Secretary Of State Must Answer Legal Challenge To Female Director Quota Law

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Last August, I reported on the filing of a taxpayer challenge to California's Board Gender Quota Law. Crest v. Padilla, Cal. Super. Ct. Case No. 19STCV27561. California's Secretary of State, Alex Padilla, was named as the defendant in his official capacity. The plaintiffs allege that the law (SB 826) violates Articles 7 and 31 of the California Constitution. In October of last year, Secretary Padilla filed a demurrer to the suit, arguing that the plaintiffs lack standing and that the action is not ripe. Last week, Superior Court Judge Maureen Duffy-Lewis overruled the Secretary of State's demurrer:

"Plaintiffs bring suit under statute, CCP 526a which allows for a suit on the grounds of illegal expenditure. To state a claim, plaintiffs must allege they have paid taxes within a year before the filing of the action and that defendant is an officer or agent of the state and is expending taxpayer funds illegally. HERZBERG V COUNTY OF PLUMAS (2005) 133 CAL APP 4th 1, 23-4. The expending of officer's time performing unlawful or unauthorized acts is sufficient; it does not matter if the expenditure is small or that the expenditure may permit an ultimate saving of tax funds. BLAIR V PITCHESS (1971) 5 CAL 3D 258, 268.

Plaintiffs' allegations are sufficient to meet the criteria set above; this is all that is required for standing."

The Secretary of State, who is represented by the Attorney General, will be required
to answer the complaint and we may all eventually get an answer to the question of the law's constitutionality.

Judicial Watch, Inc., which filed the complaint, provided the following comment on Judge Duffy-Lewis' decision: "We are pleased the Court upheld California taxpayers’ right to challenge the illegal expenditure of taxpayer funds. We look forward to proving the gender quota mandate violates the California Constitution."

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