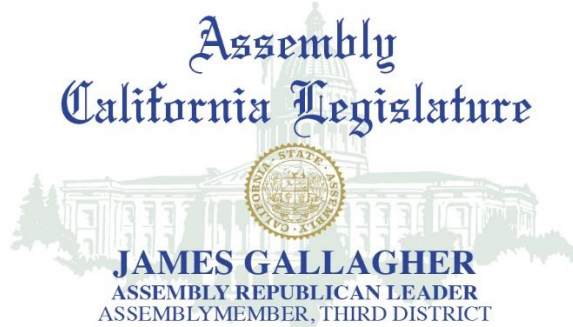


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September 13, 2022

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

**RE: RECOMMENDED VETO OF AB 2584 (Bennett)**

Dear Governor Newsom:

I respectfully request a veto of AB 2584, which passed the Assembly on August 25, 2022, by a vote of 59-15, with 15 members of the Assembly Republican Caucus voting "No."

AB 2584 would: (1) provide that recall elections of local officials may be held at the next regularly scheduled election up to 6 months later, instead of at a special election; (2) increase the number of proponents required to circulate a recall petition by a factor of 300-500 percent; (3) authorize persons to file legal actions to amend or delete the statement of reasons given for the recall for alleged false or misleading content, and to sue recall proponents for libel; and (4) require petitions for the recall of school board members to state the cost of the special election.

The California Constitution provides a procedure for recalling and removing state officials, and 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 were intended to give citizens a process to remove and replace elected officials for misconduct quickly, without having to wait until the next election cycle.

AB 2584, however, would deprive local voters of their right to a speedy recall election for officials for misconduct in office. Instead, it would require voters to wait for up to six months to remove and replace officials who have been abusing their power in office, and may be continuing to do so. But if an official is engaging in such misconduct, they should be removed at the earliest opportunity; there is no good reason to require the voters to wait even one day longer than is necessary to conduct the election.

In addition, AB 2584 would authorize persons to file legal actions to amend or delete the statement of reasons given for the recall for alleged false or misleading content, and to sue proponents for libel. This would give local officials, especially those supported by deep-pocketed special interests and campaign contributors, the ability to threaten and intimidate reform proponents, who are often grass-roots citizens and parents groups with little or no financial backing.

In 2019 and again in 2021, you wisely vetoed related measures that would have prevented recall proponents and other citizen reformers from paying petition circulators on a per-signature basis, because it would have made the qualification of such measures cost-prohibitive for all but the wealthiest interests, thereby thwarting grass-roots reformers. You added, "I am a strong supporter of California's system of direct democracy and am reluctant to sign any bill that erects barriers to citizen participation in the electoral process." (Governor's Veto Messages for AB 1451 (Low) of 2019 and SB 660 (Newman) of 2021.)

AB 2584 deserves your veto for precisely the same reasons: it would make recall efforts against local officials cost-prohibitive for all but the wealthiest interests, and would erect a nearly insurmountable barrier to citizen participation in the electoral process.

Finally, AB 2584 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 2584 then been in effect, those officials would have been allowed up to six additional months to loot the public treasury before being forcibly removed from office.

In sum, AB 2584 constitutes an unwarranted assault on voters' reserved right of Recall. It will impose unnecessary and unconstitutional burdens and impediments on citizen-reformers, and will deprive voters of a speedy process to remove and replace elected officials for misconduct.

For the reasons stated above, I respectfully request that you veto AB 2584.

Sincerely,

  
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James Gallagher  
Assembly Republican Leader