



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

1500 11th Street, 5th Floor, Sacramento, CA 95814 | Tel 916.657.2166 | Fax 916.653.3214 | www.sos.ca.gov

August 24, 2017

TO: Neal Kelley
Registrar of Voters
Orange County
1300-C South Grand Avenue
Santa Ana, CA 92711-1298
neal.kelley@rov.ocgov.com

Dean Logan
Registrar-Recorder/County Clerk
Los Angeles County
12400 Imperial Highway, 7th Floor
Norwalk, CA 90650
dlogan@rrcc.lacounty.gov

Michael Scarpello
Registrar of Voters
San Bernardino County
777 E. Rialto Avenue
San Bernardino, CA 92415-0779
mscarpello@rov.sbcounty.gov

The Honorable Josh Newman
c/o Richard Rios
Olson, Hagel & Fishburn, LLP
555 Capitol Mall, Suite 1425
Sacramento, CA 95814-4602
rrios@olsonhagel.com

Ashlee Titus
Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 600
Sacramento, CA 95814
atitus@bmhlaw.com

FROM: 
Robbie Anderson
Elections Counsel

SUBJECT: RECALL OF STATE SENATOR JOSH NEWMAN, STATE SENATE
DISTRICT 29; REVISED CALENDAR OF EVENTS

On Thursday, August 24, 2017, the Governor signed Senate Bill 117 (SB 117, Chapter 180, Statutes of 2017).

SB 117 clarifies responsibilities regarding recall procedures. The following revised calendar of events and attached supplemental signature withdrawal reporting form reflect the new provisions of SB 117 as they relate to the recall of Senator Josh Newman.

Circulating and Filing Schedule

1. The minimum number of valid signatures required to qualify the recall is 63,593 (20% of the 317,962 votes cast in the last election for State Senate District 29).
(Cal. Const., art. II, § 14(b))
2. Within 10 days after receiving certifications from one or more county elections officials indicating that a sufficient number of registered voters signed the petition to initiate a recall election, the Secretary of State shall notify each county elections official.
(§11108(a)).....Thursday, August 24, 2017
3. Supplemental signature withdrawal period: Within 30 business days of the Secretary of State’s notice, as set forth in Item 2 above, any voter who has signed the petition may withdraw his or her name from the recall petition.
(§11108(b)).....Tuesday, October 10, 2017
4. No later than 10 business days after the supplemental signature withdrawal period, the county elections officials must report the total number of signatures withdrawn to the Secretary of State. (§ 11108(c)).....Tuesday, October 24, 2017
5. Following receipt of the county elections officials’ reports of withdrawn signatures, the Secretary of State must determine if the petition has the requisite number of valid signatures to initiate a recall election and, if so, notify the Department of Finance of the results. If the petition does not have the requisite number of valid signatures, the Secretary of State must notify the county elections officials that they must continue to verify signatures; however, this is dependent on a number of factual scenarios such as, if there are additional signatures to verify and whether the circulation period has ended.
(§ 11108(c)).....Wednesday, October 25, 2017
6. Upon notification by the Secretary of State that the petition has the requisite number of valid signatures to initiate a recall the Department of Finance shall, within 30 business days, in consultation with the affected county elections officials and the Secretary of State, estimate the costs of the recall election and submit this estimate to the Governor, the Secretary of State, and the Chairperson of the Joint Legislative Budget Committee.
(§ 11108(d)).....Monday, December 11, 2017
7. The Joint Legislative Budget Committee then has 30 days to review and comment on the estimate provided to them by the Department of Finance.
(§ 11108(e)).....Wednesday, January 10, 2018

8. Upon the expiration of the Joint Legislative Budget Committee’s 30-day review and comment period, the Secretary of State shall certify to the Governor that the proponents have submitted a sufficient number of valid signatures to qualify the recall for the ballot.
(§§ 11108(e), 11109).....Thursday, January 11, 2018*

(If the Joint Legislative Budget Committee submits their review and/or comments on a date prior to January 11, 2018, the Secretary of State shall certify to the Governor at that time.)

9. The Governor is required to call a recall election to be held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures. A recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the recall election is held, if the number of voters eligible to vote at that next regularly scheduled election equals at least 50 percent of all the voters eligible to vote at the recall election. (Cal. Const., art. II § 15; § 11110)

Election

1. Last date candidate may file nomination papers with the county elections official. The State Senator subject to the recall may not be a candidate.
(§ 11381(a), (c); Cal. Const., art. II, § 15(c)).....E-59
2. Last date for the Secretary of State to certify names of candidates to county elections officials. (§ 11381(a)).....E-55
3. If the majority vote on the question is to recall, the State Senator is removed from office and the candidate who receives a plurality is the successor.
(Cal. Const., art. II, § 15(c))

Miscellaneous

1. California law prohibits the use of signatures, names, and addresses gathered on recall petitions to be used for any purpose other than to qualify the recall for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. (§ 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825; 63 Ops.Cal.Atty.Gen. 37 (1980))
2. Any registered voter qualified to vote for the officer to be recalled may sign the recall petition. Any person who is 18 years of age or older may circulate the petition. (§§ 102, 11045)

*Date varies based on the date of SOS receipt.

3. A registered voter at the time of signing a recall petition must personally affix his or her residence address and printed name along with his or her signature. If the voter is unable to personally affix his or her residence address and printed name, the voter may request another person to print that information on the appropriate spaces on the recall petition. However, the voter shall personally affix his or her mark or signature on the appropriate space on the recall petition, which shall be witnessed by one person by subscribing his or her name thereon. (§§ 100, 100.5, 11043)
4. Proponents of a recall, officers sought to be recalled, and candidates seeking to replace a recalled officer may have disclosure requirements under the Political Reform Act. (Government Code §§ 81000 et seq.) Questions should be directed to the Fair Political Practices Commission at the following address: 428 J Street, Suite 620, Sacramento, California 95814, or by telephone at (866) 275-3772.
5. The Secretary of State shall publish the estimate submitted by the Department of Finance on the Secretary of State's public website no later than 21 business days after the Joint Legislative Budget Committee's 30-day period to review the estimate has expired. (§ 11108(f))

If you have additional questions, please contact Robbie Anderson at (916) 657-2166 or at robbie.anderson@sos.ca.gov.