

MEASURE B - SECTION 62 - RECALL ELECTIONS

THE QUESTION

Shall Section 62 of the County of Alameda Charter governing the recall of elective and appointive officers be amended by replacing the current language, in its entirety, with "California state law applicable to the recall of county officers shall govern the recall of Alameda County elected officers"?



THE SITUATION

Alameda County is a charter county. As a charter county, Alameda County may set its own rules for recall elections, choose to follow CA law on the recall of local officials, or set some county rules and defer to CA law for others.

The current law allows recall of both elected and appointed (non-elected) officials. Examples of the non-elected officials include the County Administrator, the Registrar of Voters, and County department heads.

The current law has not been revised since it was adopted in 1926. No recalls have occurred in Alameda County under the law. Some provisions in the current law are similar to provisions that have been ruled unconstitutional in other jurisdictions. The law also includes deadlines that would be difficult to meet under current methods of conducting elections and with the current population numbers.

THE PROPOSAL

The proposal is to replace the County recall election rules with the provisions of California state law on the recall of county officials.

FISCAL EFFECT

None, no fiscal effect.



REASONS TO SUPPORT

- We should adopt CA state law to avoid unnecessary and expensive lawsuits that would result from recalls conducted under this outdated law which contains provisions that are likely unconstitutional or impossible to implement.
- CA recall law includes procedures that would benefit Alameda County residents, including public notice of petitions before they are circulated for signatures, which allows the opportunity for vetting a petition for recall before it is circulated, and the opportunity for the target of a recall to answer the petition.
- By adopting CA state recall law, we ensure that the law will be regularly updated to incorporate the latest legal standards.



A YES VOTE MEANS

that future recall elections will be governed by the California Election Code.

REASONS TO OPPOSE

- Under the proposed change, voters would lose the important power of recalling appointed county officials, such as the County Administrator, the County Counsel, the ROV, or other department heads.
- We should wait and learn from the recalls currently being conducted and then use what we learn to update our current law without losing important rights that the current law safeguards.
- We should follow the lead of other counties, such as San Francisco, that have crafted recall laws that only partly defer to CA state law and which retain important rights like the ability to recall appointed county officials.



A NO VOTE MEANS

future recall elections will be governed by the rules in the Alameda County Charter.