

cast for governor in the last gubernatorial election, or the total number of votes cast for all persons in the office occupied by the incumbent. If the officer is a local official, the size of the governmental unit may determine how many signatures must be secured.

When the petition is completed, it is in most cases filed with the secretary of state. If he decides that it has the requisite number of signatures and is proper in all other respects, he can then call for the election, provided that a general election is not imminent. The question of removal will then appear on the ballot.

When a petition is filed and the incumbent decides to attempt to remain in office, he must do some campaigning. The states of Arizona, Oregon, California, and Colorado provide for payment out of the state treasury for the reasonable expenses incurred for such a campaign by the incumbent, if he is not removed. Until the election is held, the duties of the office are carried on by the incumbent in several states. Some states provide for this contingency by law, others by appointment.

Some states provide that the resignation by the incumbent within a specified time after the filing of a recall petition will remove the question from the ballot. The election may still be held in order to determine a successor to the vacant office. Even if the incumbent does not resign, there may be other persons running in the election, in which case the one who receives a majority of the votes, including the incumbent, would take office for the remainder of the term. If the election determines only whether the official is removed and he subsequently is removed, the office can be filled in some states by appointment.

The history of the recall device reflects its use mainly as a political weapon. Opponents argue that it makes officials engage in a kind of constant campaign to retain public favor and public notice when they should be engaged solely in the duties of their offices. Proponents argue that the device has been used in most areas with much restraint, as a "whip on the wall" rather than one in action, and its intent is political in the first place; it is a supplement to, rather than a substitute for, impeachment.

CONCLUSION

It has been argued that the referendum protects the people from measures which may be passed by a poorly apportioned legislature, or one that was elected from highly gerrymandered districts. The current trend toward more equitable apportionment does not destroy this argument. Political consequences will continue to receive high priority when legislative districts are drawn. While reapportionment will prevent the legislature from being under the control of certain minorities, there will always be minorities which should not be denied a valid means of protecting their interests.

These arguments hold true for the power of initiative as well. There is no good reason for having referendum without initiative. Initiative has often resulted in good legislation in those states where it is permitted, frequently resulting in the establishment of laws which would have been extremely difficult for the legislature to enact. An example of this is the repeal of prohibition in Oklahoma in 1959. Whether prohibition be good or bad, the fact is that a majority of the people wanted it repealed, while substantial public support for retaining it was sufficient to prevent legislative action.