



**HANDBOOK
ON THE
PROCEDURES
FOR
RECALLING
LOCAL OFFICIALS**



**ORANGE COUNTY
REGISTRAR OF VOTERS
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THE HANDBOOK FOR RECALLING LOCAL OFFICIALS IS INTENDED TO PROVIDE GENERAL INFORMATION, AND DOES NOT HAVE THE FORCE AND EFFECT OF LAW, REGULATION OR RULE. IT IS DISTRIBUTED WITH THE UNDERSTANDING THAT THE REGISTRAR OF VOTERS OF THE COUNTY OF ORANGE IS NOT RENDERING LEGAL ADVICE AND, THEREFORE, THE HANDBOOK IS NOT TO BE A SUBSTITUTE FOR LEGAL COUNSEL FOR THE INDIVIDUAL OR ORGANIZATION USING IT. IT IS THE RESPONSIBILITY OF THE PROPONENTS OF A RECALL EFFORT TO OBTAIN THE MOST UP-TO-DATE INFORMATION AVAILABLE, REFLECTING CHANGES IN LAWS OR PROCEDURE SUBSEQUENT TO THE PUBLICATION OF THIS GUIDE. WE STRONGLY RECOMMEND THAT ANY INTERESTED PARTY OBTAIN LEGAL ADVICE TO ASSIST IN COMPLYING WITH APPLICABLE CALIFORNIA LAWS.



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Orange County Registrar of Voters

Mission Statement

"To provide election services for the citizens of Orange County to ensure equal access to the election process, protect the integrity of votes, and maintain a transparent, accurate and fair process."

Vision Statement

"To ensure excellence in the administration of elections to inspire confidence and trust in the democratic process."

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WHAT IS A RECALL?

A recall is the power of the voters, provided in the State Constitution, to remove elected officials from office before their terms expire. It's been a fundamental part of our governmental system since 1911 and has been used by voters to express their dissatisfaction with their elected officials.

WHOM DO I CONTACT FOR INFORMATION ON RECALLING LOCAL ELECTED OFFICIALS?

The Registrar of Voters is the elections official in the case of the recall of local elected officers of:

- the County
- a School District
- the County Board of Education
- a Community College District
- a Special District (resident voting district)
- Judges of Superior Court

The City Clerk is the elections official in the case of the recall of elective officers of a city. Contact the City Clerk of the appropriate city for the recall of its elective officers.

§§11002, 11004*

WHO CAN BE RECALLED?

Any elective officer, including a person who has been appointed in lieu of an election or to fill a vacancy, can be recalled. §11006

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

§11044

WHO CANNOT BE RECALLED?

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

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

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

***All section references are to the Elections Code unless stated otherwise. Gov't references the California Government Code.**

WHO CAN INITIATE A RECALL?

The proponents are those individuals who initiate the recall proceedings and have control of circulating and obtaining petition signatures. They **MUST** be registered voters, eligible to vote on the officer they seek to recall. **§11005**

HOW LONG WILL THE PROCESS TAKE?

- The clock starts ticking when the Notice of Intention is served.
- To give you an idea of how long the process will take, an example of a timeline has been prepared. (See Exhibit B, page 20 of the handbook.)
- **This sample timeline is an example and does not represent an exact timeline for your particular recall process.** It is provided to give you a general idea of the length of the process.

PHASE 1 -- GETTING STARTED

STEP 1...BE PREPARED

- The Registrar of Voters (ROV) can provide you with helpful information to assist you in understanding the steps necessary to initiate, circulate, and file recall petitions.
- Become familiar with the process by reading this Recall Handbook, Elections Code Sections 11000 through 11386, and calling the ROV if you have specific questions.



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

STEP 2...NOTICE OF INTENTION

- You begin the recall process by serving, filing and publishing a Notice of Intention to circulate a recall petition. This is a statement of why you want to recall the elected official. Exhibit E, page 23 of this handbook, is an example of the Notice of Intention. It must include the name and title of the officer to be recalled, cannot exceed 200 words, and must have the names, residence addresses, including street number, city, and Zip Code, and signatures of each proponent of the recall. If a proponent cannot receive mail at their residence address, the notice of intention must also contain a mailing address for the proponent. The appropriate number of valid signatures is as follow:
 - a. If the number of registered voters for the office is at least 100,000, the minimum number of proponents listed on the notice of intention is 50, or equal to five times the number of signatures required to have been filed on the nomination paper of the officer sought to be recalled, whichever is higher.
 - b. If the number of registered voters for the office 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.
 - c. For an office where the number of registered voters is less than 1,000, the minimum number of proponents listed on the notice of intention is 30.
- The Notice of Intention shall also contain the provisions of Elections Code section 11023, which describes how the officer sought to be recalled may file an answer.

§ 11020

STEP 3...SERVING THE OFFICER BEING RECALLED

- You must serve a copy of the Notice of Intention by personal delivery or by certified mail on the officer you want to be recalled. (See Exhibits C and D, pages 21-22 of this handbook.) **§11021**
- Within seven days of serving the officer sought to be recalled, you are required to file the original Notice of Intention along with a copy of the proof of service (See Exhibits C and D, pages 21-22 of this handbook) with the ROV. **§11021**
- At the time you file the Notice of Intention, the ROV will verify the word count and that the proponents are registered voters within the district.
- A separate Notice of Intention must be filed for each officer sought to be recalled. **§11021**

STEP 4...RECALLEE ANSWERS THE NOTICE OF INTENTION

- Within seven days after the Notice of Intention has been filed, the officer sought to be recalled can file an answer (a statement on why he/she **should not be recalled**) with the ROV. The statement must not be more than 200 words. The officer must serve a copy of any filed answer by personal delivery or by certified mail on at least one of the proponents named in the Notice of Intention. **§11023**
- The answer shall be signed and shall be accompanied by the printed name, signature, and business or residence address of the officer sought to be recalled. **§11023(c)**

STEP 5...PUBLISHING THE NOTICE OF INTENTION AND FILING THE DRAFT RECALL PETITION

- A copy of the notice (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 answer of the Notice of Intention from the officer sought to be recalled. **Gov't §6000, et seq., §11022**
- If this publication is not possible, the notice, except the provisions required by paragraph (4) of subdivision (a) of Section 11020, shall be posted in at least three public places within the jurisdiction of the officer to be recalled. **Gov't §6000, et seq., §11022**
- The proponents must file proof of publication or an affidavit of posting the Notice of Intention at the same time that they file two blank copies of the petition with the appropriate elections official. Proof of publication can be obtained from the newspaper publisher after the Notice of Intention appears in print. **§11042**

PHASE 2 – THE PETITION

STEP 1...FORMATTING THE PETITION



The recall petition format provided by the Secretary of State is mandatory and must be used. A copy of the required format is available from the ROV or from the office of the Secretary of State.

See Exhibits F and G, pages 24-27, in this handbook. §§11041, 11043.5

- A margin at least one inch wide shall be left blank across the top of each page and a margin at least one-half inch wide shall be left blank along the bottom of each page. A space at least one inch wide, shall be left blank after each name for the use of the ROV in verifying the petition. § 11043
- Each side of a sheet of paper on which signatures appear must include in no less than 8-point type:

A copy of the Notice of Intention, including the statement of reasons for recall, and the names (no addresses) of at least 10 proponents appearing on the Notice of Intention and that are selected by the proponents. § 11020

The answer if any, of the officer sought to be recalled. If the officer has not answered, the petition must state so. § 11041

All petition sections must be printed in uniform size and darkness with uniform spacing. § 11041

If the officer sought to be recalled is a member of the governing body of a school district, the petition shall include the estimate of the cost of conducting the special election, as determined by the county elections official and the school district. § 11041

At the time two blank copies of a recall petition seeking to recall a member of the governing body of a school district are filed with the Registrar of Voters pursuant to California Elections Code section 11042(a), the place on the petition for the amount of the recall election cost estimate to be included may be left blank.

It is the practice of the Registrar of Voters to develop a cost estimate during the 10-day public review period for the petition.

The Registrar of Voters will provide the cost estimate to the recall proponents along with its finding regarding whether the form and wording of the proposed petition meet the requirements of Chapter 1 of Division 11 of the California Elections Code.

Tips on Recall Petition Format

- The petition can accompany any amount of signatures.
- The petition can be printed on 8 ½" x 11" or 8 ½" x 14" or larger.
- The petition can be doubled-sided.
- The petition can be printed on color paper; however, neon colors are not recommended.

OFFICIAL TOP FUNDERS DISCLOSURE REQUIREMENTS

NEW

- For any recall petition for which the circulation is paid for by a committee formed pursuant to 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. **§ 107(b)**
- Elections officials are not required to verify the accuracy of the information or to reapprove the petition upon any updates the committee makes. **§ 107(g)**

Official Top Funder 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. **§ 107(a)(1)**

The top of the sheet shall have the text “**OFFICIAL TOP FUNDERS**. Valid only for” should be followed by a month and year that starts at most seven days after the date at the top contributors as defined in Government Code section 84501(c) were last confirmed. (Elections Code §107 (a)(2).) 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. **§ 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. (Elections Code § 107(a)(4).) 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 Government Code section 84101 on the following line. (Elections Code § 107(a)(4)(A)-(D).) If the committee has any top contributors as defined in Government Code section 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 Government Code section 84501(c), if any, shall be disclosed in boldface text in descending order. **§ 107(a)(4)(D)**

The committee, in its discretion, may include, in 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. **§ 107(a)(4)(E)**

The following line shall include the text “Latest Official Top Funders:” followed by the internet website described in Elections Code section 107(c) for any committee formed pursuant to Government Code section 82013 that pays for the circulation of a recall petition. **§ 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. **§ 107(c)(1)**

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. **§ 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 Government Code section 84501(c) were last confirmed. The text of this paragraph shall be boldface. **§ 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 Government Code section 84101. If the committee has any top contributors as defined in Government Code section 84501(c), it shall be followed by, on a separate horizontal line, the underlined text "Committee major funding from:". **§ 107(b)(3)**

The top contributors as defined in Government Code section 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 Government Code section 84501(b), on the first line. **§ 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. **§ 107(b)(5)**

The following line shall include the text "Latest info:" followed by the URL for the internet website described in Elections Code section 107(c). The text specified in this paragraph shall be underlined. **§ 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. **§ 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:

- (a) "NOTICE TO THE PUBLIC:". This text shall be in a boldface type.
- (b) If the petition includes the disclosure statement described by subdivision (b) of Section 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 a boldface type.

- (c) "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. **§ 101**

STEP 2...SIGNATURE SPACE



Each signer must personally place his or her own information on the petition (unless prevented by disability, etc. to do so), and must personally sign it. **§100.5**

The petition must be designed so that each signer can personally affix his or her:

- (a) printed name;
- (b) signature;
- (c) residence address, giving street and number, or if no street or number exists, an adequate designation of residence so that the location may be readily determined; and
- (d) name of incorporated city or unincorporated community in which he/she resides.
- (e) If the petition does not include the disclosure statement described by subdivision (b) of Section 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 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. **§§100, 11043**

- Pursuant to the California Supreme Court's decision in *Assembly v. Deukmejian* (1982) 30 Cal.3d 638, 180 Cal.Rptr. 297, the petition form must direct signers to include their "residence address" rather than "address as registered" or other address. Non-complying petition forms will be rejected as invalid. Signature spaces must be consecutively numbered commencing with the number one for each petition section.
- A space of at least one inch wide must be left blank at the right margin of the page after each name and address for the use of the ROV in verifying the petition. **§§100, 11043**

STEP 3...DECLARATION OF CIRCULATOR

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

- (a) the printed name of the circulator;
- (b) the residence address of the circulator, giving street and number, if no street or number exists, adequate designation of residence so that the location may be readily determined;
- (c) the dates between which all signatures to the petition were obtained.
- (d) that the circulator circulated that section and witness 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) if the petition does not include the disclosure statement described by subdivision (b) of Section 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107;
- (g) that the circulator is 18 years of age or older;
- (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 along with his or her signature.



The circulator must personally affix their 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. **§§104,11046**

STEP 4...PUBLIC EXAMINATION PERIOD AND APPROVAL OF FORM BY THE ROV

- Proponents must file two blank copies of the proposed petition with the ROV 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. **§ 11042(a)**
- The proponents must file proof of publication or an affidavit of posting the Notice of Intention at the same time that they file the two blank copies of the petition mentioned above. **§ 11042(b)**
- 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 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 Elections Code section 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 request 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 clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of the Elections Code. **§ 11042.5**



The submitted blank copies of the petition will be carefully reviewed for uniformity and correctness. It will be compared to the Notice of Intention and the Answer to the Notice of Intention to ensure accuracy in text, punctuation, capitalization, spelling, format, etc. DO NOT omit any words, change the case size, or remove any underlining or bullets. In addition, the recall petition must adhere to Elections Code section 11043.

- The ROV shall, within 10 days of receiving the blank copies of the petition, notify the proponents in writing of his or her finding. **§11042**
- If the ROV finds that the requirements of this chapter are not met, the ROV shall include in his or her findings a statement as to what alterations in the petition are necessary. **§11042**
- You can either pick up the recall petition or it can be mailed (certified delivery). You have ten days to make the required changes. The ten-day period begins when you receive the recall petition. **§11042**
- You must file another two blank copies of the corrected petition with the ROV within ten days after receiving notification. This process continues (ten days for the proponents and ten days for the ROV) until the recall petition adheres to statute. **§11042**
- When the recall petition has adhered to statute, you will be notified the last day to submit the recall petitions and how many signatures are required for a recall election. Once the recall petition adheres to statute, you can start collecting signatures.



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

PHASE 3 – CIRCULATION OF THE PETITION

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

How many signatures are required to qualify a particular recall?

How many days you have to get the job done?

Number of signatures needed to qualify a particular recall:

- If an officer of a county, school district, county board of education, or resident voting district (special district) is sought to be recalled, the number of signatures must be equal in number to not less than the following percent of registered voters in the electoral jurisdiction:
 - (a) Thirty percent (30%) if the registration is less than 1,000.
 - (b) Twenty-five (25%) percent 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 100,000 or above. **§11221**
- 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 his or her office. **Ca. Const., Article 2, Section 14, §11221**
- If an officer of a landowner voting district is sought to be recalled, signatures of voters owning at least ten percent (10%) of the assessed value of land within the electoral jurisdiction of the officer sought to be recalled is required. **§11221**
- **The number of registered voters is calculated as of the time of the last report of registration by the ROV to the Secretary of State prior to the finding by the ROV that no alterations are required in the form of the recall petitions.** Ask the ROV for a copy of that report. **§2187, 11221(b)**

Deadline to File the Petition:

You, the proponent, must submit to the ROV, during normal business hours as posted, a petition with the requisite number of signatures within:

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

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

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

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

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

§11220

NOW YOU'RE READY TO CIRCULATE THE PETITION

WHO CAN CIRCULATE THE PETITION?

- The recall petition can be circulated by any person 18 years of age or older. **§§ 102, 11045**

WHO CAN SIGN THE PETITION?

- The recall petition can only be signed by registered voters who are qualified to vote for the officer sought to be recalled. **§§322, 11045**
- If a local jurisdiction includes portions of more than one county, each section of the petition must include the name of the county in which it is circulated, and only registered voters of the county may sign that petition section. **§11047**

State law generally provides that voters currently residing within the boundaries of the community that elected the officer to the term of office they are serving are qualified to sign the petition. New district maps will apply at "the first election for (the officers) ... following adoption of the boundaries of districts, excluding a special election to fill a vacancy or a recall election." **Cal Educ. code §1005; Cal. Elec. Code §§21506, 21606, 21626, 105; Cal. Op. Att'y Gen. 182 (2022) (school trustee area boundaries in effect at the time the member was elected apply for the purpose of filing a vacancy).**

CAN SIGNATURES BE WITHDRAWN?

- Any voter may withdraw their signature from the recall petition upon filing a written request that includes the name or title of the petition and the voter's name, residence address, and signature with the appropriate elections official prior to the day the petition section on which the signature appears is filed. **§§103, 11303**



IMPORTANT TIPS ON SIGNATURE GATHERING

- **The signers of a recall petition must sign the petition in their own handwriting. They must personally fill-in their name, residence address, and signature.**
- The ROV recommends obtaining an **additional 50%** of signatures above the amount that is required to compensate for signers who are disqualified for not being registered, being registered but not living in the district, or for other reasons.
- **You can register a voter the same time they sign the recall petition. The registration must be received by the ROV by the time the petition is filed with the ROV.**
- Make sure the voter is registered and lives in the district. Resources can be purchased from the ROV to assist in this process, including precinct maps (contact Map Unit at 714-567-7610); indexes – printed lists of registered voters by precinct, listed by address with the street names arranged alphabetically and street numbers in numerical order for a given street name. – (contact 714-834-7116); and, registration forms (contact 714-567-7569).
- Before purchasing a voter list, determine when and how the officer was elected. Was the officer elected at large but the jurisdiction has since changed its elections to elect its governing body members by district areas? In this case, voters within the whole jurisdiction may be qualified to sign the recall petition, not just voters within the district that the officer resides. Was the officer elected to represent a district whose boundaries have changed since the election? Voters within the district as it existed when the officer was elected are generally qualified to sign. Finally, you may wish to consult with legal counsel regarding whether there are any special election rules that are applicable to the office, which may be contained in a City Charter or local ordinance.
- **The signature on the recall petition does not have to be a “rubber stamp”, exactly matching the voter’s registration.**

PHASE 4 – FILING THE PETITION

STEP 1...NUMBER OF SECTIONS AND PAGES

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

STEP 2...MEETING THE DEADLINE

- Submit your petitions to the ROV by the deadline.
- The petitions must be filed during normal business hours.
- The petition must be filed by a proponent or an individual who has been authorized by a proponent, in writing, to file the petition. A copy of the authorization must be included with the filing.
- All sections of the petition circulated in a single county must be filed at the same time. Each section of the petition must be filed with the elections official in the jurisdiction for which it was circulated. §11222

STEP 3...EXAMINATION BY THE ROV

- The ROV will ask the filer to provide the number of sections (pages in a single petition) and number of signatures. The ROV recommends that the petitions be separated in stacks reflecting the amount of signers on each petition.
- This assists the ROV to determine whether the number of signatures, on its face, is equal to or is in excess of the minimum number of signatures required. If so, the ROV shall accept the petition for filing.
- The petition shall be deemed as filed on that date. Any petition not so filed must be returned to the proponents and is void for all purposes. §11222
- The ROV will provide the proponents the last day that the ROV has to verify the signatures (30 days, excluding Saturdays, Sundays, and holidays).

PHASE 5 – VERIFICATION OF SIGNATURES

There are two types of signature verification techniques: 100% or random sampling.

100% Verification of Signatures:

- The ROV must verify every signature submitted if less than 500 signatures are submitted.
- If more than 500 signatures are submitted, then the ROV may choose to use a random sampling signature verification. The random sampling shall include an examination of at least 500 or 5% of the signatures submitted, whichever is greater.
- If the random sampling technique is not used, the elections official has 30 days, excluding Saturdays, Sundays, and holidays, from the date of filing of the petition to determine whether the petition is signed by the required number of voters, certify the results of the examination, and notify the proponents. **§11224**

Random Sampling Verification of Signatures:

- If the random sampling technique is used, the ROV must complete the examination of the sample of signatures within 30 days, excluding Saturdays, Sundays, and holidays, of the filing of the petition. If, for example, 87% of the sample signatures are found to be valid, then 87% of the entire number of signatures is deemed to be valid.

Formula for Random Sampling

V = Number of Valid Signatures

A = Value of Each Signature

B = Extra Value of Each Duplicate Signature

C = B x The Number of Duplicates

For Example below: Raw Count: 25,000; Sample (5%): 1,250; Sufficient in Sample: 900; Number of Duplicates: 1

1. CALCULATE

$$\text{Raw Count (25,000)} \times \frac{\text{Sufficient in Sample (900)}}{\text{Sample (1,250 [5\%] or 500, whichever is greater)}} = V (18,000)$$

2. DIVIDE

$$\frac{\text{Raw Count (25,000)}}{\text{Sample (1,250)}} = A (20)$$

3. MULTIPLY

$$A (20) \times (A - 1) (19) = B (380)$$

4. MULTIPLY

$$B (380) \times (\text{Number of duplicates}) (1) = C (380)$$

5. SUBTRACT

$$V (18,000) - C (380) = \text{Corrected Valid (17,620)}$$

After the random sampling is completed, can a 100% verification be done?

- Yes. If the random sampling shows that the number of valid signatures is within 90% to 110% of the number of signatures needed, the ROV must examine and verify each signature filed. **§11225**
- If the result of this complete examination shows that the petition has the required number of signatures, the ROV 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 ROV shall certify the petition to be insufficient.
- No additional time is allowed for the 100% signature verification after the random sampling has been conducted. The 30 days, excluding Saturdays, Sundays, and holidays, from the date of the filing of the petition is the timeframe to complete the signature verification process.

What happens if the random sampling determines that the number of valid signatures is less than 90% of the number of signatures needed?

- The ROV shall certify the petition to be insufficient. **§11225**
- If the petition is found insufficient, no action shall be taken on the petition.
- However, the failure to secure sufficient signatures shall not preclude the later filing of an entirely new petition to the same effect. **§§11225, 11300**

What happens if the random sampling determines that the number of valid signatures is over 110% of the number of signatures needed?

- The petition is considered qualified without further verification, and the ROV must certify the results of the examination to the governing board at its next regular meeting. **§11225**

PHASE 6 – CERTIFICATION

- If the petition is found to have sufficient signatures, the ROV will certify the results by preparing a certificate. The proponents will be notified of this result. **§§11224, 11225**
- 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/her examination, the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled. **§11223**
- If there are sufficient signatures, an election will be held.
- If the petition is found to have insufficient signatures, the ROV will certify the results by preparing a certificate and notifying the proponents of this result. No further action will be taken; but, the petition shall remain on file. **§11226**

Who May Examine a Petition?

If a petition is found to be **sufficient** by the ROV, no one may examine the petition. **Gov't §7924.110**

If a petition is found to be **insufficient** by the ROV, the proponents whose names are listed on the Notice of Intention may be allowed to examine the petition signatures in order to ascertain which signatures were disqualified and the reasons therefore. **Gov't §7924.100-7924.110; Elec. Code §§ 343, 11301**

NOTE: THIS RIGHT OF EXAMINATION IS NOT OTHERWISE AVAILABLE TO THE PUBLIC IN GENERAL.

If the proponents examine the petition signatures, such examination shall begin **no later than 21 days** after certification of insufficiency. **§11301**

The elections official shall preserve in that person's office all recall petitions filed for eight months after the results of the election for which the petition is qualified, or if no election is held, eight months after the elections official's final examination of the petition. **§17400**

PHASE 7 – RECALL ELECTION

- The certificate of sufficiency shall be submitted to the governing body at its next regular meeting. Within 14 days after that meeting, 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. **§§ 11227, 11240**
- 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. **§11242**
- 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 Elections Code (commencing with Section 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. **§11381**

For additional information on filling a vacancy, please refer to our Guide to Filling a Vacancy on our website at: ocvote.gov/election-library/

- Generally, at every recall election the following question shall be asked:

Shall (name) be recalled (removed) from the office of (title of office)? **§11320**
- An officer whose recall is being sought may file a statement with the elections official to be sent to each voter together with the voter information guide. **§11327**
- If one-half or more of the votes at a recall election are “No”, the officer sought to be recalled shall continue in office. **§11383**



Proponents of recalls, officers subject to recall, and candidates may have disclosure requirements under the Political Reform Act. (Gov’t Code Section 81000 et seq.)

**Questions should be directed to the Fair Political Practices Commission,
1102 “Q” St., #3000, Sacramento, CA 95811; (916) 322-5660**

GLOSSARY OF TERMS

| | |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CIRCULATOR | A paid or volunteer person, who is 18 years of age or older. |
| ELECTIONS OFFICIAL | The Registrar of Voters is the elections official for County, school district, county board of education, community college district, special district (resident voting district) and judges of the Superior Court. |
| ELECTORAL JURISDICTION | The area where the voters reside who are qualified to vote for the office of the officer sought to be recalled. |
| GOVERNING BOARD | A board of supervisors of a county, the board of trustees of a school district or community college district, or the legislative body of a special district, as the context requires. |
| NOTICE OF INTENTION | Statement of why a proponent wants to recall an elected official. |
| PROPONENT | Individual(s) who initiates the recall proceedings and has control of the circulation and signature collection for the recall petition. |
| RANDOM SAMPLE OF SIGNATURES | Signatures selected at random using a computerized random numbers generator. The sample of signatures for verification is selected in such a manner that every signature filed with the Registrar of Voters has an equal opportunity to be included in the sample. |
| RAW COUNT | The total number of unverified signatures affixed to a petition and submitted to an elections official. |
| SECTION OF A PETITION | Page of a petition. |
| SIGNATURE VERIFICATION | The process of comparing a person's signature on a petition with the signature on file with the voter registration records to determine if they match. The signer must be a duly registered voter qualified to sign the petition in order for the signature to be counted as valid. The address on the petition must match the registered address. |

RECALL PROCESS TIMELINE

This timeline is an example but does not represent an exact timeline for your particular recall process. It is provided to give you a general idea of the length of the process.

The clock starts ticking when the Notice of Intention is served on the officer to be recalled.

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

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:

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
(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 prepaid 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 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 Service: On _____ at
(date)

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

(complete signature)

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION¹

TO THE HONORABLE _____ (see footnote²) _____: Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of (see footnote³) _____, 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 footnote⁴) _____, in _____ (see footnote³) _____. 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 ⁵) | | |

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

The original notice and proof of service will be filed with the _____ (see footnote⁶) _____.

Elec. Code §11023. (a) Within 7 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.

¹Caution: The Notice of Intention must be published by proponents and proof of publication must be filed at the time the two blank copies of the petition are filed with the election official. 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.

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

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

⁴Insert here the name of office held.

⁵At least thirty are required. In many cases more than thirty are required. Check with your elections official to determine the actual number. Each proponent must provide their complete residence address, including street number, city, and ZIP code.

⁶Secretary of State, County Elections Official, City Clerk, Secretary of District, as appropriate.

PETITION FOR LOCAL RECALL (With Official Top Funders)

TO THE HONORABLE _____ (see note¹),
 Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the _____ (see note²) of _____ (see note³), California, respectfully state that we seek the recall and removal of _____ (See note⁴), holding the office of _____ (see note⁵), in _____ (see note²), California.

The following Notice of Intention to Circulate Recall Petition was served on _____ (Date) to _____ (see note⁴):

(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 note²) of _____ (see note³), 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 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)]

OFFICIAL TOP FUNDERS. Valid only for [Month, Year⁶]
 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]
Committee major funding from:
[Largest contributor]
[Second largest contributor]
[Third largest contributor]
[OPTIONAL] Endorsed by:
 [First endorser]
 [Second endorser]
 [Third endorser]
 Latest info: [link to committee website]

| | | |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| COLUMN MUST BE AT LEAST 1" WIDE | PRINT YOUR NAME _____ RESIDENCE ADDRESS ONLY _____ 1. _____ YOUR SIGNATURE AS REGISTERED TO VOTE _____ CITY _____ ZIP _____ | COLUMN MUST BE AT LEAST 1" WIDE |
| | PRINT YOUR NAME _____ RESIDENCE ADDRESS ONLY _____ 2. _____ YOUR SIGNATURE AS REGISTERED TO VOTE _____ CITY _____ ZIP _____ | |
| | PRINT YOUR NAME _____ RESIDENCE ADDRESS ONLY _____ 3. _____ YOUR SIGNATURE AS REGISTERED TO VOTE _____ CITY _____ ZIP _____ | |

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

I, _____ (see note⁷), 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 & Day) _____, 20____, and _____ (Month & 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.⁸

 Circulator's Signature Date

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

²Insert Electoral Jurisdiction here – County, City, District name, as appropriate.

³Insert geographical location here – City, County, etc., as appropriate.

⁴Insert here – Name of person whose recall is being sought.

⁵Insert here – Name of office.

⁶The month and year must start at least seven days after the date the Top Contributors as defined in Government Code Section 84501(c) were last confirmed.

⁷Insert here – Printed full name of person who gathered signatures.

⁸The 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 petitions be printed on 8 ½” x 14” paper in order to maximize the number of signature spaces printed on a sheet of paper.

EXHIBIT G

PETITION FOR LOCAL RECALL (Excluding Official Top Funders)

TO THE HONORABLE _____ (see note¹),
 Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the _____ (see note²) of _____ (see note³), California, respectfully state that we seek the recall and removal of _____ (See note⁴), holding the office of _____ (see note⁵), in _____ (see note²), California.
 The following Notice of Intention to Circulate Recall Petition was served on _____ (Date) to _____ (see note⁴):

(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 note²) of _____ (see note³), 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)]

| | | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| | PRINT YOUR NAME _____ RESIDENCE ADDRESS ONLY _____ 1. _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. YOUR SIGNATURE AS REGISTERED TO VOTE _____ CITY _____ ZIP _____ | COLUMN MUST BE AT LEAST 1" WIDE |
| | PRINT YOUR NAME _____ RESIDENCE ADDRESS ONLY _____ 2. _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. YOUR SIGNATURE AS REGISTERED TO VOTE _____ CITY _____ ZIP _____ | |
| | PRINT YOUR NAME _____ RESIDENCE ADDRESS ONLY _____ 3. _____ DO NOT SIGN UNLESS you have seen Official Top Funders sheet and its month is still valid. YOUR SIGNATURE AS REGISTERED TO VOTE _____ CITY _____ ZIP _____ | |

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

I, _____ (see note⁶), 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 & Day) _____, 20____, and _____ (Month & 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.
4. 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.⁷

 Circulator's Signature Date

¹Insert here – Name of the appropriate governing body. The authority which orders or "calls" elections for that office, or the governing authority for that jurisdiction should be named.
²Insert Electoral Jurisdiction here – County, City, District name, as appropriate.
³Insert geographical location here – City, County, etc., as appropriate.
⁴Insert here – Name of person whose recall is being sought.
⁵Insert here – Name of office.
⁶Insert here – Printed full name of person who gathered signatures.

⁷The 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 petitions be printed on 8 ½" x 14" paper in order to maximize the number of signatures