

## The recall is raw democracy

Joshua Spivak and David A. Carrillo | August 1, 2023

Facing calls for her early ouster, Alameda County District Attorney Pamela Price labeled her opponents “election deniers.” Price is not the only one attacking recalls as antithetical to electoral democracy. In Michigan, the head of the nonpartisan Voters Not Politicians group called a set of recalls against State House members “Anti-Democratic.” They have it backwards: the recall is raw democracy.

Claiming that recalls are an illegitimate attack on democracy is a popular defensive tactic for officials targeted by a recall. But the recall’s creators would see that argument as perverse: rather than undermining democracy, the recall was designed to be its savior. The Progressive Era champions of the recall intended the recall to arm the people with a weapon to protect their own interests. It was the recall’s opponents who claimed that allowing a recall to remove the presumably more knowledgeable elites from power would be “tyranny — the end of all things.”

Some of the biggest names in American history fought against recall laws. Alexander Hamilton spent days arguing against a recall for U.S. senators during the constitutional ratification debates, saying that senators should not be subject to the “capricious humors among the people.” President William Howard Taft, who vetoed the Arizona constitution because it allowed the recall of judges, called the device “legalized terrorism” and argued that the recall would turn officials into “mere puppets in office who can not enter upon proper public policies.”

Today’s recall opponents repeat those arguments, especially the specious claim that the recall should only prevent corruption or incompetence. Eight states do require malfeasance for a recall. But in most recall states (including California and Michigan) it was designed as a purely political process. This means that some recalls can be partisan-based, as we are seeing in Michigan. But most are policy-focused, as in San Francisco’s 2022 recall of District Attorney Chesa Boudin, and as in Alameda now.

It is the voters who ultimately rejected the claim that recalls are “anti-democratic” or “election denial.” In state after state, and in locality after locality, voters overwhelmingly adopt the recall once given a chance. States have voted to adopt a statewide recall 18 times; the vote in favor was under 60% only four times. California adopted the recall in 1911 with 75% in favor. The most recent states to adopt statewide recall laws (New Jersey in 1993 and Minnesota in 1996) approved the laws by almost 75% and 88% respectively. Utah’s voters are the only ones to reject the recall, by a tiny margin in 1976. And in recent years local voters have been very active in advancing the recall.

The many attempts by elected officials to abolish the recall rarely succeed. And when they do, it is a court ruling or a dead-of-the-night legislative bill, not a voter action. Elected officials are well-aware of the danger they face in challenging the power that citizens have claimed for themselves. Adopting the recall is a voter decision that there is no magic to a term of office, and the majority that votes you in can vote you out.

Of course, the question is not whether voters want this power (they clearly do), it's whether arguing to voters that recalls are antidemocratic is a good defensive strategy. It usually fails. Omaha Mayor Jim Suttle in 2009 is arguably the best example of (barely) surviving a recall with this argument. But in almost all other instances, voters brush aside this complaint and focus on the policy or politics behind the recall attempt and are unafraid to eject officials. Even when pollsters claim that voters dislike the recall, the actual ballot box shows a different story. For example, in an exit poll after the 2012 Wisconsin gubernatorial recall 60% of voters said that recalls should be limited to corruption and another 10% wanted no recall whatsoever. And yet 47% voters cast their ballots to remove the governor.

Officials targeted with a recall, the most personal of the direct democracy devices, are unsurprisingly unhappy about having to defend against it. But voters should not be fooled when their targets complain about risks to democracy. Over more than a century the recall has strengthened voter power and never caused political anarchy. That it is a power the voters themselves have overwhelmingly adopted and choose to use shows there is nothing anti-democratic about using this weapon. Democracy is rule by the people, not by elected officials.

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