

Counterpoint: Illinois Senate Joint Resolution to Recall the Governor

An awful lot of people are complaining about results of an election they skipped

Hardly anyone is happy with the performance of the governor and the Illinois Legislature over the past year. As a result, there have been suggestions that Illinois amend its constitution to allow for the recall of elected officials. It sounds great. Don't like your politicians? How about a recall? Treat them like a defective kid's toy or a bad can of sardines.



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What is a recall election? It is an "oops," a "do-over" triggered by citizen petitions. The cure that is being suggested to deal with a bad result from

an election is to have another taxpayer-funded election before the next regularly-scheduled election. Before examining whether or not this is good idea, let's look at how Illinois citizens treat the right to vote in the elections they already have.

In the 2006 general election, when Gov. Rod Blagojevich was elected to a second term of office, only 49 percent of the registered voters participated - the lowest turnout figure ever for a gubernatorial election in Illinois. If we include those of voting age population who are not registered, the turnout was actually 37 percent. Perhaps we would have elected a better governor or a more effective legislature if more of those eligible to vote had chosen to participate. An awful lot of people are complaining about the results of an election they skipped.

But no matter how many citizens are engaged in the political process, we still might elect a governor, legislator or judge who turns out to be a bad person. Are we stuck with them until the next election? That depends on how bad a person they are. The Illinois Constitution provides that any elected official who is convicted of a felony automatically forfeits his office upon conviction. But how do we deal with a public official who has clearly violated the public trust but has not been convicted or even indicted? Do we have to wait for the criminal justice system to act? Again, the Illinois Constitution provides a remedy. The legislature has the power to impeach a governor - or any other executive officer or a judge - and remove him from office if a majority of the House votes for impeachment and two-thirds of the Senate vote to convict. If a legislator behaves in a particularly egregious or shameful way, the legislature has the constitutional power to expel one of its members from office by a two-thirds vote.

While the Illinois constitution already provides mechanisms for removing elected public officials if they engage in criminal behavior or serious official misconduct, none of these processes can be initiated by the voters. Should we give voters the direct power to remove elected officials before their terms of office are over? Let's look at the experience at the federal level and in other states.

The U.S. Constitution has no recall provision. The founding fathers who wrote the U.S. Constitution provided for impeachment of the president or federal judges for high crimes and misdemeanors. They gave Congress the power to expel

one of their members. Beyond that, they put their faith in the people and regular elections. Of the 50 states, only 18 provide recall mechanisms for governors and legislators. No state had a recall provision in their constitution before 1903. Most states with recall provisions adopted them in the period between 1903 and 1920. No state has added a recall provision to its constitution since 1996. Not having the recall in Illinois does not make us unusual.

In practice, the recall has turned out to be a pretty toothless tiger, particularly when applied to governors and legislators. Before the California recall in 2003, the only other successful recall of a governor took place in North Dakota in 1921. Less than a dozen state legislators have been recalled in U.S. history. Most recall initiatives do not make the ballot. Of those that do, only a small minority succeed. Why has the recall proved to be so ineffective in achieving its goals?

How many citizens should it take to trigger a recall election? Most provisions in other states require petition signatures equal to 15 percent to 25 percent of the total vote cast for the office in the last election, which may seem reasonable. You want to be sure there is strong public sentiment for a recall. But if we apply a figure of 15 percent to the last gubernatorial election in Illinois, you would have to gather more than 540,000 valid signatures. The requirement to obtain 25,000 signatures to run for governor as an independent candidate has proved to be an almost insurmountable hurdle in Illinois. But if we set the bar too low, we could have the Cook County Democrats or the DuPage County

Republicans forcing a newly elected governor of the opposite party to face two or three recall elections before the end of his four-year term of office. Any constitutional amendment establishing recall is a crap shoot where the trigger number enshrined in the state constitution may be too high or too low to be effective.

Petitions circulated for a recall election have to state a reason for the recall, but most recall provisions place no limitations on the reasons that can be stated. It does not have to be a good reason and it does not have to be true. Is being a terrible leader who can not get anything done a good enough reason? How about signing a tax increase after you pledged not to do so? Should you be able to recall a school board who won't fire the high school basketball coach with a losing record? No one has figured out how to define the recall power so it can not be trivialized or fraudulently used.

We should not amend the state constitution to provide for recall. Our constitution already has provisions to deal with the criminal behavior or serious malfeasance by our elected officials. The history of recall in other states is one of infrequent and ineffective use. If you really want to improve the quality of elected public officials in Illinois, you should make sure you and your friends and family are registered to vote and then get involved. There is an election coming this fall.

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