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## SCA-1 Elections: recall of state officers. (2023-2024)

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### Senate Constitutional Amendment No. 1

#### CHAPTER 204

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 15 and 17 of Article II thereof, and by amending Section 10 of Article V thereof, relating to elections.

[ Filed with Secretary of State September 10, 2024. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SCA 1, Newman. Elections: recall of state officers.

The California Constitution provides that voters may recall a state officer by majority vote and, in the same election, elect a successor with a plurality of the vote. The Constitution prohibits an officer who is the subject of a recall election from being a candidate for successor.

The Constitution provides that the Lieutenant Governor becomes Governor when a vacancy occurs in the office of Governor, and requires the Lieutenant Governor to act as Governor during the impeachment, absence from the state, or other temporary disability of the Governor or of a Governor-elect who fails to take office. When a recall of the Governor is initiated, the Constitution requires the Lieutenant Governor to perform the recall duties of the Governor. The Constitution requires the Governor to fill vacancies in certain judicial and executive offices by appointment, as specified.

This measure would eliminate the successor election for a recalled state officer and instead provide, in the event an officer is removed in a recall election, that the office will remain vacant until it is filled in accordance with the Constitution and statute. The measure would repeal the prohibition against the officer subject to the recall being a candidate to fill the office in a special election, but would prohibit the appointment of the officer subject to the recall election to fill the vacancy.

If the Governor is removed from office in a recall election, this measure would provide that the Lieutenant Governor will become Governor for the remainder of the unexpired term. If the Governor is removed from office by recall before the close of the nomination period for the next statewide election during the first two years of the Governor's term, the measure would provide for a special election to be held to replace the Governor for the remainder of the unexpired term, to be consolidated with the next statewide primary election and, if necessary, the subsequent statewide general election. The measure would require the Secretary of State to perform the recall duties of the Governor when a recall of the Governor is initiated. The measure would require the Controller to perform the recall duties of the Governor and Secretary of State if recalls of those two officers are initiated at the same time.

If adopted by the Legislature, the measure would appear on the ballot at the November 3, 2026, statewide general election.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2023–24 Regular Session commencing on the fifth day of December 2022, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

**First—** That Section 15 of Article II thereof is amended to read:

**SEC. 15.** (a) An election to determine whether to recall an officer shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures.

(b) A recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the recall election is held, if the number of voters eligible to vote at that next regularly scheduled election equal at least 50 percent of all the voters eligible to vote at the recall election.

(c) If the majority vote on the question is to recall, the officer is removed and the office shall be vacant. The vacancy shall be filled in accordance with this Constitution and statute, provided that the officer who was the subject of the recall election shall not be appointed to fill the vacancy in that office.

**Second—** That Section 17 of Article II thereof is amended to read:

**SEC. 17.** If recall of the Governor or Secretary of State is initiated, the recall duties of that office shall be performed by the Secretary of State or Controller, respectively. If recalls of the Governor and Secretary of State are initiated at the same time, the recall duties of both offices shall be performed by the Controller.

**Third—** That Section 10 of Article V thereof is amended to read:

**SEC. 10.** (a) The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

(b) Notwithstanding subdivision (c) of Section 15 of Article II, if the Governor is removed from office by recall, the Lieutenant Governor shall become Governor for the remainder of the unexpired term. If the Governor is removed from office by recall before the close of the nomination period for the next statewide election during the first two years of the Governor's term, a special election shall be called to replace the Governor and shall be consolidated with the statewide primary election and, if necessary, the subsequent statewide general election. If a candidate receives a majority of the votes in the special election that is consolidated with the statewide primary election, that candidate shall become Governor for the remainder of the unexpired term. If no candidate receives a majority of the votes, the top two vote-getters shall compete in a special election consolidated with the subsequent statewide general election, and the winner of that election shall become Governor for the remainder of the unexpired term.

(c) The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

(d) The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of the Governor's functions.

(e) The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

(f) Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

**Fourth—** This measure shall appear on the ballot at the November 3, 2026, statewide general election.