

Alcala, Abigail

From: Kelly Kraus-Lee [REDACTED]
Sent: Sunday, October 29, 2023 9:05 PM
To: Amezcua, Valerie; Penaloza, David
Cc: eComment
Subject: Comment on Agenda Item 3 - Recall Petition

Dear Mayor Amezcua and Councilmember Penaloza,

I am a resident of Santa Ana ward 6 and I am writing to express my concern about the recall election using the wrong ward maps. I don't quite understand how things got this far along without the Registrar of Voters catching this error, but regardless, the City simply can't face the risk of an expensive legal battle on top of the expensive special election. Councilmember Lopez is up for re-election in a year - let's let the new Ward 3 voters decide then who they want representing them.

Thank you,
Kelly Kraus-Lee

Alcala, Abigail

From: Jonathan Mehta Stein <JStein@commoncause.org>
Sent: Monday, October 30, 2023 9:37 AM
To: eComment
Subject: Submission for Special City Council Meeting, Oct 30, 2023
Attachments: Santa Ana Recall Letter - CA Common Cause - Oct 30 2023.pdf

Dear Mayor Amezcua and Santa Ana City Council,

California Common Cause is a nonpartisan nonprofit organization dedicated to fair, transparent, and participatory local and state democracy. We submit the attached letter as public comment for today's special meeting of the City Council.

Thank you and best wishes,

Jonathan

Jonathan Mehta Stein (*he/him*)

Executive Director, California Common Cause

phone: 408-533-3643

web: commoncause.org/ca

twitter: [@_jonathanstein](https://twitter.com/_jonathanstein)

You can support our work by making a tax deductible contribution to California Common Cause [here](#)!

October 30, 2023

Mayor Amezcua and Santa Ana City Council
20 Civic Center Plaza
Santa Ana, CA 92701
Submitted via ecomment@santa-ana.org



RE: Legal Questions about Recall Election of Councilmember Jessie Lopez

Dear Mayor Amezcua and Members of the City Council,

California Common Cause is a nonpartisan nonprofit organization dedicated to fair, transparent, and participatory local and state democracy. We write today to address the controversy surrounding the recall election of Councilmember Jessie Lopez.

As you know, California Election Code only permits the voters who elected an official to recall that official, meaning that only signatures gathered from within Ward 3's pre-redistricting boundaries have legal effect. Additionally, all voters within Ward 3's pre-redistricting boundaries are due a vote on any recall that is successfully and appropriately qualified.

As an organization we are not invested in Santa Ana politics, have no view on Councilmember Lopez's performance as a councilmember, and take no position on the merits of the recall. As a result, we speak only from our understanding of the law, which leads us to the following conclusion: While there were serious errors committed by the Registrar of Voters and the City, and canceling the recall election would be deeply unfair to the proponents of the recall who simply followed directions from those two entities, the residents of the post-redistricting Ward 3 do not actually have the legal right to recall Councilmember Lopez. Additionally, almost 1,200 residents of the pre-redistricting Ward 3 have the legal right to decide on the recall, should it move forward, and do not have the ballots they need in order to do so.

We recognize significant money has been spent by the City and the Registrar in preparing for the recall election, and proponents of the recall have expended effort and money in pursuit of their goals. But given the facts above, we have very significant questions about the legal validity of the recall and would anticipate that if it were to move forward, the result would quickly be challenged in court by members of the community, resulting in substantial legal fees for the City.

We appreciate the difficulty of this situation and wish you well in your attempts to find the most appropriate resolution possible.

Sincerely,

Jonathan Mehta Stein
Executive Director, California Common Cause

Alcala, Abigail

From: Katherine Freeman [REDACTED]
Sent: Monday, October 30, 2023 11:59 AM
To: eComment
Subject: Voting "YES" On Recall of Jesse Lopez!!

Please count my vote to continue with Fairness for the RECALL! SO MUCH NEEDED TO HELP OUR COMMON SENSE VALUES OF SAFETY AND COMMUNITY INSTEAD OF A BOTCHED ERROR BY THE ROV clerk. Horrible!

Alcala, Abigail

From: Kelly Medina [REDACTED]
Sent: Monday, October 30, 2023 12:37 PM
To: eComment
Subject: Nov. 14, 2023 recall election

Let the Nov. 14, 2023 recall election go forth. Everything was done in good faith. She is seemingly just searching for an obscure loophole to avoid the recall.

Blessings, Kelly Medina

Alcala, Abigail

From: Irma Jauregui [REDACTED]
Sent: Monday, October 30, 2023 1:00 PM
To: eComment
Subject: Special meeting and the recall

Dear Mayor Amezcua and Councilmembers

As a very concerned citizen and long time resident of Santa Ana, I am in total support of letting the voters have their voice and let the recall go forward. There are times that we hear all of you speak, but there are times that we speak, and this it IT!!

Many of us listen and go to meetings and give our input and you have the right to also have the views expressed on how to care for our city, but there are times such as now that you must hear from us, the citizens of the city and not interfere with our voice to speak.

If you are concerned with the process that solely belongs to the registrar of voters to thoroughly review, they have to have the signatures vetted, so then let the process proceed, that's their own and solely responsibility, not yours, so let it be!

Thank you

Irma P Jauregui

Santa Ana resident

Sent from my iPad

Alcala, Abigail

From: Carlos Perea <carlos@harborinstituteoc.org>
Sent: Monday, October 30, 2023 2:37 PM
To: Amezcua, Valerie; Phan, Thai; Vazquez, Benjamin; Bacerra, Phil; Penaloza, David; Lopez, Jessie; Hernandez, Johnathan; eComment; Carvalho, Sonia R.
Cc: Tracy La; Carolina Sarmiento; Faby Jacome; Mai Nguyen Do
Subject: Agenda Item #3 - Concerns with Elections Integrity in Santa Ana
Attachments: 10.30.23 SA City Council Discussion of Recall Election Integrity.pdf

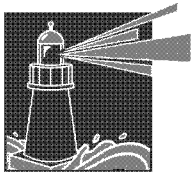
Dear Mayor Valerie Amezcua and Santa Ana City Council Members,

Please see attached letter from our organizations expressing deep concerns about the issues raised by the Orange County Registrar of Voters Bob Page regarding the recall election of Santa Ana City Councilmember Jessie Lopez.

The Santa Ana City Council has the responsibility to maintain the city's electoral integrity and uphold the democratic rights of its residents.

Sincerely,

Harbor Institute for Immigrant & Economic Justice
VietRISE
El Centro Cultural de México
Orange County Justice Fund



Carlos Perea

He/Him
Executive Director,
Harbor Institute for Immigrant & Economic Justice

✉ carlos@harborinstituteoc.org

🌐 www.harborinstituteoc.org

📍 [837 N Ross St, Santa Ana, CA 92701](#)





October 30, 2023

Santa Ana City Council
20 Civic Center Plaza
Santa Ana, CA 92701

Re: Agenda Item #3 - Concerns with Elections Integrity in Santa Ana

Dear Mayor Valerie Amezcuca and Santa Ana City Council Members,

We, the undersigned organizations, write to express our deep concerns about the issues raised by the Orange County Registrar of Voters Bob Page regarding the recall election of Santa Ana City Councilmember Jessie Lopez.

The information regarding the inconsistencies in the recall petition's boundaries, which have resulted in the disenfranchisement of 1,186 voters due to the use of an incorrect map, has casted serious doubts about the fairness of the upcoming election. Ensuring the integrity of our electoral system is important to uphold fair and transparent elections.

In light of this, we strongly urge the City Council to consider canceling the recall election.

A similar issue arose in Sacramento in 2022 during a recall process, which also could have caused confusion and disenfranchisement of voters in that city. Sacramento's City Attorney, Susana Alcala Wood, published an opinion reversing the city's practice of adopting new city council maps immediately after redistricting. In her formal opinion, she found that council members represent their old districts until the end of their terms and specified which neighborhoods can participate in a recall based on the pre-redistricting map.

Canceling the recall is crucial to protecting the democratic process and maintaining public trust in our local government. The Santa Ana City Council has the responsibility to maintain the city's electoral integrity and uphold the democratic rights of its residents.

Sincerely,

Harbor Institute for Immigrant & Economic Justice
VietRISE
El Centro Cultural de México
Orange County Justice Fund

Alcala, Abigail

From: Julie Humphreys [REDACTED]
Sent: Monday, October 30, 2023 2:41 PM
To: eComment
Subject: Re: 10/30/23 Special Meeting Agenda Item 3: SANTA ANA MUST CANCEL UNLAWFUL WARD 3 RECALL ELECTION

Mayor Amezcua and City Councilmembers,

I applaud you for recognizing the seriousness of the legal issues plaguing the recall petition and pending vote in Ward 3 by holding this Special Meeting.

Given the issues succinctly outlined in the 10/26/23 letter from the Orange County Registrar of Voters, not only did the recall petition fail to qualify with sufficient signatures from 2020 Ward 3 residents, but 357 ballots have been mailed to ineligible voters (who were not 2020 Ward 3 residents), and a whopping 1186 residents in 2020 Ward 3 have not been given any ballots, thus completely disenfranchising them. To do anything other than immediately cancel this tainted and patently unlawful recall election would be a travesty and would result in expected litigation and cost the city even more misspent funds. While this may be disappointing to recall proponents, they have no one to blame but themselves (and, perhaps their legal advisors).

If the recall proponents want to pursue another recall attempt, they should do so using the correct 2020 Ward 3 maps.

Regards,

Julie Humphreys
[REDACTED]

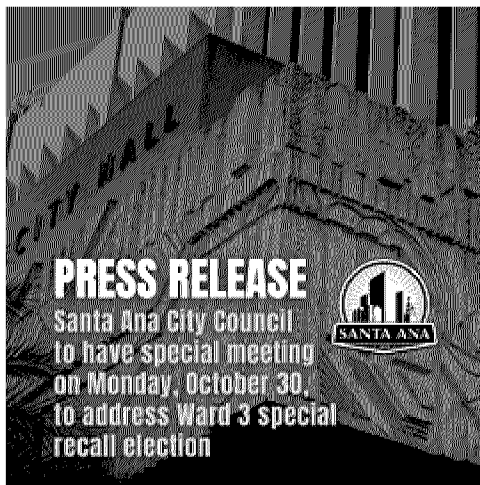


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Sunday October 29, 2023, 5:00 PM



City of Santa Ana
Downtown Orange County



Advisory: Santa Ana City Council to have special meeting on Monday, October 30, to address Ward 3 special recall election

Dear Joanne Payne,

SANTA ANA, Calif. – Mayor Valerie Amezcua has called a special meeting of the Santa Ana City Council to address a letter received from Orange County Registrar of Voters Bob Page regarding the Ward 3 special recall election scheduled for Nov. 14, 2023.

The special meeting will take place at 5:30 p.m. on Monday, Oct. 30, 2023, in the City Council Chamber, 22 Civic Center Plaza, Santa Ana. The agenda for the special meeting is available at <https://www.santa-ana.org/agendas-and-minutes/>.

“I am extremely concerned about the issues raised by the Registrar of Voters about the upcoming special election,” Mayor Amezcua said. “It is vital that the City Council meet quickly to determine what action, if any, must be taken to protect the integrity of our elections and to ensure that the will of Santa Ana voters is carried out through a fair and transparent electoral process.”

More information about the special election is available at <https://www.santa-ana.org/elections/>.

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For full details, [view this message on the web](#).

Sent by City of Santa Ana
20 Civic Center Plaza, 8th Floor/ P.O. Box 1988, Santa Ana, CA 92701

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Alcala, Abigail

From: Bulmaro Vicente <boomer@chispaoc.org>
Sent: Monday, October 30, 2023 2:47 PM
To: eComment
Subject: 10/30 Special CC Meeting Sign on Letter to Council- Item #3
Attachments: 10_30 Sign on Letter to Santa Ana City Council - Item #3.docx.pdf

Hello,

Please see the attached letter to the Santa Ana Mayor and City Council on agenda Item #3 for the Special City Council Meeting. On behalf of the organization and individual signers, **we urge you to put an immediate end** to the special recall targeting Mayor Pro Tem Jessie Lopez.

In Solidarity,

Boomer
Policy and Political Director | Chispa
e: boomer@chispaoc.org c: 714.747.4271
1505 E 17th Street Suite 117 Santa Ana, CA 92705

Chispa is building a political home for young Latinxs in Orange County! Please consider making a donation to help us build our casita. Chispa is a project of Tides Advocacy, a 501c4 non-profit organization.





October 30, 2023

Mayor Amezcua and Santa Ana City Council
20 Civic Center Plaza
Santa Ana, CA 92701
ecomment@santa-ana.org

Via Email

RE: URGENT: Demand for Immediate Cancellation of the Recall Election of Mayor Pro Tem Jessie Lopez

Dear Mayor Amezcua and Members of the City Council,

We, the undersigned organizations, are writing to urge you to put an immediate end to the recall election targeting Mayor Pro Tem Jessie Lopez. It has recently come to our attention that the recall petition filed against Mayor Pro Tem Lopez, per new information from the Orange County Registrar of Voters, failed to garner the required signatures for qualification based on the 2020 Ward 3 boundaries that she was elected in.

With this new information, it is clear that this recall cannot be allowed to proceed. The consequences of moving forward with this election will set a detrimental precedent for all cities across the County, and all elected officials, and pose a grave threat to our democratic system. The use of inaccurate district maps, as well as the malicious intent of those behind this recall, has undermined the very foundation of our democracy. This special election also will cost taxpayers over \$600,000 that could be better spent on addressing the pressing needs of our community.

The Santa Ana City Council must take immediate action to cancel this election. The integrity of our electoral process and democracy is at stake. By canceling this recall election, we can restore confidence in our local democratic processes and uphold justice and fairness for the City and its residents.

We expect that you act in the best interest of the City and its residents.

Sincerely,

Ada Bricño
Chair, Democratic Party of Orange County and Co-President, UNITE HERE Local 11

Adam Tallabas
Chair, Orange County Young Democrats

Bulmaro Vicente
Political Director, Chispa

Jane Kim
California Director, Working Families Party

Jonathan Paik
Executive Director, OC Action

Kayla Asato
Political Director, Orange County Environmental Justice

CC: VAmezcua@santa-ana.org
JessieLopez@santa-ana.org
TPhan@santa-ana.org
JRyanHernandez@santa-ana.org
BVazquez@santa-ana.org
DPenaloza@santa-ana.org
PBacerra@santa-ana.org

Alcala, Abigail

From: Julia Gomez <JGomez@aclusocal.org>
Sent: Monday, October 30, 2023 3:30 PM
To: eComment
Cc: Amezcua, Valerie; Lopez, Jessie; Phan, Thai; Vazquez, Benjamin; Bacerra, Phil; Hernandez, Johnathan; Penaloza, David; Carvalho, Sonia R.
Subject: Public Comment re October 30 City Council Meeting
Attachments: 2023.10.30 ACLU SoCal Letter to Santa Ana City Council re November Recall.pdf

Attached please find public comment on today's special meeting.

Best,

Julia

Julia Gomez, Staff Attorney
ACLU of Southern California
1313 W 8th Street, Suite 200
Los Angeles, CA 90017
(o) 213.977.5258

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Sent via email

October 30, 2023

Santa Ana Mayor and City Council
22 Civic Center Plaza
Santa Ana, CA 92701
eComment@santa-ana.org

**Re: October 30 City Council Special Meeting
Concerns Over November 14 Recall Election**

Dear Mayor Amezcua and Members of the City Council:

The ACLU Foundation of Southern California respectfully urges the City Council to take seriously the ongoing legal deficiencies with the scheduled Ward 3 November 14 recall election (“November Recall”). The City Council must also ensure that voters residing within Ward 3’s pre-redistricting boundaries have an opportunity to vote in any recall election conducted prior to November 2024 related to Councilmember Jessie Lopez. To date, over 1,000 eligible voters have not received mail ballots for the November Recall, raising urgent concerns about whether elections officials will be able to timely administer the election.

The Pre-Redistricting Ward 3 Lines Must be Used for Any Recall Election Involving Councilmember Lopez

Councilmember Lopez was elected to represent Ward 3 in 2020, before the City Council redistricted its ward map in 2022 resulting in new Ward 3 boundary lines. Councilmember Lopez’s term is set to expire following the November 2024 elections. The Elections Code is clear that post-redistricting lines cannot be used to attempt to recall Councilmember Lopez. Cal. Elec. Code § 21626 (post-redistricting lines cannot be used in “a special election to fill a vacancy or [in] a recall election.”); *see also id.* § 21626(a) (“[t]he term of office of any councilmember . . . whose term of office has not expired shall not be affected” by redistricting).¹ For the same reason, any petition to recall Councilmember Lopez must contain sufficient verified signatures of registered voters who reside within the pre-redistricting Ward 3 lines. *Id.* § 100 (only a person who is eligible to vote in the election may sign a petition for that election); *id.* § 11221(a) (outlining the number of required signatures from registered voters who reside in the “electoral jurisdiction” for any ward recall). Thus, there is no dispute that the petition for the November

¹ California courts have likewise consistently interpreted state law to require that the boundary lines used to elect an official must be used to recall that official or to fill a vacancy for their unexpired term. *See, e.g., Sloan v. Donoghue*, 20 Cal. 2d 607, 609 (1942) (holding that, following the death of an elected official, the special election to fill the remainder of their term should be held in the district as constituted at the time of the original election); *Legislature v. Reinecke*, 10 Cal. 3d 396, 404-06 (1973) (holding that if vacancies in the senate occurred in districts before the next regular election, they would be filled using the pre-redistricting boundaries).

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*deceased

Recall was improperly verified, that all voters who live in pre-redistricting Ward 3 must be allowed to vote in any Ward 3 recall election held before November 2024, and that individuals who live outside the boundaries of pre-redistricting Ward 3 are not entitled to vote in any Ward 3 recall election held before November 2024, including the November Recall. Importantly, preventing eligible voters from casting a ballot, allowing ineligible voters to cast a ballot, and making errors sufficient to change the outcome of an election are independent grounds for invalidating election results. *Id.* §§ 16100(d)-(f).

The City Council Must Ensure that Voters are Not Disenfranchised

On October 15, the Registrar of Voters sent out mail ballots and voter information guides (“VIGs”) for the November Recall to all voters who reside within the post-redistricting Ward 3 lines, including 357 voters who do not qualify to vote in the recall.² Especially concerning is the fact that 1,186 voters who reside within the pre-redistricting Ward 3 lines have *not* received mail ballots or VIGs,³ in violation of Section 4005(a)(8) of the Elections Code. It is unclear if elections officials have the capacity to print and mail ballots as soon as possible to those voters who have not yet received ballots and how officials will work to reach these voters and ensure that they are aware of the election and have accessible voting options. The City Council must thus consider not just whether to move forward with the November Recall due to the legal deficiencies with the scheduling of the recall, but whether moving forward would disenfranchise up to 1,186 voters.

* * *

We urge the City Council to focus tonight’s decision on ensuring that voters are not disenfranchised and protecting the integrity of elections. Should you have any questions, please do not hesitate to contact me at jgomez@aclusocal.org.

Sincerely,



Julia A. Gomez
Senior Staff Attorney

Cc: Valerie Amezcua, Mayor, vamezcua@santa-ana.org
Jessie Lopez, Mayor Pro Tem, jessielopez@santa-ana.org
Thai Viet Phan, Councilmember, tphan@santa-ana.org
Benjamin Vazquez, Councilmember, bvazquez@santa-ana.org
Phil Bacerra, Councilmember, pbacerra@santa-ana.org
Jonathan Ryan Hernandez, Councilmember, jryanhernandez@santa-ana.org
David Penalzoa, Councilmember, dpenalzoa@santa-ana.org
Sonia R. Carvalho, City Attorney, scarvalho@santa-ana.org

² See City of Santa Ana Special Recall Election Calendar Nov. 14, 2023, at 1, https://ocvote.gov/sites/default/files/elections/2023anah/SARCL2023/City%20of%20Santa%20Ana%20Recall%20Election%20Calendar%2011.14.23_0.pdf; Oct. 26, 2023 Letter from Orange County Registrar of Voters Bob Page to Santa Ana City Clerk Jennifer L. Hall re Nov. 14 Recall Election at 1, 3 (“Oct. 26 Letter”), <https://santa-ana.primegov.com/Portal/viewer?id=21000&type=2>.

³ See October 26 Letter at 1, 3.

Alcala, Abigail

From: FLOR Barajas-Tena <[REDACTED]>
Sent: Monday, October 30, 2023 3:34 PM
To: eComment
Subject: Fwd: Undeliverable: October 30th Special City Council Meeting

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To: [REDACTED]

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Received: from mail-ed1-f42.google.com (unknown [209.85.208.42])

From: FLOR Barajas-Tena [REDACTED]

To: <e-comments@santa-ana.org>

Cc:

Bcc:

Date: Mon, 30 Oct 2023 15:31:51 -0700

Subject: October 30th Special City Council Meeting

My Name is Flor Barajas Tena and I live in Ward 3. I am calling on the SA City Council to stop and cancel this sham recall.

Thank you for your time

Flor Barajas Tena