

= Colorado recall election , 2013 =

The Colorado recall election of 2013 was a successful effort to recall two Democratic members of the Colorado Senate following their support of new gun control legislation . Initially four politicians were targeted , but sufficient signatures could only be obtained for State Senate President John Morse and State Senator Angela Giron .

During the petition drive , national organizations on both the gun rights and gun control sides became involved by providing mailings and donations . Once the petitions were submitted , Morse and Giron challenged the effort in court , but were denied the injunction that they had requested from the court . A further court hearing resulted in the election being conducted in @-@ person rather than by mail , which also led to Giron complaining of voter suppression .

In the election , held on September 10 , 2013 , both Morse and Giron were recalled by the voters of their districts and replaced with Republicans George Rivera and Bernie Herpin , respectively . It was the first time a state legislator in Colorado had been recalled . In the 2014 Senate elections 13 months later , both Rivera and Herpin were defeated by their Democratic opponents .

= = Background = =

In early 2013 , the Colorado legislature passed a series of gun control bills following the theater shooting in Aurora , Colorado and the Sandy Hook school shooting in Newtown , Connecticut . The new laws provided for a ban on magazines holding more than fifteen rounds of ammunition , a universal background check , and a requirement that buyers pay a fee for the background check .

The initial recall petitions targeted Senate President John Morse and State Representative Mike McLachlan . Two additional petitions were also filed against Senators Evie Hudak and Angela Giron . All four are members of the Colorado Democratic Party .

The recall drive against Morse was spearheaded by the Basic Freedom Defense Fund (BFDF) and the El Paso County Freedom Defense Committee . The recall drive against Giron was led by Pueblo Freedom and Rights .

During the petition drive , groups supporting Morse accused the firm collecting the signatures of hiring convicted felons and gathering personal information . Recall backers said that Morse 's group was misleading the public . In addition , the recall drives brought in support from national groups on both sides of the issue . The National Rifle Association (NRA) supported the recall effort with mailers and donations . National groups opposing the recall included America Votes , believed to be financially supported by New York City Mayor Michael Bloomberg , as well as California billionaire Eli Broad .

= = Submission and certification of petitions = =

On June 3 , 2013 , BFDF turned in over 16 @,@ 000 signatures petitioning to recall Morse to the Colorado Secretary of State , Republican Scott Gessler , of which only 7 @,@ 178 needed to be certified in order to force a recall election . In addition , over 13 @,@ 000 signatures were turned in to recall Giron , of which 11 @,@ 285 needed to be certified . Efforts to recall McLachlan failed , collecting only about 8 @,@ 500 signatures of the 10 @,@ 587 needed . Likewise , the efforts to recall Hudak also failed , falling short of the 18 @,@ 962 signatures needed .

A group backing Morse alleged that fifty of the signatures on the petitions were forged , including one individual who had been dead for two years . A spokesman for BFDF immediately issued a statement calling for an investigation and stating that if anyone committed fraud the guilty party should be prosecuted " to the fullest extent of the law . " The group calling for the recall also alleged that Morse 's volunteers were harassing those that signed the petition , requesting that they remove their name from the petition .

= = = Challenges = = =

Immediately after the signatures for recalling Morse were certified , he filed a challenge to the petitions . Mark Grueskin , Morse 's attorney , said : " The petitions circulated are as valid as the back of a matchbook . All of the signatures are invalid . " The recall petition was also certified for the effort against Giron . Both Senators claimed the petitions were invalid because they did not use the explicit language that Morse and Giron claim was required under the state constitution . The initial hearings were before the Secretary of State 's Office , which denied the challenges .

On July 9 , 2013 , Morse filed suit in the Denver District Court seeking an injunction to block the recall election . At the same time Secretary of State Gessler filed suit to force Democratic Governor John Hickenlooper to set a date for the recall election . On July 18 , 2013 , Denver District Court Judge Robert Hyatt issued a preliminary ruling that the recall process must proceed even while Morse and Giron challenged the process in court . Hickenlooper then set the recall election for September 10 .

= = Election = =

= = = Campaign = = =

Once the election date was set as September 10 , national organizations on both sides of the gun @-@ control debate started to weigh in . On the recall , pro @-@ gun rights side was the National Rifle Association and Americans for Prosperity , while on the gun control side was the Mayors Against Illegal Guns and Mayor Bloomberg . Morse went door @-@ to @-@ door in an effort to gain voter support and both sides of the campaigns accused the other side of mud @-@ slinging . Morse supporters were upset about an ad alleging ethical misconduct by Morse , noting that he had been cleared of those allegations . Giron supporters were accused of misrepresenting the issue as a choice on women 's rights and abortion .

Financial donations were also an issue . Bloomberg and Broad donated \$ 350 @,@ 000 and \$ 250 @,@ 000 , respectively , to support the Senators . The Democratic Legislative Campaign Committee also spent \$ 250 @,@ 000 to oppose recall . The NRA spent over \$ 108 @,@ 000 to support the recall efforts . In total , the Morse and Giron side spent approximately \$ 3 @,@ 000 @,@ 000 opposing the recall , while the recall supporters spent about \$ 500 @,@ 000 .

= = = Replacement candidates = = =

Early in the recall process , Republican George Rivera announced his candidacy for Giron 's senate seat . Rivera was planning to run against Giron in the 2014 elections but stated he would put his name on the ballot during the recall process . Rivera had to turn in a petition with 1 @,@ 000 signatures in order to qualify to be on the ballot and turned in 1 @,@ 500 signatures on July 26 . Sonia Negrete Winn , a Democrat , also sought to be on the ballot to replace Giron , but failed to obtain the required signatures to be a candidate . In Morse 's district , Republican Bernie Herpin announced his interest in replacing Morse and submitted sufficient signatures to qualify for the ballot .

= = = Ballot challenge = = =

On August 7 , 2013 , the Libertarian Party filed a lawsuit stating that they were denied access to have their candidate on the ballot due to a conflict between state law and the state constitution . State law provided for ten days to obtain ballot petition signatures , while the state constitution provided for fifteen days . On August 12 , Colorado District Court Judge Robert McGahey ruled that the state constitution 's provisions had to be followed , and that prospective candidates had until August 26 to turn in their petitions . The Colorado Supreme Court declined to hear an appeal . The ruling meant that election officials would be unable to conduct the election by mail , as is usual for Colorado , and would have to open up polls for in @-@ person voting . Morse stated that not voting

by mail was " bad for everybody . "

On August 27 , 2013 , Hickenlooper asked the Colorado Supreme Court to clarify if a voter had to vote for recall in order to vote for a replacement candidate . At the same time , Libertarian Jan Brooks turned in petitions to be on the ballot against Morse while Democrat Richard Anglund announced his write @-@ in candidacy against Giron . On August 28 , the Supreme Court ruled that a voter did not have to vote to recall in order to vote for a replacement , but that the Senators could only be recalled by a majority vote . Secretary of State Gessler announced that Brooks did not have sufficient signatures to qualify for the ballot , leaving only Republican opponents on the ballot .

= = = Polling = = =

When asked " Will you vote ' yes ' or ' no ' on the question of whether Angela Giron should be recalled from the office of State Senator ? "

= = = Results = = =

Morse conceded on the evening of September 10 . Initial poll returns seemed to indicate that Giron would win her recall election . The final votes were 9 @,@ 131 to recall Morse and 8 @,@ 812 to keep him , a 1 @.@ 78 % difference . The final results also ousted Giron , 19 @,@ 451 to 15 @,@ 376 , an 11 @.@ 7 % difference . Giron 's recall was more surprising , as the district is 47 % Democratic to 23 % Republican , and news reports stated that Giron was stunned at the results . Other sources stated that Giron remained defiant . Giron has claimed that the recall was due to voter suppression . Giron noted that " We were less than two weeks out and we didn 't know what the rules were , " referring to the change from mail @-@ in ballots to in @-@ person voting .

With the recall of Morse and Giron , Herpin and Rivera were elected to the State Senate to replace them , defeating their respective write @-@ in opponents .

= = = District 3 = = =

= = = District 11 = = =

= = Aftermath = =

= = = Reactions = = =

Giron and Democratic National Committee Chair Debbie Wasserman Schultz claimed that the recall defeat was due to voter suppression . The Denver Post disputed this , saying that the result wasn 't caused by voter suppression but the fact that more people showed up to vote against Giron than to vote for her . Gessler said that the Democrats fared worse where more people turned out . Wasserman Schultz also stated that the money spent by the NRA and the Koch brothers made it impossible for Democrats to win .

Charles C. W. Cooke , writing in the National Review Online , stated that it was a grassroots effort , triggered by the perception that the two senators were not listening to the concerns of the public . Ashby Jones of the Wall Street Journal viewed it as a major win for the NRA and a " stinging defeat " for Mayor Bloomberg .

Reuters journalist Keith Coffman stated that the defeat was a sign that Democrats who control Colorado government had reached too far , not just on gun @-@ control , but in other areas also , such as not considering religious exemptions for same sex adoptions , or same @-@ day voter registration .

== = Polling == =

Polling firm Public Policy Polling conducted a poll of Giron 's district between September 7 and 9 , asking likely voters if they supported the recall of Giron , whether they supported various components of the gun control bill , whether they approved of the NRA and Governor Hickenlooper , and who they would vote for in a hypothetical 2014 gubernatorial election between Hickenlooper and Republican Tom Tancredo , as well as various methodological questions . The results found voters supported recalling Giron by 54 % to 42 % , with 4 % undecided .

However , the firm did not release the poll results before the election . The day after the election , when Giron had been recalled by 12 points , they released the poll and company director Tom Jensen explained why they had not initially done so , citing numerous unusual results . These included the district supporting her recall by such a wide margin , despite having been carried by 20 points by Democratic President Barack Obama in the 2012 election ; voters saying they supported universal background checks by 68 % to 27 % ; and voters being split 47 % to 47 % on limiting high @-@ capacity ammunition magazines to 15 bullets . Jensen opined that the NRA had done a " good job of turning the election more broadly into ' do you support gun rights or are you opposed to them . ' " Their decision not to release the poll caused significant controversy , with some statisticians and journalists criticising them and others supporting them .

== = 2014 elections == =

In the November 2014 Senate elections 13 months later , both Rivera and Herpin were defeated by large margins by their Democratic opponents . Rivera lost to State Representative Leroy Garcia and Herpin lost to State Representative Michael Merrifield , a noted gun control advocate . Despite reclaiming the two seats , the Democrats lost their overall majority in the Colorado Senate . Rivera lost by 22 @,@ 814 votes (45 @.@ 06 %) to 27 @,@ 813 (54 @.@ 94 %) and Herpin lost by 14 @,@ 978 votes (41 @.@ 52 %) to 18 @,@ 815 (52 @.@ 16 %) .

= = Campaign to recall Evie Hudak ; her resignation = =

On October 4 , 2013 , Colorado Secretary of State Scott Gessler approved a second petition to recall Colorado State Senator Evie Hudak , also an advocate of gun control ; the signature gatherers had 60 days to collect 18 @,@ 300 or more signatures to force a recall election in Colorado Senate District 19 which encompasses Arvada , Colorado and Westminster , Colorado . Hudak later resigned rather than face recall . Because she resigned , the Democrats were able to appoint a replacement ; if she had been recalled , the Republicans could have gained a majority in the state senate .