



# **GUIDE TO RECALLING LOCAL OFFICIALS**

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## TABLE OF CONTENTS

Chapter I	General Recall Provisions	Pg.3
Chapter II	Starting the Recall	Pg.5
Chapter III	Building the Recall Petition	Pg.8
Chapter IV	Circulating the Recall Petition	Pg.14
Chapter V	Filing, Examination, Verification and Certification	Pg. 18
Chapter VI	The Recall Election	Pg. 22
Appendix A	Quick Step Recall Guide	Pg. 24
Appendix B	Example: Notice of Intent to Circulate Recall Petition	Pg. 26
Appendix C	Example: Proof of Personal Service	Pg. 27
Appendix D	Example: Proof of Service by Certified Mail	Pg. 28
Appendix E	Example: Petition for Local Recall (With Official Top Funders)	Pg. 29
Appendix F	Example: Petition for Local Recall (Excluding Official Top Funders)	Pg. 31

## **PREFACE**

This document has been prepared to assist you in filing documents relating to a recall of a local official. It is not intended to provide legal advice and is for general guidance only. The Registrar of Voters strongly encourages any prospective recall proponents to seek legal advice to assist in complying with the applicable California laws, including the California Elections Code and California Government Code.

Candidates and others using this guide must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained therein.

Please note that the procedures described herein do not apply to federal officers. The removal of U.S. Representatives or U.S. Senators is governed by the United States Constitution, Article 1, Sec. 5 (2).

For recall of State Officers, State Senators, Members of the State Assembly, and Members of the Board of Equalization, please visit [sos.ca.gov/elections/recalls](http://sos.ca.gov/elections/recalls).

For recall of municipal officials, such as city council members, please contact the City Clerk for additional information.

## CHAPTER I

### GENERAL RECALL PROVISIONS

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#### **What is a Recall?**

A Recall is the power of the voters to remove an elective officer. (California Constitution, Art. II, § 13)

#### **What circumstances justify a Recall?**

Neither the California Constitution nor the California Elections Code says under what circumstances a recall is justified.

California Constitution states, in connection with recalls of state officers, “Sufficiency of reason is not reviewable.” (California Constitution, Art. II, § 14)

California Elections Code states, referring to the proponents’ statement of reasons for the recall and the incumbent’s answer, “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.” (California Elections Code § 11024)

#### **Who is subject to Recall?**

Per California Elections Code § 11006, proceedings may be commenced for the recall of any elective officer, including any officer appointed in lieu of election or to fill a vacancy, by the service, filing and publication or posting of a notice of intention to circulate a recall petition.

#### **Who is NOT subject to Recall?**

Recall proceedings may not be commenced against an officer of a city, county, special district, school district, community college district, or county board of education if:

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

These limitations do not apply to an officer appointed in lieu of an election pursuant to California Elections Code § 10229(a)(2). (California Elections Code § 11007)

#### **Who conducts the Recall Election?**

The County Elections Official (i.e. the Registrar of Voters) is responsible to conduct the recall election.

## **Who can initiate a Recall?**

The proponents of a recall must be registered voters of the electoral jurisdiction of the officer they seek to recall. (California Elections Code § 11005)

## **Who is responsible for the cost of a Recall Election?**

The cost of a recall election is charged to the government agency whose officeholders are sought to be recalled. An authorized District representative should contact the County Elections Official 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.

## CHAPTER II

### STARTING THE RECALL

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#### **1. Preparing the Notice of Intention**

Proponents begin the recall of an elected official, including officers appointed in lieu of election or to fill a vacancy, by serving, filing and publishing or posting of a notice of intention to circulate a recall petition (California Elections Code § 11006). The proponents should ensure that the notice of intention complies with California law. If a notice of intention is found to be deficient, the proponents will be required to prepare a new notice including the collection of signatures. The notice of intention consists of all the following:

- (a) The name and title of the officer sought to be recalled.
- (b) A statement of not more than 200 words expressing the reasons for the proposed recall. A reason must be provided, but under Article II section 14(a) of the California Constitution, the sufficiency of this reason is not reviewable.
- (c) The printed name, signature, and residence address including street and house number, city, and ZIP Code of each of the proponents of the recall. If a proponent cannot receive mail at the residence address provided, an alternative mailing address must be provided as well.
- (d) The provisions of California Elections Code § 11023, which informs the incumbent of their right to file an answer.

For a local office where the number of registered voters in the electoral jurisdiction is at least 1,000 but less than 100,000, the minimum number of proponents listed on the notice of intention is 30, or equal to three times the number of signatures required to have been filed on the nomination paper of the officer sought to be recalled, whichever is higher.

For a local office where the number of registered voters in the electoral jurisdiction is less than 1,000, the minimum number of proponents listed on the notice of intention is 30. (California Elections Code § 11020)

All proponents of a recall must be registered voters of the electoral jurisdiction of the officer they seek to recall. (California Elections Code § 11005)

#### **2. Serving the Notice of Intention to the Incumbent**

A copy of the notice of intention must be served on the officer sought to be recalled by personal delivery or by certified mail. If serving by certified mail, recall proponents are advised to obtain from the office of the County Elections Official the incumbent's most current and correct mailing address, as listed on the incumbent's voter registration record. (Election Code § 11021)

### **3. Filing the Notice and Proof of Service**

The original notice of intention, along with an affidavit of the time and manner of service, must be filed with the local Elections Official within seven (7) days of being served. A separate notice of intention must be filed for each officer sought to be recalled. (Election Code § 11021)

### **4. Publishing the Notice of Intention**

A copy of the notice of intention (including addresses and signatures) must be published at the proponents' expense at least once in a newspaper of general circulation. The publication need not include the text of California Elections Code § 11023. If there is no newspaper of general circulation in the jurisdiction of the officer whose recall is being sought, the proponents may satisfy the publication requirement by posting the notice of intention in at least three public places within the jurisdiction. (California Government Code § 6000 et seq.; California Elections Code § 11022)

The proponents must file proof of publication at the time that they file two blank copies of the proposed recall petition with the local Elections Official. Proof of publication is obtained from the newspaper publisher after the notice of intention appears in print. (California Elections Code § 11042)

### **5. Response of the Incumbent**

The incumbent is entitled to provide a response to the Statement of Reasons contained in the proponents' notice of intention. If they choose to do so, they must abide by the following timelines:

Within seven (7) days after the filing of the notice of intention, the officer sought to be recalled may file with the local Elections Official an answer of not more than two hundred words. (California Elections Code §11023(a))

If an answer is filed, the officer must, within seven (7) 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 of intention. (California Elections Code § 11023(b))

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

**Notice to proponents:** In the event any proponent does not receive the incumbent's answer, contact the County Elections Official since the incumbent's answer must be filed at the County Elections Office by the same deadline. It is the proponents' responsibility to verify with the County Elections Official whether an answer has been filed, prior to proceeding to the next step in the recall process.

## **6. Campaign Finance Reporting**

Both recall proponents who organize to qualify a recall for the ballot, and those who organize to oppose such a recall may incur campaign disclosure and filing obligations under state law. It is the responsibility of each organization to report the necessary disclosure and filing forms to the Fair Political Practices Commission (FPPC), the local elections office, and any other agencies required under the Political Reform Act. Information and assistance relating to campaign reporting obligations under the Political Reform Act may be obtained from the Fair Political Practices Commission.

### **Telephone:**

#### **General Information:**

(916) 322-5660

#### **Advice:**

1-866-ASK-FPPC  
(866) 275-3772 \*1

(Telephone Advice is available  
Monday-Thursday 9am-11:30am)

#### **Request a Form 700:**

1-866-ASK-FPPC  
(866) 275-3772 \*2

#### **Request a Public Record:**

(916) 445-2772

#### **Request a Speaker:**

(916) 327-8269

### **E-mail:**

Enforcement Complaint:  
[Complaint@fppc.ca.gov](mailto:Complaint@fppc.ca.gov)

Political Reform Act Request:  
[Advice@fppc.ca.gov](mailto:Advice@fppc.ca.gov)

Public Record Request  
[Cpra@fppc.ca.gov](mailto:Cpra@fppc.ca.gov)

Media Inquiry and Requests:  
[Press@fppc.ca.gov](mailto:Press@fppc.ca.gov)

Comment on Agenda Items:  
[CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov)

Website Comments and Suggestions:  
[webmaster@fppc.ca.gov](mailto:webmaster@fppc.ca.gov)

FPPC's Electronic Filing System:  
[Form700@fppc.ca.gov](mailto:Form700@fppc.ca.gov)





## CHAPTER III

### BUILDING THE RECALL PETITION

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#### **1. Overview**

The next step of the recall process is for the proponents to prepare the recall petition for circulation. The Secretary of State is required to provide a format for the petition. Therefore, the recall petition format prepared by the Secretary of State is mandatory and must be used. (California Elections Code § 11041, § 11043.5)

All petition sections must be printed in uniform size and darkness with uniform spacing. (California Elections Code § 11041)

#### **2. Format of the Petition**

##### **Heading**

The recall petition must include a margin at least one inch wide across the top of each page and a margin at least one-half inch wide along the bottom of each page. (California Elections Code § 11043)

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

- (a) A copy of the notice of intention, including the statement of reasons for recall, and the names (no addresses) of at least ten (10) proponents that appear on the notice of intention and that are selected by the proponents. The text of California Elections Code § 11023 does not need to be included as part of the language of the notice of intention on the petition.
- (b) The answer, if any, of the officer sought to be recalled. If the officer has not answered, the petition shall so state.
- (c) A petition to recall a local officer shall not include a request for a successor to be elected or appointed.
- (d) For the recall of a member of the governing board of a school district, the estimate of the County Elections Official, in consultation with the school district, of the cost of conducting the special election. (California Elections Code § 11041)

##### **Official Top Funders Disclosure Requirements**

For any recall petition for which the circulation is paid for by a committee formed pursuant to California Government Code § 82013, an Official Top Funders disclosure shall be included on the petition or in a separate document presented to a prospective signer of the petition. (California Elections Code § 107(b))

Elections Officials are not required to verify the accuracy of the information or to re-approve the petition upon any updates the committee makes. (California Elections Code § 107(g))

## **Official Top Funders Disclosure as a Separate Document**

The Official Top Funders Sheet must be in 14-point black roman type font on a plain, contrasting background, centered horizontally, except as described. The text shall not be condensed or have spacing between characters reduced to be narrower than a normal roman type. (California Elections Code § 107(a)(1))

The top of the sheet shall have the text “OFFICIAL TOP FUNDERS. Valid only for”, followed by a month and year that starts at most seven days after the date the top contributors as defined in California Government Code § 84501(c) were last confirmed. This information shall be boldface and at least 16-point font. Following the top line, separated by a blank horizontal line, shall be the title of the recall as it appears on the petition, in all capital letters. (California Elections Code § 107(a)(2), (3))

Next, separated by a blank horizontal line, shall appear a disclosure statement in a printed or drawn box with a black border. At the top of the disclosure statement, the statement shall read, “Petition circulation paid for by” in boldface text followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to California Government Code § 84101 on the following line. (California Elections Code § 107(a)(4)(A)-(D))

If the committee has any top contributors as defined in California Government Code § 84501(c), it shall be followed by a blank horizontal line and then the underlined text “Committee major funding from:”. The top contributors, as defined in California Government Code § 84501(c), if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions as defined in California Government Code § 84501(b), on the first line. (California Elections Code § 107(a)(4)(D))

The committee, in its discretion, may include the underlined text “Endorsed by:” followed by a list, not underlined, of up to three endorsers. The text pursuant to this subparagraph shall be separated from the text above and below it by a blank horizontal line. (California Elections Code § 107(a)(4)(E))

The following line shall include the text “Latest Official Top Funders:” followed by either the internet web page on the Secretary of State’s internet website that lists the “Official Top Funders” statements that are reported pursuant to California Elections Code § 107(f), or the internet web page on the internet website for any committee formed pursuant to California Government Code § 82013 that pays for the circulation of a recall petition. (California Elections Code § 107(a)(4)(F))

The committee’s web page must include a prominent link to the most recent Official Top Funders sheet in a format that allows it to be viewed on an internet website and printed out on a single page of paper. (California Elections Code § 107(c)(1))

The sheet must be submitted to the Secretary of State’s office upon any changes to the top contributors and must be posted on the Secretary of State’s website along with the previous versions the committee submitted. (California Elections Code § 107(f))

## **Official Top Funders Disclosure on the Petition**

If the committee chooses to include the disclosure statement on the petition, the requirements are as follows:

The disclosure statement shall have a solid white background and shall be in a printed or drawn box with a black border and shall appear before that portion of the petition for voters' signatures, printed names, and residence addresses. The text in the disclosure area shall be in a black Arial equivalent type with a type size of at least 10-point, with all lines centered horizontally in the disclosure area. (California Elections Code § 107(b)(1))

The top of the disclosure shall include the text "OFFICIAL TOP FUNDERS. Valid only for", followed by a month and year that starts at most seven days after the date the top contributors as defined in California Government Code § 84501(c) were last confirmed. The text of this paragraph shall be boldface. (California Elections Code § 107(b)(2))

Next shall appear, on a separate horizontal line, the text "Petition circulation paid for by", followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to California Government Code § 84101. If the committee has any top contributors as defined in California Government Code § 84501(c), it shall be followed by, on a separate horizontal line, the underlined text "Committee major funding from:". (California Elections Code § 107(b)(3))

The top contributors as defined in California Government Code § 84501(c), if any, shall each be disclosed in boldface text on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions, as defined in California Government Code § 84501(b), on the first line. (California Elections Code § 107(b)(4))

The committee, in its discretion, may include the underlined text "Endorsed by:", followed by a list, not underlined, of up to three endorsers. The text in this paragraph shall be separated from the text above and below it by a blank horizontal line. (California Elections Code § 107(b)(5))

The following line shall include the text "Latest info:" followed by the URL for either the internet web page on the Secretary of State's internet website that lists the "Official Top Funders" statements and any updates provided by the committee to the Secretary of State, or the internet website of any committee formed pursuant to California Government Code § 82013 that pays for the circulation of a recall petition. The text specified in this paragraph shall be underlined. (California Elections Code § 107(b)(6))

The committee's web page must include a prominent link to the most recent Official Top Funders sheet in a format that allows it to be viewed on an internet website and printed out on a single page of paper. (California Elections Code § 107(c)(1))

## **Notice to Signers**

The petition shall contain, 11-point type, before that portion of the petition for voters' signatures, printed names, and residence addresses, the following language, in order:

- (1) “NOTICE TO THE PUBLIC:”. This text shall be in boldface type.
- (2) If the petition includes the disclosure statement described by subdivision (b) of § 107, the text “SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN “OFFICIAL TOP FUNDERS” SHEET FOR THIS MONTH.” This text shall be in boldface type.
- (3) THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.” This text shall be in a non-boldface type. (Election Code § 101(a))

### **Signature Space**

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

- (1) Printed Name.
- (2) Signature.
- (3) Residence address, giving street and number, or if no street or number exists, an adequate designation of the residence so that its location may be readily determined.
- (4) The name of the incorporated city or unincorporated community.
- (5) If the petition does not include the disclosure statement described by subdivision (b) of § 107, the following text on a separate horizontal line below the signer’s printed name and above the signer’s signature: “DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its valid month is still valid.” The text “DO NOT SIGN UNLESS” shall be in all capitals and in boldface. The other text shall be capitalized as shown and shall not be in boldface. (California Elections Code § 100, § 11043(a))

Notwithstanding § 100, a voter who is unable to personally affix on a petition or paper the information required by § 100 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 one person by subscribing his or her name thereon. (California Elections Code § 100.5)

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

Noncomplying petition forms will be rejected as invalid. (California Elections Code § 11042)

Signature spaces must be consecutively numbered commencing with the number one for each petition section. (California Elections Code § 100)

A space at least one inch wide must be left blank along the right margin of the page, after each name and address, for the use of the Elections Official in verifying the petition. (California Elections Code § 100, § 11043)

## **Declaration of Circulator**

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

- (a) The printed name of the circulator.
- (b) The residence address of the circulator, giving street and number, or if no street or number exists, an adequate designation of the residence so that its location may be readily determined.
- (c) The dates between which all signatures to the petition section were obtained.
- (d) That the circulator circulated that section and witnessed the appended signatures being written.
- (e) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- (f) That the circulator is 18 years of age or older.
- (g) If the petition does not include the disclosure statement described by subdivision (b) of California Elections Code § 107, that the circulator showed each signer a valid and unfalsified “Official Top Funders” sheet, as required by § 107.
- (h) That the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury. The circulator shall state the date and the place of execution on the declaration immediately proceeding the circulator’s signature.

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

## **Number of Sections**

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

Notwithstanding any other law, the pages of a petition may be bound together by any reasonable method, including the use of staples. (California Elections Code § 108)

## **Public Examination Period**

For a petition for the recall of a local officer, the County Elections Official shall make a copy of the petition available for public examination in the Elections Official’s office for ten (10) days, which shall run concurrently with the 10-day review period for the Elections Official to determine whether the form and wording of the petition are sufficient pursuant to California Elections Code § 11042.

During the public examination period, a voter of the applicable electoral jurisdiction or the Elections Official may seek a writ of mandate or an injunction requiring any or all of the statement of the proponents or the answer of the officer included with the petition to be amended or deleted. The writ of mandate or injunction shall be filed no later than the end of the 10-day public examination period.

A peremptory writ of mandate or an injunction shall issue only upon the clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of the California Elections Code. (California Elections Code § 11042.5)

### **3. Receive Approval of the Recall Petition**

Proponents must file two blank copies of the proposed petition with the Elections Official within ten (10) days after the filing of the answer to the notice of intention, or, if no answer is filed, within ten (10) days after the expiration of the seven-day (7) period for filing the answer. The Elections Official must, within ten (10) days of receiving the copies of the petition, determine whether the proposed form and wording of the petition meet the necessary requirements and notify proponents in writing of the findings. If it is found that the petition does not meet the requirements, the notification must include a statement of what alterations in the petition are necessary. Then, the proponents must file two blank copies of the corrected petition with the Elections Official within ten (10) days after receiving the notification.

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

The ten-day (10) correction notification period and ten-day (10) filing period for corrected petitions is repeated until the Elections Official finds that no alterations are required. No signatures may be obtained on the recall petition until the form of the petition has been approved by the Elections Official. (California Elections Code § 11042)

## CHAPTER IV

### CIRCULATING THE RECALL PETITION

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#### **1. Determine the number of Signatures Required for the Recall Petition**

If an officer of a city, county, school district, community college district, county board of education, or resident voting district is sought to be recalled, the number of signatures shall be equal in number to not less than the following percent of the registered voters in the electoral jurisdiction (EC § 11221(a)):

Registered Voters of the District	Signatures Required (as % of total registered voters)
Under 1,000	30%
1,000 – 9,999	25%
10,000 – 49,999	20%
50,000 – 99,999	15%
100,000 and above	10%

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. (California Elections Code § 11221(b))

If a judge of a superior 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 their office. (Cal.Const., Art. II, § 14(b); California Elections Code § 11221(c))

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. (California Elections Code § 11221(d))

#### **2. Determine the Deadline for filing the Recall Petition**

After approval by the Elections Official, proponents must submit to the Elections Official, during normal business hours as posted, a petition with the requisite number of signatures within (California Elections Code § 11220):

Registered Voters of the District	Number of Calendar Days to Circulate
Under 1,000	40
1,000 – 4,999	60
5,000 – 9,999	90
10,000 – 49,999	120
50,000 and above	160

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

### **3. Collecting Signatures**

#### **Who Can Circulate a Recall Petition?**

A person who is 18 years of age or older. (Election Code §102, § 11045)

#### **Who Can Sign a Recall Petition?**

Only registered voters of the electoral jurisdiction of the officer sought to be recalled are qualified to sign a recall petition for that officer. 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. (Election Code § 100, § 322, § 11045)

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

### **4. Registering or Re-Registering Potential 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 office of the County Elections Official on or before the date the petition is filed. (Election Code § 2102(b))

### **5. Circulator Must Complete and Sign Declaration of Circulator**

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

- (a) the printed name of the circulator.
- (b) the residence address of the circulator, giving street and number, or if no street exists, adequate designation of residence so that the location may be readily determined.
- (c) the dates between which all signatures to the petition were obtained. (Election Code § 104, § 11046)



## **6. 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.

## **7. 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 arrange in advance for the circulation of petitions, and to seek legal counsel when issues arise as to their free speech and petitioning rights at shopping centers or private property.

## **8. Penal Provisions**

The following are selected penal provisions relating to circulation of recall petitions. (Election Code § 18600 et seq)

### **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 in the office of the Elections Official 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.

## CHAPTER V

### FILING, EXAMINATION, VERIFICATION AND CERTIFICATION

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#### **1. Filing of the Petition Sections**

No additional signatures may be filed or accepted after the initial filing.

When proponents bring in the petition for filing, the Elections Official must count the number of signatures on it. If, from this examination the Elections Official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the Elections Official shall accept the petition for filing. The petition shall be deemed as filed on that date. If, from the Elections Official's examination, it is determined that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the Elections Official shall not take further action. (Election Code § 11222(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. (Election Code § 11223)

#### **2. Withdrawal of Signatures**

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

#### **3. Verification of Petition Signatures**

The Elections Official must verify every signature submitted or, where more than 500 signatures are submitted, may use the random sampling signature verification process allowed for in California Elections Code § 11225 and in California Administrative Code Chapter 5, Article 3.

If the random sampling technique is not used, the Elections Official has 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, 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. (California Elections Code § 11224)

If the random sampling technique is used, the Elections Official must complete the examination of the sample of signatures within 30 business days of the filing of the petition. The random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If, for example, eighty percent (80%) of the sample signatures are found to be valid, then eighty percent (80%) of the entire number of signatures are deemed to be valid.

If the statistical sampling determines that the number of valid signatures is greater than one hundred ten percent (110%) 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 statistical sampling shows that the number of valid signatures is within ninety to one hundred ten percent (90-110%) 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 later filing of an entirely new petition to the same effect.

If the total number of valid signatures is less than ninety percent (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. (California Elections Code § 11225)

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

#### **4. Certifying the Results of Signature Verification**

If the Elections Official finds the signatures of the petition to be sufficient, he or she shall submit his or her certificate as the sufficiency of the petition to the governing body at its next regular meeting. The certificate shall contain: (Election Code § 11227)

- (a) The name of officer whose recall is sought.
- (b) The title of his or her office.
- (c) The number of signatures required by law.
- (d) The total number of signatures on the petition.
- (e) The number of valid signatures on the petition.
- (f) The number of signatures that were disqualified.

#### **5. Examination of Petition by Proponent**

If a petition is found to be insufficient by the Elections Official, the proponents whose names are listed on the notice of intention must be allowed to examine the petition signatures in order to ascertain which signatures were disqualified and the reasons therefor. This right of examination is not otherwise available to proponents or to the public in general. If the proponents examine the petition signatures, the examination must begin not later than 21 days after certification of insufficiency. (California Government Code § 7924.100; California Elections Code § 11301)

## **6. Causes of Invalid Signatures**

Signatures that appear on the petition may be determined to be invalid for a number of reasons. Some of the most common reasons, including, but not limited to, are:

- The signer is not eligible to vote on the office held by the officer 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 their 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.
- The residence address appearing on the petition was “pre-printed” and not written in personally by the signer.
- The signer’s signature does not appear to match that on the voter’s affidavit of registration on file or any previous affidavit of registration of the voter.
- 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. (Election Code §§ 104, 11046)
- Circulators should be 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.

In verifying petitions, the Elections Official will use the “Petition Processing, Signature Verification, Ballot Processing, and Ballot Counting” Regulations found in California Code of Regulations, Title 2, Chapter 7, Division 8.3.

## **7. Resignation of the Officeholder**

(a) Except as described in paragraph (3) of subdivision (b), if a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election shall nevertheless proceed.

(b)(1) Upon the occurrence of the vacancy, the Elections Official for each county in which a section of the recall petition has been filed shall immediately verify the signatures on the petition submitted to the Elections Official as of the date of the vacancy.

(2) If the Elections Official verifies that a sufficient number of signatures were filed as of the date of the vacancy, the recall election shall proceed.

(3) If the Elections Official verifies that an insufficient number of signatures, or no signatures, were filed as of the date of the vacancy, the recall election shall not proceed and a vacancy in the office that is the subject of the recall election shall be filled as otherwise provided by law.

(4) A person who was subject to a recall petition may not be appointed to fill the vacancy in the office that he or she vacated and that person may not be appointed to fill any other

vacancy in office on the same governing board for the duration of the term of office of the seat that he or she vacated. (Election Code § 11302)

## CHAPTER VI

### THE RECALL ELECTION

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#### **1. Calling the Election**

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

If the governing body fails to issue the order within 14 days, the County Elections Official shall, within five (5) 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 Elections Officials of the other counties. (Election Code § 11241)

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. (Election Code § 11328, § 11329)

The election shall be held not less than 88, nor more than 125, days after the issuance of the order. However, the election may be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election. (Election Code § 11242)

#### **2. Local Officer**

There shall not be an election for a successor in a recall of a local officer pursuant to Chapter 3 of Division 11 of the California Elections Code (commencing with § 11200). If a majority of the votes on a recall proposal for a local officer are “Yes”, the officer is removed and the office shall be vacant until it is filled according to law. (California Elections Code § 11382)

#### **3. General Provisions of the Election**

At the election, voters will decide whether or not to recall the officer. The recall shall be conducted, canvassed, and the results declared in substantially the same manner provided by law for a regular election for the office. (California Elections Code § 11328)

If there are several officers to be recalled, one election is sufficient. (California Elections Code § 11329)

On the ballot, the following question shall be asked: “Shall [name of officer sought to be recalled] be recalled (removed) from the office of [title of office]?” To the right of this question

shall be the words “yes” and “no” on separate lines with an enclosed voting space to the right of each. (California Elections Code 11320)

#### **4. County Voter Information Guide**

The County Voter Information Guide 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. (Election Code § 11325)

An officer whose recall is being sought may file a statement with the Elections Official in accordance with the provisions of California Elections Code § 13307 to be sent to each voter together with the sample ballot. (California Elections Code § 13327)

#### **5. The Election Results**

If a majority of the votes on a recall proposal are “Yes”, the officer sought to be recalled shall be removed and the office shall be vacant until it is filled according to law. (Election Code § 11382)

If one-half or more of the votes at a recall election are “No,” the officer sought to be recalled shall continue in office. (California Elections Code § 11383)

If the recall election is conducted and the incumbent is not recalled, 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. (Election Code § 11007)

A successful recall election applies only to the current office. There is nothing in the law to prevent a public official recalled in one election from running for the same or any other office in an election for a subsequent term of office.



## Appendix A: Quick Step Recall Guide

1. **Notice of Intention:** Proponents begin the recall of an elective officer, including any officer appointed in lieu of election or to fill a vacancy, by the service, filing and publication or posting of a notice of intention to circulate a recall petition. The notice shall include:
  - a. The name and title of the officer sought to be recalled.
  - b. A statement, not to exceed 200 words in limit, of the reasons for the proposed recall.
  - c. The printed name, signature, and residence address, including street and number, city, and ZIP Code, of each of the proponents of the recall. If a proponent cannot receive mail at the residence address, he or she must provide an alternative mailing address.
    - i. The minimum number of proponents is 30, **or equal to three times the number of signatures required to have been filed on the nomination paper of the officer sought to be recalled, whichever is higher.**
      1. For cities within Kings County – 60 signatures are required.
      2. For schools and special districts – 30 signatures are required.
  - d. The provisions of § 11023, which informs the incumbent of their right to file an answer.
2. **Answer of Recallee:** Within seven days **after the filing** of the notice of intention, the officer sought to be recalled may file with the local Elections Official an answer of not more than two hundred words.
3. **Prepare the Recall Petition:** The next step in the recall process for local officials requires the proponents to prepare the recall petition for circulation. Noncomplying petition forms will be rejected as invalid. Proponents must file two blank copies of the proposed petition with the Elections Official within ten days after the filing of the answer to the notice of intention, or, if no answer is filed, within ten days after the expiration of the seven-day period for filing the answer.

The 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 proponents in writing of the findings. If it is found that the petition does not meet the requirements, the notification must include a statement of what alterations in the petition are necessary. The proponents have ten days from notification of deficiency to revise and resubmit the petition copies for approval. This process will repeat in ten-day cycles until the petition format is approved.

4. **Signatures needed to qualify:**
  - a. Thirty percent (30%) if the registration is less than 1,000.
  - b. Twenty-five percent (25%) if the registration is less than 10,000 but at least 1,000.
  - c. Twenty percent (20%) if the registration is less than 50,000 but at least 10,000.
  - d. Fifteen percent (15%) if the registration is less than 100,000 but at least 50,000.
  - e. Ten percent (10%) if the registration is more than 100,000.
5. **Circulate the Recall Petition:** The recall petition can be circulated by any person 18 years of age or older. Registered voters who are qualified to vote for the office of the officer sought to be recalled can sign a recall petition.

**6. Filing of Petition – Deadline:**

- a. 40 days if the electoral jurisdiction has less than 1,000 registered voters.
- b. 60 days if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.
- c. 90 days if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.
- d. 120 days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.
- e. 160 days if the electoral jurisdiction has 50,000 registered voters or more.

**7. Examination by the Elections Official:** When proponents bring in the petition for filing, the Elections Official must count the number of signatures on it. If, from this examination the Elections Official determines that the number of signatures, on its face, equals or is in excess of the minimum number of signatures required, the Elections Official shall accept the petition for filing. The petition shall be deemed as filed on that date. The Elections Official has 30 business days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, 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 a sufficient number of signatures, the Elections Official must certify the results to the governing board at its next regular meeting. If the petition is found to have an insufficient amount of signatures, the Elections Official must certify this result.

**8. Notice of Recall Election:** Within 14 days of receiving the certificate of sufficiency, the governing body must issue an order stating that an election will be held to determine whether or not the officer named in the petition shall be recalled. If the governing body fails to issue the order within 14 days, the County Elections Official, within 5 days, shall set the date for holding the election.

**9. Election:** The election shall be held not less than 88 nor more than 125 days after the issuance of the order. The election may be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election.

## Appendix B: Example of Notice of Intent to Circulate Recall Petition

### NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

TO THE HONORABLE \_\_\_\_\_ (see footnote<sup>2</sup>) \_\_\_\_\_: Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of \_\_\_\_\_ (see footnote<sup>3</sup>) \_\_\_\_\_, in the State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of \_\_\_\_\_ (see footnote<sup>4</sup>) \_\_\_\_\_, in \_\_\_\_\_ (see footnote<sup>3</sup>) \_\_\_\_\_. The grounds for the recall are as follows:

(STATE GROUNDS, 200 WORDS OR LESS)

The printed names, signatures, and residence addresses of the proponents are as follows: (The least possible number of proponents is 30, however, more than 30 may be required by law.)

NAME	ADDRESS	SIGNATURE
1. ...		
2. ...		
3. ...		
4. ...		
.....		
.....		
30. .... (or more. See footnote <sup>5</sup> )		

Telephone number to contact proponents (optional) ( ) \_\_\_\_ – \_\_\_\_.

The original notice and proof of service will be filed with the \_\_\_\_\_ (see footnote<sup>6</sup>) \_\_\_\_\_.

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

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

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

---

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

<sup>2</sup> Insert here the name of the person whose recall is being sought.

<sup>3</sup> Insert here the name of the county, city or district for the office.

<sup>4</sup> Insert here the name of office held.

<sup>5</sup> To determine the necessary number of proponents, see Elections Code section 11020(b).

<sup>6</sup> Secretary of State, County Elections Official, City Clerk, Secretary of District, as appropriate.

## Appendix C: Example of Proof of Personal Service

### PROOF OF PERSONAL SERVICE

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

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

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(city, state, zip code)

(\_\_\_\_\_) \_\_\_\_\_  
(telephone number)

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

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

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

on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.;  
(date) (time)

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

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

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

(print full name)  
on \_\_\_\_\_ at \_\_\_\_\_  
(date) (place of signing, e.g., city or county)

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

**Appendix D: Example of Proof of Service by Certified Mail**

**PROOF OF SERVICE BY CERTIFIED MAIL**

I, \_\_\_\_\_ declare that:  
(print full name)  
I am over the age of 18 years, and I \_\_\_\_\_ in  
(reside / am employed)  
\_\_\_\_\_ County at \_\_\_\_\_  
(complete address)

On \_\_\_\_\_, 20\_\_\_\_\_, I deposited in the mail at  
\_\_\_\_\_ a copy of the  
(place, e.g., name of city or county)

Notice of Intention to Recall \_\_\_\_\_  
(name of person sought to be recalled)  
in a sealed envelope, with fully prepared postage thereon for certified mail, addressed to:  
\_\_\_\_\_ at:  
(name of officer sought to be recalled)  
\_\_\_\_\_ .  
(mailing address)

I have attached the original of the Notice of Intention to this Proof of Service.  
I, \_\_\_\_\_, declare under penalty of  
(print full name)  
perjury under the laws of the State of California that the foregoing is true and correct, and  
that I executed this Proof of Service: On \_\_\_\_\_ at  
(date)  
\_\_\_\_\_  
(place of signing, e.g., city or county)

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

## Appendix E: Example of Petition for Local Recall (With Official Top Funders)

### PETITION FOR RECALL

TO THE HONORABLE \_\_\_\_\_ (see note<sup>1</sup>) \_\_\_\_\_,  
 Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the \_\_\_\_\_ (See note<sup>2</sup>) of \_\_\_\_\_ (See note<sup>3</sup>), California, respectfully state that we seek the recall and removal of \_\_\_\_\_ (See note<sup>4</sup>) \_\_\_\_\_, holding the office of \_\_\_\_\_ (See note<sup>5</sup>) \_\_\_\_\_, in \_\_\_\_\_ (See note<sup>2</sup>) \_\_\_\_\_, California.  
 The following Notice of Intention to Circulate Recall Petition was served on \_\_\_\_\_ (Date) \_\_\_\_\_ to \_\_\_\_\_ (See note<sup>4</sup>) \_\_\_\_\_:

(Insert complete text of Notice of Intention here)  
 The answer of the officer sought to be recalled is as follows:  
 (Insert Officer's Statement here—200 words or less)  
 (If no statement, insert "No Answer was Filed")

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the \_\_\_\_\_ (See note<sup>2</sup>) \_\_\_\_\_ of \_\_\_\_\_ (See note<sup>3</sup>) \_\_\_\_\_, California.

**NOTICE TO THE PUBLIC:  
 SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH. [11-point font boldface type (§ 101)]**

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. [11-point non-boldface type (§ 101)]

<p><b>OFFICIAL TOP FUNDERS. Valid only for [Month, Year <sup>6</sup>]</b>          Petition circulation paid for by [name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code section 84101]  <u>Committee major funding from:</u>  <b>[Largest contributor]</b>  <b>[Second largest contributor]</b>  <b>[Third largest contributor]</b>    <u>[OPTIONAL] Endorsed by:</u>          [First endorser]          [Second endorser]          [Third endorser]    <u>Latest info: [link to committee website]</u></p>
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*Column must be at least 1" wide*

	<b>1. Print Your Name:</b> _____ Sign As Registered To Vote: _____	<b>Residence Address ONLY:</b> _____ City: _____ Zip: _____	
	<b>2. Print Your Name:</b> _____ Sign As Registered To Vote: _____	<b>Residence Address ONLY:</b> _____ City: _____ Zip: _____	
	<b>3. Print Your Name:</b> _____ Sign As Registered To Vote: _____	<b>Residence Address ONLY:</b> _____ City: _____ Zip: _____	

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

I, \_\_\_\_\_ (See note<sup>7</sup>) \_\_\_\_\_, solemnly swear (or affirm) all of the following:

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is \_\_\_\_\_. (If no street or number exists, a designation of my residence adequate to readily ascertain its location is \_\_\_\_\_.)
3. That the signatures on this section of the petition form were obtained between \_\_\_\_\_ (Month and Day) \_\_\_\_\_, 20\_\_\_\_, and \_\_\_\_\_ (Month and Day) \_\_\_\_\_, 20\_\_\_\_; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

I certify 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.<sup>8</sup>

\_\_\_\_\_  
 Circulator's Signature \_\_\_\_\_  
 Date

<sup>1</sup> Insert here – Name of the appropriate governing body. The authority that orders or “calls” elections of that office, or the governing authority for that jurisdiction should be named.

<sup>2</sup> Insert Electoral Jurisdiction here – County, City, District name, as appropriate.

<sup>3</sup> Insert geographical location here – City, County, etc., as appropriate.

<sup>4</sup> Insert here – Name of person whose recall is being sought.

<sup>5</sup> Insert here – Name of office.

<sup>6</sup> The month and year must start at most seven days after the date the top contributors as defined in Government Code section 84501(c) were last confirmed.

<sup>7</sup> Insert here – Printed full name of person who gathered signatures.

<sup>8</sup> The petition must be set in at least 8-point type. If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator’s declaration must follow the last signature box. It is suggested that petition be printed on 8 ½” x 14” paper to maximize the number of signatures printed on a sheet of paper.

# Appendix F: Example of Petition for Local Recall (Excluding Official Top Funders)

## PETITION FOR RECALL

TO THE HONORABLE \_\_\_\_\_ (see note<sup>1</sup>) \_\_\_\_\_,  
 Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of  
 the \_\_\_\_ (See note<sup>2</sup>) \_\_\_\_ of \_\_\_\_ (See note<sup>3</sup>) \_\_\_\_, California, respectfully state that we seek the recall and removal of  
 \_\_\_\_\_ (See note<sup>4</sup>) \_\_\_\_\_, holding the office of \_\_\_\_\_ (See note<sup>5</sup>) \_\_\_\_\_, in \_\_\_\_\_ (See  
 note<sup>2</sup>) \_\_\_\_\_, California.  
 The following Notice of Intention to Circulate Recall Petition was served on \_\_\_\_\_ (Date) \_\_\_\_\_ to \_\_\_\_\_ (See  
 note<sup>4</sup>) \_\_\_\_\_:

(Insert complete text of Notice of Intention here)  
 The answer of the officer sought to be recalled is as follows:  
 (Insert Officer's Statement here—200 words or less)  
 (If no statement, insert "No Answer was Filed")

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the \_\_\_\_\_ (See  
 note<sup>2</sup>) \_\_\_\_\_ of \_\_\_\_\_ (See note<sup>3</sup>) \_\_\_\_\_, California.

**NOTICE TO THE PUBLIC:**  
 THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A  
 VOLUNTEER. YOU HAVE THE RIGHT TO ASK. [11-point non-boldface type (§ 101)]

*Column must be  
 at least 1" wide*

	<b>1. Print Your Name:</b> _____ <b>DO NOT SIGN UNLESS</b> you have seen Official Top Funders sheet and its month is still valid. <b>Sign As Registered To Vote:</b> _____	<b>Residence Address ONLY:</b> _____ <b>City:</b> _____ <b>Zip:</b> _____	
	<b>2. Print Your Name:</b> _____ <b>DO NOT SIGN UNLESS</b> you have seen Official Top Funders sheet and its month is still valid. <b>Sign As Registered To Vote:</b> _____	<b>Residence Address ONLY:</b> _____ <b>City:</b> _____ <b>Zip:</b> _____	
	<b>3. Print Your Name:</b> _____ <b>DO NOT SIGN UNLESS</b> you have seen Official Top Funders sheet and its month is still valid. <b>Sign As Registered To Vote:</b> _____	<b>Residence Address ONLY:</b> _____ <b>City:</b> _____ <b>Zip:</b> _____	

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

I, \_\_\_\_\_ (See note<sup>6</sup>) \_\_\_\_\_, solemnly swear (or affirm) all of the following:

- That I am 18 years of age or older.
- That my residence address, including street and number, is \_\_\_\_\_. (If no street or number exists, a designation of my residence adequate to readily ascertain its location is \_\_\_\_\_.)
- That the signatures on this section of the petition form were obtained between \_\_\_\_\_ (Month and Day) \_\_\_\_\_, 20\_\_\_\_, and \_\_\_\_\_ (Month and Day) \_\_\_\_\_, 20\_\_\_\_; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.
- That I showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Elections Code Section 107.

I certify 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.<sup>7</sup>

\_\_\_\_\_  
 Circulator's Signature \_\_\_\_\_  
 Date

<sup>1</sup> Insert here – Name of the appropriate governing body. The authority that orders or "calls" elections of that office, or the governing authority for that jurisdiction should be named.  
<sup>2</sup> Insert Electoral Jurisdiction here – County, City, District name, as appropriate.  
<sup>3</sup> Insert geographical location here – City, County, etc., as appropriate.  
<sup>4</sup> Insert here – Name of person whose recall is being sought.  
<sup>5</sup> Insert here – Name of office.  
<sup>6</sup> Insert here – Printed full name of person who gathered signatures.  
<sup>7</sup> The petition must be set in at least 8-point type. If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petition be printed on 8 1/2" x 14" paper to maximize the number of signatures printed on a sheet of paper.