Chapter 1: Introduction to the Recall Process

The recall process is the power of the voters to remove an elected official before his or her term of office expires. This guide examines the recall process for local officials. These include county, school district, community college district, special district, and judge of a trial court (Superior Court) elected offices.

For recall of city officeholders, contact the City Clerk of that city.

For recall of state officeholders, see the Procedure for Recalling State and Local Officials published by the Office of the Secretary of State available at: http://www.sos.ca.gov/elections/recalls.

Federal officeholders are not subject to recall.

A. Use of This Guide

For the purposes of recall of local officers, the term “clerk” refers to:

1. The County Elections Official (County Clerk) in the case of the recall of elective officers of a county, school district, county board of education, community college district, resident voting district, or Superior Court.

2. The City Elections Official (City Clerk) in the case of the recall of elective officers of a city.

“Governing Board” means a City Council, the Board of Supervisors of a county, the Board of Trustees of a school or community college district, or the legislative body of a special district. In the case of the recall of a trial court judge, “Governing Board” means the Board of Supervisors.¹

“Proponents” of a recall are those individuals who initiate the recall action. Proponents of a recall must be registered voters in the electoral jurisdiction of the officer they seek to recall.²

“Electoral jurisdiction” means the area within which the voters reside who are qualified to vote for the officer sought to be recalled.³

This guide should be used in conjunction with:

- The most current version of the Procedure for Recalling State and Local Officials, published by the Office of the Secretary of State.

¹ §11003 ² §11005 ³ §322
• The applicable sections of the California Elections Code, Government Code, United States Constitution, California Constitution, and other relevant references.

Unless otherwise indicated, all code sections referenced are California Elections Code.

Unless otherwise specified, references to the number of days means calendar days, as in “…the incumbent’s answer to the Notice of Intention to Recall is due within seven (calendar) days after the filing of the Notice of Intention by the proponents.”

**B. What is a Recall and What Circumstances Justify It?**

The California Constitution defines recall as “the power of the electors to remove an elective officer.” ¹ Neither the California Constitution nor the Elections Code say under what circumstances a recall is justified. Instead, the California Constitution says, in connection with recalls of state officers, “Sufficiency of reason is not reviewable.”² The only language in the Elections Code that has any bearing on this is in §11024. Referring to the proponents’ statement of reasons for the recall and the incumbent’s answer, it states that, “The statement and answer are intended solely for the information of the voters. No insufficiency in form or substance thereof shall affect the validity of the election proceedings.”

Article II, Section 19 of the California Constitution states, “The Legislature shall provide for recall of local officers.” This section does not affect counties and cities whose charters provide for recall.

**C. Who Can Be Recalled?**

Any elective officer, including any officer appointed in lieu of an election or to fill a vacancy.

**D. Are There Circumstances When a Recall is Prohibited?**

A recall may not be commenced if any of the following apply:³

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

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¹ Article II, §13  
² Article II, §14  
³ §11007


**E. Who Conducts the Recall Election?**

The County Elections Official (i.e., the County Clerk or Registrar of Voters) is responsible for conducting the election.\(^1\) However, if the County Elections Official is the incumbent whose recall is sought, then the Board of Supervisors will designate some other person to perform those duties.\(^2\)

**F. Who Can Initiate a Recall?**

Any registered voter within the electoral jurisdiction of the officeholder they seek to recall.\(^3\)

**G. Separate Nature of Each Recall**

Each recall is a separate process and requires successful completion of the steps shown on the flow chart (Appendix F). For example, if there are three incumbents to be recalled, there must be three each of the following:\(^4\)

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

When multiple recalls (for example, more than one member of a Governing Board) are underway, circulators may be circulating multiple petitions. Not all voters will choose to sign each petition, meaning that when the petitions are filed with the Elections Division, the number of signatures on each petition will vary.

**H. Cost of a Recall**

The cost of a recall election is charged to the government agency whose officeholder(s) are sought to be recalled. An authorized District representative should contact the County Elections Division for an estimate of the cost.

If the recall election can be consolidated with a regularly scheduled election or another special election, the cost may be considerably reduced.

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1. §11002
2. §11201
3. §11005
4. §§11021 & 11044
Chapter 2: Starting the Recall

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

A. Preparing the Notice of Intention

The first step for proponents interested in the recall of an elected officeholder is preparing a Notice of Intention. The Notice of Intention contains all of the following:¹

- The name and title of the officeholder sought to be recalled
- A statement of no more than 200 words expressing the reasons for the proposed recall (See Appendix A for rules on counting words.)
- The printed name, signature, and residence address of each of the recall proponents
- The language contained in §11023 informing the incumbent of his or her right to file an answer

Note to Proponents: If a proponent cannot receive mail at the residence address, he or she must provide an alternative mailing address.

A sample Notice of Intention form is included as Appendix B.

The minimum number of proponents required to sign the Notice of Intention is ten or equal to the number of signatures required on the nomination petition for the office of the incumbent whose recall is sought, whichever is higher.²

Example: For a county elected office, the minimum number of signatures required on a nomination petition is 20, so the minimum number of proponents required to sign the Notice of Intention is 20.

All proponents of a recall must be registered voters within the electoral jurisdiction of the officeholder they seek to recall.³

B. Serving the Notice on the Incumbent

A copy of the Notice of Intention must be served on the incumbent sought to be recalled by personal delivery or by certified mail.⁴ If serving by certified mail, recall proponents are advised to obtain the incumbent’s current mailing address from the County Elections Division.

¹ §11020
² §11020
³ §11005
⁴ §11021
C. Filing the Notice and Proof of Service

The original Notice of Intention must be filed with the County Elections Division within seven calendar days of the incumbent having been served, along with an affidavit of the time and manner of service.¹ See Appendices C and D for examples of affidavits used for personal delivery and certified mail, respectively.

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

The affidavit of Proof of Service by Certified Mail (Appendix D) attests to the date the Notice of Intention was mailed, the name of the incumbent sought to be recalled, and his or her mailing address.

D. Publishing the Notice

Proponents are also required to publish the Notice of Intention, at their expense, at least once in a newspaper of general circulation serving the jurisdiction of the incumbent whose recall is sought.²

There is no time frame specified for publication; however, proof of publication must be filed at the same time two blank copies of the petition are filed with the County Elections Division.³ Proponents must obtain a signed affidavit from the newspaper proving publication.

E. Incumbent’s Answer

The incumbent has the right to provide a response to the statement of reasons contained in the proponents’ Notice of Intention. Should he or she choose to do so, the response is limited to 200 words and must be filed with the Elections Division within seven calendar days after the filing of the Notice of Intention by the proponents. It must be signed and must be accompanied by the incumbent’s printed name and business or residence address.⁴

Within the same seven day period, the incumbent must also serve a copy of his or her response on one of the proponents named in the Notice of Intention. Service is to be by personal delivery or certified mail. See Appendices C and D for examples of affidavits used for personal delivery and certified mail, respectively.

Note to proponents: It is the proponents’ responsibility to verify whether or not an answer has been filed prior to proceeding to the next step in the recall process. In the event the incumbent’s answer is not received by any proponent, contact the County Elections Division, since the incumbent’s answer must also be filed at the County Elections Division by the same deadline.

¹ §11021 ² §11022; Government Code §6061 ³ §11042 ⁴ §11023
F. Campaign Finance Reporting

Recall proponents, as well as those who organize to support or oppose a recall effort, may have campaign finance disclosure and filing obligations. See Campaign Finance Reporting Requirements and Limitations in Chapter 7 for additional information.
Chapter 3: Building the Petition

A. Overview

The language and design of the recall petition are strictly controlled by the Elections Code.1

See Appendix E for a sample recall petition form. A similar version is also provided in the Procedure for Recalling State and Local Officials published by the Secretary of State.

Before proceeding with circulation of any recall petition, proponents are required to file two blank copies of their petition with the County Elections Division for review and approval of the petition’s design and format.2

B. Format of the Recall Petition

The recall petition must use the format provided by the Secretary of State, which is available from the County Elections Division.3

The recall petition may consist of any number of separate sections, which must be identical except for the information written in by signers and circulators. The number of signatures attached to each section is up to the person soliciting the signatures. Each section may consist of any number of separate pages. A page consists of each side of a sheet of paper on which any signatures appear.4

A margin at least one inch wide must be left blank across the top of each page and a margin at least one-half inch wide must be left blank along the bottom of each page.5

All petition sections must be printed in uniform size and darkness with uniform spacing.6

Note to proponents: It is recommended that everything be placed on one side of the paper.

Heading

On each page, in no less than 8-point type, there must appear:7

- A request that an election be called to elect a successor.
- Copy of the Notice of Intention, including the statement of grounds for the recall.
- The names of at least ten (10) of the proponents listed on the Notice of Intention.

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1 §§100, 11040, 11041, 11043, 11043.5, 11044 & 11046
2 §11042
3 §§11041 & 11043.5
4 §11040
5 §§100 & 11043(b)
6 §11041(3(b))
7 §11041
• The incumbent’s answer, if any. If no answer was filed, this must be stated on the petition.

Note to proponents: The Notice of Intention to appear on the petition must be identical to that which was published, with the exception of the language related to the incumbent’s right to file an answer.¹

Signature Space

The following statement must be printed immediately above the signature spaces:

“Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the [insert name of electoral jurisdiction, e.g., Ojai Valley Sanitary District, Division 1] of [insert name of geographical location, e.g., County of Ventura], California.”

Note to proponents: When a petition is circulated in more than one county, each section of the petition must include the name of the county in which it is circulated, and only registered voters of that county may sign that section.²

The petition must be designed so that each signer may personally affix all of the following:³

• Signature.
• Printed name.
• Residence address⁴, including street and number, (or, if no street or number exists, an explanation of how to locate the place of residence).⁵
• Name of incorporated city or unincorporated community.

Signature spaces must be numbered consecutively commencing with the number one (1) for each petition section.⁶

A space at least one inch wide must be left blank to the right of each name and address for use by the County Elections Division in verifying the petition signatures.⁷

¹ §11022 ² §11047 ³ §11043 ⁴ Pursuant to the California Supreme Court’s decision in Assembly vs. Deukmejian (1982) 30 Cal.3d 638, 180 Cal.Rptr. 297, the petition form must direct signers to include his or her “residence address” rather than “address as registered” or other address. Non-complying petition forms will be rejected as invalid. ⁵ §100 ⁶ §100 ⁷ §100
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:¹

- Printed name of the circulator
- Residence address of the circulator, including street and number (or, if no street or number exists, an explanation of how to locate the place of residence)
- Dates between which all signatures to the petition were obtained
- That the circulator circulated that section and witnessed each signature being written
- That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be
- That the circulator is 18 years of age or older
- The circulator must certify under penalty of perjury that the content of the declaration is true and correct, by signing of his or her name. The circulator must also write the date and place of execution on the declaration immediately preceding his or her signature.

C. Filing of Blank Copies of Proposed Petition and Proof of Publication

Two blank copies of the recall petition must be filed with the County Elections Division within ten calendar days after the filing of the incumbent’s answer (if any) to the Notice of Intention. If no answer is filed, the copies are due within ten calendar days after the deadline for the incumbent to file an answer.²

The affidavit attesting to the proof of publication of the Notice of Intention is due at the same time.³

D. Review and Approval of Petition Format

The County Elections Division will review the petition format within ten calendar days and notify the proponents in writing that the petition is either approved for circulation or requires modification. The submitted blank copies of the petition will be carefully reviewed for correctness and will be compared to the Notice of Intention, publication, and answer of incumbent (if any).

If the comparison discloses discrepancies, the County Elections Division will return the petition and notify the proponents in writing as to what alterations are necessary. The proponents will then have ten calendar days to file two blank copies of the corrected petition.

¹ §§104 & 11046
² §11042(a)
³ §11042(b)
petition with the County Elections Division. This process will be repeated until no further alterations are necessary.¹

¹ §11042(c)
Chapter 4: Signature Requirements and Circulation Deadlines

A. When May Circulation of the Recall Petition Begin?

Signatures may not be obtained until the County Elections Division approves the format and wording of the recall petition.\(^1\) The time period available for circulating the petition begins when the County Elections Division notifies the proponents in writing that the petition format is approved.\(^2\)

B. How Much Time is Allowed for Circulation?

The circulation period of a recall petition is based on a sliding scale using the number of registered voters in the electoral jurisdiction eligible to vote on the office of the incumbent subject to recall, as follows:\(^3\)

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

The number of registered voters is determined using the last official report of registration by the County Elections Official to the Secretary of State prior to the approval of the petition for circulation.\(^4\)

If the electoral jurisdiction extends into another county or counties, the registration figures of those counties will be included in the computation.\(^5\)

C. How Many Signatures are Required?

The number of signatures required depends on the number of registered voters in the jurisdiction of the officer being recalled. The total registration is based on the last report of registration by the County Elections Official to the Secretary of State. The number of signatures required will be a percentage of the total registration, according to the following sliding scale.\(^6\)

\(^1\) §11042(d)  \(^3\) §11220(a)  \(^5\) §11223
\(^2\) §11220(a)  \(^4\) §11221(b)  \(^6\) §11221(a)
### Registration | Signatures Required (% of Total Registered Voters)
---|---
Under 1,000 | 30%
1,000-9,999 | 25%
10,000-49,999 | 20%
50,000-99,999 | 15%
100,000 or above | 10%

An exception to the above occurs in the case of trial court (Superior Court) judges, where the signature requirement is 20% of the total number of votes cast for all candidates in the last election for that office.¹

If a Superior Court Judge is sought to be recalled, the number of valid signatures must be equal to at least 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 on the ballot on its last regularly scheduled election date, the number of signatures must be at least twenty percent (20%) of the votes cast within the jurisdiction for the “countywide office” which had the fewest votes in the most recent general election in the county in which the judge holds office.²

“Countywide office” is defined as “an elective office wholly within the county which is voted on throughout the county.”

**D. Can a Signature be Withdrawn?**

Any voter who has signed a recall petition may withdraw his or her signature by filing a written request with the County Elections Division prior to the day the petition is filed.³

The written request must identify the subject of the recall petition, clearly indicate that the voter signed the petition, and contain the voter’s name, residence address, and signature.

Note: The County Elections Division will have no way of knowing for sure when the proponents will file the recall petitions. Consequently, the County Elections Division will not be able to advise persons who wish to withdraw their signatures as to any “deadline” for filing their requests; other than the fact that the request must be received no later than the day before the petition is filed. Therefore, it is recommended to any voter who wishes to withdraw his or her name to file the request with the County Elections Division as soon as possible.

¹ California Constitution Article II, Section 14(b)  
² §11221(c)  
³ §§103 & 11303
Chapter 5: Collecting Signatures

A. Who Can Circulate a Recall Petition?

Any person 18 years of age or older.\(^1\)

B. Who Can Sign a Recall Petition?

Only registered voters who, at the time of signing the recall petition, are qualified to vote for the officer whose recall is sought. Each signer must *personally* print and sign his or her name and *residence* address, including street and number (or, if no street or number exists, an explanation of how to locate the place of residence).\(^2\)

A voter *physically unable* to sign a petition may request someone else to print the voter’s name and residence address on the petition. The voter then must affix his or her mark in the appropriate space on the petition, and have one person witness the mark by signing his or her name on the same line next to the mark.\(^3\)

According to the Secretary of State’s legal counsel, witnesses do not have to be registered, and the circulator may serve as a witness.

If an electoral jurisdiction includes portions of more than one county, each section of the petition must include the name of the county in which it is circulated, and only registered voters of that county may sign that section of the petition.\(^4\)

C. Registering or Re-Registering Potential Signers

For potential signers who are not currently registered to vote, or those who are registered but have since moved, a newly completed voter registration affidavit will ensure his or her signature on a recall petition can be counted as valid. The new registration affidavit must be signed on or before the date the voter signs the petition, and must be received by the County Elections Division on or before the date the petition is filed.\(^5\)

\[\text{Note to proponents: It will assist the County Elections Division in verifying signatures on the petition if the circulator notes in the left hand margin of the petition, adjacent the signature, these newly completed registration affidavit numbers and notifies the County Elections Official at the time of delivery that these registration cards are related to the specific petition. Proponents should also be aware that completed registration cards must be delivered to the County Elections Division within three business days of receipt from the voter.}^{6}\]

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\(^1\) §102  
\(^2\) §§100, 322 & 11045  
\(^3\) §100.5, Government Code §16  
\(^4\) §11047  
\(^5\) §2102(b)  
\(^6\) §2138
**D. Declaration of Circulator**

Each section of the petition must have attached to it a declaration signed by the circulator (person soliciting signatures) of that section of the petition, setting forth in the circulator’s own handwriting, all of the information listed under \textit{Declaration of Circulator} in Chapter 3.\textsuperscript{1}

**E. Invalid Signatures**

Proponents need to allow for invalid signatures by including extra signatures above and beyond the minimum needed to qualify the petition. Signatures may be invalid for a number of reasons. Some of the most common reasons include:\textsuperscript{2}

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

Certain defects in the declaration of the circulator, such as failure of the circulator to sign the declaration, may invalidate all signatures appearing on that section. Recall proponents should advise their circulators of the importance of fully and accurately completing the declaration.\textsuperscript{3}

Circulators should also be advised that under no circumstances should they make any changes or corrections to the signatures or addresses that the voters have written on the petition.

In verifying petitions, the County Elections Division may use the most current version of the Secretary of State’s \textit{Official Petition Verification Guidelines}.

\begin{itemize}
  \item[\textsuperscript{1}] §§104 & 11046
  \item[\textsuperscript{2}] §§100, 105, & 321
  \item[\textsuperscript{3}] §§104 & 11046
\end{itemize}
F. Legibility of Signatures

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

G. Circulation of Recall Petitions on Private Property

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

H. Penal Provisions

The following are selected penal provisions relating to the circulation of recall petitions. (See §§18600, et seq., for all of the relevant code sections.)

Provisions Relating to Circulators

It is a misdemeanor for anyone circulating a recall petition to intentionally misrepresent or intentionally make a false statement concerning the contents, purport, or effect of any petition to any person who signs, desires to sign, is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his or her signature. It is also a misdemeanor to willfully and knowingly circulate, publish, or exhibit any false statement or misrepresentation concerning the contents, purport, or effect of any recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.¹

Any person working for the proponents of a recall petition who refuses to allow a prospective signer to read the petition is guilty of a misdemeanor.²

Every person who offers or gives money or other valuable consideration to another in exchange for his or her signature on a recall petition is guilty of a misdemeanor.³

No one shall knowingly or willfully permit the list of signatures on a recall petition to be used for any purpose other than qualification of the recall question for the ballot. Violation is a misdemeanor.⁴

¹ §18600 ² §18601 ³ §18603 ⁴ §18650
Provisions Relating to Fraudulent Signatures

Every person who solicits any circulator to affix to any initiative, referendum or recall petition any false or forged signature, or to cause or permit a false or forged signature to be affixed, is guilty of a misdemeanor.¹

Every person who circulates or causes to be circulated a recall petition knowing it to contain false, forged, or fictitious names, is punishable by a fine not exceeding $5,000, or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both fine and imprisonment.²

Every person who knowingly signs his or her name more than once to a recall petition or signs his or her name to that petition knowing himself or herself at the time of signing not to be qualified to sign it is guilty of a misdemeanor.³

Every person who subscribes to any recall petition a fictitious name, or who subscribes thereto the name of another, or who causes another to subscribe such a name to that petition, is guilty of a felony and is punishable by imprisonment in the state prison for two, three, or four years.⁴

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

Threats to Prevent Petition Circulation or Filing

Every person who threatens to commit an assault or battery on a person circulating a recall petition or on a relative of such a person or to inflict damage on the property of the circulator or relative, with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation, is guilty of a misdemeanor.⁶

¹ §18610  ² §18611  ³ §18612  ⁴ §18613  ⁵ §18614  ⁶ §18630
Chapter 6: Filing the Recall Petition and Signature Verification

All sections of the recall petition must be filed at the same time. No additional signatures may be submitted after the initial filing. The petition sections must be filed by the proponents or by someone authorized in writing by a proponent. A copy of the written authorization must be included with the filing. If the petition was circulated in more than one county, each section must be filed with the County Elections Official for the county in which it was circulated.¹

If the County Elections Official determines that the number of signatures, on its face, is equal to or greater than the minimum required, the petition will be accepted for filing. Any sections of the petition not so filed shall be void for all purposes. If the number, on its face, is less than the minimum required, the petition will not be accepted for filing and will be returned to the proponents.²

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.³

A. Verification of Petition Signatures

The county elections official has 30 days from the date the petition is filed in which to examine it and determine the total number of valid signatures.⁴ The examination involves verifying the validity of all the signatures on the petition⁵ or verifying a random sample of 500 or 5%, whichever is greater, and determining the sufficiency of the petition through the statistical method provided in E.C. §11225. For expediency and cost effectiveness, elections officials typically use the random sample for petitions with large volumes of signatures.

If the number of valid signatures, as determined by the random sample, is equivalent to 90-110% of the number needed to qualify the recall for the ballot, the elections official must examine 100% of the petition signatures. If the random sample shows that the number is less than 90%, the petition will be certified as insufficient. If it is over 110%, the petition will be certified as sufficient.⁶

B. Certifying Results of Signature Verification

Upon completing the examination of the petition, the County Elections Division 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.⁷

¹ §§11222(a) & 11223  ⁴ §§11224 and 11225  ⁷ §§11224 & 11225
² §11222(b)  ⁵ §11224  ⁷ §§11224 & 11225
³ §11223  ⁶ §11225
Insufficient Number of Valid Signatures

If the petition contains an insufficient number of valid signatures to qualify the recall for the ballot, no further action is taken and the petition remains on file.\(^1\)

Insufficiency in a petition against an officer does not prohibit the later filing of a new petition against that same officer.\(^2\)

Sufficient Number of Valid Signatures

If the petition is found to have sufficient valid signatures to qualify the recall for the ballot, the County Elections Official will immediately certify the results of the signature examination to the governing body for consideration at its next regular meeting.\(^3\)

The certificate will contain:

- The name of officer whose recall is sought
- The title of his or her office
- The number of signatures required by law
- The total number of signatures on the petition
- The number of valid signatures on the petition
- The number of signatures that were determined to be invalid

C. Restrictions on Access to Recall Petitions

Some voters may have concerns about possible harassment if they sign initiative, referendum, or recall petitions. Government Code §6253.5 provides that such petitions (and any memoranda prepared by the County Elections Division in examining the petitions) are not public records and are not open to inspection. There are two exceptions:

- Employees of the County Elections Division responsible for verifying the signatures
- Recall proponents, should the petition be deemed insufficient and fail to qualify for the ballot

If the petition is deemed insufficient, proponents have the right to examine those signatures found to be invalid and the reasons they were deemed invalid. “Proponents” are those individuals listed on the Notice of Intention (or a person authorized in writing by a proponent). Any such examination must begin within 21 days following the certification of insufficiency.\(^4\)

\(^1\) §11226
\(^2\) §11300
\(^3\) §§11224, 11225 & 11227
\(^4\) §11301, Government Code §6253.5
Chapter 7: The Recall Election

A. Calling the Election

Within 14 calendar days after the meeting at which the governing body receives the certificate of sufficiency from the County Elections Division, the governing body is to issue an order calling the election.¹

If the governing body fails to act within those 14 calendar days, the County Elections Official shall call for the election within five calendar days.

If the recall is to be voted on 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 will set the date in consultation with Elections Officials of the other counties.²

A recall election is conducted, canvassed, and the results declared in substantially the same manner as a regular election for that office. One election is sufficient for the recall of several officers.³

The election must be held between 88 and 125 days from the date of the order.⁴

Note: If a regular or special election is to be held throughout the electoral jurisdiction of the incumbent sought to be recalled within this time period, the recall election shall be held on the same day, and consolidated with, the regular or special election.⁵

No election may be held on any day other than a Tuesday, nor may any election be held on the day before, the day of, or the day after a state holiday.⁶

B. Filing Requirements for Candidates

Once the recall election is called, there will be a nomination period for candidates to file for election to the office.⁷

The nomination period must not open before the day the order of election is issued and must close no later than the 75th day before the election. If the County Elections Official is required to certify to the Governing Board the names of candidates to be placed on the ballot that must be done by the 71st day prior to the election.⁸

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¹ §11240
² §11241
³ §§11328 & 11329
⁴ §11242
⁵ §11242
⁶ §1100
⁷ Although it is clear that trial court judges (Superior Court) are subject to recall, Article VI, Section 16 of the California Constitution creates some legal uncertainty as to whether the successor to a recalled judge is elected by the voters or appointed by the Governor. If it is the latter, the need for a contest involving successor candidates is eliminated.
⁸ §11381(b)
The incumbent may not be a candidate to succeed himself or any other member of the same Governing Board who is also the subject of recall, but he or she may submit a Candidate Statement of Qualifications for publication in the official County Voter Information Guide.¹

**Note:** The nomination period for recall elections may very likely be shortened. For example, the election could be called to be held in the minimum of 88 days. Since the nomination period must close by the 75th day, the nomination period would consist of just 14 calendar days.²

Nomination petitions may or may not be required of candidates, depending on the office held by the incumbent. The number of nominating signatures, if any, will be the same as required of candidates seeking that office in a regular election.³

Check with the Elections Division regarding what is required to file for the office.

**Filing Fees**

There are no filing fees for school or special district offices. Filing fees for County Supervisor, Judicial, and countywide offices are one percent (1%) of the official’s annual salary.⁴

If there is a filing fee, petitions in-lieu of payment of that fee will be made available to candidates, who may circulate these petitions and gather signatures in lieu of paying all or a portion of the filing fee.⁵

**Candidate Qualifications**

In addition to filing nomination documents (Declaration of Candidacy and Nomination Petition), some candidates have to provide documentation of their qualifications.⁶

In Ventura County, these candidates would be: Auditor-Controller, County Superintendent of Schools, District Attorney, Sheriff, Superior Court Judges, and Treasurer-Tax Collector.

**Candidate Statements**

Candidates’ statements for publication in the County Voter Information Guide are optional. Statements are filed in accordance with the Elections Code.⁷

The cost of statements in a recall election will be determined by the County Elections Official once the election has been called. For candidates, the statement is due at the

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¹ §§11327 & 11381(c)  ² §11381(b)  ³ §11381  ⁴ §8104(b)  ⁵ §8106  ⁶ §13.5  ⁷ §13307
time nomination documents (Declaration of Candidacy and Nomination Petition, if required) are filed.\(^1\)

The incumbent whose recall is sought may also submit a statement for inclusion in the County Voter Information Guide.\(^2\) The statement must be filed no later than 5:00 p.m. on the last day of the nomination period.\(^3\)

All candidate and incumbent statements shall remain confidential until after the close of the nomination period.\(^4\)

**C. Design of the Ballot**

Except in the case of a landowner voting district, the question on the ballot will be: “Shall [name of officer sought to be recalled] be recalled (removed) from the office of [title of office]?” with the voter marking either “Yes” or “No.” Below that will appear the names of the candidates who have filed to seek election to the office in the event the recall is successful. Appropriately identified write-in spaces will also be provided.\(^5\)

If there are multiple recalls that have qualified for the ballot, following the list of candidates to succeed to one office would be the recall question for the next office, and so on.

Candidates will be listed in randomized alphabet order based upon a drawing of letters by the Secretary of State. In the case of candidates for countywide office, they will be listed in randomized alphabet order and then rotated in conformance with the Elections Code.\(^6\)

**D. Official County Voter Information Guide**

The County Voter Information Guide will include both the statement of reasons for the recall (from the Notice of Intention) and the incumbent’s answer, if one was filed. The statement and answer will be printed on the same page or on facing pages and will be of equal prominence. If the recall of more than one incumbent is sought, the statement and answer for each must be printed together and be clearly distinguished from those of any other officer.\(^7\)

**E. The Recall Vote**

If a majority of the votes on a recall proposal are “Yes,” the officer sought to be recalled will be removed from office upon the qualification of his or her successor.\(^8\)

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\(^1\) §13307(a)(2)  \(^2\) §11327  \(^3\) §13307  \(^4\) §13311  \(^5\) §§11320 & 11322  \(^6\) §§13111(g) & 13112  \(^7\) §11325  \(^8\) §11384
If the incumbent is recalled, the candidate receiving the highest number of votes will be declared elected for the unexpired term of the recalled officer.¹

**F. Resignation of Officeholder**

If the officer whose recall is sought resigns (or a vacancy occurs for any other reason) at any time following the filing of the recall petition, the recall process will still proceed. If a sufficient number of signatures were filed, the recall election will be held. If not, then there will be no recall election and the vacancy will be filled as otherwise provided by law.²

A person who was subject to a recall petition may not be appointed to fill the vacancy in the vacated office nor any other vacancy on the same governing board for the duration of the term of the vacated office.

**G. Campaign Finance Reporting Requirements and Limitations**

Proponents of recalls, officers subject to recall, and candidates may have disclosure requirements in accordance with the State Political Reform Act and local ordinances.

All parties involved with a recall should check with the County Elections Division for information on campaign finance disclosure requirements.

Proponents of a Recall Measure should refer to the FPPC’s *Campaign Disclosure Manual 3 – Ballot Measure Committees* when trying to qualify the recall measure for the ballot.

Manuals, forms, and filing deadlines are available from either of the following:

**Fair Political Practices Commission (FPPC)**
428 J Street, Suite 620
Sacramento, CA 95814
Phone: (916) 322-5660
Fax: (916) 322-0886
Website: [fppc.ca.gov](http://fppc.ca.gov)

**Ventura County Elections Division**
800 South Victoria Avenue
Ventura, CA 93009-1200
Phone: (805) 654-2664
Fax: (805) 648-9200
Website: [venturavote.org](http://venturavote.org)

¹ §11385 ² §11302
Chapter 8: After the Election

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

If the candidate elected to replace the recalled official fails to qualify within ten days after receiving his or her certificate of election, the office to which he or she was elected will be vacant, and will be filled according to law.\(^1\)

If the recall election is conducted and the incumbent is not recalled, a new recall may not be commenced against the same officer within six months of that election nor during the last six months of the officer’s term of office.\(^2\)

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\(^1\) §11386

\(^2\) §11007
Appendix A: Word Count Guidelines

Elections Code §9

The following are the guidelines for computing the word count:

1) The title and signatures are not counted - only the text is counted.

2) Punctuation ................................................................. not counted

3) Dictionary words ............................................................ one
   Examples: “I”, “a”, “the”, “and”, “an” – 1 word

4) Abbreviations................................................................. one
   Examples: UCLA, PTA, U.S.M.C., and L.A.P.D.
   Each abbreviation for a word, phrase, or expression
   All acronyms count towards the all CAPS 10 word limit

5) All proper nouns ............................................................... one
   Examples: County of Ventura – 1 word
   Ventura Unified School District – 1 word

6) Numbers:
   Digits (1, 10 or 100, etc.) ....................................................... one
   Spelled out (one, ten or one hundred) ...................................... one per word

7) Numeric combinations (2013, 13½, 2013-14, 5%).............................. one

8) Dates:
   All digits (4/8/17)................................................................... one
   Words and digits (April 8, 2017)................................................ one

9) Monetary amounts (if the dollar sign is used with figures – $1,000.00)......... one
   (spelled out – one thousand dollars)........................................... one per word

10) Hyphenated words............................................................. one per word
    Words appearing hyphenated in a standard dictionary published within the
    last 10 years........................................................................ one

11) Website address and telephone numbers............................................ one

12) If measure designation (example: Measure A) is used in the text .............. one

13) Limit of 10 all CAP words.

If text exceeds the word limit, the author will be asked to delete or change a sufficient number of words, or a sentence, to ensure compliance with the required word limit.
Appendix B: Sample Notice of Intention

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

To: _______________________________________________________
   (name of officer sought to be recalled)

Pursuant to provisions of the California Elections Code, the undersigned, registered qualified voters of the _____________________________, in the County of Ventura, State of California, (name of district) hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of ______________ in the _____________________________.
   (title of office) (name of district) County of Ventura, State of California, and to demand an election of a successor for that office.

The grounds for the proposed recall are as follows:

   (state grounds in 200 words or less)

The printed name, signature, and residence address or mailing address of the proponents are as follows:¹

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>______________________</td>
<td>______________________</td>
</tr>
<tr>
<td>2.</td>
<td>______________________</td>
<td>______________________</td>
</tr>
<tr>
<td>3.</td>
<td>______________________</td>
<td>______________________</td>
</tr>
</tbody>
</table>

This Notice and the proof of service will be filed with the Ventura County Elections Division.

Within seven calendar days after filing, you may file an answer to the statement of the proponents in no more than 200 words with the Ventura County Elections Division. If an answer is filed, a copy of it must be served personally or by certified mail on one of the above proponents. The answer shall include the printed name, signature, and residence address or mailing address of the officer sought to be recalled.

¹ See Preparing the Notice of Intention in Chapter 2 for the total number of proponents required.
Appendix C: Sample 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)

(complete address)

(____) ____________________________ .
(telephone number)

I personally served to ________________________________ (officer sought to be recalled)

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

(complete address)

on ____________________________ at ____________________________ am/pm.
(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 under the laws of the State of California that the foregoing is true and correct, and that I,

______________________________ executed this proof of personal service:

(print full name)

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

________________________________
(complete signature)
Appendix D: Sample Proof of Service by Certified Mail

I, ___________________________________________________________ declare that:

I am over the age of 18 years, and I ______________________________ in the
(reside/am employed)

County of Ventura at ____________________________________________
(complete address)

On ________________, 20____, I deposited in the mail at ____________________________
(date) (place, e.g., name of city or county)

a copy of the Notice of Intention or Answer to Notice of Intention to

______________________________________________________________
(name of person sought to be recalled)

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

______________________________________________________________ at:
(name of person 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 under the laws of
(print full name)

the State of California that the foregoing is true and correct, and that I executed this Proof of
Service: On __________________________ at __________________________
(date) (place of signing, e.g., city or county)

______________________________________________________________
(complete signature)
Appendix E: Sample Recall Petition

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

A. General Requirements:

- Petition must be in at least 8-point type.
- If signature spaces are printed on both sides of a sheet of paper, everything except the declaration of circulator must appear on each side of the paper. The circulator’s declaration must follow the last signature box. It is suggested that petitions be printed on 8 ½” x 14” paper in order to maximize the number of signature spaces printed on a sheet of paper.
- All petition sections must be printed in uniform size and darkness with uniform spacing.
- Each page of the petition must have at least a 1-inch margin across the top and a ½ inch margin across the bottom.

B. Specific Explanations of Numbers on the Sample:

1. Insert name of appropriate governing body (the local authority, which orders or “calls” elections for that office, or the governing authority for that jurisdiction).
2. Insert electoral jurisdiction here: county, city, or district.
3. Insert geographical location here: city, county, etc.
4. Insert here the name of person whose recall is being sought.
5. Insert name of office.
6. Insert date served.
7. Included in this space are:
   a. The complete text of Notice of Intention as published. It must appear exactly as written on original Notice, including punctuation, spelling, etc., with the exception of the language relating to the incumbent’s right to file an answer. There shall be at least 10 names of recall proponents from the original Notice of Intention that are selected by the proponents. Signatures and addresses do not need to be included.
   b. The answer of the officer sought to be recalled. If no answer, insert “No answer was filed.”
8. Example illustrates space for three signatures. You can include as many spaces as will fit. Declaration of circulator must accompany all signatures.
9. A space at least one inch wide shall be left blank after each name for use by the County Elections Official.
10. Circulator inserts his/her full name as the person who gathered the signatures.
C. Sample Recall Petition

TO THE HONORABLE _______ (1) _______

Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the _______ (2) _______ of _______ (3) _______. California, respectfully state that we seek the recall and removal of _______ (4) _______ holding the office of _______ (5) _______ in _______ (3) _______. California.

We demand an election of a successor to that office.

The following Notice of Intention to Circulate Recall Petition was served on _______ (6) _______ to _______ (4) _______:

(7)

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the _______ (2) _______ of _______ (3) _______. California.

This column for official use only.

<table>
<thead>
<tr>
<th>(8)</th>
<th>PRINT YOUR NAME</th>
<th>RESIDENCE ADDRESS ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PRINT YOUR NAME</td>
<td>RESIDENCE ADDRESS ONLY</td>
</tr>
<tr>
<td></td>
<td>PRINT YOUR NAME</td>
<td>RESIDENCE ADDRESS ONLY</td>
</tr>
</tbody>
</table>

(9)

DEVELOPMENT OF PERSON CIRCULATING SECTION OF RECALL PETITION (MUST BE IN CIRCULATOR’S OWN HANDWRITING)

1. _______ (10) _______, declare:

1. My residence address is ____________________________, in __________________________ County, California.

   (street address and city) (name of county)

2. I am 18 years of age or older.

3. I personally circulated the attached petition for signing.

4. I witnessed each of the appended signatures being written on the petition and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be; and

5. The appended signatures were obtained between the dates of _______ (starting date) _______ and _______ (ending date), inclusive.

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

Executed on _______ (date), at ____________________________, California.

   (city or community where signed)

   ____________________________

   (signature)
Appendix F: Flowchart

Proponents serve incumbent with Notice of Intention. (§11021)

Proponents publish Notice of Intention (§11022)

7 Days

Proponents file with the County Elections Division original Notice of Intention and a proof of service. (§11021)

10 Days

Incumbent files answer with the County Elections Division and serves copy to one of the proponents. (§11023)

*If no answer is filed, 10 days after the expiration of the 7 day deadline to file an answer

Proponents file with the County Elections Division two blank copies of proposed format for recall petition and proof of publication of Notice of Intention. (§11042)

10 Days

Proponents or authorized representative file all petition sections at same time. The County Elections Division counts number of signatures on face of petition. (§11222)

10 Days

Not Approved

Elections Division notifies proponents in writing whether or not petition is approved for circulation. (§11042)

Approved

Circulation Period depends on number of registered voters in jurisdiction (see How Much Time is Allowed for Circulation? in Chapter 4)

Insufficient number of signatures submitted

Sufficient number of signatures submitted

Insufficient number of valid signatures

Elections Division certifies result to Governing Body at next regular meeting (§11227)

Sufficient number of valid signatures

Recall Election

88 - 125 Days

Governing Body Calls for Election

14 Days

The County Elections Division does not file petition and returns petition to proponents. (§11222)

Elections Division notifies proponents and keeps petition on file. (§11226)