

Senator Aument's Senator for a Day

Statewide Recall of Elected Official Reference Articles:



Overview

Recall is a procedure that allows citizens to remove and replace a public official before the end of a term of office. Historically, recall has been used most frequently at the local level. By some estimates, three-fourths of recall elections are at the city council or school board level. This brief, however, focuses on the recall only as it applies to state officials.

Recall differs from another method for removing officials from office--impeachment--in that it is a political device while impeachment is a legal process. Impeachment requires the House to bring specific charges, and the Senate to act as a jury. In most of the 19 recall states, specific grounds are not required, and the recall of a state official is held by an election.

Nineteen states plus the District of Columbia permit the recall of state officials:

Recall of State Officials		
Alaska	Illinois	New Jersey
Arizona	Kansas	North Dakota
California	Louisiana	Oregon
Colorado	Michigan	Rhode Island
District of Columbia	Minnesota	Washington
Georgia	Montana	Wisconsin
Idaho	Nevada	

Source: National Conference of State Legislatures

Virginia has a process that is similar to a recall, but it is not listed here as a recall state because its process, while requiring citizen petitions, calls for a recall trial rather than an election. In Virginia, after sufficient petition signatures are gathered and verified, a circuit court decides whether a Virginia official will be removed from office. In the recall states, the voters decide through an election.

In at least 29 states (some sources place this number at 36), recall elections may be held in local jurisdictions.

History and Use of the Recall in the U.S.

The recall device began in the United States in a municipality--Los Angeles--in 1903. Michigan and Oregon, in 1908, were the first states to adopt recall procedures for state officials; Minnesota (1996) and New Jersey (1993) were the most recent.

Historically, recall attempts at the state level have been unsuccessful. The recall is used much more often, and with more success, at the local level.

There have been three gubernatorial recall elections held in U.S. history. In 2012, Wisconsin Governor Scott Walker survived a recall attempt. In 2003, California voters successfully recalled Governor Gray Davis, and in North Dakota in 1921, voters removed from office not only Governor Lynn J. Frazier, but also the attorney general and the commissioner of agriculture. California voters have initiated 32 gubernatorial recall attempts since 1911, but the 2003 recall of Governor Gray Davis in 2003 was the first to ever reach the ballot. In 1988, Arizona voters filed enough signatures to trigger a recall election for Governor Evan Mecham, but he was impeached by the state's House of Representatives before the date of the scheduled recall election.

Recall efforts against state legislators are more common, but still unusual. Recall attempts against legislators have gathered sufficient signatures to trigger an election just 38 times, and eleven of those occurred in a single year, 2011. Fifty-five percent of all legislative recall elections have succeeded in unseating a legislator, and additionally two legislators resigned after petitions with sufficient signatures were submitted. Seventeen recall attempts have failed, and the legislators subject to the recall remained in office. While there have been more legislative recall elections in recent years (45 percent have taken place in the years 2011-2013), they have been less successful than in the past: just eight of the 17 recalls attempted between 2011-2013 succeeded in unseating a legislator, a 47 percent success rate.

The list below represents all of the recall efforts against state legislators that led to elections between 1908 (when the first state to implement the recall, Oregon, did so) and the present.

Many more petitions are started and never make it to the election stage; either they are abandoned by their sponsors, or they fail to gather sufficient valid signatures to trigger an election. A recent example was in Colorado, in fall, 2013. Senator Evie Hudak faced a recall challenge; before the signatures were turned in, she resigned. By doing so, a recall election was not held, and her party was able to name her successor.

All Recall Elections Held in the U.S. for State Legislators

1913: California state senator Marshall Black was recalled.

1914: California state senator Edwin Grant was recalled.

1914: California state senator James Owens survived a recall election.

1932: Wisconsin state senator Otto Mueller survived a recall election.

1935: Oregon state representative Harry Merriam was recalled.

1971: Idaho state senator Fisher Ellsworth was recalled.

1971: Idaho state representative Aden Hyde was recalled.

1981: Washington state senator Peter von Reichbauer survived a recall election.

1983: Michigan state senator Phil Mastin was recalled.

1983: Michigan state senator David Serotkin was recalled. (Technically he resigned from office before the results of the recall election were certified, but the results were sufficient to recall him.)

1985: Oregon state representative Pat Gillis was recalled.

1988: Oregon state senator Bill Olson was recalled.

1990: Wisconsin state assembly member Jim Holperin survived a recall election.

1994: California state senator David Roberti survived a recall election.

1995: California assembly member Paul Horcher was recalled.

1995: California assembly member Michael Machado survived a recall election.

1995: California assembly member Doris Allen was recalled.

1996: Wisconsin state senator George Petak was recalled.

2003: Wisconsin state senator Gary George was recalled.

2008: California state senator Jeff Denham survived a recall election.

2008: Michigan house speaker Andy Dillon survived a recall election.

2011: Wisconsin state senators Robert Cowles, Alberta Darling, Dave Hansen, Sheila Harsdorf, Jim Holperin, Luther Olsen and Robert Wirch survived attempted recalls, while Senators Randy Hopper and Dan Kapanke were recalled.

2011: Arizona Senate President Russell Pearce was recalled on November 8.

2011: Michigan state representative Paul Scott was recalled on November 8.

2012: Wisconsin state senator Van Wanggaard was recalled. Senate Republican leader Scott Fitzgerald and senator Terry Moulton survived recall elections. Senator Pam Galloway resigned earlier in the year when sufficient signatures were gathered to trigger a recall election. Even though her name wasn't on the ballot, a recall election was still held for her seat. All four senate seats in the recall election were held by Republicans; after the recall, three remain in Republican hands and one switched to the Democrats, giving control of the Senate to the Democratic party.

2013: Colorado Senate President John Morse and Senator Angela Giron were recalled on September 10.

Pros and Cons of the Recall

Supporters of the recall maintain that it provides a way for citizens to retain control over elected officials who are not representing the best interests of their constituents, or who are unresponsive or incompetent. This view holds that an elected representative is an agent or a servant and not a master.

Opponents argue that it can lead to an excess of democracy, that the threat of a recall election lessens the independence of elected officials, that it undermines the principle of electing good officials and giving them a chance to govern until the next election, and that it can lead to abuses by well-financed special interest groups.

How the Recall Process Works

The recall process varies in its details from one state to another, but in general, it follows these steps:

1. File an application to circulate a recall petition (some states allow petitions only if they meet certain grounds for recall).
2. Circulate a recall petition, gathering a specified number of signatures in a limited period of time (view the detailed petitioning requirements).
3. Submit petitions to election officials for verification of signatures.
4. If sufficient valid signatures are presented, a recall election is held.

Grounds for Recall

In most states, any registered voter can begin a recall campaign for any reason. Often, the reasons are political. The 2011 recall efforts provide a good example for politically-motivated recalls. In Wisconsin, Republican senators faced recalls for their support of the governor's effort to reduce the influence of public employee unions, while Democratic senators faced recall because voters disapproved when they left the state to delay a vote on the union issue. In Arizona, a senator faced recall for his sponsorship of a controversial immigration bill.

The language in Michigan's constitution is typical of most states: "The sufficiency of any statement of reasons or grounds ... shall be a political rather than a judicial question." (Const. Art. II §8)

In 2012, Michigan passed a new requirement that a recall petition must state clearly and factually the reason(s) for the recall, which must be based on the elected official's conduct during his or her term of office (M.C.L. §168.951A). This doesn't really compare to the types of grounds required in other states. Even with this new law in Michigan, politically-motivated recalls can continue. For instance, a voter could initiate a recall against a legislator on the grounds that he voted against an issue the voter supports. As long as that is stated clearly and factually, it would presumably meet this new criteria.

<http://www.ncsl.org/research/elections-and-campaigns/recall-of-state-officials.aspx>



Why Recall Elections Are So Difficult To Pull Off

When the word "recall" makes headlines, it usually involves the removal of a defective product from store shelves or perhaps the testimony of some nervous executive at a congressional hearing saying, "I don't recall."

But 2011 has been the year of another kind of recall: the recall election. Angry at elected officials' handling of the economy, budget cuts and other issues, voters across America are taking the "Throw the bums out" approach to new heights.

Their favorite targets so far have been state lawmakers. This year set a record for recall elections, as 11 lawmakers from various states were forced to defend their seats — four of them lost. Previously, only 21 state legislators in U.S. history had ever faced recalls, with 13 of the attempts successful.

Recall attempts are far more commonplace in local jurisdictions, but they're difficult to pull off at any level of government. States set prohibitively high standards for removing lawfully elected officials on the grounds of political disagreement, which is the most popular reason for recalls. Most efforts fail for lack of organization and funding, factors that often cause petitioners to fall short of collecting the number of voter signatures required to force a recall election.

For instance, insufficient signatures caused the failure of the three recalls launched against California Gov. Ronald Reagan between 1967 and 1972. The man who held the office before and after him, Gov. Jerry Brown, had eight recall petitions against him fail for the same reason. (Brown once again is governor, having won election in 2010.)

But, according to those who study recall efforts, the recent successes indicate that elected officials shouldn't get too comfortable.

"We've seen towns adopting amendments to install recall elections. We know it's happening on the state level, definitely. So the recall has really grown," says Joshua Spivak, a senior research associate at Hugh L. Carey Institute for Government Reform at Wagner College who launched [The Recall Elections blog](#) in March.

"Part of that reason is voter anger, of course. But it's more than that. Technology has helped change it and make it more likely to occur," Spivak says. "It's easier to collect signatures and target likely voters because there's now an industry that collects signatures for [voter] initiatives. And you use the Internet and the news media to get the word out — get people into your issue — and for fundraising."

Local Backlash

One notable recall this year was that of Arizona state Sen. Russell Pearce, a Republican who succumbed to a withering backlash for authoring his state's controversial immigration enforcement law.

In Wisconsin, upheaval over a new law weakening public employees' collective bargaining rights led to recall elections for an unprecedented nine state senators, though only three of them lost seats. (Four of the seven Republican senators who voted for the law retained their seats, and the two Democratic incumbents also survived the challenges.)

The biggest jurisdiction to conduct a recall was Florida's Miami-Dade County, where voters booted Mayor Carlos Alvarez, the rare Republican to raise taxes (on properties) and approve pay raises for his staff during the recession, which hit Florida disproportionately hard.

A Bellwether For 2012

In 2012, Wisconsin again will be ground zero for voter retribution with an effort under way to toss out Republican Gov. Scott Walker. The arch conservative was the architect of the anti-labor law and

instituted controversial spending cuts. He has become a national lightning rod after only a year in office.

If the recall campaign against him leads to an election, it's expected to be one of the most expensive of the year. It'll also be one of the most closely watched as a possible gauge of voter attitudes in a battleground state ahead of the November elections. Democratic groups and organized labor are pushing the recalls of Walker and his lieutenant governor, Rebecca Kleefisch, as a step toward reversing the Republican wave from the 2010 elections in Wisconsin and elsewhere.

So far, Walker's opponents appear on pace to clear the tallest hurdle — collecting the 540,028 signatures required to trigger a recall vote.

The group behind the effort, United Wisconsin, which is made up of Democratic and labor activists, say that in less than two weeks they already have collected more than 300,000 signatures. The group has 60 days to collect signatures and aims to amass about 700,000.

"Walker's days may be numbered because if they get the signatures, the odds are very, very good that he's going to be recalled," says David Schecter, a political scientist at California State University at Fresno. "The signature-gathering process really is the voting process. Once that momentum is built, it's virtually impossible for it to be reversed."

Long Odds

Only two U.S. governors have ever been recalled: Lynn Frazier, of North Dakota, in 1921, and Gray Davis, of California, in 2003. Schecter, who has studied both, says Walker's situation is similar to Davis' before he was voted out.

Total Recall: Recall Elections By The Numbers

California has a penchant for bouts of voters' remorse: voters there have attempted 32 governor recalls since 1911, but only one — Gray Davis — even reached the ballot. A brief look at other recalls:

First Recall in U.S. History

1903: Los Angeles City Council member J.P. Davenport

Successful Recalls Of U.S. Governors

1921: Lynn Frazier of North Dakota

2003: Gray Davis of California

Notable Failed Governor Recalls

1967, 1968, 1972: Ronald Reagan of California

1960, 1965 (twice): Edmund Brown of California

1977, 1979 (twice), 1980 (twice): Jerry Brown of California

1988: Evan Mecham of Arizona, who was impeached and left office before a recall election could occur

Notable Mayoral Recalls

2002: Woodrow Stanley of Flint, Mich.

2011: Carlos Alvarez of Miami-Dade County, Fla.

Like Davis, he says, Walker has been criticized for not doing enough to stimulate his state's economy. (Wisconsin lost 9,700 jobs in October, more than any other state. And its 7.7 percent unemployment rate remained largely flat last month after having inched up from a two-year low of 7.3 percent in April.)

Walker's poll numbers have also begun to slide, just as Davis' did. Earlier this month, a Wisconsin Public Radio/St. Norbert College poll showed 58 percent of respondents want Walker recalled. Walker won election in 2010 with 52 percent of the vote.

"There are lots of governors with approval ratings in the 30s and 40s who aren't recalled. Just being unpopular isn't sufficient," says political science professor Barry C. Burden at the University of Wisconsin at Madison, who believes petitioners will meet the signature requirement. "You've got to convince the public that this person, who has not even had a year to govern, is doing so poorly — or that he has deviated from his original course."

The petitioners say Walker should be recalled because he deceived voters by not discussing his plan to change collective bargaining during his campaign for governor. They say such moves, including reductions in spending on schools and Medicaid, were unnecessary and detrimental for residents.

Walker argues that his decisions were necessary to close a \$3.6 billion budget shortfall.

A 'Signature Angel'

It might seem like recall efforts could be fueled by opponents' passion alone. But Schecter says most need something more: money to pay workers for collecting signatures. He expects the Walker effort to lose momentum if it doesn't find what he calls a "signature angel," one or more donors who provide a cash infusion, often at the going rate of \$1 per collected signature.

In 2003, the Davis recall was all but dead before Southern California businessman Darrell Issa (now a Republican congressman) contributed nearly \$2 million of his own money to keep the petition drive going. Issa is widely credited with rescuing the effort.

Unite Wisconsin has begun to raise money, but no angel has emerged.

Correction Dec. 6, 2011

A previous version of this story referred to notable failed governor recalls in history and cited Gov. Jerry Brown of California as having recalls attempted against him in 1960 and 1965. That was actually Gov. Edmund Brown. Recall elections of Gov. Jerry Brown were attempted in 1977, 1979 and 1980.

<https://www.npr.org/2011/12/02/143055885/why-recall-elections-are-so-difficult-to-pull-off>