UNDERSTANDING THE RECALL PROCESS FOR LOCAL OFFICERS

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This handbook, UNDERSTANDING THE RECALL PROCESS FOR LOCAL OFFICERS, 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 County Clerk/Registrar of Voters of the County of Fresno 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 proponents and subjects of a recall effort to obtain the most up-to-date information available, reflecting changes in laws or procedures subsequent to the publication of this handbook.

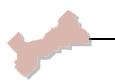
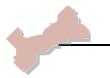


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INTRODUCTION

NOTE:

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

Who Can Be Recalled

State officers may be recalled. These include the elected offices of Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller, Attorney General, Superintendent of Public Instruction, Insurance Commissioner, Members of the State Board of Equalization, State Legislators, and Justices of Courts of Appeal and the State Supreme Court. A State officer appointed in lieu of election or to fill a vacancy in one of these offices may also be recalled. This handbook does not address the procedures to recall a state officer. For further information on recalling a state officer, please see the "Procedures for Recalling State and Local Officials" handbook posted on the Secretary of State's website: <u>www.sos.ca.gov</u>.

California Elections Code (EC) §§ 11001, 11006

Local officers may be recalled. A "local officer" is defined as an officer that has been either elected, appointed in lieu or appointed to fill a vacancy of a county, city, school district, community college district, or special district, or a judge of a superior trial court.

EC §§ 11001, 11004, 11006

Who Cannot Be Recalled

Federal officers are <u>not</u> subject to recall. The United States Constitution provides for the expulsion of members of Congress for disorderly behavior. The President, Vice President and all civil officers of the United States may be removed through the process of "impeachment" which is governed by the United States Constitution.

US Const., Art. I, Sec. 5, Art. II, Sec. 4



What Circumstances Justify a Recall

A recall can be initiated for any reason. The California Constitution and the Elections Code include no rules regarding the sufficiency of justification for recalls.

Ca. Const., Art. II, Sec. 14; EC § 11024

When is a Recall Not Allowed

A recall may not be commenced against an officer of a county, city, special district, school district, community college district or county board of education if any of the following conditions apply:

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

However, these limitations do not apply to an officer of a city appointed in lieu of an election due to no persons being nominated for the office.

EC §§ 11007, 10229(a)(2)

Who is the Responsible Elections Official

The elections official with oversight of the recall depends upon the jurisdiction in which the recall is being sought.

The **Fresno County Clerk/Registrar of Voters** is the elections official in the case of the recall of elective officers of:

- Fresno County;
- A school district;
- The County Board of Education;
- A community college district;
- Most special districts (i.e., resident voting districts); and
- Judges of the Superior Court.



The **city clerk** is the elections official in the case of the recall of elective city officers. Some cities have a charter or local ordinances that apply to recall efforts. <u>Proponents seeking to recall a city</u> officer must contact the appropriate city clerk for further information on the city's specific recall procedures.

The **secretary of the governing board** is the elections official in the case of the recall of elective officers of:

- A Landowner Voting District; and
- Any district in which, at a regular election, candidates' nomination papers are filed with the secretary of the governing board.

EC §§ 307, 11002, 11003

Who Can Initiate a Recall

The "**proponents**" of a recall are voters who initiate recall proceedings and control circulating and obtaining signatures to a recall petition. All proponents must be registered voters who are qualified to vote for the office/officer they seek to recall.

See page 9 of this handbook for the minimum number of proponents required to initiate a recall.

EC §§ 322, 11005, 11020

Steps to Initiate a Recall

Each recall is a separate process that requires successful completion of specific steps summarized in the flowchart in Exhibit A on page 40 of the handbook.

Each recall effort will require the proponents to prepare the following documents:

- Notice of Intention;
- Proof of Service of the Notice of Intention;



- Affidavit of Publication (and/or Posting) of the Notice of Intention; and
- Two blank copies of the proposed recall petition.

EC §§ 11006, 11020-11022, 11042, 11044

If the proponents wish to recall more than one officer, each must be recalled separately, requiring a completely separate set of documents be prepared, (i.e., if three separate officers are being recalled, three sets of the required documents must be produced, each set specific to a recalled officer).



Any error or discrepancy in following the steps in connection with a particular recall may require that some or all steps taken up to that point be re-initiated. Recall proponents should consult an attorney to help them avoid such errors.

Who Pays for a Recall Effort

The proponents pay for:

- Preparation and publication or posting of Notice of Intention;
- Preparing and printing petitions; and
- Collecting signatures for the petition.

The electoral jurisdiction (Fresno County, city, school district, County Office of Education, community college district or special district) pays for:

- Verifying signatures; and
- Conducting the election.



Campaign Finance Reporting

NOTE:

All parties to a recall (proponents, officer subject to recall, candidates), may have to meet the filing obligations and campaign disclosure requirements required by California's Political Reform Act, (GC § 81000, et seq.), as well as any additional limitations or requirements established by local ordinance, if any.

It is imperative for all parties involved with a recall to check any and all applicable state and local laws in this regard.



Additional information about specific disclosure requirements is available by contacting California's Fair Political Practices Commission at <u>www.fppc.ca.gov</u>, (916) 322-5660 or 1102 Q Street, Suite 3000, Sacramento 95814.



Initiating the Recall Process

The proponents begin the recall process by serving, filing and publishing or posting a Notice of Intention to circulate a recall petition. The Notice of Intention is a statement of why the proponents want to recall the officer and includes a list of the names and addresses of the proponents.

Please see Exhibit B on page 41 of this handbook for an example of the Notice of Intention format.

IMPORTANT

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

NOTE:

Except as otherwise specified, references to the number of days in this handbook means the number of calendar days. For example, "...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."

Preparing the Notice of Intention

The Notice of Intention must consist of the following:

- a) The name and title of the officer to be recalled;
- b) A statement, not to exceed 200 words in length, expressing the reasons for the proposed recall (guidelines to counting words can be found in Exhibit C on page 42 of this handbook);
- c) The printed name, signature, and residence address of <u>each</u> of the proponents of the recall (Note: If a proponent cannot receive mail at his or her residence address, an alternate mailing address must also be provided; any address provided must include the city, state, and zip code)
- d) The appropriate number of valid signatures by the proponents; and



e) The language contained in EC § 11023 informing the officer of his or her right to file an Answer.

EC § 11020

Number of Required Proponent Signatures

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

# of Registered Voters	Jurisdictions that require Nomination signatures	Jurisdictions that do not require Nomination signatures
<1,000	City Seats # of proponents needed = 30	Special Districts # of proponents needed = 30
1,000-99,999	County Seats City Seats # of proponents needed = 60 <u>Exception:</u> City of Huron = 30 City of San Joaquin = 30	Special Districts School Districts # of proponents needed = 30
>100,000	County Seats City Seats # of proponents needed = 100	Special Districts School Districts # of proponents needed = 50

For the exact number of proponents needed for a recall in a specific jurisdiction, please contact our office.



Serving the Officer to Be Recalled

A copy of the Notice of Intention must be served by personal delivery or by certified mail on the officer sought to be recalled. Within seven days of service, the proponents must complete and file the original Notice of Intention with the appropriate Proof of Service with the elections official.

Templates of a "Proof of Personal Service" (Exhibit D) and "Proof of Service by Certified Mail" (Exhibit E) are included on pages 43 and 44 of this handbook.

EC § 11021

A separate Notice of Intention must be served and filed for each officer sought to be recalled. EC § 11021

Publishing the Notice of Intention

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

California Government Code (GC) §§ 6000, et seq., 6061; EC § 11022

A list of adjudicated newspapers in Fresno County is available in Exhibit F on page 45 of this handbook.



The proof of this publication must be filed with the draft petition. Proof of publication is obtained from the newspaper publisher <u>after</u> the Notice of Intention was published. It includes an originally signed affidavit stating the location and date the Notice of Intention was published and a clipping or an image of the Notice of Intention as it appeared in print. A payment receipt or proof of purchase will not be accepted.

Filing the Notice of Intention

Within seven days of serving the officer sought to be recalled, the proponents are required to file with the elections official:

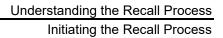
- The original Notice of Intention; and
- A copy of the Proof of Service.

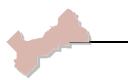
EC § 11021

Templates of a "Proof of Personal Service" (Exhibit D) and "Proof of Service by Certified Mail" (Exhibit E) are included on pages 43 and 44 of this handbook.

At the time the proponents file the Notice of Intention, the elections official will verify that:

- The name and title of the officer to be recalled is stated;
- The statement of reasons for the proposed recall does not exceed 200 words in length;
- The minimum number of proponents who signed are registered voters of the electoral jurisdiction and are registered at the address listed on the Notice of Intention; and
- The language contained in EC § 11023 informing the officer of his or her right to file an Answer is present.





Answer to the Notice of Intention

The officer to be recalled has the right to provide a response (i.e., the officer's Answer) to the statement of reasons contained in the proponents' Notice of Intention. Should the officer to be recalled choose to file an Answer, the Answer must:

- Be limited to 200 words;
- Include the officer's printed name and business or residence address;
- Be signed by the officer; and
- Be filed with the appropriate elections official within seven days after the filing of the Notice of Intention by the proponents.

Within that same seven day period, the officer shall also serve a copy of his or her Answer on one of the proponents named in the Notice of Intention. Service is to be by personal delivery or certified mail. (There is no requirement that the officer file any Proof of Service with the elections official.) EC § 11023

In the event that the officer's Answer is not received by any proponent, contact the elections official as the Answer by the officer to be recalled must also be filed with the elections official by the same deadline. It is the proponents' responsibility to verify with the elections official whether or not an Answer has been filed, prior to proceeding to the next step in the recall process. Failure to include a filed Answer to the Notice of Intention in the draft petition will result in the rejection of the draft petition.



Preparing, Filing and Approval of the Draft Petition

Preparing, Filing and Approval of the Draft Petition

Before the circulation of any recall petition, proponents are required to submit their petition's design and format to the elections official for its review <u>and</u> approval as to whether the petition conforms to the requirements of the Elections Code. Noncomplying petition forms will be rejected as invalid and any signatures attached to the noncomplying petition forms will not be counted.

EC § 11042

Formatting the Petition

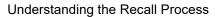
The recall petition format provided by the Secretary of State is mandatory and must be used.

Please see Exhibit G on pages 46 through 48 of this handbook for the Secretary of State's petition templates. This format is also available in the Secretary of State's "Procedure for Recalling State and Local Officials" handbook located at the Secretary of State's website <u>www.sos.ca.gov</u>.

EC §§ 11041, 11043.5

Header and Footer

The recall petition must include a margin at least one inch wide across the top of each page and a margin at least one-half inch wide along the bottom of each page.



Preparing, Filing and Approval of the Draft Petition

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

- A. A copy of the Notice of Intention, including the statement of reasons for recall, and the names (no addresses) of at least 10 proponents (Note: No signature mark is necessary (i.e., "s/") and the text of EC § 11023 does not need to be included as part of the language of the Notice of Intention on the petition);
- B. The Answer, if any, of the officer sought to be recalled (if the officer has not answered, the petition must so state);
- C. If the officer sought to be recalled is a member of the governing board of a school district, the petition shall include the estimate of the cost of conducting the special election, as determined by the County Clerk/Registrar of Voters and school district; and
- D. All petition sections must be printed in uniform size and darkness with uniform spacing.

EC § 11041

Official Top Funders Disclosure Requirements

For any recall petition for which the circulation is paid for by a committee formed pursuant to GC § 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 (i.e., the "Official Top Funders sheet").

EC § 107(b)

Elections officials are not required to verify the accuracy of the Official Top Funders disclosure information or to re-approve the petition upon any updates the committee makes.

EC § 107(g)

Official Top Funders Disclosure as a Separate Document

If the committee chooses to include the disclosure statement in 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. Unless



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otherwise specified, the text shall not be boldface.

EC §107(a)(1)

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

EC § 107(a)(2), (3)

Next, separated by a blank horizontal line, shall appear a disclosure statement in a printed or drawn box with a black border. At the top of the disclosure statement, the statement shall read, "Petition circulation paid for by" in boldface text followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to GC § 84101 on the following horizontal line. If the committee has any top contributors as defined in GC § 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 GC § 84501(c), if any, shall be disclosed in boldface text in descending order on a separate horizontal line, beginning with the top contributor who made the largest cumulative contributions on the first line.

EC § 107(a)(4)(A)-(D)

The committee, in its discretion, may include, in underlined text, "Endorsed by:" followed by a list, not underlined, of up to three endorsers. This text shall be separated from the text above and below it by a blank horizontal line.

EC § 107(a)(4)(E)

The following line shall include the text "Latest Official Top Funders:" followed by the internet web page on the internet website for any committee formed pursuant to GC § 82013 that pays for the circulation of a recall petition.

EC § 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.

EC § 107 (c)(1)



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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.

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

EC § 107(b)(3)

The top contributors as defined in GC § 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 GC § 84501(b), on the first line.

EC § 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.

EC § 107(b)(5)



Preparing, Filing and Approval of the Draft Petition

The following line shall include the text "Latest info:" followed by the URL for the internet website of any committee formed pursuant to GC § 82013 that pays for the circulation of a recall petition. The text specified in this paragraph shall be underlined.

EC § 107(b)(6)

Signature Space

Each signer must personally place his or her own information on the petition and must personally sign it (unless prevented by disability, etc.). The petition must be designed so that each signer can personally affix 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 the residence so that its location may be readily determined; and
- D. The name of the incorporated city or unincorporated community and zip code where the signer 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.

EC §§ 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 any other address.

Signature spaces must be consecutively numbered commencing with the number one for each petition section. EC § 100

A space at least one inch wide must be left blank along the right margin of the page, after each

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Preparing, Filing and Approval of the Draft Petition

name and address, for the use of the elections official in verifying the petition.

EC §§ 100, 11043

Number of Sections

A "section" of a petition contains consecutively numbered signature lines and ends with the Declaration of Circulator. Each section may consist of any number of separate pages. Petitions to recall may consist of any number of separate sections, which must be duplicates, except as to signatures and the information required to be affixed by signers and circulators. The number of signatures attached to each section is left up to the discretion of the circulator.

EC § 11040

Declaration of Circulator

Each section (which may be multiple consecutive pages) 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 <u>circulator's own hand</u> all of the following:

- A. The printed name of the circulator;
- B. The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained;
- C. The dates between which all signatures to the petition section were obtained.
- D. That the circulator circulated that section and witnessed the appended signatures being written;
- E. That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be;
- F. That the circulator is 18 years of age or older;
- G. If the petition does not include the Official Top Funders disclosure statement, that the circulator showed each signer a valid and unfalsified Official Top Funders sheet, as required by EC § 107; and
- H. A certification, under penalty of perjury, that the circulator certifies to the truth and correctness of the content of the declaration, with the circulator's signature and the date and the place of execution immediately preceding the circulator's signature.

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Important: The circulator must personally affix his or her printed name and residence address and the specific dates of circulation of each petition section in the circulator's declaration. Preprinted dates, or generalized dates other than the particular range of dates on which the petition section was circulated, are not authorized. Failure to complete or an incorrectly completed declaration may invalidate all signatures on that section.

EC §§ 104, 11046

Things to Consider When Drafting the Petition

- Text of the filed Notice of Intention and Answer must appear on the draft petition <u>exactly</u> as it appeared on the original documents. It cannot be corrected for spelling, grammatical errors, punctuation, etc.
- The petition can be printed on $8 \frac{1}{2}$ " x 11" or $8 \frac{1}{2}$ " x 14" or larger.
- The petition can be doubled-sided. If signature spaces are printed on both sides of a sheet of paper, the required petition format 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.
- The petition can be printed on color paper; however, neon colors are not recommended.



Preparing, Filing and Approval of the Draft Petition

Filing the Draft Petition and Proof of Publication or Posting

Within ten (10) days after the filing of the officer's Answer, or if no Answer was filed, within ten (10) days after the <u>deadline</u> for the officer to file an Answer, the proponents must file:

- Two blank copies of the draft recall petition; and
- Proof of Publication or an Affidavit of Posting the Notice of Intention.

Proof of Publication is obtained from the newspaper publisher <u>after</u> the Notice of Intention was published. This is an originally signed affidavit stating the location and date the Notice of Intention was published, and includes a clipping or an image of the Notice of Intention as it appeared in print. A payment receipt or proof of purchase will not be accepted.

EC § 11042

A sample Proof of Publication can be found in Exhibit I on page 50 of this

handbook.



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Review and Approval of the Draft Petition

The submitted blank copies of the petition will be carefully reviewed for uniformity and correctness by the elections official. 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 EC § 11043.

The elections official shall have ten (10) days of its filing to review the petition format and notify the proponents in writing that the petition is either approved for circulation or requires modification.

If changes are necessary, the proponents shall, within ten (10) days of receiving notification from the elections official, file two blank copies of the corrected petition with the elections official.



This 10-day period for notifying the proponents of corrections and 10-day filing period for proponents to submit corrected petitions shall be repeated until the elections official finds that no further alterations are necessary.

EC § 11042

Once the petition is approved for circulation, no additional changes can be made to the petition. The elections official will compare each petition section to the approved format. If any section does not conform to the approved format, the entire section, including all of the signatures on the section, will be rejected.



Circulating the Petition

Proponents <u>may not</u> begin collecting signatures until the form and wording of the recall petition has been approved by the elections official as meeting the requirements in the Elections Code.

EC § 11042(d)

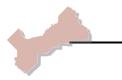
Number of Days Allowed for Circulating the Petition

The time period available for circulating the petition is measured from the day the elections official notifies the proponents that the petition meets the form and wording requirements.

EC § 11220(a)

The number of days allowed to circulate a recall petition depends on the number of registered voters within the jurisdiction. Proponents must submit to the elections official, during normal posted business hours, a petition with the requisite number of signatures within the specified number of days.

Number of Registered Voters in Jurisdiction	Number of Calendar Days to Circulate the Petition
Less Than 1,000	40 Days
Less than 5,000 but at least 1,000	60 Days
Less than 10,000 but at least 5,000	90 Days
Less than 50,000 but at least 10,000	120 Days
50,000 or above	160 Days



Who Can Circulate the Petition

The recall petition can be circulated only by a person who is 18 years of age or older.

EC §§ 102, 11045

Who Can Sign the Petition

The recall petition can <u>only</u> be signed by registered voters who are qualified to vote for the officer sought to be recalled.

EC §§ 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 that county may sign that petition section.

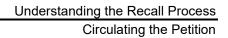
EC § 11047

Helpful Information and Suggestions Concerning Signature Gathering

- The signers of a recall petition must sign the petition in their own handwriting. They must personally fill-in their name, address (with city and zip code), and signature.
- Use a firm writing surface beneath the petition page being signed, as well as a ball point pen. Please do not use a felt tip marker.
- If circulating recall petitions against multiple officeholders, it is helpful to print the recall petitions on lightly-tinted colored paper with a different color for each office.
- Proponents are recommended to obtain an additional 50% of signatures above and beyond the amount that is required to compensate for invalid signatures.
- If eligible, a signer can register or re-register to vote at the same time they sign the recall petition. The signer's registration card must be completed and signed on or before the day he or she signs the petition. Please contact our office for Voter Registration Cards.

Any registration cards gathered by the circulator must be received by our office by the time the petition is filed. Please indicate when returning these cards that they are part of the recall effort.

• For a fee, proponents of a recall effort are eligible to obtain a list of registered voters in the relevant jurisdiction.



Every person requesting voter registration information must complete the "Voter Registration Information/Data Application" which is located online at <u>www.votefresnocounty.com</u>. Please contact our office for further information.

A signer who is physically unable to sign a petition may request someone else to print his
or her name and residence address on the petition. The signer then must affix his or her
signature/mark in the appropriate space on the petition, and have one person witness the
mark by signing their name on the same line next to the mark.

EC § 100.5; GC § 16



Number of Signatures Required on the Petition

If an officer of Fresno County, a city, a school district, the County Board of Education, or a special district is sought to be recalled, the number of signatures must be at least equal in number to the following percentage of registered voters in the electoral jurisdiction:

Number of Registered Voters in Jurisdiction	Percentage of Registered Voters Needed
Less Than 1,000	30%
Less than 10,000 but at least 1,000	25%
Less than 50,000 but at least 10,000	20%
Less than 100,000 but at least 50,000	15%
100,000 or above	10%

EC § 11221

The number of registered voters is calculated as of the last report of registration submitted by the Fresno County Clerk/Registrar of Voters to the Secretary of State and prior to the finding by the elections official that no alterations are required in the form of the recall petition. This report is available online at <u>www.votefresnocounty.com</u>.

EC §§ 2187, 11221

If a Judge of the 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 on the ballot at its last regularly scheduled election, 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 Fresno County.

Ca. Const., Art. 2, Sec. 14; EC § 11221



Allowing a "Cushion" for Invalid Signatures

Signatures that appear on the petition may be determined to be invalid for a number of reasons. It is recommended that proponents include extra signatures above and beyond the minimum needed to qualify the petition.

Some of the most common reasons a signature is found to be invalid are:

- The signer is not eligible to vote for the officer whose recall is being sought.
- The signer has moved since last registering to vote and failed to re-register.
- The signer writes in a P.O. Box or business address as his or her address of residence.
- The signer did not include the city or zip code on the address.
- 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 formula used to determine sufficiency.
- 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 a signature appearing in their voter registration record.
- The writing of the signer is illegible.
- A defect 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 circulator declaration. Circulators should be advised that under no circumstances should they make any changes or "corrections" to the signatures or addresses that the signers have written on the petition.

EC §§ 100, 104, 105, 321, 359, 11046



Withdrawal of Signatures

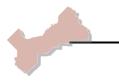
Any person who has signed a recall petition who wishes to have his or her signature withdrawn from the petition may file a written request with the elections official no later than the day before the petition is filed.

EC §§ 103, 11303

The signer's written request must state:

- A request to withdraw their signature;
- The name or title of the recall petition (i.e., the name of the officer sought to be recalled);
- Their name;
- Their residence address; and
- Their signature.

The elections official will not know when the proponents will choose to file the recall – petition. Consequently, it is recommended that any person wishing to withdraw their signature from a recall petition do so as soon as possible.



Penal Provisions

NOTE: The following are selected penal provisions relating to circulation of recall petitions. (See Chapter 7 of the Elections Code, commencing with EC §§ 18600 et seq., for all the relevant code sections.)

Provisions Relating to Circulators

• It is a misdemeanor for anyone circulating a recall petition to intentionally misrepresent or make a false statement concerning the contents, purport or effect of any petition, or the petition's Official Top Funders disclosure, to any person who signs, desires to sign, is requested to sign, or who makes inquiries with reference to the petition, 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.

EC §§ 107, 18600

• 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.

EC § 18601

• 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.

EC § 18603

 It is a misdemeanor for anyone to 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.



Provisions Relating to Fraudulent Signatures

• Every person who solicits any circulator to affix to a recall petition any false or forged signature, or causes or permits a false or forged signature to be affixed, is guilty of a misdemeanor.

EC § 18610

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

EC § 18611

• 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.

EC § 18612

• 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.

EC § 18613

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



Threats to Prevent Petition Circulation or Filing

- Every person who threatens to commit an assault or battery on a person circulating a recall petition or on a relative of such a person or threatens to inflict damage on the property of the circulator or their relative, with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation, is guilty of a misdemeanor.
 EC § 18630
- No one shall make any false affidavit concerning a petition or the signatures on a petition. No person, company, organization or officer of a company or organization in charge of a person who circulates a petition shall do either of the following: (1) knowingly direct an affiant to make a false affidavit concerning a petition or the signatures on a petition; or (2) knows or reasonably should know that an affiant has made a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended to an initiative, referendum, or recall petition and submits the section of the petition that contains the false affidavit.



Filing the Petition

All sections of the recall petition must be filed at the same time with the appropriate elections official by the deadline date during normal business hours. No additional signatures may be filed or accepted after that time.

Petitions to recall local officers may consist of any number of separate sections. The format of the petition must be exactly the same as approved by the elections official. However, it is common and expected that not every signature line will have a signer.

EC § 11040

Who Can File the Recall Petition

The petition sections must be filed at the same time by the proponents or by any person or persons authorized, in writing, by a proponent. A copy of the letter written by the proponent authorizing delivery of the petition must be included with the filing.

EC § 11222(a)

"Prima Facie" Review

For petitions filed with the Fresno County Clerk/Registrar of Voters, at the time of filing, our office will ask the filer to provide the number of sections and number of signatures affixed to the petition.

It is recommended that the petition be separated into stacks reflecting the amount of signers on each section (e.g., a stack of all sections with 10 signatures, a stack of all sections with 9 signatures, etc.). This will assist the elections official to determine whether the number of signatures, on its face, is equal to or greater than the minimum number of signatures required.

If, the prima facie signature count is equal to or greater than the minimum number of signatures required, the elections official shall accept the petition for filing. The petition shall be deemed as filed on that date. Any sections of the petition not so filed are void for all purposes.



If, upon the elections official's prima facie review, the petition does not have the minimum number of signatures, the petition will not be accepted as filed. Any petition not filed will be returned to the proponents.

EC § 11222(b)

Resignation of the Officer

If the officer whose recall is being sought resigns or a vacancy in that office occurs for any other reason at any time following the filing of the recall petition, the recall process will nevertheless proceed.

A person who was subject to a recall petition may not be appointed to fill the vacancy in the office that he or she vacated and that person may not be appointed to fill any other vacancy in an office on the same governing board for the duration of the term of office of the seat that he or she vacated.



Examination of Signatures

NOTE:

The elections official has 30 days (excluding Saturdays, Sundays and holidays) from the date of filing of the petition to determine whether the petition contains the required number of valid signatures, certify the results of the examination, and notify the proponents. This deadline applies for all methods of determining the sufficiency of signatures.

Complete Count Method

The elections official may verify all signatures attached to the filed petition. If the petition is found to have sufficient signatures, the elections official must notify the proponents and certify the results to the appropriate governing body at its next regular meeting. If the petition is found to have insufficient signatures, the elections official must certify this result to the proponents.

EC § 11224

Random Sample Method

If more than 500 signatures are submitted, then the elections official may choose to use random sampling signature verification. The random sampling shall include an examination of at least 500 or 5% of the signatures submitted, whichever is greater.



See Exhibit J on page 51 of this handbook for mathematical details on the random sample method.

Statistical Sampling Greater Than 110%

If the statistical sampling determines that the number of valid signatures is greater than one hundred ten percent (110%) of the required number, the petition is considered qualified without further verification, and the elections official must notify the proponents and certify the results of the examination to the appropriate governing body at its next regular meeting.

Statistical Sampling Within 90% and 110%

If the statistical sampling shows that the number of valid signatures is within ninety to one hundred ten percent (90-110%) of the number of signatures needed, the elections official must examine and verify each signature filed. If the result of this complete examination shows that the petition has the required number of signatures, the elections official must notify the proponents and certify the results of the examination to the appropriate governing body at its next regular meeting. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient. If the petition is found insufficient, the elections official shall notify the proponents and no further 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.

Statistical Sampling Less Than 90%

If the total number of valid signatures determined by the statistical sample is less than ninety percent (90%) of the number of signatures required to qualify the petition, the elections official shall notify the proponents and certify the petition to be insufficient. If the petition is found insufficient, the elections official shall notify the proponents and no further 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.



Certification of the Results of the Examination

Once the number of valid signatures has been determined, the elections officials will prepare a certificate with the results.

Number of Valid Signatures Found to be Insufficient

If the petition is found to have an insufficient number of valid signatures, the elections official will certify the results by preparing a certificate and notify the proponents and jurisdiction of this result.

No further action will be taken on this petition. However, the failure to secure sufficient signatures shall not preclude the later filing of an entirely new petition to the same effect.

EC §§ 11225, 11226, 11300

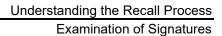


If a petition is found to be insufficient by the elections official, the proponents or a representative of the proponents designated by the proponents in writing, are allowed to examine the petition signatures to determine which signatures were disqualified and the reason therefor. This examination must begin within 21 days of the petition being certified as insufficient. If the proponents examine the petition in this manner, the petition will remain on file for one year from the date that the proponents last examined the petition.

GC § 7924.100 et seq.; EC §§ 11301, 17200

The petition will remain on file for eight months (8) after the final examination of the petition by the elections official.

EC § 17400(a)



Number of Valid Signatures Found to be Sufficient

If the petition is found to have sufficient signatures, the elections official will certify the results by preparing a certificate. The elections official shall provide this certificate to the appropriate governing body at its next regular meeting and notify the proponents as to the sufficiency of the petition. The certificate shall contain all of the following:

- A. The name of the officer whose recall is sought;
- B. The title of his or her office;
- C. The number of signatures required by law;
- D. The total number of signatures on the petition;
- E. The number of valid signatures on the petition; and
- F. The number of signatures which were disqualified.

EC §§ 11224, 11225, 11227

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 and the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled.

EC § 11223

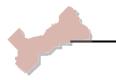
NOTE:

If a petition is found to be sufficient by the elections official, no one may examine the petition.

GC § 7924.110(a)

The petition will remain on file for eight months (8) after the results of the election for which the petition is qualified.

EC § 17400(a)



Recall Election

NOTE:

When a recall election is called, it shall be conducted, canvassed, and the results declared in substantially the manner provided by law for a regular election for the office.

EC § 11328

Calling the Election

Within 14 days after the regular meeting at which the governing body receives the certificate of sufficiency from the elections official, the governing body is to issue an order calling for an election.

EC § 11240

If the governing body fails to act within those 14 days, the Fresno County Clerk/Registrar of Voters shall call for the election within 5 days.

EC § 11241

If the recall is to be voted on by voters in more than one county, the elections official of the county with the largest number of registered voters who will be voting in the election shall set the election date in consultation with elections officials of the other counties.

EC § 11241

One election is sufficient for the recall of several officers.

EC § 11329

Understanding the Recall Process Recall Election

Date of the Election

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

No election shall be held on any day other than Tuesday or the day before, the day of, or the day after a state holiday.

The election may be conducted within 180 days after the issuance of the order calling for the election so it may be consolidated with a regularly scheduled election occurring within the same jurisdiction as the office sought to be recalled.

EC § 11242

EC § 11242

EC § 1100

Recall Election Ballot Design

On the ballot for a recall election, voters will decide whether or not to recall the officer.

Recall Question

The following question shall appear on the ballot: "Shall [name of officer sought to be recalled] be recalled (removed) from the office of [title of office]?"

To the right of this question shall be the words "Yes" and "No" on separate lines with an enclosed voting space to the right of each.

EC § 11320

County Voter Information Guide

The elections official shall, at least 10 days prior to the recall election, mail a County Voter Information Guide to each registered voter of the electoral jurisdiction of the officer sought to be recalled.

EC § 11324

Notice of Intention and Answer

The County Voter Information Guide shall include both the statement of reasons for the recall



Understanding the Recall Process Recall Election

(from the proponents' Notice of Intention) and the officer's Answer, if one was filed. The statement of reasons and Answer, if any, shall be printed on the same page or on facing pages and shall be of equal prominence.

EC § 11325

If the recall of more than one officer is sought, the statement of reasons and Answer, if any, for each officer shall be printed together and clearly distinguished from those of any other officer. EC \S 11325

Results of the Election

There shall not be an election for a successor in a recall of a local officer. 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.

If one-half or more of the votes at a recall election are "No", the officer sought to be recalled shall continue in office.

EC § 11383

EC § 11382

Repeating a Recall if the Officer is Not Recalled

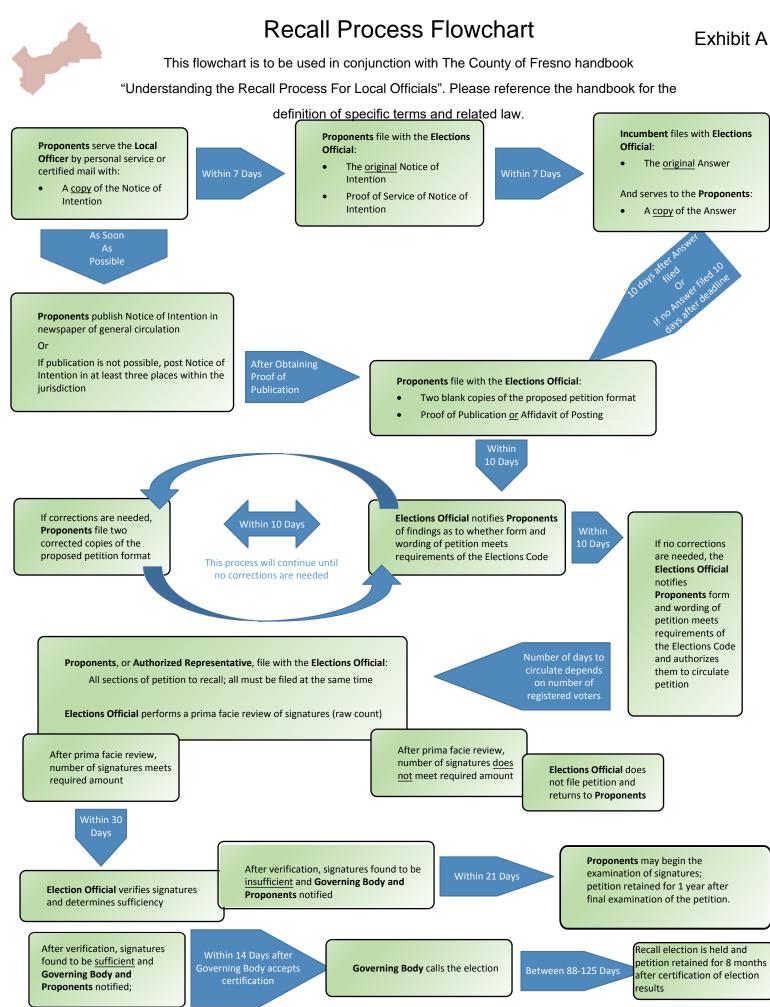
If the recall election is conducted against an officer of Fresno County, a city, a school district, a community college district, the County Board of Education, or a special district and the officer is not recalled, a new recall may not be commenced against the officer within six months of that election nor during the last six months of the officer's term of office.

EC § 11007

Right of the Recalled Officer to Run in Future Elections

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





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EXHIBIT B

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION¹

TO THE HONORABLE(see footnote ²)	: Pursuant to
Section 11020, California Elections Code, the undersigned registered qualified voters of	<u>(see</u>
footnote ³), in the State of California, hereby give notice that we are the proponents of	f a recall petition
and that we intend to seek your recall and removal from the office of (see footn	<u>ote⁴)</u> , in
(see footnote ³), California, and to demand election of a successor in that office (se	e footnote ⁵).
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		SIGNATUR	E
1				
2				
3				
4				
30 (or more	e. See footnote⁵)			
Telephone num	ber to contact proponents (optional)()		
The original not	ice and proof of service will be filed with	the <u>(se</u>	<u>ee footnote</u> 6)	

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

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

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

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

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

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

⁴ Insert here the name of office held.

⁵ To determine the necessary number of proponents, see Elections Code section 11020(b). Check with your election official to determine the actual number. Each proponent must provide their complete residence address, including street number, city and zip code.

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

How to Count Words



Exhibit C

How to Count Words

The following guidelines are used by the Fresno County Clerk/Registrar of Voters for counting words on the Notice of Intention (i.e., statement of reasons). If the text exceeds the specified word limit, the author will be asked to delete words or change text until the document conforms to requirements.

EC § 9

Туре	Description	Example
PUNCTUATION MARKS	Punctuation marks are not counted. However, symbols such as "&" (and), and "#" (number/pound) are not considered punctuation and each symbol is counted as one (1) word.	((1) ((1) ((2)) -))))
ALL PROPER NOUNS	All proper nouns, including the names of individuals, and geographical names (requiring a defined jurisdiction) are counted as one (1) word.	"City of San Joaquin", "City and County of San Francisco", "George Washington"
ABBREVIATIONS and ACRONYMS	Acronyms or abbreviations for a word, phrase, or expression are counted as one (1) word.	CSUF, PTA, UCSF, U.S.M.C.
HYPHENATED WORDS	Hyphenated words that appear in any generally available standard reference dictionary published in the U.S. at any time within the last 10 calendar years immediately preceding the election are counted as one (1) word. Be aware that many word processing programs will count a hyphenated word as one word even if it does not fit these criteria.	Attorney-at-law, full-time (as an adjective), in-law
NUMERIC COMBINATIONS	Numeric combinations will be counted as one (1) word, including dates	15000, 13 1/2, 5%, 06/01/1995, \$200,000
	Numeric combinations consisting of a combination of words and digits are counted as multiple words.	Six %, July 4, 2012, December Twenty-Fifth, \$15 million
TELEPHONE and FAX NUMBERS	Telephone and fax numbers are counted as (1) word.	(559)600-8683, 1-800-345- VOTE
EMAIL ADDRESSES and WEBSITES	Email addresses and websites are counted as (1) word.	www.co.fresno.ca.us/elections, myemail@co.fresno.ca.us

EXHIBIT D

PROOF OF PERSONAL SERVICE

	I,		declare that:
		(print full name)	
	At the time of service I was telephone number are as fo	at least 18 years of age; My na llows:	ame, address and
		(print name)	
	(ci	ty, state, zip code)	
()	(telephone number)		
	I personally served to		
		(name of person sought to be	e recalled)
а сору	of the Notice of Intention to	Recall him/her by delivering the	e copy of the
Notice	of Intention to him/her at:		
		(complete addre	ess)
on	(date)	at	am/pm;
	(date)	(time)	
	I have attached the original al Service.	of the Notice of Intention to this	Recall to this Proof of
	Ι.	,declare un	der penalty of periury
	ı,(print full name)	, = = = = =	
under f	he laws of the State of Cali	fornia that the foregoing is true aexecuted this proof o	
on	at		
	(date)	(place of signing, e.g., cit	y or county)
		· · · ·	

(complete signature)

EXHIBIT E

PROOF OF SERVICE BY CERTIFIED MAIL

l,	declare that:
(prir	nt full name)
I am over the age of 18 years, and I	in
	(reside/am employed)
Co	ounty at
	ounty at (complete address)
On	, 20, I deposited in the mail at
	a copy of the
(place, e.g., name	e of city or county)
Notice of Intention to Recall	
(nar	ne of person sought to be recalled)
in a sealed envelope, with fully prepaid	d postage thereon for certified mail, addressed to:
(name of officer s	at: ought to be recalled)
(ma	il address)
(ind	
I have attached the original of the second sec	he Notice of Intention to this Proof of Service.
l.	, declare under penalty of
(print full na	
perjury under the laws of the State of	California that the foregoing is true and correct,
and that I executed this Proof of Service	
	(date)
(place of signing, e.g., city or count	y)

(complete signature)



Exhibit F

List of Adjudicated Newspapers in Fresno County (Adjudicated by Fresno County Superior Court)

PUBLICATION DEADLINES VARY FOR EACH NEWSPAPER – PLEASE CONTACT NEWSPAPERS IN ADVANCE!

Fresno Business Journal

legals@thebusinessjournal.com (559) 490-3400

Enterprise Recorder

P.O. Box 9 Hanford, CA 93232 slegals@hanfordsentinel.com (559) 582-0471

Mid-Valley Times

Sanger Office 740 N Street Sanger, CA 93657 (559) 875-2511

Reedley Office P.O. Box 432 Reedley, CA 93654 (559) 638-2244 The Kerman News The Firebaugh-Mendota Journal The San Joaquin-Tranquility West Side Advance 652 S. Madera Ave. Kerman, CA 93630 kerwest@msn.com (559) 846-6689

Mountain Press

P.O. Box 97 Prather, CA 93651 <u>mountainpress.weebly.com</u> (559) 855-8100

The Fresno Bee

https://placelegal.mcclatchy.com/legals/freo/ (559) 441-6621

Note: This office makes no representations as to the current status of any newspaper or fee nor does our office make any determination of the proper newspaper to be utilized for legal publications.

EXHIBIT G: Sample Petition for Local Recall (With Official Top Funders)

PETITION FOR LOCAL RECALL

TO THE HO Pur electors of th	NORABLE (See note ¹) rsuant to the California Constitution and Californi	a election laws, we the unc	lersigned registered an California, resr	nd qualified
that we seek	the recall and removal of (See	$\underline{-}$ (coo note) ho	lding the office of	Joonany State
(See note ⁵)	the(See note ²)of(See the recall and removal of(See , in(See note ²)_ e following Notice of Intention to Circulate Recall	. California.		
The	following Notice of Intention to Circulate Recall	Petition was served on	(Date)	to
(See note ⁴)	;		()	
	The answer of the officer so (Insert Officer's Statem (If no_statement, ins	ent here—200 words or les ert "No Answer was Filed")	bllows: ss)	
	undersigned states for himself/herself that he o		alified elector of the	
(See note ²)	of (See note ³)	_, California.		
	NOTICE T Y IF IT IS THE SAME MONTH SHOWN IN THE FUNDERS" SHEET FOR THIS MO ETITION MAY BE CIRCULATED BY A PAID SIG	ONTH. [11-point boldface	type (§ 101)]	
	RIGHT TO ASK. [11-po	int non-boldface type (§ 10	1)]	
OFFICIAL TOP FUNDERS. Valid only for [Month, Year ⁶] Petition circulation paid for by [name of the committee as it appears on the most recent Statement of Organization filed pursuant to Government Code section 84101] <u>Committee major funding from:</u> [Largest contributor] [Second largest contributor] [Third largest contributor] [OPTIONAL] Endorsed by: [First endorser] [Second endorser] [Third endorser] [Third endorser] [Third endorser]				
		<u>.</u>		Column must be
ГГ				at least 1" wide
	1. Print Your	Residence		
	Name:	Address ONLY:		
	Sign As			
	Registered To Vote:	City	Zip:	
		City:	<u>داب</u>	
	2. Print Your Name:	Residence Address ONLY:		
	Sign As Registered To Vote:	City:	Zin	
-	•	-		
	Print Your Name:	Residence Address ONLY:		
	Sign As			
	Registered To Vote:	City:	Zip:	
<u>. </u>				
DE	CLARATION OF PERSON CIRCUL (MUST BE IN CIRCULAT)		-	ΓΙΟΝ

______(See note⁷)______, solemnly swear (or affirm) all of the following:

1. That I am 18 years of age or older.

I.

That my residence address, including street and number, is _______. (If no street or number exists, a designation of my residence adequate to readily ascertain its location is ______.)

3. That the signatures on this section of the petition form were obtained between _____(Month and Day)_____, 20____, and ____(Month and Day)_____, 20____; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on ______, California.⁸

Circulator's Signature

Date

¹ Insert 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.

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

 $^{3}\,$ Insert geographical location here – City, County, etc., as appropriate.

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

⁶ The month and year must start at most seven days after the date the top contributors as defined in Government Code section 84501(c) were last confirmed.
 ⁷ Insert here – Printed full name of person who gathered signatures.

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

⁵ Insert here – Name of office.

EXHIBIT G: Sample Petition for Local Recall (Excluding Official Top Funders)

PETITION FOR LOCAL RECALL

TO THE HONORAB Pursuant to	LE(See note ¹ the California Constitution		, a election laws, we t	he undersigned re	egistered and q	ualified
electors of the	(See note ²)		(See note ³)		, California, res	
state that we seek the	e recall and removal of		(See note ⁴)	, holding	the office of	-
(See note ⁵)	, in	_(See note ²)_	, Calife	ornia.		
The followin	g Notice of Intention to Ci	irculate Recall I	Petition was served	on(Da	ate)	to
(See note ⁴)	:					

(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 _____, California.

NOTICE TO THE PUBLIC:

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

Column must be

			at least 1" wide
1.	Print Your: Name: DO NOT SIGN UNLESS you have seen Official T		
	Sign As Registered To Vote:	City:Zip:	
2.	Print Your Name: DO NOT SIGN UNLESS you have seen Official T Sign As		
	Registered To Vote:	City: Zip:	
3.	Print Your Name: DO NOT SIGN UNLESS you have seen Official T Sign As Registered	Fop Funders sheet and its month is still valid. City:Zip:	
4.	To Vote: Print Your Name: DO NOT SIGN UNLESS you have seen Official T	Residence Address ONLY:	
	Sign As Registered To Vote:		

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

_(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 and Day)_____, 20____, and ____(Month and Day)_____, 20____; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.
- 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

¹ Insert 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.

⁷ The petition must be set in at least 8-point type. If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petition be printed on 8 ½" x 14" paper in order to maximize the number of signatures spaces printed on a sheet of paper.

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

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

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

⁵ Insert here – Name of office.

⁶ Insert here – Printed full name of person who gathered signatures.

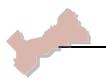


Exhibit H FORMAT RULES FOR PETITIONS

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

EC § 11041

In an effort to ensure that the proponents' Notice of Intention and the Answer filed by the local officer whose recall is being sought are equally featured on the petition, the following format rules will apply:

- 1. To ensure uniformity of size, darkness, and spacing, do not use bullets, CAPITALIZATION, **bolding**, or <u>underlining</u> in the Notice of Intention and the Answer.
- 2. Use of any attributes must be applied equally to the Notice of Intention and the Answer when printed on the petition. Attributes used in the filed Notice of Intention or the Answer may be removed on the petition to ensure uniformity.
- 3. Each side of a sheet of paper on which signatures appear must include, in no less than 8-point type:
 - (a) A request that an election be called to elect a successor to the office.
 - (b) A copy of the Notice of Intention, including the statement of reasons for recall, and the names (no addresses) of at least ten proponents that appear on the Notice of Intention. The text of Elections Code section 11023 does not need to be included as part of the language of the Notice of Intention on the petition.
 - (c) The Answer, if any, of the officer sought to be recalled. If the officer has not answered, the petition must so state.
- 4. When printing the proponent's names on the petition, the names must be typed, following the format of the <u>printed</u> name on the Notice of Intention. For example, if no period is provided after the middle initial, then do not print a period on the petition. Names may be separated by a semi-colon and no signature mark (i.e., "s/") is necessary since the line that precedes the names announces them as proponents.
- 5. No additional verbiage may be added to the petition that is not explicitly authorized on the draft petition.
- 6. Grammatical errors, punctuation, and spelling errors on the filed Notice of Intention and Answer will NOT be corrected. Such statements must be printed as filed.
- 7. Corrections will be made to the opening paragraph, signature spaces, and circulator's declaration to meet the requirements of law.
- 8. The elections official reserves the right to enact other rules that would ensure the equal presentation of both sides of the recall question and any attempts to draw special attention to one area of the petition over others will not be permitted.

Exhibit I - Sa	mple Proof of Publication	5
WEST SIDE ADVANCE 14693 W. Whitesbridge Ave. P.O. Box 336 Kerman, CA 93630 Telephone: 559-846-6689	This space is for the County Eler Filing Stamp APR 1 5 2015 FRESNO COUNTY CLERK By	
PROOF OF PUBLICATION (2015.5 C.C.P.)	Proof of Publication Notice of Intention to	64 . J.
STATE OF CALIFORNIA	Circulate Recall Petition	A DESCRIPTION OF THE R
County of Fresno, I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the West Side Advance , a newspaper of general circulation, printed and published weekly in the City of Kerman, County of Fresno, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of February 9, 1956, Case Number 45745; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit: <u>April 15</u> ,	voters of Pomegranate Unified School District, in the State of California, here are the proponents of a recall petition and that we intend to seek ye from the office of Pomegranate Unified School District Board of Tru Fresno, California, and to demand election of a successor in that of The grounds for the recall are as follows: Trustee Lex Luthor misled the voters of Pomegranate Unified School would bring stability to the District and be open with his intentions has voted not to renew contracts of various administrators and teal of stability to the District to the detriment of the students. Trustee Lut have violated the Brown Act. He ignored the recommendations of a panel for the Heroes Achievement Program and appointed an indiv approved by the panel. His actions show a lack of transparency and and academic instability. Trustee Luthor has lost the trust of the voi the voters of Pomegranate Unified School District request a recall of said Trustee. The printed names signatures and residence addresses of the pro- NAME ADDRESS	aned registered qualified eby give notice that we our recall and removal ustees in the County of office. bol District. He said he and vision. He achers bringing a lack thor has appeared to an independent search vidual that was not d have led to financial ters. For these reasons election for the removal
all in the year $20\underline{15}$. I Certify (or declare) under penalty of perjury that the foregoing is true and correct.	Didde Balilier25479 W. Green, Star City, CA 93728Arthur Curry7696 S. Webbing Rd. Star City, CA 93728Oliver Queen25411 W. Mars, Star City, CA 93728Jean Grey25442 Logan St., Star City, CA 93728Telephone number to contact proponents (559) 698-5515A copy of this notice and proof of service will be filed with the FreshRegistrar of Voters' Office.	/s/ Arty Curry /s/ Oliver Queen /s/ Jean Grey
Dated at Kerman, California this15th		
day of April ,20_15		
Signature Of Affiant		
Signature		



Exhibit J

Statistical Sampling Formula for Random Sample Method

The following formula will be used to calculate the percentage of valid signatures if a random sampling signature verification has been used:

- V = Number of Valid Signatures
- A = Value of Each Signature
- B = Extra Value of Each Duplicate Signature
- C = B x The Number of Duplicates

Here is the Calculation:

- CALCULATE (Raw Count) x (Sufficient in Sample / Sample Amount or 500, Whichever Is Greater) = V
- 2. DIVIDE Raw Count / Sample Amount = A
- 3. MULTIPLY A x (A 1) = B
- 4. MULTIPLY B x Number of duplicates = C
- 5. SUBTRACT V C = Corrected Valid

For Example:

- Raw Count: 25,000
- Sample (5%): 1,250
- Sufficient in Sample: 900
- Number of Duplicates: 1
- 1. CALCULATE 25,000 x (900 / 1,250) = 18,000
- 2. DIVIDE 25,000 / 1250 = 20
- 3. MULTIPLY 20 x (20 1) = 380
- 4. MULTIPLY 380 x 1 = 380
- 5. SUBTRACT 18,000 380 = 17,620

17,620 is the corrected valid signatures for this petition