The path to recall in Los Angeles is easier than you think

Overview

The Los Angeles fires have led to recall threats against state and local elected officials, most prominent among them Governor Gavin Newsom and Los Angeles Mayor Karen Bass. California's voters have a good understanding of what a gubernatorial recall looks like, but there has been confusion about what a recall against Bass would entail. Thanks to the state legislature's controversial 2022 revision to the recall law for localities, there is a mistaken belief that an L.A. recall would be a lengthy and expensive process, which would end without the voters choosing the mayoral replacement.[1] That indeed was true in the recent Oakland mayor and Alameda County district attorney recalls. But Los Angeles is a charter city, so its voters can ignore the problems the legislature created.

Discussion

The 2022 revision imposed a new, worse procedure for recall laws with three main downsides: it increased the time before a recall goes to the ballot, it greatly complicated the signature gathering process, and removes the guaranteed replacement vote.[2] But this new recall procedure only affects general law cities and counties.[3] Charter counties and cities can define their own recall procedures in their charters. Some charter localities (Alameda county, for example) choose to adopt the state model law.[4]

Not Los Angeles. The City of Los Angeles is a charter city and its own recall laws remain unaffected by the 2022 state revision.[5] Recalls in Los Angeles use the traditional recall procedure, which avoids the problems that plagued Oakland and Alameda. That's the *city* of Los Angeles — the *county* of Los Angeles County uses the state law.[6] In 2022, Los Angeles District Attorney George Gascon (a *county* officer) faced a recall effort, which some may be conflating with recalls of *city* officials.

They’re different animals.

The signature requirements are different

The Los Angeles city charter has a higher signature threshold than the state does. To get a recall on the ballot in Los Angeles city, voters would have to collect the signatures of 15% of registered voters (which as of October was 2,164,540) in 120 days. This number will change as the voter rolls are updated. Under state law, the signature totals would be 10% of registered voters within 160 days. The state law would make it much easier to get to the ballot — voters would need 108,227 fewer valid signatures (324,681 minus 216,454) and get 40 more days to collect. If the Bass recall campaign succeeds in gathering its 324,000 signatures, that may be the most signatures submitted for any local recall in the country’s history.

The signature verification procedures are different

State law allows for a random sampling method to inspect signatures. Random sampling happens when there are more than 500 signatures submitted for the recall. Clerks take a 5% sampling of the signatures and determine the number of valid signatures handed in. They then extrapolate by multiplying the verification rate by the number of total signatures. If the result leads to valid signatures that would top 110% of the minimum number, the recall automatically qualifies and moves to the ballot. If it is below 90%, it automatically fails.

If the result falls in the 90–110% golden zone, the clerks hand-verify each signature. Los Angeles bars the use of random sampling— each signature must be individually checked, which could greatly increase the cost of that step.[7] But the random sampling procedure can be used to delay matters, which is what happened in Alameda’s recall. So Los Angeles may be better off without random sampling.

Los Angeles has another distinct provision: petitioners can hand in the signatures and then, if they are found insufficient, hand in another batch in a 10-day period. It may be that the second batch has to be handed in within this 120-day time frame.[8]

The time frames are different

The Los Angeles recall must be held between 88 and 125 days from the date the city council takes action on the petition. The council has an additional 20 days from when the clerk presents them the verification certification. State law also provides the 88–125 day time frame, but it has an additional provision that allows the recall to be delayed 180 days if there is an upcoming election that the recall could be consolidated with. That happened in Alameda, and it resulted in a two-year delay for the vote on choosing a replacement. Again, Los Angeles may be better off here.

The replacement procedure is different

The most important provision is how the replacement is chosen. The 2022 state law revision eliminated the one-day, two-step process, where voters would choose the replacement on the same ballot as the recall vote. Instead, the replacement is chosen by however a vacancy is filled in that jurisdiction. This has led to trouble throughout the state. In Oakland, the new procedure requires another election in April to replace the mayor, which is expensive and likely sees low turnout. Alameda is even worse: there will be an appointed replacement for two years, rather than a voter selected candidate. And in Downey, a city council seat stayed vacant for nearly a year after a successful recall. And thanks to poor drafting, the new state law is unclear on whether the targeted official can run to replace themselves in the post-recall selection.

Los Angeles suffers from none of those problems. Instead, its city law provides for a one-day, two-step recall (same as the Davis and Newsom gubernatorial recalls) where the replacement race will appear on the same ballot as the recall vote. And Los Angeles is very clear about banning recalled officials from attempting to self-replace.

Lessons from the Los Angeles history of recalls

Los Angeles is arguably the capital city of recalls. It has long been viewed as the first place to adopt a recall law in the United States in 1903 (but maybe not), and it sparked the recall's rapid promotion by the progressive movement. The nation's first-ever recall was against Los Angeles Councilmember James Davenport in 1904.

Los Angeles had four noteworthy mayoral recalls. Two mayors (Mayor Arthur (A.C.)

Harper and Mayor Frank Shaw) were kicked out with the recall (although Mayer Harper resigned) and a third (Mayor John Clinton Porter) survived a recall. The fourth (Mayor Fletcher Bowron) had an enormous number of signatures handed in, but too many were invalidated to qualify for the ballot.

- Mayor Harper in 1909 was apparently the first big city mayor to face a real recall. The cause was significant corruption allegations, and it was backed by the Municipal League. Harper resigned two weeks before the recall vote (not an uncommon occurrence) and amid evidence suggesting that he would have lost the vote.
- Mayor Porter faced a recall vote in 1932 that he easily beat. And Porter would also have won the replacement race; the rules at the time allowed self-replacement. The cause was claims of mismanagement and corruption, and perhaps because he was a "dry" pro-prohibition candidate.
- Mayor Shaw was ousted 65–35% in a 1938 recall vote. Shaw was accused of significant corruption with facts that resemble L.A. Confidential. Several sources incorrectly suggest that Shaw is the first mayor to be ousted in a recall. Even ignoring Harper in 1909, this is incorrect because Seattle's Hiram Gill was kicked out in a 1911 recall, and Riverside Mayor Edward Dighton was recalled in 1929.
- Shaw's successor, Mayor Bowron in 1950, also faced a recall threat (corruption again), but the campaign missed the signature threshold. Bowron lost his next election.

Other city officials in Los Angeles have faced many and varied recall drives, but the last time there was an actual vote was 1984 against Councilman Arthur Snyder. He survived, but resigned the next year in a custody battle. The last Los Angeles councilmember to be removed was Meade McClanahan in 1946.The last school board member to be removed was Howard Miller in 1979. Recent recall efforts, including a 2022 efforts against Councilmember Mike Bonin and District Attorney George Gascon in 2022 both failed from signature invalidation, despite the enormous number of signatures submitted.

Conclusion

From a procedural standpoint, the voters in Los Angeles are better situated on both ends of the recall line than any locality governed by the legislature's new procedure. Although the signature total is higher, the qualifying process is arguably better in Los Angeles for proponents, and the city's voting and replacement procedures are better for the voters. History suggests mixed omens for the Bass recall drive. Los Angeles mayors have not fared well in recall campaigns, and overall research shows that any recall that qualifies for the ballot has overwhelming odds of succeeding — in California, since 2011 over 80% of recalls that went to the voters resulted in removal. But signature drives are difficult, and Los Angeles city and county have seen some high-profile drives fail at the clerk's count. Bass can take comfort from that, but if her recall qualifies for the ballot she may be in real trouble.

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1. See Shelly, *Los Angeles Mayor Should Resign in Disgrace, but it's not worth trying to recall her*, Los Angeles Daily News (January 14, 2025). ↑
2. Spivak, *Takeaways from California's recent local recalls*, SCOCAblog (November 25, 2024). ↑
3. See Spivak & Duvernay, *Sucks to be you, general law cities!*, The Recorder (Sept. 1, 2022) (discussing the difference between charter and general law cities). ↑
4. Spivak & Carrillo, *How Alameda Become Mired in a Recall Rules Roulette*, The Recorder (Apr. 23, 2024). ↑
5. L.A. City Charter, Section 430-439. ↑
6. L.A. County Charter, Article XI, Section 50. ↑
7. L.A. Elec. Code section 726(a). ↑
8. *Id.* section 726(b). ↑