



Joint Informational Hearing
Assembly Elections Committee and
Senate Elections & Constitutional Amendments Committee
Assemblymember Bryan and Senator Glazer, Chairs

Subject: Evaluating California's Recall Process

February 1, 2022, 10:00 AM
State Capitol, Room 4202

Hearing Overview

This is the third joint informational hearing held by the Assembly Elections Committee and Senate Elections & Constitutional Amendments Committee to review California's recall process following last September's gubernatorial recall election. At the first hearing, on October 28, 2021, the committees heard from current and former elected officials, elections experts, and academics about their perspectives on the state's recall process and different reform proposals, including increasing the number of signatures for qualifying a statewide recall and changing the method for selecting the successor to a recalled official.

At the second hearing, on December 6, 2021, the committees heard from two panels of expert witnesses. The first panel of academics examined a limitation, used in several states, which only allows recalls to be initiated against an official for certain enumerated causes. The second panel of experts and local elected officials discussed the use of the recall at the local level, along with potential options for reform.

One of the major takeaways from the committee's first two hearings was that many of the recall reform proposals would require voter approval in order to take effect. In particular, proposals to make significant structural changes to the recall process at the state level generally require an amendment to the California Constitution. By contrast, changes to the process for recalling local elected officials and certain procedural changes to the state process can be made through statutory changes alone.

This hearing continues the committees' review of the recall process with the goal of informing the Legislature's consideration of proposals to change that process. The committees will first hear from California's Secretary of State, Dr. Shirley N. Weber.

Secretary Weber also appeared at the committees' first informational hearing. At that hearing, she shared the challenges that her office faced in administering California's second gubernatorial recall election. Secretary Weber's testimony highlighted ambiguities in California

law, and examined various legal challenges brought against her office as a result of those ambiguities. She emphasized the importance not only of addressing these administrative issues, but also of taking the opportunity to reflect on whether the state's recall policies work well for California. Subsequently, Secretary Weber announced that she would be engaging in a further review of the recall process, including consulting with outside experts to provide her with recommendations for improvements. In returning to appear before the committees at this hearing, Secretary Weber will share her perspectives on the recall process with the benefit of that review.

After hearing from Secretary Weber, the committees will hear from Dr. Mark Baldassare, the President and Chief Executive Officer of the Public Policy Institute of California (PPIC). In 2021, PPIC twice polled likely California voters about their attitudes toward the recall process. Last July, before Californians voted in the gubernatorial recall election, PPIC found that 86% of likely California voters thought that it was a good thing that the California Constitution provides a way to recall the state's elected officials, but that roughly two-thirds of likely voters thought that the recall process in California needed either major changes (30% of voters) or minor changes (36% of voters). Following September's recall election, PPIC again asked California voters about their views on the recall process. According to PPIC's November statewide survey report, 86% of voters once again responded that it is a good thing that the California Constitution provides a way to recall the state's elected officials. PPIC also found, however, that there was a significant increase in the percentage of voters who thought that the recall process was in need of changes, this time with 50% of voters thinking that the process needed major changes, and 28% believing that it needed minor changes.

Among specific changes to the recall process that PPIC polled after the recall election, it found that a majority of voters in the November survey supported proposals to change the recall process so that an elected official could only be recalled because of illegal or unethical activity (64% support), to increase the number of signatures needed to qualify a recall for the statewide ballot from 12% of the total votes cast in the last election for the office to 25% of the total votes cast (64% support), and to change the law to require a runoff election between the top two candidates if no candidate got more than 50% of the vote on the second part of the recall ballot (72% support).

Earlier this year, PPIC conducted a new statewide survey in which they again asked Californians about their views on the recall process. At this hearing, Dr. Baldassare will present new data from that statewide survey, and will discuss whether and how the views of California voters have changed since last year.