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The GOP is attempting a recall power grab in California

by JOSHUA SPIVAK

After a poor performance in the 2016 state election, California Republicans are looking to an age-old device to regain some semblance of power: the recall. They have targeted state Sen. Josh Newman (D-Fullerton), who won office in an almost evenly split district by less than 2,500 votes. While the recall leaders have publicly focused on Newman's vote to raise the gas tax, their real motive is most likely to strip Democrats of their two-thirds majority in the state Senate.

This controversial use of the recall has led Democrats to push through legislation changing recall rules. They complain that anti-Newman signature gatherers tricked some signers into thinking the petition was just about repealing the gas tax. The new rules give signers time to remove their signatures, which will at least delay a recall vote by months. Newman's opponents, however, can continue to gather signatures, and they already had more than enough to trigger a vote.

Most recalls that manage to get on the ballot are successful. Still, it depends on the nature of the campaign and voter perceptions: The results of recalls apparently based on purely partisan motives suggest Democrats may have reason for hope.

Neither party has been shy about using the recall for naked legislative gain in California. In 2008, we saw a mirror image of the Newman recall, as the Democrats unsuccessfully targeted then-state Sen. Jeffrey Denham (R-Atwater), ostensibly because he voted against the budget. Democrats clearly had hoped that with Denham ousted, they could win in another try at his Democratic-majority district, and thereby gain a supermajority in the Senate.

In 1995, the Republicans in the Assembly went to the recall three times, after one Republican member flipped and deprived the party of its first majority and speakership in 25 years. The Republicans were successful in recalls against two of their members: the original flipper, Paul Horcher, and Doris Allen, who voted against the Republican speaker after Horcher was removed. But a GOP recall attempt against Assemblyman Michael Machado (D-Linden), who had promised to be "an independent voice," was unsuccessful.

This use of the recall to gain legislative control has been on display in other states in recent years as well. In Wisconsin in 1996, a state legislator was kicked out for voting for a stadium tax, resulting in a switch of majority control in the state Senate from Republican to Democratic. Then in 2011-12, Wisconsin saw 13 recalls against legislators (as well as against the governor), with the Democrats, who initiated nine of the recalls, finally winning the three seats necessary to gain control — though only for a few months' time.

Republicans almost had the same success in Colorado in 2013, when they cast out two Democratic senators who voted in favor of gun control, including the Senate majority leader. A third Democrat resigned and, due to a quirk in Colorado law, was replaced by another Democrat to preserve what was then a one-vote majority.

A similar attempt is now gaining traction in Nevada, with attacks on three Democratic or Democratic-leaning independent state senators — exactly the number needed to give the Republicans a majority. These campaigns don't as yet have a specific issue to hang on, but the fact that the law firm of the Republican lieutenant governor is representing the recall proponents suggests how significant the partisan motivation is behind the attempt.

For Newman and the Democrats, this history, and Gov. Gray Davis' removal in 2003, shows that voters will sometimes turn out an elected official even if it means handing over political control to the other party. But the history also shows that recalls are most likely to be successful when there is either a single issue to rally around, such as gun control in Colorado, or when voters feel politicians betrayed them.

The California recalls in 1995 are a perfect example of the latter phenomenon. The two Assembly members who were removed from office lost because they were elected Republicans who voted to prevent the Republican leader from being elected speaker. The third recall, against an elected Democrat, failed as voters rejected the idea of punishing a Democrat for voting in line with his party.

Newman is another Democrat targeted for voting like a Democrat, which may be why the leaders of the push to remove him are focusing on the gas tax instead of the wider partisan implications of their efforts. To fight back, Democrats should make sure voters understand the stark political nature of the recall. Even in an evenly split district that has regularly elected Republicans, it may help Newman retain his seat — and help the Democrats keep their two-thirds majority in Sacramento.

Joshua Spivak is a senior fellow at the Hugh L. Carey Institute for Government Reform at Wagner College in New York. He writes the Recall Election Blog.