

COPY

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN DIEGO

11 SCOTT SHERMAN, an individual,
12 Petitioner,

13 v.
14 DIANA J.S. FUENTES, Clerk for the City of
15 San Diego, in her official capacity only; and
16 DOES 1 – 5,
17 Respondents.

Lead Case No. 26CU015825C

~~PROPOSED~~ PEREMPTORY WRIT

[CAL. ELEC. CODE §§ 9295, 13314]

18 GEORGE DUARDO, an individual; STEPHEN
19 RUSSELL, an individual; SEAN ELO-RIVERA,
20 an individual; BRIGETTE BROWNING, an
21 individual; JOHANNA HESTER, an individual;
22 and DOES 6 – 20, inclusive,

23 Real Parties in Interest.

ELECTION MATTER
IMMEDIATE ACTION REQUESTED

Date: March 26, 2026
Time: 1:30 p.m.
Dept.: C-74

24 SCOTT SHERMAN, an individual,
25 Petitioner,

26 v.
27 DIANA J.S. FUENTES, Clerk for the City of
28 San Diego, in her official capacity only; and
DOES 1 – 5,
Respondents.

CONSOLIDATED CASE NO. 26CU016064C

SAN DIEGO CITY COUNCIL, and DOES 6
– 20, inclusive,

Real Parties in Interest.

CONSOLIDATED CASE NO. 26CU016163C

SCOTT SHERMAN, an individual,
Petitioner,

v.
DIANA J.S. FUENTES, Clerk for the City of
San Diego, in her official capacity only; and
DOES 1 – 5,
Respondents.

(* Original to be given to Counsel for Petitioner. Kim 03/26/2026)

1 HEATHER FERBERT, in her official capacity
2 as San Diego City Attorney, and DOES 6 – 20,
3 inclusive,
4 Real Parties in Interest.

5 **TO RESPONDENT SAN DIEGO CITY CLERK DIANA FUENTES:**

6 A judgment of this Court having been entered in this action, ordering that this
7 peremptory writ of mandate issue,

8 **YOU ARE COMMANDED** immediately upon receipt of this writ to modify the ballot
9 materials for the June 2, 2026 election regarding Measure A as follows:

10 1. Ballot Title: Modify the Ballot Title to be “City of San Diego Non-Primary
11 Homes Tax.”

12 2. Ballot Summary: Strike all references to “empty” in the Ballot Summary, and
13 replace them with “non-primary.” Strike at the end of the second paragraph of the Ballot Summary the
14 language “such as housing and infrastructure projects.”

15 3. Impartial Analysis: Strike all references to “empty” in the Impartial
16 Analysis, and replace them with “non-primary.”

17 4. Ballot Question: Modify the Ballot Question to read in its entirety:
18 “Measure A. Non-Primary Homes Tax.

19 Shall a measure to preserve homes for San Diego residents, by taxing non-
20 primary homes (residential properties vacant more than 182 days per year), excluding
21 owner-occupied primary residences and long-term rentals, at \$8,000 in 2027 and \$10,000
22 in subsequent years with annual inflation adjustments, with higher rates for corporate-
23 owned properties, generating up to \$24 million annually for city services, with annual
24 independent audits, until ended by voters, be adopted?”

25 5. Grammar and Capitalization. Without changing the substance of the ballot
26 materials, and as appropriate, grammar and capitalization may be corrected, such as from
27

1 "an" to "a" or "a" to "an," or as otherwise appropriate such that the ballot materials use
2 correct grammar and capitalization.

3 Attest my hand this 26th day of March 2026.

4
5 K. Mulligan
6 Clerk of the Court

7
8 By: K. Mulligan
9 Deputy Clerk

10
11 **K. MULLIGAN**

12
13
14 (Seal)

