

Article 7: Elections, Campaign Finance and Lobbying

Division 27: Recall

(“Recall” added 7-9-1968 by O-9839 N.S.; formerly Division 16.)

§27.2701 Officials Subject to Recall

- (a) Any official elected by Citywide vote who has held office for six months or more, and against whom no recall *petition* has been filed within the preceding six months, may be recalled by a majority vote of the *voters* of the City.
- (b) A City Councilmember who was elected by district vote and has held office for six months or more, and against whom no recall *petition* has been filed within the preceding six months, may be recalled by a majority of the *voters* in the district represented by the Councilmember.
- (c) A recall petition may not be filed if the elected official’s term of office will end within six months or less of the date the petition is presented for filing.

(Amended 6-12-1989 by O-17311 N.S.)

(Amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2702 Petition to be Filed with Clerk

Any recall *petition* demanding the submission to the people of a proposal to recall the incumbent of an *elective office* and, if such official is recalled, to elect a successor, shall be filed in the office of the *Clerk*.

(“Petition to be Filed with Clerk” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1602 and Sec. 27.1614.)

(Amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2703 Petition Addressed to Only One Official

No *petition* may be addressed to the recall of more than one official.

(Retitled to “Petition Addressed to Only One Official” and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2704 Number of Signatures Required

- (a) For any official who was elected by Citywide vote, a recall *petition* shall be submitted to the people if it contains the signatures of at least fifteen percent of the number of *voters* of the City at the last general City *election*.
- (b) For a Councilmember who was elected by district vote, a recall *petition* shall be submitted to the people if it contains the signatures of at least fifteen percent of the number of *voters* of the *Council* district at the last general City *election* for the office held.

(Amended 6-12-1989 by O-17311 N.S.)
(Renumbered from former Section 27.2703 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2705 Signatures on Petition

- (a) A recall *petition* for any official elected by Citywide vote may be signed by any *voter* of the City of San Diego.
- (b) A recall *petition* for a Councilmember elected by district vote may be signed only by *voters* within the district represented by the Councilmember.
- (c) Signatures invalidated by the *Clerk* may not be counted.

(Amended 6-12-1989 by O-17311 N.S.)
(Renumbered from former Section 27.2713 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2706 Notice of Intention

- (a) A recall *petition* may not be circulated for signatures until the *proponents* have published at least once in a daily newspaper of general circulation a notice of intention to circulate the *petition*. The notice of intention shall contain the name and office of the *person* sought to be recalled and a statement of three hundred words or less stating the reasons for the *petition*.
- (b) The statement must be signed by the five *proponents* forming a committee proposing the *petition*.

- (c) The five *proponents* must be residents and registered voters of the City, in the case of a *petition* for the recall of an official elected by Citywide vote, or residents and registered voters of the Council district represented by a Councilmember, in the case of a *petition* to recall a Councilmember.
(“*Notice of Intention*” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1605.)
(Renumbered from former Section 27.2704 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2707 Affidavit of Publication

Within ten calendar days after publication of the notice of intention to circulate a recall *petition* for signatures, the *proponents* shall file in the office of the *Clerk*:

- (a) a copy of the notice as published;
- (b) the statement of reasons prepared in accordance with section 27.2706 as published, and signature of the five *proponents* initiating the recall; and
- (c) an affidavit of publication from the daily newspaper of general circulation in which the notice and statement were published.

(“*Affidavit of Publication*” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1606.)
(Renumbered from former Section 27.2705 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2708 Service of Notice on Official

Within five days after publication of the notice of intention to circulate a recall *petition*, the *proponents* shall cause a copy of the notice and the statement to be served, personally or by registered mail, on the official whose recall is sought. An affidavit of service showing the method of service shall be filed forthwith in the office of the *Clerk*.

(“*Service of Notice on Official*” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1607.)
(Renumbered from former Section 27.2706 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2709 Official’s Answer

- (a) The official whose recall is sought or the official’s designated representative may answer to the statement. Such answer shall be no more than three hundred words in length and must be signed by the individual proposing the answer or, in the case of an organization, by two officers.
- (b) The official’s answer, if any, shall be provided to the *proponents* and filed with the *Clerk* within fourteen calendar days after the publication of the notice of intention to circulate a recall *petition*.
- (c) A copy of the answer, if any, shall be published by the *proponents* at least once in a daily newspaper of general circulation no later than five calendar days before the *proponents* begin to circulate the *petition* for signatures. A published copy shall also be filed forthwith in the office of the *Clerk*.

*(“Official’s Answer” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1608.)
(Renumbered from former Section 27.2707 and amended 11-25-2014 by
O-20432 N.S.; effective 12-25-2014.)*

§27.2710 Circulation of Petition

A recall *petition* shall not be circulated for signatures until the twenty–first calendar day after publication of the notice of intention and statement, and shall not be circulated until a copy of both the notice and the affidavit pertaining to publication, as well as the affidavit of service, have been filed in the office of the *Clerk* as required by this Division.

*(“Circulation of Petition” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1610.)
(Renumbered from former Section 27.2708 and amended 11-25-2014 by
O-20432 N.S.; effective 12-25-2014.)*

§27.2711 Contents of Petition

A recall *petition* shall contain the name and office of the *person* whose recall is sought, a copy of the notice of intention to circulate a recall *petition* and its accompanying statement, and if an answer has been filed, a copy of the answer. If no answer has been filed, the *petition* shall so state.

*(“Contents of Petition” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1611 and
Sec. 1612.)
(Renumbered from former Section 27.2709 and amended 11-25-2014 by
O-20432 N.S.; effective 12-25-2014.)*

§27.2712 Recall Petition

The form and format of the recall *petition*, including the form of *voter* signature sheets and information to be included on such sheets, shall follow the guidelines as outlined in the City Clerk Administrative Guidelines, available to the public at the office of the *Clerk* and on the City’s website.

*(Amended 6-12-1989 by O-17311 N.S.)
(Renumbered from former Section 27.2710 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)*

§27.2713 Form of Affidavit of Authenticity for Recall Petition

Each recall *petition* shall have attached to it an affidavit of authenticity of the following form:

AFFIDAVIT

COUNTY OF SAN DIEGO)
STATE OF CALIFORNIA) ss.

Under penalty of perjury under the laws of the State of California, I, (printed name of circulator), declare: That all signatures on each petition section were made in my presence and were observed by me, and that all of the sheets constituting this petition section were fastened together at the time such signatures were made; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons who have signed the petition; and that the signatures were obtained between:

_____ and _____
(Beginning date of circulation) (Final date of circulation)

(Circulator’s Printed Name) (Circulator’s Signature)

(Date Signed by Circulator)

*(“Form of Affidavit of Authenticity for Recall Petition” amended 11-24-1997 by O-18442 N.S.)
(Renumbered from former Section 27.2712 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)*

§27.2714 Signing Voter’s Information for Recall Petition

Signatures shall be executed by *voters* in their own handwriting and each signer shall also affix his or her printed name and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses that are not residence addresses are not permitted and, if used, shall make that *voter’s* signature invalid. *Voters* shall also affix the date of their signature.

(“Signing Voter’s Information for Recall Petition” amended 11–24–1997 by O-18442 N.S.)

(Amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2715 Time for Filing Petition

A recall *petition* shall be filed in the office of the *Clerk* within 120 days after the publication of the notice of intention to circulate a recall *petition*.

(“Time for Filing Petition” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1613.)

(Amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2716 Verification of Petition; Time; Random Sampling

(a) The *Clerk* shall be allowed a period of 30 business days after the filing of a recall *petition* to examine and verify signatures of the petitioners. The *Clerk* shall indicate on each petition the date on which it was filed and the name of the *person* by whom it was filed.

(b) Signatures may be verified by use of the random sampling method set forth in section 27.1022, which applies to the verification of initiative *petitions*.

(Retitled to “Verification of Petition; Time; Random Sampling” and amended 4-24-1978 by O–12339 N.S.)

(Amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

(Amended 4-15-2019 by O-21063 N.S.; effective 5-15-2019.)

§27.2717 Notice of Sufficiency

If the *Clerk* finds a recall *petition* to contain the number of valid signatures required by the City Charter, and to be in proper form, the *Clerk* shall so certify and shall send a notice of sufficiency to the *proponents*. Without delay, the *Clerk* shall then present the *petition*, with the *Clerk’s* certification attached, to the *Council*.

(“Notice of Sufficiency” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1615.)

(Amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2718 Notice of Insufficiency

If the *Clerk* finds a recall *petition* to contain less than the number of valid signatures required by the City Charter or to be in improper form, the *Clerk* shall so certify and shall send a notice of insufficiency to the *proponents*.

(“*Notice of Insufficiency*” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1617.)
(Amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2719 Withdrawal of Signature

Any *voter* signing a *petition* shall have his or her signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, bearing his or her name, address, and signature, before the *petition* is filed with the *Clerk*. In order to be valid, the withdrawal request must also be received by the *Clerk* on or after the date the *voter* signed the *petition*. Once the *petition* is filed with the *Clerk*, no signatures may be withdrawn.

(“*Withdrawal of Signature*” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1615.)

(Renumbered from former Section 27.2721 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)
(Amended 1-28-2016 by O-20593 N.S.; effective 2-27-2016.)

§27.2720 Special Election to be Called

If the *petition* is presented to the *Council* by the *Clerk*, the *Council* shall immediately call a *special election* for the purpose of submitting to the people the proposal to recall the official named in the *petition*, and, if such official is recalled, to elect a successor.

(“*Special Election to be Called*” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1619.)

(Renumbered from former Section 27.2722 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2721 Time for Special Election

- (a) If a *special election* is called, it shall be held not less than 90 days after adoption of the ordinance calling the *election* but not later than 180 days after such adoption.
- (b) For an official elected by Citywide vote, if any other *election* for any purpose at which all *voters* in the City of San Diego are entitled to vote is called to be held within 180 days from the date the recall *petition* is presented to the *Council*, then the *Council* may, at its discretion, submit the recall proposal and election of a successor at the later *election*.
- (c) For a Councilmember who was elected by district vote, if any other *election* for any purpose at which the *voters* in the district represented by the Councilmember are entitled to vote is to be held within 180 days from the date the recall *petition* is presented to *Council*, then the *Council* may, at its discretion, submit the recall proposal and election of a successor at the later *election*.

(Amended 6-12-1989 by O-17311 N.S.)
(Renumbered from former Section 27.2723 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2722 Recall Election to Conform to Other Elections

The *Clerk* shall conduct the recall *election*, including the nomination of *candidates* to succeed the official whose recall is sought, in a manner conforming with other municipal *elections* to the extent practicable.

(“Recall Election to Conform to other Elections” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1622 thru Sec. 27.1627 and Sec. 27.1636.)
(Renumbered from former Section 27.2724 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2723 Contents of Recall Ballots

Recall ballots shall contain the name and office of the official whose recall is sought and the names of the *persons* who have been nominated to succeed the official whose recall is sought. The statement that the *proponents* published in the notice of intention and the answer, if any, of the official whose recall is sought shall be printed on the sample ballot and the official ballot or, at the discretion of the *Clerk*, printed separately and included in a pamphlet to be mailed with the sample ballot. In the latter case, the official ballot shall not contain the notice or answer.

(“Contents of Recall Ballots” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1628 and Sec. 27.1629.)

(Renumbered from former Section 27.2725 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2724 Reelection or Reappointment Prohibited for One Year

A *person* who has been recalled, or who has resigned from office while recall proceedings were pending against the official, shall not be a *candidate* for, nor appointed to such office, within one year after the official’s resignation or recall.

(“Reelection or Reappointment Prohibited for One Year” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1631 and Sec. 27.1639.)

(Renumbered from former Section 27.2727 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2725 Separate Ballot Required

A recall ballot shall be separate from any other ballot to be presented to the *voters* at one *election*. However, the recall of more than one official may be sought at one *election* on one ballot.

(“Separate Ballot Required” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1618 and Sec. 27.1621.)

(Renumbered from former Section 27.2728 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)

§27.2726 Officer to Serve Until Declaration of Results

Any officer whose recall is sought shall continue to perform the duties of his or her office until the *Council* has adopted its resolution declaring the results of the *election* which shows, and follows the *Clerk's* certification that, a majority of the qualified *voters* has voted in favor of such officer's recall.

*(Amended 6-12-1989 by O-17311 N.S.)
(Renumbered from former Section 27.2729 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)*

§27.2727 Cancellation of Election if Office Becomes Vacant

- (a) If a vacancy in the position occupied by the official whose recall is sought occurs, from any cause, after the *Clerk* files the certificate of sufficiency and with legally sufficient time prior to the *election*, the *Council* shall cancel the *election* when it adopts the Declaration of Vacancy under Section 27.0704.
- (b) If there is not legally sufficient time to cancel the *election*, the *Clerk* shall not initiate a canvass or certify the results for the *election* to recall the official under Section 27.0411 and the *election* to recall the official will be void.

*(“Cancellation of Election if Office Becomes Vacant” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1634.)
(Renumbered from former Section 27.2730 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)*

§27.2728 Highest Number of Votes Determines Candidate Elected

If a majority approves the recall of the official and the *Council* adopts its resolution declaring the results accordingly, the *candidate* who receives the highest number of votes for the office shall be declared the winner whether or not such highest number constitutes a majority of the votes cast.

*(“Highest Number of Votes Determines Candidate Elected” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1635 and Sec. 27. 1637.)
(Renumbered from former Section 27.2731 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)*

§27.2729 Election for Unexpired Term of Officer Recalled

The term of office of a successor elected pursuant to this Article shall be for the unexpired term of the official who was recalled.

(“Election for Unexpired Term of Officer Recalled” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1640.)

(Renumbered from former Section 27.2732 and amended 11-25-2014 by O-20432 N.S.; effective 12-25-2014.)