

PROP 5: RECALL REFORM (ELIMINATE THE REPLACEMENT QUESTION)

Quick Facts

- **Official ballot title:** “Changes Recall Election Process for Statewide Officers. Legislative Constitutional Amendment.”¹
- **Type:** Legislatively referred constitutional amendment, placed on the ballot by the legislature rather than by citizen signatures.
- **A vote YES means:** A recall becomes a single yes-or-no vote on removing the official. There is no second replacement question. If the official is removed, the seat is filled the same way any midterm vacancy is filled, and the recalled official is allowed to run in any special election (with the exception of the governor, who would be immediately succeeded by the lieutenant governor).²
- **A vote NO means:** California keeps the current two-question recall. Voters answer whether to remove the official and, on the same ballot, choose a replacement from a separate list. The targeted official cannot be on that replacement list.³
- **Sponsor/proponent:** Former state senator Josh Newman (D), the measure’s author. Coauthored in the Assembly by Isaac Bryan (D). Backed by groups including the League of Women Voters of California and California Common Cause.⁴
- **On the ballot because:** The legislature passed SCA 1 largely along party lines (Senate 31–7 on February 1, 2024; Assembly 59–17 on August 30, 2024; and Senate concurrence 32–8 on August 31, 2024). A constitutional amendment referred by the legislature does not need the governor’s signature and goes directly to voters.⁵
- **Full legal text:** [SCA 1, Resolution Chapter 204](#)⁶
- **LAO analysis:** [Legislative Analyst’s Office, ballot analysis](#)⁷

1. WHAT WOULD IT DO?

Proposition 5 rewrites how California—one of nineteen states that permits recall elections for state officials—recalls a state officer. Dating back to 1913, eleven [recall efforts have qualified for the ballot](#). Only six California state officeholders have been recalled: five members of the legislature and one governor. Today a recall ballot asks two questions at once: first, should the official be removed; second, if removed, who should replace them. The replacement is chosen by plurality from a separate list of candidates, and the official facing recall is barred from appearing on that list.⁸

Prop 5 removes the second question. A recall would become a single up-or-down vote on removal. If a majority votes to remove, the seat becomes vacant and is filled the same way any other midterm vacancy in that office is filled under existing law.⁹

CALIFORNIA DECIDES

If the governor is recalled before the close of the nomination period for the next statewide election during the first two years of the term, the lieutenant governor would serve until voters elect a new governor at a future statewide election. If the recall occurs later, the lieutenant governor would serve the remainder of the term.¹⁰ For most other statewide offices, under the rules that already govern vacancies, a vacancy is filled by gubernatorial appointment and for legislative seats it is filled by special election.¹¹

The measure also repeals the current bar on the recalled official running to keep the seat. Under Prop 5, that official may not be appointed to the vacancy but is free to run in any special election held to fill it.¹² The amendment adds administrative plumbing as well. It assigns the secretary of state the recall duties normally handled by the governor when the governor is the target, and it shifts those duties to the controller if the governor and secretary of state are both facing recall at the same time.¹³

2. THE LEGAL LANGUAGE

- **Full text:** [SCA 1, "Elections: Recall of State Officers," Resolution Chapter 204 \(2024\), California Legislative Information](#)¹⁴
- Key language:

"If the majority vote on the question is to recall, the officer is removed and the office shall be vacant. The vacancy shall be filled in accordance with this Constitution and statute, provided that the officer who was the subject of the recall election shall not be appointed to fill the vacancy in that office."¹⁵
- **What it amends:** SCA 1 amends sections 15 and 17 of Article II of the California Constitution, the article that governs recalls, and Section 10 of Article V, which covers gubernatorial succession.¹⁶ Because it is a constitutional amendment, the legislature cannot repeal it on its own once voters approve it.

3. WHO, WHAT, WHERE, WHEN, WHY?

- **Who?** Authored by former state senator Josh Newman, with Assemblymember Isaac Bryan as a coauthor. Support comes from good government groups such as the League of Women Voters of California and California Common Cause. Opposition includes the Election Integrity Project California and the California Taxpayers Association. The legislative votes ran along party lines, with Democrats in favor and Republicans opposed.¹⁷
- **What?** A single removal question on the recall ballot, no replacement question, the seat filled by the ordinary vacancy rules, and the recalled official permitted to run in any special election.¹⁸
- **Where?** Statewide, written into the California Constitution, applying to recalls of state officers including the governor, other statewide officers, and legislators.¹⁹
- **When?** On the November 3, 2026, ballot. It takes effect the day after the election if approved.²⁰
- **Why?** Proponents say the two-question format created a structural flaw, exposed in 2003, where an official can be removed by a majority and replaced by a candidate who wins only a small plurality of a crowded field. Their stated goal is to prevent a replacement who commands far less support than the official being ousted.²¹

4. TRADE-OFFS

In 2003 voters recalled Gov. Gray Davis, with about 55.4 percent voting to remove him. On the same ballot, Arnold Schwarzenegger won the replacement race with roughly 48.6 percent in a field of 135 candidates.²² Davis was removed by a clear majority, and his successor took office with a plurality. The 2021 recall of Gov. Gavin Newsom put the risk in sharper relief. Newsom was retained by about 61.9 percent to 38.1 percent, so the replacement question never mattered.²³ But had the vote to remove been a bare majority, the leading replacement candidate could have become governor with a fraction of the statewide vote, far below the share that voted to keep Newsom. That mismatch is the core case for Prop 5: A single question cannot install a minority winner.

The other side is that the two-question ballot lets voters remove an official and choose a replacement on the same day. Prop 5 separates those steps. Under the measure, recalling a governor hands the office to the lieutenant governor, who may be of the same party and the same politics the recall was meant to reject.²⁴ For other offices, the seat can be filled by appointment, which moves the choice from voters to officeholders, at least until a special election. Critics argue this weakens the recall as a direct check, because voters lose the guarantee that removal produces a chosen replacement, and it can hand the reformers' win to a successor they did not pick.

The current system guarantees voters a replacement choice but can produce a minority winner. Prop 5 forecloses the minority winner but can produce a successor who voters did not select and, in the case of an appointed statewide officer, did not vote on at all. Which risk matters more depends on what a voter thinks a recall is for: punishing an official or choosing a new one.

5. POTENTIAL RISKS AND BENEFITS

Potential benefits

- Prop 5 closes the minority-winner loophole. A recall could no longer replace a majority-removed official with a plurality candidate from a crowded field, the outcome the 2003 recall produced.²⁵
- It simplifies the ballot to a single, clear question about removal, which reduces voter confusion and the strategic gamesmanship of a large replacement field.²⁶
- It removes the incentive, cited by the author, for a candidate to trigger a recall mainly as a low-threshold path to an office they could not win in a regular election.²⁷
- It treats a recall vacancy like any other vacancy, giving the process consistent and predictable succession rules already in the state constitution and statute.²⁸
- It ends the current bar on the targeted official, letting that person make their case to voters in any special election rather than being excluded by rule.²⁹
- It could lower ballot and election administration costs, potentially by millions of dollars in some recall elections, by removing the replacement candidate question.

Potential risks

- Removing a governor hands the office to the lieutenant governor, who may share the recalled governor's party and politics, so voters could remove an official and get more of the same.³⁰
- For statewide offices filled by appointment, the replacement choice shifts from voters to the governor, at least until any special election, which weakens the recall as a direct citizen check.³¹
- Separating removal from replacement can leave a seat vacant or in caretaker hands for a period, creating uncertainty about who holds the office and for how long.³²
- The change is a permanent constitutional amendment shaped by two high-profile gubernatorial recalls, yet it governs recalls of every state officer, including legislators, where the dynamics differ.
- If a separate special election is needed to fill the resulting vacancy, state and local election administration costs could increase by millions of dollars.

6. OPEN QUESTIONS

- When a governor is recalled, how long would the lieutenant governor serve, and under what timing rules would a special election be held to let voters choose a successor?
- For statewide offices filled by appointment, how long could an appointed successor hold the seat before voters get a say?
- Does letting the recalled official run in a later special election blunt the reform, or is it a fair chance to seek vindication at the ballot box?
- Would a single-question recall make recalls easier to launch, since organizers no longer need a marquee replacement candidate to rally behind?
- Does the measure change the incentives to attempt a recall at all, and in which direction?

7. THE QUESTIONS TO ASK BEFORE YOU VOTE

A recall does two things: remove an official and decide who comes next. Prop 5 keeps the first and changes the second. Before you vote, ask whether a recall should guarantee you a say in the replacement or whether it should be a clean up-or-down vote on removal alone.

The 2003 recall showed a majority can oust a governor while a plurality picks the successor. Prop 5 fixes that, but it can hand a recalled governor's seat to a lieutenant governor of the same party. Which outcome bothers you more: A minority winner or a successor you did not choose?

ENDNOTES

- ¹ Full text, SCA 1, "Elections: Recall of State Officers," Resolution Chapter 204 (Statutes of 2024), California Legislative Information: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SCA1; California Secretary of State, Qualified Statewide Ballot Measures, with November 3, 2026, number assignments: <https://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures>.
- ² Full text, SCA 1, "Elections: Recall of State Officers."
- ³ Full text, SCA 1, "Elections: Recall of State Officers."
- ⁴ Victoria Antrim, "California Voters Will Decide on Amendment to Eliminate Successor Election at State Officer Recall Elections in 2026," *Ballotpedia News*, September 3, 2024: <https://news.ballotpedia.org/2024/09/03/california-voters-will-decide-on-amendment-to-eliminate-successor-election-at-state-officer-recall-elections-in-2026/>.
- ⁵ Full text, SCA 1, "Elections: Recall of State Officers"; Antrim, "California Voters Will Decide on Amendment."
- ⁶ Full text, SCA 1, "Elections: Recall of State Officers."
- ⁷ Legislative Analyst's Office, "Ballot Initiatives and Propositions": <https://lao.ca.gov/BallotAnalysis>.
- ⁸ Full text, SCA 1, "Elections: Recall of State Officers."
- ⁹ Full text, SCA 1, "Elections: Recall of State Officers."
- ¹⁰ Full text, SCA 1, "Elections: Recall of State Officers"; Assembly Committee on Elections, analysis of SCA 1 (Newman), June 26, 2024: <https://aelc.assembly.ca.gov/system/files/2024-06/sca-1-newman-june-26-2024-17192637100576198.pdf>.
- ¹¹ Assembly Committee on Elections, analysis of SCA 1.
- ¹² Full text, SCA 1, "Elections: Recall of State Officers."
- ¹³ LAO, "Ballot Initiatives and Propositions."
- ¹⁴ Full text, SCA 1, "Elections: Recall of State Officers."
- ¹⁵ Full text, SCA 1, "Elections: Recall of State Officers."
- ¹⁶ Full text, SCA 1, "Elections: Recall of State Officers."
- ¹⁷ Antrim, "California Voters Will Decide on Amendment."
- ¹⁸ Full text, SCA 1, "Elections: Recall of State Officers."
- ¹⁹ Full text, SCA 1, "Elections: Recall of State Officers."
- ²⁰ Full text, SCA 1, "Elections: Recall of State Officers."
- ²¹ Antrim, "California Voters Will Decide on Amendment."
- ²² Ballotpedia, "Gray Davis Recall, Governor of California (2003)": [https://ballotpedia.org/Gray_Davis_recall,_Governor_of_California_\(2003\)](https://ballotpedia.org/Gray_Davis_recall,_Governor_of_California_(2003)).
- ²³ Wikipedia, "2021 California Gubernatorial Recall Election": https://en.wikipedia.org/wiki/2021_California_gubernatorial_recall_election.
- ²⁴ Full text, SCA 1, "Elections: Recall of State Officers"; Assembly Committee on Elections, analysis of SCA 1.
- ²⁵ Ballotpedia, "Gray Davis Recall."
- ²⁶ Assembly Committee on Elections, analysis of SCA 1.
- ²⁷ Antrim, "California Voters Will Decide on Amendment."
- ²⁸ Full text, SCA 1, "Elections: Recall of State Officers."
- ²⁹ Full text, SCA 1, "Elections: Recall of State Officers."
- ³⁰ Full text, SCA 1, "Elections: Recall of State Officers"; Assembly Committee on Elections, analysis of SCA 1.
- ³¹ Assembly Committee on Elections, analysis of SCA 1.
- ³² Full text, SCA 1, "Elections: Recall of State Officers."