

A little background before voters go to the polls

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California recall election pits democracy vs. good government

By Kenneth Janda

On Oct. 7, California citizens will vote in a special recall election on the fate of Democratic Gov. Gray Davis. They will do so despite having re-elected Davis to the governor's office over his Republican challenger, Bill Simon Jr. on Nov. 5, 2002—less than one year earlier.

Is this democracy? Is it good government?

Why must Californians vote again? Because the secretary of state certified on July 14 that enough citizens (more than 1.3 million) signed a petition for a recall election. When will the recall election occur? By law, it had to be held within 60 to 80 days after certification. Because voting is traditionally done on a Tuesday, Democratic Lt. Gov. Cruz Bustamante picked Oct. 7 as the last practical date.

Who will oppose Davis in the recall election? Ironically, no one will oppose him, in the traditional sense. The ballot will consist of two parts. Part I will say: "Shall Gray Davis be recalled [removed] from the office of governor?" If a majority votes "no," then he is not recalled and remains governor.

If a majority votes "yes," however, then Part II of the ballot comes into play. It offers a list of replacement candidates—excluding Gray Davis, who by law cannot be listed. Instead, voters must choose among the 135 candidates who qualified by Aug. 9 via a petition with 10,000 valid signatures or by submitting 60 signatures and a filing fee of \$3,500.

Therefore, Gov. Davis will be running against the recall attempt itself, not against any specific candidates, and he can win by gaining 50 percent plus one of the votes. If he fails to gain a majority, however, then he will be replaced in office by the candidate on Part II who merely gains more votes than any other. A majority is not necessary; a plurality of votes will do.

In essence, the recall election can be viewed as Gray Davis vs. "anybody but Gray Davis." What does the recall petition state as the charge against Davis? No charge was specified to file the recall petition, nor was any needed. However, most observers cite the Davis' unpopularity in the midst of the state's \$35-plus billion deficit.

How much did it cost to collect the signatures on the petition? Wealthy Republican U.S. Rep. Darrell Issa reportedly contributed more than \$1.7 million to the effort. (After Republican Arnold Schwarzenegger stole attention as the star candidate, Issa tearfully withdrew from the race. I'd cry too if someone stole the business I funded.)

Was this expenditure within the limit of state law? Yes; no laws, state or federal, limit expenditures on collecting signatures for a recall petition.

How much will the special election cost? Estimates are \$50 million to \$70 million.

How will the ballot look to voters? The form will differ among counties, depending on the voting method used, but everywhere it will be very long to accommodate all 135 candidates—including even those (like Bill Simon) who withdrew from campaigning. Moreover, the candidates will not be listed on the ballot in alphabetical order but by a random drawing, i.e., beginning with R, followed by W, Q, O, etc. In counties with touch-screen voting, voters may have to go through six screens to find their candidate of choice. Others will have long, multicolumned paper ballots. Oh yes, some counties still use punch-card voting systems.

Is this recall procedure democratic? Yes, it clearly is, in the sense of giving citizens control over government officials. About 15 other states provide for recall of state officials, and more states allow for recall of lesser officials. California was one of the first states to advocate the recall principle and

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the second to adopt it (after Oregon) in 1911.

Is this good government? That's more dubious, given citizens' reluctance to employ the recall procedure. In the 92 years since the recall measure has been available, California has had many attempts to launch a statewide recall election, but this is the first that succeeded. Historically across the nation, only one governor and a handful of state officials have ever been recalled.

Also from the good-government perspective, recall campaigns—certainly the current one in California—seem to be motivated more by partisan politics than by issues of governmental corruption or clashes of public policy. Even from the standpoint of democracy, one might argue that this recall election obviates the prime function of elections: providing for an orderly transference of power.

Is it "orderly" to hold a second election less than one year after the first, allowing a campaign of fewer than 80 days, involving more than 100 candidates who paid \$3,500 for a place on the ballot, imposing few or no controls on campaign spending, and holding an election anyone can win with a simple plurality of the vote?

I can't recall a similar election.

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