



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

Adopted by the Board of State Canvassers
May 22, 2013

**Board of State Canvassers
Clarity/Factual Hearing Instructions**

The sponsor of a recall petition is required to submit to the Board of State Canvassers a city/township recall petition form bearing the name of the officer whose recall is sought, the title of the office held by the officer, the district number if applicable, and each reason for recall.

Each reason for the recall shall be based upon the officer's conduct during his or her current term of office. If any reason for the recall is based on the officer's conduct in connection with specific legislation, the reason for the recall shall not misrepresent the content of the specific legislation. Each reason for the recall must be factual and 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. If any reason for the recall is not factual or of sufficient clarity, the entire recall petition shall be rejected.

The sponsor of a recall petition may provide documentation demonstrating that each reason for recall is factual when filing a recall petition with the Board of State Canvassers, or at least one day prior to the date of the clarity/factual hearing. Examples of acceptable documentation include, but are not limited to, the following: an affidavit; a copy of the roll call vote indicating how a legislator targeted for recall voted on a particular measure; or a copy of the minutes of a public meeting regarding the action that prompted the recall.

Within 24 hours after receipt of a recall petition, in addition to the notice required under MCL 168.951a(4), the Board of State Canvassers shall notify the sponsor of the recall petition and the officer whose recall is sought that they may appear at the clarity/factual hearing and present arguments on whether each reason is factual and of sufficient clarity. A party wishing to present written arguments regarding the reasons for recall must file them with the Board as soon as practicable, or at least 1 day prior to the date of the hearing.

A party wishing to present witness testimony at the clarity/factual hearing may file with the Board a list containing the name and address of each witness who will give testimony regarding the reasons for recall as soon as practicable, or at least 1 day prior to the date of the hearing. A witness, other than an attorney representing the sponsor of the recall petition or the officer whose recall is sought, shall take an oath to testify truthfully.