RECALL OF ELECTED LEGISLATORS IN NIGERIA AND THE UNITED STATES: A COMPARATIVE ANALYSIS*

Abstract
Democratic governance operates through elected representatives who hold office for specified terms, yet mechanisms exist to remove these officials before tenure expiration for recognized misconduct. This article employs doctrinal and comparative methodologies to examine the recall systems for legislators in Nigeria and state officials in the United States. Through analysis of specific recall cases in both jurisdictions, the research demonstrates that recall represents the electorate's sovereign right to demand good governance and reflects the principle that representatives hold office in trust for the people. Findings reveal that recalled American officials expressed genuine concern for their positions and intent to improve if given another opportunity. The article recommends that recall petitions demonstrate strong cause related to official duties while excluding discretionary acts. Enabling statutes should clearly articulate grounds constituting loss of confidence. Additionally, the fifty percent signature requirement for petitions proves excessively burdensome; a reduction to forty percent would better balance preventing abuse while maintaining practical feasibility.

Keywords: Recall, Elected Legislators, Erring Representatives, Nigeria, America, Comparison

1. Introduction

Democratic practice demands that executives and legislators remain responsive, responsible, and accountable to the governed. This is achieved through mechanisms including impeachment and recall. Recall, epitomizing electoral sovereignty, enables removal of legislators for misconduct, fraud, or unaccountability, thereby maintaining reasonable checks on power while protecting voters' rights. Nigeria first introduced recall provisions under the 1989 Constitution, though this constitution never became fully operational. These provisions were subsequently transmitted to the 1999 Constitution, relating to federal legislators[1] and state houses of assembly members.[2] Questions persist regarding the feasibility of the process, procedural challenges, and judicial intervention in Nigeria's recall system. While recall has proven successful in the United States, Nigeria has yet to achieve similar results.

This study employs doctrinal and comparative methodologies to evaluate constitutional recall provisions and compare systems in Nigeria and the United States. It critically analyzes judicial roles in administering the process and demonstrates the extent to which citizens in both countries exercise recall rights. Respect for human rights, particularly the right to democracy, constitutes a determinant factor in national development. Democratic polities typically exhibit security, stability, prosperity, and continuous development. The Universal Declaration of Human Rights provides for citizens' rights to participate in government directly or through freely chosen representatives, the right to vote and be voted for, which forms the superstructure of recall systems.[3]

When elected to legislative bodies in Nigeria and the United States, members serve their constituents' best interests by monitoring executive administration, scrutinizing operations, and providing forums for constituency concerns raised for legislative deliberation. Where members of Nigeria's National Assembly, the United States Congress, or executive officials prove incompetent or unwilling in discharging duties, voters may recall them. Recall serves as a check and balance mechanism for legislative power discharge. Petitions may also arise from corruption or gross misconduct through votes of no confidence. Recall means summoning a member back or withdrawing mandate from an elected official.[4] The concept carries peculiarities across laws and democracies. Some scholars maintain that the right to democracy cannot be fully realized without recall provisions, arguing that recall extends the rule of law by providing citizens' rights to remove representatives not serving public interest or who prove incompetent or unresponsive even before tenure expiry.[5] Although citizens possess recall power in both Nigeria and the United States, Nigeria's constitutional procedure remains nearly illusory due to cumbersome, almost impracticable provisions and judicial intervention.

2. The Right of Constituents to Recall Erring Legislators

Recall represents citizens' prerogative right to determine whether an errant or non-performing representative should continue full term. It serves as an instrument for constituents to scrutinize representative performance and conduct. For democracy to succeed, mechanisms must exist to de-elect errant legislators before tenure ends. In his 1911 inaugural

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[1] Constitution of the Federal Republic of Nigeria 1999, s 69.
[2] ibid, s 110.
[3] Universal Declaration of Human Rights 1945, art 21.
[4] 'Initiative, Referendum and Recall' (National Conference on State Legislature) <www.ncls.org> accessed 20 July 2026.
[5] S Bowler, 'Recalling the Recall: Reflections on California's Recent Political Adventure' (2004) 7 *Journal of Political Science and Politics* 31.

address as California Governor, Hiram Johnson explained recall's necessity due to corruption and governmental inefficiency. He declared that those who espouse this measure do so because of deep-rooted belief in popular government and not only in the right of the people to govern, but in their ability to govern, leading fundamentally to the belief that if the people have the right, ability and intelligence to elect, they have as well the right, ability and intelligence to reject or to recall.[6]

Recall operates under two major rationales. First, the theory of agency relationship implies that once elected, officials become agents of their electors and must exercise legislative functions consistent with constituent will.[7] As one scholar noted, officeholders stand in the same position as agents to principals, simply instruments for carrying on public business, and if faithless in performing duties, the law should provide adequate means of removing them.[8] Second, recall counters wrongdoing by providing mechanisms to remove corrupt, unskilled, and lethargic legislators, manifesting particularly in misfeasance cases. Recall incentivizes government officials to perform throughout their tenure rather than only during re-election years. According to the Committee on Standards in Public Life, officials may be recalled for financially dishonest or disreputable acts, intentionally misleading elected bodies, breaking election promises, behaving in ways likely to bring office into disrepute, or losing electorate confidence.[9]

Recall procedures vary by jurisdiction. Some limit application to legislators; others extend to executives including governors and presidents. Despite variations, major similarities exist across jurisdictions. Typically, requisite signatures must be collected from voters of the concerned official.[10] Collected signatures are verified. In some jurisdictions, once signatures meet the required number, the official automatically vacates office. In others, after verification and reaching requisite numbers, a poll determines whether official's tenure should end. If majority votes for recall, procedures take effect and replacement elections are scheduled.

3. The Recall Process in Nigeria

Recall referendum provisions first appeared in 1986 through a recommendation by the Political Bureau established during General Ibrahim Babangida's military regime. The Bureau reasoned that recall requires elected officials to vacate seats before term expiry if a certain percentage of voters demand removal. The recommendation was incorporated into the 1989 Constitution but never implemented due to the palace coup led by General Sani Abacha. On May 29, 1999, Nigeria began democratic governance, ending prolonged military rule.[11] To make democratic governance operational and constitutionalism supreme, new mechanisms were introduced in the 1999 Constitution, including recall provisions transported from the moribund 1989 Constitution. Nigeria being a federation, the Constitution provides for federal and state legislatures. The federal legislature, known as the National Assembly, is bicameral, comprising the Senate and House of Representatives. Each state has a unicameral House of Assembly. Members are empowered to make laws for peace, order, and good governance and are elected by popular vote.

Constitutional recall requirements appear in Sections 69 and 110 of the 1999 Constitution.[12] Section 69 states that a member of the Senate or of the House of Representatives may be recalled as such a member if there is presented to the Chairman of the Independent National Electoral Commission a petition in that behalf signed by more than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member, and which signatures are duly verified by the Independent National Electoral Commission, and the petition is thereafter, in a referendum conducted by the Independent National Electoral Commission within ninety days of the date of receipt of the petition, approved by a simple majority of the votes in that member's constituency. Section 110 contains similar provisions for state Houses of Assembly members. The ground for recall rests purely on loss of confidence, a nebulous concept open to judicial interpretation. Procedural and technical requirements appear in the Independent National Electoral Commission Guidelines on Recall of Legislators 2024.

3.1 Recall of Area Council and Local Government Legislators

The Constitution has not expressly provided for recalling Area Council and Local Government Councilors. However, the National Assembly is empowered to enact laws providing political and administrative structures for the six Area Councils of the Federal Capital Territory, Abuja.[13] By constitutional extrapolation, both sets of councilors fall within recall processes where performance is questioned. Federal Capital Territory Area Council elections are conducted by the

[6] D Judge, 'Recall of MPs in the UK: If I Were You I Wouldn't Start from Here' (2012) 5 *Advance Access Publication* 48.
[7] M Quortrup, 'A Comparative Institutionalist Analysis of the Recall' (2011) 47 *Representation* <www.landFonline.com> accessed 5 July 2026.
[8] W Munro, *The Initiative, Referendum and Recall* (Appleton 1916) 84.
[9] House of Commons Mode Committee (HC 1758, 2012q).
[10] These numbers vary by jurisdiction.
[11] The third democratic republic ended prolonged military rule (1984–1999). General Abdusalam Abubakar transferred power to President Olusegun Obasanjo.
[12] Section 69 provides: 'A member of the Senate or of the House of Representatives may be recalled as such a member if—'
[13] CFRN 1999, s 303.

Independent National Electoral Commission, empowering the Commission to conduct recall referenda against any Councilor.[14] Conversely, Local Government Council elections are supervised by respective State Independent Electoral Commissions, which would conduct recall processes.[15] Excluding Councilors from constituent scrutiny would grant them public office at their whims and caprices. However, since 1999, no recall process has been initiated against any errant Councilor.

3.2 Attempted Recalls in Nigeria

Despite glaring non-performance, unaccountability, and unjust enrichment among some legislators, no member of national or state legislatures has ever been recalled since the mechanism's introduction. While non-enlightenment, poverty, and illiteracy have played significant roles, the recall provision has proven largely impracticable due to inherent shortcomings, as demonstrated by unsuccessful attempts from 2006 onward.

Macebuh, Ukwa East and West Federal Constituency, Abia State

In August 2004, a petition signed by 35,495 voters, more than half of registered voters in the constituency, was submitted to the Independent National Electoral Commission for recalling their representative.[16] Alleging loss of confidence in his leadership ability, petitioners awaited verification. During verification, only 24,888 registered voters were confirmed according to the Commission's Guidelines. The fifty percent support requirement was not met because the constituency had 66,068 registered voters; the verified number represented only 37.7 percent, so the recall attempt failed before referendum stage.[17]

Farouk Aliyu, Member, Birnin-Kudu and Buji Federal Constituency, Jigawa State

The first referendum reaching polling stage to recall a federal lawmaker occurred in 2006, targeting Farouk Aliyu Adamu, House of Representatives member representing Birnin-Kudu and Buji Federal Constituency from 1999 to 2007.[18] Early in 2006, a petition signed by 130,000 constituents was submitted to the Independent National Electoral Commission Chairman alleging loss of confidence. Birnin-Kudu had 118,299 registered voters; Buji had 42,005 registered voters, totaling 160,304 registered voters, more than the one-half requirement. The Commission arranged signature verification at the two local government headquarters. Out of 160,304 signatures, the team verified 120,000.[19] The Commission ordered a referendum for May 2006. The member sought to be recalled applied to the Federal High Court for an injunction restraining the Commission from conducting recall, alleging fraudulent verification processes and inflated electorate numbers. The Federal High Court declined the application, stating that the Commission must ensure signatories' names appeared in the voter register; authenticity issues regarding ghost voters, multiple voters, and impersonation constituted separate matters. On August 12, 2006, a recall referendum was held in Birnin-Kudu and Buji federal constituency. The constituency had 161,000 registered voters. 61,398 voted yes, 20,324 voted no, and total votes cast were 81,722. 79,278 voters were absent. The candidate was not recalled. The electoral climate played a significant role. The attempt failed largely due to manual voter registration and politicking. The 2002 voter registration exercise was characterized by inflated numbers through multiple and ghost registrations. The constitutional requirement that petitioners constitute registered voters made attaining required numbers impossible. It was alleged the attempted recall was engineered by political opponents.

Osita Izunaso, Member, Orlu Senatorial District, Imo State

On February 9, 2009, constituents under the Political Responsibility Platform presented a detailed petition with signatories from 136 wards and 82 centers across twelve local governments. Petitioners alleged loss of confidence following orchestrated attempts to cause division and strife, and lack of capacity to bring peace and stability.[20] Before the Commission could conduct verification, the senator obtained an injunction from the Federal High Court in Abuja restraining the Commission. He argued the group lacked locus standi, being an artificial person not meeting registered voter requirements under the Commission's Guidelines. Days later, the court referred the case to the Federal High Court in Umuahia, Abia State, which possessed territorial jurisdiction, and the Abuja judge struck out the case for lack of jurisdiction. When refiled at the High Court of Imo State in Owerri, the Court granted an injunction restraining the Commission from conducting recall. The Commission prayed the Court to strike out the suit for lack of merit and want of jurisdiction, as well as set aside the order and stay all actions relating to the recall process. The Court held it had

[14] Electoral Act 2022, Explanatory Memorandum.
[15] See for example Lagos State Independent Electoral Commission (Establishment) Law 2001.
[16] C Okocha, 'Macebuh's Recall: INEC Commences Signature Verification' *This Day News* <www.biafranigeriaworld.com> accessed 5 July 2026.
[17] C Ehrim, 'Macebuh Can't Be Recalled, Says INEC' *BNW News* <www.biafranigeriaworld.com> accessed 5 July 2026.
[18] H Karofi, 'Nigeria: Jigawa-Politics of Recall and Referendum' *Weekly Trust* (Abuja, 20 August 2006) <www.allafrica.com> accessed 5 July 2026.
[19] By s 1(1) and (2) of INEC Guidelines, verification compares petition signatories to manual voters' register. Once signatories tally, exercise concludes.
[20] D Iriekpen, 'Campaign for Izunaso's Recall Heightens in Imo' *This Day Live* (14 May 2014) <www.thisdaylive.com> accessed 26 July 2026.

jurisdiction and restrained the Commission pending suit determination. As of 2026, the Commission has yet to conduct the referendum and the court has not rendered verdict.

Hembadon Amena, Member, Benue State House of Assembly

Hembadon Amena represented Katsina-Ala West in Benue State House of Assembly. The Local Government had 60,000 registered voters. In February 2014, a petition by over 38,000 signatories was filed at the Commission seeking her recall for loss of confidence.[21] Although no grounds were required beyond loss of confidence, petitioners alleged the representative frustrated government projects and failed to organize constituency briefings.[22] Upon verification, the Commission confirmed 71.5 percent of signatures, greater than the one-half requirement. The member sought an injunction to restrain the recall. Relying on *Peter v Okoye*,[23] petitioners' counsel argued no court had power to interfere with Section 110, which stipulated the recall process must be completed within ninety days; if the ninety days expired, the case became statute-barred. Despite this, the trial Court granted an injunction restraining the Commission from conducting the recall referendum pending determination of the matter. Based on this ruling, the Commission through its State Resident Commissioner postponed the recall referendum indefinitely.

Senators Dino Melaye and Natasha Akpoti-Uduaghan, Kogi West and Central Senatorial Districts

On June 21, 2017, registered voters from Kogi West Senatorial District submitted a recall petition to the Independent National Electoral Commission. The Commission formally acknowledged receipt and, relying on Sections 69 of the 1999 Constitution and Section 116 of the Electoral Act 2010, announced the timetable and schedule on July 3, 2017. The first scheduled activity for July 10 was releasing detailed guidelines, starting with posting Notice of Verification at the Kogi West Constituency Commission Office in Lokoja. However, on the scheduled date, the Commission received a Federal High Court, Abuja order dated July 6, 2017, directing parties to maintain the status quo till the determination of the Plaintiffs' Motion on Notice in respect of the Senator's suit seeking an injunction against the Commission to stop acting on the petition. The Judge granted the relief and adjourned to September 29, 2017 for the Motion on Notice. The Commission took immediate steps to vacate the Court order. On September 11, 2017, judgment was delivered dismantling all legal hurdles. The Commission scheduled October 14, 2017 as verification date. However, the verification exercise failed because the 51 percent signatories could not be verified.

Similarly, constituents of Kogi Central Senatorial District sought to recall their representative, Senator Natasha Akpoti-Uduaghan, alleging loss of confidence. They submitted a recall notice on March 24, 2025, signed by 208,132 voters out of 474,554 registered voters in the constituency comprising five Local Government Areas, representing 43.86 percent.[24]This fell short of the required 237,278 voters needed to satisfy the more-than-half requirement.[25] The Commission, in rejecting the petition, added that the recall notice fell short of Recall Regulations.[26]

It should be noted that the recall law has not restricted constituents to a specified number of times they could initiate recall within a representative's tenure. This reasoning derives from the expression "there is presented to the Chairman of the Independent National Electoral Commission a petition" in Section 69(a). Thus, recall may be initiated against a legislator multiple times in a term.

4. Shortcomings of the Recall Provisions

Several criticisms have been leveled against Nigeria's recall provisions.

Undefined Loss of Confidence

Sections 69 and 110 provide that recall may be initiated by a petition signed by one-half of constituents alleging loss of confidence. This is highly criticized because loss of confidence remains undefined in the Constitution, Commission's Guidelines on Recall, Interpretation Act, or any statute. By literal meaning, loss of confidence connotes loss of trust or reliance of the official.[27] It may be totally unrelated to discharge of legislative functions, lacking objective parameters for determination. This subjectivity may be abused by justifying irrelevant reasons for recall, contrasting with the Political Bureau's recommendation to ensure elected officials constantly relate to electorate wishes and aspirations. No parameters exist for determining loss of confidence. In Lagos State, the process was sought to punish Mr. Korede Osunsanya, a Lagos State House of Assembly member.[28] On January 17, 2008, Mr. Osunsanya reportedly slapped Mrs. Aishat Esan of

[21] R Ejembi, 'Recall of Benue Lawmaker Thickens' *The Sun Newspaper* (25 March 2014) <www.sunnewsonline.com> accessed 2 July 2026.

[22]G Akor, '40 Houses Burnt over Benue Lawmaker's Recall' *Newswatch Times* <www.mynewswatchtimesng.com> accessed 15 July 2026.

[23] *Igbo Peter v George Okoye and INEC* (2002) 3 NWLR part 755, 529.

[24] Y Akowe, 'Why Petition Seeking Senator Natasha's Recall Failed - INEC' *The Nation* (Lagos, 3 April 2025) 1.

[25] CFRN 1999, s 69(a).

[26] Regulations and Guidelines for the Recall of Legislators 2024, cl (b).

[27] H Black, *Black's Law Dictionary* (West Publishing Co, St Paul Minn 1990).

[28] 'Pregnant Woman in the Banking Industry' *Nairaland* (25 January 2008) <www.nairaland.com> accessed 1 August 2026.

Sterling Bank Plc for repeatedly asking him to repay a loan facility. A non-governmental organization, Women Unity Forum, submitted a petition to initiate recall if he failed to apologize. This attempt did not succeed.[29]

Excessive Signature Requirement
Recall is based on registered voters, imposing the strictest signature requirement because registered voters significantly exceed actual voters. The requirement of more than one-half of registered voters makes collection extremely difficult, as the percentage needed is ridiculously high. This creates great difficulty in collecting requisite signatures in state-wide ballots.

Absence of Defense Rights
The representative against whom a petition is raised does not have the right of defense under the Constitution and the Commission's Guidelines. The veracity of the petition solely depends on the referendum outcome validating or refuting it. This gives rise to judicial intervention as legislators seek injunctions restraining referendum conduct. This is criticized because recall, unlike impeachment, is a political not legal process.

No Timeframe for Signature Collection
There is no timeframe within which signatures must be collected. Those initiating recall may campaign extensively. Case studies reveal most signature collections were initiated, financially fueled, and campaigned for by political rivals or ruling parties, bypassing genuine loss of confidence and leaving the procedure at the hands of influential politicians and elites.

Inadequate Verification Procedure
According to Section 8 of the Commission's Guidelines, verification is done by cross-checking signatories' names against authentic voters' registers. Once names appear on both petition and register, a tick is made. This verification procedure is inadequate, prone to impersonation, multiple, and ghost signatures. The only attempt reaching polling stage failed because of the loose voters' register. With manual voters' registers,[30] most voters were inflated. Inflated figures make attaining requisite numbers during referendum impossible despite true loss of confidence and massive recall election turnout.

Unclear Judicial Role
Questions arise regarding the Court's role in the recall process. Can courts intervene to stop recall, and if so, in what circumstances? The Constitution and enabling statute[31] are silent on judicial roles. Legislators facing recall often resort to court proceedings seeking injunctions restraining the Commission from conducting referenda. In Igbo Peter v George Okoye and the Independent National Electoral Commission,[32] the plaintiff prayed the Federal High Court Enugu to restrain the Commission from conducting a recall against him, arguing the petition was fueled by political rivals and some signatories were dead, overseas, or never signed. Granting the injunction, the trial court held the Plaintiff had image and ego as a literate person and architect. On appeal, the Court of Appeal reversed, holding that image and ego of an applicant is not a basis for denying recall. Granting interlocutory injunction on this basis would prostrate Nigeria's fledgling democracy; restraining would mean a member sits in the House of Representatives against constituency wishes.

5. The Recall Process in the United States
There are no recall provisions at the federal level in the United States. In *Burton v United States*[33] and similar decisions,[34] the Supreme Court held that states do not possess authority to change terms or qualifications for federal officers agreed upon by states in the United States Constitution.[35] The United States Court of Appeal for the Fifth Circuit held in *Gordon v Leatherman*[36] that while governments must act fairly, voters are not, and electors may vote for good reasons, bad reasons, or no reason whatsoever. To restrict random and baseless recall, some states require detailed descriptions including estimated date, location, and nature of each malfeasance act. Although with variation, some states employ citizen-initiated and citizen-decided recall except for Virginia, where voters initiate recall but courts decide in a recall trial.[37],[38]

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[29] ibid.
[30] Manual voters' register used until 2015 when electronic voters' card was introduced. Every voter has unique thumb print attached to register for verification.
[31] Independent National Electoral Commission (Establishment) Act, Cap 15 Laws of the Federation of Nigeria 2004.
[32]R Ejembi, 'Recall of Benue Lawmaker Thickens' *The Sun Newspaper* (25 March 2014) <www.sunnewsonline.com> accessed 1 August 2026.
[33] *Burton v United States* (1906) 202 US 344.
[34] US Term Limits, Inc v Thornton (1995) 514 US 779. See also Cook v Gralike (2001) 531 US 510.
[35] United States Constitution, art I, s 4, cl 1.
[36] *Gordon v Leatherman* (5th Circuit 1971) 450 F 2d 562, 567.
[37] Either by judge alone or with jury.
[38] J Zimmerman, *The Recall-Tribunal of the People* (Praeger 1997).

Although no two states have identical requirements, recall procedure typically begins with preliminary filing of a proposed petition. In states requiring grounds, same must be attached and submitted to the body conducting the referendum. Once submitted with requisite signatories, it is reviewed for conformance with statutory requirements. The official sought to be recalled is notified with reasonable time to reply to allegations. Within a certain timeframe stipulated by State Constitutions, a recall referendum determines whether the official should be recalled. Some states hold recall and replacement elections on different dates; others hold both on the same day. In states holding both on the same day, there is risk of recalled members being re-elected due to split supporters, especially where signature percentage is relatively low.

Despite decades of operation, recall applicability is mostly at municipal level and rarely at state level. Some gubernatorial and legislative recall elections demonstrate operational efficacy of the recall system in the United States. In 1988, Arizona voters filed sufficient signatures for recalling Governor Mecham, but he was impeached by the State's House of Representatives before the scheduled recall election date.[39] The fire of recall spread to North Dakota, where electors invoked the recall process and removed Governor Frazier from office in 2021.[40]

Recall of Gray Davis, California State Governor

Gray Davis, a Democrat elected in November 2002 for a second four-year term as California's Governor, was mired with problems. The recall originated from his inability to tackle electricity debacles, stalled economy, and a $38 billion budget deficit. More so, he allegedly did not talk to voters, legislators, or attend political dinners.[41] These laxities prompted recall initiatives. California requires signatures equal to 12 percent of those voting at the last gubernatorial election to initiate removal.[42] The recall was conceived, campaigned, and fueled by Republicans but grew to become an expression of frustration by an electorate fed up with dysfunctional administration.[43] Signatures were collected by Bader and Associates, Incorporated, a California petition management company funded by a congressman.[44] Proponents gathered 1.6 million signatures, of which 1,356,408 were certified valid.[45]

On October 7, 2003, 9.4 million voters cast ballots on the recall question, with 55 percent voting to turn Davis out.[46] A total of 135 candidates appeared on the replacement ballot, with Arnold Schwarzenegger, a Republican, elected to replace Governor Davis.[47] Commenting on the recall, Gray Davis said that tonight the voters have decided it is time for someone else to serve, accepting their judgment, asking supporters to put the chaos and division of the recall behind them and do what is right for this great state of California.[48]

Recall of Paul Scott, Michigan House of Representatives

Paul Scott, a Democrat representing District 51 of the Michigan House of Representatives, faced recall by constituents over support for cuts in pensions, business, and education taxes. After the petition was filed, Scott appealed in Genesee Circuit Court alleging the recall language lacked sufficient clarity as required by Michigan law, and filed suit in state Court of Appeals stating signatures should not be verified while his first suit was pending.[49] A lower Court granted an injunction restraining the recall election. Organizers appealed to the Michigan Court of Appeal, which reversed the decision and set November 8, 2011 as election date. 12,358 votes representing 50.5 percent of the District voted yes to recall, and 12,126 votes representing 49.5 percent voted against. Scott lost his seat by 197 votes. As Scott admitted defeat, he said they took the state by storm and they have made fundamental changes.[50]

Recall of Angela Giron, Colorado State Senator

On June 10, 2013, Pueblo constituents of Angela Giron gathered and turned in 13,466 signatures to recall her. Senator Giron, a Democrat, annoyed constituents for supporting gun control and renewable energy measures for rural electric

[39] W Underhill, 'Recall of State Officials' <www.ncls.org> accessed 20 July 2026.
[40] ibid.
[41] K Seelye, 'The California Recall: The Governor: For Gray Davis, Great Fall from the Highest Height' The New York Times (8 October 2003) <www.nytimes.com> accessed 20 July 2026.
[42] Book of the States 2010 (2010) Table 6.19 <www.knowledgecenter.org> accessed July 2026.
[43] L Burn, 'Gubernatorial Recall 2003' <www.ballotpedia.com> accessed 18 July 2026.
[44] ibid.
[45] Zimmerman (n 40).
[46] M Alvarez and R Kiewiet, 'Rationality and Rationalistic Choice in the California Recall' (2009) 39(2) *British Journal of Political Science*1.
[47] ibid.
[48] Seelye (n 43).
[49]'Judge Halts Recall Vote for State Rep. Scott' *The Detroit News* (13 October 2011) <www.Detroitfreepress.com> accessed 20 July 2026.
[50]J Beran, 'Paul Scott Recall, Michigan House of Representatives (2011)' (November 2011) <www.ballotpedia.com> accessed 20 July 2026.

corporations.[51] A threshold of 11,285 signatures was needed to trigger recall election; 13,466 signatures were gathered, with 12,648 validated, allowing the recall election. Giron was successfully recalled by 56 percent of constituents, while 43.9 percent voted against.[52] Giron conceded defeat, saying they could not have done any more, expressing perplexity, but stating she had no iota of regret for what she voted on, and that this was only going to make them stronger and better, and they would win in the end because they were on the right side.[53] In 2012, Wisconsin voters propelled recall against Governor Scot Walker, but he survived as voters could not muster required percentage of votes. Recall efforts against state legislators are more common than against executive officials.[54] Some petitions did not reach election stage either because abandoned or because they failed to gather sufficient valid signatures.[55]

6. Comparison of Recall Procedures in Nigeria and the United States

The legal systems in Nigeria and the United States have different procedures for activating and actualizing recall.

Initiation of a Recall Petition

This is the first step. In Nigeria, the 1999 Constitution and the Commission's Guidelines on Recall of Legislators[56] provide that a petition shall be submitted to the Commission's Chairman if signed by at least one-half of registered voters of the member's constituency. The Guidelines further state the member to be recalled shall be given notice of the petition soon after receipt.[57] In the United States, it is usually done by filing a notice of intention to circulate a recall petition signed by ten voters. This notice contains a 200-word statement why the official should be recalled. The notice is served to the official, who has the right to respond. The petition form containing allegation and response is then prepared by the Secretary of State. When the form is prepared, it is returned to persons who initiated the notice to collect requisite signatures.[58]

Grounds for Recall

In Nigeria, Sections 69 and 110 of the 1999 Constitution provide for grounds of recalling members of the National Assembly and State Houses of Assembly respectively, requiring loss of confidence. In practice, this may relate to corruption, personal misconduct, or simply because constituents dislike official policies. In the United States, 19 out of 50 states have recall systems. The states include Alaska, Arizona, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Michigan, Minnesota, New Jersey, Montana, Nevada, North Dakota, Oregon, Rhode Island, Washington, Wisconsin, and Wyoming.[59] Eight of these require grounds of misconduct or malfeasance. Alaska requires incompetence, violation of oath of office, or willful misuse, conversion or misappropriation of public property or funds. Georgia requires physical or mental lack of fitness for office; Montana requires breach of code of ethics; Rhode Island requires conviction of a drug-related crime and hate-crime; others include Kansas, Minnesota, and Washington.[60] The remaining 11 states permit statewide recall without requiring grounds.[61]

Timeframe for Petition

In Nigeria, the Commission's Guidelines do not specify timeframe within which signatures must be collected.[62] In the United States, there is a limited time within which requisite signatures must be collected. The timeframe varies by jurisdiction, with 60 days being minimum and 270 days maximum.[63]

Quantum of Signatures Required

In Nigeria, the requisite signatures must be more than one-half of persons registered to vote in the member's constituency, arranged according to polling units, wards, local governments, and constituencies.[64] This varies among United States' states with recall provisions. Some states require signatures amounting to 25 percent of votes cast in the previous election for the targeted office. There is also distinction between requisite numbers required: some states require percentage of

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[51] J Bunch, 'Angela Giron Ousted in Colorado Recall Election, Thanks Supporters in Pueblo' *The Denver Post* (Colorado, 10 September 2013) <www.denverpost.com> accessed 1 August 2026.
[52] ibid.
[53] ibid.
[54] ibid.
[55] J Spivak, 'California's Recall: Adoption of the "Grand Bounce" for Elected Officials' (2004) 5(82) *California History Journal* 28.
[56] INEC Guidelines on Recall of Legislators 2004, s 1.
[57] ibid, s 2(1).
[58] J Bunch, 'Angela Giron Ousted in Colorado Recall Election, Thanks Supporters in Pueblo' *The Denver Post* (Colorado, 10 September 2013) <www.denverpost.com> accessed 1 August 2026.
[59] National Conference of State Legislatures (NCSL), 'Recall of State Official' (updated 2025). See also California State Assembly Elections Committee, 'Recall Background Overview' (summarises the seven 'for-cause' recall states).
[60] Alaska Stat § 15.45.510 (2025) (grounds for recall).
[61] National Conference of State Legislatures (NCSL) (2025).
[62] Neither s 69 of CFRN 1999, Electoral Act (2026), nor INEC Guidelines for Recall of Legislators 2024 prescribe any time limit for signature collection.
[63] Alaska Stat (n 62).
[64] INEC Guidelines on Recall of Legislators, s 1(1) and (2).

registered voters, others require percentage of votes cast in previous election. Some states have variation regarding percentages for different offices.[65]

Collection of Signatures

In Nigeria, the Commission's Guidelines do not specify the body responsible for collecting signatures. It may be initiated by any registered voter and collected by recall campaigners. In some United States' states, including California, signatures are collected by professional signature collection agencies. Commercialization of recall is largely consequence of significant citizen-initiated referenda proposed annually.[66] In states where signatures are collected through designated agencies, such agencies are paid, criticized because it can corrupt the system and allow wealthy people to buy their way onto ballots.

Verification of Signatures

In Nigeria, the Commission upon receipt of a petition signed by more than one-half of registered voters in the legislator's constituency, within 90 days, verifies signatories and conducts a referendum upon authentication.[67] Verification is done at centers designated by the Commission. The Commission cross-checks signatories' names against authentic voters' registers and enters results in appropriate form for total authenticated signatures.[68] In the United States, signatures are usually verified by the Secretary of State or another government official such as registrar of voters, through statistical sampling done within 10 days in California, Colorado, Idaho, Minnesota, New Jersey, and Oregon, and 90 days in Rhode Island.[69]

Recall Election

In Nigeria, where more than one-half of registered voters endorses recall and such endorsement is verified by the Commission, the Commission issues public notice stating days, time, and location of referendum. Control and supervision are done by the Commission issuing rules, regulations, manuals, and directives binding on all parties,[70] and verified members of that constituency are qualified to vote so long as they produce a valid voter's card.[71] Voting takes place between 8am and 2pm throughout the constituency by open secret ballot with application of all other protocols at general election.[72] In the United States, there is variation regarding election timing and whether referendum should be held simultaneously with replacement election. California requires it within 60 to 80 days, while Nebraska and Georgia require 30 to 45 days after signature verification. Louisiana and Michigan require it on the next scheduled election date.[73] Some states hold two elections, one to choose whether the official should be removed and another to replace if recalled. Other states hold separate elections at later dates for replacement if recalled successful.

7. Conclusion and Recommendations

Nigeria now relies on the ballot box to vest political aspirants with authority to govern. In the United States, as seen in recalls of Gray Davis, Angela Giron, and Paul Scott, politicians and officeholders believe in the spirit of democracy where they serve at the pleasure of electors. However, in Nigeria it remains a "do or die" affair. Instead of respecting people's demands, legislators rush to court to stop processes. Moreover, when people's mandates are short-changed and electoral fraudsters unpunished, voters' confidence in democracy diminishes. Although the Courts' role in recall elections remains undefined, they have significantly delayed recall mechanisms as tools of direct democracy. In some situations, recall serves as check and balance mechanism; in others, the system may be employed to make legislators vulnerable to harassment by pressure groups, extremist forces, and opposing political parties. Poverty, unemployment, and illiteracy significantly contribute to recall ineffectiveness. Many citizens do not know their recall rights, and for the few who do, they lack confidence in Nigeria's electoral system. Any attempt to exercise recall rights is often frustrated.

Although a mechanism for change, recall's practicability and effectiveness are questionable. Even in developed constitutional systems, procedures are often characterized by lack of credibility, manipulation, and fraud, mainly related to initiation and verification procedures. Many attempts to recall legislators and public officials in Nigeria have proved abortive, making the procedure a mirage. Recall is the only option open to the electorate to call back non-performing legislators or officials, but it may be employed as a tool to settle political scores. The law further provides that all citizens

[65] Seelye (n 43).
[66] A Twomey, 'The Recall and Citizens' Initiated Elections—Options for NSW' (September 2011) University of Sydney Constitutional Reform Unit, *Sydney Law School Report* No 1.
[67] INEC Guidelines on Recall of Legislators, s 1(1) and (2).
[68] ibid.
[69] Seelye (n 43).
[70] INEC Guidelines on Recall of Legislators 2024, ss 2–5.
[71] ibid, s 7.
[72] ibid, Part II.
[73] Book of the States 2010 (Council of State Governments, Lexington 2010) Table 66.20 <www.knowledgecenter.csg.org> accessed 5 November 2021.

are entitled to fair hearing in determination of their rights and obligations.[74] To that extent, the Commission stands on solid ground to apprise legislators to be recalled with petition copies even though not provided under recall provisions. In the United States, principles of fair hearing are directly provided in respective state recall provisions. Recall provisions under Sections 69 and 110 of Nigeria's Constitution do not provide for fair hearing by serving the legislator to be recalled with a petition copy. However, the Commission's Guidelines on Recall fill this gap. The Commission's power to do so is granted by the Constitution to make regulations and guidelines for conducting elections and referenda.[75] For recall to remain a pillar of direct democracy without destroying legislators' or officials' effective working ability, several recommendations are made.

First, recall petitions should demonstrate strong cause related to government officials' duties and exclude acts of discretion associated with office rather than loss of confidence only. The Constitution should clearly state grounds constituting loss of confidence upon which members may be recalled, as obtainable in the United States requiring legal grounds for recall. Second, the fifty percent signature requirement is too high. It would be expedient to reduce it to forty percent, balancing not being too low to warrant abuse and harassment on trivial matters nor too high to make the procedure impracticable. Third, the 1999 Constitution or Electoral Act should be amended to clearly state the judiciary's role. In the absence of clear provisions on judicial intervention, courts should be careful in intervening. Courts should only intervene where procedure violations exist. Fourth, the Commission's Guidelines for Recall of Legislators should be reviewed to reflect use of electronic voters' registers introduced from the 2015 general election for signatory verification.

[74] CFRN 1999, s 36(1).
[75] CFRN 1999, s 160(1).