
**THIS MATERIAL IS NOT INTENDED TO BE A COMPLETE STATEMENT OF THE
LAW GOVERNING RECALL ELECTIONS. BEFORE PROCEEDING, PROPONENTS
OF A RECALL PETITION ARE ADVISED TO REVIEW THE ATTACHED MATERIALS
WITH AN ATTORNEY.**

**RECALL
2010**

Office of the City Clerk
250 Hamilton Avenue
Palo Alto, CA 94301
650-329-2571

RECALL

EXCERPTS OF THE PALO ALTO CITY CHARTER, THE CALIFORNIA ELECTIONS CODE, AND CALIFORNIA GOVERNMENT CODE

This material is made available by the City Clerk to assist proponents of a Recall Petition. **It is not intended to be a complete statement of the law governing recall elections. Before proceeding, proponents of a recall petition are advised to review the attached materials with an attorney.** Palo Alto is a chartered city. Whenever the California Elections Code (CEC) requirements differ, the Charter provisions take precedence. If the Charter is silent, the CEC requirements apply. Effort has been made to note the differences between the Charter and the CEC; however, particular attention should be paid to Article VI, Section 1, of the Palo Alto City Charter, which is Attachment A.

The City Clerk (329-2226) is available to assist and should be consulted as early as possible about election dates, the procedure for notice of intention to circulate, the form of the petition, and the number of signatures required to qualify a recall petition.

The following information is attached:

- A. Palo Alto City Charter, Article VI, Section 1, Recall
- B. California Elections Code, Division 11, Recall, various Sections within these inclusive numbers 11000-11047, 11200-11201, and 11220-11386; Division 17, Chapter 5, Section 17400
- C. California Elections Code, Division 18, Penal Provisions, Chapter 7, Articles 1-9, Sections 18600-18680; and Chapter 8, Section 18700
- D. California Elections Code, Chapter 1, General Provisions, Section 9; Chapter 2, Petitions and Petition Signers, Sections 100-106; Chapter 3, Sections 200 and 201; and Chapter 4, Definitions, Sections 306, 319, 320, 322, 329, 339, 342, and 343
- E. California Government Code, Title 9, Political Reform, Sections 82041.5, 84305-84305.5 and 89001
- F. Palo Alto Municipal Code, Title 2, Chapter 2.40

PALO ALTO CITY CHARTER
Article VI. THE RECALL, INITIATIVE AND REFERENDUM

Sect. 1. Recall. Proceedings may be commenced for recall of any council member by the service, filing, and publication of a notice of intention to circulate a recall petition. Proceedings may not be commenced unless, at the time of commencement, such council member has held office for at least six months and no recall petition has been filed against such council member within the preceding six months.

The petition demanding the recall of the council member sought to be recalled, signed by registered voters equal in number to at least twelve percentum of the number of registered voters at the last general municipal election, shall be filed with the clerk. One election is sufficient for the recall of one or more council members, but a separate petition is necessary to propose the recall of each council member.

No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the council member sought to be recalled, a statement in not more than five hundred words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the council member sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the clerk. A separate notice of intention shall be filed for each council member sought to be recalled.

Within seven days after the filing of the notice of intention, the council member sought to be recalled may file with the clerk an answer in not more than five hundred words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings. The notice, statement and answer, if any, shall then be published in a newspaper of general circulation by the city clerk.

No signature may be affixed to a recall petition until the county registrar of voters has received two blank copies of the petition and has advised the proponents in writing that the form and wording are in order.

Seven days after the publication of the notice, statement and answer, if any, by the city clerk and provided all the requirements of this section re Notice of Intention, answers, and form of petition have been met, the recall petition may be circulated and signed. The petition shall bear a copy of the notice of intention, statement and answer, if any. If the council member has not answered, the petition shall so state. Signatures shall be secured and the petition filed within ninety days from the filing of the notice of intention. If such petition is not filed within the time permitted by this section, the same shall be void for all purposes.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall at the time of signing the petition include his printed name and his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the city. A place at least one-inch wide shall be left blank after each name for the use of the clerk in verifying the petition.

Each section of the petition shall have attached to it a declaration signed by the circulator of that section of the petition, setting forth all of the following:

- (a) The printed name of the circulator.

- (b) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (c) That the circulator circulated that section and saw the appended signatures being written.
- (d) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- (e) That the circulator is a registered voter of the electoral jurisdiction of the officer sought to be recalled. *(The Palo Alto City Attorney has determined this requirement is unenforceable since the U.S. Supreme Court ruling in Buckley v. American Constitutional Law Foundation, 525 U.S. 182 (1999) struck down as unconstitutional the requirement that circulators be voters within the jurisdiction. Therefore, both Elections Code Sections 9209 and 9238 © and the comparable City Charter requirements are unenforceable.)*
- (f) The dates between which all the signatures to the petition were obtained.
- (g) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his name at length, including given name, middle name or initial, or initial and middle name. The circulator shall date the declaration immediately following his signature.

Within fifteen business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall, within fifteen business days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election within the time set by the general laws of the state of California. Candidates for this election shall file with the city clerk within the nomination period set by the general laws of the state of California.

At least ten days prior to the recall election, the clerk shall mail to each voter a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the council member sought to be recalled. If the recall of more than one council member is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those of any other council member.

There shall be printed on the recall ballot, as to each council member whose recall is to be voted on, the question: "Shall (name of person) be recalled from the office of council member?" followed by the words "yes" and "no." If a majority of those voting on any question voted in favor of the removal of an incumbent, such incumbent shall be deemed removed from office upon the qualification of the successor.

On the recall ballot, under each question, there shall be printed the names of those persons who have been nominated in the manner provided herein as candidates to succeed the incumbent if such incumbent is recalled. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If the vote recalls the council member, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within ten days after receiving the certificate of election the office shall become vacant. Said election shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; provided, that if there be any conflict of provisions this charter shall control.

CALIFORNIA ELECTIONS CODE
DIVISION 11. RECALL
Chapter 1. General Procedures: General Provisions and Initial
Steps in the Recall
Article 1. General Provisions

11000. Application of chapter.

This division governs the recall of elective officers of the State of California and of all counties, cities, school districts, county boards of education, community college districts, special districts, and judges of courts of appeal and trial courts. It does not supersede the provisions of a city charter or county charter, or of ordinances adopted pursuant to a city charter or county charter, relating to recall.

(Added by Stats. 1994, c. 920, § 2)

11001. State and county officers.

For the purposes of this division, judges of courts of appeal shall be considered state officers, and judges of trial courts shall be considered county officers.

(Added by Stats. 1994, c. 920, § 2)

11002. "Elections official" definition.

For the purposes of this division, "elections official" means one of the following:

(a) A county elections official in the case of the recall of elective officers of a county, school district, county board of education, community college district, or resident voting district, and of judges of trial courts.

(b) A city elections official, including, but not necessarily limited to, a city clerk, in the case of the recall of elective officers of a city.

(c) The secretary of the governing board in the case of the recall of elective officers of a landowner voting district or any district in which, at a regular election, candidate's nomination papers are filed with the secretary of the governing board.

(Added by Stats. 2002, c. 221, § 21)

11003. "Governing board" definition.

For the purposes of this division, "governing board" means a city council, the board of supervisors of a county, the board of trustees of a school district or community college district, or the legislative body of a special district, as the context requires. In the case of the recall of a trial court judge, "governing board" means the board of supervisors.

(Added by Stats. 1994, c. 920, § 2)

11004. "Local officer" definition.

For the purposes of this division, a "local officer" is an elective officer of a city, county, school district, community college district, or special district, or a judge of a trial court.

(Added by Stats. 1994, c. 920, § 2)

11005. Proponents must be registered voters of jurisdiction.

The proponents of a recall must be registered voters of the electoral jurisdiction of the officer they seek to recall.

(Added by Stats. 1994, c. 920, § 2)

11006. Start of recall proceedings.

Proceedings may be commenced for the recall of any elective officer, including any officer appointed in lieu of election or to fill a vacancy, by the service, filing and publication or posting of a notice of intention to circulate a recall petition pursuant to this chapter.

(Added by Stats. 1994, c. 920, § 2)

Palo Alto City Charter requires publication of a notice of intention to circulate a recall petition and does not accept posting of a notice as an alternative.

11007. Limitations of recall.

Except when a person has been appointed to office pursuant to Section 10229 because no person had been nominated to office, proceedings may not be commenced against an officer of a city, county, special district, school district, community college district, or county board of education in the event of one or more of any of the following:

- (a) He or she has not held office during his current term for more than 90 days.
- (b) A recall election has been determined in his or her favor within the last six months.
- (c) His or her term of office ends within six months or less.

(Added by Stats. 1994, c. 920, § 2)

Palo Alto City Charter states: "Proceedings may not be commenced unless, at the time of commencement, such council member has held office for at least six (6) months and no recall petition has been filed against such council member within the preceding six (6) months."

Article 2. The Notice of Intention, Statement, and Answer

11020. Form of notice of intention.

The notice of intention shall contain all of the following:

- (a) The name and title of the officer sought to be recalled.
- (b) A statement, not exceeding 200 words in length, of the reasons for the proposed recall.
- (c) The printed name, signature, and business or residence address of each of the proponents of the recall. If a proponent cannot receive mail at the residence address, he or she must provide an alternative mailing address. The minimum number of proponents is ten, or equal to the number of signatures required to have been filed on the nomination paper of the officer sought to be recalled, whichever is higher.

- (d) The provisions of Section 11023.

(Amended by Stats. 2003, c.811, § 22)

Palo Alto City Charter states: ". . . not more than five hundred (500) words . . ."

11021. Service of notice of intention to officer sought to be recalled.

A copy of the notice of intention shall be served by personal delivery, or by certified mail, on the officer sought to be recalled. Within seven days of serving the notice of intention, the original thereof shall be filed, along with an affidavit of the time and manner of service, with the elections official or, in the case of the recall of a state officer, the Secretary of State. A separate notice of intention shall be filed for each officer sought to be recalled.

(Amended by Stats. 1996, c. 714, §2.)

11022. Publication of notice of intention to recall.

A copy of the notice, except the provisions required by subdivision (d) of Section 11020, shall be published at the proponents' expense pursuant to Section 6061 of the Government Code. Publication shall be required unless there is no newspaper of general circulation able to provide timely publication in the jurisdiction of the officer sought to be recalled. If this publication is not possible, the notice, except the provisions required by subdivision (d) of Section 11020, shall be posted in at least three public places within the jurisdiction of the officer to be recalled.

(Amended by Stats. 1996, c. 714, §3.)

Palo Alto City Charter states: "The notice, statement and answer, if any, shall then be published in a newspaper of general circulation by the city clerk."

11023. Recalled officer may file an answer.

(a) Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the elections official, or in the case of a state officer, the Secretary of State, an answer, in not more than 200 words, to the statement of the proponents.

(b) If an answer is filed, the officer shall, within seven days after the filing of the notice of intention, also serve a copy of it, by personal delivery or by certified mail, on one of the proponents named in the notice of intention.

(c) The answer shall be signed and shall be accompanied by the printed name and business or residence address of the officer sought to be recalled.

(Added by Stats. 1994, c. 920, § 2)

Palo Alto City Charter states: "... not more than five hundred (500) words...."

11024. Statement and answer for voter information.

The statement and answer are intended solely for the information of the voters. No insufficiency in form or substance thereof shall affect the validity of the election proceedings.

(Added by Stats. 1994, c. 920, § 2)

Article 3. Recall Petition

11040. Number of sections and signatures.

(a) The petition may consist of any number of separate sections, which shall be duplicates except as to signatures and matters required to be affixed by signers and circulators. The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(b) Each section of the petition may consist of any number of separate pages. A page shall consist of each side of a sheet of paper on which any signatures appear.

(Added by Stats. 1994, c. 920, § 2)

11041. Form of recall petition.

(a) The proponents shall use the recall petition format provided by the Secretary of State and available from the county elections official or the Secretary of State. Before any signature may be affixed to a recall petition, each page of each section must bear all of the following in no less than 8-point type:

(1) A request that an election be called to elect a successor to the officer. However, if the officer is a justice of the Supreme Court or of a court of appeal, as specified in subdivision (a) of Section 16 of Article VI of the California Constitution, the request shall be that the Governor appoint a successor to the officer.

(2) A copy of the notice of intention, including the statement of grounds for recall. For purposes of this paragraph, the copy of the notice of intention shall contain the names of at least 10 recall proponents that appear on the notice of intention and that are selected by the proponents. The elections official shall not require the names of more than 10 proponents to be included as part of the language of the notice of intention. The provisions of Section 11023 do not need to be included as part of the language of the notice of intention.

(3) The answer of the officer sought to be recalled, if any. If the officer sought to be recalled has not answered, the petition shall so state.

(b) All petition sections shall be printed in uniform size and darkness with uniform spacing.
(Amended by Stats. 1996, c. 714, § 4.)

Palo Alto City Charter provides that no separate election is called to elect a successor. A successor is elected at the time a recall election is held.

11042. Filing copies of proposed petition.

(a) Within 10 days after filing of the answer to the notice of intention, or, if no answer is filed, within 10 days after the expiration of the seven-day period specified in Section 11023, the proponents shall file two blank copies of the petition with the elections official in his or her office during normal office hours as posted or, in the case of a recall of a state officer, with the Secretary of State, in his or her office during normal office hours as posted, who shall ascertain if the proposed form and wording of the petition meets the requirements of this chapter.

(b) At the time of the filing of the two blank copies of the petition, the proponents shall also file proof of publication of the notice of intention, if the notice of intention was published, or an affidavit of posting of the notice of intention, if the notice of intention was posted. The elections official or, in the case of a recall of a state officer, the Secretary of State, shall, within 10 days of receiving the blank copies of the petition, notify the proponents in writing of his or her finding.

(c) If the elections official finds that the requirements of this chapter are not met, the elections official shall include in his or her findings a statement as to what alterations in the petition are necessary. The proponents shall, within 10 days after receiving the notification, file two blank copies of the corrected petition with the clerk in his or her office during normal office hours as posted. The 10-day correction notification period and the 10-day filing period for corrected petitions shall be repeated until the elections official or the Secretary of State finds no alterations are required.

(d) No signature may be affixed to a recall petition until the elections official or, in the case of the recall of a state officer, the Secretary of State, has notified the proponents that the form and wording of the proposed petition meet the requirements of this chapter.
(Added by Stats. 1994, c. 920, § 2)

Palo Alto City Charter states: "Seven (7) days after the notice, statement and answer, if any, by the city clerk and provided all the requirements of this section re Notice of Intention, answer, and form of petition have been met, the recall petition may be circulated and signed."

11043. Form of recall petition.

(a) The petition sections shall be designed so that each signer shall personally affix all of the following:

- (1) His or her signature.
- (2) His or her printed name.
- (3) His or her 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.
- (4) The name of the incorporated city or unincorporated community in which he or she resides.

(b) A margin, at least one inch wide, shall be left blank across the top of each page of the petition. A margin, at least one-half inch wide, shall be left blank along the bottom of each page of the petition.

(c) A space, at least one inch wide, shall be left blank after each name for the use of the elections official in verifying the petition.

(Added by Stats. 1994, c. 920, § 2)

11043.5. Secretary of state to provide recall petition format.

(a) The Secretary of State shall provide to county elections officials a recall petition format for distribution to proponents of a recall. The recall petition format shall be made available upon request by the county elections official and by the Secretary of State.

(b) The recall petition format made available pursuant to this section shall be utilized by proponents of a recall election.

(Amended by Stats. 1996, c. 714, § 5.)

11044. Separate petitions necessary.

Separate petitions are necessary to propose the recall of each officer.

(Added by Stats. 1994, c. 920, § 2)

11045. Only registered voters of jurisdiction qualified.

Only registered voters of the electoral jurisdiction of the officer sought to be recalled are qualified to circulate or sign a recall petition for that officer.

(Added by Stats. 1994, c. 920, § 2)

11046. Circulator's declaration.

To each section of a petition shall be attached a declaration, signed by the circulator thereof, that complies with Section 104. The declaration shall include a statement that the circulator is a registered voter in the jurisdiction of the officer sought to be recalled.

(Amended by Stats. 1996, c. 714, § 7.)

11047. Petition circulated in more than one county.

When a petition is circulated in more than one county for the recall of an officer, each section of the petition shall bear the name of the county for which it is circulated, and only registered voters of that county may sign that section.

(Added by Stats. 2004, c. 156, § 1)

Chapter 3. Recall of Local Officers: Intermediate Steps in the Recall

Article 1. General Provisions

11200. Application of chapter.

This chapter shall apply to the recall of local officers.
(Added by Stats. 1994, c. 920, § 2)

11201. When city or county elections official is sought.

When the city or county elections official is the officer sought to be recalled, the duties imposed upon him or her shall be performed by some other person designated by the governing board.
(Added by Stats. 1994, c. 920, § 2)

Article 2. Recall Petitions

11220. Schedule for filing recall petition.

(a) A recall petition shall be submitted to the elections official for filing in his or her office during normal office hours as posted within the following number of days after the clerk or, in the case of a recall of a state officer, the Secretary of State, notifies the proponents that the form and wording of the petition meets the requirements of Article 3 (commencing with Section 11040) of Chapter 1:

- (1) Forty days if the electoral jurisdiction has less than 1,000 registered voters.
- (2) Sixty days if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.
- (3) Ninety days if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.
- (4) One hundred twenty days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.
- (5) One hundred sixty days if the electoral jurisdiction has 50,000 registered voters or more.

(b) For purposes of this section, the number of registered voters shall be that which was reported at the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 and prior to a finding of the elections official or Secretary of State that no alterations are required in the form of the recall petition pursuant to Section 11042.

(Added by Stats. 1994, c. 920, § 2)

Palo Alto City Charter states: "Signatures shall be secured and the petition filed within ninety (90) days from the filing of the notice of intention. If such petition is not filed within the time permitted by this section, the same shall be void for all purposes."

11221. Number of qualified signatures required.

The number of qualified signatures required in order to qualify a recall for the ballot shall be as follows:

(a) In the case of an officer of a city, county, school district, community college district, county board of education, or resident voting district, the number of signatures shall be equal in number to not less than the following percent of the registered voters in the electoral jurisdiction:

- (1) Thirty percent if the registration is less than 1,000.
- (2) Twenty-five percent if the registration is less than 10,000 but at least 1,000.
- (3) Twenty percent if the registration is less than 50,000 but at least 10,000.
- (4) Fifteen percent if the registration is less than 100,000 but at least 50,000.
- (5) Ten percent if the registration is 100,000 or above.

(b) For purposes of this section, the number of registered voters shall be calculated as of the time of the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, and prior to the finding by the elections official or Secretary of State that no alterations are required in the form of the recall petition pursuant to Section 11042.

(c) (1) In the case of a state officer, including judges of courts of appeal and trial courts, the number of signatures shall be as provided for in subdivision (b) of Section 14 of Article II of the California Constitution. In the case of a judge of a superior court, which office has never appeared on the ballot since its creation, or did not appear on the ballot at its last election pursuant to Section 8203, the number of signatures shall be as provided in subdivision (b) of Section 14 of Article II of the California Constitution, except that the percentage shall be based on the number of votes cast within the judicial jurisdiction for the countywide office which had the least number of votes in the most recent general election in the county in which the judge holds his or her office.

(2) For purposes of this subdivision, "countywide office" means an elective office wholly within the county which is voted on throughout the county.

(d) In the case of a landowner voting district, signatures of voters owning at least 10 percent of the assessed value of land within the electoral jurisdiction of the officer sought to be recalled.

(Amended by Stats. 2002, c. 784, § 97.)

Palo Alto City Charter states: "The petition demanding the recall of the council member sought to be recalled, signed by registered voters equal in number to at least twelve (12) percentum of the number of registered voters at the last general municipal election, shall be filed with the clerk."

11222. Filing and examination of petition.

(a) The petition shall be filed by the proponents, or by any person or persons authorized, in writing, by a proponent. All sections of the petition shall be filed at the same time.

(b) When the petition is presented for filing, the elections official shall determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the elections official shall accept the petition for filing. The petition shall be deemed as filed on that date. Any sections of the petition-not so filed shall be void for all purposes. If, from the elections official's examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the petition shall not be filed. Any petition not accepted for filing shall be returned to the proponents.

(Added by Stats. 1994, c. 920, § 2)

11223. If more than one county.

If the petition was circulated in more than one county, the elections official of each county shall affix, with the certificate showing the results of his or her examination, the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled.

(Added by Stats. 1994, c. 920, § 2)

11224. Examination of petition; use of duplicate affidavit file; certificate of examination.

(a) Except as provided in Section 11225, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall examine the petition, and from the records of registration, ascertain whether or not the petition is signed by the requisite number of voters. If the elections official's examination shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

(b) In determining the number of valid signatures, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) The elections official shall attach to the petition a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(d) If the petition is found sufficient, the elections official shall certify the results of the examination to the governing board at its next regular meeting.

(Amended by Stats. 2007, c. 51, § 1)

Palo Alto City Charter states: "Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote."

11225. Random sampling technique.

(a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 11222, more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in a manner so that every signature filed with the elections official shall have an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is greater than 110 percent of the required number, the elections official shall certify the petition to be sufficient.

(c) If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall examine and verify each signature filed. If the elections official's examination of each signature shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

(d) If the statistical sampling shows that the number of valid signatures is less than 90 percent of the required number, the elections official shall certify the petition to be insufficient.

(e) In determining from the records of registration the number of valid signatures signed on the petition, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying

the facsimiles complies with law.

(f) The elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(g) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(h) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the governing body at its next regular meeting.

(Amended by Stats. 2007, c. 51, § 2)

11226. Insufficient petition shall remain on file.

If the certificate shows that the petition is insufficient, no action shall be taken on it, but the petition shall remain on file.

(Added by Stats. 1994, c. 920, § 2)

11227. Certificate as to sufficiency; contents.

If the elections official finds the signatures on the petition to be sufficient, he or she shall submit his or her certificate as to the sufficiency of the petition to the governing body at its next regular meeting. The certificate shall contain:

- (a) The name of the officer whose recall is sought.
- (b) The title of his or her office.
- (c) The number of signatures required by law.
- (d) The total number of signatures on the petition.
- (e) The number of valid signatures on the petition.
- (f) The number of signatures which were disqualified.

(Added by Stats. 1994, c. 920, § 2)

Article 3. The Recall Election

11240. Governing body shall issue order.

Within 14 days after the meeting at which the governing body received the certificate of sufficiency as specified in Section 11227, the governing body shall issue an order stating that an election shall be held pursuant to this article to determine whether or not the officer named in the petition shall be recalled.

(Added by Stats. 1994, c. 920, § 2)

11241. County elections official shall issue order.

If the governing board fails to issue the order within the time specified in Section 11240, the county elections official, within five days, shall set the date for holding the election. If the recall is to be voted on by voters in more than one county, the elections official of the county with the largest number of registered voters who will be voting in the election shall set the date for holding the election in consultation with the elections officials of the other counties.

(Added by Stats. 1994, c. 920, § 2)

11242. When election shall be held.

The election shall be held not less than 88, nor more than 125, days after the issuance of the order, and if a regular or special election is to be held throughout the electoral jurisdiction of the officer sought to be recalled within this time period, the recall election shall be held on the same day, and consolidated with, the regular or special election.

(Added by Stats. 1994, c. 920, § 2)

Chapter 4. General Procedures: Final Steps in the Recall

Article 1. General Provisions

11300. No insufficiency shall bar new petition.

No insufficiency in a petition against any officer shall bar the later filing of a new petition against that officer.

(Added by Stats. 1994, c. 920, § 2)

11301. Proponents allowed to examine petition signatures.

If a petition is found insufficient by the elections official or, in the case of the recall of a state officer, the Secretary of State, the petition signatures may be examined in accordance with Section 6253.5 of the Government Code.

(Amended by Stats. 1996, c. 714, § 22.)

11302. Vacancy after petition is filed.

If a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election shall nevertheless proceed. The vacancy shall be filled as provided by law, but any person appointed to fill the vacancy shall hold office only until a successor is selected in accordance with Article 4 (commencing with Section 11360) or Article 5 (commencing with Section 11380), and the successor qualifies for that office.

(Added by Stats. 1994, c. 920, § 2)

11303. Withdrawal of signature.

Any voter who has signed a recall petition shall have his or her signature withdrawn from the petition upon filing a written request therefor with the elections official prior to the day the petition section bearing the voter's signature is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

(Amended by Stats. 2009, c. 510, § 3.)

Article 2. Ballots

11320. Format of recall election ballot.

The following shall appear on the ballots at every recall election, except in the case of a landowner voting district, with respect to each officer sought to be recalled:

(a) The question "Shall (name of officer sought to be recalled) be recalled (removed) from the office of (title of office)?"

(b) To the right of the foregoing question, the words "Yes" and "No" on separate lines with an enclosed voting space to the right of each.

(Added by Stats. 1994, c. 920, § 2)

Palo Alto City Charter states: "On the recall ballot, under each question, there shall be printed the names of those persons who have been nominated in the manner provided herein as candidates to succeed the incumbent if such incumbent is recalled."

11322. Form of Ballot for Recall Elections.

In addition to the material contained in Section 11320, the following shall appear on ballots at all recall elections, except at a landowner voting district recall election:

- (a) The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.
- (b) Following each list of candidates, the ballot shall provide one blank line with a voting space to the right of it for the voter to write in a name not printed on the ballot.
(Amended by Stats. 1996, c. 1143, Section 67)

11323. Voter shall indicate by voting.

A voter shall indicate, by using the stamp or other marking device to place a mark in the voting space opposite either "Yes" or "No", his vote for or against the recall proposal, respectively.
(Added by Stats. 1994, c. 920, § 2)

11324. Recall election sample ballot.

The official responsible for preparing the ballot shall, at least 10 days prior to the recall election, mail a sample ballot to each registered voter of the electoral jurisdiction of the officer sought to be recalled.
(Added by Stats. 1994, c. 920, § 2)

11325. Recall election statement and answer sent with sample ballot.

(a) With the sample ballot there shall be mailed for each officer whose recall is sought, a printed copy of the following:

(1) The statement of reasons for recall that appeared on the notice of intent to recall that was filed by the proponents of the recall with the elections official, or in the case of a state officer, with the Secretary of State.

(2) The answer to the statement of reasons for recall, that was filed by the officer whose recall is sought with the elections official or, in the case of a state officer, with the Secretary of State, if any answer was filed.

(b) The printed copies of the statement and the answer to that statement shall be mailed with the sample ballot either in a document separate from the sample ballot or in the same document in which the sample ballot appears. Both the statement and answer shall be printed on the same page, or on facing pages of the document, and shall be of equal prominence.

(c) If the recall of more than one officer is sought, the statement and answer for each officer shall be printed together and shall be clearly distinguished from those of any other officer.
(Added by Stats. 1994, c. 920, § 2)

11327. Statement of officer being recalled to be included with sample ballot..

An officer whose recall is being sought may file a statement with the elections official in accordance with Section 13307, to be sent to each voter, together with the sample ballot.
(Amended by Stats. 1996, c. 714, § 24.)

Article 3. Elections in General

11328. Method of conducting recall election.

A recall election shall be conducted, canvassed, and the results declared in substantially the manner provided by law for a regular election for the office.
(Added by Stats. 1994, c. 920, § 2)

11329. One election sufficient.

One election is sufficient for the recall of several officers.
(Added by Stats. 1994, c. 920, § 2)

Article 4. Recall Elections

11381. Nomination of candidates to succeed recalled officer.

Nominations of candidates to succeed the recalled officer shall be made in the manner prescribed for nominating a candidate to that office in a regular election insofar as that procedure is consistent with this article. The following exceptions shall be made to that procedure:

(a) For recalls of state officers, the nomination papers and the declaration of candidacy shall, in each case, be filed no less than 59 days prior to the date of the election and not before the day the order of the election is issued. The Secretary of State shall certify the names of the candidates to be placed on the ballot by the 55th day prior to the election.

(b) For recalls of local officers, the nomination papers and the declaration of candidacy shall, in each case, be filed not less than 75 days prior to the date of the election and not before the day the order of the election is issued. If the elections official is required to certify to the governing board the names of the candidates to be placed on the ballot, that shall be done by the 71st day prior to the election.

(c) No person whose recall is being sought may be a candidate to succeed himself or herself at a recall election nor to succeed any other member of the same governing board whose recall is being sought at the same election.
(Amended by Stats. 1996, c. 714, § 25.)

Palo Alto City Charter provides that no separate election is called to elect a successor. A successor is elected at the time a recall election is held.

11383. Continuation in office.

If one-half or more of the votes at a recall election are "No", the officer sought to be recalled shall continue in office.
(Added by Stats. 1994, c. 920, § 2)

11384. Majority required to recall.

If a majority of the votes on a recall proposal are "Yes", the officer sought to be recalled shall be removed from office upon the qualification of his successor.
(Added by Stats. 1994, c. 920, § 2)

11385. Candidate receiving highest number elected.

If at a recall election an officer is recalled, the candidate receiving the highest number of votes for the office shall be declared elected for the unexpired term of the recalled officer.
(Added by Stats. 1994, c. 920, § 2)

11386. Failure to qualify.

If the candidate who received the highest number of votes fails to qualify within 10 days after receiving his or her certificate of election, the office to which he or she was elected shall be vacant, and shall be filled according to law.
(Added by Stats. 1994, c. 920, § 2)

DIVISION 17 RETENTION AND PRESERVATION OF ELECTION RECORDS
Chapter 5. Recall Petitions

17400. Preservation of recall petitions.

(a) The elections official or, in the case of the recall of a state officer, the Secretary of State, shall preserve in his or her office all recall petitions filed for eight months after the results of the election for which the petition qualified or, if no election is held, eight months after the elections official's final examination of the petition.

(b) Thereafter, the petition shall be destroyed as soon as practicable, unless it is in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, city, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(c) Public access to any such petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(Added by Stats. 1994, c. 920, § 2)

CALIFORNIA ELECTIONS CODE
DIVISION 18. PENAL PROVISIONS
Chapter 7. Initiative, Referendum, and Recall

Article 1. Improper Signature-Gathering Tactics

18600. Misrepresentation by circulator.

Every person is guilty of a misdemeanor who:

(a) Circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any state or local initiative, referendum or recall petition, intentionally misrepresents or intentionally makes any false statement concerning the contents, purport or effect of the petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his or her signature.

(b) Willfully and knowingly circulates, publishes, or exhibits any false statement or misrepresentation concerning the contents, purport or effect of any state or local initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition.

(c) Circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any state or local initiative, intentionally makes any false statement in response to any inquiry by any voter as to whether he or she is a paid signature gatherer or a volunteer.

(Added by Stats. 1994, c. 920, § 2)

18601. Refusal to allow signer to read measure.

Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who refuses to allow a prospective signer to read the measure or petition is guilty of a misdemeanor.

An arrest or conviction pursuant to this section shall not invalidate or otherwise affect the validity of any signature obtained by the person arrested or convicted.

(Added by Stats. 1994, c. 920, § 2)

18602. Obscuring the summary of the measure.

Any person working for the proponent or proponents of a statewide initiative or referendum measure who covers or otherwise obscures the summary of the measure prepared by the Attorney General from the view of a prospective signer is guilty of a misdemeanor.

(Added by Stats. 1994, c. 920, § 2)

18603. Payment for signatures.

Every person who offers or gives money or other valuable consideration to another in exchange for his or her signature on a state, county, municipal, or district initiative, referendum, or recall petition is guilty of a misdemeanor.

(Amended by Stats. 1996, c. 714, § 26)

Article 2. False or Ineligible Signatures on Petition

18610. False or forged signatures.

Every person who solicits any circulator to affix to any initiative, referendum, or recall petition any false or forged signature, or to cause or permit a false or forged signature to be affixed, is guilty of a misdemeanor.
(Added by Stats. 1994, c. 920, § 2)

18611. False, forged or fictitious names.

Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who circulates or causes to be circulated any initiative, referendum, or recall petition, knowing it to contain false, forged, or fictitious names.
(Added by Stats. 1994, c. 920, § 2)

18612. Signing more than once.

Every person is guilty of a misdemeanor who knowingly signs his or her own name more than once to any initiative, referendum, or recall petition, or signs his or her name to that petition knowing himself or herself at the time of signing not to be qualified to sign it.
(Added by Stats. 1994, c. 920, § 2)

18613. Subscribing fictitious names.

Every person who subscribes to any initiative, referendum, or recall petition a fictitious name, or who subscribes thereto the name of another, or who causes another to subscribe such a name to that petition, is guilty of a felony and is punishable by imprisonment in the state prison for two, three, or four years.
(Added by Stats. 1994, c. 920, § 2)

18614. False or fraudulent signatures.

Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who files in the office of the elections official or other officer designated by law to receive the filing, any initiative, referendum, or recall petition to which is attached, appended or subscribed any signature which the person filing the petition knows to be false or fraudulent or not the genuine signature of the person whose name it purports to be.
(Added by Stats. 1994, c. 920, § 2)

Article 3. Improper Payments to Prevent Petition Circulation and Filing

18620. Payment for stopping circulation of petition.

Every person who seeks, solicits, bargains for, or obtains any money, thing of value, or advantage of or from any person, firm, or corporation for the purpose or represented purpose of fraudulently inducing, persuading, or seeking the proponent or proponents of any initiative or referendum measure or recall petition to (a) abandon the measure or petition, (b) fail, neglect, or refuse to file in the office of the elections official or other officer designated by law, within the time required by law, the initiative or referendum measure or recall petition after securing the number of signatures required to qualify the measure or petition, (c) stop the circulation of the initiative or referendum measure or recall petition, or (d) perform any act that will prevent or aid in preventing the initiative or referendum measure or recall petition from qualifying as an initiative or referendum measure, or the recall petition from resulting in a recall election, is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison 16 months or two or three

years or in a county jail not exceeding one year, or by both the fine and imprisonment.
(Added by Stats. 1994, c. 920, § 2)

18621. Payment for stopping circulation of petition.

Any proponent of an initiative or referendum measure or recall petition who seeks, solicits, bargains for, or obtains any money or thing of value of or from any person, firm, or corporation for the purpose of abandoning the same or stopping the circulation of petitions concerning the same, or failing or neglecting or refusing to file the measure or petition in the office of the elections official or other officer designated by law within the time required by law after obtaining the number of signatures required under the law to qualify the measure or petition, or performing any act that will prevent or aid in preventing the initiative, referendum or recall proposed from qualifying as an initiative or referendum measure, or resulting in a recall election is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.
(Added by Stats. 1994, c. 920, § 2)

18622. Buying petition.

Every person who offers to buy or does buy from a circulator any referendum, initiative, or recall petition on which one or more persons have affixed their signatures is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one year, or by a fine not exceeding one thousand dollars (\$1,000), or both. This section is not intended to prohibit compensation of a circulator, for his or her services, by a proponent of the petition or his or her agent.
(Added by Stats. 1994, c. 920, § 2)

Article 4. Threats and Theft to Prevent Petition Circulation and Filing

18630. Threats to a circulator.

Every person who threatens to commit an assault or battery on a person circulating a referendum, initiative, or recall petition or on a relative of a person circulating a referendum, initiative, or recall petition or to inflict damage on the property of the circulator or the relative, with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation, is guilty of a misdemeanor.
(Added by Stats. 1994, c. 920, § 2)

18631. Taking petition from circulator.

Every person who forcibly or by stealth takes from the possession of a circulator any initiative, referendum, or recall petition on which one or more persons have affixed their signatures is guilty of a misdemeanor.
(Added by Stats. 1994, c. 920, § 2)

Article 5. Refusal of Circulators to Turn in Petitions

18640. Failure to surrender petition.

Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who solicits signatures to qualify the measure or petition and accepts any payment therefor and who fails to surrender the measure or petition to the proponents thereof for filing is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.
(Added by Stats. 1994, c. 920, § 2)

Article 6. Misuse of Signatures on Petition

18650. Signatures used for no other purpose.

No one shall knowingly or willfully permit the list of signatures on an initiative, referendum, or recall petition to be used for any purpose other than qualification of the initiative or referendum measure or recall question for the ballot, except as provided in Section 6253.5 of the Government Code. Violation of this section is a misdemeanor.

(Added by Stats. 1994, c. 920, § 2)

Article 7. False Affidavits Concerning Petitions

18660. False affidavit.

Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who makes any false affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

(Added by Stats. 1994, c. 920, § 2)

18661. False certification or affidavit.

Every public official or employee is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who knowingly makes any false return, certification or affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

(Added by Stats. 1994, c. 920, § 2)

Article 8. Filing Petitions to Defeat an Initiative or Referendum

18670. Filing petition with intention to defeat another petition.

Every person is guilty of a misdemeanor who, either as principal or agent, files in the office of the Secretary of State, county elections official, or in the office of any other officer designated by law to receive the filing, a petition or any section of a petition relating to the Constitution or the laws of this state, authorized by the Constitution or laws of this state regulating the statewide initiative or referendum, with the intention of thereby defeating that initiative or referendum measure that is embraced in the petition. Nothing in this section applies to any person who, in good faith, files a petition embracing an initiative or referendum measure that conflicts with a similar measure already on file.

(Added by Stats. 1994, c. 920, § 2)

18671. Intention of defeating the public will.

Any petition, or any section of a petition, filed by any person other than the proponents of an initiative or referendum measure and with an intention of defeating an expression of the public will is null and void.

(Added by Stats. 1994, c. 920, § 2)

Article 9. Misuse of Campaign Funds

18680. Wrongful appropriation of money.

Every person who is entrusted with money or things of value, for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot is a trustee of the money or things of value. If a person wrongfully appropriates the money or things of value to

any use or purpose not in the due and lawful execution of the trust, the person shall be punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. The following expenses are within the due and lawful execution of the trust:

- (a) Securing signatures to initiative, referendum, or recall petitions.
- (b) Circulating initiative, referendum, or recall petitions.
- (c) Holding and conducting public meetings.
- (d) Printing and circulating prior to an election:
 - (1) Specimen ballots.
 - (2) Handbills.
 - (3) Cards.
 - (4) Other Papers.
- (e) Advertising.
- (f) Postage.
- (g) Expressage.
- (h) Telegraphing.
- (i) Telephoning.
- (j) All salaries and expenses of:
 - (1) Campaign managers.
 - (2) Lecturers.
 - (3) Solicitors.
 - (4) Agents.
 - (5) All persons employed in transacting business at headquarters or branch offices, if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or any measure which has qualified for the ballot.
- (k) Maintaining headquarters and branch offices.
- (l) Renting of rooms for the transaction of the business of an association.
- (m) Attorney's fees and other costs in connection with litigation where the litigation arises directly out of any of the following:
 - (1) Activities related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.
 - (2) The enactment, by the initiative process, of any ordinance, charter amendment, statute, or constitutional amendment.
 - (3) An election contest or recount.
 - (4) A violation of state or local campaign, disclosure, or election laws.

The amendment of this section by adding subdivision (m) thereto, made at the 1991-92 Regular Session of the Legislature, does not constitute a change in, but is declaratory of, the existing law.

Expenses for food, clothing, shelter and other personal needs of the trustee are not within the due and lawful execution of the trust. However, expenses for travel and necessary accommodations for the trustee are within the due and lawful execution of the trust, if the travel and accommodations are related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.

(Added by Stats. 1994, c. 920, § 2)

Chapter 8. Obligations of Precinct Board

18700. Appointed precinct board member failing to act as such.

Any voter who has filed an application for the position of, and been appointed as a precinct board member and who, without being excused by the county elections official, knowingly fails to act as a precinct board member, is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100).

(Added by Stats. 1994, c. 920, § 2)

**CALIFORNIA ELECTIONS CODE
Chapter 1. General Provisions**

9. Counting of words.

(a) Counting of words, for purposes of this code, shall be as follows:

- (1) Punctuation is not counted.
 - (2) Each word shall be counted as one word except as specified in this section.
 - (3) All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
 - (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
 - (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
 - (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
 - (8) Telephone numbers shall be counted as one word.
 - (9) Internet web site addresses shall be counted as one word.
- (b) This section shall not apply to counting words for ballot designations under Section 13107.
(Amended by Stats. 1999, c. 312, § 2.)

Chapter 2. Petitions and Petition Signers

100. Only registered voter entitled to sign petition; printed name and place of residence; form of petition.

(a) Notwithstanding any other provision of law, whenever any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign the petition or paper. A person who submits his or her affidavit of registration pursuant to subdivision (d) of Section 2102 is not eligible to sign a petition or paper unless at the time of the signing of the petition or paper he or she is 18 years of age.

(b) Each signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper.

(c) The part of a petition for the signatures, printed names, and residence addresses of the voters and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

Official Use Only		
1. _____ (Print Name) _____ (Signature)	_____ (Residence Address ONLY) _____ (City)	
2. _____ (Print Name)	_____ (Residence Address ONLY)	

(Signature)	(City)	
-------------	--------	--

(Added by Stats. 2009, c. 364, § 1)

100.5. Allow another person to print name and residence for those unable to do so.

Notwithstanding Section 100, a voter who is unable to personally affix on a petition or paper the information required by Section 100 may request another person to print the voter's name and place of residence on the appropriate spaces of the petition or paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition or paper, which shall be witnessed by one person by subscribing his or her name thereon.

(Amended by Stats. 2001, c.992, § 2)

101. Petition notice to the public.

Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

"NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

(Added by Stats. 1994, c. 920, § 2)

102. Voter may circulate petition.

Any person who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition in accordance with this code.

(Amended by Stats. 2001, c.105, § 1)

103. Signature withdrawn from petition.

Any voter who has signed an initiative, referendum or recall petition pursuant to the Constitution or laws of this state shall have his or her signature withdrawn from the petition upon filing a written request therefor with the appropriate county elections official or city elections official prior to the day the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

(Added by Stats. 2009, c. 510, § 1)

104. Declaration of circulator attached to petition; form.

(a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

(1) The printed name of the circulator.

(2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(3) The dates between which all the signatures to the petition or paper were obtained.

(b) Each declaration submitted pursuant to this section shall also set forth the following:

(1) That the circulator circulated that section and witnessed the appended signatures being written.

(2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

(c) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

(Added by Stats. 1994, c. 920, § 2)

105. Examination of petitions; residence address verification.

For purposes of verifying signatures on any initiative, referendum, recall, nomination, or other election petition or paper, the elections official shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the petition or paper does not specify the residence address, or, in the case of an initiative or referendum petition, if the information specified in Section 9020 is not contained in the petition, the affected signature shall not be counted as valid.

Any signature invalidated pursuant to this section shall not affect the validity of other valid signatures on the particular petition or paper.

(Added by Stats. 1994, c. 920, § 2)

106. Nomination Papers' signatures.

Notwithstanding any other provision of law:

(a) Any registered voter who is a candidate for any office may obtain signatures to and sign his or her own nomination papers. The candidate's signature shall be given the same effect as that of any other qualified signer.

(b) Any person engaged in obtaining signatures to the nomination papers of a candidate for any office or to any recall, initiative or referendum petition may, if otherwise qualified to sign the papers or petition, sign the papers or petition. The signature of the person shall be given the same effect as that of any other qualified signer.

(Added by Stats. 1994, c. 920, § 2.)

Chapter 3. Nominations

200. Oath or affirmation required in declaration of candidacy.

Notwithstanding any provisions of law to the contrary, there shall be set forth in full in the declaration of candidacy required for any primary or final election the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

(Added by Stats. 1996, c. 724, § 1.)

201. Eligibility to be elected or appointed.

Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment.

(Added by Stats. 1994, c. 920, § 2)

Chapter 4. Definitions

306. "City measure" definition.

"City measure" includes any proposed city charter, any proposed amendment to a city charter, any proposition for the issuance of bonds by the city, any advisory question, or any other question or proposition submitted to the voters of a city.

(Added by Stats. 1994, c. 920, § 2)

319. "Election board" definition.

"Election board" means the board of supervisors of each county, the city council or other governing body of a city, or any board or officer to whom similar powers and duties are given by any charter.

(Added by Stats. 1994, c. 920, § 2)

320. "Elections official" defined.

"Elections official" means any of the following:

- (a) A clerk or any person who is charged with the duty of conducting an election.
- (b) A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city, or district within the state.

(Amended by Stats. 2007, c. 125, § 1)

322. "Electoral jurisdiction" definition.

"Electoral jurisdiction," as used in Division 11 (commencing with Section 11000), means the area within which the voters reside who are qualified to vote for the officer sought to be recalled.

(Added by Stats. 1994, c. 920, § 2)

329. "Measure" definition.

"Measure" means any constitutional amendment or other proposition submitted to a popular vote at any election.

(Added by Stats. 1994, c. 920, § 2)

339. "Precinct board" definition.

(a) "Precinct board" is the board appointed by the elections official to serve at a single precinct or a consolidated precinct.

(b) "Precinct board," when used in relation to proceedings taking place after the polls have closed, likewise includes any substitutive canvassing and counting board that may have been appointed to take the place of the board theretofore serving.

(Added by Stats. 1994, c. 920, § 2)

342. "Proponent" definition.

"Proponent or proponents of an initiative or referendum measure" means, for statewide initiative and referendum measures, the person or persons who submit the text of a proposed initiative or referendum to the Attorney General with a request that he or she prepare a circulating title and summary of the chief purpose and points of the proposed measure; or for other initiative and referendum measures, the person or persons who publish a notice or intention to circulate petitions, or, where publication is not required, who file petitions with the elections official or legislative body.

(Added by Stats. 209, c. 373, § 4)

343. "Proponent" definition.

"Proponent or proponents of a recall petition" means the person or persons who have charge or control of the circulation of, or obtaining signatures, to such petitions.

(Added by Stats. 1994, c. 920, § 2)

**CALIFORNIA GOVERNMENT CODE
TITLE 9. POLITICAL REFORM**

82041.5. Mass Mailing.

"Mass mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail, which is sent in response to an unsolicited request, letter or other inquiry.

84305. Mass Mailings; Requirements.

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

84305.5 Slate Mailers; Requirements.

(a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.

(3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an *. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an *.

The * required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the * designation applies except that in no case shall the * be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the * designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

89001. Newsletter or Mass Mailing.

No newsletter or other mass mailing shall be sent at public expense.

PALO ALTO MUNICIPAL CODE
Title 2. Administrative Code
Chapter 2.40. Municipal Elections

2.40.040. Contributions and contributors.

The city clerk shall post online on the city's public website within five days of the date on which campaign statements are required to be filed in accordance with applicable California and local laws, rules and regulations, including the rules and regulations of the California Fair Political Practices Commission, the name of each person and committee from whom a contribution or contributions totaling \$50.00 or more have been received, the amounts each person or committee contributed, and the candidates or committees which received such amounts, as such information appear on the campaign statements filed within the six-month period prior to the election pursuant to Article 2, (commencing with Section 84200) of the Government Code.

For the purposes of this section, the definitions contained in Chapter 2 (commencing with Section 82000) of the Government Code apply.

(Ord. 5045 § 1, 2009: Ord. 3189 § 1, 1980: Ord. 2843 § 1, 1975)

2.40.050. Anonymous contributions.

No person shall make an anonymous contribution or contributions to a candidate, committee, or any other person totaling fifty dollars or more in a calendar year. An anonymous contribution between fifty dollars and one hundred dollars shall not be kept by the intended recipient, but instead shall be promptly paid to the city clerk for deposit in the general fund of this city.

(Ord. 3189, Sect. 2, 1980)

2.40.060. Disclosure in campaign statements.

Each campaign statement required to be filed by Article 2 of Chapter 4 of the Political Reform Act of 1974, shall contain, in addition to any other required information:

(a) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than fifty dollars.

(b) The full name of each person from whom a contribution or contributions totaling between fifty and one hundred dollars has been received, together with the contributor's street address, occupation, and the name of the contributor's employer, if any, or the principal of business if the contributor is self-employed, the amount of the contribution, and the date the contribution was received.

(Ord. 3189, Sect. 3, 1980)

2.40.080.No use of board or commission titles in ballot arguments.

No city board or commission member may use his or her board or commission title when signing a ballot argument for or against an ordinance or measure. If an argument is submitted to the city clerk with such a title in the signature, the title shall be omitted from the ballot argument signature.

(Ord. 4837, Sect. 2, 2004)

In compliance with the Americans with Disabilities Act (ADA) for 1990, this document may be provided in other accessible formats. For information contact:

City of Palo Alto
285 Hamilton Avenue
Palo Alto, CA 94301
650/329-2496 (voice) or 650/328-1199 (TDD)