

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 270 (Ochoa Bogh)  
Version: April 9, 2025  
Hearing Date: April 22, 2025  
Fiscal: Yes  
Urgency: No  
AM

**SUBJECT**

Recall elections: notice of intention

**DIGEST**

This bill requires that a notice of intention to recall an officer that is published publically in a newspaper of general circulation omit the proponents' signatures and street numbers and street names of their residence. The bill also requires an elections official or the Secretary of State to redact any signatures and street numbers and street names of a residence address of a proponent before making the notice of intention available to the public under the California Public Records Act. The bill also requires, in communities without a newspaper of general circulation, that the notice of intention be electronically posted on three websites, and requires the Secretary of State to promulgate regulations to implement this requirement.

**EXECUTIVE SUMMARY**

To initiate a recall of an officer, the proponent of the recall must serve a notice of intention on the officer sought to be recalled and then file that notice of intention with the elections official, or in the case of a recall of a state officer the Secretary of State. (Elec. Code § 11021 & 11023.) Additionally, a proponent must publish a copy of the notice of intention at least once in a newspaper of general circulation. (Elec. Code § 11022.) Existing law requires the notice of intention to include certain information, such as the name of the proponents, their full address, and their signatures. (Elec. Code § 11020.) This bill seeks to omit certain information in a notice of intention from being published publicly, specifically the proponents' signatures and the street numbers and street name of the proponents' residence or home address. The author states that this is necessary to prevent identity theft, predatory scams, and excessive junk mail. This bill is substantially similar to SB 1293 (Ochoa Bogh, 2024), which passed this Committee on a vote of 11 to 0, but was ultimately held in the Senate Appropriations Committee. This bill is author-sponsored. No timely support or opposition was received by the Committee. The bill passed the Senate Elections and Constitutional Amendments Committee on a vote of 5 to 0.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Requires a notice of intention to be served by personal delivery, or by certified mail, on any officer sought to be recalled. (Elec. Code § 11021.)
- 2) Requires, within seven days of serving the notice of intention pursuant to 1), that the original notice of intention be filed, along with an affidavit of the time and manner of service, with the elections official or, in the case of the recall of a state officer, the Secretary of State.
  - a) A separate notice of intention must be filed for each officer sought to be recalled. (*Ibid.*)
- 3) Requires the notice of intention to contain all of the following information:
  - a) the name and title of the officer sought to be recalled;
  - b) a statement, not exceeding 200 words in length, of the reasons for the proposed recall;
  - c) the printed name, signature, and residence address, including street and number, city, and ZIP Code, of each of the proponents of the recall; however, if a proponent cannot receive mail at the residence address, the proponent shall provide an alternative mailing address; and
  - d) an answer filed by the officer sought to be recalled in response to the service of the notice of intention provided for in 1), above. (Elec. Code § 11020.)
- 4) Requires a copy of the notice of intention to be published at the proponent's expense, as specified, in a newspaper of general circulation. If such notice is not possible because there is no newspaper of general circulation able to provide timely publication in the jurisdiction of the officer sought to be recalled, publication is to be posted in at least three public places within the jurisdiction.
- 5) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
  - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
  - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

- 6) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 7920.000 et seq.)
  - a) States that the Legislature, mindful of the individual right to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
  - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
- 7) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530.)
  - a) Specifically provides that certain election petitions are not public records and are not disclosable under the CPRA, with limited exceptions. (Gov. Code § 7924.110.)

This bill:

- 1) Requires that the published copy of the notice of intention omit the proponents' signatures and street numbers and street names of their residence addresses, as specified.
- 2) Requires the elections official or Secretary of State to redact the proponents' signatures and street numbers and street names of their residence addresses before making a notice of intention available to the public under the CPRA.
- 3) Requires, in communities without a newspaper of general circulation, that the notice of intention be electronically posted on three websites, including that of the jurisdiction, that of a local business association, and that which serves as a local community bulletin board, in addition to the existing requirement that the notice be posted in three physical locations.
- 4) Requires the Secretary of State to promulgate regulations to implement the internet posting requirement in 3), above.

## COMMENTS

### 1. Stated need for the bill

The author writes:

The recall gives voters the power to remove elected officials before their terms expire. It has been a fundamental part of California's political system since 1911 and has been used by voters to express dissatisfaction with their elected representatives. Since the addition of recall provisions in the California Constitution, there have only been 11 recall elections against a state official. By contrast, the recall is more commonly used at the local level.

While most recall attempts are unsuccessful, all of them begin with a notice of intention, which requires a voter's name, address, and signature. Accordingly, this [personally identifying information] PII is then published and available electronically. The misuse of PII can lead to identity theft, predatory scams, and excessive junk mail. In an increasingly online world and with a prevalence of social media-driven disinformation, PII taken from these published forms could be used to perpetrate acts of political violence and intimidation. Additionally, individuals could spend an enormous amount of time and money trying to undo the damage caused by the inappropriate use of their PII.

Senate Bill 270 would require the published copy of the notice of intention in a recall election to omit, among other things, the proponents' signatures and residential addresses. The recall is a popular tool of electoral accountability that has been used by California's voters for more than a century. In this era of digital technology, it is critical we take steps to safeguard the personal information of voters who choose to engage in the electoral process

### 2. Recall elections and notice of intention

The California Constitution requires the Legislature to provide for the recall of local officers; however, this provision does not apply to counties and cities whose charters provide for recall. (Cal. Const., art. II, § 19.) The Elections Code defines "local officer" for these purposes as "an elective officer of a city, county, school district, community college district, or special district, or a judge of a trial court." (Elec. Code § 11004.)

Existing law requires a notice of intention to recall and officer: (1) be served on the officer sought to be recalled; (2) be filed with the election official or Secretary of State, as appropriate; and (3) be publically published in a newspaper of general circulation. A notice of intention must contain all of the following information:

- the name and title of the officer sought to be recalled;
- a statement of the reasons for the recall that does not exceed 200 words;
- the number of valid signatures;
- the printed name, signature and residence address of each proponent of the recall, as specified; and
- an answer filed by the officer sought to be recalled.

This bill would allow the proponents' signatures and the street numbers and street name of their address to be omitted from the publicly published notice. The author argues above that this bill is needed to, among other things, prevent identity theft and predatory scams. The author additionally notes above that publically publishing the full address of proponents of a recall could potentially lead to acts of political violence and intimidation. The bill also requires, in communities without a newspaper of general circulation, that the notice of intention be electronically posted on three local websites, in addition to existing requirement that the notice be posted in three physical locations., and requires the Secretary of State to promulgate regulations to implement this requirement.

### 3. Limitation on the access to public records

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Cod § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),<sup>1</sup> which amended the California Constitution to specifically protect the right of the public to access and obtain government records. (Cal. Const., art. I, sec. 3 (b)(7).) Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Cod § 7922.525.)

A public record is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).)

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<sup>1</sup> Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004))

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right.<sup>2</sup> At the same time, the state recognizes that this right must be balanced against the right to privacy.<sup>3</sup> The general right of access to public records may, therefore, be limited when records include personal information. The bill requires the elections official or the Secretary of State, in the case of the recall of a state officer, to redact the proponents' signatures and street numbers and street names of their residence addresses on a filed notice of intention before disclosing it to the public. The bill makes legislative findings and declarations related to this redaction stating: "This act strikes an appropriate balance between the public's right to access information and the need to protect the private signatures and street numbers and street addresses of the proponents of a recall."

### **SUPPORT**

None received

### **OPPOSITION**

None received

### **RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

SB 1293 (Ochoa Bogh, 2024) was substantially similar to this bill. This bill was held in the Senate Appropriations Committee.

### **PRIOR VOTES:**

Senate Elections and Constitutional Amendments Committee (Ayes 5, Noes 0)

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<sup>2</sup> Cal. Const., art. I, § 3; Gov. Code, § 7921.000.

<sup>3</sup> Cal. Const., art. I, § 1.