



## State Senator Sheila Harsdorf

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Date: January 21, 2014

To: Senate Committee on Energy, Consumer Protection and Government Reform

Fr: Senator Sheila Harsdorf

Re: Assembly Joint Resolution 25 – Recalling the Recalls

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Dear Chair Cowles and Committee Members,

Thank you for holding a public hearing on Assembly Joint Resolution 25 (AJR 25), which seeks to reform the recall provision in the Wisconsin Constitution. I appreciate you taking time to consider this measure.

Given our state's experiences with recalls in recent years, many citizens have raised concerns that the recall provision in our state Constitution has been subverted for political gain, rather than for addressing criminal or unethical behavior by elected officials. As we saw in the non-stop election cycle we found ourselves in during 2011 and 2012, special interests and activists are able to insist on election after election to further their political goals.

The Government Accountability Board found that the recall elections of 2011 and 2012 cost taxpayers nearly \$18 million, much of which fell upon property taxpayers. The ongoing use of recalls to attempt to change the outcome of the most recent general election is not only costly to taxpayers, but can have the effect of discouraging elected officials from making the tough decisions that are inherent with public service.

Since recalls of Congressional, legislative, judicial, and county elected officials are set forth in the state Constitution, a constitutional amendment is required to reform this process. The reforms in AJR 25 seek to safeguard the ability of citizens to remove officials from elected office for misconduct or ethics violations, while ensuring that recalls would not be abused for political purposes. Those petitioning for a recall election would be required to meet a minimum threshold of criminal or ethical misconduct of a local elected official prior to a recall being certified.

I believe there is a place for recall elections and voters should have the ability to recall an elected official if there has been a violation of criminal laws or a code of ethics, but not simply when there is a difference of opinion over policies or a vote. General elections are the appropriate forum for voters to express their opposition or displeasure with policy decisions made by elected officials.

I urge the Committee's support for this measure as a means to reforming the recall process and preventing the costly non-stop election cycle we recently experienced. Thank you again for holding a hearing on this measure. I would welcome the opportunity to discuss any questions or concerns you have regarding this resolution.





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## MEMORANDUM

TO: Honorable Members of the Senate Committee on Energy, Consumer Protection and Government Reform

FROM: David Callender, Government Affairs Associate *DC*

DATE: January 21, 2014

SUBJECT: Support for Assembly Joint Resolution 25

The Wisconsin Counties Association supports Assembly Joint Resolution 25.

Under the Wisconsin Constitution and current law, an incumbent member of Congress, judicial or legislative elective officer, or any county elective officer specified in the state Constitution may be subject to a recall. Under current law, the petition seeking a recall need not identify or demonstrate any grounds for the recall.

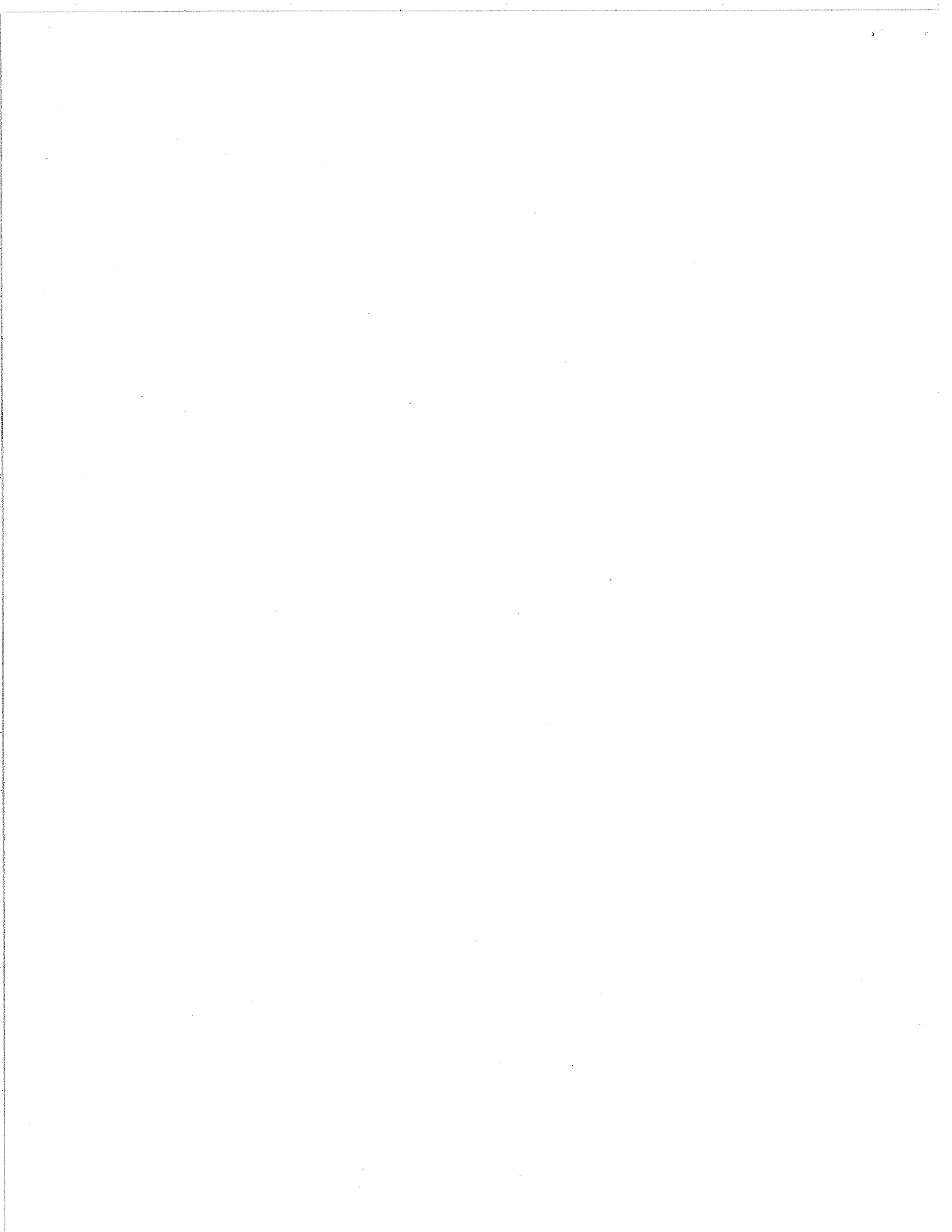
AJR 25 allows for a recall election only if an elected official has been charged with a serious crime or if a finding of probable cause has been issued that the official had violated the state code of ethics. The amendment also requires the Legislature to establish a code of ethics for government officials and a board to administer the code.

The WCA Board of Directors supports the amendment for county officials, but believes that the recall of state officials is beyond the scope of WCA's jurisdiction.

Since 2000, county supervisors have been targeted for recall or were successfully recalled in four counties: Door, Kewaunee, Monroe and Milwaukee. In the first three counties, the recalls were initiated after supervisors approved construction of new jails. In Milwaukee County, supervisors were recalled over changes to the county's pension system. The Milwaukee County executive opted to resign rather than face a recall election.

None of the recalls involved allegations that supervisors had violated state laws or local ethics ordinances; all involved disputes over how supervisors had exercised the authority given them under the state Constitution and state statute.

It may be argued that the current recall laws provide a tool for local voters to express their discontent over the performance of elected officials, and that performance need not rise to criminal conduct. Recent experience, however, has shown that county recalls tend to be dominated by a single, hot-button issue rather than misconduct in office or a pattern of poor or impaired judgment.



WCA strongly believes that local officials should be accountable to voters for the decisions they make. The standard for recall elections proposed in the constitutional amendment would allow county elected officials to exercise their constitutional and statutory authority while still maintaining the ability of citizens to remove elected officials for misconduct. Regularly scheduled elections would remain the primary vehicle for addressing ongoing policy disputes, which is the basis for establishing two- and four-year terms for elected officials in the first place.

WCA respectfully requests the Committee adopt AJR 25.

Please feel free to contact WCA for more information.

