DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS
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May 15, 2009

County Clerk/Registrar of Voter (CC/ROV) Memorandum # 09083

TO: All County Clerks/Registrars of Voters

The Honorable Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

Taxpayers United to Recall Governor Schwarzenegger
John D. Fusek
631 Ridgeway Lane, Box J
La Habra, CA 90631
totalrecall2009@gmail.com

FROM: _____
Robbie Anderson
Elections Counsel

SUBJECT: Recall: Governor Arnold Schwarzenegger; Calendar of Events

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Today, we certified the petition for the recall of Governor Arnold Schwarzenegger. This memo is a calendar of events relating to that recall. The proponents may now begin circulating the petitions. Please find attached a copy of the petition. The following are some key points with regard to the recall process.

1. The petitions may be submitted to your office at any time. Unlike initiative petitions that must be turned in simultaneously, recall petitions may be turned in on multiple occasions in each county. In other words, the petitions can be submitted to the counties throughout the 160-day circulation period that ends Thursday, October 22, 2009.

2. Elections Code section 11104[1] requires each county that has received petitions to report all of the following to the Secretary of State every 30 days: 1) the number of signatures submitted during that 30 day period ending five days previously, excluding Saturdays, Sundays, and holidays; 2) the cumulative total of all signatures received since the initiation of the

[1] All section references are to the California Elections Code unless otherwise noted.

recall through the end of the current reporting period; 3) the number of valid signatures that have been verified during that period; and 4) the cumulative total of all valid signatures that have been verified since the initiation of the recall and ending five days previously, excluding Saturdays, Sundays, and holidays. These submissions should be directed to Ms. Katherine Montgomery ((916) 657-2423) of the Elections Division of the Secretary of State's office.

3. In accordance with section 11104(d), county elections officials are not required to verify any signatures until we notify you that the proponents have submitted at least 104,153 signatures, which is 10 percent of the total signatures required to qualify the recall for the ballot.

4. Section 11043 requires each signer to personally affix his or her signature, printed name, and address to the petition section in order for the signature to be valid.

5. Section 11102 requires each section of a recall petition to be filed with the elections official of the county for which it was circulated.

6. Section 11103 requires a proponent or a person authorized in writing by a proponent to file petition sections.

7. Section 11303 permits any voter who signed the petition to remove his or her name by filing a written request with the county elections official prior to the filing of the petition section that contains his or her name.

8. Sections of a recall petition are not public records, and as a result, only staff of the county elections official may have access to the petition sections. If the petition is found to be insufficient, the proponents listed on the notice of intention may examine the petition sections. (Gov. Code § 6253.5)

<u>Circulating and Filing Schedule</u>

1. The minimum number of valid signatures required to qualify the recall – 12% of 8,679,416 votes. Valid signatures must be obtained from at least five counties, and in each of those counties the number of signatures must equal at least 1% of the last vote for Governor in that particular county. (Cal. Const., art. II, § 14(b))……1,041,530

2. Date proponent may begin circulating petitions. (§ 11042(d))……..Friday, May 15, 2009

3. Last date for proponent to circulate petition and file with county elections officials. (160 days) (Cal. Const., art. II, § 14(a))……Thursday, October 22, 2009

4. Last date for elections officials to report the "raw count." Within eight (8) working days after last day for filing the petition, elections officials shall report to the Secretary of State the total number of "raw count" signatures on the petition. (§§ 11106, 9030(b))……Tuesday, November 3, 2009

5. Each county elections official must determine the number of valid signatures 30 days after a recall has been initiated and every 30 days thereafter. After each examination, the county elections official is required to certify the results and submit a blank copy of the petition to the Secretary of State. (§ 11104) The reporting dates are as follows:

    1. Monday, June 15, 2009[2]
    2. Tuesday, July 14, 2009
    3. Thursday, August 13, 2009
    4. Monday, September 14, 2009[3]
    5. Tuesday, October 13, 2009[4]

6. The Secretary of State must maintain a continuous count of the signatures certified to that office. (Cal. Const., art. II, § 14(c))

7. Last possible day that county elections officials may certify the results of their examination to the Secretary of State. (§§ 11106, 11107)…..Wednesday, February 3, 2010[5]

8. Once the Secretary of State determines from the certified petitions that there are sufficient signatures on the petition, she must notify each county elections official within 10 days of that determination. (§ 11108)…….Tuesday, February 16, 2010[6]

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2 This date would fall on Sunday, June 14, 2009. Therefore, in accordance with Government Code section 6707, the reporting date falls upon the next business day.
3 This date would fall on Saturday, September 12, 2009. Therefore, in accordance with Government Code section 6707, the reporting date falls upon the next business day.
4 This date would fall on Monday, October 12, 2009. However, that day is a state holiday. Therefore, in accordance with Government Code section 6707, the reporting date falls upon the next business day.
5 This date varies with receipt of certification from counties and is based on the possibility that the petition requires elections officials in counties in which a random sample verification process was used to verify signatures by full count procedures. The process allows 30 working days to complete a random sample verification process and 30 working days to complete full count verification, if needed.
6 This date would fall on Saturday, February 13, 2010. In accordance with Government Code section 6707, this date falls upon the next business day. However, Monday, February 15, 2010, is a state holiday.

9. Once the Secretary of State determines that the proponents have collected sufficient signatures, she shall certify that fact to the Lieutenant Governor. (§ 11109, Cal. Const., art II, § 17)

10. The Lieutenant 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, § 17; § 11110)

Election

1. Last date candidate may file nomination papers with the county elections official. (§ 11381(a))……..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 Governor is removed from office and the candidate who receives a plurality is the successor. The Governor may not be a candidate. (Cal. Const., art. II, § 15)

Miscellaneous

1. California law prohibits the use of signatures, names, and addresses gathered on recall petitions 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 circulate or sign a recall petition. (§ 11045)

3. A registered voter who signs 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 petition paper. However, the voter shall personally affix his or her mark or signature on the appropriate space on the petition

paper, which shall be witnessed by one person by subscribing his or her name thereon. (§§ 100, 100.5, 11043)

4. Proponents must file each section of the petition with the elections official of the county for which it was circulated. (§ 11102) Petition sections may be filed continuously and at any time during the 160-day circulating period.

5. 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.

If you have additional questions, please contact Robbie Anderson by telephone at (916) 653-7635 or by email at randerson@sos.ca.gov.