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## Michigan law could lead to fewer recall elections

By DAVID EGGERT

Michigan consistently leads the country in the number of elected officials facing recall, but major changes to its recall rules could change that.

Citizens hoping to remove public officials from office must adhere to new requirements under a law signed seven months ago. Though experts are cautious in predicting a drop in recalls at this point — in part because drives targeting new officeholders couldn't start until earlier this month — they won't be surprised if a decline occurs.

Michigan has “taken a lot of bite out of the recall,” said Joshua Spivak, a national expert on recalls and a senior fellow at Wagner College in New York.

Key changes include shortening the time to collect recall signatures from 90 to 60 days and giving voters a choice between the officeholder and a challenger, not an up-or-down vote followed by a replacement election later on. Another significant revision is requiring state and county election boards to determine if the reasons for recall are “factual.”

Election officials previously looked at “clarity” only.

Spivak said determining factual accuracy isn't easy and guarantees litigation.

“Whenever you have lawsuits involved, you're squeezing out insurgents because you're making them pay more money. Any roadblock in the system is another way to protect incumbents,” he said.

Spivak applauded the switch away from up-or-down votes as money saver that ensures seats doesn't stay empty too long.

Some Michigan veterans of recall fights defend the requirement that recall proponents base their petitions on facts, saying it's better than the old, more nebulous standard that was applied differently depending on the county.

John Pirich, a Lansing lawyer who for years has represented public officials targeted for recall, said the reasons given are often vague and ill-defined.

Examples he cites include “doesn't support education” and “doesn't support mental health.” He remembers one township board member being targeted because he “wore a blue-and-orange tie.”

Pirich said it's better to force backers of a recall to give specifics — someone voting for a particular ordinance — so officeholders can defend themselves. He called the new law overdue.

“The real (historical) reason for recalls was something really dastardly had been done,” Pirich said. “It turned into a political sword used especially at the local level to try to attempt to remove someone irrespective of what reason.”

The legislation was approved amid a swirl of controversy in the Legislature's 2012 lame-duck session.

What began as a bipartisan effort to change recall procedures turned partisan after majority Republicans passed a right-to-work measure that drew thousands of protesters to the Capitol. The timing, along with provisions added by the GOP such as allowing less time to gather signatures and creating a primary system, led Democrats to accuse Republicans of trying to protect themselves from being removed from office.

The reality is most recall elections in Michigan are at the local level and rarely involve legislators.

In May, voters booted three council members in Charlevoix who supported putting a community fireplace in a park. Troy's mayor was removed in November after making comments about gays, opposing federal funds for a transit center and publicly scolding a city official.

Roughly 30% of Michigan's 148 lawmakers faced some level of a recall campaign in 2011. Just one, though, went before voters because most efforts fizzled.

Then-Rep. Paul Scott, a Grand Blanc Republican, was recalled after the state's largest teachers union became upset about weakened teacher tenure and cuts to education funding.

At least 29 states permit the recall of local officials and 19 allow them for state officials, according to the National Conference of State Legislatures.

Specific grounds for recall — the commission of a felony, ethics violations or incompetence — are required in eight states. In many of the others, including Michigan, officials can be targeted for any reason.

The nonpartisan Citizens Research Council of Michigan suggests the state may have more recalls because it has a large number of elected officials — about 18,000 — and the down economy has contributed to budget cuts, angering constituents. At least 457 officials faced recall from 2000 through 2011, about 38 a year, the group found in a 2012 report.

The study noted that Arizona officials faced recalls on a higher percentage basis.

Spivak, whose blog tracks recalls, said Michigan had the most in the U.S. the past two years. At this point last year, 17 officials in the state had faced recall elections compared to just three this year.

He cautioned it's too early to conclude that recall elections will drop overall because more are expected in November. Known targets include Algonac school board members who voted to privatize busing, a township supervisor in Macomb County because of a police funding dispute, and Onaway's mayor and two commissioners for not rehiring the Upper Peninsula city's lone police officer.