



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

**SEPTEMBER 18, 2026
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660**

SPECIAL CITY COUNCIL MEETING - 6:15PM

**LAUREN KLEIMAN, Mayor
NOAH BLOM, Mayor Pro Tem
MICHELLE BARTO, Councilmember
ROBYN GRANT, Councilmember
JOE STAPLETON, Councilmember
SARA J. WEBER, Councilmember
ERIK WEIGAND, Councilmember**

**SEIMONE JURJIS, City Manager
AARON C. HARP, City Attorney
LENA SHUMWAY, City Clerk**

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Clerk 24 hours prior to the scheduled City Council meeting.

LEVINE ACT

Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a contract (other than competitively bid, labor, or personal employment contracts), franchise, license, permit, or other entitlement for use, is required to disclose on the record of the proceeding any contribution in an amount of more than five hundred dollars (\$500) made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

PUBLIC HEARINGS

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

NOTICE TO THE PUBLIC

Any times listed in this agenda are provided as a courtesy and the actual item may be heard before or after the time given.

This agenda was prepared by the City Clerk. Copies of the staff reports and supporting materials are on file with the City Clerk and are available for public inspection and copying at the City Clerk's Office or online at newportbeachca.gov/agendas. For questions or to request copies of any staff reports or other documentation related to items on this agenda, please contact the City Clerk's Office at 949-644-3005.

The City of Newport Beach's goal is to fully comply with the Americans with Disabilities Act (ADA). If you require special assistance to participate in this meeting, we will attempt to accommodate you in every reasonable manner. Please contact City Clerk staff prior to the meeting at 949-644-3005 or cityclerk@newportbeachca.gov so that reasonable accommodations can be made.

VIEWING THE CITY COUNCIL MEETING

The City of Newport Beach provides opportunities for the public to view City Council meetings without attending in person. Meetings are broadcast live on Cox Channel 852 (HD) or Cox Channel 30 and livestreamed online at <https://newportbeachca.gov/nbtv>

Members of the public who wish to comment on matters before the City Council, in lieu of appearing in person, may submit written comments to cityclerk@newportbeachca.gov. Written comments received by 4:00 p.m. on the Monday preceding the meeting will be provided to the City Council as part of the meeting record and posted on the City's website.

ZOOM WEB CONFERENCING FOR ONLINE MEETING PARTICIPATION

In addition to viewing City Council meetings through the City's live and on-demand streaming service, meetings will also be available through Zoom web conferencing to enhance public participation. A telephone dial-in option will also be available.

HOW TO CONNECT TO THE ZOOM WEB CONFERENCE BY COMPUTER OR SMART DEVICE

Members of the public may provide live public comments during City Council meetings via Zoom.

To join the meeting, click <https://us06web.zoom.us/j/82104392296>

You may also join through the Zoom application on your smartphone or tablet, or through a web browser at <https://zoom.us/join>, by entering:

Webinar ID: 821 0439 2296

Please enter your name in the Zoom application so that the City Clerk may identify you when it is your turn to speak. If you wish to provide public comment, please use the "Raise Hand" feature during the applicable public comment period.

HOW TO CONNECT TO THE ZOOM WEB CONFERENCE BY TELEPHONE

Dial: (949) 662-3855

Webinar ID: 821 0439 2296

Participants joining by telephone will be identified by the last four digits of their telephone number. When called upon to speak, please state your name for the record.

When requested by the City Clerk, telephone participants may mute or unmute their line by pressing *6.

Telephone participants may raise their hand by pressing *9. Once raised, a hand cannot be lowered using the telephone keypad.

I. **ROLL CALL**

INVOCATION

PUBLIC COMMENTS ON CLOSED SESSION

II. **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION**

Government Code § 54956.9 (d)(4): 1 matter.

2. **CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION**

Government Code § 54956.9(d)(1): 2 matters.

*A. City of Newport Beach v. Newport Beach Stewardship Association &
Newport Beach Stewardship Association v. Lena Shumway et al.*
Orange County Superior Court Case No. 30-2026-01559183

B. City of Newport Beach et al. v. Robert Page et al.
Orange County Superior Court Case No. 30-2026-01580961

CLOSED SESSION REPORT

III. CURRENT BUSINESS

3. Status Update Regarding the November 3, 2026, Special Municipal Election for the Consideration by the Voters of the Public Meetings, Public Records, Oversight, and Enforcement Initiative; the Lifetime City Council Term Limits Initiative; and the District-Only Voting Initiative; as well as Providing Direction to Staff Regarding Election Contracts, Vendors, Ballot Production and Mailing, and Other Election Activities

a) Determine that this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because the action will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a project as defined in Section 15378 of the CEQA Guidelines; and

b) Receive and file this status update regarding the November 3, 2026, Special Municipal Election; and

c) Provide direction to the City Manager, City Clerk, City Attorney, and other City staff regarding the administration and implementation of the November 3, 2026, Special Municipal Election, including, but not limited to, providing direction concerning the continued performance, modification, or cessation of agreements, consultant and vendor services, ballot production and mailing, and other activities related to the November 3, 2026, Special Municipal Election.

[Staff Report](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit A County Response](#)

[Supplemental Staff Report - September 18](#)

IV. MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.

ADJOURNMENT

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.



CITY OF

NEWPORT BEACH

City Council Staff Report

September 18, 2026
Agenda Item No. 1

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Lena Shumway, City Clerk

**PREPARED
BY:** Lena Shumway, City Clerk

TITLE: Status Update Regarding the November 3, 2026, Special Municipal Election for the Consideration by the Voters of the Public Meetings, Public Records, Oversight, and Enforcement Initiative; the Lifetime City Council Term Limits Initiative; and the District-Only Voting Initiative; as well as Providing Direction to Staff Regarding Election Contracts, Vendors, Ballot Production and Mailing, and Other Election Activities

ABSTRACT:

At the September 18, 2026, Special Meeting, the City Council will receive a status update regarding the November 3, 2026, Special Municipal Election, for consideration by the voters of the Public Meetings, Public Records, Oversight, and Enforcement Initiative; the Lifetime City Council Term Limits Initiative; and the District-Only Voting Initiative including the City's efforts to obtain assistance from the County of Orange and Orange County Registrar of Voters, communications with the California Secretary of State's Office, the status of implementation of a standalone City-administered election, and the City's dependence on third-party information, access, coordination, and services.

The City Council will also consider providing direction to City staff regarding the administration and implementation of the Special Municipal Election, including possibly directing City staff to take actions related to existing contracts and vendors, ballot production and distribution, and other election-related activities associated with the November 3, 2026, Special Municipal Election.

RECOMMENDATIONS:

a) Determine that this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because the action will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a project as defined in Section 15378 of the CEQA Guidelines; and

b) Receive and file this status update regarding the November 3, 2026, Special Municipal Election; and

c) Provide direction to the City Manager, City Clerk, City Attorney, and other City staff regarding the administration and implementation of the November 3, 2026, Special

Municipal Election, including, but not limited to, providing direction concerning the continued performance, modification, or cessation of agreements, consultant and vendor services, ballot production and mailing, and other activities related to the November 3, 2026, Special Municipal Election.

DISCUSSION:

Background

On August 27, 2026, following the receipt of a Superior Court Minute Order directing immediate steps to place the Public Meetings, Public Records, Oversight, and Enforcement Initiative; the Lifetime City Council Term Limits Initiative; and the District-Only Voting Initiative (“Three Initiatives”), on the November 3 ballot, the City transmitted election materials to County Counsel, the Orange County Registrar of Voters (“Registrar”), and the Clerk of the Board requesting that the County identify any additional materials or actions required from the City.

On August 28, the County responded that consolidation with the November 3 statewide election was untimely under Elections Code section 10403, and that adding the measures at that stage would substantially interfere with administration of the statewide election. The County also identified Elections Code section 10002 and approval by the Board of Supervisors as a possible means of obtaining specified County election services.

On September 2, 2026, the Orange County Superior Court issued a peremptory writ of mandate (“Writ”) directing the City, City Council, City Attorney and City Clerk to take all steps necessary to hold an election on the Three initiatives on November 3, 2026, either through consolidation with the County-administered election or through direct City administration. The City sought appellate relief, including a stay. The Court of Appeal denied the request for a stay on September 9, 2026. The Writ therefore remains in effect unless and until it is stayed, modified, or set aside by a court with jurisdiction.

Both prior to and after issuance of the Writ, City staff pursued potential paths identified by the Court. Specifically, City staff continued communications with the County regarding consolidation and County assistance while also investigating and developing a potential standalone City-administered election. The City Clerk and the City’s election consultant identified vendors and operational components for ballot production and mailing, voter and ballot management, voting equipment, processing, tabulation, staffing, security, military and overseas voters, and related election functions. The City also sought County-controlled voter-registration, UOCAVA, precinct, GIS, signature, and update information.

September 11, 2026, City Council Actions and Implementation Status

At a Special Meeting on September 11, 2026, the City Council adopted resolutions calling a separate Special Municipal Election for November 3, 2026, for the Three Initiatives and requesting specified County assistance. The Council also authorized staff to enter into agreements and take other actions necessary to conduct the standalone election. In reliance on that authority, the City entered into a professional services agreement with an election consultant for comprehensive election-administration and coordination services and proceeded with other vendor and implementation work.

The election-consultant agreement contemplated a comprehensive scope that included an implementation calendar, election providers, voter records, military and overseas voter ballot issuance, ballot and voter-information production, voter assistance, ballot receipt and security, signature verification and cure, voting equipment and testing, tabulation, canvass, and election closeout. Because election deadlines were imminent, the implementation plan contemplated military and overseas ballot issuance beginning September 18, 2026.

Status of Request for County Assistance

The City transmitted Resolution No. 2026-83 to the Registrar on September 11, 2026. The resolution requested specified election records, information, access, services, and coordination under Elections Code section 10002 while providing that the City would remain responsible for the administration of the separate City election.

Later that day, the Registrar responded that the City's request was made during an exceptionally compressed period in which the County was already administering the statewide General Election. The Registrar stated that the earliest date on which the request could hypothetically be presented to the Orange County Board of Supervisors was September 29, 2026, and that the Registrar would not recommend authorization of the broad range of services requested. The Registrar identified operational concerns including separate voter-participation records, misdirected ballots, secure data transfers, voter confusion, and interference with the County's administration of the statewide election.

On September 15, 2026, the City asked County Counsel whether the Request for Assistance would be presented to the Board of Supervisors on September 29. As of the preparation of this report, the County has not agreed to place on the agenda for September 29 or provided the City Clerk with a clear path that would permit the requested County assistance to be obtained in time to support the standalone November 3 election.

Registrar's September Public Statements

In addition to the Registrar's formal September 11 letter, the Registrar publicly addressed the City's request in a LinkedIn post later that day. The Registrar stated that the request came 53 days before the November 3 election, approximately one week before the deadline for issuance of ballots to military and overseas voters, and approximately three weeks before the period for mailing ballots to active voters. He also stated that the Registrar had already begun issuing and producing materials for the statewide General Election, including ballots for Newport Beach voters. The Registrar described Resolution No. 2026-83 as the first request he was aware of from a city or district for separate election services while the Registrar was simultaneously administering a regular statewide election. He publicly explained that he could not support providing the requested services because, in his view, doing so would disrupt administration of the statewide election and likely confuse Newport Beach voters, including a risk that voters could place a ballot in the wrong return envelope and thereby create a potential disenfranchisement issue. The public statement was consistent with the operational concerns expressed in the Registrar's formal September 11 response to the City.

The Orange County Registrar made similar statements at the Board of Supervisors meeting on September 15, 2026, when he was asked questions about the City's Request for Assistance.

Potential Voter Confusion and Disenfranchisement

As noted above, the Orange County Registrar of Voters has expressed concern that voters would receive separate election materials and ballots for the County-administered statewide election and the City-administered Special Municipal Election. The Registrar has stated that this could create voter confusion, including the possibility that a voter could place a ballot in the wrong return envelope, potentially resulting in the ballot not being processed or counted as intended.

To address this issue, the City advised the County that it intended to use separate ballots, election materials, and procedures; provide clear voter communications distinguishing the two elections; and coordinate procedures addressing misdirected ballots and other potential areas of voter confusion. The County has not responded to these assurances.

Dependence on Third-Party Assistance

The City cannot complete all functions necessary to conduct the contemplated standalone election using City resources alone. Certain information, records, access, coordination, and election services are controlled by third parties. In particular, the City has identified a need for County-controlled voter registration information and updates, precinct and GIS information, and, most importantly, lawful, secure access to the voter-signature information necessary to verify returned vote-by-mail ballots and administer applicable signature-cure procedures. The City has also sought County coordination concerning misdirected ballots and other operational issues created by conducting two elections for the same voters on the same date.

Although City staff, consultants, and vendors have worked to assemble the portions of a standalone election that are within the City's control, those efforts do not eliminate the City's dependence on information, access, approvals, cooperation, and services that only other governmental entities or third parties can provide.

As of the preparation of this report, the City does not have a commitment from the Orange County Registrar of Voters or the County of Orange to provide the full range of assistance requested in Resolution No. 2026-83. The Registrar has stated that September 29 is the earliest date on which the City's request could hypothetically be presented to the Board of Supervisors and that he would not recommend authorization of the broad range of requested services. The City has asked the County whether the request will be presented on September 29 and what amendments, narrowing, assurances, or other action would be necessary to obtain County consideration, but no commitment to provide the necessary assistance has been received.

Accordingly, the present difficulty is not simply whether the City is willing to undertake the work necessary to conduct the election. The City has undertaken substantial implementation efforts. The more fundamental issue is whether the City can obtain, in the time remaining, the third-party information, access, approvals, coordination, and services necessary to perform election functions that the City cannot perform independently. The

absence of commitment and statements made by those third parties creates substantial uncertainty related thereto.

Communications with the California Secretary of State's Office

City staff also communicated with the Chief Counsel for the California Secretary of State concerning the legal and operational requirements for conducting the November 3 election. The Chief Counsel advised the City that, when a municipal measure election is held on the same date as a statewide election, consolidation with the statewide election is mandatory. The Chief Counsel further advised that the State does not possess and will not provide the City access to the confidential voter-signature records needed for the City to perform signature verification of returned ballots (Exhibit C).

This information materially affects the standalone-election path contemplated on September 11. The City had identified lawful, secure access to voter signature records as a critical County dependency because the City must be able to verify signatures on returned vote-by-mail ballots and administer applicable signature-cure procedures. Without access to qualifying signature records, the City cannot perform a fundamental component of vote-by-mail ballot processing in the manner contemplated by the September 11 standalone-election plan.

Recommendation of the City Clerk and City Attorney

The City Clerk and City Attorney recommend that the City and City Council continue to comply with the September 2, 2026, Writ and take all reasonably available steps to comply with the Court's order for so long as the Writ remains in effect. The Writ remains a valid and binding court order unless and until it is stayed, modified, or set aside by a court with jurisdiction. The City may preserve and pursue available appellate or other judicial remedies and may present changed facts and legal or operational issues to the Court. Staff recommends that any direction provided by the City Council concerning election administration, contracts, vendors, ballots, or other implementation activities be consistent with applicable state law and existing court orders.

FISCAL IMPACT:

The City has incurred costs and contractual obligations associated with implementation of the November 3 standalone election. Future costs will depend on the direction provided by the City Council, the status of existing vendor work and commitments, and the extent to which additional election services, materials, or activities are required. Staff will administer contracts and expenditures in accordance with Council direction, applicable contractual requirements, state law, and existing court orders.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find that this action is not subject to CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a project as defined in Section 15378 of the CEQA Guidelines.

NOTICING:

The agenda item has been noticed in accordance with the Ralph M. Brown Act.

ATTACHMENTS:

Attachment A – September 2, 2026, Writ of Mandate

Attachment B – September 11, 2026, Registrar of Voters Response to Resolution No. 2026-83

Attachment C- response from the Secretary of State

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE North Justice Center 1275 N. Berkeley Ave Fullerton , CA 92838	
SHORT TITLE: City of Newport Beach vs. Newport Beach Stewardship Association	
CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	CASE NUMBER: 30-2026-01559183-CU-JR-NJC

I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 09/02/26, Writ dated 09/02/26, was transmitted electronically by an Orange County Superior Court email server on September 2, 2026, at 2:00:23 PM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

PAUL HASTINGS LLP
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Clerk of the Court, by:

, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
NORTH JUSTICE CENTER

MINUTE ORDER

DATE: 09/02/2026

TIME: 01:30:00 PM

DEPT: N14

JUDICIAL OFFICER PRESIDING: Julianne Bancroft

CLERK: C. Sanchez

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: B. Espinosa

CASE NO: **30-2026-01559183-CU-JR-NJC** CASE INIT.DATE: 03/26/2026

CASE TITLE: **City of Newport Beach vs. Newport Beach Stewardship Association**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Judicial Review - Other

EVENT ID/DOCUMENT ID: 74944370

EVENT TYPE: Ex Parte

MOVING PARTY: Newport Beach Stewardship Association, Marshall Duffield

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 09/01/2026

APPEARANCES

No Appearance by all parties

NBSA'S EX PARTE APPLICATION FOR ENTRY OF WRIT

There are no appearances by any party.

Ex Parte Application, Declarations in Support, Proofs of Service, Request for Statement of Decision, and Opposition are read and considered.

The Ex Parte Application is **GRANTED**.

The proposed writ of mandate is signed and filed this date.

Court orders Clerk to give notice.

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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.,
23 Cross-Respondents.

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



REGISTRAR OF VOTERS
1300 South Grand Avenue, Bldg. C
Santa Ana, California 92705
(714) 567-7600
FAX (714) 567-7556
ocvote.gov

BOB PAGE
Registrar of Voters

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

September 11, 2026

Lena Shumway
City Clerk, City of Newport Beach
100 Civic Center Drive
Newport Beach, California 92660
Email: LShumway@newportbeachca.gov

Re: City of Newport Beach Resolution No. 2026-83 requesting County election services

Dear Ms. Shumway,

I am writing in response to the City of Newport Beach's Resolution No. 2026-83 requesting election services pursuant to Elections Code Section 10002, which the City Council approved today and sent to me this afternoon.

The City's official request was made less than two months before the statewide November 3, 2026 General Election as well as only one week before federal and state law requires ballots to be issued to military and overseas voters and California law requires ballots to be mailed to all active Newport Beach voters. It is also the first time a city or district has requested separate election services from the County of Orange Registrar of Voters ("Registrar") at the same time the Registrar was administering a regular statewide election.

As an initial matter, the City did not timely request consolidation of its municipal special election with the 2026 General Election. Elections Code Section 10403 requires a request for consolidation no later than 88 days before election day, which was August 7, 2026. These statutory deadlines exist to ensure the Registrar can effectively plan and administer a statewide election, which is a massive logistical undertaking in a county with over 1.9 million registered voters. To further facilitate the ability to conduct a statewide election, the consolidation statutes require the city to agree that the County will conduct the election in accordance with the provisions of law regulating a statewide election. Elec. Code, §§ 10403, 10418. For similar reasons, Elections Code Section 10402.5 generally encourages cities to timely consolidate city elections that are conducted on statewide election days.

To illustrate the complexity of our task, administering the upcoming general election requires coordinating the production of approximately 549 ballot types, each of which must be translated into five languages—resulting in roughly 2,745 unique ballot variations—and preparing additional reference ballots in eight more languages. It also involves printing and mailing comprehensive Voter Information Guides containing candidate statements, impartial analyses, arguments, and sample ballots, including fully translated versions for approximately 121,000 voters who must receive election materials

in Chinese, Korean, Spanish, or Vietnamese. Tight statutory deadlines required that all ballot and guide materials be finalized and sent to printers earlier this week to allow timely mailing to military and overseas (“UOCAVA”) voters as well as the rest of the electorate, during a period when printing vendors are operating 24 hours a day to meet statewide demand. Even small changes can cascade into redesigning multiple ballot types, reformatting dozens of pages, conducting multi-language translations, and potentially requiring hand-processing of tens of thousands of ballot mailings—illustrating the enormous scale and precision necessary to administer the County’s general election. Ballots were issued today to UOCAVA voters who prefer to receive their ballots by mail.

In contrast, the City’s extensive request for election services under Section 10002 would require substantially *more* County resources than have already been dedicated to the consolidated 2026 General Election and require the County to perform such services in a much shorter period than a consolidated election. The request would necessitate supporting a complex dual-track election during a shortened timeframe, even as certain election deadlines have already begun to expire.

Among the additional burdens the City asks of the Registrar, the Registrar would be required to provide continual registration updates and eligibility coordination (pp. 2, 11); maintain completely separate participation and activity records for the City and statewide elections (pp. 11–12); identify, secure, and transfer misdirected ballots and election documents between jurisdictions (p. 12); furnish precinct identifiers, boundary files, and maps (p. 12); establish secure data-transfer methods, credentials, and technical file specifications (pp. 3–4, 12–13); accommodate City-funded personnel at County Vote Centers (p. 13); generate detailed implementation plans specifying authorities, timelines, conditions, and responsible departments (pp. 4, 13); and provide any partial services the County can lawfully deliver while also requiring the Registrar to identify alternatives where full provision is not possible (pp. 3, 14).

Indeed, despite its length, the Resolution is also uncertain because it places the burden on the Registrar to “promptly identify lawful and operationally workable alternatives” if the Registrar determines it cannot provide any requested item as described. The City’s request is, therefore, incompatible with Elections Code Section 10002, which places the burden on the City to specify the election services it seeks, rather than the Registrar to propose such services.

The Resolution is also not responsive to my earlier correspondence, which explained that any Resolution submitted under Section 10002 must include an assurance that the requested services would not interfere with the administration of the statewide November 3, 2026, General Election or create confusion among Newport Beach voters. The City did not provide this assurance. Instead, the City states it is compelled to call an election pursuant to a writ issued in litigation to which the Registrar is not a party.

The earliest date on which this matter could hypothetically be brought before the Orange County Board of Supervisors is September 29, 2026, which is a mere 35 days prior to the election. Additionally, several critical election deadlines are expiring or near expiration, further constraining the ability of the Registrar to administer any City-requested services.

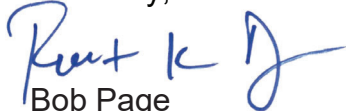
On September 9, 2026, my office provided the City with as much information as is feasible absent a City Council-adopted Section 10002 request, including a Newport Beach voter file identifying UOCAVA voters with their preferred method of receiving their ballots and instructions regarding how to download GIS-format precinct maps for Newport Beach from the Registrar's website. However, requiring the County to develop and provide services in support of a stand-alone City election on the same date as the statewide general election would interfere with the Registrar's ability to conduct the General Election and pose unacceptable risks.

For example, chain-of-custody complications would inevitably arise from ballots being misdelivered to the wrong elections official, such as City ballots placed in County drop boxes and vice versa. Even procedures designed to address these issues fail to resolve operational problems such as identifying a City ballot mistakenly inserted into a County envelope after that envelope has been opened and separated from its contents. These types of foreseeable issues risk not only confusion, but also disenfranchisement. They further underscore why the Legislature generally requires city elections to be consolidated on a timely basis with statewide elections administered by counties rather than held separately on the same date.

For these reasons, the Orange County Registrar of Voters will not recommend that the Orange County Board of Supervisors authorize the broad range of services described in Resolution No. 2026-83.

Please feel free to contact our office should the City wish to discuss any future election planning consistent with applicable statutory timelines and requirements.

Sincerely,


Bob Page
Registrar of Voters

From: [Reyes, Steve](#)
To: [Harp, Aaron](#)
Cc: [Huez, Janessa](#)
Subject: Newport Beach
Date: September 17, 2026 9:44:05 AM

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Report phish using the Phish Alert Button above.

Mr. Harp,

To confirm our conversation yesterday, you asked whether the Secretary of State's office can provide the City of Newport Beach with voter signatures to use in your proposed upcoming November 3, 2026 Municipal Election.

We cannot.

Thank you for reaching out.

Steve Reyes

Chief Counsel

California Secretary of State

E: sreyes@sos.ca.gov



SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV



From: [Page, Bob](#)
To: [Shumway, Lena](#)
Cc: [Harp, Aaron](#); [Page, Leon](#)
Subject: Re: confidential overseas and military voters
Date: September 18, 2026 1:13:15 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Outlook-300_ocseal.png](#)
[Outlook-Final P&am.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.
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Lena:

In response to your two emails today...

The position regarding the City's request for election services that I have expressed in prior correspondence continues to be the current position of the County. The Registrar of Voters cannot provide the City with confidential voter registration information today, which includes signature images, language preference, accessible ballot requests, and information about any confidential voters residing within Newport Beach.

I have separately confirmed that none of the confidential voters eligible to vote in Newport Beach are signed up for the UOCAVA military and overseas voting program.

Finally, if the City decides to hold an election either (1) *timely* consolidated with a statewide election, or (2) held as a *court-ordered* stand-alone special election on a date *at least 88 days after the court order* when it would not interfere with our administration of the November 3 General Election, then we would be able to reconsider the City's request.

Thank you.

Bob Page | Registrar of Voters | Orange County Registrar of Voters
1300 S. Grand Avenue, Bldg. C | Santa Ana, California 92705 | 714.567.7620
bob.page@ocvote.gov



From: Shumway, Lena <LShumway@newportbeachca.gov>
Sent: Friday, September 18, 2026 11:30 AM
To: Page, Bob <bob.page@ocvote.gov>
Cc: Harp, Aaron <aharp@newportbeachca.gov>

Subject: confidential overseas and military voters

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Good afternoon,

Today, we discovered that the voter information we received from the your office does not have confidential voter information, which makes it impossible for us to determine if any confidential voters are military or overseas. Without telling us any of the names of the confidential voters, can you confirm if any of the confidential voters are military or overseas?

I would really appreciate it.

Thank you,



Lena Shumway

City Clerk

City Clerk's Office

Office: 949-644-3007

100 Civic Center Dr
Newport Beach, CA 92660





CITY OF

NEWPORT BEACH

City Council Staff Report

September 18, 2026
Agenda Item No. 1

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Lena Shumway, City Clerk

PREPARED BY: Lena Shumway, City Clerk

TITLE: November 3, 2026 Special Municipal Election – Implementation Update

SUPPLEMENTAL STAFF REPORT

RECOMMENDATION

Receive and file this supplemental update regarding implementation of the November 3, 2026 Special Municipal Election.

BACKGROUND

The Superior Court issued a writ directing the City to conduct an election on the three Charter amendment initiative measures on November 3, 2026. The Court directed that the election either be consolidated with the County or, if consolidation could not be accomplished, be conducted by the City as a standalone election.

The County advised that it would not consolidate the election. The City Council subsequently authorized City staff to take the actions necessary to comply in good faith with the Court's order and conduct a standalone election.

Since receiving that direction, City staff and the City's election consultant have been working on an expedited basis to implement the November 3 election. Because of the compressed schedule, numerous election-administration activities are occurring simultaneously.

The following provides an update on several significant developments.

MILITARY AND OVERSEAS VOTERS

September 19, 2026, is the 45-day deadline for transmission of ballots to qualifying military and overseas voters who have requested ballots by that date.

The City's election consultant has processed the voter data provided by the Orange County Registrar of Voters and, today, informed the City Clerk that the file does not include voters whose registration records are confidential.

As a result, the information presently available to the City does not identify whether any confidential Newport Beach voter is also a military or overseas voter.

The City has requested immediate assistance from the County to identify an appropriate mechanism for identifying and serving any eligible confidential Newport Beach military or overseas voters.

The City and its election consultant are also working to establish a process for identifying and serving any other eligible confidential Newport Beach voters before the general ballot mailing.

BALLOT PRODUCTION

California election regulations require certain State assignments and releases in connection with production of official ballot cards, including ballot tint and watermark assignments and ballot-card releases.

The City has contacted the State regarding the requirements necessary to produce ballots for the November 3 standalone election. So far, the City has not secured State official ballot cards or ballot-card releases.

Staff and the City's election consultant continue to work with the Secretary of State and election vendors to complete these requirements.

SIGNATURE VERIFICATION

The City must establish a process for obtaining the voter-registration information necessary to verify signatures on returned vote-by-mail ballots.

The underlying voter-registration records are maintained by the County. The City has asked the County and Registrar of Voters for assistance with this and other election matters. To date, the County and the Registrar of Voters have not agreed to provide assistance.

BALLOT PRINTING VENDOR

On September 17, ProVote Solutions advised the City and its election consultant that it could no longer provide election printing services because of the compressed production schedule and outstanding information.

ProVote identified four outstanding matters: ballot tint and watermark, a business reply mail permit, language requirements, and voter pamphlet content.

Following ProVote's withdrawal, staff and the City's election consultant identified a replacement vendor and election preparations are still moving forward.

Attachment A- Orange County Response

