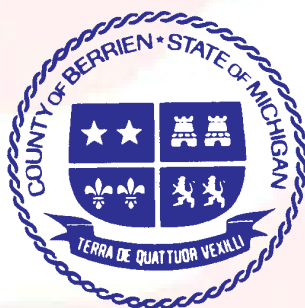


# RECALLS

Everything You Need  
to Know . . .

## The Process & Circulating Petitions



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Berrien County Clerk

Amended April, 2008

# **RECALL PETITIONS - THE PROCESS**

**The following is a summary of the laws, court rulings and Attorney General Opinions which govern the recall process and the circulation of recall petitions.**

## **FILING RECALL PETITION WORDING**

The recall sponsor must be a registered voter in the same district as the officeholder to be recalled.

The wording must be based upon the officeholder's conduct during his or her current term of office. All recall reasons submitted must be of sufficient clarity for the wording to be approved on a petition.

The recall wording is submitted to the County Clerk's Office at the Courthouse in St. Joseph. A receipt for the wording is issued to the sponsor.

Separate wording must be submitted for each officeholder that is to be recalled.

Officeholders may not be recalled during the first six months or the last six months of their term in office.

## **CLARITY HEARING**

Recall petitions should NOT be circulated prior to the wording being approved at the clarity hearing.

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.

If the wording is NOT approved, the sponsor may submit new wording at any time.

If the wording is APPROVED, the sponsor may begin circulating recall petitions.

# PETITIONS

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.

The recall wording is valid for 180 days; petitions must be submitted by that time.

The headings on recall petitions must be exactly the same wording that was approved by the County Election Commission.

Signatures obtained prior to the wording being approved at the clarity hearing will be invalidated.

Signatures that are submitted must not be over 90 days old.

A registered voter's signature is acceptable if it includes the signer's signature, the signer's street address or rural route number and the date of signing. THIS INFORMATION MUST BE IN THE SIGNER'S OWN HANDWRITING. The signature must also be on a petition which lists the signer's city or township of registration.

Each petition must only be circulated by the person who signs as the circulator. It is important for circulators to read the "Certificate of Circulator" statements on the front of the recall petitions and the instructions on the back of the recall petitions.

Once signed petitions are submitted to the County Clerk's Office, no additional signatures or changes may be submitted.

# RECALL DEADLINES

The following time clock begins ticking at the time of submitting recall petitions:

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

If there are **insufficient** valid signatures, the process stops at this point.

If there are **sufficient** valid signatures, the special recall election will be scheduled for the next regular election date but not less than 95 days after the petition is filed.

# PETITION SHEET VALIDITY

A recall petition sheet is invalid if it contains one or more of the following irregularities:

## HEADING

- ✦ City or township where circulated not listed.
- ✦ No indication as to whether the city or township where circulated is a "city" or "township" - if a city and a township in the county share the name listed.
- ✦ Village or "postal community" listed instead of township of circulation when village or "postal community" is not contained within a single township.

## CIRCULATOR'S CERTIFICATE

A recall petition sheet is invalid if it contains one or more of the following irregularities:

- ✦ Left unsigned
- ✦ Signed by more than one circulator
- ✦ Left undated or incompletely dated
- ✦ Dated before all signature dates
- ✦ City or township of registration not listed
- ✦ No street address or rural route number listed
- ✦ Individual sheets circulated by more than one circulator

# PETITION SIGNATURE VALIDITY

**A signature is not acceptable if it contains one or more of the irregularities or omissions listed below. The codes used by clerks to designate irregularities and omissions on petition sheets are shown to the left of the following descriptions.**

- CO Signature crossed out prior to filing.
- DS Duplicate signature (the signature with the latest date is invalidated).
- OC Address outside of city or township listed in petition heading.
- ND Signature not dated or incompletely dated.
- ED Signature dated before first date permitted under law.
- SDC Signature dated after circulator dated petition sheet.
- NA No street address or route number listed.
- IA Incomplete address.
- AD Address not affixed by signer.
- NP No post office listed.
- IN Signature appears as follows: Mrs. Smith, Mr. Smith, John, Jane.
- MC Miscellaneous identification problem.
- NR Not registered.
- SDM Signature does not match signature on master card or in QVF.

**The following signature irregularities are accepted:** (these are bulleted)

- ✦ Signature appears as follows: J. Smith, J.B. Smith, Mrs. J. Brown or Mrs. J.B. Brown.
- ✦ Illegible signature can be accepted if the voter's registration can be verified by the voter's address.
- ✦ Printed signature; this is allowed if the signature on the petition matches the printed signature on the voter's registration records.
- ✦ Ditto marks are acceptable for post office **ONLY**.

# SUCCESSFUL RECALL PROCESS

If the recall election is successful, the special election to fill the vacancy created by the recall will be scheduled for the next regular election date.

Recalled officeholders leave office as soon as the County Board of Canvassers certifies the results of the recall election. This usually takes place two days after the election date.

## VACANCIES CREATED BY A RECALL

Vacancies created by a recall may be temporarily filled by the remaining board members (if there is a quorum). **These temporary appointments are only until an election can be held to fill the vacancy.**

Elections to fill a vacancy must be held at the next regular election date.

The people who will be placed on the ballot to fill the vacancies are nominated by the County Committee members from the County Republican Party and the County Democratic Party. The parties are responsible for appointing two County Committee members for every precinct throughout the county (this is completed by the parties every two years).

A person running for a partisan office must be nominated by two county committee members from that district from the political party that the candidate is affiliated with. (MCL 168.973)

If someone wishes to run for a partisan office with no party affiliation, they may circulate qualifying petitions and those petitions are filed with the clerk responsible for printing the ballot (see MCL 168.544f for the number of signatures required). (MCL 168.590c)

If someone wishes to run for a nonpartisan office, they may file nonpartisan nominating petitions or a \$100 filing fee. (MCL 168.972).

It is important for the recall sponsor and all circulators to read the "Certificate of Circulator" statement on the front of the recall petitions and the instructions on the back of the recall petitions prior to circulating petitions.

## PLEASE NOTE

The information in this brochure is offered as a summary of the provisions which govern the validity of recall petition signatures and the recall process; it is **not** a complete interpretation of the governing laws.

Questions may be addressed to:

Berrien County Clerk  
Berrien County Courthouse  
811 Port Street  
St. Joseph, MI 49085

Phone: (269) 983-7111, extension 8241

