

PROCEDURES FOR RECALLING LOCAL OFFICERS



Prepared by the Kern County Elections Division

This guide was developed in an effort to provide answers to questions frequently asked of the Kern County Elections Division regarding how to start a recall petition. It is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. It is recommended that you contact private legal counsel to advise you of the legal requirements of the recall process. The Kern County Elections Division cannot give legal advice or interpretations of law.

The following is intended as only an introduction to the recall process, and it is not intended for use in lieu of legal counsel. It is the responsibility of the proponents of a recall effort to obtain the most up-to-date information available, reflecting changes in laws or procedures.

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

For information on city recalls, please contact your City Clerk.

August 2019

This Document is subject to change without notice.

CONTACT INFORMATION

| | |
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| KERN COUNTY ELECTIONS DIVISION 1115 Truxtun Avenue, 1 st Floor Bakersfield, CA 93301 | |
| General Information | 661-868-3590 or 1-800-452-8683 |
| Fax – General | 661-868-3768 |
| Fax – Candidate Filing | 661-868-3727 |
| Fax – Vote by Mail | 661-868-3723 |
| Website | www.kernvote.com |

| | |
|---|--|
| SECRETARY OF STATE (SOS) ELECTIONS DIVISION | |
| General Information | 1-916-657-2166 |
| Fax | 1-916-653-3214 |
| Website | www.sos.ca.gov |

| | | |
|---|-------------------------------------|--------------------|
| CITIES WITHIN KERN COUNTY | | |
| <p>The City Clerk is the elections official in the case of the recall of elective officers of a city. Contact the City Clerk of the appropriate city for the recall of its elective officers. (§§11002 and 11004)</p> | | |
| Arvin | 1-661-854-3134 | 1-661-854-0817 fax |
| Bakersfield | 1-661-326-3767 | 1-661-323-3780 fax |
| California City | 1-760-373-7140 | 1-760-373-7511 fax |
| Delano | 1-661-720-2228 | 1-661-721-3269 fax |
| Maricopa | 1-661-769-8279 | 1-661-769-8130 fax |
| McFarland | 1-661-792-3091 | 1-661-792-3093 fax |
| Ridgecrest | 1-760-499-5000 or 1-760-499-5002 | 1-760-499-1500 fax |
| Shafter | 1-661-746-5000 | 1-661-746-0607 fax |
| Taft | 1-661-763-1222 ext 16 | 1-661-765-2480 fax |
| Tehachapi | 1-661-822-2200 | 1-661-822-8559 fax |
| Wasco | 1-661-758-7214 | 1-661-758-5411 fax |

WHAT IS A RECALL?

A recall is the power of the voters, provided in the State Constitution, to remove elected officials from office before their terms expire. It's been a fundamental part of our governmental system since 1911, and has been used by voters to express their dissatisfaction with their elected officials

WHOM DO I CONTACT FOR INFORMATION ON RECALLING LOCAL ELECTED OFFICIALS?

The Registrar of Voters is the elections official in the case of the recall of local elected officers of:

- the County
- a School District
- the County Board of Education
- a Community College District
- a Special District (resident voting district)
- Judges of Superior Court

The City Clerk is the elections official in the case of the recall of elective officers of a city. Contact the City Clerk of the appropriate city for the recall of its elective officers. (§§11002 and 11004)

WHO CAN BE RECALLED?

Any elective officer, including a person who has been appointed in lieu of an election or to fill a vacancy, can be recalled. (§11006)

A separate petition is necessary to propose the recall of each officer. (§11044)

WHO CANNOT BE RECALLED?

Recalls may not be started against an officer of a city, county, special district, school district, community college district, or county board of education if:

- (a) the officer has not held office during the current term for more than 90 days;
- (b) a recall election has been determined in the officer's favor within the last six months;
- (c) the officer's term ends within six months or less. (§11007)

WHO CAN INITIATE A RECALL?

The proponents are those individuals who initiate recall proceedings and have control over the circulation of and obtaining petition signatures. They **MUST** be registered voters, eligible to vote on the officer they seek to recall. (§11005)

HOW LONG WILL THE PROCESS TAKE?

- The clock starts ticking when the Notice of Intention is served.
- To give you an idea of how long the process will take, an example of a timeline has been prepared. (See Exhibit A)
- This sample timeline is an example and does not represent an exact timeline for your particular recall process. It is provided to give you a general idea of the length of the process.

STEP 1

NOTICE OF INTENTION (§§11006, 11020)

You begin the recall process by serving, filing and publishing a Notice of Intention to circulate a recall petition. This is a statement of why you want to recall the elected official. Exhibit B, of this handbook, is an example of the Notice of Intention. Be certain to review Elections Code section 11020 for more information regarding the form of the Notice of Intention.

CONTENTS OF NOTICE OF INTENTION:

The Notice of Intention must contain:

- a) the name and title of the officer sought to be recalled;
- b) a statement, not over 200 words in length, of the reasons for the proposed recall;
- c) the printed name, signature, and residence address of each proponent of the recall;
- d) the minimum number of proponents shall be ten, or equal to the number of signatures required to be have been filed on the nomination paper of the officer sought to be recalled, whichever is higher;
- e) the provisions of Elections Code section 11023, which permit incumbents who are the subject of recall to file an answer to the Notice and prescribes the method for doing so.

STEP 2

SERVING THE OFFICER BEING RECALLED (§11021)

You must serve a copy of the Notice of Intention by personal delivery or by certified mail on the officer you want to be recalled.
(See Exhibits B, C and D in this handbook.)

Within seven days of serving the officer sought to be recalled, you are required to **file** the original Notice of Intention along with a copy of the proof of service (See Exhibits B, C and D in this handbook) with the Kern County Elections Division.

At the time you file the Notice of Intention, the Kern County Elections Division will verify the word count and that the proponents are registered voters within the district.

A separate Notice of Intention must be filed for each officer sought to be recalled.

Note: The Kern County Elections Division policy regarding date of service on the recall is consistent with the Secretary of State guidelines – that the date served is the date it is mailed by certified mail to a valid address. Arguments have been made that it is the date received by the recall. The best method of service, in order to avoid any possibility of legal challenge, is to serve in person. If you choose to serve by certified mail, please be advised that it is always possible that the Kern County Elections Division policy could be challenged in a court of law and if the challenge were upheld, the recall process would have to begin again.

STEP 3

RECALLEE ANSWERS THE NOTICE OF INTENTION (§11023)

Within seven days after the Notice of Intention has been filed, the officer sought to be recalled can file an answer (a statement on why he/she **should not be recalled**) with the Kern County Elections Division. The statement must not be more than 200 words. The officer must serve a copy of any filed answer by personal delivery or by certified mail on at least one of the proponents named in the Notice of Intention.

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

STEP 4

PUBLISHING THE NOTICE OF INTENTION (§§11022, 11042)

A copy of the notice must be published at the proponents' expense at least once in a newspaper of general circulation. The publication need not include the answer of the Notice of Intention from the officer sought to be recalled. Include names and addresses of proponents but DO NOT publish the signatures. Gov't §6000, et seq.

If such publication is not possible, the notice shall be posted in at least three public places within the jurisdiction of the officer sought to be recalled. Posting is allowed only if there is no newspaper of general circulation able to provide timely publication in the jurisdiction of the officer whose recall is being sought. Gov't §6000, et seq.

The proponents must file proof of publication or an affidavit of posting the Notice of Intention at the same time that they file two blank copies of the petition with the appropriate elections official. Proof of publication can be obtained from the newspaper publisher after the Notice of Intention appears in print.

STEP 5

FORMATTING THE PETITION (SEE EXHIBIT E)

GENERAL PROVISIONS: (§11040)

- (a) The petition may consist of any number of separate sections, which shall be duplicates except as to signatures and matters required to be affixed by signers and circulators. The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.
- (b) Each section of the petition may consist of any number of separate pages. A page shall consist of each side of a sheet of paper on which any signatures appear.

HEADING: (§§11020, 11041, 11043, 11043.5) – Before any signature may be signed to a recall petition, each page of each section must include all of the following and must be approved prior to circulating by the Kern County Elections Division.

A margin at least one inch wide shall be left blank across the top of each page and a margin at least one-half inch wide shall be left blank along the bottom of each page. Each side of a sheet of paper on which signatures appear must include in no less than 8-point type:

A request that an election be called to elect a successor to the officer.

A copy of the Notice of Intention, including the Statement of Grounds for recall.

The Names of at least 10 proponents that appear on the Notice of Intention.

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

All petitions sections must be printed in uniform size and darkness with uniform spacing.

SIGNATURE SPACE: (§§100, 11043)

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

- (1) His or her signature.
- (2) His or her printed name.

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

(4) The name of the incorporated city or unincorporated community in which he or she resides.

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

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

The part of the petition for voters' signatures shall be numbered consecutively commencing with number 1, and continuing through the number of signature spaces allotted to each section.

Pursuant to the California Supreme Court's decision in *Assembly v. Deukmejian*, 30 Cal.3d 638, 180 Cal.Rptr. 297(1982), the petition form must direct signers to include their "residence address" rather than "address as registered" or other address. Non-complying petition forms will be rejected as invalid.

DECLARATION OF CIRCULATOR: (§§104, 11046)

Each section of the petition must have attached to it a declaration signed by the circulator (person soliciting signatures) of that section of the petition, setting forth **in the circulator's own hand**, all of the following:

- a) the printed name of the circulator;
- b) the residence address of the circulator, giving street and number,
- c) or if no street or number exists, adequate designation of residence so that the location may be readily determined;
- d) the dates between which all signatures to the petition were obtained.
- e) that the circulator circulated that section and witness the appended signatures being written;
- f) that according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be;
- g) that the circulator is 18 years of age or older;
- h) that the circulator certifies to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

Note: Declaration of Circulator may be on the back of the petition.

Circulators must personally affix their printed name, residence address, and the specific dates of circulation of each petition section in the circulator's affidavit. **Pre-printed dates, or generalized dates** other than the particular range of dates on which the petition section was circulated **are not authorized**.

STEP 6

APPROVAL OF PETITION FORMAT (§§11042, 11043)

Proponents must file **two** blank copies of the proposed petition with the Kern County Elections Division within ten days after the filing of the answer to the Notice of Intention, or, if no answer is filed, within ten days after the expiration of the seven-day period for filing the answer.

The proponents must file proof of publication or an affidavit of posting the Notice of Intention at the same time that they file the two blank copies of the petition mentioned above.

The submitted blank copies of the petition will be carefully reviewed for uniformity and correctness. In order to expedite the approval process of the recall petition, the Notice of Intention and answer must be the same as when they were filed. DO NOT omit any words, change the case size, or remove any underlining or bullets. Include proponents names and addresses, but DO NOT include their signatures. In addition, the recall petition must adhere to Elections Code section 11043.

The Kern County Elections Division shall, within 10 days of receiving the blank copies of the petition, notify the proponents in writing of his or her finding.

If the Kern County Elections Division finds that the requirements of this chapter are not met, they shall include in the findings a statement as to what alterations in the petition are necessary.

You can either pick up the recall petition or it can be mailed (certified delivery). You have ten days to make the required changes. The ten-day period begins when you receive the recall petition.

You must file another two blank copies of the corrected petition with the Kern County Elections Division within ten days after receiving notification. This process continues (ten days for the proponents and ten days for the Kern County Elections Division) until the recall petition adheres to statute.

When the recall petition has adhered to statute, you will be notified the last day to submit the recall petitions and how many signatures are required for a recall election. Once the recall petition adheres to statute, you can start collecting signatures.

No signatures may be obtained on the recall petition until the form of the petition has been approved by the Kern County Elections Division.

STEP 7

HOW MANY SIGNATURES ARE NEEDED (§§2187, 11221)

The number of qualified signatures required to qualify a recall for the ballot must be equal in number to not less than the following percent of registered voters in the electoral jurisdiction:

- (a) **Thirty percent** (30%) if the registration is less than 1,000.
- (b) **Twenty-five percent** (25%) if the registration is less than 10,000 but at least 1,000.
- (c) **Twenty percent** (20%) if the registration is less than 50,000 but at least 10,000.
- (d) **Fifteen percent** (15%) if the registration is less than 100,000 but at least 50,000.
- (e) **Ten percent** (10%) if the registration is 100,000 or above.

If a judge of a superior court is sought to be recalled, the number of valid signatures must be equal in number to at least the twenty percent (20%) of the last vote for the office. If the office has not appeared on the ballot since its creation or did not appear at its last regularly scheduled date, the number of signatures must be equal in number to at least twenty percent (20%) of the votes cast within the 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. (Ca. Const., Article 2, Section 14)

The number of registered voters is calculated as of the time of the last report of registration by the Kern County Elections Division to the Secretary of State prior to the finding by the Kern County Elections Division that no alterations are required in the form of the recall petitions.

STEP 8

DEADLINE TO FILE THE PETITION (§11220)

You, the proponent, must submit to the Kern County Elections Division, during normal business hours as posted, a petition with the requisite number of signatures within:

- (a) **40 days** if the electoral jurisdiction has less than 1,000 registered voters.
- (b) **60 days** if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.
- (c) **90 days** if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.
- (d) **120 days** if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.
- (e) **160 days** if the electoral jurisdiction has 50,000 registered voters or more.

STEP 9

CIRCULATION OF THE PETITION (§§103, 104, 322, 11045, 11046, 11047, 11303)

WHO CAN CIRCULATE THE PETITION?

The recall petition can be circulated by anyone that is 18 years of age or older. Circulator must complete the Declaration of Circulator on the petition.

WHO CAN SIGN THE PETITION?

The recall petition **can only be signed by registered voters** who are qualified to vote for the officer sought to be recalled.

If a local jurisdiction includes portions of more than one county, each section of the petition must include the name of the county in which it is circulated, and only registered voters of the county may sign that petition section.

CAN SIGNATURES BE WITHDRAWN?

Any voter may withdraw his or her signature from the recall petition upon filing a written request with the appropriate elections official prior to the day the petition section on which the signature appears is filed.

IMPORTANT TIPS FOR SIGNATURE GATHERING

The signers of a recall petition must sign the petition in their own handwriting.

They must personally fill-in their name, address, and signature.

The Kern County Elections Division recommends obtaining additional signatures above the amount that is required to compensate for signers who are disqualified for not being registered, being registered but not living in the district, or for other reasons.

You can register a voter the same time they sign the recall petition. The registration must be received by the Kern County Elections Division by the time the petition is filed with the Kern County Elections Division.

Make sure the voter is registered and lives in the district. Resources can be purchased from the Kern County Elections Division to assist in this process, including; indexes – printed lists of registered voters by precinct, listed by address with the street names arranged alphabetically and street numbers in numerical order for a given street name and registration forms.

Contact us at: 661-868-3590

STEP 10

FILING THE PETITION (§11222)

- 1) Submit your petitions to the Kern County Elections Division by the deadline.
- 2) The petitions must be filed during normal business hours.
- 3) The petitions must be filed by a proponent or an individual who has been authorized by a proponent, in writing, to file the petition.
- 4) All sections of the petition must be filed at the same time.

STEP 11

EXAMINATION OF THE SIGNATURES

When the proponents bring in the petition for filing, the clerk must count the number of signatures on it. If from this examination the clerk determines that the number of signatures equals or is in excess of the minimum number of signatures required, the clerk shall accept the petition for filing, and the petition shall be deemed as filed on that date. If from this examination, it is determined that the signatures do not equal or exceed the minimum number required, the petition shall not be filed, but shall be returned to the proponents.

Within **30 working days** (EXCLUDING Saturdays, Sundays, and Holidays) from the date of filing the petition, the clerk shall examine it in order to ascertain if the petition is signed by the requisite number of voters. If the examination shows that the number of valid signatures is greater than the required number, the clerk shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the clerk shall certify the petition to be insufficient.

The clerk shall attach a certificate to the petition showing the result of the examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

STEP 12

CERTIFICATION (§§11223, 11224, 11225, 11226, 11227, 11301, 11300)

If the petition is found to have sufficient signatures, the Kern County Elections Division will certify the results by preparing a certificate. The proponents will be notified of this result.

If the petition was circulated in more than one county, the elections official of each county shall affix, with the certificate showing the results of his/her

examination, the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled.

If there are sufficient signatures, an election will be held.

If the petition is found to have insufficient signatures, the Kern County Elections Division will certify the results by preparing a certificate and notifying the proponents of this result. No further action will be taken; but, the petition shall remain on file.

Who May Examine a Petition? (Gov't §6253.5, EC §§11301,17400)

If a petition is found to be **sufficient** by the Kern County Elections Division, no one may examine the petition.

If a petition is found to be **insufficient** by the Kern County Elections Division, the proponents whose names are listed on the Notice of Intention (or designees of the proponents, designated in writing) must be allowed to examine the petition signatures in order to ascertain which signatures were disqualified and the reasons therefore.

NOTE: THIS RIGHT OF EXAMINATION IS NOT OTHERWISE AVAILABLE TO PROPONENTS OR TO THE PUBLIC IN GENERAL.

If the proponents examine the petition signatures, such examination shall begin **no later than 21 days** after certification of insufficiency.

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

STEP 13

RECALL ELECTION (§§11227, 11240, 11241, 11242, 11381, 11384, 11385)

ORDER BY GOVERNING BOARD:

The certificate of sufficiency shall be submitted to the governing body at its next regular meeting. Within 14 days after that meeting, the governing body must issue an order stating that an election will be held to determine whether or not the officer named in the petition shall be recalled.

If the governing board fails to issue the order, the Kern County Elections Division shall within **5 days** set the date for holding the election.

DATE OF ELECTION:

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

NOMINATION OF CANDIDATES:

Nomination papers and the Declaration of Candidacy must 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.

No person whose recall is being sought may be a candidate to succeed himself nor any other member of the same governing board whose recall is being sought at the same election.

At the election, voters will decide whether or not to recall the officer and, if there is a candidate, will also choose a successor if the recall is successful.

MAJORITY VOTE:

If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives the highest number of votes is the successor to the unexpired term of the recalled officer. The officer may not be a candidate to succeed himself/herself at the recall election. (Cal.Const., Art. II, Sec. 15)

POLITICAL REFORM ACT

Proponents of recalls, officers subject to recall, and candidates may have disclosure requirements under the Political Reform Act, (Government Code sections 81000 et seq). Questions should be directed to the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; 1.866.275.3772 or 1.916.322.5660, fax number 1.916.322.0886 or Email questions to: advice@fppc.ca.gov

EXHIBIT A

RECALL PROCESS TIMELINE

This sample timeline is an example, but does not represent an exact timeline for your particular recall process. It is provided to give you a general idea of the length of the process.

The clock starts ticking when the Notice of Intention is served on the officer to be recalled.

| | |
|---|--|
| | Notice of Intention served. |
| within 7 days | File original of Notice of Intention, along with an affidavit of time and manner of service, with the Kern County Elections Division within 7 days of Notice of Intention being served. |
| within 7 days | Officer sought to be removed may file with the Kern County Elections Division an answer within 7 days of Notice of Intention being filed. The officer also must, within 7 days of the filing of Notice of Intention, serve a copy of answer on one of the proponents named in notice. |
| within 10 days | After the filing of answer to Notice of Intention, or if no answer is filed, within 10 days after expiration of 7-day period to file answer, proponents must file 2 blank copies of proposed petition with the Kern County Elections Division and proof of publication of Notice of Intention. |
| within 10 days | After receiving proposed petition, the Kern County Elections Division must review the recall petition and notify the proponents of any required changes. |
| within 10 days | The proponents must make the required changes. The 10-day period begins when they receive the recall petition from the Kern County Elections Division. This process continues (ten days for the proponents and ten days for the Kern County Elections Division) until the recall petition adheres to statute. |
| within 40 to 160 days | The petition is circulated. (# of days dependent on size of jurisdiction) |
| within 30 business days | The signatures are verified and certified by the Kern County Elections Division. |
| within 14 days | The certificate of sufficiency shall be submitted to the governing body at its next regular meeting. After receiving the certificate of sufficiency, within 14 days, the governing body must issue an order stating that an election will be held. |
| Not less than 88 nor more than 125 days | After the issuance of the order, not less than 88 nor more than 125 days, the recall election shall be held on the same day and consolidated with the regular or special election, if one is scheduled. |

EXHIBIT B

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

TO THE HONORABLE _____ (see footnote 2) _____ : Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of _____ (see footnote 3) _____, in the County of Kern, State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of _____ (see footnote 4) _____, in _____ (see footnote 3), California, and to demand election of a successor in that office (see footnote 5).

The grounds for the recall are as follows:

(STATE GROUNDS, 200 WORDS OR LESS)

The printed names, signatures, and residence addresses of the proponents are as follows: (The least possible number of proponents is 10, however, more than 10 may be required by law.)

| NAME | ADDRESS | SIGNATURE |
|------------------------------------|---------|-----------|
| 1. ... | | |
| 2. ... | | |
| 3. ... | | |
| 4. ... | | |
| | | |
| | | |
| 10. (or more. See footnote 6) | | |

Telephone number to contact proponents (optional)(_____) _____ - _____

A copy of this notice and proof of service will be filed with the Kern County Elections Division.

Elections Code section 11023. (a) Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the elections official, an answer, in not more than 200 words, to the statement of the proponents.

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

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

NOTE: Elections Code section 11023 does not need to be printed on the petitions.

1 Caution: The Notice of Intention must be published by proponents and proof of publication must be filed at the time of filing the two blank copies of the petition with the election official. The Notice of Intention, publication and blank copies of the Petition will be compared and scrutinized for accuracy. Any deviation from the text of the Notice of Intention may result in rejection of the petition.

2 Insert here the name of the person whose recall is being sought.

3 Insert here the name of the county, city or district for the office.

4 Insert here the name of office held.

5 If it is the recall of an Appellate Court Justice the request shall be that the Governor appoint a successor to the office.

6 At least ten are required. In many cases more than ten are required. Check with your election official to determine the actual number.

EXHIBIT C

PROOF OF PERSONAL SERVICE

I, _____ declare that:
(print full name)

At the time of service I was at least 18 years of age; my name, address, and telephone number are as follows:

(print full name)

(address)

(city, state, zip code)

() _____
(telephone number)

I personally served to _____
(name of person sought to be recalled)

with a copy of the Notice of Intention to Recall him/her by delivering the copy of the Notice of Intention to him/her at: _____
(complete address)

on _____ at _____ a.m./p.m.;
(date) (time)

I have attached the original of the Notice of Intention to this Recall to this Proof of Personal Service.

I, _____, declare under penalty of perjury under the
(print full name)

laws of the State of California that the foregoing is true and correct.

I, _____ executed this proof of personal service:
(print full name)

on _____ at _____, California.
(date) (place of signing)

(complete signature)

EXHIBIT D

PROOF OF SERVICE BY CERTIFIED MAIL

I, _____ declare that:
(print full name)

I am over the age of 18 years, and I _____ in Kern County at:
(reside/am employed)

(complete address)

On _____, 20_____, I deposited in the mail at:
_____ a copy of the attached
(place, e.g., city or county)

Notice of Intention to Recall _____
(name of officer sought to be recalled)

in a sealed envelope, with fully prepaid postage thereon for certified mail, addressed to:
_____ at
(name of officer sought to be recalled)

(mailing address)

I have attached the original of the Notice of Intention to this Proof of Service.

I, _____, declare under penalty of perjury under the
(print full name)

laws of the State of California that the foregoing is true and correct and that I executed this Proof of

Service: on _____ at _____, California.
(date) (place of signing, e.g., city or county)

(complete signature)

Note: The Elections Division policy regarding date of service on the recallee is consistent with Secretary of State guidelines – that the date served is the date it is mailed by certified mail to a valid address. Arguments have been made that it is the date received by the recallee. The best method of service, in order to avoid any possibility of legal challenge, is to serve in person. If you choose to serve by certified mail, please be advised that it is always possible that the Elections Division policy could be challenged in a court of law and if the challenge were upheld, the recall process would have to begin again.

EXHIBIT E

PETITION FOR RECALL

TO THE HONORABLE MARY B. BEDARD, AUDITOR-CONTROLLER-COUNTY CLERK,

Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the _____ (see footnote 2) _____, of the County of Kern, State of California, respectfully state that we seek the recall and removal of _____ (see footnote 4) _____, holding the office of _____ (see footnote 5) _____, in _____ (see footnote 2) _____, County of Kern, State of California.

We demand an election of a successor to that office.

The following Notice of Intention to Circulate Recall Petition was served on _____ (Date) _____ to _____ (see footnote 4) _____;

(Insert complete text of Notice of Intention here)

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

(Insert Officer's Statement here –200 words or less)
(If no statement, insert "No Answer was Filed")

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the _____ (see footnote 2) _____, County of Kern, State of California.

| | | Official Use Only |
|---|--|---|
| 1 | Print Your Name _____ Signature _____ | Residence Address Only _____ City _____ Zip _____ Column must be at least 1" wide |
| 2 | Print Your Name _____ Signature _____ | Residence Address Only _____ City _____ Zip _____ |

DECLARATION OF PERSON CIRCULATING SECTION OF RECALL PETITION (To be completed in circulator's own hand)

I, _____ (see footnote 7) _____, solemnly swear (or affirm) all of the following:
(Print Name)

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is _____.
(If no street or number exists, a designation of my residence adequate to readily ascertain its location is _____.)
3. That the signatures on this section of the petition form were obtained between (Month and Day), 20____, and (Month and Day), 20____; that I circulated the petition and I witnessed the signatures on this section of the petition form 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.

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

Executed on (Date) _____, at (City or Community Where Signed) _____, California. (see footnote 8)

Circulator's Signature

Date

² Insert Electoral Jurisdiction here – County, City, District name, as appropriate.

³ Insert geographical location here – City, County, etc., as appropriate.

⁴ Insert here – name of person whose recall is being sought.

⁵ Insert here – name of office.

⁷ Insert here – Full name of person who gathered signatures.

⁸ The petition must be set in at least 8-point type. If signature spaces are printed on both sides of a sheet of paper, the above information, except for the declaration of circulator must appear on each side of the paper. The circulator's declaration must follow the last signature box. It is suggested that petitions be printed on 8 1/2" x 14" paper in order to maximize the number of signature spaces printed on a sheet of paper.