

Recalls: Easier said than done

By [John Wilkens \(/staff/john-wilkens/\)](/staff/john-wilkens/) 1 p.m. Aug. 3, 2013



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Michael Pallamary spearheads the Filner recall. — *Sean M. Haffey / U-T*

So many signatures, so little time.

For the people trying to recall San Diego Mayor Bob Filner, the numbers are daunting: They'll have to get more than 100,000 registered voters in the city to sign petitions in 39 days.

If they succeed, though, it will be Filner looking at some uncomfortable odds. Last year, nationwide, there were 168 recalls. Of those, 108 -- or about 65 percent -- succeeded in pushing the targeted officeholder out the door.

That's according to Joshua Spivak, a visiting fellow at Wagner College's Carey Institute for Government Reform in New York. He tracks recalls, which he calls "The Grand Bounce," and writes about them on his Recall Elections Blog.

"There are steep hurdles, but the fact that it involves what it does (alleged sexual misconduct) could push it forward," he said. "Corruption and malfeasance cases work best. And something like the situation you have there, with the city being embarrassed and nobody happy about it — that will be a factor, too."

Recalls have been a feature of the democratic process for longer than America has been a country. San Diego County has seen at least 15 recall elections since 1914 (eight succeeded), with the most recent bringing the ouster of Poway City Councilwoman Betty Rexford three years ago.

The number of recall attempts nationwide is increasing — not because our political discourse is so deeply fractured, but because technology makes it easier for organizers to gather and spread the word, Spivak believes. He thinks the 2012 total, up from 151 the previous year, set a record, although he suspects even his careful count is low. It's impossible, he said, to know about every political dispute in every nook and cranny of the nation.

And the nooks and crannies are where recalls most often happen. Statewide efforts like the unsuccessful one to boot Wisconsin Gov. Scott Walker last year or the successful one in 2003 aimed at California Gov. Gray Davis get tons of attention but are rare. The vast majority of the disputes involve municipal governments — school boards, water districts, county coroners — and get sparked by extramarital affairs, road widenings, Walmart stores, drug use, hurricane evacuations, you name it.

Mayors are a popular target. Spivak counted 29 mayors forced into fighting for their political lives last year. "If things aren't going well in the place where you live," he said, "they are exactly who you would blame."

So far this year, mayors across the country — Rock Hall, Md., Whittier, Alaska, Ventnor, N.J., Las Vegas, N.M., Mullan, Idaho — have found themselves where Bob Filner now sits: In the cross hairs of a voter revolt.

A tall mountain

Most of the laws concerning recalls are written by legislators who might one day face one. "They don't make it easy," said Bob

Glaser of the La Jolla Group, an election consultant who's been involved in numerous petition drives here. "They don't really want it to work, and they're very good at it."

One hurdle is the number of signatures required on the recall petitions. It varies from place to place. Some require 10 percent of registered voters, some 25 percent. In San Diego, it's 15 percent.

Filner recall proponents will need to collect 101,597 valid signatures after the petition window opens on Aug. 18. Most campaigns turn in more than they need because history shows that some of the signatures will be invalid — people sign more than once, or the signers aren't eligible. (History also shows that some of those invalid signatures are done on purpose to thwart the petitions.)

The 100,000-signature mark is in itself a big mountain to climb: Spivak said he knows of only four successful recalls in history nationwide that involved gathering that many John Hancocks.

State law gives the petitioners 160 days to gather signatures, but cities can make their own rules, and San Diego did, decades ago. The municipal code allows 39 days, an odd number by anybody's reckoning. (There's also a provision for an additional 30 days if some of the original signatures are deemed invalid.)

"Thirty-nine days?" Spivak said. "It's either a typo or an intentional mistake."

There are obvious reasons for making recalls difficult. Government would grind to a halt if officeholders could be thrown out every time somebody disagreed with something they did.

Making it difficult means that most recall efforts never reach the ballot. In California, there have been 155 attempts to recall state officials since 1913. Only nine qualified for a vote. (Five of those succeeded.)

Last year, nationwide, even though it was a record year with 168 recall elections, another 341 petitions fell by the wayside, by Spivak's count. They failed either because they didn't get enough signatures, or the campaign was barred by litigation, or, in one Alaska case, the city council simply refused to schedule the election.

The biggest hurdle of all, most insiders believe, is money. California has a well-established industry of professional signature-gatherers, but somebody has to pay them. So far nobody has announced any major donations to bounce Filner.

Michael Pallamary, one of the recall leaders and a longtime critic of the mayor, has estimated it will cost at least \$250,000 for the campaign. He said more than 1,000 volunteers are lined up to help gather signatures.

He's an experienced hand at this, having been involved in the successful 1991 recall of San Diego City Councilwoman Linda Bernhardt, the last (and only) recall since the city charter was adopted in 1931. She was accused of gerrymandering in the redrawing of council district maps and of accepting contributions from developers after pledging not to.

Because that was a district-only recall, not citywide, the proponents needed to collect just 11,240 signatures. They wound up with 11,289. (Before the election, Bernhardt and three City Council colleagues tried unsuccessfully to make recalls harder. One of the colleagues? Filner.)

After the election, Pallamary explained what he thought fueled the victory, and it may have some bearing on the Filner effort, too.

"You need blood, you need an angry mob," he said. "We had a lynch mob and we were going to hang someone and we did."

Tapping the anger

Tom Bader, a Sacramento-area political consultant, ran the effort to qualify the Davis recall for the ballot in 2003. He said the other side hired almost all of the major signature-gathering companies in the state, essentially paying them to sit on the sidelines.

How was he going to get the 900,000 signatures needed?

Money helped; Vista congressman Darrell Issa contributed almost \$2 million. And so did outrage.

"There was a groundswell of anger among the voters," Bader said, especially about electricity rates, car taxes and the recession. "People just came out on their own to sign. If it's emotionally driven, you can get a lot of people."

Davis wound up being the first California governor recalled and just the second ever in the U.S.

Public anger helped when Rexford, the Poway councilwoman, was recalled in 2010 after 15 years in office, said Steve Vaus, who ran the campaign against her and is now on the council. Rexford was accused of pressuring city employees to interfere with the housing plans of her neighbors.

The campaign didn't have to worry about paying professional signature-gatherers; they aren't allowed in Poway. Proponents had 120 days to collect signatures from 20 percent of the city's voters, about 5,600 people.

“The biggest obstacle we ran into was early on, people telling us recalls are impossible so why bother,” Vaus said. “We had to get some very dedicated volunteers and make sure people were motivated. Fortunately, that was easy, because we had someone who had overstepped the bounds of authority and abused the public trust.”

While acknowledging the obvious hurdles in the Filner recall, Vaus said the mayor’s alleged behavior toward women “is so outrageous they should be able to collect all the signatures they need in about three days.”

Glaser, the veteran San Diego political consultant, said there’s a big difference between getting 5,600 signatures in 120 days and getting 100,000 in 39. But he, too, thinks emotion could be a factor in the Filner case.

“Any petition, when you are going door to door or talking to people outside a store, you need to spend time explaining it and then you need to have people want to sign it,” he said. “When people have a visceral reaction to the issue, you don’t need to explain it. A larger percentage are already interested, and that makes it much easier.”

Easy enough to climb the mountain of so many signatures, so little time?

“I wouldn’t bet against it,” he said.

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