

Recall of State Elected Officials

What is recall?

Recall is a method for removal of an elected official from office before the end of the official's term. Recall is one of four ways that a state elected official can be removed from office. The other methods are "impeachment" for constitutional officers and judges; "removal" for judges; and "expulsion" or "exclusion" from office for legislators. Recall is detailed in Minnesota Statutes, [chapter 211C](#), and [article 8](#), section 6 of the Minnesota Constitution.

In 1996, Minnesotans approved a constitutional amendment allowing recall of state officials, but to date none have been subject to a recall election.

Who may be recalled?

State representatives, state senators, the governor, the lieutenant governor, the secretary of state, the state auditor, the attorney general, supreme court judges, court of appeals judges, and district judges are all subject to recall. (Minnesota law also allows for recall of certain county officials. That process is not covered here. For more information see Minnesota Statutes, [sections 351.14 to 351.23](#).)

What actions constitute grounds for recall?

A recall is permitted for "malfeasance," "nonfeasance," and "serious crime."

- **Malfeasance** means intentionally doing something unlawful or wrong while performing duties of the office; the act must be substantially outside of the scope of duties and substantially infringe upon another's rights.
- **Nonfeasance** means intentionally and repeatedly not performing required duties of the office.
- **Serious crime** means a crime that is a gross misdemeanor and involves assault, intentional injury, threat of injury, dishonesty, stalking, aggravated driving while intoxicated, coercion, obstruction of justice, or the sale or possession of controlled substances. Serious crime also means a misdemeanor crime that involves assault, intentional injury or threat of injury, dishonesty, coercion, obstruction of justice, or the sale or possession of controlled substances. An individual who is convicted of a felony is automatically removed from office, so a felony conviction is not specified as grounds for recall.

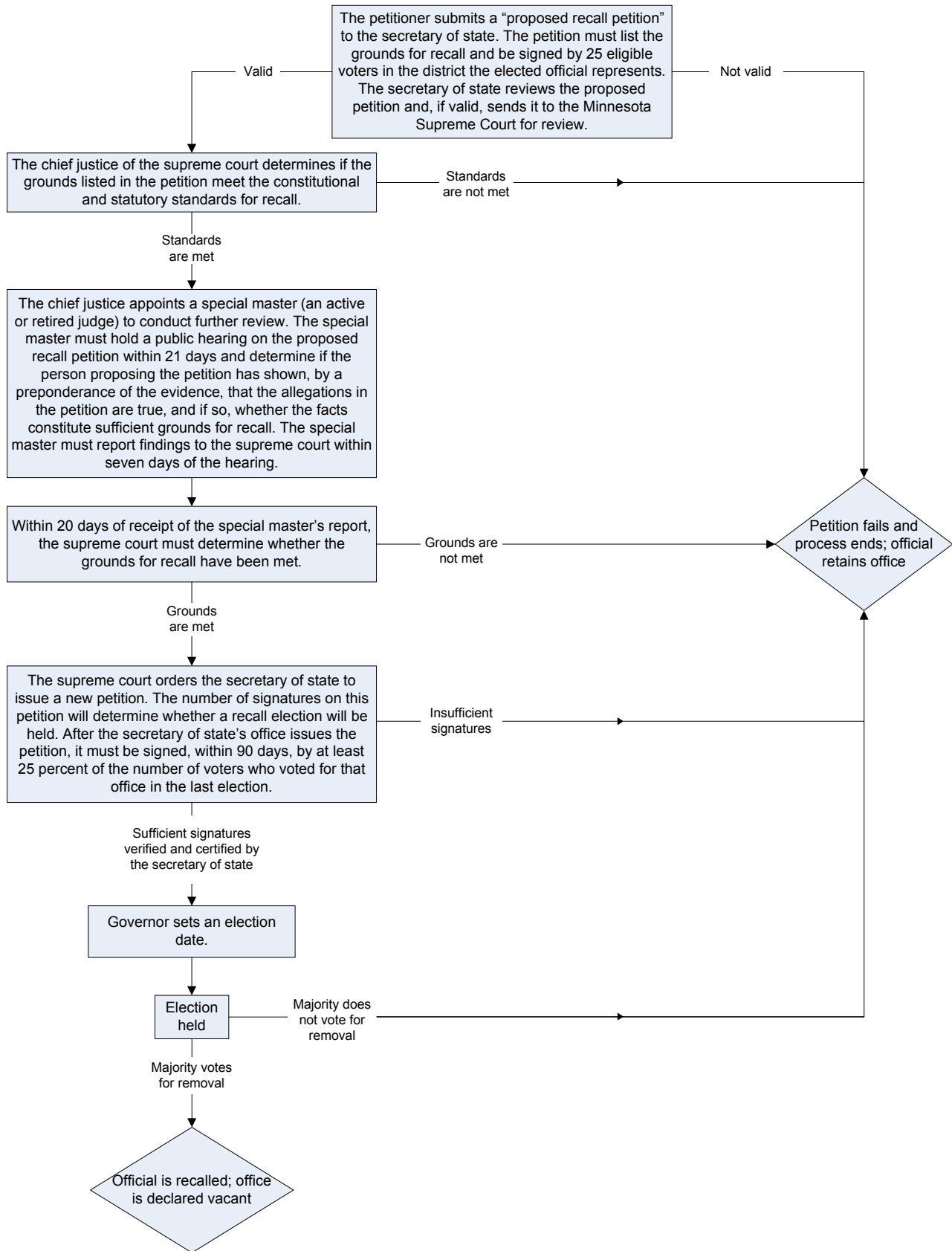
Grounds for recall for state officers, except for judges, are defined in Minnesota Statutes. The Minnesota Supreme Court subsequently adopted the same standards for recall as were established for state officers in the statutes, except that the supreme court's standards explicitly provide that a judge may not be recalled for the discretionary performance of a lawful act or a prescribed duty.

Are there restrictions on the recall process?

A person may not falsely allege wrongdoing by a state officer in a recall petition, or threaten, intimidate, coerce, or bribe eligible voters to sign or not sign a petition.

A recall election may not be held if there are fewer than six months remaining in an official's term. Only one recall petition may be active for any one office at a time.

Process for Recalling an Elected Official



For more information: Contact legislative analyst Matt Gehring at 651-296-5052.

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