

# **Bond Case Briefs**

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## **JUDGES - CALIFORNIA**

### **Persky v. Bushey**

**Court of Appeal, Sixth District, California - March 26, 2018 - 230 Cal.Rptr.3d 658**

Superior court judge filed petition for writ of mandate to enjoin circulation of recall petition on ground that it should have been filed with Secretary of State rather than county registrar of voters.

Secretary of State intervened. The Superior Court sitting by assignment, denied petition. Judge appealed.

The Court of Appeal held that statutes classifying superior court judges as “local” and “county” officer, for which recall petitions were processed by county officials rather than by Secretary of State, did not violate constitution.

Elections Code provisions classifying superior court judge as “local officer” and “county officer” for which recall petitions were required to be processed by county elections official, rather than as “state officer” for which petitions were to be processed by Secretary of State, did not conflict with constitutional provision stating that recall of “state officer” was to be initiated by delivering recall petition to Secretary of State and that signatures to recall “judges of court of appeal and trial courts” must equal 20% of last vote for office; constitutional provision did not classify trial court judges as state officers, Legislature was authorized to provide recall procedures, constitutional history did not demonstrate conflict, and distinction between trial and appellate judges was practical.