

Bond Case Briefs

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BALLOT INITIATIVE - CALIFORNIA

Travis v. Brand

Court of Appeal, Second District, Division 8, California - May 19, 2023 - Cal.Rptr.3d - 2023 WL 3558102

City residents brought action for injunctive relief against city mayor, city councilmember, political action committee (PAC) created to support ballot measure limiting waterfront development, and other supporters of measure, alleging that defendants violated Political Reform Act by failing to designate PAC as primarily formed and as candidate-controlled, then failing to follow naming and disclosure requirements for primarily formed and candidate-controlled committees.

Following bench trial, the Superior Court entered judgment in defendants' favor and awarded statutory attorney fees. Plaintiffs appealed and appeals were consolidated. The Second District Court of Appeal affirmed in part and reversed in part. Plaintiffs' petition for review was granted. The Supreme Court reversed and remanded for determination of whether residents brought or maintained suit without foundation, as necessary to support award of attorney fees to defendants under Act.

On remand, the Court of Appeal held that:

- Findings that residents had improper motive and outside funding did not establish their claims lacked foundation;
- Factual foundation existed for claim that PAC was misdesignated as general purpose committee;
- Factual foundation existed for claim that PAC was controlled by candidates;
- Claims had legal foundation;
- Defendants did not advance important rights affecting public interest, as necessary for private attorney general fee award; and
- Defendants did not confer benefit upon general public or large class.