

Recall elections are becoming a more common and coordinated 'partisan power play'

In Colorado, Republicans are trying to oust a dozen Democratic state legislators. It's the latest example of a political party using once-rare recalls as a way to gain control.

BY ALAN GREENBLATT

Recall campaigns against state legislators used to be rare. They've not only become more common, they're now more often driven by partisan politics than accusations of high crimes or misdemeanors.

On Sunday, Colorado Democratic state Rep. Rochelle Galindo stepped down in the face of a recall effort. On Monday, Colorado's secretary of state approved a petition to collect signatures for a recall election against Tom Sullivan, another Democratic state representative. As many as 10 other Democratic legislators in the state are being targeted for recalls. Gov. Jared Polis may face a recall as well.

"It's all clearly a strategy to undo elections," says KC Becker, the Democratic speaker of the Colorado House. "I think it is a partisan power play."

The fights in Colorado follow recent recall efforts in California and Nevada that aimed to change the partisan balance of power.

"It's very clearly an attempt to flip a chamber," says Joshua Spivak, a senior fellow at Wagner College who runs a blog that tracks recalls. "People are trying to use the recalls to reverse the party's slide in any one government."

Top Republican Party officials in Colorado are backing the efforts, aiming to undo or weaken Democrats' total control of the state. Last November, Democrats took over the state Senate and expanded their majority in the state House, while Polis was elected to replace the more moderate Democratic Gov. John Hickenlooper.

"We need to teach them how to spell R-E-C-A-L-L," said Colorado Republican Party Chair Ken Buck during his acceptance speech in March.

Turnout for recalls, as with other special elections, is generally much lower than for regularly scheduled races.

"It's an attempt to short-circuit the process, to try to skirt a process where people were duly elected and are doing exactly what they said they were going to do," Becker says. "It's a recipe for dysfunction at the capitol."

‘A Little Unprecedented’

Colorado Republicans complain that Democrats have dragged the state too far to the left. This year, Polis has signed bills to impose new regulations on the oil and gas industry, tighten gun control and circumvent the Electoral College by joining the National Popular Vote Interstate Compact.

Before resigning, Galindo faced two separate recall efforts. One claimed to have more than \$300,000 in pledges and donations from a wealthy landowner and from oil and gas interests. She also faces a criminal investigation into unspecified sexual misconduct allegations, which emerged after the recall campaigns were launched.

“The allegations against me are false,” Galindo wrote in a statement. “That said, they will make my fight against the pending recall effort untenable.”

Because Galindo stepped down, Democratic Party officials will be able to select a replacement. That’s an option for any Colorado official who faces a recall effort.

In Sullivan’s case, he was the lead sponsor of the state’s new “red flag” law, which will allow courts to remove firearms from the possession of people deemed a threat to themselves or others. Sullivan’s son Alex was murdered in the 2012 Aurora movie theater shooting. He has since become a prominent gun control advocate and made the issue the centerpiece of his campaign last year.

“Rep. Tom Sullivan needs to be recalled because, like the rest of the Democrats in the legislature this session, he did not represent the families of Colorado,” Kristi Burton Brown, the vice chair of the state GOP, told Colorado Public Radio.

If Sullivan is successfully recalled, it wouldn’t be the first time that gun policy ended a Colorado lawmaker’s career. In 2013, three of the state’s senators faced recall elections over a gun control law enacted that year. One decided to resign, while the other two -- including John Morse, then the Senate president -- lost their recall races.

Back then, the recalls were more home-grown affairs, driven by unhappy constituents. The state Republican Party and the National Rifle Association didn’t get behind the recalls until they made the ballot. But in Sullivan’s case, it was Brown -- the second-ranking official in the state’s GOP -- who filed the recall petition with the secretary of state.

“There does seem to be more of a coordinated effort,” Spivak says. “We’re seeing much more coordination between state parties and the recall backers.”

Last month, Brett Engen, a consultant who works with the Colorado GOP, conducted a training session on how to pursue recalls.

“The fact that Republicans held an actual training on how to recall people is a little unprecedented,” says Ianthe Metzger, deputy director of campaign communication for EMILY’s

List, a political action committee that backs Democratic women who support abortion rights. “It shows that this is just another means for them to get what they want when they’re losing power.”

Recalls in California and Nevada

In 2017, Nevada Republicans launched recall attempts against three sitting senators -- two Democrats and an independent who caucused with Democrats. Had the recalls against all three been successful, it would have tipped control of the state Senate into GOP hands.

“After witnessing the most pro-felon, anti-jobs agenda in state history pushed by Senate Democrats, I believe all 11 current members of the Senate Democratic Caucus should be forced to stand for recall elections,” Michael Roberson, then the Republican leader in the Nevada Senate, wrote in an op-ed.

But the recall efforts failed. Backers didn’t collect enough valid signatures to force elections.

Last month, the Democratic-controlled state Senate passed a bill that would make future recalls more difficult. The bill would require county clerks to verify every signature on recall petitions, rather than using statistical samples. (An initial sample of two of the 2017 petitions indicated enough signatures had been collected.) It would also make it easier for people to remove their signatures from petitions and make it a felony for collectors to knowingly or negligently obtain false signatures.

In California, state Sen. Josh Newman was recalled last year, temporarily costing Democrats their supermajority in the chamber. Newman had voted for a gas-tax increase but was selected as a recall target because his narrow election in 2016 made him the “weak gazelle” who could most easily be picked off, said Carl DeMaio, a former member of the San Diego City Council and the lead engineer of the recall.

In February, DeMaio released a list of a dozen Democratic legislators he intended to target, again in hopes of depriving Democrats of the two-thirds supermajorities needed to raise taxes.

A Tool for Either Party

Democrats have also sought to recall Republican legislators en masse.

In Wisconsin, in the wake of fights over union restrictions, Democrats in 2011 and 2012 launched recalls against a total of 10 Republican state senators. (Four Democratic senators also faced recalls.)

All told, four Republican senators resigned or were removed, giving Democrats control of the chamber. Their victory, however, was symbolic and short-lived since the Senate had already adjourned by the time of the 2012 recall elections.

In 2012, Democrats failed in their high-profile attempt to recall Wisconsin GOP Gov. Scott Walker. (He lost his bid for a third term last November.) The recall actually boosted Walker’s

national profile, expanding his fundraising base and helping him lay the groundwork for his ultimately unsuccessful presidential run.

Walker's victory, coupled with the successful recall of California Democratic Gov. Gray Davis in 2003, may help explain why Republicans seem to be more inclined to attempt recalls, suggests Spivak, the Wagner College senior fellow.

"They've had some success, and they also didn't have the defeats that Democrats have had," he says.

At least out West, Republicans are now using the recall as a tool to seek better results than they've achieved during the regular campaign season. That's the reason Republican Brian Sandoval, the governor of Nevada who was term-limited out of office this January, opposed the recall attempts in his state, telling the Nevada Independent in 2017 that the effort could set a "dangerous precedent."

"It's never happened before, but it probably will likely become another typical arrow in the quiver for both parties," Sandoval said. "I hope it doesn't, but again, if it's successful, and the voters do recall these individuals, I can't see why all of them wouldn't use it going forward."