



November 4, 2014

Richard Buongiorno
1405 Yosemite Drive
Antioch, CA 94509

RE: Recall Petition of Mayor Wade Harper

Dear Mr. Buongiorno:

Per Elections Code 11042(a) and (b), it states:

11042. (a) Within 10 days after filing of the answer to the notice of intention, or, if no answer is filed, within 10 days after the expiration of the seven-day period specified in Section 11023, the proponents shall file two blank copies of the petition with the elections official in his or her office during normal office hours as posted or, in the case of a recall of a state officer, with the Secretary of State, in his or her office during normal office hours as posted, who shall ascertain if the proposed form and wording of the petition meets the requirements of this chapter.

(b) At the time of the filing of the two blank copies of the petition, the proponents shall also file proof of publication of the notice of intention, if the notice of intention was published, or an affidavit of posting of the notice of intention, if the notice of intention was posted. The elections official or, in the case of a recall of a state officer, the Secretary of State, shall, within 10 days of receiving the blank copies of the petition, notify the proponents in writing of his or her finding.

You stated in an email on October 27th that you had received the response from Mayor Harper on Thursday, October 23rd.

The 10-day deadline date to file the two blank copies of the Petition along with the signed proof of publication was November 3, 2014 by 5:00 p.m., which was 10 days after Mayor Harper filed his answer plus an additional day because the deadline fell on a Sunday.

As a result, you failed to meet the statutory deadlines of the Election Code for submission of the proof of publication of the Notice of Intention and two blank copies of the Petition.

If you have any questions, please do not hesitate to call our office or contact the California Secretary of State's office.

Respectfully,

ARNE SIMONSEN
City Clerk/Elections Official
AS/cg

*Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/ Fax: (925) 779-7007*

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On November 4, 2014, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Richard Buongiorno
1405 Yosemite Drive
Antioch, CA 94509

I, Arne Simonsen, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on November 4, 2014, at Antioch, California.

