

S249859

JUL 18 2018

IN THE SUPREME COURT OF CALIFORNIA

Jorge Navarrete Clerk

EN BANC

Deputy

PLANNING AND CONSERVATION LEAGUE, Petitioner,

v.

ALEX PADILLA, as Secretary of State, etc., Respondent;

TIMOTHY DRAPER, Real Party in Interest.

Time constraints require the court to decide immediately whether to permit Proposition 9 to be placed on the November 6, 2018, ballot pending final resolution of this matter. Although our past decisions establish that it is usually more appropriate to review challenges to ballot propositions or initiative measures after an election (*Costa v. Superior Court* (2006) 37 Cal.4th 986, 1005), we have also made clear that in some instances, when a substantial question has been raised regarding the proposition's validity and the "hardships from permitting an invalid measure to remain on the ballot" outweigh the harm potentially posed by "delaying a proposition to a future election," it may be appropriate to review a proposed measure before it is placed on the ballot. (*Howard Jarvis Taxpayers Assn. v. Padilla* (2016) 62 Cal.4th 486, 494; see also *id.*, at pp. 496-497; accord, *American Federation of Labor v. Eu* (1984) 36 Cal.3d 687, 697.) Because significant questions have been raised regarding the proposition's validity, and because we conclude that the potential harm in permitting the measure to remain on the ballot outweighs the potential harm in delaying the proposition to a future election, respondent Alex Padilla, as Secretary of State of the State of California, is directed to refrain from placing Proposition 9 on the November 6, 2018, ballot.

Both respondent Padilla and real party in interest Timothy Draper are ordered to show cause before this court, when the above matter is called on calendar, why the relief sought by petitioner, Planning and Conservation League, should not be granted. The returns of respondent and real party in interest are to be served and filed on or before Monday, August 20, 2018. Petitioner is ordered to serve and file its reply within 30 days of the timely-filed returns.

Cantil-Sakauye

Chief Justice

Chin

Associate Justice

Corrigan

Associate Justice

Liu

Associate Justice

Cuéllar

Associate Justice

Kruger

Associate Justice

Associate Justice