

Recall ~ City of Albion

(Refer to Michigan Election Law, 168.951 ~ 976)

Petition filed 4/12/19 to recall

Albion City Precinct 5 Council Member Jeanette Spicer (NonPartisan position);

Term December 5, 2016 to December 7, 2020 (4 yr. term)

Address: 1303 E. Michigan Avenue, Albion, MI 49224; Phone: 517.960.9615

Email: Jeanette_Spicer@yahoo.com

Sponsor:

Albion City Precinct 5 registered voter Daniel Farmer, 1101 Wiener Drive, Albion, MI 49224;

Phone: 517.879.3328; Email: Derby_182@hotmail.com

Recall Wording submitted to the County Clerk's Marshall Office on Friday, April 12, 2019.

The officer, the sponsor and the city clerk were notified within 24 hours via email, phone, and/or by letter.

Council Member Jeanette Spicer recall language: "I am proposing the recall of Council Member Spicer on the grounds she is failing to fulfill her obligation to return correspondence requested by her constituents. I have left 3 messages over the last 40 days and she has not made an in-earnest effort to return calls to set a meeting to discuss my problems and concerns."

Number of signatures required: (The petitions shall be signed by registered and qualified electors equal to not less than 25% of the number of votes cast for all candidates for the office of governor at the last preceding general election in the district the officer is sought to be recalled.)

Council Member, Precinct 5 recall: 139 valid signatures are needed to recall Jeanette Spicer
25% of 554 votes cast for all Governor candidates in the 11/06/18 Gubernatorial Election in the City of Albion, Precinct 5.

The Clarity/Factual Review Hearing was held Thursday, April 25th (13th day after filing), 10:30am, at the Calhoun County Building, 315 W. Green Street, Marshall, MI 49068, Boardroom 3-C08 (the Board of Commissioner's Chambers on the third floor). Probate Judge Jaconette recused himself from these proceedings; County Prosecutor David Gilbert is appointed to this vacancy for the hearing.

- The sponsor Daniel Farner spoke to the Election Commission to share his concerns about the petition language being clear and factual. The officeholder Jeanette Spicer shared that she did return his original phone call but once the recall language was filed she was advised not to have any more communication with Mr. Farmer until after commission made their determination.
- The County Election Commission unanimously voted to approve the recall petition as clear and factual in nature; therefore, the petition meets statutory criteria. The petition was APPROVED.

The Determination of Election Commission was signed by County Election Commissioner members following the Clarity/Factual Review Hearing, and was forwarded to the sponsor, officeholder, and City Clerk.

- Once the County Election Commission approves a recall petition for clarity/factuality and the 10-day appeal period has elapsed; OR any appeal to the Circuit Court has concluded (or 40 days has elapsed since the filing of the appeal whichever is sooner), the petition sponsors are free to circulate their petition.
- An appeal to the Clarity/Factual Determination can be made to Circuit Court within 10 days of determination (by close of business on May 6, 2019).

Appeal to Circuit Court:

An appeal is NOT filed in Circuit Court by the May 6, 2019 deadline.

- Petitions may not 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.
- Once the County Election Commission approves a recall petition for clarity/factuality and the 10-day appeal period has elapsed; OR any appeal to the Circuit Court has concluded (or 40 days has elapsed since the filing of the appeal), the petition sponsors are free to circulate their petition. Signatures on a recall petition dated more than 60 days before the filing of the petition are invalid.
- Petition language is valid for 180 days after approval of language by County Election Commission or Circuit Court ruling.

Filing of signed recall petitions: must be filed by August 2, 2019 to appear on the November 5, 2019 ballot. 177 signatures were filed with the County Clerk's Office on 16 petition sheets on July 23, 2019 at 2:28p..

- Officer with 2-year term or less: signed/circulated petitions cannot be filed during first or last 6 months of term. Officer with greater than 2-year term cannot be filed during first or last year of term.
- No additional signatures may be submitted. ([MCL 168.961.1](#))
- The heading on recall petitions must be exactly the same wording that was approved by the County Election Commission.
- Signatures that are submitted must not be over 60 days, or acquired before the Clarity/Factual Review Hearing held April 25, 2019.
- The county clerk notifies the officeholder whose recall is sought by phone of the filing of the recall petition. Written notification must be forwarded no later than the next business day. The incumbent automatically is made a candidate in the election unless he/she withdraws within 10 days after the filing of the recall petition.
- Within 7 days the county clerk completes a preliminary review of petitions.
 - The Preliminary/Facial Review/examination by the County clerk will determine:
 1. if the recall petitions are in proper form
 2. the gross number of facially valid signatures contained on the petition sheets meets or exceeds the minimum number of signatures required on the petition, and
 3. invalidate any incomplete entries of petition signers (such as: signer did not date signature, did not fill in complete address, etc.)

The County Clerk's office reviewed 177 registrations. 32 signatures were dated after the circulator dated the petition sheet; Thus there are 145 registrations remaining to be checked.

- The County clerk does not count any signatures on a petition sheet if:
 1. the execution of the certificate of circulator is not in compliance.
 2. the heading of the petition sheet is improperly completed.
 3. the reasons for recall are different than those determined by the board of county election commissioners during the Clarity Factual Review Hearing on April 25, 2019.
- The County clerk does not count individual signatures on a petition sheet if:
 1. the signer did not enter his/her complete address, the post office or zip code serving the address, and the date of signing.
 2. the signer dated the signature after the date appearing on the circulator's certificate.
 3. the signature was obtained before the date when the recall wording was approved (April 25th)
 4. the signature was obtained more than 60 days before the filing of the petitions.

Continued

- The County clerk will next use the Qualified Voter File (QVF) to determine if the signers of the petition are properly registered. (as an alternative, the filing official may forward the petition sheets to the city clerk for the performance of the registration verifications.) The registration verifications must be completed no later than the 22nd day after the filing.
- Within 22 days after receipt of the petitions, the clerk completes registration checks and indicates the number of signers on each petition sheet that are registered electors in the district.
 - The clerk shall compare the names on the petition with the Qualified Voter File.

The County Clerk's office reviewed the remaining 145 registrations of which 15 were found to be invalid (3 people signed twice so neither signature counts, 1 individual lives in Pct. 4, 4 individuals were not registered in Albion City Precinct 5 on the date they signed the petition, and 4 individuals are not registered voters).

Conclusion: 130 signatures are valid, not enough to meet the minimum requirement to affect a recall of Albion City Precinct 5 Council Member Jeanette Spicer (petition filing is 9 signatures short of the 139 to affect the recall election).

There will be no Recall Election. Both the sponsor and office holder were notified via email and phone call on August 5, 2019.