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*Petitioner and Plaintiff*

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF ORANGE**  
10 **UNLIMITED JURISDICTION**

11 GUADALUPE OCAMPO,  
12  
13 Petitioner and Plaintiff,

14 vs.

15 JENNIFER L. HALL, in her official  
16 capacity as the Santa Ana City Clerk; BOB  
17 PAGE, in his official capacity as the Orange  
18 County Registrar of Voters; CITY  
19 COUNCIL OF THE CITY OF SANTA  
20 ANA; CITY OF SANTA ANA and DOES  
21 1 through 100, inclusive,

22 Respondents and Defendants,

23 - and -

24  
25 TIM RUSH, an individual; RESIDENTS  
26 FOR RESPONSIBLE LEADERSHIP IN  
27 SUPPORT OF THE RECALL OF JESSIE  
28 LOPEZ, SPONSORED BY SANTA ANA  
POLICE OFFICERS ASSOCIATION  
INDEPENDENT EXPENDITURE  
COMMITTEE,

Real Parties in Interest

Case No.

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
INJUNCTIVE AND DECLARATORY  
RELIEF**

(California Elections Code Section 13314;  
California Code of Civil Procedure Sections 1085  
and 525, et seq.)

**PRIORITY ELECTION MATTER:**  
**CALIFORNIA ELECTIONS CODE SECTION**  
**13314(a)(3) AND CODE OF CIVIL**  
**PROCEDURE SECTIONS 35 AND 36**



1 Plaintiff/Petitioner herein -- who did not receive ballots, but are legally eligible to vote and are  
2 being denied their right to participate in the election.

3           3.       The recall petition circulated by Real Party in Interest Tim Rush and his committee,  
4 Residents for Responsible Leadership in Support of the Recall of Jessie Lopez, Sponsored by Santa  
5 Ana Police Officers Association Independent Expenditure Committee (“the Committee”), was  
6 previously, and erroneously, certified as receiving a sufficient number of signatures to qualify the  
7 recall election for the ballot. However, via a letter dated October 26, 2023, the Registrar informed  
8 the City Clerk that, in fact and in law, the recall petition did not contain a sufficient number of  
9 signatures to qualify the recall for the ballot, and requested direction from the City on how it  
10 intended to proceed. A true and correct copy of the Registrar’s letter is attached hereto as Exhibit  
11 “1” and incorporated herein by this reference.

12           4.       Specifically, the Registrar determined that: (a) Councilmember Lopez was elected  
13 based on Santa Ana’s Ward 3 **pre-redistricting boundaries**, but the recall petition was reviewed  
14 based on Ward 3’s **post-redistricting boundaries**; (b) the failure to base the recall on the old Ward  
15 3 boundaries impacted whether the recall petition had sufficient valid signatures and who could  
16 validly vote in the recall election; and (c) if the signatures from voters in the current Ward 3 who  
17 did not reside in the old Ward 3 were excluded from the count – as they should have been – the  
18 recall petition would have failed by 230 signatures, rather than being deemed sufficient.

19           5.       On October 30, 2023, in response to a written inquiry from the City, the Registrar  
20 sent a Superseding Certification to the City Clerk. The Superseding Certification stated that the  
21 number of signatures gathered by the recall proponents, when applied to the legally required  
22 signature threshold calculated using the pre-redistricting boundaries of Ward 3, failed to qualify by  
23 230 signatures. A true and correct copy of the Registrar’s Superseding Certification is attached  
24 hereto as Exhibit “2” and incorporated herein by this reference.

25           6.       On October 30, 2023, the City Council held a special meeting to discuss the  
26 Registrar’s October 26, 2023 letter and Superseding Certification, and to decide whether to proceed  
27 with the November 14, 2023 recall election. After public comment and a closed session discussion,  
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1 the error made by the Registrar and the City and has been deprived of her right to vote in the  
2 election. Petitioner further has an interest in ensuring that the recall election does not proceed  
3 because the recall petition was not legally sufficient to qualify for the ballot.

4 9. Respondent JENNIFER L. HALL is the Santa Ana City Clerk and the City's chief  
5 elections officer. Upon information and belief, the City Clerk has delegated to the Registrar the  
6 responsibility of verifying recall petition signatures and conducting the recall election. Unless this  
7 Court intervenes, the City Clerk is poised to direct the Registrar to continue conducting the recall  
8 election, tally the ballots, and certify the results, even though the recall petition was not signed by a  
9 sufficient number of voters to qualify for the ballot, and her conduct is depriving 1,186 City voters  
10 of their right to participate in the election, while allowing 357 City residents the opportunity to  
11 improperly vote in the election.

12 10. Respondent BOB PAGE is the Orange County Registrar of Voters. Upon  
13 information and belief, the Registrar has been tasked by the City Clerk to verify recall petition  
14 signatures and conduct the recall election. Unless this Court intervenes, the Registrar is poised to  
15 continue conducting the recall election at the direction of the City Clerk, tally the ballots, and  
16 certify the results, even though the recall petition was not signed by a sufficient number of voters to  
17 qualify for the ballot, and his conduct—albeit at the direction of the City—is depriving 1,186 City  
18 voters of their right to participate in the election, while allowing 357 City residents the opportunity  
19 to improperly vote in the election.

20 11. Respondent CITY COUNCIL OF THE CITY OF SANTA ANA is the governing  
21 body of the City of Santa Ana, which is a municipal corporation and charter city in the County of  
22 Orange. Upon information and belief, unless this Court intervenes, the City Council is poised to  
23 allow the recall election to proceed, even though the recall petition was not signed by a sufficient  
24 number of voters to qualify for the ballot and their conduct is depriving 1,186 City voters of their  
25 right to participate in the election, while allowing 357 City residents the opportunity to improperly  
26 vote in the election.

27 12. Respondent CITY OF SANTA ANA is a municipal corporation and charter city in  
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1 the County of Orange. Upon information and belief, unless this Court intervenes, the City, through  
2 its City Clerk, City Council and all officers, agents, and employees is poised to allow the recall  
3 election to proceed, even though the recall petition was not signed by a sufficient number of voters  
4 to qualify for the ballot and its conduct is depriving 1,186 City voters of their right to participate in  
5 the election, while allowing 357 City residents the opportunity to improperly vote in the election.

6 13. Petitioner is informed and believes and thereon alleges that Real Party in Interest  
7 TIM RUSH is a registered voter and resident of Santa Ana who is Principal Officer of Real Party  
8 in Interest, RESIDENTS FOR RESPONSIBLE LEADERSHIP IN SUPPORT OF THE RECALL  
9 OF JESSIE LOPEZ, SPONSORED BY SANTA ANA POLICE OFFICERS ASSOCIATION  
10 INDEPENDENT EXPENDITURE COMMITTEE, the committee that circulated the petition to  
11 recall Councilmember Jessie Lopez and is conducting a campaign in support of the recall measure.

12 14. The true and correct capacities of Respondents and Defendants DOES 1 through  
13 100, and each of them (the "Doe Respondents") are unknown to Petitioner at this time, and  
14 therefore Petitioner sues the Doe Respondents by such fictitious names. Petitioner will file DOE  
15 amendments and/or ask leave of court to amend this pleading to assert the true names and  
16 capacities of these Respondents when they have been ascertained. Petitioner is informed and  
17 believes, and based thereon alleges, that each Doe Respondent contributed to the recall petition not  
18 being signed by a sufficient number of voters to qualify for the ballot, are properly named as Doe  
19 Respondents, and are within the jurisdiction of this Court.

20 **JURISDICTION AND VENUE**

21 15. The wrongful conduct alleged herein occurred in, and continues to occur in, Orange  
22 County, California. This Court has jurisdiction over the subject matter of this action, and venue is  
23 properly in this Court.

24 **PRIORITY MATTER**

25 16. This action "shall have priority over all other civil matters," pursuant to California  
26 Elections Code section 13314(a)(3). Further, Code of Civil Procedure section 35(a) provides  
27 calendar preference for this case as it involves "the certification or denial of certification of" a  
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1 recall measure. Last, Code of Civil Procedure section 36 permits a court to grant trial preference  
2 based on the “interests of justice.”

3 **STATEMENT OF FACTS**

4 17. On or about February 8, 2023, the proponents of the effort to recall Councilmember  
5 Lopez filed their “Notice of Intention to Circulate Recall Petition” with the City Clerk.

6 18. On or about April 7, 2023, proponents of the recall effort, and their agents, began  
7 circulating the recall petition among the City’s voters.

8 19. On or about June 12, 2023, proponents of the recall effort delivered the signed  
9 petition to the City Clerk.

10 20. On or about June 13, 2023, the City Clerk accepted the petition for filing and  
11 forwarded it to the Registrar for signature verification, along with a letter of transmission. The  
12 letter stated that the number of registered voters in Ward 3 the Registrar should use for purposes of  
13 calculating whether the recall proponents had gathered a sufficient number of signatures was 26,  
14 370 and that 5,274 signatures must be verified by the Registrar in order for the recall petition to  
15 qualify, based on the statutory 20% standard. A true and correct copy of the City Clerk’s  
16 transmission letter is attached hereto as Exhibit “3” and incorporated herein by this reference.

17 21. On or about July 17, 2023, the Registrar determined that the petition contained the  
18 requisite number of valid signatures to qualify for certification to the City Council based on the  
19 parameters provided by the City Clerk. According to the Registrar’s verification certificate, the  
20 petition was found to contain 5,284 valid signatures, 10 more than the 5,274 valid signatures  
21 required to qualify. Based on the numbers provided by the Registrar, the City Clerk certified the  
22 sufficiency of the recall petition that same day, July 17, 2023. True and correct copies of the  
23 Registrar’s Certificate as to Verification of Signatures on Petition and the City Clerk’s Certificate  
24 of Sufficiency are attached hereto collectively as Exhibit “4” and incorporated herein by this  
25 reference.

26 22. On or about August 15, 2023, the City Council adopted Resolution 2023-54, which  
27 accepted the certifications of the recall petition by the Registrar and the City Clerk, and Resolution  
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1 2023-55, which set the recall election as a special election to be held on November 14, 2023. True  
2 and correct copies of the City’s Resolutions 2023-54 and 2023-55 are attached hereto as Exhibits  
3 “5” and “6” and incorporated herein by this reference.

4 24. The City Council set the recall election for November 14, 2023, and tasked the  
5 Registrar with the responsibility of conducting the election.

6 25. Ballots for the November 14 election have already been mailed to voters and are in  
7 the process of being voted upon and returned to the Registrar for processing.

8 26. On October 26, 2023, the Registrar informed the City Clerk that upon further  
9 review of the facts and law, the recall petition did not contain a sufficient number of signatures to  
10 qualify the recall for the ballot. Specifically, the Registrar determined that:

- 11 • “. . . Ms. Lopez was elected based on Santa Ana’s **pre-redistricting**  
12 **boundaries** for Ward 3. However, the recall petition  
13 was circulated and reviewed based on Ward 3’s **post-redistricting**  
14 **boundaries**” (Emphasis added);
- 15 • “This difference between the old and current Ward 3 boundaries  
16 . . . impacted whether the recall petition had sufficient valid  
17 signatures and who [could] validly vote in the recall election”; and
- 18 • “If the signatures from voters in the current Ward 3 who did not  
19 reside in the old Ward 3 were excluded from the count, then the  
20 recall petition would have failed by 230 signatures, rather than being  
21 deemed sufficient.”

22 (Exhibit “1.”)

23 27. On October 27, 2023, the City sent a letter to the Registrar in response to the  
24 Registrar’s October 26, 2023 letter. In their letter, the City acknowledged that an error had been  
25 made and asked the Registrar whether they would be rescinding their Initial Certification. A true  
26 and correct copy of the City’s October 27, 2023 letter is attached hereto as Exhibit “7” and  
27 incorporated herein by this reference.

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28. On October 30, 2023, in response to the written inquiry from the City, the Registrar sent a letter to the City accompanied by the Superseding Certification. Both the letter and the Superseding Certification stated that the number of signatures gathered by the recall proponents, when applied to the legally required signature threshold calculated using the pre-redistricting boundaries of Ward 3, failed to qualify by 230 signatures. A true and correct copy of the Registrar’s October 30, 2023, letter is attached hereto as Exhibit “8” and incorporated herein by this reference. (See also Exhibit “1.”)

29. On October 30, 2023, the City Council held a special meeting to discuss the Registrar’s October 26, 2023 letter, Superseding Certification and whether to proceed with the November 14, 2023 recall election. After public comment and a closed session discussion, the City Council deadlocked 3 - 3 and therefore took no action on the matter, which had the effect of maintaining the status quo and enabling the illegal recall election to proceed. Councilmember Lopez recused herself from the discussion and from all votes on the matter.

**APPLICABLE PROCEDURAL LAW**

**Writ of Mandate - Elections Code Section 13314**

30. This Petition is brought pursuant to California Elections Code section 13314, which provides, in relevant part, that “an elector may seek a writ of mandate alleging that an error . . . has occurred, or is about to occur, in the placing of any name on, or in the printing of, a ballot, . . . voter information guide . . . , or other official matter, or that any neglect of duty has occurred or is about to occur.”

31. California Elections Code section 13314 further provides, in relevant part, that “A peremptory writ of mandate shall issue only upon proof of both of the following: (A) That the error . . . or neglect is in violation of this code or the Constitution [and] (B) That issuance of the writ will not substantially interfere with the conduct of the election.” (This assumes, of course, that the election is supposed to be held – which is not the case here.)

32. Petitioner, who is an elector in the City of Santa Ana, alleges that an error and/or

1 neglect of duty has occurred in the placing of the Jessie Lopez recall election on the ballot, because  
2 the recall petition failed to contain a sufficient number of signatures to qualify the measure for the  
3 ballot.

4 **Writ of Mandate - Code of Civil Procedure Section 1085**

5 33. This Petition is brought pursuant to Code of Civil Procedure section 1085, which  
6 provides, in relevant part, that “[a] writ of mandate may be issued by any court to any . . . person,  
7 to compel the performance of an act which the law specifically enjoins, as a duty resulting from an  
8 office . . . . duty or station. . . .”

9 34. California Code of Civil Procedure section 1086 provides, in relevant part, that  
10 “[t]he writ must be issued in all cases where there is not a plain, speedy, and adequate remedy, that  
11 the ordinary course of law. It must be issued upon the verified petition of the party beneficially  
12 interested.”

13 35. Petitioner, who is beneficially interested in this matter, does not have a plain, speedy  
14 or adequate remedy in the ordinary course of law insofar as the recall election is in progress and  
15 after November 14, 2023 the ballots will be tallied, even though the election is null and void, which  
16 will cause irreparable harm to her and to the City’s voters.

17 **INJUNCTIVE RELIEF**

18 36. California Code of Civil Procedure section 525 provides that “an injunction is a writ  
19 or order requiring a person to refrain from a particular act. It may be granted by the court in which  
20 the action is brought, or by a judge thereof; and when granted by a judge, it may be enforced as an  
21 order of the court.”

22 37. California Code of Civil Procedure section 526 provides that an injunction may be  
23 granted “[w]hen it appears by the complaint that the plaintiff is entitled to the relief demanded, and  
24 the relief, or any part thereof, consists in restraining the commission or continuance of the act  
25 complained of, either for a limited period or perpetually;” “[w]hen it appears by the complaint or  
26 affidavits that the commission or continuance of some act during the litigation would produce . . .  
27 great or irreparable injury, to a party to the action;” or “[w]hen it appears, during the litigation, that  
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1 a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done,  
2 some act in violation of the rights of another party to the action respecting the subject of the action,  
3 and tending to render the judgment ineffectual.”

4 38. In the absence of this Court’s injunction, Respondents are expected to give effect to  
5 the election results, even though the election is null and void, which will cause irreparable harm to  
6 Petitioner and the City’s voters. Accordingly, Petitioner is entitled to an injunction as requested  
7 herein.

8 39. Petitioner does not have a plain, speedy or adequate remedy in the ordinary course  
9 of law in that no damages or other legal remedy can adequately compensate Petitioner and the  
10 residents and taxpayers of the City for the irreparable harm they will suffer as a result of the illegal  
11 election going forward. Accordingly, Petitioner is entitled to injunctive relief as requested herein.

#### 12 **DECLARATORY RELIEF**

13 40. Code of Civil Procedure section 1060 authorizes the Court to provide declaratory relief as it  
14 relates to a party’s rights or duties. This section authorizes bringing an action for declaratory relief  
15 against governmental agencies. *Bess v. Park* (132 Cal. App. 2d 49 1955). Here, Petitioner seeks  
16 declaratory relief that Respondents are violating the Elections Code by conducting a recall election  
17 where a Superseding Certificate has been issued by the Registrar demonstrating that the recall  
18 petition had insufficient signatures to qualify for an election to be held, and that certain voters are  
19 being deprived of their right to vote in the recall election while others are being allowed to vote  
20 while ineligible.

#### 21 **APPLICABLE SUBSTANTIVE LAW**

22 41. As pointed out in the Registrar’s October 26, 2023 letter (Exhibit 1), the recall  
23 petition was required to be circulated and reviewed based on the old (or pre-redistricting) Ward 3  
24 boundaries and not the new (or post-redistricting) Ward 3 boundaries. Instead, it was improperly  
25 circulated and reviewed based on the new, post-redistricting boundaries. Accordingly, instead of  
26 qualifying for the ballot, the recall petition fell 230 signatures short of the amount required to so  
27 qualify. Additionally, based on the same misapplication of the proper Ward 3 boundaries, 1,186  
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1 eligible voters have not received ballots and 357 ineligible voters have received them.

2           42.     Elections Code Section 21626 provides that, for charter cities such as the City of  
3 Santa Ana, after new boundaries for council districts are adopted by the City, the new boundaries  
4 may not be used for a recall election that occurs before the next regularly scheduled election to fill  
5 the Council seat. The same requirement is contained in Elections Code Section 21606 for general  
6 law cities. The City adopted new district boundaries in 2022. Councilmember Lopez was elected  
7 to the Ward 3 Council seat in 2020. The next regularly scheduled election for her seat will occur in  
8 November 2024. Therefore, the 2020 Ward 3 boundaries were required to be applied in calculating  
9 the required signatures necessary for qualification of the recall petition circulated by Real Parties in  
10 Interest.

11           43.     The City Charter provides, in Section 1203, that: “Unless otherwise provided by  
12 ordinance, all elections shall be held in accordance with the provisions of the Elections Code of the  
13 State of California, as the same now exist or may hereafter be amended, for the holding of elections  
14 in general law cities, insofar as the same are not in conflict with this charter.” The City has not  
15 adopted any relevant charter provisions or ordinances related to the qualification and procedural  
16 conduct of recall elections. Therefore, the State Elections Code is the operative law for the conduct  
17 of City recall elections.

18           44.     Section 10002 of the Election Code states that: “Any city that requests the board of  
19 supervisors to permit the elections official to prepare the city's election materials shall, if the board  
20 of supervisors agrees to provide such services, supply the county elections official with a list of its  
21 precincts, or consolidated precincts, as applicable, no later than 61 days before the election.” Here,  
22 the City failed to provide the Registrar with the correct list of precincts for the recall election, as  
23 detailed in its July 13, 2023 letter to the Registrar. The Registrar only discovered this error on its  
24 own initiative and notified the City on October 26, 2023.

25           45.     The Elections Code determines the percentage of required signatures from  
26 registered voters that must be gathered by recall proponents in a local government recall. Section  
27 11221 provides that the number of signatures shall be equal in number to not less than the  
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1 following percent of the registered voters in the electoral jurisdiction: Twenty percent if the  
2 registration is less than 50,000 but at least 10,000. Here, the City determined that the appropriate  
3 number of signatures should be calculated at 20% of the registered voters. However, the City  
4 incorrectly applied this calculation to the number of registered voters residing within the post-  
5 redistricting Ward 3 boundaries, rather than the pre-redistricting boundaries, as required by  
6 Elections Code section 21626.

7 46. Under Elections Code section 11224, the elections official must determine if the  
8 recall petition contains a sufficient number of signatures to qualify for the ballot. If the elections  
9 official's examination shows that the number of valid signatures is greater than the required  
10 number, the elections official shall certify the petition to be sufficient. If the number of valid  
11 signatures is less than the required number, the elections official shall certify the petition to be  
12 insufficient.

13 47. If the petition is shown to be sufficient by the Certificate, the election official shall  
14 submit his or her certificate as to the sufficiency of the petition to the governing body at its next  
15 regular meeting. However, Elections Code section 11226 provides that, if the certificate shows that  
16 the petition is insufficient, no action shall be taken on it. Here, the Registrar's Superseding  
17 Certificate shows that the original certifications issued by the Registrar and the City Clerk were  
18 incorrect, and that the recall petition was insufficient. Therefore, no action can be taken on it, i.e.,  
19 no lawful election can now occur and the previous acts of the City Council to accept the City  
20 Clerk's incorrect Certificate and call an election are null and void.

21 **FIRST CAUSE OF ACTION**  
22 **(Writ of Mandate)**  
23 **(Against All Respondents)**

24 48. Petitioner incorporates by reference all of the allegations contained in paragraphs 1  
- 47 as though fully set forth herein.

25 49. Based on the foregoing allegations, Petitioner is entitled to a writ of mandate  
26 pursuant to California Elections Code section 13314 and Code of Civil Procedure sections 1085, et  
27 seq., directing the City, City Clerk and City Council members to adopt a Resolution rescinding  
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1 City Resolutions 2023-54 and 2023-55, and accept the Registrar's Superseding Certification, and  
2 prohibiting Respondents, and their officers, agents, and all persons acting by, through, or in concert  
3 with them, from processing the recall election ballots in connection with the November 14, 2023  
4 recall election, on the grounds that the recall petition failed to contain a sufficient number of  
5 signatures to qualify for the ballot. Alternatively, Petitioner is entitled to a writ of mandate  
6 directing the City Clerk and Registrar to provide ballots to Plaintiff and all registered voters in the  
7 pre-redistricting Ward 3 boundaries, and not to count ballots received from voters outside the pre-  
8 redistricting Ward 3 boundaries.

9  
10 **SECOND CAUSE OF ACTION**  
**(Injunctive Relief)**  
**(Against All Respondents)**

11 50. Petitioners incorporate by reference all of the allegations contained in paragraphs 1 -  
12 47 as though fully set forth herein.

13 51. Based on the foregoing allegations, Petitioner is entitled to a temporary restraining  
14 order, preliminary injunction, and permanent injunction pursuant to Code of Civil Procedure  
15 section 525, et seq., prohibiting Respondents, and their officers, agents, and all persons acting by,  
16 through, or in concert with them, from processing the recall election ballots in connection with the  
17 November 14, 2023 recall election, on the grounds that the recall petition failed to contain a  
18 sufficient number of signatures to qualify for the ballot. If such relief is not immediately  
19 forthcoming, Petitioner is entitled to injunctive relief preventing election officials from counting  
20 the ballots of any voters who cast ballots but were registered to vote outside of the pre-redistricting  
21 Ward 3 District boundaries. Without the immediate intervention of the Court, Petitioner and the  
22 voters of Ward 3 will suffer irreparable injury.

23 **THIRD CAUSE OF ACTION**  
24 **(Declaratory Relief)**  
25 **(Against All Respondents)**

26 52. Petitioner incorporates by reference all of the allegations contained in paragraphs 1  
27 - 51 as though fully set forth herein.  
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1 temporary restraining order, preliminary injunction, and permanent injunction prohibiting  
2 Respondents/Defendants, and their officers, agents, and all persons acting by, through, or in  
3 concert with them, from processing ballots cast in connection with the November 14, 2023 recall  
4 election, and from certifying the results of the election on the grounds that the recall petition failed  
5 to contain a sufficient number of signatures to qualify for the ballot. Alternatively, for a temporary  
6 restraining order, preliminary injunction, and permanent injunction preventing election officials  
7 from counting ballots cast by any voters who are registered to vote outside of the pre-redistricting  
8 Ward 3 District boundaries;

9         3.         On the Third Cause of Action, for Declaratory Relief, that this Court issue a judicial  
10 declaration that the pre-redistricting Ward 3 boundaries are the proper electorate for the recall  
11 against City Councilmember Jessie Lopez, that the July 17, 2023 Certification issued by the  
12 Registrar was invalid, and that City Ordinances 2023-54 and 2023-55 are null and void;

13         3.         That this Court award Petitioner attorneys' fees incurred in bringing these legal  
14 proceedings pursuant to Code of Civil Procedure section 1021.5;

15         4.         That this Court award Petitioner the costs of this proceeding; and

16         4.         That this Court grant Petitioner such other, different, or further relief as the Court  
17 may deem just and proper.

18  
19 Dated: November 3, 2023

KAUFMAN LEGAL GROUP, APC

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21  
22 By: 

Stephen J. Kaufman

Gary S. Winuk

Elizabeth L. Harte

Attorneys for Guadalupe Ocampo

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VERIFICATION

STATE OF CALIFORNIA        )  
  )  
COUNTY OF ORANGE        )

I am a Plaintiff/Petitioner in this action. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Injunctive Relief and know its contents.

The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 2, 2023, at Santa Ana, California.

  
\_\_\_\_\_  
Guadalupe Ocampo

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# EXHIBIT 1



**REGISTRAR OF VOTERS**  
1300 South Grand Avenue, Bldg. C  
Santa Ana, California 92705  
(714) 567-7600  
FAX (714) 567-7627  
ocvote.gov

**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.

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 over the typed name "Bob Page".

Registrar of Voters  
County of Orange

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

**Attachment A**

	<b>Certified (2022 map)</b>	<b>Corrected (2020 map)</b>
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

# EXHIBIT 2



Number of signatures found valid: 5,202

Number of signatures found invalid: 1,415

Invalid because of Duplicate: 395

WITNESS my hand and Official Seal this 30th day of October, 2023.



A handwritten signature in blue ink, appearing to read "Bob Page", with a long horizontal flourish extending to the right.

BOB PAGE  
Registrar of Voters  
Orange County



# EXHIBIT 3

MAYOR  
Valerie Amezcua  
MAYOR PRO TEM  
Jessie Lopez  
COUNCILMEMBERS  
Phil Bacerra  
Johnathan Ryan Hernandez  
David Penaloza  
Thai Viet Phan  
Benjamin Vazquez



CITY MANAGER  
Kristine Ridge  
CITY ATTORNEY  
Sonia R. Carvalho  
CITY CLERK  
Jennifer L. Hall

## CITY OF SANTA ANA

CITY CLERK'S OFFICE  
20 Civic Center Plaza • P.O. Box 1988  
Santa Ana, California 92702  
[www.santa-ana.org](http://www.santa-ana.org)

June 13, 2023

Bob Page, Registrar of Voters  
County of Orange  
1300 C South Grand Avenue  
Santa Ana, CA 92705

RE: PETITION FOR LOCAL RECALL – JESSIE LOPEZ, OFFICE OF CITY COUNCIL, WARD 3  
(CITY OF SANTA ANA)

Mr. Page,

I am personally delivering the Recall Petition of Jessie Lopez, which includes **1,098** sections with a purported number of **6,619 signatures** in one (1) box, which were submitted to my office on Monday, June 12, 2023 at approximately 8:20 A.M. and deemed filed on Tuesday, June 13, 2023 at approximately 10:45 A.M., following a prima facie review of signatures, resulting in a count of **6,582 signatures**. Please note that four (4) sections did not include a signature by the circulator which would disqualify the entire petition section(s) consisting of purported 21 signatures.

Also being delivered are **129 Requests to Remove Signature From Petition** which were submitted to my office prior to the petitions themselves.

The official number of registered voters in Ward 3 in the City of Santa Ana is 26,370 based on your report to the Secretary of State dated February 10, 2023 as reported for the approved circulation date of April 7, 2023. The minimum number of signatures needed to qualify at 20% is **5,274**. Please perform a **full count** of signatures. The dates of circulation of the petitions were between April 7, 2023 and June 12, 2023. Please conduct the signature count as quickly as possible, within the 30 working day period provided by the Elections Code. A certified copy of your results is also requested. The City will reimburse your office for this service.

Thank you for your assistance.

Sincerely,

  
Jennifer L. Hall, CMC  
City Clerk

### SANTA ANA CITY COUNCIL

Valerie Amezcua  
Mayor  
[vamezcua@santa-ana.org](mailto:vamezcua@santa-ana.org)

Jessie Lopez  
Mayor Pro Tem, Ward 3  
[jessielopez@santa-ana.org](mailto:jessielopez@santa-ana.org)

Thai Viet Phan  
Ward 1  
[tphan@santa-ana.org](mailto:tphan@santa-ana.org)

Benjamin Vazquez  
Ward 2  
[bvazquez@santa-ana.org](mailto:bvazquez@santa-ana.org)

Phil Bacerra  
Ward 4  
[pbacerra@santa-ana.org](mailto:pbacerra@santa-ana.org)

Johnathan Ryan Hernandez  
Ward 5  
[jryan@santa-ana.org](mailto:jryan@santa-ana.org)

David Penaloza  
Ward 6  
[dpenaloza@santa-ana.org](mailto:dpenaloza@santa-ana.org)

# EXHIBIT 4







### CERTIFICATE OF SUFFICIENCY OF RECALL PETITION

I, Jennifer L. Hall, City Clerk for the City of Santa Ana, County of Orange, State of California, do hereby certify:

That proponents submitted to my office on June 12, 2023 a petition to recall Jessie Lopez holding the office of Councilmember, Ward 3 in the City of Santa Ana, California. The petition was accepted for filing and delivered to the Orange County Registrar of Voters on June 13, 2023 to verify the signatures.

That said petition consisted of 1,098 sections, and that each section contained signatures purporting to be 6,582 signatures of qualified electors of the City of Santa Ana, California. The petition is considered sufficient to qualify if signed by at least 20% of the 26,370 registered voters in Ward 3 in the City of Santa Ana.

That attached to said petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition.

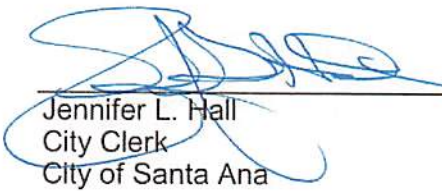

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her own information and belief, each signature to that section was the genuine signature of the person whose name it purports to be.

That the Registrar of Voters of the County of Orange has certified the results attached hereto as Exhibit 1 and incorporated by reference the signature verification of the following facts regarding this petition:

- 1. Recall sought Jessie Lopez as the named officer.
- 2. Holding the Office of Councilmember, Ward 3.
- 3. Total number of signatures required by law: 5,274
- 4. Total number of signatures on the petition: 6,617
- 5. Total number of valid signatures on the petition: 5,284
- 6. Number of signatures which were disqualified: 1,333

Based on this examination and in accordance with Elections Code Sections 11222, 11224, and 11227, the recall petition is hereby acknowledged as sufficient to be submitted to the voters at a special election not less than 88, nor more than 125, days after the issuance of the order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Santa Ana this 17<sup>th</sup> day of July, 2023.

  
  
 \_\_\_\_\_  
 Jennifer L. Hall  
 City Clerk  
 City of Santa Ana

# EXHIBIT 5

RESOLUTION NO. 2023-054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ACCEPTING THE CERTIFICATE AS TO VERIFICATION OF SIGNATURES ON PETITION AND CERTIFICATE OF SUFFICIENCY FOR PETITION TO RECALL COUNCILMEMBER JESSIE LOPEZ

WHEREAS, on February 8, 2023, the City Clerk received a copy of Notice of Intention to Circulate Recall Petition for Jessie Lopez, Councilmember, Ward 3; and

WHEREAS, on April 7, 2023, the Petition for Recall form was determined to meet the statutory requirements and, therefore, was approved for signature gathering; and

WHEREAS, pursuant to Elections Code Section 11221(a)(3), the number of signatures required on the petition to qualify and trigger a recall election must be equal in number to not less than the following percent of registered voters in the electoral district: twenty percent (20%) if the registration is less than 50,000 but at least 10,000; and

WHEREAS, according to the current Secretary of State report (dated February 10, 2023) at the time the Notice of Intention was filed, Ward 3 in the City of Santa Ana had 26,370 registered voters, and therefore, the number of verified signatures required was 5,274 for the petition; and

WHEREAS, on June 12, 2023, the proponents of a recall election submitted the petition with the City Clerk's Office in accordance with Elections Code Sections 11220 and 11222 and prior to the established deadline of August 7, 2023; and

WHEREAS, after completing a prima facie review of signatures, the City Clerk determined that the petition did, in fact, contain the minimum number of signatures, and, thereafter, provided the petitions to the County of Orange Registrar of Voters for examination and verification of signatures; and

WHEREAS, on July 17, 2023, the County of Orange Registrar of Voters provided a certificate as to verification of signatures on petition for the petition to recall Council Member Jessie Lopez, indicating the requisite number of signatures affixed to the petition, and attached as Exhibit A; and

WHEREAS, based upon the certificate as to verification of signatures from the County of Orange Registrar of Voters, the City Clerk issued a certificate of sufficiency for the petition to recall Council Member Jessie Lopez attached as Exhibit B.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines, and declares that the City Council hereby accepts the certificate as to verification of signatures on petition from the Orange County Registrar of Voters on the petition to recall Jessie Lopez, Councilmember, Ward 3, and also accepts the City Clerk's certificate of sufficiency.

Section 2. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this 15th day of August 2023.

\_\_\_\_\_  
Valerie Amezcua  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: \_\_\_\_\_  
Laura A. Rossini  
Chief Assistant City Attorney

AYES:	Councilmembers	<u>Amezcua, Bacerra, Hernandez,</u> <u>Penaloza, Phan, Vazquez (6)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>Lopez (1)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>



**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-054 to be the original resolution adopted by the City Council of the City of Santa Ana on August 15, 2023.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jennifer L. Hall  
City Clerk  
City of Santa Ana





### CERTIFICATE OF SUFFICIENCY OF RECALL PETITION

I, Jennifer L. Hall, City Clerk for the City of Santa Ana, County of Orange, State of California, do hereby certify:

That proponents submitted to my office on June 12, 2023 a petition to recall Jessie Lopez holding the office of Councilmember, Ward 3 in the City of Santa Ana, California. The petition was accepted for filing and delivered to the Orange County Registrar of Voters on June 13, 2023 to verify the signatures.

That said petition consisted of 1,098 sections, and that each section contained signatures purporting to be 6,582 signatures of qualified electors of the City of Santa Ana, California. The petition is considered sufficient to qualify if signed by at least 20% of the 26,370 registered voters in Ward 3 in the City of Santa Ana.

That attached to said petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition.

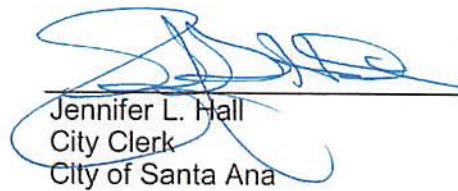

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her own information and belief, each signature to that section was the genuine signature of the person whose name it purports to be.

That the Registrar of Voters of the County of Orange has certified the results attached hereto as Exhibit 1 and incorporated by reference the signature verification of the following facts regarding this petition:

- 1. Recall sought Jessie Lopez as the named officer.
- 2. Holding the Office of Councilmember, Ward 3.
- 3. Total number of signatures required by law: 5,274
- 4. Total number of signatures on the petition: 6,617
- 5. Total number of valid signatures on the petition: 5,284
- 6. Number of signatures which were disqualified: 1,333

Based on this examination and in accordance with Elections Code Sections 11222, 11224, and 11227, the recall petition is hereby acknowledged as sufficient to be submitted to the voters at a special election not less than 88, nor more than 125, days after the issuance of the order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Santa Ana this 17<sup>th</sup> day of July, 2023.

  
  
 \_\_\_\_\_  
 Jennifer L. Hall  
 City Clerk  
 City of Santa Ana

# EXHIBIT 6

**RESOLUTION NO. 2023-055**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN COUNCIL WARD 3 ON TUESDAY, NOVEMBER 14, 2023 FOR SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS AND REQUESTING SPECIFIED SERVICES FROM THE COUNTY OF ORANGE TO CONDUCT SAID ELECTION**

**WHEREAS, under the provisions of the law relating to charter cities in the State of California, a petition seeking the recall of City Councilmember Jessie Lopez was circulated for qualified voter signatures and timely filed with the City Clerk for the City of Santa Ana on June 13, 2023;**

**WHEREAS, the City Clerk for the City of Santa Ana retained the services of the Orange County Registrar of Voters to verify the number of valid signatures contained in the recall petition;**

**WHEREAS, on July 17, 2023, the Orange County Registrar of Voters issued a certificate verifying that the recall petition contains enough valid signatures to qualify the recall for the ballot (20% of the registered voters in Ward 3);**

**WHEREAS, based upon the data provided by the Registrar of Voters, the City Clerk for the City of Santa Ana issued a certificate of sufficiency for the petition.**

**WHEREAS, the Orange County Registrar of Voters' verification certificate along with the City Clerk's certificate of sufficiency were presented to the Santa Ana City Council on August 1, 2023;**

**WHEREAS, Elections Code Section 11240 requires that the Santa Ana City Council issue an order stating that an election shall be held to determine whether or not the officer named in the petition shall be recalled not later than fourteen (14) days after the meeting at which it received the certificate of sufficiency; and**

**WHEREAS, the election shall be held not less than 88, nor more than 125, days after the issuance of the order pursuant to Elections Code Section 11242.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Ana, as follows:**

**SECTION 1: The City Council of the City of Santa Ana hereby finds, determines, and declares as follows that pursuant to the requirements of the laws of the State of California relating to charter cities, that there is called and ordered to be held in Council Ward 3 of the City of Santa Ana, California, on Tuesday, November 14, 2023 a**

Special Municipal Election for the purpose of submitting the question of the recall of City Councilmember Jessie Lopez.

**SECTION 2:** On the ballots to be used at the Special Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

Shall Jessie Lopez be recalled (removed) from the office of Councilmember for Ward 3, City of Santa Ana?	YES
	NO

**SECTION 3:** That, pursuant to California Elections Code Section 11327, Councilmember Lopez may file a statement of not more than two hundred (200) words with the elections official in accordance with Elections Code Section 13307, to be sent to each voter, together with the voter information guide.

**SECTION 4:** The ballots to be used at the election shall be in form and content as required by law.

**SECTION 5:** The precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the Special Municipal Election shall be those utilized by the County of Orange.

**SECTION 6:** In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 7:** Notice of the time and place of holding the election is given and the City Clerk is authorized and instructed to give further or additional notice of the election, in time, form, and manner as required by law.

**SECTION 8:** That pursuant to the requirements of Section 10002 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to permit the Orange County Registrar of Voters to render specific services to the City relating to the conduct of the Special Municipal Election. The specific election services which the City of Santa Ana requests the Registrar of Voters, or such other official as may be appropriate, to perform, and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots/voter information guides; making such publications as are required by law in connection therewith; the preparation, printing, mailing and

furnishing of vote-by-mail ballots and other necessary supplies or materials to conduct the election; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Santa Ana; and the performance of such other election services as may be requested by the City Clerk.

**SECTION 9:** Furthermore, pursuant to Elections Code Section 10002, the City of Santa Ana recognizes that additional costs will be incurred by the County due to providing election services and canvassing returns for this Special Municipal Election and agrees to reimburse the County of Orange for any such costs.

**SECTION 10:** That the City Clerk is authorized, instructed, and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 11:** The City Council directs the City Clerk to file a certified copy of this Resolution with the Orange County Registrar of Voters and the Orange County Board of Supervisors.

**SECTION 12:** This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this 15th day of August, 2023.

---

Valerie Amezcua  
Mayor

APPROVED AS TO FORM:

Sonia R. Carvalho  
City Attorney

By: \_\_\_\_\_  
Laura A. Rossini  
Chief Assistant City Attorney

AYES	Councilmembers	<u>Amezcuca, Bacerra, Hernandez</u> <u>Penaloza, Phan, Vazquez (6)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>Lopez (1)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-055 to be the original resolution adopted by the City Council of the City of Santa Ana on August 15, 2023.

Date \_\_\_\_\_

\_\_\_\_\_  
Jennifer L. Hall  
City Clerk  
City of Santa Ana



# EXHIBIT 7

MAYOR  
Valerie Amezcua  
MAYOR PRO TEM  
Jessie Lopez  
COUNCILMEMBERS  
Phil Bacerra  
Johnathan Ryan Hernandez  
David Penaloza  
Thai Viet Phan  
Benjamin Vazquez



CITY MANAGER  
Kristine Ridge  
CITY ATTORNEY  
Sonia R. Carvalho  
CITY CLERK  
Jennifer L. Hall

## CITY OF SANTA ANA

CITY ATTORNEY'S OFFICE  
20 Civic Center Plaza • P.O. Box 1988  
Santa Ana, California 92702  
[www.santa-ana.org](http://www.santa-ana.org)

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 26<sup>th</sup> 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 26<sup>th</sup> 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.

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

# EXHIBIT 8



OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

400 WEST CIVIC CENTER DRIVE, SUITE 202  
SANTA ANA, CA 92701  
MAILING ADDRESS: P.O. BOX 1379  
SANTA ANA, CA 92702-1379  
(714) 834-3300  
FAX: (714) 834-2359

Mark Servino  
Supervising Deputy  
(714) 834-4714

E-Mail:  
mark.servino@coco.ocgov.com

October 30, 2023

Sonia Carvalho, City Attorney  
City of Santa Ana  
P.O. Box 1988  
Santa Ana, CA 92702

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

Dear Ms. Carvalho:

We are in receipt of your letter dated October 27, 2023, which responds to Registrar of Voters Bob Page's letter to Santa Ana City Clerk Jennifer Hall. In your letter, we note that the City does not dispute that the wrong map for Ward 3 was used for the collection of signatures and the qualification of the recall petition.

You twice request on behalf of the City that the Registrar rescind his Certificate as to Verification of Signatures on Petition, which he issued on July 17, 2023, given that the wrong map for Ward 3 was used. As you may know, this certificate was prepared at the City's request dated June 13, 2023, which stated:

The official number of registered voters in Ward 3 in the City of Santa Ana is 26,370 based on your report to the Secretary of State dated February 10, 2023 as reported for the approved circulation date of April 7, 2023. The minimum number of signatures needed to qualify at 20% is 5,274.

Your request on behalf of the City Clerk that the Registrar rescind the certificate is based on the fact that the number of registered voters in Ward 3 in the City of Santa Ana, as it was comprised at the time of Ms. Lopez's election in 2020, is actually 27,158 based on the Registrar's report to the Secretary of State dated February 10, 2023, as reported for the approved circulation date of April 7, 2023. Accordingly, we read your letter as a modification of the City's request dated June 13, 2023 to provide that the minimum number of signatures needed to qualify at 20 percent is 5,432.

As noted in the enclosed Registrar's Superseding Certificate as to the Verification of Signatures dated October 30, 2023, which rescinds and supersedes the certificate dated July 17,



Sonia Carvalho, City Attorney  
October 30, 2023  
Page 2

2023, the number of valid signatures of registered voters in Ward 3 in the City of Santa Ana, as it was comprised at the time of Ms. Lopez's election in 2020, is 5202, which falls short of the 5,432 required for the petition for recall to have been certified as sufficient. In preparing this Certificate, the Registrar did not re-examine the signatures, but simply tabulated the number of valid signatures within the precincts of the "old" Ward 3 boundaries.

Given that the Registrar has complied with your request on behalf of City Clerk that he rescind his certificate dated July 17, 2023, we presume that the City Clerk will now rescind her July 17, 2023, Certificate of Sufficiency of Recall Petition.

Moreover, in light of the City's request and the Registrar's compliance with this request, we reiterate our request that the City determine whether it intends to proceed with November 14, 2023, recall election. While you posed this as a question to the Registrar, the Registrar is merely performing election services at the request of the City pursuant to Section 10002 of the Election Code. Under Section 10002, the Registrar does not become the election official who is responsible for conducting the City's elections. Rather, the City Clerk continues to serve as the election official responsible for the conduct of the election. (Santa Ana Ordinance § 702 [City Clerk "conducts all City elections"]; Santa Ana Ordinance § 1200 ["The conduct of all municipal elections by the City Clerk shall be under the control of the City Council which shall, by ordinance or resolution, provide for the holding of all municipal elections"].)

You had also asked about complying with election requirements, given that voters outside of the old Ward 3 boundaries may have received a recall ballot while voters who reside within the old Ward 3 boundaries, but outside of the new boundaries, may not have yet received a recall ballot. Of course, if the City does not proceed with the election, this issue will become moot.

The Registrar is, of course, available to discuss with the City Clerk the operational issues related to recall election.

Very truly yours,

LEON J. PAGE  
COUNTY COUNSEL

By   
Mark Servino, Supervising Deputy

cc: Bob Page, Registrar of Voters (via email)  
Jennifer Hall, City Clerk, City of Santa Ana (via email)  
Steven Mendoza, Acting City Manager, City of Santa Ana (via email)