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Wisconsin Assembly approves limiting recall reasons

MADISON, Wis. — In the face of an expected recall election targeting Gov. Scott Walker and four Republican state senators, the Wisconsin state Assembly voted Tuesday to amend the state constitution to make it more difficult to toss an official from office.

The measure, which still faces major hurdles before taking effect, would allow officeholders to be recalled only if they have been charged with a serious crime or if there is a finding of probable cause that they violated the state code of ethics.

Under current law, no grounds are needed to seek a recall.

Republican supporters, including the amendment's sponsor Rep. Robin Vos, R-Caledonia, argued changes are needed to limit recalls given the flurry of such efforts over the past year. Republicans have said Walker and the others are being unfairly targeted simply for doing their job.

The recalls are largely motivated over anger related to Walker's proposal that effectively ended collective bargaining rights for most public workers. It was passed by the Republican-controlled Legislature last year.

Last summer, six Republican and three Democratic state senators stood for recall. Two Republicans were tossed from office, leaving the GOP with a slim 17-16 majority in the Senate.

This year, four more Republican state senators, Walker and Lt. Gov. Rebecca Kleefisch could face recall elections as soon as May. Election regulators are in the process of verifying recall petition signatures and calling the elections.

It's not surprising that the proposal has come up in Wisconsin given those circumstances, said Joshua Spivak, a recall expert and senior fellow at Wagner College in New York.

"Any time there's a controversial recall, there's discussion of changing the recall," he said. However, changes are almost never made because "voters kind of like the recall," Spivak said.

There was talk of limiting recalls in California after Gov. Gray Davis was recalled in 2003, but Spivak said no significant changes were made. In Michigan, a constitutional amendment similar to the Wisconsin one was introduced last year just weeks after a Republican state representative was recalled from office. That proposal has not gone anywhere.

In the Wisconsin Assembly, the measure passed Tuesday 60-37, with all Republicans in support and all Democrats against except Rep. Peggy Krusick of Milwaukee.

It is a long way from becoming law. The proposal would also have to pass the Senate next week before the session ends and then pass both houses of the Legislature either next year or the year after. And then, it would still have to win approval in a statewide vote before being added to the constitution.

Assembly Democrats railed against the proposal, saying the right to recall officeholders was a fundamental pillar of the Progressive movement at the turn of the 20th century that has been rarely used until the past year. State Rep. Brett Hulsey, D-Madison, called the proposal the "politician protection act."

Vos, the amendment's sponsor, argued that the recall process was broken and the people should be given the chance to vote on making his proposed changes.

Wisconsin is one of 18 states that allows for recalls of state elected officials. Of those, only seven limit the reasons for recall to malfeasance in office. Those are Georgia, Montana, Rhode Island, Washington, Minnesota, Kansas and Alaska. A 19th state, Illinois, allows only for the recall of a governor.

Nationwide, there have only been 32 attempts to recall state lawmakers from office and 17 have succeeded. Only one of those targeted, a state senator from Washington in 1981, came from a state with the higher malfeasance standard.

That shows that the malfeasance standard makes it much more difficult to target someone for recall, Spivak said.

“If it is adopted, it really kills recalls,” he said.