PROCEDURE
FOR
RECALLING STATE
AND
LOCAL OFFICIALS

Prepared by the
Office of the Secretary of State

Revised 2007

Recall is the power of the voters to remove elected officials before their terms expire. It has been a fundamental part of our governmental system since 1911 and has been used by voters to express their dissatisfaction with their elected representatives.

This publication examines the law of recall only as it applies to state and local officials. It is divided into separate parts to help avoid confusion. *Be sure to check the Table of Contents and review all parts which are specific to the type of recall in which you are interested.*

Please note that the procedures described herein do not apply to federal officers. The removal of U.S. Representatives or U.S. Senators is governed by the United States Constitution, Article 1, Sec. 5 (2), which states "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." The President, Vice President and all civil officers of the United States are removed through the process of "impeachment" which is governed by the United States Constitution.

Unless otherwise indicated, all references in parentheses are to the California Elections Code.

CAUTION

This booklet is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. Before beginning any recall effort, the proponents should get the most up-to-date information available because of possible changes in law or procedure since the publication of this information.

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I. RECALL OF STATE OFFICERS (For *local officers* see Section II of this booklet, beginning at page 14).

A. IN GENERAL

Recall is the power of the voters to remove an elective officer.
(Cal.Const., Art. II, Secs. 13-19; §§11000 et seq.)

The term "state officer" includes the elected offices of Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller, Attorney General, Superintendent of Public Instruction, Insurance Commissioner, Members of the State Board of Equalization, State Legislators, and Justices of Courts of Appeal and the State Supreme Court.

All of the required "proponents[1]" of a recall must be registered voters in the electoral jurisdiction of the officer they seek to recall. **(§11005)**

"Electoral Jurisdiction" is the area where the voters reside who are qualified to vote for the office of the officer sought to be recalled. **(§322)**

The term "County Clerk" means Registrar of Voters in those counties in which the latter office has been established. **(§311)**

B. PRELIMINARY STEPS

1. Serve, File, Publish Notice of Intention

To begin recall proceedings against a state officer, including an officer appointed in lieu of election or to fill a vacancy, recall proponents must serve, file, and publish or post a notice of intention to circulate a recall petition. **(§11006)**

2. Serve the Notice of Intention

A copy of the Notice of Intention must be served by personal delivery or by certified mail on the officer sought to be recalled. In addition, the original of the Notice of Intention, along with an affidavit of the time and manner of service, must be filed within seven days with the Secretary of State. A separate Notice of

Intention must be filed for each officer sought to be recalled.

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[1]Proponents are those voters who initiate the recall proceedings and have control of the circulation of and obtaining signatures to the recall petition.

[See Exhibits A and B] (§11021)

3. Publish

The Notice of Intention must be published at the proponents' expense at least once in a newspaper of general circulation. The publication need not include the information listed in Section 5(d) below. If such publication is not possible, the notice shall be posted in at least three public places within the jurisdiction of the officer sought to be recalled. Posting is allowed only if there is no newspaper of general circulation able to provide timely publication in the jurisdiction of the officer whose recall is being sought.

(Government Code §6000, et seq.; §11022)

4. File Proof of Publication

The proponents must file proof of publication[2] or an affidavit of posting the Notice of Intention at the same time that they file two blank copies of the proposed petition with the Secretary of State.

(§11042)

5. The Content of the Notice of Intention

The Notice of Intention must contain:

(a) the name and title of the officer sought to be recalled;

(b) a statement, not over two hundred words in length, of the reasons for recall;

(c) the printed name, signature, and residence address of each of the proponents of the recall. If a proponent cannot receive mail at his or her residence address, the Notice of Intention must also contain his or her mailing address. The number of signers shall be 10 or equal to the number of signatures required to be filed on the nomination paper of the officer sought to be recalled, whichever is greater. Each proponent must be a voter in the electoral jurisdiction;

(d) the provisions of Elections Code §11023, which permit incumbents who are the subject of recall to file an answer to the notice and prescribes the method for doing so.

[See Exhibit C] (§§11020, 11041(a)(2))

6. Answer of Recallee

[2] Proof of publication is obtained from the newspaper publisher after the Notice of Intention appears in print.

Within seven days after the filing of the Notice of Intention, the officer sought to be removed may file with the Secretary of State an answer of not more than two hundred words. **(§11023(a))**

The answer shall be signed and shall be accompanied by the printed name, and business or residence address of the officer sought to be recalled. **(§11023(c))**

7. Serve the Answer

If an answer is filed, the officer must within seven days after the filing of the Notice of Intention, serve a copy of the answer, by personal delivery or by certified mail, on one of the proponents named in the notice. **(§11023(b))**

C. FORMAT OF PETITION

The recall petition format prepared by the Secretary of State is mandatory and must be used. A copy of the required format is available from the county elections official or from the office of the Secretary of State. **(§§11041, 11043.5)**

All petition sections must be printed in uniform size and darkness with uniform spacing. **[See Exhibit D] (§11041)**

1. Heading

A margin at least one inch wide shall be left blank across the top of each page and a margin at least one-half inch wide shall be left blank along the bottom of each page.
[See Exhibit D] (§§100, 100.5, 11043)

Each side of a sheet of paper on which signatures appear must include in no less than 8-point type:

(a) a request that an election be called to elect a successor to the office[3];
(b) a copy of the Notice of Intention, including the statement of reasons for recall (NOTE: At least ten proponents must be

[3] If a Justice of a California appellate court, the request shall be that the Governor appoint a successor to the office. §11041(a)(1)

included[4]. However, the provisions of Section 11023 relating to an answer from the officer sought to be recalled do not need to be included as part of the language of the Notice of Intention on the petition); and

(c) the answer, if any, of the officer sought to be recalled. If the officer has not answered, the petition must so state.

2. Signature Space

Each signer must personally place his or her own information on the petition and must personally sign it (unless prevented by disability, etc.). The petition must be designed so that each signer can personally affix his or her:

(a) printed name;
(b) signature;
(c) residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily determined;
(d) name of incorporated city or unincorporated community.

Pursuant to the California Supreme Court's decision in Assembly v. Deukmejian (1982) 30 Cal.3d 638, 180 Cal.Rptr. 297, the petition form must direct signers to include their "residence address" rather than "address as registered" or other address. Noncomplying petition forms will be rejected as invalid.

Signature spaces must be consecutively numbered commencing with the number one for each petition section.
A space at least one inch wide must be left blank along the right margin of the page, after each name and address, for the use of the elections official in verifying the petition. **(§11043)**

3. Declaration of Circulator

Each section of the petition must have attached to it a declaration signed by the circulator (person soliciting signatures) of that section of the petition, setting forth in the circulator's own hand all of the following:

(a) the printed name of the circulator;

[4] Legislative intent was to delete any address information from the petition. Proponents are those voters who initiate the recall proceedings and have control of the circulation of and obtaining signatures to the recall petition.

(b) the residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily determined;
(c) the dates between which all signatures to the petition section were obtained.

The declaration must also include:

(d) that the circulator circulated that section and witnessed the appended signatures being written;
(e) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be;
(f) that the circulator is a registered voter of the electoral jurisdiction of the officer sought to be recalled;
(g) that the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury. The circulator shall state the date and the place of execution on the declaration along with his or her signature.

The circulator must personally affix his or her printed name and residence address and the specific dates of circulation of each petition section in the circulator's affidavit. Preprinted dates, or generalized dates other than the particular range of dates on which the petition section was circulated, are not authorized.
[See Exhibit D] (§§104, 11046)

4. Number of Sections

Petitions to recall state officers may consist of any number of separate sections which must be duplicates except as to signatures and matters required to be affixed by signers and circulators. The number of signatures attached to each section is left up to the discretion of the person soliciting the signatures. Each section may consist of any number of separate pages. One page is one side of a sheet of paper on which any signatures appears. **(§11040)**

5. Approval of Petition Form by Secretary of State

Proponents must file two blank copies of the proposed petition with the Secretary of State within ten days after the filing of the answer to the Notice of Intention, or, if no answer is filed, within ten days after the expiration of the seven-day period for filing the answer. The Secretary of State must within ten days of receiving the copies

of the petition determine whether the proposed form and wording of the petition meet the necessary requirements and notify proponents in writing of the findings. If it is found that the petition does not meet the requirements, the notification must include a statement of what alterations in the petition are necessary. Then, the proponents must file two blank copies of the corrected petition with the Secretary of State within ten days after receiving the notification.

The submitted blank copies of the petition will be carefully reviewed for uniformity correctness and will be compared to the Notice of Intention and publication to assure accuracy in text, punctuation, capitalization, spelling, format, etc. If the comparison discloses discrepancies, the petition may be rejected.

The ten-day correction notification period and ten-day filing period for corrected petitions is repeated until the Secretary of State finds that no alterations are required.

No signatures may be obtained on the recall petition until the form of the petition has been approved by the Secretary of State. **(§11042)**

D. CIRCULATION OF PETITION

1. Who Can Circulate

The recall petition can be circulated only by registered voters in the jurisdiction who are qualified to vote for the officer sought to be recalled. **(§§322, 11045)**

2. Who Can Sign Petition

Registered voters who are qualified to vote for the office of the officer sought to be recalled can sign. **(§§322, 11045)**

If a recall petition is circulated in more than one county, a separate section should be used for each county. Each section of the petition must include the name of the county for which it is circulated, and only registered voters of that county may sign that section. **(§11047)**

3. Withdrawal of Signatures

Any voter may withdraw his or her signature from the recall petition upon filing a written request with the county elections official prior to the day the petition section on which the signature appears is filed.
(§§103, 11303)

E. NUMBER OF SIGNATURES REQUIRED

1. Statewide Officer

For a recall of a statewide officer, a petition must be signed by registered voters equal in number to twelve percent 12% of the last vote for the office. Signatures must be obtained from at least five different counties and must be equal in number to at least one percent of the last vote for office in each of five counties.
(Cal.Const., Art. II, Sec. 14(b); §11221)

2. State Senators, Members of the Assembly, Members of the Board of Equalization, and Judges of the Courts of Appeal.

The number of signatures needed on the petition to recall State Senators, Members of the Assembly, Members of the Board of Equalization and Judges of Courts of Appeal, must equal at least twenty percent (20%) of the last vote for the office.
(Cal.Const., Art. II, Sec. 14(b); §11221)

F. FILING OF PETITION - DEADLINE

Within 160 days from the time the Secretary of State notifies the proponents that the form and wording of the petition is correct, proponents must file a petition with the requisite number of valid signatures.
(Cal.Const., Art. II, Sec. 14(a))

Each section of a recall petition must be filed with the elections official of the county for which it was circulated. Each petition section shall be filed by the proponents or by any person or persons authorized in writing by a proponent. A copy of any written authorization must accompany <u>each</u> submission to the elections official. **(§§11102, 11103)**

G. DUTIES OF COUNTY ELECTION OFFICER

Thirty days after a recall has been initiated, and every thirty days thereafter, the elections official must determine from the affidavits of registration the number of qualified voters who have signed the recall petition. Upon the completion of the examination, the county elections official must certify and submit the results and submit an unsigned copy of the petition to the Secretary of State. **(§11104)**

H. DUTIES OF SECRETARY OF STATE

The Secretary of State must maintain a continuous count of the signatures certified to that office (Cal.Const., Art. II, Sec. 14(c)). When the Secretary of State receives from one or more county elections officials a petition certified to have been signed by the stated number of registered voters, he or she must, within ten days, transmit to every county elections official in the state a certificate showing the total number of signatures collected by the proponents. **(§11108)**

After determining that the proponents have obtained sufficient signatures for recall, the Secretary of State must certify that fact to the Governor. **(§11109)**

I. ONLY PROPONENTS MAY EXAMINE PETITION

If a petition is found to be insufficient by the Secretary of State, the proponents whose names are listed on the Notice of Intention must be allowed to examine the petition signatures in order to ascertain which signatures were disqualified and the reasons therefor. **(Government Code §6253.5, §11301)**

NOTE: This right of examination is not otherwise available to proponents or to the public in general. If the proponents examine the petition signatures, the examination shall begin not later than 21 days after certification of insufficiency. **(Government Code §6253.5)**

J. NOTICE OF RECALL ELECTION

Upon receiving certification of the sufficiency of the recall petition from the Secretary of State, the Governor must publish a notice for the holding of such election. Officers charged by law with duties concerning elections are required to make all arrangements for such election. The election shall be conducted, returns canvassed, and the result declared, in all respects as are other state elections. **(§11110)**

K. DATE OF ELECTION

An election to determine whether to recall an officer and, if appropriate, to elect a successor, shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures. **(Cal.Const., Art II, Sec. 15)**

II. RECALL OF LOCAL OFFICERS

A. IN GENERAL

The State Constitution requires that the Legislature must provide for the recall of local officers. This provision, however, does not affect counties and cities whose charters provide for recall. **(Cal.Const., Art. II, Sec. 19)**

A "local officer" is defined as an elective officer of a city, county, school district, community college district, or special district, or a judge of a superior or municipal court. **(§§11001, 11004)**

For the purpose of recall of local officers, the term "clerk" refers to the appropriate elections official for the jurisdiction in which the recall is being sought, in particular:

1. the county elections official (the County Clerk or Registrar of Voters) in the case of the recall of elective officers of a county, school district, county board of education, community college district, or resident voting district, and of judges of superior or municipal court.

2. the city clerk in the case of the recall of elective officers of a city; or

3. the secretary of the governing board in case of the recall of elective officers of a landowner voting district or any district in which, at a regular election, candidates' nomination papers are filed with the secretary of the governing board. **(§§307, 311, 11002)**

"Governing Board" includes a city council, the board of supervisors of a county, the board of trustees of a school district or community college district, or the legislative body of a special district. In the case of the recall of a trial court judge "governing board" means the board of supervisors. **(§11003)**

All of the required "Proponents[5]" of a recall must be registered voters in the electoral jurisdiction of the officer they seek to recall. **(§11005)**

"Electoral jurisdiction" is the area where the voters reside who are qualified to vote for the office of the officer sought to be recalled. **(§322)**

[5]Proponents are those individuals who initiate the recall proceedings and have control of the circulation of and obtaining signatures to the recall petition.

B. PRELIMINARY STEPS

1. Serve, File, Publish Notice of Intention

Proponents begin the recall of an elective officer, including any officer appointed in lieu of election or to fill a vacancy, by the service, filing and publication or posting of a Notice of Intention to circulate a recall petition. **(§11006)**

The only limitation on these proceedings is that they may not be commenced against an officer of a city, county, special district, school district, community college district, or county board of education if:

(a) the officer has not held office during the current term for more than 90 days.
(b) a recall election has been determined in the officer's favor within the last six months.
(c) the officer's term ends within six months or less.

However, these limitations do not apply to an officer appointed in lieu of an election pursuant to §10229(a)(2). **(§11007)**

2. Serve the Notice of Intention

A copy of the Notice of Intention must be served by personal delivery or by certified mail on the officer sought to be recalled. In addition, the original of the Notice of Intention, along with an affidavit of the time and manner of service, must be filed within 7 days with the appropriate elections official. A separate Notice of Intention must be filed for each officer sought to be recalled.
[See Exhibits A and B] (§11021)

3. Publish

A copy of the notice must be published at the proponents' expense at least once in a newspaper of general circulation. The publication need not include the information listed in Section 5(d) below. If

such publication is not possible, the notice shall be posted in at least three public places within the jurisdiction of the officer sought to be recalled. Posting is allowed only if there is no newspaper of general circulation able to provide timely publication in the jurisdiction of the officer whose recall is being sought.
(Government Code §6000, et seq., §11022)

4. File Proof of Publication

The proponents must file proof of publication[6] or an affidavit of posting the Notice of Intention at the same time that they file two blank copies of the petition with the appropriate elections official. **(§11042)**

5. Content of Notice of Intention

The Notice of Intention must contain all of the following:

(a) the name and title of the officer to be recalled;

(b) a statement, not over 200 words in length, of the reasons for recall;

(c) the printed name, signature, and residence address of each of the proponents. If a proponent cannot receive mail at his or her residence address, the Notice of Intention must also contain his or her mailing address. The number of signers shall be 10 or equal to the number of signatures required to be filed on the nomination paper of the officer sought to be recalled, whichever is greater. Each proponent must be a registered voter in the electoral jurisdiction;

(d) the provisions of Elections Code §11023, which permit incumbents who are the subject of recall to file an answer to the notice and prescribes the method for doing so.

[See Exhibit C] (§§11005, 11020)

6. Answer of Recallee

Within seven days after the filing of the Notice of Intention, the officer sought to be removed may file with the elections official an answer of not more than 200 words. **(§11023(a))**

The answer shall be signed and shall be accompanied by the printed name, signature, and business or residence address of the officer sought to be recalled. **(§11023(c))**

7. Serve the Answer

If an answer is filed, the officer must within seven days after the filing of the Notice of Intention, serve a copy of the answer, by personal delivery or by certified mail, on one of the proponents named in the notice. **(§11023)**

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[6] Proof of publication is obtained from the newspaper publisher after the Notice of Intention appears in print.

C. FORMAT OF PETITION

The recall petition format provided by the Secretary of State is mandatory and must be used. A copy of the required format is available from the county elections official or from the office of the Secretary of State. **(§§11041, 11043.5)**

All petition sections must be printed in uniform size and darkness with uniform spacing. **[See Exhibit D] (§11041)**

1. Heading

A margin at least one inch wide shall be left across the top of each page and a margin at least one-half inch wide shall be left blank along the bottom of each page.
[See Exhibit D] (§§100, 100.5, 11043)

Each side of a sheet of paper on which signatures appear must include in no less than 8-point type:

(a) a request that an election be called to elect a successor to the officer.
(b) a copy of the Notice of Intention, including the statement of reasons for recall and a list of at least ten proponents appearing on the Notice of Intention (NOTE: At least ten proponents must be included[7]. However, the provisions of Section 11023 relating to an answer from the officer sought to be recalled do not need to be included as part of the language of the Notice of Intention on the petition); and
(c) the answer, if any, of the officer sought to be recalled. If the officer has not answered, the petition must so state.

2. Signature Space

Each signer must personally place his or her own information on the petition and must personally sign it (unless prevented by disability, etc.).
The petition must be designed so that each signer can personally affix his or her:
(a) printed name;
(b) signature;

[7] Legislative intent was to delete any address information from the petition. Proponents are those voters who initiate the recall proceedings and have control of the circulation of and obtaining signatures to the recall petition.

(c) residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily determined; and
(d) name of incorporated city or unincorporated community.

Pursuant to the California Supreme Court's decision in Assembly v. Deukmejian (1982) 30 Cal.3d 638, 180 Cal.Rptr. 297, the petition form must direct signers to include their "residence address" rather than "address as registered" or other address. Noncomplying petition forms will be rejected as invalid.

Signature spaces must be consecutively numbered commencing with the number one for each petition section.

A space at least one inch wide must be left blank at the right margin of the page after each name and address for the use of the elections official in verifying the petition.

3. Declaration of Circulator

Each section of the petition must have attached to it a declaration signed by the circulator (person soliciting signatures) of that section of the petition, setting forth in the circulator's own hand, all of the following:
(a) the printed name of the circulator;
(b) the residence address of the circulator, giving street and number, or if no street exists, adequate designation of residence so that the location may be readily determined;
(c) the dates between which all signatures to the petition were obtained.

The declaration must also include:

(d) that the circulator circulated that section and witnessed the appended signatures being written;
(e) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be;
(f) that the circulator is a registered voter in the electoral jurisdiction of the officer sought to be recalled;
(g) that the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury. The circulator shall state the date and the place of execution on the declaration along with his or her signature.

The circulator must personally affix his or her printed name and residence address and the specific dates of circulation of each petition section in every circulator's affidavit. Preprinted dates, or generalized dates other than the particular range of dates on which the petition section was circulated are not authorized.

[See Exhibit D] (§§104, 11046)

4. Number of Sections and Pages

Petitions to recall local officers may consist of any number of separate sections which must be duplicates except as to signatures and matters required to be affixed by signers and circulators. The number of signatures attached to each section is left up to the discretion of the person soliciting the signatures. Each section may consist of any number of separate pages. Each side of a sheet of paper on which any signature may appear is a page. **(§11040)**

5. Approval of Form by Elections official

Proponents must file two blank copies of the proposed petition with the appropriate elections official within ten days after filing of the answer to the Notice of Intention, or, if no answer is filed, within ten days after the expiration of the seven-day period for filing the answer. The elections official must, within ten days of receiving the copies of the petition, determine whether the proposed form and wording of the petition meet the necessary requirements and notify the proponents in writing of the findings. If it is found that the petition does not meet the requirements, the notification must include a statement of what alterations in the petitions are necessary. Then, the proponents must file two blank copies of the corrected petition with the elections official within ten days after receiving notification.

The submitted blank copies of the petition will be carefully reviewed for uniformity and correctness and will be compared to the Notice of Intention and publication to assure accuracy in text, punctuation, capitalization, spelling, format, etc. If the comparison discloses discrepancies, the petition may be rejected.

The ten-day correction notification period and ten-day filing period for corrected petitions is repeated until the elections official finds that no alterations are required.

No signatures may be obtained on the recall petition until the form of the petition has been approved by the elections official. **(§11042)**

D. CIRCULATION OF PETITION

1. Who Can Circulate

The recall petition can be circulated only by registered voters in the jurisdiction who are qualified to vote for the officer sought to be recalled. **(§§322, 11045)**

2. Who Can Sign the Petition

The recall petition can only be signed by registered voters who are qualified to vote for the officer sought to be recalled.**(§§322, 11045)**

If a local jurisidiction includes portions of more than one county, each section of the petition must include the name of the county in which it is circulated, and only registered voters of that county may sign that section of the petition. **(§11047)**

3. Withdrawal of Signatures

Any voter may withdraw his or her signature from the recall petition upon filing a written request with the appropriate elections official prior to the day the petition section on which the signature appears is filed. **(§§103, 11303)**

E. The number of signatures required TO QUALIFY A PARTICULAR RECALL IS AS FOLLOWS:

1. If an officer of a city, county, school district, county board of education, or resident voting district is sought to be recalled, the number of signatures must be equal in number to not less than the following percent of registered voters in the electoral jurisdiction:

(a) Thirty percent if the registration is less than 1,000.
(b) Twenty-five percent if the registration is less than 10,000 but at least 1,000.
(c) Twenty percent if the registration is less than 50,000 but at least 10,000.
(d) Fifteen percent if the registration is less than 100,000 but at least 50,000.
(e) Ten percent if the registration is 100,000 or above[8].

[8]The number of registered voters is calculated as of the time of the last report of registration by the county elections official to the Secretary of State prior to the finding by the

2. If a judge of a superior or municipal court is sought to be recalled the number of valid signatures must be equal in number to at least the twenty percent (20%) of the last vote for the office. If the office has not appeared on the ballot since its creation or did not appear at its last regularly scheduled date, the number of signatures must be equal in number to at least twenty percent (20%) of the votes cast within the jurisdiction for the "countywide office" which had the least number of votes in the most recent general election in the county in which the judge holds his or her office. **(§11221)**

3. If an officer of a landowner voting district is sought to be recalled, signatures of voters owning at least ten percent (10%) of the assessed value of land within the electoral jurisdiction of the officer sought to be recalled is required. **(§11221)**

F. FILING OF PETITION - DEADLINE

After approval by the elections official, proponents must submit to the elections official, during normal business hours as posted, a petition with the requisite number of signatures within:

1. 40 days if the electoral jurisdiction has less than 1,000 registered voters.

2. 60 days if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.

3. 90 days if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.

4. 120 days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.

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elections official that no alterations are required in the form of the recall petition. See Section II.C.5 on page 19 of this booklet.

5. 160 days if the electoral jurisdiction has 50,000 registered voters or more[9]. **(§11220)**

Each petition section shall be filed by the proponents or by any person or persons authorized in writing by a proponent. All sections of the petition circulated in a single county must be filed at one time. A copy of the written authorization must be included with the filing. Each section of the petition must be filed with the elections official in the jurisdiciton for which it was circulated. If circulated in more than one county, it must be filed in the county for which it was circulated. **(§11222)**

G. EXAMINATION BY THE ELECTIONS OFFICIAL

When proponents bring in the petition for filing, the elections official must count the number of signatures on it. If from this examination the elections official determines that the number of signatures, on its face, equals or is in excess of the minimum number of signatures required, the elections official shall accept the petition for filing. The petition shall be deemed as filed on that date. Any petition not so filed must be returned to the proponents and is void for all purposes. **(§11222)**

The elections official must verify every signature submitted or, where more than 500 signatures are submitted, may use a random sampling signature verification technique.

1. If the random sampling technique is not used, the elections official has 30 days from the date of filing of the petition to determine whether the petition is signed by the required number of voters, certify the results of the examination, and notify the proponents. If the petition is found to have sufficient signatures, the elections official must certify the results to the governing board at its next regular meeting. If the petition is found to have insufficient signatures, the elections official must certify this result. **(§11224)**

2. If the random sampling technique is used, the elections official must complete the examination of the sample of signatures within 30 days of the filing of the petition. If, for example, 87 percent of the sample signatures are found to be valid, then 87 percent of the entire number of signatures are deemed to be valid.

[9]The number of registered voters is calculated as of the time of the of the last report of registration by the county elections official to the Secretary of State made prior to approval of the petition format by the county elections official.

If the statistical sampling determines that the number of valid signatures is greater than 110 percent of the required number, the petition is considered qualified without further verification, and the elections official must certify the results of the examination to the governing board at its next regular meeting.

If the total number of valid signatures is less than 90 percent of the number of signatures required to qualify the petition, the elections official shall certify the petition to be insufficient. If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the later filing of an entirely new petition to the same effect. **(§11225)**

If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures needed, the elections official must examine and verify each signature filed. If the result of this complete examination shows that the petition has the required number of signatures, the elections official must certify the results of the examination to the governing body at its next regular meeting. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient. If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the later filing of an entirely new petition to the same effect. **(§11225)**

Upon completing the examination of the petition, the elections official shall attach to the petition a certificate showing the result of this examination and shall notify the proponents of either the sufficiency or insufficiency of the petition. **(§§11224, 11225)**

H. CERTIFICATE OF INSUFFICIENCY

If the certificate shows that the petition is insufficient, no further action shall be taken; but the petition shall remain on file. **(§11226)**

I. ONLY PROPONENTS MAY EXAMINE PETITION

If a petition is found to be <u>insufficient</u> by the elections official, the proponents whose names are listed on the Notice of Intention must be allowed to examine the petition signatures in order to ascertain which signatures were disqualified and the reasons therefore. **(§11301)**

NOTE: This right of examination is not otherwise available to proponents or to the public in general. If the proponents examine the petition signatures, such examination shall begin not later than 21 days after certification of insufficiency. **Government Code (§6253.5)**

J. CERTIFICATE OF SUFFICIENCY

After determining that the proponents have obtained the necessary signatures for recall, the elections official must issue a certificate of sufficiency and submit it to the governing board at its next regular meeting. **(§§11224, 11225)**

K. NOTICE OF RECALL ELECTION

Within 14 days of receiving the certificate of sufficiency, the governing body must issue an order stating that an election will be held to determine whether or not the officer named in the petition shall be recalled. **(§11240)**

L. DATE OF ELECTION

The election shall be held not less than 88 nor more than 125 days after the issuance of the order, and if a regular or special election is to be held throughout the electoral jurisdiction of the officer sought to be recalled within such time period, the recall election shall be held on the same day and consolidated with the regular or special election. **(§11242)**

III. THE RECALL ELECTION

A. LOCAL OFFICER

Nomination papers and the declaration of candidacy must be filed not less than 75 days prior to the date of the election and not before the day the order of the election is issued. **(§11381)**

B. STATE OFFICER

Nomination papers and the declaration of candidacy for state offices must be filed no less than 59 days prior to the date of the election and not before the order of the election is issued.

The Secretary of State will certify the names of the candidates by the 55th day prior to the election. **(§11381)**

If the elections official is required to certify to the governing board, he/she shall certify the names of the candidates by the 71st day prior to the election. **(§11381)**

C. GENERALLY

At the election, voters will decide whether or not to recall the officer and, if there is a candidate, will also choose a successor if the recall is successful.

Generally, at every recall election the following question shall be asked: "Shall (name) be recalled (removed) from the office of _____? **(§11320)**

An officer whose recall is being sought may file a statement with the elections official in accordance with the provisions of Elections Code §13307 to be sent to each voter together with the sample ballot. **(§11327)**

If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives the highest number of votes is the successor to the unexpired term of the recalled officer. The officer may not be a candidate to succeed himself/herself at the recall election. **(Cal.Const., Art. II, Sec. 15; §11381(c), 11384, 11385)**

D. SPECIAL CONSIDERATIONS

A justice of an Appellate Court will be appointed by the Governor to replace a recalled justice. **Cal.Const.Art.ll, Sec. 15 (c))**

A state officer who is not recalled must be reimbursed by the State for the officer's recall election expenses legally and personally incurred. **(Cal.Const., Art. II, Sec. 18)**

IV. POLITICAL REFORM ACT

Proponents of recalls, officers subject to recall, and candidates may have disclosure requirements under the Political Reform Act. (Government Code §81000 et seq.) Questions should be directed to the Fair Political Practices Commission, 428 "J" Street, Suite 450, Sacramento, CA 95814, (916) 322-5660.

EXHIBIT A

PROOF OF PERSONAL SERVICE

I,_____declare that:
(print full name)

At the time of service I was at least 18 years of age; My name, address and telephone number are as follows:

_____
(print name)

_____
(city, state, zip code)

(____)_____.
(telephone number)

I personally served to_____
(name of person sought to be recalled)

a copy of the Notice of Intention to Recall him/her by delivering the copy of the

Notice of Intention to him/her at:_____
(complete address)

_____

on_____at_____am/pm;
(date) (time)

I have attached the original of the Notice of Intention to this Recall to this Proof of Personal Service.

I,_____,declare under penalty of perjury
(print full name)

under the laws of the State of California that the foregoing is true and correct, and that I, _____executed this proof of personal service:

on_____at_____
(date) (place of signing, e.g., city or county)

_____
(complete signature)

EXHIBIT B

PROOF OF SERVICE BY CERTIFIED MAIL

I,_____declare that:
(print full name)

I am over the age of 18 years, and I_____in
(reside/am employed)

_____County at_____
(complete address)

_____

On_____, 19__, I deposited in the mail at

_____a copy of the
(place, e.g., name of city or county)

Notice of Intention to Recall_____
(name of person sought to be recalled)

in a sealed envelope, with fully prepaid postage thereon for certified mail, addressed to:

_____ at:
(name of officer sought to be recalled)

_____
(mail address)

I have attached the original of the Notice of Intention to this Proof of Service.

I,_____, declare under penalty of
(print full name)

perjury under the laws of the State of California that the foregoing is true and correct,

and that I executed this Proof of Service: On_____at
(date)

_____.
(place of signing, e.g., city or county)

_____
(complete signature)

EXHIBIT C

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION[1]

TO THE HONORABLE _____(see footnote[2])_____: Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of _____(see footnote[3])___, in the State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of _____(see footnote[4])_____ , in _____(see footnote 3)__, California, and to demand election of a successor in that office (see footnote[5]).

The grounds for the recall are as follows:

(STATE GROUNDS, 200 WORDS OR LESS)

The printed names, signatures, and residence addresses of the proponents are as follows:(The least possible number of proponents is 10, however, more than 10 may be required by law.)

NAME	ADDRESS	SIGNATURE
1. ...		
2. ...		
3. ...		
4. ...		
.....		
.....		
10. …. (or more. See footnote[6])		

Telephone number to contact proponents (optional)( )_____-_____

A copy of this notice and proof of service will be filed with the ___(see footnote[7])_____.

Elections Code section 11023. (a) Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the elections official, or in the case of a state officer, the Secretary of State, an answer, in not more than 200 words, to the statement of the proponents.

(b) If an answer is filed, the officer shall, within seven days after the filing of the notice of intention, also serve a copy of it, by personal delivery or by certified mail, on one of the proponents named in the notice of intention.

(c) The answer shall be signed and shall be accompanied by the printed name and business or residence address of the officer sought to be recalled.

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[1] Caution: The Notice of Intention must be published by proponents and proof of publication must be filed at the time of filing the two blank copies of the petition with the election official or, in the case of a recall of a state officer, with the Secretary of State. The Notice of Intention, publication and blank copies of the Petition will be compared and scrutinized for accuracy. Any deviation from the text of the Notice of Intention may result in rejection of the petition.

[2] Insert here the name of the person whose recall is being sought.

[3] Insert here the name of the county, city or district for the office.

[4] Insert here the name of office held.

[5] If it is the recall of an Appellate Court Justice the request shall be that the Governor appoint a successor to the office.

[6] At least ten are required. In many cases more than ten are required. Check with your election official to determine the actual number.

[7] Secretary of State, County Elections Official, City Clerk, Secretary of District, as appropriate.

PETITION FOR RECALL

TO THE HONORABLE_(See note[1])_____,

Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the _(See note[2])_____ of __(See note[3])_____, California, respectfully state that we seek the recall and removal of_(See note[4])_____, holding the office of _(See note[5])_____, in _(See note[2])_____, California.

We demand an election of a successor to that office. (See note[6])

The following Notice of Intention to Circulate Recall Petition was served on _(Date)_____ to_(See note [4])_____:

(Insert complete text of Notice of Intention here)

The answer of the officer sought to be recalled is as follows:

(Insert Officer's Statement here—200 words or less)
(If no statement, insert "No Answer was Filed")

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the __(See note [2])_____ of __(See note [3])_____, California.

Column must be at least 1" wide

	PRINT YOUR NAME RESIDENCE ADDRESS ONLY 1. YOUR SIGNATURE AS REGISTERED TO VOTE CITY ZIP	
	PRINT YOUR NAME RESIDENCE ADDRESS ONLY 2. YOUR SIGNATURE AS REGISTERED TO VOTE CITY ZIP	
	PRINT YOUR NAME RESIDENCE ADDRESS ONLY 3. YOUR SIGNATURE AS REGISTERED TO VOTE CITY ZIP	

DECLARATION OF PERSON CIRCULATING SECTION OF RECALL PETITION
(MUST BE IN CIRCULATOR'S OWN HANDWRITING)

I,_(See Note[7])_____declare:

1. My residence address is _(Street Address)_____ _(City)_____, in _____, County, California, and I am a registered voter in_ (See note [2])_____;
2. I personally circulated the attached petition for signing;
3. I witnessed each of the appended signatures being written on the petition and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be; and
4. The appended signatures were obtained between the dates of_(Starting Date)_____ and _(Ending Date)_____, inclusive.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on_(Date)_____at_(City or Community Where Signed)_____, California.[8]

SIGNED_____

[1] Insert here - Secretary of State of California if for a state officer, or name of the appropriate governing body if local. The authority which orders or "calls" elections for that office, or the governing authority for that jurisdiction should be named.
[2] Insert Electoral Jurisdiction here - County, City, District name, as appropriate.
[3] Insert geographical location here - City, County, etc., as appropriate.
[4] Insert here - name of person whose recall is being sought.
[5] Insert here - name of office.
[6] In case of Supreme Court or Appellate Court Justice, request shall be that the Governor appoint a successor.
[7] Insert here - Full name of person who gathered signatures.
[8] The petition must be set in at least 8point type. If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petitions be printed on 8 ½" x 14" paper in order to maximize the number of signature spaces printed on a sheet of paper.