Frequently Asked Questions About Recalls

CALIFORNIA SECRETARY OF STATE **KEVIN SHELLEY**

Caution: This booklet is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply.

Secretary of State

KEVIN SHELLEY

State of California

Dear Californian:

My office has received numerous inquiries regarding the recall process. In an effort to address these questions in a reasonable and efficient manner, my office has produced this document to provide answers to the most frequently asked questions about the recall process. This document should only be used as an informational tool, not as a legal document.

For your convenience, this document has been posted on the Secretary of State's web site at www.ss.ca.gov.

It will be updated as necessary to provide the most current and comprehensive information available. Should you have additional questions regarding the process, or the Secretary of State's role in the process, please feel free to contact my office at 916.653.6575.

Sincerely,

KEVIN SHELLEY
Secretary of State

List of questions

What is a recall? 5

Who are the proponents of this recall effort? 5

When did the recall drive begin? 5

How much time do recall proponents have to gather signatures? 5

How many signatures are required? 6

Who may sign the recall petition? 6

Are the petitions filed with the Secretary of State? . . 6

What are the reporting timelines? 6

Who verifies petition signatures? 7

Who sets the date of the recall election? 7

What determines whether the recall election would be a special election in the fall or a March election next year? 7

What is the cost of a special recall election? 8

What will a recall ballot look like? 8

Who can run as a replacement candidate? 8

Will replacement candidate party affiliation and occupation be noted on a recall ballot? 8

How does the nomination process for replacement candidates work? 9

Do campaign contribution laws apply to recall elections? 9

Are campaign contribution and expenditure reports for the recall committees and candidates available on the Secretary of State's web site? 10

When would a new Governor take office? 10

Has a California Governor ever been recalled? 10

For more information contact:
Secretary of State Press Office at 916.653.6575

Recall FAQs

What is a recall?

A recall has been part of California's political system since 1911. It provides a mechanism for the public to attempt to remove elected public officials from office before the end of their term of office.

Who are the proponents of this recall effort?

By law, the proponents are those persons who signed the original Notice of Intention filed with the Secretary of State's Office. There are 95 official proponents of the current recall drive against the Governor.

When did the recall drive begin?

The Secretary of State certified the recall petition for circulation on March 25, 2003.

How much time do recall proponents have to gather signatures?

Recall proponents have 160 days, or until September 2, 2003, to circulate the petition. It must be circulated in a minimum of five California counties.

How many signatures are required?

To qualify the recall for the ballot, proponents need a minimum of 897,158 valid signatures. This is equal to 12 percent of the votes cast for the office of Governor in 2002, the last time the office was on the ballot. History shows that some signatures are rejected as invalid during the verification process. Therefore, in order to obtain enough valid signatures to qualify the recall for the ballot, it is anticipated that the proponents will need to submit more than the minimum requirement.

Who may sign the recall petition?

Only the signatures of registered California voters will be counted to qualify the recall for the ballot.

Are the petitions filed with the Secretary of State?

No, each petition must be filed with the elections official of the county where it was circulated.

What are the reporting timelines?

Reporting Deadline	Reporting Period
April 24, 2003	March 25 - April 17
May 27, 2003	April 18 - May 19
June 23, 2003	May 20 - June 16
July 23, 2003	June 17 - July 16
August 22, 2003	July 17 - August 15

Who verifies petition signatures?

Local elections officials are responsible for counting and verifying recall petition signatures once the proponents obtain at least 10 percent of the total number of required signatures.

Who sets the date of the recall election?

When the Governor is the target of a recall, the California Constitution requires the Lieutenant Governor to set the date of the recall election. It must be held between 60 and 80 days from the date the Secretary of State certifies that it has qualified, unless there is a statewide election within 180 days.

What determines whether the recall election will be a special election in the fall or a March election next year?

It depends entirely on when signatures are turned in to county election officials and how many signatures are determined to be valid. By law official signature counts are based upon the aforementioned 30-day periodic reports issued by county officials to the Secretary of State. If the Secretary of State certifies no later than September 3, 2003 that the necessary number of registered voters (897,158) have signed recall petitions, then the Lieutenant Governor must call an election within 60-80 days. If the Secretary of State certifies on September 4, 2003 or later that the necessary number of registered voters have signed recall petitions the Lieutenant Governor has the option of consolidating the recall election with the regularly scheduled March 2, 2004 primary election.

What is the cost of a special recall election?

According to information received from California's counties, the current estimated county cost of conducting the October 7, 2003 statewide special election is between $42 million and $55 million.

In addition, the state will incur costs of approximately $11 million to provide California's 15.3 million registered voters with the state voter information guide.

Therefore, the total estimated cost of the October 7, 2003 statewide special election is $53 million to $66 million. *

[*The estimated cost of the October 7, 2003 statewide special election is based on data supplied by California's 58 counties. Counties revised earlier cost estimates to reflect increased costs due to:

- No consolidation of the October 7, 2003 statewide special election with the existing local elections scheduled for November 4, 2003; and
- Increased postage, staff overtime and printing costs, and other factors, resulting from a compressed election schedule.]

What will a recall ballot look like?

It will be in two parts. In the first part, voters may vote for or against the recall. In the second part, the voter may select a replacement candidate. If a majority of the voters vote "yes" on the first question, then the recall is successful, and the replacement candidate who gets the most votes is elected for the unexpired term of office.

Who can run as a replacement candidate?

A replacement candidate must meet existing legal qualifications and requirements to run for the office of Governor. For example, a candidate must be a U.S. citizen, a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued.

Will a replacement candidate's party affiliation and occupation be noted on a recall ballot?

Yes. A replacement candidate's occupation and party affiliation will be included on the ballot.

How does the nomination process for replacement candidates work?

A replacement candidate must follow the general nomination procedures to run for the office of Governor and must file the required paperwork no less than 59 days before a scheduled recall election.

Candidates must obtain 65 nomination signatures (from members of their own party) and must pay a $3,500 filing fee (or submit 10,000 signatures in lieu of the fee). The candidate must also file nomination papers, including a declaration of candidacy.

Do campaign contribution laws apply to recall elections?

The Fair Political Practices Commission is responsible for providing advice about campaign finance issues. They have issued a fact sheet indicating that contribution limits do apply to the replacement candidates. The limits do not apply to the target of the recall or to the committees sponsoring or opposing the recall drive itself.

Are campaign contribution and expenditure reports for the recall committees and candidates available on the Secretary of State's web site?

Yes. Recall committees are required to file contribution and spending reports. Also, the replacement candidates and the target of the recall are required to file these disclosure reports.

When would a new Governor take office?

It can take up to 28 days for county elections officials to complete the official canvass. Once the results are official, then the Secretary of State will certify the election and the new Governor would take the oath of office and assume the position.

Has a California Governor ever been recalled?

Since the people added the power of the initiative, referendum and recall to the California Constitution in 1911, there have been 31 attempts to recall California Governors. No previous attempt to recall a California Governor has reached the ballot.