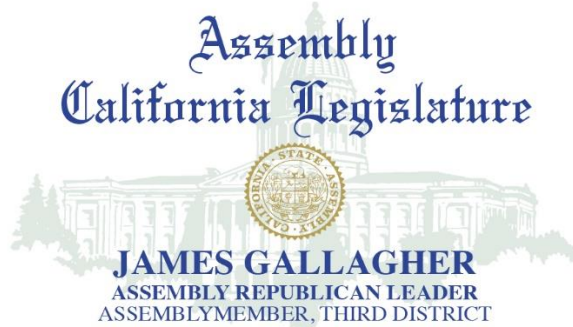


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September 13, 2022

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: RECOMMENDED VETO OF AB 2582 (Bennett)**

Dear Governor Newsom:

I respectfully request a veto of AB 2582, which passed the Assembly on August 24, 2022, by a vote of 54-19, with 18 members of the Assembly Republican Caucus voting "No."

AB 2582 provides that the ballot in a local recall election shall not include an election for a successor in the event that the incumbent official is recalled. Instead, a successful recall effort would create a "vacancy" in the office to be filled according to law. There are a number of serious problems with this bill.

First, the California Constitution provides a process for recalling and removing state officials, and includes a simultaneous election for a successor for officials who have lost the trust of the voters. The Constitution further requires the Legislature to provide a similar process for the recall of local elected officials. (Cal. Const., Art. II, Secs. 13-15, 19.) These Constitutional provisions are intended to give citizens a speedy process to remove and replace elected officials for misconduct, without having to wait until the next election cycle.

This bill, however, would create an illogical, two-tier system where if the subject of the recall is a state official, the ballot would include an election of a successor should the official be recalled, but if the subject is not a state official, there would be no election of a successor.

The author's claimed rationale for this disparity is that allowing successor candidates on the local recall election ballot "leads to re-litigating the past election instead of focusing on the merits of why someone is being recalled." However, this is logically incoherent. The presence of other candidates on the ballot would actually shift the public's attention away from those issues, and toward the official's conduct in office and the relative merits of potential successors. In fact, if the ballot contains no worthy potential successor, the voters would be more inclined to vote against the recall.

Moreover, if the author's claimed rationale were true, there is no sound reason why it should not also apply to recall elections for state officials, rather than just for local officials.

Second, if the official who is recalled is a member of the city council or a school board, the remaining members would have the option of calling a special election to fill the vacancy. But this is extremely wasteful of public funds, since it would require local taxpayers to pay for two special elections in order to remove and replace one official for misconduct.

And because of those extra costs, it is more likely that the remaining members would simply exercise their right under AB 2582 to fill the vacancy by appointment. However, that would create an undemocratic outcome, as it would deprive local voters of their right to choose their own representative on that council or board.

Moreover, AB 2582 would prevent citizens from eradicating corruption in their local government. Unfortunately, California has seen some extraordinary scandals in local government in recent years, for example, in the cities of South Gate, Lynwood, and Bell, where council members looted vast sums from the public treasury and funneled them into their own pockets or those of their cronies.

Those abuses were ended only because local voters were able to utilize the recall process to remove those officials and to replace them with honest public servants. In some of those cases, the Legislature was required to directly intervene to prevent local officials from obstructing the recall process. (See, e.g., SB 484 (Lowenthal) of 2007, AB 2753 (De La Torre) of 2006.) Had AB 2582 then been in effect, the remaining members of those councils could have simply appointed their confederates to fill the vacancies, thereby thwarting the ability of voters to remove and replace corrupt officials.

In sum, AB 2582 is logically incoherent and undemocratic. It would create a two-tier system for recall elections in California, one for state officials and another for local officials, and would deprive voters of their right to elect a successor for a local official who has been recalled for misconduct in office.

For the reasons stated above, I respectfully request that you veto AB 2582.

Sincerely,



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James Gallagher  
Assembly Republican Leader