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AB-94 Recall elections: successors. (2025-2026)

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Assembly Bill No. 94

CHAPTER 251

An act to amend Sections 11382 and 11385 of the Elections Code, relating to elections.

[Approved by Governor October 03, 2025. Filed with Secretary of State October 03, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 94, Bennett. Recall elections: successors.

(1) Existing law specifies procedures for the recall election of a local officer. Under existing law, if a majority of the votes on a recall proposal for a local officer are in the affirmative, the officer is removed and the office remains vacant until it is filled according to law.

This bill would provide that when the local officer is recalled and removed, that officer may not be appointed to fill the vacancy.

(2) Existing law provides that if at a statewide recall election an officer is recalled, the candidate receiving the highest number of votes for the office shall be declared elected for the unexpired term of the recalled officer.

This bill would make clarifying changes to the above provision.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11382 of the Elections Code is amended to read:

11382. There shall not be an election for a successor in a recall of a local officer pursuant to Chapter 3 (commencing with Section 11200). If a majority of the votes on a recall proposal for a local officer are "Yes", the officer is removed and the office shall be vacant until it is filled according to law, provided that the officer who was the subject of the recall election shall not be appointed to fill the vacancy in that office.

SEC. 2. Section 11385 of the Elections Code is amended to read:

11385. If a state officer is recalled at a recall election, the candidate receiving the highest number of votes for the office shall be declared elected for the unexpired term of the recalled officer.