



REGISTRAR OF VOTERS
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BOB PAGE
Registrar of Voters

Mailing Address:
P.O. Box 11298
Santa Ana, California 92711

October 26, 2023

Jennifer L. Hall, City Clerk
City of Santa Ana
P.O. Box
Santa Ana, CA 92702

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

Dear Ms. Hall:

The Registrar of Voters has been asked to conduct the recall election referenced above by the City of Santa Ana. In the process of preparing for the election, we became aware that Ms. Lopez was elected based on Santa Ana's pre-redistricting boundaries for Ward 3. However, the recall petition was circulated and reviewed based on Ward 3's post-redistricting boundaries. See the attached map.

The current post-redistricting Ward 3 boundaries includes 362 active voters who did not reside in the old Ward 3 boundaries and excludes 1,186 voters who reside within the old Ward 3 boundaries. This difference between the old and current Ward 3 boundaries would have impacted whether the recall petition had sufficient valid signatures and who can validly vote in the recall election. As denoted in Attachment A, if the signatures from voters in the current Ward 3 who did not reside in the old Ward 3 were excluded from the count, then the recall petition would have failed by 230 signatures, rather than being deemed sufficient.

We understand that Ms. Lopez was elected in 2020, prior to City's adoption of the current Ward 3 map. Unless the City's Charter provides otherwise, Section 21606 of the Election Code provides the City's new district maps will apply at "the first election for council members ... following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election." See 97 Cal. Op. Att'y Gen. 12 (2014) (Attorney General rejects contention that "the first election" must be construed to mean the first election of any sort, including an election to fill a vacancy, after the boundary adjustments). Thus, it appears that the old Ward 3 map boundaries should have applied for both the review of the recall petition and with respect to which voters can vote in the currently scheduled recall election.

The City of Santa Ana requested that the Registrar of Voters conduct the recall election for Jessie Lopez, Office of City Council, Ward 3 on behalf of the City pursuant to City Resolutions 2023-055 and 2023-056 and Section 10002 of the Election Code, which provides:

Any city that requests the board of supervisors to permit the elections official to prepare the city's election materials shall, if the board of supervisors agrees to provide such services, supply the county elections official with a list of its precincts, or consolidated precincts, as applicable, no later than 61 days before the election.

Re: NOVEMBER 14, 2023 RECALL ELECTION

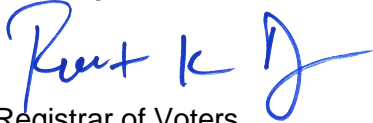
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Cal. Elec. Code § 10002. The City's resolutions do not specify any list of precincts that are different from the current Ward 3 boundaries, which contain precincts different from those that were in effect when Ms. Lopez was elected.

This is a municipal election, thus your office serves as the City's election official for the recall election with the Registrar of Voters providing election services at the request and direction of the City. Accordingly, the Registrar of Voters will need direction from the City as soon as practicable regarding whether the City intends to proceed with conducting the recall election that is currently scheduled for November 14, 2023 given the issues described herein.

Bob Page

A handwritten signature in blue ink, appearing to read "Robert K. D.", written in a cursive style.

Registrar of Voters
County of Orange

cc: Steven A. Mendoza, Acting City Manager
Sonya Carvalho, City Attorney
Jessie Lopez, City Councilmember
Tim Rush (timrush@bhscaprops.com)

Attachment A

	Certified (2022 map)	Corrected (2020 map)
Registered voters as of 2/10/23 Report	26,370	27,158
Signatures filed	6,617	6,617
Valid Signatures	5,284	5,202 *
Valid Signatures Required	5,274	5,432
* Accepted Signatures from voters in Ward 3 per 2022 map, but not in Ward 3 per 2020 map	82	
Rejected signatures for voters not in Ward 3 in 2022, but who were in Ward 3 in 2020	0	
Number of current voters who were mailed a ballot that shouldn't have because they aren't within the Ward 3 boundaries from 2020	357	
Number of current voters who were not mailed a ballot because they do not live within Ward 3 boundaries from 2022, but should have been mailed a ballot because they are within the Ward 3 boundaries from 2020		1,186