

Recall Timelines and Vacancy Appointments*

Digest by the Ballot Simplification Committee

Status: Draft for Consideration
On: Monday, February 28, 2022
Members: Packard, Anderson, Merrill, Patterson

Deadline to Request Reconsideration: TBD

The Way It Is Now: A recall is a process under which the voters can remove elected official before the end of the official's term in office. To start a recall, persons who wish to remove the elected official must collect signatures from registered voters in the official's jurisdiction. If the recall petition receives enough signatures, then the City holds a recall election where the voters are able to vote on whether the elected official should be removed from office.

Under the City's Charter, no person may start a recall petition if the elected official has held office for less than six months. Further, under state law, no person may start a recall petition if that official's term of office will end within six months.

If there is a vacancy in the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, or Treasurer, or Member of the Board of Supervisors (Board), Board of Education (School Board) or Governing Board of the Community College District (City College Board), then the Mayor is responsible for appointing a qualified individual to fill the vacancy. If there is a vacancy in the office of Mayor, then the Board is responsible for appointing a person to fill the vacancy. In either situation, the person appointed to fill the vacancy may be a candidate in a later election to remain in office.

The Proposal: Proposition __ would amend the City's Charter to further limit the period for the recall process. Under Proposition __, no person may start a recall petition if the official has held office for less than 12 months. Also, Proposition __ would require that signatures collected to support a recall must be submitted at least 18 months before the next scheduled election for that official's office. As to members of the Board, School Board or City College Board, the new deadline would be based upon when their seat is scheduled for an election, rather than any other seat on the same board.

Proposition __ would also change the appointment process for vacancies created by successful recalls. Persons appointed to fill those vacancies could not be candidates in the following elections to remain in office. This rule would apply to any vacancy created due to a recall election held on or after June 7, 2022, including the recall election regarding the District Attorney.

A "YES" Vote Means: If you vote "yes," you want to further limit the period during which the voters could recall a City elected official, and when an official is recalled, you want to prevent the person appointed to fill that vacancy from running as a candidate to remain in that office.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.

**Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.*