



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

November 26, 2018

**Board of State Canvassers: Reasons for Recall
Examples of Approved and Rejected Recall Petitions**

Under the Michigan Election Law, 1954 PA 116, MCL 168.1 *et seq.*, the Board of State Canvassers must determine whether each reason for recall printed in the heading of a petition is factual and of sufficient clarity to enable the officer whose recall is sought and voters to identify the course of conduct that is the basis for the recall. [MCL 168.951a](#). Each reason for recall must be based on conduct during the officer's current term of office. If any reason is determined to be not factual or sufficiently clear, the entire recall petition must be rejected. The Board of State Canvassers must meet to consider the legal sufficiency of the reasons for recall between the 10th and 20th day after the recall petition is submitted to the Secretary of State.

The following are examples of actual recall petitions that were considered by the Board. Please note that many of the sponsors of the approved recall petitions provided evidence to support the reasons for recall, such as copies of court documents, legislative journals, and the like.

Governor Snyder is currently under criminal investigation by the FBI for his mishandling of the Flint water crisis.

Rejected. The reasons for recall do not indicate that the alleged "mishandling" occurred during the current term of office, and the word "mishandling" is not clear.

Because Governor Richard D. Snyder admitted on January 19, 2016 Michigan State of the State transcript he failed the City of Flint as quoted: 'Government failed you, federal, state, and local leaders by breaking the trust you placed in us. I am sorry most of all that I let you down. You deserve better, you deserve accountability, you deserve to know the buck stops here with me.'

Rejected. The wording that Governor Snyder "admitted ... he failed" is subjective, and the reasons for recall were not supported by evidence.

Because Governor Richard D. Snyder stated in parts of the Michigan State of the State transcript on January 19, 2016 "Government failed you: Federal, state, and local leaders by breaking the trust you placed in us. I am sorry most of all that I let you down. You deserve better. You deserve accountability; you deserve to know the buck stops here with me."

Approved. The reasons for recall have been refined to eliminate the subjective phrase, "admitted ... he failed," and are factual as evidenced by the copy of the transcript of the Governor's State of the State address provided by the recall sponsor.

Governor Richard D. Snyder on February 29, 2016 appointed Steven W. Rhodes as emergency manager for the Detroit Public School District pursuant to the provisions of Act 436 of the Public Acts of 2012 and MCL Section 141.1549 for a maximum period effective March 1, 2016 thru September 30, 2016.

Approved. The reasons for recall are factual and clear, as evidenced by the copy of the appointment provided by the recall sponsor.

In consideration of the recent consensus of ALL of the local judges of Branch County by reason of their intimate professional relationship and knowledge of Chief County Prosecutor Ralph Kimble, in their combined request for the necessity of an official Investigation of Ralph Kimble by the Michigan Attorney General and the Michigan State Police concerning alleged improprieties engaged in by the Chief County Prosecutor in the discharge of his official duties; and in consideration that Ralph Kimble has been named as a Defendant in an ongoing lawsuit alleging sexual Harassment in the Branch County Courthouse by a former employee of the Branch County Prosecutor's office: We, the undersigned, request a RECALL of Ralph Kimble as Branch County Prosecutor.

Rejected. The reasons given are not clear and factual because they purport to reflect the motivation and state of mind of certain individuals, and are not supported by evidence.

In consideration of the recent consensus/News Release of ALL of the local judges of Branch County in their combined request for the necessity of an official Investigation of Ralph W. Kimble II by the Michigan Attorney General and the Michigan State Police concerning alleged improprieties engaged in by the Chief County Prosecutor in the discharge of his official duties; and in consideration that Ralph W. Kimble II has been named as a Defendant in an ongoing lawsuit alleging sexual Harassment in the Branch County Courthouse by a former employee of the Branch County Prosecutor's office: We, the undersigned, request a RECALL of Ralph W. Kimble II as Branch County Prosecutor.

Approved. The reasons for recall have been refined to eliminate the subjective phrase, "by reason of their intimate professional relationship and knowledge of" the officeholder, and factually and clearly state each reason for recall. Further, the recall sponsors presented evidence in support of the petition language, including a copy of the news release and lawsuit complaint and summons.

Senator Meekhof's 'yea' roll call votes, numbers 475 and 476, as recorded in Senate Journal 100, dated November 3, 2015, to increase the vehicle registration tax (475) and diesel and gasoline fuel taxes (476).

Approved. The reasons are factual and clear, and the recall sponsor provided a copy of the November 3, 2015 legislative journal to substantiate the reasons for recall.

On April 11, 2017, a federal grand jury indicted State Senator Bert Johnson for allegedly hiring a "ghost employee" that received compensation from the State of Michigan for work she did not perform.

Approved. The petition factually and clearly states the reasons for recall.

Recall sponsors are strongly encouraged to provide documentation that supports the reasons for recall printed on the petition form; examples of acceptable documentation include but are not limited to a sworn affidavit, a copy of the minutes of a public meeting regarding the action that prompted the recall, or similar material. For further information regarding the filing of recall petitions, please contact the Bureau of Elections at 517-373-2540 or elections@michigan.gov.