

## Recall ~ Tekonsha Village Trustee Howard Rigg

(Refer to Michigan Election Law, 168.951 ~ 976)

**Recall Wording** (1<sup>st</sup> filing) submitted to the County Clerk's Marshall Office on Wednesday, July 20, 2011, 4:51 pm. The official was notified the next morning via phone call, then later via email.

Language submitted to recall Howard Rigg from the office of Tekonsha Village Trustee for the following reasons: " Trustee Howard Rigg has not demonstrated that his primary care and concern in the Village of Tekonsha. At the April 18<sup>th</sup>, 2011 council meeting, Trustee Rigg offered to help two current residents sue the Village of Tekonsha with his own resources. Trustee Rigg went over and beyond the extremes of criticizing village residents and council members in the local press on a few recent occasions."

**Sponsor:** Tekonsha Village registered voter Crystal K. Laskey, 528 W. Canal Street, Tekonsha, MI 49092, Phone: 517.677.2430; email: [crystallaskey@gmail.com](mailto:crystallaskey@gmail.com)

### **Petitions filed to recall:**

Tekonsha Village Trustee Howard Rigg;  
Term November 20, 2010 to November 20, 2012  
Address: 327 N. Washington Street, Tekonsha, MI 49092;  
Phone: 517.767.3686; email: driftwoodent327@yahoo.com

**Number of signatures required:** 52 are needed to recall the officeholder (The 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 preceding general election in the district the officer is sought to be recalled. 207 Village registered electors voted in the 11/02/10 Gubernatorial Election. 25% of 207 equals 51.75, thus 52 signatures are needed to effect a recall.)

**Withdrawal of Petition:** request to withdraw the original recall petition language submitted on July 20, 2011 was received in County Clerk's office on July 22, 2011, 8:31 am.

**Recall Wording** (2<sup>nd</sup> filing) submitted to the County Clerk's Marshall Office on Friday, July 22, 2011, 8:40 am. The official was again notified of the new language. The Tekonsha Village Clerk and Tekonsha Township Clerks were also notified via email.

Language submitted to recall Howard Rigg from the office of Tekonsha Village Trustee for the following reasons: " Trustee Howard Rigg has not demonstrated that his primary care and concern is the Village of Tekonsha. At the April 18<sup>th</sup>, 2011 council meeting, Trustee Rigg offered to help two current residents sue the Village of Tekonsha with his own resources. Trustee Rigg has went over and beyond the extremes of criticizing village residents and council members in the local press on a few recent occasions."

**The Clarity Hearing** must be held within 10 to 20 days (between Monday, August 1<sup>st</sup> and Thursday, August 11<sup>th</sup>). The Hearing is scheduled for Monday, August 1<sup>st</sup>, 2011, at 5:00 pm (the 10<sup>th</sup> day after filing) at the Calhoun County Clerk-Elections Office, Room 2-100A, 315 W. Green Street in Marshall. The purpose of the hearing is to determine if the petition language is understandable – whether each reason for the recall stated in the petition is 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 hearing is NOT for the purpose of debating the merit of the allegations. The Public Notice was posted July 22, 2011 at 9:20 am. The meeting is open to the public and an opportunity for public comment will be available.

**Objections Filed** On July 25, 2011 at 8:54 am the County Clerk’s Office received from Tekonsha Village Trustee Howard Rigg concerns about the clarity of the proposed recall petition language that has been filed against him. The two-page document was emailed to each of the commission members as well as our legal counsel.

**Clarity Hearing held Aug. 1<sup>st</sup>:** the County Election Commission determined the recall language was **unclear** in a 3-0 unanimous vote.

\* \* \* \* \*

**Recall Wording** (3<sup>rd</sup> filing) submitted to the County Clerk’s Marshall Office on Tuesday, August 9, 2011, 8:29 am. The official was again notified of the new language.

Language submitted to recall Howard Rigg from the office of Tekonsha Village Trustee for the following reasons: “ At the April 18<sup>th</sup>, 2011 Council Meeting, Trustee Rigg offered to help two residents sue the Village of Tekonsha with his own resources, due to the fact they were not appointed the vacant council seat. Trustee Rigg publicized the personal life of a council member and current resident in the Battle Creek Enquirer dated May 15<sup>th</sup>, 2011.”

**The Clarity Hearing** held Tuesday, August 23, 2011. The language for the petition was **approved** by the Calhoun County Election Commission.

- Petition language is valid for 180 days, until February 20, 2012
- August 5, 2011 was the last date the recall petitions could be filed in order for the recall question to appear on the November 8, 2011 consolidated election ballot (MCL 168.963).
- November 23, 2011 is the last date the recall petitions can be filed in order for the recall question to appear on the February 28, 2012 consolidated election ballot.

\* \* \* \* \*

**Recall Wording** (4<sup>th</sup> filing) submitted to the County Clerk’s Marshall Office on Tuesday, August 29, 2011, 1:20 pm.

Language submitted to recall Howard Rigg from the office of Tekonsha Village Trustee for the following reasons: “At the April 18<sup>th</sup>, 2011 Council Meeting, Trustee Rigg offered to help two residents sue the Village of Tekonsha with his own resources, due to the fact they were not appointed the vacant council seat. Trustee Rigg publicized the personal life of a council member and current resident in the Battle Creek Enquirer dated May 15<sup>th</sup>, 2011.”

The County Election Commission did not meet within the 10 to 20 day timeframe. Legal counsel advised the Commission that another Clarity Hearing should not be held. Thus this petition will be approved by operation of law.

**Filing of signed recall petitions:**

- No additional signatures may be submitted. (MCL 168.961.1)
- The headings on recall petitions must be the same wording that was approved by the County Election Commission.
- Signatures that are submitted must not be over 90 days (11/23/11 filing – 90 days = August 25, 2011), or acquired before the Clarity Hearing held on August 23, 2011.
- 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.
  - 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 (Aug. 23<sup>rd</sup>)
    4. the signature was obtained more than 90 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 township clerk for the performance of the registration verifications.) The registration verifications must be completed no later than the 22<sup>nd</sup> 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 village.
  - 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 35<sup>th</sup> 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 (Consolidated Election Date: Tuesday, February 28, 2012, the fourth Tuesday in February)  
The County Election Commission is responsible for the production of the ballots. The County Clerk will notify the Tekonsha Township Clerk to give public notice of the election, provide election supplies, and do all details necessary to conduct the election.

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**Recall petitions filed:**

- \* Signed Recall Petitions filed against Tekonsha Village Trustee Howard Rigg were submitted to the County Clerk's Office on Wednesday, November 23, 2011.
  - There were 63 signatures filed on 6 petition sheets.
  - Verification must be completed by December 15, 2011.
  - The Challenge signature deadline is no later than Thursday, December 22, 2011.
  - The County Clerk shall make the determination of the sufficiency of the petitions no later than Wednesday, December 28, 2011.
    - On 12/27/2011 the County concluded 60 signatures were found valid, thus the petitions have officially been declared sufficient. The Election will be held Tuesday, February 28, 2012.

**The Recall Ballot:** (MCL 168.966 content)

- The reason for demanding the recall as set forth in the petition shall be printed on the recall ballot used at the election in not more than 200 words (petition contains 57 words).
  - The officer whose recall is sought, in not more than 200 words, may submit a justification of conduct in office. The justification shall be submitted to the official preparing the ballot within 72 hours after receipt of the notification. If submitted in the prescribed time, the justification shall be printed on the ballot.
  - There are restrictions regarding words, phrases and emphasizing.(MCL 168.966 (3)).
  - The following question shall be printed on the ballot: Shall Howard Rigg be recalled from the office of Tekonsha Village Trustee? Yes, No.
- \* RESPONSE OF Howard Rigg: No one offered to sue the Village of Tekonsha, only to seek a court mandate to fill the council vacancy in a timely manner. Ms. Laskey applied for political office, and should expect that parts of her life, which would affect her ability to honestly and effectively carry out the duties of that office, should be public knowledge.

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

**Board of Canvassers:** the board of county canvassers will meet within 5 days after the election. If they determine that a majority of the votes are in favor of recall, they will immediately certify the results to the county clerk. Upon certification, the office is vacant.

Upon the filing of the certificate by the canvassing board showing the recall of the officer, the officer empowered by law to perform the duties of such recalled official shall perform and discharge the duties of the office so vacated until the successor to fill such vacancy is duly elected and qualified as herein provided or until the vacancy is temporarily filled. Where power to fill a vacancy by appointment exists, then in such case such office shall be filled in the same manner by temporary appointment effective until a successor shall be duly elected and qualified. (MCL 168.970)

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**Special Election:**

- If the recall election is successful, the special election to fill the vacancy will be held on the next regular election date. (Consolidated Election Date: Tuesday, May 8, 2012 with area school elections, the first Tuesday after the first Monday in May)
- Nominations for this partisan office left vacant due to recall are made by the township political party committee specified by law. The party nominations must be filed within 15 days after the special election to fill the vacancy is called. A primary is not held. Refer to Attorney General Frank Kelley's opinion dated November 22, 1989.
- A candidate w/o political party affiliation who wishes to seek a partisan office left vacant due to recall can gain access to the ballot by filing a qualifying petition. The petition must be filed with the appropriate filing official not later than the 90<sup>th</sup> day prior to the election or the 15<sup>th</sup> day after the special election to fill the vacancy is called – whichever date falls later.
- A special election called to fill an office left vacant due to recall is conducted, canvassed and certified under the same procedures followed to fill the position at a regular election.