

What's At Stake With the Recall of Governor Newsom

A Courage California explainer of the recall, set for September 14, 2021, with a call to action.



What is a recall?

A recall is a way for voters to remove an elected official from office through a simple majority vote. California is one of 20 states that permits the recall process, and it has been used successfully in California only once before in 2003, when Governor Gray Davis was recalled (by 55.4% of participating voters) and voters elected Arnold Schwarzenegger to replace him (with 48.6% of the vote). Supporters of a recall only need to gather enough valid signatures from registered voters to equal at least 12% of the total vote count in the previous election for the office. In the case of Governor Newsom, that signature threshold was 1.5 million. Secretary of State Shirley Weber certified over 1.7 million recall petition signatures, which qualified the recall for the ballot.

The recall ballot will ask voters only two questions. (1) *Should Gavin Newsom be removed from office?* and, (2) *If Gavin Newsom is removed, who should replace him as governor?* If over 50% of voters vote 'yes' on the first question, Governor Newsom would be removed and the candidate who receives the most votes on the second question will replace him, even if they do not have a majority of the votes. Gov. Newsom is barred from entering the race, so voters are required to select another candidate from the long list of individuals who will enter the race. Governor Newsom will appear for the first question on the ballot without his party affiliation as a Democrat.



Who is behind the recall?

The recall effort was started by Orrin Heatlie, a retired sheriff's sergeant based out of Folsom, who was motivated to recall Newsom for his stance on protecting immigrants from ICE. He was joined by Mike Netter, a real estate businessman, who was motivated by his judgment that Kamala Harris was getting too big too quickly, and Randy Economy, a political consultant who worked with Trump and has since left the recall campaign.^{1 2} Several news outlet uncovered that the recall leaders aligned with problematic groups to gather signatures, including anti-vaxxers, QAnon, and white supremacists.^{3 4}

In-state funding in support of the recall has come primarily from dark-money organizations, including \$950,000 from the Rescue California PAC, chaired by Tom Del Beccaro, and \$500,000 from Prov. 3:9, LLC, headed by Thomas Liu. High-dollar individual donors include real estate developer Geoff Palmer (\$150,000), tech venture capitalist Chamath Palihapitiya (\$100,000), and failed Republican gubernatorial candidate and real estate executive John Cox (\$50,000). Out-of-state funding has had a similar right-wing lean, with \$75,000 from Arkansas-based HUCK PAC, founded by former Republican Governor Mike Huckabee; \$25,000 from Kansas-based Nevets, Inc.; and hundreds of smaller donations from individuals and organizations across the country.⁵

The Republican Party has joined the recall effort at the state and national level as a last chance to get a Republican governor elected in California (46.1% of voters are registered as Democrat in the state, 24.2% as Republican, and 24.0% as No Party Preference), expand and motivate their base, and construct another anti-Democratic narrative of California (see [polling memo](#) to the California Republican Party).

In-State Funding In Support of the Recall

Rescue California PAC

\$500,000

Prov. 3:9, LLC

\$500,000

Geoff Palmer

\$150,000

Chamath Palihapitiya

\$100,000

John Cox

\$50,000

Out-of-State Funding In Support of the Recall

HUCK PAC

\$75,000

Nevets, Inc.

\$25,000

1 <https://www.politico.com/news/magazine/2021/03/19/gavin-newsom-recall-476746>

2 <https://www.sacbee.com/article250054594.html>

3 <https://www.latimes.com/california/story/2021-01-23/recall-newsom-effort-qanon-antivaxxer-extremist-ties>

4 <https://www.businessinsider.com/gavin-newsom-recall-california-people-behind-campaign-orrin-heatlie-2021-4>

5 <https://calmatters.org/politics/2021/05/gavin-newsom-recall-money>

Who is running to replace Governor Newsom?

There are 41 official candidates running in the recall elections: 21 Republicans, 8 Democrats, and 12 from other parties. The Republican field includes former Olympic athlete and reality TV star Caitlyn Jenner, former San Diego Mayor Kevin Faulconer, former gubernatorial candidate John Cox (who lost to Newsom in 2018 by 23.8%, nearly 3 million votes), Assemblymember Kevin Kiley (who has the backing of recall leaders Heatlie and Netter), former state Senator and current Board of Equalization member Ted Gaines, and Riverside County Supervisor Jeff Hewitt.

No prominent Democrats are running. Democrats across a spectrum of moderate to progressive and across communities of identity have unified behind Governor Newsom and come out against the recall. This includes Senator Bernie Sanders, Senator Elizabeth Warren, Congressman Ro Khanna, Senator Alex Padilla, Senator Cory Booker, voting rights advocate Stacey Abrams, State Controller Betty Yee, Congresswoman Karen Bass, and Congresswoman Barbara Lee.

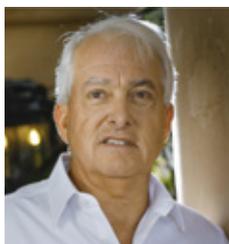
Candidates had until July 16 (59 days before the September 14 election) to file the required paperwork to be on the ballot. They had to either pay a filing fee of \$4,195 and submit 65 signatures of support or submit signatures from 7,000 supporters, as well as submit income tax returns for the five most recent taxable years. If the Governor is recalled, the new governor would take office within 28 days of the Secretary of State certifying the election results.



Caitlyn Jenner



Kevin Faulconer



John Cox



Ted Gaines



Jeff Hewitt

Why is the recall happening now?

Recall supporters and mainstream media are spinning the recall as a “mandate” on Newsom and his handling of the state COVID-19 response. However, the language of the [petition](#) doesn’t speak to the pandemic at all, but instead refers to “foreign nationals, in our country illegally,” the high homelessness rates, Newsom’s halting of the death penalty, and taxes. The recall leaders and many of the most prominent supporters are using the recall as an opportunity to capitalize on dissatisfaction with Governor Newsom and to push a more dangerous anti-immigrant and anti-justice agenda and narrative.

Governor Gavin Newsom is up for re-election for a second term in 2022. Some of the candidates running in the recall election are expected to also challenge Governor Newsom in the 2022 election.

What is at stake with the recall?

Everything we care about.

While Gov. Newsom has made mistakes over the course of his political career, he has demonstrated a commitment to issues that matter to the majority of Californians, including Medicare for All, LGBTQIA+ rights, criminal justice reform, and renter protections. These shared priorities allow progressive groups to strategically push for his administration to co-govern with us. Several partners, including Courage California, are currently in conversation with Newsom's staff and his anti-recall campaign team on policy priorities.

If the recall passes, California will most likely have a Republican governor. Similar to the successful 2003 recall, the election of a Republican governor will threaten any progressive gains made on the environment, immigration, criminal justice reform, and many other issues. Additionally, a Republican governor would make appointments in the case of any statewide office vacancies, including a Senate seat that would turn control of the Senate to Republicans.

Republicans, white supremacists, and extremists are using the recall election as a platform to promote a racist, xenophobic, and anti-justice agenda. This will help them build their base ahead of the 2022 election – in the hopes that even a failed recall will set them up for wins up and down the ballot next year – as well as recenter their toxic ideals in the mainstream narrative about California and the nation. Their base will be highly motivated to turn out for this special election—recent polling shows that there is an enthusiasm gap that favors recall supporters and Republicans over recall opposers and Democrats—which means a small minority of Californians may set the agenda for the whole state if a broader set of the electorate does not turn out and vote.⁶

Whether or not the recall succeeds, Republicans and extremists are using this as a playbook to recall many elected officials in California, like District Attorneys George Gascón (Los Angeles) and Chesa Boudin (San Francisco), and several local electeds (e.g., Riverside City Councilmember Gaby Plascencia, the first Latina to serve on the Council). Recall elections will likely become a commonly deployed strategy to challenge and weaken any progressive elected, which threatens the integrity of our elections and wastes resources and time that would otherwise be dedicated to co-governance and accountability.

Recall elections permit unlimited donations to campaigns in support of or in opposition to the effort. The recall essentially becomes another opportunity for the wealthy and corporations and special interests to influence our democracy at a scale progressive groups and leaders cannot match, in terms of money. These conservative forces were already rewarded for their investments and strategies in the 2020 elections – especially statewide propositions – and any progress they make in the recall election will fuel their 2022 plans.

If the recall passes, California will most likely have a Republican governor.

⁶ <https://www.ppic.org/blog/voter-enthusiasm-could-shape-the-governors-recall>

How can my organization get involved on the recall?

For general guidance on how organizations can engage in the recall, refer to Bolder Advocacy's resources, [Ballot Measures and Recalls: Basic Rules for 501\(c\)\(3\) Public Charities, 501\(c\)\(4\)s, and Unions](#) and [State Law Resource: California Campaign Finance and Ballot Measure Guide](#). Their resources and this part of the explainer based on their resources are not intended to provide legal advice or to serve as a substitute for legal advice. An organization should consult with their legal counsel before making any decisions or taking any actions.

Generally, 501(c)(3) organizations can support or oppose ballot measures. However, they cannot influence the outcome of a candidate election. It is high risk for a 501(c)(3) to take a position on the recall ballot measure, because essentially, the recall functions to replace the Governor. **However, there is nonpartisan recall election work that 501(c)(3)s can do.**

Some examples of 501(c)(3) permissible recall election work:

- Nonpartisan voter registration and turnout. Must be able to demonstrate that the areas and communities in which this work is done aligns with the organization's mission and targeting history.
- General voter education. Educating voters about candidates in a nonpartisan manner, such as questionnaires and voter guides, debates and forums. May also provide facts about voting.
- Candidate education. Educating candidates on your organization's issues and their importance. Use only what is already gathered, and only use new information if the organization has reason to do so. This education should be offered or made available to all candidates.

501(c)(3) organization staff and volunteers may engage in partisan political activity in their personal time and with personal resources.

501(c)(4) and union permissible recall election work:

- Support or oppose recall. Recall elections would count as political activity, which may subject (c)(4)s and unions to tax on expenditures made for political activities.
- Support or oppose recall replacement candidates. In accordance with federal or state campaign finance laws

Coalition work:

- When working in coalition with organizations with a variety of tax statuses, 501(c)(4) organizations may briefly mention their electoral goals, but cannot ask (c)(3)s to strategize on partisan activities or contribute in any way to the (c)(4) partisan goals.
- When working with an affiliated (c)(4), (c)(3)s need to determine if their activities are (c)(3)-permissible.

Please contact Bolder Advocacy's free technical assistance line for nonprofit advocacy organizations with any questions: 866-NP-LOBBY (866-675-6229) or advocacy@afj.org. *Para asistencia técnica gratuita en español para las organizaciones comunitarias dedicadas a la abogacía, comuníquese con Sarita: 415-528-3540 o sara@afj.org.*

WHAT YOU CAN DO NOW

WITH COURAGE



501(c)(4)s:

[Sign on](#) to Courage California's [joint statement](#) opposing the recall.

SIGN ON

Share a National Union of Healthcare Workers and Courage California [anti-recall petition](#). Contact Irene Kao if you are interested in joining the petition as a partner organization.

SHARE

+501(c)(3)s:

Join our bi-weekly statewide convenings to learn more about the recall and coordinate with partner organizations.

RSVP

Engage your members and other stakeholders using Courage's [recall communications toolkit](#) to develop email and social media messaging specific to your organization.

Join Courage California's speakers' bureau regarding the recall (C3 = voter engagement, C4 = defeat the recall).

Contact:

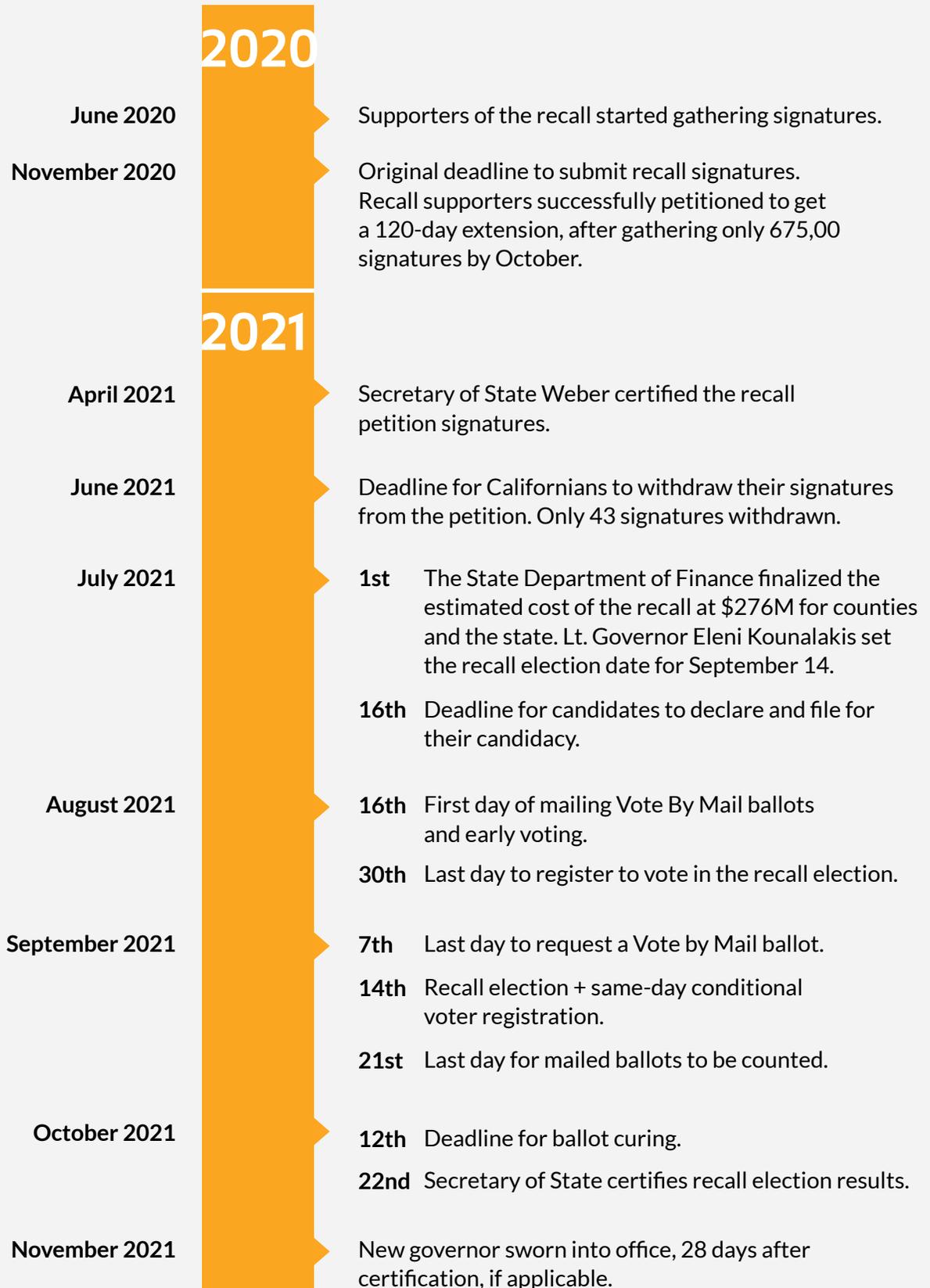
Irene Kao, Executive Director
irene@couragecalifornia.org

Wild Card Factors

Recall supporters are opportunistic about building momentum for the recall based on what Governor Newsom says and does regarding current events. California is in a severe drought (with the potential for the imposition of tougher and/or mandatory water use restrictions) and in the midst of a wildfire season that has already destroyed three times more land than was burned at this point than last year's record-setting season. Additionally, COVID-19 cases and hospitalizations are up with the more contagious delta variant spreading quickly among unvaccinated populations. Some counties are enacting or considering restrictions (mostly regarding masks, distancing, and vaccination requirements), including for the return of students to schools and campuses in the fall. All of this coincides with the month-long period -- August 16 through September 14 -- in which people will be completing their ballots, which brings a great deal of uncertainty to what communities will be experiencing and how voters will be feeling across the state during election time.



RECALL TIMELINE





At Courage, we speak truth to power, create tools, and provide a progressive digital community to help Californians effectively and courageously engage in the democratic process.

Courage California has a ballot measure committee, which enables us to receive and expend funds in opposition to the recall election. We also have a State PAC to receive and expend funds in support or opposition to state candidates.

Contact

Irene Kao
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Courage California
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couragecalifornia.org

Courage California acknowledges our presence on the traditional and unceded territory of hundreds of First Nations who are the traditional caretakers of this land we call California. As visitors on this land, we pay our respects to the ancestors, elders, relatives and future generations.

Courage California is a 501(c)(4) nonprofit organization.

WE ARE BUILDING

A COURAGEOUS CALIFORNIA.