

LEAD Column

(Legislation for Education and Advocacy Digest)

By Darshana Patel, VP of Legislation

What is in a Recall?

Some of you may be aware that there is a Poway USD Board Member that has been served a “notice to intention to circulate a recall petition.” This is the first step in the process to remove an elected official from office in the state of California. For those of you wanting a high level background and some technical details, I have them for you.

Background

- The board member is Andy Patapow – 19 years as board member and 29 years as principal; current term ends in December 2016
- Recall petition claims Patapow should be removed on the grounds of never adequately explaining his votes on CAB and allegedly receiving gifts from bond underwriters

Process:

- Proponents begin the recall of an elective officer by the service, filing and publication or posting of a notice of intention to circulate a recall petition
- A copy of the notice of intention must be served by personal delivery or by certified mail on the officer sought to be recalled.
- A copy of the notice of intention (including addresses and signatures) must be published at the proponents' expense at least once in a newspaper of general circulation. Proof of publication must be provided to Registrar of Voters
- Within seven days after the filing of the notice of intention, the elected officer may file an answer and provide that to one proponent
- Approved petition must include request to elect successor, statement of reason for recall, names of proponents, answer of elected officer and name and residence of signature gatherer. (*Typical cost of paid petition gatherer is \$3 - \$8/signature*)
- Proponents have 160 days to collect the signatures of a set percentage of registered voters in the PUSD area:
 - Fifteen percent (15%) if the registration is less than 100,000 but at least 50,000 signatures validated (collect closer to 20K)
 - Ten percent (10%) if the registration is 100,000 or above valid signatures (collect closer to 12K)
- Proponent pays \$25K to have signatures verified by registrar of voters
- Registrar of voters provides notice of special elections within 14 days of validation.
- Election would be held between 88 and 125 days following verification.
- If the election date falls less than six month from end of the elected officer's term, it is not valid.

When you tally the timeline days for the entire process, a special election could be held as early as May or as late as July (but at least 6 months and one day before Andy Patapow's term is up) and a special election could cost “several hundreds of thousands of dollars,” according to Registrar of Voters Michael Vu, borne by our school district.