

CALIFORNIA PROP 05

Changes Recall Election Process for Statewide Officers

Purpose

Proposition 5 is a legislatively proposed constitutional amendment that would change California's recall system by eliminating the simultaneous election of a successor during a recall election and authorizing the lieutenant governor to fill a recalled governor's vacancy until a successor is chosen.¹

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Background

In a special election in 1911, Californians approved a state constitutional amendment creating a recall (removal) process for state elected officials, including statewide officers and state legislators.² Under this system, if Californians are dissatisfied with an elected state official, they can circulate a recall petition. If the petition receives enough signatures, a special recall election is triggered. During the recall election, two questions appear on the ballot.³ The first asks whether the elected official should be recalled from office and the second asks who should replace the official if recalled. The first question is answered yes or no, with a simple majority required to recall the official. The second question asks the voter to choose from a list of registered candidates.⁴ If the official is recalled, the person who receives the most votes to succeed that official, even if less than a majority, immediately assumes the office.⁵ An officeholder targeted for possible recall (first question) cannot also be a candidate for the office (second question).⁶

Since 1913, 182 state recalls have been attempted in California, with only 11 qualifying for the ballot and six succeeding. The successful recalls included three state senators, two assembly members, and one governor.⁷

Only two gubernatorial recall petitions have qualified for the ballot in California. The first targeted Democratic Governor Gray Davis. In 2002, Davis won his second term as governor by only a plurality, capturing 47.3% of the roughly 8 million votes cast.⁸ In 2003, a recall petition qualified for the ballot.⁹ Governor Davis was recalled with 4.9 million Californians (55.4%) voting against him. Among the more than 100 candidates who received votes to succeed Davis, Republican Arnold Schwarzenegger came in first with 48.6% of the vote, thereby becoming the state's governor.¹⁰

In 2021, due in part to Republicans' opposition to Governor Gavin Newsom's handling of the Covid-19 pandemic, a petition to recall the governor received a sufficient number of signatures to qualify for the ballot.¹¹ However, that September, the recall attempt failed as 61.9% of voters voted no.¹² In the succession election, 42.7% of voters left the question blank, as Governor Newsom had encouraged his supporters to do.¹³ The Secretary of State estimated that this recall election cost the state a total of \$275 million.¹⁴ Beginning in October 2021, the California Assembly Elections Committee and Senate Elections and Constitutional Amendments Committee held joint hearings to review California's recall process.¹⁵ Senator Josh Newman, who was recalled in 2018 and won his seat back in 2020, authored the proposed Senate Constitutional Amendment (SCA-1) in 2023. It passed the legislature in 2024 for submission to the voters for approval or disapproval.¹⁶

Proposal

Prop. 5 would remove the choice of successors (the second question) from the recall ballot. If an elected state official, including state legislator, is recalled, that office would be filled based on the same constitutional provisions that govern vacancies that result from death or resignation. In the specific instance of a governor being recalled, the lieutenant governor would serve as governor for the balance of the term. The only exception is that if the governor is recalled during the first two years of the term, a special election would occur during the statewide primary. If no candidate wins a majority in the state primary, the top two candidates would advance to the next general election.

This constitutional amendment would put the California Secretary of State in charge of administering a governor's recall, and the state controller in charge of administering the recall election for a secretary of state. If both the governor and secretary of state were recalled in the same election, the state controller would administer both elections. Recalled officials would be allowed to run for the office from which they were removed but could not be appointed to fill the vacancy in that office.¹⁷

Fiscal Impact

According to the California Legislative Analyst's Office (LAO), the net fiscal effects of this proposition are unknown. Millions of dollars may be saved or spent depending on future recall attempts and legislative decisions. Without the successor election, ballots would contain less printed information, saving the state money. On the other hand, with the elimination of the successor election as part of the recall, the administration of special elections may increase costs to the state.¹⁸

SUPPORT FOR PROPOSITION 5

Supporters of Proposition 5 Include:¹⁹

- Former State Senator Josh Newman (D-29) (author)
- State Assemblymember Isaac Bryan (D-25)
- Lieutenant Governor Eleni Kounalakis (D)
- California Democratic Party
- League of Women Voters
- California Common Cause

As of September 19, there are no recorded contributions in favor of Proposition 5.

Arguments for Proposition 5

Supporters argue Proposition 5 would:²⁰

- Eliminate the system in which an officeholder can be recalled by a small majority and then replaced by someone who received less than 50% of the vote. According to the League of Women Voters of California, “this encourages political actors to target officials they couldn’t defeat in a regular election and to install replacements who lack broad public support.”
- Make the gubernatorial succession process more democratic by having the lieutenant governor, who is elected by the people of California, fill the vacant office rather than someone elected at the same time as the recall vote, who may have received a small fraction of all votes cast.
- Save the state money by discouraging fruitless recall elections, such as the failed effort to recall Governor Gavin Newsom in 2021, which cost the taxpayers \$275 million.

OPPOSITION TO PROPOSITION 5

Opponents of Proposition 5 Include:

- California Republican Party
- Senate Minority Leader Brian W. Jones (R-40)²¹
- Assemblymember Joe Paterson (R-5)²²
- Election Integrity Project California, Inc.²³
- Reform California²⁴

As of September 19, there are no recorded contributions in opposition to Proposition 5.

Arguments Against Proposition 5²⁵

Opponents argue Proposition 5 would:

- Take power away from the people by preventing them from replacing an officeholder with someone they prefer at the time they recall the incumbent.
- Give more power to Sacramento politicians by allowing them to decide who would replace recalled officials, rather than allowing the people to decide.
- Allow “failed politicians” removed from office by the people to run in the separate election to fill the vacancy.
- Undermine the democratic principle that the people should choose their own leaders.
- Change a system that is fine as it is. “If it ain’t broke, don’t fix it.”
- Prevent change by replacing an unacceptable governor with the lieutenant governor, who very likely will be of the same political party and ideological disposition as the governor.
- Increase costs by requiring separate special elections to fill a vacancy.

A YES VOTE ON PROPOSITION 5

A YES vote for Prop. 5 would amend the California State Constitution to remove a successor election from the same ballot as a recall election, allowing for vacancies caused by recalls to be filled in the same way as vacancies caused by death or resignation. Specifically, if a governor was recalled, the lieutenant governor would serve the rest of the governor’s term unless the recall occurred during the first two years of the term, in which case a special election for governor would take place during the statewide primary.

A NO VOTE ON PROPOSITION 5

A NO vote for Prop. 5 would maintain the state’s current recall system with the succession election on the same ballot as a recall election. If a governor was recalled, the lieutenant governor would not take over as governor.

Endnotes

- 1 The text of his proposed constitutional amendment is at California Secretary of State, *Official Voter Information Guide, General Election, November 3, 2026*, p. 118, <https://vig.cdn.sos.ca.gov/2026/general/pdf/complete-vig.pdf>.
- 2 Mark Baldassare, Dean Bonner, Sonja Petek, and Jui Shrestha, "California's Initiative Process: 100 Years Old," Public Policy Institute of California, September 2011, <https://www.ppic.org/publication/californias-initiative-process-100-years-old/>.
- 3 California Constitution, Article II, §§ 13–15, <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS>.
- 4 *NBC Los Angeles*, "FAQ: What to Know About the Effort to Recall California Gov. Gavin Newsom," September 3, 2021, <https://www.nbclosangeles.com/news/california-news/recall-update-california-governor-gavin-newsom-election-petition-signatures-gray-davis-arnold-schwarzenegger/2542535/>.
- 5 California Constitution, Article II, §§ 13–15.
- 6 California Constitution, Article II, § 15.
- 7 *NBC Los Angeles*, "FAQ."
- 8 California Secretary of State, Statement of Vote: November 5, 2002, General Election, Sacramento, <https://elections.cdn.sos.ca.gov/sov/2002-general/sov-complete.pdf>.
- 9 Kenneth P. Miller, "The Davis Recall and the Courts," *American Politics Research* 33, no. 2 (March 2005): 135–162. <https://doi.org/10.1177/1532673X04272729>.
- 10 California Secretary of State, "Special Statewide Election - Statement of Vote, October 7, 2003, Complete Statement of Vote (PDF)," xiv, <https://www.sos.ca.gov/elections/prior-elections/statewide-election-results/statewide-special-election-october-7-2003/statement-vote>.
- 11 Robin Peterson, "2021 Recall Results," *Inland Empire Outlook* (Rose Institute of State and Local Government), 2021, <https://roseinstitute.org/wp-content/uploads/2021/11/2021-Recall-Results.pdf>.
- 12 Jill Cowan and Shawn Hubler, "Your Guide to the California Recall Election," *The New York Times*, September 15, 2021, <https://www.nytimes.com/article/newsom-recall-election-voter-guide.html>.
- 13 Nick Cahill, "Poll Finds Thirst for Major Tweaks to California's Recall Process," *Courthouse News Service*, November 9, 2021, <https://www.courthousenews.com/poll-finds-thirst-for-major-tweaks-to-californias-recall-process/>.
- 14 California State Assembly, Committee on Elections, "2021 Hearings," <https://aelc.assembly.ca.gov/hearings/2021-hearings>.
- 15 Nathan Davis and Joshua Byfield, "Josh Newman Defeats Ling Ling Chang for 29th District State Senate Race," *Daily Titan*, November 13, 2020, https://dailytitan.com/news/local/josh-newman-defeats-ling-ling-chang-for-29th-district-state-senate-race/article_fa30e186-2640-11eb-8bab-5b5890fa1892.html.
- 16 California Legislature, Senate Constitutional Amendment 1 (Newman), "Elections: Recall of State Officers," Res. Chapter 204, Statutes of 2024, Filed with the Secretary of State September 10, 2024, <https://elections.cdn.sos.ca.gov/ballot-measures/pdf/sca-1-24.pdf>.
- 17 California Legislative Analyst's Office (LAO), "Proposition 5: Changes Recall Election Process for Statewide Officers. Legislative Constitutional Amendment," November 5, 2024, Ballot, <https://lao.ca.gov/BallotAnalysis/Proposition?number=5&year=2026>.
- 18 LAO, "Proposition 5."
- 19 Ballotpedia, "California Proposition 5, Eliminate State Officer Recall Successor Elections Amendment (2026)," [https://ballotpedia.org/California_Proposition_5_Eliminate_State_Officer_Recall_Successor_Elections_Amendment_\(2026\)](https://ballotpedia.org/California_Proposition_5_Eliminate_State_Officer_Recall_Successor_Elections_Amendment_(2026)).
- 20 CA Secretary of State, *Official Voter Information Guide*, pp. 38-39.
- 21 CA Secretary of State, *Official Voter Information Guide*, pp. 38-39.
- 22 CA Secretary of State, *Official Voter Information Guide*, pp. 38-39.
- 23 Ballotpedia, "Proposition 5."
- 24 Ballotpedia, "Proposition 5."
- 25 CA Secretary of State, *Official Voter Information Guide*, pp. 38-39.