



County of Tuolumne

The Recall Process



2 S Green Street, Sonora CA, 95370



(209) 533-5570



elections@tuolumnecounty.ca.gov



www.co.tuolumne.ca.us/elections

Important Notice:

The handbook for recalling local officials is intended to provide general information, and does not have the force and effect of law, regulation or rule.

It is distributed with the understanding that the County of Tuolumne County Clerk/Auditor-Controller is not rendering legal advice and, therefore, the handbook is not to be a substitute for legal counsel for the individual or organization using it.

It is the responsibility of the proponents of a recall effort to obtain the most up-to-date information available, reflecting changes in laws or procedure subsequent to the publication of this guide.

Table of Contents

General Information _____	4
Initiating the Recall Process _____	8
Preparing, Filing, and Approval of the Draft Petitions _____	13
Circulating the Petitions _____	20
Filing the Petition _____	28
Examination of Signatures _____	30
Recall Election _____	35
Special Considerations _____	41
Proof of Personal Service _____	Exhibit A
Proof of Service by Certified Mail _____	Exhibit B
Notice of Intention to Circulate Recall Petition _____	Exhibit C
Petition for Recall Format _____	Exhibit D
Sample Proof of Publication _____	Exhibit E
Recall Process Flowchart _____	Exhibit F
Format Rules for Petitions _____	Exhibit G

General Information

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

Who Can Be Recalled?

Federal Officers

Federal officers are not subject to recall. The removal of U.S. Representatives or U.S. Senators is governed by United States Constitution. "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." The President, Vice President and all civil officers of the United States are removed through the process of "impeachment" which is governed by the United States Constitution.

United States Constitution, Article 1, Sec. 5 (2)

State Officers

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. For further information on recalling a state officer, please see the "Procedure for Recalling State and Local Officials" at the Secretary of State's website at www.sos.ca.gov.

Elections Code §§ 11001, 11006

Local Officers

Local officers may be recalled. A "local officer" is defined as an elective officer of a city, county, school district, community college district, or special district, or a judge of a trial court.

EC §§ 11001, 11004

What Circumstances Justify a Recall?

Neither the California Constitution nor the Elections Code states under what circumstances recall is justified. The Constitution states, in connection with recalls of state officers, "[s]ufficiency of reason is not reviewable." The Elections Code, referring to the proponents' statement of reasons for the recall and the incumbent's answer, "[t]he statement and answer are intended solely for the information of the voters. No insufficiency in form or substance thereof shall affect the validity of the election proceedings."

California Constitution Art. II, Sec. 14, EC §11024

When is a Recall Not Allowed?

You cannot start a recall process against an officer if:

- 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.
- The officer's term of office ends within six months or less.

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

EC §11007

Who is the Election Official?

The “election official” depends on the jurisdiction of the officer you are seeking to recall.

County Elections Official

The county elections official (County Clerk – Auditor/Controller) is the elections official in the case of the recall of an officer of:

- A County Office
- A School District Office
- County Board Of Education Office
- Community College District or Resident Voting District
- Judges Of Trial Courts

City Clerk

The city clerk is the elections official in the case of the recall of officers of

- A City Office

Secretary of the Governing Board

The secretary of the governing board in case of the recall of officers of:

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

EC §§ 307, 311, 11002

"Governing Board" includes a city council, the board of supervisors of a county, the board of trustees of a school district or community college district, or the legislative body of a special district. In the case of the recall of a trial court judge "governing board" means the board of supervisors.

EC § 11003

Who Can Initiate a Recall?

Any qualified elector may initiate a recall. A qualified elector is a registered voter of the jurisdiction who is eligible to vote for the officer he/she wants to recall. The minimum number of proponents is ten (10), or equal to the number of signatures on the nomination papers the officer sought to be recalled would be required to file, whichever is higher.

EC §§322, 11005, 11020

Who Pays for a Recall Effort?

The proponents pay for:

- Preparation and publication of Notice of Intention
- Preparing and printing petitions
- Collecting signatures for the petition

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

- Verifying signatures
- Conducting the election

Campaign Finance Reporting

Both the recall proponents who organize to qualify a recall for the ballot, those who oppose a recall effort, as well as candidates, will have to meet the filing obligations and campaign disclosure requirements required by the state Political Reform Act, 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 the state Fair Political Practices Commission, which enforces the Political Reform Act, at ww.fppc.ca.gov or (916) 322-5662. The address is 428 "J" Street, Suite 800, Sacramento 95814.

The County of Tuolumne Elections Department is not permitted to advise you on which documents you are required to file.

Initiating the Recall Process

The proponents begin the recall process by serving, filing and publishing a Notice of Intention to circulate a recall petition. This is a statement of why you want to recall the officer and list the names and addresses of the proponents. Please see **Exhibit C** at the end of this handbook for an example of the format.

IMPORTANT

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

NOTE: Except as otherwise specified, references to the number of days means 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 include:

- The name and title of the officer to be recalled.
- A statement, no more than 200 words, stating the reasons for the proposed recall.
- The printed name, signature, and residence address of each 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. An address should include the city, state, and zip.

- The language from EC 11023 informing the officer of their right to file an answer.

If a Notice of Intention is found by the Elections Official to be incomplete or incorrect, the proponents will be required to prepare a new Notice of Intention, including the collection of signatures of the proponents and service to the person to be recalled.

Please see **Exhibit C** at the end of this handbook for an example of the format.

The “proponents” are voters who initiate the recall process and have control of the circulation of and obtaining signatures to the recall petition. The number of proponents required to sign the Notice of Intention is ten (10) or equal to the number of signatures on the nomination papers the officer sought to be recalled would be required to file, whichever is higher. All proponents must be registered to vote in the jurisdiction and eligible to vote for the officer they want to recall.

EC 11005, 11020

A separate Notice of Intention must be filed for each officer you want to recall.

EC 11021

Office	Nomination Signatures Required	Minimum Number of Proponents Required on Notice of Intention
County Officer	20	20
County Board of Education Member	20	20
Judges of Trial Courts	20	20
City Elected Officer	20	20
School Governing Board Members	0	10
Special District Board Members (Fire, Water, Park and Recreation, etc.)	0	10

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 you want to recall. After service, the proponents must complete and file the appropriate proof of service with the elections office. Example formats of a “Proof of Personal Service” (**Exhibit A**) and “Proof of Service by Certified Mail” (**Exhibit B**) are available at the end of this handbook.

EC 11021

Publishing the Notice of Intention

A copy of the notice must be published, at the proponents' expense, at least once in a newspaper of general circulation. The publication does not need to include the answer to the Notice of Intention from the officer you want to recall, nor the language of EC 11023.

To qualify as an appropriate newspaper for publication of the Notice of Intention, the newspaper must be adjudicated as a "Newspaper of General Circulation" within the electoral jurisdiction that is the subject of the recall. Currently there is only one newspaper adjudicated as newspapers of general circulation for all of Tuolumne County, The Union Democrat.

If the publication is not possible, the notice is to be posted in at least three public places within the jurisdiction of the officer you want to recall. Posting is allowed only if there is no newspaper of general circulation able to provide timely publication in the jurisdiction of the officer whose recall is being sought. However, as there currently is a newspaper for all of Tuolumne County, this option is rare.

GC §6000, et seq., EC §11022

Proof of Publication

The proof of this publication must be filed with the draft petition required later in the process.

The Proof of publication is obtained from the newspaper publisher after the Notice of Intention was published (**Exhibit E**). This is an originally signed affidavit stating the location and date the notice was published, and includes a clipping or an image or of the notice as it appeared in print. A payment receipts or proof of purchase will not be accepted.

Filing the Notice of Intention

Within seven days of serving the officer you want to recall, the proponents must file with the elections official:

- The original Notice of Intention
- A copy of the proof of service (separate document for each officer served)

Please see the example formats of a “Proof of Personal Service” and “Proof of Service by Certified Mail” (**Exhibit A**) at the end of this handbook (**Exhibit B**).

EC 11021

After the proponents file the Notice of Intention, the Elections Official will verify:

- 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 registered at the address on the Notice of Intention.
- The language contained in EC 11023 informing the officer of his or her right to file an answer is present.

If a Notice of Intention is found by the Elections Official to be incomplete or incorrect, the proponents will be required to prepare a new Notice of Intention, including the collection of signatures of the proponents and service to the person to be recalled.

Answer to the Notice of Intention Language

The officer you wish to recall has the right to file a response to the Statement of Reasons in the Notice of Intention. If they choose to file an answer, the answer:

- Is limited to 200 words
- Must include the officer's printed name and business or residence address.
- Must be signed by the officer
- Must be filed with the county elections official within seven (7) days after the filing of the Notice of Intention by the proponents.

Within that same 7 day period, the officer shall also serve a copy of their response 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

Note:

If you did not receive an officer's answer, contact the elections official to verify if one was filed and to receive a copy. It is the proponents' responsibility to verify with the elections official whether or not an answer has been filed prior to continuing on to the next step in the recall process.

Preparing, Filing, and Approval of the Draft Petition

Before gathering signatures on any recall petition, proponents are required to submit their petition's design and format to the elections official. It will be reviewed to determine if it complies with the requirements of the Elections Code. Noncomplying petition forms will be rejected as invalid.

EC §11042

Formatting the Petition

The recall petition format provided by the Secretary of State is mandatory and must be used. Please see **Exhibit D** at the end of this handbook as the example. This format is also available in the Secretary of State's "Procedure For Recalling State And Local Officials" located at www.sos.ca.gov.

EC §§11041, 11043.5

Heading

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

EC § 11043

The diagram shows two sections of a petition form. The top section, labeled "Top of the Petition", shows a dashed line at the top with a double-headed arrow indicating a 1-inch margin. Below the dashed line, the text "TO THE HONORABLE" is on the left and "PETITION FOR RECALL" is on the right. The bottom section, labeled "Bottom of the Petition", shows a solid line with a double-headed arrow indicating a 1/2-inch margin. Above the solid line, the text "Executed on _____ at _____, California" is on the left and "Date" is on the right. Below the solid line, the text "Circulator's Signature" is on the left and "Date" is on the right.

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. (In the case of a Supreme Court or Appellate Court Justice, request shall be that the Governor appoints a successor).

- 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.

Note:

The name of the proponents must appear exactly as printed on the Notice of Intention. No signature mark is necessary (s/).

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.

EC § 11041

Example Heading

A

TO THE HONORABLE Pomegranate Unified School District Board,

Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the Pomegranate Unified School District of Tuolumne County, California, respectfully state that we seek the recall and removal of Lex Luthor, holding the office of Board Trustee in Pomegranate Unified School District of Tuolumne County, California.

We demand an election of a successor to that office.

The following Notice of Intention to Circulate Recall Petition was served on January 12, 2017 to Lex Luthor.

B

Trustee Lex Luthor misled the voters of Pomegranate Unified School District. He said he would bring stability to the District and be open with his intentions and vision. He has voted not to renew contracts of various administrators and teachers bringing a lack of stability to the District to the detriment of the students. Trustee Luthor has appeared to have violated the Brown Act. He ignored the recommendations of an independent search panel for the Heroes Achievement Program and appointed an individual that was not approved by the panel. His actions show a lack of transparency and have led to financial and academic instability. Trustee Luthor has lost the trust of the voters. For these reasons the voters of Pomegranate Unified School District request a recall election for the removal of said Trustee.

Clark Kent, Bruce Wayne, Peter Parker, Diana Prince, Jon Jones, Steven Rogers, Bruce Banner, Arthur Curry, Oliver Queen, Jean Grey

C

The answer of the officer sought to be recalled is as follows:

No Answer was Filed

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
- D. The name of the incorporated city or unincorporated community, state, and zip

EC §§ 100, 11043

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

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

EC §§ 100, 11043

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the _____ of _____, California.

	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	<i>At Least 1 Inch</i> ↔
<u>1.</u>	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY ZIP	
	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
<u>2.</u>	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY ZIP	
	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
<u>3.</u>	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY ZIP	

Declaration of Circulator

Each section of the petition must have attached a declaration signed by the circulator. A “circulator” is the person soliciting signatures. This declaration states in the circulator's own hand all of the following:

- A. The printed name of the circulator.
- B. The residence address of the circulator, giving the street and number. (Or if no street or number exists, an adequate designation of the residence so that its location can be determined.)
- C. The date range all signatures on the section were obtained.
- D. That the circulator circulated that section and witnessed the 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. That the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury. The circulator shall state the date and the place of execution on the declaration along with his or her signature.

Note:

Preprinted dates, or generalized dates other than the particular range of dates on which the petition section was circulated, are not acceptable.

Failure to complete or an incorrectly completed declaration may invalidate all signatures on that section.

EC §§ 104, 11046

DECLARATION OF PERSON CIRCULATING SECTION OF RECALL PETITION

I, _____, 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 _____.
3. That the signatures on this section of the petition form were obtained between _____, 20____, and _____, 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 _____ at _____, California.

Circulator's Signature

Date

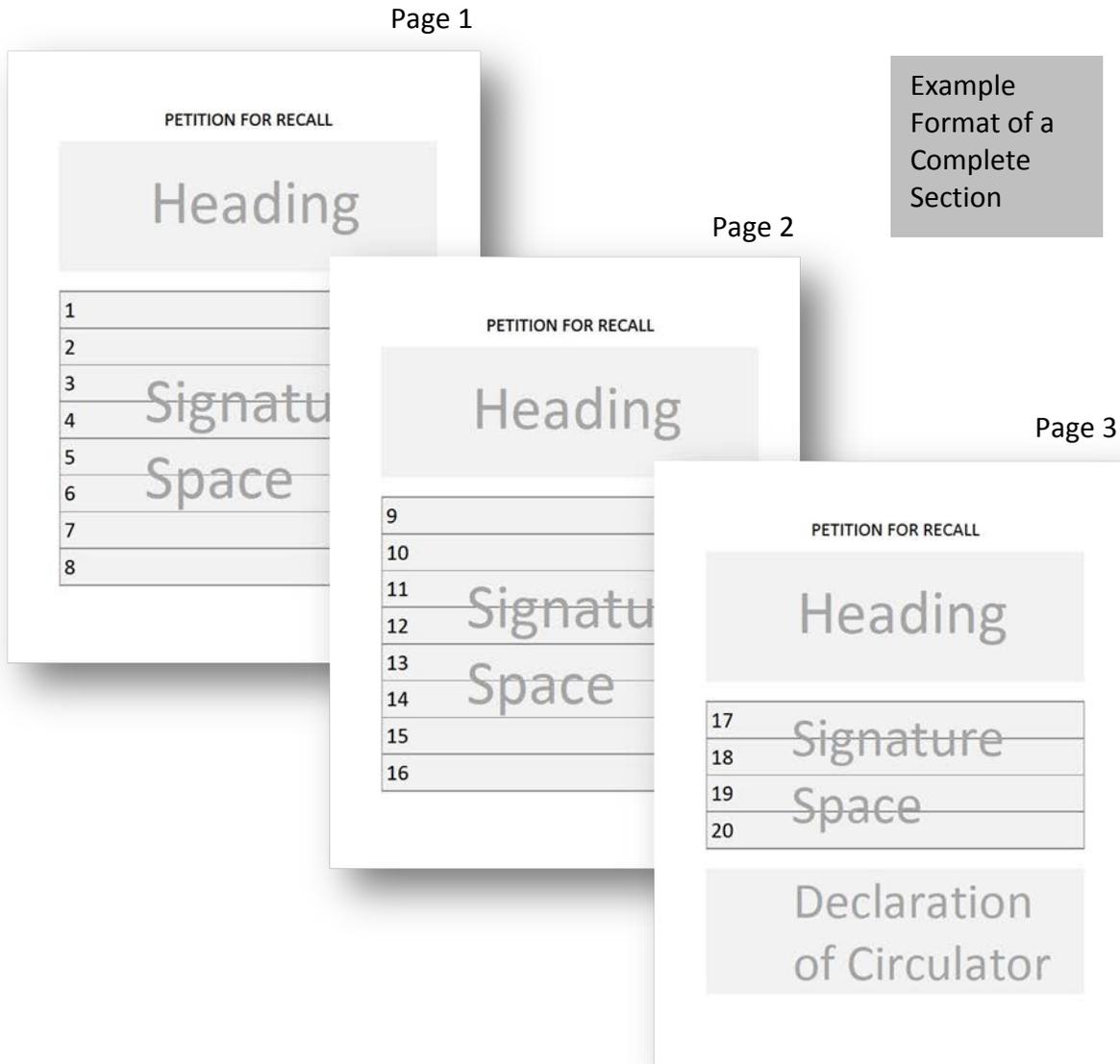
Sections

A “section” of a petition is one that contains consecutively numbered signature lines and ends with the Declaration of Circulator. The Declaration of Circulator must follow the last signature box.

Each section may consist of any number of separate pages. However, each page (which includes each side of a sheet of paper) must begin with the heading information. All of a section must be circulated by the same person.

A recall petition may consist of any number of separate sections. But, each section must be duplicates, except the signatures and information required to be personally entered by signers and circulators.

EC § 11040



Things to Consider

- Text of the filed Notice of Intention and Answer must appear on the draft petition exactly as it appeared on the original documents. It cannot be corrected for spelling, grammatical errors, punctuation, etc.
- All petitions sections must be printed in uniform size and darkness with uniform spacing. EC §11041
- The petition can be printed on 8 ½" x 11" or 8 ½" x 14" or larger.
- The petition can be doubled-sided. 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.
- The petition can be printed on color paper; however, neon colors are not recommended.
- Review **Exhibit G** for format rules for petitions.

Filing the Draft Petition and Proof of Publication

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

- Two (2) blank copies of the draft recall petition
- Proof of publication or an affidavit of posting the Notice of Intention.

Note:

Proof of publication is obtained from the newspaper publisher after the Notice of Intention was published. This is an originally signed affidavit stating the location and date the notice was published, and includes a clipping or an image of the notice as it appeared in print. See **Exhibit E** for an example. Payment Receipts or Proof of Purchase will not be accepted.

EC §11042

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 Elections Code section 11043.

The elections official will have ten (10) days of the 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 must, within ten (10) days of receiving notification from the county 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 county elections official finds that no further changes are necessary.

EC §11042

Important

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 may not 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 election code.

EC §11042(d)

Number of Days Allowed for Circulating the Petition

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

Number of Registered Voters in District	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

EC § 11220

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)

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 only 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 the 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), 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.
- It is recommended an additional 50% of signatures above the amount that is required are obtained to compensate for invalid signatures.
- If eligible, a signer can register or re-register at the same time they sign the recall petition. The registration card must be completed and signed on or before the day they sign the petition. Please contact the County Elections Office for Voter Registration Cards.

Note:

The registration cards must be received by the County Elections 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 district. Every person requesting voter registration information must complete the “Application and Use Agreement” which can be located online [here](#). Please contact the County Elections Office for further information.
- The circulator must personally affix, in their own handwriting, his or her printed name and residence address and the specific dates of circulation of each petition section in every circulator’s affidavit. Preprinted dates or generalized dates other than the particular range of dates on which the petition section was circulated are not authorized.

EC §§104, 11046

- 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 their name on the same line next to the mark. Witnesses do not have to be registered, and the circulator may serve as a witness.

EC §100.5, Government Code 16

- If a recall petition is circulated in more than one county, a separate section should be used for each 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.

EC §11047

Number of Signatures Required on the Petition

If an officer of a county, school district, county board of education, or special district is sought to be recalled, the number of signatures must be equal in number to not less than the following percent of registered voters in the electoral jurisdiction:

Number of Registered Voters in District	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 County Elections Official to the Secretary of State prior to the finding by the Elections Official that no changes are required in the form of the recall petitions. Ask the County Elections Official for a copy of that report.

EC §2187

If a judge of a superior court is sought to be recalled, the number of valid signatures must be equal in number to at least the twenty percent (20%) of the last vote for the office. If the office has not appeared on the ballot since its creation or did not appear at its last regularly scheduled date, the number of signatures must be equal in number to at least twenty percent (20%) of the votes cast within the jurisdiction for the "countywide office" which had the least number of votes in the most recent general election in the county in which the judge holds his or her office.

California Constitution, Article 2, Section 14, Elec. Code §11221

Allowing a “Cushion” for Invalid Signatures

Signatures on the petition may be invalid for a number of reasons. It is recommended that proponents include extra signatures 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 sought to be recalled.
- The signer has moved since last registering to vote and hasn't re-registered.
- The signer wrote a P.O. Box or business address as their residence address.
- The signer did not include the city, state, or zip with their address.
- The signer signs the petition more than once. Only the first signature reviewed during verification will be counted. In addition, any duplicate signatures found in a "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 the signature on the voter registration card on file with the county elections official.
- 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.

Note:

Recall proponents should advise their circulators of the importance of fully and accurately completing the declaration.

Under no circumstances should a circulator make any changes or corrections to the signatures or addresses that a voter has written on the petition.

EC §§100, 104, 105, 321, 359 and 11046

Circulating Petition on Private Property

Petition circulators often seek to circulate petitions at shopping centers and other private property. As shopping centers are private property, the courts have had to balance the private property rights of the shopping center owners against the free speech and petition rights of petition circulators. Both supporters and opponents of a recall are advised to contact the property manager or owner in advance of circulating petitions and to seek legal counsel when issues arise as to their speech and petitioning rights at shopping centers or private property. The County Elections Office cannot advise you in this matter.

Penal Provisions

The following are selected penal provisions relating to circulation of recall petitions. (See §§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 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.

EC §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

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.

EC §18650

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 county 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 incarceration in a county jail not exceeding one year, or by both the fine and imprisonment.

EC §18614

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 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

Withdrawal of Signatures

Any voter 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 and 11303

The written request must state:

- A request to withdraw their signature
- Which recall petition
- Their name
- Their residence address
- Their signature

Note:

The Elections Official will not know when the proponents will choose to file the recall petitions. Consequently, it is recommended any person wishing to withdraw their signature from the recall do so as soon as possible.

Filing the Petition

All sections of the recall petition circulated within a particular county must be filed at the same time with that Elections Official by the deadline 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 by the proponents or by any person or persons authorized in writing by a proponent. A copy of the written authorization must be included with the filing

EC §11222(a)

“Prima Facie” Review

The Elections Official will ask the filer to provide the number of sections and number of signatures.

It is recommended that the petitions be separated in stacks reflecting the amount of signers on each section. For example, a stack of all sections with 10 signatures, a stack of all sections with 9 signatures, a stack of all sections with 8 signatures etc. This will assist the Elections Official to determine whether the number of signatures, on its face, is equal to or is in excess of the minimum number of signatures required. If so, the Elections Official shall accept the petition for filing.

The petition shall be deemed as filed on that date. Any petition not so filed must be returned to the proponents and is void for all purposes.

EC 11222(b)

Resignation of the Officer

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

Anyone appointed to fill the vacancy serves only until a successor is selected and qualifies for the office

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

EC §11302

Examination of Signatures

The elections official must verify every signature submitted or, where more than 500 signatures are submitted, may use a random sampling signature verification technique.

If Random Sample Is Not Used

If the random sampling technique is not used, the elections official has 30 days (excluding Saturdays, Sundays, and holidays) from the date of filing of the petition, to determine whether the petition is signed by the required number of voters, certify the results of the examination, and notify the proponents. If the petition is found to have sufficient signatures, the elections official must certify the results to the governing board at its next regular meeting. If the petition is found to have insufficient signatures, the elections official must certify this result.

EC § 11224

If Random Sample Is Used

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

If the random sampling technique is used, the elections official must complete the examination of the sample of signatures within 30 days (excluding Saturdays, Sundays, and holidays) of the filing of the petition. If, for example, seventy-nine percent (79%) of the sample signatures are found to be valid, then seventy-nine percent (79%) of the entire number of signatures are deemed to be valid.

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 certify the results of the examination to the governing board 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 certify the results of the examination to the governing body at its next regular meeting.

If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient. If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the later filing of an entirely new petition to the same effect.

Statistical Sampling Less Than 90%

If the total number of valid signatures is less than ninety percent (90%) of the number of signatures required to qualify the petition, the elections official shall certify the petition to be insufficient. If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the later filing of an entirely new petition to the same effect.

EC § 11225

Statistical Sampling Formula for Random Sample

The following formula will be used to calculate the percentage of valid signatures if a random sample 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

Calculation:

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

Example:

- Raw Count: 25,000
- Sample (5%): 1,250
- Sufficient in Sample: 900
- Number of Duplicates: 1

1. CALCULATE – $25,000 \times (900 / 1,250) = 18,000$
2. DIVIDE – $25,000 / 1250 = 20$
3. MULTIPLY – $20 \times (20 - 1) = 380$
4. MULTIPLY – $380 \times 1 = 380$
5. SUBTRACT – $18,000 - 380 = 17,620$

17,620 is the corrected number of valid signatures in this example.

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 notifying the proponents and district 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, within 21 days the proponents whose names are listed on the Notice of Intention, or representatives as designated by the proponents in writing, are allowed to examine the petition signatures in order to determine which signatures were disqualified and the reasons.

Government Code §6253.5, EC §11301

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 Officials will certify the results by preparing a certificate. The proponents and district will be notified of this result.

EC §§11224, 11225

If the petition was circulated in more than one county, the elections official of each county shall affix, with the certificate showing the results of his/her examination and the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled.

EC §11223

If a petition is found to be **sufficient** by the Elections Official, no one may examine the petition.

Government Code §6253.5

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)

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

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

EC §11227

Recall Election

When a recall election is called, it will be conducted, canvassed, and the results declared in the same method as a regular election for that office.

EC §11328

Calling the Election

The governing body is to issue an order calling for an election within 14 days after the regular meeting where the governing body receives the certificate of sufficiency from the county elections official.

EC §11240

If the governing body fails to act within those 14 days, the county elections official will 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 will set the date after consulting the elections officials of the other counties

EC §11241

One election is sufficient for the recall of several officers

EC §11329

Date of the Election

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

EC §11242

The election must be held on a Tuesday. It cannot be held on the day before, the day of, or the day after a state holiday.

EC §1100

If a regular or special election is scheduled in every part of the electoral jurisdiction of the officer sought to be recalled within this time period, the recall election will be held on the same day.

EC §11242

Candidate Filing

For those wanting to replace the recalled officer, the filing period for candidates opens once the order of election is issued. No person is permitted to file for candidacy before that time.

The candidate filing period will close 75 days before the date of 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, it will be done by the 71st day prior to the election

EC §11381

The officer whose recall is being sought may not be a candidate to replace themselves or any other member of the same governing board that is also the subject of a recall.

EC §11381

Candidate Qualifications

In order to become a qualified candidate, a person must file the same nomination documents as a candidate for that office at a regularly scheduled election. This may include, a Declaration of Candidacy, Nomination Petition, or Statement of Write-In Candidacy.

Also, it may be required to file documentation, including certificates, declarations under penalty of perjury, diplomas, or official correspondence to determine qualification for the office.

EC §13.5

Nomination Signatures

Depending on the office held by the officer sought to be recalled, Nomination Petitions may be required of candidates. The number of nominating signatures, if any, will be the same as required of candidates seeking that particular office in a regular election.

EC §11381

Filing Fee

The filing fee for county offices is 1% of the officer's annual salary. There is no filing fee for school or special district offices.

EC §8104(b)

Signatures-in-Lieu

If there is a filing fee, petitions-in-lieu (aka signatures-in-lieu) of payment of that fee will be available to candidates. Signatures may be gathered for credit to offset the fee.

Candidate and Incumbent Statements

Candidate statements for publication in the Voter Information Guide are optional. 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 time his or her nomination papers are filed.

EC §13307(a)(2))

The officer whose recall is being sought may also submit a statement for inclusion in the Voter Information Guide . The statement must be filed no later than 5:00 p.m. on the last day of candidate filing.

EC §11327

All candidate and incumbent statements shall remain confidential until the close of the filing period at 5:00 p.m. on the last day of candidate filing.

Special Consideration for Superior Court Judges

Although it is clear that superior court judges 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.

It is suggested that legal counsel be sought to clarify this issue, should it arise.

Ballot Design

On the ballot for a recall election, voters will decide whether or not to recall the officer and, if there is a candidate, will also choose a replacement if the recall is successful.

Recall Question

The following question will be asked: "Shall [name of officer sought to be recalled] be recalled (removed) from the office of [title of office]?"

It will then have the choices "Yes" and "No".

EC § 11320

Candidates

Below the question will appear the names of the candidates who have filed to be elected to the office if the recall is successful. Write-in spaces will be provided.

EC §11322

Candidates will be listed in randomized alphabet order based on a drawing of letters by the Secretary of State. In the case of candidates for countywide office, they will be listed in the randomized alphabet order and then rotated in conformance with EC §§13111(g) and 13112.

If there are multiple recalls on the same ballot, the list of candidates to succeed to one office would be followed by the recall question for the next office.

To illustrate, the order would be, Recall Question for Office #1, Candidates for Office #1, Recall Question for Office #2, Candidates for Office #2, Recall Question for Office #3, etc.

Shall **LEX LUTHOR** be recalled (removed) from the office of Trustee?

YES

NO

Candidates to succeed **LEX LUTHOR** as Trustee if he is recalled:

VOTE FOR ONE

RAY PALMER
Engineer/Entrepreneur/Parent

BARBARA GORDON
Student/Barista

_____ Write-in

Shall **HARVEY DENT** be recalled (removed) from the office of Trustee?

YES

NO

Official Voter Information Guide

At least 10 days before the recall election, the elections official will mail a voter information guide to each registered voter in the electoral jurisdiction of the officer sought to be recalled.

EC 11324

Notice of Intention and Answer

The Voter Information Guide will include both the statement of reasons for the recall (from the Notice of Intention) and the officer's answer, if one was filed. The statement and answer will be printed on the same page or on facing pages and will be displayed with equal distinction.

EC §11325

If the recall of more than one officer is sought, the statement and answer for each will be printed together and distinguished from other recalls.

EC §11325

Candidate and Incumbent Statements

Candidate Statements and Incumbent Statements, which were filed during the candidate filing period, will be published in the Voter Information Guide.

Results of the Election

Results of the Recall Question

If the majority vote is “yes” on the question to recall, the officer will be removed from office upon the qualification of his or her successor.

EC §11384

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

Result of Votes for Candidates

If the officer is recalled, the candidate receiving the greatest number of votes is elected to the remainder of the recalled officer’s term. There will be no runoff election.

EC §11385

If the candidate elected fails to qualify for the office within ten (10) days after receiving their certificate of election, the office will be vacant and will be filled according to law.

EC §11386

Special Considerations

Campaign Finance Reporting Requirements and Limitations

The recall proponents, who organize to qualify a recall for the ballot and those who oppose the recall effort, as well as any candidates, will have to meet the filing obligations and campaign disclosure requirements required by the state Political Reform Act, and any additional limitations or requirements established by local ordinance. It is imperative for all parties involved with a recall to check with the FPPC and any applicable state and local laws in this regard.

Government Code 81000

Information about specific disclosure requirements, contact the state Fair Political Practices Commission (FPPC), which enforces the Political Reform Act, by phone at (916) 322-5660. The FPPC's address is 428 "J" Street, Room 450, Sacramento, California 95814 and the website is: www.fppc.ca.gov.

After the Election

Repeating a Recall if the Officer is Not Recalled

If the recall election is conducted and the officer is not recalled, a new recall effort cannot be started 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.

PROOF OF PERSONAL SERVICE

I, _____ declare that:
(print full name)

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

(print name)

(city, state, zip code)

(_____) _____
(telephone number)

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

a copy of the Notice of Intention to Recall him/her by delivering the copy of the Notice of Intention to him/her at: _____
(complete address)

on _____ at _____ 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
(print full name)

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

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

(complete signature)

PROOF OF SERVICE BY CERTIFIED MAIL

I, _____ declare that:
(print full name)

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

_____ County at _____
(complete address)

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

Notice of Intention to Recall _____
(name of person sought to be recalled)

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

_____ at:
(name of officer sought to be recalled)

(mail address)

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

I, _____, declare under penalty of
(print full name)

perjury under the laws of the State of California that the foregoing is true and correct,

and that I executed this Proof of Service: On _____ at
(date)

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

(complete signature)

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION¹

TO THE HONORABLE _____ (see footnote²) _____ : Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of _____ (see footnote³) _____, in the State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of _____ (see footnote⁴) _____, in _____ (see footnote 3) _____, California, and to demand election of a successor in that office (see footnote⁵).

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 10, however, more than 10 may be required by law.)

NAME	ADDRESS	SIGNATURE
1. ...		
2. ...		
3. ...		
4. ...		
.....		
.....		
10. (or more. See footnote ⁶)		
Telephone number to contact proponents (optional)(_____) _____ - _____		

A copy of this notice and proof of service will be filed with the _____ (see footnote⁷) _____.

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 If it is the recall of an Appellate Court Justice the request shall be that the Governor appoint a successor to the office.

⁶ At least ten are required. In many cases more than ten are required. Check with your election official to determine the actual number.

⁷ Secretary of State, County Elections Official, City Clerk, Secretary of District, as appropriate.

PETITION FOR RECALL

TO THE HONORABLE _____ (See note¹) _____,

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

We demand an election of a successor to that office. (See note⁶)

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

(Insert complete text of Notice of Intention here)

The answer of the officer sought to be recalled is as follows:

(Insert Officer's Statement here—200 words or less)
(If no statement, insert "No Answer was Filed")

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the _____ (See note²) _____ of _____ (See note³) _____, California.

Column must be at least 1" wide

	PRINT YOUR NAME _____ 1. YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY _____ CITY ZIP	
	PRINT YOUR NAME _____ 2. YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY _____ CITY ZIP	
	PRINT YOUR NAME _____ 3. YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY _____ CITY ZIP	

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

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

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

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

Executed on _____ (Date) _____ at _____ (City or Community Where Signed) _____, California.⁸

Circulator's Signature

Date

¹ Insert here – Secretary of State of California if for a state officer, or name of the appropriate governing body if local. The authority which orders or "calls" elections for that office, or the governing authority for that jurisdiction should be named.

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 In case of Supreme Court or Appellate Court Justice, request shall be that the Governor appoint a successor.

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 1/2" x 14" paper in order to maximize the number of signatures spaces printed on a sheet of paper.

THE TUOLUMNE TELEGRAPH

14693 W. Fruity Way
P.O. Box 336
Pomegranate, CA 95379
Telephone: 209-555-6689

This space is for the County Clerk's Filing Stamp

FILED
APR 15 2015
TUOLUMNE COUNTY CLERK
By _____
DEPUTY

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Proof of Publication

**Notice of Intention to
Circulate Recall Petition**

STATE OF
CALIFORNIA
County of Tuolumne,

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 **The Tuolumne Telegraph**, a newspaper of general circulation, printed and published weekly in the City of Pomegranate an, County of Tuolumne, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Tuolumne, 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:

April 15,

all in the year 20 15. I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Pomegranate, California
this _____ 15th
day of _____ April , 20 15

Signature Of Affiant

Signature

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

To Pomegranate Unified School District Board of Trustee Lex Luthor: Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of Pomegranate Unified School District, in the State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of Pomegranate Unified School District Board of Trustees of the County of Tuolumne, California, and to demand election of a successor in that office.

The grounds for the recall are as follows:

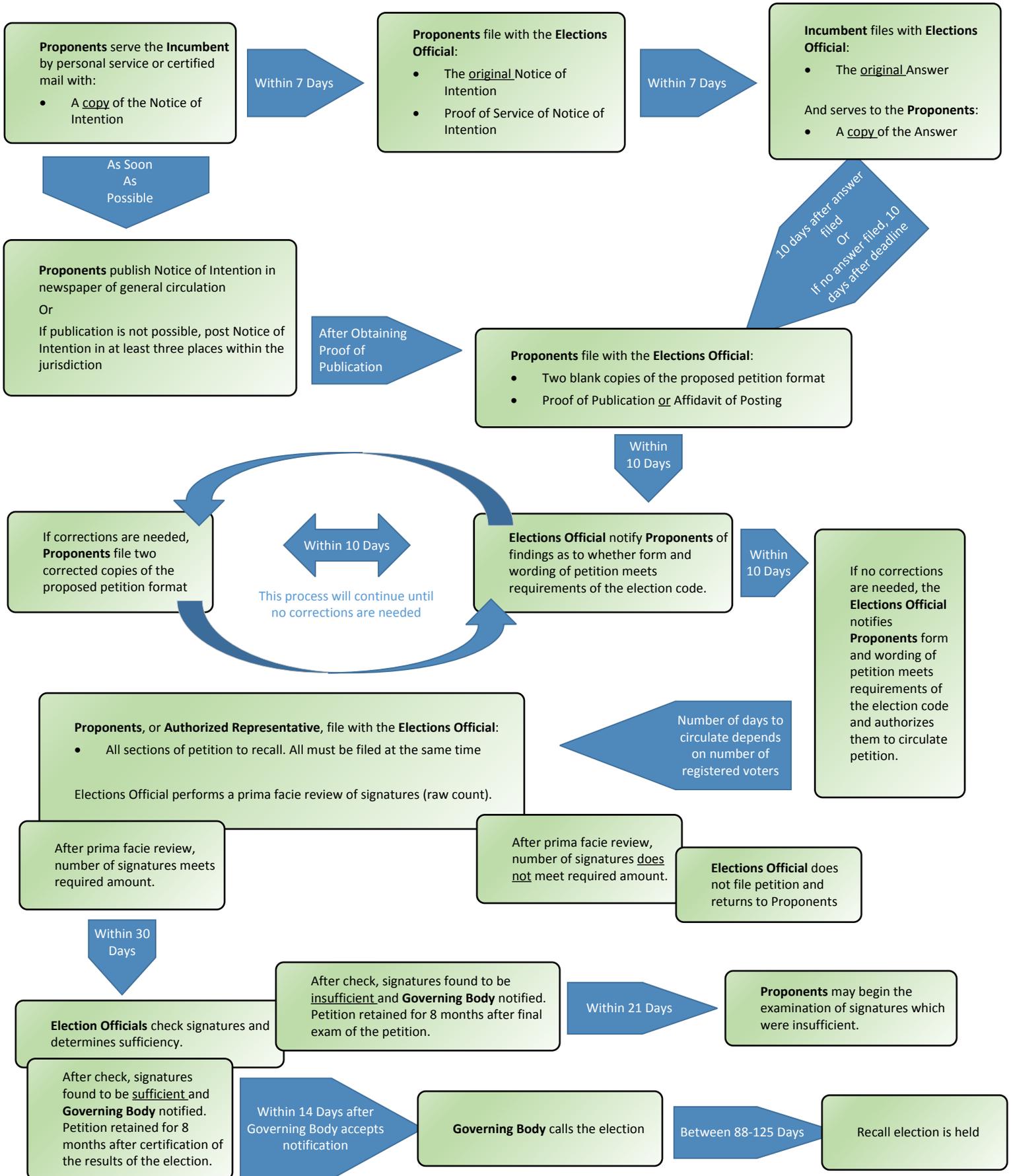
Trustee Lex Luthor misled the voters of Pomegranate Unified School District. He said he would bring stability to the District and be open with his intentions and vision. He has voted not to renew contracts of various administrators and teachers bringing a lack of stability to the District to the detriment of the students. Trustee Luthor has appeared to have violated the Brown Act. He ignored the recommendations of an independent search panel for the Heroes Achievement Program and appointed an individual that was not approved by the panel. His actions show a lack of transparency and have led to financial and academic instability. Trustee Luthor has lost the trust of the voters. For these reasons the voters of Pomegranate Unified School District request a recall election for the removal of said Trustee.

NAME	ADDRESS	SIGNATURE
Clark Kent	25347 Lasso, Star City, CA 93728	/s/ Clark Kent
Bruce Wayne	25628 Robin St., P.O. Box 554, Star City, CA 93728	/s/ Bruce Wayne
Peter Parker	7802 S. Webbing Rd. Star City, CA 93728	/s/ Pete Parker
Diana Prince	22080 Sheild St., Metropolis, CA 93728	/s/ Diana Prince
Jon Jones	25411 W. Mars, Star City, CA 93728	/s/ Jon Jones
Steven Rogers	25569 Lasso, Star City, 93728	/s/ Steve Rogers
Bruce Banner	25479 W. Green, Star City, CA 93728	/s/ Bruce Banner
Arthur Curry	7696 S. Webbing Rd. Star City, CA 93728	/s/ Arty Curry
Oliver Queen	25411 W. Mars, Star City, CA 93728	/s/ Oliver Queen
Jean Grey	25442 Logan St., Star City, CA 93728	/s/ Jean Grey

Telephone number to contact proponent (559) 555-5515
A copy of this notice and proof of service will be filed with the Tuolumne County Clerk Office.

1519w15p

Recall Process Flowchart



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 Intent and the Answer filed by the person 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 underlining in the Notice of Intent and the Answer.
2. Use of any attributes must be applied equally to the Notice of Intent and the Answer when printed on the petition. Attributes used in the filed Notice of Intent 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. 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 printed name on the Notice of Intent. 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 (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 Sample Petition.
6. Grammatical errors, punctuation, and spelling errors on the filed Notice of Intent and Answer, will NOT be corrected. Such statements will be printed as filed.
7. Corrections will be made to the opening paragraph, signature spaces, and affidavit of circulator to meet the requirements of law.
8. The election 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 G