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THIRD READING

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Bill No: AB 94  
Author: Bennett (D)  
Introduced: 1/7/25  
Vote: 21

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SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 7/1/25  
AYES: Cervantes, Choi, Allen, Limón, Umberg

ASSEMBLY FLOOR: 76-0, 4/1/25 (Consent) - See last page for vote

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**SUBJECT:** Recall elections: successors

**SOURCE:** Author

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**DIGEST:** This bill prohibits a recalled local officer from being appointed to fill the vacancy of that office.

**ANALYSIS:**

Existing Law:

- 1) Provides that recall is the power of the electors to remove an elective officer.
- 2) Defines “local officer” as an elective officers of a city, county, school district, community college district, or special district, or a judge of a trial court.
- 3) Requires the Legislature to provide for the recall of local officers, but provides that this provision does not affect counties and cities whose charters provide for a recall.
- 4) Requires, in the case of a recall of a state officer, other than a judge of the Supreme Court or a court of appeal, the following:
  - a) The recall election to include both an election to determine whether to recall the officer and an election to elect a successor.

- b) Provides that if the majority vote on the question is to recall, the officer is removed and the candidate who receives a plurality is the successor.
  - c) Prohibits the officer who is the subject of the recall from being a candidate in the election to choose a successor.
- 5) Provides at a statewide election if an officer is recalled, the candidate receiving the highest number of votes for the office is declared elected for the unexpired term of the recalled officer.
- 6) Provides there shall not be an election for a successor in a recall of a local officer. If the majority votes to recall a local officer, then the officer is removed and the vacated office is filled according to law.

This bill bars a recalled local officer from being appointed to fill the vacancy of that office and corrects a technical error relating to statewide election.

## **Background**

*Recall Changes.* In 2022, the Legislature passed and Governor Newsom sign AB 2582 (Bennett, Chapter 790, Statutes of 2022) which changed how local recalls are conducted. Before AB 2582, state and local election recalls had the same process. The ballot asked voters two questions: 1) should the officer sought to be recalled be recalled, and 2) who should replace the recalled officer if the recall is successful. AB 2582 removed the second question and made it so local recall elections would only ask one question: should the local officer sought to be recalled be removed from office? As a result, any vacancy created from a successful recall is now be filled in accordance to law.

In 2024, the Legislature passed the proposed constitutional amendment SCA 1 (Newman, Resolution Chapter 204, Statutes of 2024). SCA 1, if approved by voters, would only ask one question at a state recall election: should the officer being recalled be removed? SCA 1 is similar to the local recall election processes created by AB 2582. SCA 1 also creates a provision that prohibits the recalled officer from being appointed to fill the vacancy, similar to what this bill is aiming to do.

## **Comments**

*Authors Statement.* AB 94 seeks to align the local recall process with the recall process laid out in SCA 1 of 2024, and to clarify ambiguity in the code. There is currently inconsistency between the proposed ballot measure regarding recalls of state officers and AB 2582, as well as ambiguity in existing law.

*Statewide or State Officer.* AB 2582 created provisional changes in the Elections Code, which previously covered state and local election recalls. One change created a provision about statewide recall elections. However, the term statewide unintentionally left out state elected officers who are not elected statewide. For example, members of the Board of Equalization and Legislature are not included in current language. This bill clarifies that any state officer is subject to the provision.

### **Related/Prior Legislation**

SCA 1 (Newman, Resolution Chapter 204, Statutes of 2024), would if passed by voters, eliminate the successor election for a recalled state officer and would 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 existing law. This constitutional amendment also repeals the prohibition against the officer subject to the recall from being a candidate to fill the office in a special election, but prohibits the appointment of the officer subject to the recall election to fill the vacancy.

AB 2582 (Bennett, Chapter 790, Statutes of 2022) requires a local recall election to include only the question of whether the elected officer sought to be recalled should be removed from office. It also requires the office, if a local officer is successfully recalled, to become vacant and to be filled in accordance with existing law.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 7/1/25)

SEIU California

**OPPOSITION:** (Verified 7/1/25)

Election Integrity Project California, Inc.

**ASSEMBLY FLOOR:** 76-0, 4/1/25

**AYES:** Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, DeMaio, Dixon, Elhawary, Ellis, Essayli, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo,

Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis,  
Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Bennett, Davies, Wicks

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7/2/25 16:24:51

\*\*\*\* **END** \*\*\*\*