

Legislative limelights . . .

Recall? — forget it, 1975 law too tough

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Idahoans talking about recall of legislators who are considered to have voted for legislative pay raise should realize the recall laws were toughened in 1975 so as to make it most difficult for success.

Under the new recall law which went into effect July 1, 1975, recall of a public elective official is almost impossible as it requires as many votes in opposition at such a special election as the number he or she received when elected to the office at the preceding election.

This all came about when the angry legislators drastically revamped the law in the 1975 session after the recall process was badly abused in the early '70s. Before 1975, it was only necessary to get signatures of 20 percent of the number of persons voting in the previous election to call an election and a majority vote was enough to recall the official.

The recall law before that appeared to be used primarily as blackmail against officials on their voting record which had nothing to do with their ability to serve. Generally recall should be based on such serious grounds as malfeasance, serious misconduct and mental or physical inability to serve.

Any talk aimed against legislators considered to have voted for the latest pay increase of salaries from \$3,000 to \$4,200 and expenses from \$40 daily to \$44 while the Legislature is in session, and other benefits, must be tempered with facts.

No legislator can be clearly accused of voting for the pay increase. Actually, it was a complicated procedure and can be blamed primarily to the bungling leadership of the House Republicans and both the Senate Republicans and Democrats.

What happened was the passage by the Senate 28-7 a law rejecting the recommended increase by the Citizens Compensation Committee on the final day this could be done,

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Jan. 25. The Senate then adjourned in the early afternoon, giving no opportunity for consideration of the \$4 per day increase the House favored and which many legislators felt they deserved.

The House Republican leadership and the State Affairs Committee chairman, Rep. John Reardon, R-Boise, sought to ignore the expense increase bill. They violated the legislative process by placing the Senate bill ahead of the previously considered House bill.

It angered many Republicans and all of the Democrats. Nine Republicans had the temerity to join the solid 20 Democrats to refuse to suspend the rules for a two thirds majority. To say the nine Republicans and 20 Democrats voted for a pay increase for balloting against the rules suspension would not be exactly correct. But it certainly ended up that way.

In 1971, a far right group succeeded in recall of two of the most capable legislators in the state, Sen. Fisher Ellsworth and Rep. Aden Hyde, Idaho Falls Republicans. Less than a third of the qualified voters turned out in August and both were beaten by about 200 votes.

In addition, recall threats were aimed against many other legislators but none actually progressed to the election stages.

This is one of the reasons many legislator want to change the election from August when interest is low, to either September or May. Generally the far right and other determined voters turn out in August but far less than the majority. In most cases it is about a third.

Since the new tough recall law went into effect there have been few recall threats. Perhaps the recall law was made too severe but it is better than the previous one.

Many contend, including this writer, that if voters don't like the way their public officials perform they can defeat them in the next election. Legislators serve only two years and most other state, city and council officials for four years. Oddly enough, there is no recall law for school trustees, although bills to provide for this have been considered in the Legislature, including the current session.

One of the most celebrated cases was in 1973 when a vociferous minority in Bannock County sought to oust the feisty Rep. Patricia McDermott, D-Pocatello, House minority leader, on grounds "she was aloof" of her constituents. Many names on the petition were invalidated and the election never occurred. Since that time, Ms. McDermott has been re-elected three times.

Since this new recall law went into effect it is not known that any public official has been recalled. Many have been threatened and maybe one or two may have succeeded but this writer recalls none.

The new law also requires petitions for recall be completed within 60 days rather than 90 days; recall elections must be held between 30-40 days after notification from the secretary of state and provides that a specific reason for recall cannot be used more than once for the same official during the current term.