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RECALL MOVE GIVES DARK HORSE A VERY LONGSHOT

by

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An effort is underway to recall the next governor even before the general election on November 16. Louisiana law does not allow write-in candidates nor a vote for "None of the Above." Supporters of the recall effort in effect are supporting the next lieutenant governor for governor, but at very long odds.

The constitution provides three methods to remove a governor: a declaration of inability to carry out duties, impeachment and recall. Each procedure is for different reasons, but in each case the lieutenant governor would serve as governor for the remainder of the term.

The inability method provides that a majority of the statewide elected officials may file a declaration that the governor is unable to discharge his powers and duties (e. g., due to a severe physical or mental illness). If two thirds of elected membership of each house of the Legislature agree, the issue would be settled by a majority vote of the Louisiana Supreme Court.

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Impeachment is the second method. The governor is liable for impeachment for commission or conviction of a felony or for malfeasance or gross misconduct while in office. Impeachment is by the House and trial by the Senate, with a two-thirds vote of elected senators (26) needed to convict.

Recall by election is a procedure allowed in only 15 states, including Louisiana. Recall elections do not require specific reasons. Louisiana law requires a recall petition be signed by at least one third of the registered voters, increased from one fourth in 1977, and allows 180 days to collect signatures. If valid and sufficient signatures are obtained, the governor must order a recall election. A recall is successful if approved by a majority of those voting.

In all practicality it would be difficult, if not impossible, to collect over 744,000 valid signatures needed for a recall election in a period of six months. The required signatures represent nearly half (48 percent) of the total votes cast for all gubernatorial candidates in the October 19 primary.

A procedure for removing an official from office should not be so easy that public officials can be harassed, nor so difficult as to preclude its use. The typical state that provides for recall requires only 25 percent of the votes cast (not registered voters) in the last election. In Louisiana, this would require an estimated 400,000 valid signatures to petition for a recall election. If a recall election is ever to be a viable method for statewide citizen action to oust an official, the present law must be changed.