The "reform" proposal that could extinguish the recall

By David A. Carrillo and Stephen M. Duvernay | November 2, 2021

California's legislature is considering proposed reforms to the state's process for recalling statewide officers. Some call for increasing the signature requirement and shortening the signature-gathering time for qualifying such recalls. Those are two sides of the same coin: both directly affect how difficult it is to qualify a recall election. With recalls already so difficult to qualify that over 90% of signature drives fail to make the ballot, other proposed reforms will produce better results than raising the qualifying standard.

Changing either the total signature number or the gathering time will increase or decrease the qualification burden recall proponents face: more signatures are harder to gather, and gathering the same number in a shorter time is harder. And either increasing the number, or shortening the time, would make the process more costly. Changing both the number and the time can magnify the effect: fewer signatures (with more time to gather) is much easier, while more signatures (in a shorter time) is vastly more difficult and expensive. Changing both also can permit small system adjustments. For example, increasing the signatures while modestly increasing the time to gather results in a small overall increase in difficulty.

A higher signature requirement directly translates to increased difficulty and cost. In the 2020–21 cycle the price-per-signature for initiative measures was $5–10, with a [$7 average](#). For example, court records from the two California initiatives that (like the recall) also received time extensions show costs of $5–7 per signature. The 2021 Newsom recall proponents needed about 1.5 million valid signatures to qualify, and they submitted approximately 2.1 million — at $7 per signature that would cost roughly $15 million. That's very expensive.

Regardless how much the Newsom recall proponents actually paid, there's no question that qualifying costs in the $10 to $20 million range will effectively close the process to anyone without wealthy backers. The past record of failed signature drives suggests that higher costs will make future campaigns even more likely to fail absent a fundraising base that can support an expensive signature-gathering operation. Simple inflation and population growth will already make signature costs gradually increase without any changes to the law. Thus, raising the signature threshold can take something that's already expensive and make it prohibitively expensive.

That cost reality affects how we should view California in relation to other states. Among the recall states, at first glance California's qualification threshold seems low: we require signatures equivalent to 12% of votes cast in the preceding election for the targeted officer. (Montana is the lowest at 10% of registered voters.) But because California is — by far — the largest recall state by population we have the highest *real* signature-gathering number regardless if the qualifying rule is tied to eligible or registered voters, or previous turnout. Similarly, viewed as a percentage of population California appears to have the lowest raw signature requirement regardless of qualifying rule. But using percent-of-population is potentially misleading because California has (again, by far) the lowest eligible voting population as a percent of total population: just 65.7% of Californians are eligible. By contrast, roughly 70–75% of the population is eligible to vote in

most other recall states. Factor in California's vast area and its many dispersed urban centers, which pose distinct burdens on any recall proponent aside from the raw qualification numbers. The upshot: California's qualification threshold seems low, but the real number is easily the biggest no matter how you slice it.

Raising that real number seems unnecessary when California already has the largest upward deviation from the median real signature number. Our real qualification threshold is over triple the median among recall states if it's tied to eligible voters, and nearly triple if by registered or by turnout. Moving California close to the median as percent of population would require doubling our signature requirement (to roughly 25%) regardless of rule. Doing so would make California deviate even farther upward from the median real number and make recalls very expensive to qualify.

For example, increasing the percent of turnout (which is the lowest denominator) causes major cost increases: 20% of turnout is about 3.5 million signatures — at $7 per signature that's $25 million. Matching the median at 25% of turnout is about 4.4 million — at $7 per signature that's $31 million. Using registered instead of turnout has some advantages (it's arguably less variable than turnout) but it won't make life easier for recall proponents. Switching to 20% or 25% of registered voters will slightly increase the signature number (43,000 more and 54,000 more respectively), but the estimated cost remains about the same for both. This means that switching to registered as the marker has only minor effects of slightly increasing difficulty and reducing variation somewhat. Either way, increasing the percent requirement will dramatically increase proponent costs.

The analysis for gathering time is similar. Compressing the signature-gathering period will increase difficulty and raise costs, while expanding the period will make it easier and can lower costs. What's important here is to consider the effect of changing both the number and the time. Combining increasing the signatures with compressing the period will drastically increase the cost to qualify: the net result likely would make recalls so difficult to qualify that none ever will. That seems unnecessary. Compared with the initiative the recall is already used much less. It's difficult enough to qualify an initiative, which has lower signature requirements. From 1912 to 2017 only 19% of all titled initiatives qualified for the ballot. Far fewer recalls qualify: the state officer recalls qualifying rate is just 6%. Making it even harder to use the recall could take it from a rare bird to an extinct species.

The policy question here is: "How difficult do you want to make it to qualify state officer recalls?" The more important practical question is whether California needs to make recalls harder. In 110 years 94% of all state officer recalls failed to qualify — and for governor specifically 96% failed. Increasing the difficulty (with more signatures, less time, or both) may effectively bar any future recalls. With single-digit qualifying rates over a century, question whether this is necessary. Given how rare statewide recalls are, even modestly increasing the difficulty could make them practically impossible. Reformers here should beware two specters: an electorate alert to attempts to reduce its powers, and the unintended consequences of disarming future voters. California's legislature should instead consider other reform proposals that potentially can improve the recall: changing the replacement candidate qualifying procedure

and changing the election model. Those proposals will achieve better results than raising the signature number or shortening the gathering time — which may break the recall.

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Data sources: US Census (November 2020 presidential election) Table 4a for population and registered voters; US Elections Project (2020 November General Election Turnout Rates) for eligible voters and turnout (total ballots counted).