

**RECALL PROCEDURES  
OTTAWA COUNTY, MICHIGAN**

**\*NOTE\*For the recall of any county wide elected official or state official, petitions must be submitted to the Board of State Canvassers via the Michigan Department of State's Bureau of Elections – P.O. Box 20126, Lansing, MI 48901 Ph. 517-373-2540**

- (1) A letter must be submitted to the County Clerk listing the name(s) and office(s) of the elected official(s) whose recall is sought and must also request the number of signatures required for each person for whom recall is sought.
- (2) Within five days, the County Clerk will respond with the following:
  - (a) the number of signatures required [MCL 168.955]
  - (b) a blank recall petition form for each officer sought to be recalled [MCL 168.958a]
  - (c) a copy of the Ottawa County Recall Procedures
  - (d) campaign finance information
- (3) The person(s) seeking the recall completes the petition heading in type or print and returns it to the County Clerk [MCL 168.952]
- (4) Petition language for the recall of an officer cannot be submitted to the 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. [MCL 168.952(b)]
- (5) The County Clerk issues a receipt for the recall petition language.
- (6) Within 3 business days after receipt of petition language, the County Election Commission shall notify the officer(s) whose recall is sought of the reasons stated on the petition for recall and the date of the clarity hearing. [MCL 168.952(4)]
- (7) Not less than 10 days or more than 20 days after receipt of the completed petition heading, the County Election Commission shall hold a 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.) [MCL 168.952(3)]
- (8) With regard to the determination of the factual nature of claims made in the recall petition, the Ottawa County Election Commission has made the following standards:
  - (a) The Election Commission will determine whether the petition language represents Fact or Opinion.

- (b) If the petition contains language of a purely opinion-based nature, it will not be approved.
- (c) If allegation(s) of a factual nature are insinuated, the burden of proof lies with the petitioner to bring sufficient proof of the facts.
- (d) The Election Commission will accept documentation demonstrating that each reason for the recall is factual, either when the petition is filed, or at least one day prior to the date of the recall clarity/factual hearing. Examples of acceptable documentation include, but are not limited to, the following: an affidavit; or a copy of the minutes of a public meeting regarding the action that prompted the recall.
- (9) The officer(s) whose recall is sought, or the petition sponsor, may appeal the decision of the Election Commission to Circuit Court within 10 days of the determination of clarity/factualness by the Election Commission [MCL 168.952(6)]
- (10) 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 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 circuit court determines that each reason is not factual or of sufficient clarity. [MCL 168.952(6-7)]
- (11) If the term of office for the officer whose recall is sought is 2 years or less, a recall petition cannot be filed 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; and a petition cannot be filed during the last 6 months of that term. If the term of office for the officer whose recall is sought is more than 2 years, a recall petition cannot be filed until the officer performs the duties of that office for a period of 1 year, and a petition cannot be filed during the last year of that officer's term. [MCL 168.951]
- (12) A petition for recall that has been determined to be of sufficient clarity is valid for 180 days after either of the following, whichever occurs later:
- (a) The date of determination/approval by the Election Commission
  - (b) The date of determination/approval of appeal by the Circuit Court
  - (c) 40 days after the date of appeal to the Circuit Court, if the Court has not made a judgment within the 40 day time frame. [MCL 168.952(7-8)]
- (13) Signatures on recall petitions must be collected within 60 days prior to filing the circulated petitions. [MCL 168.961(2)(d)]
- (14) Petitions shall be signed by registered and qualified electors equal to not less than 25% of the number of votes cast for candidates for the office of governor at the last general election in the electoral district of the officer(s) sought to be recalled. [MCL 168.955]

- (15)** Circulated recall petitions are filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside [MCL 168.960], who shall in turn issue a receipt showing:
- (a) date of filing
  - (b) number of petition sheets filed
  - (c) number of signatures claimed by the filer.

The petition must be complete when it is filed; the filer cannot submit additional petition sheets at a later hour or date. [MCL 168.961(1)]

- (16)** The officer(s) whose recall is sought is notified in writing by the filing official within 24 hours of the filing of the petition(s) that the recall petition has been filed. [MCL 168.961a]
- (17)** The filing official has seven days to review the petitions to verify the following:
- (a) execution of the certificate of circulator
  - (b) heading of the petition sheet is accurate and complete
  - (c) reasons for recall do not vary from those approved by the Election Commission
  - (d) number of signatures meets the minimum requirements
  - (e) signatures were obtained within 60 days prior to filing [MCL 168.961(2)]
- (18)** Petitions are forwarded to the local clerk who shall compare the signatures on the petitions with the voter registration records. The number of valid signatures must be certified to the filing official within 15 days. [MCL 168.961(5)]
- (19)** The officer(s) subject to recall may challenge signatures on the petitions. Such challenge must be in writing and must be specific to each signature. The challenge is filed with the filing official who has eight days to examine the signatures and determine the validity of the challenge. A challenged signature shall be verified by comparison to the digitized signature in the qualified voter file or compared with the signature on the master card. [MCL 168.961a]
- (20)** Within 35 days of the filing of the recall petition, the filing official shall ascertain the sufficiency of the recall petition. If the petition is found to be insufficient, the filing official shall notify the sponsor of the petition. [MCL 168.963(1)]
- (21)** If the petition is found to be sufficient, immediately upon determining that the petition is sufficient, but not later than 35 days after the date of the filing of the petition, the 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 not less than 95 days after the petition is filed. [MCL 168.963(2)]