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August 28, 2026

VIA ELECTRONIC MAIL ONLY

William H. Ihrke, Esq.
Rutan & Tucker, LLP
18575 Jamboree Road, 9th Floor
Irvine, CA 92612
Email:

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.

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

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