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State Shirley Weber and Governor Gavin Newsom
9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 EASTERN DIVISION
13

14 **STEVE HILTON,**

15 Plaintiff,

16 v.
17

18 **SHIRLEY WEBER, in her official**
capacity as California Secretary of
19 **State, GOVERNOR GAVIN**
20 **NEWSOM, in his official capacity,**

21 Defendants,
22

23 And the **LEGISLATURE OF**
CALIFORNIA,

24 Real Party in Interest.
25
26
27
28

8:25-cv-01988-KK-E

**DECLARATION OF JANA LEAN
SUPPORTING DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. Kenly Kiya Kato
Action Filed: Sept. 4, 2025

1 I, Jana M. Lean, declare:

2 1. I am a resident of the State of California and I am over the age of 18. I
3 have personal knowledge of all the facts stated in this declaration, except those
4 matters stated upon information and belief. As to those matters, I believe them to
5 be true. If called as a witness, I could and would testify competently to the matters
6 set forth below.

7 2. I am employed by the Office of the California Secretary of State,
8 where I have served as Chief of the Elections Division since 2010. Before
9 assuming my current position, I served in various roles in the Elections Division for
10 more than 12 years. I am familiar with all aspects of the Elections Division's work.
11 I work for Secretary of State Shirley N. Weber, Ph.D. and support her in her official
12 capacity as the Chief Elections Officer of the State of California. In my current
13 role, I assist Secretary Weber in the execution of state and federal laws relating to
14 elections. To date, I have overseen 16 statewide elections and 73 special vacancy
15 elections.

16 3. As California's Chief Elections Officer, the Secretary of State is
17 responsible for executing all state and federal laws relating to elections within the
18 State of California. *See* Cal. Gov't Code § 12172.5(a); Cal. Elec. Code § 10. The
19 Elections Division is responsible for implementing the Secretary of State's duties
20 with regard to elections, including enforcing laws, ensuring that elections are
21 conducted efficiently, and providing technical information, advice, and assistance
22 to county elections officials and the public. Elections are primarily administered at
23 the county level in California.

24 4. The Elections Division of the Secretary of State's Office oversees the
25 administration of federal and state elections within California. This includes, but is
26 not limited to, providing guidance and training on election laws and procedures to
27 county elections officials, printing and distributing voter registration cards,
28 maintaining a statewide database of all registered voters, coordinating and

1 compiling all statewide voter registration statistics, qualifying candidates for
2 statewide and special elections, certifying the list of candidates for state offices,
3 tracking and certifying ballot initiatives, printing and mailing a state voter
4 information guide, surveying all of California's 58 counties regarding ballot
5 transmittal statistics on military and overseas voters and reporting those statistics to
6 the United States Department of Justice, administering a Voter Assistance Hotline
7 for the entire State, receiving Election Day complaints from the public and
8 coordinating the resolution of those complaints with all of California's 58 counties,
9 coordinating the tabulation of votes from each county, certifying the election
10 results, issuing nomination and election certificates to all victorious statewide
11 candidates, educating California citizens about their voting rights, and promoting
12 voter registration and participation.

13 5. The Secretary of State has no role in developing the contents of ballot
14 measures. Instead, the Secretary issues guidance on the process of preparing ballot
15 measures for placement on the ballot, ensures that proposed ballot measures have
16 satisfied procedural requirements, and then certifies ballot measures for placement
17 on the ballot. The Secretary of State's Office does not certify legislatively referred
18 constitutional amendments before they are placed on the ballot.

19 6. I am aware that a lawsuit has been filed against Secretary Weber in her
20 official capacity as Secretary of State. I am also aware that Plaintiff in this lawsuit
21 is requesting an injunction to prevent the placement of Proposition 50 on the
22 November 4, 2025 Statewide Special Election ballot; stop or delay the Special
23 Election; prevent certification of the Special Election results; or prevent the
24 implementation of the new map if voters approve Proposition 50 in the Special
25 Election. I understand that Plaintiff's injunction request states, among other things,
26 that issuing such an injunction would preserve the status quo and would "not affect
27 the elections process." I also understand that Plaintiff's injunction request states
28 that "there are no candidates involved" in the special election.

1 7. Proposition 50 is a legislatively referred ballot measure that appears on
2 the November 4, 2025 Statewide Special Election ballot. It asks voters to choose
3 whether to approve proposed Assembly Constitutional Amendment (ACA) 8. If
4 approved, ACA 8 would temporarily alter the existing process for preparing
5 congressional district map. A copy of ACA 8 is available at
6 <https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/aca-8.pdf>. A
7 related bill, Assembly Bill (AB) 604, available at [https://elections.cdn.sos.ca.gov](https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/ab-604.pdf)
8 [/statewide-elections/2025-special/ab-604.pdf](https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/ab-604.pdf), describes the new congressional
9 districts that would be implemented if voters approve Proposition 50. Another
10 related bill, Senate Bill (SB) 280, available at [https://elections.cdn.sos.ca.gov/](https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/sb-280.pdf)
11 [statewide-elections/2025-special/sb-280.pdf](https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/sb-280.pdf), outlines processes and timelines
12 related to the November 4, 2025 Statewide Special Election and the June 2, 2026
13 Statewide Direct Primary Election. ACA 8, AB 604, and SB 280 were passed
14 during California's 2025-2026 regular legislative session and filed with the
15 Secretary of State's Office on August 21, 2025.

16 8. The Secretary and California's county elections officials are
17 responsible for implementing provisions of SB 280, and are already far along in
18 that process. The Secretary of State's Office prepared a calendar detailing the
19 events related to the November 4, 2025 Statewide Special Election, available at
20 [https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/statewide-special-](https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/statewide-special-election-calendar.pdf)
21 [election-calendar.pdf](https://elections.cdn.sos.ca.gov/statewide-elections/2025-special/statewide-special-election-calendar.pdf).

22 9. Significant state and county time and resources are expended at each
23 stage of each election. Many of these efforts put the public on notice of key dates
24 and information related to each election. Considerable resources have already been
25 devoted, and continue to be devoted, to ensuring the November 4, 2025 Statewide
26 Special Election and June 2, 2026 Statewide Direct Primary Election proceed as
27 planned.

28 10. Among myriad efforts that have already been made, counties started

1 processing applications for military and overseas voter ballots on September 5,
2 2025. Counties completed the transmittal of ballots and balloting materials to
3 military and overseas voters by September 20, 2025.

4 11. Counties began mailing ballots to voters on or before October 6, 2025.

5 12. Every active California voter receives a ballot in the mail. Voters may
6 begin voting as soon as they receive their ballots.

7 13. There are over 23 million active voters in California.

8 14. Counties were authorized to start processing ballots on October 6,
9 2025. And counties opened ballot drop-off locations on or before October 7, 2025.

10 15. Counties started receiving and processing completed ballots from
11 military and overseas voters after September 5, 2025, and from regular voters on or
12 before October 6, 2025. Indeed, approximately two-and-a-half million ballots have
13 been returned to date.

14 16. A non-exhaustive list of other key events that have occurred and
15 efforts that have been made so far include the following:

- 16 a. the Statewide Special Election was called on August 21, 2025, via
17 SB 280;
- 18 b. a news release inviting arguments with respect to the statewide
19 ballot measure was issued on August 21, 2025, and the deadlines to
20 submit arguments and rebuttal arguments were August 25, 2025
21 and August 27, 2025, respectively;
- 22 c. counties have already established polling locations and entered into
23 contracts;
- 24 d. the Attorney General provided the official ballot title and summary
25 and condensed ballot title and summary for the statewide ballot
26 measure on August 27, 2025;
- 27 e. the proposition ballot label and ballot title and summary were made
28 available for public examination between August 27, 2025 and

1 September 4, 2025 to allow the public an opportunity to seek writ
2 relief to amend or delete any portion of the ballot label and ballot
3 title and summary before they were printed;

4 f. the state Voter Information Guide was made available for public
5 examination between August 28, 2025 and September 17, 2025 to
6 allow the public an opportunity to seek writ relief to amend or
7 delete any portion of the Voter Information Guide before it was
8 printed;

9 g. counties submitted voter registration information to the Secretary of
10 State starting on September 5, 2025;

11 h. counties started printing ballots on or around September 5, 2025;

12 i. the weeks-long process of printing state Voter Information Guides
13 began on September 17, 2025;

14 j. starting on September 22, 2025, the Secretary of State's Office
15 mailed Voter Information Guides to all households in which voters
16 were registered by September 5, 2025; and

17 k. on or around September 25, 2025, county elections officials began
18 mailing county voter information guides and polling place notices.

19 17. The Secretary of State's Office is continuously working with county
20 elections officials to provide guidance regarding the logistics of the Statewide
21 Special Election.

22 18. If a majority of voters approve Proposition 50, an order preventing the
23 implementation of the new congressional map would cause enormous confusion,
24 especially if the duration of the order is unclear. For example, voters and
25 candidates would be unsure if the previous map applies for the June 2, 2026
26 Statewide Direct Primary Election. And if the order lifted in the midst of the June
27 2026 Primary Election, the result would be chaotic. State and local election
28 officials would need make a monumental effort to ensure congressional districts

1 and voter precincts are updated, determine how to treat votes that had already been
2 cast based on the previous districts, and determine how to communicate the updates
3 for voters. Similarly, candidates would need to reevaluate their entire campaigns
4 and duplicate efforts to ensure they run in the correct district. The closer in time
5 such a change occurs to the June 2026 Primary election, the more confusion and
6 wasted efforts and resources would result.

7 19. An order that has the effect of postponing completion of the Special
8 Election would result in a waste of efforts and expenditures of resources, and may
9 require that efforts be duplicated. These resources and efforts include, for example,
10 state and local funds already spent preparing for and administering the Special
11 Election, the time and effort of state and local officials administering the Special
12 Election, and the time and effort of contractors who have been working with those
13 officials. State and local elections officials would need to redirect their attention
14 from administering the Special Election to developing solutions for processing
15 votes in jurisdictions that also have local election contests on their ballots,
16 determining how to handle ballots that were already completed by the time the
17 injunction was issued, communicating information to voters about the effects of the
18 order, and, depending on the timing of the order, determining if the Secretary of
19 State's Office could certify the results of the Special Election. The Secretary would
20 also need to halt key processes, including, but not limited to, providing guidance to
21 county elections officials, receiving information regarding voters and ballots from
22 the counties, and certifying the election.

23 20. Proposition 50 is not the only issue on every ballot throughout the
24 State. In certain counties, ballots for the November 4, 2025 Statewide Special
25 Election also include local measures and candidates for office. For example,
26 candidates for office appear on the ballots for Fresno, Kern, Kings, Lake, Plumas,
27 and Santa Clara counties. And Alameda, El Dorado, Nevada, Placer, Santa Clara,
28 Santa Cruz, Shasta, and Siskiyou counties have measures other than Proposition 50

1 on their ballots. Information about county elections is publicly available on the
2 Secretary's website at [https://www.sos.ca.gov/elections/upcoming-elections/county](https://www.sos.ca.gov/elections/upcoming-elections/county-administered-elections)
3 [-administered-elections](https://www.sos.ca.gov/elections/upcoming-elections/county-administered-elections). Accordingly, an order that has the effect of preventing
4 voters from voting on Proposition 50, preventing elections officials from processing
5 votes on Proposition 50, or preventing the Secretary from certifying the Special
6 Election results could disrupt local elections across the State and the campaigns of
7 candidates running for office in the Special Election.

8 21. Further, issuing an injunction in the midst of the November 4, 2025
9 Statewide Special Election is likely to create confusion and engender distrust
10 among voters. News of such an order alone could create confusion for voters.
11 State or county elections officials would need to plan and deliver different sets of
12 messaging to counties with and without local election contests on their ballots.
13 Voters may also need to be notified that Proposition 50 will not be implemented
14 even if a majority of voters approve it. Such communication could have other far-
15 reaching consequences, such as voter distrust in state and county elections officials'
16 ability to conduct fair elections where all votes are counted.

17 22. At this point, any delay could make it impossible to finish conducting
18 the November 4, 2025 Statewide Special Election on time. The Secretary of State's
19 Office must know and be able to certify the results of the Special Election as soon
20 as possible so that it may determine which congressional district map applies for
21 the June 2, 2026 Statewide Direct Primary Election. This is particularly true if
22 Proposition 50 is approved, because voter information will also need to be updated
23 well in advance of the June 2, 2026 Primary Election so that voters receive accurate
24 ballots. Voter information would need to be verified for over 23 million active
25 voters.

26 23. Similarly, the public must know the results of the Special Election as
27 soon as possible so that candidates for Congress know which districts to file and
28 campaign in, and voters know which district they will vote in. Delays in

1 completing the Special Election or certifying its results and, consequently,
2 determining which congressional district map applies would disrupt the June 2,
3 2026 Primary Election.

4 24. The Secretary of State's Office has prepared a calendar detailing the
5 events related to the June 2, 2026 Statewide Direct Primary Election, available at
6 [https://elections.cdn.sos.ca.gov/statewide-elections/2026-primary/primary-election-](https://elections.cdn.sos.ca.gov/statewide-elections/2026-primary/primary-election-calendar.pdf)
7 [calendar.pdf](https://elections.cdn.sos.ca.gov/statewide-elections/2026-primary/primary-election-calendar.pdf). Processes related to the 2026 Primary Election begin shortly after the
8 Secretary's December 12, 2025 deadline to certify the Special Election results.
9 And as mentioned, each stage of the election typically requires the expenditure of
10 considerable time and resources by the state, county, and even candidates. For
11 example:

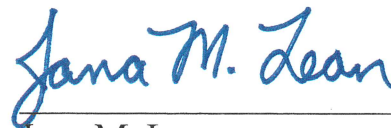
- 12 a. candidates may begin collecting signatures in lieu of filing fees on
13 December 19, 2025, and must complete this process by February 4,
14 2026;
- 15 b. candidates may begin filing mandatory Candidate Intention
16 Statements on December 19, 2025;
- 17 c. on or before December 26, 2025, the Secretary of State must
18 prepare and send to each county elections official a notice
19 designating all the offices, except for county officers and judges,
20 for which candidates are to be nominated at the primary election;
- 21 d. starting on December 30, 2025 and no later than January 18, 2026,
22 county elections officials must notify the Secretary of State of the
23 availability of voter registration information as part of the process
24 of verifying county readiness for the June 2, 2026 Primary Election;
- 25 e. no later than January 1, 2026, the Secretary of State must review
26 and, if necessary, amend administrative procedures for using voting
27 systems;
- 28 f. no later than January 1, 2026, the Secretary of State must publish

- 1 the list of approved ballot card vendors who may assist counties
- 2 with processes related to the June 2, 2026 Primary Election;
- 3 g. counties should begin a pre-election residency confirmation by
- 4 January 2, 2026, and complete the process no later than March 4,
- 5 2026;
- 6 h. January 22, 2026 is the last day for the legislature to adopt any
- 7 constitutional amendment, bond measure, or other legislative
- 8 measure in order for the measure to appear on the June 2, 2026
- 9 Primary Election ballot;
- 10 i. no later than January 28, 2026, the Secretary of State must prepare
- 11 and send to each county elections official a notice designating the
- 12 names of the political parties qualified to participate in the June 2,
- 13 2026 Primary Election;
- 14 j. the Attorney General must provide the Secretary of State with all
- 15 official ballot titles and summaries and condensed ballot titles and
- 16 summaries for statewide ballot measures that have qualified for the
- 17 June 2, 2026 Primary Election by January 30, 2026 to ensure there
- 18 is sufficient time to have them translated into all required languages
- 19 before the public examination period for the Voter Information
- 20 Guide; and
- 21 k. no later than January 31, 2026, all candidates, organizations,
- 22 committees, and slate mailers must file semiannual campaign
- 23 statements.

24 25. In short, delays in identifying the correct congressional district map
25 based on the results of the November 4, 2025 Statewide Special Election—
26 including by delaying or preventing certification of the Special Election results or
27 preventing implementation of the new map if Proposition 50 passes—would impact
28 candidates who must comply with various procedures and deadlines in order to

1 participate in the June 2, 2026 Statewide Direct Primary Election. Candidates may
2 not be able to comply with those procedures and deadlines, or may lose time to
3 campaign, unless they know which district to run for office in as soon as possible.
4 Such delays would also impact the preparation of voter materials, precincting of
5 voters into the correct congressional districts, and processes that must be
6 implemented starting weeks after the Special Election results are certified. Delays
7 in these processes would result in serious, and possibly irreparable, disruptions to
8 the June 2, 2026 Primary Election and generate significant voter confusion.

9 I declare under penalty of perjury that the statements in this declaration are
10 true and correct. Executed on October 20, 2025 in Sacramento, California.

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13 _____
14 Jana M. Lean
15 Chief of Elections Division
16 California Secretary of State's Office
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