

## STAFF REPORT

**BOARD MEETING DATE:** October 3, 2023

**CATEGORY:** Regular Calendar 6

**SUBJECT:** Take the following actions: (1) Receive a Certificate of Sufficiency for the Petition to Recall Kevin Crye, Shasta County Supervisor, District 1 (“Supervisor Crye”); and (2) pursuant to Elections Code section 11240, adopt a resolution ordering that a special election be held in accordance with law to determine whether or not Supervisor Crye shall be recalled.

**DEPARTMENT:** County Clerk-Elections

**SUPERVISORIAL DISTRICT #:** All

**DEPARTMENT CONTACT:** Cathy Darling Allen, County Clerk/Registrar of Voters, (530) 225-5730

**STAFF REPORT APPROVED BY:** Cathy Darling Allen, County Clerk-Registrar of Voters

| <u>Vote Required?</u> | <u>General Fund Impact?</u> |
|-----------------------|-----------------------------|
| Simple Majority Vote  | General Fund Impact         |

### RECOMMENDATION

Take the following actions: (1) Receive a Certificate of Sufficiency for the Petition to Recall Kevin Crye, Shasta County Supervisor, District 1 (Supervisor Crye); and (2) pursuant to Elections Code section 11240, adopt a resolution ordering that a special election be held in accordance with law to determine whether or not Supervisor Crye shall be recalled.

### DISCUSSION

The recall process was initiated earlier this year, and the petition was approved for circulation by the County Clerk/Registrar of Voters Office (Clerk) on May 16, 2023. Recall proponents submitted the circulated petition with a total number of 5,106 signatures on September 12, 2023, and the signature review was completed on September 25, 2023. The minimum required number of valid signatures was 4,151.

The Clerk’s staff examined every signature submitted timely, and found that 4,929 were valid, and that, in accordance with applicable law, the petition is certified as sufficient.

California Elections Code section 11224(d) states that, if the petition is found sufficient, the elections official shall certify the results of the examination to the Board of Supervisors at its next regular meeting, which is this meeting of October 3, 2023.

California Elections Code section 11240 directs that the Board of Supervisors “shall” call the election no later than October 17, 2023, which is within 14 days of this meeting. If the Board fails to call the election, then in accordance with Elections Code section 11241, the Clerk will do so within five days, no later than October 23, 2023.

Elections Code section 11242(a) requires that the election be held not less than 88, nor more than 125, days after the issuance of the order for election. Notwithstanding subdivision (a), the election may be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election. The options for election days are, January 9th, 23rd, or 30th, 2024, or March 5, 2024.

### ALTERNATIVES

The Board has a ministerial obligation to call the election. Elections Code section 1100 requires that the election occur on a Tuesday, and it cannot be held on the day before, the day of, or the day after, a state holiday. The language of the applicable law mandates that the Board “shall” issue an order that the election be timely held within the time required by the Elections Code. If the Board

does not call the election as required by law, the County Clerk must and will call the election pursuant to Elections Code 11241(b).

**OTHER AGENCY INVOLVEMENT**

County Counsel has reviewed the resolution as to form. The County Administrative Office has reviewed the recommendation.

**FISCAL IMPACT**

The costs for this special election cannot yet be estimated as the method of tally and date for conducting the election have not been determined. If this is consolidated with the upcoming Presidential Primary Election, the costs will be significantly less. Additionally, the Department has never conducted an election using the new Hart equipment, regardless of tally method, and many costs are unknown at this time. If this is a stand-alone special election the Clerk will return to the Board with a budget amendment once actual costs are known as it was not included in the Clerk's Adopted Fiscal Year 2023-24 Budget. For reference, the stand-alone special recall election of Leonard Moty in 2022 cost the General Fund \$747,752.38. Of the costs to the General Fund, the direct costs, including but not limited to labor spent on the election, the printing of ballots, postage, and precinct supplies, was \$290,959.06.

**ATTACHMENTS:**

1: Certificate of Sufficiency

2: Draft Resolution