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## The recall amendment

It is now fashionable to favor the recall of elected officials. At the election Nov. 2, the people of Illinois will decide whether to amend the Illinois constitution to allow a recall of the governor. The proponents name Rod R. Blagojevich as the poster boy for the need for recall.

"Recall" was part of a package of reform measures sponsored by the Progressive Movement at the beginning of the 20th century.

At a time when virtually no women or blacks could vote and legislatures were controlled by rural interests or railroad barons, reformers thought "recall" made sense. Recall allows the voters to change their minds after they have elected a public official and before they have a chance to vote him or her out of office.

By contrast, a legislative body that impeaches and removes a public official must give specific reasons for ousting him or her. Eighteen states have adopted a system of recalling elected state officials in their state constitutions.

Even the United Kingdom is planning on instituting a form of recall. In the queen's speech from the throne on May 25, she said, "Constituents will be given the right to recall their members of Parliament where they are guilty of serious wrongdoing." She didn't say who would determine the "guilt."

North Dakota was the first state to recall a governor. In 1921, North Dakotans recalled Gov. Lynn J. Frazier, largely because they blamed him for the collapse of their economy. North Dakotans must have forgiven him because they elected him to the U.S. Senate in 1922.

California is the empire of gubernatorial recall. They've had 33 recall attempts, none of which reached the ballot until the last, the ouster of Gov. Gray Davis in 2003. Californians blamed him for the electricity shortage, a crisis that apparently was really caused by the Enron Corp. In the same election, they chose Arnold Schwarzenegger from a field of over 100 candidates hoping to succeed Davis.

Isn't it obvious that the purpose of recall in recent years is, first, to harass the incumbent governor, and, second, to obtain signatures of potential opponents of the governor, which can be useful in the next election?

Years ago, I heard an anecdote about a governor of Arizona who reportedly circulated recall petitions against himself. Of course, he stopped the petition drive before the issue reached the ballot. He had a nice enemies list, which he could then use against legislators whose constituents had signed the recall petitions. That's an enemies list that Richard Nixon would have envied!

The proposed Illinois amendment is complicated. All of us have received a copy from the secretary of state and have read it in the newspapers.

To summarize: After a governor has been in office for at least six months, someone can file petitions with signatures of voters amounting to at least 15 percent of the votes for the gubernatorial candidates in the preceding election. At least 20 members of the Illinois General Assembly and at least 10 members of the Illinois Senate, with no more than half from one political party, must join in.

If enough signatures are submitted, there will then be an election to recall the governor and also to elect the successor. Illinoisans would remove an incumbent governor and elect a new governor at the same election.

As far as I can determine, no other state requires "approval" by the legislature. What a wonderful way for the legislative branch to pressure the governor: If you don't sign our redistricting bill, we'll sign a recall petition.



### Law and Public Issues

By Ann M. Lousin

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My readers can read the amendment, explanation and arguments as well as I can. But I ask all of you to remember three Illinois governors as you make up your minds.

The first of the three governors was John Peter Altgeld, who was governor from 1893 to 1897. Soon after taking office, Altgeld pardoned three of the defendants convicted in the Haymarket Riots of 1886 because he believed their trial was unfair. He was vilified all over Illinois and consigned to political oblivion. Today he is honored as "the eagle forgotten." Surely Altgeld would have been recalled if that option had been available.

The second governor was Henry Horner, who was governor from 1933 to 1940. In the depths of the Depression, he could find no new source of state revenue except a variation on the sales tax. In private, the politicians agreed it was necessary, but in public many decried it. Citizens hated it. Some referred to the 2 percent sales tax as "two cents for the Jew in Springfield." Surely some legislators and voters would have signed a petition to recall Horner, forcing him to spend scarce energy and campaign resources to defend himself.

The third governor was one many of us remember: Richard B. Ogilvie, who was governor from 1969 to 1973. From his first weeks in office, he strove to get a state income tax passed. He and Mayor Richard J. Daley created a powerful bipartisan coalition to do so. Much of the opposition came from the Republican-dominated suburbs, whose residents helped to ensure Ogilvie's loss to Dan Walker in 1972.

If the proposed recall provision had been available, I am certain that hundreds of thousands of angry taxpayers would have signed petitions to recall Ogilvie.

In February 1971, I began working for the legislature. I knew no legislator who seriously wanted to repeal the state income tax, which was already pumping money into the public schools. However, some legislators might have supported a petition drive to recall Ogilvie, who was unpopular in many areas.

Of course, the argument for the proposed recall amendment concentrates upon the sordid governorship of Blagojevich. The people, it is argued, should have had the right to stop his antics and corruption. But they had that chance in 2006. Instead they overwhelmingly re-elected him. They left it to the legislature to make the decision to impeach, convict, and remove him.