

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
SB 1369 (Reyes) – As Amended March 26, 2026

SENATE VOTE: 30-9

SUBJECT: Recall petitions.

SUMMARY: Requires a paid signature gatherer to orally disclose to each person, before providing the petition for the person's signature, that they are being paid to circulate the petition. Requires a recall petition of a superior court judge to be submitted within 80 days, regardless of the number of registered voters in the electoral jurisdiction. Specifically, **this bill:**

- 1) Requires a signature gatherer who is being paid to gather signatures on a state or local initiative, referendum, or recall petition to verbally disclose to each person, before providing the petition for the person's signature, that they are being paid to circulate the petition. Requires the paid signature gatherer to make this disclosure regardless of whether the person asks if the signature gatherer is being paid.
- 2) Establishes an 80-day circulation period for a recall petition for a superior court judge, regardless of the number of voters in the electoral jurisdiction.

EXISTING LAW:

- 1) States that a recall is the power of the voters to remove an elective officer. (California Constitution, Article II, §13; Elections Code §11000 et seq.) Requires the Legislature to provide for the recall of local officers. (California Constitution, Article II, §19)
- 2) Defines the following terms, for the purposes of the state's recall laws:
 - a) "Local officer" to mean an elective officer of a city, county, school district, community college district, or special district, or a judge of a superior court. (Elections Code §§11001, 11004)
 - b) "Governing board" to mean a city council, the board of supervisors of a county, the board of trustees of a school district or community college district, or the legislative body of a special district. Provides in the case of the recall of a superior court judge that the term "governing board" means the board of supervisors. (Elections Code §11003)
- 3) Provides that superior court judges are elected in their counties to six-year terms. Provides that these elections are nonpartisan and occur during statewide elections in even numbered years. Requires the Governor, when vacancies occur, to appoint a judge to fill the vacancy for the remainder of the term. (California Constitution, Article VI, §16)
- 4) Establishes the Commission on Judicial Performance to investigate allegations of judicial misconduct and, when warranted, impose discipline, including removal from office.

(California Constitution, Article VI, §18)

- 5) Requires a petition for the recall of a local officer to be submitted to the elections official for filing in their office during normal office hours as posted within the following number of days after the clerk notifies the proponents that the form and wording of the petition meets the requirements of existing law:
 - a) Forty days if the electoral jurisdiction has less than 1,000 registered voters.
 - b) Sixty days if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.
 - c) Ninety days if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.
 - d) One hundred twenty days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.
 - e) One hundred sixty days if the electoral jurisdiction has 50,000 registered voters or more. (Elections Code §11220)
- 6) Provides that if a judge of a superior court is sought to be recalled, the number of valid signatures must be equal in number to at least 20% of the last vote for the office. Provides that if the office has not appeared on the ballot since its creation or did not appear at its last regularly scheduled date, the number of signatures must be equal in number to at least 20% of the votes cast within the jurisdiction for the countywide office which had the least number of votes in the most recent general election in the county in which the judge holds their office. (California Constitution, Article II, §14(b); Elections Code § 11221(c))
- 7) Requires a state or local initiative, referendum, or recall petition required to be signed by voters to contain a public notice in 11-point type, before the portion of the petition for voters' signatures, printed names, and residence addresses, that states: "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK." (Elections Code §101)

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Proposed Amendments:** After the committee's deadline for pre-committee author's amendments, based on discussions between the author and the committee chair, the author has agreed to take amendments that delete provisions of the bill that establish an 80-day circulation period for a recall petition for a superior court judge, and instead specify that the circulation period for judicial recalls will be 120 days in electoral jurisdictions with 50,000 registered voters or more. The circulation period for judicial recall petitions would otherwise remain unchanged. A mock-up of the changes that these amendments propose to existing law is as follows (the exact language of the amendments is subject to change based on minor

revisions suggested by the Office of Legislative Counsel that are consistent with the committee's actions):

Amend Elections Code Section 11220 as follows:

11220. (a) A recall petition shall be submitted to the elections official for filing in their office during normal office hours as posted within the following number of days after the clerk or, in the case of a recall of a state officer, the Secretary of State, notifies the proponents that the form and wording of the petition meets the requirements of Article 3 (commencing with Section 11040) of Chapter 1:

- (1) Forty days if the electoral jurisdiction has less than 1,000 registered voters.
- (2) Sixty days if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.
- (3) Ninety days if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.
- (4) One hundred twenty days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.
- (5) One hundred sixty days if the electoral jurisdiction has 50,000 registered voters or more.
- ~~(6) Eighty days for the recall of a judge of the superior court, regardless of the number of registered voters in the electoral jurisdiction.~~

(6) Notwithstanding paragraph (5), one hundred twenty days if the electoral jurisdiction has 50,000 registered voters or more and the recall is for a judge of the superior court.

2) Purpose of the Bill: According to the author:

Judges serve a unique role in our democracy. Unlike other elected officials, they are prohibited from campaigning or publicly defending their rulings. That ethical constraint protects impartiality, but it also makes judges uniquely vulnerable to politically motivated recall efforts. When recall efforts are driven by disagreement with case outcomes, rather than ethical misconduct, they raise serious concerns about attempts to influence judicial decision-making through political pressure instead of the established appellate process.

At the same time, gaps in our current recall process can leave voters without the information they need to make informed decisions. Individuals gathering signatures are not required to disclose that they are being paid, and recall petitions may lack sufficient accountability regarding the stated reasons for the recall. Recent recall campaigns targeting multiple sitting judges and the rise in threats

and harassment surrounding judicial decisions highlight the need for reasonable safeguards.

SB 1369 preserves the constitutional right of recall while strengthening transparency and accountability. It establishes a uniform 80-day signature-gathering period for superior court judges and requires paid circulators to disclose they are being compensated. Together, these measures ensure that judges can decide cases based on law and evidence - not fear of organized political retaliation.

- 3) **Local Recalls:** Section 13, Article II of the California Constitution defines a recall as “the power of the electors to remove an elective officer,” and Section 19 of Article II requires the Legislature to provide for the recall of local officers, with the exception of counties and cities whose charters provide for recall. For most local jurisdictions, the relevant recall procedures are set out in state statute. The Elections Code generally provides that a recall election for a local officer (with the exception superior court judges) may be triggered by submitting a petition signed by at least 10% to 30% of the registered voters eligible to vote for the targeted official, with the exact percentage depending on the number of registered voters in the electoral jurisdiction. However, for a recall against a superior court judge, the California Constitution requires the number of valid signatures to be equal in number to at least 20% of the last vote for the office.

The timeframe for collecting petition signatures for the recall of a local officer varies from 40 to 160 days depending on the number of registered voters in the electoral jurisdiction. Generally, proponents seeking to recall an official from an electoral jurisdiction with fewer registered voters must collect signatures equal to a higher percentage of registered voters and have less time to do so. For example, in an electoral jurisdiction with fewer than 1,000 registered voters, proponents have 40 days to collect signatures equal to 30% of registered voters, whereas, in an electoral jurisdiction with more than 100,000 registered voters, proponents have 160 days to collect signatures equal to 10% of registered voters.

This bill establishes an 80-day circulation period for superior court recalls in all counties, regardless of the number of registered voters in the county.

In practice, this change would shorten the circulation period in 56 of California’s 58 counties. Specifically, the circulation period would be cut in half from 160 days to 80 days in 38 counties, from 120 days to 80 days in 15 counties, and from 90 days to 80 days in three counties. Only two counties would see an increase in the circulation period: one county would increase from 60 days to 80 days, and the other from 40 days to 80 days.

- 4) **Recalls for Superior Court Judges:** Recalls for superior court judges are rare. There have been two successful superior court judge recalls in state history. In 1932, three Los Angeles County Superior Court Judges were successfully recalled, and in 2018 voters recalled Santa Clara Superior Court Judge Aaron Persky. Most recall efforts fail to gather enough signatures to qualify for the ballot. Notable examples include: a 2022 recall against a Santa Barbara County Superior Court judge, a 2019 recall effort against three Contra Costa County Superior

Court judges, and in 2015, a recall campaign against an Orange County Superior Court judge.

- 5) **Paid Signature Gatherers:** Petition circulators, also known as signature gatherers, are individuals who collect signatures to qualify a measure for the ballot. States typically impose specific requirements and restrictions on circulators. To be eligible to circulate a petition in California an individual must be at least 18 years old. States frequently have additional requirements or restrictions for paid circulators, such as registering with the government or disclosing their paid status to those signing the petition. Paid signature gatherers may also be required to identify themselves to voters as being paid. This is often done with a signed statement on the petition sheet that indicates the circulator is paid. Colorado requires paid signature gatherers to have more prominent identification such as wearing a badge. In California, existing law requires a disclaimer on the petition that a signature gatherer may be paid and that an individual has the right to ask.

This bill additionally requires a paid signature gatherer to verbally disclose to each person, before providing the petition for the person's signature, that they are being paid to circulate the petition.

- 6) **Constitutional Issues:** In 1999, the United States (US) Supreme Court examined a Colorado law that provided a number of restrictions on the signature collection process for ballot initiatives. In that case, the court ruled that there must be a compelling state interest to justify any restrictions on initiative petition circulation. *Buckley v. American Constitutional Law Foundation* (1999), 525 U.S. 182. In *Buckley*, the court invalidated Colorado's requirement that paid petition circulators wear a badge identifying themselves and identifying that they are paid circulators. The court stated that the requirement to wear badges inhibits participation in the petitioning process.

Specifically, the US Supreme Court ruled that compelling petition circulators to wear identification badges bearing their names violates the First Amendment right to free speech. The Court found this requirement unconstitutional because it forces name identification at the precise moment a circulator's interest in anonymity is at its highest. While the Supreme Court struck down mandatory name badges, it specifically noted that it was not ruling on whether less invasive identification rules—such as a requirement to simply state whether a circulator is paid or a volunteer—would be permissible. As a result, circulators cannot be forced to wear badges that expose their personal names, though some states continue to debate or enforce limited badge requirements meant purely to disclose paid status.

- 7) **Commission on Judicial Performance:** The Commission of Judicial Performance, established in 1960, is the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity and for disciplining judges. The Commission's mandate is to protect the public, enforce rigorous standards of judicial conduct and maintain public confidence in the integrity and independence of the judicial system. The Commission's authority is limited to investigating allegations of judicial misconduct and, if warranted, imposing discipline. Judicial misconduct usually involves conduct in conflict with the standards set forth in the Code of Judicial Ethics.

The Commission's jurisdiction includes all judges of California's superior courts and the justices of the Court of Appeal and Supreme Court. Additionally, the commission has jurisdiction over former judges for conduct prior to retirement or resignation.

8) **Arguments in Support:** In support of this bill, American Board of Trial Advocates, writes:

The California Constitution appears to allow for the recall of a Superior Court judge for any reason at all. This is unquestionably problematic as it undermines the necessary independence of the judiciary. It forces Superior Court judges to live under a constant threat of recall.

SB 1369 introduces reasonable safeguards to preserve California voters' constitutional recall rights while protecting the integrity of California's courts. The proposed amendment to Section 101 of the Elections Code requires that a paid signature gatherer shall orally disclose to each person, before providing the petition for the person's signature, that they are being paid to gather signatures on the petition. This amendment serves to promote transparency in the recall petition process. We are hopeful that it will reduce the number of recall petitions that are based solely on unpopular decisions, thereby allowing our judges to focus on deciding cases on the evidence and the law, and not think about what outcome the public would prefer.

The proposed amendment to Section 11220 of the Elections Code provides for an 80-day signature gathering period for the recall of a judge of the superior court. In a local judicial recall election, as opposed to a statewide elected officer's recall election, 80 days is reasonable. It is our position that both of these amendments to the Elections Code will help keep competent judges on the bench and will eliminate the chilling effect that has kept some qualified candidates from applying for judgeship.

9) **Arguments in Opposition:** In a joint letter the California Chamber of Commerce, Family Business Association of California, and the Greater High Desert Chamber of Commerce oppose this bill because the "oral disclosure requirement is unnecessary, duplicative, and fraught with practical and constitutional concerns." Specifically, they write:

This Requirement is Duplicative of Existing Safeguards: Petition forms themselves contain disclosures regarding the nature of the measure, and circulators are subject to sworn declarations, statutory requirements, and penalties for fraud or misrepresentation.

The Oral Disclosure is Inefficient and Operationally Burdensome: Requiring an oral disclosure before every single interaction imposes a substantial logistical burden on petition circulators. Petition gathering is inherently fast-paced and dependent on brief, momentary interactions (often occurring in crowded public spaces where circulators have only seconds to engage a passerby). Mandating a verbal script before each engagement slows the process, reduces efficiency, and increases costs.

Enforcement and Practical Challenges: Unlike written disclosures, which can be objectively verified, oral statements are inherently ephemeral and difficult to document.

Chilling Effect on Political Participation and First Amendment Concerns: SB 1369's oral disclosure requirement also raises potential constitutional concerns. Petition circulation is core political speech protected under the First Amendment. Compelling individuals to deliver a government-prescribed message as a precondition to engaging in political advocacy is a form of compelled speech that courts have repeatedly scrutinized.

REGISTERED SUPPORT / OPPOSITION:

Support

American Board of Trial Advocates
American Board of Trial Advocates San Bernardino-Riverside Chapter
American Board of Trial Advocates, California and Hawaii Chapters
Association of Defense Counsel of Northern California and Nevada
Association of Southern California Defense Counsel
California Defense Counsel
California Judges Association
CFT – a Union of Educators & Classified Professionals, Aft, AFL-CIO
Consumer Attorneys of California
Orange County Bar Association

Opposition

California Chamber of Commerce
Family Business Association of California
Greater High Desert Chamber of Commerce

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