



Shirley N. Weber, Ph.D.
CALIFORNIA SECRETARY OF STATE
Elections Division

1500 11th Street, 5th Floor | Sacramento, CA 95814 | 916.657.2166 | elections@sos.ca.gov

December 15, 2023

County Clerk/Registrar of Voters (CC/ROV) Memorandum #23150

TO: All County Clerks/Registrars of Voters

Honorable Aisha Wahab
c/o Richard Rios
Olson Remcho, LLP
555 Capitol Mall, Suite 400
Sacramento, CA 95814

The Sutton Law Firm
Matthew Alvarez The Sutton Law Firm
150 Post Street, Suite 405
San Francisco, CA 94108

FROM: /s/ Robbie Anderson
Elections Counsel

RE: Recall of District 10 State Senator Aisha Wahab: Calendar of Events

Today, December 15, 2023, the Secretary of State's office approved petitions for circulation for the recall of District 10 State Senator Aisha Wahab. Senate District 10 is in Alameda and Santa Clara counties.

The following are some key points with regard to the recall process:

1. The petitions must be submitted to the elections official in the county in which the petitions were circulated. They may be submitted on multiple occasions at any time during the 160-day circulation period that ends Thursday, May 23, 2024.
(Cal. Const., art. II, § 14(a))
2. Elections Code section 11104¹ requires each county 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,

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

Sundays, and holidays; 2) the cumulative total of all signatures received since the initiation of the recall through the period ending five days previously, excluding Saturdays, Sundays, and holidays; 3) the number of valid signatures, verified pursuant to Section 11104(b), submitted during the previous reporting period, and of valid signatures verified during the current reporting 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 petitions@sos.ca.gov.

3. In accordance with section 11104(d), county elections officials are not required to verify any signatures until notified by the Secretary of State that the proponents have submitted at least 4,281 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 their signature, printed name, residence address (giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained), and the name of the incorporated city or unincorporated community in which the voter resides 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 in which it was circulated.
6. Section 11103 requires the proponent(s) or a person authorized in writing by a proponent to file petition sections. Each time an authorized person files a section or sections of a petition, a copy of the written authorization shall be submitted to the elections official.
7. Initial signature withdrawal period: Sections 103 and 11303 permit any voter who signed the petition to remove their name by filing a written request that includes the name or title of the petition and the voter's name, residence address, and signature with the county elections official prior to the filing of the petition section that contains the voter's name.
8. Supplemental signature withdrawal period: Section 11108(b) provides that any voter who has signed the petition and wishes to remove their name has 30 business days after the Secretary of State issues the notice to counties that a sufficient number of valid signatures has been collected to initiate a recall election to request this withdrawal in writing. The written request must include the voter's name, residence address, and signature.
9. 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 § 7924.110)

Dates and Deadlines

1. The minimum number of valid signatures required to qualify the recall is 42,802 (20% of the 214,008 votes cast in the last election for State Senate District 10). (Cal. Const., art. II, § 14(b))

Date proponent may begin circulating petitions.
(§ 11042(d))..... Friday, December 15, 2023

2. Last date for proponent to circulate petition and file with county elections officials. (160 days) (Cal. Const., art. II, § 14(a)).....Thursday, May 23, 2024

3. Each county elections official must report to the Secretary of State 30 days after a recall has been initiated (Friday, December 15, 2023) and every 30 days thereafter all of the following: 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 recall through the period ending five days previously, excluding Saturdays, Sundays, and holidays; 3) the number of valid signatures, verified pursuant to Section 11104(b), submitted during the previous reporting period, and of valid signatures verified during the current reporting 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. (§§ 11104, 11107)

The first reporting date is on Monday, January 15, 2024. The subsequent reporting dates are as follows:

Section 11104 Status Reports	
A1.	Monday, January 15, 2024 ²
A2.	Wednesday, February 14, 2024
A3.	Friday, March 15, 2024
A4.	Monday, April 15, 2024 ²
A5.	Wednesday, May 15, 2024
A6.	Friday, June 14, 2024

4. When the Secretary of State notifies county elections officials that more than 4,281 signatures have been filed pursuant to Section 11104(d), the county

² Date adjusted for official deadline which falls on a weekend or holiday. (Elections Code § 15)

elections officials will have 30 business days to verify all signatures filed in their office as of that date. 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. (§§ 9031(b), 11107)

The certification dates and sample forms will be provided to the county elections officials when the notice required by Section 11104(d) is issued.

5. The Secretary of State must maintain a continuous count of the signatures certified by county elections officials. (Cal. Const., art. II, § 14(c))
6. Last day county elections officials may certify the results of their verification of signatures to the Secretary of State. (§§ 9031(b), 11106, 11107).....Tuesday, July 9, 2024
7. Within 10 days of 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))

Note: With this notification to the county elections officials, the Secretary of State will provide a calendar setting forth the specific dates related to the following events detailed below.

8. Supplemental signature withdrawal period: Within 30 business days of the Secretary of State's notice, as set forth in Item 8 above, any voter who has signed the petition may withdraw their name from the recall petition. (§ 11108(b))
9. 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))
10. 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), (d))

11. 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, 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 Chairperson of the Joint Legislative Budget Committee, Governor, and the Secretary of State. (§ 11108(d))

12. The Secretary of State shall not certify the sufficiency of the signatures under Elections Code section 11109 until the Department of Finance has submitted the estimate of costs required by Elections Code section 11108(d) and either of the following has occurred:
 - (a) The Joint Legislative Budget Committee has had 30 days to review and comment on the estimate submitted by the Department of Finance pursuant to Elections Code section 11108(d).
 - (b) The Legislature has appropriated funds that it determines are reasonably necessary to conduct the recall election and has designated funds for that purpose in the Budget Act or in another statute. (§ 11108(e))

13. Upon the occurrence of one of the events provided for in Elections Code section 11108(e), 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)

14. 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. Top Funders Disclosure Requirement: Please see Elections Code sections 104, 107, and 18600 for Official Top Funders disclosure requirements.
2. 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; Cal. Const., art. II, § 15(c)).....E-59

3. Last date for the Secretary of State to certify names of candidates to county elections officials. (§ 11381(a)).....E-55
4. 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.
§§ 11384, 11386; 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)
3. A registered voter at the time of signing a recall petition must personally affix their residence address and printed name along with their signature. If the voter is unable to personally affix their 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 their mark or signature on the appropriate space on the recall petition, which shall be witnessed by one person by subscribing their 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: 1102 Q Street, Suite 3050, Sacramento, California 95811, 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 day that the Secretary of State certifies the sufficiency of the signatures under Elections Code section 11109). (§ 11108(f))

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