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# CITIZENS RESEARCH COUNCIL OF MICHIGAN



# MICHIGAN'S RECALL ELECTION LAW

**JUNE 2012** 

REPORT 379





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## **Summary**

Recall is a procedure that allows citizens to remove and replace a public official before the end of a term of office. It differs from other devices for removing public officials from office – impeachment and expulsion – in that it is a political device while impeachment is a legal process for removing an elected executive official for violating a law and expulsion is a legislative process for removing an elected legislative official. All states that employ the recall device, except for Virginia, do so at the ballot box.

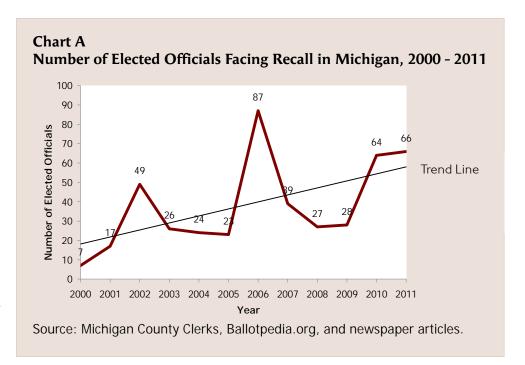
An increase in the use of recall in Michigan in recent

years has drawn attention to this policy issue. This report assesses the recall process in a number of ways. First, how does the frequency and use of recalls in Michigan compare to earlier periods within the state and with other states that authorize recall? Second, what are the costs of administering recall elections and from governmental work disruptions caused by campaign distractions and fear of recall? Finally, in an effort to analyze whether the process for recalling elected officials in Michigan contributes to a more frequent use than is found in other states, the processes for recall are compared for each state that authorizes recall.

#### Michigan Recall Activity from 2000 to 2011

At least 457 state and local government elected officials faced a recall election in Michigan between 2000 and 2011 (see **Chart A**). According to this most recent 12-year sample, Michigan averages 38 officials facing recall election each year. With roughly 18,129 elected officials eligible to be recalled in Michigan, this is an average of only 0.2 percent of eligible elected officials facing a recall election in an average year in Michigan.

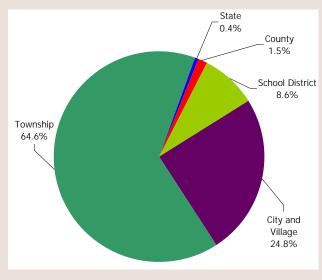
The trend line for this sample shows that the number of officials facing recall elections has been increasing in Michigan since 2000. The largest number of elected officials faced recall in 2006 (87 officials), followed by 2011 (66 officials), 2010 (64 officials), and 2002 (49 officials).



In Michigan, recalls have been overwhelmingly targeted at non-county general purpose government (cities, townships and villages) leadership (89 percent of all officials who faced recall in the state) over the last 12 years (see **Chart B**). Local school district leadership is the next highest target (9 percent), followed by county leadership (2 percent). With just 2 (less than 0.5 percent) of the 457 recall elections involving state officials (Speaker of the House Dillon in 2008 and Representative Scott in 2011).

While Michigan's economic troubles may be contributing to voter discontent, the majority of recall elections were not for financial reasons. Roughly one-third of the elections were for various kinds of alleged improper conduct and one-third were for disagreements about policy matters that were not financial in nature. Recalls for financial reasons have been increasing suggesting that financial stress relating to the housing market collapse in 2008 may be increasing recalls related to financial concerns.

# Chart B Distribution of Officials Facing Recall, By Government Type, 2000 - 2011



Source: Michigan County Clerks, Ballotpedia.org, and newspaper articles.

#### A Comparison of the Number of Recalls

Compared to four other states (Arizona, California, Louisiana and Washington) with varying types of recall stat-

utes and government sizes, Michigan has attempted to recall the most elected officials – sometimes by quite significant margins – each year since 2002. It is suspected that Michigan's high rate of recall is related to a combination of factors including a large number of elected officials, Michigan's poor economic performance, and certain provisions of Michigan's election law.

Because of the high frequency of recall elections since 2002, Michigan's average number of elected officials facing recall each year has been more than double what it has been in California or any other state in the sample. Michigan averages roughly 38 elected officials facing recall each year. In contrast, California voters put up an average of 18 elected officials for recall each year, Arizona voters put up an average of 10 elected officials, Washington voters only put up an average of 0.60 officials, and Louisiana voters

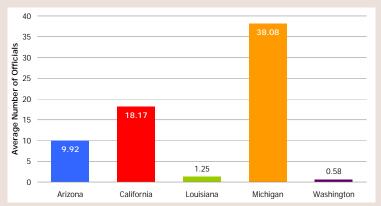
only put up an average of 1.25 officials (see **Chart C**). Michigan has similar petition signature requirements to Arizona, but its voters put up nearly quadruple the number of officials for a recall vote each year.

Comparing the average number of elected officials facing recall per year as a percentage of the number of eligible officials in the state, Arizona puts up a larger percentage of eligible officials on an annual basis than Michigan. This finding suggests that even though Michigan puts up nearly quadruple the number of officials for recall than Arizona each year, the disparity is largely because Michigan has more than 5 times as many eligible elected officials.

#### **Arguments for and against Recall**

Recalls can deter elected officials from making difficult decisions by reducing their independence and striking fear into the deliberative process. The recall may provide an incentive for an elected official to avoid taking actions that may have negative short-term consequences but favorable long-term consequences. Many government programs and policies may need to function and be evaluated over time before they are determined to be successful, but recall elections require voters to make such determinations much sooner. Recall may also call into question the ideals of democracy if voter turnout for the recall elections is significantly lower than the general vote that elected those officials into power.

Chart c Average Number of Elected Officials Facing Recall Election Each Year, 2000 - 2011



The counter argument is that recalls promote direct democracy and make government more responsive and responsible by giving citizens power over unresponsive, incompetent, corrupt or otherwise unacceptable elected officials. The recall process helps keep elected officials from losing respect for the power granted them and from disregarding the electorate in deference to their political party or own conscience.

#### A Comparison of Recall Models

In Michigan, the right of recall is granted by the 1963 Constitution in Article II, Section 8, which reads:

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.

More in-depth and procedural recall provisions are codified in the Michigan Election Law. State law provides that every elective officer, except for judicial officers, is subject to recall by the voters of the electoral district in which the officer is elected. A recall petition cannot be filed against an elected officer until six months into the officer's term of office and must be filed before less than six months remain in the officer's term of office.

A recall petition must clearly state each reason for the recall, and each reason must be based on the elected officer's conduct during their current term in office. Before being circulated for signatures, the petition must be submitted to the county election commission of the county in which the elected officer resides. Petitions for the recall of a state representative must be filed with the Secretary of State, while petitions for the recall of local representatives must be filed with the county clerk of the county in which the largest portion of the registered votes in the electoral district reside. If the petition language is deemed clear, the petitioner has 90 days to collect the required number of signatures. Signatures collected outside of that 90 day window are invalid.

Thirty-eight states authorize at least one local jurisdiction to recall elected officials. The processes for recall vary among these states. Six main provisions affect the probability of recall elections and the cost to local governments:

- 1. Whether grounds for recall must be specified
- 2. The number of petition signatures required
- 3. The period allotted for collecting petition signatures
- 4. The type of public official who can be recalled
- 5. The type of recall elections
- 6. The portion of the term when recall is possible

Grounds for Recall. In Michigan, recall is a political question; grounds do not need to be specified for a recall election. The laws in 12 states specify the eligible grounds for recall. In these states, the grounds are largely justiciable. Common grounds include malfeasance, misfeasance, lack of fitness, incompetence, corruption, violation of oath of office, and misconduct. By specifying the grounds for recall, these states have limited the opportunities for citizens to submit successful petition language and begin the process of collecting signatures. These laws in 26 states, including Michigan, do not specify the eligible grounds.

Petition Signature Requirements. States that allow recall specify the number of petition signatures required to hold an election by mandating a certain percentage of voters or votes. States commonly use three bases in their signature requirements: (1) the number of eligible voters or registered voters; (2) the number of votes cast in the last gubernatorial election; and (3) the number of votes cast in the last election for office. Some states also include a requirement that petition signers must have voted in the previous election or, in the case of statewide elections, that each county contribute a certain percentage of signatures. Some states also create different requirements for different types of elected officers.

Existing signature requirements range from 33.3 percent of eligible voters for the office (Louisiana) to 10 percent of the votes cast in the previous gubernatorial election (Maine). Michigan's constitutional requirement for 25 percent of the votes cast in the elected official's district in the previous gubernatorial election is a medium level of difficulty when compared with the requirements in other states.

Period for Petition Circulation. Among the states that allow recall, each specifies the maximum amount of time for collecting the required number of petition signatures. The shorter the time period, the more difficult it is for recall campaigns to collect the required number of signatures to hold an election. In several states, different circulation periods are specified depending on the office targeted for recall, with longer periods allowed for statewide officials compared to local government officers.

More restrictive circulation periods do not tend to prevent recall efforts from succeeding, but ensure that recall campaigns are well-organized and well-financed. Among states that allow recall of local government officials, circulation periods range from 30 days to an indefinite amount of time. Michigan's 90 day circulation period is toward the middle in the range of the state requirements.

Officials Subject to Recall. States also differ as to which elected officials are eligible for recall. Restricting the number of officials who are eligible for recall should reduce the number of recall campaigns and elections. The Michigan constitutional provision exempting only judicial officers from recall is among the more inclusive of the states.

**Recall Election Process.** The number of recall elections, their success rate and voter turnout can also be influenced by changing the characteristics of recall elections. The recall election process varies among states.

In nine states, the recall election is held simultaneously with the election for a successor; however, this simultaneous election is held in two different ways. In California, Colorado, and Ohio, there are two questions on the ballot: one asks whether the incumbent should be recalled and another asks who should replace the incumbent if the recall is approved in the first question. If the recall is rejected in the first question, the second question is irrelevant and is ignored. The name of the recalled officer cannot be listed among the names in the second question to avoid simultaneously recalling and electing the same official.

In Arizona, Nevada, North Dakota, South Dakota, Wisconsin, and Wyoming, the simultaneous recall ballot consists of a single list of candidates, including the officer against whom the recall petition was filed. The candidate that receives the most votes assumes office.

In 11 states, including Michigan, a binary-choice recall election (Shall the official be recalled? Yes or No?) is followed by a separate special election for a successor.

Recall Immunity Periods. There is also diversity among states as to the time period(s) during a term of office when recall is possible. A number of states do not have any requirements for when a recall can take place. Some states require that an official must serve in office for a certain amount of time before a recall can be pursued, while others have requirements at both the start and end of a term of office. Of these states, 180 days or 360 days are common recall-restricted time periods at the beginning or end of a term.

The narrower the window to recall a public official the fewer recall efforts and elections should occur. Michigan currently does not allow recalls within the first 180 days of a term of office or the last 180 days of a term of office, one of the strictest immunity periods. This prevents recall elections from being held close to general elections, or at the very beginning of a term of office before the elected official has had time to perform improperly or make controversial decisions.

#### **Conclusion**

The reasons why Michigan voters employ this tool more frequently than other states is not readily apparent. A comparison of Michigan's recall provisions with those of other states does not identify any provisions for which Michigan is an outlier. Although some of Michigan's provisions are more lenient than other states, others are stricter. Two factors which may be contributing to the high level of recall in Michigan are the large number of elected officials eligible for recall, and Michigan's poor economic performance over the past ten years and the associated pressures this has placed on government budgets which may be leading to an increased level of voter discontent.

#### Introduction

Recall is a procedure that allows citizens to remove and replace a public official before the end of a term of office. It differs from other devices for removing public officials from office – impeachment and expulsion – in that it is a political device while impeachment is a legal process for removing an elected executive official for violating a law and expulsion is a legislative process for removing an elected legislative official. All states that employ the recall device, except for Virginia, do so at the ballot box.

Since the ancient Greek and Roman empires, the recall has been at the forefront of a fundamental question about the role of elected officials: should an official act as a trustee and vote his or her own opinion, or perform as a delegate and vote according to the wishes of his or her constituency?<sup>1</sup>

Fundamentally, recalls are at the surface of a deep, enduring ideological battle between direct and representative democracy. For people who favor direct democracy over representative democracy, recalls provide a process for angry and frustrated citizens to retain regular and close control over elected public officials who are not representing the best interests of their constituents, or who are unresponsive, corrupt or incompetent.<sup>2</sup>

The ability of citizens to recall their elected officials from office has gained much attention in recent years. Much of the national attention has focused on efforts to recall governors – such as the successful recall of California Governor Gray Davis or ongoing efforts to recall Wisconsin Governor Scott Walker. Likewise, statewide attention has focused on efforts directed at state officials – such as the unsuccessful recall of Speaker of the House Representative Andy Dillon and the successful recall of Representative Paul Scott. Nevertheless, CRC's aggregation and analysis of data tracking the use of recalls shows that

recalls are predominantly directed at local government officials in Michigan.

A seeming increase in the use of recall in recent years has drawn attention to this policy issue. This report assesses the recall process in a number of ways. First, how does the frequency of use of recalls in Michigan compare to earlier periods within the state and with other states that authorize the use of recalls? To answer those questions, CRC aggregated data provided by county clerks and other sources to identify the use of recalls in Michigan. That data was compared to similar data for other states.

The data show that the use of recall in Michigan has increased over the past dozen years. Nowhere has the data been aggregated to assess how the trends of the past 12 years relate to periods prior to this time. The data show that recalls have been used in Michigan more than in the other states that permit their use and that most of the recall efforts have been aimed at township officials. Looking at the data in context, however, reveals that Michigan has more units of local government than most of the other states that authorize recalls, and that township officials are ready targets because 40 percent of the elected officials in Michigan govern townships.

Second, what are the costs of administering these recall elections and from governmental work disruption caused by campaign distractions and fear of recall? This report comments on the estimated costs to local jurisdictions in Michigan in 2011.

Finally, in an effort to analyze whether the process for recalling elected officials in Michigan contributes to a more frequent use than is found in other states, the processes for recall are compared for each state that authorizes recalls.

# Michigan Recall Activity from 2000 to 2011

At least 457 state and local government elected officials faced a recall election in Michigan between 2000 and 2011 (see **Chart 1**).<sup>3</sup> According to this most recent 12-year sample, Michigan averages 38

officials facing recall election each year. With roughly 18,129 elected officials eligible to be recalled in Michigan (see **Chart 2**),<sup>4</sup> this is an average of only 0.2 percent of eligible elected officials facing a recall election in an average year in Michigan.

However, the trend line for this sample shows that the number of officials facing recall elections has been increasing in Michigan since 2000 (see **Chart 1**). The largest number of elected officials faced recall in 2006 (87 officials), followed by 2011 (66 officials), 2010 (64 officials), and 2002

(49 officials). Michigan recalls spiked twice over the last 12 years, in 2002 and 2006, and may have spiked a third time in 2011. These spikes are roughly the same number of years apart with similar troughs.

The trend line for this sample shows that the number of officials facing recall elections has been increasing in Michigan since 2000.

This pattern shows that recalls increase during those years when the majority of public officials with four-year terms are in the middle of their term of office (2002, 2003, 2006, 2007, 2010, and 2011). This finding is consistent with Michigan's recall statute which includes a provision that prohibits recalls in

the first and last six months of a term of office.

The first spike in 2002 coincided with the beginning of Michigan's recession. Economic challenges forced elected officials to make difficult, and often unpopu-

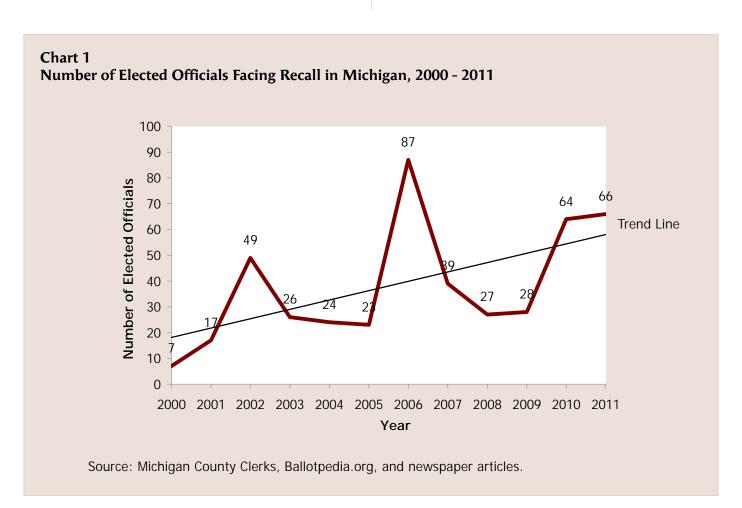
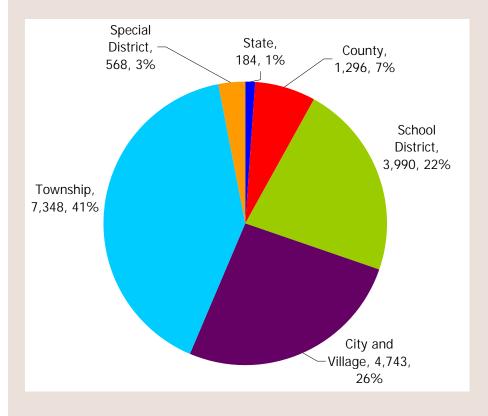


Chart 2 Number and Distribution of Recall-Eligible Elected Officials in Michigan, by Government Type



Source: 1992 Census of Governments and State Court Administrative Office.

lar, decisions during this period. At the same time, financial distress among citizens led to greater dis-

trust of government in general. These factors may explain the recent rise in the number of officials facing recall in Michigan.

However, the majority of recall attempts were not motivated by financial issues (as expressed in the recall ballot language). Roughly one-third of the recall elections were for various kinds of improper conduct, such as incivility, and illegal conduct, including violations

of the Open Meetings Act and corruption. Roughly one-third of the recall elections were because of disagreements about policy decisions that were not

overtly financial in nature. These reasons included hiring decisions, construction projects, and service contract decisions.

While the data show that the vast majority of recall reasons between 2000 and 2011 were not for fiscal concerns, economic reasons appear to have at least fueled the high recall totals in 2006, 2010 and 2011. In these years, the number of officials facing recall because of economic reasons was at least twice the total in any other year. Local government fiscal health was negatively impacted by the collapsing housing market beginning in late 2008, which may explain the spike in recalls because of economic concerns at the end of the decade.

In Michigan, recalls have been overwhelmingly targeted at non-county general purpose government (cities, townships and villages) leadership (89 percent of all officials who

faced recall in the state) over the last 12 years (see **Chart 3**). Local school district leadership is the

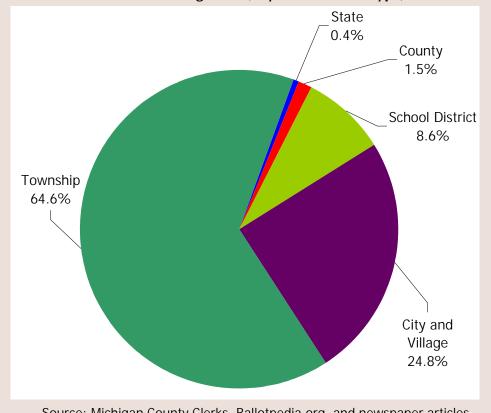
next highest target (9 percent), followed by county leadership (2 percent) and state leadership (less than 0.5 percent).

There are 1,775 non-county general purpose governments in the state employing 12,091 eligible elected officials, compared to 549 school districts<sup>5</sup> employing 3,990 eligible elected officials and 83 counties employing 1,296 eligible elected officials (see **Chart 2**).6

Therefore, it is not surprising that there are more non-county general purpose government officials facing recall than any other type and more school

While the data show that the vast majority of recall reasons between 2000 and 2011 were not for fiscal concerns, economic reasons appear to have at least fueled the high recall totals in 2006, 2010 and 2011.

Chart 3
Distribution of Officials Facing Recall, By Government Type, 2000 - 2011



Source: Michigan County Clerks, Ballotpedia.org, and newspaper articles.

Statewide recalls are ex-

tremely rare, so the in-

creased frequency of local

recalls, particularly in town-

ships, since 2002 deserves

the most attention.

d newspaper articles.

These data show that township recalls in Michigan are disproportionately high.

district officials facing recall than county officials. However, city, township and village elected officials

comprise 67 percent of the total elected officials in the state eligible to be recalled, while their percentage of total recalls (89 percent) is much higher.

Within non-county general purpose governments, township officials account for 72 percent of total recall attempts between 2000 and 2011, followed by city officials (16

percent) and village officials (11 percent). There are 1,240 townships employing 7,348 elected offi-

In light of recent declarations in the media that 2011 was the year of the recall, it is important to note

that the 2011 data alone do not suggest that the state has a recall problem. When high-profile, state-wide public officials face recall, such as Speaker of the House Andy Dillon in 2008 and Representative Paul Scott in 2011, the device receives a large amount of public attention. However, these state-wide recalls are extremely rare, so the increased frequency of local

cials, compared to 533

municipalities (cities

and villages) employing 4,743 elected offi-

cials (see Chart 2),7

so it is not surprising

that townships have an

overwhelming majority of the officials fac-

Township officials comprise 41 percent of

total eligible elected

officials in the state, but their percentage of total recalls (65 percent) is much higher. Cities and villages comprise 26 percent of total eligible elected

officials in the state

and their percentage

of total recalls (25 percent) is very similar.

ing recall.

recalls, particularly in townships, since 2002 deserves the most attention.

#### The Geography of Michigan Recalls

Twenty-four jurisdictions have held a recall election in multiple years since 2000. Of these, Augusta Township in Washtenaw County has held recall elections in four separate years (2000, 2003, 2006, and 2011), the City of Benton Harbor in Berrien County has held elections in three separate years (2001,

2005, and 2008), Billings Township in Gladwin County has held elections in three separate years (2007, 2008, and 2011), and Flushing Township in Genesee County has held elections in three separate years (2009, 2010, and 2011).

By county, jurisdictions in Genesee County have put up the most elected officials for recall over the last 12 years (49 officials or roughly 4 per year, even though 2000 and 2001 data are missing), followed by jurisdictions in Berrien County

(38 officials or roughly 3 per year), jurisdictions in Gladwin County (20 officials) and jurisdictions in Van Buren County (20 officials).8

By jurisdiction, Billings Township in Gladwin County and the Village of New Haven in Macomb County have put up the most elected officials for recall (10 officials), followed by Oronoko Township in Berrien County (9 officials), Acme Township in Grand Traverse County (7 officials), Flushing Township in Genesee County (7 officials), the Village of Northport in Leelanau County (7 officials), and Westwood Heights School District in Genesee County (7 officials). In the cases of Acme Township and the Village of Northport, all 7 officials were targeted in a single election.

Recall elections in Michigan have been successful 46 percent of the time since 2000. On an annual basis, the success rate has fluctuated quite dramatically, with a low of 17 percent in 2000 to a high of 78 percent in 2005. Recall elections in townships have been successful 42 percent of the time since 2000, compared to 52 percent in cities, 61 percent in villages, 41 percent in school districts, 29 percent

in counties and 50 percent for state officials (again only two elections during this period).

In general, voter turnout has been dramatically lower in recall elections than in the election that put the elected official in their thencurrent term of office. Lower voter turnout is largely because most officials being elected in November general elections, where more high-profile races, such as President and Governor, attract a greater percentage of eligible voters.

Recall elections in townships have been successful 42 percent of the time since 2000, compared to 52 percent in cities, 61 percent in villages, 41 percent in school districts, 29 percent in counties and 50 percent for state officials.

#### **Financial Costs of Recall**

Recall elections increase administration costs for school, county and municipal jurisdictions. Funding is required for clarity hearings and communications by county election commissions, ballot printing, technology maintenance, and personnel costs (in special elections only). The cost of administering a recall election varies dramatically depending on the type of election and the size of the jurisdiction. As such, recalls of local officials, which constitute the vast majority of recall attempts in Michigan, cost much less than those for county or state officials.

The number of recall elections, rather than the number of officials facing recall, is the appropriate measure for identifying the administration cost to local

Overall, the direct financial

costs of recall elections are

quite insignificant.

jurisdictions, because the cost per election is the same regardless of the number of names on the ballot. As the number of recall elections in Michigan has risen over the last 12 years (see **Chart 4**), so the bas the aggregate past of ad

too has the aggregate cost of administration for the state.

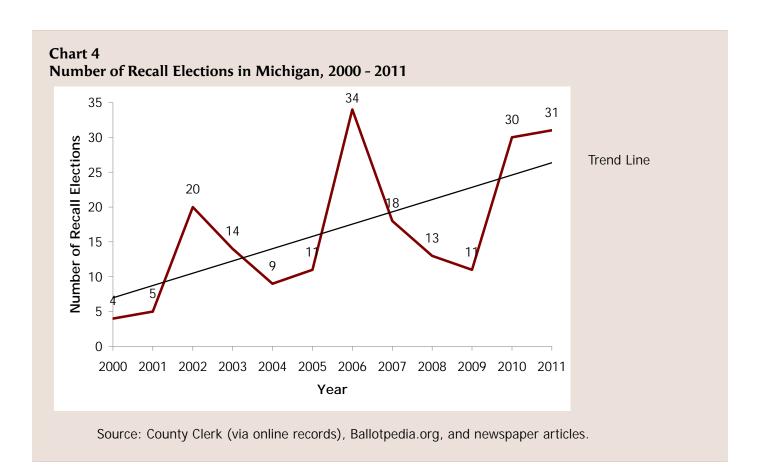
No known estimates exist of the cost of recall elections in Michigan, so CRC looked to a neighboring state with an organization of local

government similar to our own. According to a survey conducted by the Wisconsin Government Accountability Board (GAB) to estimate the cost of a potential statewide recall election in 2012, township recalls average \$1,584 per election, city recalls average \$16,171, and village recalls average \$2,669.

If these averages are transferable to Michigan, local jurisdictions in Michigan spent roughly \$133,713 to administer recall elections in 2011.

In 2011, there were 31 separate recall elections in Michigan, mostly in townships (26). Based on the Wisconsin GAB survey, the average administration cost per election in Michigan in 2011 was \$4,457. This estimate does not

include the cost of administering clarity hearings. Successful recalls result in elections to fill the vacancies, which occur at the next regularly scheduled election date: the cost of those elections is not included in this estimate. Overall, the direct financial costs of recall elections are quite insignificant.



In 2011, 22 officials, or 33 percent (in 9 separate elections), faced recall as part of a special election, which means that no other proposals or races were on the ballot in that jurisdiction. Special elections are the most expensive to administer.

Thirty-three officials, or 50 percent (in 16 separate elections), faced recall as part of a consolidated election, which means that the election was not a regularly scheduled general, school, or primary election, but there were other proposals or races besides the recall(s) on the ballot in that jurisdiction.

Eleven officials, or 17 percent (in 5 separate elections), faced recall as

part of a school election, which is a regularly scheduled election for the local school district(s). Consol-

idated and school elections would be administered by the jurisdiction regardless of a successful recall petition, so the additional cost of a recall proposal is low compared with a stand-alone special election. The jurisdiction is only paying to add recall language to the ballot in a consolidated or school election.

Michigan has four regular election dates (in February, May, August and November) which improves the chances that recalls will appear on a ballot with other proposals or races.

In 2010, 55 percent of all officials facing recall faced it as part of the November general election, the August primary election, or the May election (in which school officials are commonly chosen). The remaining 45 percent faced recall as part of a more expensive special election. Michigan has four regular election dates (in February, May, August and November)

which improves the chances that recalls will appear on a ballot with other proposals or races.

#### **Costs to Democracy**

Recalls may also cause government disruption and increase inefficiency costs. Critics of the device say that it can deter elected officials from making diffi-

cult, but necessary decisions by striking fear into the deliberative process. This is particularly true in states where unpopularity is a suitable reason for recall: there could be more pressure on elected officials to maintain popularity. Not only are the jurisdictions of the targeted officials affected, but officials in other jurisdictions also could change their behavior to avoid being recalled by their constituents.

If the costs associated with government work disruption are real, they are not easily quantified, but could be considerably larger than administration costs.

views held by their political party, special interests or their own conscience.

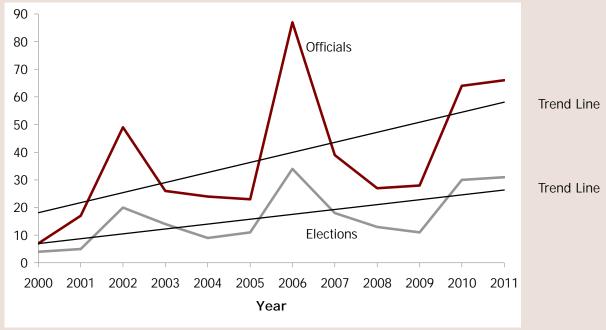
If the costs associated with government work disruption are real, they are not easily quantified, but could

be considerably larger than administration costs. The number of officials facing recall per year would be the appropriate measure for identifying the costs of government work disruption caused by recall campaigns. As the number of officials facing recall has increased over the last 12 years, so too would have the government disruption costs in Michigan.

Supporters of the device say that elected officials should pay close attention to the preferences of their constituents, so that what critics view as a distraction is actually the path to good governance. From this perspective, recalls help prevent public elected officials from ignoring the electorate in deference to

Chart 5 shows that the trend line for recall elections in Michigan is not as steep as the trend line for the number of officials facing recall, which suggests that the number of officials per recall election has been increasing over this time period and that the costs of governmental work disruption would be growing faster than the costs of election administration.

Chart 5
Comparing the Number of Elected Officials Facing Recall with the Number of Recall Elections in Michigan, 2000 - 2011



# An Interstate Comparison of the Number of Recalls

Compared to four other states (Arizona, California, Louisiana and Washington)<sup>9</sup> with varying types of recall statutes and government sizes, Michigan has attempted to recall the most elected officials – sometimes by quite significant margins – each year since 2002 (see **Table 1** and **Chart 6**).

California is widely regarded as *the recall state* because the U.S. version of the device originated in Los Angeles in 1902. California experiences a high

frequency of recall efforts, and has arguably the least strict petition signature requirements in the nation. California voters put up more officials for recall than did Michigan voters in 2000 and 2001 (see **Chart 6**) and California may have led the nation in officials facing recall for many years prior to 2002.<sup>10</sup>

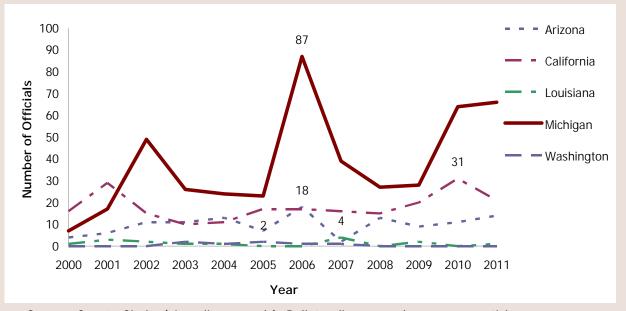
Washington experienced the least number of officials facing recall over this period (7), largely because of its statutory mandate for justiciable rea-

**Table 1 Recall Totals Compared with Critical State Characteristics** 

<u>State</u>	Eligible Elected <u>Officials</u>	Petition Signature Requirement	Grounds <u>(Y/N)</u>	Number of Officials Facing Recall (2000-11)
Arizona	3,289	25% votes cast for office	N	119
California	18,925	25% votes cast for office	N	218
Louisiana	4,726	33.3% of eligible voters	N	15
Michigan	18,129	25% of votes cast for governor	N	457
Washington	7,494	35% of votes cast for office	Υ	7

Source: 1992 Census of Governments, County Clerks (via online records), National Conference of State Legislatures, Ballotpedia.org, and newspaper articles.

Chart 6 Number of Officials Facing Recall Vote, by Year, 2000 - 2011



Because of the high fre-

quency of recall elections

since 2002, Michigan's aver-

age number of elected offi-

cials facing recall each year

has been more than double

what it has been in any oth-

er state in the sample.

sons (or grounds) for recall. In Washington, eligible elected officials can only be recalled if they have committed an act of malfeasance (an unlawful act) or misfeasance (the improper execution of a lawful

act) while in office, or if they have violated the oath of office. Citizens cannot recall elected officials for political or policy reasons, which limits the circumstances under which the device can be used.

Louisiana also had few officials facing recall (15), but it largely limits recall elections by having the strictest petition signature requirements in the nation. By requiring

recall petition signatures from one-third of eligible voters in the electoral district, Louisiana ensures that a successful recall effort must be well-organized, well-funded, and representative of the views of a large

percentage of the voting population. These criteria are not easily met.

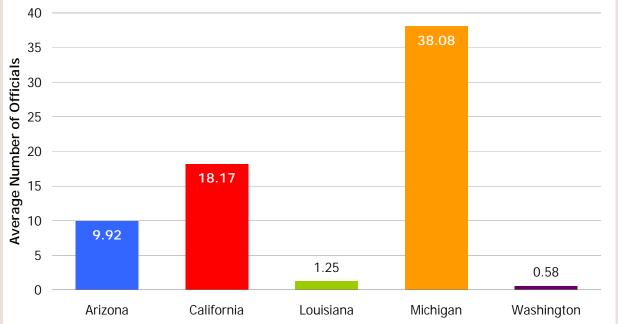
Arizona and California do not require grounds for

recall and have more favorable petition signature requirements than Louisiana – putting them on par with Michigan's recall model.

Because of the high frequency of recall elections since 2002, Michigan's average number of elected officials facing recall each year has been more than double what it has been in California or any other state in the sample. Michigan averages roughly 38 elected officials facing

recall each year. In contrast, California voters put up an average of 18 elected officials for recall each year, Arizona voters put up an average of 10 elected officials, Washington voters only put up an average

Chart 7
Average Number of Elected Officials Facing Recall Election Each Year, 2000 - 2011



A closer examination of the

data shows that although

Michigan has had signifi-

cantly more recalls over the

last 12 years than the states

in the sample, Michigan cit-

izens appear to be using the

recall device similarly to cit-

izens in these states.

of 0.60 officials, and Louisiana voters only put up an average of 1.25 officials (see Chart 7). Michigan has similar petition signature requirements to Arizona, but its voters put up nearly quadruple the number of officials for a recall vote each year.

While 33 other states also allow recall in at least one local jurisdiction but are not included in this comparison, data available through election databases

such as Ballotpedia.org and cited by recall election experts such as Joshua Spivak of Wagner University suggest that no other state may be close to matching the number of officials facing recall both total and yearly - in Michigan since 2002.1112

Wisconsin, which held nine recall elections for state officials in 2011 (which some observers declared recall fever), experienced only modest numbers of recall efforts prior to last year and was still far

below Michigan's total in 2011, despite employing a comparable 17,829 eligible elected officials.

A closer examination of the data shows that although Michigan has had significantly more recalls over the last 12 years than the states in the sample, Michigan citizens appear to be using the recall device similarly to citizens in these states. First, although there are no identical patterns between these states in recalls held or number of officials facing recall, there are important similarities.

California experienced two distinct spikes in 2001 and 2010, similar to Michigan's experience in these years. Arizona's recent history is also similar to Michigan's in that it experienced a spike in 2006 and higher recall totals in the beginning and at the end of the 12-year period. These similarities in annual variation suggest that similar economic factors (or political factors) may be at play in other states.

Second, the number of eligible elected officials in Michigan may be distorting its relative standing. Michigan has roughly 18,129 state and local government elected officials who are eligible for recall. In comparison, Arizona has roughly 3,289 elected officials, California has 18,925 elected officials, Louisiana has 4,726 elected officials, and Washington has 7,494 elected officials. The number of eligible

> elected officials in these states is positively correlated with the number of recall elections and officials facing recall.13 The number of eligible elected officials may in part explain why Michigan has had so many more recall elections than

Arizona.

Comparing the average number of elected officials facing recall per year as a percentage of the number of eligible officials in the state, Arizona puts up a larger percentage of eligible officials on an annu-

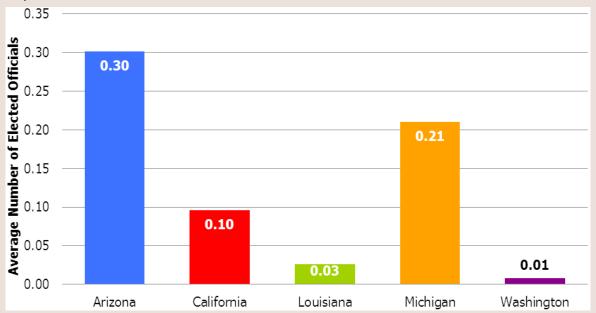
al basis than Michigan (see Chart 8). This finding suggests that even though Michigan puts up nearly quadruple the number of officials for recall than Arizona each year, the disparity is largely because Michigan has more than 5 times as many eligible elected officials.

Third, Michigan is similar to other states with similar recall statutes in the average number of officials per recall ballot. On average, Michigan voters have petitioned to recall multiple elected officials on a single ballot. Voters have been successful in putting up an average of 2.3 officials for recall on each ballot over the last 12 years. By comparison, California voters averaged 2 officials per ballot and Arizona voters averaged 2.1 officials over this time period.

Multiple officials per recall ballot suggests that, on average, voters believe that policy decisions at the local level are group efforts and when a poor deci-

11

Chart 8 Average Number of Elected Officials Facing Recall per Year as Percentage of Total Eligible Officials, 2000 - 2011



Source: 1992 Census of Governments, County Clerks (via online records), Ballotpedia.org, and newspaper articles.

The higher number of offi-

cials facing recall in Michi-

gan is the result of citizens

in more jurisdictions suc-

cessfully triggering recall

elections.

sion is made, the blame should be spread around to multiple members of the governing board. In Louisiana and Washington, the vast majority of recall elections are for one official only, suggesting that it is more difficult to collect a larger number of peti-

tion signatures for multiple officials (LA) and more difficult to show malfeasance, misfeasance or violation of oath of office on the part of multiple officials (WA).

At least 161 different jurisdictions in Michigan have held recall elections within the last 12 years. There are 2,722 state and local governments in Michigan, 14 mean-

ing that over the last 12 years, 5.9 percent of jurisdictions have held a recall election. On a yearly basis, 17 jurisdictions, or 0.62 percent of all jurisdictions, on average hold a recall election in Michigan. In comparison, 9 jurisdictions on average hold a recall election each year in California and 5 on average in Arizona (over this same span of time).

It appears that Michigan is like other states in the average number of officials per recall ballot, but dissimilar from these same states in the number of different jurisdictions that hold recall elections each year. It is clear that the higher number of officials

facing recall in Michigan is the result of citizens in *more jurisdictions* successfully triggering recall elections (instead of citizens in fewer jurisdictions putting up *more officials* per recall election).

Because Michigan's petition signature requirements are stricter than California's, other factors must account for why an average of 8

additional recall elections take place in Michigan compared to California each year. California's better economic performance over this period may be a factor, but additional research needs to be devoted to explaining this discrepancy. Political, historical, or cultural factors may also be involved.

# **Arguments against Recall**

Recalls may interfere with

the effectiveness and func-

tioning of government.

They can deter elected of-

ficials from making difficult

decisions by reducing their

independence and striking

fear into the deliberative

process.

The voter's right of recall can be viewed as problematic for a variety of reasons. As discussed previously, recalls may interfere with the effectiveness and functioning of government. They can deter elected officials from making difficult decisions by reducing their independence and striking fear into the deliberative process.

The recall may provide an incentive for an elected official to avoid taking actions that may have nega-

tive short-term consequences but favorable long-term consequences. Many government programs and policies may need to function and be evaluated over time before they are determined to be successful, but recall elections require voters to make such determinations much sooner. Furthermore, in states where unpopularity is a suitable reason for recall, there will be more pressure on elected officials to maintain popularity, which is a distraction from their regular duties. This may lead to the politics of perpetual campaigning.<sup>15</sup>

Recall weakens the principle of electing officials and letting them govern until the next election, which undermines the importance of general elections. Regularly scheduled elections legitimize the power of the government, while a proliferation of recalls weakens the impact of the electoral process.

Recalls can call into question the ideals of democracy if and when the recall vote is less than the general vote that elected those officials into power. Typically, voter turnout for recall elections is heavily depressed. When State Representative Paul Scott (R-District 51) of Michigan was removed from office by recall on November 8, 2011, a total of 24,485 people voted, compared to 37,888 people in the general election on November 2, 2010 when Scott was elected. Thirty-five percent fewer people vot-

ed in the recall election.

Critics of the recent wave of recall elections argue that recall elections should only occur when there is malfeasance in office bordering on criminality, and that recalls were not designed to replace the representative form of democracy, but to protect it.

#### **Special Interest Influence**

Recall has led to abuses by well-financed special interest groups who can take advantage of misplaced voter anger and use the recall process as a political tool to target vulnerable officials.<sup>17</sup> These special interest groups are able to employ signature gatherers and to advertise in the mass media. Critics of recall elections argue that they allow anyone who is wealthy enough and angry enough with a public official to front a recall campaign. They believe that direct democracy is dominated by rich

people, celebrities and special interests and that recall can create a system of single-issue politics.

The donations of wealthy citizens often determine which recall campaigns are successful and which fail. In 2003, the recall effort against Governor Gray Davis of California was dying when Southern California businessman Darrell Issa saved the campaign by donating \$2 million of his own money to the cause. Governor Davis was eventually recalled from office.

Recall can replace party-centered deliberation in government with a constant responsiveness to special interest groups. For this reason, critics believe that recalls are adding to the divisive, polarizing political climate in states like Michigan. Furthermore, the relatively high costs of managing recall campaigns can lead to better-funded national interest groups exerting disproportionate influence in local elections.

The recall process has

helped keep elected officials

from losing respect for the

power granted them and

from disregarding the elec-

torate in deference to their

political party or own con-

science.

#### **Unintended Consequences**

Recall campaigns often result from unpopular policy choices by an elected official. Petitioners believe

that removing the elected official from office will lead to better policy decisions in the short term. If political decisions are restricted by circumstances beyond the control of elected officials, then recalling officials who make unpopular decisions does not guarantee that their replacements will be able to reverse them.

For example, in 1993, five members of the city council of Covina, California (an eastern suburb of Los Ange-

les) were recalled because they voted an unpopular 6 percent utility tax. The library and fire station came under threat of closure without revenues from the utility tax, so the council members elected as replacements introduced an 8.25 percent tax.

## **Arguments for Recall**

In the United States, the authority to recall elected officials was a Progressive Era (1890-1920) initiative designed to promote direct democracy and make government more responsive and responsible by giving citizens power over unresponsive, incompetent, corrupt or otherwise unacceptable elected officials.

The recall process has helped keep elected officials

from losing respect for the power granted them and from disregarding the electorate in deference to their political party or own conscience. The simple binary choice between keeping and rejecting an official is

> the very essence of an accountability election and helps prevent an official from pursuing an unpopular agenda.

> Regardless of whether the replacement for a recalled official reverses the unpopular policy that led to the election, the voters are able to punish the offending official and send a message that similar decisions will not be tolerated.

Without recall, voters would have to wait until the next scheduled election to voice their opinions on an incumbent's performance, which could harm the prosperity of the community. The

possibility of recall may encourage elected officials to meet minimum standards of conduct that otherwise would be ignored.

States set prohibitively high standards for removing public officials on the grounds of political disagreement, and most recall efforts fail for lack of organization and funding. 18 As an example, in California since 1913, only 9 of 155 attempted recalls of state elected officials have qualified for the ballot (6 percent).<sup>19</sup> In general, recall campaigns undertaken as political power-plays rarely work, because voters typically require a substantive reason to vote against a candidate.

# A Comparison of Recall Models

In an effort to determine whether provisions in the Michigan recall model lend themselves to easier availability of recalls, the following compares Michigan's provisions with the other states that allow for recall.

#### Michigan's Recall Model

In Michigan, the right of recall is granted by the 1963 Constitution in Article II, Section 8, which reads:

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<sup>20</sup> 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.<sup>21</sup>

Recall provisions were not included in Michigan's 1835 and 1850 Constitutions; nor were they included in the 1908 Constitution as originally adopted. An amendment, proposed by the legislature and approved at the April, 1913, election, added the provision relative to recall. The recall provision stating that the sufficiency of reasons or grounds for a recall shall be a political question was added with the adoption of the 1963 Constitution so that courts cannot set aside a recall on the grounds that the reasons for it are in some way inadequate.<sup>22</sup>

More in-depth and procedural recall provisions are codified in the Michigan Election Law.<sup>23</sup> State law provides that every elective officer, except for judicial officers, is subject to recall by the voters of the electoral district in which the officer is elected. A recall petition cannot be filed against an elected officer until six months into the officer's term of office and must be filed before less than six months remain in the officer's term of office.

A recall petition must clearly state each reason for the recall, and each reason must be based on the elected officer's conduct during their current term in office. Before being circulated for signatures, the petition must be submitted to the county election commission of the county in which the elected officer resides. The county election commission will determine if the reasons for recall are sufficiently clear (i.e. a clarity hearing). If the petition language is deemed clear, the petitioner has 90 days to collect the required number of signatures. Signatures collected outside of that 90 day window are invalid.

A person who collects signatures must be a registered voter of the electoral district of the elected official and attest to the accuracy and credibility of the petition signatures submitted. Petitions for the recall of a state representative must be filed with the Secretary of State, while petitions for the recall of local representatives must be filed with the county clerk of the county in which the largest portion of the registered votes in the electoral district reside. These government entities will determine the validity and number of signatures, and a verified petition will result in a recall election.

The reason for the recall must be printed on the recall ballot and a justification from the elected official may also be printed on the ballot. The recall ballot must include the following question:

"Shall (name of the person against whom the recall petition has been filed) be recalled from office of (title of office)?"

A choice for "yes" and a choice for "no" are listed underneath the question.

Once the result of the election is certified to have removed an elected official, the office is vacated. If the officer is recalled, another official must perform the duties of the office until the vacancy is filled (either by appointment or as empowered by law, depending on the office). A special election to fill the vacancy is held on the next regular election date. Candidates from each party are nominated for the special election. The removed officer cannot be nominated or appointed to fill a vacancy in the same electoral district. The candidate receiving the highest number of votes at the special election will hold the office for the remainder of the term.

If the elected officer was not removed from office, a second recall petition cannot be filed against the officer unless the election expenses for the previous recall election are paid by the petitioner(s).

#### **Alternate Models for Recall**

Thirty-eight states authorize at least one local jurisdiction to recall elected officials. The processes for recall vary among these states. Six main provisions affect the probability of recall elections and the cost to local governments. The six main provisions pertain to (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; and (6) the portion of the officer's term when recall is possible.

#### **Grounds for Recall**

The laws in 12 states specify the eligible grounds for recall (see **Table 2**). In these states, the grounds are largely justiciable. Common grounds include malfeasance, misfeasance, lack of fitness, incompetence, corruption, violation of oath of office, and misconduct. By specifying the grounds for recall, these states

Table 2 Grounds for Recall by State\*

<u>State</u>	Eligible Grounds for Recall
Alaska	Lack of fitness, incompetence, neglect of duties, or corruption
Florida	Act of malfeasance or misfeasance, neglect of duties, drunkenness, incompetence, permanent inability to perform official duties, or conviction of a felony involving moral turpitude
Georgia	Act of malfeasance or misconduct while in office; violation of oath of office; failure to perform duties prescribed by law; willfully misused, converted or misappropriated, without authority, public property or public funds entrusted to or associated with the elective office to which the official has been elected or appointed
Kansas	Conviction for a felony, misconduct in office, incompetence, or failure to perform duties prescribed by law
Minnesota	Serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office of a serious crime
Missouri	Misconduct while in office, incompetence, or failure to perform duties prescribed by law
Montana	Physical or mental lack of fitness, incompetence, violation of oath of office, official misconduct, conviction of certain felony offenses
New Mexico	Act of malfeasance or misfeasance while in office, or violation of the oath of office
Rhode Island	Authorized in the case of a general officer who has been indicted or informed against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of violation of the code of ethics has been made by the ethics commission
South Dakota	Misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetency, corruption, theft, oppression, or gross partiality
Virginia	Neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office, or upon conviction of a drug-related misdemeanor or a misdemeanor involving a hate crime
Washington	Commission of some act or acts of malfeasance or misfeasance while in office, or who has violated the oath of office

<sup>\*</sup> All other states that provide for the recall mechanism do not stipulate a specific reason to exercise a recall: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Louisiana, Maine, Massachusetts, **Michigan**, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming.

Source: National Conference of State Legislatures.

In Michigan, the provision

for sufficiency of grounds is

included in the state

Constitution.

have limited the opportunities for citizens to submit successful petition language and begin the process of collecting signatures. As a result, states with this model, such as Washington, typically have fewer recall elections compared to states that allow recalls for political reasons, such as Michigan.

Limits on the grounds for recall mitigate disruptions to the government while ensuring citizens have some influence over their elected officials. Whether citizens have the proper amount of influence is open for debate and would be dependent on the

grounds specified in statute. In Michigan, the provision for sufficiency of grounds is included in the state Constitution, which would require a constitutional amendment to change. This provision is more lenient than a dozen states that spell out specific grounds for recall and equal to 26 that do not specify reasons or grounds for recalls.

#### **Petition Signature Requirements**

States that allow recall specify the number of petition signatures required to hold an election by mandating a certain percentage of voters or votes. States commonly use three bases in their signature require-

ments: (1) the number of eligible voters or registered voters; (2) the number of votes cast in the last gubernatorial election; and (3) the number of votes cast in the last election for office. Some states also include a requirement that petition signers

must have voted in the previous election or, in the case of statewide elections, that each county contribute a certain percentage of signatures. Some states also create different requirements for different types of elected officers.

Existing signature requirements range from 33.3

# Table 3 Signature Requirements by State

## 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>
Montana	South Dakota	Idaho	Missouri	Louisiana
California	Georgia	West Virginia	New Jersey	
			Wyoming	

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

<u>10%</u>	<u>15%</u>	<u>25%</u>
Maine	Oregon	Michigan
	Illinois	Wisconsin

#### 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>
Rhode Island	Alaska	Alabama	New Mexico	Arkansas	Kansas
Ohio	hio Arizona			Nebraska	
	Colorado				
	Minnesota				
	Nevada				
	North Dakota				
	Washington				

Source: National Conference of State Legislatures and RecallTheRogues.org

percent of eligible voters for the office (Louisiana) to 10 percent of the votes cast in the previous gubernatorial election (Maine). Most states require 25 percent of the votes cast for the office in the previous election (see **Table 3**).

If the percentage is held constant, the registered voter base produces the largest signature requirement,

followed by votes cast in the last gubernatorial election, and votes cast in the last election for office. Michigan's constitutional requirement for 25 percent of the votes cast in the elected official's district in the previous gubernatorial election is a medium level of difficulty when compared with the requirements in other states. Again, a constitutional amendment would be necessary to alter this requirement.

Michigan's constitutional requirement for 25 percent of the votes cast in the elected official's district in the previous gubernatorial election is a medium level of difficulty when compared with the requirements in other states.

Signature requirements affect the legitimacy of general elections by determining what constitutes an actionable change in voter preference. Strengthening the legitimacy of general elections by mandating high signature requirements will lead to fewer recall elections, a less crowded election calendar, and cost-savings for local governments. It is most desirable to uphold the legitimacy of general elections through tougher standards that are also accurate and attainable representations of a change in voter preference.

#### **Period for Petition Circulation**

Among the states that allow recall, each specifies the maximum amount of time for collecting the required number of petition signatures. The shorter the time period, the more difficult it is for recall campaigns to collect the required number of signatures to hold an election. In several states, different circulation periods are specified depending on the office targeted for recall, with longer periods allowed for statewide officials compared to local government officers.

Among states that allow recall of statewide officials, circulation periods range from 60 days (Colorado, Idaho, Nevada and Wisconsin) to an indefinite

amount of time (Alaska and North Dakota). Wisconsin, with the strictest circulation requirement, held nine recall elections of state senators last year, while Colorado and Nevada have never held a recall election for a state legislator. Idaho held two successful recall elections of state legislators in 1971.

More restrictive circulation periods do not tend to

prevent recall efforts from succeeding, but ensure that recall campaigns are well-organized and well-financed. Given the right climate of voter frustration and campaign organization, even the shortest petition circulation periods can produce high numbers of recall elections. As information technology improves, making it easier for recall campaigns to collect more signatures faster, states may consider lowering the circulation period

to less than 60 days.

Washington balances its strict grounds for recall with a longer circulation period. It requires that signatures be collected within 270 days for statewide officials. Louisiana strikes the same balance for its larger signature requirement (33.3 percent of eligible voters) by extending its collection period to 180 days. These two examples illustrate the importance of balancing provisions to create a recall model that allows citizens to have influence over their elected officials.

Among states that allow recall of local government officials, circulation periods range from 30 days (Nebraska and Florida) to an indefinite amount of time (multiple, see **Table 4**). Washington only allows 180 days to collect petition signatures for local government officials, while Louisiana only allows 90 days. Michigan's circulation period is toward the middle in the range of the state requirements. Michigan's election law does not distinguish between statewide and local government circulation periods, but since its high recall totals are overwhelmingly fueled by townships, it may want to consider a shorter circulation period for smaller electoral districts (if it wants to reduce recalls). This provision could be altered statutorily.

Table 4
<b>Local Government Petition Circulation Periods by State (in days)</b>

<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>
Nebraska	Georgia	Alaska	Kansas	Arizona	Illinois	California	Washingtor	Alabama
Florida		Colorado	Louisiana			New Jersey		Arkansas
		Idaho	Michigan					Maine
		Missouri	Montana					Minnesota
		Nevada	Ohio					New Mexico
		South Dakota	Oregon					North Dakota
		Wisconsin	Rhode Island					Tennessee
								Virginia
								West Virginia
								Wyoming

Source: National Conference of State Legislatures and RecallTheRogues.org

#### Officials Subject to Recall

States also differ as to which elected officials are eligible for recall (see **Table 5**). Restricting the number of officials who are eligible for recall should reduce the number of recall campaigns and elec-

tions. The Michigan constitutional provision exempting only judicial officers from recall is among the more inclusive of the states. The probability of more efforts and elections would increase if judicial officers were made eligible for recall.

Table 5
Public Officials Eligible for Recall by State

	Ŭ	-					
All elective offices	All except judicial <u>officers</u>	Governor and local offices only	Certain non- county local offices only	County and municipal <u>only</u>	State and county only	County <u>only</u>	Highest state offices only
Arizona	Alaska	Illinois	Alabama	Florida	Minnesota	New Mexico	Rhode Island
California	Idaho		Arkansas		North Dakota		
Colorado	Kansas		Connecticut				
Georgia	Louisiana		Maine				
Montana	Michigan		Massachusetts				
Nebraska	Washington		Missouri				
Nevada			New Hampshire				
New Jersey			North Carolina				
Oregon			Ohio				
Virginia			Oklahoma				
Wisconsin			South Dakota				
			Tennessee				
			Texas				
			West Virginia				
			Wyoming				
Source: Nation	al Conforance of	f Stato Logislatu	iros and DocallTh	o Poguos org			

Source: National Conference of State Legislatures and RecallTheRogues.org

Michigan's high recall num-

bers are also likely aided by

its large number of eligible

elected officials. Only nine

states have more elected

officials than Michigan.

Michigan's high recall numbers are also likely aided by its large number of eligible elected officials. Only California, Illinois, Kansas, Massachusetts, Minnesota, New York, Ohio, Pennsylvania, and Texas have more elected officials than Michigan. However, Illinois can only recall its Governor and certain local officers; Kansas has stricter petition requirements than Michigan and requires grounds for recall; Massachusetts

and Texas only have a small number of local jurisdictions that allow recall; Minnesota requires grounds for recall and can only recall state and county officers; New York and Pennsylvania do not have recall; and Ohio only allows recall at the local level.

Rhode Island only allows recall elections on the highest elected

state offices (i.e. Governor, Lt. Governor, etc.). A tradeoff is made between fewer eligible officials and lower petition signature requirements (only 15 percent of total votes cast in the general election).

Among states that allow recall of state officials, Alaska, Idaho, Kansas, Louisiana, Michigan, and Washington exempt judicial officers. Judicial officers are exempt from recall because there is concern over al-

lowing direct citizen influence over court rulings and because in some states judicial officers are appointed, rather than elected, or within a state, certain judicial officers are elected and others are appointed.

#### **Recall Election Process**

The number of recall elections, their success rate

and voter turnout can also be influenced by changing the characteristics of recall elections. The recall election process varies among states (see **Table 6**).

In nine states, the recall election is held simultaneously with the election for a successor; however, this simultaneous election is held in two different ways. In California, Colo-

rado, and Ohio, there are two questions on the ballot: one asks whether the incumbent should be recalled and another asks who should replace the incumbent if the recall is approved in the first question. If the recall is rejected in the first question, the second question is irrelevant and is ignored. The name of the recalled officer cannot be listed among the names in the second question to avoid simultaneously recalling and electing the same official.

**Table 6 Recall Election Process by State** 

Binary		Simultaneous		
<u>Appointed</u>	Separate Election	One Question	Two Questions	
Alaska	Alabama	Arizona	California	
Arkansas	Georgia	Nevada	Colorado	
Idaho	Illinois	North Dakota	Ohio	
Kansas	Louisiana	South Dakota		
Maine	Michigan	Wisconsin		
Nebraska	Minnesota	Wyoming		
Tennessee	Missouri			
Washington	Montana			
	New Jersey			
	Oregon			
	Rhode Island			

Source: National Conference of State Legislatures and State Statutes.

In 11 states, including Mich-

igan, a binary-choice recall

election is followed by a

separate special election for

a successor.

If the recall election combines the vote for the recall and the vote for the successor on one ballot, there is a cost savings for the jurisdiction for running a single election instead of two, and it may promote an administratively efficient transfer between the incumbent and the successor. This type of election has its flaws, though, in that asking two questions on a single ballot may be confusing if

one question is dependent on the other, and it may prevent voters from focusing exclusively on the question of recall and the elected official's conduct during the current term in office.

There may also be questions of legitimacy if the incumbent gained

a greater number of votes in the recall ballot than the winner of the vote for the successor.<sup>24</sup> This last problem might be avoided by using voting systems such as the Alternative Vote<sup>25</sup> or Supplementary Vote<sup>26</sup>, but these systems would also be complicated for voters and are rare in the United States.

Another issue with the combined ballot is that it presents a problem for the political party of the threatened officer. The party must simultaneously campaign against recall and for a replacement candidate within their party ranks, which may send a mixed message as to who is the better representative.

In Arizona, Nevada, North Dakota, South Dakota, Wisconsin, and Wyoming, the simultaneous recall ballot consists of a single list of candidates, including the officer against whom the recall petition was filed. The candidate that receives the most votes assumes office. This model is just as cost effective as the alternative simultaneous election model, is less confusing to the voter, does not create questions of legitimacy, does not pose a conflict of interest for the party of the recalled official, and provides for an efficient transfer of power. It is essentially another general election.

In 11 states, including Michigan, a binary-choice recall election is followed by a separate special election for a successor. This model potentially requires additional funding to administer two elections, instead of only one, and can disrupt the workings of government if the official is recalled and no one assumes the position until the second election takes place or if a successor is appointed for the interim period. Citizens can develop a sense of being not represented in the public affairs arena in which the recalled official served.

Because the Michigan Election Law specifies four dates

for the conduct of elections, the replacement election may not occur for months after the recall election. State Representative Paul Scott was recalled on November 8, 2011 and the replacement election did not take place until February 28, 2012, a span of 112 days or roughly one-third of the calendar year.

Alteration of the recall election process in Michigan could be done by statutory change.

In a binary-choice election, the voter must choose between the incumbent and an unknown replacement. In a simultaneous election, the voter has to choose between the incumbent and a finite list of real people as replacements.

By not comparing the incumbent with real alternatives, the binary-choice election can mask the potentially negative consequences of replacement. For this reason, binary-choice ballots are likely to be more successful than other types of recall elections. Recall elections that offer a binary choice may result in more recall efforts because it is easier to campaign for such a simple choice on the basis that the incumbent is doing a poor job.

In Michigan and Louisiana, the recall election is required to be held on the next scheduled election date, which prevents additional crowding of the election schedule but potentially requires longer interim periods. Some states, such as California, Georgia and Nebraska, require that the election be held within a fixed period of time after the recall petition is certified, which can lead to more elections within a calendar year but shorter interim periods. Oregon adopted a procedure in which the recall election is held completely by postal votes, rather than at polling booths, which reduces costs and interim periods.

In eight states, a recall election is followed by the appointment of a successor. The appointment of a replacement after a binary recall election prevents popularity-contest elections from taking place and leading to further political chaos and dysfunction. However, appointments reduce the influence of the citizenry.

#### **Recall Immunity Periods**

There is also diversity among states as to the time period(s) during a term of office when recall is possible. A number of states do not have any requirements for when a recall can take place. Some states require that an official must serve in office for a certain amount of time before a recall can be pursued, while others have requirements at both the start and end of a term of office. Of these states, 180 days or 360 days are common recall-restricted time periods at the beginning or end of a term (see **Table 7**).

In Michigan, members of the House of Representatives serve 2-year terms, and members of the Senate and executive officers serve 4-year terms. Offi-

cials elected to the State Board of Education, University of Michigan Board of Regents, Michigan State University Board of Trustees, and Wayne State University Board of Governors serve 8-year terms. At the local level, elected officials have various terms. Township, school board, and county elective branch officers serve 4-year terms. County commissioners serve 2-year terms. City and village elected officials typically serve either 2- or 4-year terms. In general, shorter terms make it more difficult to mount a successful recall effort against the incumbent and also make recall efforts superfluous.

The narrower the window to recall a public official the fewer recall efforts and elections should occur. Michigan currently does not allow recalls within the first 180 days of a term of office or the last 180 days of a term of office, one of the strictest immunity periods. This prevents recall elections from being held close to general elections, or at the very beginning of a term of office before the elected official has had time to perform improperly or make controversial decisions.

<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>
Rhode Island (180/360)	Florida (360/0)	California (90/180)	Arizona (180/0)	Alaska (120/0)	Idaho (90/0)	Montana (60/0)	Alabam
	Georgia (180/180)	Kansas (120/200)	Arkansas (180/0)	Maine (120/0)			Colorad
	<b>Michigan</b> (180/180)	Ohio (0/190)	Louisiana (0/180)				Illinoi
	Nebraska (180/180)		Minnesota (0/180)				North Dakot
	New Jersey (360/0)		Missouri (180/0)				South Dakot
	Wisconsin (360/0)		Nevada (180/0)				Virgini
			New Mexico (0/180)				West Virgini
			Oregon (180/0)				Wyomin
			Tennessee (90/90)				
			Washington (0/180)				

#### Conclusion

The reasons why Michigan

voters employ this tool

more frequently than other

states is not readily appar-

ent. A comparison of Mich-

igan's recall provisions with

those of other states does

not identify any provisions

for which Michigan is an

outlier.

Michigan voters employ recall for their elected officials more frequently than most other states. Over the past 12 years, Michigan has led the nation in the number of officials subject to recall votes. While attempts to recall state officials – in Michigan and in other states – have garnered the most attention, the recall tool is primarily employed against local government officials.

The reasons why Michigan voters employ this tool more frequently than other states is not readily apparent. A comparison of Michigan's recall provisions with those of other states does not identify any provisions for which Michigan is an outlier. Although some of Michigan's provisions are more lenient than those of other states, such as the number of elected officials at all levels of government eligible to be recalled, this is countered by other provisions that are

relatively strict, such as the immunity periods during each official's term of office.

Michigan voters attempt to recall a small number of eligible elected officials each year as a percent of total eligible officials (roughly 0.2 percent), but compared to other states with recall statutes, Michigan's total is high. The direct monetary cost of administering these recalls is quite low, but there may be large, unquantifiable costs associated with government disruption and inefficiency. If real, these inefficiency costs have been growing over the last 12 years.

The increasing number of Michigan recall efforts over the past 12 years may be a concern, but annual variation and other measures of recall behavior over this time period are similar to recalls in other states (Arizona and California).

These various restrictions place Michigan on equal

footing only with California, and as stated earlier, minus its poor economic performance over the last decade, Michigan's recall numbers might be quite similar to California's (as recently as 2009, California had more recall elections than Michigan).

Much has been written about the disruption of government in California and Michigan as a result of recall efforts. These two states certainly represent the high-end of the recall distribution across the United States. If the cost of gov-

ernment disruption were deemed too high in these states, there are changes that could be made to their recall process to reduce the frequency of these efforts. There is diversity in recall models throughout the nation and Michigan can borrow from other states to affect recall frequency. Since Michigan's high recall totals are largely driven by townships, stricter provisions for these electoral districts, such as shorter petition circulation periods, could be explored.

Recalls should be monitored over the next few years for their response to changes in the economy and the election cycle.

# Appendix A Recall Elections in Michigan (in chronological order), 2000-2011

County or ISD	District or Jurisdiction	Date of Recall Election	Number of Officials
Antrim	Central Lake Village	November 8, 2011	1
Benzie	Joyfield Township	November 8, 2011	3
Genesee	Flushing Township	November 8, 2011	2
Genesee	Genesee Township	November 8, 2011	4
Genesee	State of Michigan - District 51	November 8, 2011	1
Houghton	Elm River Township	November 8, 2011	2
Ingham	Onondaga Township	November 8, 2011	2
Montcalm	Montcalm Township	November 8, 2011	1
Wayne	Taylor City	November 8, 2011	1
Eaton	Potterville City	August 2, 2011	3
Lake	Elk Township	August 2, 2011	3
Lenawee	Ogden Township	August 2, 2011	2
Lenawee	Riga Township	August 2, 2011	1
Mecosta	Grant Township	August 2, 2011	1
Montmorency	Briley Township	August 2, 2011	3
Newaygo	Lilley Township	August 2, 2011	2
Osceola	Sherman Township	August 2, 2011	3
Tuscola	Vassar Township	August 2, 2011	1
Van Buren	Keeler Township	August 2, 2011	5
Washtenaw	Sharon Township	August 2, 2011	2
Berrien	Bertrand Township	May 3, 2011	4
Genesee	Goodrich Village	May 3, 2011	1
Gladwin	Billings Township	May 3, 2011	1
Saginaw	Bridgeport Township	May 3, 2011	4
Sanilac	Worth Township	May 3, 2011	1
Benzie	Inland Township	February 22, 2011	1
Berrien	Hagar Township	February 22, 2011	3
Calhoun	Emmett Charter Township	February 22, 2011	3
Gladwin	Billings Township	February 22, 2011	3
Macomb	Armada Township	February 22, 2011	1
Washtenaw	Augusta Township	February 22, 2011	1
Genesee	Davison City	November 2, 2010	5
Lapeer ISD	North Branch Area School District	November 2, 2010	1
Montcalm	Montcalm Township	November 2, 2010	1
Ogemaw	Hill Township	November 2, 2010	1
Presque Isle	Presque Isle Township	November 2, 2010	1
Van Buren	Bloomingdale Township	November 2, 2010	1
Washtenaw	Salem Township	November 2, 2010	5
Barry	Prairieville Township	August 3, 2010	2
Cass	Milton Township	August 3, 2010	1
Eaton	Vermontville Township	August 3, 2010	1
Presque Isle	Bearinger Township	August 3, 2010	1
Alpena-Montmorency-Alcona ESD	•	August 3, 2010	1
Saginaw	Bridgeport Township	August 3, 2010	1
Schoolcraft	Schoolcraft County	August 3, 2010	1

County or ISD	District or Jurisdiction	Date of Recall Election	Number of Officials
Allegan	Dorr Township	May 4, 2010	7
Bay-Arenac ISD	Standish Sterling Schools	May 4, 2010	3
Charlevoix	Norwood Township	May 4, 2010	4
Van Buren ISD	Covert School District	May 4, 2010	2
Wayne	Grosse Pointe Shores City	May 4, 2010	3
Berrien ISD	Benton Harbor Area School District	•	3
Genesee	Flushing Township	February 23, 2010	1
Jackson	Parma Township	February 23, 2010	1
Lenawee	Seneca Township	February 23, 2010	2
Menominee	County District 4	February 23, 2010	1
Menominee	County District 5	February 23, 2010	1
Van Buren	Bloomingdale Village	February 23, 2010	5
Wayne	Van Buren Township	February 23, 2010	4
Allegan	Monterey Township	2010	2
Lake	morner by Township	2010	1
Marquette	Republic Township	2010	1
Genesee	Clayton Township	November 3, 2009	3
Genesee	Flushing Township	November 3, 2009	4
Gogebic	Ironwood Township	November 3, 2009	1
Ingham ISD	Leslie Public Schools	November 3, 2009	2
Kalamazoo	Alamo Township	November 3, 2009	1
Manistee	Norman Township	November 3, 2009	3
Mecosta	Big Rapids Township	November 3, 2009	3
Monroe ISD	Mason Consolidated School District		3
Genesee ISD	Westwood Heights Schools	February 24, 2009	3
Livingston	Hamburg Township	2009	1
Marquette	Marquette Township	2009	4
Berrien	Benton Harbor City	November 4, 2008	1
Mecosta-Osceola ISD	Reed City Public School District	November 4, 2008	4
Wayne	State of Michigan	November 4, 2008	1
•	_		
Kalamazoo	Comstock Township	August 5, 2008	1
Macomb	New Haven Village	August 5, 2008	6
Gladwin	Billings Township	May 6, 2008	2
Mecosta	Morley Village	May 6, 2008	1
Menominee Midland	Lake Township	May 6, 2008	2
	Edenville Township Kochville Township	May 6, 2008	5
Saginaw	·	May 6, 2008	1
Jackson	Norvell Township	January 15, 2008	1
Oceana	Shelby Village	January 15, 2008	1
Lake	Elk Township	2008	1
Cass	Cassopolis Village	November 6, 2007	1
Eaton	Potterville City	November 6, 2007	3
Oceana	Shelby Village	November 6, 2007	1
Saginaw	Brady Township	November 6, 2007	1
Wexford	Cedar Creek Township	November 6, 2007	2
losco	Tawas City	August 7, 2007	4
Lenawee	Fairfield Township	August 7, 2007	1
Oceana	Ferry Township	August 7, 2007	1
Tuscola	Vassar Township	August 7, 2007	3

County or ISD	District or Jurisdiction	Date of <u>Recall Election</u>	Number of Officials
Genesee Genesee	Clio City Flint City	May 8, 2007 May 8, 2007	1 1
Genesee	Flint City	February 27, 2007	1
Gladwin	Billings Township	February 27, 2007	4
Grand Traverse	Acme Township	February 27, 2007	7
Hillsdale	Camden Village	February 27, 2007	1
Leelanau	Bingham Township	February 27, 2007	1
Menominee	Menominee Township	February 27, 2007	1
Van Buren	Gobles City	February 27, 2007	5
Wexford	Cedar Creek Township	November 13, 2006	4
Berrien	New Buffalo Township	November 7, 2006	5
Grand Traverse	Blair Township	November 7, 2006	2
Kent	Byron Township	November 7, 2006	1
Lapeer	Burnside Township	November 7, 2006	2
Newaygo	Merrill Township	November 7, 2006	1
Ottawa	Blendon Township	November 7, 2006	4
Wexford	Cadillac City	August 10, 2006	1
Allegan	Lee Township	August 8, 2006	5
Lapeer	Burnside Township	August 8, 2006	2
Macomb	New Haven Village	August 8, 2006	4
Saginaw	Carrollton Township	August 8, 2006	2
Saginaw	Kochville Township	August 8, 2006	4
Saint Joseph	Fabius Township	August 8, 2006	1
Washtenaw	Pittsfield Township	August 8, 2006	3
Wayne	Livonia City	August 8, 2006	5
Hillsdale	Pittsford Township	May 2, 2006	5
Leelanau	Elmwood Township	May 2, 2006	1
Leelanau	Northport Village	May 2, 2006	7
Marquette	Ishpeming City	May 2, 2006	2
Monroe	Erie Township	May 2, 2006	2
Monroe	London Township	May 2, 2006	2 1
Saginaw Van Buren	Brady Township Pine Grove Township	May 2, 2006 May 2, 2006	1
Wayne RESA	Westwood School District	May 2, 2006	1
Alger	AuTrain Township	February 28, 2006	
Antrim	Elk Rapids Village	February 28, 2006	3 5
Genesee	Flint Township	February 28, 2006	1
Hillsdale ISD	Litchfield Community Schools	February 28, 2006	2
Menominee	Menominee Township	February 28, 2006	_ 1
Shiawassee	Owosso Township	February 28, 2006	2
Wayne	Brownstown Township	February 28, 2006	2
Washtenaw	Augusta Township	February 26, 2006	2
Marquette	Powell Township	2006	1
Gladwin	Sherman Township	November 8, 2005	1
Otsego	Bagley Township	November 8, 2005	3
Cass	Cassopolis Village	August 2, 2005	3
Hillsdale	Waldron Village	August 2, 2005	2
Houghton	Torch Lake Township	August 2, 2005	1
Marquette	Marquette City	August 2, 2005	4

County or ISD	District or Jurisdiction	Date of <u>Recall Election</u>	Number of Officials
Berrien	Benton Harbor City	February 22, 2005	1
Genesee	Goodrich Village	February 22, 2005	5
Lake	Pinora Township	2005	1
Schoolcraft	Manistique City	2005	1
Wexford		2005	1
Genesee ISD	Kearsley Schools	December 14, 2004	3
Genesee ISD	Westwood Heights Schools	November 9, 2004	4
Kent	Solon Township	August 3, 2004	2
Kalamazoo	Galesburg City	June 8, 2004	5
Hillsdale	County District 6	March 8, 2004	1
Gladwin	Bourret Township	January 20, 2004	5
Hillsdale	County District 5	January 6, 2004	1
Hillsdale	Litchfield City	January 6, 2004	1
Allegan	Wayland City	2004	2
Lake	Lake County	September 16, 2003	1
Berrien	Berrien Township	September 4, 2003	1
Menominee	Cedarville Township	September 4, 2003	5
Marquette	Chocolay Township	August 5, 2003	1
Mecosta		July 29, 2003	1
Washtenaw	Augusta Township	June 24, 2003	2
Charlevoix	Eveline Township	May 5, 2003	2
Hillsdale	Waldron Village	May 5, 2003	1
Gladwin	Clement Township	April 8, 2003	4
Hillsdale	Waldron Village	March 10, 2003	1
Bay	Bay City	March 4, 2003	3
Emmet	Resort Township	2003	2
Oakland	Pontiac City	2003	1
Schoolcraft	County District 4	2003	1
Genesee	Vienna Township	December 3, 2002	2
Antrim	Star Township	November 5, 2002	2
Berrien	Lake Township	October 22, 2002	3
Berrien	Oronoko Township	October 22, 2002	4
Traverse Bay Area ISD	Mancelona School District	October 14, 2002	4
Berrien	Hagar Township	October 8, 2002	1
Gogebic	Bessemer Township	October 8, 2002	1
Antrim	Star Township	October 7, 2002	1
Genesee	Thetford Township	September 24, 2002	3
Berrien	Coloma Township	August 9, 2002	5
Van Buren	Pine Grove Township	August 1, 2002	1
Missaukee	Lake City	July 15, 2002	2
Gogebic	Watersmeet Township	July 1, 2002	3
Genesee	Gaines Township	April 2, 2002	2
Genesee	Flint City	March 5, 2002	1
losco	Oscoda Township	March 4, 2002	4

County or ISD	District or Jurisdiction	Date of Recall Election	Number of Officials
Emmet	Resort Township	2002	2
Livingston	Hartland Township	2002	1
Marquette	Republic Township	2002	2
Montcalm	Crystal Township	2002	5
Berrien	Oronoko Township	August 21, 2001	5
Chippewa		July 10, 2001	2
Berrien	Benton Harbor City	February 13, 2001	2
Arenac		2001	4
Oakland	Keego Harbor City	2001	4
Kent	Oakfield Township	August 8, 2000	1
Grand Traverse	Whitewater Township	June 13, 2000	4
Washtenaw	Augusta Township	February 1, 2000	1
Tuscola		2000	1

# Appendix B

To access the full Michigan recall election dataset (2000–2011), go to: <a href="https://www.crcmich.org/PUBLICAT/2010s/2012/rpt379.html">www.crcmich.org/PUBLICAT/2010s/2012/rpt379.html</a>.

This dataset can be amended in the future and it is our hope that this report will encourage clerk's offices and other sources of election information to contribute more recall data. In the future, the Secretary of State may want to endeavor tracking and maintaining a statewide recall database as well to improve Michigan's ability to evaluate its recall election law.

#### **Endnotes**

- <sup>1</sup> Joshua Spivak, <u>What is the History of Recall Elections?</u> (George Mason University's History News Network, <u>http://hnn.us/articles/1660.html</u>, August 2003).
- <sup>2</sup> National Conference of State Legislatures, <u>Recall of State Officials</u> (November 9, 2011).
- <sup>3</sup> A dataset of recall elections in Michigan did not exist and needed to be created. A new dataset was created from a combination of survey responses from county clerks, online records from county clerk offices, data from Ballotpedia.org, and online newspaper articles. Data reflecting total recalls in Michigan should be considered a lower-bound estimate since 15 counties (out of 83) did not give a comprehensive response to the survey; however, at least one county clerk in a non-responding county commented that recall elections had occurred within their county in the last 12 years. These elections were not discovered through other research methods and were subsequently excluded from the total. This dataset can be amended in the future and it is our hope that this report will encourage clerk's offices to contribute more recall data. In the future, the Secretary of State may want to endeavor tracking and maintaining a statewide recall database as well.
- <sup>4</sup> U.S. Census Bureau, 1992 Census of Governments. The U.S. Census Bureau supplied the total number of elected officials in the state 18,704 from which we subtracted the number of elected judges in the state (as supplied by the State Court Administrative Office) to arrive at the total eligible for recall. Number of judges taken from Michigan State Court Administrative Office, Michigan Judicial System Summary.
- Michigan Department of Education, Number of Public Schools in Michigan (2011-2012).
- <sup>6</sup> U.S. Census Bureau, 2007 and 1992 Census of Governments.
- <sup>7</sup> U.S. Census Bureau, 2007 and 1992 Census of Governments.
- <sup>8</sup> Survey responses were not received from, nor comprehensive online election records found for, Baraga, Clare, Dickinson, Genesee (missing 2000 and 2001 only), Huron, Kalkaska, Lake, Lapeer, Leelanau (missing 2000 through 2003 only), Manistee, Monroe, Montmorency, Osceola, Roscommon, and St. Clair counties.
- <sup>9</sup> All quantitative data are a combination of online records from county clerk offices, data from Ballotpedia.org, and online newspaper articles. In addition, both California and Louisiana have a dedicated source for tracking and recording recall elections within the state, the California Elections Data Archive (CEDA) in California and the Secretary of State in Louisiana; this data should be considered accurate. The data for Arizona and Washington should be considered a close approximation of the actual recall totals in those states since 2000.
- The California Elections Data Archive (CEDA) of the Institute for Social Research at California State University, Sacramento keeps detailed recall election data for California dating back to 1995. However, most of the rest of the country (Louisiana is one exception) does not keep detailed records of recall elections held at the local level, so quantitative comparisons are next to impossible. Anecdotal evidence suggests that California has long been the leader in recall elections prior to 2002.

- <sup>11</sup> Ballotpedia.org, Recall Campaigns By State.
- <sup>12</sup> Joshua Spivak, The Recall Elections Blog (recallelections.blogspot.com, 2012).
- <sup>13</sup> Using total number of elected officials facing recall over the last 12 years and total number of elected officials as reported by the 1992 Census of Governments, the correlation coefficient is 0.78. Using the total number of recall elections over the last 12 years and total number of elected officials, the correlation coefficient is 0.79.
- <sup>14</sup> 1992 Census of Governments.
- <sup>15</sup> The Wisconsin Policy Research Institute, <u>Reasons for Recall Elections</u> (July 12, 2011).
- <sup>16</sup> Genesee County Clerk's Office, Election Division, Election Results Archive.
- <sup>17</sup> National Conference of State Legislatures, <u>Recall of State Officials</u> (November 9, 2011).
- <sup>18</sup> Corey Dade, <u>Why Recall Elections Are So Difficult to Pull Off</u> (National Public Radio, December 2011).
- <sup>19</sup> California Secretary of State, Recall History in California (www.sos.ca.gov/elections/california-recall-history.htm, 2012).
- <sup>20</sup> An electoral district is a distinct geographic subdivision for holding a separate election for one or more seats in a legislative body. Examples of electoral districts are state representative districts, townships, cities, villages, counties and school districts. Within these districts are state and local offices, such as township supervisors, clerks, treasurers, and trustees, city mayors and council members, state representatives, village presidents and trustees, county commissioners, and school board presidents and board members.
- <sup>21</sup> Michigan Legislature, State Constitution (<a href="http://legislature.mi.gov/doc.aspx?mcl-Article-II-8">http://legislature.mi.gov/doc.aspx?mcl-Article-II-8</a>, 2009).
- 22 State of Michigan Constitutional Convention 1961, Official Record (Volume 2).
- <sup>23</sup> Michigan Compiled Laws, Chapter 36, Sections 168.951 168.976. To read the entire recall provision, see <u>Chapter 36</u> of the <u>Michigan Election Code</u>.
- <sup>24</sup> Charley Coleman and Oonagh Gay, <u>Recall Elections</u> (House of Commons Library, Standard Note SN/PC/05089, January 2012).
- 25 The alternative vote is also known as instant-runoff voting, preferential voting, or ranked choice voting, and it consists of ranking candidates in order of preference to arrive at one winner.
- <sup>26</sup> The supplementary vote consists of voting for a first and second choice of candidate only and if no candidate receives a majority of first choice votes, all but the two leading candidates are eliminated and the votes of those eliminated are redistributed according to the second choice votes to determine the winner.