

RECALL PROCEDURES

For Public Distribution

The following steps need to be followed during the recall process:

TERM OF OFFICE IS TWO YEARS OR LESS:

Recall petition cannot be filed during the first and last six months of the term of office
(MCL 168.951(1))

TERM OF OFFICE IS FOR MORE THAN TWO YEARS:

Recall petition cannot be filed during the first and last year of the term of office
(MCL 168.951(1))

1. Recall petitions targeting state and county officers (except county commissioners) are filed with the Board of State Canvassers (BSC) prior to circulation. The BSC will make the clarity/factual determinations for these offices. Appeal is to the Court of Appeals.
2. Recall petitions targeting all local officials, including county commissioners, will be submitted to the County Election Commission for clarity/factual determinations. Appeal is to the Circuit Court.
3. The recall sponsor must be a registered voter in the same district as the officeholder to be recalled.

STEP ONE – REQUEST FOR NUMBER OF SIGNATURES

Sponsor submits a letter with their contact information requesting the number of signatures needed to recall a particular officeholder. A separate request must be submitted for each officeholder the sponsor would like to have recalled.

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 election.

The County Clerk will respond in writing **within 5 days** with the number of signatures required.

STEP TWO – SUBMISSION OF RECALL WORDING

The recall wording is submitted to the County Clerk's Office at the Governmental Center. The recall petitions cannot be submitted to the Board of State Canvassers or the Board of County Election Commissioners for clarity/factual hearing purposes during the first and last six months of the official's term of office (This applies to all officeholders subject to recall whether they are in two year terms or more than two year terms per the Bureau of Elections).

- a. A receipt for the wording is issued to the sponsor.
- b. The reason(s) for the recall must be "factual". The factual nature of the reasons for the recall are reviewed and approved along with the "clarity" of the petition.
- c. Separate wording must be submitted for each officeholder that is to be recalled.
- d. **Within 24 hours** of a recall petition wording being filed, the County Clerk will notify the officer whose recall is sought of:
 1. The filing of the petition language and the date of the filing.
 2. The contents of the petition language.
 3. The time, date and place of the Commission's meeting to review the language for clarity and factuality. Official notice of the time, date and place of the Commission's meeting is also sent to the filer of the language.

STEP THREE – CLARITY HEARING SCHEDULED

A clarity hearing must be scheduled in **not less than 10 days or more than 20 days** from the date of the wording submission. All parties involved will be notified of the hearing date, place and time. The hearing is open to the public and anyone may address the County Election Commission. The Election Commission members are the Chief Probate Judge or designee, the County Treasurer and the County Clerk.

- a. If the wording is NOT approved, the sponsor may submit new wording at any time.
- b. If the wording is APPROVED, the sponsor may begin circulating recall petitions. Signatures obtained prior to the wording being approved at the clarity hearing will be invalidated.

STEP FOUR – CIRCULATING THE PETITION

The number of signatures required for a recall is 25% of all of the votes cast for governor in that jurisdiction during the previous election at which a governor was elected.

- a. A recall petition is valid for **180 days** after either of the following, whichever occurs later:
 - * Clarity/factuality approval by the Commission
 - * Clarity/factuality approval by the Circuit Court (if Commission decision is appealed), or 40 days after the date of appeal
- b. The headings on recall petitions must be exactly the same wording that was approved by the County Election Commission.
- c. Signatures that are submitted must **not be over 60 days** “old” at the time of filing.
- d. Errors made in the recall petition heading or in the circulators’ statement will invalidate all of the signatures on that petition sheet.
- e. Certain errors made by the petition signers will invalidate only that person’s signature.

STEP FIVE – FILING THE PETITION

Once signed petitions are submitted to the County Clerk’s Office, no additional signatures may be submitted. The following time clock begins ticking at the time of submission:

- a. **Within 7 days** after petition filing, the County Clerk completes preliminary review of petitions and forwards to local clerk.
- b. **Within 22 days** after petition filing, the local clerk completes registration checks.
- c. No later than **30th day** after petition filing, officeholder files challenges against petition signatures if he/she wishes to.
- d. No later than **35th day** after petition filing, the County Clerk determines whether there are sufficient valid signatures on the petition.

***If the recall petition does not have the minimum number of valid signatures required the County Clerk notifies the sponsor of the recall effort of the insufficiency of the petition. Copies of the notice are kept in the County Clerk’s files and sent to the officer involved.**

STEP SIX – CALL FOR SPECIAL ELECTION

If the recall petition contains the minimum number of valid signatures required, the election official with whom the recall petition was filed must call a special election to be conducted on the **next regular election date** that meets the following criteria:

1. Is at least 95 days after the date the recall petition was filed
2. Falls on the May or November regular election date. (Note the stipulation of the May or November election date is a recent law change that went into effect in late 2012).

ADDITIONAL ELECTION INFORMATION

1. Legislative changes took effect in late 2012 which essentially changed the concept of a recall election from a two-election process (if the recall was successful) to combining the concepts of a recall election and a special election to fill the possible resulting vacancy. That is, there is now a single recall election to fill the partial (remaining) term of office for the official subject to the recall, with the incumbent automatically made a candidate in the election unless he/she withdraws within 10 days after the filing of the recall petition. There is one election and the candidate who receives the highest vote total becomes the elected candidate.
 - a. If the recall election involves a partisan office, nominations for the recall election are made by the county political party committee specified by law (MCL 168.973a). If the incumbent candidate declines to be a candidate at the recall election, the incumbent's political party shall nominate a candidate for that office.
 - b. If the recall election involves a nonpartisan office, candidates seeking election in the recall election must 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.
 - c. The party nominations or nonpartisan petitions must be filed by 4:00 p.m. on the tenth day after the call for the recall election. A primary is not held.
 - d. A candidate without political party affiliation who wishes to seek a partisan office can gain access to the recall election ballot by filing a qualifying petition. The petition must be filed with the appropriate filing official by 4:00 p.m. on the tenth day after the call for the recall election. The petition must contain at least 10% of the number of signatures required under MCL 168.544f.
2. After filing a recall petition and after a recall election, no additional recall petitions may be filed against the same incumbent of that office during the term for which he or she is elected.
3. The candidate receiving the highest number of votes in the recall election is elected for the remainder of the term.