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.)

§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.)