



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

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September 13, 2017

County Clerk/Registrar of Voters (CC/ROV) Memorandum #17075

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jana M. Lean
Chief, Elections Division

RE: Recall of State Officers: Signature Withdrawals

A question has come to our attention related to the recall process currently underway in Senate District 29. Specifically, the question is whether a voter seeking to withdraw their signature from a recall petition must file the request personally with the appropriate elections official, or if a third party may file the request on behalf of a voter.

Section 11108(b) of the Elections Code (added by Senate Bill 117, Chapter 180 of the Statutes of 2017), which relates to state recalls, includes language that differs slightly from other Elections Code sections relating to petition signature withdrawal requests in existence prior to SB 117 (Sections 103, 9602, and 11303). In our view, Section 11108(b) is similar, both in language and effect, as the other statutory references related to withdrawal requests. Neither Section 11108(b) nor the other Elections Code references include specific instructions defining how a signature withdrawal request must be filed with an elections official. An interpretation that prohibits third parties from submitting withdrawal requests on behalf of voters runs counter to existing practices by counties. Moreover, doing so would unnecessarily impose additional burdens on a voter making it potentially more difficult to remove their name from the petition than it is to submit a signature on a recall petition.

Based upon our review of existing Elections Code sections, the rules of statutory construction, and the preexisting practice throughout the state allowing third parties to return signature withdrawal requests, our interpretation of Section 11108(b) is that third parties are not prohibited from returning signature withdrawal request on behalf of voters.

If you have any questions, please contact Robbie Anderson by telephone at (916) 657-2166 or by email at Robbie.Anderson@sos.ca.gov.