

**MICHIGAN COMPILED LAWS 168.951 – 977, RECALL
OVERVIEW**

1. Every elective officer in the state of Michigan, except a judicial officer, is subject to recall. An officer sought to be recalled shall continue to perform duties of the office until the result of the recall election is certified.
2. Petitions cannot be *submitted* for clarity/factual hearing purposes during the first and last 6 months of the official's term of office.
3. Petitions against officials serving a term of office for 2 years or less cannot be *filed* during the first and last **6 months** of the term of office. Petitions against officials serving a term of office for more than 2 years cannot be *filed* during the first and last **year** of the term.
4. Petitions against **state and county-level offices** (except County Commissioner) shall be filed with the Board of State Canvassers prior to circulation. Petitions against **local officials, including county commissioners**, shall be filed with the County Election Commission of the county in which the largest portion of the registered voters in the electoral district reside.
5. If the minimum number of valid signatures is met and the County Clerk calls for a Special Recall Election, the recall election and a special election to fill the possible resulting vacancy will be held at the same time. The incumbent will automatically be 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.
6. If the recall election involves a **partisan office**, nominations for the recall election are made by the county executive committee of the political party as 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.
 - ▶ 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 with the appropriate filing official by 4:00 pm on the 10th 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.
7. If the recall election involves a **nonpartisan office**, candidates seeking election in the recall election may 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 nonrefundable filing fee (MCL 168.972).
8. The party nominations or nonpartisan petitions must be filed by 4:00 pm on the 10th day after the call for the recall election. A primary is not held.

(continued)

For Recall Petitions filed at the County Level:

9. Sponsoring person of recall must be registered to vote in the electoral district represented by the officer, and shall make a written request to county clerk for the minimum signature requirements and provide clerk with the name of the officials to be recalled, the district, the date officer took office of current term, sponsor's name, address, phone number and email address. Clerk shall certify signature requirements to sponsor within 5 days of receipt of request.
10. Signature requirements: not less than 25% of number of votes cast for all candidates for the office of governor at the last preceding general election in the electoral district of officer to be recalled.
11. Before being circulated, a petition for the recall shall be submitted to the board of county election commissioners. The board is required to meet between the 10th and 20th day after submission of the recall language. The board shall 'determine whether each reason for the recall stated in the petitions is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall'. The statement shall contain no more than 200 words. Both the officer and the sponsor may appear and present arguments. If approved, this petition is valid for 180 days.
12. When filing the Recall petitions
 - a. they must be of form and content as prescribed by law. Proper forms are available at the county clerk's office.
 - b. they must be prepared and circulated in accordance with the provisions described in the Secretary of State pamphlet #ED-106.
 - c. they must be signed by registered and qualified electors of the electoral district of the officer to be recalled.
 - d. you must circulate a separate petition for each officer who is being recalled.
 - e. The reasons for the recall must be printed on the recall petition as approved by the County Election Commission.
 - f. any signature obtained more than 60 days before the filing of petitions shall not be counted.
13. After filing the Recall petitions:
 - a. The filing official shall notify in writing the officer whose recall is sought within 24 hours of the filing.
 - b. The officer whose recall is sought may challenge the validity of the registration or the signature within 30 days.
 - c. The filing official shall make an official declaration of the sufficiency or insufficiency of the petition within 35 days.
 - d. Immediately upon determining sufficiency, the county clerk shall call the election. The election shall be held on a regular May or November election that is at least 95 days after the date the recall petition was filed.

(continued)

TIME ELEMENTS FOR PROCESSING RECALL PETITIONS

- 5 days
☑
Sponsoring person requests signature requirements from county clerk (168.955)

Clerk to certify minimum signature requirements from 5 days of request (168.955)

- 10 – 20 days
☑
Sponsoring person submits a petition for the recall of an officer. (168.952.2)

Board of county election commissioners meet and determine whether each reason for the recall stated in the petition is factual and of sufficient clarity. (168.952.3)

- 180 days

If approved to be of sufficient clarity, the petition is valid for 180 days. (168.952.7)

- 60 days

Petitions must be signed and circulated within 60 days prior to filing with clerk. (168.961)

- ☑
Sponsoring person filed petitions demanding the recall of an elective county commissioner or township, city, village, or school official with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside. (168.960)

- within

After filing, clerk will notify in writing the officer whose recall is sought within one business day of petition filing. (168.961a.1)

- 24 hours

- 7 days

Preliminary Check: County Clerk examines each petition sheet

- 10 days

Incumbent will automatically become a candidate unless he/she withdraws within 10 days

- 22 days

Registration Check: County or Local Clerk verifies registration of each signer

- 30 days

After filing, an officer whose recall is sought may challenge the validity of a signature or the registration of an elector whose name appears upon a recall petition. (168.961a.2)

- 35 days

After filing, the clerk determines the sufficiency of the petition. If sufficient, the county clerk shall call the special recall election to determine whether the electors will recall the officer whose recall is sought. (168.963)

- at least

Election shall be held on the next regular election date that is at least 95 days after the date the petition was filed, and falls on the May or November regular election date. (168.963.2)

- 95 days

- after call of Election

For a partisan office, the political party county executive committee shall nominate a candidate for that office by 4 pm on the 10th day after the call for the recall election. (Incumbent is an automatic candidate unless he/she declines)

A candidate without political party affiliation may file Qualifying Petitions by 4 pm on the 10th day after the call for the recall election.

For a nonpartisan office, candidates may file Nonpartisan Nominating Petitions or a \$100 nonrefundable filing fee no later than 4 pm on the 10th day after call of election.

- after Election

the County Board of Canvassers meets to review and certify election results

- 5 days