

government. It has allowed people to instruct willing legislators on matters on which the representatives have been uncertain. The direct process stimulates popular interest in government because it enables the electorate to enact laws that are needed and disapprove those that are not. It produces more carefully drafted laws because sponsors engage specialists to help draft bills for particular needs. Thus, major compromise legislation is eliminated. In states where the direct process is an operative device, citizens have been sustained in their efforts to bring about political reforms, long delayed by recalcitrant legislatures. This method serves as a constant "shot-gun behind the door" to hold the legislature in constructive and productive paths. In some states direct legislative devices have provided a sort of balance for the forces of population against a badly gerrymandered legislature, or even a means to force legislative reapportionment when the legislature has refused to follow the state constitution's mandate on the subject.

Recall provisions authorize the public to remove an elected and, in some states, appointed official by an adverse popular vote. Constitutions in thirteen states provide for the recall of public officials. Details of these provisions vary considerably and these differences will be reflected below.

Generally, recall applies to "elective public officers" but some states use the term "public officer" to indicate who is subject to recall. Kansas and Arizona provide expressly that the official can be either elected or appointed and be subject to removal by an adverse vote. Five states have subjected judges to recall, but five more states have expressly excluded them.

#### THE BALANCE OF THE ARGUMENT

"No great drive appears today for the adoption of direct legislation in states that do not have it, nor for its abandonment in those that do. Most recent contests over direct legislation have involved reforms in detail in the systems already in use, to raise the signature requirements (particularly for the constitutional initiative), to limit repeated submissions of the same measures, or to require financing plans or 'price tags' to accompany bills calling for expenditures.

"The claims made by its early supporters for direct legislation as a panacea for all political evils have hardly been borne out, but neither have the dire predictions of disaster made by its early enemies. No great flood of either radical or reactionary legislation has come from the initiative nor have legislative bodies been hamstrung by the statutory referendum. The people's direct legislative products have resembled closely those of representative bodies."<sup>18</sup>

#### RECALL

After the term of an incumbent has run for a specified period (ranging from five days to one year), a petition may be prepared and filed. In a majority of states, the petition prescribes reasons for recalling the official. The number of signatures required and the base from which that number is computed differ from state to state. The lowest number of signatures required is 12 per cent of the voters; the highest, 30 per cent. This is computed from either the total number of votes cast in the last general election, or the total number of votes

<sup>18</sup> J. SWARTHOUT & E. BARTLY, *PRINCIPLES AND PROBLEMS OF STATE AND LOCAL GOVERNMENT* 75 (1958).