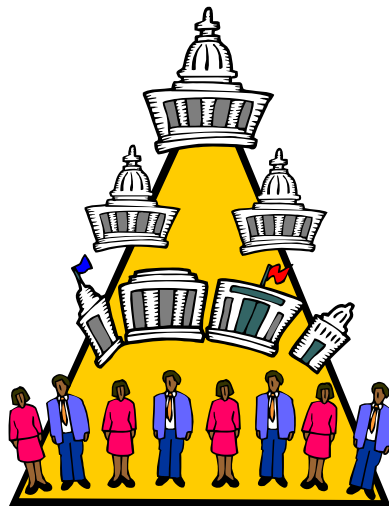


Fresno County Clerk/Registrar of Voters
Victor E. Salazar
2221 Kern Street
Fresno, CA 93721
(559) 488-3246
www.co.fresno.ca.us

UNDERSTANDING THE RECALL PROCESS: LOCAL OFFICERS



VICTOR E. SALAZAR

FRESNO COUNTY CLERK/REGISTRAR OF VOTERS

2221 Kern Street
Fresno, CA 93721
(559) 488-3246
www.co.fresno.ca.us

TO: ALL INTERESTED PARTIES

FROM: FRESNO COUNTY CLERK/REGISTRAR OF VOTERS

UNDERSTANDING THE RECALL PROCESS OF LOCAL OFFICERS

Please find attached, important information compiled to assist in understanding the recall process:

- Typical questions and answers pertaining to recall of elected officials
- A schedule displaying the times required for a recall election to be placed on the ballot.
- References to the applicable sections of the California Elections Code.
- A pamphlet compiled and distributed by the Secretary of State, with examples of Notice of Intention to Recall, Proof of Publication, etc.
- Sample petition.

Please contact the appropriate elections official when commencing a recall proceeding:

- A. The **Registrar of Voters** is the elections official for superior court judges, county offices and governing boards for school and special districts.
- B. The **City Clerk** is the elections official for city officers.
- C. The **Secretary of State** is the elections official for state offices (State Constitutional Offices, State Senate and Member of the Assembly) and judges of courts of appeal.

The schedule has been prepared in a general fashion and will hopefully answer most questions. **It is strongly recommended that you seek the advice of legal counsel and consult the California Elections Code, as not every detail of the recall process has been included.**

RECALL ELECTIONS – QUESTIONS & ANSWERS

The following questions and answers give a very basic description of the steps involved in a recall election for local offices. *(Specific references to the California Elections Code are contained in parenthesis)*

WHO CAN BE RECALLED?

Any elected official, except the President of the United States or a member of the United States Senate or House of Representatives. (They are subject to impeachment proceedings, as defined in the United States Constitution.)

WHEN IS A RECALL NOT ALLOWED?

A recall **may not** be commenced against an officer 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 his/her favor within the last six months.
- c) The term of office ends within six months or less.

(11007)

WHO CAN START A RECALL DRIVE?

Registered voters within the electoral jurisdiction of the officer sought to be recalled. The minimum number of proponents shall be ten (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.** *(11020)*

EXAMPLES:

OFFICE	NUMBER OF PROPONENTS REQUIRED
Member of the Board of Supervisors	20 (as 20 nomination signatures are required)
Mayor/City Council for incorporated cities	20 (as 20 nomination signatures are required)
School Governing Board Members	10 (as nomination signatures are not required)
Special District Board Members (Fire, Water, Community Service, etc.)	10 (as nomination signatures are not required)

Note: Cities of Huron and San Joaquin require only 5 nomination signature so they would need 10 recall signatures. *(10220)*

The schedule has been prepared in a general fashion and will hopefully answer most questions. **It is strongly recommended that you seek the advice of legal counsel and consult the California Elections Code, as not every detail of the recall process has been included.**

RECALL ELECTIONS – QUESTIONS & ANSWER (Continued)

WHO PAYS FOR A RECALL ELECTION?

The proponents pay for:

- ✓ Publication of Notice of Intention
- ✓ Preparing and printing petitions
- ✓ Collecting signatures (if any costs are incurred)

The electoral jurisdiction (city, school district, special district) pays for:

- ✓ Conducting the election
- ✓ Verifying signatures

WHAT ARE THE STEPS INVOLVED?

STEP	TASK
1	The reasons for the recall are written (in 200 words or less) and: <ul style="list-style-type: none"> ✓ Copy served on the officer whose recall is sought with the name, address and signature of each proponent. ✓ Published in a local newspaper, or posted in three public places in jurisdiction (Can only be done if there is no newspaper of general circulation.) ✓ Original filed in elections official’s office within 7 days of serving officer. <i>(11020, 11021, 11022)</i>
2	Within 7 days of the answer being filed with the elections official, the officer sought to be recalled may write an answer (in 200 words or less) and: <ul style="list-style-type: none"> ✓ File the answer (original) with the election official ✓ Serve a copy on one of the proponents <i>(11023)</i>
3	The proponents shall prepare the petition in accordance with the Secretary of State, following the requirements of the California Elections Code, file copies with the elections official and obtain approval from the elections official before circulating. <i>(11040 to 11047)</i>
4	After approval is received from the elections official, signatures may be collected and then filed within the deadline. <i>(11220)</i>
5	The elections official will then verify the signatures and certify the results to the governing board <i>(11221 to 11227)</i>
6	If sufficient, the governing board (or elections official) will order an election be held 88 to 125 days from the date of the order. <i>(11240 to 11242)</i>
7	The elections official will then publish the required legal notices, process candidates and conduct the election. <i>(11328, 11381)</i>

The schedule has been prepared in a general fashion and will hopefully answer most questions. **It is strongly recommended that you seek the advice of legal counsel and consult the California Elections Code, as not every detail of the recall process has been included.**

RECALL ELECTIONS – QUESTIONS & ANSWERS (Continued)

CAN THE OFFICER WHOSE RECALL IS SOUGHT BE A CANDIDATE TO SUCCEED HIMSELF/HERSELF?

No. In addition, he/she may not be a candidate to succeed any other member of the same governing body whose recall is being sought at the same election. (11381)

CAN THE OFFICER WHOSE RECALL IS SOUGHT SUBMIT A CANDIDATE’S STATEMENT OF QUALIFICATIONS?

Yes. The statement, to be included in the Voter Information Pamphlet and payment must be submitted no later than 75 days before the election. (11327)

WHO IS ELIGIBLE TO VOTE IN A RECALL ELECTION?

Voters must have been registered to vote at least 29 days before the election and reside within the boundaries of the electoral jurisdiction. (2102)

CAN A VOTER CAST A “NO” VOTE ON THE RECALL AND STILL VOTE FOR A CANDIDATE?

Yes. The recall may occur anyway, and each voter should help to choose a replacement. (11382)

CAN A VOTER CAST A “YES” OR “NO” VOTE ON THE RECALL AND NOT VOTE FOR A CANDIDATE?

Yes. After voting on the recall question, a vote for a candidate is not required. (11382)

CAN A VOTER CAST A VOTE FOR A CANDIDATE IF A “YES” OR “NO” VOTE WAS NOT CAST?

Yes.

WHAT IS REQUIRED FOR THE RECALL TO OCCUR?

If a majority of the votes cast are “Yes,” then the officer will be removed from office. (11384)

WHO WILL REPLACE THE OFFICER IF THE RECALL OCCURS?

The candidate with the most votes will be the new officer. The candidate is **not** required to receive over 50% of the ballots cast. (11385)

The schedule has been prepared in a general fashion and will hopefully answer most questions. **It is strongly recommended that you seek the advice of legal counsel and consult the California Elections Code, as not every detail of the recall process has been included.**

RECALL ELECTIONS – QUESTIONS & ANSWERS (Continued)

WHAT IF THE VOTES CAST ON THE “YES” AND “NO” RESULT IN A TIE?

The officer would retain his/her seat on the governing body. (In the case of a tie, a majority of the voters would not have approved of the recall.) (11383)

WHAT IF IT IS AN EXTREMELY CLOSE CONTEST?

The results on election night are unofficial; there may be more ballots to be counted – including absentee/mail ballots dropped off at the polls or picked up at the Post Office at 8 p.m. on election night and “provisional” ballots requiring further research by the Registrar of Voters staff. The results will not be official until the official canvass is completed. (Up to 28 days is allowed by the California Elections Code.)

IF THE RECALL WERE SUCCESSFUL, WHEN WOULD THE SUCCESSFUL CANDIDATE TAKE OFFICE?

The successful candidate must qualify and take office within 10 days after receiving a certificate of election. The certificate of election will be issued after the Registrar of Voters conducts an official canvass and certifies the results to the governing body. (11386, 15372)

HOW LONG IS THE TERM FOR THE SUCCESSFUL CANDIDATE?

The successful candidate will serve the remainder of the unexpired term of the recalled officer. (11385)

CAN A SIGNER’S NAME BE WITHDRAWN FROM A RECALL PETITION?

Yes. Any voter can have his or her signature withdrawn from the petition if they file a written request with the elections official prior to the day the petition is filed. (11303)

The schedule has been prepared in a general fashion and will hopefully answer most questions. **It is strongly recommended that you seek the advice of legal counsel and consult the California Elections Code, as not every detail of the recall process has been included.**

INFORMATION IS ALSO AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE CONCERNING RECALL OF LOCAL OFFICERS:

WEBSITE ADDRESS:

www.sos.ca.gov

RESPONSIBLE PARTY	ACTION	ALLOTTED TIME												
Proponents	Prepare a notice of intention stating the reasons for recall and serve a copy on the officer sought to be recalled. (11020, 11021)	Anytime (*See limitations)												
Proponents	File the original notice of intention and proof of service (personal or certified mail) with the elections official within seven days (7 days) of serving the officer. (11021)	1 to 7 Days												
Proponents	Publish the notice of intention in a local newspaper, or post it in three public places within the electoral jurisdiction. (Only if there is no newspaper of general circulation.) (11022) Note: There is no time frame specified for publication. However, proof of publication is required at the time blank copies of the petition are filed. Proponents must request and obtain from the newspaper a signed affidavit proving publication. This document is filed as the proof of publication. (11042)	1 Week (approximate)												
Officer whose recall is sought	(OPTIONAL) Prepare an answer in 200 words or less and file it with the elections official within seven days (7 days) after the filing of the notice of intention; also service a copy on one of the proponents. (11023)	1 to 7 Days												
Proponents	Prepare the recall petition and file two (2) blank copies of the petition, along with proof of publication or posting of the notice of intention with the elections official within 10 days of the answer being filed. (11041, 11042)	1 to 10 Days												
Elections Official	Notify the proponents in writing that either: <ul style="list-style-type: none"> ✓ The petition is correct and the proponents may begin circulating petitions; OR ✓ Alterations must be made and corrected copies filed with the elections official before the petitions may be circulated. (11042) 	1 to 10 Days												
Proponents	(If changes/corrections) Proponents shall, within 10 days after receiving the notification, file two blank copies of the <u>corrected petition</u> with the elections official. <p style="margin-left: 40px;">The 10 day correction notification period and the 10 day filing period for corrected petitions shall be repeated until the elections official finds no alterations are required. (11042)</p>	1 to 10 Days												
RESPONSIBLE PARTY	ACTION	ALLOTTED TIME												
Proponents	File the petitions with the elections official within the following number of days: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Number of Registered Voters in Jurisdiction</th> <th style="text-align: right;">Number of Days Allowed</th> </tr> </thead> <tbody> <tr> <td>1,000 or less.....</td> <td style="text-align: right;">40</td> </tr> <tr> <td>1,000 to 5,000.....</td> <td style="text-align: right;">60</td> </tr> <tr> <td>5,000 to 10,000.....</td> <td style="text-align: right;">90</td> </tr> <tr> <td>10,000 to 50,000.....</td> <td style="text-align: right;">120</td> </tr> <tr> <td>50,000 or above.....</td> <td style="text-align: right;">160</td> </tr> </tbody> </table> (11220)	Number of Registered Voters in Jurisdiction	Number of Days Allowed	1,000 or less.....	40	1,000 to 5,000.....	60	5,000 to 10,000.....	90	10,000 to 50,000.....	120	50,000 or above.....	160	Varies (See Chart)
Number of Registered Voters in Jurisdiction	Number of Days Allowed													
1,000 or less.....	40													
1,000 to 5,000.....	60													
5,000 to 10,000.....	90													
10,000 to 50,000.....	120													
50,000 or above.....	160													

Proponents	<p>File the petitions with the elections official with the following number of signatures:</p> <table> <thead> <tr> <th>Number of Registered Voters Signatures In Jurisdiction</th> <th>*Number of Required</th> </tr> </thead> <tbody> <tr> <td>1,000 or less.....</td> <td>30%</td> </tr> <tr> <td>1,000 to 10,000.....</td> <td>25%</td> </tr> <tr> <td>10,000 to 50,000.....</td> <td>20%</td> </tr> <tr> <td>50,000 to 100,000.....</td> <td>15%</td> </tr> <tr> <td>100,000 or above.....</td> <td>10%</td> </tr> </tbody> </table> <p>*The number of signatures required is determined by the number of registered voters of the last official report of registration by the Registrar of Voters to the Secretary of State. (2187, 11221)</p>	Number of Registered Voters Signatures In Jurisdiction	*Number of Required	1,000 or less.....	30%	1,000 to 10,000.....	25%	10,000 to 50,000.....	20%	50,000 to 100,000.....	15%	100,000 or above.....	10%	N/A
Number of Registered Voters Signatures In Jurisdiction	*Number of Required													
1,000 or less.....	30%													
1,000 to 10,000.....	25%													
10,000 to 50,000.....	20%													
50,000 to 100,000.....	15%													
100,000 or above.....	10%													
Elections Official	Verify the signatures on the petitions and prepare a certificate as to the sufficiency or insufficiency of the petition and submit it to the governing body. (11224, 11227)	1 to 30 Days												
Governing Body of the Jurisdiction	If petition is certified as sufficient, issue an order stating that an election will be held (11240)	1 to 14 Days												
Elections Official	If the governing body fails to issue the order, the county elections official, within 5 days, shall set the date for holding the election. (11241)	1 to 5 Days												

RESPONSIBLE PARTY	ACTION	ALLOTTED TIME DAYS <u>BEFORE</u> ELECTION
Elections Official	Publish a notice to declare that nominations are open for candidate filing after the order of election is issued, is applicable. (11328, 11381)	Begin Date varies to 77 Days
Candidates	Complete nomination papers (including campaign disclosure reports and an optional candidate's statement of qualifications paid for by the candidate) beginning after the order of election is issued and end at 75 days before the election unless election is consolidated (113-88 days). (10407) & (11381)	Begin date varies to 75 Days
Officer whose recall is sought	(Optional) Submit a candidate's statement of qualifications for inclusion in the sample ballot, paid for by the officeholder (unless jurisdiction has agreed to pay for all statements.) (11327, 13307e)	Begin date varies to 75 Days
Elections Official	Typeset, proofread and print sample ballots	75 to 40 Days
Elections Official	Mail sample ballots to all registered voters of the electoral jurisdiction. (13303)	40 to 21 Days
Elections Official	Regular absentee/mail ballot voting period. (3001) & (3021)	29 to 0 Days
RESPONSIBLE PARTY	ACTION	ALLOTTED TIME DAYS <u>AFTER</u> ELECTION
Elections Official	Complete the official canvass and certify the results to the governing board. (15308)	1 to 28 Days
RESPONSIBLE PARTY	ACTION	ALLOTTED TIME
Elections Official	A recall election shall be held. The election shall be consolidated with any other election held throughout the electoral jurisdiction within the specified time period. (11242)	88 to 125 Days after the order

***LIMITATIONS** – After first 90 days and prior to last 6 months of term of office or unsuccessful recall election or 90 day/6 month rules apply per *E.C. 11007*.

The schedule has been prepared in a general fashion and will hopefully answer most questions. **It is strongly recommended that you seek the advice of legal counsel and consult the California Elections Code, as not every detail of the recall process has been included.**

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 petitioner of recall)

A copy of the Answer to the Recall by delivering the copy of the Answer to him/her at:

(complete address)

on _____ at _____ am/pm
(date) (time)

I have attached a copy of the Answer to the Recall to this Proof of Personal 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 personal
(print full name)

service on _____ at _____
(date) (place of signing, e.g., city or county)

(complete signature)

PROOF OF SERVICE BY CERTIFIED MAIL

I _____ declare that:
(print full name)

I am over the age of 18 years, and I _____ in
_____ County at _____
(name of county) (complete address)

On _____, 20____, I deposited in the mail at:
(month and day)
_____ a copy of the
(place, e.g. name of city or county)

Answer to the Recall _____
(name of petitioner of the recall)

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

(name of the petitioner of the recall)

(mail address)

I have attached a copy of the Answer to the Recall to this Proof of Personal 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 personal
(print full name)

service on _____ at _____
(date) (place of signing, e.g., city or county)

(complete signature)

CALIFORNIA ELECTIONS CODE 2007

11007.

Except when a person has been appointed to office pursuant to Section 10229 because no person had been nominated to office, proceedings may not be commenced against an officer of a city, county, special district, school district, community college district, or county board of education in the event of one or more of any of the following:

- (a) He or she has not held office during his current term for more than 90 days.
- (b) A recall election has been determined in his or her favor within the last six months.
- (c) His or her term of office ends within six months or less.

11020.

The notice of intention shall contain all of the following:

- (a) The name and title of the officer sought to be recalled.
- (b) A statement, not exceeding 200 words in length, of the reasons for the proposed recall.
- (c) The printed name, signature, and residence address 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. 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.
- (d) The provisions of Section 11023.

11021.

A copy of the notice of intention shall be served by personal delivery, or by certified mail, on the officer sought to be recalled. Within seven days of serving the notice of intention, the original thereof shall be filed, along with an affidavit of the time and manner of service, with the elections official or, in the case of the recall of a state officer, the Secretary of State. A separate notice of intention shall be filed for each officer sought to be recalled.

11022.

A copy of the notice, except the provisions required by subdivision (d) of Section 11020, shall be published at the proponents' expense pursuant to Section 6061 of the Government Code. Publication shall be required unless there is no newspaper of general circulation able to provide timely publication in the jurisdiction of the officer sought to be recalled. If this publication is not possible, the notice, except the provisions required by subdivision (d) of Section 11020, shall be posted in at least three public places within the jurisdiction of the officer to be recalled.

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.

11040.

(a) The petition may consist of any number of separate sections, which shall be duplicates except as to signatures and matters required to be affixed by signers and circulators. The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(b) Each section of the petition 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.

11041.

(a) The proponents shall use the recall petition format provided by the Secretary of State and available from the county elections official or the Secretary of State. Before any signature may be affixed to a recall petition, each page of each section must bear all of the following in no less than 8-point type:

(1) A request that an election be called to elect a successor to the officer. However, if the officer is a justice of the Supreme Court or of a court of appeal, as specified in subdivision (a) of Section 16 of Article VI of the California Constitution, the request shall be that the Governor appoint a successor to the officer.

(2) A copy of the notice of intention, including the statement of grounds for recall. For purposes of this paragraph, the copy of the notice of intention shall contain the names of at least 10 recall proponents that appear on the notice of intention and that are selected by the proponents. The elections official shall not require the names of more than 10 proponents to be included as part of the language of the notice of intention. The provisions of Section 11023 do not need to be included as part of the language of the notice of intention.

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

(b) All petition sections shall be printed in uniform size and darkness with uniform spacing.

11042.

(a) Within 10 days after filing of the answer to the notice of intention, or, if no answer is filed, within 10 days after the expiration of the seven-day period specified in Section 11023, the proponents shall file two blank copies of the petition with the elections official in his or her office during normal office hours as posted or, in the case of a recall of a state officer, with the Secretary of State, in his or her office during normal office hours as posted, who shall ascertain if the proposed form and wording of the petition meets the requirements of this chapter.

(b) At the time of the filing of the two blank copies of the

petition, the proponents shall also file proof of publication of the notice of intention, if the notice of intention was published, or an affidavit of posting of the notice of intention, if the notice of intention was posted. The elections official or, in the case of a recall of a state officer, the Secretary of State, shall, within 10 days of receiving the blank copies of the petition, notify the proponents in writing of his or her finding.

(c) If the elections official finds that the requirements of this chapter are not met, the elections official shall include in his or her findings a statement as to what alterations in the petition are necessary. The proponents shall, within 10 days after receiving the notification, file two blank copies of the corrected petition with the elections official in his or her office during normal office hours as posted. The 10-day correction notification period and the 10-day filing period for corrected petitions shall be repeated until the elections official or the Secretary of State finds no alterations are required.

(d) No signature may be affixed to a recall petition until the elections official or, in the case of the recall of a state officer, the Secretary of State, has notified the proponents that the form and wording of the proposed petition meet the requirements of this chapter.

11043.

(a) The petition sections shall be designed so that each signer shall personally affix all of the following:

- (1) His or her signature.
- (2) His or her printed name.
- (3) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (4) The name of the incorporated city or unincorporated community in which he or she resides.

(b) A margin, at least one inch wide, shall be left blank across the top of each page of the petition. A margin, at least one-half inch wide, shall be left blank along the bottom of each page of the petition.

(c) A space, at least one inch wide, shall be left blank after each name for the use of the elections official in verifying the petition.

11043.5.

(a) The Secretary of State shall provide to county elections officials a recall petition format for distribution to proponents of a recall. The recall petition format shall be made available upon request by the county elections official and by the Secretary of State.

(b) The recall petition format made available pursuant to this section shall be utilized by proponents of a recall election.

11044.

Separate petitions are necessary to propose the recall of each officer.

11045.

Only registered voters of the electoral jurisdiction of the officer sought to be recalled are qualified to circulate or sign a recall petition for that officer.

11046.

To each section of a petition shall be attached a declaration, signed by the circulator thereof, that complies with

Section 104. The declaration shall include a statement that the circulator is a registered voter in the jurisdiction of the officer sought to be recalled.

11047.

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

11220.

(a) A recall petition shall be submitted to the elections official for filing in his or her office during normal office hours as posted within the following number of days after the clerk or, in the case of a recall of a state officer, the Secretary of State, notifies the proponents that the form and wording of the petition meets the requirements of Article 3 (commencing with Section 11040) of Chapter 1:

(1) Forty days if the electoral jurisdiction has less than 1,000 registered voters.

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

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

(4) One hundred twenty days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.

(5) One hundred sixty days if the electoral jurisdiction has 50,000 registered voters or more.

(b) For purposes of this section, the number of registered voters shall be that which was reported at the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 and prior to a finding of the elections official or Secretary of State that no alterations are required in the form of the recall petition pursuant to Section 11042.

11221.

The number of qualified signatures required in order to qualify a recall for the ballot shall be as follows:

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

(1) Thirty percent if the registration is less than 1,000.

(2) Twenty-five percent if the registration is less than 10,000 but at least 1,000.

(3) Twenty percent if the registration is less than 50,000 but at least 10,000.

(4) Fifteen percent if the registration is less than 100,000 but at least 50,000.

(5) Ten percent if the registration is 100,000 or above.

(b) For purposes of this section, the number of registered voters shall be calculated as of the time of the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, and prior to the finding by the elections official or Secretary of State that no alterations are required in the form of the recall petition pursuant to Section 11042.

(c) (1) In the case of a state officer, including judges of courts of appeal and trial courts, the number of signatures shall be as provided for in subdivision (b) of Section 14 of Article II of the

California Constitution. In the case of a judge of a superior court, which office has never appeared on the ballot since its creation, or did not appear on the ballot at its last election pursuant to Section 8203, the number of signatures shall be as provided in subdivision (b) of Section 14 of Article II of the California Constitution, except that the percentage shall be based on the number of votes cast within the judicial 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.

(2) For purposes of this subdivision, "countywide office" means an elective office wholly within the county which is voted on throughout the county.

(d) In the case of a landowner voting district, signatures of voters owning at least 10 percent of the assessed value of land within the electoral jurisdiction of the officer sought to be recalled.

11222.

(a) The petition shall be filed by the proponents, or by any person or persons authorized, in writing, by a proponent. All sections of the petition shall be filed at the same time.

(b) When the petition is presented for filing, the elections official shall determine the total number of signatures affixed to the petition. 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. Any sections of the petition not so filed shall be void for all purposes. If, from the elections official's examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the petition shall not be filed. Any petition not accepted for filing shall be returned to the proponents.

11223.

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.

11224.

(a) Except as provided in Section 11225, within 30 days from the date of filing of the petition, the elections official shall examine the petition, and from the records of registration, ascertain whether or not the petition is signed by the requisite number of voters. If the elections official's examination shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

(b) In determining the number of valid signatures, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) 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.

(d) If the petition is found sufficient, the elections official shall certify the results of the examination to the governing board at its next regular meeting.

11225.

(a) Within 30 days from the date of filing of the petition, if, from the examination of petitions pursuant to Section 11222, more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in a manner so that every signature filed with the elections official shall have an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is greater than 110 percent of the required number, the elections official shall certify the petition to be sufficient.

(c) If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall examine and verify each signature filed. If the elections official's examination of each signature shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

(d) If the statistical sampling shows that the number of valid signatures is less than 90 percent of the required number, the elections official shall certify the petition to be insufficient.

(e) In determining from the records of registration the number of valid signatures signed on the petition, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(f) 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.

(g) 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 filing later of an entirely new petition to the same effect.

(h) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the governing body at its next regular meeting.

11226.

If the certificate shows that the petition is insufficient, no action shall be taken on it, but the petition shall remain on file.

11227.

If the elections official finds the signatures on the petition to be sufficient, he or she shall submit his or her certificate as to the sufficiency of the petition to the governing body at its next regular meeting. The certificate shall contain:

- (a) The name of the 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 which were disqualified.

11240.

Within 14 days after the meeting at which the governing body received the certificate of sufficiency as specified in Section 11227, the governing body shall issue an order stating that an election shall be held pursuant to this article to determine whether or not the officer named in the petition shall be recalled.

11241.

If the governing board fails to issue the order within the time specified in Section 11240, 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 elections officials of the other counties.

11242.

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.

11327.

An officer whose recall is being sought may file a statement with the elections official in accordance with Section 13307, to be sent to each voter, together with the sample ballot.

11328.

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.

11381.

Nominations of candidates to succeed the recalled officer shall be made in the manner prescribed for nominating a candidate to that office in a regular election insofar as that procedure is consistent with this article. The following exceptions shall be made to that procedure:

(a) For recalls of state officers, the nomination papers and the declaration of candidacy shall, in each case, be filed no less than 59 days prior to the date of the election and not before the day the order of the election is issued. The Secretary of State shall certify the names of the candidates to be placed on the ballot by the 55th day prior to the election.

(b) For recalls of local officers, the nomination papers and the declaration of candidacy shall, in each case, 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 elections official is required to certify to the governing board the names of the candidates to be placed on the ballot, that shall be done by the 71st day prior to the election.

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

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 6250-6270

6253.5. Notwithstanding Sections 6252 and 6253, statewide, county, city, and district initiative, referendum, and recall petitions, petitions circulated pursuant to Section 5091 of the Education Code, petitions for the reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, petitions for the reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of the Education Code and all memoranda prepared by the county elections officials in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and the representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefore. However, the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a school district or a community college district attorney, and a city attorney shall be permitted to examine the material upon approval of the appropriate