

Recall ~ Burlington Township

(Refer to Michigan Election Law, 168.951 ~ 976)

Petition filed 5/16/19 to recall

Burlington Township Clerk Darlene Mack (Partisan position);
Term November 20, 2016 to November 20, 2020 (4 yr. term)
Address: 5901 10 Mile Road, Burlington, MI 49029; Phone: 517.765.2152
Email: 55dmack@gmail.com

Burlington Township Treasurer Susan Mack (Partisan position);
Term November 20, 2016 to November 20, 2020 (4 yr. term)
Address: 5745 10 Mile Road, Burlington, MI 49029; Phone: 517.765.0706
Email: sue.mack2@gmail.com

Burlington Township Trustee Bill Brenner (Partisan position);
Term November 20, 2016 to November 20, 2020 (4 yr. term)
Address: 8225 N Drive South, Burlington, MI 49029; Phone: 269.579.0887
Email: wcbrenner@live.com

Sponsor:

Burlington Township registered voter LaShelle Waltz, 9827 N Drive South, Burlington, MI 49029.
Phone: 517.765.2259; Email: grandmalashelle@yahoo.com

Recall Wording submitted to the County Clerk's Marshall Office on Thursday, May 16, 2019.

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

Burlington Township Clerk Darlene Mack recall language: "voting "NO" on milling and processing of Lumber Text Amendment, November 8, 2018"

Burlington Township Treasurer Susan Mack recall language: "voting "NO" on milling and processing of Lumber Text Amendment, November 8, 2018"

Burlington Township Bill Brenner recall language: "voting "NO" on milling and processing of Lumber Text Amendment, November 8, 2018. Also for missing 4 township meetings in a row from Dec. 13, 2018 through March 14, 2019."

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.)

Burlington Township recall: 199 valid signatures are needed to recall each Township Official
25% of 793 votes cast for all Governor candidates in the 11/06/18 Gubernatorial Election in the Township of Burlington, Precinct 1.

The Clarity/Factual Review Hearing was held Thursday, May 30th (14th day after filing), at 11:00am, 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).

- The sponsor LaShelle Waltz and Burlington Township officers each speak to the Election Commission to share their concerns about the petition language being clear and factual.
- The County Election Commission voted to approve the recall petition of all three petitions as clear and factual in nature and they each meet statutory criteria.

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

- Once the County Election Commission approves the recall petitions 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 June 10, 2019).

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NEXT:

Appeal to Circuit Court:

If an appeal is filed in Circuit Court by the June 10, 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.

- 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 headings 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 May 30, 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.
- 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 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 May 30, 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 (May 30th)
 4. the signature was obtained more than 60 days before the filing of the petitions.
 - 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.
 - Officeholder has up to 30 days after the filing of the petitions, to challenge the validity of the registration or the validity and genuineness of the signature of a person signing the recall petition or may challenge the validity and genuineness of the signature of a circulator who collected signatures on the recall petition. A challenge must list the signatures in question on the petition and specify the reason for each challenge. The filing official uses the Qualified Voter File to resolve the challenges.
 - After the signature challenges have been resolved, but no later than the 35th day after the filing of the petitions, the County Clerk shall make an official declaration of the sufficiency or insufficiency of the petitions.
 - The County Clerk will notify the sponsor of the recall effort with copies of the notice being forwarded to the officer.
 - If there are NOT sufficient 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 that is not less than 95 days after the petition is filed, and falls on the May or November regular election date. ([MCL 168.963.2](#))

Official Call of Election

Once Recall petitions have been reviewed, the opportunity for challenges has expired, and the County Clerk-Election's staff has determined the minimum petition signatures required to affect a recall have been found valid, the Calhoun County Elections Office will announce the Official Call of Election.

The County Election Commission is responsible for the production of the ballots. The County Clerk will give public notice of the election, provide election supplies, and do all details necessary to conduct the election.

Filing deadline for nonpartisan candidates

- 10 days after the Official Call of Election for a Partisan office, nominations for the recall election are made by the county political party committee as specified by law ([MCL 168.973a](#)). Each nomination shall be certified to the County Elections officer with whom the recall petitions were filed. The party nomination must be filed by the 10th day after the call for the recall election, no later than 5:00 pm. A primary is not held.

The Recall Election:

Legislative changes in 2012 changed the concept of a recall election from a two-election process (if the recall was successful) to combining the concepts of a recall election and a special election to fill the possible resulting vacancy. The incumbent automatically is made 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 is elected to serve the remainder of the unexpired term. There is no primary.

Expense of Election: the expenses of the recall election shall be payable in the same manner as are the costs of a regular election to fill the office in question. ([MCL 168.967](#))

Resignation of officeholder:

- If the officer targeted for recall resigns from office at any point during the canvass of the recall petition, the canvass ceases and no recall election is held. The vacancy is filled in accordance with existing law.
- If the offer targeted for recall resigns from office after the call for a recall election has been issued, the recall election is cancelled. The vacancy is filled in accordance with existing law.

Board of Canvassers: the board of county canvassers will commence no later than 9:00 am on the Thursday after the election. If it is determine that a majority of the votes are in favor of recall, they will immediately certify the results to the county clerk. The candidate receiving the highest number of votes in the recall election is elected for the remainder of the term.

After the filing of a recall petition that has been circulated AND after conducting a recall election, no further recall petition shall be filed against the same incumbent of that office during the remainder of the unexpired term.