



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
ELECTIONS DIVISION

1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor, Sacramento, CA 95814 | Tel 916.657.2166 | Fax 916.653.3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

January 14, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 21006

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson  
Elections Counsel

RE: Recall of Governor Gavin Newsom, Filed by Orrin E. Heatlie: Updated  
Petition and Modification of Declaration of Circulator on Approved  
Petitions

This memorandum is a follow up to [CCROV 20251](#) issued on November 17, 2020, regarding the extension of time for the proponents of the effort to recall Governor Gavin Newsom to circulate petitions.

On January 6, 2021, the Secretary of State entered into a stipulation with the recall proponents allowing for the modification of their petitions to change the year 2020 to 2021 in three locations in the declaration of circulator. The Sacramento County Superior Court approved the stipulation and issued the final order on January 8, 2021. A copy of the signed order is attached to this CCROV.

Although the proponents will now circulate petitions with "2021" printed, you may still receive the previous version of the approved recall petition with manual updates to "2020" in the declaration of circulator. The updates may include striking "2020" and manually writing "2021," striking the second half of "2020" and manually writing "21," or striking the second zero and manually writing a "1." Elections officials must be aware that such manual updates to the pre-printed "2020" do not alone constitute a reason to reject the petition.

Please contact Robbie Anderson at [aanderso@sos.ca.gov](mailto:aanderso@sos.ca.gov) with any questions.

Attachment

1 BENBROOK LAW GROUP, PC  
2 BRADLEY A. BENBROOK (SBN 177786)  
3 STEPHEN M. DUVERNAY (SBN 250957)  
4 400 Capitol Mall, Suite 2530  
5 Sacramento, CA 95814  
6 Telephone: (916) 447-4900  
7 Facsimile: (916) 447-4904

8 Attorneys for Petitioners  
9 Orrin E. Heatlie and  
10 California Patriot Coalition –  
11 Recall Governor Gavin Newsom

12 SUPERIOR COURT OF CALIFORNIA  
13 COUNTY OF SACRAMENTO

14 ORRIN E. HEATLIE and CALIFORNIA  
15 PATRIOT COALITION – RECALL  
16 GOVERNOR GAVIN NEWSOM,

17 Petitioners,

18 v.

19 ALEX PADILLA, in his official capacity as  
20 Secretary of State of the State of California,

21 Respondent.

Case No.: 34-2020-80003499

**STIPULATION REQUESTING THAT  
NOVEMBER 17, 2020 JUDGMENT BE  
AMENDED TO APPROVE  
ALTERNATIVE PETITIONS FOR  
CIRCULATION; ~~[PROPOSED]~~ ORDER**

Code Civ. Proc. § 1085; Elections Code §  
13314

**STATEWIDE ELECTION MATTER  
IMMEDIATE ACTION REQUESTED**

**ELECTION MATTER ENTITLED TO  
CALENDAR PREFERENCE PURSUANT  
TO ELECTIONS CODE § 13314(a)(3)**

Hearing Date: Nov. 6, 2020

Time: 11:00 a.m.

Department: 17

Judgment Entered: November 17, 2020

**ELECTION MATTER ENTITLED TO PRIORITY**

FILED / ENDORSED

JAN - 8 2021

By J. Bell, Deputy Clerk

1           Petitioners Orrin E. Heatlie and California Patriot Coalition – Recall Governor Gavin  
2 Newsom, and Respondent Secretary of State Alex Padilla, through their counsel of record, agree  
3 and stipulate to the following:

4           1.       On November 17, 2020, this Court entered judgment extending the November 17,  
5 2020 deadline for Petitioners to submit recall petitions to elections officials to March 17, 2021.  
6 The Court retained jurisdiction to allow the parties to seek “additional relief should circumstances  
7 warrant such relief.”

8           2.       Under California law, recall proponents are only permitted to circulate and file  
9 petitions in the form approved by the Secretary of State. Recall petitions have three sections: (1)  
10 the heading, which includes the recall request, notice of intention to recall and statement of  
11 reasons, and the official’s answer; (2) signature space; and (3) a declaration of circulator verifying  
12 their signature-gathering efforts under penalty of perjury. As relevant here, the declaration  
13 requires the circulator to set forth the dates between which all signatures to the petition were  
14 obtained, and includes the circulator’s certification under penalty of perjury stating the date and  
15 place of execution. Elec. Code § 11046; Elec. Code § 104.

16           3.       On June 10, 2020, the Secretary of State approved a petition seeking to recall  
17 Governor Gavin Newsom for circulation (the “Original Petition”). Because the original circulation  
18 period ran from June 10, 2020 through November 17, 2020, the declaration of circulator on the  
19 Original Petition specifies the year “2020” for the signature-gathering dates and on the  
20 certification:

21           **DECLARATION OF PERSON CIRCULATING SECTION OF RECALL PETITION: (MUST BE IN CIRCULATOR’S OWN HANDWRITING)**  
22 I, \_\_\_\_\_, solemnly swear (or affirm) all of the following: (1) That I am 18 years of age or older. (2) That my  
residence address, including street and number is \_\_\_\_\_ (If no street or  
23 number exists, a designation of my residence adequate to readily ascertain its location is \_\_\_\_\_).  
(3) That the signatures on this section of the petition were obtained between the dates of \_\_\_\_\_/\_\_\_\_\_/2020, and \_\_\_\_\_/\_\_\_\_\_/2020; that I  
circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and  
24 belief, each signature is the genuine signature of the person whose name it purports to be; (4) That I showed each signer a valid and unaltered  
“Official Top Funders” sheet, as required by Elections Code Section 107.  
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
25 Executed on \_\_\_\_\_/\_\_\_\_\_/2020, at (City or Community where signed) \_\_\_\_\_, California.  
Signature of Circulator: \_\_\_\_\_ Date \_\_\_\_\_

26           4.       Because the signature-gathering period will now extend into 2021, Petitioners have  
27 requested that Respondent approve a second petition that specifies the year “2021” in the  
28 declaration of circulator (the “Alternative Petition”). A true and correct copy of the form of

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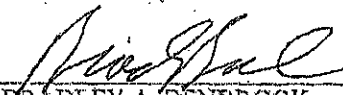
Alternative Petition is attached as Exhibit 1 (including both the five-line version and the 10-line version). The Alternative Petition does not make any changes except to replace the year "2020" with the year "2021" in the three places noted above.

5. Respondent does not object to the use of the Alternative Petition, but contends that there is no explicit statutory authorization for the Secretary of State to approve multiple petitions for circulation.

6. The parties request that the Court amend the November 17, 2020 judgment to permit Petitioners to collect signatures using either the Original Petition or the Alternative Petition.


Dated: January 6, 2021

BENBROOK LAW GROUP, PC

By   
BRADLEY A. BENBROOK  
Attorneys for Petitioners

Dated: January 6, 2021

BOERSCH & ILLOVSKY LLP

By   
KEVIN CALIA  
Attorneys for Respondent

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~~PROPOSED~~ ORDER

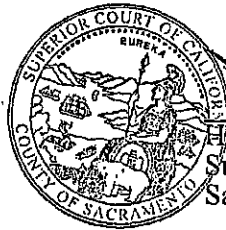
Upon consideration of the foregoing stipulation, the Court hereby ORDERS that the November 17, 2020 Judgment shall be amended to include the following:

1. The form of the Alternative Petition for the recall of Governor Gavin Newsom, attached as Exhibit 1, is hereby approved. Respondent Secretary of State shall take all steps necessary to permit Petitioners to circulate the Alternative Petition.

2. Petitioners may collect signatures using both the Alternative Petition and the Original Petition approved for circulation by Respondent Secretary of State on June 10, 2020.

The Court continues to retain jurisdiction over this matter to allow any party to seek additional relief should circumstances warrant such relief.

Dated: FJW 2021



[Signature]  
Hon. James P. Arguelles  
Superior Court of California, County of  
Sacramento

# **EXHIBIT 1**

## PETITION FOR RECALL

**TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA:** Pursuant to the California Constitution and California election laws, the undersigned registered and qualified electors of the State of California, respectfully state that we seek the recall and removal of Gavin Newsom holding the office of Governor of California. We demand an election of a successor to that office. The following filed Notice of Intent to Circulate Recall Petition was served on February 20, 2020 to Governor Newsom.

**TO THE HONORABLE GAVIN NEWSOM:** Pursuant to section 11020, California Elections Code, the undersigned registered qualified voters of the State of California, hereby give notice, we are the proponents of a recall petition and we intend to seek your recall and removal from the office of Governor in the State of California and to demand election of a successor in that office. The grounds for this recall are as follows: Governor Newsom has implemented laws which are detrimental to the citizens of this state and our way of life. Laws he endorsed favor foreign nationals, in our country illegally, over that of our own citizens. People in this state suffer the highest taxes in the nation, the highest homelessness rates, and the lowest quality of life as a result. He has imposed sanctuary state status and fails to enforce immigration laws. He unilaterally over-ruled the will of the people regarding the death penalty. He seeks to impose additional burdens on our state by the following; removing the protections of Proposition 13, rationing our water use, increasing taxes and restricting parental rights. Having no other recourse, we the people have come together to take this action, remedy these misdeeds and prevent further injustices.

The printed names of the proponents are as follows: 1.Orrin E. Heatlie, 2.Dan Seoane, 3.Michael Netter, 4.Rennie James, 5.Robin McCrea, 6.Christine Abercrombie, 7.Gregory Fougerousse, 8.Jeanne Fougerousse, 9.Linda L. Marshall, 10.Eric Westman.

**GOVERNOR GAVIN NEWSOM'S ANSWER TO RECALL STATEMENT: WARNING: THIS UNWARRANTED RECALL EFFORT WILL COST CALIFORNIA TAXPAYERS 81 MILLION DOLLARS! IT IS BEING PUSHED BY POLITICAL EXTREMISTS SUPPORTING PRESIDENT TRUMP'S HATEFUL ATTACKS ON CALIFORNIA.** In 2018 California voters elected Governor Gavin Newsom by historic margins. As Governor, Newsom is working to 1) increase funding for public education, 2) protect and secure Californians' health and health care, 3) improve water, roads, and bridges, 4) address the challenges of housing affordability and homelessness, and 5) prepare for the threats of wildfires. Our budget is balanced. Our fiscal reserves are unprecedented. Our economy and employment are historically strong. Yet a handful of partisan activists supporting President Trump and his dangerous agenda to divide America are trying to overturn the definitive will of California voters and bring Washington's broken government to California with this recall effort. The last thing California needs is another wasteful special election, supported by those who demonize California's people and attack California's values. Do not be fooled - California's police officers, firefighters, first responders, public school teachers, health providers, and business leaders all STRONGLY OPPOSE this costly recall. **DO NOT HAND OVER YOUR SIGNATURE, YOUR SUPPORT OR YOUR PERSONAL, PRIVATE INFORMATION TO THIS DESTRUCTIVE RECALL SCHEME.** /s/ Governor Gavin Newsom, State Capitol Building, 1st Floor, Sacramento, California 95814

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the County of \_\_\_\_\_ California

1. <b>PRINT Name:</b>	Signature	
<i>Full Residence Address: No PO Box. (Please do not abbreviate city or street name)</i>		
2. <b>PRINT Name:</b>	Signature	
<i>Full Residence Address: No PO Box. (Please do not abbreviate city or street name)</i>		
3. <b>PRINT Name:</b>	Signature	
<i>Full Residence Address: No PO Box. (Please do not abbreviate city or street name)</i>		
4. <b>PRINT Name:</b>	Signature	
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5. <b>PRINT Name:</b>	Signature	
<i>Full Residence Address: No PO Box. (Please do not abbreviate city or street name)</i>		

**DECLARATION OF PERSON CIRCULATING SECTION OF RECALL PETITION: (MUST BE IN CIRCULATOR'S OWN HANDWRITING)**

I \_\_\_\_\_ solemnly swear (or affirm) all of the following: (1) That I am 18 years of age or older. (2) That my residence address, including street and number is \_\_\_\_\_ (If no street or number exists, a designation of my residence adequate to readily ascertain its location is \_\_\_\_\_).

(3) That the signatures on this section of the petition were obtained between the dates of \_\_\_\_/\_\_\_\_/2021, and \_\_\_\_/\_\_\_\_/2021; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be. (4) That I showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Elections Code Section 107.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_/\_\_\_\_/2021, at (City or Community where signed) \_\_\_\_\_ California.

Signature of Circulator: \_\_\_\_\_ Date \_\_\_\_\_

\*Download Petition/Instructions at: RecallGavin2020.com \*Mail Petitions to California Patriot Coalition PO BOX 417030 Sacramento CA 95841

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8. PRINT Name:	Signature
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