



## **A Guide to Recall For County, School Districts, Special Districts and Local Judicial Offices**

This guide 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 current information available because of possible changes in law or procedure since the publication of this information.

All parties involved are advised to seek private legal counsel because of the complexity of the recall process.

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 guide examines the law of recall only as it applies to local officials.

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, 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.

**A Guide to Recall**  
**For County, School Districts, Special Districts and Local Judicial Offices**

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## INTRODUCTION

The purpose of this guide is to give information for the recall process for the elected offices of county, school districts, community college districts, special districts, and judges of Superior and Municipal Court. (EC11001, 11004)

- To recall city officeholders, contact the City Clerk of that city.
- To recall state officeholders, see the “*Procedure for Recall of State and Local Officials*” published by the Office of the Secretary of State. This is available on the Secretary of State Website: [www.sos.ca.gov](http://www.sos.ca.gov).

For the purposes of recall of local officers, the term *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 judges of Superior or Municipal Court.

An elective officer of a city.

The secretary of the governing board in the case of the recall of elective officers of a landowner voting district or any district in which, at a regular election, candidate’s nomination papers are filed with the secretary of the governing board. (EC307, 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. (EC11003)

**Proponents** of a recall are the initiators of the recall. Proponents of a recall must be registered voters in the electoral jurisdiction of the officer they seek to recall. (EC11005)

**Electoral jurisdiction** is the area within which the voters reside who are qualified to vote for the officer sought to be recalled. (EC322)

The following should be used with this guide:

- The flow chart entitled, “Qualifying a Recall for the Ballot.” See attached.
- The up to date version of the “Procedure for Recall of State and Local Officials,” published by the Office of the Secretary of State.
- The sections of the California Elections Code, Government Code, United States Constitution, California Constitution, and other relevant references that apply.

References to the number of days mean calendar days, unless specified differently.

**Which Officers can be recalled?** Any elective officer including any officer appointed in lieu of an election or to fill a vacancy. (EC11006)

**Limitations of a recall:** An office holder has not been in office for more than 90 days.

A recall election has been decided in the incumbent's favor within the last six months.

The office holder's term of office ends within six months or less. (EC11007)

**\*Office that conducts the recall election:** The County Elections Office conducts the recall election. If the county election official (Clerk-Recorder or Registrar of Voters) is the incumbent to be recalled, then the board of supervisors will choose someone to perform the duties of the recall.

**A recall can be initiated by:** any qualified registered voter who can vote for the office of the recall. (EC321, 322, 11005)

**Each recall needs to be processed separately.** All the steps on the flow chart need to be done separately for each recall. If all the steps are not followed properly, some steps may need to be corrected and redone. It is recommended that counsel be consulted to avoid errors. (EC11021, 11044)

**The government agency whose officeholder is being recalled is charged for the cost of the election.** The cost can be reduced if it is consolidated with another special or regularly scheduled election.

## STARTING THE RECALL

**Preparing the Notice of Intention** is the first step. Any person filing a notice of intent with the county elections official shall pay a fee to be established by the board of supervisors not to exceed two hundred dollars (\$200.00) to be refunded to the filer if, within one year of the date of filing the notice of intent, the county elections official certifies the sufficiency of the petition. (Election Code 9103) The notice of Intention must contain all of the following:

The name and title of the officeholder sought to be recalled. See sample pages 15 and 16.

A statement, of no more than 200 words giving the reasons for the proposed recall.

The printed name, signature, and business or residence address of each of the proponents of the recall.

The provisions of EC11023 permit incumbents who are the subject of recall to file an answer to the notice and prescribes the method for doing so. (EC11020)

**The minimum number of proponents required to sign the Notice of Intention is 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.** (EC11020) For example, in the case of a county elected office, the minimum number of signatures required on a nomination petition is 20, hence the minimum number of proponents required to sign the Notice of Intention is 20. (EC8062(a)(3))

**A copy of the Notice of Intention must be served by a proponent on the incumbent sought to be recalled by personal delivery or by certified mail. (EC11021)**

**Within seven (7) days of serving the incumbent with the Notice of Intention, the original shall be filed along with an affidavit of the time and manner of service, with the elections official. See examples: Proof of Personal Service or Proof of Service by Certified Mail, pages 17 and 18. (EC11021)**

**\*Note to Election Officials: it is recommended that on the day a Notice of Intention and affidavit of service are filed, that you immediately notify the incumbent(s) sought to be recalled of the filings, inform the incumbent of the seven calendar day deadline for filing an answer and offer to provide the incumbent a copy of the filing.**

**A copy of the Notice of Intention must be published at the proponent's expense at least once in a newspaper of general circulation serving the jurisdiction of the incumbent whose recall is being sought. The publication need not include the answer by the incumbent being recalled. (GC6000, et.seq., EC11022) No time frame is specified for publication. Proof of publication is required to be filed at the time two (2) blank copies of the petition are filed. Proponents must request and obtain from the newspaper a signed affidavit proving publication. (EC11042)**

**The incumbent has the right to answer within seven (7) days after the filing of the Notice of Intention, with the elections official an answer of not more than 200 words. (EC11023(a))**

The answer must be signed and accompanied by the printed name, signature, and business or residence address of the officer sought to be recalled. (EC11023(c)) 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. (EC11023(b)) If a proponent does not receive an answer from the incumbent, contact the Elections Office to verify if an answer has been filed.

**\*Note to Elections Official:** the statement and answer are intended solely for the information of the voters. No insufficiency in form or substance thereof shall affect the validity of the election proceedings. (EC11024)

## **BUILDING THE PETITION**

**The recall petition format** provided by the Secretary of State or the County Elections Official is mandatory and must be used. (EC11041, 11043.5) See sample page 19.

The recall petition 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. A page shall consist of each side of a sheet of paper on which any signatures appear. (EC11040)

### **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. (EC100, 11043)

All petition sections must be printed in uniform size and darkness with uniform spacing. (EC11041)

On each page, in no less than 8 point type, there must appear:

A request that an election be called to elect a successor to the officer.

A copy of the Notice of Intention, including the statement of reasons for the recall. The Notice of Intention needs to be identical to the one published, except for the provisions for the incumbents answer.

At least ten names of the proponents listed on the Notice of Intention (signatures and addresses do not need to included).

The officer's answer, if any, if no answer was filed, the petition must so state. (EC11041)

### **Signature Space**

Immediately above the signature spaces shall be the following statement:

“Each of the undersigned states for himself/herself that he or she is registered and qualified elector of the [*insert name of electoral jurisdiction, i.e. Supervisor Dist 5*] of [*insert name of geographical location, i.e. Sutter County*], California.”

Note to Proponents: 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. (EC11047)

The petition must be designed so that each signer shall personally affix all of the following:

printed name,

signature,

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 community (EC11043)

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. Non-complying petition forms will be rejected as invalid.

Signature spaces must be consecutively numbered commencing with the number one (1) for each petition section.

A space at least one inch wide shall be left blank to the right of each name and address for the use of the County Elections Official in verifying the petition.

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. (EC11047)

### **Declaration of Circulator:**

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 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. (EC104, 11046)

### **Filing of Blank Copies of Proposed Petition and Proof of Publication**

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. Proof of Publication of the Notice of Intention is due also at the time the two blank copies are filed. (EC11042)

### **\*Review and Approval of Petition Format**

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 by the Elections Official 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. (EC11042)

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 Elections Official shall notify the proponents in writing as to what corrections need to be done in the petition. Proponents have ten calendar days to file two blank copies of the *corrected petition* with the Office of the County Elections Official. This is repeated until no further corrections are required. (EC11042)

## **SIGNATURE REQUIREMENTS AND CIRCULATION DEADLINES**

No signatures may be obtained on the recall petition until the form and wording of the recall petition has been approved by the County Elections Official. (EC11042(d)) The time period available for circulating the petition is measured from when the Elections Official notifies the proponents in writing that the petition meets the form and wording requirements. (EC11220(a))

## Number of Days to Circulate Petition

The circulation period of a recall petition is based on the number of registered voters in the electoral jurisdiction eligible to vote on the office of the incumbent subject to recall, as follows: (EC11220)

<b>Registration</b>	<b>Number of Calendar Days to Circulate</b>
Under 1,000	40
1,000-4,999	60
5,000-9,999	90
10,000-49,999	120
50,000 and above	160

If the electoral jurisdiction extends into another county or counties, the registration figures of those counties will be included in the computation. (EC11223) The number of registered voters shall be determined using the last official report of registration by the County Elections Official to the Secretary of State prior to the approval of the petition for circulation. (EC11221(b))

## Number of Signatures Required

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:

<b>Registration</b>	<b>Signatures Required (as % of Total Registered Voters)</b>
Under 1,000	30%
1,000-9,999	25%
10,000-49,999	20%
50,000-99,999	15%
100,000 and above	10%

If the electoral jurisdiction extends into another county or counties, the registration figures of those counties will be included in the computation.

The number of registered voters shall be determined by using the last official report of registration by the County Elections Official to the Secretary of State prior to the approval of the petition for circulation. (EC11221(b))

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. (EC11221)

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. (EC11221)

## 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 received and filed by the Elections Office. (EC103, 11303)

## **COLLECTING SIGNATURES**

### **Who can Circulate**

Only registered voters in the electoral jurisdiction who are qualified to vote on the office of the incumbent sought to be recalled are able to circulate a petition. (EC322, 11045)

### **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. (EC322, 11045)

Circulator must remember to complete and sign the Declaration of Circulator. (EC104, 11046)  
Extra signatures should be collected to cover for the signatures that are designated to be invalid after they are checked by the Elections Office.

A voter who is unable to personally affix a signature on a petition may request another person to print the voter's name and place of residence on the appropriate spaces of the petition or paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition or paper, which shall be witnessed by two persons by signing his or her name on the same line next to the mark. (GC16, EC 100.5) According to the Secretary of State's legal counsel, witnesses do not have to be registered, and the circulator may serve as a witness.

### **Registering or Re-Registering Potential Signers**

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 Office of the County Elections Official on or before the date the petition is filed. (EC2102(b))

## **FILING THE RECALL PETITION**

All sections of the recall petition shall be filed at the same time. After the initial filing no signatures can be submitted. The petition sections shall be filed by the proponents or by any person or persons authorized in writing by proponent. 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 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. (EC11222(a))

If the Elections Official determines that the number of signatures, on its face, is equal to or greater than the minimum required, the petition will be accepted for filing on that date. Any sections of the petition not so filed shall be void for all purposes. If the number, on its face, is less than the minimum required, the petition will not be filed and will be returned to the proponents. (EC11222(b))

If the petition was circulated in more than one county, the Elections Official of each county shall affix, with the certificate showing the results of his or her examination, the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled. (EC11223)

## VERIFICATION OF PETITION SIGNATURES

**The jurisdiction affected by the petition will be responsible for the cost of petition set-up and signature checking.**

\*The Elections Official must verify every signature submitted or, where more than 500 signatures are submitted, may use a random sampling signature verification technique.

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. (EC11224)

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% of the sample signatures are found to be valid, then 87% of the entire number of signatures is deemed to be valid.

If the statistical sampling determines that the number of valid signatures is greater than 110% of the sample 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% 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. (EC11225)

If the statistical sampling shows that the number of valid signatures is within 90 to 110% 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 late filing of an entirely new petition to the same effect. (EC11225)

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. (EC11224, 11225)

Petitions and notes prepared by Election Officials in examining the petition are not public record and are not open for inspection. The right of examination is not otherwise available to proponents unless the petition is found to be insufficient and fails to qualify for the ballot. If the proponents examine the petition signatures, such examination shall begin not later than 21 days after certification of insufficiency. (GC6253.5, EC11301)

## RESIGNATION OF OFFICEHOLDER

If a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall process will nevertheless proceed. Any person appointed to fill the vacancy serves only until a successor is selected and qualifies for the office. (EC11302)

## THE RECALL ELECTION

\*Within 14 calendar 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. (EC11240)

If the governing body fails to issue the order within the 14 days, the county elections official, within five days, shall set the date for holding the election. 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 for holding the election in consultation with the election officials of the other counties. (EC11241)

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. (EC11328, 11329)

\*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 this time period, the recall election shall be held on the same day, and consolidated with, the regular or special election. (EC11242)

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. (EC1100)

### Filing Requirements for Candidates

After the Board calls the election, there will be a nomination period for candidates to file for election to the office.

**Exception:** Although it is clear that trial court judges (Superior Court) are subject to recall, Article VI, Section 16 of the California Constitution creates some legal uncertainty as to whether the successor to a recalled 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 Elections Officials seek their own legal counsel to clarify this issue should it arise.

The nomination papers and declaration of candidacy shall 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. If the County Elections Official is required to certify to the governing board the names of candidates to be placed on the ballot, which shall be done by the 71<sup>st</sup> day prior to the election. (EC11381b))

An officer whose recall is being sought may not be a candidate to succeed himself or any other member of the same governing board, but they may submit a statement for publication in the sample official ballot pamphlet. (EC11327, 11381(c), 13307)

**\*Note:** 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 75<sup>th</sup> day, the nomination period would consist of just 14 calendar days. (EC11381(b))

\*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. (EC11381) Check with the County Elections Official regarding what is required to be filed for the office.

There are no filing fees for school or special district offices. Filing fees for County Supervisor and countywide office are 1% of the official's annual salary. (EC8104(b))

### **Petitions In-Lieu of Filing Fee**

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. (EC8106)

### **Candidate Qualifications**

In addition to filing nomination documents (declaration of candidacy and nomination petition, if required), some candidates have to provide documentation of their qualifications. (EC13.5) In Sutter County these candidates would be: Auditor, County Superintendent of Schools, District Attorney, Sheriff, Treasurer-Tax Collector, and Superior Court Judge.

### **Candidate Statements**

Candidates' statements for publication in the sample official ballot pamphlet are optional. Statements are filed in accordance with the provisions of Elections Code 13307. The cost of statements in a recall election will be determined by the County Elections Official once the election has been called. For candidates, the statement is due at the time his or her nomination documents are filed. (EC13307(a)(2)) Candidate statements must be filed no later than 5 PM on the last day of candidate filing. (EC13307) All candidate and incumbent statements shall remain confidential until the close of the filing period at 5PM on the last day of candidate filing.

**\*Note to Elections Official:** Notify the incumbent of his or her right to submit a statement and deadline for filing.

### **Format of Recall Election Ballot**

The following shall appear on the ballots at every recall election, except in the case of a landowner voting district, with respect to each officer sought to be recalled:

The question "Shall (name of officer sought to be recalled) be recalled (removed) from the office of (title of office)?"

To the right of the foregoing question, the words "Yes" and "No" on separate lines with an enclosed voting space to the right of each. (EC11320)

In addition, the following shall appear on ballots at all recall elections, except at a landowner voting district recall election:

The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.

Following each list of candidates, the ballot shall provide one blank line with a voting space to the right of it for the voter to write in a name not printed on the ballot. (EC11322)

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. Candidates will

be listed in randomized alphabet order based upon a drawing of letters by the Secretary of State. In the case of candidates for countywide office, they will be listed in randomized alphabet order and then rotated in conformance with Election Code sections. (EC13111(g) and 13112)

**\*The sample official 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. (EC11325)

\*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. (EC11384)

\*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. (EC11385)

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. (EC11386)

**Proponents of recalls, officers subject to recall, and candidates** may have disclosure requirements required by the state Political Reform Act. If there are questions about specific disclosure requirements, contact the Fair Political Practices Commission at 866-275-3772 or 916-322-5660 and/or FAX 916-322-0886. The address is, 428 J St, Suite 620, Sacramento, CA 95814.

## **AFTER THE ELECTION**

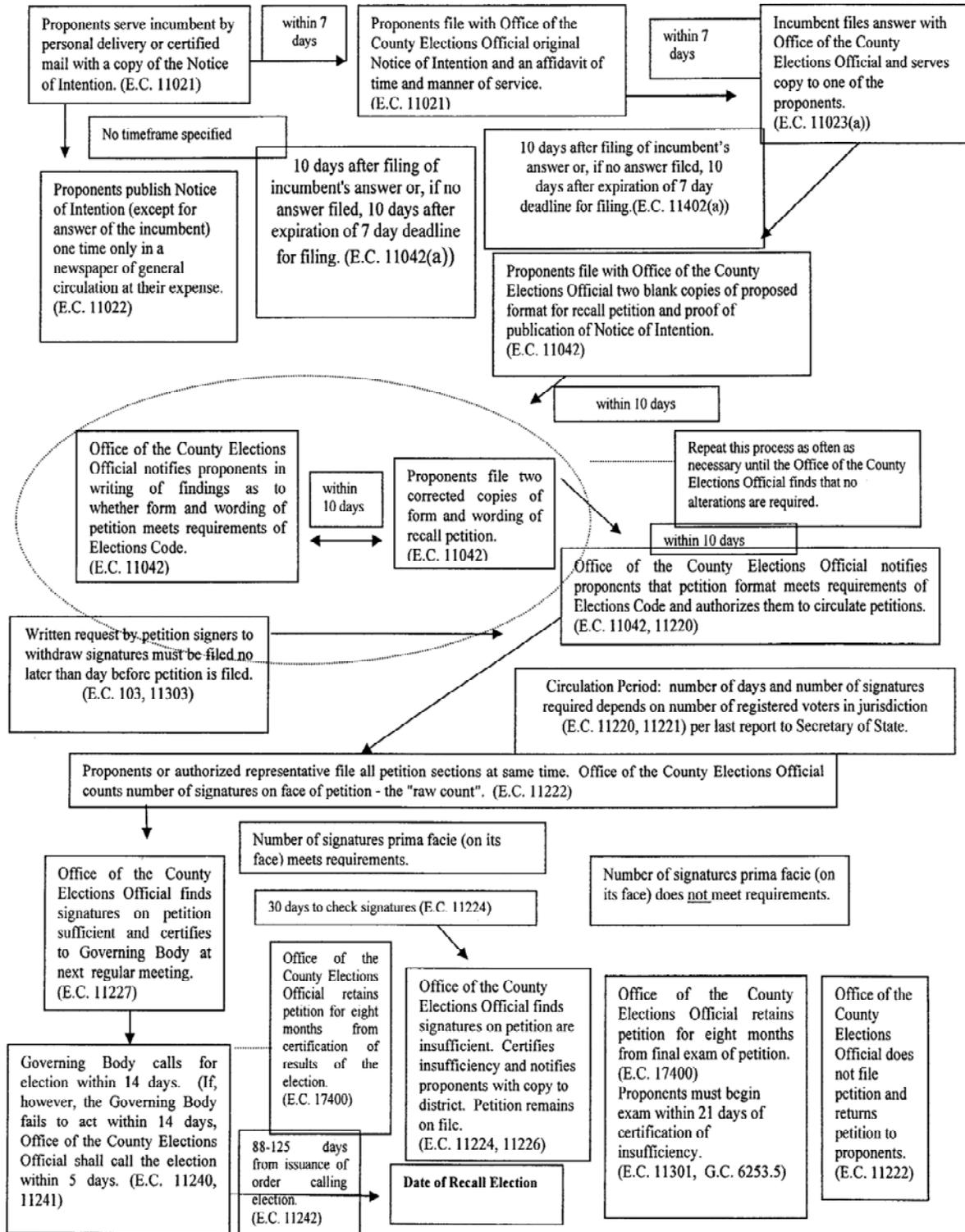
If the recall fails, a new recall may not be commenced against the officer within six months of that election nor during the last six months of the officer's term of office. (EC11007)

There is no law to prevent a public official recalled in one election from running for the same or any other office in a subsequent election.

\*Note to Elections Office

## Qualifying a Recall for the Ballot

### Steps and Timeframes Involved in Preparing and Circulating the Recall Petition



# 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 Sutter, State of California,  
(Name of district)

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 \_\_\_\_\_  
(Title of office)

in the \_\_\_\_\_, County of Sutter, State of California, and to  
(Name of district)  
demand an election of a 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.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____

14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

(The minimum number of proponents is 10, or equal to the number of signatures required to have been filed on the nomination paper of the officer sought to be recalled, whichever is higher.)

This Notice and the Proof of Service will be filed with the Sutter County Elections Office.

Within seven calendar days after filing, you may file with the Sutter County Elections Office an answer, in not more than 200 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

I, \_\_\_\_\_  
(Print full name)

declare that: 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)

\_\_\_\_\_  
(Telephone number)

I personally served to \_\_\_\_\_  
(Print full name of officer 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)

\_\_\_\_\_  
(Address)

on \_\_\_\_\_ at \_\_\_\_\_ AM / PM  
(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  
(Print full name)

of perjury 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)

**PROOF OF SERVICE BY CERTIFIED MAIL**

I, \_\_\_\_\_  
(Print full name)

declare that: at the time of service I was at least 18 years of age. My name and address are as follows:

\_\_\_\_\_  
(Print full name)

\_\_\_\_\_  
(Street address)

\_\_\_\_\_  
(City, State, and Zip Code)

I reside / am employed in \_\_\_\_\_  
(Circle one) (Name of county)

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:

\_\_\_\_\_  
(Print full name of officer sought to be recalled)

At: \_\_\_\_\_  
(Street or PO Box address)

\_\_\_\_\_  
(City, state and zip code)

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

I, \_\_\_\_\_ declare under penalty  
(Print full name)

of 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)

## SAMPLE OF PETITION FOR RECALL

TO THE HONORABLE (1) \_\_\_\_\_  
 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) \_\_\_\_\_ :

Included in this space are: (9)

The complete text of Notice of Intention as published. It must appear exactly as written on original Notice, 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.

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
	1. PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	(13)
	YOUR SIGNATURE	CITY ZIP	
	2. PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	CITY ZIP	
	3. PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	CITY ZIP	

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

I, (14) \_\_\_\_\_, declare:  
(print full name)

1. My residence address is \_\_\_\_\_, in \_\_\_\_\_  
(street address) (city) (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 \_\_\_\_\_ and \_\_\_\_\_, inclusive.  
(starting date) (ending date)

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

Executed on \_\_\_\_\_ at \_\_\_\_\_, California.  
(date) (city or community where signed)

\_\_\_\_\_  
 (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, the blanks are required information specific to the recall being sought. The numbers in parentheses are described below and 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.
- 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. The 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. The electoral jurisdiction; county, city, district, as appropriate.
3. The geographical location; city, county etc as appropriate.
4. The name of person whose recall is being sought.
5. Name of office.
6. Same as #3 above.
7. Date served
8. Same as #4 above.
9. The 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. The 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.