



Legislation Details (With Text)

File #: 2021-0367
Type: Consent Calendar Item **Status:** Agenda Ready
File created: 4/5/2021 **In control:** Clerk-Recorder-Assessor
On agenda: 5/18/2021 **Final action:**
Title: Certificate of Sufficiency of Petition to Recall District Attorney Jill Ravitch
Sponsors: Clerk-Recorder-Assessor
Indexes:
Attachments: 1. Agenda Item Summary Report, 2. Certificate of Sufficiency, 3. Petition Result Breakdown

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

To: Sonoma County Board of Supervisors
Department or Agency Name(s): County Clerk-Recorder-Assessor-Registrar of Voters
Staff Name and Phone Number: Deva Marie Proto, (707) 565-1877
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:
Certificate of Sufficiency of Petition to Recall District Attorney Jill Ravitch

Recommended Action:

- A) Accept the certificate of sufficiency of the petition to recall District Attorney Jill Ravitch.
- B) Direct staff to return with a resolution ordering a recall election and take other action pursuant to California Elections Code (EC) §11240.

Executive Summary:

This item requests that the Board accept the certificate of sufficiency of the petition to recall the elected official and, pursuant to EC §11240, take action within 14 days to call a special recall election.

Discussion:

General Overview of Recall Process

EC §11006 provides that proceedings may be commenced for the recall of any state or local elective officer by the service, filing, and publication of a notice of intention to circulate a recall petition. After two copies of a blank recall petition are submitted and approved by the elections official, proponents of the recall can begin collecting signatures. EC §§11220 and 11221 spell out the filing deadline and the number of signatures required to qualify the recall for the ballot.

Once the recall petition is filed with the elections official, the signatures must be checked for validity. Depending on the number of valid signatures submitted, this may involve a random sample signature check and/or a full signature check. If enough signatures are found to be valid, the elections official must submit a certificate of sufficiency of the petition to the governing body at its next regular meeting. The governing body then has 14 days to issue an order stating that a recall election will be held. If not enough signatures are

found to be valid, the recall proponents are informed and no further action is taken.

Notice of Intention to Recall

On October 22, 2020, proponents of recalling District Attorney Jill Ravitch filed a notice of intention to recall with the Sonoma County Registrar of Voters (ROV) Office along with an affidavit showing that Ms. Ravitch was personally served a copy of the notice the previous day (October 21, 2020). Ms. Ravitch filed an answer to the proponents' statement with the ROV Office on October 27, 2020, along with an affidavit showing proponents were served a copy of the answer via certified mail. On October 29, 2020, the recall proponents published the notice of intention to recall in *The Press Democrat*.

Recall Petition

On November 3, 2020, recall proponents filed two blank copies of the recall petition along with proof of publication with the ROV Office. On November 9, 2020, the ROV Office informed the recall proponents that the petition did not meet all the legal requirements and explained what needed to be changed. Later that day, the recall proponents filed two revised blank copies of the petition with the ROV Office. The next day, the ROV Office approved the revised petition for circulation and informed the proponents that, per EC §11221, they needed to collect 30,056 valid signatures from registered voters in Sonoma County and file the petition no later than April 19, 2021.

Certificate of Sufficiency

On April 1, 2021, the recall petition was filed with the ROV Office consisting of 43,316 face value signatures on approximately 2,694 sections. Per EC §11225(a), the ROV Office had 30 days (excluding Saturdays, Sundays, and holidays) to exam the signatures. After inputting each petition section and the number of signatures it contained into the County's election management system (DFM Associates' EIMS), on April 6, 2021, 2,166 signatures were randomly selected by the system for checking, pursuant to EC §11105 and EC §11225.

On April 9, 2021, the ROV Office completed the random sample check, finding 1,701 of the 2,166 signatures to be valid and 465 invalid, including 4 duplicates. Taking into account a duplicate adjustment factor, the election management system estimated that, based on the percentage found to be valid in the random sample, 32,497 of the 43,316 raw signatures were valid, or 108.1% of the 30,056 required. Per EC §11225(c), since this percentage was between 90% and 110%, a full check was required.

On May 11, 2021, the ROV Office completed the full signature check, finding 32,128 of the total 43,316 signatures were valid. Since this was more than the 30,056 valid signatures required, the ROV Office determined that the petition was sufficient and produced a certificate showing the breakdown of the results (a.k.a. "certificate of sufficiency"). EC §11224(d) and EC §11227 now state that the ROV Office must submit the certificate of sufficiency to the Sonoma County Board of Supervisors (BOS) at their next regularly scheduled meeting.

Options for Action

This certification of sufficiency is before the BOS today for adoption and action. Per EC §11240, within 14 days the BOS must issue an order stating that an election will be held to determine whether or not Ms. Ravitch shall be recalled. The election shall be held between 88 and 125 days after the issuance of the order. Per EC §11242, if a regular or special election is already scheduled to be held in Sonoma County in this timeframe, the elections shall be consolidated. However, no such elections have been called. If the BOS fails to call an election within 14 days, the ROV Office shall, within five days, set the date for holding the election.

Pursuant to Government Code §6253.5, the original recall petition is required to be preserved and retained in the ROV Office. Since the petition was found to be sufficient, it is not deemed a public record and is not subject to public inspection.

Prior Board Actions:

On April 26, 2016, the BOS accepted a certificate of sufficiency for the Sonoma County Transgenic Contamination Prevention Ordinance initiative petition (Item 29). While not a recall petition, the process for the BOS to accept a certificate of sufficiency for a countywide initiative petition is very similar.

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

The estimated cost to hold a special election for a countywide recall is \$2.00 to \$3.00 a voter. Since Sonoma County currently has approximately 303,096 registered voters, the total cost would be between \$606,192 and \$909,288.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- County Clerk’s certificate of sufficiency of petition to recall District Attorney Jill Ravitch
- Election management system petition result breakdown report

Related Items “On File” with the Clerk of the Board:

N/A