

# Handbook for the Procedures for Recalling Local Officials



Provided by:

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**The handbook for recalling local officials is intended to provide general information and does not have the force and effect of law. It is distributed with the understanding that the Shasta County Registrar of Voters is not rendering legal advice and, therefore, the handbook is not to be a substitute for legal counsel for the individual or organization using it.**

**It is the responsibility of the proponents of a recall effort to obtain the most current information available, reflecting changes in laws or procedure subsequent to the publication of this guide.**

**All references contained in this handbook are to the [California Elections Code](#) unless otherwise stated.**

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# PREFACE

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.

The California Constitution defines recall as, "The power of the electors to remove an elective officer." (Article II, Section 13) Neither the California Constitution nor the Elections Code says under what circumstances recall is justified. Instead, the California Constitution says, in connection with recalls of state officers, "Sufficiency of reason is not reviewable." (Article II, Section 14). Article II, Section 19 of the California Constitution states, "The Legislature shall provide for recall of local officers." This section does not affect counties and cities whose charters provide for recall.

This publication examines the law of recall only as it applies to local officeholders. The guide is intended to provide basic, useful facts about the recall process for county, school district, community college district, special district, and superior court judge elected offices. §§11001, 11004

For recall of city officeholders, contact the city clerk of that city's office.

<a href="#">City of Anderson</a>	530-378-6626
<a href="#">City of Redding</a>	530-225-4055
<a href="#">Shasta Lake City</a>	530-275-7400

For recall of state officeholders, please see the Office of the Secretary of State's website at [sos.ca.gov](http://sos.ca.gov) and the [State's publication](#) on recalling state officials.

Note that the procedures described herein do not apply to federal officeholders. The removal of U.S. Representatives or U.S. Senators is governed by the United States Constitution, Article 1, Section 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 shall be removed through the process of impeachment, which is also governed by the United States Constitution.

This guide should be used in conjunction with the most current version of the State's procedures on recall and the applicable sections of the California Elections Code, Government Code, United States Constitution, California Constitution, and other relevant references.

# DEFINITIONS OF TERMS USED IN THIS HANDBOOK

In alphabetical order

**CALENDAR DAYS** means all days in a month, including weekends and holidays.

**CIRCULATOR** is a paid or volunteer person, who is a registered voter in the jurisdiction and who is qualified to vote for the officer sought to be recalled.

**CLERK** refers to the county elections official in the case of the recall of elective officers of a county, school district, county board of education, community college district, resident voting district, and superior court judges.

**ELECTIONS OFFICIAL** is the Shasta County Registrar of Voters for County, school district, county board of education, community college district, special district, and superior court judges.

**ELECTORAL JURISDICTION** means the area within which the voters reside who are qualified to vote for the officer sought to be recalled. (§322)

**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)

**NOTICE OF INTENTION** is a statement of why a proponent wants to recall an elected official.

**PROPONENTS** of a recall are those individuals who initiate the recall action and have control of the circulation and signature collection for the recall petition. Proponents of a recall must be registered voters in the electoral jurisdiction of the officer they seek to recall. (§11005)

**RANDOM SAMPLE OF SIGNATURES** means signatures selected at random using a computerized random number generator. The sample of signatures for verification is selected in such a manner that every signature filed with the Registrar of Voters has an equal opportunity to be included in the sample.

**RAW COUNT** means the total number of unverified signatures affixed to a petition and submitted to an elections official.

**ROV** is the abbreviation for the Shasta County Registrar of Voters or County Elections Official or Department.

**SECTION** means a part of piece of a larger petition. Each section must contain a declaration of circulation, space for voter signatures, and may consist of one or many pages. If stapled, sections must never be re-stapled or re-assembled or risk rejection from the Elections Official.

**SIGNATURE VERIFICATION** is the process of comparing a person's signature on a petition with the signature on file with the voter registration records to determine if they match. The signer must be a registered voter qualified to sign the petition in order for the signature to be counted as valid. The address on the petition must match the registered address.

**WRIT OF MANDATE** is a written order issued by a superior court commanding a public official or body or a lower court to perform or cease to perform a specific duty or action.

## **GENERAL RECALL INFORMATION**

**Any elective officer, including any officer appointed in lieu of an election or to fill a vacancy, can be recalled. §11006**

### **RECALL IS PROHIBITED WHEN. §11007**

- The incumbent has not held office during his or her current term for more than 90 days;
- A recall election has been decided in the incumbent's favor within the last six months; and
- The incumbent's term of office ends within six months or less.

### **CONDUCTING THE RECALL ELECTION. §§1002, 11201**

The ROV conducts the recall election. In the event that the ROV is the incumbent whose recall is being sought, then the duties imposed upon him or her shall be performed by some other person designated by the Board of Supervisors.

### **INITIATING A RECALL. §§321, 322, 11005**

Any qualified elector may initiate a recall. A qualified elector is a registered voter of the jurisdiction and eligible to vote on the office of the incumbent whose recall is sought.

### **EACH OFFICER SOUGHT TO BE RECALLED IS A SEPARATE PROCESS. §11044**

A separate petition is necessary to propose the recall of each officer.

There is a separate recall process for each incumbent being sought for recall and requires successful completion of the steps shown in [Phase 1](#). If, for example, there are three separate incumbents to be recalled, there must be three each of the following:

- Notice of Intention;
- Affidavit of Time and Manner of Service;
- Affidavit of Proof of Publication of the Notice of Intention;
- Set of Two Blank Copies of the Proposed Petition Format; and
- Recall Petition.

## **ERRORS.**

Any error in following any of the steps in connection with a particular recall may require that some or all of the steps taken up to that point be done over. Recall proponents may wish to consult an attorney to help avoid errors.

## **COST OF A RECALL.**

The cost of a recall election is charged to the government agency whose officeholder(s) is/are sought to be recalled. An authorized district representative should contact the ROV for an estimate of the cost. If the recall election can be consolidated with a regularly scheduled election or another special election, the cost may be reduced.

## **TIMELINE OF THE PROCESS.**

The clock starts ticking when the [Notice of Intention](#) is served. See [Attachment A](#) for a sample timeline that gives a very general idea of the length of the process. Note that this sample does not represent an exact timeline for any particular recall process.

# PHASE 1: NOTICE OF INTENTION

## STEP 1: BE PREPARED.

Become familiar with the recall process by reading this handbook, the [State's handbook](#), noted sections of the [California Elections Code, including sections 11000-11386](#), and calling or visiting the ROV office during business hours if you have specific questions.

All parties involved in a recall are advised to seek legal counsel. It is the responsibility of recall proponents to follow the petition process as directed in the Elections Code.

## STEP 2: NOTICE OF INTENTION. §§8062, 11005, 11020, 11023

Preparing the [Notice of Intention](#) is the next step for proponents interested in the recall of an elected officeholder. A sample *Notice of Intention* form is under [Attachment C](#) and includes the following:

- The name and title of the officeholder sought to be recalled.
- A statement not exceeding 200 words expressing the reasons for the proposed recall. See [Attachment B](#) for rules on counting the number of words.
- The printed name, signature, and residence address of each of the proponents of the recall.
- Proponents must provide a mailing address if different from business or residence address.
- The language contained in §11023 informing the incumbent of his or her right to file an answer.

A separate *Notice of Intention* must be filed for each officer sought to be recalled.

All proponents of a recall must be registered voters of the electoral jurisdiction of the officeholder they seek to recall.

Signature requirement on the *Notice of Intention* is a minimum of ten (10) or equal to the number of signatures required to be filed on the nomination petition for the office of the incumbent whose recall is being sought, whichever is higher. For example, in the case of a county elected office, the minimum number of signatures required on a nomination petition is 20; therefore, the minimum number of proponents required to sign the *Notice of Intention* is 20.



### **STEP 3: SERVING THE OFFICER TO BE RECALLED. §11021**

Proponents must serve a copy of the *Notice of Intention*, [Attachment C](#), by personal delivery or by certified mail on the officer you want to be recalled. Within **seven (7) days** of serving the officer sought to be recalled, proponents are required to file the original *Notice of Intention*, along with a copy of the proof of service, with the ROV. See [Attachment D](#) and [Attachment E](#).

The ROV will verify the word count and that the proponents are registered voters within the district.

A separate *Notice of Intention* must be served upon each officer sought to be recalled.

### **STEP 4: RECALLEE ANSWER. §§11023, 11024**

The officer sought to be recalled has the right to provide a response to the *Notice of Intention*. Should the officer choose to respond, the response shall not exceed 200 words and must be filed with the ROV **within seven (7) calendar days after the filing** of the *Notice of Intention*. The answer must be signed by the officer sought to be recalled and must include the officer's printed name and business or residence address.

The notice and answer are intended solely for the information of the voters. No insufficiency in form or substance of the statement within the *Notice of Intention* or the answer shall affect the validity of the election proceedings.

Within that same seven (7) calendar day period, the officer shall also serve a copy of his or her response on one of the proponents noted on the *Notice of Intention*. Service is to be by personal delivery or certified mail. See [Attachment F](#) and [Attachment G](#) for samples of affidavits used for personal delivery and certified mail, respectively, of the answer to the *Notice of Intention*.

In the event that the officer's response is not received by any proponent to the recall, the proponent's should contact the ROV since the officer's answer must also be filed with the ROV within the same time frame. **It is the proponents' responsibility to verify with the ROV whether an answer has been filed before proceeding to the next step in the recall process.**

## **STEP 5: PUBLISHING. §§11022, 11042, Govt Code § 6000**

Proponents are required to publish, at their expense, the *Notice of Intention* at least once in a newspaper of general circulation serving the jurisdiction of the incumbent whose recall is being sought. The publication **shall not include the answer** to the *Notice of Intention*, which officers, who are the subjects of recall, are permitted to file.

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.

The proponents must file proof of publication or an affidavit of posting the *Notice of Intention* at the same time that the two blank copies of the petition are filed with the ROV, which is ten (10) calendar days after the answer is filed. See [Phase 2, Creating the Petition](#), for more information. Proof of publication can be obtained from the newspaper publisher after the *Notice of Intention* appears in print.

## **STEP 6: CAMPAIGN FINANCE REPORTING AND DISCLOSURE REQUIREMENTS.**

Recall proponents who organize to qualify a recall for the ballot and those who organize to oppose such a recall effort may have campaign disclosure and filing obligations under state law. It is essential for all parties to check with the Fair Political Practices Commission (FPPC), which enforces the Political Reform Act, and/or the ROV about state and local laws regarding campaign finance reporting.

See the following page, Campaign Disclosure Requirements, for more information.

## **CAMPAIGN DISCLOSURE REQUIREMENTS.**

California's Political Reform Act requires disclosure of campaign contributions and expenditures in connection with state and local elections, including ballot measure elections.

### **Disclosure is required by:**

Candidates for state and local offices;  
State and local elected officeholders; and  
Campaign committees.

### **Committees that require disclosure:**

#### Candidate Controlled Committees:

State and local candidates and officeholders who receive contributions totaling \$1,000 or more in a calendar year;

#### Recipient Committees:

Individuals and organizations that receive contributions (\$1,000 or more in a calendar year) to support or oppose state or local candidates, or to qualify, support or oppose state or local ballot measures, including initiative, referendum and recall measures (either primarily formed to support or oppose a single candidate or ballot measure, or more than one candidate or measure being voted on in a single election, or general purpose to support or oppose a variety of candidates and/or measures);

#### Major Donor Committees:

Individuals or entities that use their own money (i.e., personal funds, corporate or business funds) to make contributions totaling \$10,000 or more in a calendar year to candidates or to committees supporting or opposing candidates or ballot measures;

#### Independent Expenditure Committees:

Individuals or entities that use their own money to make "independent expenditures" totaling \$1,000 or more in a calendar year to support or oppose candidates or measures (e.g., Jane Jones uses personal funds to send a mailing to voters or to purchase an advertisement supporting a candidate, but she does so independently, not in coordination with the candidate or his or her campaign committee).

There are also restrictions on how campaign funds are used. In general, expenditures from a candidate or recipient committee's campaign funds must be reasonably related to a political, legislative, or governmental purpose. Any expenditure that confers a substantial personal benefit on an individual must be directly related to a political, legislative, or governmental purpose.

### **For more information, contact:**

Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814  
1-866-275-3772  
[fpcc.ca.gov](http://fpcc.ca.gov)

## PHASE 2: CREATING THE PETITION

### STEP 1: FORMAT OF THE PETITION. §§100, 11020, 11022, 11040 - 11043.5

**IMPORTANT:** Before proceeding with circulation of any recall petition, proponents are required to create and file two (2) blank copies of the petition with the ROV for review and approval to determine whether the petition design and format conforms to the requirements of the Elections Code.

The recall petition format provided by the Secretary of State (SOS) is **MANDATORY** and must be used. A sample of the required format is available from the ROV under [Attachment H, pages 1 and 2](#), or from the SOS in the [Procedure for Recall of State and Local Officials](#) publication. Follow the below requirements:

- The complete recall petition may consist of any number of separate sections, which shall be duplicates, except as to signatures and matters required to be affixed by signers and circulators.
- A section may contain any number of individual pages. A page shall consist of each side of a sheet of paper on which any signatures appear.
- The number of signatures attached to each section is left up to the discretion of the person soliciting the signatures.
- 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.
- A space of 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 ROV in verifying the petition.
- The *Notice of Intention* to appear on the petition must be identical to that which was published, with the exception of the language related to the incumbent's right to file an answer.
- All petition sections must be printed in uniform size and darkness with uniform spacing.
- The petition can be printed on 8 ½" x 11" or 8 ½" x 14" or larger.
- The petition can be doubled-sided and printed on color paper; neon colors are not recommended.

- Signature spaces must be consecutively numbered commencing with the number one (1) for each petition section.
- Additionally, any side of a sheet of paper on which signatures appear must include in no less than 8-point type:
  - Language requesting that an election be called to elect a successor;
  - A copy of the Notice of Intention, including the statement of reasons for recall and the names of at least ten (10) of the proponents listed on the Notice of Intention (signatures and addresses do not need to be included); and
  - The answer, if any, of the officer sought to be recalled. If the officer has not answered, the petition must state so.
- The petition shall be designed so that each signer shall personally affix all of the following:
  - Signature;
  - Printed name;
  - 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
  - Name of incorporated city or unincorporated community.

## **STEP 2: SIGNATURE SPACES. §§100, 100.5, 11043, 11047**

**Each signer must personally place his or her own information on the petition unless unable to do so, and must personally sign it.** Immediately above the signature spaces(s) shall be the following statement:

"Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the [*insert name of electoral jurisdiction, i.e. Mountain Water Agency*] of [*insert name of geographical location, i.e. County of Shasta*], California."

When a petition is circulated in more than one county, each section of the petition shall bear the name of the county in which it's circulated, **and only registered voters of that county may sign that section.**

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

### **STEP 3: DECLARATION OF CIRCULATOR. §§104, 11046**

Each section of the petition shall 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:

- Printed name of the circulator;
- 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; and
- Dates between which all signatures to the petition were obtained.

#### **The declaration must also include:**

- That the circulator circulated that section and witnessed the appended signatures being written;
- 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;
- That the circulator is a registered voter in the electoral jurisdiction of the incumbent sought to be recalled; and
- The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

## **STEP 4: REVIEW AND APPROVAL OF COPIES OF PROPOSED PETITION AND PROOF OF PUBLICATION. §11042**

Two blank copies of the recall petition shall be filed with the ROV within ten (10) calendar days after the filing of the incumbent's answer, if any, to the *Notice of Intention*. If no answer is filed, the copies are due to the ROV for review and approval within ten (10) calendar days after the deadline for the incumbent to file an answer.

The affidavit attesting to the proof of publication of the *Notice of Intention* is due at the same time.

The ROV shall review the two blank copies of the petition format within ten (10) calendar days of receiving the blank copies of the petition and notify the proponents in writing that the petition is either approved for circulation or requires modification. The submitted blank copies of the petition will be carefully reviewed for correctness and will be compared to the Notice of Intention, publication and answer of incumbent, if any, to assure accuracy in text, punctuation, capitalization, spelling, etc. If the comparison discloses discrepancies, the petition will not be approved and will be returned.

If changes are necessary, proponents have ten (10) calendar days to file two blank copies of the *corrected petition* with the ROV. This process shall be repeated until no further alterations are necessary.

No signatures may be obtained on the recall petition until the form of the petition has been approved by the ROV. When the recall petition has adhered to statute, the ROV will notify proponents the last day to submit the recall petitions and how many signatures are required for a recall election. Once the recall petition adheres to statute, signatures may be collected.

# PHASE 3: CIRCULATION OF THE PETITION

## STEP 1: BEGINNING THE CIRCULATION. §§11042, 11220, 11221

Circulation of the petition may begin **AFTER** the ROV's approval of the petition.

There are two important pieces of information you need to know **before** circulating the recall petition:

- 1) Number of signatures required to qualify a particular recall; and
- 2) Deadline to get the job done.

## NUMBER OF SIGNATURES REQUIRED TO QUALIFY A PARTICULAR RECALL.

If an officer of a county, school district, county board of education, or resident voting district (special 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:

- Thirty percent (30%) if the registration is less than 1,000.
- Twenty-five percent (25%) if the registration is less than 10,000 but at least 1,000.
- Twenty percent (20%) if the registration is less than 50,000 but at least 10,000.
- Fifteen percent (15%) if the registration is less than 100,000 but at least 50,000.
- Ten percent (10%) if the registration is 100,000 or above.

If a superior court judge 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.



## **DEADLINE TO FILE THE PETITION.**

Proponent(s) must submit to the ROV, during normal business hours as posted, a petition with the requisite number of signatures within:

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

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

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

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

160 days if the electoral jurisdiction has 50,000 registered voters or more.

The number of registered voters is calculated as of the time of the last report of registration by the ROV to the Secretary of State prior to the finding by the ROV that no alterations are required in the form of the recall petitions. Ask the ROV for a copy of that report. §2187

## **WITHDRAWAL OF SIGNATURES FROM PETITIONS. §§103, 11303**

Any voter who has signed a recall petition who wishes to have his or her signature withdrawn from the petition may file a written request with the ROV prior to the day the petition is filed.

The written request must identify the subject of the recall petition, clearly indicate the requester indeed signed such petition, and contain the person's name, residence address and signature.

Note: The ROV will have no way of knowing exactly when the proponents will choose to file the recall petitions. Thus, the ROV will not be able to advise persons who wish to withdraw their signatures as to any deadline for filing their requests; other than the fact that the request must be received no later than the day before the petition is filed.

**IF APPROVED BY THE ROV,  
THE PETITION MAY NOW BE CIRCULATED.**

## **STEP 2: COLLECTING SIGNATURES. §§100, 100.5, 321, 322, 359, 2102, 2138, 11045, 11047; GOVT CODE § 16**

### **CIRCULATING AND SIGNING THE PETITION.**

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. Only registered voters in the electoral jurisdiction who are qualified to vote on the office held by the incumbent whose recall is sought may sign the petition. Each signer must personally print and sign his or her name and residence address, giving street and number and, if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained.

A voter physically unable to sign a petition may request someone else to print the voter's name and residence address on the petition. The voter then must affix his or her mark in the appropriate space on the petition, and have one person witness the mark by signing his/her names on the same line next to the mark. According to the Secretary of State's legal counsel, witnesses do not have to be registered, and the circulator may serve as a witness.

If an electoral jurisdiction 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.

### **REGISTERING OR RE-REGISTERING POTENTIAL PETITION SIGNERS.**

For potential signers who are not currently registered to vote, or those who are registered but have since moved, a newly completed voter registration card will ensure his or her signature on a recall petition can be counted as valid. The new registration card must be signed on the same date or a date prior to the date of signing the petition. The registration card must be received by the ROV on or before the date the petition is filed.

NOTE: It will assist the ROV in verifying signatures on the petition if the circulator notes in the left hand margin of the petition, adjacent the signature, these newly completed registration cards' affidavit numbers and notifies the ROV at the time of delivery that these registration cards are related to the specific petition. Proponents should also be aware that completed registration cards must be delivered to the ROV within three (3) calendar days of receipt from the voter.

## **IMPORTANT TIPS ON SIGNATURE GATHERING.**

- The signers of a recall petition must sign the petition in their own handwriting. They must personally fill in their own name, address, and signature;
- The ROV recommends obtaining an additional 50% of signatures above the amount that is required to compensate for signers who are disqualified for not being registered, being registered but not living in the district, or for other reasons;
- Circulators can register a voter the same time the petition is signed. The registration must be received by the ROV by the time the petition is filed with the ROV. The new registration card must be signed on the same date or a date prior to the date of signing the petition. The registration card must be received by the ROV on or before the date the petition is filed; and
- Make sure the voter is registered and lives in the district. Resources can be purchased from the ROV to assist in this process such as printed lists of registered voters by precinct listed by address with the street names arranged alphabetically and street numbers in numerical order for a given street name. Registration forms are free of charge.

## **CIRCULATOR MUST COMPLETE AND SIGN DECLARATION OF CIRCULATOR. §§104, 11046**

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 handwriting**, all of the following:

- the printed name of the circulator;
- 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; and
- the dates between which all signatures to the petition were obtained.

## **CAUSES OF INVALID SIGNATURES. §§100, 104, 105, 321, 359, 11046**

Signatures that appear on the petition may be determined to be invalid for a number of reasons. Some of the most common are listed below:

- The signer is not eligible to vote on the office held by the incumbent whose recall is being sought;
- The signer has moved since last registering to vote and failed to re-register;
- The signer writes in a mailing or business address as his or her address of residence;
- The signer signs the petition more than once. Only the first signature encountered during verification will count; moreover, any duplicate signatures found in the "random sample" are penalized under the sufficiency formula;
- Information not personally affixed by the voter and no witness signed denoting that voter was unable to sign;
- The residence address appearing on the petition was pre-printed and not written in personally by the signer; and
- The signer's signature does not appear to match that on the voter registration card on file with the ROV.

Certain defects in the declaration of the circulator, such as failure of the circulator to sign the declaration, may invalidate all signatures appearing on that section. Recall proponents should advise their circulators of the importance of fully and accurately completing the declaration.

**Circulators are advised that under no circumstances should they make any changes or corrections in the signatures or addresses that the voters have written on the petition.**

## **LEGIBILITY OF SIGNATURES.**

To ensure that signatures are readable, use a firm writing surface beneath the petition page being signed, and ballpoint pens. **Do not use** felt tip markers. If circulating recall petitions against multiple officeholders, it is suggested printing the recall petitions on lightly tinted colored paper with a different color for each officeholder. Neon colors are not recommended.

## **CIRCULATION OF RECALL PETITIONS ON PRIVATE PROPERTY.**

Petition circulators often seek to circulate petitions at shopping centers and other private property. With shopping centers being private property, the courts have had to balance the private property rights of the shopping center owners against the free speech and petition rights of petition circulators. Both supporters and opponents of a recall are advised to contact the property manager or owner to make arrangements in advance of circulating petitions, and to seek legal counsel when issues arise as to their free speech and petitioning rights at shopping centers or on private property.

## **PENAL PROVISIONS. §§18600, ET SEQ.**

The following are selected penal provisions relating to circulation of recall petitions.

### Provisions Relating to Circulators

It is a misdemeanor for anyone circulating a recall petition to intentionally misrepresent or intentionally make a false statement concerning the contents, purport, or effect of any petition to any person who signs, desires to sign, is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his or her signature. It is also a misdemeanor to willfully and knowingly circulate, publish, or exhibit any false statement or misrepresentation concerning the contents, purport, or effect of any recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.

Any person working for the proponents of a recall petition who refuses to allow a prospective signer to read the petition is guilty of a misdemeanor. Every person who offers or gives money or other valuable consideration to another in exchange for his or her signature on a recall petition is guilty of a misdemeanor. No one shall knowingly or willfully permit the list of signatures on a recall petition to be used for any purpose other than qualification of the recall question for the ballot. Violation is a misdemeanor.

### Provisions Relating to Fraudulent Signatures

Every person who solicits any circulator to affix to a recall petition any false or forged signature, or to cause or permit a false or forged signature to be affixed, is guilty of a misdemeanor.

Anyone who circulates or causes to be circulated a recall petition knowing it to contain false, forged, or fictitious names, is punishable by a fine not exceeding \$5,000 or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both fine and imprisonment.

Every person who knowingly signs his or her name more than once to a recall petition or signs his or her name to that petition knowing himself or herself at the time of signing not to be qualified to sign it is guilty of a misdemeanor.

Every person who subscribes to any recall petition a fictitious name, or who subscribes thereto the name of another, or who causes another to subscribe such a name to that petition, is guilty of a felony and is punishable by imprisonment in the state prison for two, three, or four years.

Every person who files with the ROV any recall petition to which is attached any signature which the person filing the petition knows to be false or fraudulent or not the genuine signature of the person whose name it purports to be, is punishable by a fine not exceeding \$5,000 or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

### Threats to Prevent Petition Circulation or Filing

Every person who threatens to commit an assault or battery on a person circulating a recall petition or on a relative of such a person or to inflict damage on the property of the circulator or relative, with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation, is guilty of a misdemeanor.

# PHASE 4: FILING THE PETITION. §§11222 - 11224

## STEP 1. FILING THE PETITION.

All sections of the recall petition shall be filed at the same time. No additional signatures may be filed or accepted after the initial filing. The petition sections shall be filed by the proponents or by any person or persons authorized in writing by a proponent. A copy of the written authorization must be included with the filing. Each section of the petition must be filed with the ROV in the jurisdiction for which it was circulated. If circulated in more than one county, it must be filed in the county for which it was circulated.

When the petition is presented for filing, the ROV shall determine the total number of signatures affixed to the petition. If, from this examination, the ROV determines that the number of signatures, on its face, equals or is in excess of the minimum number of signatures required, the ROV shall accept the petition for filing. The petition shall be deemed as filed on that date.

Any sections of the petition not so filed shall be void for all purposes. If, from the ROV's examination, the ROV determines that the number of signatures, on its face, does not equal or exceed the minimum number of signatures required, the petition shall not be filed. Any petition not accepted for filing shall be returned to the proponents.

## STEP 2. MEETING THE DEADLINE.

- Submit your petitions to the ROV by the [deadline](#).
- The petitions must be filed during [normal business hours](#).

## STEP 3. EXAMINATION BY THE ROV.

The ROV will ask the filer to provide the number of sections ([see definition on page 5](#)) and number of signatures. The ROV recommends that the petitions be separated in stacks reflecting the amount of signers on each petition. This assists the ROV in determining whether the number of signatures, on its face, is equal to or is in excess of the minimum number of signatures required. If so, the ROV shall accept the petition for filing. The ROV will provide the proponents the last day that the ROV has to verify the signatures, which is 30 days, excluding Saturdays, Sundays, and holidays, from the date of the filing of the petition.

# PHASE 5: VERIFICATION OF SIGNATURES

## §§11222, 11223, 11224, 11225

### THERE ARE TWO TYPES OF SIGNATURE VERIFICATION TECHNIQUES: 100 PERCENT OR RANDOM SAMPLING.

The ROV must count the number of signatures on the petition when proponents bring in the petition for filing. If, from this examination, the ROV determines that the number of signatures, on its face, equals or is in excess of the minimum number of signatures required, the ROV shall accept the petition for filing. The petition shall be deemed as filed on that date. Any section not so filed must be returned to the proponents and is void for all purposes.

The ROV must verify every signature submitted or, where there are more than 500 signatures submitted, use a random sampling signature verification process. The ROV has 30 days, excluding Saturdays, Sundays, and holidays, 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.

### 100% VERIFICATION OF SIGNATURES.

The ROV must verify every signature if 500 or less signatures are submitted.

If the ROV examination shows that the number of valid signatures is *greater than* the required number, the ROV shall certify the petition to be *sufficient* and attach a certificate of the results to the petition and certify the petition to be *sufficient* to the governing body at its next regular meeting.

If the ROV examination shows that the number of valid signatures is *less than* the required number, the ROV shall certify the petition to be *insufficient*. The ROV shall attach to the petition a certificate showing the result of this examination and notify the proponents of the *insufficiency* of the petition. No further action shall be taken on the petition. The failure to secure sufficient signatures, however, shall not preclude the later filing of an entirely new petition to the same effect.



## **RANDOM SAMPLING VERIFICATION OF SIGNATURES.**

If more than 500 signatures are submitted, then the ROV may choose to use a random sampling verification of signatures. The random sampling shall include an examination of at least 500 or 5% of the signatures submitted, whichever is greater. In order to have a sufficient number of signatures, 90% or more of the sample signatures must be found to be valid.

For example, if only 87% of the sample signatures are found to be valid, then only 87% of the entire number of signatures is deemed to be valid; thus, the petition has failed to produce the required number of signatures and the ROV shall certify the petition to be insufficient.

Alternatively, if 90% or above of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall examine and certify each signature filed.

If the ROV examination of each signature shows that the number of valid signatures is greater than the required number, the ROV shall attach a certificate of the results to the petition and certify the petition to be sufficient to the governing body at its next regular meeting.

If the ROV examination of each signature shows that the number of valid signatures is *less than* the required number, the ROV shall attach a certificate of the results to the petition and certify the petition to be **insufficient** and notify the proponents. No further action shall be taken on the petition. *The failure to secure sufficient signatures, however, shall not preclude the later filing of an entirely new petition to the same effect.*

No additional time is allowed for the 100% signature verification after the random sampling has been conducted.

## **PHASE 6: CERTIFICATION**

### **§§11224 - 11227, 11300**

#### **INSUFFICIENT NUMBER OF VALID SIGNATURES.**

If the certificate shows that the petition contains an insufficient number of valid signatures to qualify the recall for the ballot, no further action is taken and the petition remains on file. No insufficiency in a petition against any officer shall bar the later filing of a new petition against that officer.

#### **SUFFICIENT NUMBER OF VALID SIGNATURES.**

If the petition is found to have sufficient valid signatures to qualify the recall for the ballot, the ROV will immediately certify the results of the signature examination to the governing body for consideration at its next regular meeting.

#### **THE CERTIFICATE SHALL CONTAIN:**

- Name of officer whose recall is sought;
- Title of his or her office;
- Number of signatures required by law;
- Total number of signatures on the petition;
- Number of valid signatures on the petition; and
- Number of signatures that were disqualified.

#### **ACCESS TO RECALL PETITION SIGNATURES. §11301, AND GOVERNMENT CODE §6253.5**

Voters may have concerns about possible harassment if they sign initiative, referendum, or recall petitions. Government Code § 6253.5, provides, in part, that such petitions and any memoranda prepared by the ROV in examining the petitions, are not deemed to be public records and are not open to public inspection. **There are three exceptions:**

- 1) The ROV and the public employees responsible for verifying the signatures;
- 2) Recall proponents **only if the petition is deemed insufficient**. If the petition is deemed to be *insufficient and the proponents wish to determine which signatures were disqualified and the reasons for disqualification*, the proponents and the proponent's representatives (designated by the proponents in writing) may examine the petition if commenced not later than 21 days after certification of insufficiency; and
- 3) *Upon approval of the appropriate superior court*, the following individuals or entity shall be permitted to examine an **insufficient** petition and memoranda: The Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, an attorney for a school district or community college district, and a city attorney.

*Note that if a petition is found to be sufficient by the ROV, no one may examine the petition.*

## **VACANCY IN THE OFFICE AFTER THE RECALL PETITION IS FILED.**

### **§11302**

If a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election shall nevertheless proceed. The vacancy shall be filled as provided by law, but any person appointed to fill the vacancy shall hold office only until a successor is selected in accordance to the provisions in §11302.

## **PHASE 7: THE RECALL ELECTION**

### **CALLING THE ELECTION. §§1100, 11240 – 11242, 11328, 11329**

Within 14 calendar days after the meeting at which the governing body received the certificate of sufficiency from the ROV, the governing body is to issue an order calling the election.

If the governing body fails to act within those 14 calendar days, the ROV shall call for the election within 5 calendar days. If the recall is to be voted on by voters in more than one county, the Elections Official of the county with the largest number of registered voters who will be voting in the election shall set the date in consultation with the Elections Official of the other counties.

The election shall be held not less than 88, nor more than 125, days from the date of the order.

If a regular or special election is to be held throughout the electoral jurisdiction of the incumbent sought to be recalled within this time period, the recall election shall be held on the same day, and consolidated with, the regular or special election.

A recall election shall be conducted, canvassed, and the results declared in substantially the manner provided by law for a regular election for the office.

One election is sufficient for the recall of several officers.

No election shall be held on any day other than a Tuesday, nor shall any election be held on the day before, the day of, or the day after a state holiday.

### **FILING REQUIREMENTS FOR CANDIDATES. §§8104, 11327, 11381, 13307**

Once the recall election is called, there will be a nomination period for candidates to file for election to the office.

Exception: Although it is clear that superior court judges are subject to recall, Article VI, Section 16 of the California Constitution creates some legal uncertainty as to whether the successor to a recalled superior court judge is elected by the voters or appointed by the Governor. If it is the latter, obviously the need for a contest involving successor candidates is eliminated. It is, therefore, suggested that the ROV seek its own legal counsel to clarify this issue should it arise.

The nomination period must not open before the day the order of election is issued and must close not later than the 75th day before the election. If the ROV is required to certify to the governing board the names of candidates to be placed on the ballot that shall be done by the 71st day prior to the election.

The incumbent may not be a candidate to succeed himself or any other member of the same governing board who is also the subject of recall, but he or she may submit a Candidate Statement of Qualifications for publication in the sample official ballot pamphlet.

The nomination period for recall elections may very likely be shortened. For example, the election could be called to be held in the minimum of 88 days. Since the nomination period under any circumstances must close on the 75th day, the nomination period would consist of just 14 calendar days.

Nomination petitions may or may not be required of candidates, depending on the office held by the incumbent. The number of nominating signatures, if any, will be the same as required of candidates seeking that particular office in a regular election. Check with the ROV regarding what is required to be filed for the office.

There are no filing fees for school or special district offices or those for which the annual salary is \$2500 or less. Filing fees for county supervisor, judicial offices, and countywide office are 1% of the official's annual salary.

## **PETITIONS IN-LIEU OF FILING FEE. §8106**

Notwithstanding any other provision of the article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered for each dollar of the filing fee, or 10 percent of the total registered voters in the district in which he or she seeks nomination, whichever is less.

If there is a filing fee, petitions in-lieu of payment of that fee must be made available to candidates, who may circulate these petitions and gather signatures in lieu of paying all or a portion of the filing fee.

**If a candidate is considering submitting a petition in lieu of a filing fee, s/he should read §8106 in its entirety.**

## **CANDIDATE QUALIFICATIONS AND STATEMENTS. §§13.5, 13307, 13311, 13327**

In addition to filing nomination documents (declaration of candidacy and nomination petition, if required), some candidates have to provide documentation of their qualifications. In Shasta County, these candidates would be: Auditor, County Superintendent of Schools, District Attorney, Sheriff and Superior Court Judges, Treasurer-Tax Collector.

Candidates' statements for publication in the sample official ballot pamphlet are optional and filed in accordance with the provisions of §13307. The cost of statements in a recall election will be determined by the ROV once the election has been called.

For candidates, the statement is due at the time his or her nomination documents (declaration of candidacy and nomination petition, if required) are filed.

The incumbent whose recall is being sought may also submit a statement for inclusion in the official sample ballot pamphlet. The officer sought to be recalled must file the/a statement no later than 5 p.m. on the last day of candidate filing.

All candidate and incumbent statements shall remain confidential until 5 p.m. of the next working day after the close of the nomination period.

Note to ROV: Notify incumbent of his or her right to submit a statement and deadline for filing.

## **DESIGN OF THE BALLOT. §§11320, 11322**

The question on the ballot will be: "Shall [name of incumbent sought to be recalled] be recalled (removed) from the office of [title of office]?" with the voter marking either "Yes" or "No". Below that will appear the names of the candidates who have filed to seek election to the office in the event the recall is successful. Appropriately identified write-in space must also be provided.

If there are multiple recalls that have qualified for the ballot, following the list of candidates to succeed to one office would be the recall question for the next office, and so on. Names will be listed in randomized alphabet order and then rotated in conformance with §§13111(g) and 13112.

## **SAMPLE OFFICIAL BALLOT PAMPHLET. §11325**

The official sample ballot pamphlet shall include both the statement of reasons for the recall (from the *Notice of Intention*) and the incumbent's answer, if one was filed. The statement and answer shall be printed on the same page or on facing pages and shall be of equal prominence. If the recall of more than one incumbent is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those of any other officer.

## **THE VOTER'S RESPONSIBILITY WHILE VOTING IN A RECALL. §11382**

No vote cast in the recall election shall be counted for any candidate unless the voter also voted for or against the recall of the officer sought to be recalled.

## **MAJORITY VOTE REQUIRED TO RECALL THE INCUMBENT. §11384**

If a majority of the votes on a recall proposal are "Yes", the officer sought to be recalled shall be removed from office upon the qualification of his successor.

No person whose recall is being sought may be a candidate to succeed himself or herself at a recall election nor to succeed any other member of the same governing board whose recall is being sought at the same election § 11381(c).

## **PLURALITY VOTE TO ELECT A SUCCESSOR. §§11385, 11386**

If the incumbent is recalled, the candidate receiving the highest number of votes shall be declared elected for the unexpired term of the recalled officer.

If the candidate who received the highest number of votes fails to qualify within 10 days after receiving his or her certificate of election, the office to which he or she was elected shall be vacant, and shall be filled according to law.

## SAMPLE RECALL PROCESS TIMELINE

This sample timeline **is an example and does not represent** an exact timeline for your particular recall process. It is provided to give you a very general idea of the length of the process. The clock starts ticking when the *Notice of Intention* is served on the officer to be recalled.

### START —————> NOTICE OF INTENTION SERVED.

Within 7 days	File original of <i>Notice of Intention</i> , along with an affidavit of time and manner of service, with ROV within 7 days of <i>Notice of Intention</i> being served.
Within 7 days	Officer sought to be removed may file with ROV an answer within 7 days of Notice of Intention being filed. The officer also must, within 7 days of the filing of Notice of Intention, serve a copy of answer on one of the proponents named in notice.
Within 10 days	After the filing of answer to Notice of Intention, or if no answer is filed, within 10 days after expiration of 7-day period to file answer, proponents must file 2 blank copies of proposed petition with ROV and proof of publication of Notice of Intention.
Within 10 days	After receiving proposed petition, ROV must review the recall petition and notify the proponents of any required changes.
Within 10 days	The proponents must make the required changes. The 10-day period begins when they receive the recall petition from the ROV.  <b>This process continues (ten days for the proponents and ten days for the ROV) until the recall petition adheres to statute.</b>
Within 40 to 160 days	The petition is circulated.
Within 30 business days	Signatures are verified and certified by the ROV.
Within 14 days	The certificate of sufficiency shall be submitted to the governing body at its next regular meeting. After receiving the certificate of sufficiency, within 14 days, the governing body must issue an order stating that an election will be held.
Not less than 88 nor more than 125 days	After the issuance of the order, not less than 88 days nor more than 125 days, the recall election shall be held on the same day and consolidated with the regular or special election, if one is scheduled.



**WORD COUNT GUIDELINES § 9**

<b>The following guidelines are for computing the word count:</b>	<b># of words counted</b>
The heading and signature block are <u>not</u> included in the word count.	
Punctuation marks are <u>not</u> included in the word count	
The words “a”, “the”, “and”, “an” are counted as individual words	
Dictionary words	one word
Geographical names of cities, states, and counties such as County of Shasta and Shasta Lake City	one word
Symbols such as “&” and “#” (number/pound) are not considered punctuation	each symbol is counted as one word
Abbreviations - PTA, P.T.A., USMC, U.S.M.C., P.M., A.M.	one word
Regularly hyphenated words appearing in any generally available standard reference dictionary published in the United States within 10 years preceding the election. Each part of all other hyphenated words shall be counted as a separate word.	one word
Names of persons and things: Jack Jones; Redding Aquatic Center	<i>each</i> word counts as one word
Internet web site address: <a href="http://www.sweetchocolategoodies.biz/recipes/html">www.sweetchocolategoodies.biz/recipes/html</a> .	one word
Dates - All digits: 04/08/1998	one word
Dates - Words and digits: April 8, 1998	two words
Numbers – Digits: 1 or 10 or 100, etc.	one word
Numbers spelled out: One, ten, or one hundred	<i>each</i> word counts as one word
Numeric combinations: 1973, 18 1/2, 1971-73, 5%	one word
Combination of a number and a word: \$4 million; 30 percent	two words
Monetary Amounts: When dollar sign is used with figures: \$1,000	one word
Monetary Amounts: Spelled out: One thousand dollars – three words; seventy dollars – two words	<i>each</i> word counts as one word
Telephone/fax numbers: 555-1234 or 530-555-1234	one word

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

TO: \_\_\_\_\_  
(name of officer sought to be recalled)

Pursuant to provisions of the California Elections Code, the undersigned, registered qualified voters of the \_\_\_\_\_, County of \_\_\_\_\_, State of California,  
(name of district) (name of county)

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 \_\_\_\_\_ in the \_\_\_\_\_,  
(title of office) (name of district)

County of \_\_\_\_\_, State of California, and to demand an election of a  
(name of county)

successor for that office.

The grounds for the proposed recall are as follows: <state grounds in 200 words or less>

The printed names, signatures, and business or residence addresses of the proponents are as follows:

Name	Address	Signature
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

This Notice and the proof of service will be filed with the \_\_\_\_\_ ROV. Within seven (7)  
(name of county)

calendar days after filing, you may file with the \_\_\_\_\_ ROV an answer, in not more than 200  
(name of county)

words, to the statement of the proponents. If an answer is filed, a copy of it must be served personally or by certified mail on one of the above proponents. The answer shall include the printed name, signature, and business or residence address of the officer sought to be recalled.

**PROOF OF PERSONAL SERVICE  
OF THE NOTICE OF INTENTION**

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 full name)

\_\_\_\_\_  
(complete address)

\_\_\_\_\_  
(area code and telephone number)

I personally served to \_\_\_\_\_ a copy of the  
(print full name of officer sought to be recalled)

**Notice of Intention to Recall** by delivering the copy of the Notice of Intention to him/her at:

\_\_\_\_\_, on  
(complete address)

\_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.  
(date) (time) (circle one)

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

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

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)

PROOF OF SERVICE BY CERTIFIED MAIL  
OF THE NOTICE OF INTENTION

I, \_\_\_\_\_, declare that:  
(print full name)

At the time of service, I was at least 18 years of age and I, \_\_\_\_\_,  
(print full name)

reside/am employed in \_\_\_\_\_ at \_\_\_\_\_.  
(circle one) (name of county) (complete address)

On \_\_\_\_\_ I deposited in the mail, at \_\_\_\_\_,  
(date) (place, e.g., name of city or county)

a copy of the **Notice of Intention to Recall** \_\_\_\_\_  
(print full name of officer sought to be recalled)

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

\_\_\_\_\_, at  
(print full name of officer sought to be recalled)

\_\_\_\_\_  
(mailing address)

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

I, \_\_\_\_\_, declare under penalty of perjury under the  
(print full name)

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)

**PROOF OF PERSONAL SERVICE  
ANSWER TO NOTICE OF INTENTION**

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 full name)

\_\_\_\_\_  
(complete address)

\_\_\_\_\_  
(area code and telephone number)

I personally served to \_\_\_\_\_ a copy of the  
(print full name of officer sought to be recalled)

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

at: \_\_\_\_\_, on  
(complete address)

\_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.  
(date) (time) (circle one)

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

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

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)

PROOF OF SERVICE BY CERTIFIED MAIL
ANSWER TO NOTICE OF INTENTION

I, \_\_\_\_\_, declare that:
(print full name)

At the time of service, I was at least 18 years of age and I, \_\_\_\_\_,
(print full name)

reside/am employed in \_\_\_\_\_ at \_\_\_\_\_
(circle one) (name of county) (complete address)

On \_\_\_\_\_ I deposited in the mail, at \_\_\_\_\_,
(date) (place, e.g., name of city or county)

a copy of the Answer to the Notice of Intention to Recall \_\_\_\_\_
(print full name of officer sought to be recalled)

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

\_\_\_\_\_, at
(print full name of officer sought to be recalled)

\_\_\_\_\_.
(mailing address)

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

I, \_\_\_\_\_, declare under penalty of perjury under the
(print full name)

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)

**SAMPLE FORMAT OF RECALL PETITION**

TO THE HONORABLE (1)

**\*\*See next page for explanation of numbers in parenthesis\*\***

Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the (2) of (3) California, respectfully state that we seek the recall and removal of (4) holding the office of (5) in (6), California. We demand an election of a successor to that office. The following Notice of Intention to Circulate Recall Petition was served on (7) to (8):

[ (9) Insert the following information in this space:

- The complete text of Notice of Intention as published. It must appear exactly as written on the original Notice of Intention, including punctuation, spelling, etc., with the exception of the language relating to the incumbent's right to file an answer.
- There shall be at least 10 names of recall proponents from the original Notice of Intention that are selected by the proponents. Signatures and addresses do not need to be included. Addresses are on file with the Elections Office.
- The answer of the officer sought to be recalled. If no answer, 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 (10) of (11), California. ]

(12)

			FOR OFFICIAL USE ONLY
	PRINT YOUR NAME 1. ----- YOUR SIGNATURE	RESIDENCE ADDRESS ONLY ----- CITY ZIP	<b>(13)</b>
	PRINT YOUR NAME 2. ----- YOUR SIGNATURE	RESIDENCE ADDRESS ONLY ----- CITY ZIP	
	PRINT YOUR NAME 3. ----- YOUR SIGNATURE	RESIDENCE ADDRESS ONLY ----- CITY ZIP	

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

I, (14), declare:

1. My residence address is (street address) (city), in (name of county) County, California, and I am a registered voter in (15).
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.

\_\_\_\_\_  
(signature)

## **EXPLANATION OF RECALL PETITION FORMAT**

The sample on the previous page will help you design your petition in accordance with applicable laws and guidelines. When using this format, fill in the blanks and required information, and remove the numbers in parentheses that have been included as a reference tool only.

### **GENERAL REQUIREMENTS**

- Petition must be in at least 8-point type;
- If signature spaces are printed on both sides of a sheet of paper, everything except 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;
- All petition sections must be printed in uniform size and darkness with uniform spacing; and
- Each page of the petition must have at least a 1-inch margin across the top and a ½ inch margin across the bottom.

### **SPECIFIC EXPLANATIONS OF NUMBERS ON THE SAMPLE**

1. Insert name of appropriate governing body. The local 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, or district, as appropriate.
3. Insert geographical location here: city, county, etc. as appropriate.
4. Insert here the name of person whose recall is being sought.
5. Insert name of office.
6. Same as #3 above.
7. Insert date served.
8. Same as #4 above.
9. Remove box and insert appropriate information.
10. Same as #2 above.
11. Same as #3 above.
12. Example illustrates space for three signatures. You can include as many spaces as will fit. Declaration of circulator may be placed on the back side of the page.
13. A space at least one inch wide shall be left blank after each name for use of the elections official.
14. Circulator inserts his/her full name as the person who gathered the signatures.
15. Same as #2 above.