

September 3, 2026

VIA ELECTRONIC MAIL

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Mark Servino, Esq.
Office of the County Counsel
County Administration North Building
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Re: *City of Newport Beach et al v. Newport Beach Stewardship Association et al*
Case No. 30-2026-01559183-CU-JR-NJC

Dear Messrs. Richards and Servino,

As you know, our office serves as special counsel to the City of Newport Beach (“City”) in the above-referenced case. As you also will recall, by transmittal letter from our office dated August 27, 2026, a series of ballot materials were sent pursuant court order dated that same day. For reference, a copy of our August 27, 2026 letter is attached, which lists the ballot materials but without re-attaching the multiple enclosures. (Attachment 1.) If requested, the multiple enclosures/ballot materials can be re-sent.

Also for reference, the response from your office, dated August 28, 2026, sent on behalf of the Orange County Registrar of Voters (“Registrar”), is Attachment 2.

Since the exchange of letters, the Superior Court in the above-referenced case issued the attached Writ of Mandate, filed yesterday September 2, 2026 (“Writ”), after being brought via *ex parte* application by the ballot proponents and over the City’s opposition. (Attachment 3.) As you will see, the court has ordered the City to “[t]ake all steps necessary to hold a general municipal election for the Initiatives on November 3, 2026, whether run directly by the City or through a consolidated election process.”

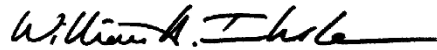
Notwithstanding the Registrar’s prior response from August 28, 2026, the City renews its request for the Registrar to consider consolidation of the three ballot initiatives with the upcoming November 3, 2026 general statewide election. This request is made as the City is exploring all options to take the steps necessary to hold a general municipal election for the initiatives. Alternatively, the City would greatly appreciate the Registrar’s input and advice regarding the City administering a separate election with the statewide general election on November 3, 2026.

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I am happy to discuss this matter with you and anyone in the Registrar's office, and do not hesitate to contact me if you have any questions.

Respectfully submitted,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, appearing to read "William H. Ihrke", with a long horizontal flourish extending to the right.

William H. Ihrke

WHI:lr
Attachments

Attachment 1

August 27, 2026

VIA ELECTRONIC MAIL (8/27/2026)
AND PERSONAL DELIVERY (8/28/2026)

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rovwebmaster@ocvote.gov

Clerk of the Board of Supervisors
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Santa Ana, CA 92701

comments@cob.oc.gov

Re: *City of Newport Beach et al v. Newport Beach Stewardship Association et al*
Case No. 30-2026-01559183-CU-JR-NJC

Dear Sir/Madam:

Our office serves as special counsel to the City of Newport Beach (“City”) in the above-referenced case. Earlier today, the Orange County Superior Court (“Court”) issued the attached Minute Order (referred to as the “8/27/2026 Minute Order”), which directs the City, “to immediately take the necessary steps to place these three initiatives on the November 3, 2026, ballot, including but not limited to forwarding all necessary materials to the Orange County Registrar of Voters.” The City is transmitting the enclosed materials in response to that direction. By way of explanation, the “three initiatives” are referred to in the attached resolutions and materials as: (1) AN INITIATIVE MEASURE PROPOSING TO AMEND THE CITY CHARTER TO MODIFY CITY CHARTER PROVISIONS RELATED TO CITY COUNCIL MEMBER TERM LIMITS (the “Term Limits Initiative”); (2) AN INITIATIVE MEASURE PROPOSING TO AMEND THE CITY CHARTER TO REQUIRE CITY COUNCIL MEMBERS BE ELECTED BY VOTERS RESIDING WITHIN THE DISTRICT THE COUNCIL MEMBER REPRESENTS (the “District Voting Initiative”); and (3) AN INITIATIVE MEASURE PROPOSING TO AMEND THE CITY CHARTER TO ESTABLISH NEW CHARTER REQUIREMENTS GOVERNING PUBLIC MEETINGS, PUBLIC RECORDS, GOVERNMENT OVERSIGHT, AND ENFORCEMENT (the “Public Meetings and Records Initiative”).

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By way of brief background, on August 19, 2026, the Court issued the attached order (“8/19/2026 Minute Order”) directing the City to “[e]xercise its/their discretion to decide at which election the [Term Limits Initiative, the District Voting Initiative, and the Public Meetings and Records Initiative] will be placed on the ballot.” On August 25, 2026, the City Council exercised its discretion and called the election for consolidation of the Three Initiatives for the statewide general election ballot for November 7, 2028.

As noted above, the Court issued the 8/27/2026 Minute Order earlier today and, as such, the City is attaching and enclosing the resolutions that called for consolidation of the statewide election on November 7, 2028, because those three resolutions have the agreed-upon “ballot questions” and the full text for the three initiatives. The City is transmitting the resolutions and related materials in response to the 8/27/2026 Minute Order and under compulsion of that order.

The City transmits the following materials:

- The 8/27/2026 Minute Order;
- The 8/19/2026 Minute Order;
- The Certification of Signature Verification;
- Resolution No. 2026-64, calling for the election of Term Limits Initiative with the ballot question and full text included;
- Resolution No. 2026-67, calling for the election of the District Voting Initiative with the ballot question and full text included;
- Resolution No. 2026-70, calling for the election of the Public Meetings and Records Initiative with the ballot question and full text included;
- Arguments For the three initiatives submitted by the proponents, Newport Beach Stewardship Association (NBSA), and which have been signed; and
- Arguments Against the three initiatives presented to the Newport Beach City Council at its August 25, 2026, Regular Meeting, calling for the election of the three initiatives pursuant to the above-referenced Resolutions.¹

¹ Per the request of NBSA’s counsel to include only signed ballot arguments as part of the ballot materials for the three initiatives on the ballot for the consolidated November 3, 2026 election, if the Registrar of Voters requires signatures from City representatives, please advise *immediately* pursuant to the request at the end of this letter, so that the City can take appropriate steps.

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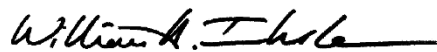
Please confirm immediately that the Registrar of Voters has received these materials. If the Registrar of Voters or County Counsel believes that any additional material or action is required in response to the 8/27/2026 Minute Order, please identify the requested material or action ***immediately*** and with specificity. The following is our contact information: City Attorney, Aaron Harp at aharp@newportbeachca.gov or 949-644-3131, my colleague Jennifer Farrell at jfarrell@rutan.com or 714-338-1884, and myself at bihrke@rutan.com or 714-338-1863.

Please be advised that the City is making this transmission solely in response to and under compulsion of the 8/27/2026 Minute Order. Nothing in this transmission constitutes voluntary acquiescence in, acceptance of, or agreement with the correctness, validity, or legal effect of the 8/27/26 Minute Order, or as a waiver of any objection, right, remedy, or right to seek reconsideration, a stay, appellate review, or other relief to which the City may or has a right to pursue.

Please feel free to contact me if you have any questions.

Respectfully submitted,

RUTAN & TUCKER, LLP



William H. Ihrke

WHI:lr
Enclosures

cc: *Via Email Only*
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Attachment 2



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COUNTY OF ORANGE**

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August 28, 2026

VIA ELECTRONIC MAIL ONLY

William H. Ihrke, Esq.
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Re: *City of Newport Beach, et. al. v. Newport Beach Stewardship Association, et. al.*
Orange County Superior Court Case No.: 30-2026-01559183-CU-JR-NJC

Dear Mr. Ihrke:

I am writing on behalf of the Orange County Registrar of Voters. We are in receipt of the package that was emailed yesterday evening and hand delivered to the offices of the Registrar of Voters and County Counsel this morning. The package includes the following three measures:

- (1) An Initiative Measure Proposing to Amend the City Charter to Modify City Charter Provisions Related to City Council Member Term Limits (The "Term Limits Initiative");
- (2) An Initiative Measure Proposing to Amend the City Charter to Require City Council Members Be Elected by Voters Residing Within the District the Council Member Represents (The "District Voting Initiative"); and
- (3) and An Initiative Measure Proposing to Amend the City Charter to Establish New Charter Requirements Governing Public Meetings, Public Records, Government Oversight, And Enforcement

The package includes City Resolution Nos. 2026-64, 2026-67, and 2026-70, which were adopted on August 25, 2026, and call an election for the above referenced measures for November 7, 2028, and request that the Registrar consolidate the City's election with the statewide election for that date. The Resolutions acknowledge, as they must, that the consolidated election will be held and conducted in the manner prescribed in Elections Code § 10418, which among other things requires that the election be regulated and done in accordance with the provisions of law regulating the statewide election, as applicable. The package also includes an August 27, 2026, Minute Order related to the above reference case.

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To the extent that the submittal is intended to request that the Registrar place these measures on the ballot for the November 3, 2026, statewide election, the Registrar must reject this submittal for several reasons, which include but are not limited to: (1) it is untimely as a request for consolidation under Section 10403 of the Election Code; (2) there is no City resolution either calling an election or requesting that the County consolidate these elections for November 3, 2026; (3) adding these three measures to the November 3, 2026 election at this late stage would substantially interfere with Registrar's ability to conduct the election; and (4) to the extent that the City seeks to frame this as a request for election services under Section 10002 of the Election Code, rather than a request for consolidation under Section 10403, the City resolution would need to specify the services requested and the request would be subject to approval by the Orange County Board of Supervisors.

As noted in our previous letter dated August 26, 2026, the Registrar is not a party to the above-mentioned lawsuit. In addition, California Elections Code § 10403(a) establishes that whenever a city election for the submission of a question or proposition is to be consolidated with a statewide election — such that the measure will appear on the same ballot as the statewide election — the city “shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board.”¹ The 88-day deadline, which expired on August 7, 2026, is therefore the last day by which the city must act, and any filing after that date would not satisfy the statutory requirement.

Here, on their face, the Resolutions do not call for or request consolidation with the November 3, 2026, election. Moreover, the Registrar has not only received the Resolutions after the deadline to request consolidation, but the Resolutions were not even adopted until August 25, 2026, which is over two weeks after the August 7, 2026, deadline. Thus, consolidating the City's election for the measures with the November 3, 2026, statewide election would violate Section 10403 of the Election Code.²

Finally, even ignoring the legal restrictions against accepting a late request for consolidation, adding the City measures discussed above to the ballot at this late stage of election preparation would substantially interfere with the conduct of the election. For example, the materials to be included in the Voter Information Guide would total approximately fifty-three (53) new pages. Formatting and proofing those pages for printing in the County Voter Information Guide would at minimum take 10 to 13 business days. Translation, proofing and formatting of the measures to comply with the Voting Rights Act would require an additional 13 days. Given that ballots and Voter Information Guide pages for military and overseas voters will be sent to print by the end of next week, it would not be possible to perform such tasks without negatively impacting the distribution of such materials. Thus, adding the City measures would

¹ The 88-day deadline set forth in Section 10403 relating to consolidation is independent of the deadline for the City to call an election under Section 9255 of the Election Code.

² In addition, to the extent that the City were to frame this as a request for election services under Section 10002 of the Election Code, rather than a request for consolidation under Section 10403, then such a request would need to be approved by the Orange County Board of Supervisors.

William H. Ihrke, Esq.
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substantially interfere with the printing and distribution of election materials and disrupt the Registrar's ability to conduct the November 3, 2026, statewide election.

Very truly yours,

LEON J. PAGE
COUNTY COUNSEL

DocuSigned by:



By

Mark D. Servino, 2A79B79014A146F...

cc: Navi S. Dhillon, Esq. (via email to navidhillon@paulhastings.com)
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Attachment 3

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9 Attorneys for Defendants/Cross-Petitioners
NEWPORT BEACH STEWARDSHIP
ASSOCIATION and MARSHALL DUFFIELD
10

11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF ORANGE

13 CITY OF NEWPORT BEACH, et al.,
14 Plaintiffs,

15 v.

16 NEWPORT BEACH STEWARDSHIP
ASSOCIATION, et al.,
17 Defendants.

18 NEWPORT BEACH STEWARDSHIP
19 ASSOCIATION, et al.,
20 Cross-Petitioners,

21 v.

22 LENA SHUMWAY, et al.,
Cross-Respondents.
23

24 CITY OF NEWPORT BEACH, et al.,
25 Real Parties in Interest.
26
27
28

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

SEP 02 2026

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

Case No.: 30-2026-01559183-CU-JR-NJC
and Related Case No. 30-2026-01580961

Assigned for all Purposes to:
Hon. Julianne Bancroft, Department N14

~~PROPOSED~~ **WRIT OF MANDATE**

Dept: N14

Judge: Hon. Julianne Bancroft

Action Filed: March 26, 2026

Ex Parte Hearing

Date: September 2, 2026

Time: 1:30 p.m.

1 **TO: CITY OF NEWPORT BEACH CITY COUNCIL, LENA SHUMWAY,**
2 **AARON C. HARP, AND CITY OF NEWPORT BEACH**
3 **(RESPONDENTS):**
4

5 Having resolved all challenges brought by Respondents to (1) the Home District Voting
6 Initiative; (2) the Initiative to Establish Strict Term Limits for City Council Members; and (3) the
7 Sunshine and Governmental Transparency Initiative (collectively, the Initiatives), and consistent
8 with the orders of the Court entered on June 24, 2026, July 17, 2026, August 3, 2026, August 12,
9 2026, August 19, 2026, and August 27, 2026, Respondents **SHALL**, immediately upon service of
10 this Writ:

11 1. Take all steps necessary to hold a general municipal election for the Initiatives on
12 November 3, 2026, whether run directly by the City or through a consolidated election process.

13 2. File and serve on all parties an Initial Return to this Writ by no later than September
14 30, 2026, in which Respondents shall detail what steps they have taken to comply with this Writ.

15 3. File and serve on all parties a Final Return to this Writ within fifteen (15) days
16 following a November 3, 2026 election on the Initiatives.

17 4. Under the circumstances here presented, the Court finds and determines that any
18 stay of enforcement of this Writ pending appeal would result in irreparable harm to Petitioners, and
19 therefore any appeal shall not operate as a stay of execution of this Writ absent further court order.

20 (Code Civ. Proc. § 1110b.)

21
22
23 DATED: 9/2/2024

By: 
JULIANNE BANCROFT
JUDGE OF THE SUPERIOR COURT