Office of Senate Floor Analyses
(916) 651-4171

UNFINISHED BUSINESS

Bill No: SB 1369
Author: Reyes (D)
Amended: 7/2/26
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 4/7/26
AYES: Wiener, Allen, Cervantes, Umberg
NOES: Choi

SENATE FLOOR: 30-9, 5/19/26
AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto, Strickland, Valladares
NO VOTE RECORDED: Niello

ASSEMBLY FLOOR: 57-20, 8/30/26 - See last page for vote

SUBJECT: Recall petitions

SOURCE: California and Hawaii Chapters of the American Board of Trial Advocates

DIGEST: This bill requires a person who is being paid to gather signatures to qualify an initiative, referendum, or recall for the ballot to disclose orally to potential signers that they are being paid. For the recall of a superior court judge, this bill sets the time period for getting the required number signatures on a recall petition at 120 days in jurisdictions with 50,000 or more registered voters.

Assembly Amendments of 7/2/26 restore the time periods in existing law for circulating petitions to recall superior court judges in jurisdictions of fewer than 50,000 registered voters and establish a 120-day petition circulation period for jurisdictions of 50,000 or more registered voters.

ANALYSIS:

Existing law:

1) Declares in the California Constitution that "recall is the power of the electors to remove an elective officer."

2) Provides in the California Constitution for superior court judges to be elected in their counties to six-year terms. These elections are nonpartisan and occur during the general election in November of even numbered years. When a vacancy occurs, the governor shall appoint a judge to fill the vacancy for the remainder of the term.

3) Creates in the California Constitution the Commission on Judicial Performance to investigate allegations of judicial misconduct and, when warranted, impose discipline, including removal from office.

4) Prescribes the processes for qualifying a recall to appear on a ballot and for scheduling the election resulting when a recall qualifies through the collection of signatures on a recall petition. State law specifically prescribes the form, content, and presentation of a recall petition, including disclosure of the top funders of the recall.

5) Requires on a state or local initiative, referendum, or recall petition above the space for voters' signatures a public notice in 11-point font that reads: "THIS PETITION MAY BE CIRCULTED BY A PAID SIGNATURE GATHERERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

6) Sets the number of days that a recall petition for a local officer may circulate for signature gathering based on the number of voters in the jurisdiction, as follows:

   a) Forty days if the electoral jurisdiction has less than 1,000 registered voters.

   b) Sixty days if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.

   c) Ninety days if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.

   d) One hundred twenty days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.

e) One hundred sixty days if the electoral jurisdiction has 50,000 registered voters or more.

This bill:

1) Requires those who are being paid to gather signatures on a state or local initiative, referendum, or recall petition to tell each person, without being asked and before providing the petition, that they are being paid to circulate the petition.

2) Sets the signature gathering period for a recall petition for a superior court judge at 120 days, if the number of voters in the electoral jurisdiction is 50,000 or more.

Comments

Author's statement. California is one of eight states in the country that allows judges to be recalled. This system of checks and balances for judges is meant to be a tool of direct democracy allowing voters to hold corrupt judges accountable, but there is growing concern the recall process is increasingly being used in ways for which it was not intended, including targeting judges politically based on unfavorable rulings.

Judges serve a unique role in our democracy. Unlike other elected officials, they are prohibited from campaigning or publicly defending their rulings. That ethical constraint protects impartiality, but it also makes judges uniquely vulnerable to politically motivated recall efforts. When recall efforts are driven by disagreement with case outcomes, rather than ethical misconduct, they raise serious concerns about attempts to influence judicial decision-making through political pressure instead of the established appellate process.

At the same time, gaps in our current recall process can leave voters without the information they need to make informed decisions. Individuals gathering signatures are not required to disclose that they are being paid, and recall petitions may lack sufficient accountability regarding the stated reasons for the recall. Recent recall campaigns targeting multiple sitting judges and the rise in threats and harassment surrounding judicial decisions highlight the need for reasonable safeguards.

This bill preserves the constitutional right of recall while strengthening transparency and accountability. It establishes a 120-day signature-gathering period for most superior court judges and requires paid circulators to disclose they

are being compensated. Together, these measures ensure that judges can decide cases based on law and evidence, and not on fear of organized political retaliation.

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

SUPPORT: (Verified 7/31/26)

California and Hawaii Chapters of the American Board of Trial Advocates (source)
American Board of Trial Advocates
Association of Defense Counsel of Northern California and Nevada
Association of Southern California Defense Counsel
California Defense Counsel
California Judges Association
CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO
Consumer Attorneys of California
San Bernardino – Riverside Chapter of the American Board of Trial Advocates

OPPOSITION: (Verified 7/31/26)

California Chamber of Commerce
Family Business Association of California
Greater High Desert Chamber of Commerce

ARGUMENTS IN SUPPORT: The California Judges Association writing in support of this bill notes that judicial recall petitions are exceedingly uncommon and asserts that this reflects the long-standing recognition that the judiciary plays a distinct constitutional role. The Judges Association additionally points out that:

> …complaints about judicial actions are referred to and heard by the Commission on Judicial Performance, which holds judicial officers accountable for their actions and has the authority to discipline or remove them. This is unlike any other elected official in California. Maintaining appropriate safeguards in the recall process helps ensure that judges are able to make decisions based solely on the law and the facts presented in each case, without fear that routine or unpopular rulings will trigger politically motivated recall campaigns.

ARGUMENTS IN OPPOSITION: The California Chamber of Commerce, Family Business Association of California, and the Greater High Desert Chamber of Commerce oppose this bill because the bill's "oral disclosure requirement is unnecessary, duplicative, and fraught with practical and constitutional concerns." Specifically, they note:

> Requiring an oral disclosure before every single interaction imposes a substantial logistical burden on petition circulators. Petition gathering is inherently fast-paced and dependent on brief, momentary interactions (often occurring in crowded public spaces where circulators have only seconds to engage a passerby). Mandating a verbal script before each engagement slows the process, reduces efficiency, and increases costs. In high-traffic public settings, where circulators may engage hundreds of individuals in a short period, this requirement would substantially diminish productivity and undermine the viability of lawful petition efforts.

The opponents further raise constitutional concerns, noting that petition circulation is core political speech protected by the First Amendment. They point out that courts have recognized burdens on petition circulation, which reduce the size of the audience proponents can reach, as restrictions on political expression.

ASSEMBLY FLOOR: 57-20, 8/30/26
AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Valencia, Ward, Wicks, Wilson, Zbur, Rivas
NOES: Alanis, Ávila Farías, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis
NO VOTE RECORDED: Michelle Rodriguez, Stefani

Prepared by: Carrie Cornwell / E. & C. A. / (916) 651-4106
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