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California Court of Appeal Casts Doubt on Legality of Municipality's Voter ID Law



Earlier this month, a California appellate court issued an order in *People v. Huntington Beach* indicating that California's intermediate appellate court will hold that there is a limit on the power of localities to manage local elections, and municipal voter identification laws may be preempted by state law.

This case dates back to October 2023, when voters of the city of Huntington Beach approved Measure A, which enacted a city charter amendment that gave the city discretion to enact laws requiring voter identification at polling places. Although the charter amendment has not been implemented in any election, as explained in our [October 2024 Update](#), Measure A highlights the growing tension between state and local authorities in regulating elections.

Shortly after Measure A passed, the state of California sued to enjoin its enforcement, arguing that it is preempted by state election law. The Hon. Nico Dourbetas of the Orange County Superior Court dismissed the case in November 2024, holding that the matter was not ripe for resolution. In particular, Judge Dourbetas held that because the charter amendment is permissive and discretionary in character, it would not certainly be enforced, and, thus, it currently presented no conflict with state election laws.

The state filed a [Petition for Writ of Mandate](#) asking the appellate court to (1) overturn the trial court's ripeness holding and (2) resolve the central issue in the case by finding that state law preempts the amendment.

On February 18, the appellate court issued a "[Palma Notice](#)," a rarely issued notice akin to a fast-tracked advisory opinion regarding a matter pending on appeal. In the notice, the appellate court stated that it was considering issuing a peremptory writ in the first instance in favor of the state—a measure saved for exceptional circumstances where the unusual urgency of the matter at hand or the obviousness of a resolution merits the court immediately resolving the matter.

In its *Palma* Notice, the appellate court previewed its analysis in support of the state’s arguments and asked the trial court to reconsider its findings in light of this analysis. The appellate court noted that the trial court’s ripeness findings were “problematic” because the charter amendment gives the city the power to enact voter identification laws which contradict California state law prohibiting local governments from enacting such laws.

The appellate court went a step further to address the preemption issue at the core of this case and provided a glimpse into its analysis of the merits of this case. The notice stated that the city’s argument regarding localities having “home rule” power to independently manage municipal elections was “problematic” because city elections are “[c]onsolidat[ed] with statewide elections” and rely on “state personnel, voting infrastructure, polling places, etc.”

A week after receiving the *Palma* Notice, on February 25, 2025, Judge Dourbetas indicated at a hearing that he intended to vacate the dismissal and set the matter for an April hearing. The court’s ruling is likely to reach the merits and rule directly on the legality of the charter amendment. The order may also address whether SB 1174, California’s 2024 law prohibiting localities from requiring voter identification that was passed in direct response to the charter amendment, preempts the charter amendment.

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