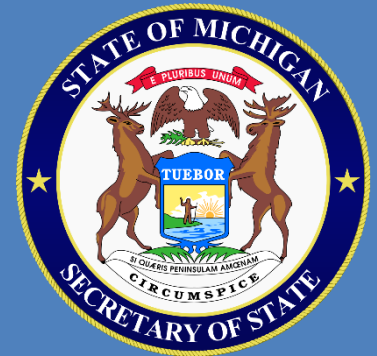


RECALL OF LOCAL ELECTED OFFICIALS

MICHIGAN BUREAU OF ELECTIONS

This guide provides a summary and key points on
the recall process of local elected officials

July 2021



RECALLS FILED AT THE COUNTY LEVEL

County Commissioner

City, Village or Township Officer

School Board Member

Elected District Library Board Member

Elected Metropolitan District Member

SPECIAL NOTES

- Recall petition **language** may not be **submitted** for approval during an officeholder's first and last six months of office.
- Recall petitions may not be circulated while an appeal is pending unless 40 days have passed since the filing of the appeal.
- Signed/circulated recall petitions may not be **filed** during the first six months or last six months of the officer's term of office if the term of office is two years or less; or during the first or last year of the officer's term of office if the term of office is greater than two years.
- Recall petition signatures dated more than 60 days before the filing are invalid.

RECALL TIMEFRAME

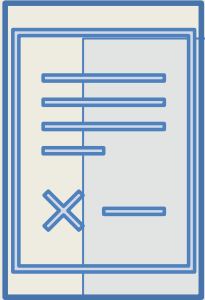
Recall Process Step	Required Timeframe
Petition language submitted for approval	NOT allowed during first or last 6 months of term
Clarity/factual hearing held	Between 10 and 20 days after petition language submitted
Appeal of Clarity/factual determination	To Circuit Court, within 10 days of clarity/factual hearing determination (no circulation during appeal)
Circuit Court – final determination on appeal	Within 40 days of appeal
Recall language valid	Up until 180 days after approval of language (By County Election Commission or Circuit Court)
Signatures valid	Up to 60 days prior to filing
Recall petition filed (signed/circulated petitions)	Officer with 2-Year Term or less: NOT allowed during first or last 6 months of term Officer with greater than 2-Year Term: NOT allowed during first or last year of term
Determination of petition's sufficiency/insufficiency	35 days from date of filing
Recall Election	At least 95 days after recall petition filing AND held on the next regular May or November election date (whichever occurs first)

RECALL PETITION PROCESS

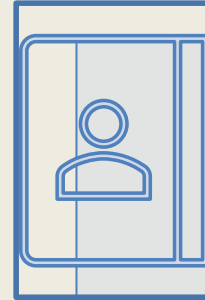
STEP 1: Submission of Recall Petition Language

- Petition language is submitted to the County Clerk in the county **where the officer resides** before the recall petition may be circulated.
- Petition sponsor must be registered to vote in the electoral district represented by the officer.
- Petition language (reasons for recall) must be submitted on approved recall petition form (city/township form). This form is used for all recall candidates, including school board members (the heading must identify the office of school board member).
- Each reason for recall must be factual and clear and must be based on the officer's conduct during his/her current term of office.

STEP 1: SUBMISSION OF RECALL LANGUAGE



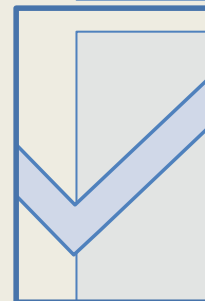
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Each reason for recall must be factual and clear and must be based on the officer's conduct during his/her current term of office.

DETERMINE ELIGIBILITY

First 6
months of
term?

- If YES reject petition as premature
- If NO- continue

Last 6
months of
term?

- If YES reject the petition
- If NO accept the petition and issue receipt to sponsor

Petition language cannot be submitted during the officer's first six months or last six months of their term, regardless of length of term.

STEP ONE

Within 3 business days of submission:

- Schedule clarity/factual hearing.
- Send notice to officer, including hearing date/time/location, date of petition filing and content of petition language.
- Send notice of hearing/date/time/location to sponsor.

STEP ONE: APPROVAL

Between 10 and 20 days after submission:

- **County Election Commission conducts clarity/factual hearing** (public notice posted at least 18 hours in advance).
- Determine whether each reason for recall is factual and of sufficient clarity (reject if any one reason is not clear or factual).
- If approved, provide written copy of determination to sponsor and officer and copy to County Clerk.

STEP ONE: APPROVAL

If an appeal is filed by officer or sponsor:

- Must be filed within 10 days of decision.
- Appeal must be filed to the Circuit Court in the county where the clarity/factual determination was made.
- Recall petition is not valid for circulation until determination is made by Circuit Court or until 40 days after the date of appeal, whichever is sooner.

STEP TWO: PREPARATION AND CIRCULATION OF PETITION

Petition Form

- Recall petitions must conform to the specifications prescribed by the Secretary of State.
- The county clerk is required to supply a blank recall petition form upon request. Reproductions of these forms must be two-sided.
- A separate petition must be circulated for each officer who is being recalled.
- The reasons for the recall printed on the recall petition must be exactly the same as the reasons approved by the County Election Commission (or the Circuit Court, if an appeal was filed).

Signers of Recall Petitions

- Signers of recall petitions must be registered to vote in the electoral district of the official whose recall is sought.
- Each signer must list his or her:
 - Signature
 - Address
 - Date of signing
- Ditto marks are not permitted for address or date.
- If the recall petition is circulated within a city or school district that crosses county lines, each signer must be instructed to sign on a petition sheet with the name of his or her county and jurisdiction of residence in the heading.
- All signatures must be signed in the presence of the circulator.
- A signer is not permitted to sign, date or enter the address for another voter. All voter information must be in the voter's own hand.

Required Number of Signatures

- The number of signatures needed to trigger a recall election is **25%** of the votes cast in the **officer's district for all candidates for the office of Governor** in the last gubernatorial general election.
- Upon written request, the County Clerk is required to supply the minimum number of valid signatures needed on the petition. The figure must be calculated and delivered to the requestor within **five days** after the county clerk's receipt of the request. (If the fifth day falls on a Saturday, Sunday or holiday, the County Clerk has until the following business day to honor the request.)

STEP TWO: CIRCULATION CONTINUED

- Recall petitions are circulated within the district represented by the officer whose recall is sought.

- Recall petitions must not be circulated on a “countywide” petition form.

- A circulator of a recall petition does not have to be registered to vote and need not reside in the electoral district.

- Before a recall petition can be circulated, the circulator must complete the “heading” of each petition sheet by filling in:

- The county and city or township where the sheet will be circulated
- The name of the officer whose recall is sought
- The title of the office
- The office district (if appropriate)
- The exact reasons for recall approved by the County Election Commission or Circuit Court

STEP TWO: CIRCULATION CONTINUED

- The sheet may not contain signatures of voters who live outside the city or township specified in the heading.
- A circulator shall not leave a recall petition unattended in a public place; all signatures must be signed in the presence of the circulator.
- After gathering the last signature he/she intends to collect, the circulator must complete, sign and date the “circulator’s certificate” on the petition sheet. Circulators must indicate their residence address and city or township of residence on the circulator’s certificate.
- Signatures on a sheet that are dated after the date on the circulator’s certificate are not valid.

STEP THREE: ACCEPTANCE AND CHECKING OF RECALL PETITIONS

After the sponsors of a recall effort have collected more than the required number of signatures on their petition, the petition filing takes place with the COUNTY CLERK.

- If the officer's district encompasses more than one county, the petition is filed with the county with the greatest number of registered voters in the electoral district.
- The petition must be complete when it is filed; the filer cannot submit additional petition sheets at a later hour or date.
- Petitions must be filed within 180 days of language approval.

REMINDER: A recall petition that has been circulated for signatures cannot be filed:

- 1) During the first six months or last six months of the officer's term of office, if the term of office is two years or less**
- 2) During the first or last year of the officer's term of office, if the term of office is greater than two years**

STEP THREE: ACCEPTANCE AND CHECKING OF RECALL PETITIONS

File with
County
Clerk

Notify
Officer

Preliminary
(Face)
Check

Voter
Registration
/Signature
Check

Process
Signature
Challenges

Final Review

Immediately

Within
7 days

Days
15-22

No later
than 35th
day

NOTIFY AFFECTED OFFICER

Immediately upon accepting filing

- County Clerk should **immediately** attempt to notify the affected officer by phone.
- County Clerk forwards written notice to the officer **no later than the next business day**. Notice includes:
 - ✓ Date and time of filing
 - ✓ Officer's right to examine petition and purchase copies
 - ✓ Officer's right to challenge signatures, including the deadline for signature challenges (**30 days** after filing)

CONDUCT PRELIMINARY CHECK

Within 7 days of petition filing

- **Sheet Checks:**

- Proper petition form
- Proper completion of circulator certificate (zip, printed name not required)
- Proper completion of heading
- Language matches approved petition language

- **Signature Checks:**

- Complete address (zip not required)
- Date of signing is not after date on circulator certificate
- Date is not earlier than language approval date
- Date is not older than 60 days before filing
- No ditto marks for address or date
- Address or date cannot appear to be entered by someone other than signer

If the petition has sufficient number of signatures proceed to voter registration and signature checks. If not - notify sponsor of insufficiency in writing.

VOTER REGISTRATION/SIGNATURE CHECK

All voter registration and signature checks may be completed by the County Clerk or passed to local clerk after completion of preliminary check. These checks must be completed no later than 22 days after petition filing.

- If the voter registration checks are to be completed by the local clerk, the County Clerk provides original sheets to clerk (retaining copy) of the city or township where the sheets were circulated.
- Local Clerk checks the registration of all remaining signatures using QVF. Each invalid signature must be coded for its deficiency.
- Local Clerk completes “Clerk's Certificate” on back side of each petition sheet and returns originals to County Clerk

PROCESS SIGNATURE CHALLENGES

Officer whose recall is sought may submit written challenges within 30 days after recall petition filing. Officer may challenge the:

- Authenticity of a signature on the recall petition
- Registration of an elector whose name appears on the recall petition

Processing Challenges

- The County Clerk may process all challenges or forward each challenged signature not already excluded to the appropriate local clerk.
- If the challenges are forwarded to local clerk, the County Clerk must instruct the local clerk to check the challenged signature against the jurisdiction's registration records and to provide immediate return of signature check, in writing.

NOTE: An officer whose recall is sought must have at least 8 calendar days after the completion of registration checks to review the clerks' findings and file challenges, if desired.

FINAL PETITION REVIEW

County Clerk completes final review no later than 35th day after petition filing date

If the petition contains a sufficient number of signatures:

County Clerk calls special election to be conducted on the next regular election date that is:

- 1) At least 95 days after the date the recall petition was filed, and**
- 2) Falls on the May or November regular election date, whichever occurs first.**

If there is not a sufficient number of valid signatures, the County Clerk notifies the sponsor of insufficiency in writing with copy to officer.

THE RECALL ELECTION: WHO ARE THE CANDIDATES



Incumbent

Non-
Incumbent

The officer whose recall is sought is automatically listed as a candidate in the recall election, unless he/she withdraws **within 10 days of the filing of the recall petition** (note: *not* within 10 days of the determination of the recall petition's sufficiency)

The is only one
election, no
primary is held.

WHO ARE THE CANDIDATES

If the incumbent withdraws:

Partisan office: Incumbent's political party shall nominate a candidate for office.

Nonpartisan office: Candidates file a nonpartisan nominating petition containing at least 10% of the required number of signatures for the electoral district (MCL 168.544f or 168.303 [school board]), OR a \$100 filing fee. The filing deadline elapses at 4:00 p.m. on the 10th day following the issuance of the call for a recall election.

WHO ARE THE CANDIDATES NON-INCUMBENT

Partisan Office

For partisan offices, candidates are nominated by the appropriate political party unit.

The filing deadline elapses at 5:00 p.m. on the **10th day following the issuance of the call for a recall election.**

Candidates without political party affiliation may file a qualifying petition with at least 10% of the number of signatures required under MCL 168.544f by 5:00 pm on the **10th day after the call for the recall election is issued.**

Non-Partisan Office

Candidates file a nonpartisan nominating petition containing at least 10% of the required number of signatures for the electoral district (MCL 168.544f or 168.303 [school board]), OR a \$100 filing fee.

The filing deadline elapses at 4:00 p.m. on the 10th day following the issuance of the call for a recall election.

NOMINATION OF PARTISAN CANDIDATES (OTHER THAN INCUMBENT)

COUNTY COMMISSION & DISTRICT OFFICE WITHIN SINGLE DISTRICT OF SINGLE COUNTY

- The political party's county executive committee nominates a candidate for office.

DISTRICT OFFICE WITHIN AN ELECTORAL DISTRICT IN PART OF A SINGLE COUNTY

- (Example: a citywide office such as Mayor in a city that conducts partisan elections)
- If 3 or more members of the political party's county executive committee reside in the electoral district, those members shall nominate a candidate.
- If 2 or fewer members of the political party's county executive committee reside in the electoral district, the political party's entire county executive committee shall nominate a candidate.

DISTRICT OFFICE THAT LIES IN 2 OR MORE COUNTIES

- (Example: a city office in a city that conducts partisan elections and lies in 2 or more counties)
- Members of the political party's several county executive committees residing in those portions of the counties that are in the electoral district shall nominate a candidate.

WARD OR TOWNSHIP OFFICE

- If 3 or more members of the political party's county executive committee reside in the ward or township, those members shall nominate a candidate.
- If 2 or fewer members of the political party's county executive committee reside in the ward or township, the political party's entire county executive committee shall nominate a candidate.

RECALL ELECTION

Ballot Preparation and Cost

- The County Election Commission is responsible for ballot production
- Counties, Cities, and Townships involved in the recall election must bear the costs of the election. These costs are not reimbursed by the State.

Canvass and Certification

- Completed at the County level. The candidate receiving the highest number of votes is elected for the remainder of the term.
- Until certification is complete the officer whose recall is sought continues to perform the duties of office.

If the officer targeted for recall resigns from office at any point after the call for a recall election has been issued or during the canvass of the recall petition, the canvass ceases and no recall election is held. The vacancy is filled in accordance with existing law.

FINAL POINTS

An officer who is recalled shall not be appointed to fill a vacancy in an elective office in the electoral district or governmental unit from which the recall was made, for the duration of the term of office that he or she ordinarily would have served.



An officer targeted for recall who resigns after a recall petition has been filed shall not be appointed to fill a vacancy in elective office in that electoral district or governmental unit for the duration of the term of office that he or she resigned.



After the filing of a recall petition that has been circulated AND after conducting a recall election, no further recall petition shall be filed against the same incumbent of that office during the remainder of the unexpired term.