot Question in unlawful form, for printing and distribution to Electors in the FIVE BAY AREA COUNTIES.

55. Based on the foregoing, Petitioners are entitled to a writ of mandate pursuant to Elections Code sections 9051, 13119, and 13314, to direct Respondents COUNTY ELECTION OFFICIALS and/or District Elections Official WARD and/or Real Parties in Interest DISTRICT and DISTRICT BOARD to amend the RTM Ballot Question⁸ to include wording consistent with Elections Code sections 9051 and 13119 prior to submission to the Electors for the November 3, 2026 election.

56. Section 9051(e) applies to ballot questions for local measures through Section 10403(a)(2). In *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 243, the California Supreme Court interpreted the statute (then codified at Section 3531), which set forth the requirements for arguments being true, impartial, and non-prejudicial: “The main purpose of these requirements is to avoid misleading the public with inaccurate information.” See *Yes on 25, Citizens for an On-Time Budget v. Superior Court* (2010) 189 Cal.App.4th 1445, 1452 for a direct application of Section 9051(e) to a state measure.⁹ The RTM Ballot Question, as approved by the DISTRICT and

⁸ Section 13119 uses the phrase “statement of the measure” interchangeably with the phrases “ballot label” and “ballot question” as used in the Elections Code and as referenced in this Petition.

⁹ More judicial scrutiny is warranted for local measures than state measures because local measure sponsors are inherently self-interested in writing ballot labels for their own measures than is the Attorney General in writing ballot labels and summaries for statewide measures. In stark contrast to local measures wherein sponsors prepare ballot labels, for statewide measures “[t]he Attorney General shall invite and consider public comment in preparing each ballot title and summary.” § 9051. Furthermore, in evaluating the applicability of Section 9051 cases to local ballot measures, the Court should consider that ballot materials relating to state ballot measures have a broader basis for judicial review under the Elections Code than do local measure ballot materials. Section 9092 provides for a 20-day public examination period for the copy for the State Voter Information Guide. Local measures do not have an equivalent section to Section 9092 for general review of a County Voter Information Guide.

DISTRICT BOARD on July 24, 2026, misleads the public with inaccurate information. This Court must intervene and enforce the ballot question standards in Elections Code sections 9051(e) and 13119(c).

57. Elections Code section 10403 requires a ballot question (also called “ballot label” or “summary of the measure”) to “conform to this code governing the wording of propositions submitted to the voters at a statewide election.” Elections Code section 9051 provides that in a statewide election the ballot title and summary of an initiative or referendum must be a “**true and impartial statement** of the purpose of the measure in such language that the ballot title and summary shall **neither be an argument, nor be likely to create prejudice, for** or against the proposed measure.”¹⁰ (Emphasis added.)

58. Elections Code section 13119(c) is the legal standard for all local ballot questions/ballot labels. Section 13119(c) states, “The statement of the measure shall be a **true and impartial synopsis**¹¹ of the purpose of the proposed measure, and shall be in language that is neither **argumentative** nor likely to **create prejudice for** or against **the measure**.”¹² (Emphasis added.)

59. Courts have interpreted the definition of “partial” in the context of ballot labels. “We understand ‘partial’ to mean [that] the council's language signals to voters the council's view of how they should vote, or casts a favorable light on one side of the [issue] while disparaging the opposing view.” (*McDonough v. Superior Court* (2012) 204 Cal.App.4th 1169, 1174 (quoting *Martinez v. Superior Court* (2006) 142 Cal.App.4th 1245, 1248 (“*Martinez*”).) In the instant case, the DISTRICT BOARD, the author of the RTM Ballot Question, is the functional equivalent of the city councils in *McDonough* and *Martinez*.

¹⁰ In *McDonough v. Superior Court* (2012) 204 Cal.App.4th 1169, the court altered a local ballot question/ballot label based upon violation of Section 9051 through Section 10403 (via Section 9295). These same standard applies to regional measures like the RTM through Section 9380.

¹¹ The “Merriam-Webster Dictionary” defines “synopsis” as “a condensed statement or outline (as of a narrative or treatise) : ABSTRACT.” (<https://www.merriam-webster.com/dictionary/synopsis>)

¹² Petitioners contend that a “preponderance of the evidence” burden of proof applies to ballot question challenges under Section 13119(c) via Section 13314. Evidence Code section 115 states, in part, “Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.” Elections Code section 13314(a)(2) states in part, “A peremptory writ of mandate shall issue only upon proof of both of the following ...” Note that the word “proof” is unmodified in Section 13314. Contrast that with “clear and convincing proof” in Sections 9190 and 9380.

60. In *McDonough*, the petitioners alleged that a ballot question was misleading and biased in favor of passage, rather than neutral as required by the Elections Code. The Sixth Appellate District concluded that the ballot title “PENSION REFORM” and text were impermissibly partisan. By combining the word "reform" with "pension" in the title, all in capital letters, the court found that the city council had implicitly characterized the existing pension system as defective, wrong, or susceptible to abuse, thereby taking a biased position in the very titling of the measure itself. The Court of Appeal determined the title should be altered to read "PENSION MODIFICATION" to eliminate the use of the argumentative word "reform." The advocacy inherent in the introductory language of the ballot question was deemed partisan and prejudicial. It was necessary to amend the ballot question to conform to the standards of impartiality required by the Elections Code. The court issued a peremptory writ of mandate and ordered the ballot title and ballot question be amended.

61. In *McDonough*, the Sixth Appellate District firmly held: “These points, however, properly belong in the ballot arguments in favor of the measure, not in the ballot question, which must be cast in neutral, unbiased language.” (*Id.* at p. 1176.) In the instant case, the RTM Ballot Question similarly fails because it is **not** “cast in neutral, unbiased language.”

62. “The use of the ballot form [i.e., label] to favor a particular side in the election directly conflicts with the legislative intent to submit the measure to the voters in a concise and neutral manner. In the present case, the use of partisan language was a sufficiently egregious deviation from the prescribed form to fall outside the limits of substantial compliance.” (*Citizens for Responsible Government v. City of Albany* (1997) 56 Cal.App.4th 1199, 1228.)

63. The RTM Ballot Question is inherently prejudicial. The Metropolitan Transportation Commission (“MTC,” an alter ego of the DISTRICT with the same governing board) tested a nearly identical Ballot Question in a voter survey (in October 2025) and determined the 75 words that most appealed to voters. As discussed *infra*, the appearance of the voter survey’s high-scoring phrases in the approved RTM ballot question is prima facie evidence that the RTM Ballot Question is “likely to create prejudice for” the RTM.

64. To comply with the Elections Code sections 9051 and 13119 standards as explicated by *McDonough*, *Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th 1417 (“*Huntington Beach*”), and other cases, the following statements must be amended or removed from the

RTM ballot question because they are untrue, “argumentative,” not impartial, and/or “likely to create prejudice for” the RTM.

A. Amend the phrase “Preserving BART ...” to read “Funding BART ...”

65. First, the phrase “Preserving BART ...” should be amended because it is not neutral and is biased, partial, argumentative, and/or likely to create prejudice in favor of the RTM.

66. The phrase “Preserving BART ...” in the RTM Ballot Question is extremely prejudicial. The Merriam-Webster Dictionary defines the verb “preserve” as “1: to keep safe from injury, harm, or destruction : PROTECT; 2a: to keep alive, intact, or free from decay b: MAINTAIN 3a: to keep or save from decomposition ...”¹³ The word “preserve” also conjures mental images of a life preserver.

67. The verb “Preserving” in the RTM Ballot Question is argumentative. “Preserving” suggests to voters that if they vote “no” they will not “protect” the Bay Area transit system. The Sixth Appellate District is especially skeptical of ballot questions that claim to “protect” public services. In *McDonough*, the Court of Appeal ordered deletion from a ballot question an entire phrase that stated, “To protect essential services, including neighborhood police patrols, fire stations, libraries, community centers, streets and parks.” (*McDonough* at p. 1176.) The Sixth District concluded that phrase should be stricken because “it promotes Measure B by implying that if voters do not endorse pension reform by passing the measure, the public will lose fire and police protection and be deprived of popular community resources.” (*Id.* at p. 1175.) In the instant case, the verb “Preserving” promotes the RTM by implying that if voters do not endorse the new tax by passing the RTM, the public will lose BART, Caltrain, VTA, SamTrans, AC Transit, Muni, and other “transit for everyone.”

68. The verb “Preserving” in the RTM Ballot Question is not impartial. (See the discussion of “partial” in *McDonough* at p. 1174, quoted in ¶ 60, *supra*.) In the instant case, the word “Preserving” is “partial” because it signals to voters the DISTRICT BOARD’s view of how they should vote or casts a favorable light on one side of the RTM while disparaging the opposing view. Use of the word

¹³ <https://www.merriam-webster.com/dictionary/preserve>

“preserving” suggests to voters that if they vote “no” on the RTM, they are opposed to “Preserving BART, Caltrain, VTA, SamTrans, AC Transit, Muni, other transit for everyone ...”

69. The Legislative Counsel’s Digest of the DISTRICT’s enabling act, SB 63 (2025), summarized the entire bill as “San Francisco Bay area: local revenue measure: public transit funding.” All factions of the RTM debate can agree that the RTM would provide “funding” for Bay Area public transit. The verb “Funding” is neutral, unbiased, a true and impartial synopsis (or condensed statement or abstract) of the RTM, not argumentative, and not prejudicial in favor of the measure.

70. Therefore, Petitioners suggest that the verb “Preserving” be replaced with the verb “Funding” in the RTM Ballot Question.

B. Delete the phrase “for everyone, including workers, students, seniors, persons with disabilities”.

71. The phrase should be deleted because it is not neutral, not impartial, argumentative, and likely to create prejudice in favor of the RTM.

72. As approved by the DISTRICT BOARD, the RTM Ballot Question reads, “Preserving BART ... other transit for everyone, including workers, students, seniors, persons with disabilities”.

73. The phrase “**transit for everyone** ...” is extremely prejudicial. It is indistinguishable from a campaign slogan. Note well that the phrase originated with hypothetical ballot question in the October 2025 MTC voter survey, which was conducted three months before the initiative began to be circulated in January 2026. The words appear to have been carefully chosen to appeal to selective voting blocs.

74. The words “everyone,” “workers,” “students,” “seniors,” and “persons with disabilities” are not found anywhere in the DISTRICT’s enabling act (Gov. Code, § 67700 et seq.). Hence, those words are not a true and impartial synopsis/condensed statement/abstract of the RTM.

75. The phrase “Preserving BART ... other transit for everyone, including workers, students, seniors, persons with disabilities” is partial because it signals to voters the DISTRICT BOARD’s view of how they should vote or casts a favorable light on one side of the RTM while disparaging the opposing view. It suggests to voters that if they vote “no” on the RTM, they are opposed to “[p]reserving ... transit for everyone,” especially vulnerable or disadvantaged populations like “students, seniors, persons with disabilities.”

1 76. The phrase “Preserving BART ... other transit for everyone, including workers, students,
2 seniors, persons for disabilities” is argumentative for similar reasons.
3

4 **C. Delete the phrase “To prevent major service cuts to BART and other transit”.**

5 77. The phrase “To prevent major service cuts to BART and other transit” should be deleted from
6 the RTM Ballot Question. It is not neutral and is flagrantly biased. In the words of the Sixth Appellate
7 District in *McDonough*, “These points, however, properly belong in the ballot arguments in favor of the
8 measure, not in the ballot question, which must be cast in neutral, unbiased language.” (*Id.* at p. 1176.)

9 78. The phrase is partial because it signals to voters the DISTRICT BOARD’s view of how they
10 should vote or casts a favorable light on one side of the RTM while disparaging the opposing view. It
11 suggests to voters that if they vote “no” on the RTM, they will not “prevent major service cuts to BART
12 and other transit.”

13 79. The phrase is argumentative because it presumes that the RTM actually would “prevent major
14 service cuts to BART and other transit.” Petitioners disagree. The following scenarios could occur that
15 would make that phrase argumentative or misleading:

- 16 a. A large number of riders could return to “BART and other transit” during the 14-year life
17 of the measure, increasing fare box revenue to such extent that “major service cuts”
18 would not occur, rendering funds from the RTM unnecessary.
- 19 b. A future Congress or State Legislature between 2027 and 2041 could provide
20 considerable subsidies, avoiding “major service cuts to BART and other transit,”
21 rendering funds from the RTM unnecessary.
- 22 c. Bay Area transit agencies could increase service above pre-pandemic levels and then
23 claim that the RTM is needed to “prevent ... service cuts” that in reality would be
24 “service cuts” to a level that still exceeds pre-pandemic levels of service.

25 A ballot question is supposed to be neutral and unbiased, not provocative.

26 80. The phrase “To prevent major service cuts to BART and other transit” should be deleted from
27 the RTM Ballot Question because that phrase is prejudicial in favor of the RTM. The October 2025
28 voter poll commissioned by MTC found that 78 percent of surveyed “Likely November 2026 voters”
thought that the phrases “Prevent major service cuts to BART” and “Protect Caltrain, Samtrans, and

ferries from service cuts” were “Very important” or “Somewhat important.” That same poll found that 73 percent of those surveyed thought that the phrase “Protect Caltrain and VTA from service cuts” was “Very important” or “Somewhat important.” Again, note that the ballot question tested in MTC’s October 2025 voter poll used the phrase “To prevent major service cuts to BART and other transit” before SB 63 was enacted and three months before the RTM initiative was first circulated for signatures. The DISTRICT BOARD likely included the phrase “To prevent major service cuts to BART and other transit” in the RTM Ballot Question because its inclusion would more likely persuade voters to vote “yes.”

D. Alternatively, strike the word “major” in the phrase “To prevent major service cuts ...”

81. If the Court does not delete the entire phrase “To prevent ... and other transit,” then Petitioners alternatively request that the Court strike the word “major” in the phrase “To prevent major service cuts ...”

82. The word “major” in this context is argumentative and/or prejudicial in favor of the RTM. What are “major service cuts” to one person might not be “major service cuts” to another person.

83. Therefore, alternatively, if the Court does not strike the entire “To prevent major service cuts” phrase, then the word “major” should be deleted.

E. Delete the phrase “avoid increased traffic”.

84. The phrase “avoid increased traffic” should be deleted from the RTM Ballot Question. It is not neutral and is flagrantly biased. In the words of the Sixth Appellate District in *McDonough*, “These points, however, properly belong in the ballot arguments in favor of the measure, not in the ballot question, which must be cast in neutral, unbiased language.” (*Id.* at p. 1176.)

85. The phrase “avoid increased traffic” is not a true and impartial synopsis (or condensed statement or abstract) of the objective purpose of the RTM. The word “traffic” is found nowhere within the DISTRICT’s enabling act.

86. The phrase is partial because it signals to voters the DISTRICT BOARD’s view of how they should vote or casts a favorable light on one side of the RTM tax issue while disparaging the opposing view. It suggests to voters that if they vote “no” on the RTM, they will cause “increased traffic.”

1 87. The phrase “avoid increased traffic” is inherently argumentative. The RTM ordinance asserts in
2 Section 2 (Findings and Declarations), “Without transit, Bay Area roads would be paralyzed. If
3 displaced transit riders shift to cars, Bay Bridge traffic would surge and highways like 101, 80, 280, 680,
4 880, 85, and 87 would become severely congested.” The RTM ordinance drafters pre-suppose that a
5 “no” vote would be the proximate cause of highway congestion. Petitioners disagree that a “no” vote on
6 the RTM would necessarily cause “increased traffic.”

7 a. Bridge and highway traffic could increase due to exogenous variables, regardless whether
8 voters approve or reject the RTM.

9 b. Bridge and highway traffic could increase even if the RTM provided increased funding to
10 transit systems.

11 A ballot question is supposed to be neutral and unbiased, not provocative.

12 88. The phrase “avoid increased traffic” should be deleted from the RTM Ballot Question because
13 that phrase is prejudicial in favor of the RTM. The October 2025 voter poll commissioned by MTC
14 found that 88 percent of surveyed “Likely November 2026 voters” thought that phrase “Prevent
15 increased traffic congestion” was “Very important” or “Somewhat important.” Again, note that MTC’s
16 pollsters wrote the phrase “avoid increased traffic” into the RTM Ballot Question in October 2025,
17 before SB 63 had been enacted and three months before the RTM initiative was first circulated for
18 signatures. The DISTRICT BOARD likely included the phrase in the RTM Ballot Question because its
19 inclusion would more likely persuade voters to vote “yes.”

20
21 **F. Delete the phrase “reduce pollution”.**

22 89. The phrase “reduce pollution” should be deleted from the RTM Ballot Question. It is not neutral
23 and is flagrantly biased. In the words of the Sixth Appellate District in *McDonough*, “These points,
24 however, properly belong in the ballot arguments in favor of the measure, not in the ballot question,
25 which must be cast in neutral, unbiased language.” (*Id.* at p. 1176.)

26 90. The phrase “reduce pollution” is not a true and impartial synopsis (or condensed statement or
27 abstract) of the objective purpose of the RTM. The word “pollution” is found nowhere within the
28 DISTRICT’s enabling act.

1 91. The phrase is partial because it signals to voters the DISTRICT BOARD’s view of how they
2 should vote or casts a favorable light on one side of the RTM tax issue while disparaging the opposing
3 view. It suggests to voters that if they vote “no” on the RTM, they will cause increased pollution.

4 92. The phrase “reduce pollution” is inherently argumentative. RTM sponsors wrote the word
5 “pollution” into the initiative’s “Findings and Declarations” section: “Without transit, emissions would
6 spike, air pollution would worsen, particularly in low-income communities, and climate progress would
7 stall.” Petitioners disagree with that argument, especially its numerous logical leaps. Initiative sponsors
8 pre-suppose that “air pollution would worsen” if voters were to mark “no” on the RTM. That assumes
9 that RTM were not to pass, then “pollution” necessarily will increase. Increased funding to transit
10 service through the RTM actually could increase pollution, for example, by running diesel-powered
11 vehicles that carry few or no passengers. A ballot question is supposed to be neutral and unbiased, not
12 provocative.

13 93. The phrase “reduce pollution” should be deleted from the RTM Ballot Question because that
14 phrase is prejudicial in favor of the RTM. The October 2025 voter poll commissioned by MTC found
15 that 75 percent of surveyed “Likely November 2026 voters” thought that phrase “Reduce pollution and
16 greenhouse gas emissions” was “Very important” or “Somewhat important.” MTC included the phrase
17 “reduce pollution” in the ballot question tested with voters in October 2025, before enactment of SB 63
18 and three months before the RTM initiative first was circulated for signatures. The DISTRICT BOARD
19 likely included the phrase “reduce pollution” in the RTM Ballot Question because its inclusion would
20 more likely persuade voters to vote “yes.”

21
22 **G. Strike the phrase “/potholes”.**

23 94. The phrase “/potholes” should be stricken from the RTM Ballot Question because it is not a true
24 and impartial synopsis (or condensed statement or abstract) of the RTM and the word “potholes” is
25 prejudicial in favor of the RTM.

26 95. The word “pothole” appears nowhere in the RTM ordinance. A word that does not appear
27 anywhere in the ordinance cannot be a true synopsis or condensed statement or abstract of that
28 ordinance.

1 96. The word “pothole” appears nowhere in the text of SB 63 or SB 830 or in their codification in
2 Government Code sections 67700 through 67788 and Public Utilities Code section 131102. The
3 DISTRICT has no legal authority to spend RTM revenues specifically on “potholes.”

4 97. The word “potholes” should be deleted from the RTM Ballot Question because “potholes” is
5 prejudicial in favor of the RTM. The October 2025 voter poll commissioned by MTC found that 93
6 percent of surveyed “Likely November 2026 voters” thought that phrase “Provide targeted pothole
7 repair and road maintenance” was “Very important” or “Somewhat important.” (The only “Measure
8 Outcome” that tested better in that voter survey was “Oversight.”) Again, note that MTC’s pollster
9 wrote “pothole” into the ballot question in October 2025, before SB 63 was enacted and three months
10 before the initiative was first circulated. The DISTRICT BOARD likely included the word “potholes”
11 in the RTM Ballot Question because inclusion of the word “potholes” would more likely persuade
12 voters to vote “yes.”

13
14 **H. Amend “Repairing targeted roads” to read “Repaving transit-served roads”.**

15 98. The phrase “Repairing targeted roads” in the RTM Ballot Question is not a true synopsis (or
16 condensed statement or abstract) of the RTM and the phrase “Repairing targeted roads” is prejudicial in
17 favor of the RTM.

18 99. The word “repair” is found nowhere in RTM ordinance. The word “repair” is found just once in
19 the DISTRICT’s enabling act (Gov. Code, § 67700 et seq.), where it is not in the context of road repairs:
20 “The operator has a need to transfer operating funds to state of good repair needs for assets owned and
21 operated by the operator.” (Gov. Code, § 67770, subd. (c)(1).)

22 100. The word “target” is found nowhere in RTM ordinance or in the DISTRICT’s enabling act (Gov.
23 Code, 67700 et seq.).

24 101. The only references to “road” in the DISTRICT’s enabling act (Gov. Code, 67700 et seq.) are in
25 Government Code section 67750, subdivisions (b)(13) through (b)(16). Those subdivisions provide
26 funding to county transportation agencies in Alameda, Contra Costa, San Mateo, and Santa Clara
27 counties “for public transit expenses and roadway repavement projects on roads served by fixed-route
28 transit.”

1 102. The only references to “road” in the RTM ordinance are in Section 2(q), “Without transit, Bay
2 Area roads would be paralyzed,” and in Section 12, subsections (b)(13) through (b)(16). Those
3 subsections provide funding to county transportation agencies in Alameda, Contra Costa, San Mateo,
4 and Santa Clara counties “for public transit expenses and roadway repavement projects on roads served
5 by fixed-route transit.”

6 103. The phrase “Repairing targeted roads” in the RTM Ballot Question must be amended because it
7 is prejudicial in favor of the RTM. An October 2025 voter poll commissioned by MTC found that 93
8 percent of surveyed “Likely November 2026 voters” thought that phrase “Provide targeted pothole
9 repair and road maintenance” was “Very important” or “Somewhat important.” The DISTRICT
10 BOARD likely included the phrase “Repairing targeted roads” in the RTM Ballot Question because
11 inclusion of that phrase would more likely persuade voters to vote “yes.”

12 104. Petitioners suggest that the phrase “Repairing targeted roads” be amended to read “Repaving
13 transit-served roads”. The deletion of the word “potholes,” as set forth in the section immediately *ante*,
14 would permit the addition of a word to this phrase.

15
16 **I. Strike the words “affordability, reliability”.**

17 105. The words “affordability” and “reliability” in the phrase “Supporting transit safety, cleanliness,
18 affordability, reliability” should be stricken from the RTM Ballot Question.

19 106. The DISTRICT’s enabling act includes provisions in its operative language concerning “safety”
20 and “cleanliness.” See Government Code section 67782.

21 107. But the DISTRICT’s enabling act does not include express operative provisions relating to
22 “affordability” or “reliability.” On that basis, “affordability” and “reliability” should be deleted from the
23 RTM Ballot Question.

24
25 **J. Amend “enacting” to read “imposing”.**

26 108. The verb “enacting” in the RTM Ballot Question (“the measure enacting a 0.5% ... and 1% ...
27 sales tax for 14 years”) is not a true synopsis or condensed statement (or abstract) of the measure. It
28 should be amended to replace “enacting” with “imposing”.

109. In local ballot measure elections, voters consider whether “the measure” shall “be adopted.” (Elec. Code, § 13119, subd. (a).) The Regional Transit Measure does not “enact” a tax. The operative legal language of the Regional Transit Measure Ordinance states that the tax is “imposed.”

110. Section 5 (“Retail Transactions Tax”) of the Ordinance states, in part, “(a) For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers ... (b) For purposes of the retail transactions tax imposed by this section ...” (Emphasis added.)

111. Section 6 (“Use Tax”) of the Ordinance states, in part, “(a) An excise tax is hereby imposed on the storage, use, or other consumption in the district of tangible personal property purchased from any retailer ... (b) For purposes of the use tax imposed by this section ...” (Emphasis added.)

112. Section 19 (“Liberal Construction”) of the Ordinance states, “This ordinance is an exercise of the initiative power of the people of the Public Transit Revenue Measure District to impose special taxes for the purposes set forth in this ordinance, and it shall be liberally construed to effectuate those purposes.” (Emphasis added.)

113. The Impartial Analysis of the RTM also uses the verb “impose”:

- a. “This measure would impose a tax of 0.5% ...”
- b. “The tax would be imposed ...”
- c. “While the tax would be imposed throughout the District ...”
- d. “A ‘yes’ vote is vote to impose the tax described above for 14 years.”
- e. “A ‘no’ vote is a vote against imposing the tax.” (Emphases added.)

114. Therefore, Petitioners request that the Court order the RTM Ballot Question amended to replace the word “enacting” with “imposing”.

K. Amend the phrase “sales tax” to read “sales and use tax”.

115. The RTM ordinance imposes both a “transactions” (sales) tax and a separate, but related, “use tax.” Section 5 imposes a “Retail Transactions Tax” (commonly called “sales” tax). Section 6 imposes a separate “Use Tax.”

116. The “Statement of Purpose” (Section 3) in the RTM ordinance states, in part:

- a. “(g) To impose a temporary special retail transactions and use tax ...”
- b. “(h) To adopt a retail transactions and use tax ordinance that incorporates ...”

1 c. “(i) To adopt a retail transactions and use tax ordinance that imposes a tax ...”

2 d. “(j) To adopt a retail transactions and use tax ordinance that can be administered ...”

3 (Emphases added.)

4 117. Hence, the true synopsis or condensed statement of the purpose of the RTM is to “impose” and
5 to “adopt a retail transactions and use tax”.

6 118. Therefore, the Court should require that the RTM Ballot Question be amended to inform voters
7 that they are considering adoption of a “sales and use tax”.

8
9 **L. Strike the word “oversight” in the phrase “Requiring ... oversight”.**

10 119. The assertion in the RTM Ballot Question “Requiring ... oversight” is not a true synopsis (or
11 condensed statement or abstract) of the RTM ordinance, is partial, is argumentative, and is prejudicial in
12 favor of the RTM.

13 120. The RTM ordinance has a Section 13 titled “Independent Oversight Committee,” which states in
14 its entirety:

15 As required by Section 67754 of the Government Code, within six months
16 of the effective date of this ordinance the district shall establish an
17 independent oversight committee to ensure that any revenues generated
18 pursuant to this ordinance are distributed and transferred by the district
19 consistent with the applicable requirements of this ordinance. The
20 committee may be consolidated with the oversight committee established
21 pursuant to subdivision (h) of Section 30923 of the Streets and Highways
22 Code. The committee shall consist of either one or two representatives
from each county included within the jurisdiction of the district, appointed
by the applicable county board of supervisors. The oversight committee
may request any documents from the district to assist the committee in
performing its functions. (Emphasis added.)

23 121. Note well that the only function of the so-called “independent oversight committee” is “to ensure
24 that any revenues generated pursuant to this ordinance are distributed and transferred by the district
25 consistent with the applicable requirements of this ordinance.” There is no requirement for any
26 committee meetings or for the committee to issue any reports.

27 122. Section 12 (“Expenditure of Tax Proceeds”) of the RTM ordinance states, in part, “the district
28 shall transfer the remaining revenues, with no discretion to withhold, reduce, delay, modify, specify the
use of, or condition those revenues, as follows ...”

1 123. If “the district” has “no discretion to withhold, reduce, delay, modify, the specify the use of, or
2 condition those revenues,” then the sole mission of the so-called “independent oversight committee” is
3 just “to ensure” that the DISTRICT distributed and transferred revenues to the Metropolitan
4 Transportation Commission, Alameda County Transportation Commission, San Mateo County Transit
5 District, and Santa Clara Valley Transportation Authority. The “independent oversight committee” has
6 no jurisdiction or mandate to review how those entities use or misuse those revenues.

7 124. The word “oversight” should be deleted from the RTM Ballot Question because that phrase is
8 very prejudicial in favor of the RTM. The October 2025 voter poll commissioned by MTC found that
9 94 percent of surveyed “Likely November 2026 voters” thought that phrase “Provide strict oversight of
10 how the money is spent, including transparent spending plans and publicly available detailed reporting”
11 was “Very important” or “Somewhat important.” That was the highest-scoring “Measure Outcome” of
12 all “Measure Outcomes” tested. The DISTRICT BOARD likely included the word “oversight” in the
13 RTM Ballot Question because its inclusion would more likely persuade voters to vote “yes.” No
14 “Measure Outcome” in MTC’s poll tested better.

15 125. Therefore, the Court should strike the word “oversight” from the RTM Ballot Question.

16
17 **M. Strike the word “accountability” in the phrase “Requiring ... accountability”.**

18 126. The assertion in the RTM Ballot Question “Requiring ... accountability” is not a true synopsis
19 (or condensed statement or abstract) of the RTM ordinance. The RTM ordinance includes no
20 “accountability” provision within its four corners. The DISTRICT’s enabling act has a section titled
21 “Enhanced Accountability” (Gov. Code, §§ 67780, 67782, 67784, 67786, 67788). That is the only
22 reference to “accountability” in the DISTRICT’s enabling act.

23 127. The sole “accountability” enforcement mechanism in the DISTRICT’s enabling act is an “ad hoc
24 adjudication committee.” Section 67780, subdivision (a), states: “If a tax ordinance is approved by the
25 voters pursuant to this title, the commission shall establish an ad hoc adjudication committee for a
26 subject operator if the commission receives a petition submitted pursuant to subdivision (d) at any time
27 commencing two years after the tax ordinance is approved.” (Emphasis added.)

28 128. It is not true that the DISTRICT’s enabling act requires the establishment of an “ad hoc
adjudication committee”; the DISTRICT’s enabling act places conditions upon such establishment.

1 **N. Amend "\$980,000,000 annually" (September 2025 estimate) to an updated number (an August**
2 **2026 estimate) or "\$1,200,000,000 annually" (September 2025 estimates, averaged over 14**
3 **years).**

4 129. Elections Code section 13119(b) states, "If the proposed measure imposes a tax or raises the rate
5 of a tax, the ballot shall include in the statement of the measure to be voted on the **amount of money to**
6 **be raised annually** and the rate and duration of the tax to be levied." (Emphasis added.)

7 130. The assertion in the RTM Ballot Question that the tax would generate "\$980,000,000 annually"
8 is not a "true and impartial synopsis" (or condensed statement) of the RTM. That assertion also is likely
9 to create prejudice for the RTM because it understates the amount of annual tax collections.

10 131. Petitioners are informed and believe that MTC made the "\$980,000,000 annually" calculation in
11 September 2025. Nearly eleven months have elapsed since that calculation, which arguably is outdated.
12 Petitioners contend that the DISTRICT and DISTRICT BOARD must update the calculation based upon
13 the latest available data, especially data concerning actual tax collections over the intervening time
14 period.

15 132. Petitioners are also informed and believe that MTC determined in September 2025 that the RTM
16 tax would collect nearly \$17 billion over its 14-year life. Seventeen billion dollars divided by 14 years
17 is approximately \$1.2 billion per year. On that basis, Petitioners alternatively contend that the RTM
18 Ballot Question could be amended to strike "\$980,000,000" and replace it with "\$1,200,000,000".

19 **O. Summary of Proposed Amendments to RTM Ballot Question After Applying Elections Code**
20 **Sections 9051(e) and 13119(c) Standards.**

21 133. Therefore, in summary, pursuant to the Elections Code sections 9051 and 13119 standards,
22 Petitioners request the Court to order amendments to the RTM Ballot Question to include, or be
23 substantially similar to:

24 ~~To prevent major service cuts to BART and other transit, avoid increased~~
25 ~~traffic, and reduce pollution by: Preserving [Funding] BART, Caltrain,~~
26 ~~VTA, SamTrans, AC Transit, Muni, other transit for everyone, including~~
27 ~~workers, students, seniors, persons with disabilities; Supporting transit~~
28 ~~safety, cleanliness, affordability, reliability; Repairing [Repaving] targeted~~
~~[transit-serving] roads/potholes; Requiring financial transparency;~~
~~oversight, accountability; shall the measure enacting [imposing] a 0.5%~~
~~(Alameda, Contra Costa, San Mateo, Santa Clara counties), and 1% (San~~

1 Francisco) sales [*and use*] tax for 14 years generating approximately
2 ~~\$980,000,000~~ [*\$1,200,000,000*] annually, be adopted?

3 134. If all of the suggested amendments were adopted by the Court, the revised RTM Ballot Question
4 would read:

5 Funding BART, Caltrain, VTA, SamTrans, AC Transit, Muni, other
6 transit; Supporting transit safety, cleanliness; Repaving transit-serving
7 roads; Requiring financial transparency; shall the measure imposing a
8 0.5% (Alameda, Contra Costa, San Mateo, Santa Clara counties), and 1%
(San Francisco) sales and use tax for 14 years generating approximately
\$1,200,000,000 annually, be adopted?

9
10 **SECOND CAUSE OF ACTION**

11 **RTM Ballot Question Text is False and/or Misleading**

12 **(Petition for Writ of Mandate – Elections Code § 9380 & *McDonough*)**

13 **(Against Respondents COUNTY ELECTIONS OFFICIALS, WARD and Real Parties in Interest**
14 **PTRMD and PTRMD BOARD)**

15 135. Petitioners hereby allege and incorporate by reference Paragraphs 1-134, inclusive.

16 136. Petitioners argue that components of the RTM Ballot Question are false and/or misleading under
17 section 9380 and *Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th 1417
18 ("*Huntington Beach*") and *McDonough v. Superior Court* (2012) 204 Cal.App.4th 1169 ("*McDonough*")
19 standards.

20 137. Although section 9380 does not expressly include judicial review of ballot questions, the Sixth
21 Appellate District in *McDonough* held, “When a measure is to be placed on the ballot for an upcoming
22 municipal election, it must be subjected to a 10-day public examination period, during which any voter
23 in the jurisdiction may seek a writ of mandate to delete or amend the language of the measure. (§ 9295,
24 subd. (b)(2); see also §§ 9092 [same writ review procedure and standard for statewide election
25 materials], 9190 [same writ review procedure and standard for county election materials].)” (204
26 Cal.App.4th at 1173.)

27 138. Elections Code section 10403 sets a deadline of 88 days before election day for a “district” to
28 “[s]et[] forth the exact form of the question, proposition, or office to be voted upon at the election, as it
is to appear on the ballot.” Petitioners have filed this petition for writ of mandate and injunction seeking

to delete or amend the RTM ballot question before the end of the ten-day period following the August 7, 2026 (88 days before election day) ballot measure submission deadline.

139. As the first ballots (to overseas and military voters) likely will not be mailed until mid-September 2026, consistent with section 9380(b)(2), “issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.”

140. In *Huntington Beach*, the court articulated a test for “false” or “misleading” that the Court should apply in the instant case:

In determining whether statements are false or misleading, courts look to whether the challenged statement is subject to verifiability, as distinct from "typical hyperbole and opinionated comments common to political debate." (See *San Francisco Forty-Niners v. Nishioka*, *supra*, 75 Cal.App.4th at p. 649.) An "outright falsehood" or a statement that is "objectively untrue" may be stricken. (*Ibid.*) We need only add that context may show that a statement that, in one sense, can be said to be literally true can still be materially misleading; hence, the Legislature did not indulge in redundancy when it used both words. (*Id.* at p. 1432.)

The phrase “Preserving BART ... other transit for everyone” is misleading.

141. The phrase “Preserving BART ... other transit or everyone” presumes that passage of the RTM actually would preserve BART and other transit or that passage of the RTM would be a necessary condition to achieve that outcome. The DISTRICT BOARD cannot guarantee that passage of the RTM actually would “[p]reserve BART” and other transit “for everyone, including workers, students, seniors, persons with disabilities.” Furthermore, not “everyone” in the FIVE BAY AREA COUNTIES uses public transit. On that basis, it is a materially misleading assertion and should be stricken.

The phrase “To prevent major service cuts to BART and other transit” is false and/or misleading.

142. The phrase “To prevent major service cuts to BART and other transit” assumes that passage of the RTM actually would “prevent ... service cuts” and that those cuts would be “major.” That phrase, in this context, is objectively untrue. It is a false and/or materially misleading claim that should be deleted from the RTM Ballot Question.

The phrase “avoid increased traffic” is false and/or misleading.

143. The phrase “avoid increased traffic” suggests to voters that a “yes” vote avoids increased traffic and a “no” vote would cause increased traffic. The phrase “avoid increased traffic,” in this context, is

objectively untrue. That assertion assumes that service cuts to transit actually would occur and that they would be of such severity that automobile traffic would increase. Passage of RTM cannot guarantee that outcome. This false and/or materially misleading claim should be stricken.

The phrase “reduce pollution” is false and/or misleading.

144. The phrase “reduce pollution” pre-supposes that a “yes” vote would reduce pollution and a “no” vote would cause an increase in pollution. The phrase “reduce pollution,” in this context, is objectively untrue. That supposition requires logical leaps and considerable speculation. The RTM cannot guarantee that its passage actually would “reduce pollution.” Hence, the phrase should be stricken from the RTM Ballot Question as false and/or materially misleading.

The phrase “Repairing targeted roads/potholes” is false and/or misleading.

145. The assertion in the Ballot Question that the RTM would “[r]epair[] targeted roads/potholes” objectively untrue and/or is materially misleading. As discussed in the First Cause of Action, *supra*, Government Code section 67750, subdivision (b)(13) through (16), dedicates funding “for public transit expenses and roadway repavement projects on roads served by fixed-route transit.” First, there is no guarantee that any funding actually would be spent on “roadway repavement projects.” The funds could be spent entirely on “public transit expenses.” Second, “roadway repavement” is not “[r]epairing targeted roads/potholes.” Third, the word “targeted” is misleading because it suggests that the RTM targets specific roads for “[r]epairing.” Fourth, the word “potholes” is entirely missing from both the statute and the initiative text.

The phrase “Requiring ... oversight” is misleading.

146. The assertion in the RTM Ballot Question “Requiring ... oversight” is materially misleading, for the reasons discussed in the First Cause of Action, *supra*.

147. Therefore, the word “oversight” should be stricken from the RTM Ballot Question.

The phrase “Requiring ... accountability” is false and/or misleading.

148. The assertion in the RTM Ballot Question “Requiring ... accountability” is false and/or materially misleading. That assertion is objectively untrue.

149. The RTM ordinance includes no “accountability” provision within its four corners.

150. The DISTRICT’s enabling act has a section titled “Enhanced Accountability” (Gov. Code, §§ 67780, 67782, 67784, 67786, 67788). That is the only reference to “accountability” in the DISTRICT’s

enabling act. The sole “accountability” enforcement mechanism in the DISTRICT’s enabling act is an “ad hoc adjudication committee.” Section 67780, subdivision (a), states: “If a tax ordinance is approved by the voters pursuant to this title, the commission shall establish an ad hoc adjudication committee for a subject operator if the commission receives a petition submitted pursuant to subdivision (d) at any time commencing two years after the tax ordinance is approved.” The DISTRICT’s enabling act does not require the establishment of an “ad hoc adjudication committee”; the DISTRICT’s enabling act merely allows the establishment, subject to specified conditions.

151. Therefore, the word “accountability” should be stricken from the RTM Ballot Question.

The phrase “sales tax” is misleading unless re-written as “sales and use tax”.

152. The RTM ordinance imposes both a “transactions” (sales) tax and a separate, but related, “use tax.” Section 5 imposes a “Retail Transactions Tax” (commonly called “sales” tax). Section 6 imposes a separate “Use Tax.”

153. To ignore the imposition of the “use tax” in the RTM Ballot Question would be misleading to voters. Therefore, Petitioners request that the phrase “sales tax for 14 years” be amended to read “sales and use tax for 14 years”.

The phrase “generating approximately \$980,000,000” is false and/or misleading.

154. The assertion in the ballot question that RTM would generate “approximately \$980,000,000 annually” is false and/or misleading. That claim is objectively untrue and subject to verifiability. It is not supported by the RTM ballot materials. The number “\$980,000,000” apparently was calculated in September 2025 in order to include it in MTC’s October 2025 EMC voter survey. Nearly eleven months have passed since that number was calculated. Therefore, the number “\$980,000,000” must be replaced in the RTM ballot question with an updated number. Petitioners suggest that “\$1,200,000,000” could be used because that is the simple average of MTC’s estimate of the RTM tax revenue stream, as of September 2025, over the 14-year life of the measure.

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THIRD CAUSE OF ACTION

Ballot Question Text Must Conform to “Shall the measure ... be adopted?” Format

(Petition for Writ of Mandate – Elections Code section 13119(a))

**(Against Respondents COUNTY ELECTIONS OFFICIALS, WARD and Real Parties in Interest
PTRMD and PTRMD BOARD)**

155. Petitioners hereby allege and incorporate by reference Paragraphs 1-154, inclusive.

156. The DISTRICT BOARD must conform the RTM Ballot Question to the format required by Elections Code section 13119, subdivision (a), read in conjunction with Elections Code section 354. The ballot question must begin with the phrase “Shall the measure” and must end with the phrase “be adopted?”

157. Elections Code section 13119(a) states in relevant part:

The ballots used when voting upon a measure proposed by a local governing body or submitted to the voters as an initiative or referendum measure pursuant to Division 9 (commencing with Section 9000), including a measure authorizing the issuance of bonds or the incurrence of debt, shall have printed on them the words “Shall the measure (stating the nature thereof) be adopted?” (Emphasis added.)

158. The “definitions” section of the California Elections Code states, “‘Shall’ is mandatory and ‘may’ is permissive.” (Elec. Code, § 354.) Therefore, the ballot question format in Section 13119(a) is mandatory upon the DISTRICT BOARD, which is “a local governing body.”

159. “[T]he error, omission, or neglect is in violation of this code.” (Elec. Code, § 13314, subd. (a)(2)(A).)

160. Through Section 13119(a), read in conjunction with the definition of “shall” in Section 354), the Legislature has imposed a mandatory duty upon local governing bodies, including Real Parties in Interest DISTRICT BOARD and DISTRICT and Respondents COUNTY ELECTIONS OFFICIALS to use a ballot question in the format, “Shall the measure (stating the nature thereof) be adopted?”

161. The *Merriam-Webster Dictionary* defines “nature”¹⁴ to include “the inherent character or basic constitution (see constitution sense 2) of a person or thing: essence.” The “inherent character” or

¹⁴ See: <https://www.merriam-webster.com/dictionary/nature>

“basic constitution” or “essence” of the RTM is to impose a transactions and use tax for 14 years at a rate of 1.0 percent in San Francisco and 0.5 percent in Alameda, Contra Costa, San Mateo, and Santa Clara counties. (See RTM Ordinance, Sections 5 and 6.)

162. The Legislature has commanded through Section 13119(a) (read in conjunction with Section 354) that Respondents COUNTY ELECTIONS OFFICIALS and Real Parties in Interest must begin the ballot question with the phrase “Shall the measure”. The RTM Ballot Question, as approved by the DISTRICT BOARD on July 24, is legally defective.

163. The RTM Ballot Question is legally defective because it does not use the word “Shall” until the 52nd word (as commonly counted, setting aside the word counting rules under Elections Code Section 9). The word “Shall” is “buried” and “lost” in the middle of other text. The Court should amend the RTM Ballot Question to place the words “Shall the measure” as the first words in the call of the ballot question. (Note that “Shall” is capitalized in statute, strongly suggesting the Legislature intended it to be the first word of the ballot question.)

164. The Legislature has commanded through Section 13119(a) (read in conjunction with Section 354) that Respondents COUNTY ELECTIONS OFFICIALS and District Elections Official WARD and Real Parties in Interest DISTRICT and DISTRICT BOARD must end the ballot question with the phrase “be adopted?”

165. The Court should order that the RTM Ballot Question to be amended to place the phrase “Shall the measure” as the first three words in the Ballot Question.

FOURTH CAUSE OF ACTION

(Petition for Writ of Mandate - Code of Civil Procedure section 1085 et seq.)

**(Against Respondents COUNTY ELECTIONS OFFICIALS, WARD and Real Parties in Interest
PTRMD and PTRMD BOARD)**

166. Petitioners hereby allege and incorporate by reference Paragraphs 1 through 165, inclusive.

167. Based on the foregoing, the DISTRICT BOARD has violated the law by submitting an RTM ballot question that does not comply with Elections Code sections 9051, 9380, and/or 13119, and Respondents COUNTY ELECTION OFFICIALS and District Elections Official WARD have violated

the law by accepting the RTM Ballot Question in unlawful form, for printing and distribution to Electors in the FIVE BAY AREA COUNTIES.

168. Based on the foregoing, as alternative to or in addition to relief on other bases, Petitioner is entitled to a writ of mandate pursuant to Code of Civil Procedure section 1085 et seq., to direct Respondents COUNTY ELECTION OFFICIALS, District Elections Official WARD and/or Real Parties in Interest DISTRICT and DISTRICT BOARD to amend the RTM Ballot Question to include the information required by, and consistent with, Elections Code sections 9051, 9380, and/or 13119, as the Court so directs, prior to submission to the Electors for the November 3, 2026 election.

FIFTH CAUSE OF ACTION

RTM Impartial Analysis Is Partial, False, and/or Misleading

(Petition for Writ of Mandate – Elections Code sections 9160 and 9190)

(Against Respondents COUNTY ELECTIONS OFFICIALS, WARD and Real Party in Interest KANE)

169. Petitioners hereby allege and incorporate by reference Paragraphs 1 through 168, inclusive.

170. Elections Code section 9313, subdivision (b)(1), states in part:

The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the district. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

171. Government Code section 67740, subdivision (d), states in part, “Notwithstanding any provision of the Elections Code, the legal counsel for the district shall prepare an impartial analysis of the measure.” Real party in interest KATHLEEN KANE is the legal counsel for the DISTRICT.

172. In *Hull v. Rossi* (1993) 13 Cal.App.4th 1763, the court emphasized “[t]he public’s right to an accurate impartial analysis” and the import of an accurate Impartial Analysis to the electoral process:

1 The public's right to an accurate impartial analysis under Elections Code
2 section 3781, subdivision (b)¹⁵, constitutes an important right within the
3 meaning of section 1021.5. [Citation omitted.] The state has a strong
4 interest in providing the electorate with accurate information in the voter
5 pamphlets. (*Washburn v. City of Berkeley* (1987) 195 Cal.App.3d 578, 585
6 [240 Cal.Rptr. 784].) Since this pamphlet accompanies the ballot, it
appears to give an imprimatur of official approval to its contents and is
likely to carry greater weight in the minds of the voters than normal
campaign literature. (*Id.* at p. 1768.)

7 173. Elections Code section 9380 does not expressly include the impartial analysis of a district
8 measure among the materials subject to challenge during a 10-calendar day public examination period.
9 However, the Court should infer a right of action to challenge the DISTRICT legal counsel's Impartial
10 Analysis of the RTM under Section 9380, just as the analogues to Section 9380, including Sections 9190
11 (county measures), 9295 (city measures), and 9509 (school district measures) provide a right of action to
12 challenge impartial analyses for those types of local ballot measures. In the alternative, the Court should
13 review the RTM Impartial Analysis under Elections Code section 13314.

14 174. On or about August 12, 2026, the DISTRICT released the RTM Impartial Analysis.

15 175. Petitioners allege that the DISTRICT legal counsel's Impartial Analysis for the RTM, authored
16 by Ms. KANE, is untrue, partial, false, and/or misleading under Elections Code section 9380.

17 176. The Impartial Analysis states in part, "It is estimated that the tax would raise approximately \$980
18 million per year."

19 177. For reasons discussed in the First and Second Causes of Action, *supra*, Petitioners allege that the
20 "\$980 million" figure in the RTM Impartial Analysis, like in the RTM Ballot Question, is false and/or
21 misleading, or otherwise inconsistent with that Elections Code chapter. Therefore, the "\$980 million" in
22 the Impartial Analysis must be amended.

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15 Effective in 1995, the section has been re-codified as Elections Code section 9160.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

1. That this Court issue a peremptory writ of mandate ordering Respondents COUNTY ELECTIONS OFFICIALS and/or Real Parties in Interest DISTRICT BOARD and DISTRICT, and all persons acting pursuant to their direction and control, to amend and correct the RTM Ballot Question consistent with the untrue, partial, "argumentative," and/or "prejudicial in favor of the measure" standards of Elections Code sections 9051 and/or 13119.
2. Alternatively, that this Court issue a peremptory writ of mandate ordering Respondents COUNTY ELECTIONS OFFICIALS and/or Real Parties in Interest DISTRICT BOARD and DISTRICT, and all persons acting pursuant to their direction and control, to amend and correct the RTM Ballot Question text specifically as this Court directs, to conform with the partial, "argumentative," not true, and/or "likely to create prejudice in favor of the measure" standards of Elections Code sections 9051 and 13119, as provided in Paragraphs 51 through 134 of this Petition, including:
 - a. amend the phrase "Preserving BART ..." to read "Funding BART ...";
 - b. delete the phrase "for everyone, including workers, students, seniors, persons with disabilities";
 - c. delete the phrase "To prevent major service cuts to BART and other transit";
 - d. alternatively, strike the word "major" in the phrase "To prevent major service cuts ...";
 - e. delete the phrase "avoid increased traffic";
 - f. delete the phrase "reduce pollution";
 - g. strike the phrase "/potholes";
 - h. amend "Repairing targeted roads" to read "Repaving transit-served roads";
 - i. strike the words "affordability, reliability";
 - j. amend "enacting" to read "imposing";
 - k. amend the phrase "sales tax" to read "sales and use tax";
 - l. strike the word "oversight" in the phrase "Requiring ... oversight".
 - m. strike the word "accountability" in the phrase "Requiring ... accountability"; and

1 n. Amend "\$980,000,000 annually" (September 2025 estimate) to an updated number (an
2 August 2026 estimate) or "\$1,200,000,000 annually" (September 2025 estimates,
3 averaged over 14 years).

4 3. Alternatively, that this Court issue a peremptory writ of mandate ordering Respondents
5 COUNTY ELECTION OFFICIALS and/or Real Parties in Interest DISTRICT BOARD and DISTRICT,
6 and all persons acting pursuant to their direction and control, to amend and correct the RTM ballot
7 question consistent with the "false" and/or "misleading" standard of Elections Code section 9380 and
8 *McDonough*;

9 4. Alternatively, that this Court issue a peremptory writ of mandate ordering Respondent COUNTY
10 ELECTION OFFICIALS and/or Real Parties in Interest DISTRICT BOARD and DISTRICT, and all
11 persons acting pursuant to their direction and control, to amend and correct the RTM Ballot Question
12 specifically as this Court directs, to conform with the "false" and/or "misleading" standard of Elections
13 Code section 9380 and *McDonough*, as suggested in Paragraphs 135 through 154 of this Petition;

14 5. If the Court were to order all of the amendments and corrections suggested by Petitioners *supra*,
15 the RTM Ballot Question would read:

16 Funding BART, Caltrain, VTA, SamTrans, AC Transit, Muni, other
17 transit; Supporting transit safety, cleanliness; Repaving transit-serving
18 roads; Requiring financial transparency; shall the measure imposing a
19 0.5% (Alameda, Contra Costa, San Mateo, Santa Clara counties) and 1%
20 (San Francisco) sales and use tax for 14 years generating approximately
21 \$1,200,000,000 annually, be adopted?

22 6. That this Court issue a peremptory writ of mandate ordering Respondent COUNTY ELECTION
23 OFFICIALS and Real Parties in Interest DISTRICT BOARD and DISTRICT, and all persons acting
24 pursuant to their direction and control, to amend and correct the RTM Ballot Question specifically as
25 this Court directs, to conform with the "Shall the measure ... be adopted?" format required by Elections
26 Code section 13119, subdivision (a), as provided in Paragraphs 155 through 165 of this Petition;
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28

1 7. If the Court were to order all of the amendments and corrections suggested by Petitioners *supra*,
2 including use of the “Shall the measure ... be adopted?” format, the RTM Ballot Question would read:

3 Shall the measure imposing a 0.5% (Alameda, Contra Costa, San Mateo,
4 Santa Clara counties) and 1% (San Francisco) sales and use tax for 14
5 years generating approximately \$1,200,000,000 annually; Funding BART,
6 Caltrain, VTA, SamTrans, AC Transit, Muni, other transit; Supporting
7 transit safety, cleanliness; Repaving transit-serving roads; Requiring
8 financial transparency; be adopted?
9

10 8. That this Court issue a peremptory writ of mandate ordering Respondent COUNTY ELECTION
11 OFFICIALS and Real Party in Interest District Counsel KANE to amend material that is partial, false,
12 and/or misleading in the “Impartial Analysis,” as provided in Paragraphs 169 through 177 of this
13 Petition;

14 9. That the Court award Petitioners costs, including reasonable attorneys’ fees pursuant to
15 California Code of Civil Procedure section 1021.5, as permitted by law; and

16 10. That this Court grant such other and further relief as may be just and proper.
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18 Dated: August 16, 2026.
19

20 Respectfully submitted,

21 LAW OFFICES OF JASON A. BEZIS

22 /s/ *Jason A. Bezis*
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24 JASON A. BEZIS
25 Attorney for Petitioners
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ Marc Joffe

MARC JOFFE