

Count on lawmakers to protect themselves

By Wayne Hoffman

I got a flurry of excited emails Wednesday morning. The emails announced the ouster of two Colorado state lawmakers who had voted for gun control laws.

Colorado Democrats Angela Giron and John Morse were booted from office by voters upset by their disregard for the Constitution. The interesting thing, and the reason I'm writing today, is because had Giron and Morse been in the Idaho Legislature and part of a recall election in our state, they'd remain in office, even though a majority wanted them gone.

In the words of Captain Queeg, I kid you not. For Idaho, a majority vote is not enough to throw the bastards out.

In fact, the threshold for a recall is so implausible that I doubt Anthony Weiner could be involuntarily removed from office. Idaho's recall law says a majority vote is not enough; the law also requires that "the number of votes cast in favor of the recall must equal or exceed the votes cast at the last general election for that officer." Appointed officials are the only exception.

To recap, Colorado's now-recalled legislators, Giron and Morse, were deposed by a majority vote on Tuesday. But the number of people voting to remove them from office was well short of the number that had voted for them in their last general election. Under Idaho law, they'd stay in place, despite the majority will to get rid of them.

Now, you probably wonder, why in the world would state law be designed such a way, to have a second, almost unfathomable barrier to the people's decision to remove an elected official from office? And if you really wonder that, you are naïve.

The law was written by the people who stood to benefit from it, and lawmakers are loath to make it easier for the people to monkey with their power. That's why the filing period for legislative candidates occurs before lawmakers have completed their work. Moving the filing period and holding the primary election later in the year would allow the Legislature to make the hard decisions, to adjourn, go back home, face the electorate, explain and defend their decisions and then for the people they represent to decide whether they should be represented by someone else.

That's also why a state law says you can live "temporarily" outside your legislative district and still retain your residency and your right to represent. It's also why state law allows lawmakers to appoint a substitute to cast votes for them week after week and, in at least two recent cases, session after session.

And it explains why lawmakers are reluctant to fix a pension system that gives them a nice boost in retirement pay if they accept a state job after they complete legislative service.

Those in power like their power, and Lord Acton warned what too much power can do.

The people who got excited about Colorado's recall election have a lot to be excited about. It sends a message that lawmakers are held accountable, and when they vote to restrict the Second

Amendment rights of Americans, they can expect consequences. A majority will vote against you, and you will be voted from office.

That's an undeniable truth—in Colorado, if not necessarily here in Idaho.

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