

## City of Atascadero Recall Petition Process – May 2007

1. Notice of Intention (EC 11020)
  - a. Needs at least 20 valid signatures.
  - b. Includes a statement, not exceeding 200 words, of the reasons for the proposed recall.
  
2. Service of Notice (EC 11021)
  - a. A copy of Notice shall be served on the officer sought to be recalled.
  - b. Within 7 days of serving the Notice, the original shall be filed, along with an affidavit of the time and manner of service, with the City Clerk.
  
3. Publication of Notice (EC11022)
  - a. A copy of the Notice shall be published at the proponents' expense, once in a newspaper of general circulation within Atascadero.
  
4. Answer to Notice (EC11023)
  - a. Within seven days of the filing of the Notice, the officer sought to be recalled may file with the City Clerk, an answer in not more than 200 words, to the statement within the Notice.
  - b. If an answer is filed, the officer shall, within seven days after the filing of the Notice, also serve a copy of the Answer on one of the proponents.
  
5. Filing of Proposed Petition (EC11042-11046)
  - a. The Secretary of State petition format shall be provided to the proponents by the City Clerk or County Clerk/Recorder.
  - b. Within 10 days after filing of the answer to the Notice, or if no answer is filed, within 10 days after the expiration of the seven-day period, the proponents shall file two blank copies of the petition with the City Clerk.
  - c. The City Clerk shall ascertain if the proposed form and wording of the petition meet the requirements of the California Elections Code.
  - d. Proponents shall also file, at this time, proof of publication of the Notice.
  - e. The City Clerk shall, within 10 days of receiving the blank copies of the petition, notify the proponents in writing of her findings.
  - f. Only registered voters of Atascadero are qualified to circulate or sign a recall petition.
  
6. Circulation of Recall Petition (EC 11046, 11220-11221)
  - a. Circulators of the Petition shall be registered voters in Atascadero.
  - b. The proponents have 120 days to gather signatures and file the Petition with the City Clerk.
  - c. The number of qualified signatures required in order to qualify a recall for the ballot will be 20% of the registered voters in Atascadero. The number of registered voters shall be calculated as of the time of the last report of registration by the County Clerk/Recorder to the Secretary of State. ***For the May 2007 proposed Recall, the number of qualified signatures required is 3,222 (the County Clerk/Recorder reported 16,108 registered voters to the Secretary of State)***

7. Filing and Examination of Petition (EC 11222-11224)
  - a. The Petition shall be filed with the City Clerk. All sections of the Petition shall be filed at the same time.
  - b. The City Clerk has 30 days to examine the Petition. If the City Clerk's examination shows that the number of valid signatures is equal to or greater than the required number, the City Clerk shall certify the Petition to be sufficient.
  - c. If the number of valid signatures is less than the required number, the City Clerk shall certify the Petition to be insufficient.
  
8. Submission to Governing Body (EC 11227-11242)
  - a. The City Clerk shall submit her certificate as to the sufficiency of the Petition to the City Council at its next regular meeting.
  - b. Within 14 days after the meeting at which the City Council received the certificate of sufficiency, the City Council shall issue an order stating that an election shall be held pursuant to this article to determine whether or not the officer named in the Petition shall be recalled.
  - c. The election shall be held not less than 88, nor more than 125, days after the issuance of the order by the City Council.
  
9. Nomination of Candidates to Succeed Recalled Officers (EC 11381)
  - a. Nominations of candidates to succeed the recalled officer shall be made in the manner prescribed for nominating a candidate to that office in a regular election.
  - b. Nomination papers shall 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 by the City Council.
  
10. Election (EC 11320-11386)
  - a. The ballot will include the Ballot Measure, "Shall 'NAME' be recalled from the office of Council Member of the Atascadero City Council?" Voters will vote "yes" or "no."
  - b. Under the Ballot Measure will be listed the names of the candidates nominated to succeed the officer sought to be recalled.
  - c. If one-half or more of the votes at a recall election are "No", the officer sought to be recalled shall continue in office.
  - d. 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.
  - e. 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.