



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

Revised June 1, 2011

Michigan Recall Procedures
-- A General Overview --

A general overview of Michigan's recall procedures is provided below. The overview is intended as a summary of the laws and rulings which govern Michigan's recall process; it is not intended as a complete interpretation of the law.

Throughout the summary, the term "officer" is used to mean the elected public official whose recall is sought.

Legal Authority; Signature Requirement

- The Michigan State Constitution, Art. II., Sec. 8, extends Michigan voters the right to recall "all elective officers except judges of courts of record" and establishes the minimum number of signatures required on a recall petition:

"Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question."

- Michigan's recall process is governed under Michigan election law, MCL 168.951-976. The statutes can be accessed through the website maintained by the Michigan State Legislature <www.michiganlegislature.org>.

Clarity Hearing: The First Step

- The reasons for the recall developed by the recall petition sponsor must be submitted for a clarity determination before the recall petition is placed in circulation. The clarity determination is rendered by the County Election Commission established in the county where the officer resides. The County Clerk, County Treasurer and Chief Judge of Probate serve on the County Election Commission.
- The recall sponsor submits the reasons to the county clerk. The reasons must appear on a recall petition form. The individual submitting the recall language must be registered to vote in the electoral district represented by the officer.

- Each reason for the recall must be based upon the officer’s conduct during his or her current term in office.
- Within 24 hours after the submission of recall language for a clarity determination, the County Election Commission must notify the officer of 1) the filing of the petition language and the date of the filing 2) the contents of the petition language and 3) the time, date and place of the clarity hearing. Official notice of the time, date and place of the clarity hearing is also sent to the filer of the language.
- The County Election Commission is required to meet sometime between the 10th and 20th day after the filing of the recall language to conduct the hearing.
- When the required hearing is held, the function of the County Election Commission is to determine “whether each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall.” The County Election Commission does not have the authority to rule on the reasons for recall.
- Failure of the County Election Commission to conduct the required clarity hearing by the 20th day after the submission of recall language constitutes a determination that the language is of sufficient clarity.
- The determination rendered by the County Election Commission may be appealed by the officer or the sponsor of the recall to the Circuit Court in the county. The appeal must be filed within 10 days after the County Election Commission’s determination.
- Recall language approved for clarity by the County Election Commission or the Circuit Court (if appealed) is valid for 180 days after the final date of approval. (Note: While the approved recall language is valid for 180 days, all signatures on the petition must be collected within a 90 day “window” period as explained below.)

Preparation and Circulation of Recall Petitions

- A separate recall petition must be circulated for each officer whose recall is sought.
- Before a recall petition sheet can be circulated, the circulator must complete the “heading” of the petition sheet by entering the requested jurisdictional information (city or township and county), name of the officer, title of the office, office district (if any) and the reasons for the recall. The reasons for the recall must be the language approved by the County Election Commission or the Circuit Court (if approved on appeal). Any or all of the informational elements which must be entered in the petition sheet heading can be preprinted on the recall petition form by the petition sponsor.
- The circulator of a recall petition must be 18 years of age, a U.S. citizen and a resident of Michigan. The circulator of a recall petition does not have to be a registered voter or a resident of the district represented by the public official whose recall is sought. (The

qualifications of recall petition circulators were modified under a federal court ruling issued in 2008.)

- Each signer of a recall petition must be a qualified elector who is registered to vote in the district represented by the public official whose recall is sought. In addition, each signer must be registered to vote in the city or township specified in the petition heading. (Recall petition sheets cannot be circulated on a “countywide” basis.)
- A circulator may not leave a recall petition unattended; all signatures must be signed in the presence of the circulator.
- The circulator must complete the certificate appearing on the lower right-hand corner of the petition sheet after gathering the last signature he or she intends to collect on the sheet. To complete the certificate, the circulator must enter his or her cursive signature, printed name, city or township of residence, residential address, Zip Code and the date.
- Each signer must affix his or her cursive signature, printed name, residential address, Zip Code and the date of signing on the petition sheet. Signatures on a sheet which are dated after the date on the circulator’s certificate are not counted.
- In any instance where it appears that a signer has not personally affixed his or her cursive signature, residential address or date of signing on the petition sheet, the signature is invalid and not counted. Similarly, in any instance where a signer enters ditto marks in the residential address entry or the date entry, the signature is invalid and not counted.
- The signatures needed on a recall petition must be collected within a 90 day “window” period. Any signatures which are dated more than 90 days prior to the date the recall petition is filed are invalid and not counted.

Petition Filing

- A petition seeking the recall of a state officer (except Secretary of State) or a county officer (except county commissioner) is filed with the Secretary of State. A petition seeking the recall of the Secretary of State is filed with the Governor. A petitions seeking the recall of a county commissioner or any other local officer is filed with the county clerk.
- After a recall petition has been filed, additional petition sheets (i.e., “supplemental” filings) cannot be submitted.
- A recall petition cannot be filed against an officer until the officer has performed the duties of the office to which elected for a period of 6 months during the current term of that office. Similarly, a recall petition cannot be filed against an officer during the last 6 months of the officer’s term of office.
- An officer subjected to a recall may continue to perform the duties of his or her office unless and until the recall is successful and the result of the election is certified.

- The filing official notifies the officer of the filing of the recall petition in writing no later than the business day following the date of the filing. The written notice 1) specifies the date of the filing 2) informs the officer of the right to examine the petition and obtain copies of the petition sheets if desired 3) informs the officer of the right to challenge signatures on the petition and 4) specifies the deadline for signature challenges.

Processing Recall Petitions

- As soon as a recall petition is filed, the filing official examines it to verify that 1) the petition is in the proper form and 2) the gross number of facially valid signatures contained on the petition sheets meets or exceeds the minimum number of signatures required on the petition. The filing official must complete the examination no later than the 7th day after the filing of the recall petition.
- If the form of the petition is improper or the petition lacks the required number of signatures, the filing official notifies the sponsor of the recall effort in writing of the insufficiency of the petition. A copy of the notice is also forwarded to the officer.
- If the form of the petition is proper and the gross number of facially valid signatures affixed to the petition appears to meet or exceed the minimum number of signatures required, the filing official uses the Qualified Voter File to determine if the signers of the petition are properly registered. As an alternative, the filing official may forward the petition sheets to the clerks of the cities and townships listed in the petition sheet headings for the performance of the registration verifications. In all cases, the registration verifications must be completed no later than the 22nd day after the filing of the recall petition.
- If the officer resigns before the recall election is held, the processing of the recall petition is halted and the recall election is not conducted.

Signature Challenges

- The officer may challenge the validity of the registration or the validity and genuineness of the signature of a person signing the recall petition or may challenge the validity and genuineness of the signature of a circulator who collected signatures on the recall petition. Challenges must be submitted in writing within 30 days after the filing of the recall petition. A challenge must list the signatures in question on the petition and specify the reason for each challenge.
- If signature challenges are filed by the officer, the filing official uses the Qualified Voter File to resolve the challenges.

Final Petition Review and Determination

- After the signature challenges have been resolved, the filing official reviews the recall petition a final time to determine if it contains the minimum number of valid signatures needed to initiate a recall election. The filing official's final review must be completed no later than the 35th day after the filing of the recall petition.

- After completing the final petition review, the filing official notifies the sponsor of the recall effort of the sufficiency or insufficiency of the petition. Copies of the notice are forwarded to the officer.
- If the recall petition contains the minimum number of valid signatures required, the filing official calls a special election to present the recall question to the voters of the electoral district represented by the officer. The special election is conducted on the next regular election date that is not less than 95 days after the date the recall petition was filed.

Preparation and Production of Ballots

- The reasons for demanding the recall of the officer are printed on the recall ballot in not more than 200 words. If the recall reasons printed on the petition contain more than 200 words, the sponsor must condense the statement within 48 hours following written demand. If the sponsor fails to condense the statement, the filing official is responsible for condensing the statement.
- After finalizing the ballot language, the filing official forwards the recall reasons which will appear on the ballot to the officer. The officer may submit a “justification of conduct in office” within 72 hours after the receipt of the notification. The justification may not exceed 200 words. If submitted in the prescribed time, the justification is printed on the ballot.
- The County Election Commission of each county where the recall election will be conducted is responsible for the production of the ballots.
- In all cases, the counties, cities and townships involved in the conduct of the recall election must bear the costs of the election. The costs are not subject to reimbursement by the state.

Canvass and Certification of Recall Election

- The Board of State Canvassers is responsible for canvassing and certifying a special election held to recall a state officer or county officer (except county commissioner). Special elections held to recall a county commissioner or any other local officer are canvassed and certified on the county level.
- If the number of “yes” votes cast on the recall question exceeds the number of “no” votes cast on the recall question, the officer is required to immediately vacate his or her office upon the certification of the vote result.

Filling Vacancies Created by Recall

- If the recall is successful, a special election is conducted on the next regular election date to fill the office vacancy.
- Nominations for a partisan office left vacant due to recall are made by the state or county political party committee specified by law. Candidates seeking election to a nonpartisan office left vacant due to recall must file a nonpartisan nominating petition. The party

nominations or nonpartisan petitions must be filed within 15 days after the special election to fill the vacancy is called. A primary is not held.

- A candidate without political party affiliation who wishes to seek a partisan office left vacant due to recall can gain access to the ballot by filing a qualifying petition. The petition must be filed with the appropriate filing official no later than the 90th day prior to the election or the 15th day after the special election to fill the vacancy is called – whichever date falls later. (Note: If the special election is conducted in conjunction with the even-year November general election, the qualifying petition filing deadline elapses at 4:00 p.m. on the 110th day prior to the election.)
- A special election called to fill an office left vacant due to recall is conducted, canvassed and certified under the same procedures followed to fill the position at a regular election.

Have a Question?

If you have any question regarding Michigan’s recall process, please do not hesitate to contact the Michigan Department of State’s Bureau of Elections.

Mailing address: Michigan Department of State
Bureau of Elections
PO Box 20126
Lansing, MI 48901-0726

Phone: (517) 373-2540

Email: elections@michigan.gov

Fax: (517) 373-0941