

R6 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.

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



SHASTA COUNTY

Cathy Darling Allen, County Clerk / Registrar of Voters

County Clerk / Elections Department / www.elections.co.shasta.ca.us
1643 Market St., Redding, CA 96001 / PO Box 990880, Redding, CA 96099-0880
Phone: 530-225-5730 / FAX: 530-225-5454 / CA Relay Service: 711 or 800-735-2922

SIGNATURE VERIFICATION CERTIFICATE

I, Cathy Darling Allen, County Clerk/Registrar of Voters of the County of Shasta, State of California, hereby certify:

Re: Recall of District 1 County Supervisor Kevin Crye

The above Recall Petition was filed with our office on September 12, 2023.

That said petition consists of 1,332 sections.

Number of signatures required by law	4151
Number of signatures on the petition filed by proponent	5106
Number of signatures checked	5106
Number of valid signatures on the petition	4929
Number of disqualified signatures on the petition	177

IN WITNESS WHEREOF,

I have hereunto set my hand and affixed my official seal this 27th day of September 2023.

CATHY DARLING ALLEN
Shasta County Clerk/Registrar of Voters

A handwritten signature in blue ink, appearing to read "Joanna Francescut", is written over a horizontal line.

By: Joanna Francescut, Deputy Clerk

RESOLUTION NO. 2023-_____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
SHASTA ORDERING A SPECIAL ELECTION ON THE QUESTION OF THE
RECALL OF DISTRICT 1 COUNTY SUPERVISOR KEVIN CRYE**

WHEREAS, a petition for the recall of Shasta County Supervisor Kevin Crye was submitted to the Shasta County Registrar of Voters on September 12, 2023; and

WHEREAS, the recall petition was examined pursuant to Elections Code section 11224 by the Shasta County Registrar of Voters, who determined the petition qualified with the requisite number of signatures to make the petition sufficient; and

WHEREAS, in accordance with Elections Code section 11224 and 11227, the Shasta County Registrar of Voters certified the results of her examination to the Shasta County Board of Supervisors at the Board's regular meeting held on October 3, 2023; and

WHEREAS, after receiving the certificate of sufficiency from the Registrar of Voters and pursuant to Elections Code section 11240, the Board of Supervisors shall issue an order stating that an election shall be held to determine whether or not Supervisor Kevin Crye shall be recalled; and

WHEREAS, pursuant to Elections Code section 11242(a), the election shall be held not less than 88, nor more than 125, days after the issuance of the order. 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.

NOW, THEREFORE, BE IT RESOLVED by the Shasta County Board of Supervisors, State of California, as follows:

1. The foregoing recitals are true and correct, and the Board so finds and determines.
2. Pursuant to the provisions of Elections Code section 11240, the Board of Supervisors hereby orders that a special election shall be held to determine whether or not Kevin Crye shall be recalled from the office of Shasta County Supervisor for District 1, with said election to be held and conducted on the _____ day of _____, 2024.
3. The manner of holding the election and the ballots to be used at the election shall be as set forth in the Elections Code for a recall election, including, but not limited to, the provisions of Elections Code sections 11300 *et seq*, and the Shasta County Registrar of Voters is authorized to conduct the election in a manner consistent with said laws.

4. The Registrar of Voters will place on the ballot at said election, in a manner consistent with Elections Code section 11320, the recall question in substantially the following form:

Shall Kevin Crye be recalled (removed) from the Office of Shasta County Supervisor for District 1?

5. In accordance with Elections Code section 11327 the target of the recall may file a statement in accordance Elections Code section 13307. The statement may include the name, age, and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.
 - a. In accordance with Elections Code section 13307, each candidate may prepare a candidate's statement for the purpose of electronic distribution.
 - b. In accordance with Elections Code section 13307, each candidate filing a statement shall, as a condition of having his or her statement included in the county voter information guide or electronically distributed, pay in advance to the Registrar of Voters his or her estimated pro rata share of the cost of printing, handling, translating, mailing, and electronically distributing his or her statement, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The candidate shall be responsible for the actual cost in accordance with Elections Code section 13307.
6. Pursuant to Elections Code section 11381, no person whose recall is being sought may be a candidate to succeed himself.
7. The polls shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Elections Code section 10242, except as provided in Elections Code section 14401.
8. The Registrar of Voters is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
9. This Order of Election is hereby issued for said election in accordance with the terms hereinabove stated.

Resolution 2023-XXX

October 3, 2023

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DULY PASSED AND ADOPTED this 3rd day of October, 2023, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

PATRICK JONES, CHAIR

Board of Supervisors

County of Shasta

State of California

ATTEST:

DAVID J. RICKERT

Clerk of the Board of Supervisors

By: _____
Deputy