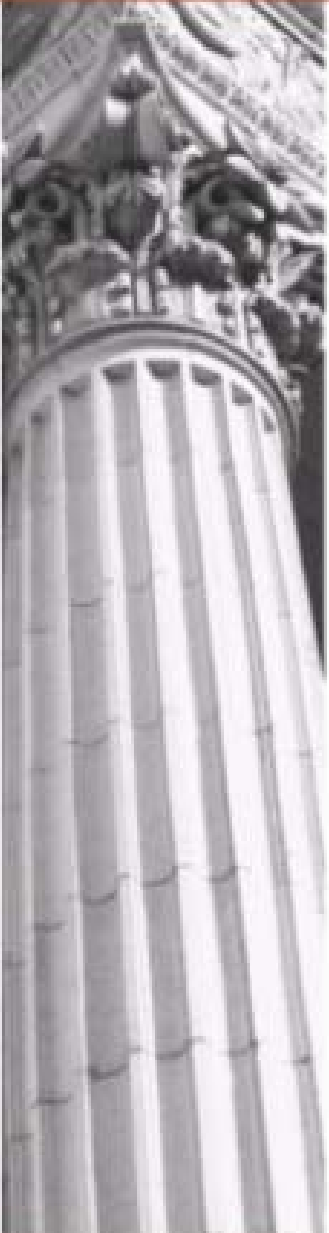




Examining Michigan's Recall Election Law

CRC Webinar
June 14, 2012

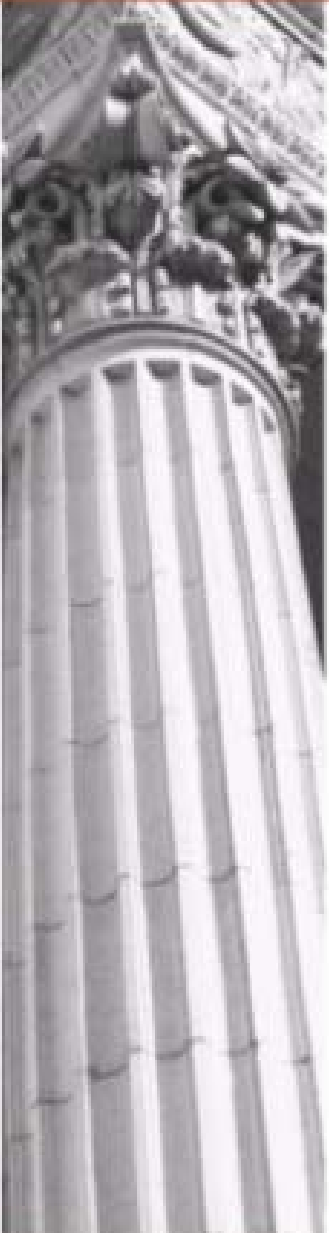
Eric Lupher
Director of Local Affairs
elupher@crcmich.org





Citizens Research Council of Michigan

- Founded in 1916
- Statewide
- Nonpartisan
- Private not-for-profit
- Promotes sound policy for state and local governments through factual research
- Relies on charitable contributions from Michigan foundations, businesses, organizations, and individuals





Ripped from the Headlines

Recalls sought in Bloomfield Hills

Recall petitions OK'd for 4 on board

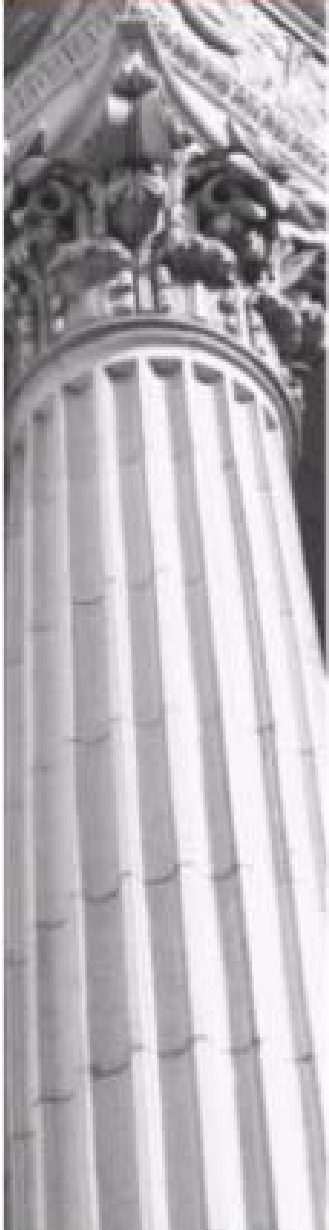
Petitions filed to recall council

Four Bridgeport Township leaders will face May recall election

Recall election for Parma Township supervisor set

November vote targeted for recall of 3 Portage schools trustees

Recall Troy Mayor Janice Daniels campaign submits petition signatures to elections division



What is a Recall Election

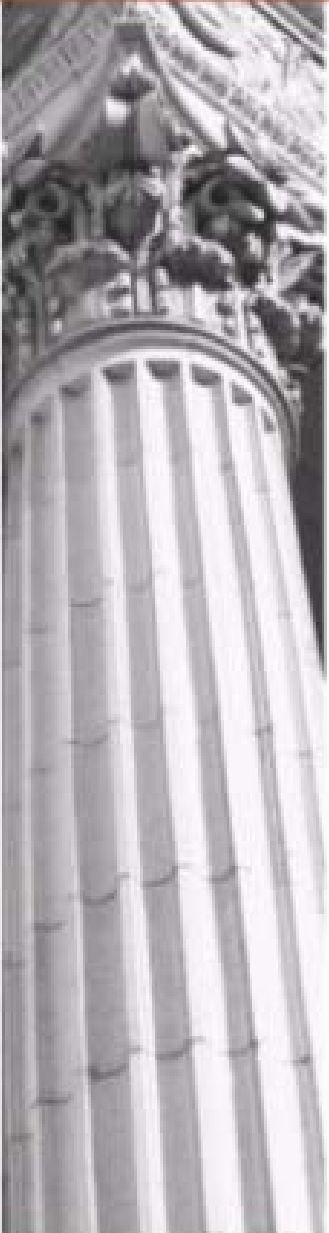
- **Recall** – Right of citizens to call for an election outside of the established cycle to ask whether a specific elected official(s) should be removed and replaced.
 - **Impeachment** – legal process for removing an elected executive official for violating a law
 - **Expulsion** – a legislative process for removing an elected legislative official

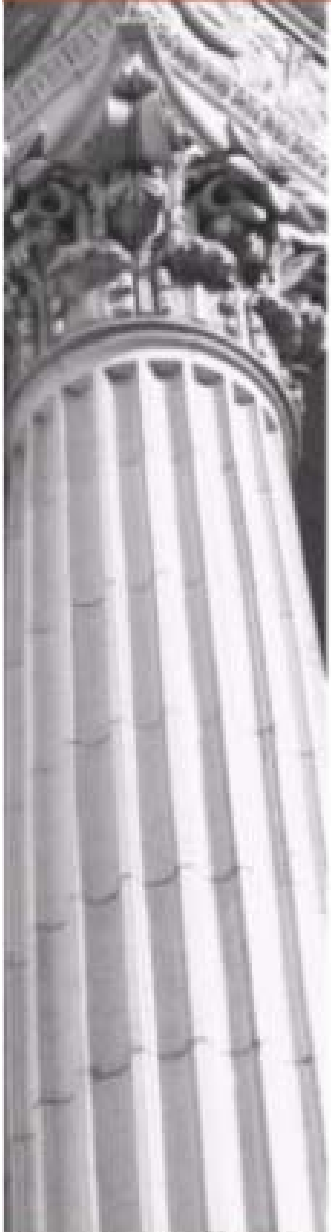


Constitutional Wording

- **Article II, Section 8 of Michigan Constitution:**

Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.





Recall in Michigan

- First introduced to Michigan with a 1913 amendment to the 1908 Constitution
- “The sufficiency of reasons or grounds for a recall shall be a political ... question” added with the adoption of the 1963 Constitution
- Details of process codified in the Michigan Election Law



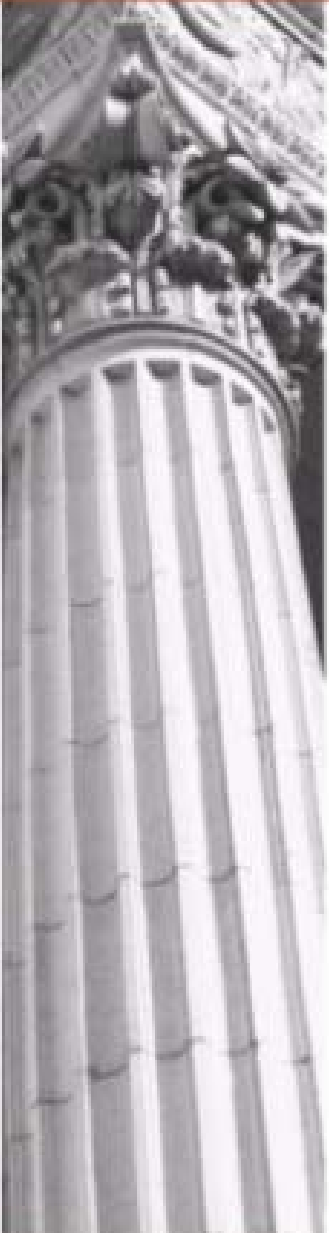
Are Recalls a Problem in Michigan?

- Perception by some that they interfere with the effectiveness and functioning of governments
- Perception that they create incentives for elected officials to avoid taking actions that may have negative short-term consequences but are favorable for the governments in the long-term
- Perception that they are being used more frequently



Plausible Reasons that large numbers of Michigan Elected Officials are subject to Recall Elections

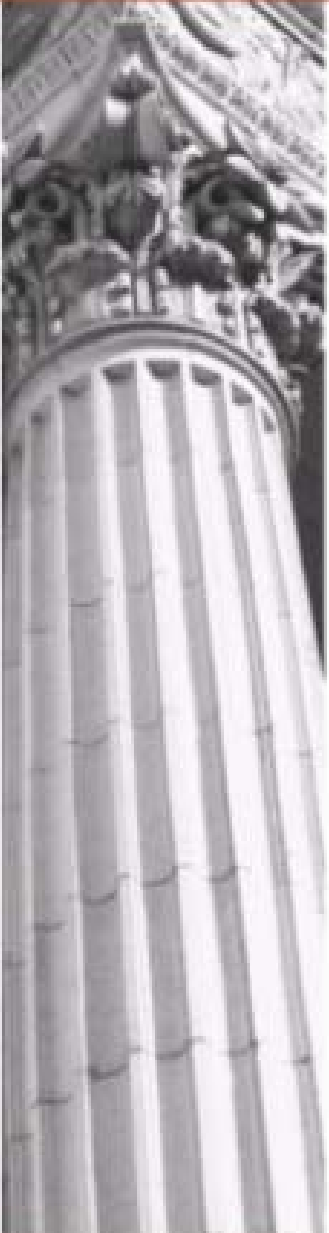
1. Sheer number of elected officials in Michigan higher than in most other states
2. Process spelled out in Michigan law lends itself to more frequent use of recalls





Path #1

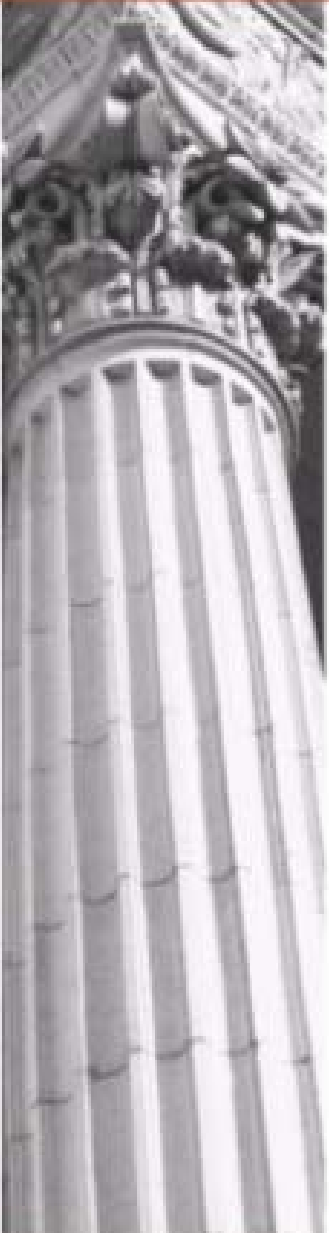
Exploring whether we have more recalls because we have so many elected officials

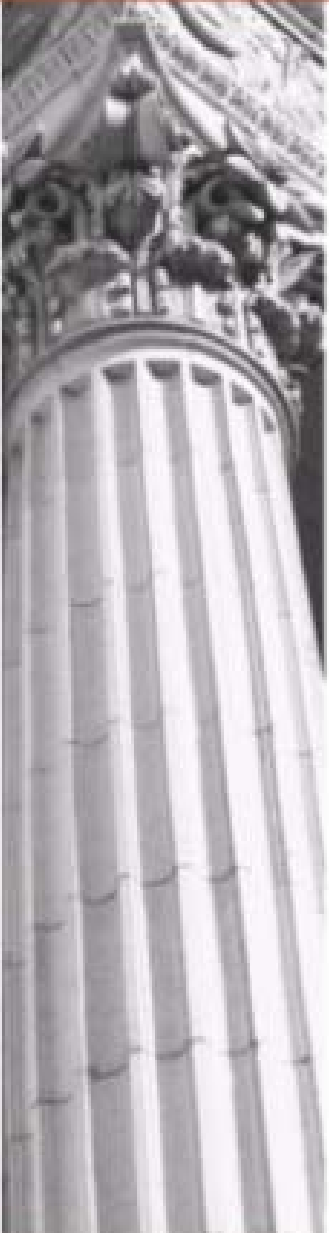




Original CRC Research

- Michigan recall data has never been aggregated in common dataset
- CRC surveyed municipal and county clerks
- Collected election data for 2000-2011
 - Name of Official
 - Office
 - Stated grounds for recall
 - Outcome
- www.crcmich.org/PUBLICAT/2010s/2012/rpt379.html



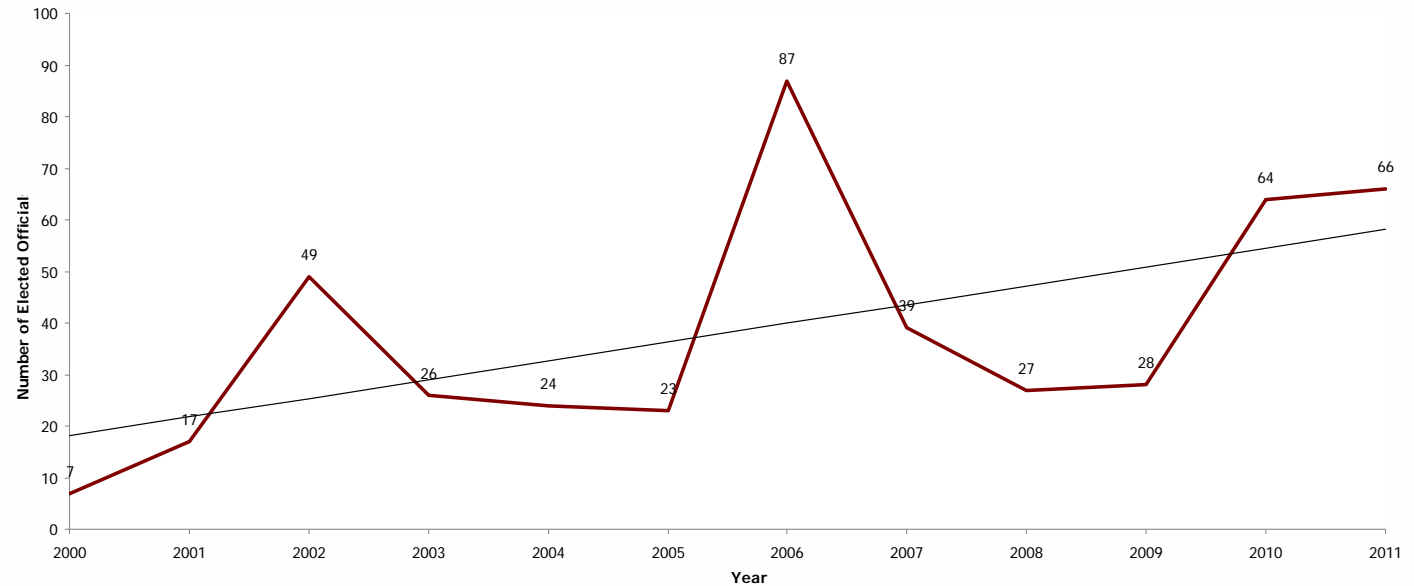


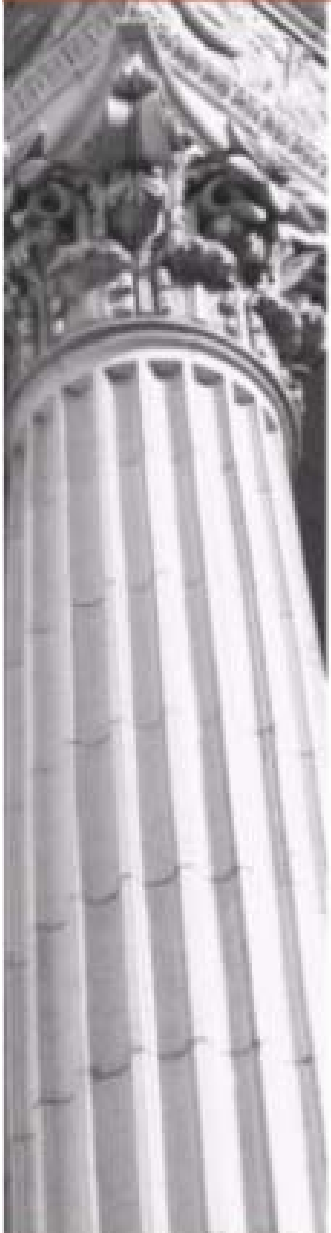
What we found:

- At least 457 state and local elected officials faced recalls between 2000 and 2011
 - Generally an upward trend
 - Peak of 87 officials subjected to recall votes in 2006
 - Higher numbers in 2002, 2006, and 2010 reflecting mid-term for most elected officials in Michigan with 4-year terms

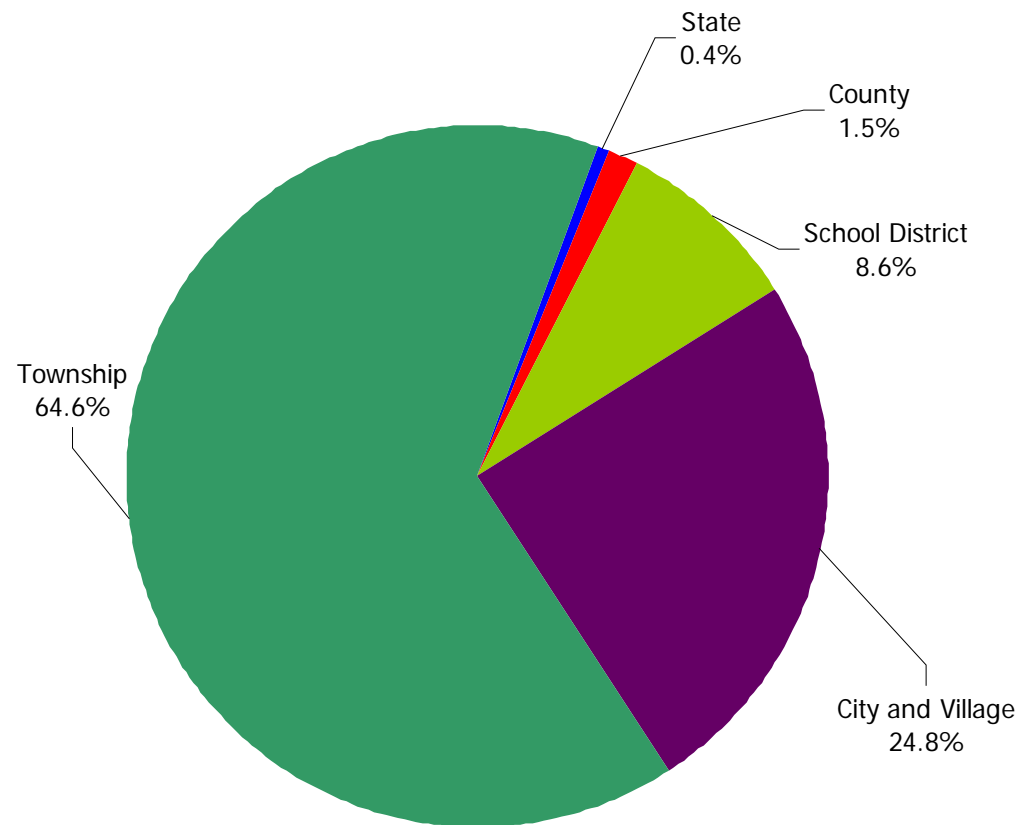


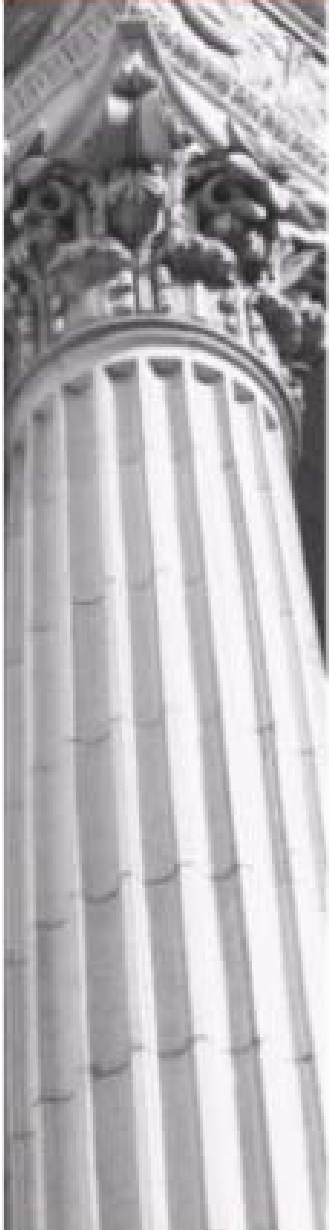
Number of Elected Officials Facing Recall in Michigan, 2000-2011





Distribution of Officials that Faced Recalls, by Government Type, 2000-2011



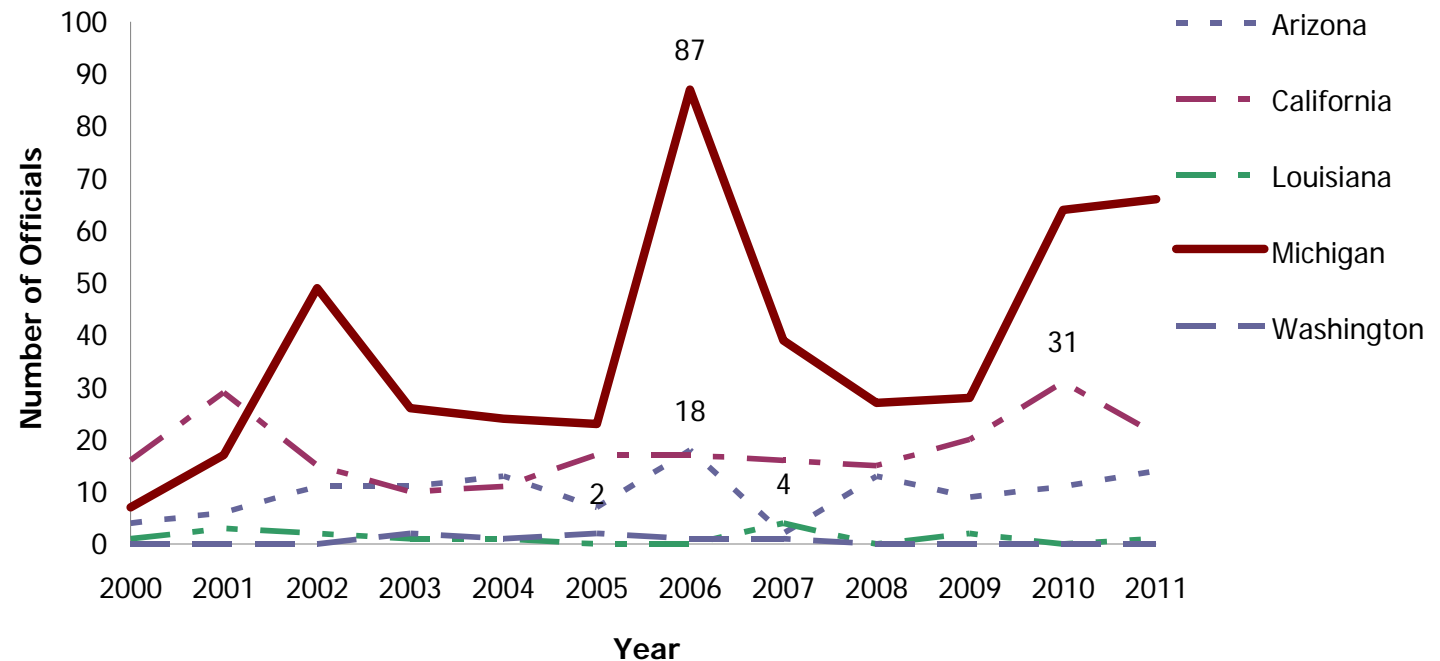


Comparison States

- **California**
 - Generally regarded as the recall state
- **Washington**
 - Have had some prominent recall elections
 - Because of their provisions requiring grounds for recalling officials
- **Louisiana**
 - The highest signature requirement. (Provides some perspective on what making the signature requirement more difficult might do to the number of recalls.)
- **Arizona**
 - A lot of recall elections
 - Some of those have been prominent

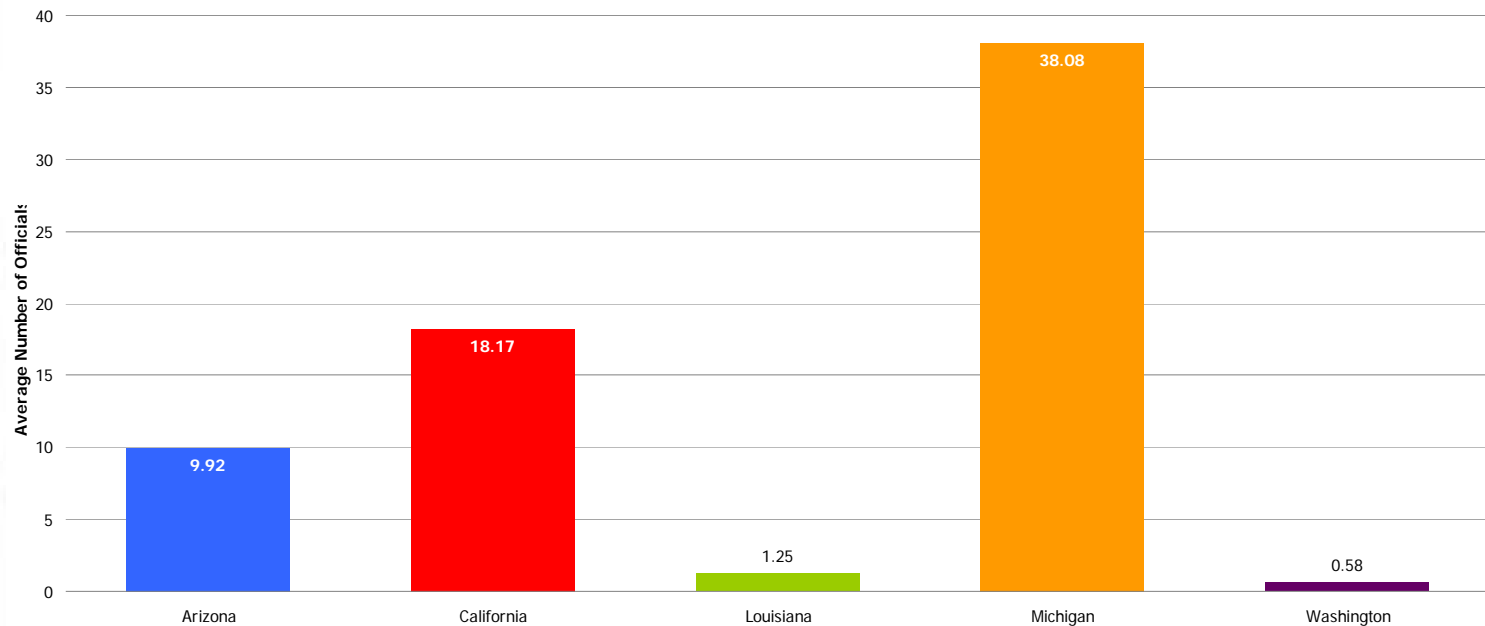


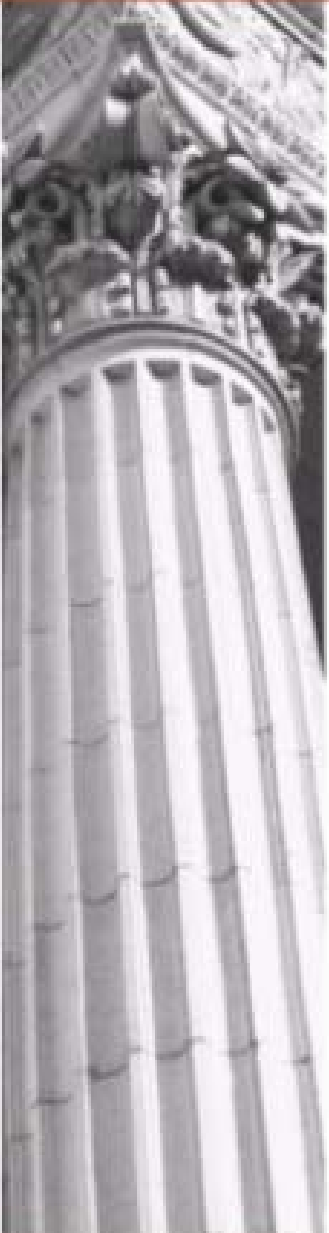
Number of Officials Facing Recall Vote in Selected States, by Year, 2000-2011



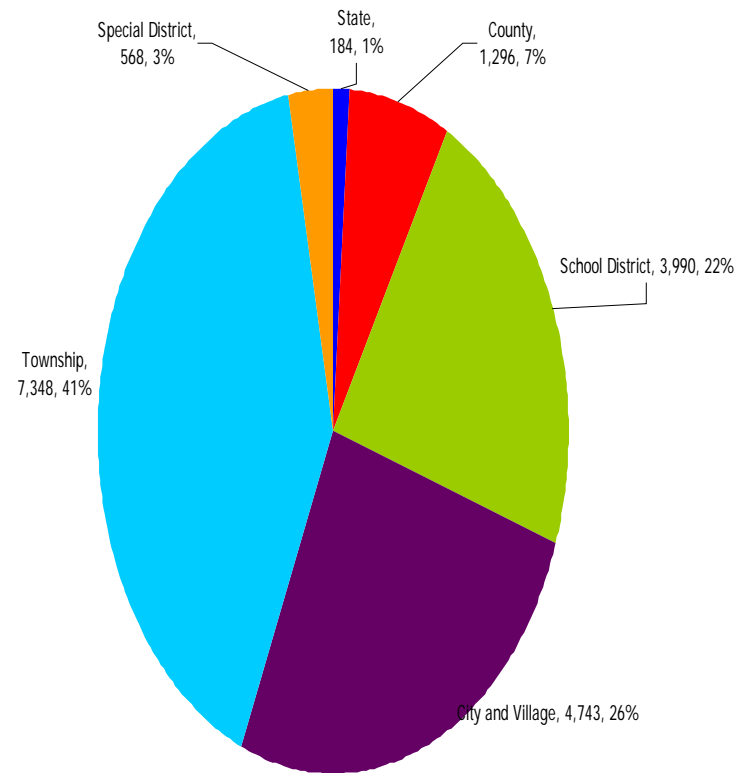


Average Number of Elected Officials Facing Recall Election each Year, 2000-2011



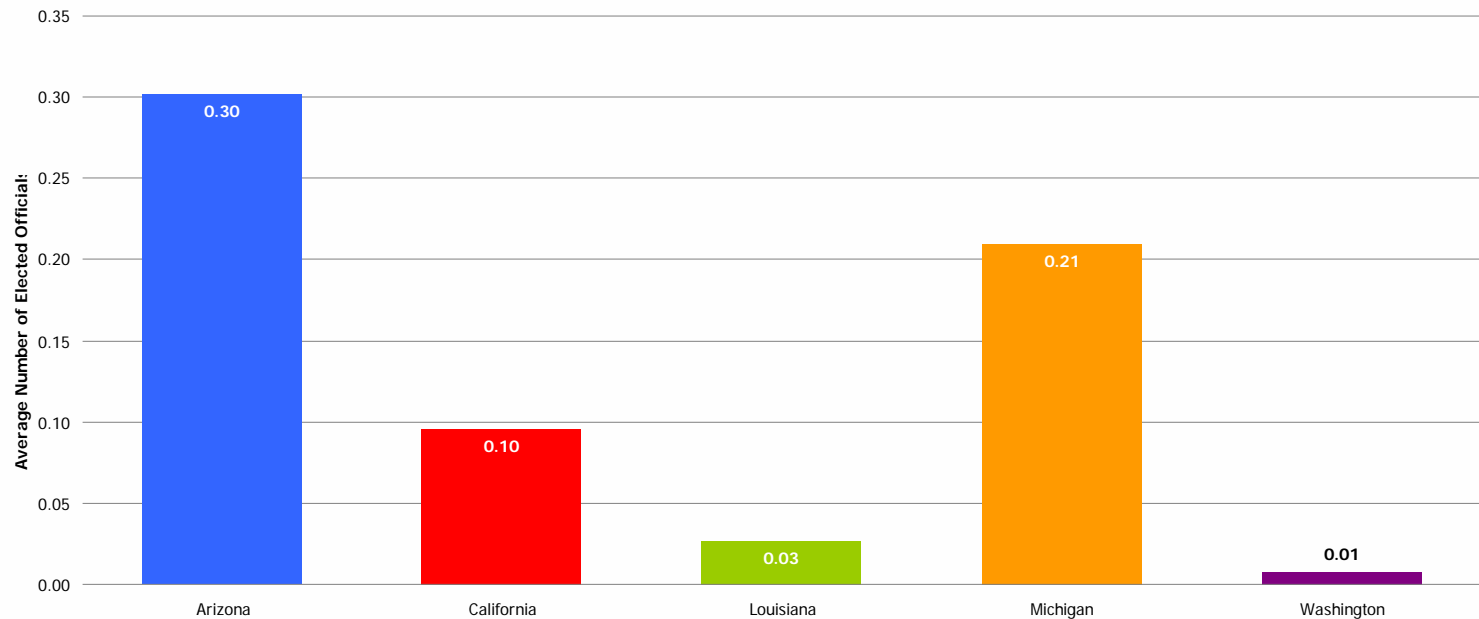


Number and Distribution of Recall Eligible Officials in Michigan, by Government Type





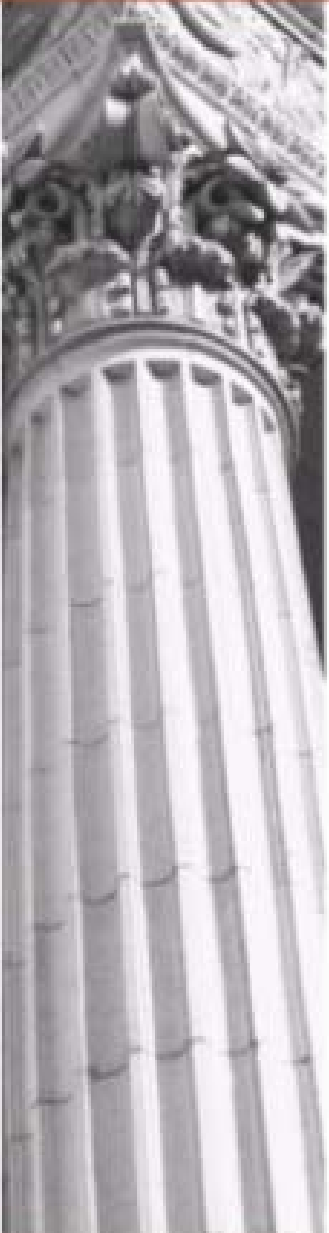
Average Number of Elected Officials Facing Recall per Year as Percentage of Total Eligible Officials, 2000-2011





Conclusion to Path #1

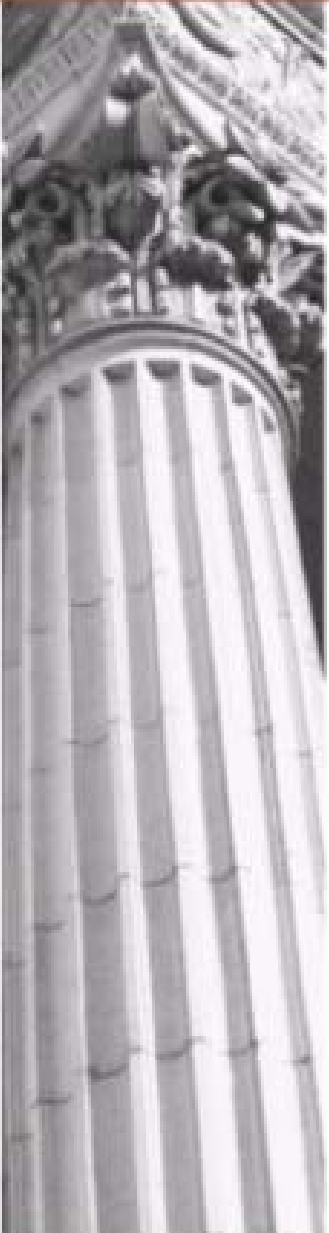
Because Michigan has high number of elected officials relative to other states (all except judges are subject to recalls), we tend to have more recall elections





Path #2

Exploring whether we have so many recalls because the process created by Michigan law lends itself to more frequent use of recalls





6 Elements of Recall Models

1. Whether or not grounds for recall are specified
2. The number of petition signatures required
3. The time period allotted for collecting petition signatures
4. The type of public official who can be recalled
5. The type of recall election
6. The portion of the officer's term when recall is possible





Grounds for Recall

Eligible Grounds Defined in Law (lack of fitness, malfeasance, neglect of duties, corruption, misconduct, violation of oath of office, drunkenness,	AK, FL, GA, KS, MN, MO, MT, NM, RI, SD, VA, WA
Grounds not Expressly Stated or Sufficiency a Political Question	AL, AZ, AR, CA, CO, CT, ID, IL, LA, ME, MA, MI , NE, NV, NH, NJ, NC, ND, OH, OK, OR, TN, TX, WV, WI, WY



Role of Elected Officials

- Should elected officials act as a trustee?
 - Vote his/her own opinion
- Should official perform as a delegate of the people he/she is representing?
 - Vote according to wishes of his/her constituency
- Complicated by dynamics of often close elections
 - How is it possible to represent 100% of constituency when 49% voted for someone else?



Stated Grounds for Recall Elections in Michigan, 2000-2011

Roughly 1/3 for Misconduct

- Financial irresponsibility, ineffective leadership, incompetence, and violation of Open Meetings Act
 - Elm River Township Clerk and Trustee, 11/8/11 election
- Violated the Open Meetings Act, failed to protect and produce public records, misrepresented and gave false information to the general public, committed ethics violations and took retaliation against citizens who made FOIA requests
 - Briley Township Clerk and 2 Trustees, 8/2/11 election
- Conduct unbecoming a public official and a criminal charge
 - Hill Township Supervisor, 11/2/10 election
- Violated the Open Meetings Act
 - Entire Dorr Township Board, 5/4/10 election

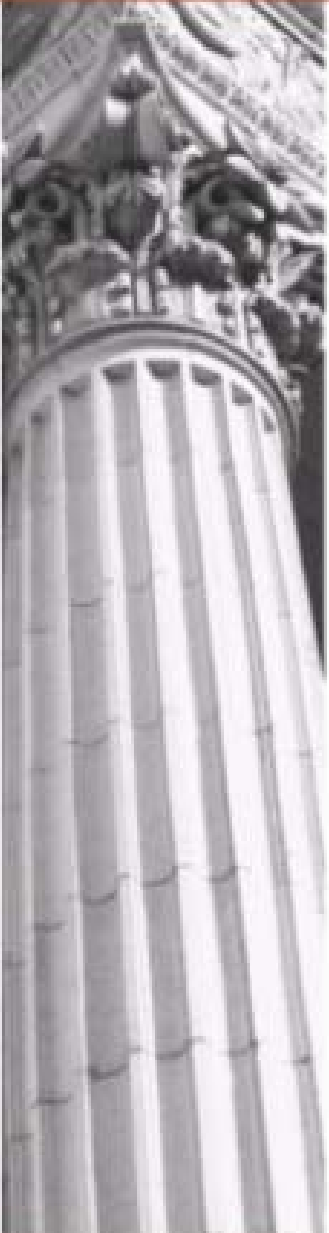




Stated Grounds for Recall Elections in Michigan, 2000-2011

Roughly 1/3 for Non-Financial Policy Disagreements

- Voted in favor of banning dogs from parks
 - Hagar Township supervisor and 2 trustees, 2/22/11 election
- Voted against authorizing ORVs to travel at less than 25 mph and not interfere with traffic
 - Norman Township treasurer, clerk, & trustee, 11/3/09 election
- Position on water service in the township
 - Edenville Township supervisor, clerk, & 2 trustees, 5/6/08 election
- Voted in favor of rezoning 14 acres from single-family residential to mixed-used development
 - Kochville Township supervisor, clerk, & 2 trustees, 8/8/06 election

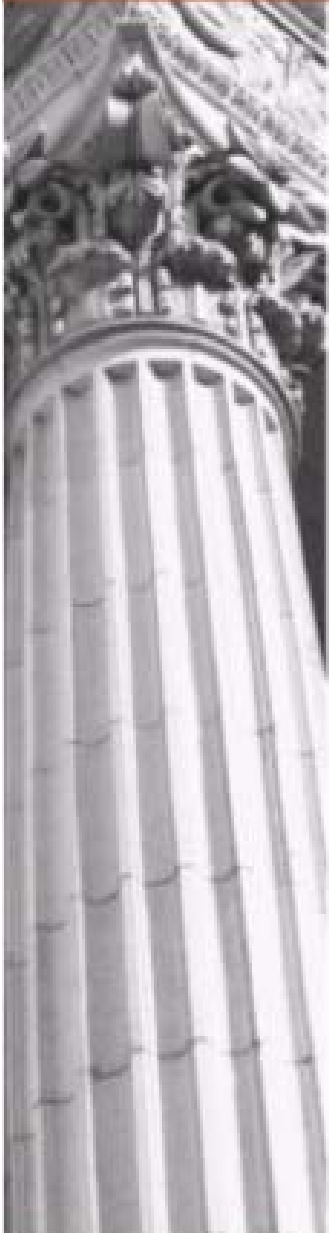




Stated Grounds for Recall Elections in Michigan, 2000-2011

Roughly 1/3 for Financial Policy Disagreements

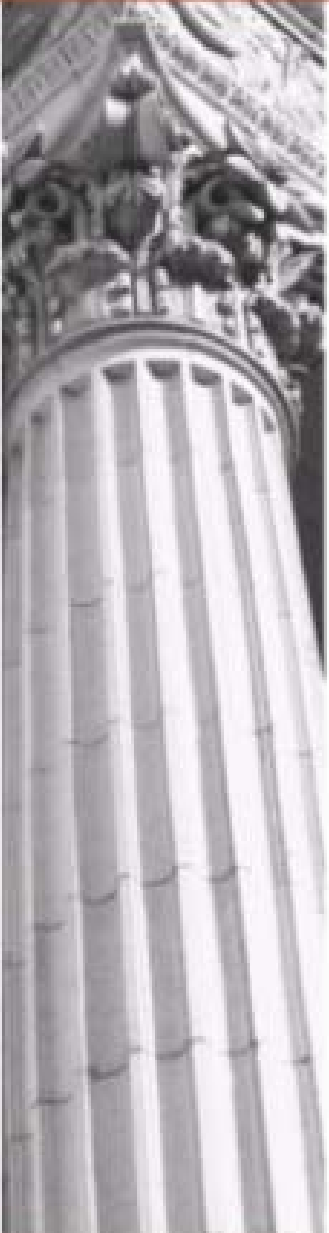
- Failed promise to reduce the board's pay by 30% and endangered public safety by laying off police officers
 - Genesee Township supervisor, clerk, & 2 trustees, 11/8/11 election
- Voted to increase Real Estate Tax
 - Grosse Pointe Shores mayor and 2 council members, 5/4/10 election
- Voted to privatize school transportation services
 - 3 Benton Harbor Area School District board members, 2/23/10 election
- Voted in favor of 2007 House Bill 5194 to increase the income tax to 4.35 percent and 2007 House Bill 5198 to impose new 6 percent taxes on certain services
 - Speaker of the House Andy Dillon, 11/4/08 election





Broad Authority to Call for Recalls

- Michigan recall law does not limit grounds for recall to malfeasance, failure to perform duties of office, etc.
 - Greater propensity of citizens to use recall in Michigan
 - Poor economic performance over past 10 years has increased level of voter discontent





Policy Analysis

- Elected officials as trustees or delegates
 - Voting own opinion or representing constituency
- Roughly 2/3 of recall elections related to policy disagreements
- Restricting recalls to misconduct would require constitutional amendment
 - No constituency for petition initiative
 - Initiated by legislature or wait for constitutional convention





Petition Signature Requirements

Percentage of Eligible or Registered Voters in Official's District

<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>	<u>33.3%</u>
MT, CA	SD, GA	ID, WV	MO, NJ, WY	LA

Percentage of Votes Cast in Official's District in Previous Gubernatorial Election

<u>10%</u>	<u>15%</u>	<u>25%</u>
ME	OR, IL	<u>MI</u> , WI

Percentage of Votes Cast in Previous Election for Office

<u>15%</u>	<u>25%</u>	<u>30%</u>	<u>33.3%</u>	<u>35%</u>	<u>40%</u>
RI, OH	AK, AZ, CO, MN, NV, ND, WA	AL	NM	AR, NE	KS



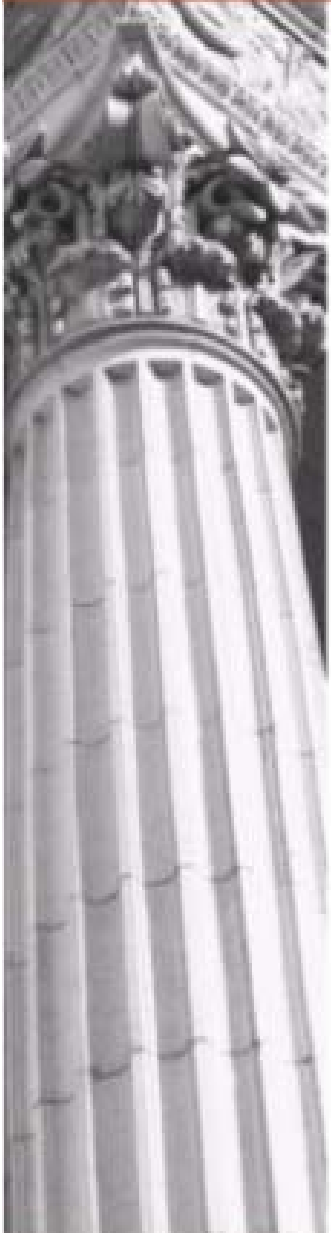
Period for Petition Circulation

<u>30</u>	<u>45</u>	<u>60</u>	<u>90</u>	<u>120</u>	<u>150</u>	<u>160</u>	<u>180</u>	<u>Indefinite</u>
NE FL	GA	AK CO ID MO NV SD WI	KS LA <u>MI</u> MT OH OR RI	AZ	IL	CA, NJ	WA	AL, AR, ME, MN, NM, ND, TN, VA, WV, WY

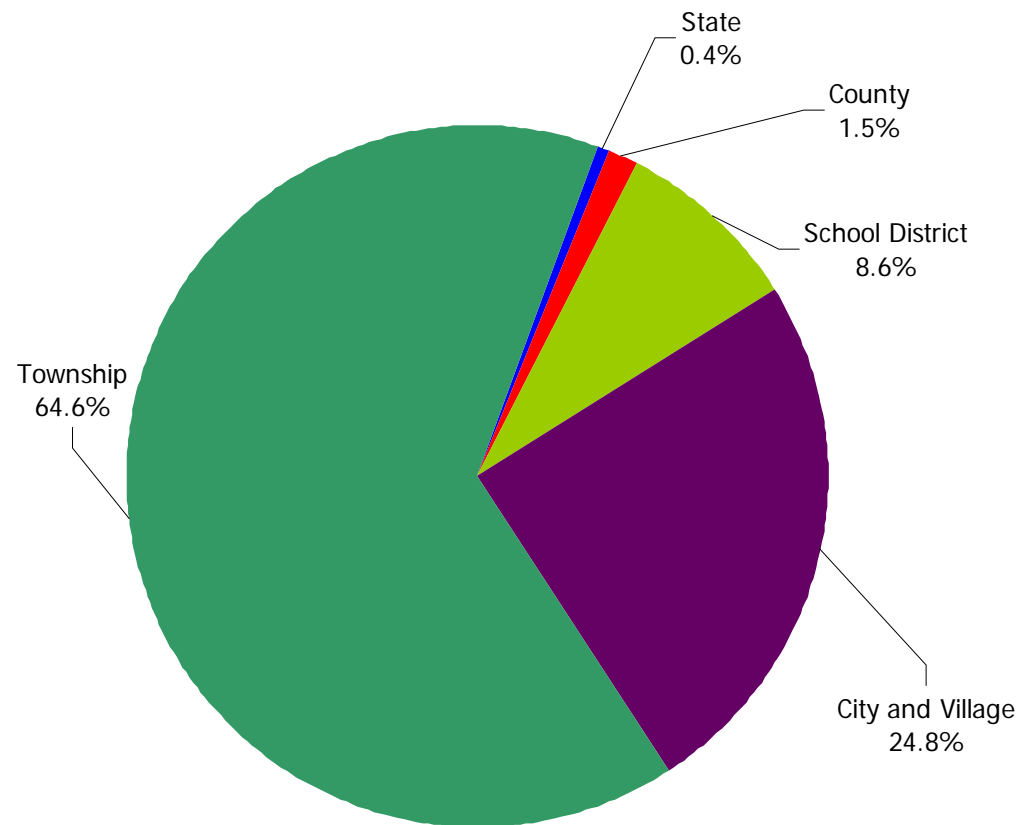


Officials Subject to Recall

All Elective Offices	AZ, CA, CO, GA, MT, NE, NV, NJ, OR, VA, WI
All Elective Offices Except Judicial Officers	AK, ID, KS, LA, <u>MI</u> , WA
Governor and Local Offices Only	IL
Certain Non-County Local Offices only	AL, AR, CT, ME, MA, MO, NH, NC, OH, OK, SD, TN, TX, WV, WY
County and Municipal Offices only	FL
State and County Elective Offices only	MN, ND
County Elective Offices Only	NM
Highest State Elective Offices only	RI



Distribution of Officials that Faced Recalls, by Government Type, 2000-2011



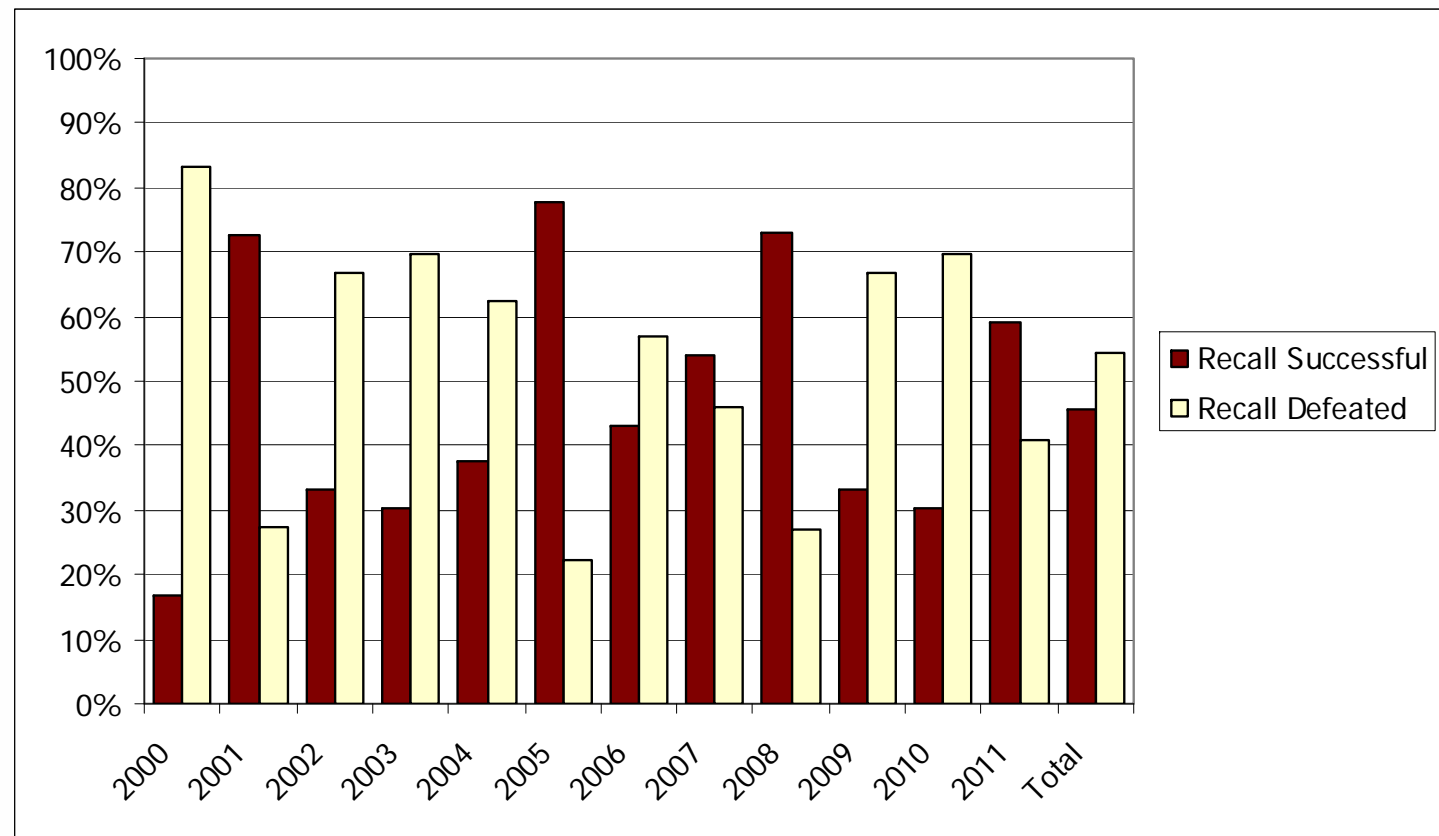


Recall Election Process

<u>Binary</u>		Simultaneous	
<u>Appointed</u>	<u>Separate Election</u>	<u>One Question</u>	<u>Two Questions</u>
AK, AR, ID, KS, ME, NE, TN, WA	AL, GA, IL, LA, <u>MI</u> , MN, NJ, OR, RI	AZ, NV, ND, SD, WI, WY	CA, CO, OH



Outcome of Recall Election in Michigan, 2000 - 2011





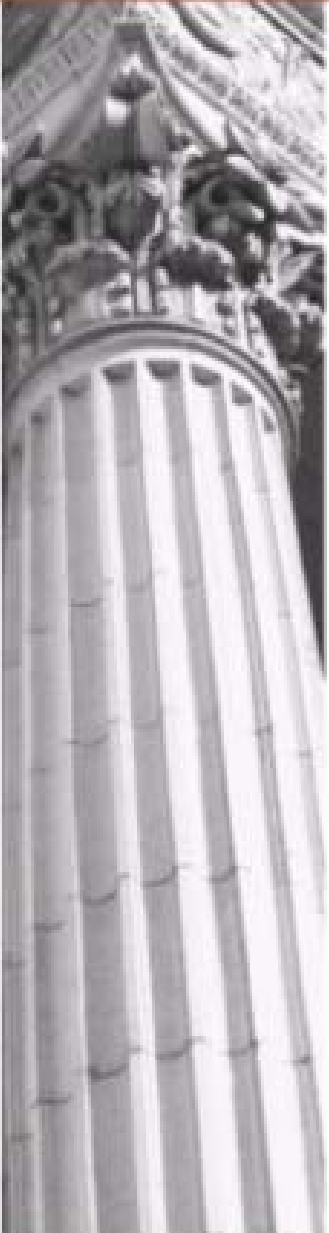
Recall Immunity Periods

Days							
<u>540</u>	<u>360</u>	<u>320-190</u>	<u>180</u>	<u>120</u>	<u>90</u>	<u>60</u>	<u>None</u>
<u>180/360</u> RI	<u>360/0</u> FL, NJ, WI	<u>90/180</u> CA	<u>180/0</u> AZ, AR, MO, NV, OR	<u>120/0</u> AK, ME	<u>90/0</u> ID	<u>60/0</u> MT	AL, CO, IL, ND, SD, VA, WV, WY
	<u>180/180</u> GA, <u>MI</u> , NE	<u>120/200</u> KS	<u>0/180</u> LA, MN, NM, WA				
		<u>0/190</u> OH	<u>90/90</u> TN				



Arguments against Recall

- Cause elected officials to always be looking over their shoulders
- Disincentive for making hard decisions
- Weakens the electoral process
- Calls into question ideals of democracy
- Greater opportunity for special interest groups to influence government actions
- Actions following recalls may be worse than original "objectionable" actions





Arguments for Maintaining Recall

- Helps promote democracy
- Makes government more responsive and responsible to citizens
- Encourages elected officials to maintain a minimum level of conduct
- Recalls employed as political power-plays rarely work
 - Voters predisposed against recalling officials
 - High standards employed in process keep recalls difficult to carry out





Constitutional Amendment needed if goal is fewer recalls

- 2 provisions tend to allow more recall elections in Michigan than other states
 - All elected officials except judicial officers eligible to be recalled
 - Sufficiency of grounds for recall a political question
- Both included in constitutional language
- Other provisions only in state law





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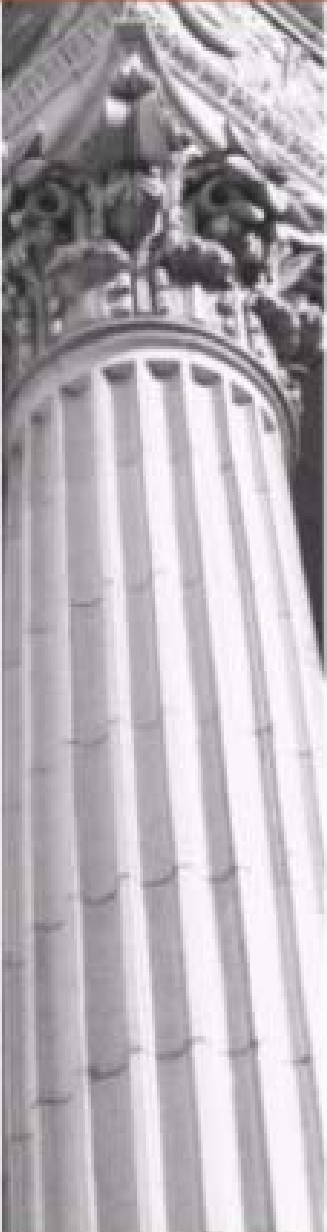
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Citizens Research Council of Michigan
38777 Six Mile Road
Livonia, MI 48152

(734) 542-8001
www.crcmich.org





Thank You for your attention

Questions?

www.crcmich.org

Eric Lupher

elupher@crcmich.org

734.542.8001

