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Opinion:

Wisconsin election recall reality check

By JOSHUA SPIVAK

With Wisconsin's new role as ground zero in the national political battlefield, thanks to Gov. Scott Walker's battle with public-sector unions on collective bargaining, both sides are looking to every possibility for an edge, including targeting state senators for recall elections.

It might look like a winning strategy. After all, Wisconsin voters recalled state Sen. George Petak in 1996, which flipped the Senate to a Democratic majority.

And a Wisconsin recall fight would come at a time when recalls are undergoing a national resurgence, especially in the last two years. The mayors of Omaha and Akron both survived recent recalls, and the mayor of Miami is set to face one shortly.

But anyone from either party in Wisconsin who hopes to exact revenge through recall elections had better not get their hopes up. History shows that recalls of state senators are rare and tend to succeed only in very specific circumstances.

First, it's worth noting that recall debate in Wisconsin is limited by a law disallowing recalls before an elected official has served a year into the current term. That prevents a recall from being launched against the governor, the Assembly and half of the senators.

In addition, recalls of state legislators are a relatively rarity. I've documented only 20 recall elections involving state legislators in the country since the first state adopted the recall for state-level officials in 1908. Of those, 13 resulted in removal.

Most recalls are on the local level, and for a good reason — there is less partisanship based around municipal offices than around the state legislature.

At the state level, voters are not likely to switch sides so easily. One academic observer of the recall, professor Lawrence Sych, noted: "Signing a petition for recall is often more than repudiating a single state official — it is also a rejection of his or her party." (One of the Wisconsin senators being threatened with recall, Democrat Jim Holperin, already survived a recall in 1990.)

Where recalls of state legislators have succeeded, they tended to be over an issue of betrayal that served to rally the troops around the recall effort. Two of the three instances of recalls actually flipping the legislature to the opposing party show the importance of betrayal. Examples:

- Petak's 1996 recall in Wisconsin was over his switching his vote on a stadium tax plan.
- California voters recalled two Assembly members in 1995 for voting against the Republican candidates for the powerful speaker position after the Republicans had just

won a one-vote majority in the Assembly during the 1994 election (the first majority they'd had in 25 years).

- In 1983, Michigan voters swept out two Democratic senators who voted for a large tax increase. The senators' Republican replacements gave the GOP control over the chamber.

However, when a recall effort seems to be nakedly political, as it appears to be in Wisconsin, voters tend to side with the candidate that they first elected.

In 2008, California Democrats tried to recall Republican state Sen. Jeff Denham in order to gain a veto-proof two-thirds majority in the Senate. This recall, which took place on a primary day, faced heavy criticism for being a pure political power play and failed.

Likewise, as part of their attempt to wrestle back control of the Assembly in 1995, California Republicans attempted to recall a Democratic assemblyman for voting for his party's choice for speaker. This recall was easily beat back.

Of course, the simple threat of a recall is often successful in getting elected officials to back off a controversial proposal. With some of the districts being closely divided, and represented by moderates who can be accused of betraying their moderate positions in the current fight, it's possible that a recall effort could succeed on those grounds.

But when it comes to actually kicking an elected official out of office prematurely, history shows that legislative recalls are easier said than done.

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