



Recall Elections

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Recall is a term used to describe a process whereby the electorate can petition to trigger a vote on the suitability of an existing elected representative to continue in office. There is no recall procedure in the UK, although the recent debate surrounding the publishing of MP's allowances and the subsequent discussions about electoral and parliamentary reform have included the question of introducing recall elections. This note explains the process of recall as commonly understood and examines its usage between different countries. Recall is seen as an important, directly democratic, tool for the electorate to remove from office those elected representatives seen to be ineffective.

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1 Introduction

Recall is a term used to describe a process whereby the electorate can petition to trigger a vote on the suitability of an existing elected representative to continue in office. The exact process and form of a recall election varies between those countries which use it but in essence it gives voters the opportunity to remove representatives whom they feel are not doing a good enough job. It is important to note that in most cases the recall rescinds a previous decision by the electorate (to elect the official in the first instance) rather than putting new choices before the electorate on the same ballot.¹ The level of elected representative susceptible to recall varies as does the signature threshold required on the petition (i.e. the number of signatories has to reach a certain percentage of the total electorate to trigger a recall election).

2 States in which recall is permitted

Recall is used in comparatively few countries throughout the world, with the most well known examples being parts of the United States of America, six of the 26 cantons in Switzerland, Venezuela, the Philippines and the Province of British Columbia in Canada.

2.1 The United States of America

Recall was first adopted in the US in 1903 when voters approved a new city charter for Los Angeles² but recall of *state* officials is now permitted in the following 18 states:³

Alaska	Kansas	New Jersey
Arizona	Louisiana	North Dakota
California	Michigan	Oregon
Colorado	Minnesota	Rhode Island
Georgia	Montana	Washington
Idaho	Nevada	Wisconsin

State level recall attempts in the US have been largely ineffectual with only two Governors being successfully removed from office in this way. These were Lynn J. Frazier (North Dakota) in 1921 and Gray Davis (California) in 2003. The latter case led to the election of Arnold Schwarzenegger. Out of 32 attempts in California since 1911 to recall its Governor the election of Schwarzenegger in 2003 was the only successful one.⁴ In 1988 voters filed enough signatures for Evan Mecham, the Governor of Arizona, to be made the subject of a recall election but he was impeached by the state's House of Representatives before the date of the scheduled recall election.⁵

Recall of state legislators has been somewhat more successful although still uncommon. For example in California there were 107 attempts to trigger a recall election between 1911 and 1994 and only 4 of these succeeded in reaching the number of required signatures on the petition:

1. A state senator was recalled in 1913

¹ Nick Cowen, *Total Recall*, 2008

² National Conference of State Legislatures

<http://www.ncsl.org/programs/legismgt/elect/recallprovision.htm> (last accessed 8th June 2009)

³ *ibid*

⁴ *ibid*

⁵ Richard Rose, *International Encyclopaedia of Elections*, 2000

2. A state senator was recalled in 1914, and another state senator survived a recall attempt
3. A state senator survived a recall attempt in 1994 with 59% of the vote
4. Two Assembly members were recalled in 1995

In 1983 two state senators were recalled in Michigan for the first time in its history⁶

Recall is used much more often at the *local* level of government. At least 36 states permit recall of local officials.⁷

Only 7 US states require certain preconditions to be met before a recall petition can be initiated. These are: Alaska, Georgia, Kansas, Minnesota, Montana, Rhode Island and Washington. The signature requirements to initiate a recall election vary between states but are generally based on a formula using the percentage of the vote in the last election as a base. For specific details of these states' requirements please see: <http://www.ncsl.org/programs/legismgt/elect/recallprovision.htm>

2.2 Switzerland

The availability of literature on Swiss recall procedures is limited. Although Switzerland does not employ recall at the federal level, six of the 26 cantons in Switzerland have recall provisions for their cantonal parliaments. As with all other recall systems a certain number of voters must sign the recall petition in order for recall to proceed but in the case of Switzerland it does not appear that this number is based on a percentage of the electorate. For example in Schaffhauses 1,000 signatures are required on the petition but in Ticino 15,000 signatures are required. However as of November 2003 recall had not be used to successfully recall an elected representative⁸

2.3 Philippines

The Philippines also has provision for recall. Recall elections were temporarily suspended on November 13th 2008 due to funding concerns. This was lifted on 29 January 2009.⁹ In the Philippines if the recall petition reaches the signature threshold of 25% a single election is triggered. This can effectively be seen as a by-election with all the candidates' names on the ballot including the incumbent. If the incumbent is successful in gaining the most votes then the recall has failed and they retain their position. If however another candidate wins the vote then they are duly elected.¹⁰

2.4 Venezuela

The recall mechanism was introduced into Venezuelan law in 1999 under the new Constitution drafted by the National Constituent Assembly and sanctioned by the electorate in a referendum. Unlike any other country's implementation of recall in Venezuela the elected

⁶ National Conference of State Legislatures
<http://www.ncsl.org/programs/legismgt/elect/recallprovision.htm> (last accessed 8th June 2009)

⁷ *ibid*

⁸ *Report of the Chief Electoral Officer on the recall process in British Columbia*, November 2003, <http://www.elections.bc.ca/docs/rpt/rclrpt03.pdf> pg. 33 of the PDF (last accessed 8th June 2009)

⁹ The Philippines Commission on Elections
http://www.comelec.gov.ph/press_statements/2010natl_local/comelec_lifts_recall_suspensions.html (last accessed 8th June 2009)

¹⁰ The Philippines Commission on Elections; http://www.comelec.gov.ph/laws/local_govt_code/lgc_b1t2ch5.html (Last accessed 8th June 2009)

head of state can be subject to it.¹¹ This was most clearly demonstrated when President Chavez had to fight a recall election on 15 August 2004. Despite opposition allegations of fraud, President Chavez survived with close to 60% of the vote.¹²

2.5 British Columbia

The Canadian province of British Columbia adopted the process in 1995 through the *Recall and Initiative Act 1995*. This gave voters the power to remove their Member of the Legislative Assembly between elections. Under the *Recall and Initiative Act*, a successful recall petition triggers the removal of a Member of the Legislative Assembly. If the Chief Electoral Officer determines that a recall petition has a sufficient number of valid signatures and meets the requirements of the Act, the Member ceases to hold office and the seat becomes vacant. A by-election must be called within 90 days.

20 recall applications have been approved since 1995 although of the 20 petitions which arose from these applications only two gathered enough signatures to precede to verification. Of these one failed to collect enough signatures and the second was halted because the MLA concerned resigned.¹³

The Chief Electoral Officer for British Columbia issued a detailed report on the recall process in November 2003.¹⁴ This contains a summary of all recall attempts up to November 2003, and detailed assessment of the procedure and where it might be improved.

Full details of the current British Columbian system of recall can be found here: <http://www.elections.bc.ca/index.php/referenda-recall-initiative/recall/faqs/>

3 Issues surrounding recall

3.1 Sequence of ballots

Although the term recall is universally understood to mean the recall of an elected official the specifics of how a recall election is organised varies between states. Recall *itself* can be seen as essentially a two stage process: firstly the petition to trigger a vote and then secondly the vote to decide if the representative is to be recalled (assuming the petition was successful). However, some countries/states combine the vote on the recall and the vote on the successor whilst others separate the two,¹⁵ although there are exceptions to this. For example in the Philippines a successful petition alone triggers a by-election and in the Canadian Province of British Columbia the recall petition is sufficient to remove the elected representative from office by itself.

The main advantages of combining votes are:

- 1) cost savings associated with running a single election versus two

¹¹ The ACE Electoral Knowledge Network encyclopaedia; <http://aceproject.org/ace-en/focus/direct-democracy/recall> (Last accessed 8th June 2009)

¹² UK and EU Relations with Latin America, Library Standard Note, SN/IA/4986

¹³ Elections BC; <http://www.elections.bc.ca/index.php/referenda-recall-initiative/recall/> (Last accessed 8th June 2009)

¹⁴ *Report of the Chief Electoral Officer on the recall process in British Columbia*, November 2003, <http://www.elections.bc.ca/docs/rpt/rclrpt03.pdf> (Last accessed 8th June 2009)

¹⁵ The ACE Electoral Knowledge Network encyclopaedia; <http://aceproject.org/ace-en/focus/direct-democracy/recall> (Last accessed 8th June 2009)

- 2) resolves both the question of the recall and the question of a successor at the same time thus ensuring as quick a handover between the incumbent and the successor as possible

However there are arguments for holding the vote for the successor on a separate day. These are:

- 1) Asking two questions of the electorate on a single ballot may be confusing for some voters. Especially if one question is dependent on the other, i.e. *if* the recall is successful who would you wish to succeed the incumbent?
- 2) There may be questions of legitimacy if the incumbent gained a greater number of votes in the recall ballot than the winner of the vote for their successor

3.2 Arguments for and against the use of recall

Arguments for recall

- Provides the electorate with the power to remove elected representatives who fail to perform their role to a satisfactory standard or who grossly neglect their duties.
- Without recall the electorate must wait until the next scheduled election to voice their opinions on an incumbent's performance.
- The threat of recall may act to focus the minds of elected representatives and encourage them to meet minimum standards of behaviour.

Arguments against recall

- Whilst recall may encourage elected representatives to undertake popular decisions it also applies in reverse. Some have expressed concern that recall discourages necessary decisions from being made because they may be unpopular.¹⁶
- If political decisions are restricted by circumstances beyond the control of elected representatives then recalling those that make unpopular decisions does not guarantee that their replacements will be able to reverse them. A striking example of this is the recall of the five member city council of Covina, Los Angeles County, as a result of a 6% utility tax being introduced without consultation in 1993. As a result of the revenue being lost from the utility tax the library and fire station came under threat of closure and 42 city employees faced redundancy. The councillors who were elected as replacements then introduced an 8.25% tax without consultation.¹⁷
- There is also some concern that recall could be abused and used as a political tool with some marginal seats becoming the target of organised campaigns.
- There is a cost associated with maintaining recall readiness because election authorities must be prepared to handle recall petition requests whenever they may arise. Elections BC had total costs of C\$553,954 for the fiscal years 2002/03 and 2003/04 (up to the publishing of the Chief Electoral Officer's report in November

¹⁶ The ACE Electoral Knowledge Network encyclopaedia; <http://aceproject.org/ace-en/focus/direct-democracy/recall> (Last accessed 8th June 2009)

¹⁷ Felchner, M. E. *Recall Elections: Democracy in Action or Populism Run Amok*; Congressional Quarterly Inc, vol 25. no. 5, 2004

2003) as a result of administering 9 recall petitions.¹⁸ The recall election by which Schwarzenegger was elected is reported to have cost more than US\$50 million.¹⁹

The arguments for and against recall are somewhat dependent upon the systems used. For example various states attempt to minimise the problem of abuse by placing restrictions on the use of recall. In the US States require specific requirements²⁰ to be met such as malfeasance²¹ by the incumbent and in the Philippines an elected representative can only be subject to recall due to 'no confidence' once per term.²² Where as it can be argued that British Columbia's reliance on a petition alone, and not a subsequent vote, may be somewhat more open to abuse.

4 Legislation

4.1 *The Political Parties and Elections Bill 2008-09*

On the 15th June 2009 Lord Tyler proposed an amendment to the *Political Parties and Elections Bill 2008-09* to require the Secretary of State to compel the Electoral Commission to undertake a review into introducing recall to the UK:

"Review: the procedures for local referenda on recall for misconduct

The Secretary of State shall, within 6 months of this Act being passed, in exercise of his powers under section 6(2) of the Political Parties, Elections and Referendums Act 2000 (c. 41) (reviews of electoral and political matters), request the Electoral Commission to review and report on the procedures for local referenda on the recall by constituents of a Member of Parliament found guilty of misconduct."²³

Lord Tyler said that he tabled the amendment to ensure that the leaders of the three largest parties are made to honour previous statements about reform of the parliamentary system:

"Much has been made in recent days about the special link between MPs and their constituents. As a former Member, I know that there can be a very strong sense of connection for constituents in that they talk about their local MP as "their" MP. Many MPs are, in that sense, servants of their constituents, who send them to this building. If they break the rules, surely the constituents, and not their parties, party leaders, kangaroo courts or the Chief Whip, should have the right to say, "You are not our MP any more. You have broken our trust and you must go". That is a sound principle for us to agree to. Today is Parliament's earliest opportunity to make that statement. If we dodge this issue now, I fear that the public will think that we have deliberately forgotten it already, despite the promises of recent days from all three party leaders. Delay will be interpreted as a further broken promise. Let us show this place, at least, in a good light this afternoon by deciding to change rather than just to debate change."²⁴

¹⁸ *Report of the Chief Electoral Officer on the recall process in British Columbia*, November 2003, <http://www.elections.bc.ca/docs/rpt/rclrpt03.pdf> pg 13 of PDF (Last accessed 8th June 2009)

¹⁹ Felchner, M. E. *Recall Elections: Democracy in Action or Populism Run Amok*; Congressional Quarterly Inc, vol 25. no. 5, 2004

²⁰ National Conference of State Legislatures <http://www.ncsl.org/programs/legismgt/elect/recallprovision.htm> (Last accessed 8th June 2009)

²¹ The intentional commission of an unlawful or wrongful act

²² The Philippines Commission on Elections http://www.comelec.gov.ph/laws/local_govt_code/lgc_b1t2ch5.html (Last accessed 8th June 2009)

²³ [HC Deb c867](#)

²⁴ [HC Deb c870](#)

The Parliamentary Under-Secretary of State, Lord Bach, agreed that reform was necessary and quoted a statement by the Prime Minister in which he expressed a wish to look at recall as a potential mechanism for dealing with gross financial misconduct:

I agree with noble Lords that there is no doubt that the issues that have arisen in recent weeks have badly dented—if not worse—the public’s confidence in politicians of all parties and in the institutions of our democracy. As my right honourable friend the Prime Minister made clear last week, there is no more pressing task for all of us involved in public life than to respond to the public’s demand for reform. In his Statement on constitutional reform on 10 June, the Prime Minister set out the Government’s intention to bring forward new legislative proposals following cross-party discussions as the first stage of this reform. These proposals include, as the noble Lord, Lord Tyler reminded us when he moved this amendment, the immediate creation of a new parliamentary standards authority and the agreement of a statutory code of conduct for all Members of Parliament. The Prime Minister said:

“There will be consultation with all sides of the House to come forward with new proposals for dealing effectively with inappropriate behaviour, including the potential options of effective exclusion and recall for gross financial misconduct, identified by the new independent regulator and by the House itself”.—[*Official Report, Commons, 10/6/09; col. 796.*]²⁵

Lord Bach went on to reiterate the Government’s commitment to looking at recall in more detail:

I am sure that there is agreement on all sides that this suggestion merits careful consideration and, indeed, the Prime Minister has made clear his commitment to taking this debate forward. I therefore hope that noble Lords will agree that legislating to force a debate on this issue will not be necessary and that, in any event, the Electoral Commission is not best placed to undertake this work. Again on behalf of the House, I thank the noble Lord, Lord Tyler, for raising this very current issue and I hope that he will consider withdrawing his amendment today.²⁶

The amendment was defeated 48 to 149²⁷

A question in relation to Lord Tyler’s amendment was asked in the Commons on the 17th June during Ministry of Justice topical questions:

T8. [279695] Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): Apparently, as the Secretary of State will know, there is cross-party support for the introduction of a power of recall in relation to Members of the House of Commons. With that in mind, will he tell us when he will be in a position to present proposals, and can he explain why Labour peers were whipped to vote against the idea last night?

Mr. Straw: The issue of recall is being discussed by the cross-party group which is considering the idea of a parliamentary standards authority and related matters. I have been chairing the group, and it is holding its second meeting this week. As for the wider issue of recall, the hon. Gentleman may be aware that we included in the second Green Paper on Lords reform proposals—which had been broadly agreed with all the

²⁵ [HC Deb c874](#)

²⁶ [HC Deb c875](#)

²⁷ [HC Deb c877](#)

parties—for recall for the second and subsequent terms that it is envisaged that the new Members of the second Chamber would serve.²⁸

The *Political Parties and Elections Bill* received Royal Assent on 21st July 2009²⁹

4.2 The Parliamentary Elections (Recall and Primaries) Bill 2009

The Parliamentary Elections (Recall and Primaries) Bill 2009 was introduced by Douglas Carswell MP as a Ten Minute Rule Bill (under Standing Order No. 23) on the 13 October 2009. In addition to introducing a system of recall the Bill would also allow for a system of primaries for the selection of party candidates.

Carswell explained the Bill's provisions concerning recall:

...my Bill would provide for a recall mechanism—that is, a way to trigger a by-election where a Member of this House was guilty of serious wrongdoing. Plainly such a measure would need safeguards. We would need to ensure that it could not be triggered frivolously or on partisan grounds. We would need to guarantee that charges could not be levelled against MPs simply because they had voted with their conscience. A recall vote should be entered into—as the Book of Common Prayer says of matrimony—“reverently, discreetly, advisedly, soberly”. Triggering a primary would require the backing of a significant number of local people, and it would also require confirmation of serious wrongdoing by the Committee on Standards and Privileges.³⁰

Carswell also argued that is not the efficacy of recall in actually recalling elected officials that makes it beneficial to the electorate but “it is the knowledge that they are possible that makes recall ballots so effective”.³¹ His full speech can be found at [HC Deb 13 October 2009 c166-8](#).

The second reading of the Bill was scheduled for 16 October 2009 but Ten Minute Rule bills rarely proceed further than their introduction and there is no time left in this Parliament for the second reading to take place.

5 The Position of the UK's Three Largest Political Parties

Labour

On 29 September 2009 at the Labour Party Annual Conference the Prime Minister addressed the issue of recall in his speech:

And so where there is proven financial corruption by an MP and in cases where wrongdoing has been demonstrated but Parliament fails to act we will give constituents the right to recall their Member of Parliament.³²

Gordon Brown reiterated this position in a speech to the Institute of Public Policy Research on the 2 February 2010 when he said:³³

²⁸ [HC Deb c162](#)

²⁹ [HC Deb c1580](#)

³⁰ [HC Deb c167](#)

³¹ [HC Deb c168](#)

³² [Gordon Brown's Speech to Labour Conference](#) - last viewed 1st October 2009

³³ [Towards a New Politics](#), Gordon Brown, Institute of Public Policy Research – last viewed 3rd February 2010

"It is a choice between the new politics of giving the people a right to recall MPs who break the rules where parliament itself fails to act, or refusing the people a say even if members place their personal greed above their public duty."³⁴

"And that is why, in grave situations where financial impropriety has been proven, but where parliament itself has failed to act, we are proposing the ultimate power of recall by the people."³⁵

In both cases Gordon Brown gave no further details about how or when recall might be introduced. It would appear that when Gordon Brown said "when Parliament fails to act" he is referring to situation where the House of Commons does not act despite seeing evidence of misconduct.

Conservative

The Guardian newspaper quoted David Cameron at the end of May 2009 as stating that he will "start looking at recall powers".³⁶

On 8 February 2010 David Cameron made a speech entitled "Rebuilding Trust in Politics" in which he stated that the Conservatives support the introduction of recall:

"When it comes to the firing, we've said we'll introduce a power of recall to allow voters to kick out MPs mid-parliament if they have been proven guilty of serious wrongdoing."³⁷

Liberal Democrat

The Liberal Democrats included recall in their amendment to the 2009 Debate on the Address. It read:

Amendment proposed: at the end of the Question to add:

but humbly regret that the Gracious Speech fails to provide proposals for constituents to recall hon. Members for misconduct, to provide for a code of financial conduct for candidates at the next general election so that the public can understand the financial affairs of those they are voting for, to complete the reform of the House of Lords to ensure that only people who have been democratically elected have power to make law, to reform party funding to ensure that the influence of large corporate donations is removed, to fix the length of the parliamentary term so that the date of a general election is known years in advance, to provide a Citizens' Assembly to agree a new voting system for parliamentary elections and fundamentally to review the procedures of this House to strengthen the power of backbenchers, reduce the power of the whips and ensure that the business of the House is organised transparently in a formal committee of the House."- (*Mr. Burstow.*)

Question put forthwith (Standing Order No. 33), That the amendment be made.

*The House divided: Ayes 64, Noes 469.*³⁸

The amendment was therefore defeated.

³⁴ [Towards a New Politics](#), Gordon Brown, Transcript pg.3 – last viewed 3rd February 2010

³⁵ [Towards a New Politics](#), Gordon Brown, Transcript pg.7 – last viewed 3rd February 2010

³⁶ [Guardian](#), Sunday 31 May 2009

³⁷ [Rebuilding Trust in Politics](#), David Cameron – last viewed 9th February 2010

³⁸ [HC Deb c792](#)

The Liberal Democrats also state on their website an intention to introduce recall powers as a matter of policy:

...We will allow constituents to recall MPs who have broken the rules...³⁹

³⁹ Liberal Democrats, [Political Reform](#)