



OFFICE OF THE CITY CLERK

REPORT

REPORT TO THE COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS

DATE: JANUARY 24, 2003

REPORT NO.: 03-01

SUBJECT: PROPOSED AMENDMENTS TO SAN DIEGO MUNICIPAL CODE
RELATED TO RECALL, CHAPTER 2, ARTICLE 7

ISSUE

During the past several years, the City Clerk has recognized the need to review and update the City's election code, Chapter 2, Article 7 of the San Diego Municipal Code. Most of this update process has been completed, with the exception of provisions for recall.

The Clerk has identified a number of areas where the recall provisions could be improved by clarifying and making procedures consistent with other City petition processes, and by updating the code based on changes in state law. Some of the proposals included in this report affect other divisions in the election code. These have been noted in the report.

CLERK'S RECOMMENDATION

Support the proposed amendments to the recall provisions of the code and provide additional direction to the Clerk if desired.

DISCUSSION OF PROPOSED AMENDMENTS

Clarification of existing provisions and articulation of certain procedures will provide better guidance in the administration of the process. Most of the proposed changes are housekeeping in nature. Four more substantive issues -- Officials Subject to Recall; Date Recall Begins; Single Circulation Period; and Verification -- are discussed in detail below.

Officials Subject to Recall

Section 27.1201 (Officials Subject to Recall) has been amended to clarify the distinct requirements for a recall of the Mayor, City Attorney and City Council members. Mirroring state law, a provision has also been added to Section 27.1201 to limit recall to an official who has more than six months remaining in his or her term of office. This is to prevent the initiation of a recall effort at the very end of an official's term. Subsection (c) has been added to address the recall of a member of the governing board of the San Diego Unified School District, since the district still uses the recall provisions contained in the Municipal Code.

Additionally, Section 27.1202 (Recall Procedures) has been added to clarify that all recall elections are conducted by the Clerk except for recall elections for members of the governing board of the San Diego Unified School District, which are conducted by the Registrar of Voters. This information is also codified in the General Provisions Division of the Election Code in Section 27.0106.

Date Recall Begins

Presently, a City office-holder becomes the "subject of a recall election" on the date a notice of intention to circulate a recall petition is published. Therefore, because the Campaign Control Ordinance limits fundraising to specific elections, a City office-holder cannot begin fundraising to oppose a recall until the notice of intention is published. However, proponents of a recall often establish a committee and begin fundraising before publishing their notice of intention. In order to provide equity in the ability to raise funds, a proposed amendment would establish that an office-holder "becomes the subject of a recall election" on the earlier of two dates: the date the notice of intention is published; or the date a statement of organization for a committee to recall the office-holder is filed with the City Clerk's Office or the Secretary of State, in accordance with state and local law. This proposed amendment will result in a change to Subsection (d) of the definition of "candidate" in Section 27.0103 of the General Provisions of the election code, and also in Section 27.2905 of the Campaign Control Ordinance, which defines when a recall election begins.

Single Circulation Period

The Clerk recommends establishing a single circulation period of 75 calendar days for a recall petition, and eliminating current provisions for a supplemental petition.

No other petition process in the Municipal Code permits supplemental petitions. State law governing the recall process for general law cities provides a recall petition circulation period of 160 days for a jurisdiction with 50,000 or more registered voters, with no provisions for supplemental petitions.

Under existing Municipal Code provisions, proponents of a recall effort have 39 days to circulate their initial petition, after which they must submit the required number of signatures "prima facie" to the Clerk. Those signatures are then verified (see discussion below), and the Clerk issues a notice of sufficiency or a notice of insufficiency.

Existing provisions also allow recall proponents an additional period for circulating a supplemental petition, should the initial one be found insufficient. The length of that additional period depends upon the amount of time required to verify the initial petition. The supplemental petition must be submitted within 30 days of the City Clerk's notice that the initial petition is insufficient.

The Clerk maintains that a single 75-day circulation period closely approximates the total circulation period allowed by existing provisions for initial and supplemental petitions, provides a reasonable time for recall proponents to pursue their goal, and simplifies the process by eliminating the potential need for two petitions and two circulation periods for a single recall effort.

Verification Period

In order to mirror state law, we are recommending that the verification period for all City petitions, including recall, initiative and referendum, be extended.

-The proposed verification period in Section 27.1223 would be extended from 30 calendar days to 30 days, excluding Saturdays, Sundays and holidays.

-Additionally, if the random sampling method of verification is used, and shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, thus requiring verification of each signature, the verification period would be extended to 60 days, excluding Saturdays, Sundays and holidays. This would provide sufficient time to verify each and every signature on the petition.

These changes are the result of concerns that if a number of petitions were to be submitted to the Registrar of Voters for verification at the same time, and a full count of the petition signatures was necessary, the existing 30 day verification period would not be sufficient. Additional costs would be incurred because of the need to hire additional "temporary" staff to complete the verification within the legal time-frame.

The proposed amendments to the verification period for recall, initiative and referendum petitions are contained in Sections 27.1223, 27.1230, 27.1022 and 27.1120.

Other Amendments

The majority of the remaining amendments are housekeeping in nature and are noted below. This division will also be re-numbered as part of the update process. A chart of the recall process, with proposed changes highlighted, is included as Attachment A. Strike-out language is provided as Attachment B.

The additional proposed amendments are as follows:

Section 27.1203 (Number of Signatures Required) has been expanded to clearly differentiate between the number of signatures required for a recall of the Mayor or City Attorney, City Council members, and members of the Governing Board of the San Diego Unified School District.

Section 27.1204 (Notice of Intention to be Published) has been re-named and amended so the language is consistent with code provisions for other petition processes.

Section 27.1205 (Notice of Intention, Signed Statement of Reasons, and Affidavit of Publication to be Filed with the Clerk) has been amended to clarify the documents which must be filed with the Clerk. Proposed changes make it consistent with code provisions for other petition processes.

Sections 27.1206 (Service of Notice on Official) and 27.1207 (Official's Answer) contain minor clarifying amendments.

Section 27.1208 (Affidavit of Service of Notice on Official and Affidavit of Publication of Official's Answer to be Filed with the Clerk) is a new section that consolidates and lists additional documents which must be filed with the Clerk as part of the recall process. This information is currently contained in several different sections.

Section 27.1209 (Recall Petition Circulators) is a new section which specifies that a circulator of a recall petition must be a U.S. citizen and at least 18 years old. The previous requirement that a circulator be a registered voter in the City has been deleted. In 1999 the Supreme Court found this requirement to be unconstitutional for initiative and referendary petitions. This amendment will make the requirements for circulators of a recall petition the same as it is for circulators of all other city petitions.

Section 27.1210 (Time to Begin Circulating Recall Petition) and Section 27.1211 (Contents of Recall Petition) have been re-formatted for clarity and to make them consistent with code provisions for other petition processes.

Section 27.1212 (Form of Recall Petition) has been amended to delete information now contained in proposed Section 27.1211, and to add a requirement about the point size for text.

Section 27.1213 (Form of Statement of Reasons for Recall Petition) is a new section which consolidates information now contained in several different sections. It delineates the requirements for the statement of reasons. This section is referenced in a number of other sections of the division.

Section 27.1214 (Form of Voter Signature Sheets for Recall Petition) has been amended for consistency with code provisions for other petition processes. It adds language specifying that a circulator may be a paid signature gatherer or a volunteer and that the signer has a right to ask.

Section 27.1215 (Signing Voter's Information for Recall Petition) contains minor clarifying amendments for consistency with code provisions for other petition processes.

Section 27.1216 (Circulator's Affidavit of Authenticity for Recall Petition) is a new section to clarify that each petition section must have attached to it an affidavit of the circulator signed under California perjury laws.

Section 27.1217 (Form of Circulator's Affidavit of Authenticity for Recall Petition) contains amendments to make circulator requirements consistent with code provisions for other petition processes.

Section 27.1218 (Signatures on Recall Petition) has been re-formatted for consistency with code provisions for other petition processes and to clarify who may sign a recall petition.

Section 27.1219 (Withdrawal of Signature from Recall Petition) contains minor clarifying amendments.

Section 27.1220 (Time for Submitting Recall Petition to Clerk) has been amended to extend the deadline for filing the petition from 60 to 95 days after the publication of the notice of intention. Since proponents must wait 21 days before circulating their petitions, this results in the circulation period of 75 days discussed earlier in this report.

Section 27.1221 (Submitting Recall Petition to Clerk) is a new section to clarify the process for submitting petitions to the Clerk.

Section 27.1222 (Acceptance or Rejection of Recall Petition as Filed) is a new section which delineates responsibilities of the Clerk when the petition is submitted, and is consistent with code provisions for other petition processes.

Section 27.1223 (Verification of Recall Petition; Time; Random Sampling) has been amended to extend the verification period to match state law. The new language also clarifies verification procedures.

Section 27.1224 (Challenges to Verification of Recall Petition Signatures) is a new section and clarifies provisions currently contained in Section 27.2716, which will be deleted.

Sections 27.1225 (Clerk's Certification of Sufficiency or Insufficiency of Recall Petition), 27.1226 (Notice of Sufficiency of Recall Petition), and 27.1227 (Notice of Insufficiency of Recall Petition) clarify existing provisions and parallel language in code provisions for other petition processes.

Provisions for the Supplemental Petition have been deleted, as discussed earlier in this report.

Section 27.1228 (Special Election to be Called) consolidates information currently in Sections 27.2722 and 27.2723. It provides that the special election shall be held within 90 calendar days of the date the Council adopts the ordinance calling the special election. It also provides that the recall election may be consolidated with a regular municipal, statewide or countywide election if one is scheduled within 180 calendar days of the date the Council adopts the ordinance. The timeframe for consolidating the election has been extended from 120 days to 180 days and is consistent with provisions for elections to fill Council vacancies.

Section 27.1229 (Recall Election to Conform to Other Elections) has been amended for clarification and includes language providing for the nomination of candidates to succeed the official whose recall is sought.

Section 27.1230 (Contents of Recall Ballots) has been amended to clarify what is contained in recall ballots.

Section 27.1231 (Recall Election Sample Ballot) is a new section which delineates the requirements for mailing the sample ballot.

Section 27.1232 (Recall Election Voter Pamphlet) is a new section which expands on information currently contained in Section 27.2725 and lists what is to be included in the voter pamphlet.

Section 27.1233 (Validity of Votes Cast) No change in text.

Section 27.1234 (Reelection or Reappointment Prohibited for One Year) and Section 27.1235 (Officer to Serve Until Declaration of Results) contain minor amendments.

Provisions requiring a separate ballot have been deleted. Voting technology has changed significantly since these recall provisions were originally adopted. The recall question would be separate from any other question as dictated by the state election code.

Section 27.1236 (Cancellation of Election if Office Becomes Vacant) contains clarifying amendments. It also specifies that if the official vacates his or her office for any reason, the vacancy will be filled in accordance with the vacancy provisions of the code.

Sections 27.1237 (Highest Number of Votes Determines Candidate Elected) and Section 27.1238 (Election for Unexpired Term of Officer Recalled) have been re-numbered as a part of the update process.

SUMMARY

In summary, the City Clerk proposes these amendments to Chapter 2, Article 7 of the San Diego Municipal Code. Should you have any questions or comments, please contact Assistant City Clerk Joyce Lane at 533-4081.

Sincerely,

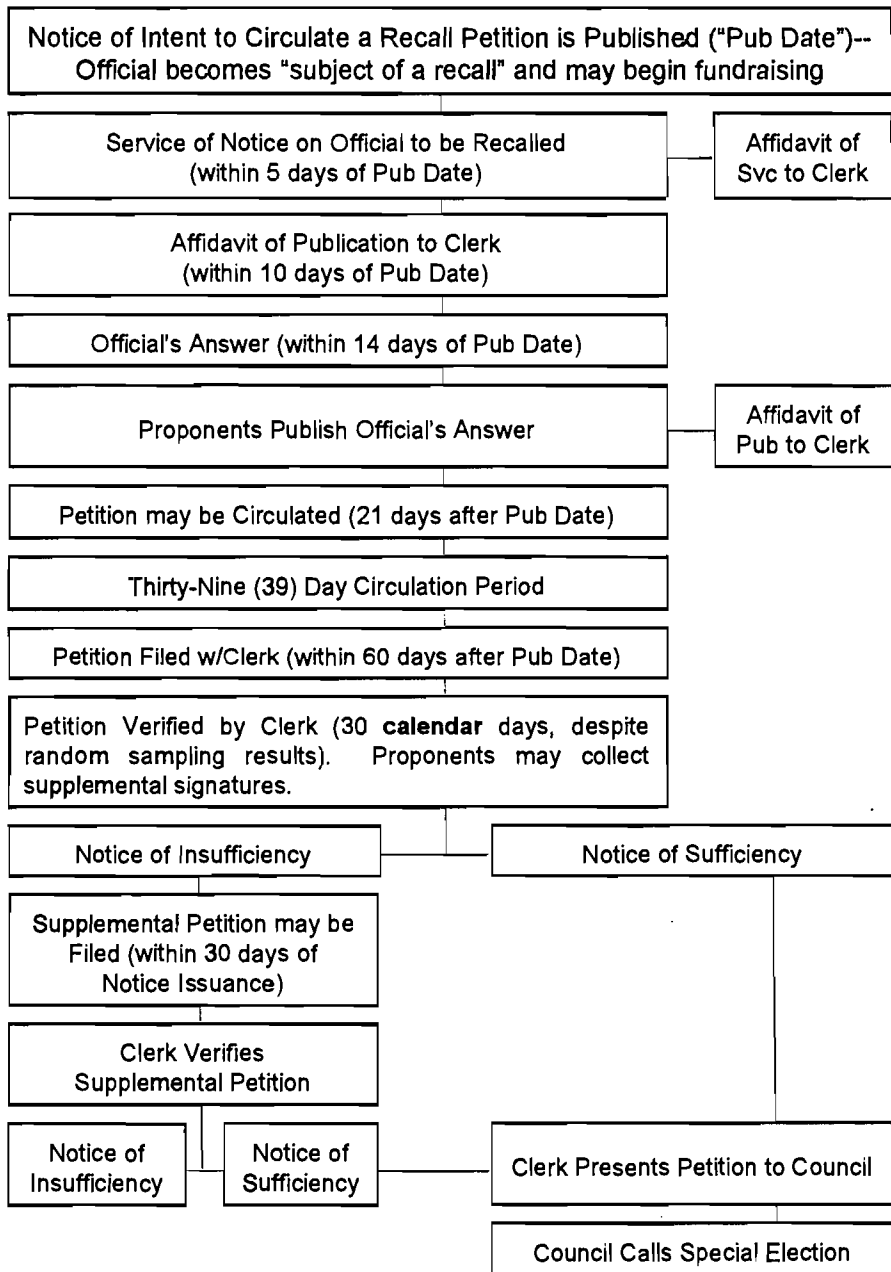


Charles G. Abdelnour
City Clerk

CGA:JL
Attachments

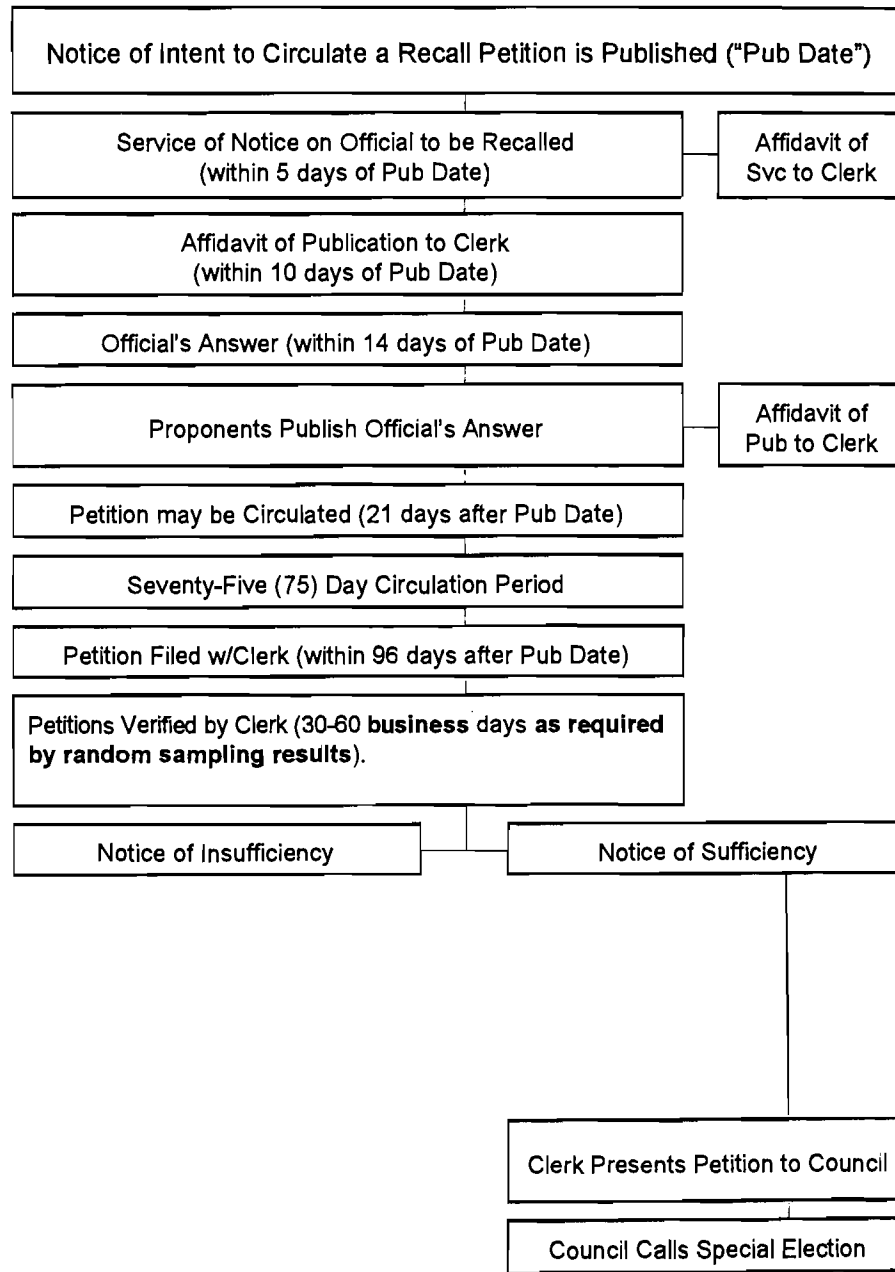
CURRENT RECALL PROCESS

Recall proponent may begin fundraising any time before Notice of Intent to Circulate a Recall Petition is published



PROPOSED RECALL PROCESS

If recall proponent has filed statement of organization, Official becomes "subject of a recall" and may begin fundraising



Proposed Amendments to Chapter 2, Article 7

Division 1: Elections- General

27.0103 Definitions

"Candidate" means any individual who

(a) - (c) No change in text

(d) is a City office holder who becomes the subject of a recall *election*. A City office holder "becomes the subject of a recall *election*" on the earlier of: the date a notice of intention to circulate a recall *petition* is published pursuant to Municipal Code Section 27.1204 of the recall provisions of this article, or the date a statement of organization for a committee to recall the officeholder is filed with the City Clerk or the Secretary of State, pursuant to state and local law.

Division 29: San Diego Municipal Election Campaign Control Ordinance

27.2905 Recall Elections

For the purposes of this division, a recall *election* begins on the earlier of: the date a notice of intention to circulate a recall *petition* is published pursuant to Municipal Code Section 27.1204 of the recall provisions of this article, or the date a statement of organization for a committee to recall the officeholder is filed with the City Clerk or the Secretary of State, pursuant to state and local law.; and, a recall *election* occurs whether voters cast ballots pertaining to the recall or not.

Division 27: Recall (Will be re-numbered as Division 12)

27.2701 Officials Subject to Recall

27.1201

(a) ~~Any official elected by City-wide vote~~ An official elected to the office of Mayor or City Attorney who has held office for six (6) months or more, who has more than six months remaining in the term of office, and against whom no recall petition has been filed within the preceding six (6) months, may be recalled by a majority vote of the voters of the City.

(b) A City Councilmember ~~who was elected by district vote~~ who has held office for six ~~(6)~~ months or more, who has more than six months remaining in the term of office, and against whom no recall petition has been filed within the preceding six months, may be recalled by a majority vote of the voters in the district represented by the Councilmember.

(c) A member of the governing board of the San Diego Unified School District who has held office for six months or more, who has more than six months remaining in the term of office, and against whom no recall petition has been filed within the preceding six months, may be recalled by a majority vote of the voters of the San Diego Unified School District.

27.2702
27.1202

~~Petition to be Filed with Clerk~~ **Recall Procedures**

~~Any recall petition demanding the submission to the people of a proposal to recall the incumbent of an elective office and, if such official is recalled, to elect a successor, shall be filed in the office of the Clerk. No petition may be addressed to the recall of more than one official.~~

All recall elections shall be conducted by the City Clerk, except that recall elections for members of the governing board of the San Diego Unified School District shall be conducted by the Registrar of Voters.

For purposes of this division, all filings in connection with a recall election for members of the governing board of the San Diego Unified School District shall be submitted to the Registrar of Voters.

For purposes of this division, all references to "City Clerk" shall mean "Registrar of Voters" when used in connection with a recall election for members of the governing board of the San Diego Unified School District.

27.2703
27.1203

Number of Signatures Required

~~For any official elected by City-wide vote, no recall petition shall be submitted to the people unless it contains the signatures of at least fifteen percent of the voters of the City. For a Councilmember who was elected by district vote, a recall petition shall contain the signatures of at least fifteen percent of the voters of the councilmanic district for the office held.~~

(a) A petition to recall the Mayor or City Attorney will not be submitted to the voters unless it contains the signatures of at least 15% of the voters of the City of San Diego.

(b) A petition to recall a City Councilmember will not be submitted to the voters unless it contains the signatures of at least 15% of the voters of the district represented by the Councilmember.

(c) A petition to recall a member of the governing board of the San Diego Unified School District will not be submitted to the voters unless it contains the signatures of at least 15% of the voters of the San Diego Unified School District.

27.2704
27.1204

Notice of Intention Notice of Intention to be Published

~~No A recall petition may shall not be circulated for signatures until the proponents proponent have has published at least once in a daily newspaper of general circulation a notice of intention to do so. The notice of intention shall contain the name and office of the person official sought to be recalled and a statement of reasons for the recall petition prepared in accordance with Section 27.1213, containing in three hundred words or less the reasons for the petition. The statement must be signed by the individual proposing the petition or, in the case of an organization, by two officers.~~

27.2705
27.1205

Affidavit of Publication Notice of Intention, Signed Statement of Reasons, and Affidavit of Publication to be Filed with the Clerk

~~Within ten days after publication of the notice of intention to circulate a recall petition, the proponents shall file in the office of the Clerk a copy of the notice and the statement as published and an affidavit of publication in a form satisfactory for the Clerk's verification of publication.~~

- (a) Within 10 calendar days after publication of the notice of intention to circulate a recall petition for signatures, the proponent shall file:
- (1) a copy of the notice as published;
 - (2) the statement of reasons prepared in accordance with Section 27.1213 and the signature of the individual initiating the recall, or if the proponent is an organization, the signatures of two officers of the organization; and
 - (3) an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the City Clerk's verification of publication.
- (b) All documents specified in Section 27.1205(a) shall be filed in the Office of the City Clerk.

27.2706
27.1206

Service of Notice on Official

Within five calendar days after publication of the notice of intention to circulate a recall petition, the proponents shall cause a copy of the notice and the statement to be served, personally or by registered mail, on the official whose recall is sought. ~~An affidavit of service showing the method of service shall be filed in the office of the Clerk.~~

27.2707
27.1207

Officials Answer

- (a) Within 14 calendar days after the publication of the notice of intention to circulate a recall petition, the official whose recall is sought or his a designated representative may answer to the statement. Such answer shall be no more than 300 words or less in length and must be signed by the individual proposing the answer or, in the case of an organization, by two officers.
- (b) The official's answer, if any, shall be provided to the proponents within 14 calendar days after the publication of the notice of intention to circulate a recall petition. The answer shall also be filed with the City Clerk at the same time it is provided to the proponents.
- (c) A copy of the answer, if any, shall be published by the proponents at least once in a daily newspaper of general circulation no later than five calendar days before the proponents begin circulating the petition in accordance with Section 27.1210.

~~A published copy shall also be filed forthwith in the office of the Clerk.~~

27.1208

Affidavit of Service of Notice on Official and Affidavit of Publication of Official's Answer to be Filed with the Clerk

- (a) Within five calendar days of serving notice on the official to be recalled, the proponent shall file an affidavit of service showing the method of service.
- (b) Within five calendar days of publication of the official's answer, if any, the proponent shall file an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the City Clerk's verification of publication.
- (c) All documents specified in Section 27.1208 (a) and (b) shall be filed in the Office of the City Clerk.

27.1209 **Recall Petition Circulators**

A recall petition may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U. S. citizen and at least 18 years old.

27.2708 **Circulation of Petition Time to Begin Circulating Recall Petition**
27.1210

~~A recall petition may be circulated on the twenty-first day after publication of the notice of intention and statement, providing that a copy of both the notice and the affidavit pertaining to publication, as well as the affidavit of service, have been filed in the office of the Clerk, as required.~~

A recall petition shall not be circulated for signatures until:

- (a) the 21st calendar day after publication of the notice of intention; and
- (b) the filing requirements of Sections 27.1205 and 27.1208 have been met.

27.2709 **Contents of Recall Petition**
27.1211

~~A recall petition shall contain the name and office of the person whose recall is sought, a copy of the notice of intention to circulate a recall petition and its accompanying statement, and if an answer has been filed, a copy of the answer. If no answer has been filed, the petition shall so state.~~

- (a) Recall petition forms shall be furnished by the proponent.
- (b) The recall petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no larger than 8-1/2 by 14 inches.
- (c) The recall petition may consist of any number of sections. Each section shall contain items specified in Section 27.1211(c)(1) through (6):
 - (1) The name and office of the official whose recall is sought.
 - (2) A copy of the notice of intention to circulate a recall petition.
 - (3) The statement of reasons for the petition, prepared in accordance with Section 27.1213.

(4) A copy of the official's answer prepared in accordance with Section 27.1207, if any, or if the official has not answered, a statement to that effect.

(5) One or more voter signature sheets, prepared in accordance with Section 27.1214. Any number of voter signature sheets may be incorporated into a petition section.

(6) A circulator's affidavit of authenticity, prepared and signed in accordance with Section 27.1217.

(d) The sheets comprising each recall petition section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.

27.2710 Form of Recall Petition
27.1212

~~The petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8 ½ by 11 inches or greater than 8 ½ by 14 inches. If the petition contains more than one sheet of paper, it shall be fastened together securely. The recall petition shall be in the following form:~~

Any petition initiating a recall of any elected official shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

RECALL PETITION

PETITION FOR THE RECALL OF

FROM THE OFFICE OF

~~(The title in the form prescribed above with the blank spaces filled in shall be set forth in full at the top of each page of the petition.)~~

To the Honorable City Council of the City of San Diego:

We, the undersigned registered voters of (The City of San Diego, California, Council District _____), (San Diego Unified School District) by this petition demand the recall of

from the office of _____

The following are the reasons for demanding such recall:

(Here insert a copy of the published notice of intention and accompanying statement the statement of reasons prepared in accordance with Section 27.1213 and the official's answer prepared in accordance with Section 27.1207, if any, or if the officer official has not answered, a statement to that effect shall be inserted here; the voter signature sheets prepared in accordance with Section 27.2714; and the circulator's affidavit of authenticity prepared in accordance with Section 27.2717.)

Signature of Proponent Residence Date

(Note: If an organization is seeking the recall of an officer the statement shall be signed by two officers of the organization.)

27.1213 Form of Statement of Reasons for Recall Petition

The statement of reasons shall set forth the reasons for the recall petition. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual proposing the recall or, if the proponent is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the proponent may be reached.

27.2714 Form of Voter Signature Sheets for Recall Petition
27.1214

(a) At the top of each voter signature sheet, the following language shall appear in clear, readable type no smaller than 10-point in size:

RECALL PETITION

PETITION FOR THE RECALL OF _____

FROM THE OFFICE OF _____

(b) On the right hand side of each voter signature sheet, a A space at least one inch wide shall be left blank, on the right hand side of the sheet, for the City Clerk's use of the City Clerk in verifying the petition validity or invalidity of the signatures. Voter signature

sheets shall be arranged and lined to provide space for the each voter's signature, each voter's printed name, place of each voter's residence, and date of each voter's signature. ~~A space at least one inch wide shall be left blank, on the right hand side of the sheet, for use of the City Clerk in verifying the petition.~~

- (c) Above the signature portion of each voter signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

"NOTICE TO THE PUBLIC
THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE
GATHERER OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

- (b c) The signature portion of the Signature sheets shall be in substantially the following form:

| Name | Residence | Date | Clerk's Use Only |
|------------------------|-----------|------|------------------|
| 1. Sign _____ Print | | | |
| 2. Sign _____ Print | | | |
| 3. Sign _____ Print | | | |

NAME RESIDENCE DATE (Clerks Use only)

SIGN _____

PRINT _____

SIGN _____

PRINT _____

SIGN _____

PRINT _____

(NOTE: Recall Petitions petitions for Mayor, and City Attorney and those Councilmembers elected by City wide vote may be signed by any voter of the City of San Diego. Recall Petitions petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember.)

27.2714 Signing Voter's Information for Recall Petition

27.1215

Signatures on the voter signature sheets shall be executed by voters in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and place of his or her residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that voter's signature invalid. ~~Voters shall also affix the date of their signature.~~

27.1216 Circulator's Affidavit of Authenticity for Recall Petition

Each recall petition section shall have attached to it an affidavit of authenticity of the circulator, signed by the circulator under California perjury laws.

27.2712 Form of Circulator's Affidavit of Authenticity for Recall Petition

27.1217

~~Each recall petition shall have attached to it an affidavit of authenticity of a voter, of following form:~~

The circulator's affidavit of authenticity shall have the following form:

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO)
STATE OF CALIFORNIA) ss.

Under penalty of perjury, I (printed name of circulator), declare: ~~That I am a U.S. Citizen and at least 18 years of age registered voter of (The City of San Diego) (San Diego Unified School District) and that all of the signatures on the voter signature sheets each of this~~ petition section were made in my presence and were observed by me; ~~and that all of the sheets constituting this petition section were fastened together at the time such signatures were made; and that,~~ to the best of my knowledge and belief, such signatures are the genuine signatures of the ~~persons~~ individuals who have signed the petition; and that the signatures were obtained between:

| | | |
|---------------------------------|-----|-----------------------------|
| _____ | and | _____ |
| (Beginning date of circulation) | | (Final date of circulation) |
| <hr/> | | |
| (Circulator's Printed Name) | | (Circulator's Signature) |
| <hr/> | | |
| (Circulator's Residence) | | (Date Signed by Circulator) |

27.2713 **Signatures on Recall Petition**
27.1218

Only voters may sign the voter signature sheets of a recall petition.
Signatures of individuals who are not voters shall be invalid.

27.2724 **Withdrawal of Signature from Recall Petition**
27.1219

Any person individual who has signed signing a recall petition's voter signature sheet petition or supplemental petition may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the office Office of the City Clerk prior to the time the petition or supplemental petition containing his or her signature is filed.

27.2715 **Time for Filing Submitting Recall Petition to Clerk**
27.1220

A recall petition and, if filed, a supplemental petition, shall may be filed in submitted to the office Office of the City Clerk any time within sixty 96 calendar days after following the publication of the notice of intention to circulate a recall petition. No petition may be addressed to the recall of more than one official.

27.1221 **Submitting Recall Petition to Clerk**

- (a) The recall petition shall be submitted to the Office of the City Clerk by the proponent of the recall or by any individual authorized in writing by the proponent.
- (b) Six copies of the recall petition with unsigned voter signature sheets shall be submitted to the Office of the City Clerk at the same time as the petition is submitted pursuant to this section.

27.1222 **Acceptance or Rejection of Recall Petition as Filed**

- (a) The City Clerk shall not accept any recall petition that is not in substantial compliance with this division.
- (b) When the recall petition is submitted, the City Clerk shall determine that calendar day the number of signatures affixed prima facie to the petition.
 - (1) If the City Clerk determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City Clerk shall accept the petition as filed.
 - (2) If the City Clerk determines that the number of signatures, prima facie, is fewer than the minimum number required, the City Clerk shall reject the petition and treat it as not filed.

- (c) Any recall petition sections not accepted as filed in accordance with Section 27.1222 shall be void for all purposes.

27.2716
27.1223

Verification of Recall Petition; Time; Random Sampling

~~The Clerk shall be allowed a period of thirty days after the filing of a recall petition to examine and verify signature of the petitioners. He shall indicate on each petition the date on which it was filed and the name of the person by whom it was filed.~~

~~Signatures may be verified by use of the random sampling method set forth in Section 3708 of the California Elections Code. In the event that any elector of the City of San Diego challenges the determination of the sufficiency of the petition by the random sampling method, the City Clerk shall proceed to verify the sufficiency of each signature on the petition if the elector so challenging posts with the City Clerk such amount of money as is required to fully pay for the cost of such further verification. Any such challenge of the verification by the random sampling method shall be made no later than the close of business on the fourth day following announcement of the sufficiency.~~

- (a) The City Clerk shall be allowed a period of 30 days, excluding Saturdays, Sundays and holidays, after a recall petition has been accepted as filed, to verify the validity or invalidity of signatures.
- (b) The random sampling method set forth in California Elections Code Section 9030(d) may be used for verification of signatures.
- (c) If the random sampling method is used and shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall be allowed a period of 60 days, excluding Saturdays, Sundays and holidays, after a recall petition has been accepted as filed, to verify each signature.
- (d) To determine the sufficiency or insufficiency of a recall petition, the City Clerk shall only count valid signatures.
- (e) If the circulator's affidavit of authenticity for any given recall petition section has not been signed by the circulator, the signatures on that petition section shall be invalid.

27.1224 **Challenges to Verification of Recall Petition Signatures**

- (a) By submitting a written request to the City Clerk, any voter of the City of San Diego may challenge the determination of the sufficiency of a recall petition for which signatures were verified by the random sampling method provided for in Section 27.1223(b).
- (b) Any voter making a challenge under Section 27.1224(a) shall post with the City Clerk such amount of money as is required to fully pay the cost of further verification.
- (c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the City Clerk's certification of the sufficiency of the recall petition determined in accordance with Section 27.1225.
- (d) If the challenge is received and the required payment is made within the time specified, the City Clerk shall proceed to verify the validity or invalidity of each signature on the recall petition.

27.2717 **Notice of Sufficiency Clerk's Certification of Sufficiency or**
Insufficiency of Recall Petition

27.1225

~~If the Clerk finds a recall petition, including, if filed, a supplemental petition, to contain the requisite number of valid signatures and to be in proper form substantial compliance with this division, he or she shall so certify that the petition is sufficient, and qualifies for submittal to the voters pursuant to Section 27.1203. If the Clerk finds a recall petition to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the petition is insufficient, and does not qualify for submittal to the voters pursuant to Section 27.1203. and shall send a notice of sufficiency to a representative of the proponents. Without delay, the Clerk shall then present the petition with his certification attached to the Council.~~

27.1226 **Notice of Sufficiency of Recall Petition**

When a recall petition has been certified as sufficient, the City Clerk shall send a notice of sufficiency to the proponent of the recall. The City Clerk shall then present the petition, with the certification attached, to the City Council at the next regular City Council meeting at which the matter can be placed on the docket.

27.2718
27.1227

Notice of Insufficiency of Recall Petition

~~If the Clerk finds a recall petition, including, if filed, a supplemental petition, to contain less than the requisite number of valid signatures or to be in improper form, he shall so certify and shall send a notice of insufficiency to a representative of the proponents.~~

When a recall petition has been certified as insufficient, the City Clerk shall send a notice of insufficiency to the proponent of the recall.

27.2719

~~Supplemental Petition~~

~~At any time prior to the Clerk's issuance of a notice of sufficiency or within thirty days after the Clerk's issuance of a notice of insufficiency, one supplemental petition may be filed in the office of the Clerk. The Clerk shall indicate on the supplemental petition the date on which it was filed and the name of the person by whom it was filed.~~

27.2720

~~Time for Clerk: Verification of Supplemental Petition;~~

~~The Clerk shall be allowed thirty days from the filing date of the supplemental petition in which to verify the signatures~~

27.2722
27.1228

Special Election to be Called

~~If the~~ When a recall petition is presented to the City Council by the City Clerk, the City Council shall immediately call a special election for the purpose of submitting to the people voters the proposal to recall the official named in the petition, and if such official is recalled, to elect a successor. The election shall be held within 90 calendar days of the date the Council adopts the ordinance calling the special election, unless there is a regular municipal, statewide, or countywide election scheduled to be held within 180 calendar days of the adoption of the ordinance. If there is a regular municipal, statewide, or countywide election scheduled to be held within 180 calendar days of the adoption of the ordinance, the City Council may consolidate the special election with that regular election.

27.2723

~~Time for Special Election~~

~~If a special election is called, it shall be held not less than sixty (60) days after adoption of the ordinance calling the election but not later than ninety (90) days after such adoption. For an official elected by City wide vote, if any other election for any purpose at which all voters in the City of San Diego are entitled to vote is called to be held within one hundred twenty (120) days from the date the recall petition is presented to the Council, then the Council may, at its discretion, submit the recall proposal~~

~~and election of a successor at the latter election. For a Councilmember who was elected by district vote, if any other election for any purpose at which the voters in the district represented by the Councilmember are entitled to vote is to be held within one hundred twenty (120) days from the date the recall petition is presented to Council, then the Council may, at its discretion, submit the recall proposal and election of a successor at the later election.~~

~~27.2724~~
27.1229

Recall Election to Conform to Other Elections

- (a) ~~The Clerk shall conduct the recall election, including the nomination of candidates to succeed the official whose recall is sought, in a manner conforming with other municipal elections to the extent practicable.~~
- (b) The Clerk shall conduct the nomination of candidates, to succeed the official whose recall is sought, in accordance with the provisions of the nomination procedures in this article.

~~27.2725~~
27.1230

Contents of Recall Ballots

~~Recall ballots shall contain the name and office of the official whose recall is sought and the names of the persons who have been nominated to succeed the official whose recall is sought. The statement which the proponents published in the notice of intention and the answer, if any, of the official whose recall is sought, shall be printed on the sample ballot and the official ballot or, at the discretion of the Clerk, printed separately and included in a pamphlet to be mailed with the sample ballot. In the latter case, the official ballot shall not contain the notice or answer.~~

Recall ballots shall contain the following:

- (a) The question "Shall (name of official whose recall is sought) be recalled from the office of (title of office)?"
- (b) To the right of the foregoing question, the words "Yes" and "No" on separate lines with an enclosed voting space to the right of each.
- (c) The names of the candidates nominated to succeed the official whose recall is sought shall appear under the recall question.
- (d) To the right of each candidate nominated to succeed the official sought to be recalled, an enclosed voting space.
- (e) Following the list of candidates, the ballot shall provide one blank line with a voting space to the right of it for the voter to write in a name not printed on the ballot.

27.1231 **Recall Election Sample Ballot**

The City Clerk shall, at least ten calendar days prior to the recall election, mail a sample ballot to each registered voter of the district represented by the official whose recall is sought.

27.1232 **Recall Election Voter Pamphlet**

The voter pamphlet for a recall election shall be mailed with the sample ballot and shall include the following:

- (a) The statement of reasons published in the notice of intention.
- (b) The answer, if any, of the official whose recall is sought.
- (c) Both the statement of reasons and the official's answer, if any, or if the official has not answered a statement to that effect, shall be printed on the same page, or on facing pages of the document, and shall be of equal prominence.
- (d) If the recall of more than one officer is sought, the statement of reasons and answer for each officer shall be printed together and shall be clearly distinguished from those of any other officer.

27.2726 **Validity of Votes Cast**

27.1233

No vote cast for a candidate shall be counted unless the voter also voted for or against on the recall question.

27.2727 **Reelection or Reappointment Prohibited for One Year**

27.1234

~~A person~~ An official who has been recalled, or who has resigned from office while recall proceedings were pending against him or her, shall not be a candidate for nor appointed to such office within one year after his or her resignation or recall.

27.2728 **Separate Ballot Required**

~~A recall ballot shall be separate from any other ballot to be presented to the voters at one election. However, the recall of more than one official may be sought at one election on one ballot.~~

~~27.2729~~
27.1235

Officer to Serve Until Declaration of Results

~~Any officer whose recall is sought~~ official recalled at a special election for that purpose shall continue to perform the duties of his or her office until the Council has adopted its resolution declaring the results of the election which shows that a majority of the qualified voters have voted in favor of such ~~officer's~~ official's recall.

~~27.2730~~
27.1236

Cancellation of Election if Office Becomes Vacant

~~If from any cause a vacancy in the position occupied by the office~~ the official whose recall is sought occurs vacates his or her office for any reason after the filing of the certificate of sufficiency by the Clerk and prior to the election, the recall election shall not be held. Such vacancy shall be filled in accordance with the vacancy provisions of this article.

~~27.2731~~
27.1237

Highest Number of Votes Determines Candidate Elected

~~If a majority approve the recall of the official is approved by a majority of the qualified voters, and the Council adopts its resolution has adopted its resolution declaring the results of the election which shows that a majority of the qualified voters have voted in favor of such officer's recall.~~ declaring the results accordingly, the candidate who receives the highest number of votes for the office shall be declared the winner whether or not such highest number constitutes a majority of the votes cast.

~~27.2732~~
27.1238

Election for Unexpired Term of Officer Recalled

The term of office of a successor elected pursuant to this article shall be for the unexpired term of his or her predecessor.

Division 10: Initiative

§27.1022 Verification of Initiative Petition Signatures; Time; Random Sampling

- (a) The City *Clerk* shall be allowed a period of 30 ~~calendar~~ days, excluding Saturdays, Sundays and holidays, after an initiative *petition* has been accepted as filed to verify the validity or invalidity of signatures.
- (b) The random sampling method set forth in the California Elections Code Section 9030 (d) may be used for verification of signatures.

- (c) If the random sampling method is used and shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall be allowed a period of 60 days, excluding Saturdays, Sundays and holidays, after an initiative petition has been accepted as filed, to verify each signature.
- ~~(e)~~ (d) To determine the sufficiency or insufficiency of an initiative *petition*, the *City Clerk* shall only count valid signatures.
- ~~(d)~~ (e) If the *circulator's* affidavit of authenticity for any given initiative *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

Division 11: Referendum

§27.1120 Verification of Referendary Petition Signatures; Time; Random Sampling

- (a) The *City Clerk* shall be allowed a period of 30 ~~calendar~~ days, excluding Saturdays, Sundays and holidays, after a referendary *petition* has been accepted as filed to verify the validity or invalidity of signatures.
- (b) The random sampling method set forth in the California Elections Code Section 9030 (d) may be used for verification of signatures.
- (c) If the random sampling method is used and shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the City Clerk shall be allowed a period of 60 days, excluding Saturdays, Sundays and holidays, after a referendary petition has been accepted as filed, to verify each signature.
- ~~(e)~~ (d) To determine the sufficiency or insufficiency of a referendary *petition*, the *City Clerk* shall only count valid signatures.
- ~~(d)~~ (e) If the *circulator's* affidavit of authenticity for any given referendary *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.