

JOHN E. BUTTOLPH ESQ.

5020 Campus Drive
Newport Beach, CA 92660

Tel. 949-955-2033
Fax. 949-955-2036

March 28, 2006

Orange County Registrar of Voters
Neil Kelley, Acting Registrar
1300 South Grand Avenue, Building C
Santa Ana, CA 92705
BY CERTIFIED MAIL/ RETURN RECEIPT REQUESTED

SUBJECT: Irregularities in Orange County Registrar's Database Available to the
Public Compared to Registrar's Back-Office Database
RE: Newport Beach Municipal Debt Initiative

Dear Mr. Kelley,

On behalf of Newporters for Responsible Government (NRG), proponents of the Newport Beach Municipal Debt Initiative, please be advised that we have identified substantial differences between the database provided by the Registrar for use by the public to determine the number of valid petition signatures prior to submission, and the full voter registration database maintained at your office and used to verify each of the petition signatures post-submission. **Please be advised that your office must ensure that the Registrar's official verification of signatures is based on the same database the Registrar makes available to the public and upon which the public – including the proponents of this initiative – have reasonably relied.** Otherwise, the inaccurate database provided by your Office will disenfranchise thousands of Newport Beach voters.

In the course of internally verifying our signatures since filing our initiative petition in October 2005, NRG discovered hundreds of signatories whose executed addresses on the petition did not match the addresses on the public database. In order to preserve these voters' intent to support qualification of the initiative, we sent them voter registration cards at their addresses as entered on the petitions, informing them of the discrepancy in the Registrar's database, and inviting them to return updated registration cards to the Registrar to correct the Registrar's database. Many of these signers subsequently contacted NRG to state that the addresses they had entered on the petitions were in fact their correct registered address, that in most cases they had resided at those addresses for many years, and that they had been registered at those addresses in prior elections.

NRG is particularly concerned that these updated registration cards to correct the erroneous information on the public database (submitted to the Registrar by individual voters subsequent to the date they signed the petition) could give the Registrar grounds to reject signatures on the basis that these voters "registered late". That would be a **travesty**.

Whatever the reason, the Registrar's office provided a database for use by the public containing inaccurate and misleading information, and NRG relied on the accuracy of this public database in monitoring its efforts to obtain the 6006 signatures required for qualification. These inaccuracies have substantially impacted NRG's efforts to internally validate petition signatures, and raises very troubling questions concerning the reliability of the Registrar's own database and its internal validation procedures. In addition, NRG was compelled to expend thousands of dollars and many man-hours reviewing the database, culling the "invalid" signatures, preparing mailings to the "invalid" signatories, and responding to their oft-incredulous replies.

Upon discovering these inconsistencies, NRG communicated with the Office of Registrar regarding these concerns about discrepancies among your databases. In a telephone conversation, Norma Mendoza, your Database Supervisor, confirmed the fact that the Registrar's office maintains multiple databases, and has been aware of inconsistencies between its various databases for months. When subsequently informed of the hundreds of "false negatives" we had discovered, Ms. Mendoza informed NRG that the Registrar was "purging" its database in an effort to correct these inconsistencies.

Clearly the Office of Registrar provided a flawed database for public use - inaccurate and filled with erroneous voter registration information – and substantially different from the database used by the Registrar to validate signatures officially. NRG relied on the public database to internally validate signatures prior to submission for official validation, just as your Office knew or should have known members of the public would. The Office of Registrar made absolutely no effort to inform us, although your Database Supervisor admitted having knowledge of these errors and inaccuracies. Not a phone call. Not a letter. No effort whatsoever.

These database errors have substantially interfered with NRG's efforts to qualify the Municipal Debt Initiative, and the Orange County Office of Registrar is directly responsible. In view of the above, NRG respectfully requests the Registrar to use the same database for post-submission verification as the Registrar provided to the public for pre-submission verification. The Registrar must not invalidate signatures on NRG's petitions which are valid according to the public database. Equity demands it. Please reply immediately.

Very truly yours,

JOHN EARL BUTTOLPH
JEBms

Cc: Hon. Bruce McPherson, Secretary of State
Hon. Members of the Orange County Board of Supervisors
The Orange County Grand Jury