



CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

Proposal for Reform of California's Recall Procedures

As evidenced by the sequence of events leading up to the historic October 7, 2003 Statewide Special Election, California's recall procedures are in need of significant reform. Ambiguities and direct conflicts in the laws prescribing procedures to be followed resulted in numerous lawsuits and did not provide California's election officials needed direction. Further, the abbreviated time frame set forth in the State Constitution severely impacted election officials' abilities to adequately prepare for and conduct the election, disenfranchising some military and overseas voters and necessitating the consolidation of precincts in many counties.

CACEO recommends the following:

1) Propose Constitutional amendment to address the issue of:

Length of time allotted for the conduct of state recall elections

- Allow adequate time for providing election materials to military and overseas voters
- Allow adequate time for securing polls and pollworkers

2) Propose significant revision of California Elections Code to address issues concerning:

Recall Petitions

- Require all sections to be filed at the same time as per initiative petitions

Nomination process

- Provide detailed nomination procedures specifically for recall elections
 - Bifurcate state/local recall nomination petition procedures
- Specify the number of signatures required
 - Require a reasonable number of nominating signatures in consideration of
 - Absence of Primary Election for party nomination
 - Length of nomination period (in comparison to current provisions for independent nominations)

Ballot/Voter Pamphlet

- Define layout of ballot.
- Provide for arguments in favor of and against the question of recall to be printed in the State Ballot Pamphlet for state recall elections, or in the voter information pamphlet portion of the Sample Ballot for local recall elections.
- Repeal requirement of printing notice of intent and answer in the local Sample Ballot.
- Specify the appropriate provisions for candidates' statements.

Vote Tally

- Repeal the provisions requiring a voter to vote on the question of recall in order to have his or her vote for a candidate counted.

Reimbursement

- Provide reimbursement to counties for costs of recall elections for state offices

CALIFORNIA CONSTITUTION
ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL

SEC. 14. (a) Recall of a state officer is initiated by delivering to the Secretary of State a ~~petition~~ notice of intention alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, members of the Assembly, members of the Board of Equalization, and judges of courts of appeal ~~and trial courts~~ must equal in number 20 percent of the last vote for the office.

~~—(c) The Secretary of State shall maintain a continuous count of the signatures certified to that office.~~

SEC. 15. (a) An election to determine whether to recall an officer and, ~~if appropriate,~~ except for judges of the court of appeal, to elect a successor, shall be called by the Governor within 5 days ~~and held not less than 60 days nor more than 80 days~~ from the date of certification of sufficient signatures and held not less than 120 days nor more than 134 days from the date the election is called.

(b) 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~~ held on the next established election date ~~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 equal at least 50 percent of all the voters eligible to vote at the recall election.~~

(c) If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate, nor shall there be any candidacy for an office filled pursuant to subdivision (d) of Section 16 of Article VI.

CALIFORNIA ELECTIONS CODE
DIVISION 11. RECALL ELECTIONS

Chapter 1. General Procedures: General Provisions and Initial Steps in the Recall

Article 1. General Provisions

11001. For the purposes of this division, judges of courts of appeal and State Superintendent of Public Instruction shall be considered state officers, and judges of trial courts and County Superintendent of Schools shall be considered county officers.

Chapter 2. Recall of State Officers: Intermediate Steps in the Recall

~~11101. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of registered voters.~~

~~11102. Each section of a recall petition shall be filed with the elections official of the county in which it was circulated.~~

~~11103. Each section of the petition shall be filed by the proponents or by any person or persons authorized, in writing, by a proponent. Each time an authorized person or persons files a section or sections of a petition, a copy of the written authorization shall be submitted to the elections official.~~

~~11104. (a) The elections official, 30 days after a recall has been initiated and every 30 days thereafter, or more frequently at the discretion of the elections official, shall report to the Secretary of State all of the following:~~

~~—(1) The number of signatures submitted on the recall petition sections for the period ending five days previously, excluding Saturdays, Sundays, and holidays.~~

~~—(2) The cumulative total of all signatures received since the time the recall was initiated and through the period ending five days previously, excluding Saturdays, Sundays, and holidays.~~

~~—(3) The number of valid signatures, verified pursuant to subdivision (b), submitted during the previous reporting period, and of valid signatures verified during the current reporting period.~~

~~—(4) The cumulative total of all valid signatures received since the time the recall was initiated and ending five days previously, excluding Saturdays, Sundays, and holidays.~~

~~—(b) Signatures shall be verified in the same manner set forth in subdivisions (b), (c), (d), (e), (f), and (g) of Section 9030, and in Section 9031.~~

~~—(c) The elections official, at the end of each 30-day period, shall attach to the petition a form provided by the Secretary of State, properly dated, that includes the information required by subdivision (a), and submit a copy of the petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of the form in his or her office.~~

~~—(d) Notwithstanding subdivisions (a) and (b), and Section 11106, the elections official shall not be required to verify signatures on a recall petition until the signatures submitted equal at least 10 percent of the total signatures required to qualify the recall for the ballot, as determined by the Secretary of State.~~

~~11105. Upon each submission, if less than 500 signatures are submitted to the elections official, he or she shall count the number of signatures and submit those results to the Secretary of State. If 500 or more signatures are submitted, the elections official may verify, using a random sampling technique, either 3 percent of the signatures submitted, or 500, whichever is less. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. Upon completion of the signature verification, the elections official shall report the results to the Secretary of State pursuant to Section 11104.~~

~~11106. Immediately after the deadline for submission of all signatures, the elections official shall verify any remaining signatures in the same manner set forth in subdivisions (b), (c), (d), (e), (f), and (g) of Section 9030, and in Section 9031. This verification shall apply to all signatures submitted to each county elections official.~~

~~11107. The elections official, upon the completion of each examination, shall forthwith attach to the petition a certificate, properly dated, showing the result of the examination, and submit a copy of the petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of the certificate in his or her office.~~

~~11108. When the Secretary of State has received from one or more county elections officials a petition certified to have been signed by the stated number of registered voters, he or she shall, within 10 days, transmit to each county elections official a certificate showing that fact, and showing the total number of signatures collected by the proponents. The county elections official shall file the certificate in his or her office.~~

~~11109. When the Secretary of State determines that the proponents have collected sufficient signatures, he or she shall certify that fact to the Governor.~~

11101. A recall petition shall be submitted to the elections official for filing in his or her office during normal office hours as posted, within 160 days after 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.

11102. In the case of a state officer, including judges of courts of appeal, the number of signatures required shall be as provided for in subdivision (b) of Section 14 of Article II of the California Constitution.

11103. The right to file the petition shall be reserved to its proponents, and any section thereof presented for filing by any person or persons other than the proponents or by persons duly authorized in writing by one or more of the proponents shall be disregarded by the elections official.

11104. 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.

11105. 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 11405), and the successor qualifies for that office.

11106. (a) Each section of the petition shall be filed with the elections official of the county in which it was circulated, but all sections of the petition shall be filed on the same date and any sections circulated in any county shall be filed at the same time.

(b) Within eight days after the filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall determine the total number of signatures affixed to the petition and shall transmit this information to the Secretary of State. If the total number of signatures filed with all elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient, the Secretary of State shall so notify the proponents and the elections officials, and no further action shall be taken with regard to the petition.

(c) If the number of signatures filed with all elections officials is 100 percent or more of the number of qualified voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the elections officials.

(d) Within 30 days after this notification, excluding Saturdays, Sundays, and holidays, the elections official shall determine the number of qualified voters who have signed the petition. If more than 500 names have been signed on sections of the petition filed with an elections official, the elections official shall use a random sampling technique for verification of signatures, as determined by the Secretary of State. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. In determining from the records of registration what number of qualified voters have signed the petition, the elections official may use the duplicate file of affidavits of registered voters or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(e) The elections official, upon the completion of the examination, shall immediately prepare a properly dated certificate, showing the result of the examination, and shall immediately transmit the certificate to the Secretary of State. A copy of this certificate shall be filed in the elections official's office.

(f) If the certificates received from all elections officials by the Secretary of State establish that the number of valid signatures does not equal 95 percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the proponents and the elections officials. No insufficiency in a petition against any officer shall bar the later filing of a new petition against that officer.

(g) If the certificates received from all elections officials by the Secretary of State establish that the number of valid signatures total more than 110 percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of certificates showing the petition to have reached the 110 percent, and the Secretary of State shall immediately so notify the proponents and the elections officials.

11107. (a) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of each signature filed, and shall so notify the elections officials.

(b) Within 30 days, excluding Saturdays, Sundays, and holidays, after receipt of the order, the elections official shall determine from the records of registration what number of qualified voters have signed the petition and if necessary the board of supervisors shall

allow the elections official additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of registration what number of qualified voters have signed the petition, the elections official may use any file or list of registered voters maintained by his or her office, or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) The elections official, upon the completion of the examination, shall prepare an amended certificate properly dated, showing the result of the examination and shall immediately transmit the the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(d) If the amended certificates establish the petition's sufficiency, the petition shall be deemed to be qualified as of the date of receipt by the Secretary of State of certificates showing the petition to be signed by the requisite number of voters of the state.

If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials. No insufficiency in a petition against any officer shall bar the later filing of a new petition against that officer.

11108. If a petition is found insufficient by the Secretary of State, the petition signatures may be examined in accordance with Section 6253.5 of the Government Code.

11109. When the Secretary of State has received from one or more elections officials certificates establishing the sufficiency of the petition, the Secretary of State shall forthwith notify the proponents and the Governor.

11110. Upon receiving certification of the sufficiency of the recall petitions from the Secretary of State, the Governor shall, pursuant to Article 15 of the California Constitution, order an election to be held and make or cause to be made publication of notice for the holding of the election. The Governor shall immediately transmit to the elections official of every county in the electoral jurisdiction of the officer sought to be recalled, a copy of the notice for the holding of the election. Officers charged by law with duties concerning elections shall make all arrangements for the election. The election shall be conducted, returned, and the results declared, in all respects as are other state elections.

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

11220. (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.

11221. 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, *or of a judge of a trial court*, 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)~~ (c) 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.

11221.5. 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.

11222. (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 on the same date, and any sections circulated in any county 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, no further action shall be taken ~~the petition shall not be filed. Any petition not accepted for filing shall be returned to the proponents.~~

11222.5. 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 11405), and the successor qualifies for that office.

11223. (a) If the petition was circulated and filed in more than one county, the elections official of each affected county shall ~~affix, with the~~ transmit forthwith, to the elections official of each county within the electoral jurisdiction of the officer sought to be recalled, a certificate showing the results of his or her prima facie examination, and the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled.

(b) Based on the cumulative results of the prima facie examination in all counties within the jurisdiction of the officer sought to be recalled, the elections officials shall proceed pursuant to subdivisions (b) of Section 11222.

11224. (a) Except as provided in Section 11225, within 30 days from the date of filing of the petition, 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) No insufficiency in a petition against any officer shall bar the later filing of a new petition against that officer.

~~(d)~~ (e) If the petition is found sufficient, the elections official shall certify the results of the examination to the governing ~~board~~ body of the electoral jurisdiction of the officer sought to be recalled at its next regular meeting or at a special meeting called for that purpose held prior to the next regular meeting.

11225. (a) Within 30 days from the date of filing of the petition, if, from the examination of petitions pursuant to Section 11222, more than 500 signatures have been filed with the county elections official ~~signed on the petition, the elections official may use~~ a random sampling technique may be used 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~~ 3 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~~ 95 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~~ 95 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 of the electoral jurisdiction of the officer sought to be recalled at its next regular meeting or at a special meeting called for that purpose held prior to the next regular meeting.

11225.5. (a) If the petition was circulated and filed in more than one county, the elections official of each affected county shall transmit forthwith, to the elections official

of each county within the jurisdiction of the officer sought to be recalled, a certificate showing the results of his or her examination of signatures.

(b) Based on the cumulative results of the examination of signatures in all counties within the jurisdiction of the officer sought to be recalled, the elections officials shall proceed pursuant to Section 11224 or 11225 respectively.

(c) The elections official of the county with the largest number of registered voters in the jurisdiction shall prepare the certificate as required by Section 11227.

11225.7. If a petition is found insufficient by the elections official, the petition signatures may be examined in accordance with Section 6253.5 of the Government Code.

11227. 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 of the electoral jurisdiction of the officer sought to be recalled at its next regular meeting or at a special meeting called for that purpose held prior to the 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 disqualified signatures ~~which were disqualified.~~

11242. The election shall be held not less than ~~88~~ 120, nor more than ~~125~~ 134, days after the issuance of the order, and if a regular or special election is to be held ~~throughout~~ within any portion of 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.

Chapter 4. ~~General Procedures~~ Final Steps in the Recall

~~Article 1. General Provisions~~

(The contents of current Sections 11300-11303 are included in the state and local recall statutes above)

~~11300. No insufficiency in a petition against any officer shall bar the later filing of a new petition against that officer.~~

~~11301. 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.~~

~~11302. 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.~~

~~11303. 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.~~

Article 1. Filing of Arguments and Nomination of Candidates– State Offices

11290. No later than 113 days prior to the recall election, the proponents of the recall may file a written argument in favor of the recall, and the officeholder sought to be recalled may file a written argument against the recall. Arguments in favor of or against the recall of state officeholders shall be filed with the Secretary of State and shall be printed in the state ballot pamphlet pursuant to Section 11404. No argument shall exceed 300 words in length, and no rebuttal arguments shall be allowed.

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor of the Recall of (name and title of officeholder)" or "Argument Against the Recall of (name and title of officeholder)" accordingly. Words used in the title shall not be counted when determining the length of any argument.

The arguments may not be amended or changed after submission.

11300. (a) No declaration of candidacy for a partisan office shall be filed by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as the candidate has been eligible to register to vote in the state, the candidate is shown by his or her affidavit of registration to be affiliated with the political party the nomination of which he or she seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which the candidate seeks within 12 months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he or she seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first election subsequent to its qualification as a political party pursuant to Section 5100.

11301. This article does not prohibit the independent nomination of candidates; however, no person may file nomination papers as a party nominee and an independent nominee for the same office.

11302. Candidates may, pursuant to Government Code Section 85601 et. seq., prescribe to voluntary expenditure limits and, if so may, submit a statement for printing at the candidate's expense. Statements of candidates for statewide office will be printed in the state ballot pamphlet. Statements of candidates for State Senate, Assembly or Board of

Equalization will be printed in the voter information pamphlet portion of the sample ballot. This section does not apply to the officer whose recall is sought.

11303. All nomination documents for state offices, Member of the State Senate, and Assembly, and member of the Board of Equalization shall be left with the county elections official of the candidate's county of residence for filing in the office of the Secretary of State.

11304. (a) All forms required for nomination and election to all state offices, Member of the State Senate, and Assembly, and member of the Board of Equalization shall be furnished only by the county elections official. At the time of issuance of those forms the county elections official shall type in the forms the name of the candidate and the office for which he or she is a candidate, shall imprint a stamp which reads "Official Filing Form" and shall affix his or her signature. The forms shall be distributed without charge to all candidates applying for them.

(b) All references to party affiliation shall be omitted on all forms required to be filed for nonpartisan offices.

(c) No defect in any nomination document presented shall prevent the filing of another nomination document within the period allowed for presenting the nomination document.

(d) No person whose recall is being sought may be a candidate to succeed himself or herself at a recall election.

11305. (a) The following fees for filing declarations of candidacy shall be paid to the Secretary of State by each candidate:

(1) Two Percent of the first-year salary for any state office. The fee prescribed in this subdivision shall not apply to the office of state Senator, Member of the Assembly, or member of the Board of Equalization.

(2) One percent of the first-year salary for the office of state Senator or Member of the Assembly.

(b) For purposes of this section, "salary" means the annual salary for the office as of the date the recall election is called pursuant to Section 11110.

(c) The county elections official shall transmit the appropriate fees to the Secretary of State at the time he or she delivers the declarations of candidacy for filing. All filing fees are nonrefundable.

(d) Within 10 days after the recall election, the Secretary of State shall pay to the State Treasurer all fees received from candidates pursuant to this section, which shall be deposited in the General Fund.

11305.5. (a) Notwithstanding any other provision of law, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

(1) For the office of California State Assembly, 1,500 signatures.

(2) For the office of California State Senate or Board of Equalization, 3,000 signatures.

(3) For candidates running for statewide office, 10,000 signatures.

(4) A voter may sign a candidate's nomination papers or his or her in-lieu-filing-fee petition. Because signatures appearing on the petition-in-lieu are counted towards both

the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) The Secretary of State or an elections official shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The number of forms which the elections official shall furnish a candidate shall be a quantity that provides the candidates with spaces for signatures sufficient in number to equal the number of signatures that the candidate is required to secure pursuant to subdivision (a) if the candidate desires that number of forms. However, the elections official, rather than provide the candidate with the number of forms set forth in the preceding sentence, or upon the request of a candidate, may provide the candidate with a master form that may be duplicated by the candidate at the candidate's expense for the purpose of circulating additional petitions. The Secretary of State shall provide the master form. The elections official may provide candidates a form other than the master form provided by the Secretary of State. However, that form shall meet all statutory requirements, and the elections official shall also make available and accept the master form provided by the Secretary of State. All forms shall be made available commencing five working days after the order of the election pursuant to Section 11110. No other form except the form furnished by the Secretary of State or the elections official or forms duplicated from a master form shall be used to secure signatures. Each petition section shall bear an affidavit signed by the circulator, in substantially the same form as set forth in section 11310. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote.

(2) If a voter signs more than one candidate's petition for a single office, the voter's signature shall be valid only on the first petition filed.

(3) In-lieu-filing-fee petitions shall be filed at least 15 days prior to the close of the nomination period. Upon receipt of the minimum number of in-lieu-filing-fee signatures required, or a sufficient combination of signatures and pro rata filing fee, the elections official shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition was circulated. The elections official shall, no more than two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the elections officials of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The elections official shall not be required to determine the validity of a greater number of signatures than that required by this section or Section 11312, whichever is greater.

(c) All valid signatures obtained pursuant to this section shall be counted towards the number of voters required to sign a nomination paper in accordance with Section 11312.

11306. Except as provided in Section 11305.5, the filing fee shall be satisfied at the time the candidates obtain their nomination forms from the county elections official. The county elections official shall not issue any papers unless the fees are satisfied pursuant to this section, or unless satisfactory evidence is given to the county elections official that the fee has been satisfied at the time of the declaration of candidacy in another county. The county elections official shall transmit the appropriate fees to the Secretary of State at the time he or she delivers the declaration for filing.

11307. (a) No candidate's name shall be printed on the ballot to be used at the recall election unless the following nomination documents are delivered for filing to the county elections official:

- (1) Declaration of candidacy pursuant to Section 11309.
- (2) Nomination papers signed by voters pursuant to Section 11310 (or petitions-in-lieu of paying the filing fee substituted therefor pursuant to Section 11305.5 (c)).
- (b) The forms shall first be available on the 113th day prior to the recall election and shall be delivered not later than 5 p.m. on the 88th day prior to the recall election.
- (c) Upon the receipt of an executed nomination document, the county elections official shall give the person delivering the document a receipt, properly dated, indicating that the document was delivered to the county elections official.
- (d) Notwithstanding Section 11308, upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. The county elections official shall not require a candidate to sign, file, or sign and file, a declaration of candidacy as a condition of receiving nomination papers.

11308. (a) Except as provided in subdivision (b), a candidate shall not remove a declaration of candidacy form from the office of the elections official, and the elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the office of the elections official.

(b) A candidate may, in a written statement signed and dated by the candidate, designate a person to receive a declaration of candidacy form from the elections official and deliver it to the candidate. The statement shall include language indicating that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the elections official of the county of the candidate's residence by 5:00 p.m. on the 88th day prior to the election. That statement shall be retained by the elections official.

11309. The declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a _____ Party candidate for nomination and election to the office of _____ District Number _____ (if applicable) to be voted for at the recall election to be held _____, 20____, and declare the following to be true:

My name is _____

_____.

I want my name and occupational designation to appear on the ballot as follows:

_____.

Addresses:

Residence

Business

Mailing

Telephone numbers: Day _____ Evening _____

I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency, and party affiliation, if required).

I am at present an incumbent of the following public office (if any)

_____.

If elected, I will qualify and serve to the best of my ability.

Signature of candidate

State of California)

County of _____) ss.

_____)

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20__.

County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

11310. (a) The nomination paper shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for nomination and election to the office of _____, to be voted for at the recall election to be held on the _____ day of _____, 20____, hereby assert as follows:

I am a resident of _____ District (if applicable) in _____ County and registered to vote at the address shown on this paper. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office. My residence is correctly set forth after my signature hereto:

Name _____

Residence _____

(b) The affidavit of the circulator shall read as follows:

AFFIDAVIT OF THE CIRCULATOR

I, _____, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between _____, 20____, and _____, 20____; that I circulated the petition and I saw the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is _____.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20____.

(SEAL) _____ Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20____.

_____ Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Elections Code Section 18202.

11311. A candidate who declares his or her candidacy shall have registered voters sign his or her nomination papers pursuant to this article.

11312. If a candidate submits an in-lieu-filing-fee petition pursuant to Section 11305.5, any or all valid signatures appearing on the petition shall be counted towards the number

of voters required to sign a nomination paper. If an in-lieu-filing-fee petition contains a requisite number of valid signatures under Section 11313, the candidate shall not be required to file nomination papers, and the elections official shall accept the petition instead of nomination papers.

If an in-lieu-filing-fee petition does not contain the requisite number of valid signatures as set forth in Section 11313, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official on a nomination paper. A candidate who submits a nomination paper pursuant to this paragraph shall only be required to obtain the number of signatures thereon needed to supplement the in-lieu-filing-fee petition so that the combination of signatures appearing on the in-lieu-filing-fee petition and the nomination paper equals or exceeds the requisite number of signatures set forth in Section 11313.

11313. (a) The number of registered voters required to sign a nomination paper for the respective offices are as follows:

(1) State office (not including State Senate, Assembly or Board of Equalization) 2,500, at least 100 of which shall be gathered in each of 5 counties.

(2) State Senate, Assembly, or Board of Equalization 500.

(b) The provisions of this section are mandatory, not directory, and no nomination paper shall be deemed sufficient that does not comply with this section. This subdivision also shall not be construed to prohibit a court from validating a signature which was previously rejected upon showing of proof that the voter whose signature is in question is otherwise qualified to sign the nomination paper.

11314. (a) The nomination paper shall be delivered to the elections official of the county in which the signer resides and is a voter.

(b) The declaration of candidacy shall be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter.

(c) Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

(d) Signers shall be voters in the district or political subdivision in which the candidate is to be voted on.

(e) No signer shall, at the time of signing a nomination paper, have his or her name signed to any other nomination paper for any other candidate for the same office.

11315. No fee or charge shall be made or collected by any officer for verifying any nomination document or circulator's affidavit.

11316. Before any nomination document is forwarded for filing in the office of the Secretary of State, the county elections official shall verify the signatures of the signers on the nomination paper with the registration affidavits on file in the office of the county elections official. The county elections official shall mark "not sufficient" any signature that does not appear in the same handwriting as appears on the affidavit of registration in his or her office, or that of any voter not qualified to sign the petition.

The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified.

11317. If the number of signatures affixed to an in-lieu filing fee petition or nomination petition is 100 or more, the county elections official may use a random sampling technique for verification of the signatures. If a random sampling technique is used, and the number of signatures on a petition is 100 or more but less than 2,000, the random sampling shall include an examination of 100 signatures. If the number of signatures on a petition is 2,000 or more, the random sampling shall include an examination of 5 percent of the signatures. Upon completion of the verification of signatures in the sample, the percentage of signatures which are valid shall be applied and projected to the total number of signatures submitted.

11318. (a) The elections official shall transmit, within five days after being left with the elections official, the nomination documents for each candidate for state office, Member of the Senate or Assembly, or the member of the State Board of Equalization to the Secretary of State, who shall receive and file them.

(b) The county elections official shall forward with the nomination documents a statement, in substantially the following form, showing the total number of signatures on the nomination document that have not been marked "not sufficient:"

STATEMENT OF COUNTY ELECTIONS OFFICIAL OF NUMBER OF SIGNERS

I, County Elections Official of the County of _____, hereby certify that I have examined the _____ hereto attached filed on behalf of _____, candidate for nomination to the office of _____ at the recall election to be held on the _____ day of _____, 20____, and that the total number of signatures which I have not marked "not sufficient" is _____.

Dated this _____ day of _____, 20____.

County Elections Official

(SEAL) By _____ Deputy

11319. The Secretary of State shall certify the names of the candidates to be placed on the ballot by the 68th day prior to the election.

Article 2. ~~Ballots~~ Filing of Arguments and Nomination of Candidates – Local Offices

11350. No later than 88 days prior to the recall election, the proponents of the recall may file a written argument in favor of the recall, and the officeholder sought to be recalled may file a written argument against the recall. Arguments in favor of or against the recall of local officeholders shall be filed with the elections official and printed in the voter information pamphlet portion of the Sample Ballot pursuant to Section 11404. No argument shall exceed 300 words in length, and no rebuttal arguments shall be allowed.

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor of the Recall of (name and title of officeholder)" or "Argument Against the Recall of (name and title of officeholder)" accordingly. Words used in the title shall not be counted when determining the length of any argument.

The arguments may not be amended or changed after submission.

11351. Candidates may, pursuant to Section 13307, submit a statement of qualifications to be printed in the voter information pamphlet portion of the Sample Ballot at the candidate's expense. This section does not apply to the officer whose recall is sought.

11352. All nomination documents for local offices shall be filed with the appropriate elections official.

11354. (a) All forms required for nomination and election to all local offices shall be furnished only by the elections official. At the time of issuance of those forms the elections official shall type in the forms the name of the candidate and the office for which he or she is a candidate, shall imprint a stamp which reads "Official Filing Form" and shall affix his or her signature. The forms shall be distributed without charge to all candidates applying for them.

(b) No defect in any nomination document presented shall prevent the filing of another nomination document within the period allowed for presenting the nomination document.

(c) No person whose recall is being sought may be a candidate to succeed himself or herself at a recall election.

11355. (a) The following fees for filing declarations of candidacy shall be paid to the elections official by each candidate:

(1) No filing fee is required from any candidate for an office for which no fixed compensation is payable, or for which the annual salary is two thousand five hundred dollars (\$2,500) or less.

(2) A filing fee of 1 percent of the annual salary of the office shall be paid by each candidate for a judicial office or for a county office, or for any office for which the annual salary is in excess of two thousand five hundred dollars (\$2,500). This subdivision shall not apply to any candidate for any office for which the annual salary is two thousand five hundred dollars (\$2,500) or less.

(b) For purposes of this section, "salary" means the annual salary for the office as of the date the recall election is called pursuant to Section 11110.

(c) All filing fees are nonrefundable.

11355.5. (a) Notwithstanding any other provision of law, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

(1) For all offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(2) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is less than 2,000, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 20 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(4) A voter may sign a candidate's nomination papers or his or her in-lieu-filing-fee petition. Because signatures appearing on the petition-in-lieu are counted towards both

the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) The elections official shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The number of forms which the elections official shall furnish a candidate shall be a quantity that provides the candidates with spaces for signatures sufficient in number to equal the number of signatures that the candidate is required to secure pursuant to subdivision (a) if the candidate desires that number of forms. However, the elections official, rather than provide the candidate with the number of forms set forth in the preceding sentence, or upon the request of a candidate, may provide the candidate with a master form that may be duplicated by the candidate at the candidate's expense for the purpose of circulating additional petitions. All forms shall be made available commencing five working days after the order of the election pursuant to Section 11242. No other form except the form furnished by the elections official or forms duplicated from a master form shall be used to secure signatures. Each petition section shall bear an affidavit signed by the circulator, in substantially the same form as set forth in Section 11360. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote.

(2) If a voter signs more candidates' petitions than there are offices to be filled, the voter's signature shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled

(3) In-lieu-filing-fee petitions shall be filed at least 15 days prior to the close of the nomination period. Upon receipt of the minimum number of in-lieu-filing-fee signatures required, or a sufficient combination of signatures and pro rata filing fee, the elections official shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition was circulated. The elections official shall, no more than two days after verifying the signatures on the petition, notify the elections officials of the other counties of the total number of valid signatures. If the cumulative number of signatures is insufficient, the elections official of the largest county shall inform the candidate and the other elections officials of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The elections official shall not be required to determine the validity of a greater number of signatures than that required by this section or Section 11362, whichever is greater.

(c) All valid signatures obtained pursuant to this section shall be counted towards the number of voters required to sign a nomination paper in accordance with Section 11362.

11356. Except as provided in Section 11355.5, the filing fee shall be satisfied at the time the candidates obtain their nomination forms from the county elections official. The

county elections official shall not issue any papers unless the fees are satisfied pursuant to this section, or unless satisfactory evidence is given to the county elections official that the fee has been satisfied at the time of the declaration of candidacy in another county.

11357. (a) No candidate's name shall be printed on the ballot to be used at the recall election for a county or judicial office unless the following nomination documents are delivered for filing to the county elections official:

(1) Declaration of candidacy pursuant to Section 11359.

(2) Nomination papers signed by voters pursuant to Section 11360 (or petitions-in-lieu of paying the filing fee substituted therefor pursuant to Section 11355.5 (c)).

(b) Nominations of candidates for local offices other than a county or judicial office 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.

(c) The forms shall first be available on the 113th day prior to the recall election and shall be delivered not later than 5 p.m. on the 88th day prior to the recall election.

(d) Upon the receipt of an executed nomination document, the county elections official shall give the person delivering the document a receipt, properly dated, indicating that the document was delivered to the county elections official.

(e) Notwithstanding Section 11358, upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. The county elections official shall not require a candidate to sign, file, or sign and file, a declaration of candidacy as a condition of receiving nomination papers.

11358. (a) Except as provided in subdivision (b), a candidate shall not remove a declaration of candidacy form from the office of the elections official, and the elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the office of the elections official.

(b) A candidate may, in a written statement signed and dated by the candidate, designate a person to receive a declaration of candidacy form from the elections official and deliver it to the candidate. The statement shall include language indicating that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the elections official of the county of the candidate's residence by 5:00 p.m. on the 88th day prior to the election. That statement shall be retained by the elections official.

11359. The declaration of candidacy by a candidate for county or judicial office shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a _____ candidate for nomination and election to the office of _____ District Number _____ (if applicable) to be voted for at the recall election to be held _____, 20____, and declare the following to be true:

My name is _____.

I want my name and occupational designation to appear on the ballot as follows:

Addresses:

Residence

Business

Mailing

Telephone numbers: Day Evening

I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency, and party affiliation, if required).

I am at present an incumbent of the following public office (if any)

If elected, I will qualify and serve to the best of my ability.

Signature of candidate

State of California)

County of _____) ss.

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20__.

County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

11360. (a) The nomination paper for candidates for county or judicial office shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for nomination and election to the office of _____, to be voted for at the recall election to be held on the _____ day of _____, 20____, hereby assert as follows:

I am a resident of _____ District (if applicable) in _____ County and registered to vote at the address shown on this paper. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office. My residence is correctly set forth after my signature hereto:

Name _____
Residence _____

(b) The affidavit of the circulator shall read as follows:

AFFIDAVIT OF THE CIRCULATOR

I, _____, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between _____, 20____, and _____, 20____; that I circulated the petition and I saw the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is _____.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20____.

(SEAL) _____ Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20____.

_____ Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Elections Code Section 18202.

11361. A candidate for county or judicial office who declares his or her candidacy shall have registered voters sign his or her nomination papers pursuant to this article.

11362. If a candidate for county or judicial office submits an in-lieu-filing-fee petition pursuant to Section 11355.5, any or all valid signatures appearing on the petition shall be counted towards the number of voters required to sign a nomination paper. If an in-

lieu-filing-fee petition contains a requisite number of valid signatures under Section 11363, the candidate shall not be required to file nomination papers, and the elections official shall accept the petition instead of nomination papers.

If an in-lieu-filing-fee petition does not contain the requisite number of valid signatures as set forth in Section 11363, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official on a nomination paper. A candidate for county or judicial office who submits a nomination paper pursuant to this paragraph shall only be required to obtain the number of signatures thereon needed to supplement the in-lieu-filing-fee petition so that the combination of signatures appearing on the in-lieu-filing-fee petition and the nomination paper equals or exceeds the requisite number of signatures set forth in Section 11363.

11363. (a) The number of registered voters required to sign a nomination paper for the respective offices are as follows:

(1) County office or judicial office 500.

(2) County supervisor 250.

(b) The provisions of this section are mandatory, not directory, and no nomination paper shall be deemed sufficient that does not comply with this section. This subdivision shall not be construed to prohibit a court from validating a signature which was previously rejected upon showing of proof that the voter whose signature is in question is otherwise qualified to sign the nomination paper.

11364. (a) The nomination paper shall be delivered to the appropriate elections official.

(b) The declaration of candidacy shall be obtained from, and delivered to, the elections official.

(c) Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

(d) Signers shall be voters in the district or political subdivision in which the candidate is to be voted on.

(e) No signer shall, at the time of signing a nomination paper, have his or her name signed to any other nomination paper for any other candidate for the same office.

11365. No fee or charge shall be made or collected by any officer for verifying any nomination document or circulator's affidavit.

11366. The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified.

11367. If the number of signatures affixed to an in-lieu filing fee petition or nomination petition is greater than 100, the county elections official may use a random sampling technique for verification of the signatures. The random sampling shall include an examination of 100 signatures. Upon completion of the verification of signatures in the sample, the percentage of signatures which are valid shall be applied and projected to the total number of signatures submitted.

Article 3. ~~Elections in General~~ Ballots

11400. (a) The order of precedence of offices on the ballot prescribed in Section 13109 shall apply to questions of recall and candidates for successors to such offices. The question of recall and candidates for successor shall appear in the portion of the ballot for nomination or election of candidates.

(b) If there are multiple questions of recall for the same office on the same ballot, the questions shall appear in random alphabet order pursuant to Section 13111 applied to the name of the officer sought to be recalled.

~~11320.~~ 11400. 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 printed in uppercase bold typeface) be recalled (removed) from the office of (title of office)?"

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

(c) Unless the officer sought to be recalled has changed his or her name by marriage, dissolution or order of the court, the officeholder's name shall appear in the question of recall as it appeared on the ballot when the officeholder was last elected to such office, or if the officeholder was appointed to such office, as it appeared on the certificate of appointment.

~~11322~~ 11401. ~~In addition to the material contained in Section 11320, the~~ Immediately following each question of recall 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~~ in the order prescribed by Sections 13111 and pursuant to the provisions of Section 13211.

(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.~~

~~11323~~ 11402. 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 or her vote for or against the recall proposal, respectively.

~~11324~~ 11403. The elections 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.

~~11325~~ 11404. (a) ~~With~~ In the state ballot pamphlet in the case of a recall of a state officeholder, or in the voter information pamphlet of the sample ballot in the case of a recall of a local officeholder, 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~~ The argument in favor of the recall, if any filed by the proponents of the recall with the elections official, or in the case of a state officer, with the Secretary of State. If no

such argument is filed, the following shall appear “No Argument in Favor of the Recall was Submitted.”

~~(2) The answer to the statement of reasons for recall that was~~ The argument against the recall, if any, 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~~ If no such argument is filed, the following shall appear “No Argument Against the Recall was Submitted.”.

~~(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~~ arguments in favor of and against the recall question 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~~ the argument in favor of and against each question of recall shall be printed together and shall be clearly distinguished from those of any other ~~officer~~ question of recall.

~~11327. 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.~~

Article 4. Recall Elections

~~11328~~ 11405. Except as otherwise provided in this Division, A 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.

~~11329~~ 11406. ~~One election is sufficient for the recall of several officers.~~ One or more questions of recall and contests to elect successors may appear on a single ballot.

~~11381. Nominations of candidates to succeed the recalled office 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.~~

~~11382. No vote cast in the recall election shall be counted for any candidate unless the voter also voted for or against the recall of the officer sought to be recalled.~~

~~11383~~ 11407. If one-half or more of the votes at a recall election are "No", the officer sought to be recalled shall continue in office.

~~11384~~ 11408. 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.

~~11385~~ 11409. 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.

~~11386~~ 11410. 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.

DIVISION 13. BALLOTS, SAMPLE BALLOTS, AND VOTER PAMPHLETS

13001. (a) Except as provided in subdivision (b), all expenses authorized and necessarily incurred in the preparation for and conduct of elections as provided in this code shall be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made. The elections official, in providing the materials required by this division, need not utilize the services of the county or city purchasing agent.

(b) All expenses authorized and necessarily incurred in the preparation for and conduct of an election for the recall of a state officer (including Member of the Assembly, State Senate or Board of Equalization) or judge of the court of appeal, proclaimed by the Governor shall be paid by the state. If such an election is consolidated with any other election, only those additional expenses directly related to the recall election proclaimed by the Governor shall be paid by the state.