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CITY OF SANTA ANA

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October 27, 2023

Mr. Bob Page
Registrar of Voters
County of Orange
P.O. Box 11298
Santa Ana, California 92711

Re: November 14, 2023 Recall Election- Jessie Lopez, Office of City Council,
Ward 3, City of Santa Ana.

Dear Mr. Page:

The City is in receipt of your letter dated October 26th to Santa Ana City Clerk, Jennifer Hall, wherein you informed her that the petition for recall of City Councilmember Jessie Lopez from Ward 3 was reviewed based on Ward 3's post-redistricting boundaries. You further advised that had the pre-redistricting Ward 3 boundaries been used, the recall petition would have failed by 230 signatures, rather than being deemed sufficient.

The recall election is scheduled for November 14, 2023 and as you acknowledged, voter information guides and vote-by-mail ballots ("voter information") have already been sent out excluding 1,186 voters that would have received voter information under pre-redistricting boundaries for Ward 3 and including 362 voters that would not have received voter information under pre-districting boundaries. Are you going to rescind your certificate as to verification of signatures on the petition?

Your letter of October 26th asked for "direction from the City as soon as practicable regarding whether the City intends to proceed with conducting the recall elections that is currently scheduled for November 14, 2023." However, while the Santa Ana City Council called and gave notice of the recall election, the County Registrar of Voters ("ROV") is responsible for conducting the election. Our question back to you is, would you proceed with conducting the election knowing what you now know about there being insufficient signatures to qualify the recall in the first place, assuming you used the wrong map?

We are most distressed by the lack of communication from the ROV. Your letter suggests your error was based on the City's resolutions not specifying a list of precincts different than the current Ward 3 boundaries. The resolutions calling and giving notice of the recall election in February 2020, concerning the former Santa Ana Councilmember Cecilia Iglesias, did not reference precincts either.

Letter to Mr. Page
Re: November 14, 2023 Recall Election-Ward 3, City of Santa Ana
October 27, 2023
Page 2

The County Registrar of Voters didn't reach out in that case and it didn't reach out to the City in this case to suggest you were missing information or needed guidance.

You also decided to initiate a re-review of signatures without consulting the City's election official. A courtesy call providing the City Clerk with an opportunity to determine whether the proper map had been used would have been far more collaborative than reaching the conclusion that the old Ward 3 map should have been used and then suggesting that the City has the option to proceed with an election. You want the City to make a decision with just 12 working days before the election and do not want to take any responsibility for reaching a solution to this immense problem. Again, are you going to rescind your certificate as to verification of the signature petition?

It seems impossible to us that the ROV could get voter information guides, sample ballots and vote-by-mail ballots out with sufficient time for voters. Furthermore, what would the ROV do to identify those voters outside of the pre-redistricting Ward 3 boundaries that may cast a ballot based upon misunderstanding or confusion? Can you proceed with the election and meet all the legal requirements?

There are thousands of qualified voters who signed a recall petition and are expecting to have the right to vote. If an election is not held, imagine how these people will feel about the ability of their local governments to preserve this sacred right. On the other hand, people lawfully elected the councilmember. Imagine the people that support her and any effort to remove her from office must be held to the stringent requirements of the Elections Code and voting laws. The City should not be left alone in deciding how to proceed, based on the error, regardless of who is responsible for it. We ask that you cooperate in answering our questions above and those below so the City can make the best decision possible.

The City of Santa Ana hereby asks for an accounting of all costs to date related to the scheduled recall election. This request includes all costs for signature review and costs for the recall election to date. The City would also like to know whether you were presented with ward maps, by whom and when. Knowing how and when the question arose as to whether the correct map was used and when the ROV re-examined signatures based on the pre-redistricting boundaries of Ward 3 is also essential. As you can imagine, time is of the essence in receiving answers to our questions.

Sonia Carvalho



City Attorney
City of Santa Ana

Cc: Steven Mendoza, Acting City Manager
Jennifer Hall, City Clerk
Mark Servino, County Counsel's Office

SANTA ANA CITY COUNCIL