



MONTCALM COUNTY CLERK'S OFFICE

VITAL RECORDS/ELECTIONS DIVISION

211 W. Main Street, PO Box 368, Stanton, Michigan 48888 phone: 989-831-7339 fax: 989-831-7474

RECALL PROCEDURES

**Disclaimer: This procedure document is believed to be an accurate overview of the recall process but is intended to provide reference only. It is up to the party utilizing it to reference the law or seek legal guidance. Further information may be found at www.michigan.gov/elections.*

*The reasons for recall or "recall wording" cannot be submitted during any officers (2 year term and 4 year term) first 6 months nor last 6 months in office.

*Recall Elections can only be held on May or November election dates.

*Recall petitions cannot be circulated until recall wording is approved by the County Election Commission.

TERM OF OFFICE IS TWO YEARS OR LESS:

A recall petition cannot be filed during the first and last six months of the term of office.

TERM OF OFFICE IS FOR MORE THAN TWO YEARS:

Recall wording can only be submitted after the officer has been in office for 6 months. Circulated and signed recall petitions cannot be filed during the first nor last year of the term of office.

1. Recall petitions targeting state and county officers (except County Commissioners) are filed with the Board of State Canvassers prior to circulation. The Board of State Canvassers will make the clarity and factual determination for these offices. Appeal is to the Court of Appeals.
2. Recall petitions targeting all local offices, including County Commissioners, will be submitted to the Montcalm County Election Commission for clarity and factual determinations. Appeal is to the 8th Circuit Court.
3. The recall sponsor must be a registered voter in the same district as the officeholder to be recalled.

REQUEST FOR NUMBER OF SIGNATURES:

Recall sponsor submits a letter to the Montcalm County Clerk 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 recall 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 general election.

Within five days, the Montcalm County Clerk will respond with the number of signatures required.

SUBMISSION OF RECALL WORDING:

The recall sponsor submits the recall wording to the Montcalm County Clerk on the recall petition. Please call the Clerk to notify of the filing prior to come into the office. 989-831-7339

Petition language for the recall of an officer cannot be submitted to the Montcalm County Election Commission to determine if the petition is factual and of sufficient clarity until the officer has actually performed the duties of the office to which elected for a period of 6 months during the current term of that office.

The Montcalm County Clerk issues a receipt for the recall petition language to the recall sponsor.

Within 24 hours of the submission of the petition language, the Montcalm County Clerk shall notify the officer(s) whose recall is sought:

- a. The filing of the petition language and the date of filing.
- b. The contents of the petition language.

The time, date and place of the Montcalm County Election Commission's meeting to review the language for clarity and factuality shall be sent to the officer and to the recall sponsor.

CLARITY FACTUAL HEARING SCHEDULED:

A clarity factual hearing must be scheduled in not less than 10 days or more than 20 days after receipt of the completed petition heading. The Montcalm County Election Commission shall hold a clarity factual hearing to determine whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer(s) whose recall is sought, and the electors, to identify the course of conduct which is the basis for the recall. If any of the reasons stated in the petition do not meet the sufficient standards, the entire petition will be rejected.

The Montcalm County Election Commission will accept documentation regarding the recall petition at the hearing. It is the responsibility of the person submitting the documentation to provide the documentation no less than 24 hours prior to the hearing. If a hearing is scheduled for a Monday at 11 a.m., the documentation must be received by the County Clerk no later than 11 a.m. the Friday prior.

The officer(s) whose recall is sought, or the recall sponsor, may appeal the decision of the Montcalm County Election Commission to the 8th Circuit Court within 10 days of the determination of the clarity and factualness of the recall wording by the Montcalm County Election Commission.

If appealed, the recall petition is not valid for circulation and cannot be circulated until a determination, of whether each reason is factual and of sufficient clarity, is made by the 8th Circuit Court -OR- until 40 days after the date of the appeal, whichever is sooner. The petition is not valid for circulation if at any time the 8th Circuit Court determines that each reason is not factual or of sufficient clarity.

CIRCULATING THE PETITION:

A petition for recall that has been determined to be of sufficient clarity and factualness is valid for 180 days after any of the following, whichever occurs later:

- a. The date of determination/approval by the Montcalm County Election Commission.
- b. The date of determination/approval of appeal by the 8th Circuit Court.
- c. 40 days after the date of appeal to the 8th Circuit Court, if the Court has not made a judgment within the 40 day time frame.

Circulators of recall petitions must pay close attention to the instructions on the back of the recall petition form:

The heading of the petition must be completed prior to circulating it.

- Enter the city, township or village and the county where the petition will be circulated. Do not list more than one city, township or village.
- Enter the officer's complete name and office he or she holds. Include the district number of the office if there is one.
- Enter the reason(s) why the recall election is being sought. The language on the petition must be exactly as approved by the County Election Commission.

Make sure that all signers properly complete the petition:

- Each signer must be registered to vote in the city, township or village listed in the heading.
- Each signer must sign and print his or her first and last name.
- Each signer must enter his or her full address. A rural route number is acceptable. A post office box is not acceptable.
- Each signer must enter his or her Zip code.
- Each signer must date his or her signature with the month, day and year.

Circulators must complete the circulator's certificate after circulating the petition.

- Sign and print your full name and enter the month, day and year. Signatures on the petition which are dated after the date on the circulators certificate are invalid.
- Enter your complete residence address – do not enter a PO Box
- If you do not reside in Michigan, enter your county of registration if you are registered to vote in your home state

Circulate the petition properly:

- Question signers of their city, township or village of registration.
- Do not complete the heading of the petition after signatures have been affixed on the petition.
- Do not fill in a signer's address or a signer's signature date. Both entries must be in the signer's own handwriting. Ditto marks are not acceptable.
- Do not leave the petition unattended.

Special notes:

- Signatures on recalls petitions must be collected within 60 days prior to filing the circulated petitions. Any signature submitted on a petition that is more than 60 days old at the time of filing will not be counted.
- Signer's can only sign a recall petition once. Signing more than one recall petition for the same officer voids both of their signatures.

FILING THE PETITION:

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

The officer(s) whose recall is sought is notified in writing by the filing official within 24 hours of the filing of the petitions that the recall petition has been filed.

Within 7 days after petition filing, the County Clerk or staff completes the preliminary review of the petitions and may forward to the local Clerk for registration checks.

Within 22 days after petition filing, the County or local Clerk completes registration checks.

No later than the 30th day after petition filing, the officeholder can file challenges against petition signatures.

No later than the 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 recall sponsor of the recall effort of the insufficiency of the petitions.

CALL FOR SPECIAL ELECTION

If the petition is found to be sufficient, the Montcalm County Clerk shall call the special election. The election shall be held on the next May regular election date or the next November regular election date that is at least 95 days after the recall petition is filed.

ADDITIONAL INFORMATION:

- 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. 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 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 or 168.303.
- e. 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.
- f. The candidate receiving the highest number of votes in the recall election is elected for the remainder of the term.

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