



Larry's Column

One of the most contentious aspects of the county clerk's job is the recall process. And it starts well before the submission of petition signatures to demand an election on whether to remove someone from office.

Proponents of a recall submit to my office the proposed reasons for removing a local elected official. That text (which could end up on the ballot) must be reviewed by the election commission to determine whether it is of sufficient clarity to enable voters and the targeted official to identify the course of conduct in question.

The Washtenaw County Election Commission consists of myself as County Clerk; County Treasurer Catherine McClary; and Probate Judge Darlene O'Brien. For each recall, it is our duty to hold a hearing, hear arguments, and then determine whether the proposed text meets the legal clarity standard.

This is not always a simple matter. First of all, we cannot consider whether the proposed reasons are true or false. We do not take testimony about facts, or examine evidence.

We must also set aside our opinion of the official and the charges. Frankly, in two and a half years on the commission, I have yet to see a recall that I thought was justified, but I cannot allow my personal views on a recall to affect the determination of clarity.

In a proposed text, every stated reason must be clear. If recall proponents submit a list of charges, each one of those charges must individually satisfy the clarity requirement. And every proposed text must be either accepted or rejected in its entirety. We have no authority to edit or amend a submitted text, and neither do the petitioners. If the proponents wish to submit revised language, it must be treated as a new submission – which cannot be reviewed until ten days later.

Vague accusations like "she is doing a bad job" are not considered "clear" under the law. Nor are charges based on conduct which occurred prior to the current term of office.

It is sufficient that a text clearly identifies a course of conduct; the conduct need not be something which an objective observer would regard as misconduct. Officials can be, and are, recalled over mere political disagreements.

In 1908, Michigan was the first state to provide for recall of elected officials. But for years, targeted officials could challenge recall reasons in court, imposing delays and frustrating almost any recall. The 1963 constitution attempted to address this problem by declaring that "The sufficiency of any statement of grounds or reasons [for recall] procedurally required shall be a political rather than a judicial question." In other words: the people should decide.

In my work as an election commissioner, I take the constitutional language seriously. Our role is procedural, not substantive, and our review is simply to prevent confusion and to assure that legal mandates are followed. Retention or removal of the official is the voters' decision, through the petitioning and election process.

Since I have been Clerk, the election commission has considered approximately 46 different submissions of recall reasons against 23 local officials. We approved as "clear" 19 of them. In just five cases, signatures were submitted and a recall election was called, but none succeeded at removing any officials.

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Dates To Remember...

July 2007

- 02 - Deadline to publish notice of close of registration
- 04 - Offices Closed
- 09 - Last day to register for August election
- 16 - Art Fair set-up in downtown Ann Arbor
- 21 - Art Fair ends
- 31 - Deadline to publish notice of August 7 election

Washtenaw County Recalls

- [County Recall Information and Activity Since 2005](#)
- [Recall Process Timetable](#)

Washtenaw County Links

- [WashtenawVotes.org](#)
- [Board Meeting Archives](#)
- [County Elections Division](#)