



SAN FRANCISCO
ELECTIONS

Guide to Recalling Local Elected Officials

San Francisco Department of Elections

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I. Introduction

This guide has been prepared by the San Francisco Department of Elections (the Department) to assist proponents with the procedures and requirements for recalling local elected officials. This guide applies only to the recall of local elected officials. For information about statewide, rather than local, elected officials, please see the Recall of Statewide Elected Officials, provided by the California Secretary of State.

The San Francisco Charter establishes some of the principal procedures and requirements for the recall of local officials. Where the San Francisco Charter or Municipal Elections Code do not address a particular aspect of the recall process, applicable provisions of California law apply. For this reason, the Secretary of State's guide to recalls, entitled Procedure for Recalling State and Local Officials, is a useful resource for anyone interested in the recall process.

This guide does not have the force and effect of law, regulation, or rule, and interested parties should not rely on this guide as a substitute for consulting an attorney or applicable laws and regulations. If there is a conflict between this guide and any applicable law, regulation, or rule, then the law, regulation, or rule applies. The San Francisco Charter and San Francisco Municipal Elections Code are available at amlegal.com. The California Elections Code is available at leginfo.ca.gov.

The Department must approve the petition prior to circulation and will not verify signatures on any recall petition that fails to meet the requirements of this review. It is strongly recommended that proponents consult an attorney on the recall process, including technical requirements for the format of recall petitions. The Department's receipt of a petition is not an indication that the petition meets all legal requirements.

If you are circulating a recall petition, you may be required to file campaign financial disclosure statements under the State's Political Reform Act. Consult your legal counsel, the Technical Assistance Division of the Fair Political Practices Commission (FPPC) at (866) 275-3772 or fppc.ca.gov, or the San Francisco Ethics Commission at (415) 252-3100 or sfethics.org for more information.

The Department is located in City Hall, Room 48, and is open from 8 a.m. to 5 p.m., Monday through Friday, to assist with any questions regarding the recall process. Proponents may contact the Department at (415) 554-4375, campaign.services@sfgov.org, or through our online appointment form.

II. Resources

In addition to this guide, the Department encourages recall initiative proponents and campaigns to familiarize themselves with other important resources:

- a. The Department's website, sfelections.org, has a wealth of information for proponents and voters, including registration and voting calendars, opportunities to observe the elections process, and up-to-date result reports from Election Night through certification of the results.
- b. Recall initiative proponents may apply to purchase voter data files for campaign purposes.
- c. Any committee that raises or spends funds to support or oppose a recall initiative during the circulation of the recall petition shall file supplemental campaign statements with the San Francisco Ethics Commission, which publishes a general guide that explains state and local campaign finance and campaign disclosure requirements; the Ethics Commission and the FPPC also provide information regarding laws that govern political literature and advertising.
- d. The California Secretary of State (SOS) and the FPPC play a role in the administration and enforcement of laws regulating campaigns and elections. The FPPC has created "Campaign Disclosure Manual 3", available at fppc.ca.gov, which details filing and disclosure requirements for local ballot measure committees.

Code References: the following abbreviations are used throughout this guide for citations of supporting legal codes	
CAEC	California Elections Code
CCR	California Code of Regulations
CA Gov. Code	California Government Code
SFC	San Francisco City Charter
SFMEC	San Francisco Municipal Elections Code
SFC&GCC	San Francisco Campaign and Governmental Conduct Code

III. Local Officials Subject to Recall

CAEC § 11007; SFC § 14.103

A recall petition may ***not*** be initiated with respect to an officer who has held office for less than six months or who has had a recall election determined in his or her favor within the last six months. In addition, an officer whose term ends within six months or less may not be recalled.

In order to recall an officer elected Citywide, the recall proponent must submit valid signatures of at least ten percent (10%) of registered voters of the City and County at the time of filing the notice of intention to circulate. To recall an officer elected by district, the recall proponent must submit valid signatures of at least fifteen (15%) or twenty percent (20%) of the registered voters in that district at the time of filing the notice of intention to circulate. (CAEC§ 11221).

Under the San Francisco Charter, the following local officials may be subject to a recall:

- Any elected official of the City and County
- The City Administrator
- The Controller
- Any member of the Airport Commission
- Any member of the governing board of the Unified School District
- Any member of the governing board of the Community College District
- Any member of the Ethics Commission.
- Any member of the Public Utilities Commission

IV. Recall Initiation Process

A. Notice of Intention to Circulate Petition

CAEC 11020-11024

The process for recalling a public official begins when the proponent serves a copy of the Notice of Intention by personal delivery, or by certified mail, on the officer sought to be recalled. Within seven days of serving the notice of intention, the proponent shall file original, along with proof of service, with the Department.

The Notice of Intention shall contain three key components:

- i. Name and title of the officer sought to be recalled
- ii. A statement of reasons for proposed recall, not to exceed 200 words
- iii. The printed name, signature, and residence address, including street and number, city, and ZIP Code, of each of the proponents of the recall. If a proponent cannot receive mail at their residential address, an alternative mailing

address must be provided. **The minimum number of proponents is 20.**

B. Response of Officer

Once the Notice of Intention is filed with the Department, the Officer has seven days to file an answer, not to exceed 200 words, with the Department and serve, by personal delivery or certified mail, a copy of the answer to the proponents. This answer shall be signed and accompanied by the printed name and business or residential address of the officer sought to be recalled.

C. Proof of Publication

The proponent has ten days, after the filing of the response of the officer, to file proof of publication and two blank copies of the petition with the Department. If the Officer does not file a response, the proponent then has 10 days after the expiration of the seven day period.

D. Sufficiency of Petition

CAEC 11042

The Department has ten days after the receipt of blank petitions and proof of publication to determine the sufficiency of the petition. During this time, the Director reviews the petition to determine whether the requirements set forth by the California Elections Code are met. If the petition does not meet the requirements, the Director notifies the proponent, including a statement as to what alterations in the petition are necessary. Within ten days after receiving the notification, the proponent shall file two blank copies of the corrected petition with the Department. The 10-day correction notification period and the 10-day filing period for corrected petitions shall be repeated until the Director finds no alterations are required. The proponent may not gather any petition signatures until the Department of Elections notifies the proponent that the form and wording of the proposed recall petition meet all applicable requirements. Once the petition format is approved by the Director, the proponent has 120 or 160 days to circulate, depending on the number of registered voters in the jurisdiction.

Most common causes for delays in qualifying recall petitions:

- Proponents are not registered in the district of the officer to be recalled
- Proponents are not registered at the address that appears in the voter registration database
- Sections of the petition do not conform with the format as outlined in the guide
- Text content varies when more than one petition form is submitted
- Proof of publication content differs from the approved petition
- Circulators are not registered in the district of the officer to be recalled
- Process of serving, filing and publishing the Notice of Intent was not executed properly

V. Circulating the Petition

CAEC §§100-103, 2138, 2158-2159.5; SFC §14.104

A summary of regulations related to petition circulation follows. It is recommended that a proponent consult an attorney throughout the recall process.

Circulation of the petition can begin following the approval of the petition by the Director of Elections.

Any person who is 18 years or older may circulate a petition. Only registered voters of the electoral jurisdiction of the officer sought to be recalled are qualified to sign a recall petition for that officer. For example, if an officer is elected Citywide, any

San Francisco voter may sign a petition to recall that officer. If an officer is elected by District, only voters who reside in that district may sign a petition to recall that officer.

For a voter's signature to be valid, the voter must indicate a residential address on the petition that matches the address in his or her registration record. As voters sometimes forget to re-register when they have moved within San Francisco, a proponent or circulator may obtain voter registration cards for signers to complete. Registration cards must be turned in or mailed to the Department within three days of receipt from a voter, and, for the petition signatures to be valid, the registration cards must be received and processed prior to or upon the submission of the petition. If registration cards are submitted before the petition, please notify the Department that the cards are from voters who have signed a petition so that the registrations can be processed prior to the verification of signatures.

If a voter is unable to personally complete a petition, the voter may request that another person print the voter's name and place of residence on the appropriate spaces of the petition. The voter must then personally mark or sign the petition, witnessed by one person by subscribing his or her name thereon.

Any voter may withdraw his or her signature by filing a written request with the Department prior to the filing of the petition. However, once the petition is filed, no signatures may be withdrawn.

A. Signature Misuse Statements

CAEC §9609-10

Prior to circulating or allowing another person to circulate a recall petition, the person, company official, and other organizational officer who is in charge of signature gathering and any circulators must execute and submit a signed statement with the required verbiage specified in the "Signed Statement" sample in the Appendix.

- i. The statement of a person, company official, or other organizational officer who is in charge of signature gathering must be submitted to the proponent
- ii. The statement of a circulator must be submitted to the person, company official, or other organizational officer who is in charge of signature gathering

In either instance, the statement must be kept on file by the recipient for at least eight months after the certification of the results of the election for which the petition qualified, or, if the measure, for any reason, is not submitted to the voters, eight months after the deadline for submission of the petition to election officials.

B. Instructions for Signature Gatherers

CAEC §§9607, 18650

The proponent of a measure must ensure that any person, company, or other organization that is paid or volunteers to solicit signatures receives instruction on the requirements and prohibitions imposed by state law with respect to the circulation of petitions and the gathering of signatures. These instructions must emphasize the prohibition of the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot. Petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuse constitutes a crime.

C. Identification Requirements

SFMEC §335

Any person who controls circulation or signature gathering on a San Francisco initiative petition must request Circulator Identification Badge templates from the Department. The Department will provide one badge template containing the words "VOLUNTEER CIRCULATOR" and a second badge template containing the words "PAID CIRCULATOR." The templates will specify a font and size that will be clearly legible to the intended public.

With the badge templates, the Department will also provide written notice describing the identification requirements and that intentional failure to display the appropriate badge or to disclose the names of the petition proponents upon request is an infraction, punishable by the maximum fine allowed under state law

D. Declaration of Circulator

CAEC §104

The petition may be circulated by a number of individuals carrying separate, identical parts of the petition called sections. Each section includes the Declaration of Circulator.

Each petition circulator who obtains signatures must complete each declaration by hand, sign the declaration under penalty of perjury, and return the petition to the proponent or the person, company official, or other organizational officer authorized by the proponent to circulate the petition. The circulator may not complete a section of the declaration and then duplicate the petition. When making a copy of a petition form, the proponent or circulator should ensure that no fields have been prefilled. Preprinted dates or generalized dates other than the particular range of dates during which the petition section was actually circulated are not allowed.

E. Improper Signature Gathering

CAEC §§18600-01, 18603, 18610-14

State election law specifically prohibits the following activities:

- i. Intentionally misrepresenting or intentionally making any false statement concerning the contents, purport, or effect of a petition to any prospective signer
- ii. Willfully and knowingly circulating, publishing, or exhibiting any false statement or misrepresentation concerning the contents, purport, or effect of a petition for the purpose of influencing any person to sign that petition
- iii. Intentionally making 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
- iv. Refusing to allow a prospective signer to read the measure or petition
- v. Offering or giving money or other valuable consideration to another in exchange for his or her signature on a petition
- vi. Soliciting any circulator to affix a false or forged signature to a petition, or to cause or permit a false or forged signature to be affixed
- vii. Circulating or causing a petition to be circulated, knowing it to contain false, forged, or fictitious names
- viii. Knowingly signing one's name more than once to a petition or signing a petition that one is not qualified to sign.
- ix. Subscribing a fictitious name or the name of another to a petition, or causing another to subscribe such a name
- x. Filing a petition with 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.

For more information about restrictions related to initiative petitions and possible consequences for violation, refer to California Elections Code, Division 18, Chapter 7.

VI. Signature Verification

The Director of Elections shall certify the sufficiency of the petition signatures, or determine the insufficiency of the signatures, no later than 30 days after the date the petition is received. The Department will complete the signature verification process and notify the proponent whether the proposed measure qualifies for the ballot. If the proposed measure qualifies for the ballot, the Department will certify the results of the examination to the Board of Supervisors.

A. Raw Count

CAEC §9113

When a petition is filed, the Department determines the total number of unverified signatures affixed to the petition. If, from this prima facie examination, the Department determines that the number of signatures:

- i. Equals or exceeds the minimum number of signatures required, the Department shall examine the petition
- ii. Does not equal or exceed the minimum number of signatures required, no further action shall be taken

B. Random Sample

CAEC §11225

If more than 500 petition signatures have been submitted, the Department may use a random sampling technique for verification of signatures. The sample of signatures to be verified shall be drawn so that every signature is given equal opportunity for inclusion in the sample. The random sampling shall include an examination of at least 500 signatures, or five percent of the signatures, whichever is greater.

If the statistical sampling shows that the number of valid signatures is greater than 110 percent of the required number, the initiative measure is considered qualified, with no further verification needed. The Department shall certify the results of the examination to the Board of Supervisors and notify the proponent via certified mail.

If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the required number, the Department will verify each signature on the petition. If, prior to reviewing each signature, the Department determines that the petition has the required number of valid signatures, it may stop the verification process.

If the statistical sampling shows that the number of valid signatures is insufficient, the Department will notify the proponent, and no further action will be taken on the petition.

VII. Voter Information Pamphlet

CAEC § 11325; SFMEC §§ 110, 500(c)(7)

The Voter Information Pamphlet contains information about ballot measures, including the proposed recall of local officials. This information includes a digest of the measure prepared by the Ballot Simplification Committee and arguments for and against the measure. The Department of Elections will publish free of charge a “proponent’s argument” in support of the proposed recall and an “opponent’s argument” against the recall. For a fee, or with signatures of voters gathered in lieu of the fee, others may submit arguments for or against the proposed recall. For more information about ballot arguments, please refer to the Department of Elections' Ballot Argument Guide.

Additionally, State law requires that the Voter Information Pamphlet include the statement of reasons for the recall that appeared on the notice of intent and the answer, if any, that was filed by the officer whose recall was sought.

VIII. Recall Election

SFC §§ 13.101.5, 14.103

The scheduling of recall elections of local officials is governed by the San Francisco Charter. Upon certifying the sufficiency of a recall petition's signatures, the Director of Elections is required immediately to call a special recall election, which must be held not less than 105 nor more than 120 days from the date of calling. If the potential date of the special recall election is within 105 days of a previously-scheduled general municipal or statewide election, the Director of Elections is required to consolidate the special recall election with the general municipal or statewide election. Under these circumstances, the special recall election may be held more than 120 days from the date of calling or fewer than 105 days if the Director determines that he or she can fulfill all of the legal requirements related to placing a measure on the ballot.

Under the Charter, the recall election presents a single question to the voters: whether a particular officer should be recalled from office. The recall election does not include replacement candidates. A simple majority (50% plus one of the total number of votes cast on the measure) is required to recall a local official.

The San Francisco Charter governs the replacement of recalled officers. If an elective office (other than the office of Mayor) becomes vacant because of a recall, the Mayor shall appoint a qualified person to fill the vacancy. If the office of Mayor becomes vacant because of a recall, the President of the Board of Supervisors shall serve as Acting Mayor until the Board of Supervisors appoints a successor.

Any person appointed to fill a vacancy created by recall will serve only until a successor is elected. Generally, a successor is elected at the next election scheduled to occur no less than 120 days after the date of the vacancy.

IX. Appendix: Sample Petition

Each page of each section must be no less than 8-point type. Petition must have 1 inch top margin. The request for the election, appointment of a successor by Mayor, the Notice of Intention and the Answer must be printed on each side of the sheet of paper on which signatures appear. All petition sections must be printed in uniform size and darkness with uniform spacing. CAEC §11041. All text for the Notice of Intent and Answer will be formatted flush left. Bullet, capitalization, bolding or underlining or emphases are not permitted.

PETITION FOR RECALL

TO THE HONORABLE DIRECTOR OF ELECTIONS,

Pursuant to the California Constitution, California Elections Code, and the San Francisco Charter, the undersigned registered qualified voters of the City and County of San Francisco, hereby give notice that we are the proponents of a recall petition and that we intend to seek the recall and removal from the office of **(insert name of office held)** in **(insert electoral jurisdiction)**. We request that the Mayor appoint a successor to that office.

The following Notice of Intention to Circulate Recall Petition was served on *(insert date petition was served)* to *(insert name of person whose recall is being sought)*

Insert complete Notice of Intention to Circulate Recall Petition.

The answer of the officer sought to be recalled is as follows:

IMPORTANT NOTES: When printing the Notice of Intention (200 words or less) on the petition, it must appear exactly as written on the original notice, including punctuation, spelling, etc. and it must contain the names of at least 20 recall proponents. It may differ from the original Notice in the following ways:

1. It does not have to contain more than 10 names, even if a larger number was required on the original notice;
2. The business or residence addresses of the proponents may be omitted. If so, revise the statement appearing before the signatures to read: "The names of the proponents (business or residence addresses are on file with the elections official) are as follows."
3. It does not have to include the paragraph regarding the incumbent's right to file an answer.

(Insert answer here. Following all text, print the name, address, and contact information provided by the incumbent.)

Insert answer- 200 words. If no answer, insert "No Answer was Filed" CAEC § 11041 (a) (3)

Each of the undersigned states for himself/herself that he or she is a registered and qualified voter (insert Supervisorial District if applicable) of the City and County of San Francisco, California.

1.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
2.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
3.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	

Each petition section shall have attached to it an affidavit to be completed by the circulator. This declaration below may be omitted on front side if signature spaces are provided on both sides. The circulator's declaration must follow the last signature block. All other information above must be included on both sides.

Declaration of Circulator (Must be in circulator's own handwriting)

I, _____, am 18 years of age or older. My residence address is
 (print name)

_____. I circulated this section of the petition and witnessed each of the appended
 (address, city, state, zip)

signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____
 (month, day, year)(month, day, year)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, _____, at _____.
 (month and day) (year) (place of signing)

 (complete signature, indicating full name of circulator)