



## State Senator Sheila Harsdorf

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Date: June 4, 2013  
To: Assembly Committee on Campaigns and Elections  
Fr: Senator Sheila Harsdorf  
Re: Assembly Joint Resolution 25 – Recalling the Recalls

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Dear Chair Bernier 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 regret that I am unable to testify in support of this bill in person due to another committee meeting.

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 corrupt 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 essential in 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. AJR 25 is identical to a resolution proposed last session on recall reform, 2011 Assembly Joint Resolution 63 (AJR 63).

The reforms in AJR 25, and last session's AJR 63, 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. AJR 63 was approved by the State Assembly last session on a 60-37 vote.

It is my belief that recall elections are appropriate for removing those that have violated a code of ethics or criminal laws, but should not be used for differences over policies or decisions made by elected officials. 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 recalls 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.



# JIM STEINEKE

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**June 4, 2013**

## **Testimony on Assembly Joint Resolution 25,**

### **Recall of elective officers and a code of ethics for government officials**

Good morning Chairperson Bernier and members of the Committee.

As you are well aware, Wisconsin has experienced dramatic election upheaval. In two years, there have been 15 recall elections. It's left us all politically exhausted – and has cost taxpayers \$16 million.

Currently under state law, an elected official can be recalled for any reason, as long as a certain number of signatures are collected.

Assembly Joint Resolution 25 tightens recall requirements and restores the original purpose of the recall amendment. With this constitutional amendment in place, there must be a minimum threshold of criminal or ethical misconduct before an elected official can be recalled.

These changes will prevent arbitrary recalls over disagreements on policy decisions. General elections are the appropriate forum for voters to express their opposition to policies, not expensive and contentious recalls.

When the recall amendment was first enacted in 1926, proponents argued that the recall process would be rarely used. The intention was to decrease the role of special interests on the political process and eliminate the influence of money.

As recent recall elections have shown, the effect of the recall amendment has been the exact opposite. Through money and technology, special interests can force a recall election of any elected official for virtually any reason. Spending on the 2011 and 2012 recalls topped \$60 million with money pumped in from all across the country.

This legislation restores the original intent of recalls by making sure it only occurs when an official has been charged with a criminal or civil ethics offense.

This effort has already received bi-partisan support. Last year, Assembly Joint Resolution 63, was introduced and passed the Assembly on a bi-partisan vote. I look forward to seeing this legislation receive bi-partisan support once again. Thank you for your time.

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Campaigns and Elections

FROM: David Callender, Legislative Associate *DC*

DATE: June 4, 2013

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.



June 4, 2013

State Rep. Kathy Bernier

Our organization has been involved in about 25 -30 recalls in the past 11 years. We started out with the recall of then Milwaukee County Executive Tom Ament and 9 members of the Milwaukee County Board for what has come to be known as the "Milwaukee County Pension Scandal." If this bill were in effect at the time of the "Pension Scandal" Tom Ament might still be in office and the reforms of the Milwaukee County Board that Gov. Walker just signed into law last Friday would not have happened.

In preparing for this hearing I was doing a little searching on the internet and I ran across and old Federal document that most people have forgotten. Please allow me to read 1 short paragraph from the document.

"We hold these truths to be self-evident that all men are created equal and endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government..."

Obviously, I am reading from the 2<sup>nd</sup> paragraph of the "Declaration of Independence." I chose these words because they are so powerful and many times elected officials in their zeal to correct a perceived problem forget these words and they want to trample on the rights of the people that they represent.

One of our favorite sayings is "Politicians don't have a right to a 4 year, no cut contract." Just like you would fire a bad employee or a contractor who is not doing the job that you have hired them to do, the people also have the right to "Fire" their elected officials if they feel like they are not being represented.

What you are attempting to do with this bill is restrict the rights not the privileges, of the people to recall or remove their elected officials.

I understand that this state has seen an overwhelming number of recalls in the past 2 years and the costs have been enormous. At the same time, recalls are no longer in vogue because the public is sick and tired of all the recall furor, campaign ads and political phone calls, so in effect, the marketplace has taken care of this problem without any need for legislative action.

I am asking you to table this bill move onto much more important problems that really do need legislative solutions.

Thank You

Orville Seymer

Field Operations Director